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**AGENDA**  
**CITY COMMISSION REGULAR MEETING**  
**MONDAY, JANUARY 27, 2014 – 5:00 PM**  
**CITY COMMISSION CHAMBERS; 3<sup>RD</sup> FLOOR**

**CALL TO ORDER** - Mayor Jim Darling  
**PLEDGE OF ALLEGIANCE** - Mayor Jim Darling  
**INVOCATION** - Mayor Pro Tem Aida Ramirez  
**PROCLAMATION** - *Country Roland 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-2 (neighborhood commercial) District to C-3L (light commercial) District: 1.955 acres out of Lot 99, La Lomita Irrigation and Construction Company Subdivision, Hidalgo County, Texas; 3000 Buddy Owens Boulevard.
2. Rezone from R-1 (single family residential) District to C-3 (general business) District: Lot 10, Taggart Subdivision, Hidalgo County, Texas; 1721 North 11th ½ Street.
3. Rezone from A-O (agricultural–open space) District to C-3L (light commercial) District: 2.24 acres consisting of 1.51 acres out of Lot 10, Block 1, C.E. Hammond Subdivision, and 0.73 acres being the south 100 feet of Lot A, Christian Fellowship Subdivision, Hidalgo County, Texas; 7100 North 23rd Street (rear).
4. Request of Felipe J. Larraga for a Conditional Use Permit, for life of the use, for a gasoline service station or retail outlet where gasoline products are sold at Lot A, J. G. Ortegon #3 Subdivision; 5520 North 23rd Street.
5. Request of Steve L. McGarraugh on behalf of South Texas Educational Technologies, Inc., appealing the decision of the Planning & Zoning Commission of the January 07, 2014 meeting, denying a Conditional Use Permit, for one year, for an institutional use (school) at Lots 5 through 12, Block 36, North McAllen Townsite Subdivision, Hidalgo County, Texas; 320 North Main Street.
6. Request of Havana Club and Grill, appealing the decision of the Planning & Zoning Commission of the January 07, 2014 meeting, denying a Conditional Use Permit, for one year, for a nightclub at Lot 3, Lone Star National Bank Subdivision,

Hidalgo County, Texas; 500 East Nolana Avenue.

**B) REZONINGS:**

1. Rezone from C-1 (office building) District to R-1 (single family residential) District: 0.17 acres out of Lot 1, Block 4, West Harvey Addition, Unit No. 1 & Unit No. 2, Hidalgo County, Texas; 2225 Daffodil Avenue. TABLED
2. Rezone from A-O (agricultural-open space) District to C-3 (general business) District: 3.25 acres out of Lot 6, Block 2, C.E. Hammond Subdivision, Hidalgo County, Texas; 4300 Pecan Boulevard. TABLED

**C) CONDITIONAL USE PERMITS:**

1. Request of Ernesto Lozano, appealing the decision of the Planning & Zoning Commission of the January 7, 2014 meeting, denying a Conditional Use Permit, for one year, for a nightclub at Lots 7 & 8, Citrus Grove Plaza Subdivision, Hidalgo County, Texas; 4037 Expressway 83, Suites 100, 105, and 110.
2. Request of Sergio Licon, appealing the decision of the Planning & Zoning Commission of the December 17, 2013 meeting, denying a Conditional Use Permit, for one year, for a dance hall at 3.25 acres out of Lot 6, Block 2, C.E. Hammond Subdivision, Hidalgo County, Texas; 4300 Pecan Boulevard.

- D)** Public Hearing and consideration of a variance from Section 6-2 of the Alcoholic Beverage Code, for Juan R. Flores, on behalf of United Drive Inn No. 7, LLC., Lot 1, V- Reyna Subdivision, Hidalgo County, Texas; 2620 South 23rd Street.
- E)** Public Hearing and consideration of a variance from Section 6-2 of the Alcoholic Beverage Code, for Roger and Amy Young, on behalf of W.A. & J. Corporation, at Lot 1, Lamar Acres Subdivision, Hidalgo County, Texas; 1120 North 10th Street.
- F)** 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 various meetings.
  - B)** Award of Supply Contract for Swimming Pool Chemicals.
  - C)** Consider approval of Change Order No. 2 for Retiree Haven Subdivision Drainage Improvements Project.
  - D)** Award of Contract for Las Palmas Community Center Gym Reroofing Project.

- E) Consider approval of Change Order No. 1 for Concrete Rip-Rap Improvements at Bentsen Road.
- F) Consideration and Approval of Interlocal agreement with LRGVDC for the Division of TXDOT funding for FY 2013-2014.
- G) Award of Supply Contract for Purchase of Firefighter's Personal Protective Ensemble.
- H) Award of Supply Contract for Purchase of Two (2) Sets of Hurst Jaws of Life and Generators.
- I) Award of Contract for McAllen Hidalgo Bridge Northbound Bridge New Chain Link Fence.
- J) Consider approval of the continuation of Service Agreement with The Retail Coach.
- K) Consider authorization to negotiate a contract with top-ranked firm for Advertising Concession Consultant at McAllen International Airport.
- L) Adoption of an ordinance amending the McAllen Code of Ordinances, Section 2-286 Bidding Procedures and Section 2-288 Professional Service Contracts.
- M) Resolution authorizing the submission of a grant application to the Texas Parks and Wildlife Department for funding under the Fiscal Year 2014 Texas Recreational Trails Fund Grant Program for the land acquisition and development of the McAllen Motocross Park.
- N) Resolution authorizing the submission of a grant application to the Texas Parks and Wildlife Department for funding under the Fiscal Year 2014 Texas Recreational Trails Fund Grant Program for a non-motorized trail at the McAllen Youth Baseball Complex.
- O) Resolution authorizing the submission of a loan application to the Texas Water Development Board for Alternative Source of Potable Water (Planning and Design).

**3. BIDS/CONTRACTS:**

- A) Consider approval of the new Performing Arts Center Construction Document Phase and authorization to proceed to Bidding Phase.
- B) Consider approval of Additional Service Authorization No. 1 to the new Performing Arts Center Architectural Design Contract.
- C) Consider authorization to solicit Competitive Sealed Proposals (CSP) in lieu of Competitive Sealed Bids (CSB) for the new Performing Arts Center.

**4. VARIANCE:**

- A) Request of Sinpaq USA, Inc., for a variance to allow an additional free standing sign, at Lot 2, Shary Gateway Subdivision, 4901 W. Expressway 83.

**5. MANAGER'S REPORT:**

- A) Construction Update for Airport Terminal Expansion Project.
- B) Parks and Recreation Project Update.
- C) Project Status Report on various projects through December 31, 2013.
- D) Subdivision Development Report for November and December 2013.

- E) Report on convention activities by McAllen Convention and Visitors Bureau.
- F) Discussion and Possible Action on new construction at Trenton & Ware (Mira Bella Apartments).
- G) Advisory Board Appointments.
- H) Future Agenda Items.

**6. MAYOR’S REPORT:**

- A) Report on McAllen’s Water Supply.

**PUBLIC COMMENT SESSION**

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

- A) Discussion of the possible sale or purchase of real property - Tract 1, Tract 2, Tract 3, Tract 4, Tract 5, and Tract 6. (Section 551.072, T.G.C.)
- B) Consideration of Economic Development Matters. (Section 551.087, T.G.C.)

**ADJOURNMENT**

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

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

I, the Undersigned Authority, do hereby certify that the attached agenda of the meeting of the McAllen Board of Commissioners is a true and correct copy and that I posted a true and correct copy of said notice on the bulletin board in the Municipal Building, a place convenient and readily accessible to the general public at all times, and said Notice was posted on January 24, 2014 at 2:00 p.m. 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

**ITEM SUMMARY**

BOARD: City Commission

AGENDA ITEM  
DATE SUBMITTED  
MEETING DATE

1A.1  
01/20/2014  
01/27/2014

1. Agenda Item: Rezone from C-2 (neighborhood commercial) District to C-3L (light commercial) District: 1.955 acres out of Lot 99, La Lomita Irrigation and Construction Company Subdivision, Hidalgo County, Texas; 3000 Buddy Owens Boulevard
2. Party Making Request: Jaime Cavazos
3. Nature of Request: Rezone from C-2 (neighborhood commercial) District to C-3L (light commercial) District: 1.955 acres out of Lot 99, La Lomita Irrigation and Construction Company Subdivision, Hidalgo County, Texas; 3000 Buddy Owens Boulevard
4. Fiscal Impact Summary:
5. Budgeted:
 

Bid Amount:		Budgeted Amount:	
Under		Over Budget:	
Budget:		Amount	
		Remaining:	
6. Routing:
 

Perez, Gardenia	Created/Initiated - 01/20/2014
Rankin, Julianne	Approved - 01/21/2014
Rodriguez, Roel	Approved - 01/21/2014
Pagan, Kevin	Final Approval - 01/21/2014
7. Staff Recommendation: Approval
8. Advisory Board: Approved
9. City Attorney: Approved - KDP
10. Manager's Recommendation: approve...mrp

**Memo**

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

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

**DATE:** December 23, 2013

**SUBJECT: REZONE FROM C-2 (NEIGHBORHOOD COMMERCIAL) DISTRICT TO C-3L (LIGHT COMMERCIAL) DISTRICT: 1.955 ACRES OUT OF LOT 99, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY SUBDIVISION, HIDALGO COUNTY, TEXAS; 3000 BUDDY OWENS BOULEVARD. (REZ2013-0040)**

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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 on the northwest corner of North 29<sup>th</sup> Street and Buddy Owens Boulevard. The tract has 306.5 feet of frontage along Buddy Owens Boulevard and a depth of 277.9 feet for a tract size of 1.955 acres. The tract was initially zoned to A-O (agricultural open space) District upon comprehensive zoning in 1979. The tract was rezoned to C-2 (neighborhood commercial) District in 1999. There have been no rezoning requests on the property since that time. The subject property is currently vacant. The applicant is requesting C-3L (light commercial) District for a sports training gym. A feasibility plan has not been submitted.

The adjacent zoning is C-2 (neighborhood commercial) District to the west and southeast, A-O (agricultural & open space) District to the north and south, and I-2 (heavy industrial) District to the east. Various rezoning requests to C-3L (light commercial) District for the properties to the west have been approved between 2004 and 2007. Surrounding land uses are single family residences, Grace Presbyterian Church, Dermatology Clinic of McAllen, De Leon Middle School, and vacant land.

- The requested zoning does conform to the Suburban Commercial land use designation for the property as indicated on the Foresight McAllen Comprehensive Plan.
- The proposed zoning is consistent with commercial development trends for this area.
- North 29th Street is designated as a minor arterial with 100 feet of right-of-way and is constructed with 4 travel lanes, a left turn lane, and has a posted speed limit of 35 miles per hour.

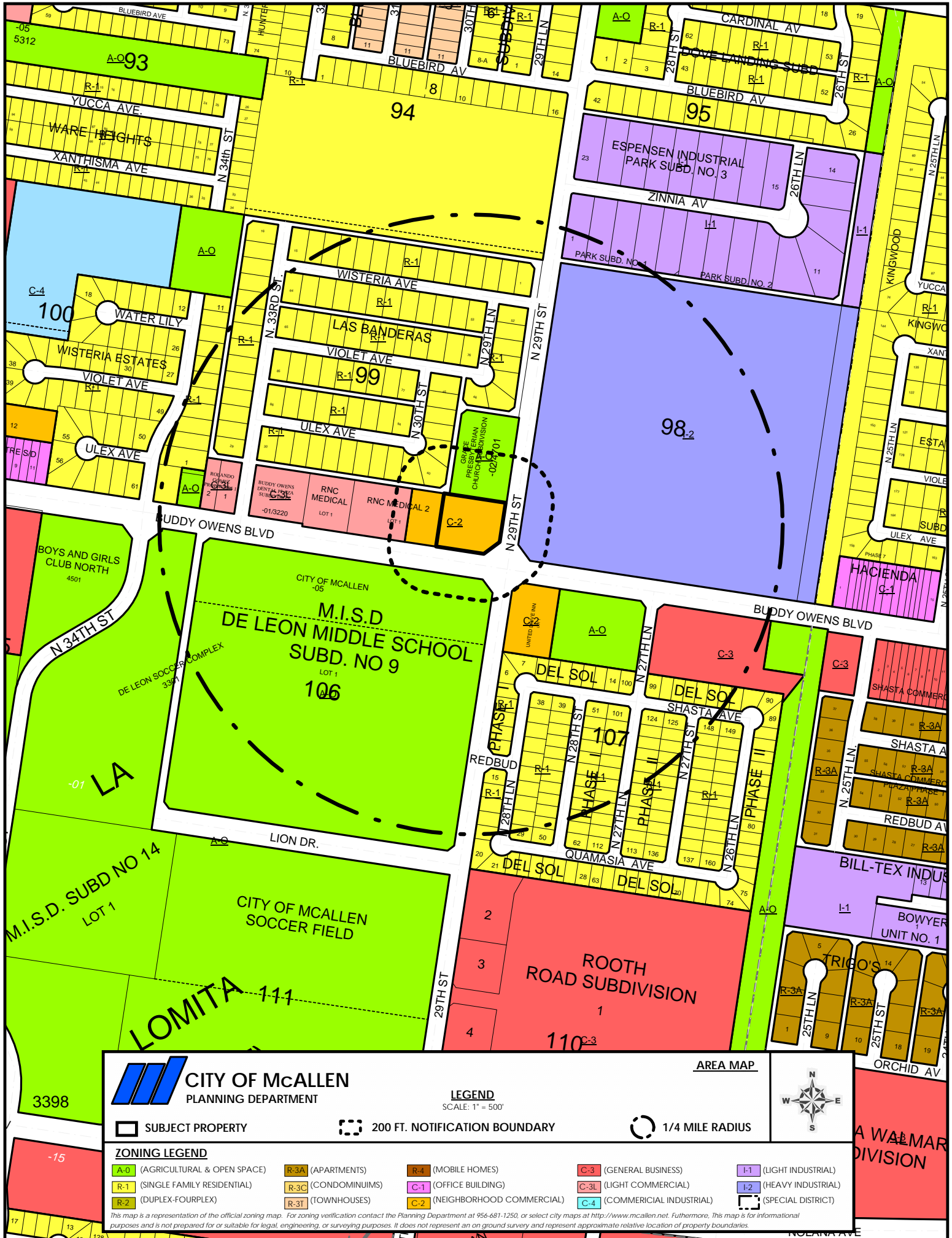
- Buddy Owens Boulevard is designated as a principal arterial with 120 feet of right-of-way and is constructed with 4 travel lanes, a left turn lane, and has a posted speed limit of 45 miles per hour.
- A recorded subdivision plat and approved site plan are required prior to issuance of any building permit.

**OPTIONS:**

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

**RECOMMENDATION:**

At the Planning and Zoning Commission meeting of January 7, 2014 no one appeared in opposition to the rezoning request and the applicant was present. The Board voted to recommend approval of the rezoning request to C-3L (light commercial) District with five members present. The vote was four ayes and one abstention.



**CITY OF McALLEN**  
PLANNING DEPARTMENT

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

**AREA MAP**



**SUBJECT PROPERTY**

**200 FT. NOTIFICATION BOUNDARY**

**1/4 MILE RADIUS**

**ZONING LEGEND**

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


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





**CITY OF McALLEN**  
PLANNING DEPARTMENT

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

 SUBJECT PROPERTY

 200 FT. NOTIFICATION BOUNDARY



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**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  
REZ2013-0040**

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



**ITEM SUMMARY**

BOARD: City Commission

AGENDA ITEM  
DATE SUBMITTED  
MEETING DATE

1A.2  
01/21/2014  
01/27/2014

1. Agenda Item: Rezone from R-1 (single family residential) District to C-3 (general business) District: Lot 10, Taggart Subdivision, Hidalgo County, Texas; 1721 North 11th ½ Street.
2. Party Making Request: John Sun
3. Nature of Request:  
  
Rezone from R-1 (single family residential) District to C-3 (general business) District: Lot 10, Taggart Subdivision, Hidalgo County, Texas; 1721 North 11th ½ Street.
4. Fiscal Impact Summary:
5. Budgeted:
 

Bid Amount:		Budgeted Amount:	
Under Budget:		Over Budget:	
		Amount Remaining:	
6. Routing:
 

Perez, Gardenia	Created/Initiated - 01/21/2014
Rankin, Julianne	Approved - 01/21/2014
Rodriguez, Roel	Approved - 01/21/2014
Pagan, Kevin	Final Approval - 01/21/2014
7. Staff Recommendation: Disapproval of C-3 (general business) District and alternatively recommend approval of C-1 (office building) District.
8. Advisory Board: Disapproval of C-3 (general business) District and alternatively recommend approval of C-1 (office building) District.
9. City Attorney: Approve C-1 - KDP
10. Manager's Recommendation: approve C-1 ...mrp

## **Memo**

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

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

**DATE:** December 18, 2013

**SUBJECT: REZONE FROM R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT: LOT 10, TAGGART SUBDIVISION, HIDALGO COUNTY, TEXAS; 1721 NORTH 11 ½ STREET. (REZ2013-0038)**

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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 at the southwest corner of Redwood Avenue and North 11<sup>th</sup> ½ Street. The tract has 90 feet of frontage along North 11<sup>th</sup> ½ Street and a depth of 117 feet for a tract size of 10,530 square feet. This tract was zoned R-1 (single family residential) district upon comprehensive zoning in 1979. There have been no rezoning requests on the properties since that time. A single family residence used for commercial storage is located on the property. The applicant is requesting C-3 (general business) District in order to bring the existing commercial use into compliance with the zoning ordinance. A feasibility plan has not been submitted by the applicant.

The adjacent zoning is R-1 (single family residential) District in all directions except to the southeast there is C-1 (office building) District. In 2002, a rezoning request for C-1 (office building) District for a property to the southeast was approved. Surrounding land uses are single family residential, apartments, parking lot, Dube Auto Service, Costa Mesa Restaurant, Acme Carpet Cleaning and Best Restaurant Supply.

- The requested zoning conforms to the Auto Urban Commercial land use designation for the tract as indicated on the Foresight McAllen Comprehensive Plan. The property is the only single family residence along the west side of the block facing North 11<sup>th</sup> ½ Street. The adjacent property to the south is zoned R-1 (single family residential) District but is used as a commercial parking lot. The property to the east is zoned R-1 (single family residential) District but is used as an apartment building.
- Redwood Avenue along the north property line and an alley along the west property line provide separation from single family uses to the north and west.
- Redwood Avenue is a local street with 35 feet of right-of-way, 22 feet of pavement, curb and gutter, street lights, and no sidewalks. North 11<sup>th</sup> ½ Street is a local street with 20 feet of right-of-way, 18 feet of pavement, no curb or gutter or sidewalks.

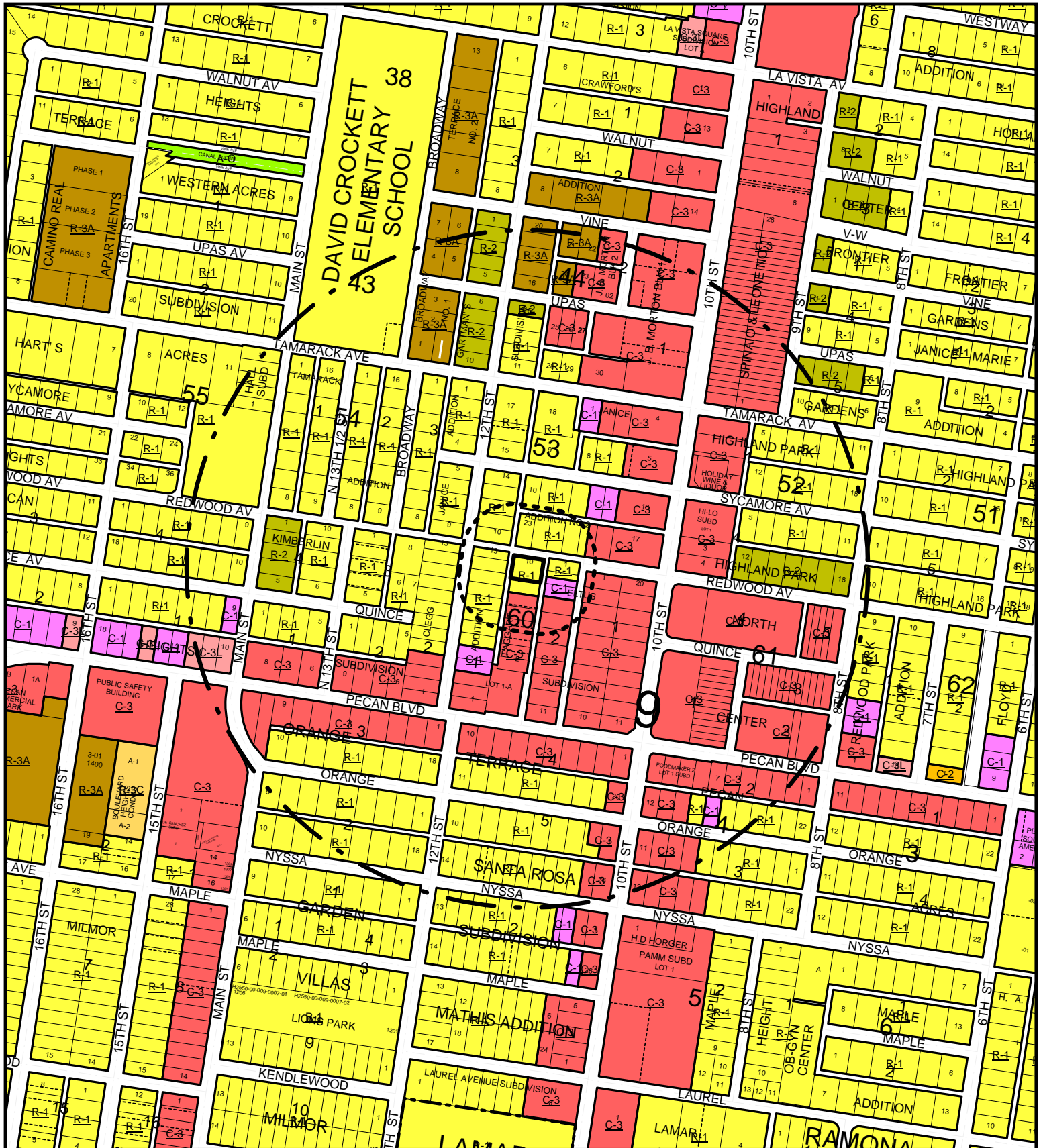
- An 8 foot masonry wall is required where a nonresidential use has a side adjacent to a residential use or district.
- Trees with a caliper of 20 inches or greater in commercial zones are protected and require a permit for removal.
- A building permit is required to convert a residence to a commercial use to comply with off-street parking, landscaping, buffers and various building and fire codes.
- An approved site plan is 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. Recommend approval of a less intense zoning district.
4. Disapprove the request.

**RECOMMENDATION:**

At the Planning and Zoning Commission meeting of December 17, 2013 no one appeared in opposition of the rezoning request. Staff mentioned that the applicant was agreeable to an alternate zoning of C-1 (office building) District. The applicant confirmed to the Board that he would accept C-1 (office building) District. The Board then voted unanimously to recommend disapproval of C-3 (general business) District and alternatively recommend approval of C-1 (office building) District with four members present and voting.



**CITY OF McALLEN**  
PLANNING DEPARTMENT

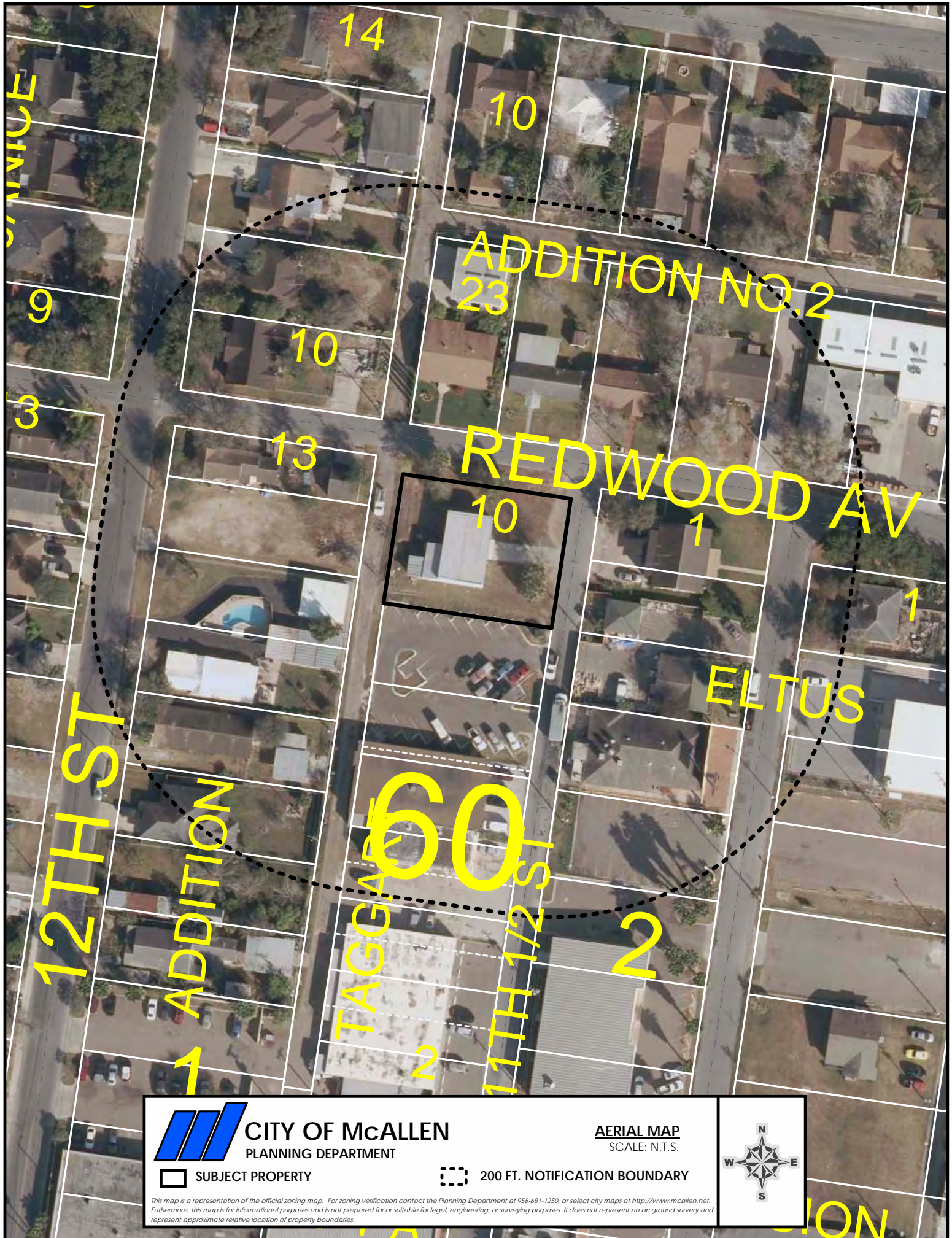
**LEGEND**  
SCALE: 1" = 500'

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

**ZONING LEGEND**


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

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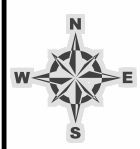


**CITY OF McALLEN**  
PLANNING DEPARTMENT

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

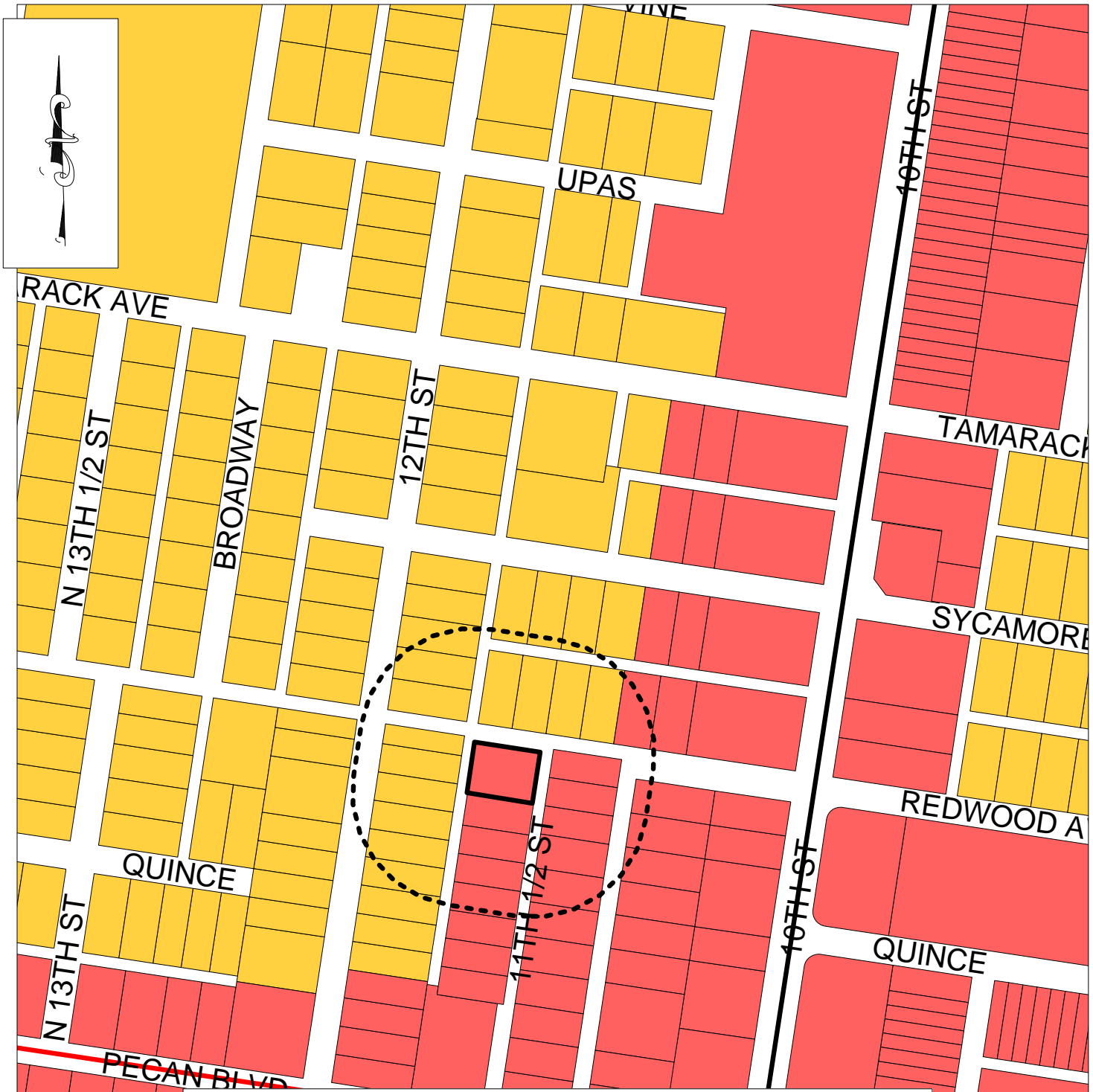
 SUBJECT PROPERTY

 200 FT. NOTIFICATION BOUNDARY



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**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

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**NOTICE  
REZONING  
For  
This Property  
REZ2013-0038**

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



**ITEM SUMMARY**

BOARD: City Commission

AGENDA ITEM

1A.3

DATE SUBMITTED

01/20/2014

MEETING DATE

01/27/2014

1. Agenda Item: Rezone from A-O (agricultural–open space) District to C-3L (light commercial) District: 2.24 acres consisting of 1.51 acres out of Lot 10, Block 1, C.E. Hammond Subdivision, and 0.73 acres being the South 100 feet of Lot A, Christian Fellowship Subdivision, Hidalgo County, Texas; 7100 North 23rd Street (rear).
2. Party Making Request: Darrel W. Johnson
3. Nature of Request: Rezone from A-O (agricultural–open space) District to C-3L (light commercial) District: 2.24 acres consisting of 1.51 acres out of Lot 10, Block 1, C.E. Hammond Subdivision, and 0.73 acres being the South 100 feet of Lot A, Christian Fellowship Subdivision, Hidalgo County, Texas; 7100 North 23rd Street (rear).
4. Fiscal Impact Summary:
5. Budgeted:
 

Bid Amount:		Budgeted Amount:	
Under Budget:		Over Budget:	
		Amount Remaining:	
6. Routing:
 

Perez, Gardenia	Created/Initiated - 01/20/2014
Rankin, Julianne	Approved - 01/21/2014
Rodriguez, Roel	Approved - 01/21/2014
Pagan, Kevin	Final Approval - 01/21/2014
7. Staff Recommendation: Approval
8. Advisory Board: Approval
9. City Attorney: Approved - KDP
10. Manager's Recommendation: approve...mrp

**Memo**

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

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

**DATE:** December 18, 2013

**SUBJECT: REZONE FROM A-O (AGRICULTURAL-OPEN SPACE) DISTRICT TO C-3L (LIGHT COMMERCIAL) DISTRICT: 2.24 ACRES CONSISTING OF 1.51 ACRES OUT LOT 10, BLOCK 1, C.E. HAMMOND SUBDIVISION, AND 0.73 ACRES BEING THE SOUTH 100 FEET OF LOT A, CHRISTIAN FELLOWSHIP SUBDIVISION, HIDALGO COUNTY, TEXAS; 7100 NORTH 23<sup>RD</sup> STREET(REAR). (REZ2013-0039)**

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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 300 feet east of North 23<sup>rd</sup> Street and 692 feet south of Trenton Road. The tract has a width of 307feet and a depth 317 feet for a tract size of 2.238 acres. The tract was initially zoned to A-O(agricultural open space) District upon annexation in 1982. There have been no rezoning requests on the property since that time. The subject property is currently vacant. The applicant is requesting C-3L (light commercial) District for a self-storage facility. A feasibility plan has not been submitted.

The adjacent zoning is C-3 (general business) District to the west and A-O (agricultural & open space) District to the north, east, and south. Various rezoning requests to C-3 (general business) District for the properties to the west and northwest have been approved between 2003 and 2010. Surrounding land uses are single family residences, Cris Auto Service, Sprouting New Business Rehab Center, Cavazos Sports Institute, IBC Bank, apartments, and vacant land.

- The requested zoning does not conform to the Auto Urban Single Family and Special Use land use designation for the property as indicated on the Foresight McAllen Comprehensive Plan.
- The proposed zonings are consistent with commercial development trends for this area.
- North 23<sup>rd</sup> Street is designated as a principal arterial with 120 feet of right-of-way and is constructed with 4 travel lanes, a left turn lane, and has a posted speed limit of 45 miles per hour.

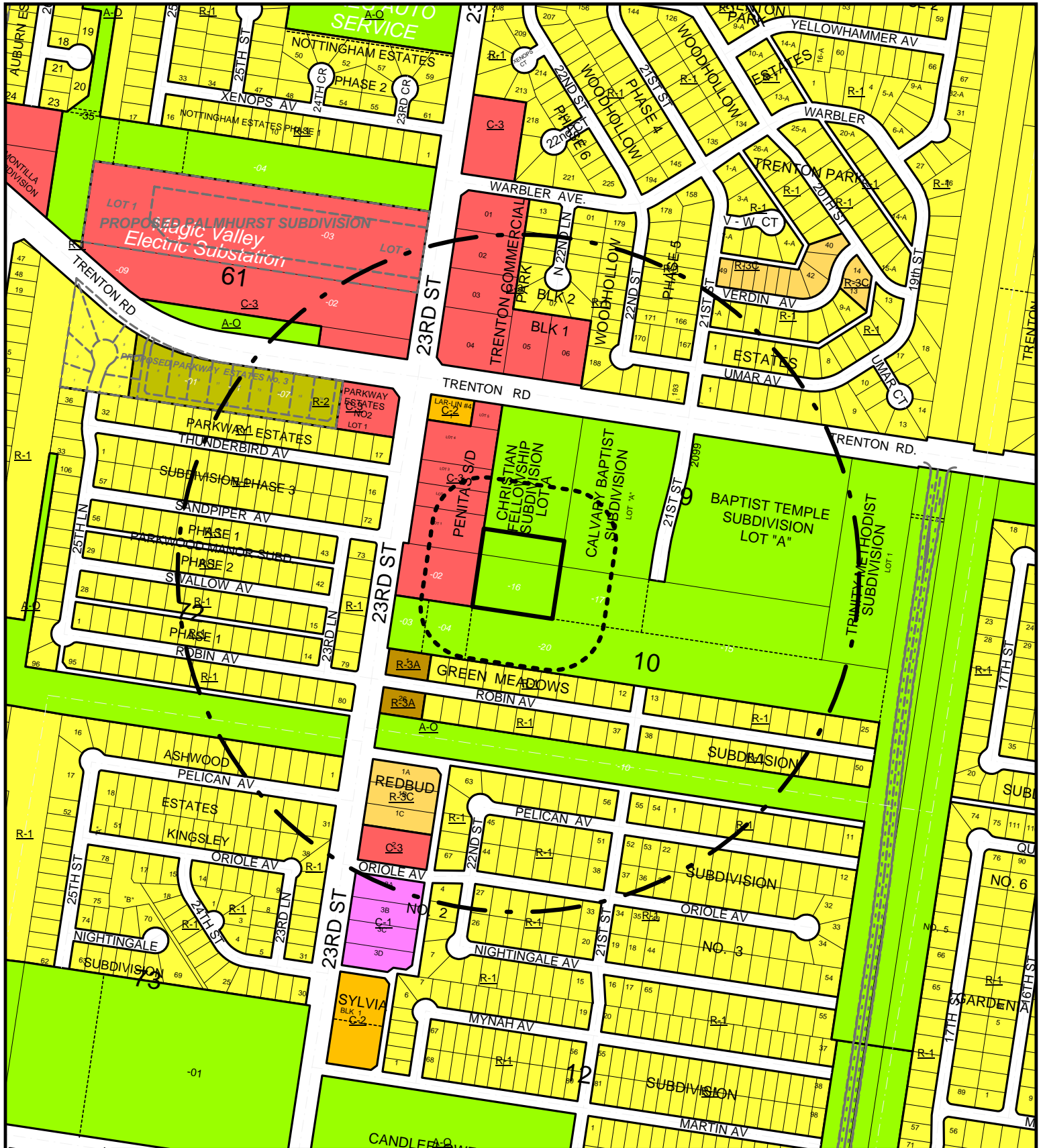
- Trees with a caliper of 20 inches or greater in commercial zones are protected and require a permit for removal.
- A recorded subdivision plat and approved site plan are required prior to issuance of any building permit.

**OPTIONS:**

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

**RECOMMENDATION:**

At the Planning and Zoning Commission meeting of December 17, 2013 one person appeared in opposition of the rezoning request. The applicant was present and clarified access to the self-storage facility would be from North 23<sup>rd</sup> Street. The Board unanimously voted to recommend approval of the rezoning request with five members present and voting.



**CITY OF McALLEN**  
PLANNING DEPARTMENT

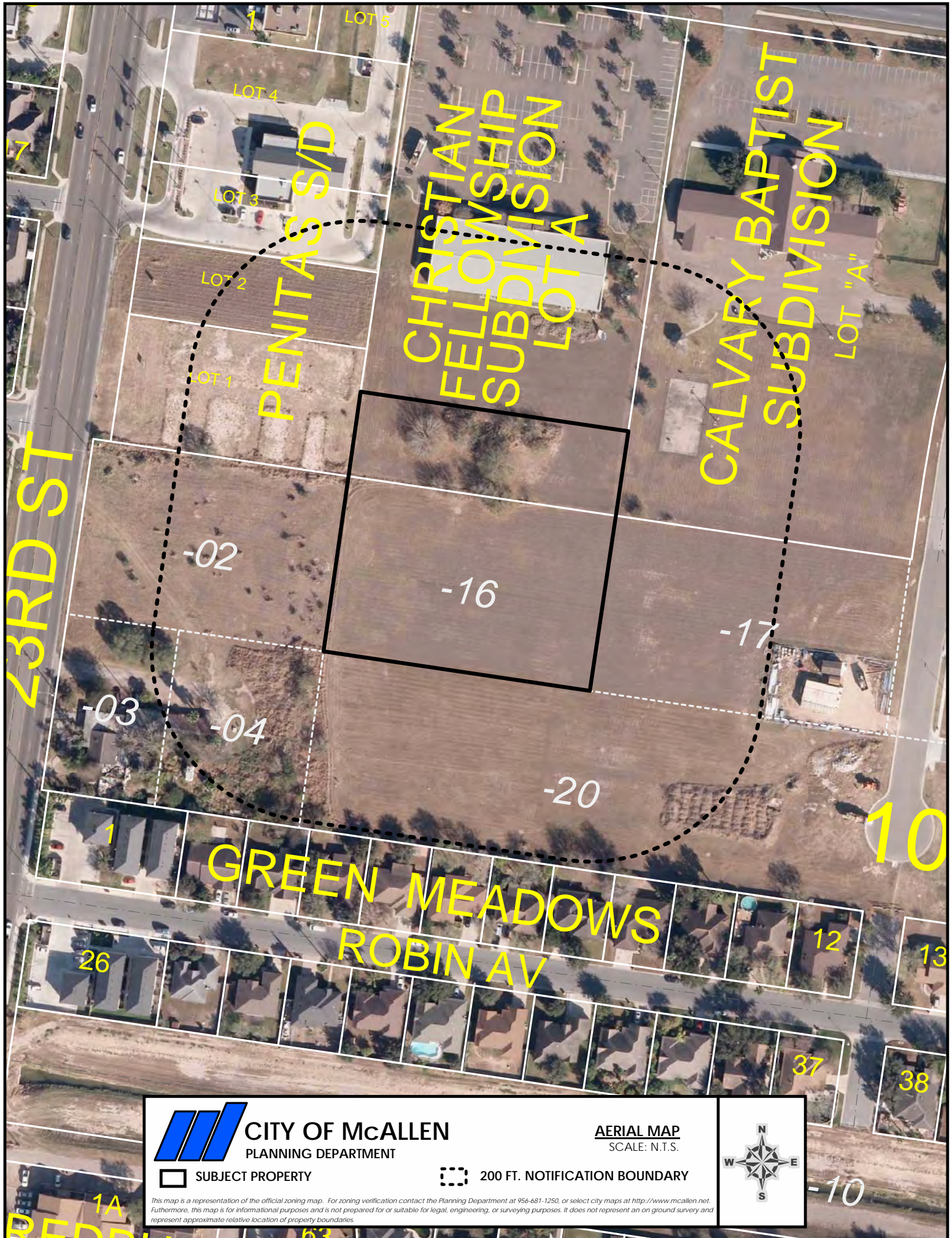
**LEGEND**  
SCALE: 1" = 500'

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

**ZONING LEGEND**


- |                                 |                     |                               |                             |                        |
|---------------------------------|---------------------|-------------------------------|-----------------------------|------------------------|
| A-0 (AGRICULTURAL & OPEN SPACE) | R-3A (APARTMENTS)   | R-4 (MOBILE HOMES)            | C-3 (GENERAL BUSINESS)      | I-1 (LIGHT INDUSTRIAL) |
| R-1 (SINGLE FAMILY RESIDENTIAL) | R-3C (CONDOMINIUMS) | C-1 (OFFICE BUILDING)         | C-3L (LIGHT COMMERCIAL)     | I-2 (HEAVY INDUSTRIAL) |
| R-2 (DUPLIX-FOURPLEX)           | R-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 legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.



**CITY OF McALLEN**  
PLANNING DEPARTMENT

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

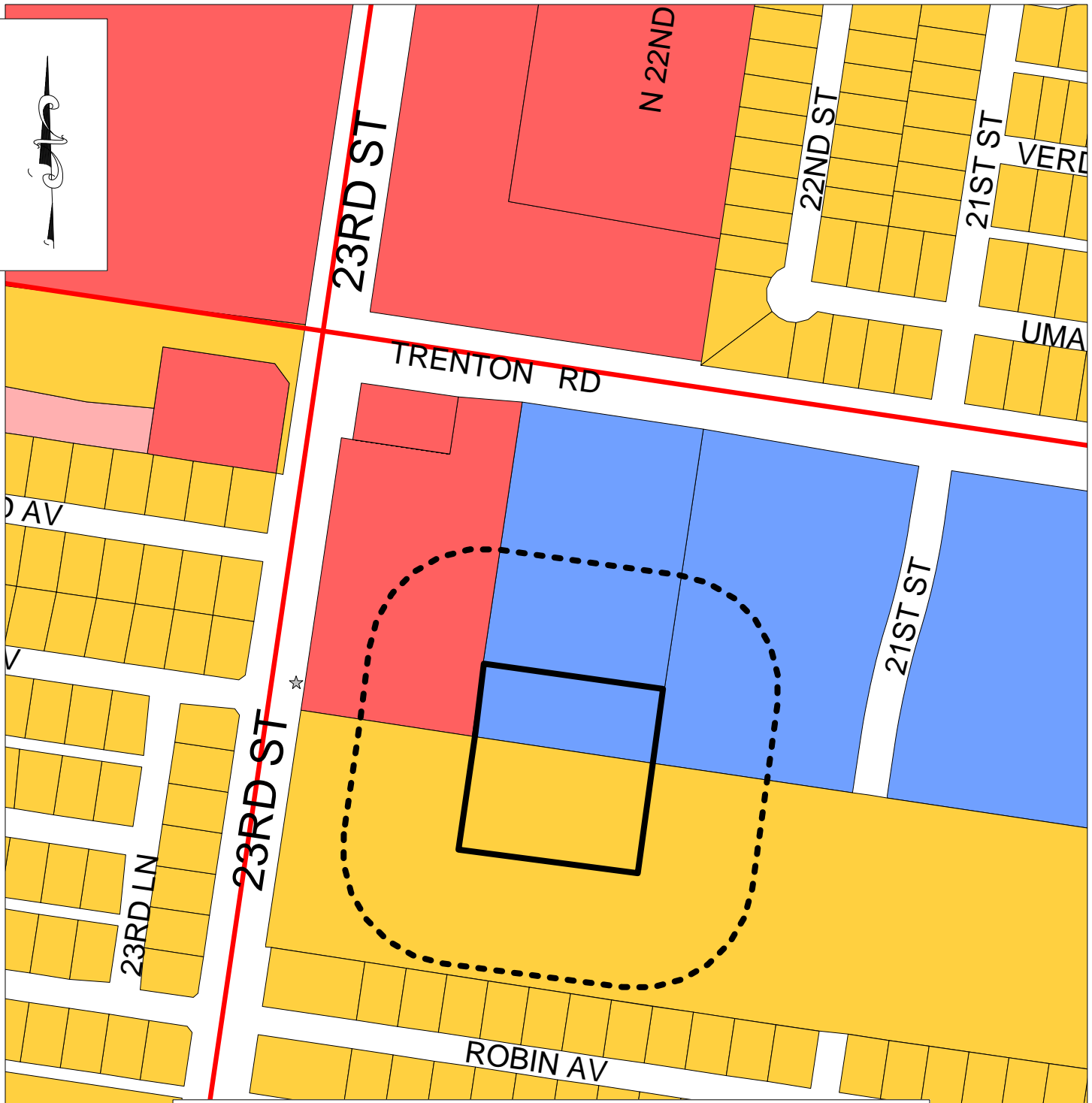
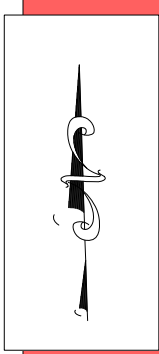
 SUBJECT PROPERTY

 200 FT. NOTIFICATION BOUNDARY



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-10



**CITY OF McALLEN**  
PLANNING DEPARTMENT

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

**FORESIGHT McALLEN COMPREHENSIVE PLAN**

**FUTURE LAND USE PLAN**

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

**THOROUGHFARE PLAN**

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


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



**NOTICE  
REZONING  
For**

**This Property**

**REZ2013-0039**

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



**ITEM SUMMARY**

BOARD: City Commission

AGENDA ITEM  
DATE SUBMITTED  
MEETING DATE

1A.4  
01/20/2014  
01/27/2014

1. Agenda Item: Request of Felipe J. Larraga for a Conditional Use Permit, for life of the use, for a gasoline service station or retail outlet where gasoline products are sold at Lot A, J. G. Ortegon; 5520 North 23rd Street.
2. Party Making Request: Felipe J. Larraga
3. Nature of Request: Request of Felipe J. Larraga for a Conditional Use Permit, for life of the use, for a gasoline service station or retail outlet where gasoline products are sold at Lot A, J. G. Ortegon; 5520 North 23rd Street.
4. Fiscal Impact Summary:
5. Budgeted:
 

Bid Amount:		Budgeted Amount:	
Under Budget:		Over Budget:	
		Amount Remaining:	
6. Routing:
 

Perez, Gardenia	Created/Initiated - 01/20/2014
Rankin, Julianne	Approved - 01/21/2014
Rodriguez, Roel	Approved - 01/21/2014
Pagan, Kevin	Final Approval - 01/21/2014
7. Staff Recommendation: Staff recommends approval of the request, for life of the use, subject to the conditions noted, Sections 138-167 and 138-257 - 138-261 of the Zoning Ordinance, Fire Department and building permit requirements.
8. Advisory Board: As per staff's recommendation.
9. City Attorney: Approved - subject to conditions noted - KDP
10. Manager's Recommendation: Approve....mrp

## **Memo**

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

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

**DATE:** January 20, 2014

**SUBJECT: REQUEST OF FELIPE J. LARRAGA FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR A GASOLINE SERVICE STATION OR RETAIL OUTLET WHERE GASOLINE PRODUCTS ARE SOLD AT LOT A, J. G. ORTEGON #3 SUBDIVISION; 5520 NORTH 23<sup>RD</sup> STREET.**

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**GOAL:**

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

**DESCRIPTION:**

The property is located at the southeast corner of North 23<sup>rd</sup> Street and Dove Avenue. The property is zoned C-2 (neighborhood commercial) District. The adjacent zoning is C-2 District to the north, C-3 (general business) District to the east and west, I-1 (light industrial) District to the south and west, and R-1 (single family residential) District to the northwest. Surrounding land uses include industrial, commercial businesses, and single family residential. A convenience store with gas sales is permitted in a C-2 zone with a conditional use permit.

The property currently has a 2,880 sq. ft. convenience store building, gas pumps, and a canopy. The initial conditional use permit was approved for life of the use on October 8, 1990 by the City Commission. The building has been vacant for a couple of years.

A new applicant is proposing to operate a convenience store with gas pumps from the existing building on the property. Based on the 2,880 sq. ft. of building area, 8 parking spaces are required; 17 spaces are proposed on site. Access to the property will be from existing two curb cuts; one on North 23<sup>rd</sup> Street and one on Dove Avenue. A preliminary site plan was submitted; however, a detailed site plan will need to be reviewed to determine specific requirements at time of building permits. The Fire Department has inspected and cleared the building and has met all the minimum standards and applicable ordinances. The use must comply with Section 138-257 – 138-261 and 138-167 of the Zoning Ordinance and specific requirements as follows:

- 1) Activities are limited to sale of gasoline, oil, and minor accessories and incidental services;
- 2) Ingress or egress shall not be permitted at locations where it will tend to create traffic hazards. Entrances shall not be permitted within 25 ft. of a street intersection. Curb cut distances from the intersection are approximately 130 ft. south of North 23<sup>rd</sup> Street and 177 ft. east of Dove Avenue;
- 3) Front yard building setbacks, not including gas pumps or driveway covers (canopy), shall be 60 feet. The front yard setback is 60 feet on North 23<sup>rd</sup> Street and 60 ft. on Dove Avenue;
- 4) All lighting shall be shielded from adjacent residential districts;
- 5) A 6 ft. opaque buffer shall be provided where abutting or adjacent to residential districts. The property does not abut a residential district;
- 6) Gasoline service stations that have facilities for the repair or servicing of automobiles shall be a minimum of 13,000 square feet. Retail outlets for gasoline, oil, and minor accessories, without repair facilities, may be permitted on lots less than 13,000 square feet. The subject property is 28,100 sq. ft. and has no automobile servicing;
- 7) Gas pumps/islands shall be set back at least 13 ft. from the property line or 18 ft. from the curb, whichever is greater. The gas pumps are set back approximately 83 ft. from North 23<sup>rd</sup> Street and 50 ft. from Dove Avenue;
- 8) Gas pump canopy shall be set back at least 9 ft. from the property line or 10 ft. from the curb, whichever is greater. The gas canopy has a setback of approximately 73 ft. from North 23<sup>rd</sup> Street and 40 ft. from Dove Avenue; and
- 9) Gas pumps shall not be located within 100 ft. of a residential district. Gas pumps will not be located within 100 ft. of a residential district

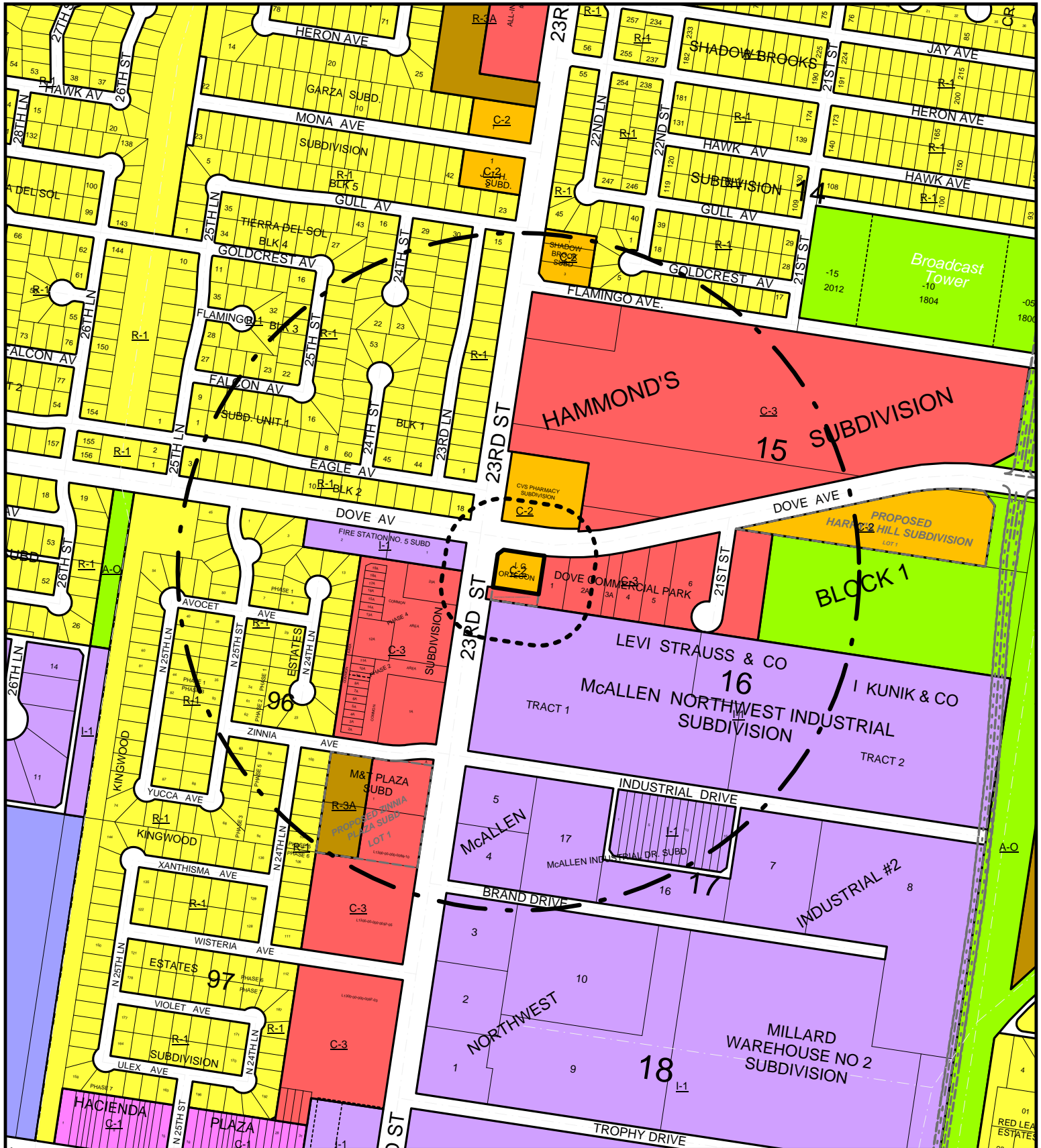
**OPTIONS:**

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

**RECOMMENDATION:**

This item was heard at the December 17, 2013 Planning and Zoning Commission meeting. There was no one to speak in opposition of the request. The applicant was present.

Being no discussion, the board unanimously voted to recommend approval of the conditional use permit, for life of the use, subject to the conditions noted, Sections 138-118 and 138-257 – 138-261 of the Zoning Ordinance and building permit requirements. There were five members present and voting.



**CITY OF McALLEN**  
PLANNING DEPARTMENT

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

SUBJECT PROPERTY	200 FT. NOTIFICATION BOUNDARY	1/4 MILE RADIUS
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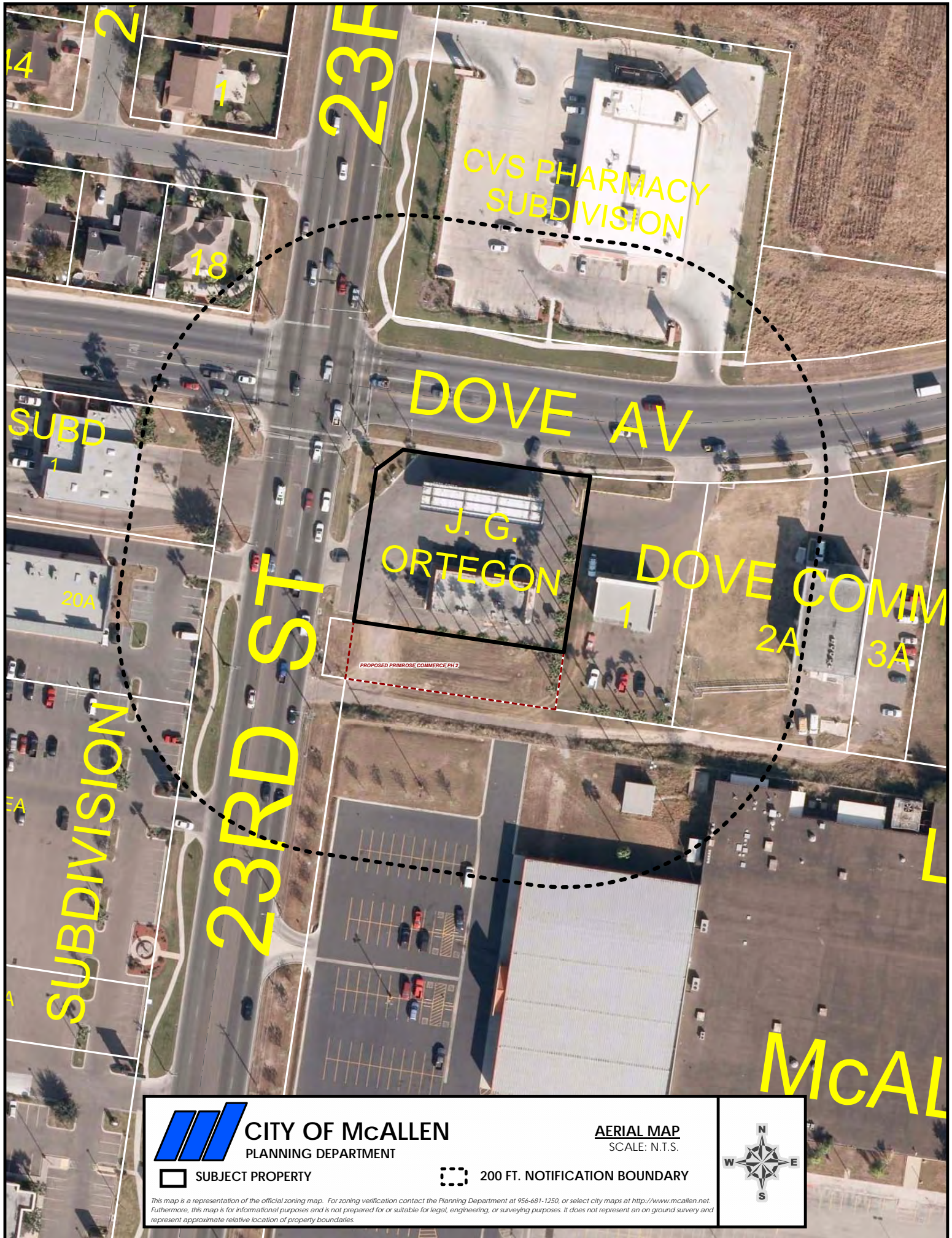
  

ZONING LEGEND			
A-0 (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)
R-2 (DUPLIX-FOURPLEX)	R-3I (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	I-1 (LIGHT INDUSTRIAL)
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

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AREA MAP



23RD ST

DOVE AV

CVS PHARMACY  
SUBDIVISION

J. G.  
ORTEGON

DOVE COMM

SUBD  
1

23RD ST

SUBDIVISION

McALLEN



**CITY OF McALLEN**  
PLANNING DEPARTMENT

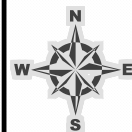
**AERIAL MAP**  
SCALE: N.T.S.



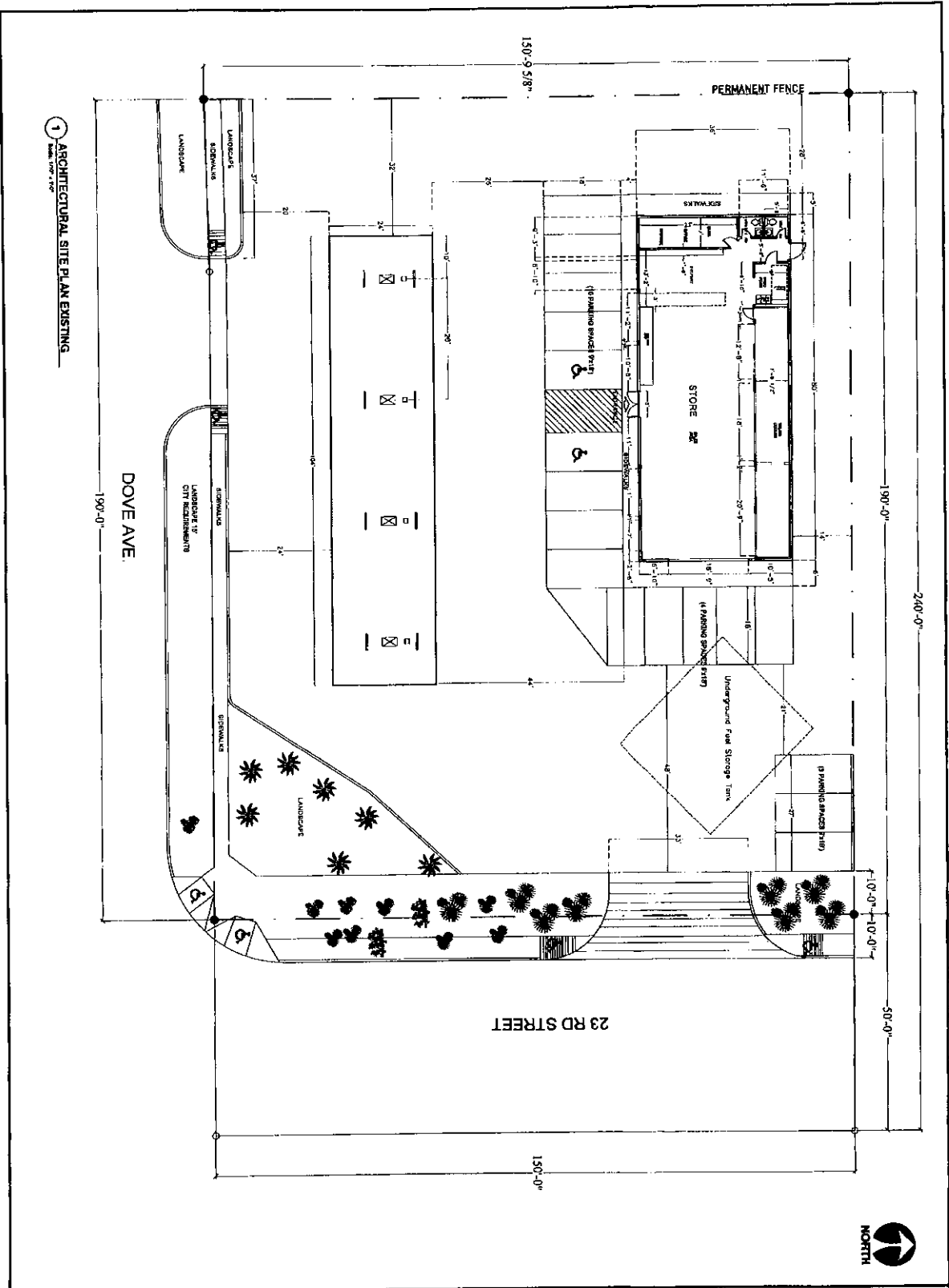
SUBJECT PROPERTY



200 FT. NOTIFICATION BOUNDARY



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1 ARCHITECTURAL SITE PLAN EXISTING  
SCALE: 1/8" = 1'-0"



**SERRIAR LLC.**  
 2905 SUGAR ROAD  
 PHARR, TX 78577  
 361.250.2502  
 seriartlco@aol.com

NOTAS

Revisions

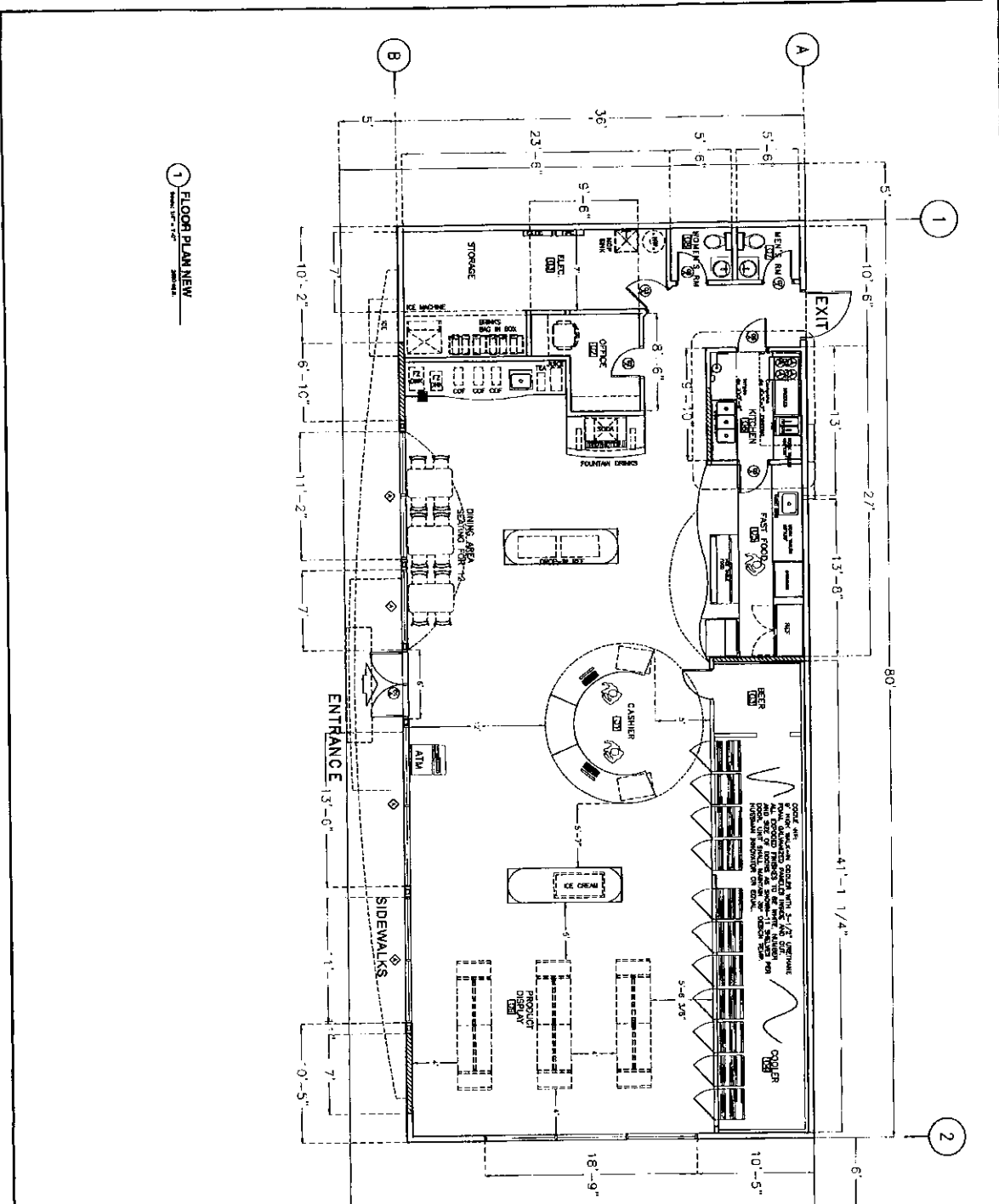
NO.	REVISION	DATE

**Project**  
 GAS STATION  
 CONVENIENCE MARKET  
 W DOVE AVE  
 MCALLEN, TX.

**Client**  
 V & L GAS LLC  
 2905 N SUGAR RD  
 MCALLEN, TX

**Content**  
 ARCHITECTURAL SITE PLAN  
 EXISTING

Drawn by: RR  
 Checked by: RA  
 Date: 07/26/13  
 Drawing no. ASI



1 FLOOR PLAN NEW  
DATE: 07/20/13



**SIRLAR LLC.**  
 2905 SUGAR ROAD  
 PHARR TX 78577  
 956.250.2592  
 sirlarflc@aol.com

**NOTAS**

**Revisions**

NO.	REVISION	DATE

**Project:**  
 GAS STATION-  
 CONVENIENCE MARKET  
 W DOWE AVE  
 MCALLEN, TX


**Client:**  
 V & L GAS LLC  
 2905 N SUGAR RD  
 MCALLEN, TX

**Contact:**  
 FLOOR PLAN

Drawn by: *sm*  
 Checked by: *ra*  
 Date: *07/20/13*  
 Drawing no. **A1.00**



**NOTICE  
GASOLINE SALES  
For  
This Property  
CUP2013-0217**

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



**ITEM SUMMARY**

BOARD: City Commission

AGENDA ITEM

1A.5

DATE SUBMITTED

01/21/2014

MEETING DATE

01/27/2014

1. Agenda Item: Request of Steve L. McGarraugh on behalf of South Texas Educational Technologies, Inc., appealing the decision of the Planning & Zoning Commission of the January 07, 2014 meeting, denying a Conditional Use Permit, for one year, for an institutional use (school) at Lots 5 through 12, Block 36, North McAllen Townsite Subdivision, Hidalgo County, Texas; 320 North Main Street.
  
2. Party Making Request: Steven L. McGarraugh on behalf of South Texsa Educational Technologies, Inc.
  
3. Nature of Request:  
  
Request of Steve L. McGarraugh on behalf of South Texas Educational Technologies, Inc., appealing the decision of the Planning & Zoning Commission of the January 07, 2014 meeting, denying a Conditional Use Permit, for one year, for an institutional use (school) at Lots 5 through 12, Block 36, North McAllen Townsite Subdivision, Hidalgo County, Texas; 320 North Main Street.
  
4. Fiscal Impact Summary:
  
5. Budgeted:
 

Bid Amount: _____	Budgeted Amount: _____
Under Budget: _____	Over Budget: _____
	Amount Remaining: _____
  
6. Routing:
 

Perez, Gardenia	Created/Initiated - 01/21/2014
Rankin, Julianne	Approved - 01/21/2014
Rodriguez, Roel	Approved - 01/21/2014
Pagan, Kevin	Final Approval - 01/21/2014
  
7. Staff Recommendation: Disapproval of the request based on non-compliance with the Traffic Operations department.
  
8. Advisory Board: With a favorable recommendation to grant the variance to the distance requirement to accept stacking Option A.
  
9. City Attorney: Approved with recommendation of P&Z - KDP
  
10. Manager's Recommendation: approve with Option A....mrp

## **Memo**

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

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

**DATE:** January 20, 2014

**SUBJECT: APPEAL THE DECISION OF THE PLANNING AND ZONING COMMISSION OF THE JANUARY 7, 2014, DENYING THE REQUEST OF STEVEN L. MCGARRAUGH ON BEHALF OF SOUTH TEXAS EDUCATIONAL TECHNOLOGIES, INC. FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR AN INSTITUTIONAL USE (SCHOOL) AT LOTS 5 THROUGH 12, BLOCK 36, NORTH MCALLEN TOWNSITE SUBDIVISION; 320 NORTH MAIN STREET.**

---

**GOAL:**

A Conditional Use Permit was 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) was 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.

**DESCRIPTION:**

The property is located along the east side of North Main Street, between Cedar and Date Palm Avenues. The L-shaped property goes from the intersection of North Main Street and Date Palm Avenue south on North Main Street to Cedar Avenue bearing east to Broadway Avenue. The property is zoned C-3 (general business) District and R-3A (apartments) District. The adjacent zoning is C-3 to the south, west and north, and R-3A to the northeast and east. Surrounding land uses include the Renaissance Hotel, Archer Park, The Village Condominiums, commercial and office buildings, and residences and apartments. An institutional use (school) is permitted in the C-3 zone with a conditional use permit.

The initial conditional use permit was requested for the life of the use; however, it was approved for one year, by the Planning and Zoning Commission on June 21, 2011 to allow the renovation of the building, allow staff to review any changes, and evaluate traffic circulation in the area. The applicant submitted a letter indicating the acceptance of the conditional use permit for one year and withdrew the request for the life of the use. The permit was again approved for one year by the Planning and Zoning Commission on September 18, 2012 at which time a report on the traffic circulation and the school future plans were discussed.

The request was again presented to the Planning and Zoning Commission to report the status on the traffic circulation and to review the use of the second floor. Currently there is a two-story building, formerly the federal building; on the property and it is part of the Horizon Montessori Elementary and Horizon Middle Schools expansion. The school building is operating from the first floor for 4<sup>th</sup> through 8<sup>th</sup> graders; with approximately 151 students proposed as part of the original conditional use permit for this location; however, present enrollment is approximately 221 students. The applicant has submitted a building permit to remodel the second floor and for a proposed canopy for drop off and pick up of the children. The second floor will accommodate additional middle school students; approximately 200 students more. The second floor will have 18 classrooms and 2 offices.

Based on the first floor (10 classes, 4 offices, 2 science labs, 1 library and a cafeteria), 29 parking spaces are required. Based on the number of classes and offices on the second floor, 33 parking spaces are required. There are 83 parking spaces provided on site which leaves 21 spaces available. Calculation was based on the 1.5 parking spaces per classroom and office. Two of the provided spaces are required to be accessible, one of which must be van accessible. A trip generation worksheet has been submitted and approved. As a result of the additional students for the second floor, stacking space has exceeded an additional 1000 ft. of vehicular stacking distance. The current traffic circulation plan may need to be revised to accommodate the additional 200 students for the second floor.

During the October 17<sup>th</sup> Traffic Commission meeting, the board took action on agenda item 3c), which was "Consideration of a request to convert the intersection of N. Main Street and Cedar Avenue to a signalized intersection". The request was made on behalf of the school's Parent Teacher Organization (PTO), due to their concern about the number of students that cross Main Street throughout the school day.

Based on the traffic study completed by Traffic Operations, staff recommended that the intersection remain under stop sign control (eastbound & westbound), and recommended adopting an alternative layout for the intersection. See Main Street & Cedar Avenue Alternative plan.

The Traffic Commission Board voted to accept staff's recommendation (to leave the intersection under stop sign control), and adopt the alternative layout. As part of the motion, the board requested that a recommendation be made to the Planning & Zoning Board to make it a requirement of the conditional use permit renewal for the school's crossing guard to set out the portable in-crosswalk pedestrian warning signs before school hours and to remove the signs after school hours. The Traffic Operations Department will be providing the portable signs to the school.

The Health and Fire Department have conducted their inspections; however, a final inspection is pending once the renovation of the second floor is complete. The Planning Department has received a phone call from a citizen concerned about the security guards stopping cars to allow the schools security vehicles to cross the street throughout the day. 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 of the Zoning Ordinance and specific requirements as follows:

- 1) The proposed use shall not generate traffic onto residential size streets or disrupt residential areas and shall be as close as possible to a major arterial. The property had direct access to North Main Street, Broadway Avenue and Cedar Avenue;
- 2) The proposed use shall comply with the McAllen Off-Street Parking Ordinance and make provisions to prevent the use of street parking, especially in residential areas. Based on 1.5 parking spaces per classroom and office, the required parking was 63 spaces for both floors; 83 spaces are provided leaving 21 parking spaces available. Two of the provided spaces are required to be accessible, one of which must be van accessible. The minimum required parking must be maintained and provided. Should the number of offices and classrooms increase, then additional parking will be required;
- 3) The proposed use shall prevent the unauthorized parking of its patrons on adjacent businesses or residences by providing fences, hedges or reorientation of entrances and exits. The school must comply with the circulation pattern approved by the Traffic Operations Department;
- 4) The proposed use shall provide sufficient lighting to eliminate dark areas, perimeter fencing, and an orientation of the building to provide maximum visibility from a public street in order to discourage vandalism and criminal activities;
- 5) Provisions shall be made to prevent litter from blowing onto adjacent streets and residential areas;
- 6) The number of persons within the building shall be restricted to those allowed by the Fire Marshal and Building Official at the time of permit issuance; and
- 7) Sides adjacent to commercially and residentially zoned or used properties shall be screened by a 6 ft. opaque fence.

**OPTIONS:**

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

If the conditional use permit is approved, staff also recommends that the proposed canopy comply with setbacks and comply with the parking requirements (may not affect the parking).

This item was heard and tabled at the November 5, 2013 Planning and Zoning Commission meeting in order to allow the school to look at other options and/or provide a new circulation plan. This item remained tabled at the November 19, 2013 Planning and Zoning Commission meeting.

This item remained tabled at the December 3, 2013 Planning and Zoning Commission meeting. The applicant did contact staff and indicated that he is working with the Traffic Department on options for the traffic circulation plan. However, no new information has been submitted for staff to review.

Staff met with the applicant, at which time they submitted three options (A-C). The options were discussed and reviewed; however, none of the options comply with the Traffic Operations requirements. Also, each of the options proposed potentially will block existing driveways along the street when the stacking area of the vehicles is proposed. Option A may block two driveways, Option B may block two driveways, and Option C may block four driveways. Other options were discussed such as changing the drop off times in the morning by extending the drop off time to 45 minutes instead of 30 minutes, which will allow parents more time to drop off the students.

**RECOMMENDATION:**

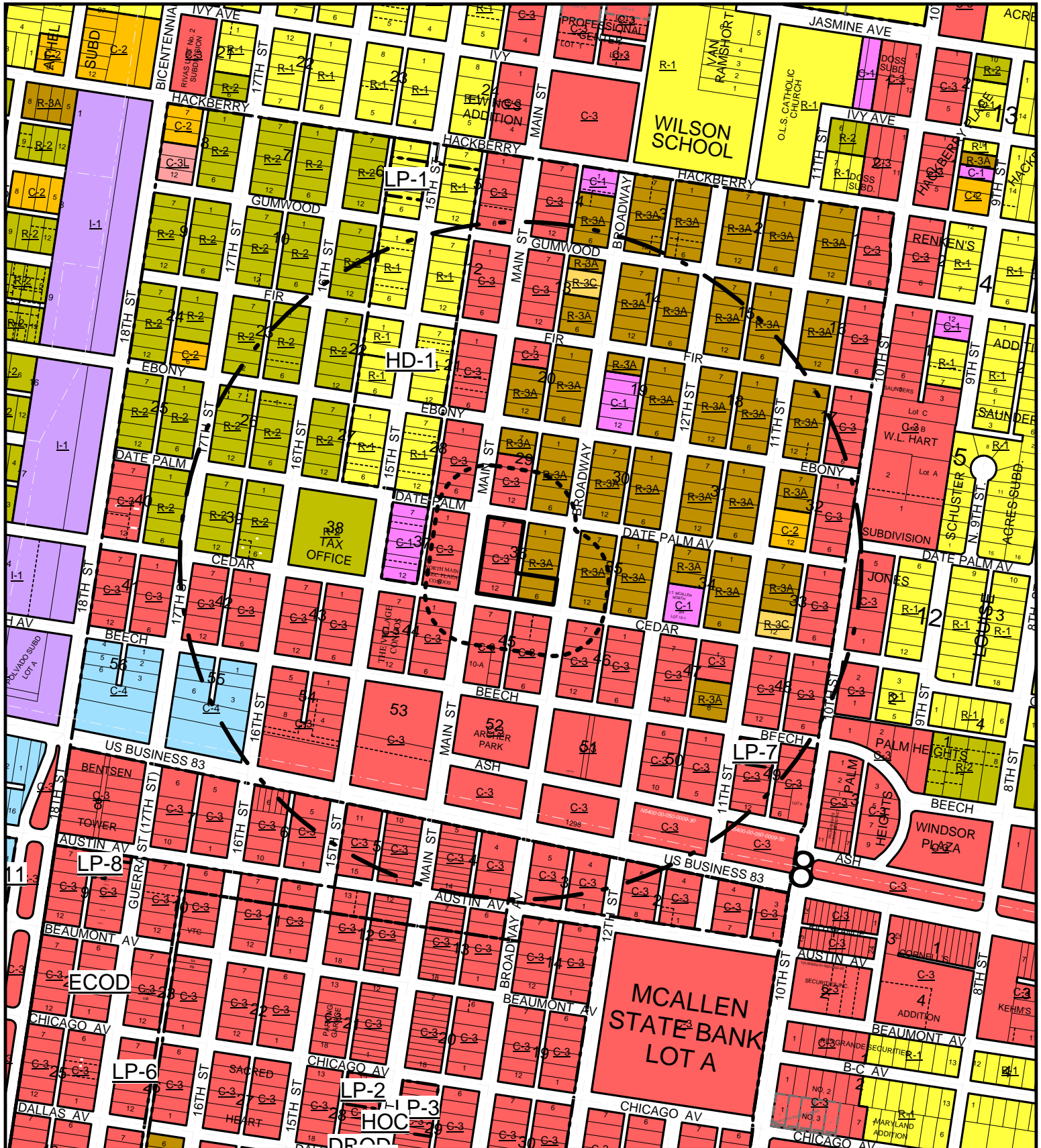
This item was heard at the January 7, 2014 Planning and Zoning Commission meeting. There was no one present to speak in opposition. The applicant was present.

The board had questions for the Traffic Department on the research and options that were previously discussed in other meetings. If it was going to be a continuous problem the facility may have to move if they are that successful. Chairman, Leonel Garza, asked if the stacking option was done as a worst case scenario; after discussion and looking at the options, the board felt that Option A would work best. Mr. Garza indicated that when the school applies for renewal of the permit next year, the school will need to bring better options and also look into possibly building a new parking garage or some sort of other system to alleviate stacking into the street.

Mr. Mike Miranda, from the Traffic Department, explained the concerns are primarily with the projected capacity of that building. Currently 11 classrooms are on the first floor and with the expansion of the second floor; it will increase to about 30 classrooms, nearly tripling the student capacity of the building. With the existing traffic, which is based on existing enrollment, the stacking barely fits on the site. By policy stacking should be within the site, which is why staff is recommending disapproval of the request. The Traffic Departments also has concerns with the new estimated students for next year, which will increase the stacking on Cedar Avenue. Mr. Miranda stated that the school was given other options such as starting a bus system and a shuttle pickup in a remote parking lot.

Steven L. McGarraugh, the applicant, along with Nancy Sanchez, on behalf of South Texas Educational Technologies, approached the podium and stated that the stacking as of today does not reach its maximum length. They stated that this building will reach about 400 students with a total of 700 enrolled in all buildings. The projection for next year is about 11 more classrooms with 16-20 students per class. Even with the growth, which may increase to 1000 students in the years to come, parents that drop off students bring about 2 to 3 students in one vehicle. Mr. McGarraugh stated that the times for pickup have been extended till 6 p.m. and does not believe there will be an issue for stacking. Also, the drop off time is being looked into, and may be extended from 30 minutes to 45 minutes to allow parents more time to drop off the students.

Following a lengthy discussion, the board unanimously voted to disapprove the conditional use permit based on non-compliance with the Traffic Department's recommendation but with a favorable recommendation to accept stacking Option A. There were five members present, four voting and one abstention. The applicant submitted a letter of appeal.



**CITY OF McALLEN**  
PLANNING DEPARTMENT

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

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

**ZONING LEGEND**

- |  |  |  |  |   |
|--|--|--|--|---|
| <span style="background-color: #90EE90; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> A-0 (AGRICULTURAL & OPEN SPACE) | <span style="background-color: #FFDAB9; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> R-3A (APARTMENTS)   | <span style="background-color: #FFDAB9; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> R-4 (MOBILE HOMES)            | <span style="background-color: #FFDAB9; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> C-3 (GENERAL BUSINESS)      | <span style="background-color: #ADD8E6; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> L-1 (LIGHT INDUSTRIAL) |
| <span style="background-color: #FFDAB9; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> R-1 (SINGLE FAMILY RESIDENTIAL) | <span style="background-color: #FFDAB9; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> R-3C (CONDOMINIUMS) | <span style="background-color: #FFDAB9; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> C-1 (OFFICE BUILDING)         | <span style="background-color: #FFDAB9; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> C-3L (LIGHT COMMERCIAL)     | <span style="background-color: #ADD8E6; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> L-2 (HEAVY INDUSTRIAL) |
| <span style="background-color: #FFDAB9; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> R-2 (DUPEX-FOURPLEX)            | <span style="background-color: #FFDAB9; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> R-3I (TOWNHOUSES)   | <span style="background-color: #FFDAB9; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> C-2 (NEIGHBORHOOD COMMERCIAL) | <span style="background-color: #ADD8E6; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> C-4 (COMMERCIAL INDUSTRIAL) | <span style="border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> (SPECIAL DISTRICT)                                |

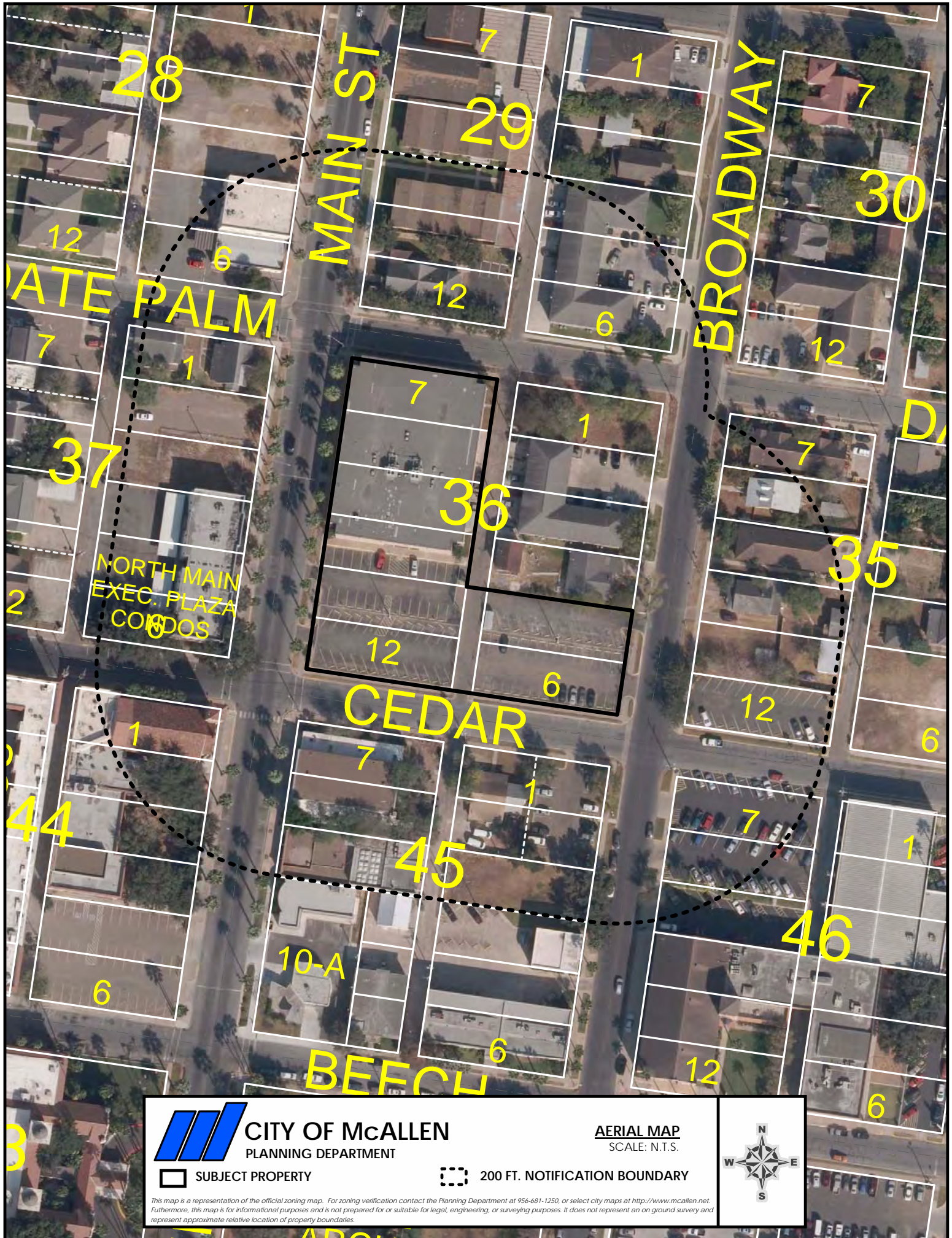
This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for legal, engineering, or surveying purposes. It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

AREA MAP




DOC NEUHAUS PARK  
DALLAS AV  
CHICAGO AV



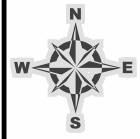


**CITY OF McALLEN**  
 PLANNING DEPARTMENT

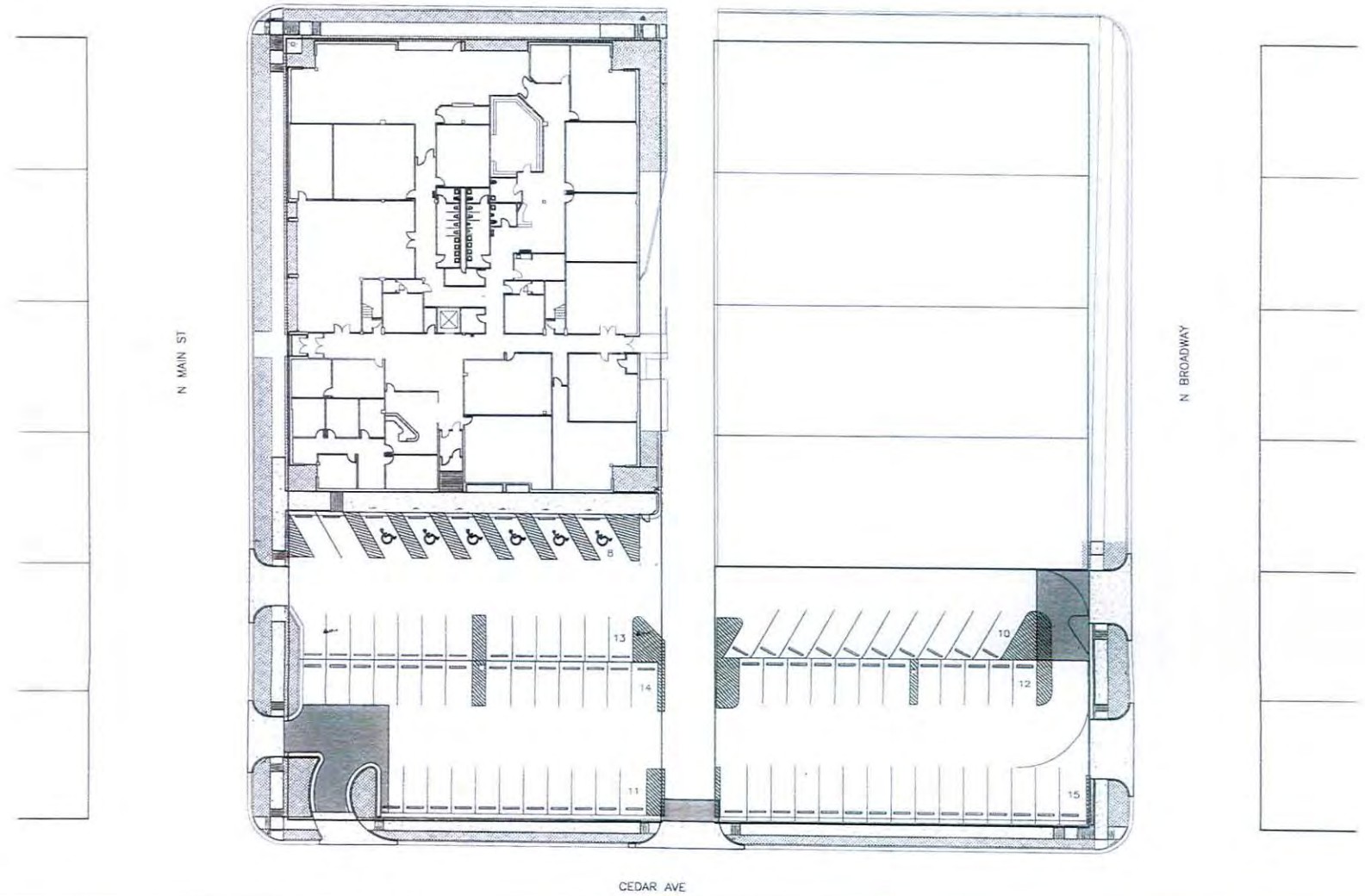
**AERIAL MAP**  
 SCALE: N.T.S.

 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.



CEDAR AVE

DESIGNED BY	DATE	REVISIONS	APP.
SJM			
DRAWN BY			
CHECKED BY			
APPROVED BY			
DATE	JANUARY 2011		

**DANNENBAUM**  
 ENGINEERING COMPANY - McALLEN, LLC  
 T.B.P.E. FIRM REGISTRATION #8999  
 T.B.A.E. FIRM REGISTRATION #19734  
 1109 NOLANA LOOP, STE. 208 McALLEN, TX 78904 (361) 682-3677

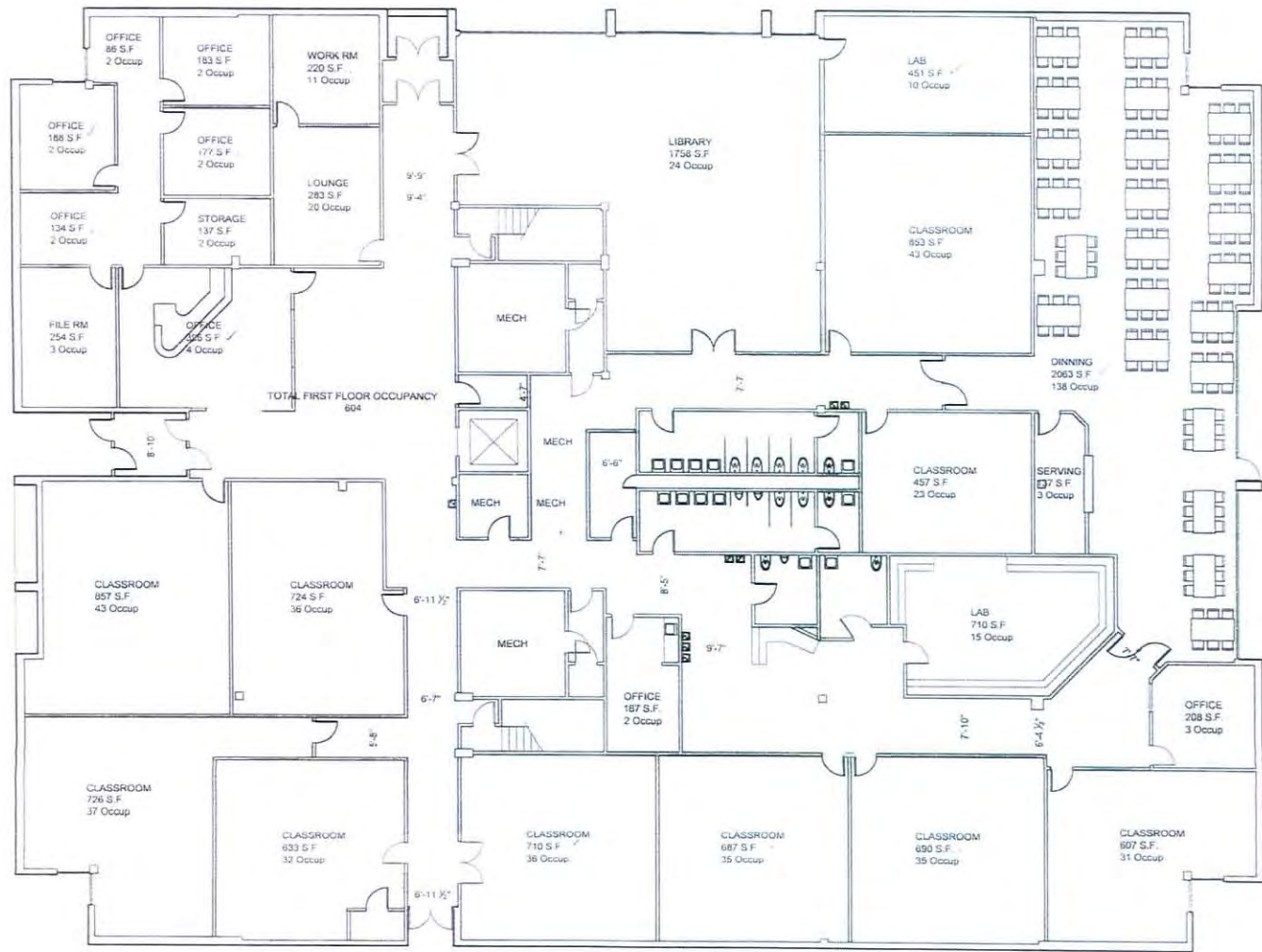


South Texas Educational Technologies, Inc  
 Horizon Montessori Middle School  
 McAllen Texas

SITE PLAN



PROJECT No	4631-01
DRAWING No	A 03
SHEET No	4



EXISTING

**FIRST FLOOR DEMOLITION PLAN**

SCALE 1/8" = 1'-0"

DESIGNED BY	SJM
DRAWN BY	HBY
CHECKED BY	SJM
APPROVED BY	HBY
DATE	JANUARY 2011

REVISIONS

NO.	DATE	REVISIONS	APP.

**DANNENBAUM**  
ENGINEERING COMPANY - McALLEN, LLC  
T.B.A.E. FIRM REGISTRATION #85959  
T.B.A.E. FIRM REGISTRATION #19734  
1109 NOLANA LOOP, STE 208 McALLEN, TX 78304 (956) 862-3877



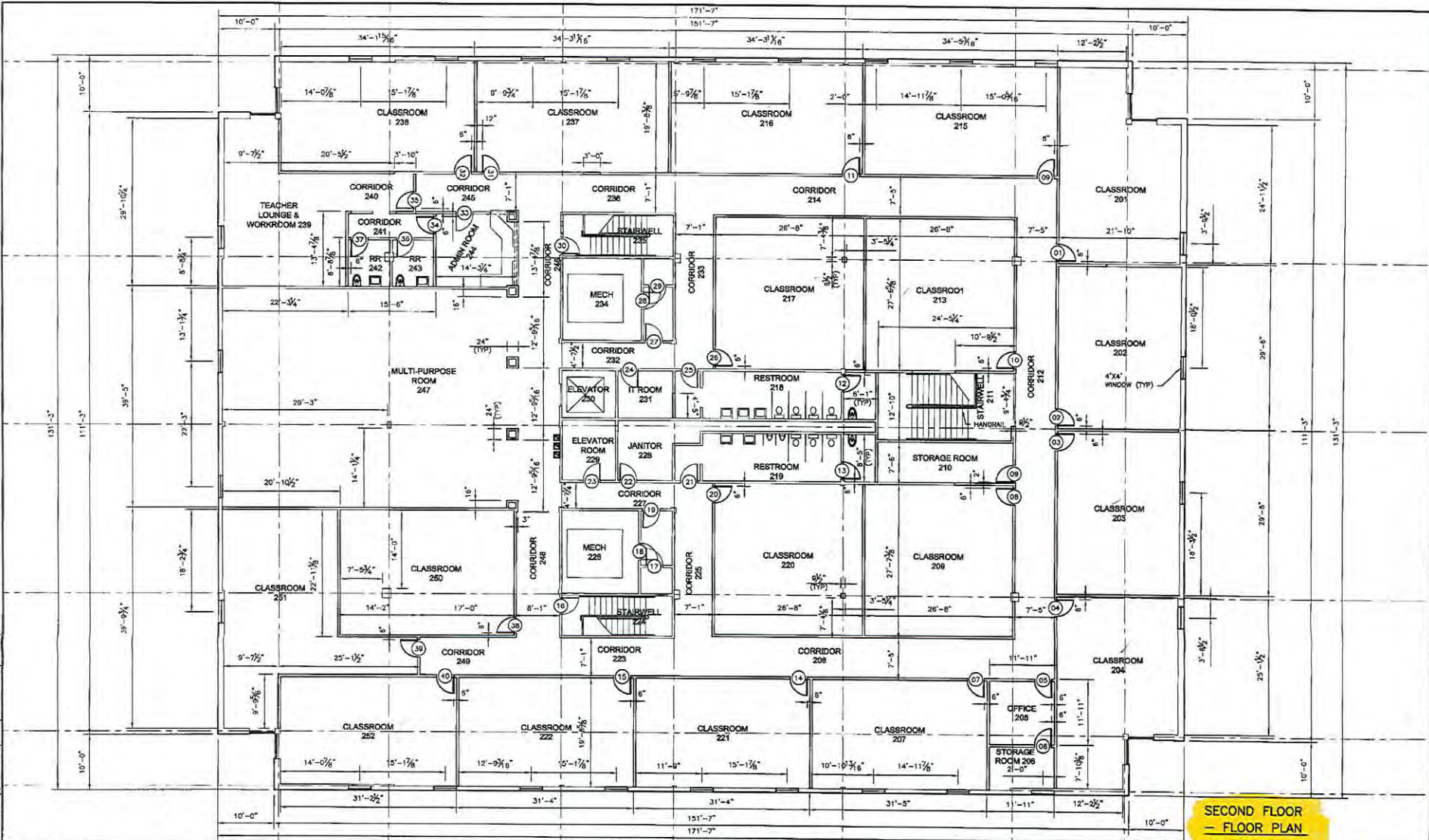
South Texas Educational Technologies, Inc  
Horizon Montessori Middle School  
McAllen, Texas

CODE COMPLIANCE



PROJECT No.  
4631-01  
DRAWING No.  
A01  
SHEET No.

Sep 05, 2013 - 4:50pm - temson  
 C:\150\4531-01 SET 1049.rvt - Rev B.rvt Architecture\Genset\SET 2nd floor-A 4.0.dwg



**SECOND FLOOR  
 - FLOOR PLAN**  
 1/8" = 1'-0"

REVISIONS			
No.	DATE	DESCRIPTION	APP'D
A	SEPTEMBER 2013	ISSUED FOR REVIEW	SLM

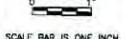


**DANNENBAUM**  
 ENGINEERING COMPANY - McALLEN, LLC  
 T.E.P.E. FIRM REGISTRATION #8896  
 1100 NOLANA LOOP, STE 208 McALLEN, TX 77804 (956) 882-3877



South Texas Educational Technologies, Inc  
 Horizon Montessori Middle School  
 McAllen, Texas

FLOOR PLAN



SCALE BAR IS ONE INCH  
 ON ORIGINAL DRAWINGS

PROJECT No: 4631-01
DRAWING No: A 4.0
SHEET No: A 4.0



jmerc  
DESIGN

DRAFTING AND  
DESIGN SERVICE  
EDINBURG, TEXAS

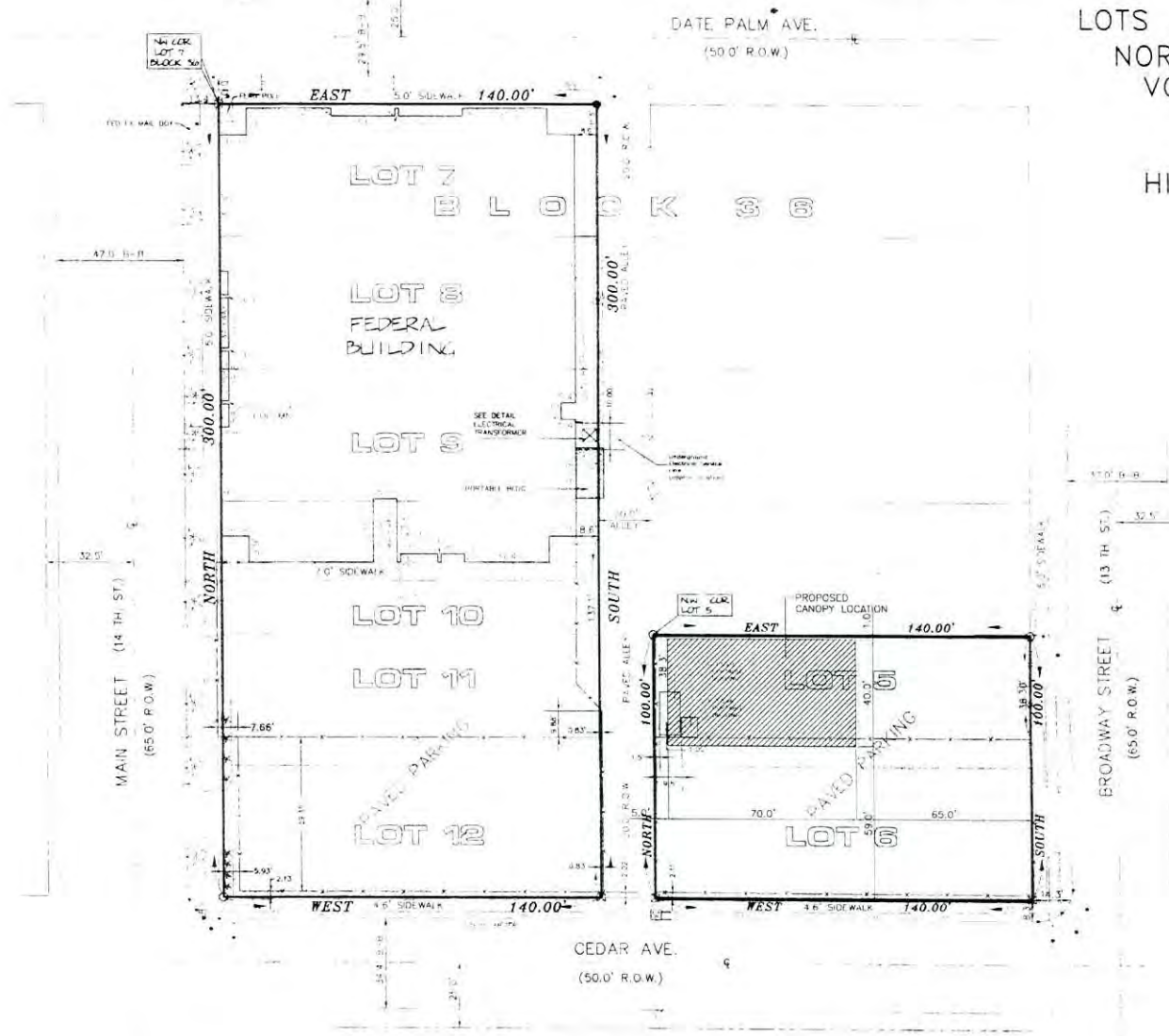
PH: 281.356.6500  
WWW.JMERCDIGITAL.COM

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LOTS  
NOR  
VC

HI



Horizon Montessori Parking Canopy  
320 N. Main St  
Site Plan

Texas

McAllen

NO.	REVISION

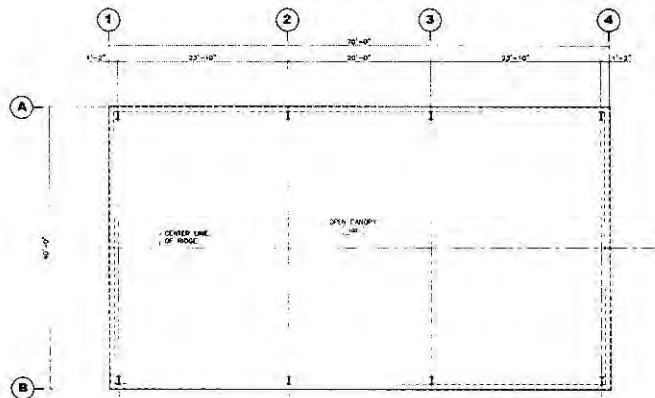
Site Plan  
DATE: 10-15-13  
SHEET NO: 11  
JOB NUMBER:  
DRAWN BY:  
CHECKED BY:

SHEET NUMBER

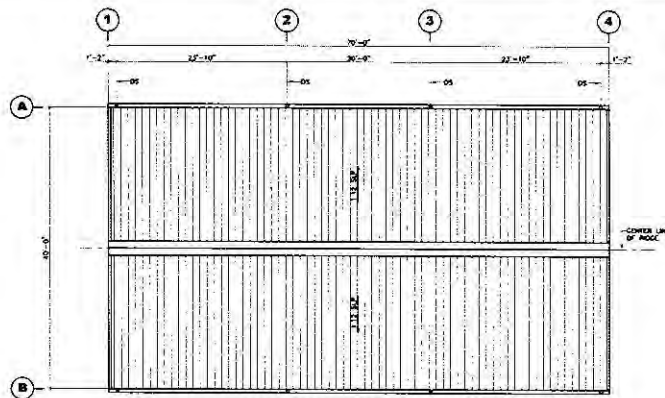
X1.1

 SITE PLAN  
SCALE: 1" = 20'-0"

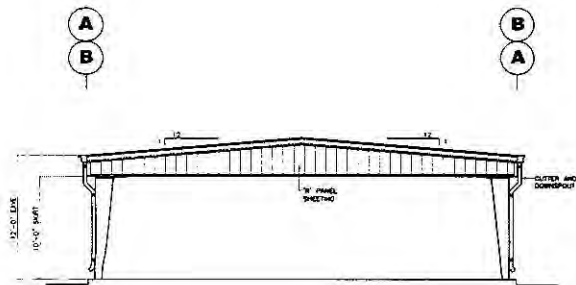
Proposed Canopy



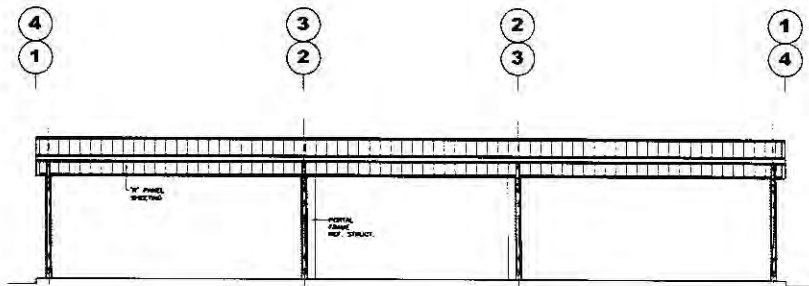
**A** FLOOR PLAN  
SCALE: 1/8" = 1'-0"



**B** ROOF PLAN  
SCALE: 1/8" = 1'-0"



**C** EAST AND WEST ELEVATIONS  
SCALE: 3/16" = 1'-0"



**D** NORTH AND SOUTH ELEVATIONS  
SCALE: 3/16" = 1'-0"



**jmerc**  
**DESIGN**  
DRAFTING AND  
DESIGN SERVICE  
LUBBOCK, TEXAS  
320 N. MAIN ST. SUITE 101  
79402-3421

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Horizon Montessori Parking Canopy  
320 N. Main St  
Floor Plan and Elevations  
McAllen, Texas

NO.	REVISION

Drawn by \_\_\_\_\_  
Checked by \_\_\_\_\_  
Date \_\_\_\_\_  
Scale \_\_\_\_\_  
Job Number \_\_\_\_\_  
Jmerc \_\_\_\_\_  
Client # \_\_\_\_\_

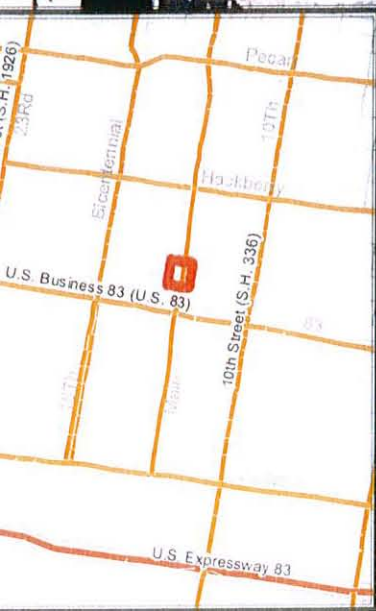
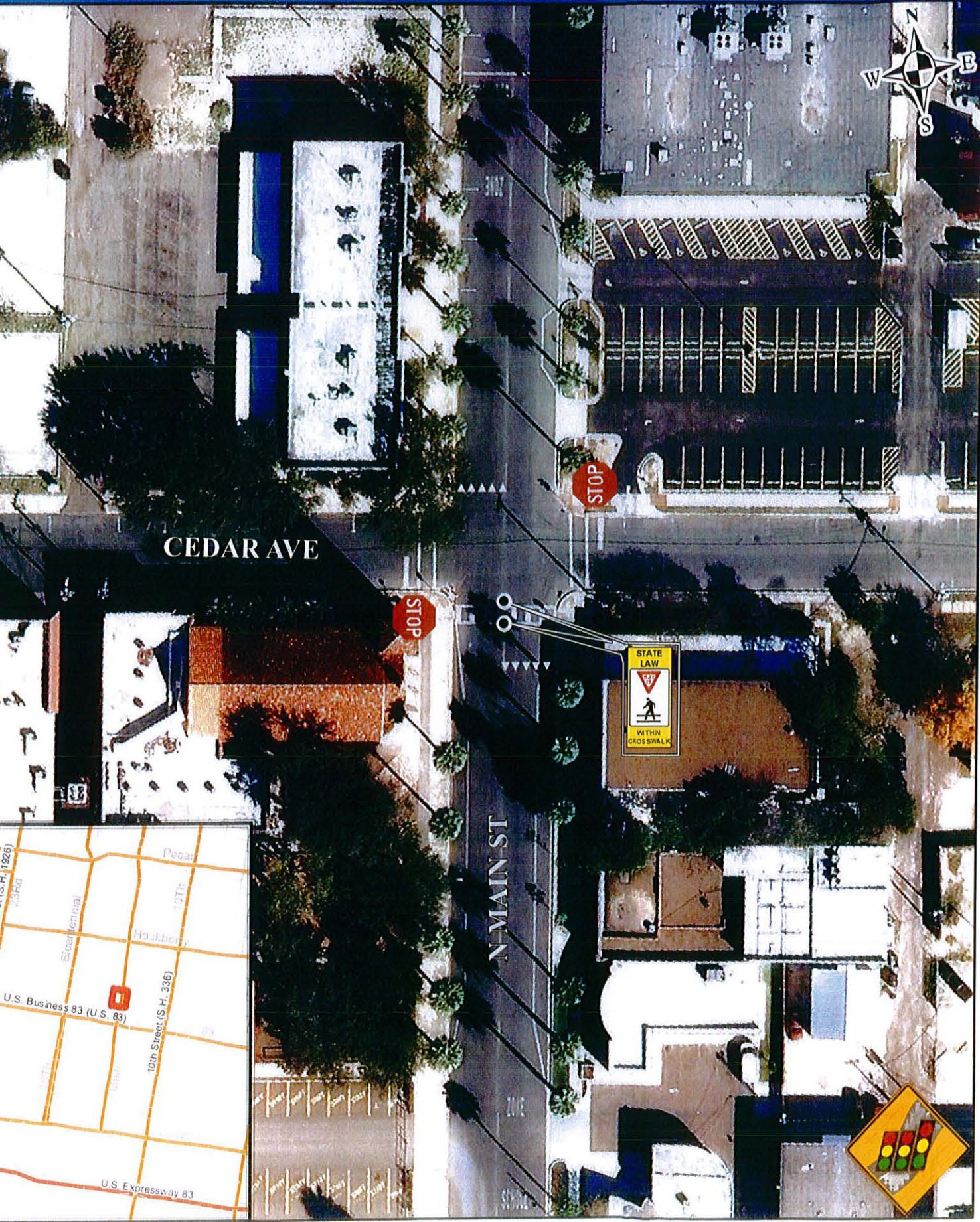
CHECKED BY \_\_\_\_\_

SHEET NUMBER

A1.1

# MAIN STREET & CEDAR AVENUE

## ALTERNATIVE





## TRIP GENERATION WORKSHEET

Complete parts A and B as an aid to determine if your project requires a Traffic Impact Analysis (TIA).

### A. Subdivision Information

Subdivision Name: North McAllen

Location: Block 37 - Lots 5-12 also known as 320 North Main Street

Applicant: South Texas Educational Technologies, Inc.  Owner  Agent

Address: 519 South Texas Boulevard Phone Number: (956) 969-3092  
Weslaco, Texas 78589

### B. Trip Generation Calculation

The texts needed to complete this table are available at the Planning Department. See back of sheet for more information.

ITE Code	Anticipated Land Use	Project Size			AM Peak Hour Trips	PM Peak Hour Trips
		Acres	GFA	# of Units		
522	Middle School			200	108	62

Comments: Charter School - Former Federal Office Building

Prepared by: Dannenbaum Engineering - Steven L. McGarraugh Date: October 30, 2013

Address: 1109 Nolana Avenue - Suite 208 Phone Number: (956) 682-3677

McAllen, Texas 78504

### (For Official Use Only, Do Not Write In This Box)

A traffic impact analysis is required. The agent preparing the study must meet with City staff to discuss the scope and requirements of the study before beginning the study.

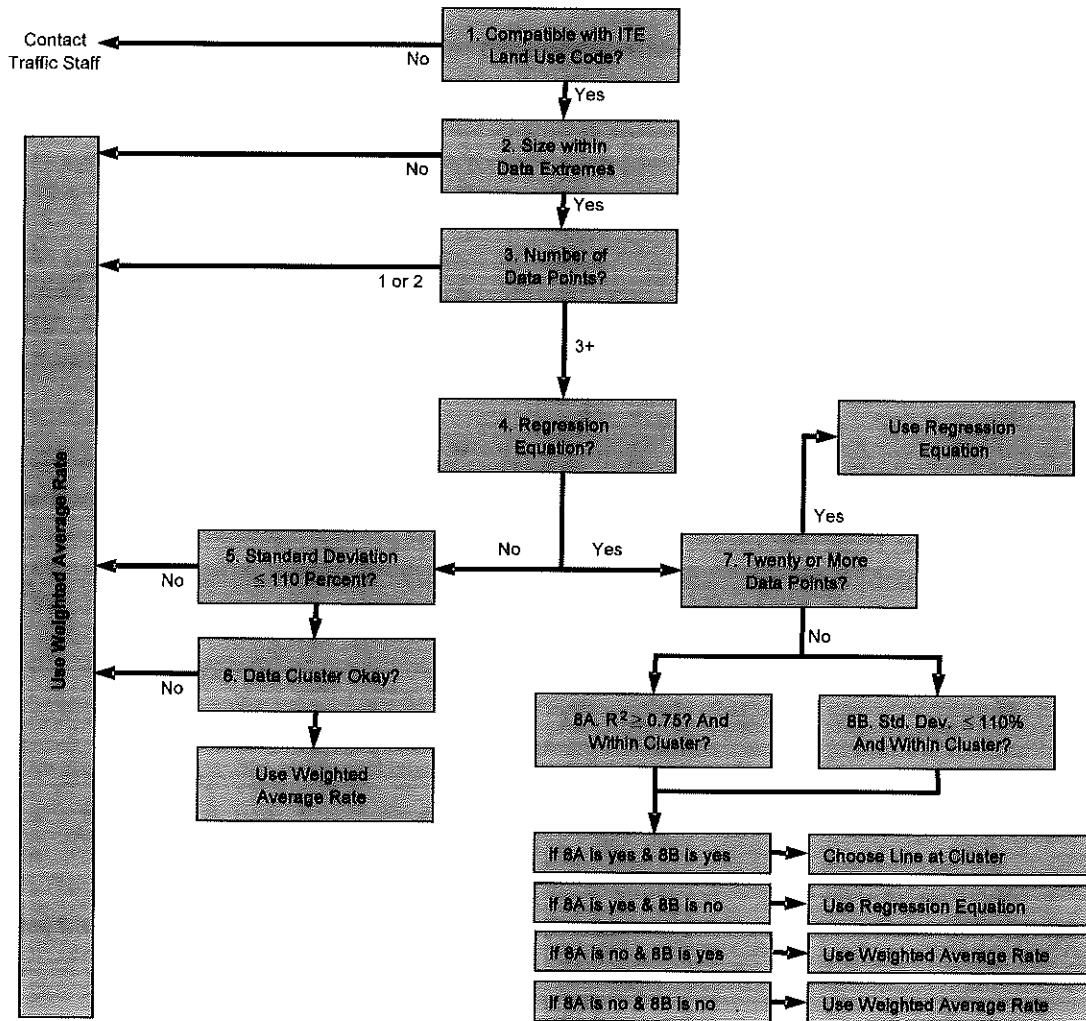
A traffic impact analysis is **not required**. The traffic generated by the proposed development does not exceed the threshold requirements.

Comments:  
 \_\_\_\_\_  
 \_\_\_\_\_

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_ STID#: \_\_\_\_\_



## Recommended Procedure for Selecting Between *Trip Generation* Average Rates and Equations



*Adopted from ITE Trip Generation Handbook*

**City of McAllen**  
**Traffic Operations Department**  
 210 N. 20<sup>th</sup> St.  
 McAllen, TX 78501-0220  
 P.O. Box 220  
 McAllen, TX 78501  
 (956) 681-2700  
 (956) 681-2719 (fax)

# Traffic Circulation Plan



Datepalm Avenue

Proposed  
Horizon Montessori  
Middle School

Student  
Drop-off and  
Pick-up

N. Main Street

Existing  
driveway to  
be closed

Proposed entrance  
driveway (designed  
for right-turn only)

Approximately 1000 linear  
feet for vehicular stacking

Traffic cones to be  
placed by school  
during drop-off and  
pick-up hours

Existing  
driveways to  
be closed

N. Broadway Street

Cedar Avenue



previous plan

**DANNENBAUM ENGINEERING COMPANY – McALLEN, LLC**  
1109 NOLANA AVENUE, SUITE 208 McALLEN, TEXAS 78504 (956) 682-3677

December 31, 2013

City of McAllen  
Planning Department  
311 North 15<sup>th</sup> Street  
McAllen, Texas 78501

**ATTN:** *Ms. Maria Garcia*

**REF:** *Horizon Montessori School – 320 North Main Street*

**SUBJ:** *Conditional Use Permit*

Dear Ms. Garcia,

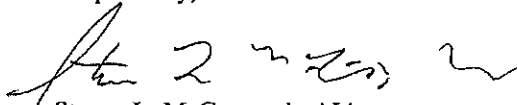
Dannenbaum Engineering and our client South Texas Educational Technologies, Inc. – Horizon Montessori School, located at 320 North Main Street have submitted for another year on our Conditional Use Permit for the middle school located in the former federal office building. As you are aware, we are currently remodeling the second floor of the building to increase the number of classrooms and support facilities.

We have been discussing options with our client in order to decrease the number of cars stacked at any particular time during student drop-off and pick-up. The afternoon traffic stacking is already very low and contained to the property in that the after school program allows students to be picked up as late as 6:00 p.m. The current morning student drop-off is a 30 minute time period. We are discussing extending the morning drop-off period to 45 minutes, an increase of fifty percent, at the beginning of the 2014/2015 school year when the second floor begins operation. We believe that the increased drop-off time will significantly impact the stacking distance which is currently normally kept on the subject property and always within the agreed stacking length and pattern.

We respectfully request that the submitted new stacking patterns be reviewed and considered. Though we believe with the extended drop-off time frame the traffic will still be kept within the original approved drop-off length and pattern, this will give an approved extension of the pattern to be followed by the parents and school officials to maintain safe and orderly student drop-off. It is our belief that student pick-up in the afternoon will not exceed the original approved stacking distance and pattern.

Should you have questions after reviewing the information, please contact me at (956) 456-9828.

Respectfully,



Steven L. McGarraugh, AIA  
Project Manager

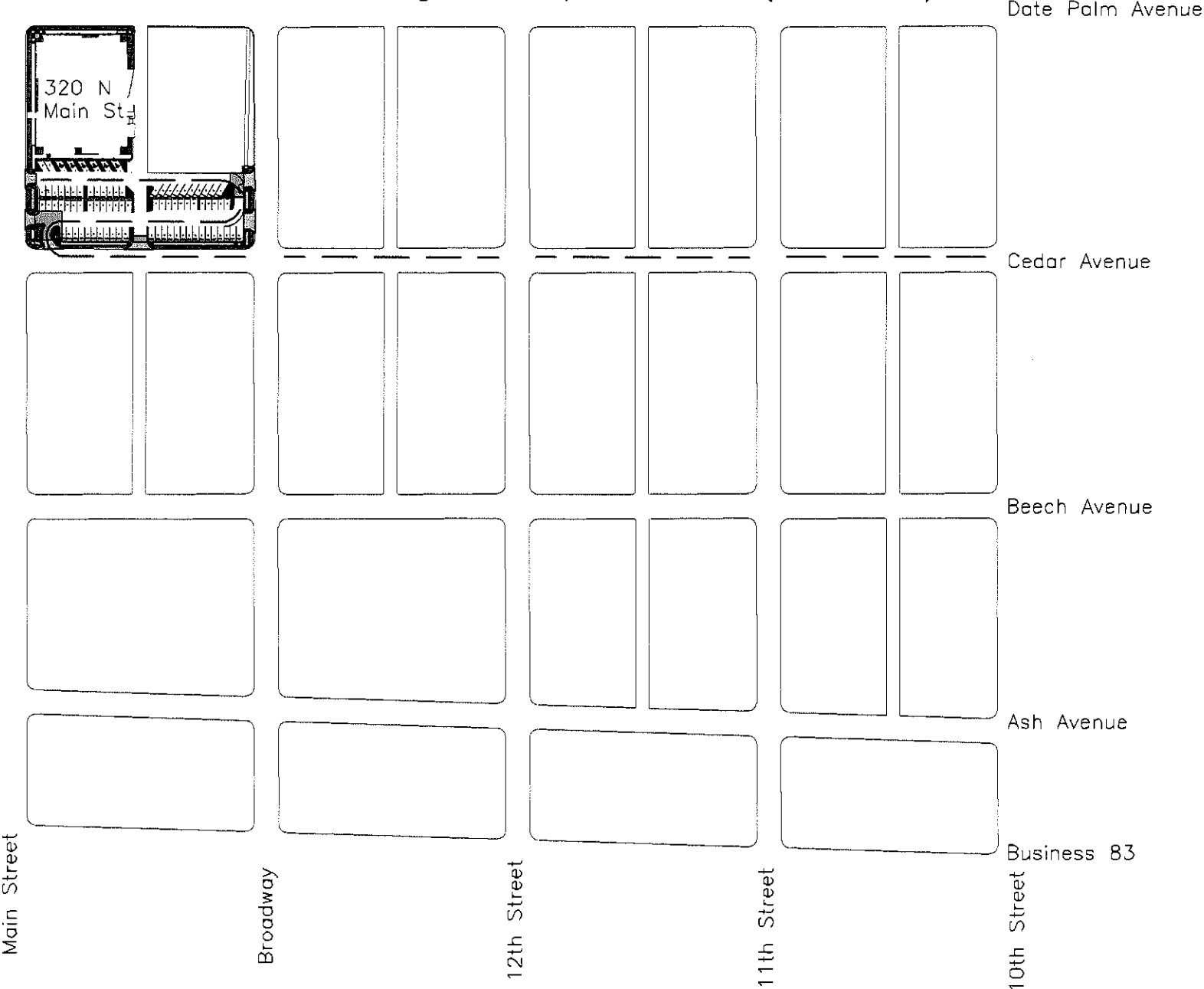
Attachments: Traffic Stacking Options 1, 2, and 3

cc: File: 4631-01  
Richard D. Seitz, P.E. – Dannenbaum Engineering

# 320 North Main Street

## Conditional Use Permit

### Stacking Plan Option A (1,900 I.f.)

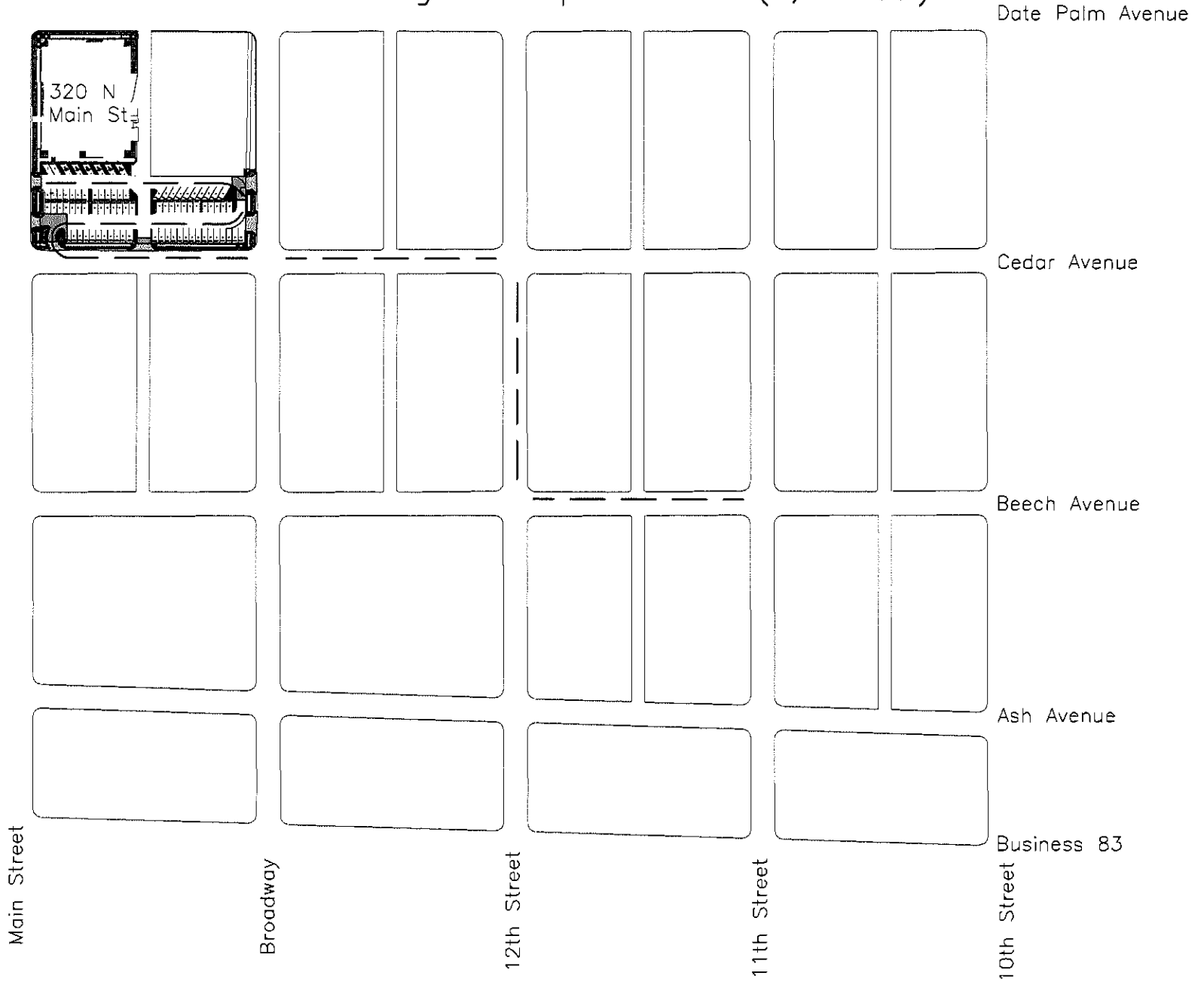


# 320 North Main Street

Conditional Use Permit

Stacking Plan Option B

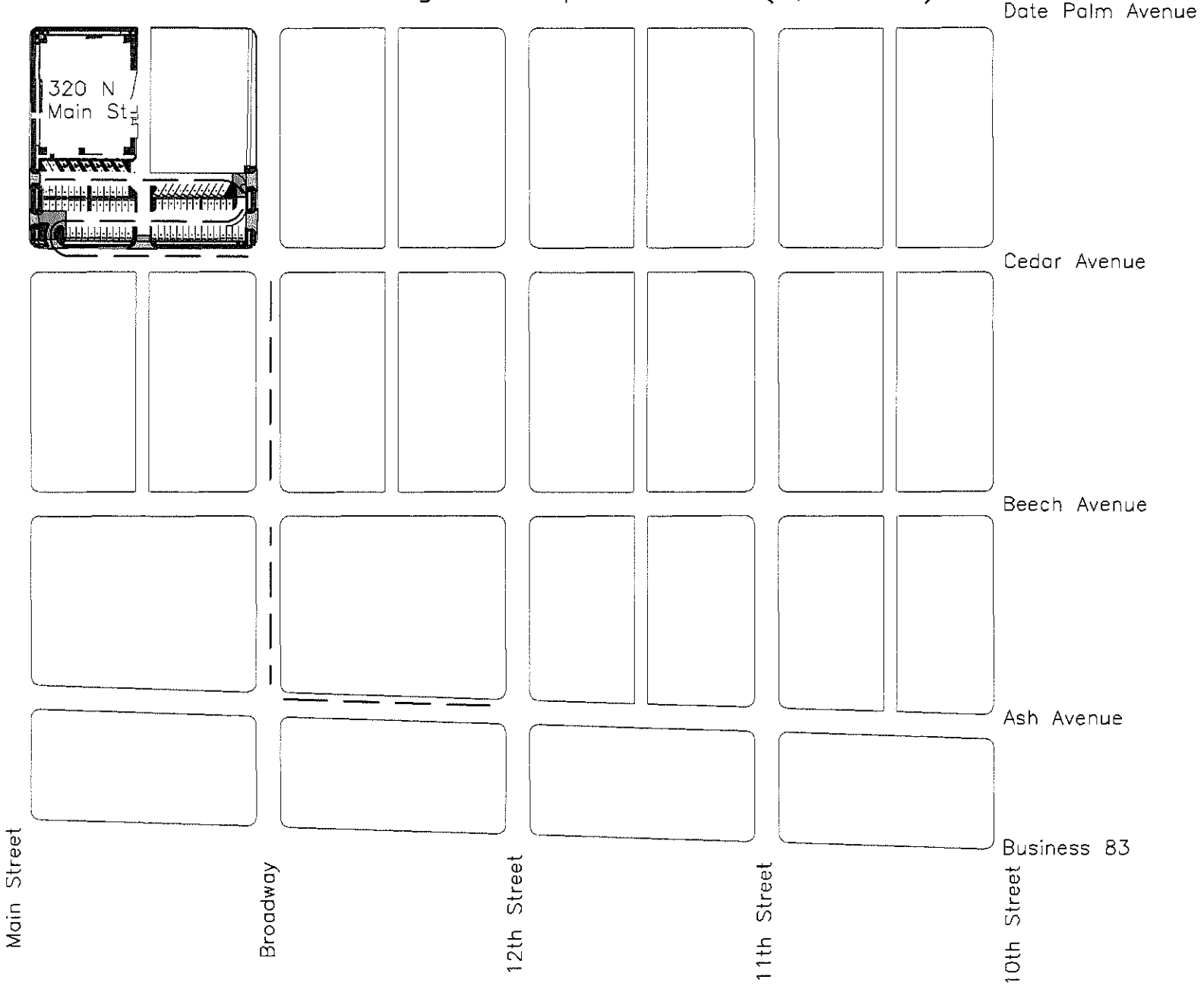
(1,865 l.f.)



# 320 North Main Street

Conditional Use Permit

Stacking Plan Option C (1,750 I.f.)



CUP 2013-0190

**DANNENBAUM ENGINEERING COMPANY – McALLEN, LLC**  
1109 NOLANA AVENUE, SUITE 208 McALLEN, TEXAS 78504 (956) 682-3677

January 13, 2014

City of McAllen  
Planning Department  
311 North 15<sup>th</sup> Street  
McAllen, Texas 78501

**ATTN: Ms. Julianne R. Rankin – Planning Director**  
**REF: Horizon Montessori School – 320 North Main Street**  
**SUBJ: Conditional Use Permit**

Dear Ms. Rankin,

Dannenbaum Engineering and our client South Texas Educational Technologies, Inc. – Horizon Montessori School, located at 320 North Main Street have submitted for another year on our Conditional Use Permit for the middle school located in the former federal office building. As you are aware the request was rejected at the January 7, 2014 meeting of the Planning and Zoning Commission.

We respectfully request that our application for an additional year on our Conditional Use Permit be appealed to the next City Commission meeting for consideration.

Please provide confirmation that our item has been accepted for the next meeting date. Should you have questions after reviewing this information, please contact me at (956) 456-9828.

Respectfully,



Steven L. McGarraugh, AIA  
Project Manager

cc: File: 4631-01  
Richard D. Seitz, P.E. – Dannenbaum Engineering

**RECEIVED**  
JAN 16 2014  
Initial:



320



**NOTICE  
INSTITUTIONAL  
For  
This Property  
CUP2013-0190**

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





**ITEM SUMMARY**

BOARD: City Commission

AGENDA ITEM

1A.6

DATE SUBMITTED

01/21/2014

MEETING DATE

01/27/2014

1. Agenda Item: Request of Havana Club and Grill, appealing the decision of the & Zoning Commission of the January 07, 2014 meeting, denying a Conditional Use Permit, for one year, for a nightclub at Lot 3, Lone Star National Bank Subdivision, Hidalgo County, Texas; 500 East Nolana Avenue.
2. Party Making Request: Caribe Investments, LLP DBA Havana Club and Grill
3. Nature of Request: Request of Havana Club and Grill, appealing the decision of the & Zoning Commission of the January 07, 2014 meeting, denying a Conditional Use Permit, for one year, for a nightclub at Lot 3, Lone Star National Bank Subdivision, Hidalgo County, Texas; 500 East Nolana Avenue
4. Fiscal Impact Summary:
5. Budgeted:
 

Bid Amount: _____	Budgeted Amount: _____
Under Budget: _____	Over Budget: _____
	Amount Remaining: _____
6. Routing:
 

Perez, Gardenia	Created/Initiated - 01/21/2014
Rankin, Julianne	Approved - 01/21/2014
Rodriguez, Roel	Approved - 01/21/2014
Pagan, Kevin	Final Approval - 01/21/2014
7. Staff Recommendation: Disapproval of the request based on non-compliance with the requirement #1 (distance) of Section 138-118(4) of the Zoning Ordinance.
8. Advisory Board: With a favorable recommendation to grant the variance to the distance requirement.
9. City Attorney: Approved - KDP
10. Manager's Recommendation: approve...mrp

## Memo

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

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

**DATE:** January 20, 2014

**SUBJECT: REQUEST OF CARIBE INVESTMENTS, LLP DBA HAVANA CLUB AND GRILL, APPEALING THE DECISION OF THE PLANNING AND ZONING COMMISSION OF THE JANUARY 7, 2014 MEETING, DENYING A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A BAR AT LOT 3, LONE STAR NATIONAL BANK SUBDIVISION; 500 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.

**DESCRIPTION:**

The property is located on the south side of East Nolana Avenue, 635 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 include retail, offices, multi-family apartments and vacant land. A bar is allowed in a C-3 zone with a conditional use permit.

The initial Conditional Use Permit was approved by The City Commission on May 29, 2007 with a variance to the distance requirement. The permit has been renewed annually and the last permit approved by the City Commission was on September 26, 2011.

The applicant is proposing to continue to operate a bar and grill (Havana Club & Grill). The hours of operation are from 11:00 A.M. to 2:00 A.M. seven days a week.

A police report was requested for service calls from December 2012 to present (see attached). The Health and Fire Departments need to inspect the establishment for compliance with health and safety codes and regulations. 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. from the nearest residence and residentially zoned property;

- 2) The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The establishment is located on a major arterial, East Nolana Avenue, and does not generate traffic into residential areas;
- 3) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum, and make provisions to prevent the use of adjacent streets for parking. Based on the square footage and use of the building, 119 parking spaces are required and 127 are provided;
- 4) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties. An 8 ft. wall is provided;
- 5) The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;
- 6) The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
- 7) The above mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director. The allowable number of persons for the bar has been set at 93 persons.

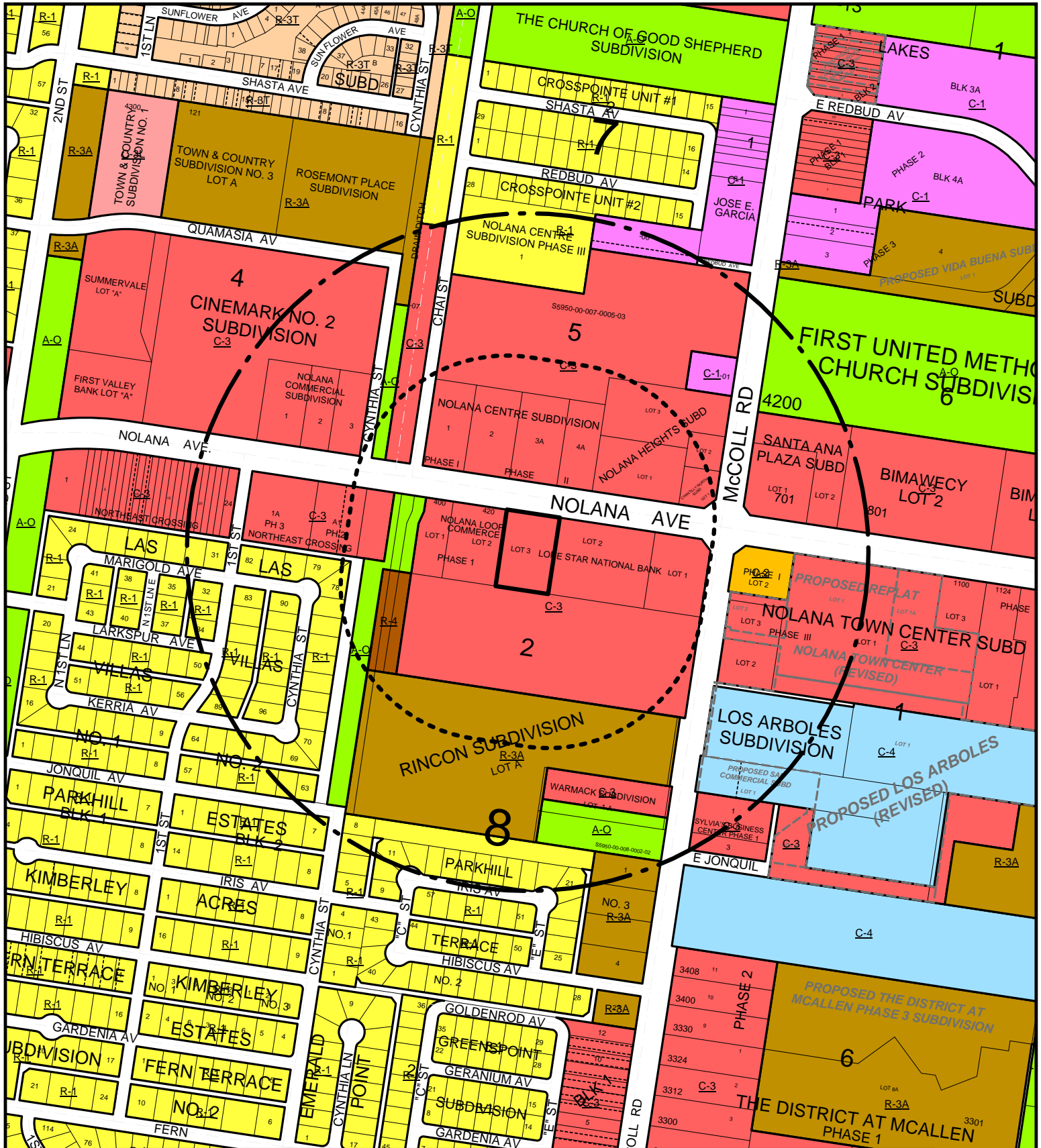
**OPTIONS:**

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

**RECOMMENDATION:**

This item was heard at the January 7, 2014 Planning and Zoning Commission meeting. There was no one present to speak in opposition. The applicant was present.

Being no discussion, the board unanimously voted to disapprove the conditional use permit based on noncompliance with requirement #1 (distance) of Section 138-118(4) of the Zoning Ordinance, but with a favorable recommendation to grant the variance to distance requirements. There were five members present, four voting and one abstention. The applicant submitted a letter of appeal.



**CITY OF McALLEN**  
PLANNING DEPARTMENT

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

SUBJECT PROPERTY

600 FT. NOTIFICATION BOUNDARY

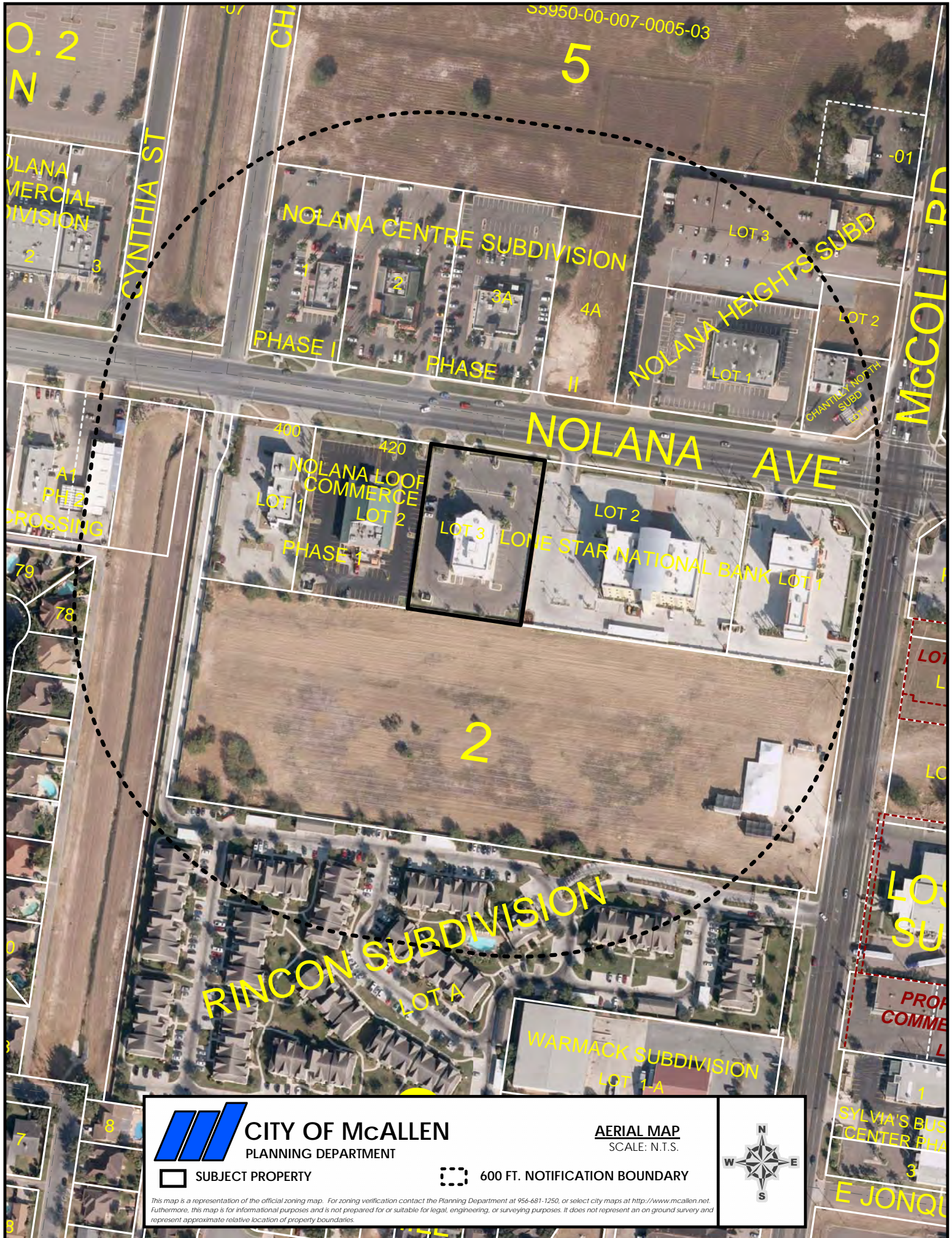
1/4 MILE RADIUS



**ZONING LEGEND**

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

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



35950-00-007-0005-03

O. 2  
N

5

NOLANA  
COMMERCIAL  
DIVISION

CYNTHIA ST

NOLANA CENTRE SUBDIVISION  
PHASE I  
PHASE II

NOLANA HEIGHTS SUBD  
LOT 1  
LOT 2  
LOT 3

McCOLL BLVD

NOLANA AVE

A1  
PH 2  
CROSSING

400 420  
NOLANA LOOP  
COMMERCE  
LOT 1  
LOT 2  
PHASE 1

LOT 3

LOT 2  
LONE STAR NATIONAL BANK LOT 1

2

RINCON SUBDIVISION  
LOT A

WARMACK SUBDIVISION  
LOT 1A

LOT  
SU

PROP  
COMME


SYLVIA'S BUS  
CENTER PHA

E JONQU

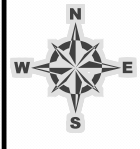


**CITY OF McALLEN**  
PLANNING DEPARTMENT

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

 SUBJECT PROPERTY

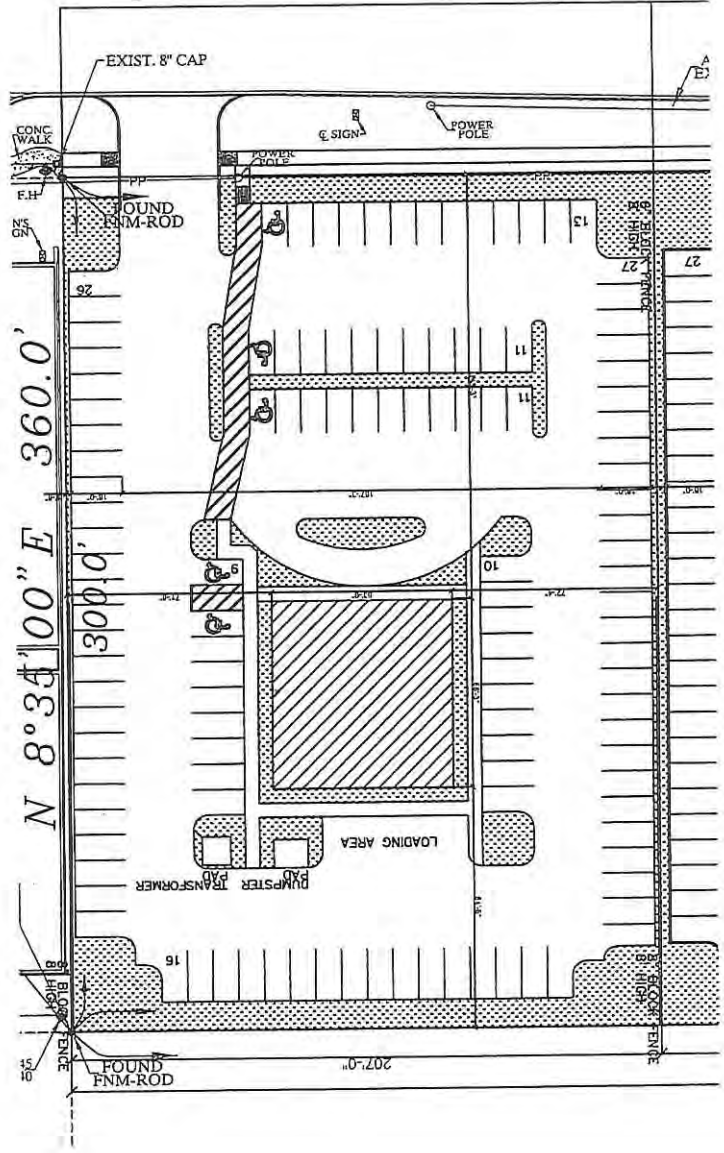
 600 FT. NOTIFICATION BOUNDARY



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PROJECT: McAllen, TX.  
 TITLE: SITE PLAN PRELIMINARY PLAN  
 REVISIONS: BY

A-Z



- 1. BUILDING AREA: 8,316 S.F.
  - 2. PARKING REQUIRED: 111 P.S.
  - 3. PARKING PROVIDED: 123 P.S.
  - 4. LANDSCAPING REQUIRED: 6,210.0 S.F.
  - 5. LANDSCAPING PROVIDED: 8,771.8 S.F.
  - 6. PROPERTY AREA: 62,100 S.F.
- BAR:

# HAVANA CLUB

MCALLEN, TEXAS

DESIGN CONSULTANT

**Duncan Design Group**

4801 Beeching Street  
Dallas, Texas 75227  
P: (479) 446-6200  
F: (479) 446-6400

ISSUE:

03-20-01 CONCEPT 1

REVISIONS:



DATE:

03-22-01

PROJECT #:

PROJECT COORDINATOR: TYLER DUNCAN

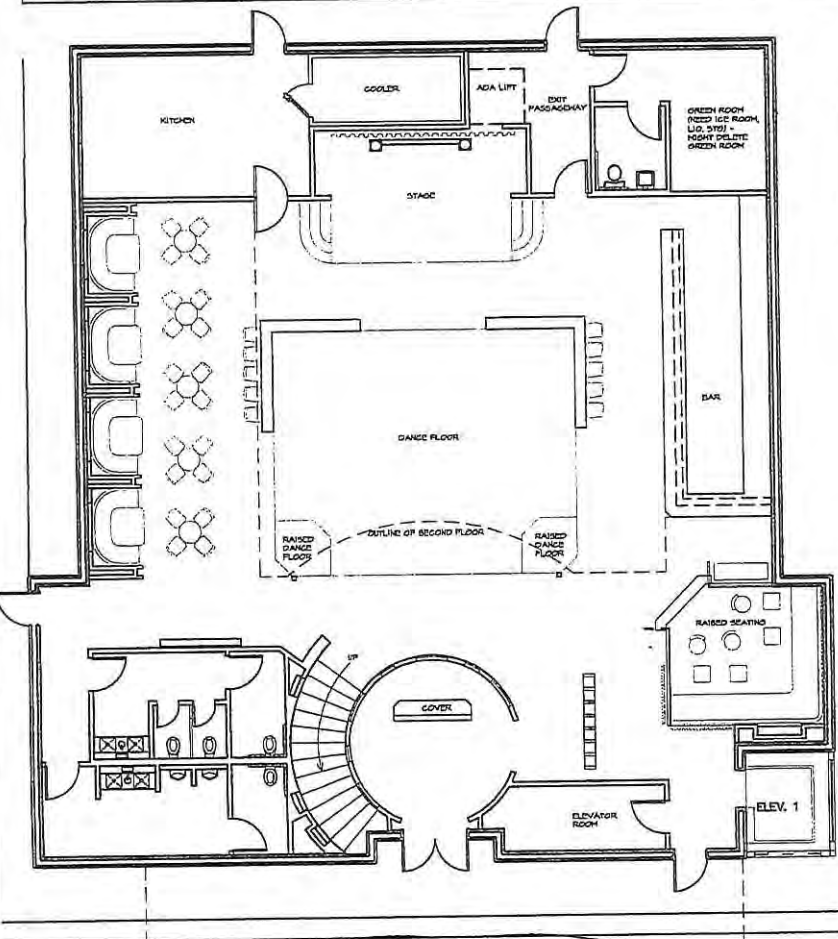
SHEET NAME:

PRELIMINARY FURNITURE PLAN (1ST & 2ND LEVEL)

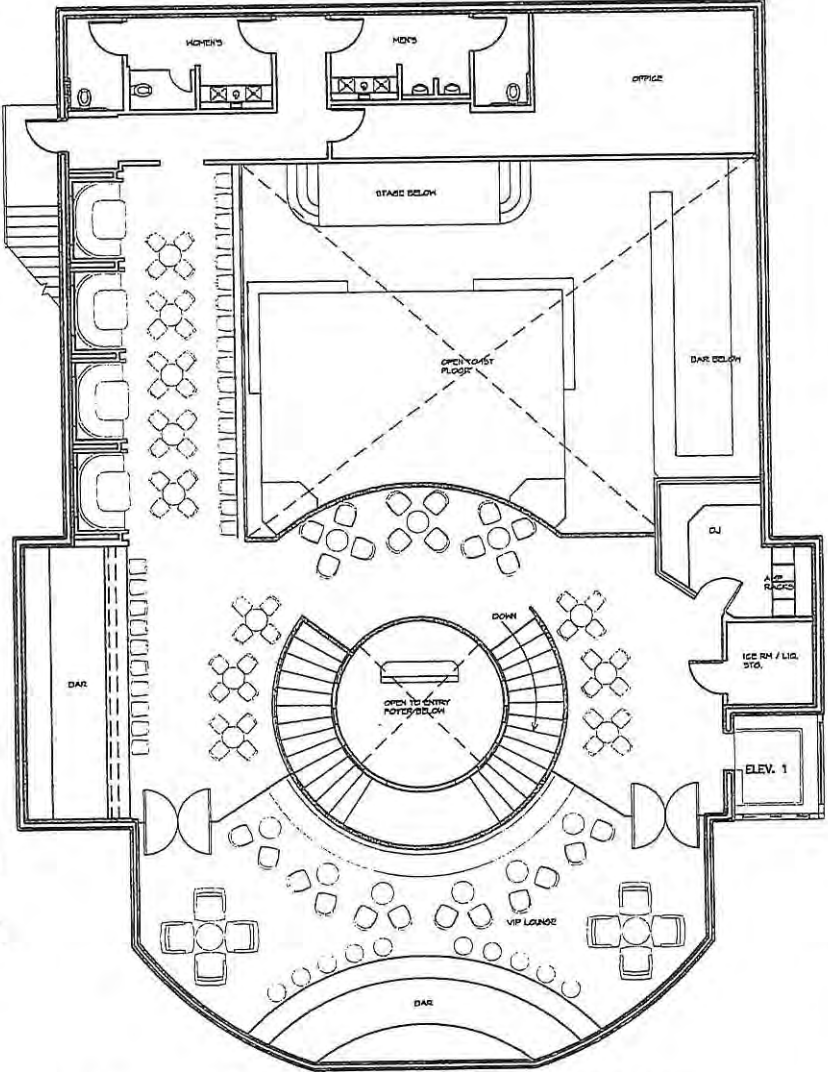
SHEET:

**ID1.0**

NOT FOR CONSTRUCTION



**01 1ST FLOOR - PRELIMINARY FLOOR PLAN**  
SCALE: 3/32" = 1'-0"



**02 2ND FLOOR - PRELIMINARY FLOOR PLAN**  
SCALE: 3/32" = 1'-0"

4-Z

<u>DATE/TIME</u>	<u>INC#</u>	<u>Incident Type</u>
5/23/2013 8:47	2013-00046230	SERVICE
6/16/2013 2:21	2013-00053061	Police Services
11/5/2013 1:10	2013-00092113	POCS
1/24/2013 1:31	2013-00007577	Non-Codeable (Mcpd)
1/19/2013 0:43	2013-00005975	Non-Codeable (Mcpd)
11/22/2013 23:18	2013-00097007	MINOR ACC
4/12/2013 17:37	2013-00034790	MINOR ACC
11/5/2013 1:10	2013-00092113	Drug Offense Inside City Limits
1/3/2013 2:06	2013-00000751	Domestic Disturbance
7/20/2013 3:09	2013-00062690	CRIMINAL MISCHIEF
1/24/2013 1:31	2013-00007577	Criminal Investigation
1/19/2013 0:43	2013-00005975	Criminal Investigation
1/1/2013 2:11	2013-00000076	Criminal Investigation
12/21/2012 6:15	2012-00121364	Alarm Hold Up
10/25/2013 9:44	2013-00089022	Alarm Burglary
10/1/2013 16:36	2013-00082918	Alarm Burglary
5/29/2013 12:56	2013-00048011	Alarm Burglary
3/28/2013 5:07	2013-00030508	Alarm Burglary
11/22/2013 23:18	2013-00097007	Accident (No Offense)
4/12/2013 17:37	2013-00034790	Accident (No Offense)
2/23/2013 18:56	2013-00018346	Accident (No Offense)
2/21/2013 13:26	2013-00017479	Accident (No Offense)



McAllen, January 7<sup>th</sup>, 2014

City of McAllen

Planning and Zoning Commissions

McAllen, Texas 78501

**RE:** Request to Appeal the decision of the Planning and Zoning Commission at the January 7<sup>th</sup>, 2014 meeting denying a Conditional Use Permit, for one year, for a bar at Lot 3 Lone star National Bank Subdivision, 500 East Nolana.

Dear Sirs,

I would like to appeal the decision of the Planning and Zoning Commission in regards to the Conditional Permit request for Havana Club and Grill. The proposed business meets all the requirements set forth in section 138-118(4) of the Zoning ordinance, except that the property line is within 600 ft. of the nearest residence. However, there are multiple facts that I would like to point out to respectfully request a variance for this requirement:

- (1) Only 10% of the 600-ft circle around the property line is within residential areas, and not of all this 10% represents living areas. Specifically, 4 units from the Rincon Apartments and 2 *backyards* from Las Villas No. 2 subdivision lie within this 600 ft. radius. The actual distance to these 4 apartment units is over 450 ft and the one to the 32 backyards from Las Villas No. 2 is 590 ft.
- (2) The actual building is more than 600 ft from any residence. The only area within 600 ft. of a residence is the staff parking area, which does not generate any unusual noise.
- (3) The business design does not disrupt the character of adjacent residential areas.
- (4) It is highly unlikely that the establishment will generate noise heard in residential areas (not only after 10 PM, but at *anytime*) because of the following reasons:
  - a. The building material is concrete and steel.
  - b. The inside south and east building walls have two layers of sheetrock with GreenGlue in between (glue mixed with metallic particles, which transforms sound into heat).
  - c. There are no windows in the building's south, west or east sides.
  - d. The building has no glass walls at all.
  - e. The building has no open areas such as patio or outside tables.
  - f. The building has no open ceiling/roof.
  - g. The interior areas where music is heard have at least one wall separating them from the exterior walls (room-within-a-room principle of soundproofing).

RECEIVED

JAN 13 2014

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

(18)

- h. There is an 8-ft. concrete fence and palm trees in the south, west and east sides of the property line.
- i. The concrete fence has a "V" shape in between columns (pointing towards the building), which reduce the chance of any resonance that may be generated outside the building.
- j. There is already a 3-story concrete office building in the east side of the property and a 1-story restaurant building with a high roof in the west side.
- k. More importantly, there has not been any complaint about noise from this buisness for the last 5 years.

Furthermore, in compliance with Zoning Ordinance requirements, the business is well lighted, provides parking spaces required by city regulations and does not generate traffic into residential areas.

The building has security staff on site that makes sure all patrons leave the parking area when the hours of operation are over. We have security cameras inside and outside the building.

Please contact me if you need any further information in regards to this variance request.


Sincerely,



Benjamin Robalino

President of General Partner

Caribe Investments, LP, dba Havana Club and Grill

RECEIVED  
JAN 13 2014  
Initial: 

Large illuminated sign structure with a red LED display at the bottom.

H  
A  
V  
A  
N  
A  
CLUB



NOTICE  
NIGHT CLUB  
For  
This Property  
CUP2013-0230



**ITEM SUMMARY**

BOARD: City Commission

AGENDA ITEM

1B.1

DATE SUBMITTED

01/21/2014

MEETING DATE

01/27/2014

1. Agenda Item: Rezone from C-1 (office building) District to R-1 (single family residential) District: 0.17 acres out of Lot 1, Block 4, West Harvey Addition, Unit No. 1 & Unit No. 2, Hidalgo County, Texas; 2225 Daffodil Avenue. TABLED
2. Party Making Request: David O. Salinas
3. Nature of Request: Rezone from C-1 (office building) District to R-1 (single family residential) District: 0.17 acres out of Lot 1, Block 4, West Harvey Addition, Unit No. 1 & Unit No. 2, Hidalgo County, Texas; 2225 Daffodil Avenue.
4. Fiscal Impact Summary:
5. Budgeted:
 

Bid Amount:		Budgeted Amount:	
Under Budget:		Over Budget:	
		Amount Remaining:	
6. Routing:
 

Perez, Gardenia	Created/Initiated - 01/21/2014
Rankin, Julianne	Approved - 01/21/2014
Rodriguez, Roel	Approved - 01/21/2014
Pagan, Kevin	Final Approval - 01/21/2014
7. Staff Recommendation: Applicant wishes to withdraw rezoning request.
8. Advisory Board: approve..mrp
9. City Attorney: N/A - KDP
10. Manager's Recommendation: Disapprove request..mrp

## **Memo**

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

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

**DATE:** January 6, 2014

**SUBJECT: REZONE FROM C-1 (OFFICE BUILDING) DISTRICT TO R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT: 0.17 ACRES OUT OF LOT 1, BLOCK 4, WEST HARVEY ADDITION, UNIT NO. 1 & UNIT NO. 2, HIDALGO COUNTY, TEXAS; 2225 DAFFODIL AVENUE. (REZ2013-0035)**

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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 at the southeast corner of Daffodil Avenue and North 23<sup>rd</sup> Street. The tract has 63.53 feet of frontage along Daffodil Avenue and a depth and frontage along North 23<sup>rd</sup> Street of 120 feet for a tract size of 7,624 square feet or 0.17 acres. The property was zoned to R-1 (single family residential) District during comprehensive zoning in 1979. It was rezoned to C-1 (office building) District in 2005 and a single family residence was converted to an office for engineering services for the lot to the east. There have been no other rezoning requests for this property since that time. The property provides five parking spaces for Salinas Engineering & Associates located on the lot to the east and landscaped with a perimeter fence. The applicant is requesting R-1 (single family residential) District to reduce property taxes.

The adjacent zoning is C-1 (office building) District to the east, C-3L (light commercial) District to the north across Daffodil Avenue, and C-3 (general business) District to the west across North 23<sup>rd</sup> Street and R-1 (single family residential) District to the south. The tract to the northwest at North 23<sup>rd</sup> Street and Daffodil Avenue was rezoned to C-3 (general business) District in 2001 and was developed as Daffodil Medical Plaza. The property to the north across Daffodil Avenue was disapproved for C-3 (general business) District in 2013 and alternatively approved for C-3L (light commercial) District and is the site for Cris Plaza. Surrounding land uses are Salinas Engineering and Associates, Cris Plaza, Melrose, Rent-A-Center, Santa Fe Plaza, single family residential.

- The requested zoning conforms to the Auto Urban Residential land use designation for the area as indicated on the Foresight McAllen Comprehensive Plan. The applicant is requesting R-1 (single family residential) District which allows for residential use.
- C-1 (office building) District zoning is the most restrictive commercial zoning that allows office uses for professional, medical and financial services and personal services such as beauty salons, day care and nursing home. The maximum height for buildings within C-1

District is 2 stories.

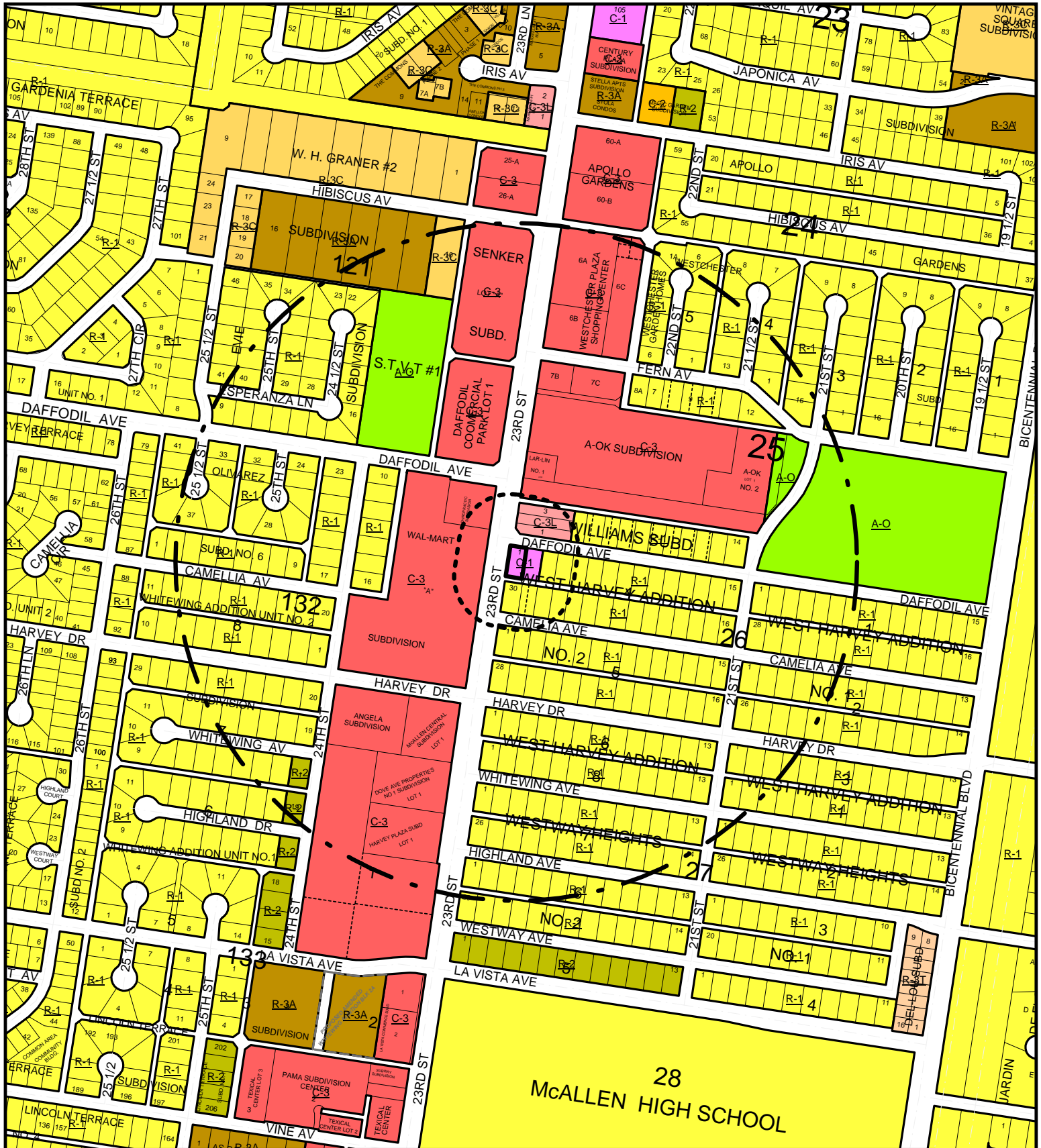
- A Conditional Use Permit (CUP) for a parking lot in a residential zone is required.
- An 8 foot masonry wall is required where a nonresidential use has a side adjacent to a residential use or district.
- Property taxes may be reduced from \$1,286 to \$567 or a difference of \$719.
- The rezoning removes the office use from the 23<sup>rd</sup> Street commercial corridor and creates an island of commercial surrounded on three sides by single family zoning.
- The proposed zoning pattern may promote similar commercial rezoning requests of residential properties that are not adjacent to thoroughfares.

**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:**

Staff recommends disapproval of R-1 (single family residential) District.



**CITY OF McALLEN**  
PLANNING DEPARTMENT

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

SUBJECT PROPERTY	200 FT. NOTIFICATION BOUNDARY	1/4 MILE RADIUS
------------------	-------------------------------	-----------------

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

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AREA MAP



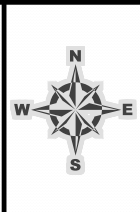


**CITY OF McALLEN**  
PLANNING DEPARTMENT

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

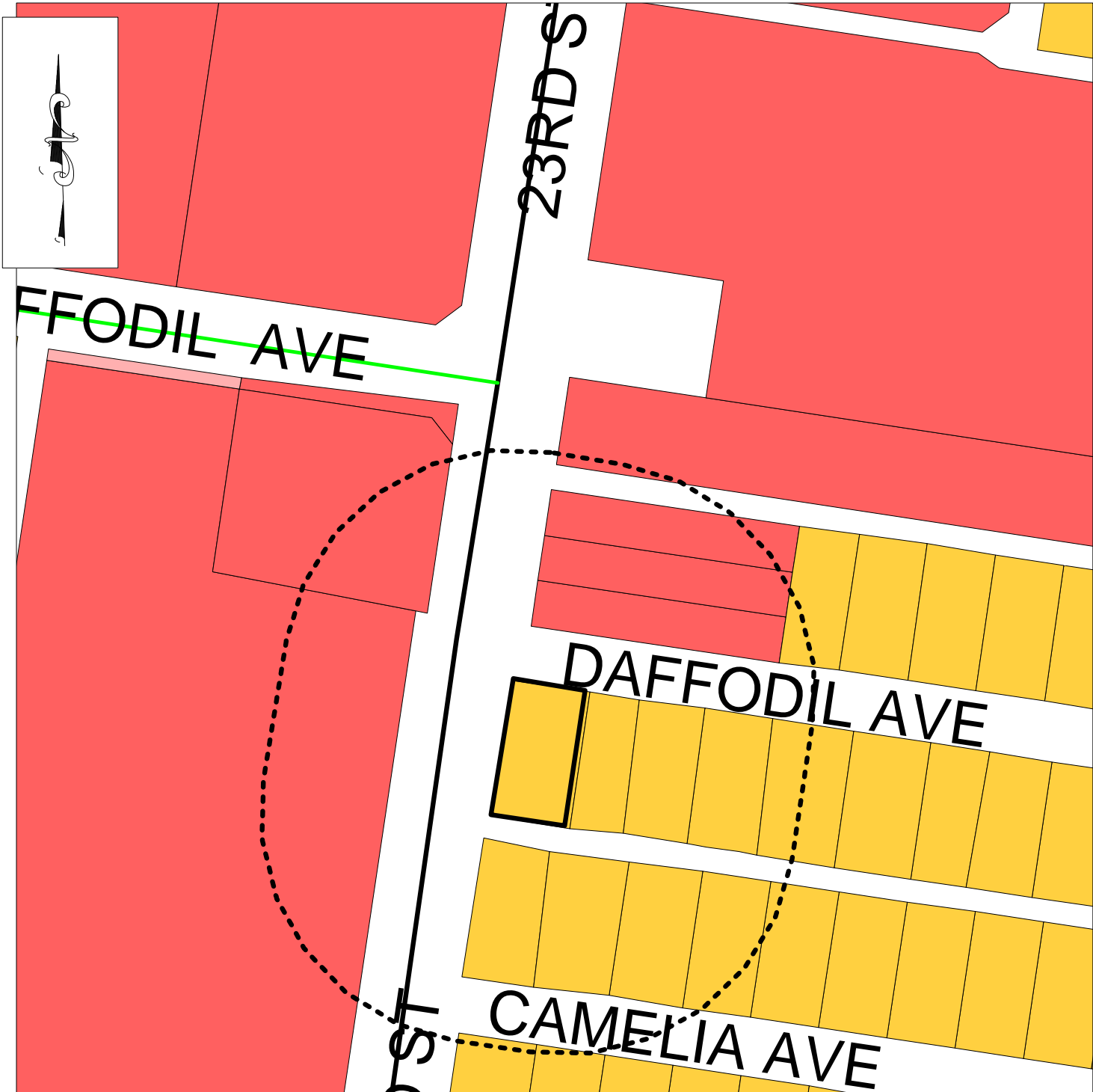
 SUBJECT PROPERTY

 200 FT. NOTIFICATION BOUNDARY



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RVEY



**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

LEGEND

- FOUND 1/2" IRON ROD
- SET 1/2" IRON ROD
- ⊗ IRRIGATION VALVE
- ⊞ SPEED LIMIT SIGN
- ⊞ TELEPHONE PEDESTAL
- ⊞ WATER METER
- R.O.W. RIGHT OF WAY
- P-B PROPERTY LINE TO BACK OF CURB
- B-B BACK OF CURB TO BACK OF CURB
- H.C.M.R. HIDALGO COUNTY MAP RECORDS
- M.B.S.L. MINIMUM BUILDING SETBACK LINE

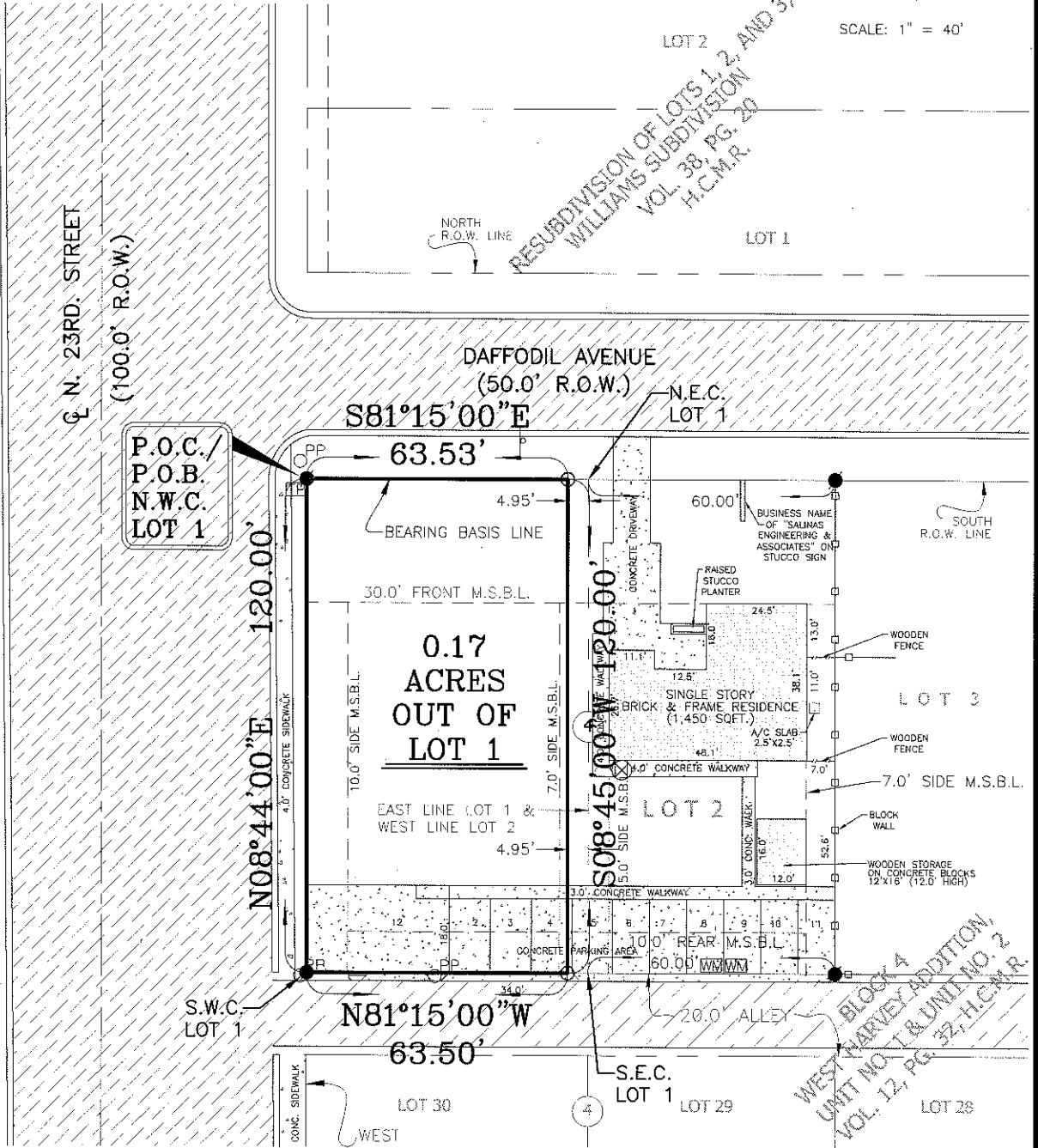
**SALINAS ENGINEERING & ASSOCIATES  
CONSULTING ENGINEERS & SURVEYORS**  
1013 SYCAMORE - MCALLEN, TEXAS  
(956) 682-9081 (956) 686-1489 (FAX)  
dsalinas.sea@sbcglobal.net

SCALE: 1" = 40'

CHIROPRACTIC CENTER  
VOL. 34, PG. 58 B  
H.C.M.R.

WAL MART SUBDIVISION  
VOL. 24, PG. 171 B  
H.C.M.R.

WEST R.O.W. LINE



**GENERAL PLAT NOTES:**

1. Bearing Basis: North line of Lot 1, West Harvey Addition, Unit No. 1 & Unit No. 2, An Addition to the City of McAllen, Hidalgo County, Texas.
2. This survey was prepared without the benefit of a title policy. The research of any easements is not within the scope of this boundary/improvement survey. Any easement shown herein were taken directly from the plat of record. This survey is for the exclusive use of the client named hereon and may not be copied or transferred to another party without the express written consent of the surveyor.
3. There are no discrepancies, conflicts, excesses or shortages in area, encroachments or any overlapping improvements, visible or apparent easements except as shown or noted hereon.
4. The surveyor has made no attempt to locate or define wetlands, hazardous waste areas, habitats, endangered species or any other environmentally sensitive areas on the tract of land shown hereon; Nor does this survey make any representations of being an environmental assessment of the tract of land shown hereon.
5. The surveyor has made no attempt to locate or define archaeological sites, historical sites or undocumented cemeteries on the tract of land shown hereon; Nor does this survey make any representations of being an archeological or historical survey of the tract of land shown hereon.
6. The surveyor has made no attempt to locate abandoned, or plugged oil and gas wells, or any other wells on the tract of land shown hereon; Nor has the surveyor made any attempt to research same with the Railroad Commission of Texas or any other State agency; Nor has the surveyor investigated any mineral or royalty interests in the tract of land shown hereon.
7. This is a standard survey and does not include a subsurface utility or topographic investigation.
8. If this survey does not bear an original seal and signature it is INVALID as per Section 661.46 and Section 663.19 of the "The Professional Land Surveying Practices Act" enacted under Article 5282c, Vernon's Texas Civil Statutes.

WEST HARVEY ADDITION,  
UNIT NO. 1 & UNIT NO. 2  
VOL. 12, PG. 32, H.C.M.R.

**NOTICE  
REZONING  
For  
This Property  
REZ2013-0035**

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



**ITEM SUMMARY**

BOARD: City Commission

AGENDA ITEM  
DATE SUBMITTED  
MEETING DATE

1B.2  
01/21/2014  
01/27/2014

1. Agenda Item: Rezone from A-O (agricultural-open space) District to C-3 (general business) District: 3.25 acres out of Lot 6, Block 2, C.E. Hammond Subdivision, Hidalgo County, Texas; 4300 Pecan Boulevard. TABLED
2. Party Making Request: Sergio Licon
3. Nature of Request: Rezone from A-O (agricultural-open space) District to C-3 (general business) District: 3.25 acres out of Lot 6, Block 2, C.E. Hammond Subdivision, Hidalgo County, Texas; 4300 Pecan Boulevard.
4. Fiscal Impact Summary:
5. Budgeted:
 

Bid Amount:		Budgeted Amount:	
Under Budget:		Over Budget:	
		Amount Remaining:	
6. Routing:
 

Perez, Gardenia	Created/Initiated - 01/21/2014
Rankin, Julianne	Approved - 01/21/2014
Pagan, Kevin	Final Approval - 01/21/2014
7. Staff Recommendation: Disapproval
8. Advisory Board: Disapproval
9. City Attorney: Approve - KDP
10. Manager's Recommendation: Disapprove request and send back to to P&Z to consider a Conditional Use Permit with the zoning remaining AG along with conditions that will protect the neighborhood.

## **Memo**

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

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

**DATE:** November 6, 2013

**SUBJECT: REZONE FROM A-O (AGRICULTURAL-OPEN SPACE) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT: 3.25 ACRES OUT OF LOT 6, BLOCK 2, C.E. HAMMOND SUBDIVISION, HIDALGO COUNTY, TEXAS; 4300 PECAN BOULEVARD. (REZ2013-0032)**

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### **GOAL:**

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

### **BRIEF DESCRIPTION:**

The property is located along the north side of Pecan Boulevard 400 feet east of Bentsen Road. The tract has about 223 feet of frontage along Pecan Boulevard and a depth of 560 feet at its deepest point for a tract size of approximately 3.25 acres gross. A rezoning request in August 2009 for a 9.8 acre tract which included this subject property was withdrawn. A single family residence and accessory structures are located on the property. Physical features on the property include dense vegetation with numerous trees, a network of trails and a pond. A Conditional Use Permit (CUP) application and site plan for an event center has been submitted and is to be heard by the Planning and Zoning Commission at the meeting of November 5, 2013. A proposed one lot subdivision plat under the name of Quinta Luz has been submitted for the subject property and the Preliminary plat received approval at the Planning and Zoning Commission meeting of October 16, 2013.

The adjacent zoning is A-O (agricultural-open space) District to the north and west, R-1 (single family residential) District to the east, C-1 (office building) District to the east, and C-3 (general business) District to the south across Pecan Boulevard. A tract to the south with a depth of 300 feet was rezoned to C-3 (general business) District in June 2000 and was subdivided as Copperfield Estates Blocks A and B. A tract adjacent to the east was rezoned to C-1 (office building) District and a single family residence was converted into The Learning Tree Daycare Center. Two rezoning requests for C-3 (general business) District located to the west at the northeast and southeast corner of Bentsen Road and Pecan Boulevard were disapproved in 1998 and 1999. Surrounding land uses are single family residences, Nikki Rowe High School, Learning Tree Daycare Center, a church, VFW Post 8788, commercial uses and vacant land.

- The requested zoning does not conform to the Auto Urban Single Family land use designation for the area as indicated on the Foresight McAllen Comprehensive Plan.
- The development pattern along Pecan Boulevard is commercial along the frontage and residential to the rear of the property. The depth of commercial frontage varies in the area. Lot A in Druscilla Subdivision to the east has commercial depth of 120 feet. Lots 64 to 82 in Copperfield Estates to the south have a commercial depth of 270 feet. A tract north of Bentsen Heights to the west has a commercial depth of 600 feet.
- The buffer yard required in the proposed McAllen Development Code between Commercial General and Residential Suburban is 15 feet with 4 canopy trees, 3 undercanopy trees and 25 shrubs per 100 feet.
- Pecan Boulevard is designated as a principal arterial with 120 feet of right-of-way and is constructed with 4 travel lanes, a left turn lane, curb and gutter, streetlights and a posted speed limit of 45 miles per hour.
- Trees with a caliper of 20 inches or greater in commercial zones are protected and require a permit for removal
- An 8 foot masonry wall is required where a nonresidential use has a side adjacent to a residential use or district.
- A building permit is required prior to commercial occupancy of the existing residence in compliance with building setbacks, parking, landscaping, buffers and signage.
- 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. Disapprove the rezoning request and approve **C-3 District excluding the east 25 feet for a buffer yard.**
4. Disapprove the rezoning request.

#### **Planning and Zoning Commission meeting of October 16, 2013.**

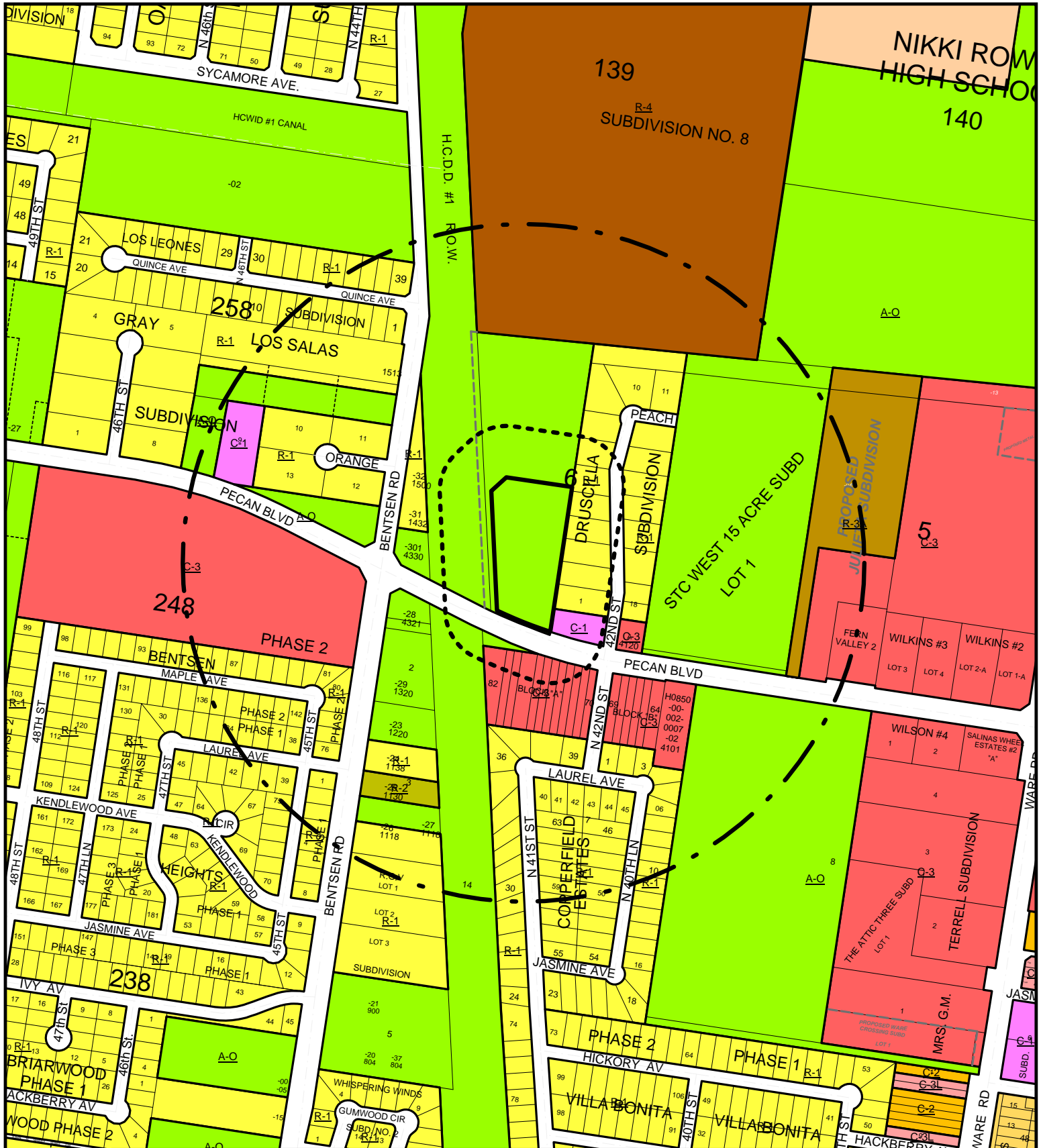
At the Planning and Zoning Commission meeting of October 16, 2013 several residents appeared in opposition of the rezoning request. Adrian Arriaga, 116 Bluebird Avenue, spoke in favor of the rezoning request and stated that this location is used as a weekend retreat and the applicant proposes an event center that will hold exclusive events and children's parties. He indicated that the hours of operation have not been established. Terry Keelin, 1313 North 42<sup>nd</sup> Street, stated the concerns by neighbors involved calls to the police department regarding loud music, trash thrown over the fence and event attendees who climb the fence and overlook into their rear yard. He indicated that this location has been used in a commercial manner such as weddings and parties for at least two years. He commented that you could google Quinta Luz and obtain more information on availability. He also presented copies of past print advertisements for this business. He submitted a petition with signatures from neighbors who were in opposition to the rezoning request. Subsequent to the meeting, calculations of property ownership area within 200 feet of the subject property were 24.2%. Cynthia Reyes, 1405 North 42<sup>nd</sup> Street, stated additional concerns were in reference to loud music that continues at times until 3 AM even after police respond to loud music complaints. The Board then voted to table the rezoning request until the meeting of November 5, 2013 so that it may be heard at the same meeting that a Conditional Use Permit (CUP) request for this location is to be heard. The request was tabled with four members present and voting.

### **Planning and Zoning Commission meeting of November 5, 2013.**

At the Planning and Zoning Commission meeting of November 5, 2013 several residents appeared in opposition of the rezoning request. Terry Keelin, 1313 North 42<sup>nd</sup> Street commented that he along with other residents of the area was still opposed to rezoning the subject property to C-3 (general business) District. He cited concerns which included traffic, reduced privacy, and if the property was to be rezoned to C-3 District they would have no control over what businesses would be located on the subject property. He indicated that alcohol would be served at some of the functions if an event center were to be established. Cynthia Reyes, 1405 North 42<sup>nd</sup> Street, stated concerns with speed of traffic in the area. She stated that there should be a stop light not a yellow light at Bentsen and Pecan Boulevard. She stated that the applicant had been denied previously and questioned why they continued to have functions all this time. Attorney Mark Montalvo, speaking in favor of the rezoning request, compared the proposed project to Quinta Mazatlan. He stated small to medium size events are to be held and the size of the building limits attendance to approximately 150 persons. Mr. Montalvo made reference to a letter provided to the Board that summarized points of discussion during a neighborhood meeting held on November 2, 2013 between the applicant and several residents of the area. Chairman Leonel Garza III commented that at the Planning and Zoning Commission meeting of October 16, 2013 a person speaking in favor of the rezoning request had commented that previously parties had been held very infrequently. Attorney Montalvo commented that they were here to abide by the rules and reach agreement. Board member Godinez inquired of Mr. Montalvo if a lesser zoning would be acceptable. Mr. Montalvo replied that it might be acceptable but he would like to confer with the applicant. The Board then voted to recommend disapproval of the rezoning request with four members present and voting.

### **RECOMMENDATION:**

At the Planning and Zoning Commission meeting of November 5, 2013 the Board voted to recommend disapproval of the rezoning request. A petition submitted in opposition of the rezoning request comprised 24.2% of property ownership area within 200 feet of the subject property and requires for approval a favorable vote of three-fourths of all members of the Board of Commissioners.



**CITY OF McALLEN**  
PLANNING DEPARTMENT

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

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

**ZONING LEGEND**

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


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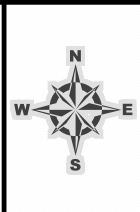


**CITY OF McALLEN**  
PLANNING DEPARTMENT

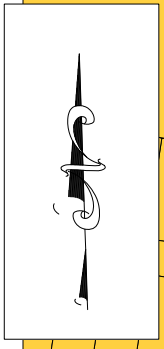
**AERIAL MAP**  
SCALE: N.T.S.

 SUBJECT PROPERTY

 200 FT. NOTIFICATION BOUNDARY



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**CITY OF McALLEN**  
PLANNING DEPARTMENT

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

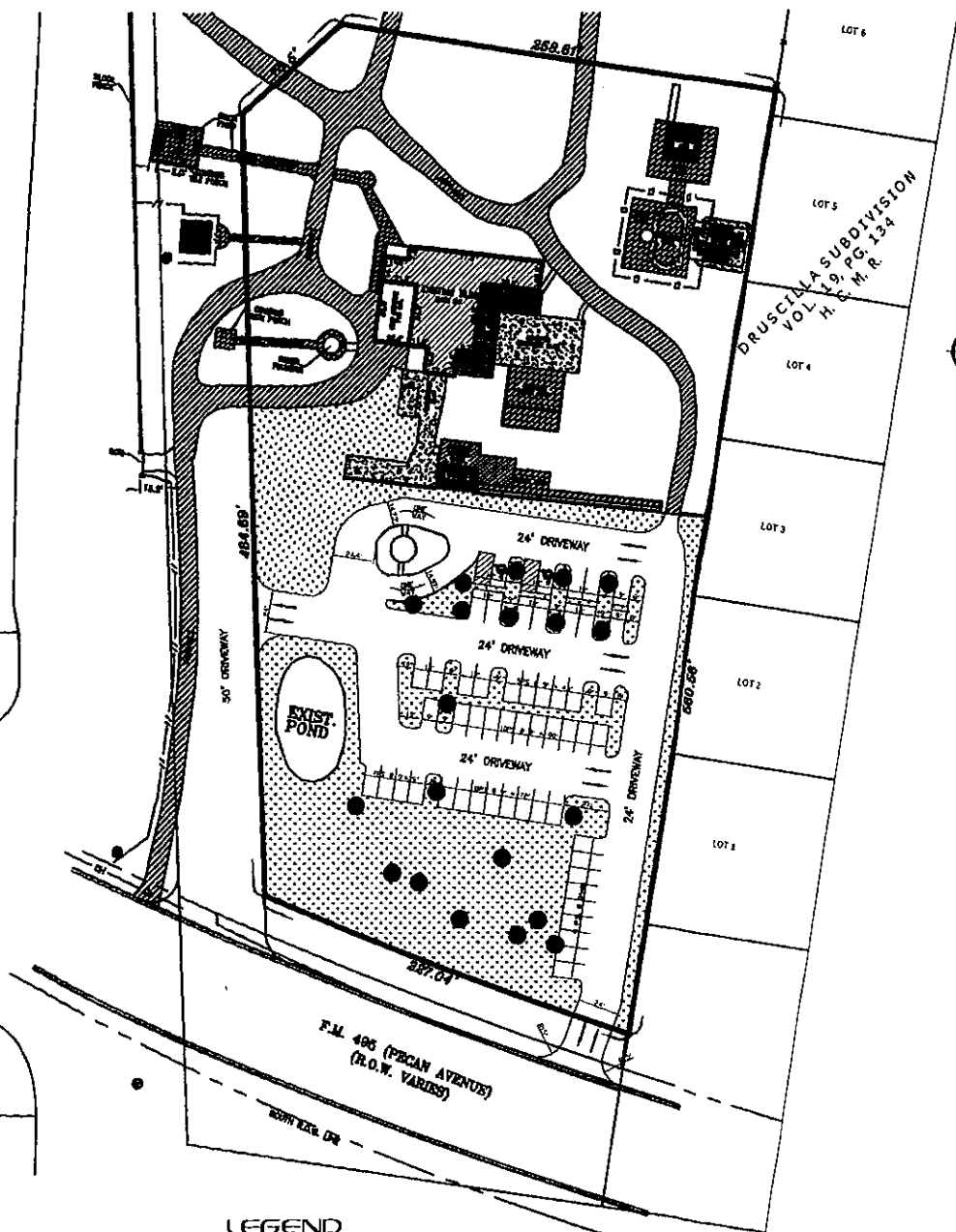
**FORESIGHT McALLEN COMPREHENSIVE PLAN**

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

DRAIN DITCH

DRAIN DITCH



**LEGEND**

TOTAL LAND AREA - 137,211 S.F. (3.14AC)  
 LANDSCAPE REQUIRED - 8,721 S.F.  
 LANDSCAPE PROVIDED - 36,143

TOTAL BUILDING AREA - 3,947 S.F.  
 PARKING SPACES REQUIRED - 53 P.S.  
 PARKING SPACES PROVIDED - 54 P.S.

**SITE PLAN**  
 OF  
 LOT 1  
 QUINTA LUZ  
 MCALLEN, TEXAS

**SITE PLAN**

DATE OF PREPARATION: SEPTEMBER 2013  
**MAST+E ENGINEERING LLC.**  
 CONSULTING ENGINEER  
 200 SOUTH 10 STREET, SUITE 100  
 MCALLEN, TEXAS 78101  
 TEL: (957) 437-1211  
 FAX: (957) 437-1212

SEP 30 2013



NOTICE  
REZONING  
For  
This Property  
REZ2013-0032  
City of McAllen Planning Dept - 681-1250  
www.mcallen.net



**ITEM SUMMARY**

BOARD: City Commission

AGENDA ITEM

1C.1

DATE SUBMITTED

01/21/2014

MEETING DATE

01/27/2014

1. Agenda Item: Request of Ernesto Lozano, appealing the decision of the Planning & Zoning Commission of the January 7, 2014 meeting, denying a Conditional Use Permit, for one year, for a nightclub at Lots 7 & 8, Citrus Grove Plaza Subdivision, Hidalgo County, Texas; 4037 Expressway 83, Suites 100, 105, and 110.
2. Party Making Request: Ernesto Lozano
3. Nature of Request: Request of Ernesto Lozano, appealing the decision of the Planning & Zoning Commission of the January 7, 2014 meeting, denying a Conditional Use Permit, for one year, for a nightclub at Lots 7 & 8, Citrus Grove Plaza Subdivision, Hidalgo County, Texas; 4037 Expressway 83, Suites 100, 105, and 110.
4. Fiscal Impact Summary:
5. Budgeted:
 

Bid Amount:		Budgeted Amount:	
Under Budget:		Over Budget:	
		Amount Remaining:	
6. Routing:
 

Perez, Gardenia	Created/Initiated - 01/21/2014
Rankin, Julianne	Approved - 01/21/2014
Rodriguez, Roel	Approved - 01/21/2014
Pagan, Kevin	Final Approval - 01/21/2014
7. Staff Recommendation: Disapproval of the request subject to non-compliance with requirement #1 (distance) of Section 138-118(4) of the Zoning Ordinance.
8. Advisory Board: With a favorable recommendation to grant the variance to the distance requirement and subject to the conditions such as providing security, alternate traffic control devices and/or personnel to direct traffic to the north of the Expressway and obtain from the city No parking signs along the north side of Colbath Road.
9. City Attorney: Approved - KDP
10. Manager's Recommendation: Approve with the restrictions as outlined by P&Z.....mrp

**Memo**

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

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

**DATE:** January 20, 2014

**SUBJECT: REQUEST OF ERNESTO LOZANO, APPEALING THE DECISION OF THE PLANNING AND ZONING COMMISSION OF THE JANUARY 7, 2014 MEETING, DENYING A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A NIGHTCLUB AT LOTS 7 AND 8, CITRUS GROVE PLAZA SUBDIVISION; 4037 EXPRESSWAY 83, SUITE 100, 105, AND 110.**

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**GOAL:**

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

**DESCRIPTION:**

The property is located on the north side of Colbath Road, approximately 990 ft. west of S. Ware Road and is zoned C-3 (general business) District. The adjacent zoning is C-3 to the north, east and west, and R-1 (single family residential) District to the south. Surrounding land uses include single family residential, commercial businesses and vacant land. A nightclub hall is allowed in a C-3 zone with a Conditional Use Permit and in compliance with requirements.

This property is part of Citrus Grove Plaza Subdivision, which was recorded in February 2012. A note on the plat states that a site plan must be approved by the Planning and Zoning Commission prior to building permit issuance. A revised site plan was approved by the Board on February 1, 2011. Based on the revised plan proposed by the applicant, revised site plan would be needed. This item was heard and tabled at the Planning and Zoning Commission meeting of October 16, 2013 in order to allow staff to verify the signatures and the percentage of opposition. Also, for staff to research if it's possible to block the entrance on Colbath Road during the hours of operation to avoid traffic issues. Staff reviewed the petition opposing the request and calculated that the percentage of the opposition based on a 200 ft. radius was 12.7%. The Planning and Zoning Commission disapproved the request with a favorable recommendation on November 5, 2013. The request was appealed and came before the City Commission on December 9, 2013. Based on the discussion of the request; (see update) the City Commission decided to return the item to the Planning and Zoning Commission for consideration of alternatives to gating the access/exit on Colbath Road.

Currently there is a vacant multi-tenant commercial building on the property for restaurants and retail lease spaces. There is a section of the building that will have two additional stories of office space as well. Based on the 33,425 sq. ft. of retail use 87 parking spaces are required, 19,995 sq. ft. of office use 100 parking spaces are required and 6,450 sq. ft. of restaurant use 86 parking spaces are required, for a total of 273 parking spaces required; 273 are provided

on site. On October 22, 2013 the City Commission approved a banquet hall on the third floor (roof top). The use of the rooftop had increased the parking requirements; however, it is still under construction but will no longer be used as a banquet hall.

The applicant is proposing a 6,440 sq. ft. nightclub in three of the suites from the multi-tenant commercial building. The proposed days and hours of operation are proposed to be from 10:00 p.m. – 2:00 a.m. Wednesday - Saturday. Based on the total square footage of 6,440 sq. ft. of the nightclub, 86 parking spaces are required. Parking is provided since the original site plan included 6,450 sq. ft. of restaurant use; however, in lieu of the restaurant, the night club will occupy 6,440 sq. ft. If additional parking is needed during the hours of operation, offices close at 6 p.m. and those parking spaces will be available. If any restaurants are proposed in the future, additional parking will need to be provided before permits could be issued.

No police activity report was requested since the establishment has not been in operation. The Health and Fire Departments have inspected the establishment; however, a final is pending once the remodeling is complete. 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. from a residential zone/uses to the south;
- 2) The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The property has access to Colbath Road and the Expressway 83;
- 3) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum, and make provisions to prevent the use of adjacent streets for parking. Based on the total square footage of 6,440 sq. ft. of the nightclub, 86 parking spaces are required. Parking is provided since the original site plan included 6,450 sq. ft. of restaurant use; however, in lieu of the restaurant, the night club will occupy 6,440 sq. ft. If additional parking is needed during the hours of operation, offices close at 6 p.m. and those parking spaces will be available. If any restaurants are proposed in the future, additional parking will need to be provided before permits could be issued;
- 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 number of persons will be determined during the building permit process.

**OPTIONS:**

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

**UPDATE:**

The applicant submitted an overall master site plan of the area due to the developer not agreeing to the condition of the gate to be placed on the access/exit on Colbath Road. The developer stated that there are several owners and business that may be affected if a gate is placed. There are four access/exits on Colbath Road; therefore, the closing of one entrance won't alleviate the problem of patrons existing to Colbath Road.

Staff met with the developer's Engineer to discuss the TIA & Trip Generation Worksheet and indicated that the driveways are at 200 ft. spacing, which are in compliance with the city access management. The driveways were proposed by the developer and approved as part of the Planning and Zoning site plan process. Based on the TIA & Trip Generation Worksheet report, about 25 percent of traffic would exit to Colbath Road, which would be approximately 125 vehicles total during peak hours (4 p.m. to 6 p.m.). This would be an average of 32 vehicles exiting per driveway on Colbath Road. Having the gate will route traffic to the other driveways exiting onto Colbath Road. However, having the gate could address the concerns of the neighborhood and not negatively impact the development.

The developer and applicant spoke at the City Commission meeting and indicated that they are willing to place no parking signs on the north side of Colbath Road, tow away any patrons who park along the north side of Colbath Road, and during the hours of 12:30 a.m. to 2:15 a.m. cone or use other traffic circulation devices in the parking lot area together with security guards directing traffic north to exit onto the Expressway so patrons don't exit onto Colbath Road.

**RECOMMENDATION:**

This item was heard at the January 7, 2014 Planning and Zoning Commission meeting. There was a neighbor present to speak in opposition of the request. The applicant and a representative were present.

Ms. Esther Martinez, addressed the board with a strong opposition to the establishment. Her concerns were the noise, potential violence, and patrons parking on the north side of Colbath Road. Even with the gate or security, she stated that the patrons will exit into Colbath Road and asked who would be responsible were to happen there.

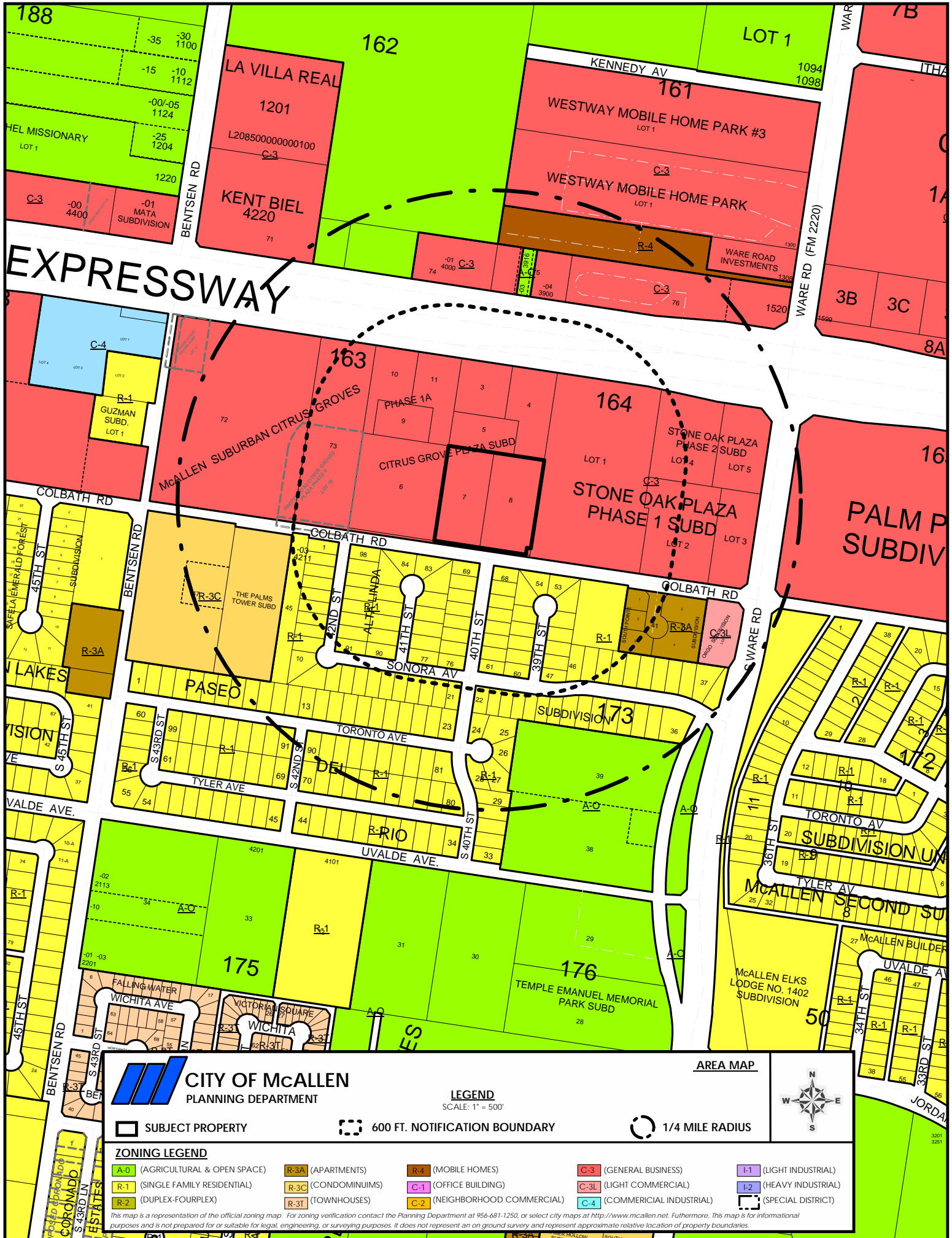
Ms. Sonia Falcon, advised Ms. Martinez that the permit was complaint driven, that she can monitor the activity, take pictures, and report any noise and violence to the police and the city. The city would address complaints and consider them as part of the renewal process.

Mr. Lucas Ahlman, the applicant's representative, stated that the applicant selected the most northerly suites of the development closes to the Expressway to alleviate the problem with the noise. He stated that the developer and the applicant have options to alleviate the traffic exiting into Colbath Road and are as follows: propose no parking signs on the north side of Colbath Road; place a temporary detour sign with a security guard on Colbath Road from the hours of



1:45 a.m. to 2:00 a.m. so as to prohibit traffic from exiting into Colbath Road; and personnel coning the parking lot and assisting patrons to exit to the Expressway.

Following a lengthy discussion, the board unanimously voted to disapprove the conditional use permit based non-compliance 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 and subject to the conditions including providing security, alternate traffic control devices and/or personnel to direct traffic north the Expressway and, obtain from the city No parking signs along the north side of Colbath Road. There were five members present and voting. The applicant submitted a letter of appeal.



**CITY OF McALLEN**  
PLANNING DEPARTMENT

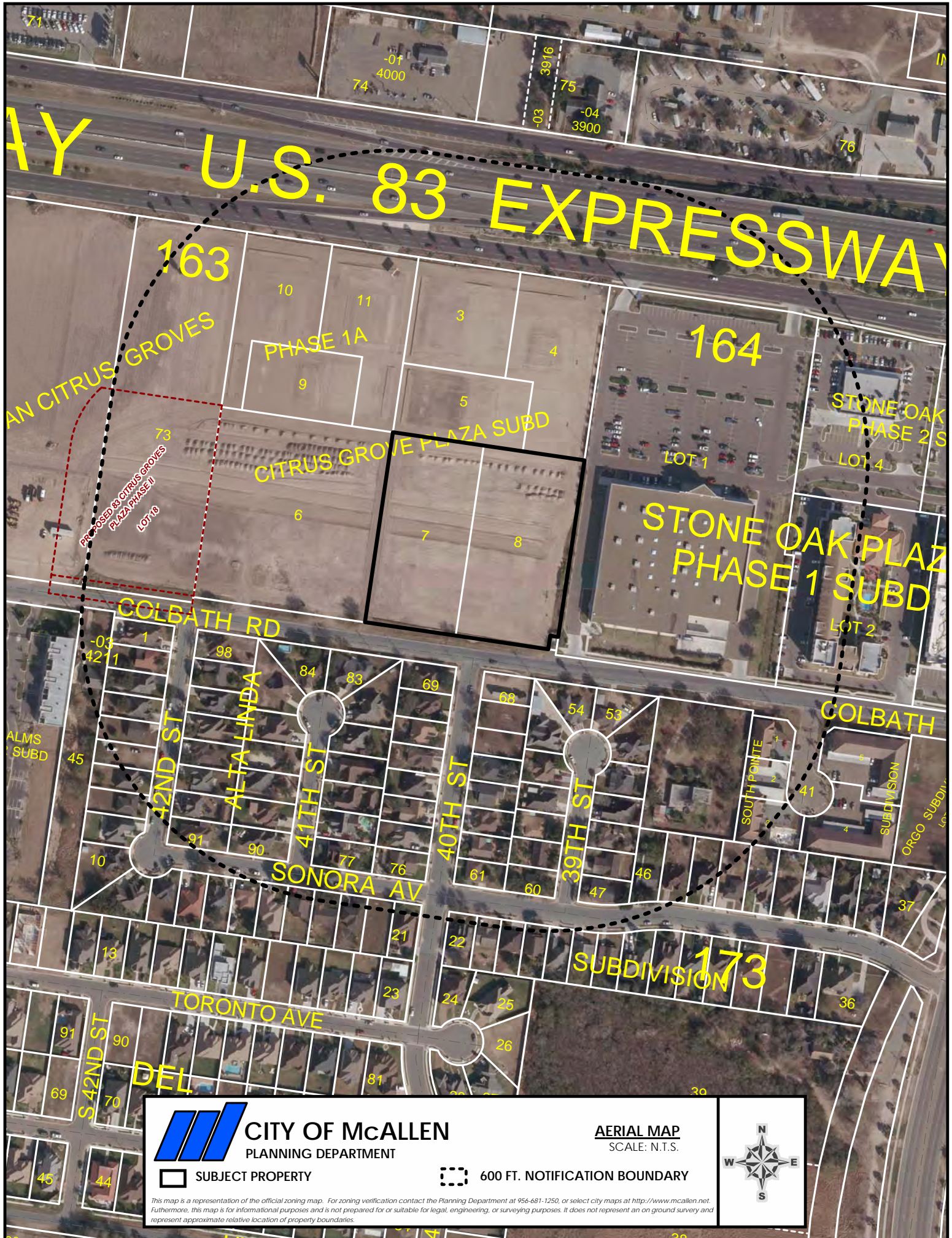
**LEGEND**  
SCALE: 1" = 500'

- 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)     |

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AY U.S. 83 EXPRESSWAY

AN CITRUS GROVES  
 PHASE 1A  
 CITRUS GROVE PLAZA SUBD  
 163  
 164  
 STONE OAK PHASE 2 S  
 LOT 1  
 LOT 4

PROPOSED 83 CITRUS GROVES PLAZA PHASE II  
 LOT 18  
 73  
 6  
 7  
 8  
 STONE OAK PLAZA PHASE 1 SUBD  
 LOT 2

COLBATH RD  
 ALMS SUBD  
 42ND ST  
 ALTA LINDA  
 41TH ST  
 40TH ST  
 39TH ST  
 SOUTH POINTE  
 SUBDIVISION  
 ORGO SUBDIVISION

SONORA AV  
 42ND ST  
 41TH ST  
 40TH ST  
 39TH ST  
 TORONTO AVE  
 DEL  
 S 42ND ST  
 SUBDIVISION 173



**CITY OF McALLEN**  
PLANNING DEPARTMENT

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





SUBJECT PROPERTY



600 FT. NOTIFICATION BOUNDARY

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**IIBO BUDC LLC**  
 200 S. 10TH ST.  
 MCALEEN TX. 78501  
**CONSTRUCTION & DEVELOPMENT**

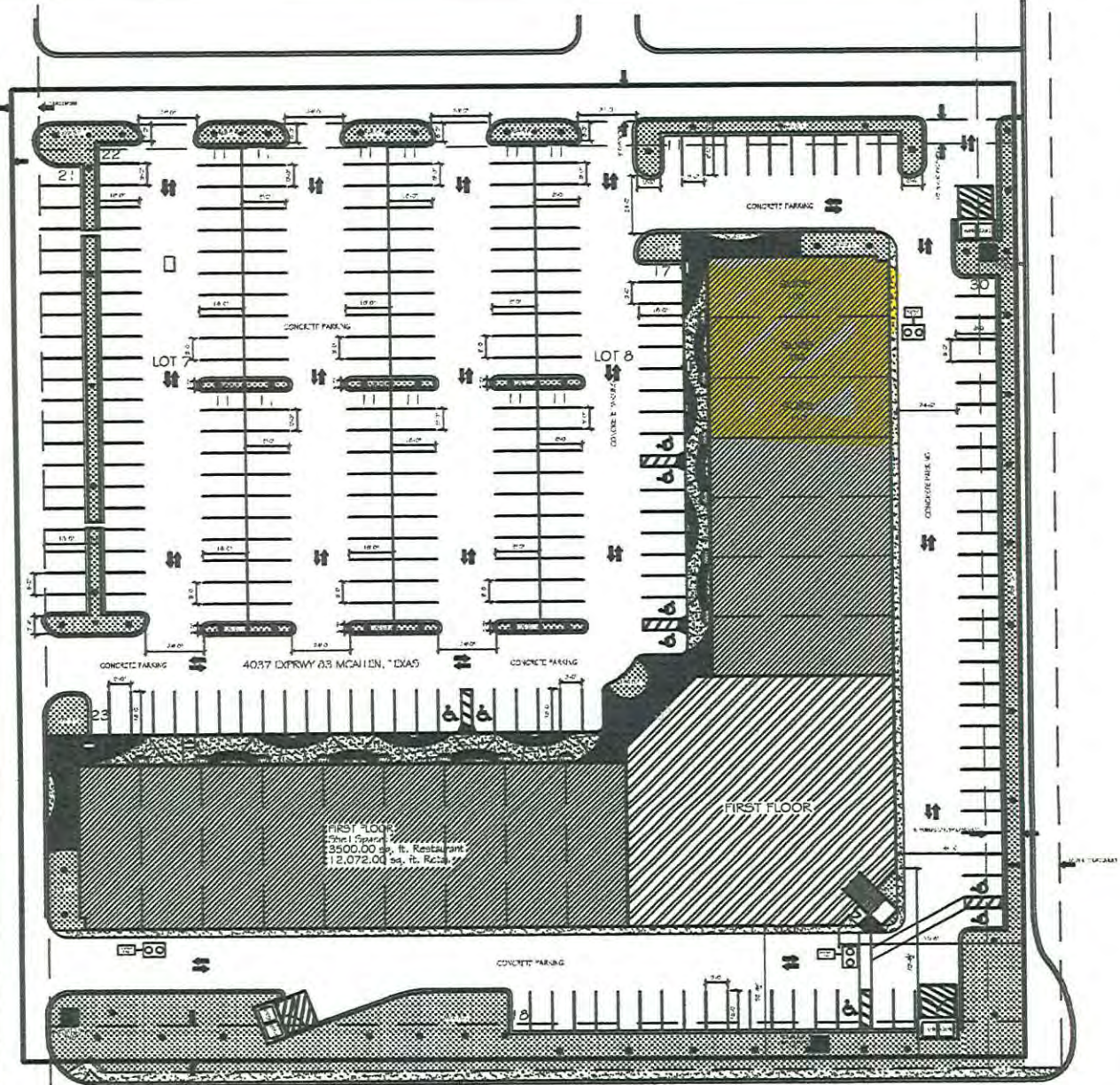
**PROJECT TITLE:**  
 83 CITRUS GROVE PLAZA  
**PLAN:**  
 SITE PLAN  
**LOCATION:**  
 4037 HWY. 83  
 MCALEEN TX.  
**DATE:**  
 OCTOBER 31, 2012  
**SCALE:**  
 1/8" = 1'-0"  
**DRAWN BY:**  
 JH

IF  
 MY SIGNATURE DOES NOT  
 APPEAR HERE, THE USE  
 OR REPRODUCTION OF THIS  
 PLAN MAY BE A VIOLATION  
 OF FEDERAL COPYRIGHTS  
 ACT.

**REVISIONS:**

NO.	DESCRIPTION	DATE	BY

**SHEET NUMBER:**  
**A-1.0**



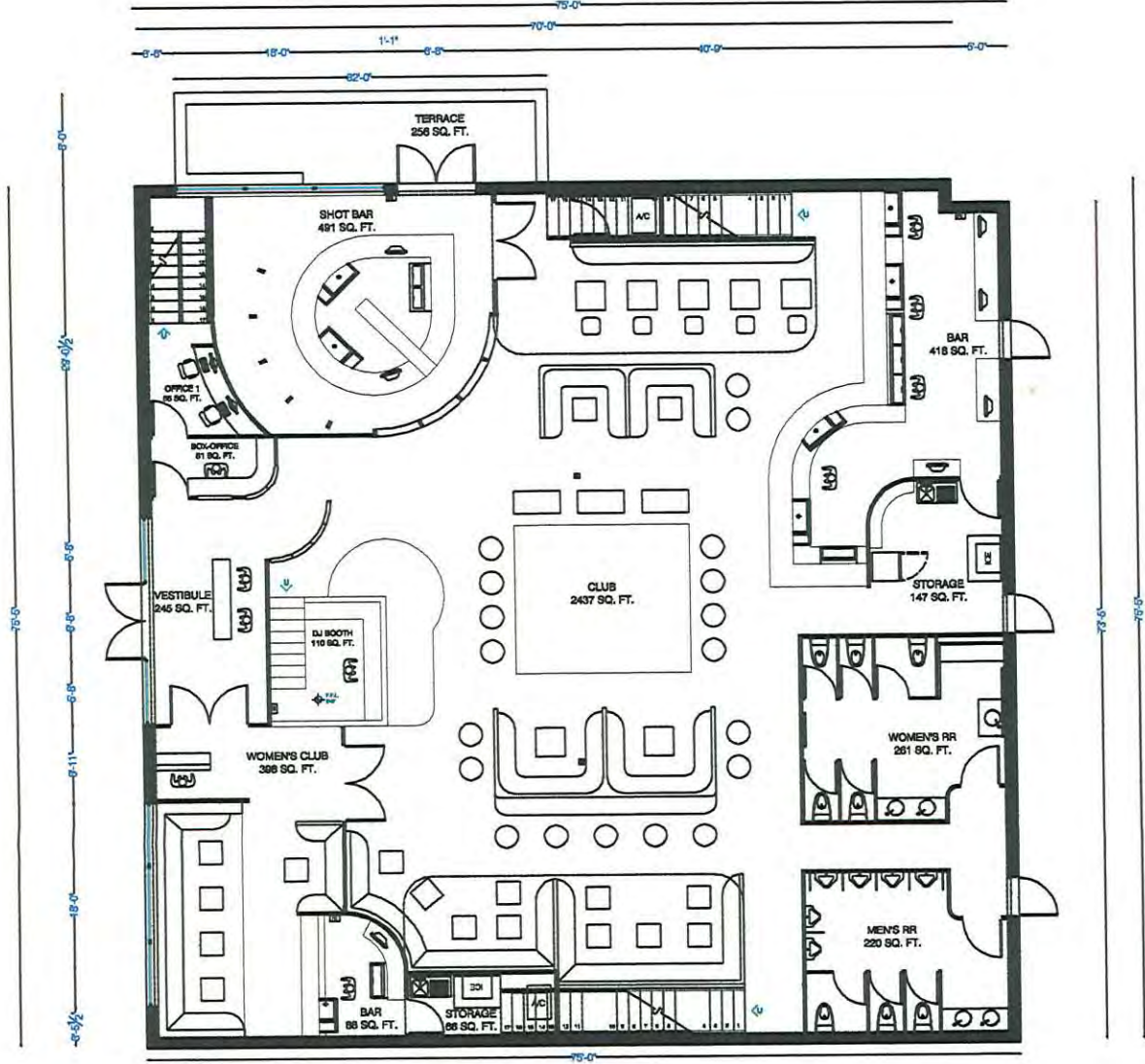
COLBATH ROAD

NOTES:  
 1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
 2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
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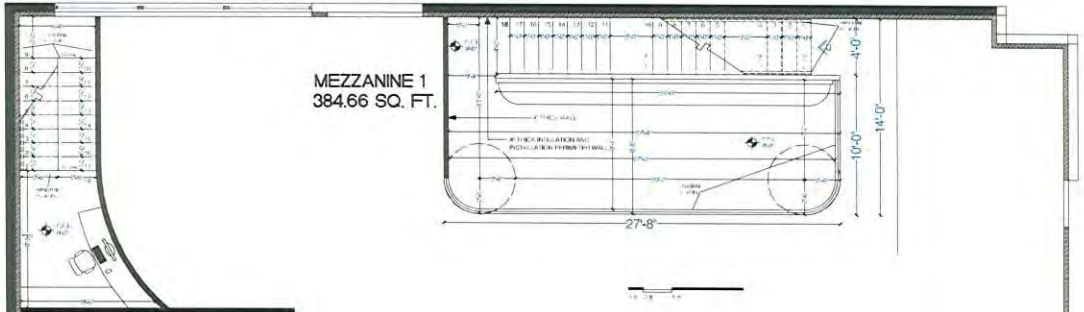
ESTIMATE:

CONCRETE	12,072.00	120.72	1,456,644.00
FOUNDATION	12,072.00	120.72	1,456,644.00
ROOFING	12,072.00	120.72	1,456,644.00
MECHANICAL	12,072.00	120.72	1,456,644.00
ELECTRICAL	12,072.00	120.72	1,456,644.00
PLUMBING	12,072.00	120.72	1,456,644.00
PAINT	12,072.00	120.72	1,456,644.00
LABOR	12,072.00	120.72	1,456,644.00
TOTAL	12,072.00	120.72	1,456,644.00



5,513 SQ. FT.

ARCHITECTURAL  
 FLOORPLAN  
 LOWER LEVEL  
 SCALE: 1" = 1/16"

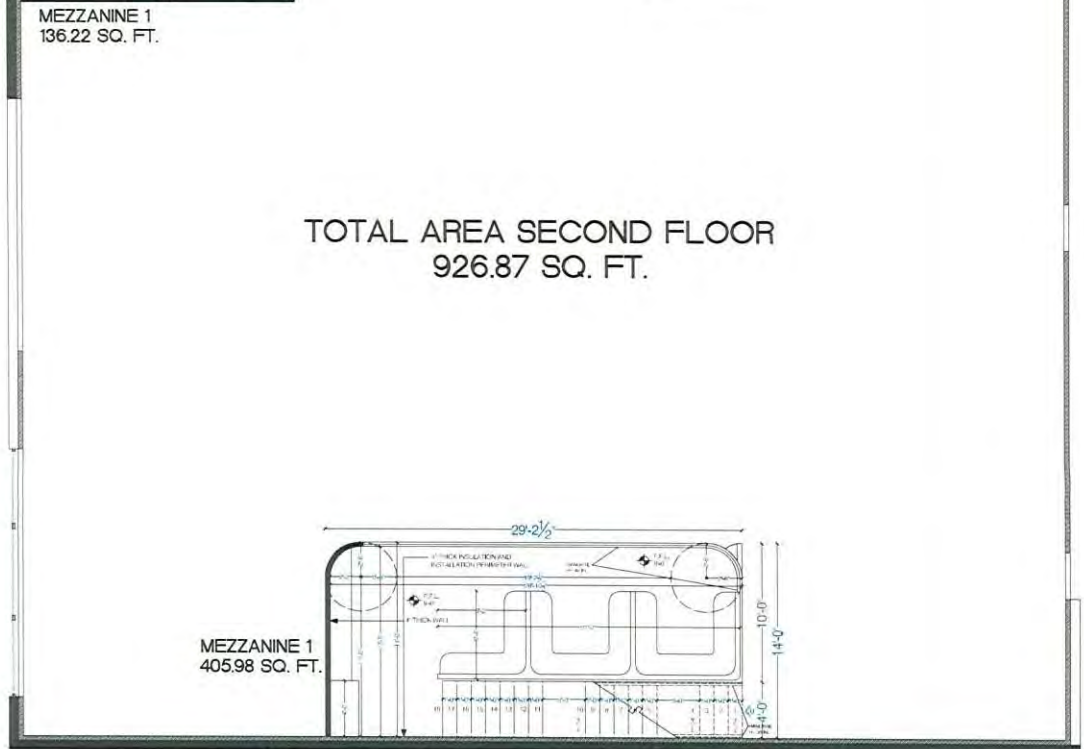


MEZZANINE 1  
384.66 SQ. FT.

MEZZANINE 1  
136.22 SQ. FT.



TOTAL AREA SECOND FLOOR  
926.87 SQ. FT.



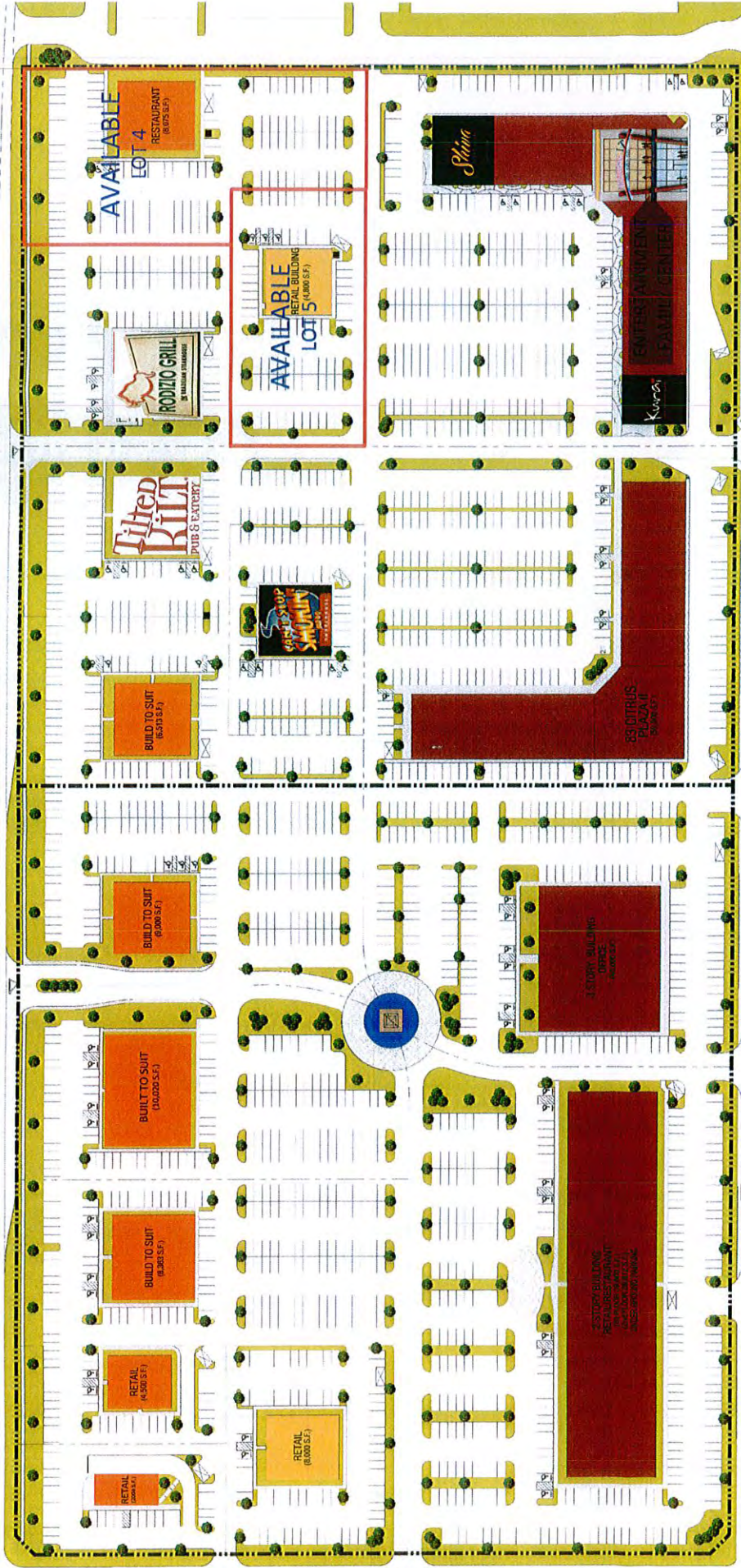
MEZZANINE 1  
405.98 SQ. FT.



# U.S. EXPRESSWAY 83

**citrus grove** PHASE 2

PHASE 1



BENTSEN RD.

COLBATH ROAD

RECEIVED

1 3 2013

T. 1-1-1



JAMES E. DARLING, Mayor  
 HILDA SALINAS, Mayor Pro-Tem and Commissioner District 3  
 AIDA RAMIREZ, Mayor Pro-Tem and Commissioner District 4  
 SCOTT C. CRANE, Commissioner District 1  
 TREY PEBLEY, Commissioner District 2  
 JOHN J. INGRAM, Commissioner District 5  
 VERONICA VELA WHITACRE, Commissioner District 6  
 MIKE R. PEREZ, City Manager

November 4<sup>th</sup>, 2013

4037 Interstate 2/Expressway 83

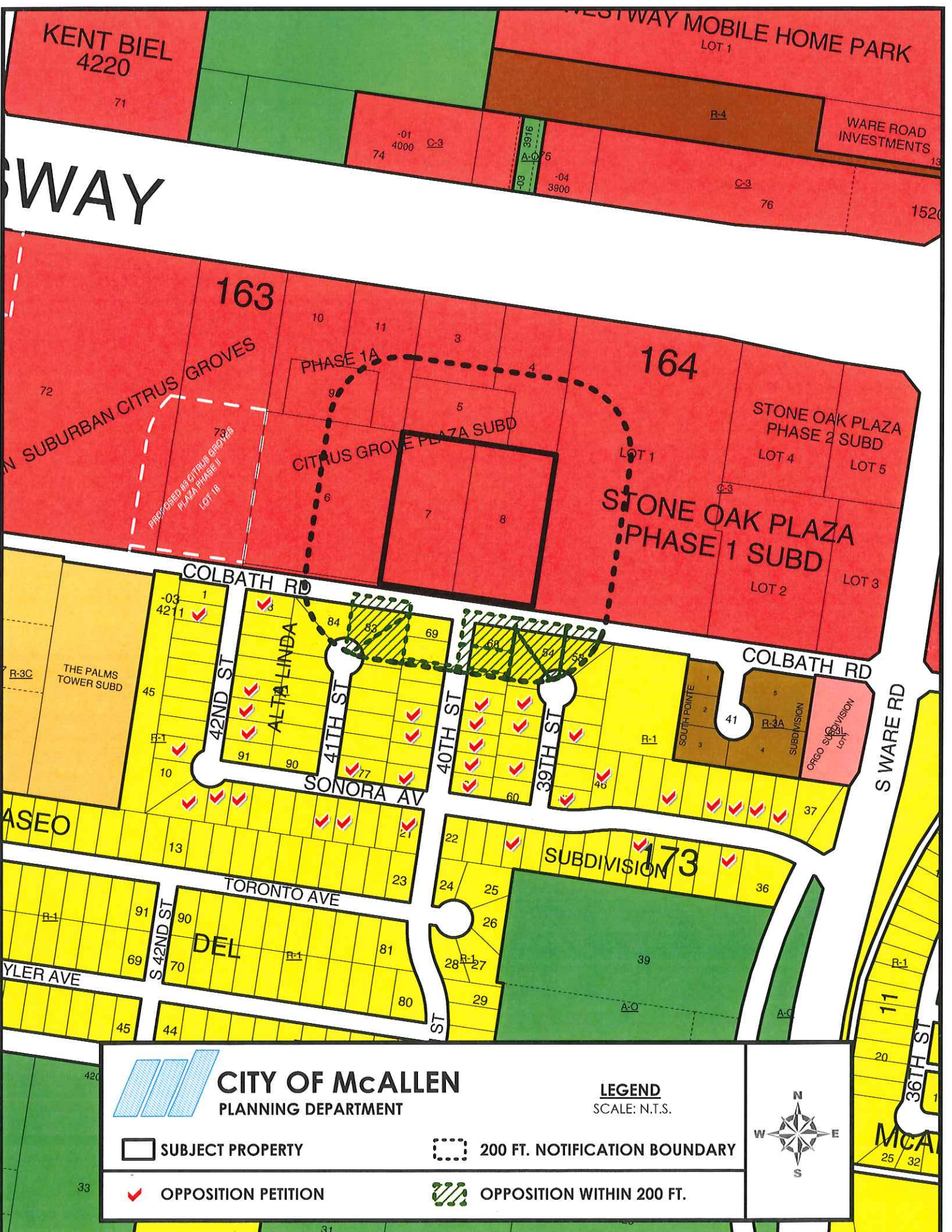
200 Ft. Radius: 619,952 Sq. Ft.  
 Subject Property: 167,205 Sq. Ft.  
 Total Area of Opposition: 80,175 Sq. Ft.

$\frac{200 \text{ Ft Radius} - \text{Subject Property}}{\text{Total Adjusted Area}}$	$\frac{\text{Total Area of Opposition}}{\text{Total Adjust Area}}$	$= 0.*** \times 100 =$	$\text{Percentage of Opposition}$
--	--	------------------------	-----------------------------------

$\frac{619,952 \text{ Sq.Ft.} - 167,205 \text{ Sq.Ft.}}{452,747 \text{ Sq.Ft.}}$	$\frac{80,175 \text{ Sq.Ft.}}{452,747 \text{ Sq.Ft.}}$	$= 0.177 \times 100 =$	$17.7\% \text{ Opposition}$
--	--	------------------------	-----------------------------

Prepared By: Jose F. Ortega  
 Planning Technician III/GIS





WAY

163  
164  
173

KENT BIEL  
4220  
71

WESTWAY MOBILE HOME PARK  
LOT 1

WARE ROAD INVESTMENTS

74  
-01  
4000  
C-3

3916  
A-O  
75

-04  
3900  
C-3

76  
1520

72  
SUBURBAN CITRUS GROVES

PHASE 1A

CITRUS GROVE PLAZA SUBD

STONE OAK PLAZA PHASE 2 SUBD  
LOT 4  
LOT 5

STONE OAK PLAZA PHASE 1 SUBD  
LOT 1  
LOT 2  
LOT 3

COLBATH RD

42ND ST  
41TH ST  
40TH ST  
39TH ST

SONORA AV

TORONTO AVE

DEL

ALTA LINDA

THE PALMS TOWER SUBD

SOUTH POINTE

R-3C

R-1

R-3A

ORGO SUBDIVISION

S WARE RD

36TH ST

MCA



**CITY OF McALLEN**  
PLANNING DEPARTMENT

**LEGEND**  
SCALE: N.T.S.



SUBJECT PROPERTY



200 FT. NOTIFICATION BOUNDARY



OPPOSITION PETITION



OPPOSITION WITHIN 200 FT.

BUILD TO SUIT  
(9,000 S.F.)

BUILD TO SUIT  
(6,513 S.F.)

Tilted  
KILT  
PUB & EATERY

RODIZIO GRILL  
THE BRAZILIAN STEAKHOUSE

AVAILABLE  
LOT 4

RESTAURANT  
(8,075 S.F.)

CANT STOP  
SMOKIN'  
SHREVEPORT

AVAILABLE  
LOT 5  
RETAIL BUILDING  
(4,800 S.F.)



GUARD



GUARD



GUARD



GUARD



GUARD



GUARD



GUARD



GUARD

BUILDING  
(S.F.)

83 CITRUS  
PLAZA II  
(50,000 S.F.)

Kurai  
SUSHI & CHINESE BUFFET

ENTERTAINMENT  
FAMILY CENTER

IMAGINE  
NIGHT CLUB

COLBATH ROAD

Ernesto Lozano  
2601 Melanie  
Pharr, TX 78577  
January 14, 2014

Julie Rankin  
Director of Planning  
City of McAllen  
311 N. 15<sup>th</sup> St.  
McAllen, TX 78501

Dear Mrs. Rankin:

Per our last City Commission meeting, regarding the issues with the gate on Colbath Rd., we would like to ask you reconsider our project for another meeting with the board. In this meeting, we would like to propose a new option which will consist of a barrier along the perimeter to restrict the flow of traffic to residential areas. This barrier will include guards during the time of operation, who will redirect the flow of traffic towards Expressway 83.

Thank you for your time and attention, and I hope you can reconsider this option so that we can move forward with this project.

Sincerely,



Ernesto Lozano  
[Title]

*and also appeal the decision of the Planning and Zoning commission meeting January 7, 2014.*

RECEIVED

JAN 14 2014

Initial: MS



**NOTICE  
NIGHT CLUB  
For  
This Property  
CUP2013-0173**

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



**RESTAURANT**  
Available!

**S+OUTDOORS**

**ITEM SUMMARY**

BOARD: City Commission

AGENDA ITEM

1C.2

DATE SUBMITTED

01/21/2014

MEETING DATE

01/27/2014

1. Agenda Item: Request of Sergio Licon, appealing the decision of the Planning & Zoning Commission of the December 17, 2013 meeting, denying a Conditional Use Permit, for one year, for a dance hall at 3.25 acres out of Lot 6, Block 2, C.E. Hammond Subdivision, Hidalgo County, Texas; 4300 Pecan Boulevard.
2. Party Making Request: Sergio Licon
3. Nature of Request:  
  
Request of Sergio Licon, appealing the decision of the Planning & Zoning Commission of the December 17, 2013 meeting, denying a Conditional Use Permit, for one year, for a dance hall at 3.25 acres out of Lot 6, Block 2, C.E. Hammond Subdivision, Hidalgo County, Texas; 4300 Pecan Boulevard.
4. Fiscal Impact Summary:
5. Budgeted:
 

Bid Amount:		Budgeted Amount:	
Under		Over Budget:	
Budget:		Amount	
		Remaining:	
6. Routing:
 

Perez, Gardenia	Created/Initiated - 01/21/2014
Rankin, Julianne	Approved - 01/21/2014
Rodriguez, Roel	Approved - 01/21/2014
Pagan, Kevin	Final Approval - 01/21/2014
7. Staff Recommendation: Disapproval of the request based on non-compliance with the requirement #1 (distance) of Section 138-118(4) of the Zoning Ordinance.
8. Advisory Board: With a favorable recommendation to grant the variance to the distance requirement and with added conditions: 1) withdrawl of the rezoning request from City Commission 2) augmentation of the existing fence to 8 feet 3) providing 13 ft. of buffer yard on east side of property with heavy vegetation 4) no outdoor amplified music 5) limited hours of operation Sunday through Thursday till 10:00 p.m. and Friday & Saturday till 12:30 a.m. 6) outside gathering to be done on west side of the property 7) extra security and nightly trash pickup after hours.
9. City Attorney: Approved as per P&Z - KDP
10. Manager's Recommendation: approve with restrictions as outlined by P&Z ....mrp

## Memo

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

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

**DATE:** January 20, 2014

**SUBJECT: REQUEST OF SERGIO LICON APPEALING THE DECISION OF THE PLANNING AND ZONING COMMISSION OF THE DECEMBER 17, 2013 MEETING, DENYING A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A DANCEHALL AT 3.25 ACRES OUT OF LOT 6, BLOCK 2, C. E. HAMMOND SUBDIVISION; 4300 PECAN BOULEVARD.**

---

**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.

**DESCRIPTION:**

The property is located on the north side of Pecan Boulevard, approximately 400 ft. east of Bentsen Road. The tract has about 223 ft. of frontage along Pecan Boulevard and a depth of 560 ft. at its deepest point for a tract size of 3.25 acres gross. It is zoned A-O (agricultural & open space) District. The adjacent zoning is C-1 (office building) District and R-1 (single family residential) District to the east, A-O District to the north and west and C-3 (general business) District to the south. Surrounding land uses include commercial businesses, offices, residential, and vacant land. A dancehall is allowed in a C-3 zone with a conditional use permit and in compliance with requirements.

The property currently has a single family residence and accessory structures, as well as dense vegetation with numerous trees, a network of trails, and a pond. This property was part of a rezoning request in August 2009, but the request was withdrawn. A new request to rezone the property to C-3 District, was heard at the October 16, 2013 Planning and Zoning Commission meeting. Following discussion of the item, the request was tabled. Also there is a proposed one lot subdivision plat under the name Quinta Luz that got preliminary plat approval by the Planning and Zoning Commission meeting of October 16, 2013.

The applicant is proposing to utilize the residence as a dancehall to accommodate special events such as wedding receptions and quinceañeras. The hours of operation for the dancehall will be from 7:00 p.m. to 10:00 p.m. Tuesday through Friday and 7:00 p.m. to 12:00 a.m. Saturday and Sunday. The applicant's site plan is showing a 3,947 sq. ft. dancehall. Based on the 3,947 sq. ft. dancehall, 53 parking spaces are required; 54 spaces are proposed on site. A preliminary site plan was submitted; however a detailed site plan will need to be reviewed to determine specific requirements at the time of the

building permit and site plan approval. A building and right of way permit will be required and the parking facility must meet all the requirements for landscaping, access, etc.

A petition has been submitted by the surrounding property owners in opposition to the request. Staff has reviewed and calculated that the percentage of the opposition based on the 200 ft. radius was 24.2%.

The Health and Fire Departments have inspected the establishment. However, a final inspection is pending once the building permit is finalized and shall be in compliance with health and safety codes and regulations. 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 abovementioned businesses must be at least 600 feet 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 establishment is within 600 ft. of single family residential use/zones;
- 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 Pecan Boulevard;
- 3) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum, and make provisions to prevent the use of adjacent streets for parking. Based on the 3,947 sq. ft. dancehall, 53 parking spaces are required; 54 spaces are proposed 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 number of persons will be determined during the building permit process.

**OPTIONS:**

1. Table the item for additional information.
2. Disapprove the request.

This item was heard and tabled at the November 5, 2013 Planning and Zoning Commission meeting to allow the rezone request to be considered by the City Commission. There were adjacent neighbors present in opposition. The applicant was present. The item remained tabled at the November 19, 2013 Planning and Zoning Commission meeting.

The applicant requested that the rezoning request be tabled at the City Commission meeting of November 11, 2013 in order to allow them time to consider an alternate zoning district in the event that the requested C-3 District is not approved. The item remained tabled at the City Commission meeting of November 25, 2013.

The item remained tabled at the December 3, 2013 Planning and Zoning Commission meeting. The applicant requested the item to remain tabled at the December 9, 2013 City Commission meeting. The applicant met with staff and discussed several options in case the rezone does not get approved. The applicant stated that he would submit a written summary proposal how the business would operate.

#### **RECOMMENDATION:**

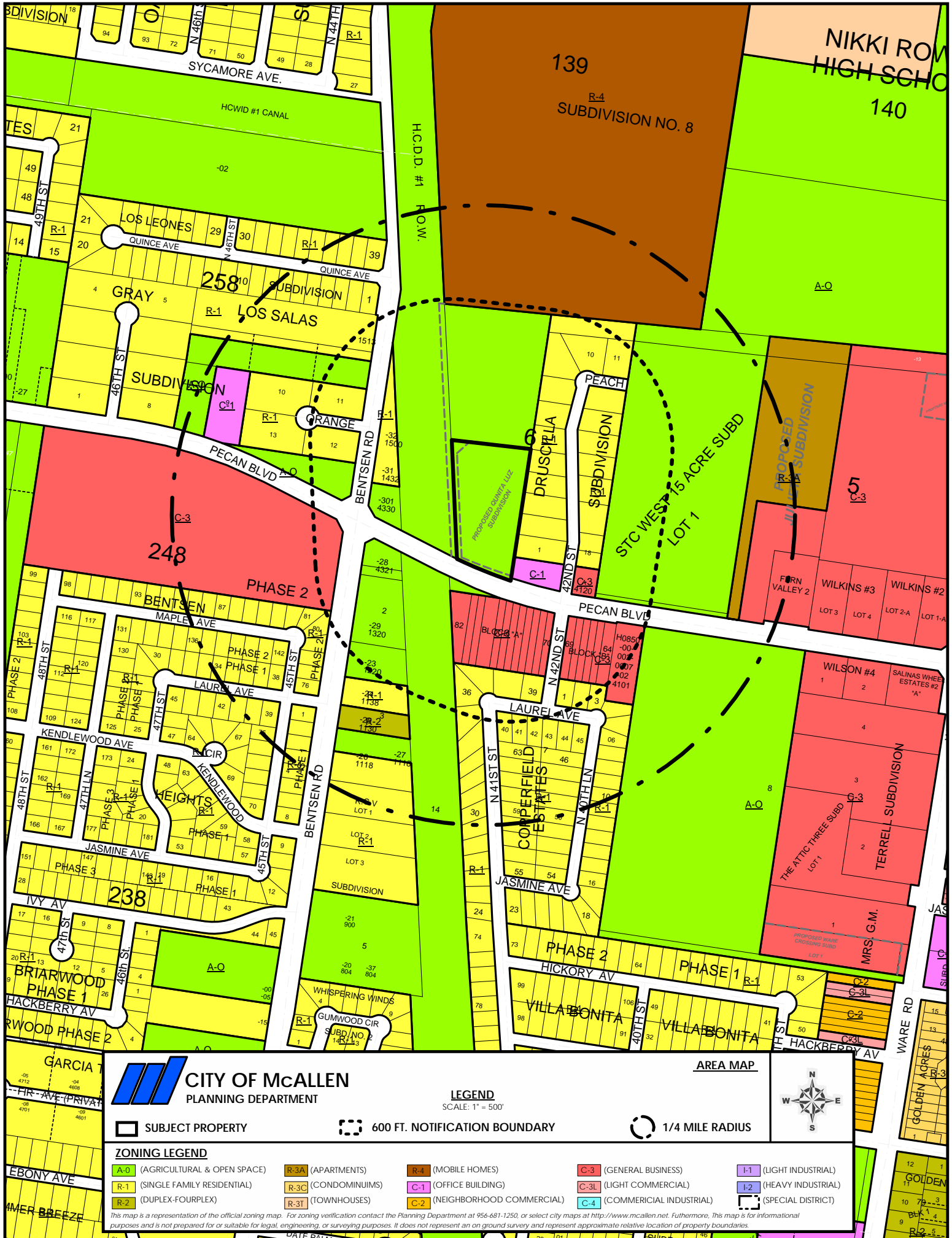
This item was heard at the December 17, 2013 Planning and Zoning Commission meeting. There was no one to speak in opposition of the request. The applicant was not present; however, the applicant's representative, Mark Montalvo was present.

Mr. Mark Montalvo approached the podium and spoke about the issues and concerns that dealt with the rezoning. He asked the board that it would be best to leave the zoning as an A-O (agricultural & open space), apply for a conditional use permit, and obtain a variance for both in order to get an opportunity to run the business. Leaving the A-O zone would help ease the board's concerns. Also, if the applicant receives approval for the conditional use permit, the permit would be based on conditions the applicant is willing to meet. Such as limiting the hours of operation, moving outside activity to the west side, no outside amplified music, and provide a 13 ft. of dense buffer vegetation on the east side. Mr. Montalvo explained that the applicant's intentions are to have a business similar to Quinta Mazatlán.

The Board consensus was that the conditional use permit would allow the city to have more control of what is going in the location. Mr. Leonel Garza, III advised Mr. Montalvo that the Conditional Use Permit was complaint driven and that anytime the city received complaints it would be brought it back to the board.

Following a lengthy discussion, the board unanimously voted to disapprove the conditional use permit but with a favorable recommendation to grant the variance to the distance requirements with the added conditions as follows 1) the withdrawal of the rezoning request from City Commission 2) augmentation of the existing fence to 8 feet 3) providing 13 ft. of buffer yard on east side of property with heavy vegetation 4) no outdoor amplified music 5) limited hours of operation Sunday through Thursday till 10:00 p.m. and Friday & Saturday till 12:30 a.m. 6) outside gathering to be done on west side of the property 7) extra security, nightly trash collection after hours. There were five members present and voting. The applicant 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)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)
R-2 (DUPLIX-FOURPLEX)	R-3I (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-4 (COMMERCIAL INDUSTRIAL)
			I-1 (LIGHT INDUSTRIAL)
			I-2 (HEAVY INDUSTRIAL)
			(SPECIAL DISTRICT)

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

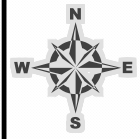


**CITY OF McALLEN**  
 PLANNING DEPARTMENT

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

 SUBJECT PROPERTY

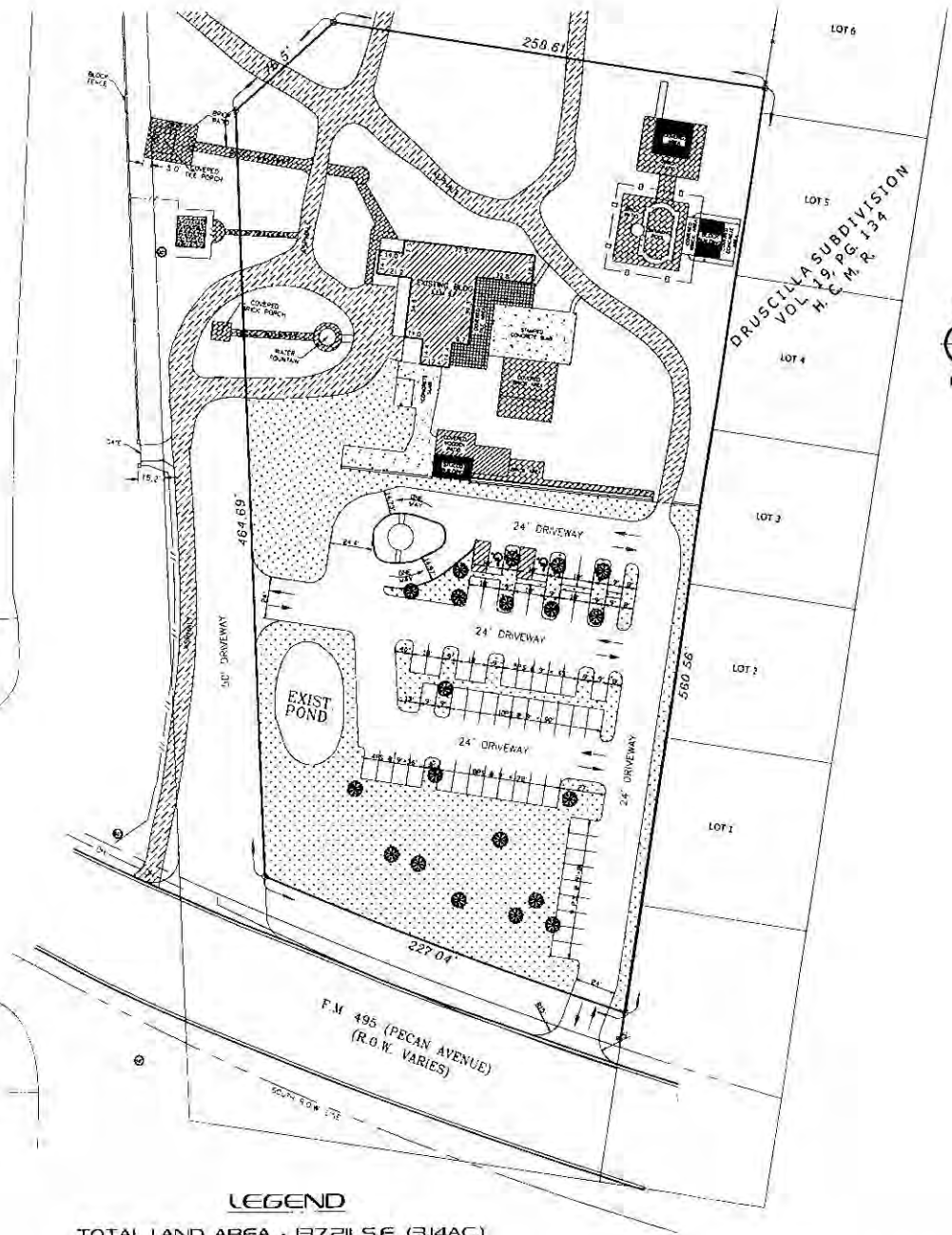
 600 FT. NOTIFICATION BOUNDARY



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.

DRAIN DITCH

DRAIN DITCH



DRUSCILLA SUBDIVISION  
VOL. 19, PG. 134  
H.C.M.R.



**LEGEND**

TOTAL LAND AREA - 137,211 S.F. (3.14AC.)  
 LANDSCAPE REQUIRED - 13,721 S.F.  
 LANDSCAPE PROVIDED - 36,143

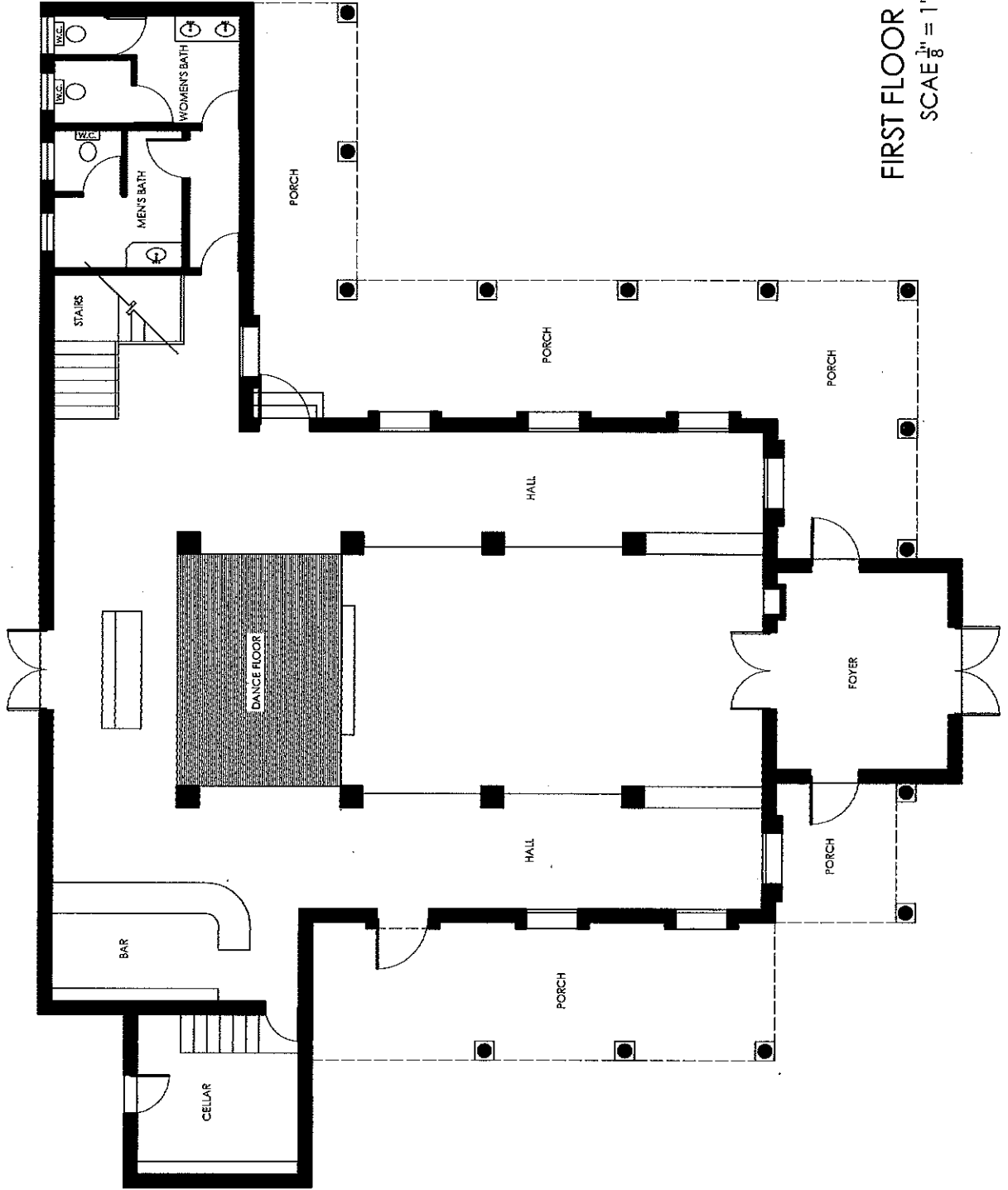
TOTAL BUILDING AREA - 3,947 S.F.  
 PARKING SPACES REQUIRED - 53 P.S.  
 PARKING SPACES PROVIDED - 54 P.S.

**OPERATION HOURS**

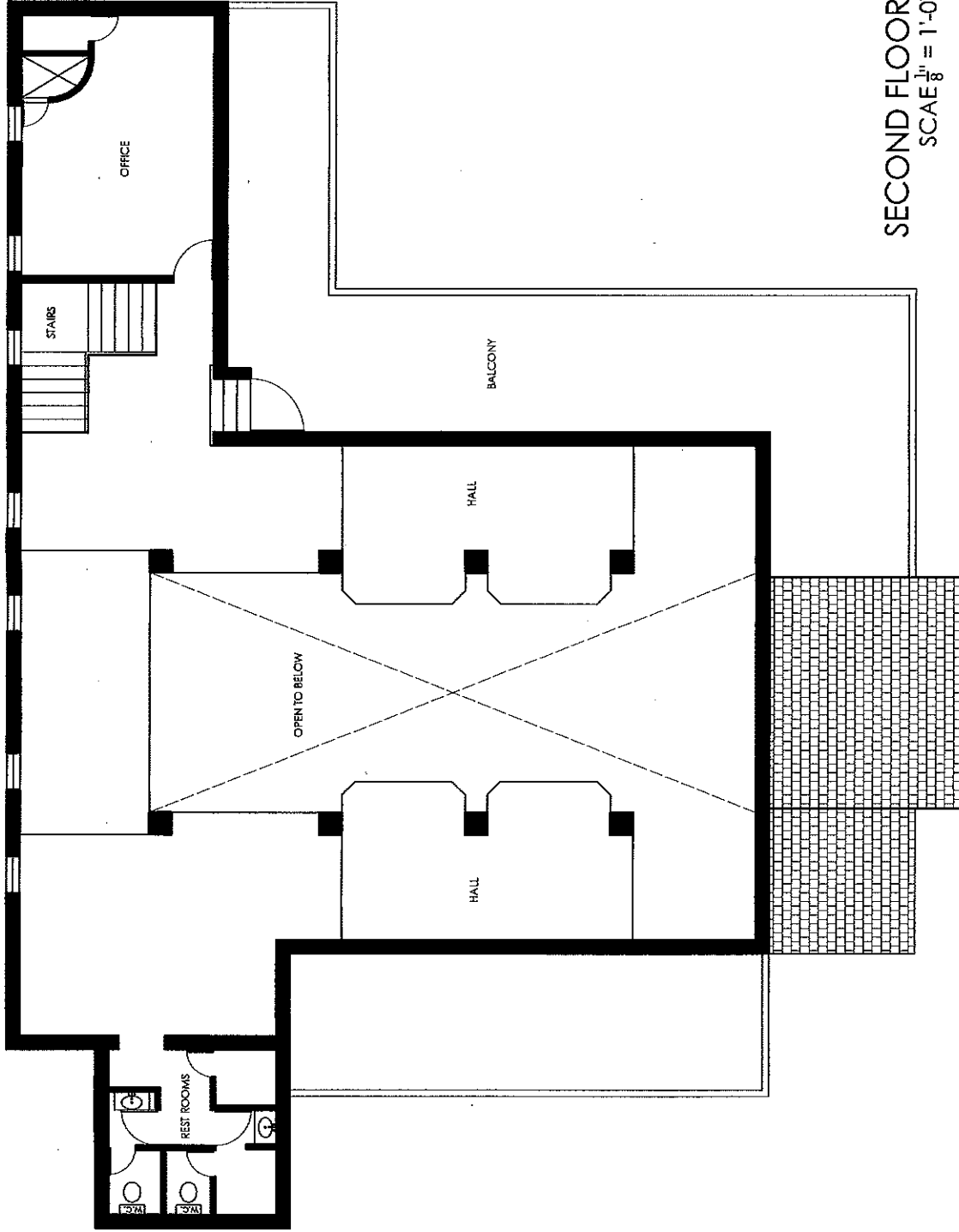
MONDAY	-	CLOSED
TUESDAY - FRIDAY	-	7.00AM - 10.00PM
SATURDAY - SUNDAY	-	7.00AM - 12.00AM

**SITE PLAN**  
 OF  
 LOT 1  
 QUINTA LUZ  
 MCALEN, TEXAS

**SITE PLAN**



FIRST FLOOR PLAN  
SCALE  $\frac{1}{8}" = 1'-0"$



SECOND FLOOR PLAN  
SCALE  $\frac{1}{8}'' = 1'-0''$



JAMES E. DARLING, Mayor  
 HILDA SALINAS, Mayor Pro-Tem and Commissioner District 3  
 AIDA RAMIREZ, Mayor Pro-Tem and Commissioner District 4  
 SCOTT C. CRANE, Commissioner District 1  
 TREY PEBLEY, Commissioner District 2  
 JOHN J. INGRAM, Commissioner District 5  
 VERONICA VELA WHITACRE, Commissioner District 6

MIKE R. PEREZ, City Manager

October 18<sup>th</sup>, 2013

4300 Pecan Boulevard

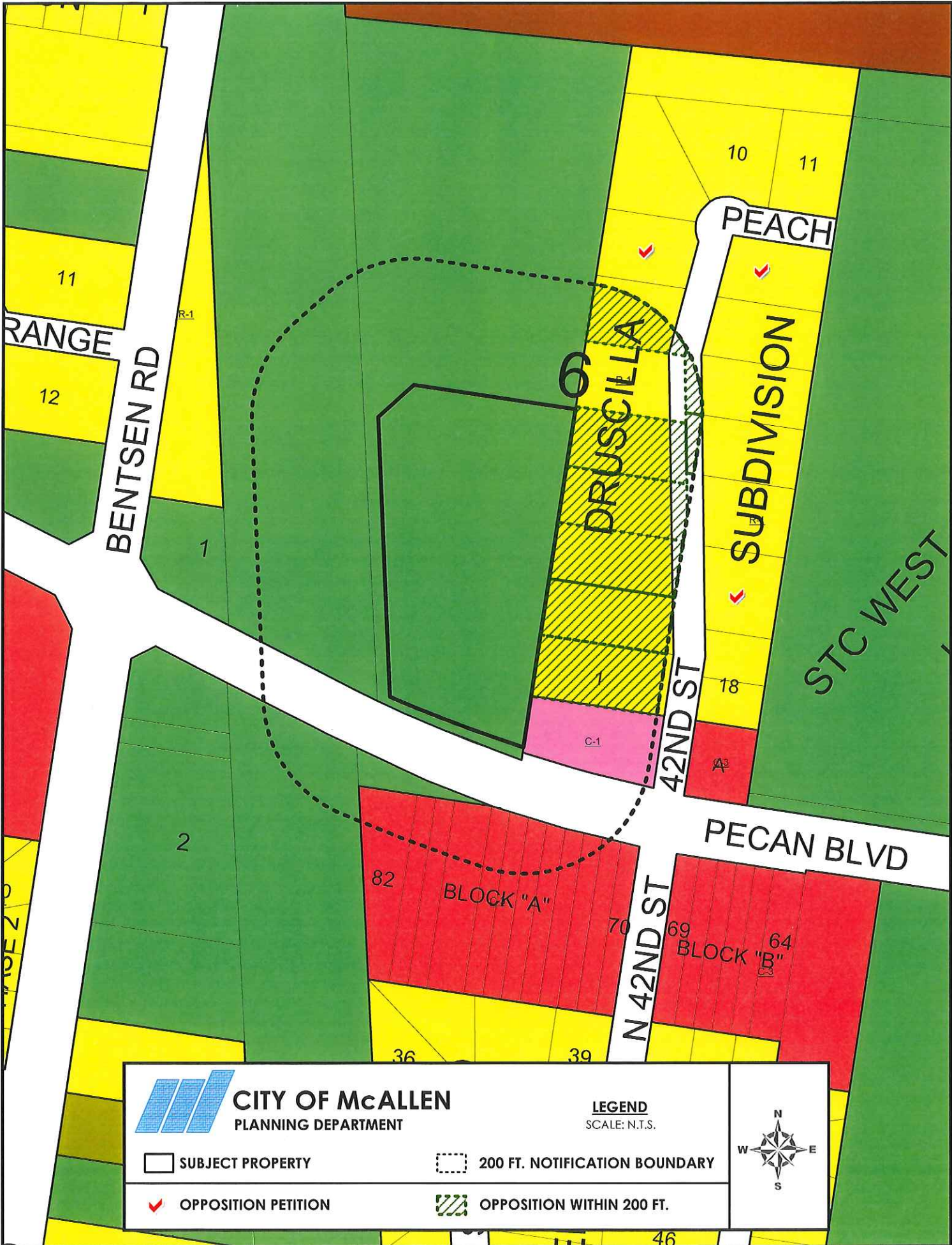
200 Ft. Radius: 571,870 Sq. Ft.  
 Subject Property: 137,191 Sq. Ft.  
 Total Area of Opposition: 105,214 Sq. Ft.

$\frac{200 \text{ Ft Radius} - \text{Subject Property}}{\text{Total Adjusted Area}}$	$\frac{\text{Total Area of Opposition}}{\text{Total Adjust Area}}$	$= 0.*** \times 100 =$	$\text{Percentage of Opposition}$
--	--	------------------------	-----------------------------------

$\frac{571,870 \text{ Sq.Ft.} - 137,191 \text{ Sq.Ft.}}{434,679 \text{ Sq.Ft.}}$	$\frac{434,679 \text{ Sq.Ft.}}{105,214 \text{ Sq.Ft.}}$	$= 0.242 \times 100 =$	$24.2\% \text{ Opposition}$
--	---	------------------------	-----------------------------

Prepared By: Jose F. Ortega  
 Planning Technician III/GIS

Rev.09/20/2012



**CITY OF McALLEN**  
PLANNING DEPARTMENT

**LEGEND**  
SCALE: N.T.S.

 SUBJECT PROPERTY

 200 FT. NOTIFICATION BOUNDARY

 OPPOSITION PETITION

 OPPOSITION WITHIN 200 FT.

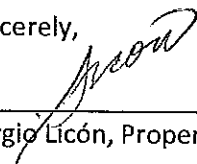


City of McAllen  
1300 W. Houston  
McAllen, Texas 78501  
Attn: Julianne R. Rankin, FAICP Director of Planning

Dear Ms. Rankin,

This letter is to inform you that Mr. Mark Montalvo is representing Mr. Sergio Licón for rezoning and conditional use permit (CUP) for property described as 3.25 acres out of Lot #6, Block #2, C.E. Hammond subdivision 4300 Pecan Blvd. McAllen Texas.

Sincerely,

  
\_\_\_\_\_  
Sergio Licón, Property Owner

RECEIVED

DEC 03 2013

Initial: 



NOTICE  
DANCE HALL  
for  
This Property  
CUP2013-0194



### **4300 Pecan Boulevard:**

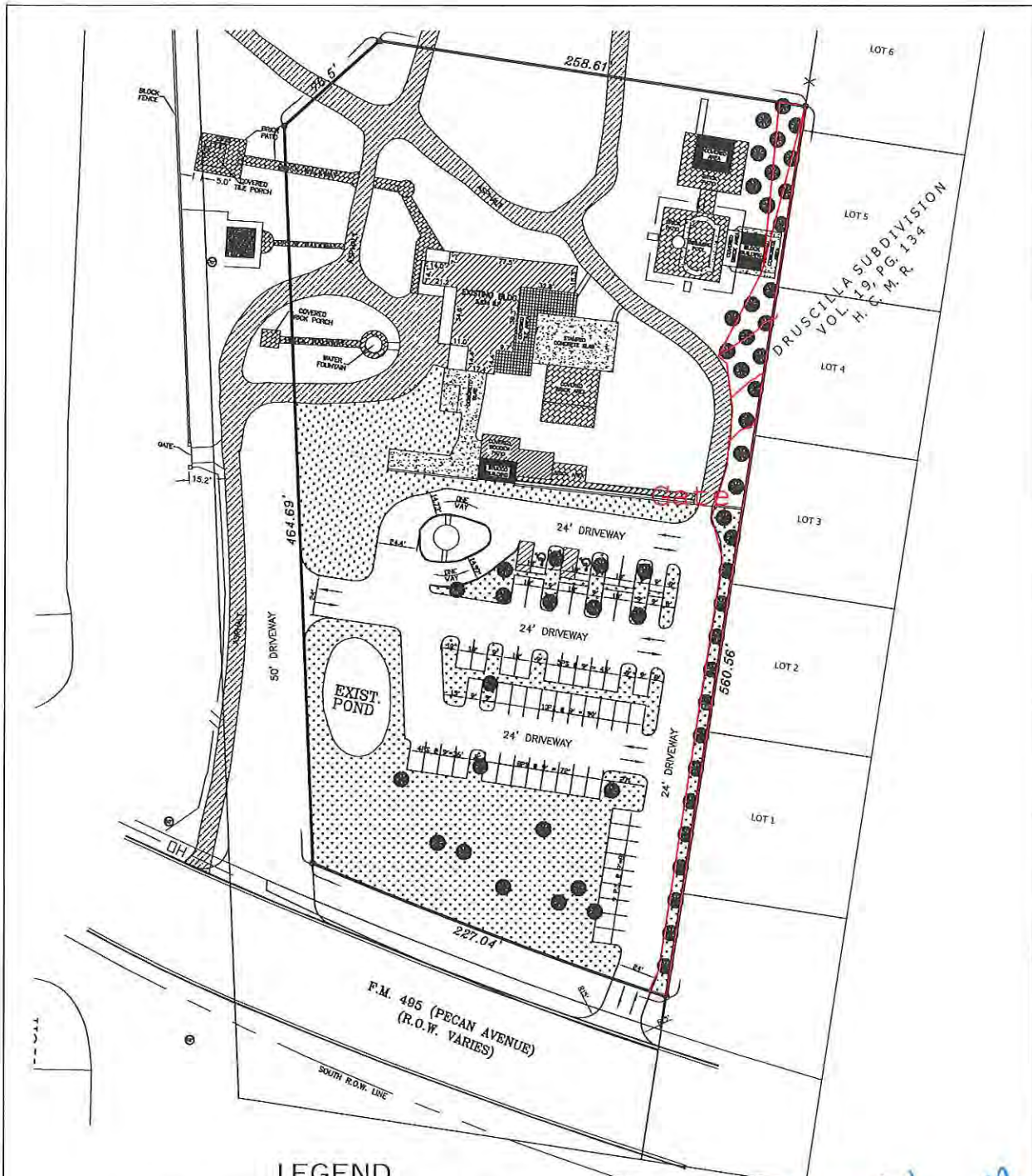
Below is a summary that the applicant's representative (Mark Montalvo) submitted. The applicant is requesting a variance to the zone requirement with a buffer in place. See below following with photographs:

As we discussed, I believe the most efficient and sensible option for my client is to seek a CUP, while retaining the A-O zoning. The use of the property, as discussed, will entail rental of the facilities to patrons for meetings, parties, photography, etc. Any music will be limited to indoors or on the west side of the property, instead of the east side, where it has been used for such in the past. We propose to augment the current buffer between the property and our eastern neighbors, as explained below. We would propose to limit music during the weekdays to 10:30 p.m. and on weekends until 12:30 a.m. My client does NOT sell or distribute alcohol on the premises; however, the patrons are free to bring their own.

I'm attaching two site plans. One depicts the existing landscape with a red outline. Upon my inspection, the asphalt driveway leading up to the main entrance would have to be torn up and redone. If possible, I'd like to avoid this and propose adding the maximum density of plants, trees, etc. to the existing buffer area. Lots 1, 2, and part of 3 are next to the parking area--no music, dancing, etc.; therefore, substantially less noise.

Beginning where the gate is located, the "buffer" area widens to about 13 feet, which is right up to the existing driveway within the gate. A 25' loss would require destruction of the inside access and practically all of the existing entrance. While not 25 feet, 13 feet is quite wide. We would further buttress the buffer by increasing its density as much as feasible, all the way through to the rear of the property, along a line that would be next to the "block building," already in existence, through to the rear. The buffer would be enlarged and made more dense, but it would not be 25 feet--more like 13 feet.

The other depicts the full 25 feet and the consequences of using the full amount, which would require destroying both driveways and hindering use of the existing block building.



*Exhibit A*

**LEGEND**

TOTAL LAND AREA - 137,211 S.F. (3.14AC.)  
 LANDSCAPE REQUIRED - 13,721 S.F.  
 LANDSCAPE PROVIDED - 36,143

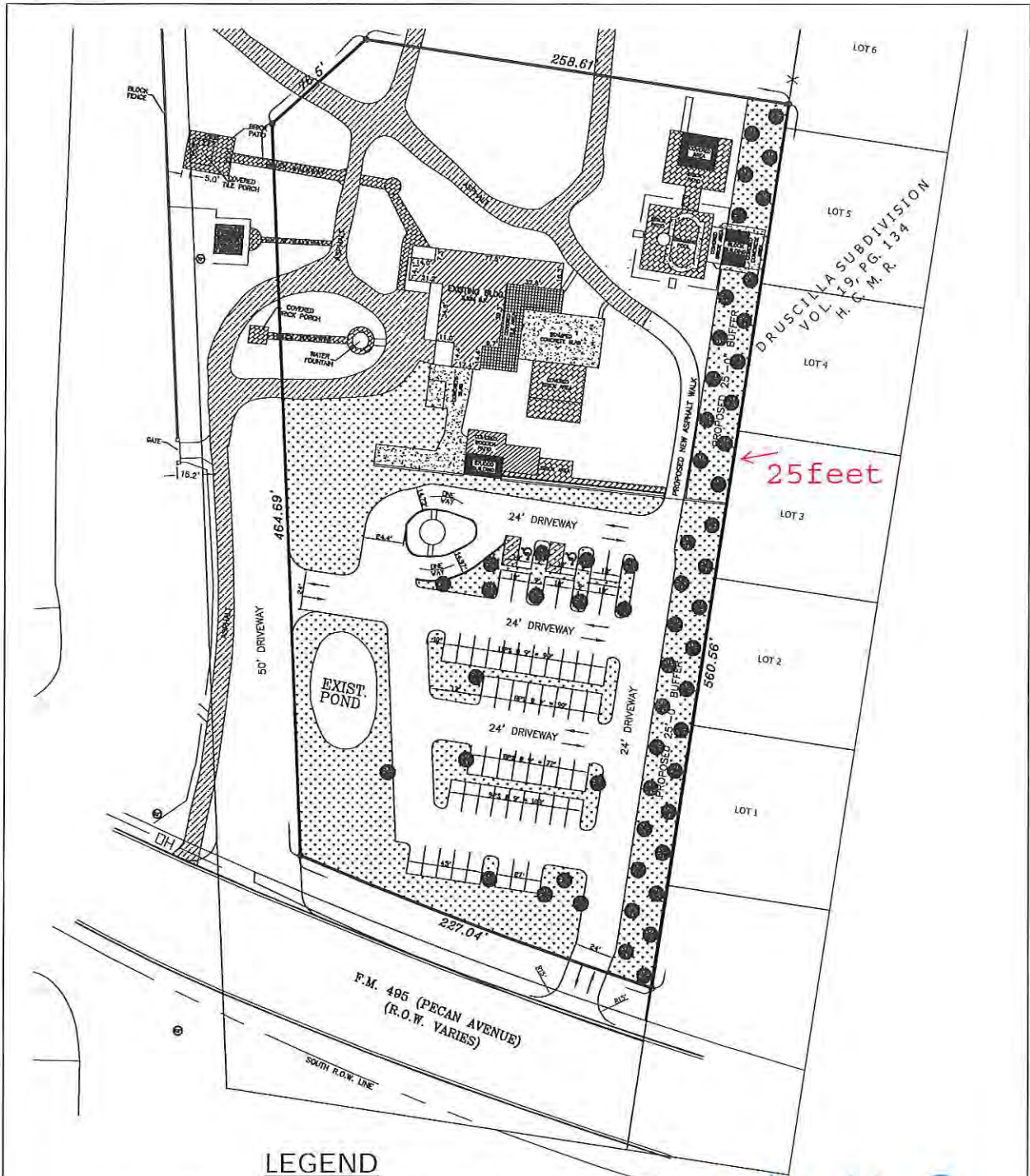
TOTAL BUILDING AREA - 3,947 S.F.  
 PARKING SPACES REQUIRED - 53 P.S.  
 PARKING SPACES PROVIDED - 54 P.S.

**SITE PLAN**  
 OF  
 lot 1  
 quinta luz  
 McALLEN, TEXAS

**OPERATION HOURS**

MONDAY - CLOSED  
 TUESDAY - FRIDAY - 7:00am - 10:00PM  
 SATURDAY - SUNDAY - 7:00AM - 12:00AM

PROJECT NO. 13-6973-10	DATE 12/10/2013	DESIGNED BY J.M.	PREPARED BY MAS		<p><b>Mas ENGINEERING LLC.</b>          consulting engineering          firm no. F-15499</p> <p>200 SOUTH 10 STREET SUITE 905          McALLEN, TEXAS. 78501</p> <p>PH. (956) 537-1311          E-MAIL: MSALINAS6973@ATT.NET</p> <p><small>THIS IS THE PROPERTY OF THE PROFESSIONAL ENGINEER WHOSE SEAL APPEARS ON THIS DRAWING AND IT IS UNLAWFUL TO REUSE THIS DRAWING ON ANY OTHER PROJECT, OR TO COPY, TRACE OR IN ANY OTHER WAY, REPRODUCE ANY OR ALL PARTS OF THIS DRAWING WITHOUT THE WRITTEN CONSENT OF THE ENGINEER.</small></p>	PROJECT NAME QUINTA LUZ
DRAWN BY OP1, B	PROJECT DATE 12/10/2013					ADDRESS 4300 PECAN BLVD.



**LEGEND**

TOTAL LAND AREA - 137,211 S.F. (3.14AC.)  
 LANDSCAPE REQUIRED - 13,721 S.F.  
 LANDSCAPE PROVIDED - 36,370 S.F.

TOTAL BUILDING AREA - 3,947 S.F.  
 PARKING SPACES REQUIRED - 53 P.S.  
 PARKING SPACES PROVIDED - 54 P.S.

*Exhibit B*

**SITE PLAN**  
 OF  
 lot 1  
 quinta luz  
 McALLEN, Texas

**OPERATION HOURS**

MONDAY - CLOSED  
 TUESDAY - FRIDAY - 7:00am - 10:00PM  
 SATURDAY - SUNDAY - 7:00AM - 12:00AM

PROJECT NO. 13-6973-10	DATE 12/10/2013	DESIGNED BY J.M.	PROPOSED BY MAS

**Mas ENGINEERING LLC.**  
 consulting engineering  
 firm no. f-15499

200 SOUTH 10 STREET SUITE 905  
 McALLEN, TEXAS. 78501

PH. (956) 537-1311  
 E-MAIL: MSALINAS6973@ATT.NET

THIS IS THE PROPERTY OF THE PROFESSIONAL ENGINEER WHOSE SEAL APPEARS ON THIS DRAWING AND IT IS UNLAWFUL TO REUSE THIS DRAWING ON ANY OTHER PROJECT, OR TO COPY, TRACE OR IN ANY OTHER WAY, REPRODUCE ANY OR ALL PARTS OF THIS DRAWING WITHOUT THE WRITTEN CONSENT OF THE ENGINEER.

PROJECT NAME: QUINTA LUZ
ADDRESS: 4300 PECAN BLVD.
CLIENT INFORMATION:



Exhibit C

12/20/13

To Whom It May Concern,  
As legal counsel for Sergio Licón,  
I would like to appeal the decision  
of the Planning & Zoning board regarding  
a CUP for ~~the~~ the property known  
as the 3.25 ac. out of lot 6, block 2,  
C.E. Hammond Subdiv. (Vol. 21, Pg. 599),  
which decision was made at a public  
hearing held on Dec. 17, 2013.

Thank you.

~~Mark Allen~~

Mark Montalvo  
900 N. Main St  
MEADOW TX 78521

mark@montalvolaw.net

RECEIVED

DEC 20 2013

Initial: MS

Ret#167166

**ITEM SUMMARY**

BOARD: City Commission

AGENDA ITEM

1D.

DATE SUBMITTED

01/21/2014

MEETING DATE

01/27/2014

1. Agenda Item: Public Hearing and consideration of a variance from Section 6-2 of the Alcoholic Beverage Code, for Juan R. Flores, on behalf of United Drive Inn No. 7 LLC., Lot 1, V- Reyna Subdivision, Hidalgo County, Texas; 2620 South 23rd Street.
2. Party Making Request: Juan R. Flores on behalf of United Drive Inn No. 7 LLC.
3. Nature of Request:  
  
Juan R. Flores, on behalf of United Drive Inn No. 7 LLC., for a variance from Section 6-2 of the Alcoholic Beverage Code at Lot 1, V- Reyna Subdivision, Hidalgo County, Texas; 2620 South 23rd Street.
4. Fiscal Impact Summary:
5. Budgeted:
 

Bid Amount:		Budgeted Amount:	
Under Budget:		Over Budget:	
		Amount Remaining:	
6. Routing:
 

Perez, Gardenia	Created/Initiated - 01/21/2014
Rankin, Julianne	Approved - 01/21/2014
Rodriguez, Roel	Approved - 01/21/2014
Pagan, Kevin	Final Approval - 01/21/2014
7. Staff Recommendation: Approval based on the fact that the convenience store has not ceased to operate and is a change of ownership only.
8. Advisory Board: None
9. City Attorney: Approved - KDP
10. Manager's Recommendation: approve....mrp

Memo

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

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

J.R.R.

**DATE:** January 20, 2014

**SUBJECT: REQUEST OF JUAN R. FLORES, ON BEHALF OF UNITED DRIVE INN NO. 7 LLC., FOR A VARIANCE FROM SECTION 6-2 OF THE ALCOHOLIC BEVERAGE CODE AT LOT 1, V-REYNA SUBDIVISION; 2620 SOUTH 23<sup>RD</sup> STREET.**

---

**GOAL:** To encourage commercial development or redevelopment that protects the character of surrounding areas.

**BRIEF DESCRIPTION:**

The property is located at the northwest corner of Jordan Road and S. 23<sup>rd</sup> Street and is zoned C-3 (general business) District. The adjacent zoning is C-3 to the north, east and south, A-O (agricultural and open space) District also to the east, R-2 (duplex-fourplex) District to the west, and R-1 (single family residential) District to the southwest. Surrounding land uses include commercial businesses, residences, and Bonham Elementary School.

There is an existing convenience store (United Drive Inn) on the property that continues to be in operation. The applicant, Mr. Juan R. Flores has indicated that the establishment has been in operation for over 25 years. An application for an alcoholic beverage license was received with a change of ownership from United Drive Inn No. 5 to United Drive Inn No. 7 LLC.

The applicant is requesting a variance to the distance requirement from a place of business with alcohol sales that is within 300 ft. of any church, public or private school, or public hospital. The applicant is proposing to continue to operate the existing convenience store with gas sales and off-premise consumption and has applied for a Beer & Wine Retailers Off-Premises Permit with the City.

Based on Chapter 6 of the City of McAllen's Alcoholic Beverage Code (which is substantially the same as the Texas Alcoholic Beverage Code), no beer or other alcoholic beverage shall be sold within the city by any dealer where the place of business of such dealer is within 300 ft. of any church, public or private school or public hospital. The measurements are from property line to property line as provided in the Texas Alcoholic Beverage Code, § 109.33. The property line of the lot is within 300 ft. of Bonham Elementary School. Further, the Texas Alcoholic Beverage Commission (TABC) treats any operation that sells wine, beer or alcohol as a "dealer".

Should the variance to the distance requirement be granted, then the applicant will proceed to continue to apply for the Wine & Beer Retailer's Off-Premise Permit (BQ) from TABC.

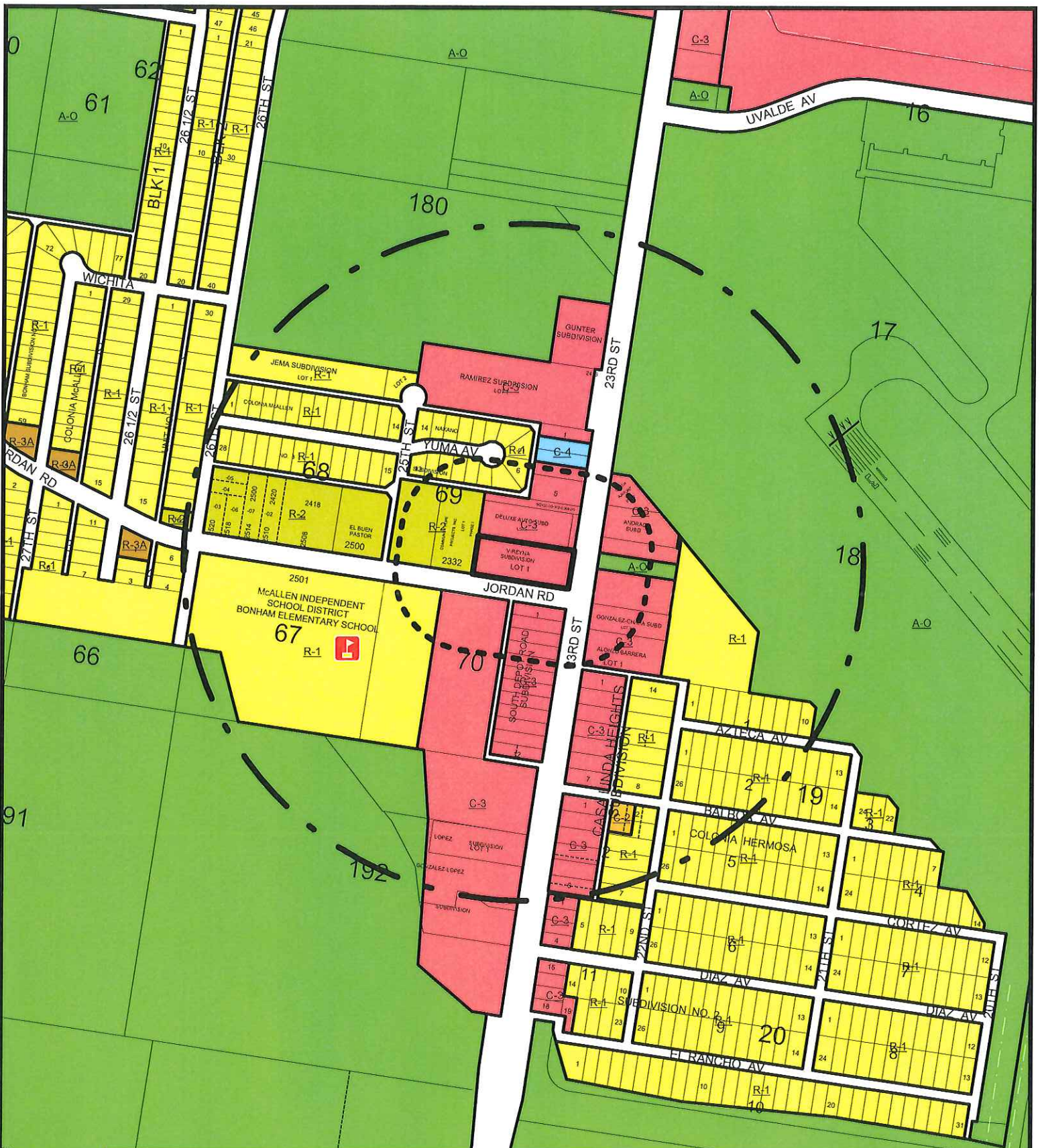


**OPTIONS:**

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

**RECOMMENDATION:**

Staff recommends approval of the request based on the fact that the convenience store has not ceased to operate and is a change of ownership only.



**CITY OF McALLEN**  
PLANNING DEPARTMENT

AREA MAP

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



SUBJECT PROPERTY

300 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS

**ZONING LEGEND**

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

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



# City of McAllen

## Planning Department

### VARIANCE TO CHAPTER 6 OF THE ALCOHOLIC BEVERAGE CODE

1300 Houston Avenue  
McAllen, TX 78501  
P. O. Box 220  
McAllen, TX 78505-0220  
(956) 681-1250  
(956) 681-1279 (fax)

<b>Project</b>	Legal Description <u>V-Reyna Lot 1</u>
	Subdivision Name _____
	Street Address <u>2620 South 23rd Street, McAllen, Texas 78503</u>
	Number of lots <u>1</u> Gross acres <u>1.3041</u>
	Existing Zoning <u>Business-Commercial</u> Existing Land Use <u>Drive Inn-Store</u>
	Reason for the Request (please use other side if necessary) <u>Same ownership (members) change in New Limited liability Company</u>
<input checked="" type="checkbox"/> \$225.00 non-refundable filing fee <input checked="" type="checkbox"/> Site Plan <input checked="" type="checkbox"/> Floor Plan <input type="checkbox"/> Applicant's Request to Include the Type of Permit being Requested from the Texas Alcoholic Beverage Commission (TABC)	


<b>Applicant</b>	Name <u>United Drive Inn No 7 LLC</u> Phone <u>(956) 681-2330</u>
	Address <u>2620 South 23rd Street</u>
	City <u>McAllen,</u> State <u>Texas</u> Zip <u>78503</u>

<b>Owner</b>	Name <u>Juan Paul Flores</u> Phone <u>(956) 330-2987</u>
	Address <u>2040 Diaz Street</u>
	City <u>McAllen</u> State <u>Texas</u> Zip <u>78503</u>

<b>Authorization</b>	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.
	Signature <u>[Signature]</u> Date <u>10-16-13</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent

<b>Office</b>	Accepted by _____ Date _____
	<u>[Signature]</u> Pd # <u>167,692</u>

02/13  
 RECEIVED  
 JAN 08 2014  
 Initial: [Initials]

 **City of McAllen**

***Planning Department***

**VARIANCE TO CHAPTER 6 OF  
THE ALCOHOLIC BEVERAGE CODE**

Reason for Request

To obtain new Wine & Beer Retailer OFF Premise  
Permit due to a change in limited liability company  
This location has been there for over 25 years

City Commission Action

Signature

Date

RECEIVED

JAN 03 2014

Initial 



# PEÑA ENGINEERING

1000 WHITEWING • P.O. BOX 4320  
(956) 682-8812 • McALLEN, TEXAS 78502 • FAX (956) 631-PENA

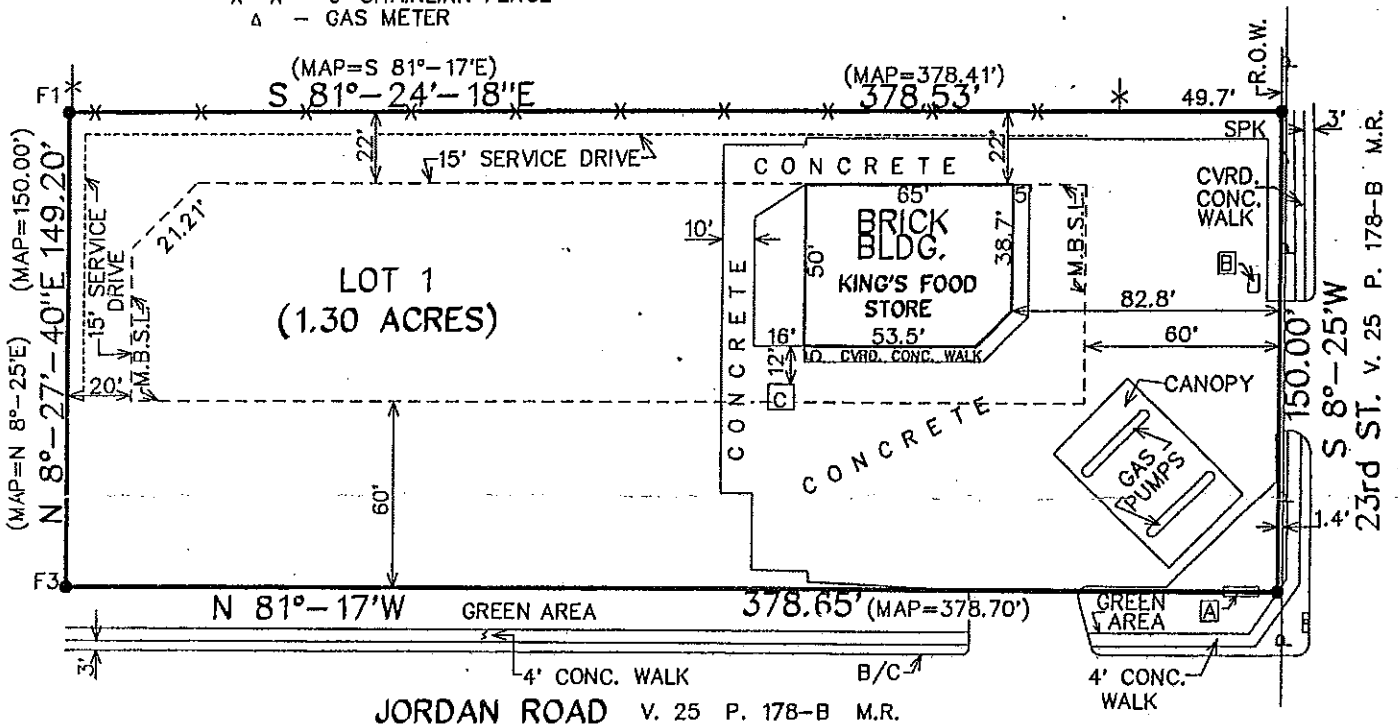
## LEGEND

- F - FOUND 1/2" DIAMETER IRON ROD
- F2 - FOUND 3/4" DIAMETER IRON PIPE
- SPK- SET "PK" NAIL IN CONCRETE
- M.B.S.L. - MINIMUM BUILDING SETBACK LINE
- B/C - BACK OF CONCRETE CURB & GUTTER
- A - KING'S FOOD STORE SIGN
- B - CHEVRON SIGN
- C - 8.2' X 8.2' WATER STATION
- P - POWER LINE
- \* - 6' CHAINLINK FENCE
- Δ - GAS METER

NOTE: BASIS OF BEARING, THE EAST LINE OF LOT 1, V-REYNA SUB'D., V. 25 P. 178-B M.R.



SCALE 1"=60'  
CAD5=V-REY-1d



## NOTES:

- 1.) STATUTORY RIGHTS, RULES, REGULATIONS, EASEMENTS, AND LIENS IN FAVOR OF HIDALGO CO. IRR. DISTRICT No. 1, PURSUANT TO APPLICABLE SECTIONS OF THE TEXAS WATER CODE. (BLANKET)

BUYER'S NAME: UNITED DRIVE INN No. 4 INC.

RECEIVED

JAN 03 2014

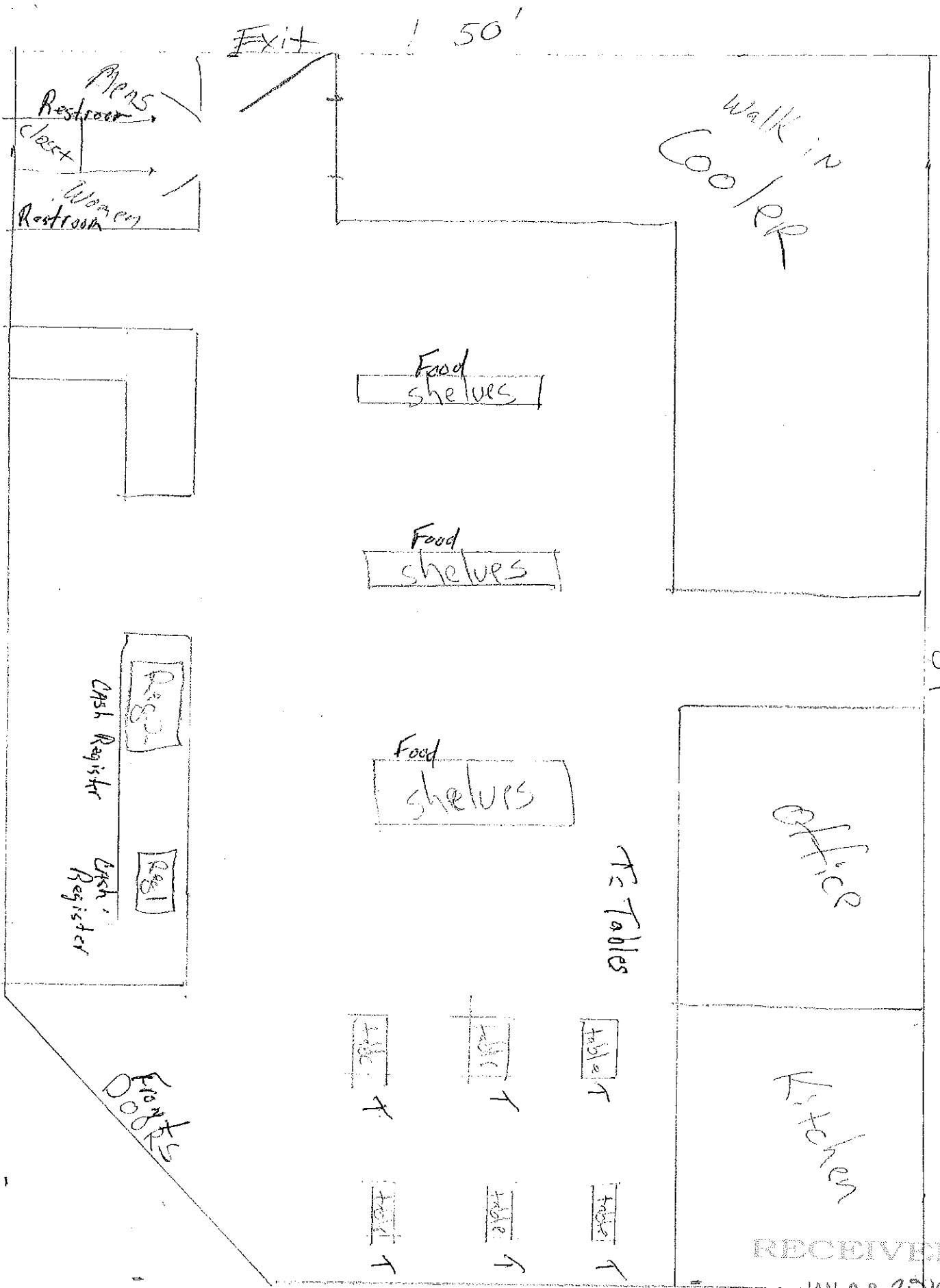
Initial:

FLOOD ZONE: By GRAPHICAL PLOTTING

COMMUNITY PANEL No. 480343 0010 C MAP REV: NOV. 2, 1982

- Zone "A" - This is to certify that this property is in a flood prone area.
- Zone "B" - This is to certify that this property is not in a flood prone area. However limits

Jordan Street



2630 S 23rd Street, Mr. Williams TR

RECEIVED  
 JAN 08 2014  
 Initial: 21

Decembbber 17, 2013

United Drive Inn No. 7, LLC  
D.B.A. United Drive In  
2620 South 23rd Street  
Mc Allen, Texas 78503

Mc Allen Independent School District  
Administration Office  
2000 N. 23<sup>rd</sup> Street  
Mc Allen, Texas 78501

Attn: - Superintendent of Schools

Dear Sirs:

The Texas Alcoholic Beverage Commission requires that we give written notice to the public school officials of Bonham Elementary, located at 2400 Jordan, Mc Allen, Texas 78501, of our intent to apply for a Wine & Beer Retailer's Off-Premise Permit for the above mentioned location.

Our establishment is an off-premise location convenience store with gas service and will service the needs of the neighborhood. We have being at this same location for over 25 years. The only change to this location is that we are changing Limited Liability Company to our business structure. Please be advised that we will serve food and that we will comply with all state and city requirements. Be advised that all our employees have attended the State Approved Alcohol Seller / Server Training program and that we will not sell alcoholic beverages to any one that does not have a proper I.D., and does not look to be at least 30 years of age or older.

If, there are any concerns or questions to this application, please feel free to call me Juan Raul Flores at my cell (956) 330-2987.

Respectfully Submitted,



Juan Raul Flores  
Sole member / manager

CC: Texas Alcoholic Beverage Commission

RECEIVED

JAN 03 2014

Initial: 



**CITY OF McALLEN**  
 PLANNING DEPARTMENT

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

 SUBJECT PROPERTY

 300 FT. NOTIFICATION BOUNDARY



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**ITEM SUMMARY**

BOARD: City Commission

AGENDA ITEM

1E.

DATE SUBMITTED

01/21/2014

MEETING DATE

01/27/2014

1. Agenda Item: Public Hearing and consideration of a variance from Section 6-2 of the Alcoholic Beverage Code, for Roger and Amy Young, on behalf of W.A.&J. Corporation, at Lot 1, Lamar Acres Subdivision, Hidalgo County, Texas; 1120 North 10th Street.
2. Party Making Request: Roger and Amy Young on behalf of W.A.&J Corporation
3. Nature of Request: Roger and Amy Young, on behalf of W.A.&J. Corporation, for a variance from Section 6-2 of the Alcoholic Beverage Code at Lot 1, Lamar Acres Subdivision, Hidalgo County, Texas; 1120 North 10th Street.
4. Fiscal Impact Summary:
5. Budgeted:
 

Bid Amount: _____	Budgeted Amount: _____
Under Budget: _____	Over Budget: _____
	Amount Remaining: _____
6. Routing:
 

Perez, Gardenia	Created/Initiated - 01/21/2014
Rankin, Julianne	Approved - 01/21/2014
Rodriguez, Roel	Approved - 01/21/2014
Pagan, Kevin	Final Approval - 01/21/2014
7. Staff Recommendation: Approval based on the fact that the restaurant has not ceased to operate and is a change of ownership only
8. Advisory Board: None.
9. City Attorney: Approved - KDP
10. Manager's Recommendation: approve...mrp

Memo

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

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

J.R.R.

**DATE:** January 20, 2014

**SUBJECT: REQUEST OF ROGER & AMY YOUNG, ON BEHALF OF W.A.&J. CORPORATION, FOR A VARIANCE FROM SECTION 6-2 OF THE ALCOHOLIC BEVERAGE CODE AT LOT 1, LAMAR ACRES SUBDIVISION; 1120 NORTH 10<sup>TH</sup> STREET.**

---

**GOAL:** To encourage commercial development or redevelopment that protects the character of surrounding areas.

**BRIEF DESCRIPTION:**

The property is located on the east side of N. 10<sup>th</sup> Street between Kendlewood & Laurel Avenue and is zoned C-3 (general business) District. The adjacent zoning is C-3 to the north, northwest and south, and R-1 (single family residential) District to the east, southeast and west. Surrounding land uses include commercial businesses, residences, and Lamar Academy International Baccalaureate.

There is an existing restaurant (Lotus Inn) on the property that continues to be in operation. The applicants, Roger & Amy Young, on behalf of W.A.&J. Corporation have indicated that the restaurant has been in operation for over 20 years. An application for an alcoholic beverage license was received with a change of ownership from Lotus Inn Corporation to W.A.& J. Corporation.

The applicant is requesting a variance to the distance requirement from a place of business with alcohol sales that is within 300 ft. of any church, public or private school, or public hospital. The applicant is proposing to continue to operate the existing restaurant with on-premise consumption of alcohol and has applied for a Mixed Beverage and Beverage Cartage Permits with the City.

Based on Chapter 6 of the City of McAllen's Alcoholic Beverage Code (which is substantially the same as the Texas Alcoholic Beverage Code), no beer or other alcoholic beverage shall be sold within the city by any dealer where the place of business of such dealer is within 300 ft. of any church, public or private school or public hospital. The measurements are from property line to property line as provided in the Texas Alcoholic Beverage Code, § 109.33. The property line of the lot is within 300 ft. of Lamar Academy Internation Baccalaureate. Further, the Texas Alcoholic Beverage Commission (TABC) treats any operation that sells wine, beer or alcohol as a "dealer".

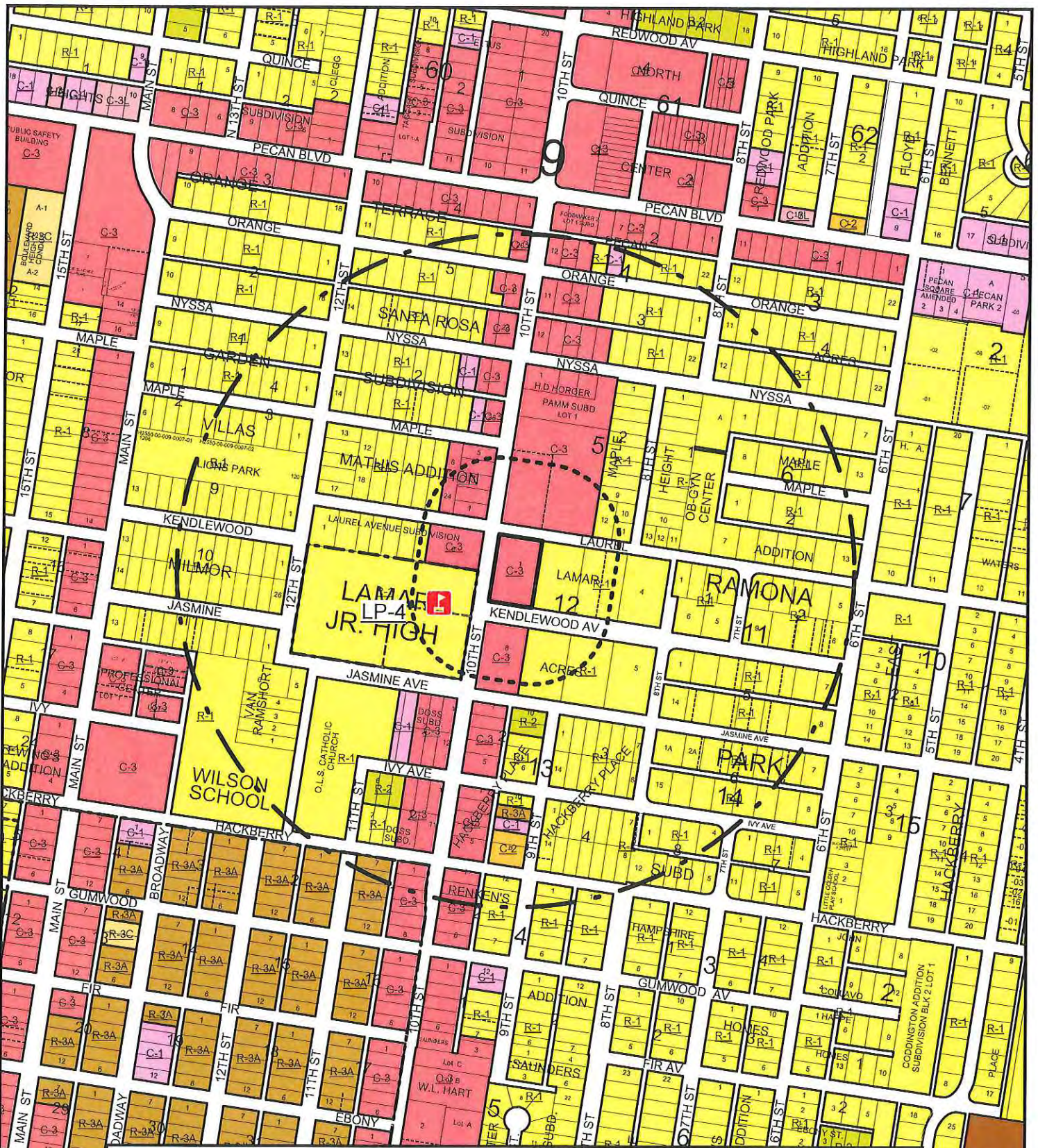
Should the variance to the distance requirement be granted, then the applicant will proceed to continue to apply for the Mixed Beverage Permit (MB) and Beverage Cartage Permit (PE) from TABC.

**OPTIONS:**

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

**RECOMMENDATION:**

Staff recommends approval of the request based on the fact that the restaurant has not ceased to operate and is a change of ownership only.



**CITY OF McALLEN**  
PLANNING DEPARTMENT

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



SUBJECT PROPERTY	300 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)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-4 (LIGHT COMMERCIAL)
R-2 (DUPEX-FOURPLEX)	R-3T (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	C-3L (COMMERCIAL INDUSTRIAL)
			I-1 (LIGHT INDUSTRIAL)
			I-2 (HEAVY INDUSTRIAL)
			(SPECIAL DISTRICT)

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**City of McAllen**  
**Planning Department**  
**VARIANCE TO CHAPTER 6 OF**  
**THE ALCOHOLIC BEVERAGE CODE**

1300 Houston Avenue  
 McAllen, TX 78501  
 P. O. Box 220  
 McAllen, TX 78505-0220  
 (956) 681-1250  
 (956) 681-1279 (fax)

<b>Project</b>	Legal Description <u>Lamar Acres lot 1</u>
	Subdivision Name _____
	Street Address <u>1120 N. 10<sup>th</sup> Street, McAllen, Texas 78501</u>
	Number of lots <u>1</u> Gross acres <u>1.0281</u>
	Existing Zoning <u>Commercial</u> Existing Land Use <u>Restaurant</u>
	Reason for the Request (please use other side if necessary) <u>changing owners</u> <u>Mr Roger Yang has died recently died</u>

- \$225.00 non-refundable filing fee     Site Plan     Floor Plan  
 Applicant's Request to Include the Type of Permit being Requested from the Texas Alcoholic Beverage Commission (TABC)

<b>Applicant</b>	Name <u>W.A. &amp; J Corp. DBA Lotus Inn</u> Phone <u>(956) 631-2693</u>
	Address <u>1120 N 10<sup>th</sup> Street</u>
	City <u>McAllen</u> State <u>Texas</u> Zip <u>78501</u>

<b>Owner</b>	Name <u>Roger &amp; Amy Yang</u> Phone <u>(956) 655-7424</u>
	Address <u>316 Wichita Ave</u>
	City <u>McAllen</u> State <u>Texas</u> Zip <u>78503</u>

<b>Authorization</b>	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.
	Signature <u>[Signature]</u> Date <u>12-16-13</u> <input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> Authorized Agent

<b>Office</b>	Accepted by _____ Date _____
	<u>PD # 167,693</u>

02/13  
 RECEIVED  
 JAN 03 2014  
 Initial: [Signature]



# City of McAllen

## Planning Department

### VARIANCE TO CHAPTER 6 OF THE ALCOHOLIC BEVERAGE CODE

Reason for Request

To obtain new restaurant mixed beverage permit  
since previous owner has passed. Location there  
has existed for over 20 years

City Commission Action

Signature

Date

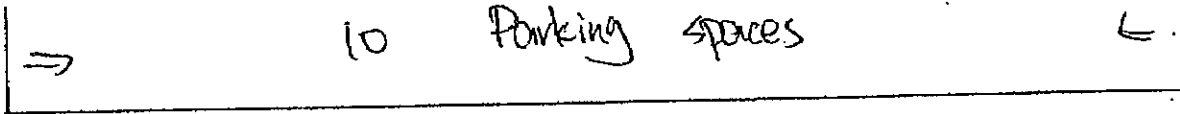
RECEIVED

JAN 03 2014

Initial:

AS

ENTRANCE



ENTRANCE



Lotus Inn Mallen

Gate 1:1

8 parking spaces

6 parking spaces

Handicapped Parking

Front Door

Handicapped Parking

10 Parking spaces

door

RECEIVED

JAN 03 2014

(Signature)

Shop Sign

1/9

Entrance

Entrance

10 Parking spaces

↓

Shop sign

///

20 Parking spaces

Lotus Inn Mallen

Parking spaces

Gate 1:1

Portia

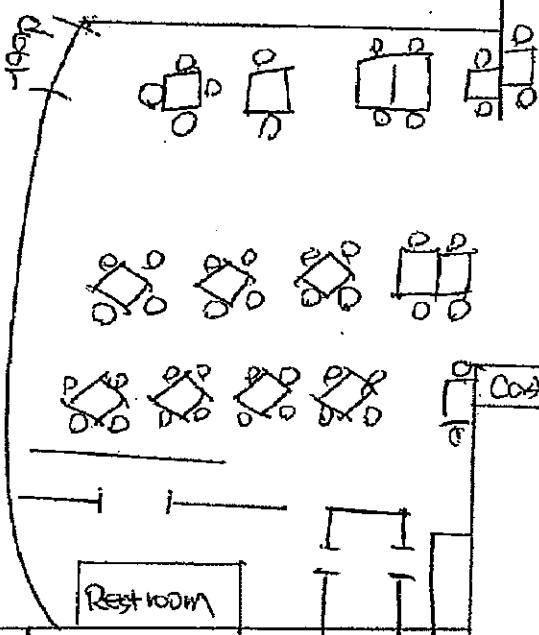
office  
station  
bar

26 Parking spaces

Handicapped Parking

Front Door

Handicapped Parking



CASHIER

Waiting Area

Restroom

Kitchen

chairs

chairs

10 Parking spaces

door

shops

RECEIVED

JAN 03 2014

Initial:

(Signature)

Shop sign

///

←

Gate

door

door

↑



December 19, 2013

W. A. & J. Corp.  
D.B.A. Lotus Inn  
1120 N. 10th St.  
McAllen, Texas 78501

McAllen Independent School District  
Administration Office  
2000 N. 23rd St.  
McAllen, Texas 78501

Attn: - Superintendent of Schools

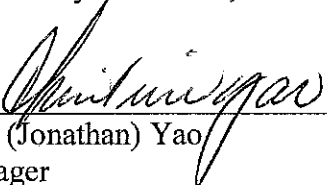
Dear Sirs,

The Texas Alcoholic Beverage Commission requires that we give written notice to the public school officials of Lamar Academy, located at 1009 N. 10th Street, McAllen, Texas 78501, of our intent to apply for a Mixed Beverage Permit for the above mentioned location.

Our establishment is a full service restaurant. We have been at this location for the past 20 years under the same trade name. The reason for this application is because the previous owner, Roger Yang, has passed away. Please be advised that the majority of sales will be food and the alcohol beverage will be used to compliment the food service. Be advised that all employees have attended State Approved Alcohol Seller / Server Training program and that we will not sell alcoholic beverages to any one that does not have proper I.D., and does not look to be 30 years of age or older. We will comply with all State and City requirements.

If there are any questions or concerns please feel free to call me, Chin (Jonathan) Yao, at (956) 376-1286.

Respectfully Submitted,

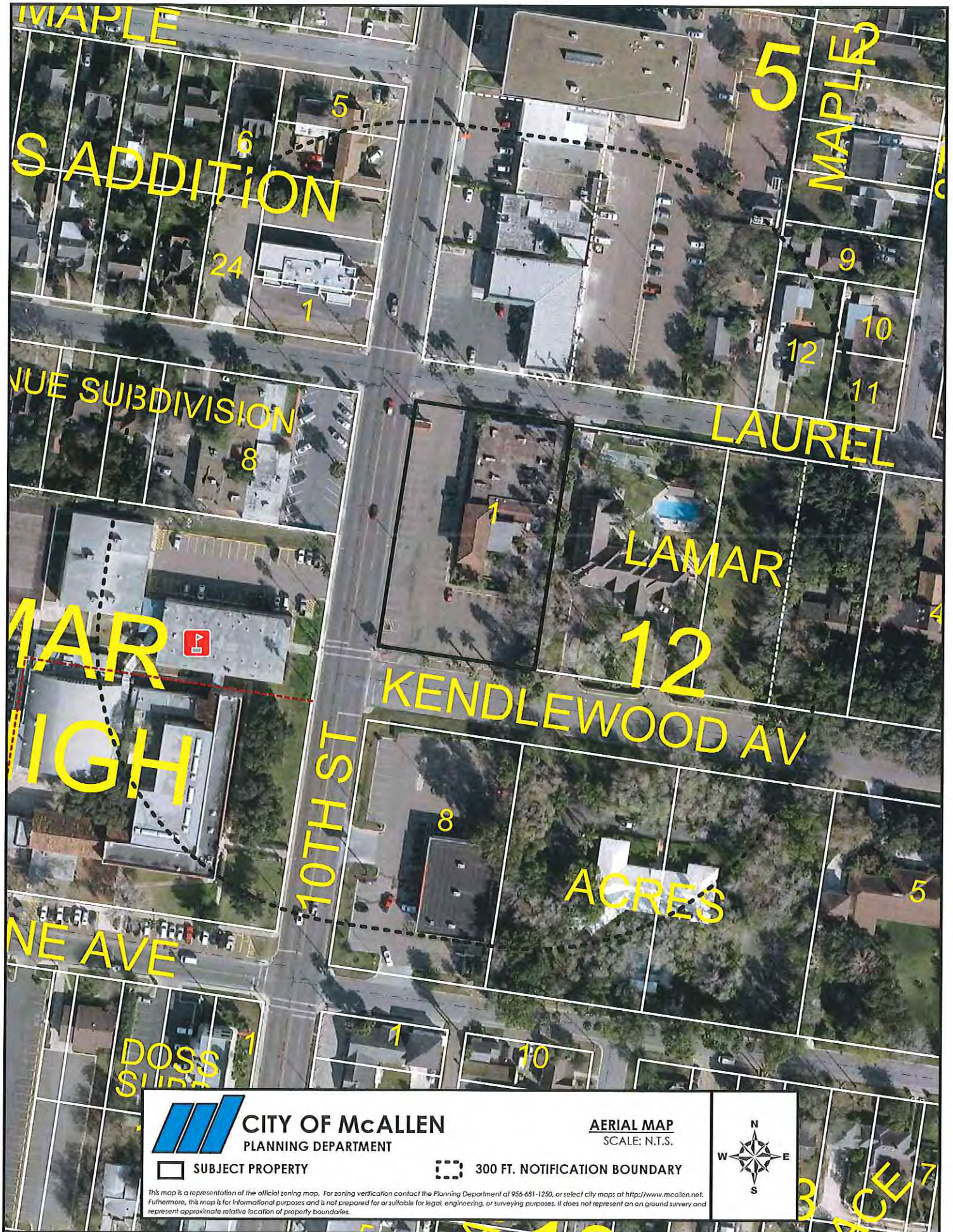
  
Chin (Jonathan) Yao  
Manager

cc: Texas Alcoholic Beverage Commission

RECEIVED

JAN 08 2014

Initial: 





**CITY OF McALLEN**  
PLANNING DEPARTMENT

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



SUBJECT PROPERTY
  300 FT. NOTIFICATION BOUNDARY

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**ITEM SUMMARY**

BOARD: City Commission

AGENDA ITEM  
DATE SUBMITTED  
MEETING DATE

1F.  
01/21/2014  
01/27/2014

1. Agenda Item: Amending the Zoning Ordinance of the City of McAllen as enacted May 29, 1979.
2. Party Making Request: Kevin D. Pagan, City Attorney
3. Nature of Request: Ordinance Amending the Zoning Ordinance
4. Fiscal Impact Summary:
5. Budgeted:
 

Bid Amount: _____	Budgeted Amount: _____
Under Budget: _____	Over Budget: _____
	Amount _____
	Remaining: _____
6. Routing:
 

Admin, System	Created/Initiated - 01/21/2014
Rankin, Julianne	Final Approval - 01/21/2014
7. Staff Recommendation: Subject to approval of rezoning by City Commission
8. Advisory Board:
9. City Attorney: Approved - KDP
10. Manager's Recommendation: approve...mrp

ORDINANCE NO. 2014-\_\_\_\_\_

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF McALLEN, TEXAS AS ENACTED ON MAY 29, 1979, BY PROVIDING THAT LOT 10, TAGGART SUBDIVISION, HIDALGO COUNTY, TEXAS SHALL BE CHANGED FROM R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT; THAT 2.24 ACRES CONSISTING OF 1.51 ACRES OUT OF LOT 10, BLOCK 1, C.E. HAMMOND SUBDIVISION, AND 0.73 ACRES BEING THE SOUTH 100 FEET OF LOT A, CHRISTIAN FELLOWSHIP SUBDIVISION, HIDALGO COUNTY, TEXAS SHALL BE CHANGED FROM A-O (AGRICULTURAL-OPEN SPACE) DISTRICT TO C-3L (LIGHT COMMERCIAL) DISTRICT; THAT 3.25 ACRES OUT OF LOT 6, BLOCK 2, C.E. HAMMOND SUBDIVISION, HIDALGO COUNTY, TEXAS SHALL BE CHANGED FROM A-O (AGRICULTURAL-OPEN SPACE) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT; THAT 0.17 ACRES OUT OF LOT 1, BLOCK 4, WEST HARVEY ADDITION, UNIT NO. 1 AND UNIT NO. 2, HIDALGO COUNTY, TEXAS SHALL BE CHANGED FROM C-1 (OFFICE BUILDING) DISTRICT TO R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT; THAT 1.955 ACRES OUT OF LOT 99, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY SUBDIVISION, HIDALGO COUNTY, TEXAS SHALL BE CHANGED FROM C-2 (NEIGHBORHOOD COMMERCIAL) DISTRICT TO C-3L (LIGHT COMMERCIAL) DISTRICT AMENDING THE ZONING MAP TO CONFORM TO THESE CHANGES.

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

SECTION I: The following tract of land which is located within the city limits of the City of McAllen, Texas shall be rezoned from R-1 (single family residential) District to C-3 (general business) District:

Lot 10, Taggart 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-3L (light commercial) District:

A 2.238 gross acre tract of land, more or less, out of Lot 10, Block 1, C.E. Hammonds Subdivision, Hidalgo County, Texas, said tract of land being more particularly described by metes and bounds as follows:

BEGINNING at the Southwest corner of Christian Fellowship Subdivision and Southeast corner of Penitas Subdivision, said point being the Point of Beginning;

THENCE, North 08 Deg. 41 Min. 56 Sec. East, along the East line of Penitas Subdivision, a distance of 100.00 feet to a point for the Northwest corner;

THENCE, South 81 Deg. 18 Min. 04 Sec. East, parallel to the South line of Christian Fellowship Subdivision, a distance of 317.41 feet to a point for the Northeast corner;

THENCE, South 08 Deg. 41 Min. 56 Sec. West, a distance of 100.00 feet along the East line of Christian Fellowship Subdivision to a point marking the Southeast corner of Christian Fellowship Subdivision and continuing for a total distance of 307.16 feet to a point for the Southeast corner;

THENCE, North 81 Deg. 18 Min. 04 Sec. West, a distance of 317.41 feet to a point for the Southwest corner;

THENCE, North 08 Deg. 41 Min. 56 Sec. East, a distance of 207.16 feet to the Point of Beginning, and containing within these metes and bounds 2.238 acres of land, more or less.

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

A 3.25 acre tract, more or less, out of a forming part of the West 9.80 acres (called the West 10.0 acres) of Lot 6, Block 2, C.E. Hammond Subdivision, Hidalgo County, Texas, said tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a ½ inch diameter iron rod set on the Northwest corner of said Lot 6, same being the Northwest corner of said Licon tract and further being located on the West right-of-way line of a Hidalgo County Drainage District No. 1 (HCDD No. 1) ditch right-of-way;

THENCE, South 84 Deg. 34 Min. 48 Sec. East (South 84 Deg. 20 Min. 00 Sec. East – deed), coincident with the North line of said Lot 6, same being the North line of that certain 70.0 foot Hidalgo County I.D. No. 1 canal right-of-way, a distance of 19.63 feet pass a ½ inch diameter iron rod found on the Southwest corner of Lot "A", Map of McAllen Independent School District Subdivision No. 8, at a distance of 475.78 feet (474.83 feet – deed) in all to a ½ inch diameter iron rod set on the Northeast corner of said Licon tract;

THENCE, South 08 Deg. 24 Min. 00 Sec. West, coincident with the East line of said Licon tract same being the West line of said Druscilla Subdivision, a distance of 70.09 feet passing the South line of said 70.0 foot canal right-of-way line, at a distance of 562.30 feet to a ½ inch diameter iron rod set for the Northeast corner and Point of Beginning;

THENCE, continuing coincident with the East line of said Licon tract, same being the West line of said Druscilla Subdivision, a distance of 560.56 feet to a ½ inch diameter iron rod set on the Northeast corner of that certain 0.05 acre tract of land, further being located on intersection with the North right-of-way line of F.M. 495 (also known as Pecan Avenue) being on a curve to the right whose radius is 2,824.79 feet for the Southeast corner;

THENCE, coincident with the North right-of-way line of said F.M. 495 with and along said curve, an arc length distance of 222.58 feet (Chord bearing North 69 Deg. 29 Min. 26 Sec. West, a distance of 222.52 feet) to a ½ inch diameter iron rod set on the Northwest corner of said 0.05 acre tract for the Southwest corner;

THENCE, North 02 Deg. 41 Min. 30 Sec. West, along a line parallel to the East line of said HCDD No. 1 ditch right-of-way, a distance of 464.69 feet to a ½ inch diameter iron rod set for an outside Western corner;

THENCE, North 47 Deg. 51 Min. 15 Sec. East, a distance of 76.50 feet to a ½ inch diameter iron rod set for the Northwest corner;

THENCE, South 81 Deg. 36 Min. 00

Sec. East, a distance of 258.61 feet to the POINT OF BEGINNING, containing 3.25 acres of land, more or less.

SECTION IV: The following tract of land which is located within the city limits of the City of McAllen, Texas shall be rezoned from to C-1 (office building) District to R-1 (single family residential) District:

A 0.17 acre tract of land, more or less, out of Lot 1, Block 4, West Harvey Addition, Unit No. 1 and Unit No. 2, Hidalgo County, Texas, said tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a ½ inch diameter iron rod found on the Northwest corner of said Lot 1 located on the intersection of the South right-of-way line of Daffodil Avenue and the East right-of-way line of North 23<sup>rd</sup> Street for the Northwest corner and Point of Beginning;

THENCE, South 81 Deg. 15 Min. East, coincident with the North line of said Lot 1, a distance of 63.53 feet to a ½ inch diameter iron rod set for the Northeast corner;

THENCE, South 08 Deg. 45 Min. West, along a line parallel to the East line of said Lot 1, a distance of 120.0 feet to a ½ inch diameter iron rod set on intersection with the South line of said Lot 1, same being the North right-of-way line of a 20.0 foot public alley for the Southeast corner;

THENCE, North 81 Deg. 15 Min. West, coincident with the South line of said Lot 1, same being the North line of said alley, a distance of 63.50 feet to a ½ inch diameter iron rod found on the Southwest corner of said Lot 1 located on intersection with the East right-of-way line of said North 23<sup>rd</sup> Street for the



Southwest corner;

THENCE, North 08 Deg. 44 Min. East, coincident with the West line of said Lot 1, same being the East right-of-way line of said North 23<sup>rd</sup> Street, a distance of 120.0 feet to the POINT OF BEGINNING containing 0.17 acres of land, more or less.

SECTION V: The following tract of land which is located within the city limits of the City of McAllen, Texas shall be rezoned from C-2 (neighborhood commercial) District to C-3L (light commercial) District:

A 1.955 acre tract being out of Lot 99, La Lomita Irrigation and Construction Company Subdivision, Hidalgo County, Texas, said tract of land being more particularly described by metes and bounds as follows:

BEGINNING at the Southeast corner of said Lot 99 and the Southeast corner of said tract;

THENCE, North 81 Deg. 16 Min. 18 Sec. West, 306.52 feet, with the South line of said Lot 99 and with the centerline of Buddy Owens Boulevard (F.M. 1924) to a point for the Southwest corner;

THENCE, North 08 Deg. 39 Min. 38 Sec. East, with the East line of RNC Medical II Subdivision, at a distance of 50.00 feet pass a ½ inch iron rod with a plastic cap stamped 'Melden & Hunt' found for reference on the North right-of-way lone of said Buddy Owens Boulevard and continuing for a total distance of 277.87 feet to a ½ inch iron rod with a plastic cap stamped "Melden & Hunt" found for the Northwest corner;

THENCE, South 81 Deg. 16 Min. 18 Sec. East, at a distance of 23.77 feet

pass a ½ inch iron rod with a plastic cap stamped “CVQ” found for the Southeast corner of Las Banderas Subdivision, said ½ inch iron rod also being the Southwest corner of Grace Presbyterian Church Subdivision, and continuing with the South line of said Grace Presbyterian Church Subdivision, at a distance of 266.52 feet pass a ½ inch iron rod with a plastic cap stamped “Melden & Hunt” found for reference of the West right-of-way line of North 29<sup>th</sup> Street and continuing for a total distance of 306.52 feet to a point for the Northeast corner;

THENCE, South 08 Deg. 39 Min. 38 Sec. West, 277.87 feet with the East line of said Lot 99 and with the centerline of said North 29<sup>th</sup> Street to the POINT OF BEGINNING and containing 1.955 acres of land more or less, of which 0.590 of one acre lies in road right-of-way leaving a net area of 1.365 acres of land, more or less.

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

SECTION VII: 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 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.

SECTION IX: 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 13th day of January, 2014, 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 January 2014.

CITY OF MCALLEN

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

ATTEST:

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

Approved as to form:

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

**ITEM SUMMARY**

BOARD: City Commission

AGENDA ITEM

2.A.

DATE SUBMITTED

01/21/2014

MEETING DATE

01/27/2014

1. Agenda Item: Approval of Minutes of various meetings.
2. Party Making Request: Annette Villarreal, City Secretary
3. Nature of Request: Approval of Minutes of Workshop and Regular Meetings held January 13, 2014 and outstanding minutes from Special Meeting held August 16, 2011.
4. Fiscal Impact Summary:
5. Budgeted:

Bid Amount:	_____	Budgeted Amount:	_____
Under Budget:	_____	Over Budget:	_____
		Amount Remaining:	_____
6. Routing:

Villarreal, Annette	Created/Initiated - 01/21/2014
Villarreal, Annette	Approved - 01/21/2014
Pagan, Kevin	Final Approval - 01/21/2014
7. Staff Recommendation: Approve as submitted
8. Advisory Board:
9. City Attorney: Approved - KDP
10. Manager's Recommendation: approve...mrp

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

The McAllen Board of Commissioners convened in a Workshop on **Monday, January 13, 2014**, at 4:00 pm, at McAllen City Hall Third Floor (3rd) Commission Chambers, with the following present:

Present: Mayor Jim Darling, Mayor Pro Tem Hilda Salinas, Mayor Pro Tem Aida Ramirez, Commission Scott Crane, Commissioner Trey Pebley, Commissioner John Ingram, Commissioner Veronica Vela Whitacre

Staff: City Manager Mike Perez, Deputy City Manager Brent Branham, City Attorney Kevin Pagan, Assistant City Manager/PUB General Manager Roy Rodriguez, Assistant City Manager Wendy Smith, City Secretary Annette Villarreal, City Engineer Yvette Barrera, Police Chief Victor Rodriguez, Director of Parks and Recreation Sally Gavlik, Deputy Director of Parks and Recreation Mike Hernandez, Director of Planning Juli Rankin

CDBG: Karen Valdez, Victor De Leon, Yolanda Trad, Alfredo Montanaro, Emily Nielsen, Steve Muenich, Diana Craig, Dr. Joey Casares

**CALL TO ORDER**

Mayor Darling called the meeting to order.

**1. PRESENT QUESTIONS TO STAFF RELATING TO JANUARY 13, 2014 REGULAR MEETING AGENDA, TO BE ADDRESSED AT SUCH MEETING.**

Questions were asked about items 2D, 2I and 4A.

**2. JOINT MEETING WITH COMMUNITY DEVELOPMENT COUNCIL:  
DISCUSSION OF FY 2014-2015 PROJECTS.**

Ms. Karen Valdez, CDBG Chair gave a presentation on the 2014-2015 projects. She briefly reviewed handout given to the commission on the five year history of CDBG Funded Construction Projects. A discussion was held. Staff answered questions posed by the Mayor and City Commission.

**END OF JOINT MEETING**

**3. DISCUSSION OF PARADE IMPROVEMENTS.**

Staff made a presentation touching on the change of the parade route to Bicentennial from Business 83 to Municipal Park. Staff touched on the associated costs. A discussion was held.

**4. DISCUSSION OF AIRPORT WATER FEATURE.**

The architect on contract, Ms. Laura Warren of the Warren Group Architects presented information on the custom water feature in the McAllen Airport Terminal expansion. Ms. Warren provided the

city commission the cost information and noted this would be paid by the contingency fund. A discussion was held.

5. **EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY), SECTION 551.072 (DELIBERATION REGARDING REAL PROPERTY), SECTION 551.074 (PERSONNEL MATTERS) AND SECTION 551.087 (ECONOMIC DEVELOPMENT)**
  - A) **CONSULTATION WITH CITY ATTORNEY REGARDING CAUSE NO. CL-13-3670-A; MARGARITA SALAZAR AND JOSEFA CHAVEZ VS. CITY OF MCALLEN. (SECTION 551.071, T.G.C.)**
  - B) **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.)**
  - C) **DISCUSSION AND POSSIBLE ACTION ON ENTERING INTO A SALES CONTRACT AND AUTHORIZING THE CITY MANAGER TO COMPLETE THE TRANSACTION TO ACQUIRE A TRACT OF LAND OUT OF LOT 3, BLOCK 3, A.J. MCCOLL SUBDIVISION, HIDALGO COUNTY, TEXAS. (SECTIONS 551.072 AND 551.071, T.G.C.)**
  - D) **CONSIDERATION OF ECONOMIC DEVELOPMENT MATTERS. (SECTION 551.087, T.G.C.)**
  - E) **DISCUSSION AND CONSIDERATION OF AWARD OF CONTRACT FOR THE SALE OF LOT 6(B) FOR A HOTEL PROJECT (CONVENTION CENTER SUBDIVISION). (SECTIONS 551.072 AND 551.071, T.G.C.)**
  - F) **DISCUSSION AND POSSIBLE ACTION ON ENTERING INTO A SALES CONTRACT AND AUTHORIZING THE CITY MANAGER TO COMPLETE THE TRANSACTION TO ACQUIRE THREE (3) TRACTS OF LAND OUT OF LOTS 51 AND 46, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY SUBDIVISION, HIDALGO COUNTY, TEXAS. (SECTIONS 551.072 AND 551.071, T.G.C.)**

## **ADJOURNMENT**

There being no other business to come before the Commission, the meeting was adjourned at 5:03 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, January 13, 2014**, at 5:00 pm, at McAllen City Hall Third Floor (3rd) Commission Chambers, with the following present:

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

Staff: Mike R. Perez, City Manager, Deputy City Manager Brent Branham, City Attorney Kevin Pagan, Assistant City Manager Wendy Smith, City Secretary Annette Villarreal, City Engineer Yvette Barrera, Director of Planning Juli Rankin, Director of Parks and Recreation Sally Gavlik, Public Works Director Carlos Sanchez, Acting Director of Aviation/Transit Director Elizabeth Suarez, IT Director Belinda Mercado, Acting Deputy Director of Aviation/Transportation Engineer Jeremy Santoscoy, Assistant Tax Collector Rebecca Grimes

**CALL TO ORDER**

Mayor Darling called the meeting to order.

**PRESENTATION TO MAYOR DARLING AND CITY COMMISSIONERS BY STATE REP. R.D. "BOBBY" GUERRA**

State Representative Guerra read and presented State Resolutions to the Mayor and City Commissioners.

**PROCLAMATION**

***ARBOR DAY***

Mayor Pro Tem Salinas read and presented a proclamation for *Arbor Day*.

***WEBELOS CUB SCOUTS DAY***

Mayor Pro Tem Ramirez read and presented a proclamation for *Webelos Club Scouts Day*.

**1. PUBLIC HEARING:**

Mayor Darling called the Public Hearing to order.

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

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

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

**1. REZONE FROM R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO C-1 (OFFICE BUILDING) DISTRICT: LOT 2, BLOCK 1, GERT'S ADDITION NO. 1 REVISED SUBDIVISION, HIDALGO COUNTY, TEXAS; 1021 MARTIN AVENUE.**

Approved a C-1 zoning at 1021 Martin Avenue, as per Planning and Zoning Commission.

**2. REZONE FROM C-1 (OFFICE BUILDING) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT: LOT 2, BLOCK 1, ROYAL PALMS ADDITION SECOND AMENDED MAP, HIDALGO COUNTY, TEXAS; 1008 HARVEY DRIVE.**

Approved a C-3L zoning at 1008 Harvey Drive, as per Planning and Zoning Commission.

**3. REQUEST OF CITY OF MCALLEN FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR AN INSTITUTIONAL USE AT LOT 1, NORTHWEST POLICE CENTER SUBDIVISION, HIDALGO COUNTY, TEXAS; 2800 OXFORD AVENUE.**

Approved a Conditional Use Permit, for life of the use, at 2800 Oxford Avenue, as per Planning and Zoning Commission, subject to compliance with the conditions noted, Zoning Ordinance, Fire Department and building permit requirements. The proposed use must also comply with the Zoning Ordinance and specific requirements as follows:

- 1) The proposed use shall not generate traffic onto residential-size streets or disrupt residential areas, and shall be as close as possible to a major arterial. The location has direct access to Oxford Avenue and North 29th Street;
- 2) The proposed use shall comply with the McAllen Off-Street Parking Ordinance and make provisions to prevent the use of street parking, especially in residential areas. Based on the addition and use of the building, 70 parking spaces are required; 133 spaces are provided;
- 3) The proposed use shall prevent the unauthorized parking of its patrons on adjacent businesses or residences by providing fences, hedges or reorientation of entrances and exits;
- 4) The proposed use shall provide sufficient lighting to eliminate dark areas, perimeter fencing, and an orientation of the building to provide maximum visibility from a public street in order to discourage vandalism and criminal activities;
- 5) Provisions shall be made to prevent litter from blowing onto adjacent streets and residential areas;
- 6) The number of persons within the building shall be restricted to the capacity for the building; and
- 7) Sides adjacent to commercially and residentially-zoned or used properties shall be screened by a 6 ft. opaque fence.

**4. REQUEST OF JUAN F. JIMENEZ, APPEALING THE DECISION OF THE PLANNING & ZONING COMMISSION OF THE NOVEMBER 19, 2013 MEETING, DENYING A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A BAR AT LOT 1, NOLANA WEST SUBDIVISION, HIDALGO COUNTY, TEXAS; 2200 NOLANA AVENUE, SUITE 2204C.**

Granted a variance and approved a Conditional Use Permit, for one year, for a bar, at 2200 Nolana Avenue, Suite 2204C, as per Planning and Zoning Commission.

- 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.



from the nearest residence and residentially-zoned property to the northwest and publicly-owned property (McAllen's Library) to the west;

- 2) The property must be as close as possible to a major arterial and shall not generate traffic onto residential-sized streets. The establishment is located on a major arterial, Nolana Avenue, and does not generate traffic into residential areas;
- 3) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance at a minimum, and make provisions to prevent the use of adjacent streets for parking. Currently there is a multi-tenant commercial shopping center on the property. The building is a mixture of retail, a restaurant, bars and vacant suites. At this time there is a 4,100 sq. ft. restaurant (Cabritos Nuevo Leon), 52,743 sq. ft. of retail suites including Dollar General and the 0.99 cent store, a 3,000 sq. ft. nightclub (Rana's) and a 3,000 sq. ft. bar (Cigar's Bar). Based on the square footage and uses, 250 parking spaces are required. The proposed 1,900 sq. ft. bar would require 29 parking spaces. For every business to run simultaneously, including vacant suites, 279 parking spaces would be required and would need to be provided before permits could be issued. There are 269 parking spaces provided on site. However, 3 businesses close by 8:00 p.m. making 10 parking spaces available. This bar opens at 8 P.M.;
- 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 set at 115 persons.

**5. REQUEST OF MARIO GUTIERREZ, APPEALING THE DECISION OF THE PLANNING & ZONING COMMISSION OF THE DECEMBER 03, 2013 MEETING, DENYING A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR AN EVENT CENTER AT LOT A, ARAPAHO SUBDIVISION, HIDALGO COUNTY, TEXAS; 4108 NORTH 10TH STREET, SUITE 1000.**

Granted a variance and approved a Conditional Use Permit, for one year, for an event center, at 4108 North 10<sup>th</sup> Street, Suite 1000, as per Planning and Zoning Commission. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of those businesses having late hours (after 10:00 p.m.) must be at least 600 ft. from the nearest residence, church, school or publicly-owned property or must provide sufficient buffer and sound insulation of the building such that the building is not visible and cannot be heard from the residential areas. The establishment is within 600 ft. of residential zones/uses like the Seville Apartments, which are adjacent to the establishment;
- 2) The property must be as close as possible to a major arterial and shall not generate traffic onto residential-sized streets. The establishment is located on North 10th Street, and does not generate traffic into residential areas;
- 3) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance at a minimum, and make provisions to prevent the use of adjacent streets for parking. A variance was approved by Zoning Board of Adjustments to allow 194 parking spaces instead of the 234 parking spaces required for a 1 to 3 hours maximum overlap subject to the restaurant in the shopping center being closed at 10:00 P.M.;
- 4) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties;

- 6) 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 number of persons allowed is 283.

**6. REQUEST OF RICARDO MANZO, APPEALING THE DECISION OF THE PLANNING & ZONING COMMISSION OF THE DECEMBER 03, 2013 MEETING, DENYING A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR AN AUTOMOTIVE SERVICE AND REPAIR (TIRE SHOP) AT RETIREE HAVEN #1 ASSESSORS TRACT OUT OF UNNUMBERED LOT, UNIT 1, ALSO KNOWN AS THE 0.32 ACRES OUT OF LOT 6, BLOCK 4, HIDALGO CANAL COMPANY'S SUBDIVISION, HIDALGO COUNTY, TEXAS; 6416 SOUTH 10TH STREET.**

Approved a Conditional Use Permit, for one year, for an automotive service and repair (tire shop), at 6416 South 10<sup>th</sup> Street. The establishment must also meet the requirements set forth in Section 138-281 of the Zoning Ordinance and specific requirements as follows:

- 1) A minimum lot size of 10,000 sq. ft. is required. The subject property has approximately 13,851 sq. ft;
- 2) All service, repair, maintenance, painting and other work shall take place within an enclosed area. Work on vehicles is proposed to be done under the car carport. If approved, the carport will be enclosed to meet this requirement;
- 3) Outside storage of materials is prohibited. At the time of inspection staff observed an existing vehicle and outside storage; if approved, the property must be cleaned before the issuance of the certificate. The applicant also proposes to display tires outside the building during the business' hours of operation; however, would not be permitted to store tires outside during any other time;
- 4) The building where the work is to take place shall be a minimum of 100 ft. from the nearest residence. The existing residences are located approximately 127 ft. south of this building;
- 5) A 6 ft. opaque buffer fence is required for the proposed use from any residential zone / use. A 6 ft. opaque fence is required on the north and west sides of the building. The applicant inquired if the buffer could be installed over a period of time;
- 6) New buildings and conversions of existing buildings shall meet current Building and Fire Code requirements concerning separation of high hazard uses from other occupancy use classifications. Prior to issuance of any building permits must comply with the Subdivision Ordinance as needed.

**B) REZONINGS:**

**1. REZONE FROM R-2 (DUPLEX-FOURPLEX RESIDENTIAL) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENTS) DISTRICT: LOT 16, AMENDED MAP OF CLOCKTOWER VILLAGE SUBDIVISION, HIDALGO COUNTY, TEXAS; 2405 NORTH "J" STREET.**

Said item was withdrawn by the applicant.

**2. REZONE FROM C-1 (OFFICE BUILDING) DISTRICT TO R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT: 0.17 ACRES OUT OF LOT 1, BLOCK 4, WEST HARVEY ADDITION, UNIT NO. 1 & UNIT NO. 2, HIDALGO COUNTY, TEXAS; 2225 DAFFODIL AVENUE.**

Staff recommended that said item be tabled.

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

**3. REZONE FROM A-O (AGRICULTURAL-OPEN SPACE) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT: 3.25 ACRES OUT OF LOT 6, BLOCK 2, C.E. HAMMOND SUBDIVISION, HIDALGO COUNTY, TEXAS; 4300 PECAN BOULEVARD. TABLED ITEM**

Staff recommended that said item be tabled.

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

**C) CONDITIONAL USE PERMITS:**

**1. REQUEST OF FRANK JOHN SCHUSTER FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR MOBILE HOME (SECURITY) OR OFFICE PURPOSES AT LOT 9, MCALLEN NORTHWEST INDUSTRIAL NO. 2 SUBDIVISION, HIDALGO COUNTY, TEXAS; 2200 TROPHY DRIVE.**

Staff recommended disapproval of a Conditional Use Permit for life of the use, at 2200 Trophy Drive, as per Planning and Zoning Commission and alternately, recommended approval for five (5) years, subject to compliance with requirements in Section 138-118(2) of the Zoning Ordinance and Fire Department requirements as follows:

- 1) The mobile home is an accessory to a permitted use. The mobile home will be accessory to the existing business;
- 2) No more than one mobile home shall be located on any one premises. There is no other mobile home on the property;
- 3) It shall be related to an existing ongoing business. The mobile home is related to the existing business;
- 4) It shall be located within 200 ft. of a public right-of-way. The building is located within 550 ft. east of North 23rd Street, fronting Trophy Drive (Private Access);
- 5) It shall be tied down and meet all other applicable provisions of the Mobile Home Ordinance; and
- 6) Provisions for garbage and trash collection and disposal shall be provided. A dumpster is provided on site.

Mayor Darling asked if there was anyone to speak in opposition to the Conditional Use Permit. No one appeared.

Commissioner Ingram moved to approve the Conditional Use Permit for five years as recommended. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

**2. REQUEST OF AUGUST AL-UQDAH ON BEHALF OF LATITUDE 360 APARTMENTS AND CONDO ASSOCIATION FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR AN ASSOCIATED RECREATION AT COMMON AREA "A" AND "B", SUNRISE TERRACE SUBDIVISION, HIDALGO COUNTY, TEXAS; 1224 EAST CAMELLIA AVENUE AND 1225 EAST DAFFODIL AVENUE.**

Staff recommended approval of a Conditional Use Permit, for life of the use, at 1224 East Camellia Avenue and 1225 East Daffodil Avenue, as per Planning and Zoning Commission, subject to the conditions noted, the Zoning Ordinance and building permit requirements. The proposed use shall meet all the minimum

standards and must comply with the applicable Subdivision Ordinances, the Zoning Ordinance and specific requirements as follows:

- 1) No form of pollution shall emanate beyond the immediate property line of the permitted use;
- 2) Additional reasonable restrictions or conditions such as increased open space, loading and parking requirements, suitable landscaping, curbing, sidewalks or other similar improvements may be imposed in order to carry out the spirit of the Zoning Ordinance or mitigate adverse effects of the proposed use. The use is limited for the lot owners only; therefore, no parking is proposed;
- 3) The associated recreation shall comply with the requirements established for accessory uses;
- 4) The associated recreation shall be customarily incidental to and maintained and operated as a part of the primary residential use;
- 5) The associated recreation shall not be hazardous to and does not impair the uses or enjoyment of nearby residential uses in a greater degree than the residential uses;
- 6) The associated recreation shall not add to levels of noise, odor, vibration and lighting or degrees of traffic congestion, dust or pollutants, in a greater amount than the adjacent residential uses.

Mayor Darling asked if there was anyone to speak in opposition to the Conditional Use Permit. No one appeared.

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

**3. REQUEST OF MOISES E. HERNANDEZ ON BEHALF OF IGLESIA BAUTISTA GETSEMANI FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR AN INSTITUTIONAL USE (CHURCH) AT LOT A, CALVARY BAPTIST SUBDIVISION, HIDALGO COUNTY, TEXAS; 2101 TRENTON ROAD.**

Staff recommended approval of a Conditional Use Permit, for life of the use, at 2101 Trenton Road, as per Planning and Zoning Commission, subject to compliance with the Zoning Ordinance, Fire Department and building permit requirements. The proposed use must comply with the Zoning Ordinance and specific requirements as follows:

- 1) The proposed use shall not generate traffic onto residential-size streets or disrupt residential areas, and shall be as close as possible to a major arterial. The proposed location will have direct access to Trenton Road and North 21st Street;
- 2) The proposed use shall comply with the McAllen Off-Street Parking Ordinance and make provisions to prevent the use of street parking, especially in residential areas. The church has a seating capacity of 380 persons which requires 95 parking spaces; 118 spaces are provided onsite;
- 3) The proposed use shall prevent the unauthorized parking of its patrons on adjacent businesses or residences by providing fences, hedges or reorientation of entrances and exits;
- 4) The proposed use shall provide sufficient lighting to eliminate dark areas, perimeter fencing, and an orientation of the building to provide maximum visibility from a public street in order to discourage vandalism and criminal activities;
- 5) Provisions shall be made to prevent litter from blowing onto adjacent streets and residential areas;
- 6) The number of persons within the building shall be restricted to those allowed by the Fire Marshal and Building Official at the time of permit issuance; and
- 7) Sides adjacent to commercially and residentially-zoned or used properties shall be screened by a 6 ft. opaque fence.

Mayor Darling asked if there was anyone to speak in opposition to the Conditional Use Permit. No one appeared.

Commissioner Pebley moved to approve the Conditional Use Permit as recommended. Commissioner Ingram seconded the motion. The motion carried unanimously.

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

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

**END OF PUBLIC HEARING**

Mayor Darling declared the Public Hearing closed.

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

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

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

**A) APPROVAL OF MINUTES FOR VARIOUS MEETINGS.**

Approved minutes for 2013: Workshops held January 24th, December 9th, December 18th, Regular Meeting held December 9th, and Special Meeting held December 17th. Outstanding minutes for 2012: Workshops held January 20th, September 4th, September 6th, and September 24th, October 3rd, October 16<sup>th</sup>. Outstanding minutes for 2011: Workshops held June 15th, June 27th, August 8th, August 11th, August 15th, August 16th, August 23rd, September 12th, November 2nd, and November 14th. Outstanding minutes for 2010: Workshops held August 9th, August 12th, and September 27th. Outstanding minutes for 2009: Workshops held January 12th, January 26th, February 9th, February 23rd, March 9th, March 23rd, April 27th, May 1st & 2nd, June 8th, June 29th, July 13th, July 27th, August 6th, August 10th, August 11th, August 12th, August 24th and Special Meeting held February 27th. Outstanding minutes for 2007: Special Meeting held December 6th.

**B) TO AWARD CONTRACT EXTENSIONS/CHANGE ORDERS ON MULTIPLE EXISTING LAWN MAINTENANCE SERVICE CONTRACTS.**

Approved extension of contracts with Maldonado Nursery & Landscape, LawnCare Experts, and Rodz Lawn Care & Landscape, through March 2014 and authorized change orders to existing purchase orders to cover additional charges.

**C) CHANGE ORDER #2 (FINAL RECONCILIATION) FOR FIREMANS PARK LAKE LINER.**

Approved Change Order No. 2 for Fireman's Park Lake Liner, for a deduct of (\$18,929.09) and a decrease in the contract amount of \$193,583.09, subject to a budget amendment.

**D) AWARD OF CONTRACT FOR THE PURCHASE OF COMMUNICATIONS REPEATERS USING BORDER INTEROPERABILITY DEMONSTRATION PROJECT (BIDP) GRANT PROGRAM FUNDS.**

Awarded a contract for the purchase of Communications Repeaters using Border Interoperability Demonstration Project (BIDP) Grant Program Funds to Motorola Solutions through HGAC contract in the amount of \$118,992.

**E) AWARD OF CONTRACT FOR THE PURCHASE OF THREE (3) COMMUNICATIONS REPEATERS USING FY2013 HOMELAND SECURITY GRANT PROGRAM FUNDS.**

Awarded a contract for the purchase of Three (3) Communications Repeaters using FY 2013 Homeland Security Grant Program Funds to Motorola Solutions through HGAC contract in the amount of \$77,928.

**F) CONSIDERATION AND APPROVAL TO RENEW MICROSOFT ENTERPRISE AGREEMENT FOR EMAIL SERVICES WITH SHI GOVERNMENT SOLUTIONS THROUGH THE STATE OF TEXAS, DEPARTMENT OF INFORMATION RESOURCES (DIR) PROGRAM.**

Approved the Microsoft Enterprise Agreement renewal for email services with SHI Government Solutions through the State of Texas, Department of Information Resources (DIR) Program. for three years, for an amount not to exceed \$60,063.32 per year.

**G) AWARD OF CONTRACT FOR MAINTENANCE SUPPORT OF CRITICAL NETWORK INFRASTRUCTURE.**

Awarded a contract for the Maintenance Support of Critical Network Infrastructure to InSight for Cisco Network Maintenance through the State of Texas DIR Contract, in the amount of \$43,163.85.

**H) AWARD OF BID FOR NETWORK CABLING SUPPLY CONTRACT.**

Awarded a bid for Network Cabling Supply Contract to Tele-Pro Communications, for one (1) year. Additionally, authorized staff to exercise the option to extend contract for (2) additional years in one (1) year increments upon City Manager approval, if the performance of the successful contractor is satisfactory and the unit price remains unchanged. Also authorized staff to terminate such contract 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 vendors fails to meet or perform under the terms and conditions of their Service/Supply Contract.

**I) AWARD OF CONTRACT FOR MUNICIPAL COURT VIDEO CAMERAS.**

Awarded a contract for Municipal Court Video Cameras to NetSync Network Solutions through State of Texas DIR contract in the amount of \$49,273.91.

**J) CONSIDERATION OF A VARIANCE TO RIGHT-OF-WAY DEDICATION REQUIREMENT FOR LA HACIENDA ESTATES, LOT 3A SUBDIVISION; 2916 & 2912 N. 29TH LANE.**

Staff recommended approval of a variance to right-of-way dedication requirement at 2916 & 2912 N. 29<sup>th</sup> Lane.

Questions were asked about the item. A lengthy discussion ensued.

After due consideration, Mayor Pro Tem Ramirez moved to approve the variance as recommended. Commissioner Ingram seconded the motion. The vote on the motion was as follows:

- AYES: Mayor Pro Tem Ramirez and Commissioners Ingram, Pebley, and Crane
- NAYS: Mayor Pro Tem Salinas and Commissioner Whitacre

ABSENT: None  
ABSTAINED: None

**K) AUTHORIZATION TO DECLARE CERTAIN CITY PROPERTY AS SURPLUS.**

Authorized the declaration of certain city property as surplus and begin auction efforts.

**L) CONSIDER ADOPTION OF AN ORDINANCE PROVIDING FOR A BUDGET AMENDMENT FOR THE MCALLEN-HIDALGO INTERNATIONAL BRIDGE PROJECTS.**

Adopted an ordinance providing for a budget amendment for the McAllen-Hidalgo International Bridge Projects in the amount of \$95,398.47.

**M) TAX REFUND OVER \$500 FOR HENRY A. & ANNA LISA ARCENEUX.**

Approved a tax refund to Henry A. & Anna Lisa Arcenau in the amount of \$540.16.

**3. BIDS/CONTRACTS:**

**A) CHANGE ORDER NO.7 - MCALLEN MILLER INTERNATIONAL AIRPORT TERMINAL EXPANSION PROJECT.**

Staff recommended approval of Change Order No. 7 in the amount of \$292,546 and 14 calendar days to Don Krueger Construction Company for the McAllen Miller International Airport Terminal Expansion Project, for a revised contract amount of \$19,771,531 and 771 calendar days.

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

**B) AWARD OF SERVICE CONTRACT FOR TOWING SERVICES-LIGHT, MEDIUM, & HEAVY TRUCKS/EQUIPMENT.**

Staff recommended award of contract for Towing Services-Light, Medium & Heavy Trucks Equipment to Apollo Trucking, for one (1) year. Additionally, staff requested authorization to exercise the option to extend the contract for two (2) additional years, in one (1) year increments, with City Manager approval, subject to the performance of the successful vendor(s) being satisfactory and the unit price(s) remaining unchanged. In addition, staff requested authorization to terminate such contract(s) with City Manager approval and re-award affected item(s) to the next low bidder meeting the requirements of the specifications, in the event that an awarded vendor fails to meet or perform under the terms and conditions of the Service Contract.

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

**4. RESOLUTIONS:**

**A) SUPPORTING AEP TEXAS CENTRAL COMPANY LED PILOT PROGRAM TO PROVIDE LED STREET LIGHTING SERVICE TO THE CITY OF MCALLEN.**

Staff recommended approval of a resolution supporting AEP Texas Central Company LED Pilot Program to provide LED Street Lighting Service to the City of McAllen.

Mayor Pro Tem Salinas moved to approve the resolution as recommended. Commissioner Crane seconded the motion. The motion carried unanimously.

**B) AUTHORIZING PARTICIPATION IN THE FY 2014 NATIONAL RECREATION AND PARK ASSOCIATION (NRPA) AND MACY'S, INC., NATIONAL ENGAGEMENT PARTNERSHIP DONATION PROGRAM.**

Staff recommended approval of a resolution authorizing the participation in the FY 2014 National Recreation and Park Association (NRPA) and Macy's Inc. National Engagement Partnership Donation Program.

Commissioner Ingram moved to approve the resolution as recommended. Commissioner Whitacre seconded the motion. The motion carried unanimously.

**C) AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE FEDERAL COMMUNICATIONS COMMISSION, THROUGH THE UNIVERSAL SERVICE ADMINISTRATIVE COMPANY E-RATE GRANT PROGRAM FOR FUNDING UNDER THE 2014-2015 FUNDING CYCLE.**

Staff recommended approval of a resolution authorizing the submission of a grant application to the Federal Communications Commission, through the Universal Service Administrative Company E-Rate Grant Program for funding under the 2014-2015 Funding Cycle.

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

**D) DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CITY OF MCALLEN, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2014.**

Staff recommended that said item be tabled for discussion in Executive Section under Consultation with City Attorney, Chapter 551.071.

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

Commissioner Pebley moved to remove said item from the table and approve the resolution directing publication of Notice of Intention to Issue City of McAllen Texas Combination and Tax Revenue Certificates of Obligation, Series 2014. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

**5. VARIANCES:**

**A) CONSIDERATION OF A VARIANCE TO THE SUBDIVISION PROCESS REQUIREMENT AT A 0.50 ACRE TRACT OF LAND OUT OF THE NORTH 5.42 ACRES LYING WEST OF F.M. 2220 OF LOT 101, PRIDE O' TEXAS SUBDIVISION; 12498 N. BENTSEN ROAD.**

Staff recommended approval of a variance request to the subdivision process requirement at 12498 N. Bentsen Road subject to the additional ROW dedication along 8 Mile Line and N. Bentsen Road, a contractual agreement for the necessary public improvements and compliance with set-back requirements.

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

**6. MANAGER'S REPORT:**

**A) ADVISORY BOARD APPOINTMENTS.**



Staff recommended the nomination of members to the various advisory boards.

Ambulance Evaluation Committee

Commissioner Ingram nominated Marcos Pena.

Civic Center Advisory Board

Commissioner Crane nominated Dr. Joe Caporusso and Commissioner Pebley nominated Nedra Kinerk.

Golf Course Advisory Board

Commissioner Pebley nominated Leo Gonzalez.

Historic Preservation Council

Commissioner Ingram nominated Francisco Loya.

Traffic Commission

Commissioner Crane nominated Robert L. Saenz and Carol J. Munoz.

Commissioner Crane moved to confirm the nominations to the various boards. Commissioner Pebley seconded the motion. The motion carried unanimously.

**B) FUTURE AGENDA ITEMS**

The items for upcoming workshops were briefly reviewed: Part-Time Employees; Parrot Ordinance; Workshop/Retreat on future projects and goals; Demolition or sale of homes by library.

**7. MAYOR'S REPORT:**

**A) REPORT ON WORLD BIRDING CENTER REGIONAL PUBLICITY.**

Mayor Darling gave a report on the World Birding Center Regional Publicity.

**B) REPORT ON MARKETING DEPARTMENT.**

Mayor Darling gave a report on the establishment of a Marketing Department.

**8. TABLED ITEM:**

**A) CONSIDER THE NOMINATION OF AN INDUCTEE TO THE RIO GRANDE VALLEY WALK OF FAME AS PART OF THE 2014 BORDERFEST IN HIDALGO.**

Commissioner Crane moved to remove said item from the table. Commissioner Pebley seconded the motion. The motion carried unanimously.

Mayor Darling nominated Mayor Richard Cortez as the inductee to the Rio Grande Valley Walk of Fame in Hidalgo.

Commissioner Ingram moved to approve the nomination. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously.

**PUBLIC COMMENT SESSION**

No one appeared.

**9. EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY), SECTION 551.072 (DELIBERATION REGARDING REAL PROPERTY), SECTION 551.074 (PERSONNEL MATTERS) AND SECTION 551.087 (ECONOMIC DEVELOPMENT).**

On behalf of the Presiding Officer, the City Attorney recommended recessing into Executive Session pursuant to Chapter 551, Texas Government Code, Section 551.087 Economic Development for Item 6H; Section 551.071 Consultation with Attorney for Items 4D, 9A, 9B, 9C, 9E and 9F; Section 551.072 Deliberation regarding Real Property for Items 9B, 9C, 9E and 9F; and Section 551.087 Economic Development for Item 9D.

Commissioner Whitacre announced that she had a conflict with item 9B and would abstain from discussion and voting on said item; subsequently, a conflict form was filed with the City Secretary. Mayor Darling announced that he had a conflict with item 9C and would abstain from discussion and voting on said item; subsequently, a conflict form was filed with the City Secretary.

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

Mayor Darling recessed the meeting at 6:27 pm to go into Executive Session. Commissioner Whitacre excused herself from the meeting at 7:45 pm. Mayor Darling reconvened the meeting at 7:52 pm and addressed the action on Executive Session items.

**A) CONSULTATION WITH CITY ATTORNEY REGARDING CAUSE NO. CL-13-3670-A; MARGARITA SALAZAR AND JOSEFA CHAVEZ VS. CITY OF MCALLEN. (SECTION 551.071, T.G.C.)**

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

**B) 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.)**

No action.

**C) DISCUSSION AND POSSIBLE ACTION ON ENTERING INTO A SALES CONTRACT AND AUTHORIZING THE CITY MANAGER TO COMPLETE THE TRANSACTION TO ACQUIRE A TRACT OF LAND OUT OF LOT 3, BLOCK 3, A.J. MCCOLL SUBDIVISION, HIDALGO COUNTY, TEXAS. (SECTIONS 551.072 AND 551.071, T.G.C.)**

Commissioner Pebley moved to authorize the City Manager and Commissioner Crane and Mayor Pro Tem Salinas to meet with the appropriate persons to discuss the transaction as discussed in Executive Session. Mayor Pro Tem Salinas seconded the motion. The vote on the motion was as follows:

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

ABSTAINED: Mayor Darling

**D) CONSIDERATION OF ECONOMIC DEVELOPMENT MATTERS. (SECTION 551.087, T.G.C.)**

No action.

**E) DISCUSSION AND CONSIDERATION OF AWARD OF CONTRACT FOR THE SALE OF LOT 6(B) FOR A HOTEL PROJECT (CONVENTION CENTER SUBDIVISION). (SECTIONS 551.072 AND 551.071, T.G.C.)**

Mayor Pro Tem Salinas moved to authorize the City Manager and City Attorney to finalize the agreement with Mr. Patel for the hotel project and authorize the Mayor to sign same if finalized before the next meeting. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously by those present.

**F) DISCUSSION AND POSSIBLE ACTION ON ENTERING INTO A SALES CONTRACT AND AUTHORIZING THE CITY MANAGER TO COMPLETE THE TRANSACTION TO ACQUIRE THREE (3) TRACTS OF LAND OUT OF LOTS 51 AND 46, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY SUBDIVISION, HIDALGO COUNTY, TEXAS. (SECTIONS 551.072 AND 551.071, T.G.C.)**

Mayor Pro Tem Ramirez moved to authorize the City Manager to negotiate with the school district regarding the property as discussed in Executive Session. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

**ADJOURNMENT**

There being no other business to come before the Commission, the meeting was adjourned at 7:56 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 Special Meeting on **Tuesday, August 16, 2011** at 5:30 p.m. at Palm View Golf Course with the following present:

Present: Mayor Richard Cortez, Mayor Pro Tem Hilda Salinas, Mayor Pro Tem Aida Ramirez, Commissioner Scott Crane, Commissioner Marcus Barrera, Commissioner John Ingram, Commissioner Jim Darling

Staff: City Manager Mike R. Perez, City Attorney Kevin Pagan, Deputy City Manager Brent Branham, Assistant City Manager Wendy Smith, Assistant City Manager Pilar Rodriguez, City Secretary Annette Villarreal, Deputy City Secretary Perla Zamora, City Engineer Yvette Barrera, Director of Grants Carla Rodriguez

**CALL TO ORDER**

Mayor Cortez called the meeting to order.

- 1. CONSIDER APPROVAL OF RESOLUTION ON FORM OF ORDER CALLING A SPECIAL TAX ELECTION TO SUBMIT A MEASURE TO THE VOTERS PROVIDING FOR THE IMPOSITION OF A VENUE TAX TO BE USED FOR THE PLANNING, DESIGN, DEVELOPMENT, RENOVATION AND CONSTRUCTION OF A PERFORMING ARTS CENTER IN THE CITY OF MCALLEN.**

Staff recommended approval of the proposed resolution calling for a Special Tax Election to submit a measure to the voters providing for the imposition of a venue tax to be used for the planning, design, development, renovation and construction of a Performing Arts Center in the City of McAllen.

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

**ADJOURNMENT**

There being no other business to come before the Commission, the meeting was adjourned at 6:30 p.m.

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Hilda Salinas, Mayor Pro Tem

Attest:

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Annette Villarreal, TRMC/CMC, CPM  
City Secretary

**ITEM SUMMARY**

BOARD: City Commission

AGENDA ITEM

2.B.

DATE SUBMITTED

01/22/2014

MEETING DATE

01/27/2014

1. Agenda Item: Award of Supply Contract for Swimming Pool Chemicals Project No. 12-13-SP08-48
2. Party Making Request: Parks & Recreation Department
3. Nature of Request: Authorization to approve the Supply Contract for chemical supplies for the swimming pools. Contracted items to include Muriatic Acid reference No. 1-2 to Berry Pool, Brownsville, Tx. at \$89.85 per 15 gallons, and Blue Calcium Hypochlorite No. 3-4 t to Chemrite, INC. Budord, GA at \$212.00 per 100Lbs. If approved contract term shall be for a period of one (1) year with the option to extend for two (2) additional years in one (1) year increments with City Manager approval if the performance of the vendor is satisfactory and the unit prices remain firm. In addition, we respectfully request authorization to terminate such contract(s) with City Manager approval and re-award affected service(s) to the next low bidder, in the event that the awarded vendor fails to meet or perform under the terms and conditions of their Supply Contract.
4. Fiscal Impact Summary: 011-5108-463-62-20  
Budgeted amount \$70,500 for the line item in the 2013-14 budget
5. Budgeted: yes
 


Bid Amount:	\$0.00	Budgeted Amount:	\$70,500.00
Under Budget:	\$0.00	Over Budget:	\$0.00
		Amount Remaining:	\$0.00
6. Routing:
 


Gavlik, Sally	Created/Initiated - 01/22/2014
Zamora, Sandra	Approved - 01/22/2014
Rodriguez, Angie	Approved - 01/22/2014
Dale, Jerry	Approved - 01/22/2014
Pagan, Kevin	Approved - 01/22/2014
Branham, Brent	Final Approval - 01/22/2014
7. Staff Recommendation: Staff recommends approval of the Supply Contract for Project No. 12-13-SP08-48 to Berry Pools for Muriatic Acid and Chemrite, Inc. for Blue Calcium Hypochlorite as indicated above.
8. Advisory Board:
9. City Attorney: Approved - KDP
10. Manager's Recommendation: approve....mrp

PARKS &  
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RECREATION

Interoffice  
**MEMORANDUM**  
City of McAllen

**To:** SANDRA ZAMORA, PURCHASING AND CONTRACTING DIRECTOR

**Thru:** SALLY GAVLIK, DIRECTOR  
MIGUEL HERNANDEZ, DEPUTY DIRECTOR OF PROGRAMS 

**From:** ANA A. ROMERO, SUPERINTENDENT OF AQUATICS 

**Subject:** Department Recommendation for Project: 12-13-SP08-48  
Supply Contract for the Purchase of Swimming Pool Chemicals

**Date:** January 10, 2014

**COMMENT**

The Department Recommendation for Project No. 07-13-SP08-48 Supply Contract for the Purchase of Swimming Pool Chemicals is the following:

- Muriatic Acid reference No. 1-2 is Berry Pool, Brownsville TX at 89.85 per 15 gallons.
- Blue Calcium Hypochlorite reference No. 3-4 is Chemrite, INC, Buford, GA at 212.00 per 100lbs.



BID OPENING: December 17, 2013 at 2:00 p.m.

LOCATION: Conference Room

PROJECT: 12-13-SP08-48 Supply Contract for the Purchase of Swimming Pool Chemicals

				BERRY POOL Brownsville, TX	CHEMRITE, INC. Buford, GA	UNIVAR USA, INC. Bedford Park, IL
BIDDERS:						
NO.	INTERNAL REF.	DESCRIPTION	U/M			
1	885-78-01001	ITEM NO. 1 - MURIATIC ACID (15-GAL. DRUM)	DRUM	♦ \$89.85	No Bid	\$99.00
2	962-86-01001	ITEM NO. 1A - DRUM DEPOSIT FOR MURIATIC ACID (IF THERE IS A DRUM DEPOSIT FEE, SPECIFY AMOUNT IN UNIT PRICE COLUMN. SPECIFY IF DEPOSIT IS REFUNDABLE IN COMMENT AREA)	EACH	\$0.00	No Bid	\$0.00
MAXIMUM DELIVERY TIME TO MCALLEN SITE ARO:				72 hours	N/A	48 - 96 hours
3	885-40-01001	ITEM NO. 2 - CALCIUM HYPOCHLORITE - ACCU-TAB BRIQUETTES (100 LB. BUCKET)	BUCKET	♦ \$276.00	♦ \$106.00/50 lb pail \$212.00/100 lb	♦ \$119.00
4	962-86-01001	CALCIUM HYPOCHLORITE (IF THERE IS A BUCKET DEPOSIT FEE, SPECIFY AMOUNT IN UNIT PRICE COLUMN. SPECIFY IF DEPOSIT IS REFUNDABLE IN COMMENT AREA)	EACH	\$0.00	\$0.00 Pails are one-way	\$0.00
MAXIMUM DELIVERY TIME TO MCALLEN SITE ARO:				72 hours	120 hours	48 - 96 hours
IS BIDDER ABLE & WILLING TO MAKE DELIVERIES ON WEEKENDS AND/OR HOLIDAYS AT CONTRACT UNIT PRICES:				No	No	No
ELECTRONIC BID SUBMITTED:				Yes	Yes	Yes
HARD COPY SUBMITTED:				Yes	Yes	Yes
				♦ Only offered in one (1) gallon containers. Bid reflects fifteen (15) gallons @ \$5.99 per gallon	♦ Price is per 50 lb pail. This works to \$212/per 100 lb	♦ Univar will supply material in 55lb buckets.
				♦ Bid reflects pricing @ \$2.76 per pound. We only offer fifty-five (55) pound containers @ 151.99 per container.		

**ITEM SUMMARY**

BOARD: City Commission

AGENDA ITEM	2.C.
DATE SUBMITTED	01/15/2014
MEETING DATE	01/27/2014

1. Agenda Item: Change Order #2 - Retiree Haven Subdivision Drainage Improvemets (FEMA HMGP Project 1780-TX-007) - Project No. B-09-MC-48-0506
2. Party Making Request: Engineering Department
3. Nature of Request: Request that the City Commission consider change order #2 to the Retiree Haven Drainage Improvements. This change order provides for the modifiction of the proposed water main crossing of the Floodway Pilot Channel from jack & bore to driectional bore, an adjustment to drainage structure quantities, modification to grassing option and adjustment to contract time due to inclement weather.
4. Fiscal Impact Summary: Funding Sources: 300-8708-436.66-36, ID1107 (\$1,692,789.00) (75% FEMA)

430-8708-446-66.36, IU1306	(\$340,000.00) (100% MPU)
730-000-211-22-00, XD1311	(\$64,400.00) (100% DEV.)

Original Contract	\$ 1,734,292.07 (100.0%)	150 days + 90 (alt. 3)
Previous Change Orders	\$ 63,030.00 ( 3.63%)	20 days
This Change Order	\$ (12,940.00) (- 0.75%)	13 days
Total Contract	\$ 1,784,382.07 (103.08%)	183 days + 90 (alt. 3)

5. Budgeted: 300-8708-436.66-36/ID1107  
430-8708-446-66.36/IU1306  
730-000-211-22-00/XD1311

	\$1,347,785.07		\$1,808,000.00
Bid Amount:	\$333,807.00	Budgeted Amount:	\$340,000.00
	\$52,700.00		\$52,700.00
	<hr/>		<hr/>
	\$460,214.93		\$0.00
Under Budget:	\$6,193.00	Over Budget:	\$0.00
	\$0.00		\$0.00
	<hr/>		<hr/>
			\$0.00
		Amount Remaining:	\$0.00
			\$0.00
			<hr/>

6. Routing:

Sanchez, Veronica	Created/Initiated - 01/15/2014
Canterbury, Robert	Approved - 01/15/2014
Barrera, Yvette	Approved - 01/16/2014
Rodriguez, Roel	Approved - 01/20/2014
Zamora, Sandra	Approved - 01/21/2014
Rodriguez, Angie	Approved - 01/22/2014
Dale, Jerry	Approved - 01/22/2014
Pagan, Kevin	Final Approval - 01/22/2014



7. Staff Recommendation: Approve Change Order #2 for Retiree Haven Subdivision Drainage Improvements to decrease contract amount from \$1,797,322.07 to \$1,784,382.07. Increase contract time from 170 days + 90 (alt.3) to 183 days + 90 (alt.3).
8. Advisory Board:
9. City Attorney: Approved - KDP
10. Manager's Recommendation: approve....mrp



ENGINEERING DEPARTMENT  
**MEMORANDUM**

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

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

**Date:** January 14, 2014

**Subject:** Change Order #2 – Retiree Haven Subdivision Drainage Improvements (FEMA HMGP Project 1780-TX-007) - Project No. B-09-MC-48-0506

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**Goal**

Consider and approve Change Order #2 to the existing contract.

**Explanation**

**Item #1 – Pilot Channel Crossing Modification:** Contractor has requested a deduct change order to allow for the completion of the proposed 12-inch water main crossing of the pilot channel utilizing the direction bore method versus the original jack and bore method as currently shown on the plans.

The result of this change will result in **net decrease** in the project costs in the amount of **(\$9,690.00)**. **This change will not result in any change to the number of working days** in the contract period. This change impacts only the MPU funded portion of the project.

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**Item #2 – Adjustment to Drainage Structure Quantities:** During the course of construction it was determined that the original bid documents did not match the plan quantities. To reconcile the difference between the plans and the bid documents it is necessary to add one additional 5' x 5' storm manhole and delete one 60" storm manhole.

The result of this change will result in **net decrease** in the project costs in the amount of **(\$100.00)**. **This change will not result in any change to the number of working days** in the contract period. This change impacts only the FEMA funded portion of the project.

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**Item #3 – Adjustment to Grassing Option:** The re-vegetation of the construction site shall be modified to change from sod to hydromulch.

The result of this change will result in **net decrease** in the project costs in the amount of **(\$3,150.00)**. **This change will not result in any change to the number of working days** in the contract period. This change impacts only the FEMA funded portion of the project.

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**Item #4 – Adjustment to Contract Time due to Inclement Weather:** During the months of November and December the contractor was delayed due to inclement weather for a total of 13 working days.

This change will result in a change to the number of working days in the contract period from 170 working days + 90 (alt. 3) to **183 working days + 90 (alt. 3)**.

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**Options:**

- 1.) Approve – Proposed Change Order
  - 2.) Disapprove – Proposed Change Order
- 

**Recommendation**

Based upon review by this office, approval of Change Order #2 is recommended to the contractor, **2GS.LLC.**, for a **net decrease in the contract amount of (\$12,940.00)** for a revised total of **\$1,784,382.07 (a decrease of 0.75%)**. The number of working days for the Base bid + alternates 1 & 2 will change **from 170 days to 183 working days** and the number of working days for completion of alternate 3 (off-site water main) will remain at unchanged.

**2GS, LLC**

Humberto Garcia  
P.O. Box 595  
Penitas, TX 78576

**ATTACHMENT 'A' - CONTRACTOR PAY APPLICATION  
RETIREE HAVEN STORMWATER IMPROVEMENTS (HMPG)  
10-1040**

**PENDING CHANGE ORDER ITEMS**

<b>DRAINAGE IMPROVEMENTS (FEMA 75% FUNDED)</b>				<b>Per Contract</b>	
<b>Item No.</b>	<b>Description</b>	<b>Unit</b>	<b>Quantity</b>	<b>Unit Price</b>	<b>Bid Cost</b>
DELETE	Sod	SY	-15,000	\$ 0.75	\$ (11,250.00)
ADD	Hydromulch	SY	15,000	\$ 0.54	\$ 8,100.00
DELETE	60" Concrete Manhole	EA	-1	\$ 3,950.00	\$ (3,950.00)
ADD	5' x 5' Concrete Type M Manhole	EA	1	\$ 3,850.00	\$ 3,850.00
<b>CHANGE ORDER#2 FEMA FUNDED PORTION</b>					<b>\$ (3,250.00)</b>

<b>DRAINAGE IMPROVEMENTS (MPU FUNDED)</b>				<b>Per Contract</b>	
<b>Item No.</b>	<b>Description</b>	<b>Unit</b>	<b>Quantity</b>	<b>Unit Price</b>	<b>Bid Cost</b>
DELETE	Waterline Bore (21 Steel Casing, PVC Pipe Spacers)	LF	-174	\$ 300.00	\$ (52,200.00)
DELETE	12 PVC DR18 C-900 Water Line w/ fittings	LF	-66	\$ 25.00	\$ (1,650.00)
ADD	12" DIRECTIONAL BORE	LF	240	\$ 184.00	\$ 44,160.00
<b>CHANGE ORDER#2 MPU FUNDED PORTION</b>					<b>\$ (9,690.00)</b>

<b>TOTAL PENDING CHANGE ORDER</b>					<b>\$ (12,940.00)</b>
-----------------------------------	--	--	--	--	-----------------------

ORIGINAL CONTRACT AMOUNT	\$	1,734,292.07	
PREVIOUS CHANGE ORDERS	\$	63,030.00	3.63%
THIS CHANGE ORDER	\$	(12,940.00)	-0.75%
NEW CONTRACT AMOUNT	\$	1,784,382.07	102.89%

P.O. BOX 595  
PEÑITAS, TX 78576



PH: (956) 424-3414  
FAX: (956) 683-6149

Order No. TWO

Date: January 6, 2013

### CONTRACT CHANGE ORDER REQUEST

**Project Name:** RETIREE HAVEN DRAINAGE IMPROVEMENTS

**Owner:** CITY OF MCALLEN

Description of Changes	Decrease in contract price	Increase in contract price
<b>Directional Drill (Bores) Across Levee</b> MPU Improvements (MPU Funded)		
240LF - 12" PVC, DR-18, C900 Directional Drill @ \$184/LF		\$ 44,160.00
174LF - Waterline Bore (21 Steel Casing, PVC Pipe Spacers) @ \$300/LF	\$ 52,200.00	
66LF - 12 PVC DR18 C-900 Water Line @ \$25/LF	\$ 1,650.00	
15,000SY - SOD @ \$0.75/SY	\$ 11,250.00	
15,000SY - Hydromulch @ \$0.54/SY		\$ 8,100.00
<b>Totals</b>	<b>\$ 65,100.00</b>	<b>\$ 52,260.00</b>
<b>Net Change In Contract Price</b>	<b>\$ -</b>	<b>\$ (12,840.00)</b>

**Reasons:**

To eliminate joint fittings under levee providing a continuous installation of pipe and lessening the potential for any future repairs under levee.

The amount of the Contract will be (Decreased)(Increased) by the Sum of : twelve thousand eight hundred forty dollars and zero cents Dollars \$ 12,840.00

The Contract Total Including this and previous Change Order Will be: one million seven hundred eighty-four thousand four hundred eighty-two dollars and seven cents Dollars \$ 1,784,482.07

The contract Period Provided for Completion will be (Increased)(Decreased)(Unchanged)      Days.

Requested by:

  
2GS, LLC

1/6/2014  
Date

<b>RAINFALL EVENTS FOR 2013</b>	
<b>RECORDED BY COMMUNITY, COLLABORATIVE, RAIN HAIL, &amp; SNOW NETWORK</b>	
<b>REPORTING STATION: TX-HDL-18</b>	
<u>DATE</u>	<u>RAINFALL</u>
1/2/2013	0.05
1/3/2013	0.21
1/5/2013	0.19
1/8/2013	0.05
1/9/2013	0.18
1/10/2013	0.23
1/15/2013	0.03
2/7/2013	0.02
4/25/2013	0.32
4/26/2013	0.04
4/29/2013	0.97
4/30/2013	0.02
5/11/2013	0.09
5/12/2013	0.06
5/13/2013	0.14
5/25/2013	0.37
5/27/2013	0.02
6/8/2013	1.17
6/11/2013	0.03
6/14/2013	0.08
7/8/2013	0.92
7/9/2013	0.02
7/10/2013	0.23
7/17/2013	0.02
8/12/2013	0.08
8/16/2013	0.14
8/23/2013	0.01
8/25/2013	0.05
8/26/2013	0.01
8/27/2013	0.35
9/3/2013	0.50
9/6/2013	0.39
9/7/2013	0.27
9/11/2013	0.28
9/12/2013	0.02
9/13/2013	0.06
9/14/2013	0.01
9/15/2013	0.31
9/16/2013	0.76
9/17/2013	0.76
9/18/2013	1.98

RAINFALL EVENTS FOR 2013	
RECORDED BY COMMUNITY, COLLABORATIVE, RAIN HAIL, & SNOW NETWORK	
REPORTING STATION: TX-HDL-18	
DATE	RAINFALL
9/19/2013	0.29
9/20/2013	0.21
9/21/2013	0.02
10/21/2013	0.05
10/22/2013	0.07
11/7/2013	0.70
11/8/2013	0.03
11/15/2013	0.02
11/21/2013	0.02
11/22/2013	0.01
11/23/2013	2.14
11/24/2013	0.11
11/25/2013	0.12
11/26/2013	0.31
12/6/2013	0.01
12/9/2013	0.01
12/10/2013	0.05
12/12/2013	0.09
12/26/2013	0.42
12/27/2013	0.98
12/28/2013	0.05
12/29/2013	0.15
12/30/2013	0.42
12/31/2013	2.48
<b>2013 TOTAL</b>	<b>20.20</b>
<b>2014</b>	
1/1/2014	0.05
1/2/2014	0.03

ALL RAIN DAYS  
PRIOR TO  
10/30/13  
ADDRESSED IN  
CO#1

BASED ON  
RAINFALL AND  
FIELD  
OBSERVATIONS,  
11 WORKING  
DAYS LOST  
BETWEEN NOV 1  
AND DEC 31

WEEKEND DAY
HOLIDAY

CHANGE ORDER #2  
IMPACTS TO CONTRACT COMPLETION DATES  
BASE BID: CURRENTLY, MARCH 21, 2014  
PROPOSED, APRIL 7, 2014  
ALTERNATE 3 (OFF-SITE): CURRENTLY, JULY 18, 2014  
PROPOSED, AUGUST 4, 2014

**ITEM SUMMARY**

BOARD: City Commission

AGENDA ITEM	2.D.
DATE SUBMITTED	01/17/2014
MEETING DATE	01/27/2014

1. Agenda Item: Las Palmas Community Center Gym Reroofing Project - Project #12-13-C05-186
2. Party Making Request: Engineering Department
3. Nature of Request: Consideration and approval of the award of contract for Las Palmas Community Center Gym Reroofing Project

4. Fiscal Impact Summary: Account number 110-8702-466-66-10, Project ID: BB1405 \$137,000  
Account number 690-6160-475-65-25 \$60,000

5. Budgeted:

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

6. Routing:

Sanchez, Veronica	Created/Initiated - 01/17/2014
Barrera, Yvette	Approved - 01/17/2014
Gavlik, Sally	Approved - 01/20/2014
Zamora, Sandra	Approved - 01/20/2014
Rodriguez, Angie	Approved - 01/21/2014
Dale, Jerry	Approved - 01/21/2014
Rodriguez, Roel	Approved - 01/21/2014
Cabrera, Elizabeth	Final Approval - 01/21/2014

7. Staff Recommendation: Staff recommends award of contract to CS Advantage USAA, Inc. out of College Station, Texas in the amount of \$197,000 with 30 working days to complete project.

8. Advisory Board:

9. City Attorney: Approved - KDP

10. Manager's Recommendation: approve....mrp





**CITY OF MCALLEN  
DEPARTMENT OF ENGINEERING  
MEMORANDUM**

**To:** Mike R. Perez, City Manager  
**From:** Yvette Barrera, P.E., CFM, City Engineer  
**Date:** January 17, 2014  
**Subject:** Award of Contract – Las Palmas Community Center Gym Roofing Project

**Goal:**

The goal is to award the contract for Las Palmas Community Center Gym Roofing Project to the lowest, responsive bidder.

**Brief Explanation:**

On Thursday, December 05, 2013 the Purchasing and Contracting Department received five (5) bid proposals for the above referenced project.

	CS ADVANTAGE USAA, INC	AMERICAN CONTRACTING U.S.A., INC	STATEWIDE ROOFING, L.L.C.	PIETRA CONSTRUCTION	BOUGAMBILIAS CONSTRUCTION
	COLLEGE STATION, TX	RIO HONDO, TX	EDINBURG, TX	EDINBURG, TX	EDINBURG, TX
BASE BID	<b>\$59,000.00</b>	\$59,000.00	\$59,000.00	\$65,250.00	\$72,000.00
ITEM 2 BLDG A,B,C,	<b>\$138,000.00</b>	\$158,000.00	\$167,000.00	\$231,750.00	\$233,300.00
ITEM 3	<b>\$0.00</b>	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00
<b>Total Bid</b>	<b>\$197,000.00</b>	<b>\$220,200.00</b>	<b>\$231,000.00</b>	<b>\$308,750.00</b>	<b>\$307,300.00</b>

The Community Center Gym was submitted as the base bid, while buildings A, B and C were submitted as an alternate bid. If approved, the alternate bid would be funded through a separate account provided by Parks and Recreation Department.

The scope of work includes installation of a mechanical fastened GAF Stratavent Nailable, hot mopped to a GAF Ruberoid 20 inter-ply membrane, hot mopped to a MOP Granule cap sheet with wall and base flashing (N-1-2-20/MG) as specified. It also includes a manufacturer's 15 year warranty.

The GAF roofing system does not require precertification and is a roofing system comparable to the existing roof.

A copy of the detailed bid tabulation is attached for your review and consideration.

**Options:**

- 1.) The City Commission may choose to award contract
- 2.) Choose to reject bids and re advertise the project.

**Recommendation:**

Staff recommends award of contract to the lowest responsive bidder, **CS Advantage USAA, Inc.** of College Station, TX, Texas, for the total bid amount of **\$197,000.00**.



**★ RECOMMENDED FOR AWARD OF CONTRACT**

BID OPENING: December 05, 2013 at 10:00 a.m.  
 LOCATION: Conference Room (2nd floor) McAllen City Hall

**PROJECT NO. 12-13-C05-186 LAS PALMAS COMMUNITY CENTER GYM ROOFING PROJECT**

BIDDERS:	<b>★ CS ADVANTAGE USAA, INC.</b> COLLEGE STATION, TX	<b>AMERICAN CONTRACTING U.S.A., INC.</b> RIO HONDO, TX	<b>STATEWIDE ROOFING</b> EDINBURG, TX	<b>PIETRA CONSTRUCTION</b> HARLINGEN, TX	<b>BOUGAMBILIAS CONSTRUCTION LLC</b> BROWNSVILLE, TX
ITEM 1: BASE BID: Base Bid as per plans, specifications and as shown on <b>Sheet A1.0</b> [approx. 5,000 square feet of demolition and roofing envelope].	\$59,000.00	\$59,000.00	\$59,000.00	\$65,250.00	\$72,000.00
ITEM 2: ALTERNATE BID: Provide demolition and new roofing envelope as described in specifications to additional <b>Buildings A, B and C</b> as shown on <b>Sheet A1.0</b> – [approx. 18,500 additional sf of building envelope] (ADD)	\$138,000.00	\$158,700.00	\$167,000.00	\$231,750.00	\$233,300.00
GRAND TOTAL BASE BID + ALT BID	\$197,000.00	\$217,700.00	\$226,000.00	\$297,000.00	\$305,300.00
ITEM 3: Lightweight Conc. Deck and Rigid Insulation (Not to exceed 250 SF)	▲ \$197,000.00	\$2,500.00	\$5,000.00	\$11,750.00	\$2,000.00
<b>BID(ITEM 1) TO INCLUDE ITEM 2 &amp; 3</b>	<b>★ \$197,000.00</b>	<b>\$220,200.00</b>	<b>\$231,000.00</b>	<b>\$308,750.00</b>	<b>\$307,300.00</b>
NUMBER OF WORKING DAYS TO COMPLETE CONTRACT	30 working days	30 working days	30 working days	30 working days	30 working days
BID BOND	Yes	Yes	Yes	Yes	Yes
ADDENDUM	N/A	N/A	N/A	N/A	N/A
HARDCOPY OF BID SUBMITTED	Yes	Yes	Yes	Yes	Yes
ELECTRONIC BID SUBMITTED	No	Yes	No	Yes	Yes
P & C HAS VERIFIED THAT BIDDERS ARE NOT ON THE DEBARRMENT LIST (EPLS)...12/06/2013...MQ	▲ <b>CONTRACTOR CLARIFIED BID: TOTAL REFLECTED FOR ITEM 1, 2, &amp; 3</b>				

**ITEM SUMMARY**

BOARD: City Commission

AGENDA ITEM	2.E.
DATE SUBMITTED	01/21/2014
MEETING DATE	01/27/2014

1. Agenda Item: Change Order No.1 - Concrete Rip-Rap Improvements at Bentsen Road (Project No.09-13-C35-249)

2. Party Making Request: Engineering Department

3. Nature of Request: Consideration and approval of Change Order No.1 for the Concrete Rip-Rap Improvements at Bentsen Road.

4. Fiscal Impact Summary:

Fund: 110-8702-436-66-36 IR1204

Budgeted Amount: \$ 200,000.00

Original Contract Amount: \$ 127,540.00	35 days
Change Order #1: \$ 29,400.00	10 days
Total Rev. Contract Amount: \$ 156,940.00	45 days

5. Budgeted:

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

6. Routing:

Santoscoy, Jeremy	Created/Initiated - 01/21/2014
Barrera, Yvette	Approved - 01/21/2014
Zamora, Sandra	Approved - 01/22/2014
Rodriguez, Angie	Approved - 01/22/2014
Dale, Jerry	Approved - 01/22/2014
Rodriguez, Roel	Approved - 01/22/2014
Branham, Brent	Approved - 01/22/2014
Pagan, Kevin	Final Approval - 01/22/2014

7. Staff Recommendation: Recommend approval of Change Order No.1 in the amount of \$29,400.00 and 10 additional working days for a revised contract amount of \$156,940.00 and 45 working days.

8. Advisory Board:

9. City Attorney: Approved - KDP

10. Manager's Recommendation: approve....mrp



**ENGINEERING DEPARTMENT  
MEMORANDUM**

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**To:** Mike R. Perez, City Manager  
**From:** Yvette Barrera, PE, CFM, City Engineer  
**Date:** January 20, 2014  
**Subject:** **Change Order No.1 – Concrete Rip-Rap Improvements at Bentsen Road  
(Project No. 09-13-C35-249)**

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**GOAL**

Consideration and approval of Change Order No.1 for the Concrete Rip-Rap Improvements at Bentsen Road Paving.

**EXPLANATION**

This was previously under Leal Construction's scope for Bentsen Road Drainage, who has since then closed their business, and has remained incomplete. The change order is to install Type 'R' Rip-Rap at 14 drainage outfalls that were constructed by Leal, but left incomplete. The improvements are proposed to be paid for with the retainage that is still being withheld from Leal Construction's contract. The proposal is \$2,100 for 14 various sized outfalls for a total of \$29,400 and the addition of 10 days.

**OPTIONS**

1. Reject proposed Change Order No.1.
2. Approve Change Order No.1. (staff recommendation)

**RECOMMENDATION**

Based on review by this office, staff recommends approval of Change Order No.1 to Rojas Heavy Equipment, LLC of Alamo, Texas in the amount of \$29,400 and 10 additional working days for a revised contract amount of \$156,940.00 and contract time of 45 working days.

**INFORMAL BID PROPOSAL  
FOR  
TYPE 'R' RIP-RAP CONSTRUCTION – BENTSEN ROAD**

PLEASE SUBMIT YOUR BID IN DUPLICATE FORM.

ENGINEER'S / ARCHITECTS'S ESTIMATE OF QUANTITIES – APPROXIMATE ONLY

Base Bid Items

Item	Description	Unit	Est. Qty.	Unit Cost	Total Cost
------	-------------	------	-----------	-----------	------------

1.	14	EA	Type 'R' Rip-Rap for existing sloped end-sections, approximately 3-12", 1-18", 6-24", 2-36" & 2-48" sloped-end sections, complete in place per each for	\$ <u>2,100</u>	\$ <u>29,400<sup>00</sup></u>
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Grand Total 29,400<sup>00</sup>

Number of working days to complete contract 10.

The undersigned agrees, unless hereinafter stated otherwise to furnish all materials as shown and specified in the Plans and Specifications.

Bidder hereby agrees to commence work under this contract within 10 days after notice to PROCEED is issued and complete the work within \_\_\_\_\_ working days, except Saturdays, Sundays and City recognized holidays.

**INFORMAL BID PROPOSAL FORM Continued:**

Receipt is acknowledged of the following addenda:

No. \_\_\_\_\_ Dated \_\_\_\_\_ No. \_\_\_\_\_ Dated \_\_\_\_\_

Bidder agrees that the Owner has the right to accept or reject any or all bids and to waive any or all formalities.

DATE: 9/16/13

Respectfully submitted,

BY: [Signature]  
(Signature)

EFRAIN ROSAS L.  
(Type or Print Name)

OWNER  
(Title)

Rojas Heavy Equipment  
(Company)

240 Frontage Rd  
(Address)

Alamo Texas 78516

956-787-8778  
(Phone Number)

956 787-8789  
(Fax Number)

(Seal - If bidder is a Corporation)

**ITEM SUMMARY**

BOARD: City Commission

AGENDA ITEM	2.F.
DATE SUBMITTED	01/21/2014
MEETING DATE	01/27/2014

1. Agenda Item: Consideration and Approval of Interlocal agreement with LRGVDC for the Division of TXDOT funding for FY 2013-2014
2. Party Making Request: Transit Department
3. Nature of Request: \$501,418.00 in TXDOT funding has been designated for Urban Transportation within Hidalgo County for FY 2013-2014. The LRGVDC is proposing to split the funds equally (50%). The Metro McAllen operation would receive \$250.709.00 as operating subsidy for Fiscal Year 2013-2014.
4. Fiscal Impact Summary:
5. Budgeted:
 

Bid Amount:	_____	Budgeted Amount:	_____
Under Budget:	_____	Over Budget:	_____
		Amount Remaining:	_____
6. Routing:
 

Cano , Angela	Created/Initiated - 01/21/2014
Delgado, Mario	Approved - 01/21/2014
Branham, Brent	Approved - 01/21/2014
Pagan, Kevin	Final Approval - 01/21/2014
7. Staff Recommendation: Request for approval to Split 5307 State Funds with LRGVDC
8. Advisory Board:
9. City Attorney: Approved - KDP
10. Manager's Recommendation: approve...mrp

**STATE/LOCAL GRANT AGREEMENT  
LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL  
CITY OF MCALLEN**

**THE STATE OF TEXAS  
THE COUNTY OF HIDALGO**

THIS GRANT AGREEMENT is made by and between the Lower Rio Grande Valley Development Council acting through the State of Texas, hereinafter called the "LRGVDC" and the City of McAllen, hereinafter called the "SUBRECIPIENT."

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

**WHEREAS**, 49 U.S.C. §5307, authorizes the U.S. Secretary of Transportation to make grants to state governments to assist in financing capital projects that will benefit the country's transit systems; and,

**WHEREAS**, the Governor of the State of Texas has designated the LRGVDC to receive State funds under the Section 5307 program; and,

**WHEREAS**, *Transportation Code* Chapter 455, authorizes the LRGVDC to assist the Subrecipient in procuring aid for the purpose of establishing and maintaining public and mass transportation projects and to administer funds appropriated for public transportation under *Transportation Code* Chapter 456; and,

**WHEREAS**, the LRGVDC submitted an application under Section 5307 for federal financial assistance to be used to finance a mass transportation project; and,

**WHEREAS**, The Executive Director of the Lower Rio Grande Valley Development Council has approved the Subrecipient's request for financial assistance through state funds allocated to the LRGVDC under the section 5307 program;

**NOW, THEREFORE**, in consideration of the premises and of the mutual covenants hereinafter set forth, the LRGVDC and Subrecipient hereto agree as follows.



## AGREEMENT

### ARTICLE 1. GRANT PERIOD

This grant agreement becomes effective when fully executed by both parties. This grant agreement shall terminate on August 31, 2014, unless terminated or otherwise modified as hereinafter provided.

### ARTICLE 2. PROJECT DESCRIPTION

The Subrecipient shall commence, carry out and complete the public transportation project, the approved Project Description, with all practicable dispatch, in a sound, economical and efficient manner. The Subrecipient shall carry out the public transportation project described in the Approved Project Description in accordance with the provisions of this grant agreement, federal and state law, and federal and state regulations as hereinafter referenced, including but not limited to: 49 U.S.C. §5307 and Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments (49 CFR Part 18).

### ARTICLE 3. COMPENSATION

- A. The maximum amount payable under this grant agreement without modification for operating projects, provided that expenditures are made in accordance with the amounts and for the purposes authorized in Attachment A, Approved Project Description, is stated in Attachment B, Program Budget.
- B. The LRGVDC's reimbursement to the Subrecipient is contingent upon the availability of appropriated funds. LRGVDC shall have no liability for any claim submitted by the Subrecipient or its subcontractors, vendors, manufacturers or suppliers if sufficient federal or state funds are not available to pay the Subrecipient's claims.
- C. To be eligible for reimbursement under this grant agreement, a cost must be incurred within the grant agreement period specified in Article 1, Grant period, and be authorized in Attachment A, Approved Project Description.
- D. Reimbursement of costs incurred under this grant agreement is further governed by cost principles outlined in applicable Federal Office of Management and Budget (OMB) publications as follows:
  - OMB Circular A-21, Cost Principles for Educational Institutions
  - OMB Circular A-87, Cost Principles for State and Local Governments
  - OMB Circular A-122, Cost Principles for Nonprofit Organizations
- E. Costs claimed by the Subrecipient shall be actual net costs, that is, the price paid minus any refunds, rebates or other items of value received by the Subrecipient that have the effect of reducing the cost actually incurred.
- F. The Subrecipient may submit requests for reimbursement to the LRGVDC no more frequently than monthly using invoice statements acceptable to the LRGVDC. Requests for reimbursement must be furnished to the State within forty-five (45) days of the end of the month during which the costs were incurred. Additional documentation to support any cost incurred during the billing period may be required at the discretion of the LRGVDC. As a minimum, each billing must be accompanied by a summary by budget line item which indicates the total amount authorized for each line item, previous expenditures, current period expenditures and the balance remaining in the line item.
- G. The original and on copy of the invoice is to be submitted to the following address:

**Lower Rio Grande Valley Development Council  
ATTN: Finance Department  
301 W. Railroad St.**

**Weslaco, Texas 78596**

- H. The LRGVDC will make payment within thirty (30) days of the receipt of properly prepared requests for reimbursement, and reimbursement of expenditures from the state.
- I. The Subrecipient will submit a final billing within forty-five (45) days of the completion or termination of the grant agreement in accordance with Article 1, Grant Period.
- J. The Subrecipient shall pay all subcontractors for work performed within 10 days after the Subrecipient receives payment for the work performed by the subcontractor. The above requirements are also applicable to all sub-tier subcontractors and the above provisions shall be made a part of all Subrecipient agreements. Failure to comply with any of the above requirements may cause withholding of payments to the Subrecipients.

**ARTICLE 4. AMENDMENTS**

Except as noted below, changes in the scope, objectives, cost or duration of the project authorized herein shall be enacted by written amendment approved by the parties hereto before additional work may be performed or additional costs incurred. Any amendment so approved must be executed by both parties within the grant period specified in Article 1, Grant Period.

**ARTICLE 5. SUBCONTRACTS**

The Subrecipient shall not enter into any subcontract with any individuals or organization for the purchase of equipment and/or services without prior authorization and consent to the purchase agreement by the State. Any subcontractors for professional services rendered by individuals or organizations not a part of the Subrecipient's organization shall not be executed without prior authorization and approval of the subcontract by the State and the LRGVDC. Subcontracts in excess of \$25,000 shall contain all required provisions of the Contract. No subcontract will relieve the Subrecipient of the responsibility under this Contract.

**ARTICLE 6. RETENTION OF RECORDS**

- A. The Subrecipient agrees to maintain all documents, reports, papers, accounting records, and other evidence pertaining to costs incurred under this agreement (the Records) at its office during the grant period and for four (4) years from the date of final payment under the grant. Such Records shall be made available during the specified period for inspection by the State, the U.S. Department of Transportation, and the Office of the Inspector General, LRGVDC, and any of their authorized representatives for the purpose of making audits, examinations, excerpts, and transcriptions.
- B. Records for nonexpendable property acquired with Federal or State funds shall be retained for four (4) years after final disposition of the property.
- C. If any litigation, claim, or audit is started before the expiration of the four year retention period, the Records shall be retained until all litigation, claims, or audit findings involving the Records have been resolved.
- D. When Records are transferred to or maintained by the federal, state, LRGVDC, or sponsoring agency, the four years retention requirement is not applicable to the Subrecipient.
- E. The Subrecipient further agrees to include these provisions in each subcontract.

**ARTICLE 7. SINGLE AUDIT REQUIREMENTS**

Subrecipient audit procedures shall meet or exceed the single audit requirements outlined in Office of Management and Budget (OMB) publications as follows:

- Audits of States, Local Governments, and Non-Profit Organizations OMB Circular A-133

#### **ARTICLE 8. FINANCIAL MANAGEMENT SYSTEM**

The Subrecipient's financial management system shall meet or exceed the requirements of the "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments" (49 CFR Par 18.20) and/or Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations (49 CFR Part 19.21). Those requirements include, but are not limited to:

- A. Accurate, current, and complete disclosure of the financial results of each grant program in accordance with LRGVDC, State, and Federal reporting requirements.
- B. Records which adequately identify the source and application of funds for grant supported activities. These records shall contain information pertaining to grant awards and authorization, obligations, commitments, assets, liabilities, outlays and income.
- C. Effective control over and accountability for all funds, property and other assets. The Subrecipient shall adequately safeguard all such assets and shall assure that they are used solely for authorized purposes.
- D. Comparison of actual with budgeted amounts for each grant agreement, and relation of financial information to performance or productivity data, including the production of unit cost information, whenever appropriate and required by the State.
- E. Procedures for determining the eligibility for reimbursement and proper allocation of costs.
- F. Accounting records which are supported by source documentation.
- G. A systematic method to assure timely and appropriate resolution of audit findings and recommendations.

#### **ARTICLE 9. PROCUREMENT STANDARDS**

Subrecipient procurement standards shall meet or exceed the requirements of the "Uniform" Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments" (49 CFR Part 18.36) and/or "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations" (49 CFR 19.40-19.48), and FTA Circular FTA C 4220.1D, including standards for competitive procurements; methods of procurement; contracting with small and minority firms, women's business enterprise and labor surplus area firms; contract cost and price; awarding agency review; insurance and bonding. The Subrecipient's procurement system must include but not be limited to the following procurement standards:

- A. Procurement procedures which reflect applicable state and local laws and regulations, provided that the procurements conform to applicable federal law and the standards identified in this section.
- B. A contract administration system which ensures that Subrecipients perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.
- C. A written code of standards of conduct governing the performance of employees engaged in the award and administration of contracts. No employee, officer, or agency of the Subrecipient shall participate in selection or in the award or administration of a contract supported by LRGVDC, State of Federal funds if a conflict of interest, real or apparent, would be involved.
- D. A process for review of proposed procurements to avoid purchase of unnecessary or duplicative items.

- E. Use of state and local intergovernmental agreements for procurement or use of common goods and services to foster greater economy and efficiency.
- F. Use of value engineering clauses in contracts for construction projects.
- G. Awards made only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement, giving consideration to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.
- H. Records sufficient to detail the significant history of procurement, including rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.
- I. Limited use of time-and-materials contracts.
- J. Use of good administrative practice and sound business judgment to settle contractual and administrative issues arising out of procurements.
- K. Protest procedures to handle and resolve disputes relating to procurements and prompt disclosure to the LRGVDC of information regarding the protest.
- L. Procurement transactions conducted in a manner that provides full and open competition.

Upon procurement of items under this grant agreement, the Subrecipient shall submit to the State a list of all bidders and subcontractors that quoted on the procured items. The Subrecipient shall submit the list with their requests for reimbursements and must include names, addresses, telephone numbers, and type(s) of work quoted.

#### **ARTICLE 10. REAL PROPERTY MANAGEMENT**

- A. The Subrecipient will comply with management standards set forth in the "Uniform Administrative Requirements for Grants and Cooperative Agreements to the State and Local Governments" (49 CFR Part 18.31) and/or "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations" (49 CFR 19.32) acquisition, use, and disposition of real property acquired under the grant.
- B. The LRGVDC must concur in the award of all purchase orders for non-expendable personal property as defined in 49 CFR 18.31 and 49 CFR 19.32.

#### **ARTICLE 11. EQUIPMENT MANAGEMENT**

- A. The Subrecipient will comply with State management standards and with management standards specified in the "uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments" (49 CFR Part 18.32) and/or "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations" (49 CFR 19.34) in the control, use, and disposition of equipment acquired under this grant.
- B. Management standards include:
  - I. Subrecipient shall record the State's security interest as a lien on the certificate of title of the vehicle at the time of purchase in accordance with Transportation Code, Chapter 501.
  - II. Maintain equipment records that include a description of the equipment; a serial number or other identification number; the source of equipment; who holds title; the acquisition date and cost of the equipment; percentage of federal and state participation in the cost of the equipment; the location, use and condition of the equipment; maintenance history for each vehicle; and ultimate disposition data including the date of disposal and sale price.
  - III. Conduct a physical inventory of the equipment at least once every two (2) years and reconcile the inventory with equipment records described in the preceding paragraph.

IV. Develop a control system to ensure adequate safeguards to prevent loss, damage, or theft of the equipment. Any loss, damage, or theft shall be investigated.

V. Develop and follow procedures to keep the equipment maintained and in good condition. As a minimum, the Subrecipient shall follow the vehicle maintenance schedule recommended by the manufacturer, showing the date the maintenance was performed. Maintenance records shall be provided to the LRGVDC upon request.

VI. Request disposition approval and instructions from the State, and if authorized to sell the equipment, use proper sales procedures to insure the highest possible return.

- C. The Subrecipient will comply with Title 43, Texas Administrative Code, §31.53, to protect the public investment in real property and equipment purchased in whole or in part with state or federal funds.
- D. In the event that project equipment is not used in the proper manner or is withdrawn from public transportation services, the Subrecipient shall immediately notify the LRGVDC. The LRGVDC reserves the right to direct the sale or transfer of property acquired under this grant agreement upon determination by the LRGVDC that said property has not been fully or properly used.
- E. When original or replacement equipment acquired under a grant is no longer needed for the original project or program or for other activities currently or previously supported by a federal or state agency, the Subrecipient shall contact the LRGVDC to request authority to dispose of the equipment, and the LRGVDC shall issue disposition instructions in accordance with 49 CFR Part 18.32 and/or 49 CFR Part 19.34.
- F. All vehicles purchased under this grant agreement shall comply with the Motor Vehicle Safety Standards established by the U.S. Department of Transportation.
- G. All vehicles purchased under this grant agreement shall comply with all federal motor vehicle anti-pollution requirements.
- H. All vehicles purchased under this grant agreement shall comply with the bus testing requirements set forth at 49 USC 5323(c) and 49 CFR 665.
- I. The Subrecipient shall not execute any lease, pledge, mortgage, lien, or other contract touching or affecting the Federal, State, or LRGVDC interest in any project facility or equipment; nor shall the Subrecipient by any act or omission of any kind adversely affect the Federal, State, or LRGVDC interest or impair its continuing control over the use of project facilities or equipment.
- J. The Subrecipient shall comply with requirements set forth at 49 USC 5323(1) and 49 CFR 663 regarding pre-award and post-delivery audit requirements.
- K. Irrespective of coverage by insurance, unless otherwise approved in writing by the State, in the event of loss or damage to project property, whether by casualty or fire, the fair market value will be the value of the property immediately before the casualty or fire.
- L. In the event of loss due to casualty or fire, straight line depreciation of the asset, based on the industry standard for a useful life, shall be considered fair market value unless otherwise approved by the State.
- M. The Subrecipient shall notify the LRGVDC immediately of theft, wreck, vandalism or other destruction of project-related facilities or equipment.

#### **ARTICLE 12. VEHICLE INSURANCE REQUIREMENTS**

The Subrecipient shall maintain at least the minimum insurance on all vehicles and other nonexpendable personal property as required by the insurance regulations of the State of Texas.

### ARTICLE 13. BUY AMERICA

The Subrecipient agrees to comply with applicable Buy America requirements set forth in 49 U.S.C. 5323(h)(j) and 49 CFR Part 661.

### ARTICLE 14. COORDINATION

According to Title 43 of the *Texas Administrative Code* §31.49, the Subrecipient will at all times coordinate the provision of public transportation services with other transportation operators, both public and private, in the area. The Subrecipient will furnish, no later than thirty (30) days after execution of this contract, and thereafter no later than the 10<sup>th</sup> day of each month, a written log listing all agencies, organizations, and individuals, whether public or private, with which the Subrecipient has made contact regarding transportation service during the previous 30 days, including, but not limited to topics concerning projects, events, programs, routes, the establishment of transit stations, and expansion of service. The log will contain the name of the contact, the contact person, a phone number, email address, and purpose of the contact. The Subrecipient will furnish the LRGVDC copies of any agreement resulting from such coordination. Agreements which authorize the payments of project funds to another entity are subject to the approval requirements described in Article 5, Subcontracts.

### ARTICLE 15. LABOR PROTECTION PROVISIONS

- A. The Subrecipient agrees to undertake, carry out and complete the project under the terms and conditions determined by the Secretary of the United States Department of Labor to be fair and equitable to protect the interests of employees affected by the project and meeting requirements of 49 U.S.C. 5333(b). The Subrecipient shall maintain documentation of compliance efforts in accordance with retention and accessibility requirements set forth in Article 6, Retention of Records.
- B. The Subrecipient agrees to the comply with applicable transit employee protective requirements as required under the Transit Employee Protective Agreements as set forth under 49 U.S.C. §5310, §5311, and §5333 and 29 CFR Part 215.
- C. If applicable, the Subrecipient shall comply with the labor protection provision as listed below. The Subrecipient agrees that the following terms and conditions shall apply for the protection of employees in the mass passenger transportation industry in the area of the project:

1 The project shall be carried out in such a manner and upon such terms and conditions as will not adversely affect employees in the mass passenger transportation industry within the service area of the project.

2 All rights, privileges, and benefits (including pension's rights and benefits) of employees (including employees already retired) shall be preserved and continued.

3 The Subrecipient shall be financially responsible for any deprivation of employment or other worsening of employment position as a result of the project.

4 In the event an employee is terminated or laid off as a result of the project, he shall be granted priority of employment or reemployment to fill any vacant position for which he or she is, or by training or retraining can become, qualified. In the event training is required by such employment or reemployment, the Public Body shall provide or provide for such training or retraining at no cost to the employee.

5 Any employee who is laid off or otherwise deprived of employment or placed in a worse position with respect to compensation, hours, working conditions, fringe benefits, or rights and privileges pertaining thereto at any time during his or her employment as a result of the project, including any program of efficiencies or economies directly or indirectly related thereto, shall be entitled to receive any applicable rights, privileges and benefits as specified in the employee protective arrangement certified by the Secretary of Labor under Section 405 (b) of the Rail Passenger Service Act of 1970 on April 16, 1971. An employee shall not be regarded as deprived of employment or placed in a worse position with respect to compensation, etc., in case of his or her resignation, death, retirement, dismissal for cause, or failure to work due to disability or discipline. The phrase "as a result of the project" as used herein shall include events occurring in anticipation of, during, and subsequent to the project.

6 In the event any provision of these conditions is held to the invalid or otherwise unenforceable, the Public

Body, the employees and/or their representatives may invoke the jurisdiction of the Secretary of Labor to determine substitute fair and equitable employee protective arrangements which shall be incorporated in these conditions.

7 The Public Body agrees that any controversy respecting the project's effects upon employees, the interpretation or application of these conditions and the disposition of any claim arising hereunder may be submitted by any party to the dispute including the employees or their representative for determination by the Secretary of Labor, whose decision shall be final.

8 The Public Body shall maintain and keep on file all relevant books and records in sufficient detail as to provide the basic information necessary to the making of the decisions called for in the preceding paragraph.

9 The Public Body will post, in a prominent and accessible place, a notice stating that the Public Body is a recipient of Federal assistance under the Federal Transit Act and has agreed to comply with the provisions of 49 U.S.C., Section 5333(b). The notice shall also specify the terms and conditions set forth herein for the protection of employees.

#### **ARTICLE 16. CHARTER AND SCHOOL BUS OPERATIONS**

- A. The Subrecipient, or any subcontractor acting on its behalf, shall not engage in charter bus operations outside the project area within which it provides regularly scheduled public transportation service, except as provided under Section 3(f) of the Federal Transit Act of 1964, as amended, 49 U.S.C. 1602(f), and regulations pertaining to Charter bus Operations, set forth at 49 CFR Part 604 and any amendments that may be issued. Any subcontract entered into under these regulations is incorporated into this Contract by reference.
- B. The Subrecipient, or any subcontractor acting on its behalf, shall not engage in school bus operations, exclusively for the transportation of students or school personnel, in competition with private school bus operators, except as provided under Section 3(g) of the Federal Transit Act of 1964, as amended, 49 U.S.C. 1602(g) and regulations pertaining to School bus Operations, set forth at 49 CFR Part 605 and any amendments thereto that may be issued. Any subcontract entered into under these regulations is incorporated into this Contract by reference.

#### **ARTICLE 17. MONITORING**

- A. The LRGVDC will monitor the progress of the project authorized in this agreement using appropriate and necessary inspections, including but not limited to periodic reports, physical inspections of project facilities, telephone conversations, letters, and conferences.
- B. The LRGVDC shall monitor and conduct fiscal and/or program audits of the Subrecipient and its contractors to verify the extent of services provided under the terms of the grant agreement. Representatives of the State or Federal government shall have access to project facilities and records at all reasonable times.
- C. The LRGVDC, the Texas Department of Transportation and the U.S. Department of Transportation, and any authorized representative thereof, have the right at all reasonable times to inspect or otherwise evaluate the progress of the grant hereunder and the project premises.
- D. If any inspection or evaluation is made on the premises of the Subrecipient or a subcontractor, the Subrecipient shall provide and require the subcontractor to provide all reasonable facilities and assistance for the safety and convenience of the inspectors in the performance of their duties. All inspections and evaluations shall be performed in such a manner as will not unduly delay the project.

#### **ARTICLE 18. REPORTS**

- A. The Subrecipient shall submit brief narrative including but not limited to procurement milestones, including date of purchase order, vendor name and location, and estimated delivery date. Periodic reports shall thereafter include but not be limited to documentation of the status of the procurement and the progress of the project. The LRGVDC shall specify the information needed the format and the frequency of the report. The Subrecipient shall promptly advise the LRGVDC in writing if at any time the progress of the project will

be negatively or positively impacted, including:

- I. Problems, delays or adverse conditions that will materially affect the Subrecipient's ability to attain program objectives, prevent the meeting of time schedules and goals, or preclude the attainment of project work units by established time periods. This disclosure shall be accompanied by a statement of the action taken, or contemplated, by the Subrecipient and any LRGVDC assistance needed to resolve the situation.
  - II. Favorable developments or events that will enable the Subrecipient to meet time schedules and goals sooner than anticipated or produce more work units than originally projected.
- B. Every other year, or more frequently when instructed by the LRGVDC, the Subrecipient shall conduct a physical inventory of grant-supported property as set forth in Article 11, Equipment Management, and furnish the LRGVDC a copy of the inventory.
  - C. The Subrecipient shall develop performance goals and management objectives in accordance with Title 43, *Texas Administrative Code*, §31.36.
  - D. The Subrecipient shall maintain written maintenance records for each grant-supported vehicle, and shall make such records available to the LRGVDC upon request. As a minimum, the Subrecipient shall comply with the manufacturer's recommended maintenance schedule.

#### **ARTICLE 19. DISPUTES AND REMEDIES**

- A. The Subrecipient shall be responsible for the settlement of all contractual and administrative issues arising out of procurements entered in support of the grant.
- B. Any dispute concerning the work hereunder, additional costs, or any other non-procurement issue shall be submitted for resolution by informal mediation, in accordance with the requirements of the Governmental Dispute Resolution Act, Chapter 2009, Government Code.
- C. This agreement shall not be considered as specifying the exclusive remedy for any default, but all remedies existing at law and in equity may be availed of by either party and shall be cumulative.

#### **ARTICLE 20. PROGRAM FRAUD AND FALSE OR FRAUDULENT STATEMENTS OR RELATED ACTS.**

1 The Subrecipient acknowledges that the provisions of the Program Fraud Civil Remedies Act of 1986, as amended, 31 U.S.C. §3801 *et seq.*, and U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR Part 31, apply to its actions pertaining to this Project. Upon execution of the underlying contract, the Subrecipient certifies or affirms the truthfulness and accuracy of any statement it has made, it makes, it may make, or causes to be made, pertaining to the underlying contract or the FTA assisted project for which this contract work is being performed. In addition to other penalties that may be applicable, the Subrecipient further acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification, the Federal Government reserves the right to impose the penalties of the Program Fraud Civil Remedies Act of 1986 on the Subrecipient to the extent the Federal Government deems appropriate.

2 The Subrecipient also acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification to the Federal Government under a contract connected with a project that is financed in whole or in part with Federal assistance originally awarded by FTA under the authority of 49 U.S.C. § 5307, the Government reserves the right to impose the penalties of 18 U.S.C. § 1001 and 49 U.S.C. § 5307(n)(1) on the Subrecipient, to the extent the Federal Government deems appropriate.

3 The Subrecipient agrees to include the above two clauses in each subcontract financed in whole or in part with Federal assistance provided by FTA. It is further agreed that the clauses shall not be modified, except to identify the subcontractor who will be subject to the provisions.



## ARTICLE 21. TERMINATION

- A. The LRGVDC may terminate this grant agreement at any time before the date of completion whenever it is determined that the Subrecipient has failed to comply with the conditions of the grant agreement. The LRGVDC shall give written notice to the Subrecipient at least thirty (30) days prior to the effective date of termination and specify the effective date of termination, the reason for the termination, and other termination instructions.
- B. If both parties to this grant agreement agree that the continuation of the grant would not produce beneficial results commensurate with the further expenditure of funds, the parties shall agree upon the termination conditions, including the effective date. In the event that both parties agree that resumption of the grant is warranted, a new grant agreement must be developed and executed by both parties.
- C. Either the LRGVDC or the Subrecipient may terminate this agreement by giving notice in writing one to the other for reasons of its own and not subject to the approval of the other party. In the event of termination for convenience, neither the LRGVDC nor the Subrecipient shall be subject to additional liability except as otherwise provided in this agreement.
- D. Upon termination of this grant agreement, whether for cause or at the convenience of the parties hereto, title to all property and equipment remains with the Subrecipient subject to the obligations and conditions set forth in this grant agreement and 49 CFR 18.31 and 18.32, unless the state or federal funding agency issue disposition instructions to the contrary.
- E. In the event of termination, the LRGVDC may compensate the Subrecipient for those eligible expenses incurred during the grant period which are directly attributable to the completed portion of the grant covered by the grant agreement, provided that the grant has been completed in accordance with the terms of the grant agreement. The Subrecipient shall not incur new obligations for the terminated portion after the effective date to termination.
- F. Except with respect to defaults of subcontractors, the Subrecipient shall not be in default by reason of any failure in performance of this grant agreement in accordance with its terms (including any failure by the Subrecipient to progress in the performance of the work) if such failure arises out of causes beyond the control and without the default or negligence of the Subrecipient. Such causes may include but are not limited to acts of God or of the public enemy, acts of the Government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, or unusually severe weather. In every case, however, the failure to perform must be beyond the control and without the fault or negligence of the Subrecipient.

## ARTICLE 22. CIVIL RIGHTS

1. Nondiscrimination – In accordance with Title VI of the Civil Rights Act, as amended, 42 U.S.C. § 2000d, section 303 of the Age Discrimination Act of 1975, as amended, 42 U.S.C. §6102, section 202 of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12132, and Federal transit law at 49 U.S.C. § 5332, the Subrecipient agrees that it will not discriminate against any employee or applicant for employment because of race, color, creed, national origin, sex, age, or disability. In addition, the Subrecipient agrees to comply with applicable Federal implementing regulations and other implementing requirements FTA may issue.
2. Equal Employment Opportunity – The following equal employment opportunity requirements apply to the underlying contact:
  - a. Race, Color, Creed, National Origin, Sex – In accordance with Title VII of the Civil Rights Act, as amended, 42 U.S.C. § 2000e, and Federal transit laws at 49 U.S.C. § 5332, the Subrecipient agrees to comply with all applicable equal employment opportunity requirements of U.S. Department of Labor (U.S. DOL) regulations, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor,;” 41 CFR Parts 60 et seq., (which implement Executive Order No. 11246, “Equal Employment Opportunity,;” as amended by Executive Order No. 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,;” 42 U.S.C. § 2000e

note), and with any applicable Federal statutes, executive orders, regulations, and federal policies that may in the future affect construction activated undertaken in the course of the Project. The Subrecipient agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, creed, national origin, sex, or age. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection of training, including apprenticeship. In addition, the Subrecipient agrees to comply with any implementing requirements FTA may issue.

b. Age – In accordance with section 4 of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 623 and Federal transit law at 49 U.S.C. § 5332, the Subrecipient agrees to refrain from discrimination against present and prospective employees for reason of age. In addition, the subrecipient agrees to comply with any implementing requirements FTA may issue.

c. Disabilities – In accordance with section 102 of the Americans with Disabilities Act, as amended, 42 U.S.C. § 12112, the Subrecipient agrees that it will comply with the requirements of U.S. Equal Employment Opportunity commission, “Regulations to Implement to Equal Employment Provisions of the Americans with Disabilities Act,” 29 CFR part 1630, pertaining the employment of persons with disabilities. In addition, the Subrecipient agrees to comply with any implementing requirements FTA may issue.

3. The Subrecipient also agrees to include these requirements in each subcontract financed in whole part with Federal assistance provided by FTA, modified only if necessary to identify the affected parties.

#### **ARTICLE 23. NONDISCRIMINATION ON THE BASIS OF DISABILITY**

The Subrecipient agrees that no otherwise qualified person with disability (ies) shall, solely by reason his/her disability, be excluded from participation in, be denied the benefits of, or otherwise be subject to discrimination under the project. The Subrecipient shall insure that all fixed facility construction or alteration and all new equipment included in the project comply with applicable regulations set forth at 49 CFR 27, Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.

#### **ARTICLE 24. DISADVANTAGED BUSINESS ENTERPRISE PROGRAM REQUIREMENTS**

It is the policy of the United States Department of Transportation (USDOT) the Disadvantaged Business Enterprises (DBE) as defined in 49 CFR Part 26 shall have the opportunity to participate in the performance of contracts financed in whole or in part with Federal funds. Consequently, the DBE and the Department DBE Program requirements of 49 CFR Part 26 applies to this Contract as follows:

1 The Subrecipient and any subcontractor will offer DBE's, as defined in 49 CFR Part 26 Subpart A, the opportunity to compete fairly for contracts and subcontracts financed in whole or in part with Federal funds. In this regard, the Subrecipient shall make a good faith effort to meet the DBE goal for this contract.

2 The Subrecipient and any subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of contracts funded in whole or in part with Federal funds. The Subrecipient and any subcontractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of USDOT assisted contracts.

3 These requirements shall be physically included in any subcontract.

4 The percentage goal for Disadvantaged Business Enterprise participation in the activities to be performed under the Contract is a minimum of 8.60% of the Contract dollars available for contracting opportunities as set forth in 49 CFR Part 26.

5 Failure to carry out the requirements set forth above shall constitute a material breach of this contract and, after the notification of the LRGVDC, may result in termination of the contract by the State or other such remedy as the LRGVDC deems appropriate.

#### **ARTICLE 25. AFFIRMATIVE ACTION**

The Subrecipient warrants that affirmative action programs as required by the rules and regulations of the Secretary of Labor 41 CFR 60-1 and 60-2 have been developed and are on file.

## **ARTICLE 26. CONTROL OF SUBSTANCE ABUSE**

The Subrecipient agrees to comply with the terms of 49 CFR Parts 40 and 655. The requirements shall include but not be limited to:

- A. Producing any documentation necessary to establish its compliance with 49 CFR Parts 40 and 655.
- B. Permitting any authorized representative of the U.S. Department of Transportation, State, or LRGVDC to inspect the facilities, testing processes and procedures, and records associated with the implementation of the drug and alcohol testing program as required under 49 CFR Parts 40 and 655.
- C. The Subrecipient will certify compliance with 49 CFR Parts 40 and 655 on or before each monitoring period, using the certification form furnished by the State.

## **ARTICLE 27. FEDERAL PRIVACY ACT**

The Subrecipient will comply with and assures the compliance of its employees with the information restrictions and other applicable requirements of the Privacy Act of 1974, 5 USC §552a. The Subrecipient will not operate a system of records of the federal government without the express consent of the LRGVDC, State, and Federal Government.

- A. The Subrecipient understands that the requirements of the Privacy Act, including the civil and criminal penalties for violation of the Act, apply to those individuals involved, and that failure to comply with the terms of the Privacy Act may result in termination of the underlying grant agreement.
- B. The Subrecipient also agrees to include these requirements in each subcontract to administer any system of records on behalf of the federal government financed in whole or in part with federal assistance provided by FTA.

## **ARTICLE 28. SPECIAL PROVISIONS FOR CONSTRUCTION OR REPAIR CONTRACTS**

The Subrecipient agrees to comply with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333 (1999) as supplemented by Department of Labor regulations 29 C.F.R. § 5 (1999) and 29 CFR § 1926 (1998).

- A. The Subrecipient agrees to comply with the Copeland "Anti-Kickback" Act (18 USC 874) as supplemented in Department of Labor regulations (29 CFR, Par 3).
- B. The Subrecipient agrees to comply with provisions of the Davis-Bacon Act (40 USC 176a to 9-7) as supplemented by Department of Labor regulations (29 CFR Part 5).
- C. The terms of the department of transportation regulations "Uniform Relocation and real Property Acquisition for federal and Federally Assisted Programs" 49 CFR Part 25 are applicable to this Contract.
- D. The Subrecipient shall cause to be erected at the site of construction, and maintained during construction, signs satisfactory to the State and the United States Department of Transportation identifying the project and indicating that the Government is participating in the development of the project.

## **ARTICLE 29. NO OBLIGATION BY THE FEDERAL GOVERNMENT.**

1 The Purchaser and Subrecipient acknowledge and agree that, notwithstanding any concurrence by the Federal government in or approval of the solicitation or award of the underlying contract, absent the express written consent by the Federal Government, the Federal Government is not a party to this contract and shall not be subject to any obligations or liabilities to the Purchaser, Subrecipient, or any other party (whether or not a party to that contract) pertaining to any matter resulting from the underlying contract.

2 The Subrecipient agrees to include the above clause in each subcontract financed in whole or in part with Federal assistance provided by FTA. It is further agreed that the clause shall not be modified, except to identify the subcontractor who will be subject to its provisions.

#### **ARTICLE 30. CLEAN AIR AND WATER**

Federal Clean Air Requirements – (1) The Subrecipient agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act, as amended, 42 U.S.C. §§ 7401 *et seq.*, the Subrecipient agrees to report each violation to the Purchaser and understands and agrees that the Purchaser will, in turn, report each violation as required to assure notification to FTA and the appropriate EPA Regional Office. (2) The Subrecipient also agrees to include these requirements in each subcontract exceeding \$100,000 financed in whole or in part with Federal assistance provided by FTA.

Federal Clean Water Requirements – (1) The Subrecipient agrees to comply with all applicable standards, orders or regulations issued pursuant to the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 *et seq.* The Subrecipient agrees to report each violation as required to assure notification to FTA and the appropriate EPA regional Office. (2) The Subrecipient also agrees to include these requirements in each subcontract exceeding \$100,000 financed in whole or in part with Federal assistance provided by FTA.

#### **ARTICLE 31. ENERGY EFFICIENCY**

The Subrecipient agrees to comply with mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act.

#### **ARTICLE 32. PROHIBITED ACTIVITIES**

- A. Neither the Subrecipient nor any subcontractor shall use federal or state assistance funds for publicity or propaganda purposes designed to support or defeat legislation pending before Congress or the Texas Legislature.
- B. No member of or delegate to the Congress of the United States shall be admitted to any share or part of this grant agreement or to any benefit arising therefrom.
- C. No member, officer or employee of the Subrecipient during his tenure or one year thereafter shall have any interest, in this grant agreement or the proceeds thereof.
- D. Texas Transportation Commission policy mandates that employees of the Texas Department of Transportation (TxDOT) shall not accept any benefits, gifts or favors from any person doing business or who reasonably speaking may do business with the LRGVDC under this grant agreement. The only exception allowed are ordinary business lunches and items that have received the advanced written approval of LRGVDC Executive Director. Any persons doing business with or who may reasonably speaking do business with the LRGVDC under this grant agreement may not make any offer of benefits, gifts or favors to LRGVDC employees, except as mentioned here above. Failure on the part of the Subrecipient to adhere to this policy may result in the termination of this grant agreement.
- E. The Subrecipient will comply with *Texas Government Code*, Chapter 573, by insuring that no office, employee or member of the Subrecipient's governing board of the Subrecipient's contractors or subcontractors shall vote or confirm the employment of any person related within the second degree by affinity or third degree by consanguinity to any member of the governing body or to any other officer or employee authorized to employ or supervise such person. This prohibition shall not prohibit the employment of a person who shall have been continuously employed for a period of two (2) years prior to the election or appointment of the officer, employee, governing body member related to such person in the prohibited degree.

### **ARTICLE 33. PUBLIC INFORMATION**

The Subrecipient will insure that all information collected, assembled or maintained by the applicant relative to this project shall be available to the public during normal business hours in compliance with *Texas Government Code*, Chapter 552 unless otherwise expressly provided by law.

### **ARTICLE 34. OPEN MEETINGS**

The Subrecipient will comply with *Texas Government Code*, Chapter 551, which requires all regular, special or called meetings of governmental bodies to be open to the public, except as otherwise provided by law or specifically permitted in the Texas Constitution.

### **ARTICLE 35. DEBT TO THE STATE**

If the comptroller is currently prohibited from issuing a warrant to Subrecipient because of a debt owed to the state, then the Subrecipient agrees that any payment owing under the contract will be applied towards the debt or delinquent taxes until the debt or delinquent taxes are paid in full.

### **ARTICLE 36. INDEMNIFICATION**

- A. To the extent permitted by law, the Subrecipient shall indemnify and save harmless the LRGVDC from all claims and liability due to activities of its agents, employees or volunteers performed under this agreement and which result from an error, omission or negligent act of the Subrecipient or of any person employed by the Subrecipient.
- B. To the extent permitted by law, the Subrecipient shall also save harmless the LRGVDC from any and all expenses, including attorney fees, which might be incurred by the LRGVDC in litigation or otherwise resisting said claim or liabilities which might be imposed on the LRGVDC as a result of activities by the Subrecipient, its agents, employees or volunteers.
- C. To the extent permitted by law, the Subrecipient agrees to protect, indemnify, and save harmless the LRGVDC from and against all claims, demands and causes of action of every kind and character brought by any volunteer or employee of the Subrecipient against the LRGVDC due to personal injuries and/or death to such employee resulting from any alleged negligent act, by either commission or omission on the part of the Subrecipient.
- D. The Subrecipient acknowledges that it is not an agent, servant or employee of the LRGVDC and that it is responsible for its own acts and deeds and for those of its agents, employees or volunteers during the performance of the grant agreement.

### **ARTICLE 37. INTELLECTUAL PROPERTY RIGHTS**

If any invention, improvement or discovery of the Subrecipient or any of its subcontractors is conceived or first actually reduced to practice in the course of or under this grant, which invention, improvement or discovery may be patentable under the Patent Laws of the United States of America or any foreign country; and if said invention, improvement or discovery has not already become the property of the LRGVDC, the Subrecipient shall immediately notify the LRGVDC and provide a detailed report. The rights and responsibilities of the LRGVDC, the Subrecipient, any subcontractor and the United State Government with respect to such invention will be determined in accordance with applicable laws, regulations, policies and any waivers thereof. Further, the Subrecipient shall comply with the provisions of 41 CFR, Part 1-9. The LRGVDC, State, and the U.S. Department of Transportation shall have the royalty-free, non-exclusive and irrevocable right to reproduce, publish or otherwise use, and to authorize others to use the work for government purposes.

### **ARTICLE 38. COMPLIANCE WITH LAWS**

The Subrecipient shall comply with all federal, state and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts or administrative bodies or tribunals in any matter affecting the performance of this grant, including without limitation workers' compensation laws, minimum and maximum salary and wage statutes and regulations, nondiscrimination laws, and regulations, and licensing laws and regulations. When required, the Subrecipient shall furnish the LRGVDC with satisfactory proof of compliance therewith.

#### **ARTICLE 39. PATENT RIGHTS**

If any invention, improvement or discovery of the Subrecipient or any of its subcontractors is conceived or first actually reduced to practice in the course of or under this project, which invention, improvement or discovery may be patentable under the Patent Laws of the United States of America or any foreign country; and if said invention, improvement or discovery has not already become the property of the LRGVDC under Article 16.C above; the Subrecipient shall immediately notify the LRGVDC and provide a detailed report. The rights and responsibilities of the Subrecipient, subcontractors and the United States Government with respect to such invention will be determined in accordance with applicable Federal laws, regulations, policies and any waivers thereof. Further, the Subrecipient shall comply with the provisions of 41 CFR, Part 1-9.

#### **ARTICLE 40. COPYRIGHTS**

The LRGVDC, State and the United State Department of Transportation shall have the royalty-free, nonexclusive and irrevocable right to reproduce, publish or otherwise use, and to authorize others to use, the work for government purposes.

#### **ARTICLE 41. NONCOLLUSION**

The Subrecipient warrants that it has not employed or retained any company or person, other than a bona fide employee working for the firm, to solicit or secure this grant, and that it has not paid or agreed to pay any company or person, other than a bona fide employee, any fee commission, percentage, brokerage fee, gift or any other consideration contingent upon or resulting from the award or making of this grant. If the Subrecipient breaches or violates this warranty, the LRGVDC shall have the right to annul this agreement without liability or, at its discretion, to deduct from the grant price or consideration, or otherwise recover, the full of such fee, commission, brokerage fee, gift, or contingent fee.

#### **ARTICLE 42. RESTRICTIONS ON LOBBYING**

Pursuant to Section 31 U.S.C. 1352, 49 CFR Part 19 and 49 CFR Part 20, Subrecipients who apply or bid for an award of \$100,000 or more shall file the certification required by 49 CFR Part 20 which generally prohibits recipients of federal funds from using those monies for lobbying purposes. When applicable, the Subrecipient will furnish the State required certification.

#### **ARTICLE 43. SUSPENSION AND DEBARMENT**

The terms of the Department of Transportation regulation, "Suspension and Debarment of Participants in DOT Financial Assistance Programs," set forth in Executive Order 12549 and implemented by 49 CFR Part 29, are applicable to this grant agreement. Furthermore, any contractor employed by the Subrecipient is also bound by the terms of 49 CFR Part 29 and must complete a Lower Tier Participant Debarment Certification. The Subrecipient warrants that the debarment certification furnished as part of the application is current and valid.

#### **ARTICLE 44. PROGRAM INCOME**

Except for income from royalties and proceeds from the sales of real property or equipment, the Subrecipient shall retain program income and apply such income to allowable capital or operating expenses. Program income from royalties and proceeds from sale of real property of equipment shall be handled as specified in 49 CFR Part-18 – Uniform Administrative Requirements For Grants And Cooperative Agreements To State And Local Governments,

Sections 18.25 Program Income; 18.31 Real Property; 18.32 Equipment; and 18.33 Supplies or 40 CFR Part-19-Uniform Administrative Requirements For Grants And Agreements With Institutions OF Higher Education, Hospitals, And Other Non-Profit Organizations, Sect. 19.24 Program income, 19.32 Real property, 19.33 Federally-owned and exempt property, and 19.34 Equipment.

- A. The Subrecipient shall comply with standards governing the receipt and application of program income as set forth in 49 CFR 18.25, Program Income. Program income means gross income received by the Subrecipient directly generated by a grant supported activity, or earned only as a result of this grant agreement during the time period specified in Article 1, Grant Period.
- B. Program income includes income from fees for service performed, from the use or rental of real or personal property acquired with grant funds, from the sale of commodities or items fabricated under a grant agreement, and from payments of principal and interest on loans made with grant funds. Except as otherwise provided in federal regulations, program income does not include grant funds, rebates, credits, discounts, refunds, and the interest earned on any of these receipts.

#### **ARTICLE 45. SUCCESSORS AND ASSIGNS**

The Subrecipient binds himself, his successors, assigns, executors and administrators in respect to all covenants of this agreement. The Subrecipient shall not sign, sublet or transfer his interest in this agreement without the written consent of the State.

#### **ARTICLE 46. LEGAL CONSTRUCTION**

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

#### **ARTICLE 47. CHANGES IN FEDERAL REGULATIONS**

As a recipient of federal funds, the Subrecipient is required to comply with all applicable FTA regulations, policies, procedures and directives, including without limitation those listed directly or by reference in the agreement (Form FTA MA (6) dated October, 1999) between the LRGVDC, State, and FTA, as they may be amended or promulgated from time to time during the term of this grant agreement. Subrecipient's failure to so comply shall constitute a material breach of this grant agreement.

#### **ARTICLE 48. PRIOR AGREEMENTS**

This agreement constitutes the sole and only agreement of the parties hereto and supersedes any prior understandings or written or oral agreements between the parties respecting the public transportation grant specifically authorized and funded under this agreement.

#### **ARTICLE 49. INCORPORATION OF FEDERAL REQUIREMENTS**

This grant agreement includes terms and conditions required by the U.S. Department of Transportation. The preceding provisions include, in part, certain Standard Terms and Conditions required by the USDOT, whether or not expressly set forth in the preceding contract provisions. All contractual provisions required by the USDOT, as set forth in FTA Circular 4220.ID, dated April 15, 1996, are hereby incorporated by reference. Anything to the contrary herein notwithstanding, all FTA mandated terms shall be deemed to not perform any act, fail to perform any act, or refuse to comply with any (name of grantee) request which would cause (name of grantee) to be in violation of the FTA terms and conditions.

**ARTICLE 50. SIGNATORY WARRANTY**

The undersigned signatory for the Subrecipient hereby represents and warrants that he/she is an officer of the organization for which he/she has executed this agreement and that he/she has full and complete authority to enter into this agreement on behalf of the organization.

**IN TESTIMONY WHEREOF**, the parties hereto have caused these presents to be executed in duplicate counterparts.

**THE STATE OF TEXAS**

Certified as being executed for the purpose and effect of activating and/or carrying out the orders, established policies, or work programs heretofore approved and authorized by the Lower Rio Grande Valley Development Council board of directors.

**APPROVED:**

**LOWER RIO GRANDE VALLEY  
DEVELOPMENT COUNCIL**

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

Kenneth N. Jones Jr.  
Executive Director

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

1/8/14

**SUBRECIPIENT:**

Subrecipient Name: **CITY OF MCALLEN**

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

Signature of Authorized Officer

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

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

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



## **ATTACHMENT A**

### **Approved Project Description**

The Lower Rio Grande Valley Development Council will release state funds to the City of McAllen to subsidize the operating expenses of the McAllen Transit System. The Interlocal Agreement must be signed by the Lower Rio Grande Valley Development Council and the City of McAllen and must be approved by the Texas Department of Transportation District Office in Pharr before any disbursements of the funds are released.

**ATTACHMENT B**McAllen Transit  
Fiscal Year 2014 PROGRAM BUDGET

Administrative Cost (Cost to be absorbed by the City of McAllen)	\$0.00
5307 State Funds for Operations	\$250,709.00
Estimated Local Match Contribution (City of McAllen)	\$0.00
Total Budget	\$250,709.00

## ***CITY OF McALLEN***

# **MEMO**

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

**FROM:** Mario Delgado, Acting Transit Director *MD*

**DATE:** January 16, 2014

**SUBJECT:** FY 2013-2014 TXDOT Allocation Funding Split

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- **Goal** – To obtain funding available to offset operating expenses for the Metro McAllen Transit System.
- **Background** – \$501,418 in TXDOT funding has been awarded to Hidalgo County for public transit operations for this fiscal year. L.R.G.V.D.C. is the recipient of funds for our transit district. The City of McAllen wishes to execute a contract with the L.R.G.V.D.C. similar to what has been done historically and divide the funds equally for the fiscal year 2013-2014 allocation. Metro McAllen would receive \$250,709.00 to be used to subsidize its operation.
- **Options**
  - › **Option 1** – Execute a contract similar to what has been done historically and divide the funds equally (50%).
  - › **Option 2** – Disapprove the division of funds formula recommended and explore other options.
- **Recommendation** – Due to the fact that historically the funds have been split equally and that the City of McAllen is looking to offset a substantial local investment in public transit with operating subsidy, the Transit Department recommends to divide the funding equally (50%).

**ITEM SUMMARY**

BOARD: City Commission

AGENDA ITEM	2.G.
DATE SUBMITTED	01/20/2014
MEETING DATE	01/27/2014

1. Agenda Item: Award of Contract- Supply Contract for Purchase of Firefighter's Personal Protective Ensemble (PPE) Project No. 12-13-SP07-72
2. Party Making Request: Rafael Balderas, Fire Chief
3. Nature of Request:

Request authorization to award a Supply Contract for the purchase of Personal Protective Ensemble from the low bidder of Wilson Fire/Rescue from New Braunfels, TX at a unit price of \$2,003.00 per set. If approved contract term shall be for a period of one (1) year with the option to extend for two (2) additional years in one (1) year increments with City Manager approval if the performance of the vendor is satisfactory and the unit prices remain firm. In addition, we respectfully request authorization to terminate such contract(s) with City Manager approval and re-award affected service(s) to the next low bidder, in the event that the awarded vendor fails to meet or perform under the terms and conditions of their Supply Contract.

4. Fiscal Impact Summary: Account #011-2020-426-66-20

Budgeted Amount:	\$120,300.00
Bid Amount:	\$120,180.00
Amount Remaining:	\$120.00

5. Budgeted:

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

6. Routing:

Salas, Araceli	Created/Initiated - 01/20/2014
Balderas, Rafael	Approved - 01/20/2014
Zamora, Sandra	Approved - 01/20/2014
Rodriguez, Angie	Approved - 01/21/2014
Dale, Jerry	Approved - 01/21/2014
Pagan, Kevin	Final Approval - 01/21/2014

7. Staff Recommendation: Award of Contract as indicated above.
8. Advisory Board:
9. City Attorney: Approved - KDP
10. Manager's Recommendation: approve...mrp



## MEMORANDUM

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**TO:** Mike Perez, City Manager

**FROM:** Rafael Balderas, Fire Chief

**DATE:** January 15, 2014

**RE:** Project No. 12-13-SP07-72 –Personal Protective Ensemble (PPE)

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**Goal:**

Request authorization to award a Supply Contract for the purchase of sixty (60) sets of Personal Protective Ensemble from the low bidder Wilson Fire/Rescue from New Braunfels, TX at a unit price of \$2,003.00 per set. If approved contract term shall be for a period of one year with the option to extend the contract for two (2) additional years, in one (1) year increments with City Manager approval if the performance of the vendor is satisfactory and the unit prices remain firm. In addition, we respectfully request authorization to terminate such contract(s) with City Manager approval and re-award affected service(s) to the next low bidder, in the event that the awarded vendor fails to meet or perform under the terms and conditions of their Supply Contract.

**Brief Explanation of item(s):**

On December 17, 2013, the Purchasing & Contracting Department solicited sealed bids for the purchase of sixty (60) sets (coats and pants) of Personal Protective Ensemble (PPE). This project was advertised in our local newspaper, as well as the City's bidding portal (E-Bid) sending out a total of seventy-two (72) electronic bid invitations. A total of two (2) companies responded to our solicitation as depicted on the attached bid tabulation.

**History:**

The McAllen Fire Department is in the process of completing a three (3) year cycle to replace all the previous Personal Protective Ensembles for the Department. The authorization of the purchase of these Personal Protective Ensembles (PPE) will complete the goal of providing updated firefighting gear for all Certified Firefighters within the Department.

**Options:**

- 1) Award contract as depicted in Goal Area.
- 2) Reject all bids submitted and rebid project.

**Recommendation:**

Staff recommends approval as recommended in GOAL area.



★ VENDOR  
RECOMMENDED FOR  
AWARD OF CONTRACT

**BID OPENING: DECEMBER 17, 2013 AT 4:00 P.M.**  
**LOCATION: CONFERENCE ROOM (2ND FLOOR) MCALLEN CITY HALL**

**PROJECT NO. 12-13-SP07-72 SUPPLY CONTRACT FOR THE PURCHASE OF FIRE FIGHTERS PERSONAL PROTECTIVE ENSEMBLE (PPE)**

NO.	INTERNAL REF. NO.	DESCRIPTION	UOM	QTY	PREVIOUS PRICING WILSON FIRE RESCUE	★ WILSON FIRE RESCUE NEW BRAUNFELS, TX	NAFECO DECATUR, AL
1	200-72-19001-8	JACKET FOR "STRUCTURAL FIRE FIGHTING" - INDICATE MANUFACTURER, MODEL AND DELIVERY AFTER RECEIPT OF ORDER (ARO) IN COMMENT AREA	EA	1	\$1,195.00	★ \$1,195.00 Lion Janesville V-Force	\$1,293.00 Lion Janesville
2	200-72-19002-6	TROUSER FOR "STRUCTURAL FIRE FIGHTING" - INDICATE MANUFACTURER, MODEL AND DELIVERY AFTER RECEIPT OF ORDER (ARO) IN COMMENT AREA	EA	1	\$808.00	★ \$808.00 Lion Janesville V-Force	\$910.00 Lion Janesville
TOTAL PER SUIT					\$2,003.00	★ \$2,003.00	\$2,203.00
<b>NO. OF DAYS FOR DELIVERY:</b>					75-90 DAYS ARO	60 days	60-75 days
<b>HARD COPY SUBMITTED:</b>						Yes	Yes
<b>ELECTRONIC COPY SUBMITTED:</b>						Yes	Yes

**ITEM SUMMARY**

BOARD: City Commission

AGENDA ITEM	2.H.
DATE SUBMITTED	01/16/2014
MEETING DATE	01/27/2014

1. Agenda Item: Award of Contract-Supply Contract for Purchase of Two (2) Sets of Hurst Jaws of Life, Generator Project #12-13-P08-47

2. Party Making Request: Fire Department

3. Nature of Request:

Request authorization to award a Supply Contract for the purchase of two (2) sets of Hurst Jaws of Life, Generator & Reel (Power Equipment) for Rescue Operations purposes from the low bidder Wilson Fire/Rescue from New Braunfels, TX for a contract amount of \$50,680.55.

4. Fiscal Impact Summary: Account #011-2020-426-66-20

Budgeted Amount: \$60,000.00  
 Bid Amount: \$50,680.55  
 Amount Remaining: \$9,319.45

5. Budgeted:

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

6. Routing:

Salas, Araceli	Created/Initiated - 01/16/2014
Balderas, Rafael	Approved - 01/16/2014
Zamora, Sandra	Approved - 01/16/2014
Rodriguez, Angie	Approved - 01/21/2014
Dale, Jerry	Approved - 01/21/2014
Pagan, Kevin	Final Approval - 01/21/2014

7. Staff Recommendation:

8. Advisory Board:

9. City Attorney: Approved - KDP

10. Manager's Recommendation: approve....mrp



## MEMORANDUM

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**TO:** Mike Perez, City Manager

**FROM:** Rafael Balderas, Fire Chief

**DATE:** January 15, 2014

**RE:** Project No. 12-13-P08-47 –Two (2) Sets of Hurst Jaws of Life, Generator & Reel (Power Equipment)

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**Goal:**

Request authorization to award a Supply Contract for the purchase of Two (2) sets of Hurst Jaws of Life, Generator & Reel (Power Equipment) for the use of Rescue Operations, from the low bidder Wilson Fire/Rescue from New Braunfels, TX, at a price of \$50,680.55 for both. Items to be awarded as noted on the attached bid tabulations.

**Brief Explanation of item:**

On December 5, 2013 the Purchasing and Contracting Department solicited sealed bids for the purchase of two (2) sets of Hurst Jaws of Life, Generator & Reel (Power Equipment). This project was advertised in our local newspaper, as well as the City's bidding portal (E-Bid) sending out a total of forty-seven (47) electronic bid invitations. A total of twelve (12) companies responded to our solicitation as depicted on the attached bid tabulations. One (1) company was declared "non-responsive" for failing to comply with the bid submittal requirements.

**History:**

The McAllen Fire Department is replacing the previous Hurst Jaws of Life, that are over twenty-five (25) years old, due to normal wear and tear on the equipment. The previous units have been repaired numerous times. The cost for repairs of one of the units is approximately 80% of the cost for a new unit. The other unit also constantly needs repairs. In order to have on hand reliable equipment for Rescue Operations, the Department needs to replace two of our current Hurst Jaws of Life, Generator & Reels that are in disrepair.

**Options:**

- 1) Award contract as depicted in Goal Area.
  
- 2) Reject all bids submitted and rebid project.

**Recommendation:**

Staff recommends approval as recommended in GOAL area.







BID OPENING: December 05, 2013 at 4:00 p.m.  
LOCATION: Conference Room (2nd Floor)


PROJECT NO. 12-13-P08-47; TWO (2) SETS OF HURST JAWS OF LIFE, GENERATOR & REEL (POWER EQUIPMENT)


**NON-RESPONSIVE**


ITEM NO.	DESCRIPTION	UOM	QTY	WILSON FIRE RESCUE PREVIOUS PRICING		WILSON FIRE RESCUE  NEW BRAUNFELS, TX		MUNICIPAL EMERGENCY SERVICES	
1	SPREADER MODEL SP 300E	EA	1	\$7,300.00	\$7,300.00	\$7,719.54	\$7,719.54	\$7,777.00	\$7,777.00
2	CUTTER MODEL S 700E	EA	1	\$6,900.00	\$6,900.00	\$7,322.56	\$7,322.56	\$7,381.00	\$7,381.00
3	RESCUE RAM R 411 E WITH QUICK KICK RAM SUPPORT, PART # 247R028	EA	1	\$5,760.00	\$5,760.00	\$5,980.46	\$5,980.46	\$6,030.00	\$6,030.00
4	CUTTER MODEL S511	EA	1	<b>CUTTER MODEL S700</b> \$3,625.00	\$3,625.00	\$3,705.71	\$3,705.71	\$3,671.00	\$3,671.00
5	CUTTER MODEL S120	EA	1	<b>CUTTER MODEL S120</b> \$2,100.00	\$2,100.00	\$2,360.92	\$2,360.92	\$2,312.00	\$2,312.00
6	SPREADER MODEL SP512	EA	1	\$4,670.00	\$4,670.00	\$5,195.37	\$5,195.37	\$5,171.00	\$5,171.00
7	RAM MODEL 430 WITH QUICK KICK RAM SUPPORT #247R028	EA	1	\$3,610.00	\$3,610.00	\$3,958.05	\$3,958.05	\$3,421.00	\$3,421.00
8	POWER UNIT MODEL P - 650 4G, WITH A SEVEN (7) HORSEPOWER, FOUR (4) STROKE GASOLINE ENGINE WITH A RECOIL STARTER, A CHAIN DRIVEN SYSTEM AND OF SUFFICIENT SIZE TO PROVIDE POWER TO UP TO FOUR (4) TOOLS SIMULTANEOUSLY. THE POWER UNIT SHALL HAVE A MINIMUM THREE (3) YEAR WARRANTY.	EA	2	\$5,400.00	\$5,400.00	\$5,074.14	\$10,148.28	\$6,093.00	\$12,186.00
9	HOSE AND HOSE REELS MODEL SHR 20 with a 1.5 m connection hose pair. Hoses, a sixty-six (66) foot and a sixteen (16) foot	EA	2	#542C809 ELECTRIC R/W \$3,325.00	\$9,975.00	\$2,144.83	\$4,289.66	\$3,616.00	 \$7,232.00
GRAND TOTAL				\$49,340.00		\$50,680.55		\$55,181.00	
NUMBERS OF DAYS TO DELIVER ARO						4-6 WEEKS		NOT SPECIFIED	
HARD COPY SUBMITTED						SUBMITTED		NOT SUBMITTED	
ELECTRONIC COPY SUBMITTED						SUBMITTED		SUBMITTED	

\*\* RECEIVED NO BID SUBMITTALS FROM:  
CASCO INDUSTRIES INC & DOOLEY TACKABERRY, INC

 OPTION: S700 CUTTER IPO  
S511 CUTTER ADD 323.03

 NOTE: TOTAL ALL OR NONE -  
\$50,680.55

 H-GAC CONTRACT # EE08-  
13; QUOTE SUBMITTED

 INCLUDES INTALLATION

**ITEM SUMMARY**

BOARD: City Commission

AGENDA ITEM	2.I.
DATE SUBMITTED	01/16/2014
MEETING DATE	01/27/2014

1. Agenda Item: Award of Contract - McAllen Hidalgo Bridge Northbound Bridge New Chain Link Fence

2. Party Making Request: Engineering Department

3. Nature of Request: Consideration and approval of award of contract for the McAllen Hidalgo Bridge North Bound Bridge New Chain Link Fence.

4. Fiscal Impact Summary:  
566-8708-436-66-30 \$ 49,498.47

5. Budgeted:

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

6. Routing:

Navarro, Ramon, IV	Created/Initiated - 01/16/2014
Villarreal, Rigoberto	Approved - 01/20/2014
Barrera, Yvette	Approved - 01/20/2014
Zamora, Sandra	Approved - 01/21/2014
Rodriguez, Angie	Approved - 01/21/2014
Dale, Jerry	Approved - 01/22/2014
Rodriguez, Roel	Approved - 01/22/2014
Pagan, Kevin	Final Approval - 01/22/2014

7. Staff Recommendation: Award of contract to Excellent Fence of Mission, Texas in the amount of \$49,498.47 with a contract time of 30 working days.

8. Advisory Board:

9. City Attorney: Approved - KDP

10. Manager's Recommendation: approve...mrp



**ENGINEERING DEPARTMENT**  
**MEMORANDUM**

To: Mike R. Perez, City Manager

From: Yvette Barrera, PE, CFM, City Engineer

Date: January 15, 2014


**Subject: Award of Contract – McAllen Hidalgo Bridge North Bound Bridge New Chain Link Fence (Project #10-13-C02-131)**

**GOAL:**

The goal is to award the contract for McAllen Hidalgo Bridge North Bound Bridge New Chain Link Fence to the low bidder.

**Brief Explanation:**

On October 17, 2013 the Purchasing and Contracting Department received three (3) bid proposals for the above referenced project.

	<b>EXCELLENT FENCE</b>	GARCIA FENCE CO.	CONSTRUCTION RENT-A-FENCE	HURFCO INDUSTRIES INC. DBA HURRICAN FENCE COMPANY
	<b>MISSION, TX</b>	HARLINGEN, TX	THRALL, TX	HARLINGEN, TX
BASE BID	<b>\$49,498.47</b>	\$56,875.88	\$77,385.98	\$119,999.95

The work consists of removal of existing chain link fence to include: Purchase and installation of a ten foot high with 9-gage galvanized 1-inch chain link fabric fence.

**OPTIONS:**

- (1) The City Commission may choose to award contract.
- (2) Choose to reject bids and re advertise the project.

**RECOMMENDATION:**

The Hidalgo Bridge Department and Engineering Department, recommend award of contract to the low bidder, **Excellent Fence, of Mission, Texas**, for the total bid amount of **\$49,498.47** with a contract time of 30 days – working days.



3440 Spur 54 Harlingen, Texas 78552 P.O. Box 29 Harlingen, Texas 78551  
Tel: (956) 423-8364 [www.hurricanefencetx.com](http://www.hurricanefencetx.com) Fax: (956) 425-1306

January 7, 2014

City of McAllen  
Attn: Purchasing & Contracting Dept.  
1023 South International Blvd.  
Hidalgo, TX 78557

Project Name: McAllen Hidalgo Bridge Northbound Bridge New Chain Link Fence  
Project number: 10-13-C02-131

To Whom It May Concern:

As of January 7, 2014, we are willing to extend the validation for the above referenced project for an extra 90 calendar days.

Sincerely,

Roy E Garrison III  
President

REG/dvc

**Garcia Fence Co.**  
**P.O. Box 3076**  
**Harlingen, Texas 78551**

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**Phone: (832) 722-8902**  
**Fax: (956) 230-0183**

January 13, 2014

To: City of Mcallen  
P.O. Box 220.  
Mcallen, Texas

Reference: Mcallen Hidalgo Bridge North Bound New Chain Link Fence  
Project # 10-13-C02-131

Dear Ms. Betancourt

As per our conversation, yes Garcia Fence Co. will extend the time of acceptance for an additional 90 days at the original bid price of \$ 56,875.00 on the above referenced project. If you need anything else please give me a call.

Sincerely,  
Meredith Drummond

**RECEIVED**

JAN 13 2014

McAllen-Hidalgo Bridge

JD

# EXCELLENT FENCE

P.O. Box 1093 Mission, Tx. 78573

Office:956-581-5356 Fax:956-580-4599

[Excellentfence@sbcglobal.net](mailto:Excellentfence@sbcglobal.net)

December 11, 2013

City of McAllen

Purchasing and Contracting Dept.

P.O. Box 220

McAllen, Tx. 78505-0220

RE: McAllen Hidalgo Bridge North Bound

Bridge New Chain Link Fence

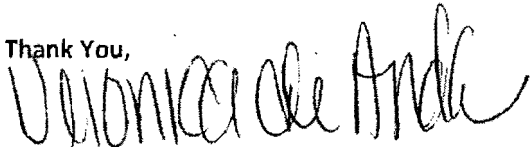
Project 10-13-C02-131

McAllen, Tx

Attn: Purchasing and Contracting Dept.

As of today December 11, 2013, Excellent Fence is willing to extend the validation for the above mentioned project bid for an extra 90 calendar days. If you have any questions or concerns feel free to contact me at 956-581-5356.

Thank You,



Veronica De Anda

President

**CONSTRUCTION  
RENT-A-FENCE**

RENTAL FENCES FOR CONSTRUCTION SITES & SPECIAL EVENTS

1/8/13

City of McAllen  
1300 Houston Avenue  
McAllen, Texas 78501

Re: McAllen Hidalgo Bridge New Chain Link Fence  
Project No. 10-13-C02-131

To Whom It May Concern:

Construction Rent-A-Fence, Inc. will honor its above referenced bid for an additional 60 days.



If you should have any questions, please feel free to give me a call.

Thanks,

  
Tommy Ford  
Head of Operations

BID OPENING: OCTOBER 17, 2013 AT 4:00 P.M

PROJECT NO. 10-13-C02-131; MCALLEN HIDALGO BRIDGE NORTH BOUND BRIDGE NEW CHAIN LINK FENCE

NO.	EXT. REF. NO.	DESCRIPTION	TYPE	BASE	QTY	 EXCELLENT FENCE MISSION, TX	GARCIA FENCE CO. HARLINGEN, TX	CONSTRUCTION RENT-A-FENCE THRALL, TX	HURFCO INDUSTRIES INC DBA HURRICANE FENCE COMPANY HARLINGEN, TX
1	988-15	Removal of existing chain link fence to include: Purchase and Installation of a ten (10') feet high 9ga) galvanized 1" chain link fabric fence. To be constructed as per plans and Specifications for a complete system with accessories and other components and material required for a complete installation.	BASE	LF	691.42	 <b>\$49,498.47</b>	\$56,875.88	\$77,385.98	\$119,999.95
NUMBER OF DAYS TO COMPLETE CONTRACT						30 WORKING DAYS	60 WORKING DAYS	90 WORKING DAYS	60 WORKING DAYS
BID BOND						CC	BB	BB	BB
ADDENDUM						ACKNOWLEDGED	ACKNOWLEDGED	ACKNOWLEDGED	ACKNOWLEDGED
HARDCOPY OF BID SUBMITTED						SUBMITTED	SUBMITTED	SUBMITTED	SUBMITTED
ELECTRONIC BID SUBMITTED						SUBMITTED	SUBMITTED	SUBMITTED	SUBMITTED

**P&C HAS VERIFIED FIRST THREE LOW BIDDERS ARE NOT ON THE DEBARMENT LIST (EPLS) & BID BONDS ARE LISTED ON DEPARTMENT OF TREASURY....AS OF 10/22/13...EC**



**ITEM SUMMARY**

BOARD: City Commission

AGENDA ITEM	2.J.
DATE SUBMITTED	01/20/2014
MEETING DATE	01/27/2014

1. Agenda Item: Consideration and Approval of a Continuation of Services Agreement with The Retail Coach
2. Party Making Request: City Manager Department
3. Nature of Request: This contract provides for the continuation of retail recruitment efforts for three sites already identified in the previous contract, plus three new sites. Additionally, the consultant will continue to schedule meetings with key retailers and developers at ICSC. Funding in the amount of \$50,000 (plus \$2500 reimbursable expenses) was approved in the Development Corp budget. Acct #110-8702-416.66-99
4. Fiscal Impact Summary:
5. Budgeted:
 

Bid Amount:	_____	Budgeted Amount:	_____
Under Budget:	_____	Over Budget:	_____
		Amount Remaining:	_____
6. Routing:
 

Smith, Wendy	Created/Initiated - 01/20/2014
Smith, Wendy	Approved - 01/20/2014
Pagan, Kevin	Final Approval - 01/20/2014
7. Staff Recommendation: Staff recommends approval of the agreement.
8. Advisory Board:
9. City Attorney: Approved - KDP
10. Manager's Recommendation: approve...mrp



**OFFICE OF THE CITY MANAGER**

# **MEMO**

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**To:** Mayor & City Commission  
**From:** Wendy L. Smith, Assistant City Manager  
**Date:** January 20, 2014  
**Subject:** **Continuation of Services Agreement – The Retail Coach**

The Retail Coach has served as the City's retail consultant since May 2013. At the direction of Aaron Farmer, Vice President, the firm conducted market research and retailer/developer matching for three sites in McAllen. The consultant also scheduled numerous meetings between elected officials and developers at ICSC-Dallas in November.

The Continuation of Services Agreement, which was funded in the Development Corporation budget, provides continued support and updates for the sites already identified. Additionally, the following services will be provided for three new sites:

- Market Analysis
- Analytics
- Retail Gap Analysis
- Retailer Matching
- Developer Identification and Marketing

The contract is in the amount of \$50,000 with reimbursable expenses not-to-exceed \$2500. Aaron Farmer will provide an update on retailer matching, developer identification and marketing for the three current sites in Executive Session.



**RETAIL ECONOMIC DEVELOPMENT PLAN  
12 MONTH CONTINUATION OF SERVICES AGREEMENT**



**TheRetailCoach®**

**City of McAllen, Texas**

**1/16/2014**

**Texas**

P. O. Box 90744  
Austin, TX 78709-0744  
T 662.231.0608

**Mississippi**

P. O. Box 7272  
Tupelo, MS 38802-7272  
T 662.844.2155

800.851.0962 | [info@theretailcoach.net](mailto:info@theretailcoach.net) | [www.theretailcoach.net](http://www.theretailcoach.net)

# **Retail Economic Development Plan 12 Month** **Continuation of Services Agreement**

THIS AGREEMENT is made and entered into as of the \_\_\_\_ day of \_\_\_\_\_, 2014 by and between a limited liability entity, The Retail Coach, L.L.C. (hereinafter "TRC") and City of McAllen, Texas (hereinafter "Client").

## **WITNESSETH:**

WHEREAS, Client is seeking to attract/retain retail and retail development to McAllen, Texas;

WHEREAS, TRC desires to provide assistance to Client with market research services and the assessment, development and execution of a targeted retail recruitment/development strategy for McAllen, Texas; and

WHEREAS, the parties hereto desire to set forth their mutual understandings and agreements regarding the services to be performed by TRC.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

## **Scope of Services, Timeline and Deliverables**

The Retail Coach will provide retail economic development plan services, more fully described in the Scope of Services, Timeline and Deliverables attached hereto and made a part of this Agreement (Attachment A).

## **General Terms and Conditions**

### **TERMINATION**

The Agreement may be terminated at any time by TRC or Client , by giving thirty (days) written notice of such termination by registered or certified mail or nationally/regionally recognized overnight courier to the either party's principal place of business. If this Agreement is terminated, TRC will be paid in accordance with the provisions of this Agreement for all work performed up to the date of termination, all reimbursable expenses, other costs and reasonable termination expenses incurred by TRC.

### **INDEMNIFICATION CLAUSE**

To the extent the law allows each party agrees to indemnify and hold harmless the other party and its employees, members, land-lord, successors, and assigns, from any claims, liabilities, losses, damages, and expenses asserted against the other party and arising out of the indemnifying party's negligence, willful misconduct, and negligent performance of, or failure to perform, any of its duties or obligations under this Agreement. The provisions of this indemnification are solely for the benefit of the parties hereto and not intended to create or grant any rights, contractual or otherwise, to another person or entity."

### **DISPUTE RESOLUTION**

If a dispute arises out of this contract, and if the dispute cannot be settled through negotiation, the parties agree first to try in good faith

to settle the dispute by mediation before resorting to arbitration, litigation, or some other dispute resolution procedure.

## **OWNERSHIP OF DOCUMENTS**

Provided that Client has met all of its obligations under this Agreement, including payment of all fees and costs due, TRC will grant Client ownership of final documents prepared by TRC for this project.

## **ACCEPTANCE**

When executed by both parties this agreement shall evidence the entire agreement between TRC and Client.

AGREED AND ACCEPTED THIS \_\_\_\_\_ DAY OF January, 2014

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

C. Kelly Cofer, President/CEO The Retail Coach

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

City of McAllen, Texas

This Agreement includes attachment A.

# ATTACHMENT A

## Scope of Services, Timeline and Deliverables

### Project Focus

- The Retail Coach will focus its work on three (3) additional McAllen sites.
- The Retail Coach will update all aspects of the 2013 Retail Economic Development Plan with 2014 data.
- The Retail Coach will continue retailer and developer recruitment for the three (3) existing sites and initiate recruitment for the I three (3) additional sites.



Each Phase will be completed for all sites.

## PHASE 1

# MARKET AND LOCATIONAL INTELLIGENCE

## MARKET ANALYSIS | LOCATIONAL INTELLIGENCE

### License Plate Survey

- The Retail Coach pioneered the License Plate Survey to provide clients the most complete and credible data about consumer demand in their communities.
- We collect and catalog license plate samples from consumers shopping in McAllen and conduct a search of their addresses to determine the locational sources of their customers.
- We collect consumer samples from existing retailers in McAllen that are marked by date, time and location.
- We plot the consumer samples to develop and support a thorough picture of the geographical boundaries of the Retail Trade Area.

### Retail Trade Area Determination

The Retail Trade Area is where retailers derive approximately 80 – 85% of their business. An accurate Retail Trade Area is the foundational tool for positioning McAllen for successful retail recruitment.

The Retail Trade Area will be determined by onsite research in McAllen area competition assessment factors, stakeholder interviews and retailer interviews.

- We will delineate a custom polygon boundary map of the Retail Trade Area.

# PHASE 2

## DEMAND ASSESSMENT

### COMMUNITY ANALYTICS | CONSUMER ANALYTICS

Extensive research will be performed to provide a clear picture of the factors shaping the retail environment in McAllen including demographic, socioeconomic and psychographic profiles; the workplace population; and consumer spending patterns. An assessment of McAllen's primary retail corridors will reveal new development and redevelopment opportunities. The findings of this research combined with a Retail Gap/Opportunity Analysis calculating estimated potential sales (demand) will support the development of specific recommendations for positioning McAllen to achieve its retail expansion and development goals.

### METHODOLOGY

#### Demographic Profile

- We produce comprehensive summary demographic profile and trend reports encompassing the Retail Trade Area and the McAllen community. The profiles include the following characteristics:
  - Population and Population Growth
  - Population Trends
  - Average Annual Population Growth
  - Ethnicity
  - Income
  - Age
  - Households and Household Growth
  - Educational Attainment

#### Psychographic Profile

- We conduct a psychographic analysis of the households in McAllen 's Retail Trade Area using socioeconomic and demographic data to measure consumer attitudes, values, lifestyles and purchasing behaviors to gain an understanding of the types of retailers that may be interested in McAllen .
- We create a bar graph of the 66 lifestyle classifications, highlight the dominant lifestyle segments in McAllen and provide comprehensive lifestyle segment definitions.
- We rank lifestyle segments and categorize them by summary group, segment code and segment name.

## **Retail Gap/Opportunity Analysis**

- We calculate estimated potential retail sales (demand) for the Retail Trade Area and compare these figures to estimated actual sales figures (supply) to estimate retail dollars “coming in” or “flowing out” of McAllen .
- We identify retail sales surpluses and/or leakages for 52 different retail sectors. This distinguishes the retail categories that have the highest propensity for success in McAllen and quantifies their retail potential.
- We develop and provide summary tables and graphs of each retail sector illustrating potential sales versus estimated actual sales.

# PHASE 3

## RETAIL STRATEGIES

### RETAILER MATCHING | RETAIL EXPANSION POSITIONING | COMMUNITY MARKETING

With unparalleled access to national and regional retailers, we cross-reference preferred customer and site selection criteria with the findings from McAllen's area market analysis and Retail Gap/Opportunity Analysis. Customized community marketing tools and site profiles are developed to position for targeted recruitment of the retailers who are most likely to be successful in McAllen.

#### METHODOLOGY

##### Retailer Matching

We will identify regional and national retailers whose essential location factors match the sites identified in McAllen.

- We provide a preliminary list of twenty (20) targeted retailers based on the matching of their site selection criteria to our findings from the area market analysis, competition assessment, Retail Trade Area determination, demographic and psychographic profiles, and Retail Gap/Opportunity Analysis.

##### Retail Expansion Positioning

We use the market insight gathered through our research in McAllen to establish the strongest position for successful retail recruitment. The first and most critical step in reaching out to targeted retailers is providing the information corporate real estate directors and site selectors need to make initial decisions about locating in McAllen.

We produce a comprehensive Retail Feasibility Package that includes:

- Community Overview
- Location Map
- Retail Trade Area Map
- Retail Trade Area Demographic Profile Summary
- Existing Community Retailers
- Retail Gap/Opportunity Analysis Summary Table
- Retail Trade Area Psychographic Profile
- Retail Trade Area Demographic Profile
- Community Demographic Profile
- Area Traffic Generators
- Web link to Retail Site Profiles
- McAllen MDD Logo and Contact Information

- The content of the McAllen Retail Feasibility Package will be used to develop an engaging email campaign. The customized email will include a link to the community portal at [www.theretailcoach.net](http://www.theretailcoach.net). The link may also be placed on McAllen's City and economic development websites.
- We will send the Retail Feasibility Package email to targeted retailers during the recruitment phase. Eblasts will be made during this phase to determine the level of interest each retailer has in McAllen.
- We provide a Retailer Recruitment Status Report that includes each retailer's complete contact information and any comments resulting from our outreach activities

# PHASE 4

## DEVELOPER STRATEGIES

### DEVELOPER IDENTIFICATION & MARKETING

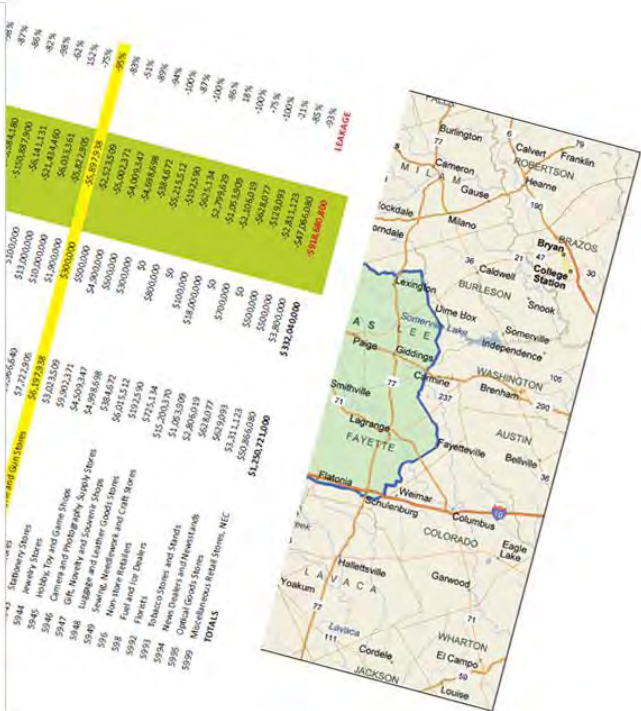
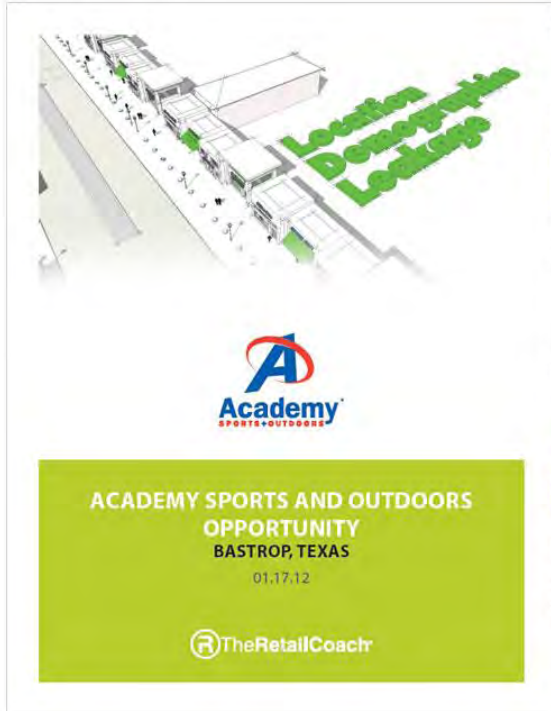
Using our access to national and regional developers, we determine the development opportunities based on McAllen's area market analysis. Customized developer marketing materials are created to position McAllen for success in a targeted recruitment of the developers.

This is a key strategy due to the lack of existing "ready-to-lease" developments in McAllen. Once we identify retailers who are interested in locating in McAllen (Phase 3 – Retailer Expansion Positioning), you must have retail space inventory available or a timeline for its availability.

### METHODOLOGY

#### Developer Identification

- The Retail Coach will identify retail developers active in Texas in order to present McAllen's development opportunities to them for consideration.
- The Retail Coach will create a Developer's Marketing Package that will focus on developer site selection criterion including, but not limited to, the following:
  - Community Dynamics in the Area Surrounding the Properties
  - Retail Trade Area
  - Demographic Trends
  - Aerial Photographs
  - Previous Site-Specific Studies, if Any
  - Traffic Counts
  - Site-Line Visibility From Major and Secondary Traffic Arteries
  - Ingress/Egress for Primary and Secondary Traffic Arteries
  - Median Cuts
  - Traffic Signal Existence or Possibilities
  - Site Characteristics and Topography
  - Appropriate Zoning
  - Area Retail
  - Residential Clustering and Support
  - Proximity To "Anchor" Retailers
  - Workplace Population in the Area
  - School System Information
  - Potential Retail Tenants



**Developer Recruitment Positioning**

- The content of the Developer’s Marketing Package will be used to create an engaging email campaign. The customized email will include a link to McAllen’s landing page on the community portal at [www.theretailcoach.net](http://www.theretailcoach.net).
- We will send the Developer’s Marketing Package eblast to developers during the recruitment phase.
- We provide a Developer Recruitment Status Report that includes each developer’s complete contact information and any comments resulting from our outreach activities.

# PROJECT TIMELINE & PRICING

We are available to begin this project immediately and will complete the proposed plan of work within twelve (12) Months following receipt of the fully executed agreement. A project timeline will be submitted to staff at the Kick-Off Meeting, indicating trip details and delivery dates. We will make a minimum of three trips to McAllen during the project.

## Project Fees:

The total fee for completion of this work is \$50,000 payable in three installments:

1. \$20,000 upon execution of the agreement
2. \$20,000 on April 1, 2014
3. \$10,000 on June 1, 2014

Project fees are payable within 30 days after receipt of the invoice.

Should McAllen request a special assignment or additional work not specifically referenced in the contract, we will prepare a written authorization to be signed by McAllen in advance of commencing any additional work.

## Reimbursable Project Expenses:

It is estimated that reimbursable expenses will not exceed \$2,500.

Reimbursable expenses include:

- Travel costs
- Cost of special renderings and maps, if any
- Cost of copies for reports and maps/drawings
- Cost of shipping expenses, if any

Project expenses are payable within 30 days after receipt of the expense invoice.

Under no circumstances will the total cost of this project exceed \$52,500 without a specific written agreement to the contrary signed by both parties.

## McAllen Responsibilities:

McAllen will designate a project liaison who will serve as The Retail Coach's primary contact during the project.

McAllen will provide information relevant to the project such as prior retail studies, current traffic count data, surveys, maps, aerials, infrastructure plans and any other plans that may influence the development of the retail strategy. McAllen will provide city or organization logo and contact information as it should appear on all produced reports and materials to The Retail Coach upon execution of the agreement.



# DELIVERABLES

The Retail Coach will provide all reports and data files to McAllen on CD-ROM or DVD-ROM.

## PHASE 1 | PHASE 2

### MARKET AND LOCATIONAL INTELLIGENCE | DEMAND ANALYSIS

- 6 Retailer Interview Summaries
- 6 Results from License Plate Surveys
- Stakeholder Interview Summary
- 6 Retail Trade Area Maps with Demographic Profile
- 6 Secondary Retail Trade Area Maps with Demographic Profile
- 6 7-Minute Drive Time Maps with Demographic Profile
- 6 12-Minute Drive Time Maps with Demographic Profile
- 6 3-Mile Radial Maps with Demographic Profile
- 6 5-Mile Radial Maps with Demographic Profile
- 6 7-Mile Radial Maps with Demographic Profile
- McAllen Community Demographic Profile
- Socioeconomic Profiles
- Retail Psychographic Profiles, including dominant lifestyle segmentation definitions and characteristics
- Work Place & Employment Summaries
- Land Use Analysis/Development Analysis for three sites
- 6 Retail Gap/Opportunity Analyses, including a summary table and summary graphs, showing surpluses and/or leakages for the 52 retail sectors

## PHASE 3

### RETAIL STRATEGIES

- 3 Target lists of retailers and restaurants along with contact information
- Retailer Feasibility Packages
- Customized Marketing Emails
- Recruitment Status Reports based on retailer and restaurant contacts
- **Updated Interactive Mapping Application**

## PHASE 3

### DEVELOPER STRATEGIES

- Target list of developers along with contact information
- Developer Feasibility Packages
- Customized Marketing Emails
- Recruitment Status Reports based on developer contacts

**ITEM SUMMARY**

BOARD: City Commission

AGENDA ITEM	2.K.
DATE SUBMITTED	01/21/2014
MEETING DATE	01/27/2014

1. Agenda Item: Selection of Consultant for Advertising Concession at McAllen International Airport (Project No. 12-13-S03-50)

2. Party Making Request: Department of Aviation

3. Nature of Request:

Consideration, approval and authorization to negotiate a five-year contract with two five-year options with Clear Channel Airports, the top-ranked firm, for the McAllen International Airport's advertising concession.

4. Fiscal Impact Summary: Budgeted: Yes  
Funding Source: 550-000-365-04-00

5. Budgeted:

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

6. Routing:

Santoscoy, Jeremy	Created/Initiated - 01/21/2014
Suarez, Elizabeth	Approved - 01/21/2014
Zamora, Sandra	Approved - 01/21/2014
Branham, Brent	Approved - 01/22/2014
Pagan, Kevin	Final Approval - 01/22/2014

7. Staff Recommendation: Staff recommends approval to negotiate a five-year contract with two five-year options with top-ranked firm, Clear Channel Airports.

8. Advisory Board:

9. City Attorney: Approved - KDP

10. Manager's Recommendation: approve....mrp



Department of Aviation  
**MEMO**

To: Mike R. Perez, City Manager  
Thru: Brent Branham, Deputy City Manager  
From: Elizabeth Suarez, Acting Director of Aviation  
Date: January 20, 2014  
Subject: Selection of Consultant for Advertising Concession at  
McAllen International Airport Advertising Proposals (Project No. 12-13-S03-50)

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**Goal**

Consideration, approval and authorization to negotiate a concessionaire contract with the top ranked consultant firm for Airport Advertising.

**Explanation**

On December 6<sup>th</sup> the Purchasing and Contracting Department Department of Aviation solicited/received responses from 2 consultant firms proposals (for the Request For Proposals). The request required for a qualified firm that will to design, install, operate and maintain an innovative, state of the art advertising concession for the McAllen International Airport.

Both proposals were analyzed by an evaluation team comprising of 3 Airport Advisory Board Members, 2 Airport staff, and 1 McAllen Cable Network staff. which ranked the firms/Consultant firms were evaluated based on the criteria set forth in the RFP. Below is a summary of the results.

<b>Rank</b>	<b>Consultant Firm</b>	<b>Avg. Score</b>
1	Clear Channel Airports	90.83
2	Hachar Air Media	70.50

Enclosed are/Attached is a tabulation of the results of the evaluation team's analysis of each submittal/results.

**Options**

Authorize staff to negotiate with top-ranked firm.  
Reject all proposals and re-advertise the request for proposals.

**Recommendation**

There were two (2) respondents to the request, Clear Channel Airports and Hachar Air Media.

Clear Channel is the Airport's current concessionaire and has been in place since 1998. They are a national firm that maintains 219 airport advertising programs while still maintaining a strong local presence. Hachar Air Media is new to the Airport industry, but has held a marketing presence in south Texas for over 20 years and is the current concessionaire at Laredo International Airport.

Both proposals were analyzed by an evaluation team comprising of Airport Advisory Board Members, airport staff, and McAllen Cable Network staff which ranked the firms based on the criteria set forth in the RFP. Enclosed are the results of the evaluation team's analysis of each submittal.

Staff recommends approval to negotiate a five-year contract with two five-year options contract with top-ranked firm, Clear Channel Airports.

**ITEM SUMMARY**

BOARD: City Commission

AGENDA ITEM	2.L.
DATE SUBMITTED	01/20/2014
MEETING DATE	01/27/2014

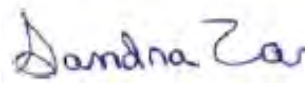
1. Agenda Item: Request approval of changes to City Ordinance Section 2-286 Bidding Procedures and Section 2-288 Professional Service contracts.
2. Party Making Request: Sandra Zamora, CPM  
Director of Purchasing & Contracting
3. Nature of Request: Request approval to update the City's Code of Ordinance increasing dollar thresholds for Formal Sealed Bids and the Procurement of Professional Services. Summary: Increase the Procurement Card Single Transaction Dollar Limit from \$1,000 to \$2,500; Increase the dollar threshold for soliciting "Formal Sealed Bids" from \$25,000 to \$50,000; and Increase the dollar threshold for soliciting Professional Services-Formal from \$15,000 to \$25,000.
4. Fiscal Impact Summary:
5. Budgeted:
 

Bid Amount:	_____	Budgeted Amount:	_____
Under Budget:	_____	Over Budget:	_____
		Amount Remaining:	_____
6. Routing:
 

Zamora, Sandra	Created/Initiated - 01/20/2014
Rodriguez, Roel	Approved - 01/21/2014
Pagan, Kevin	Final Approval - 01/21/2014
7. Staff Recommendation: Staff recommends approval as outlined above.
8. Advisory Board:
9. City Attorney: Approved - KDP
10. Manager's Recommendation: approve...mrp

# Memo

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

**FROM:** Sandra Zamora, CPM, Director of Purchasing & Contracting 

**DATE:** January 16, 2014

**SUBJECT:** Increase Procurement Card Single Transaction Dollar Limit from \$1,000 to \$2,500  
Increase dollar threshold from \$25,000 to \$50,000 for Formal Sealed Bids  
Increase dollar threshold from \$15,000 to \$25,000 for Procurement of Professional Services

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**GOAL:**

Staff requests the City Commissions' authorization update the City of McAllen's Code of Ordinance Section 2-286 Bidding Procedures and Section 2-288 Professional Service Contracts as described in subject area.

**BRIEF EXPLANATION:**

The increase from \$1,000 to \$2,500 is coming with a favorable recommendation from the Audit Committee and was put into effect May 2013. In the Workshop meeting of October 14, 2013 the City Commission discussed raising the Purchasing and Contracting dollar thresholds for Formal Sealed Bids and the Procurement of Professional Services.

Attached is a "draft" Ordinance accommodating the recommended increase(s):

The Procurement Card Single Transaction Dollar Limit has increased from \$1,000 to \$2,500

The dollar threshold for soliciting "Formal Sealed Bids" would increase from \$25,000 to \$50,000

The dollar threshold for soliciting Professional Services-Formally would increase from \$15,000 to \$25,000.

**Recommendation:**

Staff recommends approval of proposed increases.

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

**AN ORDINANCE OF THE CITY OF MCALLEN, TEXAS,  
("CITY") AMENDING THE CODE OF ORDINANCES  
CHAPTER 2, ADMINISTRATION, ARTICLE V, FINANCE,  
DIVISION 2. PURCHASING; PROVIDING FOR  
EFFECTIVE DATES; PROVIDING FOR SEVERABILITY;  
PROVIDING FOR PUBLICATIONS; OR ANY OTHER  
PROVISIONS RELATED TO THE SUBJECT MATTER  
THEREOF.**

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

Section I. The Code of Ordinances of the City of McAllen, Chapter 2, Administration,  
Article V. Finance, Division 2. Purchasing, is hereby amended in its entirety to read as follows:

**Sec. 2-286. Bidding procedures.**

- (a) All city contracts requiring expenditures in excess of \$2,500.00 and not more than \$15,000.00 shall be made by the purchasing agent to the lowest responsible bidder after the receipt of informal bids. All city contracts requiring expenditures in excess of \$15,000.00 and not in excess of \$50,000.00 shall be made to the lowest responsible bidder after the receipt of informal written bids, or the city manager may submit such bids to the board of commissioners with his recommendation and the board of commissioners will decide which bid to accept. All city contracts requiring expenditures in excess of \$50,000.00 shall be made to the lowest responsible bidder, in accordance with the provisions relating to formal bidding procedures of V.T.C.A., Local Government Code § 252.001 et seq.
- (b) The procedures required in these sections relating to formal competitive bidding procedures on city contracts shall not apply to exempt procurement required by public calamity, the need for preservation of public health and safety, or to repair or replace unforeseen damage to public property, machinery or equipment as provided under V.T.C.A., Local Government Code § 252.001 et seq., but not otherwise, unless such requirements are otherwise waived by

the board of commissioners. Contracts for purchases by the city of any real estate or rights or easements therein or professional service contracts which are otherwise regulated by the state law are not covered by the provisions of this section(s).

- (c) All sealed bids received as a result of solicitation by the city shall be opened in public and thereafter be subject to public inspection. The city manager, after the receipt of bids under the conditions as expressed in the subsection, may reject any and all bids, and the purchasing agent shall have the right to reject any bid which is the sole bid on the project or all bids where all such bids are over the budget for such item. The purchasing agent may require the successful bidder to furnish security conditioned upon the faithful performance of the contract or conditioned upon the payment of wages and compensation of all laborers employed by the contractor, subcontractor, agent or any other person, on work for which a contract is awarded, or conditioned upon both, as provided by law.
- (d) In case of accident or other circumstances creating an emergency, the city manager, as purchasing agent, may award contracts and make purchases for the purpose of repairing damages caused by such accident or avoiding such public emergency, but immediately afterwards, he shall file with the mayor a certificate showing such emergency and the necessity of such action, together with an itemized account of expenditures.

**Sec. 2-287. Disposal of surplus property.**

- (a) The purchasing agent with the consent of the board of commissioners may periodically sell or dispose of the city's surplus or salvage property by competitive bid, auction, or other method as provided in this division. "Salvage property" means personal property, other than items discarded as waste, that have no value for the purpose for which it was originally intended. "Surplus property" means personal property that is not salvage property and is not



currently needed by the city and is not required for the city's foreseeable needs, but however has some usefulness for the purpose for which it was intended. Surplus property may be offered as a trade-in for new property of the same general type when it is in the best interest of the city. Any surplus or salvage property may be destroyed or otherwise disposed of if required by law or if not suitable for sale or if in the best interest of the city.

- (b) The purchasing agent shall publish notice of sale of salvage or surplus property not earlier than the 30th day nor later than the tenth before the date of the sale. The purchasing agent may conduct the sale unless otherwise directed by the board of commissioners and may reject any offer for purchase that is not in the best interest of the city. The purchasing agent shall keep a record of each item of surplus or salvage property sold and the sale price of each item, which record shall be kept for the period of one year, and for such period the purchasing agent shall keep a record of each item of property destroyed or otherwise disposed of other than at sale. Proceeds of any property so sold shall be deposited into the appropriate account as required by law or ordinance of the city. The purchasing agent is hereby authorized to execute all documentation in order to convey title for any goods sold under the provisions of this section. The provision for the sale and disposition of surplus or salvage property as provided in this section shall not apply to the sale or disposition of unclaimed property held by the police department under the provisions of section 62-101 et seq. as amended, or as required under the code of criminal procedures.

**Sec. 2-288. Professional service contracts.**

All city contracts relating to professional services as defined by state law for architecture, landscape architecture, land surveying, professional engineering and accounting shall be entered into according to the following procedures:

- (1) All engineering, architectural, landscape architecture, and surveying contracts with an estimated cost of \$25,000.00 or more, including all reimbursable expenses, which costs are to be estimated by the city engineer's office, shall be approved by the city commission using the following process:
  - a. The city commission shall first select the most highly qualified provider of those services on a basis of demonstrated competence and qualifications. The specific criteria relating to such qualifications shall be approved by the city commission under standard operating procedure for the procurement of professional services which shall be adopted and amended from time to time by the city commission by minute order;
  - b. The city commission shall then delegate to the city engineer the obligation to attempt to negotiate with that selected provider a contract at a fair and reasonable fee. The city engineer shall make a recommendation as to the fair and reasonable fee to the city commission for approval of the final contract.
  - c. If a satisfactory contract cannot be negotiated with the selected provider, the city commission shall:
    1. Formally end negotiations with that provider;
    2. Select the next most highly qualified provider; and
    3. Attempt to negotiate a contract with that provider at a fair and reasonable fee based upon a recommendation by the city engineer.
- (2) Except as provided by (3) below, all engineering, architectural, landscape architecture and surveying contracts with an estimated cost of less than \$15,000.00, including all reimbursable expenses, which costs are to be estimated by the city engineer's office,

shall be awarded using the same criteria as provided in subsection (1) provided however, the city manager shall make the final determination of the demonstrated competence and qualifications of the providers arrive at such determination according to the standard operating procedures as adopted and amended by the city commission by minute order from time to time. Same procedure as it relates to the city commission for arriving at a fair and reasonable fee shall be followed by the city manager who shall have the authority to make the final decision as to the professional service contract.

- (3) Real estate appraisal, surveying services environmental services, laboratory and analytical tests and services construction material testing, and geotechnical services for less than \$5,000.00 per project, and accounting services, save and except the accounting services for the city audit, which such accounting services contract will be awarded to the provider using procedures to be established by the board of commissioners by minute order, shall be contracted on a general service provider basis for each fiscal year by advertising the qualifications for the provision of such services and entering into the contracts with the number of such service providers meeting the stated qualifications for a fair and reasonable price to be established by the city commission. Such contracts will be approved by the city commission for the fiscal year. Projects will be assigned on a rotation basis as city projects require such services, provided however, the city manager may authorize the deviation from the rotation basis for such provider, where it is in the best interest of the city as it relates to any particular project.

**Secs. 2-289—2-310. Reserved.**

Section II. This ordinance shall become effective on the regular scheduled meeting of the City Commission on January 27, 2014.

Section III. 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 Ordinance.**

Section IV. The City Secretary of the City of McAllen is hereby authorized and directed to cause the contents of Section I hereof to be published in the appropriate location in the Code of Ordinances of the City of McAllen.

Section 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 the extent this Ordinance is considered severable.

CONSIDERED, PASSED AND APPROVED this 27<sup>th</sup> day of January, 2014, 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 January, 2014.

CITY OF McALLEN, TEXAS

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

ATTEST:

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

APPROVED AS TO FORM:

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

**ITEM SUMMARY**

BOARD: City Commission

AGENDA ITEM	2.M.
DATE SUBMITTED	01/20/2014
MEETING DATE	01/27/2014

1. Agenda Item: Authorizing the submission of a grant application to the Texas Parks and Wildlife Department for funding under the Fiscal Year 2014 Texas Recreational Trails Fund Grant Program for the land acquisition and development of the McAllen Motocross Park.
2. Party Making Request: Carla M. Rodriguez, Director of Grant Administration
3. Nature of Request: The City of McAllen is eligible to apply for and receive funding for the land acquisition and development of the 58 acre McAllen Motocross Park to be located in south McAllen under the Texas Parks and Wildlife Department Fiscal Year 2014 Texas Recreational Trails Fund Grant Program. The grant request is \$400,000 (80%) with a required local match of \$75,000 and a \$25,000 investment from the Texas Parks and Wildlife Department's Off Highway Vehicle Decal Program, for a total match of \$100,000 (20%), and a total project cost of \$500,000.
4. Fiscal Impact Summary: N/A
5. Budgeted:
 

Bid Amount:	_____	Budgeted Amount:	_____
Under Budget:	_____	Over Budget:	_____
		Amount Remaining:	_____
6. Routing:
 

Reyna, Claudia	Created/Initiated - 01/20/2014
Rodriguez, Carla M.	Approved - 01/20/2014
Gavlik, Sally	Approved - 01/21/2014
Rodriguez, Angie	Approved - 01/21/2014
Dale, Jerry	Approved - 01/21/2014
Branham, Brent	Final Approval - 01/21/2014
7. Staff Recommendation: Motion to approve submission of application.
8. Advisory Board:
9. City Attorney: Approved - KDP
10. Manager's Recommendation: approve...mrp



**CITY OF MCALLEN  
GRANT ADMINISTRATION OFFICE  
MEMORANDUM**

**To:** Mike R. Perez, City Manager  
**From:** Carla M. Rodriguez, Director of Grant Administration *CMR*  
**Date:** January 21, 2014  
**Subject:** Texas Parks and Wildlife Department Fiscal Year 2014 Texas Trails Fund Grant Program

**GOAL:** Authorize the submission of a grant application to the Texas Parks and Wildlife Department for funding under the Fiscal Year 2014 Texas Recreational Trails Fund Grant Program.

**BRIEF EXPLANATION OF THE ITEM:** The Texas Parks and Wildlife Department administers the Texas Recreational Trails Fund Grant Program under the approval of the Federal Highway Administration. The Texas Recreational Trails Fund Grant Program provides funding in support of motorized and non-motorized recreational trail projects. The City of McAllen is eligible to apply for and receive funding for the land acquisition and development of the 58 acre McAllen Motocross Park to be located in south McAllen. The proposed project will create the first official trail riding facility in Hidalgo County. The grant request is \$400,000 (80%) with a required local match of \$75,000 and a \$25,000 investment from the Texas Parks and Wildlife Department's Off Highway Vehicle Decal Program, for a total match of \$100,000 (20%), and a total project cost of \$500,000.

**OPTIONS:** Option 1: Approving the submission of the grant application will allow the City to acquire funds to support the McAllen Motocross Park.

Option 2: Not approving the submission of the grant application will result in the loss of an opportunity to acquire grant funds to support the McAllen Motocross Park.

**RECOMMENDATION:** Staff recommends submission of the application.

**RESOLUTION NO. 2014-\_\_\_\_\_**

**AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO TEXAS PARKS AND WILDLIFE DEPARTMENT FOR FUNDING UNDER FISCAL YEAR 2014 TEXAS RECREATIONAL TRAILS FUND GRANT PROGRAM.**

**WHEREAS**, Texas Parks and Wildlife Department has made funding available under the approval of the Federal Highway Administration;

**WHEREAS**, the Texas Parks and Wildlife Department provides funding for motorized and non-motorized recreational trail projects;

**WHEREAS**, the Recreational Trails Fund Grant Program supports activities aimed at the construction of new recreational trails, improvement of existing trails, development of trailheads, and trail corridor acquisitions; and

**WHEREAS**, the City of McAllen Parks and Recreation Department has identified land acquisition and development of the McAllen Motocross Park as a primary project of interest.

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

- 1) The Grant Administration Office is hereby directed to prepare and submit an application to Texas Parks and Wildlife Department under the Fiscal Year 2014 Texas Recreational Trails Fund Grant Program for the land acquisition and development of the 58 acre McAllen Motocross Park to be located in south McAllen with a grant request of \$400,000 (80%) and a required local match of \$75,000 along with a \$25,000 investment from the Texas Parks and Wildlife Department's Off Highway Vehicle Decal Program, for a total match of \$100,000 (20%), and a total project cost of \$500,000.
- 2) Upon the approval of this application, the Mayor is authorized to execute all legal documents necessary, and to perform any acts necessary to implement the project.
- 3) In the event of loss or misuse of funds, the governing body assures that all funds will be returned to Texas Parks and Wildlife Department in full.

**CONSIDERED, PASSED, APPROVED, AND SIGNED** this 27<sup>th</sup> day of January 2014, at a regular meeting of the Board of Commissioners, of the City of McAllen, Texas, at which a quorum was present and which was held pursuant to Chapter 551, Texas Government Code.

Attest:

City of McAllen

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

\_\_\_\_\_  
James Darling, Mayor

Approved as to form:

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

**ITEM SUMMARY**

BOARD: City Commission

AGENDA ITEM	2.N.
DATE SUBMITTED	01/20/2014
MEETING DATE	01/27/2014

1. Agenda Item: Authorizing the submission of a grant application to the Texas Parks and Wildlife Department for funding under the Fiscal Year 2014 Texas Recreational Trails Fund Grant Program for a non-motorized trail at the McAllen Youth Baseball Complex.
2. Party Making Request: Carla M. Rodriguez, Director of Grant Administration
3. Nature of Request: The Texas Parks and Wildlife Department administers the Texas Recreational Trail Fund Grant Program under the approval of the Federal Highway Administration. The Texas Recreational Trails Fund Grant Program provides funding in support of motorized and non-motorized recreational trail projects. If awarded, funding will be used for the construction of a 10,725 In.ft. recreational trail. The trail will be located at the McAllen Youth Baseball Complex located at 29th Street and 5 Mile Line. The grant request is \$192,000 (80%) with a required local match of \$48,000 (20%), a total project cost of \$240,000.
4. Fiscal Impact Summary: NA
5. Budgeted:
 

Bid Amount:	_____	Budgeted Amount:	_____
Under Budget:	_____	Over Budget:	_____
		Amount Remaining:	_____
6. Routing:
 

Guzman, Jaime	Created/Initiated - 01/20/2014
Rodriguez, Carla M.	Approved - 01/20/2014
Gavlik, Sally	Approved - 01/21/2014
Rodriguez, Angie	Approved - 01/21/2014
Dale, Jerry	Approved - 01/21/2014
Branham, Brent	Approved - 01/22/2014
Pagan, Kevin	Final Approval - 01/22/2014
7. Staff Recommendation: Motion to approve submission of grant application.
8. Advisory Board: None
9. City Attorney: Approved - KDP
10. Manager's Recommendation: approve....mrp





**CITY OF MCALLEN  
GRANT ADMINISTRATION OFFICE  
MEMORANDUM**

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**To:** Mike R. Perez, City Manager  
**From:** Carla M. Rodriguez, Grant Administration Director  
**Date:** January 20, 2014  
**Subject:** Texas Parks and Wildlife Department Fiscal Year 2014 Texas Trails Fund Grant Program

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**GOAL:** Authorizing the submission of a grant application to the Texas Parks and Wildlife Department for funding under the Fiscal Year 2014 Texas Recreational Trails Fund Grant Program for a non-motorized trail at the McAllen Youth Baseball Complex.

**BRIEF EXPLANATION OF THE ITEM:** The Texas Parks and Wildlife Department administers the Texas Recreational Trail Fund Grant Program under the approval of the Federal Highway Administration. The Texas Recreational Trail Fund Grant Program provides funding in support of motorized and non-motorized recreational trail projects. If awarded, funding will be used for the construction of a 10,725 ln.ft. recreational trail. The trail will be located at the McAllen Youth Baseball Complex located at 29th Street and 5 Mile Line. The grant request is \$192,000 (80%) with a required local match of \$48,000 (20%), a total project cost of \$240,000.

**OPTIONS:**

Option 1: Approve submission of grant application to the Texas Parks and Wildlife Department, which will allow for funding to construct a recreational trail at the McAllen Youth Baseball Complex.

Option 2: Not approving submission of grant application will result in the loss of a grant opportunity to construct a recreational trail at the McAllen Youth Baseball Complex.

**RECOMMENDATION:** Staff recommends submission of the grant application.

RESOLUTION NO. 2014-\_\_\_\_\_

**AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE TEXAS PARKS AND WILDLIFE DEPARTMENT FOR FUNDING UNDER THE FISCAL YEAR 2014 TEXAS RECREATIONAL TRAILS FUND GRANT PROGRAM FOR A NON-MOTORIZED TRAIL AT THE MCALLEN YOUTH BASEBALL COMPLEX.**

STATE OF TEXAS  
COUNTY OF HIDALGO  
CITY OF MCALLEN

**WHEREAS**, the Texas Parks and Wildlife Department has made funding available under the approval of the Federal Highway Administration; and

**WHEREAS**, the Texas Parks and Wildlife Department Recreational Trails Fund Grant Program provides funding to support the construction of new recreational trails, the improvement of existing trails, the development of trailheads or traiside facilities; and

**WHEREAS**, the City of McAllen Parks and Recreation Department proposed a trail located at the McAllen Youth Baseball Complex which could benefit from funding.

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

- 1) The Grant Administration Office, on behalf of the Parks and Recreation Department, is hereby authorized to submit a grant application to the Texas Parks and Wildlife Department, in the amount of \$192,000 (80%) with a required local match of \$48,000 (20%), a total project cost of \$240,000.
- 2) Upon the acceptance of this grant, the Mayor is authorized to execute all legal documents necessary, and to perform any acts necessary to implement the project.
- 3) In the event of loss or misuse of funds, the governing body assures that all funds will be returned to Texas Parks and Wildlife in full.

**CONSIDERED, PASSED, APPROVED, AND SIGNED** this 27<sup>th</sup> day of January at a regular meeting of the Board of Commissioners, of the City of McAllen, Texas, at which a quorum was present and which was held pursuant to Chapter 551, Texas Government Code.

Attest:

City of McAllen

\_\_\_\_\_  
Annette Y. Villarreal, City Secretary

\_\_\_\_\_  
James Darling, Mayor

Approved as to form:

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

**ITEM SUMMARY**

BOARD: City Commission

AGENDA ITEM	2.O.
DATE SUBMITTED	01/06/2014
MEETING DATE	01/27/2014

1. Agenda Item: Adoption of Resolution Authorizing the Submission of a Loan Application to the Texas Water Development Board for Alternative Source of Potable Water (Planning and Design)
2. Party Making Request: Utility Administration
3. Nature of Request: Consideration of resolution authorizing submission of an application for financial assistance to TWDB for planning and design to produce 6.0 million gallons per day (MGD) potable water applying geopressure and geothermal energy. Funding is requested through the Drinking Water State Revolving Fund (DWSRF) Program that offers a reduced rate loan for project expenses including reimbursement of expenses previously incurred.
4. Fiscal Impact Summary: \$1,300,000
5. Budgeted:

Bid Amount:	_____	Budgeted Amount:	_____
Under Budget:	_____	Over Budget:	_____
		Amount Remaining:	_____
6. Routing:

Vega, Mark	Created/Initiated - 01/06/2014
Pagan, Kevin	Final Approval - 01/06/2014
7. Staff Recommendation: Adoption of Resolution.
8. Advisory Board:
9. City Attorney: Approved - KDP
10. Manager's Recommendation: approve....mrp



RESOLUTION NO 2014 - \_\_\_\_\_

**AUTHORIZING THE SUBMISSION OF A LOAN APPLICATION REQUESTING FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD FOR PLANNING, ACQUISITION, AND DESIGN TO PRODUCE AN ALTERNATIVE POTABLE WATER SOURCE AND DESIGNATING AN AUTHORIZED REPRESENTATIVE TO ACT ON BEHALF OF THE CITY OF MCALLEN AND MCALLEN PUBLIC UTILITY TO CARRY OUT THE IMPLEMENTATION OF THIS 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 water supply infrastructure projects through its Drinking Water State Revolving Fund (DWSRF) program.

**WHEREAS** the City of McAllen desires to plan and design a needed water source alternative that will improve efficiency, utilize Geopressure/Geothermal (GP/GT) resources and produce 6.0 million gallons a day potable water.

**WHEREAS** the City of McAllen hereby finds and determines that there is a pressing need to plan and design the Project utilizing an alternative sources of water and energy and this 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 DWSRF funding in an amount not to exceed \$1,300,000 to provide for the planning, acquisition, and design 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 Entrekin, First Southwest Company
- b Bond Counsel McCall, Parkhurst & Horton, LLP
- c Engineer Dario V. Guerra, III, P. E., Big "D" Engineering

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 \$1,300,000 from the TWDB DWSRF program.

CONSIDERED PASSED APPROVED AND SIGNED this 9th day of January 13, 2014 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

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

Approved as to form:

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

### Application Affidavit (WRD-201)

THE STATE OF TEXAS                    §  
COUNTY OF Hidalgo                    §  
APPLICANT City of McAllen            §

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared Roel Rodriguez, P. E. as the Authorized Representative of the City of McAllen, who being by me duly sworn, upon oath says that:

1. the decision by the City of McAllen Board of Commission (authority, city, county, corporation, district) to request financial assistance from the Texas Water Development Board ("Board") was made in a public meeting held in accordance with the Open Meetings Act (Government Code, §551.001, et seq,) and after providing all such notice as required by such Act as is applicable to the City of McAllen Board of Commission (authority, city, county, corporation, district) ;

2. the information submitted in the application is true and correct according to my best knowledge and belief;

3. the City of McAllen Board of Commission (authority, city, county, corporation, district) has no pending, threatened, or outstanding judgments, orders, fines, penalties, taxes, assessment or other enforcement or compliance issue of any kind or nature by the Environmental Protection Agency, Texas Commission on Environmental Quality, Texas Comptroller, Texas Secretary of State, or any other federal, state or local government, except for the following (if no such outstanding compliance issues, write in "none"):

None.

4. the City of McAllen Board of Commission (authority, city, county, corporation, district) warrants compliance with the representations made in the application in the event that the Board provides the financial assistance; and

5. the City of McAllen Board of Commission (authority, city, county, corporation, district) will comply with all applicable federal laws, rules, and regulations as well as the laws of this state and the rules and regulations of the Board.

\_\_\_\_\_  
Official Representative Roel Rodriguez, P. E.  
MPU General Manager / Assistant City Manager

SWORN TO AND SUBSCRIBED BEFORE ME, by Annette Villarreal, Secretary City of McAllen, this 13<sup>th</sup> day of January, 2014.

(NOTARY'S SEAL)

\_\_\_\_\_  
Notary Public, State of Texas

**ITEM SUMMARY**

BOARD: City Commission

AGENDA ITEM	3.A.
DATE SUBMITTED	01/20/2014
MEETING DATE	01/27/2014

1. Agenda Item: Consideration and Approval of the New Performing Arts Center Construction Document Phase and Authorization to proceed to Bidding Phase.

2. Party Making Request: Convention Center

3. Nature of Request:

Consideration and approval of the Construcion Document Phase and authorization to proceed into the Bidding Phase of Basic Services including increase in budget, the Fixed Limit of Budgeted Constuction Cost (FLBCC), and Basis of Compensation for Architectural Services.

4. Fiscal Impact Summary: 300-8708-466.66-10  
ID#BB1202

5. Budgeted:

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

6. Routing:

Hernandez, Jolinda	Created/Initiated - 01/20/2014
Rodriguez, Omar	Approved - 01/20/2014
Zamora, Sandra	Approved - 01/21/2014
Rodriguez, Angie	Approved - 01/22/2014
Dale, Jerry	Approved - 01/22/2014
Branham, Brent	Approved - 01/22/2014
Pagan, Kevin	Final Approval - 01/22/2014

7. Staff Recommendation: Staff recommends approval of the Construction Document Phase and authorization to proceed with the Bidding Phase based on a Fixed Limit Budgeted Construction Cost of \$41,710,841 as delineated in Article 3 of the Agreement; and approval to change the Basis of Compensation for Architectural Services to be the lesser of 8.75% of actual Construction Cost or \$3,649,699 as delineated in Article 14 of the Agreement.

8. Advisory Board:

9. City Attorney: Approved - KDP

10. Manager's Recommendation: approve....mrp





inter-office

# MEMORANDUM

city of mcallen

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

**FROM: OMAR RODRIGUEZ, DIRECTOR**

**SUBJECT: NEW PERFORMING ARTS CENTER – APPROVAL OF CONSTRUCTION DOCUMENT PHASE**

**DATE: JANUARY 6, 2014**

**Goal** – Consideration and approval of the Construction Document Phase and authorization to proceed with the Bidding Phase.

**History** –ERO Architects began work on the project on January 13, 2012, which focused on confirmation of the City's building program (*TPC Study – June 2011 est. cost \$39,980,000*), overall project design, and exterior building massing. The Schematic Design Phase was completed on September 24, 2012, and authorization to proceed to the next phase was issued (*Est. cost \$34,721,405*). On March 25, 2013, the Design Development phase was completed and authorization to proceed to the Construction Development Phase was issued, which included an additional scope to design a Covered Walkway to adjacent hotel, the east Parking Lot, and Vaquero Park (*Est. cost of \$35,557,465*). Over the last several months, the design team has finalized the Construction Document Phase, which encompasses the preparation of the Construction Documents consisting of the Drawings and Specifications setting forth, in detail, the requirements for the construction of the Project, as well as the bidding information, bidding forms and the Conditions of the Contract, and the Owner's standard form of Agreement between the Owner and the Contractor. Accordingly, ERO Architects has presented the Construction Documents for acceptance and a revised estimate of the Final Fixed Limit of Budgeted Construction Cost to \$41,710,841.

As per our contract, the consultants require approval before proceeding to the next phase of design (Bidding Phase). (Refer attached Phase Approval Form)

**Options –**

- 1.) Approve Design Services & authorize to proceed with the subsequent phase.
- 2.) Choose to revise the scope of work and adjust budget accordingly.

**Recommendation** – Staff recommends approval of the Construction Document Phase and authorization to proceed with the Bidding Phase based on a Fixed Limit Budgeted Construction Cost of \$41,710,841 as delineated in Article 3 of the Agreement; and approval to change the Basis of Compensation for Architectural Services to be the lesser of 8.75% of actual Construction Cost or \$3,649,699 as delineated in Article 14 of the Agreement.

## Performing Art Center Total Project Cost Estimate

McALLEN, TEXAS

PROGRAM OF WORK	Schematic Design (Estimate) Jan 23, 2012	Design Development (Estimate) Sep 24, 2012	Construction Document (Estimate) Mar 25, 2013	Bidding Phase (Estimate) Jan 27, 2014
<u>Seat Base</u>	1800	1856	1856	1856
<u>building gross square footage</u>			99109	95000
A Demolition	\$ -	\$ -	\$ -	\$ -
B Building Shell	\$ 10,650,500	\$ 10,650,500	\$ 11,386,201	\$ 12,517,500
C Building Interiors	\$ 6,013,750	\$ 6,013,750	\$ 3,745,753	\$ 7,320,146
D Mechanical & Electrical Services	\$ 6,124,250	\$ 6,124,250	\$ 7,813,258	\$ 8,498,114
<i>Total Building Element Cost A+B+C+D</i>	\$ 22,788,500	\$ 22,788,500	\$ 22,945,212	\$ 28,335,760
<i>Additional Building Elements Authorized August 27, 2012 (Attachment -A)</i>		\$ 2,775,126		
<i>Total Building Element Cost A+B+C+D+ Additional</i>	\$ 22,788,500	\$ 25,563,626	\$ 22,945,212	\$ 28,335,760
E Performance Equipment & Seating	\$ 2,533,000	\$ 2,533,000	\$ 3,077,600	\$ 3,706,500
F Utilities (Allowance)	\$ 75,000	\$ 75,000	\$ 75,000	\$ 394,233
G Site work/Landscaping/Parking	\$ 425,000	\$ 425,000	\$ 3,024,304	\$ 2,748,761
H Extend Canopy	\$ 350,000	\$ 350,000	\$ 350,000	\$ 509,883
<i>Sub-Total E+F+G+H</i>	\$ 3,383,000	\$ 3,383,000	\$ 6,526,904	\$ 7,359,377
<i>Canopy, Parking, &amp; Vaquero Park Presented March 25, 2013 (Attachment - B)</i>			\$ 1,600,621	
<i>Additional Performance Equipment Authorized August 27, 2012 (Attachment - A)</i>		\$ 1,395,500		
<i>Total Building Element Cost +E+F+G+H+Additional</i>	\$ 26,171,500	\$ 30,342,126	\$ 31,072,737	\$ 35,695,137
I Design/Pricing Contingency	0.00% \$ -	\$ -	\$ -	\$ -
J General Conditions, overhead, Profit	10.00% \$ 2,617,150	\$ 3,034,213	\$ 3,107,274	\$ 4,800,825
K Cost Escalation to 3rd Quarter 2012 bid date	1.00% \$ 287,887	\$ 333,763	\$ 341,800	\$ -
<i>sub-total I+J+K</i>	\$ 2,905,037	\$ 3,367,976	\$ 3,449,074	\$ 4,800,825
<i>Total Bid Cost in 3rd QTR 2012 Dollars</i>	\$ 29,076,537	\$ 33,710,102	\$ 34,521,811	\$ 40,495,962
L Construction Change Order (Betterment Fund)	3.00% \$ 872,296	\$ 1,011,303	\$ 1,035,654	\$ 1,214,879
<b><i>FIXED LIMIT OF BUDGETED CONSTRUCTION COST (FLBCC)</i></b>	<b>\$ 29,948,833</b>	<b>\$ 34,721,405</b>	<b>\$ 35,557,465</b>	<b>\$ 41,710,841</b>
M Architectural - Basic Services	8.75% \$ 2,620,523	\$ 3,038,123	\$ 3,111,278	\$ 3,649,699
N Special Consultants - Additional Services	2.50% \$ 748,721	\$ 748,721	\$ 748,721	\$ 748,721
N.a Special Consultants - Additional Services Authorization #	Fixed			\$ 66,536
<i>Total Professional Services</i>	\$ 3,369,244	\$ 3,786,844	\$ 3,859,999	\$ 4,464,955

# DRAFT

January 28, 2014

Eli R. Ochoa, P.E., AIA, President & C.E.O.  
ERO, Architects  
300 South 8<sup>th</sup> Street  
McAllen, Texas 78501

Re: McAllen Performing Arts Center

Dear Mr. Ochoa:

Please find attached Phase Approval for Construction Document Development and authorization to proceed with Bidding Phase for the McAllen Performing Arts Center Project.

We look forward to working with you and your team on this project. If you have any questions, please feel free to contact me at (956) 681-3888.

Sincerely,

CITY OF McALLEN

Omar Rodriguez, Director  
Convention Facilities Department

Cc: Mike R. Perez, City Manager  
Brent Branham, Deputy City Manager  
Sandra Zamora, Director of Purchasing & Contracting  
Kevin Pagan, City Attorney

DRAFT

PHASE APPROVAL FORM

DATE: March 28, 2013

TO: ERO, Architects  
300 South 8<sup>th</sup> Street  
McAllen, Texas 78501  
Attn.: Eli R. Ochoa, P.E., AIA, President & C.E.O.

RE: PHASE APPROVAL  
McAllen Performing Arts Center

APPROVED: Construction Documents Phase reference Article (1.1) (1.2) (1.3) of Owner/Architect Agreement

By execution of this document, you are hereby authorized to proceed with the Bidding Phase for the Project. This authorization is made after our January 13, 2014 review of the Construction Documents as prepared by ERO Architects and the Design Team.

  X   No Exceptions  
       Exceptions as per attached list

List of Documents: Performing Art Center Total Project Cost Estimate      Date: January 27, 2014

The estimated Fixed Limit Budget of Construction Cost is authorized at Forty One Million Seven Hundred Ten Thousand Eight Hundred Forty One Dollars (\$41,710,841).

OWNER:  
By: \_\_\_\_\_ DRAFT \_\_\_\_\_

**Title/Date: Mike R. Perez, City Manager**  
**January 14, 2014**

**ITEM SUMMARY**

BOARD: City Commission

AGENDA ITEM	3.B.
DATE SUBMITTED	01/21/2014
MEETING DATE	01/27/2014

1. Agenda Item: Consideration and Approval for Additional Service Authorization No. 1 - New Performing Arts Center Architectural Design Contract
2. Party Making Request: Convention Center
3. Nature of Request: ERO Architects is requesting authorization for additional Civil, Lighting, and Landscape design services related to the additional scope of work approved by the City Commission on March 25, 2013 related to the Canopy Extension, the East Parking Lot and Vaquero Park. Total amount requested is \$66,536 for these services, which increases the fixed fee amount for additional services in the contract to \$815,257.
4. Fiscal Impact Summary: 300-8708-466.66-10 ID#BB1202
5. Budgeted:
 

Bid Amount:	_____	Budgeted Amount:	_____
Under Budget:	_____	Over Budget:	_____
		Amount Remaining:	_____
6. Routing:
 

Hernandez, Jolinda	Created/Initiated - 01/21/2014
Rodriguez, Omar	Approved - 01/21/2014
Zamora, Sandra	Approved - 01/21/2014
Rodriguez, Angie	Approved - 01/22/2014
Dale, Jerry	Approved - 01/22/2014
Branham, Brent	Approved - 01/22/2014
Pagan, Kevin	Final Approval - 01/22/2014
7. Staff Recommendation: Staff recommends approval of "Additional Service Authorization #1 – New Performing Arts Center Architectural Contract in the amount of \$66,536.00."
8. Advisory Board:
9. City Attorney: Approved - KDP
10. Manager's Recommendation: approve....mrp



inter-office

# MEMORANDU

# M

city of mcallen

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

**FROM: OMAR RODRIGUEZ, DIRECTOR**

**SUBJECT: NEW PERFORMING ARTS CENTER  
APPROVAL OF ADDITIONAL SERVICES AUTHORIZATION #1**

**DATE: JANUARY 16, 2014**

**Goal** – Consideration and Approval for Additional Service Authorization #1 - New Performing Arts Center Architectural Design Contract

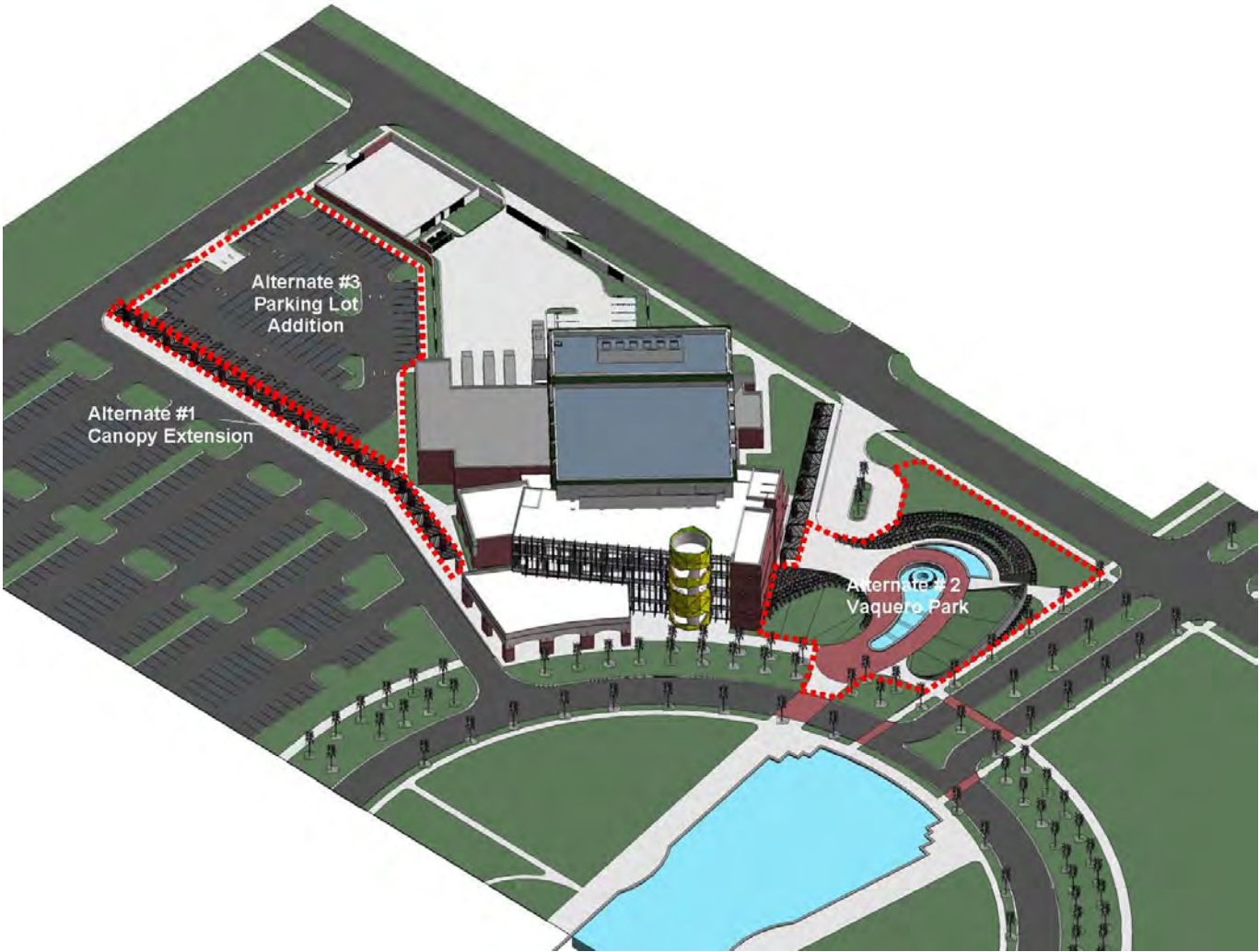
**History** – On March 25, 2013, the City Commission authorized additional program elements, which included the Canopy Extension, East Parking Lot, and Vaquero Park in the amount of \$1,600,621. The additional consulting services were required from the Civil Engineer, the Lighting Consultant, and the Landscape Architect (see attached)

<u>Consultant/Service:</u>	<u>Fixed Fee</u>
Perez Consulting Engineers – Civil Engineers	\$41,850.00
Essential Light Design Studio – Lighting Consultant	\$15,950.00
Stephen P. Walker, LA – Landscape Architect	\$ 8,736.00
TOTAL	\$66,536.00

**Recommendation** – Staff recommends approval of “Additional Service Authorization #1 – New Performing Arts Center Architectural Contract in the amount of \$66,536.00.

ATTACHMENT – A  
ADDITIONAL PROJECT ELEMENTS  
APPROVED MARCH 25, 2013

- 1) Covered walkway to adjacent hotel
- 2) East Parking Lot
- 3) Vaquero Park



ADDITIONAL SERVICE AUTHORIZATION FORM

TO: Convention Facilities Department  
Attn.: Omar Rodriguez, Director

DATE: January 16, 2014  
FROM: Eli Rene Ochoa, PE, AIA, CBJ  
President, CEO

RE: McAllen Performing Arts Center  
Additional Project Elements  
Approved March 25, 2013

Additional Service Authorization No. 1

In accordance with the Architect/Consultant Agreement, written authorization by the Owner is hereby requested for performance of the below listed Additional Service.

Additional Services Title: Canopy Extension, East Parking Lot, and Vaquero Park

Services To Be Performed By: Civil Engineer, Light Consultant, and Landscape Architect

Description of Services: See Attached Submittal

Fee:	<u>Fixed Fee</u>
Perez Consulting Engineers – Civil Engineers	\$41,850.00
Essential Light Design Studio – Lighting Consultant	\$15,950.00
Stephen P. Walker, LA – Landscape Architect	\$ 8,736.00

Percent Complete On Service: 75% - Schematic, Design, & Construction Document Phases

Pending Work to be Completed on Service: 5% Bidding Phase  
20% Construction Phase

Additional Services To Be Billed To: \_\_\_\_\_  
(Sub-Project Number)

Submitted by:

Authorized by:

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

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





Omar Rodriguez  
Convention Facilities Department  
700 Convention Center Blvd  
City of McAllen 78501

Re: McAllen Performing Arts Center  
Addition Services for Consultants

Mr. Rodriguez,

Attached please find consultants' proposals for Additional Services. The additional work, approved by the City Commission, includes "Vaquero Park" and the new East Drive and Parking Lot.

The three consultants are:  
Perez Consulting Engineers - Civil Engineers  
Essential Light Design Studio - Lighting Consultant  
Stephen P. Walker, LA - Landscape Architect

Please call if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Eli René Ochoa".

Eli René Ochoa, PE, AIA, CBJ  
President, CEO



April 19, 2013

Mr. Eli Ochoa, P.E., A.I.A.  
ERO Architects  
300 S. 8<sup>th</sup> Street  
McAllen, Texas 78501

**Re: Engineering Fee Proposal for Additional Services  
McAllen Performing Arts Site**

Dear Mr. Ochoa,

Perez Consulting Engineers is interested in the opportunity to provide Civil Engineering Services and to continue a long-term working relationship with you. In response to our discussion in reference to the additional site improvements for the McAllen Performing Arts project, I am submitting this Fee Proposal breakdown including our Scope of Services.

Based on similar site projects in the area, we feel we can provide our engineering services outlined in the attached Scope of Work:

Preliminary Design Phase	\$3,860.00
Design Phase for Vaquero Park	\$8,020.00
Design Phase East Parking Lot and Drive	\$15,070.00
Design Phase Holiday Inn Parking Lot	\$11,910.00
Construction Phase	\$2,990.00
<b>Total Civil Engineering Services</b>	<b>\$41,850.00</b>

We can begin work immediately upon receiving the notice to proceed to complete this project in a timely manner.

Shall you have any questions, please feel free to contact me via telephone at (956) 631-4482 or you can email me at [rg@perezce.com](mailto:rg@perezce.com).

We look forward to working with you on these important projects.

Respectfully submitted,  
Perez Consulting Engineers, LLC

René González, P.E.  
Project Manager

Encl.

Mr. Eli Ochoa, P.E., A.I.A.  
April 19, 2013

2

**ERO ARCHITECTS:**

**APPROVAL & ACCEPTANCE**

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

Printed Name: \_\_\_\_\_

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

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

# Additional Civil Engineering Services Fee Proposal McAllen Performing Arts Site

808 Dallas Avenue  
McAllen, Texas 78501  
956/631-4482  
www.perezce.com



PCE Project No.: ERO12107  
Project Name: McAllen Performing Arts  
Project Location: McAllen, Texas  
Proposal Date: April 19, 2013

Client: ERO Architects  
300 S 8th St.  
McAllen, Texas 78501  
956-661-0400

TASK	PRINCIPAL	PROJECT ENGINEER	DESIGNER TECH	TECH	CLERICAL	ADMIN.	DIRECT SUB COSTS	TOTAL
<b>A. PRELIMINARY PHASE:</b>								
1 PRELIMINARY MEETINGS WITH THE ARCHITECT FOR FINAL SITE LAYOUT APPROVAL	1	4			1			\$640.00
2 MEETINGS WITH CITY OF McALLEN PLANNING, ENGINEERING AND PUBLIC UTILITY DEPARTMENTS DURING SITE DEVELOPMENT AND APPROVAL PHASES. INCLUDING MEETINGS WITH THE ARCHITECT AND OTHER ENTITIES	4	8			2	1		\$1,675.00
3 DESIGN PROGRESS MEETING DURING DEVELOPMENT OF CONSTRUCTION PLANS	2	10			2	1		\$1,545.00
<b>TOTAL PRELIMINARY PHASE</b>								<b>\$3,860.00</b>
<b>B. DESIGN PHASE VAQUERO PARK</b>								
1 DEVELOPMENT OF FINAL CONSTRUCTION PLANS AND SPECIFICATIONS								
A. SITE DIMENSION AND CONTROL PLANS		4	2	20	4	2		\$2,190.00
B. SITE DRAINAGE AND GRADING PLANS		8	2	20				\$2,300.00
C. DEVELOPMENT OF SPECIAL DETAILS AND MODIFICATIONS TO STANDARD DETAILS		4	4	20				\$2,040.00
2 QUALITY ASSURANCE REVIEW	1	2						\$380.00
3 SUBMIT PLANS FOR REVIEW AND REVISE AS REQUIRED	1	4		8				\$1,110.00
<b>TOTAL DEVELOPMENT OF FINAL CONSTRUCTION PLANS FOR VAQUERO PARK</b>								<b>\$8,020.00</b>
<b>C. DESIGN PHASE EAST PARKING LOT AND DRIVE</b>								
1 DEVELOPMENT OF FINAL CONSTRUCTION PLANS AND SPECIFICATIONS								
A. SITE DIMENSION AND CONTROL PLANS		20	8	40	4	2		\$5,650.00
B. SITE DRAINAGE AND GRADING PLANS		20	10	40				\$5,500.00
C. DEVELOPMENT OF SPECIAL DETAILS AND MODIFICATIONS TO STANDARD DETAILS		8	2	20				\$2,300.00
2 QUALITY ASSURANCE REVIEW	1	2						\$380.00
3 SUBMIT PLANS FOR REVIEW AND REVISE AS REQUIRED	1	4		10				\$1,240.00
<b>TOTAL DEVELOPMENT OF FINAL CONSTRUCTION PLANS FOR EAST PARKING LOT</b>								<b>\$15,070.00</b>
<b>D. DESIGN PHASE HOLIDAY INN PARKING LOT</b>								
1 DEVELOPMENT OF FINAL CONSTRUCTION PLANS AND SPECIFICATIONS								
A. SITE DIMENSION AND CONTROL PLANS		10	4	40	4	2		\$4,280.00
B. SITE DRAINAGE AND GRADING PLANS		10	4	40				\$3,970.00
C. DEVELOPMENT OF SPECIAL DETAILS AND MODIFICATIONS TO STANDARD DETAILS		4	4	20				\$2,040.00
2 QUALITY ASSURANCE REVIEW	1	2						\$380.00
3 SUBMIT PLANS FOR REVIEW AND REVISE AS REQUIRED	1	4		10				\$1,240.00
<b>TOTAL DEVELOPMENT OF FINAL CONSTRUCTION PLANS FOR EAST PARKING LOT</b>								<b>\$11,910.00</b>
<b>** E. CONSTRUCTION PHASE</b>								
1 CONDUCT PERIODIC SITE VISITS	1	12			4			\$1,630.00
2 ATTEND CONSTRUCTION PROGRESS MEETINGS		12			2			\$1,360.00
<b>TOTAL CONSTRUCTION PHASE</b>								<b>\$2,990.00</b>
<b>TOTAL CIVIL ENGINEERING ADDITIONAL SERVICES</b>								<b>\$41,850.00</b>

\*\* CONSTRUCTION PHASE CONSISTS OF GENERAL REPRESENTATION ONLY.

# LETTER OF TRANSMITTAL

808 Dallas Avenue  
 McAllen, TX 78501  
 956/631-4482  
 www.perezce.com



**Project:** McAllen Performing Arts Center  
 ERO Architects  
 300 S. 8<sup>th</sup> St.  
**To:** McAllen, TX 78501  
**Attn:** Eli Ochoa, P.E., AIA

**Engineer's Project No.:** ERO12107  
**Date:** April 19, 2013  
 If enclosures are not as noted, Please inform us immediately.  
 If checked below, Please  
 Acknowledge receipt of enclosures.  
 Return enclosures to us.

**We Transmit:**

- Herewith  Under separate cover via  
 In accordance with your request

**For Your:**

- Approval  Distribution to parties  Information  
 Review & Comment  Record  
 Use  Other

**The Following:**

- Drawings  Shop Drawing Prints  
 Specifications  Change Order  Other

Copies	Date	Description
1	4/19/2013	Additional Services Proposal

**Remarks:**

To:

By:

X.

April 19, 2013

Signature of Recipient

Date

René González, P.E.

Date

# LETTER OF TRANSMITTAL

808 Dallas Avenue  
 McAllen, TX 78501  
 956/631-4482  
 www.perezce.com



**Project:** McAllen Performing Arts Center  
 ERO Architects  
 300 S. 8<sup>th</sup> St.  
**To:** McAllen, TX 78501  
**Attn:** Eli Ochoa, P.E., AIA

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 Review & Comment  Record  
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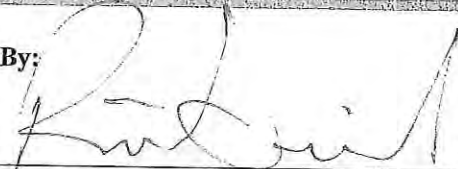
**The Following:**

- Drawings  Shop Drawing Prints  
 Specifications  Change Order  Other

Copies	Date	Description
1	4/19/2013	Additional Services Proposal

**Remarks:**

To: \_\_\_\_\_  
 X. \_\_\_\_\_  
 Signature of Recipient Date

By:   
 René González, P.E. April 19, 2013  
Date



## Fee Proposal

Essential Light Design Studio, LLC  
4104 Sperry Street  
Dallas, Texas 75214

19 April 2013

Project – Vaquero Park at the McAllen Performing Arts Center, McAllen, Texas

### **Client –**

Eli Ochoa, PE, AIA  
ERO Architects  
300 South 8<sup>th</sup> Street  
McAllen, Texas 78501

### **Scope –**

Vaquero Park including the fountains, surrounding plaza, lawn, planting areas, steps to theater building, canopy, valet area, drop-off drive. This does not include projection design for the west wall nor any associated projection equipment.

### **Design Phases Included –**

Schematic Lighting Design  
Lighting Design Development  
Construction Documents (CAD generated on architect supplied backgrounds)  
GMP/Bid Phase  
Construction Administration  
Aim and Tune of Adjustable Fixtures and Dimming Controls

**Schematic Lighting Design to include –**

Initial design meeting to discuss conceptual design, planning and lighting design intent. Coordination with landscape elements will be discussed at this time.

Light fixture, lamping, distribution and illumination level research and glare control studies for specific areas as included in scope above.

Review of energy code compliance requirements.

Architectural lighting detail options and/or suggestions sketched for review and discussion.

Schematic lighting layout and preliminary fixture schedule.

One meeting with architect and client to present and discuss schematic design, and receive feedback sufficient for progression to Design Development. Coordination with other consultants work must be discussed at this time. Please note Additional Services section for any work associated with A/V (or other consultant) coordination after Design Development has begun.

Electronic documents will be required to begin this phase. Drawings must be submitted in .dwg format with all relevant xref files attached. Files that require any manipulation other than simple greying of architectural layers to create a background for lighting use will be considered an Additional Service.

Note: Preliminary pricing can only be confidently provided after Schematic Design has been completed. Any requests to provide pricing prior to Schematic Design approval meeting will be considered an additional service.

For this phase the following documents are required: current landscape/hardscape plans, fountain sections, civil plan, existing light pole plan.

**Lighting Design Development to include –**

Refinement of schematic design as presented and discussed during Schematic Design meeting.

Lighting detail options will be refined and presented for review with client and/or design team for approval prior to incorporating into construction documents.

Light distribution and light levels via point by point illuminance calculations for applicable areas will be conducted.

Design of dimming and/or lighting control system for all areas required.

Lighting design loads will be confirmed for adherence to energy code requirements.

Development of lighting equipment schedule and dimming load schedules including cut sheets.



Up to three hours of specialty lighting mock-ups will be conducted to evaluate desired lighting effect and constructability. Additional time required or requested for mock-ups will be considered an additional service.

One design development presentation to the client will be given for review and approval. Feedback sufficient for progression to Construction Documents should be provided by client at this meeting.

Prior to beginning Construction Document phase, all current and approved plans will be required - including true reflected ceiling plans with all architectural elements indicated, elevations and sections.

**Construction Documents to include –**

Attendance of up to two coordination meetings as requested by the architect.

- AutoCAD layer of lighting plan with dimensions
- AutoCAD layer of lighting plan with control zoning (not circuiting)
- Lighting equipment schedule and lighting control (load) schedule with cut sheets
- Architectural lighting details as required
- COMcheck energy code compliance reporting for areas within scope

All of the above listed will be considered project deliverables. Electronic documents will be submitted in AutoCAD as layers built upon architectural backgrounds. Coordination with other disciplines and plotting is responsibility of client.

**Coordination with Electrical Engineer and Architect –**

Essential Light Design Studio will supply CAD drawings to the design team. ELDS drawings consist of 4 lighting layers on architect-supplied landscape and hardscape plans. These layers include:

- light fixture symbols
- light fixture tags
- dimensions
- control zoning

It is anticipated that the electrical engineer will use ELDS symbols and tags on their drawings. It is anticipated that the electrical engineer will use the control zoning layer to inform their circuiting plan.

The electrical engineer's lighting sheets should be the final word with regard to contractor's responsibility. However, we encourage the ELDS lighting sheets to be included in the construction package labeled as "for reference only." We will be sharing our documents with the design team as a whole throughout the process. We expect to provide final ELDS lighting drawings to the electrical engineer approximately three weeks before the 100% CD set is due. We expect to receive pdfs of the final electrical lighting sheets one week before CDs are due so that we may review and redline any items as necessary. Of course these timelines are a suggestion and actual project

schedule may dictate a different timeline.

It is anticipated that the architect will use ELDS symbols on their reflected ceiling plans. Some architects wish to use our dimension layer on their reflected ceiling plans. In other cases the lighting drawings are the only place the dimensioning of the light fixtures is shown. As each design team will have their unique preferences, we are happy to discuss the best way to submit all information required for the successful construction of this job.

**GMP/Bid Phase to include –**

Evaluation of electrical sub-contractor's bids against budget obtained at the end of Design Development. For this evaluation, electrical sub-contractor must break out areas covered by the scope of this contract.

Addenda and sketch clarifications as required for constructability

Note: Review of one contractor suggested alternates/VE suggestions to lighting and or dimming control equipment is included. Multiple alternate/VE reviews are considered an Additional Service.

**Construction Administration to include –**

Review of lighting fixture submittals

Responses to requests for information

One site visit to assist with field coordination issues

One site visit for punchlist

Note: All dimming/control systems must be installed by professional, certified installers and must be operational prior to scene or button programming. Any time spent troubleshooting any component other than scene/button programming is considered an Additional Service.

**Aim and Tune Service to include –**

Final aiming for adjustable/aimable lighting equipment. A minimum of three weeks notice is required to schedule this service and all construction must be complete with all components of the lighting and dimming system fully operational.

A minimum of two evenings must be scheduled to complete this service. The electrical contractor must provide a minimum of one electrician familiar with the project to be on site with the lighting designer for the duration of this service. The electrical contractor is responsible for providing ladders, lifts or other acceptable means of accessing every adjustable light fixture installed.

Note (again): All dimming/control systems must be installed by professional, certified

installers and must be operational prior to scene or button programming. Any time spent troubleshooting any component other than scene/button programming is considered an Additional Service.

**Additional Services –**

Additional Services will be performed only as requested by client. Prior to commencement, any additional service and associated fee will be listed in a work authorization request to be signed by client. Such services may include:

- Additional client/design team meetings over and above those listed above
- Substantial changes to landscape/hardscape after design development has begun, resulting in requirements to update the lighting design and or specification.
- Job site trips over and above those listed above.
- Lighting design updates required subsequent to architectural design changes/revisions/re-design after approval of lighting design at design development meeting
- Alternate submittal reviews or pricing coordination/reviews over and above the ONE preliminary pricing exercise listed in the 'Schematic Design' section or the ONE alternate submittal review listed in the 'GMP/Bid Phase' section or the ONE final submittal review in the Construction Administration Phase.
- Updates after construction documents are complete due to conflicts with MEP equipment, A/V equipment, security and/or architectural changes
- Design or modification of decorative fixtures, selection of more than two options for each decorative fixture type (see Schematic Design Services)
- Lamp maintenance manuals or restocking recommendations.
- Light fixture/controls materials management.
- Any time due to dimming/control system installation, coordination or troubleshooting.

**Fees for services as listed above –**

Schematic Design -	\$ 4,800
Design Development -	\$ 3,950
Construction Documents -	\$ 2,000
GMP/Bid Phase -	\$ 1,000
Construction Administration -	\$ 2,600
Aim and Tune -	\$ 1,600
<b>TOTAL -</b>	<b>\$ 15,950</b>

**Hourly Rate –**

For Billing within each phase and any Additional Services is \$185/hour

**Reimbursables –**

Plot reproductions and courier charges (there is no charge for documents submitted in electronic format suitable for printing/plotting by others.) Out of town travel.

Expense of additional coverage or limits, including professional liability insurance, requested by the Client in excess of that normally carried by ELDS.

**Terms of this fee proposal/contract –**

This offer is good for 60 days from date of this proposal. The undersigned agrees to make payment in full to be received by Essential Light Design Studio, LLC on or before the due date. Terms are NET 30. Past due invoices are subject to 1.5% interest per month on unpaid balance.

This proposal does not offer or replace Architectural or Electrical Engineering Services. Any recommendations by lighting designer concerning these disciplines are for the review and use of the Client, Architect, Engineer, or Contractor to incorporate into their designs as they see fit. The Client and/or Architect is responsible for the overall design of the project including the oversight and coordination of all consultants' work.

The Client shall provide full information regarding requirements for the project. The Client shall furnish information and required documents (architectural backgrounds, floor plans, ceiling plans, elevations, sections and details) as expeditiously as necessary for the orderly progress of lighting design services, and Essential Light Design Studio, LLC (ELDS) shall be entitled to rely on the accuracy and completeness of these. The Client shall render decisions in a timely manner pertaining to documents submitted by ELDS in order to avoid delay in the progress of lighting design documents and deadlines.

This contract provides design services only. The project owner/developer is responsible for securing the services of installation contractors as required to install and warrant specified lighting and control systems. Selection of the installation contractor is the responsibility of the client or others.

Owner of lighting design system is solely responsible for maintenance and upkeep of lighting and control systems.

**Limited Liability –**

Essential Light Design Studio, LLC shall not be liable for the negligence, errors, omissions or fault of any kind of others, and is not liable for products provided and/or installed on the project, installation methods, or delays in delivery of products specified. Essential Light Design Studio, LLC does not guarantee cost estimates for materials or installation labor. The liability, if any, of Essential Light Design Studio, LLC or any of its owners, or employees is limited to the realization of represented illumination levels and appearance. Notwithstanding the above, Client's exclusive remedies for all damages, losses and causes of actions whether in contract, tort including negligence or otherwise, shall not exceed the aggregate dollar amount which the Client paid during the term of this Agreement and any reasonable attorney's fee and court costs.

**Indemnification –**

Client agrees that it shall defend, indemnify, save and hold Essential Light Design Studio, LLC (ELDS) harmless from any and all demands, liabilities, losses, costs and claims, including reasonable attorney's fees ("Liabilities") asserted against ELDS, agents, servants, officers and employees, that may arise or result from any service provided or performed or agreed to be performed or any product, service or property leased or sold by Client, its agents, employees or assigns.

**Termination –**

This agreement may be terminated by either party, without cause, by giving the other party 30 days written notice. Notwithstanding the above, Essential Light Design Studio, LLC may terminate service under this agreement at any time, without penalty, if the Client fails to comply with the terms of this Agreement.

**Understanding –**

The agreement contained in this contract constitutes the sole agreement between Essential Light Design Studio, LLC and the Client regarding lighting design services. It represents the complete scope of proposed work, fees and conditions unless superseded in writing. This agreement shall be governed and construed in accordance with the laws of the State of Texas.

**Signatures –**

The undersigned agrees to the terms of this agreement on behalf of the Client:

Agreed to and accepted this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Client Signature

\_\_\_\_\_  
Name | Title

\_\_\_\_\_  
Jill Klores, Essential Light Design Studio, LLC, Member Date

STATEMENT OF QUALIFICATIONS  
AND PROPOSAL  
for  
LANDSCAPE ARCHITECTURAL SERVICES  
for  
CITY OF Mc ALLEN PERFORMING ART CENTER

Mc ALLEN, TEXAS

Prepared by:

Stephen P. Walker, L.A.  
Landscape Architect No. 01774  
McAllen, Texas

1 June, 2013 (revised)

**Added scope for the projects plaza and park.**

## Company Profile

**Name of Firm:** Stephen P. Walker Architectural Landscape Services

**Business Address:** McAllen Office  
7217 North 30th Street  
McAllen, Texas 78504

**Telephone Number:** Office: (956) 630-4149  
Fax: (956) 630-4149

Stephen P. Walker Architectural Services is a collection of individuals offering multi-discipline consulting landscape architectural services capable of meeting the technological necessities of our time. As a team, we strive to serve our clients by combining the skills and talents of our professional and technical staff with proven and accepted forms of technology to meet project goals and intricacies. Our team of seasoned professionals has both the experience and innovative skills to produce technically sound practical recommendations and solutions. All of our members possess coordination, communication and technical skills so as to remain focused on our clients concerns and requirements.

Our combined staffs specialize in the disciplines of landscape architecture, project management, graphic illustration and presentation and computer networking. Our group is experienced and inventive enough to offer solutions for both small and large projects. To achieve these goals our members use Micro-station V8 and Auto-CADD 2000 with rendering software. Our services include:

- Landscape Architecture
- Wetland Delineation and Construction documents
- Vegetation Management
- Model Delineation

### Management and Staffing

Our services will be coordinated with the owner or one of your representatives. Our scope of services is defined by assessing the specific design objectives of the project. Our Project Manager assigned to the project is responsible for the aspects of the project. A principal will be assigned to provide guidance, oversight and review all tasks.

### Project Personnel

Key personnel who will be assigned to this project are as follows:

Principal: Stephen P. Walker, L.A.

#### Task

Landscape architectural design services for landscape, irrigation and paving improvements at the City of McAllen Performing Arts Center. Added to the scope was the projects plaza and park.

### Scheduling

Based on the projected turn-around time of approximately two-weeks after notice to proceed, we propose the following schedule:

<b>PROJECT PHASE I</b>	<b>HOURS</b>	<b>% OF FEE</b>
<b>Stage A</b>		
1. Base information / drafting	<u>16</u>	12 %
A. Base layout and set up (1"= 30' or 1" = 20' scale)		
<b>Stage B</b>		
1. Schematic landscape design	<u>40</u>	96 %
A. Landscape design and layout.	16	
B. Final Landscape design.	16	
D. Landscape details / general notes.	8	
<b>Stage C</b>		
1. Irrigation design	<u>24</u>	20 %
A. Irrigation design and layout	16	
B. Irrigation details / general notes.	8	

**Hourly rate:**

\$35.00 (base labor rate) x 2.6 (over head) x 1.2 (profit) = \$109.20 (Loaded hourly rate)

**80 hours x 109.20 = \$8,736.00**

This schedule does not include the following activities;

- Topographic surveying.
- Contract negotiation with contractors.
- Construction administration.



**ITEM SUMMARY**

BOARD: City Commission

AGENDA ITEM

3.C.

DATE SUBMITTED

01/20/2014

MEETING DATE

01/27/2014

1. Agenda Item: Consideration and Authorization to Solicit CSP - Competitive Sealed Proposals in lieu of CSB - Competitive Sealed Bids for the New Performing Arts Center.

2. Party Making Request: Convention Center

3. Nature of Request: This item seeks the City Commission's authorization to use the CSP-Competitive Sealed Proposal Method to solicit prospective contractors for the New Performing Arts Center and the appointment of an Evaluation Committee to review and score the submittals.

4. Fiscal Impact Summary:

5. Budgeted:

Bid Amount: \_\_\_\_\_

Budgeted Amount: \_\_\_\_\_

Under Budget: \_\_\_\_\_

Over Budget: \_\_\_\_\_

Amount Remaining: \_\_\_\_\_

6. Routing:

Rodriguez, Omar

Created/Initiated - 01/20/2014

Rodriguez, Omar

Approved - 01/20/2014

Zamora, Sandra

Approved - 01/21/2014

Branham, Brent

Approved - 01/22/2014

Pagan, Kevin

Final Approval - 01/22/2014

7. Staff Recommendation: Staff recommends authorization to solicit CSP – Competitive Sealed Proposals in lieu of the CSB – Competitive Sealed Bids for the New Performing Arts Center. Staff also recommends the appointment of the following individuals for the Evaluation Committee: City Commission Performing Arts Center Committee, Director of the Convention Facilities Department, City Engineer, Advisory Board Member of the Convention Center, Deputy City Manager and the Project Architect.

8. Advisory Board:

9. City Attorney: Approved - KDP

10. Manager's Recommendation: approve....mrp



**inter-office**  
**MEMORANDUM**  
**city of mcallen**

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

**FROM: OMAR RODRIGUEZ, DIRECTOR**

**SUBJECT: NEW PERFORMING ARTS CENTER – APPROVAL OF COMPETITIVE SEALED PROPOSAL METHOD**

**DATE: JANUARY 20, 2014**

**Goal** – Consideration and Authorization to solicit CSP – Competitive Sealed Proposals in lieu of CSB – Competitive Sealed Bids for the New Performing Arts Center.

**History** – In determining best value for the City, the City Commission is not restricted to considering price alone, but may consider areas such as: Proposed price, reputation of respondent, quality and extent of respondents goods or services meeting the City’s needs - based on a “Contractor’s Qualifications Statement,” qualification of proposed subcontractors, the respondents past performance and any other relevant factor(s) as outlined in the solicitation documents.

In determining the project costs the City of McAllen reserves the right to consider the lowest total proposal calculated as the Base price plus or minus the sum of any or all Add and/or Deductive Alternates as may be selected by the City of McAllen. The City Commission shall select the offer that proposes the best value to the City based on the published evaluation criteria and values submitted.

Please find attached a draft of the “Evaluation Criteria and Scoring Values,” for your consideration.

Also, an Evaluation Committee must be appointed to review and score the submittals for recommendation to the City Commission.

**Recommendation** – Staff recommends authorization to solicit CSP – Competitive Sealed Proposals in lieu of the CSB – Competitive Sealed Bids for the New Performing Arts Center. Staff also recommends the appointment of the following individuals for the Evaluation Committee: City Commission Performing Arts Center Committee, Director of the Convention Facilities Department, City Engineer, Advisory Board Member of the Convention Center, Deputy City Manager and the Project Architect.

**DRAFT**  
**CONTRACTOR'S STATEMENT OF QUALIFICATIONS**

**(Form to be Executed & Submitted with Proposal)**

For purposes of this project prospective contractors are advised that a properly executed Contractor's Qualification Statement must accompany their bid. In addition, the City of McAllen is seeking to contract with the lowest responsive **responsible** contractor meeting the requirements of specifications, bidding, and contract documents. Consequently, prospective contractors are advised that the City of McAllen's interpretation of **responsible** shall be construed to mean a contractor that has proven to have the financial stability, experience, and reputation in this type business.

The Respondent shall submit a completed and executed Contractor's Statement of Qualifications ("Contractor's Statement") to the Owner. No Respondent is eligible to be awarded a contract unless Owner has approved the Contractor's Statement.

The Contractor's Statement must be dated not more than 6 months prior to the bid opening date; however, Owner may require a new Contractor's Statement at any time. Additionally, Owner may require the Respondent to provide any other information Owner deems pertinent, necessary, or appropriate to determine whether the bidder is responsible and capable of performing the work. If discrepancies are found in the Contractor's Statement, the Contractor's Statement will be considered unsatisfactory, and the Respondent will be ineligible for award of the contract until the discrepancies are satisfactorily explained to Owner.

In compiling the Contractor's Statement, all items must be filled in and all schedules must be completed in detail. If separate schedules are used, they must be specifically identified as to which schedule in the Contractor's Statement they support and must contain the same information in the same category and format as requested in the Contractor's Statement. **FAILURE TO COMPLETE ALL ITEMS AND ALL SCHEDULES IN DETAIL MAY DISQUALIFY THE BIDDER FROM CONSIDERATION OF AWARD OF THE CONTRACT.** If there is nothing to report in any item or schedule, then make the notation, "None."

In a sealed envelope marked 'CONFIDENTIAL', Contractor must submit a Financial Statement showing the condition of the bidder as of the date of the Contractor's Statement. The amount shown for each item listed in the Financial Statement must be an actual amount, as taken from the Respondent's books, verified, and must not be an "approximate" amount. The Financial Statement portion of the Contractor's Statement must show the condition of the Respondent as of the date stated. "Total Assets" must equal "Total Liabilities" plus "Total Equity." The use of previously prepared financial statements is acceptable if they contain the same information in the same category and format as requested in the Financial Statement portion of the Contractor's Statement, are dated not more than 3 months prior to the bid opening date, and show the condition of the bidder as of the date of the Contractor's Statement.

If the Respondent is a corporation, the person signing the Contractor's Statement must be either the president or vice president of the corporation; if a partnership, the person signing this Contractor's Statement must be a general partner of the partnership. The person signing the Contractor's Statement must execute the Certification of Accuracy and Completeness and the Authorization for Verification and Affidavit contained in the Contractor's Statement.

**OWNER RESERVES THE RIGHT TO REJECT ANY AND ALL BIDS SUBMITTED.**

**CONTRACTOR'S STATEMENT OF QUALIFICATIONS Continued.**

Date of Contractor's Statement: \_\_\_\_\_

\_\_\_\_\_  
Legal Name of Contractor

- Individual
- Partnership
- Joint Venture
- Corporation
- Other

Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone (\_\_\_\_\_) \_\_\_\_\_ Fax (\_\_\_\_\_) \_\_\_\_\_

Federal Identification Number (E.I. or S.S.) \_\_\_\_\_

I certify that all information contained in this Contractor's Statement of Qualifications is true, correct, and complete.

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

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

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

**CONTRACTOR'S STATEMENT OF QUALIFICATIONS Continued.**

**CONTRACTOR INFORMATION AND EXPERIENCE QUESTIONNAIRE**

**I. ORGANIZATIONAL BACKGROUND**

1. Type of Organization (circle one):

Partnership

Corporation

Other: \_\_\_\_\_

2. Date of Organization/Incorporation: \_\_\_\_\_

3. Dunn & Bradstreet Number: \_\_\_\_\_

4. Principal place(s) of business: \_\_\_\_\_

\_\_\_\_\_

5. Partners/Principals/Owners (owning 10% or more): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6. Officers:

President \_\_\_\_\_

Vice President(s) \_\_\_\_\_

Secretary \_\_\_\_\_

Treasurer \_\_\_\_\_

7. How many years has the company been in business under its present business name?

(a) Under what other or former names has the business operated? \_\_\_\_\_

\_\_\_\_\_

(b) If the answer to any of the following questions is "Yes," attach details including a list of creditors, amount owed each, amounts repaid, resolution of proceedings, etc.:

(1) Has the business ever defaulted, declared bankruptcy, or undergone reorganization procedures? \_\_\_\_\_

(2) Has a predecessor of the business defaulted, declared bankruptcy, or undergone reorganization procedures? \_\_\_\_\_

(3) Are there presently any outstanding claims pending against the business?

\_\_\_\_\_

(4) Has the business been involved in litigation within the past 5 years, or is it currently involved in litigation? \_\_\_\_\_

**CONTRACTOR'S STATEMENT OF QUALIFICATIONS Continued.**

**II. CONSTRUCTION EXPERIENCE**

1. How many years of experience in construction work has the business had?
- (a) As a general contractor \_\_\_\_\_
- (b) As a subcontractor \_\_\_\_\_

2. What types of work does the business normally perform? \_\_\_\_\_

\_\_\_\_\_

3. Has the business or any officer or partner of the business ever failed to complete a construction contract, forfeited a bid bond/proposal guaranty, had liquidated damages withheld from its total compensation due on a contract, or refused to enter into contract for work awarded to it?

\_\_\_\_\_

If yes, attach details including name of project; contract amount; type of work; name and addresses of project engineer, contractor, and owner; and when, where, and why.

4. Has the business or any officer or partner of the business ever been cited or convicted for violation of any OSHA or State safety law/regulation? \_\_\_\_\_

If yes, attach details including project name, project engineer, owner, when, where, governing agency, and final disposition of citation or conviction.

5. Attach a list of 5 projects completed by the Contractor during the last 5 years involving work of similar type, scope and complexity. Include the following information:

- Name of Project
- Amount
- Type of Work
- Percentage Subcontracted
- Amount Subcontracted
- Scheduled Completion Date
- Date Completed
- Location (City, County, State)
- Name, Address, and Telephone of:
  - Project Engineer
  - Contractor (if subcontractor)
  - Owner
- Number of change orders and history

**CONTRACTOR’S STATEMENT OF QUALIFICATIONS Continued.**

6. Attach a list of public construction projects completed in past 5 years. Include the following information: [Describe timeline, Cooperative efforts, overall attitude]

- Name of Project
- Amount
- Type of Work
- Percentage Completed
- Scheduled Completion
- Location (City, County, State)
- Name, Address, and Telephone of  
Project Engineer  
Contractor (if subcontractor)  
Owner
- Number of change orders and history

7. Provide resumes and list construction experience of the principal individuals of your organization (include not only officers and principals of the organization, but also construction manager and field superintendents who will be in charge of the work). Add additional sheets as needed.

Name	Current Position	Years w/ Company	Years Experience	Project’s Supervised from Lists of Items #5 and #6

8. Attach resume of subcontractors that are anticipated to perform any portion of the work valued at \$250,000 of the total bid or more. The listing of subcontractors shall be submitted no later than 22 hours after the bid opening. Failure to provide the listing of all other subcontractors within the allotted time will render the bid non-responsive. Include the following information. [HUB Certification and/or minority status.]

- Name
- Address
- Work to be Done
- Percentage of Contract
- Individuals Responsible for the Work

9. Attach evidence of past client (prior 10 contracts) willing to re-contract with General Contractor and subcontractors.

10. Liens filed against owner’s property or contractors bond for last 10 years.

11. List Litigation filed against company for last 5 years.

**CONTRACTOR'S STATEMENT OF QUALIFICATIONS Continued.**

**III. BANK REFERENCES**

1. List all banks with which the contractor has done business during the past 5 years. List current bank first. Add additional sheets as needed.

<b>Bank Name</b>	<b>Address</b>	<b>Contact</b>	<b>Telephone</b>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

2. Provide the following information regarding payment, performance, and maintenance bonds:

- (a) Name and address of surety company: \_\_\_\_\_  
\_\_\_\_\_
- Company file number: \_\_\_\_\_
- (b) Authorized to do business in state? \_\_\_\_\_
- (c) Authorized to issue payment, performance, and maintenance bonds in project state?  
\_\_\_\_\_
- (d) Maximum amount of bond authorized to issue: \_\_\_\_\_
- (e) Rating (as listed in Best's Key Guide): \_\_\_\_\_
- (f) Financial size category (as listed in Best's Key Guide): \_\_\_\_\_

3. Name and address of agent and agency (company or partnership for which agent works): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. Does agent have appointment from insurance company authorizing agent to sign bonds?

\_\_\_\_\_



**AUTHORIZATION FOR VERIFICATION AND AFFIDAVIT**

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

The undersigned, \_\_\_\_\_, being duly sworn,  
deposes and says that he/she is \_\_\_\_\_ of  
\_\_\_\_\_ (the "Contractor") and declares that:

1. The Contractor's Statement of Qualifications (the "Contractor's Statement") is given for the express purpose of inducing Owner to award the Contractor a contract.
2. Any person, depository, agency, or other entity named in the Contractor's Statement is authorized to supply Owner or its representative with any information necessary to verify statements contained in the Contractor's Questionnaire.
3. The Contractor's Statement is a true and accurate statement as of the date of said Contractor's Questionnaire.
4. The Financial Statement is taken from Contractor's financial records, and is a true and accurate statement of Contractor's financial condition as of their date.
5. I am authorized to execute this Contractor's Statement on behalf of the Contractor.

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

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

SWORN AND SUBSCRIBED before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_

**DRAFT – COMPETITIVE SEALED PROPOSAL SCORING VALUES**

QUANTITATIVE CRITERIA (65%)		Points
1	<b>CONSTRUCTION COST</b>	65
	<b>Total of Base Proposal, Add Alternates, Deduct Alternates.</b> <i>Lowest proposal 65 Pts., all others minus 1 pt. for each \$500,000 above low proposed amount</i>	
QUALITATIVE CRITERIA (35%)		
2	<b>CONSTRUCTION TIME HISTORY</b>	2
	Provide contractual and actual completion date for projects \$25 Million + in construction cost for past 5 years. Explain discrepancies	
3	<b>SIMILAR PROJECTS LIST</b>	6
	Project list of similar scope, complexity and type (Performing Arts Centers)	
4	<b>SUBCONTRACTORS</b>	5
	Submit resumes of subcontractors to be assigned to project	
5	<b>VENDOR'S PAST PERFORMANCE ON PUBLIC PROJECTS</b>	4
	Provide evidence of past work performance on public projects. Describe timeline, cooperative efforts, overall attitude, and change order history	
6	<b>PAST CLIENTS SATISFACTION</b>	5
	Evidence of past clients (prior 10 contracts) willing to re-contract with General Contractor and subcontractors	
7	<b>CONSTRUCTION MANAGER &amp; SUPERINTENDENT QUALIFICATIONS</b>	5
	Submit resumes of construction manager and superintendent to be assigned to project.	
8	<b>SUBCONTRACTORS HUB CERTIFICATION/MINORITY STATUS</b>	2
	Submit a tentative list of subcontractors to be assigned to project. Include type construction, amount of contract and HUB Certification and/or minority status.	
9	<b>LIENS/LITIGATION</b>	3
	List liens filed against owner's property or contractors bond for last 10 years. List litigation filed against company for last 5 years.	
10	<b>FINANCIALS</b>	3
	Provide bank letter of reference on offerer's financial strength. 3 pt for submittal, <i>0 pts for non-submittal.</i>	
	<b>TOTAL</b>	100

**ITEM SUMMARY**

BOARD: City Commission

AGENDA ITEM	4.A.
DATE SUBMITTED	01/22/2014
MEETING DATE	01/27/2014

1. Agenda Item: Variance request of Sinpaq USA Inc., to allow an additional free standing sign, at Lot 2, Shary Gateway Subdivision, 4901 W. Expressway 83.
2. Party Making Request: Planning Department
3. Nature of Request: Variance request of Sinpaq USA Inc., to allow an additional free standing sign, at Lot 2, Shary Gateway Subdivision, 4901 W. Expressway 83.
4. Fiscal Impact Summary:
5. Budgeted:

Bid Amount:	_____	Budgeted Amount:	_____
Under Budget:	_____	Over Budget:	_____
		Amount Remaining:	_____
6. Routing:

Perez, Gardenia	Created/Initiated - 01/22/2014
Rankin, Julianne	Approved - 01/22/2014
Rodriguez, Roel	Approved - 01/22/2014
Pagan, Kevin	Final Approval - 01/22/2014
7. Staff Recommendation: Disapproval of variance request due to non-compliance with Section 130-110(2)
8. Advisory Board:
9. City Attorney: Disapproved - KDP
10. Manager's Recommendation: disprove....mrp

## **Memo**

**TO:** Mike Perez, City Manager  
**FROM:** Julianne Rankin, Planning Director  
**DATE:** January 20, 2014  
**SUBJECT: SIGN VARIANCE – LOT 2, SHARY GATEWAY SUBDIVISION; 4901 EXPRESSWAY 83.**

---

### **GOAL:**

The intent of the Sign Ordinance is the following: 1) to enhance economic value by avoiding visual clutter, 2) to promote safety of persons and property by providing that signs do not create a hazard, 3) to reduce confusion and distraction to motorist and enhance motorist's ability to see pedestrians, obstacles, vehicles and traffic signs, 4) to enhance city impression to tourists and visitors, 5) to protect adjacent properties from the impact of lighting, size, height, and location of signs, and 6) to preserve, protect, and enhance areas of historic, architectural, scenic and aesthetic value. Section 130-3 Scope, Chapter 130 Signs, McAllen Code of Ordinance

### **PROPOSAL:**

The property is located along the south side of U.S. Expressway 83 approximately 850 feet east of Taylor Road. Lot 2 has 213.28 feet of frontage along U.S. Expressway 83. This property and the surrounding area to the north, east, and west is zoned C-3 (general business) District. The land to the south is in the McAllen Extraterritorial Jurisdiction and therefore is not zoned. A multi-tenant building is constructed on the lot.

A sign variance to construct two 317.56 square feet free-standing signs, one on Lot 2 and one on Lot 4 of Shary Gateway Subdivision was approved on January 14, 2013. These signs are currently under construction and will advertise businesses on these two lots as well as the businesses located on Lots 1 and 3. The request to advertise businesses on different lots other than where the signs are located and businesses in a different subdivision/development make the signs "off-premise" signs. This part of the request was also approved.

The applicant has submitted a variance request to allow for a second free standing sign on Lot 2 for better visibility of the business. The square footage of the proposed sign is to be 200 square feet and will allow for on premise advertising solely for a business by the name of The Egg & I. Specifically, the variance involving the second sign is from Section 130-110(2) of the Sign Ordinance which limits the number of signs to "One freestanding sign per premises; provided that an additional sign shall be permitted for each 150 feet of frontage for a premises..."

Mambo's Restaurant located on Lot 3 has a free standing sign for their advertisement only. This requested sign variance for The Egg & I would be for a sign in addition to the two signs currently under construction on Lots 2 and 4.

**SUMMARY:**

- The request is to allow one additional free-standing sign on the property.
- The request does not comply with the current code.

**OPTIONS:**

- 1) Disapprove variance request.
- 2) Table the request for further information.
- 3) Approve the variance as requested.

**RECOMMENDATION:**

Staff recommends disapproval of the variance request.

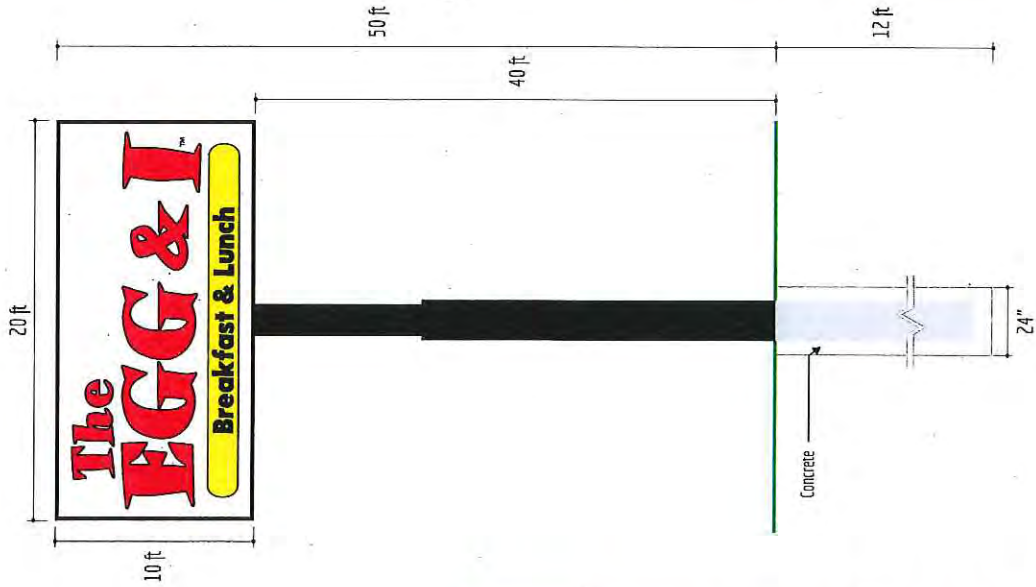
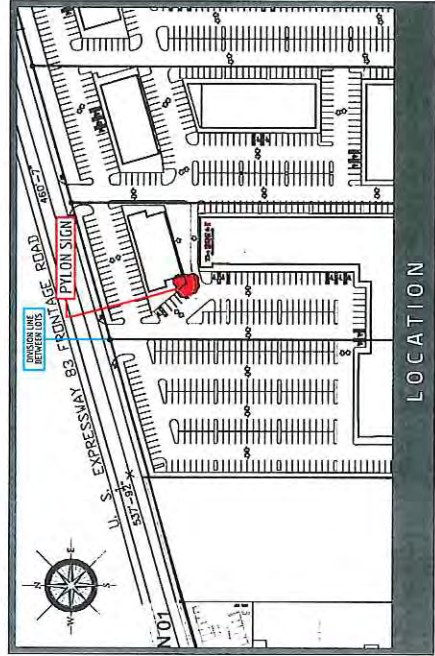
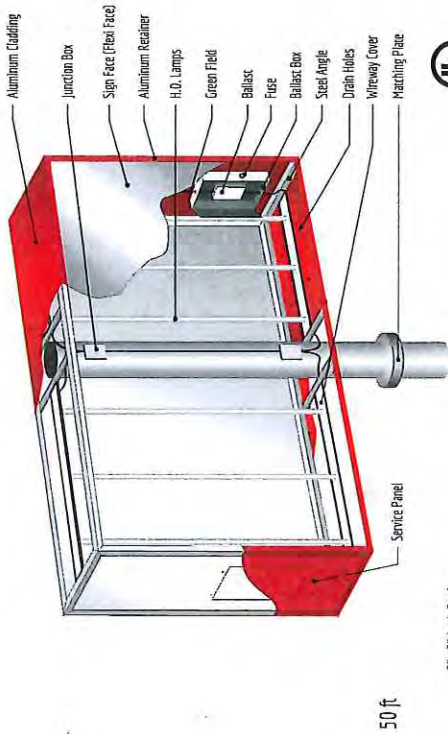
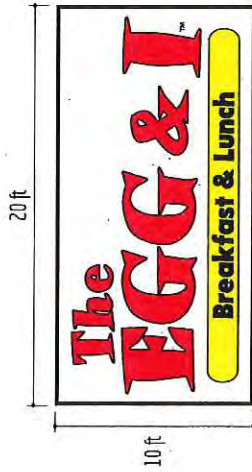
RECEIVED

DEC 18 2013

Initial: 



\*\* THE SIZE OF THE SIGN CONTAINED IN THESE IMAGES IS JUST AN APPROXIMATE BASED ON THE SPECIFICATIONS \*\*



COPYRIGHT

These signage plans are property of Simpaq USA dba Printing Solutions Group and are presented here with the sole purpose of the purchase of these plans or a sign manufactured from these plans. It is forbidden to distribute/exhibit these plans to anyone other than employees of your company without prior written consent from Simpaq USA dba Printing Solutions Group. Usage of these plans to build similar signage or usage of any graphics included with these design plans is expressly forbidden. The unauthorized usage of these designs without prior written consent from Simpaq USA dba Printing Solutions Group will be charged with a penalty fee.

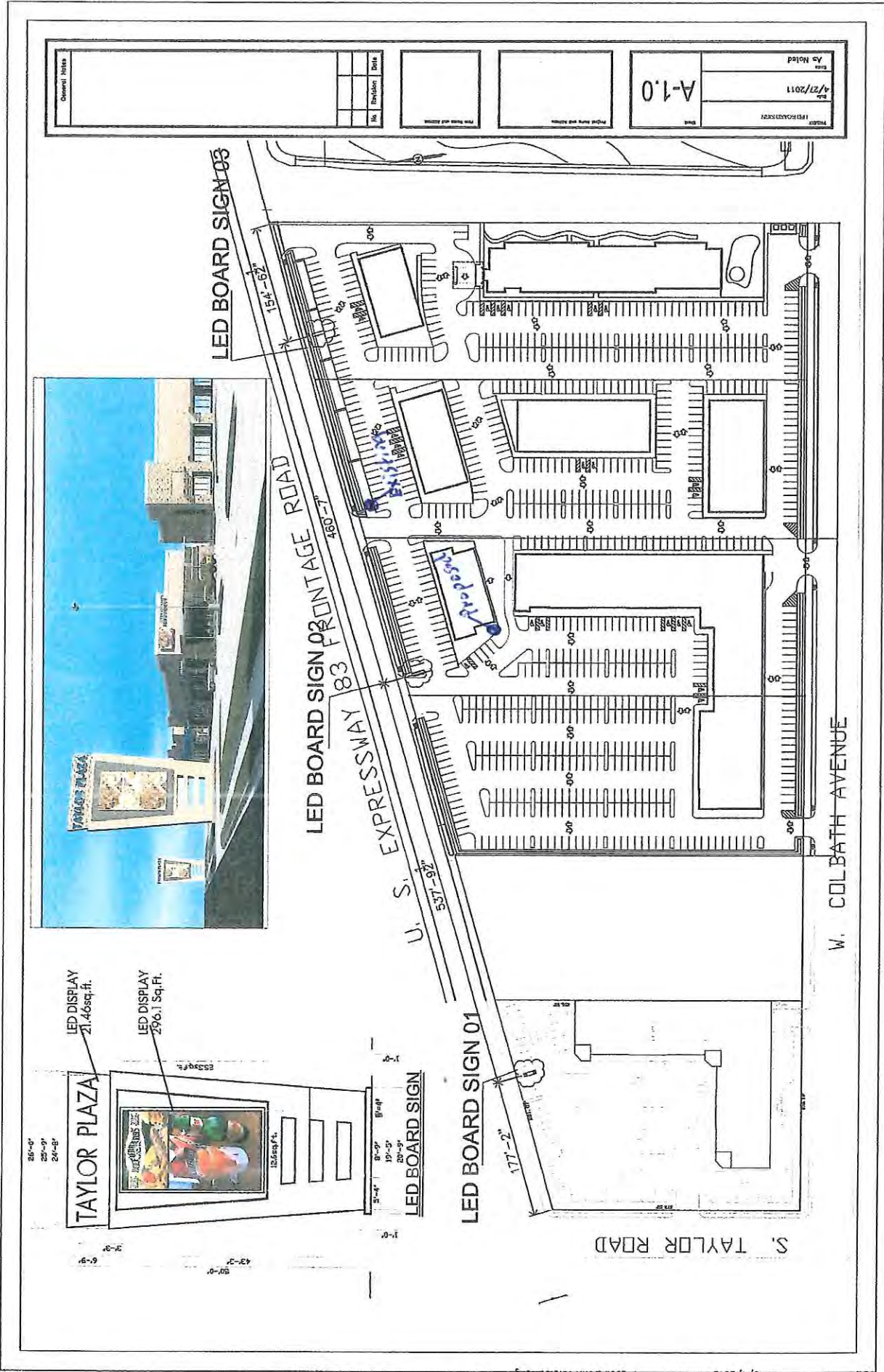
FILE INFORMATION

File Name: The Egg & I - Pylon Sign.pdf  
Client Approval/Date: \_\_\_\_\_  
Manager Approval/Date: \_\_\_\_\_

SIGN INFORMATION

Customer: The Egg & I  
Sign Type: Pylon Sign  
Date: December 18, 2013







TAYLOR RD

C-4

-27

R-4

D PLAZA

M&T MOTORS NO. 1

SUBD

LOCATION

-03

U.S. 83 EXPRESSWAY  
177

U.S.

GINTHER ESTATES

LOT 1

LOT 2

LOT 3

LOT 4

SHARY GATEWAY SUBDIVISION

C-3

COLBATH RD

COLBATH PLAZA

167

45

SAVANNAH

44

LA VERAN

31

SONORA AVE

30

SUBDIVISION

17

SWEETWATER AVE

16

SALTILLO

16





TAYLOR RD

D PLAZA

M&T MOTORS NO. 1

SUBD

LOCATION

U.S. 83 EXPRESSWAY 177

U.S.

GINTHER ESTATES

SHARY GATEWAY SUBDIVISION

COLBATH RD

COLBATH PLAZA

-35

167

SAVANNAH

LA VERAN

SONORA AVE

SUBDIVISION

SWEETWATER AVE

SALTHORPE

**ITEM SUMMARY**

BOARD: City Commission

AGENDA ITEM

5.A.

DATE SUBMITTED

01/20/2014

MEETING DATE

01/27/2014

1. Agenda Item: Construction Update for Airport Terminal Expansion Project

2. Party Making Request: Department of Aviation

3. Nature of Request: Brief Overview

4. Fiscal Impact Summary:

5. Budgeted:

Bid Amount: \_\_\_\_\_

Budgeted Amount: \_\_\_\_\_

Under Budget: \_\_\_\_\_

Over Budget: \_\_\_\_\_

Amount Remaining: \_\_\_\_\_

6. Routing:

Rocha, Claudia  
Suarez, Elizabeth  
Branham, Brent

Created/Initiated - 01/20/2014

Approved - 01/21/2014

Final Approval - 01/21/2014

7. Staff Recommendation:

8. Advisory Board:

9. City Attorney: N/A - KDP

10. Manager's Recommendation: N/A...mrp

# Airport Construction Status Report through January 27, 2014

## Terminal Expansion Project

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

Contractor: Don Krueger Construction Company, Inc.  
Original Contract: \$18,879,500 713 calendar days  
Change Orders: \$ 892,031 58 calendar days  
Revised Contract: \$19,771,531 771 calendar days  
Completion Date: May 6, 2014

## Project Finance Summary

Used to Date \$ 13,364,604

Remaining \$ 6,114,381

### Funding Sources:

PFC \$ 7,002,791

AIP 42 \$ 1,850,622

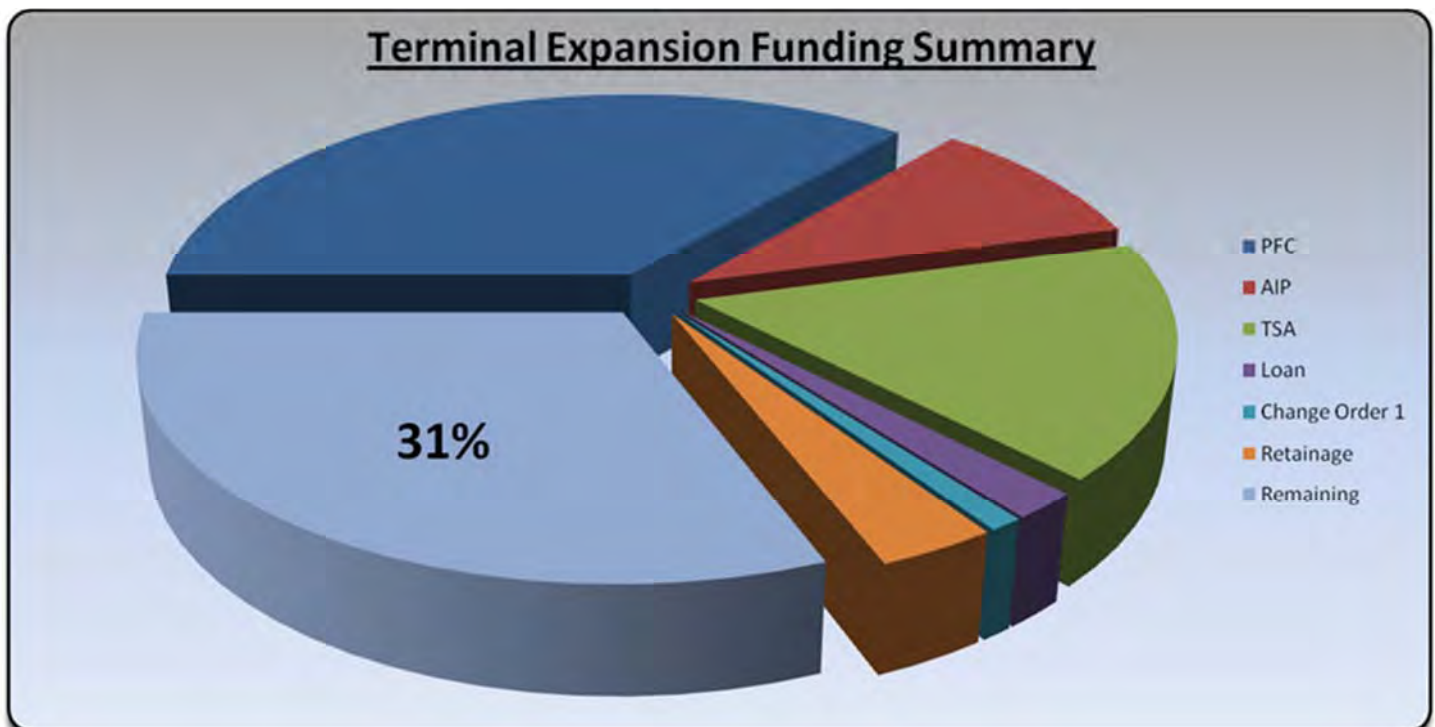
TSA \$ 3,273,707

Inter Department Loan \$ 379,933

Retainage \$ 668,230

Operating \$ 189,321\*\*

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



## Construction Status:

The project continues as the sheathing is installed on the exterior of the new terminal addition. The terminal addition roof is complete. HVAC ductwork, ceiling frame work, sheetrock and window installation continue on the upper level. New elevator and jet bridge refurbishment has started. Ceiling within the TSA checkpoint area is complete. Electrical rough-in, ceiling work wall framing and sheetrock continue within the future TSA offices. Demolition and replacement of ceiling at baggage carousels is in progress. Post-security retail and concessions are to commence this week. The baggage handling building continues to progress as the electrical systems and motors are nearing completion. Project time and budget metrics:

Percent of Project Complete (Time)	86%
Percent of Project Complete (Budget)	69%

The Project, through coordination with staff and contractor, is currently looking to get back on schedule for completion in May 2014. The contractor is currently behind schedule and liquidated damages will be assessed for work beyond the contract time.

## Overview of Terminal Expansion



Wall framing and sheetrock installation for future TSA offices within the Terminal Expansion



Ceiling reconstruction at baggage carousel within the existing Terminal



Installation of clerestory windows at upper level Terminal Expansion



Installation of barrel ceiling at upper level Terminal Expansion



Radius Ceiling Framing at Rotunda within the upper level of the Terminal Expansion



Commencement of Jet Bridge 2 refurbishments



Insulation preparation for exterior EIFS at south east side of Terminal Expansion





New tile installation in the General Aviation Federal Inspection Area Corridor



Finishing of exterior EIFS at the Baggage Handling Building



Continuation of TSA security equipment finish out at Baggage Handling Building



**ITEM SUMMARY**

BOARD: City Commission

AGENDA ITEM

5.B.

DATE SUBMITTED

01/20/2014

MEETING DATE

01/27/2014

1. Agenda Item: Parks and Recreation Project Update
2. Party Making Request: Parks & Recreation Department
3. Nature of Request: Monthly update of Parks and Recreation construction projects and events.
4. Fiscal Impact Summary:
5. Budgeted:

Bid Amount:	_____	Budgeted Amount:	_____
Under Budget:	_____	Over Budget:	_____
		Amount Remaining:	_____
6. Routing:

Gavlik, Sally	Created/Initiated - 01/20/2014
Pagan, Kevin	Final Approval - 01/20/2014
7. Staff Recommendation: Staff recommends approval of the monthly report.
8. Advisory Board:
9. City Attorney: N/A - KDP
10. Manager's Recommendation: N/A....mrp













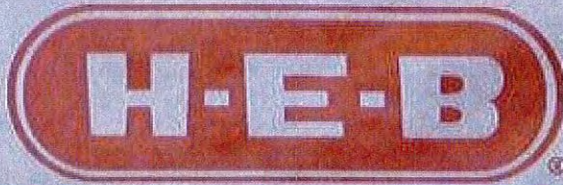




# ROUD PARTNERS OF THE GOLDEN AGE OLYMPICS



City of McAllen  
Parks and Recreation



  
**SENIOR**  
*advantage*

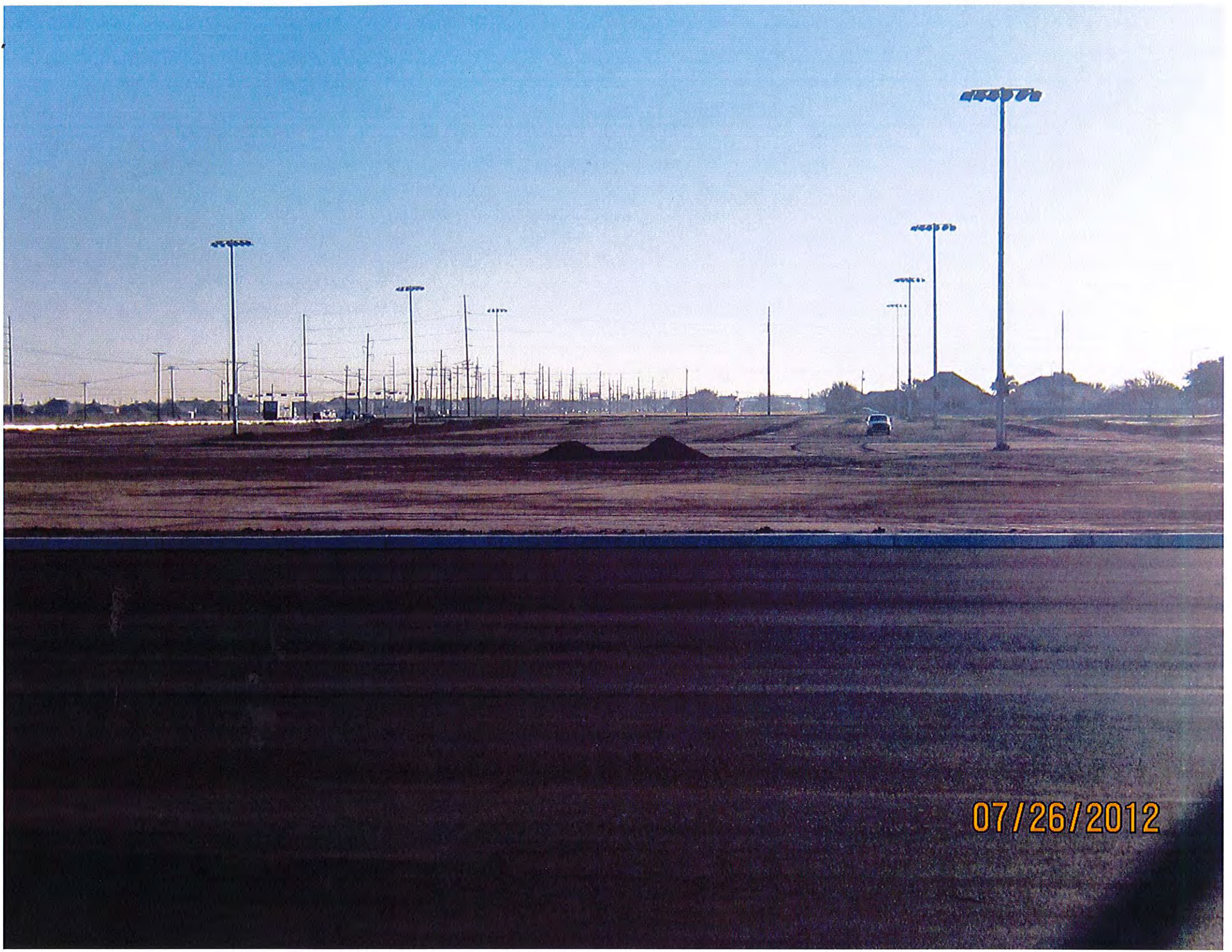
A Program Offered by  
South Texas Health

*Welcome Home*  
RIO GRANDE VALLEY





07/26/2012



07/26/2012



07/26/2012



07/26/2012



07/26/2012





07/26/2012



07/26/2012





**ITEM SUMMARY**

BOARD: City Commission

AGENDA ITEM

5.C.

DATE SUBMITTED

01/21/2014

MEETING DATE

01/27/2014

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

2. Party Making Request: Engineering Department

3. Nature of Request: Project Status Status through December 31, 2013.

4. Fiscal Impact Summary:

5. Budgeted:

Bid Amount: \_\_\_\_\_

Budgeted Amount: \_\_\_\_\_

Under Budget: \_\_\_\_\_

Over Budget: \_\_\_\_\_

Amount Remaining: \_\_\_\_\_

6. Routing:

Villa, Bertha  
Barrera, Yvette  
Rodriguez, Roel  
Pagan, Kevin

Created/Initiated - 01/21/2014

Approved - 01/21/2014

Final Approval - 01/21/2014

7. Staff Recommendation: Project Status Report through December 31, 2013

8. Advisory Board:

9. City Attorney: N/A - KDP

10. Manager's Recommendation: N/A....mrp



*ENGINEERING DEPARTMENT*  
**MEMORANDUM**

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

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

**Date:** January 20, 2014

**Subject: Project Status Report through December 31, 2013**

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

The following projects are included:

1. McAllen Development Center
2. Retiree Haven Stormwater Improvements
3. Kendlewood Drainage Improvements
4. IMAS Façade & Site Improvements

# ***Construction Status Report for work performed through December 31, 2013***

## **1) Development Services Center**

This project consists of renovation work including upgrades to meet the new IBC codes, architectural finishes, M.E.P. and special systems. The remodeled building will accommodate the tax office, environmental code compliance, engineering, planning, inspections and public utility departments. It will also have two new additions that will accommodate bathrooms and conference spaces. It incorporates partial demolition work and interior partition walls. Asbestos abatement and limited general demolition have already occurred.

**Construction Company:** Peacock General Contractors, Inc.  
**Contract:** \$2,005,197.00  
**Completion Date:** November 23, 2013  
**Contract Time:** 160 working days

**Construction Status:** The renovation portion of this project is complete. However, punch list items are pending.



Stairway to MPU office and employee lounge.



North side view and west side building entrance.



Planning Department



Main entrance (Datepalm Avenue)



## 2) Retiree Haven Stormwater Improvements

**SCOPE OF WORK:** The project involves excavation of two ponds within the central portion of the subdivision; construction of a network of pipes and inlets within the existing roadways to collect the stormwater runoff and direct it to one of the two proposed dry detention ponds; construction of a stormwater pump station to be located on the south side of the southernmost dry detention pond; construction of a force main discharge pipe to run from the stormwater pump station south along the west side of S. 10th Street and discharging into the pilot channel within the floodway. This portion of the project is a FEMA Hazard Mitigation Grant Program (HMGP) project with 75% federal funding and 25% local funding. Additional work includes off-site water improvements funded by MPU and off-site drainage improvements funded by developer contributions.

**CONTRACTOR:** 2GS, LLC.

Original Contract: \$1,734,292.07 150 working days for base bid items, plus 90 days for alt. items

Change Orders: \$ 63,030.00 20 working days

Current Contract: \$1,797,322.07 170 working days for base bid items, plus 90 days for alt. items

**Date of Completion:** March 21, 2014 (base bid) and July 18, 2014 (alternate item).

**CONSTRUCTION STATUS:** Construction commenced on July 12, 2013. All drainage & water improvements internal to the subdivision have been completed. Off-site improvements to include two 16-inch storm force mains and on 12-inch water main have commenced. Internal street construction in process. Progress delayed for two weeks during the month due to holidays and inclement weather. Contractor worked through rain events to continue to maintain access for all residents.

### EXHIBITS & PHOTOS:



**10-1040 RETIREE HAVEN**

PRIOR TO DEC 24,  
CONTRACTOR WAS MAKING  
GOOD PROGRESS WITH  
CONSTRUCTION OF  
CONCRETE CURBING,  
SIDEWALKS AND  
DRIVEWAYS, CONCURRENT  
WITH RECONSTRUCTION OF  
ROADWAY SUBGRADE AND  
BASE.



EIGHT STRAIGHT DAYS OF  
RAIN FROM DECEMBER 26 –  
JANUARY 2, 2014, TOTALING  
OVER 4.5 INCHES OF RAIN,  
MADE SITE CONDITIONS  
CHALLENGING.



CONTRACTOR WORKED  
DILIGENTLY THROUGHOUT  
THE RAIN EVENT TO  
MAINTAIN ACCESS TO ALL  
RESIDENTS.



### 3) Kendlewood Drainage Improvements

This project consist of installing storm sewer infrastructure in the area bounded by Kendlewood Ave to Hackberry Ave and 22 ½ St to 20<sup>th</sup> St. The project is being funded by CDBG funds and aims to relieve ponding and flooding issues experienced in the area by extending a storm sewer trunkline and installing inlets at various locations throughout the project area.

<b>Construction Company:</b>	OG Construction	
<b>Original Contract:</b>	\$509,238.50	100 working days
<b>Change Order 1:</b>	\$ 577.00	12 working days
<b>Change Order 2:</b>	\$ 20,761.50	16 working days
<b>Revised Contract:</b>	\$509,238.50	128 working days

**Construction Status:** The project was considered substantially complete on December 20, 2013 and all items identified in punch list have since been completed. Project was completed in 112 working days.



**Top:** Map of contractor's progress.

**Left:** Paving operations on Kendlewood Ave

**Right:** Finished concrete valley gutter at Kendlewood at 20<sup>th</sup> St



### 4) IMAS Façade & Site Improvements

This project consists of architectural enhancements and site improvements along the east façade of the International Museum of Arts and Sciences (IMAS) building located at the northwest intersection of Nolana Avenue at Bicentennial Boulevard.

The architectural enhancements include galvanized steel, vertical panels and screening walls and paint schemes matching the existing south and west building facades. Functional improvements include a covered concrete loading area and walkway to facilitate exhibit deliveries. Also included in this project are decorative lighting features.

**Construction Company:** Rigney Construction and Development L.L.C.  
**Contract:** \$359,915  
**Completion Date:** February 7, 2014  
**Contract Time:** 120 calendar days

**Construction Status:** As of December 31, 2013, the project is 82-days into construction. Construction crews have completed all related site demolition and utility relocation. Foundation preparation for the concrete flat work (loading area and walkway) has begun as well as preparation of the dumpster pad and delivery vehicle queuing/turn-around area. Crews have completed construction of a 2-ft to 3-ft high, concrete-block wall (architectural feature) along the west side of Bicentennial Boulevard.



Screening Wall Foundation – Viewing North



Dumpster Pad/Vehicle Queuing Area– Viewing North



Curb & Gutter/Screening Wall – Viewing South

**ITEM SUMMARY**

BOARD: City Commission

AGENDA ITEM

5.D.

DATE SUBMITTED

01/20/2014

MEETING DATE

01/27/2014

1. Agenda Item: Subdivision Development Report - November and December 2013

2. Party Making Request: Planning Department

3. Nature of Request: Subdivision Development Report - November and December 2013

4. Fiscal Impact Summary:

5. Budgeted:

Bid Amount: \_\_\_\_\_

Budgeted Amount: \_\_\_\_\_

Under Budget: \_\_\_\_\_

Over Budget: \_\_\_\_\_

Amount Remaining: \_\_\_\_\_

6. Routing:

Perez, Gardenia

Created/Initiated - 01/20/2014

Rankin, Julianne

Approved - 01/21/2014

Rodriguez, Roel

Approved - 01/21/2014

Pagan, Kevin

Final Approval - 01/21/2014

7. Staff Recommendation:

8. Advisory Board:

9. City Attorney: N/A - KDP

10. Manager's Recommendation: N/A... mrp

# Planning Department

## Memo

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

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

**DATE:** January 20, 2014

**SUBJECT:** Subdivision Development Monthly Report: November and December 2013

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### New Subdivisions:

Name	Zoning	Type of Development	Number of lots	Acres
1. Skala Subdivision	C-3	Commercial	3	2.42
2. Brisas Del Mar Subdivision	A-O	Residential	101	16.42
3. TNB 3 Subdivision	C-3	Commercial	2	4.39
4. Valencia Market Place, Lots 4A and 4B Subdivision	C-3	Commercial	2	4.402
5. Dove Town Square Subdivision	C-3	Commercial	4	25.14
6. Adame Apartments Subdivision	R-3A	Multifamily Residential	1	.24

### Subdivisions Recorded:

Name	Zoning	Type of Development	Number of lots	Acres
1. Nolana Town Center Phase 3A Subdivision	C-3	Commercial	3	8.39
2. Hutton McAllen No. 2 Subdivision	C-4	Commercial	1	1.2
3. Orangewood Terrace Subdivision	R-1	Residential	62	19.773
4. Monte Vista Subdivision	R-1	Residential	38	15.25

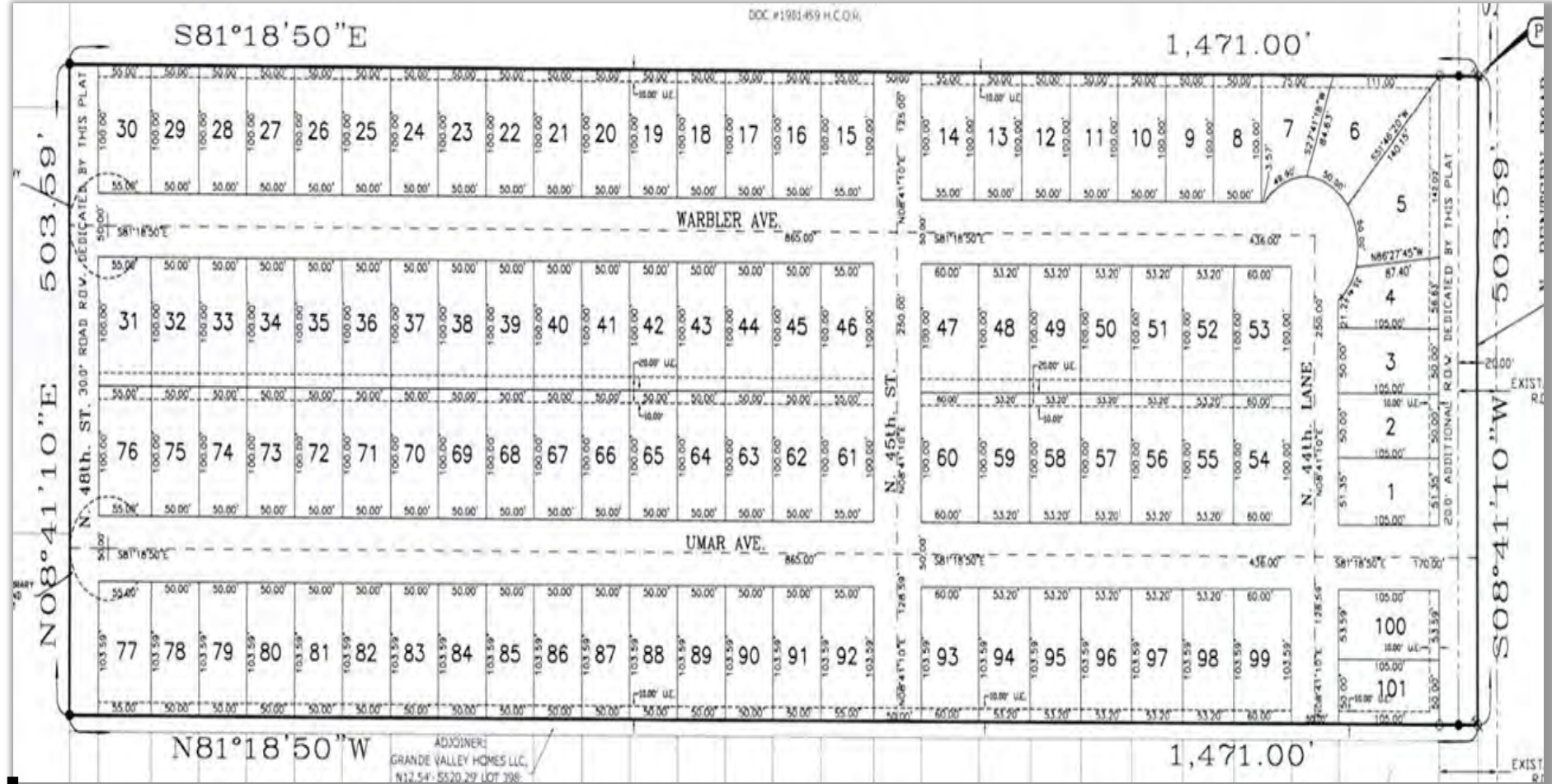






# BRISAS DEL MAR SUBDIVISION 101 LOTS RESIDENTIAL – 16.42 ACRES

DOC #1981-459 H.C.O.M.

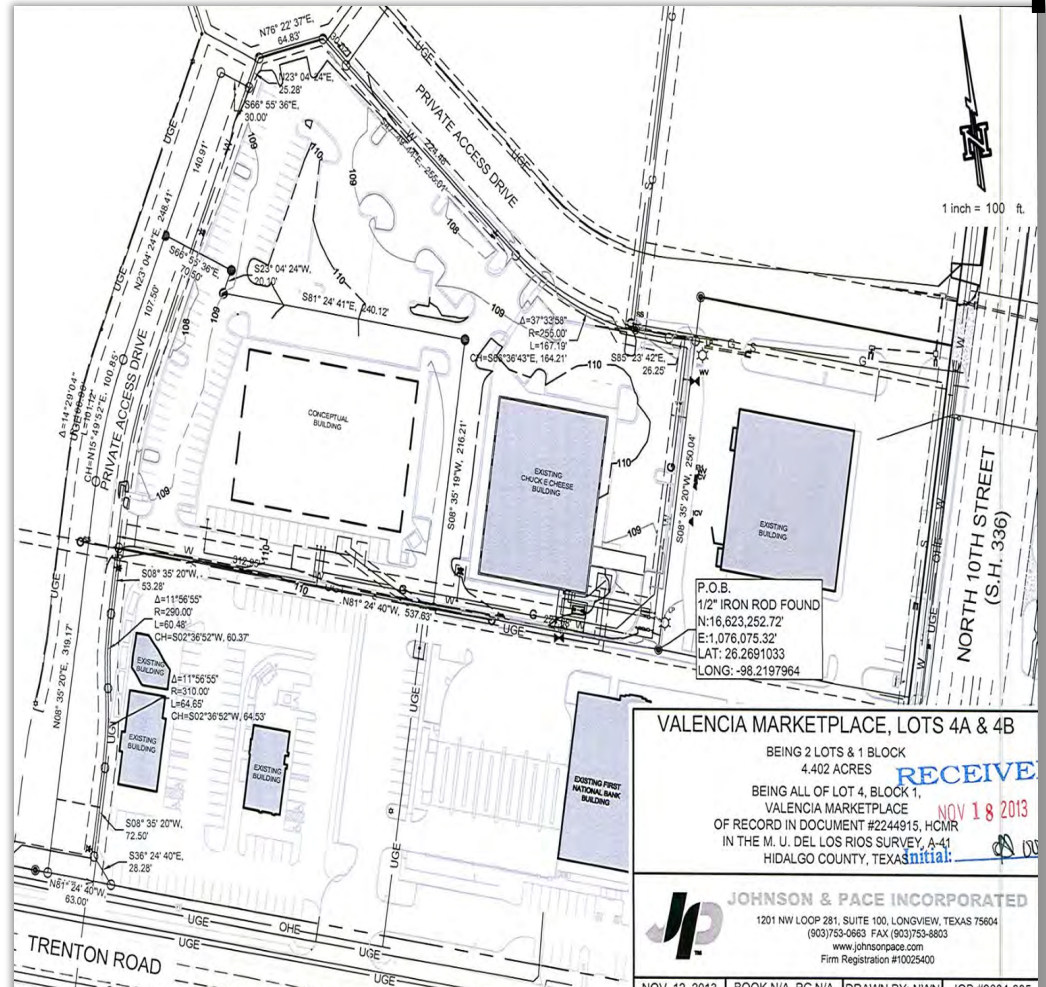


ADJOINER:  
GRANDE VALLEY HOMES LLC,  
N12.54' S520.29' LOT 398



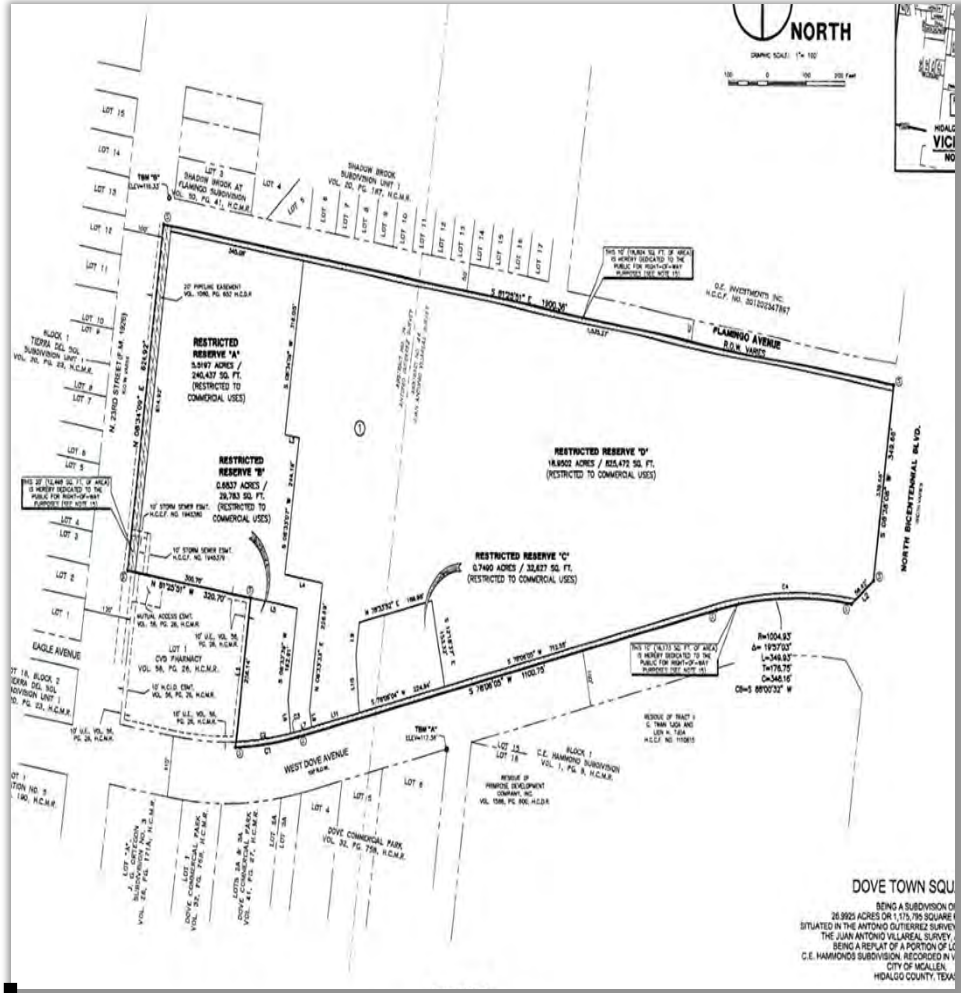
# VALENCIA MARKET PLACE, LOTS 4A AND 4B SUBDIVISION

## 2 LOT COMMERCIAL- 4.402 ACRES



# DOVE TOWN SQUARE SUBDIVISION

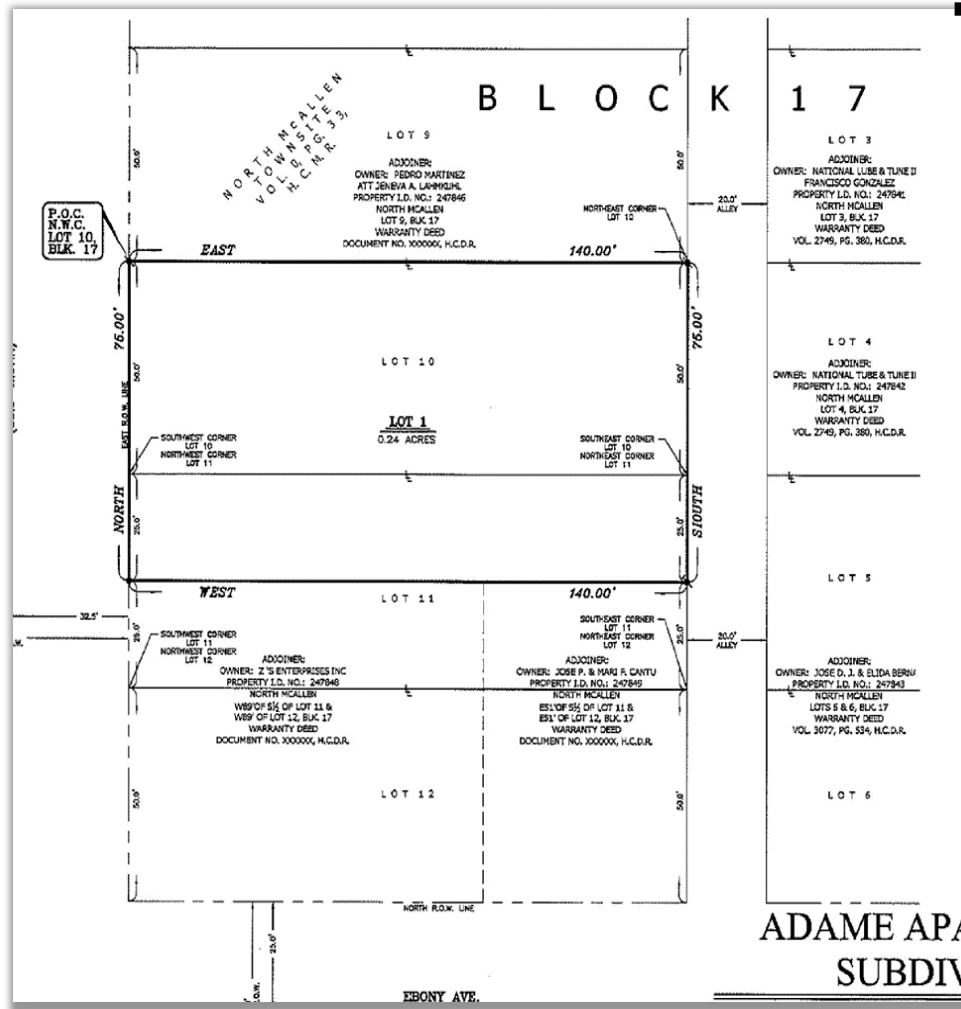
## 4 LOT COMMERCIAL – 25.14 ACRES



**DOVE TOWN SQUARE**  
 BEING A SUBDIVISION OF  
 25.925 ACRES OR 1,715,795 SQUARE  
 FEET SITUATED IN THE ANTONIO OUTSREZZ SURVEY,  
 THE JUAN ANTONIO VILLALBA SURVEY,  
 BEING A REPLAY OF A PORTION OF  
 C.E. HAMMOND'S SUBDIVISION, RECORDED IN V.  
 84, P. 10, H.C.M.A.,  
 HIDALGO COUNTY, TEXAS.

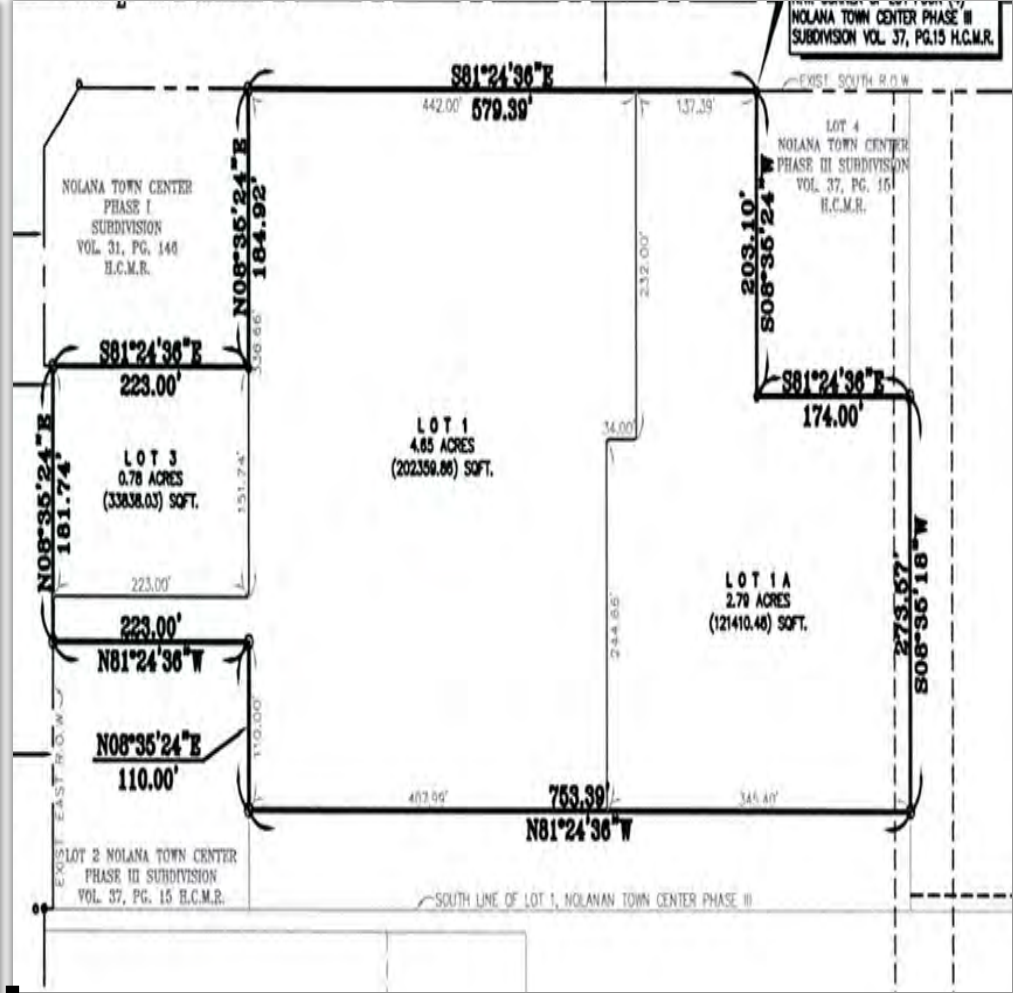
# ADAME APARTMENTS SUBDIVISION

## 1 LOT MULTIFAMILY RESIDENTIAL – 0.24 ACRES



# NOLANA TOWN CENTER PHASE 3A SUBDIVISION

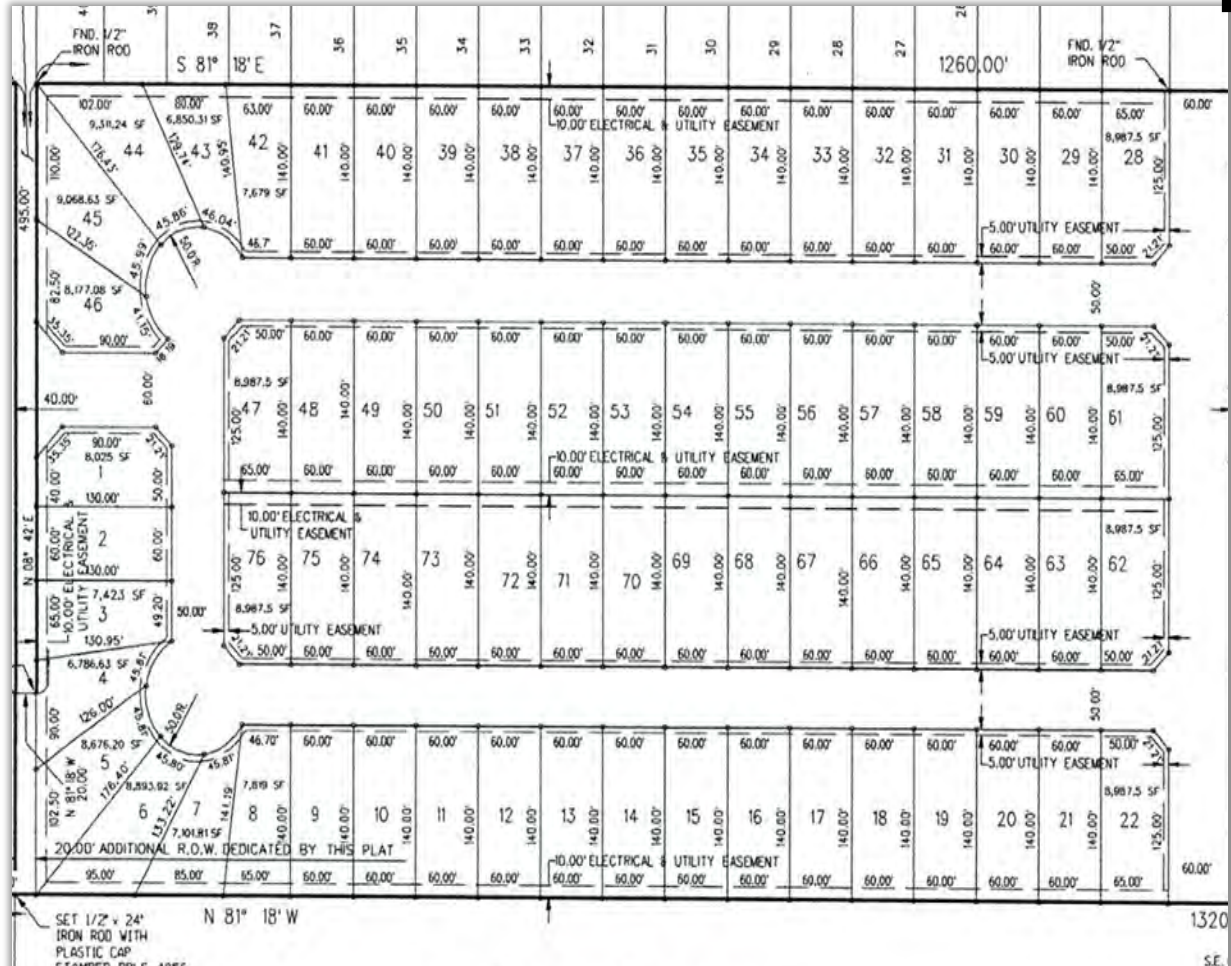
## 3 LOT COMMERCIAL – 8.39 ACRES





# ORANGEWOOD TERRACE SUBDIVISION

## 62 LOT RESIDENTIAL – 19.773 ACRES







**ITEM SUMMARY**

BOARD: City Commission

AGENDA ITEM

5.E.

DATE SUBMITTED

01/21/2014

MEETING DATE

01/27/2014

1. Agenda Item: Report on convention activities by McAllen Convention and Visitors Bureau.
2. Party Making Request: City Manager Department
3. Nature of Request: Report on convention activities by McAllen Convention and Visitors Bureau.
4. Fiscal Impact Summary:
5. Budgeted:

Bid Amount:	_____	Budgeted Amount:	_____
Under Budget:	_____	Over Budget:	_____
		Amount Remaining:	_____
6. Routing:

Rodriguez, Yesenia	Created/Initiated - 01/21/2014
Villarreal, Annette	Approved - 01/21/2014
Pagan, Kevin	Final Approval - 01/21/2014
7. Staff Recommendation: Report Only
8. Advisory Board:
9. City Attorney: N/A - KDP
10. Manager's Recommendation: n/a.....mrp

**ITEM SUMMARY**

BOARD: City Commission

AGENDA ITEM

5.F.

DATE SUBMITTED

01/21/2014

MEETING DATE

01/27/2014

1. Agenda Item: Discussion and Possible Action-New construction at Trenton & Ware (Mira Bella Apartments).
2. Party Making Request: City Manager Department
3. Nature of Request: Discussion and Possible Action - New Construction at Trenton and Ware (Mira Bella Apartments).
4. Fiscal Impact Summary:
5. Budgeted:

Bid Amount:	_____	Budgeted Amount:	_____
Under Budget:	_____	Over Budget:	_____
		Amount Remaining:	_____
6. Routing:

Singletery, Virginia	Created/Initiated - 01/21/2014
Pagan, Kevin	Final Approval - 01/21/2014
7. Staff Recommendation:
8. Advisory Board:
9. City Attorney: N/A - KDP
10. Manager's Recommendation: n/a...mrp

# GCM HOUSING McALLEN, LTD.

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January 14, 2014

Mayor Jim Darling  
City of McAllen  
1300 Houston Avenue  
McAllen, Texas 78501  
(956) 681-3111

RECEIVED  
JAN 20 2014  
BY ESU

Dear Mayor Darling,

GCM Housing McAllen, Ltd. is making an application for Housing Tax Credits and HOME Investment Partnership Program Funds with the Texas Department of Housing and Community Affairs for Mira Bella Apartments located on +/- 8.5 Acres on Trenton Road near the Trenton Road and Ware Road intersection, McAllen, Hidalgo County, Texas. A site location map is attached hereto to help identify the exact location of our site. This New Construction development is an apartment community and comprised of approximately 144 units of which 100% of the total will be for low-income tenants at or below 60% of the Area Median Income. The development should generate numerous jobs and economic activity for the City of McAllen.

There will be a public hearing to receive public comment on the proposed development. Information regarding the date, time, and location of that hearing will be disseminated at least 30 days prior to the hearing date on the Department's website (<http://www.tdhca.state.tx.us/multifamily/communities.htm>).

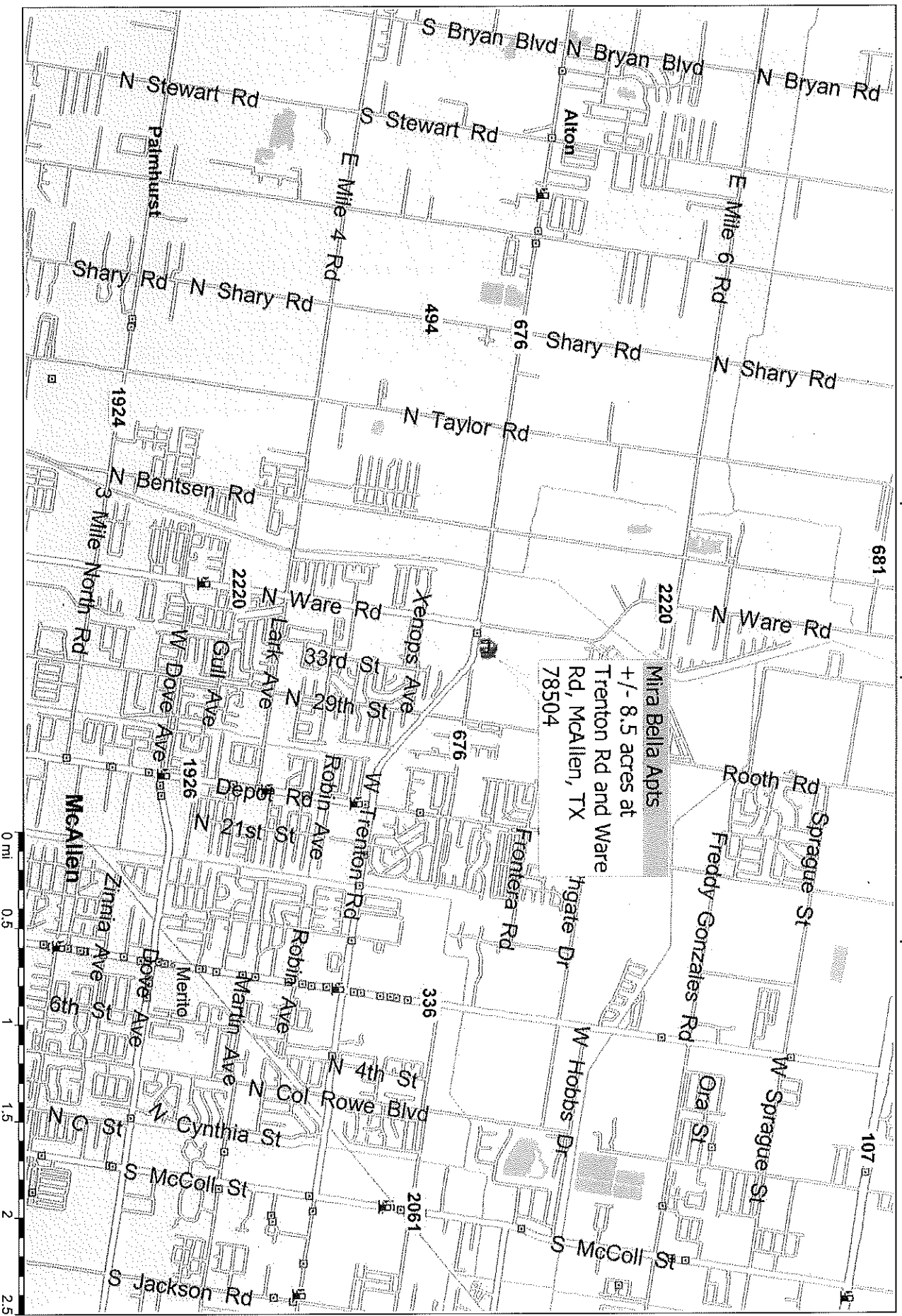
For more information on this notice, please contact GCM Housing McAllen, Ltd., Enrique Flores, 6209 Ledge Mountain Drive, Austin, TX 78731 or by phone at (512) 633-4037. For information on the Housing Programs, see [www.tdhca.state.tx.us](http://www.tdhca.state.tx.us).

Sincerely,



Enrique Flores, IV  
Authorized Representative of GCM Housing McAllen, Ltd.

Mira Bella Apartments - Proposed Site Location Map



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**ITEM SUMMARY**

BOARD: City Commission

AGENDA ITEM

5.G.

DATE SUBMITTED

01/21/2014

MEETING DATE

01/27/2014

1. Agenda Item: Advisory Board Appointments.
2. Party Making Request: Annette Villarreal, City Secretary
3. Nature of Request: Consider appointments to the various boards. Back-up will be sent out under separate cover.
4. Fiscal Impact Summary:
5. Budgeted:

Bid Amount:	_____	Budgeted Amount:	_____
Under Budget:	_____	Over Budget:	_____
		Amount Remaining:	_____
6. Routing:

Gonzalez, Cindy	Created/Initiated - 01/21/2014
Villarreal, Annette	Approved - 01/21/2014
Pagan, Kevin	Final Approval - 01/21/2014
7. Staff Recommendation: Appointments be made.
8. Advisory Board:
9. City Attorney: N/A - KDP
10. Manager's Recommendation: N/A... mrp

**ITEM SUMMARY**

BOARD: City Commission

AGENDA ITEM

5.H.

DATE SUBMITTED

01/21/2014

MEETING DATE

01/27/2014

1. Agenda Item: Future Agenda Items
2. Party Making Request: Mike R. Perez, City Manager
3. Nature of Request: City Manager will report on Future Agenda Items.

4. Fiscal Impact Summary:

5. Budgeted:

Bid Amount: \_\_\_\_\_

Budgeted Amount: \_\_\_\_\_

Under Budget: \_\_\_\_\_

Over Budget: \_\_\_\_\_

Amount Remaining: \_\_\_\_\_

6. Routing:

Gonzalez, Cindy  
Pagan, Kevin

Created/Initiated - 01/21/2014  
Final Approval - 01/21/2014

7. Staff Recommendation:

8. Advisory Board:

9. City Attorney: N/A - KDP

10. Manager's Recommendation: n/A.....mrp

**ITEM SUMMARY**

BOARD: City Commission

AGENDA ITEM

6.A.

DATE SUBMITTED

01/21/2014

MEETING DATE

01/27/2014

1. Agenda Item: Report on McAllen's Water Supply.

2. Party Making Request: Mayor Darling

3. Nature of Request: Report by Mayor Darling.

4. Fiscal Impact Summary:

5. Budgeted:

Bid Amount: \_\_\_\_\_

Budgeted Amount: \_\_\_\_\_

Under Budget: \_\_\_\_\_

Over Budget: \_\_\_\_\_

Amount Remaining: \_\_\_\_\_

6. Routing:

Gonzalez, Cindy  
Villarreal, Annette  
Pagan, Kevin

Created/Initiated - 01/21/2014  
Approved - 01/21/2014  
Final Approval - 01/21/2014

7. Staff Recommendation: None.

8. Advisory Board:

9. City Attorney: N/A - KDP

10. Manager's Recommendation: n/a....mrp



**ITEM SUMMARY**

BOARD: City Commission

AGENDA ITEM	7.A.
DATE SUBMITTED	01/21/2014
MEETING DATE	01/27/2014

1. Agenda Item: Discussion of the possible sale or purchase of real property - Tract 1, Tract 2, Tract 3, Tract 4, Tract 5, and Tract 6. (Section 551.072, T.G.C.)
2. Party Making Request:
3. Nature of Request: Discussion of the possible sale or purchase of real property - Tract 1, Tract 2, Tract 3, Tract 4, Tract 5, and Tract 6. (Section 551.072, T.G.C.)
4. Fiscal Impact Summary:
5. Budgeted:

Bid Amount:	_____	Budgeted Amount:	_____
Under Budget:	_____	Over Budget:	_____
		Amount Remaining:	_____
6. Routing:

Stocker, Mary Ellen	Created/Initiated - 01/21/2014
Pagan, Kevin	Approved - 01/21/2014
Pagan, Kevin	Final Approval - 01/21/2014
7. Staff Recommendation:
8. Advisory Board:
9. City Attorney: N/A - KDP
10. Manager's Recommendation: n/a...mrp

**ITEM SUMMARY**

BOARD: City Commission

AGENDA ITEM

7.B.

DATE SUBMITTED

01/21/2014

MEETING DATE

01/27/2014

1. Agenda Item: Consideration of economic development matters.(Section 551.087, T.G.C.)
2. Party Making Request:
3. Nature of Request: Consideration of economic development matters.(Section 551.087, T.G.C.)
4. Fiscal Impact Summary:
5. Budgeted:

Bid Amount:	_____	Budgeted Amount:	_____
Under Budget:	_____	Over Budget:	_____
		Amount Remaining:	_____
6. Routing:

Stocker, Mary Ellen	Created/Initiated - 01/21/2014
Pagan, Kevin	Approved - 01/21/2014
Pagan, Kevin	Final Approval - 01/21/2014
7. Staff Recommendation:
8. Advisory Board:
9. City Attorney: N/A - KDP
10. Manager's Recommendation: n/a...mrp