



AGENDA

**CITY COMMISSION REGULAR MEETING
MONDAY, AUGUST 26, 2013 – 5:00 PM
CITY COMMISSION CHAMBERS; 3RD FLOOR**

CALL TO ORDER - Mayor Jim Darling

PLEDGE OF ALLEGIANCE - Mayor Jim Darling

INVOCATION – Veronica Vela Whitacre, City Commissioner

1. PUBLIC HEARING:

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.]*

- A) Rezone from R-2 (duplex-fourplex residential) District to C-3 (general business) District: Lots 12, 13, and 14, Block 1, A.D. Leavell's Addition Subdivision, Hidalgo County, Texas; 506, 510, and 512 Beaumont Avenue.
- B) Rezone from C-3L (light commercial) District to R-3A (multifamily residential apartment) District: 0.32 acres out of Lots 1 and 2 and the north one-half of Lot 3, Block 1, Nelson Addition Subdivision, Hidalgo County, Texas; 1515 Houston Avenue.
- C) Request of Jesus Garcia, for a Conditional Use Permit, for life of the use, for an automotive service and repair (mechanic shop) at 0.39 acres out of Lot 245, Pride O' Texas Subdivision, Hidalgo County, Texas; 4321 Buddy Owens Boulevard.
- D) Request of Sandra Ramirez, appealing the decision of the Planning & Zoning Commission of the August 6, 2013 meeting, denying a Conditional Use Permit, for one year, for a night club at Lot A-1, Nolana Tower Subdivision, Hidalgo County, Texas; 400 Nolana Avenue, Suite A-3.
- E) Request of Robert Wilson, appealing the decision of the Planning & Zoning Commission of the August 6, 2013 meeting, denying a Conditional Use Permit, for one year, for a bar at Lot A-1, Nolana Towers Subdivision, Hidalgo County, Texas; 400 Nolana Avenue, Suite G.
- F) Request of Jesus A. Leal on behalf of Josant Inc., appealing the decision of the Planning & Zoning Commission of the August 6, 2013 meeting, denying a Conditional Use Permit, for one year, for a bar at Lots 6 and 7, 21st Place Subdivision, Hidalgo County, Texas; 2013 Nolana Avenue
- G) Request of Jose R. Aguilar, appealing the decision of the Planning & Zoning Commission of the August 6, 2013 meeting, denying a Conditional Use Permit, for one year, for a bar at Lots 1, 2, and 3A, Sue's Place, Hidalgo County, Texas; 6500 North 10th Street, Suite I and J.
- H) Public Hearing to consider a variance from Section 6-2 of the Alcoholic Beverage Code, for Lot 10A, North McAllen, Lot 10A, Block 45 Subdivision; 210 North Main Street.
- I) Approval of a variance request from Section 6-2 of the Alcoholic Beverage Code for

- Lot 10A, North McAllen, Lot 10A, Block 45 Subdivision; 210 North Main Street.
- J) Adoption of an ordinance 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 for various meetings.
 - B) Consideration of Interlocal Agreement with County of Hidalgo to transfer equipment for the Regional Radio System to the City of McAllen.
 - C) Award of Service Contract for Mobile Truck Wash for Public Works Department.
 - D) Approval of Tax Refunds over \$500 to:
 - 1. Valero c/o POPP Hutchenson PLLC
 - 2. McAllen Components LP c/o GE/POPP Hutcheson
 - E) Resolution authorizing the submission of a grant application to the Junior League of McAllen, Inc., for funding under the Fiscal Year 2013-2014 Anniversary Fund Grant Program for a McAllen Public Library Project.
 - F) Resolution authorizing the submission of a grant application to the Junior League of McAllen, Inc. for funding under the Fiscal Year 2013-2014 Anniversary Fund Grant Program for a Parks and Recreation Project.
 - G) Confirmation and appointment of a member to the Historic Preservation Council.
3. **BIDS/CONTRACTS:**
- A) Award of Contract for the International Museum of Arts and Science (IMAS) Façade and Site Improvements.
 - B) Award of Contract for Metal Retrofit Roofing System and Office Trailers Hail Damage for Public Works Admin. and Fleet Facility.
 - C) Consider authorization to purchase furniture for the Development Services Facility through the Texas Multiple Award Schedule (TXMAS).
4. **ORDINANCES:**
- A) Calling a Special Election on November 5, 2013, authorizing the issuance of General Obligation Bonds.
 - B) Budget Amendment for the McAllen–Hidalgo International Bridge Projects.
 - C) Amending the McAllen Code of Ordinances, Chapters 2 and 138 modifying the membership and quorum for Zoning Board of Adjustment and Appeals.
5. **RESOLUTION** authorizing the submission of a Passenger Facility Charge (PFC) application for the McAllen International Airport.
6. **VARIANCE** request to the right-of-way dedication requirement; 1901 Dove Avenue.

7. MANAGER’S REPORT:

- A) Discussion of the 2013 McAllen Proposed Tax Rate; Take Record Vote; and Schedule Public Hearings.
- B) Review of Quarterly Investment Report for the quarter ended March 31, 2013.
- C) Status Report on Parks and Recreation Construction Projects.
- D) Status Report on various City Projects thru July 31, 2013.
- E) Status Report on the Terminal Expansion Construction Project.
- F) Report on Subdivisions and Development.
- G) Consideration and Action authorizing the Mayor to execute any and all documents related to “1115” Program regarding health care assistance.
- H) Future Agenda Items.

8. MAYOR’S REPORT:

- A) Report on TxDOT Proposal for city maintenance of state roads.
- B) Report on the University of Houston visit.

- 9. TABLED ITEM:** Ordinance abandoning the following street and alley right-of-ways: 1) alley north of east Beaumont Avenue and east of South “K” Center Street; 2) East Beaumont Avenue east of South “K” Center Street; 3) alley east of South “K” Center Street and south of Beaumont Avenue and north of Chicago Avenue, but retaining a 20 ft. utility easement over the tract of land being abandoned; 4) an “L” shaped utility easement out of Lot 1, Burns Motors Subdivision, south of Beaumont Avenue touching the corner of Chicago Avenue and entirely north of southern boundary of Chicago Avenue; and 5) a 0.43 acre tract of land out of Lot “A”, Boggus Subdivision II, and out of Lot 1, Burns Motors Subdivision, and out of Lots 8-17, Whalens Acres, but retaining a utility easement over the tract of land being abandoned: 1300 East Business Highway 83 and 1225 East Dallas Avenue.

PUBLIC COMMENT SESSION

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

- A) Discussion of City Manager evaluation. (Section 551.074, T.G.C.)
- B) Consultation with City Attorney regarding economic incentives for Project Quadrant. (Sections 551.071 and 551.072, T.G.C.)
- C) Discussion and Possible Action regarding economic incentives for Project Phoenix. (Sections 551.087 and 551.071, T.G.C.)
- D) Discussion and Possible Action on award of bid proposal for the sale of Lot 11B, McAllen Convention Center. (Sections 551.072 and 551.071, T.G.C.)
- E) Consideration of and Consultation with City Attorney regarding economic incentives for Project Magnet. (Sections 551.087 and 551.071, T.G.C.)
- F) Discussion and Possible Action regarding economic incentives for Project Red Rover II. (Sections 551.087 and 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 purchase of right-of-way for the development and construction of K Center Street from Nolana Avenue to 1,260' south of this intersection. (Section 551.072, T.G.C.)
 - I) Discussion and Possible Action regarding making an offer to acquire one of the two tracts out of Lot 29, Block 1, C.E. Hammond Subdivision or Lot "N", Beck Industrial Area, City of McAllen, Hidalgo County, Texas. (Section 551.072, T.G.C.)
 - J) Consultation with City Attorney regarding pending lawsuit; Dahlila Guerra Casso vs. City of McAllen. (Section 551.071, T.G.C.)
 - K) Consultation with City Attorney regarding litigation matter; Arnaldo Ramirez, et al vs. City of McAllen. (Section 551.071, T.G.C.)
 - L) Consultation with City Attorney regarding CL-13-2288-H; Margarito Ramirez vs. Luis Manuel Cruz and 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 23rd day of August, 2013 at 2:00 pm and will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.

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

Memo

TO: Mike R. Perez, City Manager

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

DATE: August 7, 2013

SUBJECT: REZONE FROM R-2 (DUPLEX-FOURPLEX RESIDENTIAL) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT: LOTS 12, 13, AND 14, BLOCK 1, A.D. LEAVELL'S ADDITION SUBDIVISION, HIDALGO COUNTY, TEXAS; 506, 510, AND 512 BEAUMONT AVENUE. (REZ2013-0020)

GOAL:

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

BRIEF DESCRIPTION:

The property is located along the north side of Beaumont Avenue approximately 120 feet west of South 5th Street. The tract consists of three lots and has 150 feet of frontage along Beaumont Avenue with a depth of 150 feet for a tract size of 22,500 square feet. This tract was zoned R-2 (duplex-fourplex residential) district upon comprehensive zoning in 1979. There have been no rezoning requests on the properties since that time. Currently, Lot 12 has a duplex, Lot 13 has single family residence on the property, and Lot 14 is vacant. The applicant is requesting C-3 (general business) District to provide a parking lot for Zuzhi Restaurant Bar. A feasibility plan has not been submitted by the applicant.

The adjacent zoning is R-2 (duplex-fourplex residential) District to the east and southeast, C-3 (general business) District to the north, west, and east, and C-1 (office building) District to the south. In 1982, a rezoning request for C-3 (general business) District for Lot 11 located to the east resulted in approval of C-3 zoning and is the location for McAllen Automotive. The tract to the west was rezoned to C-3 District in 2000 and is currently the site of Noser Lumber. The tracts to the south were rezoned to C-1 District in 2004. Surrounding land uses are single family residential, office buildings, Noser Lumber, McAllen Automotive, Hygeia, and Zuzhi Restaurant Bar.

- The requested zoning does conform to the Auto Urban Commercial land use designation for the tract as indicated on the Foresight McAllen Comprehensive Plan.
- The zoning trend along the north side of Beaumont Avenue is C-3 (general business) District.
- Beaumont Avenue is a local street with 50 feet of right-of-way, 29 feet of pavement, curb and gutter, street lights, and no sidewalks.
- Trees with a caliper of 20 inches or greater in commercial zones are protected and require a permit for removal.

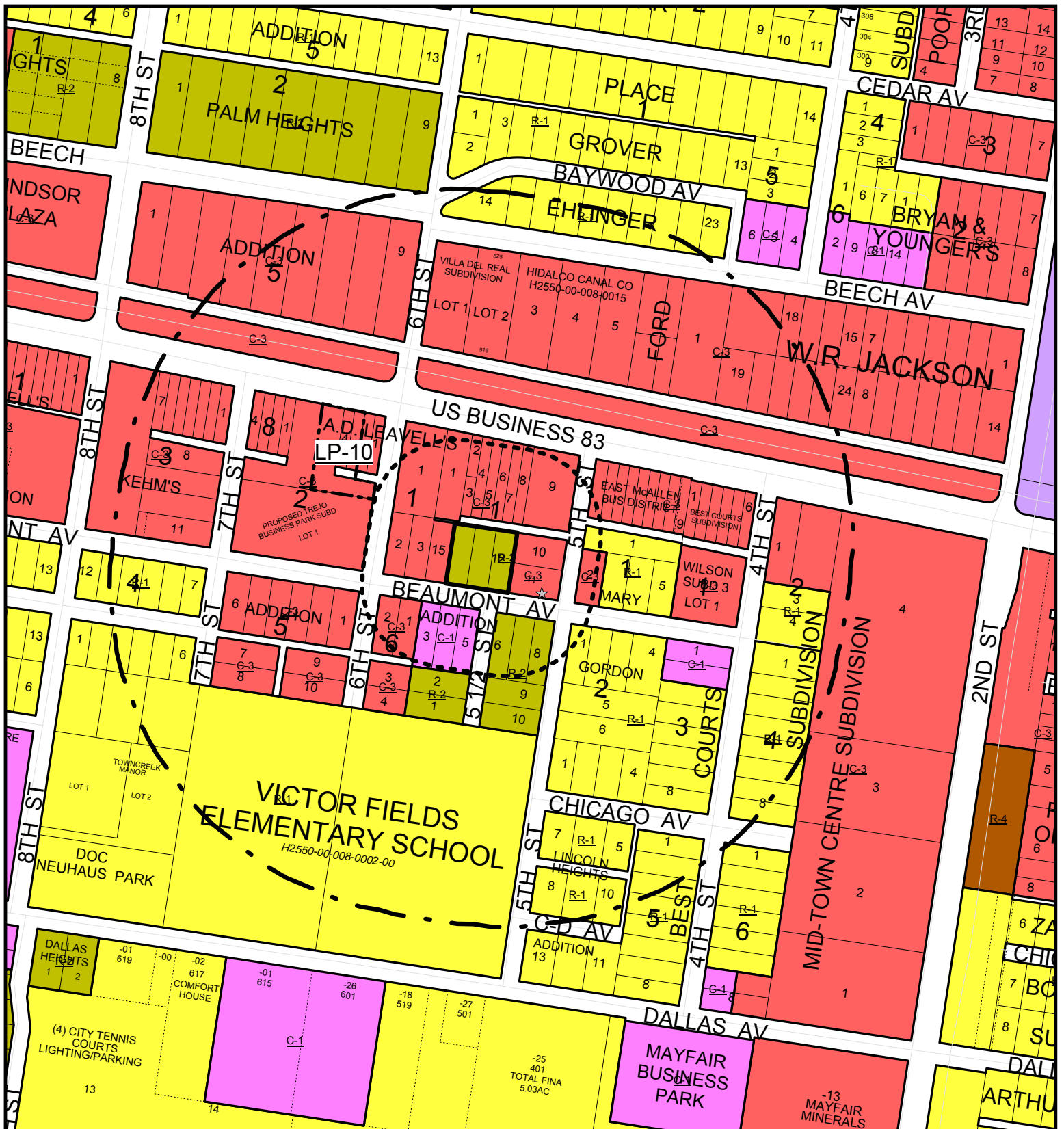
- An approved site plan is required prior to issuance of building permits.

OPTIONS:

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

RECOMMENDATION:

At the Planning and Zoning Commission meeting of August 6, 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

4

LEGEND

SCALE: 1" = 500'

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS

ZONING LEGEND

A-0 (AGRICULTURAL & OPEN SPACE)
 R-1 (SINGLE FAMILY RESIDENTIAL)
 R-2 (DUPLEX-FOURPLEX)

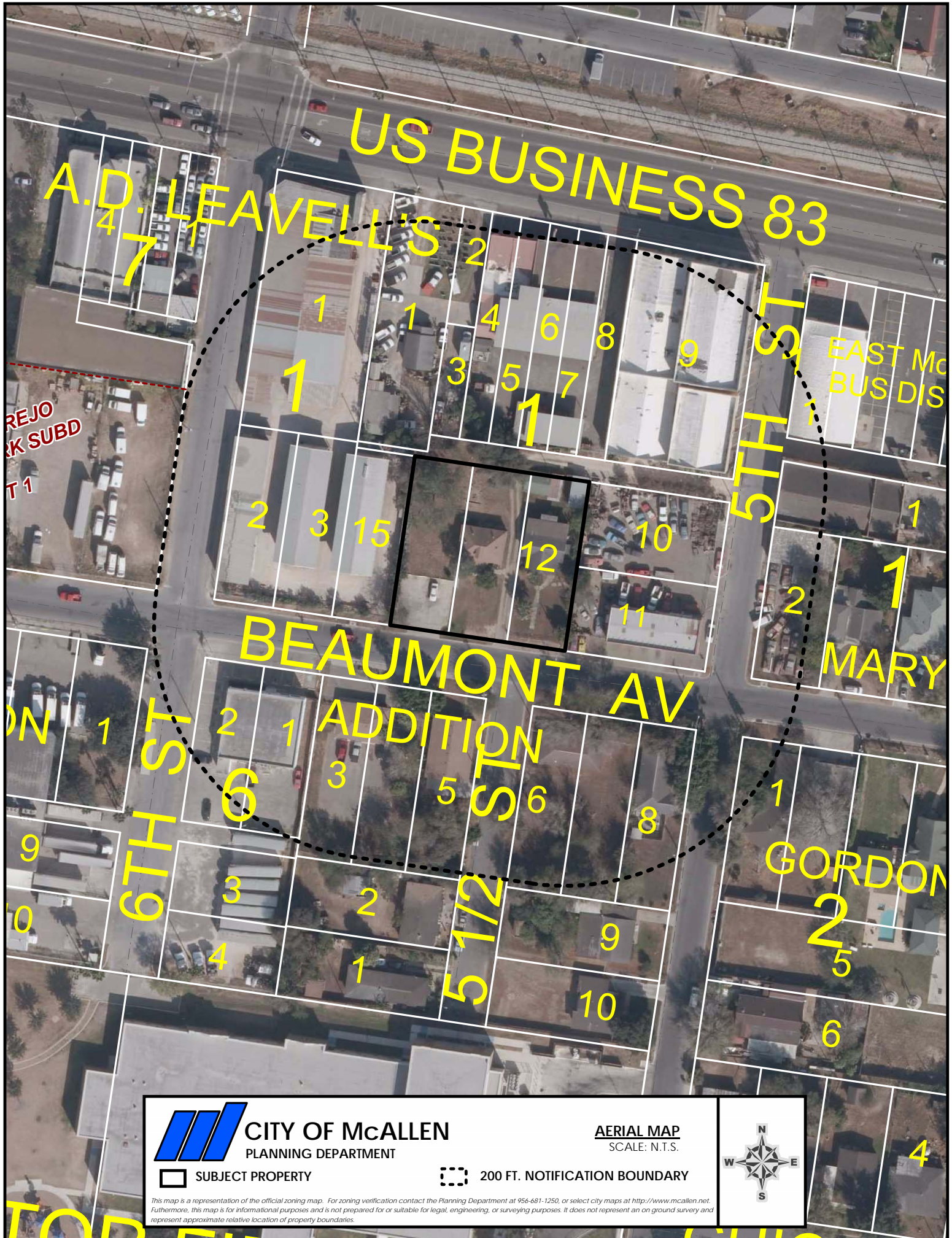
R-3A (APARTMENTS)
 R-3C (CONDOMINIUMS)
 R-3T (TOWNHOUSES)

R-4 (MOBILE HOMES)
 C-1 (OFFICE BUILDING)
 C-2 (NEIGHBORHOOD COMMERCIAL)

C-3 (GENERAL BUSINESS)
 C-3L (LIGHT COMMERCIAL)
 C-4 (COMMERCIAL INDUSTRIAL)

I-1 (LIGHT INDUSTRIAL)
 I-2 (HEAVY INDUSTRIAL)
 (SPECIAL DISTRICT)

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.



A.D. LEAVELL'S
4
7

US BUSINESS 83

EAST Mc
BUS DIS

REJO
K SUBD
T 1

5TH ST

MARY

BEAUMONT AV

ADDITION

6TH ST

5 1/2 ST

GORDON

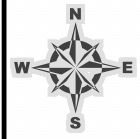


CITY OF McALLEN
PLANNING DEPARTMENT

AERIAL MAP
SCALE: N.T.S.

 SUBJECT PROPERTY

 200 FT. NOTIFICATION BOUNDARY



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



US BUSINESS 83

5TH ST

BEAUMONT AV

6TH ST

5 1/2 ST



CITY OF McALLEN
PLANNING DEPARTMENT

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

FORESIGHT McALLEN COMPREHENSIVE PLAN

FUTURE LAND USE PLAN

- | | |
|---------------------------------|------------------------------------|
| 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

GO AV

**NOTICE
REZONING
For
This Property
REZ2013-0020**



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

Memo

TO: Mike R. Perez, City Manager

FROM: Rudy Elizondo, Vice-Chairman, Planning and Zoning R.E.

DATE: August 19, 2013

SUBJECT: REZONE FROM C-3L (LIGHT COMMERCIAL) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENT) DISTRICT: 0.32 ACRES OUT OF LOTS 1 AND 2 AND THE NORTH ONE-HALF OF LOT 3, BLOCK 1, NELSON ADDITION SUBDIVISION, HIDALGO COUNTY, TEXAS; 1515 HOUSTON AVENUE. (REZ2013-0021)

GOAL:

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

BRIEF DESCRIPTION:

The property is located at the southeast corner of Houston Avenue and South 16th Street. The tract consists of one complete lot and two partial lots with 139.7 feet of frontage along Houston Avenue and a depth of 125 feet at its deepest point for a total area of 13,862.5 feet or 0.32 acres. The property was zoned R-2 (duplex-fourplex residential) District during comprehensive zoning in 1979. A rezoning request to C-3 (general business) District was alternatively approved for C-3L (light commercial) District in February 2010. A residential structure on this property has been demolished. The applicant is requesting R-3A (multifamily residential apartment) District in order to establish apartment use. A subdivision plat under the name of 1515 Houston Subdivision has been submitted and is undergoing the review process. A feasibility plan has been submitted showing 8 apartments.

The adjacent zoning is R-2 (duplex-fourplex residential) District to the south and across the alley to the east, C-3 (general business) District to the north across Houston Avenue and to the west across 16th Street. Two lots located to the west across 16th Street were approved for C-3 (general business) District in 1992 and the corner lot is currently vacant. Another request for C-3 rezoning in 1987 was approved at the southeast corner of Houston Avenue and 16th 1/2 Street and is used for a cell tower. Surrounding land uses are single family, Primera Iglesia Bautista Church, and McAllen Independent School District Guidance Center.

- The requested zoning does not conform to the Urban Residential land use designation for the area as indicated on the Foresight McAllen Comprehensive Plan. The maximum number of apartment units allowed on this tract ranges from 17 1-bedroom units to 9 3-bedroom units. The number of vehicle trips generated by low rise apartments is 6.59 vehicle trips per day or a total of 112 to 59 trips per day depending upon the number of

dwelling units.

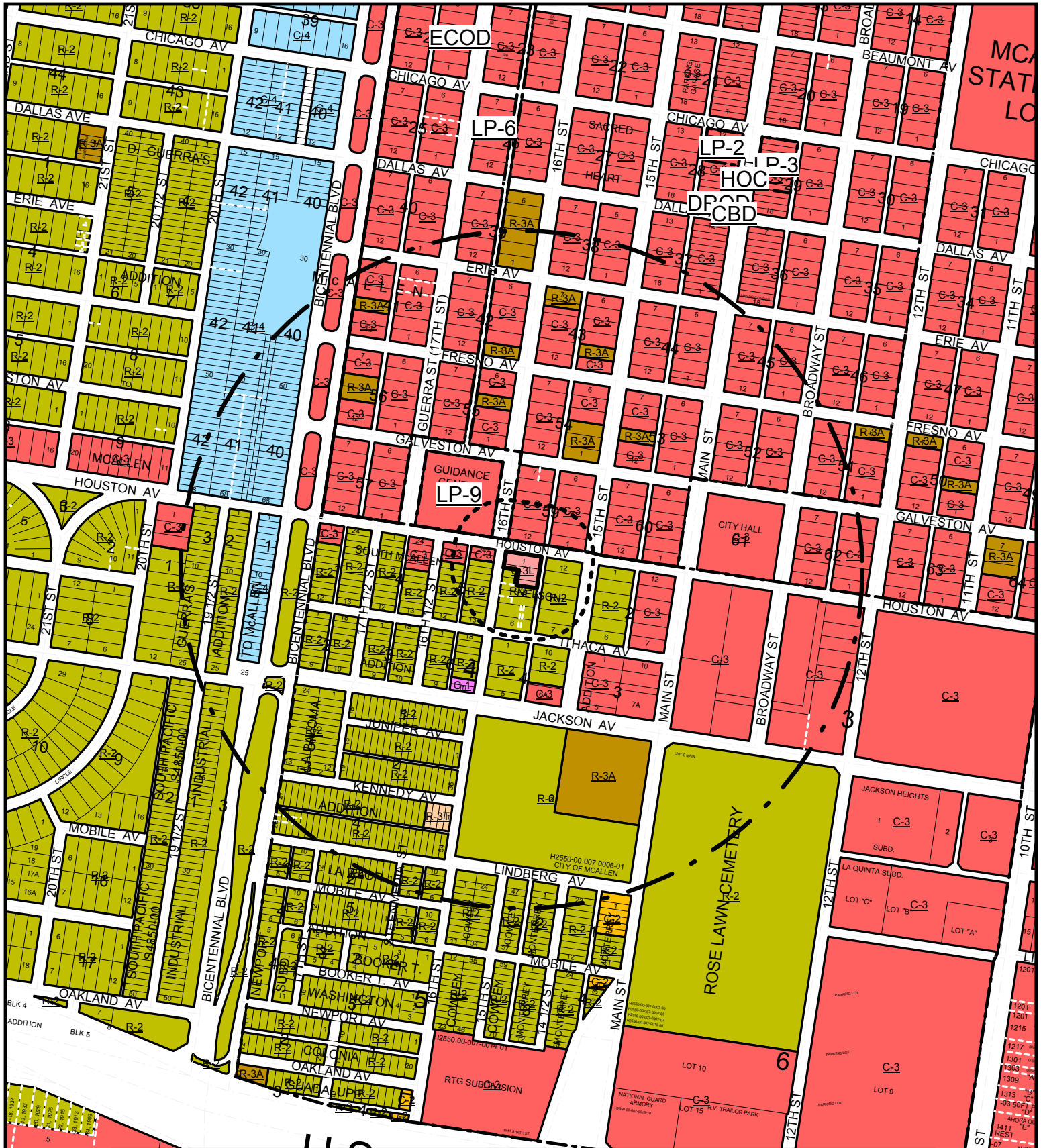
- The character of the area is residential. Lots adjacent to Houston Avenue are in transition to commercial uses; the southeast corner of Houston Avenue and Bicentennial Boulevard was redeveloped as tire sales and installation, the southwest corner of Houston Avenue and 16th ½ Street was redeveloped into a florist store. The southeast corner of Houston Avenue and 16th ½ Street was redeveloped with a cell tower, the southeast corner of Houston and 15th Street was redeveloped into a parking lot.
- Several lots in the Central Business District located north of Houston Avenue were rezoned to R-3A District and apartments were constructed.
- South 16th Street is a local residential street with 40 feet of right-of-way and 28 feet of pavement providing 2 travel lanes. Houston Avenue is designated as a major collector street with a proposed right-of-way of 80 feet but is constructed with 30 feet of pavement providing 2 travel lanes and currently contains 45 feet of right-of-way. Redevelopment requires a replat with dedication of additional right-of-way along Houston Avenue and 16th Street.
- Parkland dedication or fees in lieu of parkland dedication comprising \$700 per dwelling unit or \$5,600 for 8 apartments, is required prior to recording a subdivision plat.
- If the rezoning request is approved, a recorded subdivision plat and approved site plan are required prior to issuance of any building permits.


OPTIONS:

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

RECOMMENDATION:

At the Planning and Zoning Commission meeting of August 6, 2013 no one appeared in opposition to the rezoning request. The Board voted unanimously to recommend approval of the rezoning request with four members present and voting.






CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: 1" = 500'

AREA MAP



SUBJECT PROPERTY (Solid black outline)

200 FT. NOTIFICATION BOUNDARY (Dashed black outline)

1/4 MILE RADIUS (Dotted black circle)

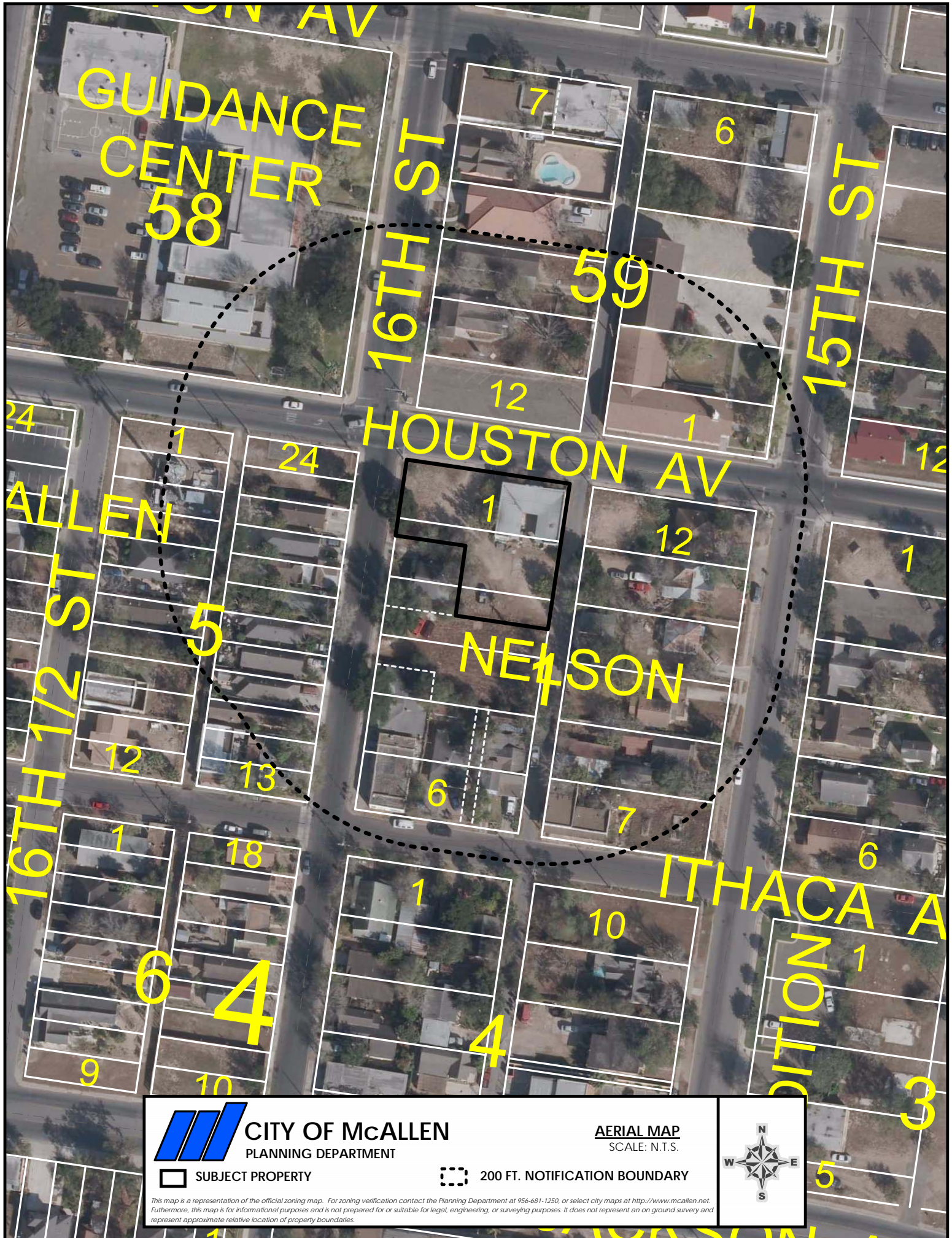
ZONING LEGEND

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

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.


4-10

7

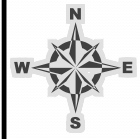


CITY OF McALLEN
PLANNING DEPARTMENT

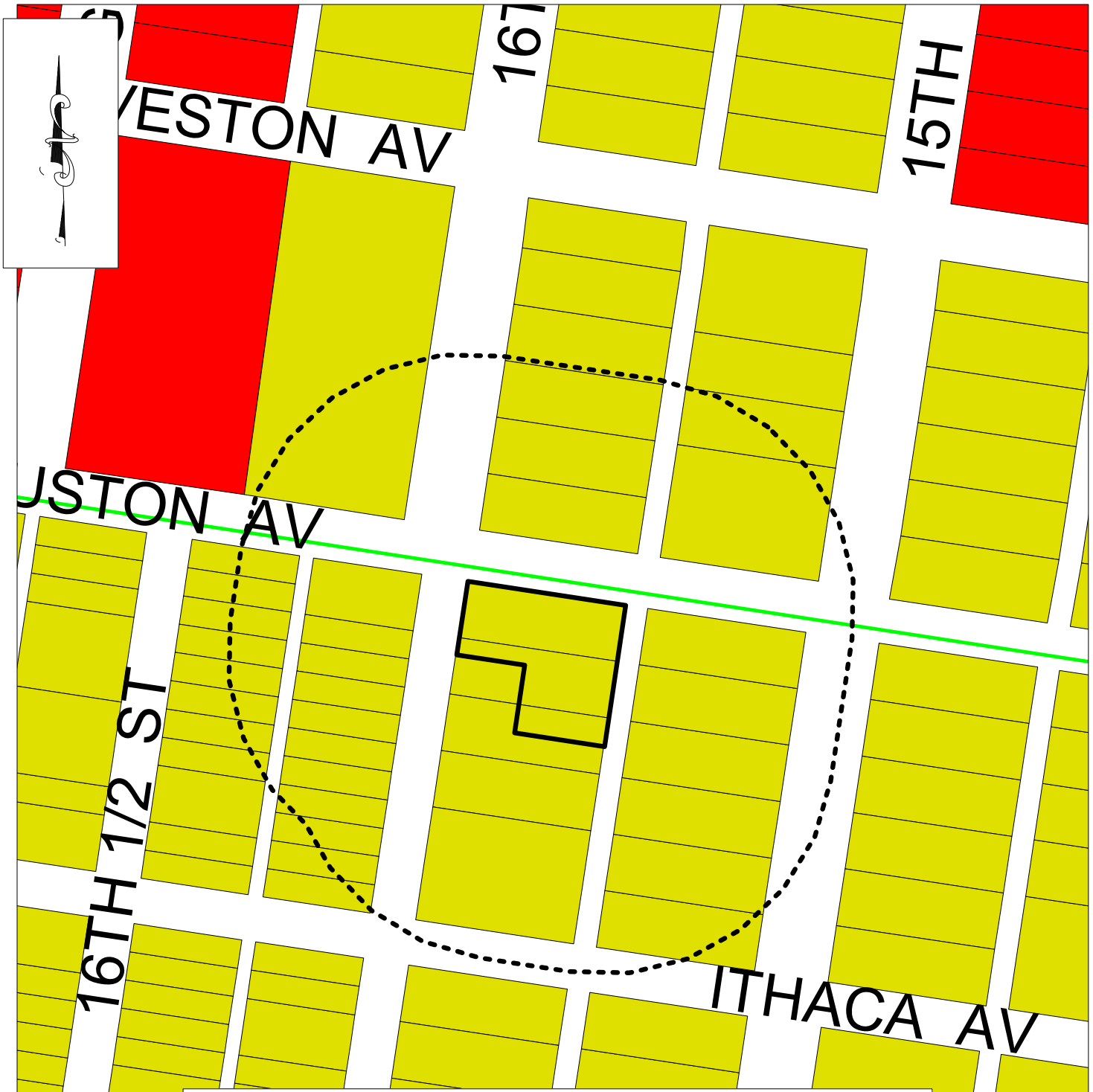
AERIAL MAP
SCALE: N.T.S.

 SUBJECT PROPERTY

 200 FT. NOTIFICATION BOUNDARY



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



CITY OF McALLEN
PLANNING DEPARTMENT

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

FORESIGHT McALLEN COMPREHENSIVE PLAN

FUTURE LAND USE PLAN		THOROUGHFARE PLAN	
VAC - VACANT	SCM - SUBURBAN COMMERCIAL	GRADE SEPARATION (INTERCHANGE)	EXPRESSWAY 350'
EST - ESTATE	URC - URBAN CENTER	PARKWAY 350'	HI-SPEED ARTERIAL 150'
SUBR - SUBURBAN RESIDENTIAL	UCH - URBAN CENTER HIGH	PRINCIPAL ARTERIAL 120'	MINOR ARTERIAL 100'
AUSF - AUTO URBAN SINGLE FAMILY	IND - INDUSTRIAL	COLLECTOR 80'	ALTERNATIVE ALIGNMENT
USF - URBAN SINGLE FAMILY	SPUS - SPECIAL USES, CIVIC, PUBLIC	McALLEN CITY LIMITS	McALLEN ETJ
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		

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

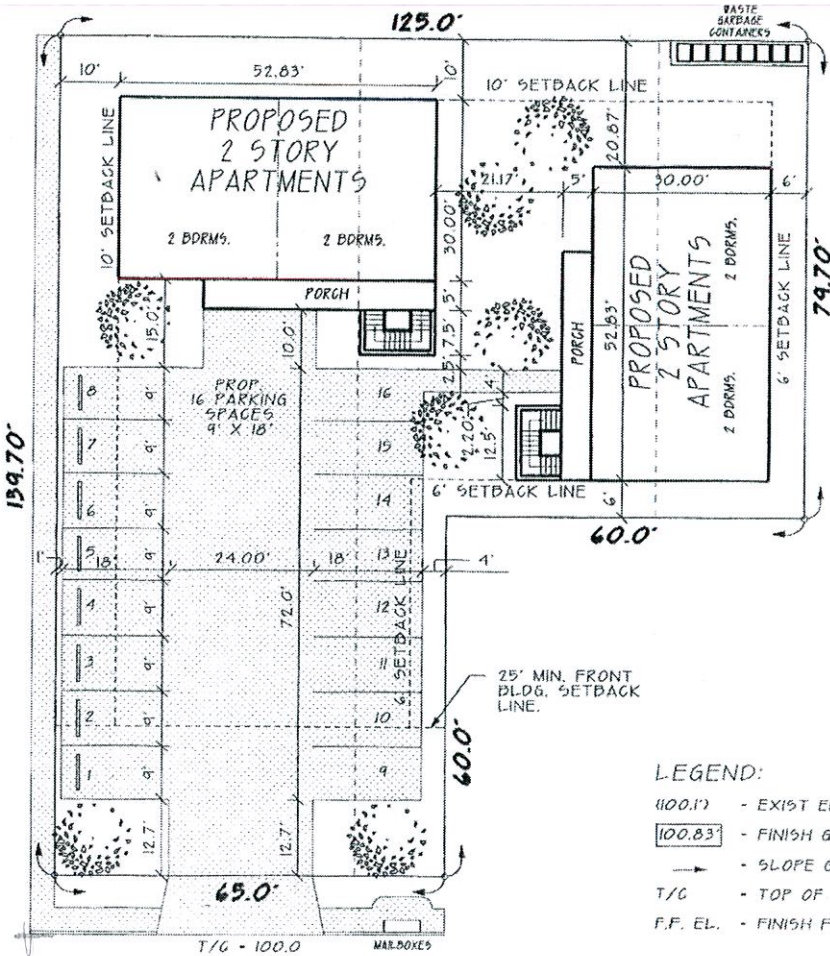
ER AV

V



ALLEY

HOUSTON AVE.



- LEGEND:
- (100.17) - EXIST. ELEV.
 - [100.83] - FINISH GRADE ELEV.
 - - SLOPE GRADE
 - T/C - TOP OF CURB ELEV.
 - F.F. EL. - FINISH FLOOR ELEV.

16th. STREET

LEGAL:
 ALL LOT 1 BLOCK 1 AND PART OF LOTS 2 AND 3 BLOCK 1,
 CITY OF MCGALLEN, HIDALGO COUNTY,
 TEXAS.

PLAN No.	PLAN NAME PLOT PLAN	PROJECT HOUSTON APARTMENTS	RESIDENCE <small>CUSTOMIZED DESIGNS</small> BOX 4805/214 E. AZALEA PH. (956) 843-2336 MIDLAND, TEXAS 79502 FAX (956) 843-2340
SHEET No.	SCALE 1 : 20		

RECEIVED

**NOTICE
REZONING
For
This Property
REZ2013-0021**
City of Madison Planning Dept. 601-720-
www.incillien.net



STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION
UTILITY BOARD
PLANNING & ZONING BOARD
OTHER

 X

AGENDA ITEM
DATE SUBMITTED
MEETING DATE

 1C
 8/20/13
 8/26/13

1. Agenda Item: Conditional Use Permit

2. Party Making Request: Jesus Garcia

3. Nature of Request: (Brief Overview) Attachments: X Yes No
 Request of Jesus Garcia, for a Conditional Use Permit, for the life of the use, for an Automotive Service and Repair (mechanic shop) at 0.39 acres out of Lot 245, Pride O'Texas Subdivision, Hidalgo County, Texas: 4321 Buddy Owens Boulevard.

4. Policy Implication: _____

5. Budgeted: Yes No N/A

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

6. Alternate option costs: _____

7. Routing:

NAME/TITLE	INITIAL	DATE	CONCURRENCE <u>YES/NO</u>
a) <u> Julianne R. Rankin </u> Director of Planning	<u> JRR </u>	<u> 8/20/2013 </u>	<u> Yes </u>
b) _____	_____	_____	_____

8. Staff's Recommendation: Approval of the request, for the life of the use, subject to Section 138-281 of the Zoning Ordinance, Fire Department and building permit requirements.

9. Advisory Board: X Approved Disapproved None

10. City Attorney: KP Approved Disapproved None

11. Manager's Recommendation: MRP Approved Disapproved None

Memo

TO: Mike R. Perez, City Manager

FROM: Rudy Elizondo, Vice-Chairperson, Planning and Zoning Commission R.E.

DATE: August 20, 2013

SUBJECT: REQUEST OF JESUS GARCIA FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR AN AUTOMOTIVE SERVICE AND REPAIR (MECHANIC SHOP) AT 0.39 ACRES OUT OF LOT 245, PRIDE OF TEXAS SUBDIVISION; 4321 BUDDY OWENS BOULEVARD.

GOAL:

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

BRIEF DESCRIPTION:

The property is located on the southeast corner of Bentsen Rd & Buddy Owens Blvd. It is zoned C-3 (general business) District. Adjacent zoning is C-3 District to the east, south, and west, A-O (agricultural & open space) District to the north. Surrounding land uses include, single-family residences, commercial buildings and vacant land. An automotive service and repair business is allowed in a C-3 (general business) District with a Conditional Use Permit and in compliance with requirements.

The applicant has been in operation for over 20 years and is applying for a conditional use permit to reflect and accommodate a 25' X 33' (825 sq. ft.) carport that was recently built next to the existing building. The request will also bring the property and use into conformance with the Zoning Ordinance.

There is also a 1,080 sq. ft. building on the property being used for automotive service and repair. The hours of operation are from 9:00 A.M. to 6:00 P. M. Monday thru Friday and 9:00am to 2:00 PM Saturday.

Based on the square footage for the automotive service and repair, 8 parking spaces are required; 19 parking spaces are provided as per site plan. One of the proposed parking spaces must be van accessible with an 8 ft. wide aisle.

The Fire Department has inspected the property, which is in compliance with safety codes and regulations. The establishment must also meet the requirements set forth in Section

138-281 of the Zoning Ordinance and specific requirements as follows:

- 1) A minimum lot size of 10,000 sq. ft. is required. The subject property has approximately 16,000 sq. ft;
- 2) All service, repair, maintenance, painting and other work shall take place within an enclosed area. Work on vehicles is proposed to be done inside the building;
- 3) Outside storage of materials is prohibited. No outside storage is proposed;
- 4) The building where the work is to take place shall be a minimum of 100 ft. from the nearest residence. The existing residences are located approximately 155 ft. south of this building;
- 5) A 6 ft. opaque buffer fence is required for the proposed use from any residential zone / use. A chain link fence with vegetation is provided on the south side;
- 6) New buildings and conversions of existing buildings shall meet current building and fire code requirements concerning separation of high hazard uses from other occupancy use classifications.

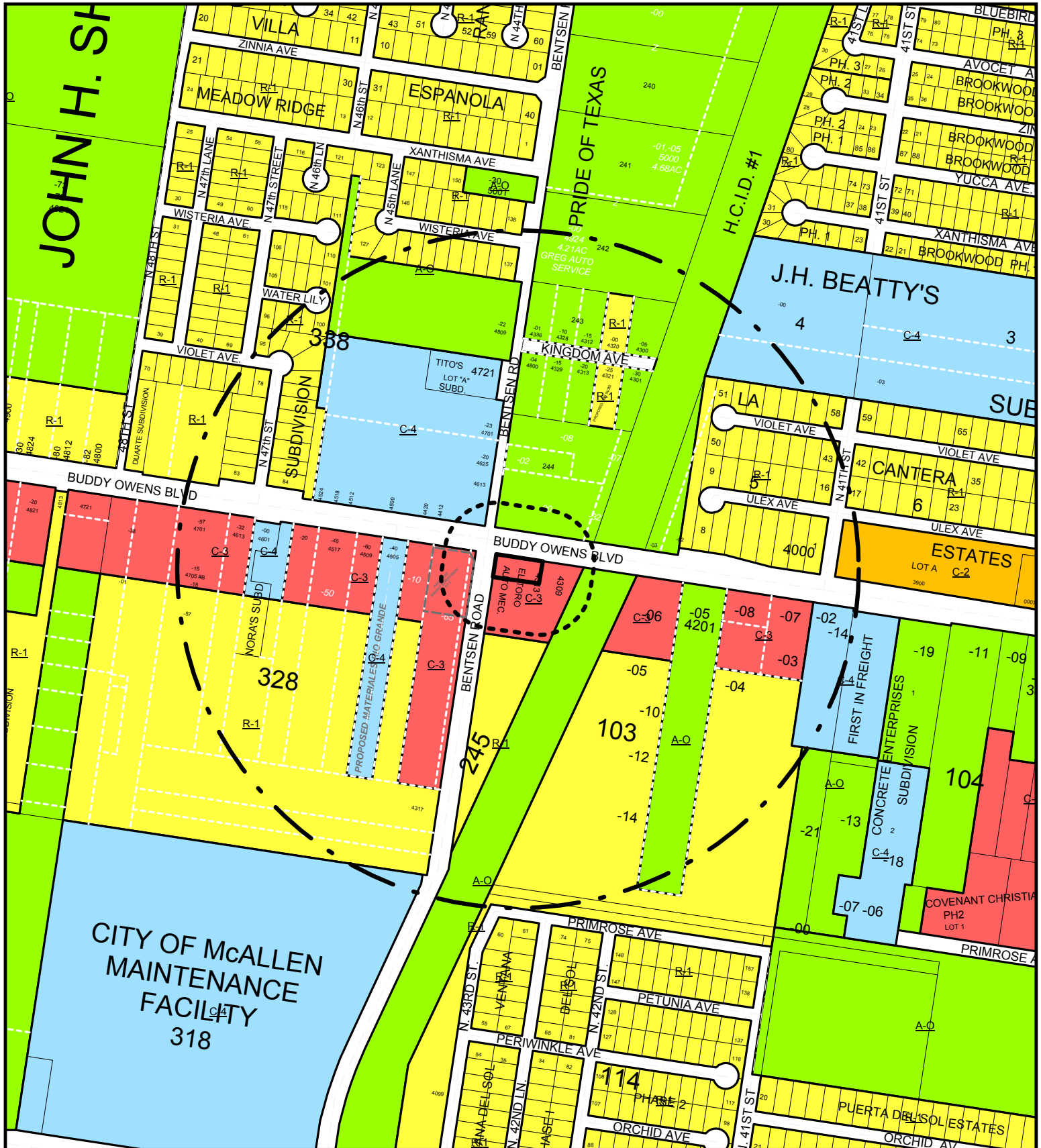
OPTIONS:

1. Approve the request for one year.
2. Table the item for additional information.
3. Disapprove the request.

RECOMMENDATION:

This item was heard at the August 6, 2013 Planning and Zoning Commission meeting. The applicant was not present and there was no one in opposition.

Following a brief discussion of the item, the board unanimously voted to recommend approval to the City Commission of the request, for the life of the use, subject to compliance with Section 138-281 of the Zoning Ordinance, building permit requirements, and Fire Department requirements. There were four members present, three voting and one abstain.



CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: 1" = 500'

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

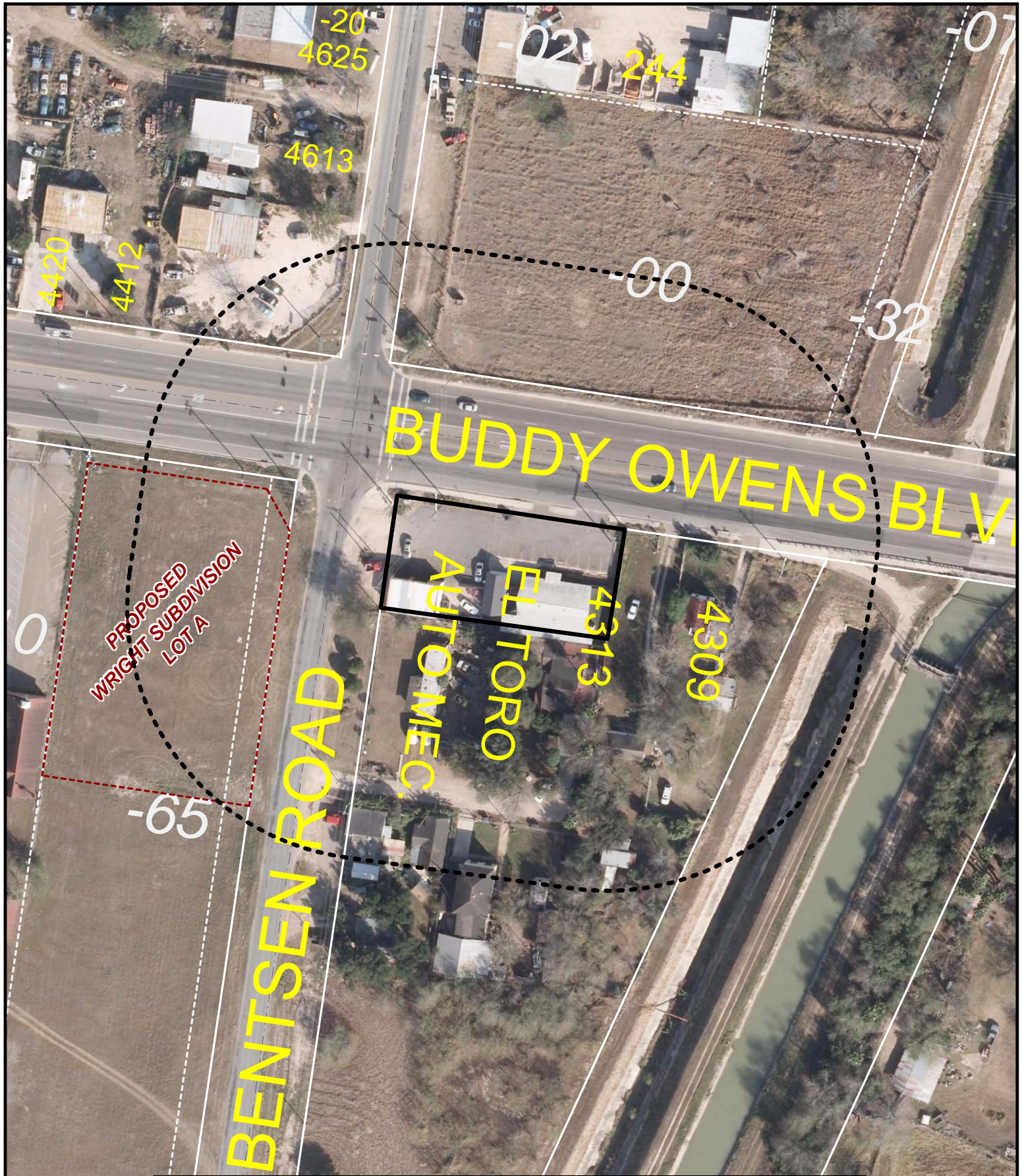
1/4 MILE RADIUS



ZONING LEGEND

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

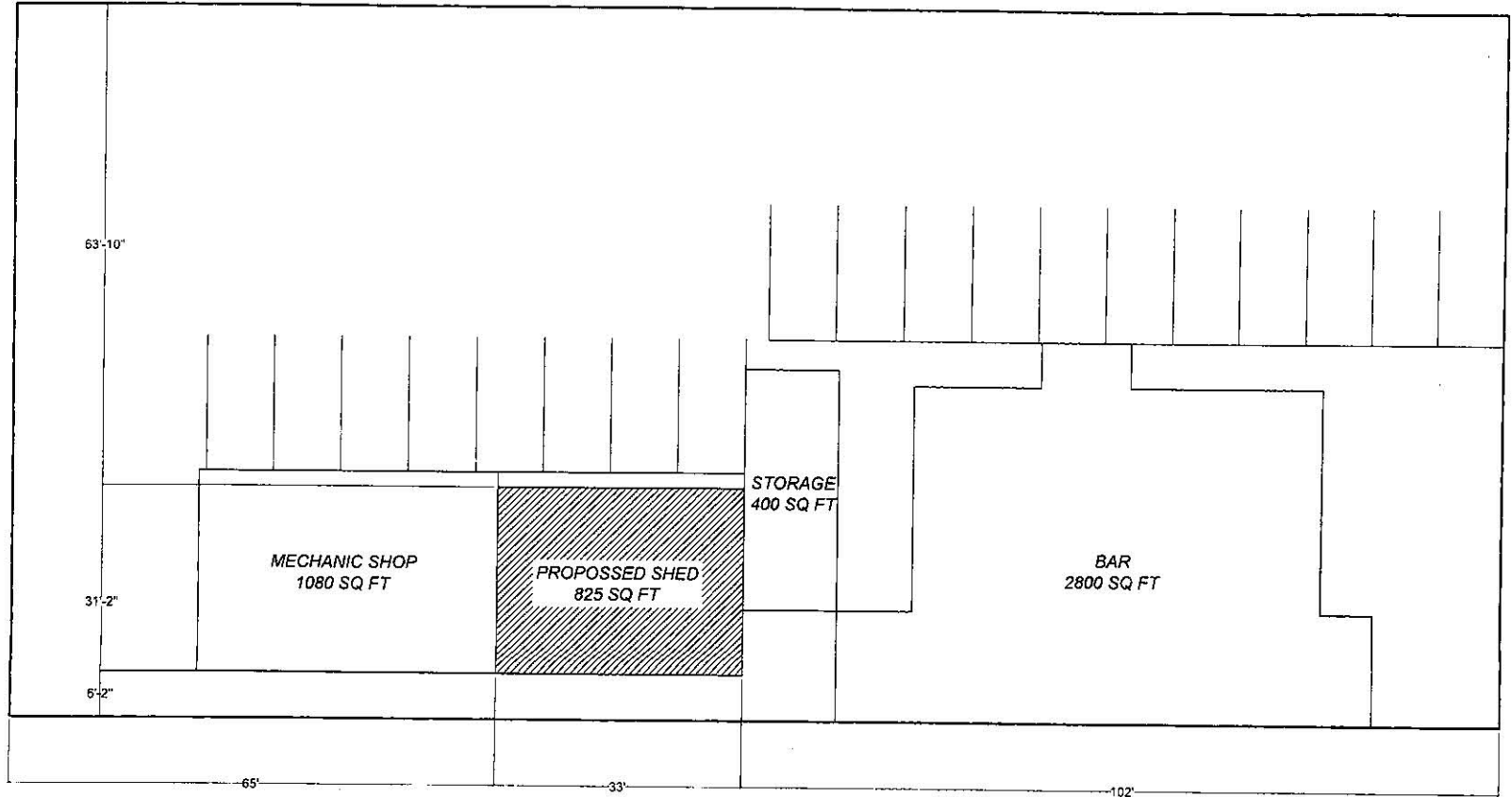
This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying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



	<p>CITY OF McALLEN PLANNING DEPARTMENT</p>	<p>AERIAL MAP SCALE: N.T.S.</p>	
	<p>SUBJECT PROPERTY</p>		
<p><small>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.</small></p>			

BUDDY OWENS BLVD.

BENSTEN RD.



RECEIVED



687-8600 **TWINS AUTO SERVICE**
AC BRAKES & MORE
INCOME TAX SERVICE
358-37-57

**NOTICE
AUTO REPAIR
For
This Property
CUP2013-0132**
City of McAllen Planning Dept - 681-1250
www.mcallen.net

STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION	<u> X </u>	AGENDA ITEM	<u> 1D </u>
UTILITY BOARD	<u> </u>	DATE SUBMITTED	<u> 8/20/13 </u>
PLANNING & ZONING BOARD	<u> </u>	MEETING	<u> 8/26/13 </u>
OTHER	<u> </u>	DATE	

1. Agenda Item: Conditional Use Permit

2. Party Making Request: Sandra Ramirez

3. Nature of Request: (Brief Overview) Attachments: X Yes No
 Appeal the decision of the Planning and Zoning Commission of the August 6, 2013 meeting denying the request of Sandra Ramirez, for a Conditional Use Permit, for one year, for a nightclub at Lot A-1, Nolana Towers Subdivision, Hidalgo County, Texas: 400 Nolana Avenue, Suite A-3.

4. Policy Implication: _____

5. Budgeted: Yes No N/A

Bid	Amount:	<u> Budgeted </u>	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> 8/20/2013 </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 (4) of the Zoning Ordinance.

9. Advisory Board: Approved X Disapproved None
 With a favorable recommendation to grant the variance to the distance requirement, conditions as noted, and with the added conditions for extra security and nightly trash pickup.

10. City Attorney: KP Approved Disapproved None

11. Manager's Recommendation: MRP Approved Disapproved None

Memo

TO: Mike R. Perez, City Manager

FROM: Rudy Elizondo, Vice-Chairperson, Planning and Zoning Commission R.E.

DATE: August 20, 2013

SUBJECT: APPEAL THE DECISION OF THE PLANNING AND ZONING COMMISSION OF THE AUGUST 6, 2013 MEETING, DENYING THE REQUEST OF SANDRA RAMIREZ FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A NIGHTCLUB AT LOT A-1, NOLANA TOWER SUBDIVISION; 400 NOLANA AVENUE, SUITE A3.

GOAL:

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

BRIEF DESCRIPTION:

The property is located on the north side of Nolana Avenue, between North 4th and North 6th Streets and is zoned C-3 (general business) District. The adjacent zoning is C-1 (office building) District to the north, C-3 to the east, south and west, R-1 (single family residential) District also to the east and A-O (agricultural and open space) District also to the west. Surrounding land uses include commercial businesses, offices, restaurants, single and multi-family residences, vacant land, and a water tower. A nightclub is allowed in a C-3 zone with a Conditional Use Permit and in compliance with requirements.

The initial conditional use permit was disapproved by the Planning and Zoning Commission, but with a favorable recommendation to the distance requirement on February 16, 2010. On appeal, the City Commission approved the variance to the distance requirement and the Conditional Use Permit on March 8, 2010. The last permit was approved by the City Commission on May 23, 2011 with a variance to the 600 ft. distance requirement.

Currently there is a shopping center on the property. The applicant is proposing to continue to operate a bar (The Yacht Club) from a 9,800 sq. ft. lease space within the shopping center. The hours of operation will be from 8:00 p.m. to 2:00 a.m. Tuesday thru Sunday.

The Health and Fire Departments have inspected and cleared the establishment. Attached is a police report, which indicates service calls from July 2012 to present. Should the conditional use permit be approved, the applicant would be required to sign the application acknowledging and agreeing to the conditions of the permit. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of the lot of any of the above mentioned businesses must be at least 600 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 600 ft. of residential zones and uses;
- 2) The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The establishment has access to Nolana Avenue, N. 4th and N. 6th Streets. The existing gates on N. 4th Street need to be closed during the hours of operation as a required condition from the previous Conditional Use Permits;
- 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 a multi-tenant commercial building on the property. The shopping center is a mixture of office, retail, vacant suites, restaurants, Eddy's and Club NV. The proposed nightclub is required 98 parking spaces; 724 parking spaces are provided on the common parking area in the front and rear of the building. For the restaurants, the bar and the proposed nightclub to run simultaneously, 569 parking spaces are required;
- 4) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties. No parking signs exist on N. 4th Street and must be maintained;
- 5) The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;
- 6) The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
- 7) The above mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director. The maximum occupancy of the establishment is set at 403 persons.

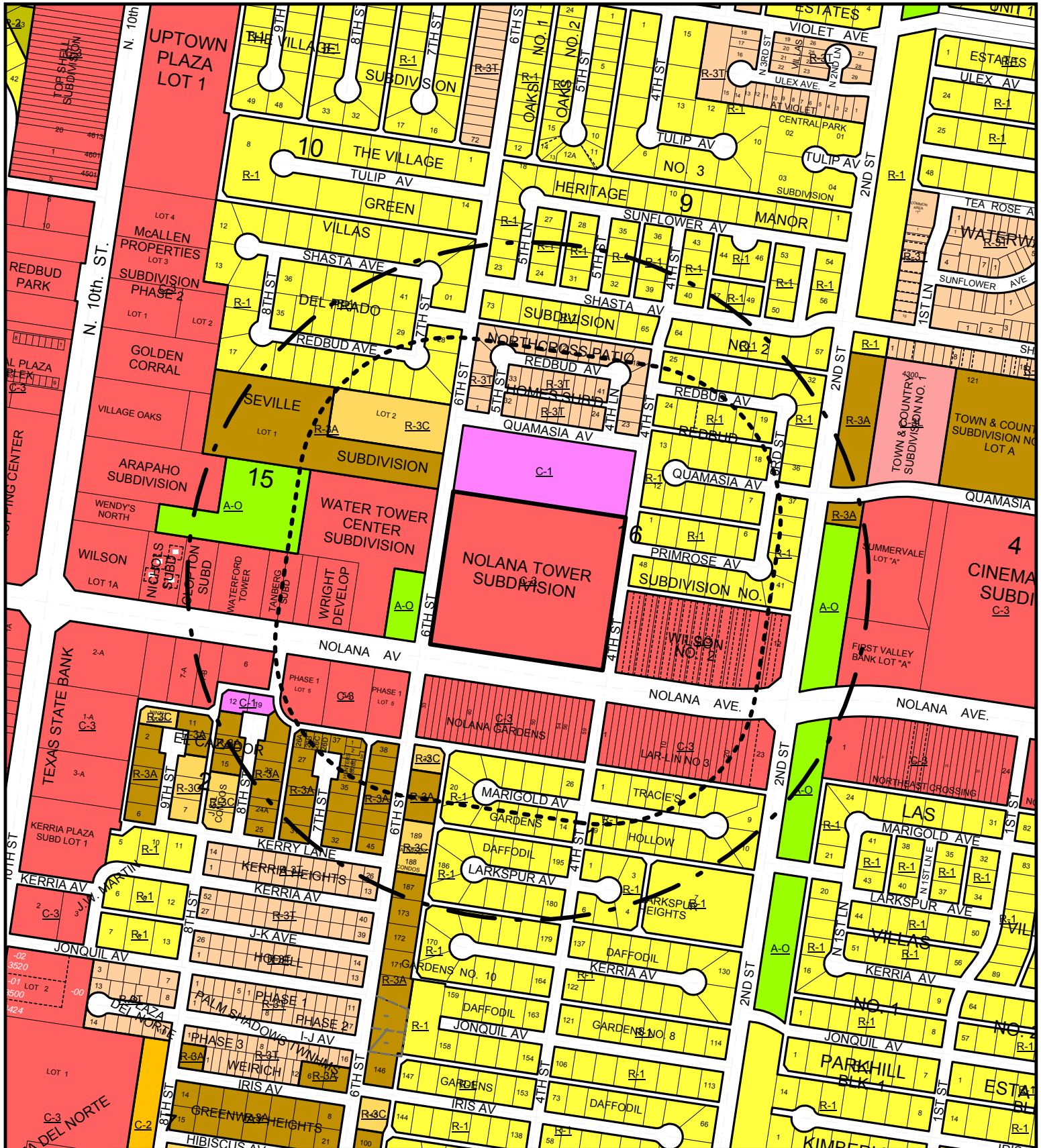
OPTIONS:

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

RECOMMENDATION:

This request was heard at the August 6, 2013 Planning and Zoning Commission meeting. There was no one present in opposition to 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 with a favorable recommendation to grant the variance to the distance requirement, conditions as noted, and with the added condition for extra security and nightly trash pickup. There were four members present, three members voted and one abstained.



CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: 1" = 500'

AREA MAP



SUBJECT PROPERTY

600 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS

ZONING LEGEND


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

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

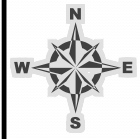


CITY OF McALLEN
 PLANNING DEPARTMENT

AERIAL MAP
 SCALE: N.T.S.

 SUBJECT PROPERTY

 600 FT. NOTIFICATION BOUNDARY



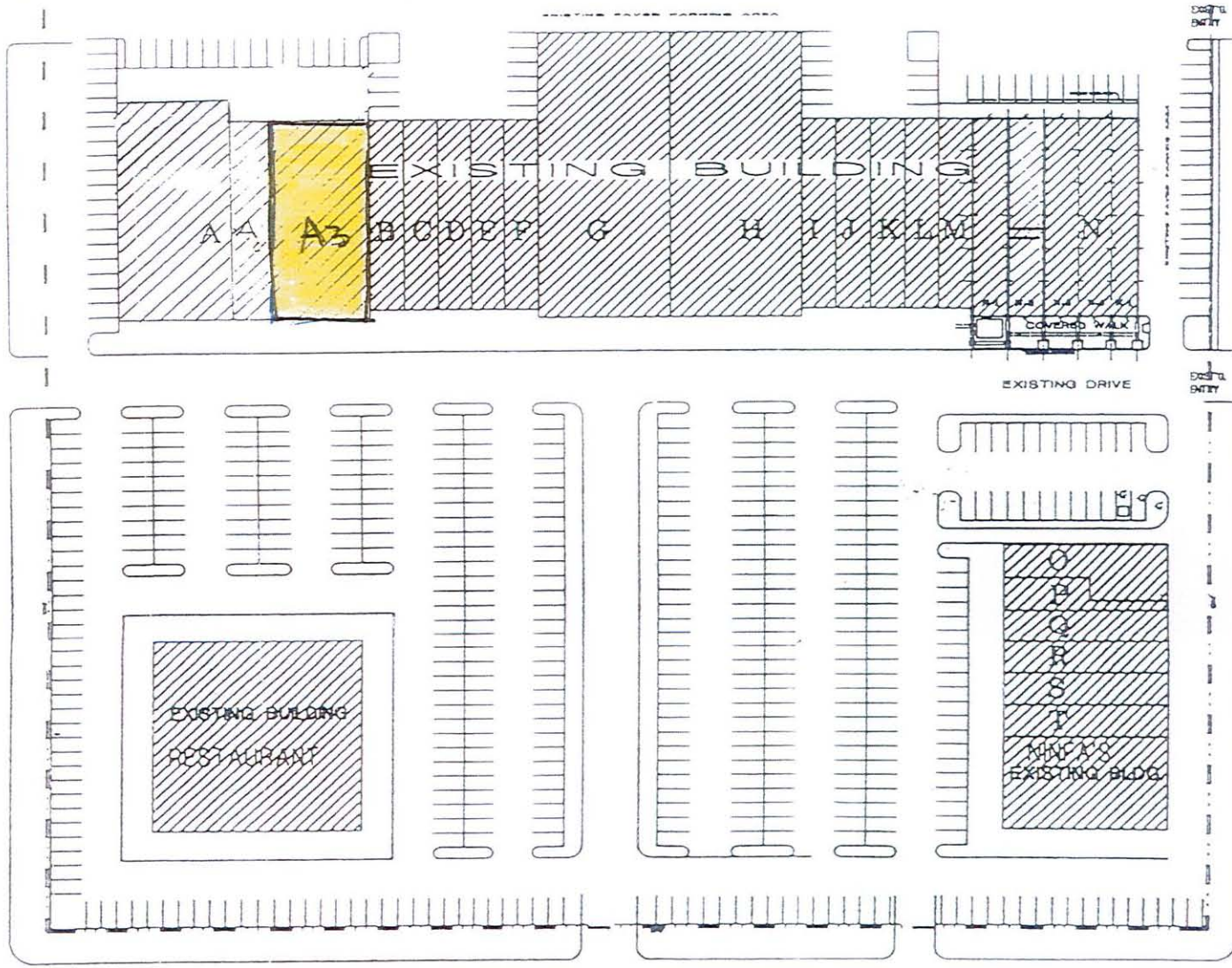
This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying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

\\NS\TOWER\BAY2 Sun Feb 3 22:56:25 2002

2010
JAN 22 REC'D
AO 3:25

532 ps = 132 2000 = 924 2002

6th STREET



NOLANA AVE.

4th STREET

PRIMROSE

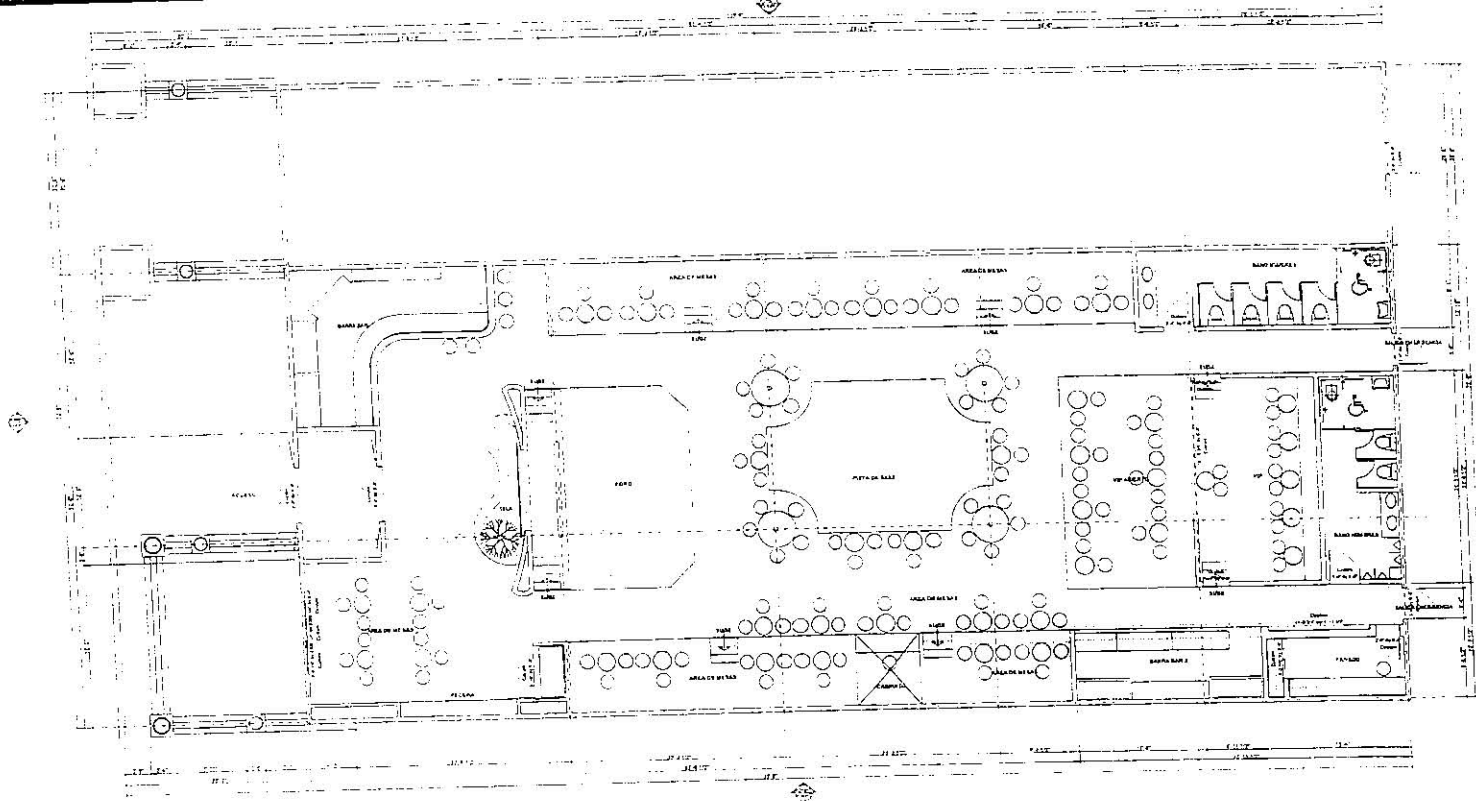
SITE PLAN



INTERIOR RENOVATION **WALK SCHEDULE**
NOLANA TOWER Renovation Center
 TEXAS
 McALLUM



QUERIERO and ASSOCIATES
 ARCHITECTURAL GROUP
 ARCHITECTS INTERIORS OF ARCHITECTS
 TEXAS SOCIETY OF ARCHITECTS
 U.S. 11104 94-7 San Antonio, Texas 78204 512-341-1444



RECEIVED
 2010
 JAN 22 REC'D
 DO 3:25
 PLANNING DEPARTMENT

<p>PLANTA ARQUITECTONICA BAJA</p> <p>YACHT CLUB</p>		<p>400 S. NICARAGUA ST. #4 MEMPHIS, TENNESSEE 38103</p> <p>National Tower Speed 102 011</p>	<p>ARG. OSCAR A. DEL SALINAS SALINAS</p>		<table border="1"> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> </table>											<p>PROYECTO ARQUITECTONICO</p> <p>Salinas Diseña</p>

8/6/13

I, Sandra Ramirez from the
Yacht Club @ 400 Nolana Lot A-1
do hereby appeal the
decision of the Planning & Zoning
for the meeting of 8/6/13

Sandra Ramirez .



**NOTICE
NIGHT CLUB
For
This Property
CUP2013-0129**

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

STANDARDIZED RECOMMENDATION FORM

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

 X

AGENDA ITEM
DATE SUBMITTED
MEETING DATE

1E
8/20/13
8/26/13

1. **Agenda Item:** Conditional Use Permit

2. **Party Making Request:** Robert Wilson

3. **Nature of Request: (Brief Overview) Attachments:** X Yes No
Appeal the decision of the Planning and Zoning Commission of the August 6, 2013 meeting denying the request of Robert Wilson, for a Conditional Use Permit, for one year, for a bar at Lot A-1, Nolana Towers Subdivision, Hidalgo County, Texas: 400 Nolana Avenue, Suite G.

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>8/20/2013</u>	<u>No</u>
b) _____	_____	_____	_____

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

9. **Advisory Board:** Approved X Disapproved None
With a favorable recommendation to grant the variance to the distance requirement, conditions as noted, and with the added conditions for extra security and nightly trash pickup.

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

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

Memo

TO: Mike R. Perez, City Manager

FROM: Rudy Elizondo, Vice-Chairperson, Planning and Zoning Commission R.E.

DATE: August 20, 2013

SUBJECT: APPEAL THE DECISION OF THE PLANNING AND ZONING COMMISSION OF THE AUGUST 6, 2013 MEETING, DENYING THE REQUEST OF ROBERT WILSON FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A BAR AT LOT A-1 NOLANA TOWERS SUBDIVISION; 400 NOLANA AVENUE, SUITE G.

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 northeast corner of Nolana Avenue and North 6th Street and is zoned C-3 (general business) District. The adjacent zoning is C-1 (office building) District to the north, C-3 to the east, south and west, R-1 (single family residential) District also to the east and A-O (agricultural and open space) District also to the west. Surrounding land uses include commercial businesses, offices, restaurants, single and multi-family residences, vacant land, and a water tower. A bar is allowed in a C-3 zone with a Conditional Use Permit and in compliance with requirements.

The applicant is proposing to continue to operate a pool hall (Eddy's) from the existing 14,891 sq. ft. lease space. The hours of operation will continue to be from 11:00 a.m. to 2:00 a.m. Monday thru Saturday and from 12:00 p.m. to 2:00 a.m. on Sundays. The initial conditional use permit was approved for this establishment by the Planning and Zoning Commission on November 2, 1999 and has been renewed annually. The last permit was approved, for one year, on September 20, 2011.

Attached is a police activity report, which indicates service calls from July 2012 to present. The Health and Fire Departments have inspected the establishment and is in compliance with safety code and regulations. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

- 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. of residential zones and uses;
- 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 Nolana Avenue 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 shopping center is a mixture of office, retail, vacant suites, restaurants, and nightclubs (Yacht Club & Club NV). The proposed bar is required 149 parking spaces; 724 parking spaces are provided on the common parking area in the front and rear of the building. For the restaurants, the bars and the proposed nightclub to run simultaneously, 569 parking spaces are required;
- 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 maximum number of persons allowed is 712.

OPTIONS:

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

RECOMMENDATION:


This request was heard at the August 6, 2013 Planning and Zoning Commission meeting. There was no one present in opposition to 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 with a favorable recommendation to grant the variance to the distance requirement, conditions as noted, and with the added condition for extra security and nightly trash pickup. There were four members present, three members voted and one abstained.

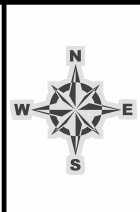


CITY OF McALLEN
PLANNING DEPARTMENT

AERIAL MAP
SCALE: N.T.S.

 SUBJECT PROPERTY

 600 FT. NOTIFICATION BOUNDARY

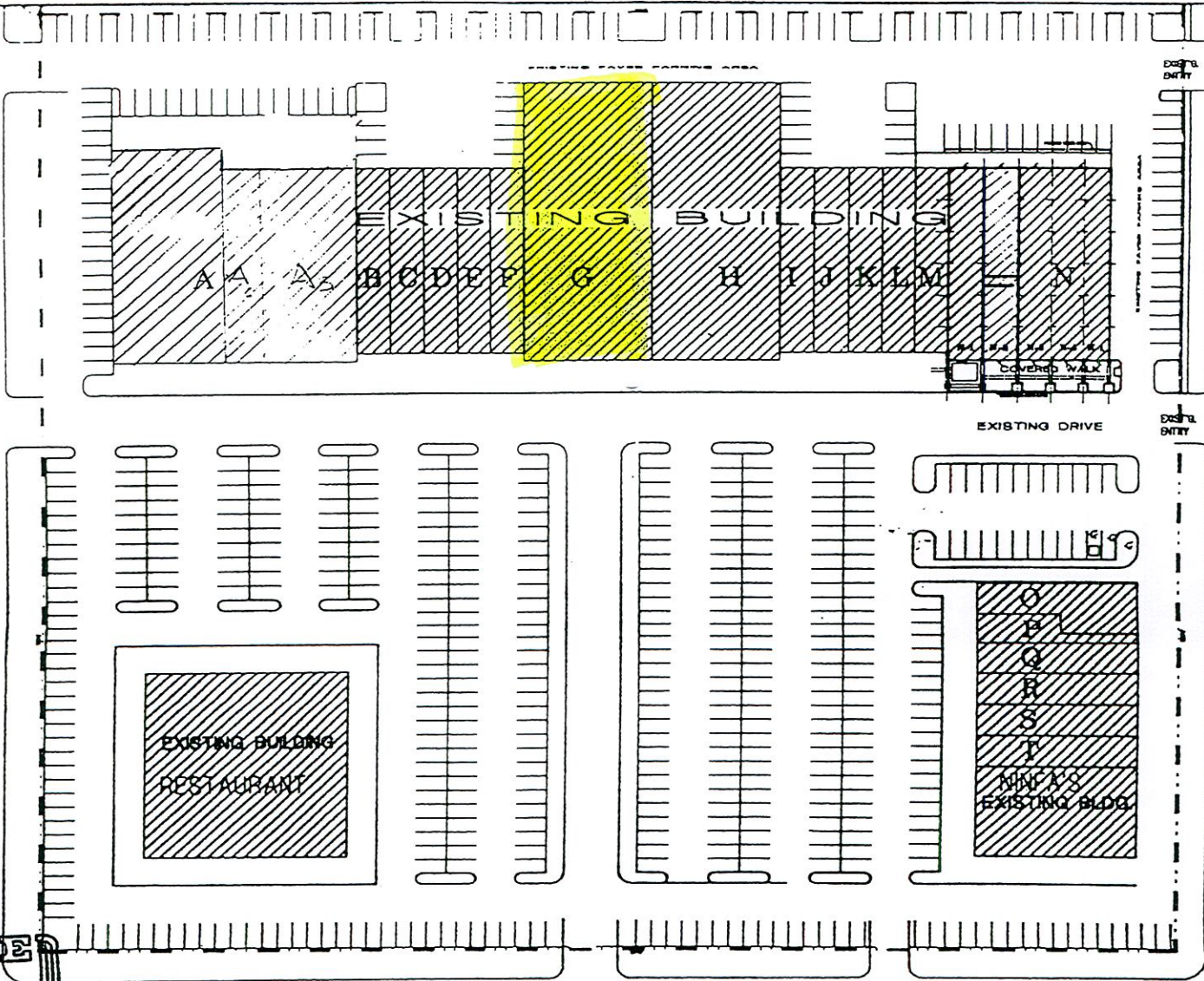


This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying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

RECEIVED
OCT 23 2000

SYNCHRONIZATION Sun Feb 3 22:56:25 2002

6th STREET



NOLANA AVE.

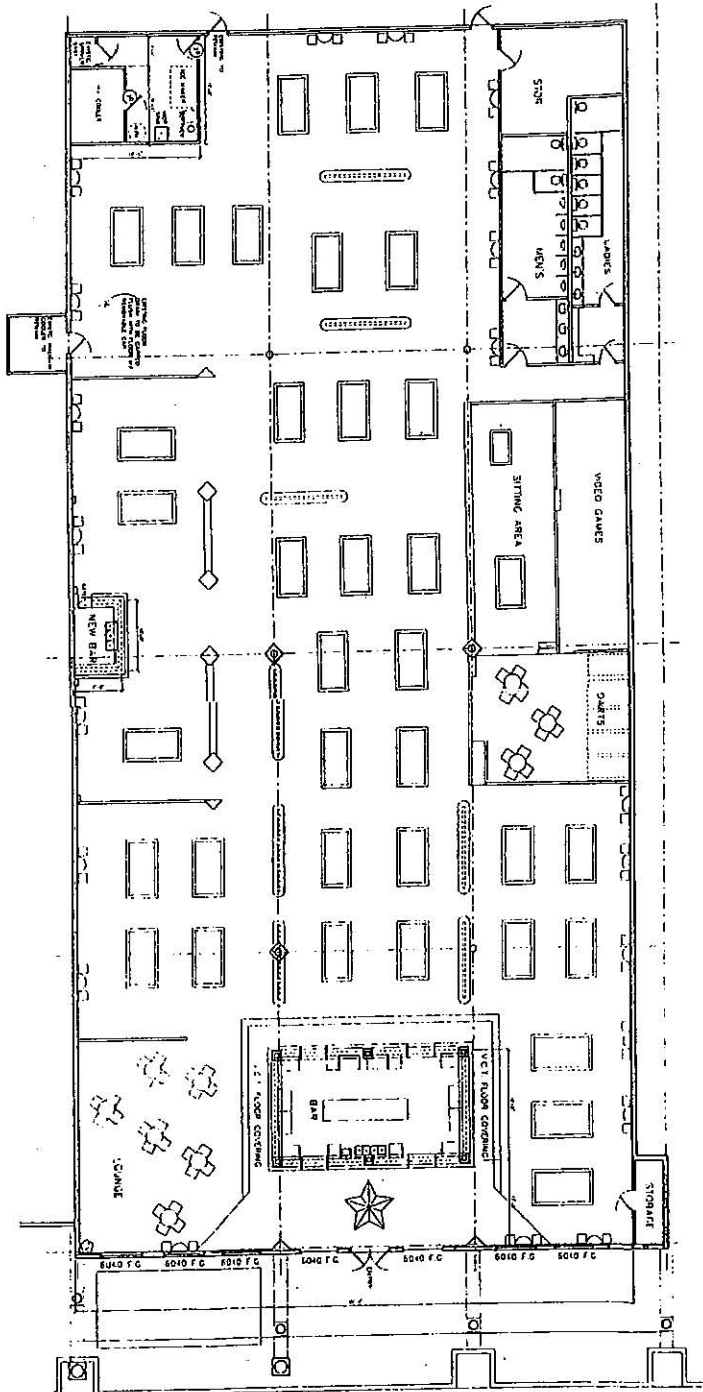
4th STREET

SITE PLAN
7-309

PRIMROSE

QUERREIRO AND ASSOCIATES
ARCHITECTURAL GROUP
MEMBER SOCIETY OF ARCHITECTS
MEMBER SOCIETY OF ARCHITECTS
U.S. 11000 10th Ave., Suite 1000 Dallas, TX 75244

INTERIOR RENOVATION
NOLANA TOWER RENOVATION CENTER
TEXAS
MULLER



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

RECEIVED
OCT 01 1999

<p>2 A-1</p>	<p>DATE: SEP 24, 1989 DRAWN BY: [illegible] CHECKED BY: [illegible]</p>	<p>INTERIOR REMODELING TO NOLANA TOWER SHOPPING CENTER SPACE 'G'</p>	<p>TEXAS</p>			<p>GUERRERO and ASSOCIATES ARCHITECTURAL GROUP AMERICAN INSTITUTE OF ARCHITECTS TEXAS SOCIETY OF ARCHITECTS 1414 W. 14th ST. SUITE 1400 MCKINNEY, TEXAS 75067-1400 409-564-1100</p>
	<p>McALLEN, TEXAS</p>					

DATE	TIME	INC#	INC TYPE	DISPOSITION	ADDRESS
7/21/2012	13:27	201200067879	ALARMS		400,W,NOLANA,AV,,A3
7/24/2012	17:31	201200068933	ALARMS		400,W,NOLANA,AV,,A3
7/18/2012	2:34	201200066617	ASSAULT	Suspended	400,W,NOLANA,AV,,A3
10/31/2012	1:35	201200103628	ASSAULT	Inactive (Closed)	400,W,NOLANA,AV,,A3
3/6/2013	2:25	201300021870	ASSAULT	Open	400,W,NOLANA,AV,,A3
3/20/2013	1:20	201300026719	ASSAULT	Open	400,W,NOLANA,AV,,A3
10/5/2012	18:19	201200094677	CIVIL CASE		400,W,NOLANA,AV,,A3
7/31/2012	7:26	201200071162	CREDIT CARD/ATM CARD FRAUD	Suspended	400,W,NOLANA,AV,,A3
8/24/2012	4:44	201200079629	CRIMINAL MISCHIEF	Open	400,W,NOLANA,AV,,A3
8/22/2012	2:41	201200078966	DISTURBANCE		400,W,NOLANA,AV,,A3
11/21/2012	1:56	201200111003	DISTURBANCE		400,W,NOLANA,AV,,A3
12/19/2012	1:34	201200120525	DISTURBANCE	Inactive (Closed)	400,W,NOLANA,AV,,A3
1/23/2013	2:53	201300007257	DISTURBANCE		400,W,NOLANA,AV,,A3
3/10/2013	1:59	201300023252	DISTURBANCE		400,W,NOLANA,AV,,A3
2/6/2013	2:41	201300012171	DRUNKENNESS	Closed by Arrest	400,W,NOLANA,AV,,A3
3/20/2013	23:09	201300027060	REQUEST OFFICER		400,W,NOLANA,AV,,A3
8/30/2012	1:01	201200081727	SUSPS SUBJ/CIRCUMST		400,W,NOLANA,AV,,A3
7/4/2012	3:08	201200061600	THEFT ALL OTHER LARCENY	Exceptional Clearance	400,W,NOLANA,AV,,A3
12/9/2012	1:56	201200117251	THEFT ALL OTHER LARCENY	Suspended	400,W,NOLANA,AV,,A3
400,W,NOLANA,AV,,A3 Count					19
9/30/2012	22:23	201200093002	911 CALL		400,W,NOLANA,AV,,G
11/28/2012	8:08	201200113314	911 CALL		400,W,NOLANA,AV,,G
7/27/2012	3:44	201200069762	911 CALL		400,W,NOLANA,AV,,G
7/12/2012	14:43	201200064755	ASSAULT	Inactive (Closed)	400,W,NOLANA,AV,,G
12/31/2012	1:49	201200124886	DISTURBANCE	Open	400,W,NOLANA,AV,,G
2/18/2013	1:53	201300016263	DISTURBANCE		400,W,NOLANA,AV,,G
12/24/2012	0:40	201200122513	DRUNKENNESS	Closed by Arrest	400,W,NOLANA,AV,,G
11/2/2012	1:17	201200104343	MINOR ACCIDENT	Inactive (Closed)	400,W,NOLANA,AV,,G
2/13/2013	10:50	201300014656	MINOR ACCIDENT-COLD REPORT	Open	400,W,NOLANA,AV,,G
1/24/2013	0:24	201300007572	REQUEST OFFICER	Inactive (Closed)	400,W,NOLANA,AV,,G
3/24/2013	23:59	201300028512	ROBBERY	Closed by Arrest	400,W,NOLANA,AV,,G
3/7/2013	1:32	201300022206	SUSPS SUBJ/CIRCUMST		400,W,NOLANA,AV,,G
400,W,NOLANA,AV,,G Count					12
Grand Count					31

400 Space G, Inc.

400 Nolana Space G
McAllen, TX 78504

August 9, 2013

To whom it may concern:

Please allow this letter to serve notice that we would like to file an appeal on the decision made on our conditional Use Permit on Tuesday the 6th of August, 2013.

If you have any questions please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert W. Wilson".

Robert W. Wilson,
President

**NOTICE
BAR
For
This Property
CUP2013-0119**
City of McAllen Planning Dept - 681-1250
www.mcallen.net

STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION	<u> X </u>	AGENDA ITEM	<u> 1F </u>
UTILITY BOARD	<u> </u>	DATE SUBMITTED	<u> 8/20/13 </u>
PLANNING & ZONING BOARD	<u> </u>	MEETING DATE	<u> 8/26/13 </u>
OTHER	<u> </u>		

1. **Agenda Item:** Conditional Use Permit

2. **Party Making Request:** Jesus A. Leal on behalf of Josant Inc.

3. **Nature of Request: (Brief Overview) Attachments:** X Yes No
 Appeal the decision of the Planning and Zoning Commission of the August 6, 2013 meeting denying the request of Jesus A. Leal on behalf of Josant Inc., for a Conditional Use Permit, for one year, for a bar at Lots 6 and 7, 21st Place Subdivision, Hidalgo County, Texas: 2013 Nolana Avenue.

4. **Policy Implication:** _____

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

Bid	Amount:	<u> Budgeted </u>	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> 8/20/2013 </u>	<u> No </u>
b) <u> </u>	<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 (4) of the Zoning Ordinance.

9. **Advisory Board:** Approved X Disapproved None
 With a favorable recommendation to grant the variance to the distance requirement and with the added conditions for extra security and nightly trash pickup.

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

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

Memo

TO: Mike R. Perez, City Manager

FROM: Rudy Elizondo, Vice-Chairperson, Planning and Zoning Commission R.E.

DATE: August 20, 2013

SUBJECT: APPEAL THE DECISION OF THE PLANNING AND ZONING COMMISSION OF THE AUGUST 6, 2013 MEETING, DENYING THE REQUEST OF JESUS A. LEAL ON BEHALF OF JOSANT, INC., FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A BAR AT LOTS 6 AND 7, 21ST PLACE SUBDIVISION; 2013 NOLANA AVENUE.

GOAL:

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

BRIEF DESCRIPTION:

The property is located on the south side of Nolana Avenue, approximately 200 ft. east of North 21st Street 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, single and multi-family residences, the International Museum of Arts & Science (IMAS) and vacant land. A bar is allowed in a C-3 zone with a Conditional Use Permit and in compliance with requirements.

The establishment originally opened as a restaurant; however, Code Enforcement issued a warning citation in 2009 for smoking in a restaurant and for not having the proper no-smoking signage posted. The applicant contacted the Planning Department for the requirements to operate as a bar and allow smoking. The bar came into compliance with city requirements. The initial Conditional Use Permit for a bar (Jalapeno's) was approved by City Commission on April 13, 2009 with a variance to the 600 ft. distance requirement on appeal. Since then the Conditional Use Permit has been renewed annually by different applicants. The last permit was approved by the City Commission on September 26, 2011 with a variance to the 600 ft. distance requirement.

During an inspection, Code Enforcement issued a citation for an expired Conditional Use Permit. The applicant subsequently submitted an application on June 28, 2013. There is a new applicant requesting the conditional use permit to continue to operate a bar (Jalapeño's Bar & Grill). The days and hours of operation are Monday thru Saturday 5:00 p.m. to 2:00

a.m. (Wednesday closing at 12:00 a.m.)

A police activity report is attached indicating service calls from July 2012 – present. The Health and Fire Departments have inspected and cleared the establishment. Should the Conditional Use Permit be approved, the applicant would be required to sign the application acknowledging and agreeing to the conditions of the permit. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of the lot of any of the above mentioned businesses must be at least 600 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 600 ft. of residential zones and uses, and the International Museum of Arts & Science (IMAS);
- 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 Nolana Avenue and North 21st Street, and does not generate traffic into residential areas;
- 3) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum, and make provisions to prevent the use of adjacent streets for parking. Based on the square footage of the establishment, 67 parking spaces are required for this use and 85 additional spaces are required for the remainder of the buildings, for a total of 152 spaces required. There are 155 parking spaces provided in the common parking area in the front and rear of the building;
- 4) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties;
- 5) The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;
- 6) The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
- 7) The above mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director. The maximum occupancy of the establishment is limited to 260 persons.

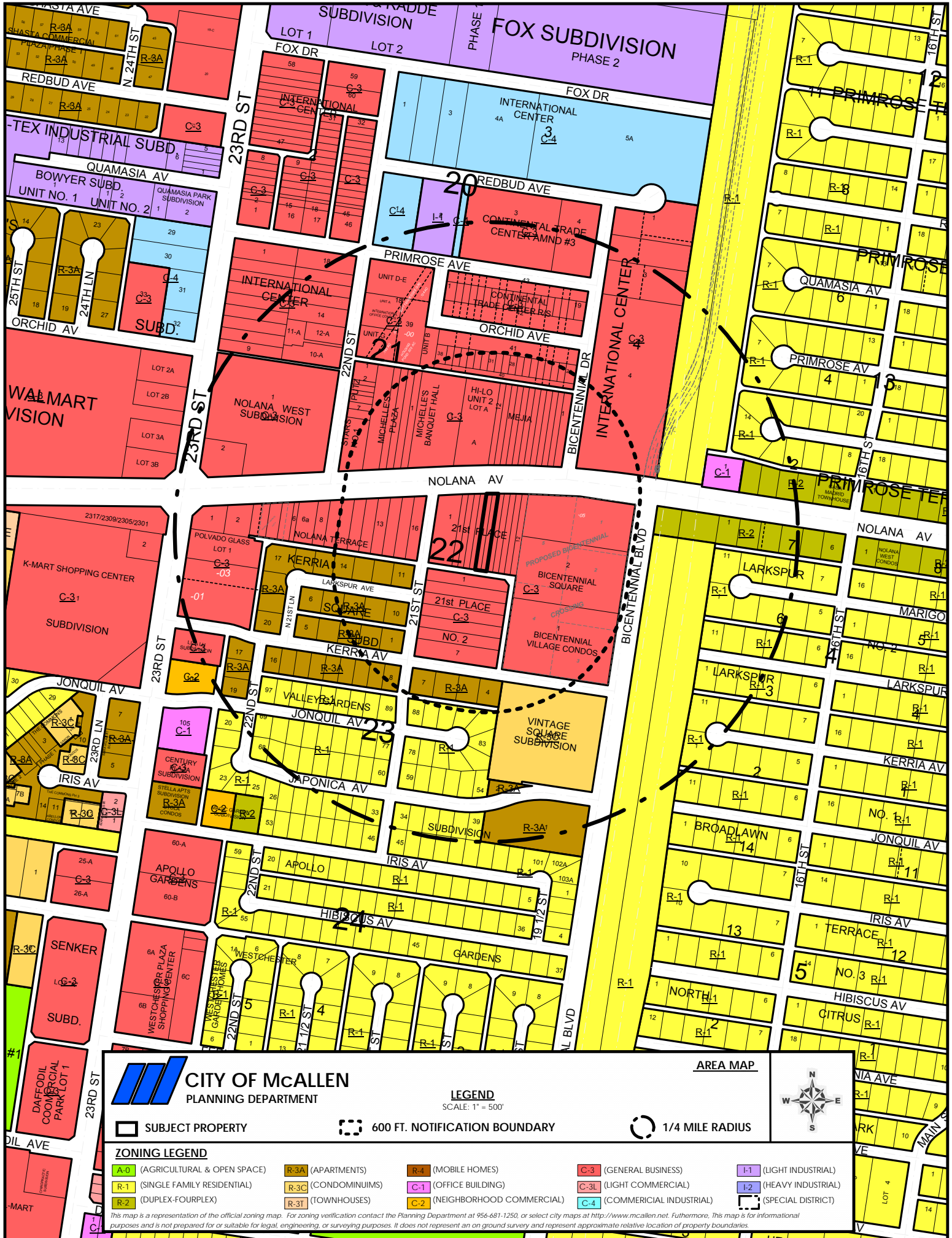
OPTIONS:

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

RECOMMENDATION:

This request was heard at the August 6, 2013 Planning and Zoning Commission meeting. There was no one present in opposition to 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 with a favorable recommendation to grant the variance to the distance requirement and with the added condition for extra security and nightly trash pickup. There were four members present and voting.



CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: 1" = 500'

SUBJECT PROPERTY

600 FT. NOTIFICATION BOUNDARY

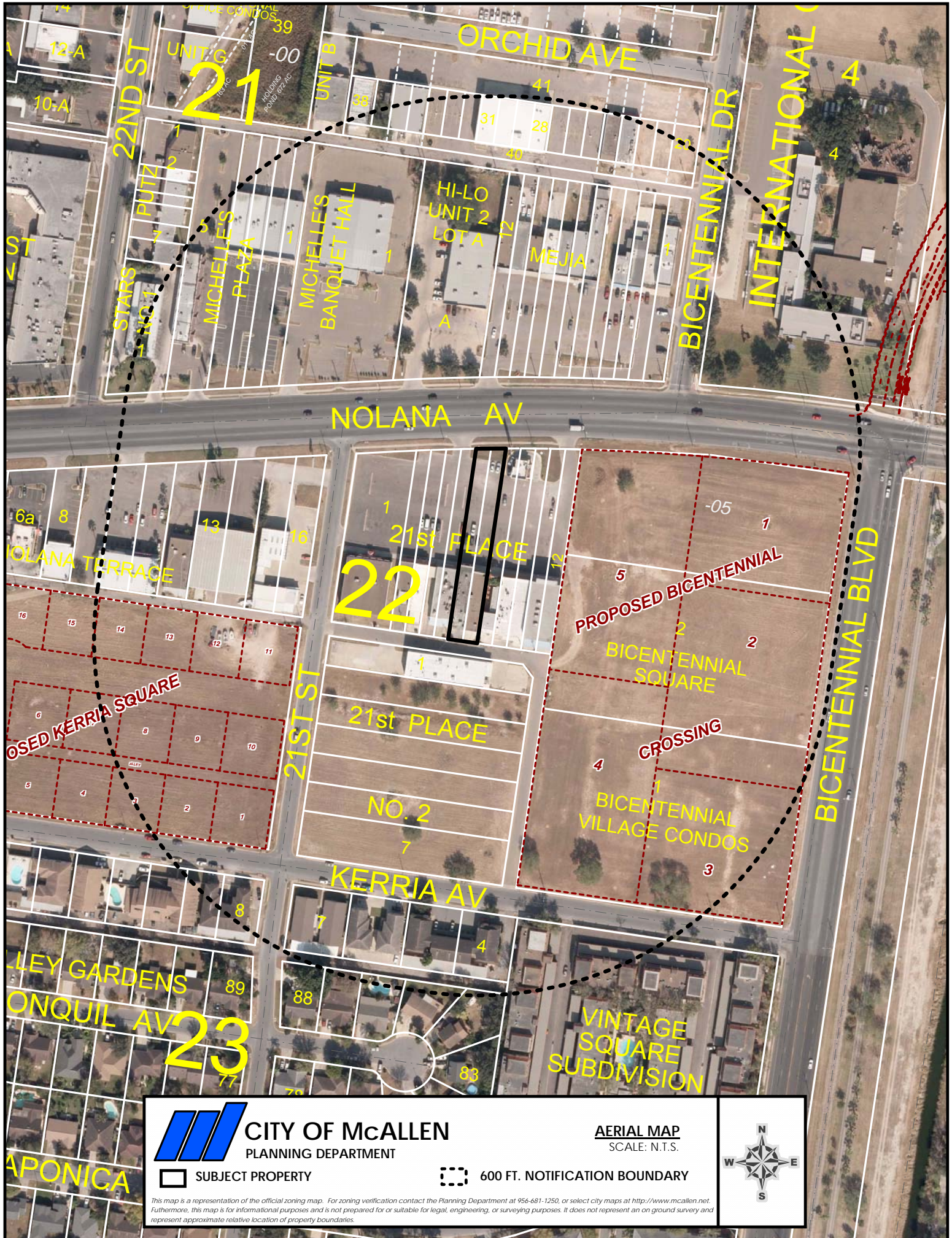
1/4 MILE RADIUS



ZONING LEGEND


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

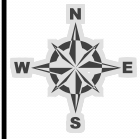


CITY OF McALLEN
PLANNING DEPARTMENT

AERIAL MAP
SCALE: N.T.S.

 SUBJECT PROPERTY

 600 FT. NOTIFICATION BOUNDARY



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.

--	--	--	--	--	--	--	--

Parking Lot

21st Place

Entrance

--	--	--	--

0039763M

0039763M

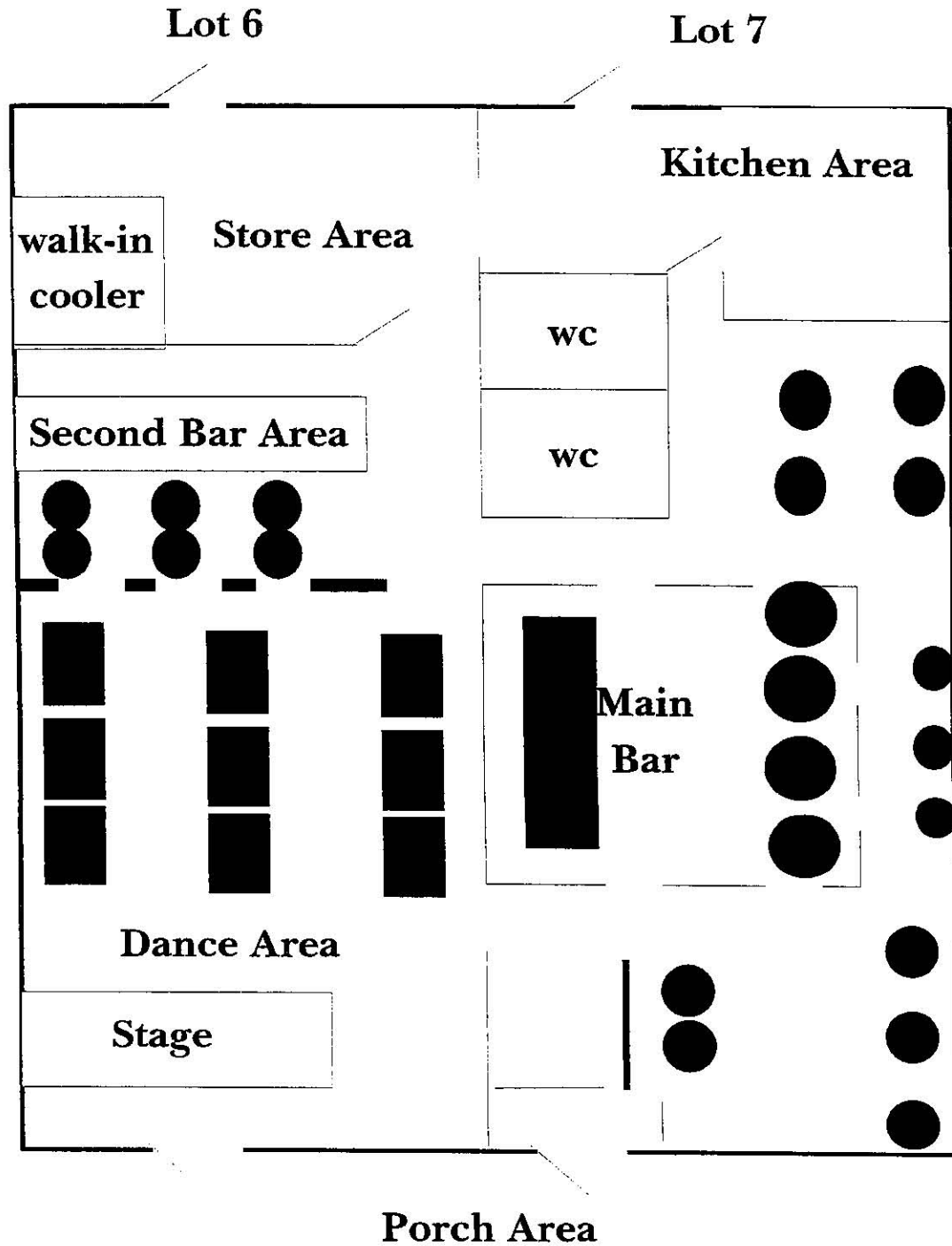
RECEIVED
 FEB 17 2009
 AC@11.37
 PLANNING DEPARTMENT

Nolana

21st Place Lots 6 & 7
Jalapeno's Bar & Grill
2013W. Nolana
McAllen, Texas 78504

*Approx 2,500 sqft
per building.
20' ft in height.*

RECEIVED
FEB 17 2009
SC@ 11:37
PLANNING DEPARTMENT



McAllen Municipal Court
1601 N. Bicentennial Blvd.
McAllen, TX 78501
(956) 681-2900

Warning

Ticket #
16990

1900

Date: 6/26/13 Time: 6:04 pm Issuer: Willi AM Barceñas ID # 9360

Location/Block/Street: 2013 W. Nolana Ave License Plate:

Permits	Health	Zoning
<input type="checkbox"/> Building	<input type="checkbox"/> Weedy Lot	<input type="checkbox"/> Sign Placed in ROW
<input type="checkbox"/> Plumbing	<input type="checkbox"/> Accumulation of trash	<input type="checkbox"/> Signs w/o Permit
<input type="checkbox"/> Electrical	<input type="checkbox"/> Stagnant Water	<input type="checkbox"/> Erecting Signs w/o Permit
<input type="checkbox"/> Mechanical	<input type="checkbox"/> Illegal Dumping	<input type="checkbox"/> Proh. Portable Signs
Work w/o Inspection	<input type="checkbox"/> Gross Unsanitary Cond.s	<input type="checkbox"/> Front Yard Parking
<input type="checkbox"/> Plumbing	<input type="checkbox"/> Deposit of Wastes	<input type="checkbox"/> Fail to Obtain C.U.P.
<input type="checkbox"/> Electrical	Food/Retail	<input checked="" type="checkbox"/> Expired C.U.P.
<input type="checkbox"/> Mechanical	<input type="checkbox"/> No Certified Manager	<input type="checkbox"/> Violation of C.U.P. Cond.
<input type="checkbox"/> Construction (com./res)	<input type="checkbox"/> No Food Handling Cert.	Animal
Performing Work w/o Lic.	<input type="checkbox"/> Hazardous Foods	<input type="checkbox"/> Leash Law
<input type="checkbox"/> Plumbing	<input type="checkbox"/> Selling Food w/o Permit	<input type="checkbox"/> No Vaccinations
<input type="checkbox"/> Electrical	<input type="checkbox"/> Business on Sidewalks	Fire
<input type="checkbox"/> Mechanical	<input type="checkbox"/> Display/Sale on St/Sidewalk	<input type="checkbox"/> Exceed Occupancy
	<input type="checkbox"/> Proh. Outdoor Display/Sale of Merch.	<input checked="" type="checkbox"/> Blocked Exits
	<input type="checkbox"/> No Garage Sale Permit	<input type="checkbox"/> Fail to Maintain Fire Alarm

Violation/Offense:

Violation/Offense:

Last Name: Leon First Name: Rosabel Middle:

Street Address: 1901 n. 34th St City: McAllen State: TX Zip: 78501

Res. Phone: 994-9964 Sex: F DOB: 6/4/61 Age: 52 D.L. #: 06949269 State: TX

Occupation: Manager Employer: Salapenos Food Mart Phone: 630-2466

Business Address: 2013 W. Nolana Ave City: McAllen State: TX Zip: 78501

I HEREBY PROMISE TO APPEAR BEFORE THE MUNICIPAL COURT ON OR BEFORE:

July, 10, 20 13

Signature: [Signature]

YOUR FAILURE TO APPEAR MAY CAUSE A CRIMINAL COMPLAINT TO BE FILED AGAINST YOU AND A WARRANT FOR YOUR ARREST WILL BE ISSUED.

DATE	TIME	INC#	INC TYPE	DISPOSITION
10/2/2012	1:12	201200093351	ASSAULT	Exceptional Clearance
8/16/2012	1:56	201200076843	ASSAULT	Suspended
8/3/2012	1:25	201200072244	ASSAULT	Inactive (Closed)
3/3/2013	1:44	201300020855	ASSAULT	Inactive (Closed)
10/24/2012	1:16	201200101210	ASSAULT	Inactive (Closed)
11/2/2012	2:40	201200104356	ASSAULT	Inactive (Closed)
10/17/2012	23:11	201200098881	BURG VEH REPORT	Suspended
3/3/2013	12:48	201300020979	BURG VEH REPORT	Suspended
1/7/2013	12:28	201300002077	BURG VEH REPORT	Suspended
11/25/2012	2:10	201200112333	BURG VEH REPORT	Suspended
10/21/2012	14:04	201200100357	BURG VEH REPORT	Suspended
1/4/2013	2:17	201300001057	BURG VEH REPORT	Suspended
8/28/2012	17:14	201200081249	CRIMES AGAINST PROPERTY	Suspended
12/8/2012	14:10	201200117012	CRIMES AGAINST PROPERTY	Suspended
8/10/2012	10:01	201200074845	CRIMES AGAINST PROPERTY	Suspended
11/20/2012	16:56	201200110877	CRIMES AGAINST PROPERTY	Suspended
7/20/2012	1:44	201200067314	CRIMES AGAINST PROPERTY	
3/12/2013	10:24	201300023938	CRIMES AGAINST PROPERTY	Inactive (Closed)
10/26/2012	2:04	201200101977	DISORDERLY CONDUCT	Closed with Citation
7/10/2012	1:25	201200063818	DISTURBANCE	Closed by Arrest
1/4/2013	2:07	201300001054	DISTURBANCE	
1/27/2013	0:28	201300008680	DISTURBANCE	Inactive (Closed)
8/14/2012	1:10	201200076180	DISTURBANCE	
9/10/2012	0:02	201200085690	DISTURBANCE	
9/23/2012	2:20	201200090321	DISTURBANCE	
2/11/2013	2:08	201300013878	DISTURBANCE	Inactive (Closed)
8/16/2012	0:31	201200076820	DISTURBANCE	
2/22/2013	2:13	201300017719	DISTURBANCE	
8/9/2012	20:20	201200074684	DISTURBANCE	Inactive (Closed)
8/24/2012	0:19	201200079584	DISTURBANCE	
9/9/2012	1:54	201200085410	DISTURBANCE	
12/1/2012	2:03	201200114318	DISTURBANCE	
12/2/2012	2:08	201200114690	DISTURBANCE	
11/2/2012	1:41	201200104349	DRIVING UNDER THE INFLUENCE (DUI)	Closed by Arrest
11/2/2012	1:41	201200104349	DRUG/NARCOTIC VIOLATIONS	Closed by Arrest
8/28/2012	1:22	201200081041	DRUG/NARCOTIC VIOLATIONS	Closed by Arrest
11/8/2012	23:31	201200106727	DRUG/NARCOTIC VIOLATIONS	Closed by Arrest
12/28/2012	21:44	201200124196	DRUNKENNESS	Closed by Arrest
9/12/2012	1:15	201200086370	DRUNKENNESS	Closed by Arrest
7/20/2012	22:26	201200067676	DRUNKENNESS	Closed by Arrest
8/28/2012	2:01	201200081043	DRUNKENNESS	Closed by Arrest
11/2/2012	1:41	201200104349	DRUNKENNESS	Closed by Arrest
8/16/2012	1:56	201200076843	MOTOR VEHICLE THEFT	Suspended
8/28/2012	1:22	201200081041	PUBLIC MORALS	Closed by Arrest

McAllen Police Department
Crime Records Office

Criteria: 2013 W Nolana Av;
July 2012 - present

<u>DATE</u>	<u>TIME</u>	<u>INC#</u>	<u>INC TYPE</u>	<u>DISPOSITION</u>
10/21/2012	15:25	201200100383	REQUEST OFFICER	
12/11/2012	1:36	201200117866	REQUEST OFFICER	Inactive (Closed)
11/14/2012	12:16	201200108583	REQUEST OFFICER	Inactive (Closed)
12/23/2012	5:03	201200122233	REQUEST OFFICER	Inactive (Closed)
8/24/2012	2:14	201200079609	REQUEST OFFICER	
9/8/2012	0:27	201200085053	REQUEST OFFICER	
11/8/2012	23:31	201200106727	SUSPS SUBJ/CIRCUMST	Closed by Arrest
8/7/2012	1:50	201200073686	SUSPS SUBJ/CIRCUMST	
11/27/2012	1:05	201200112945	SUSPS SUBJ/CIRCUMST	

**Jalapeño's Bar & Grill
2013 W. Nolana
McAllen, TX 78504
956-630-2466**

August 7, 2013

City of McAllen
Planning & Zoning
McAllen, TX 78501

RE: Conditional Use Permit Appeal

My name is Jesus Antonio Leal. I am the owner of Jalapeños Bar & Grill located at 2013 W. Nolana McAllen, TX 78504.

I want to appeal the decision of the planning & zoning meeting held on August 6, 2013.

Sincerely,


Jesus Antonio Leal



**NOTICE
BAR**
For
This Property
CUP 2013-0120
City of McAllen Planning Dept - 681-1250
www.mcallen.net

STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION
UTILITY BOARD
PLANNING & ZONING BOARD
OTHER

 X

AGENDA ITEM
DATE SUBMITTED
MEETING DATE

 1G
 8/20/13
 8/26/13

1. Agenda Item: Conditional Use Permit

2. Party Making Request: Jose R. Aguilar

3. Nature of Request: (Brief Overview) Attachments: X Yes No
 Appeal the decision of the Planning and Zoning Commission of the August 6, 2013 meeting denying the request of Jose R. Aguilar, for a Conditional Use Permit, for one year, for a bar at Lots 1, 2 and 3A, Sue's Place Subdivision, Hidalgo County, Texas: 6500 North 10th Street, Suite I and J.

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:

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

a) <u> Julianne R. Rankin </u> Director of Planning	<u> JRR </u>	<u> 8/20/2013 </u>	<u> No </u>
b) _____	_____	_____	_____

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

9. Advisory Board: Approved X Disapproved None
 With a favorable recommendation to grant the variance to the distance requirement and with the added conditions for extra security and nightly trash pickup.

10. City Attorney: KP Approved Disapproved None

11. Manager's Recommendation: MRP Approved Disapproved None

Memo

TO: Mike R. Perez, City Manager

FROM: Rudy Elizondo, Vice-Chairperson, Planning and Zoning Commission R.E.

DATE: August 20, 2013

SUBJECT: APPEAL THE DECISION OF THE PLANNING AND ZONING COMMISSION OF THE AUGUST 6, 2013 MEETING, DENYING THE REQUEST OF JOSE R. AGUILAR FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A BAR AT LOTS 1, 2, AND 3A, SUE'S PLACE SUBDIVISION; 6500 NORTH 10TH STREET, SUITES I & J.

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 N. 10th Street and Martin Avenue and is zoned C-3 (general business) District. The adjacent zoning is C-3 District all around, and some C-1 (office building) District to the southeast and northwest. Surrounding land uses include shopping centers, restaurants, offices and vacant land. A bar is allowed in a C-3 zone with a Conditional Use Permit and in compliance with requirements.

The initial conditional use permit for this establishment was approved August 23, 2010 by the City Commission with a variance to the distance requirement. The last permit was approved by the City Commission on July 9, 2012 with a variance to the 600 ft. distance requirement.

Currently there is a multi-tenant commercial building on the property. The building is a mixture of retail, offices, and vacant suites. The applicant is proposing to continue to operate a bar from Suite I and J with a total lease space area of 4,150 sq. ft. The hours of operation will be from 3:30 p.m. to 2:00 a.m. Monday through Sunday. Based on the square footages and current uses, 85 parking spaces are required. The proposed bar would require an additional 56 parking spaces, for a total of 141 spaces; 161 parking spaces are provided on site, which are part of the common parking area.

Attached is a police report, which indicates service calls from July 2012 to present. The Health and Fire Departments have inspected and cleared the establishment which is in compliance with health and safety codes and regulations. Should the Conditional Use Permit be approved, the applicant would be required to sign the application acknowledging and agreeing to the conditions of the permit. The establishment must also meet the

requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

1. The property line of the lot of any of the above mentioned businesses must be at least 600 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p. m. The proposed establishment is within 600 ft. of residential zone/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 direct access to N. 10th Street and Martin Avenue;
3. The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum, and make provisions to prevent the use of adjacent streets for parking. Based on the square footages and current uses, 85 parking spaces are required. The proposed bar would require an additional 56 parking spaces, for a total of 141 spaces; 161 parking spaces are provided on site, which are part of the common parking area;
4. The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties.
5. The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;
6. The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
7. The above mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director. The maximum occupancy of the establishment allowed is 228 persons.

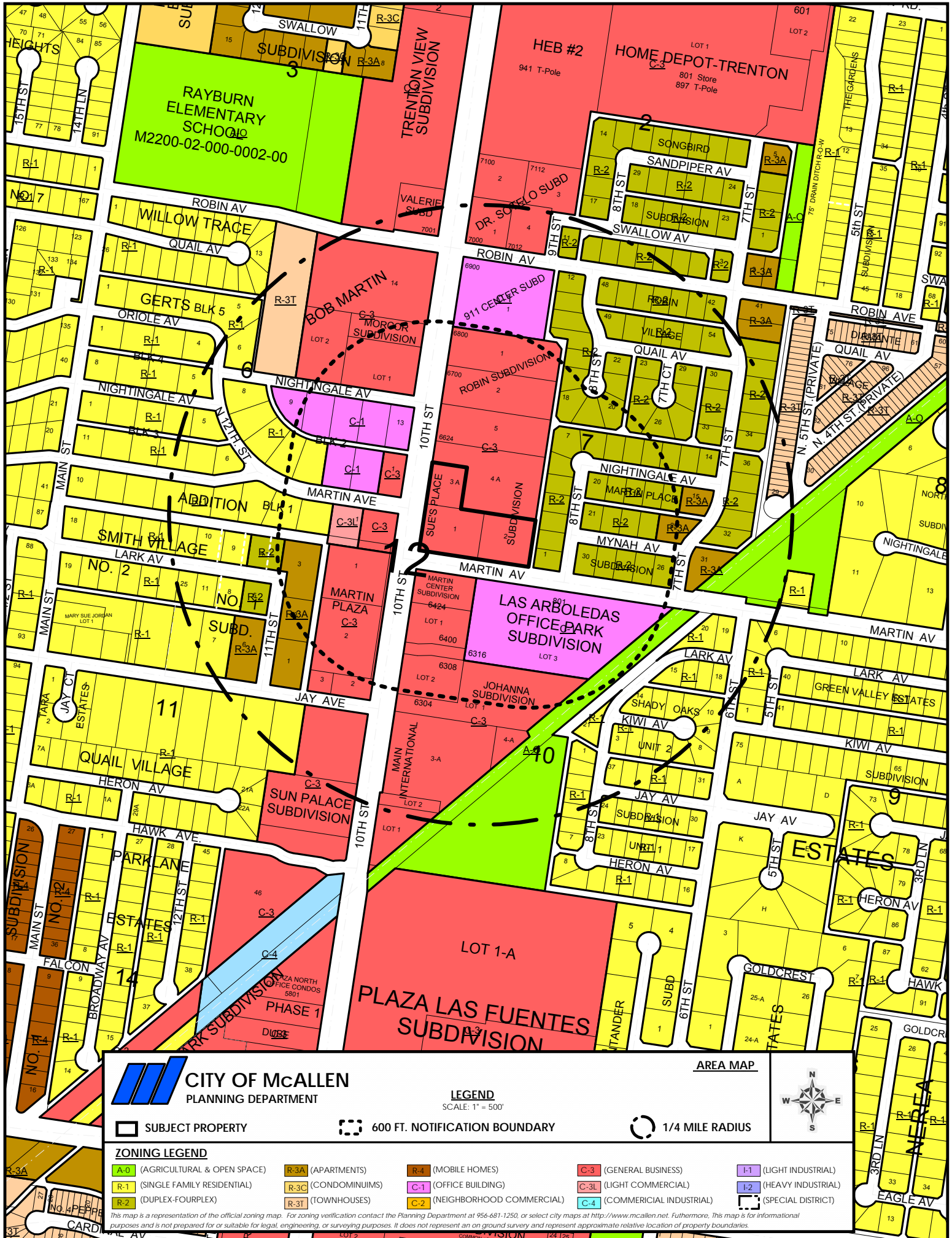
OPTIONS:

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

RECOMMENDATION:

This request was heard at the August 6, 2013 Planning and Zoning Commission meeting. There was no one present in opposition to the request and the applicant was not present.

Following a brief discussion of the item, the board unanimously voted to disapprove the request due to noncompliance with requirement #1 (distance) of Section 138-118(4) of the Zoning Ordinance with a favorable recommendation to grant the variance to the distance requirement and with the added condition for extra security and nightly trash pickup. There were four members present and voting.



CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: 1" = 500'

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


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

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



CITY OF McALLEN
 PLANNING DEPARTMENT

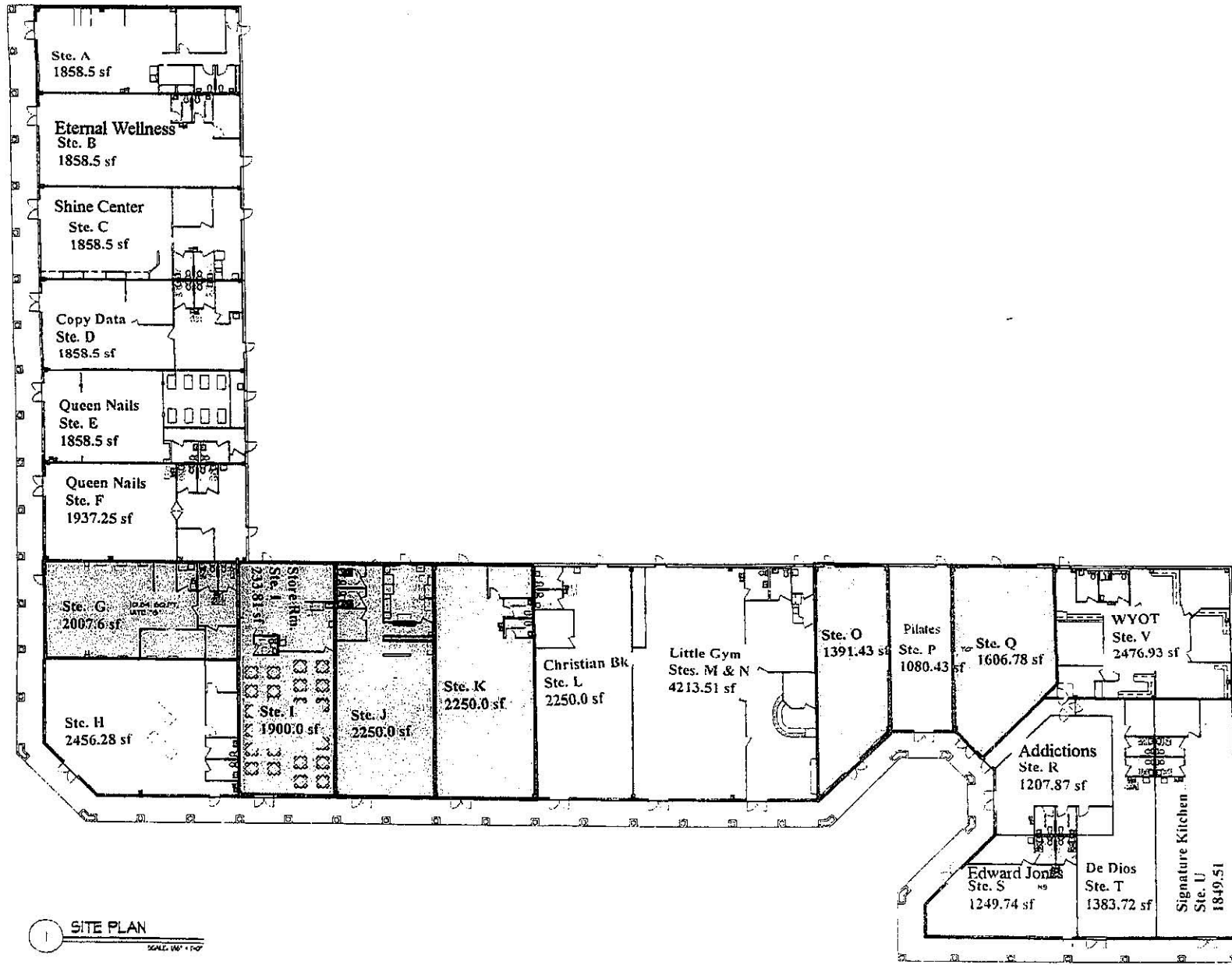
AERIAL MAP
 SCALE: N.T.S.

 SUBJECT PROPERTY

 600 FT. NOTIFICATION BOUNDARY



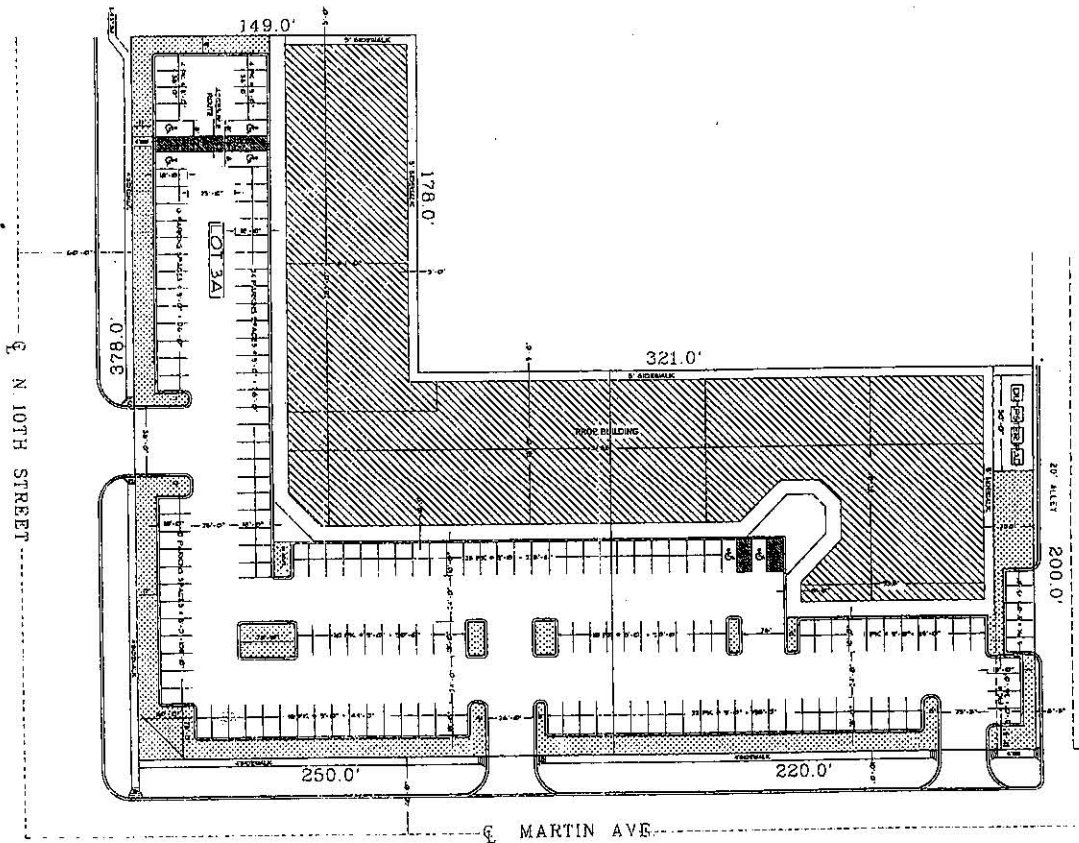
This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying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



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

RECEIVED

JUN 25 2010



SUMMARY:
 120,522 SQ.FT. OF PROPERTY
 12,053 SQ.FT. OF LANDSCAPING REQUIRED
 13,180 SQ.FT. OF LANDSCAPING PROVIDED
 8,611 SQ.FT. OF FRONTAGE LANDSCAPING PROVIDED

TOTAL BUILDING AREA - 41,037 SF.
 1- RESTAURANT AREA - 4,108 SF.
 2-OFFICE AREA - 2,283 SF.
 3-RETAIL AREA - 34,846 SF.

TOTAL PARKING SPACES REQUIRED
 1-RESTAURANT - 4108 / 75 = 55 PS.
 2-OFFICE - (2283 / 200) + 3 = 15 PS.
 3-RETAIL - 34846 / 400 = 87 PS.
 TOTAL PS REQUIRED - 157 PS.
 16 PS MUST BE ACCESSIBLE SPACES!

TOTAL PARKING SPACES PROVIDED
 REGULAR - 160 PS.
 HANDICAP - 8 PS.
 TOTAL - 168 PS PROVIDED

LEGAL DESCRIPTION

LOTS 1 & 2 SUE'S PLACE SUBDIVISION AND LOT 3A, SUBDIVISION PLAT OF LOTS 3A AND 4A, SUE'S PLACE SUBDIVISION, AN ADDITION TO THE CITY OF MCALLEN, HIDALGO COUNTY, TEXAS, ACCORDING TO MAP THEREOF RECORDED IN VOL. 40 PAGE 78, MAP RECORDS OF HIDALGO COUNTY.

APPROVED BY:	
PROJECT NO.	DATE
SCALE	DATE
DATE	DATE

Revised 06-24-05

ALL DRAWINGS AND WRITTEN MATERIALS HEREIN CONSTITUTE ORIGINAL WORK OF LA PAZ PLAN SERVICE, L.L.C. AND MAY NOT BE DUPLICATED WITHOUT THE EXPRESSED WRITTEN CONSENT OF LA PAZ PLAN SERVICE, L.L.C.

DESIGNED BY: ROBERT WELCH
 REV 016/07

GENERAL NOTES

LA PAZ PLAN SERVICE, L.L.C.
 COMMERCIAL & RESIDENTIAL * DESIGN & PLANNING
 200 W. EXPRESSEWAY 85
 PHARR, TEXAS 78978
 TEL: (361) 781-9701
 FAX: (361) 781-7013

SUE'S PLACE SUBDIVISION
 MCALLEN, TEXAS

TITLE
SITE PLAN

C1
 OF
 1
 SHEET
 1
 IN CONSECUTIVE PAGES
 DATE: JUNE 16, 2004
 DRAWN BY: EJM
 CHECKED BY:
 SCALE: 1" = 20'-0"
 FILE NAME: SUE'S PLACE

RECEIVED


JUN 25 2010

Initial:

View Drawing/Title Page/Sign: 05/04/2005 07:25:34 PM

McAllen Police Department
Crime Records Office

*Criteria: 6500 N 10th St Ste I J;
July 2012 - present*

<u>DATE</u>	<u>TIME</u>	<u>INC#</u>	<u>INC TYPE</u>	<u>ADDRESS</u>	<u>DISPOSITION</u>
 No Records					

8-14-2013

I Jose Aguilar, attended the P+Z
MEETING on August 6th 2013 And WAS
denied Approval on my CUP Request
at 6500 N 10th suites I+J. I would
like to appeal the decision to the
City Commission.

Thank You



Jose R Aguilar

(210) 536-7171



**NOTICE
BAR
For
This Property
CUP2013-0130**
City of McAllen Planning Dept - 681-1250
www.mcallen.net

Memo

TO: Mike R. Perez, City Manager

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

DATE: August 19, 2013

SUBJECT: REQUEST OF LARRY DELGADO FOR A VARIANCE FROM SECTION 6-2 OF THE ALCOHOLIC BEVERAGE CODE AT LOT 10A, NORTH MCALLEN, LOT 10A, BLOCK 45 SUBDIVISION; 210 NORTH MAIN STREET.

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

BRIEF DESCRIPTION:

The property is located at the northeast corner of Beech Avenue and N. Main Street and is zoned C-3 (general business) District. The adjacent zoning is C-3 in all directions. Surrounding land uses include commercial businesses, Archer Park, First Baptist Church, and Horizon Montessori School.

Mr. Larry Delgado is requesting a variance to the distance requirement from a place of business with alcohol sales that is within 300 ft. of any church, public or private school, or public hospital. The applicant is proposing to operate a dinner only restaurant under the name of Salt from an existing building consisting of 2,445 sq. ft. and has applied for a Mixed Beverage permit with the City. The proposed days and hours of operation for the establishment are from 4:30 p.m.–10:00 p.m. Monday thru Thursday and from 4:30 p.m.–11:00 p.m. Friday and Saturday.

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

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

City staff has received a letter from an adjacent property owner within the 300 ft. radius in opposition to the request.

OPTIONS:

1. Approve the variance as requested.
2. Approve the variance subject to not operating during school hours.
3. Table the item for additional information.
4. Disapprove the request.

RECOMMENDATION:

Staff recommends approval of the variance subject to not operating during school hours.

City of McAllen

Planning Department

VARIANCE TO CHAPTER 6 OF THE ALCOHOLIC BEVERAGE CODE

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

Project	<p>Legal Description <u>Salt</u> <u>high end restaurant + bar</u></p> <p>Subdivision Name <u>North McAllen Lot 10A Block 45</u></p> <p>Street Address <u>210 N. Main St. McAllen</u></p> <p style="text-align: center;">Number of lots <u>1</u> Gross acres _____</p> <p>Existing Zoning <u>C-3</u> Existing Land Use <u>Retail Office</u></p> <p>Reason for the Request (please use other side if necessary) _____</p> <p><input checked="" type="checkbox"/> \$225.00 non-refundable filing fee <input checked="" type="checkbox"/> Site Plan <input type="checkbox"/> Floor Plan</p> <p><input type="checkbox"/> Applicant's Request to Include the Type of Permit being Requested from the Texas Alcoholic Beverage Commission (TABC)</p>
Applicant	<p>Name <u>Larry Delgado</u> Phone <u>512.914.2123</u></p> <p>Address <u>1117 W. Business 83</u></p> <p>City <u>McAllen</u> State <u>TX</u> Zip <u>78501</u></p>
Owner	<p>Name <u>Larry + Jessica Delgado</u> Phone <u>512-914-2223</u></p> <p>Address <u>1117 W. Bus 83</u></p> <p>City <u>McAllen</u> State <u>TX</u> Zip <u>78501</u></p>
Authorization	<p>To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated?</p> <p style="text-align: center;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization.</p> <p>Signature <u>Fred Harms</u> Date <u>8/2/13</u></p> <p style="text-align: center;"><input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> Authorized Agent</p>
Office	<p>Accepted by _____ Date _____</p>

RECEIVED

10/11
AUG 02 2013

City of McAllen

Planning Department

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

Reason for Request

Building is within 300 feet from a school

Hours of operation

Monday - Thursday 4³⁰-10pm

Friday - Saturday 4³⁰-11pm

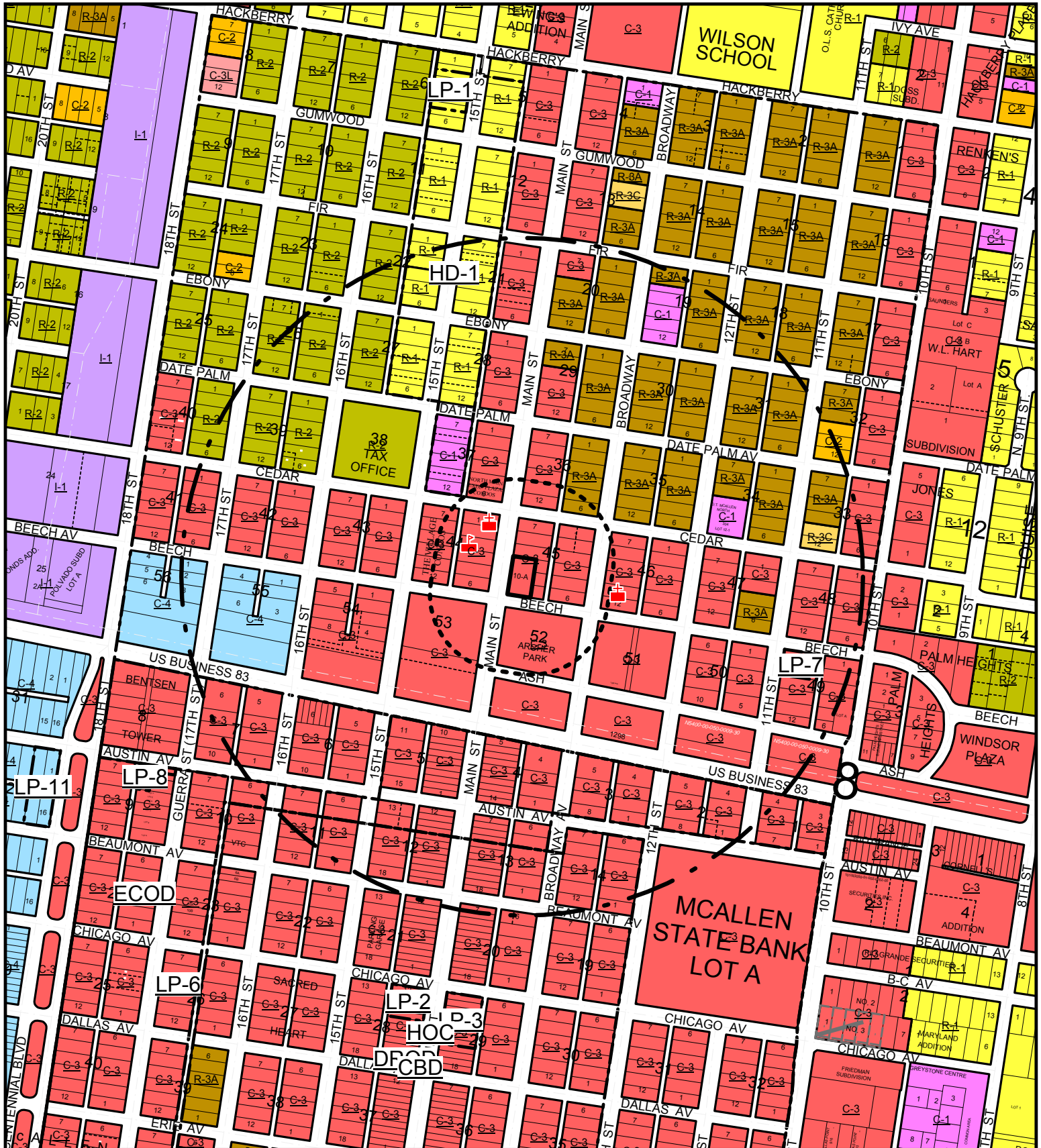
Sunday - closed

Dinner only concept

City Commission Action

Signature

Date



CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: 1" = 500'

- SUBJECT PROPERTY
 - 300 FT. NOTIFICATION BOUNDARY
 - 1/4 MILE RADIUS
- | | | | |
|--|--|--|--|
| ZONING LEGEND | | | |
| A-0 (AGRICULTURAL & OPEN SPACE) | R-3A (APARTMENTS) | R-4 (MOBILE HOMES) | C-3 (GENERAL BUSINESS) |
| R-1 (SINGLE FAMILY RESIDENTIAL) | R-3C (CONDOMINIUMS) | C-1 (OFFICE BUILDING) | C-3L (LIGHT COMMERCIAL) |
| R-2 (DUPEX-FOURPLEX) | R-31 (TOWNHOUSES) | C-2 (NEIGHBORHOOD COMMERCIAL) | C-4 (COMMERCIAL INDUSTRIAL) |
| | | | L-1 (LIGHT INDUSTRIAL) |
| | | | L-2 (HEAVY INDUSTRIAL) |
| | | | (SPECIAL DISTRICT) |

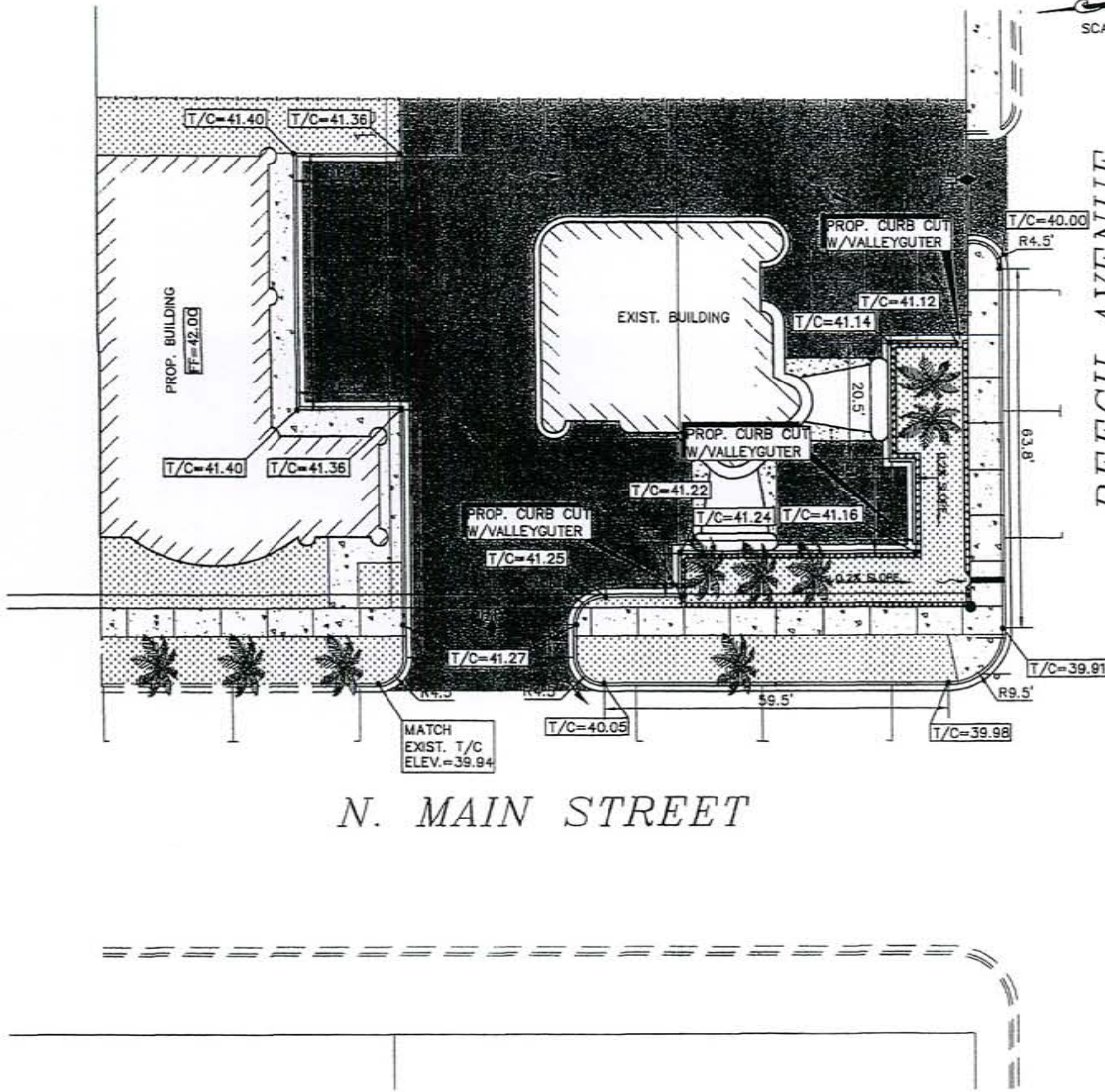
This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying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

AREA MAP



(4) CITY T COURT LIGHTING

S:\SAM\5\SUB\SUB 2009\Sub 08-001_Horns_McAllen\DWG\31-1-4 GRADING PLAN.dwg, layout, 10/27/2009 11:36:16 AM, sames1



ON-SITE BENCHMARK
 X=1071447.5520
 Y=16600109.6230
 Z=40.49

HATCH LEGEND
 [Pattern] - PROP. ASPHALT
 [Pattern] - EXIST. CONC. TO REMAIN

LEGEND
 [Symbol] - PALM TREE
 [Symbol] - FOUND IRON ROD
 [Symbol] - CHAINLINK FENCE
 [Symbol] - ON-SITE B.M.

CONSTRUCTION NOTE
 1) SEE SHT.-5 FOR CROSS SECTIONS; A-A,B-B,C-C,D-D
 2) ALL CURB CUTS TO BE 1'.

DETENTION INFO
 REQUIRED DETENTION=1,307.00 CUFT
 PROP. DETENTION =1,372 CUFT



RECEIVED

AUG 9 2013

GENERAL INFORMATION:
 DATE OF PREPARATION: FEBRUARY 2009
 JOB NUMBER: 31-1-4
 LOCATION: MCALLEN, TEXAS
 SHEET: 4/5
 SUB OF 001

GRADING PLAN
 LOT 10 A BLOCK 45
 MCALLEN, TEXAS

SAMES SM Engineering & Surveying, Inc.
 100 S. GARDNER ROAD
 PALMER, TEXAS 79077
 TEL: (409) 770-4800
 FAX: (409) 770-3005

Lot Line 90'

210 N. Main Street
2,445 Sq. Ft.



Dumpster Pad
10' x 10'

200 N. Main Street
1,540 Sq. Ft.



RECEIVED

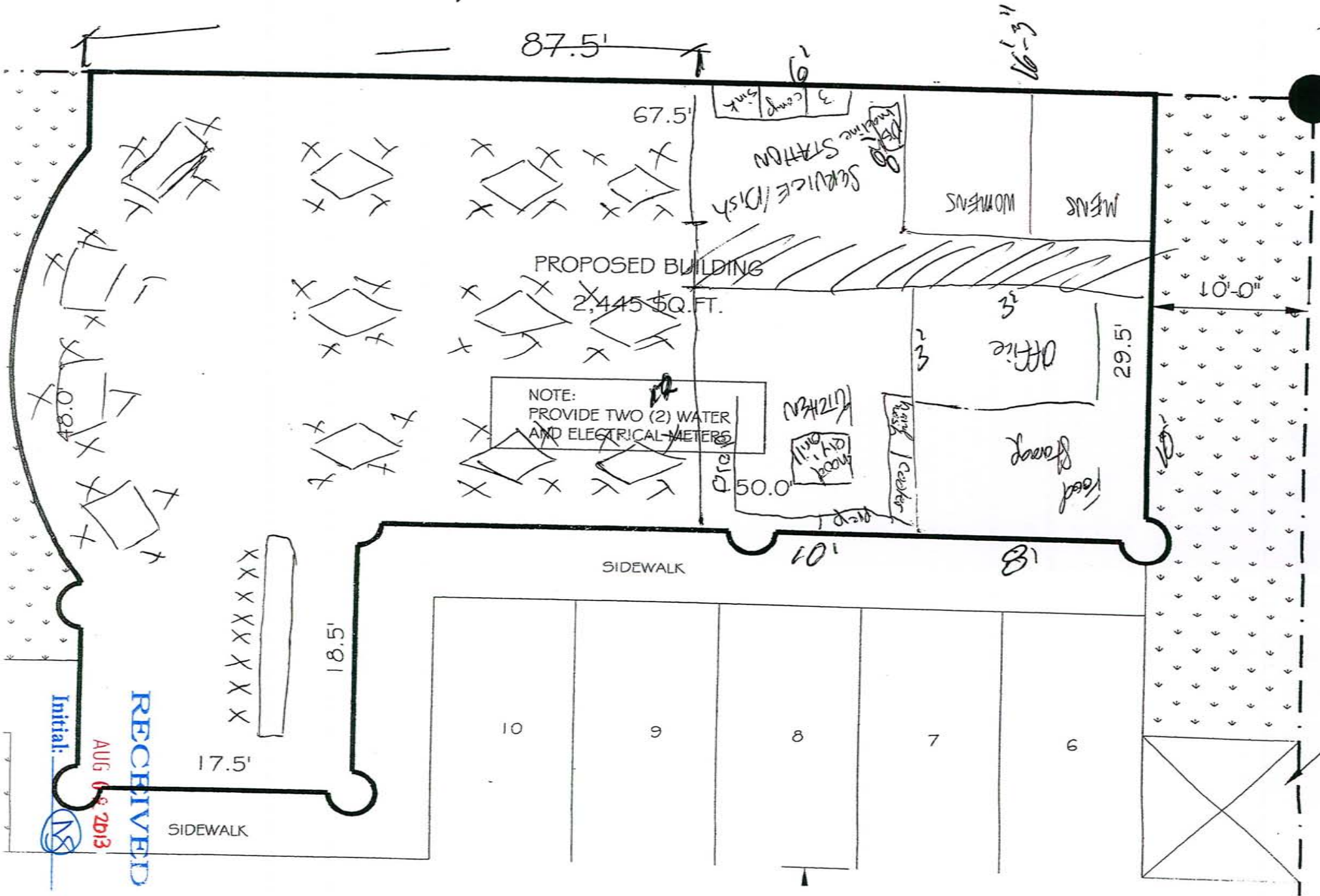
AUG 02 2013

Initial:

DB

Lot Line 150'

PROPOSED FLAN PLAN.





August 15, 2013



(956) 682-2905

FAX: (956) 682-3103

MOBILE: (956) 778-5588

e-mail: jvhettler@cambridge-properties.com

Web: www.cambridge-properties.com

214 North 16th Street
P.O. Box 970
McAllen, TX 78505
Joseph V. Hettler, CCIM
Broker / Owner

City of McAllen
Planning Department
P O Box 220
McAllen, Tx 78505-0220

To Whom it May Concern:

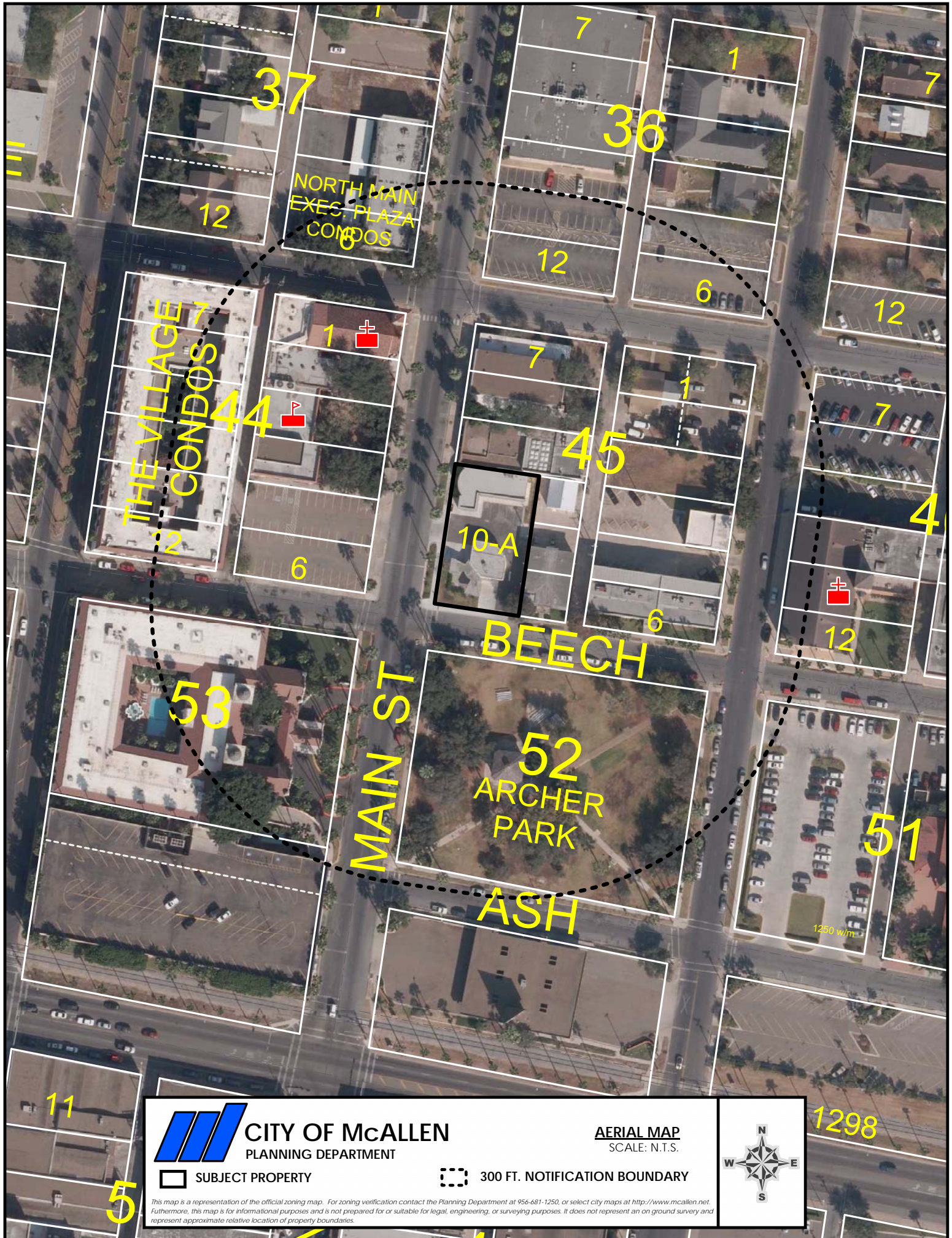
On behalf of the following entities:

Village Partners: T3900-00-000-0047-00
Joseph Hettler: T3900-00-000-0043-00
Joseph Hettler T3900-00-000-0001-00
Joseph Hettler T3900-00-000-0002-00
Joseph Hettler T3900-00-000-0036-00

We wish to object to the Variance form Section 6-2 of the Alcoholic Beverage Code at Lot 10A North McAllen, lot 10A, Clock 45 Subdivision, Hidalgo County, Texas; at 210 N. Main for the request of a liquor license, due to the fact that there enough business locations on 17th Street and should not cross over business 83 where there are schools businesses and residence.

Sincerely,

Joseph V. Hettler

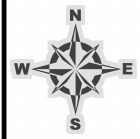


CITY OF McALLEN
PLANNING DEPARTMENT

AERIAL MAP
SCALE: N.T.S.

 SUBJECT PROPERTY

 300 FT. NOTIFICATION BOUNDARY



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

CITY OF MCALLEN
STANDARDIZED RECOMMENDATION FORM

IJ
08/19/13
08/26/13

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

AGENDA ITEM _____
 DATE SUBMITTED _____
 MEETING DATE _____

1. Agenda Item: Zoning Ordinance

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

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

4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No _____ N/A

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

6. Alternate option costs: _____

7. Routing:

<u>NAME/TITLE</u>	<u>INITIALS</u>	<u>DATE</u>	<u>CONCURRENCE YES/NO</u>
a) _____ Kevin D. Pagan City Attorney	_____	_____	_____
b) _____ Julianne Rankin Director of Planning	<u>JR</u>	<u>8-20</u>	<u>Yes</u>

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

9. Advisory Board: _____ Approved _____ Disapproved _____ None

10. City Attorney: KDP Approved _____ Disapproved _____ None

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

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF McALLEN, TEXAS AS ENACTED ON MAY 29, 1979, BY PROVIDING THAT LOTS 12, 13, AND 14, BLOCK 1, A.D. LEAVELL'S ADDITION SUBDIVISION, HIDALGO COUNTY, TEXAS SHALL BE CHANGED FROM R-2 (DUPLEX-FOURPLEX RESIDENTIAL) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT; THAT 0.32 ACRES OUT OF LOTS 1 AND 2 AND THE NORTH ½ OF LOT 3, BLOCK 1, NELSON ADDITION SUBDIVISION, HIDALGO COUNTY, TEXAS SHALL BE CHANGED FROM C-3L (LIGHT COMMERCIAL) DISTRICT TO R-3A (MULTI-FAMILY RESIDENTIAL APARTMENTS) DISTRICT AMENDING THE ZONING MAP TO CONFORM TO THESE CHANGES.

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

SECTION I: The following tract of land which is located within the city limits of the City of McAllen, Texas shall be rezoned from R-2 (duplex-fourplex residential) District to C-3 (general business) District:

Lots 12, 13, and 14, Block 1, A.D. Leavell's Addition Subdivision, Hidalgo County, Texas.

SECTION II: The following tract of land which is located within the city limits of the City of McAllen, Texas shall be rezoned from C-3L (light commercial) District to R-3A (multi-family residential apartment) District:

0.32 acres out of Lots 1 and 2, and the north ½ of Lot 3, Block 1, Nelson Addition Subdivision, Hidalgo County,

Texas, said tract of land being more particularly described by metes and bounds as follows:

BEGINNING at an iron rod found at the Northwest corner of Lot 1, Block 1, same being the intersection of the Easterly right-of-way of 16th Street and the Southerly right-of-way of Houston Avenue, for the Northwest corner and the Point of Beginning;

THENCE, North 90 Deg. 00 Min. 00 Sec. East along the Southerly right-of-way of Houston Street, same being the North line of Block 1, a distance of 139.70 feet to an iron rod found at the Northeast corner of Lot 1, for the Northeast corner;

THENCE, South 00 Deg. 00 Min. 00 Sec. East along the West line of a 20 foot alley, same being the East line of Lots 1, 2, and 3, Block 1, a distance of 125.00 feet to a punch hole in concrete found at a point on the West line of said alley;

THENCE, North 90 Deg. 00 Min. 00 Sec. West across Lot 3, Block 1, a distance of 79.70 feet to an iron rod set for an exterior corner;

THENCE, North 00 Deg. 00 Min. 00 Sec. East across Lot 3 and 2, Block 1, a distance of 60.00 feet to an X in concrete found for an interior corner;

THENCE, North 90 Deg. 00 Min. 00 Sec. West across Lot 2, a distance of 60.00 feet to an iron rod found on the Easterly right-of-way of 16th Street for the most Westerly Southwest corner;

THENCE, North 00 Deg. 00 Min. 00 Sec. East along the Easterly right-of-way of 16th Street, same being the West line of Block 1, a distance of 65.00 feet

to the POINT OF BEGINNING and containing 0.32 acres of land, more or less.

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

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

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

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

CONSIDERED, PASSED and APPROVED this 26th day of August, 2013, at a regular meeting of the Board of Commissioners of the City of McAllen at which a quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code.

SIGNED this _____ day of August 2013.

CITY OF MCALLEN

By: _____
James E. Darling, Mayor

ATTEST:

By: _____
Annette Villarreal, City Secretary

Approved as to form:

By: _____
Kevin D. Pagan, City Attorney

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

The McAllen Board of Commissioners convened in a Workshop on **Monday, January 14, 2013**, at 5:00 pm, at McAllen City Hall Third Floor (3rd) Commission Chambers, with the following present:

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

Staff: Mike R. Perez, City Manager, Kevin Pagan, City Attorney, Brent Brancham, 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, Sally Gavlik, Director of Parks and Recreation, Phil Brown, Director of Aviation, Carlos Sanchez, Director of Public Works, Juli Rankin, Director of Planning, Mike Hernandez, Deputy Director of Parks and Recreation

CALL TO ORDER

Mayor Cortez called the meeting to order.

CALL TO ORDER

1. PRESENT QUESTIONS TO STAFF RELATING TO JANUARY 14, 2013 REGULAR MEETING AGENDA, TO BE ADDRESSED AT SUCH MEETING.

There were no questions relating to the January 14, 2013 Regular Meeting Agenda.

2. CONDUCT INTERVIEWS FOR MEP SERVICES.

Mayor Cortez announced that each firm would be allowed a 10 minute presentation followed by a 10 minute Question and Answer Session.

Representatives from S & B Infrastructure, Halff Associates, DBR Engineering Consultants, TAG the Alex Group and ACR Engineering Inc. each did their presentations for the various MEP Services.

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

- A) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ISSUES RELATED TO FIRE DEPARTMENT COLLECTIVE BARGAINING. (SECTION 551.071, T.G.C.)**
- B) CONSULTATION WITH CITY ATTORNEY REGARDING HIDALGO COUNTY WATER IMPROVEMENT DISTRICT 3. (SECTION 551.071, T.G.C.)**

- C) DISCUSSION AND POSSIBLE ACTION TO CONSIDER EXTENSION REQUEST FOR HOLIDAY INN. (SECTION 551.087, T.G.C.)**
- D) DISCUSSION AND POSSIBLE ACTION TO CONSIDER PROJECT EXTENSION FOR MCALLEN SKYLINE, LTD., FOR EMBASSY SUITES HOTEL SITE. (SECTION 551.087, T.G.C.)**
- E) DISCUSSION AND POSSIBLE ACTION REGARDING ECONOMIC INCENTIVES FOR PROJECT NEXT LEVEL. (SECTION 551.087, T.G.C.)**
- F) DISCUSSION AND POSSIBLE ACTION REGARDING PURCHASE OF PROPERTY FOR 2ND AND PECAN LOCATED ON BLOCK "B", THE LUTHERAN SUBDIVISION. (SECTION 551.072, T.G.C.)**
- G) DISCUSSION AND POSSIBLE ACTION - EVALUATION OF CITY MANAGER, CITY ATTORNEY AND MUNICIPAL COURT JUDGES. (SECTION 551.074, T.G.C.)**
- H) DISCUSSION AND POSSIBLE ACTION REGARDING ECONOMIC INCENTIVES FOR PROJECT WELBY. (SECTION 551.087, T.G.C.)**

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

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

The McAllen Board of Commissioners convened in a Workshop on **Monday, January 28, 2013**, at 5:00 pm, at McAllen City Hall Third Floor (3rd) Commission Chambers, with the following present:

Present: Mayor Richard Cortez, Hilda Salinas, Mayor Pro Tem, Aida Ramirez, Mayor Pro Tem, Scott Crane, Commissioner, Marcus Barrera, Commissioner, John Ingram, Commissioner, Jim Darling, 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, Sally Gavlik, Director of Parks and Recreation, Phil Brown, Director of Aviation, Carlos Sanchez, Director of Public Works, Juli Rankin, Director of Planning

CALL TO ORDER

Mayor Cortez called the meeting to order.

CALL TO ORDER

1. PRESENT QUESTIONS TO STAFF RELATING TO JANUARY 14, 2013 REGULAR MEETING AGENDA, TO BE ADDRESSED AT SUCH MEETING.

There were no questions relating to the January 28, 2013 Regular Meeting Agenda.

2. CONDUCT INTERVIEWS FOR STRUCTURAL DESIGN SERVICES.

Mayor Cortez announced that each firm would be allowed a 10 minute presentation followed by a 10 minute Question and Answer Session.

Representatives from S & B Infrastructure, Chanin Engineering LLC, Unitech Consulting Engineers, Inc., Solorio, Green, Rubiano & Associates, Hinojosa Engineering, Inc. each did their presentations for the various structural design services.

3. DISCUSSION OF ISSUES RELATING TO THE MAY 11, 2013 GENERAL CITY ELECTION.

Staff discussed the May election and alternate election site in relation to the May 11, 2013 General City Election. The recommendation made was to use the Old Police Department as an alternate early voting site due to Old City Hall being closed for remodeling. Staff also requested direction as to the election being conducted by in-house staff or contracting it out to the County Elections Administrator.

After due consideration, the city commission indicated approving the Old Police Department Building as an alternate election site. Mayor and City Commission directed City Secretary to conduct the May 11, 2013 General City Election in-house.

- 4. EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY), SECTION 551.087 (ECONOMIC DEVELOPMENT), SECTION 551.072 (DELIBERATION REGARDING REAL PROPERTY) AND SECTION 551.074, (PERSONNEL MATTERS).**
- A) DISCUSSION AND POSSIBLE ACTION TO CONSIDER PROJECT EXTENSION FOR MCALLEN SKYLINE, LTD., FOR EMBASSY SUITES HOTEL SITE. (SECTION 551.087, T.G.C.)**
 - B) DISCUSSION AND POSSIBLE ACTION - EVALUATION OF CITY MANAGER, CITY ATTORNEY AND MUNICIPAL COURT JUDGES. (SECTION 551.074, T.G.C.)**
 - C) CONSULTATION WITH CITY ATTORNEY REGARDING A POSSIBLE CONTRACT WITH VIANOVO RELATING TO INTERNATIONAL BRIDGE FACILITIES. (SECTION 551.071, T.G.C.)**
 - D) CONSULTATION WITH CITY ATTORNEY REGARDING NEW LAWSUIT: CAUSE NO. CL-13-0044-G; STACY R. PUENTE VS. CITY OF MCALLEN, TEXAS. (SECTION 551.071, T.G.C.)**
 - E) DISCUSSION WITH CITY ATTORNEY RELATING TO YEARLY LITIGATION AUDIT REPORT. (SECTION 551.071, T.G.C.)**
 - F) CONSULTATION WITH CITY ATTORNEY RELATING TO MOTOR VEHICLE ACCIDENT LIABILITY AND SUBROGATION CLAIM REPORTS AS OF DECEMBER 31, 2012. (SECTION 551.071, T.G.C.)**
 - G) CONSULTATION WITH CITY ATTORNEY RELATING TO WORKERS' COMP/LOSS RUN REPORT AS OF DECEMBER 31, 2012. (SECTION 551.071, T.G.C.)**
 - H) CONSIDERATION AND POSSIBLE ACTION ON ARBITRATION WITH CONTRACTOR OVER CLAIM (I.O.C.). (SECTION 551.071, T.G.C.)**
 - I) CONSIDERATION AND POSSIBLE ACTION ON INTERPLEADER OF FUNDS WITH MORE THAN ONE CLAIMANT (I.O.C. & I.R.S.). (SECTION 551.071, T.G.C.)**
 - J) DISCUSSION AND POSSIBLE ACTION TO CONSIDER APPROVAL OF A RESOLUTION TO DETERMINE A PUBLIC NECESSITY TO ACQUIRE A TRACT OF LAND 60 FEET NORTH AND SOUTH AND 160 FEET EAST AND WEST OUT OF THE NORTHWEST CORNER OF LOT 177, JOHN H. SHARY SUBDIVISION. (SECTION 551.072, T.G.C.)**

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

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

The McAllen Board of Commissioners convened in a workshop on **Monday, February 11, 2013**, at 6:00 pm, at McAllen City Hall Third Floor (3rd) Commission Chambers, with the following present:

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

Absent: Mayor Richard Cortez

Staff: Mike R. Perez, City Manager, Kevin Pagan, City Attorney, Brent Brancham, 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, Sally Gavlik, Parks & Recreation Director, Victor Rodriguez, Police Chief, Juli Rankin, Director of Planning

CALL TO ORDER

Mayor Pro Tem Ramirez called the meeting to order.

1. PRESENT QUESTIONS TO STAFF RELATING TO FEBRUARY 11, 2013 REGULAR MEETING AGENDA, TO BE ADDRESSED AT SUCH MEETING.

There were no questions relating to the Regular Meeting agenda.

2. PRESENTATION ON NATURE PARK.

A presentation on the nature park was given. Topics discussed were the start-up cost, programs, potential elements and design of nature park.

3. REVIEW OF CONSTRUCTION LAYOUT OF OLD POLICE DEPARTMENT BUILDING.

A presentation of construction layout of Old Police Department was given. Questions and concerns were discussed.

4. JOINT MEETING WITH AMBULANCE ADVISORY BOARD:

DISCUSSION OF AMBULANCE ORDINANCE AND RELATED ISSUES.

Staff briefly gave a report on ambulance ordinance and related issues. Questions and concerns were addressed. After a lengthy discussion the Commission consensus was that the ordinance was acceptable as is.

END OF JOINT MEETING

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

- A) CONSULTATION WITH CITY ATTORNEY RELATING TO LITIGATION CAUSE NO. C1-09-0121-G; FERNANDO VALBUENA, ET AL VS. CITY OF MCALLEN, ANGELINA MARTINEZ, EDUARDO AND MARIA G. VALDEZ REGARDING POSSIBLE DISMISSAL OF CROSS ACTION AFTER SETTLEMENT FOR OTHER ISSUES. (SECTION 551.071, T.G.C.)**
- B) DISCUSSION AND POSSIBLE ACTION REGARDING SALE OR EXCHANGE OF A PORTION OF LOT 11 (B); CONVENTION CENTER SUBDIVISION, LOT 8. (SECTION 551.072, T.G.C.)**
- C) DISCUSSION AND POSSIBLE ACTION REGARDING ENTERING INTO A SALES CONTRACT FOR A 3.56 ACRE TRACT OUT OF LOT 3, BLOCK 10, STEELE PERSHING SUBDIVISION. (SECTION 551.072, T.G.C.)**
- D) DISCUSSION AND POSSIBLE ACTION REGARDING ENTERING INTO A SALES CONTRACT OR LEASE WITH JAMES NIKKI ROWE VETERANS OF FOREIGN WARS POST 2369. (SECTION 551.072, T.G.C.)**
- E) DISCUSSION AND POSSIBLE ACTION REGARDING POSSIBLE EXCHANGE OF PROPERTY ON 33RD STREET FOR HOUSING DEVELOPMENT. (SECTION 551.072, T.G.C.)**
- F) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ISSUES RELATED TO FUNDING FOR CERTAIN CONTRACTUAL OBLIGATIONS. (SECTION 551.071, T.G.C.)**
- G) CONSULTATION WITH CITY ATTORNEY REGARDING A POSSIBLE CONTRACT WITH VIANOVO RELATING TO INTERNATIONAL BRIDGE FACILITIES. (SECTION 551.071, T.G.C.)**

ADJOURNMENT

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

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

The McAllen Board of Commissioners convened in a Workshop on **Monday, February 25, 2013**, at 5:00 pm, at McAllen City Hall Third Floor (3rd) Commission Chambers, with the following present:

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

Staff: Mike R. Perez, City Manager, Kevin Pagan, City Attorney, Brent Brancham, 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, Sally Gavlik, Director of Parks and Recreation, Phil Brown, Director of Aviation, Carlos Sanchez, Director of Public Works, Juli Rankin, Director of Planning, Mike Hernandez, Deputy Director of Parks and Recreation

CALL TO ORDER

Mayor Cortez called the meeting to order.

CALL TO ORDER

- 1. PRESENT QUESTIONS TO STAFF RELATING TO FEBRUARY 25, 2013 REGULAR MEETING AGENDA, TO BE ADDRESSED AT SUCH MEETING.**

There were no questions relating to the February 25, 2013 Regular Meeting Agenda.

- 2. DISCUSSION REGARDING FIREWORKS DISPLAY PERMITS.**

Chief Balderas presented information on the history permit process. Discussion followed. It was the consensus of the city commission to issue a moratorium for 60 days to allow staff to further review ordinance and permit process.

- 3. JOINT MEETING WITH COMMUNITY DEVELOPMENT COUNCIL:**

DISCUSSION OF FY 2013-2014 PROJECTS.

Staff presented a summary of CDBG City Projects and touched on the program's objectives, elements, participation and criteria. Comments were shared and concerns were expressed as it related to funding social services and amounts being funded. Staff answered questions posed by the city commission.

END OF JOINT MEETING

- 4. EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY), SECTION 551.072 (DELIBERATION**

REGARDING REAL PROPERTY), AND SECTION 551.087 (ECONOMIC DEVELOPMENT)

- A)** Consultation with City Attorney regarding Economic Development project “Stripes”. (Section T.G.C. 551.087 and 551.071)
- B)** Discussion and Possible Action regarding economic incentives for Project Beer. (Section 551.087, T.G.C.)
- C)** Discussion and Possible Action regarding economic incentives for Project Shade. (Section 551.087, T.G.C.)
- D)** Discussion and Possible Action regarding economic incentives for Project House. (Section 551.087, T.G.C.)
- E)** Discussion and Possible Action regarding Initial Review of Civic Center Redevelopment Proposals. (Section T.G.C. 551.087, 551.071 and 551.072, T.G.C.)
- F)** Consultation with City Attorney regarding Cause No. C-0367-13-E; O.E. Investments Ltd, and Othal E. Brand, Jr. vs. Marjorie Lynn Brand Ferrell, Individually as a Successor Trustee of the Kathryn L. Brand Revocable Management Trust. (Section 551.071, T.G.C.)
- G)** Consultation with City Attorney regarding legal aspects relating to Fire Chief Position. (Section 551.071, T.G.C.)
- H)** Discussion and Possible Action to consider the sale of Lot 11 (b), Convention Center Subdivision. (Section 551.072 and 551.087, T.G.C.)

ADJOURNMENT

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

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

The McAllen Board of Commissioners convened in a workshop on **Monday, March 25, 2013**, at 6:00 pm, at McAllen City Hall Third Floor (3rd) Commission Chambers, with the following present:

Present: Mayor Richard Cortez, Hilda Salinas, Mayor Pro Tem, Aida Ramirez, Mayor Pro Tem, Scott Crane, Commissioner, Marcus Barrera, Commissioner, John Ingram, Commissioner, Jim Darling, 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, Omar Rodriguez, Director of Convention Center, Sandra Zamora, Sally Gavlik, Parks and Recreation Director

CALL TO ORDER

Mayor Cortez called the meeting to order.

1. PRESENT QUESTIONS TO STAFF RELATING TO MARCH 25, 2013 REGULAR MEETING AGENDA, TO BE ADDRESSED AT SUCH MEETING.

There were no questions relating to the March 25, 2013 Regular Meeting Agenda.

2. UPDATE ON PERFORMING ARTS CENTER DESIGN DEVELOPMENT.

Staff's Performing Arts Center Design was presented. Topics discussed included, cost of construction, additions to the contract, Vaquero Park, Parking Lot and Drive, Canopy Extensions and Interiors. Concerns were expressed and staff responded to questions and concerns. City Commission thanked staff for their presentation.

3. PRESENTATION OF QUINTA MAZATLAN MASTER PLAN.

Staff gave a brief presentation of Quinta Mazatlan Master Plan vision. Topics discussed were prioritization of city resources, purchase of land adjacent to Quinta, total cost of purchase and full development. Discussion followed.

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

- A) DISCUSSION AND POSSIBLE ACTION TO CONSIDER THE SALE OF LOT 11 (B), CONVENTION CENTER SUBDIVISION. (SECTION 551.072 AND 551.087, T.G.C.)**
- B) DISCUSSION AND POSSIBLE ACTION REGARDING ECONOMIC INCENTIVES FOR PROJECT NEXT LEVEL. (SECTION 551.087, T.G.C.)**
- C) CONSIDERATION AND CONSULTATION WITH LEGAL COUNSEL REGARDING ECONOMIC DEVELOPMENT PROJECT POMPEII. (SECTION 551.087 AND 551.071, T.G.C.)**
- D) CONSULTATION WITH CITY ATTORNEY REGARDING A POSSIBLE CONTRACT WITH VIANOVO RELATING TO INTERNATIONAL BRIDGE FACILITIES. (SECTION 551.071, T.G.C.)**

- E) CONSULTATION WITH CITY ATTORNEY REGARDING C-0628-13-J; ARCELIA CARPIO CANTU VS. CITY OF MCALLEN AND CELSO GONZALEZ CONSTRUCTION INC. (SECTION 551.071, T.G.C.)**
- F) CONSULTATION WITH CITY ATTORNEY REGARDING NEW LAWSUIT: CL-13-0708-B; STEVEN BAILEY MAPLES VS. NOEL DE LA GARZA AND CITY OF MCALLEN. (SECTION 551.071, T.G.C.)**
- G) CONSULTATION WITH CITY ATTORNEY REGARDING POTENTIAL CLAIM RELATED TO PAVING ISSUE. (SECTION 551.071, T.G.C.)**
- H) DISCUSSION AND POSSIBLE ACTION REGARDING MAKING A COUNTER OFFER TO ACQUIRE A TRACT OF LAND 60 FEET NORTH AND SOUTH AND 160 FEET EAST AND WEST OUT OF THE CORNER OF LOT 177, JOHN H. SHARY SUBDIVISION. (SECTION 551.072, T.G.C.)**
- I) DISCUSSION AND POSSIBLE ACTION REGARDING ECONOMIC INCENTIVES FOR PROJECT FLASH. (SECTION 551.087, T.G.C.)**
- J) CONSULTATION WITH CITY ATTORNEY REGARDING REQUEST FOR PROPOSALS FOR OLD CIVIC CENTER REDEVELOPMENT. (SECTION 551.071, T.G.C.)**
- K) DISCUSSION AND POSSIBLE ACTION REGARDING ECONOMIC INCENTIVES FOR PROJECT INDUSTRIAL. (SECTION 551.087, T.G.C.)**

ADJOURNMENT

There being no other business to come before the Commission, the meeting was adjourned at 6:10 p.m.

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

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

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

Staff: Mike R. Perez, City Manager, Kevin Pagan, City Attorney, Brent Branch, 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, Eduardo Mendoza, Director of Traffic, Sandra Zamora, Director of Purchasing

CALL TO ORDER

Mayor Cortez called the meeting to order.

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

There were no questions relating to the Regular Meeting agenda.

2. DISCUSSION AND CONSIDERATION FOR THE CREATION OF A TREE ADVISORY COMMITTEE.

Staff provided an overview for consideration of a tree advisory committee. Mr. Moon answered questions for the city commission. After due consideration, the City Commission instructed staff to review the proposed ordinance.

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

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

Mayor Cortez recessed the meeting at 5:35 pm to go into Executive Session. Mayor Cortez reconvened the meeting at 6:13 pm and announced that any action on Executive Session items would be taken at the Regular Meeting.

- A) **DISCUSSION AND POSSIBLE ACTION REGARDING ECONOMIC INCENTIVES FOR PROJECT NEXT LEVEL. (SECTION 551.087, T.G.C.)**
- B) **CONSIDERATION AND CONSULTATION WITH LEGAL COUNSEL REGARDING ECONOMIC DEVELOPMENT PROJECT POMPEII. (SECTION 551.087 AND 551.071, T.G.C.)**

- C) CONSULTATION WITH CITY ATTORNEY REGARDING A POSSIBLE CONTRACT WITH VIANOVO RELATING TO INTERNATIONAL BRIDGE FACILITIES. (SECTION 551.071, T.G.C.)**
- D) CONSULTATION WITH CITY ATTORNEY REGARDING REQUEST FOR PROPOSALS FOR OLD CIVIC CENTER REDEVELOPMENT. (SECTION 551.071, T.G.C.)**
- E) CONSULTATION WITH CITY ATTORNEY REGARDING NEW LAWSUIT; CL-13-1108-G MARY CUNNINGHAM VS. CITY OF MCALLEN. (SECTION 551.071, T.G.C.)**
- F) CONSULTATION WITH CITY ATTORNEY REGARDING NEW LAWSUIT; C-1602-13-F; ANDRES RODRIGUEZ VS. CITY OF MCALLEN. (SECTION 551.071, T.G.C.)**
- G) CONSULTATION WITH CITY ATTORNEY RELATING TO MOTOR VEHICLE ACCIDENT LIABILITY AND SUBROGATION CLAIM REPORTS AS OF MARCH 31, 2013. (SECTION 551.071, T.G.C.)**
- H) CONSULTATION WITH CITY ATTORNEY RELATING TO WORKERS' COMP/LOSS RUN REPORT AS OF MARCH 31, 2013. (SECTION 551.071, T.G.C.)**
- I) CONSULTATION WITH CITY ATTORNEY REGARDING CONTRACTUAL ISSUES RELATED TO CONVENTION CENTER. (SECTION 551.071, T.G.C.)**
- J) DISCUSSION AND POSSIBLE ACTION TO CONSIDER THE POSSIBLE SALE OF 300 ACRES ON WARE ROAD AND MONTE CRISTO. (SECTION 551.072, T.G.C.)**
- K) DISCUSSION AND POSSIBLE ACTION FOR RIGHT OF FIRST REFUSAL WITH BORDER CAPITAL BANK REGARDING 1.17 ACRES OUT OF LOT 1, BLOCK 15, STEELE & PERSHING SUBDIVISION NOW KNOW AS LOT 1A, RIDGE COMMERCE SUBDIVISION. (SECTION 551.072, T.G.C.)**
- L) CONSIDERATION AND APPROVAL TO PROCEED WITH ACQUISITION OF PROPERTY AT 2401 N. 24TH STREET UNDER THE FEMA REPETITIVE FLOOD CLAIMS GRANT PROGRAM FY 12-003 AND UNDER REQUEST FOR AUTHORIZATION FOR CITY MANGER TO ACT AS AGENT FOR THE CITY TO EXECUTE PURCHASE AGREEMENT. (SECTION 551.072, T.G.C.)**
- M) DISCUSSION AND POSSIBLE ACTION ON AWARD OF BID PROPOSAL FOR SALE OF LOT 11B, MCALLEN CONVENTION CENTER. (SECTION 551.072, T.G.C.)**
- N) DISCUSSION AND POSSIBLE ACTION REGARDING MAKING AN OFFER TO ACQUIRE A 12.29 ACRE TRACT OF LAND, MORE OR LESS, OUT OF LOT 3, BLOCK 5, HIDALGO CANAL COMPANY. (SECTION 551.072, T.G.C.)**
- O) CONSULTATION WITH CITY ATTORNEY REGARDING PENDING LAWSUIT; DAHLILA GUERRA CASSO VS. CITY OF MCALLEN. (SECTION 551.071, T.G.C.)**

ADJOURNMENT

There being no other business to come before the Commission, the meeting was adjourned at 6:13 p.m.

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

The McAllen Board of Commissioners convened in a Workshop on **Tuesday, August 6, 2013** at 5:00 pm, at Palm View Golf Course Meeting Room, with the following present:

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

Staff: City Manager Mike R. Perez, Assistant City Attorney Gary Henrichson, Deputy City Manager Brent Branham, Assistant City Manager/PUB General Manager Roy Rodriguez, Assistant City Manager Wendy Smith, City Secretary Annette Villarreal, Finance Director Jerry Dale, Deputy Budget Director Angie Rodriguez, Strategic Coordinator Greg Townsend, Public Works Director Carlos Sanchez

Others: Dave Hendricks, Nedra Kinerk, Davis Rankin

CALL TO ORDER

Mayor Pro Tem Salinas called the meeting to order.

1. DISCUSSION OF FY 2013-14 CITY OF MCALLEN BUDGET.

Staff reviewed the highlights of the Fiscal Year 2013-14 proposed budget. The Capital Improvement Projects (CIP) budget was reviewed along with each project. Staff was directed to look into certain other possible projects.

Mayor Darling entered the meeting at this time.

Development Corporation Projects were reviewed. The City Attorney was directed to conduct research on the Botanical Gardens project. A report from VIDA was requested to be given during the agency budget review in the next few weeks. Staff was instructed to have the City's Internal Auditor conduct an audit of economic incentive agreements.

ADJOURNMENT

There being no other business to come before the Commission, the meeting was adjourned at 7:00 p.m.

Jim Darling, Mayor

Attest:

Annette Villarreal, TRMC/CMC, CPM
City Secretary

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

The McAllen Board of Commissioners convened in a Workshop on **Wednesday, August 7, 2013** at 5:00 pm, at Palm View Golf Course Meeting Room, with the following present:

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

Staff: City Manager Mike R. Perez, Assistant City Attorney Gary Henrichson, Deputy City Manager Brent Branham, Assistant City Manager Wendy Smith, City Secretary Annette Villarreal, Finance Director Jerry Dale, Deputy Budget Director Angie Rodriguez, Strategic Coordinator Greg Townsend, Police Chief Victor Rodriguez, Fire Chief Rafael Balderas

Others: Dave Hendricks, Nedra Kinerk, Davis Rankin

CALL TO ORDER

Mayor Darling called the meeting to order.

1. DISCUSSION OF FY 2013-14 CITY OF MCALLEN BUDGET.

POLICE DEPARTMENT

An overview of the department's proposed budget was reviewed. A discussion was held over the handouts distributed. The 2011 Crime statistics were reviewed and discussed.

FIRE DEPARTMENT

An overview of the department's proposed budget was reviewed. Capital Improvement Projects for the department were discussed. Staff was asked to analyze and bring back an alternative solution with respect to responding to non-fire calls with the larger trucks.

ADJOURNMENT

There being no other business to come before the Commission, the meeting was adjourned at 6:40 p.m.

Jim Darling, Mayor

Attest:

Annette Villarreal, TRMC/CMC, CPM
City Secretary

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

The McAllen Board of Commissioners convened in a Workshop on **Monday, August 12, 2013**, at 4:00 pm, at McAllen City Hall Third Floor (3rd) Commission Chambers, with the following present:

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

Absent: Veronica Vela-Whitacre, Commissioner

Staff: Mike R. Perez, City Manager, Kevin Pagan, City Attorney, Brent Branch, 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, Sally Gavlik, Director of Parks and Recreation, Phil Brown, Director of Aviation, Carlos Sanchez, Director of Public Works, Juli Rankin, Director of Planning

CALL TO ORDER

Mayor Darling called the meeting to order.

1. PRESENT QUESTIONS TO STAFF RELATING TO AUGUST 12, 2013 REGULAR MEETING AGENDA, TO BE ADDRESSED AT SUCH MEETING.

There were no questions relating to the August 12, 2013 Regular Meeting Agenda.

2. DISCUSSION OF POSSIBLE GENERAL OBLIGATION BOND ISSUE.

Staff discussed information relating to the possible General Obligation Bond Issue. Propositions discussed were Streets Improvements Proposition, Performing Arts Center Proposition and Parks and Recreation Improvements Proposition each in the amount of \$15,000,000. Staff answered questions for the City Commission regarding the possibility of placing the propositions on the ballot for citizen approval. After due consideration, the City Commission instructed staff to proceed with the General Obligation Bond Issue Election and place agenda item on the August 26, 2013 Regular City Commission Meeting.

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

On behalf of the Presiding Officer, the City Attorney recommended recessing into Executive Session pursuant to Chapter 551, Texas Government Code, Section 551.074 Personnel Matters for Item 3A, Section 551.087 Economic Development for Items 3C and 3E; Section 551.071 Consultation with Attorney for Items 3B, 3C, 3D, 6G, 3J, 3K, 3L, 3P and 3Q; and Section 551.072 Deliberation regarding Real Property for Items 3B, 3D, 3F, 3H, 3I, 3M, 3N, and 3O.

Mayor Darling recessed the meeting at 4:32 pm to go into Executive Session. Mayor Cortez reconvened the meeting at 5:00 pm and announced that any action on Executive Session items would be taken at the Regular Meeting.

- A)** Discussion of City Manager evaluation. (Section 551.074, T.G.C.)
- B)** Consultation with City Attorney regarding a Development Agreement with Property Commerce for the old Civic Center Redevelopment. (Sections 551.071 and 551.072, T.G.C.)
- C)** Discussion and Possible Action regarding economic incentives for Project Phoenix. (Sections 551.087 and 551.071, T.G.C.)
- D)** Discussion and Possible Action on award of bid proposal for the sale of Lot 11B, McAllen Convention Center. (Sections 551.072 and 551.071, T.G.C.)
- E)** Consideration of and Consultation with City Attorney regarding economic incentives for Project Magnet. (Sections 551.087 and 551.071, T.G.C.)
- F)** Discussion and Possible Action regarding the acquisition of 3.14 acre tract and 11.53 acre tract out of Lot 150, La Lomita Irrigation and Construction Company Subdivision, Hidalgo County, Texas and approval of resolution. (Section 551.072, T.G.C.)
- G)** Consultation with City Attorney regarding a possible contract with Vianovo relating to International Bridge Facilities. (Section 551.071, T.G.C.)
- H)** Discussion and Possible Action regarding the acquisition of a 12.29 acre tract of land, more or less, out of Lot 3, Block 5, Hidalgo Canal Company. (Section 551.072, T.G.C.)
- I)** Discussion and Possible Action regarding the acquisition of 16.60 acre tract of land, more or less, out of Lot 3, Block 5, Hidalgo Canal Company and a 4.87 acre tract, more or less, out of Lot 14, Block 6, Hidalgo Canal Company. (Section 551.072, T.G.C.)
- J)** Consultation with City Attorney regarding pending lawsuit; Dahlia Guerra Casso vs. City of McAllen. (Section 551.071, T.G.C.)
- K)** Consultation with City Attorney regarding Town Lake. (Section 551.071, T.G.C.)
- L)** Consultation with City Attorney regarding litigation matter; Arnaldo Ramirez, et al vs. City of McAllen. (Section 551.071, T.G.C.)
- M)** Discussion and Possible Action regarding purchase of right-of-way for the development and construction of K Center Street from Nolana Avenue to 1,260' south of this intersection. (Section 551.072, T.G.C.)
- N)** Discussion and Possible Action regarding entering into a sales contract and authorization for City Manager to complete the transaction to acquire Lot 2, Block 2, Whitewing Addition Unit No. 1, and addition to the City of McAllen, Hidalgo County, Texas and approve resolution. (Section 551.072, T.G.C.)
- O)** Discussion and Possible Action regarding making an offer to acquire one of the two tracts out of Lots 11 & 12, Section 4 or Lot 3 Section 5, Hidalgo Canal Company's Subdivision. (Section 551.072, T.G.C.)
- P)** Discussion and Possible Action regarding economic incentives for Project Mountain Lion. (Sections 551.087 and 551.071, T.G.C.)
- Q)** Discussion and Possible Action regarding economic incentives for Project Fresh. (Sections 551.087 and 551.071, T.G.C.)

ADJOURNMENT

There being no other business to come before the Commission, the meeting was adjourned at 5:00 p.m

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

The McAllen Board of Commissioners convened in a Workshop on **Tuesday, August 13, 2013** at 5:00 pm, at Palm View Golf Course Meeting Room, with the following present:

Present: Mayor Jim Darling, Mayor Pro Tem Hilda Salinas, Commissioner Scott Crane, Commissioner Trey Pebley, Commissioner John Ingram,

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

Staff: City Manager Mike R. Perez, City Attorney Kevin Pagan, Deputy City Manager Brent Branham, Assistant City Manager Wendy Smith, City Secretary Annette Villarreal, Deputy Budget Director Angie Rodriguez, Strategic Coordinator Greg Townsend, Planning Director Juli Rankin, Chief Building Official Luis Vasquez, City Engineer Yvette Barrera, Public Works Director Carlos Sanchez, Director of Parks and Recreation Sally Gavlik

Others: Dave Hendricks, Nedra Kinerk, Davis Rankin

CALL TO ORDER

Mayor Darling called the meeting to order.

1. DISCUSSION OF FY 2013-14 CITY OF MCALLEN BUDGET.

PARKS DEPARTMENT

A review of the department's highlights and accomplishments was given by staff. A request was made for two (2) intern positions at \$15,000 per year for two years for the Nature Park.

A discussion was held about improvements at Crockett. Staff reported CIP funds for Crockett improvements in the upcoming fiscal year of \$100,000 plus an additional \$50,000 to be moved from Curtis Park improvements noting that the County would be funding the proposed improvements. Staff was instructed to emphasize pool safety to staff. A report was requested on Tennis and Baseball programs as it relates to participants. A discussion was held about programs for young adults with disabilities. Staff was asked to look into possible programs and grants for same.

A discussion was held about Daffodil Park and the proposed improvements and park relocation project. Management staff reported that a better estimate for this project would be brought forth for further consideration at the wrap-up. Staff was also asked to have PUB reconsider the irrigation rates.

PUBLIC WORKS DEPARTMENT

A brief overview of the proposed budget for the various divisions of Public Works was given. Staff highlighted the success of numerous projects and programs resulting in cost savings to the

City.

A discussion was held about the workforce and impact on services due to the loss of city staff due to higher wages elsewhere. A Safety Officer position was requested out of the Sanitation Fund to bring awareness and wellness training to the over 200 employees working heavy equipment in Public Works.

BUILDING INSPECTIONS DEPARTMENT

A review of the department's highlights and accomplishments was given by staff. An increase for credit card convenient fees was requested as staff reported the success of the online payment system for various building permits. A report on the online use and benefits was given along with proposed improvements.

Mayor Darling excused himself from the meeting at this time.

ENGINEERING DEPARTMENT

An overview of the department and division functions and achievements was given.

A lengthy discussion was held about installation of berms for residential areas as a possible solution to keep water from going into homes. After due consideration, staff was instructed to explore the berm installation through the neighborhood associations with matching grant funds from the City. Additionally, staff was instructed to increase the neighborhood grant funds budget to \$40,000.

PLANNING DEPARTMENT

A review of the department's highlights and accomplishments was given by staff. A request was made to the operating budget for advertising related to public notice publication requirements. Additionally, two Planner positions were being requested in lieu of the one vacant position. Staff was asked to obtain apartment and condo occupancy numbers.

A request was made to place an item on a future workshop to discuss the Development Code and buffer requirements for apartments.

ADJOURNMENT

There being no other business to come before the Commission, the meeting was adjourned at 7:15 p.m.

Jim Darling, Mayor

Attest:

Annette Villarreal, TRMC/CMC, CPM
City Secretary

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

The McAllen Board of Commissioners convened in a Workshop on **Wednesday, August 14, 2013** at 5:00 pm, at Palm View Golf Course Meeting Room, with the following present:

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

Absent: Mayor Pro Tem Hilda Salinas

Staff: City Manager Mike R. Perez, City Attorney Kevin Pagan, Deputy City Manager Brent Branham, Assistant City Manager Wendy Smith, Deputy City Secretary, Perla Zamora, Deputy Budget Director Angie Rodriguez, Liz Suarez, Transit Director/Deputy Director of Aviation, Phillip Brown, Airport Director, Omar Rodriguez, Convention Center Director

Others: Nedra Kinerk, Davis Rankin

CALL TO ORDER

Mayor Darling called the meeting to order.

1. DISCUSSION OF FY 2013-14 CITY OF MCALLEN BUDGET.

TANSIT DEPARTMENT

An overview of the department's proposed budget was reviewed. A discussion was held over the handouts distributed. Additionally, the Bike Share Project (B-Cycle) and Metro Connect were discussed and reviewed. A discussion was held about the ridership and fares. Comments were shared to encourage ridership. Staff announced the ribbon cutting ceremony for Metro Connect.

AIRPORT

An overview of the department's proposed budget was reviewed. A discussion was held over the handouts distributed which touched on: Operating Revenues, Operating Expenses, Enplanements, Goals and Air Service Development. Staff also discussed 2014 Goals consisting of Parking Contract, Rental Car Lease Agreement, Hangar Leases, Evaluate GA Lease Rates and Cargo Lease Rates.

CONVENTION CENTER

An overview of the department's proposed budget was reviewed. A review of the department's highlights and accomplishments was given by staff. A discussion was held over handout distributed about the non-peak rates.

ADJOURNMENT

There being no other business to come before the Commission, the meeting was adjourned at 6:45 p.m.

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

The McAllen Board of Commissioners convened in a Workshop on **Tuesday, August 20, 2013** at 5:00 pm, at Palm View Golf Course Meeting Room, with the following present:

Present: Mayor Jim Darling, Commissioner Scott Crane, Commissioner Trey Pebley, Commissioner John Ingram, Commissioner Veronica Vela Whitacre

Absent: Mayor Pro Tem Aida Ramirez, Mayor Pro Tem Hilda Salinas,

Staff: City Manager Mike R. Perez, City Attorney Kevin Pagan, Deputy City Manager Brent Branham, Assistant City Manager Wendy Smith, City Secretary Annette Villarreal, Finance Director Jerry Dale, Deputy Budget Director Angie Rodriguez, Strategic Coordinator Greg Townsend, Director of Grant Administration Carla Rodriguez, Director of Community Development Piedad Martinez

CALL TO ORDER

Mayor Darling called the meeting to order.

1. DISCUSSION OF FY 2013-14 CITY OF MCALLEN BUDGET.

Presentations were made by respective outside agency staff and board members from the Boys & Girls Club of McAllen, International Museum of Art & Science (IMAS), McAllen Economic Development Corporation, RGV Community Foundation 17th Street District Bar and Restaurant Association, and Valley Initiative for Development and Advancement (Vida), for consideration of FY 2013-14 funding. Respective agency accomplishments and highlights for fiscal year 2012-13 were reviewed along with objectives for the 2013-14 fiscal year.

- Boys & Girls Club of McAllen - presented a revised budget request of \$650,000 with budget difference to provide an additional four (4) week summer program
- IMAS – also noted a search for a new Executive Director
- McAllen Chamber of Commerce - also discussed advertising efforts
- McAllen Economic Development Corporation – also discussed marketing with new terminology and EB-5 Projects
- RGV Community Foundation 17th Street District Bar and Restaurant Association – expressed the need for additional lighting, security and lit pedestrian crosswalks
- Valley Initiative For Development and Advancement (VIDA) – additional information was requested by the City Commission relating to the cost and success rate of the program as well as the agency’s financial statements

It was the consensus of the Commission present to cancel the scheduled Wednesday meeting.

ADJOURNMENT

There being no other business to come before the Commission, the meeting was adjourned at 7:15 p.m.

Jim Darling, Mayor

Attest:

Annette Villarreal, TRMC/CMC, CPM
City Secretary

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

The McAllen Board of Commissioners convened in a Special Meeting on **Tuesday, April 16, 2013**, at 5:30 pm, at the McAllen Convention Center – Room 102, with the following present:

Mayor Richard Cortez
Hilda Salinas, Mayor Pro Tem
Scott Crane, Commissioner
Marcus C. Barrera, Commissioner
John Ingram, Commissioner
Jim Darling, Commissioner

Absent: Aida Ramirez, Mayor Pro Tem

Staff: Mike R. Perez, City Manager
Kevin Pagan, City Attorney
Brent Branham, Deputy City Manager
Wendy Smith, Assistant City Manager
Annette Villarreal, City Secretary

CALL TO ORDER

Mayor Cortez called the meeting to order at 5:45 pm.

JOINT MEETING WITH MCALLEN PUBLIC UTILITY BOARD OF TRUSTEES:

Chairman Amos called the meeting to order on behalf of the MPUB.

1. CONSIDERATION AND POSSIBLE ACTION REGARDING CIVIC CENTER SITE REDEVELOPMENT.

A presentation was made on the Civic Center site redevelopment.

2. EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY) AND SECTION 551.087 (ECONOMIC DEVELOPMENT).

On behalf of the Presiding Officer, the City Attorney recommended recessing into Executive Session pursuant to Chapter 551, Texas Government Code, Section 551.087 Economic Development for Item B and Section 551.071 Consultation with Attorney for Item A.

Commissioner Ingram 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 by those present.

Mayor Cortez recessed the meeting at 6:00 pm to go into Executive Session. Mayor Cortez and Chairman reconvened the meeting at 6:45 pm and announced the action on Executive Session

items.

- A) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ISSUES RELATED TO REQUEST FOR PROPOSALS FOR OLD CIVIC CENTER REDEVELOPMENT (SECTION 551.071, T.G.C.)**

No action.

- B) CONSIDERATION OF PROPOSAL(S) FOR OLD CIVIC CENTER SITE REDEVELOPMENT. (SECTION 551.087, T.G.C.)**

No action.

ADJOURNMENT

There being no other business to come before the boards, the meeting was adjourned at 6:45 p.m.

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

The McAllen Board of Commissioners convened in a Special Meeting on **Wednesday, April 17, 2013**, at 5:30 pm, at McAllen City Hall Third Floor (3rd) Commission Chambers, with the following present:

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

CALL TO ORDER

Mayor Cortez called the meeting to order.

1. CONSIDERATION AND POSSIBLE ACTION REGARDING PROJECT NEXT LEVEL.

Mayor Cortez recessed the meeting at 5:30 pm to go into Executive Session. Mayor Cortez reconvened the meeting at 6:30 pm and announced the action on Executive Session items.

2. EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY) AND SECTION 551.087 (ECONOMIC DEVELOPMENT).

A) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ISSUES RELATED TO PROJECT NEXT LEVEL. (SECTION 551.071, T.G.C.)

No action.

B) CONSIDERATION OF PROPOSAL(S) FOR PROJECT NEXT LEVEL. (SECTION 551.087, T.G.C.)

No action.

ADJOURNMENT

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

Richard

Cortez, Mayor

Attest:

Annette Villarreal, TRMC/CMC, CPM
City Secretary

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

The McAllen Board of Commissioners convened in a Regular Meeting on **Monday, August 12, 2013**, at 5:00 pm, at McAllen City Hall Third Floor (3rd) Commission Chambers, with the following present:

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

Absent: Veronica Vela Whitacre, Commissioner

Staff: Mike R. Perez, City Manager
Kevin Pagan, City Attorney
Brent Branham, Deputy City Manager
Wendy Smith, Assistant City Manager
Roy Rodriguez, Assistant City Manager/PUB General Manager
Annette Villarreal, City Secretary
Yvette Barrera, City Engineer
Juli Rankin, Director of Planning
Sandra Zamora, Director of Purchasing
Carlos Espinoza, Director of Golf
Elizabeth Suarez, Transit Director/Asst. Aviation Director
Omar Rodriguez, Convention Center Director
Phil Brown, Director of Aviation
Tim Skoglund, PUB Engineer
Jim Schultz, Assistant Fire Chief

CALL TO ORDER

Mayor Darling called the meeting to order.

PROCLAMATION – MCALLEN ALL STARS-8U GIRLS' SOFTBALL TEAM DAY

Mayor Pro Tem Salinas read and presented a proclamation for *McAllen All Stars-8U Girls' Softball Team Day*.

1. PUBLIC HEARING:

Mayor Darling called the Public Hearing to order.

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

Mayor Darling asked if 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-3 (GENERAL BUSINESS) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENT) DISTRICT: LOT 5, BLOCK 42, MCALLEN ADDITION SUBDIVISION, HIDALGO COUNTY, TEXAS; 504 SOUTH 16TH STREET.

Approved the R-3A zoning at 504 South 16th Street, as per Planning and Zoning Commission.

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

Approved the C-4 zoning at 4601 South 23rd Street, as per Planning and Zoning Commission.

3. REQUEST OF ELIDA MORENO, APPEALING THE DECISION OF THE PLANNING & ZONING COMMISSION OF THE JULY 16, 2013 MEETING, DENYING A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A BANQUET HALL AT LOT 1, NOLANA HEIGHTS SUBDIVISION, HIDALGO COUNTY, TEXAS; 601 EAST NOLANA AVENUE.

Granted a variance to the distance requirement and approved a Conditional Use Permit at 601 East Nolana Avenue, as per Planning and Zoning Commission. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of the lot of any of the above-mentioned businesses must be at least 600 ft. from the nearest residence or residentially-zoned property, church, school, or publicly-owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 600 ft. of a residentially-zoned property to the northwest and a church to the northeast;
- 2) The property must be as close as possible to a major arterial and shall not generate traffic onto residential-sized streets. The establishment has direct access to East Nolana Avenue and North McColl Road and does not generate traffic into residential areas;
- 3) The business must provide parking in accordance with the Zoning Ordinance parking requirements at a minimum, and make provisions to prevent the use of adjacent streets for parking. Based on the square footage of the building, 125 parking spaces are required and are provided on the lot, which has common access easements to the north and west;
- 4) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties or residences by providing, when necessary, fences, hedges or reorientation of entrances and exits;
- 5) The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;
- 6) The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and

7) The above-mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshall, Building Official and Planning Director. The allowable number of persons based upon the floor area of the establishment was set a maximum capacity of 498 persons.

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

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

END OF PUBLIC HEARING

Mayor Darling declared the Public Hearing closed.

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

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

Mayor Pro Tem Ramirez moved to approve the items listed on the Consent Agenda with exception of item 2D and that said item be addressed separately. Commissioner Pebley seconded the motion. The motion carried unanimously by those present.

A) APPROVAL OF MINUTES OF WORKSHOPS HELD JUNE 27TH – 29TH AND JULY 22ND AND REGULAR MEETING HELD JULY 22, 2013.

Approved the minutes of Workshops held June 27th-July 29th and July 22nd and Regular Meeting held July 22, 2013, as submitted.

B) AWARD OF SUPPLY CONTACT FOR THE PURCHASE OF LUBRICANTS.

Awarded a supply contract for the purchase of Lubricants to multiple bidders for a one year period as follows:

- Hollon Oil for Items 1a – 3a, 5a – 7a, 9a – 12
- Arguindegui Oil for Items 4a and 4b
- Alamo Distribution for Item 8a

C) AUTHORIZATION TO ACCEPT FTA GRANT TX-90-Y017-00 FOR TRANSIT CAPITAL AND PREVENTIVE MAINTENANCE PROJECTS.

Accepted an FTA Grant TX-90Y017-00 for Transit Capital and Preventive Maintenance Projects in the amount of \$4,583,251.

D) CONSIDER APPROVAL OF AN INTERLOCAL AGREEMENT WITH THE CITY OF MISSION & HIDALGO COUNTY FOR DEVELOPMENT OF TAYLOR ROAD FROM U.S. EXPRESSWAY 83 TO 1300 FEET NORTH OF DOVE AVENUE.

Staff recommended approval of an Interlocal Agreement with the City of Mission & Hidalgo County for the development of Taylor Road from U.S. Expressway 83 to 1300 feet north of Dove Avenue.

Questions were asked.

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

E) CONSIDER APPROVAL OF CHANGE ORDER NO. 3 AND FINAL RECONCILIATION OF QUANTITIES FOR PURCHASE & DELIVERY OF TYPE "D" HOT MIX ASPHALTIC CONCRETE (HMAC) FISCAL YEAR 2012-2013.

Approved Change Order No. 3 and Final Reconciliation of Quantities for Purchase & Delivery of Type "D" Hot Mix Asphaltic Concrete (HMAC) Fiscal Year 2012-2013, in the deduct amount of \$167,836.15 for a revised contract amount of \$1,447,091.45.

F) CONSIDER APPROVAL OF A VARIANCE TO THE SUBDIVISION PROCESS REQUIREMENT AT THE EAST ½ OF LOT 18, ALL OF LOT 19, AND THE WEST 35 FT. OF LOT 20, BLOCK 8, FAIRFIELD PLACE SUBDIVISION; 700 LINDBERG AVENUE.

Approved a variance to the subdivision process requirement at 700 Lindberg Avenue.

G) CONSIDER APPROVAL OF A VARIANCE TO RIGHT-OF-WAY DEDICATION REQUIREMENT FOR NORTH PARK ESTATES, LOT A-1 SUBDIVISION; 1700 DOVE AVENUE.

Approved a variance to right-of-way dedication requirement at 1700 Dove Avenue.

H) AWARD OF CONTRACT FOR DRILLING SERVICES FOR INSTALLATION OF TRAFFIC ELECTRICAL CONDUIT.

Awarded a contract for Drilling Services for installation of Traffic Electrical Conduit, to JD Drilling and Backhoe Services, LLC. Additionally, authorized staff with City Manager approval, to exercise the option to extend the contract for two (2) additional yeas in one year increments, subject to performance of the successful contractor being satisfactory and the unit prices remaining unchanged.

I) AUTHORIZATION TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE CITY OF BROWNSVILLE TO PARTICIPATE IN THE FISCAL YEAR 2013-2014 SOUTH TEXAS AUTO THEFT ENFORCEMENT TASK FORCE.

Approved an Interlocal Agreement with the City of Brownsville to participate in the Fiscal Year 2013-2014 South Texas Auto Theft Enforcement Task Force which would enable the McAllen Police

Department - as a participating entity - to receive \$292,408 in state funds subject to a local match of \$202,632, for a combined total of \$495,040.

J) ORDINANCE AMENDING THE MCALLEN CODE OF ORDINANCES, CHAPTER 102, PROVIDING FOR AN AMENDMENT OF THE POSTED SPEED LIMIT ON PECAN BOULEVARD BETWEEN 10TH STREET AND 23RD STREET.

Adopted an ordinance amending the McAllen Code of Ordinances, Chapter 102 providing for an amendment of the posted speed limit on Pecan Boulevard between 10th Street and 23rd Street.

K) ORDINANCE ADOPTING THE SETTLEMENT OF TEXAS GAS SERVICE COST OF SERVICE FILING.

Adopted an ordinance adopting the settlement of Texas Gas Service Cost of Service Filing.

L) ORDINANCE AMENDING THE MCALLEN CODE OF ORDINANCES, CHAPTER 102, PROVIDING FOR AN AMENDMENT OF THE POSTED SPEED LIMIT ON 2ND STREET BETWEEN TRENTON ROAD AND HOBBS DRIVE.

Adopted an ordinance amending the McAllen Code of Ordinances, Chapter 102, providing for an amendment of the posted speed limit on 2nd Street between Trenton Road and Hobbs Drive.

M) RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE UNIVERSITY OF NORTH TEXAS LIBRARIES' DIGITAL PROJECTS UNIT, PORTAL TO TEXAS HISTORY, FOR FUNDING UNDER THE FISCAL YEAR 2013 RESCUING TEXAS HISTORY PROGRAM.

Approved a resolution authorizing the submission of a grant application to the University of North Texas Libraries' Digital Projects Unit, Portal to Texas History, for funding under the Fiscal Year 2013 Rescuing Texas History Program.

N) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT ASSOCIATED WITH THE INTERLOCAL AGREEMENT BETWEEN THE CITIES OF MCALLEN AND MISSION AND HIDALGO COUNTY FOR TAYLOR ROAD EXTENSION.

Adopted an ordinance providing for a budget amendment in the amount of \$390,000, for Taylor Road Extension associated with the Interlocal Agreement between the Cities of McAllen and Mission and Hidalgo County.

O) CONFIRMATION AND APPOINTMENT TO THE SENIOR CITIZENS ADVISORY BOARD.

Appointed Joann Levermann Searson to the Senior Citizens' Advisory Board.

3. BIDS/CONTRACTS:

A) AUTHORIZATION TO OPEN THE SINGLE BID AND CONSIDER AWARD OF CONTRACT FOR THE PALM VIEW GOLF COURSE IRRIGATION SYSTEM

REFURBISHMENT PHASE 2 – INSTALLATION OF IRRIGATION SYSTEM COMPONENTS.

Staff recommended authorization to open the single bid received and award the contract to Mike Roach Inc., for the Palm View Golf Course Irrigation System Refurbishment Phase 2 – Installation of Irrigation System Components.

Mayor Pro Tem Ramirez moved to authorize the opening of the single bid and tabling the item to allow staff to review the bid and specifications. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

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

Staff recommended award of contract to Mike Roach Inc. in the amount of \$139,120.

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

B) AWARD OF CONTRACT FOR IRRIGATION SYSTEM REFURBISHMENT PHASE 1 FOR PALM VIEW GOLF COURSE.

Staff recommended award of contract for the Irrigation System Refurbishment Phase 1 for Palm View Golf Course, to Professional Turf, in the amount of \$238,240.57, for initial award and Change Order No. 1.

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

C) AWARD OF CONTRACT FOR THE PURCHASE AND INSTALLATION OF SURVEILLANCE CAMERAS ON SEVEN (7) METRO SHELTERS.

Staff recommended award of contract for the purchase and installation of Surveillance Cameras on seven (7) Metro Shelters, to INX LLC, in the amount of \$55,301.05 s subject to local match of \$11,060.21.

Questions were asked.

After due consideration, Mayor Pro Tem Ramirez moved to table said item. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

Commissioner Ingram moved to remove the item from the table. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously by those present.

Staff followed up on the questions posed earlier relating to the addendums and recommended award as originally presented.

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

D) AWARD OF CONTRACT FOR THE PURCHASE OF THREE (3) CUTAWAY BUSES FOR THE TRANSIT DEPARTMENT.

Staff recommended award of contract for the purchase of three (3) Cutaway Buses for the Transit Department to Texas Bus Sales Inc., in the amount of \$255,559.86, subject to a local match of \$43,445.18.

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

E) CONSIDER APPROVAL OF AN INTERLOCAL AGREEMENT WITH PALM VALLEY ANIMAL CENTER FOR THE OPERATION OF A REGIONAL ANIMAL SHELTER.

Staff recommended approval of an Interlocal Agreement with Palm Valley Animal Center for the Operation of a Regional Animal Shelter in the amount of \$70 per animal fee.

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

F) CONSIDER APPROVAL OF CHANGE ORDER NO. 5 FOR THE MCALLEN MILLER INTERNATIONAL AIRPORT TERMINAL EXPANSION PROJECT.

Staff recommended approval of Change Order No. 5 for the McAllen Miller International Airport Terminal Expansion Project in the amount of \$147,710 and 15 calendar days for a revised amount of \$19,349,417 and 742 calendar days.

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

G) CONSIDER APPROVAL OF AMENDMENT NO. 14 TO THE HNTB GENERAL ENGINEERING CONTRACT FOR DESIGN AND BIDDING SERVICES FOR EMAS PROJECT AT THE MCALLEN-MILLER INTERNATIONAL AIRPORT.

Staff recommended approval of Amendment No. 14 to the HNTB General Engineering Contract for Design and Bidding Services for EMAS Project at the McAllen-Miller International Airport in the amount of \$555,447 which will be paid with AIP and PFC funds.

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

H) AWARD OF CONTRACT FOR 2013 PAVEMENT FOG SEAL.

Staff recommended award of contract for 2013 Pavement Fog Seal to Cholla Pavement Maintenance, in the amount of \$214,081.35.

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

I) AUTHORIZATION TO OPEN THE SINGLE BID AND CONSIDER AWARD OF CONTRACT FOR 2013 PAVEMENT PRESERVATION.

Staff recommended authorization to open the single bid received and award the contract to Pavement Restoration, for the 2013 Pavement Preservation.

Mayor Pro Tem Ramirez moved to authorize the opening of the single bid and tabling the item to allow staff to review the bid and specifications. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

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

Staff recommended award of contract to Pavement Restoration in the amount of \$190,822.

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

J) CHANGE ORDER NO. 4 FOR THE MCALLEN DEVELOPMENT CENTER FOR VARIOUS ITEMS.

Staff recommended approval of Change Order No. 4 for the McAllen Development Center by reducing the contingency fund to \$25,653 and increasing the contract amount to \$2,005,197 and increasing the contract time to 160 days.

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

K) CONSIDER EXTENSION OF ANNUAL MAINTENANCE AND SUPPORT SERVICES FOR CIS INFINITY AND TELE-WORKS SOFTWARE.

Staff recommended approval of the extension of the Annual Maintenance and Support Services for CIS Infinity and Tele-Works Software for \$121,296.25. Additionally, staff recommended authorization to exercise the option to extend the contracts for four (4) additional years in one (1) year increments subject to acceptable performance and annual escalation fees not to exceed 3% annually.

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

4. ORDINANCE PROVIDING FOR A BUDGET AMENDMENT FOR FUNDING OF ADDITIONAL PROJECTS IN THE CAPITAL IMPROVEMENT FUND.

Staff recommended adoption of an ordinance providing for a budget amendment in the amount of \$5,000,000 for funding of additional projects in the Capital Improvement Fund.

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

5. RESOLUTIONS:

A) SUPPORTING MAYOR DARLING FOR PRESIDENT-ELECT OF THE TEXAS MUNICIPAL LEAGUE.

Staff recommended approval of a resolution supporting Mayor Darling for President-Elect of the Texas Municipal League.

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

B) AUTHORIZING THE SUBMISSION OF A LOAN APPLICATION TO THE TEXAS WATER DEVELOPMENT BOARD FOR THE SOUTH WASTEWATER TREATMENT PLANT (SWWTP) UPGRADE CONSTRUCTION.

Staff recommended approval of a resolution authorizing the submission of a loan application to the Texas Water Development Board for the South Wastewater Treatment Plant (SWWTP) Upgrade Construction.

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

6. MANAGER'S REPORT:

A) PRESENTATION OF PERFORMING ARTS CENTER PRELIMINARY DESIGN.

A presentation was made on the Performing Arts Center Preliminary Design. No action required.

B) FUTURE AGENDA ITEMS.

The items for upcoming workshops were briefly reviewed: Joint Meeting with Public Utility Board, Hidalgo County Regional Mobility Authority, Space X presentation, Procurement Policy, General Insurance recommendations, Housing Project Briefing on Sam Houston site, Palm Bowl, Neighborhood Rehabilitation Program, Small Business Assistance, Entry Monuments and Parade Improvements.

7. MAYOR'S REPORT ON THE JOINT GOVERNMENTAL MEETING SCHEDULE.

Mayor Darling gave a report on proposed joint meetings with numerous governmental entities including the Public Utility Board, McAllen ISD Board, South Texas College, Hidalgo County Commissioner's Court, UTPA/UT Brownsville, and the Cities of Edinburg, Mission, and Pharr. He recommended that one meeting be set up once a month with one of these governmental bodies in an informal setting.

8. TABLED ITEMS:

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

Mayor Pro Tem Ramirez moved to remove said item from the table. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

Staff recommended adoption of an ordinance amending Chapter 50 of the McAllen Code of Ordinances relating to the regulation and permit of public fireworks displays.

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

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

Said item remained tabled.

PUBLIC COMMENT SESSION

The following individuals addressed the City Commission: Karen Church, Amory Pecina and Jim Barnes.

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

On behalf of the Presiding Officer, the City Attorney recommended recessing into Executive Session pursuant to Chapter 551, Texas Government Code, Section 551.087 Economic Development for Items 9C, 9E, 9P and 9Q; Section 551.071 Consultation with Attorney for Items 9B, 9C, 9D, 9E, 9G, 9J, 9K, 9L, 9P and 9Q; Section 551.072 Deliberation regarding Real Property for Items 9B, 9D 9F, 9H, 9I, 9M, 9N, 9O; and Section 551.074 (Personnel Matters) for Item 9A.

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

Mayor Darling recessed the meeting at 6:28 pm to go into Executive Session. Mayor Darling reconvened the meeting at 7:28 pm and announced the action on Executive Session items.

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

No action.

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

No action.

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

No action.

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

No action.

- E) CONSIDERATION OF AND CONSULTATION WITH CITY ATTORNEY REGARDING ECONOMIC INCENTIVES FOR PROJECT MAGNET. (SECTIONS 551.087 AND 551.071, T.G.C.)**

No action.

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

No action.

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

No action.

- H) DISCUSSION AND POSSIBLE ACTION REGARDING THE ACQUISITION OF A 12.29 ACRE TRACT OF LAND, MORE OR LESS, OUT OF LOT 3, BLOCK 5, HIDALGO CANAL COMPANY. (SECTION 551.072, T.G.C.)**

No action.

- I) DISCUSSION AND POSSIBLE ACTION REGARDING THE ACQUISITION OF 16.60 ACRE TRACT OF LAND, MORE OR LESS, OUT OF LOT 3, BLOCK 5, HIDALGO CANAL COMPANY AND A 4.87 ACRE TRACT, MORE OR LESS, OUT OF LOT 14, BOCK 6, HIDALGO CANAL COMPANY. (SECTION 551.072, T.G.C.)**

No action.

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

Commissioner Ingram moved to approve the filing of the lawsuit against Dahlila Casso. Commissioner Pebley seconded the motion. The motion carried unanimously by those present.

- K) CONSULTATION WITH CITY ATTORNEY REGARDING TOWN LAKE. (SECTION 551.071, T.G.C.)**

No action.

- L) CONSULTATION WITH CITY ATTORNEY REGARDING LITIGATION MATTER; ARNALDO RAMIREZ, ET AL VS. CITY OF MCALLEN. (SECTION 551.071, T.G.C.)**

No action.

- M) DISCUSSION AND POSSIBLE ACTION REGARDING PURCHASE OF RIGHT-OF-WAY FOR THE DEVELOPMENT AND CONSTRUCTION OF K CENTER STREET FROM NOLANA AVENUE TO 1,260' SOUTH OF THIS INTERSECTION. (SECTION 551.072, T.G.C.)**

No action.

- N) DISCUSSION AND POSSIBLE ACTION REGARDING ENTERING INTO A SALES CONTRACT AND AUTHORIZATION FOR CITY MANAGER TO COMPLETE THE TRANSACTION TO ACQUIRE LOT 2, BLOCK 2, WHITEWING ADDITION UNIT NO. 1, AND ADDITION TO THE CITY OF MCALLEN, HIDALGO COUNTY, TEXAS AND APPROVE RESOLUTION. (SECTION 551.072, T.G.C.)**

Mayor Pro Tem Salinas moved to authorize city staff to close on the transaction regarding the purchase of property discussed in Executive Session. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

- O) DISCUSSION AND POSSIBLE ACTION REGARDING MAKING AN OFFER TO ACQUIRE ONE OF THE TWO TRACTS OUT OF LOTS 11 & 12, SECTION 4 OR LOT 3 SECTION 5, HIDALGO CANAL COMPANY'S SUBDIVISION. (SECTION 551.072, T.G.C.)**

No action.

- P) DISCUSSION AND POSSIBLE ACTION REGARDING ECONOMIC INCENTIVES FOR PROJECT MOUNTAIN LION. (SECTIONS 551.087 AND 551.071, T.G.C.)**

No action.

Q) DISCUSSION AND POSSIBLE ACTION REGARDING ECONOMIC INCENTIVES FOR PROJECT FRESH. (SECTIONS 551.087 AND 551.071, T.G.C.)

Mayor Pro Tem Salinas moved to authorize the President of the McAllen Economic Development Corporation (MEDC) to offer the incentives along the parameters discussed in Executive Session. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

ADJOURNMENT

There being no other business to come before the Commission, the meeting was adjourned at 7:29 p.m.

Jim Darling, Mayor

Attest:

Annette Villarreal, TRMC/CMC, CPM
City Secretary

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

The McAllen Board of Commissioners convened in a Workshop on **Tuesday, October 16, 2007** at 5:30 pm at the McAllen Convention Center Board Room, with the following present:

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

McAllen ISD Board present: Vice Chairman Richard Moore, Secretary Myrna Garcia, Trustee Danny Vela, Trustee Ricardo Chapa, Superintendent Yolanda Chapa

Staff present: City Manager Mike Perez, Deputy City Manager Brent Branham, City Attorney Kevin Pagan, Assistant City Manager Pilar Rodriguez, Assistant City Manager Wendy Smith, City Secretary Annette Villarreal, Parks and Recreation Director Larry Pressler, City Engineer Yvette Barrera, Deputy City Engineer Ramon Navarro, Deputy Parks Director Mike Hernandez, Convention Center Director Omar Rodriguez,

Others: Nedra Kinerk (Futuro McAllen)

CALL TO ORDER

Mayor Cortez called the meeting to order.

JOINT MEETING WITH MCALLEN ISD BOARD OF TRUSTEES

Vice Chairman Moore called the meeting to order on behalf of the School Board.

1. DISCUSSION OF JOINT USE AGREEMENT FOR PARKS, CONVENTION CENTER AND OTHER PUBLIC BUILDINGS AND PROJECTS.

The After School Programs were discussed at length as offered by the school district, Boys and Girls Club and the City. After due consideration, it was the consensus of the two bodies to review and evaluate the three programs with the purpose of developing a good quality program which could eventually be run by one single entity.

A discussion was held about the City/School parks as it relates to fencing, signage and landscaping. It was the consensus of the two bodies to install signage and fencing/gates to allow use of the park by members of the public after 3:30 pm. A recommendation was made to install landscaping at city and school facilities/properties.

Commissioner Crane excused himself from the meeting at this time.

A discussion was held about the use of the Convention Center for school functions. Numerous options were discussed including the existing discounts for non-profits, advanced booking and a pro-rata share

to off-set maintenance and operations. City staff was asked to look at options for cost savings for this use by the district.

A discussion was held relating to the construction of the new elementary school and the impact that the city requirement for the installation of the 41st Street poses as it reduces the proposed play area/green space. A recommendation was made to have the district architect work with city staff to look into an alternative solution for circulation; otherwise, the City Commission may consider a variance request for same.

2. DISCUSSION OF TRAFFIC CIRCULATION AROUND SCHOOLS AND NEW SCHOOL SITES.

A discussion was held about traffic circulation around schools. A recommendation was made to install signage to resolve blocking driveways as well as having District Police get more aggressive, especially at McAuliffe.

ADJOURNMENT

There being no other business to come before the Commission, the meeting was adjourned at 6:59 p.m.

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

The McAllen Board of Commissioners convened in a Workshop on **Wednesday, October 22, 2007** at 2:30 pm at McAllen City Hall Commission Chambers – Third (3rd) Floor, with the following present:

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

Absent: Commissioner John Ingram,

Staff present: City Manager Mike Perez, City Attorney Kevin Pagan, Assistant City Manager Pilar Rodriguez, Assistant City Manager Wendy Smith, City Secretary Annette Villarreal, City Engineer Yvette Barrera, Deputy City Engineer Ramon Navarro, Deputy Parks Director Mike Hernandez, Convention Center Director Omar Rodriguez,

CALL TO ORDER

Mayor Cortez called the meeting to order.

1. PRESENT QUESTIONS TO STAFF RELATING TO OCTOBER 22, 2007 REGULAR MEETING AGENDA, TO BE ADDRESSED AT SUCH MEETING.

Questions were asked about Item 5A of the regular meeting agenda.

2. DISCUSSION OF CONDITIONAL USE PERMITS FOR BAR, COCKTAIL LOUNGES AND NIGHTCLUBS.

Staff briefly gave a report on the results of the research conducted relating to city regulations for bars and clubs. The reported reflected that all cities had distance requirements for bars and clubs in context to residences, churches, schools and hospitals. A discussion was held about McAllen's 300 foot distance requirement and 600 ft. radius notification.

3. MONUMENT SIGN PRESENTATION.

A presentation on monument signs was given. Possible incentives and impact on existing business were discussed.

4. DISCUSSION OF SUPERFREEPORT EXEMPTION.

Staff gave a brief presentation on House Bill 621 relating to "Goods in Transit" relating to freeport exemptions. A discussion was held. Staff reported that if the Commission desired to move forward, a public hearing would be required before the end of the year.

5. EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY), SECTION 551.072 (DELIBERATIONS ABOUT REAL PROPERTY) AND SECTION 551.074 (PERSONNEL MATTERS), ECONOMIC DEVELOPMENT, SECTION 551.087.

Mayor Cortez recessed the meeting at 3:25 pm to go into Executive Session. Mayor Cortez reconvened the meeting at 3:54 pm and announced that any action on Executive Session items would be taken during the Regular Meeting later in the evening.

- A) CONSULTATION WITH CITY ATTORNEY RELATING TO AN ECONOMIC SUBSIDY FOR MALL EXPANSION. (SECTION 551.087, T.G.C.)**
- B) CONSULTATION WITH CITY ATTORNEY REGARDING CAUSE NO. C-1959-06-I; MCALLEN POLICE OFFICERS' UNION AND MICHAEL ZELLERS, PRESIDENT VS. CITY OF MCALLEN, TEXAS (LAW SUIT RELATING TO COLLECTIVE BARGAINING AND BALLOT PROPOSITION). (SECTION 551.071, T.G.C.)**
- C) DISCUSSION AND POSSIBLE ACTION RELATING TO THE PURCHASE AND REDEVELOPMENT OF A CENTRAL PARK. (SECTION 551.072, T.G.C.)**
- D) DISCUSSION AND POSSIBLE ACTION – REVIEW AND APPROVE SALE OF LOT 7, CONVENTION CENTER SUBDIVISION TO VENTURE ASSETS, LTD. (SECTION 551.072, T.G.C.)**
- E) DISCUSSION AND POSSIBLE ACTION - CONSIDER THE SALE OF 40 ACRES OUT OF LOT 152, LA LOMITA IRRIGATION & CONSTRUCTION COMPANY SUBDIVISION. (SECTION 551.072, T.G.C.)**
- F) DISCUSSION AND POSSIBLE ACTION – EVALUATION OF CITY MANAGER. (SECTION 551.074, T.G.C.)**
- G) DISCUSSION AND POSSIBLE ACTION - EVALUATION OF CITY ATTORNEY. (SECTION 551.074, T.G.C.)**
- H) DISCUSSION AND POSSIBLE ACTION –ANNUAL EVALUATION OF FIRE CHIEF. (SECTION 551.074, T.G.C.)**
- I) SEEK CITY ATTORNEY'S OPINION RELATING TO A LAWSUIT AGAINST THE FEDERAL GOVERNMENT RELATING TO THE "WALL". (SECTION 551.071, T.G.C.)**
- J) CONSULTATION WITH CITY ATTORNEY RELATING TO WORKERS' COMP./LOSS REPORT. (SECTION 551.071, T.G.C.)**
- K) CONSULTATION WITH CITY ATTORNEY RELATING TO MOTOR VEHICLE ACCIDENT LIABILITY AND SUBROGATION CLAIM REPORTS AS OF SEPTEMBER 30, 2007. (SECTION 551.071, T.G.C.)**
- L) DISCUSSION AND POSSIBLE ACTION - CONSIDER A 380 INDUSTRIAL INCENTIVE AGREEMENT FOR INFINITY INSURANCE. (SECTION 551.087, T.G.C.)**
- M) DISCUSSION AND POSSIBLE ACTION - CONSIDER A 380 INDUSTRIAL INCENTIVE AGREEMENT FOR PROJECT COLOR PAINT. (SECTION 551.087, T.G.C.)**
- N) CONSULTATION WITH CITY ATTORNEY REGARDING ACQUISITION OF RIGHT-OF-WAY FROM IRRIGATION DISTRICT NOS. 1 AND 3 FOR BICENTENNIAL AVENUE. (SECTION 551.071, T.G.C.)**
- O) SEEK CITY ATTORNEY'S OPINION RELATING TO POSSIBLE LAWSUIT RELATING TO RAILROAD CROSSING (SECTION 551.071, T.G.C.)**

ADJOURNMENT

There being no other business to come before the Commission, the meeting was adjourned at 3:55 p.m.

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

The McAllen Board of Commissioners convened in a Workshop on **Monday, November 12, 2007** at 2:30 pm at McAllen City Hall Commission Chambers – Third (3rd) Floor, with the following present:

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

Absent: Commissioner Aida Ramirez.

Staff present: City Manager Mike Perez, City Attorney Kevin Pagan, Deputy City Manager Brent Branham, Assistant City Manager Pilar Rodriguez, Assistant City Manager Wendy Smith, City Secretary Annette Villarreal, Planning Director Juli Rankin, Deputy City Attorney Ignacio Perez, Director of Aviation Phil Brown, City Engineer Yvette Barrera, Deputy City Secretary Perla Zamora

Others present: Members of Historic Preservation Council

CALL TO ORDER

Mayor Cortez called the meeting to order.

1. PRESENT QUESTIONS TO STAFF RELATING TO NOVEMBER 12, 2007 REGULAR MEETING AGENDA, TO BE ADDRESSED AT SUCH MEETING.

Questions were asked about Item 5A of the regular meeting agenda.

2. PRESENTATION OF HISTORIC PRESERVATION COUNCIL RELATING TO TAX INCENTIVES.

A presentation was made by the McAllen Historic Preservation Council relating to proposed property tax incentives to promote historic preservation. Questions were asked.

3. CONDUCT INTERVIEWS FOR THE TERMINAL CAPACITY STUDY CONSULTANT.

Interviews were conducted for the Terminal Capacity Study Consultant with each firm representative touching on the team, qualifications, and projects/accomplishments. The following firms were interviewed: Carter & Burgess, Jacobs Consultancy, and URS. A Question and Answer Session was held after each presentation.

Item 4 was not addressed.

4. EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY), SECTION 551.072 (DELIBERATIONS ABOUT REAL PROPERTY), SECTION 551.074 (PERSONNEL MATTERS), AND SECTION 551.087 ECONOMIC DEVELOPMENT.

- A) **CONSULTATION WITH CITY ATTORNEY REGARDING CAUSE NO. C-1959-06-I; MCALLEN POLICE OFFICERS' UNION AND MICHAEL ZELLERS, PRESIDENT VS. CITY OF MCALLEN, TEXAS (LAW SUIT RELATING TO COLLECTIVE BARGAINING AND BALLOT PROPOSITION). (SECTION 551.071, T.G.C.)**
- B) **DISCUSSION AND POSSIBLE ACTION RELATING TO THE PURCHASE AND REDEVELOPMENT OF A CENTRAL PARK. (SECTION 551.072, T.G.C.)**
- C) **DISCUSSION AND POSSIBLE ACTION – REVIEW AND APPROVE SALE OF LOT 7, CONVENTION CENTER SUBDIVISION TO VENTURE ASSETS, LTD. (SECTION 551.072, T.G.C.)**
- D) **DISCUSSION AND POSSIBLE ACTION - CONSIDER THE SALE OF 40 ACRES OUT OF LOT 152, LA LOMITA IRRIGATION & CONSTRUCTION COMPANY SUBDIVISION. (SECTION 551.072, T.G.C.)**
- E) **DISCUSSION AND POSSIBLE ACTION – REVIEW OF POTENTIAL ECONOMIC DEVELOPMENT PROJECT – CODE NAME: MCALLEN PALMS. (SECTION 551.087, T.G.C.)**
- F) **CONSULTATION WITH CITY ATTORNEY TO CONSIDER LEGAL ACTION TO ENFORCE COMPLIANCE WITH ZONING ORDINANCE'S PROHIBITION OF PORTABLE BUILDINGS (STORAGE) WITHOUT A CONDITIONAL USE PERMIT AT NORTH 50' OF LOT 3, PROFESSIONAL CENTER SUBDIVISION; 920 NORTH MAIN STREET (REAR). (SECTION 551.071, T.G.C.)**
- G) **CONSIDER 380 AGREEMENT FOR FRED LOYA INSURANCE. (SECTION 551.087, T.G.C.)**
- H) **CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ISSUES OF SHELDON SUBDIVISION REIMBURSEMENT REQUEST. (SECTION 551.072, T.G.C.)**
- I) **DISCUSSION OF CONDITIONAL USE PERMITS FOR BAR, COCKTAIL LOUNGES AND NIGHTCLUBS.**

ADJOURNMENT

There being no other business to come before the Commission, the meeting was adjourned at 4:03 p.m.

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

The McAllen Board of Commissioners convened in a Workshop on **Tuesday, November 13, 2007** at 5:30 pm at the McAllen Convention Center Meeting Room 103-D, with the following present:

Present: Commissioner Hilda Salinas, Commissioner Scott Crane, Commissioner John Ingram, Commissioner Jim Darling

Absent: Mayor Richard Cortez, Mayor Pro Tem Marcus C. Barrera, Commissioner Aida Ramirez.

Staff present: City Manager Mike Perez, Deputy City Manager Brent Branham, Assistant City Manager Pilar Rodriguez, City Secretary Annette Villarreal, Planning Director Juli Rankin,

Others present: Consultant Bret C. Keast, Liaison Jan M. Klinck, Heart of the City Director Alida Hernandez, Foresight McAllen Committee Member Bob Wallace, Foresight McAllen Committee Member Danny Boultinghouse, Foresight McAllen Committee Member Willard Moon

CALL TO ORDER

Mayor Cortez called the meeting to order.

1. DISCUSSION OF FORESIGHT MCALLEN MASTER PLAN UPDATE.

A presentation was made on the vision of the Master Plan. The characteristics of the master plan were reviewed:

- Open space
- Quality of life
- City personality
- Keep agriculture
- More linear parks
- Plan future land use
- Environmental friendly
- Community character
- Neighborhood identity
- Leave space for parks
- Image is important
- Protect urban forest
- Maintain livability
- Lot sizes are an issue

Non-conforming uses were reviewed. The new zoning districts were highlighted and discussed. Related components discussed were buffer yards, affordable housing, strategies and street system efficiencies. Implementation priorities were reviewed as follows:

- Unified Development Code and Adoption of Mobility Plan
- Growth Management
- Trail System Planning
- Economic Development
- Quality, Affordable Housing
- Transit Supportive Planning

The proposed timeline was reviewed.

ADJOURNMENT

There being no other business to come before the Commission, the meeting was adjourned at 8:42 p.m.

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

The McAllen Board of Commissioners convened in a Workshop on **Monday, November 26, 2007** at 2:30 pm at McAllen City Hall Commission Chambers – Third (3rd) Floor, with the following present:

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

Staff present: City Manager Mike Perez, City Attorney Kevin Pagan, Assistant City Manager Pilar Rodriguez, Assistant City Manager Wendy Smith, City Secretary Annette Villarreal, City Engineer Yvette Barrera, Deputy City Engineer Ramon Navarro, Planning Director Juli Rankin

Others present: MAHI Executive Director Robert Calvillo

CALL TO ORDER

Mayor Cortez called the meeting to order.

1. PRESENT QUESTIONS TO STAFF RELATING TO NOVEMBER 26, 2007 REGULAR MEETING AGENDA, TO BE ADDRESSED AT SUCH MEETING.

Questions were asked about Items 2A, 2C and 2M of the regular meeting agenda.

At this time Item 3 was addressed.

2. DISCUSSION OF SIGN ORDINANCE AND MONUMENT SIGNS

A presentation was made on the proposed Sign Ordinance including monument signs. It was emphasized that the ordinance would be applicable to new developments but should provide incentives/grants to improve existing signs. A discussion was held relating to visibility of monument signs from the Expressway. Staff was instructed to look into state regulations on signs.

Commissioner Barrera entered the meeting at this time.

3. DISCUSSION OF PROPOSED MERGER BETWEEN MCALLEN AFFORDABLE HOMES INC. AND DEVELOPMENT CORPORATION OF SOUTH TEXAS.

Mr. Calvillo reported on the proposed merger between the MAHI and the Community Development Corporation of South Texas (CDCST) noting that MAHI has been managing the money for CDCST since 2001. The purpose of the merger was reported to be a regional effort to secure additional funding for affordable housing and eventually become self sustainable.

Concerns were expressed about equity and services for McAllen taxpayers. Mr. Calvillo responded that services to McAllen taxpayers would only be enhanced. A Question and Answer Session was held.

Commissioner Ramirez and Salinas entered the meeting at this time.

4. EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY), SECTION 551.072 (DELIBERATIONS ABOUT REAL PROPERTY) AND SECTION 551.074 (PERSONNEL MATTERS), ECONOMIC DEVELOPMENT, SECTION 551.087.

Mayor Cortez recessed the meeting at 3:22 pm to go into Executive Session. Mayor Cortez reconvened the meeting at 3:58 pm and announced that any action on Executive Session items would be taken during the Regular Meeting later in the evening.

- A) CONSULTATION WITH CITY ATTORNEY REGARDING CAUSE NO. C-1959-06-I; MCALLEN POLICE OFFICERS' UNION AND MICHAEL ZELLERS, PRESIDENT VS. CITY OF MCALLEN, TEXAS (LAW SUIT RELATING TO COLLECTIVE BARGAINING AND BALLOT PROPOSITION). (SECTION 551.071, T.G.C.)**
- B) DISCUSSION AND POSSIBLE ACTION RELATING TO THE PURCHASE AND REDEVELOPMENT OF A CENTRAL PARK. (SECTION 551.072, T.G.C.)**
- C) DISCUSSION AND POSSIBLE ACTION – REVIEW AND APPROVE SALE OF LOT 7, CONVENTION CENTER SUBDIVISION TO VENTURE ASSETS, LTD. (SECTION 551.072, T.G.C.)**
- D) DISCUSSION AND POSSIBLE ACTION - CONSIDER THE SALE OF 40 ACRES OUT OF LOT 152, LA LOMITA IRRIGATION & CONSTRUCTION COMPANY SUBDIVISION. (SECTION 551.072, T.G.C.)**
- E) DISCUSSION AND POSSIBLE ACTION – CONSIDER THE PURCHASE OF LOTS 9, 10, AND 11, FORD'S SUBDIVISION (5.73 ACRES). (SECTION 551.072, T.G.C.)**
- F) DISCUSSION AND POSSIBLE ACTION REGARDING PENDING LAWSUIT; CITY OF MCALLEN V. THE ELOYD F. GEGENHEIMER GRANTOR TRUST AGREEMENT DATED SEPTEMBER 10, 1993, ET AL, OWNERS. (SECTION 551.071, T.G.C.)**
- G) DISCUSSION AND POSSIBLE ACTION – CONSIDER THE ACQUISITION OF POSSIBLE SITES FOR BORDER PATROL RELOCATION. (SECTION 551.072, T.G.C.)**
- H) CONSULTATION WITH CITY ATTORNEY REGARDING NEW LAWSUIT; CAUSE NO. CL-07-3383-E; ELISA PULIDO VS. RAMON GUTIERREZ AVILA AND CITY OF MCALLEN. (SECTION 551.071, T.G.C.)**
- I) DISCUSSION AND POSSIBLE ACTION – CONSIDERATION OF A 380 INDUSTRIAL INCENTIVE AGREEMENT WITH GFM CORPORATION. (SECTION 551.087, T.G.C.)**
- J) DISCUSSION AND POSSIBLE ACTION – CONSIDER ECONOMIC INCENTIVES FOR PROJECT GOLD STAR. (SECTION 551.087, T.G.C.)**
- K) CONSULTATION WITH CITY ATTORNEY REGARDING WORKERS COMP/LOSS RUN REPORT AS OF OCTOBER 31, 2007. (SECTION 551.071, T.G.C.)**
- L) DISCUSSION AND POSSIBLE ACTION – CONSIDER THE ACQUISITION OF ALL OR PART OF LOTS 9 & 10, BLOCK 5, HIDALGO CANAL COMPANY SUBDIVISION. (SECTION 551.072, T.G.C.)**

ADJOURNMENT

There being no other business to come before the Commission, the meeting was adjourned at 3:58 p.m.

CITY OF McALLEN
STANDARDIZED RECOMMENDATION FORM

2B

CITY COMMISSION X
UTILITY BOARD _____
PLANNING & ZONING BOARD _____

AGENDA ITEM _____
DATE SUBMITTED 08/20/13
MEETING DATE 08/26/13

1. Agenda Item: Interlocal Agreement with County of Hidalgo to transfer equipment for the Regional Radio System to the City of McAllen. This Agreement has been previously approved; however, Hidalgo County has made minor changes to Agreement. No impact to overall terms of original Agreement.

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

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

This Interlocal Agreement was approved on April 22, 2013. It was for the transfer of two repeaters for the Regional Radio System. County staff made minor cosmetic changes to the Agreement and have requested that the City of McAllen re-approve with changes since McAllen is the Administrative and Fiscal Agent for the Regional System. Changes make no impact on Agreement terms between the City of McAllen and Hidalgo County.

4. Policy Implication: _____

5. Budgeted: Yes No X N/A

6. Alternate Option/Costs: _____

7. Routing:

NAME/TITLE	INITIAL	DATE	CONCURRENCE
------------	---------	------	-------------

a) _____

8. Staff Recommendation: Motion to approve the submission of the grant application.

9. Advisory Board: R Approved Disapproved None

10. City Attorney: X Approved Disapproved None

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



**CITY OF MCALLEN
GRANT ADMINISTRATION OFFICE
MEMORANDUM**

To: Mayor and City Commission

From: Wendy L. Smith, Assistant City Manager

Date: April 16, 2013

Subject: Hidalgo County Interlocal Agreement (Re-approval)

The County of Hidalgo was awarded a grant in the amount of \$89,960 for the purchase of two repeaters for the Regional Radio System. This Agreement was approved on April 22, 2013. Since then, Hidalgo County made minor changes to the Agreement (i.e. grant name change) and requested the City of McAllen to re-approve with changes. The changes do not affect the terms of the original Agreement.

McAllen is the Administrative and Fiscal Agent for the Regional Radio System.

**INTERLOCAL COOPERATION
AGREEMENT
BETWEEN THE COUNTY OF HIDALGO, TEXAS AND THE
CITY OF McALLEN, TEXAS**

This Agreement made on this _____ day of _____, 2013, by and between the **COUNTY OF HIDALGO, TEXAS** hereinafter referred to as "Hidalgo County," and the **CITY OF McALLEN, TEXAS**, hereinafter referred to as "McAllen," pursuant to the provisions of the Texas Interlocal Cooperation Act, as follows:

WITNESSETH:

WHEREAS, Hidalgo County is a political subdivision of the State of Texas;

WHEREAS, McAllen is a political subdivision of the State of Texas;

WHEREAS, Hidalgo County and McAllen, each pursuant to its statutory and constitutional authority, are responsible for the safety of the citizens within their respective boundaries, and are desirous that the necessary Equipment and services are available;

WHEREAS, Hidalgo County applied for and received a grant, entitled Preparedness and Prevention Community Preparedness Section / Bioterrorism Discretionary Funding Program (PPCPS/BTDFP1), for the purchase of Equipment specified in Exhibit "B" from the Department of State Health Services ("DSHS"). The Grant is hereinafter referred to as the "PPCPS/BTDFP1 Grant;"

WHEREAS, the Equipment will be purchased by Hidalgo County through the PPCPS/BTDFP1 Grant and delivered to the possession of McAllen for the purpose of adding and aiding the existing system to increase the coverage of the region's communication system for first responders;

WHEREAS, Hidalgo County and McAllen desire to carry out PPCPS/BTDFP1 eligible program activities and share or transfer Equipment identified in the attached Exhibit "B" and as further described in the attached Exhibit "C" - Property Transfer Agreement.

WHEREAS, the PPCPS/BTDFP1 Grant requires Hidalgo County as the grant recipient, to comply with certain terms and conditions more particularly described in the attached Exhibit "A", which is hereby incorporated for all intents and purposes, and further requires any sub-recipient or participant accepting funding from the

PPCPS/BTDFP1 Grant through a subcontract or agreement to also comply with certain provisions of the terms and conditions as stated in the attached Exhibit "A";

WHEREAS, the Equipment and services will be purchased by Hidalgo County using its established and approved purchasing policies and delivered to Hidalgo County. The Equipment will be subsequently distributed to McAllen, which will be responsible for the security of the Equipment and its maintenance while in its possession for the term of the Grant and thereafter;

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

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

1. In order to fulfill the goals and purposes as identified above, the parties agree that the Equipment described in Exhibit "B" attached hereto, will be made readily available for the purpose of responding to both manmade and natural disasters if requested under mutual aid.
2. McAllen agrees to, at a minimum; provide the equivalent insurance coverage for all such Equipment listed in Exhibit "B".
3. McAllen agrees to maintain and repair the Equipment listed in Exhibit "B" in good working condition for the life of the Equipment and agrees to pay for any and all yearly maintenance agreements for Equipment as applicable.
4. McAllen agrees to notify Hidalgo County in writing within ten (10) days should Equipment be lost, stolen, or otherwise made unusable.
5. McAllen agrees to provide an annual accounting of the Equipment to Hidalgo County for the purposes of grant reporting.
6. All Parties agree to provide and maintain all necessary inventory tagging, records and reports that may be necessary for reimbursement of Grant funds, including but not limited to an annual account of the Equipment to Hidalgo County for the Purposes of Grant reporting through August 31, 2013. Hidalgo County agrees it will provide Grant reporting to the State as required under the Grant
7. McAllen and Hidalgo County agree to conform to its own applicable purchasing laws, regulations, policies and procedures with respect to any parts or supplies needed to maintain operability of Equipment.

- 8. Conflict with Applicable Law.** Nothing in this Agreement shall be construed so as to require the commission of any act contrary to law, and whenever there is any conflict between any provision of this Agreement and any present or future law, ordinance or administrative, executive or judicial regulation, order or decree, or amendment thereof, contrary to which the parties have no legal right to contract, the latter shall prevail, but in such event the affected provision or provisions of this Agreement shall be modified only to the extent necessary to bring them within the legal requirements and only during the time such conflicts exists.
- 9. No Waiver.** No waiver by any party hereto of any breach of any provisions of the Agreement shall be deemed to be a waiver of any preceding or succeeding breach of the same or any other provision hereof.
- 10. Entire Agreement.** This Agreement contains the entire contract between the parties hereto, and each party acknowledges that neither has made (either directly or through any agent or representative) any representation or agreement in connection with this Agreement not specifically set forth herein. This Agreement may be modified or amended only by agreement in writing executed by McAllen and Hidalgo County, and not otherwise.
- 11. TEXAS LAW TO APPLY.** THIS AGREEMENT SHALL BE CONSTRUED UNDER AND IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS, AND ALL OBLIGATIONS OF THE PARTIES CREATED HEREUNDER ARE PERFORMABLE WITHIN THE COUNTY OF HIDALGO, TEXAS. THE PARTIES HEREBY CONSENT TO PERSONAL JURISDICTION IN THE COUNTY OF HIDALGO, TEXAS.
- 12. Governing Provisions.** This Agreement shall be governed by and constructed in accordance with the laws of the State of Texas, and the obligations and undertakings of each of the parties to this Agreement shall be performable in the County of Hidalgo, Texas. McAllen shall comply with all applicable laws and regulations. A non-exclusive list of regulations commonly applicable to Federal and State grants and Equipment are listed below:

A. Administrative Requirements

1. OMB Circular A-102, State and Local Governments (10/14/94, amended 08/29/97)
2. OMB Circular A-87, State and Local Governments (05/04/95, amended 05/10/04)

B. Audit Requirements.

OMB Circular A-133, State, Local Governments and Non-Profit Organizations (06/24/97, includes revisions published in

13. **Notice.** Except as may be otherwise specifically provided in this Agreement, all notices, demands, requests or communication required or permitted hereunder shall be in writing and shall either be (i) personally delivered against a written receipt, or (ii) sent by registered or certified mail, return receipt requested, postage prepaid and addressed to the parties at the addresses set forth below, or at such other addresses as may have been theretofore specified by written notice delivered in accordance herewith:

If to Hidalgo County:

County of Hidalgo
Attn: Ramon Garcia, County Judge
P.O. Box 1356
Edinburg, TX 78539

with copy to:

Hidalgo County
Emergency Management
302 W. University Dr.
Edinburg, TX 78539

If to McAllen:

City of McAllen
City Manager's Office
1300 Houston Ave.
McAllen, TX 78501

Each notice, demand, request or communication, which shall be delivered or mailed in the manner described above, shall be deemed sufficiently given for all purposes at such time as it is personally delivered to the addressee or, if mailed, at such time as it is deposited in the United States mail.

14. **Additional Documents.** The parties hereto covenant and agree that they will execute such other and further instruments and documents as are or may become necessary or convenient to effectuate and carry out the terms of this Agreement.
15. **Successors.** This Agreement shall be binding upon and to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representative, successors, and assigns where permitted by this Agreement.
16. **Assignments.** This Assignment shall not be assignable.
17. **Headings.** The headings and captions contained in this Agreement are solely for convenience reference and shall not be deemed to affect the meaning

or interpretation of any provision of any paragraph hereof.

18. **Gender and Number.** All pronouns used in this Agreement shall include the other gender, whether used in the masculine, feminine or neuter gender, and singular shall include the plural whenever and so often as may be appropriate.
19. **Authority to Execute.** The execution and performance of this Agreement by McAllen and Hidalgo County have been duly authorized by all necessary laws, resolutions or corporate action, and this Agreement constitutes the valid and enforceable obligations of McAllen and Hidalgo County in accordance with its terms.
20. **Governmental Purpose.** Each party hereto is entering into this Agreement for the purpose of providing for governmental services or functions and will pay for such services out of current revenues available to the paying party as herein provided.
21. **Commitment of Current Revenues Only.** In the event that, during any term hereof, the governing body of any party does not appropriate sufficient funds to meet the obligations of such party under this Agreement, then any party may terminate this Agreement upon ninety (90) days' written notice to the other party. Each of the parties hereto agrees, however, to use its best efforts to secure funds necessary for the continued performance of this Agreement. The parties intend this provision to be a continuing right to terminate this Agreement at the expiration of each budget period of each party hereto pursuant to the provisions of Tex. Loc. Govt. Code Ann. § 271.903.
22. **Indemnification Clause.** To the extent permitted by the Texas Constitution and Texas State Laws, each party shall indemnify and hold the other party, its affiliated entities, and their respective directors, officers, employees, agents, and representatives, harmless from and against any claims, liabilities, damages, and expenses arising out of the indemnifying party's act or omissions, or the acts omissions of the indemnifying party's employees, students, faculty, staff, agents or representatives, under this Agreement, excluding claims, liabilities, damages, expenses resulting from the negligence or willful misconduct of the other party, its employees, students, faculty, staff, agents or representatives.

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

Jim Darling
City of McAllen, Mayor

Ramon Garcia
Hidalgo County Judge

Attest:

Arturo Guajardo, Jr.
Hidalgo County Clerk

APPROVE AS TO FORM:
Office of Hidalgo County
Criminal District Attorney
Rene Guerra

By: Josephine Ramirez-Solis
Assistant District Attorney

EXHIBIT "A"

Grant Award

And

Terms and Conditions

CONTRACTOR: HIDALGO COUNTY

**DSHS PROGRAM: Preparedness and Prevention Community Preparedness Section /
Bioterrorism Discre**

TERM: 09/01/2012 THRU: 08/31/2013

SECTION I. STATEMENT OF WORK:

Contractor shall perform activities in support of the Public Health Emergency Preparedness Cooperative Agreement (Funding Opportunity Number CDC-RFA-TP12-1201) from the Centers for Disease Control and Prevention (CDC). CDC's new five-year Public Health Emergency Preparedness (PHEP) – Hospital Preparedness Program (HPP) Cooperative Agreement seeks to align PHEP and HPP programs by advancing public health and healthcare preparedness.

Contractor shall address the following CDC PHEP Capabilities under this Program Attachment:

Tier I Capabilities

Capability 3:	Emergency Operations Center Coordination
Capability 6:	Information Sharing
Capability 9:	Medical Material Management and Distribution
Capability 14:	Responder Safety and Health

Capability 3 – Emergency Operations Center Coordination:

Definition: Emergency Operations coordination is the ability to direct and support an event or incident with public health or medical implications by establishing a standardized, scalable system of oversight, organization, and supervision consistent with jurisdictional standards and practices with the National Incident Management System.

Capability 6 – Information Sharing:

Definition: Information sharing is the ability to conduct multijurisdictional, multidisciplinary exchange of health-related information and situational awareness data among federal, state, local, territorial, and tribal levels of government, and the private sector. This capability includes the routine sharing of information as well as issuing of public health alerts to federal, state, local, territorial, and tribal levels of government and the private sector in preparation for and in response to events or incidents of public health significance.

Capability 9 – Medical Material Management and Distribution:

Definition: Medical material management and distribution is the ability to acquire, maintain (e.g., cold chain storage or other storage protocol), transport, distribute, and track medical material (e.g., pharmaceuticals, gloves, masks, and ventilators) during an incident and to recover and account for unused medical material, as necessary, after an incident.

Capability 14 – Responder Safety and Health:

Definition: The responder safety and health capability describes the ability to protect public health agency staff responding to an incident and the ability to support the health and safety needs of hospital and medical facility personnel, if requested.

Contractor shall purchase the following:

- Inventory and management tracking system to support each of the countermeasure tracking components while having the capability to interoperate. The inventory tracking system shall provide PHEP public health providers with a tool to track medical countermeasure inventory and resources during an event down to the operations including receiving, staging, and storing of all inventory. Project shall be referred to as "Project LHB-55a". The allocation for Project LHD-55a is \$4,752.00;
- Four (4) media tablets to exercise the use of systems within emergency operations coordination. Media tablet support WebEOC under this "Project LHD-55b". The allocation for Project LHD-55b is \$2,322.00;
- Ham radios to enhance communication capabilities in the rural areas under this "Project LHD-55c". The allocation for Project LHD-55c is \$10,800.00;
- Regional/Jurisdictional Trainings. Courses includes, but is not limited to, Basic Disaster Life Support (BDLS), Advance Disaster Life Support (ADLS), Group Crisis Intervention & Peer Support, and Individual Crisis Intervention & Peer Support Training for local health department staff and partners within the Region/Jurisdictional area. This project shall be referred to as "Project LHD-55d". The allocation for Project LHD-55d is \$34,875.00; and
- WebEOC Board programming training. Contractor's staff shall travel and participate in WebEOC courses to improve programming during a public health emergency under this "Project LHD-55e". The allocation for Project LHD-55e is \$9,689.00.

If applicable, Contractor shall request approval to move funds between projects through the Discretionary Reallocation Form. Requests shall be submitted to the assigned contract manager and to CPSRCT@dshs.state.tx.us.

DSHS encourages partnership and collaboration within, between, and among jurisdictions in the State of Texas related to preparedness activities. Partnership opportunities may include, but are not limited to, planning activities, exercises, training, and responding to incidents, events, or emergencies.

Contractor shall comply with all applicable federal and state laws, rules, and regulations including, but not limited to, the following:

- Public Law 107-188, Public Health Security and Bioterrorism Preparedness and Response Act of 2002;
- Public Law 109-417, Pandemic and All Hazards Preparedness Act of 2006; and
- Chapter 81, Texas Health and Safety Code.

Contractor shall comply with all applicable regulations, standards and guidelines in effect on the beginning date of this Program Attachment. This is an inter-local agreement under Chapter 791 of the Government Code.

Through this Program Attachment DSHS and Contractor are furnishing a service related to homeland security and under the authority of Texas Government Code § 421.062, neither agency is responsible for any civil liability that may arise from furnishing any service under this Program Attachment.

The following documents and resources are incorporated by reference and made a part of this Program Attachment:

- Department of Health and Human Services, Centers for Disease Control and Prevention (CDC), Public Health Emergency Preparedness Cooperative Agreement, Funding Opportunity Number: CDC-RFA-TP12-1201. :
- *Public Health Preparedness Capabilities: National Standards for State and Local Planning, March 2011:*
<http://www.cdc.gov/phpr/capabilities/DSLRCapabilitiesJuly.pdf>;
- Presidential Policy Directive 8/PPD-8, March 30, 2011:
<http://www.hhs.gov/wh/opa-foia/uploads/2011/04/PPD-8-Preparedness.pdf>;
- Texas Public Health and Medical Emergency Management 5-Year Strategic Plan;
- Tactical Guide, Companion Document to the Texas Public Health and Medical Emergency Management 5-Year Strategic Plan 2012 to 2016;
- Homeland Security Exercise and Evaluation Plan (HSEEP) Documents:
https://hseep.dhs.gov/pages/1001_HSEEP7.aspx;
- Ready or Not? Have a Plan: Surviving Disaster: How Texans Prepare (videos):
<http://www.texasprepares.org/survivingdisaster.htm>; and
- Preparedness Program Guidance(s) as provided by DSHS and CDC.

Funds awarded herewith must be matched by costs or third party contributions that are not paid by the Federal Government under another award, except where authorized by Federal statute to be used for cost sharing or matching. The non-federal contributions (match) may be provided directly or through donations from public or private entities and may be in cash or in-kind donations, fairly evaluated, including plant, equipment, or services. The costs that the Contractor incurs in fulfilling the matching or cost-sharing requirement are subject to the same requirements, including the cost principles, that are applicable to the use of Federal funds, including prior approval requirements and other rules for allowable costs as described in 45 CFR 74.23 and 45 CFR 92.24.

Contractor is required to provide matching funds for this Program Attachment not less than 10% of total costs. Refer to the DSHS Contractor's Financial Procedures Manual, Chapter 9 (<http://www.dshs.state.tx.us/contracts/cfpm.shtm>) for additional guidance on match requirements, including descriptions of acceptable match resources. Documentation of match, including methods and sources, must be included in Contractor's contract budget, and Contractor must follow procedures for generally accepted accounting practices as well as meet audit requirements.

Contractor shall coordinate all risk communication activities with the DSHS Communications Unit by using DSHS's core messages posted on DSHS's website, and submitting copies of draft risk communication materials to DSHS for coordination prior to dissemination.

In the event of a public health emergency involving a portion of the state, Contractor shall mobilize and dispatch staff or equipment purchased with funds from the previous PHEP cooperative agreement and that are not performing critical duties in the jurisdiction served to the affected area of the state upon receipt of a written request from DSHS.

Contractor shall inform DSHS in writing if Contractor shall not continue performance under this Program Attachment within thirty (30) days of receipt of an amended standard(s) or guideline(s). DSHS may terminate the Program Attachment immediately or within a reasonable period of time as determined by DSHS.

Contractor shall develop, implement, and maintain a timekeeping system for accurately documenting staff time and salary expenditures for all staff funded through this Program Attachment, including partial FTEs and temporary staff.

DSHS reserves the right, where allowed by legal authority, to redirect funds in the event of financial shortfalls. DSHS will monitor Contractor's expenditures on a quarterly basis. If expenditures are below that projected in Contractor's total Contract amount, Contractor's budget may be subject to a decrease for the remainder of the Contract term. Vacant positions existing after ninety (90) days may result in a decrease in funds.

SECTION II. PERFORMANCE MEASURES:

Contractor shall meet and report milestones as developed in coordination with DSHS on each project described in SECTION I. STATEMENT OF WORK.

Contractor shall report the expenditure breakdown and provide an update of progress and activities as outlined in the attached Exhibit A. Contractor shall submit Exhibit A for each project as outlined in SECTION I. STATEMENT OF WORK. Each report will be submitted to PHP.VoucherSupport@dshs.state.tx.us and PHEP@dshs.state.tx.us with each monthly reimbursement request.

The Monthly Exhibit A is due in accordance to the table below:

September 1-September 30, 2012	October 30, 2012
--------------------------------	------------------

October 1-October 31, 2012	November 30, 2012
November 1-November 30, 2012	December 31, 2012
December 1-December 31, 2012	January 30, 2013
January 1-January 31, 2013	February 28, 2013
February 1-February 28, 2013	March 29, 2013
March 1-March 31, 2013	April 30, 2013
April 1-April 30, 2013	May 30, 2013
May 1-May 31, 2013	June 28, 2013
June 1-June 30, 2013	July 30, 2013
July 1-July 31, 2013	August 30, 2013
August 1-August 31, 2013	September 30, 2013

Contractor shall provide services in the following county(ies)/area: Hidalgo

SECTION III. SOLICITATION DOCUMENT:

Exempt - Governmental Entity

SECTION IV. RENEWALS:

DSHS may renew the Program Attachment at DSHS's sole discretion.

SECTION V. PAYMENT METHOD:

Cost Reimbursement.

Funding is further detailed in the attached Categorical Budget and, if applicable, Equipment List.

SECTION VI. BILLING INSTRUCTIONS:

Contractor shall request payment using the State of Texas Purchase Voucher (Form B-13) on a monthly basis and acceptable supporting documentation for reimbursement of the required services/deliverables. Additionally, the Contractor shall submit the Match/Reimbursement Certification (Form B-13A) and the Financial Status Report (FSR-269A) on a quarterly basis. Vouchers and supporting documentation should be mailed or submitted by fax or electronic mail to the addresses/number below.

Claims Processing Unit, MC1940
Texas Department of State Health Services
1100 West 49th Street
PO Box 149347
Austin, TX 78714-9347

The fax number for submitting State of Texas Purchase Voucher (Form B-13), Match/Reimbursement Certification Form (Form B-13A), and Financial Status Report to the Claims Processing Unit is (512) 458-7442. The email address is invoices@dshs.state.tx.us.

SECTION VII. BUDGET:

SOURCE OF FUNDS: CFDA # 93.069

DUNS NUMBER: 103110834

SECTION VIII. SPECIAL PROVISIONS:

General Provisions, Compliance and Reporting Article I, Reporting Section 1.03, is revised to include:

Contractor shall submit programmatic reports as directed by DSHS in a format specified by DSHS. Contractor shall provide DSHS other reports, including financial reports, and any other reports that DSHS determines necessary to accomplish the objectives of this contract and to monitor compliance. If Contractor is legally prohibited from providing such reports, Contractor shall immediately notify DSHS in writing.

Contractor shall provide reports as requested by DSHS to satisfy information-sharing Requirements set forth in Texas Government Code, Sections 421.071 and 421.072 (b) and (c).

General Provisions, Payment Methods and Restrictions Article IV, Billing Submission Section 4.02, is amended to include the following:

Contractor shall submit requests for reimbursement or payment, or revisions to previous reimbursement request(s), no later than July 30, 2013 for costs incurred between the services dates of September 1, 2012 and June 30, 2013.

General Provisions, ARTICLE IV. PAYMENT METHODS AND RESTRICTIONS, Section 4.04 Working Capital Advance is amended to include the following:

Contractor shall liquidate or return unused portions of the working capital advance to the Department prior to the end of the Program grant period of June 30, 2013.

General Provisions, Payment Methods and Restrictions Article IV Financial Status Reports (FSRs) Section 4.05, is amended to include the following:

Contractor shall submit FSRs to Accounts Payable by the last business day of the month following the end of each term reported. The FSR period will be reported as follows: Quarter One shall include September 1, 2012 through November 30, 2012. Quarter two shall include December 1, 2012 through February 28, 2013. Quarter three shall include

March 1, 2013 through June 30, 2013. Quarter four shall include July 1, 2013 through August 31, 2013. Contractor shall submit the final FSR no later than sixty (60) calendar days following the end of the applicable term.

General Provisions, Terms and Conditions of Payment Article IV, is revised to include:

DSHS will monitor Contractor's billing activity and expenditure reporting on a quarterly basis. Based on these reviews, DSHS may reallocate funding between contracts to maximize use of available funding.

General Provisions, Allowable Costs and Audit Requirements Article VI, is amended to include the following:

For the purposes of this Program Attachment, funds may not be used for: fundraising activities, lobbying, research; construction, major renovations, reimbursement of pre-award costs; clinical care; the purchase of vehicles of any kind, funding an award to another party or provider who is ineligible, or backfilling costs for staff.

General Provisions, General Terms Article XIII, Amendment Section 13.15, is amended to include the following:

Contractor must submit all amendment and revision requests in writing to the Division Contract Management Unit at least 90 days prior to the end of the term of this Program Attachment.

Categorical Budget:

PERSONNEL	\$0.00
FRINGE BENEFITS	\$0.00
TRAVEL	\$4,366.00
EQUIPMENT	\$12,000.00
SUPPLIES	\$5,616.00
CONTRACTUAL	\$38,750.00
OTHER	\$8,644.00
TOTAL DIRECT CHARGES	\$69,376.00
INDIRECT CHARGES	\$0.00
TOTAL	\$69,376.00
DSHS SHARE	\$62,438.00
CONTRACTOR SHARE	\$6,938.00
OTHER MATCH	\$6,938.00

Total reimbursements will not exceed \$62,438.00

Financial status reports are due: 12/31/2012, 04/01/2013, 07/01/2013, 10/31/2013

Equipment List Attached.

Equipment List

Equipment Total: \$ 12,000.00

Item #	Equipment Description	Units	Unit Cost	Total
1	HAM Radio YAESU FRDX9000/CONTEST 200W TRANSCEIVER, SINGLE RCVR	2	\$5,400.00	\$10,800.00
2	HAM Radio YAESU FRDX9000/CONTEST 200W TRANSCEIVER, SINGLE RCVR - 10% of Item Cash Match	2	\$600.00	\$1,200.00

Exhibit A:**Voucher Support Summary for Discretionary Projects**

Contractor Name:			
Contract Attachment ID Number:			
Service Date (Monthly Reporting Period) :	From:	To:	
Contact:			
Contact's Email:			
Contact's Phone #:			

Instructions:

For each discretionary project contractors are required to submit monthly a detailed accounting of expenditures and activities. Contractors' completion of this form meets this requirement. A separate form is required for each discretionary project.

Section I requires contractors to provide financial information for all service activities. The 'TOTAL' row should include the sum of expenditures and equal the requested reimbursement amount listed on the State of Texas Purchase Voucher (Form B-13). This discretionary report does not take the place of the Form B-13. Contractors must submit this form along with each Form B-13 submitted to DSHS for reimbursement.

Please note, financial information must reconcile with the general ledger. Any expenditures for equipment and contractual must also include the submission of source documentation (invoices) to support the expenditures. Questions regarding this section may be directed to the contractor's assigned contract manager.

Section II requires all contractors complete a series of questions relating to the project status, timeline, and challenges.

Section I

Project Number (assigned by DSHS Central office)/ Project Name Description	Total Project Budget	Voucher Breakout Amount	DSHS HHSAS Line (for DSHS use only)
	\$ _____	\$ _____ (This amount should match monthly voucher requested amount.) (Do not include matching funds above.)	

Section II

Exhibit A:
Voucher Support Summary for Discretionary Projects

Milestones/Project Timeline	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
<i>Include procurement steps and contracting steps</i>												

Risks			
Project Risks:	Assign Risk Value:		
<i>Detail project risks. List barriers that may hinder the project's completion.</i>	<i>1= low probability of occurrence, low impact on the project</i>	<i>2= medium probability of occurrence, medium impact on the project</i>	<i>3= high probability of occurrence, high impact on the project</i>
	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3
	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3
	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3
	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3
	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3
<i>Identify any new risks to the project. Detail any changes to risks reported previously.</i>			

Project Status	
Schedule to date:	Impact on end date on project:
<i>An assessment of whether the project is ahead or behind of where it was expected to be by the end of this reporting period.</i>	<i>An assessment of whether the project is expected to finish on time, early or late.</i>
<input type="checkbox"/> Ahead of Schedule <input type="checkbox"/> On Schedule <input type="checkbox"/> Behind Schedule <input type="checkbox"/> Completed	<input type="checkbox"/> Finish Ahead of Schedule <input type="checkbox"/> Finish on Time <input type="checkbox"/> Finish Behind Schedule
Budget to Date:	Impact on Total Budget of Project:
<i>An assessment of the budget over/under spend compared to the expected spend at the end of this</i>	<i>An assessment of final budget – costs and amount of any projected over/under spend plus any impact</i>

Exhibit A:

Voucher Support Summary for Discretionary Projects

<i>period amount of over/under spend.</i>	<i>on maintenance or ongoing costs if applicable.</i>
<input type="checkbox"/> On Budget <input type="checkbox"/> Over Budget <input type="checkbox"/> Under Budget	<input type="checkbox"/> Final Budget on Track <input type="checkbox"/> Final Budget Over <input type="checkbox"/> Final Budget Under
Work Status: Work Completed	Impact on Project:
<i>Describe the products or work completed during this period with explanation of any variance to the expected completion of work.</i>	<i>An assessment of whether the project is still expected to deliver the products and services with explanation of any variance.</i>

Issues Arising this Reporting Period
<i>List any issues arising this period with an assessment of impact to the project.</i>

Project Changes
<i>Provide details on any requested or identified change to the project. Describe new or modified project and/or activities. List any changes to the project and status of the change. Identify any impact on the budget and schedule.</i>

Fiscal Impact		
<input type="checkbox"/> Neutral	<input type="checkbox"/> Increase Amount of Increase : <small>Click here to enter text.</small>	<input type="checkbox"/> Decrease Amount of Decrease: <small>Click here to enter text.</small>
Revised Project Total \$ Amount	\$ <small>Click here to enter text.</small>	
Is DSHS Capital Authority Needed? <i>(Not Applicable for LHDs and Universities)</i>	<input type="checkbox"/> Yes Amount: <small>Click here to enter text.</small>	<input type="checkbox"/> No

DEPARTMENT OF STATE HEALTH SERVICES



Amendment
To

The Department of State Health Services (DSHS) and HIDALGO COUNTY (Contractor) agree to amend the Program Attachment #003 (Program Attachment) to Contract #2013-041204 (Contract) in accordance with this Amendment No. 003A: Preparedness and Prevention Community Preparedness Section / Bioterrorism Discr. effective 12/21/2012. 3/1/13 n 98

The purpose of this Amendment is to add additional Discretionary Projects: C2-LHD-34 POD exercise-Pertussis, C2-LHD-33 GTR 8000 Base Radio repeaters, and C2-LHD-81 Morgue trailer. Add \$3245 to current Project LHD-55e for WebEOC Board Builder Course and projects.

Therefore, DSHS and Contractor agree as follows:

PROGRAM ATTACHMENT NO. 003 003A

SECTION I. STATEMENT OF WORK, page 1, paragraph 1, is revised to add the following:

Contractor shall perform activities in support of the Public Health Emergency Preparedness Cooperative Agreement (Funding Opportunity Numbers CDC-RFA-TP11-1101CONT11 and CDC-RFA-TP12-1201) from the Centers for Disease Control and Prevention (CDC). CDC's new five-year Public Health Emergency Preparedness (PHEP) - Hospital Preparedness Program (HPP) Cooperative Agreement seeks to align PHEP and HPP programs by advancing public health and healthcare preparedness.

SECTION I. STATEMENT OF WORK, page 1, paragraph 2, "Contractor shall address the following CDC PHEP Capabilities under this Program Attachment", is revised to add the following:

Capability 5: Fatality Management
Capability 8: Medical Countermeasure Dispensing

Capability 5 - Fatality Management:

Definition: Fatality management is the ability to coordinate with other organizations (e.g., law enforcement, healthcare, emergency management, and medical examiner/coroner) to ensure the proper recovery, handling, identification, transportation, tracking, storage, and disposal of human remains and personal effects; certify cause of death, and facilitate access to mental/behavioral health services to the family members, responders, and survivors of an incident.

SECTION I. STATEMENT OF WORK, page 2, is revised to add the following:

Capability 8 - Medical Countermeasure Dispensing:

Definition: Medical countermeasure dispensing is the ability to provide medical countermeasures (including vaccines, antiviral drugs, antibiotics, antitoxin, etc.) in support of treatment or prophylaxis (oral or vaccination) to the identified population in accordance with public health guidelines and/or recommendations.

SECTION I. STATEMENT OF WORK, page 3, is revised to add the following:

- **WebEOC Board programming training. Contractor's staff shall travel and participate in The WebEOC Board trainer shall travel to Hidalgo County to perform the training to Hidalgo's staff on WebEOC courses to improve programming during a public health emergency under this "Project LHD-55e". The allocation for Project LHD-55e is ~~\$9,689.00~~ \$12,934.00.**
- **One thousand (1000) doses of Pertussis vaccine to be used during a full scale exercise in an effort to support medical countermeasure dispensing. This project shall be referred to and reported to DSHS as "Project C2-LHD-34". The allocation for Project C2-LHD-34 is \$28,530.00 and shall not exceed this amount without DSHS prior approval; and**
- **Two (2) GTR 8000 Base Radio repeaters and the supporting equipment. This project shall be referred to and reported to DSHS as "Project C2-LHD-33". The allocation for Project C2-LHD-33 is \$89,521.00 and shall not exceed this amount without DSHS prior approval.**
- **Morgue trailer to be used in response to a public health emergency for the proper handling of human remains during and after a mass casualty event. Contractor will hold and facilitate one (1) stakeholder meeting to develop a Mass Fatality Management Plan for their county. This project shall be referred to and reported to DSHS as "Project C2-LHD-81". The allocation for Project C2-LHD-81 is \$91,800.00 and shall not exceed this amount without DSHS prior approval.**

SECTION I. STATEMENT OF WORK, page 4, paragraph 2, "The following documents and resources are incorporated by reference and made a part of this Program Attachment" is revised to add the following:

- **Department of Health and Human Services, Centers for Disease Control and Prevention (CDC), Public Health Emergency Preparedness Cooperative Agreement, Funding Opportunity Numbers: CDC-RFA-TP11-1101CONT11 and CDC-RFA-TP12-1201;**

SECTION VII. BUDGET is revised to add the following:

SOURCE OF FUNDS: CFDA #93.069 and 93.074

The categorical budget is revised as attached.

All other terms and conditions not hereby amended are to remain in full force and effect. In the event of a conflict between the terms of this contract and the terms of this Amendment, this Amendment shall control.

APPROVED BY
COMMISSIONERS' COURT
ON: 3/1/13

Department of State Health Services

Janna Zumbrun
Signature of Authorized Official

Date: 3/13/13

Janna Zumbrun, M.S.S.W.

Acting Assistant Commissioner for Prevention and
Preparedness Services

1100 WEST 49TH STREET
AUSTIN, TEXAS 78756

512.776.7111

Janna.Zumbrun@dshs.state.tx.us

Contractor

Ramon Garcia
Signature of Authorized Official

Date: 02/26/13

Name: Ramon Garcia

Title: Hidalgo County Judge

Address: 302 W. University Dr.

Edinburg, TX 78539

Phone: (956) 318-2600

Email: ramon.garcia@co.hidalgo.tx.us

DEPARTMENT OF STATE HEALTH SERVICES



1100 WEST 49TH STREET
AUSTIN, TEXAS 78756-3199

CATEGORICAL BUDGET CHANGE REQUEST

DSHS PROGRAM: Preparedness and Prevention Community Preparedness Section / Bioterrorism Discre

CONTRATOR: HIDALGO COUNTY

CONTRACT NO: 2013-041204

CONTRACT TERM: 09/01/2012

THRU: 08/31/2013

BUDGET PERIOD: 09/01/2012

THRU: 08/31/2013

CHG: 003A

DIRECT COST (OBJECT CLASS CATEGORIES)

	Current Approved Budget (A)	Revised Budget (B)	Change Requested
Personnel	\$0.00	\$0.00	\$0.00
Fringe Benefits	\$0.00	\$0.00	\$0.00
Travel	\$4,366.00	\$0.00	\$(4,366.00)
Equipment	\$12,000.00	\$139,519.00	\$127,519.00
Supplies	\$5,616.00	\$56,065.00	\$50,449.00
Contractual	\$38,750.00	\$103,121.00	\$64,371.00
Other	\$8,644.00	\$7,444.00	\$(1,200.00)
Total Direct Charges	\$69,376.00	\$306,149.00	\$236,773.00

INDIRECT COST

Base (\$)	\$0.00	\$0.00	\$0.00
Rate (%)	0.00%	0.00%	0.00%
Indirect Total	\$0.00	\$0.00	\$0.00

PROGRAM INCOME

Program Income	\$0.00	\$0.00	\$0.00
Other Match	\$6,938.00	\$30,616.00	\$23,678.00
Income Total	\$6,938.00	\$30,616.00	-\$23,678.00

LIMITS/RESTRICTIONS

Advance Limit	\$0.00	\$0.00	\$0.00
Restricted Budget	\$0.00	\$0.00	\$0.00

SUMMARY

Cost Total	\$69,376.00	\$306,149.00	\$236,773.00
Performing Agency Share	\$6,938.00	\$30,616.00	\$23,678.00
Receiving Agency Share	\$62,438.00	\$275,533.00	\$213,095.00
Total Reimbursements Limit	\$62,438.00	\$275,533.00	\$213,095.00

JUSTIFICATION

Adding Callout#2-LHD-34 additional project-POD exercise-Pertussis to their current discretionary contract and add 53245 to current Project LHD-55e for training Inhouse on the Board Builder Course-Increase and C2-LHD-33&81 projects.

DEPARTMENT OF STATE HEALTH SERVICES



1100 WEST 49TH STREET
AUSTIN, TEXAS 78756-3199

EQUIPMENT LIST CHANGE REQUEST

DSHS PROGRAM: Preparedness and Prevention Community Preparedness Section / Bioterrorism Discre
 CONTRACTOR: HIDALGO COUNTY
 CONTRACT TERM: 09/01/2012 THRU: 08/31/2013
 BUDGET PERIOD: 09/01/2012 THRU: 08/31/2013
 CONTRACT NO: 2013-041204 CHG: 003A

PREVIOUS EQUIPMENT LIST

Item #	Equipment Description	Units	Unit Cost	Total
1	HAM Radio YAESU FRDX9000/CONTEST 200W TRANSCEIVER, SINGLE RCVR	2	\$5,400.00	\$10,800.00
2	HAM Radio YAESU FRDX9000/CONTEST 200W TRANSCEIVER, SINGLE RCVR - 10% of Item Cash Match	2	\$600.00	\$1,200.00
			\$	\$
			\$	\$

NEW EQUIPMENT LIST

Item #	Equipment Description	Units	Unit Cost	Total
1	GTR 8000 Base Radio repeater	1	\$89,520.00	\$89,520.00
2	HAM Radio YAESU FRDX9000/CONTEST 200W TRANSCEIVER, SINGLE RCVR	2	\$5,049.50	\$10,099.00
3	a morgue trailer	1	\$39,900.00	\$39,900.00
			\$	\$



TEXAS DEPARTMENT OF STATE HEALTH SERVICES

Box 149347
Austin, Texas 78714-9347

MAY 17 2013

1-888-963-7111
www.dshs.state.tx.us

P.O. Box 149347
Austin, Texas 78714-9347
1-888-963-7111
TTY: 1-800-735-2989
www.dshs.state.tx.us

DAVID L. LAKEY, M.D.
COMMISSIONER

May 14, 2013

Dear Contractor:

Enclosed is an approved copy of your Department of State Health Services (DSHS) contract. Please file it with the office of record for your agency.

The provisions of this contract require submittal of quarterly financial reports no later than 30 days after the end of the first three quarters and a final report no later than 60 days after the end of the contract term. Attached are preprinted Financial Status Reports (FSR 269a) for the entire term of your contract. Please forward the FSR forms to the person in your agency responsible for completion of financial reports. If this is a contract amendment, FSRs are provided only for the remaining term of your contract. These reports are required regardless of whether or not expenses are incurred.

DSHS will not pay for reimbursements submitted/postmarked more than 60 days after the end of the contract Attachment term. Additional information regarding this policy is available on the DSHS website at <http://www.dshs.state.tx.us>.

Please reference the DSHS contract and attachment number in all future correspondence. If you have questions, please contact Donna Ockletree at 512-776-3683 or via email at donna.ockletree@dshs.state.tx.us.

Sincerely,

A handwritten signature in black ink that reads "Bob Burnette".

Bob Burnette, Director
Client Service Contracting Unit

DEPARTMENT OF STATE HEALTH SERVICES



Amendment
To

The Department of State Health Services (DSHS) and HIDALGO COUNTY (Contractor) agree to amend the Program Attachment #003A (Program Attachment) to Contract #2013-041204 (Contract) in accordance with this Amendment No. 003B: Preparedness and Prevention Community Preparedness Section / Bioterrorism Discre, effective 04/05/2013, 4/30/13
AOB Rdy

The purpose of this Amendment is to revise the budget to reflect the correct amount for the Equipment budget category and the Match cost.

Therefore, DSHS and Contractor agree as follows:

The Program Attachment number is revised as follows:

PROGRAM ATTACHMENT NO. ~~003A~~ 003B

The Categorical budget and the equipment list are revised as attached.

All other terms and conditions not hereby amended are to remain in full force and effect. In the event of a conflict between the terms of this contract and the terms of this Amendment, this Amendment shall control.

Department of State Health Services

Contractor

Anita Buckner for David Gruber
Signature of Authorized Official

Ramon Garcia
Signature of Authorized Official

Date: 05/10/2013

Date: 04/30/13

David Gruber

Name: Ramon Garcia

Assistant Commissioner for Regional and Local Health Services

Title: Hidalgo County Judge

1100 WEST 49TH STREET
AUSTIN, TEXAS 78756

Address: 302 W. University Dr.

Edinburg, TX 78539

512.834.4555

Phone: (956) 318-2600

David.Gruber@dshs.state.tx.us

Email: ramon.garcia@co.hidalgo.tx.us

DEPARTMENT OF STATE HEALTH SERVICES



1100 WEST 49TH STREET
AUSTIN, TEXAS 78756-3199

CATEGORICAL BUDGET CHANGE REQUEST

DSHS PROGRAM: Preparedness and Prevention Community Preparedness Section / Bioterrorism Discre

CONTRATOR: HIDALGO COUNTY

CONTRACT NO: 2013-041204

CONTRACT TERM: 09/01/2012

THRU: 08/31/2013

BUDGET PERIOD: 09/01/2012

THRU: 08/31/2013

CHG: 003B

DIRECT COST (OBJECT CLASS CATEGORIES)

	Current Approved Budget (A)	Revised Budget (B)	Change Requested
Personnel	\$0.00	\$0.00	\$0.00
Fringe Benefits	\$0.00	\$0.00	\$0.00
Travel	\$0.00	\$0.00	\$0.00
Equipment	\$139,519.00	\$151,467.00	\$11,948.00
Supplies	\$56,065.00	\$44,317.00	\$(11,748.00)
Contractual	\$103,121.00	\$103,121.00	\$0.00
Other	\$7,444.00	\$7,244.00	\$(200.00)
Total Direct Charges	\$306,149.00	\$306,149.00	\$0.00

INDIRECT COST

Base (\$)	\$0.00	\$0.00	\$0.00
Rate (%)	0.00%	0.00%	0.00%
Indirect Total	\$0.00	\$0.00	\$0.00

PROGRAM INCOME

Program Income	\$0.00	\$0.00	\$0.00
Other Match	\$30,616.00	\$30,616.00	\$0.00
Income Total	\$30,616.00	\$30,616.00	\$0.00

LIMITS/RESTRICTIONS

Advance Limit	\$0.00	\$0.00	\$0.00
Restricted Budget	\$0.00	\$0.00	\$0.00

SUMMARY

Cost Total	\$306,149.00	\$306,149.00	\$0.00
Performing Agency Share	\$30,616.00	\$30,616.00	\$0.00
Receiving Agency Share	\$275,533.00	\$275,533.00	\$0.00
Total Reimbursements Limit	\$275,533.00	\$275,533.00	\$0.00

JUSTIFICATION

To correct the equipment cost and match cost center.

DEPARTMENT OF STATE HEALTH SERVICES



1100 WEST 49TH STREET
AUSTIN, TEXAS 78756-3199

EQUIPMENT LIST CHANGE REQUEST

DSHS PROGRAM: Preparedness and Prevention Community Preparedness Section / Bioterrorism Discre
 CONTRACTOR: HIDALGO COUNTY
 CONTRACT TERM: 09/01/2012 THRU: 08/31/2013
 BUDGET PERIOD: 09/01/2012 THRU: 08/31/2013
 CONTRACT NO: 2013-041204 CHG: 0038

PREVIOUS EQUIPMENT LIST

Item #	Equipment Description	Units	Unit Cost	Total
1	GTR 8000 Base Radio repeater	1	\$89,520.00	\$89,520.00
2	HAM Radio YAESU FRDX9000/CONTEST 200W TRANSCEIVER, SINGLE RCVR	2	\$5,049.50	\$10,099.00
3	a morgue trailer	1	\$39,900.00	\$39,900.00
			\$	\$

NEW EQUIPMENT LIST

Item #	Equipment Description	Units	Unit Cost	Total
1	GTR 8000 Base Radio repeater	1	\$99,468.00	\$99,468.00
2	HAM Radio YAESU FRDX9000/CONTEST 200W TRANSCEIVER, SINGLE RCVR	2	\$5,049.50	\$10,099.00
3	a morgue trailer	1	\$41,900.00	\$41,900.00
			\$	\$

EXHIBIT "B"

Equipment

List of Equipment
PPCPS/BTDFP1 Grant

City of McAllen

ITEM		COST
GTR 8000 EXPANDABLE SITE REPEATER SYSTEM WHICH INCLUDES:		\$89,960.00
T7071	GTR 8000 EXPANDABLE SITE SUB-SYSTEM CHANNEL ADDITION UPGRADE	
	OPTIONS:	
CA00855AA	ADD: 700/800 MHZ MID POWER	
X302AE	ADD: QTY (2) GTR 8000 BASE RADIOS	
X591AE	ENH: ASTRO 25 SITE REPEATER SW	
CA01058AA	ADD: 700/800 PHASING HARNESS	
CA00884AA	ADD: QTY (1) XHUB	
	CUSTOMER PROVIDED:	
CA00877AA	ADD: CABINET RMC FOR EXPANSION RACK	
CA00862AA	ADD: SITE & CABINET RMC W/CAPABILITY OF 7-24 BRS	
CA00880AA	ADD: EXPANSION 6 PORT CAVITY COMBINER	
CA01058AA	ADD: 700/800 PHASING HARNESS	
CA00884AA	ADD: QTY (1) XHUB	
X882AH	ADD: 7.5 FT RACK, 78RU	

**MOTOROLA**

Authorized Radio System Specialist

HIDALGO-COUNTY OF -
EMERGENCY MANAGEMENT
1615 S CLOSER SUITE G
EDINBURG, TX 78539

DATE 3/29/2013
QUOTE # 13-100169
BY 5
ATTN BELINDA ALVAREZ
PHONE 956-318-2615
FAX 956-289-7889
EMAIL ALVAREZ@CO HIDALGO TX US
USER CONTACT BELINDA ALVAREZ
CONTACT # 956-318-2615

3/29/2013
13-100169
5
BELINDA ALVAREZ
956-318-2615
956-289-7889
BELINDA ALVAREZ
956-318-2615

GTR 8000 BASE RADIO

ITEM	APC	QTY.	MODEL	DESCRIPTION	UNIT LIST	EXTENDED LIST	DISCOUNT FACTOR	HGAC UNIT	IGAC EXTENDED
MODEL									
112		1	T7071	GTR 8000 EXPANDABLE SITE SUB-SYSTEM CHANNEL ADDITION UPGRADE	\$ 6,000.00	\$ 6,000.00	0.820	\$ 4,020.00	\$ 4,920.00
OPTIONS									
112	1	1	CA00555AA	ADD 700-800 MHZ MID POWER	\$ 6,300.00	\$ 6,300.00	0.820	\$ 5,166.00	\$ 5,166.00
112	1	1	X302AE	ADD QTY (2) GTR 8000 BASE RADIOS	\$ 23,800.00	\$ 23,800.00	0.820	\$ 19,516.00	\$ 19,516.00
595	2	2	X591AE	ENH ASTRO 25 SITE REPEATER SVI	\$ 10,700.00	\$ 21,400.00	0.820	\$ 8,774.00	\$ 17,548.00
112	0	0	CA00877AA	CUSTOMER PROVIDED - ADD CABINET RAC FOR EXPANSION RACK	\$ 600.00	\$ -	0.820	\$ -	\$ -
112	0	0	CA00862AA	CUSTOMER PROVIDED - ADD SITE & CABINET RAC W/CAPABILITY OF 7-21 BRS	\$ 2,100.00	\$ -	0.820	\$ 1,722.00	\$ -
112	0	0	CA00860AA	CUSTOMER PROVIDED - ADD EXPANSION 6 PORT CAVITY COMBINER	\$ 8,400.00	\$ -	0.820	\$ 6,888.00	\$ -
112	0	0	CAD1058AA	CUSTOMER PROVIDED - ADD 700/800 PHASING HARNESS	\$ 1,000.00	\$ 1,000.00	0.820	\$ 820.00	\$ 820.00
112	2	2	CA00584AA	ADD QTY (1) XHJB	\$ 3,500.00	\$ 7,000.00	0.820	\$ 2,870.00	\$ 5,740.00
112	0	0	X882AH	CUSTOMER PROVIDED - ADD 7.5 FT OPEN RACK, 48RU	\$ 495.00	\$ -	0.820	\$ 405.90	\$ -

	EQUIPMENT		\$ 65,500.00	\$ 53,710.00
0	SERVICES - TEMPLATE # 1	\$ 100.00	\$ -	\$ 100.00
0	SERVICES - TEMPLATE # 2	\$ 100.00	\$ -	\$ 100.00
0	SERVICES - PROGRAMMING	\$ 45.00	\$ -	\$ 45.00
0	SERVICES - INSTALLATION (IN-SHOP)	\$ 150.00	\$ -	\$ 150.00
0	SERVICES - INSTALLATION (IN-FIELD)	\$ 36,250.00	\$ 36,250.00	\$ 36,250.00
0	SERVICES - OTHER SERVICES	\$ -	\$ -	\$ -
	TOTAL SERVICES WITH EQUIPMENT		\$ 101,750.00	\$ 99,000.00
	ESTIMATED HGAC HANDLING FEE - 1.5% (INCLUDED)		\$ -	\$ -
	GRAND TOTAL		\$ 101,750.00	\$ 99,000.00

NOTE:

- 1 TERMS AND CONDITIONS SUBJECT TO MOAC AGREEMENTS
- 2 OFFER GOOD THROUGH
- 3 THIS OFFER IS FOR BUDGETARY PURPOSES ONLY AND IS NOT AN OFFER FOR SALE.

4/15/2013

4/15/2013

QUOTE TERMS AND CONDITIONS :

- 1 QUOTES ARE EXCLUSIVE OF ALL INSTALLATION AND PROGRAMMING CHARGES (UNLESS EXPRESSLY STATED) AND ALL APPLICABLE TAXES.
- 2 PURCHASER WILL BE RESPONSIBLE FOR SHIPPING COSTS, WHICH WILL BE ADDED TO THE INVOICE.
- 3 TITLE WILL PASS UPON SHIPMENT, RISK OF LOSS WILL PASS UPON DELIVERY TO PURCHASER'S FACILITY.
- 4 ORDERED EQUIPMENT MAY BE RETURNED FOR A FULL REFUND, LESS A 20% RESTOCKING FEE, IF THE EQUIPMENT IS RETURNED UNUSED AND UNDAMAGED IN ITS ORIGINAL PACKAGING WITH IN SIX MONTHS AFTER SHIPMENT.
- 5 PRICES QUOTED ARE VALID FOR THIRTY (30) DAYS FROM THE DATE OF THIS QUOTE.
- 6 UNLESS OTHERWISE STATED, PAYMENT WILL BE DUE WITHIN THIRTY DAYS AFTER INVOICE.
- 7 MOTOROLA'S STANDARD EQUIPMENT WARRANTY (WHICH WILL BE FURNISHED UPON REQUEST) APPLIES TO ALL ORDERED EQUIPMENT.
- 8 MOTOROLA DISCLAIMS ALL OTHER WARRANTIES WITH RESPECT TO THE ORDERED PRODUCTS, EXPRESS OR IMPLIED INCLUDING THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.
- 9 MOTOROLA'S TOTAL LIABILITY ARISING FROM THE ORDERED PRODUCTS WILL BE LIMITED TO THE PURCHASE PRICE OF THE PRODUCTS WITH RESPECT TO WHICH LOSSES OR DAMAGES ARE CLAIMED. IN NO EVENT WILL MOTOROLA BE LIABLE FOR INCIDENTAL OR CONSEQUENTIAL DAMAGES.
- 11 THESE TERMS WILL PREVAIL OVER ANY INCONSISTENT OR ADDITIONAL TERMS ON ANY PURCHASE ORDER SUBMITTED BY THE PURCHASER

PROPOSED BY _____

PRINTED NAME _____

TITLE: _____

DATE: _____

BEFORE SIGNING, PLEASE READ THIS PROPOSAL CAREFULLY. YOUR SIGNATURE IS AN OFFER TO PURCHASE THE PRODUCTS AND SERVICES LISTED ABOVE, WHICH IF ACCEPTED BY MOTOROLA, WILL BE A PURCHASE CONTRACT.

CUSTOMER ACCEPTANCE: _____

PRINTED NAME _____

TITLE: _____

PURCHASE ORDER # _____

DATE: _____

Standardized Recommendation Form

City Commission X
Utility Board _____
Other Board _____

Agenda Item 2C
Date Submitted 08/20/13
Meeting Date 08/26/13

1. Agenda Item: Service Contract for Mobile Truck Wash Services
Project No. 08-13-S61-21

2. Party Making Request: Public Works

3. Nature of Request: (Brief Overview) Attachments: X Yes No
Request authorization to award a Service Contract for Mobile Truck Washing Services to the low bidder, ECO Bright Solutions from Mission, Texas at the unit prices as outlined on the attached bid tabulation. If approved, contract term shall be for a period of one (1) year with the option to extend for two (2) additional years in one (1) year increments with City Manager approval if the performance of the vendor is satisfactory and the unit prices remain firm. In addition, we respectfully request authorization to terminate such contract(s) with City Manager approval and re-award affected service(s) to the next low bidder, in the event that the awarded vendor fails to meet or perform under the terms and conditions of their Service Contract.

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

5. Budgeted: Yes No X N/A

If over budget how will it be paid for: *
**This Service contract shall be paid by various Public Works Departments out of their line item for Vehicle Maintenance. The City of McAllen has spent approximately \$29,525.00 for mobile truck washing services in the past 12 month period.*

6. Alternate option/costs: N/A

7. Routing:

<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a.) C. Sanchez, P.E., PW Director	<u>CAS</u>	<u>8/20</u>	<u>YES</u>
b.) S. Zamora, CPM, Dir. Purchasing	_____	_____	_____
c.) W. Smith, Asst. City Manager	_____	_____	_____
d.) J.W. Dale, CPA, Finance Director	_____	_____	_____

8. Staff's Recommendation: As per the attached information.

Advisory Board: Approved Disapproved None

City Attorney: KP Approved Disapproved None

Manager's Recommendation: MRP Approved Disapproved None

TO: Mike R. Perez, City Manager

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

DATE: August 14, 2013

SUBJECT: **Project No. 08-13-S61-21 Service Contract for Mobile Truck Wash Services**

GOAL:

The Public Works Department in conjunction with the Purchasing & Contracting Department request authorization to award a Service Contract for Mobile Truck Washing Services to the low bidder, ECO Bright Solutions from Mission, Texas at the unit prices as outlined on the attached bid tabulation. If approved, contract term shall be for a period of one (1) year with the option to extend for two (2) additional years in one (1) year increments with City Manager approval if the performance of the vendor is satisfactory and the unit prices remain firm. In addition, we respectfully request authorization to terminate such contract(s) with City Manager approval and re-award affected service(s) to the next low bidder, in the event that the awarded vendor fails to meet or perform under the terms and conditions of their Service Contract.

EXPLANATION:

The Public Works Department currently employs a mobile truck washing service to periodically wash approximately thirty-five (35) large refuse trucks. The service is performed at Public Works and generally on off-duty days for each vehicle type. The previous unit pricing for this contract was \$14.00 per unit and the awarded contractor, Platinum Mobile Wash, did not adequately perform under the terms and of the contract. Currently, Public Works uses a mobile truck wash contractor on an as-needed basis at a unit cost of \$40.00. Prior to mobile and on-site washing, Public Works would solicit and send vehicles for truck washing at various vendor locations at \$65 per vehicle.

On July 19, 2013, the Purchasing & Contracting Department solicited formal sealed bids for a Service Contract for Mobile Truck Wash Services. This project was advertised in our local newspaper, as well as, the City's bidding portal (E-Bid) sending out a total of twenty-one (21) electronic bid invitations. A total of five (5) companies responded to our solicitation as depicted on the attached bid tabulation.

HISTORY:

Last 12-Month Period	Projected Expenses
\$29,525.00	\$27,000

OPTIONS

1. Award a Service Contract to the low bidder, ECO Bright Solutions from Mission, Texas as depicted in "Goal" area.
2. Disapprove staff's recommendation and direct staff as to course of action to follow.

RECOMMENDATION

Staff recommends Option No. 1

Bid Opening: August 01, 2013 at 3:00 PM

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

Project: 08-13-S61-21 Service Contract for Mobile Truck Wash Services

NO.	DESCRIPTION	UOM	PREVIOUS PRICING	★ ECO BRIGHT SOLUTIONS MISSION, TX	RAMHEZ POWER WASH ALAMO, TX	PLATINUM MOBILE WASH ALAMO, TX	SAV IMPORTS LLC dba GREEN CLEANING SERVICES MISSION, TX	MAJESTIC MOBILE WASH PHARR, TX
1	RESIDENTIAL & COMMERCIAL REFUSE TRUCK WASH (SIDELOAD & FRONTLOAD)	EA	\$14.00	★ \$25.00	\$45.00	\$45.00	\$45.00	\$75.00
2	ROLL-OFF TRUCK WASH	EA	\$14.00	★ \$25.00	\$40.00	\$45.00	\$45.00	\$75.00
3	OPEN TOP BRUSH TRUCK WASH	EA	\$14.00	★ \$27.00	\$40.00	\$45.00	\$45.00	\$75.00
APPROX. TIME TO COMPLETE TRUCK WASH SERVICE PER TRUCK :				★ 15 MINUTES PER TRUCK. 10 TRUCKS WOULD TAKE AROUND 2 HOURS AND A HALF	APPROX. 5 HOURS FOR ABOUT 20 TRUCKS	2 HOURS	2 HOURS PER TRUCK	FROM 4-6 HOURS ON 10-15 TRUCKS
ELECTRONIC SUBMITTAL :				★ SUBMITTED	SUBMITTED	SUBMITTED	SUBMITTED	SUBMITTED
HARD COPY SUBMITTAL :				★ SUBMITTED	SUBMITTED	SUBMITTED	SUBMITTED	SUBMITTED
ADDENDUM #1 :				★ ACKNOWLEDGED	ACKNOWLEDGED	NOT ACKNOWLEDGED	ACKNOWLEDGED	ACKNOWLEDGED

STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION

✓

AGENDA ITEM

2D-1

UTILITY BOARD

DATE SUBMITTED

8/19/2013

PLANNING & ZONING BOARD

MEETING DATE

8/26/2013

OTHER

1 Agenda Item: Property Tax Refunds

2 Party Making Request: Martha Guel, Tax Assessor Collector

3 Nature of Request: (Brief Overview) Attachments: ✓ Yes

Over \$500.00 refund for Valero C/O POPP Hutcheson PLLC.

Amount of refund: \$ 3,661.22

4 Policy Implication: _____

5 Budgeted: Yes No N/A

Bid Amount: _____
Under Budget: _____

Budgeted Amount: _____
Over Budget: _____
Amount Remaining: _____

6 Alternate option costs: _____

7 Routing:

NAME/TITLE

INITIALS

DATE

a) Martha Guel Tax Assessor mg 08/19/13

b) _____

8 Staff Recommendation: To grant refund in order to comply with Sec. 31.11 of the PTC

10 City Attorney: KP Approved _____ Disapproved _____

11 Manager's Recommendation: MRP Approved _____ Disapproved _____

MCALLEN TAX OFFICE MEMO

Date: 8/19/2013
To: Mayor Jim Darling and City Commission
Through: Mike R. Perez, City Manager
From: Martha Guel, Tax Assessor *MG*
Re: \$500.00 Refunds

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

Name	Amount Paid	Corrected Levy	Refund	Change Reason
McAllen Components C/O GE/POPP Hutcheson	34,008.15	30,406.65	3,601.50	Agreed Judgment
Valero C/O POPP Hutcheson	10,145.33	6,484.11	3,661.22	Agreed Judgment

Please see the last page of the refund forms for the taxpayer's signature. As always let me know if you have any questions.

APPLICATION FOR TAX REFUND

Collecting office name City of McAllen Tax Office	Collecting tax for: (taxing units) City of McAllen
Present mailing address (number and street) P O Box 220/311 N 15th St	
City, town or post office, state, ZIP code McAllen TX 78505-0220	Phone (area code and number) (956)681-1330

To apply for a tax refund, the taxpayer must complete the following.

Step 1:	Owner's name VALERO AD VALOREM TAX /POPP HUTCHESON PLLC
Owner's name and address	Present mailing address (number and street) 1301 S MOPAC EXPRESSWAY SUITE 430
	City, town or post office, state, ZIP code AUSTIN TX 78746
	Phone (area code and number)

Step 2:	Describe the property
	Legal description (or attach copy of the tax bill or tax receipt): INVENTORY FURNITURE FIXTURES & EQUIPMENT AT 7144 N 23RD, 2808 S 23RD, 3912 N MCCOLL, 3113 S 10TH, 3701 W BUS HIGHWAY 83
	Address or location of property: L2900-99-001-0000-05, S4250-99-000-0008-03, N3020-99-000-0002-01
	Account number of property: S4720-99-000-0001-02
	Tax receipt number: D0443-99-000-0001-00

Step 3:	Give the tax payment information				
	Name of Taxing Unit from Which Refund is Requested	Year for Which Refund is Requested	Date of the Tax Payment	Amount of Taxes Paid	Amount of Tax Refund Requested
	1. <u>CITY OF MCALLEN</u>	<u>2012</u>	<u>2/5</u> / <u>2013</u>	\$ <u>1,224.47</u> ✓	\$ <u>367.34</u>
	2. <u>CITY OF MCALLEN</u>	<u>2011</u>	<u>2/2</u> / <u>2012</u>	\$ <u>1,224.47</u> ✓	\$ <u>367.34</u>
	3. <u>CITY OF MCALLEN</u>	<u>2012</u>	<u>2/5</u> / <u>2013</u>	\$ <u>1,029.79</u> ✓	\$ <u>358.62</u>
	4. <u>CITY OF MCALLEN</u>	<u>2011</u>	<u>2/2</u> / <u>2012</u>	\$ <u>1,029.79</u> ✓	\$ <u>358.62</u>
	5. <u>CITY OF MCALLEN</u>	<u>2012</u>	<u>2/5</u> / <u>2013</u>	\$ <u>1,432.03</u>	\$ <u>474.68</u>
	Taxpayer's reason for refund (attach supporting documentation): AGREED JUDGMENT C-2666-11-J 08-9-13ng				

Step 4:	Sign the form	
	"I hereby apply for the refund of the above-described taxes and certify that the information I have given on this form is true and correct."	
	sign here ▶ Signature	Date of application for tax refund
	If you make a false statement on this application, you could be found guilty of a Class A misdemeanor or a state jail felony under Texas Penal Code Section 37.10.	

Step 5:	Tax refund determination	
	This tax refund is <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	
	sign here ▶ Authorized officer 	Date 8/16/13
	sign here ▶ Collector(s) of taxing unit(s) for refund applications over (insert amount for which governing body approval is required under Section 31.11, Tax Code)	Date

APPLICATION FOR TAX REFUND

Collecting office name City of McAllen Tax Office	Collecting tax for: (taxing units) City of McAllen
Present mailing address (number and street) P O Box 220/311 N 15th St	
City, town or post office, state, ZIP code McAllen TX 78505-0220	Phone (area code and number) (956)681-1330

To apply for a tax refund, the taxpayer must complete the following.

Step 1:	Owner's name VALERO AD VALOREM TAX / POPP HUTCHESON PLLC
Owner's name and address	Present mailing address (number and street) 1301 S MOPAC EXPRESSWAY SUITE 430
	City, town or post office, state, ZIP code AUSTIN TX 78746
	Phone (area code and number)

Step 2:	Legal description (or attach copy of the tax bill or tax receipt): INVENTORY FURNITURE FIXTURES & EQUIPMENT
Describe the property	AT 7144 N 23RD, 2808 S 23RD, 3912 N MCCOLL, 3113 S 10TH, 3701 W BUS HIGHWAY 83
	Address or location of property: _____
	L2900-99-001-0000-05, S4250-99-000-0008-03, N3020-99-000-0002-01
	Account number of property: _____ Tax receipt number: _____
	S4720-99-000-0001-02 OR D0443-99-000-0001-00

Step 3:	Give the tax payment information				
	Name of Taxing Unit from Which Refund is Requested	Year for Which Refund is Requested	Date of the Tax Payment	Amount of Taxes Paid	Amount of Tax Refund Requested
	1. <u>CITY OF MCALLEN</u>	<u>2011</u>	<u>2/2 / 2012</u>	\$ <u>1,432.03</u>	\$ <u>474.68</u>
	2. <u>CITY OF MCALLEN</u>	<u>2012</u>	<u>2/5 / 2013</u>	\$ <u>707.56</u>	\$ <u>258.85</u>
	3. <u>CITY OF MCALLEN</u>	<u>2011</u>	<u>2/2 / 2012</u>	\$ <u>707.56</u>	\$ <u>258.85</u>
	4. <u>CITY OF MCALLEN</u>	<u>2012</u>	<u>2/5 / 2013</u>	\$ <u>1,357.63</u>	\$ <u>742.24</u>
	5. _____	_____	_____ / _____	\$ _____	\$ _____
	3,614.22				
	Taxpayer's reason for refund (attach supporting documentation): AGREED JUDGMENT C-2666-11-J				
	08-9-13ng				

Step 4:	Sign the form	
	"I hereby apply for the refund of the above-described taxes and certify that the information I have given on this form is true and correct."	
	sign here ▶ Signature	Date of application for tax refund
	If you make a false statement on this application, you could be found guilty of a Class A misdemeanor or a state jail felony under Texas Penal Code Section 37.10.	

Step 5:	Tax refund determination	
	This tax refund is <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	
	sign here ▶ Authorized officer	Date <u>8/16/12</u>
	sign here ▶ Collector(s) of taxing unit(s) for refund applications over (insert amount for which governing body approval is required under Section 31.11, Tax Code)	Date



Designation of Tax Refund

Property Tax
Form 50-765

Pursuant to Texas Tax Code Section 42.43, a property owner who prevails in an appeal of an appraisal review board determination of value to district court may designate to whom and/or where a property tax refund is to be sent.

By completing this form, you (Property Owner) provide that the refund resulting from a post appeal judgment will be delivered to the designated individual or firm. The entire form must be completed for the local tax office to process the refund.

TAXING UNIT INFORMATION

Collecting (Taxing Unit) Office Name

CITY OF McALLEN TAX OFFICE

Mailing Address

311 N. 15TH ST.

City, Town or Post Office, State, ZIP Code

McALLEN, TX 78501

PROPERTY OWNER INFORMATION

Property Owner Name and Address:

VALERO #1518
PO BOX 690110
SAN ANTONIO, TX 78269-011

Property Description: (Provide legal description or other information from appraisal records sufficient to identify the property or attach a copy of the tax receipt.)

INVENTORY FURNITURE FIXTURES & EQUIPMENT AT 7144 NORTH TWENTY-THIRD / NEW ACCT 1993

Property Account Number or Statement Number:

513181 (2011 & 2012); SEE AGREED FINAL JUDGMENT FOR ADDITIONAL PROPERTIES

Final Judgment Cause Number: (Please provide entire number.)

C-2666-11-J

ASSIGNMENT OF RIGHT TO A REFUND

I am the property owner or a duly authorized representative of the property owner entitled to a refund of ad valorem taxes arising from an appeal under Texas Tax Code Chapter 42. By executing this Assignment of Right to a Refund, the property owner assigns all rights and interest for the tax refund to be delivered to the designated individual or firm.

I, James E. Popp, hereby designate the refund on the above named property be sent to the following:

Please check appropriate box (check only one box)

- Property Owner - If using different address than above information, please provide in the space below:
- Business office of attorney of record in the appeal located at the following mailing address:
- Another individual and address as designated in the following information:

Name POPP HUTCHESON PLLC

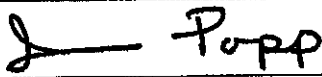
Address 1301 S. MoPac Expressway, Suite 430

City Austin

State TX

ZIP 78746

SIGN THE APPLICATION


Property Owner or Duly Authorized Representative

08/08/13
Date

CAUSE NO. C-2666-11-J

**VALERO ENERGY CORPORATION
DBA VALLEY SHAMROCK INC.,
VALERO CORNER STORE,
AND BIG DIAMOND, INC.,
Plaintiff**

IN THE DISTRICT COURT

vs.

430th JUDICIAL DISTRICT

**HIDALGO COUNTY APPRAISAL
DISTRICT,
Defendant**

HIDALGO COUNTY, TEXAS

AGREED JUDGMENT

CAME ON TO BE HEARD VALERO ENERGY CORPORATION DBA VALLEY SHAMROCK INC., VALERO CORNER STORE and BIG DIAMOND, INC., Plaintiffs herein, and HIDALGO COUNTY APPRAISAL DISTRICT, Defendant herein, appearing by and through their respective attorneys of record, and announced to the Court that the parties herein desire to resolve and settle the matters in controversy, and avoid the trouble, expense and uncertainty of litigation, and have reached an agreement to that effect. Having heard these announcements and reviewed the evidence and arguments of counsel, the Court is of the opinion that such terms and conditions are well taken and should form the basis of judgment.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the following stipulations are agreed by the parties and entered by the Court as its judgment.

Received

JUL 26 2013

Popp Hutcheson PLLC

1. The undersigned parties agree and stipulate that bona fide disputes and controversies exist between the parties concerning the market or appraised value of the subject property. These stipulations are entered into by the parties solely for the purpose of compromising and settling their various claims, each as to the other. No other use of this *Agreed Judgment* may be made by the parties hereto as concerns the claim of either party as to the other, whether having arisen in the past, now pending, or to arise in the future, including, without limitation, subsequent disputes as to the market or appraised value of the subject property within Defendant's appraisal jurisdiction in any subsequent years. In addition, the parties agree that the provisions of Section 23.01(c) of the Texas Property Tax Code are waived by Plaintiff and shall not be applicable to the accounts the subject of this litigation for any tax year subsequent to the years set forth below. Further, the existence, terms, and contents of this *Agreed Judgment* shall not be admissible in any judicial or administrative proceeding as against either party except as may be necessary to enforce the terms and conditions of said judgment, either party as to the other.

2. Pursuant to Section 42.41 of the Texas Property Tax Code, Defendant shall revise the 2011 and 2012 appraisal rolls where applicable to reflect the following as the appraised value for the following account numbers:

Acct. No. H3945-99-002-000A-00/ PID No. 343453

NOT TO COPY

Tax Year	Store No.	Appraised Value
2011	1526	\$204,744.40
2012	1526	\$204,744.40

Acct. No. L2900-99-001-0000-05/ PID No. 513181 ✓

Tax Year	Store No.	Appraised Value

2011 <i>1,224.41</i>	1518	\$198,731.40 <i>851.13</i>
2012 <i>1,224.41</i>	1518	\$198,731.40 <i>851.13</i>

Acct. No. S4250-99-000-0008-03/ PID No. 565965 ✓

Tax Year	Store No.	Appraised Value
2011	1520	\$167,135.50 <i>720.86</i>
2012	1520	\$167,135.50 <i>720.86</i>

Acct. No. N3020-99-000-0002-01/ PID No. 579269 ✓

Tax Year	Store No.	Appraised Value
2011	1519	\$232,418.20 <i>1,002.42</i>
2012	1519	\$232,418.20 <i>1,002.42</i>

Acct. No. S4720-99-000-0001-02/ PID No. 607274 ✓

Tax Year	Store No.	Appraised Value
2011	1521	\$114,836.40 <i>495.29</i>
2012	1521	\$114,836.40 <i>495.29</i>

Acct. No. S3003-99-000-0002-06/ PID No. 618149 ✓

NOT IN CITY

Tax Year	Store No.	Appraised Value
2011	1523	\$180,059.60
2012	1523	\$180,059.60

Acct. No. S2950-99-000-0204-17/ PID No. 619994 ✓

NOT IN CITY

Tax Year	Store No.	Appraised Value
2011	1524	\$211,892.10
2012	1524	\$211,892.10

Acct. No. A0700-99-000-0001-02/ PID No. 652104 *OUT OF CITY*

Tax Year	Store No.	Appraised Value
2011	1514	\$170,534.70
2012	1514	\$170,534.70

Acct. No. M4020-99-000-0001-00/ PID No. 762439 *OUT OF CITY*

Tax Year	Store No.	Appraised Value
2012	1536	\$230,331.50

Acct. No. D0443-99-000-0001-00/ PID No. 767396 ✓

Tax Year	Store No.	Appraised Value
2012	1541	\$154,203.70 <i>(old 5.08)</i>

Acct. No. J2004-99-000-0002-00/ PID No. 769124 *OUT OF CITY*

Tax Year	Store No.	Appraised Value
2012	1542	\$149,477.30

Acct. No. S5450-99-001-0001-03/ PID No. 772630 *OUT OF CITY*

Tax Year	Store No.	Appraised Value
2012	1522	\$164,192.70

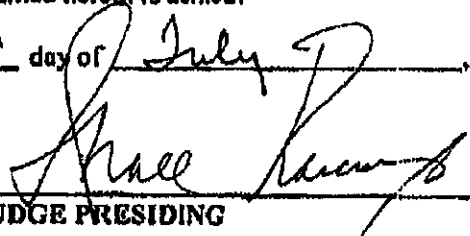
3. The parties acknowledge that Section 42.43, Texas Property Tax Code, provides for payment of interest on any refund made as a result of a final determination of an appeal which decreases a property owner's tax liability. Plaintiff hereby waives any such applicable right to receive interest on any refund generated as a result of this *Agreed Judgment* provided any such refund is paid within 90 days from date hereof.

4. The undersigned parties shall, as soon as possible following the entry of this *Agreed Judgment*, do, or cause their attorneys to do, whatever is reasonably necessary to effect this *Agreed Judgment*, including compliance with the provisions of Sections 42.41 through 42.43 of the Texas Property Tax Code, subject however, to the provisions of paragraphs 1 and 3 above.

5. All costs and attorney fees are to be borne by the party incurring same.

6. All other relief not specifically granted herein is denied.

SIGNED and entered on this the 23rd day of July, 2013.



JUDGE PRESIDING

APPROVED:

POPP HUTCHESON PLLC

By: 

MELISSA E. RAMIREZ
State Bar No. 24027645

1301 S. Mopac, Suite 430
Austin, TX 78746
(512) 473-2661
(512) 479-8013 (Facsimile)

ATTORNEYS FOR PLAINTIFF

LAW OFFICE OF RICHARD S. TALBERT

By: 

RICHARD S. TALBERT

State Bar No. 19616500

612 S. Texas

Weslaco, TX 78596-6222

(956) 968-1578

(956) 968-0698 (Facsimile)

ATTORNEY FOR DEFENDANT

APPLICATION FOR TAX REFUND

Collecting office name City of McAllen Tax Office	Collecting tax for: (taxing units) City of McAllen
Present mailing address (number and street) P O Box 220/311 N 15th St	
City, town or post office, state, ZIP code McAllen TX 78505-0220	Phone (area code and number) (956)681-1330

To apply for a tax refund, the taxpayer must complete the following.

Step 1:	Owner's name	GE/POPP HUTCHESON PLLC (MCALLEN COMPONENTS LP)
Owner's name and address	Present mailing address (number and street)	1301 S MOPAC EXPRESSWAY SUITE 430
	City, town or post office, state, ZIP code	AUSTIN TX 78746
		Phone (area code and number)

Step 2:	Describe the property	Legal description (or attach copy of the tax bill or tax receipt): MCALLEN SW IND DIST #1 UNIT 1 LOTS 4 THRU 8
	Address or location of property:	_____
	Account number of property:	M2350-01-000-0004-00
	Tax receipt number:	_____

Step 3:	Give the tax payment information	<table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:30%;">Name of Taxing Unit from Which Refund is Requested</th> <th style="width:15%;">Year for Which Refund is Requested</th> <th style="width:15%;">Date of the Tax Payment</th> <th style="width:10%;">Amount of Taxes Paid</th> <th style="width:10%;">Amount of Tax Refund Requested</th> </tr> </thead> <tbody> <tr> <td>1. CITY OF MCALLEN</td> <td style="text-align: center;">2012</td> <td style="text-align: center;">2/5 / 2013</td> <td style="text-align: right;">\$ 15,708.77</td> <td style="text-align: right;">\$ 1,833.85</td> </tr> <tr> <td>2. _____</td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____ / _____</td> <td style="text-align: right;">\$ _____</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td>3. _____</td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____ / _____</td> <td style="text-align: right;">\$ _____</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td>4. _____</td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____ / _____</td> <td style="text-align: right;">\$ _____</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td>5. _____</td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____ / _____</td> <td style="text-align: right;">\$ _____</td> <td style="text-align: right;">\$ _____</td> </tr> </tbody> </table>	Name of Taxing Unit from Which Refund is Requested	Year for Which Refund is Requested	Date of the Tax Payment	Amount of Taxes Paid	Amount of Tax Refund Requested	1. CITY OF MCALLEN	2012	2/5 / 2013	\$ 15,708.77	\$ 1,833.85	2. _____	_____	_____ / _____	\$ _____	\$ _____	3. _____	_____	_____ / _____	\$ _____	\$ _____	4. _____	_____	_____ / _____	\$ _____	\$ _____	5. _____	_____	_____ / _____	\$ _____	\$ _____
Name of Taxing Unit from Which Refund is Requested	Year for Which Refund is Requested	Date of the Tax Payment	Amount of Taxes Paid	Amount of Tax Refund Requested																												
1. CITY OF MCALLEN	2012	2/5 / 2013	\$ 15,708.77	\$ 1,833.85																												
2. _____	_____	_____ / _____	\$ _____	\$ _____																												
3. _____	_____	_____ / _____	\$ _____	\$ _____																												
4. _____	_____	_____ / _____	\$ _____	\$ _____																												
5. _____	_____	_____ / _____	\$ _____	\$ _____																												
		Taxpayer's reason for refund (attach supporting documentation): AGREED JUDGMENT C-2231-11-E 08-2-13ng																														

Step 4:	Sign the form	"I hereby apply for the refund of the above-described taxes and certify that the information I have given on this form is true and correct."
	sign here Signature 	Date of application for tax refund 8-6-13
	If you make a false statement on this application, you could be found guilty of a Class A misdemeanor or a state jail felony under Texas Penal Code Section 37.10.	

Step 5:	Tax refund determination	This tax refund is <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved
	sign here Authorized officer 	Date 8/6/13
	sign here Collector(s) of taxing unit(s) for refund applications over (insert amount for which governing body approval is required under Section 31.11, Tax Code)	Date _____

APPLICATION FOR TAX REFUND

Collecting office name City of McAllen Tax Office	Collecting tax for: (taxing units) City of McAllen
Present mailing address (number and street) P O Box 220/311 N 15th St	
City, town or post office, state, ZIP code McAllen TX 78505-0220	Phone (area code and number) (956)681-1330

To apply for a tax refund, the taxpayer must complete the following.

Step 1:	Owner's name MCALLEN COMPONENTS LP / C/O POPP HUTCHESON PLLC
Owner's name and address	Present mailing address (number and street) 1301 S MOPAC EXPRESSWAY SUITE 430
	City, town or post office, state, ZIP code AUSTIN TX 78746
	Phone (area code and number)

Step 2:	Legal description (or attach copy of the tax bill or tax receipt): MCALLEN SW IND DIST #1 UNIT 1 LOTS 4 THRU 8
Describe the property	Address or location of property: _____
	Account number of property: M2350-01-000-0004-00 OR Tax receipt number: _____

Step 3:	Name of Taxing Unit from Which Refund is Requested	Year for Which Refund is Requested	Date of the Tax Payment	Amount of Taxes Paid	Amount of Tax Refund Requested
Give the tax payment information	1. <u>CITY OF MCALLEN</u>	<u>2011</u>	<u>2/7</u> / <u>2012</u>	\$ <u>18,299.38</u>	\$ <u>1,767.65</u>
	2. _____	_____	_____ / _____	\$ _____	\$ _____
	3. _____	_____	_____ / _____	\$ _____	\$ _____
	4. _____	_____	_____ / _____	\$ _____	\$ _____
	5. _____	_____	_____ / _____	\$ _____	\$ _____
	Taxpayer's reason for refund (attach supporting documentation): AGREED JUDGMENT C-2231-11-E				
	08-2-13ng				

Step 4:	"I hereby apply for the refund of the above-described taxes and certify that the information I have given on this form is true and correct."	
Sign the form	sign here Signature	Date of application for tax refund Ag 8/20/13
	If you make a false statement on this application, you could be found guilty of a Class A misdemeanor or a state jail felony under Texas Penal Code Section 37.10.	

Step 5:	This tax refund is <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	
Tax refund determination	sign here Authorized officer	Date 8/16/13
	sign here <input type="checkbox"/> Collector(s) of taxing unit(s) for refund applications over (insert amount for which governing body approval is required under Section 31.11, Tax Code)	Date

LAW OFFICE OF RICHARD S. TALBERT

612 S. Texas
Weslaco, TX 78596-6222
(956) 968-1578

COPY

Fax (956) 968-0698

rstlaw@bizrgv.tx.com

File No. 16001.11

July 23, 2013

Mr. Rolando Garza
Hidalgo County Appraisal District
P. O. Box 208
Edinburg, TX 78540-0208

Re: *McAllen Components, LP v. Hidalgo County Appraisal District*, Cause No. C-2231-11-E in the 275th District Court of Hidalgo County, Texas

Dear Mr. Garza:

Enclosed herein please find a conformed copy of the *Agreed Judgment* for the 2011 and 2012 tax year which was signed by the Court on July 23, 2013. HCAD may now proceed to make the changes to the 2011 and 2012 appraisal rolls in accordance with the *Agreed Judgment* and notify the tax entities of these changes. In your notification to the tax entities of the changes, please specifically advise the taxing entities that the provision regarding waiver of interest on any refund only applies in the event the refund is processed and made within 90 days of the date of entry of the *Agreed Judgment*. In this case, that means any refund must be completed on or before October 21, 2013.

Since this finalizes all pending matters relating to this litigation, I will be closing my file on this case and will take no further action unless further notified by you. Should you have any questions concerning this matter, please do not hesitate to contact me.

Very truly yours,

RECEIVED
JUL 26 2013

RICHARD S. TALBERT

CHIEF APPRAISER'S OFFICE

RST/ng

Enclosures (as stated)

pc: Mr. Gilbert Davila
POPP HUTCHESON PLLC
1301 S. Mopac, Suite 430
Austin, TX 78746
(w/ enclosures)

Original To:	_____	File
Copy To:	_____	
C/A	<input checked="" type="checkbox"/>	Prop. Recs. _____
Ass. C/A	<input checked="" type="checkbox"/>	Per. Prop. _____
Blkpg.	_____	Data Pro. _____
Exmpts.	_____	GIS / Msp. _____
Real Est.	<input checked="" type="checkbox"/>	Exec. Sec. _____
Market	_____	Other: <u>Done</u> 7/26/13 PA

RECEIVED

HIDALGO COUNTY
APPRAISAL DISTRICT

FILED/COPY

AT _____ O'CLOCK _____ M
IN THE DISTRICT COURT

JUL 23 2013

275th JUDICIAL DISTRICT CLERK
LAURA HINDS
District Courts, Hidalgo County
By _____ Deputy#9

HIDALGO COUNTY, TEXAS

MCALLEN COMPONENTS, LP,
Plaintiff

§
§
§
§
§
§
§
§

vs.

HIDALGO COUNTY APPRAISAL
DISTRICT,
Defendant

AGREED JUDGMENT

CAME ON TO BE HEARD MCALLEN COMPONENTS, LP, Plaintiff herein, and HIDALGO COUNTY APPRAISAL DISTRICT, Defendant herein, appearing by and through their respective attorneys of record, and announced to the Court that the parties herein desire to resolve and settle the matters in controversy, and avoid the trouble, expense and uncertainty of litigation, and have reached an agreement to that effect. Having heard these announcements and reviewed the evidence and arguments of counsel, the Court is of the opinion that such terms and conditions are well taken and should form the basis of judgment.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the following stipulations are agreed by the parties and entered by the Court as its judgment.

1. The undersigned parties agree and stipulate that bona fide disputes and controversies exist between the parties concerning the market or appraised value of the subject property. These stipulations are entered into by the parties solely for the purpose of compromising and settling their various claims, each as to the other. No other use of this *Agreed Judgment* may be made by the parties hereto as concerns the claim of either party as to the other, whether having arisen in the past, now pending, or to arise in the future, including, without limitation, subsequent disputes as to the market or appraised value of the subject property within Defendant's appraisal jurisdiction in any subsequent years. In addition, the parties agree that the provisions of Section 23.01(e) of the Texas Property Tax Code are waived by Plaintiff and shall not be applicable to the accounts the subject of

this litigation for any tax year subsequent to the years set forth below. Further, the existence, terms, and contents of this *Agreed Judgment* shall not be admissible in any judicial or administrative proceeding as against either party except as may be necessary to enforce the terms and conditions of said judgment, either party as to the other.

2. Pursuant to Section 42.41 of the Texas Property Tax Code, Defendant shall revise the 2011 and 2012 appraisal rolls to reflect the following as the appraised value for the following account number:

Acct. No. M2350-01-000-0004-00 / PID. No. 230532

Year	Land Value	Improvement Value	Total Value
2011	\$868,750.00	\$2,964,250.00	\$3,833,000.00

16,531 73

Acct. No. M2350-01-000-0004-00 / PID. No. 230532

Year	Land Value	Improvement Value	Total Value
2012	\$772,749.00	\$2,444,251.00	\$3,217,000.00

13,774,418

3. The undersigned parties shall, as soon as possible following entry of this *Agreed Judgment*, do, or cause their attorneys to do, whatever is reasonably necessary to effect this *Agreed Judgment*, including compliance with the provisions of Sections 42.41 through 42.43 of the Texas Tax Code.

4. The parties acknowledge that Section 42.43, Texas Property Tax Code, provides for payment of interest on any refund made as a result of a final determination of an appeal which decreases a property owner's tax liability. Plaintiff hereby waives any such applicable right to receive interest on any refund generated as a result of this *Agreed Judgment* provided any such refund is paid within 90 days from date hereof.

5. All costs and attorney fees are to be borne by the party incurring same.

6. All other relief not specifically granted herein is denied.

SIGNED and entered on this the 23rd day of July, 2013.

[Signature]
JUDGE PRESIDING

APPROVED AS TO FORM:

POPP HUTCHESON PLLC

By: *[Signature]*
GILBERT DAVILA
State Bar No. 24004610

DATE 7.23.2013
A true copy I certify
LAURA HINDJOSA
District Clerk, Hidalgo County, Texas
By: *[Signature]* Deputy #9

1301 S. Mopac, Suite 430
Austin, TX 78746
Telephone: (512) 473-2661
Facsimile: (512) 479-8013

ATTORNEYS FOR PLAINTIFF

LAW OFFICE OF RICHARD S. TALBERT

By: *[Signature]*
RICHARD S. TALBERT
State Bar No. 19616500

612 S. Texas
Westaco, TX 78596-6222
Telephone: (956) 968-1578
Facsimile: (956) 968-0698

ATTORNEY FOR DEFENDANT



CITY OF MCALLEN
GRANT ADMINISTRATION OFFICE
MEMORANDUM

To: Mike R. Perez, City Manager
From: Carla M. Rodriguez, Director of Grant Administration
Date: August 20, 2013
Subject: Junior League of McAllen, Inc. Grant Application

GOAL: Authorize the submission of a grant application to the Junior League of McAllen, Inc. for funding under the Fiscal Year 2013-2014 Anniversary Fund Grant Program.

BRIEF EXPLANATION OF THE ITEM: The FY 2013-2014 Junior League of McAllen, Inc. Anniversary Fund Grant Program encourages community projects that significantly improve the quality of life of the children and youth in McAllen by preserving the innocence of childhood, encouraging responsibility and promoting a safe environment. McAllen Public Library will request funding for a playground project, the first phase in the overall development of the land area adjacent to MPL and Orchid Avenue. Future phases of development include a performance stage and a seating area with shade structures. The proposed playground project will foster the development of early literacy skills by incorporating equipment intended to increase hand-eye coordination and motor skills in children ranging from Pre-Kindergarten to 2nd grade. The application will request \$75,000. Although there is no local match required by the Junior League of McAllen, Inc., the City will match \$75,000, provided through the Library's construction funds, for playground equipment, artificial turf with padding, and a shade structure for a total cost of \$150,000.

OPTIONS: Option 1: Approving the submission of the grant application will allow the Library to apply for funds and if awarded, construct a playground to develop early literacy skills for the youth of McAllen.

Option 2: Not approving the submission of the grant application will result in the loss of an opportunity to construct a playground to develop early literacy skills for the youth of McAllen.

RECOMMENDATION: Staff recommends submission of the grant application.

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE JUNIOR LEAGUE OF MCALLEN, INC. FOR FUNDING UNDER THE FISCAL YEAR 2013-2014 ANNIVERSARY FUND GRANT PROGRAM.

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

WHEREAS, the Junior League of McAllen, Inc. provides funding that supports community programs and services; and

WHEREAS, the Junior League of McAllen, Inc. envisions significantly improving the quality of life of the children and youth of our community by preserving the innocence of childhood, encouraging responsibility, and promoting a safe environment; and

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

- 1) The Grant Administration Office and McAllen Public Library are hereby authorized to submit a grant application to the Junior League of McAllen, Inc. for funding under the FY 2013-2014 Anniversary Fund Grant Program. The application will request \$75,000. Although there is no local match required by the Junior League of McAllen, Inc., the City will match \$75,000, provided through the Library's construction funds, for playground equipment, artificial turf with padding, and a shade structure for a total cost of \$150,000.
- 2) Upon the approval of this application, the Mayor is authorized to execute all legal documents necessary, and to perform any acts necessary to implement the project.
- 3) In the event of loss or misuse of funds, the governing body assures that all funds will be returned to the Junior League of McAllen, Inc. in full.

CONSIDERED, PASSED, APPROVED, AND SIGNED this 26th day of August 2013, at a regular meeting of the Board of Commissioners, of the City of McAllen, Texas, at which a quorum was present and which was held pursuant to Chapter 551, Texas Government Code.

Attest:

City of McAllen

Annette Villarreal, City Secretary

James Darling, Mayor

Approved as to form:

Kevin Pagan, City Attorney



**CITY OF MCALLEN
GRANT ADMINISTRATION OFFICE
MEMORANDUM**

To: Mike R. Perez, City Manager
From: Carla M. Rodriguez, Grant Administration Director
Date: August 20, 2013
Subject: Junior League of McAllen, Inc. Grant Application

GOAL: Authorize the submission of a grant application to the Junior League of McAllen, Inc. for funding under the Fiscal Year 2013-2014 Anniversary Fund Grant Program.

BRIEF EXPLANATION OF THE ITEM: The FY 2013-2014 Junior League of McAllen, Inc. Anniversary Fund Grant Program encourages community projects that significantly improve the quality of life of the children and youth in McAllen by preserving the innocence of childhood, encouraging responsibility and promoting a safe environment. This grant will fund a handicap accessible outdoor workout station at Morris Park. The workout station will feature nine (9) workout stations, three (3) of which will be specifically designed for users in wheelchairs. This project will serve as the catalyst of a two-part project which will create McAllen's first playground facility for children with special needs. The grant amount is \$75,000 with no local match required.

OPTIONS:

Option 1: Approve submission of grant application to the Junior League of McAllen Inc. 75th Anniversary Fund Grant Program which will allow for funding to construct a handicap accessible outdoor workout station at Morris Park.

Option 2: Not approving submission of grant application will result in the loss of a grant opportunity to construct a handicap accessible outdoor workout station at Morris Park.

RECOMMENDATION: Staff recommends submission of the grant application.

RESOLUTION NO. 2013-_____

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE JUNIOR LEAGUE OF MCALLEN, INC. FOR FUNDING UNDER THE FISCAL YEAR 2013-2014 ANNIVERSARY FUND GRANT PROGRAM.

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

WHEREAS, the Junior League of McAllen, Inc. provides funding that supports community programs and services; and

WHEREAS, the Junior League of McAllen, Inc. envisions significantly improving the quality of life of the children and youth of our community by preserving the innocence of childhood, encouraging responsibility, and promoting a safe environment; and

WHEREAS, the City of McAllen Parks and Recreation Department has a proposed a handicap accessible outdoor workout station at Morris Park that would benefit from the grant funding.

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

- 1) The Grant Administration Office, on behalf of the Parks and Recreation Department, is hereby authorized to submit a grant application to the Junior League of McAllen Inc. Anniversary Fund Grant Program, in the amount of \$75,000 with no local match required.
- 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 Junior League of McAllen Inc. in full.

CONSIDERED, PASSED, APPROVED, AND SIGNED this 26th day of August 2013, at a regular meeting of the Board of Commissioners, of the City of McAllen, Texas, at which a quorum was present and which was held pursuant to Chapter 551, Texas Government Code.

Attest: City of McAllen

Annette Y. Villarreal, City Secretary

James Darling, Mayor

Approved as to form:

Kevin Pagan, City Attorney

STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION X
UTILITY BOARD _____
OTHER _____

AGENDA ITEM 3A
DATE SUBMITTED 08/19/13
MEETING DATE 08/26/13

1. Agenda Item: **International Museum of Arts and Science (IMAS) Façade and Site Improvements – award of contract**

2. Party Making Request: Engineering Department

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

Consideration and approval of award of contract to the lowest, responsive, responsible bidder, Rigney Construction and Development, LLC, in the amount of \$359,915.00 which includes base bid plus Alternate 1. Construction activities are scheduled to be completed within one hundred and twenty (120) working days.

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

5. Budgeted: X Yes No N/A Account No.: 110 8702 466 66 99 ID# NP1204

6. Alternate Option/Costs **The City Commission may elect to reject bids and re-advertise the project.**

Low Bid: \$ 359,915.00
Budgeted: \$ 361,000.00
Under Budget by: \$ 1,085.00

7. Routing:

NAME/TITLE INITIAL DATE CONCURRENCE

a.) Yvette Barrera, PE, City Engineer YB 08.19.13 yes

b.) Sandra Zamora, Director of Purchasing _____ _____

c.) J.W. Dale, Director of Finance JD 08.19.13 yes

d.) Roy Rodriguez, Assistant City Mngr. _____ _____

8. Staff Recommendation: **Staff recommends approval of contract to Rigney Construction and Development LLC, in the amount of \$359,915.00.**


9. Advisory Board: Approved Disapproved None

10. City Attorney: KP Approved Disapproved None

11. Manager's Recommendation: MRP Approved Disapproved None



CITY OF MCALLEN
DEPARTMENT OF ENGINEERING
ARCHITECTURAL DIVISION
MEMORANDUM

To: Mike R. Perez, City Manager
From: Yvette Barrera, P.E., City Engineer 
Date: August 16, 2013
Subject: Award of Contract - IMAS Façade and Site Improvements

Goal

City staff intends award of contract for general exterior improvements to the eastern façade and site, to the lowest, responsive, responsible bidder.

Brief Explanation

On August 15, 2013 the Purchasing and Contracting Department received three (3) bid proposals for the above referenced project although one was non-responsive. The two responsive bidders are identified in the attached spreadsheet.

The project consists of predominantly exterior work composed of pier drilling, flat work, concrete slab placement, steel erection along with miscellaneous metal work, exterior lighting, asphalt placement, curb and gutter and drainage component improvements. Bids ranged from \$452,500 to \$476,027. These numbers include the base and proposed costs of all three alternates. The perceived low bidder proposes to be complete within 120 calendar days. A copy of the bid tabulation is attached for your review and consideration.

Both Architectural consultant and staff have spoken with the perceived low bidder and all feel comfortable with the submitted proposal.

Options:

- 1.) The City Commission may choose to award contract to the lowest, responsive, responsible bidder.
- 2.) The Commission may choose to add other alternates to the contract.
- 3.) The Commission may choose to allow reject bids and re-advertise the project.

Recommendation - The Engineering Department staff along with Milnet Architectural Consultants recommends award of contract to the low bidder, Rigney Construction and Development, LLC of Edinburg, Texas, for the base bid plus Alternate Bid Item 1 for a Total Contract amount of \$359,915.00 allowing one hundred and twenty (120) calendar days to complete the work.



PROJECT NO.: 08-13-C28-278 IMAS FAÇADE & SITE

BID OPENING: AUGUST 15, 2013 AT 3:00 P.M.

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

							NON-RESPONSIVE		
ITM	INTERNAL REFERENCE NO.	TYPE	DESCRIPTION	U/M	QTY	RIGNEY CONSTRUCTION & DEVELOPMENT, LLC EDINBURG, TX	PIETRA CONSTRUCTION HARLINGEN, TX	O.G CONSTRUCTION COMPANY, LLC (DID NOT SUBMIT HARDCOPY)	
1	910-52	ADD	BASE BID ITEM NO. 1: A. Base Bid as per plans, specifications and summary: (LUMP SUM)	LS	1	\$346,000.00	\$347,000.00		
2	910-52	ADD	ALT. BID ITEM NO. 1 - Phillips Colorburst 6 – installed	LS	1	\$13,915.00	\$13,500.00		
3	910-52	ADD	ALT. BID ITEM NO. 2 - Tapered Canopy at north end (include all foundation and structural support systems) – installed	LS	1	\$25,801.00	\$61,000.00		
4	910-52	ADD	ALT. BID ITEM NO. 3 - Canopy at south end (include all foundation and structural support systems, pavers, panels and gate) – installed	LS	1	\$90,311.00	\$31,000.00		NON RESPONSIVE
5	910-52	ADD	Demo. Asphalt Pavement	SY	350	\$8.57	\$10.00		
6	910-52	ADD	Demo. 20" conc. Curb/gutter	LF	325	\$6.15	\$11.00		
7	910-52	ADD	2" HMAC type D, limestone agg. SY	SY	120	\$45.00	\$23.00		
8	910-52	ADD	8" flexible base type F, Gr 4	SY	260	\$7.19	\$23.00		
9	910-52	ADD	6" sub-grade	SY	260	\$5.38	\$12.00		
10	910-52	ADD	Seal Coat - cold tar	SY	920	\$2.25	\$5.00		
11	910-52	ADD	24" Conc. Curb/gutter	LF	230	\$10.00	\$12.00		
12	910-52	ADD	6" Reinf. Conc. Header curb	LF	130	\$10.00	\$12.00		
13	910-52	ADD	8' Reinf. Conc. Valley gutter	SY	40	\$5.00	\$110.00		
14	910-52	ADD	Dumpster pad; 6" reinf. Conc.	SY	60	\$13.33	\$250.00		
15	910-52	ADD	Accessible sidewalk ramp	EA	1	\$200.00	\$1,100.00		
16	910-52	ADD	4" sld. white stripe	LF	100	\$1.15	\$3.20		
17	910-52	ADD	4" sld. blue accessible aisle	LF	80	\$1.15	\$4.20		
18	910-52	ADD	HC symbol	EA	1	\$250.00	\$100.00		
19	910-52	ADD	HC signage	EA	1	\$243.00	\$300.00		
20	910-52	ADD	Storm Inlet top retrofit types A-CC EA	EA	1	\$1,578.00	\$1,300.00		
21	910-52	ADD	6" PVC sleeve, sch. 40	LF	100	\$5.07	\$1,000.00		
TOTAL BASE BID						\$346,000.00	\$347,000.00		
ALT. BID ITEM NO. 1						\$13,915.00	\$13,500.00		
ALT. BID ITEM NO. 2						\$25,801.00	\$61,000.00		
ALT. BID ITEM NO. 3						\$90,311.00	\$31,000.00		
NUMBER OF DAYS TO COMPLETE PROJECT						120	120		
BID BOND (5%)						BB	BB	NO	
PAPER COPY SUBMITTAL						YES	YES	NO	
ELECTRONIC BID SUBMITTAL						YES	YES	YES	



**CITY OF MCALLEN
DEPARTMENT OF ENGINEERING
MEMORANDUM**

To: Mike R. Perez, City Manager
From: Yvette Barrera, P.E., CFM, City Engineer *Yvette Barrera*
Date: August 14, 2013
Subject: Award of Contract – Public Works Admin & Fleet Facility
 Metal Retrofit Roofing System and Office Trailers Hail Damaged
 (Project #07-13-C22-162)

Goal:
 The goal is to award the contract for Metal Retrofit Roofing System to the lowest, responsive bidder.

Brief Explanation:
 On Thursday, July 11, 2013 the Purchasing and Contracting Department received five (5) bid proposals for the above referenced project.

	AMERICAN CONTRACTING U.S.A., INC	SECHRIST-HALL COMPANY	NON-RESPONSIVE STATEWIDE ROOFING, L.L.C.	NON-RESPONSIVE STATEWIDE ROOFING L.L.C.	NON-RESPONSIVE BOUGAMBILIAS CONSTRUCTION	CS ADVANTAGE USAA, INC.
	RIO HONDO, TX	HARLINGEN, TX	EDINBURG, TX	EDINBURG, TX	BROWNSVILLE, TX	HARLINGEN, TX
BASE BID	\$221,800.00	\$234,652.00	\$234,035.00	\$215,100.00	\$186,918.00	\$235,600.00
ALTERNATE BID	\$191,500.00	\$201,610.00	\$205,970.00	\$191,013.00	\$161,912.00	\$201,600.00

Two of the bidders are non-responsive Bougambilias submitted a substitution, but the correct method for submitting product substitutions was not followed by Bougambilla Construction. The documents state a request for product substitution must be submitted no less than 10 days prior to bid date. For this reason, Bougambilia Construction bid is non-responsive. Statewide Roofing submitted two bids, one of which was a substitution as part of this roof system. Statewide Roofing was unable to secure the bid bond for the project and is non-responsive.

The base bid included a 20 year warranty with no exclusions for hail damage consisting of expanded Polystyrene fill over the existing metal roof. As part of this roof system there is also 1" thermal insulation, 1/4" cover board, 80 mil base sheet and 67 mil Fleece back thermoplastic membrane, enhanced with KEE (keytone ethylene ester) as specified. The alternate bid is identical but, it excludes 80 mil base sheet and hail damage warranty.

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

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

Recommendation:
 The Public Works Department and Engineering Department, recommend award of contract to the lowest responsive bidder, American Contracting U.S.A., Inc. of Rio Hondo, Texas, for the total bid amount of \$191,500.00 with a contract time of 45 days – calendar days.

BID OPENING: JULY 11, 2013 at 4:00 P.M.
Solicitation: 07-13-C22-162 RE-ROOF PUBLIC WORKS & RECYCLING BLDGS.
Generated 7/02/2013 2:01:01 PM Central

										NON-RESPONSIVE		
NO.	Internal Ref. Number	TYPE	DESCRIPTION	UOM	QTY	AMERICAN CONTRACTING U.S.A. INC. RIO HONDO, TX	SECHRIST HALL COMPANY HARLINGEN, TX	CS ADVANTAGE USAA, INC. HARLINGEN, TX	BOUGAMBILIAS CONSTRUCTION ALT. PROD. NOT APPROVED BROWNSVILLE, TX	STATEWIDE ROOFING, LLC EDINBURG, TX	STATEWIDE ROOFING, LLC EDINBURG, TX	STATEWIDE ROOFING, LLC ALTERNATE BID EDINBURG, TX
BRAND/PRODUCT #						FLEX FB67 PLUS ELVALOY	CARLISLE 115	FLEX FB67 PLUS ELVALOY	JOHNS MANSVILLE ROOF PRODUCT	CARLISLE FLEX	CARLISLE 115	
1	914-73	BASE	BASE BID 1, PROJECT 1: RE-ROOF HAIL DAMAGED PUBILC WORKS ADMINISTRATION BUILDING, as indicated on the drawings and in the specifications, will include labor and materials to remove and replace rotted or damaged existing metal roof panels with new to match existing metal roof. To be completed within 45 Calendar days. [NOTES: BID LUMP SUM AMOUNT. ENTER DELIVERY TIME AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	LS	1	\$44,500.00	\$50,070.00	\$35,500.00	\$26,750.00	\$40,630.00	\$36,650.00	
2	914-73	BASE	BASE BID 1.1, PROJECT 1: ALLOWANCE: \$2,500 TO REPAIR AND REPLACE ROTTED OR DAMAGED EXISTING METAL ROOF R-PANELS. THERE IS APPROXIMATELY 80 S.F. OF R-PANEL TO BE REPAIRED.	LS	1	\$2,500.00	\$2,500.00	\$800.00	\$2,556.00	\$200.00	\$200.00	
3	914-73	BASE	ALTERNATE 1A, PROJECT 1: RE-ROOF HAIL DAMAGED PUBILC WORKS ADMINISTRATION BUILDING, Delete the 80 mil SBS base sheet in its entirety and fully-adhered the specified Thermoplastic Fleece Back membrane directly to the specified cover board using the specified substrate adhesive. Project includes labor and materials to remove and replace rotted or damaged existing metal roof panels with new to match existing metal roof. Provide manufacturer's 20 year NDL "Total System" Warranty. All details shall be installed the same except for the omission of the base sheet. To be completed within 45 Calendar days. [NOTES: BID LUMP SUM AMOUNT. ENTER DELIVERY TIME AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	LS	1	★ \$40,500.00	\$45,798.00	\$32,500.00	\$24,500.00	\$38,155.00	\$34,663.00	
4	914-73	BASE	ALTERNATE 1A.1, PROJECT 1: ALLOWANCE: \$2,500 TO REPAIR AND REPLACE ROTTED OR DAMAGED EXISTING METAL ROOF R-PANELS. THERE IS APPROXIMATELY 80 S.F. OF R-PANEL TO BE REPAIRED.	LS	1	★ \$2,500.00	\$2,500.00	\$800.00	\$2,556.00	\$200.00	\$200.00	
5	914-73	BASE	BASE BID 2, PROJECT 2: RE-ROOF HAIL DAMAGED PUBILC WORKS FLEET BUILDING, as indicated on the drawings and in the specifications, will include labor and materials to remove and replace rotted or damaged existing metal roof panels with new to match existing metal roof. To be completed within 45 Calendar days. [NOTES: BID LUMP SUM AMOUNT. ENTER DELIVERY TIME AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	LS	1	\$162,000.00	\$172,378.00	\$185,500.00	\$149,217.00	\$184,905.00	\$169,950.00	
6	914-73	BASE	BASE BID, PROJECT 2.1: ALLOWANCE: \$2,500 TO REPAIR AND REPLACE ROTTED OR DAMAGED EXISTING METAL ROOF R-PANELS. THERE IS APPROXIMATELY 80 S.F. OF R-PANEL TO BE REPAIRED.			\$2,500.00	\$2,500.00	\$800.00	\$2,556.00	\$200.00	\$200.00	

							NON-RESPONSIVE				
NO.	Internal Ref. Number	TYPE	DESCRIPTION	UOM	QTY	AMERICAN CONTRACTING U.S.A. INC. RIO HONDO, TX	SECHRIST HALL COMPANY HARLINGEN, TX	CS ADVANTAGE USAA, INC. HARLINGEN, TX	BOUGAMBILIAS CONSTRUCTION ▲ ALT. PROD. NOT APPROVED BROWNSVILLE, TX	STATEWIDE ROOFING, LLC EDINBURG, TX	STATEWIDE ROOFING, LLC ▲ ALTERNATE BID EDINBURG, TX
7	914-73	BASE	ALTERNATE 2A, PROJECT 2: RE-ROOF HAIL DAMAGED PUBILC WORKS FLEET BUILDING, Delete the 80 mil SBS base sheet in its entirety and fully-adhered the specified Thermoplastic Fleece Back membrane directly to the specified cover board using the specified substrate adhesive. Project includes labor and materials to remove and replace rotted or damaged existing metal roof panels with new to match existing metal roof. Provide manufacturer's 20 year NDL "Total System" Warranty. All details shall be installed the same except for the omission of the base sheet. To be completed within 45 Calendar days. [NOTES: BID LUMP SUM AMOUNT. ENTER DELIVERY TIME AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	LS	1	★ \$146,000.00	\$150,812.00	\$167,500.00	\$132,300.00	\$167,415.00	\$155,950.00
8	914-73	BASE	ALTERNATE 2A.1, PROJECT 2: ALLOWANCE: \$2,500 TO REPAIR AND REPLACE ROTTED OR DAMAGED EXISTING METAL ROOF R-PANELS. THERE IS APPROXIMATELY 80 S.F. OF R-PANEL TO BE REPAIRED.	LS	1	★ \$2,500.00	\$2,500.00	\$800.00	\$2,556.00	\$200.00	\$200.00
9	914-73	BASE	BASE BID 3, PROJECT 3: RE-ROOF HAIL DAMAGED RECYCLING MOBILE OFFICE TRAILERS, as indicated on the drawings and in the specifications, complete in place. To be completed within 5 Calendar days. [NOTES: BID LUMP SUM AMOUNT. ENTER DELIVERY TIME AND/OR ANY OTHER PERTINENT INFORMATION IN COMMENTS AREA IN E-BID.]	LS	1	\$10,300.00	\$7,204.00	▲ \$13,000.00	\$5,839.00	\$8,100.00	\$8,100.00
BASE BID TOTAL						\$221,800.00	\$234,652.00	\$235,600.00	\$186,918.00	\$234,035.00	\$215,100.00
ALTERNATE BID TOTAL						★ \$191,500.00	\$201,610.00	\$201,600.00	\$161,912.00	\$205,970.00	\$191,013.00
DAYS TO COMPLETE PROJECT (NOT TO EXCEED 45 CALENDAR DAYS)						45 DAYS	45 DAYS	45 DAYS	45 DAYS	45 DAYS	45 DAYS
BID BOND (5%)						SUBMITTED	SUBMITTED	SUBMITTED	SUBMITTED	NOT SUBMITTED	NOT SUBMITTED
ADDENDUM #1						ACKNOWLEDGED	ACKNOWLEDGED	ACKNOWLEDGED	ACKNOWLEDGED	ACKNOWLEDGED	ACKNOWLEDGED
HARD COPY BID						SUBMITTED	SUBMITTED	SUBMITTED	SUBMITTED	SUBMITTED	SUBMITTED
ELECTRONIC BID						SUBMITTED	SUBMITTED	NOT SUBMITTED	NOT SUBMITTED	SUBMITTED	NOT SUBMITTED
							▲ PER VENDOR COMMENTS: This bid is based on specified roof assembly & components. However, we have been unable to confirm the specified roof assembly components comply with the project windstorm requirements. As a result we will not be responsible for windstorm compliance.	▲ WITH PREFINISH GUTTER/ O/S	▲ SUBSTITUTION REQUEST WAS NOT SUBMITTED: PROPOSED PRODUCT SUBSTITUTION IS NOT ACCEPTABLE!		▲ SUBSTITUTION REQUEST SUBMITTED: PROPOSED PRODUCT SUBSTITUTION: CARLISLE SYNTEC

STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION
UTILITY BOARD
PLANNING & ZONING BOARD
OTHER

 X

AGENDA ITEM
DATE SUBMITTED
MEETING DATE

 3c
8/20/2013
8/26/2013

1 **Agenda Item:** Request authorization to purchase furniture through the Texas Multiple Award Schedule (TXMAS), Contract # 7-7110140-6

2 **Party Making Request:** Engineering Department

3 **Nature of Request: (Brief Overview) Attachments:** X Yes No
Request authorization to purchase furniture for the Development Services Facility.

4 **Policy Implication:** _____

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

Funding Source: 300-8708-426-66-10 **Project ID#** BB1201 **\$2,230,000**
Furniture NTE **\$54,994.62**

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

7 **Routing:**

<u>NAME/TITLE</u>	<u>INITIALS</u>	<u>DATE</u>	<u>CONCURRENCE YES/NO</u>
a) <u>Yvette Barrera, PE, CFM, City Engineer</u>	<u> YB </u>	<u>8/21/2013</u>	<u> YES </u>
b) <u>Sandra Zamora, CPM, Purchasing Contract Director</u>	<u> </u>	<u> </u>	<u> </u>
c) <u>Roel Rodriguez, Assistant City Manager</u>	<u> </u>	<u> </u>	<u> </u>

8 **Staff Recommendation:** Approval to purchase furniture, furnishings & equipment.

9 **Advisory Board:** Approved Disapproved None

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

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

ENGINEERING DEPARTMENT
MEMORANDUM

To: Mike R. Perez, City Manager

From: Yvette Barrera, PE, CFM, City Engineer



Date: August 20, 2013

Subject: Purchase of Furniture for McAllen Development Services Facility

GOAL:

The purchase of "Steelcase" furniture for the Development Services Facility.

BRIEF EXPLANATION:

The Engineering Department is purchasing the furniture identified in the attachment through the State of Texas Cooperative Program. By virtue of being a municipal government we are able to buy from Texas Co-Operative Programs such as the Texas Procurement and Support Services. The City of McAllen is afforded the latitude to utilize the contracts put in place by (TXMAS-Texas Multiple Award Schedule). Therefore, Purchasing & Contracting in conjunction with the Engineering Department respectfully seek the Commissions' approval to purchase Steelcase from Texas Wilson of San Antonio, TX, for a total amount of \$54,994.62. There are additional furnishings that are required, however, and will consist of items separately bid.

OPTIONS:

1. Purchase through Contract via TXMAS contract #7-7110140-6 as recommended below.
2. Do not award Purchase Contract via TXMAS but direct City staff to solicit Sealed Bids.

RECOMMENDATION:

Staff recommends authorization to award a purchase contract for Steelcase furniture as described in the attachment through Texas Wilson of San Antonio, Texas in an amount not to exceed \$54,994.62.

Quote Number	Quote Date	Customer Order Number	Customer Number	Account Representative	Project ID
103438	07/30/13		CITY80	JOHN YOICHEM	

QUOTE TO:
Victor Gonzalez
CITY OF MCALLEN
PO BOX 220
McAllen, TX 78505-0220

SHIP TO:
Greg Townsend
CITY OF MCALLEN
PO BOX 220
McAllen, TX 78505-0220

P: 956.681.1060
E: 956.681.1084

P: 956.681.1018

Terms: DUE UPON RECEIPT

InLam Desks

Line	Quantity	Catalog Number / Description	Unit Price	Extended Amount
POC: JOHN YOICHEM PHONE: 361.537.4466 EMAIL: JYOICHEM@TEXASWILSON.COM FAX: 210.647.3110 STEELCASE TXMAS CONTRACT NUMBER: TXMAS-7-7110140-6 EXPIRATION DATE: MARCH 12, 2014 TIN# 17428480804 CONTRACTOR/ORDERING/REMIT TO ADDRESS: TEXAS WILSON OFFICE FURNITURE & SERVICES 6812 FAIRGROUNDS PKWY SAN ANTONIO, TX 78238 SURFACEWORKS CONTRACT TXMAS-13-710130 INWOOD CONTRACT TXMAS-3-7110180 GLOBAL TXMAS CONTRACT NUMBER: TXMAS-3-7111010-23 TIN# 17428480804				

I acknowledge that I have read and accepted this contract and the complete conditions of sale.

ACCEPTED BY

TITLE

DATE

Quote Number	Quote Date	Customer Order Number	Customer Number	Account Representative	Project ID
103438	07/30/13		CITY80	JOHN YOCHER	

Line	Quantity	Catalog Number / Description	Unit Price	Extended Amount
		[REDACTED]	[REDACTED]	[REDACTED]
		[REDACTED]	[REDACTED]	[REDACTED]
		[REDACTED]	[REDACTED]	[REDACTED]
		[REDACTED]	[REDACTED]	[REDACTED]
		[REDACTED]	[REDACTED]	[REDACTED]
		[REDACTED]	[REDACTED]	[REDACTED]
30	12	434111 STEELCASE cobi; Chair, Swivel base, Fixed arm BACK :5018 SCARLET PLASTIC :6205 BLACK UPHLSTRY:5S18 SCARLET OPTIONS * * OPTIONS * * OPT ACC *OPT:OPTIONAL ACCESSORIES SOIL RET SOIL RETARDANT TREATMENT Tag For: Item Q	293.66 674.00 56.43%	3,523.92
31	12	434111 STEELCASE cobi; Chair, Swivel base, Fixed arm BACK :5028 ROOT BEER PLASTIC :6205 BLACK UPHLSTRY:5S28 ROOT BEER OPTIONS * * OPTIONS * * OPT ACC *OPT:OPTIONAL ACCESSORIES SOIL RET SOIL RETARDANT TREATMENT Tag For: Item Q	293.66 674.00 56.43%	3,523.92
32	12	434111 STEELCASE cobi; Chair, Swivel base, Fixed arm BACK :5016 TURMERIC PLASTIC :6205 BLACK UPHLSTRY:5S16 TURMERIC OPTIONS * * OPTIONS * *	293.66 674.00 56.43%	3,523.92

I acknowledge that I have read and accepted this contract and the complete conditions of sale.

ACCEPTED BY

TITLE

DATE

Quote Number	Quote Date	Customer Order Number	Customer Number	Account Representative	Project ID
103438	07/30/13		CITY80	JOHN YOICHEM	

Line	Quantity	Catalog Number / Description	Unit Price	Extended Amount
33	11	Tag For: Item Q 434111 STEELCASE cob; Chair, Swivel base, Fixed arm BACK :5017 TANGERINE PLASTIC :6205 BLACK UPHLSTRY:5S17 TANGERINE OPTIONS * * OPTIONS * * OPT ACC *OPT:OPTIONAL ACCESSORIES SOIL RET SOIL RETARDANT TREATMENT	293.66 674.00 56.43%	3,230.26
34	60	Tag For: Item Q 490412C STEELCASE Move; Chair, Plastic back, Arms, Casters FRAME :4799 PLATINUM METALLIC SHELL :6009 ARCTIC WHITE UPHLSTRY:5G51 SABLE OPTIONS * * OPTIONS * * OPT ACC *OPT:OPTIONAL ACCESSORIES SOIL RET SOIL RETARDANT TREATMENT \$\$	184.72 420.00 56.02%	11,083.20
35	22	Tag For: Item R 434111 STEELCASE cob; Chair, Swivel base, Fixed arm BACK :5027 MALT PLASTIC :6009 ARCTIC WHITE UPHLSTRY:5S27 MALT OPTIONS * * OPTIONS * * OPT ACC *OPT:OPTIONAL ACCESSORIES SOIL RET SOIL RETARDANT TREATMENT	326.34 749.00 56.43%	7,179.48
37	34	Tag For: Item T 466160MTVA STEELCASE Reply; Chair, Mesh back, Swivel base, Height / pivot / depth adjustable arms, Buzz2 fabric on seat, Lumbar BACK :AR09 AIR SABLE UPHLSTRY:5G51 SABLE	308.99 735.00 57.96%	10,505.66
		[REDACTED] [REDACTED] [REDACTED]	[REDACTED] [REDACTED] [REDACTED]	[REDACTED] [REDACTED] [REDACTED]

I acknowledge that I have read and accepted this contract and the complete conditions of sale.

ACCEPTED BY _____ TITLE _____ DATE _____

Quote Number	Quote Date	Customer Order Number	Customer Number	Account Representative	Project ID
103438	07/30/13		CITY80	JOHN YOICHEM	

Line	Quantity	Catalog Number / Description	Unit Price	Extended Amount
		[REDACTED]		
		[REDACTED]		
		[REDACTED]		
		[REDACTED]		
		[REDACTED]		
		[REDACTED]		
		[REDACTED]		
		[REDACTED]		
39	16	490412P STEELCASE Move; Chair, Plastic seat / back, Arms, Glides FRAME :4799 PLATINUM METALLIC SEAT :6009 ARCTIC WHITE SHELL :6009 ARCTIC WHITE OPTIONS * * OPTIONS * * GLIDES *OPT:GLIDES SOFT GLD SOFT GLIDES Tag For: Item X	135.02 307.00 56.02%	2,160.32
40	1	CO2595 COALESSE Emu Ivy; Pouf BASIC :4254 WHITE Tag For: Item Y	443.24 924.00 52.03%	443.24
41	2	CO2486 COALESSE Emu Heaven; Chair-Arm, Package quantity 2 BASIC :4254 WHITE Tag For: Item Z	588.59 1,227.00 52.03%	1,177.18
42	1	DELIVERY TEXAS Labor to deliver, unload and setup the product at the customer's site. The following assumptions apply and anything outside of the standard scope may result in additional delivery fees. Assumptions: delivery during normal business hours on non-holidays, no stair carry, includes one delivery trip, access to building to be no more than 40' from Texas Wilson's delivery truck. If customer site has loading dock and / or freight elevator, customer shall provide exclusive access during unloading.	7,600.00 0.00 0.00%	7,600.00
				\$54,994.62

I acknowledge that I have read and accepted this contract and the complete conditions of sale.

ACCEPTED BY

TITLE

DATE

Quote Number	Quote Date	Customer Order Number	Customer Number	Account Representative	Project ID
103438	07/30/13		CITY80	JOHN YOICHEM	

UNIFORM CONDITIONS OF SALE

- Prices quoted are valid for a period of thirty days (30) unless otherwise indicated.
- Payments are due upon receipt. Customer agrees to pay Texas Wilson in full for any portion of the merchandise Customer has received. Merchandise held in Texas Wilson's warehouse over 25 days will be invoiced to the Customer.
- Texas Wilson has the ability to charge interest on any past due invoice amounts at the highest rate permitted by applicable law. In the event that Texas Wilson retains legal counsel to collect any past-due payments, customer agrees to pay reasonable legal or collection fees, plus court costs and other disbursements required for the collection of past-due debt of Customer.
- A customer representative must be present at time of delivery of goods to sign for and acknowledge count and condition of the merchandise being delivered. After delivery of merchandise all risk of loss or damage shall pass to the customer, including, but not limited to any loss or damage by weather, other trades, other person, customer, fire or other elements. The customer agrees to hold Texas Wilson harmless from loss for any and all reasons.
- Orders may not be canceled once the manufacturer receives the order unless said manufacturer(s) agrees in writing to accept the cancellation.
- Texas Wilson continually expedites orders and has influence with manufacturers' delivery schedules, however, we shall not be responsible for manufacturers' lead-times or freight companies' delivery time and shall not be liable for any failure delay or interruption in performance caused by strikes, fires, shortages of labor or materials, or any other cause beyond our control. The Customer cannot cancel any order due to lead-time or delayed delivery unless we receive written authorization from the manufacturer.
- Merchandise may not be returned for refund of purchase price, credit or replacement except upon the specific written approval of Texas Wilson.
- Texas Wilson is not liable for any failure, delay or interruption in the performance of this contract, which may result due to causes beyond our control. Delays beyond our control shall not release the customer from their obligations to accept and pay for the merchandise.
- Pricing for orders is based on shipping product direct to the location designated by the customer where it will be unloaded and installed by Texas Wilson, unless otherwise specified. If the product is diverted to Texas Wilson's warehouse, the cost of the additional handling may be passed on to the customer.
- If a Customer is not ready to receive or accept the merchandise upon its arrival from the manufacturer, Texas Wilson will store it for a fee of \$1.15c per square foot per month or portion thereof. The charge per square foot may be subject to change.
- Installation, if applicable, will be performed during Texas Wilson's regular (non holiday) business hours and business days. If installation is required outside of these times, the Customer shall be required to pay Texas Wilson additional charges for this work.
- Texas Wilson accepts no responsibility for the accuracy or practicality thereof, if the products and quantities are specified or inventoried by others.
- All responsibilities involving modifications of the building structure or electrical connection, which incorporates product specified herein, shall be borne by the Customer.
- All new merchandise sold by Texas Wilson is warranted per manufacturer's stated warranty. If the merchandise is defective due to workmanship or material, Texas Wilson will either repair or replace the merchandise. The Customer must promptly notify Texas Wilson in writing of any claim with respect to defects in the merchandise by specifically noting the alleged defect in the merchandise and affording Texas Wilson and the manufacturer a reasonable opportunity to examine the merchandise and investigate the alleged defect. Under no circumstance shall Texas Wilson be liable for damage beyond the Purchase Price paid by Buyer for such defective merchandise.
- Texas Wilson will warrant their shop services for a period of 12 months from date of delivery.
- Texas Wilson carries all insurance coverage common to and considered necessary for the operation of a multi-line office furniture dealership. Certificates of Insurance will be provided upon request prior to contract. Should any additional insurance and / or bid bond coverage be required, cost of such coverage will be invoiced to the customer as a separate charge. Said cost of additional insurance is in no way included in the pricing on our proposals.
- Title to and ownership of all merchandise is and shall remain in Texas Wilson's name, notwithstanding delivery or possession of the customer, until the entire invoice is paid in full.
- This agreement shall be governed in accordance with the laws of the State of Texas.
- This agreement contains all the forms, provisions, conditions and warranties of the purchase agreement and no extension, modification, amendment or assignment of this agreement shall be valid unless approved in writing by an officer of Texas Wilson.
- The Uniform Conditions of Sale are subject to change at any time at the discretion of Texas Wilson Office Furniture & Services.

I acknowledge that I have read and accepted this contract and the complete conditions of sale.

ACCEPTED BY

TITLE

DATE

SEATING AT DEVELOPMENT CENTER

By Greg Townsend (after mgt & staff trying out various types)

Main Lobby: NOT IN THIS REQUEST – FOR INFO ONLY

Eames Molded Plastic Chair by Herman Miller (8 @ \$195/ea)



Counter seating:

Durable, flex-plastic (sample here) short-term seating

Steelcase Move in Arctic White (\$135)



Customer seating at desks (many): short-term

Steelcase Move in Arctic White w padded cushion in “Malt” (tan/neutral) & casters (60 @ \$185)



***Disregard colors in photo above, add casters**

Customer/employee meeting chairs/ up to 2-3 hour use

Steelcase Cobi w/ black frame, brightly colored fabric (disregard blue color in photo) (47 @ \$294)



COLORS SELECTED: TURMERIC (YELLOW/GOLD), TANGERINE (ORANGE), SCARLET (RED) AND ROOT BEER (BROWN)



COLLABORATION WING - Long meetings/collaborations (22 @ \$326)

STEELCASE COBI in ALL WHITE with MALT (beige/tan)



Employee at desk: All day use – highly adjustable to fit any size properly

STEELCASE REPLY Value Series, in black with brown (Root Beer) fabric seat and brown net back (34 @ \$309)

Handle on Reply gives you a convenient handhold to move the chair where it's needed.

Height-adjustable lumbar support is optional on Reply mesh to enhance back support.

Seat height adjusts quickly with a simple pull of the lever so anyone can sit comfortably.

Tilt tension adjustment allows you to control the amount of resistance needed for reclining.



Armrests pivot and slide to support your arms properly even when you change position.

Arm height adjusts easily to keep your arms in proper alignment for any task.

Multi-position back lock allows you to lock the backrest in multiple positions.

Seat depth adjustment allows the seat to slide forward or back to accommodate different leg lengths.

Other chairs:

Global duet chairs for café style tables – casual meetings with customers (4 tables, 8 chairs)

NOT IN THIS ORDER – for info only (\$170 ea)



COLOR WILL BE LATTE BEIGE

These ARE pricey – but selected for visual impact/use.....

COALESSE* & EMU CHAIRS (2) WITH POUF TABLE (1) in ALL WHITE

To be placed on the patio that the whole Collaboration wing faces

Powder coated for outdoor use: all 3 pieces - \$1,620



****Smaller versions of the chairs at Library on cover page Texas Architect magazine***

CITY OF McALLEN
STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION X
UTILITY BOARD
OTHER (Audit/Investment Committee)

AGENDA ITEM 4a
DATE SUBMITTED 8/20/13
MEETING DATE 8/26/13

1. **Agenda Item:** Consider and Approve Ordinance Calling An Election to Authorize The Issuance of General Obligation Bonds in the Amount of \$45M.

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

3. **Nature of Request: (Brief Overview) Attachments:** X Yes No
This ordinance calls for 3 separate propositions—Street Improvements - \$15M; Performing Arts Center - \$15M and Parks and Recreation Improvements -- \$15M – totally \$45M, which is estimated to increase the property tax rate 5.3c to 5 .7c—from the current tax rate of 43.13c to a range between 48.42c to 48.75c.

4. **Policy Implication** Debt Policy, Tax Rate Policy, Strategic Plan relating to Transportation and Quality of Life Issues.

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

6. **Alternate Option/Costs:** Approve any one or more of the propositions or none at all.

7. **Routing:**

<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
			<u>YES/NO</u>
a.) Jerry W. Dale Finance Director	<u> JWD </u>	<u> 8/20/13 </u>	<u> YES </u>
b.) Mike R. Perez City Manager	<u> MRP </u>	<u> 8/20/13 </u>	<u> YES </u>

8. **Staff Recommendation** Approve as Presented.

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

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

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

12. **Action Taken:** _____



CITY OF
McALLEN

OFFICE OF THE CITY MANAGER

MEMO

To: Mayor Jim Darling and City Commission
From: Mike R. Perez, City Manager
Date: August 20, 2013
Subject: Proposed Possible \$45M General Obligation Bond Issue

Attached is a bond ordinance for your review relating to the possible General Obligation Bond Issue for Baseball Complexes, the Performing Arts Building and Street Improvements.

This ordinance is based upon our review of financial projections and cost presented on August 12, 2013 workshop which included.

1. The Capital Plan for the proposed Bond Election. (Previously provided)
2. The list of street improvements (previously provided).

We also reviewed a memo from Anne Burger Entrekkin which relates to what the \$45M Bond Issue would cost taxpayers with two different estimates depending on interest rate at the time of sale (late January 2014, should citizens approve). An interest rate of 4.80% would require a tax increase of .05294 and an interest rate of 5.55% would require a tax increase of .05621.

This ordinance will place on the ballot for citizen approval, a \$45M Bond Issue to build a new Baseball Complex, build a new Performing Arts Facility and improve transportation corridors in McAllen.

Please feel free to call me if you have any questions.

Attachments

ORDINANCE NO. _____

**ORDINANCE CALLING AN ELECTION TO AUTHORIZE
THE ISSUANCE OF GENERAL OBLIGATION BONDS**

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF McALLEN

·
·
·

WHEREAS, the City Commission of the **CITY OF McALLEN, TEXAS** (the "**City**") has determined that many of the streets and related drainage facilities of the City are in need of significant improvements in order to protect the public health, safety and welfare of the citizens of the City and to protect the City's investment in its current street and drainage infrastructure, which may include, but is not limited to, the following streets in the City:

- (i) Bicentennial Boulevard from Trenton Road to State Highway 107;
- (ii) Dove Avenue from 41st Street to Bentsen Road;
- (iii) Erie Avenue from Ware Road to Bentsen Road;
- (iv) Oakland Avenue from "K" Street to Jackson Road;
- (v) Wisconsin Road from 2nd Street to the drainage ditch;
- (vi) Auburn Avenue from 10th Street to Main Street; and
- (vii) 29th Street from Oxford Avenue to State Highway 107; and

WHEREAS, the City Commission further has determined that it is desirable for the City to construct and equip a new Performing Arts Center at the City's Convention Center and to make improvements to the City's parks and recreational facilities, including but not limited to acquiring land for parks and recreation purposes and constructing and equipping improvements to the City parks and other recreation facilities, including but not limited to a sports complex, ball fields and other recreational facilities located at the Municipal Park (on North Bicentennial Road) and near the intersection of 29th Street and Mile 5 Road; and

WHEREAS, the City Commission deems it advisable to call the election hereinafter ordered for the purpose of receiving voter authorization to issue general obligation bonds to finance the acquisition, construction and equipping of the public improvements described in the preceding recitals; and

WHEREAS, the City desires to conduct the election hereinafter ordered as a joint election in conjunction with the elections to be held on the same date by Hidalgo County, Texas ("**Hidalgo County**") and other political subdivisions within Hidalgo County (the "**Joint Election Participants**"); and

WHEREAS, pursuant to Chapter 271, Texas Election Code, the City shall enter into a joint election agreement with the Joint Election Participants (the "**Joint Election Agreement**") to hold all such elections jointly in the election precincts that can be served by common polling places (subject to Section 271.003, Texas Election Code, which permits the regular Hidalgo County polling places

to be used for a common polling place in a joint election and further permits the use of a common polling place that is located outside the boundary of the election precinct or the City if the location can adequately and conveniently serve the affected voters and will facilitate the orderly conduct of the election); and

WHEREAS, it is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and public notice of the time, place, and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code;

THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF McALLEN, TEXAS THAT:

1. **TIME.** An election shall be held between the hours of 7:00 A.M. and 7:00 P.M. on **Tuesday, November 5, 2013**, in the City.

2. **PRECINCT AND POLLING PLACE.** The City shall hold the election in conjunction with the elections to be held by the Joint Election Participants on Tuesday, November 5, 2013 at the precincts and polling places as determined by the Hidalgo County Elections Administrator (the "**Elections Administrator**") pursuant to the provisions of the Joint Election Agreement. The City has been informed by the Elections Administrator that, for the purpose of holding said election, the City is divided into multiple election precincts. Voters may cast their ballots on election day at the following polling places:¹

HIDALGO COUNTY PRECINCT NUMBER	POLLING PLACE	ADDRESS
7		
8		
26		
27		
34		
37		
47		
48		
49		

¹ Polling place information was not available from the Elections Administrator prior to the adoption of this Ordinance. The City Secretary is authorized to revise and complete this Ordinance by incorporating the polling place information when it becomes available from the Elections Administrator and to make any other necessary revisions related to the election.

HIDALGO COUNTY PRECINCT NUMBER	POLLING PLACE	ADDRESS
54		
62		
65		
66		
67		
72		
73		
74		
81		
82		
84		
93		
95		
96		
97		
124		
129		
134		
135		
136		
138		
139		
140		
141		
148		
149		
150		

HIDALGO COUNTY PRECINCT NUMBER	POLLING PLACE	ADDRESS
160		
161		
162		
163		
164		
165		
166		
167		
168		
193		
199		
200		
206		
207		
212		
216		
221		
222		
223		
231		
233		
244		
246		
252		

3. PRESIDING JUDGES. The Presiding Judge and the Alternate Presiding Judge for each of the election precincts and the polling place shall be appointed by the Elections Administrator and pursuant to the Joint Election Agreement.

4. **ELECTION CLERKS.** The Presiding Judge, the Alternate Presiding Judge, and the election clerks shall be appointed by the Elections Administrator and pursuant to the Joint Election Agreement.

5. **EARLY VOTING.** Electors may cast their early votes by mail or by personal appearance at the times and places described in *Exhibit A* attached hereto. The Early Voting Clerk shall be appointed by the Elections Administrator and pursuant to the Joint Election Agreement.

6. **EARLY VOTING BALLOT BOARD.** An Early Voting Ballot Board will be created by the Elections Administrator pursuant to the Joint Election Agreement to process early voting results.

7. **ELECTORS.** All resident, qualified electors of the City shall be entitled to vote at said election.

8. **OFFICIAL PROPOSITIONS RELATING TO BOND ELECTION.** At the election being called by this Ordinance, the following PROPOSITIONS shall be submitted in accordance with law:

PROPOSITION 1
(Street Improvements Proposition)

"Shall the City Commission of the City of McAllen, Texas be authorized to issue bonds of the City, in one or more series, in the aggregate principal amount of \$15,000,000 for the purpose of constructing street, sidewalk and related drainage improvements in the City, which may include, but is not limited to, improvements on the following streets: (i) Bicentennial Boulevard from Trenton Road to State Highway 107; (ii) Dove Avenue from 41st Street to Bentsen Road; (iii) Erie Avenue from Ware Road to Bentsen Road; (iv) Oakland Avenue from "K" Street to Jackson Road; (v) Wisconsin Road from 2nd Street to the drainage ditch; (vi) Auburn Avenue from 10th Street to Main Street; and (vii) 29th Street from Oxford Avenue to State Highway 107, with said bonds to mature not more than 25 years from their date, bear interest at such rate or rates as approved by the City Commission (provided that such rate of interest shall not exceed the maximum rate per annum authorized by law at the time of the issuance of any issue or series of the bonds), and be issued and sold in accordance with law at the time of issuance, all within the discretion of the City Commission; and shall the City Commission be authorized to levy and cause to be assessed and collected annual ad valorem taxes on all taxable property in the City in an amount sufficient, within the limit provided by law, to pay the annual interest on said bonds and provide a sinking fund to pay said bonds at maturity?"

PROPOSITION 2
(Performing Arts Center Proposition)

"Shall the City Commission of the City of McAllen, Texas be authorized to issue bonds of the City, in one or more series, in the aggregate principal amount of \$15,000,000 to provide a portion of the funds required to construct and equip a new Performing Arts Center at the City's Convention Center, with said bonds to mature not more than 25 years from their date, bear interest at such rate or rates as approved by the City Commission (provided that such rate of interest shall not exceed the maximum rate per annum authorized by law at the time of the issuance of any issue or series of the bonds), and be issued and sold in accordance with law at the time of issuance, all within the discretion of the City Commission; and shall the City Commission be authorized to levy and cause to be assessed and collected annual ad valorem taxes on all taxable property in the City in an amount sufficient, within the limit provided by law, to pay the annual interest on said bonds and provide a sinking fund to pay said bonds at maturity?"

PROPOSITION 3
(Parks and Recreation Improvements Proposition)

"Shall the City Commission of the City of McAllen, Texas be authorized to issue bonds of the City, in one or more series, in the aggregate principal amount of \$15,000,000 for the purpose of acquiring land for parks and recreation purposes and constructing and equipping improvements to the City parks and other recreation facilities, including but not limited to a sports complex, ball fields and other recreational facilities located at the Municipal Park (on North Bicentennial Road) and near the intersection of 29th Street and Mile 5 Road, with said bonds to mature not more than 25 years from their date, bear interest at such rate or rates as approved by the City Commission (provided that such rate of interest shall not exceed the maximum rate per annum authorized by law at the time of the issuance of any issue or series of the bonds), and be issued and sold in accordance with law at the time of issuance, all within the discretion of the City Commission; and shall the City Commission be authorized to levy and cause to be assessed and collected annual ad valorem taxes on all taxable property in the City in an amount sufficient, within the limit provided by law, to pay the annual interest on said bonds and provide a sinking fund to pay said bonds at maturity?"

9. **FORM OF BALLOT RELATING TO BOND ELECTION.** The official ballots for the election being called by this Ordinance shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote "FOR" or "AGAINST" the aforesaid PROPOSITIONS, with the ballots to contain such provisions, markings, and language as required by law, and with such PROPOSITIONS to be expressed substantially as follows:

PROPOSITION 1
(Street Improvements Proposition)

- | | | |
|---|---------|--|
| G | FOR | THE ISSUANCE OF \$15,000,000 OF BONDS FOR
CONSTRUCTING STREET, SIDEWALK AND RELATED
DRAINAGE IMPROVEMENTS IN THE CITY, AND LEVYING |
| G | AGAINST | THE TAX IN PAYMENT THEREOF |

PROPOSITION 2
(Performing Arts Center Proposition)

- | | | |
|---|---------|--|
| G | FOR | THE ISSUANCE OF \$15,000,000 OF BONDS FOR
CONSTRUCTING AND EQUIPPING A NEW PERFORMING
ARTS CENTER, AND LEVYING THE TAX |
| G | AGAINST | IN PAYMENT THEREOF |

PROPOSITION 3
(Parks and Recreation Improvements Proposition)

- | | | |
|---|---------|--|
| G | FOR | THE ISSUANCE OF \$15,000,000 OF BONDS FOR
ACQUIRING, CONSTRUCTING AND EQUIPPING PARKS
AND RECREATION IMPROVEMENTS, AND |
| G | AGAINST | LEVYING THE TAX IN PAYMENT THEREOF |

10. **ELECTION CODE.** In all respects said election shall be conducted in accordance with the Texas Election Code.

11. **BILINGUAL ELECTION MATERIALS.** All election materials (including notice of the election, ballots, instruction cards, affidavits, and other forms which voters may be required to sign) and all early voting materials shall be printed in both English and Spanish, or Spanish translations thereof, and/or other assistance shall be provided, as required by the Texas Election Code and the Federal Voting Rights Act of 1965, each as amended.

12. NOTICE. Notice of said election in substantially the form attached hereto as *Exhibit A* shall be given by (i) publishing, both in English and Spanish, on the same day in each of two successive weeks, in *The Monitor*, with the first publication being not more than 30 days and not less than 14 days prior to the date set for said election, and (ii) posting a substantial copy of such notice, both in English and in Spanish, at three public places in the City and at the City Hall on the bulletin board used for posting notices of the meetings of the City Commission of the City not later than the 21st day before the election. It is hereby found and declared that *The Monitor* is a newspaper of general circulation within the City. The City Secretary is hereby authorized to complete and make revisions to the Notice attached hereto as *Exhibit A* prior to its publication and posting in accordance with this Ordinance in order to conform to changes in election procedures or changes in polling places determined by the Elections Administrator.

13. AGREEMENT WITH HIDALGO COUNTY. The City Manager is authorized to enter into the Joint Election Agreement with the Elections Administrator to conduct the election ordered herein and agreeing to pay the fee charged by the Elections Administrator for such services.

14. EFFECTIVE DATE. Pursuant to the provisions of Section 1201.028, Texas Government Code, as amended, this Ordinance shall be come effective immediately upon adoption thereof.

[The remainder of this page intentionally left blank]

***APPROVED BY THE CITY COMMISSION OF THE CITY OF McALLEN, TEXAS AT
A REGULAR MEETING HELD ON THE 26TH DAY OF AUGUST, 2013.***

Mayor
City of McAllen, Texas

Attest:

City Secretary
City of McAllen, Texas

(Seal)

EXHIBIT A

**NOTICE OF BOND ELECTION
TO BE HELD BY
THE CITY OF McALLEN, TEXAS**

TIME AND PURPOSE OF ELECTION. The City of McAllen, Texas (the "*City*") will hold an election between the hours of *7:00 A.M. and 7:00 P.M.* on *Tuesday, November 5, 2013*, in the City for the purpose of authorizing the issuance of general obligation bonds as further described below.

PLACE OF ELECTION. For the purpose of holding said election, the City is divided into multiple election precincts. Voters may cast their ballots on election day at the following polling places:²

HIDALGO COUNTY PRECINCT NUMBER	POLLING PLACE	ADDRESS
7		
8		
26		
27		
34		
37		
47		
48		
49		
54		
62		
65		
66		
67		

² Polling place information was not available from the Elections Administrator prior to the adoption of this Ordinance. The City Secretary is authorized to revise and complete this Ordinance by incorporating the polling place information when it becomes available from the Elections Administrator.

HIDALGO COUNTY PRECINCT NUMBER	POLLING PLACE	ADDRESS
72		
73		
74		
81		
82		
84		
93		
95		
96		
97		
124		
129		
134		
135		
136		
138		
139		
140		
141		
148		
149		

HIDALGO COUNTY PRECINCT NUMBER	POLLING PLACE	ADDRESS
150		
160		
161		
162		
163		
164		
165		
166		
167		
168		
193		
199		
200		
206		
207		
212		
216		
221		
222		
223		
231		

HIDALGO COUNTY PRECINCT NUMBER	POLLING PLACE	ADDRESS
233		
244		
246		
252		

EARLY VOTING. Electors may cast their early votes in person from Monday, October 21, 2013 through Friday, November 1, 2013, at the Elections Annex Building, 317 N. Closner, Edinburg, Texas (which is the main early voting location) and at the following branch early voting locations:³

[To come from the Elections Administrator]

³ Note: The final notice of election will incorporate the branch early voting locations provided by the Elections Administrator if required by law.

The hours for early voting in person at the early voting locations are as follows:⁴

Monday, October 21, 2013 through Friday, October 25, 2013:	8:00 a.m. to 5:00 p.m.
Saturday, October 26, 2013:	7:00 a.m. to 7:00 p.m.
Sunday, October 27, 2013:	10:00 a.m. to 3:00 p.m.
Monday, October 28, 2013 through Wednesday, October 30, 2013:	8:00 a.m. to 5:00 p.m.
Thursday, October 31, 2013 and Friday, November 1, 2013:	7:00 a.m. to 7:00 p.m.

Electors also may cast their early votes by mail. The last day to apply for early voting ballots by mail (received, not postmarked) through the Hidalgo County Elections Department (Elections Administration, P.O. Box 659, Edinburg, Texas 78540) is Friday, October 25, 2013.

OFFICIAL PROPOSITIONS. At said election the following PROPOSITIONS shall be submitted in accordance with law:

PROPOSITION 1
(Street Improvements Proposition)

"Shall the City Commission of the City of McAllen, Texas be authorized to issue bonds of the City, in one or more series, in the aggregate principal amount of \$15,000,000 for the purpose of constructing street, sidewalk and related drainage improvements in the City, which may include, but is not limited to, improvements on the following streets: (i) Bicentennial Boulevard from Trenton Road to State Highway 107; (ii) Dove Avenue from 41st Street to Bentsen Road; (iii) Erie Avenue from Ware Road to Bentsen Road; (iv) Oakland Avenue from "K" Street to Jackson Road; (v) Wisconsin Road from 2nd Street to the drainage ditch; (vi) Auburn Avenue from 10th Street to Main Street; and (vii) 29th Street from Oxford Avenue to State Highway 107, with said bonds to mature not more than 25 years from their date, bear interest at such rate or rates as approved by the City Commission (provided that such rate of interest shall not exceed the maximum rate per annum authorized by law at the time of the issuance of any issue or series of the bonds), and be issued and sold in accordance with law at the time of issuance, all within the discretion of the City Commission; and shall the City Commission be authorized to levy and cause to be assessed and collected annual ad valorem taxes on all taxable property in the City in an amount sufficient, within the limit provided by law, to pay the annual interest on said bonds and provide a sinking fund to pay said bonds at maturity?"

⁴ Note: The final election notice will incorporate any changes to the early voting hours provided by the Elections Administrator.

PROPOSITION 2
(Performing Arts Center Proposition)

"Shall the City Commission of the City of McAllen, Texas be authorized to issue bonds of the City, in one or more series, in the aggregate principal amount of \$15,000,000 to provide a portion of the funds required to construct and equip a new Performing Arts Center at the City's Convention Center, with said bonds to mature not more than 25 years from their date, bear interest at such rate or rates as approved by the City Commission (provided that such rate of interest shall not exceed the maximum rate per annum authorized by law at the time of the issuance of any issue or series of the bonds), and be issued and sold in accordance with law at the time of issuance, all within the discretion of the City Commission; and shall the City Commission be authorized to levy and cause to be assessed and collected annual ad valorem taxes on all taxable property in the City in an amount sufficient, within the limit provided by law, to pay the annual interest on said bonds and provide a sinking fund to pay said bonds at maturity?"

PROPOSITION 3
(Parks and Recreation Improvements Proposition)

"Shall the City Commission of the City of McAllen, Texas be authorized to issue bonds of the City, in one or more series, in the aggregate principal amount of \$15,000,000 for the purpose of acquiring land for parks and recreation purposes and constructing and equipping improvements to the City parks and other recreation facilities, including but not limited to a sports complex, ball fields and other recreational facilities located at the Municipal Park (on North Bicentennial Road) and near the intersection of 29th Street and Mile 5 Road, with said bonds to mature not more than 25 years from their date, bear interest at such rate or rates as approved by the City Commission (provided that such rate of interest shall not exceed the maximum rate per annum authorized by law at the time of the issuance of any issue or series of the bonds), and be issued and sold in accordance with law at the time of issuance, all within the discretion of the City Commission; and shall the City Commission be authorized to levy and cause to be assessed and collected annual ad valorem taxes on all taxable property in the City in an amount sufficient, within the limit provided by law, to pay the annual interest on said bonds and provide a sinking fund to pay said bonds at maturity?"

FORM OF BALLOT. The official ballots for said election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote "FOR" or "AGAINST" the aforesaid PROPOSITIONS, with the ballots to contain such provisions, markings, and language as required by law, and with such PROPOSITIONS to be expressed substantially as follows:

PROPOSITION 1
(Street Improvements Proposition)

- | | | |
|---|---------|--|
| G | FOR | THE ISSUANCE OF \$15,000,000 OF BONDS FOR
CONSTRUCTING STREET, SIDEWALK AND RELATED
DRAINAGE IMPROVEMENTS IN THE CITY, AND |
| G | AGAINST | LEVYING THE TAX IN PAYMENT THEREOF |

PROPOSITION 2
(Performing Arts Center Proposition)

- | | | |
|---|---------|--|
| G | FOR | THE ISSUANCE OF \$15,000,000 OF BONDS FOR
CONSTRUCTING AND EQUIPPING A NEW PERFORMING
ARTS CENTER, AND LEVYING THE TAX |
| G | AGAINST | IN PAYMENT THEREOF |

PROPOSITION 3
(Parks and Recreation Improvements Proposition)

- | | | |
|---|---------|--|
| G | FOR | THE ISSUANCE OF \$15,000,000 OF BONDS FOR
ACQUIRING, CONSTRUCTING AND EQUIPPING PARKS
AND RECREATION IMPROVEMENTS, AND |
| G | AGAINST | LEVYING THE TAX IN PAYMENT THEREOF |

ELECTORS. All resident, qualified electors of the City shall be entitled to vote at said election.

CERTIFICATE FOR ORDINANCE

THE STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF McALLEN

•
•
•

I, the undersigned City Secretary of the **CITY OF McALLEN, TEXAS** (the "**City**"), hereby certify as follows:

1. The City Commission of the City convened in REGULAR MEETING ON THE 26TH DAY OF AUGUST, 2013 at the City Hall, and the roll was called of the duly constituted officers and members of said City Commission, to wit:

- Jim Darling, Mayor
- Scott Crane, Commissioner - District 1
- Trey Pebley, Commissioner - District 2
- Hilda Salinas, Commissioner - District 3
- Aida Ramirez, Commissioner - District 4
- John Ingram, Commissioner - District 5
- Veronica Vela Whitacre, Commissioner - District 6

and all of said officers and members of said City Commission were present, except the following absentees: _____ . Whereupon, among other business, the following was transacted at said Meeting: a written Ordinance No. _____ entitled

**ORDINANCE CALLING AN ELECTION TO AUTHORIZE
THE ISSUANCE OF GENERAL OBLIGATION BONDS**

was duly read. It was then duly moved and seconded that said Ordinance be adopted; and, after due discussion, said motion, carrying with it the adoption of said Ordinance, prevailed and carried by the following vote:

AYES: ___ NOES: ___ ABSTENTIONS: ___

2. A true, full and correct copy of the aforesaid Ordinance adopted at the Meeting described in the above and foregoing paragraph is attached to and follows this Certificate; the Ordinance has been duly recorded in said City Commission's minutes of said Meeting; the above and foregoing paragraph is a true, full and correct excerpt from said City Commission's minutes of said Meeting pertaining to the passage of said Ordinance; the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of said City Commission as indicated therein; each of the officers and members of said City Commission was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the aforesaid Meeting, and that said Ordinance would be introduced and considered for passage at said Meeting, and each of said officers and members consented, in advance, to the holding of said Meeting for such purpose, and that said Meeting was open to the public and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

SIGNED AND SEALED the 26th day of August, 2013.

(SEAL)

City Secretary

City of McAllen, Texas

Capacity Analysis for \$45,000,000 Tax Supported General Obligation Bond Election

As of August 1, 2013 - 4.80% Interest Rate

FYE 9/30	Taxable Assessed Valuation ⁽¹⁾	Est. AV Growth ⁽²⁾	4.80% Interest Rate \$45,000,000 - Series 2014			Total Tax- Supported Debt Service Series 2014	Est. I&S Tax Rate ⁽⁴⁾
			General Obligation Bonds, Series 2014 ⁽³⁾				
			Principal	Interest	Total		
2013	\$ 7,038,672,572						
2014	7,257,849,115	3.11%	\$ -	\$ 1,260,000	\$ 1,260,000	\$ 1,260,000	0.01847
2015	7,257,849,115	0.00%	1,485,000	2,124,360	3,609,360	3,609,360	0.05290
2016	7,257,849,115	0.00%	1,560,000	2,051,280	3,611,280	3,611,280	0.05293
2017	7,257,849,115	0.00%	1,635,000	1,974,600	3,609,600	3,609,600	0.05291
2018	7,257,849,115	0.00%	1,715,000	1,894,200	3,609,200	3,609,200	0.05290
2019	7,257,849,115	0.00%	1,800,000	1,809,840	3,609,840	3,609,840	0.05291
2020	7,257,849,115	0.00%	1,890,000	1,721,280	3,611,280	3,611,280	0.05293
2021	7,257,849,115	0.00%	1,980,000	1,628,400	3,608,400	3,608,400	0.05289
2022	7,257,849,115	0.00%	2,080,000	1,530,960	3,610,960	3,610,960	0.05293
2023	7,257,849,115	0.00%	2,180,000	1,428,720	3,608,720	3,608,720	0.05290
2024	7,257,849,115	0.00%	2,290,000	1,321,440	3,611,440	3,611,440	0.05294
2025	7,257,849,115	0.00%	2,400,000	1,208,880	3,608,880	3,608,880	0.05290
2026	7,257,849,115	0.00%	2,520,000	1,090,800	3,610,800	3,610,800	0.05293
2027	7,257,849,115	0.00%	2,645,000	966,840	3,611,840	3,611,840	0.05294
2028	7,257,849,115	0.00%	2,775,000	836,760	3,611,760	3,611,760	0.05294
2029	7,257,849,115	0.00%	2,910,000	700,320	3,610,320	3,610,320	0.05292
2030	7,257,849,115	0.00%	3,050,000	557,280	3,607,280	3,607,280	0.05287
2031	7,257,849,115	0.00%	3,200,000	407,280	3,607,280	3,607,280	0.05287
2032	7,257,849,115	0.00%	3,360,000	249,840	3,609,840	3,609,840	0.05291
2033	7,257,849,115	0.00%	3,525,000	84,600	3,609,600	3,609,600	0.05291
			<u>\$ 45,000,000</u>	<u>\$ 24,847,680</u>	<u>\$ 69,847,680</u>	<u>\$ 69,847,680</u>	
Estimated Net Project Fund Proceeds				\$ 44,550,000	Maximum I&S Tax Rate		\$ 0.05294

(1) FY 2013 and preliminary 2014 freeze adjusted assessed valuation provided by the Hidalgo County Appraisal District.

(2) Estimated assessed valuation growth provided by the City.

(3) Assumes interest rate of 4.80% (market + 75 bps) as of August 1, 2013. January 15, 2014 dated and delivery date with first interest payment in August 15, 2014 and first principal payment February 15, 2015.

(4) Est. tax collections rate: 94.00%

City of McAllen, Texas

Capacity Analysis for \$45,000,000 Tax Supported General Obligation Bond Election

As of August 1, 2013 - 5.55% Interest Rate

FYE 9/30	Taxable Assessed Valuation ⁽¹⁾	Est. AV Growth ⁽²⁾	5.55% Interest Rate \$45,000,000 - Series 2014			Total Tax- Supported Debt Service Series 2014	Est. I&S Tax Rate ⁽⁴⁾
			General Obligation Bonds, Series 2014 ⁽³⁾				
			Principal	Interest	Total		
2013	\$ 7,038,672.572						
2014	7,257,849,115	3.11%	\$ -	\$ 1,456,875	\$ 1,456,875	\$ 1,456,875	0.02135
2015	7,257,849,115	0.00%	1,375,000	2,459,344	3,834,344	3,834,344	0.05620
2016	7,257,849,115	0.00%	1,450,000	2,380,950	3,830,950	3,830,950	0.05615
2017	7,257,849,115	0.00%	1,535,000	2,298,116	3,833,116	3,833,116	0.05618
2018	7,257,849,115	0.00%	1,620,000	2,210,565	3,830,565	3,830,565	0.05615
2019	7,257,849,115	0.00%	1,715,000	2,118,019	3,833,019	3,833,019	0.05618
2020	7,257,849,115	0.00%	1,810,000	2,020,200	3,830,200	3,830,200	0.05614
2021	7,257,849,115	0.00%	1,915,000	1,916,831	3,831,831	3,831,831	0.05617
2022	7,257,849,115	0.00%	2,025,000	1,807,496	3,832,496	3,832,496	0.05618
2023	7,257,849,115	0.00%	2,140,000	1,691,918	3,831,918	3,831,918	0.05617
2024	7,257,849,115	0.00%	2,265,000	1,569,679	3,834,679	3,834,679	0.05621
2025	7,257,849,115	0.00%	2,390,000	1,440,503	3,830,503	3,830,503	0.05615
2026	7,257,849,115	0.00%	2,530,000	1,303,973	3,833,973	3,833,973	0.05620
2027	7,257,849,115	0.00%	2,675,000	1,159,534	3,834,534	3,834,534	0.05621
2028	7,257,849,115	0.00%	2,825,000	1,006,909	3,831,909	3,831,909	0.05617
2029	7,257,849,115	0.00%	2,985,000	845,681	3,830,681	3,830,681	0.05615
2030	7,257,849,115	0.00%	3,155,000	675,296	3,830,296	3,830,296	0.05614
2031	7,257,849,115	0.00%	3,335,000	495,199	3,830,199	3,830,199	0.05614
2032	7,257,849,115	0.00%	3,525,000	304,834	3,829,834	3,829,834	0.05614
2033	7,257,849,115	0.00%	3,730,000	103,508	3,833,508	3,833,508	0.05619
			<u>\$ 45,000,000</u>	<u>\$ 29,265,428</u>	<u>\$ 74,265,428</u>	<u>\$ 74,265,428</u>	
Estimated Net Project Fund Proceeds				\$ 44,550,000	Maximum I&S Tax Rate	\$ 0.05621	

(1) FY 2013 and preliminary 2014 freeze adjusted assessed valuation provided by the Hidalgo County Appraisal District.

(2) Estimated assessed valuation growth provided by the City.

(3) Assumes interest rate of 5.55% (market + 150 bps) as of August 1, 2013. January 15, 2014 dated and delivery date with first interest payment in August 15, 2014 and first principal payment February 15, 2015.

(4) Est. tax collections rate: 94.00%

**CITY OF McALLEN
STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION _____ X _____
 UTILITY BOARD _____
 TOLL BRIDGE _____

AGENDA ITEM 4B
 DATE SUBMITTED 8/16/13
 MEETING DATE 8/26/13

1. **Agenda Item:** Consider and Approve budget amendment for \$217,582.00 for bridge projects.

2. **Party Making Request:** Rigo Villarreal, Superintendent of Bridges *jo for RJ*

3. **Nature of Request: (Brief Overview) Attachments:** X Yes ___ No
This is for North bound Fencing, South bound canopy, landscaping and Transit station project

4. **Policy Implication:** _____

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

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

If over budget how will it be paid for: Bridge CIP Fund Balance

6. **Alternate option/costs:** _____

7. **Routing:**

NAME/TITLE	INITIAL	DATE	CONCURRENCE
a) Mr. Jerry Dale, Director of Finance			Yes _____ No
b) _____			Yes _____ No
c) _____			Yes _____ No

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

Advisory Board: [Signature] Approved ___ Disapproved ___ None
 City Attorney: [Signature] Approved ___ Disapproved ___ None
 Manager's Recommendation: [Signature] Approved ___ Disapproved ___ None

**McAllen-Hidalgo
International Bridge**

Month	Prior Year	Current Year	Difference	Traffic %	Tolls for FY 2011 \$2.50	Tolls if remained at \$2.50 FY 2011	Compared to last year if tolls were not increased	Tolls increased to \$3.00	Compared to last year with tolls being increased .50	.25 set aside for capital improvements
June	265,267	239,420	-26,847	-10%	\$565,668	\$598,550	-\$67,118	\$718,260	\$119,710	\$59,855
July	245,446	251,041	5,595	2%	\$613,615	\$627,603	\$13,988	\$753,123	\$125,521	\$62,760
Aug.	257,112	249,966	-7,146	-3%	\$542,780	\$624,915	-\$17,865	\$749,898	\$124,983	\$62,491
Sept	244,505	233,680	-10,825	-4%	\$511,263	\$584,200	-\$27,063	\$701,040	\$116,840	\$58,420
Oct	264,998	237,955	-27,043	-10%	\$662,495	\$594,888	-\$67,608	\$713,865	\$118,978	\$59,488
Nov	250,505	235,219	-15,286	-6%	\$526,263	\$588,048	-\$38,215	\$705,657	\$117,610	\$58,804
Dec	288,770	278,098	-10,672	-4%	\$721,925	\$695,245	-\$26,680	\$834,294	\$139,049	\$69,524
Jan	248,791	242,023	-6,768	-3%	\$521,978	\$605,058	-\$16,920	\$726,069	\$121,012	\$60,506
Feb	223,051	231,095	8,044	4%	\$557,628	\$577,738	\$20,110	\$693,285	\$115,548	\$57,774
March	248,145	257,100	8,955	4%	\$520,363	\$642,750	\$22,388	\$771,300	\$128,550	\$64,275
April	243,637	245,186	1,549	1%	\$609,093	\$612,965	\$3,873	\$735,558	\$122,593	\$61,297
May	250,713	252,404	1,691	1%	\$626,783	\$631,010	\$4,228	\$757,212	\$126,202	\$63,101
June	239,420	246,041	6,621	3%	\$598,550	\$615,103	\$16,553	\$738,123	\$123,021	\$61,510
July	251,041	259,130	8,089	3%	\$527,603	\$647,825	\$20,223	\$777,390	\$129,565	\$64,783
Aug.	249,966	254,520	4,554	2%	\$524,915	\$636,300	\$11,385	\$763,560	\$127,260	\$63,630
Sept	233,680	241,435	7,755	3%	\$584,200	\$603,588	\$19,388	\$724,305	\$120,718	\$60,359
Oct	237,955	247,547	9,592	4%	\$594,888	\$618,868	\$23,980	\$742,641	\$123,774	\$61,887
Nov	235,219	244,175	8,956	4%	\$588,048	\$610,438	\$22,390	\$732,525	\$122,088	\$61,044
Dec	278,098	274,766	-3,332	-1%	\$695,245	\$686,915	-\$8,330	\$824,298	\$137,383	\$68,692
Jan	242,023	236,005	-6,018	-2%	\$605,058	\$590,013	-\$15,045	\$708,015	\$118,003	\$59,001
Feb	231,095	223,745	-7,350	-3%	\$577,738	\$559,363	-\$18,375	\$671,235	\$111,873	\$55,936
March	257,100	235,176	-21,924	-9%	\$542,750	\$587,940	-\$54,810	\$705,528	\$117,588	\$58,794
April	245,186	235,686	-9,500	-4%	\$612,965	\$589,215	-\$23,750	\$707,058	\$117,843	\$58,922
May	252,404	250,062	-2,342	-1%	\$631,010	\$625,155	-\$5,855	\$750,186	\$125,031	\$62,516
June	245,041	240,418	-5,623	-2%	\$615,103	\$601,045	-\$14,058	\$721,254	\$120,209	\$60,105
July	259,130	249,511	-9,619	-4%	\$547,825	\$623,778	-\$24,048	\$748,533	\$124,756	\$62,378
Total										\$1,597,848

Celso Const Cost	Fund Total After Payout
\$716,000.00	\$881,848.25

TX DOT Cost	Payout	Reimbursement	Pending	Fund Total W/out Pend
\$917,718.00	\$917,718.00	\$610,877.74	\$163,510.58	\$575,007.99

ORDINANCE NO. 2013-_____

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: \$165,000.00 FOR A NORTHBOUND FENCING PROJECT AND A SOUTHBOUND CANOPY WITH FENCE IMPROVEMENT PROJECT AT THE McALLEN-HIDALGO INTERNATIONAL BRIDGE.

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 26th day of August, 2013, at a regular meeting of the Board of Commissioners of the City of McAllen, Texas, at which a quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code.

SIGNED this _____ day of August, 2013.

CITY OF McALLEN, TEXAS

Jim Darling, Mayor

ATTEST:

Annette Villarreal, TRMC/CMC, CPM
City Secretary

Approved as to form:

Kevin D. Pagan, City Attorney

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

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

FUND: McAllen-Hidalgo Capital Improvement Fund

DEPARTMENT: McAllen-Hidalgo International Bridge

Fund	Dept. & Division	Activity	Element & Object	Project Code	Description	Original/Revised Budget	Debt	Credit	Revised Budget
566	8708	436	66-30		Improvement other than Building	\$ 529,571	\$ 217,582		\$ 747,153
566	0000	280	02-00		Bridge CIP	838,695		217,582	621,113
TOTALS						\$ 1,368,266	\$ 217,582	\$ 217,582	\$ 1,368,266

(Round up all amounts to the nearest hundred dollars)

JUSTIFICATION: McAllen-Hidalgo International Bridge Projects approved by the Bridge Board:

Northbound Fencing Project \$45,000, Southbound Canopy with Fence Project \$120,000, Landscaping Project \$16,877, and Transit Project \$35,705

Department Head Approval

[Signature]
Signature

8/21/13
Date

Finance Department

Signature

Date

City Manager

Signature

Date

**CITY OF McALLEN
STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION X
UTILITY BOARD _____
OTHER _____

AGENDA ITEM 4C
DATE SUBMITTED 8-22-13
MEETING DATE 8-26-13

1. Agenda Item: Ordinance

2. Party Making Request: Julianne R. Rankin and Kevin Pagan

3. Nature of Request: (Brief Overview) Contract: ___ Yes ___ No
 Proposed amendment to Section 2-76 and Section 138-41 modifying the quorum
 for Zoning Board of Adjustment and Appeals

4. Policy Implication: Zoning Ordinance

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

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

If over budget how will it be paid for: _____

6. Alternate option/costs: _____

7. Routing:

	NAME/TITLE	INITIAL	DATE	CONCURRENCE
a)	<u> Julianne R. Rankin </u> Julianne R. Rankin, Planning Director	<u> JRR </u>	<u> 8/22/2013 </u>	<u> Yes </u>
b)	<u> Kevin Pagan </u> Kevin Pagan, City Attorney	_____	_____	_____

8. Staff's Recommendation: Approval to become effective January 2014

9. Advisory Board: ___ Approved ___ Disapproved X None

10. City Attorney: KP Approved ___ Disapproved ___ None

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

Memo

TO: Mike R. Perez, City Manager

FROM: Julianne R. Rankin, Planning Director

DATE: August 22, 2013

SUBJECT: Proposed Amendment to Code of Ordinances, Section 2-76 and Section 138-41 regarding Zoning Board of Adjustment and Appeals

COMMENT

Attached is a proposed amendment to Section 2-76 Boards, Committees and Commissions, and Section 138-41 and of the Zoning Ordinance that establishes the organization of the Zoning Board of Adjustment and Appeals (ZBOA).

Section 211 of the Local Government Code requires that a board of adjustment must consist of a minimum of five members, and alternate members can be appointed to serve in the absence of the regular member.

City Ordinance 2001-92 changed the ZBOA membership from five members and two alternates to seven members and two alternates and set forth the method of appointment. Ordinance 2011-71 increased the alternate members from two to four and provided for first consideration of alternate members to fill a regular member vacancy in order of seniority as an alternate.

Quorum issues have arisen resulting in meetings being cancelled thereby impacting loss of time and quality of service to applicants and citizens. The proposed ordinance amends the number of regular members from seven to five and establishes the quorum and number of members to hear and decide a case to be four members, with alternates remaining at four.

Attached are the proposed ordinance, LGC Section 211.008, Board Roster and Attendance Record.

OPTIONS:

1. Approve the amendment as proposed.
2. Table the item for further study.
3. Disapprove the amendment.

RECOMMENDATION:

Staff recommends approval of the amendment as proposed to become effective in January 2014 based on member terms will have expired without eligibility for reappointment and new appointments will be needed.

Attachments

LOCAL GOVERNMENT CODE
TITLE 7. REGULATION OF LAND USE, STRUCTURES, BUSINESSES,
AND RELATED ACTIVITIES
SUBTITLE A. MUNICIPAL REGULATORY AUTHORITY
CHAPTER 211. MUNICIPAL ZONING AUTHORITY
SUBCHAPTER A. GENERAL ZONING REGULATIONS

Sec. 211.008. BOARD OF ADJUSTMENT. (a) The governing body of a municipality may provide for the appointment of a board of adjustment. In the regulations adopted under this subchapter, the governing body may authorize the board of adjustment, in appropriate cases and subject to appropriate conditions and safeguards, to make special exceptions to the terms of the zoning ordinance that are consistent with the general purpose and intent of the ordinance and in accordance with any applicable rules contained in the ordinance.

(b) A board of adjustment must consist of at least five members to be appointed for terms of two years. The governing body must provide the procedure for appointment. The governing body may authorize each member of the governing body, including the mayor, to appoint one member to the board. The appointing authority may remove a board member for cause, as found by the appointing authority, on a written charge after a public hearing. A vacancy on the board shall be filled for the unexpired term.

(c) The governing body, by charter or ordinance, may provide for the appointment of alternate board members to serve in the absence of one or more regular members when requested to do so by the mayor or city manager. An alternate member serves for the same period as a regular member and is subject to removal in the same manner as a regular member. A vacancy among the alternate members is filled in the same manner as a vacancy among the regular members.

(d) Each case before the board of adjustment must be heard by at least 75 percent of the members.

ORDINANCE NO. 2013- _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCALLEN AT CHAPTER 2 (“ADMINISTRATION”), ARTICLE III (“BOARDS, COMMITTEES AND COMMISSIONS”), DIVISION I (“GENERALLY”), SECTION 2-76 (“PURPOSE AND APPLICABILITY”), TO PROVIDE THAT THE ZONING BOARD OF ADJUSTMENT AND APPEALS SHALL CONSIST OF FIVE (5) REGULAR AND FOUR (4) ALTERNATE MEMBERS; ALSO AMENDING CHAPTER 138 (“ZONING”), ARTICLE II (“ADMINISTRATION”), DIVISION II (“BOARD OF ADJUSTMENT”), SECTION 138-41 (“ORGANIZATION”), TO SIMILARLY PROVIDE THAT THE ZONING BOARD OF ADJUSTMENT AND APPEALS SHALL CONSIST OF FIVE (5) REGULAR AND FOUR (4) ALTERNATE MEMBERS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR PUBLICATION; PROVIDING FOR SEVERABILITY, AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

WHEREAS, Sec. 2-76 of the Code of Ordinances of the City of McAllen provides that the Zoning Board of Adjustment and Appeals ("ZBOA") consists of seven (7) regular members and two (2) alternates; and

WHEREAS, Sec. 138-41 of the Code of Ordinances of the City of McAllen provides that the Zoning Board of Adjustment and Appeals ("ZBOA") consists of seven (7) regular members and four (4) alternates, and that the required quorum is six (6) of its seven (7) members; and

WHEREAS, the Board of Commissioners finds that the functions and duties of the ZBOA would be improved by a reduction in the number of regular members to five (5),

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

SECTION I: Section 2-76 of the Code of Ordinances, City of McAllen, Texas, is amended in part, and said section shall read as follows:

Sec. 2-76. Purpose and applicability.

The ordinances creating and establishing various appointive advisory boards and commissions of the city are hereby amended in order to establish uniform standards as to terms of the members thereof, length of service, length and duration of such terms, attendance requirements, and appointment procedures, on the following boards, committees and commissions; and the number of members of the board for such boards, committees and commissions is hereby designated in parenthesis adjacent to listing of such board, committee or commission:

Airport advisory board. (14)

Ambulance evaluation committee. (14)

Building board of adjustment and appeals. (7)

Civic center advisory board. (14)

Community development council. (14)

Revolving loan administration board. (7)

Golf course advisory board. (7)

Historical preservation committee. (7)

Police human relations board. (7)

Library advisory board. (14)

Mayor's youth advisory council. (21)

McAllen new markets fund advisory board. (5)

PalmFest advisory board. (7)

Parks and recreation advisory board. (14)

Planning and zoning commission. (7)

Senior citizens advisory committee. (14)

Traffic safety commission. (14)

Zoning board of ~~adjustments~~ **adjustment** and appeals. (~~7~~ **5** regular and ~~2~~ **4** alternates)

SECTION II: Section 138-41 of the Code of Ordinances of the City of McAllen is hereby amended in part, and said section shall read as follows:

Sec. 138-41. Organization.

(a) A board of adjustment is hereby created in accordance with the provisions of V.T.C.A., Local Government Code § 211.008. It shall consist of ~~seven~~ **five (5)** regular members and four **(4)** alternates whose method of appointment, terms, qualifications, attendance requirements, and governance shall conform to the applicable provisions of Chapter 2, Article III, Division 1 of this Code. The alternate members shall serve in the absence of one or more regular members so that all cases to be heard by the board of adjustment will be heard by a minimum of ~~six~~ **four (4)** members. Vacancies shall be filled for the unexpired term of any member by appointment by the board of commissioners, provided that in the event of a regular member vacancy first consideration is given to the existing alternate members in the order of their seniority in that position.

(b) A quorum shall consist of ~~six~~ **four (4)** members of the board of adjustment.

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

SECTION IV: The City Secretary of the City of McAllen is hereby authorized and directed to cause the language in the Section 54-121 of the McAllen Code of Ordinances, as amended by Section II, hereinabove, to be published in the appropriate location in the said Code of Ordinances.

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

effective as of January 1, 2014.

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

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

SIGNED this ____ day _____, 2013.

CITY OF McALLEN

By: _____

James E. Darling, Mayor

Attest:

Annette Villarreal, TRMC, City Secretary

Approved as to form:

Ignacio Pérez, Deputy City Attorney

CITY OF MCALLEN
STANDARD RECOMMENDATION FORM

CITY COMMISSION	<u> X </u>	AGENDA ITEM	<u> 5 </u>
UTILITY BOARD	<u> </u>	DATE SUBMITTED	<u> 08/19/2013 </u>
PLANNING & ZONING COMMISSION	<u> </u>	MEETING DATE	<u> 08/26/2013 </u>
OTHER	<u> </u>		

1. Agenda Item: Resolution Authorizing the Submission of a Passenger Facility Charge (PFC) application for the McAllen International Airport.

2. Party Making Request: DEPARTMENT OF AVIATION FKB

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

This Resolution will empower Airport staff to prepare the new application for submission to the FAA. The new application will be requested at the \$4.50 level and will include Airport Improvement Projects which the Airport will undertake in the next three years.

4. Policy Implication:

5. Budgeted: YES NO X N/A

FUND:	<u> </u>	Budgeted Amount:	<u> </u>
Bid Amount:	<u> </u>	Over Budget:	<u> 0 </u>
Under Budget:	<u> 0 </u>	Amount Remaining:	<u> </u>

If over budget, how will it be paid: N / A

6. Alternate option/costs:

7. Routing:

<u> NAME/TITLE </u>	<u> INITIAL </u>	<u> DATE </u>	<u> CONCURRENCE </u>
Brent Branham, Deputy City Manager	<u> </u>	<u> 8/19/2013 </u>	<u> </u>

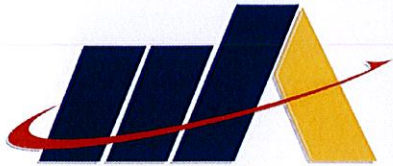
8. Staff Recommendation: Approve

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: August 19, 2013

Subject: Agenda Item – Passenger Facility Charge Application #6

On the City Commission agenda for August 26 is a resolution approving Passenger Facility Charge (PFC) Application #6 for McAllen Miller International Airport.

Staff proposes twelve projects for PFC Application #6 funding totaling \$1,509,494. With the exception of a pay as you go project to develop a Safety Management System as required by the Federal Aviation Administration (FAA) in the amount of \$25,000, the remaining projects are funded with a combination of federal Airport Improvement Program (AIP) grants at 90% and PFC funds at 10%.

Attached is a synopsis of the proposed projects. Each project is identified on the airport's five year capital improvement program submitted annually to the FAA. To be eligible for PFC approval, projects must be initiated within two years of approval by the FAA.

Federal regulations require that PFC applications include a resolution from the governing body authorizing the applications. The PFC approval process requires a public notice of intent to apply, consultation with the airlines serving the airport, and FAA review of the application. The approval process takes approximately 180 days. The sooner the airport receives approval to impose and collect the PFC, the greater the revenue available to fund airport projects. Upon receiving City Commission approval, staff will initiate the airline consultation process.

Staff recommends approval.

DRAFT – PFC Application 6

Runway Safety Area Improvements – Environmental and Obstruction Analysis Study – This is a Categorical Exclusion study and a hydrology analysis of the areas to be affected by the installation of EMAS and relocation of the perimeter road and fence as well as regrading the berm on the southeast side of the airport. The cost of this project is \$433,939 funded 90% by Fiscal Year 2012 Airport Improvement Program (AIP 43) funds, \$390,546, and 10% Passenger Facility Charges, \$43,394. This project started in March, 2012 and will be complete in August 2013.

Runway Safety Area Improvements Phase 1 – This project consists of Design and Construction of improvements to the runway safety areas of RW 13/31. Specifically, this project will include installation of Engineered Materials Arresting System (EMAS) on the approach ends of Runways 13 and 31, the regrading of the berm and associated areas to the south of Runway 31, the relocation of associated navigational lighting, and Runway 31 Instrument Landing System (ILS) antenna array. This will allow McAllen International Airport (MFE) to be in compliance with the required 1,000 foot obstacle free areas and runway safety areas. The Engineered Materials Arresting System (EMAS) must be completed by the deadline established by the Federal Aviation Administration (FAA). The total estimated project cost is \$9,500,000, of this amount, the City of McAllen anticipates 90% of this project, \$8,550,000 to be funded with Airport Improvement Projects (AIP) FY 2013 and FY 2014 entitlement and discretionary funds. The Passenger Facility Charge (PFC) is anticipated to fund the 10% local match of \$950,000. This project started with the Environmental study in May, 2012 and will be complete no later than December 2015 with design beginning in September 2013 and construction beginning in July 2014.

Drainage Improvements - East Terminal Ramp – This project is for the design and construction of facilities to correct the East Side Terminal Ramp drainage deficiencies which were identified in the 2011 **Drainage/Storm Water Master Plan**. Specifically, the project consists of construction of a new **54 inch storm sewer mainline crossing and Runway 13/31**, two new off line underground oil/water separators, and a new reinforced concrete box crossing under the airport perimeter road and perimeter fence. The majority of the existing piping system operates at the design capacity, however, the pipes crossing Taxiway (Twy) A and (Rwy) Runway 13/31 are operating below the design capacity. There are three (3) primary concerns with the terminal area; (1) the pipes under Twy A and Rwy 13/31 are structurally deficient, (2) the future terminal expansion plans will expand into current detention basins resulting in overloading of the existing drainage, and (3) the existing detention basin are designed to serve as oil and/or water separators for the existing terminal apron, of which a more current system is necessary. The total estimated project cost is \$1,561,000, of this amount the City of McAllen anticipates 90% of this project, \$1,405,000, to be funded with Airport Improvement Projects (AIP) entitlement funds in Fiscal Year 2014. The Passenger Facility Charge (PFC) is anticipated to fund the 10% local match of \$156,100. Design of this project is anticipated to start in September, 2014 and construction is anticipated to start in July 2015 with completion in September 2016.

Taxiway A Rehabilitation – In accordance with the Pavement Management Plan completed in 2009, this project is the scheduled rehabilitation of Taxiway A (Twy). The project will include filling of all cracks, applying an overlay to the entire twy (75 x 7120) and applying of appropriate markings. The drought and extremely dry conditions has caused an increase in the rapid rate of deterioration to the taxiway causing MFE to expedite the timeline for project. Twy A PCI varies from 53% - 80% as measured in the 2009 pavement management study AIP funds. The total estimated project cost is \$525,000.00; of this amount, the City of McAllen anticipates 90% of this project \$472,500.00, to be funded with FY 2014 entitlement funds. PFC's are anticipated to fund the 10% local match of \$52,500. MFE anticipates the construction to start June 2015.

Runway 13/31 Shoulder – This project is to correct the cracking and spalling along the shoulders of Runway 13/31 that have been caused by the drought conditions. This project will include filling of all cracks, applying an overlay to the entire shoulders on both sides of the runway and applying of appropriate markings. The total estimated project cost is \$200,000., of this amount, the City of McAllen anticipates 90% of this project, \$180,000., to be funded with AIP FY 2014 funds. The Passenger Facility Charge (PFC) is anticipated to fund the 10% local match of \$20,000. MFE anticipates the construction to start June 2015 and is anticipated to be completed September 2016.

Runway 13/31 Rejuvenation – This project includes design and construction of the scheduled rejuvenation of Runway 13/31, in accordance with the 2009 Pavement Management Plan four to five years. Asphalt Rejuvenation and seal coating are designed to replace the oils that are lost during the asphalt aging. The drought and extremely dry conditions of the Rio Grande Valley have added to the more rapid rate of deterioration to the runway and the timeline for projected maintenance has been expedited as of 2009 PCI ranges from 49% to 93%. The total estimated project cost is \$650,000, of this amount, the City of McAllen anticipates 90% of this project \$585,000.00 be funded with AIP funds. The PFCs are anticipated to fund the local match of 10% of \$65,000. The anticipated construction start will be in June 2016 and is anticipated to be completed September 2017.

PFC Application and Administration Fees- This project includes PFC-eligible general formation costs necessary to prepare the PFC application, develop and implement the capital plan and related financial plan, and the determination of the required PFC amount. Estimated total project cost \$45,000, this will be paid 100% out of PFC. This project started in November 2012 and should be complete by June 2014.

Wildlife Hazard Management Plan-Phase II – MFE has been required by the FAA to prepare a Wildlife Hazard Management Plan (WHMP) in accordance with a Wildlife Hazard Assessment (a yearlong study conducted in 2011, in and around the MFE airport). The WHMP will detail how the airport is to take required actions concerning keeping threats to aircraft from wildlife hazards (birds, rabbits, coyotes, and other wildlife). The total estimated project cost is \$50,000, of this amount the City of McAllen anticipates 90% of this project \$45,000 to be funded with AIP funds. The PFCs is anticipated to fund the local match of 10%, \$5,000. The project planning is anticipated to start October 2015 and completed September 2016.

Safety Management System – This project includes the development of a Safety Management System (SMS). This SMS program will address all safety concerns that are inherent with airport operations. The total estimated project cost is \$25,000 to be funded by the Passenger Facility Charge (PFC) at 100%. The project planning is anticipated to start on January 2015 and be complete by September, 2017.

Master Plan Update – This PFC project consists of preparation of a comprehensive update to the McAllen International Airport's current Master Plan. The current Master Plan was prepared approximately 8 years ago and has become outdated. The new Master Plan will show all existing and planned development on an updated ALP to better illustrate proposed improvements at the Airport. New forecasts of aviation demand, evaluation of alternatives, and a long term capital improvement plan will be prepared to meet the Airport's twenty-year aeronautical needs. The Master Plan will present the research and logic from which the plan evolved and displays the plan in graphic and written report. The study will be conducted in accordance with the FAA's Advisory Circular related to Master Plans. The Master Plan will provide the Airport with guidelines for future development which will satisfy the projected aviation demand in a financially feasible manner, while at the same time, addressing aviation, environmental, and socioeconomic issues that may exist in the community. Development resulting from this study will enhance capacity, security, and safety at the airport. This new update is necessary to take into account current enplanement/deplanement data, terminal expansion and the runway safety area work that is scheduled to be complete in 2017. The total project is \$750,000. Of this amount, the City of McAllen anticipates 90% of this project \$675,000, to be funded with AIP funds. PFCs are anticipated to fund the local match of \$75,000. Project start anticipated for October 2015 and anticipated to be completed September of 2017.

Environment Assessment and ALP Update Study - This project will be to conduct an environmental assessment (EA) for the purpose of land acquisition to support necessary growth for additional airport development. With a land area of 473 usable acres, MFE has very little capacity for aviation-related or non-aviation-related industrial or commercial development. As discussed in the MFE 2005 Master Plan, land for airport expansion is a major critical need identified with the most glaring deficiencies impeding airport improvements. In addition to the environmental assessment, will be the updating of the

Airport Layout Plan (ALP) depicting the areas to be included into the current ALP document. The total estimated project cost is \$45,000, to be funded by the Passenger Facility Charge (PFC) at 100%. Project start anticipated for October 2015 and anticipated to be completed September of 2017.

North West Ramp Environmental Study – An environmental study must be completed prior to the preparation of the ramp expansion Current operations that are conducted on the North Ramp are at capacity. Further development / expansion is necessary to incorporate heavier and large aircraft to meet anticipated future demand and FAR Part 77 height restrictions. The total project cost is \$275,000, of this amount, the City of McAllen anticipates 90% of this project \$247,500 to be funded with AIP funds. The PFC's is anticipated to fund the 10% local match of \$27,500. It is anticipated the study will begin in June 2016 and is anticipated to be completed June 2017.

**City of McAllen, Texas
Passenger Facility Charge
Fund Balance Summary**

	Actual 11-12	Budget 12-13	Adjusted Budget 12-13	Estimated 12-13	Baseline + CM Recomm 13-14	Dept Request 13-14	City Mgr Recomm 13-14	City Comm Proposed recom 13-14	FISCAL YEAR 14-15	FISCAL YEAR 15-16	FISCAL YEAR 16-17	FISCAL YEAR 17-18
RESOURCES												
BEGINNING FUND BALANCE	\$ 5,031,142	\$ 5,641,146	\$ 5,641,146	\$ 4,406,864	\$ 4,267,271	\$ 4,267,271	\$ 4,267,271	\$ 4,267,271	\$ 3,872,547	\$ 4,020,448	\$ 4,654,199	\$ 5,425,450
Revenues:												
Passenger Facility Charge	1,343,155	1,575,000	1,575,000	1,533,000	1,533,000	1,533,000	1,533,000	1,533,000	1,533,000	1,533,000	1,533,000	1,533,000
Grant Reimbursement - TXDoT	-	-	-	-	-	-	-	-	-	-	-	-
Interest Earned	21,835	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000
Total Revenues	1,364,990	1,590,000	1,590,000	1,548,000	1,548,000	1,548,000	1,548,000	1,548,000	1,548,000	1,548,000	1,548,000	1,548,000
Total Revenues and Transfers	1,364,990	1,590,000	1,590,000	1,548,000	1,548,000	1,548,000	1,548,000	1,548,000	1,548,000	1,548,000	1,548,000	1,548,000
TOTAL RESOURCES	\$ 6,396,132	\$ 7,231,146	\$ 7,231,146	\$ 5,954,864	\$ 5,815,271	\$ 5,815,271	\$ 5,815,271	\$ 5,815,271	\$ 5,420,547	\$ 5,568,448	\$ 6,202,199	\$ 6,973,450
APPROPRIATIONS												
Capital Outlay:												
Access Control System	970,683	1,190,398	1,190,398	900,000	-	-	-	-	-	-	-	-
Baggage System Design and Installation	-	-	-	-	150,000	150,000	150,000	150,000	-	-	-	-
SUPPS	144,324	969,000	969,000	-	-	-	-	-	-	-	-	-
PFC Application Design & Application Fee	-	-	-	-	45,000	45,000	45,000	45,000	-	-	-	-
Terminal Area Apron	-	-	-	-	100,000	100,000	100,000	100,000	-	-	-	-
Terminal Ramp Improvements	-	-	-	-	219,000	219,000	219,000	219,000	-	-	-	-
RSA Improvements E&O				43,394								
RSA Improvements Phase 1						502,750	502,750	502,750	447,250			
Drainage Impr. E. Terminal Ramp									156,100			
Taxiway A. Rehabilitation									52,500			
Runway 13/31 Shoulder									20,000			
Runway 13/31 Rejuvenation										65,000		
Wildlife Hazard Mgmt. Plan Phase II										5,000		
Safety Management System											25,000	
Master Plan Update										75,000		
EA & ALP Study										45,000		
NW Ramp Environmental Study											27,500	
Operating Transfer Outs												
Airport Debt Service Fund	867,987	726,699	726,699	726,699	724,249	724,249	724,249	724,249	724,249	724,249	724,249	724,249
Airport CIP Fund	6,274	211,089	211,089	17,500	-	201,725	201,725	201,725	-	-	-	-
Airport Bond Construction Fund	-	-	-	-	-	-	-	-	-	-	-	-
	874,261	937,788	937,788	744,199	724,249	925,974	925,974	925,974	724,249	724,249	724,249	724,249
TOTAL APPROPRIATIONS	1,989,268	3,097,186	3,097,186	1,687,593	1,238,249	1,942,724	1,942,724	1,942,724	1,400,099	914,249	776,749	724,249
ENDING FUND BALANCE	\$ 4,406,864	\$ 4,133,960	\$ 4,133,960	\$ 4,267,271	\$ 4,577,022	\$ 3,872,547	\$ 3,872,547	\$ 3,872,547	\$ 4,020,448	\$ 4,654,199	\$ 5,425,450	\$ 6,249,201

RESOLUTION NO. 2013 - _____

A RESOLUTION AUTHORIZING THE SUBMISSION OF A PASSENGER FACILITY CHARGE APPLICATION FOR THE MCALLEN MILLER INTERNATIONAL AIRPORT

WHEREAS, the City of McAllen, Texas operates, maintains and develops the Airport with federal grants, passenger facility charges and user fees; and

WHEREAS, a Passenger Facility Charge (PFC) is a user fee authorized by Federal Law and imposed only on eligible enplaned passengers utilizing the Airport; and

WHEREAS, the City of McAllen has in the past used PFCs to fund capital projects; and

WHEREAS, the funds generated by adopting and collecting a PFC are needed to accomplish projects designed to enhance capacity, safety and development of the Airport, and are needed to fund the Airport's terminal area improvements;

NOW, THEREFORE , BE IT RESOLVED by the City of McAllen, Texas that the City Manager is authorized to submit an application and file the necessary documents with the Federal Aviation Administration (FAA), authorizing the continuation of the imposition of a PFC at McAllen-Miller International Airport, and the expenditure of revenues from the PFC at the Airport, in accordance with the approved current capital project budgets, and the assurances and understandings contained in the applications.

ADOPTED THIS _____ day of August 26, 2013.

ATTEST:

CITY OF McALLEN:

Annette Villarreal, City Secretary

James E. Darling, Mayor

Approved as to form:

Kevin D. Pagan, City Attorney

**CITY OF McALLEN
STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION X
UTILITY BOARD _____
OTHER _____

AGENDA ITEM 6
DATE SUBMITTED 08/19/13
MEETING DATE 08/26/13

1. **Agenda Item:** Variance Request – Harry’s Hill Subdivision

2. **Party Making Request:** G. Twan Tjoa

3. **Nature of Request: (Brief Overview) Attachments:** X Yes No
Variance to Right-of-Way Dedication; 1901 Dove Avenue

4. **Policy Implication:** Section 134-105(h) of the Subdivision Ordinance

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

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

If over budget how will it be paid for: _____

6. **Alternate option/costs:** _____

7. **Routing:**

NAME/TITLE	INITIAL	DATE	CONCURRENCE
a) <u>Julianne R. Rankin,</u> <u>Planning Director</u>	<u>JRR</u>	<u>8/19/2013</u>	<u>Yes</u>
b) _____	_____	_____	_____

8. **Staff's Recommendation:** Approval of a 10 ft. ROW dedication for 120 ft. ROW along Dove Avenue.

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

At the Planning and Zoning Commission meeting on August 6, 2013, the Board voted unanimously to recommend approval of the variance allowing for a 10 ft. ROW dedication for 120 ft. of ROW along Dove Avenue in lieu of the 150 ft. ROW as indicated in the Thoroughfare Plan. There were four members present and voting.

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

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

Memo

TO: Mike R. Perez, City Manager

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

DATE: August 19, 2013

SUBJECT: HARRY'S HILL SUBDIVISION – VARIANCE TO RIGHT-OF-WAY DEDICATION; 1901 DOVE AVENUE.

GOAL:

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

BRIEF DESCRIPTION:

Harry's Hill Subdivision is a vacant, one-lot subdivision consisting of 3.865 acres and is located at the southwest corner of N. Bicentennial Boulevard and Dove Avenue and is zoned C-2 (neighborhood commercial) District. Mr. G. Twan Tjoa, the property owner, is requesting a variance from the required right-of-way (ROW) dedication for Dove Avenue. Specifically, the variance is from Section 134-105(h) of the Subdivision Ordinance which states that the ROW for a street shown on the comprehensive plan shall be equal to or greater than that indicated on the plan for streets. The City's Thoroughfare Plan calls for a 150 ft. ROW along Dove Avenue.

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

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

Northpark Estates, Lot A-1 Subdivision, located on the north side of Dove Avenue, east of N. Bicentennial Boulevard was granted a similar by the City Commission at their meeting of August 12, 2013.

The property owner is proposing to dedicate an additional 10 ft. ROW for a future 120 ft. of ROW to match the existing ROW along Dove Avenue in lieu of the 25 ft. ROW dedication required for a future 150 ft. ROW.

OPTIONS:

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

RECOMMENDATION:

The Planning and Zoning Commission considered the variance request at their meeting of August 6, 2013. There was a brief discussion regarding the proposed subdivision and existing ROW along Dove Avenue. Following discussion of the item, the board voted unanimously to approve the subdivision in revised preliminary form with a favorable recommendation to the City Commission for approval of the variance request subject to a 10 ft. ROW dedication for 120 ft. of ROW along Dove Avenue in lieu of the 150 ft. ROW as indicated in the Thoroughfare Plan. The project engineer, Mr. Art Salinas, P.E. was present at the Planning and Zoning Commission meeting. There were four members present and voting.

July 3, 2013

The City of McAllen Planning Department
Attn: Ms. Kimberly Guajardo, Planner III
1300 Houston Ave., McAllen, Texas 78501
Ph: (956) 681-1250

RE: VARIANCE REQUEST from the "Thoroughfare Plan"
"Harry's Hill Subdivision"

Dear Ms. Guajardo,

My name is G. Twan Tjoa and I am the owner of proposed "HARRY'S HILL SUBDIVISION" which is known as "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 map recorded in Volume 21, Page 599, Deed Records of Hidalgo County, Texas". My property lies on the South side of Dove Avenue and in between N. 21st Street and Bicentennial Blvd.

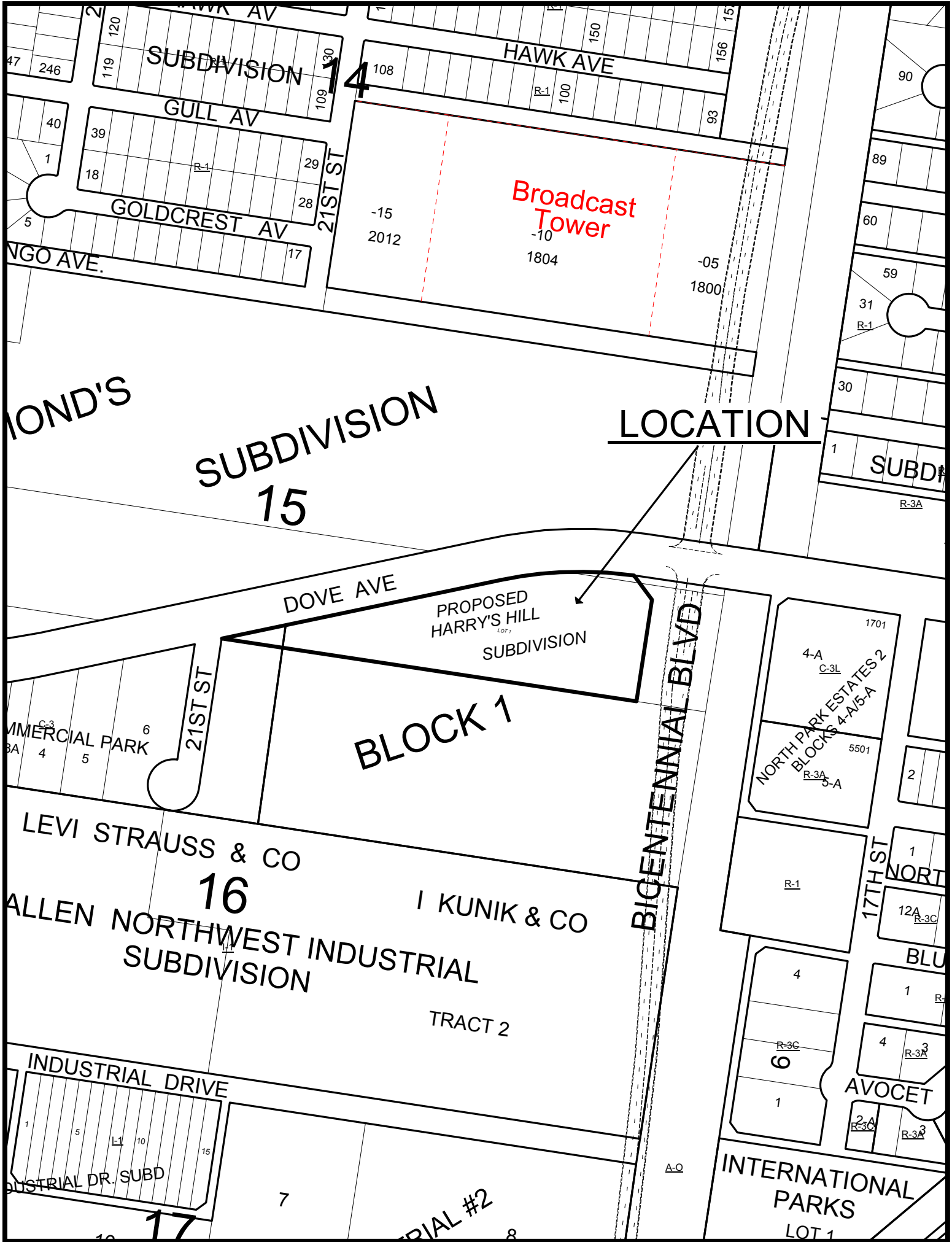
I would like to request a "VARIANCE" to the Thoroughfare Plan that calls for a total right of way width of 150' for Dove Avenue. I am asking that the City of McAllen reduce this width requirement to 120' instead, as previously approved during my prior development of the "CVS Pharmacy" located across the street from proposed "Harry's Hill Subdivision". As you know, Dove Avenue is almost fully developed between Ware Road and McColl Road and it seems unlikely that Dove Avenue will ever become a 150' right of way throughout.

Please consider my request for "Revised Preliminary" approval from the appropriate City Boards and thank you for your assistance in this matter.

Sincerely,



G. Twan Tjoa



SUBDIVISION

HAWK AVE

GULL AV

GOLDCREST AV

21ST ST

INGO AVE.

MOND'S
SUBDIVISION
15

LOCATION

DOVE AVE

PROPOSED
HARRY'S HILL
SUBDIVISION

BLOCK 1

BICENTENNIAL BLVD

COMMERCIAL PARK

21ST ST

LEVI STRAUSS & CO
16

I KUNIK & CO

ALLEN NORTHWEST INDUSTRIAL
SUBDIVISION

TRACT 2

INDUSTRIAL DRIVE

INDUSTRIAL DR. SUBD

17

INDUSTRIAL #2

4-A
C-3L
NORTH PARK ESTATES 2
BLOCKS 4-A/5-A

R-1

4
R-3C
6
1

AVOCET

INTERNATIONAL
PARKS
LOT 1

Broadcast
Tower

-15
2012

-10
1804

-05
1800

89

60

59

31

R-1

30

1

SUBD

R-3A

1701

4-A

C-3L

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

5501

R-3A

5-A

2

1

NORT

12A

R-3C

BLU

1

R-

4

R-3R

2

R-3A

R-3A

A-O



LOT 15, BLOCK 1,
C.E. HAMMONDS SUBDIVISION

OWNERS: G. TRAM TADA & HOO L. TADA
RECORDED: DOC. # 1110615, H.C.O.R.

DOVE AVENUE
(100' R.O.W. - VOL. 1745, PG. 279 & 278, H.C.M.R.)

LOT 1
(156,227.347)
(CLASS AC)

LOT 16, BLOCK 1,
C.E. HAMMONDS SUBDIVISION

OWNERS: PRIMAHOSE DEVELOPMENT CO. INC.
RECORDED: VOL. 1588, PG. 600, H.C.O.R.

N. BICENTENNIAL BLVD.
(VARIABLE R.O.W. - DOC. #2010942, H.C.O.R.)

150' H.C.W.C. & I.D. NO. 1 R.O.W.

DOVE COMMERCIAL PARK

N. 21st. STREET
(60' R.O.W. - VOL. 32, PG. 76B, H.C.M.R.)

$N78^{\circ}13'52''E$

$N81^{\circ}18'04''W$

664.99'

950.25'

978.85'

$SB^{\circ}45'55''W$

ARC=312.99'
RAD.=304.63'
CH.=311.43'
 $\Delta=19^{\circ}49'02''$

$S33^{\circ}20'09''E$
533.00'0.61'

LOT 15, BLOCK 1
LOT 16, BLOCK 1
160.58'
 $N81^{\circ}18'04''W$

HARRY'S HILL SUBD.

McALLEN, TEXAS

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.

RECEIVED

AUG 01 2013

initials *WJ*



LOCATION

SUBDIVISION 4
HAWK AVE
GULL AV
GOLDCREST AV
21ST ST

Broadcast Tower

IOND'S
SUBDIVISION 15

DOVE AVE
PROPOSED HARRY'S HILL SUBDIVISION

COMMERCIAL PARK
21ST ST

LEVI STRAUSS & CO
SUBDIVISION 16
ALLEN NORTHWEST INDUSTRIAL SUBDIVISION

INDUSTRIAL DRIVE
INDUSTRIAL DR. SUBD
SUBDIVISION 17
KUNIK & CO
TRACT 2
INDUSTRIAL #2

BICENTENNIAL BLVD
NORTH PARK ESTATES 2
BLOCKS 1 & 2
17TH ST
NORTH
12A
BLU
1
4
3
6
1
2A
3
INTERNATIONAL PARKS
LOT 1

STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION

✓

AGENDA ITEM

7A

UTILITY BOARD

DATE SUBMITTED

8/19/2013

PLANNING & ZONING BOARD

MEETING DATE

8/26/2013

OTHER

1 Agenda Item: City Manager's

Discussion of 2013 McAllen Proposed Tax Rate; Take Record Vote; and Schedule Public Hearings.

2 Party Making Request:

Martha Guel, Tax Assessor Collector

3 Nature of Request: (Brief Overview) Attachments:

✓ Yes

Discussion of 2013 McAllen Proposed Tax Rate; Take Record Vote; and Schedule Public Hearings.

4 Policy Implication: _____

5 Budgeted:

 Yes

 No

 N/A

Bid Amount: _____

Under Budget: _____

Budgeted Amount: _____

Over Budget: _____

Amount Remaining: _____

6 Alternate option costs: _____

7 Routing:

NAME/TITLE

INITIALS

DATE

a) Martha Guel Tax Assessor

mg

08/19/13

b) _____

8 Staff Recommendation:

To follow the truth and taxation provisions as specified in sec 21

Chapter 26 Property Tax Code.

10 City Attorney:

 Approved

 Disapproved

KP

None

11 Manager's Recommendation:

MRP Approved

 Disapproved

 None

CITY OF MCALLEN TAX OFFICE

TO: MAYOR JIM DARLING AND CITY COMMISSION
THROUGH; MIKE R. PEREZ, CITY MANAGER
FROM: MARTHA GUEL, TAX ASSESSOR *mg*
DATE: AUGUST 19, 2013
SUBJECT: DISCUSSION ON 2013 TAX RATE

Due to the proposed rate of .4313 for tax year 2013, the City of McAllen must comply once more with the truth and taxation laws.

The action the City Commission must take at this meeting is to discuss the proposed rate, take record vote on the proposed rate, and schedule the next two hearings. The first public hearing has been set for September 9, 2013 at 5:00 PM and the second hearing will be held on September 18, 2013 at 5:00 PM. The time on the second hearing can be changed if you choose to change it since this is not a regular scheduled City Commission Meeting.

I am attaching copies of both Public Hearing Notices that will be published in the Monitor. The notices will also be posted electronically on our website and channel 12. I am also attaching additional information on property values that may be of interest to you.

Please let me know if you have any questions or need additional information.

mguel

Notice of Public Hearing on Tax Increase

The City of McAllen will hold two public hearings on a proposal to increase total tax revenues from properties on the tax roll in the preceding tax year by 1.99 percent (percentage by which proposed tax rate exceeds lower of rollback tax rate or effective tax calculated under Chapter 26, Tax Code). Your individual taxes may increase at a greater or lesser rate, or even decrease, depending on the change in the taxable value of your property in relation to the change in taxable value of all other property and the tax rate that is adopted.

The first public hearing will be held on September 9, 2013 at 5:00 PM at McAllen City Hall 3rd Floor City Commission Chambers.

The second public hearing will be held on September 18, 2013 at 5:00 PM at McAllen City Hall 3rd Floor City Commission Chambers.

The members of the governing body voted on the proposal to consider the tax increase as follows:

FOR:

AGAINST:

PRESENT

and not

voting:

ABSENT:

The average taxable value of a residence homestead in City of McAllen last year was \$110,987. Based on last year's tax rate of \$0.431300 per \$100 of taxable value, the amount of taxes imposed last year on the average home was \$478.69.

The average taxable value of a residence homestead in City of McAllen this year is \$113,169. If the governing body adopts the effective tax rate for this year of \$0.422893 per \$100 of taxable value, the amount of taxes imposed this year on the average home would be \$478.58.

If the governing body adopts the proposed tax rate of \$0.431300 per \$100 of taxable value, the amount of taxes imposed this year on the average home would be \$488.10.

Members of the public are encouraged to attend the hearings and express their views.

NOTICE OF TAX REVENUE INCREASE

The City of McAllen conducted public hearings on September 9, 2013 and September 18, 2013 on a proposal to increase the total tax revenues of the City of McAllen from properties on the tax roll in the preceding year by 1.99 percent.

The total tax revenue proposed to be raised last year at last year's tax rate of \$0.431300 for each \$100 of taxable value was \$30,404,782.

The total tax revenue proposed to be raised this year at the proposed tax rate of \$0.431300 for each \$100 of taxable value, excluding tax revenue to be raised from new property added to the tax roll this year, is \$30,970,107.

The total tax revenue proposed to be raised this year at the proposed tax rate of \$0.431300 for each \$100 of taxable value, including tax revenue to be raised from new property added to the tax roll this year, is \$31,664,621.

The City of McAllen of City of McAllen is scheduled to vote on the tax rate that will result in that tax increase at a public meeting to be held on September 23, 2013 at McAllen City Hall, 3rd Floor City Commission Chambers 1300 Houston Ave. McAllen, Texas at 5:00 PM.

2013 Governing Body Summary #1B*

Comparison of This Year's Tax Levy with Last Year's Tax Levy (Includes Frozen Levy) City of McAllen

Date: 08/13/2013

Last Year's Tax Levy**: \$30,404,782

DESCRIPTION OF TAX RATE	TAX RATE PER \$100	THIS YEAR'S TAX LEVY***	TAX LEVY INCREASE****
Last Year's Tax Rate	\$0.431300	\$31,664,621	\$1,259,839
Effective Tax Rate	\$0.422893	\$31,047,407	\$642,625
Notice & Hearing Limit*****	\$0.422893	\$31,047,407	\$642,625
Rollback Tax Rate	\$0.469635	\$34,479,050	\$4,074,268
Proposed Tax Rate	\$0.431300	\$31,664,621	\$1,259,839

*These figures are provided as estimates of possible outcomes resulting from varying the tax rate. Please be aware that these are only estimates and should not be used alone in making budgetary decisions.

**Last year's tax levy is calculated using Texas Property Tax Code's definition of "last year's levy".

***This year's tax levies are calculated using line 19 of the Effective Tax Rate Worksheet and this year's frozen tax levy on homesteads of the elderly or disabled.

****Tax levy increase is the difference between this year's tax levy and last year's tax levy.

*****The Notice and Hearing Limit is the highest tax rate that may be adopted without notices and a public hearing. It is the lower of the rollback tax rate or the effective tax rate.

CITY OF MCALLEN CERTIFIED PROPERTY VALUES

2012 VS 2013

	<u>2012 Values</u> <u>as of Certification</u>	<u>2013 Values</u> <u>as of Certification</u>	<u>Percentage</u> <u>change</u>
Land Market	3,144,053,547	3,263,261,332	3.65%
Improvements	4,721,772,651	4,888,822,356	3.42%
Personal Property	1,282,977,991	1,331,738,487	3.66%
Minerals and Utilities	17,069,158	12,960,496	-31.70%
Total Market Value	9,165,873,347	9,496,782,671	3.484%
Total Homestead Cap Adjustment	11,897,790	17,416,395	31.69%
Total 100% Exempt Property	913,957,045	938,776,533	2.64%
Productivity Value Loss (Aguse Exemptions)	263,812,413	283,929,456	7.09%
Over-65	65,007,491	65,618,712	0.93%
Disability	8,453,848	8,511,101	0.67%
Veterans	25,854,952	29,249,328	11.60%
HB 365	45,271	40,687	-11.27%
Freeport	311,500,345	314,795,888	1.05%
Pollution Control	362,323	362,323	0.00%
Historical	942,531	1,317,811	28.48%
Charitable Org.	695,718	1,338,427	48.02%
Net Taxable Before Freeze	7,563,343,620	7,835,426,010	3.47%
Tax Levy Before Freeze	32,620,701	33,794,192	3.47%
Taxable Value After Freeze	7,038,732,251	7,257,849,115	3.02%
Levy After Freeze	32,234,646	33,395,737	3.48%
Tax Ceilings	386,055	398,455	3.11%

2013 Planning Calendar

City of McAllen

Date: 08/20/2013

Date	Activity
April-May	Mailing of notices of appraised value by chief appraiser.
April 30	The chief appraiser prepares and certifies to the tax assessor for each county, municipality, and school district participating in the appraisal district an estimate of the taxable value .
May 15	Deadline for submitting appraisal records to ARB.
July 20* (Aug. 30)	Deadline for ARB to approve appraisal records.
July 25	Deadline for chief appraiser to certify rolls to taxing units.
August 9, 2013	Certification of anticipated collection rate by collector.
August 9, 2013	Calculation of effective and rollback tax rates.
August 11, 2013	Publication of effective and rollback tax rates, statement and schedules; submission to governing body.
August 23, 2013	72-hour notice for meeting (<i>Open Meetings Notice</i>).
August 26, 2013	Meeting of governing body to discuss tax rate; if proposed rate tax rate will exceed the rollback rate or the effective tax rate (whichever is lower), take record vote and schedule public hearing.
September 1, 2013	Notice of Public Hearing on Tax Increase is the first quarter-page notice in newspaper and on TV and website, if available, published at least seven days before public hearing.
September 6, 2013	72-hour notice for public hearing (<i>Open Meetings Notice</i>)
September 9, 2013	Public hearing.
September 13, 2013	72-hour notice for second public hearing (<i>Open Meetings Notice</i>)
September 18, 2013	Second public hearing (may not be earlier than 3 days after first public hearing); schedule and announce meeting to adopt tax rate 3-14 days from this date.
September 14, 2013	Notice of Tax Revenue Increase published before meeting** to adopt tax rate is the second quarter-page notice in newspaper before meeting and published on TV and website (if available, at least seven days before meeting).
September 20, 2013	72-hour notice for meeting at which governing body will adopt tax rate (<i>Open Meetings Notice</i>)
September 23, 2013	Meeting to adopt tax rate. Meeting is 3 to 14 days after second public hearing. Taxing unit must adopt tax rate by Sept. 30 or 60 days after receiving certified appraisal roll, whichever is later.

*Tax Code Section 81.06 directs that if a date falls on a weekend, the deadline is extended to the following regular business day

**Advice of taxing unit legal counsel should be sought to determine which approach to take in notifying the public of the meeting at which the governing body will vote on the tax rate.

Source: Texas Comptroller of Public Accounts, 2013.

CITY OF McALLEN
STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION	<u> X </u>	AGENDA ITEM	<u> 7b </u>
UTILITY BOARD	<u> </u>	DATE SUBMITTED	<u> 08/19/2013 </u>
OTHER (Audit/Investment Committee)	<u> </u>	MEETING DATE	<u> 08/26/2013 </u>

1. Agenda Item: Review of Quarterly Investment Report for the Quarter Ended March 31, 2013.
2. Party(ies) Making Request: Mike R. Perez, City Manager, Roel Rodriguez, P.E., General Manager, Jerry W. Dale, Finance Director, Melba D. Carvajal, Director of Finance for Utilities
3. Nature of Request: (Brief Overview) Attachments: X Yes (Under Separate Cover) No
Attached is the Quarterly Investment Report for the quarter ended March 31, 2013 for your review and approval. The Audit and Investment Committee met on August 01, 2013 and recommended approval of the report.
4. Policy Implication Required by law
5. Budgeted: Yes No X N/A
6. Alternate Option/Costs: N/A
7. Routing:

<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u> <u>YES/NO</u>
a.) Mike R. Perez City Manager	<u> MRP </u>	<u> 08/21/2013 </u>	<u> YES </u>
b.) Roel Rodríguez, P.E. General Manager	<u> RR </u>	<u> 08/21/2013 </u>	<u> YES </u>
b.) Jerry W. Dale Finance Director	<u> JWD </u>	<u> 08/21/2013 </u>	<u> YES </u>
c.) Melba D. Carvajal Director of Finance for Utilities	<u> MDC </u>	<u> 08/21/2013 </u>	<u> YES </u>

8. Staff Recommendation: Audit Committee recommends report be accepted.
9. Advisory Board: Approved Disapproved None
10. City Attorney: KP Approved Disapproved None
11. Manager's Recommendation: MRP Accepted Disapproved None
12. Action Taken:

CITY OF McALLEN
STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION X
UTILITY BOARD _____
OTHER _____

AGENDA ITEM 7C
DATE SUBMITTED 08/20/13
MEETING DATE 08/26/13

1. Agenda Item: Update on Parks and Recreation construction projects.

2. Party Making Request: Parks and Recreation Department
3. Nature of Request: (Brief Overview) Attachments: X Yes No
Monthly update on construction projects within the Parks and Recreation Department.

4. Policy Implication: None
5. Budgeted Information: Yes No X N/A
 Budgeted Amount: _____
 Under Budget: _____
6. Alternate option/costs: NA
7. Routing:

<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a) S. Gavlik, Director	sg	08-20-13	Yes
b) D. Melaas, Dep.Dir.	dm	08-26-13	Yes
c) B. Branham, Dept. C.M.			
8. Staff Recommendation: Staff recommends approval of the report

9. Advisory Board: Approved Disapproved None
10. City Attorney: Approved Disapproved X None
11. Manager's Recommendation: Approved Disapproved X None
12. Action Taken: _____

To: MIKE R. PEREZ, CITY MANAGER

From: SALLY GAVLIK, DIRECTOR 

Subject: PROJECT UPDATES

Date: AUGUST 20, 2013

COMMENT

This month the Parks and Recreation Department will highlight the following projects:

Bicentennial Trail Extension

The contractor continues to install irrigation and lighting. The contractor has installed the bench work on the rock walls but has not completed the capstone. The capstone material is on site but the sub-contractor has not been on site as they have not been paid by the contractor. Magic Valley Electric is finalizing all the electrical installations. There has been little work completed on the project since last month by the contractor.

DeLeon Soccer Fields

The Contractor is preparing the parking lots. The Musco field lights are being installed by Parks and Recreation staff. The concession/restroom building and the maintenance shop are being installed.

Irrigation Wells

The study for the wells is complete and test wells are being recommended for both DeLeon and Morris.

Hidalgo Bridge Landscape Improvements

The project is being re-bid.

Morris Park

The project came in over bid so a budget amendment will have to be done for the project.

Municipal Park

Final gate for the park has been ordered. Remainder of park is complete.













STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION X
UTILITY BOARD _____
OTHER _____

AGENDA ITEM 7D
DATE SUBMITTED 08/20/13
MEETING DATE 08/26/13

1. Agenda Item: **Project Status Report through July 31, 2013.**

2. Party Making Request: Engineering Department

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

 Project Status Report for July 31, 2013.

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

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

6. Alternate Option/Costs N/A

7. Routing:

<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a.) Y. Barrera, PE, CFM, City Engineer	<u> YB </u>	<u> 8/20/13 </u>	<u> YES </u>
b.) Roel "Roy" Rodriguez, P.E. Asst. City Manager/General Manager	<u> </u>	<u> </u>	<u> </u>

8. Staff Recommendation: **Project Status through July 31, 2013.**

9. Advisory Board: _____ Approved _____ Disapproved _____ None

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

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



ENGINEERING DEPARTMENT
MEMORANDUM

To: Mike R. Perez, City Manager

From: Yvette Barrera, PE, CFM, City Engineer

A handwritten signature in blue ink, appearing to read "Yvette Barrera".

Date: August 19, 2013

Subject: Project Status Report through July 31, 2013

Please find attached a list of various projects that are currently under construction and for which the Engineering Department performs Construction Management services. The work depicted is work performed through July 31, 2013.

The following projects are included:

1. Bentsen Road Paving Improvements – Pecan Boulevard (FM 495) to 3 Mile Line
2. McAllen Development Center
3. Retiree Haven Stormwater Improvements
4. Kendlewood Drainage Improvements

1) Bentsen Road Paving Improvements – Pecan Boulevard (FM 495) to 3 Mile Line

Project consists of paving infrastructure improvements along the future widening of Bentsen Road, connection of Vine Ave across the corridor, widening of Daffodil to 46th Street and local drainage improvements.

Contractor:	IOC Company, LLC	
Original Contract:	\$ 4,879,306.99	160 working days
Change Orders:	\$ 459,625.90	91 working days
Revised Contract:	\$ 5,338,932.89	251 working days
Completion Date:	June 4, 2013	

Construction Status: Construction continues with sidewalk, driveway installation and fine grading green areas. Concrete curb, sub-grade, flexible base, sidewalk is complete from Pecan to 3 Mile. Daffodil and Nolana intersections are open. Contractor will proceed with final lift of asphalt following the completion of the sidewalk. Final lift will be placed along the west half of the road to move traffic over prior to finishing final lift on east half of the road. The project is approximately 84% complete and liquidated damages will be assessed for work beyond the contract time. Contractor is currently behind schedule.

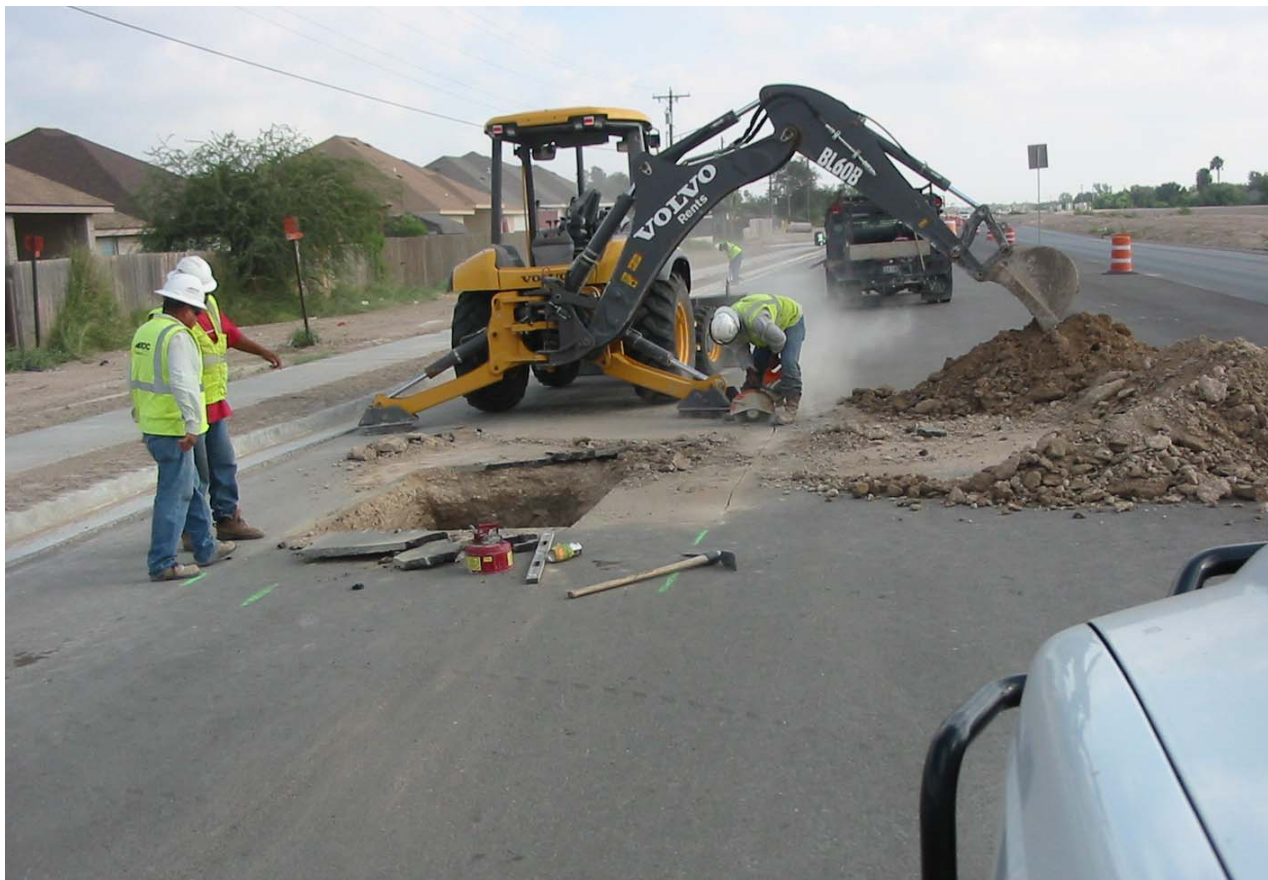
Paving	90% Complete
Drainage	96% Complete
Utilities	98% Complete



Project limits of Bentsen Road Paving Improvements.



Sidewalk construction on the west side of Bentsen Road north of Daffodil.



Sanitary sewer manhole adjustments within west half of roadway.

2) Development Services Center

This project consists of renovation work including upgrades to meet the new IBC codes, architectural finishes, M.E.P. and special systems. The remodeled building will accommodate the tax office, environmental code compliance, engineering, planning, inspections and public utility departments. It will also have two new additions that will accommodate bathrooms and conference spaces. It incorporates partial demolition work and interior partition walls. Asbestos abatement and limited general demolition have already occurred.

Construction Company: Peacock General Contractors, Inc.

Contract: \$2,005,197.00

Completion Date: November 23, 2013

Contract Time: 160 working days

Construction Status: The renovation portion of this project is about 45% complete. Interior staircase demolition and elevator walls are currently underway along with painting of interior gypsum walls. Electrical systems should be ready to receive power by August 23.



Elevator walls - construction



CMU wall with midnight blue ceramic glazing



Interior progress at central core – rough-in plumbing issues have been resolved here

Removal of Tax Office Transaction Window



3) Retiree Haven Stormwater Improvements

SCOPE OF WORK: The proposed project involves excavation of two ponds within the central portion of the subdivision; construction of a network of pipes and inlets within the existing roadways to collect the stormwater runoff and direct it to one of the two proposed dry detention ponds; construction of a stormwater pump station to be located on the south side of the southernmost dry detention pond; construction of a force main discharge pipe to run from the stormwater pump station south along the west side of S. 10th Street and discharging into the pilot channel within the floodway. This portion of the project is a FEMA Hazard Mitigation Grant Program (HMGP) project with 75% federal funding and 25% local funding. Additional work includes off-site water improvements funded by MPU and off-site drainage improvements funded by developer contributions.

CONTRACTOR: 2GS, LLC.

Original Contract: \$1,734,292.07 150 working days for base bid items, plus 90 days for alt. items

Change Orders: \$ 0.00 0 working days

Current Contract: \$1,734,292.07 150 working days for base bid items, plus 90 days for alt. items

Date of Completion: February 17, 2014 (base bid) and June 20, 2014 (alternate item).

CONSTRUCTION STATUS: Construction commenced on July 12, 2013. Contractor has completed rough grading of ponds and has started with utility adjustments and installation of storm pipe system in south portion of subdivision.

EXHIBITS & PHOTOS:



4) Kendlewood Drainage Improvements

This project consist of installi ng storm sewer infrastructure in the area bounded by Kendlewood Ave t o Hackberry Ave and 22 ½ St to 20th St. The project is being funded by CDBG funds and aims to relieve ponding and flooding issues experienced in the area by extending a storm sewer trunkline and installing inlets at various locations throughout the project area. The construction will be split in to three phases by locatio n: Hackberry Ave, 21st Street, Kendlewood Ave.

- Construction Company:** OG Construction
- Contract:** \$487,900.00
- Completion Date:** December 4, 2013
- Contract Time:** 100 working days

Construction Status: The contractor commenced construction on July 16, 2013 on Hackberry Ave. Contractor has completed tie-in to existing storm system and has placed a large percentage of the trunkline on Hackberry Ave.



Airport Construction Status Report through August 26, 2013

Terminal Expansion Project

The Project is the expansion of the existing terminal and ramp at the McAllen Miller International Airport. It consists of adding approximately 55,000 square feet of new terminal, renovation of approximately 40,000 square feet of terminal, addition of a new passenger boarding bridge, a new and expanded baggage handling facility for outbound baggage, and upgrades to the airport central plant equipment and infrastructure.

Contractor:	Don Krueger Construction Company, Inc.	
Original Contract:	\$18,879,500	713 calendar days
Change Orders:	\$ 469,917	29 calendar days
Revised Contract:	\$19,201,707	742 calendar days
Completion Date:	April 7, 2014	

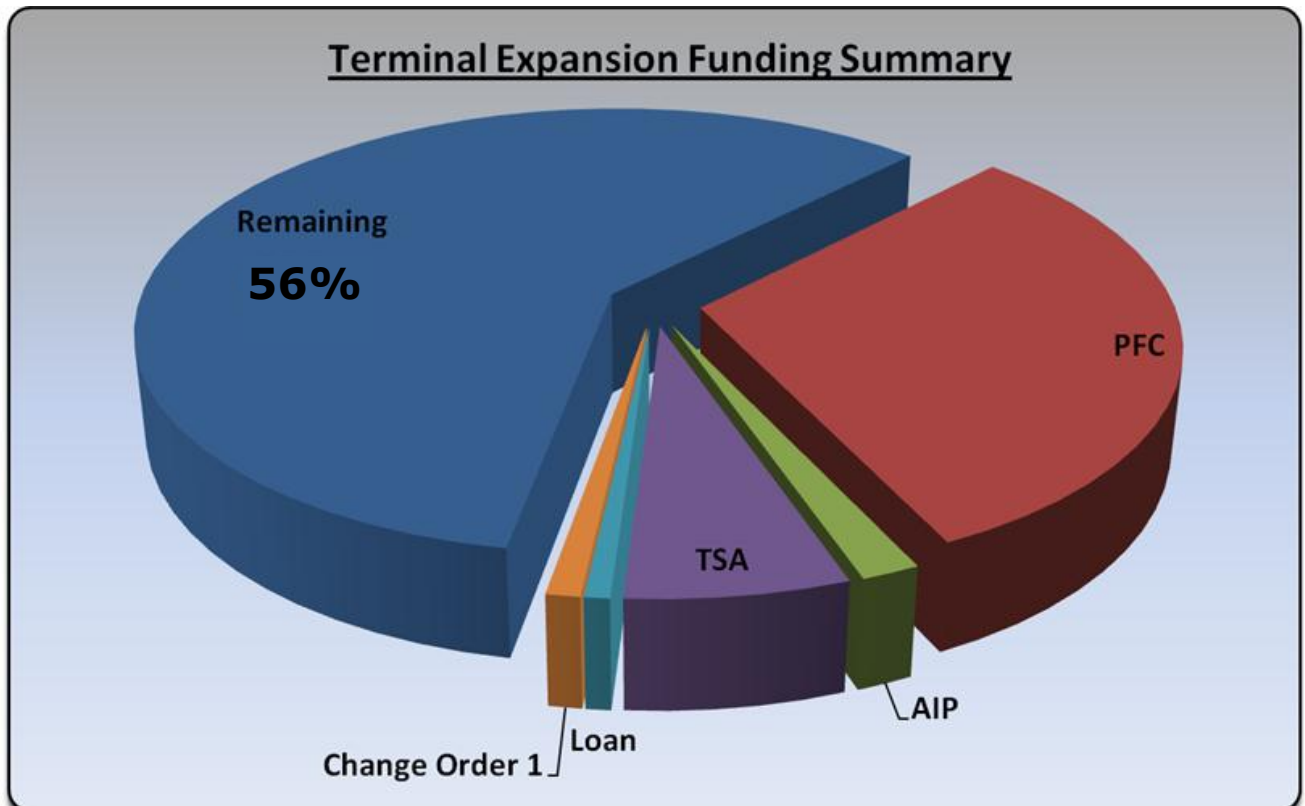
Project Finance Summary

Used to Date	\$ 8,999,769
Remaining	\$ 10,201,938

Funding Sources:

PFC	\$ 5,979,040.69
AIP 42	\$ 803,132.23
TSA	\$ 1,424,954.90
Inter Department Loan	\$ 153,332.06
Operating	\$ 199,285**

**Change Order #1 (Improvements to Cargo Ramp) Reimbursable through AIP 43



Construction Status:

The project continues as the parapet wall framing is installed above the new terminal addition. The completion of the masonry work on lower level is ongoing as the fireproofing is applied to the metal beams. HVAC ductwork, electrical, data and metal stud framing continue on the lower level. Electrical and data rough-ins, including metal stud framing, has also commenced on the upper level of the terminal expansion. Electrical and mechanical rough-ins continues on the lower level. Parapet wall and canopy framing along with fire sprinkler systems and metal stud framing is also in progress.

Project time and budget metrics:

Percent of Project Complete (Time) 69%

Percent of Project Complete (Budget) 47%

The Project, through coordination with staff and contractor, is on schedule for completion in April 2014.

Overview of Terminal Expansion



Metal stud framing of parapet wall at the Baggage Handling Building



Metal stud framing within the Baggage Handling Building



Metal stud framing and HVAC ductwork within GA FIS walkway at the Baggage Handling Building



Covering of parapet wall at Baggage Handling Building



Connection to existing Terminal building on upper level at Baggage Handling Building



Installation of HVAC ductwork on lower level mechanical room of the Terminal Expansion



Installation of steel reinforcement for concrete roof of Terminal Expansion



Concrete Pour of upper level roof at the Terminal Expansion



Fireproofing of steel beams on lower level of Terminal Expansion



Metal stud framing of upper level of Terminal Expansion



Drilling of foundation for new jet bridge outside of Terminal Expansion



Foundation concrete pour for new jet bridge outside of Terminal Expansion



07/31/2013 13:27

**CITY OF McALLEN
STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION X
UTILITY BOARD
OTHER

AGENDA ITEM 7F
DATE SUBMITTED 08/20/2013
MEETING DATE 08/26/2013

1. **Agenda Item:** Manager's Report

2. **Party Making Request:** Planning Department

3. **Nature of Request: (Brief Overview):** X Yes No
 Subdivision Development Monthly Report - July 2013

4. **Policy Implication:** Local Government Code, Subdivision Ordinance

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

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

Amount Remaining:

If over budget how will it be paid for:

6. **Alternate option/costs:**

7. **Routing:**

	NAME/TITLE	INITIAL	DATE	CONCURRENCE
a)	<u>Julianne R. Rankin, FAICP</u> Julianne R. Rankin, Planning Director	<u>JRR</u>	<u>8/20/13</u>	<u>N/A</u>
b)	<u>Roel "Roy" Rodriguez, P.E.</u> Assistant City Manager/General Manager	<u> </u>	<u> </u>	<u> </u>

8. **Staff's Recommendation:** Subdivision Development July 2013

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

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

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

Planning Department

Memo

TO: Mike R. Perez, City Manager
FROM: Julianne R. Rankin, Planning Director
DATE: August 20, 2013
SUBJECT: Subdivision Development Monthly Report: July 2013

New Subdivisions:

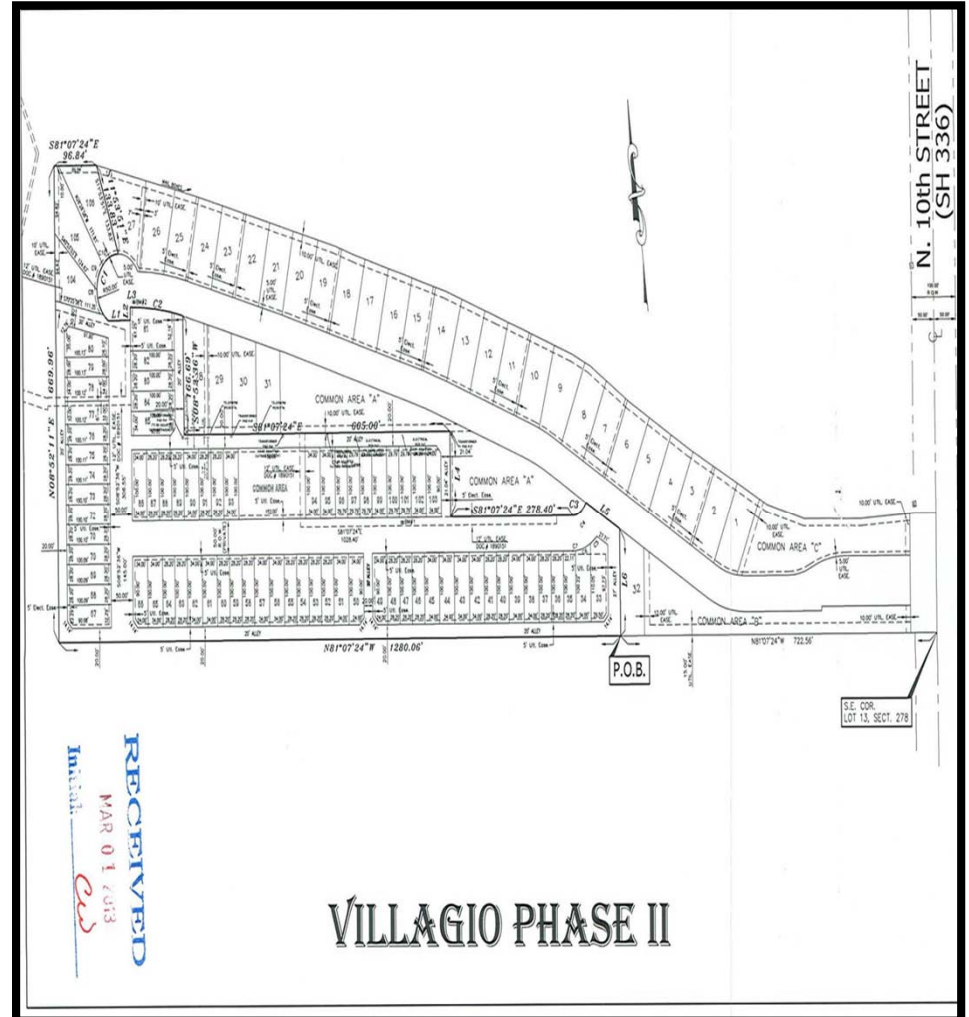
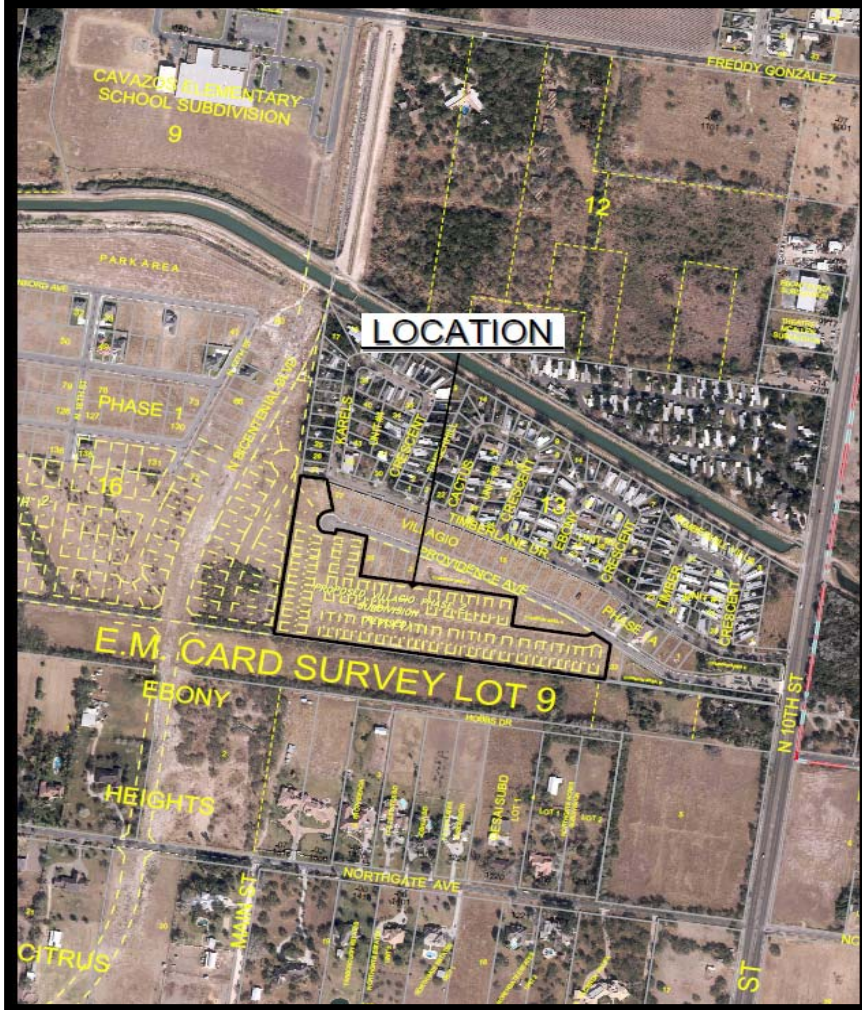
Name	Zoning	Type of Development	Number of lots	Acres
1. Las Carretas Subdivision	C-3	Commercial	1	2.44
2. The Embers Subdivision	R-1	Residential	56	21.64

Subdivisions Recorded:

Name	Zoning	Type of Development	Number of lots	Acres
1. First Cash Pawn Subdivision	C-3	Commerical	1	0.82
2. Villagio Phase II Subdivision	R-1 & R3T	Residential/Residential Townhouse	74	9.416

VILLAGIO PHASE II SUBDIVISION

74 LOT RESIDENTIAL – 9.416 ACRES



City of McAllen
Standardized Recommendation Form

City Commission X
 Utility Board _____
 Other Board _____

Agenda Item 7G
 Date Submitted 8/22/13
 Meeting Date 8/26/13

1. Agenda Item: City Manager's Report

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

3. Nature of Request: (Brief Overview) Attachments: X Yes No
 Consideration and Action authorizing the Mayor to execute any and all documents related to
 "1115" Program related to health care assistance.

4. Policy Implication: None

5. Budgeted: Yes No X N/A

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

If over budget, how will it be paid for: _____

6. Alternate option/costs: _____

7. Routing: _____

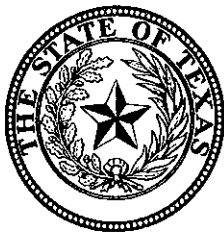
	<u>Name/Title</u>	<u>Initial</u>	<u>Date</u>	<u>Concurrence</u>		
a)	Kevin D. Pagan	KDP	8/22/13	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	N/A
b)	_____	_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No	N/A
c)	_____	_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No	N/A
d)	_____	_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No	N/A
e)	_____	_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No	N/A

8. Staff's Recommendation: _____

9. Advisory Board: Approved Disapproved None

10. City Attorney: KDP Approved Disapproved None

11. Manager's Recommendation: *[Signature]* Approved Disapproved None



HEALTH AND HUMAN SERVICES COMMISSION

**TEXAS HEALTHCARE TRANSFORMATION AND QUALITY IMPROVEMENT PROGRAM
1115 DEMONSTRATION WAIVER PROGRAM**

**CERTIFICATION OF GOVERNMENTAL ENTITY PARTICIPATION
FOR HOSPITAL AFFILIATES
Version 2012-1 (09/05/2012)**

DOCUMENT HISTORY LOG

STATUS ¹	DOCUMENT REVISION ²	EFFECTIVE DATE	DESCRIPTION ³
Baseline	n/a		Initial version of the Certification of Governmental Entity Participation
Revision	1.1	09/05/2012	Added cover page.
Revision	1.2	09/05/2012	Added Document History Log.
Revision	1.3	09/05/2012	Various formatting changes.
Revision	1.4	09/05/2012	Added version number (Version 2012-1) and date of issuance to cover page and page footer.
Revision	1.5	09/05/2012	Deleted "Texas" from "Health and Human Services Commission" to reflect agency's statutory name.
Revision	1.6	09/05/2012	Revised paragraph 4.g. to replace "and" at the end of subparagraph ii following the semicolon with "or."

¹ "Baseline" indicates initial document issuances, "Revision" indicates changes to the Baseline version, and "Cancellation" indicates withdrawn versions.

² Numbering conventions: Revisions are numbered according to the version of the document and the sequential revision—e.g., "1.2" refers to the first version of the document and the second revision.

³ Brief description of the changes to the document made in the revision.



HEALTH AND HUMAN SERVICES COMMISSION

TEXAS HEALTHCARE TRANSFORMATION AND QUALITY IMPROVEMENT PROGRAM 1115 DEMONSTRATION WAIVER PROGRAM

CERTIFICATION OF GOVERNMENTAL ENTITY PARTICIPATION FOR HOSPITAL AFFILIATES

On behalf of _____, a _____
organized under the laws of the State of Texas (hereinafter referred to as “the
Governmental Entity”), I, _____, affirm and certify the
following:

1. Legal Authorization.

- a. The Governmental Entity is legally authorized to levy and collect ad valorem taxes, generate public revenue, or receive and expend appropriated public funds (“Public Funds”);
- b. The Governmental Entity is legally authorized to enter into and has entered into Affiliation Agreements with one or more private hospitals (“the Affiliated Hospitals”) for, among other purposes, providing indigent care in the community served by the Governmental Entity.

2. Public Adoption and Access.

- a. The governing body of the Governmental Entity adopted the conditions described in this certification by recorded vote taken in a public meeting held in compliance with the Texas Open Meetings Act, Chapter 551, Government Code;
- b. Copies of all Affiliation Agreements will be made available as provided under the Texas Public Information Act, Chapter 552, Government Code, and will be provided to HHSC on request.

3. Funding of Intergovernmental Transfers and Supplemental Payments.

- a. The Governmental Entity has or has agreed to transfer Public Funds to the Health and Human Services Commission (“HHSC”) via intergovernmental transfer (“IGT”) for use as the non-federal share of supplemental waiver payments (the “Supplemental Payments”) to the Affiliated Hospitals in accordance with 1 Tex. Admin. Code §355.8201, Waiver Payments to Hospitals (the “Waiver Program”);
- b. All transfers of Public Funds by the Governmental Entity to HHSC to support the Supplemental Payments to the Affiliated Hospitals under the Waiver Program comply with:
 - i. The applicable regulations that govern provider-related donations codified at section 1903(w) of the Social Security Act (42 U.S.C. §1396b(w)), and Title 42, Code of Federal Regulations, Part 433, subpart B, sections 433.52 and 433.54;
 - ii. HHSC administrative rules codified at 1 Tex. Admin Code §355.8201, Waiver Payments to Hospitals.

4. Assurances and Representations.

- a. The Governmental Entity does not and will not at any time receive any part of the supplemental payments that are made by HHSC to the Affiliated Hospitals under the Waiver Program;
- b. The Governmental Entity has not entered into a contingent fee arrangement related to the Governmental Entity’s participation in the Waiver Program;
- c. The Governmental Entity has not entered and will not enter into any agreement to condition either the amount of the Public Funds transferred by the Governmental Entity or the amount of Supplemental Payments an Affiliated Hospital receives on the amount of indigent care the Affiliated Hospital has provided or will provide;
- d. The Governmental Entity has not entered and will not enter into any agreement to condition the amount of any Affiliated Hospital’s indigent care obligation on either the amount of Public Funds transferred by the Governmental Entity to HHSC or the amount of Supplemental Payment an Affiliated Hospital may be eligible to receive;
- e. With regard to any escrow, trust or other financial mechanism (an “Account”) utilized in connection with an indigent care Affiliation Agreement or an IGT issued for a payment period that occurs after the effective date of this Certification, the following representations are true and correct:

- i. The amount of any Account is not conditioned or contingent on the amount of indigent care services that an Affiliated Hospital provided or will provide;
 - ii. The Governmental Entity has disclosed the existence of any Account to HHSC; and
 - iii. Any such Account will not be used to effect a quid pro quo for the provision of indigent care services by or on behalf of the Affiliated Hospitals;
- f. The Governmental Entity has not received and will not receive refunds of payments the Governmental Entity made or makes to an Affiliated Hospital for any purpose in consideration for an IGT of Public Funds by the Governmental Entity to HHSC to support the Supplemental Payments;
- g. The Governmental Entity has not received and will not receive any cash or in-kind transfers from an Affiliated Hospital or any other entity acting on behalf of an Affiliated Hospital or group of Affiliated Hospitals other than transfers and transactions that:
 - i. Following the date this Certification was executed, are unrelated to the administration of the Waiver Program or the delivery of indigent care services under an Affiliation Agreement;
 - ii. Constitute fair market value for goods or services rendered or provided by the Governmental Entity to an Affiliated Hospital; or
 - iii. Represent independent, bona fide transactions negotiated at arms-length and in the ordinary course of business between the Affiliated Hospital and the Governmental Entity;
- h. The Governmental Entity has not:
 - i. Following the date this Certification was executed, assigned or agreed to assign a contractual or statutory obligation of the Governmental Entity to an Affiliated Hospital or any other entity acting on behalf of an Affiliated Hospital or group of Affiliated Hospitals; or
 - ii. Authorized or consented to the assumption of a statutory or contractual obligation of the Governmental Entity by an Affiliated Hospital or any other entity acting on behalf of an Affiliated Hospital or group of Affiliated Hospitals.

5. Evaluation.

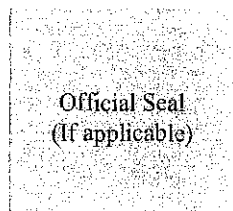
- a. Consistent with its constitutional, statutory, and fiduciary obligations, the Governmental Entity may evaluate a private hospital's historical experience in providing indigent care in the community or performance under an Affiliation Agreement including the impact and amount of indigent care provided by the hospital, for the following purposes:
 - i. To determine whether the Governmental Entity will enter into an Affiliation Agreement with a private hospital;
 - ii. To determine whether and to what degree the Governmental Entity will supply an IGT, provided such decision does not include consideration of matters prohibited under paragraph 4 of this Certification;
 - iii. To determine whether an Affiliated Hospital's participation benefited the community and whether its continued participation in the indigent care program is likely to continue to benefit the community; or
 - iv. To provide accountability to local taxpayers;
- b. The Governmental Entity's evaluation under this paragraph 5 may:
 - i. Be documented in a manner sufficient to confirm achievement of the Governmental Entity's mission and provide an appropriate and constitutional basis on which to transfer the Public Funds to HHSC; and
 - ii. Not include consideration of matters prohibited under paragraph 4 of this Certification ;

On behalf of the Governmental Entity, I hereby certify that I have read and understood the above statements; that the statements are true, correct, and complete; and that I am authorized to bind the Governmental Entity and to certify to the above.

Signature

Date

Name and Title



INDIGENT CARE AFFILIATION AGREEMENT

This Indigent Care Affiliation Agreement (the “Agreement”) is entered into as of _____ to be effective as of _____, 2012 (“Effective Date”), by and between _____, a unit of local government within the State of Texas created under the authority of the Texas Health and Safety Code Section ____ (“the Governmental Entity”) and (the “Affiliated Hospital”) whose address is listed at the end of this document.

RECITALS

WHEREAS, the Affiliated Hospital and the Governmental Entity collectively provide substantial uncompensated care to indigent persons annually;

WHEREAS, the State’s under-funding of, and reductions in eligibility for, Medicaid increases the volumes of indigent patients who rely on hospital emergency room services as the source of primary healthcare and shifts the burden for indigent care to the Affiliated Hospital, the Governmental Entity, and local community;

WHEREAS, the Governmental Entity and the Affiliated Hospital recognize that the State will continue to under-fund the Texas Medicaid program and that the indigent numbers in their community will continue to grow;

WHEREAS, the Governmental Entity and the Affiliated Hospital desire to ensure that the indigent have access to and receive health care services;

WHEREAS, the Governmental Entity and the Affiliated Hospital recognize that it is in their best interest to increase funding for the Medicaid population and to access federal funding for the indigent to which the Affiliated Hospital will be entitled under the State’s Medicaid program; and

WHEREAS, the Governmental Entity and the Affiliated Hospital recognize that they need to cooperate to ensure their ability to deliver cost efficient healthcare services to indigent patients in their community;

NOW, THEREFORE, in consideration of the promises and covenants contained in this Agreement, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged and agreed, the parties agree as follows:

1.0 INDIGENT CARE COLLABORATION

- 1.1 Improving Access to Healthcare for Indigent.** The Governmental Entity and the Affiliated Hospital will assess the opportunities to improve access to healthcare for indigent persons residing in the community through participation in the Medicaid program including the Medicaid payments authorized by the Texas Healthcare Transformation and Quality Improvement Program Section 1115 Waiver (the “Section 1115 Waiver”).

2.0 REPRESENTATIONS AND WARRANTIES

- 2.1 Affiliated Hospital Representations and Warranties.** The Affiliated Hospital represents and warrants that:

- a. It is a Texas corporation or partnership, duly established and created pursuant to applicable law with all requisite power and authority to enter into this Agreement in all respects;
- b. There is no agreement to condition any amounts transferred by the Governmental Entity nor the amount of Medicaid payments received on the amount of indigent care the Affiliated Hospital has provided or will provide;
- c. There is no agreement to condition the amount of the Affiliated Hospital’s indigent care obligation on the amount transferred by the Governmental Entity nor the amount of any Medicaid payment the Affiliated Hospital might receive;
- d. No escrow, trust, or other funding mechanism exists, the amount of which is conditioned or contingent on the amount of indigent care services provided or to be provided by the Affiliated Hospital; and that any escrow, trust or other funding mechanism utilized in connection with an anticipated intergovernmental transfer (“IGT”) from the Governmental Entity has been disclosed to HHSC and is not used to effect a quid pro quo for the provision of indigent care services by or on behalf of the Affiliated Hospital;
- e. The Affiliated Hospital will not return or refund any Medicaid payments received to the Governmental Entity;
- f. No part of any Medicaid payment received under the Section 1115 Waiver program will be used to pay a contingent fee, consulting fee, or legal fee associated with the Affiliated Hospital’s receipt of payments under the Section 1115 Waiver program.
- g. The execution, delivery, and performance by the Affiliated Hospital of this Agreement are within the Affiliated Hospital’s powers, are not in contravention of any other instruments governing the Affiliated Hospital

and have been duly authorized and approved by the Board of Directors of the Affiliated Hospital as and to the extent required by applicable law;

- h. Neither the Affiliated Hospital, nor any of its representatives are (i) currently excluded, debarred, or otherwise ineligible to participate in the federal health care programs as defined in 42 U.S.C. Section 1320a-7b(f) (the “federal health care programs”); (ii) convicted of a criminal offense related to the provision of health care items or services but not yet excluded, debarred, or otherwise declared ineligible to participate in the federal health care programs; or (iii) under investigation or otherwise aware of any circumstance which may result in the exclusion of the Affiliated Hospital or any of its representatives from participating in federal health care programs; and
- i. This Agreement has been duly and validly executed and delivered by the Affiliated Hospital.

2.2 Governmental Entity Representations and Warranties. The Governmental Entity represents and warrants that:

- a. It is a unit of local government within the State of Texas created under the authority of the Texas Health and Safety Code Section ____, duly established and created with all requisite power and authority to enter into this Agreement in all respects;
- b. There is no agreement to condition the amount transferred by the Governmental Entity nor the amount of Medicaid supplemental payments on the amount of indigent care the Affiliated Hospital have provided or will provide;
- c. There is no agreement to condition the amount of the Affiliated Hospital’s indigent care obligation on the amount transferred by the Governmental Entity nor the amount of any Medicaid supplemental payment the Affiliated Hospital might receive;
- d. No escrow, trust, or other funding mechanism exists, the amount of which is conditioned or contingent on the amount of indigent care services provided or to be provided by the Affiliated Hospital; and that any escrow, trust or other funding mechanism utilized in connection with an anticipated intergovernmental transfer (“IGT”) from the Governmental Entity has been disclosed to HHSC and is not used to effect a quid pro quo for the provision of indigent care services by or on behalf of the Affiliated Hospital;
- e. The Governmental Entity has not received and will not receive refunds of payments the Governmental Entity made or makes to the Affiliated Hospital for any purpose in consideration for an IGT by the Governmental Entity to fund Medicaid supplemental payments;
- f. The execution, delivery, and performance by the Governmental Entity of this Agreement are within the Governmental Entity’s powers, are not in

contravention of any other instruments governing the Governmental Entity and have been duly authorized and approved by the Board of Directors of the Governmental Entity as and to the extent required by applicable law;

- g. This Agreement has been duly and validly executed by the Governmental Entity;
- h. The Governmental Entity has not received and has no agreement to receive any portion of any Medicaid payments made to Affiliated Hospital;
- i. The Governmental Entity has not entered into a contingent fee arrangement related to its participation in the Section 1115 Waiver program;
- j. The Governmental Entity is authorized to participate in the Section 1115 Waiver program pursuant to a vote of its governing body in a public meeting preceded by public notice published in accordance with its usual and customary practices or the Texas Open Meetings Act, as applicable; and
- k. Notwithstanding anything in this Agreement to the contrary, any decision by the Governmental Entity to provide funding for the Medicaid program is at the sole discretion of the Governmental Entity.

3.0 OBLIGATIONS OF THE AFFILIATED HOSPITAL

- 3.1 **Agreement to Collaborate with the Governmental Entity.** The Affiliated Hospital agrees to work cooperatively with the Governmental Entity to improve access to health care for indigent persons.
- 3.2 **Documentation.** The Affiliated Hospital agrees to provide the Governmental Entity documentation that demonstrates the amount and types of health care (including indigent health care and Medicaid services historically provided in its community) as requested by the Governmental Entity, but no more frequently than quarterly.
- 3.3 **Compliance with State and Federal Law.** The Affiliated Hospital agrees to retain qualified professionals to ensure health care is provided in compliance with state and federal charity care laws, anti-trust laws, and any other applicable laws, and the Medicare and Medicaid programs.
- 3.4 **Indigent Care Program Participation.** At all times during the term of this Agreement, the Affiliated Hospital shall use their best efforts to maintain its qualifications for participation in the Medicaid and Medicare programs.
- 3.5 **Compliance with HIPAA.** To the extent applicable to this Agreement, the Affiliated Hospital agrees to comply with the Health Insurance Portability and

Accountability Act of 1996, as codified at 42 U.S.C. Section 1320d, *et seq.* (“HIPAA”), and any current and future regulations promulgated thereunder, including, without limitation, the federal privacy regulations contained in 45 C.F.R. Parts 160 and 164 (the “Federal Privacy Regulations”), the federal security standards contained in 45 C.F.R. Parts 160, 162, and 164 (the “Federal Security Regulations”), and the federal standards for electronic transactions contained in 45 C.F.R. Parts 160 and 162 (the “Federal Electronic Transaction Regulations”), all as amended from time to time, and all collectively referred to herein as “HIPAA Requirements.” The Affiliated Hospital agrees not to use or further disclose any Protected Health Information (as defined in the Federal Privacy Regulations) or EPHI (as defined in the Federal Security Regulations), other than as permitted by the HIPAA Requirements and the terms of the Agreement. In addition, the Affiliated Hospital agrees to comply with any state laws and regulations that govern or pertain to the confidentiality, privacy, security of, and electronic transactions pertaining to, health care information.

As and to the extent required by law, upon the written request of the Secretary of Health and Human Services, the Comptroller General or any of their duly authorized representatives, the Affiliated Hospital shall make available those contracts, books, documents and records necessary to verify the nature and extent of the costs of providing services under this Agreement. Such inspection shall be available for up to four (4) years after rendering of such services. The Affiliated Hospital will also indemnify and hold the Governmental Entity harmless if any amount of reimbursement is denied or disallowed because of the Affiliated Hospital’s failure to comply with the obligations set forth in this section. Such indemnity shall include, but not be limited to, the amount of reimbursement denied, plus any interest, penalties and legal costs. If the Affiliated Hospital carries out any of the duties of this Agreement through a subcontract with a value of \$10,000.00 or more over a twelve (12) month period with a related individual or organization, the Affiliated Hospital agrees to include this requirement in any such subcontract. This section is included pursuant to, and is governed by the requirements of, 42. U.S.C. § 1395x(v)(1) and the regulations thereto.

4.0. OBLIGATIONS OF THE GOVERNMENTAL ENTITY

- 4.1 **Agreement to Cooperate with the Affiliated Hospital.** The Governmental Entity agrees to work cooperatively with the Affiliated Hospital to improve access to health care for indigent persons.
- 4.2 **No Condition on Medicaid Funding.** The Governmental Entity agrees that it will not condition the amount to which it funds the non-federal share of Medicaid supplemental payments on a specified or required minimum amount of prospective indigent care.

- 4.3 **Retrospective Evaluation of Services.** The Governmental Entity may retrospectively evaluate the amount and impact of the Affiliated Hospital's indigent care delivery and can rely on such historical information in determining whether and to what degree it will provide an IGT in the future.
- 4.4 **Documents Publicly Available.** The Governmental Entity agrees to make publicly available any documentation utilized in connection with intergovernmental transfers of funds and any documentation executed by the Governmental Entity related to its participation in the Section 1115 Waiver, including this Agreement.
- 4.5 **Use of Public Funds.** To the extent the Governmental Entity decides to provide funding for Medicaid supplemental payments, the Governmental Entity agrees to use public funds for such funding.
- 4.6 **Compliance with HIPAA.** The Governmental Entity agrees to comply with the Health Insurance Portability and Accountability Act of 1996, as codified at 42 U.S.C. Sections 1320d, *et seq.* ("HIPAA"), and any current and future regulations promulgated thereunder, including, without limitation, the federal privacy regulations contained in 45 C.F.R. Parts 160 and 164 (the "Federal Privacy Regulations"), the federal security standards contained in 45 C.F.R. Parts 160, 162, and 164 (the "Federal Security Regulations"), and the federal standards for electronic transactions contained in 45 C.F.R. Parts 160 and 162 (the "Federal Electronic Transaction Regulations"), all as amended from time to time, and all collectively referred to herein as "HIPAA Requirements." The Governmental Entity agrees not to use or further disclose any Protected Health Information (as defined in the Federal Privacy Regulations) or EPHI (as defined in the Federal Security Regulations), other than as permitted by the HIPAA Requirements and the terms of the Agreement. In addition, the Governmental Entity agrees to comply with any state laws and regulations that govern or pertain to the confidentiality, privacy, security of, and electronic transactions pertaining to, health care information.

As and to the extent required by law, upon the written request of the Secretary of Health and Human Services, the Comptroller General or any of their duly authorized representatives, the Governmental Entity shall make available those contracts, books, documents and records necessary to verify the nature and extent of the costs of providing services under this Agreement. Such inspection shall be available for up to four (4) years after rendering of such services. The Governmental Entity will also indemnify and hold the Affiliated Hospital harmless if any amount of reimbursement is denied or disallowed because of the Governmental Entity's failure to comply with the obligations set forth in this section. Such indemnity shall include, but not be limited to, the amount of reimbursement denied, plus any interest, penalties and legal costs. If the Governmental Entity carries out any of the duties of this

Agreement through a subcontract with a value of \$10,000.00 or more over a twelve (12) month period with a related individual or organization, the Affiliated Hospital agrees to include this requirement in any such subcontract. This section is included pursuant to, and is governed by the requirements of, 42. U.S.C. § 1395x(v)(1) and the regulations thereto.

5.0 GENERAL PROVISIONS

5.1 Term and Termination. The term of this Agreement shall be one year from Effective Date and shall automatically continue thereafter for additional terms of one year unless the parties agree otherwise; provided, however, that this Agreement shall terminate immediately upon written notice by either the Governmental Entity or the Affiliated Hospital to the other party.

5.2 Notices. All notices required or permitted hereunder shall be in writing and shall be sufficiently given and deemed to have been received upon personal delivery, by overnight carrier, by email, or by United States mail, postage prepaid, registered or certified mail, addressed to the parties as follows:

Governmental Entity: _____

Affiliated Hospital: _____

With a Copy to: Carlos Zaffirini Jr.
Adelanto HealthCare Ventures, L.L.C.
401 W. 15th Street, Suite 840
Austin, TX 78701

and:

Charles Luband
SNR Denton
1221 Avenue of the Americas
New York, NY 10020-1089

5.3 Relationship Between the Parties. The relationship between the Governmental Entity and the Affiliated Hospital is solely a contractual relationship between independent contractors. No party hereto is an agent or employee of any other party. Nothing in this Agreement shall prevent any affiliation or contracting by any party with any third party, with the exception that no party may contract or affiliate with other party to gain entitlement to Medicaid supplemental payments pursuant to this Agreement.

5.4 Governing Law. This Agreement shall be governed by the laws of the State of Texas. The Affiliated Hospital understands that the Governmental Entity is a political subdivision of the State of Texas and governed by certain statutes applicable thereto.

5.5 Assignment. No party may assign any right, obligation, or responsibility under this Agreement except to a successor in interest.

5.6 Third Party Beneficiaries. The parties to this Agreement do not intend to establish any third party beneficiary relationship by virtue of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date(s) set forth below.

GOVERNMENTAL ENTITY

By: _____

AFFILIATED HOSPITAL:

By _____

11. Manager's Recommendation: MRP Approved Disapproved None

Memo

TO: Mike R. Perez, City Manager

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

DATE: July 16, 2013

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

GOAL:

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

BRIEF DESCRIPTION:

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

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

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

over the tracts being abandoned.

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

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

OPTIONS:

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

RECOMMENDATION:

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

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

There were five members present and voting.

Memorandum

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

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

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

DATE: July 1, 2013

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

We are recommending approval of the abandonment.

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

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

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

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

City of McAllen Planning Department

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

RIGHT-OF-WAY ABANDONMENT APPLICATION

Project Information	Legal Description <u>1) Alley north of Beaumont Ave & ^{East} west of So. K-Center St,</u> <u>2) Beaumont Ave East of So K-Center St, and 3) Alley between E. Beaumont & E. Chicago Ave.</u> Subdivision Name <u>J.W. Brown & Burns Motors Subd</u> Street Address <u>1) 111 So. K Center St., 2) 201 So. K Center St., and 3) 1111 E. Chicago Ave.</u> Reason for Abandonment Request <u>To consolidate properties owned on both sides of abandonment - Abandonment to become affective upon recordation of subdivision plat that includes street and alley.</u>
---------------------	---

Minimum Submittal	<input type="checkbox"/> Application, properly completed <input type="checkbox"/> \$125.00 Administrative Fee, payable at time of application, non-refundable <input type="checkbox"/> \$100.00 Market value of land to be abandoned, unless increased by action of the City Commission, based on the appraised land value <input type="checkbox"/> \$ 135.00 Time Warner Cable Review Processing Fee (check made payable to Time Warner Cable) <input type="checkbox"/> Metes and bounds description of area to be abandoned <input type="checkbox"/> A survey and/or map of the area affected by abandonment request
-------------------	---

Owner	Name <u>1) Don R. Burns</u> <u>BURNS INCOME PROPERTIES LTD</u> Telephone <u>984-4400</u> Address <u>P.O. Box 1480</u> City <u>McAllen</u> State <u>TX</u> Zip <u>78505</u>
-------	---

Applicant	Name <u>Same as Owner</u> Telephone _____ Address _____ City _____ State _____ Zip _____ <p>If request involves more than one property owner, attach a separate list of owners including address, phone number and property owned.</p>
-----------	---

<p>If signature is other than owner, must attach written evidence of such authorization. If request involves more than one property owner, attached written authorization is required from each property owner.</p>
Signature <u>[Signature]</u> Date <u>09-03-12</u> <input type="checkbox"/> Owner <input checked="" type="checkbox"/> Authorized Agent

RECEIVED

ABD.2013-0004

City of McAllen Planning Department

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

Project Information

Legal Description A 0.43 Acre tract of Land out of Boggus Subdivision II, Burns Motors Subdivision, and Whalens Acres.

Subdivision Name Boggus Subdivision II, Burns Motors Subdivision, and Whalens Acres

Street Address 1201 E. Dallas

Reason for Abandonment Request Requested abandonment to close 1963 "alley, street, roadway, passageway" - Utility easement to remain

Minimum Submittal

- Application, properly completed
- \$125.00 Administrative Fee, payable at time of application, non-refundable
- \$100.00 Market value of land to be abandoned, unless increased by action of the City Commission, based on the appraised land value
- Metes and bounds description of area to be abandoned
- A survey and/or map of the area affected by abandonment request

Owner

Name Burns Income Properties LTD Telephone Burns: (956) 984-4400
Boggus MS Properties LLC Telephone Boggus: (956) 686-7411

Address Burns: PO Box 1480 / Boggus: 1400 E. Expressway 83

City McAllen State Tx Zip Burns: 78505 Boggus: 78501

Applicant

Name Same as Owner Telephone _____

Address _____

City _____ State _____ Zip _____

If request involves more than one property owner, attach a separate list of owners including address, phone number and property owned.

If signature is other than owner, must attach written evidence of such authorization. If request involves more than one property owner, attached written authorization is required from each property owner.

Signature [Signature] Date _____

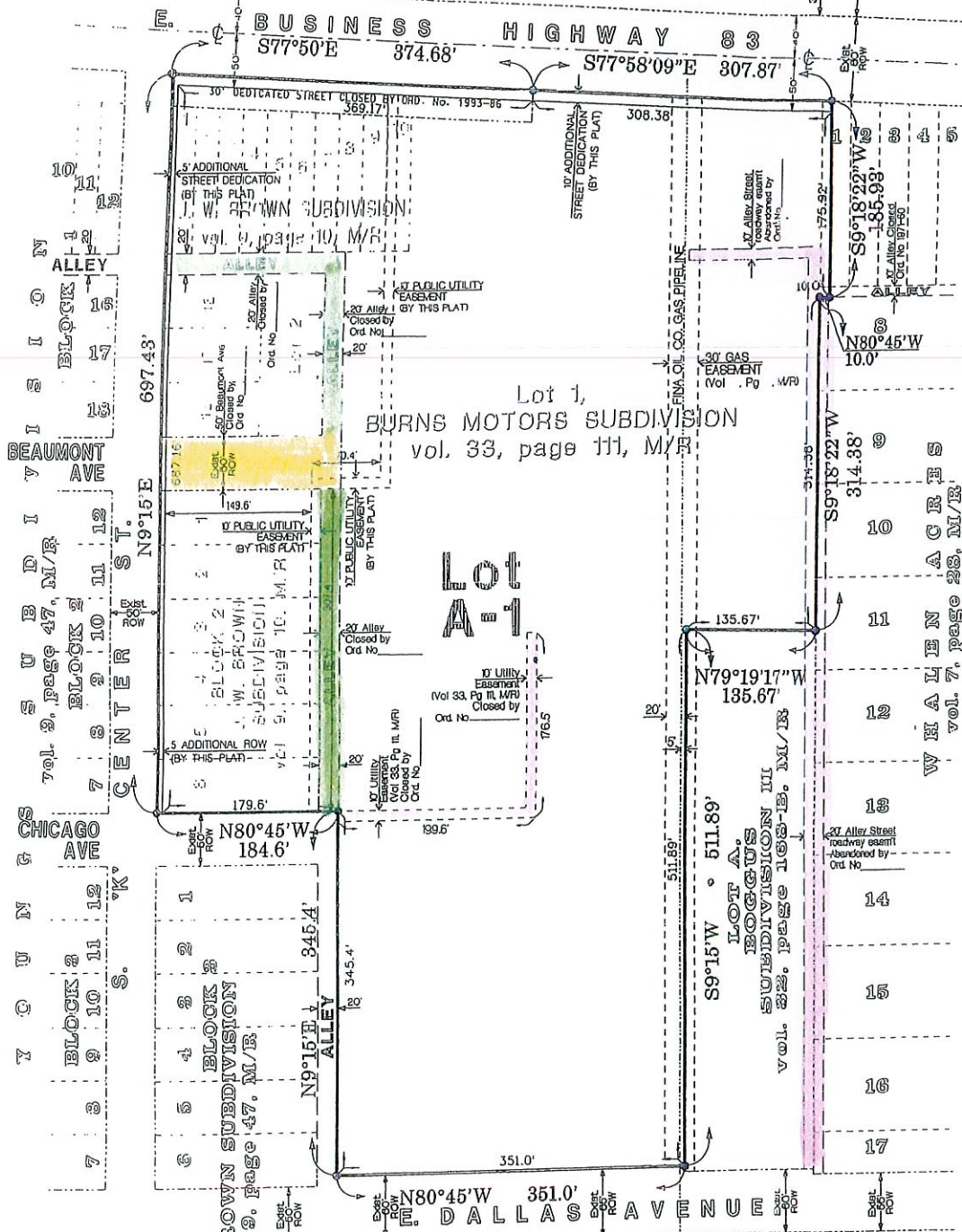
Owner Authorized Agent

REVISED 9/12

RECEIVED

Pct#: 102.691

MAR 15



Lot 1,
BURNS MOTORS SUBDIVISION
vol. 33, page 111, M/R

Lot
A-1

- ALLEY #1 w
eff. upon recording
- STREET #1a
eff. upon recording
- UTIL. ESMT. #1b
eff upon recording
- ALLEY/STREET #2
util. esmt. retained

MAP
OF

BURNS MOTORS
SUBDIVISION No 2

Map drawn by *Surveyor*

RECEIVED
Mar 15 2013
Mar-30-2012
1"=100'

ORDINANCE NO. 2013-

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

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

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

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

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

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

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

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

SECTION II:

Upon the effective date and compliance by owner with all the conditions set out in Section I, above, the City Manager is hereby authorized to record this ordinance in the Official Records of Hidalgo County, Texas, upon the payment by owner to City of \$100, which said sum represents the market value of the property herein abandoned and vacated. This action shall be to the benefit of the adjoining property owner(s) of said easement as their interests are reflected according to law.

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

SECTION V: This Ordinance shall become effective only upon meeting the above mentioned conditions and signature.

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

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

SECTION VIII: This ordinance shall be and remain in full force and effect from and after its passage by the Board of Commissioners, execution by the City, and relocation of existing utilities and dedication of necessary utility easement.

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

SIGNED this _____ day of _____ 2013.

CITY OF McALLEN

By: _____
Mike R. Perez, City Manager

ATTEST:

By: _____
Annette Villarreal, TRMC City Secretary

APPROVED AS TO FORM:

Gary Henrichson, Assistant City Attorney

CORPORATE ACKNOWLEDGMENT

STATE OF TEXAS §

COUNTY OF HIDALGO §

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared _____, _____ of the City of McAllen, Texas, a municipal corporation of the State of Texas, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as an act of said corporation for the purposes and consideration therein expressed.

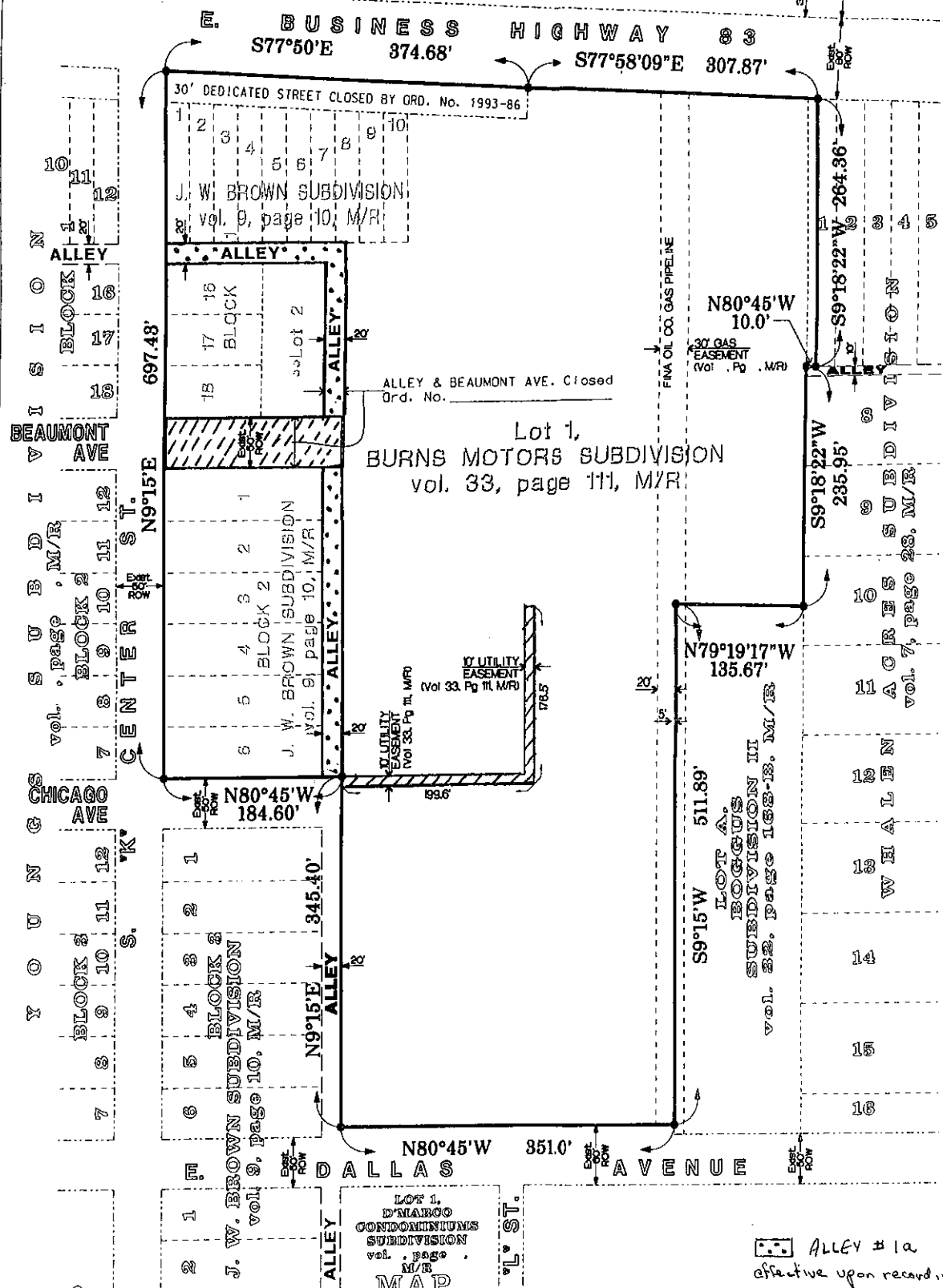
IN WITNESS WHEREOF, I hereunto set my hand and affixed my official seal this ____ day of _____, 2013.

Notary Public - State of Texas



Apr 00-2012
1"=100'

MISSOURI-PACIFIC RAILWAY CO. R-O-W



Deeds Plat # 5242 12-12-12

OF A 12.76 ACRE TRACT OF LAND COMPRISED:
 Lots 1 & 2 and Alley lying between said Lots 1 & 2 BURNS MOTORS SUB'D.
 City of McAllen, Recorded in Vol. 7, Page 28, Map Records, Hidalgo County, Texas
 AND
 The West 10.0 ft. of Lot 1, WHALENS ACRES, City of McAllen, Recorded in
 Vol. 7, Page 28, Map Records, Hidalgo County, Texas
 AND
 Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, & 10, Block 1 and Dedicated street lying
 North of said Lots and 20.0 ft. alley lying South of said Lots 1 through 8, Block 1
 AND
 The West 100.0 ft. of Lots 16, 17, & 18, Block 1
 AND
 Lots 1, 2, 3, 4, 5, & 6, Block 2 together with a portion of
 Dedicated Beaumont Ave. lying North of Block 2, together with
 20.0 ft. alley lying East of said Lots 1 through 6, Block 2
 J.W. BROWN SUB'D. City of McAllen,
 Recorded in Vol. 9, Page 10, Map Records,
 Hidalgo County, Texas

- ALLEY # 1a effective upon recording
- STREET # 1a effective upon recording
- UTILITY ESMT # 1b effective upon recording

EXHIBIT "A"
Pg. 1 of 3

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

Prepared by
Spoor Engineering Consultants, Inc.
 FIRM # F-8003
 Consulting Engineers - Civil Land Planning
 303 South 4th Street
 McALLEN, TEXAS 78501
 TEL. (956) 683-0000 FAX (956) 683-0002
 spooreng@sbcglobal.net

A 0.43 acre tract of land out of Lot "A", Boggus Subdivision II, City of McAllen, recorded in Volume 32, Page 168A, Map Records, and out of Lot 1, Burns Motors Subdivision, City of McAllen, recorded in Volume 33, Page 111, Map Records, and out of Lots 8 through 17, Whalens Acres, City of McAllen, recorded in Volume 7, page 28, Map records, all in Hidalgo County, Texas

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

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

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

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

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

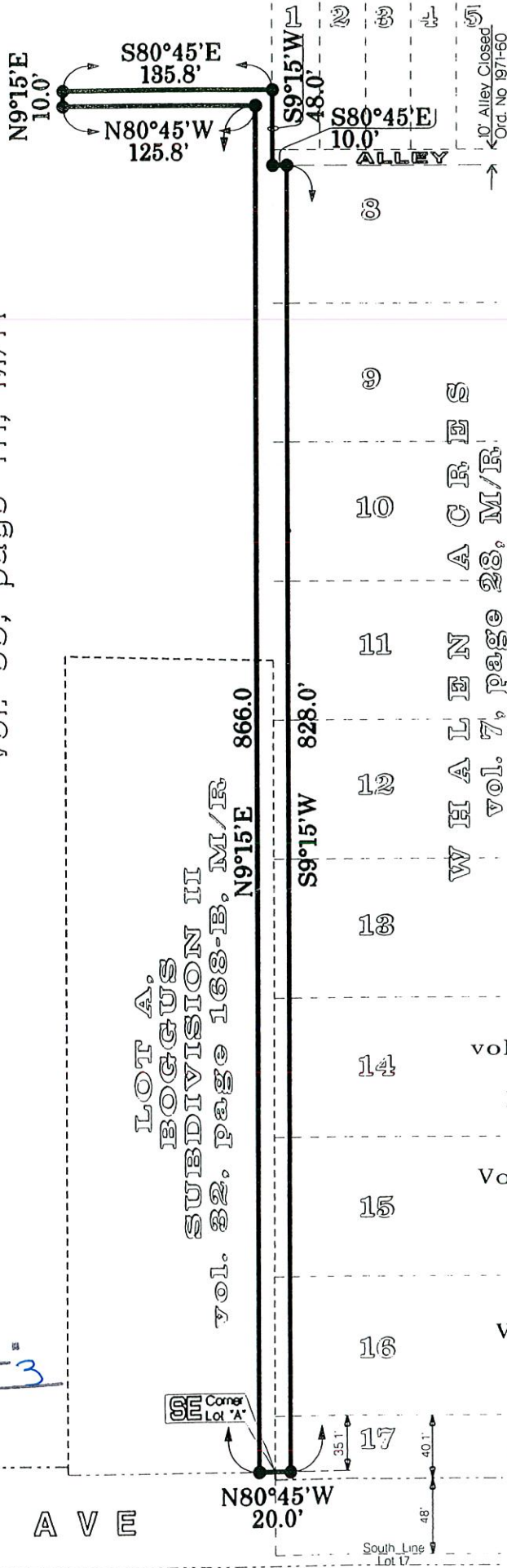
THENCE, with the East line of Lot 1, Burns Motors Subdivision, and the West line of Lot 1, Whalens Acres, and its projection, South 09 Deg. 15 Min. West, 48.0 ft. to the Northwest corner of Lot 8, Whalens Acres for an interior corner hereof; said point being the Southwest corner of abandoned 10 ft. alley;

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

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

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

Lot 1,
 BURNS MOTORS SUBDIVISION
 vol. 33, page 111, M/R



Mar 3-2013
 1"=100'

MAP

of
 A 0.43 AC. TRACT OF LAND
 OUT OF LOT "A"
 BOGGUS SUBDIVISION II,
 City of McAllen,
 recorded in
 vol. 32, page 168A, Map Records
 and OUT OF LOT 1,
 BURNS MOTORS SUBDIVISION,
 City of McAllen,
 recorded in
 Vol 33, Page 111, Map Records,
 and
 OUT OF Lots 8 though 17,
 WHALENS ACRES,
 City of McAllen,
 recorded in
 Vol 7, Page 28, Map Records,
 ALL IN
 Hidalgo County, Texas.

EXHIBIT "A"
 Pg. 3 of 3

ALLAS AVE

Prepared by
Spoor Engineering Consultants, Inc.
 FIRM - F-6003
 Consulting Engineers - Civil Land Planning
 202 South 4th Street
 McALLEN, TEXAS 78501
 TEL. (956) 683-1000 FAX (956) 683-1002
 spooreng@sbcglobal.net