



AGENDA

**CITY COMMISSION REGULAR MEETING
MONDAY, JULY 8, 2013 – 6:00 PM
CITY COMMISSION CHAMBERS; 3RD FLOOR**

CALL TO ORDER - Mayor Jim Darling
PLEDGE OF ALLEGIANCE - Mayor Jim Darling
INVOCATION – Trey Pebley, City Commissioner
PROCLAMATION - *McAllen Lions Club 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 A-O (agricultural-open space) District to C-2 (neighborhood commercial) District: 4.00 acres out of Lot 2, Block 18, Steele & Pershing Subdivision, Hidalgo County, Texas; 4200 South McColl Road.
2. Rezone from A-O (agricultural-open space) District to C-2 (neighborhood commercial) District: 3.865 acres out of Lot 15, Block 1, C.E. Hammonds Subdivision, Hidalgo County, Texas; 1901 Dove Avenue.
3. Rezone from R-1 (single family residential) District to R-3A (multifamily residential apartment) District: 5.98 acres out of Lot 1, Block 17, Steele & Pershing Subdivision, Hidalgo County, Texas; 3601 South McColl Road.
4. Request of Samuel Avila & Roberto Urbina, appealing the decision of the Planning & Zoning Commission of the June 18, 2013 meeting, denying a Conditional Use Permit, for one year, for a bar at Lot 1, Nolana West Subdivision, Hidalgo County, Texas; 2200 Nolana Avenue, Suite 2212.
5. Request of Victor Hugo Guerra, appealing of the decision of the Planning & Zoning Commission of the June 18, 2013 meeting, denying a Conditional Use Permit, for one year, for a billiard hall at Lot 1 and 2, Shary Gateway Subdivision, Hidalgo County, Texas; 4901 Expressway 83.

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

END OF PUBLIC HEARING

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

2. CONSENT AGENDA: *[All matters listed under Consent Agenda are considered to be routine by the Governing Body and will be enacted by one motion. There will be no separate discussion of*

these items; however, if discussion is desired, that item(s) will be removed from the Consent Agenda and will be considered separately.]

- A) Approval of Minutes of Regular Meeting held June 24, 2013.
- B) Resolution authorizing the submission of a grant application to *KaBoom!* for funding under the Fiscal Year 2013 Let's Play Community Construction Grant Program.
- C) Ordinance providing for a budget amendment to the Sanitation Depreciation Fund for the purpose of funding the purchase of a Forklift for the Commercial Box Department.
- D) Ordinance providing for a budget amendment to the General Depreciation Fund for the purpose of funding the purchase of a Wheel Loader for the Streets and Drainage Department.
- E) Approval of Supplemental Agreement 1 to HNTB Amendment 13 for Airport Runway Safety Area Improvements.

3. BIDS/CONTRACTS:

- A) Consider approval of Change Order No. 1 to the contract awarded to Air IT, for the purchase and installation of the new Shared Use Passenger Processing System.
- B) Consider authorization to solicit for Construction Management Services for the McAllen Public Safety Building Addition.
- C) Consider authorization for staff to negotiate an agreement with The Retail Coach for a Retail Economic Development Plan.

4. ORDINANCES:

- A) Amending the McAllen Code of Ordinances, Chapter 50. Fireworks; relating to the regulation and permitting of public fireworks displays.
- B) Approval of Fiscal Year 2013-2017 Consolidated Plan and Strategy and Fiscal Year 2013-2014 Annual Action Plan for CDBG, HOME and ESG Programs.

5. RESOLUTION:

Accepting the Quinta Mazatlan Master Plan as presented March 25, 2013.

6. VARIANCE:

Consideration of a variance to the right-of-way dedication requirement at Popeye's No. 1 Subdivision; 221 South 10th Street.

7. MANAGER'S REPORT:

- A) Future Agenda Items.

8. MAYOR'S REPORT on City Commission Retreat held June 27 – 29, 2013.

PUBLIC COMMENT SESSION

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),

- A)** Discussion of City Manager evaluation. (Section 551.074, T.G.C.)
- B)** Consultation with City Attorney regarding Development Agreement with Property Commerce for old Civic Center Redevelopment. (Section 551.071 and 551.072, T.G.C.)
- C)** Discussion and Possible Action regarding economic incentives for Project Phoenix. (Section 551.087 and 551.071, T.G.C.)
- D)** Discussion and Possible Action on award of bid proposal for the sale of Lot 11B, McAllen Convention Center. (Section 551.072 and 551.071, T.G.C.)
- E)** Consideration of and consultation with City Attorney regarding economic incentives for Project Magnet. (T.G.S. 551.087 and 551.071)
- F)** Consultation with City Attorney regarding a possible buyout of STS Transportation. (Section 551.071, T.G.C.)
- G)** Discussion and Possible Action regarding the acquisition of 3.14 acre tract and 11.53 acre tract out of Lot 150, La Lomita Irrigation and Construction Company Subdivision, Hidalgo County, Texas and approval of resolution. (Section 551.072, T.G.C.)
- H)** Discussion and Possible Action regarding right-of-way acquisition for the proposed Erie Avenue alignment from Ware Road to Bentsen Road. (Section 551.072, T.G.C.)
- I)** Discussion and Possible Action regarding a 0.874 acre tract of land out of Lot 8, Block 6 Hidalgo Canal Company's Subdivision, Hidalgo County, Texas. (Section 551.072, T.G.C.)
- J)** Discussion and Possible Action to make an offer to acquire a 20 acre tract of land, out of Lot 98, La Lomita Subdivision or Lot 140, La Lomita Subdivision. (Section 551.072, T.G.C.)
- K)** Consultation with City Attorney regarding pending lawsuit; Dahlila Guerra Casso vs. City of McAllen. (Section 551.071, T.G.C.)
- L)** Consultation with City Attorney regarding Cause. No. CL_13-1822-A; Martha Ramirez, individually and as net friend of Carolina Ramirez, a minor vs. City of McAllen. (Section 551.071, T.G.C.)
- M)** Consultation with City Attorney regarding a possible contract with Vianovo relating to International Bridge Facilities. (Section 551.071, T.G.C.)

ADJOURNMENT

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

CERTIFICATION

I, the Undersigned Authority, do hereby certify that the attached agenda of the meeting of the McAllen Board of Commissioners is a true and correct copy and that I posted a true and correct copy of said notice on the bulletin board in the Municipal Building, a place convenient and readily accessible to the general public at all times, and said Notice was posted on the 5th day of July, 2013 at 2:30 pm and will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.

/s/

Annette Villarreal, TRMC/CMC, CPM
City Secretary

Memo

TO: Mike R. Perez, City Manager

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

DATE: June 21, 2013

SUBJECT: REZONE FROM A-O (AGRICULTURAL-OPEN SPACE) DISTRICT TO C-2 (NEIGHBORHOOD COMMERCIAL) DISTRICT: 4.00 ACRES OUT OF LOT 2, BLOCK 18, STEELE & PERSHING SUBDIVISION, HIDALGO COUNTY, TEXAS; 4200 SOUTH MCCOLL ROAD. (REZ2013-0014)

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 southwest corner of East Orangewood Drive and McColl Road. The property has approximately 449 feet of frontage on McColl Road with depth of 600 feet at its deepest point for a tract size of 4.0 acres. The property was zoned to A-O (agricultural-open space) District upon annexation in 1985 but was never developed. There have been no rezoning requests on the property since that time. The property is currently vacant. The applicant is requesting rezoning to C-2 (neighborhood commercial) District for an exclusive neighborhood services & retail center. A subdivision plat has not been submitted to the Planning Department at this time. A proposed site plan has been included and is attached. A survey provided by the applicant indicates proposed gas easements of 30 feet along the south property line of this property. The survey also indicates a 30 foot truckline gas company easement that traverses the property and reduces the building area.

The adjacent zoning is R-1 (single family residential) District to the north and east and A-O (agricultural-open space) District to the west and south. A rezoning request to the east for R-1 (single family residential) District was approved in 2003 and a 41-lot private development by the name of Del Lago Subdivision was established. A rezoning request to R-1 (single family residential) District in 1984 for a tract to the north was approved and subsequently Orangewood South Subdivision was established. A rezoning request from C-3 (general business) District to R-3T (multifamily townhouse residential) District at the intersection of South Jackson Road and East Orangewood Drive was approved in March 2011. Surrounding land uses are single family dwellings, open space, a drainage ditch adjacent to the south, and the Mission inlet floodway area.

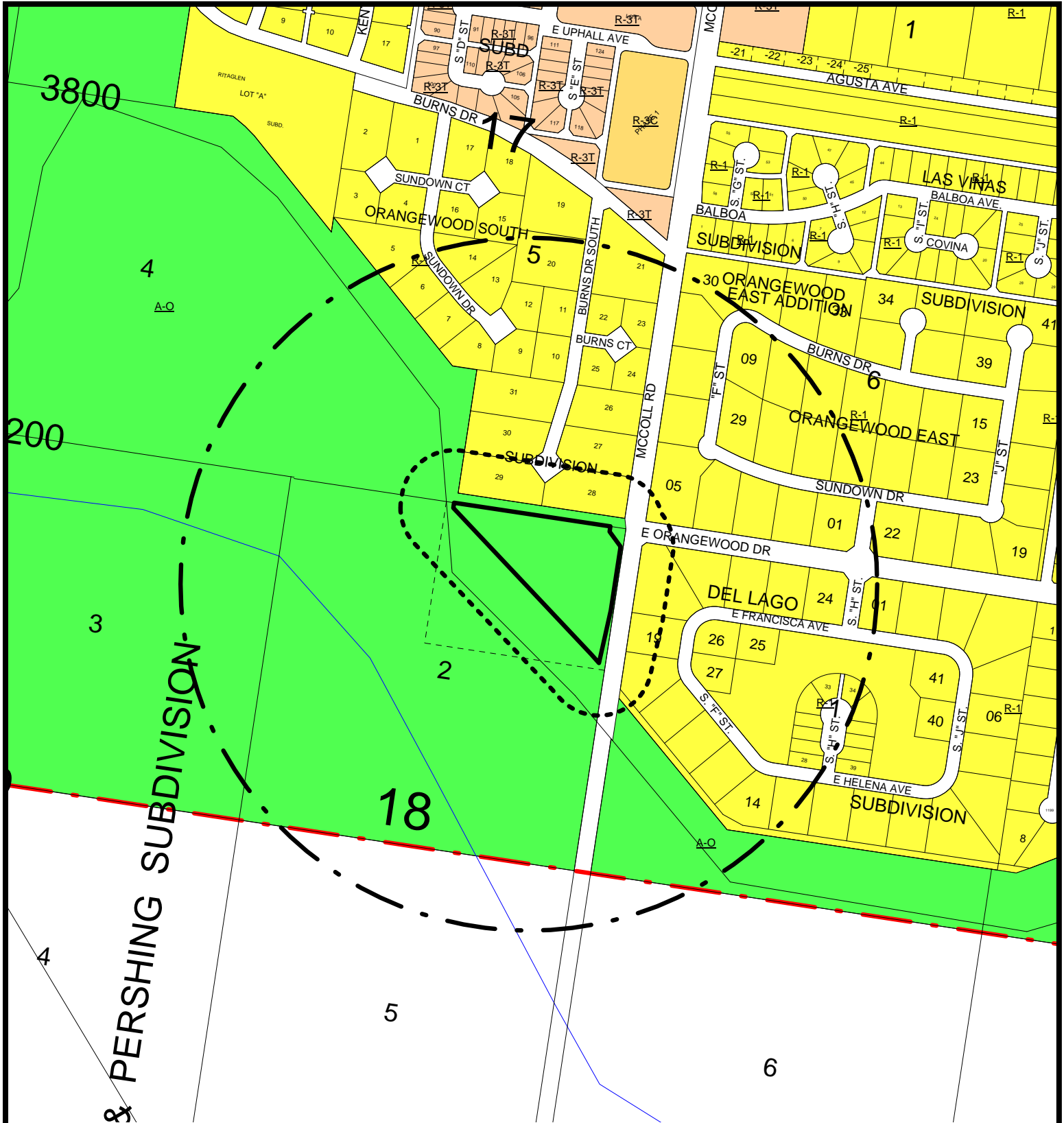
- The requested zoning does not conform to the City Parks land use designation for the property as indicated on the Foresight McAllen Comprehensive Plan. The character of the area is large suburban and estate lots adjacent to the Mission Inlet floodway.
- The proposed zoning is not consistent with single family residential development trends for this area.
- McColl Road is designated as a minor arterial with 100 feet of right-of-way and is currently a dirt road but under construction for 2 travel lanes, shoulders, a turn lane at intersections, and curb and gutter.
- Orangewood Drive west of McColl Road is dedicated right-of-way of 38.4 feet and is an unopened roadway.
- A masonry screen eight feet in height is required where a commercial use has a side or rear property line in common with a single family use or zone.
- A recorded subdivision plat and approved site plan are required prior to issuance of any building permit.

OPTIONS:

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

RECOMMENDATION:

At the Planning and Zoning Commission meeting of June 18, 2013 no one appeared in opposition of the rezoning request. The property owner, Mr. Filiberto Rodriguez Salinas spoke and mentioned that he planned to build a one story high end scale development which would include uses such as coffee shop, bakery, phone store, spa, and book stores. These businesses would serve the adjacent residential areas. Board member Falcon inquired if compliance with other requirements such as parking and landscaping had been discussed with the project's architect. The applicant Richard Labunski replied that this was proposed to be a multi-business development and they understood that they had to comply with parking and landscaping requirements. Mr. Paul Rodriguez, a resident of Del Lago Subdivision and whom lives at 4401 South "H Street, spoke and acknowledged that he had not received a notice of rezoning because he lived outside of the 200 foot radius for notification. Mr. Rodriguez indicated that he was not opposed to the proposed project and the development may enhance the safety of the area. The Board then voted unanimously to recommend approval of the rezoning request to C-2 (neighborhood commercial) District with three members present and voting.



CITY OF McALLEN
PLANNING DEPARTMENT

AREA MAP

LEGEND

SCALE: 1" = 500'



SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS

ZONING LEGEND

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

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



CITY OF McALLEN
 PLANNING DEPARTMENT

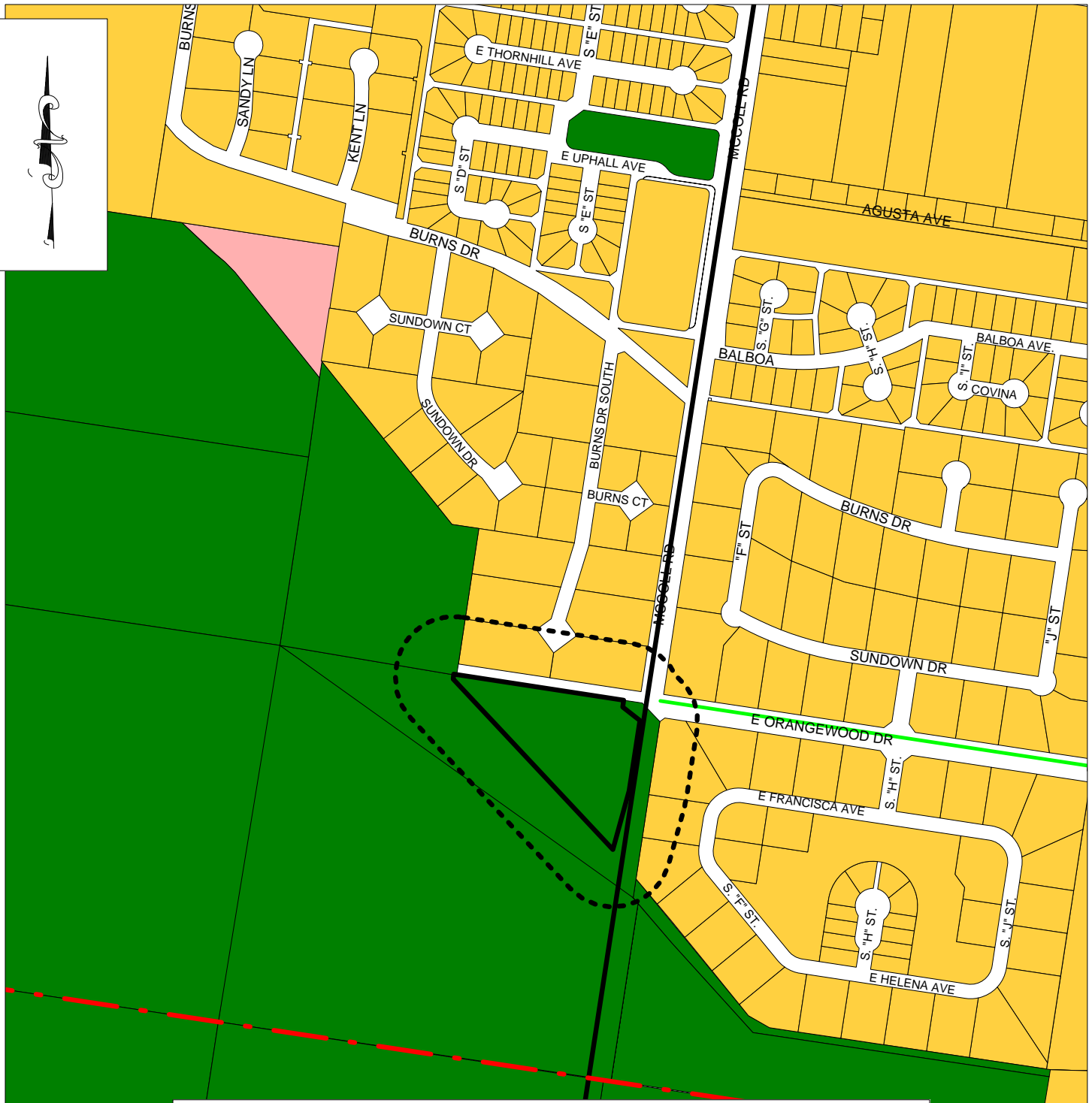
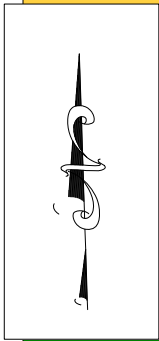
AERIAL MAP
 SCALE: N.T.S.

 SUBJECT PROPERTY

 200 FT. NOTIFICATION BOUNDARY



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



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 |

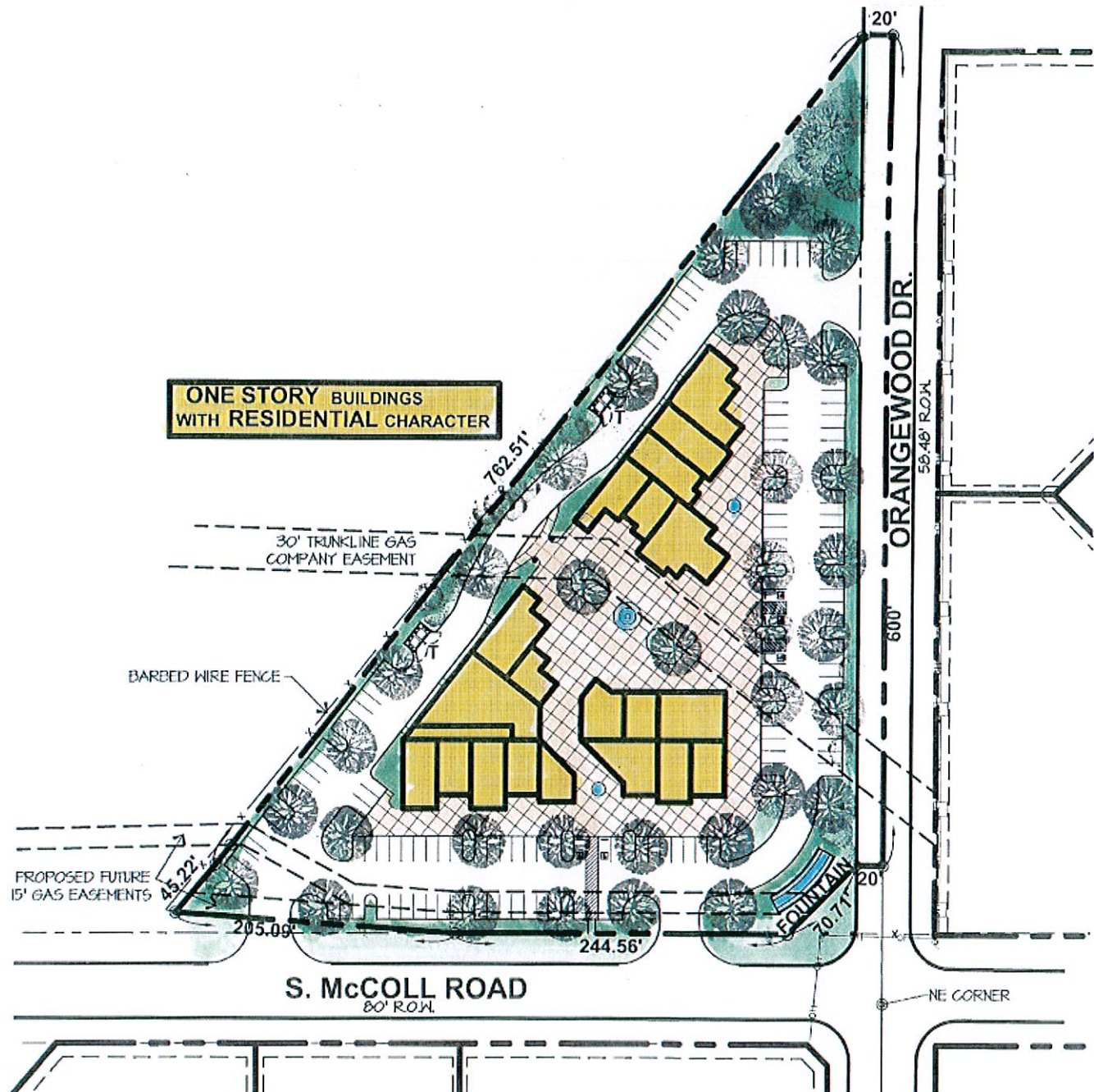
THOROUGHFARE PLAN

- | |
|--------------------------------|
| 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
REZ2013-0014**

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



**ONE STORY BUILDINGS
WITH RESIDENTIAL CHARACTER**

30' TRUNKLINE GAS
COMPANY EASEMENT

BARBED WIRE FENCE

FROPOSED FUTURE
15' GAS EASEMENTS

S. McCOLL ROAD
80' ROW

ORANGEWOOD DR.
58.48' ROW

FOUNTAIN

NE CORNER

**PROPOSED
SITE PLAN**



A 4.00 ACRE TRACT OF LAND OUT OF LOT 2,
BLOCK 18, STEELE & PERSHING SUBDIVISION,
HIDALGO COUNTY, TEXAS, AS PER MAP
RECORDED IN VOLUME 8, PAGES 114-115, D.R.H.C.

| | | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
| <p>★ LABUNSKI ASSOCIATES ARCHITECTS & CONSULTANTS</p> <p>1514 S. 77th STREET, SUITE 214 HOUSTON, TEXAS 77050</p> <p>TEL: 281-488-1111 FAX: 281-488-1114 FAX: 281-488-1115</p> | <p>PROJECT NO. 13-018</p> <p>EXCLUSIVE NEIGHBORHOOD SERVICES & RETAIL CENTER</p> <p>3800 S. McCOLL RD McALLEN, TEXAS</p> | <p>DATE PREPARED 12/11/12</p> <p>DATE PLOTTED 12/11/12</p> <p>DATE PRINTED 12/11/12</p> | <p>PROPOSED SITE PLAN</p> <p>SHEET NO. A101</p> <p>DATE 18MAY13</p> |
| | <p>FOR MORE INFORMATION, CONTACT THE ARCHITECT:</p> | | <p>DATE OF ISSUE 07-11</p> |
| | <p>FOR MORE INFORMATION, CONTACT THE ARCHITECT:</p> | | <p>DATE OF ISSUE 07-11</p> |

RECEIVED

Memo

TO: Mike R. Perez, City Manager

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

DATE: June 20, 2013

SUBJECT: REZONE FROM A-O (AGRICULTURAL-OPEN SPACE) DISTRICT TO C-2 (NEIGHBORHOOD COMMERCIAL) DISTRICT: 3.865 ACRES OUT OF LOT 15, BLOCK 1, C.E. HAMMONDS SUBDIVISION, HIDALGO COUNTY, TEXAS; 1901 DOVE AVENUE. (REZ2013-0015)

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 southwest corner of Dove Avenue and Bicentennial Boulevard. The property has approximately 978 feet of frontage on Dove Avenue with depth of 240 feet for a tract size of 3.865 acres. The property was zoned to A-O (agricultural-open space) District upon comprehensive zoning in 1979. There have been no rezoning requests on the property since that time. The property is currently vacant. The applicant is requesting rezoning to C-2 (neighborhood commercial) District for a convenient store and gasoline sales. A subdivision plat under the name of Harry Hills Subdivision has been submitted to the Planning Department and received preliminary approval by Planning and Zoning Commission at the meeting of June 4, 2013. A feasibility plan has not been submitted.

The adjacent zoning is A-O (agricultural-open space) District to the north, east, and south and C-3 (general business) District to the west. Two rezoning requests for C-2 (neighborhood commercial) District for this area have been approved between 1990 and 2008. The property to the west was rezoned to C-3 (general business) in 1994. Surrounding land uses are retail uses, apartments, Gold's Gym, and vacant land.

- The requested zoning does not conform to the Auto Urban Multifamily land use designation for the property as indicated on the Foresight McAllen Comprehensive Plan. The character of the area is commercial along Dove Avenue and industrial to the south along Bicentennial Boulevard.
- The proposed zoning is consistent with commercial development trends for this area.

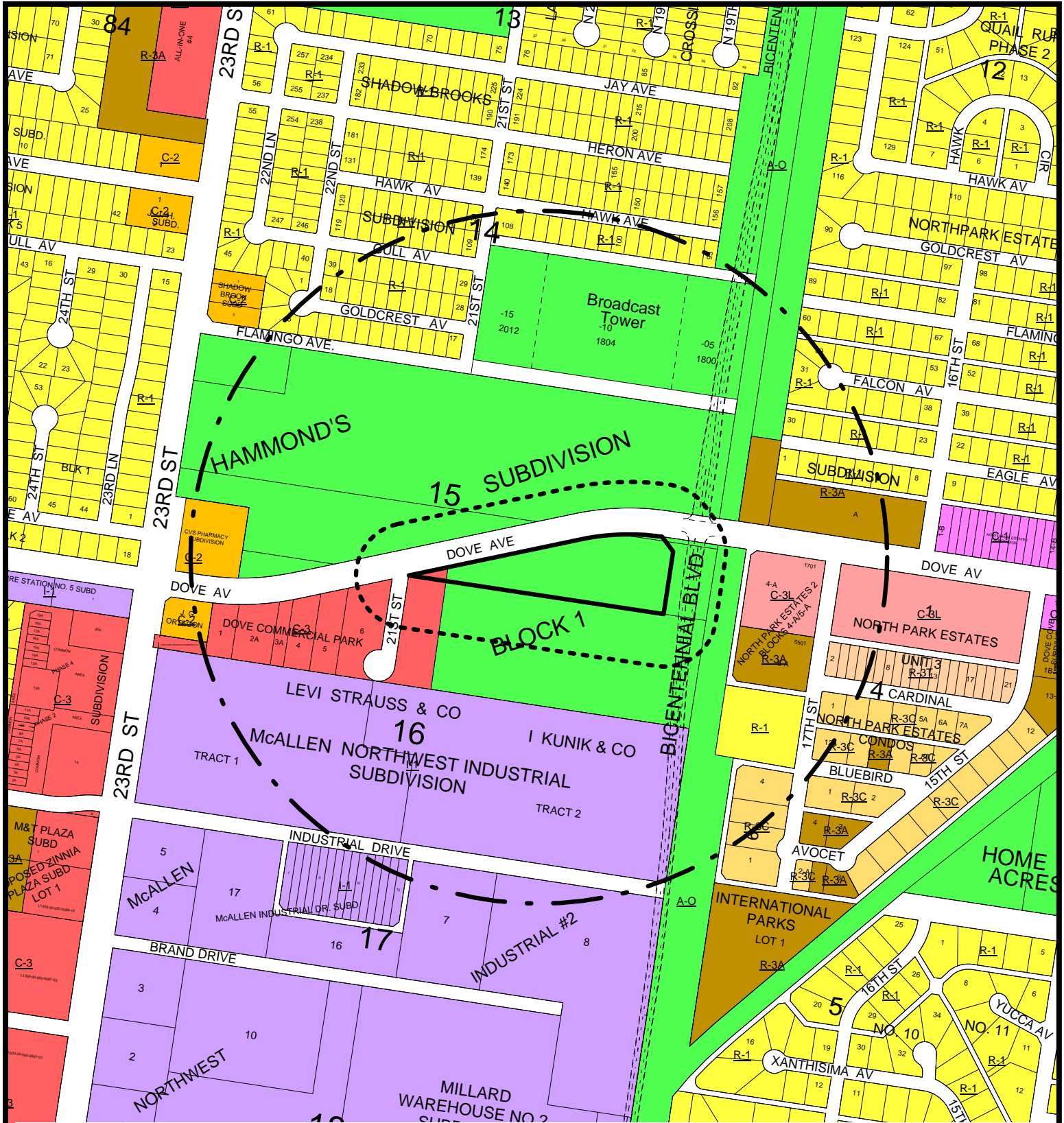
- Dove Avenue is designated as a high speed arterial with 150 feet of right-of-way, a pavement width of 52 feet, 4 travel lanes, a turning lane, curb and gutter, and a posted speed of 40 mph.
- Bicentennial Boulevard is designated as a high speed arterial with 150 feet of right-of-way, a pavement width of 65 feet, 4 travel lanes, a turning lane, curb and gutter, and a posted speed of 45 mph.
- A recorded subdivision plat and approved site plan are required prior to issuance of any building permit.

OPTIONS:

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

RECOMMENDATION:

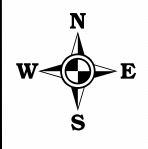
At the Planning and Zoning Commission meeting of June 18, 2013 no one appeared in opposition of the rezoning request. There was no discussion. The board voted unanimously to recommend approval of the rezoning request with four members present and voting.



CITY OF McALLEN
PLANNING DEPARTMENT

AREA MAP

LEGEND
SCALE: 1" = 500'



SUBJECT PROPERTY

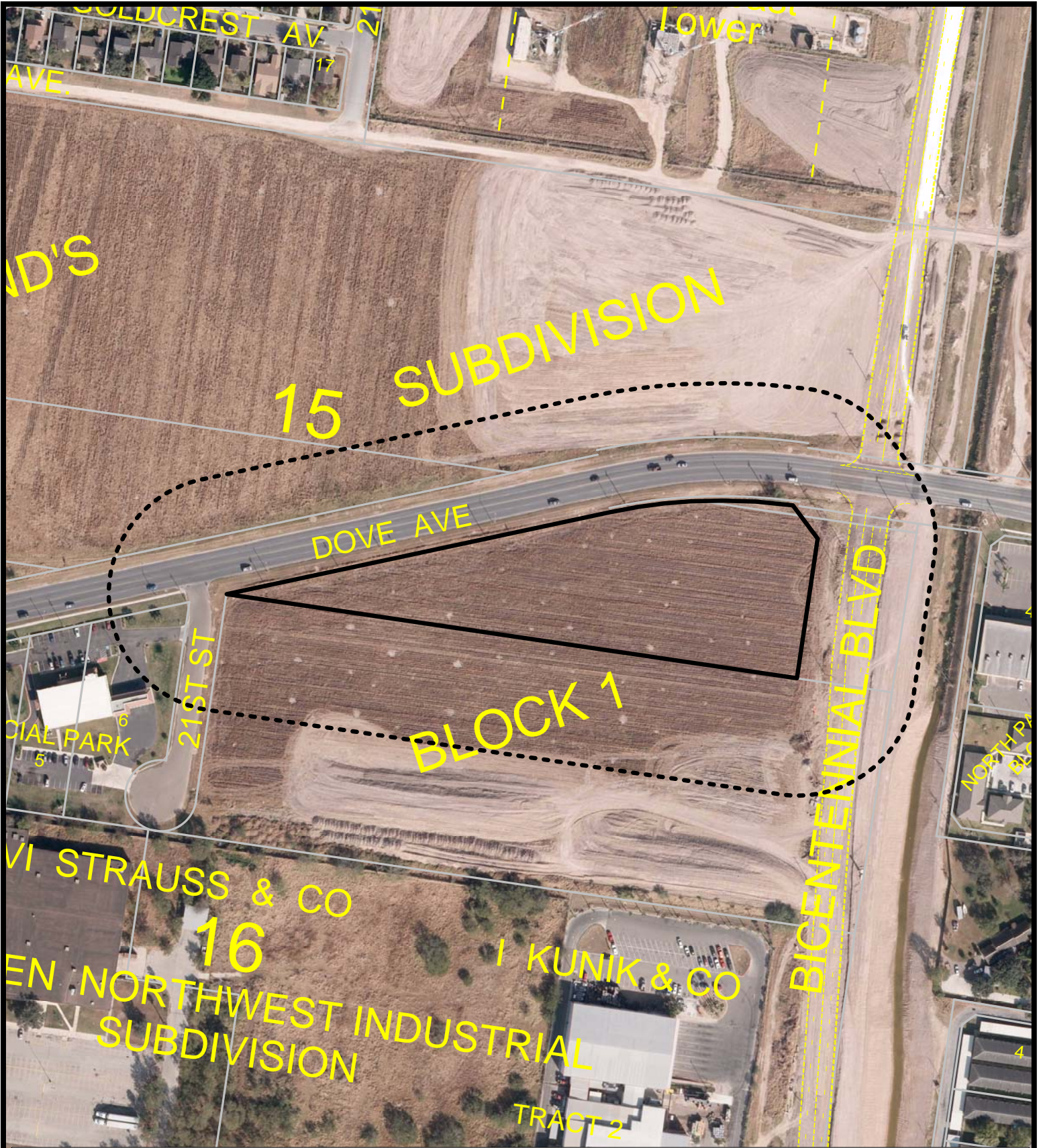
200 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS

ZONING LEGEND

| | | | | |
|---------------------------------|---------------------|-----------------------------|-------------------------|------------------------|
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| R-2 (DUPLICATE-FOURPLEX) | R-3T (TOWNHOUSES) | C-4 (COMMERCIAL INDUSTRIAL) | (SPECIAL DISTRICT) | |

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PLANNING DEPARTMENT

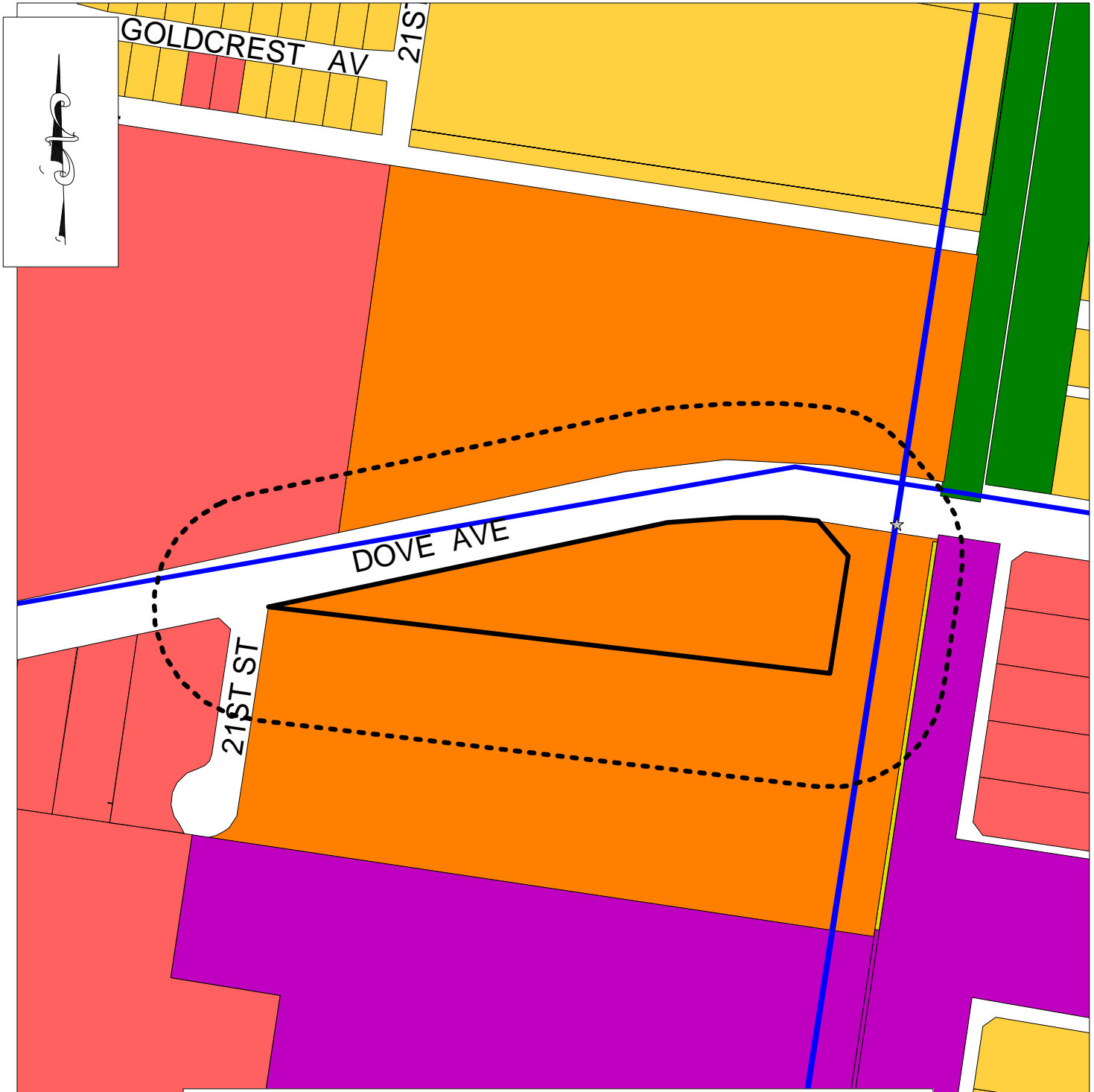
AERIAL MAP
SCALE: N.T.S.

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INDUSTRIAL



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 |

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**NOTICE
REZONING
For
This Property
REZ2013-0015**
City of McAllen Planning Dept - 681-1250
www.mcallen.net

Memo

TO: Mike R. Perez, City Manager

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

DATE: June 21, 2013

SUBJECT: REZONE FROM R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENTS) DISTRICT: 5.98 ACRES OUT OF LOT 1, BLOCK 17, STEELE & PERSHING SUBDIVISION, HIDALGO COUNTY, TEXAS; 3601 SOUTH MCCOLL ROAD. (REZ2013-0016)

GOAL:

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

BRIEF DESCRIPTION:

The property is located along the south side of Augusta Avenue between South McColl Road and South “k” Center Street. The property has approximately 177 feet of frontage on McColl Road with depth of 1,498 feet along Augusta Avenue for a tract size of 5.98 acres. The property was zoned to R-1 (single family residential) District during comprehensive zoning in 1979. There have been no rezoning requests on the property since that time. The property is currently vacant. The applicant is requesting rezoning to R-3A for apartment use. A subdivision plat nor a feasibility plan have been submitted to the Planning Department at this time.

The adjacent zoning is R-1 (single family residential) District to the north, east and south, R-3T to the north, northeast and west, and R-3C (multifamily residential condominium) to the west. A rezoning request to R-3C (multifamily residential condominiums) District for a tract to the west was approved in 1984. A rezoning request to R-3T (multifamily townhouse residential) District for a tract to the northeast was approved in 2006. A rezoning request to R-3A (multifamily residential apartments) District at 3517 South McColl Road was disapproved in 1999 and subsequently approved for R-3T District in 2004. Surrounding land uses are single family dwellings, townhomes and vacant land. Infrastructure improvements including water, sewer, drainage, and pavement along East Augusta Avenue were completed in 1998 as part of a Community Development Block Grant project.

- The requested zoning does not conform to the Auto Urban Single Family land use designation for the property as indicated on the Foresight McAllen Comprehensive Plan. The character of the area is single family townhouse and condominiums.

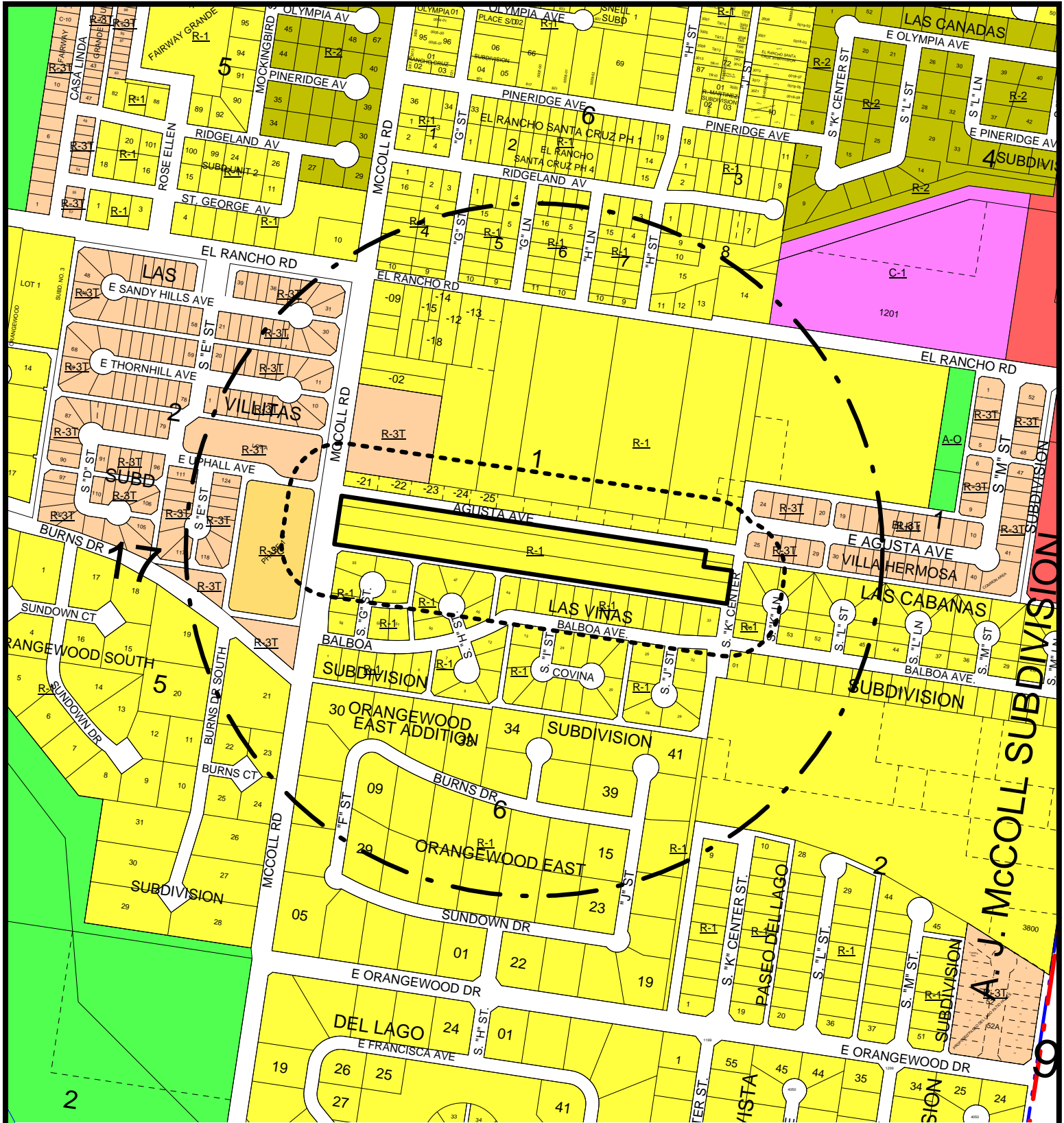
- The proposed zoning is not consistent with town home and single family residential development trends for this area.
- The maximum number of apartment units permitted on the subject property in an R-3A District ranges from 260 1-bedroom units to 173 3-bedroom units. The number of vehicle trips generated would be 1,713 to 1,140 trips per day based upon 6.59 trips per apartment unit.
- McColl Road is a minor arterial street with 100 feet of right-of-way and is constructed with 2 travel lanes, shoulders, and curb and gutter, and a posted speed limit of 30 miles per hour.
- East Augusta Avenue is a local street with 32 feet of pavement width and is constructed with 2 travel lanes, and curb and gutter.
- A masonry screen eight feet in height is required where a multifamily use has a side or rear property line in common with a single family use or zone.
- Parkland dedication or fees in lieu of parkland dedication comprising \$700 per dwelling unit is required prior to recording a subdivision plat.
- A recorded subdivision plat and approved site plan are required prior to issuance of any building permit.

OPTIONS:

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

RECOMMENDATION:

At the Planning and Zoning Commission meeting of June 18, 2013 no one appeared in opposition to the rezoning request. Cesar Villarreal, Executor for the property spoke in favor of the rezoning request and mentioned that in light of the medical industry in the area, they wanted to build a high-end apartment development. Board member Jason Garza commented that there was a lot of traffic that backs up in the morning and afternoons at the intersection of El Rancho Road and South McColl Road. Chairman Garza indicated that the makeup of the area had always been R-1 (single family residential) District. Board member Wright mentioned that he would like to see something other than the proposed use at that area. Mr. Villarreal mentioned that he would accept an alternate zoning of R-3T (multifamily residential townhouse) District. The Board then voted unanimously to recommend disapproval of R-3A (multifamily residential apartments) District and alternatively recommend R-3T (multifamily residential townhouse) District with four members present and voting.



CITY OF McALLEN
PLANNING DEPARTMENT

AREA MAP

LEGEND

SCALE: 1" = 500'



SUBJECT PROPERTY

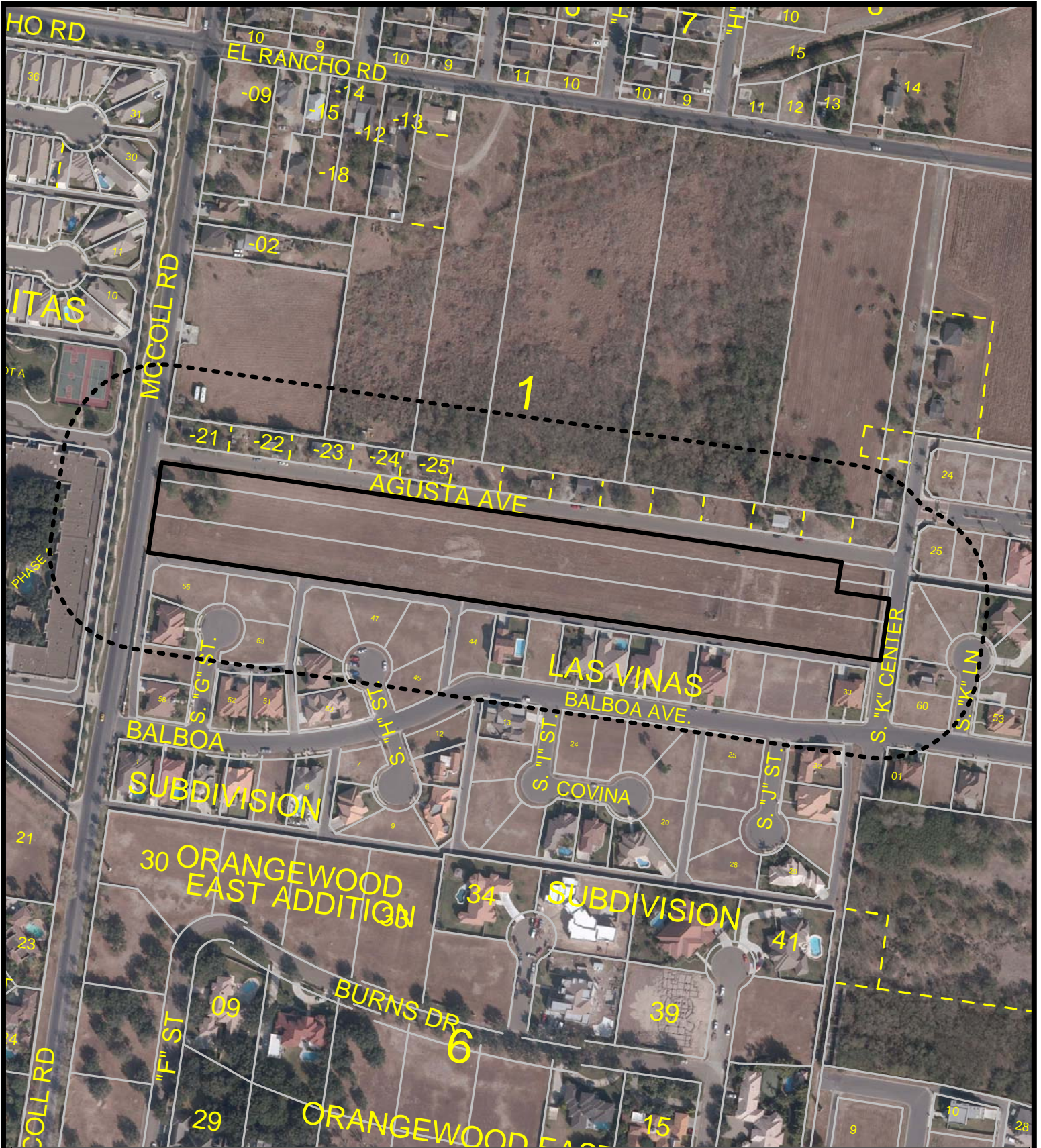
200 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS

ZONING LEGEND

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

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



CITY OF McALLEN
PLANNING DEPARTMENT

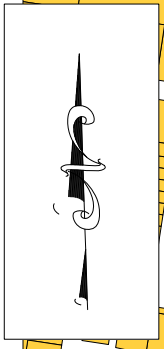
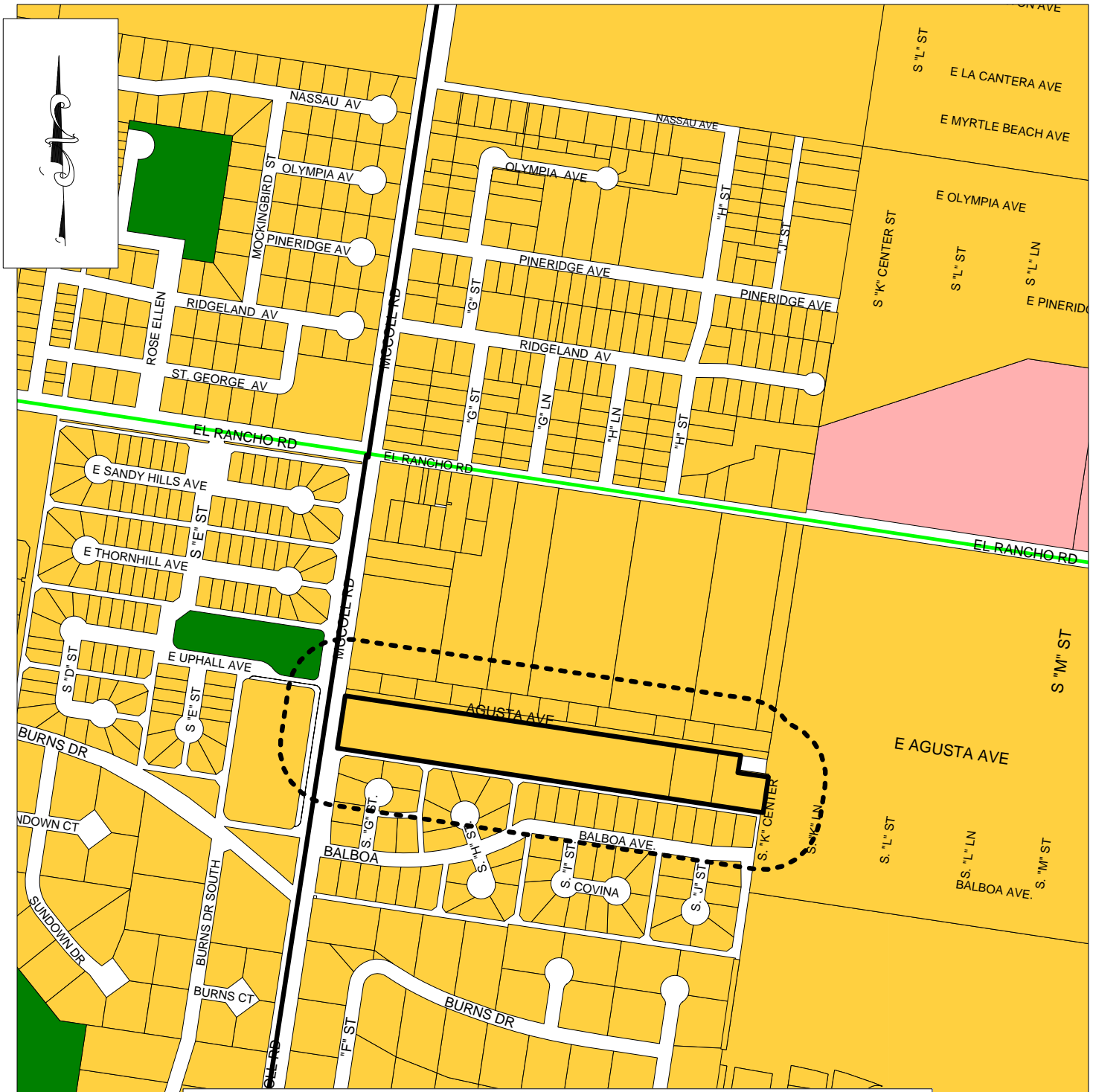
AERIAL MAP
SCALE: N.T.S.

 SUBJECT PROPERTY

 200 FT. NOTIFICATION BOUNDARY



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



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
REZ2013-0016**

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

STANDARDIZED RECOMMENDATION FORM

| | | | |
|-------------------------|-------------------|----------------|-------------------|
| CITY COMMISSION | <u> X </u> | AGENDA ITEM | <u> 1A4 </u> |
| UTILITY BOARD | <u> </u> | DATE SUBMITTED | <u> 7/2/13 </u> |
| PLANNING & ZONING BOARD | <u> </u> | MEETING DATE | <u> 7/8/13 </u> |
| OTHER | <u> </u> | | |

1. Agenda Item: Conditional Use Permit

2. Party Making Request: Samuel Avila & Roberto Urbina

3. Nature of Request: (Brief Overview) Attachments: X Yes No
 Appeal the decision of the Planning and Zoning Commission of the June 18, 2013 meeting denying the request of Samuel Avila & Roberto Urbina, for a Conditional Use Permit, for one year, for a bar at Lot 1, Nolana West Subdivision, Hidalgo County, Texas: 2200 Nolana Avenue, Suite 2212.

4. Policy Implication: _____

5. Budgeted: Yes No N/A

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

6. Alternate option costs: _____

7. Routing:

| NAME/TITLE | INITIAL | DATE | CONCURRENCE <u>YES/NO</u> |
|----------------------------------------------------------|-------------------|---------------------|------------------------------|
| a) <u> Julianne R. Rankin </u> Director of Planning | <u> JRR </u> | <u> 7/1/2013 </u> | <u> No </u> |
| b) _____ | <u> </u> | <u> </u> | <u> </u> |

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

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

10. City Attorney: KP Approved Disapproved None

11. Manager's Recommendation: MRP Approved Disapproved None

Memo

TO: Mike R. Perez, City Manager

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

DATE: July 2, 2013

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

GOAL:

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

BRIEF DESCRIPTION:

The property is located at the northeast corner of North 23rd Street and Nolana Avenue and is zoned C-3 (general business) District. The adjacent zoning is C-3 District in all directions. Surrounding land uses include commercial businesses, offices, restaurants and McAllen's Public Library. A bar is allowed in a C-3 zone with a Conditional Use Permit and in compliance with requirements.

The initial Conditional Use Permit was approved by the City Commission on June 22, 2009 with a variance to the 600 ft. distance requirement. The permit has been renewed annually with a variance to the distance requirement. The last permit was approved by the City Commission on July 23, 2012. The applicants are proposing to continue to operate a bar (Cigar Bar) from the existing commercial lease space. They are also proposing an addition of 1,540 sq. ft. to the bar for a total of 4,500 sq. ft. The proposed hours of operation are from 3:00 p.m. to 2:00 a.m. Monday through Sunday.

Attached is the police activity report indicating service calls from June 2012 to present. The Fire and Health Departments have inspected the establishment; however, a final inspection is pending once the remodeling of the new addition 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:

- a) The property line of the lot of any of the above mentioned businesses must be at least 600 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character

of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 600 ft. from residential zones/uses and McAllen's Public Library;

- b) The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The establishment is located on two major arterials, Nolana Avenue and North 23rd Street, and does not generate traffic into residential areas;
- c) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum, and make provisions to prevent the use of adjacent streets for parking. Currently there is a multi-tenant commercial building on the property. The building is a mixture of retail, restaurants, bars and vacant suites. At this time there is one restaurant (Cabritos Nuevo Leon, 4,100 sq. ft.), 23,732 sq. ft. of retail suites including Dollar General and Ramirez Furniture Store in use, and two bars (Ranas & DeLoreans - 4,500 sq. ft.). Based on the square footage and uses, 164 parking spaces are required and 269 are provided on site. The proposed 4,500 sq. ft. bar would require 60 parking spaces for a total of 224 spaces for the plaza, leaving 45 available. The vacant suites of 26,911 sq. ft. of retail and the 1,200 sq. ft. of vacant restaurant space, if open, would require 80 parking spaces. For every business to run efficiently, 304 parking spaces would be required and would need to be provided before permits could be issued;
- d) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties;
- e) The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;
- f) The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
- g) The above mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director. The allowable number of persons within the existing establishment is 88 persons. A new number of occupancy will need to be provided at time of building permit that will include the new addition for the establishment.

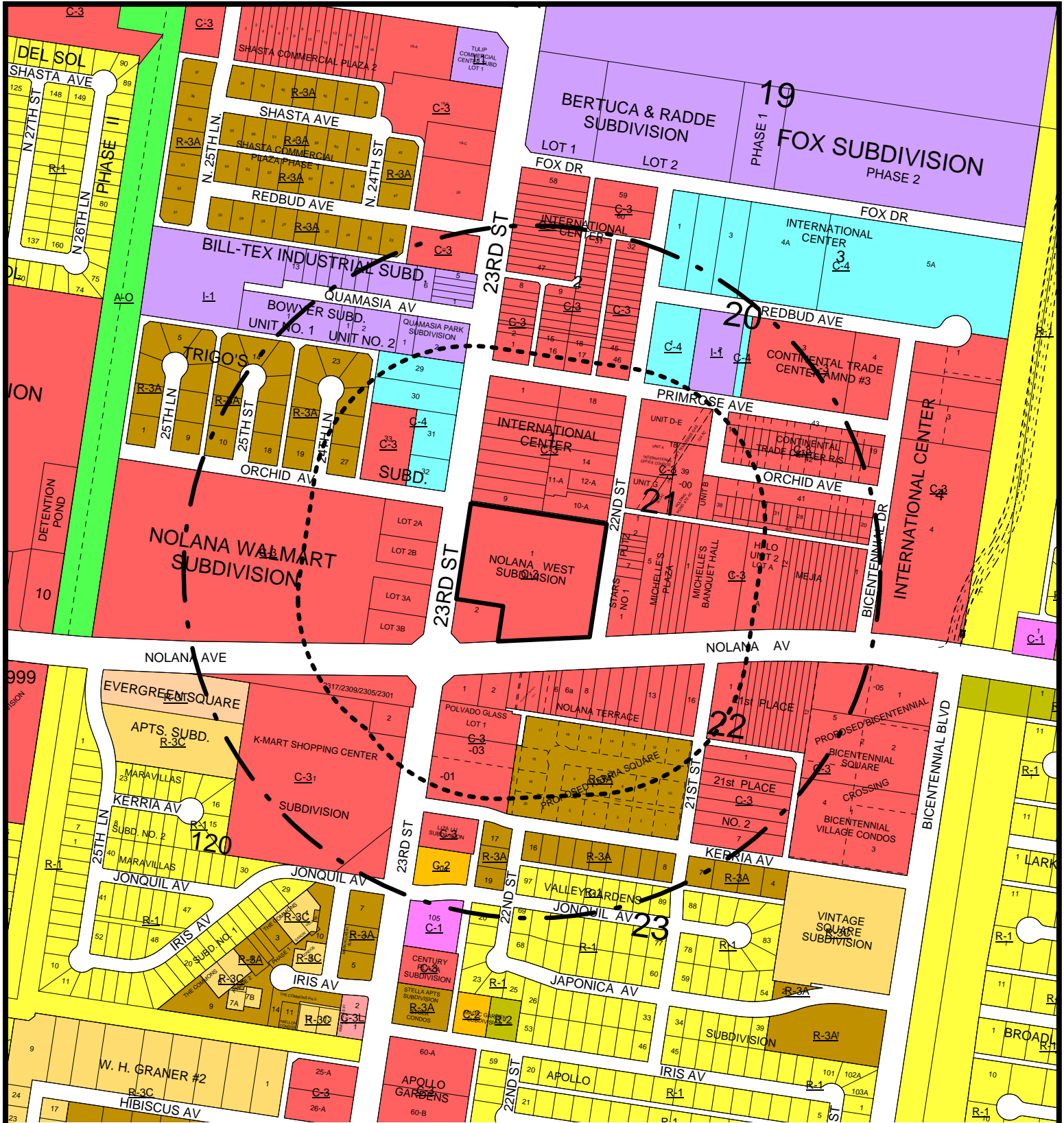
OPTIONS:

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

RECOMMENDATION:

The request was heard at the June 18, 2013 Planning and Zoning Commission meeting. There was no one present in opposition of the request and the applicant was present.

Following a brief discussion of the item, the board unanimously voted to disapprove the request due to noncompliance with requirement #1 (distance) of Section 138-118(4) of the Zoning Ordinance, but with a favorable recommendation to grant the variance to the distance requirement. There were four members present and voting. The applicant has submitted a letter of appeal.



CITY OF McALLEN
PLANNING DEPARTMENT

AREA MAP

LEGEND
SCALE: 1" = 500'



SUBJECT PROPERTY

600 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS

ZONING LEGEND

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

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CITY OF McALLEN
 PLANNING DEPARTMENT

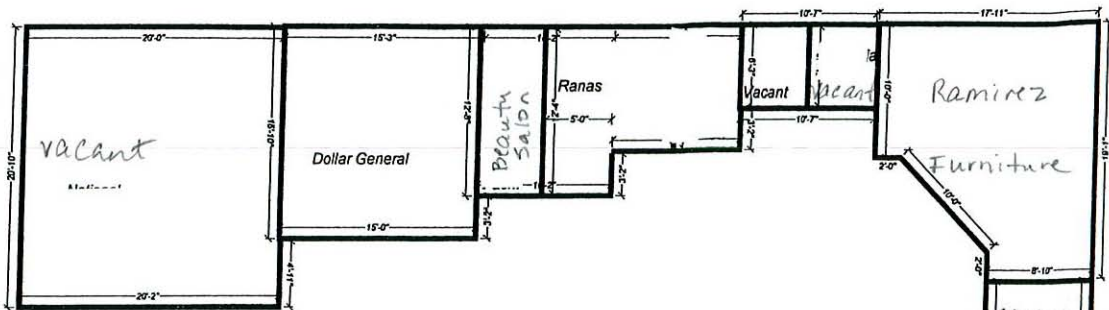
AERIAL MAP
 SCALE: N.T.S.

 SUBJECT PROPERTY

 600 FT. NOTIFICATION BOUNDARY



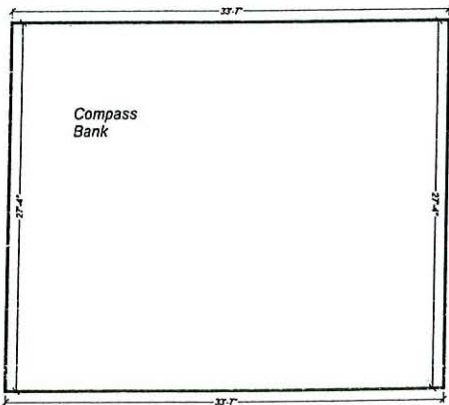
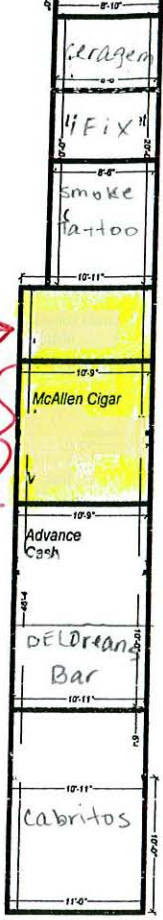
on ground survey and represent approximate relative location of property boundaries.

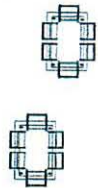
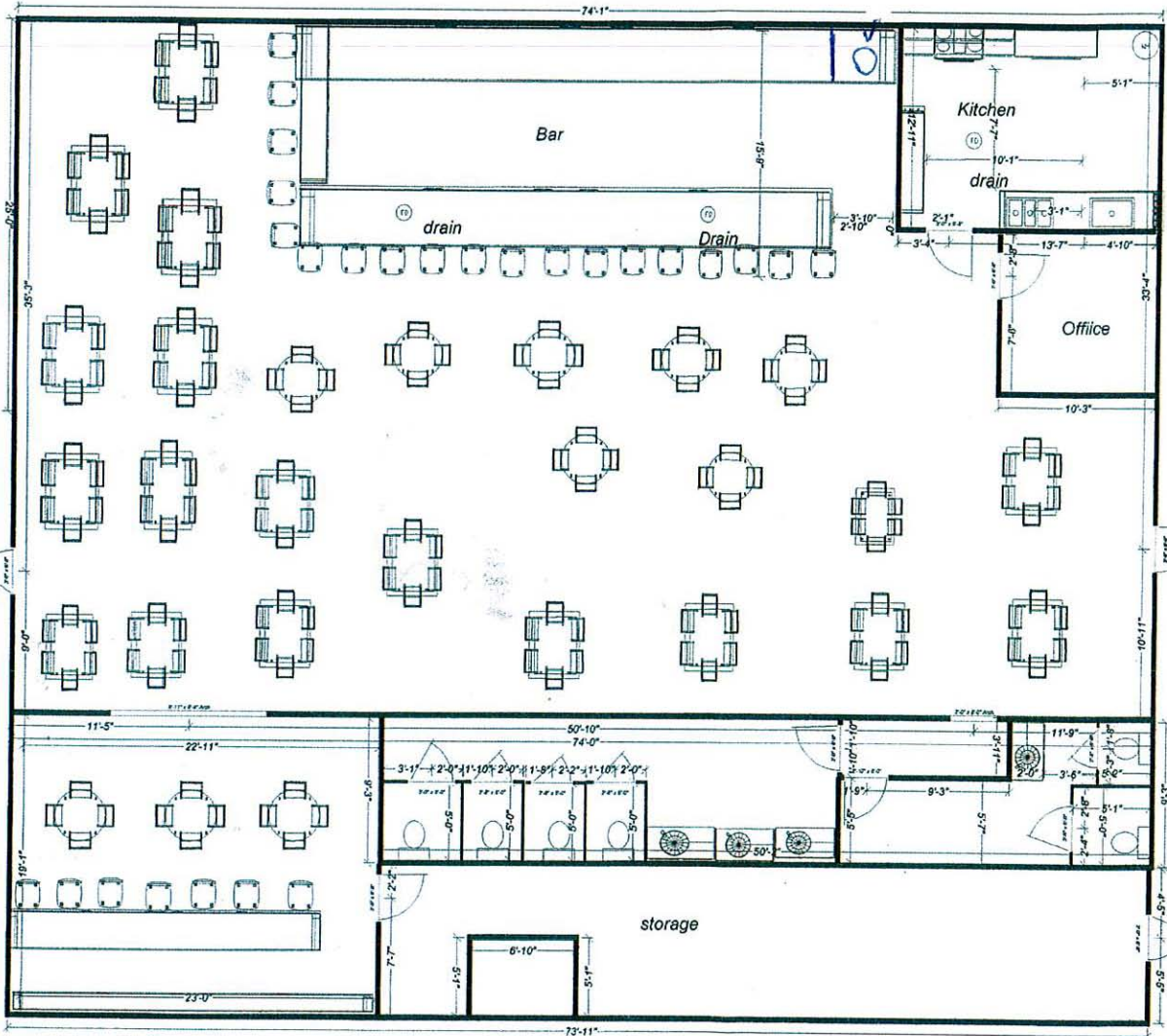


parking lot

Prop. Addition →

EXIST. Bar





cover door
build
wall

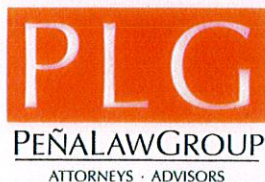
McAllen Police Department

RE: CFS @ 2200 W Nolana Ave (Cigar Bar)

June 2012 - 2013

| DATE | TIME | INC# | INC TYPE | ADDRESS |
|------------|-------|--------------|-----------------------------------|--------------------------------|
| 6/20/2012 | 2:09 | 201200056919 | ACCIDENT, MAJOR | 2200, W, NOLANA, AV,, |
| 2/6/2013 | 14:25 | 201300012322 | ACCIDENT, MAJOR | 2200, W, NOLANA, AV,, |
| 6/8/2012 | 12:57 | 201200052961 | ALARMS | 2200, W, NOLANA, AV,, |
| 3/20/2013 | 3:41 | 201300026731 | ALARMS | 2200, W, NOLANA, AV,, STE 2212 |
| 12/4/2012 | 15:26 | 201200115560 | ASSAULT | 2200, W, NOLANA, AV,, |
| 3/8/2013 | 23:36 | 201300022856 | ASSAULT | 2200, W, NOLANA, AV,, |
| 3/8/2013 | 23:36 | 201300022856 | DISORDERLY CONDUCT | 2200, W, NOLANA, AV,, |
| 8/22/2012 | 23:59 | 201200079272 | DISTURBANCE | 2200, W, NOLANA, AV,, |
| 12/5/2012 | 19:00 | 201200115992 | DISTURBANCE | 2200, W, NOLANA, AV,, |
| 7/9/2012 | 2:33 | 201200063506 | DRIVING UNDER THE INFLUENCE (DUI) | 2200, W, NOLANA, AV,, |
| 9/19/2012 | 2:29 | 201200088848 | DRIVING UNDER THE INFLUENCE (DUI) | 2200, W, NOLANA, AV,, |
| 9/27/2012 | 23:41 | 201200091928 | DRIVING UNDER THE INFLUENCE (DUI) | 2200, W, NOLANA, AV,, |
| 10/5/2012 | 1:24 | 201200094402 | DRIVING UNDER THE INFLUENCE (DUI) | 2200, W, NOLANA, AV,, |
| 3/4/2013 | 2:28 | 201300021189 | DRIVING UNDER THE INFLUENCE (DUI) | 2200, W, NOLANA, AV,, |
| 9/19/2012 | 2:29 | 201200088848 | DRUG/NARCOTIC VIOLATIONS | 2200, W, NOLANA, AV,, |
| 3/4/2013 | 2:28 | 201300021189 | DRUG/NARCOTIC VIOLATIONS | 2200, W, NOLANA, AV,, |
| 8/26/2012 | 0:26 | 201200080359 | DRUNKENNESS | 2200, W, NOLANA, AV,, |
| 9/15/2012 | 1:01 | 201200087497 | DRUNKENNESS | 2200, W, NOLANA, AV,, |
| 11/29/2012 | 12:03 | 201200113715 | MINOR ACC RECLASSIFIED TO MAJOR | 2200, W, NOLANA, AV,, |
| 1/24/2013 | 16:05 | 201300007766 | MINOR ACC RECLASSIFIED TO MAJOR | 2200, W, NOLANA, AV,, |
| 2/26/2013 | 13:16 | 201300019228 | MINOR ACC RECLASSIFIED TO MAJOR | 2200, W, NOLANA, AV,, |
| 7/20/2012 | 11:12 | 201200067438 | MINOR ACCIDENT | 2200, W, NOLANA, AV,, |
| 10/20/2012 | 22:14 | 201200100101 | MINOR ACCIDENT | 2200, W, NOLANA, AV,, |
| 2/16/2013 | 0:24 | 201300015595 | MINOR ACCIDENT | 2200, W, NOLANA, AV,, |
| 10/2/2012 | 13:59 | 201200093506 | MOTOR VEHICLE THEFT | 2200, W, NOLANA, AV,, |
| 6/9/2012 | 1:48 | 201200053194 | REQUEST OFFICER | 2200, W, NOLANA, AV,, |
| 7/18/2012 | 16:07 | 201200066842 | REQUEST OFFICER | 2200, W, NOLANA, AV,, |
| 8/4/2012 | 12:32 | 201200072816 | REQUEST OFFICER | 2200, W, NOLANA, AV,, |
| 9/24/2012 | 15:53 | 201200090788 | REQUEST OFFICER | 2200, W, NOLANA, AV,, |
| 2/27/2013 | 22:35 | 201300019780 | REQUEST OFFICER | 2200, W, NOLANA, AV,, |
| 2/23/2013 | 2:09 | 201300018108 | THEFT ALL OTHER LARCENY | 2200, W, NOLANA, AV,, |
| 7/4/2012 | 21:31 | 201200061878 | TRAFFIC HAZARD | 2200, W, NOLANA, AV,, |
| 6/1/2012 | 3:33 | 201200050522 | Traffic Stop | 2200, W, NOLANA, AV,, |
| 9/29/2012 | 23:49 | 201200092667 | Traffic Stop | 2200, W, NOLANA, AV,, |
| 1/26/2013 | 2:18 | 201300008342 | Traffic Stop | 2200, W, NOLANA, AV,, |

Jaime Peña*
Joel H. Garcia, Jr.
Elizabeth Castillo
Francisco Guerrero II
Uri A. Heller
Frederick J. Castro*
Joel H. Garcia, Sr. +



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→ ext. 105

*Licensed in Texas & Washington D.C.
+Licensed in Mexico Only
oOf Counsel

June 18, 2013

City of McAllen
Planning Department
1300 Houston Ave
-P.O. Box 220
McAllen, TX 78505-0220

RE: Petition of Appeal for Denial Request (with Favorable Recommendation of Samuel Avila for a Conditional Use Permit, for one year for a bar at Lot 1, Nolana West Subdivision, Hidalgo County, Texas, 2200 Nolana Ave, Suite 2212 (CUP-2013-0098)

Dear Madam or Sir:

Pursuant to McAllen, Texas, Code or Ordinance § 138.122(3) and in accordance with § 138-29, please accept this Petition, duly verified, as our formal Appeal of the decision of the Planning and Zoning Commission.

FACTS

- McAllen's Cigar Bar applied for and received a conditional Use Permit to operate as a bar at 2200 Nolana Suite 2212, McAllen, Texas 78504 in 2009 (CUP-2009-0141).
- McAllen's Cigar Bar again applied and received a Conditional Use Permit to operate at the same location on 4/15/2010, 7/20/2011, and 7/23/2012
- McAllen's Cigar Bar has continuously operated at 2200 Nolana, Suite 2212, McAllen, Texas, 78504 without major incident.
- On May 9, 2013, McAllen's Cigar Bar applied for a renewal of its Conditional Use Permit with the McAllen Planning Department. The request was denied at the Planning and Zoning Commission regular meeting. The reason for the denial, with favorable recommendation, was due to § 138-118(4) (distance to residential).

BASIS FOR APPEAL

In accordance with McAllen City Ordinance § 138-129, we assert that the decision of the Planning and Zoning Commission is unjust, in whole, because McAllen's Cigar Bar has been previously granted a Conditional Use Permit (since 2009) and has operated at this location without major incident. To deny this request would be unfair and would cease this business operation without rational basis.

In addition, McAllen's Cigar Bar has worked hard to coexist with their neighbors and surrounding community in a way that positively benefits everyone, including but not limited to, increasing the commercialization and security of this intersection.

As such, please accept this Petition as our Appeal and request for a hearing before the McAllen City Commission.

Respectfully,

PEÑALAWGROUP

A handwritten signature in black ink, appearing to read 'Jaime Peña', is written over the printed name and title.

Jaime Peña, esq.
General Counsel
McAllen's Cigar Bar

Enc. Verification

STATE OF TEXAS

§

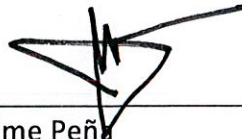
§

COUNTY OF HIDALGO

§

VERIFICATION

BEFORE ME, the undersigned authority, on this day personally appeared **Samuel Avila**, who being by me first duly sworn, on his oath deposes and says that he has read the Petition for Appeal and that the contents stated in the Petition are within his personal knowledge and are true and correct.



Jaime Peña
General Counsel
McAllen Cigar Bar

SWORN AND SUBSCRIBED before me on this, the 18th day of June, 2013.



Notary Public in the State of Texas

Leticia J. Castillo

(Print Name)



Comm. Expires: 2-2-16

**BREAKFAST
BUFFET**

CA
NU
RES

OLLAR GENERAL

HESSCO



IN EVENT OF EMERGENCY,
PLEASE CALL:
1-877-749-9799

NOTICE:
FEDERAL, STATE OR INTERNATIONAL
LAW, OR LOCAL ORDINANCE, MAY
RESTRICT THE USE OF THIS SIGN OR
THE USE OF THIS SIGN IN CERTAIN
SITUATIONS. PLEASE CONTACT THE
CITY OF McALLEN FOR MORE
INFORMATION ON THIS
SIGNAGE.

**NOTICE
BAR
For
This Property
CUP 2013-0098**
City of McAllen Planning Dept - 681-1250
www.mcallen.net

STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION X
UTILITY BOARD
PLANNING & ZONING BOARD
OTHER

AGENDA ITEM 1A5
DATE SUBMITTED 7/2/13
MEETING DATE 7/8/13

1. Agenda Item: Conditional Use Permit

2. Party Making Request: Victor Hugo Guerra

3. Nature of Request: (Brief Overview) Attachments: X Yes No
Appeal the decision of the Planning and Zoning Commission of the June 18, 2013 meeting denying the request of Victor Hugo Guerra, for a Conditional Use Permit, for one year, for a billiard hall at Lots 1 and 2, Shary Gateway Subdivision, Hidalgo County, Texas: 4901 Expressway 83.

4. Policy Implication: _____

5. Budgeted: Yes No N/A

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

6. Alternate option costs: _____

7. Routing:

| NAME/TITLE | INITIAL | DATE | CONCURRENCE <u>YES/NO</u> |
|------------|---------|------|------------------------------|
|------------|---------|------|------------------------------|

| | | | |
|----------------------------------------------------------|----------------|---------------------|---------------|
| a) <u> Julianne R. Rankin </u> Director of Planning | <u> JRR </u> | <u> 7/1/2013 </u> | <u> No </u> |
| b) _____ | <u> </u> | <u> </u> | <u> </u> |

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

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

10. City Attorney: KP Approved Disapproved None

11. Manager's Recommendation: MRP Approved Disapproved None

Memo

TO: Mike R. Perez, City Manager

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

DATE: July 2, 2013

SUBJECT: APPEAL THE DECISION OF THE PLANNING AND ZONING COMMISSION OF THE JUNE 18, 2013 MEETING DENYING THE REQUEST OF VICTOR HUGO GUERRA, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A BILLIARD HALL AT LOTS 1 AND 2, SHARY GATEWAY SUBDIVISION; 4901 EXPRESSWAY 83.

GOAL:

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

BRIEF DESCRIPTION:

The property is located on the south side of U.S. Expressway 83, approximately 530 ft. east of Taylor Road and is zoned C-3 (general business) District. The adjacent zoning is C-3 District to the north, east and west, and the area to the south is McAllen's ETJ. Surrounding land uses include the commercial businesses, single-family residences, and vacant land. A billiard hall is allowed in a C-3 zone with a Conditional Use Permit and in compliance with requirements.

The property is part of the Shary Gateway Subdivision, which was recorded on September 24, 2010. A site plan was approved by the Planning and Zoning Commission on November 16, 2010.

Currently, there are two buildings on the property with a combined square footage of 47,413 sq. ft. with mixed uses of retail and restaurant. At the time of site plan approval, 21,336 sq. ft. of restaurant space was approved; requiring 285 parking, and 18,423 sq. ft. of retail space; requiring 46 parking spaces.

After meeting with the applicant, he submitted a breakdown of existing establishments. Currently there is 19,646 sq. ft. used as restaurant space; requiring 263 parking spaces, and 9,156 sq. ft. used as retail space; requiring 22 parking spaces. The applicant is proposing a 7,645 sq. ft. billiard hall with a net area of 6,758.20 sq. ft. for the floor area, office, and storage that is located behind the working bar. The hours of operation will be from 11:00 a.m. to 2:00 a.m. Monday thru Sunday. The proposed 6,758.20 sq. ft. billiard hall floor area would

require 91 parking spaces. The remainder vacant 10,957 sq. ft. of retail when occupied will require 28 parking spaces. For every business to run simultaneously, 404 parking spaces will be required; 393 spaces are provided on site, being 11 spaces short. Parking can be accomplished by parking agreements with adjacent properties.

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. of residential 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 access to Expressway 83 and Colbath Road, and does not generate traffic onto 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. Currently there is 19,646 sq. ft. used as restaurant space; requiring 263 parking spaces, and 9,156 sq. ft. used as retail space; requiring 22 parking spaces. The applicant is proposing a 7,645 sq. ft. billiard hall with a net area of 6,758.20 sq. ft. for the floor area, office, and storage that is located behind the working bar. The proposed 6,758.20 sq. ft. billiard hall floor area would require 91 parking spaces. The remainder vacant 10,957 sq. ft. of retail when occupied will require 28 parking spaces. For every business to run simultaneously, 404 parking spaces will be required; 393 spaces are provided on site, being 11 spaces short. Parking can be accomplished by parking agreements with adjacent properties;
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;
7. The above mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director. The maximum occupancy of the establishment will be determined at time of building permit.

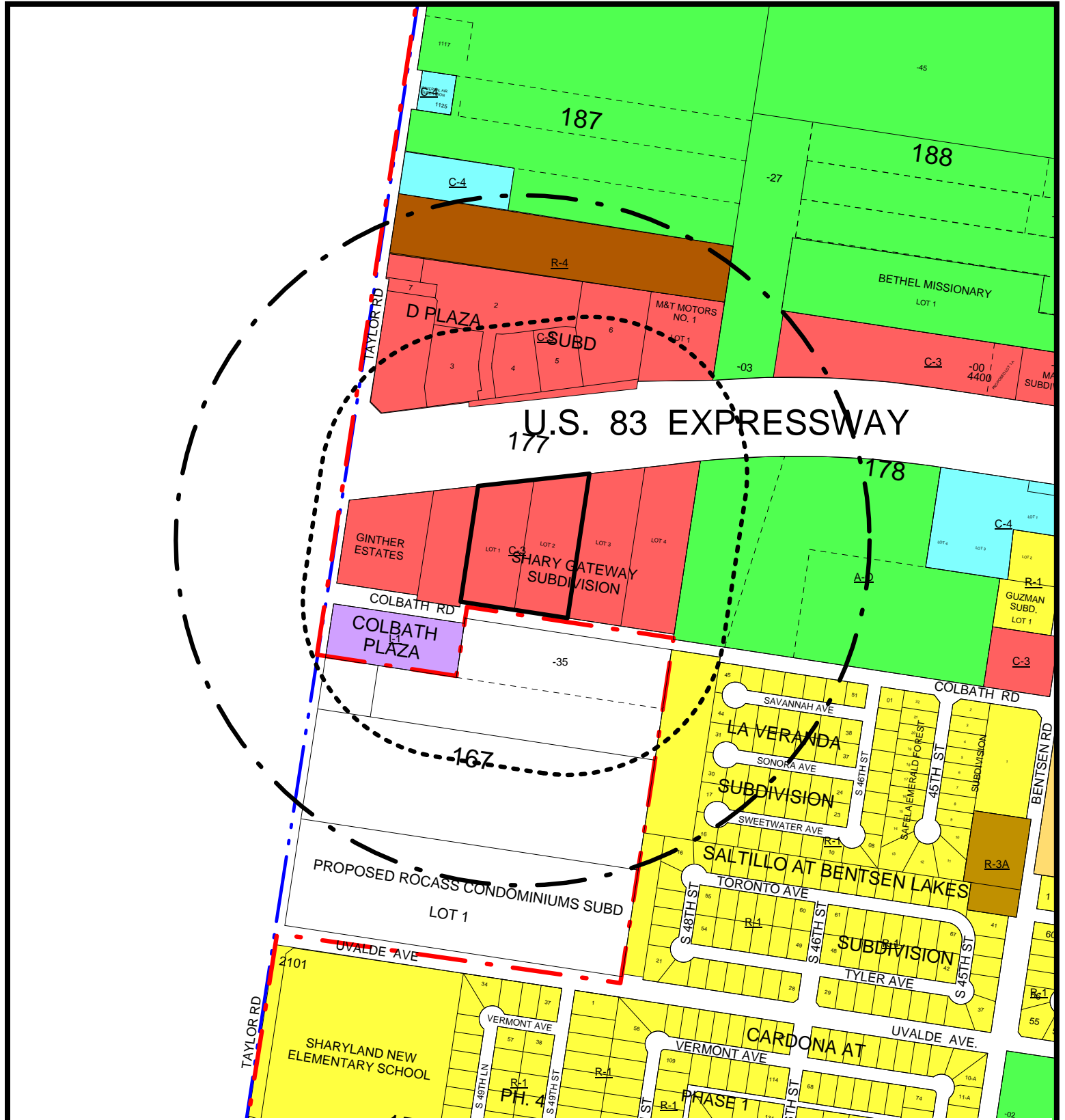
OPTIONS:

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

RECOMMENDATION:

The request was heard at the June 18, 2013 Planning and Zoning Commission meeting. There was no one present in opposition of the request and the applicant was present.

Following a brief discussion of the item, the board unanimously voted to disapprove the request due to noncompliance with requirement #1 (distance) of Section 138-118(4) of the Zoning Ordinance, but with a favorable recommendation to grant the variance to the distance requirement. There were four members present and voting. The applicant has submitted a letter of appeal.



CITY OF McALLEN
PLANNING DEPARTMENT

AREA MAP

LEGEND

SCALE: 1" = 500'



SUBJECT PROPERTY

600 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS

ZONING LEGEND

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

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

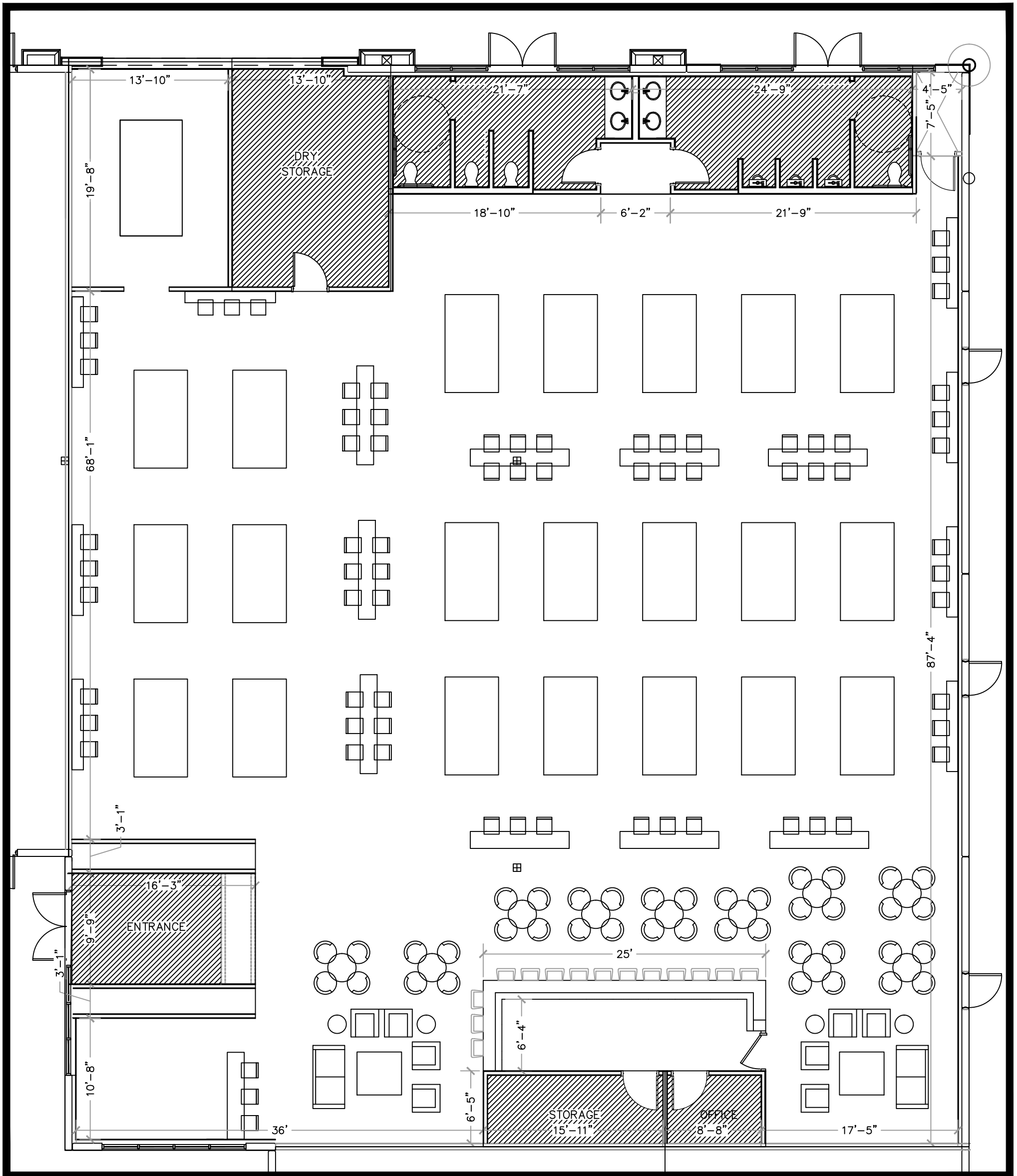
AERIAL MAP
 SCALE: N.T.S.

 SUBJECT PROPERTY

 600 FT. NOTIFICATION BOUNDARY



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



4901 expressway 83 suite 150 Plaza Taylor II

| | |
|--------------------|-----------------|
| BILLARD TOTAL AREA | 7,654.20 |
| ENTRANCE | 158.36 sq.ft. |
| STORAGE | 107.97 sq.ft. |
| OFFICE | 59.73 sq.ft. |
| DRY STORAGE | 288.11 sq.ft. |
| RESTROOMS | 515.65 sq.ft. |
| BILLARD AREA | 6,796.43 sq.ft. |

06/24/2013

Yo Victor Guerra quiero

Apelar la decicion tomada por
la Junta del 18 de Junio.

4901 w expressway 83 suite 150



O'BRADY'S
D, GOOD SPORTS™



FIREHOUSE

CHINA SEA
SUFFET



NOTICE
BILLIARD HALL
For
This Property
CUP2013-0102

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

ANOTHER POOL BY
HAMLIN
POOLS
PHARR - 787-3281
TOLL FREE: 1-800-348-3354

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF McALLEN, TEXAS AS ENACTED ON MAY 29, 1979, BY PROVIDING THAT 4.00 ACRES OUT OF LOT 2, BLOCK 18, STEELE & PERSHING SUBDIVISION, HIDALGO COUNTY, TEXAS, SHALL BE CHANGED FROM A-0 (AGRICULTURAL-OPEN SPACE) DISTRICT TO C-2 (NEIGHBORHOOD COMMERCIAL) DISTRICT; THAT 3.865 ACRES OUT OF LOT 15, BLOCK 1, C.E. HAMMONDS SUBDIVISION, HIDALGO COUNTY, TEXAS SHALL BE CHANGED FROM A-0 (AGRICULTURAL-OPEN SPACE) DISTRICT TO C-2 (NEIGHBORHOOD COMMERCIAL DISTRICT); AND THAT 5.98 ACRES OUT OF LOT 1, BLOCK 17, STEELE & PERSHING SUBDIVISION, HIDALGO COUNTY, TEXAS SHALL BE CHANGED FROM R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENT) DISTRICT; AMENDING THE ZONING MAP TO CONFORM TO THESE CHANGES.

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

SECTION I: The following tract of land which is located within the city limits of the City of McAllen, Texas shall be rezoned from A-0 (agricultural-open space) District to C-3-2 (neighborhood commercial) District:

A 4.00 acre tract of land out of Lot 2, Block 18, Steele & Pershing Subdivision, Hidalgo County, Texas, as per map recorded in Volume 8, Pages 114-115, Deed Records of Hidalgo County, Texas. Said 4.00 acre tract of land is vested to FFKKG Family Limited Partnership from Filiberto Rodriguez, M.D. by virtue of a Warranty Deed dated October 7, 2011, recorded in Document No. 2252051, Official Records of Hidalgo County, Texas. Said 4.00 acre tract of land being more particularly described by metes and bounds as follows.

COMMENCING at a cotton picker spindle found at the Northeast corner of Lot 2, Block 18, Steele & Pershing Subdivision (as recorded in Volume 8, Pages 114-115, D.R.H.C.); **Thence**, North 81 degrees 20 minutes 13 seconds West, with the North line of Lot 2, Block 18, Steele & Pershing Subdivision (as recorded in Volume 8, Pages 114-115, D.R.H.C.), a distance of 100.00 feet to a No. 4 rebar found (with a plastic cap stamped RGEC) for the Northeast corner of this tract of land and the **POINT OF BEGINNING**;

THENCE, South 08 degrees 39 minutes 47 seconds West, parallel to the East line of said Lot 2, Block 18, a distance of 20.00 feet to a No. 4 rebar found (with a plastic cap stamped RGEC) at the South Right of Way line of Orangewood Drive for an interior corner of this tract of land;

THENCE, South 36 degrees 20 minutes 13 seconds East, with the Proposed West Right of Way line clip of McColl Road, a distance of 70.71 feet to a No. 4 rebar found (with a plastic cap stamped RGEC) for an exterior corner of this tract of land;

THENCE, South 08 degrees 39 minutes 47 seconds West, with the Proposed West Right of Way line of said McColl Road, a distance of 244.56 feet to a No. 4 rebar found (with a plastic cap stamped RGEC) for an exterior corner of this tract of land;

THENCE, South 13 degrees 49 minutes 14 seconds West, with the Proposed West Right of Way line of said McColl Road, a distance of 205.09 feet to a No. 4 rebar found (with a plastic cap stamped RGEC) for the Southeast corner of this tract of land;

THENCE, North 41 degrees 13 minutes 03 seconds West, with the Proposed Right of Way line of said McColl Road, a distance of 45.22 feet to a No. 4 rebar found (with a plastic cap stamped RGEC) for an exterior corner of this

tract of land;

THENCE, North 43 degrees 17 minutes 53 seconds West, with the Proposed Right of Way line of said McColl Road a distance of 17.72 feet pass a No. 4 rebar found (with a plastic cap stamped RGEN) for an exterior Right of Way corner of said McColl Road, continuing with the North Levee Easement (as recorded in Volume 1450, Page 84, D.R.H.C.) for a total distance of 762.51 feet to a No. 4 rebar set (with a plastic cap stamped RGEN) at the South Right of Way line of said Orangewood Drive for the Southwest corner of this tract of land;

THENCE, North 08 degrees 39 minutes 47 seconds East, a distance of 20.00 feet to a No. 4 rebar set (with a plastic cap stamped RGEN) at the North line of said Lot 2, Block 18, for the Northwest corner of this tract of land;

THENCE, South 81 degrees 20 minutes 13 seconds East, with the North line of said Lot 2, Block 18, a distance of 600.00 feet to the **POINT OF BEGINNING** and containing 4.00 acre of land more or less.

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-0 (agricultural-open space) district to C-2 (neighborhood commercial) District):

A 3.865 acre tract of land, more or less, being a part of Lot 15, Block 1, C.E. Hammonds Subdivision of Porciones 61, 62, 63 and 64, Hidalgo County, Texas, according to the map recorded in Volume 21, Page 599, Deed Records in the Office of the County Clerk of Hidalgo County, Texas, lying South of Dove Avenue and West of Bicentennial Avenue, reference to which is here made for all purposes and more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod with MF cap found at the intersection of the South Line of

Lot 15 with West line of Bicentennial Boulevard, for the southeast corner of the following described tract of land, said point being located North 81 degrees, 18 minutes, 04 seconds West, 160.58 feet from the southeast corner of said lot;

THENCE, with the South line of Lot 15, North 81 degrees, 18 minutes, 04 seconds West, 978.85 feet to a ½" iron rod with MF cap found at the intersection with the South line of 100.0 foot Dove Avenue, for the Southwest corner hereof;

THENCE, with the South line of 100.0 foot Dove Avenue in a northeasterly direction, North 78 degrees, 13 minutes, 52 seconds East, 664.99 feet to a ½" iron rod with MF cap found at the beginning of a 904.93 foot radius curve to the right, for a point on the North line hereof;

THENCE, continuing with the South line of 100.0 foot Dove Avenue right of way with said 904.93 foot radius curve to the right, through an arc of 19 degrees, 49 minutes, 02 seconds and arc length of 312.99 feet to a ½" iron rod with MF cap found at intersection corner clip on the West line of Bicentennial Boulevard, for the most westerly northeast corner hereof;

THENCE, with intersection corner clip along the West line of Bicentennial Boulevard, South 36 degrees, 20 minutes, 09 seconds East, 70.61 feet to a ½" iron rod with MF cap found, for the most easterly northeast corner hereof;

THENCE, continue with the West line of Bicentennial Boulevard, South 08 degrees, 45 minutes, 43 seconds West, 239.70 feet to the point of beginning.

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

R-3A (multifamily residential apartment) District:

A 5.98 acre tract of land out of Lot 1, Block 17, Steele & Pershing Subdivision, Hidalgo County, Texas, as per map recorded in Volume 8, page 115, of the Deed Records of said County, said tract being more particularly described by metes and bounds as follows:

COMMENCING at the Northwest corner of said Lot, thence with the West line of said Lot, the centerline of McColl Road, South 08 degrees 46 minutes West 1037.32 feet, thence South 81 degrees 14 minutes East 40.00 feet to a one-half (1/2) inch diameter iron rod found at the most Southerly Southeast corner of that City of McAllen 0.63 acre tract according to Document Number 1075174 of the Official Records of said County, for the Southwest corner hereof and **PLACE OF BEGINNING**;

THENCE, with the East Right of Way of McColl Road, according to Document 1075174 of the Official Records of said County, North 08 degrees 46 minutes East 177.07 feet to a one-half (1/2) inch diameter iron rod found at an inside corner of said City of McAllen property, for the Northwest corner hereof;

THENCE, continuing with the City boundary, the South Right of Way of a street South 81 degrees 14 minutes East 1398.34 feet to a one-half (1/2) inch diameter rod found for the most Northerly Northeast corner hereof;

THENCE, South 08 degrees 38 minutes West 50.00 feet to a one-half (1/2) inch diameter iron rod found for an inside corner hereof;

THENCE, South 81 degrees 14 minutes East 100.00 feet to a one-half (1/2) inch diameter iron rod found for the most Southerly Northeast corner hereof;

THENCE, South 08 degrees 38 minutes West 127.07 feet to a one-half (1/2) inch diameter iron rod found for the Southeast corner hereof;

THENCE, with the North line of that Bill Burns' tract according to Volume 1202 Page 730 of the Deed Records of said County, North 81 degrees 14 minutes West 1498.76 feet to Place of Beginning, containing five and ninety-eight hundredths (5.98) acres, more or less.

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

SECTION V. 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 Ordinance of the City of McAllen.

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

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

CONSIDERED, PASSED and APPROVED this 8th day of July, 2013, at a regular meeting of the Board of Commissioners of the City of McAllen at which a quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code.

SIGNED this _____ day of July, 2013.

CITY OF MCALLEN

By: _____
JAMES E. DARLING, Mayor

ATTEST:

By: _____
Annette Villarreal, City Secretary

Approved as to form:

By: _____
Kevin D. Pagan, City Attorney

STANDARDIZED RECOMMENDATION FORM

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

AGENDA ITEM
DATE SUBMITTED
MEETING DATE

 2A
07/03/2013
07/08/2013

1 Agenda Item: Approval of minutes.

2 Party Making Request: Annette Villarreal, City Secretary

3 Nature of Request: (Brief Overview) Attachments: Yes x No
Approval of Minutes of Regular Meeting held June 24, 2013

4 Policy Implication: Approval by City Commission

5 Budgeted: Yes No X N/A

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

6 Alternate option costs: _____

7 Routing:

| <u>NAME/TITLE</u> | <u>INITIALS</u> | <u>DATE</u> | <u>CONCURRENCE</u> <u>YES/NO</u> |
|-------------------------------------------------------------|-----------------|-------------------|-------------------------------------|
| a) <u>Annette Villarreal</u> <u>City Secretary, TRMC</u> | <u>AV</u> | <u>07/03/2013</u> | <u>YES</u> |
| b) _____ | _____ | _____ | _____ |

8 Staff Recommendation: Approval

9 Advisory Board: Approved Disapproved None

10 City Attorney: KP Approved Disapproved None

11 Manager's Recommendation: MRP Approved Disapproved None

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

The McAllen Board of Commissioners convened in a Regular Meeting on **Monday, June 24, 2013**, at 6:00 pm, at McAllen City Hall Third Floor (3rd) Commission Chambers, with the following present:

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

Staff:

Mike R. Perez, City Manager
Kevin Pagan, City Attorney
Brent Branham, Deputy City Manager
Roy Rodriguez, Assistant City Manager/PUB General Manager
Wendy Smith, Assistant City Manager
Annette Villarreal, City Secretary
Perla Zamora, Deputy City Secretary
Yvette Barrera City Engineer
Juli Rankin, Director of Planning
Victor Rodriguez, Police Chief
Rafael Balderas, Fire Chief
Sally Gavlik, Director of Parks and Recreation
Sandra Zamora, Director of Purchasing
Carlos Sanchez, Public Works Director
Phil Brown, Director of Aviation

CALL TO ORDER

Mayor Darling called the meeting to order.

PRESENTATION OF AIA AWARD FOR MCALLEN PUBLIC LIBRARY

A presentation of the Institutional Honor Award for Interior Design by the American Institute of Architects (AIA) was made for the McAllen Main Public Library.

PROCLAMATION

MCALLEN MARATHON/TEAM IN TRAINING REGISTRATION KICK-OFF DAY.

Commissioner Crane read and presented a proclamation for *McAllen Marathon/Team in Training Registration Kick-Off Day*.

1. PUBLIC HEARING:

Mayor Darling called the Public Hearing to order.

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

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

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

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

Approved the C-3 zoning at 2400 Maple Avenue, as per Planning and Zoning Commission.

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

Approved the C-3 zoning at 4701 Expressway 83, as per Planning and Zoning Commission.

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

Approved the Conditional Use Permit, for life of the use, at 2201 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 also comply with the Zoning Ordinance and specific requirements as follows:

- 1) The proposed use shall not generate traffic onto residential-size streets or disrupt residential areas, and shall be as close as possible to a major arterial. The property fronts Trenton Road.
- 2) The proposed use shall comply with the McAllen Off-Street Parking Ordinance and make provisions to prevent the use of street parking, especially in residential areas. The seating capacity was approved at 916 persons in the main sanctuary, 229 parking spaces were required. However, during inspection, staff verified the parking and there are only 176 parking spaces on site. Since there are only 176 parking spaces on site, the church will be limited to a seating capacity of 704 persons in the main sanctuary;
- 3) The proposed use shall prevent the unauthorized parking of its patrons on adjacent businesses or residences by providing fences, hedges or reorientation of entrances and exits;
- 4) The proposed use shall provide sufficient lighting to eliminate dark areas, perimeter fencing, and an orientation of the building to provide maximum visibility from a public street in order to discourage vandalism and criminal activities;
- 5) Provisions shall be made to prevent litter from blowing onto adjacent streets and residential areas;
- 6) The number of persons within the building shall be restricted to the existing seating capacity for the building; and
- 7) Sides adjacent to commercially and residentially-zoned or used properties shall be screened by a 6 ft. opaque fence.

B) CONDITIONAL USE PERMIT:

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

TABLED

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

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

- 1) The property line of the lot of any of the above-mentioned businesses must be at least 600 ft. from the nearest residence or residentially-zoned property, church, school, or publicly-owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 600 ft. of residential zones and uses;
- 2) The property must be as close as possible to a major arterial and shall not generate traffic onto residential-sized streets. The establishment has access to North 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. Based on the square footage of the establishment, 136 parking spaces are required for this; 128 parking spaces are being proposed;
- 4) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties;
- 5) The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;
- 6) The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
- 7) The above-mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director. The maximum capacity for this establishment will be determined at the time of building permit prior to occupancy of the building.

Mayor Darling asked if there was anyone present to speak in opposition to the Conditional Use Permit. No one appeared. The applicant spoke in favor of the permit.

Commissioner Pebley moved to grant a variance and approve the Conditional Use Permit as recommended. Commissioner Crane seconded the motion. The motion carried unanimously.

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

Mayor Pro Tem Ramirez moved to adopt the Zoning Ordinance for the approved tract. Commissioner Ingram 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 items 2C, D, F and K and that said items be addressed separately. Commissioner Ingram seconded the motion. The motion carried unanimously.

A) APPROVAL OF MINUTES OF WORKSHOP AND REGULAR MEETINGS HELD JUNE 10, 2013.

Approved the minutes of Workshop and Regular Meeting held June 10, 2013, as submitted.

B) AWARD OF CONTRACT FOR LOCAL TELEPHONE SERVICES.

Awarded a contract for Local Telephone Services to SmartCom Telephone, LLC, for a term of five (5) years.

C) CONSIDERATION OF REQUEST TO APPROVE AMENDMENT #1 TO THE ADVANCE FUNDING AGREEMENT (AFA) FOR SAFE ROUTES TO SCHOOL PROJECT.

Staff recommended approval of Amendment No. 1 to the Advanced Funding Agreement (AFA) providing for a change to the scope of work for the Safe Routes to School Project in the vicinity of Edinburg Cavazos Elementary School located in the City of McAllen limits. Staff reported that the City of Edinburg would administer the project.

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

D) CONSIDER APPROVAL OF GO CENTER PROGRAM INTERLOCAL COOPERATION CONTRACT BETWEEN THE CITY AND THE UNIVERSITY OF TEXAS – PAN AMERICAN.

Staff recommended approval of an Interlocal Agreement between City of McAllen and the University of Texas – Pan American for the Work-Study Student Mentorship Program at the Main Library known as the Go Center Program.

Staff was instructed to promote the Go Center utilizing the city's social media outlets.

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

E) CONSIDER APPROVAL OF CHANGE ORDER NO. 1 FOR CURB CUTS AT DELEON SOCCER COMPLEX.

Approved Change Order No. 1 in the amount of \$6,184.75, for curb cuts at DeLeon Soccer Complex.

F) CONSIDER APPROVAL OF LICENSE AGREEMENT FOR THE INSTALLATION OF FLAGS AT REGENCY PARK NEIGHBORHOOD ASSOCIATION.

Staff recommended approval of a License Agreement with the Regency Park Neighborhood Association, for installation of flags along 29th Street for patriotic holidays.

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

G) CONSIDER APPROVAL OF CHANGE ORDER NO. 3 FOR ELECTRICAL MODIFICATIONS AND SECOND FLOOR WALL FINISH FOR MCALLEN DEVELOPMENT CENTER.

Approved Change Order No. 3 for electrical modifications and second floor wall finish for McAllen Development Center with a reduction in the Contingency Allowance by \$6,096 for a revised amount of \$41,419 and no change to the contract time.

H) AWARD OF CONTRACT FOR THE PURCHASE OF SAFETY PRODUCTS (RE-BID).

Awarded multiple supply contracts for the purchase of Safety Products as follows:

Airgas USA, LLC for items 7, 9-13, 54
Alamo Distribution, LLC for items 5, 15, 17, 19, 41, 48, 58
CC Distributors, Inc. for items 14, 20-27, 32, 33, 37-40, 42, 46, 47, 53, 59
CCP Industries for items 2, 6
Interboro Packaging for items 43, 44
Magid Glove & Safety for item 16
Masterman's LLP for items 51, 52
Pathmark Traffic Products for item 55
Saf-T-Gove Inc. for items 3, 18, 28-31, 35, 36, 45-50

The term of the contract is for one year with the option to extend for two (2) additional years in one year increments, subject to City Manager approval and performance of successful contractor to be satisfactory and the unit prices remain unchanged. Additionally, rejected items 1, 8, 34 and 49 and authorized staff to rebid items 4, 56 and 57.

I) CONSIDER DECLARATION OF CERTAIN VEHICLES AND EQUIPMENT AS SURPLUS AND AUTHORIZATION TO BEGIN AUCTION EFFORTS.

Authorized the declaration of certain vehicles and equipment as "surplus" and authorized staff to begin auction efforts.

J) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT TO RE-DESIGNATE THE TRANSFER IN FROM THE GENERAL FUND RECORDED IN AUGUST, 2011, AS AN ADVANCE TO THE EB-5 FUND.

Adopted an ordinance providing for a budget amendment in the amount of \$100,000 to re-designate the transfer in from the General Fund recorded in August 2011 as an advance to the EB-5 Fund.

K) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT FOR FUNDING OF MCALLEN EB-5 REGIONAL CENTER LLC THROUGH SEPTEMBER 30, 2013, FUNDING TO BE RECORDED AS AN ADVANCE TO THE EB-5 FUND FROM THE GENERAL FUND.

Staff recommended adoption of an ordinance providing for a budget amendment in the amount of \$90,000 for funding the McAllen EB-5 Regional Center LLC through September 30, 2013, funding to be recorded as an advance to the EB-5 Fund from the General Fund.

Staff was instructed to provide monthly income statements to monitor activities and associated costs.

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

L) RESOLUTION AUTHORIZING THE GRANT ADMINISTRATION OFFICE TO REVISE ALL GRANT INFORMATION TO REFLECT MAYOR DARLING AS AUTHORIZED OFFICIAL FOR GRANT DOCUMENTS AND RELATED DOCUMENTS.

Approved a resolution authorizing the Grant Administration Office to revise all grant information to reflect Mayor Darling as authorized official for grant documents and additional related documents.

M) ORDINANCE PROVIDING FOR THE ABANDONMENT OF A TRACT OF LAND CONTAINING 0.3076 ACRES, BEING WEST 20 FT. OF THE SOUTH 669.96 FT. OF LOT 13, SECTION 278, TEXAS-MEXICAN RAILWAY COMPANY SURVEY; 1121 PROVIDENCE AVENUE.

Adopted an ordinance providing for the abandonment of tract of land containing 0.3076 acres at 1121 Providence Avenue.

3. BIDS/CONTRACTS:

A) CONSIDER APPROVAL OF A CONTRACT FOR AUDITING SERVICES FOR FYE 2013 WITH LONG CHILTON, LLP WITH THE CITY'S OPTION TO EXTEND FOR AN ADDITIONAL FOUR (4) ONE YEAR PERIODS.

Staff recommended approval of a contract for Auditing Services for FYE 2013 with Long Chilton, LLP with the City's option to extend for an additional four (4) one year periods.

Commissioner Crane moved to approve the contract as recommended. Commissioner Pebley seconded the motion. The motion carried unanimously.

B) AWARD OF CONTRACT FOR VARIOUS PIECES OF EQUIPMENT IN PUBLIC WORKS.

Staff recommended award of multiple contract for various pieces of equipment in Public Works as follows:

- Item 1 to H&V Equipment Services, Inc. for the unit cost of \$166,750 plus \$6,536 for a total of \$173,286
- Item 5 to Dogget Heavy Machinery in the amount of \$37,915.35
- Item 6 to Nueces Power Equipment in the amount of \$59,317 including a two-year extended warranty
- Rejection of Item 3 as bidders failed to meet specifications or did not comply with the requirements of the specs.

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

C) CONSIDERATION AND APPROVAL OF CONSTRUCTION DOCUMENTS FOR PUBLIC SAFETY BUILDING ADDITIONS AND RENOVATIONS PROJECT.

Staff recommended approval of the Construction Design Phase and authorization to advertise to receive bids for the Public Safety Building Additions and Renovations Project.

Mayor Pro Tem Salinas moved to approve the design phase and advertise for bids as recommended. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

D) AWARD OF CONTRACT FOR THE RE-ROOFING FIRE STATION NO. 2.

Staff recommended award of contract for the Re-Roofing of Fire Station No. 2. to Statewide Roofing, LLC, in the amount of \$33,900.

Commissioner Ingram moved to award the contract as recommended. Commissioner Crane seconded the motion. The motion carried unanimously.

4. ORDINANCES:

A) AMENDING THE SMOKING ORDINANCE TO INCLUDE E-CIGARETTES.

Staff recommended adoption of an ordinance amending the Smoking Ordinance to include E-Cigarettes.

Questions were asked and a discussion followed.

After due consideration, Commissioner Ingram moved to disapprove the ordinance. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously.

B) PROVIDING FOR RESTRICTIONS ON OPERATING MOTOR VEHICLE NEAR VULNERABLE ROAD USERS.

Staff recommended adoption of an ordinance providing for restrictions on operating motor vehicles near vulnerable road users.

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

5. MANAGER'S REPORT:

A) DISCUSSION OF POSSIBLE MEETING TIME CHANGE FOR REGULAR CITY COMMISSION MEETINGS AND WORKSHOPS.

Staff recommended consideration be given to changing the meeting times for the Workshops and Regular Meetings to begin at 4:00 pm and 5:00 pm, respectively.

Mayor Pro Tem Ramirez moved to approve staff's recommendation. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously.

B) PRESENTATION OF TAX COLLECTION REPORT FROM OCTOBER 1, 2012 THROUGH MAY 31, 2013.

Staff gave a report on the tax collection for the period of October 1, 2012 through May 31, 2013. No action required.

C) PRESENTATION OF DELINQUENT TAX COLLECTION SECOND QUARTER REPORT.

Attorney Kelly Rivera Salazar with the firm of Linebarger Goggan Blair Sampson, LLP, gave a report on delinquent tax collection for the second quarter for the period of January 1st – March 31, 2013. No action required.

D) REPORT ON UNCOLLECTIBLE PERSONAL PROPERTY TAXES.

Staff gave a report on uncollectible personal property taxes. No action required.

E) MAYOR'S APPOINTMENT TO THE MCALLEN HOUSING AUTHORITY BOARD OF DIRECTORS.

Mayor Darling reappointed Leo Lara and Ronnie Cruz and appointed Antonio E. Cavazos as the Resident Commissioner.

F) ADVISORY BOARD APPOINTMENTS.

Staff recommended that appointments be made to the various boards.

LIBRARY ADVISORY BOARD

Mayor Darling nominated Irma Gomez.

PARKS AND RECREATION ADVISORY BOARD

Mayor Pro Tem Ramirez nominated Daniel de los Santos.

SENIOR CITIZENS ADVISORY BOARD

Mayor Darling nominated Mirna Pearland.

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

G) STATUS REPORT ON PARKS AND RECREATION CONSTRUCTION PROJECTS.

Staff gave a report on the Parks and Recreation Construction Projects. No action required.

H) STATUS REPORT ON VARIOUS CITY PROJECTS.

Staff gave a report on various city projects. A workshop was requested on the competitive sealed proposals. No action required.

I) STATUS REPORT ON TERMINAL EXPANSION CONSTRUCTION PROJECT.

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

J) FUTURE AGENDA ITEMS.

The items for upcoming workshops were briefly reviewed: Workshop/Retreat on June 27th – 29th; Technology Committee Report on Call Center; Bidding requirements for Public Works; and Health Insurance.

6. MAYOR'S REPORT REGARDING THE ESTABLISHMENT OF A BUSINESS COUNSEL.

Mayor Darling gave a report on the need to establish a business counsel and recommended that this item be brought back in September with recommendations of individuals to serve on said committee.

7. TABLED ITEMS:

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

Mayor Pro Tem Ramirez moved to remove said item from the table and agenda on the basis that said item was withdrawn from consideration by County Commissioner's Court on June 18, 2013. Commissioner Ingram seconded the motion. The motion carried unanimously.

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

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

PUBLIC COMMENT SESSION

No one appeared.

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

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 8B; Section 551.071 Consultation with Attorney for Items 8A, 8B, 8C, 8G, 8H, 8I and 8J ; and Section 551.072 Deliberation regarding Real Property for Items 8A, 8C, 8D, 8E, 8F, 8G and 8K.

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

Mayor Darling recessed the meeting at 7:30 pm to go into Executive Session. Mayor Darling reconvened the meeting at 9:00 pm and announced the action on Executive Session items.

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

No action.

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

No action.

- C) DISCUSSION AND POSSIBLE ACTION ON AWARD OF BID PROPOSAL FOR THE SALE OF LOT 11B, MCALLEN CONVENTION CENTER. (SECTION 551.072 AND 551.071, T.G.C.)**

No action.

- D) DISCUSSION AND POSSIBLE ACTION REGARDING REQUEST FOR QUALIFICATIONS FOR PROJECT STRIPES. (SECTION 551.072, T.G.C.)**

Commissioner Ingram moved to authorize City staff to issue the Request for Qualifications (RFQ) on this property. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

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

No action.

- F) DISCUSSION AND POSSIBLE ACTION REGARDING MAKING AN OFFER TO ACQUIRE A TRACT OF LAND OUT OF LOT 4, SOUTHWEST QUARTER OF SECTION 9, HIDALGO CANAL COMPANY'S SUBDIVISION, HIDALGO COUNTY, TEXAS. (SECTION 551.072, T.G.C.)**

No action.

- G) DISCUSSION AND POSSIBLE ACTION REGARDING ISSUANCE OF A UTILITY EASEMENT CONSISTING OF A 0.0116 ACRE TRACT OF LAND IDENTIFIED AS RGV-MCS-4011E. (SECTION 551.071 AND 551.072, T.G.C.)**

Mayor Pro Tem Salinas moved to authorize the City Attorney to negotiate the utility easement with the federal government as per the recommendation of the Bridge Board. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

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

No action.

I) CONSULTATION WITH CITY ATTORNEY REGARDING CAUSE NO. C-0929-12-F; JOHNNY PARTIAN VS. CONSTABLE J.E. “EDDIE” GUERRA, HIDALGO COUNTY PRECINCT 4, ET AL. (SECTION 551.071, T.G.C.)

Mayor Pro Tem Ramirez moved to authorize the City Attorney or appropriate outside counsel to defend city in this lawsuit. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously.

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

No action.

K) DISCUSSION AND POSSIBLE ACTION REGARDING MAKING AN OFFER TO ACQUIRE A TRACT OF LAND OUT OF LOTS 1, 2, 15 AND 16, BLOCK 32 AND A 20 FT. X 100 FT. ABANDONED ALLEY, HAMMOND’S ADDITION TO THE CITY OF MCALLEN, HIDALGO COUNTY, TEXAS. (SECTION 551.072, T.G.C.)

Mayor Pro Tem Ramirez moved to instruct the City Attorney to respectfully decline the offer to purchase said property. Commissioner Ingram seconded the motion. The motion carried unanimously.

ADJOURNMENT

There being no other business to come before the Commission, the meeting was adjourned at 9:02 p.m.

Jim Darling, Mayor

Attest:

Annette Villarreal, TRMC/CMC, CPM
City Secretary



**CITY OF MCALLEN
GRANT ADMINISTRATION OFFICE
MEMORANDUM**

To: Mike R. Perez, City Manager
From: Carla M. Rodriguez, Director of Grant Administration
Date: July 02, 2013
Subject: KaBOOM! FY 2013 Let's Play Community Construction Grant Application

GOAL: Authorizing the submission of a grant application to KaBOOM! for funding under the Fiscal Year 2013 Let's Play Community Construction Grant Program.

BRIEF EXPLANATION OF THE ITEM: The City of McAllen has been designated as a Playful City U.S.A. by the KaBOOM! Non-profit organization. The KaBOOM! Let's Play Community Construction Grant Program provides funds to qualifying organizations to purchase playground equipment for the construction of playgrounds using the KaBOOM! community-build model, a playground construction model utilizing volunteers to foster community input. The KaBOOM! community-build model is designed to bring communities together to create playgrounds that are beautiful, safe and fun for children. Grant funding will be used to purchase new playground equipment to be installed at Uvalde Park. The total amount requested is \$20,000, with a local match of \$21,000, for a total project cost of \$41,000.

OPTIONS:

Option 1: Approve submission of grant application to KaBOOM! which will allow for funding to purchase new playground equipment to be installed at Uvalde Park.

Option 2: Not approving submission of grant application will result in the loss of a grant opportunity to purchase new playground equipment to be installed at Uvalde Park.

RECOMMENDATION: Staff recommends submission of the grant.

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO KABOOM! UNDER THE FISCAL YEAR 2013 KABOOM! LET'S PLAY COMMUNITY CONSTRUCTION GRANT PROGRAM.

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

WHEREAS, KaBOOM! Let's Play Community Construction Grants provide funding for the purchase of playground equipment for the construction of playgrounds using the KaBOOM! community-build method;

WHEREAS, grant funding can be used to purchase equipment from an approved vendor in order to build community playgrounds that are beautiful, safe and fun for children;

WHEREAS, the City of McAllen Parks and Recreation Department is eligible to apply for and receive a grant to purchase new playground equipment for installation at Uvalde Park.

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 KaBOOM! Let's Play Community Construction Grant Program, in the amount of \$20,000, with a local match of \$21,000 for a total project cost of \$41,000.
- 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 KaBOOM! in full.

CONSIDERED, PASSED, APPROVED, AND SIGNED this 8th day of July, 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

Jim Darling, Mayor

Approved as to form:

Kevin Pagan, City Attorney

To: Mike R. Perez, City Manager

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

Date: June 27, 2013

Subject: **Budget Amendment to the Sanitation Depreciation Fund for the purchase of a Forklift (Commercial Box Department)**

GOAL:

Consideration and approval of a budget amendment to the Sanitation Depreciation Fund in the amount of \$4,317 for the purchase of a Forklift for the Commercial Box Department.

BRIEF EXPLANATION:

On June 24, 2013, the City Commissioners approved the purchase of one (1) 2013 Case 586H Forklift to Nueces Power Equipment of Edinburg, Texas at a unit cost of \$59,317 including an extended two year warranty. The Forklift was budgeted in the Sanitation Depreciation Fund in the amount of \$55,000. Therefore, an amendment in the amount of \$4,317 is required to account for the remaining balance.

RECOMMENDATION:

Public Works staff recommends approval of the budget amendment in the amount of \$4,317 to account for the cost related to the Forklift.

CITY OF McALLEN
BUDGET AMENDMENT REQUEST FORM
FISCAL YEAR 2012-2013

| | |
|----------------------------------------|--|
| DATE OF ENTRY | |
| ENTRY MADE BY | |
| JOURNAL ENTRY # | |
| AA UPDATE DATE | |
| To be assigned by Finance Dept. | |

FUND: SANITATION DEPRECIATION FUND

DEPARTMENT: COMMERCIAL BOX

| Fund | Dept. & Division | Activity | Element & Object | Project Code | Description | Original/Revised Budget | Debt | Credit | Revised Budget |
|---------------|------------------|----------|------------------|--------------|---------------------------|-------------------------|-----------------|-----------------|---------------------|
| 502 | 4280 | 446 | 66-20 | EO1301 | CAPITAL OUTLAY/EQUIPMENT | \$ 55,000 | \$ 4,317 | | \$ 59,317 |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| 502 | 4280 | | | | GENERAL DEPRECIATION FUND | \$8,136,659 | | 4,317 | 8,132,342 |
| TOTALS | | | | | | \$ 8,191,659 | \$ 4,317 | \$ 4,317 | \$ 8,191,659 |

(Round up all amounts to the nearest hundred dollars)

JUSTIFICATION: Budget Amendment needed to pay for a Forklift that was budgeted in the Sanitation Depreciation Fund in the amount

of \$55,000. The total purchase price was \$59,317, therefore, an amendment in the amount of \$4,317 is required to account

for the remaining balance.

Department Head Approval

Signature

Date

Finance Department

Signature

Date

City Manager

Signature

Date

AN ORDINANCE AMENDING THE BUDGET OF THE CITY OF McALLEN FOR THE FISCAL YEAR 2012/2013 EFFECTIVE OCTOBER 1, 2012, BY PROVIDING FOR AN INCREASE IN EXPENDITURES TO-WIT: \$4,317.00 TO PURCHASE A FORKLIFT FOR THE COMMERCIAL BOX DEPARTMENT.

WHEREAS, the Board of Commissioners of the City of McAllen pursuant to Chapter 102 of the Local Government Code has heretofore adopted a budget for the City of McAllen for Fiscal Year 2012/2013. Such budget was effective October 1, 2012 and

WHEREAS, the Board of Commissioners of the City of McAllen deems it in the best interest of the City and for municipal purposes to amend the budget heretofore adopted for such fiscal year by providing for unanticipated expenditures which were not known to the governmental body prior to the adoption of the budget but have since become necessary to fund since the effective date of the budget and to also show revenues which were not anticipated by the governing body in the adoption of the 2012/2013 budget but have been received by the governmental body since that date.

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

SECTION I: The Budget for the City of McAllen for the Fiscal Year 2012/2013 which became effective October 1, 2012 as set out in Ordinance 2012-60 adopted on September 24, 2012 is hereby amended in the following particulars as shown on Exhibit "A" attached hereto and incorporated herein for all purposes.

SECTION II: The City Manager as Budget Officer shall provide for the filing of a true copy of this Budget Amendment in the office of the County Clerk, Hidalgo County, Texas.

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

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

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

amendatory thereof; however, it shall be cited in the appropriate appendix of the Code of Ordinances.

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

CONSIDERED, PASSED and APPROVED this 8th day of July, 2013, at a regular meeting of the Board of Commissioners of the City of McAllen, Texas, at which a quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code.

SIGNED this day of July, 2013.

CITY OF McALLEN, TEXAS

James E. Darling, Mayor

ATTEST:

Annette Villarreal, City Secretary

Approved as to form:

Kevin D. Pagan, City Attorney

Standardized Recommendation Form

City Commission X
Utility Board _____
Other Board _____

Agenda Item 2D
Date Submitted 07/02/13
Meeting Date 07/08/13

1. **Agenda Item:** Budget Amendment to the General Depreciation Fund for the purpose of funding the purchase of a Wheel Loader for the Streets & Drainage Department.

2. **Party Making Request:** Public Works Department – Streets & Drainage Department

3. **Nature of Request:** (Brief Overview) Attachments: X Yes No
Consideration and authorization to amend the General Depreciation Fund in the amount of \$143,286 to fund the remaining balance of the purchase of a Wheel Loader.

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

5. **Budgeted:** X Yes No N/A **Account No:** **Amount:**
678-6382-436-66-14 EC1113 \$143,286

6. **Alternate option/costs:** N/A

7. **Routing:**

| <u>Name/Title</u> | <u>Initial</u> | <u>Date</u> | <u>Concurrence</u> |
|--------------------------------------------|----------------|-------------|--------------------|
| a.) <u>Carlos A. Sanchez, PE, PW Dir.</u> | <u>CAS</u> | <u>7/1</u> | <u>YES</u> |
| b.) <u>Wendy Smith, Asst. City Mgr/EMC</u> | <u>WS</u> | <u>7/2</u> | <u>YES</u> |
| c.) <u>JW Dale, CPM, Finance Director</u> | _____ | _____ | _____ |

8. **Staff's Recommendation:** Staff recommends approval as presented.

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

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

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

To: Mike R. Perez, City Manager

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

Date: June 25, 2013

Subject: **Budget Amendment to the General Depreciation Fund for the Purchase of A Wheel Loader (Streets & Drainage Department)**

GOAL:

Consideration and approval of a budget amendment to the General Depreciation Fund in the amount of \$143,286.00 for the purchase of a Wheel Loader Truck for the Streets & Drainage Department.

BRIEF EXPLANATION:

On June 24, 2013, the City Commissioners approved the purchase of one (1) 2013 Doosan DL300 Loader at a unit cost of \$166,750.00 plus \$6,536.00 for the Standard Heavy Bucket for a total cost of \$173,286.00. The Wheel Loader was budgeted in FY 2010-2011 however the funds were not forwarded accurately to the current 2012-2013 fiscal year budget. Only \$30,000.00 was posted on the current fiscal year's budget for this purchase. Therefore, an amendment in the amount of \$143,286.00 is required to account for the remaining balance.

RECOMMENDATION:

Public Works staff recommends approval of the budget amendment in the amount of \$143,286.00 to account for the cost related to the purchase of the Wheel Loader.

**CITY OF McALLEN
BUDGET AMENDMENT REQUEST FORM
FISCAL YEAR 2012-2013**

| | |
|----------------------------------------|--|
| DATE OF ENTRY | |
| ENTRY MADE BY | |
| JOURNAL ENTRY # | |
| AA UPDATE DATE | |
| To be assigned by Finance Dept. | |

FUND: GENERAL DEPRECIATION FUND

DEPARTMENT: DRAINAGE

| Fund | Dept. & Division | Activity | Element & Object | Project Code | Description | Original/Revised Budget | Debt | Credit | Revised Budget |
|---------------|------------------|----------|------------------|--------------|---------------------------|-------------------------|-------------------|-------------------|----------------------|
| 678 | 6382 | 436 | 66-14 | EC1113 | CAPITAL OUTLAY/VEHICLE | \$ 30,000 | \$ 143,286 | | \$ 173,286 |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| 678 | 6382 | | | | GENERAL DEPRECIATION FUND | \$13,975,694 | | 143,286 | 13,832,408 |
| TOTALS | | | | | | \$ 14,005,694 | \$ 143,286 | \$ 143,286 | \$ 14,005,694 |

(Round up all amounts to the nearest hundred dollars)

JUSTIFICATION: Budget Amendment needed to pay for a Wheel Loader that was budgeted in FY 10-11. The original budget for the replacement of the Wheel Loader was \$120,000, however only \$30,000 was rolled forward to this fiscal year.

Therefore, an amendment in the amount of \$143,286 is required to account for the remaining balance.

| | |
|---------------------------------|------|
| Department Head Approval | |
| Signature | Date |
| Finance Department | |
| Signature | Date |
| City Manager | |
| Signature | Date |

AN ORDINANCE AMENDING THE BUDGET OF THE CITY OF McALLEN FOR THE FISCAL YEAR 2012/2013 EFFECTIVE OCTOBER 1, 2012, BY PROVIDING FOR AN INCREASE IN EXPENDITURES TO-WIT: \$143,286.00 TO PURCHASE A WHEEL LOADER FOR THE STREETS AND DRAINAGE DEPARTMENT.

WHEREAS, the Board of Commissioners of the City of McAllen pursuant to Chapter 102 of the Local Government Code has heretofore adopted a budget for the City of McAllen for Fiscal Year 2012/2013. Such budget was effective October 1, 2012 and

WHEREAS, the Board of Commissioners of the City of McAllen deems it in the best interest of the City and for municipal purposes to amend the budget heretofore adopted for such fiscal year by providing for unanticipated expenditures which were not known to the governmental body prior to the adoption of the budget but have since become necessary to fund since the effective date of the budget and to also show revenues which were not anticipated by the governing body in the adoption of the 2012/2013 budget but have been received by the governmental body since that date.

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

SECTION I: The Budget for the City of McAllen for the Fiscal Year 2012/2013 which became effective October 1, 2012 as set out in Ordinance 2012-60 adopted on September 24, 2012 is hereby amended in the following particulars as shown on Exhibit "A" attached hereto and incorporated herein for all purposes.

SECTION II: The City Manager as Budget Officer shall provide for the filing of a true copy of this Budget Amendment in the office of the County Clerk, Hidalgo County, Texas.

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

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

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

amendatory thereof; however, it shall be cited in the appropriate appendix of the Code of Ordinances.

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

CONSIDERED, PASSED and APPROVED this 8th day of July, 2013, at a regular meeting of the Board of Commissioners of the City of McAllen, Texas, at which a quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code.

SIGNED this day of July, 2013.

CITY OF McALLEN, TEXAS

James E. Darling, Mayor

ATTEST:

Annette Villarreal, City Secretary

Approved as to form:

Kevin D. Pagan, City Attorney

CITY OF MCALLEN
STANDARD RECOMMENDATION FORM

| | | | |
|------------------------------|-------------------|----------------|-----------------------|
| CITY COMMISSION | <u> X </u> | AGENDA ITEM | <u> 2E </u> |
| UTILITY BOARD | <u> </u> | DATE SUBMITTED | <u> 7/1/13 </u> |
| PLANNING & ZONING COMMISSION | <u> </u> | MEETING DATE | <u> 7/8/13 </u> |
| OTHER | | | |

1. Agenda Item: Supplemental Agreement 1 to HNTB Amendment 13
2. Party Making Request: DEPARTMENT OF AVIATION PKB
3. Nature of Request: (Brief Overview) Attachments: X Yes No

This supplemental agreement eliminates from the scope of Amendment 13 those tasks associated with conducting the environmental assessment and adds to the scope those tasks associated with the drainage analysis and Categorical Exclusion as well as a site investigation of the area with will hold the ILS localizer shelter to be designed by the FAA.

4. Policy Implication: _____

5. Budgeted: X YES NO N/A

FUND: 554-8708-446-66-20

Bid Amount: \$433,939 Budgeted Amount: \$433,939

Under Budget: Over Budget: 0

Amount Remaining: \$0

If over budget, how will it be paid: Through Airport AIP funds

6. Alternate option/costs:

7. Routing:

| <u>NAME/TITLE</u> | <u>INITIAL</u> | <u>DATE</u> | <u>CONCURRENCE</u> <u>YES/NO</u> |
|--------------------------------------|--------------------|-------------------------|-------------------------------------|
| Brent Branham Deputy City Manager | <u> ABB </u> | <u> 07/02/13 </u> | <u> YES </u> |

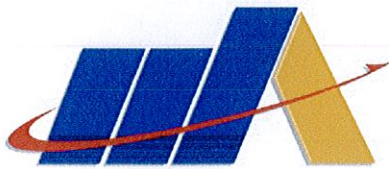
8. Staff Recommendation: Staff recommends approval

9. Advisory Board: Approved Disapproved X None

10. City Attorney: KP Approved Disapproved None

11. Manager's Recommendation: MRP Approved Disapproved None

12. Action Taken: _____



Department of Aviation
MEMO

To: Mike R. Perez, City Manager
Thru: Brent Branham, Deputy City Manager
From: Philip K. Brown, Director of Aviation
Date: July 1, 2013
Subject: Supplemental Agreement 1 to HNTB Amendment 13

On October 8, 2012, the City Commission approved Amendment 13 to HNTB's General Engineering contract to perform an environmental assessment, airport layout plan (ALP) update, and a required aeronautical survey on the proposed action for the airport runway safety area (RSA) improvements.

Subsequent to awarding the contract, the Federal Aviation Administration (FAA) determined that an Environmental Categorical Exclusion is required in lieu of the environmental assessment. In addition, to complete the environmental work, HNTB is required to conduct a drainage analysis for the berm and perimeter road relocation on the south end of the runway to determine impacts to the Flood Plain.

This supplemental agreement eliminates from the scope of Amendment 13 those tasks associated with conducting the environmental assessment and adds to the scope those tasks associated with the drainage analysis and Categorical Exclusion as well as a site investigation of the area with will hold the ILS localizer shelter to be designed by the FAA.

This change of scope results in no additional cost to the airport. Fee for the additional scope is \$62,339 and fee credited for the eliminated fee is \$61,896. Supplemental Agreement 1 is attached for your review.

Staff recommends approval.

SUPPLEMENTAL AGREEMENT - NUMBER 1

This Supplemental Agreement, Number 1, to the AGREEMENT FOR PROFESSIONAL SERVICES, dated October 8, 2012 (the Agreement), between City of McAllen, Texas (Owner) and HNTB Corporation (HNTB) is made effective as of _____, 2013.

1. HNTB shall perform the following Services:

- Additional site investigation of areas to include the Localizer Shelter to be designed by the FAA. See Attachment A for site area. (to be performed by Raba Kistner Consultants)
- Conduct Public Meeting
- Drainage Analysis for berm and road relocation to determine impacts to Flood Plain
- Draft Categorical Exclusion Submittal - HNTB will develop the Draft Categorical Exclusion Document by consolidating the Chapters prepared as part of tasks 1 through 7 of the original agreement.
- Final Categorical Exclusion Submittal – HNTB will prepare the Final Categorical Exclusion Document by incorporating edits from OWNER and FAA.

2. HNTB shall remove the following Services from the Agreement:

- Noise Analysis (Section A.1.1-Task 7, Item 1)
- Preliminary Draft EA Submittal (Section A.1.1-Task 8)
- Draft EA Submittal (Section A.1.1-Task 9)
- Preliminary Final EA Submittal (Section A.1.1-Task 10)
- Final EA Submittal (Section A.1.1-Task 11)

2. In conjunction with the performance of the foregoing Services, HNTB shall provide the following submittals/deliverables (Documents) to Owner:

- Notice of Public Meeting for Impacts to Floodplain to Owner
- Draft Categorical Exclusion Submittal
OWNER (2), FAA (3), ENGINEER (2), Raba Kistner (1).
- Final Categorical Exclusion Submittal
OWNER (3), FAA (2), ENGINEER (2), and Raba Kistner (1).

3. HNTB shall perform the Services and deliver the related Documents (if any) according to the following schedule:
- Notice of Public Meeting submitted on or before June 21, 2013
 - Public Meeting held on or before July 28, 2013
 - Draft Categorical Exclusion Submittal on or before August 23, 2013
 - Final Categorical Exclusion Submittal on or before August 30, 2013
4. In return for the performance of the foregoing obligations, Owner shall pay to HNTB the amount of \$ 0. Credits have been applied due to the change in scope from the original contract resulting in no change in fee with the new scope items. See Attachment B for breakdown of fee for additional scope (\$62,339) and credit for removed scope (\$61,896).

Except to the extent modified herein, all terms and conditions of the Agreement shall continue in full force and effect.

CITY OF MCALLEN, TEXAS
(OWNER)

HNTB Corporation
(HNTB)

Signature: _____

Signature: _____

Name: _____

Name: Michael R. Hess, P.E.

Title: _____

Title: Vice President

Date: _____

Date: _____

Attachment A

Attachment B

ATTACHMENT B
 BASIC SERVICES FEE FORMAT
 McAllen-Miller International Airport
 EA and ALP Update

Additional Scope

Title
Rate

| | P/C | CADD | PM | Sr Tech Adv | Drainage Eng | Jr Eng | QC EA | Sr EP | Jr EP | Hours/Tonels | Dollars Totals |
|--|-------|------|------|-------------|--------------|--------|-------|-------|-------|--------------|----------------|
| | \$104 | \$41 | \$50 | \$74 | \$48 | \$36 | \$75 | \$65 | \$31 | | |

Detailed Scope and Fee / Description of Work

Additional Scope

| | | | | | | | | | | | |
|--------------------------------------------------------------------------------------------------------------------------------|---|----|----|---|----|----|---|----|---|----|------------|
| Additional Site Investigation (Raba) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | \$0.00 |
| Sub management | 1 | 0 | 4 | 0 | 0 | 0 | 0 | 8 | 0 | 12 | \$824.00 |
| Conduct Public Meeting | 8 | 0 | 16 | 0 | 16 | 0 | 0 | 16 | 0 | 48 | \$3,440.00 |
| Public Notice | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 2 | \$130.00 |
| Create Boards | 0 | 16 | 2 | 0 | 8 | 0 | 0 | 8 | 0 | 34 | \$1,680.00 |
| Respond to public | 0 | 0 | 2 | 0 | 2 | 0 | 0 | 4 | 0 | 8 | \$456.00 |
| Drainage Analysis | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | \$0.00 |
| Meeting Hidalgo Co Drainage Staff to Review Available Data | 0 | 0 | 8 | 0 | 8 | 0 | 0 | 0 | 0 | 16 | \$784.00 |
| Obtain City Aerials and Contour Data for Study Area - Convert to Usable Format | 0 | 8 | 0 | 0 | 2 | 8 | 0 | 0 | 0 | 18 | \$712.00 |
| Obtain County Existing Conditions H&H Models from 2002 Mission Inlet Masterplan for use in Modeling OFA Fill and Levee Removal | 0 | 0 | 0 | 2 | 8 | 12 | 0 | 0 | 0 | 22 | \$964.00 |
| Proposed Conditions Modeling (2 Alternatives Considered) | 0 | 0 | 2 | 2 | 8 | 16 | 0 | 0 | 0 | 28 | \$1,208.00 |
| Preliminary Cat-X | 1 | 8 | 12 | 0 | 8 | 0 | 8 | 60 | 0 | 96 | \$5,916.00 |
| Final Cat-X | 1 | 2 | 0 | 0 | 0 | 0 | 2 | 16 | 0 | 20 | \$1,376.00 |

Total Direct Salary Costs

\$17,470

2. Labor and General & Administrative Overhead

Percentage of Direct Salary Costs 148.13% \$ 25,878.00

3. Direct Nonsalary Expenses

Transportation

| | | | | |
|------------|-----|------------------|----|----------|
| Lodging | 5 | \$120.00 /day | \$ | 600.00 |
| Car Rental | 5 | \$75.00 /day | \$ | 375.00 |
| Mileage | 250 | \$0.56 /mi | \$ | 138.75 |
| Airfare | 5 | \$600.00 /flight | \$ | 3,000.00 |

Food

| | | | | |
|-------|----|---------------|----|--------|
| Meals | 29 | \$15.00 /meal | \$ | 435.00 |
|-------|----|---------------|----|--------|

Printing

| | | | | |
|--------|------|--------------|----|----------|
| 8.5x11 | 4144 | \$0.04 /page | \$ | 180.68 |
| 8.5x11 | 4120 | \$0.41 /page | \$ | 1,706.50 |
| 11x17 | 130 | \$0.10 /pic | \$ | 12.75 |
| 11x17 | 500 | \$0.82 | \$ | 408.75 |
| 24x36 | 42 | \$8.50 | \$ | 367.08 |

Other

| | | | | |
|--------|----|-------------------|----|-----------------|
| Ship | 11 | \$25.00 /shipping | \$ | 275.00 |
| Notice | 1 | \$1,000.00 /each | \$ | 1,000.00 |
| | | | \$ | <u>8,489.52</u> |

4. Subtotal of Items 1,2, and 3

\$ 51,837.52

5. Fixed Payment (Profit)

15% of Items 1 and 2

\$ 6,502.20

6. Subcontract costs (Specify)

Raba-Kistner Consultants, Inc.

\$ 4,000.00

\$ 4,000.00

7. Total Cost

(Items 4, 5, plus 6)

\$ 62,339

ATTACHMENT B
 BASIC SERVICES FEE FORMAT
 McAllen-Miller International Airport
 EA and ALP Update

Eliminated Scope

Title
 Rate

Detailed Scope and Fee / Description of Work

| | PIC | CADD | Sr. Airport Planner | | | | QC EA | Sr. EP | Jr. EP | Hours Totals | Dollars Totals |
|--|------|------|---------------------|-----|-----|-----|-------|--------|--------|--------------|----------------|
| | \$90 | \$40 | \$51 | \$0 | \$0 | \$0 | \$75 | \$63 | \$31 | | |

Eliminated Scope

| | | | | | | | | | | | |
|--------------------------------------------|---|----|----|---|---|---|---|----|----|-----|------------|
| Noise Analysis | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 80 | 62 | \$1,980.00 |
| Task 7 Preliminary Draft EA | 2 | 16 | 40 | 0 | 0 | 0 | 4 | 24 | 40 | 124 | \$5,881.00 |
| Task 8 Draft EA and NOA | 1 | 8 | 24 | 0 | 0 | 0 | 2 | 16 | 24 | 74 | \$3,517.00 |
| Task 9 Preliminary Final EA | 1 | 8 | 24 | 0 | 0 | 0 | 4 | 24 | 16 | 76 | \$3,923.00 |
| Task 10 Final EA and FAA Decision Document | 1 | 4 | 16 | 0 | 0 | 0 | 2 | 16 | 16 | 54 | \$2,705.00 |

Total Direct Salary Costs

\$18,006

2. Labor and General & Administrative Overhead

Percentage of Direct Salary Costs 147.90% \$ 26,830.00

3. Direct Nonsalary Expenses

Printing

| | | | | |
|--------------|-------|--------------|----|----------|
| 8.5x11 (BW) | 13990 | \$0.04 /page | \$ | 609.86 |
| 8.5x11 (CLR) | 13965 | \$0.41 /page | \$ | 5,784.30 |
| 11x17 (BW) | 5790 | \$0.10 /plot | \$ | 568.00 |
| 11x17 (CLR) | 1166 | \$0.82 /plot | \$ | 953.21 |
| 24x36 (CLR) | 0 | \$8.50 /plot | \$ | - |

Other

| | | | | |
|--------|----|-------------------|----|-----------|
| Ship | 26 | \$25.00 /shipping | \$ | 650.00 |
| Notice | 2 | \$1,000.00 /each | \$ | 2,000.00 |
| | | | \$ | 10,585.47 |

4. Subtotal of Items 1,2, and 3

\$ 55,201.47

5. Fixed Payment (Profit)

15% of Items 1 and 2

\$ 6,695.40

6. Subcontract costs (Specify)

\$ -

7. Total Cost

(Items 4, 5, plus 6)

\$ 61,896

CITY OF MCALLEN
STANDARD RECOMMENDATION FORM

| | | | |
|------------------------------|-------------------|----------------|-------------------|
| CITY COMMISSION | <u> X </u> | AGENDA ITEM | <u> 3A </u> |
| UTILITY BOARD | <u> </u> | DATE SUBMITTED | <u> 7/1/13 </u> |
| PLANNING & ZONING COMMISSION | <u> </u> | MEETING DATE | <u> 7/8/13 </u> |
| OTHER | <u> </u> | | |

1. Agenda Item: Change order #1 to the contract awarded to Air IT for the purchase and installation of the new shared use passenger processing system

2. Party Making Request: DEPARTMENT OF AVIATION *PPB*

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

Change order #1 to remove maintenance and hardware warranties from the original contract as well as adding additional check in positions for greater flexibility. Net reduction for PO is \$87,513.

4. Policy Implication: _____

| | | | | | | |
|---------------|-------------------------------|----------------|---------------|-------------------|----------------------|----------------|
| 5. Budgeted: | <u> X </u> | <u> YES </u> | <u> </u> | <u> NO </u> | <u> </u> | <u> N/A </u> |
| FUND: | <u> 552-9020-446-66-20 </u> | | | | | |
| Bid Amount: | <u> \$364,523 </u> | | | Budgeted Amount: | <u> \$452,037 </u> | |
| Under Budget: | <u> \$87,514 </u> | | | Over Budget: | <u> 0 </u> | |
| | | | | Amount Remaining: | <u> \$87,514 </u> | |

If over budget, how will it be paid: Through Airport AIP funds

6. Alternate option/costs:

7. Routing:

| <u>NAME/TITLE</u> | <u>INITIAL</u> | <u>DATE</u> | <u>CONCURRENCE</u> <u>YES/NO</u> |
|--------------------------------------|----------------|---------------------|-------------------------------------|
| Brent Branham Deputy City Manager | <u> ABB </u> | <u> 07/02/13 </u> | <u> YES </u> |

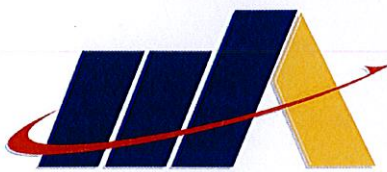
8. Staff Recommendation: Staff recommends approval

9. Advisory Board: Approved Disapproved X None

10. City Attorney: KP Approved Disapproved None

11. Manager's Recommendation: MRP Approved Disapproved None

12. Action Taken: _____



Department of Aviation
MEMO

To: Mike R. Perez, City Manager
Thru: Brent Branham, Deputy City Manager
From: Philip K. Brown, Director of Aviation
Date: July 1, 2013
Subject: Change Order #1 to SUPPS Project

On October 22, 2012 the City Commission authorized a contract with Air IT to provide and install a Shared Use Passenger Processing System (SUPPS). The initial project scope was \$452,036, including the base hardware installation and configurations as well as maintenance and hardware warranties.

This is a change of scope change order reducing the original contract by \$87,513. Staff proposes to eliminate hardware and software maintenance warranties in the amount of \$164,189. Hardware and software maintenance agreements will be sought competitively after the initial one year period.

The SUPPS is an important project pertaining to air service development for the McAllen International Airport. This system will alleviate a large portion of start up costs for potential airlines as they will not need to implement/install their proprietary software/hardware. With the SUPPS in place, the new airline will join on the Airport's platform in place for all the airlines, thus eliminating start up time and cost.

Additional scope change is required to accommodate additional work stations and the purchase of media players for the donated TVs by LG electronics. The total for this additional work is \$76,675.

The amended total cost for the project pertaining to hardware and installation is \$364,523, a reduction of \$87,513 from the original contract. Attached is a copy of the original Purchase Order and a summary of costs associated with the additional workstations and media players.

Staff recommends approval.

| Misc Hardware | Qty Required | Original Qty | Difference | Cost | Extended |
|-------------------------|--------------|--------------|------------|-------------|--------------|
| EASE Workstation | 36 | 30 | 6 | \$ 1,680.00 | \$ 10,080.00 |
| General Purpose Printer | 18 | 18 | 0 | \$ 612.00 | \$ - |
| BGR | 7 | 6 | 1 | \$ 1,440.00 | \$ 1,440.00 |
| MS/OCR | 31 | 25 | 6 | \$ 816.00 | \$ 4,896.00 |
| COMBO MAP | 15 | 12 | 3 | \$ 3,103.00 | \$ 9,309.00 |
| COMBO MAP - NO CABINET | 1 | 1 | 0 | \$ 2,203.00 | \$ - |
| DVC Media Player | 50 | 0 | 50 | \$ 935.00 | \$ 46,750.00 |
| | | | | Total | \$ 72,475.00 |

| Labor | | Additional Effort | Unit | Cost | Extended |
|------------------------------------------|--|-------------------|--------|-------------|-------------|
| Project Management | | 0.5 | MANDAY | \$ 1,400.00 | \$ 700.00 |
| Installation Labor | | 1.5 | MANDAY | \$ 1,000.00 | \$ 1,500.00 |
| System Engineer - Configuration Services | | 2 | MANDAY | \$ 1,000.00 | \$ 2,000.00 |
| | | | | Total | \$ 4,200.00 |

Change Order Total \$ 76,675.00

Purchase Order

No. PO00014262

Date 12/10/2012

Page 1 of 1

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

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

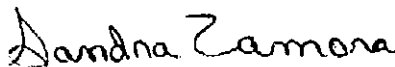
Vendor: AIR-TRANSPORT IT SERVICES INC
5950 HAZELTINE NATIONAL DRIVE
ORLANDO, FL 328225033

Ship To: MCALLEN-MILLER INTL AIRPORT
2500 S BICENTENNIAL BLVD SUITE 100
MCALLEN, TX 78503

| L/N | Commodity No./Stock Number / Class Item | Description | Ordered | U/M | Unit Price | Total Price |
|-----|-----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-----|------------|--------------|
| 1 | 20911 | BASE PROPOSAL (LUMP SUM) <i>From Req/Line: 15022/1 Dept: 4860</i> | 287,848.00 | LS | \$1.0000 | \$287,848.00 |
| 2 | 20911 | OPTIONAL:SOFTWARE ANNUAL MAINTENANCE <i>From Req/Line: 15022/2 Dept: 4860</i> | 105,036.00 | LS | \$1.0000 | \$105,036.00 |
| 3 | 20911 | OPTIONAL: HARDWARE ANNUAL MAINTENANCE <i>From Req/Line: 15022/3 Dept: 4860</i> PROJECT NO. 09-12-P34-68 RFP FOR SHARED USE PASSENGER PROCESSING SYSTEM (SUPPS) AT MCALLEN INTERNATIONAL AIRPORT. AS PER YOUR PROPOSAL SUBMITTED SEPTEMBER 18, 2012. ITEM APPROVED CC MEETING 10-22-12. CERTIFICATE OF INSURANCE TO BE SUBMITTED BY VENDOR WITHIN TEN (10) DAYS OF NOTICE OF AWARD. | 59,153.00 | LS | \$1.0000 | \$59,153.00 |

ORDER VIA EMAIL
PROJECT NO. 09-12-P34-68 RFP FOR SHARED USE PASSENGER PROCESSING SYSTEM
(SUPPS) AT MCALLEN INTERNATIONAL AIRPORT. AS PER YOUR PROPOSAL
SUBMITTED SEPTEMBER 18, 2012. ITEM APPROVED CC MEETING 10-22-12. COI: GL,
AL, AND UL EXPIRE ON 06/01/13; WC EXPIRES 07/01/13; ADDTL INSURED AND
WAIVER OF SUBROGATION INCLUDED.

| | |
|--------------------|---------------------|
| Subtotal | \$452,037.00 |
| Trade Discount | \$0.00 |
| Freight | \$0.00 |
| Order Total | \$452,037.00 |



Authorized Signature

(Required for Purchases over \$1,000.00)

STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION X
UTILITY BOARD _____
OTHER _____

AGENDA ITEM 3b
DATE SUBMITTED 07/02/13
MEETING DATE 07/08/13

1. Agenda Item: **Consideration and Authorization to solicit for Construction Management Services for the McAllen Public Safety Building Addition**

2. Party Making Request: Engineering Department

3. Nature of Request: (Brief Overview) Attachments: X Yes No
 Consideration and Authorization to solicit for Construction Management Services for the McAllen Public Safety Building Addition.

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

5. Budgeted: X Yes No N/A

Funding Source: 300-8708-426-66-10 Project # BB1306 \$92,000.00

6. Alternate Option/Costs _____

7. Routing:

| <u>NAME/TITLE</u> | <u>INITIAL</u> | <u>DATE</u> | <u>CONCURRENCE</u> |
|-----------------------------------------|-------------------|-------------------|--------------------|
| a) Y. Barrera, PE, CFM, City Engineer | <u> YB </u> | <u> 7/2/13 </u> | <u> YES </u> |
| b) V. Rodriguez, Chief of Police | <u> </u> | <u> </u> | <u> </u> |
| c) R. Rodriguez, PE, Asst. City Manager | <u> </u> | <u> </u> | <u> </u> |
| c) J. Dale, CPA, Finance Director | <u> JD </u> | <u> 7/2/13 </u> | <u> YES </u> |
| d) S. Zamora, CPM, Director of P&C | <u> </u> | <u> </u> | <u> </u> |

8. Staff Recommendation: **Approval to solicit for Construction Management Services.**

9. Advisory Board: Approved Disapproved X None


10. City Attorney: Approved Disapproved KP None

11. Manager's Recommendation: Approved Disapproved MRP None



CITY OF MCALLEN
DEPARTMENT OF ENGINEERING
MEMORANDUM

To: Mike R. Perez, City Manager

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

Date: July 2, 2013

Subject: **Consideration and Authorization to solicit for Construction Management Services for the McAllen Public Safety Building Addition.**

Goal

Authorization to solicit for Construction Management Services for the Public Safety Building Additions.

Explanation

The Public Safety Building Additions consists of 15,823 square feet of new construction and 13,573 square feet of interior renovations at a total estimated cost of \$3,056,741. In order to provide the necessary oversight on this and other City buildings that are nearing construction stage, staff is presenting the option to solicit for construction management services.

At this time, the current vertical (buildings) project workload includes the Development Services Building, remodel of City Hall, Northwest Police Building Addition, Reroofs of hail damaged buildings, Fire Station #4 improvements, Public Works Truck Wash, EOC HVAC improvements, Hidalgo Bridge Fencing improvements, and IMAS exterior upgrades. In addition we will be commencing with the following projects: Public Works Fleets Canopy, Downtown Park and Ride and North Transfer Station.

The proposed services would require full time management, by highly qualified personnel who would be responsible to the owner. Additionally, they would act as the owner's agent in matters pertaining to the overall coordination and control of project from commencement of construction through final acceptance of work. Some of these work activities include daily inspection of work, reviewing shop drawings, preparing weekly and monthly work progress reports, reviewing monthly payment applications to ensure accurate billing, assist in coordinating work activities to minimize/avoid project delays and cost overruns, and if necessary assist Architect in preparation of change orders to minimize impact to project cost.

This type of service is over and above the services outline in the Consulting Architect's Contract. Those construction administration responsibilities are part of the Basic Services of their contract; however they are limited and are usually supplemented by City staff.

If this request is approved, we recommend a budget not to exceed \$92,000 (3% of the construction cost). Construction duration is estimated at 14 months, as it will take approximately 8 months for the new construction and the remaining time to move from and renovate the existing space.

Options

Approve or disapprove the request to solicit for Construction Management Services.

Recommendation

Staff recommends approval to solicit for Construction Management Services for the Public Safety Building Additions.

STANDARDIZED RECOMMENDATION FORM

30

CITY COMMISSION

UTILITY BOARD _____

PLANNING & ZONING BOARD _____

OTHER _____

AGENDA ITEM _____

DATE SUBMITTED 7/2/2013

MEETING DATE 7/8/2013

1 Agenda Item: Consider Authorizing Staff to Negotiate An Agreement with The Retail Coach for a Retail Economic Development Plan

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

3 Nature of Request: (Brief Overview) Attachments: X Yes No
Staff requests authorization to negotiate an agreement with The Retail Coach as part of ongoing efforts to recruit and retain retail development in McAllen.

4 Policy Implication: _____

5 Budgeted: _____ Yes X No _____ N/A

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

6 Alternate option costs: _____

| 7 Routing: | <u>NAME/TITLE</u> | <u>INITIALS</u> | <u>DATE</u> | <u>CONCURRENCE</u> <u>YES/NO</u> |
|------------|-------------------|-----------------|-------------|-------------------------------------|
| a) | _____ | _____ | _____ | _____ |
| b) | _____ | _____ | _____ | _____ |

8 Staff Recommendation: Authorize staff to negotiate an agreement not-to-exceed \$65,000

9 Advisory Board: _____ Approved _____ Disapproved ~~_____~~ None

10 City Attorney: _____ Approved _____ Disapproved ~~_____~~ None

11 Manager's Recommendation: ml Approved _____ Disapproved _____ None



MEMO

To: Mayor and City Commission
From: Wendy L. Smith, Assistant City Manager *WLS*
Date: July 1, 2013
Subject: Retail Study

Over the last several months, staff met with numerous retail consultants to explore ways to supplement our current retail recruitment and retention efforts. Of these consultants The Retail Coach rose to the top in terms of professionalism, understanding the opportunities and challenges of the market, and value from the study.

The Retail Coach proposes to produce a Retail Economic Development Plan with the following elements:

- Market Analysis
- Community Analytics, including a gap analysis
- Retailer Matching
- Action Plan
- Retail Coaching

The plan will focus on three tracts in McAllen, but the information derived can be utilized for commercial development city-wide. The plan will be a critical tool to recruit and retain retailers.

Attached is the list of deliverables. We request authorization to negotiate a contract with The Retail Coach for an amount not-to-exceed \$65,000. Much of the plan will be available before ICSC-Texas in November.

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

- 3 Retailer Interview Summaries
- 3 Results from License Plate Surveys
- Stakeholder Interview Summary
- 3 Retail Trade Area Maps with Demographic Profile
- 3 Secondary Retail Trade Area Maps with Demographic Profile
- 3 7-Minute Drive Time Maps with Demographic Profile
- 3 12-Minute Drive Time Maps with Demographic Profile
- 3 3-Mile Radial Maps with Demographic Profile
- 3 5-Mile Radial Maps with Demographic Profile
- 3 7-Mile Radial Maps with Demographic Profile
- McAllen Community Demographic Profile
- Socioeconomic Profiles
- 3 Retail Psychographic Profiles, including dominant lifestyle segmentation definitions and characteristics
- 3 Work Place & Employment Summaries
- Land Use Analysis/Development Analysis for three sites
- 3 Retail Gap/Opportunity Analyses, including a summary table and summary graphs, showing surpluses and/or leakages for the 52 retail sectors
- 3 Customizable Retail Gap/Opportunity Analyses PowerPoint presentations containing Retail Trade Area demographic profiles, summary tables and summary graphs showing surpluses and/or leakages

PHASE 3

RETAIL STRATEGIES

- 3 Target lists of retailers and restaurants along with contact information
- 3 Retailer Feasibility Packages
- 3 Customized Marketing Emails
- 3 Recruitment Status Reports based on retailer and restaurant contacts
- Interactive Mapping: Online interactive mapping application utilizing ARCGIS to create an online map of available site locations. Map will include clickable layers to show site information, images and links. Clickable layers revealing ESRI based data from the block level can also include demographics, house hold income, tapestry categories (psychographic data) and median home values.

PHASE 4

ACTION PLAN

- 3 Community and Economic Development Observations & Recommendations
- 3 Retail Road Map/Action Plans

STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION X
UTILITY BOARD _____
OTHER _____

AGENDA ITEM 4A
DATE SUBMITTED 7/2/13
MEETING DATE 7/8/13

1. Agenda Item: FIREWORKS ORDINANCE AMENDMENTS (CHAPTER 50)

2. Party Making Request: Fire Marshal Juan P. Salinas

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

Consideration and action on amendments to Chapter 50 of the McAllen Code of Ordinances relating to the regulation and permitting of public displays of fireworks.

4. Policy Implication: Public Safety

5. Budgeted: Yes No X N/A

6. Alternate Option/Costs N/A

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE

a.) Fire Chief Rafael Balderas [Signature] 7/2/13 YES

b.) _____ _____ _____ _____

8. Staff Recommendation: Approval

10. Advisory Board: Approved Disapproved X None

11. City Attorney: KP Approved Disapproved None

12. City Manager: MRP Approved Disapproved None



City of McAllen

Working for a better McAllen.

MEMO

TO: Board of Commissioners ^

FROM: Ignacio Pérez, Deputy City Attorney

FOR: Juan P. Salinas, Fire Marshal

DATE: July 2, 2013

SUBJECT: Amendments to Fireworks Displays Ordinance

Goal: To allow and regulate the public display of fireworks in a way that promotes their enjoyment in a safe way. This can be accomplished by updating McAllen's Fireworks Displays Ordinance (Chapter 50) at Article III (amending various provisions of the International Fire Code adopted by the City), and at Article IV, Division 1 ("Generally") and Division 2 ("Public Displays").

Brief explanation of the item: There is a growing interest in the private sector to provide entertainment and promote business interests by way of public displays of fireworks. The City's current Code of Ordinances relating to the regulation of these displays needs to be updated. A moratorium on the issuance of permits was approved by the Board of Commissioners on March 11, 2013 for a 90-day period in order to allow the crafting of proposed amendments. The proposed amendments are now being submitted for consideration and approval.

Options: (1) Approve the ordinance amendments as proposed. (2) Modify the proposed amendments and approve as modified. (3) Table the item and provide further direction to staff. (4) Disapprove the proposed amendments.

Recommendation: Staff recommends approval of ordinance amendments as proposed.

AN ORDINANCE AMENDING VARIOUS PROVISIONS OF THE McALLEN CODE OF ORDINANCES AT CHAPTER 50 (“FIRE PREVENTION AND PROTECTION”), ARTICLE III (“FIRE PREVENTION CODE”), RELATING TO THE INTERNATIONAL FIRE CODE, AND ARTICLE IV (“FIREWORKS”) AT DIVISION 1 (“GENERALLY”) AND AT DIVISION 2 (“PUBIC DISPLAYS”), RELATING TO THE REGULATION AND PERMITTING OF PUBLIC DISPLAYS OF FIREWORKS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR PUBLICATION; PROVIDING FOR SEVERABILITY, AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

WHEREAS, the McAllen Code of Ordinances at Chapter 50 (*“Fire Prevention and Protection”*), Article IV (*“Fireworks”*), Division 2 (*“Pubic Displays”*) regulates the public display of fireworks by providing for the qualifications of applicants, application procedures, guidelines for their review, the issuance of permits, as well as conditions for the same and applicable fees; and,

WHEREAS, on March 11, 2013 the Board of Commissioners approved a moratorium for up to Ninety (90) Days after its effective date, during which time staff would review of the existing ordinance provisions to ensure that it is updated and continues to promote the aforementioned stated goals; and

WHEREAS, the aforementioned moratorium has expired and staff has conducted a review of existing ordinance provisions and has proposed ordinance amendments; and

WHEREAS, the Board of Commissioners finds that it serves the interests of the City of McAllen and its citizens to revise and amend certain provisions relating to the regulation and permitting of public displays of fireworks, while promoting the health, safety and welfare of those who live, work, and visit the City,

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

SECTION I: The provisions in **Section 50-66** of the McAllen Code of Ordinances
are amended and shall read as follows:

Sec. 50-66. International Fire Code adopted; amendments; copies on file.

(a) There is hereby adopted for and by the city, the 2012
International Fire Code, with all appendices thereto, prepared by the
International Code Council, except that: [...]

**(15) 5608.2.2. Use of pyrotechnics before a proximate
audience is amended by adding Section 5608.2.2.1 (Inside Use
of Pyrotechnics) as follows:**

5608.2.2.1 Inside Use of Pyrotechnics.

**The use of pyrotechnics inside of a building shall be
unlawful unless authorized and approved in writing by the Fire
Marshal prior to the issuance of a permit. The Fire Marshal may
require the owner or person in possession or control of the
building or premises to provide without charge to the
department a technical opinion and report stating whether
harmful smoke would be produced and pose a health hazard to
the public. The opinion and report shall be prepared by a
qualified engineer, specialist, laboratory, or fire safety specialty
organization acceptable to the Fire Marshal and the owner. A
permit for the use of pyrotechnics shall be issued when
approved by the Fire Marshal. Application for a permit shall be
made in writing 30 days prior to the use of pyrotechnics.**

(16) Section 5608.2. Permit application is amended by adding Sections 5608.2.3 (Procedure for Applying; Permit for Fireworks Display) through 5608.2.8 (Duties of Permittee) as follows:

5608.2.3 Procedure for Applying; Permit for Fireworks Display.

A permit applicant shall, at least 30 days before using fireworks, file with the Fire Marshal a completed permit application showing the:

a) Pyrotechnics:

1. Business address;

2. Proof of legal competency; and

3. Record of previous experience with fireworks;

b) Address of the proposed display;

c) Amount, type, and class of fireworks to be used;

d) Address of the company supplying the fireworks;

e) Date of proposed display;

f) Starting and ending times of the proposed display; and

g) Diagram of the proposed display grounds, detailing:

1. Firing points

2. Location of buildings and highways on or adjoining the grounds;

3. Spectator restraining lines; and

4. Overhead obstructions.

h) Completed permit application to the Fire Marshal including the surety bond or insurance coverage required by State Law.

The Fire Marshal shall, within five days from date of the completion of the requirements in Subsection (l) of this section, approve or refuse to approve the permit. If the Fire Marshal refuses to approve issuance, he shall immediately send to the applicant by certified mail, return receipt requested, a written statement explaining the basis of the refusal.

5608.2.4. Refusal to Issue.

The Fire Marshal may refuse to approve issuance of a permit if the applicant:

1. Intentionally makes a false statement as to a material matter in the permit application;

2. Is a fugitive from justice;

3. Is under a felony indictment;

4. Has been finally convicted of a felony offense within that five year period immediately preceding the filing of the application;

5. Has been finally convicted of a misdemeanor violation of an explosives law or regulation within the two year period immediately preceding filing of the application;

6. Held a permit issued under this article, which permit was revoked within that one year period immediately preceding the filing of the application;

7. Has been adjudicated a mental defective; is an unlawful user of, or addicted to, a controlled substance or dangerous drug, or suffers from any other handicap, infirmity, defect, or condition which might reasonably diminish his competency to safely conduct the proposed activity or would create an unreasonable risk of injury to life or property in the performance of the proposed activity.

5608.2.5. Revocation of Permit.

The Fire Marshal shall revoke a permit if the permittee:

1. Intentionally makes a false statement as to a material matter in the permit application;
2. Knowingly allows another to use his permit;
3. Violates a term or condition of the permit;
4. Fails within the applicable time period to comply with an order or notice on him under this article; or
5. Fails to discharge a duty imposed on him by this Section.

The Fire Marshal shall, within five days from the date of revocation, send to the permittee by certified mail, return receipt requested, a written statement explaining the basis of the revocation.

5608.2.6. Appeal of Permit Refusal or Revocation.

If the Fire Marshal refuses to issue a permit under this section, that action is final unless the applicant or permittee, within 10 days after receiving a written notice of the action, files a written appeal with the chairman of the Board of Appeals.

5608.2.7. Bond.

The permittee shall furnish a bond or certificate of insurance in the minimum amount of One Million Dollars. The Fire Marshal may increase the amount of the required bond or insurance when he deems it advisable.

5608.2.8. Duties of Permittee.

A permittee shall:

- 1. Upon request, make his permit available for inspection to a member of the Fire Department, Police Officer, or any other authorized person;**
- 2. Notify the Fire Marshal of the loss or destruction of an unexpired permit, notice to be given immediately upon discovery of the loss or destruction;**
- 3. Secure a replacement permit for that lost or destroyed;**
- 4. Comply immediately with the Fire Marshal's order to dispose of fireworks which become hazardous during the performance of this permitted activity; and**
- 5. Return his permit to the Fire Marshal immediately upon its expiration, together with a statement detailing the cause of expiration and the disposition of unused fireworks.**

SECTION II: The provisions in **Section 50-92** of the McAllen Code of Ordinances

are amended and shall read as follows:

Sec. 50-92. General prohibition against manufacture, sale, discharge, transportation, etc.; **City sponsored holiday fireworks displays.**

(a) Except as otherwise specifically provided in this article, it shall be unlawful for any person to manufacture, assemble, store, transport, receive, keep, sell, offer for sale, use, discharge, cause to be discharged, ignite, detonate, fire or have in his possession any fireworks of any description within the corporate limits of the city or within a distance of 5,000 feet from the corporate limits of the city as they now exist or as may be adjusted by annexations.

(b) Possession and use of fireworks by pyrotechnics shall be allowed in connection with a City-sponsored fireworks display in celebration of a recognized holiday, such as the Fourth of July and New Year's, under the following conditions:

1. The site of the display has been previously approved by the Fire Marshal;

2. The display is within 10 days of a federal, state or city holiday, and is in connection with a public holiday celebration;

3. The display is to be held under the supervision of the Fire Marshal or his representative. It is unlawful for any person or entity, in conducting such a display or storing or transporting explosives preparatory to such an event, to fail to adhere to all specifications and directions of the Fire Department representative supervising such event.

SECTION III: Section 50-112 of the McAllen Code of Ordinances is amended and shall read as follows:

Sec. 50-112. Permit—Application; **Fee.**

(a) Provided they are qualified professional pyrotechnics, any adult or any entity may apply for a permit under the provisions of this division. Any such person or entity Any adult person or any firm, copartnership, corporation or association planning to make a public display of fireworks shall first make written

application for a permit to the fire marshal at least 30 days in advance of the date of the proposed display, and simultaneously pay an application fee of \$500.00.

(b) Possession and use of fireworks by pyrotechnics shall be allowed with a permit in connection with a fireworks display in celebration of a recognized holiday under the following conditions:

(1) The site of the display has been previously approved by the Fire Marshal;

(2) The display is within 10 days of a federal, state or city holiday, and is in connection with a public holiday celebration, and

(3) The display is to be held under the supervision of the Fire Marshal or his representative. In addition to other violations contained in this chapter, it shall be unlawful for any person in conducting such a display, or storing or moving explosives preparatory to such an event, to fail to adhere to all specifications and directions of the Fire Department representative supervising such event.

SECTION IV: Section 50-116 of the McAllen Code of Ordinances is amended and shall read as follows:

Sec. 50-116. Sec. 50-116. Time and number of displays.

No display authorized by this division shall be commenced **prior to the hour of 1:00 p.m. on any day, nor later than 10:00 p.m. Sundays through Thursdays nor later than 11:00 p.m. on Fridays and Saturdays;** ~~later than 4:00 p.m.;~~ provided, however, **that regardless of the day of the week,** fireworks displays may be commenced ~~between the hours of 10:00 p.m. and 11:59 p.m. on~~ December 31 of any year and ~~January 1 of any year~~ **as early as 10:00 p.m. and through 1:00 a.m. of the following day,** if such displays comply with all other requirements of this article **code.** Any display authorized by this division shall be completed within one hour after the time the display is commenced, and no permit

shall authorize more than two displays in each 24 hours within any 24-hour period.

SECTION V: Section 50-120 of the McAllen Code of Ordinances is amended and shall read as follows:

Sec. 50-120. Firefighters to be present; fee charges; exceptions.

For each public display of fireworks under this division, not less than ~~two~~ one firefighter of the city shall be in attendance at the display, at the expense of the applicant. The Fire Chief or Fire Marshal may require a standby firefighting unit, at the expense of the applicant. ~~The total charge~~ Charges for the attendance of these firefighters shall be \$60.00 for each display, ~~which~~ any firefighter and any standby firefighting unit shall be in addition to all permit application and other applicable fees. This charge These charges shall be paid prior to permit issuance or at such time or times as directed by the fire marshal at the time application is made for the permit. Provided, however, no city firefighters and/or standby firefighting unit shall be required at a public display, and no charge for ~~such firefighters~~ the same shall be made, if the applicant has available at the display adequate firefighting capabilities which have been approved by the fire marshal. ~~The approval of the fire marshal must be obtained prior to issuance of the permit.~~

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

SECTION VII: This Ordinance shall be and remain in full force and effect from and after its passage by the Board of Commissioners, and execution by the Mayor.

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

CONSIDERED, PASSED and APPROVED this _____ day of July, 2013, at a regular meeting of the Board of Commissioners of the City of McAllen, Texas at which a quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code, and Chapter 102 of the Texas Local Government Code.

SIGNED this ____ day of July, 2013.

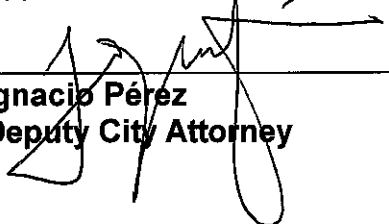
CITY OF McALLEN

By: _____
James E. Darling, Mayor

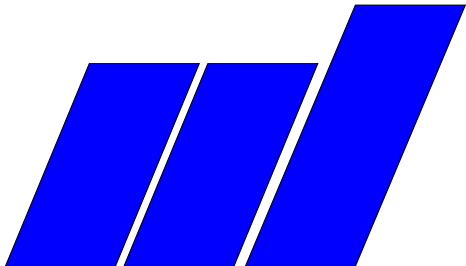
Attest:

Annette Villarreal
City Secretary

Approved as to form:



Ignacio Pérez
Deputy City Attorney



**CITY OF MCALLEN
COMMUNITY DEVELOPMENT DEPARTMENT**

MEMORANDUM

To: Mayor and City Commissioners
From: Janet Matthews Landeros, Community Development Board Chair
Date: June 25, 2013
Subject: CDBG, HOME and ESG Budgets

Goal – The Community Development Council (CDC) respectfully submits the following recommendation for approval by the City Commission.

Explanation - In compliance with federal regulations governing citizen participation, the CDC held several public hearings, interviewed agencies and had committee meetings during the period of January through June 2013.

After much discussion, review and deliberation of each application, the CDC identified the projects which merit funding for the 2013-2014 Program Year. Such was formally presented on Tuesday, May 28, 2013 using an estimated budget.

However during the mandated 30-day comment period, the City received its annual allocation for the three grant programs. The CDAC reconvened on Monday, June 2, 2012 and, after deliberation, voted to amend the recommendation. The attached ordinance reflects the CDAC's revised recommendation.

Options

- A. City Commission may approve as submitted.
- B. City Commission may revise recommendations and approve revisions.

Should you have any questions, please advise.

Thank you,
JML:MPM/ymb

ORDINANCE NO. 2013-

AN ORDINANCE ADOPTING THE CONSOLIDATED PLAN AND STRATEGY AND THE ANNUAL ACTION PLAN APPLICATION AND BUDGET FOR HUD ENTITLEMENT FUNDS TO BE RECEIVED BY THE CITY OF McALLEN UNDER THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED; ESTABLISHING AN ANNUAL BUDGET PERIOD OF OCTOBER 1, 2013 TO SEPTEMBER 30, 2014; AUTHORIZING THE IMPLEMENTATION OF THE THIRTY-NINTH YEAR PROGRAM; PROVIDING FOR THE PUBLICATION OF THE ORDINANCE AND SEVERABILITY OF SECTIONS AND AUTHORIZING THE MAYOR TO PERFORM ALL ACTIONS NECESSARY TO IMPLEMENT THE PROGRAM.

WHEREAS, the City of McAllen is an entitlement City under the provisions of the Housing and Community Development Act of 1974, as amended; and

WHEREAS, during the thirty-ninth year of such entitlement, the City of McAllen will have available for the benefit of its citizens, primarily low income citizens, \$2,143,763.51; and

WHEREAS, the Community Development Council, as established by the City Commission of the City of McAllen, held public hearings and reviewed proposals in regard to the use of Community Development Block Grant, HOME Investment Partnership Program and Emergency Solution Grant funds and recommended that the budget be approved and adopted; and

WHEREAS, the City of McAllen has completed its Thirty-ninth Year Community Development Block Grant Application, a copy of which is on file at the office of the City Secretary of the City of McAllen, Texas.

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

SECTION I: The Thirty-ninth Year Community Development Block Grant (CDBG), Home Investment Partnership (HOME) and Emergency Solutions Grant (ESG) Budget for Fiscal Year 2013-2014 is hereby adopted in the following particulars:

| | |
|---------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| ▪ Affordable Homes of South Texas, Inc. - Helping Hands Grants | \$142,500 |
| Funds will be used for principle reduction grants to qualified households | |
| ▪ Affordable Homes of South Texas , Inc. – Neighborhood Revitalization | \$142,500 |
| Funds will be used for the purchase and rehabilitation of properties for resale | |
| ▪ Affordable Homes of South Texas , Inc. – New Beginnings | \$190,000 |
| Funds will be used for the rehabilitation and/or reconstruction of substandard housing | |
| ▪ Amigos Del Valle, Inc. | \$9,800 |
| Funds will be used to provide hot meals to homebound senior citizens | |
| ▪ Boys and Girls Club on McAllen – Brand Center | \$285,000 |
| Funds will be used to provide fire sprinkler system/alarm, restroom upgrades and other building improvements as outlined in the master plan | |
| ▪ Boys and Girls Club on McAllen- Scholarship Program | \$8,000 |
| Funds will be used for membership, sports league and summer camp scholarships | |
| ▪ Children’s Advocacy of Hidalgo County | \$10,000 |
| Funds will be used for salaries to provide services to victims of child abuse | |
| ▪ Comfort House Services, Inc. | \$30,000 |
| Funds will be used for salaries of caregivers who provide palliative care | |
| ▪ Community HOPE Projects, Inc. | \$10,000 |
| Funds will be used for lab fees, surgeries, medical/dental procedures and medicine | |
| ▪ Dentists Who Care, Inc. | \$15,000 |
| Funds will be used for dental services and care | |
| ▪ Easter Seals – Rio Grande Valley | \$10,000 |
| Funds will be used for physical, occupational, and speech therapy services | |
| ▪ Engineering Dept. – Kendlewood Ave. Drainage Improvements Phase II | \$96,000 |
| Funds will construct a storm sewer line along Kendlewood between 19 th and 22½ nd | |
| ▪ First United Methodist Church (“In His Steps” Shoe Bank of McAllen) | \$6,000 |
| Funds will be used for the purchase of shoes for school-aged children | |
| ▪ Girl Scouts of Greater South Texas | \$3,200 |
| Funds will be used for membership dues and program supplies | |
| ▪ LRGV Community Health Management Corp., Inc. – El Milagro Clinic | \$5,000 |
| Funds will be used to provide specialty and ancillary medical services, medical supplies and durable medical equipment | |
| ▪ LRGVDC – Area Agency on Aging | \$5,000 |
| Funds will be used for medication, dentures and hearing aids for the elderly | |
| ▪ LRGVDC – Foster Grandparent Program | \$3,000 |
| Funds will be used for stipends of elderly participants who mentor children | |
| ▪ McAllen Food Pantry | \$34,000 |
| Funds will be used for purchase of food to be distributed via 5 pantries | |
| ▪ Parks and Recreation Department – Roosevelt Elementary School Pavilion | \$75,000 |
| Funds will be used for a pavilion at the Roosevelt Elementary School Campus | |
| ▪ Parks and Recreation Department – Trail and Landscaping at Uvalde Fields | \$96,000 |
| Funds will be used for a landscaped trail at Uvalde Practice Fields | |
| ▪ Parks and Recreation Department – Wilson Elementary School Pavilion | \$75,000 |
| Funds will be used for a pavilion at the Wilson Elementary School Campus | |
| ▪ Palmer Drug Abuse Program | \$3,000 |
| Funds will be use for the salary of a counselor, program activities and supplies | |
| ▪ Planned Parenthood Association | \$15,000 |
| Funds will be used for physical exams, pap tests, lab work and STI testing | |

| | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| ▪ Senior Communities Outreach Services, Inc. | \$5,000 |
| Funds will reimburse stipends to the elderly who provide companionship | |
| ▪ Silver Ribbon Community Partners | \$5,000 |
| Funds will be used for rent/deposits, utilities/deposits, medication, doctor visits, eyeglasses and durable medical equipment | |
| ▪ The Salvation Army – Emergency Shelter and Social Services | \$5,000 |
| Funds will be used for rent/utilities, food, transportation, medication assistance, work clothes, culinary supplies, hygiene kits and towels and sheets/blankets | |
| ▪ Vannie E. Cook, Jr. Cancer Foundation, Inc. | \$8,000 |
| Funds will be used for services to children with cancer or other blood diseases | |
| ▪ Women Together Foundation, Inc. – Transitional Housing Services | \$10,000 |
| Funds will be used for the Transitional Housing Coordinator and Caseworker | |
| ▪ Community Development Administration | \$306,338.51 |
| Funds will be used for program administration | |
| ▪ Affordable Homes of South Texas, Inc. – HOME PROGRAM | \$377,000 |
| Funds will be used for the construction of homes throughout the City | |
| ▪ Community Development Administration – HOME PROGRAM | \$41,614 |
| Funds will be used for program administration | |
| ▪ Advocacy Resource Center for Housing (ARCH) – ESG PROGRAM | \$20,000 |
| Funds will be used for services to prevent homelessness or house homeless persons | |
| ▪ Catholic Charities of the Rio Grande Valley – ESG PROGRAM | \$20,000 |
| Funds will be used for services to prevent homelessness or house homeless persons | |
| ▪ The Salvation Army – ESG PROGRAM | \$36,400 |
| Funds will be used for shelter services, homeless prevention and re-housing | |
| ▪ Women Together Foundation, Inc. – ESG PROGRAM | \$32,000 |
| Funds will be used for victims of domestic violence | |
| ▪ Community Development Administration – ESG PROGRAM | \$8,411 |
| Funds will be used for program administration | |
| TOTAL | \$2,143,763.51 |

And, in compliance with the Community Housing Development Organization (CHDO) and Community Based Development Organization (CBDO) Agreements, CHDO and CBDO Proceeds, as defined by the U.S. Department of Housing and Urban Development, received during the program year will remain with Affordable Homes of South Texas, Inc. and are subject to City approval prior to expenditure.

SECTION II: The Thirty-ninth Year Community Development Block Grant Application of the City of McAllen is hereby approved and shall be submitted to the U. S. Department of Housing and Urban Development, upon execution by the Mayor of the City of McAllen, Texas. The Mayor or designee is hereby authorized to sign the contracts with HUD, contracts resulting from HUD funding, as well as perform all other actions necessary to implement this program.

SECTION III: This ordinance shall not be published in the Code of Ordinances of

the City of McAllen, Texas, as it is not amendatory thereof.

SECTION IV: The City Secretary of the City of McAllen is hereby authorized and directed to publish the caption of this ordinance in a newspaper of general circulation in the City of McAllen in accordance with The Code of Ordinance of the City of McAllen, Section 2-56. Publication of ordinances.

SECTION V: This ordinance shall become effective upon its passage and publication in accordance with the law.

SECTION VI: Should any part or parts of this ordinance be held invalid or unconstitutional by a court of competent jurisdiction, then such invalidity or unconstitutionality shall not affect the remaining portions thereof and such remaining parts shall remain in full force and effect and to that extent that section is considered severable.

CONSIDERED, PASSED and APPROVED this 8th day of July 2013, at a Regular meeting of the Board of Commissioners of the City of McAllen at which a quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code.

SIGNED this _____ day of _____, 2013.

CITY OF McALLEN

By: _____
James E. Darling, Mayor

ATTEST

By: _____
Annette Villarreal, City Secretary

APPROVED AS TO FORM:

Kevin Pagan, City Attorney

STANDARDIZED RECOMMENDATION FORM

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

AGENDA ITEM _____
DATE SUBMITTED 7/2/2013
MEETING DATE 7/8/2013

1 Agenda Item: Resolution to approve the Quinta Master Plan as presented to the City Commission on March 25, 2013.

2 Party Making Request: Parks and Recreation

3 Nature of Request: (Brief Overview) Attachments: x Yes No
The Quinta Advisory Board presented to the City Commission a Master Plan for future development on March 25, 2013.

4 Policy Implication: None there is no funding attached to this recommendation

5 Budgeted: Yes No x N/A

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

6 Alternate option costs: _____

7 Routing:

| <u>NAME/TITLE</u> | <u>INITIALS</u> | <u>DATE</u> | <u>CONCURRENCE YES/NO</u> |
|--------------------------------|-----------------|---------------|-------------------------------|
| a) <u>Sally Gavlik, Dir.</u> | <u>sg</u> | <u>7/2/13</u> | <u>YES</u> |
| b) <u>Brent Branham, Dep.C</u> | _____ | _____ | _____ |


8 Staff Recommendation: Staff recommends approval of the Quinta Master Plan without financial commitment.

9 Advisory Board: x Approved Disapproved None

10 City Attorney: Approved Disapproved KP None

11 Manager's Recommendation: ^{MRP} Approved Disapproved None

MEMORANDUM

To: MIKE R. PEREZ, CITY MANAGER
From: SALLY GAVLIK, DIRECTOR 
Subject: RESOLUTION TO ADOPT THE QUINTA MAZATLAN MASTER PLAN
Date: JULY 2, 2013

COMMENT

GOAL: To adopt the Quinta Mazatlan Master Plan as presented to the City Commission on March 25, 2013.

DISCUSSION: The Quinta Advisory Board presented a Master Plan to the City Commission on March 25, 2013. This Master Plan is a guide for future development and expansion of the current facility. The Master Plan identifies three (3) areas for future development.

Approval of the Master Plan does not commit future city resources for the project. Future development of the park site will be dependent on the annual budget process.

RECOMMENDATION: Recommend approval of the Quinta Master Plan as a conceptual concept for future development.

MEMORANDUM

TO: MAYOR JIM DARLING AND CITY COMMISSION
Mayor Pro Tem Hilda Salinas and Aida Ramirez
Commissioners Scott Crane, John Ingram,
Trey Pebley, Veronica Vela-Whitacre

FROM: JOHN GERLING
PRESIDENT QUINTA MAZATLAN ADVISORY BOARD

SUBJECT: QUINTA MAZATLAN MASTER PLAN

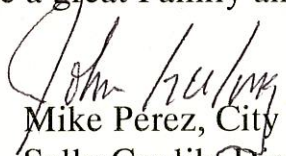
DATE: JUNE 20, 2013

On behalf of the Quinta Mazatlan Advisory Board, thank you for the opportunity to present the Master Plan back on March 25, 2013. I hope we've allowed enough time for consideration of the plan. We'd now like to recommend the city adopt a resolution accepting the proposal from the Quinta Mazatlan Advisory Board to approve the Master Plan.

The ambitious plan is to create a Cultural Landscape for McAllen worthy of being cherished locally and recognized internationally. The feeling is that it may take years until the plan could be completely funded, and the plan would be revisited and updated from time to time when it is likely to be implemented.

I've attached the aerial painting of the Quinta Mazatlan Master Plan. Take notice of the letter "F" formed by the land shape—we like to think it stands for the word "FOREST"—for all to see and enjoy!

We understand that approval of this plan does not authorize the funding of the improvements. We look forward to the opportunity of working with the city to create a great Family and Tourist Attraction!


Cc: Mike Pérez, City Manager
Sally Gavlik, Director of Parks & Recreation
Colleen Hook, Manager, Quinta Mazatlan

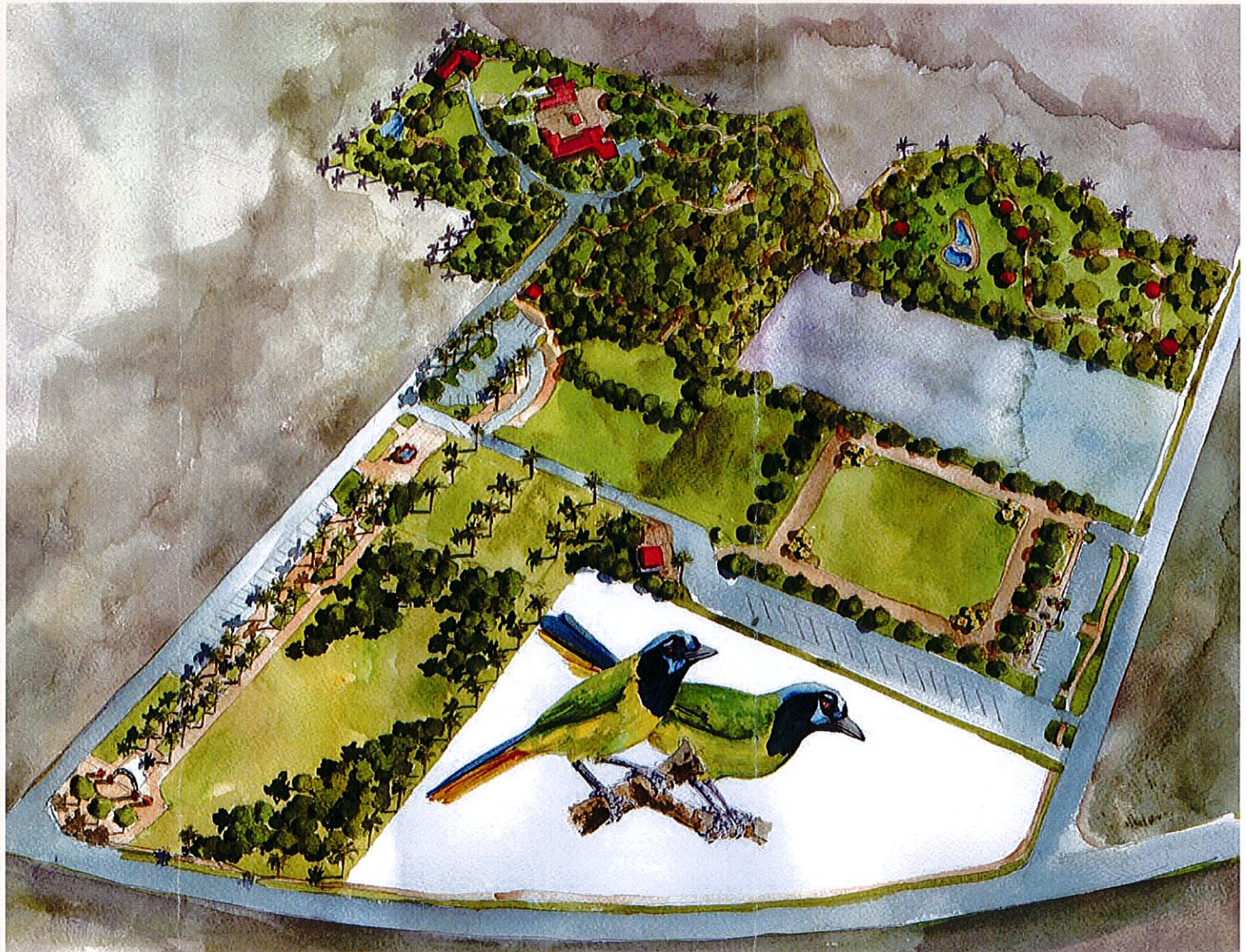
CITY OF McALLEN



Quinta Mazatlan

VISION

Quinta Mazatlan, cherished locally and recognized internationally, is a sanctuary connecting people to the history, beauty and wonder of our natural world.



Memo

TO: Mike R. Perez, City Manager

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

DATE: July 2, 2013

**SUBJECT: POPEYE'S NO. 1 SUBDIVISION – VARIANCE TO RIGHT-OF-WAY DEDICATION;
221 SOUTH 10th STREET.**

GOAL:

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

BRIEF DESCRIPTION:

Popeye's No. 1 Subdivision is a vacant, one-lot resubdivision consisting of 0.74 acres and is located at the northeast corner of Chicago Avenue and S. 10th Street. The property is currently zoned C-3 (general commercial) District and a drive-thru restaurant is proposed to be constructed on the site. Mr. Victor Garcia, P.E., on behalf of the developer, is requesting a variance from the required right-of-way (ROW) dedication for S. 10th Street. Specifically, the variance is from Section 134-105(h) of the Subdivision Ordinance which states that the ROW for a street shown on the comprehensive plan shall be equal to or greater than that indicated on the plan for streets. The City's Thoroughfare Plan calls for a 100 ft. ROW for that section along S. 10th Street.

As part of the requirements for the resubdivision, a 24 ft. ROW dedication is required for S. 10th Street for 50 ft. from centerline for a future 100 ft. ROW. This section of S. 10th Street has an existing 76.48 ft. ROW. This would be the second subdivision along this section of S. 10th Street since the Thoroughfare Plan was adopted on December 10, 2007 requiring a future 100 ft. total ROW. A resubdivision plat submitted under the name of Dallas Corners, located at the southeast corner of Dallas Avenue and S. 10th Street proposed to dedicate their share of ROW for a future 100 ft. ROW; however, the resubdivision was never recorded.

The resubdivision was considered in revised preliminary form by the Planning and Zoning Commission at their meeting of July 2, 2013. The resubdivision plat submitted by the project engineer was presented at the meeting, and provides for an additional 5 ft. ROW dedication for 31 ft. from centerline for a total of 81.48 ft. ROW in lieu of the 100 ft. ROW requirement.

OPTIONS

1. Approve the variance request allowing the 81.48 ft. ROW in lieu of the 100 ft. ROW along S. 10th Street as called for in the Thoroughfare Plan.
2. Table the item for additional information.
3. Disapprove the variance request.

RECOMMENDATION:

The Planning and Zoning Commission considered the resubdivision in revised preliminary form with the variance request at their meeting of July 2, 2013. Mr. Garcia, the project engineer was present at the meeting. There was discussion regarding the ROW, building site, and proposed project. Following discussion of the item, the Board moved to approve the resubdivision in revised preliminary form with a favorable recommendation to the City Commission for approval of the variance request allowing a 5 ft. ROW dedication along S. 10th Street for 31 ft. from centerline for a total of 81.48 ft. in lieu of the 100 ft. ROW requirement. There were five members present with four voting aye and one abstention.

VANGUARD ENGINEERING

CIVIL • STRUCTURAL • TRANSPORTATION
TSPCE FIRM REGISTRATION NO. F-7481

June 24, 2013

Julianne R. Rankin, FAICP
Director of Planning
City of McAllen Planning Department
P. O. Box 220, 78505-0220
McAllen, Texas 78501

Re: Variance Request: Right of Way - Popeye's Subdivision #1

Project Location: NE Corner of South 10th Street.

Dear Ms. Rankin

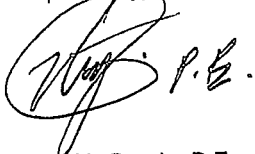
This letter is a formal request to allow variance, as discussed in our previous meeting concerning the city of McAllen's minimum requirements of Right Of Way (R.O.W.) for Popeye's Subdivision #1. The city currently requires a minimum of fifty(50) feet of R.O.W from the original road centerline. Our proposed ROW for Popeye's Subdivision #1 is thirty-one (31) feet from the original road centerline of 10th street. The existing ROW is twenty- six (26) feet and we are dedicating an additional five (5) feet for a total of 31' as described above. Please consider this request in order to move forward with the above-mentioned project in a timely manner.

Please refer to the attached subdivision plat for additional information.

As denoted by my engineering seal on the construction documents and on this letter, I believe that I have fulfilled my obligations as an engineer under the **Texas Engineering Practice Act** pursuant to its requirements to protect the public health, safety and welfare in the practice of engineering. I further believe that I have met those requirements insofar as my responsibility for my observation of the state work for code compliance is concerned.

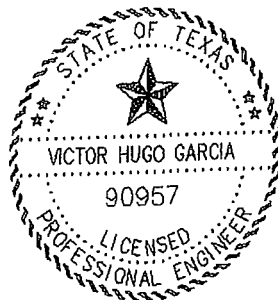
I am available at your convenience to review the reasons for our variance request. If you have any questions, please do not hesitate to contact me on my mobile number at (956)650-6271 or my office (956)514-5086.

Respectfully,



Victor H. Garcia, P.E.
President

6-25-13



RECEIVED

JUN 26 2013

ALLEN
BANK
T A

10TH S

101/R3050-01-002-0002-00

SECURITIES INC.

2

4

ADDIT

BEAUMO

1

RIO GRANDE SECURITIES

LOCATION

B-C AV

1

NO. 2

2

1

PROPOSED
POPEYE'S No1 SUBD

NO. 3

7

MARYLAND
ADDITION

AV

7

6

32

12

1

CHICAGO AV

FRIEDMAN
SUBDIVISION

GREYSTONE CENT

1

2

3

8

7

6

COMMON AREA

DALLAS POINT
916

DALLAS POINT
910

DALLAS AV

SUBDIVISION

10TH ST

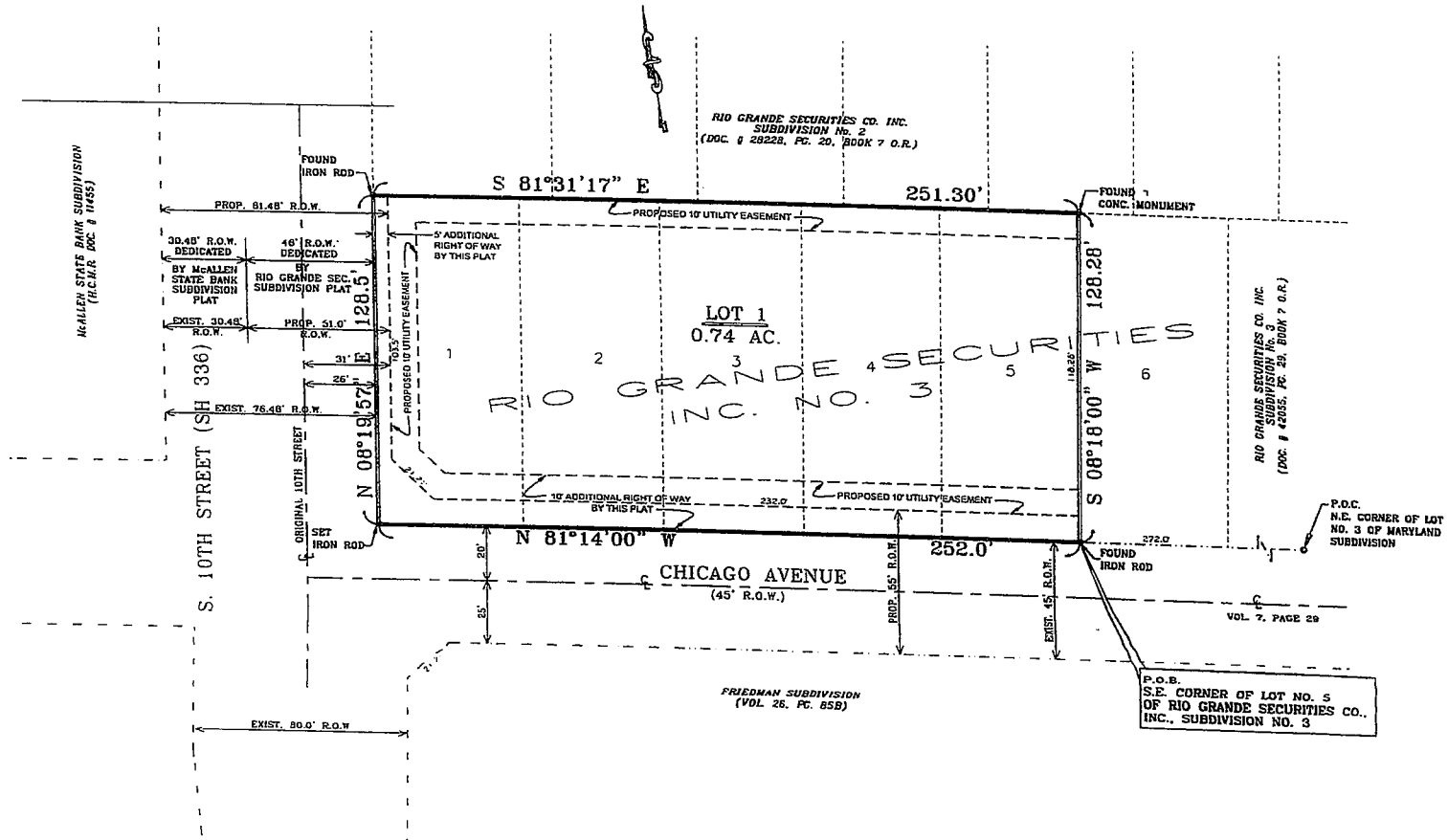
33

CM HOTEL CORNERS LOT A

20

POPEYES NO. 1 SUBDIVISION

A 0.74 ACRE TRACT OF LAND OUT OF RIO GRANDE SECURITIES CO., INC., SUBDIVISION NO. 3, ACCORDING TO THE MAP RECORDED IN VOLUME 7, PAGE 29, DEED RECORDS, HIDALGO COUNTY, TEXAS.



RIO GRANDE SECURITIES CO. INC.
SUBDIVISION No. 2
(DOC. # 28228, PG. 29, BOOK 7 O.R.)


RIO GRANDE SECURITIES CO. INC.
SUBDIVISION No. 3
(DOC. # 42655, PG. 29, BOOK 7 O.R.)

FRIEDMAN SUBDIVISION
(VDL 26, PG. 658)

P.O.B.
S.E. CORNER OF LOT NO. 5
OF RIO GRANDE SECURITIES CO.
INC., SUBDIVISION NO. 3

P.O.C.
N.E. CORNER OF LOT
NO. 3 OF MARYLAND
SUBDIVISION

TBPE FIRM REGISTRATION NO. F-7481



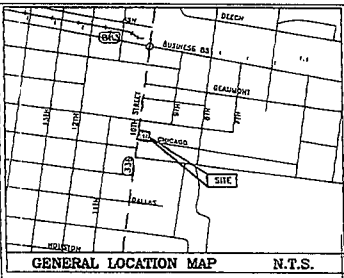
VANGUARD ENGINEERING
2201 NORTHGATE DRIVE
WESLACO, TX. 78596
(956) 514-5086

THIS IS THE PROPERTY OF THE PROFESSIONAL ENGINEER WHO PREPARED THIS DRAWING AND IS NOT TO BE REPRODUCED OR USED IN ANY MANNER WITHOUT HIS WRITTEN CONSENT. ANY PART OF THIS DRAWING WITHOUT THE SIGNATURE OF THE ENGINEER IS VOID.

DATE OF PREPARATION: JUNE 2013

JUN 26 2013

Initial: *WBT*



| | |
|---------------------|---------------|
| BUILDING AREA | 2,500 SQ.FT. |
| GREEN AREA PROVIDED | 5,820 SQ.FT. |
| CONC./PAVED AREA | 23,877 SQ.FT. |
| TOTAL SITE AREA= | 32,197 SQ.FT. |

LEGEND

- PROPOSED GRASS AREA
- PROPOSED CONC. SIDEWALK
- PROPOSED PARKING LOT
- PROPOSED BUILDING
- PROPOSED HANDICAP PARKING SPACE
- PROPOSED MASONRY FENCE

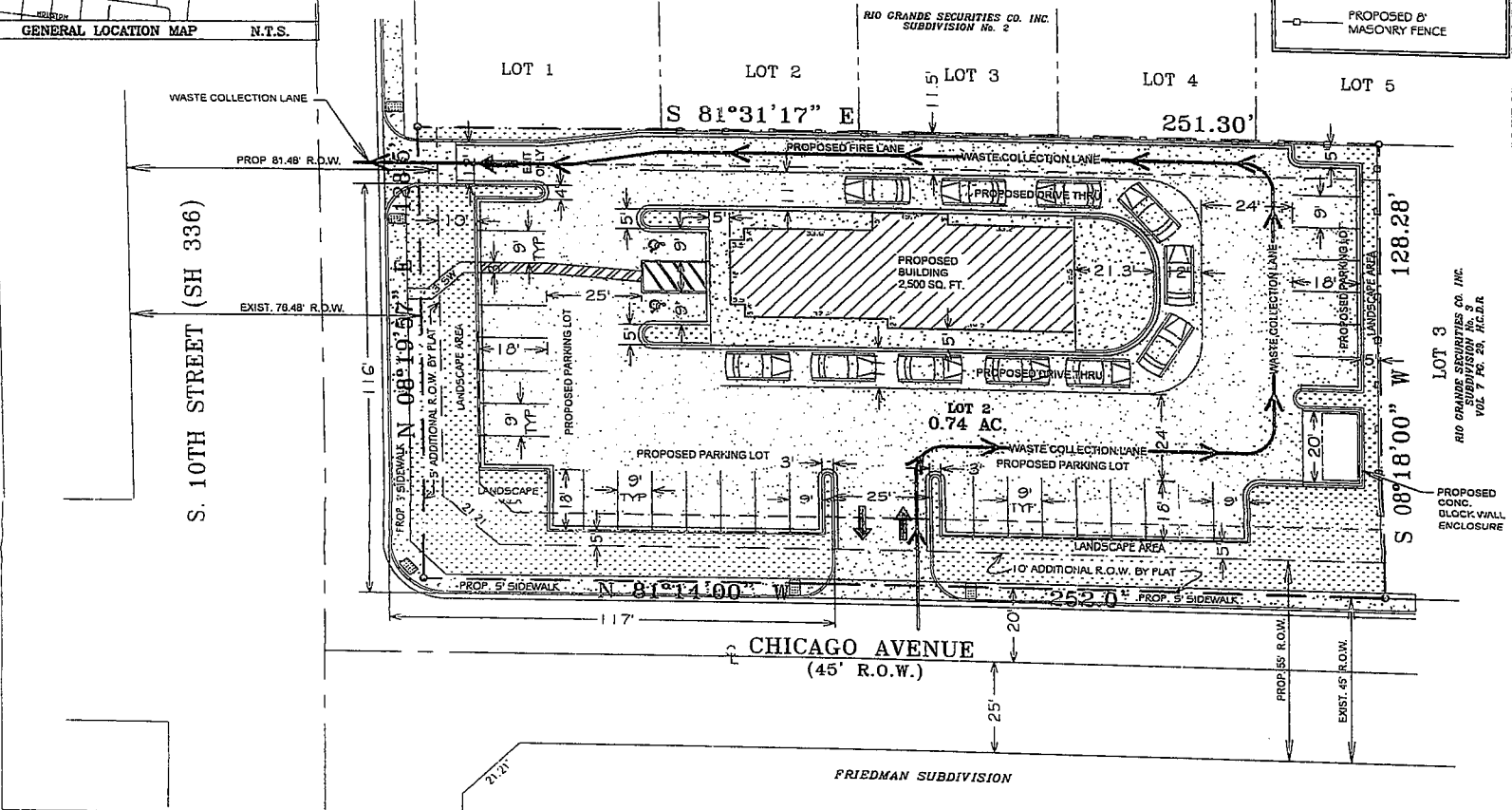
POPEYES
221 S. 10TH STREET
McALLEN, TEXAS

TYPE FIRM REGISTRATION NO. F-7481
VANGUARD ENGINEERING
 2201 NORTHEAST DRIVE
 WESLACO, TX, 78596
 (956) 514-8086

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DATE: JUNE 26, 2013
SITE PLAN

CLIENT: VANGUARD CONSTRUCTION
 PROJECT NUMBER: ENL. 2013.07
 CHECK NO: C-1



LOT 3
 RIO GRANDE SECURITIES CO. INC.
 SUBDIVISION No. 2
 VOL. 7 PG. 29, H.C.D.R.
 PROPOSED CONC. BLOCK WALL ENCLOSURE

JUN 27 2013
 [Handwritten signature]



ALLEN
BANK
T A

10TH ST

SECURITIES INC

2

4

ADDITION

BEAUMONT

RIO GRANDE SECURITIES

LOCATION

B-C AV

1

2

NO. 2

1
2 PROPOSED
POPEYE'S No1 SUBD

NO. 3

MARYLAND
ADDITION

AV
7

6

CHICAGO AV

FRIEDMAN
SUBDIVISION

GREYSTONE CENT

32

1 2 3

12

1

8 7

6

7

6

DALLAS POINT
1

DALLAS POINT
2

COMMON AREA

10TH ST

DALLAS AV

SUBDIVISION

33

DALLAS CORNERS LOT A

20

STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION
UTILITY BOARD
PLANNING & ZONING BOARD
OTHER

 X

AGENDA ITEM
DATE SUBMITTED
MEETING DATE

 7A
07/03/2013
07/08/2013

1 Agenda Item: FUTURE AGENDA ITEMS

2 Party Making Request: Mike R. Perez, City Manager

3 Nature of Request: (Brief Overview) Attachments: Yes X No
City Manager will report on Future Agenda Items.

4 Policy Implication: _____

5 Budgeted: Yes No X N/A

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

6 Alternate option costs: _____

7 Routing:

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

8 Staff Recommendation: _____

9 Advisory Board: Approved Disapproved None

10 City Attorney: Approved Disapproved KP None

11 Manager's Recommendation: Approved Disapproved MRP None

STANDARDIZED RECOMMENDATION FORM

| | | | |
|-------------------------|-------------------|----------------|-------------------|
| CITY COMMISSION | <u> X </u> | AGENDA ITEM | <u> 8 </u> |
| UTILITY BOARD | <u> </u> | DATE SUBMITTED | <u>07/03/2013</u> |
| PLANNING & ZONING BOARD | <u> </u> | MEETING DATE | <u>07/08/2013</u> |
| OTHER | <u> </u> | | |

1 Agenda Item: Mayor's Report on City Commission Retreat held June 27-29, 2013.

2 Party Making Request: _____

3 Nature of Request: (Brief Overview) Attachments: Yes X No
Report by Mayor Darling.

4 Policy Implication: _____

5 Budgeted: Yes No N/A

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

6 Alternate option costs: _____

7 Routing:

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

8 Staff Recommendation: None.

9 Advisory Board: Approved Disapproved None

10 City Attorney: Approved Disapproved KP None

11 Manager's Recommendation: Approved Disapproved MRP None
