



**AGENDA**

**CITY COMMISSION REGULAR MEETING  
MONDAY, SEPTEMBER 9, 2013 – 5:00 PM  
CITY COMMISSION CHAMBERS; 3<sup>RD</sup> FLOOR**

**CALL TO ORDER** - Mayor Jim Darling

**PLEDGE OF ALLEGIANCE** - Mayor Jim Darling

**INVOCATION** – Hilda Salinas, Mayor Pro Tem

**PROCLAMATIONS** – *Constitution Week* – Rio Grande Chapter, National Society Daughters of the American Revolution

**1. PUBLIC HEARING:**

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

1. Tract One: Rezone from A-O (Agricultural-Open Space) District to C-3 (general business) District: 25.559 acres out of Lot 15, Block 1, C.E. Hammonds Subdivision, Hidalgo County, Texas; 5700 North 23<sup>rd</sup> Street. Tract Two: Rezone from A-O (Agricultural-Open Space) District to C-3 (general business) District: 1.61 acres out of Lot 15, Block 1, C.E. Hammonds Subdivision, Hidalgo County, Texas; 5720 North 23<sup>rd</sup> Street.
2. Rezone from R-2 (Duplex-Fourplex Residential) District to C-3 (general business) District: Lot 14 & 15, Block 5, College Heights Subdivision, Hidalgo County, Texas; 2214 & 2212 Ithaca Avenue.
3. Request of Jose Luis Adame Jr. on behalf of McAllen Careers Institute, for a Conditional Use Permit, for life of the use, for an institutional use (vocational school) at Lots 1-6, Block 3, Harry Young's Subdivision and the NW 3.75 acres out of Lot 3, Quimby Subdivision, Hidalgo County, Texas; 1101 East Dallas Avenue.
4. Request of Jose E. Guzman on behalf of Dress Code Entertainment, LLC, 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 Lots 1-4, The District at McAllen Subdivision, Hidalgo County, Texas; 3300 North McColl Road, Suite M.
5. Request of Paula Rodriguez on behalf of Coco Bongo Sport Bar #2, appealing the decision of the Planning & Zoning Commission of the August 20, 2013 meeting, denying a Conditional Use Permit, for one year, for a bar at the 1.24 acres out of Lot 2, Block 11, Hidalgo Canal Company Subdivision, Hidalgo County, Texas; 5524 North 10<sup>th</sup> Street.

- 6. Request of Thomas B. Whitehouse, for a Conditional Use Permit, for life of the use, for an institutional use (church) at Lot 26, Oak Tree Subdivision, Hidalgo County, Texas; 7601 North Ware Road.
  - 7. Amending the Zoning Ordinance of the City of McAllen as enacted May 29, 1979.
- B) Public Hearing on Fiscal Year 2013-2014 City of McAllen Proposed Budget.
  - C) Public Hearing on 2013 City of McAllen Proposed Tax Rate.

**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) Approval of Change Order No. 1 & Final Reconciliation of Quantities for the removal, purchase and installation of three (3) Lebert HVAC Units.
- C) Consideration and action for approval of a Deduct Change Order for the purchase of three (3) Tractors and Mower Equipment.
- D) Consideration and action for authorization to remove 3<sup>rd</sup> Quarter Fiscal Year 2011-2012 Uncollectible Sanitation Accounts from the ledger.
- E) Award of Contract for the purchase of meals for inmates.
- F) Award of Contract for Roadway Illumination Assembly Installation.
- G) Resolution authorizing the acceptance of grant funds from the Texas Department of Transportation through its Selective Traffic Enforcement Program (STEP) Fiscal Year 2014.
- H) Resolution authorizing the transfer of a 0.0116 acre tract of land identified as RGV-MCS-4011E at McAllen International Bridge.
- I) Authorization to enter into an Interlocal Agreement with 19 partners spanning the Rio Grande Valley in order to fulfill the program requirements of the U.S. Department of Homeland Security Federal Emergency Management Agency FY 2012 Assistance to Firefighters Grant Award.

3. **BIDS/CONTRACTS:**

- A) Consideration and approval of Contract Amendment No. 3 for additions and renovations to the McAllen Public Safety Building Project.
- B) Award of Contract for one (1) new and used Compact Wheel Loader and one (1) Dozer Refurbishment.
- C) Consideration and action for authorization to purchase seven (7) sculptures and seven (7) donor stones from Douglas Clark for Quinta Mazatlan Sculpture Trail.

- D) Award of Contract for the construction of an irrigation pond, irrigation system, installation of an irrigation canal fill line and installation of a design master fence at Morris RDF.
  - E) Consideration and action for approval of an Interlocal Agreement with the University of Texas-Pan American for Ecological Research at the McAllen Nature Center.
  - F) Award of Contract for Ground Maintenance for various city properties.
  - G) Consideration and action for approval of an Interlocal Agreement with McAllen ISD to facilitate improvements of the Memorial Veterans' Stadium and provide for the lease of the stadium from McAllen ISD.
4. **RESOLUTION** providing for the nomination of a candidate to the Hidalgo County Appraisal District Board of Directors.
5. **VARIANCE** request to the subdivision requirement at a 1.00 acre tract of land out of Lots 19 and 20, Section 229, Texas-Mexican Railway Company's Survey; 4309 8 ½ Mile Road.
6. **MANAGER'S REPORT:**
- A) Appointment of a Representative and Alternate Representative to Amigos Del Valle Inc. Board of Directors, for Fiscal Year 2013-2014.
  - B) Consideration and action for authorization to execute any and all documents related to "1115" Program regarding health care assistance for the establishment of the Medical School in Hidalgo County and that complies with the direction given by the City Commission.
  - C) Consideration and action for authorization to increase entrance fees for Quinta Mazatlan beginning January 1, 2014.
  - D) Future Agenda Items.
7. **MAYOR'S REPORT** on Mayor's Business Council.

**PUBLIC COMMENT SESSION**

8. **EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY), SECTION 551.087 (ECONOMIC DEVELOPMENT) AND SECTION 551.072 (DELIBERATION REGARDING REAL PROPERTY).**
- 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) Consultation with City Attorney regarding litigation matter; Arnaldo Ramirez, et al vs. City of McAllen. (Section 551.071, T.G.C.)
- G) Consultation with City Attorney regarding Litigation Cause No. CL-13-2119-E; Juan Alvarez vs. City of McAllen. (Section 551.071, T.G.C.)
- H) Consideration of a 380 Economic Incentive Agreement for Grupo Feruan, LLC. (Sections 551.087 and 551.071, T.G.C.)
- I) Consultation with City Attorney regarding potential claim by G.R. Birdwell Company. (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.**

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 **6<sup>th</sup>** day of **September, 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

**CITY OF McALLEN  
STANDARDIZED RECOMMENDATION FORM**

**CITY COMMISSION**          X      
**UTILITY BOARD**      \_\_\_\_\_  
**OTHER**                    \_\_\_\_\_

**AGENDA ITEM**                1A1      
**DATE SUBMITTED**          8/20/13      
**MEETING DATE**            9/9/13    

1. **Agenda Item:**     Rezoning Request    

2. **Party Making Request:**     Brown & Ortiz, P.C.    

3. **Nature of Request: (Brief Overview) Contract:**     \_\_\_ Yes \_\_\_ No      
    Tract 1: Rezone from A-O (agricultural-open space) District to C-3 (general business) District: 25.559 acres out of Lot 15, Block 1, C.E. Hammonds Subdivision, Hidalgo County, Texas; 5700 North 23<sup>RD</sup> Street. (REZ2013-0022)      
    Tract 2: Rezone from A-O (agricultural- open space) District to C-3 (general business) District: 1.61 acres out of Lot 15, Block 1, C.E. Hammonds Subdivision, Hidalgo County, Texas; 5720 North 23rd Street. (REZ2013-0023)    

4. **Policy Implication:**     Zoning Ordinance    

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

Bid	Amount:	<u>    Budgeted    </u>	Amount:	_____
Under	Budget:	<u>    ___ Over    </u>	Budget:	_____
Amount			Remaining:	_____

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

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

7. **Routing:**

	<b>NAME/TITLE</b>	<b>INITIAL</b>	<b>DATE</b>	<b>CONCURRENCE</b>
a)	<u>    Julianne R. Rankin    </u> Director of Planning	<u>    JRR    </u>	<u>    8/20/13    </u>	<u>    Yes    </u>
b)	_____	_____	_____	_____

8. **Staff's Recommendation:**     Approval    

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

**DATE:** August 20, 2013

**SUBJECT:** **TRACT 1: REZONE FROM A-O (AGRICULTURAL-OPEN SPACE) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT: 25.559 ACRES OUT OF LOT 15, BLOCK 1, C.E. HAMMONDS SUBDIVISION, HIDALGO COUNTY, TEXAS; 5700 NORTH 23<sup>RD</sup> STREET. (REZ2013-0022)**

**TRACT 2: REZONE FROM A-O (AGRICULTURAL-OPEN SPACE) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT: 1.61 ACRES OUT OF LOT 15, BLOCK 1, C.E. HAMMONDS SUBDIVISION, HIDALGO COUNTY, TEXAS; 5720 NORTH 23RD STREET. (REZ2013-0023)**

**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 two tracts are located between Dove Avenue and Flamingo Avenue east of North 23<sup>rd</sup> Street. Tract 1 has 444.8 feet fronting North 23<sup>rd</sup> Street and a depth at its deepest point of 1,830 feet for a tract size of 25.55 acres. Tract 2 has 180 feet of frontage along North 23<sup>rd</sup> Street with a depth of 390 feet for a tract size of 1.61 acres. Tracts 1 & 2 were initially zoned to A-O (agricultural open space) District upon comprehensive zoning in 1979. There have been no rezoning requests on the property since that time. Tract 1 is farmland and Tract 2 has a single family residence on the property. The applicant is requesting C-3 (general business) District for both tracts in order to establish a commercial center. A feasibility plan has not been submitted.

The adjacent zoning is C-2 (neighborhood commercial) District to the north and south, R-1 (single family residential) District to the west and north, C-3 (general business) District to the south, and A-O (agricultural & open space) District to the north and east. Various rezoning requests to C-2 District and C-3 District for the properties to the south have been approved between 1990 and 2013. Surrounding land uses are single family residences, Kips Kwik Lube, Green Apples Daycare, South Texas Federal Credit Union, CVS Pharmacy, broadcast towers, and vacant land.

- The requested zoning for Tract 2 and the west half of Tract 1 conform to the Auto Urban Commercial land use designation for the property as indicated on the Foresight McAllen

Comprehensive Plan. The east half of Tract 1 is designated as Auto Urban Multifamily.

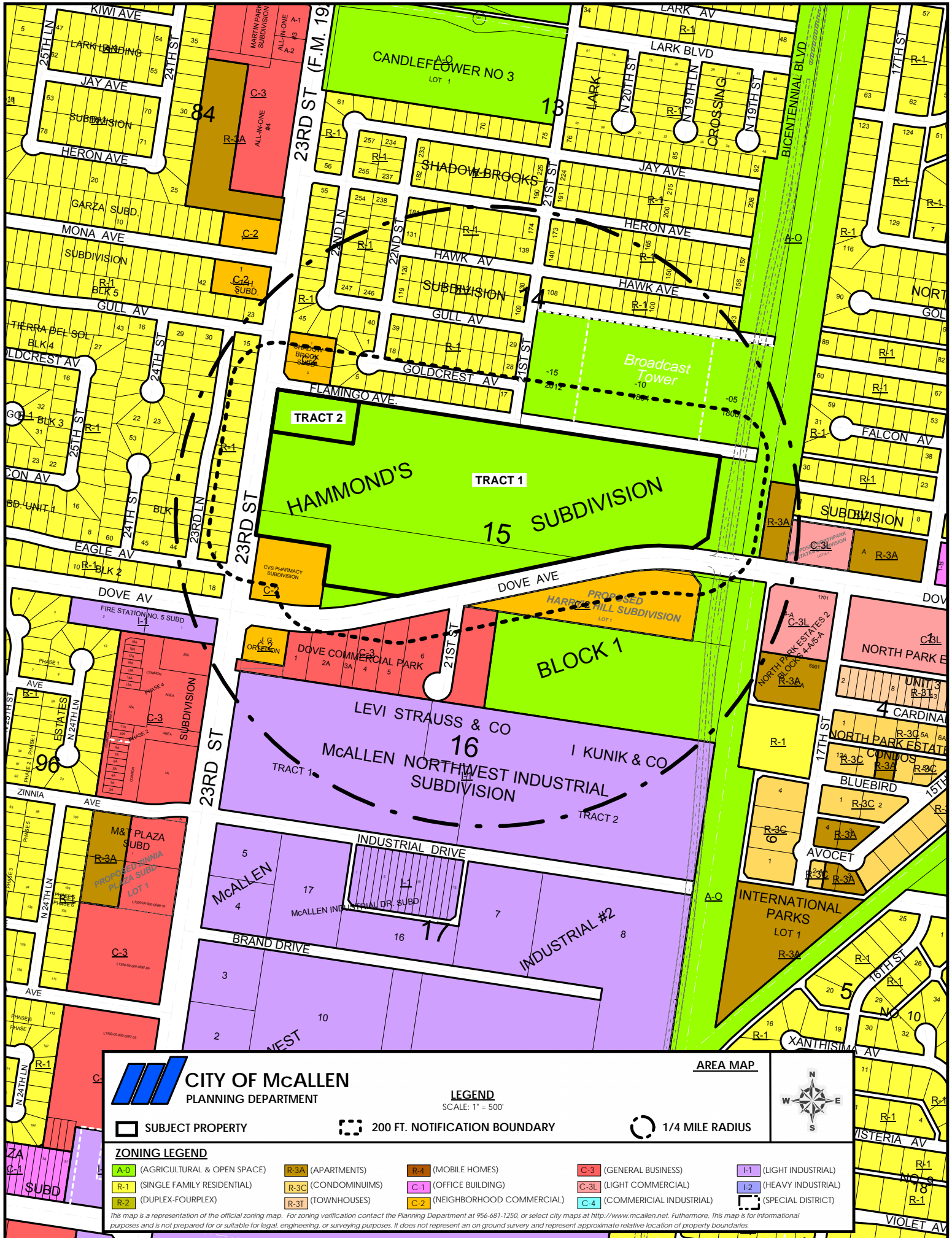
- The proposed zonings are consistent with commercial development trends for this area.
- North 23rd Street is designated as a principal arterial with 120 feet of right-of-way and is constructed with 4 travel lanes, a left turn lane, and has a posted speed limit of 45 miles per hour.
- Dove Avenue is designated as a high speed arterial with 150 feet of right-of-way, a pavement width of 52 feet, 4 travel lanes, curb and gutter, and a posted speed of 40 mph.
- Bicentennial Boulevard is designated as a high speed arterial with 150 feet of right-of-way and is constructed with 65 feet of pavement, four travel lanes, a left-turn lane, curb and gutter, and a posted speed limit of 45 miles per hour.
- Flamingo Avenue is an unpaved local street with 40 feet of right-of-way.
- Trees with a caliper of 20 inches or greater in commercial zones are protected and require a permit for removal.
- A recorded subdivision plat and approved site plan is required prior to issuance of any building permit.

### **OPTIONS:**

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

### **RECOMMENDATION:**

At the Planning and Zoning Commission meeting of August 20, 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 six members present and voting.



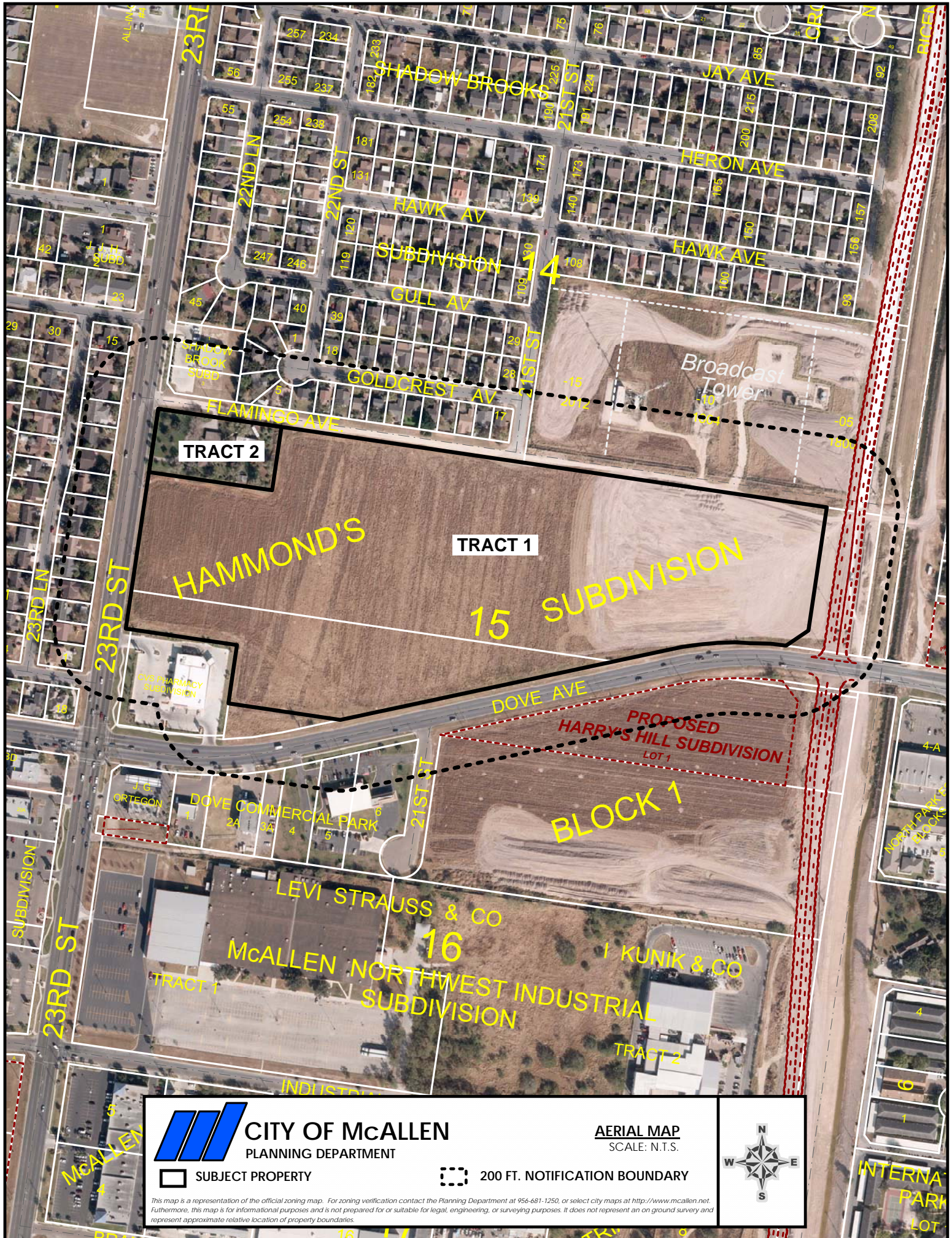
**CITY OF McALLEN**  
PLANNING DEPARTMENT

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

SUBJECT PROPERTY	200 FT. NOTIFICATION BOUNDARY	1/4 MILE RADIUS
<b>ZONING LEGEND</b>		
A-0 (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)
R-2 (DUPLIX-FOURPLEX)	R-31 (TOWNHOUSES)	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.



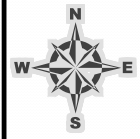


**CITY OF McALLEN**  
PLANNING DEPARTMENT

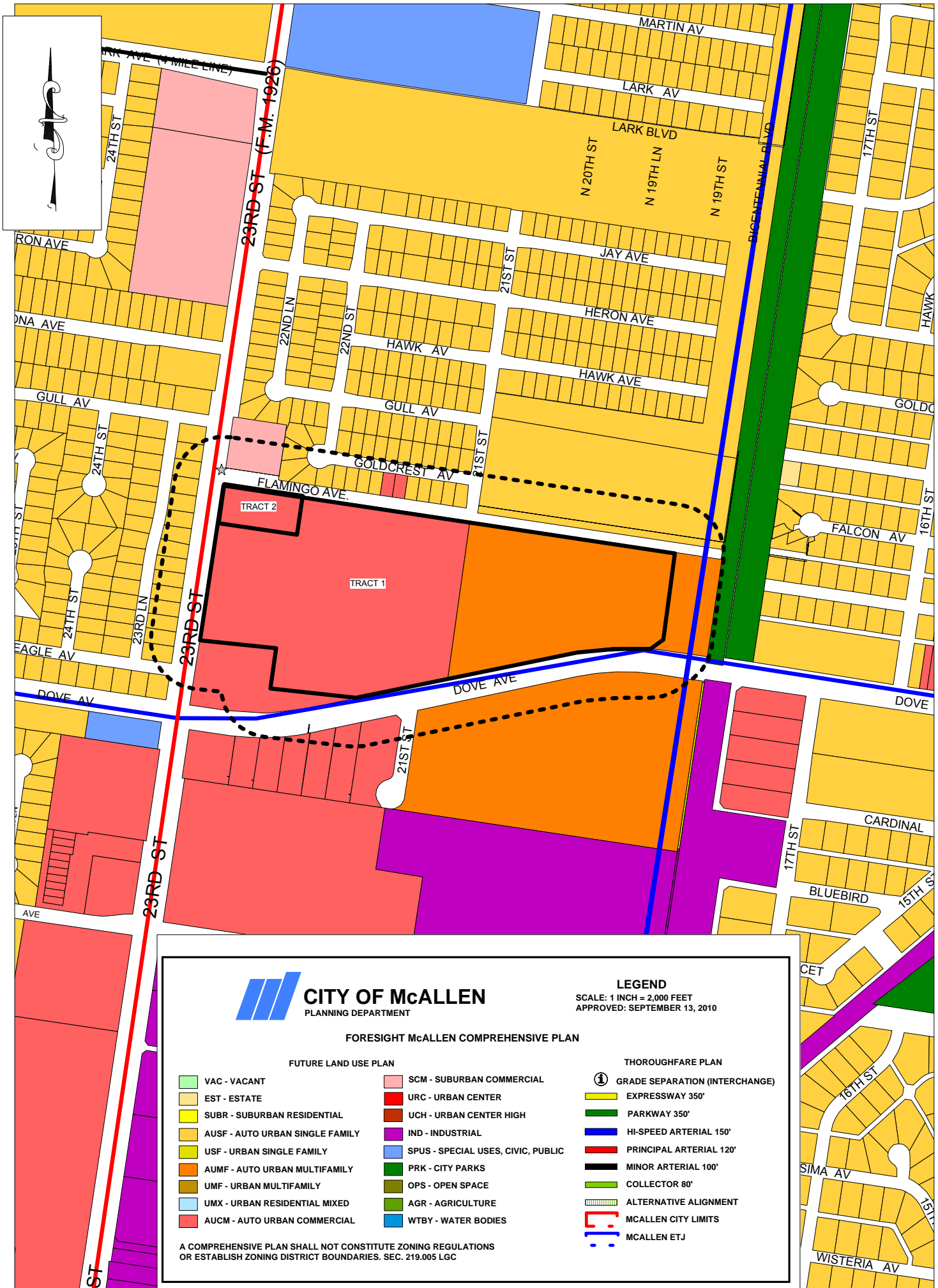
**AERIAL MAP**  
SCALE: N.T.S.

 SUBJECT PROPERTY

 200 FT. NOTIFICATION BOUNDARY



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



**CITY OF McALLEN**  
PLANNING DEPARTMENT

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

**FORESIGHT McALLEN COMPREHENSIVE PLAN**

**FUTURE LAND USE PLAN**

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

**THOROUGHFARE PLAN**

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

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

**NOTICE  
REZONING**

**For  
This Property  
REZ2013-0022/23**



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



**CITY OF McALLEN**  
**STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION            X      
 UTILITY BOARD                      
 OTHER                              

AGENDA ITEM                1A2      
 DATE SUBMITTED          09/03/13    
 MEETING DATE           09/09/12  

1. Agenda Item:     Rezoning Request    

2. Party Making Request:     Jose A. Solis    

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

    Rezone from R-2 (duplex-four plex residential) District to C-3 (general business)  
    District: Lots 14 & 15, Block 5, College Heights Subdivision, Hidalgo County,  
    Texas; 2214 & 2212 Ithaca Avenue.

4. Policy Implication:     Zoning Ordinance    

5. Budgeted:      Yes   X   No      N/A

Bid Under Amount:	Amount: <u>            </u>	Budget: <u>            </u>	Budget: <u>            </u>
Amount	Over	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> Director of Planning	<u>    JRR    </u>	<u>    09/03/13    </u>	<u>    Yes    </u>	
b) <u>                                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	

8. Staff's Recommendation:     Approval    

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

**DATE:** August 20, 2013

**SUBJECT: REZONE FROM R-2 (DUPLEX-FOURPLEX RESIDENTIAL) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT: LOTS 14 & 15, BLOCK 5, COLLEGE HEIGHTS SUBDIVISION, HIDALGO COUNTY, TEXAS; 2214 & 2212 ITHACA AVENUE. (REZ2013-0024)**

---

### **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 Ithaca Avenue approximately 140 feet east of South 23<sup>rd</sup> Street. The tract consists of two lots and has 100 feet of frontage along Ithaca Avenue with a depth of 148 feet for a tract size of 14,800 square feet. This tract was zoned R-2 (duplex-fourplex residential) district upon comprehensive zoning in 1979. A rezoning request for the subject property to C-3 (general business) District was disapproved in September 2012. Lot 14 has two rental houses on the property and Lot 15 is vacant. The applicant is the owner of Lots 11-13 which front 23<sup>rd</sup> Street and Solis Auto Sales is located on these lots. The applicant is requesting C-3 (general business) District to expand his auto sales business. A feasibility plan has been submitted by the applicant (see attached).

The adjacent zoning is R-2 (duplex-fourplex residential) District to the east, and C-3 (general business) District to the north, west, and south across Ithaca Avenue. In 1988, a rezoning request for C-3 (general business) District for Lots 4 & 5, Block 6 located to the south across Ithaca Avenue resulted in approval of C-3 zoning and is the location for C & D Motors. Surrounding land uses are single family residential to the east, and adjacent commercial uses are ABC insect control, Valley auto parts, C & D auto sales, Solis Auto Sales, Marez Auto Sales, Valley Auto Parts, O'Reilly Auto Parts, Picazos Upholstery and vacant lots.

- The requested zoning does not conform to the Urban Multifamily land use designation for the tract as indicated on the Foresight McAllen Comprehensive Plan.
- The zoning trend along Ithaca Avenue is commercial. Adjacent land uses are primarily commercial and the east property line aligns with commercial to the south. Three vacant lots located to the southeast are zoned R-2 District.
- Ithaca Avenue is a local residential street with 50 feet of right-of-way, 29 feet of pavement, curb and gutter, and no sidewalks.

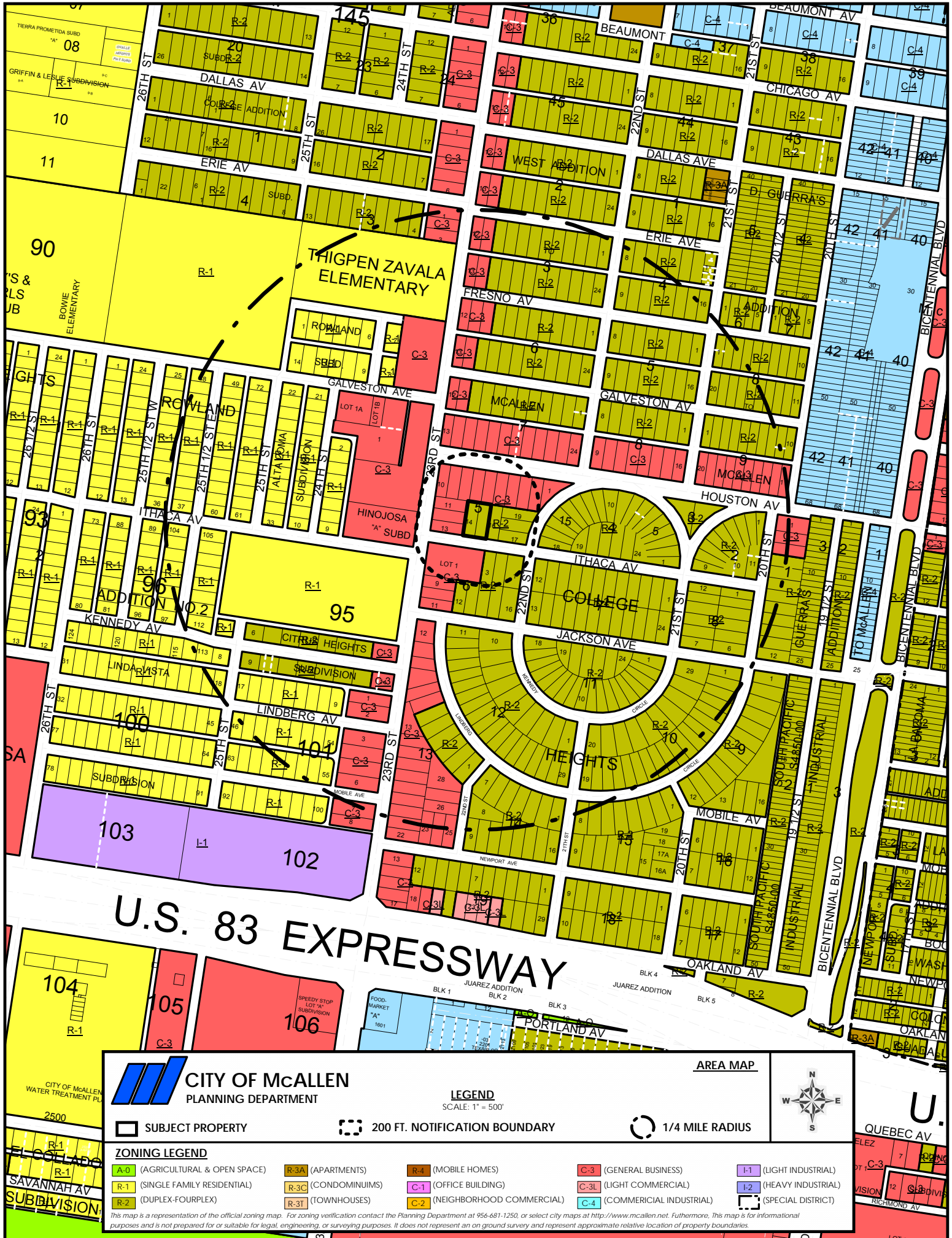
- A masonry wall with a height of 8 feet is required where a nonresidential use has a side or rear property line in common with any single family residential use or zone.
- Trees with a caliper of 20 inches or greater in commercial zones are protected and require a permit for removal.
- An approved site plan in compliance with buffers, landscaping, and off-street parking is required prior to issuance of building permits or occupancy.

### **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 20, 2013 one person appeared in opposition of the rezoning request. Charlie Balderas, 2208 West Jackson Avenue, questioned the expansion of commercial zoning away from 23<sup>rd</sup> Street since this area has been residential. Karla Solis, representing the applicant whom was not present, mentioned that since one of the lots is vacant, they have noticed dumping of trash on their property and establishing a use, possibly expansion of their car sales business on the property would eliminate that problem. The Board then voted to recommend approval of the rezoning request to C-3 (general business) District to allow expansion of an existing business. The vote was 5 ayes and one nay.



# U.S. 83 EXPRESSWAY

**CITY OF McALLEN**  
PLANNING DEPARTMENT

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

AREA MAP

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

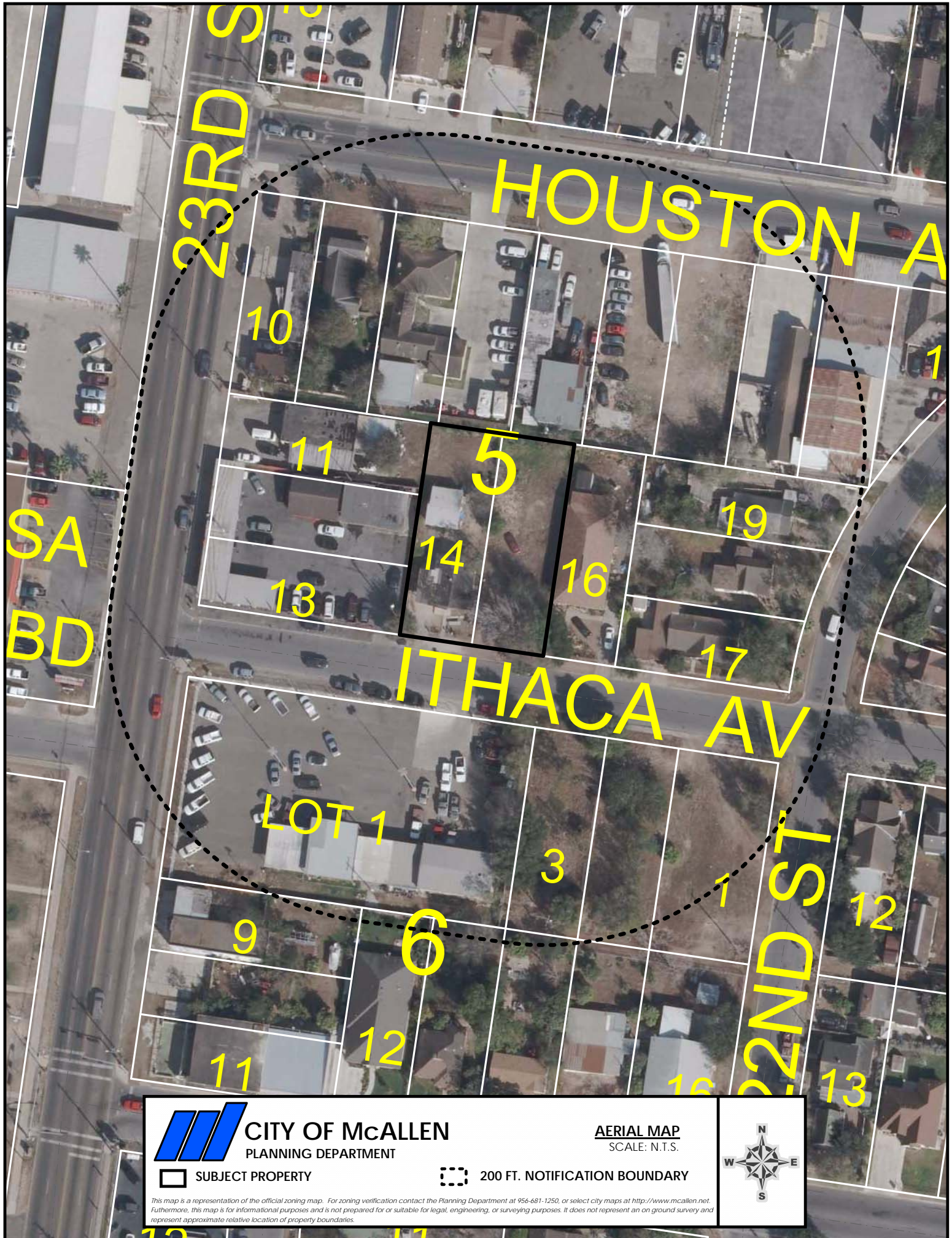
1/4 MILE RADIUS



**ZONING LEGEND**


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

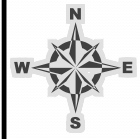


**CITY OF McALLEN**  
PLANNING DEPARTMENT

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

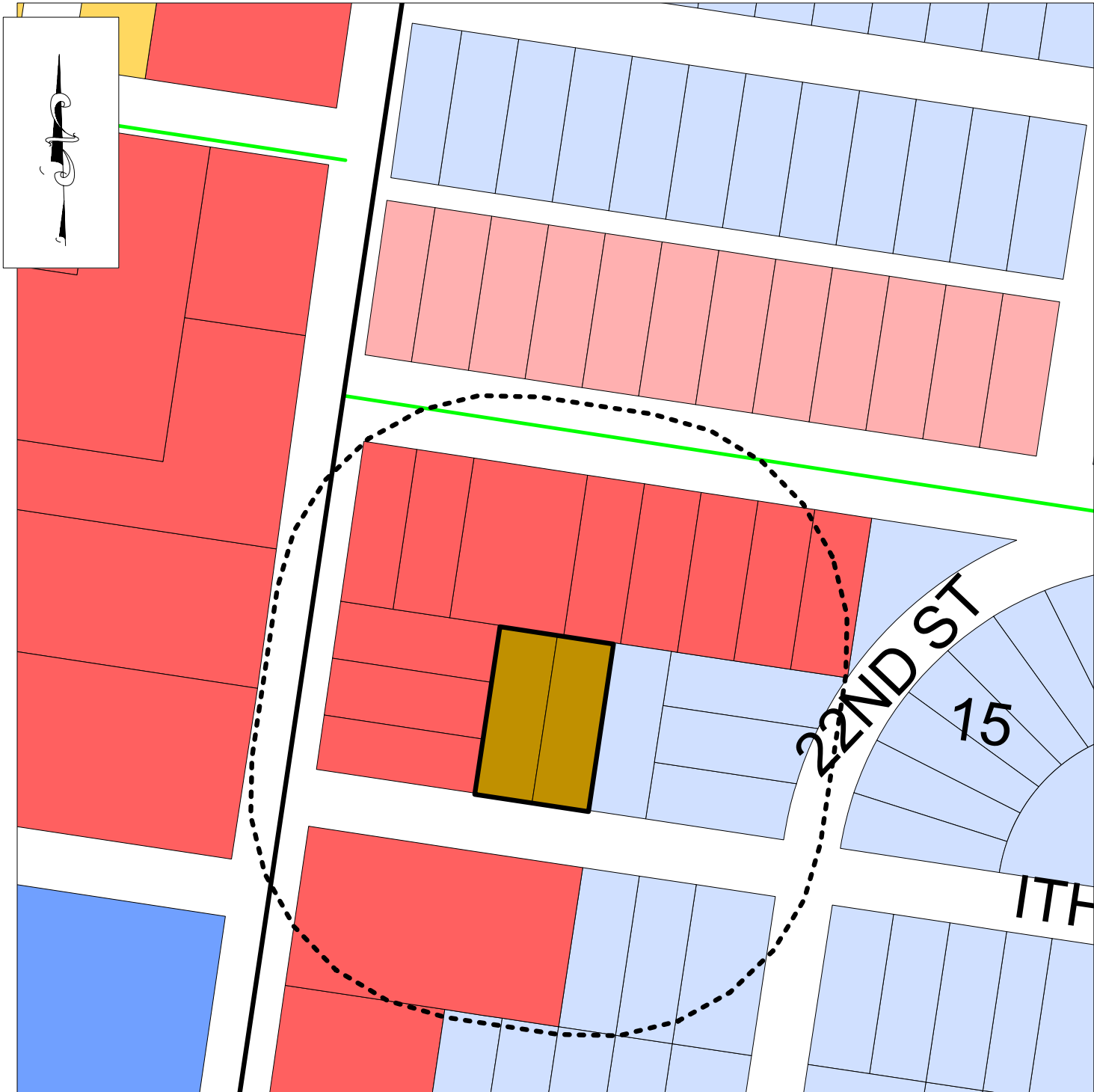
 SUBJECT PROPERTY

 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" = 500 FT  
APPROVED: DECEMBER 10, 2007

**FORESIGHT McALLEN COMPREHENSIVE PLAN**

**FUTURE LAND USE PLAN**

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

**THOROUGHFARE PLAN**

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

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

**NOTICE  
REZONING  
For  
This Property  
REZ2013-0024**

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



short space

17 spaces Required

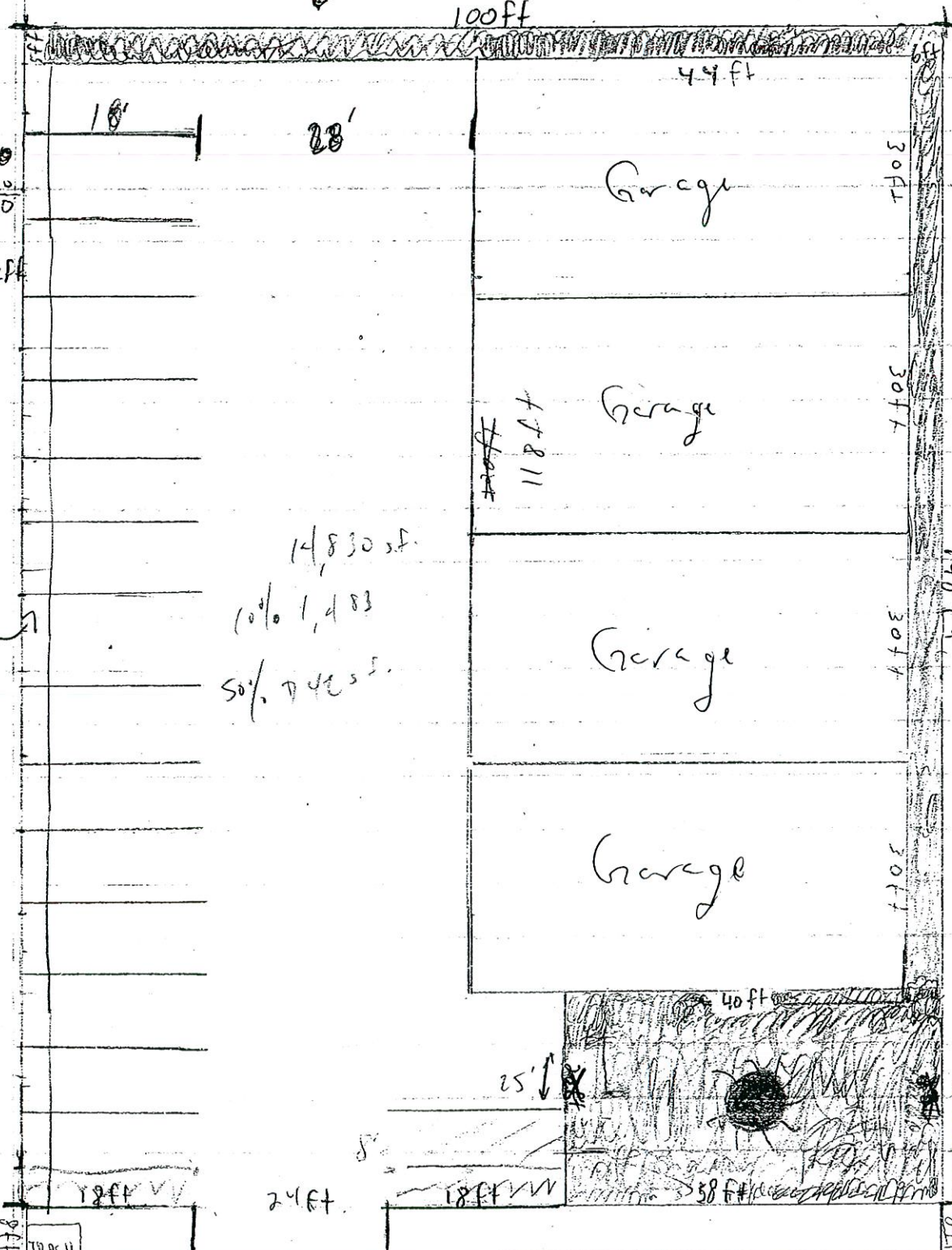
College Heights  
Lot 14 & 15  
2214 ITHACA

Buildings  
5280 ft

17 parking  
Front 920  
Back 1220  
2140

lot 148005ft

17' PA Landscaping strip



14,830 sq ft  
10% 1,483  
50% 7,415

down }  
c.v.p. } 0

ITHACA AVE.

Jose A Solis  
956-571-9175

RECEIVED  
JUL 19 2013  
Initial: [Signature]

## STANDARDIZED RECOMMENDATION FORM

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

AGENDA ITEM \_\_\_\_\_  1A3   
 DATE SUBMITTED \_\_\_\_\_  9/3/13   
 MEETING DATE \_\_\_\_\_  9/9/13

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

2. Party Making Request:  Jose Luis Adame on behalf of McAllen Careers Institute

3. Nature of Request: (Brief Overview) Attachments:  X  Yes \_\_\_\_\_ No  
 The request of Jose Luis Adame on behalf of McAllen Careers Institute, for a Conditional Use Permit, for the life of the use, for an Institutional Use (vocational school) at Lots 1-6, Block 3, Harry Young Subdivision and the NW 3.75 acres out of Lot 3, Quimby Subdivision, Hidalgo County, Texas: 1101 East Dallas Avenue.

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

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

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

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

7. Routing:

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

a) <u> Julianne R. Rankin </u> Director of Planning	<u> JRR </u>	<u> 9/3/2013 </u>	<u> Yes </u>
b) _____	_____	_____	_____

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

9. Advisory Board:  X  Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ None  
 As per staff's recommendation.

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

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

## Memo

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

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

**DATE:** September 3, 2013

**SUBJECT: REQUEST OF JOSE LUIS ADAME ON BEHALF OF MCALLEN CAREERS INSTITUTE, FOR A CONDITIONAL USE PERMIT, FOR THE LIFE OF THE USE, FOR AN INSTITUTIONAL USE (VOCATIONAL SCHOOL) AT LOTS 1 - 6, BLOCK 3, HARRY YOUNG SUBDIVISION AND THE NW 3.75 ACRES OUT OF LOT 3, QUIMBY SUBDIVISION; 1101 EAST DALLAS 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 between South "J" Street on the north side of East Dallas Avenue. It is zoned C-3 (general business) District. The adjacent zoning is C-3 District to the east, C-4 (commercial industrial) District to the north, R-2 (duplex-fourplex residential) District to the south and A-O (agricultural & open space) District to the west. Surrounding land uses include commercial and industrial businesses, a multi-family apartment complex and a drainage ditch. An institutional use is permitted in a C-3 zone with a Conditional Use Permit and in compliance with requirements.

A Conditional Use Permit was applied for in 2008 and was approved for one year at the Planning and Zoning Commission meeting on January 6, 2009. The last permit was approved for renewal on November 2, 2010 by the Planning and Zoning Commission.

Currently there is an existing multi-tenant commercial structure on the property east of South "J" Street and vacant land on the property to the west of South "J" Street. The applicant is proposing to continue to occupy lease spaces in the building for a vocational school for welding classes. The applicant also stated that they are in the process of purchasing the vacant land. Future construction will be done in two phases, each phase consisting of one building with required parking and related site improvements.

A building permit application will be required for any construction that is proposed. All requirements must be met for the building permit including setbacks, landscaping, parking, etc.

The Fire Department has inspected the existing building which meets the minimum safety codes and regulations. The school must comply with the zoning ordinance and specific requirements as follows:

- 1) The proposed use shall not generate traffic onto residential size streets or disrupt residential areas, and shall be as close as possible to a major arterial. The property fronts South "J" Street and it does not generate traffic into residential areas.
- 2) The proposed use shall comply with the McAllen Off-Street Parking Ordinance and make provisions to prevent the use of street parking, especially in residential areas. Based on the number of classrooms and offices, 12 parking spaces are required for the use. The remainder of the building requires 21 spaces and 35 are provided on site;
- 3) The proposed use shall prevent the unauthorized parking of its patrons on adjacent businesses or residences by providing fences, hedges or reorientation of entrances and exits;
- 4) The proposed use shall provide sufficient lighting to eliminate dark areas, perimeter fencing, and an orientation of the building to provide maximum visibility from a public street in order to discourage vandalism and criminal activities;
- 5) Provisions shall be made to prevent litter from blowing onto adjacent streets and residential areas;
- 6) The number of persons within the building shall be restricted to the existing seating capacity for the building; and
- 7) Sides adjacent to commercially and residentially zoned or used properties shall be screened by an 8 ft. masonry wall.

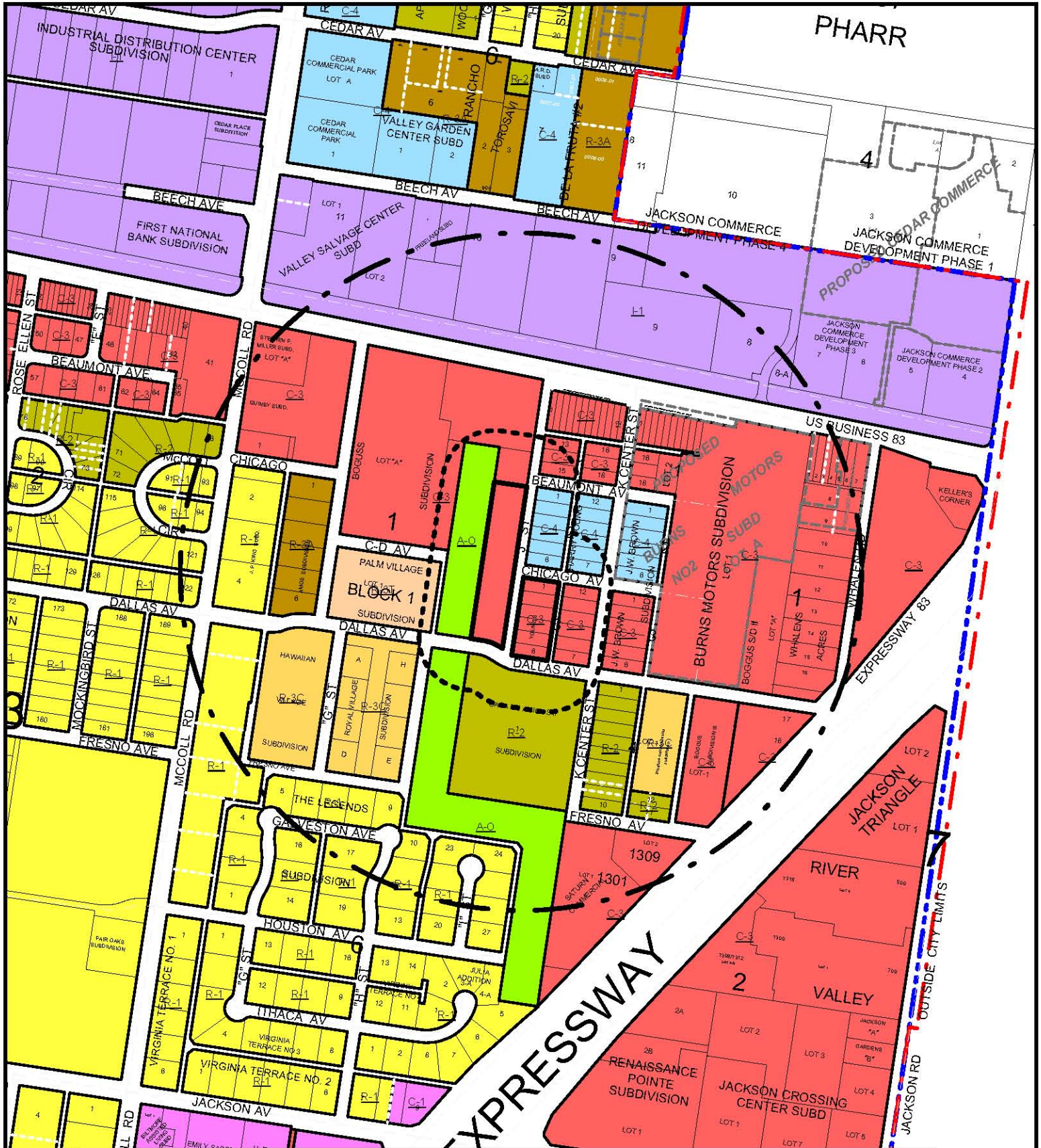
**OPTIONS:**

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

**RECOMMENDATION:**

This request was heard at the August 20, 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 approve the request, for the life of the use, subject to the Zoning Ordinance, Subdivision Ordinance, Fire Department and building permit requirements. There were six members present, five ayes and one abstention.



**CITY OF McALLEN**  
PLANNING DEPARTMENT

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

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

ZONING LEGEND			
(A)GRICULTURAL & OPEN SPACE	(APARTMENTS)	(MOBILE HOMES)	(GENERAL BUSINESS)
(SINGLE FAMILY RESIDENTIAL)	(CONDOMINIUMS)	(OFFICE BUILDING)	(LIGHT COMMERCIAL)
(DUPLEX-FOURPLEX)	(TOWNHOUSES)	(NEIGHBORHOOD COMMERCIAL)	(COMMERCIAL INDUSTRIAL)
			(LIGHT INDUSTRIAL)
			(HEAVY INDUSTRIAL)
			(SPECIAL DISTRICT)

This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 956-681-250, 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





**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 956-681-1258, or email to city maps at <http://www.mcallen.net>. For the most current information for purposes and not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an official survey and represents approximate relative location of property boundaries.





**jmerc  
DESIGN**  
DRAFTING AND  
DESIGN SERVICE  
DALLAS, TEXAS  
jmerc@jmercdesign.com  
214-770-0011

THESE DRAWINGS SHALL  
REMAIN THE PROPERTY OF  
JMERCDGA. THEY MAY NOT  
BE RE-COPIED, REPRODUCED OR  
ALTERED IN ANY MANNER  
WITHOUT PRIOR WRITTEN  
APPROVAL FROM AND WITH  
APPROPRIATE COMPENSATION  
TO JMERCDGA.

PowerPro Office Warehouse  
Unit 2 Finish Out  
Site Plan  
McAllen, Texas

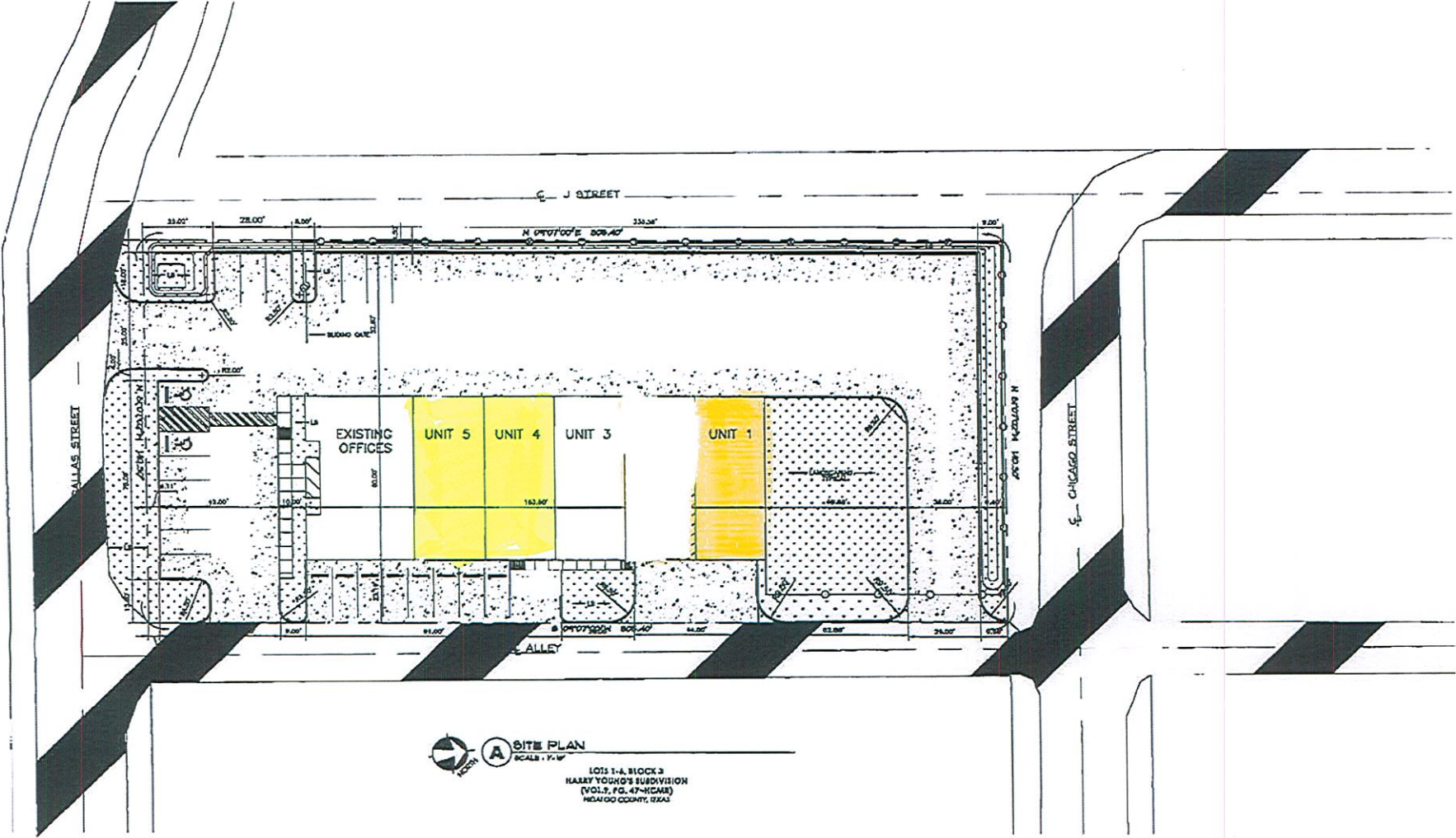
NO.	REVISIONS

RULES AND NETWORKS

Site Plan  
DATE  
03.28.08  
ISSUE DATE  
JOB NUMBER  
DRAWN BY  
CHECKED BY

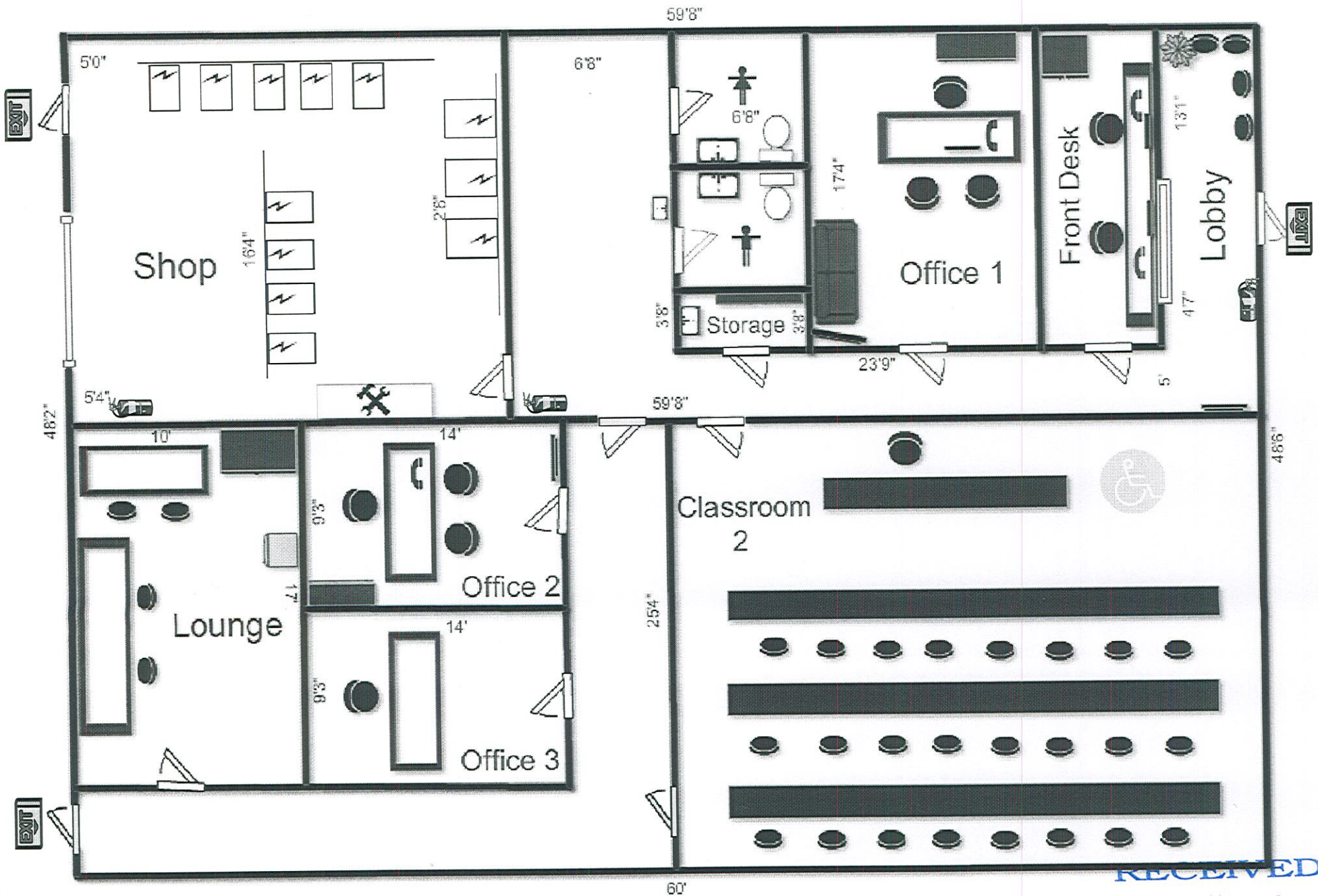
SHEET NUMBER

C1.1



**A** SITE PLAN  
SCALE: 1/4" = 1'-0"

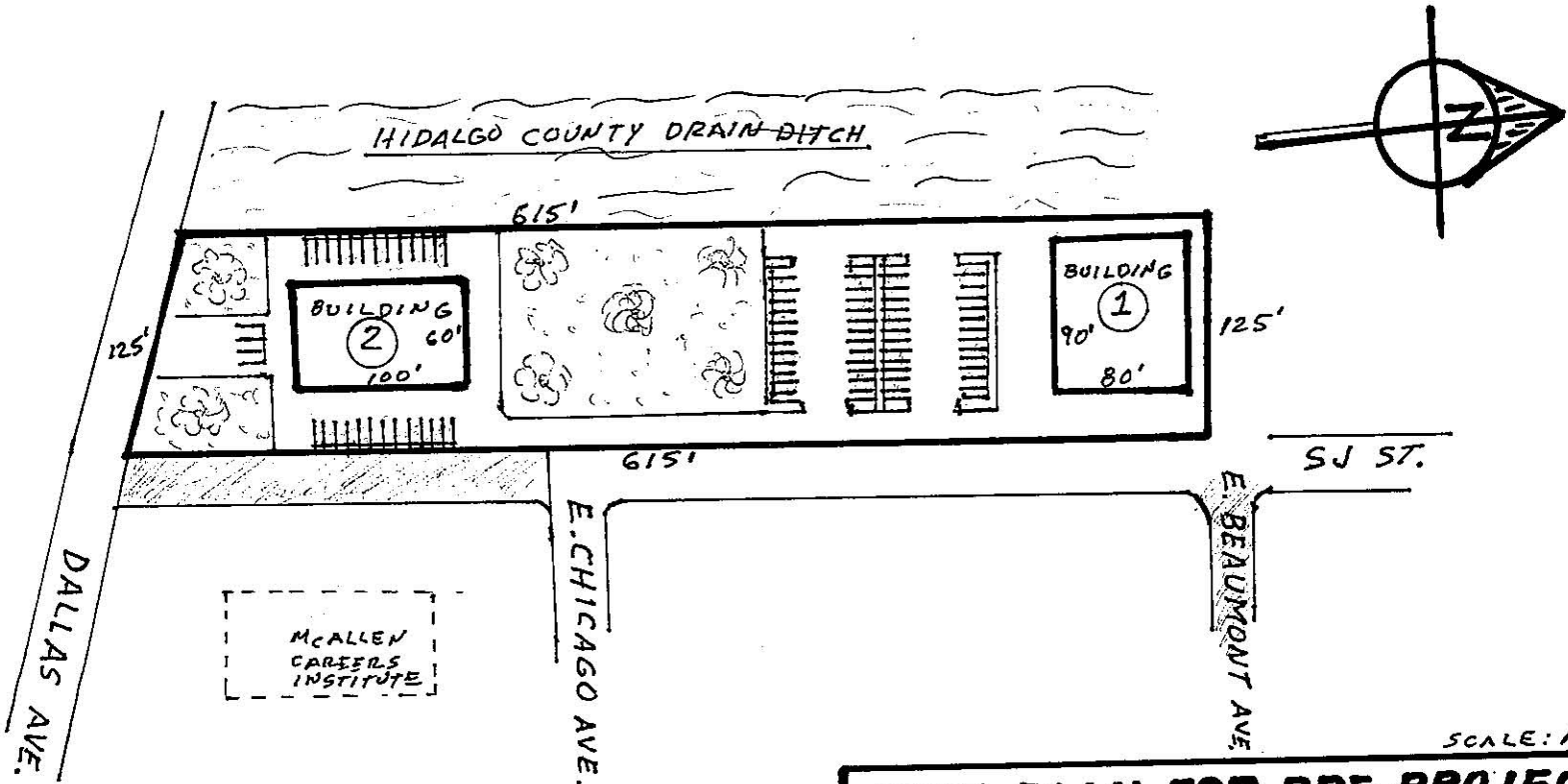
LOTS 1-4, BLOCK 3  
HALEY YOUNG'S SUBDIVISION  
(VOL. 2, P.G. 47-116148)  
HARRIS COUNTY, TEXAS



RECEIVED

JUL 24 2013

Initial: AA



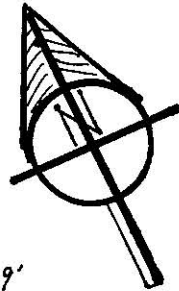
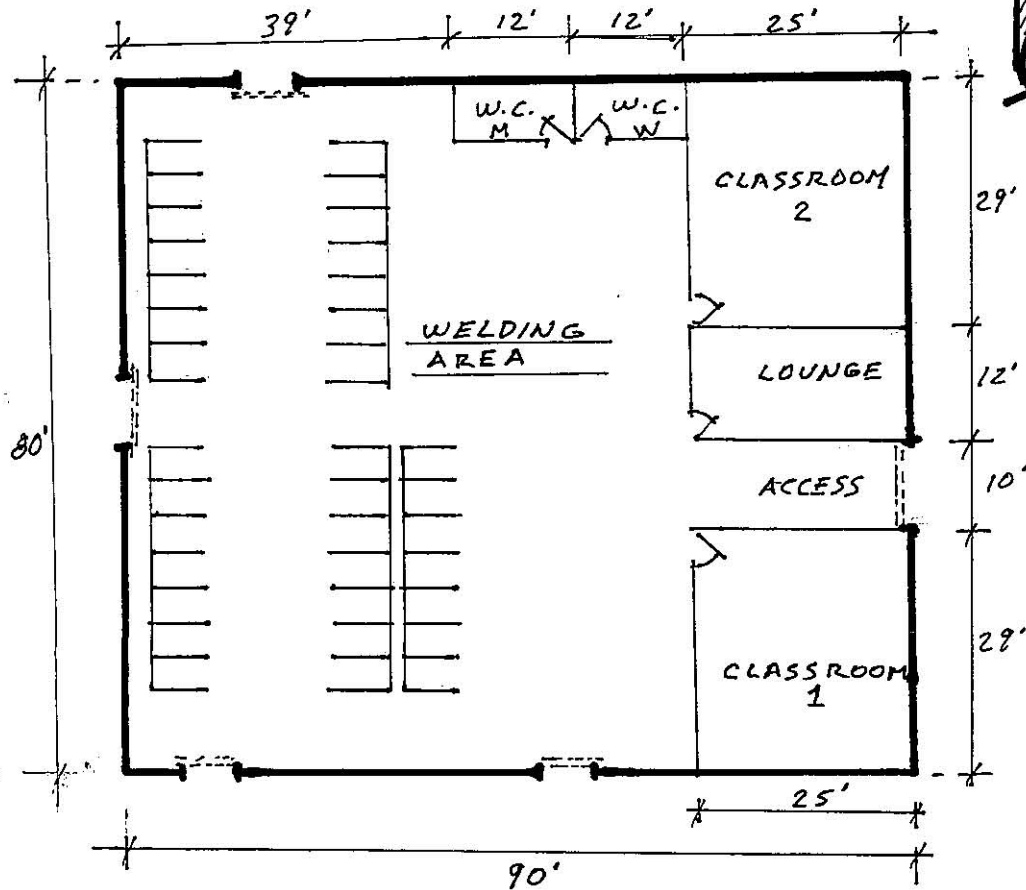
SCALE: 1/2" = 1,000'

**SITE PLAN FOR PRE-PROJECT**  
 OWNER: McALLEN CAREERS INSTITUTE  
 JOSE LUIS ADAME (DIRECTOR)  
 ADDRESS: E. DALLAS AND E. CHICAGO AVE.  
 McALLEN, TX. 78501

JUL-2013

JUL 24 2013

Initial: *[Signature]*



**NOTE:**

THE BUILDING STRUCTURE IS METAL AND THE EXTERIOR WALL AND ROOF OF SHEET METAL. THE FLOORS OF CONCRETE WITH REINFORCE WALLS WITH METAL STUDS FRAME/SHEETROCK AND FIREWALL. THIS PRESENTATION IS ONLY A PRELIMINARY PROJECTION, HOWEVER, PROJECTION WILL BE DEFINITE WHEN PRESENTED A DETAIL SPECIFICATION FOR STRUCTURAL, ELECTRICITY, PLUMBING, A/C, CONTRACTING, EXTRACTORS.

SCALE: 1:200

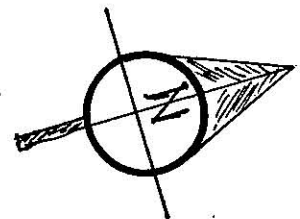
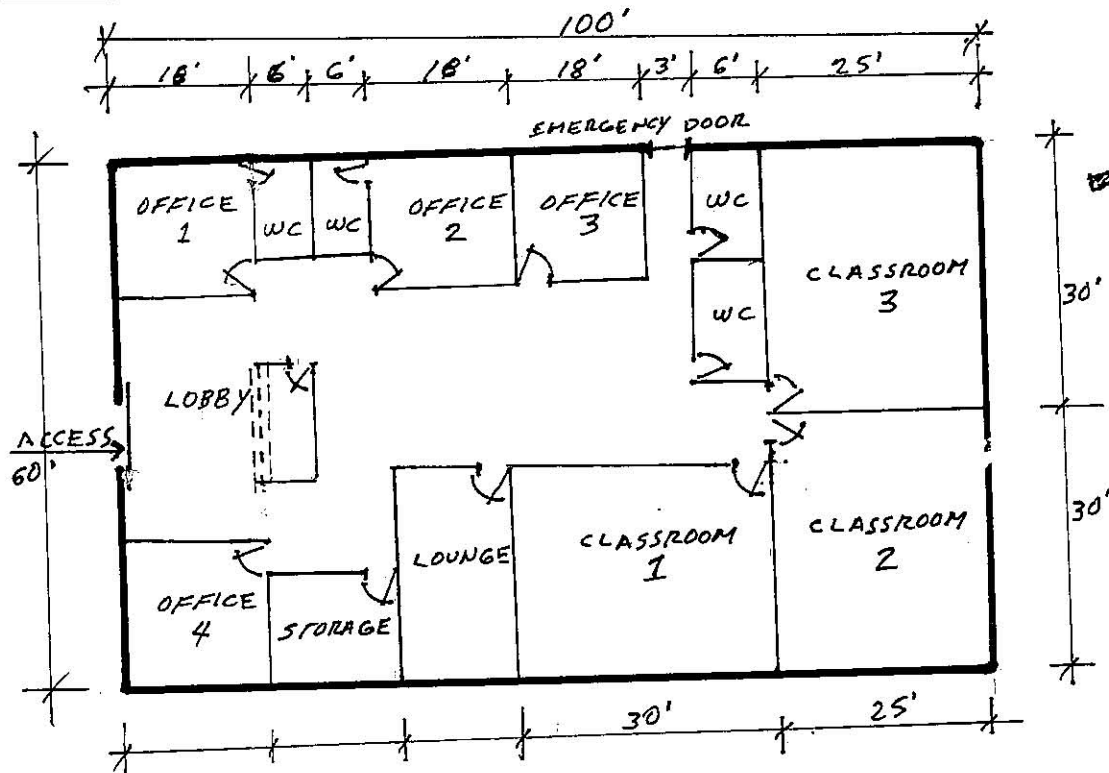
**FLOOR PLAN FOR PRE-PROJECT**

OWNER: McALLEN CAREERS INSTITUTE  
 JOSE LUIS ADAME (DIRECTOR)  
 ADDRESS: E. DALLAS AND E. CHICAGO AVE  
 McALLEN TX 78501

JULY-2013

**FLOOR PLAN - BUILDING 1**

Initial:



**FLOOR PLAN BUILDING 2 (FUTURE)**

SCALE: 1:200

**FLOOR PLAN FOR PRE-PROJECT**  
 OWNER: McALLEN CAREERS INSTITUTE  
 JOSE LUIS ADAME (DIRECTOR)  
 ADDRESS: E. DALLAS AND E. CHICAGO AVE.  
 McALLEN TX. 78501  
 RECEIVED JULY-2013

JUL 24 2013



1101

NOTICE  
INSTITUTIONAL  
For  
This Property  
CUP2013-0137  
City of Houston Planning Dept. 484-1234  
www.houston.gov

BCG-972

CL6-F138

TEXAS  
80K-9080

**STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION	<u>  X  </u>	AGENDA ITEM	<u>  1A4  </u>
UTILITY BOARD	<u>          </u>	DATE SUBMITTED	<u>  9/3/13  </u>
PLANNING & ZONING BOARD	<u>          </u>	MEETING DATE	<u>  9/9/13  </u>
OTHER	<u>          </u>		

1. Agenda Item:   Conditional Use Permit  

\_\_\_\_\_

\_\_\_\_\_

2. Party Making Request:   Jose E. Guzman on behalf of Dress Code Entertainment, LLC  

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 E. Guzman on behalf of Dress Code Entertainment, LLC, for a Conditional Use Permit, for one year, for a nightclub at Lots 1-4, The District at McAllen Subdivision, Hidalgo County, Texas: 3300 North McColl Road, Suite M.  

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>	<u>  JRR  </u>	<u>  9/3/2014  </u>	<u>  No  </u>
Director of Planning			
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 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 DRESS CODE ENTERTAINMENT, LLC, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A NIGHTCLUB AT LOTS 1-4, THE DISTRICT AT MCALLEN SUBDIVISION; 3300 NORTH MCCOLL ROAD, SUITE M.**

---

### **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 east side of North McColl Road, approximately 140 ft. north of East Fern Avenue and is zoned C-3 (general business) District. The adjacent zoning is C-3 District to the north, south, and west and R-3A (multifamily residential apartment) District to the east. Surrounding land uses include the commercial businesses, offices, restaurants, and multi-family residences and vacant land. 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 June 5, 2012. On appeal, the City Commission approved the variance to the distance requirement and the conditional use permit on June 25, 2012.

The applicant is proposing to continue to operate a nightclub (Dress Code) from a 3,803 sq. ft. existing two-story lease space. The proposed hours of operation are from 9:00 p.m. to 2:00 a.m. Monday – Sunday.

A police activity report is attached with service calls from July 2012 to present. The Health has inspected the establishment; however, a fire inspection is needed. 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 North McColl Road and East Fern Avenue, and does not generate traffic onto residential areas;
- 3) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum, and make provisions to prevent the use of adjacent streets for parking. Currently there is a multi-tenant commercial building on the property. The shopping center is a mixture of office, retail, vacant suites, a restaurant (La Pampa) and three nightclubs. Based on the square footage and current uses, excluding La Pampa and existing nightclubs, to run simultaneously during business hours (8 a.m. to 7 p.m.), 140 parking spaces are required. The proposed nightclub would require an additional 51 parking spaces; 274 parking spaces are provided on the common parking area in the front and rear of the building. For the businesses that are after hours (La Pampa and the existing and proposed nightclubs) to run simultaneously, 303 parking spaces are required. There is a mutual access agreement, which allows the use of parking and access in and across Lots 1 through 5, 6A, 6B of The District of McAllen Subdivision and Lot 9, 10, and 11 of The District of McAllen Phase II Subdivision. The 22 parking spaces will be utilized from Lot 6A;
- 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. Should this permit be granted, then the condition of keeping litter at a minimum on this property and on adjacent properties be maintained; 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 will be determined at the time of building permit.

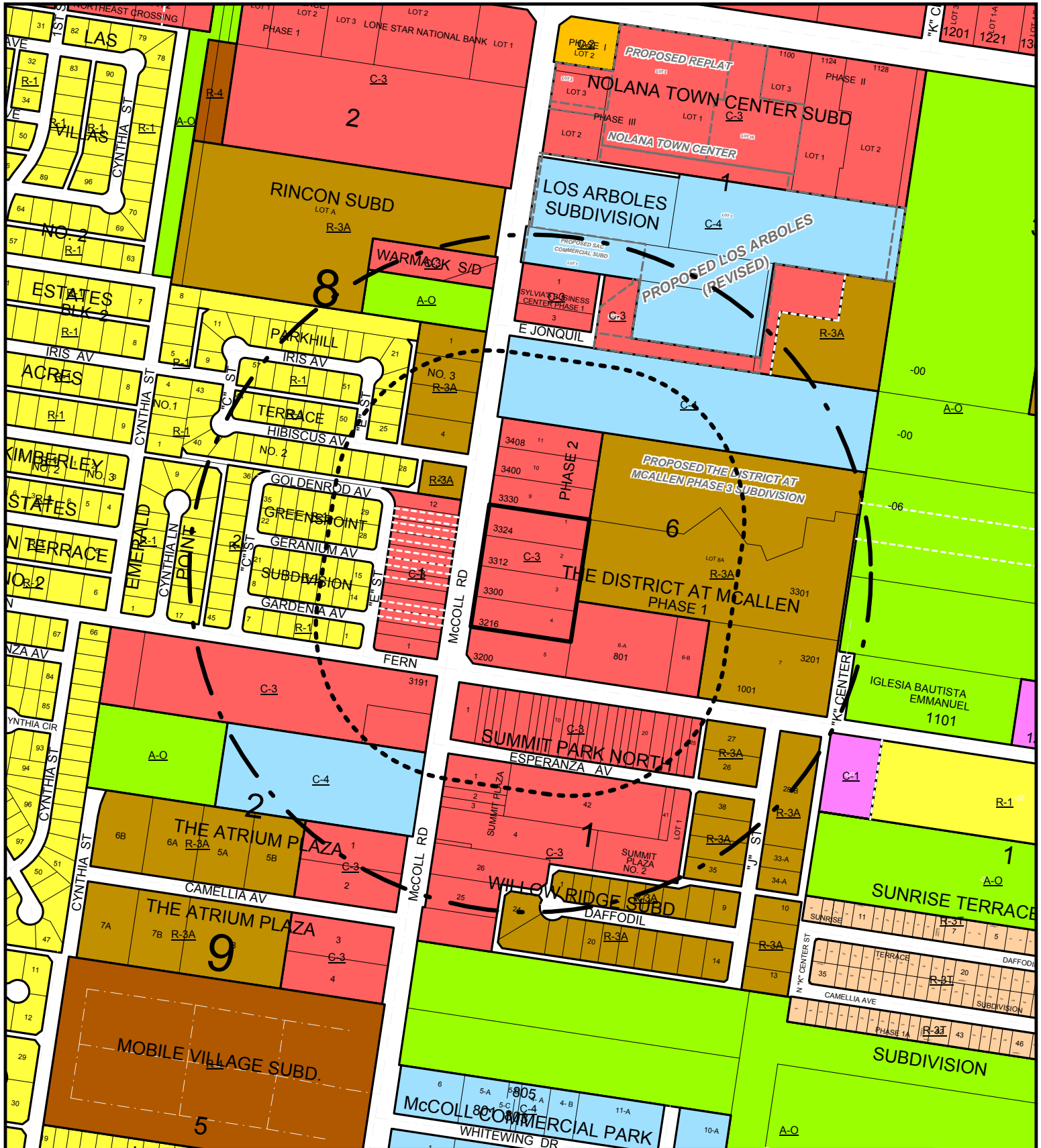
**OPTIONS:**

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 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'

**AREA MAP**

**SUBJECT PROPERTY**

**600 FT. NOTIFICATION BOUNDARY**

**1/4 MILE RADIUS**



**ZONING LEGEND**


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

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

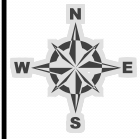


**CITY OF McALLEN**  
PLANNING DEPARTMENT

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

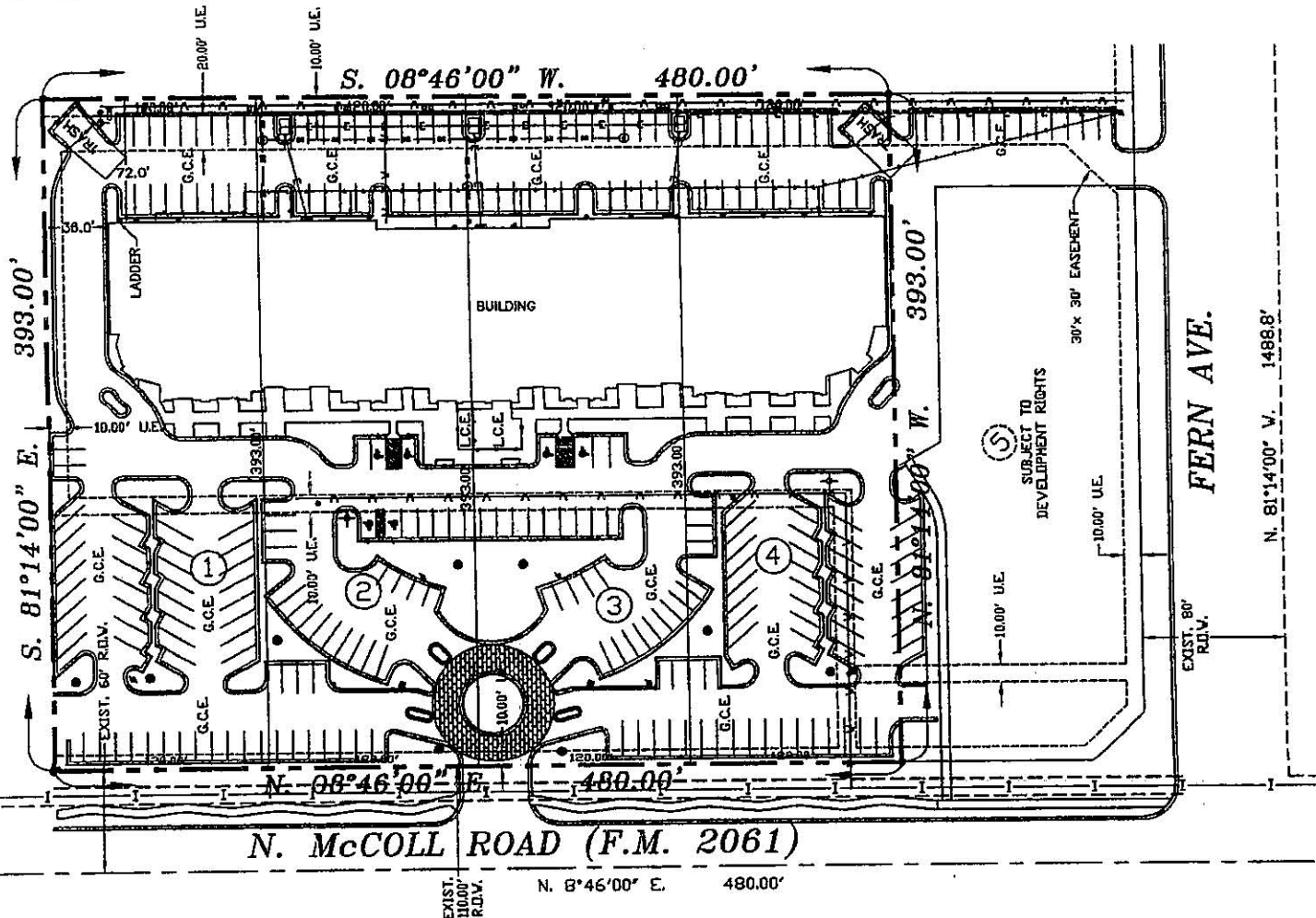
 SUBJECT PROPERTY

 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.

SCALE: N.T.S.



LEGEND	
WATER METER	⊗
WATER VALVE	⊙
MANHOLE	⊕
FIRE HYDRANT	⊛
SAWSE	⊚
LIGHT POLE	⊙
DOWN DRAIN	⊙
GRADED INLET	⊙
SIGN	⊙
GAS METER	⊙
ELECTRICAL PANEL	⊙
SANITARY SEWER CLEAN OUT	⊙
TRANSFORMER	⊙
WATER LINE	WL
UTILITY CRANT. U.E.	U.E.
SANITARY SEWER	S.S.
ELECTRICAL LINE	E.L.
CLEAN OUT	C.O.
TELEPHONE LINE	T.L.

NOTE:  
 G.C.E.-GENERAL COMMON ELEMENT  
 L.C.E.-LIMITED COMMON ELEMENT

DATE PREPARED: JAN 2005

**Bigler, Winston, Greenwood, & Associates, Inc.**

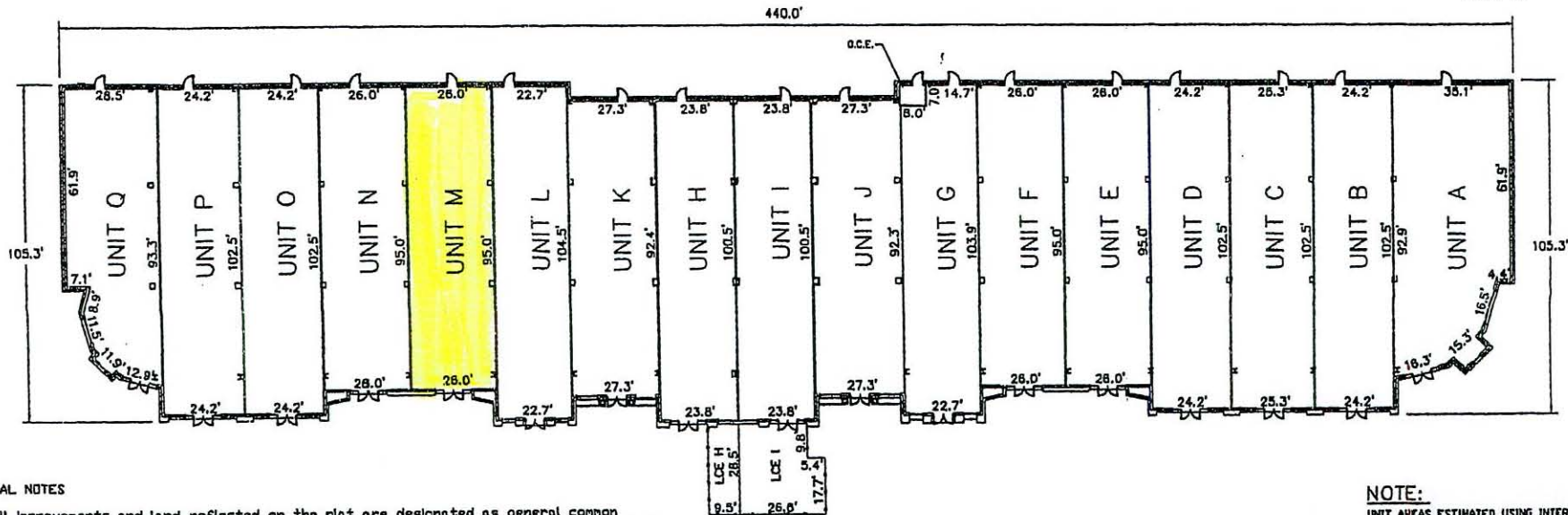
CONSULTING ENGINEERS  
 WESLACO-McALLEN  
 TEXAS

SINCE 1948  
 COPYRIGHT 2005

PREPARED BY:  
 BOLE, WINSTON, GREENWOOD & ASSOCIATES, INC.  
 1804 E. HWY. 83 WESLACO, TX.  
 (956) 968-2194  
 (956) 968-8300  
 EMAIL: SWSOCS@HWLINE.NET

COPYRIGHT 2005 BOLE, WINSTON, GREENWOOD  
 AND ASSOCIATES, P.C.

**EXHIBIT "B-1"**  
**THE DISTRICT AT McALLEN CONDOMINIUMS**  
**3300 NORTH McCOLL**  
**McALLEN, TX. 78501**



## GENERAL NOTES

- All improvements and land reflected on the plat are designated as general common elements, save and except portions of the regime designated as LCE or units (U) in the Declaration of Condominium Regime for The District at McAllen Condominiums (the "Declaration") or (U) on the plats and plans of the regime.
- Ownership and use of condominium units is subject to the rights and restrictions contained in the Declaration.
- Each unit, building limited common element and general common element is subject to special rights reserved by the Declarant as provided provision A.4 of Exhibit 'A' to the Declaration. Pursuant to such provisions, among other things, Declarant has reserved the right to (i) complete or make improvements indicated on the plat and plans, as provided in Provision A.4(i) of Exhibit 'A' to the Declaration; (ii) exercise any development right permitted by the Texas Uniform Condominium Act (the "Act") and the Declaration, including the addition of all or any portion of the Additional Property to the regime described on this plat as "Additional Property Which May Be Added to the Regime" or "Subject to Development Rights", which property may be added as units, general common elements and/or limited common elements, as provided in Section 2.2 of the Declaration and Provision A.4(ii) of Exhibit 'A' to the Declaration; (iii) make the property part of a larger condominium or planned community, as provided in Provision A.4(iii) of Exhibit 'A' to the Declaration; (iv) use units owned or leased by Declaration as models, storage areas, and offices for the marketing, management, maintenance, customer service, construction, and leasing of the property, as provided in Provision A.4(iv) of Exhibit 'A' to the Declaration, and (v) appoint or remove any Declarant-appointed officer or director of the Association during the Declarant-appointed officer or director of the Association during the Declarant control period (as defined in the Declaration) consistent with the Act, as provided in Provision A.4(vii) of Exhibit 'A' to the Declaration. As provided in Provision A.4 (v) of Exhibit 'A' to the Declaration, for purposes of promoting, identifying, and marketing the property, Declarant reserves an easement and right to place or install signs, banners, flags, display lighting, potted plants, exterior decorative items, seasonal decorations, temporary window treatments, and seasonal landscaping on the property including items and locations that are prohibited to other owners. Declarant reserves an easement and right to maintain, relocate, replace, or remove the same from time to time within property. As provided in Provision A.4(vi) of Exhibit 'A' to the Declaration, Declarant has an easement and right of ingress and egress in and through the common elements (as defined in the Declaration) and units owned or leased by Declarant for purposes of constructing, maintaining, managing, and marketing the property, and for discharging Declarant's obligations under the Act and the Declaration.

## NOTE:

UNIT AREAS ESTIMATED USING INTERIOR WALL AND COLUMN ALIGNMENT.  
G.C.E. - GENERAL COMMON ELEMENT

## LEGEND

LCE I	Assigned to Unit I
LCE J	Assigned to Unit J

EXHIBIT "B-2"  
THE DISTRICT AT McALLEN CONDOMINIUMS  
3300 NORTH McCOLL  
McALLEN, TX. 78501

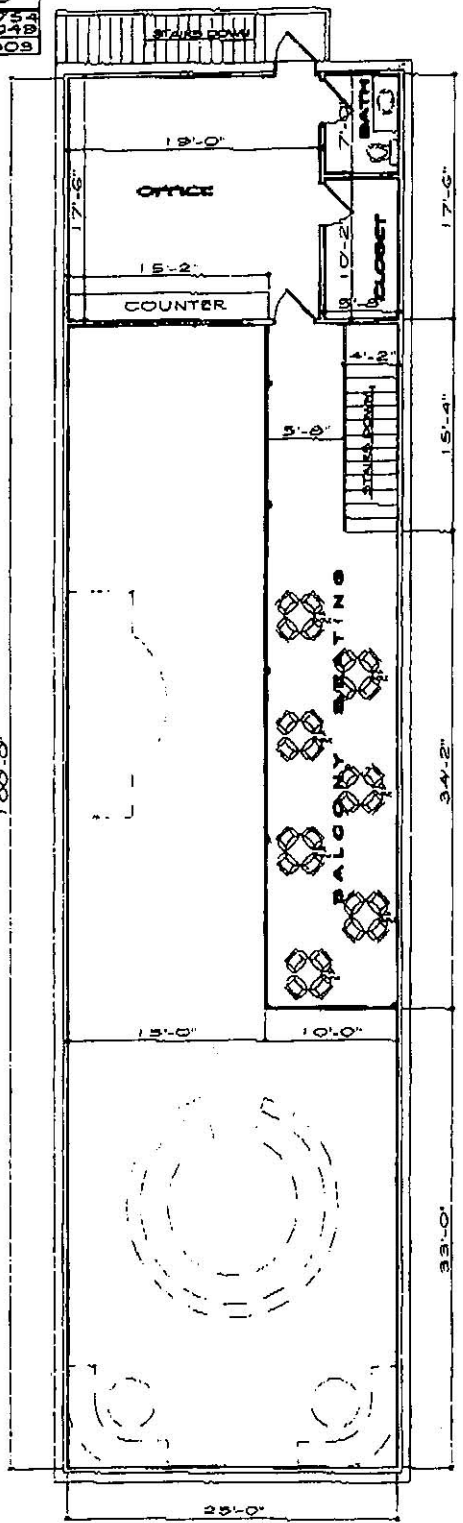
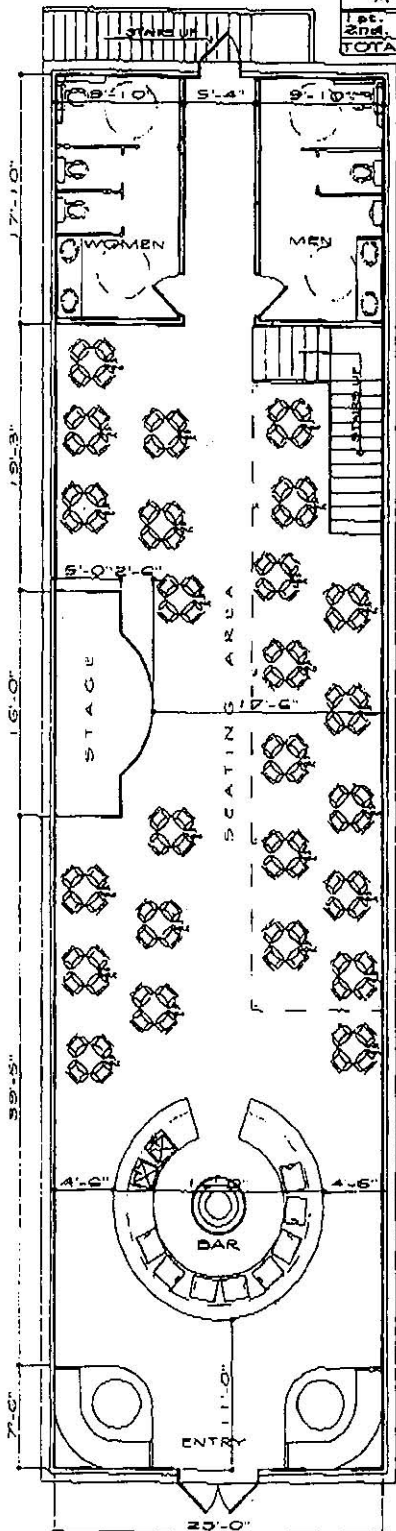
DATE PREPARED: JAN. 2003

SINCE 1945  
COPYRIGHT 2003

PREPARED BY:  
SWIGER, WINSTON, GREENWOOD & ASSOCIATES, INC.  
1804 E. HWY. 83 WESLACO, TX.  
(936) 928-2194  
(936) 928-8300  
EMAIL: SWIGER@SWIGER.NET

COPYRIGHT 2003 SWIGER, WINSTON, GREENWOOD  
AND ASSOCIATES, INC.

AREAS	
1st. Fl.	2754
2nd. Fl.	1048
TOTAL	3802



1st. FLOOR  
 UNIT "M" THE DISTRICT  
 3300 N. McCOLL, McALLEN, TX

RE

McAllen Police Department  
Crime Records Office

Criteria: 3300 N McColl Rd, Ste M;  
July 2012 - present

<u>DATE</u>	<u>TIME</u>	<u>INC#</u>	<u>INC TYPE</u>	<u>ADDRESS</u>
11/21/2012	16:20	201200111184	ALARMS	3300,N,MCCOLL,RD,,STE M
11/30/2012	11:57	201200114043	ALARMS	3300,N,MCCOLL,RD,,STE M
12/14/2012	12:02	201200118911	ALARMS	3300,N,MCCOLL,RD,,STE M
12/21/2012	2:08	201200121330	ALARMS	3300,N,MCCOLL,RD,,STE M
1/10/2013	4:15	201300003019	ALARMS	3300,N,MCCOLL,RD,,STE M
2/10/2013	2:51	201300013608	DISTURBANCE	3300,N,MCCOLL,RD,,STE M



8/16/2013

To City of McAllen

Re: Dress Code Nightclub  
3300 N. McCall Suite M

I am respectfully appealing the decision made by the Planning & Zoning on August 6<sup>th</sup> denying the approval of the CUP.

Jose Guzman



CELL# 956-227-7872



ELEVATE

V  
VENUS  
Medspa & Salon

**NOTICE  
BAR  
For  
This Property  
CUP2013-0122**  
City of McAllen Planning Dept - 681-1250  
www.mcallen.net

**STANDARDIZED RECOMMENDATION FORM**

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

AGENDA ITEM \_\_\_\_\_  1A5   
DATE SUBMITTED \_\_\_\_\_  9/3/13   
MEETING DATE \_\_\_\_\_  9/9/13

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

2. Party Making Request:  Paula Rodriguez on behalf of Coco Bongo Sport Bar #2

3. Nature of Request: (Brief Overview) Attachments:  X  Yes \_\_\_\_\_ No  
 Appeal the decision of the Planning and Zoning Commission of the August 20, 2013 meeting denying the request of Paula Rodriguez on behalf of Coco Bongo Sport Bar #2 for a Conditional Use Permit, for one year, for a bar at the 1.24 acres out of Lot 2, Block 11, Hidalgo Canal Company Subdivision, Hidalgo County, Texas: 5524 North 10<sup>th</sup> Street.

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  
 YES/NO

a)  Julianne R. Rankin  \_\_\_\_\_  JRR  \_\_\_\_\_  9/3/2013  \_\_\_\_\_  No   
Director of Planning  
b) \_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_

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

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

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

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

## Memo

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

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

**DATE:** September 3, 2013

**SUBJECT: REQUEST OF PAULA RODRIGUEZ ON BEHALF OF COCO BONGO SPORT BAR #2 FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A BAR AT THE 1.24 ACRES OUT OF LOT 2, BLOCK 11, HIDALGO CANAL COMPANY SUBDIVISION; 5524 NORTH 10<sup>TH</sup> STREET.**

**GOAL:**

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

**BRIEF DESCRIPTION:**

The property is located on the east side of North 10<sup>th</sup> Street, approximately 250 ft. south of Dove Avenue and is zoned C-3 (general business) District. The adjacent zoning is C-3 District to the north, west and south and R-1 (single family residential) District to the east. Surrounding land uses include retail, offices, Bill Schupp Park and single family homes. A bar is allowed in a C-3 zone with a Conditional Use Permit and in compliance with requirements.

The initial Conditional Use Permit was approved for a bar at this location by the Planning and Zoning Commission in 1997, and renewed in 1998, and 2001. In 2003 - 2007 and 2009 - 2012 was renewed and approved with a variance to the 600 ft. distance requirement with additional conditions as noted by the City Commission.

There is a new applicant proposing to operate a sports bar from the existing building. The proposed hours of operation are from 3:00 p.m. to 2:00 a.m. Sunday thru Saturday. The applicant stated that the outdoor area will not be used. Based on the 3,526 sq. ft. space (inside area only), 36 parking spaces are required; 36 spaces are provided on site. Staff has received a call from an adjacent neighbor with concerns dealing with patrons parking on his parking lot on Broadway North Subdivision and the bars proximity to Fantasyland because of the children who attend the skating ring.

The permits have been previously approved with the following additional conditions: 1) No live music; 2) No expansion of the existing dance floor (11' X 11') without permission of the city; 3) Operate a kitchen with food service; 4) Cannot hear the business from the residential area after 10:00 p.m. and; 5) No Wet "T" Shirt Contests.

Attached is a police activity report, which indicates service calls from July 2012 to May 2013 for the previous establishment. The Fire and Health Departments will need to conduct final inspections to verify that the establishment is in compliance with the safety codes and regulations once the remodeling is complete. 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 abovementioned businesses must be at least 600 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 600 ft. from the nearest residence and Bill Schupp Park;
2. The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The bar is located on a major arterial, North 10<sup>th</sup> 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 3,526 sq. ft. space (inside) 36 parking spaces are required; 36 spaces are provided on site.
4. The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties;
5. The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;
6. The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
7. The above mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director. The allowable number of persons for this established is set at 188.

Should the conditional use permit be approved, additional conditions will apply including no outside seating or music and conditions as previously noted on previous approvals.

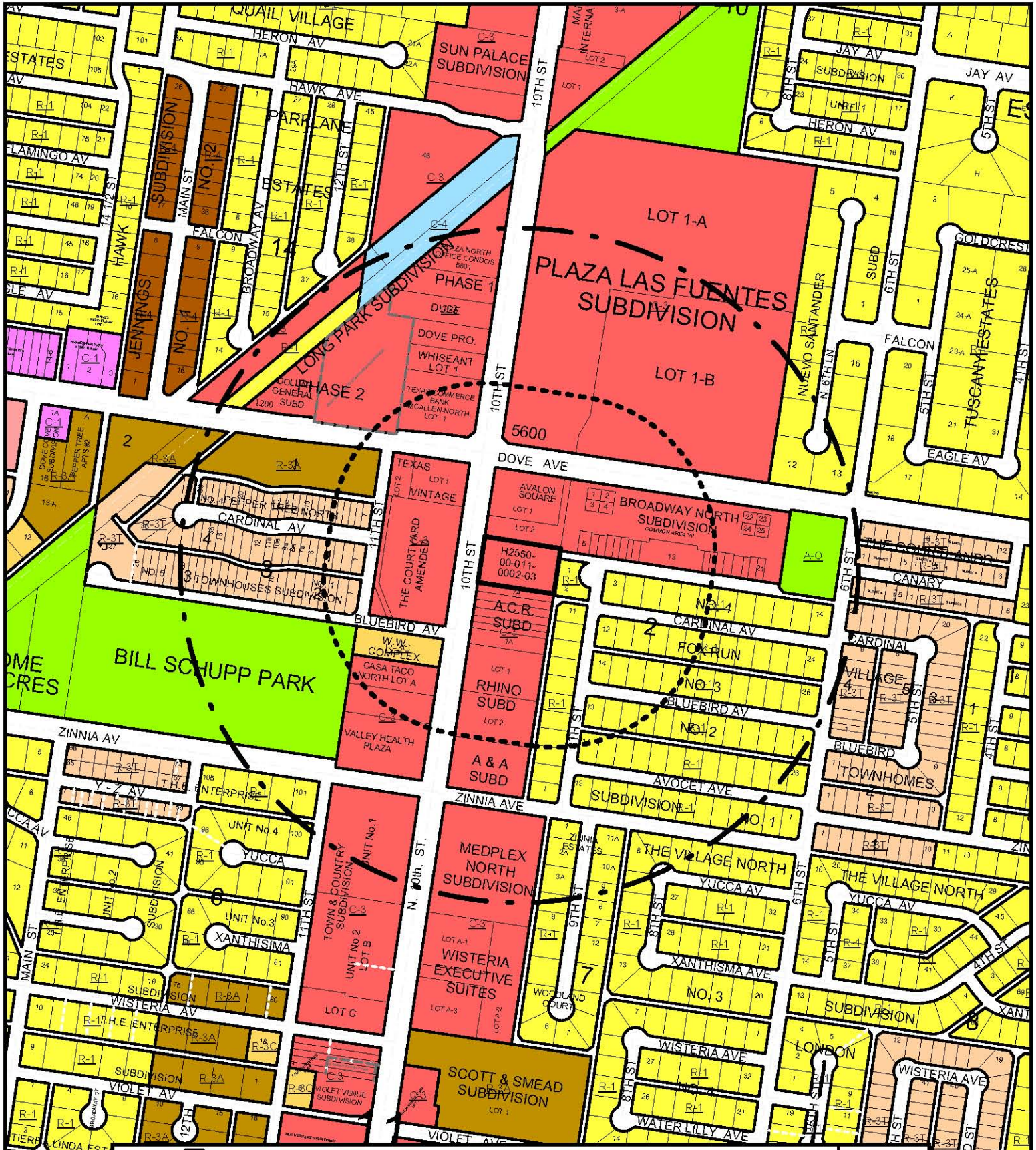
## **OPTIONS:**

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

**RECOMMENDATION:**

This request was heard at the August 20, 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 non-compliance 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 additional conditions as previously noted. There were five members present and voting.



**CITY OF McALLEN**  
PLANNING DEPARTMENT

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


- |                  |                               |                 |  |
|------------------|-------------------------------|-----------------|--|
| SUBJECT PROPERTY | 600 FT. NOTIFICATION BOUNDARY | 1/4 MILE RADIUS |  |
|------------------|-------------------------------|-----------------|--|
- 
- |                                 |                     |                               |                             |
|---------------------------------|---------------------|-------------------------------|-----------------------------|
| <b>ZONING LEGEND</b>            |                     |                               |                             |
| 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 (DUPLEX-FOURPLEX)           | R-31 (TOWNHOUSES)   | C-2 (NEIGHBORHOOD COMMERCIAL) | C-4 (COMMERCIAL INDUSTRIAL) |
|                                 |                     |                               | I-1 (LIGHT INDUSTRIAL)      |
|                                 |                     |                               | I-2 (HEAVY INDUSTRIAL)      |
|                                 |                     |                               | (SPECIAL DISTRICT)          |

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



**CITY OF McALLEN**  
PLANNING DEPARTMENT

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

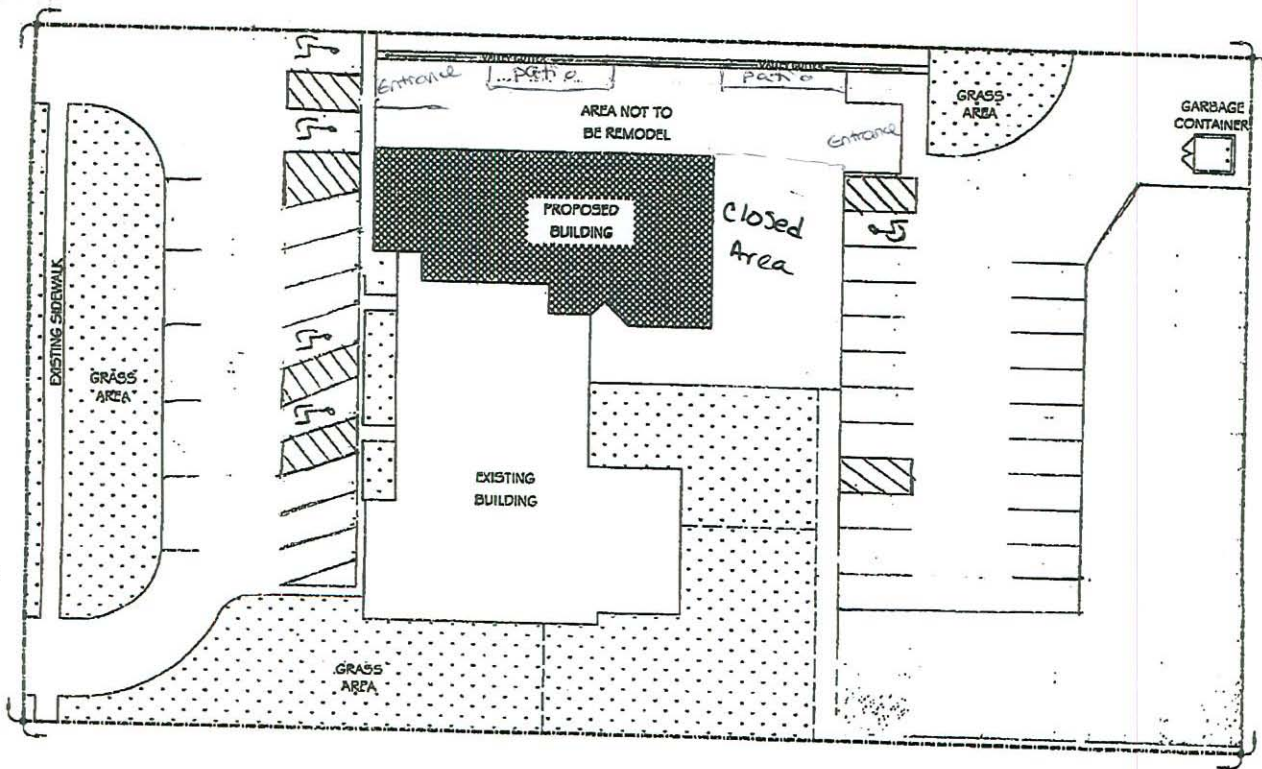
 SUBJECT PROPERTY

 600 FT. NOTIFICATION BOUNDARY



This map is a representation of the official zoning map. For zoning verification contact the Planning Department at 955-681-1250, 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.





SITE PLAN WITH PARKING SPACES

RECEIVED

MAY 28 2010

SCALE: 1" = 40'-0"

02

Initial: DD 4350

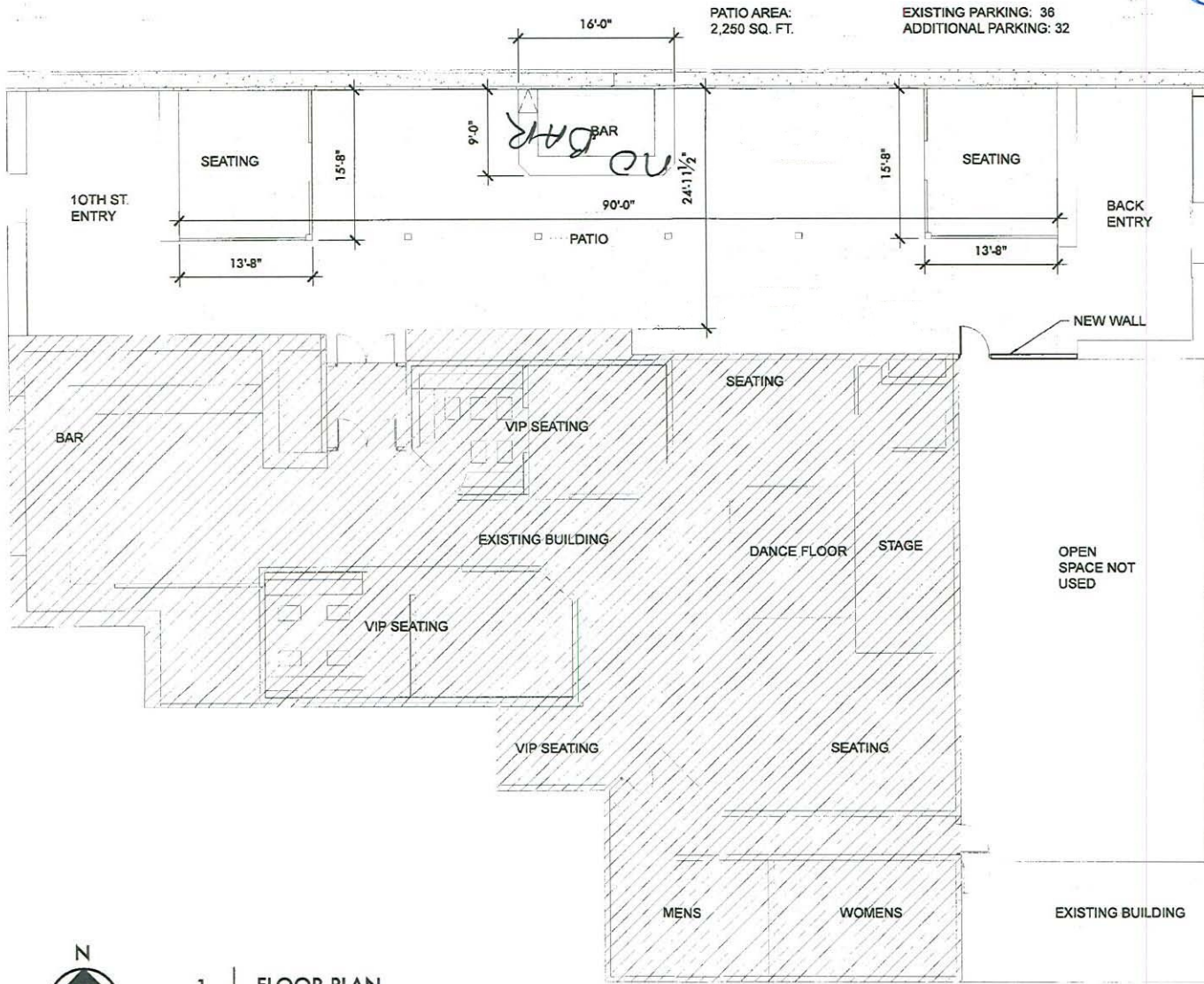
RECEIVED

JUL 22 2013

Initial:

Initial: [Signature]  
 JUL 2 2013

RECEIVED



PATIO AREA:  
2,250 SQ. FT.

EXISTING PARKING: 36  
ADDITIONAL PARKING: 32



**1 FLOOR PLAN**  
 FP.10 SCALE: 3/32"=1'-0" REF:

**PEREZ**  
 DRAFTING SERVICES

PEREZ DRAFTING SERVICES  
 307 W. TOM LANDRY  
 MISSION, TEXAS 78572  
 P: 956.680.3139  
 F: 956.680.2656  
 e-mail: fernando\_78572@yahoo.com

PROJECT TITLE: <b>BLISS LOUNGE ARTURO ORTIZ</b>	PROJECT NO.: 1103
DRAWN BY: F.D.P.	APPROVED BY: ...
DATE: 05/09/2012	

REVISIONS
06.28.12
.....
.....
FLOOR PLAN
<b>FP1.0</b>

4/18/2013 15:20	Alarm Burglary
4/19/2013 18:41	Alarm Burglary
5/6/2013 2:08	Alarm Burglary
<b>Alarm Burglary Count</b>	<b>3</b>
8/19/2012 17:53	Alarm Hold Up
8/20/2012 16:07	Alarm Hold Up
8/28/2012 18:22	Alarm Hold Up
9/30/2012 13:59	Alarm Hold Up
10/2/2012 14:22	Alarm Hold Up
10/11/2012 17:50	Alarm Hold Up
10/18/2012 19:11	Alarm Hold Up
12/9/2012 10:17	Alarm Hold Up
12/10/2012 10:08	Alarm Hold Up
12/20/2012 5:15	Alarm Hold Up
12/22/2012 8:36	Alarm Hold Up
12/30/2012 8:36	Alarm Hold Up
1/7/2013 18:56	Alarm Hold Up
<b>Alarm Hold Up Count</b>	<b>13</b>
9/9/2012 8:13	Burglary
<b>Burglary Count</b>	<b>1</b>
10/29/2012 11:19	Criminal Investigation
<b>Criminal Investigation Count</b>	<b>1</b>
9/15/2012 2:17	CRIMINAL MISCHIEF
<b>CRIMINAL MISCHIEF Count</b>	<b>1</b>
12/2/2012 0:29	Domestic Disturbance
<b>Domestic Disturbance Count</b>	<b>1</b>
10/26/2012 22:57	Medical Call
<b>Medical Call Count</b>	<b>1</b>
12/16/2012 0:45	MINOR ACC
<b>MINOR ACC Count</b>	<b>1</b>
12/30/2012 0:13	Suspicious Person/Vehicle
<b>Suspicious Person/Vehicle Count</b>	<b>1</b>
8/25/2012 2:26	Traffic Stop
<b>Traffic Stop Count</b>	<b>1</b>

August 22, 2013

To whom it may concern:

RE: Application for Conditional Use Permit for  
COCO BONGOS SPORTS BAR to be

located at :

CUP 2013 - 0134

5524 N. 10<sup>th</sup> Street

McAllen, Texas 78504

Gentlemen/Ladies:

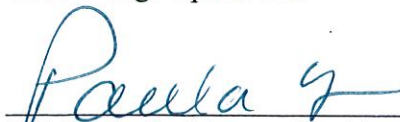
There may be some misunderstanding as to the type of business which I am attempting to open at the above-mentioned location.

The business I wish to establish is a "Family friendly sports bar" where the main attraction is having a relaxing drink without the typical night club scene-ie.. loud music, etc.

The concept I intend to utilize is a friendly place where people can play darts, shoot pool, listen to juke box tunes and not the "Frantic" club scene.

I am not requesting a permit for patio liquor sales nor do I intend to install outside speakers for music. *Therefore I Appeal the decision of the planning and zoning Commission meeting of August 20, 2013.*  
If you have any further questions or concerns please feel to contact me at (210) 325-6275.

Cucaracha's Sports Bar, LLC., dba  
Coco Bongo Sports Bar



BY: Paula Rodriguez, President



5524

bliss

LOUNGE & GRILL

**NOTICE  
BAR  
For  
This Property  
CUP2013-0134**

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



**STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION	<u>  X  </u>	AGENDA ITEM	<u>  1A6  </u>
UTILITY BOARD	<u>          </u>	DATE SUBMITTED	<u>  9/3/13  </u>
PLANNING & ZONING BOARD	<u>          </u>	MEETING DATE	<u>  9/9/13  </u>
OTHER	<u>          </u>		

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

2. **Party Making Request:**   Thomas B. Whitehouse  

3. **Nature of Request: (Brief Overview) Attachments:**   X   Yes        No  
The request of Thomas B. Whitehouse, for a Conditional Use Permit, for the life of the use, for an Institutional Use (church) at Lot 26, Oak Tree Subdivision , Hidalgo County, Texas: 7601 North Ware Road.

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>  9/4/2013  </u>	<u>  Yes  </u>
b) _____	_____	_____	_____

8. **Staff's Recommendation:**   Approval of the request, for the life of the use, subject to conditions as noted, compliance with the Zoning Ordinance, Fire Department and building permit requirements.  

9. **Advisory Board:**   X   **Approved**        **Disapproved**        **None**  
This item was tabled at the August 20, 2013 Planning and Zoning Commission meeting to allow the applicant time to submit a new site plan. This item was removed from table and heard at the September 3, 2013 Planning and Zoning Commission meeting agenda; approved as per staff's recommendation.

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

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

## Memo

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

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

**DATE:** September 3, 2013

**SUBJECT: REQUEST OF THOMAS B. WHITEHOUSE FOR A CONDITIONAL USE PERMIT, FOR THE LIFE OF THE USE, FOR AN INSTITUTIONAL USE (CHURCH) AT LOT 26, OAK TREE SUBDIVISION; 7601 NORTH WARE ROAD.**

---

**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 southwest corner of North Ware Road and Yellowhammer Avenue and is zoned R-1 (single family residential) District. The adjacent zoning is R-1 District to the southeast, south and west and A-O (agricultural & open space) District to the north. Surrounding land uses include single family residences and some vacant land. Institutional use is permitted in an R-1 zone with a conditional use permit.

The initial conditional use permit for this location was approved for one year on April 2, 2013 by the Planning and Zoning Commission. The applicant has now applied for the life of the use and proposes to continue to occupy the home for a church. The hours of services for worship will be Sunday from 9:00 a.m. – 12:00 p.m. & 7:00 p.m. – 9:00 p.m. and Wednesday from 7:00 p.m. – 10:00 p.m. Based on the 28 parking spaces proposed, the seating capacity is limited to 112 persons in the main sanctuary.

During inspection staff observed that the parking layout was different than what was originally submitted. The applicant will need to update the site plan showing the parking spaces with dimensions to reflect onsite improvements; in order to verify if parking and maneuvering spaces are in compliance with city requirements. There is still work being done inside the building. Staff has made several attempts to contact the applicant; however, we have not been successful.

The Fire Department has conducted their inspections; however, a final inspection will be needed once the modifications and remodeling is complete. The proposed use must comply with the zoning ordinance and specific requirements as follows:

1. The proposed use shall not generate traffic onto residential size streets or disrupt residential areas, and shall be as close as possible to a major arterial. The proposed location will have direct access to North Ware Road;
2. The proposed use shall comply with the McAllen Off-Street Parking Ordinance and make provisions to prevent the use of street parking, especially in residential areas. Based on the 28 parking spaces previously proposed, the seating capacity is limited to 112 persons in the main sanctuary; however, a new site plan must be submitted showing the parking and maneuvering spaces with dimensions to reflect onsite improvements;
3. The proposed use shall prevent the unauthorized parking of its patrons on adjacent businesses or residences by providing fences, hedges or reorientation of entrances and exits;
4. The proposed use shall provide sufficient lighting to eliminate dark areas, perimeter fencing, and an orientation of the building to provide maximum visibility from a public street in order to discourage vandalism and criminal activities;
5. Provisions shall be made to prevent litter from blowing onto adjacent streets and residential areas;
6. The number of persons within the building shall be restricted to those allowed by the Fire Marshal and Building Official at the time of permit issuance; and
7. Sides adjacent to commercially and residentially zoned or used properties shall be screened by a 6 ft. opaque fence. A 6 ft. opaque fence is required on the west and south side of the property; it is provided on site.

**OPTIONS:**

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

**UPDATE:**

Staff was able to speak with the applicant in regards to an updated site plan; however, an updated site plan was submitted. The applicant stated that the light poles located on the south side of the paved area will be relocated further south to accommodate additional parking spaces. After review and based on the 36 parking spaces shown on site plan that comply with city standards, the seating capacity is limited to 144 persons in the main sanctuary.

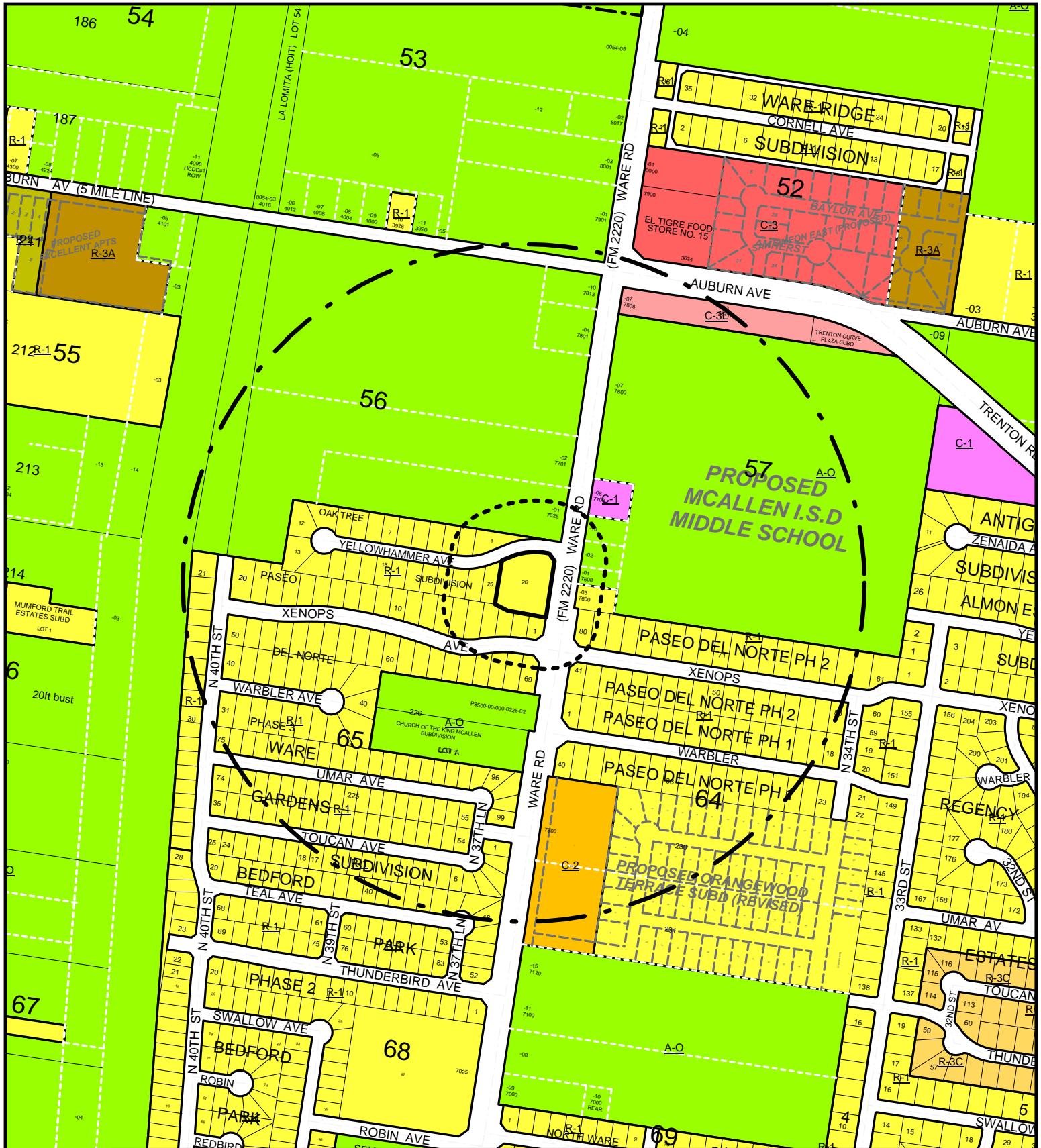



## **RECOMMENDATION:**

This item was tabled at the August 20, 2013 Planning and Zoning Commission meeting to allow the applicant time to submit a new site plan. This item was removed from the table and heard at the September 3, 2013 Planning and Zoning Commission meeting. There was no one present in opposition and the applicant was not present.

The board had concerns with the relocation of the power poles and asked if the relocation would be verified. Staff stated that a re-inspection will be done once the applicant notifies the city that the poles have been relocated and the conditional use permit will be given at that time.

Following a brief discussion of the item, the board unanimously voted to approve the request, for the life of the use, subject to conditions as noted, compliance with the Zoning Ordinance, Fire Department and building permit requirements.






**CITY OF McALLEN**  
PLANNING DEPARTMENT

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

**AREA MAP**



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


<b>ZONING LEGEND</b>			
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)	I-1 (LIGHT INDUSTRIAL)
R-2 (DUPLIX-FOURPLEX)	R-3I (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	I-2 (HEAVY INDUSTRIAL)
		C-3E (LIGHT COMMERCIAL)	(SPECIAL DISTRICT)
		C-4 (COMMERCIAL INDUSTRIAL)	

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

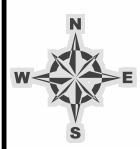


**CITY OF McALLEN**  
PLANNING DEPARTMENT

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

 **SUBJECT PROPERTY**

 **200 FT. NOTIFICATION BOUNDARY**



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.

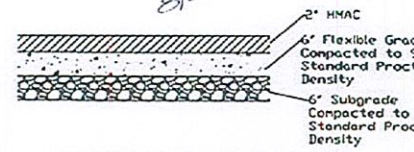
TOTAL parking 36

max seating = 144



LEGEND

- Fire Hydrant
- Water Valve
- Power Pole
- Water Meter
- Handicap Ramp
- Live Oak



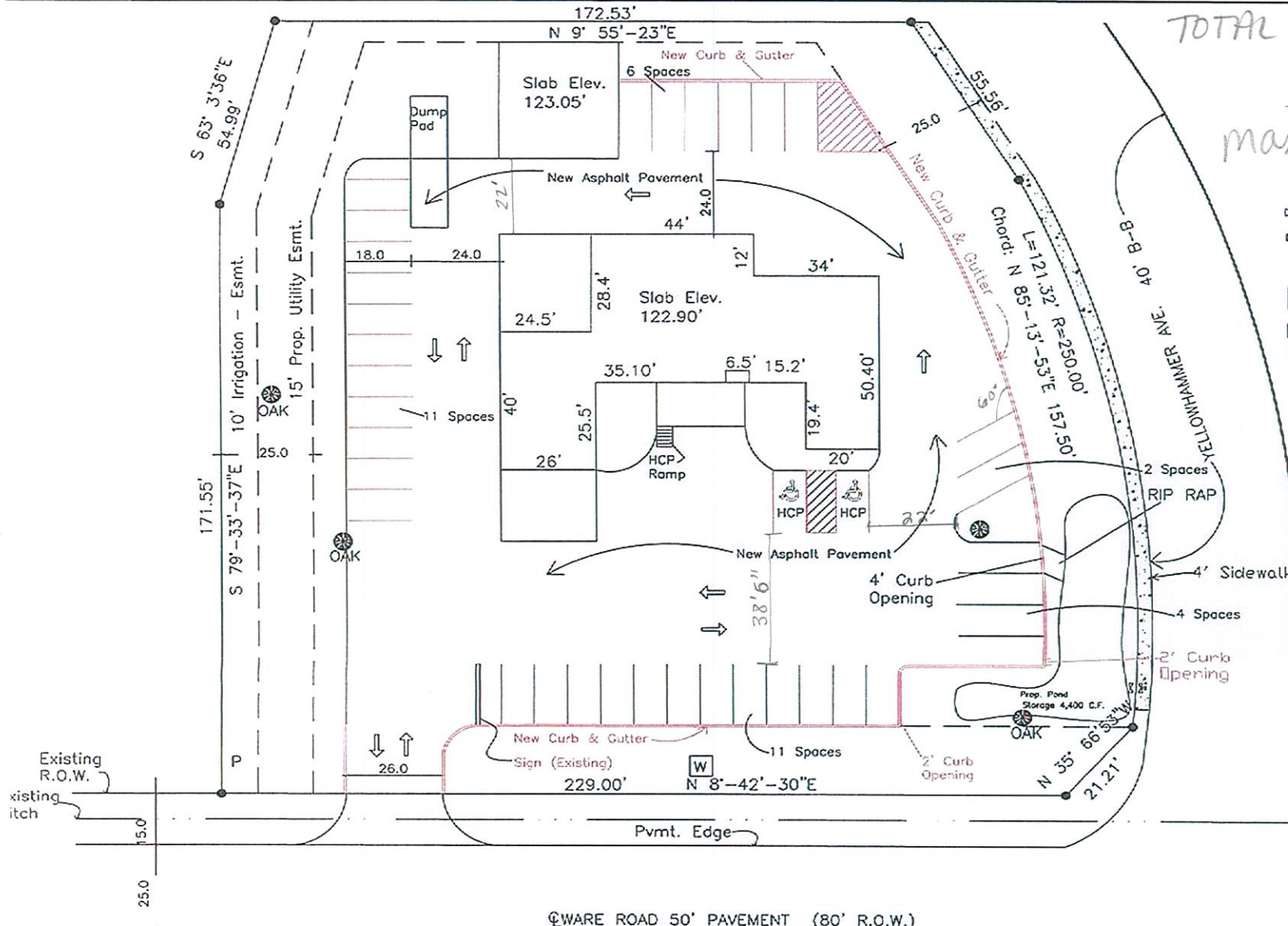
Asphalt Pavement Section

AS BUILT

ENGINEERING NOTES:

FINISH ASPHALT GRADES REMAIN AS PER ORIGINAL PLAN

Existing 18"Ø X 80' R.C.P.

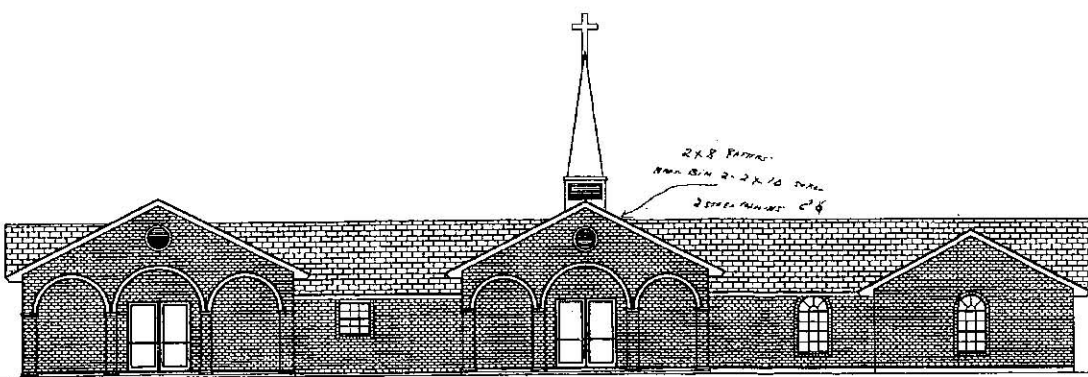
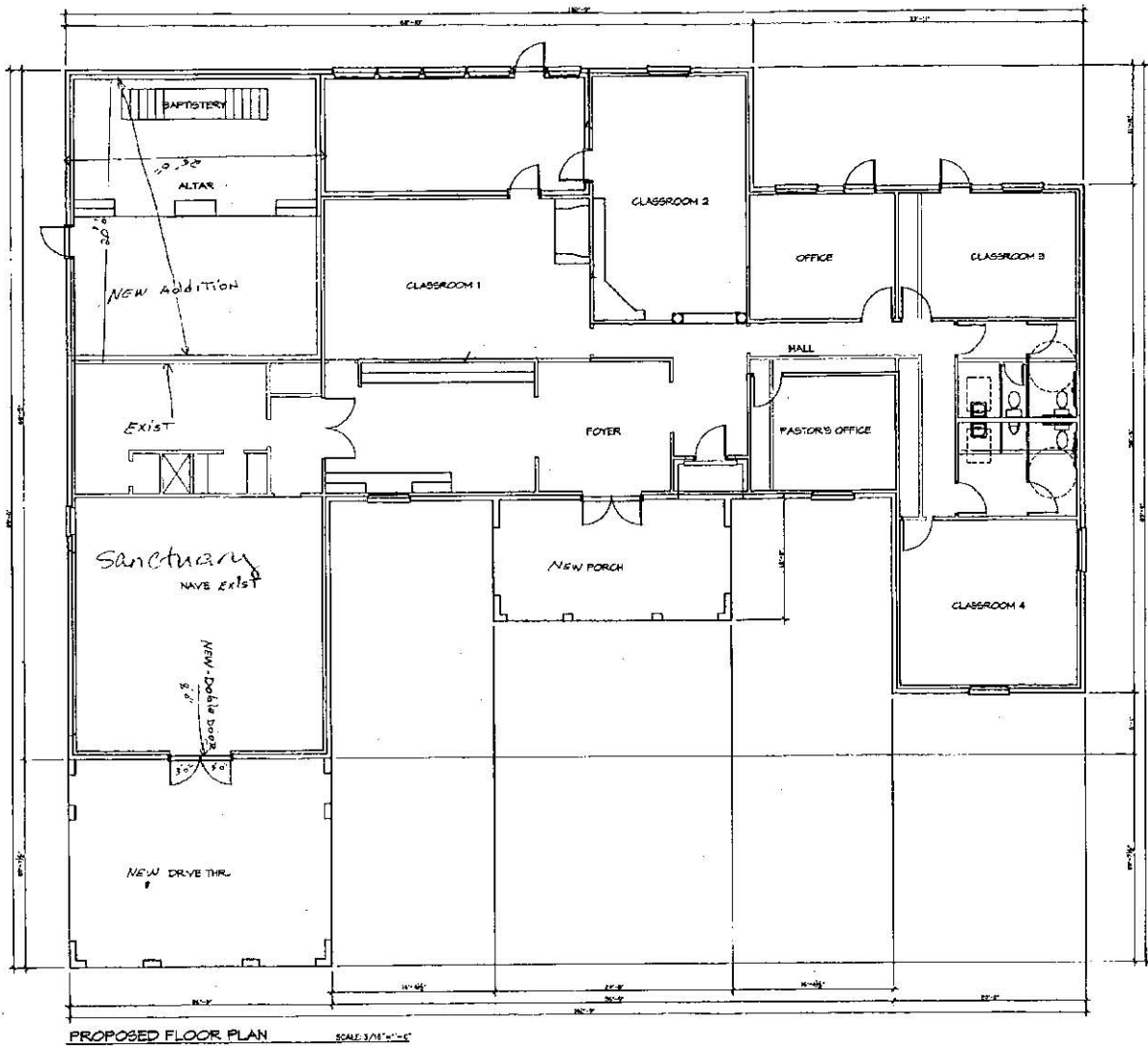


WARE ROAD 50' PAVEMENT (80' R.O.W.)

Parking PLAN

SCALE: 1" = 30'

NEW



FRONT ELEVATION SCALE 1/4" = 1'-0"

- Notes: Base for steeple G Entrances
1. Rafter beams - 2x8 @ 16" o/c
  2. Perimeter beams - 2-2x10 bolted to header beams
  3. Joist for rafters - 2x8 @ 16" o/c
  4. 2x4 bracing. Joist to Rafters
- Steeple - 4x2x6 - 8' in height
1. Sheathing - 1/2" plywood strapped to 2x4 bracing
  2. Steeple braced to 2x8 rafter
  3. Steeple braced to 2x8 joist





NOTICE  
INSTITUTIONAL  
For  
This Property  
CUP2013-0138

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

1A-7

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

AGENDA ITEM  
DATE SUBMITTED  
MEETING DATE

08/29/13  
09/09/13

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:** \_\_\_\_\_  
**Under Budget:** \_\_\_\_\_

**Budgeted Amount:** \_\_\_\_\_  
**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>9-3</u>	<u>Yes</u>

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

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

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

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

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF McALLEN, TEXAS AS ENACTED ON MAY 29, 1979, BY PROVIDING THAT 25.559 ACRES OUT OF LOT 15, BLOCK 1, C. E. HAMMONDS SUBDIVISION, HIDALGO COUNTY, TEXAS, SHALL BE CHANGED FROM A-O (AGRICULTURAL – OPEN SPACE) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT; THAT 1.61 ACRES OUT OF LOT 15, BLOCK 1, C.E. HAMMONDS SUBDIVISION, HIDALGO COUNTY, TEXAS, SHALL BE CHANGED FROM A-O (AGRICULTURAL – OPEN SPACE) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT; THAT LOTS 14 AND 15, BLOCK 5, COLLEGE HEIGHTS SUBDIVISION, HIDALGO COUNTY, TEXAS, SHALL BE CHANGED FROM R-2 (DUPLEX-FOURPLEX RESIDENTIAL) DISTRICT TO C-3 (GENERAL BUSINESS) AMENDING THE ZONING MAP TO CONFORM TO THESE CHANGES.

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

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

TRACT 1:

25.559 acres out of Lot 15, Block 1, C.E. Hammonds Subdivision, Hidalgo County, Texas, said tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a point on the West line



of Lot 15, North 08 Deg. 41 Min. 56 Sec. East, 165.32 feet from the Southwest corner of said Lot, for the most Westerly Southwest corner, said point being located in North 23<sup>rd</sup> Street (F.M. No. 1926);

THENCE, with the West line of Lot 15, in North 23<sup>rd</sup> Street (F.M. No. 1926) North 08 Deg. 41 Min. 56 Sec. East, 444.80 feet to a point at the Southwest corner of a 1.61 acre tract, for the most Westerly Northwest corner;

THENCE, with the South line of said 1.61 acre tract, parallel to the North line of Lot 18, South 81 Deg. 18 Min. 04 Sec. East, at 40.0 feet pass an iron rod with MF cap found on the East line of 100.0 foot North 23<sup>rd</sup> Street (F.M. No. 1926) and at 390.0 feet an iron rod with MF cap found at the Southeast corner of the 1.61 acre tract, for an interior corner hereof;

THENCE, with the East line of the 1.61 acre tract, parallel to the West line of Lot 15, North 08 Deg. 41 Min. 56 Sec. East, 180.0 feet to an iron rod with MF cap found at the intersection with the South line of 50.0 foot Flamingo Avenue, for the most Easterly Northwest corner hereof;

THENCE, with the South line of 50.0 foot Flamingo Avenue, parallel to the North line of Lot 15, South 81 Deg. 18 Min. 04 Sec. East, 1549.43 feet to an iron rod with MF cap set at the intersection with the West line of Bicentennial Boulevard for the Northeast corner hereof;

THENCE, with the West line of Bicentennial Boulevard, South 08 Deg. 45 Min. 55 Sec. West, 350.41 feet to an iron rod with MF cap set at the intersection with existing intersection

clip, for the most Northerly Southeast corner hereof;

THENCE, with said intersection corner clip, South 53 Deg. 40 Min. 04 Sec. West, 70.85 feet to an iron rod with MF cap set at the intersection with the North line of 100.0 foot Dove Avenue right-of-way, for the most Southerly Southeast corner hereof said point located on a 1004.93 foot radius curve to the left;

THENCE, continuing with the North line of 100.0 foot Dove Avenue, South 78 Deg. 13 Min. 52 Sec. West, 932.91 feet to an iron rod with MF cap set at the intersection with the South line of Lot 15, for a point on the South line hereof;

THENCE, with the South line of Lot 15, North 81 Deg. 18 Min. 04 Sec. West, 312.98 feet to an iron rod with MF cap set at the intersection with the East line of CVS Pharmacy Subdivision, for the most Easterly Southwest corner hereof;

THENCE, with the East line of said CVS Pharmacy Subdivision, North 08 Deg. 41 Min. 56 Sec. East, 165.32 feet to an iron rod with Melden cap found at the Northeast corner of CVS Pharmacy, for an interior corner hereof;

THENCE, with the North line of CVS Pharmacy Subdivision, parallel to the South line of Lot 15, North 81 Deg. 18 Min. 04 Sec. West, at 300.70 feet pass the Northwest corner of Lot 1, at 320.70 feet pass the East line of North 23<sup>rd</sup> Street (F.M. No. 1926) and at 360.70 feet the POINT OF BEGINNING containing 25.559 acres of land, more or less of which the West 40.0 feet comprising 0.408 acre lies in North 23<sup>rd</sup> Street (F.M. No. 1926).

TRACT 2:

A 1.61 acre tract of land out of Lot 15, Block 1, C.E. Hammond's Subdivision, Hidalgo County, Texas, said tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a point in the West line of Lot 15, Block 1, C.E. Hammond's Subdivision, said point being 40.0 feet South of the Northwest corner of said Lot 15;

THENCE, East parallel with and 40.0 feet from the North line of Lot 15, a distance of 390.0 feet to a point for the Northeast corner;

THENCE, South parallel with the West line of Lot 15, a distance of 180.0 feet to a point for the Southeast corner;

THENCE, West parallel with the North line of Lot 15, a distance of 390.0 feet to a point in the West line of Lot 15 and the Southwest corner;

THENCE, North with and along the West line of Lot 15, a distance of 180.0 feet to the PLACE OF BEGINNING, save and except the West 80 feet thereof.

SECTION II: 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 14 and 15, Block 5, College Heights Subdivision, Hidalgo County, Texas.

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 9th day of September, 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 September 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

**CITY OF McALLEN**  
**STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION	<u>  X  </u>	AGENDA ITEM	<u>  1B  </u>
UTILITY BOARD	<u>    </u>	DATE SUBMITTED	<u>  08/30/13  </u>
OTHER	<u>    </u>	MEETING DATE	<u>  09/09/13  </u>

1. Agenda Item: Public Hearing on the City of McAllen's Proposed Budget for FY 2013-2014.

2. Parties Making Request: Mike R. Perez, City Manager, Jerry W. Dale, Finance Director

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

Public Hearing on Fiscal Year 2013-2014 Proposed City of McAllen Budget as required by State Law with formal adoption of the budget to take place on September 23, 2013. A copy of the proposed budget is posted on the city website for public inspection as required by law

4. Policy Implication State Law and City Charter

5. Budgeted:      Yes      No   X   N/A

6. Alternate Option/Costs: \_\_\_\_\_

7. Routing:

<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE YES/NO</u>
a). Mike R. Perez City Manager	<u>  MRP  </u>	<u>  09/04/13  </u>	<u>  YES  </u>
b). Jerry W. Dale Finance Director	<u>  JWD  </u>	<u>  09/04/13  </u>	<u>  YES  </u>

8. Staff Recommendation: Public Hearing Only

9. Advisory Board:      Approved      Disapproved      None

10. City Attorney:      Approved      Disapproved   KP   None

11. Manager's Recommendation:      Approved      Disapproved   MRP   None

12. PUB's Recommendation:      Approved      Disapproved      None

13. Action Taken: \_\_\_\_\_

**STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION

✓

AGENDA ITEM

~~1D~~ 1c

UTILITY BOARD

\_\_\_\_\_

DATE SUBMITTED

9/3/2013

PLANNING & ZONING BOARD

\_\_\_\_\_

MEETING DATE

9/9/2013

OTHER

\_\_\_\_\_

1 Agenda Item: Public Hearing

2 Party Making Request: Martha Guel, Tax Assessor Collector

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

First Public Hearing on 2013 Tax Rate

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 09/03/13

b) \_\_\_\_\_

8 Staff Recommendation: To follow truth and taxation laws as explained in my memo.

10 City Attorney:        Approved        Disapproved        KP        None

11 Manager's Recommendation:        Approved        Disapproved        MRP        None

# Memorandum

TAX OFFICE

**To:** MAYOR JIM DARLING AND CITY COMMISSION  
**THROUGH:** MIKE R. PEREZ, CITY MANAGER  
**From:** MARTHA GUEL, TAX ASSESSOR *MG*  
**Date:** 9/3/2013  
**Re:** FIRST PUBLIC HEARING ON 2013 TAX RATE

---

The second step in the Truth in Taxation laws is the Public Hearings. The notice of public hearing was published in the Monitor on September 1, 2013. It was also posted on MCN and the McAllen Website as of September 1st and will remain on the air until after the second hearing.

A quorum of the governing body must be present at this hearing (Sept. 9) as well as the second hearing of September 18<sup>th</sup> 2013.

The Taxpayers of the City of McAllen should have the opportunity to express their views and opinions on the tax increase on both hearings. The City Commission must announce the date, time and place of the meeting at which the vote on the tax rate will take place. This information needs to be discussed at both hearings.

The meeting to vote on the tax rate must take place no less than three days and no more than 14 days after the second public hearing. Since the second public hearing has been set for Sept. 18<sup>th</sup>, the meeting to adopt the tax rate has been set for September 23, 2013 at 5:00 P.M.

I am attaching the following items to help you with the discussion on the tax rate.

- Copy of the first ¼ page ad published Sept 1, 2013.
- Copy of the second ¼ page ad that will publish Sept. 14, 2013
- Worksheets for calculation of tax increase/decrease for 2013.

Please let me know if you need additional information.

# 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:

<b>FOR:</b>	Mayor Jim Darling Mayor Pro Tem Aida Ramirez Commissioner Scott Crane Commissioner Veronica Vela Whitacre	Mayor Pro Tem Hilda Salinas Commissioner John Ingram Commissioner Trey Pebley
<b>AGAINST:</b>	None	
<b>PRESENT</b> and not voting:	None	
<b>ABSENT:</b>	None	

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: 08/30/2013

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.

STANDARDIZED RECOMMENDATION FORM

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

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

2A   
 09/04/2013   
 09/09/2013

1 Agenda Item:  Approval of minutes.

2 Party Making Request:  Annette Villarreal, City Secretary

3 Nature of Request: (Brief Overview) Attachments:  \_\_\_\_\_  Yes  x  No  
 Approval of Minutes of Regular Meeting held August 26th, Special Meeting held August 26th and Workshops held April 8th and August 28, 2013. Additionally, approval of outstanding minutes for 2012 for Workshops held August 27th and September 10, 2012.

4 Policy Implication:  Approval by City Commission

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

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

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

7 Routing:

<u>NAME/TITLE</u>	<u>INITIALS</u>	<u>DATE</u>	<u>CONCURRENCE</u> <u>YES/NO</u>
a) <u>Annette Villarreal</u> <u>City Secretary, TRMC</u>	<u>AV</u>	<u>09/04/2013</u>	<u>YES</u>
b) _____	_____	_____	_____

8 Staff Recommendation:  Approval

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

10 City Attorney:  KP  Approved  \_\_\_\_\_  Disapproved  \_\_\_\_\_  None

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

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

The McAllen Board of Commissioners convened in a Regular Meeting on **Monday, August 26, 2013**, at 5:00 pm, at McAllen City Hall Third Floor (3rd) Commission Chambers, with the following present:

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

Staff: City Manager Mike R. Perez, City Attorney Kevin Pagan, Deputy City Manager Brent Branham, Assistant City Manager Wendy Smith, Assistant City Manager/PUB General Manager Roy Rodriguez, City Secretary Annette Villarreal, Deputy City Engineer Ramon Navarro, Director of Planning Juli Rankin, Director of Parks and Recreation Sally Gavlik, Director of Aviation Phil Brown,

**1. PUBLIC HEARING:**

Mayor Darling called the Public Hearing to order.

**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.

- 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.**

Approved the C-3 zoning at 506, 510 and 512 Beaumont Avenue, as per Planning and Zoning Commission.

- 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.**

Approved the R-3A zoning at 1515 Houston Avenue, as per Planning and Zoning Commission.

- 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.**

Approved a Conditional Use Permit, for life of the use, at 4321 Buddy Owens Boulevard, as per Planning and Zoning Commission, subject to compliance with Section 138-281 of the Zoning Ordinance, building permit requirements, and Fire Department requirements. 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.

**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.**

Granted a variance to the distance requirement and approved a Conditional Use Permit, for a night club, at 400 Nolana Avenue, Suite A-3, as per Planning and Zoning Commission, subject to the conditions as noted, and with the added conditions for extra security and nightly trash pickup. 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. 4<sup>th</sup> and N. 6<sup>th</sup> Streets. The existing gates on N. 4<sup>th</sup> 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 at a minimum, and make provisions to prevent the use of adjacent streets for parking. Currently there is a multi-tenant commercial building on the property. The 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. 4<sup>th</sup> 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.

**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.**

Granted a variance to the distance requirement and approved a Conditional Use Permit, for a bar, at 400 Nolana Avenue, Suite G, as per Planning and Zoning Commission, subject to the conditions as noted, and with the added conditions for extra security and nightly trash pickup. 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 is located on Nolana Avenue and does not generate traffic into residential areas;
- 3) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance at a minimum, and make provisions to prevent the use of adjacent streets for parking. Currently there is a multi-tenant commercial 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;
- 4) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties;
- 5) The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;
- 6) The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
- 7) The above-mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director. The maximum number of persons allowed is 712.

**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, 21<sup>ST</sup> PLACE SUBDIVISION, HIDALGO COUNTY, TEXAS; 2013 NOLANA AVENUE.**

Granted a variance to the distance requirement and approved a Conditional Use Permit, for a bar, at 2013 Nolana, as per Planning and Zoning Commission, subject to the conditions as noted, and with the added conditions for extra security and nightly trash pickup. 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 21<sup>st</sup> Street, and does not generate traffic into residential areas;
- 3) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance at a minimum, and make provisions to prevent the use of adjacent streets for parking. Based on the square footage of the establishment, 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.

**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 10<sup>TH</sup> STREET, SUITE I AND J.**

Granted a variance to the distance requirement and approved a Conditional Use Permit, for a bar, at 6500 North 10<sup>th</sup> Street, Suite I and J, as per Planning and Zoning Commission, subject to added conditions for extra security and nightly trash pickup. 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. 10<sup>th</sup> Street and Martin Avenue;
- 3) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance at a minimum, and make provisions to prevent the use of adjacent streets for parking. Based on the square 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.

**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.**

No one appeared to speak against the granting of a variance to the Alcoholic Beverage Code for 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.**

Approved the variance request at 210 North Main Street, as per Planning and Zoning Commission.

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

Adopted the Zoning Ordinance for the approved tracts.

**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. Commissioner Ingram seconded the motion. The motion carried unanimously.

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

Approved the minutes of Workshops held January 14<sup>th</sup>, January 28<sup>th</sup>, February 11<sup>th</sup>, February 25<sup>th</sup>, March 25<sup>th</sup>, April 22<sup>nd</sup>, August 6<sup>th</sup>, August 7<sup>th</sup>, August 12<sup>th</sup>, August 13<sup>th</sup>, August 14<sup>th</sup>, August 20<sup>th</sup>, Special Meetings held April 16<sup>th</sup> and April 17<sup>th</sup> and Regular Meeting held August 12, 2013. Additionally, approved outstanding minutes for 2007 for Workshops held October 16<sup>th</sup>, October 22<sup>nd</sup>, November 12<sup>th</sup> November 13<sup>th</sup> and November 26, 2007, as submitted.

**B) CONSIDERATION OF INTERLOCAL AGREEMENT WITH COUNTY OF HIDALGO TO TRANSFER EQUIPMENT FOR THE REGIONAL RADIO SYSTEM TO THE CITY OF MCALLEN.**

Approved an 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.**

Awarded a contract for Mobile Truck Washing Services to ECO Bright Solutions, for one year with the option to extend for two (2) additional years in one year increments, with City Manager approval, if performance of the vendor is satisfactory and the unit prices remain firm.

**D) APPROVAL OF TAX REFUNDS OVER \$500 TO:**

**1. VALERO C/O POPP HUTCHENSON PLLC**

Approved a tax refund in the amount of \$3,661.22

**2. MCALLEN COMPONENTS LP C/O GE/POPP HUTCHESON**

Approved a tax refund in the amount of \$3,601.50

**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.**

Approved a 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.**

Approved a 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.**

Confirmed the appointment of Joe M. Averill, Jr. 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.**

Staff recommended award of contract for the International Museum of Arts and Science (IMAS) Façade and Site Improvements to Rigney Construction and Development LLC, in the amount of \$359,915.

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

**B) AWARD OF CONTRACT FOR METAL RETROFIT ROOFING SYSTEM AND OFFICE TRAILERS HAIL DAMAGE FOR PUBLIC WORKS ADMIN. AND FLEET FACILITY.**

Staff recommended award of contract for Metal Retrofit Roofing System and Office Trailers Hail Damage for Public Works Admin. and Fleet Facility, in the amount of \$191,500 to American Contracting, USA.

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

**C) CONSIDER AUTHORIZATION TO PURCHASE FURNITURE FOR THE DEVELOPMENT SERVICES FACILITY THROUGH THE TEXAS MULTIPLE AWARD SCHEDULE (TXMAS).**

Staff recommended authorization for the purchase Furniture for the Development Services Facility through the Texas Multiple Award Schedule (TXMAS) with Texas Wilson, in the amount of \$54,994.62.

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

**4. ORDINANCES:**

**A) CALLING A SPECIAL ELECTION ON NOVEMBER 5, 2013, AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS.**

Staff recommended adoption of an ordinance calling a Special Election on November 5, 2013, authorizing the Issuance of General Obligation Bonds.

Questions were asked and comments were made.

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

**B) BUDGET AMENDMENT FOR THE MCALLEN-HIDALGO INTERNATIONAL BRIDGE PROJECTS.**

Staff recommended adoption of an ordinance providing for a budget amendment for the McAllen-Hidalgo International Bridge Projects in the amount of \$217,582.

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

**C) AMENDING THE MCALLEN CODE OF ORDINANCES, CHAPTERS 2 AND 138 MODIFYING THE MEMBERSHIP AND QUORUM FOR ZONING BOARD OF ADJUSTMENT AND APPEALS.**

Staff recommended adoption of an ordinance amending the McAllen Code of Ordinance, Chapters 2 and 138 modifying the membership and quorum for Zoning Board of Adjustments and Appeals to become effective January, 2014.

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

**5. RESOLUTION AUTHORIZING THE SUBMISSION OF A PASSENGER FACILITY CHARGE (PFC) APPLICATION FOR THE MCALLEN INTERNATIONAL AIRPORT.**

Staff recommended approval of a resolution authorizing the submission of a Passenger Facility Charge (PFC) Application for the McAllen International Airport, requesting a \$4.50 charge which includes Airport Improvement Projects which the Airport will undertake in the next three (3) years.

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

**6. VARIANCE REQUEST TO THE RIGHT-OF-WAY DEDICATION REQUIREMENT; 1901 DOVE AVENUE.**

Staff recommended approval of a variance to the right-of-way dedication requirement allowing for a 10 ft. R-O-W dedication for 120 ft. of R-O-W along Dove in lieu of the 150 ft. ROW as indicated in the Thoroughfare Plan at 1901 Dove Avenue.

Commissioner Ingram moved to approve the variance request as recommended. Commissioner Pebley seconded the motion. The motion carried unanimously.

**7. MANAGER'S REPORT:**

**A) DISCUSSION OF THE 2013 MCALLEN PROPOSED TAX RATE; TAKE RECORD VOTE; AND SCHEDULE PUBLIC HEARINGS.**

Staff recommended approving the proposed tax rate of 0.4313 per \$100 of taxable value; take record vote and schedule two public hearings: September 9<sup>th</sup> at 5:00 pm and September 18<sup>th</sup> at 5:00 pm, respectively.

Commissioner Ingram moved to approve the proposed tax rate of 0.4313 per \$100 valuation and schedule two (2) public hearings for September 9<sup>th</sup> at 5:00 pm and September 18<sup>th</sup> at 5:00 pm, respectively, as recommended. Commissioner Pebley seconded the motion. The vote on the motion was as follows:

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

**B) REVIEW OF QUARTERLY INVESTMENT REPORT FOR THE QUARTER ENDED MARCH 31, 2013.**

Staff presented the Quarterly Investment Report for the quarter ended March 31, 2013 and recommended acceptance of the report as per the Audit and Investment Committee.

Mayor Pro Tem Ramirez moved to accept the report as recommended. Commissioner Pebley seconded the motion. The motion carried unanimously.

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

Staff gave a report on Parks and Recreation Construction Projects. Report only. No action needed.

**D) STATUS REPORT ON VARIOUS CITY PROJECTS THRU JULY 31, 2013.**

Staff gave a report on various city projects under construction. Report only. No action needed.

**E) STATUS REPORT ON THE TERMINAL EXPANSION CONSTRUCTION PROJECT.**

Staff gave a report on Terminal Expansion Construction Projects. Report only. No action needed.

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

Staff gave a report on Subdivisions and Development. Report only. No action needed.

**G) CONSIDERATION AND ACTION AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS RELATED TO “1115” PROGRAM REGARDING HEALTH CARE ASSISTANCE.**

Mayor Darling announced that he had a conflict on this matter and filed a form with the City Secretary.

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

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

After Executive Session, Mayor Pro Tem Ramirez moved to remove said item from the table. Commissioner Ingram seconded the motion. The motion carried unanimously.

Staff announced that no action would be taken on said item at this time and that a special meeting to discuss and consider said item was posted for Thursday, August 29, 2013 at 7:00 pm.

**H) FUTURE AGENDA ITEMS.**

The items for upcoming workshops were briefly reviewed: Naming of 311 Center & App; Performing Arts Interior Design; Regional Mobility Authority Presentation; Procurement Policy; Project Imagine Tomorrow; General Insurance recommendations; Palm Bowl; Small Business Assistance; Entry Monuments; Parade Improvements; Buffering Requirements; Airport Interior Design; Image Project with MEDC and McAllen Chamber.

**8. MAYOR’S REPORT:**

**A) REPORT ON TXDOT PROPOSAL FOR CITY MAINTENANCE OF STATE ROADS.**

Mayor Darling gave a report on TXDOT proposal for City maintenance of state roads.

**B) REPORT ON THE UNIVERSITY OF HOUSTON VISIT.**

Mayor Darling gave a 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.**

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

Staff recommended adoption of an ordinance providing for the abandonment of street and alley rights-of-ways as indicated above, at 1300 East Business Highway 83 and 1225 East Dallas Avenue.

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

**PUBLIC COMMENT SESSION**

The following individuals spoke during the Public Comment Session: Karen Church and Jim Barnes.

**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).**

On behalf of the Presiding Officer, the City Attorney recommended recessing into Executive Session pursuant to Chapter 551, Texas Government Code, Section 551.087 Economic Development for Items 10C, 10E and 10F; Section 551.071 Consultation with Attorney for Items 10B 10C, 10D, 10E, 10F, 10Jm 10Km 10L and 10M; Section 551.072 Deliberation regarding Real Property for Items 10B, 10D, 10Gm 10H and 10I; and Section 551.074 (Personnel Matters) for Item 10A.

Commissioner Whitacre announced that she had a conflict with item 10D and would abstain from discussion and voting on said item. Subsequently, a conflict form was filed with the City Secretary.

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

Mayor Darling recessed the meeting at 6:17 pm to go into Executive Session. Mayor Darling reconvened the meeting at 7:46 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 ECONOMIC INCENTIVES FOR PROJECT QUADRANT. (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 ECONOMIC INCENTIVES FOR PROJECT RED ROVER II. (SECTIONS 551.087 AND 551.071, T.G.C.)**

Commissioner Ingram moved to authorize the City Attorney and City Manager to offer economic incentives for the project as per the directive in Executive Session. Commissioner Pebley seconded the motion. The motion carried unanimously.

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

No action.

- H) **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.)**

Commissioner Ingram moved to authorize the City Attorney to attempt to purchase right-of-way within the parameters discussed in Executive Session. Commissioner Pebley seconded the motion. The motion carried unanimously.

- 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.)**

No action.



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

No action.

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

No action.

- 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.)**

Commissioner Pebley moved to authorize the City Attorney or appropriate outside counsel to defend the city the lawsuit. Commissioner Ingram seconded the motion. The motion carried unanimously.

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

Commissioner Ingram moved to direct the City Manager to respectfully decline the proposal from Vianovo. Commissioner Pebley seconded the motion. The motion carried unanimously.

## **ADJOURNMENT**

There being no other business to come before the Commission, the meeting was adjourned at 7:49 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 **Monday, August 26, 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 Pembley, Commissioner, John Ingram, Commissioner, Veronica Vela-Whitacre, Commissioner, MPUB: Charles Amos, Chairman, Ernie Williams, Trustee, Albert Cardenas, Trustee

Others: Anne Burger, FirstSouthwest Co.

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, Ramon Navarro, Deputy City Engineer, Sally Gavlik, Director of Parks and Recreation, Phil Brown, Director of Aviation, Juli Rankin, Director of Planning

**CALL TO ORDER**

Mayor Pro Tem Salinas called the meeting to order.

- 1. PRESENT QUESTIONS TO STAFF RELATING TO AUGUST 26, 2013 REGULAR MEETING AGENDA, TO BE ADDRESSED AT SUCH MEETING.**

There were no questions relating to the August 26, 2013 Regular Meeting Agenda.

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

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

- 1. DISCUSS AND APPROVE A RESOLUTION OF THE PUBLIC UTILITY BOARD OF TRUSTEES OF THE CITY OF MCALLEN REQUESTING THE CITY TO APPROVE THE ISSUANCE AND SALE OF WATERWORKS AND SEWER SYSTEM REVENUE BONDS, SERIES 2013, IN THE PRINCIPAL AMOUNT OF \$6,655,000, TO BE SOLD TO THE TEXAS WATER DEVELOPMENT BOARD, REQUESTING THE CITY TO APPROVE A LOAN FORGIVENESS AGREEMENT WITH THE TEXAS WATER DEVELOPMENT BOARD IN THE AMOUNT OF \$1,153,511, AND APPROVING OTHER MATTERS RELATED THERETO.**

Staff presented a resolution for adoption and answered questions asked by MPUB and City Commission. Questions and concerns were discussed. After a lengthy discussion, it was recommended that resolution be approved. Trustee Williams moved to adopt the resolution. Trustee Cardenas seconded the motion. The motion carried unanimously by those present.

2. **DISCUSS AND APPROVE A RESOLUTION OF THE PUBLIC UTILITY BOARD OF TRUSTEES OF THE CITY OF MCALLEN REQUESTING THE CITY TO APPROVE THE ISSUANCE AND SALE OF WATERWORKS AND SEWER SYSTEM REVENUE BONDS, SERIES 2013-A, IN THE PRINCIPAL AMOUNT OF \$217,000, TO BE SOLD TO THE TEXAS WATER DEVELOPMENT BOARD, REQUESTING THE CITY TO APPROVE A LOAN FORGIVENESS AGREEMENT WITH THE TEXAS WATER DEVELOPMENT BOARD IN THE AMOUNT OF \$217,000, AND APPROVING OTHER MATTERS RELATED THERETO.**

Staff presented a resolution for adoption by MP UB and City Commission. Questions and concerns were discussed. After a lengthy discussion, it was recommended that resolution be approved. Trustee Williams moved to adopt the resolution. Trustee Cardenas seconded the motion. The motion carried unanimously by those present.

3. **DISCUSS AND APPROVE A RESOLUTION OF THE PUBLIC UTILITY BOARD OF TRUSTEES OF THE CITY OF MCALLEN REQUESTING THE CITY TO APPROVE THE ISSUANCE AND SALE OF WATERWORKS AND SEWER SYSTEM REVENUE BONDS, SERIES 2013-B, IN THE PRINCIPAL AMOUNT OF \$2,995,000, TO BE SOLD TO THE TEXAS WATER DEVELOPMENT BOARD, REQUESTING THE CITY TO APPROVE A LOAN FORGIVENESS AGREEMENT WITH THE TEXAS WATER DEVELOPMENT BOARD IN THE AMOUNT OF \$250,393, AND APPROVING OTHER MATTERS RELATED THERETO.**

Staff presented a resolution for adoption by MP UB and City Commission. Questions and concerns were discussed. After a lengthy discussion, it was recommended that resolution be approved. Trustee Williams moved to adopt the resolution. Trustee Cardenas seconded the motion. The motion carried unanimously by those present.

(City Commission Action)

4. **DISCUSS AND APPROVE AN ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF MCALLEN, TEXAS WATERWORKS AND SEWER SYSTEM REVENUE BONDS, SERIES 2013, IN THE PRINCIPAL AMOUNT OF \$6,655,000 TO BE SOLD TO THE TEXAS WATER DEVELOPMENT BOARD AND ORDAINING OTHER MATTERS RELATED THERETO.**

Staff presented approval of an ordinance authorizing the issuance of City of McAllen, Texas Waterworks and Sewer System Revenue Bonds, Series 2013, in the principal amount of \$6,655,000 to be sold to the Texas Water Development Board and ordaining other matters related thereto.

After a lengthy discussion the Commission consensus was to approve the ordinance. Commissioner Pebley moved to approve the ordinance as recommended. Commissioner Crane seconded the motion. The motion carried unanimously by those present.

5. **DISCUSS AND APPROVE A RESOLUTION AUTHORIZING AND APPROVING A LOAN FORGIVENESS AGREEMENT WITH THE TEXAS WATER DEVELOPMENT BOARD IN THE AMOUNT OF \$1,153,511, AND OTHER MATTERS RELATED THERETO**

Staff presented approval of an ordinance authorizing and approving a loan forgiveness agreement with the Texas Water Development Board in the amount of \$1,153,511, and other matters related thereto.

After a lengthy discussion the Commission consensus was to approve the ordinance. Commissioner Pebley moved to approve the ordinance as recommended. Commissioner Crane seconded the motion. The motion carried unanimously by those present.

**6. DISCUSS AND APPROVE AN ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF MCALLEN, TEXAS WATERWORKS AND SEWER SYSTEM REVENUE BONDS, SERIES 2013-A, IN THE PRINCIPAL AMOUNT OF \$217,000 TO BE SOLD TO THE TEXAS WATER DEVELOPMENT BOARD AND ORDAINING OTHER MATTERS RELATED THERETO.**

Staff presented approval of an ordinance authorizing the issuance of City of McAllen, Texas Waterworks and Sewer System Revenue Bonds, Series 2013-A, in the principal amount of \$217,000 to be sold to the Texas Water Development Board and ordaining other matters related thereto.

After a lengthy discussion the Commission consensus was to approve the ordinance. Commissioner Pebley moved to approve the ordinance as recommended. Commissioner Crane seconded the motion. The motion carried unanimously by those present.

**7. DISCUSS AND APPROVE A RESOLUTION AUTHORIZING AND APPROVING A LOAN FORGIVENESS AGREEMENT WITH THE TEXAS WATER DEVELOPMENT BOARD IN THE AMOUNT OF \$217,000, AND OTHER MATTERS RELATED THERETO.**

Staff presented approval of an ordinance authorizing and approving a loan forgiveness agreement with the Texas Water Development Board in the amount of \$217,000, and other matters related thereto.

After a lengthy discussion the Commission consensus was to approve the ordinance. Commissioner Pebley moved to approve the ordinance as recommended. Commissioner Crane seconded the motion. The motion carried unanimously by those present.

**8. DISCUSS AND APPROVE AN ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF MCALLEN, TEXAS WATERWORKS AND SEWER SYSTEM REVENUE BONDS, SERIES 2013-B, IN THE PRINCIPAL AMOUNT OF \$2,995,000 TO BE SOLD TO THE TEXAS WATER DEVELOPMENT BOARD AND ORDAINING OTHER MATTERS RELATED THERETO.**

Staff presented approval of an ordinance authorizing the issuance of City of McAllen, Texas Waterworks and Sewer System Revenue Bonds, series 2013-B, in the principal amount of \$2,995,000 to be sold to the Texas Water Development Board and ordaining other matters related thereto.

After a lengthy discussion the Commission consensus was to approve the ordinance. Commissioner Pebley moved to approve the ordinance as recommended. Commissioner Crane seconded the motion. The motion carried unanimously by those present.

**9. DISCUSS AND APPROVE A RESOLUTION AUTHORIZING AND APPROVING A LOAN FORGIVENESS AGREEMENT WITH THE TEXAS WATER DEVELOPMENT BOARD IN THE AMOUNT OF \$250,393, AND OTHER MATTERS RELATED THERETO.**

Staff presented approval of an ordinance authorizing and approving a loan forgiveness agreement with the Texas Water Development board in the amount of \$250,393, and other matters related thereto.

After a lengthy discussion the Commission consensus was to approve the ordinance. Commissioner Pebley moved to approve the ordinance as recommended. Commissioner Crane seconded the motion. The motion carried unanimously by those present.

## **END OF JOINT MEETING**

### **10. DISCUSSION OF THE OFFICIAL NAME OF THE 311 CENTER AND MOBILE APP.**

Staff provided information regarding the 311 Center and Mobile Application. An overview of services provided by 311 for the city's departments was presented. Staff also discussed the mobile application and asked direction from City Commission as to the selection of a name. The City Commission directed staff to select and bring back an application name for the September 9, 2013 Regular City Commission Meeting.

### **11. DISCUSSION OF THE PERFORMING ARTS INTERIOR LOBBY.**

Said item was not addressed.

### **12. 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).**

Mayor Darling recessed the meeting at 4:45 pm to go into Executive Session. Mayor Darling 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 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**

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 **Monday, April 8, 2013** at 5:00 pm, at Palm View Golf Course Meeting Room, with the following present:

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

Staff: City Manager Mike R. Perez, 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,  
Elma Vela, City Commission Liaison, Sally Gavlik, Parks and Recreation Director,  
Yvette Barrera, Engineering Director

**CALL TO ORDER**

Mayor Cortez called the meeting to order.

**CALL TO ORDER**

**1. PRESENT QUESTIONS TO STAFF RELATING TO APRIL 8, 2013 REGULAR MEETING AGENDA, TO BE ADDRESSED AT SUCH MEETING.**

There were no questions relating to the April 8, 2013 regular meeting agenda.

**2. REPORT ON ROADS & HIGHWAYS.**

Staff made a presentation on roads and highways. Questions and concerns were discussed. Staff answered questions posed by the City Commission.

**3. DISCUSSION OF WATERING ISSUES FOR PARKS.**

Staff briefly gave a report on watering issues for parks. Topics discussed were Splash Pads, Irrigation Systems, Pilot Irrigation Wells and Canal Line Irrigation Systems. Options and recommendations were discussed.

**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 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 PENDING LAWSUIT; DAHLILA GUERRA CASSO VS. CITY OF MCALLEN. (SECTION 551.071, T.G.C.)**
- E) CONSULTATION WITH CITY ATTORNEY REGARDING REQUEST FOR PROPOSALS FOR OLD CIVIC CENTER REDEVELOPMENT. (SECTION 551.071, T.G.C.)**
- F) DISCUSSION AND POSSIBLE ACTION REGARDING 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.)**
- G) DISCUSSION AND POSSIBLE ACTION TO CONSIDER THE POSSIBLE SALE OF 300 ACRES ON WARE ROAD AND MONTE CRISTO. (SECTION 551.072, T.G.C.)**
- H) DISCUSSION AND POSSIBLE ACTION REGARDING ECONOMIC INCENTIVES FOR PROJECT BEER. (SECTION 551.087, T.G.C.)**

## **ADJOURNMENT**

There being no other business to come before the Commission, the meeting was adjourned at 5:55 pm.



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

The McAllen Board of Commissioners convened in a Workshop on **Wednesday, August 28, 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, Commissioner Veronica Vela Whitacre

Absent: Mayor Pro Tem Aida Ramirez

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

Others: Dave Hendricks, Nedra Kinerk

**CALL TO ORDER**

Mayor Darling called the meeting to order.

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

Staff reviewed the revenue estimates in the General Fund as well as the additional favorably recommended items. A discussion was held about additional funding requests by the outside agencies of IMAS and the Boys & Girls Club.

As it relates to the additional funding for IMAS, the consensus of the Commission present was to approve the \$41,288 subject to amending their agency contract to provide for a member of the City Commission to serve as an Ex-Officio member on their Board of Directors. Commissioner Ingram was nominated to serve as Ex-Officio member.

As it relates to the two (2) separate requests from the Boys & Girls Club, the funding for restrooms was recommended favorably for approval in the amount of \$100,000. As it relates to the additional funding request of \$198,000, the Commission recommended favorably for approval of the additional funding related to summer operations but recommended that the City Internal Auditor conduct an audit of the agency and bring back a report within 30 days in consideration of funding the remaining amount.

A short presentation was made on ICMA performance measures with a complete presentation to be scheduled in October or November.

Staff recommended recessing to Executive Session related to budget. On behalf of the Presiding Officer, the City Attorney recommended recessing into Executive Session pursuant to Chapter 551, Texas Government Code, Consultation with City Attorney.

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

Mayor Darling recessed the meeting at 5:53 pm to go into Executive Session. Mayor Darling excused himself from the meeting at 6:00 pm. Mayor Pro Tem Salinas reconvened the meeting at 6:22 pm and announced that there was no action to be taken at this time.

## **ADJOURNMENT**

There being no other business to come before the Commission, the meeting was adjourned at 6:22 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 27, 2012**, at 5:00 pm, at McAllen City Hall Third Floor (3rd) Commission Chambers, with the following present:

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

Absent: Mayor Pro Tem Hilda Salinas

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, Victor Rodriguez, Police Chief, Juli Rankin, Director of Planning, Sally Gavlik, Director of Parks and Recreation, Omar Rodriguez, Convention Center Director

**CALL TO ORDER**

Mayor Cortez called the meeting to order.

**CALL TO ORDER**

- 1. PRESENT QUESTIONS TO STAFF RELATING TO AUGUST 27, 2012 REGULAR MEETING AGENDA, TO BE ADDRESSED AT SUCH MEETING.**

There were no questions relating to the August 27, 2012 Regular Meeting Agenda.

- 2. DISCUSSION OF NEW YEAR'S EVE CELEBRATION PROPOSALS.**

Staff presented a summary of the New Year's Eve Celebration Proposals. Comments were shared and concerns were expressed as it related to the event. Staff answered questions posed by the City Commission.

- 3. DISCUSSION TO CONSIDER INCREASING BUILDING PROGRAM FOR PERFORMING ARTS FACILITY.**

Staff provided an update on the building program for Performing Arts Facility. Comments were shared and concerns were expressed. Questions were answered for the City Commission.

- 4. DISCUSSION OF LAS PALMAS ROOFING PROJECT.**

Staff briefly went over the Las Palmas Roofing Project and touched on the specific process improvements and recommendations. It was pointed out that this included renovations and additions of the Las Palmas Community Center. After a lengthy discussion, direction was given to proceed with repairs.

## **5. DISCUSSION OF BOTANICAL GARDENS.**

Mr. Miles Phillips presented a power point presentation for the Mayor and City Commission. Mr. Phillips answered questions posed by City Commission. Mayor thanked staff for their work and complimented them on their presentation.

## **6. REVIEW SENATE BILL 1048 – PUBLIC-PRIVATE PARTNERSHIP PROCEDURES.**

Said item was not discussed.

## **7. 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) AND SECTION 551.074 (PERSONNEL MATTERS).**

- A) DISCUSSION AND POSSIBLE ACTION REGARDING ECONOMIC INCENTIVES FOR PROJECT MARKET GARDEN. (SECTION 551.087, T.G.C.)**
- B) DISCUSSION AND POSSIBLE ACTION - EVALUATION OF CITY MANAGER AND CITY ATTORNEY. (SECTION 551.074, T.G.C.)**
- C) DISCUSSION AND POSSIBLE ACTION REGARDING THE PROPOSED DONATION OF A 2.89 ACRE PROPERTY AT 3101 ROSE ELLEN FROM SHELL EXPLORATION & PRODUCTION COMPANY. (SECTION 551.072, T.G.C.)**
- D) CONSULTATION WITH CITY ATTORNEY RELATING TO WORKERS COMP/LOSS RUN REPORT AS OF JULY 31, 2012. (SECTION 551.071, T.G.C.)**
- E) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ISSUES RELATING TO POTENTIAL CHARTER AMENDMENT. (SECTION 551.071, T.G.C.)**
- F) CONSULTATION WITH CITY ATTORNEY REGARDING PROCEEDINGS BY CITY TO ENGAGE OUTSIDE ASSISTANCE FOR THE PURPOSE OF POSSIBLE RECOVERY OF LOST VALUE OF ASSETS OR REVENUES FROM VARIOUS NATURAL DISASTERS. (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, September 10, 2012**, at 5:00 pm, at McAllen City Hall Third Floor (3rd) Commission Chambers, with the following present:

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

Absent: Mayor Pro Tem Hilda Salinas

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, Victor Rodriguez, Police Chief, Juli Rankin, Director of Planning, Sally Gavlik, 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 SEPTEMBER 10, 2012 REGULAR MEETING AGENDA, TO BE ADDRESSED AT SUCH MEETING.**

There were no questions relating to September 10, 2012 Regular Meeting Agenda.

**2. REPORT ON HIDALGO COUNTY DRAINAGE PROPOSAL FOR A BOND ISSUE.**

Commissioner Darling briefly went over the Hidalgo County Drainage District #1 - 2012 Special Bond Election – Tuesday, November 6, 2012. The urgent need for drainage improvements was discussed. Comments were shared by Mayor and City Commission.

**3. REVIEW SENATE BILL 1048 – PUBLIC-PRIVATE PARTNERSHIP PROCEDURES.**

Staff reviewed SB 1048 and mentioned it facilitates and expands the use of public-private partnerships (P3) under Chapter 2267 of the Texas Government Code. Staff answered questions posed by City Commission. City Commission requested a future workshop to review SB 1048.

**4. DISCUSSION AND CONSIDERATION OF SPONSORSHIP REQUEST FOR AN INTERNATIONAL SOCCER TOURNAMENT AT DE LEON/MCHI STADIUM.**

Staff provided an update on the sponsorship request for an International Soccer Tournament at DeLeon / McHi Stadium. Comments and concerns were expressed. After a lengthy discussion, suggestion was made to go through Convention and Visitors Bureau (CVB).

- 5. 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 AND POSSIBLE ACTION REGARDING ECONOMIC INCENTIVES FOR PROJECT MARKET GARDEN. (SECTION 551.087, T.G.C.)**
  - B) DISCUSSION AND POSSIBLE ACTION REGARDING ECONOMIC INCENTIVES FOR PROJECT STRIPES. (SECTION 551.087, T.G.C.)**
  - C) DISCUSSION AND POSSIBLE ACTION - EVALUATION OF CITY MANAGER, CITY ATTORNEY, FIRE CHIEF, POLICE CHIEF, CITY SECRETARY AND MUNICIPAL COURT JUDGES. (SECTION 551.074, T.G.C.)**
  - D) DISCUSSION AND POSSIBLE ACTION REGARDING THE PROPOSED DONATION OF A 2.89 ACRE PROPERTY AT 3101 ROSE ELLEN FROM SHELL EXPLORATION & PRODUCTION COMPANY. (SECTION 551.072, T.G.C.)**
  - E) DISCUSSION AND POSSIBLE ACTION REGARDING THE SALE OF PROPERTIES ON NORTH 15<sup>TH</sup> STREET BETWEEN GUMWOOD AND FIR AVENUE. (SECTION 551.072, T.G.C.)**
  - F) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ISSUES RELATED TO FIRE DEPARTMENT COLLECTIVE BARGAINING. (SECTION 551.071, T.G.C.)**
  - G) DISCUSSION AND POSSIBLE ACTION REGARDING ECONOMIC INCENTIVES FOR PROJECT BELL. (SECTION 551.087, T.G.C.)**
  - H) DISCUSSION AND POSSIBLE ACTION REGARDING BID PROPOSAL OF EXCESS PROPERTY; A 4.163 ACRE TRACT OF LAND OUT OF LOT 34 AND LOT 40, EBONY HEIGHTS CITRUS GROVES UNIT NO. 2 AND LOT 22, EBONY HEIGHTS GROVES UNIT NO. 1, HIDALGO COUNTY TEXAS. (SECTION 551.072, T.G.C.)**

## **ADJOURNMENT**

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

**STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION   X    
 UTILITY BOARD \_\_\_\_\_  
 OTHER \_\_\_\_\_

AGENDA ITEM   2b    
 DATE SUBMITTED   08/28/13    
 MEETING DATE   09/09/13  

1. Agenda Item:   CHANGE ORDER NO. 1 & FINAL RECONCILIATION OF QUANTITIES FOR THE REMOVAL/  
 PURCHASE AND INSTALLATION OF THREE (3) LEBERT HVAC PROJECT (02-13-C10-119)  

2. Party Making Request:   Engineering Department  

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

  Consideration and approval of Change Order No. 1 and Final Reconciliation of Quantities for the  
 Removal / Purchase and Installation of three (3) Lebert HVAC project.  
 Project No. 02-13-C10-119)  

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

5. Budgeted:   X   Yes        No        N/A

**Funding Source(s):**   011-2020-425-65-10  

<b>Original Contract Amount</b>	\$	<b>110,500.00</b>	100.00%
<b>Change Order No. 1 &amp; Final</b>	\$	<b>(4,500.00)</b>	-4.07%
<b>Final Contract Amount</b>	\$	<b>106,000.00</b>	95.93%
<b>Original Contract Time</b>	<b>60</b>	<b>Days</b>	
<b>Change Order No. 1 &amp; Final</b>	<b>0</b>	<b>Days</b>	
<b>Final Contract Time</b>	<b>60</b>	<b>Days</b>	

6. Alternate Option/Costs \_\_\_\_\_

7. Routing:

<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a.) Y. Barrera, PE, CFM, City Engineer	<u>  YB  </u>	<u>  8/29/13  </u>	<u>  yes  </u>
b.) J. Dale, CPA, Finance Director	<u>  JD  </u>	<u>  9/3/13  </u>	<u>  YES  </u>
c.) R. Rodriguez, PE, Asst. City Manager	<u>  RR  </u>	<u>  9/3/13  </u>	<u>  YES  </u>
d.) S. Zamora, CPM, Director of P&C	<u>      </u>	<u>      </u>	<u>      </u>
e.) B.Mercado, Director of Information Technology	<u>  BM  </u>	<u>  9/3/13  </u>	<u>  YES  </u>
f.) R. Balderas, Fire Chief	<u>  RB  </u>	<u>  9/3/13  </u>	<u>  YES  </u>

8. Staff Recommendation:   Staff recommends approval of Change Order No. 1 and Final Reconciliation  
 of Quantities in the deduct amount of \$4,500.00 and zero (0) additional working days for a final contract  
 amount of \$106,000.00 and unadjusted final contract time of 60-working days.  


9. Advisory Board:        Approved        Disapproved        None

10. City Attorney:   KP   Approved        Disapproved        None

11. Manager's Recommendation:   MRP   Approved        Disapproved        None



CITY OF MCALLEN  
ENGINEERING DEPARTMENT  
MEMORANDUM

To: Mike R. Perez, City Manager  
From: Yvette Barrera, PE, CFM, City Engineer   
Date: August 29, 2013  
Subject: Change Order No. 1 & Final Reconciliation of Quantities for the Removal / Purchase and Installation of three (3) Lebert HVAC project (02-13-C10-119)

**Goal**  
Consideration and approval of Change Order No. 1 and Final Reconciliation of Quantities for the Removal / Purchase and Installation of three (3) Lebert HVAC project.

**Explanation**  
This project consisted of replacing of one (1) 3 ton HVAC units. The installation of two (2) 8 ton Lebert HVAC units and one (1) 3 ton Lebert HVAC units. These Lebert HVAC units are specialized systems for server rooms and critical area that must be kept at certain temperatures. This agenda item presents the final reconciliation of contract quantities for the removal /purchase and installation of three (3) Lebert HVAC project (02-13-C10-119).

Moreover, after the structural engineer reviewed the roof structural design, it was determined the existing structure could support the new HVAC systems. The \$4,500.00 allowance for reinforcing roof structure for the Lebert HVAC Systems was not required. A brief contract summary is presented below.

	Amount	Percentage of Original Contract	Contract Time
Original Contract	\$ 110,500.00	100.00%	60 Working Days
Change Order No. 1 Allowance	\$ (4,500.00)	4.07%	0 Working Days
Final Contract	\$ 106,000.00	95.93%	60 Working Days

- Options**
- 1.) The City Commission may choose to approve staff's recommendation.
  - 2.) Or choose to reject staff's recommendation

**Recommendation**  
Based upon review by this office, staff recommends approval of amended Change Order No. 1 and Final Reconciliation of Quantities in the deduct amount of \$ 4,500.00 and zero (0) additional working days for a final contract amount of \$106,000.00 and unadjusted final contract time of 60-working days.



**STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION   X    
UTILITY BOARD \_\_\_\_\_  
OTHER \_\_\_\_\_

AGENDA ITEM   2C    
DATE SUBMITTED 08/19/13  
MEETING DATE   9/9/13  

1. **Agenda Item:** CONSIDERATION AND APPROVAL OF A DEDUCT CHANGE ORDER FOR THE PURCHASE OF THREE (3) TRACTORS AND MOWER EQUIPMENT – PURCHASE ORDER #18333.

2. **Party Making Request:** Public Works Department

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

Public Works requests consideration and approval of a deduct change order to reflect a decrease in Buy Board contract pricing in the amount of \$1,238.47.

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

5. **Budgeted:**   X  Yes   No   N/A

6. **Alternate Option/Costs** \_\_\_\_\_

7. **Routing:**

	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a.)	<u>C. Sanchez, P.E., PW Director</u>	<u>CAS</u>	<u>9/9/13</u>	<u>  YES  </u>
b.)	<u>Wendy Smith, Asst City Mgr.</u>	<u>      </u>	<u>      </u>	<u>      </u>
c.)	<u>Sandra Zamora, Purchasing Dir.</u>	<u>      </u>	<u>      </u>	<u>      </u>

8. **Staff Recommendation:** Public Works recommends approval of a deduct change order to Purchase Order #18333 in the amount of \$1,238.47 to reflect decrease in Buy Board Contract Pricing.

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

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

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



## PUBLIC WORKS MEMORANDUM

---

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

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

**DATE:** September 3, 2013

**SUBJECT:** Deduct Change Order for the Purchase of Various Tractors and Mower Equipment – Purchase Order #18333

---

**Goal:** Consideration and approval of a deduct change order in the purchase of three (3) Tractors and Mower Equipment.

**Explanation:** On February 11, 2013, the City Commission awarded a purchase contract to Neuhaus Company LTD, from Weslaco TX for various tractors mowers. The vendor submitted pricing through Buy Board Contract # 373-11. Changes in the Buy Board contract pricing has resulted in a reduction to the initial pricing presented by the vendor. The total contract amount has decreased by \$1,238.47.

As a result of this price decrease, Public Works is seeking authorization for a deduct change order to reflect the decrease in cost for the final invoice received.

**Recommendation:** Public Works recommends approval of deduct change order to Purchase Order #18333 in the amount of \$1,238.47.

**STANDARDIZED RECOMMENDATION FORM**

<b>CITY COMMISSION</b>	_____	<b>AGENDA ITEM</b>	<u>2D</u>
<b>UTILITY BOARD</b>	_____	<b>DATE SUBMITTED</b>	<u>9/3/2013</u>
<b>PLANNING &amp; ZONING BOARD</b>	_____	<b>MEETING DATE</b>	<u>9/9/2013</u>
<b>OTHER</b>	_____		

1 Agenda Item: CONSIDERATION AND AUTHORIZATION TO REMOVE 3rd QUARTER  
FY 2011-2012 UNCOLLECTIBLE SANITATION ACCOUNTS FROM THE  
GENERAL LEDGER.

2 Party Making Request: Public Works - Sanitation Fund

3 Nature of Request: (Brief Overview) Attachments:  X Yes \_\_\_ No  
Public Works is requesting authorization to remove uncollectible Sanitation Accounts  
from the general ledger and begin write-off procedures.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4 Policy Implication: City Commission Policy; Local Government Code

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

Account #: 500-4260-444-63-80

6 Alternate option costs: N/A

7 Routing:

<u>NAME/TITLE</u>	<u>INITIALS</u>	<u>DATE</u>	<u>CONCURRENCE</u>
			YES/NO
a) <u>Carlos Sanchez</u> Dir., Public Wks	<u>CAS</u>	<u>9/9/2013</u>	<u>YES</u>
b) <u>Wendy Smith</u> Asst. City Mgr.	_____	_____	_____
c) <u>Jerry Dale</u> Dir., Finance	_____	_____	_____

Staff Recommendation: Staff recommends approval as presented.

8  
9 Advisory Board: \_\_\_ Approved \_\_\_ Disapproved \_\_\_ None

10 City Attorney:  KP  Approved \_\_\_ Disapproved \_\_\_ None

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



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

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

**DATE:** September 3, 2013

**SUBJECT:** **Sanitation Accounts - Uncollectible Accounts.**  
**3<sup>rd</sup> Quarter FY 2011-2012**

---

**Goal:**

Public Works is requesting authorization to re move uncollectible Sanitation (Residential and Commercial Box) accounts from the General Ledger for the 3<sup>rd</sup> Quarter FY 2011-2012.

**Explanation:**

McAllen Public Utilities FY 11-12 Detail Report for the Sanitation Fund:

1. The 3<sup>rd</sup> Quarter Write-Off Detail Report lists a balance \$6,749.67 in uncollected accounts.
  - a. Collection efforts did not generate additional revenue.
  - b. Based on \$3,694,131 total revenues collected during this 3<sup>rd</sup> Quarter, the rate of uncollectible debt is 0.18%.

If approved, all proposed uncollectible accounts will be coded as such in the Utility Billing system. This coding alerts the Customer Relations Department of those accounts holders' who attempt to reconnect services and have a prior uncollected balance.

**Recommendation:**

Public Works staff recommends approval of this item in order to begin accounting procedures for the removal of uncollectible accounts from the General Ledger.

CITY OF MCALLEN - PUBLIC WORKS  
3rd QTR - FY 2011-2012 - UNCOLLECTIBLE ACCOUNTS WRITE-OFF SUMMARY

Uncollectible Accounts over \$100

Count	Report Page #	Customer Id #	Location Id #	Customer Name	Address	Customer Class	Customer Type	Service Type - Charges	Write-Off Balance	Comments
1	1	171975	4486	Bertha Gomez	3009 Covina	Residential	Owner	S076 & Roll-Off	\$421.05	Customer left an outstanding balance from roll-off services. I called customer at 979-578-2800 and she has begun making payments on account. She made a \$50.00 payment on 11/20/12.
2	2	83191	7484	Super 8 Motel	420 E. Jackson Ave	Commercial	Owner	D8X2 -\$232.12	\$143.02	Account did not make payment of last bill and there is no contact number on record.
3	8	169229	40066	Rosalinda Salinas	324 N. 4th St	Residential	Owner	S050 - \$12.80	\$124.89	Account was four months past due. I called 956-309-5262, left a message.
4	9	160377	44128	Ricardo Martinez	2109 Nolana Ave	Commercial	Renting	D2X2 - \$73.37	\$282.53	Account was three months past due. Number on record is dsconnected 956-661-1212.
5	10	166831	49108	Efrain Garza Jr	305 S Bicentennial Blvd	Commercial	Renting	D2X3 - \$110.72	\$296.59	Account was two months past due. Number on record is incorrect 956-638-0821
6	10	163033	49838	Mala Valecha	21 S Main St	Commercial	Renting	D2X3 - \$110.72	\$218.77	Account was two months past due. Number on record is disconnected 956-630-9755.
7	10	146203	50946	Howard Johnson Hotel	2721 S. 10th St	Commercial	Owner	2-D8X3 - \$696.36	\$737.29	A credit of \$2,696.62 was placed on the account due to location not conducting business and bins were not requested to be removed. Account was four months past due. I called 956-242-7144, was not able to contact anyone & left a message.
8	13	170449	62370	Raymond Huebner	2501 Military Hwy B10	Commercial	Renting	D2X2 - \$73.37	\$146.18	Account was three months past due. There is no number on record.
9	14	167667	103736	Camilo Pulecio	2501 Military Hwy C30	Commercial	Renting	D2X2 - \$73.37	\$101.89	Account was three months past due. Called number on record 407-361-7840 and left message.
10	16	138197	113478	Brandon's Ropa Usada	6500 S. 23rd St	Commercial	Renting	D8X2 -\$232.12	\$227.85	Account was two months past due. Called number on record 956-310-6324 and left a message.
11	18	126601	119792	Rodolfo Camara	914 S. 15th St	Commercial	Owner	D2X2 - \$73.37	\$101.58	Account was two months past due. Called number on record 956-655-7732 and number is disconnected.
									<b>\$2,801.64</b>	Total on accounts over \$100
									<b>\$0.00</b>	Amount Adjusted
									<b>\$0.00</b>	Amount Collected on accounts over \$100
									<b>\$2,801.64</b>	Total Amount after Adjustments & Collections
									<b>\$3,948.03</b>	Total Amount on accounts under \$100
									<b>\$0.00</b>	Amount collected on accounts under \$100
									<b>\$6,749.67</b>	<b>Total Write-Off Amount for 3rd Quarter - FY 2011-2012</b>

**Standardized Recommendation Form**

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

Agenda Item   2E    
Date Submitted   08/30/13    
Meeting Date   09/09/13  

1. Agenda Item: Supply Contract for the Purchase of Meals for Inmates (Delivered) Re-Bid Project No. 08-13-SP34-58

2. Party Making Request: Police Department and Purchasing & Contracting

3. Nature of Request: (Brief Overview) Attachments:   X   Yes    No  
Request authorization to award a Supply Contract to the lowest, responsive, responsible bidder, Rex Café and Bakery from McAllen, Texas for the items noted on the attached bid tabulation for a period of one (1) year. If awarded, staff is requesting authorization with City Manager approval, to exercise the option to extend the contract for two (2) additional years, in one (1) year increments, subject to the performance of the successful contractor being satisfactory and the unit price(s) remaining unchanged. In addition, we respectfully request authorization to terminate such contract(s) with City Manager approval in the event that the awarded vendor fails to meet or perform under the terms and conditions of their Supply Contract.

4. Policy Implication: City Commission approval needed.

5. Budgeted:   X   Yes    No   N/A    
Bid Amount: \$ \_\_\_\_\_ Budgeted Amount: \$ 83,000.00  
Under Budget: \$ \_\_\_\_\_ Over Budget: \$ \_\_\_\_\_  
Amount Remaining: \$ \_\_\_\_\_  
If over budget how will it be paid for:   N/A    
Estimated Expense: \$80,784 - Last Year the City of McAllen spent approximately \$83,237.95 for the Purchase of Meals.

6. Alternate option/costs:   N/A  

7. Routing:

<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a) <u>Victor Rodriguez</u> Chief of Police	<u>[Signature]</u>	<u>08/30/13</u>	<u>  X  </u> Yes <u>  </u> No
b) <u>Sandra Zamora, CPM</u> Director of Purchasing & Contracting			<u>  </u> Yes <u>  </u> No

8. Staff's Recommendation: As recommended above.

Advisory Board:    Approved    Disapproved    None

City Attorney:   KP   Approved    Disapproved    None

Manager's Recommendation:   MRP   Approved    Disapproved    None



# McAllen Police Department

## INTRA-DEPARTMENTAL COMMUNICATION

**TO:** MIKE R. PEREZ, CITY MANAGER

**FROM:** VICTOR RODRIGUEZ, CHIEF OF POLICE ✓

**SUBJECT:** AGENDA ITEM – SUPPLY CONTRACT FOR THE PURCHASE OF MEALS FOR INMATES (DELIVERED) RE-BID, *PROJECT NO. 09-13-SP34-58*

**DATE:** 8/30/2013

### GOAL:

The goal of this item is City Commission approval of Award of Supply Contract for the Purchase of Meals for Inmates (Delivered) Re-Bid to Rex Café and Bakery of McAllen, Texas.

### BACKGROUND:

The McAllen Police Department contracts with the United States Marshal Service for detention and housing of federal prisoners. Such detention and housing is accomplished through the use of the City Jail at the McAllen Police Department.

Daily detention and housing of federal prisoners currently ranges from 25 to 30 prisoners. The department bills at \$52.00 per prisoner daily. At such rate of detention and housing, the department bills between \$468,000 and \$561,600 in billing annually.

Housing under this contract requires the department to provide three (3) meals daily to these prisoners.

### HISTORY:

Total expenses for this current year and last fiscal year:

Current FY'12/'13: \$83,237.95 (\$6.50 daily/inmate)

Last FY'11/'12: \$70,978.65 (\$6.50 daily/inmate)

### BID ANALYSIS:

#### Nature of Bid Request:

Procurement of:

Item "1A": Breakfast Meal

Item "1B": Lunch Meal

Item "1C": Dinner Meal

Bid Response:

<b>Bidders:</b>	<b>Previous Pricing</b>	<b>Rex Café and Bakery McAllen, Texas</b>	<b>Maria's Restaurant McAllen, Texas (NON-RESPONSIVE)</b>
Item "1A": Breakfast Meal	\$1.20	\$1.50	
Item "1B": Lunch Meal	\$2.65	\$2.99	
Item "1C": Dinner Meal	\$2.65	\$2.99	
<b>Total Cost Daily:</b>	<b>\$6.50</b>	<b>\$7.48</b>	
Deliveries on Weekend and/or Holidays (Yes/No)	Yes	Yes	
Hours of Operation		Mon-Sat (6am-8pm) Sun (6am-7pm)	

Lowest Responsible Bid:

Rex Café and Bakery – McAllen, Texas (\$7.48 daily total cost)

**FUNDING:**

The Department's General Fund budget includes funding for this expense.  
Account #011-2002-423-62-46

Possible range of expense based upon detention and housing estimates:  
\$67,320 to \$80,784

**OPTIONS:**

1. City Commission approval to Award of Supply Contract for the Purchase of Meals for Inmates (Delivered) Re-Bid to Rex Café and Bakery of McAllen, Texas
2. Not Award of Supply Contract for the Purchase of Meals for Inmates (Delivered) Re-Bid to Rex Café and Bakery of McAllen, Texas

**RECOMMENDATION:**

Request authorization to award a Supply Contract to the lowest, responsive, responsible bidder, Rex Café and Bakery from McAllen, Texas for the items noted on the attached bid tabulation for a period of one (1) year. If awarded, staff is requesting authorization with City Manager approval, to exercise the option to extend the contract for two (2) additional years, in one (1) year increments, subject to the performance of the successful contractor being satisfactory and the unit price(s) remaining unchanged. In addition, we respectfully request authorization to terminate such contract(s) with City Manager approval in the event that the awarded vendor fails to meet or perform under the terms and conditions of their Supply Contract.



**BID OPENING:** August 14, 2013 at 4:00 PM

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

**PROJECT NO.:** 08-13-SP34-58 Supply Contract for the Purchase of Meals for Inmates (Delivered) Re-Bid

			NON-RESPONSIVE
BIDDERS:	PREVIOUS PRICING	 <b>Rex Café</b> McAllen, TX	Maria's Restaurant McAllen, TX
ITEM 1A - BREAKFAST MEAL	\$1.20	\$1.50	
ITEM 1B - LUNCH MEAL	\$2.65	\$2.99	
ITEM 1C - DINNER MEAL	\$2.65	\$2.99	
DELIVERIES ON WEEKENDS AND/OR HOLIDAYS (YES/NO)	YES	YES	
HOURS OF OPERATION		Mon-Sat 6:00am-8:00pm Sun 6:00am-7:00pm	
ELECTRONIC SUBMITTAL:		YES	YES
HARD COPY SUBMITTAL:		YES	PARTIAL *

Vendor did not attach hardcopy of bid form to bid submittals. \*

AUG 27 2013  
Chief of Police



# Memo

**TO:** Victor Rodriguez, Chief of Police  
**FROM:** Sandra Zamora, CPM, Director of Purchasing & Contracting  
**DATE:** August 21, 2013  
**SUBJECT:** Project No. 08-13-SP34-58  
Supply Contract for the Purchase of Meals for Inmates (Delivered) Re-Bid

A handwritten signature in blue ink, appearing to read "Sandra Zamora".

Attached please find a copy of the bid tabulation for the above referenced project; a total of three (3) responses were submitted at the time of the bid opening. Borden Dairy Co. submitted a "no bid" response; Maria's Restaurant did not submit a hardcopy of the bid form and thus was declared non-responsive. Attached is a copy of the bid submitted by Rex Café. The bid tabulation (in excel form) has been sent via email. The bids may also be reviewed online at <https://www.ebidexchange.com>. Please send, in written form, your recommendation as soon as possible.

Please be advised that any recommendations for City Commission/Public Utility Board must be submitted to the Purchasing and Contracting Department, in writing, by Thursday or Friday, prior to the deadline of agenda items.

If any additional information is needed, please advise.

SZ/ve

Attachments



# CITY OF McALLEN

**BID OPENING:** August 14, 2013 at 4:00 PM

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

**PROJECT NO.:** 08-13-SP34-58 Supply Contract for the Purchase of Meals for Inmates (Delivered) Re-Bid

			NON-RESPONSIVE
BIDDERS:	PREVIOUS PRICING	Rex Café McAllen, TX	Maria's Restaurant McAllen, TX
ITEM 1A - BREAKFAST MEAL	\$1.20	\$1.50	
ITEM 1B - LUNCH MEAL	\$2.65	\$2.99	
ITEM 1C - DINNER MEAL	\$2.65	\$2.99	
DELIVERIES ON WEEKENDS AND/OR HOLIDAYS (YES/NO)	YES	YES	
HOURS OF OPERATION		Mon-Sat 6:00am-8:00pm Sun 6:00am-7:00pm	
ELECTRONIC SUBMITTAL:		YES	YES
HARD COPY SUBMITTAL:		YES	PARTIAL *

Vendor did not attach hardcopy of bid form to bid submittals. \*



**City of McAllen, TX**

Integrity · Accountability · Commitment

Procurement

Technical Support

Logged in as: rexcafe90  
Role:

- Home
- My Account
- Solicitations
- Bids/Awards

**Solicitation 08-13-SP34-58 - Bid  
Supply Contract for the Purchase of  
Meals for Inmates (Delivered) Re-Bid**

8/14/2013

Bids Due Date/Time: 8/14/2013 4:00:00 PM  
Central

Bid was recorded at 8/14/2013 9:26:17 AM Central. Your Bid Receipt Number is: 500070773. You may print the screen for your records.

- Description
- Documents
- Questions
- Bid

[i](#) You may edit your bid up to the closing date/time.

**Last Edited By** BALDEMAR GUERRERO (8/14/2013 9:26:17 AM Central)

**Company** REX CAFE & BAKERY

**Bid Status** Complete

**Current Bid Document** [CITY OF MCALLEN SPECS FOR A SUPPLY CONTRACT RE-BID \(AUG 2013\).pdf](#) (uploaded 8/14/2013 by BALDEMAR GUERRERO)

**Discount Offered** 0 (%)

**Discount Criteria**

**Comment** /Users/baldemarguerrero/Pictures/iPhoto Library.photolibrary/Masters/2013/08/134518/SCAN0001.JPG/Users/baldemarguerrero/Pictures/iPhoto Library.photolibrary/Masters/2013/08/12/20130812-134527/SCAN0002.JPG/Users//Users/baldemarguerrero/Pictures/iPhoto Library.photolibrary/Masters/2013/08/12/20130812-134459/SCAN0005.JPGbaldemarguerrero/Pictures/iPhoto Library.photolibrary/Masters/2013/08/12/20130812-134539/SCAN0003.JPG/Users/baldemarguerrero/Pictures/iPhoto Library.photolibrary/Masters/2013/08/12/20130812-134548/SCAN0004.JPG

**Bid Form**export  print 

Re

<u>Number</u>	<u>Internal Ref. Number</u>	<u>Description</u>	<u>Type</u>	<u>Unit of Measure</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Exten</u>
1	961-15-01002-5	ITEM 1A: BREAKFAST MEAL	BASE	EA	1.0000	1.5000	\$
2	961-15-02002-4	ITEM 1B: LUNCH MEAL	BASE	EA	1.0000	2.9900	\$
3	961-15-04001-4	ITEM 1C: DINNER MEAL	BASE	EA	1.0000	2.9900	\$

**Total Base Bid \$7.48**[Edit Bid](#)**No Results Found**

**CITY OF McALLEN**  
**SPECIFICATIONS FOR A SUPPLY CONTRACT FOR THE PURCHASE OF**  
**MEALS FOR INMATES (DELIVERED) RE-BID**

**PROJECT NO.:** 08-13-SP34-58

**BID OPENING:** August 14, 2013 at 4:00 p.m.

Please read your specifications thoroughly and be sure that the meals offered comply with all requirements. Any variations from the specifications must be clearly indicated on item specification sheet and covered by letter attached to and made a part of your bid. Do Not fill in the blank with "as specified", "available", "standard", "yes", or "ok". If no exceptions are noted and you are the successful bidder, it will be required that meals be furnished as specified.

**MINIMUM REQUIREMENTS**

**TO BE FILLED OUT BY BIDDER**

**ITEM 1A: BREAKFAST**

**MEAL:** Taco: On flour tortilla, Potato & Egg or Bacon & Egg, Sweet Bread & 16 oz Drink

---

---

**ITEM 1B: LUNCH**

**MEAL:** Each meal must consist of 6oz of Meat Loaf, Hamburger, Chicken Guisado, Chicken Fried Steak, Fish (fried or grilled), or Pork Chop. Meat portions must be provided on a rotation basis.  
Vegetables: Corn, Green Beans, or Mixed Vegetables. Potatoes: French Fries or Mashed w/Gravy. Bread: 2-Slices (White or Wheat), or 1-Roll. Drink: 16 oz. drink.

---

---

---

---

---

**ITEM 1C: DINNER**

**MEAL:** Each meal must consist of Rice, Beans, Potato Salad and/or Cole Slaw. 2-Slices of Bread or 2-FlourTortillas. The Meat portion must consist of a Chicken Leg Quarter, 6 ounces of Brisket or 6 ounces of Polish Sausage. Meat portions must be provided on a rotation basis.

---

---

---

---

---

**CONTAINER:** All meals must be delivered in a divided Styrofoam container with lock cover. The drink must be delivered in a 16 oz Styrofoam Container with plastic lid

---

---

# SPECIFICATIONS FOR A SUPPLY CONTRACT FOR THE PURCHASE OF MEALS FOR INMATES (DELIVERED) RE-BID Continued:

## MINIMUM REQUIREMENTS

**MISCELLANEOUS:** Each plate must come with packaged napkin, plastic fork, salt and pepper.

**DELIVERY TIME:** Every meal (Item 1a) Must be delivered by 10:00 a.m. each day ordered. Order will be placed on or about 6:00 a.m. each day. Meal (Item 1b) order will be placed at 8:00 a.m. and delivered by 11:30 a.m. Meal (Item 1c) order will be placed on or About 11:00 a.m. and delivered by 5:30 p.m.

**LOCATION OF DELIVERY:** All meals are to Delivered to the McAllen Police Department Jail section: 1601 N. Bicentennial Blvd., McAllen, TX 78501.

## TO BE FILLED OUT BY BIDDER

---

---

---

---

---

---

---

---

---

---

**BIDDERS SHALL ATTEST TO THE FACT THAT THEY HAVE READ, UNDERSTOOD, AND ARE IN COMPLIANCE WITH ALL OF THE INSTRUCTIONS TO BIDDERS AND SPECIFICATIONS AS STATED IN ALL OF THE AFOREMENTIONED, BY AFFIXING THEIR ORIGINAL SIGNATURE BELOW. ALL EXCEPTIONS MADE TO THE SPECIFICATIONS ARE NOTED ON THE RIGHT SIDE COLUMN LISTED "TO BE FILLED OUT BY BIDDER".**

Accepted this 12 day of Aug., 2013.

8-12-13  
DATE

Baldemar Guerrero  
SIGNATURE

Baldemar Guerrero  
PRINT/TYPE NAME

President  
TITLE

Rex Cafe & Bakery INC.  
COMPANY

RexCafe9074@gmail.com  
E-MAIL

**CITY OF McALLEN**  
**BID FORM FOR A SUPPLY CONTRACT FOR THE PURCHASE OF MEALS  
FOR INMATES (DELIVERED) RE-BID**

**PROJECT NO.:** 08-13-SP34-58

**BID OPENING:** August 14, 2013 at 4:00 p.m.

I/We submit the following bid in **IN BOTH SEALED BID (PAPER) & ELECTRONIC FORM** for a **Supply Contract for the Purchase of Meals for Inmates (Delivered) Re-Bid** in accordance with the City of McAllen Instructions to Bidders and Specifications, less tax.

**ELECTRONIC BID INSTRUCTION.** Bidders must go online to the City's Bidding Portal ([www.ebidexchange.com/mcallen](http://www.ebidexchange.com/mcallen)) to submit bid prices. Bidders are asked to read the Welcome Screen (PDF document) and register if they have not done so previously. Once on the bidding portal, follow the steps below to enter the electronic bid:

- a. Click on the **Solicitation** tab.
- b. Click on the **View** button for the appropriate project.
- c. On the **Description** tab, kindly answer the two (2) questions.
- d. Proceed to the **Bid** tab.
- e. Click on the **Edit Bid** tab, scroll down and enter Unit Prices on the bid form.
- f. Once all prices have been entered, **Check the Box** at the lower left hand corner.
- g. Click the **Submit Bid** button; the software will calculate the Total amount being bid.
- h. Bidders must then **Print** a hard copy of their bid prices and attach it to the executed Bid Signature page and bid bond (if applicable) to complete their Sealed Bid as described below.
- i. After compiling all hard copy bid documents for the sealed bid, bidders must then scan the documents including all pages of the Bid Proposal Form printed from the portal and the bid bond (if applicable), and upload the electronic file to the bidding portal.
- j. To upload, return to the Bid tab on the bidding portal and click the **Browse** button to locate and select the scanned electronic file.
- k. **Check the Box** at the lower left hand corner.
- l. Click the **Submit Bid** button to add the scanned file and complete the electronic bid submission.

**SEALED BID.** Bidders must **attach a printed copy of their bid prices (as generated from the City's bidding portal) to a completed, executed copy of the Bid Proposal signature page(s)**; The printed Bid and executed Bid Proposal documents, along with an original copy of the five (5) percent (%) Bid Bond (***if applicable***), must be submitted in a sealed envelope in accordance with the bid solicitation requirements.

The City may consider non-responsive any bid not prepared and submitted in accordance with the provisions herein and may waive any formalities and/or technicalities, or reject any and all bids.



**CITY OF MCALLEN BID FORM FOR A SUPPLY CONTRACT FOR THE PURCHASE OF MEALS FOR INMATES (DELIVERED) RE-BID Continued:**

It is understood that the number of daily meals mentioned are approximate only, and may be increased or decreased as may be considered necessary by the City of McAllen, McAllen Police Department. Unit prices quoted are to remain unchanged for a period of one year from date of award. Unit prices quoted shall be F.O.B. City of McAllen, McAllen Police Department Jail Section: 1601 N. Bicentennial Blvd., McAllen, TX 78501.

Type of meals and number of meals which are to be delivered daily shall be stated when a representative of the Police Department places the order.

**NOTE:** In addition to responding to our "local" solicitation for bids/proposals vendors/contractors are encouraged to provide pricing on the above referenced items/products/services based on Buyboard, H-GAC, TPASS, TXDOT, US Communities and/or any other State of Texas recognized and approved cooperative which has complied with the bidding requirements for the State of Texas (any and all applicable fees must be included) All cooperative pricing must be submitted on or before bid/proposal opening date and hour.

**Check one**

BUYBOARD     
  H-GAC     
  TPASS     
  DEALER/LOCAL  
 TX DOT     
  U.S. COMMUNITIES     
  OTHER \_\_\_\_\_  
Specify

CONTRACT NUMBER: \_\_\_\_\_ (if applicable)     
 COMMODITY NUMBER: \_\_\_\_\_ (if applicable)

eBid eXchange Export  
 Project: 08-13-SP34-58 Supply Contract for the Purchase of Meals for Inmates (Delivered) Re-Bid  
 Bid Opening: August 14, 2013 at 4:00 PM

No.	Internal Ref. No.	Description	UOM	QTY	Unit Price
1	961-15-01002-5	ITEM 1A: BREAKFAST MEAL	EA	1	TO BE ENTERED ELECTRONICALLY
2	961-15-02002-4	ITEM 1B: LUNCH MEAL	EA	1	TO BE ENTERED ELECTRONICALLY
3	961-15-04001-4	ITEM 1C: DINNER MEAL	EA	1	TO BE ENTERED ELECTRONICALLY

Is bidder able and willing to make deliveries on weekends and/or holidays at contract unit prices?

Yes  No

Please identify hours of operation mon - Sat 6am - 8pm Sun. 6am - 7pm

Please identify name of person(s) authorized to receive orders: Baldemar Guerrero Jr.

# CITY OF MCALLEN BID FORM FOR A SUPPLY CONTRACT FOR THE PURCHASE OF MEALS FOR INMATES (DELIVERED) RE-BID Continued:

All Addenda issued in respect to this project shall be considered official changes to the original bidding documents. It shall be the bidder(s) responsibility to ensure that all Addenda have been received. Furthermore, bidders are advised that they must recognize, comply with, and attach a signed copy of each Addendum which shall be made part of their Bid Submittal. Bidder(s) signature on Addenda shall be interpreted as the vendor's "recognition and compliance to" official changes as outlined by the City of McAllen and as such are made part of the original bidding documents.

Respectfully submitted this 12 day of Aug, 2013.

SIGNATURE: Baldemar Guerrero

TITLE: President

COMPANY: Rex cafe & Bakery INC.

ADDRESS: 321 SO. 17

McAllen, TX 78501

TELEPHONE NO. 956-686-9074

FAX NO.: \_\_\_\_\_

EMAIL: rex cafe 9074@gmail.com

H:\MSWORD\SPECSP\SUPPLY CONTRACTS\MEALS FOR INMATES PD RE-BID 13-SP34.doc\SZ\mq



**TRAFFIC OPERATIONS**  
**MEMORANDUM**

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

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

**Date:** September 3, 2013

**Subject:** Project No. 08-13-C32-189 Construction Contract for the Roadway Illumination Assembly Installation

GOAL

To award contract for the Roadway Illumination Assembly Installation to the low bidder Austin Traffic Signal Construction Co. LP of Roundrock, Texas, in the amount of \$123,085.00. (Base Bid \$115,705 and Alternate Bid No. 1 \$7,380)

EXPLANATION

Budget amendment was requested on April 8<sup>th</sup> 2013 in the amount of \$160,000 for the rewiring of Expressway 83 from 23<sup>rd</sup> Street to the east city limits. This request was based on our inspection that found deteriorating insulation and water infiltration causing the wires to short.

Staff received two (2) bids as depicted on the attached bid tabulation included for your review. The base bid and the Add Alternate #1 are within budget and recommended for approval by staff.

OPTIONS

1. Award of Construction Contract to the low bidder, Austin Traffic Signal for base bid and Add Alternate #1.
2. Reject all bids and begin the process to solicit new bids.

RECOMMENDATION

Request authorization to award the construction contract to the low bidder, Austin Traffic Signal Construction Co. LP of Roundrock, Texas, in the amount of \$123,085.00.

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





PROJECT#: 08-13-C32-189

PROEJCT NAME: ROADWAY ILLUMINATION ASSEMBLY INSTALLATION

BID OPENING: August 29, 2013 @ 2:00 PM

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

 **RECOMMENDED VENDOR**

ITEM	INTERNAL REFERENCE NO.	TYPE	DESCRIPTION	UOM	QTY	 AUSTIN TRAFFIC SIGNAL CONSTRUCTION CO, INC. ROUND ROCK, TX		D & G ENERGY MCALLEN, TX	
						UNIT PRICE	TOTAL BID	UNIT PRICE	TOTAL BID
1	912-60	BASE	BASE BID: ELECTRICAL CONDUCTOR (NO. 6) INSULATED	LF	98400	\$0.75	\$73,800.00	\$1.35	\$132,840.00
2	912-60	BASE	BASE BID: INSTALL GROUND ELECTRICAL SYSTEM	EA	149	\$45.00	\$6,705.00	\$13.45	\$2,004.05
3	912-60	BASE	BASE BID: INSTALL ROADWAY ILLUMINATION ASSEMBLY	LS	2	\$4,500.00	\$9,000.00	\$1,500.00	\$3,000.00
4	912-60	BASE	BASE BID: INSTALL BREAKAWAY FUSE AND BOOT ASSEMBLY	EA	524	\$50.00	\$26,200.00	\$40.10	\$21,012.40
5	912-60	ALT	ADD ALTERNATE NO. 1: CLEAN/REPAIR/SEAL JUNCTION BOX	EA	164	\$45.00	\$7,380.00	\$30.50	\$5,002.00
<b>TOTAL BASE BID ITEMS 1- 4:</b>							\$115,705.00		\$158,856.45
<b>ALTERNATE NO. 1</b>							\$7,380.00		\$5,002.00
<b>GRAND TOTAL INCLUDING BASE BID 1-4 AND ALTERNATE</b>							 \$123,085.00		\$163,858.45
<b>NUMBER OF DAYS TO COMPLETE PROJECT</b>						45 CALENDAR DAYS		45 CALENDAR DAYS	
<b>ADDENDUM(S) 1</b>						SUBMITTED		SUBMITTED	
<b>BID BOND (5%)</b>						BB		BB	
<b>PAPER COPY SUBMITTAL</b>						YES		YES	
<b>ELECTRONIC BID SUBMITTAL</b>						YES		YES	

\* RECOMMENDED CONTRACTOR IS NOT ON THE DEBARRMENT LIST (EPLS)...AS OF 8/20/13 SZ/CRQ

**CITY OF McALLEN  
STANDARDIZED RECOMMENDATION FORM**

<b>CITY COMMISSION</b>	<u>  X  </u>	<b>AGENDA ITEM</b>	<u>  2G  </u>
<b>UTILITY BOARD</b>	<u>          </u>	<b>DATE SUBMITTED</b>	<u>  09/03/13  </u>
<b>PLANNING &amp; ZONING BOARD</b>	<u>          </u>	<b>MEETING DATE</b>	<u>  09/09/13  </u>

1. Agenda Item: **Resolution:** Authorizing the acceptance of grant funds from the Texas Department of Transportation through its Selective Traffic Enforcement Program (STEP) FY 2014 Comprehensive Project.

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

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

The Texas Department of Transportation (TxDOT) Selective Traffic Enforcement Program (STEP) FY 2014 Comprehensive Project Grant will allow approximately 2,000 hours of overtime enforcement to reduce the incidence of speeding, driving while intoxicated, failure to use occupant restraint systems, and intersection traffic control violations. The STEP award is in the amount of \$80,000 (80 percent), with a local match of \$20,000 (20 percent), for a total project cost of \$100,000. The performance period will begin October 1, 2013 and extend through September 30, 2014.

4. Policy Implication:   None  

5. Budgeted:   X   Yes        No    N/A

6. Alternate Option/Costs:   None  

7. Routing:

NAME/TITLE	INITIAL	DATE	CONCURRENCE
a) Victor Rodriguez, Police Chief	<u>  VR  </u>	<u>  09/03/13  </u>	<u>  YES  </u>

8. Staff Recommendation: Motion to approve acceptance of grant funds.

9. Advisory Board:        Approved        Disapproved        None

10. City Attorney:   KP   Approved        Disapproved        None

11. City Manager:   MRP   Approved        Disapproved        None



**CITY OF MCALLEN**  
**GRANT ADMINISTRATION OFFICE**  
**MEMORANDUM**

---

**To:** Mike R. Perez, City Manager  
**From:** Carla M. Rodriguez, Director of Grant Administration  
**Date:** September 3, 2013  
**Subject:** Texas Department of Transportation, STEP FY 2014 Comprehensive Project

---

**GOAL:** Promote public safety and defray costs by accepting grant funds from the Texas Department of Transportation (TxDOT) Selective Traffic Enforcement Program FY 2014 Comprehensive Project.

**BRIEF EXPLANATION OF THE ITEM:**

The Texas Department of Transportation (TxDOT) Selective Traffic Enforcement Program (STEP) FY 2014 Comprehensive Project Grant will allow approximately 2,000 hours of overtime enforcement to reduce the incidence of speeding, driving while intoxicated, failure to use occupant restraint systems, and intersection traffic control violations. The STEP award is in the amount of \$80,000 (80 percent), with a local match of \$20,000 (20 percent), for a total project cost of \$100,000. The performance period will begin October 1, 2013 and extend through September 30, 2014.

**OPTIONS:**

Option 1: Accept the STEP FY 2014 Comprehensive Project Grant and enable the Police Department to provide overtime enforcement of traffic safety laws.

Option 2: Do not accept the grant and lose an opportunity to defray overtime enforcement costs.

**RECOMMENDATION:** Staff recommends acceptance of the STEP FY 2014 Comprehensive Project Grant.

RESOLUTION NO. 2013-\_\_\_\_\_

**AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS FROM THE TEXAS DEPARTMENT OF TRANSPORTATION THROUGH ITS SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) FY 2014 COMPREHENSIVE GRANT.**

STATE OF TEXAS  
COUNTY OF HIDALGO  
CITY OF MCALLEN

**WHEREAS**, the McAllen Police Department is required to provide essential public safety services;

**WHEREAS**, TxDOT has organized the Selective Traffic Enforcement Program, as part of a statewide and national mobilization effort, to reduce the number and severity of traffic related crashes, injuries, and fatalities; and

**WHEREAS**, TxDOT has made funding available through its Selective Traffic Enforcement Program Comprehensive Grant.

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

- 1) The Grant Administration Office and McAllen Police Department are hereby directed to accept a FY 2014 STEP Comprehensive Grant from the Texas Department of Transportation in the amount of \$80,000 (80 percent) with a local match of \$20,000 (20 percent), a total project cost of \$100,000 for the purpose of enhancing traffic laws and safety.
- 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 the Texas Department of Transportation in full.

**CONSIDERED, PASSED, APPROVED, AND SIGNED** this 9<sup>th</sup> day of September 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





# Memo

To: Kevin Pagan, City Attorney

From: Jeanie Backor, Land Acquisition Deputy Director

Date: August 27, 2013

Re: **A 0.0116 acre tract of land identified as RGV-MCS-4011E at McAllen-Hidalgo International Bridge**

**GOAL:** A 0.0116 acre tract of land identified as RGV-MCS-4011E at McAllen-Hidalgo International Bridge

## **EXPLANATION:**

On June 10, 2013, the International Toll Bridge Board approved the granting of the easement in favor of the IBCW. On June 24, 2013, the City Commission authorized the City Attorney to negotiate the utility easement with the Federal Government as per the recommendation by the Bridge Board. The U.S. Army Corps of Engineers is requesting a statement of authority authorizing the documentation, execution and transfer of the easement. (See Resolution attached)

**OPTIONS:** Authorize City Manager and City Attorney to take any and all necessary action to transfer the property at this time, postpone, or decline.

**RECOMMENDATIONS:** Authorize City Manager and City Attorney to take any and all necessary action to transfer the property and approve Resolution (see attached).

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF MCALLEN, TEXAS, AUTHORIZING THE SALE OF A 0.0116 ACRE OR 503 SQUARE FEET OF LAND OUT OF A CERTAIN TRACT OF LAND CONVEYED TO THE CITY OF MCALLEN, TEXAS BY DEED DATED APRIL 6, 1960 AS RECORDED IN VOLUME 975, PAGE 323 OF THE HIDALGO COUNTY DEED RECORDS; FOR THE MCALLEN HIDALGO INTERNATIONAL BRIDGE**

**WHEREAS**, the Board of Commissioners of the City of McAllen, Texas has approved the Sale of the above referenced property for the McAllen Hidalgo International Bridge described in Exhibit "A".

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

1. That the City of McAllen City Attorney's office is hereby authorized and directed to proceed with the preparation of the all documents it deemed necessary in relation thereto to consummate this transaction.
2. That the Board of Commissioners of the City of McAllen, hereby officially authorize the City Manager to take any and all action he deems necessary and appropriate including the execution of all documents needed to consummate this transaction.
3. This resolution shall become effective immediately after and from its passage.

**CONSIDERED, PASSED, APPROVED and SIGNED** 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, Texas Government Code.

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

CITY OF McALLEN

By: \_\_\_\_\_, Mayor

ATTEST:

\_\_\_\_\_  
Annette Villarreal, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Gary Henrichson, Assistant City

EXHIBIT A  
PF-225 RIO GRANDE VALLEY SECTOR  
DEPARTMENT OF HOMELAND SECURITY  
CUSTOMS AND BORDER PROTECTION

HIDALGO COUNTY, TEXAS

UTILITY EASEMENT

Tract: RGV-MCS-4011E

Owner: City of McAllen

Acreage: 0.0116

FIELD NOTES FOR 0.0116 ACRE OR 503 SQUARE FEET OF LAND LOCATED IN PORCION 63, HIDALGO COUNTY, TEXAS; BEING OUT OF A CERTAIN TRACT OF LAND CONVEYED TO THE CITY OF McALLEN, TEXAS BY DEED DATED APRIL 6, 1960 AS RECORDED IN VOLUME 975, PAGE 323 OF THE HIDALGO COUNTY DEED RECORDS (H.C.D.R.), SAID 0.0116 ACRE EASEMENT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**COMMENCING** at a found 5/8-inch iron rod for the westerly northwest corner of said City of McAllen, Texas tract and an interior corner of a called 48.16 acre tract of land conveyed to Jack M. Hart as trustee of the Tiffany Dawn Spillar 1991 Trust and the Jeffery Pate Spillar 1991 Trust by deed dated January 7, 1992 as recorded in Volume 3187, Page 315 H.C.D.R., and having coordinates of N=16,560,892.53, E=1,059,158.29;

**THENCE**, South 25°54'39" West, along the westerly line of said City of McAllen, Texas tract, and the southerly line of said 48.16 acre tract, a distance of 242.23 feet to a point, being on a southerly line of a remainder of a certain tract of land conveyed to B.D. Spillar by deed dated April 11, 1984 as recorded in Volume 1964, Page 378 H.C.D.R., for the **POINT OF BEGINNING** and the north corner of the herein described easement, having coordinates of N=16,560,674.64, E=1,059,052.44;

**THENCE**, South 23°30'46" East, departing the westerly line of said City of McAllen, Texas tract and the southerly line of the remainder of said B.D. Spillar tract, a distance of 25.16 feet to a point for the east corner of the herein described easement;

**THENCE**, South 25°54'39" West, a distance of 26.33 feet to a point for the south corner of the herein described easement;

**THENCE**, North 23°30'46" West, a distance of 25.16 feet to a point for the west corner of the herein described easement, being on the westerly line of said City of McAllen, Texas tract and the southerly line of a remainder of said B.D. Spillar tract;

**THENCE**, North 25°54'39" East, along the westerly line of said City of McAllen, Texas tract and the southerly line of a remainder of said B.D. Spillar tract, a distance of 26.33 feet to the **POINT OF BEGINNING** and containing 0.0116 acre or 503 square feet of land.

**The herein described tract of land is bounded by the following US Army Corps of Engineers, Fort Worth District's Proposed Tract Numbers (as of December, 2012):**

**On the Northwest by RGV-MCS-4010E-6**

**Bearings and coordinates are referenced to the Texas Coordinate System NAD83, South Zone (4205) and the Leica SmartNet Reference Network Station "RTCM-Ref 0905", having coordinates of N=16,633,785.2176 & E=1,094,976.1840. All coordinates and distances are surface values and can be converted to grid values by multiplying by the Project Scale Factor (PSF) of 1.000000000 (SURFACE X PSF = GRID).**

**The unit of measure is U.S. Survey Foot.**

**Corners are not set at the time of the survey, to be set upon possession by the government.**

**23JAN13 bjc**

**RGV-MCS-4011E**

**NOTES:**

1. BEARINGS AND COORDINATES ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM NAD83, SOUTH ZONE (4205) AND THE LEICA SMARTNET REFERENCE NETWORK STATION "RTCM-REF 0905", HAVING COORDINATES OF N=16,633,785.2176 & E=1,094,976.1840. ALL COORDINATES AND DISTANCES ARE SURFACE VALUES AND CAN BE CONVERTED TO GRID VALUES BY MULTIPLYING BY THE PROJECT SCALE FACTOR (PSF) OF 1.00000000. (SURFACE X PSF = GRID)

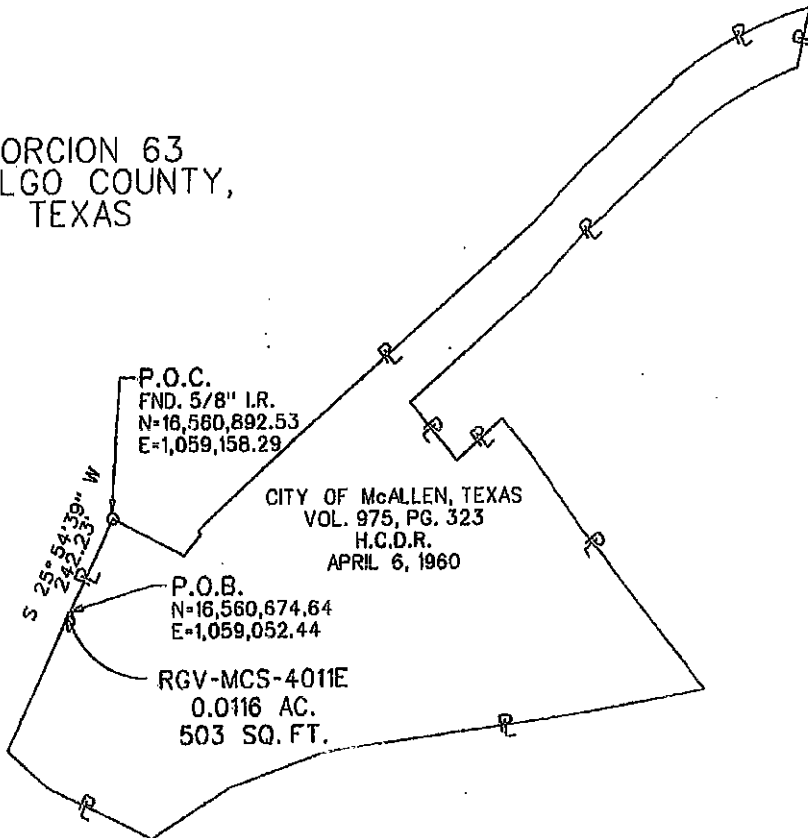
2. THE UNIT OF MEASURE IS U.S. SURVEY FOOT.

3. CORNERS NOT SET AT TIME OF SURVEY TO BE SET UPON POSSESSION BY THE GOVERNMENT.



NOT TO SCALE

**PORCION 63  
HIDALGO COUNTY,  
TEXAS**



CITY OF McALLEN, TEXAS  
VOL. 975, PG. 323  
H.C.D.R.  
APRIL 6, 1960

P.O.B.  
N=16,560,674.64  
E=1,059,052.44

RGV-MCS-401E  
0.0116 AC.  
503 SQ. FT.

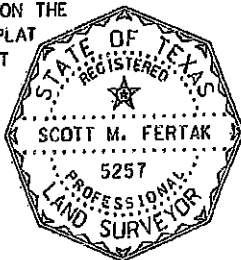
**LEGEND**

- ⊙ - SET 5/8" IR W/PLASTIC CAP STAMPED "LANDTECH CONSULTANTS" (UNLESS NOTED) SEE NOTE 3
- - FOUND PROPERTY CORNER (AS NOTED)
- H.C.D.R. - HIDALGO COUNTY DEED RECORDS
- H.C.O.R. - HIDALGO COUNTY OFFICIAL RECORDS
- H.C.M.R. - HIDALGO COUNTY MAP RECORDS
- P.O.C. - POINT OF COMMENCING
- P.O.B. - POINT OF BEGINNING
- ℙ - PROPERTY LINE

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS AS FOUND AT THE TIME OF THE SURVEY.  
SURVEY DATE, AUGUST 2012.

*[Signature]* (BJA/2012)

SCOTT M. FERTAK  
REGISTERED PROFESSIONAL LAND SURVEYOR  
NO. 5257



CITY OF McALLEN, TEXAS RGV-MCS-401E			
LANDTECH CONSULTANTS, INC. CIVIL ENGINEERING - LAND SURVEYING 2625 NORTH LODD WEST SUITE 300 HOUSTON, TEXAS 77008 TEL 713.4713.461-4750 FAX 832.1713.881-1131			
DATE: DECEMBER, 2012		Scale	Description
SCALE: ELTS.		Date	Appr.
CND BY: AJ			
REVIEWED BY: SW			
			US Army Corps of Engineers 19925G-09-D-0021 HIDALGO COUNTY, TEXAS
			SHEET 3 OF 4

LINE TABLE		
LINE	BEARING	DIST.
L1	S 23° 30' 46" E	25.16'
L2	S 25° 54' 39" W	26.33'
L3	N 23° 30' 46" W	25.16'
L4	N 25° 54' 39" E	26.33'

P.O.C.  
 FND. 5/8" I.R.  
 N-16,560,892.53  
 E-1,059,158.29



SCALE: 1" = 50'

CALLED 48.16 ACRES  
 JACK M. HART AS TRUSTEE  
 OF THE TIFFANY DAWN SPILLAR  
 1991 TRUST AND THE  
 JEFFERY PATE SPILLAR 1991 TRUST  
 VOL. 3187, PG. 315  
 H.C.D.R.  
 JANUARY 7, 1992

CALLED 81.83 ACRES  
 LEVEE EASEMENT  
 COUNTY OF HIDALGO, TEXAS  
 VOL. 1285, PG. 511  
 H.C.D.R.  
 MAY 05, 1971

PORCION 63  
 HIDALGO COUNTY, TEXAS

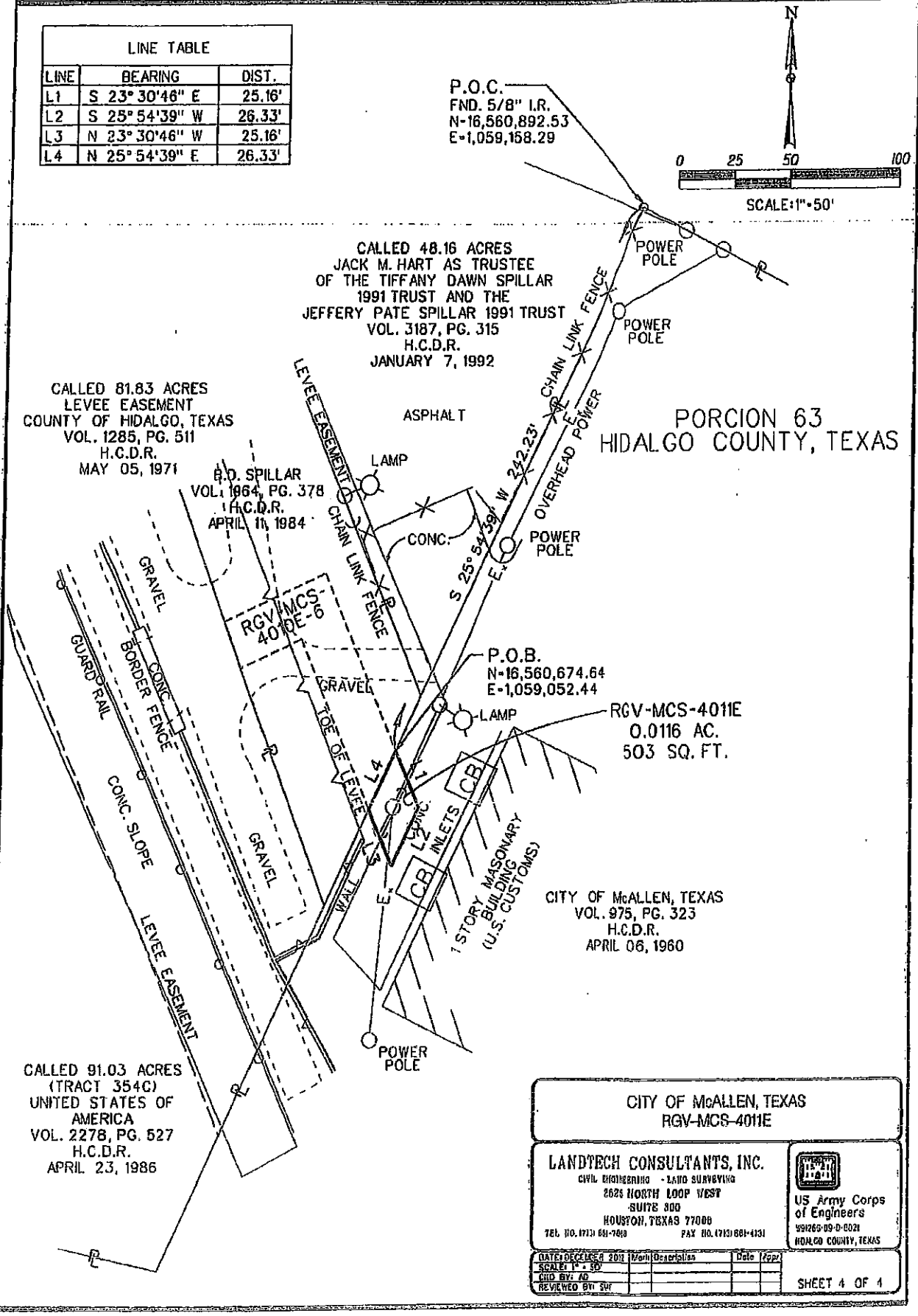
B.D. SPILLAR  
 VOL. 1964, PG. 378  
 H.C.D.R.  
 APRIL 11, 1884

P.O.B.  
 N-16,560,674.64  
 E-1,059,052.44

RGV-MCS-401E  
 0.0116 AC.  
 503 SQ. FT.

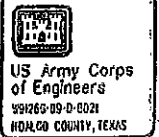
CITY OF McALLEN, TEXAS  
 VOL. 975, PG. 323  
 H.C.D.R.  
 APRIL 06, 1960

CALLED 91.03 ACRES  
 (TRACT 354C)  
 UNITED STATES OF  
 AMERICA  
 VOL. 2278, PG. 527  
 H.C.D.R.  
 APRIL 23, 1986



CITY OF McALLEN, TEXAS  
 RGV-MCS-401E

LANDTECH CONSULTANTS, INC.  
 CIVIL ENGINEERING - LAND SURVEYING  
 2626 NORTH LOOP WEST  
 SUITE 300  
 HOUSTON, TEXAS 77009  
 TEL. NO. (713) 681-7093 FAX NO. (713) 681-4131



DATE	DESCRIPTION	BY	DATE
DEC 28, 2011	Final Description		
SCALE: 1" = 50'			
CREATED BY: AG			
REVIEWED BY: SUF			



**CITY OF McALLEN  
STANDARDIZED RECOMMENDATION FORM**

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

**AGENDA ITEM**                                   2I    
**DATE SUBMITTED**                             09-03-13    
**MEETING DATE**                               09-09-13  

1. Agenda Item: **Bids and Contracts:** Authorization to enter into an Interlocal Agreement with 19 partners spanning the Rio Grande Valley in order to fulfill the program requirements of the U.S. Department of Homeland Security Federal Emergency Management Agency (USDHS/FEMA) FY 2012 Assistance to Firefighters Grant (AFG) award.
2. Party Making Request: Carla M. Rodriguez, Director of Grant Administration
3. Nature of Request: (Brief Overview) Attachments: X Yes    No

The McAllen Fire Department, as the grant's fiscal agent, and 19 partners spanning the Rio Grande Valley were awarded \$2,201,120, through the Assistance to Firefighters Grant to purchase equipment for the continued development of the regional radio system, a radio system that extends through Starr, Hidalgo, Cameron and Willacy counties. Partners include the Cities of Brownsville, Elsa, Hidalgo, La Feria, La Villa, Lasara, Lyford, Mission, Palmview, Pharr, Port Mansfield, Raymondville, Rio Grande City, San Benito, San Perlita, Santa Monica, Sebastian, South Padre Island, and the County of Hidalgo. The local match of \$550,280 is divided on a pro-rated portion amongst each jurisdiction. The Interlocal Agreement outlines the terms and conditions between the participating jurisdictions and stipulates general provisions, the procurement and distribution of equipment, payment of matching funds, warranties and maintenance, and the inventory and reporting requirements of the federally-funded interoperable communications equipment.

4. Policy Implication: None

5. Budgeted:    Yes    No   X   N/A

6. Alternate Option/Costs: \_\_\_\_\_

7. Routing:

NAME/TITLE	INITIAL	DATE	CONCURRENCE
a) Wendy L. Smith, Assistant City Manager	<u>  WLS  </u>	<u>  09-03-13  </u>	<u>  YES  </u>

8. Staff Recommendation: Motion to execute Interlocal Agreement.

9. Advisory Board:    Approved    Disapproved    None

10. City Attorney:   KP   Approved    Disapproved    None

11. City Manager :   WLS for MRP   Approved    Disapproved    None



**CITY OF MCALLEN  
GRANT ADMINISTRATION OFFICE  
MEMORANDUM**

**To:** Mike R. Perez, City Manager  
**From:** Carla M. Rodriguez, Director of Grant Administration  
**Date:** September 3, 2013  
**Subject:** Interlocal Agreement for FY 2012 Assistance to Firefighters Grant Award

**GOAL:** Authorization to enter into an Interlocal Agreement with 19 partners spanning the Rio Grande Valley in order to fulfill the program requirements of the U.S. Department of Homeland Security Federal Emergency Management Agency (USDHS/FEMA) FY 2012 Assistance to Firefighters Grant (AFG) award.

**BRIEF EXPLANATION OF THE ITEM:** The McAllen Fire Department, as the grant's fiscal agent, and 19 partners spanning the Rio Grande Valley were awarded \$2,201,120, through the Assistance to Firefighters Grant to purchase equipment for the continued development of the regional radio system, a radio system that extends through Starr, Hidalgo, Cameron and Willacy counties. Partners include the Cities of Brownsville, Elsa, Hidalgo, La Feria, La Villa, Lasara, Lyford, Mission, Palmview, Pharr, Port Mansfield, Raymondville, Rio Grande City, San Benito, San Perlita, Santa Monica, Sebastian, South Padre Island, and the County of Hidalgo. The local match of \$550,280 is divided on a pro-rated portion amongst each jurisdiction. The Interlocal Agreement outlines the terms and conditions between the participating jurisdictions and stipulates general provisions, the procurement and distribution process of equipment, payment of matching funds, warranties and maintenance, and the inventory and reporting requirements of the federally-funded interoperable communications equipment.

**OPTIONS:** Option 1: Authorizing the execution of the Agreement will provide the participating jurisdictions a binding Agreement that outlines the terms and conditions for procurement, operation and maintenance of equipment, and local share commitments.

Option 2: Not authorizing the execution of the Agreement will result in the loss of a binding Agreement between participating jurisdictions, therefore not fulfilling the grant award's statement of work.

**RECOMMENDATION:** Staff recommends authorization to enter into the Interlocal Agreement.

Attachments

**STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION   X    
UTILITY BOARD \_\_\_\_\_  
OTHER \_\_\_\_\_

AGENDA ITEM   3a    
DATE SUBMITTED  08/29/13   
MEETING DATE  09/09/13 

1. Agenda Item: **Additions and Renovations to the McAllen Public Safety Building Project – Consideration and Approval of Contract Amendment #3**

2. Party Making Request: Engineering Department

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

**Consideration and approval of Contract Amendment #3 to McAllen Public Safety Building Project.**

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

5. Budgeted:   X   Yes    No    N/A Account No.:  
300 8708 426 66 10 ID# BB1302 (\$2,500,000.00)

6. Alternate Option/Costs;

Original Contract	\$ 175,000.00
Contract Amendment#1	\$ 24,000.00 (not to exceed)
Contract Amendment#2 (additional scope of services)	\$ 35,000.00 (not to exceed)
Proposed Contract Amendment #3	\$ 25,000.00 (not to exceed)

**Revised Contract Amount \$ 259,000.00**

7. Routing:

	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a.)	<u>Yvette Barrera, PE, City Engineer</u>	<u>  YB  </u>	<u> 8/29/13 </u>	<u>  YES  </u>
a.)	<u>Victor Rodriguez, Chief of Police</u>	<u>  VR  </u>	<u> 8/30/13 </u>	<u>  YES  </u>
b.)	<u>Sandra Zamora, CPM, Dir. of P &amp; C</u>	<u>  SZ  </u>	<u> 9/3/13 </u>	<u>  YES  </u>
c.)	<u>J.W. Dale, Director of Finance</u>	<u>  JD  </u>	<u> 9/3/13 </u>	<u>  YES  </u>
d.)	<u>Roy Rodriguez, Assistant City Mngr.</u>	<u>  RR  </u>	<u> 9/3/13 </u>	<u>  YES  </u>

8. Staff Recommendation: **Staff recommends approval of Contract Amendment #3 with Milnet Architectural Services, PLLC for the service costs that are being proposed at 5% of construction cost and not to exceed \$25,000.**

9. Advisory Board:    Approved    Disapproved    None

10. City Attorney:   KP   Approved    Disapproved    None

11. Manager's Recommendation:   MRP   Approved    Disapproved    None



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

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

A handwritten signature in black ink, appearing to read 'Yvette Barrera', written over the 'From:' line.

**Date:** August 29, 2013

**Subject:** Additions and Renovations to the McAllen Public Safety Building project – Consideration and Approval of Contract Amendment #3 – Additional Scope

### **GOAL**

Staff requests consideration and approval of contract amendment #3 with Milnet Architectural Services, PLLC for a revised scope of services for the Additions and Renovations to the McAllen Public Safety Building Project.

### **EXPLANATION**

On October 22, 2012, the City Commission awarded design services to Milnet Architectural Services, PLLC for additions and renovations to the McAllen Public Safety Building.

At this time, a request for additional services, beyond the basic services provided under the contract, is submitted for consideration. The scope of work includes services to be provided for relate to some or all of the following: analysis of the existing roof components, construction documents including review of the exterior elevations, wall sections, parapets, unusual transitions, roof components, plan details; specifications; and/or provide construction documents which would include; specifications, roof plans and details.

The service costs are being proposed at 5% of construction cost and not to exceed \$25,000.

### **OPTIONS**

1. Authorize staff to proceed with the amended contract as proposed.
2. Disapprove of request.

### **RECOMMENDATION**

Staff recommends approval of Contract Amendment Number 3 to Milnet Architectural Services, PLLC.



## PROPOSAL AGREEMENT - REROOFING

August 20, 2013

City of McAllen  
Public Safety Building - Reroofing  
Project #08-12S73-288

Attn: Yvette Barrera, P.E., CFM

Milnet Architectural Services is pleased to offer its services to the City of McAllen for the reroofing of the existing Public Safety Building located at 1601 N. Bicentennial Blvd.

### SCOPE OF SERVICES

The services to be provided for relate to some or all of the following: analysis of the existing roof components, construction documents including review of the exterior elevations, wall sections, parapets, unusual transitions, roof components, plan details; specifications; and/or provide construction documents which would include; specifications, roof plans and details.

The Bidding, negotiation backup, final observations and progress payment requests are included in this proposal agreement.

### SCHEDULE A – FULL SERVICE

#### SCHEMATIC DESIGN - 10%

- A. Perform building evaluation and establishment of the Scope of Work.
- B. Identify areas of concern for the new work as well as the existing conditions.
- C. Establish tie-in options and weather tightness of the existing facility during demolition.
- D. Provide preliminary drawings and or sketches.

#### DESIGN DEVELOPMENT - 25%

- A. Development of preliminary drawings, including the following:
  - 1. Roof Plans
  - 2. Roof details
  - 3. Unusual and difficult transitions between walls and roof elements
- B. Define major waterproofing elements
- C. Define the roofing and waterproofing specifications.

#### CONSTRUCTION DOCUMENT - 40%

- A. Preparation of the construction documents, including the following:
  - 1. Specifications and establishment of the Scope of Work
  - 2. Roof Plans
  - 3. Roof Details
  - 4. Unusual and difficult transitions between walls and roof elements
  - 5. Waterproofing details



- B. Provide review of architectural drawings for flashing and moisture conflicts including the following:
  - 1. Wall Sections
  - 2. Exterior Elevations
  - 3. Parapet Details
  - 4. Plans Details
  
- C. Finalize the project specifications for the roofing and waterproofing sections of the project manual.

**BIDDING - 5%**

- A. Assist in notification to the construction community.
- B. Assist at pre-proposal and/or proposal conference.
- C. Cooperative evaluation and selection of successful bidder.

**CONSTRUCTION - 20%**

- A. Perform submittal review.
- B. Assist at and/or conduct pre-construction meetings.
- C. On-site observations of work (every 2 weeks).
- D. Monthly progress payment request review.
- E. Final observations and progress payment request review.
- F. Maintain photo manifest of work in place.
- G. Provide field observation reports of each site visit to Owner.

**SCHEDULE B - FEE**

This proposal-agreement provides for the performance and code review of construction documents as described in the Scope of Services section shall be:

DESCRIPTION	COST
Reroofing of existing building (approx. 48,685 sq. ft.) <i>Based on \$500,000.00 Construction Budget</i>	5% of Construction Cost* <i>Not to exceed \$25,000.00</i>

***\*If the alternate/scope of work is not accepted by the Owner, the Architect shall be entitled to bill and be compensated for services up to the bidding phase (80%) as shown below.***



Drawing sets issued for Bids are reimbursable.

Payment shall be due net thirty (30) days upon completion, according to the following schedule:

<u>Percentage of Total Contract Billing By Phase</u>	<u>Completion Point - Tentative Dates</u>
10%	Schematic Design Set for Review.
25%	Design Development Set for Review.
40%	Construction Documents for Bids.
05%	Bidding
20%	Construction Observation

Neither Milnet, nor their agents or employees shall be jointly, severally, or individually liable to the Client (City of McAllen), in excess of the compensation to be paid pursuant to this Agreement, by reason or any act or omission, including breach of contract or negligence not amounting to a willful or intentional wrong.

If this Proposal Agreement is acceptable to the City of McAllen, we can then enter into a City contract agreement with these terms.

Thank you again for the opportunity to be of service. Should you have any questions regarding this proposal, please contact our company at (956) 688-5656 or via email at [rudym@milnet-archservices.com](mailto:rudym@milnet-archservices.com)

Sincerely,

Rodolfo R. Molina, A.I.A.  
 President  
 Milnet Architectural Services, PLLC

**Client Approval:**

\_\_\_\_\_  
 Print Name Date

\_\_\_\_\_  
 Signature

Note to Client: The Texas Board of Architectural Examiners, P.O. Box 12337, Austin, Texas 78711-2337 or 333 Guadalupe, Suite 2-350, Austin, Texas 78701-3942, (512) 305-9000, has jurisdiction over individuals licensed under the Architect's Registration Law, Texas Civil Statutes, Articles 249a.

**STANDARDIZED RECOMMENDATION FORM**

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

Agenda Item   3B    
Date Submitted 09/03/13  
Meeting Date 09/09/13

1. **Agenda Item:** Purchase of One (1) New & Unused Compact Wheel Loader and One (1) Dozer Refurbishment - Project No. 08-13-P43-49.

2. **Party Making Request:** Public Works

3. **Nature of Request:** (Brief Overview) Attachments:   X   Yes      No  
Public Works requests authorization for an award of contract for the purchase of one (1) new unused current model compact wheel loader for the Recycling Department and refurbishment of one (1) 2006 Komatsu Dozer for the Drainage Department.

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

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

Description	Fund	Bid	Budget	Amount Under or Over Budget
Compact Loader	Sanitation Fund 500-4258-446-66-14	\$75,946.00	\$80,000	\$4,054.00
Refurbish Dozer	General Dep. Fund 678-6382-436.66-14 EC 1320	\$73,000.00	\$50,000	<b>\$23,000.00</b>

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

7. **Routing:**

	<u>Name/Title</u>	<u>Initial</u>	<u>Date</u>	<u>Concurrence</u>
a.)	C. Sanchez, Dir. Of PW	<u>  CAS  </u>	<u>09/03/13</u>	<u>  YES  </u>
b.)	S. Zamora, CPM, Dir. Of Purchasing	_____	_____	_____
c.)	W. Smith, Asst. City Manager	_____	_____	_____
d.)	J.W. Dale, CPA, Finance Director	_____	_____	_____

8. **Staff's Recommendation:** Staff recommends award of purchase contract to the lowest, responsive, responsible bidder meeting the requirements of the specifications, Romco Equipment Company of Mercedes, Texas for a total bid amount of \$75,946 for Item #1 and award of Item #2, dozer refurbishment, to low bidder, Border Engine Rebuilders of Mission, Texas for a total bid amount of \$73,000. Award of bid item #2 is subject to a budget amendment of \$23,000 to the General Depreciation Fund.

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

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

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



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

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

**DATE:** September 3, 2013

**SUBJECT:** **Award of Contract - Purchase of One (1) New Current Model Compact Wheel Loader and Refurbishment of One (1) Komatsu Dozer (Project No. 08-13-P43-49)**

**GOAL:**

Public Works requests authorization for an award of contract for the purchase of one (1) new current model compact wheel loader for the Recycling Department and the refurbishment of one (1) 2006 Komatsu Dozer for the Drainage Department.

**BRIEF EXPLANATION:**

Public Works through the Purchasing & Contracting Department solicited formal bids for the purchase of One (1) New or Pre-Owned Compact Wheel Loader, and the refurbishment of one (1) 2006 model Komatsu dozer. On August 7, 2013, a total of seven bidders responded, however, only five (5) bids were viable bids for a new compact wheel loader. No bids were received for a Pre-Owned Compact Wheel Loader. Two bids were received for the dozer refurbishment.

The lowest, responsive, responsible meeting all specifications bid for Item #1, new current model compact wheel loader, was submitted by Romco Equipment Company of Mercedes, Texas at a unit cost of \$68,564 for a Volvo L30GS model. Optional items: Extended warranty unit cost of \$859 and solid rubber tires unit cost of \$6,523; cumulative contract award of \$75,946. The low bidder, Tejas Equipment Rental of McAllen, Texas submitted a base bid of \$68,219.40, however they did not submit a bid bond and are therefore are considered non-responsive.

The low bidder for Item #2, for the refurbishment of one a 2006 model Komatsu dozer, was submitted by Border Engine Rebuilders of Mission, Texas at a unit cost of \$57,500. In addition staff is recommending the approval of the "out of frame engine overhaul" at a unit cost of \$15,500. The mid-life refurbishment of the dozer will increase its life expectancy by approximately 7 years. The total contract amount is \$73,000. Approval of this contract amount will require a budget amendment of \$23,000 to the General Depreciation Fund.

**OPTIONS:**

- 1) The City Commission may elect to award the purchase contract as recommended by staff below.
- 2) City Commission may elect to reject all bids and direct staff to re-bid this project.

**RECOMMENDATION:**

Staff recommends award of purchase contract to the lowest, responsive, responsible bidder meeting the requirements of the specifications for Bid Item 1, Romco Equipment Company of Mercedes, Texas for a total bid amount of \$75,946 and award of Bid Item 2, dozer refurbishment, to low bidder, Border Engine Rebuilders of Mission, Texas for a total bid amount of \$73,000. Award of Bid Item 2 is subject to a budget amendment of \$23,000.

A copy of the bid tabulation is attached for your review. If you should have any questions or require additional information, please advise.

BID OPENING: August 07, 2013 at 4:00 p.m.  
 LOCATION: Conference Room

PROJECT: 08-13-P43-49 Purchase of One (1) Compact Wheel Loader & Refurbishment of One (1) Dozer

NON-RESPONSIVE

INTERNAL REF NO.	DESCRIPTION	UOM	QTY	BORDER ENGINE REBUILDERS DIESEL SERVICES MISSION, TX	ROMCO EQUIPMENT (HGAC) MERCEDES, TX	NUECES POWER EQUIPMENT EDINBURG, TX	HOLTCAT SAN ANTONIO, TX	DOGGETT HEAVY MACHINERY (BUYBOARD) PHARR, TX	*WAUKESHA-PEARCE INDUSTRIES INC. HOUSTON, TX	TEJAS EQUIPMENT RENTAL SALES MCALLEN, TX	
760-04	ITEM 1: PURCHASE OF ONE (1) NEW & UNUSED CURRENT MODEL COMPACT WHEEL LOADER.	EA	1	NO BID	★ \$68,564.00	\$75,878.35	\$80,212.00	lead time 10-60 days	\$84,400.00	\$83,990.00	unit comes with Pneumatic tires and \$68,219.40
	YEAR, MAKE & MODEL			NO BID	★ 2013 VOLVO L30GS	2013 CASE 221 E	2013 CATERPILLAR 908H2	2013 JOHN DEERE 324J LOADER	2013 TAKEUCHI TW80		2013 WACKEN NEWSON WL50
760-04	OPTIONAL EQUIPMENT/SERVICES FOR ITEM 1: EXTENDED WARRANTY (3 YEARS OR 5,000 HOURS)	EA	1	NO BID	★ \$859.00	\$2,582.00	\$5,150.00	only offer 3YR/3,000 powertrain warranty above and beyond stanard warranty	\$3,257.00	\$3,960.00	\$2,955.00
760-04	ITEM 1A: PURCHASE OF ONE (1) PRE-OWNED COMPACT WHEEL LOADER.	EA	1	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID
765-83	ITEM 2: REFURBISHMENT OF ONE (1) 2006 KOMATSU DOZER DP61PX-15.	EA	1	★ \$57,500.00	NO BID	NO BID	NO BID	NO BID	NO BID	\$78,200.00	NO BID
765-83	OPTIONAL EQUIPMENT/SERVICES FOR ITEM 2: OPTION NO. 1 DIESEL ENGINE OUT OF FRAME OVERHAUL	EA	1	★ \$15,500.00	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID
765-83	OPTIONAL EQUIPMENT/SERVICES FOR ITEM 2: OPTION NO. 2 DIESEL ENGINE REPLACEMENT	EA	1	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$38,380.00	NO BID
760-04	OPTIONAL EQUIPMENT/SERVICES FOR ITEM 1: TRASH BUCKET	EA	1	NO BID	\$10,446.00	\$8,993.00	\$8,420.00	pemberton specified bucket	\$9,500.00	\$7,790.00	\$2,800.00
760-04	OPTIONAL EQUIPMENT/SERVICES FOR ITEM 1: PNEUMATICS TIRES	EA	1	NO BID	\$2,432.00	Included \$0.00	\$1,300.00	set of 4 tires	\$0.00	no additional charge	STANDARD \$0.00
760-04	OPTIONAL EQUIPMENT/SERVICES FOR ITEM 1: SOLID RUBBER TIRES	EA	1	NO BID	★ \$6,523.00	\$4,250.00	\$6,000.00	set of 4 solid tires	\$10,000.00	\$3,528.00	\$5,280.00
<b>GRAND TOTAL:</b>				\$73,000.00	★ \$88,824.00	\$91,703.35	\$101,082.00	\$107,157.00	\$215,848.00	\$79,254.40	
<b>ADDENDUM #1 &amp; #2- SUBMITTED</b>				ACKNOWLEDGED	ACKNOWLEDGED	ACKNOWLEDGED	ACKNOWLEDGED	ACKNOWLEDGED	ACKNOWLEDGED	ACKNOWLEDGED	
<b>NO. OF DAYS TO COMPLETE DELIVER ARO:</b>				30 DAYS	30-90 DAYS	60-120 DAYS	10-60 DAYS	90 DAYS	13 WEEKS OR LESS	16 WEEKS	
<b>BID BOND:</b>				CC	N/A	CC	BB	N/A	BB	NONE SUBMITTED	
<b>PAPER COPY SUBMITTED:</b>				YES	YES	YES	YES	YES	YES	YES	
<b>ELECTRONIC BID SUBMITTED:</b>				YES	YES	YES	YES	YES	YES	YES	

\*VENDOR DID NOT SUBMIT REVISED HARD COPY BID FORM AS PER ADDENDUM #2

**CITY OF McALLEN**  
**STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION   X    
UTILITY BOARD \_\_\_\_\_  
OTHER \_\_\_\_\_

AGENDA ITEM   3C    
DATE SUBMITTED 09-03-13  
MEETING DATE 09-09-13

1. Authorize the purchase of seven (7) sculptures and seven (7) donor stones from Douglas Clark for Quinta Mazatlan Sculpture Trail in the amount of \$54,750..

2. Party Making Request:   Parks and Recreation Department  

3. Nature of Request: (Brief Overview) Attachments:   X   Yes    No  
Purchase of the seven (7) sculptures will complete the sculptures for which funding is currently provided through donations and the seven (7) donor stones for these sculptures.

4. Policy Implication:   None  

5. Budgeted Information:   X   Yes    No    N/A

Budgeted Amount:       \$ 54,750  
Donations:               \$ 54,750

6. Alternate option/costs: To get prices from different sculptures.

7. Routing:	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a)	<u>S. Gavlik, Director</u>	<u>sg</u>	<u>09-03-13</u>	<u>Yes</u>
b)	<u>M. Hernandez, Dep.Dir.</u>	<u>mh</u>	<u>09-03-13</u>	<u>Yes</u>
c)	<u>S.Zamora,Purch.Dir.</u>			
d)	<u>B. Branham, Dept. C.M.</u>			

8. Staff Recommendation: Staff recommends approval of the commissioning of the seven (7) sculptures and the seven (7) donor stones. Mr. Clark to be paid 50% now and the remaining 50% once the sculptures are completed.

9. Advisory Board:   x   Approved    Disapproved    None

10. City Attorney:    Approved    Disapproved   KP   None

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

12. Action Taken: \_\_\_\_\_

**MEMORANDUM**

**To:** MIKE R. PEREZ, CITY MANAGER  
**From:** SALLY GAVLIK, DIRECTOR  
**Subject:** DOUGLS CLARK SCULPTURES  
**Date:** SEPTEMBER 3, 2013

**COMMENT**

**Goal:**  
To commission and then install seven (7) sculptures and related donor stone from Douglas Clark on the Sculpture Trail at Quinta Mazatlan.

**Discussion:**  
Douglas Clark has currently completed twenty-four (24) sculptures for the sculpture trail at Quinta Mazatlan. Those sculptures have all been installed. There are an additional seven (7) sculptures for which funding has been provided. Those sculptures will enhance the Sculpture Trail. Delivery of the first four (4) will be by March 2014 and the remaining three (3) by September 2014. Mr. Clark will be paid 50% of the cost of the sculptures now and the remained when the sculptures are completed.

**Recommendation:**  
The Parks and Recreation Department recommends approval of the commissioning and installation of the seven (7) sculptures for Quinta Mazatlan for a total amount of \$54,750.

# INVOICE

August 21, 2013

## **DOUGLAS CLARK**

P.O. Box 2755, Edinburg, Texas 78540

Residence: 414 N. McColl, Edinburg, Texas

Studio & Foundry: 2739 Monte Cristo Edinburg, Texas

956-682-9893 E-mail: [Douglasclark1904@yahoo.com](mailto:Douglasclark1904@yahoo.com)

### **TO:**

City of McAllen, Parks & Recreation Department

Quinta Mazatlan, P.O. Box 220, McAllen, Texas 78505

## **PROJECT: Seven (7) BRONZE Sculptures**

	<b>PRICE</b>
1. Archaeopteryx—first flying bird	\$7,500
2. Red-eared Slider & babies	\$7,000
3. Butterfly Wings (adult & child wings)	\$7,000
4. Opossum and young on back	\$7,500
5. Eastern Screech Owl (on looking babies in cavity)	\$9,500
6. Ruby-throated hummer adult with nest & 2 eggs	\$8,750
7. Coyote	<u>\$7,500</u>
<b>TOTAL:</b>	<b>\$54,750</b>

## **TOTAL:**

**\$54,750**

50% Down

\$ 27,375

50% Delivery

\$ 27,375

## **DELIVERY: 12 months**

First 4: February-March 19, 2014

Next 3: August-September 2014

**APPROVAL PROCESS:** The figures will be sculpted by Douglas Clark at his studio at 2739 Monte Cristo or at the studios of the UTPA Art Department. When the clay sculptures are complete, the city will send a representative to approve the work for molding and casting in silicon bronze.

---

**Douglas Clark**

**Date**

---

**Colleen Hook**

**Date**

**CITY OF McALLEN  
STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION \_\_\_\_\_ x \_\_\_\_\_  
UTILITY BOARD \_\_\_\_\_  
OTHER \_\_\_\_\_

AGENDA ITEM \_\_\_\_\_ 3D \_\_\_\_\_  
DATE SUBMITTED 09-03-13  
MEETING DATE 09-09-13

1. Agenda Item: Bid Award to Southern Landscapes dba Valley Garden Center, McAllen, Texas in the amount of \$709,000 for the construction of an irrigation pond, irrigation system, installation of an irrigation canal fill line and installation of a Design Master Fence at Morris RDF i.e. Morris Park. Project No. 08-13-C27-212

2. Party Making Request: Parks and Recreation Department

3. Nature of Request: (Brief Overview) Attachments: x Yes      No  
Bids for the Morris RDF, Morris Park were received on August 7, 2013. Three bidders provided bids for the installation of irrigation system with an irrigation pond and a canal fill line as well as the installation of a Design Master Fence. The low bidder was Southern Landscapes dba. Valley Garden Center of McAllen, Texas in the amount of \$709,000.

4. Policy Implication: Local Government Code

5. Budgeted Information: x Yes      No      N/A  
Budgeted Amount: \$675,000  
Bid Amount: \$709,000  
Over Budget: \$34,000

6. Alternate option/costs: To re-bid the project

7. Routing:	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a)	S.Gavlik, Director	sg	09-03-13	Yes
b)	D. Melaas, Dep. Dir.	dm	09-03-13	Yes
c)	Sandra Zamora, Pur. Dir.			
d)	Jerry Dale, Fin. Dir.			
e)	Brent Branham, Dep.	CM		

8. Staff Recommendation: Staff recommends approval of the bid award to Southern Landscapes dba. Valley Garden Center, McAllen, Texas in the amount of \$709,000

9. Advisory Board: x Approved      Disapproved      None

10. City Attorney: x Approved      Disapproved      None

11. Manager's Recommendation: X Approved      Disapproved      None

MRP

12. Action Taken: \_\_\_\_\_

**MEMORANDUM**

**To:** MIKE R. PEREZ, CITY MANAGER  
**From:** SALLY GAVLIK, DIRECTOR   
**Subject:** MORRIS RDF, MORRIS PARK BID AWARD, PROJECT NO. 08-13-C27-212 TO SOUTHERN LANDSCAPES dba VALLEY GARDEN CENTER  
**Date:** SEPTEMBER 3, 2013

**COMMENT**

**Goal:** To award a contract to Southern Landscapes dba. Valley Garden Center for the installation of an irrigation system, irrigation pond and canal fill line to the pond and the installation of Design Master fencing in the amount of \$709,000 at Morris RDF, Morris Park. Project No. 08-13-C27-212

**Discussion:** Bids were received on August 7, 2013 for the installation of an irrigation system to include an irrigation pond, canal fill line to the pond and the installation of Design Master fencing.

Three bids were received:

Southern Landscapes, dba. Valley Garden Center	\$709,000.00
Earth Irrigation and Landscaping, Ltd.	\$827,652.00
Rigney Construction & Development, LLC	\$900,000.00

All three (3) bidders received submitted the requisite bid bond and acknowledged the addendums.

The bid award will include:

Base Bid # 1 – Construction of Irrigation Pond	\$172,000.00
Base Bid # 2 – Construction of Irrigation Systeme	\$464,000.00
Base Bid #3 – Installation of Design Master Fence	\$25,000.00
Base Bid #4 - Installation of Irrigation Canal Fill Line	\$48,000.00

**Recommendation:** After review of the bids, staff recommends award of bid to the apparent low bidder, Southern Landscapes, dba. Valley Garden Center of McAllen, Texas in the amount of \$709,000.00


PROJECT NO.: 08-13-C27-212 MORRIS RDF IRRIGATION

BID OPENING: AUGUST 7, 2013 AT 3:00 P.M.

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

created: 08/07/13-mm

ITEM	INTERNAL REFERENCE NO.	TYPE	DESCRIPTION	UOM	QTY	SOUTHERN LANDSCAPES dba VALLEY GARDEN CENTER McALLEN, TX	EARTH IRRIGATION & LANDSCAPING, LTD. McALLEN, TX	RIGNEY CONSTRUCTION & DEVELOPMENT, LLC EDINBURG, TX
1	912-44	BASE	BASE BID ITEM NO. 1: Construction of irrigation pond including excavation, shaping and compaction complete in place per drawings and specifications	LS	1	\$172,000.00	\$200,009.00	\$249,730.00
2	912-44	BASE	BASE BID ITEM NO. 2: Construction of irrigation system, including pump system and appurtenances, complete in place per drawings and specifications.	LS	1	\$464,000.00	\$576,081.00	\$538,764.00
3	912-44	BASE	BASE BID ITEM NO. 3: Installation of Designmaster fencing complete in place per drawings and specifications	LS	1	\$25,000.00	\$23,805.00	\$19,282.00
4	912-44	BASE	BASE BID ITEM NO. 4: Installation of irrigation canal fill line, complete in place per drawings and specifications.	LS	1	\$48,000.00	\$27,757.00	\$92,224.00
5	912-44	ADD	Hunter ICV-301-FS-R remote control valve with valve box and fittings, complete in place	EA	1	\$610.00	\$713.00	\$965.90
6	912-44	ADD	6" Sch. 40 PVC irrigation mainline, complete in place	LF	1	\$11.00	\$12.10	\$7.20
7	912-44	ADD	3" Sch. 40 PVC irrigation mainline, complete in place	LF	1	\$5.00	\$0.00	\$3.56
8	912-44	ADD	4" irrigation lateral line, complete in place	LF	1	\$7.00	\$5.58	\$4.40
9	912-44	ADD	3" irrigation lateral line, complete in place	LF	1	\$5.00	\$3.45	\$3.29
10	912-44	ADD	2" irrigation lateral line, complete in place	LF	1	\$2.00	\$1.63	\$2.09
11	912-44	ADD	1-1/2" irrigation lateral line, complete in place	LF	1	\$1.35	\$0.00	\$1.89
12	912-44	ADD	1" irrigation lateral line, complete in place	LF	1	\$1.25	\$0.00	\$1.66
13	912-44	ADD	Quick coupler valve with all piping, swing joint and valve box, complete in place	EA	1	\$250.00	\$0.00	\$471.25
14	912-44	ADD	Hunter I-90 rotor head, with all piping and	EA	1	\$150.00	\$312.00	\$174.99
15	912-44	ADD	Isolation valve, complete in place	EA	1	\$400.00	\$0.00	\$472.50
16	912-44	ADD	Irrigation Pump complete in place	EA	1	\$60,000.00	\$48,645.00	\$32,999.00
17	912-44	ADD	4' Design Master fence 'Classic', complete in place	LF	1	\$14.00	\$15.56	\$13.16
18	912-44	ADD	10' wide gate, Design Master, complete in place	EA	1	\$300.00	\$750.00	\$700.00
19	912-44	ADD	Excavation of pond material	CY	1	\$6.00	\$7.15	\$4.10
20	912-44	ADD	15" irrigation fill line including flow meter and all appurtenances complete in place	LF	1	\$90.00	\$54.00	\$52,384.00
<b>TOTAL BASE BID ITEMS 1- 4:</b>						<b>\$709,000.00</b>	<b>\$827,652.00</b>	<b>\$900,000.00</b>
<b>NUMBER OF DAYS TO COMPLETE PROJECT</b>						100 DAYS	140 DAYS	100 DAYS
<b>ADDENDUM(S) 1</b>						ACKNOWLEDGED	ACKNOWLEDGED	ACKNOWLEDGED
<b>BID BOND (5%)</b>						SUBMITTED	SUBMITTED	SUBMITTED
<b>PAPER COPY SUBMITTAL</b>						SUBMITTED	SUBMITTED	SUBMITTED
<b>ELECTRONIC BID SUBMITTAL</b>						SUBMITTED	SUBMITTED	SUBMITTED


**VENDOR ATTACHED  
CLARIFICATION NOTES  
WITH SUBMITTED BID**



**CITY OF McALLEN**  
**STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION   X    
UTILITY BOARD             
OTHER           

AGENDA ITEM 3E  
DATE SUBMITTED 09/3/13  
MEETING DATE 09/9/13

1. Agenda Item: **CONSIDERATION OF INTERLOCAL COOPERATION CONTRACT WITH THE UNIVERSITY OF TEXAS – PAN AMERICAN FOR ECOLOGICAL RESEARCH AT THE MCALLEN NATURE CENTER.**
2. Party Making Request: **PARKS AND RECREATION DEPARTMENT**
3. Nature of Request: (Brief Overview) Attachments:   X   Yes        No

**THIS ITEM PROPOSES AND RECOMMENDS AN INTERLOCAL COOPERATION CONTRACT BETWEEN THE CITY OF McALLEN AND THE UNIVERSITY OF TEXAS WHERE THE CITY COMMITS TO PROVIDING COMPENSATION FOR THE PURPOSE OF CODUCTING ECOLOGICAL RESEARCH.**

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

5. Budget Information:

6. Alternate Option/Costs:

7. Routing:	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	
<u>CONCURRENCE</u>				
a.)	<u><b>S.Gavlik, Dir.Parks&amp;Rec.,</b></u>	<u><b>sg</b></u>	<u><b>09/3/13</b></u>	<u><b>yes</b></u>
b.)	<u><b>B.Branham, Dep.C.M.</b></u>	<u>          </u>	<u>          </u>	<u>          </u>
c.)	<u><b>S.Zamora, Dir. Purch.</b></u>	<u>          </u>	<u>          </u>	<u>          </u>

8. Staff Recommendation: **STAFF RECOMMENDS ENTERING INTO AN INTERLOCAL COOPERATION CONTRACT WITH THE UNIVERSITY OF TEXAS – PAN AM.**

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:

**MEMORANDUM**

**To:** MIKE R. PEREZ, CITY MANAGER

**From:** SALLY GAVLIK, DIRECTOR 

**Subject:** INTERLOCAL COOPERATION CONTRACT BETWEEN THE CITY OF McALLEN AND THE UNIVERSITY OF TEXAS, PAN AMERICAN FOR THE PURPOSE OF OBTAINING AN ECOLOGICAL RESEARCH STUDY AT THE MCALLEN NATURE CENTER.

**Date:** SEPTEMBER 3, 2013

**COMMENT**

**Goal:** Authorize an Interlocal Cooperation Contract between the City of McAllen and the University of Texas, Pan American in order to obtain necessary research to enhance and develop the McAllen Nature Center.

**Discussion:** The City of McAllen realizes the importance of Land Preservation and Ecotourism. With this contract the University of Texas, Pan American will perform an ecological survey, identify and map endangered species, and research best practices to promote the complex.

**Recommendation:** The Parks and Recreation Department recommends approval of the Interlocal Cooperation Contract between the City and McAllen and the University of Texas, Pan American with stipend funding for a Graduate Student to perform necessary research for the development of the McAllen Nature Center.

Dear Sir:

Enclosed are two originals of the Interlocal Cooperation Contract, regarding McAllen Nature Center. McAllen City Staff and Elected Officials have reviewed and approved this document. The funding provided by the City is to be used as a stipend for the Graduate Student. No UTPA administrative fees can be paid from this funding.

If you approve the documents, please sign both and return them to my office at;

Mike Hernandez, Deputy Director  
Parks & Recreation  
1000 South Ware Road  
McAllen, TX 78501

A fully executed original will be returned to your office.

We are pleased with the agreement and look forward to working with you in our new partnership.

## INTERLOCAL COOPERATION CONTRACT

This **Interlocal Cooperation Contract** (this “**Contract**”) is entered into effective on the date of the last signature (“**Effective Date**”), by and between the Contracting Parties shown below pursuant to authority granted in and in compliance with Chapter 791, *Texas Government Code*.

### I. CONTRACTING PARTIES:

**Receiving Party:** City of McAllen, a local government of the State of Texas.

**Performing Party:** The University of Texas – Pan American, an institution of higher education and agency of the State of Texas.

### II. PURPOSE:

The purpose of this Contract is to obtain the services of Performing Party to conduct ecological research that will inform the conservation and management of McAllen’s Botanical Garden (the “**Project**”), as described below. This Contract will increase the efficiency and effectiveness of the Contracting Parties.

### III. STATEMENT OF SERVICES TO BE PERFORMED:

Performing Party will perform the following services (“**services**”):

1. Comprehensive ecological survey of the composition of the variety of habitants in the area;
2. Identification and mapping of rare and endangered species, including botanical, entomological or bird fauna, and or invasive species; and
3. Research highlighting the complex ecological relationships among communities within the Botanical Garden and between the green spaces in the Rio Grande Valley.

### IV. WARRANTIES:

Receiving Party warrants that (1) the services are necessary and authorized for activities that are properly within its statutory functions and programs; (2) it has the authority to contract for the services; (3) it has all necessary power and has received all necessary approvals to execute and deliver this Contract, and (4) the representative signing this Contract on its behalf is authorized by its governing body to sign this Contract.

Performing Party warrants that (1) it has authority to perform the services; (2) it has all necessary power and has received all necessary approvals to execute and deliver this Contract, and (3) the representative signing this Contract on its behalf is authorized by its governing body to sign this Contract.

**V. CONTRACT AMOUNT:**

The total amount of this Contract shall not exceed **\$30,000.00**.

**VI. PAYMENT:**

Receiving Party will remit payments to Performing Party for services satisfactorily performed under this Contract in accordance with the Texas Prompt Payment Act ("Act"), Chapter 2251, *Texas Government Code*.

Payments made under this Contract (1) are based on cost recovery, (2) will fairly compensate Performing Party for the services performed under this Contract, and (3) will be made from current revenues available to Receiving Party.

**VII. TERM:**

The term of this Contract begins on the Effective Date and expires on December 30, 2016.

**VIII. NOTICES:**

Except as otherwise provided by this Section, all notices, consents, approvals, demands, requests or other communications provided for or permitted to be given under any of the provisions of this Contract will be in writing and will be sent via certified mail, hand delivery, overnight courier, facsimile transmission (to the extent a facsimile number is set forth below), or email (to the extent an email address is set forth below) as provided below, and notice will be deemed given (i) if delivered by certified mailed, when deposited, postage prepaid, in the United States mail, or (ii) if delivered by hand, overnight courier, facsimile (to the extent a facsimile number is set forth below) or email (to the extent an email address is set forth below), when received:

If to Receiving Party:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attention: \_\_\_\_\_

*with copy to:*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attention: \_\_\_\_\_

If to Performing Party:

The University of Texas – Pan American  
  
1201 West University Drive  
Edinburg, Texas 78539

Attention: Glorimar Colón, JD  
Office of Research Compliance, REIN 1.106

With copy to:  
Alexis Racelis, PhD  
Biology Department, SCNE 2352

or other person or address as may be given in writing by either party to the other in accordance with this Section.

**IX. TERMINATION:**

In the event of a material failure by a Contracting Party to perform its duties and obligations in accordance with the terms of this Contract, the other party may terminate this Contract upon thirty (30) days' advance written notice of termination setting forth the nature of the material failure; provided that, the material failure is through no fault of the terminating party.

**X. OTHER PROVISIONS:**

**Payment of Debt or Delinquency to the State.** Pursuant to Sections 2107.008 and 2252.903, *Texas Government Code*, Performing Party agrees that any payments owing to Performing Party under this Contract may be applied directly toward any debt or delinquency that Performing Party owes the State of Texas or any agency of the State of Texas regardless of when it arises, until such debt or delinquency is paid in full.

**Venue; Governing Law.** Hidalgo County, Texas shall be the proper place of venue for suit on or in respect of this Contract. This Contract and all of the rights and obligations of the parties hereto and all of the terms and conditions hereof shall be construed, interpreted and applied in accordance with and governed by and enforced under the laws of the State of Texas.

**Entire Agreement; Modifications.** This Contract supersedes all prior agreements, written or oral, between Performing Party and Receiving Party and shall constitute the entire agreement and understanding between the parties with respect to the subject matter hereof. This Contract and each of its provisions shall be binding upon the parties and may not be waived, modified, amended or altered except by a writing signed by Receiving Party and Performing Party.

**Loss of Funding.** Performance by a Contracting Party of its duties and obligations under this Contract may be dependent upon the appropriation and allotment of funds by the Texas State Legislature (the "Legislature") and/or allocation of funds by that Contracting Party's governing board. If the Legislature fails to appropriate or allot the necessary funds to a Contracting Party, or a Contracting Party's governing board fails to allocate the necessary funds, then the Contracting Party that loses funding may terminate this Contract without further duty or obligation under this Contract.

**State Auditor's Office.** The Contracting Parties understand that acceptance of funds under this Contract constitutes acceptance of the authority of the Texas State Auditor's Office, or any successor agency (collectively, "Auditor"), to conduct an audit or investigation in connection with those funds

pursuant to Sections 51.9335(c), 73.115(c) and 74.008(c), *Texas Education Code*. The Contracting Parties agree to cooperate with the Auditor in the conduct of the audit or investigation, including without limitation providing all records requested. The Contracting Parties will include this provision in all contracts with permitted subcontractors.

**Assignment.** This Contract is not transferable or assignable except upon written approval by Receiving Party and Performing Party.

**Severability.** If any one or more of the provisions contained in this Contract shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision thereof, and this Contract shall be construed as if such invalid, illegal, or unenforceable provision had never been contained therein.

**Public Records.** It shall be the independent responsibility of Receiving Party and Performing Party to comply with the provisions of Chapter 552, *Texas Government Code* (the "Public Information Act"), as those provisions apply to the parties' respective information. Receiving Party is not authorized to receive public information requests or take any action under the *Public Information Act* on behalf of Performing Party. Likewise, Performing Party is not authorized to receive public information requests or take any other action under the *Public Information Act* on behalf of Receiving Party.

**Executed effective as of the date of the last signature below by the following duly authorized representatives of the Contracting Parties:**

**RECEIVING PARTY:**

**PERFORMING PARTY:**

**CITY OF MCALLEN**

**THE UNIVERSITY OF TEXAS – PAN AMERICAN**

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

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

Name

Sayed Sadiq Shah, PhD

Title

Vice Provost for Research

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

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

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

Martin V. Baylor, MBA

Vice President for Business Affairs

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

**CITY OF McALLEN**  
**STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION     x      
UTILITY BOARD \_\_\_\_\_  
OTHER \_\_\_\_\_


AGENDA ITEM     3F      
DATE SUBMITTED 09-03-2013  
MEETING DATE 09-09-2013

1. Agenda Item: To award multiple lawn maintenance contract to low bidders for properties as per attached bid tab sheets Project No. 07-13-S56-70.
  
2. Party Making Request: Parks and Recreation
  
3. Nature of Request: (Brief Overview) Attachments:   x   Yes      No  
The Parks and Recreation Department bids out the lawn maintenance on several park and city owned properties. Contractors were solicited with several contracts being recommended for award.
  
4. Policy Implication: Local government code
  
5. Budgeted Information:   x   Yes      No    N/A  
Budgeted Amount: \_\_\_\_\_  
Native Land Design - \$90,684.78  
Maldonado Nursery and Landscape - \$45,540.59  
HLS Landscape - \$10,422.06  
Lawn Care Experts \$ 1,782.83  
  
Budget Codes:  
Bridge 560-3158-435.65-10  
Convention Center 541-5251-465.65.10  
Parks 011-5104-463.63.-52
  
6. Alternate option/costs: For the Parks and Recreation Department to provide maintenance.
  
7. Routing: 

<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a)S. Gavlik, Dir.	sg	09-03-2013	Yes
b)S. Zamora, Purch. Dir.			
c)B. Branham, Dep. C.M.			
  
8. Staff Recommendation: Staff recommends approval of the bid award to the four (4) companies listed above for the sites identified in the bid tab sheet.
  
9. Advisory Board:      Approved      Disapproved      None
  
10. City Attorney:   KP   Approved      Disapproved      None
  
11. Manager's Recommendation:   x   Approved      Disapproved      None  
MRP
  
12. Action Taken: \_\_\_\_\_



**To:** MIKE R. PEREZ, CITY MANAGER

**From:** SALLY GAVLIK, DIECTOR, PARKS & RECREATION 

**Subject:** GROUNDS MAINTENANCE CONTRACT: PROJECT: 07-13-S56-70

**Date:** SEPTEMBER 3, 2013

## COMMENT

**Goal:**

To award Multiple Lawn Maintenance Service Contracts to Low Bidders as per attached bid Tabulations for the properties listed below.

**Explanation:** In an effort to meet the increasing maintenance demands of our city properties, the Parks & Recreation Department has solicited bids and expanded the list of a recently expired lawn maintenance contract. A total of ten firms submitted bids for the properties listed below. Some of these listed firms however did not bid on all of the facilities.

For financial reasons, last year's contractor did not take advantage of the first of two - one year option renewals and felt the need to go back out for bid. Many of their previously maintained properties will fall back under their maintenance program, while other facilities will be maintained by three other firms.

**Recommendation:**

For a period of one year, Staff recommends approval of the contract awards to:

- **Native Land Design – Grand Total \$90,684.78**
  - Convention Center: \$66,955.62 (incl. lawn aeration)
  - Veterans War Memorial: \$4,874.72
  - EOC / Warehouse perimeter and overflow parking lot and Fire Station #'s 2-7: \$11,314.54
  - Roney Boys & Girls Club: \$1,934.40
  - Old Police Department / Perimeter of Traffic Dept Lot and Bus Overflow Parking Lot: \$1,865.56
  - El Pacifico Hike & Bike Trail: \$3,739.93
- **Maldonado Nursery & Landscape: \$45,540.59 versus \$46,928.19**
  - Fireman's Training Facility: \$2,783.70 versus calculated total \$4,171.30
  - McAllen Public Library: \$16,110.07
  - Drainage Ditch Landscape at Nolana @ 25<sup>th</sup> St and Nolana @ Cynthia: \$4,122.02
  - Police Department: \$6,870.21
  - Old Civic Center: \$6,783.39
  - Crocket Elementary : \$8,871.19
- **HLS Landscape – Grand Total \$10,422.06**
  - McAllen / Hidalgo International Bridge: \$9,313.47
  - Traffic Department: \$522.74
  - Old Main Library: \$585.85
- **Lawn Care Experts – Grand Total \$1,782.83**
  - McAllen Transit Terminal and North Parking Lot: \$1,342.40
  - Art Studio / Parking Lot: \$440.43

If awarded, Staff is requesting authorization upon City Manager approval, to exercise the option to extend the Service Contract for two (2) additional years, in one year increments, if the performance of the successful contractor is satisfactory and the unit price(s) remain unchanged. Staff is also requesting authorization to terminate such contract(s) with City Manager approval and re-award the affected location(s) to the next low bidder meeting the requirements of the specifications in the event that an awarded contractor fails to meet or perform under the terms and conditions of their Service Contract. Extra Services shall be awarded to contractor as depicted on the Bid Tabulation and only utilized on an "as needed basis".



D - Litter & Debris

L - Landscape Bed Maintenance

M - Mowing

		MALDONADO NURSERY & LANDSCAPING ★ LA FERIA, TX				VENDORS SUBMITTED PRICE	BARRIOS LANDSCAPING McALLEN, TX				VENDORS SUBMITTED PRICE	★ NATIVE LAND DESIGN, LLC CEDAR PARK, TX				★ HLS LANDSCAPE PROFESSIONALS EDINBURG, TX				LOPEZ NURSERY McALLEN, TX					
D Contract O	Art Studio / Parking Lot	\$ 1.00 x 5.756 = \$ 5.76	36 yr	\$ 207.22		\$ 3.48 x 5.756 = \$ 20.03	36 yr	\$ 721.11		\$ x 5.756 = \$ -	36 yr	incl. in mowing svcs	\$ 0.58 x 5.756 = \$ 3.34	36 yr	\$ 120.19	\$ 6.60 x 5.756 = \$ 37.99	36 yr	\$ 1,367.63							
L Contract O	Art Studio / Parking Lot	26 Cycles 1.14 \$ 50.00		\$ 1,300.00		26 Cycles 1.14 \$ 5.00		\$ 130.00		26 Cycles 1.14 \$ 32.25		\$ 838.50	26 Cycles 1.14 \$ 13.04		\$ 339.04	26 Cycles 1.14 \$ 50.50		\$ 1,313.00							
M Contract O	Art Studio / Parking Lot	\$ 5.00 x 5.756 = \$ 28.78	36 yr	\$ 1,036.08		\$ 6.95 x 5.756 = \$ 40.00	36 yr	\$ 1,440.15		\$ 5.99 x 5.756 = \$ 34.48	36 yr	\$ 1,241.22	\$ 0.85 x 5.756 = \$ 4.89	36 yr	\$ 176.13	\$ 6.05 x 5.756 = \$ 34.82	36 yr	\$ 1,253.66							
		\$ 2,543.30				\$ 2,291.26				\$ 2,079.72				\$ 635.36				\$ 3,934.28							
D Contract P	Old Civic Center	\$ 0.04 x 176.35 = \$ 7.05	36 yr	\$ 253.94		\$ 0.341 x 176.35 = \$ 60.14	36 yr	\$ 2,164.87		\$ x 176.35 = \$ -	36 yr	incl. in mowing svcs	\$ 0.66 x 176.35 = \$ 116.39	36 yr	\$ 4,190.08	\$ 1.25 x 176.35 = \$ 220.44	36 yr	\$ 7,935.75							
L Contract P	Old Civic Center	26 Cycles 7.68 \$ 68.00		\$ 1,768.00		26 Cycles 7.68 \$ 120.00		\$ 3,120.00		26 Cycles 7.68 \$ 135.00		\$ 3,510.00	26 Cycles 7.68 \$ 148.00		\$ 3,848.00	26 Cycles 7.68 \$ 250.00		\$ 6,500.00							
M Contract P	Old Civic Center	\$ 0.75 x 176.35 = \$ 132.26	36 yr	\$ 4,761.45		\$ 1.71 x 176.35 = \$ 301.56	36 yr	\$ 10,856.11		\$ 1.47 x 176.35 = \$ 259.23	36 yr	\$ 9,332.44	\$ 0.75 x 176.35 = \$ 132.26	36 yr	\$ 4,761.45	\$ 6.05 x 176.35 = \$ 1,066.92	36 yr	\$ 38,409.03							
		★ \$ 6,783.39				\$ 16,140.98				\$ 12,842.44				\$ 12,799.53				\$ 52,844.78							
D Contract Q	Crockett Elementary S & Central Grounds & N edge of main building	\$ 0.04 x 127.33 = \$ 5.09	36 yr	\$ 183.36		\$ x 127.33 = \$ -	36 yr	\$ -		\$ x 127.33 = \$ -	36 yr	incl. in mowing svcs	\$ 0.66 x 127.33 = \$ 84.04	36 yr	\$ 3,025.36	\$ x 127.33 = \$ -	36 yr	\$ -							
M Contract Q	Crockett Elementary S & Central Grounds & N edge of main building	\$ 0.75 x 127.23 = \$ 95.42	36 yr	\$ 3,435.21		\$ x 127.23 = \$ -	36 yr	\$ -		\$ 3.34 x 127.23 = \$ 424.95	36 yr	\$ 15,298.14	\$ 0.60 x 127.23 = \$ 76.34	36 yr	\$ 2,748.17	\$ x 127.23 = \$ -	36 yr	\$ -							
L Contract Q	Crockett Elementary S & Central Grounds & N edge of main building	12 Cycles 1.6 \$ 75.00		\$ 1,950.00		12 Cycles 1.6 \$ -		\$ -		12 Cycles 1.6 \$ 73.75		\$ 1,917.50	12 Cycles 1.6 \$ 8.44		\$ 219.44	12 Cycles 1.6 \$ -		\$ -							
D Contract Q	North Side	\$ 0.03 x 235.23 = \$ 7.06	18 yr	\$ 127.02		\$ x 235.23 = \$ -	18 yr	\$ -		\$ x 235.23 = \$ -	18 yr	incl. in mowing svcs	\$ 0.66 x 235.23 = \$ 155.25	18 yr	\$ 2,794.53	\$ x 235.23 = \$ -	18 yr	\$ -							
M Contract Q	North Side	\$ 0.75 x 235.23 = \$ 176.42	18 yr	\$ 3,175.61		\$ x 235.23 = \$ -	18 yr	\$ -		\$ 0.49 x 235.23 = \$ 115.26	18 yr	\$ 2,074.73	\$ 0.75 x 235.23 = \$ 176.42	18 yr	\$ 3,175.61	\$ x 235.23 = \$ -	18 yr	\$ -							
		★ \$ 8,871.19				\$ -				\$ 19,290.36				\$ 11,963.11				\$ -							
<b>ONE YEAR MAINTENANCE - GRAND TOTAL ALL LOCATIONS:</b>		\$ 166,359.84				\$ 165,563.30	\$ 170,878.59				\$ 170,872.47	\$ 190,513.93				\$ 234,438.75				\$ 234,996.71					
		★ \$ 46,928.19				★ \$ 45,540.59						★ \$ 83,174.78				★ \$ 10,422.06									
E Contract A	Convention Center (At a minimum of 15 holes /ft sq with 1/2" tine)	Lawn aeration per 1,000 sq.ft.		\$ 4.00		Lawn aeration per 1,000 sq.ft.		\$ 1,000.00		Lawn aeration \$ 569.00 per 1,000 sq.ft.	\$ 6.60	\$ 3,755.40	★ \$ 7,510.00	Lawn aeration per 1,000 sq.ft.	\$ 1,100.00	Lawn aeration per 1,000 sq.ft.		\$ -							
											★ \$ 90,684.78														
ADDENDUM # 1:		ACKNOWLEDGED				NOT ACKNOWLEDGED				ACKNOWLEDGED				ACKNOWLEDGED				NOT ACKNOWLEDGED							
ELECTRONIC BID SUBMITTED:		SUBMITTED				SUBMITTED (NOT IN EXCEL FORMAT)				SUBMITTED (NOT IN EXCEL FORMAT)				SUBMITTED				NOT SUBMITTED							
HARD COPY SUBMITTED:		SUBMITTED				SUBMITTED				SUBMITTED				SUBMITTED				SUBMITTED							
USB/CD SUBMITTED:		SUBMITTED				SUBMITTED				SUBMITTED				SUBMITTED				SUBMITTED							
PESTICIDE LICENSE:		NO LICENSE SUBMITTED ONLY APPLICATION				NOT SUBMITTED				NOT SUBMITTED				SUBMITTED (SUB-CONTRACTOR)				NOT SUBMITTED							
		TOTALS CALCULATED USING FORMULAS; VENDORS HARD COPY DEPICTS DIFFERENT PRICING AMOUNT												LICENSE HOLDER OS FROM AUSTIN. BY LAW LICENSE HOLDER MUST BE LOCAL				PENDING APPROVAL				CALCULATIONS ARE OFF BY \$7,421.76 WHICH IS THE OMITTED TOTAL FOR CONTRACT H; BID SUBMITTED HARD COPY DID NOT INCLUDE TOTAL AMOUNT.			



D - Litter & Debris

L - Landscape Bed Maintenance

M - Mowing

		TLC TOTAL LAWN CARE, LLC WESLACO, TX			VENDORS SUBMITTED PRICE	D-BAR CONTRACTORS SAN BENITO, TX			VALLEY GARDEN CENTER, INC. dba SOUTHERN LANDSCAPES McALLEN, TX			LAWN CARE EXPERTS EDINBURG, TX			RODZ LAWNCARE/LANDSCAPING McALLEN, TX			VENDORS SUBMITTED PRICE
D Contract O	Art Studio / Parking Lot	\$ x 5.756 = \$ -	36 yr \$ -	\$ -	\$ 0.02 x 5.756 = \$ 0.12	36 yr \$ 4.14	\$ 4.14	\$ 0.40 x 5.756 = \$ 2.30	36 yr \$ 82.89	\$ 82.89	\$ 0.50 x 5.756 = \$ 2.88	36 yr \$ 103.61	\$ 103.61	\$ 35.00 x 5.756 = \$ 201.46	36 yr \$ 7,252.56	\$ 7,252.56		
L Contract O	Art Studio / Parking Lot	26 Cycles 1.14	\$ -	\$ -	26 Cycles 1.14	\$ 10.00	\$ 260.00	26 Cycles 1.14	\$ 50.00	\$ 1,300.00	26 Cycles 1.14	\$ 1.00	\$ 26.00	26 Cycles 1.14	\$ 20.00	\$ 520.00		
M Contract O	Art Studio / Parking Lot	\$ x 5.756 = \$ -	36 yr \$ -	\$ -	15.00 x 5.756 = \$ 86.34	36 yr \$ 3,108.24	\$ 3,108.24	6.00 x 5.756 = \$ 34.54	36 yr \$ 1,243.30	\$ 1,243.30	1.50 x 5.756 = \$ 8.63	36 yr \$ 310.82	\$ 310.82	65.00 x 5.756 = \$ 374.14	36 yr \$ 13,469.04	\$ 13,469.04		
		\$ -			\$ 3,372.38			\$ 2,626.18			\$ 440.43			\$ 21,241.60				
D Contract P	Old Civic Center	\$ x 176.35 = \$ -	36 yr \$ -	\$ -	\$ 0.02 x 176.35 = \$ 3.53	36 yr \$ 126.97	\$ 126.97	\$ 0.40 x 176.35 = \$ 70.54	36 yr \$ 2,539.44	\$ 2,539.44	\$ 0.50 x 176.35 = \$ 88.18	36 yr \$ 3,174.30	\$ 3,174.30	\$ 75.00 x 176.35 = \$ 13,226.25	36 yr \$ 476,145.00	\$ 476,145.00		
L Contract P	Old Civic Center	26 Cycles 7.68	\$ -	\$ -	26 Cycles 7.68	\$ 50.00	\$ 1,300.00	26 Cycles 7.68	\$ 300.00	\$ 7,800.00	26 Cycles 7.68	\$ 75.00	\$ 1,950.00	26 Cycles 7.68	\$ 295.00	\$ 7,670.00		
M Contract P	Old Civic Center	\$ x 176.35 = \$ -	36 yr \$ -	\$ -	2.00 x 176.35 = \$ 352.70	36 yr \$ 12,697.20	\$ 12,697.20	2.75 x 176.35 = \$ 484.96	36 yr \$ 17,458.65	\$ 17,458.65	1.75 x 176.35 = \$ 308.61	36 yr \$ 11,110.05	\$ 11,110.05	525.00 x 176.35 = \$ 92,583.75	36 yr \$ 3,333,015.00	\$ 3,333,015.00		
		\$ -			\$ 14,124.17			\$ 27,798.09			\$ 16,234.35			\$ 3,816,830.00				
D Contract Q	Crockett Elementary S & Central Grounds & N edge of main building	\$ x 127.33 = \$ -	36 yr \$ -	\$ -	\$ 0.02 x 127.33 = \$ 2.55	36 yr \$ 91.68	\$ 91.68	\$ 0.40 x 127.33 = \$ 50.93	36 yr \$ 1,833.55	\$ 1,833.55	\$ 0.25 x 127.33 = \$ 31.83	36 yr \$ 1,145.97	\$ 1,145.97	\$ 95.00 x 127.33 = \$ 12,096.35	36 yr \$ 435,468.60	\$ 435,468.60		
M Contract Q	Crockett Elementary S & Central Grounds & N edge of main building	\$ x 127.23 = \$ -	36 yr \$ -	\$ -	2.00 x 127.23 = \$ 254.46	36 yr \$ 9,160.56	\$ 9,160.56	2.75 x 127.23 = \$ 349.88	36 yr \$ 12,595.77	\$ 12,595.77	2.25 x 127.23 = \$ 286.27	36 yr \$ 10,305.63	\$ 10,305.63	495.00 x 127.23 = \$ 62,978.85	36 yr \$ 2,267,238.60	\$ 2,267,238.60		
L Contract Q	Crockett Elementary S & Central Grounds & N edge of main building	12 Cycles 1.6	\$ -	\$ -	12 Cycles 1.6	\$ 10.00	\$ 260.00	12 Cycles 1.6	\$ 50.00	\$ 1,300.00	12 Cycles 1.6	\$ 50.00	\$ 1,300.00	12 Cycles 1.6	\$ 95.00	\$ 2,470.00		
D Contract Q	North Side	\$ x 235.23 = \$ -	18 yr \$ -	\$ -	\$ 0.02 x 235.23 = \$ 4.70	18 yr \$ 84.68	\$ 84.68	\$ 0.40 x 235.23 = \$ 94.09	18 yr \$ 1,693.66	\$ 1,693.66	\$ 0.05 x 235.23 = \$ 11.76	18 yr \$ 211.71	\$ 211.71	\$ 75.00 x 235.23 = \$ 17,642.25	18 yr \$ 317,560.50	\$ 317,560.50		
M Contract Q	North Side	\$ x 235.23 = \$ -	18 yr \$ -	\$ -	2.00 x 235.23 = \$ 470.46	18 yr \$ 8,468.28	\$ 8,468.28	2.75 x 235.23 = \$ 646.88	18 yr \$ 11,643.89	\$ 11,643.89	0.75 x 235.23 = \$ 176.42	18 yr \$ 3,175.61	\$ 3,175.61	375.00 x 235.23 = \$ 88,211.25	18 yr \$ 1,587,802.50	\$ 1,587,802.50		
		\$ -			\$ 18,065.20			\$ 29,066.86			\$ 16,138.91			\$ 4,610,540.20				
<b>ONE YEAR MAINTENANCE - GRAND TOTAL ALL LOCATIONS:</b>		<b>\$248,775.75</b>			<b>\$ 248,773.52</b>	<b>\$257,321.72</b>			<b>\$474,541.59</b>			<b>\$515,398.49</b>			<b>\$75,457,100.40</b>			<b>\$ 6,345,293.91</b>
												★ <b>\$1,782.83</b>						
E Contract A	Convention Center (At a minimum of 15 holes /ft sq with 1/2" tine)	Lawn aeration per 1,000 sq.ft.	\$ 9.50		Lawn aeration per 1,000 sq.ft.	\$ 25.00		Lawn aeration per 1,000 sq.ft.	\$ 9.00		Lawn aeration per 1,000 sq.ft.	\$ 5,000.00		Lawn aeration per 1,000 sq.ft.	\$ 6.50			
ADDENDUM # 1:		ACKNOWLEDGED			ACKNOWLEDGED			ACKNOWLEDGED			ACKNOWLEDGED			ACKNOWLEDGED				
ELECTRONIC BID SUBMITTED:		SUBMITTED (NOT IN EXCEL FORMAT)			SUBMITTED			SUBMITTED			SUBMITTED			SUBMITTED				
HARD COPY SUBMITTED:		SUBMITTED			SUBMITTED			SUBMITTED			SUBMITTED			SUBMITTED				
USB/CD SUBMITTED:		NOT SUBMITTED			SUBMITTED			NOT SUBMITTED			SUBMITTED			SUBMITTED				
PESTICIDE LICENSE:		SUBMITTED			SUBMITTED			SUBMITTED			SUBMITTED (SUB-CONTRACTOR)			SUBMITTED				
		PRICING IS OFF DUE TO ERROR ON BID; INFORMATION WAS MANUALLY ENTERED BY VENDOR SECTION FOR LITTER & DEBRIS REMOVAL NOT TOTALED & FINAL TOTAL DOES NOT MATCH CALCULATED TOTALS						NON-COMMERCIAL PESTICIDE LICENSE SUBMITTED, MUST BE COMMERCIAL			PENDING APPROVAL			PRICING IS OFF DUE TO ERROR ON BID; FORMULAS WERE MISSING & APPARENTLY INFORMATION WAS MANUALLY ENTERED INCORRECTLY BY VENDOR				

**CITY OF McALLEN  
STANDARDIZED RECOMMENDATION FORM**

<b>CITY COMMISSION</b>	<u>  X  </u>	<b>AGENDA ITEM</b>	<u>  3G  </u>
<b>UTILITY BOARD</b>	<u>      </u>	<b>DATE SUBMITTED</b>	<u>09/03/13</u>
<b>PLANNING &amp; ZONING BOARD</b>	<u>      </u>	<b>MEETING DATE</b>	<u>09/09/13</u>

1. Agenda Item: **Bids and Contracts:** Authorization to enter into an Interlocal Agreement with the McAllen Independent School District to facilitate improvements of the Memorial Veterans' Stadium and lease Stadium from McAllen ISD.

2. Party Making Request: Brent Branham, Deputy City Manager

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

The McAllen Independent School District and the City of McAllen have determined improvements of the Memorial Veterans' Stadium are presently needed to meet Americans with Disabilities Act standards. The upgrades to the McAllen ISD-owned Stadium will allow the City to apply for, organize, operate, and sponsor community events, including the 2014 National Collegiate Athletic Association Division II Football Championship Game and the Amateur Athletic Federation Games of Texas. Once an initial project scope has been mutually agreed upon by both entities for ADA improvements, the total cost is not to exceed \$3,000,000. The Agreement is effective beginning October 1, 2013 and extends for 20 years. The Stadium Lease would begin September 1, 2014.

4. Policy Implication: None

5. Budgeted:     Yes     No   X   N/A

6. Alternate Option/Costs: \_\_\_\_\_

7. Routing:

NAME/TITLE	INITIAL	DATE	CONCURRENCE
b)	<u>      </u>	<u>      </u>	<u>      </u>

8. Staff Recommendation: Motion to execute Interlocal Agreement for improvements to the Memorial Veterans' Stadium to be in compliance with Americans with Disabilities Act standards.

9. Advisory Board:        Approved        Disapproved        None

10. City Attorney:   KP   Approved        Disapproved        None

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



**CITY OF MCALLEN  
CITY MANAGER'S OFFICE  
MEMORANDUM**

**To:** Mike R. Perez, City Manager  
**From:** Brent Branham, Deputy City Manager  
**Date:** September 3, 2013  
**Subject:** Interlocal Agreement with McAllen Independent School District

---

**GOAL:**

Obtaining authorization to enter into an Interlocal Agreement with the McAllen Independent School District to facilitate improvements of the Memorial Veterans' Stadium and lease Stadium from McAllen ISD.

**BRIEF EXPLANATION OF THE ITEM:**

The McAllen Independent School District and the City of McAllen have determined improvements of the Memorial Veterans' Stadium are presently needed to meet Americans with Disabilities Act standards. The upgrades to the McAllen ISD-owned Stadium will allow the City to apply for, organize, operate, and sponsor community events, including the 2014 National Collegiate Athletic Association Division II Football Championship Game and the Amateur Athletic Federation Games of Texas. Once an initial project scope has been mutually agreed upon by both entities for ADA improvements, the total cost is not to exceed \$3,000,000. The Agreement is effective beginning October 1, 2013 and extends for 20 years. The Stadium Lease would begin September 1, 2014.

**OPTIONS:**

Option 1: Executing the Interlocal Agreement for improvements to the Memorial Veterans' Stadium will allow the City to apply for, organize, operate, and sponsor community events within the Stadium's upgraded facilities that meet Americans with Disabilities Act standards.

Option 2: Not approving the Interlocal Agreement will result in the loss of an opportunity to provide improvements to the Memorial Veterans' Stadium that will better and more fully serve the citizens of McAllen.

**RECOMMENDATION:** Staff recommends the execution of the Interlocal Agreement for improvements to the Memorial Veterans' Stadium to be in compliance with the Americans with Disabilities Act.

Attachments

## **Interlocal Agreement between the City of McAllen and the McAllen Independent School District Summary**

**Purpose:** The City and District have determined certain improvements of the Memorial Veterans' Stadium, owned by the District, are presently needed to meet the 1992 Americans with Disabilities Act and lease stadium to City for future use.

### **Beginning Sept. 1, 2014, City to:**

- Provide adequate maintenance service to all existing and added improvements
- Provide general policing of the Stadium
- Keep the Stadium in clean and orderly condition
- Have exclusive use and control over the Stadium and improvements to operate for its own City-sponsored programs, athletic events, and to rent to any authorized tenant during non-school hours and non-school event days
- Reserve the Stadium for City or City-designated Local Organizing Committee Use for the following dates, should the City be successful in receiving NCAA bid approval for the Division II Championship Football Game:
  - 2014: Dec. 14 to 21 with Game Day on Saturday, Dec. 20
  - 2015: Dec. 13 to 20 with Game Day on Saturday, Dec. 19
  - 2016: Dec. 11 to 18 with Game Day on Saturday, Dec. 17
  - 2017: Dec. 10 to 17 with Game Day on Saturday, Dec. 16
- Reserve Stadium for City use on the following dates for the awarded Amateur Athletic Federation Games of Texas:
  - 2016: July 24 to July 31
  - 2017: July 25 to July 31
- Prepare plans and specifications for the construction of the improvements being installed in the Stadium for review and approval by the District
- Conduct bi-weekly meetings with District during the construction process
- Complete the installation of the Stadium improvements within 10 months of the effective date of Agreement
- Maintain full control over the Stadium, improvements, parking, advertising, broadcast rights, concessions, or any other revenue-producing elements for City-sponsored event purposes during each event period
- Provide \$25,000 to District for partial funding of this effort once an initial project scope has been mutually agreed to
- Hire appropriate professional services
- Deliver the District a certificate of insurance showing the District as co-insured upon the effective date and on an annual basis thereafter

### **Beginning Sept. 1, 2014, District to:**

- Agree that District may utilize the Stadium and improvements during non-school hours for District-sponsored events.
- Provide District with at least 90-day notice of any proposed City-sponsored event
- Pay City 100 percent of admissions and separate charge for water, light and power and other utilities and services during District-event days
- Provide to the City an annual schedule of events proposed in the Stadium by August of the preceding year for the next school year

### **District and City to mutually cooperate to:**

- Create a construction schedule which allows school events to continue during construction process
- Approve completed capital plan prior to implementation of any recommendations

**Improvement Cost:** Not to exceed \$3,000,000; Exhibit B's Total Cost is \$2,997,122

**Effective Date of Term:** October 1, 2013

**Term:** 20 years



**INTERLOCAL AGREEMENT  
BETWEEN THE CITY OF MCALLEN AND  
THE MCALLEN INDEPENDENT SCHOOL DISTRICT**

STATE OF TEXAS



COUNTY OF HIDALGO

WHEREAS, the McAllen Independent School District (hereinafter referred to as “District”) currently owns the McAllen Memorial Veterans’ Stadium, located at Bicentennial and Tamarack Avenue, in the City of McAllen, Hidalgo County, Texas, (hereinafter referred to as the “Stadium”); and

WHEREAS, the District has determined that the Stadium as identified on Exhibit “A” attached hereto (hereinafter referred to as “Site”) is presently not being continually utilized after school hours for a school activities and desires to Lease Stadium to City;

WHEREAS, the District and City have determined that certain improvements of the Stadium as identified on Exhibit “B” attached hereto (hereinafter referred to as “improvements”) are presently needed to meet the 1992 American Disability Act;

WHEREAS, the City of McAllen (hereinafter referred to as “City”) desires to apply for, organize, operate, or sponsor community events within the Stadium and/or within the Stadium grounds and parking lots and need those facilities to be in compliance with the American Disability Act that requires public establishments to offer equal access and services to people who are physically and mentally disabled;

WHEREAS, the City and District have both financially contributed to the establishment of the Stadium beginning in 1968;

WHEREAS, the City has available Development Corporation of McAllen, Inc.

Funds which may be used for providing improvements to the Stadium that benefit all constituents of both parties hereto; and

WHEREAS, the City's Development Corporation of McAllen, Inc. operates as a Type B Corporation under the State's Development Corporation act of 1979 and may establish a "project" under Sec. 505.152: PROJECTS RELATED TO RECREATIONAL OR COMMUNITY IMPROVEMENTS. "Project" includes land, buildings, equipment, improvements, and improvements found by the board of directors to be required or suitable for use for professional and amateur sports, including children's sports, athletic, entertainment, tourist, convention, and public park purposes and events, including stadiums, ball parks, auditoriums, amphitheaters, concert halls, parks and park improvements, open space improvements, museums, exhibition improvements, and related store, restaurant, concession, and automobile parking improvements, related area transportation improvements, and related roads, streets, and water and sewer improvements, and other related improvements that enhance any of the items described by this section.

WTHEREAS, the District desires, for purposes of providing related improvements to serve the Stadium and to better and more fully utilize said Stadium, the City and the District agree to construct certain improvements thereon, and make them available to the District during normal school hours and to the citizens of the City at other times as set out herein; and

WHEREAS, the City and the District have the authority to enter into this agreement pursuant to the provisions of the Intergovernmental Corporation Act, Texas

NOW, THEREFORE, in consideration of the foregoing and the following, the City and the District hereby agree as follows:

**ARTICLE I**  
**IMPROVEMENTS TO STADIUM**

1-1. The District hereby designates Veterans' Memorial Stadium as being the location for improvements under the terms and conditions of this Agreement.

The specific site to be utilized for the purposes of installation of the improvements is described in Exhibit "A".

1-2. The City shall prepare, by registered State of Texas Architect and Engineer, to be chosen by City, plans and specifications for the construction of the Improvements being installed in the Stadium for review and approval by the District. The plans and specifications shall show approximate locations, the types of Improvements along with any other appurtenant equipment such as elevators, etc.

The Improvement cost including, demolition, construction, design fees and Other City expenses shall not exceed \$3,000,000. Should district desire to add elements to the construction project not part of Exhibit "B", these additional elements shall be paid by District. City and District shall mutually approve construction contracts.

The improvement plans and specifications shall be approved by the Texas Dept. of License and Regulation, Division of Architectural Barriers, prior to building permit issuance by City. City shall pay building permit fees.

1-3. The City and District will mutually cooperate to create a construction schedule which allows school events to continue during the construction process. The City shall conduct bi-weekly meetings with the District during the construction process.

1-4. The City agrees to complete the installation of the Improvements of the Stadium within ten months of the effective date of this Agreement.

**ARTICLE II**  
**EFFECTIVE DATE OF TERMINATION**

2-1. The effective date of this agreement is October 1, 2013.

2-2. This Agreement shall terminate upon the earlier of:

- (i) The mutual agreement of the District and the City, or
- (ii) The non- award of the 2014 Division II Football Championship by the National Collegiate Athletic Association.
- (iii) Non- approval of Funding for City's obligations under this agreement by Development Corporation of McAllen, Inc.
- (iv) The determination by any regulatory authority that the sale of alcoholic beverages is prohibited.
- (v) Upon a material breach hereof as otherwise provided herein, or;
- (vi) Upon an event of non-finding of an obligation by either party as hereinafter provided.
- (vii) The Twenty (20) year anniversary of the effective date of this agreement.

**ARTICLE III**  
**Initiation of City Lease from District:**

3-1. Upon Completion of the improvements, but no earlier than September 1, 2014, The District shall lease to City the Stadium in accordance with the form of lease attached hereto as exhibit "X".

The City, at City's expense, shall provide adequate operation and maintenance

service to all the existing and added Improvements under this agreement which shall include keeping all improvements and new equipment in a safe and fully functional condition, replacing equipment as necessary in accordance with recognized standards for such equipment.

3-2. The City shall provide general policing of the Stadium keeping the Stadium in a clean and orderly condition according to Federal, State, and City Health and Safety regulations.

#### **ARTICLE IV USE OF STADIUM AND IMPROVEMENTS BY CITY**

4-1. During non-school hours and on non-District event days described in Article V, the City shall have exclusive use and control over the Stadium and Improvements to operate for its own city sponsored programs, athletic events, and to sub-lease to any authorized tenant.

4-2. During each event period, The City shall, during the term of the Agreement, maintain full control over the Stadium, Improvements, parking, advertising, broadcast rights, concessions, or any other revenue producing element for City sponsored event purposes. The City may offer free or admission programs such as athletic, recreational, professional and amateur sports, including children's sports, athletic, entertainment, concerts, tourism, convention, public park events, cultural and other types of programs including the general use by the public of the Stadium and Improvements for the purposes for which they are intended.

4-3. The City should not make or permit any use of the Stadium and Improvements which violate any applicable statutes, ordinances, regulations or any other requirements of any government authority having jurisdiction.

4-4. The City may, at its expense, install and in compliance with all local, state, federal sign regulations, install and display temporary advertising signs about the Stadium . The City agrees, to remove at the City's expense, any signs upon the completion of any City event.

4-5. Should the City, or City designated local organizing committee, be successful in receiving NCAA bid approval for the Division II Championship Football Game, the City shall reserve the Stadium for City or City designated Local Organizing Committee Use for the following Dates:

**2014: December 14<sup>th</sup> to December 21<sup>th</sup>. Game Day: Saturday, December 20<sup>th</sup>**

**2015: December 13<sup>th</sup> to December 20<sup>th</sup>. Game Day: Saturday, December 19<sup>th</sup>**

**2016: December 11<sup>th</sup> to December 18<sup>th</sup> Game Day: Saturday, December 17<sup>th</sup>**

**2017: December 10<sup>th</sup> to December 17<sup>th</sup>. Game Day: Saturday December 16<sup>th</sup>**

The City has been awarded the Amateur Athletic Federation Games of Texas for July 24-31st, 2016 and July 25-31st., 2017. City shall reserve stadium for City Use on these

## **ARTICLE V USE OF STADIUM AND IMPROVEMENTS BY DISTRICT**

5-1. The District may utilize the Stadium and Improvements during school hours and non-school hours for City approved and District sponsored events in accordance with the terms of the District's lease back from City. Said lease back shall set forth the rental costs to District for District's use. Convention Center Director shall provide use permit to District at rental cost as determined in 5-2.

District shall not sublease stadium without approval by City through its rental permit process.

5-2. The District shall pay City a facility use charge based upon 100% of District share of paid admissions and separate charges for water, light and power and other utilities and services including security, clean-up, and garbage collection that apply to the Stadium during District event days that require a paid admission. Team practice event days and District event set up days will not require a facility charge from District to City.

5-3. The District may, at its expense, install and in compliance with all local, state, federal sign regulations, install and display temporary advertising signs about the Stadium after review and approval of the City. The District agrees, at the City's request, to remove at the District's expense, any signs upon the completion of any District event.

5-4. The District shall with approval of City be permitted to make, at the District's expense, alterations, changes and additions in and to the Improvements, consistent with the event programs offered by it and not in conflict with City's needs and programs. The District agrees, if requested by the City, to restore, at the end of the term of this agreement, the Stadium to the same condition as existed on the date of this Agreement. Any addition made in or to the Stadium by the City not removed at the end of the term hereof will become the property of the District at no cost to the District. All alterations shall be completed in a good and workman-like manner and paid for in full within a reasonable time so that no lien shall attach to the property.

5-5. The District shall provide to the City an annual schedule of events proposed in the Stadium by August of the preceding year for the next school year.

## **ARTICLE VI JOINT FACILITIES PLANNING**

During the 2013-14 Fiscal year, The City and District will agree to cooperate and

plan a review of existing and proposed Capital facilities that can be used by both District Students and City residents and/or visitors. City shall provide \$25,000 to District for partial funding of this effort once an initial project scope has been mutually agreed to. District shall hire appropriate professional services. City Staff and District staff shall provide input to the professionals. This completed Capital plan shall be approved by both District board of trustees and Mayor and City Commission prior to implementation of any of the recommendations. Recommendations may include revisions in the use of Stadium and improvements that would modify this agreement by a future addendum.

## **ARTICLE VII INDEMNIFICATION**

7-1. To the extent permitted by law, the City shall indemnify and hold harmless the District of its officers, agents and employees and its Board Members, individually and collectively, from and against all claims and demands of third persons, including, without limitation, employees and agents of the District, arising from the City's or its invitees or licensees use of the Improvements or Parcel or from the conduct of the City's events or from any activity or things done, committed or suffered by the City in or about the stadium or Improvements.

7-2. To the extent allowed by law, the District shall indemnify and hold harmless the City and its officers, agents and employees and the City Commission members individually and collectively from any and all claims and demands by third parties, including, without limitations, employees and agents of the District arising from the



Districts use of the stadium or Improvements during the time of the District's exclusive right to use the Stadium or Improvements as provided for in this Agreement.

7-3. INSURANCE: The City shall during the term hereof and to the extent such insurance is otherwise available, name the District as an additional insured under the general liability policy of the City covering the contractual indemnification of the City as provided herein. Such insurance policy may be provided by a third-party commercial carrier or by governmental pooled policy such as Texas Municipal League or through self-insurance, provided that the City provides the District with assurances of ability to meet any financial commitment under such self-insurance program. The City shall deliver the District a certificate of insurance showing the District as co-insured upon the effective date and on an annual basis thereafter. The coverage for the City shall be in the amount of at least, the individual tort claims liability limit of the District on a per occurrence basis and have at least an aggregate coverage of ONE MILLION DOLLARS (\$1,000,000.00) per annum.

7-4. INSURANCE: The District shall during the term hereof and to the extent such insurance is otherwise available, name the City as an additional insured under the general liability policy of the District covering the contractual indemnification of the District as provided herein. Such insurance policy may be provided by a third-party commercial carrier or by governmental pooled policy such as Texas Municipal League or through self-insurance, provided that the District provides the City with assurances of ability to meet any financial commitment under such self-insurance program. The District shall deliver the City a certificate of insurance showing the City as co-insured upon the effective date and on an annual basis thereafter. The coverage for the District shall be in the amount of at least, the individual tort claims liability limit of the City on a per occurrence basis and have at least an aggregate coverage of ONE MILLION DOLLARS (\$1,000,000.00) per annum.

**ARTICLE VIII**  
**GENERAL CONDITIONS**

8-1. The City and the District hereby agree that each party paying for the performance of the governmental function of services as a part of this Agreement must make those payments from current revenues available to the paying party. Should the City or District, after making reasonable efforts to fund any obligation hereunder, fail to appropriate funding required to meet such obligation then the other party at its sole remedy may waive the performance of the non-funding entity or terminate this agreement upon giving notice of such remedy as otherwise provided herein.

8-2. This Agreement shall be construed under and in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Hidalgo County, Texas. In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect such invalidity, illegality or unenforceable shall not affect any other provisions thereof and this Agreement shall be construed as if such invalid, illegal or unenforceable provisions had never been contained, herein.

8-3. The rights and remedies provided by this Agreement are cumulative, and the use of any one right or remedy by either party shall not preclude or waive its rights to use any or all other remedies. Said rights and remedies are given in addition to any other rights the parties may have by law, statute, ordinance or otherwise. Should any party be in breach hereof then the non breaching party shall give sixty (60) days notice of such breach and the breaching party shall have such sixty (60) days to cure the breach before the non-breaching party may terminate this Agreement or take any other action to enforce the provisions hereof.

8-4. No waiver by the parties hereto of any default or breach of any term, condition or covenant of this Agreement shall be deemed to be a waiver of any other breach of the same or any other term, condition or covenant contained, herein.

8-5. In the event the District or the City breaches any of the terms of this Agreement whereby the party not in default employs attorneys to protect its rights hereunder and prevails, then the defaulting party agrees to pay the other party reasonable attorney's fees so incurred by such other party.

8-6. Neither the District nor the City shall be required to perform any term, condition or covenant in this Agreement so long as such performance is delayed or prevented by force majeure, which shall mean acts of God, strikes, lockouts, material or labor restrictions by any governmental authority, civil riot, floods and any other cause not reasonably within the control of the District or the City, and which by the exercise of due diligence the District or the City is unable, wholly or in part, to prevent or overcome.

8-7. MEDIATION: Both the parties desire to resolve disputes without litigation. Before any dispute between the City of McAllen and the McAllen Independent School District related to this Agreement which is not resolved through informal discussion can be litigated it will first be submitted to a nonbinding mediation by a mutually acceptable mediator or mediation service. The parties to the mediation shall bear the mediation costs equally.

IN WITNESS WHEREOF, the City and the District have caused this Agreement to be executed by their authorized officers effective as of the First day of October, 2013.

McAllen INDEPENDENT SCHOOL DISTRICT

By: \_\_\_\_\_  
James Ponce, Superintendent

CITY OF McAllen

By: \_\_\_\_\_  
Mike R. Perez, City Manager

Approved as to form:

\_\_\_\_\_  
Kevin Pagan, City Attorney

\_\_\_\_\_  
Steve Crain, MISD Attorney

Approved by McAllen City Commission: September 9, 2013

Approved by McAllen Independent School Board of Trustees: September 9, 2013.

# Exhibit A : Site Plan: Stadium and Parking Areas

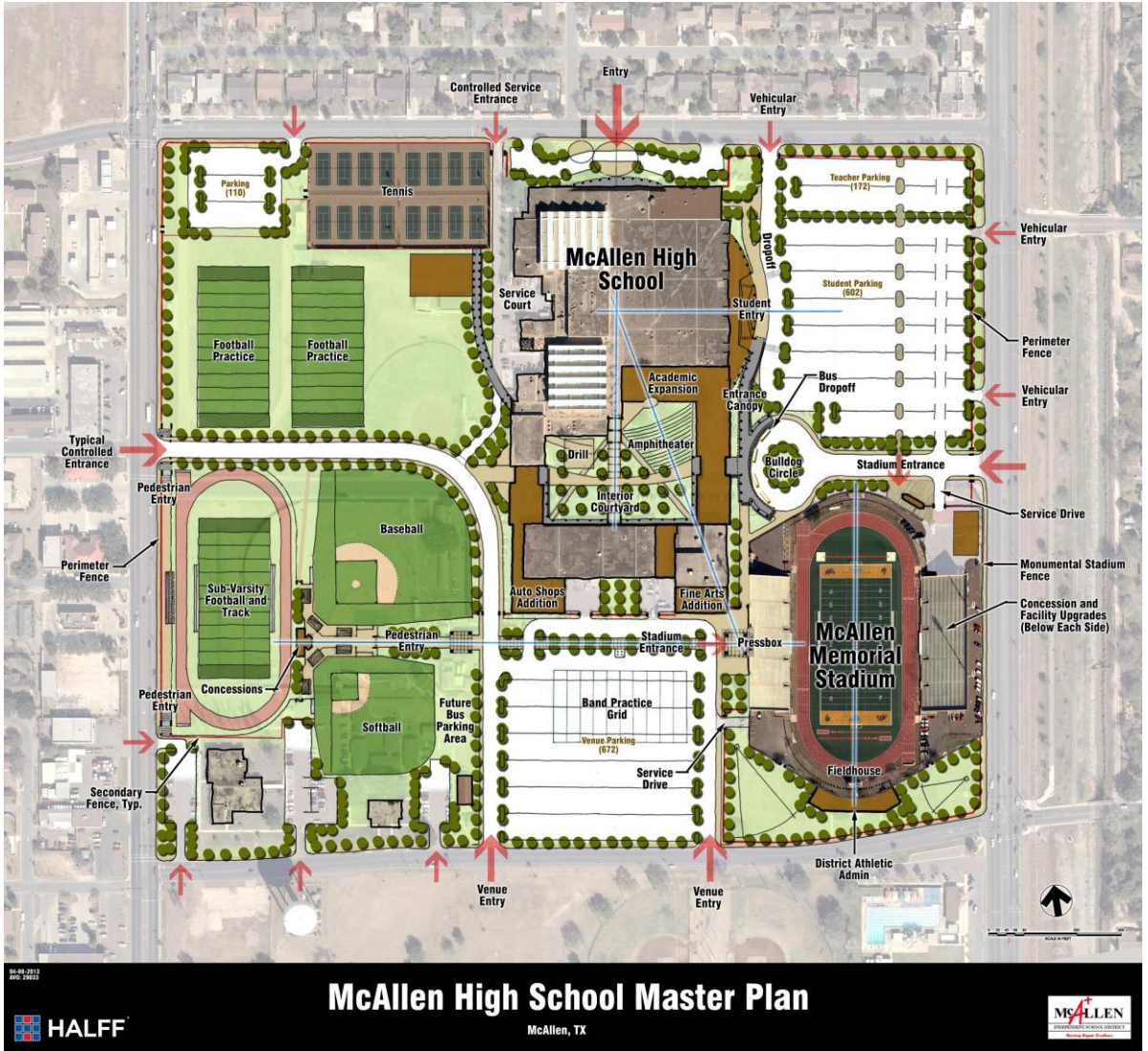


Exhibit B

<b>McAllen Veterans' Memorial Stadium - Renovation Estimate</b>		
8-8-13 By Spawglass		
		<u><b>ADA Costs</b></u>
Demo	rack / step prep (east and west sides)	<b>\$76,700</b>
Rebuild	rack/ step (east and west sides)	<b>151,200</b>
Demo	ramp areas on east and west sides	<b>7,500</b>
Rebuild	ramp areas on east and west sides	<b>359,154</b>
Demo	press box area	<b>8,000</b>
Rebuild	press box area with elevator	<b>326,200</b>
Build	Four restroom banks	<b>873,502</b>
Build	concession	<b>129,980</b>
Build	storage	<b>29,600</b>
Build	concession	<b>129,980</b>
expand	scoreboards/lighting	<b>287,000</b>
Lump sum	contingency	<b>190,000</b>
		<hr/>
		<hr/>
		<hr/>
GC markup		<b>340,576</b>
Arch Fees/owner expenses		<b>217,710</b>
		<hr/>
<b>Total Cost:</b>		<b><u>\$2,997,122</u></b>

STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION  
UTILITY BOARD  
PLANNING & ZONING BOARD  
OTHER

   X     
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

AGENDA ITEM  
DATE SUBMITTED  
MEETING DATE

   4     
9/3/2013  
9/9/2013

1 Agenda Item: Resolution Nominating a candidate to the Hidalgo County Appraisal District Board of Directors

---

2 Party Making Request: Annette Villarreal, City Secretary

---

3 Nature of Request: (Brief Overview) Attachments:    X    Yes     No  
The Appraisal District is governed by a board of directors comprised of five (5) directors appointed by the taxing units that participate in the district. Governing bodies must submit the name of the nominee by written resolution to the Chief Appraiser before October 15th.

---

4 Policy Implication: Section 6.03 of the Texas Property Tax Code stipulates eligibility requirements to serve on the board of directors including that an individual be a resident of the district and must have resided in the district for at least two years immediately preceding the date the individual takes office. The term is for two years beginning January 1st of even numbered years. Our current representative is Art Guerra.

---

5 Budgeted:     Yes     No    x    N/A

Bid Amount: \_\_\_\_\_  
Under Budget: \_\_\_\_\_

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

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

---

7 Routing:  
NAME/TITLE

INITIALS

DATE

CONCURRENCE  
YES/NO

a) \_\_\_\_\_

b) \_\_\_\_\_

8 Staff Recommendation: Seek Direction

---

9 Advisory Board:     Approved     Disapproved     None

10 City Attorney:     Approved     Disapproved   KP   None

11 Manager's Recommendation:     Approved     Disapproved   MRP   None

# HIDALGO COUNTY APPRAISAL DISTRICT

## ADMINISTRATION

Rolando Garza, Chief Appraiser  
Guadalupe Navarro, Asst. Chief Appraiser  
PO Box 208  
Edinburg, TX 78540-0208  
(956) 381-8466 (956) 565-2461  
Administration Fax: (956) 289-2120



[www.hidalgoad.org](http://www.hidalgoad.org)

## BOARD OF DIRECTORS

Richard A. Garza	Chairman
Arturo E. Guerra, Jr.	Vice-Chairman
David Hernandez	Secretary
Pete Garcia	Member
Amador Requenez	Member
Pablo "Paul" Villarreal, Jr.	Member

August 29, 2013

City Secretary  
City of McAllen  
PO Box 220  
McAllen, TX 78505-0220

Re: Selection/Election of Board of Directors 2014-2015

Dear City Secretary:

The Hidalgo County Appraisal District is governed by a Board of Directors that are appointed by vote of the taxing units that participate in the district. In accordance with Section 6.03 of the Property Tax Code, the Appraisal District will be conducting the 2014-2015 election for the Board of Directors of the Hidalgo County Appraisal District. Below you will find important information and dates for you to keep in mind for the 2014-2015 selection/election process.

The Board of Directors consists of six (6) members, five (5) voting members who are appointed by vote and one (1) nonvoting member, which is the County Tax Assessor/Collector. Therefore, for this election each voting taxing unit may nominate one (1) but no more than five (5) candidates for the election. The candidate(s) name(s) must be submitted to the Chief Appraiser by resolution adopted by the governing body before **October 15<sup>th</sup>**.

The Chief Appraiser shall prepare and deliver to the presiding officer of the governing body of each voting taxing unit a ballot listing all the candidates whose names were timely submitted and the taxing unit's voting entitlement before **October 30<sup>th</sup>**. The governing body of each voting taxing unit shall determine its vote by resolution and submit such resolution before **December 15<sup>th</sup>** to the Chief Appraiser.





**Hidalgo County Appraisal District  
Timeline  
Election of Board of Directors  
2014 - 2015**

**August 2013  
But before October 1, 2013**

Notify all presiding officers of each taxing unit about upcoming election and their voting entitlement for the 2014-2015 election for the Board of Directors for the Appraisal District.

**Before October 15, 2013**

The presiding officer of the unit submits the names of the nominees by written resolution to the Chief Appraiser

**Before October 31, 2013**

The Chief Appraiser prepares the ballot, listing the candidates in order to surname and delivers a copy of the ballot to the presiding officer of each unit.

**Before December 15, 2013**

Each voting unit casts its vote by written resolution and submits it to the Chief Appraiser.

**Before December 31, 2013**

The Chief Appraiser shall count the votes and declare the candidates who received the largest cumulative vote total elected and submit the results to the governing bodies and to the candidates.

**RESOLUTION NO. 2013-\_\_\_\_\_**

**STATE OF TEXAS                   §**  
**COUNTY OF HIDALGO           §**  
**CITY OF McALLEN               §**

**RESOLUTION NOMINATING CANDIDATE TO HIDALGO  
COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS**

**WHEREAS**, the City of McAllen, a governmental unit entitled to vote in the selection of a Director of the Board of Directors for the Hidalgo County Appraisal District, has been notified by the Chief Appraiser that nominations to said Board of Directors shall be submitted, by resolution of the governmental unit, to the Hidalgo County Appraisal District by October 15, 2013; and

**WHEREAS**, the Board of Commissioners of the City of McAllen wished to nominate \_\_\_\_\_, as candidate for the position of Director of the Hidalgo County Appraisal District.

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

1. The City of McAllen does hereby nominate \_\_\_\_\_ as a candidate for the position of Director to the Board of the Hidalgo County Appraisal District:
2. The City Secretary is hereby authorized to cause a certified copy of this Resolution to be delivered to the Chief Appraiser of the Hidalgo County Appraisal District to evidence this nomination.

**READ, CONSIDERED, PASSED, APPROVED** this 9th day of September, 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 the provisions of Chapter 551 of the Texas

Government Code.

SIGNED this \_\_\_\_ day of September, 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**  
**STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION	<u> X </u>	AGENDA ITEM	<u> 5 </u>
UTILITY BOARD	_____	DATE SUBMITTED	<u> 09/03/2013 </u>
OTHER	_____	MEETING DATE	<u> 09/09/2013 </u>

1. Agenda Item:  Variance Request

2. Party Making Request:  David & Lydia Luevano

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

Variance Request to Not Require the Subdivision Process at a 1.00 acre tract of land out of Lots 19 and 20, Section 229, Texas-Mexican Railway Company's Survey; 4309 8 1/2 Mile Road.

4. Policy Implication:  Section 134-5 of the Subdivision Ordinance

5. Budgeted:      Yes      No  X  N/A

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

Amount Remaining: \_\_\_\_\_

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

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

7. Routing:

	NAME/TITLE	INITIAL	DATE	CONCURRENCE
a) <u> Julianne R. Rankin, </u> <u> Planning Director </u>		<u> JRR </u>	<u> 9/3/2013 </u>	<u> No </u>
b) _____				

8. Staff's Recommendation:  Staff recommends disapproval of the variance and compliance with Section 134-5 of the Subdivision Ordinance.

9. Advisory Board:      Approved      Disapproved  X  None

10. City Attorney:      Approved      Disapproved  KP  None

11. Manager's Recommendation:  MRP  Approved      Disapproved      None

## Memo

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

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

**DATE:** September 3, 2013

**SUBJECT: REQUEST FOR VARIANCE TO NOT REQUIRE THE SUBDIVISION PROCESS AT A 1.00 ACRE TRACT OF LAND OUT OF LOTS 19 AND 20, SECTION 229, TEXAS-MEXICAN RAILWAY COMPANY'S SURVEY; 4309 8 ½ MILE ROAD.**

---

**GOAL:**

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

**BRIEF DESCRIPTION:**

The property is located in the City's extra-territorial jurisdiction (ETJ), 428.9 ft. south of 8 ½ Mile Road, approximately 560 ft. west of N. Ware Road. This property became part of the City's ETJ in 1985. The tract consists of an acre with 145.20 ft. of frontage with a depth of 300 ft. along a 20 ft. unimproved, private roadway easement, as recorded in Volume 1635, Page 939 of the Hidalgo County deed records. The tract does not have frontage on a dedicated street right-of-way (ROW). Surrounding land uses include vacant land and single family homes.

The property owners, David & Lydia Luevano purchased this one-acre tract in February 2007. The Hidalgo County Planning Department issued a building permit on July 1, 2013. Subsequently, the owners poured a 40 ft. by 100 ft. foundation. The Hidalgo County Planning Department received a complaint from a surrounding property owner and realized that the permit was issued without obtaining a certificate of compliance from the City of McAllen. Therefore, the County issued a stop work order on the construction of the proposed garage.

The property owners were referred to the City of McAllen. Upon review of their request for a certificate of compliance, the City informed the owners of the need to subdivide the property since the tract of land in question is described by metes and bounds and was split from a larger tract without benefit of subdivision.

Mr. & Ms. Luevano are requesting a variance from the City codes which require land to be properly subdivided prior to issuing a building permit. If a variance is granted, the property owners would obtain building and related permits from the County to continue construction of a building to house automotive activities. However, if the variance is not approved, the subdivision process with the required public improvements and road ROW dedication would be required prior to issuance of the necessary building permits.

Other unsubdivided tracts exist along this unimproved, private drive for which future requests to construct homes or other uses may be submitted. Should the variance be granted, the property owners would need approval from the County to install a septic system for the proposed garage, as well as completing the process of obtaining a water meter from Sharyland Water Supply Corporation.

## **OPTIONS:**

1. Approve the variance request not to require the subdivision process.
2. Approve the variance request subject to additional road ROW along the 20 ft. unimproved, private drive.
3. Approve the variance request subject to additional road ROW and executing a contractual agreement for the owner's share of future infrastructure improvements.
4. Table the item for additional information.
5. Disapprove the variance request and require the subdivision process prior to building permit issuance.

## **RECOMMENDATION:**

Staff recommends disapproval of the variance and compliance with Section 134-5 of the Subdivision Ordinance.

Lydia Luevano and David Luevano

4309 mile 8 ½ rd

Edinburg, Tx 78541

City of Mcallen


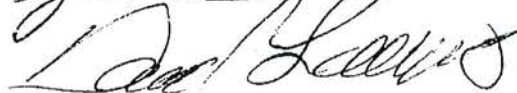
1300 Houston Ave

Mcallen Tx 78501

RE: letter of Compliance

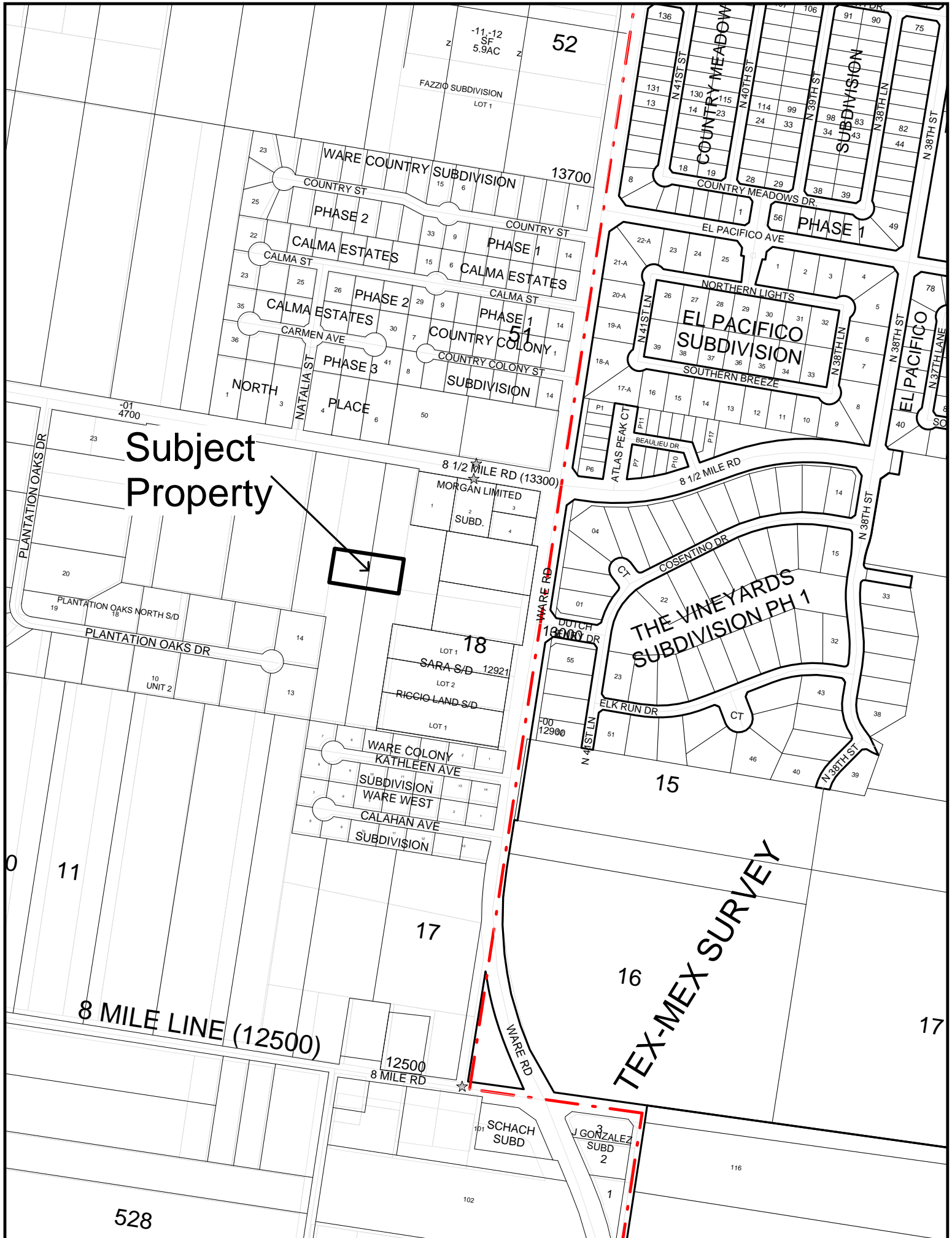
Dear Planning Commissioner's

On this day July 01,2013 Hidalgo Planning Department Chapter232,Texas local Government code approved our application granting us permission to build a personal garage, Plans were made foundation was started and finish money is invested loan acquiring daily interests . Construction was stopped because we need a letter of compliance from Mcallen . This request is to minimize variance and comply and alleviate any hardship. One acre tract of land out of lots nineteen (19) and twenty (20), section two hundred twenty-nine (229) , Texas-Mexican Railway Co's Survey, hidalgo, Texas as per map thereof in Volume 12 page 22 maps records hidalgo county Texas. This property is located way North West on hidalgo county. One of the issues discussed during talking with a senior planner split was done before 1995 grand-fathering it. Requesting not to subdivide do to the long process and time which I do not have due to the daily interest loan I have .Thank you for working corporation with us.

RECEIVED

AUG 9 2013



52

FAZZIO SUBDIVISION  
LOT 1

COUNTRY MEADOWS SUBDIVISION  
COUNTRY MEADOWS DR.  
PHASE 1

WARE COUNTRY SUBDIVISION  
COUNTRY ST  
13700

PHASE 2  
CALMA ESTATES  
CALMA ST  
PHASE 1  
CALMA ESTATES  
CALMA ST  
PHASE 2  
CALMA ESTATES  
CARMEN AVE  
PHASE 3  
NORTH PLACE  
COUNTRY COLONY SUBDIVISION  
COUNTRY COLONY ST

EL PACIFICO SUBDIVISION  
NORTHERN LIGHTS  
SOUTHERN BREEZE  
EL PACIFICO  
N 38TH ST  
N 37TH LN

Subject  
Property



8 1/2 MILE RD (13300)

MORGAN LIMITED  
SUBD.

PLANTATION OAKS DR  
PLANTATION OAKS NORTH S/D  
PLANTATION OAKS DR  
UNIT 2

LOT 1  
SARA S/D 12921  
LOT 2  
RIGGIO LAND S/D  
LOT 1

THE VINEYARDS SUBDIVISION PH 1  
COSENTINO DR  
ELK RUN DR  
N 38TH ST

WARE COLONY  
KATHLEEN AVE  
SUBDIVISION  
WARE WEST  
CALAHAN AVE  
SUBDIVISION

TEX-MEX SURVEY

8 MILE LINE (12500)

12500  
8 MILE RD

SCHACH SUBD  
J GONZALEZ SUBD 2

528

102

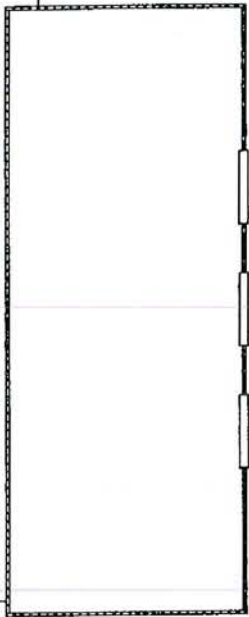
116

17



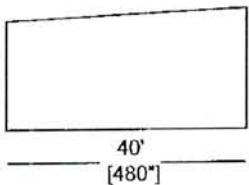
20'  
[240"]

15'  
[180"]



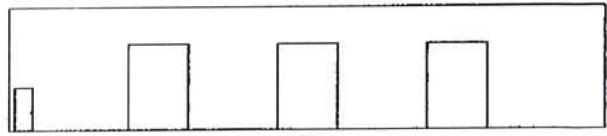
18'  
[216"]

20'  
[240"]



SIDE VIEW

290'-3"  
[3483"]



100'  
[1200"]

FRONT VIEW

150'  
[1800"]

RECEIVED

SEP 03 2012

Initial: @12-



Subject  
Property



LOOKING SOUTH FROM 8 ½ MILE  
ONTO UNIMPROVED, PRIVATE  
ACCESS EASEMENT



LOOKING WEST OF NORTH  
PORTION OF FOUNDATION



LOOKING WEST OF SOUTH  
PORTION OF FOUNDATION



**CITY OF McALLEN**  
**STANDARDIZED RECOMMENDATION FORM**

<b>CITY COMMISSION</b>	<u>  X  </u>	<b>AGENDA ITEM</b>	<u>  6A  </u>
<b>UTILITY BOARD</b>	<u>      </u>	<b>DATE SUBMITTED</b>	<u> 09/03/13 </u>
<b>PLANNING &amp; ZONING BOARD</b>	<u>      </u>	<b>MEETING DATE</b>	<u> 09/09/13 </u>

1. **City Manager's Report:** Appointment of Amigos Del Valle, Inc. Board of Directors Representative and Alternate Representative for Fiscal Year 2013-2014.

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

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

Amigos Del Valle, Inc. is seeking the nomination of a Representative and Alternate Representative for the Agency's Board of Directors for Fiscal Year 2013-2014. Current Board Representative is Carla M. Rodriguez, Director of Grant Administration and Mayor Jim Darling as Alternate Representative.

4. Policy Implication: Appointment to be determined by City Commission.

5. Budgeted:    Yes    No   X   N/A

6. Alternate Option/Costs: \_\_\_\_\_

7. Routing:

NAME/TITLE	INITIAL	DATE	CONCURRENCE
<u>Mike R. Perez, City Manager</u>	<u>MRP</u>	<u>09/09/13</u>	<u>  YES  </u>

8. Staff Recommendation: Appointment of a Board Representative and Alternate Representative.

9. Advisory Board:        Approved        Disapproved        None

10. City Attorney:        Approved        Disapproved   KP   None

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

**City of McAllen**  
**Standardized Recommendation Form**

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

Agenda Item   6B    
 Date Submitted   8/22/13    
 Meeting Date   9/9/13  

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 for authorization to execute any and all documents related to "1115" Program regarding health care assistance for the establishment of the Medical School in Hidalgo County and complies with the direction given by the City Comm.

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: \_\_\_\_\_

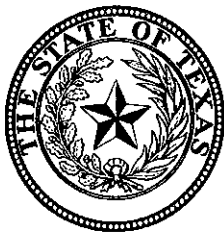
	<u>Name/Title</u>	<u>Initial</u>	<u>Date</u>	<u>Concurrence</u>		
a)	Kevin D. Pagan	KDP	8/22/13	<u>  /  </u> Yes	<u>  ___  </u> No	<u>  ___  </u> N/A
b)	_____	_____	_____	<u>  ___  </u> Yes	<u>  ___  </u> No	<u>  ___  </u> N/A
c)	_____	_____	_____	<u>  ___  </u> Yes	<u>  ___  </u> No	<u>  ___  </u> N/A
d)	_____	_____	_____	<u>  ___  </u> Yes	<u>  ___  </u> No	<u>  ___  </u> N/A
e)	_____	_____	_____	<u>  ___  </u> Yes	<u>  ___  </u> No	<u>  ___  </u> N/A

8. Staff's Recommendation: \_\_\_\_\_

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

10. City Attorney:   /   KDP Approved   \_\_\_   Disapproved   \_\_\_   None

11. Manager's Recommendation:   /   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 <sup>1</sup>	DOCUMENT REVISION <sup>2</sup>	EFFECTIVE DATE	DESCRIPTION <sup>3</sup>
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."

<sup>1</sup> "Baseline" indicates initial document issuances, "Revision" indicates changes to the Baseline version, and "Cancellation" indicates withdrawn versions.

<sup>2</sup> 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.

<sup>3</sup> 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.**

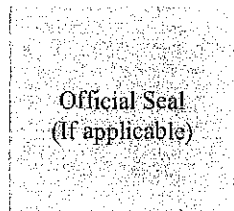
- a. Consistent with its constitutional, statutory, and fiduciary obligations, the Governmental Entity may evaluate a private hospital's historical experience in providing indigent care in the community or performance under an Affiliation Agreement including the impact and amount of indigent care provided 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. 15<sup>th</sup> 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 \_\_\_\_\_



**MEMORANDUM**

**To:** MIKE R. PEREZ, CITY MANAGER  
**From:** SALLY GAVLIK, DIRECTOR  
**Subject:** FEE INCREASES FOR 2013/2014 BUDGET  
**Date:** SEPTEMBER 3, 2013

**COMMENT**

**Goal:**

To increase the entrance fees to Quinta Mazatlan that would be implemented January 1, 2014.

**Discussion:**

The Quinta Advisory Board has recommended the admission fee for Quinta Mazatlan be raised as follows:

Adults	\$2 to \$3
Seniors	\$1 to \$2
Children	\$1 to \$2

The fees have been the same for Quinta since the facility opened. Quinta will still have the lowest entrance fee compared to other comparable facilities in the Rio Grande Valley.

**Recommendation:**

Staff recommends approval of the new entrance fees for Quinta Mazatlan effective January 1, 2014.

STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION  
UTILITY BOARD  
PLANNING & ZONING BOARD  
OTHER

    X      
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

AGENDA ITEM  
DATE SUBMITTED  
MEETING DATE

    6D      
09/04/2013  
09/09/2013

1 Agenda Item:     FUTURE AGENDA ITEMS    

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

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

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

5 Budgeted:      Yes      No   X   N/A

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

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

7 Routing:  
NAME/TITLE INITIALS DATE CONCURRENCE  
YES/NO

a) \_\_\_\_\_

b) \_\_\_\_\_

8 Staff Recommendation: \_\_\_\_\_

9 Advisory Board:      Approved      Disapproved      None

10 City Attorney:      Approved      Disapproved   KP   None

11 Manager's Recommendation:      Approved      Disapproved   MRP   None



**STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION	<u>X</u>	AGENDA ITEM	<u>7</u>
UTILITY BOARD	_____	DATE SUBMITTED	<u>09/04/2013</u>
PLANNING & ZONING BOARD	_____	MEETING DATE	<u>09/09/2013</u>
OTHER	_____		

1 Agenda Item: Mayor's Report on Mayor's Business Council

---

2 Party Making Request: Mayor Darling

---

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

---

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

---

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

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

---

7 Routing:

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

8 Staff Recommendation: None.

---

9 Advisory Board:        Approved        Disapproved        None

---

10 City Attorney:        Approved        Disapproved   KP   None

---

11 Manager's Recommendation:        Approved        Disapproved   MRP   None

---