



## AGENDA

### CITY COMMISSION REGULAR MEETING MONDAY, OCTOBER 28, 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** – Trey Pebley, City Commissioner

**PROCLAMATIONS** –*Superhero Bowl Day* - Big Brothers/Big Sisters organization

#### 1. PUBLIC HEARING:

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

**1.** Rezone from R-1 (single family residential) District to R-3A (multifamily residential apartment) District: Lot 18, Janice Addition and Lot 9, Janice Addition No. 2 Subdivision, Hidalgo County, Texas; 1107 Tamarack Avenue and 1102 Sycamore Avenue.

**2.** Request of Harmodio Diaz Granados on behalf of Premium Automotive Services, for a Conditional Use Permit, for life of the use, for an automotive service and repair (mechanic shop) at Lots 20 and 21, Broadway North Subdivision, Hidalgo County, Texas; 711 Dove Avenue.

**3.** Request of Blanca I. Cantu, for a Conditional Use Permit, for life of the use, for a single family dwelling at Lot 1, Trevino's Acres Subdivision and 0.56 acres out of Lot 2, Block 8, A.J. McColl Subdivision, Hidalgo County, Texas; 2000 South Jackson Road.

**4.** Request of Eduardo O. Cantu, appealing the decision of the Planning & Zoning Commission of the October 1, 2013 meeting, denying a Conditional Use Permit, for one year, for a banquet hall at Lots 10 thru 19, Block 1, Las Cañadas Subdivision, Hidalgo County, Texas; 3000 through 3020 South Jackson Road.

**5.** Request of Blanca I. Cantu, appealing the decision of the Planning & Zoning Commission of the October 1, 2013 meeting, denying a Conditional Use Permit, for one year, for a dance hall at Lot 1, Trevino's Acre Subdivision and 0.56 acres out of Lot 2, Block 8, A.J. McColl Subdivision, Hidalgo County, Texas; 2000 South Jackson Road.

**6.** Request of Rebekah Zamora, appealing the decision of the Planning & Zoning Commission of the October 1, 2013 meeting, denying a Conditional Use Permit, for one year, for a lounge at Lot 2, Martin Plaza Subdivision, Hidalgo County, Texas; 6401 North 10<sup>th</sup> Street.

**7.** Request of Daniel R. Duran, appealing the decision of the Planning & Zoning Commission of the October 16, 2013 meeting, denying a Conditional Use Permit, for one

year, for a bar at Lots 1 thru 5, Michelle's Plaza Subdivision, Hidalgo County, Texas; 2104 Nolana Avenue.

**8.** Request of Javier A. Chapa, appealing the decision of the Planning & Zoning Commission of the October 16, 2013 meeting, denying a Conditional Use Permit, for one year, for an automotive service and repair (tire shop) at Lots 5 and 6, South 23<sup>rd</sup> Business Park Subdivision, Hidalgo County, Texas; 4910 South 23<sup>rd</sup> Street.

**B) REZONING:**

Rezone from R-1 (single family residential) District to C-3 (general business) District: the west 17 feet of Lot 2 and all of Lot 3, Block 5, Orange Terrace Subdivision No. 3, Hidalgo County, Texas; 1005-1011 Orange Avenue.

**C) CONDITIONAL USE PERMIT:**

Request of Cipriano Barsenas Jr., for a Conditional Use Permit, for life of the use, for a guest house at Lot 26, Block 1, Retama Terrace Subdivision, Hidalgo County, Texas; 1220 North 27<sup>th</sup> Street.

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

**END OF PUBLIC HEARING**

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

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

- A)** Approval of Minutes of various meetings.
- B)** Award of Contract for the purchase of materials for the Pedestrian Bridge Rehabilitation at Palm View Golf Course.
- C)** Consider approval of Contract Amendment No. 5 for the Development Center.
- D)** Consider approval of a Second Amendment to the Interlocal Agreement with Hidalgo County to transfer equipment for the Regional Radio System to City of McAllen.
- E)** Authorization to declare a certain vehicle as surplus and authorize the donation of vehicle to the City of Reynosa, Tamaulipas Mexico via an Interlocal Agreement.
- F)** Consider approval of a change order for the purchase and installation of one (1) 8,000 Gallon Fuel Tank and two (2) Single Hose Dispensers.
- G)** Award of Contract for 1,000 96-Gallon Black Refuse Carts and 1,000 96-Gallon Blue Recycling Carts and authorization for additional purchase during the fiscal year.
- H)** Ordinance providing for a budget amendment to the Inter-Departmental Services Fund for the purchase of one (1) 8,000 Gallon Fuel Tank and two (2) Hose Dispensers.
- I)** Ordinance providing for a budget amendment to the Sanitation Fund for the purchase of one (1) Compact Wheel Loader.

- J) Ordinance providing for a budget amendment to the General Fund for the purchase of an Excavator Mounted Cutting Attachment.
- K) Ordinance providing for a budget amendment to the General Depreciation Fund for the refurbishment of one (1) Komatsu Dozer.
- L) Ordinance providing for a budget amendment to the Sanitation Depreciation Fund for the purchase of two (2) Front Load Refuse Trucks.
- M) Ordinance approving the Assignment and Transfer of Franchise to ONE Gas Inc.
- N) Resolution authorizing the submission of a grant application to American Forests for funding under Fiscal Year 2014 Global ReLeaf Grant Program.
- O) Resolution authorizing the submission of a grant application to the Texas Historical Commission for funding under the Fiscal Year 2014 Certified Local Government Grant Program.

**3. BIDS/CONTRACTS:**

- A) Consider the request for city participation with widening of Freddy Gonzalez between 23<sup>rd</sup> Street and 2,600 ft. to the east.
- B) Consider authorizing staff to negotiate a contract with the top ranked firm for Architectural Design Services for additional restroom facilities at De Leon North Soccer Facility.
- C) Award of Contract for Purchase and Installation of Additional Permanent Bleacher Seating at DeLeon North Soccer Complex.
- D) Consider approval of Stadium License Agreement with McAllen Independent School District.
- E) Consider approval of an agreement between the Development Corporation of McAllen, Inc. and RGV Foundation.

**4. ORDINANCE** providing for a budget amendment for Gonzalez Elementary Playscape.

**5. RESOLUTIONS:**

- A) Casting votes for Hidalgo County Appraisal District Board of Directors for 2014-2015.
- B) Supporting Proposition 6 of the November 5, 2013 Constitutional Amendment Election relating to the creation of the State Water Implementation Fund for Texas and the State Water Implementation Revenue Fund for Texas to assist in the financing of priority projects in the state water plan to ensure the availability of adequate water resources.

**6. MANAGER'S REPORT:**

- A) Consider authorization to pay taxes to Hidalgo Irrigation District #1 for De Leon Park, Garcia Park, Nature Center and Daffodil Park.
- B) Status Report on Parks and Recreation Construction Projects.
- C) Status Report on various City Projects thru September 30, 2013.
- D) Status Report on the Terminal Expansion Construction Project.
- E) Report on Subdivisions and Development.
- F) Report on convention activities by McAllen Convention and Visitors Bureau.
- G) Designation of a Commission Representative to the IMAS Board of Directors.
- H) Future Agenda Items.

**7. TABLED ITEMS:**

- A) Discussion and possible action regarding a waiver of penalty and interest on delinquent taxes for Sinbon Electronics Co. Ltd., Cause No. T-1113-12-J.
- B) Variance request to the subdivision requirement process at the east 137 ft. of the north 10 acres of the south 20 acres of combined Lot 11, Block 4 and Block 2, M & M Subdivision; 2901 Valcosta Service Road.

**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 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.)
- B) Discussion and Possible Action on entering into a sales contract and authorizing the City Manager to complete transaction to acquire a tract of land out of Lot 3, Block 3, A.J. McColl Subdivision, Hidalgo County, Texas. (Sections 551.072 and 551.071, T.G.C.)
- C) Consultation with City Attorney regarding Case No. 13-09-00067-CV; City of McAllen vs. Arnaldo Ramirez. (Section 551.071, T.G.C.)
- D) Consultation with City Attorney regarding Litigation Cause No. C-5842-13-D; Angel L. Escalante vs. City of McAllen. (Section 551.071, T.G.C.)
- E) Consultation with City Attorney regarding C-1572-13-D; Miguel Cruz, et al. vs. City of McAllen. (Section 551.072, T.G.C.)
- F) Consideration of economic development matters. (Section 551.087, T.G.C.)

**ADJOURNMENT**

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

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

I, the Undersigned Authority, do hereby certify that the attached agenda of the meeting of the McAllen Board of Commissioners is a true and correct copy and that I posted a true and correct copy of said notice on the bulletin board in the Municipal Building, a place convenient and readily accessible to the general public at all times, and said Notice was posted on the **25<sup>th</sup>** day of **October,** **2013** at **2:00 pm** and will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.

/s/

Annette Villarreal, TRMC/CMC, CPM  
City Secretary



## Memo

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

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

**DATE:** October 22, 2013

**SUBJECT: REZONE FROM R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENTS) DISTRICT: LOT 18, JANICE ADDITION SUBDIVISION AND LOT 9, JANICE ADDITION NO. 2 SUBDIVISION, HIDALGO COUNTY, TEXAS; 1107 TAMARACK AVENUE AND 1102 SYCAMORE AVENUE. (REZ2013-0030)**

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**GOAL:**

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

**BRIEF DESCRIPTION:**

The properties are located along the south side of Tamarack Avenue and along the north side of Sycamore Avenue just east of 12<sup>th</sup> Street. The proposed tracts have 154 feet of frontage along Tamarack Avenue and 179 feet along Sycamore Avenue with a depth of 280 feet for a tract size of 46,870 feet or 1.076 acres. The property was zoned to R-1 (single family residential) District during comprehensive zoning in 1979. On April 2, 2013 a rezoning request for R-3A District for the subject property was withdrawn. The property is vacant. The applicant is requesting R-3A (multifamily residential apartments) District in order to establish an apartment use. A feasibility plan has been submitted and indicates that the proposed construction is a two story building with 32 apartment units.

The adjacent zoning is C-3 (general business) District to the northeast, C-1 (office building) District to the east, R-1 (single family residential) District to the north, south, and west. A rezoning request for C-1 (office building) District for the adjacent property to the east of Lot 18 was approved in 1996. El Dorado Apartments located to the east at 1016 Sycamore Avenue was built under a previous zoning ordinance as is currently zoned R-1 District. Surrounding land uses are single family residential, apartments, daycare, office, and various commercial uses located to the east near 10<sup>th</sup> Street.

- The Foresight McAllen Comprehensive Plan indicates Auto Urban Residential land use designation for the property however it does not reflect existing apartment, duplex-fourplex in the area. There are existing apartments adjacent to the east of Lot 9 of the subject property. The proposed apartments face single family residences to the north and south.
- The proposed density is 29.7 units per acre that is more than the density allowed in Auto

Urban Residential of 13.5 units per acre. The number of vehicle trips generated would be 210 trips per day based upon 6.59 trips per apartment unit and the proposed 32 units.

- The development trend in the area is conversion of single family residences to commercial uses adjacent to the 10<sup>th</sup> Street corridor and stable single family residences to the north, south and west.
- Tamarack & Sycamore Avenues are designated as local streets with 50 feet of right-of-way, constructed with 2 travel lanes, one parking lane, 30 feet pavement width, and curb and gutter. Minimum right-of-way for multifamily is 60 feet with 42 feet of pavement width.
- Landscaping requirement for the proposed apartment project is 4,687 square feet of green area and 15 trees with 2½ inches in diameter with 10 feet in height or an equivalent. A 10 foot landscape is required along Tamarack and Sycamore Avenues.
- Parkland dedication or fees in lieu of parkland dedication comprising \$700 per dwelling unit is required.
- A site plan approved by the Planning and Zoning Commission is required prior to issuance of any building permit.

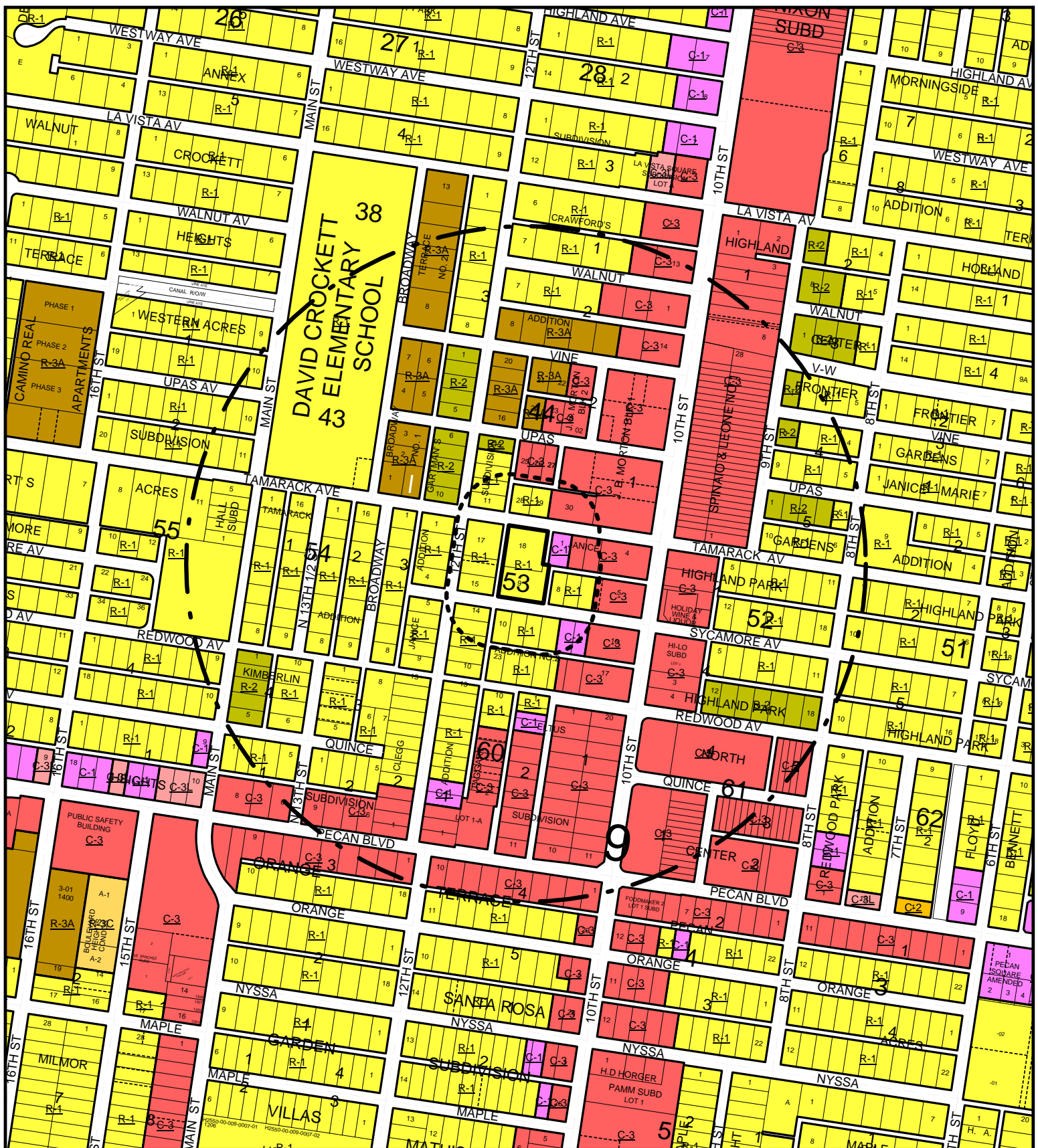
#### **OPTIONS:**

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, R-2 (duplex-fourplex residential) District.
4. Disapprove the rezoning request.

#### **RECOMMENDATION:**

At the Planning and Zoning Commission meeting of October 1, 2013 one person appeared in opposition to the rezoning request. Ms. Grace Jarvis, 1111 Tamarack Avenue, stated her concerns as noise complaints from nearby existing apartments, and increased traffic from the proposed development. Julio C. Constantino, the developer, stated that he would personally be involved with the management company for the apartments and would address complaints from the tenants and neighbors. The Board then voted to recommend approval of the rezoning request with six members present and voting. The vote was four ayes and two nays.





**CITY OF McALLEN**  
PLANNING DEPARTMENT

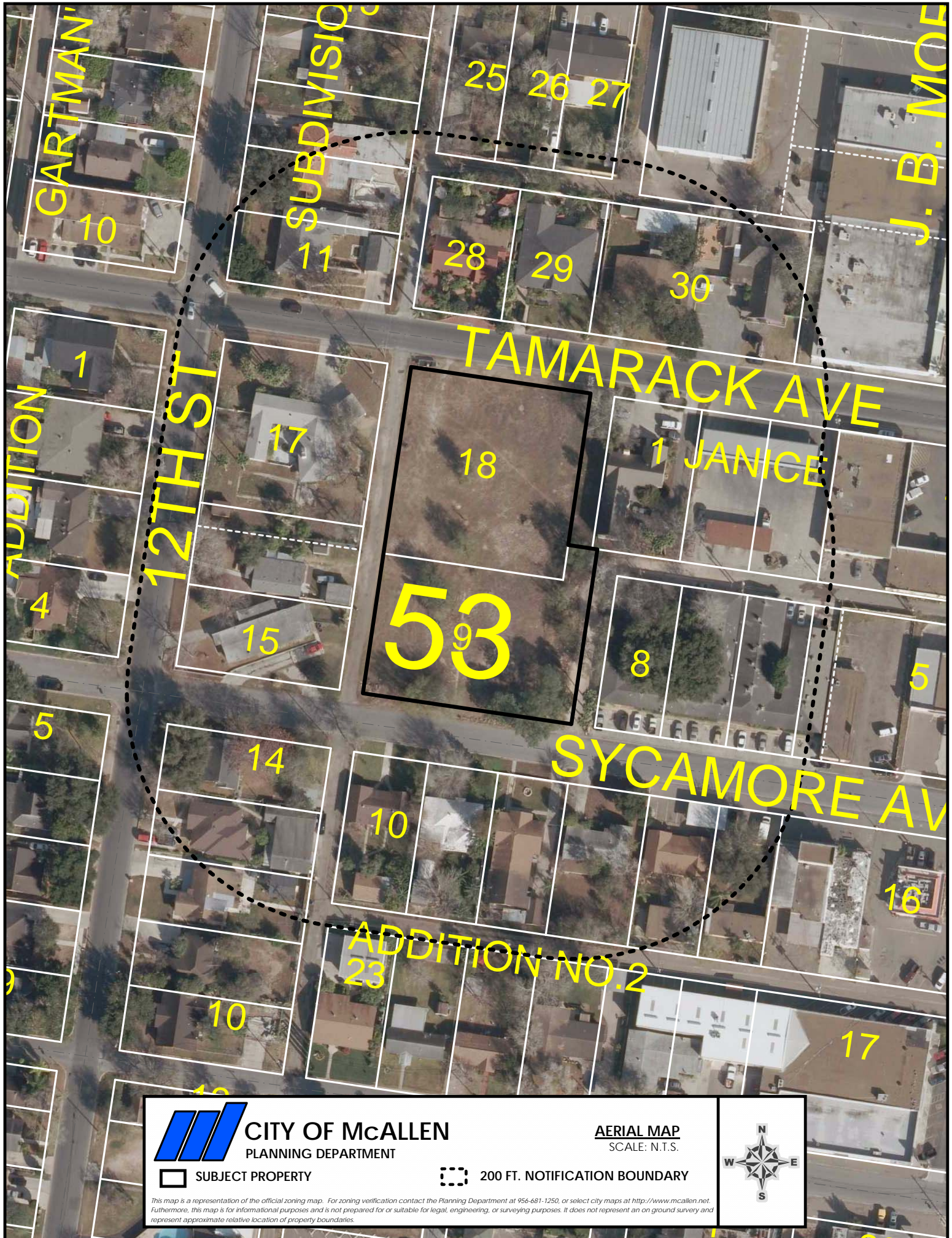
**LEGEND**  
SCALE: 1" = 500'

	SUBJECT PROPERTY		200 FT. NOTIFICATION BOUNDARY		1/4 MILE RADIUS
	(AGRICULTURAL & OPEN SPACE)		(APARTMENTS)		(MOBILE HOMES)
	(SINGLE FAMILY RESIDENTIAL)		(CONDOMINIUMS)		(OFFICE BUILDING)
	(DUPEX-FOURPLEX)		(TOWNHOUSES)		(NEIGHBORHOOD COMMERCIAL)
	(GENERAL BUSINESS)		(LIGHT 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 956-681-1250, or select city maps at <http://www.mcallen.net>. Furthermore, this map is for informational purposes and is not prepared for or suitable for legal, engineering, or surveying purposes. It does not represent an on ground survey and represent approximate relative location of property boundaries.




AREA MAP

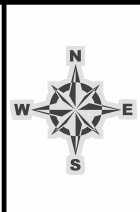


**CITY OF McALLEN**  
PLANNING DEPARTMENT

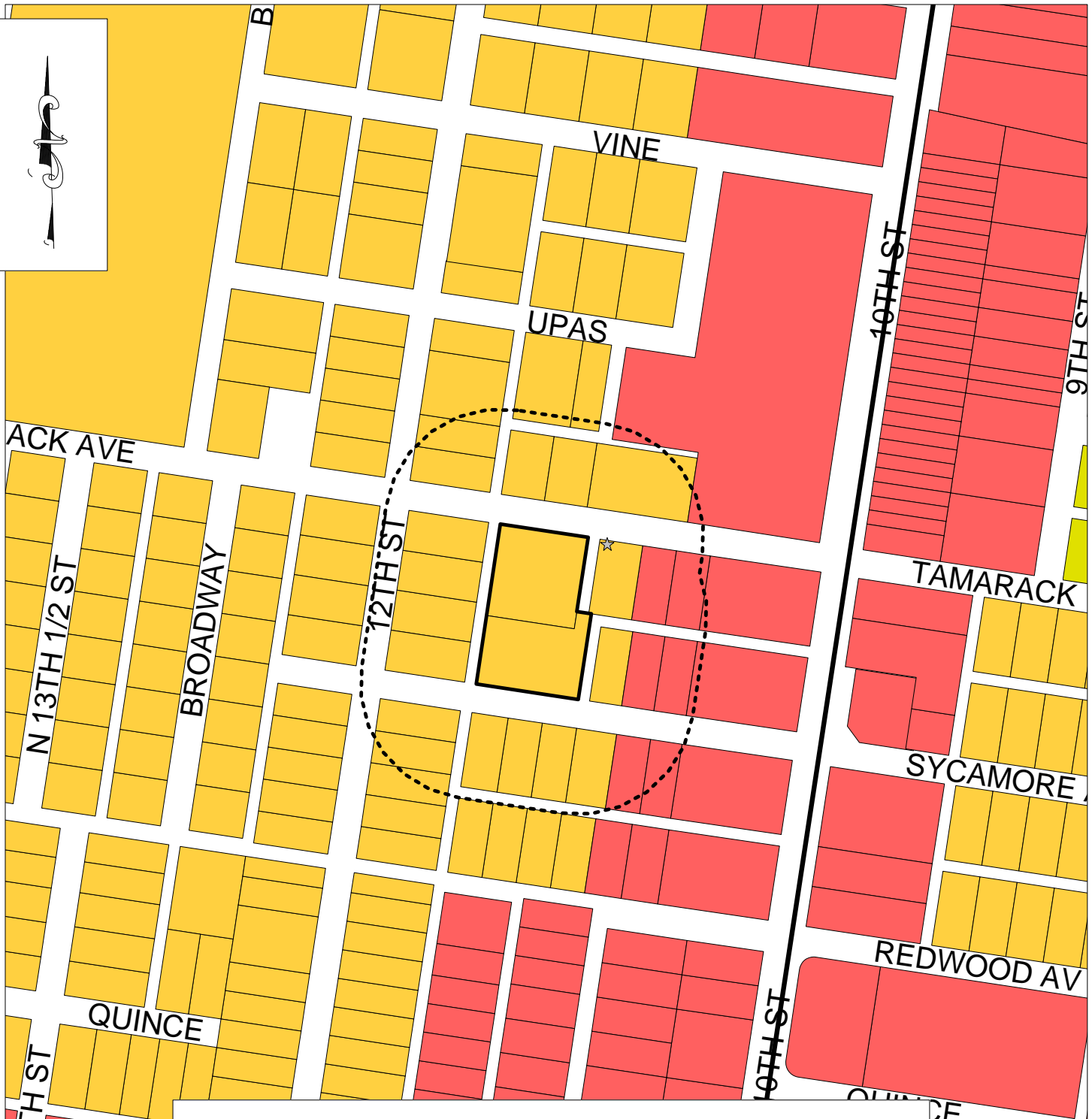
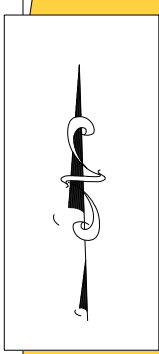
**AERIAL MAP**  
SCALE: N.T.S.

 SUBJECT PROPERTY

 200 FT. NOTIFICATION BOUNDARY



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**CITY OF McALLEN**  
PLANNING DEPARTMENT

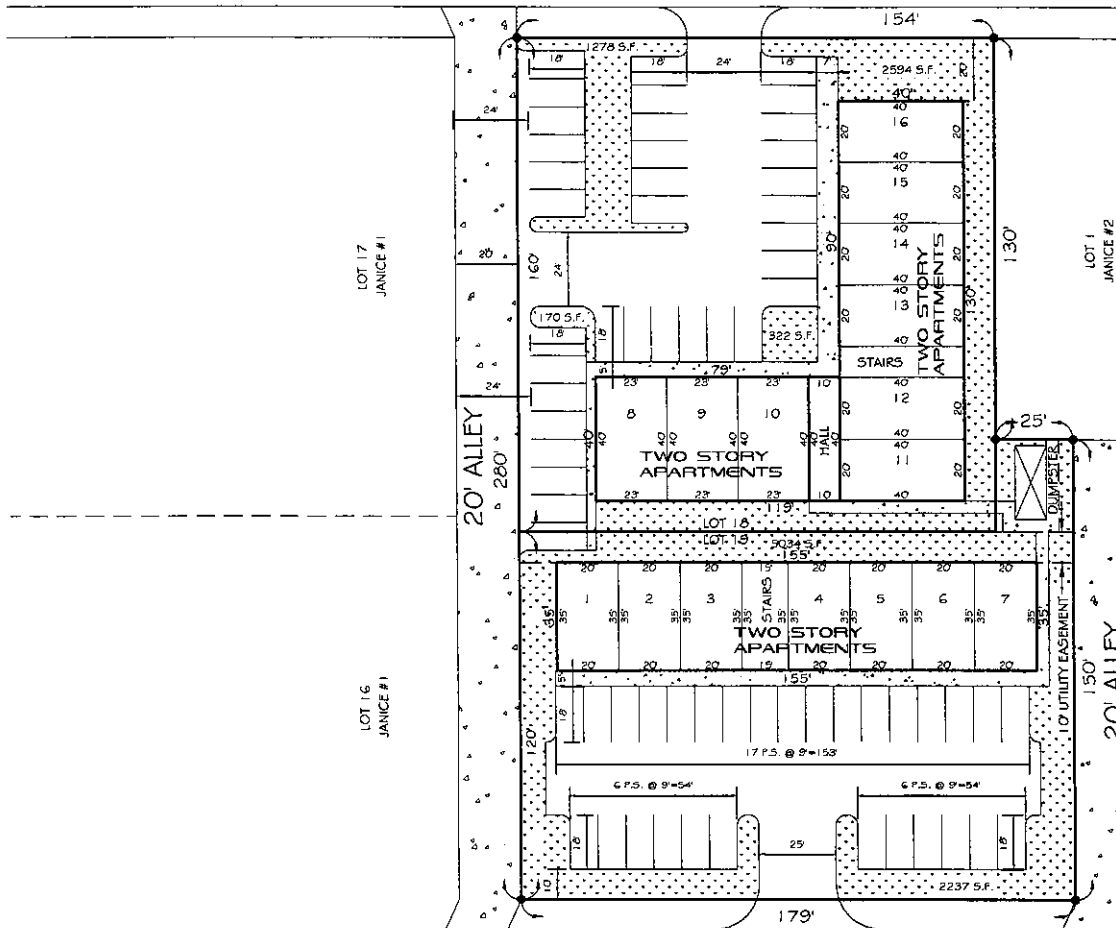
**LEGEND**  
SCALE: 1 INCH = 2,000 FEET  
APPROVED: SEPTEMBER 13, 2010

**FORESIGHT McALLEN COMPREHENSIVE PLAN**

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

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

45' TAMARACK AVE.



**LEGEND**

TOTAL LAND AREA - 46,870 S.F. (1.07AC.)  
 LANDSCAPE REQUIRED - 4,687 S.F.  
 LANDSCAPE PROVIDED - 11,635

TOTAL BUILDING AREA - 13,785 S.F.  
 1 BEDROOM APARTMENT - 6 APARTMENTS  
 2 BEDROOM APARTMENT - 26 APARTMENTS  
 PARKING SPACES REQUIRED - 9+52=61 P.S.  
 PARKING SPACES PROVIDED - 64 P.S.

LOT 19 = 4-2BR APARTMENTS  
 LOT 18 = 6 - 1BR APARTMENTS  
 12 - 2BR APARTMENTS

LOT 2  
 JANICE #2

**SITE PLAN  
 OF  
 MURANO APARTMENTS  
 MCALEN, TEXAS**

LOT 18, JANICE ADD#1 AND  
 LOTS 9, JANICE ADD#2  
 CITY OF MCALEN,  
 HIDALGO COUNTY TEXAS  
 RECORDED IN VOL. 8, PG. 54, M/R AND  
 VOL. 11, PG.19, M/R

RECEIVED  
 SEP 25 2013



50' SYCAMORE AVE.  
**SITE PLAN**

DATE OF PREPARATION: SEPTEMBER 2013

**Mas+E ENGINEERING LLC.**  
 CONSULTING ENGINEER  
 200 SOUTH 10 STREET SUITE 905  
 MCALEN, TEXAS 78501  
 PH: (956) 537-1311  
 E-MAIL: MSA@MAS6073@ATT.NET

**NOTICE  
REZONING  
For  
This Property  
REZ2013-0030**

City of Midvale Planning Dept. | 801-420-  
www.midvale.net

**STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION	<u>  X  </u>	AGENDA ITEM	<u>  1A2  </u>
UTILITY BOARD	_____	DATE SUBMITTED	<u>  10/22/13  </u>
PLANNING & ZONING BOARD	_____	MEETING DATE	<u>  10/28/13  </u>
OTHER	_____		

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

\_\_\_\_\_

\_\_\_\_\_

2. **Party Making Request:** Harmodio Granados on behalf of Premium Automotive Services

3. **Nature of Request: (Brief Overview) Attachments:**   X   Yes    No  
The request of Harmodio Granados on behalf of Premium Automotive Service, for a Conditional Use Permit, for the life of the use, for an Automotive Service and Repair (mechanic shop) at Lots 20 and 21, Broadway North Subdivision, Hidalgo County, Texas: 711Dove 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>  10/21/2013  </u>	<u>  No  </u>
b) _____	_____	_____	_____

8. **Staff's Recommendation:** Disapproval of the request due to non-compliance with requirement #4 (distance to nearest residence) of Section 138-281 of the Zoning Ordinance.

9. **Advisory Board:**    Approved   X   Disapproved    None  
With a favorable recommendation to grant the variance to the distance to the nearest residence 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:** October 22, 2013

**SUBJECT: REQUEST OF HARMODIO DIAZ GRANADOS ON BEHALF OF PREMIUM AUTOMOTIVE SERVICES FOR A CONDITIONAL USE PERMIT, FOR THE LIFE OF THE USE, FOR AN AUTOMOTIVE SERVICE AND REPAIR (MECHANIC SHOP) AT LOTS 20 AND 21, BROADWAY NORTH SUBDIVISION: 711 DOVE AVENUE.**

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**GOAL:**

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

**BRIEF DESCRIPTION:**

The property is located at the south side of Dove Avenue is zoned C-3 (general business) District. Surrounding adjacent properties are zoned C-3 District to the north and west, A-O (agricultural & open space) District to the east, and R-1 (single family residential) District to the south. Surrounding land uses include general commercial uses, Lowes Home Improvement, and single family residences. An automotive service and repair business is allowed in a C-3 zone with a Conditional Use Permit and in compliance with requirements.

An establishment for the same type of use had previously operated at this location in the 1990's. On April 17, 2001, a request for a conditional use permit for an automotive service and repair business, for the life of the use, was requested and was recommended for approval by the Planning and Zoning Commission. The City Commission meeting was scheduled for the May 14, 2001; however, the applicant withdrew the request.

The applicant is proposing to use an existing building for an automotive service & repair shop. Based on 5,300 sq. ft. of floor area, 18 parking spaces are required and are part of the existing common parking area. The proposed hours of operation are Monday thru Friday 8:00 a.m. to 6:00 p.m., Saturday 9:00 a.m. to 2:00 p.m., and closed on Sunday's.

The Fire Department has inspected the establishment; however, a final inspection is pending. 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 is 6,822 sq. ft.; however, the common development/area Broadway North Subdivision consist of 6.797 acres;
- 2) All service, repair, maintenance, painting and other work shall take place within an enclosed area. All work to take place within the existing building. There are eight service/work bay areas within the building;
- 3) Outside storage of materials is prohibited. None are proposed;
- 4) The building where the work is to take place shall be at least 100 ft. from the nearest residence. The building is approximately 95 ft. from the nearest residential use to the south;
- 5) A 6ft. opaque fence buffered the proposed use from any residential use or residentially zoned area is required. A 6 ft. opaque fence buffer is provided to the east, south and west sides;
- 6) New buildings and conversions of existing buildings shall meet current building and fire code requirements concerning separation of high hazard uses from other occupancy use classifications.

**OPTIONS:**

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

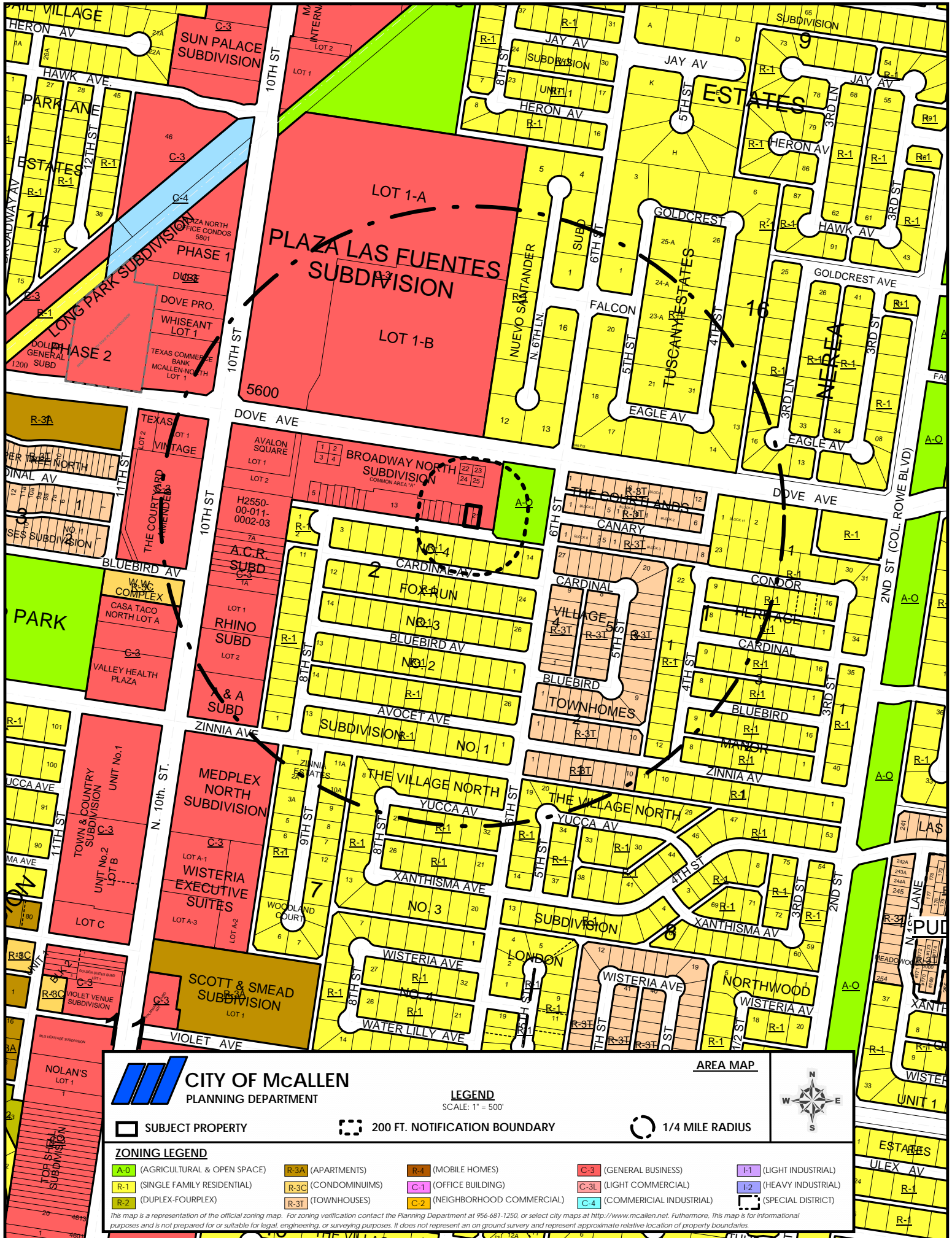
**RECOMMENDATION:**

This item was heard at the October 1, 2013 Planning and Zoning Commission meeting. There was no one present in opposition of the request and the applicant was present.

Mr. Diaz Granados, the applicant, addressed the board to state a brief description of the business. The business will be a full automotive service repair.

Following a brief discussion, the board unanimously voted to disapprove the request due to non-compliance with requirement #4 (distance to nearest residence) of Section 138-281 of the Zoning Ordinance but with a favorable recommendation for a variance to the distance requirement. There were six members present and voting.





**CITY OF McALLEN**  
PLANNING DEPARTMENT

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

**AREA MAP**



SUBJECT PROPERTY	200 FT. NOTIFICATION BOUNDARY	1/4 MILE RADIUS
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ZONING LEGEND			
A-0 (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	I-1 (LIGHT INDUSTRIAL)
R-2 (DUPLEX-FOURPLEX)	R-31 (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	I-2 (HEAVY INDUSTRIAL)
		C-4 (COMMERCIAL INDUSTRIAL)	(SPECIAL DISTRICT)

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DOVE AVE

AY NORTH  
VISION  
AREA "A"

22 23  
24 25

21

NO. 4

14

CARDINAL AV


FOX RUN

24

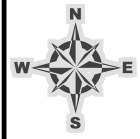


CITY OF McALLEN  
PLANNING DEPARTMENT

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.

# AMENI MAP OF BROADWAY NORTH McALLEN, TEXAS

HONG & SONS AC. TRACT OUT OF LOT 2, SECT 11, HIGHLAND CANYON COMPANY'S SUBDIVISION, REC. IN VOL. 17, PG. 11, HIGHLAND COUNTY, TEXAS  
 DATE OF PREPARATION: 05/11/2011  
 Recorded in Volume 3 of the map records of HIGHLAND COUNTY, TEXAS  
 Metcalf and Hunt, Inc.



1"=50'  
 1/8" = 1/4" HIGH MAP  
 1/16" = 1/8" HIGH MAP

STATE OF TEXAS  
 COUNTY OF HIGHLAND

I, HONG & SONS, INC., ENGINEERS, ARCHITECTS, PLANNERS, AND SURVEYORS, HAVE PREPARED AND DEDICATED THIS MAP UNDER THE

CHARTER OF THE HIGHLAND COUNTY ENGINEERS, ARCHITECTS, PLANNERS, AND SURVEYORS, 1700 S. 10th AVE., McALLEN, TEXAS

STATE OF TEXAS  
 COUNTY OF HIGHLAND

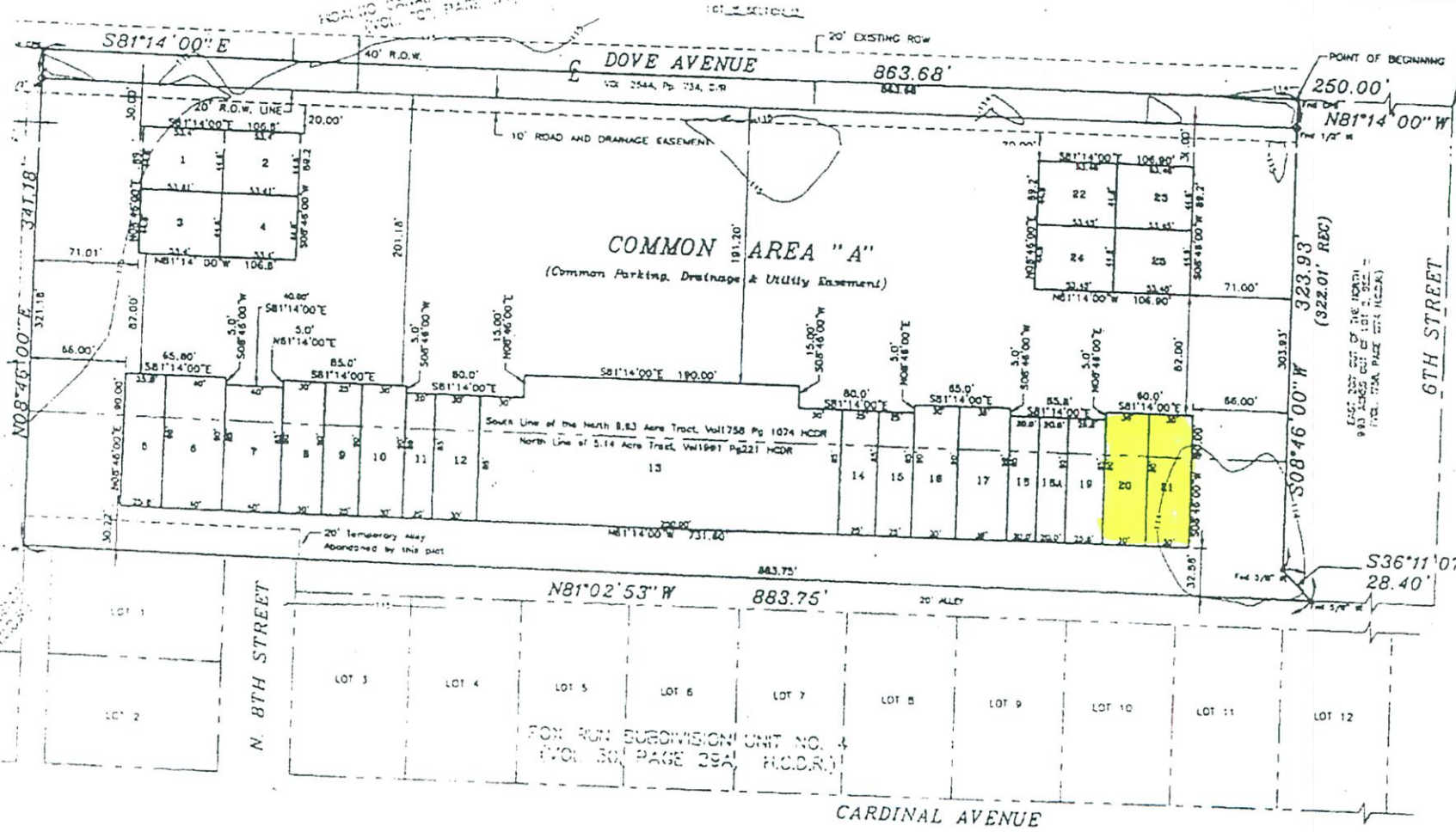
BEFORE ME, THE PUBLIC CLERK OF HIGHLAND COUNTY, TEXAS, ON THIS 11th DAY OF MAY, 2011, HONG & SONS, INC., ENGINEERS, ARCHITECTS, PLANNERS, AND SURVEYORS, HAS APPEARED AND REQUESTED THAT I RECORD THIS MAP.

I, THE UNDERSIGNED PUBLIC CLERK OF HIGHLAND COUNTY, TEXAS, DO HEREBY CERTIFY THAT THIS MAP WAS RECORDED IN ACCORDANCE WITH THE

STATE OF TEXAS  
 COUNTY OF HIGHLAND

I, THE UNDERSIGNED PUBLIC CLERK OF HIGHLAND COUNTY, TEXAS, DO HEREBY CERTIFY THAT THIS MAP WAS RECORDED IN ACCORDANCE WITH THE

HIGHLAND COUNTY PUBLIC CLERK'S OFFICE  
 1000 S. 10th AVE., McALLEN, TEXAS 78101  
 (361) 425-1111



BY CONFINING PLACING THE FLOOD ZONE DESIGNATION FOR THIS PROPERTY IS ZONE "X" WHICH ARE AREAS BETWEEN LIMITS OF THE 100-YEAR FLOOD AND 500-YEAR FLOOD, OR CERTAIN AREAS SUBJECT TO 100-YEAR FLOODING WITH AVERAGE DEPTHS LESS THAN ONE (1) FOOT OR WHERE THE CONTRIBUTING DRAINAGE AREA IS LESS THAN ONE SQUARE MILE, OR AREAS PROTECTED BY LEVEES FROM THE BASE FLOOD. 5/10/11 2:00 P.M.

LOT NO.	(±)SQ. FT PER LOT	LOT NO.	(±)SQ. FT PER LOT
LOT 1	2,381 s.f.	LOT 14	2,125 s.f.
LOT 2	2,381 s.f.	LOT 15	2,125 s.f.
LOT 3	2,381 s.f.	LOT 16	2,700 s.f.
LOT 4	2,381 s.f.	LOT 17	2,700 s.f.
LOT 5	2,322 s.f.	LOT 18	3,150 s.f.
LOT 6	3,800 s.f.	LOT 18A	1,700 s.f.
LOT 7	3,400 s.f.	LOT 19	2,183 s.f.
LOT 8	2,700 s.f.	LOT 20	2,700 s.f.
LOT 9	2,250 s.f.	LOT 21	2,700 s.f.
LOT 10	2,250 s.f.	LOT 22	2,384 s.f.
LOT 11	1,700 s.f.	LOT 23	2,384 s.f.
LOT 12	2,550 s.f.	LOT 24	2,384 s.f.
LOT 13	24,100 s.f.	LOT 25	2,384 s.f.
		COMMON AREA "A"	191,891 s.f.

- REQUIREMENTS**
- MINIMUM FINISH FLOOR ELEVATION: 18 INCHES ABOVE CENTERLINE OF DOVE AVENUE.
  - MINIMUM BUILDING SETBACK LINES SHALL BE:
    - FRONT: 60 FT ON DOVE AVENUE OR GREATER FOR APPROVED SITE PLAN, EXCEPT 20' FROM ROAD EASEMENT FOR PAD SITES IN LOTS 1-4 AND LOTS 22-25
    - REAR: 25 FT OR GREATER FOR SITE PLAN
    - SIDE: 64 FT OR GREATER FOR SITE PLAN
    - INTERIOR SIDES: 75 PER ZONING ORDINANCE OR GREATER FOR SITE PLAN

Filed for Record in  
 Hidalgo County, Texas  
 by Jane Clay Sullivan  
 County Clerk  
 On: MAY 07, 2011 at 03:34 PM  
 Map No. 111111  
 Recording Number: 111111  
 Instrument Number: 111111  
 File Number: 111111

**BOUNDARIES**

1. LAND CONTAINING 6.7977 ACRES, SITUATED IN HIGHLAND COUNTY, TEXAS, AND ALSO BEING A PART OF LOT 2 SECTION 11, HIGHLAND CANYON COMPANY'S SUBDIVISION, RECORDED IN VOLUME 17, PAGE 11 OF HIGHLAND COUNTY DEED RECORDS, AND ALSO BEING A PART OR PORTION OF THAT PARCEL DESCRIBED IN A DEED FROM JEFFERSON INVESTMENTS CORPORATION TO JOY G. LUTJEN, TRUSTEE, RECORDED IN VOLUME 1991, PAGE 221, OF THE HIGHLAND COUNTY DEED RECORDS, AND SAID 6.7977 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

2. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

3. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

4. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

5. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

6. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

7. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

8. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

9. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

10. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

11. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

12. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

13. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

14. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

15. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

16. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

17. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

18. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

19. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

20. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

21. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

22. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

23. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

24. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

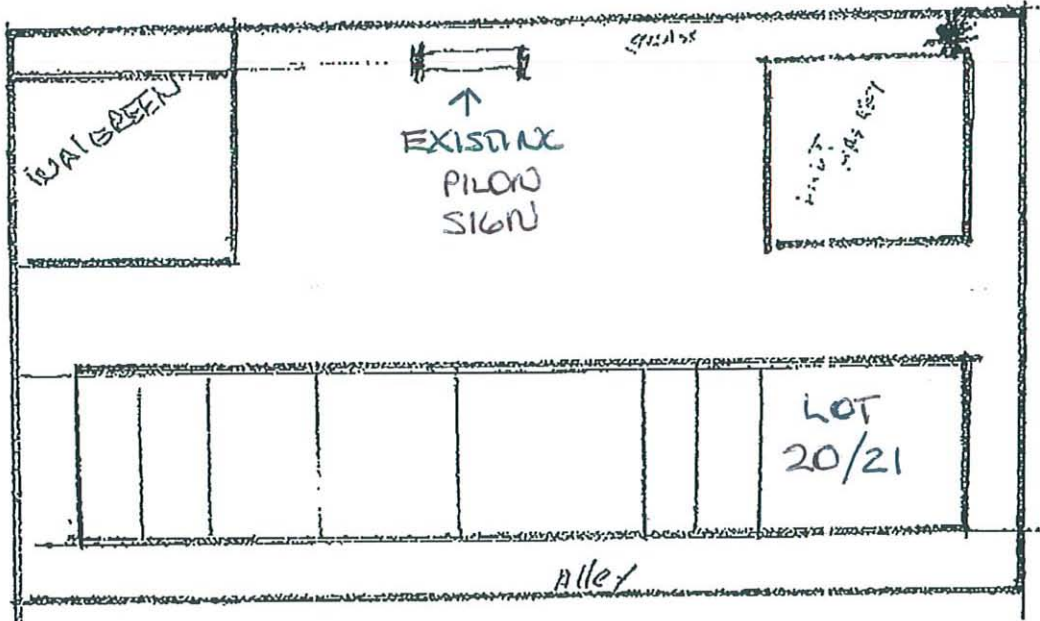
25. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Process  
P11

DOVE ST

10 TH ST

SIDE ST



WALGREEN

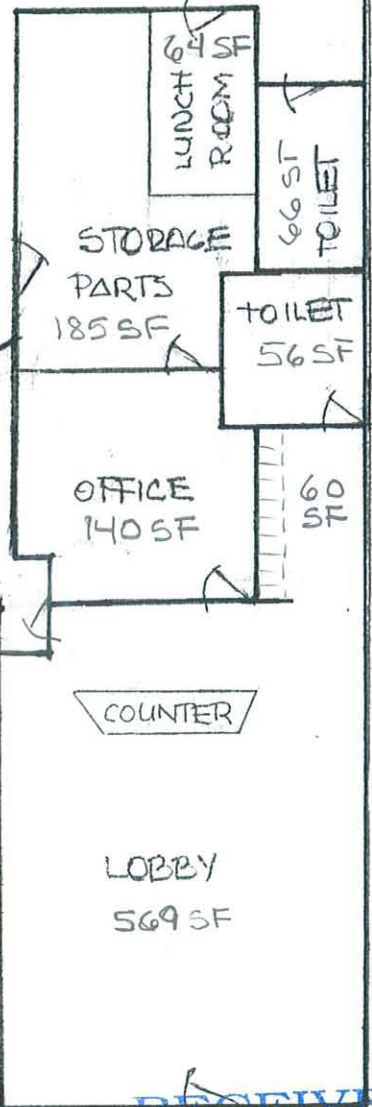
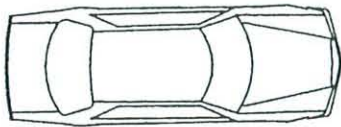
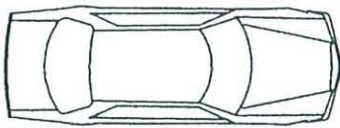
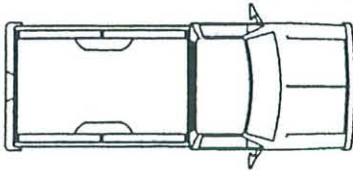
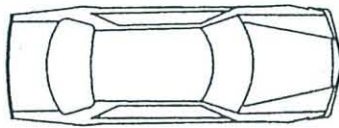
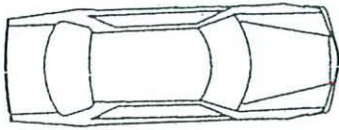
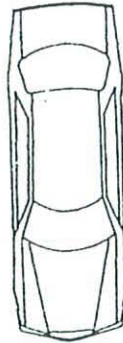
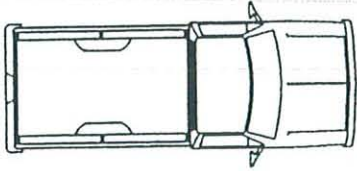
↑  
EXISTING  
PYLON  
SIGN

LOT  
20/21

Alley


60' X 90' = 5400 SQ. FT.

FLUID CONTAINERS  
AIR COMP/STORAGE



OPEN AREA  
4220 SF

RECEIVED

PREMIUM AUTOMOTIVE SERVICES SEP 13 2013  
711 DOVE AVE  
N. BROADWAY PLAZA Initial:   
McALLEN TX



**NOTICE  
AUTO REPAIR  
For  
This Property  
CUP2013-0158**

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

**STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION	<u>  X  </u>	AGENDA ITEM	<u>  1A3  </u>
UTILITY BOARD	_____	DATE SUBMITTED	<u>  10/22/13  </u>
PLANNING & ZONING BOARD	_____	MEETING DATE	<u>  10/28/13  </u>
OTHER	_____		

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

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2. **Party Making Request:**   Blanca I. Cantu  

3. **Nature of Request: (Brief Overview) Attachments:**   X   Yes      No  
The request of Blanca I. Cantu, for a Conditional Use Permit, for the life of the use, for a Single Family Dwelling at Lot 1, Trevino's Acre Subdivision and .056 acres out of Lot 2, Block 8, A. J. McColl Subdivision, Hidalgo County, Texas: 2000 South Jackson Road.

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	<u>CONCURRENCE YES/NO</u>
------------	---------	------	-------------------------------

a) <u>  Julianne R. Rankin  </u>	<u>  JRR  </u>	<u>  10/21/2013  </u>	<u>  Yes  </u>
Director of Planning			
b) _____	_____	_____	_____

8. **Staff's Recommendation:**   Approval of the request, for the life of the use, subject to Sections 138-238 and 138-176 of the Zoning 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:** October 22, 2013

**SUBJECT: REQUEST OF BLANCA I. CANTU FOR A CONDITIONAL USE PERMIT, FOR THE LIFE OF THE USE, FOR A SINGLE FAMILY DWELLING AT LOT 1, TREVIÑO'S ACRE SUBDIVISION AND 0.56 ACRES OUT OF LOT 2, BLOCK 8, A. J. MCCOLL SUBDIVISION; 2000 SOUTH JACKSON 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 west side of South Jackson Road, approximately 520 ft. south of Savannah Avenue. The triangular shaped tract has 251.56 ft. of frontage along South Jackson Road. The tract has a maximum depth of approximately 489.75 ft. for a tract size of 1.54 net acres. It is zoned C-3 (general business) District. The adjacent zoning is C-3 to the southwest, west, and north, R-1 (single family residential) District to the south, and on the east side of Jackson Road is the city limits of Pharr. Surrounding land uses include commercial businesses, offices, residential, and vacant land. A single family dwelling is allowed in a C-3 zone with a conditional use permit and in compliance with requirements.

Currently, there is a 3,046 sq. ft. two story brick building with a swimming pool on the property. The applicant proposed to utilize the two-story brick building as a residence. There is a request for a conditional use permit, for a dancehall, for this property, which is also in the same agenda.

Two parking spaces are required for the residence; and are provided as part of the two car garage. Based on the dancehall square footage 81 parking spaces are required for a total of 83 spaces required. The applicant is proposing 88 parking spaces, leaving 5 spaces available. A building permit is also required and must meet building code requirements. The residence must comply with the following requirements:



1. No form of pollution shall emanate beyond the immediate property line of the permitted use;
2. Additional reasonable restrictions or conditions such as increased open space, loading and parking requirements, suitable landscaping, curbing, sidewalks or other similar improvements may be imposed in order to carry out the spirit of the Zoning Ordinance or mitigate adverse effects of the proposed use; and
3. In C-1 to I-2 Districts, a permit for a single family dwelling shall be occupied by the owner on a minimum lot size of 5,000 sq. ft. in compliance with setbacks of the respective zoning district. The subject property is 87, 120 sq. ft.

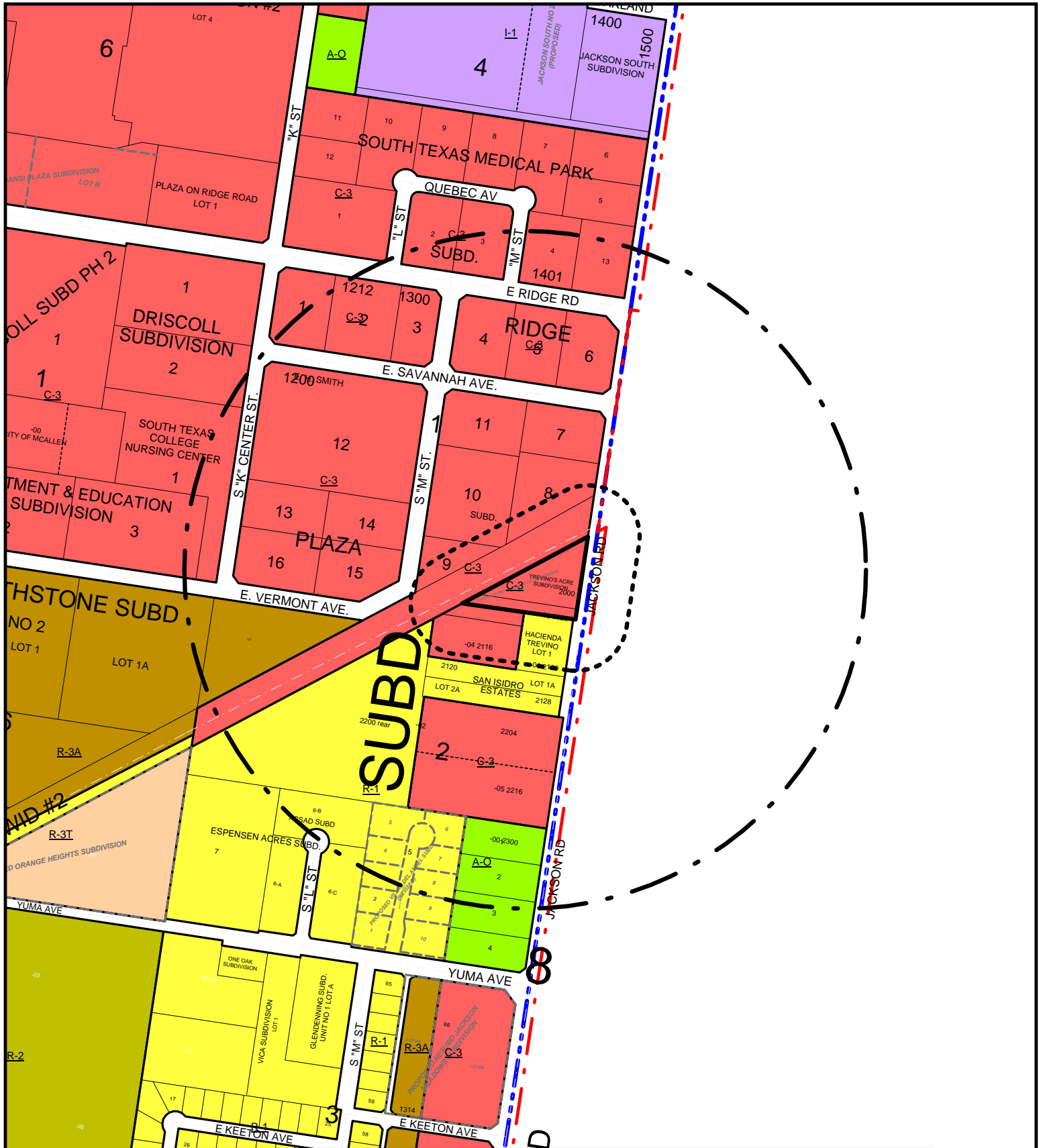
**OPTIONS:**

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

**RECOMMENDATION:**

This item was heard at the October 1, 2013 Planning and Zoning Commission meeting. There was no one present in to speak in opposition of the request and the applicant was not present.

Following no discussion of the item, the board unanimously voted to recommend approval of the request, for the life of use, subject to Section 138-238 and 138-176 of the Zoning Ordinance, Fire Department and building permit requirements. If the conditional use permit is approved the two-story building to be used strictly as residential only, in no way to be used as part of the business for the dance hall (which is also in the same agenda). There were six members present and voting.



**CITY OF McALLEN**  
PLANNING DEPARTMENT

AREA MAP

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

**SUBJECT PROPERTY**

**200 FT. NOTIFICATION BOUNDARY**

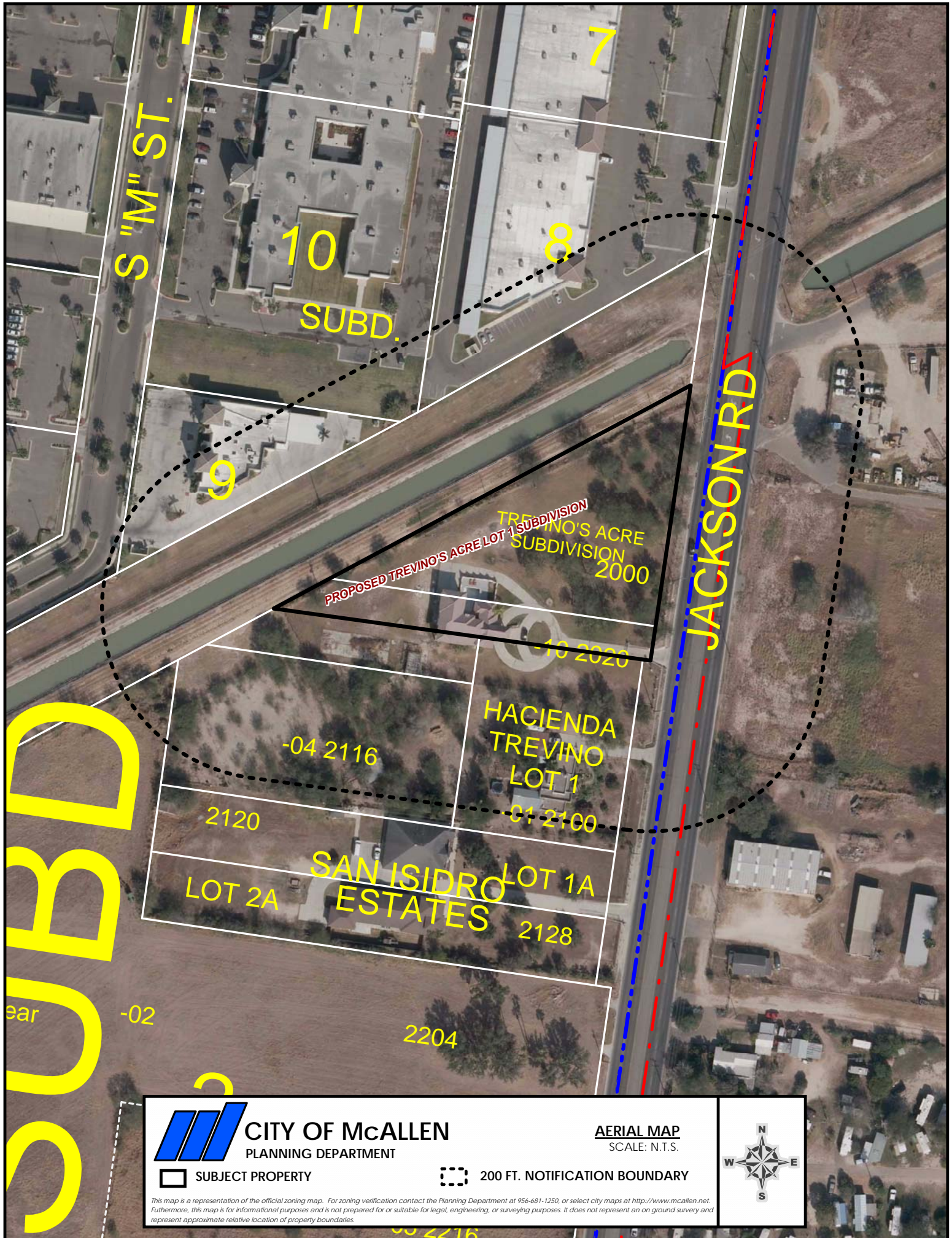
**1/4 MILE RADIUS**



**ZONING LEGEND**

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

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S "M" ST.

10  
SUBD.

7

8

9

PROPOSED TREVINO'S ACRE LOT 1 SUBDIVISION  
TREVINO'S ACRE  
SUBDIVISION  
2000

JACKSON RD

HACIENDA  
TREVINO  
LOT 1

-04 2116

2120

01 2100

LOT 2A

SAN ISIDRO  
ESTATES

LOT 1A

2128


2204

-02

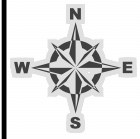


**CITY OF McALLEN**  
PLANNING DEPARTMENT

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

 SUBJECT PROPERTY

 200 FT. NOTIFICATION BOUNDARY

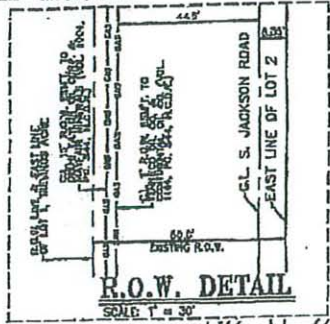
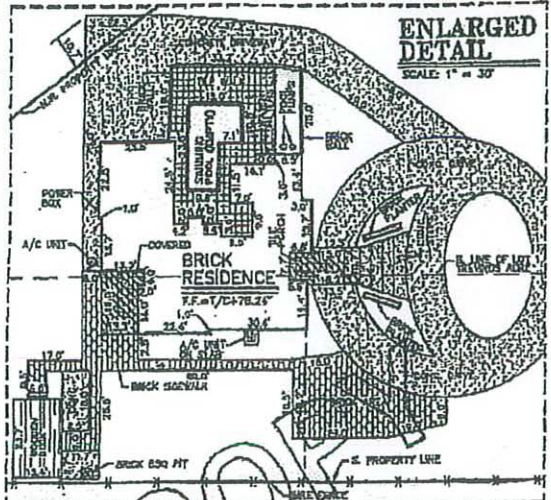


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**ART SALINAS**  
ENGINEERING & SURVEYING

Exhibit "A"

1408 20TH AVENUE, WALKER, TEXAS 75086 TEL (940) 810-5848 FAX (940) 810-1845



**LEGEND**

- - DENOTES FOUND 1/2" ROD
- - DENOTES SET 1/2" ROD
- DENOTES NO MONUMENT



H.C.W.I.D. NO. 2 CANAL R.O.W.  
N62°51'12" E 605.34'  
N81°09' W 489.75'

LOT 1  
TRIVINO ACRES  
(VOL. 37, PG. 744, H.O.M.R.)  
E.00 AC.  
(GROSS)

S. JACKSON ROAD  
355.78'

N81°09' W

LOT 1  
HACIENDA TRIVINO SUBD.  
(VOL. 29, PG. 1868, H.O.M.R.)

S. JACKSON ROAD  
360.52'  
N81°09' W

YUMA AVENUE

**BLIND PARTICIPATION:** The property shown herein has been surveyed in accordance with the provisions of the Texas Surveying Act, Chapter 130, Texas Property Code, and the rules and regulations of the State Board of Surveying and Mapping. The survey was conducted on or about the date shown on the plat. The survey was conducted by the undersigned surveyor, and the results of the survey are shown on this plat. The survey was conducted in accordance with the provisions of the Texas Surveying Act, Chapter 130, Texas Property Code, and the rules and regulations of the State Board of Surveying and Mapping.

1. There are no survey monuments located on the property shown herein, and no monuments are located on the adjacent property shown herein.

2. The survey was conducted in accordance with the provisions of the Texas Surveying Act, Chapter 130, Texas Property Code, and the rules and regulations of the State Board of Surveying and Mapping.

3. The survey was conducted in accordance with the provisions of the Texas Surveying Act, Chapter 130, Texas Property Code, and the rules and regulations of the State Board of Surveying and Mapping.

4. The survey was conducted in accordance with the provisions of the Texas Surveying Act, Chapter 130, Texas Property Code, and the rules and regulations of the State Board of Surveying and Mapping.

5. The survey was conducted in accordance with the provisions of the Texas Surveying Act, Chapter 130, Texas Property Code, and the rules and regulations of the State Board of Surveying and Mapping.

6. The survey was conducted in accordance with the provisions of the Texas Surveying Act, Chapter 130, Texas Property Code, and the rules and regulations of the State Board of Surveying and Mapping.

7. The survey was conducted in accordance with the provisions of the Texas Surveying Act, Chapter 130, Texas Property Code, and the rules and regulations of the State Board of Surveying and Mapping.

8. The survey was conducted in accordance with the provisions of the Texas Surveying Act, Chapter 130, Texas Property Code, and the rules and regulations of the State Board of Surveying and Mapping.

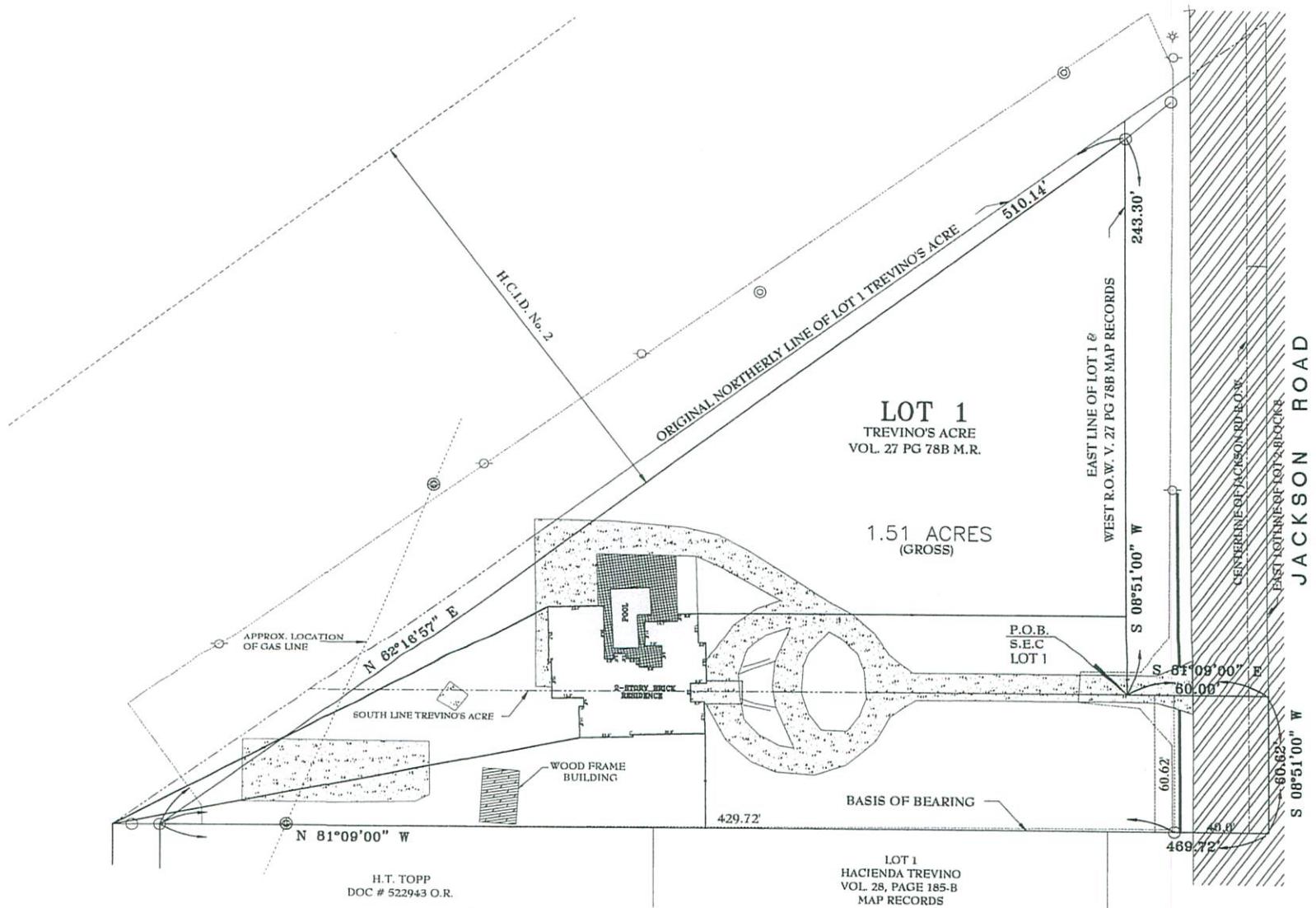
THIS IS TO CERTIFY THAT I HAVE, THIS DATE, MADE A CAREFUL AND ACCURATE STANDARD LAND SURVEY ON THE  
 GROUND OF PROPERTY WHICH IS LOCATED AT 2000 S. JACKSON ROAD IN McALLEN, TEXAS, DESCRIBED AS FOLLOWS:  
 A TRACT OF LAND CUT LOT 2 BLOCK B A J McCOLL SUBDIVISION HIDALGO COUNTY, TEXAS, ACCORDING TO MAP  
 RECORDED IN VOLUME 21, PAGE 698, DEED RECORDS IN THE OFFICE OF THE COUNTY CLERK OF HIDALGO COUNTY  
 TEXAS, REFERENCE TO WHICH IS HERE MADE FOR ALL PURPOSES. (SEE NOTES AND BOUNDS DESCRIPTION)

04-28571      11-08-04      COPYRIGHT 2004 ART SALINAS ENGINEERING INC. THIS SURVEY WAS PROVIDED  
 Job No.      9/21/04      IN ELECTRONIC FORM FOR A SINGLE TRANSMISSION BY THE SUBSCRIBER.  
 NO LICENSE HAS BEEN CREATED, COPIED OR SAVED  
 TO COPY THIS SURVEY.

Recorded in the Public Land Survey No. 1802

**COPY COPY**

RECEIVED



**Existing Site Plan** Scale: 1"=20'-0"

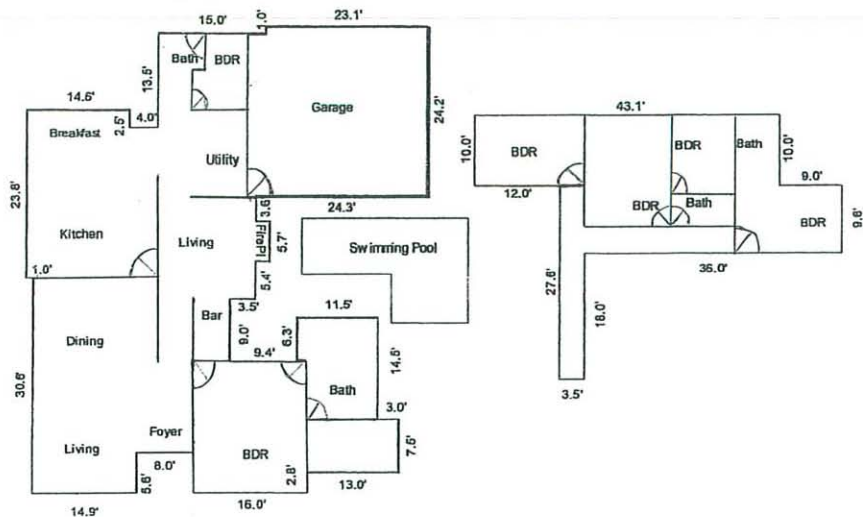
<p>Project Name: <b>Cantu Special Events Center</b> McAllen, TX</p>	<p>Date: <u>01 / 06 / 2012</u> Project No: <u>811B-COM-2011</u></p>
<p> <input type="checkbox"/> Custom Residential Designs  <input type="checkbox"/> Commercial / Hotel Plans  <input type="checkbox"/> O.V.A. / F.H.A. Certified  <input type="checkbox"/> Comm. / Res. Checks  <input type="checkbox"/> 3-D Renderings  <input type="checkbox"/> Large format Copies         </p>	<p>           To the best of our knowledge these plans are drawn to comply with owner's and/or builders specifications and any changes made on them after prints are completed will be done at the owner's and/or builders expense and responsibility. The contractor shall verify all dimensions and enclosed drawing J &amp; I. Designs is not liable for errors once construction has begun. While every effort has been made in the preparation of this plan to avoid mistakes, the maker can not guarantee against human error. The contractor of this job must check all dimensions and other details prior to construction and be solely responsible thereafter.         </p>
<p> <b>J and S</b>  <b>DESIGNS</b>          Distinctive Designs. Unrivaled Expertise.       </p> <p>         1099 E. Tyler Suite 3          Harlingen, Texas 78550          Office: (956) 495-6604          E-mail: janddesigns@att.net       </p>	<p>         1099 E. Tyler Suite 3          Harlingen, Texas 78550          Office: (956) 495-6604          E-mail: janddesigns@att.net       </p>
<p>Sheet Number: <b>ST-3</b></p>	

RECEIVED

AUG 27 2013

Initial: Cy 3:00

# Building Sketch



Sketch by Apex IV™

Comments

## AREA CALCULATIONS SUMMARY

Code	Description	Net Size	Net Totals
GBA1	First Floor	2166.8	2166.8
GBA2	Second Floor	879.0	879.0
GR2	Garage	619.3	619.3
GR1	Pool	263.1	263.1

Net BUILDING Area (Rounded) 3046

## BUILDING AREA BREAKDOWN

Breakdown		Subtotals
First Floor:		
	2.0 x 5.7	11.4
	23.2 x 39.1	883.9
	9.7 x 18.6	180.4
	1.0 x 23.1	23.1
	2.5 x 14.6	36.5
	11.5 x 22.0	253.0
	3.0 x 7.5	22.5
	14.5 x 15.7	227.7
	2.8 x 16.0	44.8
	5.1 x 23.7	120.9
	22.8 x 36.6	834.5
	3.5 x 14.7	51.5
	5.6 x 14.8	82.9
	0.0 x 0.1	1.5
	1.0 x 11.6	11.6
Second Floor:		
	10.0 x 43.1	431.0
	9.6 x 39.5	379.2
	3.5 x 18.0	63.0
	0.6 x 9.6	5.8
Garage:		-619.3
19 Items	(Rounded)	3046

2,283 sq ft.



**NOTICE  
SINGLE FAMILY  
For  
This Property  
CUP2013-0152**

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



**NOTICE  
DANCE HALL  
For  
This Property  
CUP2013-0153**

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



**STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION                      X    
UTILITY BOARD                                
PLANNING & ZONING BOARD                  
OTHER                                          

AGENDA ITEM                        1A4    
DATE SUBMITTED                    10/22/13    
MEETING DATE                      10/28/13  

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

2. Party Making Request:   Eduardo O. Cantu  

3. Nature of Request: (Brief Overview) Attachments:   X   Yes        No  
  Appeal the decision of the Planning and Zoning Commission of the October 1, 2013 meeting denying the request of Eduardo O. Cantu for a Conditional Use Permit, for one year, for a banquet hall at Lots 10 thru 19, Block 1, Las Canada's Subdivision, Hidalgo County, Texas: 3000 – 3020 South Jackson 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>
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a) <u>  Julianne R. Rankin  </u> Director of Planning	<u>  JRR  </u>	<u>  10/21/2013  </u>	<u>  No  </u>
b) _____	<u>          </u>	<u>          </u>	<u>          </u>

8. Staff's Recommendation:   Disapproval of the request based on non-compliance to requirement # 1 (distance) and #3 (parking) 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, maintaining the conditions of nightly trash pickup an hour after closing, extra security, and the removal of the storage units to comply with parking.  

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:** October 22, 2013

**SUBJECT: APPEAL THE DECISION OF THE PLANNING AND ZONING COMMISSION OF THE OCTOBER 1, 2013 MEETING, DENYING THE REQUEST OF EDUARDO O. CANTU FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A BANQUET HALL AT LOTS 10 THRU 19, BLOCK 1, LAS CAÑADAS SUBDIVISION; 3000 – 3020 SOUTH JACKSON ROAD.**

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**GOAL:**

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

**BRIEF DESCRIPTION:**

The vacant property is located at the southwest corner of E. Olympia Avenue and S. Jackson Road and is zoned C-3 (general business) District. The adjacent zoning is C-3 to the north and south, and R-2 (duplex-fourplex) District to the west. The area to the east is outside city limits. Surrounding land uses include fourplex units, single family residential, and vacant land. A dancehall is allowed in a C-3 zone with a Conditional Use Permit and in compliance with requirements.

This property is part of Las Cañadas Subdivision; a common area master plan was approved by the Board together with the final plat in 2005. The initial conditional use permit was approved for this establishment by the City Commission on March 8, 2010. The last approval was on September 10, 2012 by the City Commission with a variance to the distance requirement.

The applicant is proposing to continue to operate a 17,000 sq. ft. dancehall/outdoor area on the property. The proposed days and hours of operation are from 12:00 p.m. – 2:00 a.m. Monday – Sunday. Based on the total 17,000 sq. ft. for the dancehall/outdoor area 170 parking spaces are required, 3,000 sq. ft. retail 11 parking spaces are required, and 3,000 sq. ft. office 15 parking spaces are required, for a total of 196; 197 parking spaces are provided as per site plan.

During inspection staff observed two portable buildings at the rear of the property (approximately 10 ft. by 40 ft.), which eliminates 10 parking spaces, leaving the establishments 9 parking space short. There was no permit on file for the portable buildings. Staff advised the applicant about the shortage of the parking spaces and the portable buildings needing permits. He stated that there are 200 parking spaces on site. Staff did go to verify and there is 200 parking spaces, leaving the establishment 6 spaces short instead of 9 spaces.

Attached is the police activity report indicating service calls from September 2012 to present.

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

1. The property line of the lot of any of the above mentioned businesses must be at least 600 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 600 ft. from a residential zone to the west and south. Should a variance to the distance requirement be granted, then staff recommends that a provision be made to state that the establishment and outdoor facility not be heard from the residential area;
2. The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The property has access to E. Olympia Avenue, which connects to South Jackson Road;
3. The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum, and make provisions to prevent the use of adjacent streets for parking. Based on the square footage of the buildings, 196 parking spaces are required; 197 parking spaces are provided as per site plan. During inspection staff observed two portable buildings at the rear of the property (approximately 10 ft. by 40 ft.), which eliminates 10 parking spaces, leaving the establishments 9 parking space short. There was no permit on file for the portable buildings. Staff advised the applicant about the shortage of the parking spaces and the portable buildings needing permits. He stated that there are 200 parking spaces on site. Staff did go to verify and there is 200 parking spaces, leaving the establishment 6 spaces short instead of 9 spaces;
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 is set as 624 inside dance hall and 232 outdoor area for a total of 856 persons.

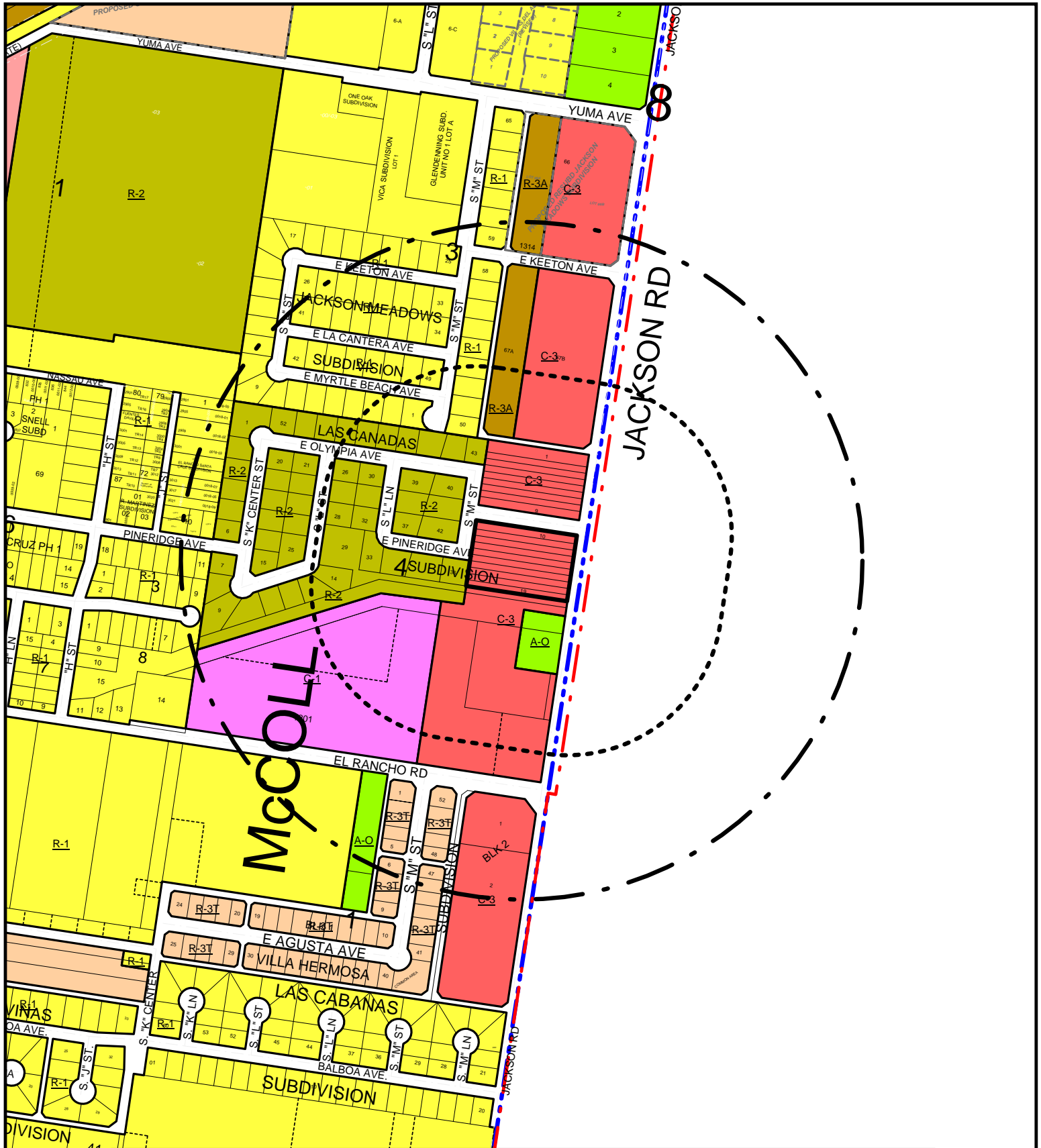
**OPTIONS:**

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

**RECOMMENDATION:**

This request was heard at the October 1, 2013 Planning and Zoning Commission meeting. There was no one present in opposition to the request and the applicant was not present.

Following 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, maintaining the conditions of nightly trash pickup an hour after closing, extra security, and the removal of the storage units to comply with parking. There were six members present and voting. The applicant submitted a letter of appeal.



**CITY OF McALLEN**  
PLANNING DEPARTMENT

**AREA MAP**

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

SUBJECT PROPERTY

600 FT. NOTIFICATION BOUNDARY

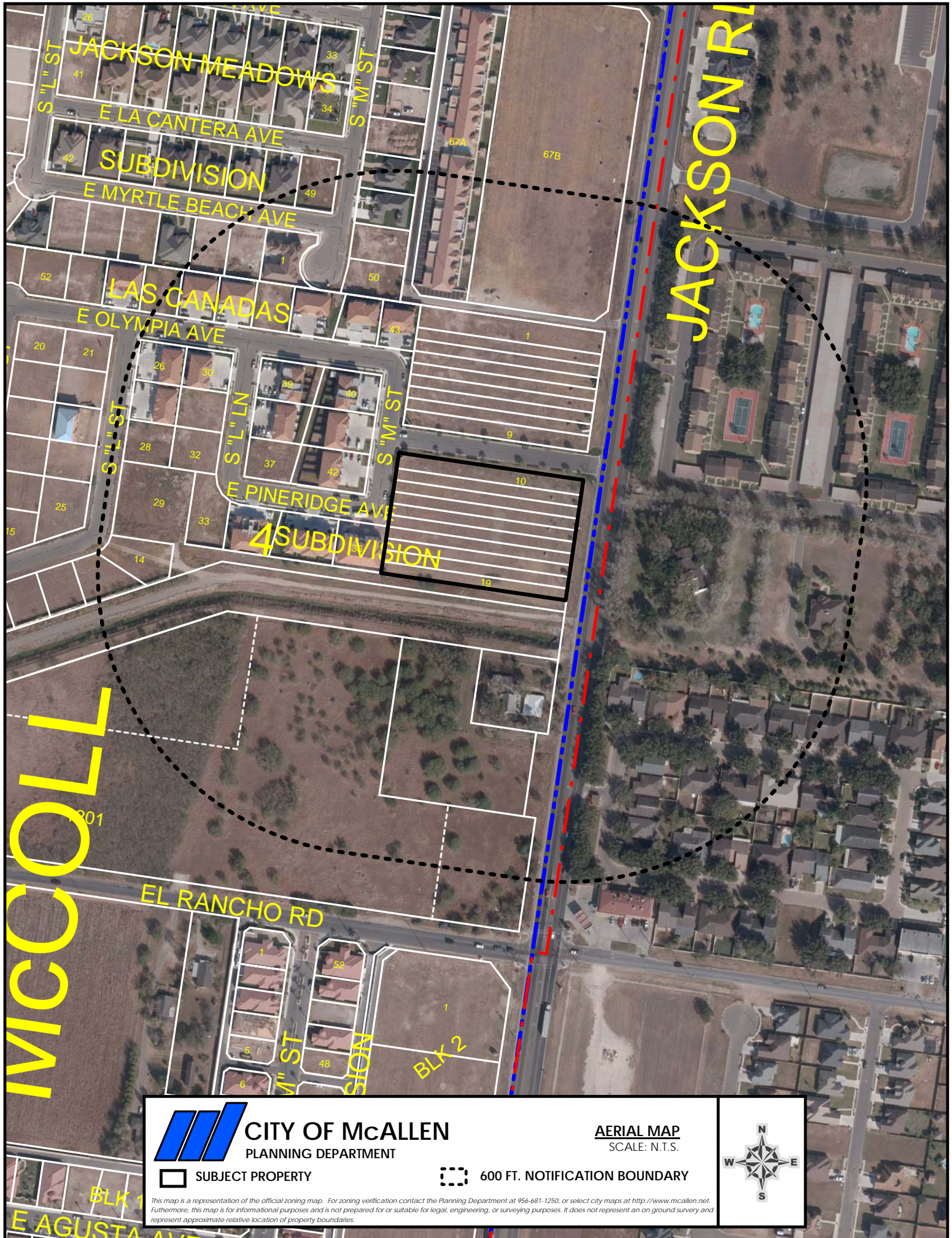
1/4 MILE RADIUS



**ZONING LEGEND**


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

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

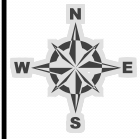


**CITY OF McALLEN**  
PLANNING DEPARTMENT

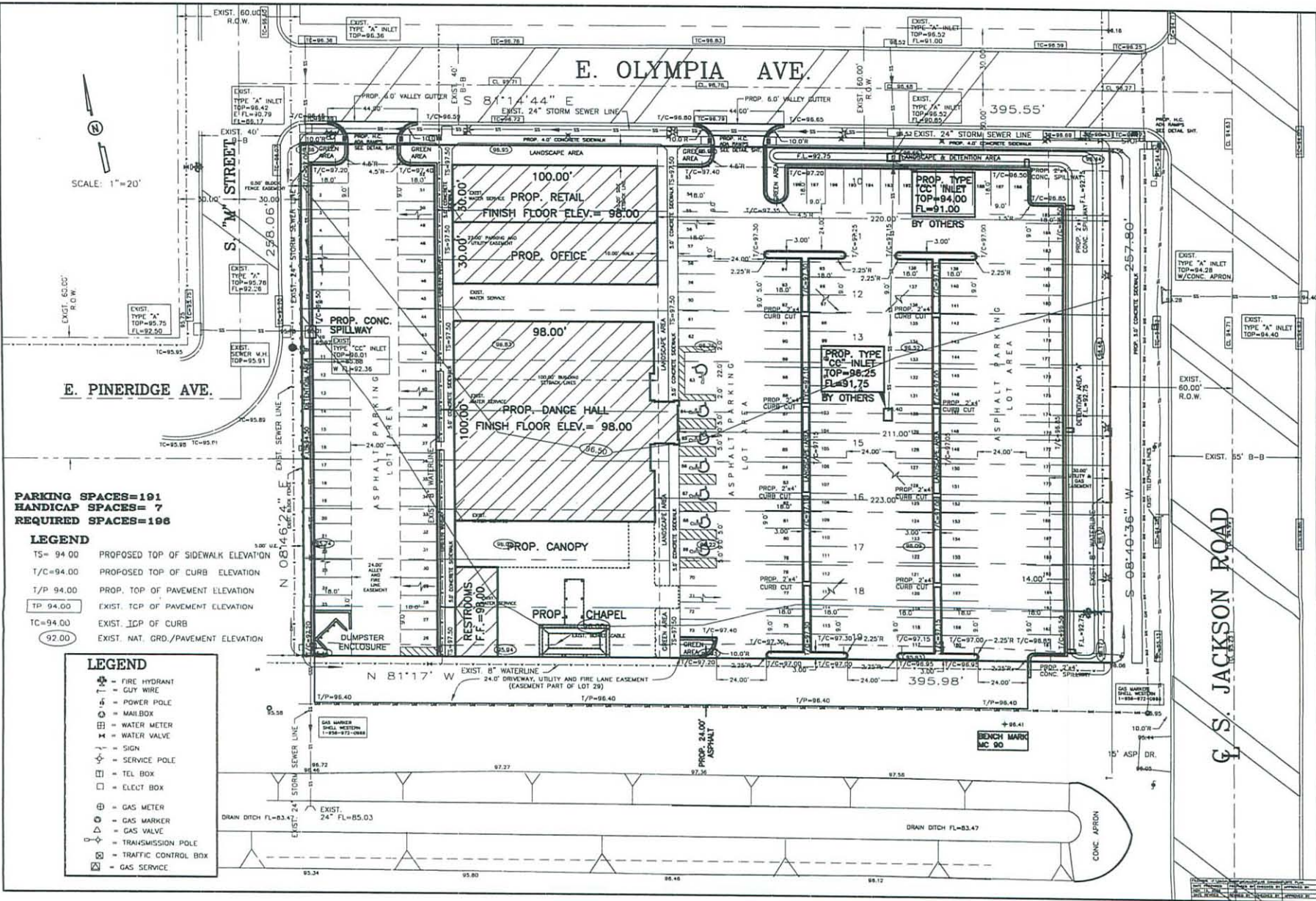
**AERIAL MAP**  
SCALE: N.T.S.

 SUBJECT PROPERTY

 600 FT. NOTIFICATION BOUNDARY



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**PARKING SPACES=191  
HANDICAP SPACES= 7  
REQUIRED SPACES=198**

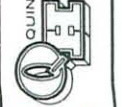
- LEGEND**
- TS= 94.00 PROPOSED TOP OF SIDEWALK ELEVATION
  - T/C=94.00 PROPOSED TOP OF CURB ELEVATION
  - T/P=94.00 PROP. TOP OF PAVEMENT ELEVATION
  - TP 94.00 EXIST. T.C.P OF PAVEMENT ELEVATION
  - TC=94.00 EXIST. T.C.P OF CURB
  - 92.00 EXIST. NAT. GRD./PAVEMENT ELEVATION

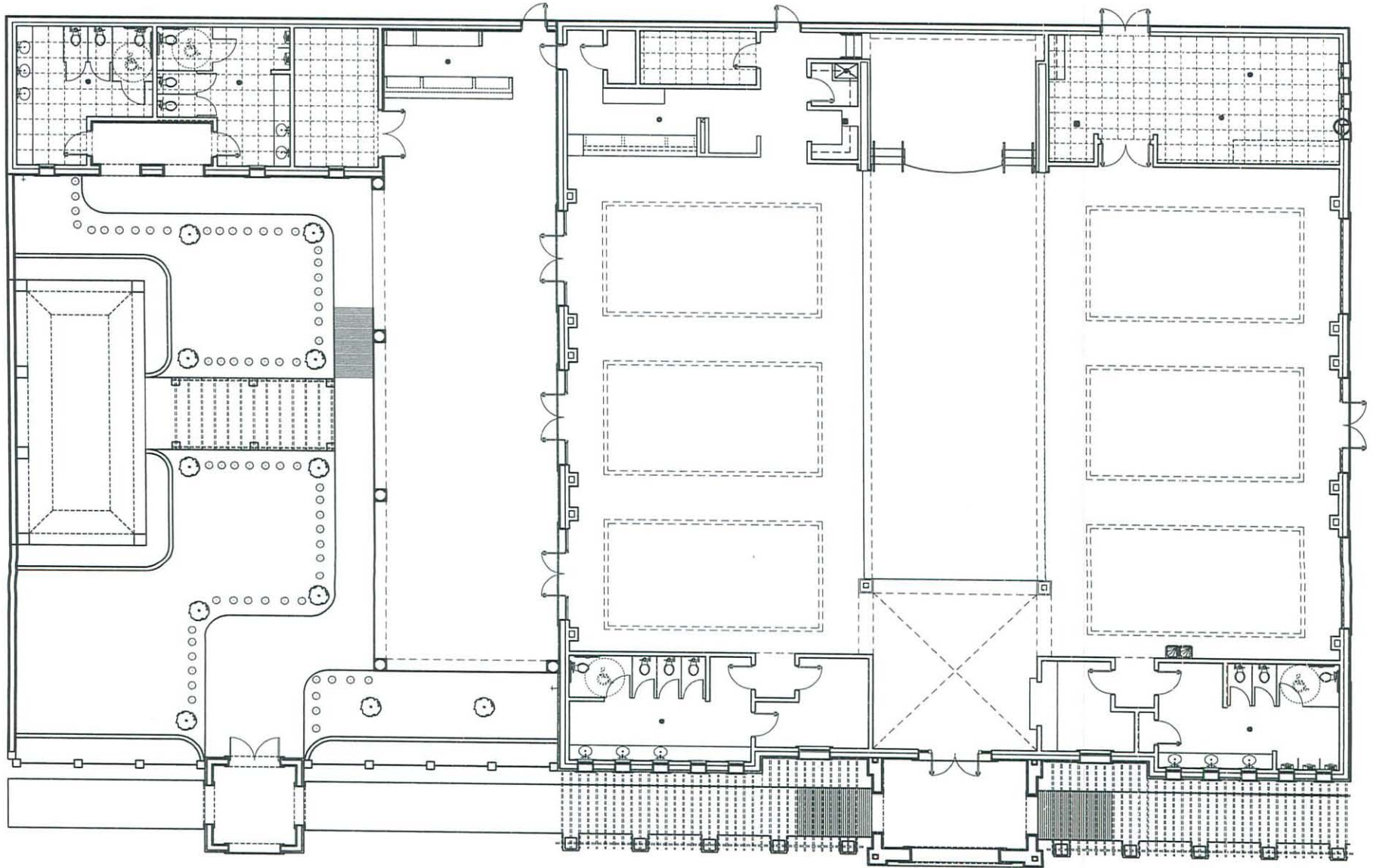
- LEGEND**
- ⊕ FIRE HYDRANT
  - GUY WIRE
  - ⊕ POWER POLE
  - ⊕ MAIL BOX
  - ⊕ WATER METER
  - ⊕ WATER VALVE
  - SIGN
  - ⊕ SERVICE POLE
  - ⊕ TEL BOX
  - ⊕ ELECT BOX
  - ⊕ GAS METER
  - ⊕ GAS MARKER
  - ⊕ GAS VALVE
  - ⊕ TRANSMISSION POLE
  - ⊕ TRAFFIC CONTROL BOX
  - ⊕ GAS SERVICE

**LAS CANADAS SUBDIVISION  
LOTS 10-19, BLK. 1  
PAVING & SITE PLAN**  
MCALLEN, TX



QUINTANILLA, HEADLEY AND ASSOCIATES, INC.  
CONSULTING ENGINEERS  
124 E. PARKS ST.  
MCALLEN, TEXAS 78120  
REGISTRATION NUMBER T-1313  
SURVEYING REGISTRATION NUMBER 10011-00





3012 South Jackson McAllen Texas aka Valencia Event-Center

To whom it may concern:

I would like to appeal the decision of the planning and zoning commission on October 1, 2013 with respect to the above-mentioned business. Thank you for your attention and please call me if you have any questions at [956-454-7247](tel:956-454-7247).

South Jackson Event-Center, LLC

Eddie Cantu





mobile mini

CS2-R149

NO PARKING FIRE LANE



mobile mini  
STORAGE SYSTEMS  
1-800-950-MINI

AS40VZ  
S0471

mobile mini  
STORAGE SYSTEMS  
1-800-950-MINI



**NOTICE  
BANQUET HALL  
For  
This Property  
CUP2013-0155**

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



**STANDARDIZED RECOMMENDATION FORM**

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

AGENDA ITEM                      1A5    
DATE SUBMITTED                  10/22/13    
MEETING DATE                   10/28/13  

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

2. Party Making Request:   Blanca I. Cantu  

3. Nature of Request: (Brief Overview) Attachments:   X   Yes    No  
  Appeal the decision of the Planning and Zoning Commission of the October 1, 2013 meeting denying the request of Blanca I. Cantu for a Conditional Use Permit, for one year, for a dance hall at Lot 1, Trevino's Acre Subdivision and 0.56 acres out of Lot 2, Block 8, A. J. McColl Subdivision, Hidalgo County, Texas: 2000 South Jackson Road.  

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>  10/21/2013  </u>	<u>  No  </u>
b) _____	_____	_____	_____

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

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

10. City Attorney:   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:** October 22, 2013

**SUBJECT: APPEAL THE DECISION OF THE PLANNING AND ZONING COMMISSION OF THE OCTOBER 1, 2013 MEETING, DENYING THE REQUEST OF BLANCA I. CANTU FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A DANCEHALL AT LOT 1, TREVIÑO'S ACRE SUBDIVISION AND 0.56 ACRES OUT OF LOT 2, BLOCK 8, A. J. MCCOLL SUBDIVISION; 2000 SOUTH JACKSON ROAD.**

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**GOAL:**

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

**BRIEF DESCRIPTION:**

The property is located on the west side of South Jackson Road, approximately 520 ft. south of Savannah Avenue. The triangular shaped tract has 251.56 ft. of frontage along South Jackson Road. The tract has a maximum depth of approximately 489.75 ft. for a tract size of 1.54 net acres. It is zoned C-3 (general business) District. The adjacent zoning is C-3 to the southwest, west, and north, R-1 (single family residential) District to the south, and on the east side of Jackson Road is the city limits of Pharr. Surrounding land uses include commercial businesses, offices, residential, and vacant land. A dancehall is allowed in a C-3 zone with a conditional use permit and in compliance with requirements.

A portion of the subject property known as Treviño's Acre Subdivision, was rezoned to R-1 (single family residential) District in 1990. The 3,046 sq. ft. residential home and pool was constructed on the property with the south portion of the residence overlapping onto an un-subdivided tract. Subsequently, the platted property and 0.56 acres out of Lot 2, Block 8, A.J. McColl Subdivision was rezoned to C-1 (office-building) District in January 2006 for a proposed office use, but no commercial development occurred. The applicant rezoned all the mentioned property from C-1 to C-3 (general business) District on April 12, 2010, in order to rent party equipment and to construct a dance hall.

On September 4, 2012, the Planning and Zoning Commission approved the final re-plat with conditions for all the property mentioned above, which is known as Treviño's Acre, Lot 1A. The re-plat received an extension for 6 months on September 3, 2013 by the Planning and Zoning Commission. A note on the plat states that a site plan must be approved by the Planning and Zoning Commission prior to building permit issuance. Before issuance of the building permit the subdivision plat will need to be recorded.

The initial conditional use permit for this establishment was approved October 10, 2011 by the City Commission with a variance to the distance and parking requirements. The last permit approval was on September 24, 2012 by the City Commission with a variance to the distance requirement and with the added condition for nightly trash pickup and extra security an hour after closing.

Currently, there is a 3,046 sq. ft. two story brick residence with a swimming pool on the property. There is a request for a conditional use permit, for a single family dwelling, for the two-story residence, for this property, which is also in the same agenda.

The applicant is proposing to continue with the plans to construct a dancehall on the property to accommodate special events such as wedding receptions and quinceañeras. The hours of operation for the dancehall will be from 6:00 p.m. to 1:00 a.m. Monday through Sunday.

The applicant's site plan is showing a 9,618 total sq. ft. dancehall and a 3,046 sq. ft. two-story residence. Based on the 7,651 sq. ft. first floor dancehall, 77 parking spaces are required and for the 1,551 sq. ft. second floor, 4 parking spaces are required. The two-story residence by ordinance is required 2 parking spaces for a total of 83 parking spaces required. The applicant is proposing 88 parking spaces, leaving 5 spaces available.

A preliminary site plan was submitted; however a detailed site plan will need to be reviewed to determine specific requirements at the time of the building permit and site plan approval. A building and right of way permit will be required and the parking facility must meet all the requirements for landscaping, access, etc.

The Health and Fire Departments have inspected the establishment. However, a final inspection is pending once the dancehall is complete and shall be in compliance with health and safety codes and regulations. The establishment must also comply with requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

1. The property line of the lot of any of the abovementioned businesses must be at least 600 feet from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The establishment is within 600 ft. of single family residential use/zones;
2. The property must be as close as possible to a major arterial and shall no generate traffic onto residential sized streets. The establishment has direct access to South Jackson Road;
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. The applicant's site plan is showing a 9,618 total sq. ft. dancehall and a 3,046 sq. ft. two-story residence. Based on the 7,651 sq. ft. first floor dancehall, 77 parking spaces are required and for the 1,551 sq. ft. second floor, 4 parking spaces are required. The two-story residence by ordinance is

required 2 parking spaces for a total of 83 parking spaces required. The applicant is proposing 88 parking spaces, leaving 5 spaces available;

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 capacity for this establishment will be determined at the time of building prior to occupancy of the building.

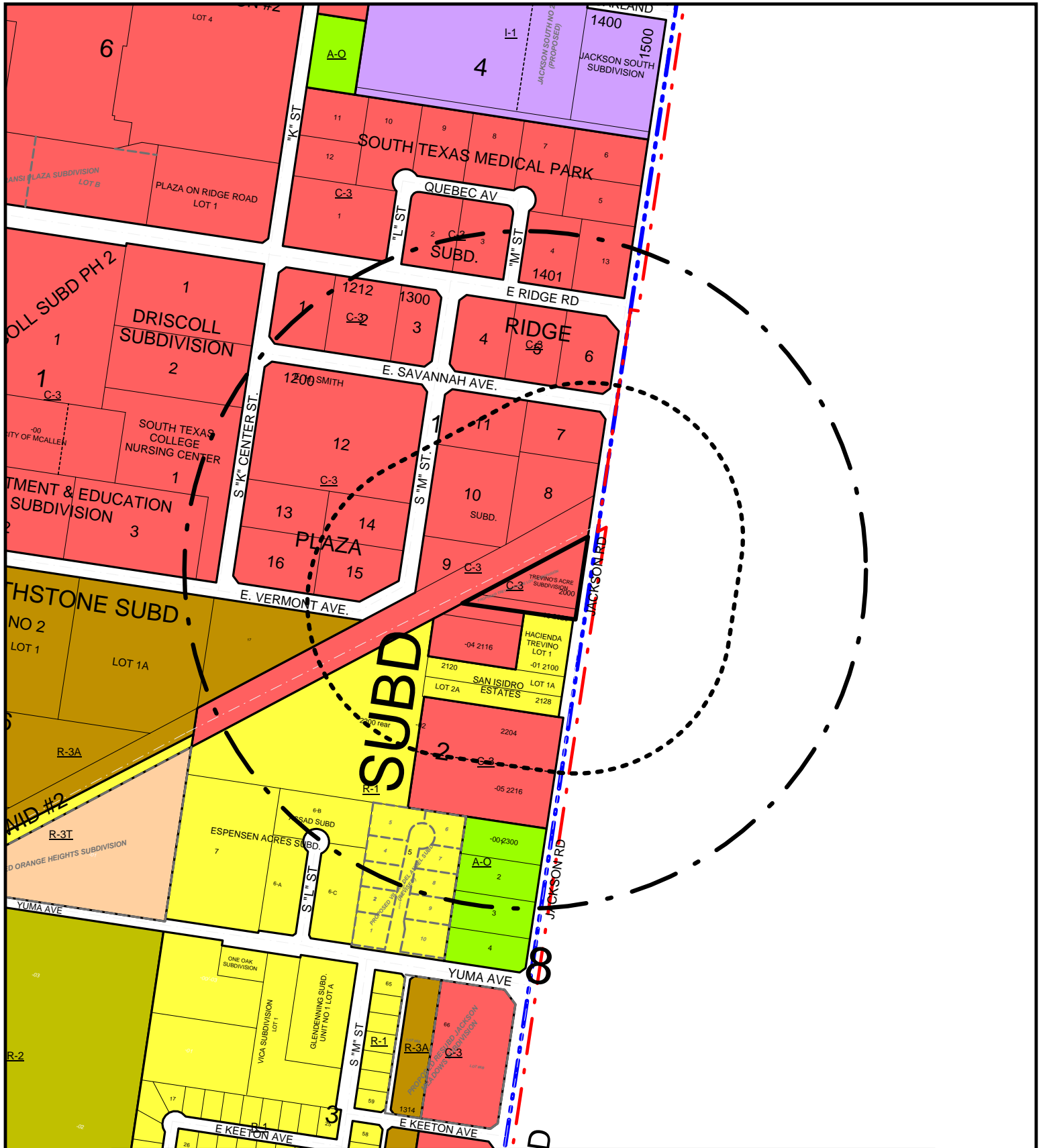
**OPTIONS:**


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

**RECOMMENDATION:**

This request was heard at the October 1, 2013 Planning and Zoning Commission meeting. There was no one present in opposition to the request and the applicant was not present.

Following 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 maintaining the conditions of nightly trash pickup an hour after closing and extra security. There were six members present and voting. The applicant submitted a letter of appeal.








**CITY OF McALLEN**  
PLANNING DEPARTMENT


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

**AREA MAP**


















**SUBJECT PROPERTY** 

**600 FT. NOTIFICATION BOUNDARY** 

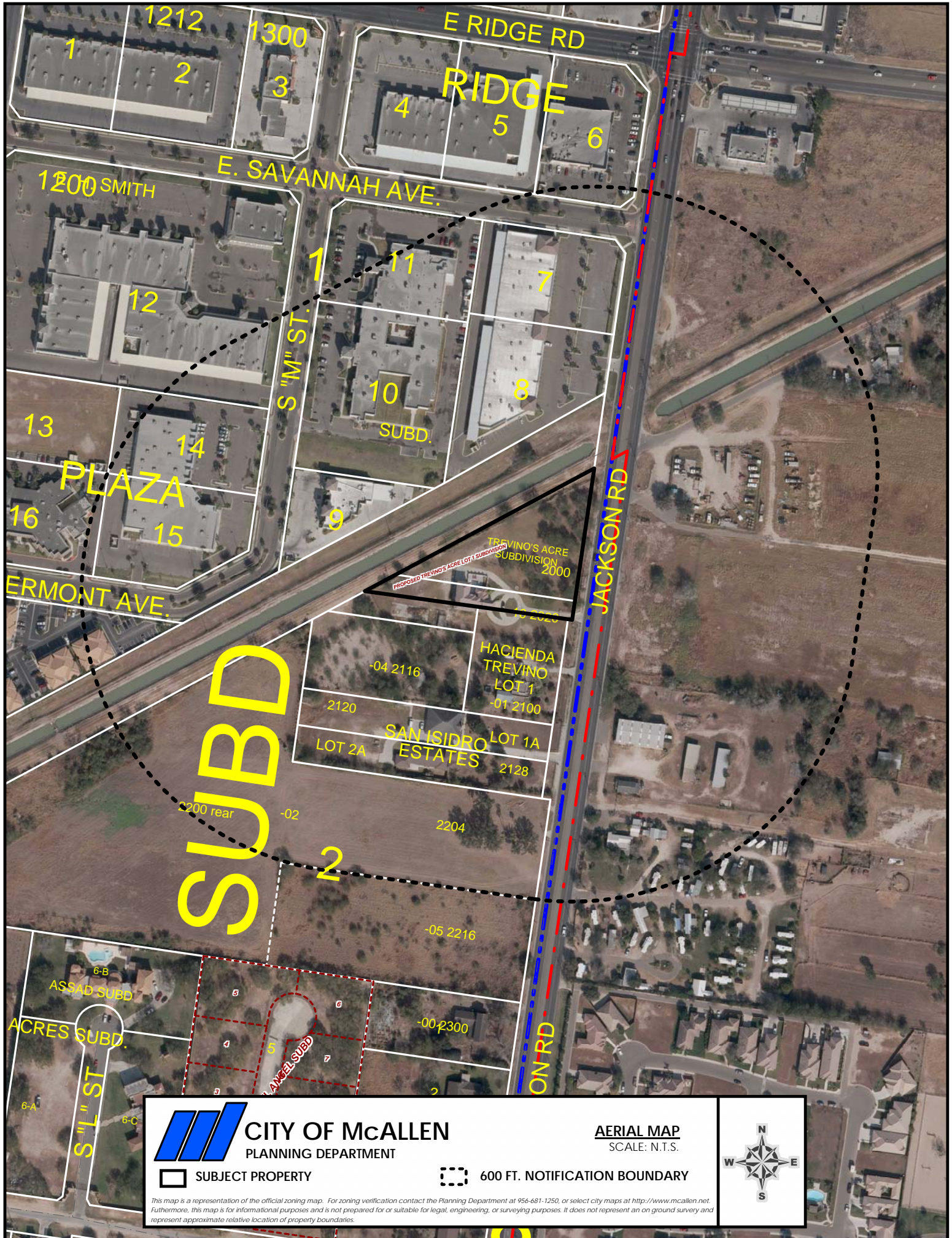
**1/4 MILE RADIUS** 

**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> (DUPLIX-FOURPLEX)	 <b>R-31</b> (TOWNHOUSES)	 <b>C-2</b> (NEIGHBORHOOD COMMERCIAL)	 <b>C-4</b> (COMMERCIAL INDUSTRIAL)	 (SPECIAL DISTRICT)


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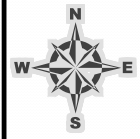


**CITY OF McALLEN**  
 PLANNING DEPARTMENT

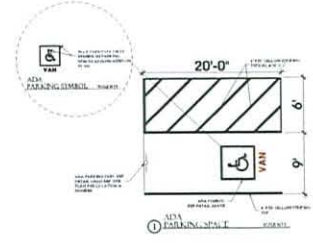
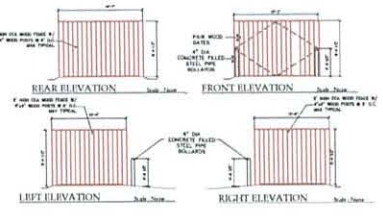
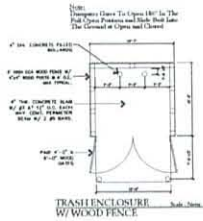
**AERIAL MAP**  
 SCALE: N.T.S.

 SUBJECT PROPERTY

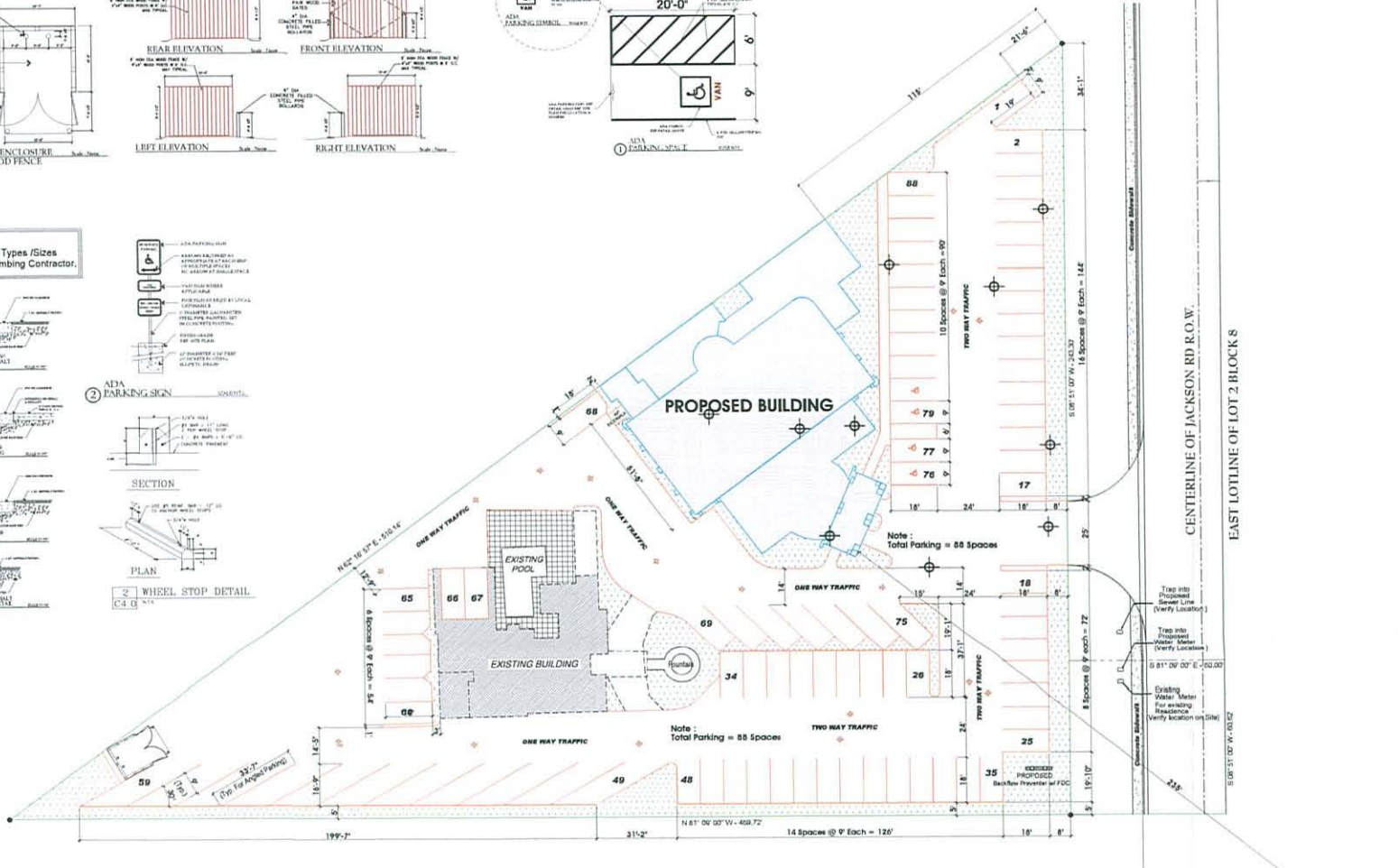
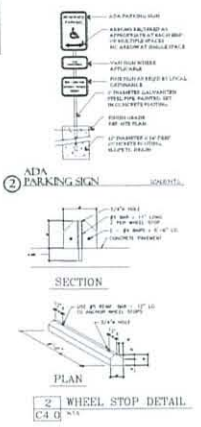
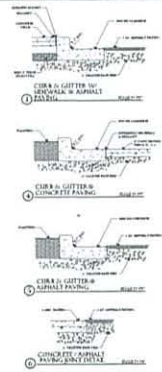
 600 FT. NOTIFICATION BOUNDARY



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.



Note:  
Verify All Clean out Types / Sizes & Locations W/ Plumbing Contractor.



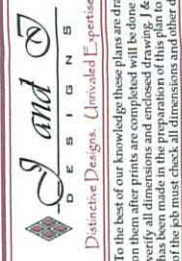
Site Plan Scale: 1"=20'-0"

TOTAL parking 88

Project Name: **Cantu Special Events Center**  
McAllen, TX  
Date: 08/14/2013  
Project No: 8118-COM-2011

- Custom Residential Designs
- Commercial/Hotel Plans
- AIA / FHA Certified
- Comm / ResChecks
- 30 renderings
- Large Format Copies

1092 E. Tyler Suite 3  
Harlingen, Texas 78550  
Office: (956) 495-6604  
E-mail: jandidesigns@att.net



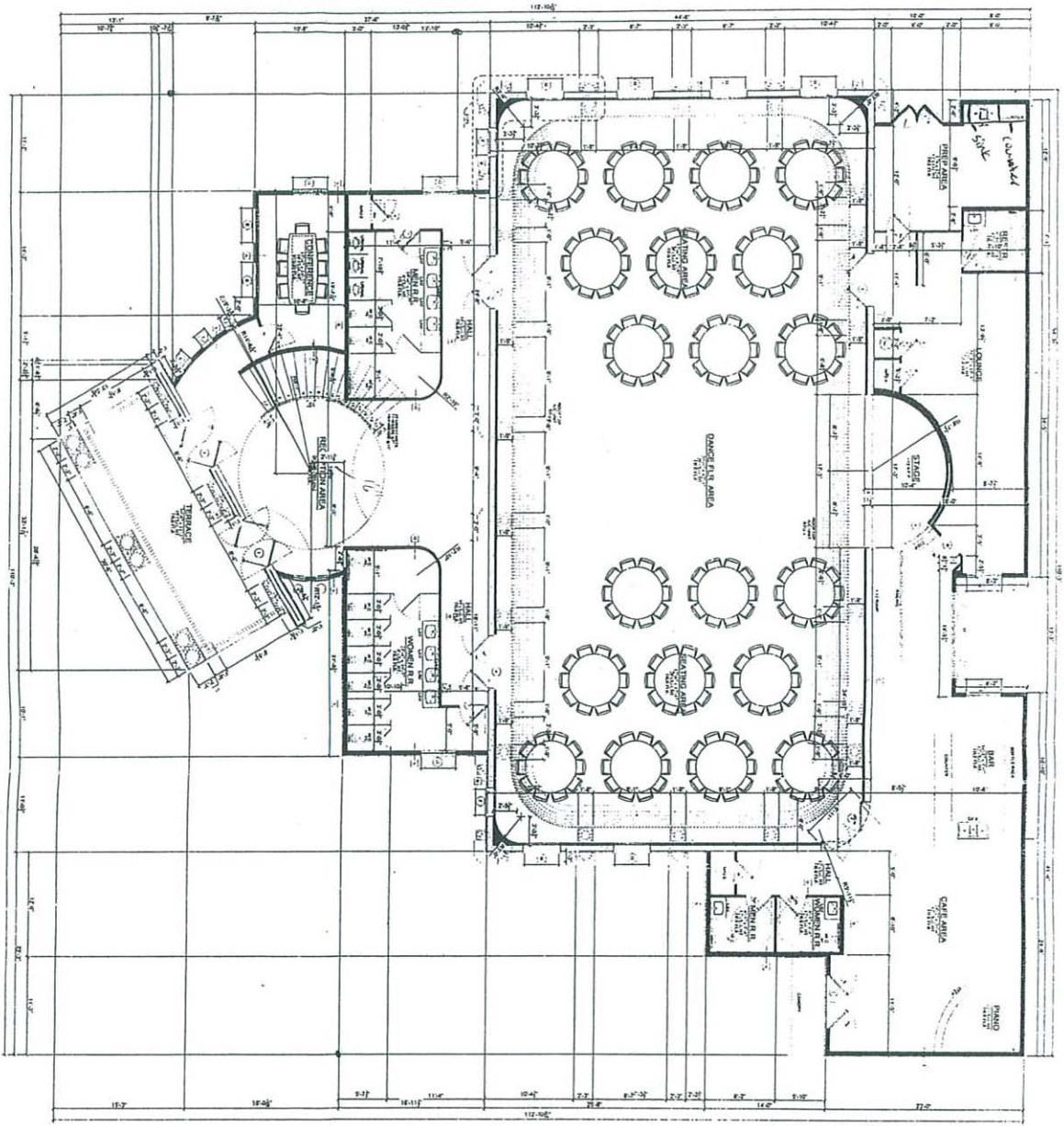
To the best of our knowledge these plans are drawn to comply with owner's and/or builders specifications and any changes made on them after prints are completed will be done at the owner's and/or builders expense and responsibility. The contractor shall verify all dimensions and enclosed drawing. J & D Designs is not liable for errors or omissions contained on these plans. The contractor has been made in the preparation of this plan. The contractor shall verify all dimensions and enclosed drawing. The contractor of the BB must check all dimensions and other details prior to construction and be solely responsible thereafter.

Sheet Number:

**ST-1**

RECEIVED

AUG 27 2013



7,651 SQFT  
1st Floor

# Floor Plan (1st Level)

Scale: 3/16"=1'-0"

Ball Room	3,995.00
Lobby/Adm.	750.00
Cafe Area	1,210.00
Reception Area	1,085.00
Storage	275.00
Bar Area	410.00
Kitchen	410.00
Other Areas	200.00
<b>Total Areas</b>	<b>9,610.00</b>

Project No:  
F-1

**Gennius & Associate L.L.C.**  
 Jorge Maldonado Cell: (956) 408-3115 Email: soldis66@hotmail.com

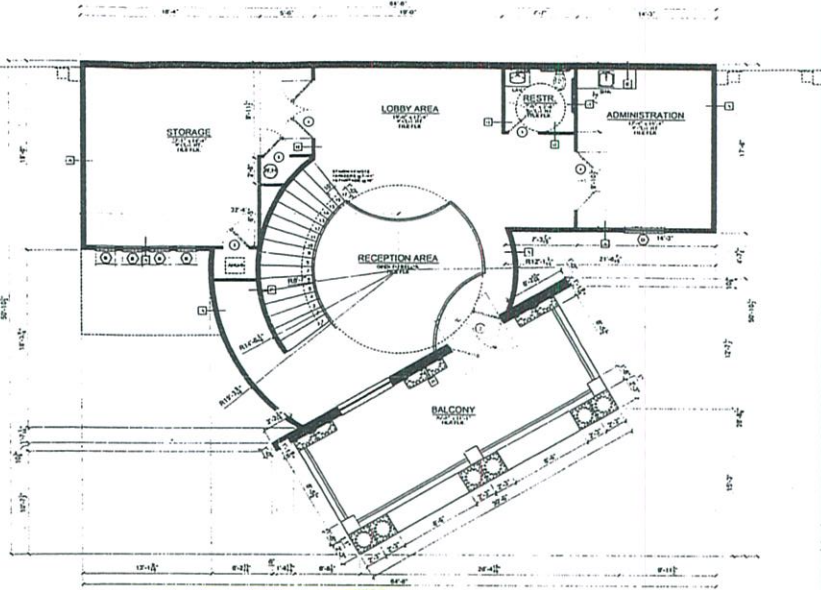
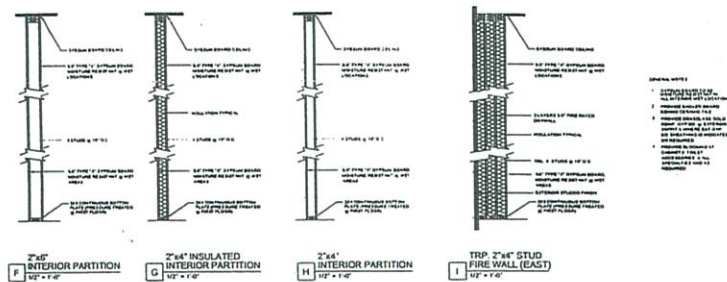
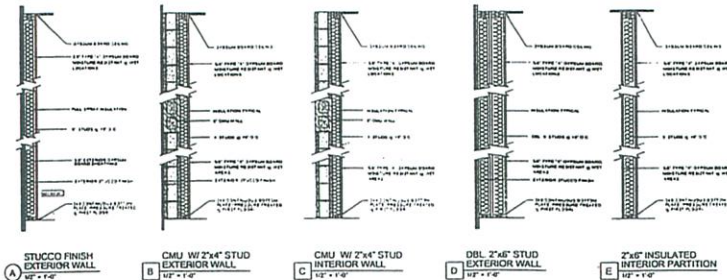
To the best of our knowledge these plans are drawn to comply with client's needs, specifications and any changes made on the plans. We are not responsible for errors or omissions. The contractor of the job must check all dimensions and other details prior to construction and be fully responsible therefor. These plans were prepared by Gennius & Associate L.L.C. They may not be reprinted, reproduced or altered in any way, shape or form without prior written approval and with appropriate compensation.

Project Name:  
**CANTU SPECIAL  
EVENT CENTER**

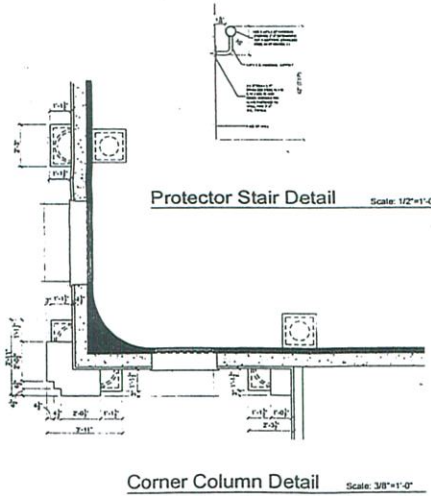
Date: 1/06/12  
 Revised By: J. Maldonado

RECEIVED

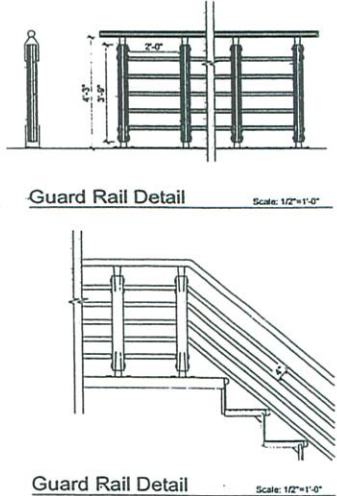
AUG 27 2013



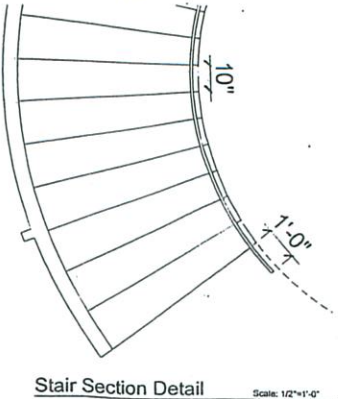
**2nd Floor Plan** Scale: 3/16"=1'-0"  
(2nd Level)



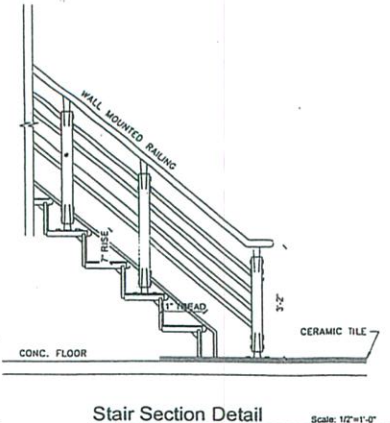
Corner Column Detail Scale: 3/8"=1'-0"



Guard Rail Detail Scale: 1/2"=1'-0"



Stair Section Detail Scale: 1/2"=1'-0"



Stair Section Detail Scale: 1/2"=1'-0"

Project Name:  
**CANTU SPECIAL  
EVENT CENTER**  
MUNICIPALITY, TX

Date:  
**1/06/12**

Revised By:  
**J. Maldonado**

**Genius & Associate L.L.C.**  
Jorge Maldonado cell: (956) 408-3115 Email: solis66@hotmail.com

To the best of our knowledge these plans are drawn to comply with owners and/or builders specifications and any changes made on them after prints are completed will be done at the owners and/or builders expense. We warrant that the drawings were prepared in accordance with the professional standards of the architectural profession and that we are duly licensed and qualified to practice architecture in the State of Texas. We do not warrant that the drawings will be free from errors or omissions. The contractor shall be responsible for all other details not shown on these drawings and shall remain the property of Genius & Associate L.L.C. They may not be copied, reproduced or altered in any way, shape or form without prior written approval and with appropriate compensation.

Project No:  
**F-1.1**

1,551 SQ FT  
2nd Floor  
4

**RECEIVED**

**AUG 27 2013**

Initial: Cj 3:00

Oct 11 113

Yo Blanca I. Cantu apelo la decision de  
planacion de la junta de Oct 1 113 para  
la direccion de 2000 S. Jackson Rd

Blanca I. Cantu



**NOTICE  
SINGLE FAMILY  
For  
This Property  
CUP2013-0152**

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

**NOTICE  
DANCE HALL  
For  
This Property  
CUP2013-0153**

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

**STANDARDIZED RECOMMENDATION FORM**

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

AGENDA ITEM     1A6      
DATE SUBMITTED     10/22/13      
MEETING DATE     10/28/13    

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

2. Party Making Request:     Rebekah Zamora    

3. Nature of Request: (Brief Overview) Attachments:     X     Yes      No  
Appeal the decision of the Planning and Zoning Commission of the October 1, 2013 meeting denying the request of Rebekah Zamora for a Conditional Use Permit, for one year, for a lounge at Lot 2, Martin Plaza Subdivision, Hidalgo County, Texas: 6401 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	<u>CONCURRENCE YES/NO</u>
------------	---------	------	-------------------------------

a) <u>Julianne R. Rankin</u> Director of Planning	<u>JRR</u>	<u>10/21/2013</u>	<u>No</u>
b) _____	_____	_____	_____

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

9. Advisory Board:      Approved     X     Disapproved      None

With a favorable recommendation to grant the variance to the distance requirement, with the added conditions of hours of operation to be from 12 p.m. to 8 p.m., using 75% of floor area only, and nightly trash pickup an hour after closing and extra security.

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:** October 22, 2013

**SUBJECT: APPEAL THE DECISION OF THE PLANNING AND ZONING COMMISSION OF THE OCTOBER 1, 2013 MEETING, DENYING THE REQUEST OF REBEKAH ZAMORA, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A LOUNGE AT LOT 2, MARTIN PLAZA SUBDIVISION; 6401 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 west of North 10<sup>th</sup> Street, approximately 165 ft. of Martin Avenue and is zoned C-3 (general business) District. The adjacent zoning is C-3 District to the north, east, and south, C-3L (light commercial) District and R-1 (single family residential) District to the northwest, and R-3A (apartments) District to the west. Surrounding land uses include commercial businesses, restaurants, single and multi-family residences, and vacant land. A lounge is allowed in a C-3 zone with a Conditional Use Permit and in compliance with requirements.

There is currently a multi-tenant commercial building on the property. The building is a mixed use of retail, office, and restaurants. The applicant is currently leasing Suite 120 for a retail cigar business. The applicant is proposing to expand to Suite 110 in order to operate an 880 sq. ft. lounge. The days and hours of operation are Monday thru Saturday 11:00 a.m. to 9:00 p.m.

A police activity report was not requested since it has not been in operation. The Health and Fire Departments have inspected and cleared the establishment; however, a final inspection will be needed once the remodeling is complete for Suite 110. 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 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. Currently there is a multi-tenant commercial building on the property. Based on the square footages and existing uses, 66 parking spaces are required and 91 parking spaces are provided on site. The proposed lounge (including the cigar business) would require 15 parking spaces for a total of 81 spaces for the plaza, leaving 10 spaces available;
- 4) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties;
- 5) The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;
- 6) The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
- 7) The above mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director. The maximum capacity for this establishment will be determined at the time of building permit prior to occupancy of the building.

**OPTIONS:**

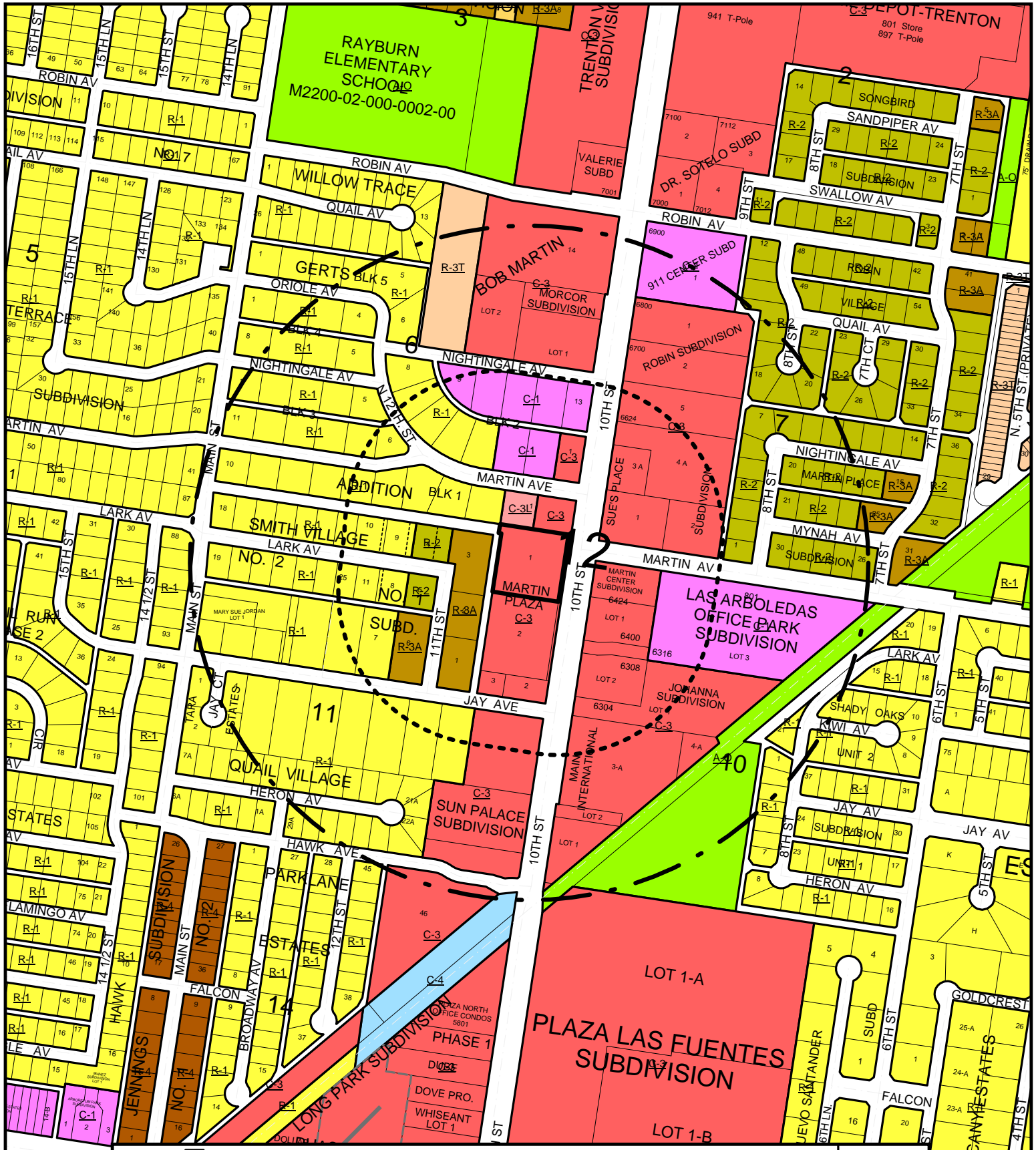
1. Approve the Conditional Use Permit.
2. Disapprove the Conditional Use Permit.
3. Table the item for additional information.

**RECOMMENDATION:**

This request was heard at the October 1, 2013 Planning and Zoning Commission meeting. There were four neighbors present in opposition to the request and the applicant's representative was present. The neighbors' concerns were in reference to the potential accidents from intoxicated customers, a day care in the area, parking and noise.

Mr. Zamora, the applicant's representative, approached the podium and stated that the proposed establishment was not a bar but a place where existing customers, who smoke, can have a relaxed environment for a drink. There will be no loud music.

Following 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 with the added conditions of hours of operation be from 12 p.m. to 8 p.m., using 75% of floor area only, nightly trash pickup an hour after closing and extra security. There were six members present, 5 voting ayes and 1 nay. The applicant submitted a letter of appeal.



**CITY OF McALLEN**  
PLANNING DEPARTMENT

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

SUBJECT PROPERTY

600 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS



**ZONING LEGEND**

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

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

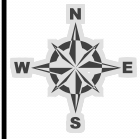


**CITY OF McALLEN**  
PLANNING DEPARTMENT

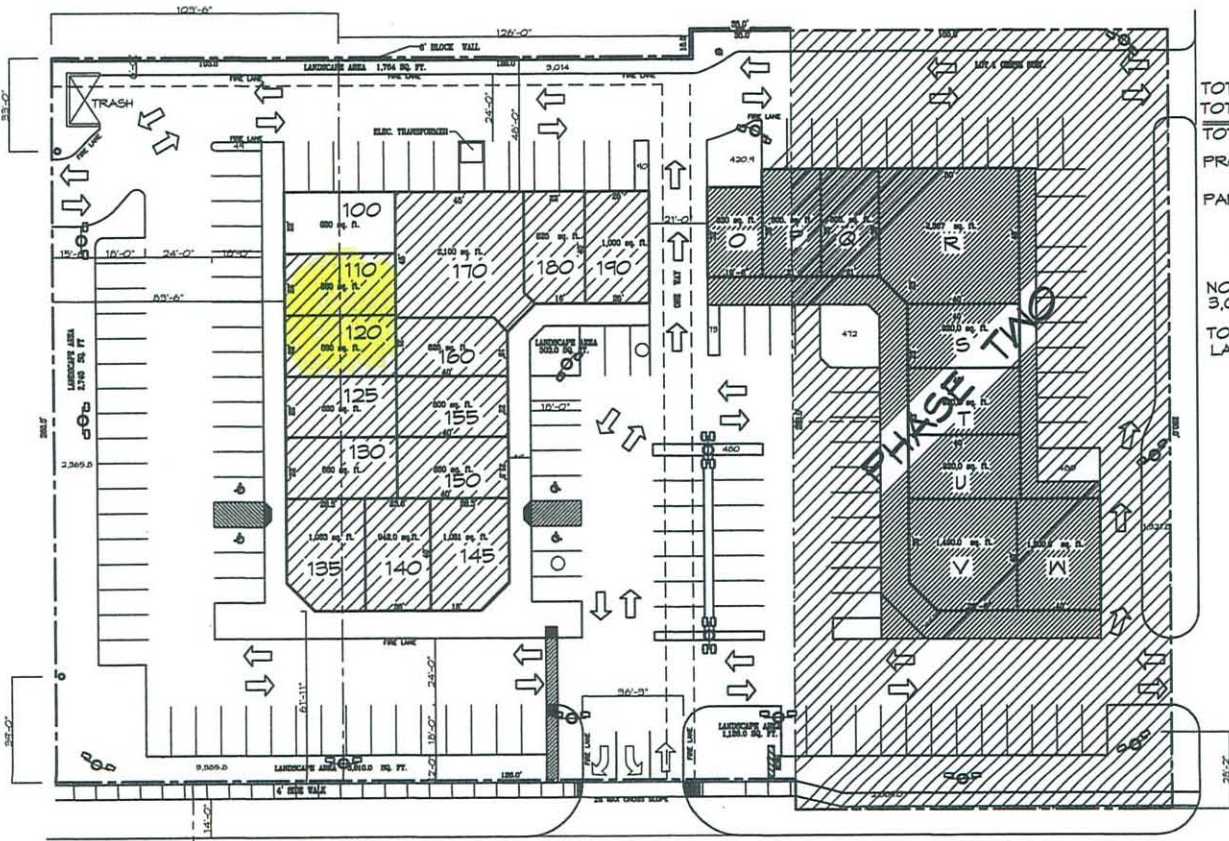
**AERIAL MAP**  
SCALE: N.T.S.

 SUBJECT PROPERTY

 600 FT. NOTIFICATION BOUNDARY



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TOTAL RENTAL AREA 13,936 SQ. FT. UNITS "A thru N"  
 TOTAL RENTAL AREA 10,101 SQ. FT. UNITS "O thru W"  
 TOTAL RENTAL AREA 24,037 SQ. FT.  
 PROPOSED USAGE: 50% OFFICE  
 50% RETAIL  
 PARKING REQ'D. OFFICE 63 SPACES  
 RETAIL 33 SPACES  
 TOTAL REQ'D 96 SPACES  
 PARKING PROVIDED 136 SPACES  
 NOTE: EXTRA 40 SPACES FOR POSSIBLE  
 3,000 SQ. FT RESTAURANT  
 TOTAL DEVELOPED AREA 107,653.9 SQ. FT.  
 LANDSCAPE AREA  
 REQ'D. 10,765 SQ. FT.  
 PROVIDED 14,856.8 SQ. FT.

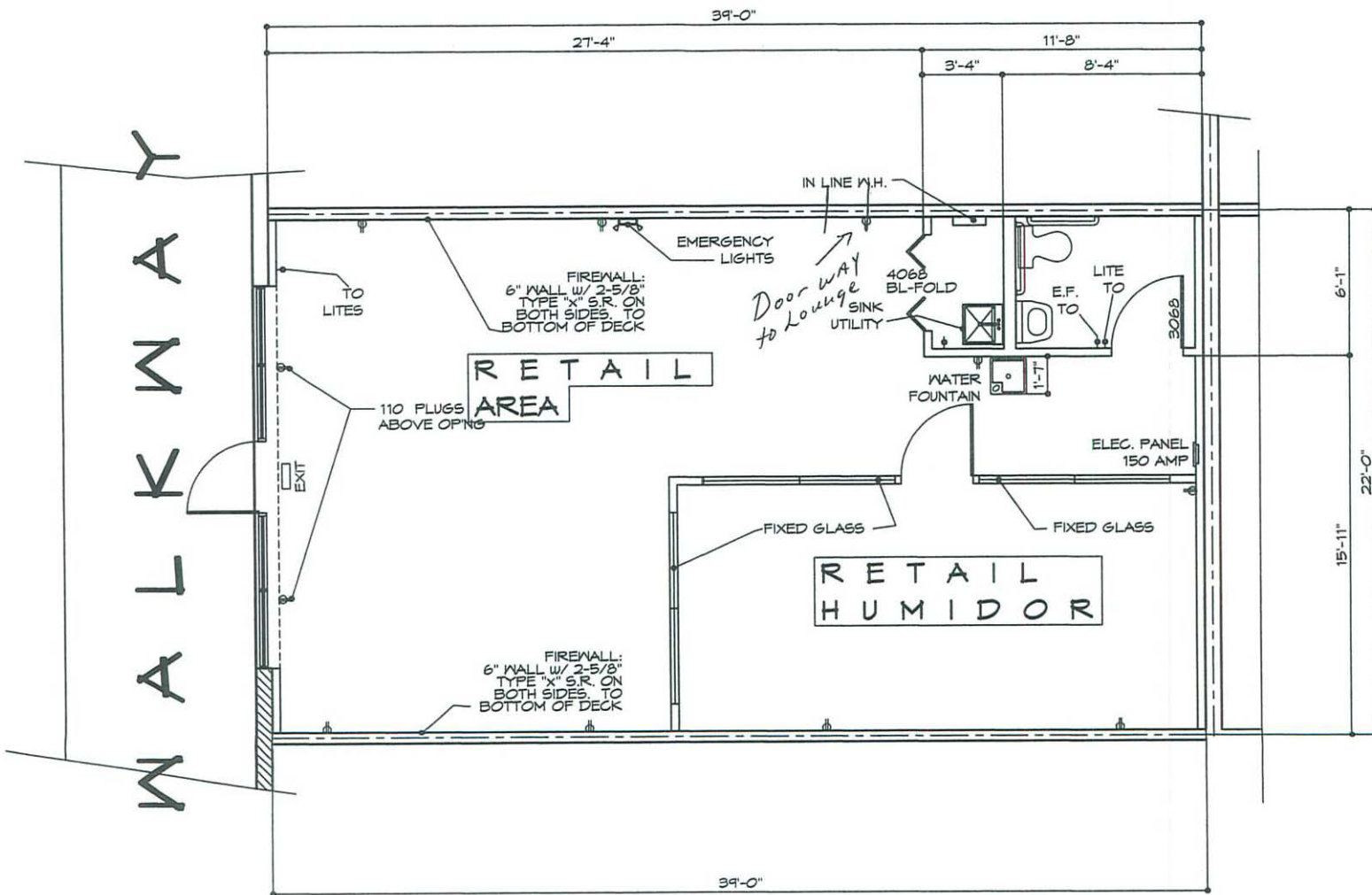
**SITE PLAN**

LEGAL DESCRIPTION:  
 LOT 1, MARTIN PLAZA SUB'D.  
 6421 NORTH 10th. STREET  
 AND  
 LOT 1, GERTZ SUBDIVISION  
 McALLEN, TEXAS



**South Texas Designs**  
 PROJECT 210 WILLOW STREET "D" McALLEN, TEXAS 78504 (512) 667-1408  
 OWNER • BUILDER  
 SCALE 1"=50'  
 REVISIONS:

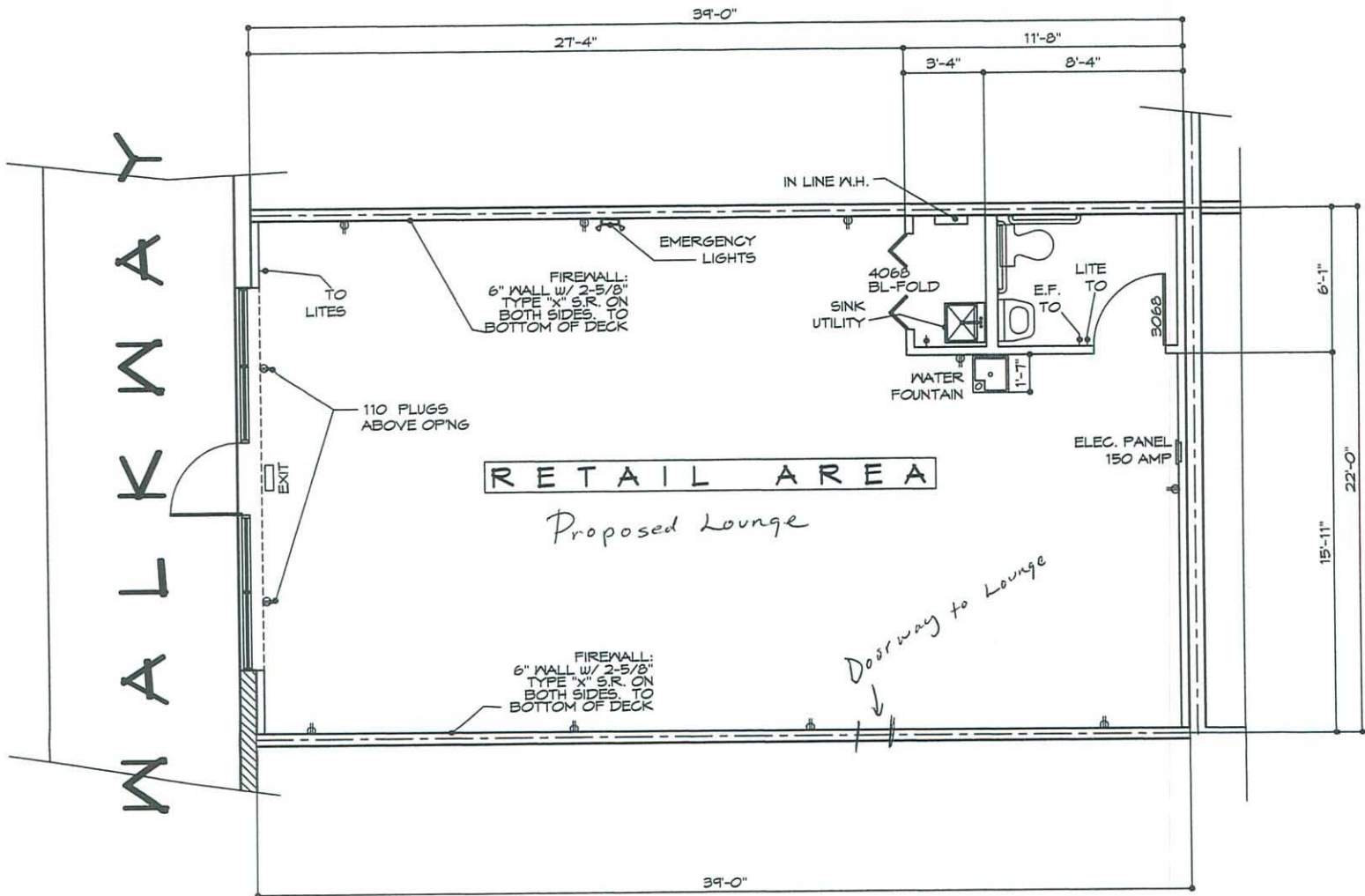
NO.	DATE	DESCRIPTION	BY



**UNIT "120"**

RENTAL AREA  
880.0 SQ. FT.

EXISTING Cigar BUS.



**UNIT "110"**

RENTAL AREA  
880.0 SQ. FT.

*Prop. Lounge*

To: City Commisioners/City Council

Re: Zoning Request by Rebekah Zamora for a Conditional Use Permit at Lot 2, Martin Plaza subdivision

I, Rebekah Zamora is submitting an appeal for the for the Conditional use permit for 6401 N. 10<sup>th</sup> unit 120. This agenda took place October 1, 2013. Although I got the approval of the majority of the vote, from the Planning and Zoning, I felt that there was a misconception of what my husband, and I are trying to open. Five of the residents thought it was going to be a large Bar and Grill being built on the corner of Martin and 10<sup>th</sup>. We are trying to expand our wine and cigar shop, to the next unit, so that our customers have a place to sit and relax, and conduct proper wine tastings. Max capacity would be 15 to 20 people. We are trying to create a personal environment where professionals , can relax. We feel that the granting of this conditional use permit would help our business survive, in this very challenging economic environment. Dr. Nancy Moyer originally objected the zoning at the meeting, however she has withdrawn the objection, upon visiting our place of business "Zamora Cigar Co." I am enclosing a letter from Dr. Nancy Moyer withdrawing her objection to the Conditional use permit. Thank you for your consideration in this matter.

Respectfully,

A handwritten signature in black ink that reads "Rebekah Zamora". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Rebekah B. Zamora



NANCY MOYER 6508 N. 12<sup>TH</sup> STREET MCALLEN TX 78504

October 5, 2013


TO: City Commissioners  
City of McAllen

RE: Zoning Request by Rebekah Zamora for a Conditional Use Permit at Lot 2, Martin Plaza  
Subdivision

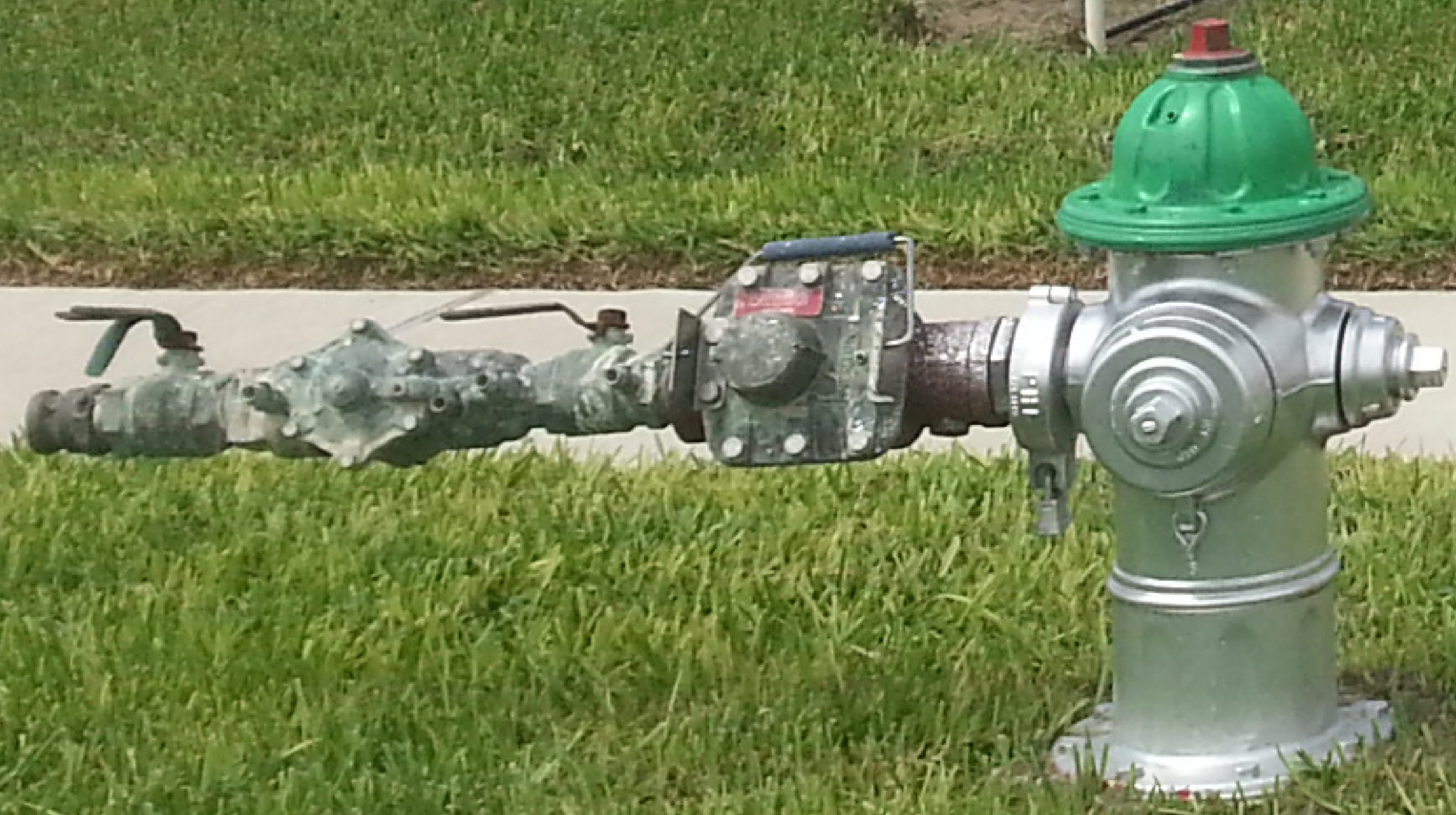
I am withdrawing my objection to this zoning request, made on October 1, 2013, at the public hearing. Several of us in the proximity of the location had a much different interpretation of this request than actually existed. Although the hearing clarified the actuality, we were too tired after the two-hour delay in hearing it, to acquiesce to the proposal at that time. I later had a conversation with Mr. Ruben Zamora, after which time I no longer objected to this zoning request.

I believe that his establishment, now and projected, is very compatible with the area.

Respectfully,



Nancy Moyer, PH.D.  
Professor Emerita, UTPA



**NOTICE  
LOUNGE  
For  
This Property  
CUP2013-0164**

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



**STANDARDIZED RECOMMENDATION FORM**

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

AGENDA ITEM \_\_\_\_\_  
DATE SUBMITTED 10/22/13  
MEETING DATE 10/28/13

1. Agenda Item: Conditional Use Permit

2. Party Making Request: Daniel R. Duran

3. Nature of Request: (Brief Overview) Attachments: X Yes \_\_\_\_\_ No  
Appeal the decision of the Planning and Zoning Commission of the October 16, 2013 meeting denying the request of Daniel R. Duran for a Conditional Use Permit, for one year, for a bar at Lot 1 thru 5, Michelle's Plaza Subdivision, Hidalgo County, Texas: 2104 Nolana Avenue.

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

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

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

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

7. Routing:

NAME/TITLE	INITIAL	DATE	CONCURRENCE <u>YES/NO</u>
a) <u>Julianne R. Rankin</u> Director of Planning	<u>JRR</u>	<u>10/21/2013</u>	<u>No</u>
b) _____	_____	_____	_____

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

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

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:** October 22, 2013

**SUBJECT: APPEAL THE DECISION OF THE PLANNING AND ZONING COMMISSION OF THE OCTOBER 16, 2013 MEETING, DENYING THE REQUEST OF DANIEL R. DURAN FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A BAR AT LOT 1 THRU 5, MICHELLE'S PLAZA SUBDIVISION; 2104 NOLANA AVENUE.**

---

**GOAL:**

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

**BRIEF DESCRIPTION:**

The property is located on the north side of Nolana Avenue approximately 260 ft. east of North 22<sup>nd</sup> Street, and is zoned C-3 (general commercial) District. The adjacent zoning is C-3 District in all directions. Surrounding land uses include restaurants, commercial businesses, offices, bars and the International Museum of Arts & Science (IMAS) and McAllen's Library. A sports bar is allowed in a C-3 zone with a Conditional Use Permit and in compliance with requirements. This property is currently part of Michelle's Plaza Subdivision. The initial site plan was approved together with the plat by the Planning and Zoning Commission in August 2001.

The initial conditional use permit was approved for a dancehall at this location, for one year, on appeal to the City Commission on September 27, 2010. The City Commission approved the conditional use permit request with a variance to the 600 ft. distance requirement. The permit was renewed and approved on January 23, 2012 by the City Commission with a variance to the distance requirement. Following approval of the permit, the applicant decided to close the dancehall and lease the establishment. A request for a sports bar was approved on July 9, 2012 by the City Commission with a variance to the 600 ft. distance requirement.

There is currently a commercial building on the property. There is a new applicant proposing to operate a bar from the existing building utilizing 3,000 sq. ft. of lease space. The hours of operation are from 6:00 p.m. to 2:00 a.m. Monday through Saturday. Based on the 3,000 sq. ft. lease space, 40 parking spaces are required; 92 parking spaces are provided on site. The building also consists of two vacant office suites (6,000 sq. ft.) and a vacant bar (3,000 sq. ft.), which has not been in operation. Based on the square footage and uses 73 parking spaces would be required. For every business to run simultaneously, 113 parking spaces would be required and would need to be provided

before permits could be issued.

No police activity report was available for the establishment. The Health and Fire Departments have inspected the establishment which is in compliance with health and safety codes and regulations. The establishment must comply with requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

1. The property line of the lot of any of the above mentioned businesses must be at least 600 feet from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The property is within 600 ft. of residential zones and uses and McAllen's Library;
2. The property must be as close as possible to a major arterial and shall no generate traffic onto residential sized streets. The establishment has direct access to Nolana Avenue;
3. The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum, and make provisions to prevent the use of adjacent streets for parking. Based on the 3,000 sq. ft. lease space 40 parking spaces are required; 92 parking spaces are provided on site. The building also consists of two vacant office suites (6,000 sq. ft.) and a bar (3,000 sq. ft.), which has not been in operation. Based on the square footage and uses 73 parking spaces would be required. For every business to run simultaneously 113 parking spaces would be required and would need to be provided before permits could be issued.
4. The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties;
5. The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;
6. The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
7. The above mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director. The maximum number of persons allowed is 85.

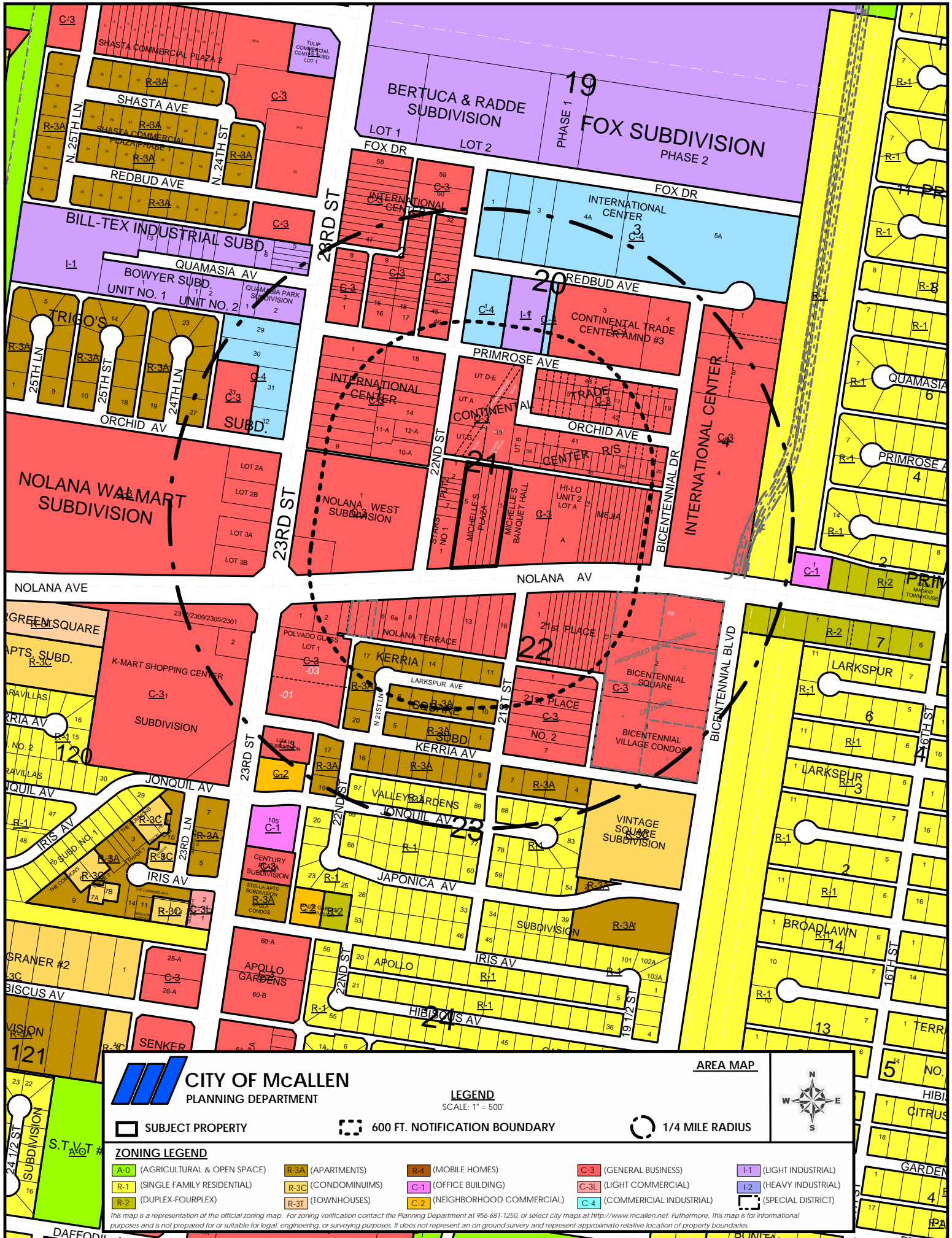
**OPTIONS:**

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

## RECOMMENDATION:

This request was heard at the October 16, 2013 Planning and Zoning Commission meeting. There was no one present in opposition to the request and the applicant was present.

Following 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 with the added conditions of nightly trash pickup and extra security. There were six members present and voting. The applicant submitted a letter of appeal.



**CITY OF McALLEN**  
PLANNING DEPARTMENT

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

AREA MAP



**SUBJECT PROPERTY**

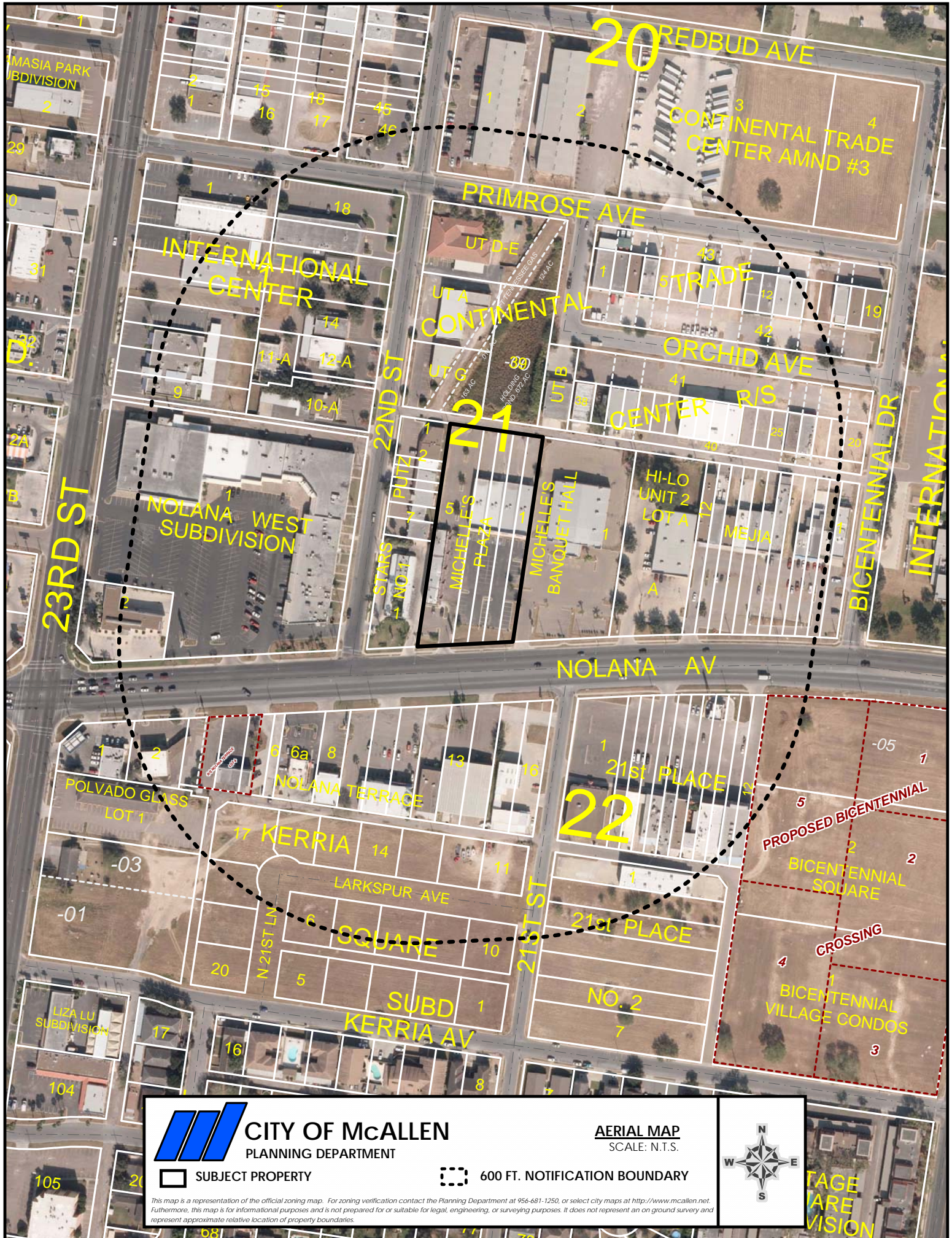
**600 FT. NOTIFICATION BOUNDARY**

**1/4 MILE RADIUS**

**ZONING LEGEND**


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

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**CITY OF McALLEN**  
 PLANNING DEPARTMENT

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

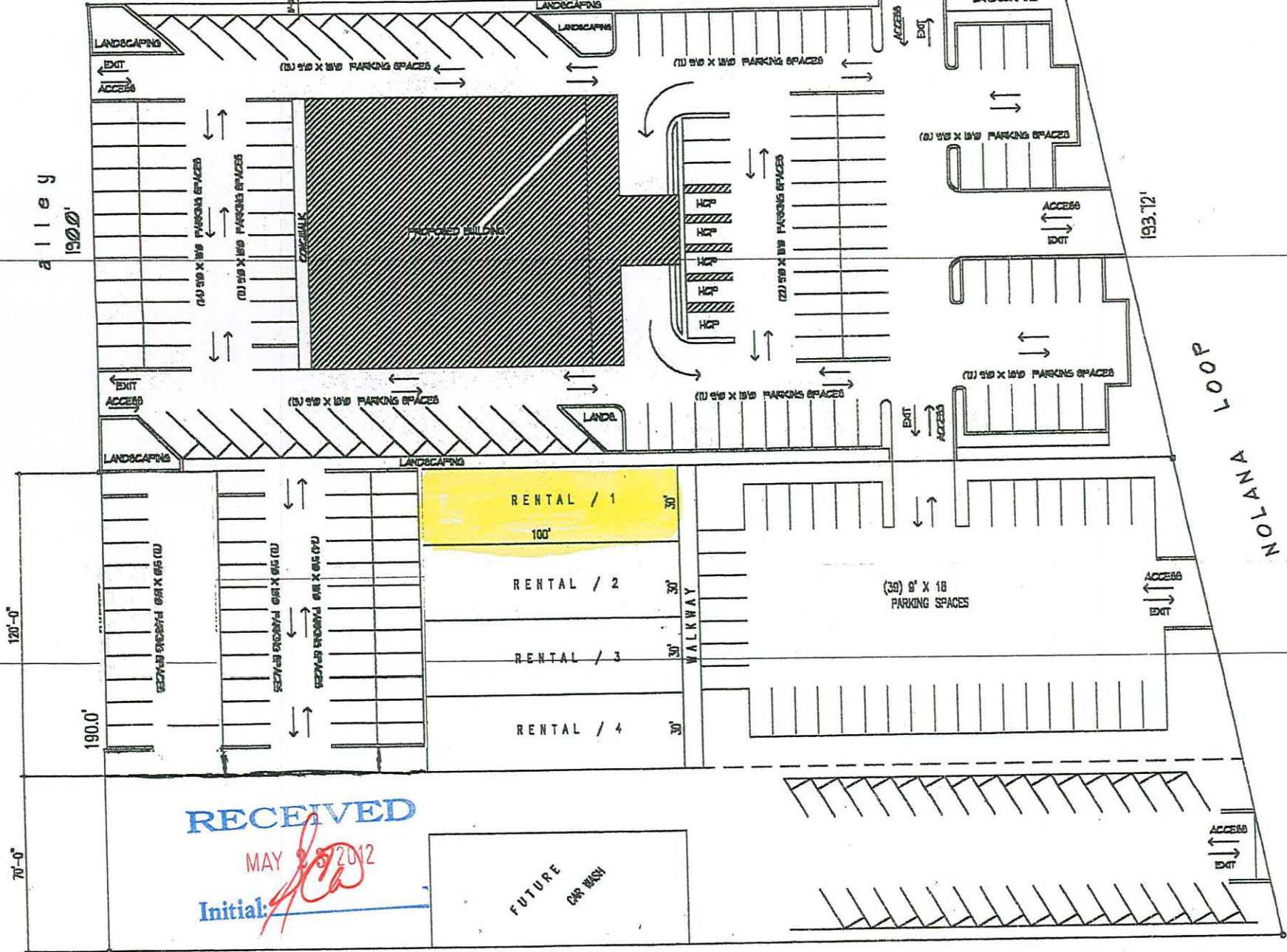
 SUBJECT PROPERTY

 600 FT. NOTIFICATION BOUNDARY



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RECEIVED

MAY 18 2012

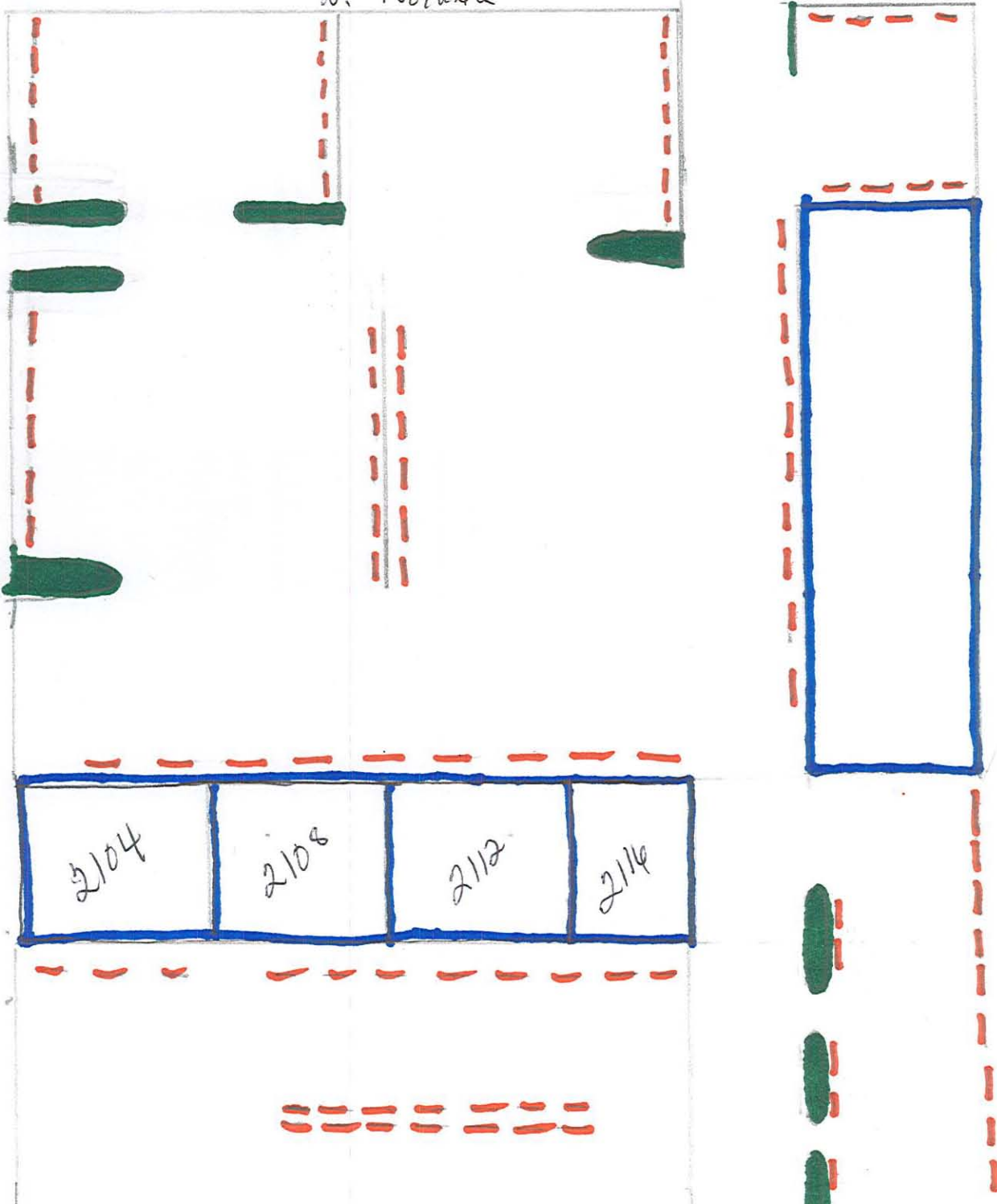
Initial:

FUTURE  
CAR WASH

LOTTMAN LOOP

ALLEY

W. Nolana



RECEIVED

SEP 18 2013



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

- PARKING  
104



2116

2112

2108

2104 (Diner)

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

The  
Coba

NO.	DATE	REVISION
1	10/1/10	ISSUED FOR PERMITS
2	10/15/10	REVISED TO SHOW CHANGES
3	11/1/10	REVISED TO SHOW CHANGES
4	11/15/10	REVISED TO SHOW CHANGES
5	12/1/10	REVISED TO SHOW CHANGES
6	12/15/10	REVISED TO SHOW CHANGES
7	1/1/11	REVISED TO SHOW CHANGES
8	1/15/11	REVISED TO SHOW CHANGES
9	2/1/11	REVISED TO SHOW CHANGES
10	2/15/11	REVISED TO SHOW CHANGES
11	3/1/11	REVISED TO SHOW CHANGES
12	3/15/11	REVISED TO SHOW CHANGES
13	4/1/11	REVISED TO SHOW CHANGES
14	4/15/11	REVISED TO SHOW CHANGES
15	5/1/11	REVISED TO SHOW CHANGES
16	5/15/11	REVISED TO SHOW CHANGES
17	6/1/11	REVISED TO SHOW CHANGES
18	6/15/11	REVISED TO SHOW CHANGES
19	7/1/11	REVISED TO SHOW CHANGES
20	7/15/11	REVISED TO SHOW CHANGES
21	8/1/11	REVISED TO SHOW CHANGES
22	8/15/11	REVISED TO SHOW CHANGES
23	9/1/11	REVISED TO SHOW CHANGES
24	9/15/11	REVISED TO SHOW CHANGES
25	10/1/11	REVISED TO SHOW CHANGES
26	10/15/11	REVISED TO SHOW CHANGES
27	11/1/11	REVISED TO SHOW CHANGES
28	11/15/11	REVISED TO SHOW CHANGES
29	12/1/11	REVISED TO SHOW CHANGES
30	12/15/11	REVISED TO SHOW CHANGES

REC'D  
SEP  
Initial: ( )

**RECOVERY ROOM LLC  
2104 W. NOLANA  
MCALLEN, TEXAS 78504**

City of McAllen  
P.O. Box 220  
McAllen, Texas 78501

To Whom It May Concern:

We are hereby requesting reconsideration by the McAllen City Commission on the denial from the Planning and Zoning Department on the conditional use permit.

*for the meeting  
of Oct. 10, 2013 for the  
establishment located  
at 2104 Nolana.*

*Daniel Duran*

---

Daniel Duran  
Managing Member



TAQUITONO  
TAQUERIA

GALLERIA

ALL-STAR  
SPORTS PLUS

FOR LEASE  
266 2726

3000 sq. ft.

FOR LEASE  
266 2726

OFFICE SPACE  
266 2726

**NOTICE  
BAR  
For  
This Property  
CUP 2013-0180**

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



**STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION	<u>  X  </u>	AGENDA ITEM	<u>  1A8  </u>
UTILITY BOARD	<u>          </u>	DATE SUBMITTED	<u>  10/22/13  </u>
PLANNING & ZONING BOARD	<u>          </u>	MEETING DATE	<u>  10/28/13  </u>
OTHER	<u>          </u>		

1. Agenda Item:   Conditional Use Permit  

\_\_\_\_\_

\_\_\_\_\_

2. Party Making Request:   Javier A. Chapa  

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

Appeal the decision of the Planning and Zoning Commission of the October 16, 2013 meeting denying the request of Javier A. Chapa for a Conditional Use Permit, for one year, for an automotive service & repair (tire shop) at Lots 5 and 6, south 23<sup>rd</sup> Business Park Subdivision, Hidalgo County, Texas: 4910 South 23<sup>rd</sup> Street.

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>  10/21/2013  </u>	<u>  No  </u>
b) _____	_____	_____	_____

8. Staff's Recommendation:   Disapproval of the request based on non-compliance to requirement # 4 (near a residence) of Section 138-281 of the Zoning Ordinance.  

9. Advisory Board:        Approved   X   Disapproved        None

With a favorable recommendation to grant the variance to the distance to nearest residence 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:** October 22, 2013

**SUBJECT:** **APPEAL THE DECISION OF THE PLANNING AND ZONING COMMISSION OF THE OCTOBER 16, 2013 MEETING, DENYING THE REQUEST OF JAVIER A. CHAPA FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR AN AUTOMOTIVE SERVICE AND REPAIR (TIRE SHOP) AT LOTS 5 AND 6, SOUTH 23<sup>RD</sup> BUSINESS PARK SUBDIVISION: 4910 SOUTH 23<sup>RD</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 be structured or property be adapted to a conditional use without first obtaining a conditional use permit.

**BRIEF DESCRIPTION:**

The property is located at the west side of South 23<sup>rd</sup> Street, approximately 170 ft. south of Lucille Avenue and is zoned C-3 (general business) District. Surrounding adjacent properties are zoned C-3 District to the north, east, and south, R-1 (single family residential) District to the west. Surrounding land uses include general commercial uses, vacant land, and single family residences. An automotive service and repair business is allowed in a C-3 zone with a Conditional Use Permit and in compliance with requirements.

There are currently two buildings on the property. The buildings consist of a two-story building with approximately 4,500 sq. ft. and a single-story building with approximately 6,000 sq. ft. These buildings had been used as a car lot and/or retail outlets.

The applicant is proposing to utilize the single story building on the property for an automotive service & repair (tire shop). The hours of operation are Monday thru Saturday from 8:00 a.m. to 7:00 p.m. Based on the square footage 15 parking spaces are required. The two-story building is currently vacant; however, there is a certificate of occupancy that has been approved on September 9, 2013 for Letty's Tamales. If open, the establishment will required 6 parking spaces; for a total of 21. There are 24 parking spaces on site, if the request is approved, there are 5 parking spaces located in front of the building, which cannot be taken into account since the garage doors will be open for vehicles to go in the building, leaving the proposed establishment with 2 parking spaces short.

The Fire Department has inspected and cleared the establishment; however, a final inspection is still pending. 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 is 12,250 sq. ft.;
- 2) All service, repair, maintenance, painting and other work shall take place within an enclosed area. All work to take place within the existing building. There are three working areas inside;
- 3) Outside storage of materials is prohibited. None are being proposed outside;
- 4) The building where the work is to take place shall be at least 100 ft. from the nearest residence. The building is located within 93 ft. of a residence;
- 5) A 6ft. opaque fence buffered the proposed use from any residential use or residentially zoned area is required. There is an 8 ft. block fence located at the rear of the property;
- 6) New buildings and conversions of existing buildings shall meet current building and fire code requirements concerning separation of high hazard uses from other occupancy use classifications.

**OPTIONS:**

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

**UPDATE:**

This item was heard and tabled at the Planning and Zoning Commission meeting of October 1, 2013 in order to allow the applicant time to bring his parking requirement into compliance. Staff met with the applicant and he indicated that he could modify the site plan to comply with the parking requirements. At this time, staff has not received a revised site plan.

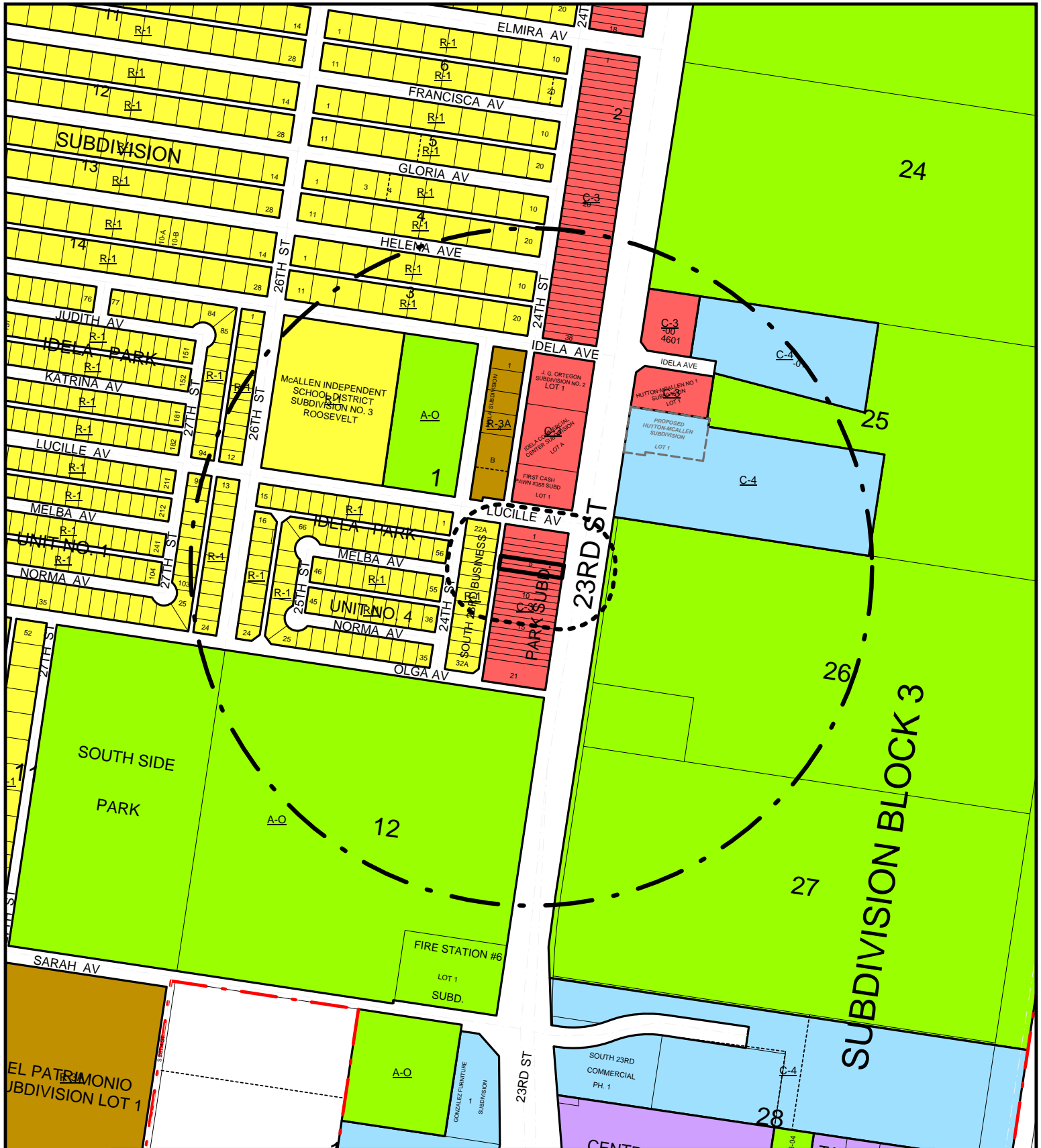
**RECOMMENDATION:**


This item was removed from table and heard at the Planning and Zoning Commission meeting of October 16, 2013. There was no one present to speak in opposition of the request. The applicant was present.

Prior to the meeting a revised site plan was submitted to the Planning Department. The applicant stated that he could accommodate the two required parking spaces by only opening two garage doors instead of the three existing garage doors. By doing this he can accommodate two parking spaces that are located in front of the garage door; having a total of 21 spaces available.

Following discussion of the item, the board unanimously voted to disapprove the request due to non-compliance with requirement #4 (distance to nearest residence) of Section 138-281 of the Zoning Ordinance but with a favorable recommendation to grant a variance to the distance to the nearest residence requirement. There were six members present and voting. The applicant submitted a letter of appeal.








**CITY OF McALLEN**  
PLANNING DEPARTMENT

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

**AREA MAP**



**SUBJECT PROPERTY** (Solid black outline)

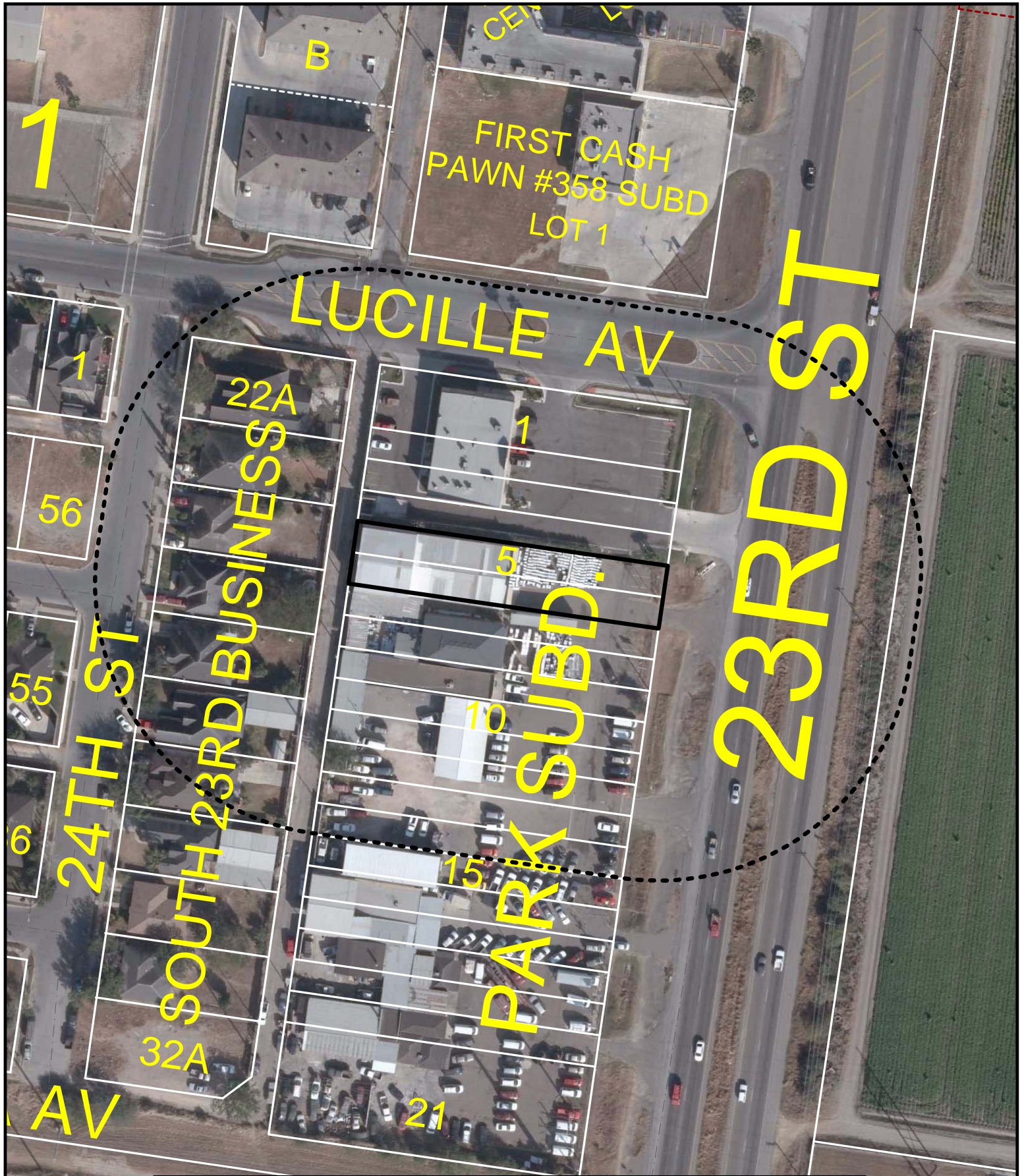
**200 FT. NOTIFICATION BOUNDARY** (Dashed black outline)

**1/4 MILE RADIUS** (Dotted black circle)

**ZONING LEGEND**


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

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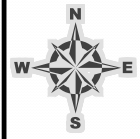


**CITY OF McALLEN**  
PLANNING DEPARTMENT

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

 SUBJECT PROPERTY

 200 FT. NOTIFICATION BOUNDARY



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# Site Map

'23<sup>rd</sup> st



Lucilo Ave

← Alley

Building

Covered  
Decks

12 parking  
space

Driveway

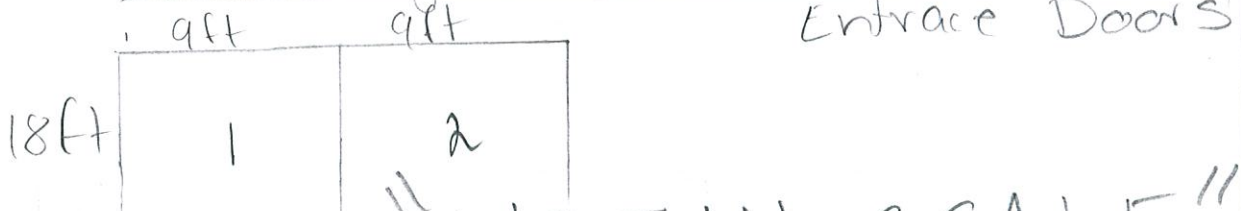
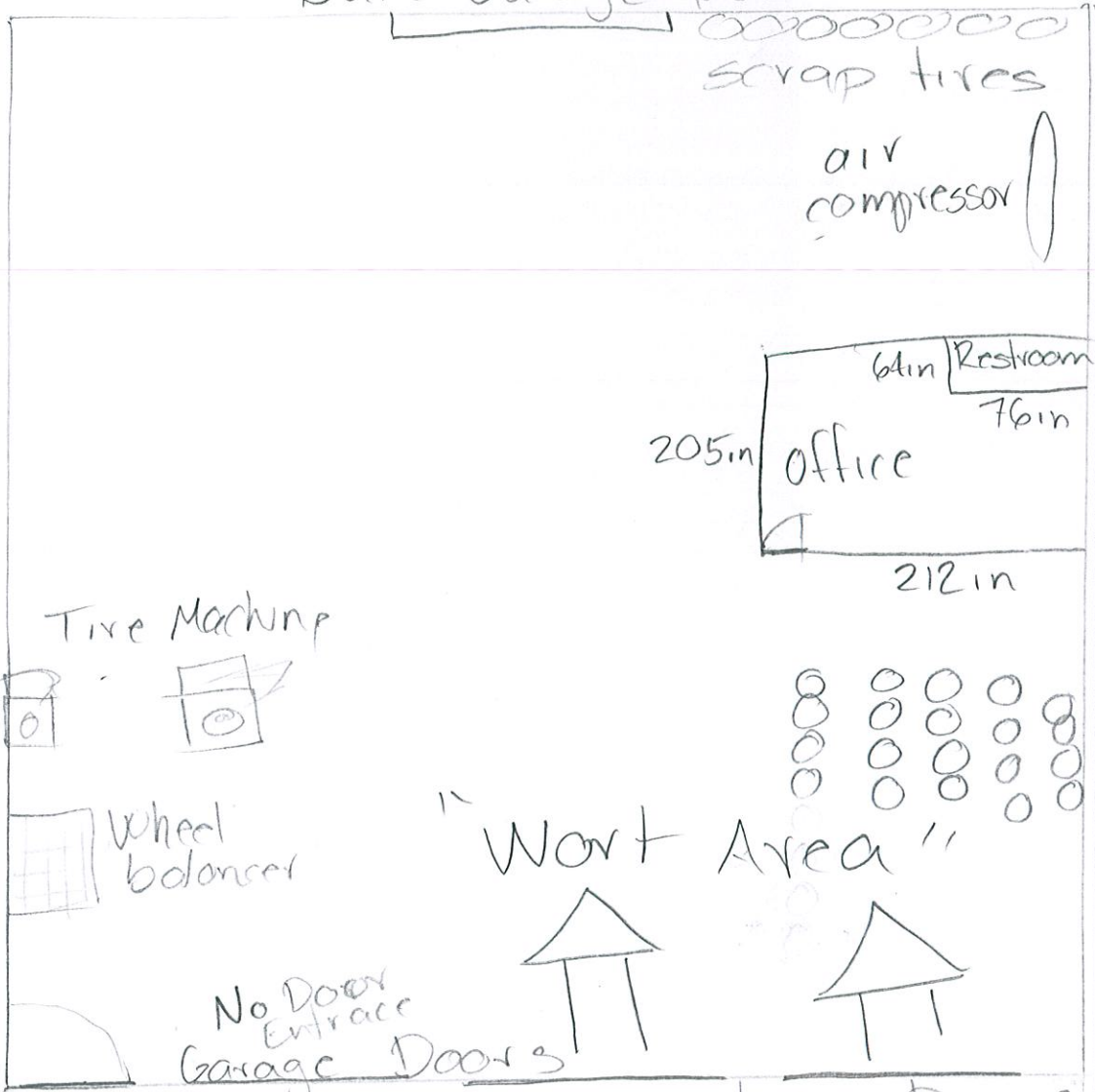
24 st

# Floor Plan

Item No. 11e



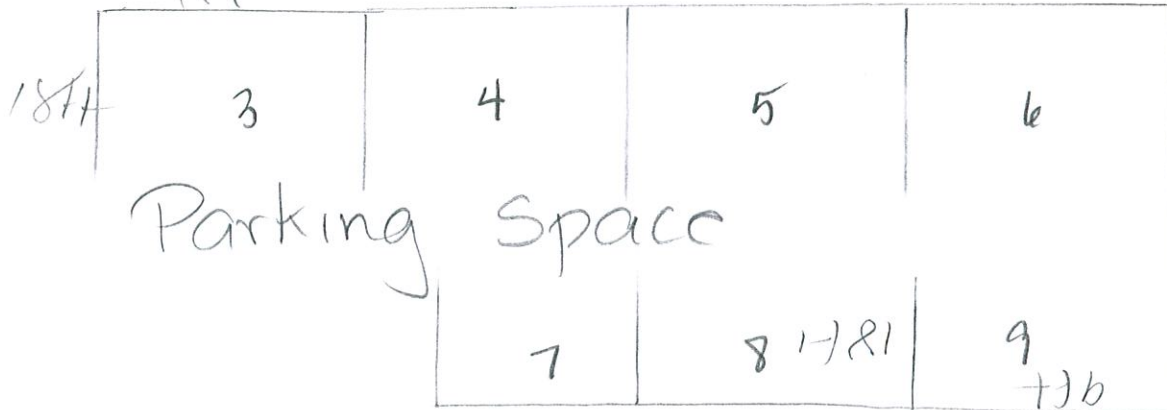
Back Garage Doors



NOT IN SCALE

14 spaces  
in other  
side.

Total  
22 spaces



**16 of October 2013**

**To whom it may concern**

**I Javier Chapa appeal the decision of the planning and zoning commission for the meeting of October 16 for the establishment located on 4910 south 23 st.**

A handwritten signature in black ink, appearing to read 'Javier Chapa', written over the printed name below.

**Javier Chapa**

**956 227 0360**

**LINEA BLANCA OUTLET**

**NOTICE  
AUTO REPAIR  
For  
This Property  
CUP2013-0159**

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





## Memo

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

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

**DATE:** October 22, 2013

**SUBJECT: REZONE FROM R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT: THE WEST 17 FEET OF LOT 2 AND ALL OF LOT 3, BLOCK 5, ORANGE TERRACE SUBDIVISION NO. 3, HIDALGO COUNTY, TEXAS; 1005-1011 ORANGE AVENUE. (REZ2013-0029)**

---

**GOAL:**

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

**BRIEF DESCRIPTION:**

The property is located along the south side of Orange Avenue approximately 119 feet west of North 10<sup>th</sup> Street. The tract consists of all of lot 3 and 17 feet of lot 2 and has 84 feet of frontage and a depth of 138 feet for a tract size of .26 acres. The property was zoned to R-1 (single family residential) District during comprehensive zoning in 1979. There have been no rezoning requests on this property since then. There is a single family residence on Lot 3 and a commercial building on the west 17 feet of Lot 2. The applicant is requesting to rezone to C-3 District in order to establish a beauty salon in the residential structure and bring the commercial use into compliance with the zoning district. A use variance for a real estate office was denied by the Board of Adjustment on January 4, 1956. The applicant has not submitted a feasibility plan to the Planning Department.

The adjacent zoning is R-1 (single family residential) District in all directions except to the east and southeast there is C-3 (general business) District. A rezoning request to C-1 (office building) District at 1014 Nyssa Avenue was disapproved in March 2013. A rezoning request to C-1 (office building) District at 1010 Orange Avenue was disapproved in October 2006. A rezoning request to C-1 (office building) District at 1011 Nyssa Avenue was approved in May 1993 and subsequently an accessory building and parking lot were constructed on the property. A rezoning request for C-1 District for an office use at 1004 Maple Avenue was approved in 1985 and the existing building is the site for a natural healing business. Surrounding land uses are single family residential, a parking lot, Shipley's Donuts, Firestone, office for notary public and other commercial uses fronting along 10<sup>th</sup> Street.

- The requested zoning does not conform to the Auto Urban Single Family Residential land use designation for the property as indicated on the Foresight McAllen Comprehensive Plan. The subject property is not within the 10<sup>th</sup> Street commercial corridor.



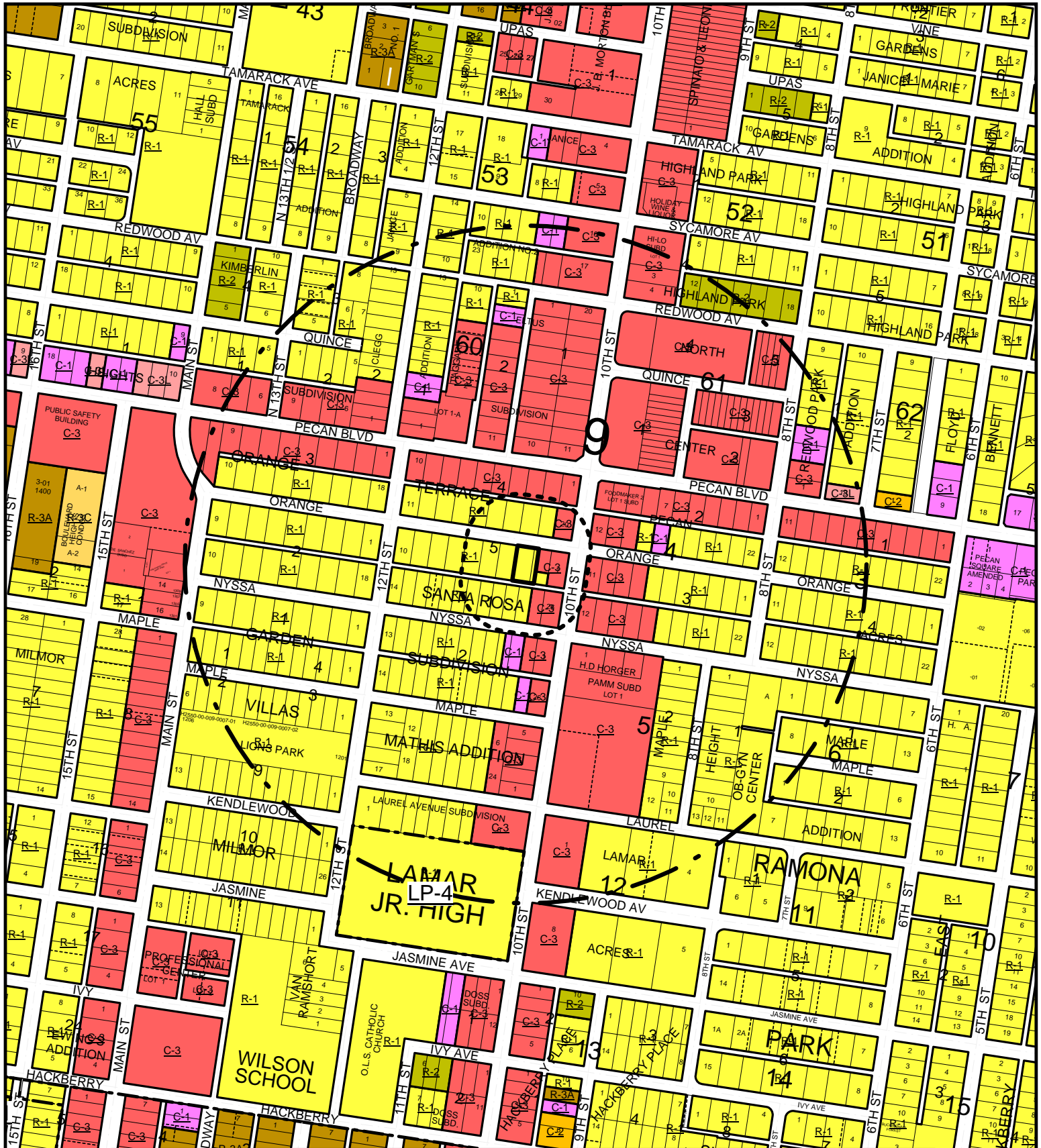
- C-3 (general business) District zoning allows any retail business, personal services, business services, restaurants with 51% food sales and any wholesale trade to a permitted retail operation.
- C-1 (office building) District zoning is the most restrictive commercial zoning that allows office uses for professional, medical and financial services and personal services such as beauty salons, day care and nursing home. C-1 District would allow a beauty salon.
- Orange Avenue is a local residential street with a right-of-way of 50 feet and is currently constructed with 33 feet of pavement providing 2 travel lanes, a parking lane and curb and gutter. There is a sidewalk along the subject property frontage of Orange Avenue.
- Trees with a caliper of 20 inches or greater in commercial zones are protected and require a permit for removal.
- An 8 foot masonry wall is required where a nonresidential use has a side adjacent to a residential use or district.
- A building permit is required prior to commercial occupancy of the existing residence in compliance with building setbacks, parking, landscaping, buffers and signage.
- The existing commercial use does not comply with the number of parking spaces or maneuvering space.

#### **OPTIONS:**

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

#### **RECOMMENDATION:**

At the Planning and Zoning Commission meeting of October 1, 2013 two residents spoke in opposition of the rezoning request. Tommy Vela, representative for the voluntary Homeowners Association mentioned that in the past there had been other commercial rezoning requests disapproved in this area. Johnny Cisneros, a new resident of the area mentioned that he bought his property because of the peacefulness of the neighborhood and a commercial zoning would bring more traffic. Carolina Guevara-Mohme, the applicant commented that this property is very close to commercial areas on 10<sup>th</sup> Street and the residential façade of the building will be maintained. Board member Godinez mentioned that he was concerned with the commercial encroachment into a residential area and that if the rezoning were to not be approved, a beauty salon could be established with a Conditional Use Permit (CUP) as a Home Occupation. A petition submitted in opposition to the rezoning request represented 5.4% of the property owners with 200 feet of the subject property. The Board then voted to recommend disapproval of the rezoning request with 5 members present and voting.



**CITY OF McALLEN**  
PLANNING DEPARTMENT

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

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS



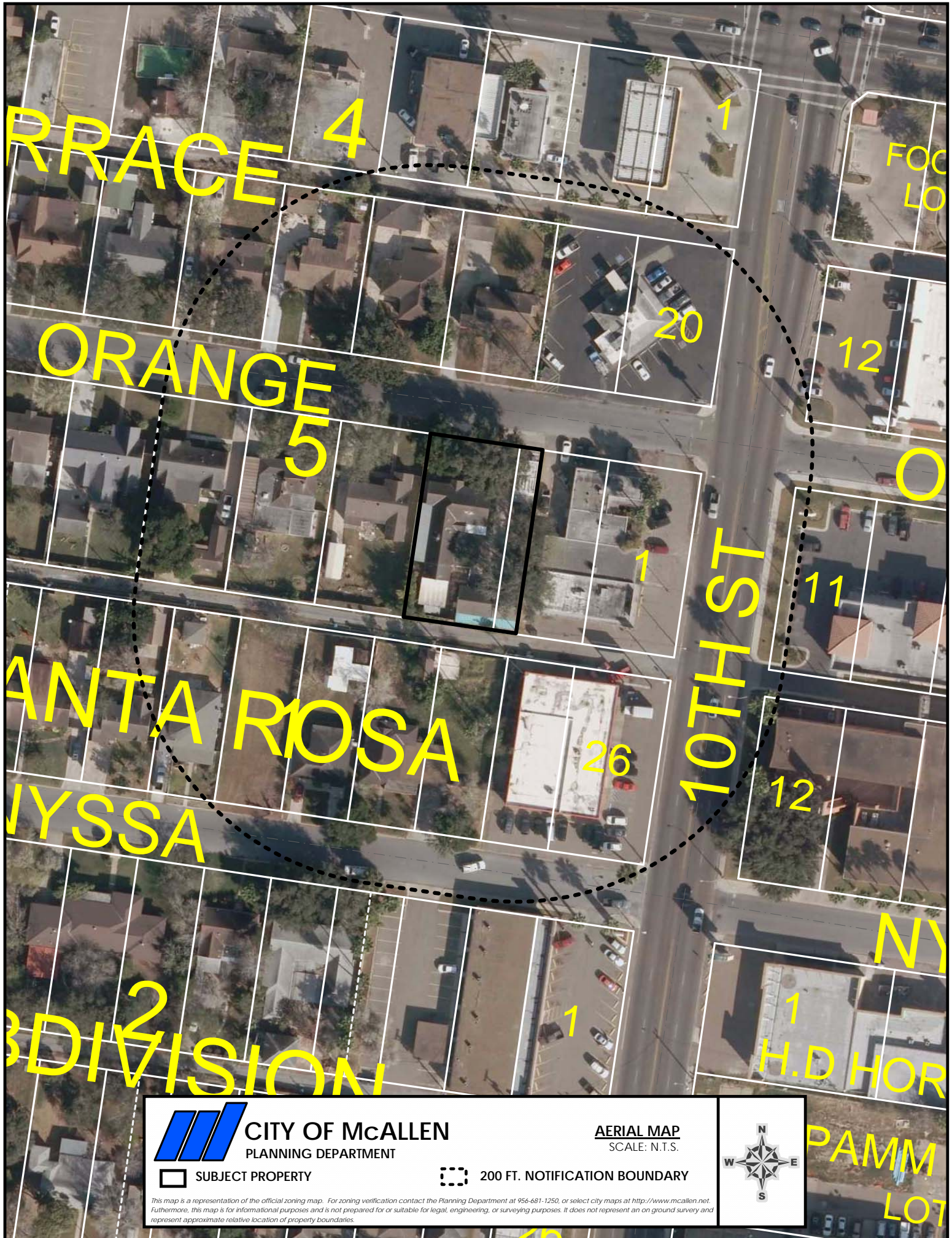
**ZONING LEGEND**

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

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AREA MAP

CODDINGTON ADDITION  
SUBDIVISION BLK 2 LOT 1



ORANGE

4

1

FOO  
LO

ORANGE

5

20

12

O

SANTA ROSA

1

11

MYSSA

26

12

10TH ST

NY

3 DIVISION 2

1

1

H.D HOR


PAMM

LOT

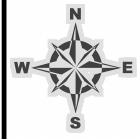


**CITY OF McALLEN**  
PLANNING DEPARTMENT

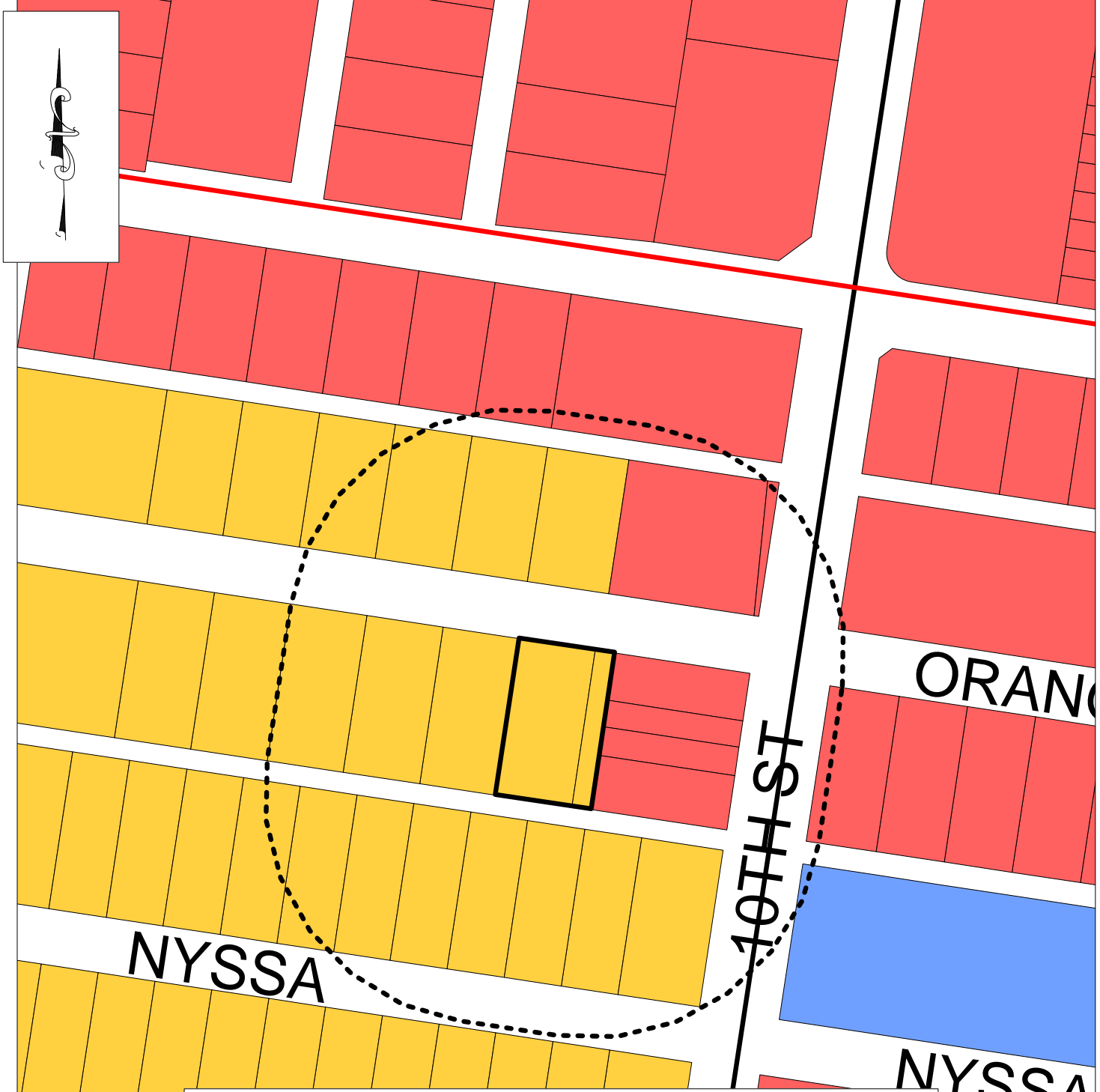
**AERIAL MAP**  
SCALE: N.T.S.

 SUBJECT PROPERTY

 200 FT. NOTIFICATION BOUNDARY



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**CITY OF McALLEN**  
PLANNING DEPARTMENT


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

**FORESIGHT McALLEN COMPREHENSIVE PLAN**

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

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

**NOTICE  
REZONING  
For  
This Property  
REZ2013-0029**

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



**STANDARDIZED RECOMMENDATION FORM**

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

AGENDA ITEM \_\_\_\_\_ 1C  
DATE SUBMITTED \_\_\_\_\_ 10/22/13  
MEETING DATE \_\_\_\_\_ 10/28/13

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

2. **Party Making Request:** Cipriano Barsenas Jr.

3. **Nature of Request: (Brief Overview) Attachments:** X Yes \_\_\_ No  
The request of Cipriano Barsenas Jr., for a Conditional Use Permit, for the life of the use, for a Guest House at Lot 26, Block 1, Retama Terrace Subdivision, Hidalgo County, Texas: 1220 North 27<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:**

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

a) <u>Julianne R. Rankin</u> Director of Planning	<u>JRR</u>	<u>10/21/2013</u>	<u>No</u>
b) _____	_____	_____	_____

8. **Staff's Recommendation:** Disapproval of the request subject to non-compliance with requirement #2 (setbacks), #4 (minimum lot size), and #5 (separate driveways) of Section 138-118 of the Zoning Ordinance.

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

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

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

## Memo

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

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

**DATE:** October 22, 2013

**SUBJECT: REQUEST OF CIPRIANO BARSENAS JR. FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR A GUEST HOUSE AT LOT 26, BLOCK 1, RETAMA TERRACE SUBDIVISION; 1220 NORTH 27<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 southeast corner of North 27<sup>th</sup> Street and Maple Avenue. The property is zoned R-1 (single family residential) District. The adjacent zoning is R-1 District to the east, south, west and C-3 (general business) District on the north side. Surrounding land uses include single family residences, commercial businesses, South Texas College, and Lincoln Jr. High School. A guest house is permitted in an R-1 zone with a conditional use permit.

Currently, there is an existing single family residence and an accessory building with a covered carport at the rear of the property. The accessory building with the covered carport was built in 1995 and was used as a utility room. In March 2004 a building permit was requested in order to convert the utility room into a computer room.

The applicant is now proposing to use the computer room as a guest house. He stated that out of town relative's visit frequent. Staff has received a call from an adjacent neighbor with concerns that someone lives and pays rent at this location. Code Enforcement has visited the location and spoke to the owner of the residence. He stated that a friend of the family was living there but that they are no longer there.

A guest house is an accessory building designed for the temporary occupancy of guests of the primary dwelling for which there is no remuneration. The guest house must meet the requirements set forth in Section 138-118(5) of the Zoning Ordinance and specific requirements as follows:

- 1) Only one guest house shall be permitted on the property. This is the only guest house proposed on this property;
- 2) The proposed use shall comply with setback requirements. Separations are being met and the required rear setback of 10 ft. is not being met;
- 3) The proposed use shall be connected to the same utilities as the primary residence. The guest house shares the utilities with the primary residence;
- 4) Lot size must be a minimum 8,000 sq. ft. The subject property is 6,500 sq. ft.;
- 5) Separate driveways or garages for the proposed use shall not be permitted. There are two separate driveways, one in the front of the house and a covered driveway/carport at the rear of the property;
- 6) The proposed use shall not be rented; and
- 7) The permit shall be revoked if rent is paid or utility expenses are shared with the proposed use.

**OPTIONS:**

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

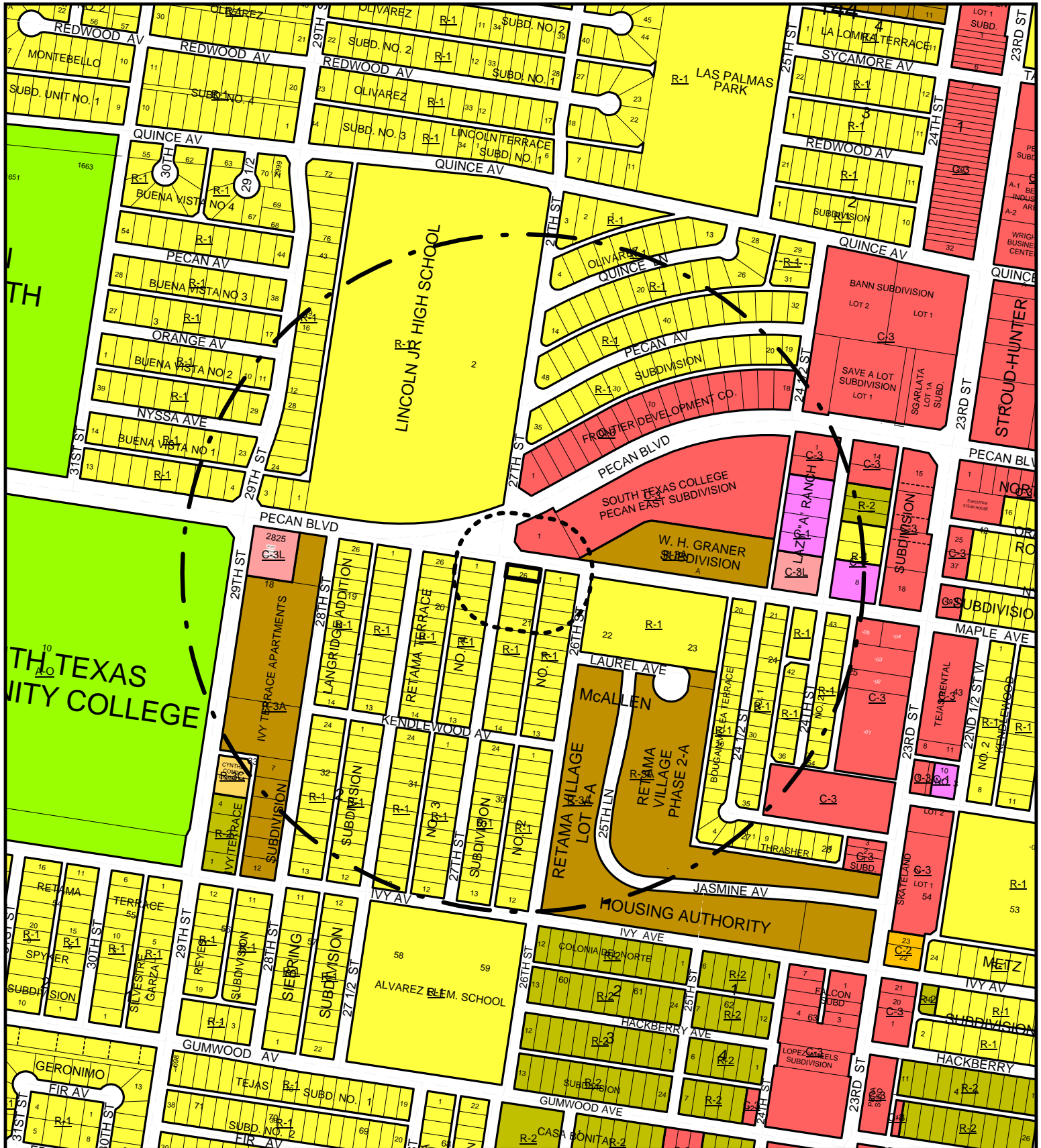
**RECOMMENDATION:**

This item was heard at the October 1, 2013 Planning and Zoning Commission meeting. There was someone present to speak in opposition of the request and the applicant was not present.

Ms. Sanchez, in opposition, approached the podium and stated that the guest house was being rented and that people come in and out at nights.

Following a brief discussion of the item, the board unanimously voted to disapprove the request, for the life of the use, based on non-compliance with requirements # 2 (setbacks), #4 (minimum lot size), and #5 (separate driveways) of Section 138-118 of the Zoning Ordinance. There were six members present and voting.





**CITY OF McALLEN**  
PLANNING DEPARTMENT

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

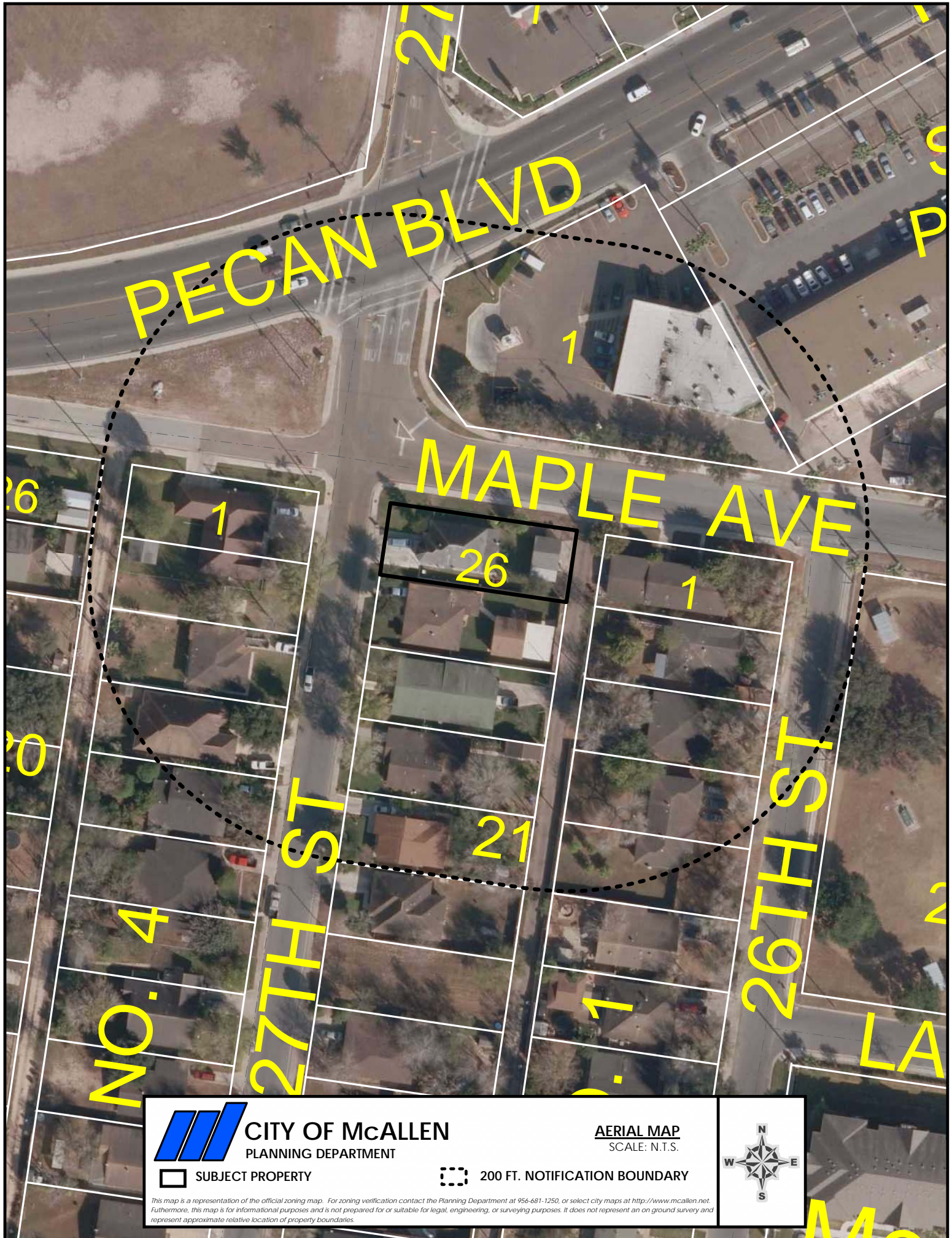
SUBJECT PROPERTY	200 FT. NOTIFICATION BOUNDARY	1/4 MILE RADIUS
------------------	-------------------------------	-----------------

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


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



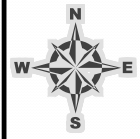


**CITY OF McALLEN**  
PLANNING DEPARTMENT

**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.

FILED FOR RECORD THIS DATE  
 FEB. 28 1956  
 N. 10<sup>th</sup> DISTRICT C. A. M.

HIGHWAY F.M. 495

MAP  
 OF

## RETAMA TERRACE

McALLEN, TEXAS

BEING A RESUBDIVISION OF LOTS 21 & 30, BLOCK 2,  
 C. E. HAMMOND'S SUBDIVISION OF PORCIONES 61,  
 62, 63 & 64, HIDALGO COUNTY, TEXAS

SCALE: 1"=100'

DATE: 1-16-56

STATE OF TEXAS  
 COUNTY OF HIDALGO

KNOW ALL MEN BY THESE PRESENTS THAT WE, DAVID FARR AND MOE ADAMS, OWNERS OF THE PROPERTY HEREON DESCRIBED, DO HEREBY ADOPT, DEDICATE AND CONFIRM THE FOREGOING MAP AND DO HEREBY DEDICATE TO THE PUBLIC THE SURFACE USE OF THE STREETS, ALLEYS AND EASEMENTS THEREON SHOWN.

*David Farr*  
 DAVID FARR

*Moe Adams*  
 MOE ADAMS

STATE OF TEXAS  
 COUNTY OF HIDALGO

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED DAVID FARR AND MOE ADAMS, OWNERS, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED. GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE 16th DAY OF February, A.D. 1956.

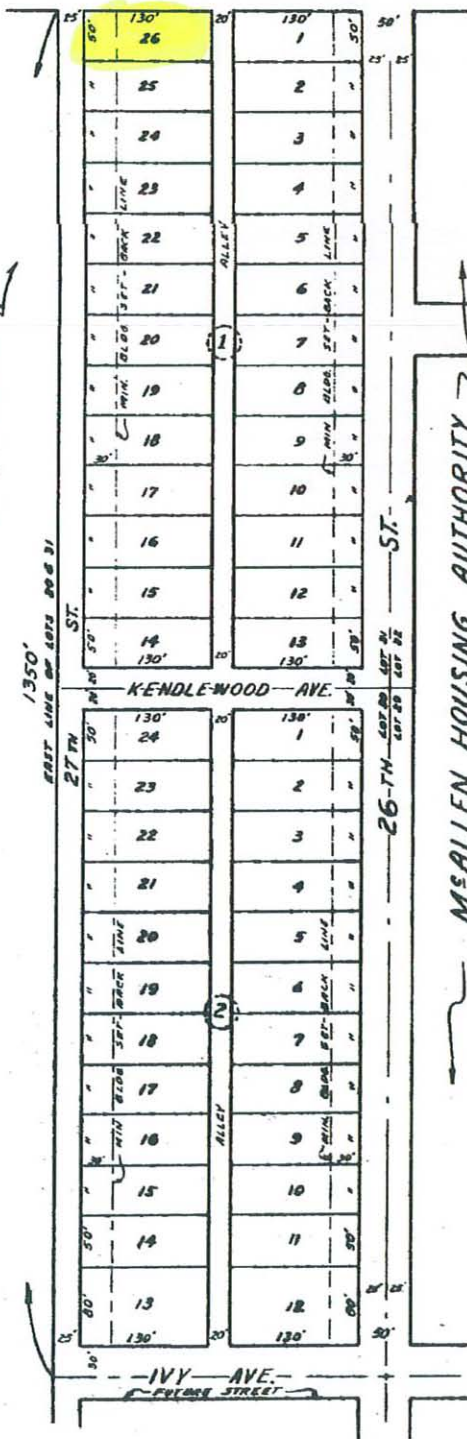
*Paul H. ...*  
 NOTARY PUBLIC  
 HIDALGO COUNTY,

THIS MAP APPROVED BY THE MC ALLEN ZONING AND PLANNING BOARD ON THE 19th DAY OF Feb, 1956.

MC ALLEN ZONING AND PLANNING BOARD  
 BY *J. E. Cook, Jr.*  
 J. E. COOK, JR., CHAIRMAN

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

*C. L. Farian*  
 C. L. FARIAN  
 REGISTERED PUBLIC SURVEYOR  
 MC ALLEN, TEXAS



ALLEY

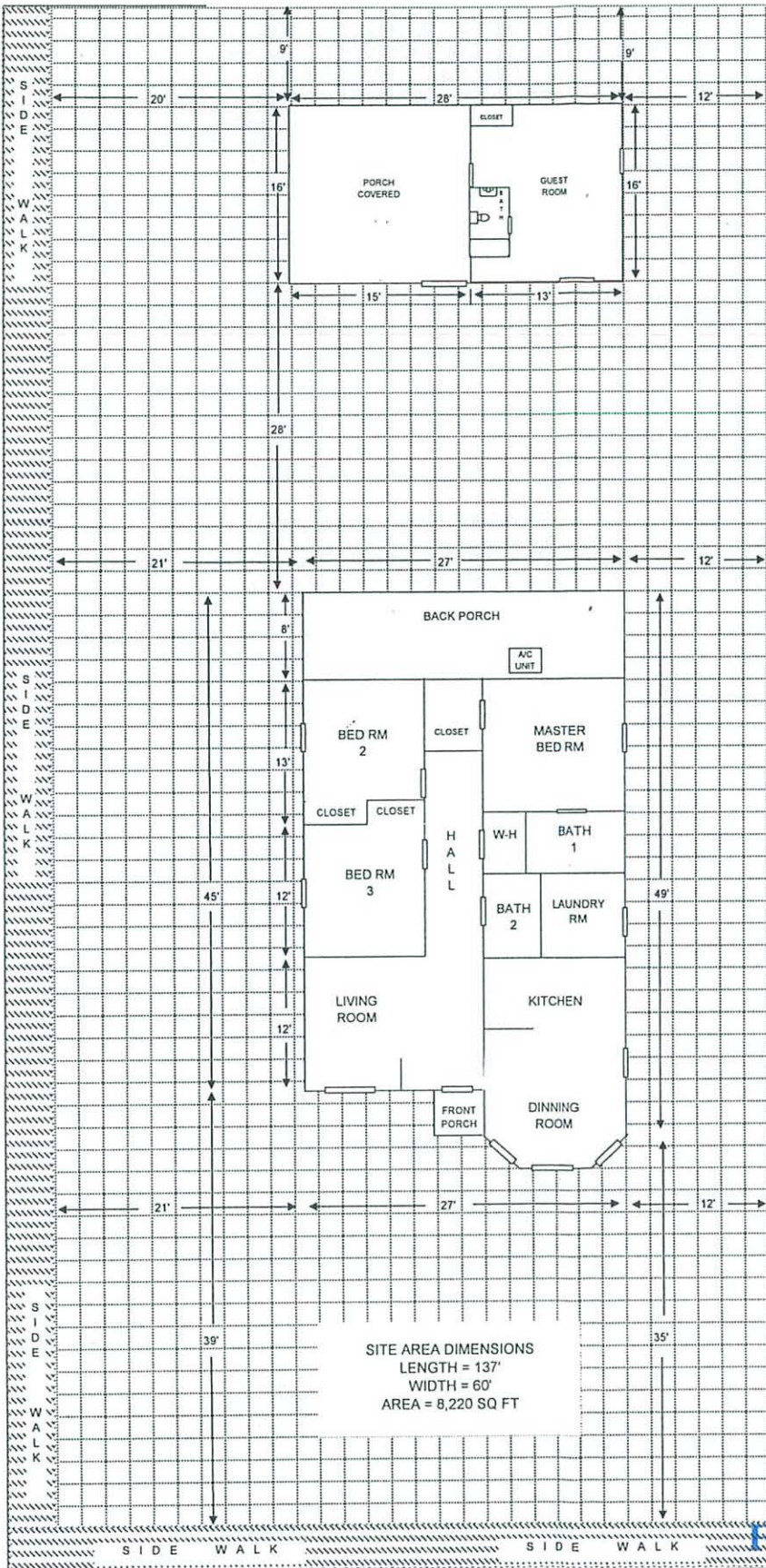
ALLEY

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MAPLE AVENUE



SITE AREA DIMENSIONS  
 LENGTH = 137'  
 WIDTH = 60'  
 AREA = 8,220 SQ FT

2 4 6 8 10 12 14 16 18 20 22 24 26 28 30 32 34 36 38 40 42 44 46 48 50 52 54 56 58 60

27TH STREET

RECEIVED

SEP 04 2013

Initial:







KJH-981





**NOTICE  
GUEST HOUSE  
For  
This Property  
CUP2013-0162**

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



SPEED  
LIMIT  
30



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

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

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

1D  
10/21/13  
10/28/13

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>10-21-13</u>	<u>Yes</u>

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

9. Advisory Board:      Approved      Disapproved      None

10. City Attorney: KDP Approved      Disapproved      None

11. Manager's Recommendation: MRP Approved      Disapproved      None

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF McALLEN, TEXAS AS ENACTED ON MAY 29, 1979, BY PROVIDING THAT THE WEST 17 FEET OF LOT 2 AND ALL OF LOT 3, BLOCK 5, ORANGE TERRACE SUBDIVISION NO. 3, HIDALGO COUNTY, TEXAS SHALL BE CHANGED FROM R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT; THAT LOT 18, JANICE ADDITION AND LOT 9, JANICE ADDITION NO. 2 SUBDIVISION, HIDALGO COUNTY, TEXAS SHALL BE CHANGED FROM R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENT) DISTRICT AMENDING THE ZONING MAP TO CONFORM TO THESE CHANGES.

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

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

The West 17 feet of Lot 2 and all of Lot 3, Block 5, Orange Terrace Subdivision No. 3, Hidalgo County, Texas.

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

Lot 18, Janice Addition and Lot 9, Janice Addition No. 2 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 28th day of October, 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 October 2013.

CITY OF MCALLEN

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

ATTEST:

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

Approved as to form:

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

**STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION  
UTILITY BOARD  
PLANNING & ZONING BOARD  
OTHER

    X      
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

AGENDA ITEM  
DATE SUBMITTED  
MEETING DATE

    2A      
\_\_\_\_\_  
10/23/2013  
\_\_\_\_\_  
10/28/2013  
\_\_\_\_\_

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 Workshop and Regular Meeting held October 14, 2013. Approval of outstanding  
minutes for 2008 for Workshops held January 9th, January 10th, August 26th and December 15, 2008.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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>10/23/2013</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 Workshop on **Monday, October 14, 2013**, at 4:00 pm, at McAllen City Hall Third Floor (3rd) Commission Chambers, with the following present:

Present: Mayor Jim Darling, Mayor Pro Tem Hilda Salinas, 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, Assistant City Manager/PUB General Manager Roy Rodriguez, City Secretary Annette Villarreal, Deputy City Secretary Perla Zamora, City Commission Liaison Elma Vela, City Engineer Yvette Barrera, Police Chief Victor Rodriguez, Director of Aviation Phil Brown, Director of Planning Juli Rankin, Director of Purchasing Sandra Zamora

**CALL TO ORDER**

Mayor Darling called the meeting to order.

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

There were no questions relating to the Regular Meeting Agenda.

**2. DISCUSSION OF ADVISORY BOARD-RELATED ISSUES.**

Presentation was given on advisory board issues concerning attendance requirements, quorum and composition of the boards. Staff mentioned that advisory boards have been having problems obtaining quorum at regularly scheduled meetings and are having to cancel meetings. Recommendations were given to staff as it relates to attendance and vacancies not counting towards quorum.

**3. DISCUSSION OF PROCUREMENT POLICY.**

Presentation was made regarding the Competitive Sealed Bid (CSB) and Competitive Sealed Proposal (CSP) concepts. A PowerPoint presentation was given outlining the procurement process as follows:

- Comply with competitive sealed bidding or competitive sealed proposals
- Reverse auction procedure
- Comply with certain methods of construction procurement

Staff also reviewed the evaluation process for competitive sealed proposal concept. A lengthy discussion was held. Concerns were expressed with regards to checks and balances. Direction was given to authorize staff to bring back said item for formal action.

#### **4. DISCUSSION OF GENERAL INSURANCE RECOMMENDATIONS FOR CONTRACTORS AND PROFESSIONAL SERVICES.**

Presentation was given on general insurance recommendations for contractors and professional services. Staff reviewed four options for standard insurance requirements. A handout was provided depicting the types of insurance coverage and standard limit required by the City of McAllen.

After a lengthy discussion, direction was given to staff to proceed with Option 4.

#### **5. DISCUSSION OF AIRPORT INTERIOR DESIGN.**

The architect on contract, Ms. Laura Warren of the Warren Group Architects presented various options for the terrazzo and the center structural column that is located in the rotunda of the expansion. Ms. Warren provided the city commission with the various floor options-column features. A discussion was held. The Commission instructed the architect to proceed with the grey with bubble art.

#### **6. DISCUSSION OF SHORT LIST OF AIRPORT ENGINEERS.**

Staff mentioned that the Department of Aviation had received nine Statements of Qualification from firms responding to the City's request for qualifications to provide General Engineering services for the McAllen Miller International Airport. Staff mentioned the following firms:

- HNTB
- KSA
- Dannenbaum
- Terracon
- Cruz-Hogan Consultants
- Chanin Engineering
- CADCon Corp.
- CP&Y
- Garver

The City Commission recommended interviewing the top three ranked firms as follows: 1) Garver, HNTB Corporation and KSA Engineers.

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

- A) DISCUSSION OF CITY MANAGER EVALUATION. (SECTION 551.074, T.G.C.)**
- B) DISCUSSION AND POSSIBLE ACTION ON AWARD OF BID PROPOSAL FOR THE SALE OF LOT 11B, MCALLEN CONVENTION CENTER. (SECTIONS 551.072 AND 551.071, T.G.C.)**



- C) CONSULTATION WITH CITY ATTORNEY REGARDING DEPOSITORY CONTRACT AND RELATED LEGAL ISSUES. (SECTION 551.071, T.G.C.)**
- D) CONSULTATION WITH CITY ATTORNEY REGARDING CASE NO. 13-09-00067-CV; CITY OF MCALLEN VS. ARNALDO RAMIREZ. (SECTION 551.071, T.G.C.)**
- E) DISCUSSION AND POSSIBLE ACTION REGARDING ENTERING INTO A SALES CONTRACT AND AUTHORIZING THE CITY MANAGER TO COMPLETE TRANSACTION TO ACQUIRE A 3.14 ACRE TRACT OF 11.53 ACRE TRACT OUT OF LOT 150, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY SUBDIVISION, HIDALGO COUNTY, TEXAS. (SECTION 551.072, T.G.C.)**
- F) CONSIDERATION OF SALE OF LOT 6(B), CONVENTION CENTER SUBDIVISION, FOR FULL SERVICE HOTEL. (SECTION 551.072, T.G.C.)**
- G) CONSIDERATION OF ECONOMIC DEVELOPMENT MATTERS. (SECTION 551.087, T.G.C.)**
- H) CONSULTATION WITH CITY ATTORNEY REGARDING POTENTIAL LITIGATION RESULTING FROM FORFEITURE OF A 2012 HONDA RIDGELINE. (SECTION 551.071, T.G.C.)**
- I) CONSULTATION WITH CITY ATTORNEY REGARDING TAKING ACTION TO MAKE A CLAIM ON A PERFORMANCE BOND AND INITIATE LITIGATION. (SECTION 551.071, T.G.C.)**
- J) DISCUSSION AND POSSIBLE ACTION REGARDING A TRACT OF LAND BEING THE WEST 0.55 ACRES OF THE WEST 3.0 ACRES OF THE NORTH 7.0 ACRES OF LOT 4, BLOCK 12, HIDALGO CANAL COMPANY SUBDIVISION. (SECTION 551.072, T.G.C.)**
- K) DISCUSSION AND POSSIBLE ACTION REGARDING MAKING AN OFFER AND ENTER INTO TWO CONTRACTS TO ACQUIRE TWO TRACT OUT OF LOTS 7 & 8 SECTION 5, HIDALGO CANAL COMPANY'S SUBDIVISION. (SECTION 551.072, T.G.C.)**

## **ADJOURNMENT**

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

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

The McAllen Board of Commissioners convened in a Regular Meeting on **Monday, October 14, 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, 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, Assistant City Manager/PUB General Manager Roy Rodriguez, City Secretary Annette Villarreal, City Engineer Yvette Barrera, Director of Planning Juli Rankin, Director of Parks and Recreation Sally Gavlik, Police Chief Victor Rodriguez, Public Works Director Carlos Sanchez

**CALL TO ORDER**

Mayor Darling called the meeting to order.

**PRESENTATION**

**THE GOLD LEAF OUTSTANDING ARBOR DAY AWARD**

A presentation was made of the Gold Leaf Outstanding Arbor Day Award presented by Texas A&M Forest Service.

**PROCLAMATIONS**

**DOMESTIC VIOLENCE AWARENESS MONTH**

Commissioner Whitacre read and presented a proclamation for *Domestic Violence Awareness Month*.

**COMMUNITY PLANNING MONTH**

Mayor Pro Tem Salinas read and presented a proclamation for *Community Planning Month*.

**1. PUBLIC HEARING:**

Mayor Darling called the Public Hearing to order.

**A) REZONINGS:**

**1. 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. TABLED**

Commissioner Ingram moved to remove said item from the table. Commissioner Whitacre seconded the motion. The motion carried unanimously

Staff recommended approval of a C-3 zoning at 2214 & 2212 Ithaca Avenue, as per Planning and Zoning Commission.

Mayor Darling asked if there was anyone to speak in favor of the rezoning request. The applicants, Mr. and Mrs. Solis, spoke in favor of the request. Mr. Charlie Balderas spoke in opposition. A discussion was held and questions were asked.

After due consideration, Commissioner Ingram moved to disapprove a C-3 zoning. Commissioner Whitacre seconded the motion. The vote on the motion was as follows:

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

A subsequent motion was made by Commissioner Crane to approve the C-3 zoning as recommended subject to the following conditions:

- Installation of stucco covered masonry wall on both sides;
- Existing business must come into compliance with the Landscape Ordinance;
- Representations of the applicant are incorporated into a site plan and that the site plan not be approved unless the recommendations are in and if there is a Conditional Use Permit sought for a mechanic shop that said permit be denied if it comes up; and
- No additional curb cuts on Ithaca as applicant represented that he would use existing curb cuts.

Commissioner Pebley seconded the motion. The vote on the motion was as follows:

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

- 2. REZONE FROM R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO C-1 (OFFICE BUILDING) DISTRICT: 1.07 ACRES OUT OF LOT 30, EBONY HEIGHTS CITRUS GROVES UNIT NO. 2 SUBDIVISION, HIDALGO COUNTY, TEXAS; 9120 NORTH 23<sup>RD</sup> STREET.**
- 3. REZONE FROM C-3 (GENERAL BUSINESS) DISTRICT TO R-2 (DUPLEX-FOURPLEX RESIDENTIAL) DISTRICT: LOT 12, BLOCK 4, COLONIA DEL NORTE SUBDIVISION, HIDALGO COUNTY, TEXAS; 2400 GUMWOOD**

**AVENUE.**

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

Commissioner Crane moved to adopt the Zoning Ordinance for the approved tract as recommended. Commissioner Pebley seconded the motion. The motion carried unanimously by those present.

**END OF PUBLIC HEARING**

Mayor Darling declared the Public Hearing closed.

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

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

Commissioner Ingram moved to approve the items listed on the Consent Agenda with exception of items 2D and 2E which would be addressed separately. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

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

Approved minutes of various meetings as follows: Workshop and Regular Meetings held September 23, 2013. Approved outstanding minutes for 2008 Workshops held January 28<sup>th</sup>, February 25<sup>th</sup>, May 7<sup>th</sup>, May 27<sup>th</sup>, July 14<sup>th</sup>, July 28<sup>th</sup>, August 4<sup>th</sup>, August 5<sup>th</sup>, August 6<sup>th</sup>, August 7<sup>th</sup>, August 12<sup>th</sup>, August 20<sup>th</sup>, October 14<sup>th</sup>, October 20<sup>th</sup>, October 27<sup>th</sup>, November 10<sup>th</sup>, November 24<sup>th</sup> and December 8, 2008.

**B) CONSIDERATION AND APPROVAL OF GRANT FUNDS UNDER TWO SUB-RECIPIENT AGREEMENTS FROM THE TEXAS DEPARTMENT OF PUBLIC SAFETY UNDER THE FISCAL YEAR 2013 STATE HOMELAND SECURITY PROGRAM.**

Approved grant funds under two Sub-Recipient Agreements from the Texas Department of Public Safety under the Fiscal Year 2013 State Homeland Security Program in the total amount of \$132,850.12. The awarded funds will provide for the installation of communication infrastructure at the Harlingen, Olmito, Linn and Raymondville radio tower sites.

**C) AWARD OF CONTRACT FOR TRIMMING AND PEELING OF TALL PALM TREES.**

Awarded a contract to Rodz Lawn Care for Trimming and Peeling of Tall Palm Trees. The term of the contract is for a one (1) year with the option to extend for two (2) additional years in one (1) year

increments - with City Manager approval - if the performance of the vendor is satisfactory and the unit prices remain firm.

**D) APPROVAL OF AMENDMENT TO CITY'S INVESTMENT POLICY.**

Staff recommended approval of resolution providing for an amendment to the City's Investment Policy.

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

**E) APPROVAL OF PLAINS CAPITAL BANK AS THE DEPOSITORY BANK FOR THE CITY OF MCALLEN.**

Staff recommended authorization to designate Plains Capital Bank as the Depository Bank for the City of McAllen as recommended by the Audit and Investment Committee.

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

**F) CONSIDER APPROVAL OF CHANGE ORDER NO. 1 FOR FIREMEN'S PARK LAKE LINER AND ADDITIONAL WORK DAYS.**

Approved Change Order No. 1 for Firemen's Park Lake Liner, for an additional 13 working days and no adjustment to the contract amount of \$212,512.18.

**G) CONSIDER APPROVAL OF CHANGE ORDER NO. 1 AND FINAL RECONCILIATION OF QUANTITIES FOR 2013 PAVEMENT FOG SEAL.**

Approved Change Order No. 1 and Final Reconciliation of Quantities for 2013 Pavement Fog Seal, in the add amount of \$3,978.54 for a total revised contract amount of \$218,059.89 and 10 working days.

**H) CONSIDER APPROVAL OF CHANGE ORDER NO.1 FOR DRAINAGE IMPROVEMENTS FOR KENDLEWOOD AVENUE (19<sup>TH</sup> ST. TO 22<sup>ND</sup> ST.).**

Approved Change Order No. 1 for Drainage Improvements for Kendlewood Avenue (19<sup>th</sup> St. to 22<sup>nd</sup> St.), in the add amount of \$577.00 for a revised contract amount of \$488,477 and a revised contract time of 112 working days.

**I) CONSIDERATION OF AN INTERLOCAL AGREEMENT WITH CITY OF MCALLEN, CITY OF PALMHURST, CITY OF ALTON, AND HIDALGO COUNTY RELATING TO CERTAIN IMPROVEMENTS TO SHARY ROAD (FM 494) FROM FM 1924 (MILE 3) TO SH 107.**

Approved an Interlocal Agreement with City of McAllen, City of Palmhurst, City of Alton, and Hidalgo County relating to certain improvements to Shary Road (FM 494) from FM 1924 (Mile 3) to

SH 107, with McAllen's contribution estimated at \$229,888.08 of a total project development cost of \$1,905,897.

**J) CONSIDERATION AND APPROVAL OF A MULTIPLE USE AGREEMENT WITH TEXAS DEPARTMENT OF TRANSPORTATION AND THE CITY OF MCALLEN RELATING TO THE CONSTRUCTION OF A BUS SHELTER AND TURNOUT ON NORTH 10<sup>TH</sup> STREET, NORTH OF TRENTON ROAD.**

Approved a Multiple Use Agreement with Texas Department of Transportation and the City of McAllen relating to the construction of a bus shelter and turnout on North 10<sup>th</sup> Street, North of Trenton Road, with the City's responsibility of 20% of the total project cost.

**K) CONSIDERATION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING WITH THE CITY OF BROWNSVILLE FOR THE METRO CONNECT PROJECT.**

Approved a Memorandum of Understanding with the City of Brownsville for the Metro Connect Project, with a local match of \$111,496.

**L) ORDINANCE AMENDING ORDINANCE NO. 2012-12 PROVIDING FOR AN INCREASE IN AUTHORIZED STRENGTH FOR THE MCALLEN FIRE DEPARTMENT.**

Adopted an ordinance amending Ordinance No. 2012-12, providing for an increase in authorized strength for the McAllen Fire Department from 164 to 166.

**M) ORDINANCE AMENDING ORDINANCE NO. 2009-59 PROVIDING FOR AN INCREASE IN AUTHORIZED STRENGTH FOR THE MCALLEN POLICE DEPARTMENT.**

Adopted an ordinance amending Ordinance No. 2009-59, providing for an increase in authorized strength for the McAllen Police Department from 279 to 280.

**N) ORDINANCE PROVIDING FOR ABANDONMENT OF A TRACT OF LAND CONTAINING 1.034 ACRES (45,037.64 SQ. FT.) SITUATED IN THE COUNTY OF HIDALGO, TEXAS BEING THAT PART OR A PORTION OF THE TRAILBLAZER AVENUE RIGHT-OF-WAY ADJACENT TO THE NORTH LINE OF LOTS 15-168, LA PUERTA PHASE 1 SUBDIVISION; 14001 NORTH ROOTH ROAD – TRAIL BLAZER SUBDIVISION.**

Adopted an ordinance providing for the abandonment for a tract of land containing 1.034 acres at 14001 North Rooth Road – Trail Blazer Subdivision.

**O) RESOLUTION AUTHORIZING THE CITY MANAGER TO COMPLETE TRANSACTION TO ACQUIRE A TRACT OF LAND OUT OF LOT 3, BLOCK 4, A.J. MCCOLL SUBDIVISION, HIDALGO COUNTY, TEXAS.**

Approved a resolution authorizing the City Manager to complete the transaction to acquire a tract of land out of Lot 3, Block 4, A.J. McColl Subdivision.

**P) CONSIDERATION OF A VARIANCE REQUEST TO RIGHT-OF-WAY DEDICATION AT 1515 HOUSTON SUBDIVISION.**

Approved a variance request allowing for a 10 ft. right-of-way dedication for 60 ft. of right-of-way along Houston Avenue at 1515 Houston Avenue.

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

**1. EDWARD ABSTRACT & TITLE COMPANY**

Approved a tax refund of \$1,809.26.

**2. POPP, GRAY & HUTCHENSON, LLP.**

Approved a tax refund of \$2,974.20.

**3. COLE KO MCALLEN TEXAS LLC.**

Approved a tax refund of \$13,137.89.

**3. BIDS/CONTRACTS:**

**A) AWARD OF CONTRACT FOR PUBLIC SAFETY BUILDING ADDITIONS AND RENOVATIONS.**

Staff recommended award of contract for the Public Safety Building Additions and Renovations to Highmark Construction Company, LLC, in the amount of \$3,550,000.

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

**B) CONSIDERATION AND AUTHORIZATION FOR THE CITY OF MCALLEN TO ENTER INTO A TWENTY (20) YEAR LEASE AGREEMENT WITH TRINITY UNITED METHODIST CHURCH FOR USE OF PARKING LOT AND RELATED IMPROVEMENTS FOR THE BICENTENNIAL TRAIL.**

Staff recommended approval of a 20 Year Lease Agreement with Trinity United Methodist Church for use of the parking lot and related improvements for the Bicentennial Trail.

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

**C) APPROVAL OF AGENCY CONTRACTS WITH THE DEVELOPMENT CORPORATION OF MCALLEN, INC.**

Staff recommended approval of Agency Contracts with the Development Corporation of McAllen, Inc. as follows:

- 1. SOUTH TEXAS COLLEGE - \$480,000**
- 2. ACCION TEXAS INC. - \$250,000** subject to the following changes to the agreement:
  - Term “Marketing Grant” to change to Outreach & Business Assistance for 50,000 – 30,000 for the City to provide \$20,000 worth of marketing, social media and air time on the McAllen Cable Network (MCN);
  - Customer must be certified by Accion as “unbankable” to receive services;
  - No loans to City of McAllen employees, relatives or elected officials through the program;
  - City of McAllen will not pay commitment fees on loans; and
  - No loans will have terms longer than five (5) years unless job creation be shown at which time would then come before the City Commission for approval.
- 3. VALLEY INITIATIVE FOR DEVELOPMENT AND ADVANCEMENT, INC. (VIDA) - \$902,000**
- 4. COMMUNITY HEALTH MANAGEMENT CORPORATION, INC. - \$120,000**
- 5. AFFORDABLE HOMES - \$100,000**

Commissioner Crane moved to approve the contracts as recommended including the changes to the contract with Accion Texas Inc. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

**D) APPROVAL OF OUTSIDE AGENCY CONTRACTS FOR FISCAL YEAR 2013-2014:**

Staff recommended approval of outside agency contracts for Fiscal Year 2013-2014 funding as follows:

- 1. AMIGOS DEL VALLE - \$52,059**
- 2. BORDER TRADE ALLIANCE - \$15,000**
- 3. BOYS & GIRLS CLUB OF MCALLEN - \$750,000**
- 4. INTERNATIONAL MUSEUM OF ARTS & SCIENCE - \$751,000**
- 5. KEEP MCALLEN BEAUTIFUL - \$24,000**
- 6. MCALLEN CHAMBER OF COMMERCE - \$644,200**
- 7. MCALLEN ECONOMIC DEVELOPMENT CORPORATION - \$1,383,195**
- 8. MCALLEN HERITAGE CENTER - \$45,000**
- 9. MCALLEN TOWN BAND - \$14,400**
- 10. MUSEUM OF SOUTH TEXAS HISTORY - \$41,400**



11. SOUTH TEXAS SYMPHONY ASSOCIATION - \$101,800
12. VALLEY PROUD ENVIRONMENTAL COUNCIL - \$5,000
13. CENTRO CULTURAL - \$12,000
14. PHARR LITERACY CENTER - \$20,000
15. WOMEN TOGETHER - \$25,000

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

**E) AWARD OF CONTRACT FOR ONE (1) REFURBISHED 1992 OSHKOSH TA-1500 ARFF VEHICLE (AIRCRAFT RESCUE FIRE FIGHTING) FOR FIRE DEPARTMENT.**

Staff recommended award of contract for one (1) Refurbished 1992 Oshkosh TA-1500 ARFF Vehicle (Artifact Rescue Fire Fighting) for Fire Department, to Fire Trucks Unlimited, LLC, in the amount of \$185,980.

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

**F) AWARD OF CONTRACT FOR THE PURCHASE AND PICK-UP OF TYPE “D” HOT MIX.**

Staff recommended award of contract for the Purchase and Pick-up of Type “D” Hot Mix to Upper Valley Materials as the primary contractor, and Frontera Materials as secondary. Initial contract shall be for one year with the option to extend for one year with City Manager approval, if the vendor’s performance is satisfactory and the unit prices remain firm.

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

**G) AWARD OF CONTRACT FOR THE PURCHASE OF AUTOMOTIVE/TRUCK PARTS.**

Staff recommended award of multiple contracts for the Purchase of Automotive/Truck Parts as follows:

- Laredo Wholesale Auto Distribution for items 30, 37, 43, 47, 49, 77, 85, 103, 109, 111, 113, 134, 149-150, 152, 157-167, 170, 177, 182-183, 193-194, 196, 201, 206, 210, 212-213, 218, 223, 232-236, 240, 244, 299-300, 309, 314-315, 319, 341, 348, 350, 352, 359, 361, 367, 377-378, 390, 399, 406-407, 409, 411, 415, 425
- Vehicle Maintenance Program Inc. for items 33-35, 40-41, 44-46, 48, 52, 55, 57-58, 60, 62-64, 67-69, 72-73, 75, 78-84, 86, 89, 91, 95-96, 99-101, 104, 107-108, 110, 112, 114, 116, 119, 122-127, 129-133, 141-142, 145, 155, 184-185, 187, 195, 202, 211, 214-217, 228-230, 237-239, 295, 304-306, 316-317, 324-328, 335-336, 353-355, 360, 370-372, 410, 412, 417-418

- O'Reilly Auto Parts for items 22-23, 50-51, 53-54, 56, 76, 128, 136, 146-147, 153-154, 156, 174, 178, 188-192, 203, 205, 226, 279-280, 313, 323, 344, 362, 379-381, 391-395, 400, 408, 413, 422-423
- Full Service Auto Parts for items 1-6, 93-94, 117-118, 135, 137-140, 148, 168-169, 171-173, 175, 179-181, 186, 197, 204, 209, 221-222, 224, 227, 231, 241-243, 296-297, 330, 414, 419
- Heil of Texas for items 7-10, 12-21, 24-29, 31-32, 36, 42, 61, 65-66, 74, 87-88, 200, 219-220, 245-253, 264-266, 268-278, 283-293, 307, 320-322, 345, 386, 404-405, 427
- Holt Cat 38-39, 90, 105-106, 115, 144, 151, 334, 387-388, 396-398

Additionally, staff recommended the rejection and rebid of the following items: 11, 50-51, 53-54, 59, 70-71, 92, 97-98, 102, 120-121, 143, 176, 198-199, 207-208, 225, 254-263, 267, 281-282, 294, 298, 301-303, 308, 310-312, 329, 331-333, 337-340, 342-343, 346-347, 349, 351, 356, 357, 358, 363-366, 368-369, 373-376, 382-384, 385, 389, 401-403, 416, 420-421, 424, 426.

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

**4. ORDINANCE PROVIDING FOR BUDGET AMENDMENT FOR ONE (1) REFURBISHED 1992 OSHKOSH TA-1500 ARFF VEHICLE (AIRCRAFT RESCUE FIRE FIGHTING) FOR FIRE DEPARTMENT.**

Staff recommended adoption of an ordinance providing for a budget amendment for one (1) Refurbished 1992 Oshkosh TA-1500 ARFF Vehicle (Aircraft Rescue Fire Fighting) for the Fire Department.

Commissioner Ingram moved to adopt the ordinance as recommended. Mayor Pro Tem Salinas seconded the motion.

**5. RESOLUTION SUPPORTING STC'S BOND AND MAINTENANCE ELECTION ON NOVEMBER 5, 2013.**

Staff recommended approval of a resolution supporting STC's Bond and Maintenance Election on November 5, 2013.

Commissioner Whitacre moved to approve the resolution as recommended. Commissioner Pebley seconded the motion. The motion carried unanimously by those present.

**6. VARIANCE REQUEST TO NOT REQUIRE THE SUBDIVISION PROCESS AT THE EAST 137 FT. OF THE NORTH 10 ACRES OF THE SOUTH 20 ACRES OF COMBINED LOT 11, BLOCK 4 AND BLOCK 2, M & M SUBDIVISION; 2901 VALCOSTA SERVICE ROAD.**

Staff recommended that said item be tabled at the request of the applicant.

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

**7. MANAGER'S REPORT:**

**A) REVIEW OF QUARTERLY INVESTMENT REPORT FOR THE QUARTER ENDED JUNE 30, 2013.**

Staff presented the Quarterly Investment Report for quarter ended June 30, 2013, and recommended acceptance of said report as per the Audit and Investment Committee.

Commissioner Whitacre moved to accept the report as presented. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

**B) FUTURE AGENDA ITEMS.**

The items for upcoming workshops were briefly reviewed: Reports on Retreat Projects; Buffering; De Leon Bleachers; Airport Engineer Interviews; STC Board Meeting; Bond Issue Forums; Artificial Turf presentation; Parakeet/Parrot Ordinance; and Joint Meeting with MPUB.

**8. MAYOR'S REPORT ON ANNUAL TML CONFERENCE HELD IN AUSTIN, TEXAS.**

Mayor Darling gave a report on the Annual TML Conference that was held in Austin, Texas.

**9. TABLED ITEMS:**

**A) DISCUSSION AND POSSIBLE ACTION REGARDING WAIVER OF PENALTY AND INTEREST ON DELINQUENT TAXES FOR SINBON ELECTRONICS CO. LTD., CAUSE NO. T-1113-12-J.**

Said item remained tabled.

**B) CONSIDER AUTHORIZING MAYOR JIM DARLING TO COMMIT 2.5 MILLION DOLLARS FOR DESIGN OF FM 1016 FROM BRYAN ROAD TO CONWAY.**

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

Staff recommended authorization for Mayor Darling to commit up to \$2.5 million dollars for design of FM 1016 from Bryan Road to Conway. Mayor Darling gave a report on the City of Mission's meeting with TxDOT about funding of said project.

Commissioner Crane moved to authorize the Mayor to execute a letter agreement to participate with the design of the project up to \$2.5 million subject to TxDOT's allocation of the funding through the current budget and the funding does not have any negative impact on RMA Projects. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

## **PUBLIC COMMENT SESSION**

The following individuals addressed the Commission under the Public Comment Session: Charles Alexander and Isacc Eguia.

**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 Item 10G; Section 551.071 Consultation with Attorney for Items 10B, 10C, 10D, 10H and 10I; Section 551.072 Deliberation regarding Real Property for Items 10B, 10E, 10F, 10J and 10K; and Section 551.074 (Personnel Matters) for Item 10A.

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

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

Mayor Darling recessed the meeting at 6:30 pm to go into Executive Session. Commissioner Whitacre excused herself from meeting at 8:10 pm. Mayor Darling reconvened the meeting at 8:21 pm and reconvened the meeting of the EB-5 followed by any action on Executive Session items.

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

No action.

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

No action.

**C) CONSULTATION WITH CITY ATTORNEY REGARDING DEPOSITORY CONTRACT AND RELATED LEGAL ISSUES. (SECTION 551.071, T.G.C.)**

No action.

**D) CONSULTATION WITH CITY ATTORNEY REGARDING CASE NO. 13-09-00067-CV; CITY OF MCALLEN VS. ARNALDO RAMIREZ. (SECTION 551.071, T.G.C.)**

No action.

- E) DISCUSSION AND POSSIBLE ACTION REGARDING ENTERING INTO A SALES CONTRACT AND AUTHORIZING THE CITY MANAGER TO COMPLETE TRANSACTION TO ACQUIRE A 3.14 ACRE TRACT OF 11.53 ACRE TRACT OUT OF LOT 150, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY SUBDIVISION, HIDALGO COUNTY, TEXAS. (SECTION 551.072, T.G.C.)**

Commissioner Ingram moved to authorize the City Attorney and City Manager to complete the purchase of this real estate within the parameters discussed in Executive Session. Commissioner Crane seconded the motion. The motion carried unanimously by those present.

- F) CONSIDERATION OF SALE OF LOT 6(B), CONVENTION CENTER SUBDIVISION, FOR FULL SERVICE HOTEL. (SECTION 551.072, T.G.C.)**

Commissioner Pebley moved to instruct city staff to put out the Request for Proposals (RFP) for this item again as discussed in Executive Session. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

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

Commissioner Ingram moved to approve the economic incentive on the project discussed in Executive Session. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

- H) CONSULTATION WITH CITY ATTORNEY REGARDING POTENTIAL LITIGATION RESULTING FROM FORFEITURE OF A 2012 HONDA RIDGELINE. (SECTION 551.071, T.G.C.)**

Commissioner Pebley moved to authorize the City Attorney to file a Deck Action with respect to the Honda Ridgeline that was seized by the Police Department. Commissioner Ingram seconded the motion. The motion carried unanimously by those present.

- I) CONSULTATION WITH CITY ATTORNEY REGARDING TAKING ACTION TO MAKE A CLAIM ON A PERFORMANCE BOND AND INITIATE LITIGATION. (SECTION 551.071, T.G.C.)**

Commissioner Ingram moved to approve the lawsuit that was filed by the City Attorney's Office last week with respect to the performance bond on the Leal Construction matter. Commissioner Crane seconded the motion. The motion carried unanimously by those present.

- J) DISCUSSION AND POSSIBLE ACTION REGARDING A TRACT OF LAND BEING THE WEST 0.55 ACRES OF THE WEST 3.0 ACRES OF THE NORTH**

**7.0 ACRES OF LOT 4, BLOCK 12, HIDALGO CANAL COMPANY  
SUBDIVISION. (SECTION 551.072, T.G.C.)**

Commissioner Ingram moved to authorize the City Attorney's Office to negotiate and if required, to file suit with respect to the dispute on the land on item J within the parameters discussed in Executive Session. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously by those present.

**K) DISCUSSION AND POSSIBLE ACTION REGARDING MAKING AN OFFER  
AND ENTER INTO TWO CONTRACTS TO ACQUIRE TWO TRACT OUT OF  
LOTS 7 & 8 SECTION 5, HIDALGO CANAL COMPANY'S SUBDIVISION.  
(SECTION 551.072, T.G.C.)**

No action.

**ADJOURNMENT**

There being no other business to come before the Commission, the meeting was adjourned at 8:25 p.m.

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Jim Darling, Mayor

Attest:

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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 **January, 9, 2008** at 5:30 pm at the McAllen Convention Center-Board Room #1, with the following present:

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

Absent: Aida Ramirez, Commissioner

Staff present: City Manager Mike Perez, Deputy City Manager Brent Branham, City Attorney Kevin Pagan, Assistant City Manager, Pilar Rodriguez, City Secretary Annette Villarreal, City Architect Yvette Barrera, Planning Director Juli Rankin

Others: Nedra Kinerk, Jan Klinck, Bob Wallace

**CALL TO ORDER**

Mayor Cortez called the meeting to order.

**1. UPDATE ON GOALS AND OBJECTIVES FOR FY 2007-08.**

Said item was addressed at the workshop held January 8, 2008.

**2. DISCUSSION OF FORESIGHT MCALLEN MASTER PLAN UPDATE.**

Staff gave a synopsis of the Foresight McAllen Master Plan. Staff touched on the following topics:

- Street Closure Study
- Access Management
- Buffer Standards
- Intersection Triangle
- Thoroughfare Alignment Change
- Public Transportation

Comments were shared by Mayor and City Commission. Questions and concerns were discussed. Staff answered questions posed by the City Commission.

Mayor Cortez thanked staff for their presentation.

**3. DISCUSSION OF CITY OF MCALLEN BUSINESS PLAN.**

Said item was addressed at the workshop held January 8, 2008.

**ADJOURNMENT**

There being no other business to come before the Commission, the meeting was adjourned at 7:20 p.m.

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

The McAllen Board of Commissioners convened in a Workshop on **January, 10, 2008** at 5:30 pm at the McAllen Convention Center-Board Room #1, with the following present:

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

Absent: Aida Ramirez, Commissioner

Staff present: City Manager Mike Perez, Deputy City Manager Brent Branham, City Attorney Kevin Pagan, Assistant City Manager, Pilar Rodriguez, City Secretary Annette Villarreal, City Architect Yvette Barrera, Planning Director Juli Rankin

Others: Nedra Kinerk, Jan Klinck, James Osborne

**CALL TO ORDER**

Mayor Cortez called the meeting to order.

**1. UPDATE ON GOALS AND OBJECTIVES FOR FY 2007-08.**

Said item was addressed at the workshop held January 8, 2008.

**2. DISCUSSION OF FORESIGHT MCALLEN MASTER PLAN UPDATE.**

Staff gave a synopsis of the Foresight McAllen Master Plan. A lengthy discussion ensued. Comments were shared by Mayor and City Commission. Questions and concerns were discussed. Staff answered questions posed by the City Commission.

Mayor Cortez thanked staff for their presentation.

**3. DISCUSSION OF CITY OF MCALLEN BUSINESS PLAN.**

Said item was addressed at the workshop held January 8, 2008.

**ADJOURNMENT**

There being no other business to come before the Commission, the meeting was adjourned at 7:28 p.m.



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

The McAllen Board of Commissioners convened in a Workshop on **Thursday, August 26, 2008** at 5:00 pm at the Palm View Golf Course, with the following present:

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

Staff present: City Manager Mike Perez, Deputy City Manager Brent Branham, City Attorney Kevin Pagan, Assistant City Manager Pilar Rodriguez, City Secretary Annette Villarreal, Parks and Recreation Director Larry Pressler, Deputy Parks Director Mike Hernandez, Convention Center Director Omar Rodriguez, Library Director, Jose Gamez

Others: Dave Hendricks, Nedra Kinerk, Davis Rankin

**CALL TO ORDER**

Mayor Cortez called the meeting to order.

**1. DISCUSSION AND WRAP-UP OF FY 2008-09 BUDGET.**

A synopsis was given of the 2008-2009 City of McAllen Budget. A handout depicting the fund balance summaries for the General Fund and all Funds was provided to the City Commission. Staff also reminded Mayor and City Commission that they were needing their choices for projects they wish to have accomplished for the coming Fiscal Year from the Business Plan. It was noted that that staff would like to have specific direction on all projects that they would like the city staff to accomplish next year. It was mentioned that said projects will be placed in the CIP under a specific section called Business Plan Project.

A lengthy discussion was held. Comments were shared by Mayor and City Commission. Staff answered questions posed by the Mayor and City Commission.

**ADJOURNMENT**

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

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

The McAllen Board of Commissioners convened in a Special Meeting on **Monday, December 15, 2008** at 5:30 pm at the McAllen City Hall, Third (3<sup>rd</sup>) Floor Commission Chambers, with the following present:

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

Absent: Mayor Richard Cortez

Staff present: City Manager Mike Perez, City Attorney Kevin Pagan, Deputy City Manager Brent Branham, Assistant City Manager Pilar Rodriguez, City Secretary Annette Villarreal, Deputy City Secretary Perla Zamora, Planning Director Juli Rankin, Library Director Jose Gamez, City Engineer Yvette Barrera, Designer Victor Gonzalez, City Architect Theresa Morales

Others: Bryan Godinez, Steve Ahlenius

**CALL TO ORDER**

Mayor Pro Tem Barrera called the meeting to order in the Mayor's absence.

**1. DISCUSSION RELATING TO THE NEW BRANDING FOR CITY OF MCALLEN.**

Staff made a presentation on the new branding for City of McAllen. A power point presentation was given touching on the following:

- Economic powerhouse
- Retail Mecca
- International Banking
- National Healthcare Diversity
- Successful City Government/Institutions
- Global Real Estate Players
- Business and Art Incubations

Staff also briefly reviewed the following vital qualities for the City of McAllen:

- Positive Community
- Family Centric
- Ecological Oasis
- Friendly
- Embracing
- Belong here
- Spirit
- Affordable
- Big City Amenities

- Small Town Charm
- Safety

Questions and concerns were addressed. Staff answered questions posed by the City Commission.

## **ADJOURNMENT**

### **2. EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY).**

#### **A) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL CLAIM FROM BILL FITZGIBBONS. (SECTION 551.071, T.G.C.)**

## **ADJOURNMENT**

There being no other business to come before the Commission, the meeting was adjourned at 7:10 p.m.

**STANDARDIZED RECOMMENDATION FORM**

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

AGENDA ITEM   2b    
DATE SUBMITTED  10/14/13   
MEETING DATE  10/28/13 

1. Agenda Item: **Purchase of Materials for Pedestrian Bridge Rehabilitation Palm View Golf Course (Project # 10-13-P01-13)**

2. Party Making Request: Engineering Department / Palmview Golf Course

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

Consideration and approval of award of contract for purchase of structural plastic boards to replace existing planking on two existing bridge structures to American Plastic Lumber (Shingle Springs, California) in the amount of \$ 52,840.20 to be delivered within 40 working days.

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

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

Budgeted: \$ 92,000.00

300-8708-466-66-30 ID# CP1302 \$ 92,000.00

6. Alternate Option/Costs **The City Commission may elect to reject bid and re-advertise the project.**

7. Routing:

NAME/TITLE	INITIAL	DATE	CONCURRENCE
a) <u>Yvette Barrera, PE, City Engineer</u>	<u>YB</u>	<u>10/18/13</u>	<u>yes</u>
b) <u>Sandra Zamora, Director of Purchasing</u>	<u>SZ</u>	<u>10-22-13</u>	<u>yes</u>
c) <u>J.W. Dale, Director of Finance</u>	<u>JD</u>	<u>10/22/13</u>	<u>YES</u>
d) <u>Roy Rodriguez, Assistant City Mngr.</u>	<u>RR</u>	<u>10/22/13</u>	<u>yes</u>
e) <u>Carlos Espinoza, Director of Golf</u>	<u>CE</u>	<u>10/18/13</u>	<u>YES</u>

8. Staff Recommendation: City staff recommends award of contract to the low bidder, **American Plastic Lumber** (Shingle Springs, California) in the amount of \$ 52,840.20 to be delivered within 40 working days.

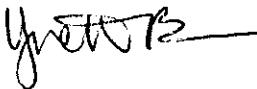
9. Advisory Board:    Approved    Disapproved    None

10. City Attorney:   KP   Approved    Disapproved    None

11. Manager's Recommendation:   MRP   Approved    Disapproved    None



**CITY OF MCALLEN  
DEPARTMENT OF ENGINEERING  
MEMORANDUM**

**To:** Mike R. Perez, City Manager  
**From:** Yvette Barrera, P.E., CFM, City Engineer   
**Date:** October 14, 2013  
**Subject:** **Award of Contract – Purchase of Materials for Pedestrian Bridge Rehabilitation  
Palmview Golf Course- Project # 10-13-P01-13**

**Goal**

City staff intends award of contract for purchase of structural plastic boards to replace existing planking on two existing bridge structures to the lowest, responsive, responsible bidder.

**Brief Explanation**

On October 10, 2013 the Purchasing and Contracting Department received two (2) bid proposals for the above referenced project. The two bidders are identified in the attached spreadsheet. The project consists of providing structural plastic lumber boards (4" x 12" x 10') as specified.

Bids ranged from \$ 52,840 to \$ 63,357 for the proposed project materials. The low bidder proposes to be complete the manufacturing and delivery within 40 working days. A copy of the bid tabulation is attached for your review and consideration.

**Options:**

- 1.) The City Commission may choose to award contract to the lowest, responsive, responsible bidder.
- 2.) The Commission may choose to reject bids and re-advertise the project.

**Recommendation – City staff recommends award of contract to the low bidder, American Plastic Lumber (Shingle Springs, California) in the amount of \$ 52,840.20 to be delivered within 40 working days.**



★ Recommended for award

PREPARED BY: CR 10/10/13

Solicitation: 10-13-P01-13 Purchase of Materials for Pedestrian Bridge Rehabilitation - Palm View Golf Course (PVGC)

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BID OPENING DATE: OCTOBER 10, 2013 AT 2:00 P.M.

BIDDERS						AMERICAN PLASTIC LUMBER, INC. ★ SHINGLE SPRINGS, CA		PLAS TEAK, INC. AKRON, OH	
NO	Internal Ref. Number	TYPE	DESCRIPTION	UOM	QTY	Item Bid	Extended Bid	Item Bid	Extended Bid
1	570-64	BASE	Structural Plastic Lumber Boards. Color: Black. 322 - 4" x 12" x 10'	LF	3,220	\$16.41	\$52,840.20	\$19.68	\$63,356.72
<b>TOTAL BID AMOUNT:</b>						★	<b>\$52,840.20</b>		<b>\$63,356.72</b>
BID BOND (5%):							CC		BB
DELIVERY:							4-8 WEEKS		4-6 WEEKS
HARD COPY BID (SUBMITTED):							SUBMITTED		SUBMITTED
ELECTRONIC BID (SUBMITTED):							SUBMITTED		SUBMITTED

Buyer: SIG

Bids Opened by: Liz Cabrera

Recorder: Carol Quintanilla

**STANDARDIZED RECOMMENDATION FORM**

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

AGENDA ITEM   2c    
 DATE SUBMITTED  10/21/13   
 MEETING DATE  10/28/13 

1. Agenda Item:   McAllen Development Services - Contract Amendment #5    
  Project #02-10-S15-105  

2. Party Making Request:   Engineering Department  

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

  Consideration and approval of Professional Service Contract Amendment #5 to Rike Ogden Figueroa    
  AllTex  

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

5. Budgeted:   X   Yes        No        N/A

**Funding Source:**            **300-8708-416.66-10 ID#BB0103**            \$ **500,000**  
    **300-8708-416.66.10 ID#BB1201**            \$ **252,100**

Arch.	Contract / Amendments	Amount
	Original Contract	\$225,000.00 (7.50% of FLBCC)
	Contract Amendment #1	\$147,250.00 (7.75% of FLBCC)
	Contract Amendment #2	\$85,250.00 (7.75% of FLBCC)
	Contract Amendment #3	\$168,802.83 (7.75% of FLBCC)
	Contract Amendment #4	\$145,900.00 (7.75% of FLBCC)
	<b>Contract Amendment #5</b>	<b>\$ 46,315.00 ( add services)</b>

6. Alternate Option/Costs   N/A  

7. Routing:

  NAME/TITLE  

	<u>  INITIAL  </u>	<u>  DATE  </u>	<u>  CONCURRENCE  </u>
a) Y. Barrera, PE, CFM, City Engineer	<u>  YB  </u>	<u>  10/22/13  </u>	<u>  Yes  </u>
b) J. Dale, CPA, Finance Director	<u>  JD  </u>	<u>  10/22/13  </u>	<u>  YES  </u>
c) Roy Rodriguez, PE, Asst. City Manager	<u>  RR  </u>	<u>  10/22/13  </u>	<u>  Yes  </u>
d) S. Zamora, CPM, Director of P&C	<u>  SZ  </u>	<u>  10-22-13  </u>	<u>  Yes  </u>

8. Staff Recommendation:   Staff recommends approval of Contract Amendment No. 5  

9. Advisory Board:        Approved        Disapproved        None

10. City Attorney:   KP   Approved        Disapproved        None

11. Manager's Recommendation:   MRP   Approved        Disapproved        None



**CITY OF MCALLEN**  
**DEPARTMENT OF ENGINEERING**  
**MEMORANDUM**

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

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

**Date:** October 21, 2013

**Subject:** **McAllen Development Services Facility –Contract Amendment No. 5**  
**Project # 02-10-S15-105**

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**GOAL**

Consideration and approval of Contract Amendment #5.

**EXPLANATION**

At the completion of the McAllen Development Center, the departments associated with these development services will move from City Hall to the renovated facility. After this move, the vacated areas from City Hall will undergo reconstruction in order to accommodate the departments that will be relocated to this area. As part of this move, improvements that will be made require the services of an Architect and MEP Engineers. The improvements include construction of new walls and modifications to the existing HVAC components to serve the newly designed areas.

This work will be required on the first and second floors, and is estimated by the Architect to be at a cost of \$35 per sf. The Consultant is proposing a fixed fee amount of \$46,315 or 8% of the construction cost (\$578,940) for their services, which includes the necessary MEP services for the building.

**Options**

- 1.) Approve amendment #5 as described above.
- 2.) Disapprove amendment #5.

**Recommendation** – Staff recommends approval of Contract Amendment #5 in the fixed fee amount of \$46,315.



October 17, 2013

Ms. Yvette Barrera  
City of McAllen  
1300 Houston Avenue  
McAllen, Texas 78501

RE: Renovations to the existing McAllen City Hall

Dear Ms. Barrera:

Based on the information provided to date for proposed modifications to McAllen City Hall, we estimate a probable construction cost of \$478,940.00 for interior remodeling and \$100,000.00 estimated by the City of McAllen for MEP improvements for total project cost of \$578,940.00. We are estimating the cost as follows:

1 <sup>st</sup> level	9,038
2 <sup>nd</sup> level	4,646
	13,684 SF @ \$35/SF

Our fee to provide professional services on a fixed fee basis is \$46,315.00

Basic services to include:

Architectural and MEP Engineering Services  
Architectural including  
Air Conditioning  
Electrical  
Plumbing  
Construction Documents  
Bidding  
Construction Administration

Reimbursable:

Reproduction of documents for Bidding  
ADA Plan Review and Inspection

Please confirm estimate for MEP related work previously to be under separate engineering contract.

Ms. Barrera, we look forward to meeting with you to proceed with your project. Please do not hesitate to call me so that we may set a date and time at your convenience.

Sincerely,  
Rike Ogden Figueroa Allex Architects Inc.



Luis A. Figueroa, AIA  
Principal





**CITY OF MCALLEN  
GRANT ADMINISTRATION OFFICE  
MEMORANDUM**

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**To: Mayor and City Commission**

**From: Wendy L. Smith, Assistant City Manager**

**Date: October 8, 2013**

**Subject: Second Amendment to Hidalgo County Interlocal Agreement**

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The City of McAllen approved an Interlocal Agreement on June 14, 2011 with County of Hidalgo for the transfer of communications equipment for the Regional Radio System. Hidalgo County is transferring additional equipment; consequently creating an amendment to the ILA. The changes do not affect the terms of the original Agreement.

STATE OF TEXAS

§

COUNTY OF HIDALGO

§

**SECOND AMENDMENT TO INTERLOCAL COOPERATION ACT  
AGREEMENT BETWEEN THE COUNTY OF HIDALGO, TEXAS  
AND THE CITY OF MCALLEN FOR EQUIPMENT/SERVICE SHARING**

This **AMENDMENT** to the **INTERLOCAL AGREEMENT** is made this \_\_\_ day of \_\_\_\_\_, 2013 by and between **HIDALGO COUNTY, TEXAS** (the "County") and **CITY OF MCALLEN, TEXAS**, (the "City").

**WHEREAS**, County was awarded a grant hereinafter referred to as the 2009 LEAP/SHSP Grant or the "Grant", in the amended amount of Nine Hundred Ninety-Four Thousand Seven Hundred Sixty-one and 43/100ths (\$994,761.43) from the Department of Homeland Security (DHS), Texas Department of Emergency Management and as administered via the Lower Rio Grande Valley Development Council, of which certain funds are intended to be used for a region-wide communication system (Lower Rio Grande Valley land mobile radio system, hereinafter "LRGV-LMRS");

**WHEREAS**, the Grant requires County as the Grant recipient, to comply with certain terms and conditions more particularly described in **Exhibit "A"** attached hereto and titled, Governor's Division of Emergency Management 2009 Terms and Conditions (Homeland Security Grant Program ("HSGP")), and further requires any sub-recipient or participant accepting funding from the Grant through a subcontract or agreement to also comply with certain provisions of the terms and conditions stated in the attached Exhibit "A".

**WHEREAS**, City and County entered into an Interlocal Agreement dated June 21, 2011, by and between City and County to carry out DHS eligible activities and transfer equipment pursuant to the Grant. The Agreement was subsequently amended on August 9, 2011.

**NOW, THEREFORE**, for and in consideration of the terms and provisions set forth herein, for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, City and County hereby agree to the following Amendment to the Agreement:

1. Pursuant to Grant terms, County shall permanently transfer the equipment listed in **Exhibit "C"** to City.
2. The Parties shall execute a property transfer agreement attached as **Exhibit "B"**.

3. City shall be responsible for and undertake the removal and installation of all equipment under this Agreement, and further assumes all risk of loss during removal and installation.
4. City agrees to provide all insurance, maintenance and repairs necessary to keep the transferred equipment properly insured and in working order.
5. Except as modified herein, all terms and conditions of the Agreement, as amended, remain in full force and effect and City and County ratify and confirm the terms and provisions of the Agreement as amended.

EXECUTED AND EFFECTIVE as of the day and year first written above.

**CITY OF MCALLEN, TEXAS**

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

ATTEST:

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

**HIDALGO COUNTY, TEXAS**

\_\_\_\_\_  
Ramon Garcia, County Judge

ATTEST:

\_\_\_\_\_  
Arturo Guajardo, Jr., County Clerk

APPROVED AS TO FORM:

Office of Criminal District Attorney,  
Rene Guerra

By: \_\_\_\_\_  
Michael L. Garza, Assistant District Attorney

## **TABLE OF EXHIBITS**

- Exhibit "A" - 2009 (State Homeland Security Program) SHSP and SHSP-LEAP Grant:  
Grant Award Number: 2009-SS-T9-0064 and Terms and Conditions**
- Exhibit "B" - Property Transfer Record Agreement**
- Exhibit "C" - Identification of Equipment to be transferred**

# **EXHIBIT “A”**

**2009 (State Homeland Security Program) SHSP and SHSP LEAP  
Grant Award Number: 2009-SS-T9-0064 and Terms and Conditions**



# Texas Department of Public Safety

## 2009 Grant Adjustment Notice

Hidalgo County

June 26, 2012

2. Prepared by: Lara, Pete H.

3. SAA Award Number: 09-GA 48215-14

Judge Ramon Garcia  
Hidalgo County  
1615 S. Closser STE J  
Edinburg, TX 78539

Federal Grant Title: Homeland Security Grant Program  
Federal Grant Award Number: 2009-SS-T9-0064  
Date Federal Grant Awarded to TxDPS: August 1, 2009  
Federal Granting Agency: Department of Homeland Security  
FEMA  
Grant Programs Directorate

**Total Award Amount**  
**\$994,761.43**

Note: Additional Budget Sheets (Attachment A):  Yes  No

SHSP 97.073	SHSP-LEAP 97.073	UASI 97.008	UASI-LEAP 97.008	CCP 97.053	MMRS 97.071
\$677,109.51	\$317,651.92	\$0.00	\$0.00	\$0.00	\$0.00

This award supersedes all previous awards. Performance Period: Aug 1, 2009 to Jun 15, 2012

6. Statutory Authority for Grant: This project is supported under Consolidated Security, Disaster Assistance and Continuing Appropriations Act. 2009 Public Law No. 110-329.

7. Method of Payment: Primary method is reimbursement. See the enclosed instructions for the process to follow in the submission of invoices.

8. Debarment/Suspension Certification: The Sub-Recipient certifies that the subgrantee and its' contractors/vendors are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded by any federal department or agency and do not appear in the Excluded Parties List System at <http://www.epis.gov>.

### Agency Approval

Approving TxDPS Official:

Machelle Pharr, Deputy Assistant Director  
State Administrative Agency  
Texas Department of Public Safety

Signature of TxDPS Official:

### Sub-Recipient Approval

I have read and understand the attached Terms and Conditions.

Type name and title of Authorized Sub-Recipient official:

Ramon Garcia  
Hidalgo County Judge

Signature of Sub-Recipient Official:

11. Enter Employer Identification Number (EIN) / Federal Tax Identification Number:

74-60000717

12. Date Signed :

8/7/2012

13. DUE DATE: August 10, 2012.

Signed award and Direct Deposit Form (if applicable) must be returned to TxDPS on or before the above due date.

Approved by Commissioners' Court

on 8/7/12, 2012



# 2009 TERMS AND CONDITIONS

## Homeland Security Grant Program (HSGP)

FY 2009 HSGP is comprised of four separate grant programs:

- State Homeland Security Program (SHSP)
- Urban Areas Security Initiative (UASI)
- Metropolitan Medical Response System (MMRS)
- Citizen Corps Program (CCP)

### Parties to Sub-recipient Agreement

This Sub-recipient agreement is made and entered into by and between the Texas Division of Emergency Management/State Administrative Agency, an agency of the State of Texas, hereinafter referred to as "TDEM," and the funds recipient, hereinafter referred to as the "Sub-recipient." Furthermore, TDEM and the Sub-recipient are collectively hereinafter referred to as the "Parties." By this Sub-recipient agreement's execution, the Parties have severally and collectively agreed to be bound to the mutual obligations and to the performance and accomplishment of the tasks described in this Sub-recipient agreement. The Sub-recipient Agreement is only an offer until the Sub-recipient returns the signed copy of the 2009 Sub-recipient Agreement in accordance with the date provided in the transmittal letter and in the agreement. The Sub-recipient must also certify to the statements provided in Exhibits B and C by signing and returning a copy of these documents with the Sub-recipient Agreement.

### **Overview, Special Conditions and Performance Standards**

#### **A. Overview.**

##### **State Homeland Security Grant (SHSP)**

The State Homeland Security Program (SHSP) is a core assistance program that provides funds to build capabilities at the State and local levels and to implement the goals and objectives included in State Homeland Security Strategies and initiatives in the State Preparedness Report. SHSP supports the implementation of State Homeland Security Strategies to address the identified planning, organization, equipment, training, and exercise needs for acts of terrorism and other catastrophic events. In addition, SHSP supports the implementation of the National Preparedness Guidelines, the National Incident Management System (NIMS), and the National Response Framework (NRF).

##### **Urban Areas Security Initiative (UASI)**

Urban Areas Security Initiative (UASI) program funds address the unique planning, organization, equipment, training, and exercise needs of high-threat, high-density Urban Areas, and assist them in building an enhanced and sustainable capacity to prevent, protect against, respond to, and recover from acts of terrorism.

##### **Metropolitan Medical Response System (MMRS)**

The MMRS program supports the integration of emergency management, health, and medical systems into a coordinated response to mass casualty incidents caused by any hazard. MMRS Grantees will reduce the consequences of a mass casualty incident during the initial period of a response by having augmented existing local operational response systems before the incident occurs.

##### **Citizen Corps Program (CCP)**

The Citizen Corps mission is to bring community and government leaders together to coordinate the involvement of community members and organizations in emergency preparedness, planning, mitigation, response, and recovery.

## B. Special Conditions

### SHSP

Activities implemented under SHSP must support terrorism preparedness by building or enhancing capabilities that relate to the prevention of, protection from, or response to, and recovery from terrorism in order to be considered eligible. However, many capabilities which support terrorism preparedness simultaneously support preparedness for other hazards. Grantees must demonstrate this dual-use quality for any activities implemented under this program that are not explicitly focused on terrorism preparedness.

The recipient may only fund projects that were included in the FY 2009 State Investment Justifications which were submitted and approved by DHS/FEMA. Use of SHSP funds must be consistent with and supportive of implementation of the State Homeland Security Strategy and State Preparedness Report. Linkages between specific projects undertaken with SHSP funds and strategic goals and objectives will be highlighted through regular mechanisms, including the Biannual Strategy Implementation Report (BSIR)

As defined in the FY 2009 grant guidance, the FY 2009 SHSP will focus on two objectives as the highest priorities. These two objectives are:

1. National Priority: Strengthen Information Sharing and Collaboration Capabilities – Maximizing Information Sharing via the National Network of Fusion Centers;
2. National Priority: Strengthen Medical Surge and Mass Prophylaxis – Developing and Enhancing Health and Medical Readiness and Preparedness Capabilities. These two priorities are in addition to the priorities for all programs under the Homeland Security Grant Program and, if applicable, the Law Enforcement Terrorism Prevention Activities Priorities.

A personnel cap of up to 50% of total program funds may be used for personnel and personnel-related activities as directed by the Personnel Reimbursement for Intelligence Cooperation and Enhancement (PRICE) of Homeland Security Act (Public Law 110-412). In general, the use of Homeland Security Grant Program grant funding to pay for staff and/or contractor regular time or overtime/backfill is considered a personnel cost.

Since a separate LETPP grant program for Law Enforcement Terrorism Prevention Activities was not created for FY 2009, the State is required to ensure that local and state sub-grantees expend at least 25 percent of their SHSP award funds towards law enforcement terrorism prevention-oriented planning, organization, training, exercise, and equipment activities.

### UASI

Allocations and use of grant funding must support and be coordinated with the goals and objectives included in the State and/or Urban Area Homeland Security Strategies. The recipient may only fund projects that were included in the FY 2009 Urban Area Investment Justifications which were submitted and approved by DHS/FEMA. The recipient agrees that funds utilized to establish or enhance designated state and Urban Area fusion centers must support the development of a statewide fusion process that corresponds with the Global Justice/Homeland Security Advisory Council (HSAC) Fusion Center Guidelines and the National Strategy for Information Sharing, and achievement of a baseline level of capability as defined by Global's Baseline Capabilities for State and Major Urban Area Fusion Centers, a supplement to the Fusion Center Guidelines, located at <http://www.it.ojp.gov/documents/baselinecapabilitiesa.pdf>. The recipient agrees to fund any multi-state or multi-urban area investments that were included in the FY2009 Investment Justification that was submitted to GPD and received a bonus in the effectiveness analysis.

A personnel cap of up to 50% of total program funds may be used for personnel and personnel-related activities as directed by the Personnel Reimbursement for Intelligence Cooperation and Enhancement (PRICE) of Homeland Security Act (Public Law 110-412). In general, the use of Homeland Security Grant Program grant funding to pay for staff and/or contractor regular time or overtime/backfill is considered a personnel cost.

### MMRS

MMRS is a local grant which will require each MMRS Jurisdiction establish a single Point of Contact (POC) who will serve as the responsible contact for MMRS implementation, activities, and procurement for the jurisdiction as lead and in coordination with a Jurisdictional MMRS Steering Committee. The POC and MMRS Steering Committee will integrate local emergency management, health and medical systems with their Federal and State counterparts through a locally established multi-agency, collaborative planning framework; promote regional coordination of mutual aid with neighboring localities; regularly validate the jurisdictions local emergency response capability to a mass casualty incident by means of an exercise or other validation means; collaborate with local, regional, and State health and medical partners, such as Medical Reserve Corps Units and Citizen Corps Councils, as well as leverage other

Federal programs, such as the U.S. Department of Health and Human Services Assistant Secretary for Preparedness and Response (DHHS-ASPR) Hospital Preparedness Program and Emergency Systems for Advance Registration of Volunteer Health Professionals (ESAR-VHP), Center for Disease Control and Prevention Cities Readiness Initiative and Strategic National Stockpile, to coordinate and support plans, processes and strategies related to, but limited to: Continuity of Government; Continuity of Operations; Equipment and Supplies Procurement; Fatality Management; Forward Movement of Patients; Hospital Evacuation; Interoperable Communications; Patient Tracking; Pharmaceutical and Medical Supply Management and Distribution; Public Education; Outreach and Information; Recruiting Volunteers; and Training; ensure the "MMRS Leadership" is fully represented on the Urban Area Working Group in cases where a MMRS grant is awarded and a UASI program exists; ensure all neighboring MMRS subgrantees actively and demonstratively collaborate to develop a regional plan that supports the MMRS mission in that region in cases where MMRS subgrantees are located adjacent to one another and implement an Investment Justification that clearly identifies the size of the populations included in the planning and operational areas supported by the MMRS grant. The Metropolitan Medical Response System (MMRS) provides funds to build capabilities at the State and local levels to implement the goals and objectives included in State Homeland Security Strategies and initiatives in the State Preparedness Report. MMRS supports the implementation of State Homeland Security Strategies to address the identified planning, organization, equipment, training, and exercise needs for acts of terrorism and other catastrophic events. In addition, MMRS supports the implementation of the National Preparedness Guidelines, the National Incident Management System (NIMS), and the National Response Framework (NRF).

Activities implemented under MMRS must support terrorism preparedness by building or enhancing capabilities that relate to the prevention of, protection from, or response to, and recovery from terrorism in order to be considered eligible. However, many capabilities which support terrorism preparedness simultaneously support preparedness for other hazards. Grantees must demonstrate this dual-use quality for any activities implemented under this program that are not explicitly focused on terrorism preparedness.

Use of MMRS funds must be consistent with and supportive of implementation of the State Homeland Security Strategy and State Preparedness Report. Linkages between specific projects undertaken with MMRS funds and strategic goals and objectives will be highlighted through regular mechanisms, including the Biannual Strategy Implementation Report (BSIR)

As defined in the FY 2009 grant guidance, the FY 2009 MMRS will focus on two objectives as the highest priorities. These two objectives are:

1. National Priority: Strengthen Information Sharing and Collaboration Capabilities -- Maximizing Information Sharing via the National Network of Fusion Centers;
2. National Priority: Strengthen Medical Surge and Mass Prophylaxis -- Developing and Enhancing Health and Medical Readiness and Preparedness Capabilities. These two priorities are in addition to the priorities for all programs under the Homeland Security Grant Program and, if applicable, the Law Enforcement Terrorism Prevention Activities Priorities.

## CCP

The sub-recipient must register their Citizen Corps Council on the Citizen Corps website <http://www.citizencorps.gov> and manage their program and information on the site. Citizen Corps Councils must include representatives of emergency management, homeland security, law enforcement, fire service, medical services/public health or their designee, elected officials, the private sector, private non-profits, non-governmental organizations and advocacy groups for special needs populations. In addition, representatives from existing Citizen Corps programs, such as Volunteers in Police Service (VIPS), Medical Reserve Corps (MRC), Community Emergency Response Team (CERT), Neighborhood Watch, and Fire Corps should be included on the Citizen Corps Council. Where applicable, a Metropolitan Medical Response System representative should also be included on the Citizen Corps Council.

All allocations and use of funds under this grant must be in accordance with the FY 2009 HSGP Guidelines and Application Kit found at - <http://www.fema.gov/government/grant/hsgp/index.shtml>. All award Sub-recipients are required to have read, understood and accepted the FY 2009 HSGP Guidance and Application Kit as binding.

C. **Standard of Performance.** The Sub-recipient shall perform all activities and projects entered into the SAA web-based grants management system approved by its Council of Governments (COG) and by the State Administrative Agency (SAA). The Sub-recipient shall perform all activities in accordance with all terms, provisions and requirements set forth in this Sub-recipient agreement and the:

1. Applicable Laws and Regulations, hereinafter referred to as "Exhibit A";
2. Certifications, hereinafter referred to as "Exhibit B"; and

3. Certification Regarding Lobbying for Sub-recipient Agreements, Grants, Loans, and Cooperative Agreements, hereinafter referred to as "Exhibit C".

D. **Failure to Perform.** In the event the Sub-recipient fails to implement the project(s) entered into The SAA web-based grants management system, or comply with any of this Sub-recipient agreement's provisions, in addition to the remedies specified in this Sub-recipient agreement, the Sub-recipient is liable to TDEM for an amount not to exceed the award amount of this Sub-recipient agreement and may be barred from applying for or receiving additional DHS/FEMA grant program funds or any other federal program funds administered by TDEM until repayment to TDEM is made and any other compliance or audit finding is satisfactorily resolved.

#### TDEM Obligations

A. **Measure of Liability.** TDEM shall be liable for actual and reasonable costs incurred by the Sub-recipient during the Sub-recipient agreement period for performances rendered under this Sub-recipient agreement by the Sub-recipient, subject to the limitations set forth in this Section. TDEM shall not be liable to the Sub-recipient for any costs incurred by the Sub-recipient that are not allowable costs.

B. **Sub-recipient Agreement Funds Defined and Limit of Liability.** The term "Sub-recipient agreement funds" as used in this Sub-recipient agreement means funds provided by TDEM under the DHS/FEMA grant programs. The term "Sub-recipient's funds" or match funds as used in this Sub-recipient agreement means funds provided by the Sub-recipient.

Notwithstanding any other provision of this Sub-recipient agreement, the total of all payments and other obligations incurred by TDEM under this Sub-recipient agreement shall not exceed the Total Award Amount listed on the cover page of the Sub-recipient agreement.

C. **Excess Payments.** The Sub-recipient shall refund to TDEM any sum of Sub-recipient agreement funds that has been paid to the Sub-recipient by TDEM or that TDEM determines has resulted in overpayment to the Sub-recipient that TDEM determines has not been spent by the Sub-recipient in accordance with this Sub-recipient agreement. No refund payment(s) may be made from local, state or federal grant funds unless repayment with grant funds is specifically permitted by statute or regulation. The Sub-recipient shall make such refund to TDEM within thirty (30) days after TDEM requests such refund.

#### Suspension

Notwithstanding the provisions of Chapter 2251, Texas Government Code, in the event the Sub-recipient fails to comply with any of this Sub-recipient Agreement's terms, TDEM may, upon written notification to the Sub-recipient, suspend this Sub-recipient agreement in whole or in part, withhold payments to the Sub-recipient and prohibit the Sub-recipient from incurring additional obligations of Sub-recipient agreement funds.

#### Termination

A. **TDEM's Right to Terminate.** TDEM shall have the right to terminate this Sub-recipient agreement, in whole or in part, at any time before the end of the Performance Period, whenever TDEM determines that the Sub-recipient has failed to comply with any of this Sub-recipient agreement's terms. TDEM shall notify the Sub-recipient in writing prior to the thirtieth (30<sup>th</sup>) day preceding the termination of such determination and include:

1. the reasons for such termination;
2. the effective date of such termination; and
3. in the case of partial termination, the portion of the Sub-recipient agreement to be terminated.

B. **Parties' Right to Terminate.** In addition to TDEM's right to terminate specified in Subsection A of this section, both Parties shall have the right to terminate this Sub-recipient agreement, in whole or in part, when the Parties agree that the continuation of the activities funded under this Sub-recipient agreement would not produce beneficial results commensurate with the further expenditure of Sub-recipient agreement funds. The Parties shall agree, in writing, upon the termination conditions, including the effective date of termination and in the case of partial termination, the portion of the Sub-recipient agreement to be terminated.

#### Conflict of Interest

The Sub-recipient shall operate in a manner to avoid any potential conflict of interest, real or apparent, and comply with the related requirements of the Uniform Grant Management Standards (UGMS).

A. **Financial Interest Prohibited.** A conflict of interest may arise when the employee, officer or agent; any member of his or her immediate family; his or her partner; or, any organization that employs, or is about to employ any of the above, has a financial or other interest in the firm or person selected to perform a subcontract pursuant to this Sub-recipient agreement. The Sub-recipient shall ensure that no employee, officer, or agent of the Sub-recipient shall participate in the

selection, in the award or administration of a subcontract supported by Sub-recipient agreement funds pursuant to this Sub-recipient agreement and comply with Chapter 171, Texas Local Government Code.

B. Other Prohibited Interests. In all cases not governed by Subsection A of this Section and except for eligible administrative or personnel costs, no person who is an employee, agent, consultant, officer, elected official, appointed official of the Sub-recipient or of a subcontractor of the Sub-recipient who exercises or have exercised any functions or responsibilities with respect to the activities assisted under this Sub-recipient agreement or any other DHS/FEMA Sub-recipient agreement who are in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from the activity, have an interest in or benefit from the activity or have any interest in any Sub-recipient agreement, subcontract or agreement with respect to the activities or the proceeds either for themselves or those with whom they have family or business ties during their tenure or for one year thereafter.

C. Inclusion in Subcontracts. The Sub-recipient shall include the substance of this Section in all subcontracts.

### **Monitoring**

TDEM reserves the right to perform periodic office-based and/or on-site monitoring of the Sub-recipient's compliance with this Sub-recipient agreement's terms and conditions and of the adequacy and timeliness of the Sub-recipient's performance pursuant to this Sub-recipient agreement. After each monitoring visit, TDEM shall provide the Sub-recipient with a written report of the monitor's findings. If the monitoring report notes deficiencies in the Sub-recipient's performance under this Sub-recipient agreement's terms, the monitoring report shall include requirements for the timely correction of such deficiencies by the Sub-recipient. Failure by the Sub-recipient to take action specified in the monitoring report may be cause for this Sub-recipient agreement's suspension or termination pursuant to the Suspension and/or Termination Sections above.

### **Audit**

A. Audit of Federal and State Funds. The Sub-recipient shall arrange for the performance of an annual financial and compliance audit of Sub-recipient agreement funds received and performances rendered under this Sub-recipient agreement as required by the Single Audit Act (OMB Circular A – 133; 44 C.F.R. 13.26) and as outlined in Exhibit A. The Sub-recipient will also comply, as applicable, with Texas Government Code, Chapter 783, 1 TAC 5.141.et.seq. and the Uniform Grant Management Standards (UGMS), State Uniform Administrative Requirements for Grants and Cooperative Agreements.

B. TDEM's Right to Audit. Notwithstanding Subsection A of this Section, TDEM reserves the right to conduct a financial and compliance audit of Sub-recipient agreement funds received and performances rendered under this Sub-recipient agreement. The Sub-recipient agrees to permit TDEM or its authorized representative to audit the Sub-recipient's records and to obtain any documents, materials or information necessary to facilitate such audit.

C. Sub-recipient's Liability for Disallowed Costs. The Sub-recipient understands and agrees that it shall be liable to TDEM for any costs disallowed pursuant to financial and compliance audit(s) of Sub-recipient agreement funds. The Sub-recipient further understands and agrees that reimbursement to TDEM of such disallowed costs shall be paid by the Sub-recipient from funds that were not provided or otherwise made available to the Sub-recipient pursuant to this Sub-recipient agreement or any other federal contract.

D. Sub-recipient's Facilitation of Audit. The Sub-recipient shall take such action to facilitate the performance of such audit(s) conducted pursuant to this Section as TDEM may require of the Sub-recipient. The Sub-recipient shall ensure that this clause concerning the authority to audit funds received indirectly by subcontractors through the Sub-recipient and the requirement to cooperate is included in any subcontract it awards.

### **Reimbursement**

Sub-recipient agrees to make no request for reimbursement prior to return of this agreement signed by the authorized Sub-recipient representative. Sub-recipient also agrees to make no request for reimbursement for goods or services procured by Sub-recipient prior to the performance period start date of this agreement.

A. Request for Advance or Reimbursement. The Sub-recipient shall submit to TDEM, a properly completed Local Purchase Submission Cover Sheet as often as actually needed. TDEM retains the authority to approve or deny amount requested and shall not make disbursement of any such payment until TDEM has reviewed and approved such a request. The Local Purchase Submission Cover Sheet shall be supported by documentation as required by the SAA, currently referenced on the SAA web-based grants management system, and may be revised in subsequent policy updates.

B. Request for Advance Funds and Transfer of Funds. The Sub-recipient's requests for an advance of Sub-recipient agreement funds shall be limited to the minimum amounts needed for effective operation of their project(s) under this Sub-recipient agreement and shall be timed as closely as possible to be in accord with actual cash requirements. The

Sub-recipient shall establish procedures to minimize the time elapsing between the transfer of funds from TDEM to the Sub-recipient and shall ensure that such funds are disbursed within fifteen (15) days unless extenuating circumstances can be documented.

C. Payment Contingent. Notwithstanding the provisions of Subsection A of this Section, payments under this Sub-recipient agreement are contingent upon the Sub-recipient's performance of its contractual obligations.

D. Source Documentation Requirement: Sub-recipients must provide proof of payment documentation with all reimbursement requests submitted for processing. The following is a list of acceptable proof of payment documents:

- o Copy of cancelled check
- o Screen print of General Ledger account showing funds have been encumbered
- o Credit Card Statement showing purchase of the items
- o Payroll journal for individuals showing rate of pay and hours worked
- o Copy of invoice stamped "paid" with the date, vendor initials and check number for reference

### **National Incident Management System (NIMS) and the Incident Command System (ICS)**

Sub-recipients must have adopted and be implementing the National Incident Management System (NIMS) and the Incident Command System (ICS) at the local level. NIMS compliance for 2009 must be achieved by completing required actions outlined by FEMA and TDEM.

For a more detailed description of these requirements, as well as other NIMS implementation requirements, see <http://www.fema.gov/emergency/nims/CurrentYearGuidance.shtm>

### **NIMSCAST Requirements**

To be eligible to receive FY 2009 DHS funding, local primary jurisdictions and tribes must have achieved 100% compliance with the FY 2008 NIMS compliance objectives and metrics in the NIMSCAST by January 30, 2009.

All State and territory grantees were required to submit their compliance assessment via the NIMSCAST by September 30, 2008 in order to be eligible for FY 2009 preparedness programs.

Additional information on achieving NIMS compliance is available through the FEMA National Integration Center (NIC) Incident Management Systems Integration (IMSI) Division at <http://www.fema.gov/emergency/nims/>.

### **Other Requirements**

A. During the performance period of this grant, Sub-recipients must maintain an emergency management plan at the Intermediate Level of planning preparedness or higher, as prescribed by TDEM. This may be accomplished by a jurisdiction maintaining its own emergency management plan or participating in an inter-jurisdictional emergency management program that meets the required standards. If TDEM identifies deficiencies in the Sub-recipient's plan, Sub-recipient will correct deficiencies within 60 days of receiving notice of such deficiencies from TDEM.

B. Projects identified in the SAA web-based grant management system must identify and relate to the goals and objectives indicated by the applicable approved project investments for the period of performance of the grant.

C. During the performance period of this grant, Sub-recipient agrees that it will participate in a legally-adopted county and/or regional mutual aid agreement.

D. During the performance period, the Sub-recipient must register as a user of the Texas Regional Response Network (TRRN) and identify all major resources such as vehicles and trailers, equipment costing \$5,000 or more and specialized teams/response units equipped and/or trained using grant funds (i.e. hazardous material, decontamination, search and rescue, etc.). This registration is to ensure jurisdictions or organizations are prepared to make grant funded resources available to other jurisdictions through mutual aid.

E. Sub-recipients must submit Fiscal Year 2009 Indirect Cost Allocation Plan signed by Cognizant Agency. Plan should be forwarded to the SAA along with the Planning and Administration Grant Budget Form.

F. Council of Governments (COG) will follow guidelines listed in the SAA FY 09 COG Statement of Work.

H. The State's 24 planning regions are voluntary associations of local governments organized pursuant to state law as regional planning commissions, councils of government, development councils, and area councils. It is recognized that

one of the major functions of state planning regions as homeland security grant Sub-recipients is to perform a wide variety of planning and some program administration for both their region and on behalf of the cities and counties within the region that may also be homeland security grant Sub-recipients.

### **Closing the Grant**

A. The Sub-recipient must have expended all grant funds and submitted expenditure reimbursement requests and any invoices by the end of the performance period listed on the sub-recipient agreement.

B. TDEM/SAA will close a sub-award after receiving Sub-recipient's final performance report indicating that all approved work has been completed and all funds have been disbursed, completing a review to confirm the accuracy of the reported information, and reconciling actual costs to awards modifications and payments. If the close out review and reconciliation indicates that the Sub-recipient is owed additional funds, TDEM/SAA will send the final payment automatically to the Sub-recipient. If the Sub-recipient did not use all the funds received, TDEM/SAA will issue a Grant Adjustment Notice (GAN) to recover the unused funds.

C. TDEM/SAA will unilaterally close out this grant if sub-recipient does not reconcile account and sign closeout GAN by the 60th day after the sub-recipient performance period ends.

### **Restrictions, Disclaimers and Notices**

A. Approval of this award does not indicate approval of any consultant rate in excess of \$450 per day. A detailed justification must be submitted to and approved by TDEM/SAA prior to obligation or expenditure of such funds. U.S. Department of Justice Financial Guide (Part III Chapter 15) <http://www.ojp.usdoj.gov/financialguide/>

B. In cases where local funding is established by COGs, release of funds by TDEM is contingent upon regional funding allocation approval by the Sub-recipient's COG governing board.

C. Notwithstanding any other agreement provisions, the parties hereto understand and agree that TDEM's obligations under this agreement are contingent upon the receipt of adequate funds to meet TDEM's liabilities hereunder. TDEM shall not be liable to the Sub-recipient for costs under this Agreement which exceed the amount specified in the Notice of Sub-recipient Award.

D. Notice. All notices or communication required or permitted to be given by either party hereunder shall be deemed sufficiently given if mailed by registered mail or certified mail, return receipt requested, or sent by overnight courier, such as Federal Express, to the other party at its respective address set forth below or to such other address as one party shall give notice of to the other from time to time hereunder. Mailed notices shall be deemed to be received on the third business day following the date of mailing. Notices sent by overnight courier shall be deemed received the following business day.

Chief  
Division of Emergency Management  
State Administrative Agency  
PO Box 4087  
Austin, TX 78773-0220

### **Uniform Administrative Requirements, Cost Principles and Audit Requirements**

Except as specifically modified by law or this Sub-recipient agreement's provisions, the Sub-recipient shall administer the award through compliance with all applicable Laws and Regulations. A non-exclusive list is provided below

#### **A. Administrative Requirements**

1. 44 C.F.R. Part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments;
2. 2 C.F.R. Part 215, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations (OMB Circular A-110).

#### **B. Cost Principles**

1. 2C.F.R. Part 225, Cost Principles for State, Local and Tribal Governments (OMB Circular A-87)
2. 2C.F.R. Part 220, Cost Principles for Education Institutions (OMB Circular A-21)
3. 2C.F.R. Part 230, Cost Principles for Non-Profit Organizations (OMB Circular A-122)
4. Federal Acquisition Regulations (FAR) Subpart 31.2, Contracts with Commercial Organizations

### **Retention and Accessibility of Records**

A. Retention of Records. The Sub-recipient shall maintain fiscal records and supporting documentation for all expenditures of Sub-recipient agreement funds pursuant to the applicable OMB Circular and this Sub-recipient agreement. The Sub-recipient shall retain these records and any supporting documentation for the greater of three (3) years from the completion of this project's public objective, including program requirements and financial obligations, or the period of time required by other applicable laws and regulations as described in Exhibit A.

B. Access to Records. The Sub-recipient shall give the United States Department of Homeland Security (DHS), the Comptroller General of the United States, the Texas State Auditor, TDEM, or any of their duly authorized representatives, access to and the right to examine all books, accounts, records, reports, files, other papers, things or property belonging to or in use by the Sub-recipient pertaining to this Sub-recipient agreement including records concerning the past use of DHS/FEMA funds. Such rights to access shall continue as long as the records are retained by the Sub-recipient. The Sub-recipient agrees to maintain such records in an accessible location and to provide citizens reasonable access to such records consistent with the Texas Public Information Act, Chapter 552, Texas Government Code.

C. Inclusion in Subcontracts. The Sub-recipient shall include the substance of this Section in all subcontracts.

### **Subcontracts**

A. TDEM's Approval of Subcontract and Liability. The Sub-recipient may subcontract for performances described in this Sub-recipient agreement without obtaining TDEM's prior written approval.

B. Sub-recipient Liability. In no event shall any provision of this Section be construed as relieving the Sub-recipient of the responsibility for ensuring that the performances rendered under all subcontracts comply with all of this Sub-recipient agreement's terms as if such performances rendered were rendered by the Sub-recipient. TDEM's approval under this Section does not constitute adoption, ratification or acceptance of the Sub-recipient's or a subcontractor's performance.

C. Applicable Law. The Sub-recipient shall comply with 44 C.F.R. § 13.1-13.52 and all applicable federal and state laws outlined in Exhibit A and local laws, regulations and ordinances related to making procurements under this Sub-recipient agreement.

### **Legal Authority**

A. Signatory Authority. The Sub-recipient assures and guarantees that the Sub-recipient possesses the legal authority to enter into this Sub-recipient agreement, receive Sub-recipient agreement funds and to perform the services the Sub-recipient has obligated itself to perform pursuant to this Sub-recipient agreement.

B. Authorized Representative. The person or persons signing and executing this Sub-recipient agreement on the Sub-recipient's behalf do warrant and guarantee that he, she or they have been duly authorized by the Sub-recipient to execute this Sub-recipient agreement on the Sub-recipient's behalf and to validly and legally bind the Sub-recipient to all contractual terms, performances and provisions.

### **Notice of Litigation and Claims**

The Sub-recipient shall give TDEM immediate notice in writing of:

1. any action, including any proceeding before an administrative agency, filed against the Sub-recipient arising out the performance of any subcontract under this Sub-recipient agreement; and
2. any claim against the Sub-recipient, the cost and expense of which the Sub-recipient may be entitled to be reimbursed by DHS/FEMA grant programs.

Except as otherwise directed by TDEM, the Sub-recipient shall furnish immediately to TDEM copies of all documentation received by the Sub-recipient with respect to such action or claim.

### **Indemnification**

To the extent permitted by law, the Sub-recipient agrees to hold TDEM harmless and to indemnify TDEM from and against any and all claims, demands and causes of action of every kind and character that may be asserted by any party occurring or in any way incident to, arising out of or in connection with the services to be performed by the Sub-recipient pursuant to this Sub-recipient agreement.



## **Changes and Amendments**

- A. **Written Amendment.** Except as specifically provided otherwise in this Sub-recipient agreement, any alterations, additions or deletions to this Sub-recipient agreement's terms shall be made through Grant Adjustment Notices generated by the SAA web-based grants management system and executed by the Parties.
- B. **Authority to Amend.** During the period of this Sub-recipient agreement's performance TDEM and/or FEMA may issue policy directives that serve to establish, interpret or clarify this Sub-recipient agreement's performance requirements. Such policy directives shall be promulgated by TDEM or FEMA in the form of Information Bulletins and shall have the effect of qualifying this Sub-recipient agreement's terms and shall be binding upon the Sub-recipient as if written in the Sub-recipient agreement.
- C. **Effect of Changes in Federal and State Laws.** Any alterations, additions, or deletions to this Sub-recipient agreement's terms that are required by the changes in federal and state laws or regulations are automatically incorporated into this Sub-recipient agreement without written amendment to this Sub-recipient agreement and shall become effective on the date designated by such law or regulation. Federal Emergency Management Agency (FEMA) periodically publishes Information Bulletins to release, update, amend or clarify grants and programs which it administers. FEMA's National Preparedness Directorate Information Bulletins can be accessed at <http://www.ojp.usdoj.gov/odp/docs/bulletins.htm> and are incorporated by reference into this sub-grant.

## **Headings**

Headings and captions of this Sub-recipient agreement's sections and paragraphs are only for convenience and reference. These headings and captions shall not affect or modify this Sub-recipient agreement's terms or be used to interpret or assist in the construction of this Sub-recipient agreement.

## **Oral and Written Agreements**

- A. **Prior Agreements.** All oral and written agreements between the Parties relating to this Sub-recipient agreement's subject matter that were made prior to Date of Execution have been reduced to writing and are contained in this Sub-recipient agreement.
- B. **Exhibits.** The exhibits enumerated and denominated in the agreement are hereby made a part of this Sub-recipient agreement and constitute promised performances by the Sub-recipient in accordance with the Sub-recipient agreement and the Exhibits.
- C. **Commissioner's Signature.** This Sub-recipient agreement is not effective unless signed by the Chief of TDEM or by his authorized designee.

## **Waiver**

Any right or remedy provided for in this Sub-recipient agreement provision shall not preclude the exercise of any other right or remedy under this Sub-recipient agreement or under any provision of law, nor shall any action taken or failure to take action in the exercise of any right or remedy be deemed a waiver of any other rights or remedies at any time.

## **Venue**

For purposes of litigation pursuant to this Sub-recipient agreement, venue shall lie in Travis County, Texas, and be governed by Texas Statute.

## EXHIBIT A

### THE APPLICABLE LAWS AND REGULATIONS

The Sub-recipient shall comply with OMB Circular A-21, A-87, A-102, A-110, A-122, A-133; Ex. Order 12372 (intergovernmental review of federal programs); and 44 C.F.R, Part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments. Sub-recipients shall also comply with 2C.F.R. Part 215, Institutions of Higher Education, Hospitals and Other Non-Profit Organizations, 2C.F.R. Parts 225, State and Local Governments, Part 220, Educational Institutions; and Part 230, Non-Profit Organizations. Compliance with Federal Acquisition Regulation Sub-part 31.2, Contracts with Commercial organizations is required. Sub-recipient shall also comply with all other federal, state, and local laws and regulations applicable to this Sub-recipient agreement's activities and performances rendered by the Sub-recipient including but not limited to the laws and the regulations promulgated hereunder and specified in State Administrative Agency Information Bulletins, Texas Uniform Grants Management Standards (UGMS) and Paragraph A through M of this Exhibit.

A. **CIVIL RIGHTS** - Title VI of the Civil Rights Act of 1964, as amended. (42 U.S.C. § 2000d et seq.); (44 C.F.R. 7.1) <http://uscode.house.gov/uscode-cgi/fastweb.exe?getdoc+uscview+t41t42+2957+3++%28civil%20r>  
[http://www.access.gpo.gov/nara/cfr/waisidx\\_07/44cfr7\\_07.html](http://www.access.gpo.gov/nara/cfr/waisidx_07/44cfr7_07.html)

B. **HANDICAP AND ARCHITECTURAL BARRIERS** - Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794); (44 C.F.R. 16.101) <http://uscode.house.gov/uscode-cgi/fastweb.exe?getdoc+uscview+t29t32+363+0++%28Handicap%29> ;  
<http://frwebgate.access.gpo.gov/cgi-bin/get-cfr.cgi?TITLE=44&PART=16&SECTION=101&TYPE=TEXT> ;  
The Sub-recipient shall ensure that the plans and specifications for construction of, improvements to, or the renovation of buildings, related to this project have been received by the Texas Department of Licensing and Regulation (TDLR) concerning the elimination of architectural barriers encountered by persons with disabilities as specified in Chapter 469, Texas Government Code. <http://www.statutes.legis.state.tx.us/?link=GV>

C. **ENVIRONMENTAL LAW AND AUTHORITIES** - In accordance with the provisions of law cited in 44 C.F.R. § 10.8, the responsible entity shall assume the environmental responsibilities for projects under programs cited in §10.1, and in doing so shall comply with the provisions of the National Environmental Policy Act of 1969, as amended and the Council on Environmental Quality regulations contained in 40 C.F.R. parts 1500 through 1508.  
[http://www.access.gpo.gov/nara/cfr/waisidx\\_07/40cfr1501\\_07.html](http://www.access.gpo.gov/nara/cfr/waisidx_07/40cfr1501_07.html) ; (44 C.F.R. 10.1)  
[http://edocket.access.gpo.gov/cfr\\_2007/octatr/44cfr10.1.htm](http://edocket.access.gpo.gov/cfr_2007/octatr/44cfr10.1.htm)

D. **LABOR STANDARDS** - The Davis-Bacon Act, as amended (40 U.S.C. § 3142) <http://uscode.house.gov/uscode-cgi/fastweb.exe?getdoc+uscview+t37t40+1723+1++%28%29%20%20A> ;  
The Contract Work Hours & Safety Standards Act (40 U.S.C. § 3702) <http://uscode.house.gov/uscode-cgi/fastweb.exe?getdoc+uscview+t37t40+1765+1++%28%29%20%20A> ;  
The Copeland "Anti-Kickback" Act (18 U.S.C. § 874) <http://uscode.house.gov/uscode-cgi/fastweb.exe?getdoc+uscview+t17t20+511+0++%28%29%20%20AN>

E. **FREEDOM OF INFORMATION ACT** - (5 U.S.C. 552); (44 C.F.R. 5.1) [http://edocket.access.gpo.gov/cfr\\_2007/octatr/44cfr5.1.htm](http://edocket.access.gpo.gov/cfr_2007/octatr/44cfr5.1.htm) ;  
[http://uscode.house.gov/uscode-cgi/fastweb.exe?getdoc+uscview+t05t08+26+0++%28information%](http://uscode.house.gov/uscode-cgi/fastweb.exe?getdoc+uscview+t05t08+26+0++%28information%28)

F. **UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970** - If the Sub-recipient is a governmental entity, it must comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. § 4601 et seq.), which govern the treatment of persons displaced as a result of federal and federally-assisted programs; and (Federal Assurance) - (42 U.S.C. 4601); (44 C.F.R. 25.1) <http://frwebgate.access.gpo.gov/cgi-bin/get-cfr.cgi?TITLE=44&PART=25&SECTION=1&TYPE=TEXT>  
<http://uscode.house.gov/uscode-cgi/fastweb.exe?getdoc+uscview+t41t42+4568+1++%28%29%20%20A>

G. **FAITH-BASED ACTIVITIES** - Executive Order 13279 of December 12, 2002 - Equal Protection of the Laws for Faith-Based and Community Organizations, (67 Fed. Reg. 77141) <http://edocket.access.gpo.gov/2002/pdf/02-31831.pdf>

H. **NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AND THE INCIDENT COMMAND SYSTEM (ICS)** - Sub-Recipients must have adopted and be implementing the National Incident Management System (NIMS) and the Incident Command System (ICS) at the local level. <http://www.fema.gov/emergency/nims>

I. **PROGRAM INCOME** - If a Sub-recipient is approved for an advance, the funds must be deposited in a separate interest bearing account and are subject to the rules outlined in the Uniform Rule 28C.F.R. Part 66, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, at [http://www.access.gpo.gov/nara/cfr/waisidx\\_03/28cfr66\\_03.html](http://www.access.gpo.gov/nara/cfr/waisidx_03/28cfr66_03.html) and the Uniform Rule 28C.F.R. Part 70, Uniform Administrative Requirements for Grants and Agreements (including sub-awards) with Institutions of Higher Education, Hospitals, and other Nonprofit Organizations, at [http://www.access.gpo.gov/nara/cfr/waisidx\\_03/28cfr70\\_03.html](http://www.access.gpo.gov/nara/cfr/waisidx_03/28cfr70_03.html). Sub-recipients must report any interest earned to TDEM/SAA. Any interest earned in excess of \$100 must, on a quarterly basis, be remitted to:

United States Department of Health and Human Services  
Division of Payment Management Services  
P.O. Box 6021  
Rockville, MD 20852

J. **AUDITS** - The Sub-recipient shall arrange for the performance of an annual financial and compliance audit of Sub-recipient agreement funds received and performances rendered under this Sub-recipient agreement under the Single Audit Act (OMB Circular A – 133; 44 C.F.R. 13.26)  
<http://frwebgate.access.gpo.gov/cgi-bin/get-cfr.cgi?TITLE=44&PART=13&SECTION=26&TYPE=TEXT> ;  
[http://www.dhs.gov/xopnbiz/grants/gc\\_1162481125903.shtm](http://www.dhs.gov/xopnbiz/grants/gc_1162481125903.shtm)

K. **GRANT ADMINISTRATION** - The Sub-recipient will also comply with Texas Government Code, Chapter 783, <http://www.statutes.legis.state.tx.us/?link=GV> ; and the Uniform Grant Management Standards (UGMS), State Uniform Administrative Requirements for Grants and Cooperative Agreements, [http://info.sos.state.tx.us/pls/pub/readtac\\$ext.TacPage?sl=T&app=9&p\\_dir=N&p\\_floc=111847&p\\_floc=&p\\_ploc=1&pg=2&p\\_tac=&ti=1&pt=1&ch=5&rl=141](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=T&app=9&p_dir=N&p_floc=111847&p_floc=&p_ploc=1&pg=2&p_tac=&ti=1&pt=1&ch=5&rl=141)

Sub-recipients must also comply with 44, C.F.R., Part 13,  
[http://www.access.gpo.gov/nara/cfr/waisidx\\_07/44cfr13\\_07.html](http://www.access.gpo.gov/nara/cfr/waisidx_07/44cfr13_07.html);  
with 2C.F.R. Part 215 [http://www.access.gpo.gov/nara/cfr/waisidx\\_08/2cfrv1\\_08.html#215](http://www.access.gpo.gov/nara/cfr/waisidx_08/2cfrv1_08.html#215) , 2C.F.R. Part 225, Part 220 and Part 230.

L. **PROPERTY ADMINISTRATION** – TAC Title 1, Part 5, Chapter 116,  
[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac\\_view=3&ti=1&pt=5](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=3&ti=1&pt=5)

M. **PUBLICATIONS** – 44 C.F.R., Section 13.34  
<http://frwebgate.access.gpo.gov/cgi-bin/get-cfr.cgi?TITLE=44&PART=13&SECTION=34&TYPE=TEXT>

1. Sub-recipient acknowledges that FEMA National Preparedness Directorate reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use, for Federal government purposes: (1) the copyright in any work developed under an award or sub-award; and (2) any rights of copyright to which a recipient or Sub-recipient purchases ownership with Federal support. The Recipient agrees to consult with NPD regarding the allocation of any patent rights that arise from, or are purchased with, this funding.

2. The Sub-recipient agrees that all publications created with funding under this grant shall prominently contain the following statement: "This Document was prepared under a grant from the National Preparedness Directorate, United States Department of Homeland Security. Point of view or opinions expressed in the document are those of the authors and do not necessarily represent the official position or policies of U.S. Department of Homeland Security."

# **EXHIBIT "B"**

**Property Transfer Record Agreement**

**Governor's Division of Emergency Management  
State Administrative Agency  
Homeland Security Grant Program  
Property Transfer Record Agreement**

**Transferred From:**

Hidalgo County Emergency Management

Name of Organization (Homeland Security Grant Sub-Recipient)

302 W. University Edinburg, TX 78539

Street/Mailing address, City, County, Zip

Ramon Garcia, Hidalgo County Judge

Printed Name and Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Transferred To:**

City of McAllen

Name of Organization (Homeland Security Grant Sub-Recipient)

P.O. Box 220 McAllen, TX 78505-0220

Street/Mailing address, City, County, Zip

\_\_\_\_\_  
Printed Name and Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

This is to certify that the property described below was acquired by the expenditure of: 2009 SHSP/LEAP Grant funds awarded to the above named Homeland Security Grant Sub-Recipient (Grantor). The jurisdiction/organization receiving the property (Grantee) certifies that they have knowledge of the laws, rules and regulations of the aforementioned grant for the year of the award. The Grantee further certifies that they agree to be bound by all the contract covenants and exhibits to the Grantor's Sub-Recipients agreement and any modifications or amendments to that agreement as if they were written here. The Grantor and Grantee further certify that they are duly authorized and empowered by their governing body to enter into this agreement. The Grantor further certifies that the Grantee has complied with all State and Federal eligibility requirements.

**Property Being Transferred**

Item description: (2) Expandable Site Subsystem

Item Control Number: 52734, 52737

Serial Number/VIN: 112CMB0187, 112CMB0280

Model Number: GTR8000

Acquisition Date: 7/19/2011

Unit Cost: \$154,588.48 (\$77,294.24/ea)

This form is provided for the benefit of grant administration. GDEM/SAA cannot advise sub-recipients about the legality of any specific property transfers. Sub-recipients should consult with their own legal counsel concerning compliance with all relevant laws, including state and local requirements.

# Governor's Division of Emergency Management

## State Administrative Agency

### Homeland Security Grant Program

### Property Transfer Record Agreement

**Transferred From:**

Hidalgo County Emergency Management

Name of Organization (Homeland Security Grant Sub-Recipient)

302 W. University Edinburg, TX 78539

Street/Mailing address, City, County, Zip

Ramon Garcia, Hidalgo County Judge

Printed Name and Title

Signature

Date

**Transferred To:**

City of McAllen

Name of Organization (Homeland Security Grant Sub-Recipient)

P.O. Box 220 McAllen, TX 78505-0220

Street/Mailing address, City, County, Zip

Printed Name and Title

Signature

Date

This is to certify that the property described below was acquired by the expenditure of: 2009 SHSP/LEAP Grant funds awarded to the above named Homeland Security Grant Sub-Recipient (Grantor). The jurisdiction/organization receiving the property (Grantee) certifies that they have knowledge of the laws, rules and regulations of the aforementioned grant for the year of the award. The Grantee further certifies that they agree to be bound by all the contract covenants and exhibits to the Grantor's Sub-Recipients agreement and any modifications or amendments to that agreement as if they were written here. The Grantor and Grantee further certify that they are duly authorized and empowered by their governing body to enter into this agreement. The Grantor further certifies that the Grantee has complied with all State and Federal eligibility requirements.

#### Property Being Transferred

Item description: (3) Transceiver 700/800 MHZ (Spares)

Item Control Number: 52739, 52740, 52741

Serial Number/VIN: 112CMB0193, 112CMB0196, 112CMB0192

Model Number: GTR8000/ ITEM NUMBER DLN6566

Acquisition Date: 7/19/2011

Unit Cost: \$5,150.94 (\$1,716.98EA)

This form is provided for the benefit of grant administration. GDEM/SAA cannot advise sub-recipients about the legality of any specific property transfers. Sub-recipients should consult with their own legal counsel concerning compliance with all relevant laws, including state and local requirements.

**Governor's Division of Emergency Management  
State Administrative Agency  
Homeland Security Grant Program  
Property Transfer Record Agreement**

**Transferred From:** Hidalgo County Emergency Management  
Name of Organization (Homeland Security Grant Sub-Recipient)  
302 W. University Edinburg, TX 78539  
Street/Mailing address, City, County, Zip  
Ramon Garcia, Hidalgo County Judge  
Printed Name and Title  
\_\_\_\_\_  
Signature Date

**Transferred To:** City of McAllen  
Name of Organization (Homeland Security Grant Sub-Recipient)  
P.O. Box 220 McAllen, TX 78505-0220  
Street/Mailing address, City, County, Zip  
\_\_\_\_\_  
Printed Name and Title  
\_\_\_\_\_  
Signature Date

This is to certify that the property described below was acquired by the expenditure of: 2009 SHSP/LEAP Grant funds awarded to the above named Homeland Security Grant Sub-Recipient (Grantor). The jurisdiction/organization receiving the property (Grantee) certifies that they have knowledge of the laws, rules and regulations of the aforementioned grant for the year of the award. The Grantee further certifies that they agree to be bound by all the contract covenants and exhibits to the Grantor's Sub-Recipients agreement and any modifications or amendments to that agreement as if they were written here. The Grantor and Grantee further certify that they are duly authorized and empowered by their governing body to enter into this agreement. The Grantor further certifies that the Grantee has complied with all State and Federal eligibility requirements.

**Property Being Transferred**

Item description: (3) GTR8000 PA 700/800 (Spares)  
Item Control Number: 52742, 52743, 52744  
Serial Number/VIN: 112CMB0205, 112CMB0201, 112CMB0203  
Model Number: DLN6567  
Acquisition Date: 7/19/2011  
Unit Cost: \$5,150.94 (\$1,716.98EA)

This form is provided for the benefit of grant administration. GDEM/SAA cannot advise sub-recipients about the legality of any specific property transfers. Sub-recipients should consult with their own legal counsel concerning compliance with all relevant laws, including state and local requirements.

# Governor's Division of Emergency Management

## State Administrative Agency

### Homeland Security Grant Program

### Property Transfer Record Agreement

**Transferred From:**

Hidalgo County Emergency Management

Name of Organization (Homeland Security Grant Sub-Recipient)

302 W. University Edinburg, TX 78539

Street/Mailing address, City, County, Zip

Ramon Garcia, Hidalgo County Judge

Printed Name and Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Transferred To:**

City of McAllen

Name of Organization (Homeland Security Grant Sub-Recipient)

P.O. Box 220 McAllen, TX 78505-0220

Street/Mailing address, City, County, Zip

\_\_\_\_\_  
Printed Name and Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

This is to certify that the property described below was acquired by the expenditure of: 2009 SHSP/LEAP Grant funds awarded to the above named Homeland Security Grant Sub-Recipient (Grantor). The jurisdiction/organization receiving the property (Grantee) certifies that they have knowledge of the laws, rules and regulations of the aforementioned grant for the year of the award. The Grantee further certifies that they agree to be bound by all the contract covenants and exhibits to the Grantor's Sub-Recipients agreement and any modifications or amendments to that agreement as if they were written here. The Grantor and Grantee further certify that they are duly authorized and empowered by their governing body to enter into this agreement. The Grantor further certifies that the Grantee has complied with all State and Federal eligibility requirements.

#### Property Being Transferred

Item description: (3) Power Supply (Spares)

Item Control Number: 52745, 52746, 52747

Serial Number/VIN: 112CMB0212, 112CMB0214, 112CMB0210

Model Number: GTR8000/GCM 8000

Acquisition Date: 7/19/2011

Unit Cost: \$9,443.40 (\$3,147.80EA)

This form is provided for the benefit of grant administration. GDEM/SAA cannot advise sub-recipients about the legality of any specific property transfers. Sub-recipients should consult with their own legal counsel concerning compliance with all relevant laws, including state and local requirements.



**Governor's Division of Emergency Management**  
**State Administrative Agency**  
**Homeland Security Grant Program**  
**Property Transfer Record Agreement**

**Transferred From:** Hidalgo County Emergency Management

Name of Organization (Homeland Security Grant Sub-Recipient)

302 W. University Edinburg, TX 78539

Street/Mailing address, City, County, Zip

Ramon Garcia, Hidalgo County Judge

Printed Name and Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Transferred To:** City of McAllen

Name of Organization (Homeland Security Grant Sub-Recipient)

P.O. Box 220 McAllen, TX 78505-0220

Street/Mailing address, City, County, Zip

\_\_\_\_\_  
Printed Name and Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

This is to certify that the property described below was acquired by the expenditure of: 2009 SHSP/LEAP Grant funds awarded to the above named Homeland Security Grant Sub-Recipient (Grantor). The Jurisdiction/organization receiving the property (Grantee) certifies that they have knowledge of the laws, rules and regulations of the aforementioned grant for the year of the award. The Grantee further certifies that they agree to be bound by all the contract covenants and exhibits to the Grantor's Sub-Recipients agreement and any modifications or amendments to that agreement as if they were written here. The Grantor and Grantee further certify that they are duly authorized and empowered by their governing body to enter into this agreement. The Grantor further certifies that the Grantee has complied with all State and Federal eligibility requirements.

**Property Being Transferred**

Item description: (3) GCP 8000/GCM 8000 (Spares)

Item Control Number: 52748, 52749, 52750

Serial Number/VIN: 112CMT0947, 112CMT0945, 112CMT0946

Model Number: DLN6569

Acquisition Date: 9/30/2011

Unit Cost: \$21,462.27 (\$7,154.09 EA)

This form is provided for the benefit of grant administration. GDEM/SAA cannot advise sub-recipients about the legality of any specific property transfers. Sub-recipients should consult with their own legal counsel concerning compliance with all relevant laws, including state and local requirements.

# **EXHIBIT "C"**

**Identification of Equipment to be transferred**

**CITY OF MCALLEN - AMENDED INTERLOCAL EQUIPMENT LIST  
2009 SHSP/LEAP GRANT EXPANSION PROJECT**

**La Joya Tower Equipment- GTR8000 EXPANDABLE SITE SUB-SYSTEM  
ASSET #52734 SERIAL NUMBER: 112CMB0187**

		<b>COST</b>
<b>GTR 8000 EXPANDABLE SITE REPEATER SYSTEM WHICH INCLUDES:</b>		<b>\$77,294.24</b>
<b>ITEM</b>		
SQM01SUM7054A	GTR: 8000 EXPANDABLE SITE SUBSYSTEM	
CA00855AA	ADD:700/800 MHZ MID POWER	
X301AE	ADD: QTY (1) GTR 8000 BASE RADIO	
X591AE	ASTRO 25 SITE REPEATER SW	
CA00856AA	ADD: SITE & CABINET RMC W/CAPABILITY OF 7-24BRS	
CA00880AA	ADD: EXPANSION 6 PORT CAVITY COMBINER	
CA01058AA	ADD: 700/800 PHASING HARNESS	
CA00884AA	ADD: QTY (2) XHUB	
X882AH	ADD: 7.5 FT OPEN RACK, 48RU	
L7100	CABLE: ¼" SUPERFLEX POLY JKT PER FOOT QTY (QTY 10)	
DSF1TBMC	¼" BNC MALE CONNECTOR	
DDN9769	¼" TYPE N MALE CONNECTOR FOR FSJ1-50A CABLE	

**Weslaco Tower Equipment - GTR8000 EXPANDABLE SITE SUB-SYSTEM  
ASSET #52737 SERIAL NUMBER: 112CMB0280**

		<b>COST</b>
<b>GTR 8000 EXPANDABLE SITE REPEATER SYSTEM WHICH INCLUDES:</b>		<b>\$77,294.24</b>
<b>ITEM</b>		
SQM01SUM7054A	GTR: 8000 EXPANDABLE SITE SUBSYSTEM	
CA00855AA	ADD:700/800 MHZ MID POWER	
X301AE	ADD: QTY (1) GTR 8000 BASE RADIO	
X591AE	ASTRO 25 SITE REPEATER SW	
CA00856AA	ADD: SITE & CABINET RMC W/CAPABILITY OF 7-24BRS	
CA00880AA	ADD: EXPANSION 6 PORT CAVITY COMBINER	
CA01058AA	ADD: 700/800 PHASING HARNESS	
CA00884AA	ADD: QTY (2) XHUB	
X882AH	ADD: 7.5 FT OPEN RACK, 48RU	
L7100	CABLE: ¼" SUPERFLEX POLY JKT PER FOOT QTY (QTY 10)	
DSF1TBMC	¼" BNC MALE CONNECTOR	
DDN9769	¼" TYPE N MALE CONNECTOR FOR FSJ1-50A CABLE	

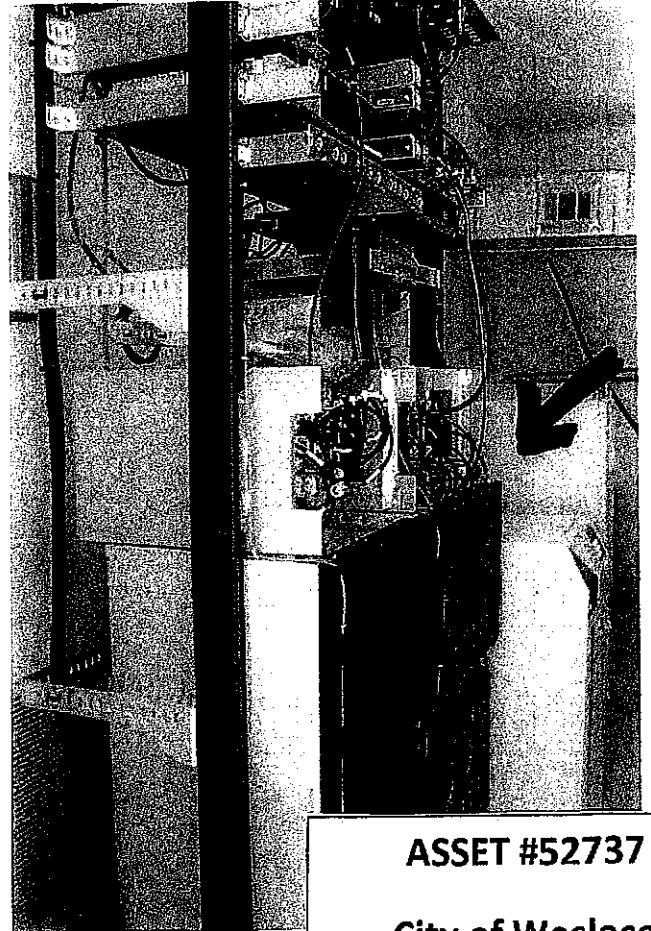
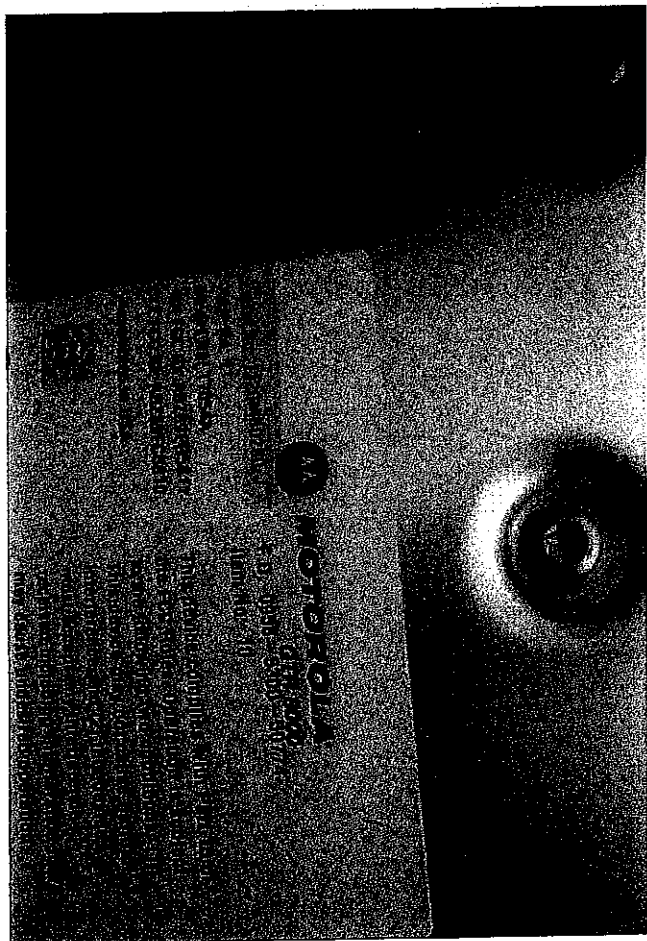
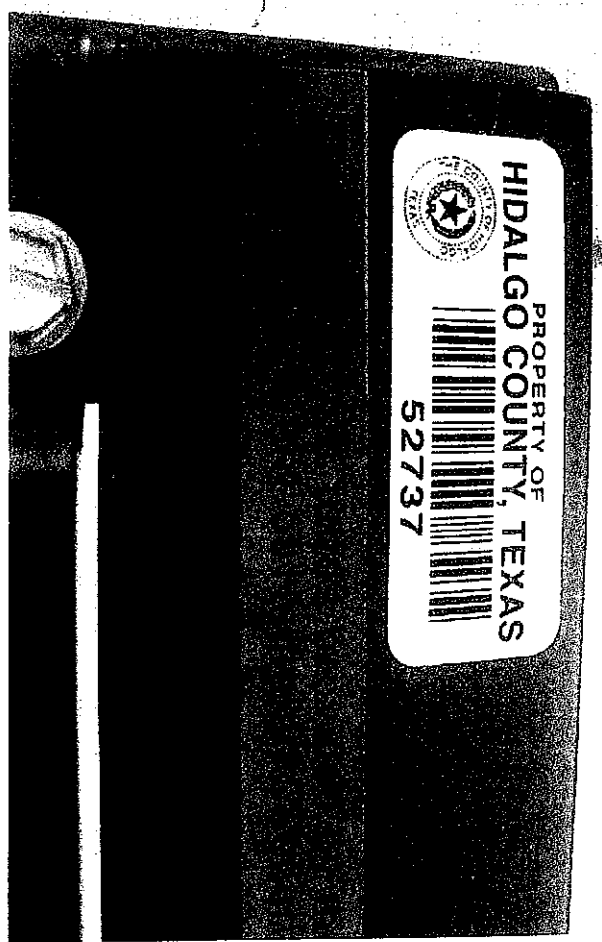
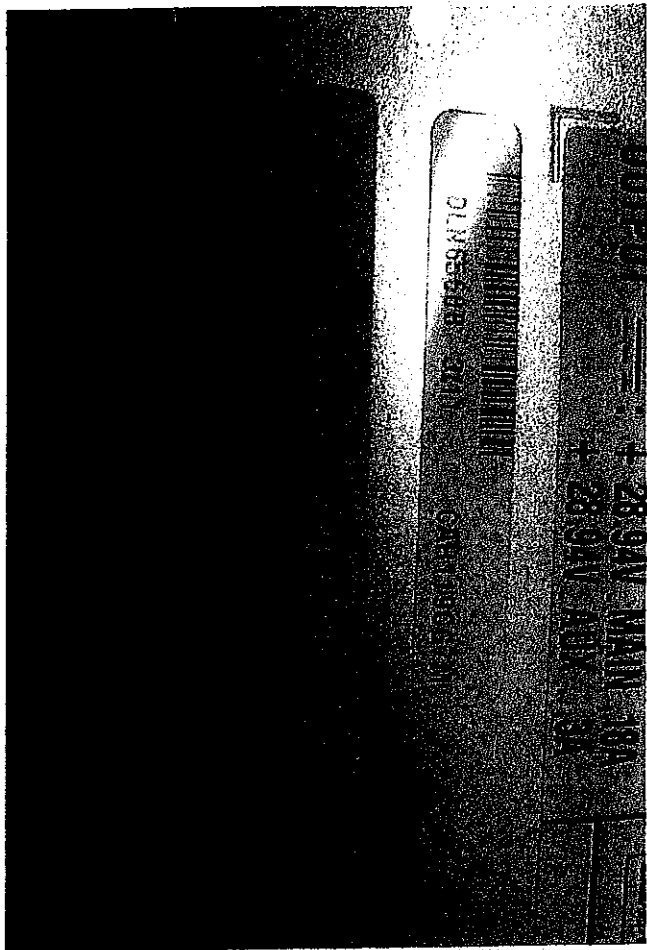
**Emergency Spare Equipment**

<b>Qty</b>	<b>MODEL</b>	<b>ITEM</b>	<b>ASSET NUMBER</b>	<b>SERIAL NUMBER</b>	<b>COST</b>
1	DLN6566	FRU: GTR 8000 TRANSCEIVER 700/800 MHZ	52739	112CMB0193	\$ 1,716.98
1	DLN6566	FRU: GTR 8000 TRANSCEIVER 700/800 MHZ	52740	112CMB0196	\$ 1,716.98
1	DLN6566	FRU: GTR 8000 TRANSCEIVER 700/800 MHZ	52741	112CMB0192	\$ 1,716.98
1	DLN6567	FRU: GTR 8000 PA 700/800 MHZ	52742	112CMB0205	\$ 1,716.98
1	DLN6567	FRU: GTR 8000 PA 700/800 MHZ	52743	112CMB0201	\$ 1,716.98
1	DLN6567	FRU: GTR 8000 PA 700/800 MHZ	52744	112CMB0203	\$ 1,716.98
1	DLN6568	FRU: GTR 8000/GCP 8000 POWER SUPPLY	52745	112CMB0212	\$ 3,147.80
1	DLN6568	FRU: GTR 8000/GCP 8000 POWER SUPPLY	52746	112CMB0214	\$ 3,147.80
1	DLN6568	FRU: GTR 8000/GCP 8000 POWER SUPPLY	52747	112CMB0210	\$ 3,147.80
1	DLN6569	FRU: GCP 8000/GCM 8000	52748	112CMT0947	\$ 7,154.09
1	DLN6569	FRU: GCP 8000/GCM 8000	52749	112CMT0945	\$ 7,154.09
1	DLN6569	FRU: GCP 8000/GCM 8000	52750	112CMT0946	\$ 7,154.09

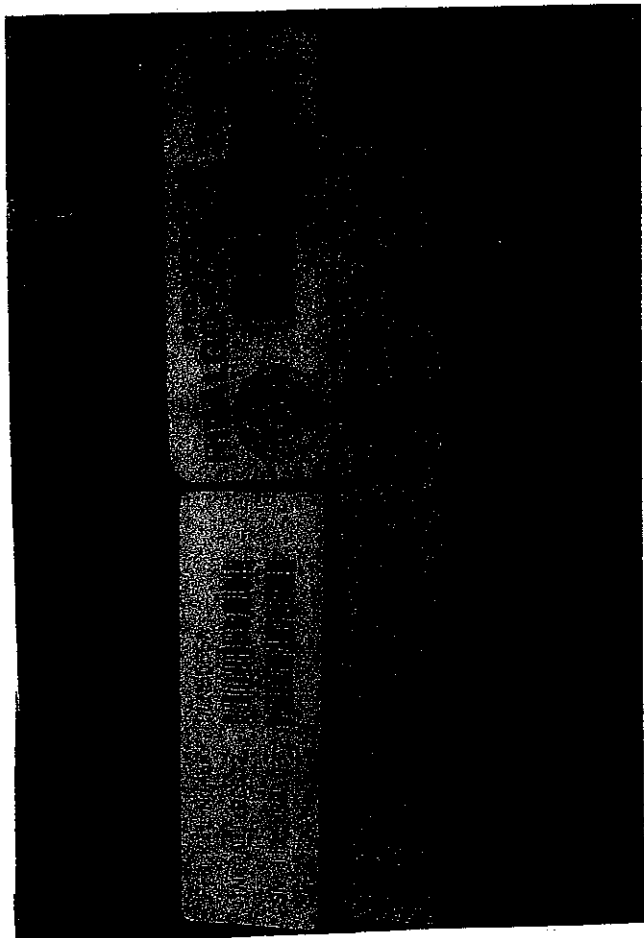
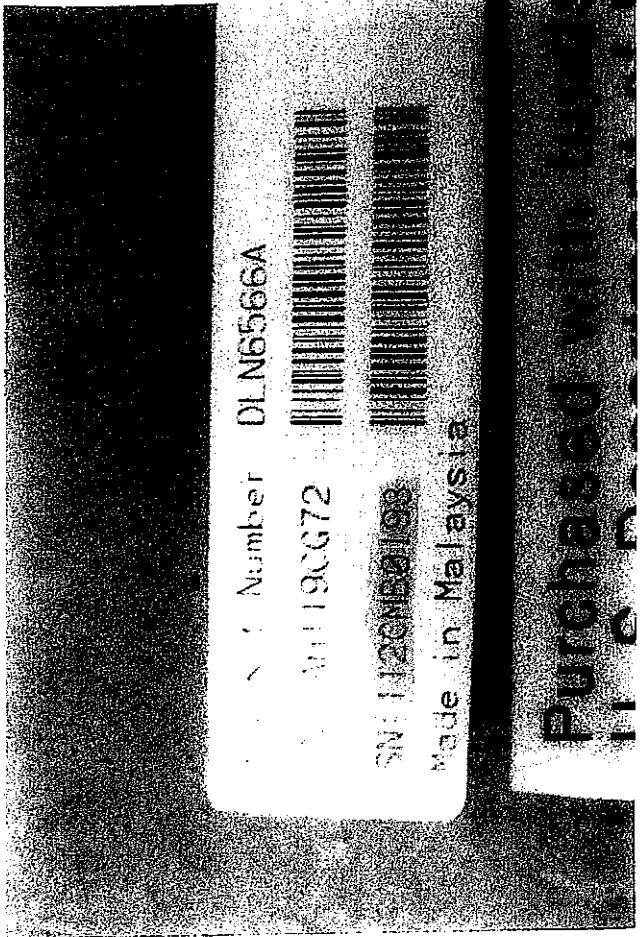


**ASSET #52734**

**La Joya**



**ASSET #52737**  
**City of Weslaco**



**ASSET #52739**  
**Extras**



REF ID: A61111  
SERIAL NUMBER: 000  
DATE: 12/20/05  
BY: [illegible]

PROPERTY OF  
**HIDALGO COUNTY, TEXAS**  
[Seal of Hidalgo County, Texas]  
[Barcode]  
52740

Acquired with funds provided by the  
U.S. Department of Homeland Security

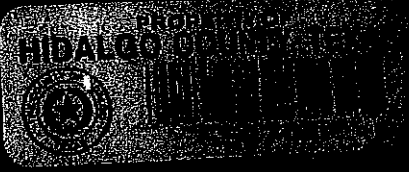
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**Extras**





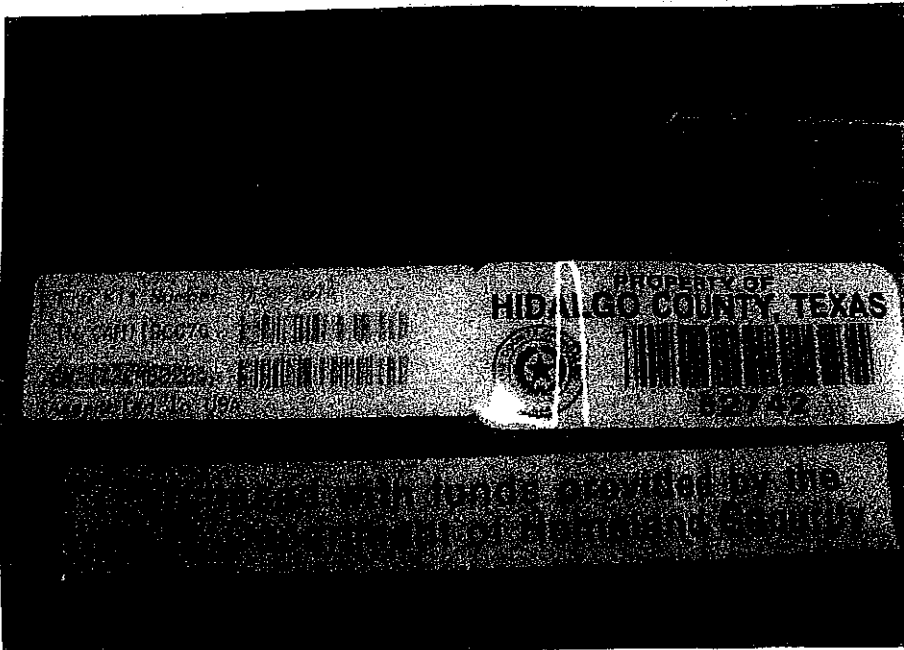
Prod. Ref. Number: DLN6985A  
 IN: CAH196671  
 SN: 1120130192  
 Made in Malaysia



Purchased with funds provided by  
 U. S. Department of Homeland Security

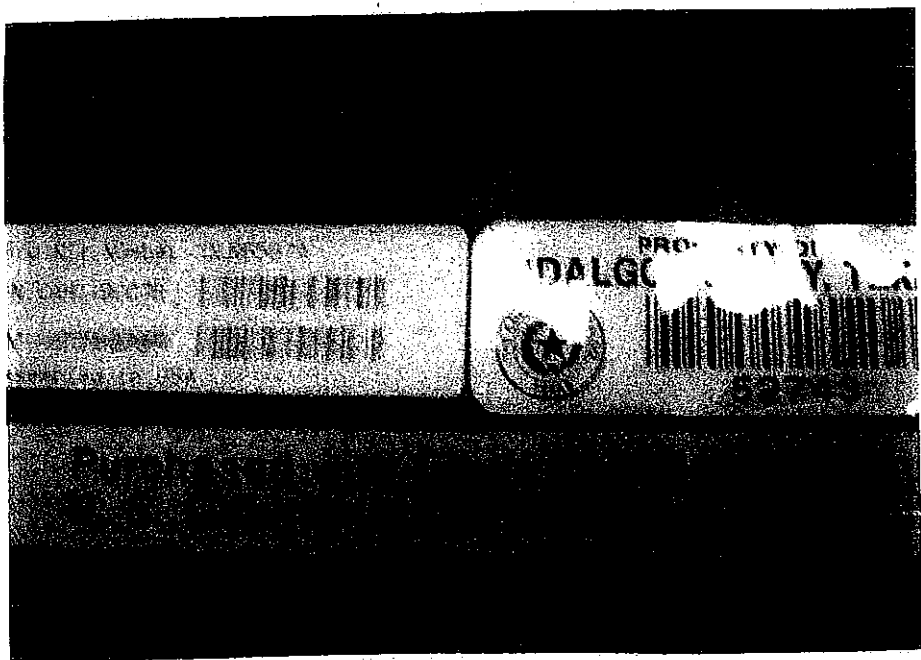
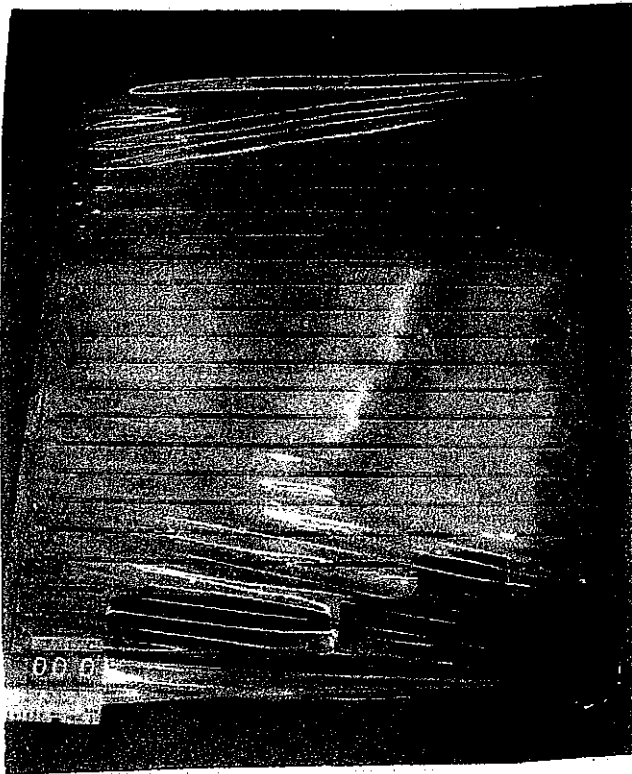
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**Extras**



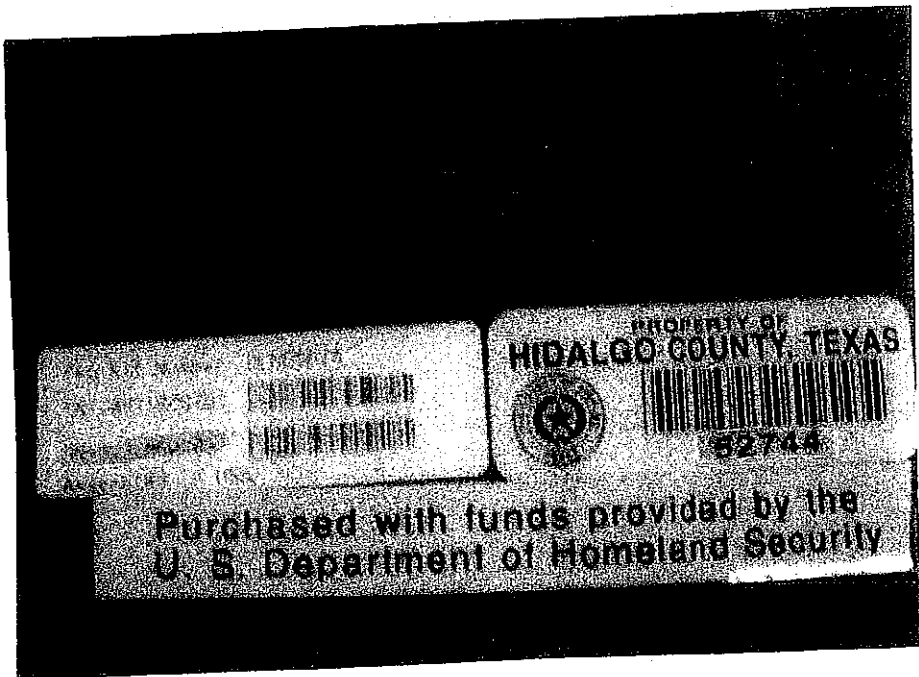
**ASSET #52742**

**Extras**



ASSET #52743

Extras



**ASSET #52744**

**Extras**



AC INPUT 100-240V 10A 50/60Hz  
 OUTPUT +5V 3A  
 +28.5V MAIN 70A  
 +28.5V AUX 3A

DC INPUT 40-240V 10A  
 OUTPUT +28.5V MAIN 18A  
 +28.5V AUX 3A

PROPERTY OF HIDALGO COUNTY TEXAS  
 1050GQ048C01F

RoHS CE RoHS

MADE IN CHINA

PROPERTY OF HIDALGO COUNTY TEXAS  
 1050GQ048C01F

Property of HIDALGO COUNTY TEXAS  
 1050GQ048C01F

PROPERTY OF HIDALGO COUNTY TEXAS

ASSET #52745

Extras

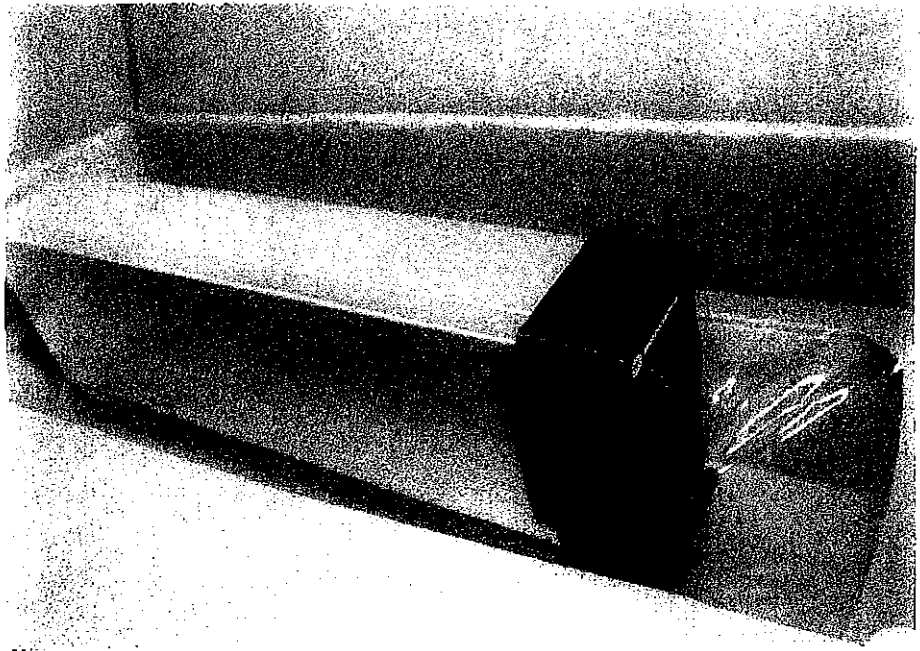
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INPUT 100-240V 50/60Hz  
OUTPUT 28.5V 3A  
28.5V MAIN 18A  
28.5V AUX 3A  
INPUT 100-240V 50/60Hz  
OUTPUT 28.5V 3A  
28.5V MAIN 18A  
28.5V AUX 3A

DATE: 02/10/10  
1050GU06A501F  
RoHS  
CE  
UL  
MADE IN CHINA

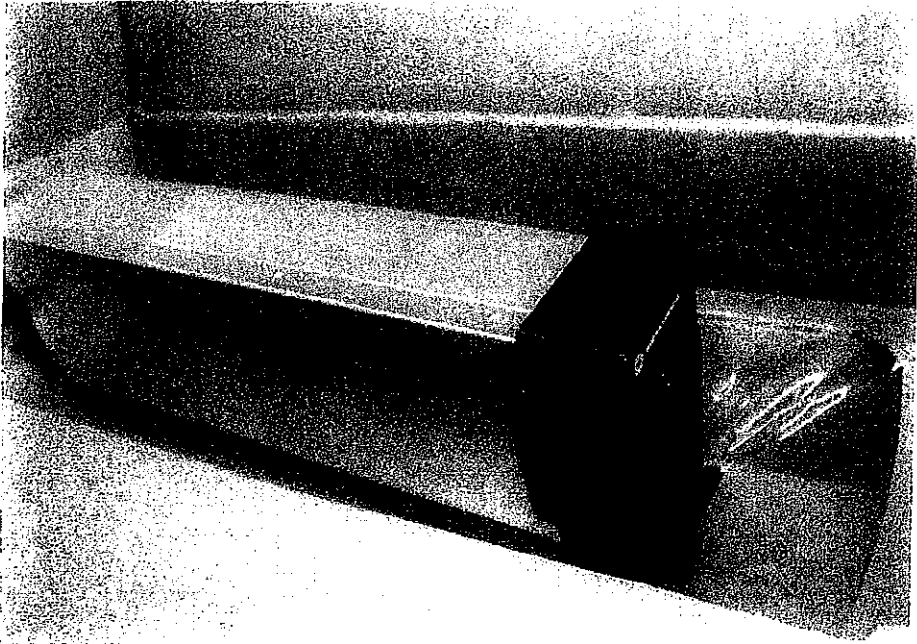
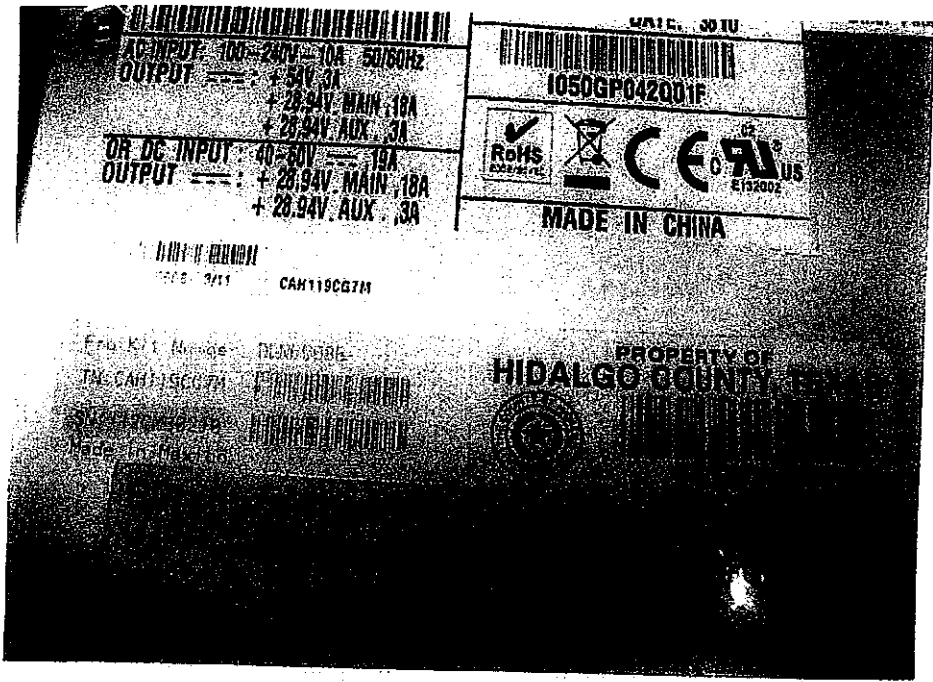
DLN65688  
CAH119CG7S

Kit Number: DLN65688  
TN: CAH119CG7S  
SUNM  
MADE IN MEXICO

PROPERTY OF  
HIDALGO COUNTY, TEXAS  
52746

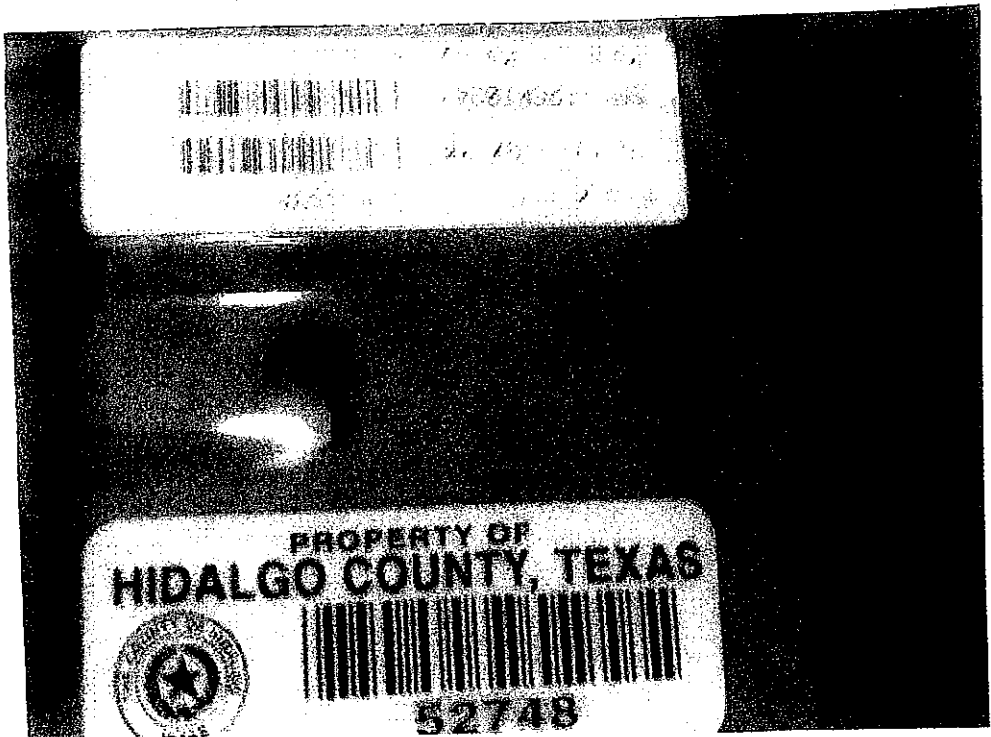
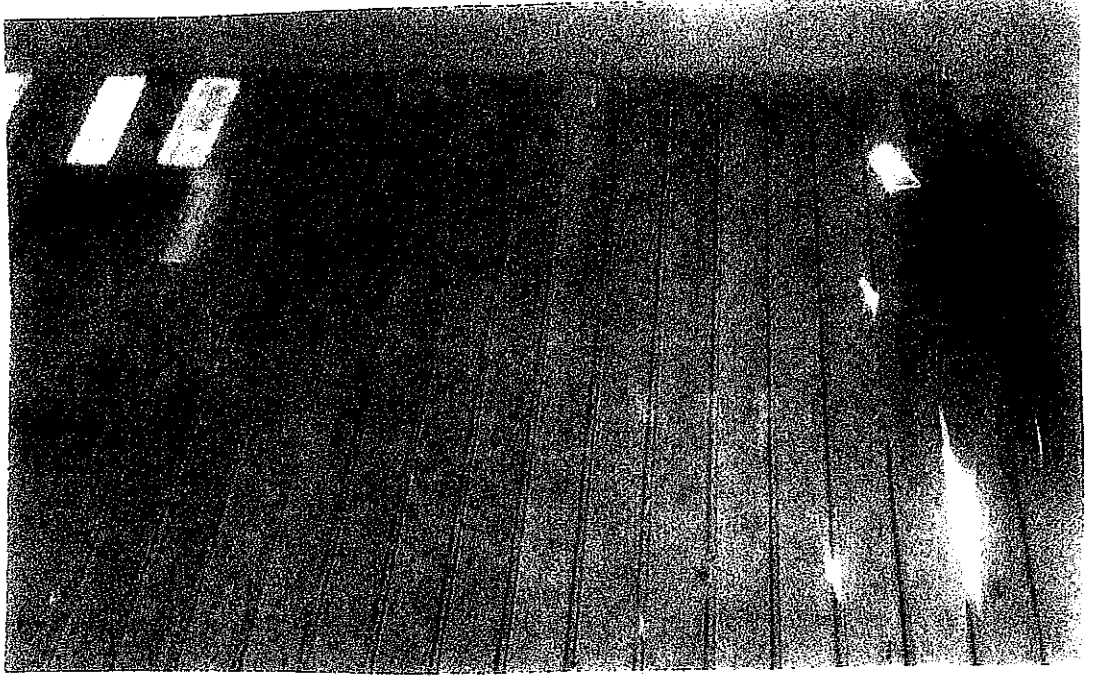


ASSET #52746  
Extras



ASSET #52747

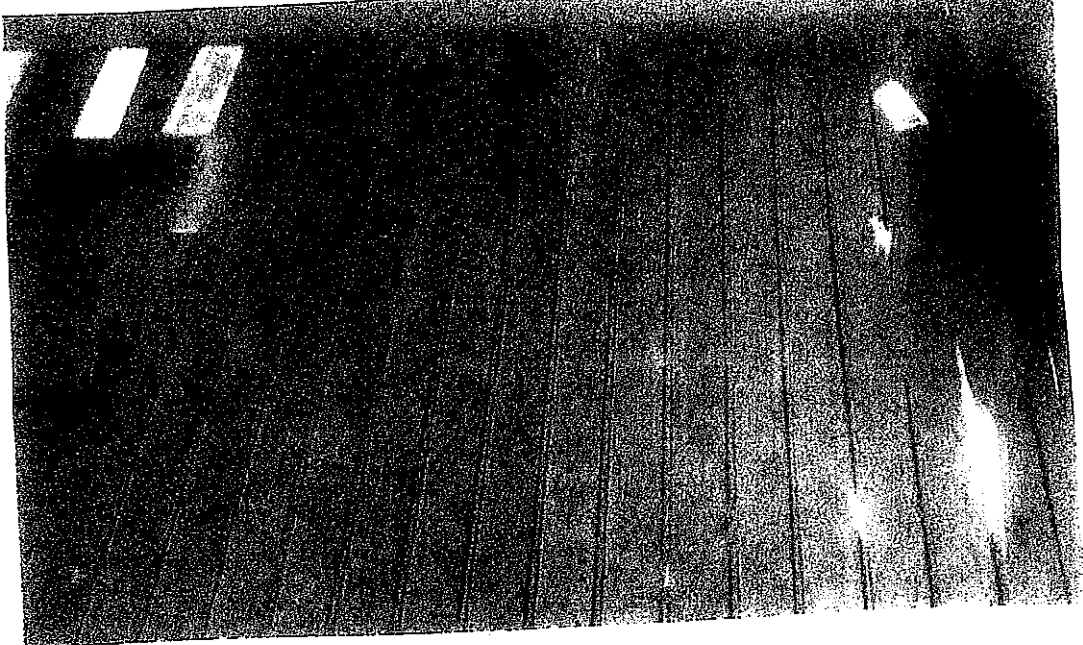
Extras



ASSET #52748

Extras

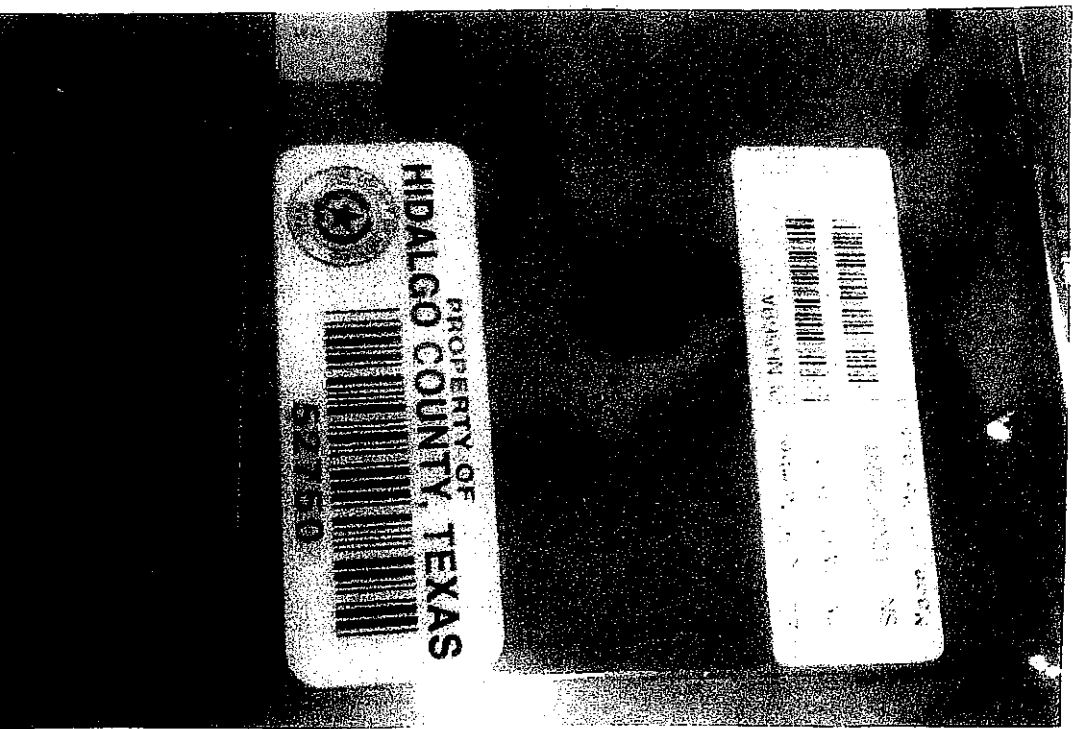
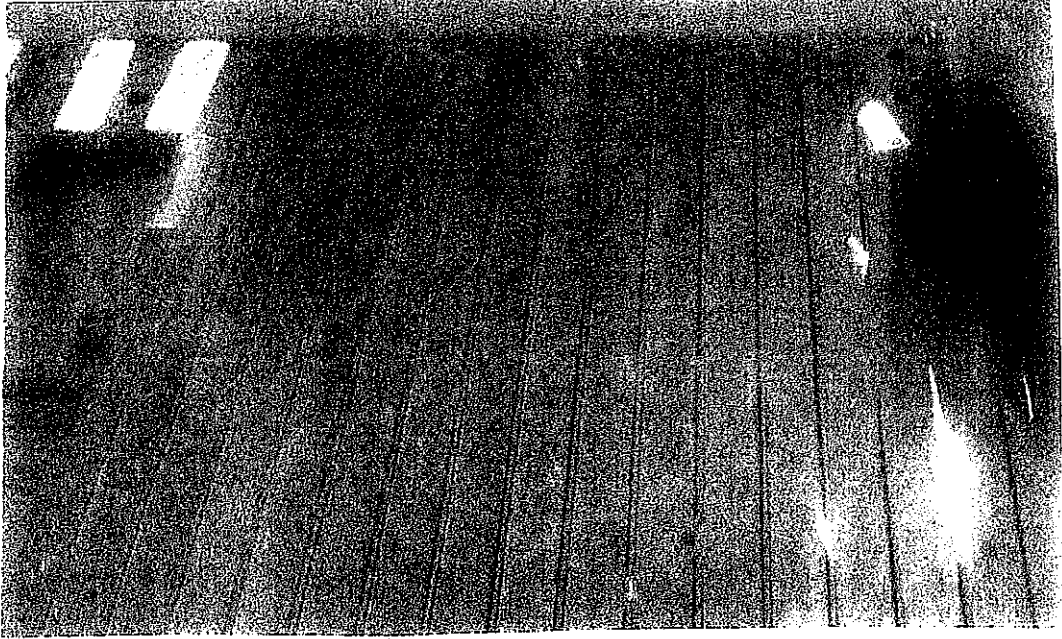




PROPERTY OF  
**HIDALGO COUNTY, TEXAS**  
52749

FPU Kit Number: 011000036  
SN: 120010904  
Made in Malaysia

**ASSET #52749**  
**Extras**



**ASSET #52750**  
**Extras**



# Purchase Order

## COUNTY OF HIDALGO

PO#: 650179

DATE: 12/30/10

Page No 5 Of 10

VENDOR: 283827      REQ:00186827  
FAX (210)680-3214      Email:  
Phone:(888)567-7347  
MOTOROLA INC.  
1303 E. ALGONQUIN RD  
SCHAUMBURG IL 60196

BUYER:  
SHIP TO: EMERGENCY SERVICES  
1615 S. CLOSNER  
SUITE G-H  
EDINBURG TX 78539

Vendor Acct:

CONTACT:  
SITE: EMERGENCY SERVICES  
Contract No: HGAC RA01-08

Special Instructions:

### VENDOR NOTES

- DO NOT ADD TO, OR ALTER THIS PURCHASE ORDER. THIS ORDER IS NOT RENEWABLE.
- TAX EXEMPTION: THIS PURCHASE ORDER MAY BE ACCEPTED IN LIEU OF EXEMPTION CERTIFICATE
- THIS ORDER IS ALSO PLACED F.O.B. DESTINATION. VENDOR MUST REPAY ALL SHIPPING COSTS.
- INVOICE EACH PURCHASE ORDER SINGLY. ORIGINAL INVOICES ARE REQUIRED CUSTOMER COPY MAY BE ACCEPTED. OUT NUMBER MUST APPEAR ON ALL INVOICES, BILLS OF LADING, AND PACKAGES.
- PAYMENT WILL BE MADE ONLY FOR A BONA FIDE AND FULLY COMPLETED ORDERS, UNLESS OTHERWISE ATTACHED.

QUANTITY	UOM	DESCRIPTION	UNIT PRICE	AMOUNT
2	EACH	ADD: QTY (1) XHUB ITEM # CA00884AA	2,975.00	5,950.00
1	EACH	ADD: 7.5 FT OPEN RACK, 48RU ITEM # X882AH	420.75	420.75
10	EACH	CABLE: 1/4" SUPERFLEX POLY JKT PER FOOT ITEM # L1700	1.71	17.10
2	EACH	1/4" BNC MALE CONNECTOR ITEM # DSF1TBMC	20.48	40.96
2	EACH	1/4" TYPE N MALE CONNECTOR FOR FSJ1-50A CABLE ITEM # DDN9769	24.53	49.06
1	EACH	***CITY OF LA JOYA***-GTR 8000 EXPANDABLE SITE SUB-SYSTEM ITEM # SQM01SUM7054A ASSET #52734	5,100.00	5,100.00
1	EACH	ADD: 700/800 MHZ MID POWER ITEM # CA00855AA	5,355.00	5,355.00
1	EACH	ADD: QTY (1) GTR 8000 BASE RADIO ITEM # X301AE	10,115.00	10,115.00
1	EACH	ENH: ASTRO 25 SITE REPEATER SW ITEM # X591AE	9,095.00	9,095.00
1	EACH	ADD: SITE & CABINET RMC W/ CAPABILITY OF 7-24 BRS ITEM # CA00862AA	1,785.00	1,785.00
1	EACH	ADD: EXPANSION 6 PORT CAVITY COMBINER ITEM # CA00880AA	7,140.00	7,140.00
1	EACH	ADD: 700/800 PHASING HARNESS ITEM # CA01058AA	850.00	850.00
2	EACH	ADD: QTY (1) XHUB ITEM # CA00884AA	2,975.00	5,950.00
1	EACH	ADD: 7.5 FT OPEN RACK, 48RU ITEM # X882AH	420.75	420.75
10	EACH	CABLE: 1/4" SUPERFLEX POLY JKT PER FOOT	1.71	17.10

Authorized by: Martha L. Salazar



# Purchase Order COUNTY OF HIDALGO

PO#: 650179

DATE: 12/30/10

Page No 6 Of 10

VENDOR: 283827                      REQ:00186827  
FAX (210) 680-3214              Email:  
Phone: (888) 567-7347  
MOTOROLA INC.  
1303 E. ALGONQUIN RD  
SCHAUMBURG IL 60196

BUYER:  
SHIP TO: EMERGENCY SERVICES  
1615 S. CLOSNER  
SUITE G-H  
EDINEBURG TX 78539

Vendor Acct:

CONTACT:  
SITE: EMERGENCY SERVICES  
Contract No: HGAC RA01-08

Special Instructions:

VENDOR NOTES	
1. DO NOT ADD TO, OR ALTER THIS PURCHASE ORDER. THIS ORDER IS NOT RENEWABLE.	
2. TAX EXEMPTION: THIS PURCHASE ORDER MAY BE ACCEPTED IN LIEU OF EXEMPTION CERTIFICATE.	
3. THIS ORDER IS ALSO PLACED F.O.B. DESTINATION. VENDOR MUST REPAY ALL SHIPPING COSTS	
4. INVOICE EACH PURCHASE ORDER SINGLY ORIGINAL INVOICES ARE REQUIRED CUSTOMER COPY MAY BE ACCEPTED. OUT NUMBER MUST APPEAR ON ALL INVOICES, BILLS OF LADING, AND PACKAGES.	
5. PAYMENT WILL BE MADE ONLY FOR A BONA FIDE AND FULLY COMPLETED ORDERS, UNLESS OTHERWISE ATTACHED.	

QUANTITY	UOM	DESCRIPTION	T PRICE	AMOUNT
2	EACH	ITEM # L1700 1/4" BNC MALE CONNECTOR	20.48	40.96
2	EACH	ITEM # DSF1TBMC 1/4" TYPE N MALE CONNECTOR FOR FSJ1-50A CABLE	24.53	49.06
1	EACH	***CITY OF LINN/SAN MANUEL***-GTR 8000 EXPANDABLE SITE SUB-SYSTEM	5,100.00	5,100.00
1	EACH	ITEM # SQM01SUM7054A ASSET #52735 ADD: 700/800 MHZ MID POWER	5,355.00	5,355.00
1	EACH	ITEM # CA00855AA ADD: QTY (1) GTR 8000 BASE RADIO	10,115.00	10,115.00
1	EACH	ITEM # X301AE ENH: ASTRO 25 SITE REPEATER SW	9,095.00	9,095.00
1	EACH	ITEM # X591AE ADD: SITE & CABINET RMC W/ CAPABILITY OF 7-24 BRS	1,785.00	1,785.00
1	EACH	ITEM # CA00862AA ADD: EXPANSION 6 PORT CAVITY COMBINER	7,140.00	7,140.00
1	EACH	ITEM # CA00880AA ADD: 700/800 PHASING HARNESS	850.00	850.00
2	EACH	ITEM # CA01058AA ADD: QTY (1) XHUB	2,975.00	5,950.00
1	EACH	ITEM # CA00864AA ADD: 7.5 FT OPEN RACK, 48RU	420.75	420.75
10	EACH	CABLE: 1/4" SUPERFLEX POLY JKT PER FOOT	1.71	17.10
2	EACH	ITEM # L1700 1/4" BNC MALE CONNECTOR	20.48	40.96
2	EACH	ITEM # DSF1TBMC 1/4" TYPE N MALE CONNECTOR FOR FSJ1-50A CABLE	24.53	49.06
		ITEM # DDN9769		

Authorized by: Martina L. Salazar



# Purchase Order

## COUNTY OF HIDALGO

PO#: 650179

DATE: 12/30/10

Page No 7 Of 10

VENDOR: 283827      REQ:00186827  
FAX (210)680-3214      Email:  
Phone: (888)567-7347  
MOTOROLA INC.  
1303 E. ALGONQUIN RD  
SCHAUMBURG IL 60196

BUYER:  
SHIP TO: EMERGENCY SERVICES  
1615 S. CLOSNER  
SUITE G-H  
EDINBURG TX 78539

Vendor Acct:

CONTACT:  
SITE: EMERGENCY SERVICES

Contract No: HGAC RA01-08

Special Instructions:

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QUANTITY	UOM	DESCRIPTION	UNIT PRICE	AMOUNT
1	EACH	***CITY OF MCALLEN***-GTR 8000 EXPANDABLE SITE SUB-SYSTEM ITEM # SQM01SUM7054A ASSET #52736	5,100.00	5,100.00
1	EACH	ADD: 700/800 MHZ MID POWER ITEM # CA00855AA	5,355.00	5,355.00
1	EACH	ADD: QTY (1) GTR 8000 BASE RADIO ITEM # X301AE	10,115.00	10,115.00
1	EACH	ENH: ASTRO 25 SITE REPEATER SW ITEM # X591AE	9,095.00	9,095.00
1	EACH	ADD: SITE & CABINET RMC W/ CAPABILITY OF 7-24 SRS ITEM # CA00862AA	1,785.00	1,785.00
1	EACH	ADD: EXPANSION 6 PORT CAVITY COMBINER ITEM # CA00880AA	7,140.00	7,140.00
1	EACH	ADD: 700/800 PHASING HARNESS ITEM # CA1058AA	850.00	850.00
2	EACH	ADD: QTY (1) KHUB ITEM # CA00884AA	2,975.00	5,950.00
1	EACH	ADD: 7.5 FT OPEN RACK, 48RU ITEM # X882AH	420.75	420.75
10	EACH	CABLE: 1/4" SUPERFLEX POLY JKT PER FOOT ITEM # L1700	1.71	17.10
2	EACH	1/4" BNC MALE CONNECTOR ITEM # DSF1TBMC	20.48	40.96
2	EACH	1/4" TYPE N MALE CONNECTOR FOR FSJ1-50A CABLE ITEM # DDN9769	24.53	49.06
1	EACH	***CITY OF WESLACO***-GTR 8000 EXPANDABLE SITE SUB-SYSTEM ITEM # SQM01SUM7054A ASSET #52737	5,100.00	5,100.00
1	EACH	ADD: 700/800 MHZ MID POWER ITEM # CA00855AA	5,355.00	5,355.00

Authorized by:

*Martha R. Salazar*



# Purchase Order COUNTY OF HIDALGO

PO#: 650179

DATE: 12/30/10

Page No 8 Of 10

VENDOR: 283827                      REQ:00186827  
FAX (210)680-3214                  Email:  
Phone:(888)567-7347  
MOTOROLA INC.  
1303 E. ALGONQUIN RD  
SCHAUMBURG IL 60196

BUYER:  
SHIP TO: EMERGENCY SERVICES  
1615 S. CLOSNER  
SUITE G-H  
EDINBURG TX 78539

Vendor Acct:

CONTACT:  
SITE: EMERGENCY SERVICES  
Contract No: HGAC RA01-08

Special Instructions:

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QUANTITY	UOM	DESCRIPTION	UNIT PRICE	AMOUNT
1	EACH	ADD: QTY (1) GTR 8000 BASE RADIO	10,115.00	10,115.00
1	EACH	ENH: ASTRO 25 SITE REPEATER SW ITEM # X591AE	9,095.00	9,095.00
1	EACH	ADD: SITE & CABINET RMC W/ CAPABILITY OF 7-24 BRS ITEM # CA00862AA	1,785.00	1,785.00
1	EACH	ADD: EXPANSION 6 PORT CAVITY COMBINER ITEM # CA00880AA	7,140.00	7,140.00
1	EACH	ADD: 700/800 PHASING HARNESS ITEM # CA01058AA	850.00	850.00
2	EACH	ADD: QTY (1) XHUB ITEM # CA00884AA	2,975.00	5,950.00
1	EACH	ADD: 7.5 FT OPEN RACK, 48 RU ITEM # X882AH	420.75	420.75
10	EACH	CABLE: 1/4" SUPERFLEX POLY JKT PER FOOT ITEM # L1700	1.71	17.10
2	EACH	1/4" BNC MALE CONNECTOR ITEM # DSF1T8MC	20.48	40.96
2	EACH	1/4" TYPE N MALE CONNECTOR FOR FSJ1-50A CABLE ITEM # DDM9769	24.53	49.06
1	EACH	UPS, FE 18KVA/15KW, 240V, 1 HR 13 MIN RUN ITEM # DS115000AA20073 ASSET #52738	57,843.00	57,843.00
3	EACH	SPARES (TO BE STORED AT MOTOROLA SHOP FOR IMMEDIATE EMERGENCY ACCDSS) FRU:GTR 8000 TRANSCEIVER 700/800 MHZ ITEM # DLN6566 ASSET #'S 52739, 52740 & 52741	1,020.00	3,060.00
3	EACH	FRU: GTR 8000 PA 700/800 MHZ ITEM # DLN6567 ASSET #'S 52742, 52743 & 52744	1,020.00	3,060.00

*24,480*

Authorized by: Martín L. Salazar



# Purchase Order COUNTY OF HIDALGO

PO#: 650179

DATE: 12/30/10

Page No 9 Of 10

VENDOR: 283827                      REQ:00186827  
FAX (210) 680-3214                  Email:  
Phone: (888) 567-7347  
MOTOROLA INC.  
1303 E. ALGONQUIN RD  
SCHAUMBURG IL 60196

BUYER:  
SHIP TO: EMERGENCY SERVICES  
1615 S. CLOSNER  
SUITE G-H  
EDINBURG TX 78539

Vendor Acct:

CONTACT:  
SITE: EMERGENCY SERVICES  
Contract No: HGAC RA01-08

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QUANTITY	UOM	DESCRIPTION	UNIT PRICE	AMOUNT
3	EACH	FRU: GTR 8000/GCP 8000 POWER SUPPLY ITEM # DLN6568 ASSET #'S 52745, 52746 & 52747	1,870.00	5,610.00
3	EACH	FRU: GCP 8000/GCM 8000 ITEM # DLN6569 ASSET #'S 52748, 52749 & 52750	4,250.00	12,750.00
1	LOT	STAGING INSTALLATION SYSTEM INTEGRATION OPTIMIZATION PROJECT MANAGEMENT	358,821.00	358,821.00
1	LOT	LESS SYSTEM DISCOUNT (MOTOROLA) HGAC FEE INCLUDED PER CONTRACT RA01-08  TERMS=NET 30  HIDALGO COUNTY OF EMERGENCY MANAGEMENT TERMS=NET 30 DAYS  SHIP TO ADDRESS: STC 709 EAST PECAN MCALLEN, TEXAS 78501  ULTIMATE DESTINATION ADDRESS: HIDALGO COUNTY OFFICE OF EMERGENCY MANAGEMENT 1615 S. CLOSNER STE G EDINEURG TX 78539  REPORT ROAD HAZARDS 1-866-HCR-SAFE OR 1-866-427-7233	-20,181.18	-20,181.18

Authorized by: Martha L. Salazar

**STANDARDIZED RECOMMENDATION FORM**

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

AGENDA ITEM   2E    
DATE SUBMITTED 10/21/13  
MEETING DATE 10/28/13

1. Agenda Item: City Property - Vehicle Surplus Declaration and Donation of Vehicle to the City of Reynosa, Tamaulipas Mexico via Interlocal Agreement.

2. \_\_\_\_\_  
3. Party Making Request: Public Works Department

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

The Public Works Department requests authorization to declare Unit 606, a 2003 Chevrolet Express Van, described in attachments as surplus and begin transfer of ownership to City of Reynosa, Tamaulipas Mexico via the terms in an interlocal agreement.

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

5. Budgeted:   Yes   No   X  N/A

6. Alternate Option/Costs   N/A  

7. Routing:	<u>NAME/TITLE</u>	INITIAL	DATE	CONCURRENCE
a.)	<u>Wendy Smith, Asst. City Manager</u>	<u>WS</u>	<u>10/21</u>	<u>YES</u>
b.)	<u>Carlos A. Sanchez, P.E., PW Director</u>	<u>CAS</u>	<u>10/21</u>	<u>YES</u>
c.)	<u>Jerry Dale, C.P.A., Finance Director</u>	<u>JD</u>	<u>10/21</u>	<u>YES</u>

8. Staff Recommendation: **Staff recommends approval as noted above.**

9. Advisory Board:   Approved   Disapproved   None

10. City Attorney:   KP     Disapproved   None

11. Manager's Recommendation:   MP   Approved   Disapproved   None





CITY OF MCALLEN  
DEPARTMENT OF PUBLIC WORKS  
**MEMORANDUM**

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

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

**DATE:** October 21, 2013

**SUBJECT:** **Vehicle Surplus Declaration and Donation of Vehicle to City of Reynosa, Tamaulipas Mexico, via Interlocal Agreement.**

**Goal:** Public Works seeks authorization to declare Unit 606, a 2003 Chevrolet Express Van, surplus and begin transfer of ownership to the City of Reynosa, Tamaulipas Mexico via an interlocal agreement.

**Explanation:** The City of Reynosa, Tamaulipas Mexico in conjunction with Miradas de Esperanza A.C., a non-profit organization, have formally requested the donation of a 15-passanger van from the City of McAllen to assist with their operations. The McAllen Fire Department through the city's vehicle depreciation and replacement program recently replaced a 2003 Chevrolet Express Van. This vehicle is now available to be declared surplus and be dispose of through the proper channels. Attached are photos of the vehicle.

An interlocal agreement has been prepared to define the terms of donation which would allow the transfer of ownership to the City of Reynosa.

**Options:**

1. The City Commission may elect to declare Unit 606 as surplus and donate vehicle to Reynosa, Tamaulipas Mexico under the terms outline the interlocal agreement.
2. The City Commission may elect to declare Unit 606 as surplus and dispose of the vehicle through the customary auctioneering services.
3. The City Commission may elect to retain Unit 606 within city fleet.

**Recommendation:** Staff recommends that Unit 606 be declared surplus and begin transfer of ownership to the City of Reynosa, Tamaulipas Mexico under the terms of the interlocal agreement.

# **INTERLOCAL GOVERNMENTAL AGREEMENT**

## **City of McAllen and City of Reynosa, Tamaulipas Mexico**

**WHEREAS**, the City of McAllen, State of Texas, United States of America (hereinafter referred to as “McAllen”) and the City of Reynosa, State of Tamaulipas, Republic of Mexico (hereinafter referred to as “Reynosa”) are located 15 miles apart and have social, economic and governmental ties; and

**WHEREAS**, McAllen and Reynosa have heretofore entered into an agreement providing for the exchange of governmental services relating to bridge protection and other interlocal governmental functions; and

**WHEREAS**, McAllen has a 2003 Chevrolet Express Van, (hereinafter referred to as “Van”) which is no longer useful to McAllen and Reynosa has a need for such surplus Van which can be utilized by the City of Reynosa to provide efficient customer service to that City; and

**WHEREAS**, the City of McAllen, as a Home Rule City, under the laws of the State of Texas has the power under its charter to enter into this agreement for and in the consideration recited below.

**NOW, THEREFORE**, in consideration of the following, McAllen and Reynosa hereby agree as follows:

1. McAllen will deliver to Reynosa one (1) surplus 15 passenger van as shown on Exhibit “A”, hereinafter, the “Van”. This surplus van is being delivered in an “AS-IS” condition and McAllen makes no warranty in any manner as to the fitness of the van for any purpose.

2. Reynosa agrees to use this van in accordance with the following conditions:

a. The Van shall be solely used to provide services for the Miradas de Esperanza A.C.;

b. The Van will be based at the: Calle Pedro J. Mendez N<sup>o</sup> 740  
Zona Centro  
Cd. Reynosa, Tamaulipas Mexico  
C.P. 88500;

3. Should the Van not be used in accordance with Paragraph 2, Reynosa agrees to Return the Van to McAllen upon its request. Also, should the Van no longer be used or be suitable for use by the City of Reynosa, Reynosa agrees to notify McAllen of the Van’s non-use or non-suitability, and Reynosa further agrees to return the Van to McAllen if requested to do so.

4. Reynosa shall be solely responsible for the maintenance of the Van while the same are in the possession of such Van until returned to McAllen. Reynosa shall not be responsible to McAllen for any wear and tear caused to the Van, if applicable, or any property

damage caused to the Van.

5. Reynosa agrees to indemnify McAllen for any claim by any third party in any manner relating to the use of the Van delivered hereunder.

6. This Agreement shall be effective beginning October 28, 2013 and will remain in effect until the Van is returned to McAllen or are otherwise disposed of as salvage material.

CITY OF McALLEN, TEXAS

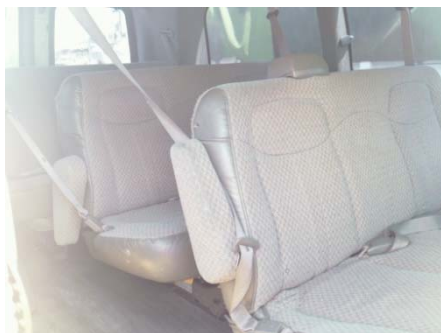
By: \_\_\_\_\_  
Jim Darling, Mayor

CITY OF REYNOSA, TAMAULIPAS,  
MEXICO

By: \_\_\_\_\_  
Jose Elias Leal, Presidente Municipal  
de Reynosa, Tamaulipas

Approved as to form:

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





Reynosa, Tamaulipas, a 08 de Octubre de 2013.

JIM DARLING  
MAYOR DE MCALLEN, TEXAS  
P R E S E N T E.-

En mi calidad de Presidente Municipal de Reynosa, Tamaulipas, envío a Usted un cordial saludo.

Así mismo, me es grato informarle que la organización Miradas de Esperanza A.C. es una institución sin fines de lucro, dedicada a impartir conocimientos a niños y jóvenes invidentes para hacerlos valer por sí mismos y con una calidad de vida digna. Su ubicación es en Calle Pedro J. Méndez N° 740 Zona Centro de esta ciudad, y hasta la fecha sabemos que ha realizado una excelente labor, obteniendo su sustento de las donaciones de la sociedad y el gobierno.

Me es grato saber que la Administración Pública que Usted preside, tiene el interés en otorgar en donación un vehículo tipo van con capacidad para aproximadamente 15 pasajeros a favor de la institución antes mencionada, a través del Ing. Antonio Granados Rodríguez representante del Club Rotario Reynosa 76; por ello, me permito informar que este organismo se compromete fielmente a utilizar dicho mueble única y exclusivamente para transporte de los alumnos y sus familiares.

Con el interés de continuar fortaleciendo los lazos de amistad ente estas ciudades vecinas, quedo a sus apreciables órdenes, reiterando la seguridad de mis atenciones.

Atentamente  
"Sufragio Efectivo. No Reección"

JOSÉ ELÍAS LEAL  
Presidente Municipal



**CITY OF MCALLEN**  
Rolling Stock Surplus

<b>Assigned Department</b>	<b>Unit#</b>	<b>Year</b>	<b>Make</b>	<b>Description</b>	<b>Condition</b>	<b>VIN#</b>	<b>Mileage</b>	<b>LTD Maintenance</b>
Fire Department	606	2003	Chevrolet	Express Van	Operable - Good	1GAGG25U731197029	98,801	\$7,903.84

**STANDARDIZED RECOMMENDATION FORM**

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

AGENDA ITEM   2F    
DATE SUBMITTED 10/18/13  
MEETING DATE 10/28/13

1. Agenda Item: **CONSIDERATION AND APPROVAL OF A CHANGE ORDER FOR THE PURCHASE AND INSTALLATION OF ONE (1) 8,000 GALLON FUEL TANK AND TWO (2) SINGLE HOSE DISPENSERS FOR PUBLIC WORKS – PURCHASE ORDER #22628.**

2. Party Making Request: Public Works Department

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

**On June 10, 2013, the City Commission awarded a purchase and installation contract to South Texas Pump Inc., from Weslaco TX for one 8,000 gallon fuel tank and two single hose dispensers. Changes in the contract pricing resulted from the existing unused conduit not leading to the Fueling Station as previously thought. Equipment, material, and labor will be required to trench 350 feet from panel box to new fuel tank area and installation of one (1) extra conduit for future use. The purchase order amount has increased by \$4,415.00, for a total contract amount of \$81,415.00.**

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>	_____	_____	_____
b.)	<u>Wendy Smith, Asst City Mgr.</u>	_____	_____	_____
c.)	<u>Sandra Zamora, Purchasing Dir.</u>	_____	_____	_____

8. Staff Recommendation: **Public Works recommends approval of change order to reflect the increase of \$4,415.00, for a total contract amount of \$81,415.00**

9. Advisory Board:    Approved    Disapproved    None

10. City Attorney:   KP   Approved    Disapproved    None

11. Manager's Recommendation:   MP   Approved    Disapproved    None



## PUBLIC WORKS MEMORANDUM

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

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

**DATE:** October 18, 2013

**SUBJECT:** Increase Change Order for the Purchase and Installation of One (1) 8,000 Gallon Fuel Tank and Two (2) Single Hose Dispensers for Public Works – Purchase Order #22628

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### **Goal:**

Consideration and approval of an increase change order in the purchase and installation of one (1) 8,000 Gallon Fuel Tank and two (2) Single Hose Dispensers for Public Works.

### **Explanation:**

On June 10, 2013, the City Commission awarded a purchase and installation contract to South Texas Pump Inc., from Weslaco TX for one 8,000 gallon fuel tank and two single hose dispensers. Changes in the contract pricing resulted from the existing unused conduit not leading to the Fueling Station as previously thought. Equipment, material, and labor will be required to trench 350 feet from panel box to new fuel tank area and installation of one (1) extra conduit for future use. The purchase order amount has increased by \$4,415.00, for a total contract amount of \$81,415.00.

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

### **Recommendation**

Public Works recommends approval of increase change order to Purchase Order #2268 in the amount of \$4,415.00.



# SOUTH TEXAS PUMP, INC.

Installations - Removals - Sales/Service

7414 N. FM 88 \* P. O. BOX 1852

Weslaco, Texas 78596 \* Phone: (956) 969-3534

1-800-767-3534 \* Fax (956) 968-6386



## PROPOSAL

CHANGE ORDER NO. 1: PURCHASE & INSTALLATION OF ONE(1) 8,000 GALLON FUEL TANK AND TWO(2) SINGLE HOSE DISPENSERS

Proposal Submitted To: Javier Galindo

DATE: 09-25-13

We hereby propose to furnish labor, material and equipment to trench 350' from panel box to new fuel tank area. Run 1" PVC pipe with 10' rigid, pull wire for sub pump, 110V for circuit dispenser, 110V circuit for FM system and one(1) extra 1" PVC conduit. Pour concrete over trench area. Backfill with same dirt and pour concrete as needed. Clean up and haul off construction debris.

Bid is subject to revision if extreme high water table, unstable and or contaminated soils or rock are encountered or final ruling by TCEQ.

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial manner for the sum of FOUR THOUSAND FOUR HUNDRED FIFTEEN AND NO/100 ----- DOLLARS(\$4,415.00) With payments to be made as follows: AS SPECIFIED ON ORIGINAL CONTRACT.

Any alteration or deviation from above specifications involving extra costs, will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance upon above work. Workmen's Compensation and Public Liability Insurance on above work to be taken out by contractor.

NOTE: This proposal may be withdrawn by us if not accepted within 30 days.

Respectfully submitted,



Domingo Perez, Jr.

---

### ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above. Personal Guaranty that balance will be paid in full.

Accepted;

PRINT: Carlos A Sanchez SIGNATURE: 

Date: 9/26/13

**STANDARDIZED RECOMMENDATION FORM**

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

AGENDA ITEM   2G    
DATE SUBMITTED 10/22/13  
MEETING DATE 10/28/13

1. Agenda Item: Purchase of one thousand (1000) 96 gallon black refuse carts and one thousand (1000) 96 gallon blue recycling carts for the Residential and Recycling Departments and authorization for additional purchases during the fiscal year.

2. Party Making Request: Public Works Department

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

The Public Works Department requests authorization to purchase one thousand (1000) 96 gallon black refuse carts and one thousand (1000) 96 gallon blue recycling carts from TOTER Incorporated through National Intergovernmental Purchasing Alliance (NIPA) cooperative pricing for a total of \$104,698.36. Authorization is also being requested to purchase additional containers (both Residential and Recycling type), at lowest unit cost, through NIPA, Houston-Galveston Area Council (HGAC) or State of Texas cooperative purchasing contracts on an "as needed basis" with City Manager approval for the remainder of the fiscal year.

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

5. Budgeted:   X   Yes    No    N/A

Bid Quote	Budget Available	Account #
\$54,694.18	\$65,000.00	500-4258-446.66-20
\$50,004.18	\$75,000.00	500-4252-446.66-20

6. Alternate Option/Costs   N/A  

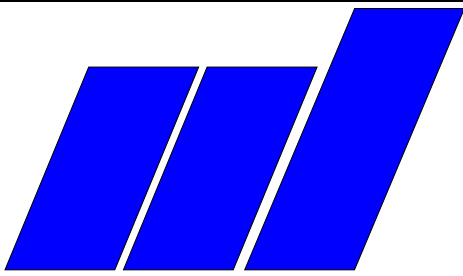
7. Routing:	<u>NAME/TITLE</u>	INITIAL	DATE	CONCURRENCE
a.)	<u>C. Sanchez, PE, PW Director</u>	_____		
b.)	<u>W. Smith, Asst. City Manager</u>	_____		
c.)	<u>Sandra Zamora, Dir of Pur. &amp; Con.</u>	_____		
d.)	<u>JW Dale, CPA, Finance Director</u>	_____		

8. Staff Recommendation: Approval of purchase of one thousand (1000) 96 gallon black refuse carts and one thousand (1000) 96 gallon blue recycling carts from TOTER Incorporated for the Residential and Recycling Departments in the amount of \$104,698.36, to include authorization to make future purchases of containers (both Residential and Recycling type) for the remainder of the fiscal year, at lowest unit cost through NIPA, HGAC or State of Texas purchasing cooperative contracts with City Manager approval.

9. Advisory Board:    Approved    Disapproved    None

10. City Attorney:   KP   Approved    Disapproved    None

11. Manager's Recommendation:   MP   Approved    Disapproved  
None



CITY OF MCALLEN  
PUBLIC WORKS  
**MEMORANDUM**

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

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

**DATE:** October 22, 2013

**SUBJECT:** Authorization to Purchase Refuse and Recycling Carts from National Intergovernmental Purchasing Alliance (NIPA) Cooperative

**Goal:**

Consideration and approval of a Purchase Contract with TOTER Incorporated, from Statesville, NC, for the purchase of one thousand (1000) 96 gallon black refuse carts and one thousand (1000) 96 gallon blue recycling carts in the total bid amount of \$104,698.36. Authorization is also being requested to authorize the City Manager to approve future purchases for containers, at the lowest unit cost, from NIPA, Houston-Galveston Area Council (HGAC), or through State of Texas cooperative purchasing contracts on an "as needed basis" for the remainder of the Fiscal Year.

**Brief Explanation:**

Public Works procures refuse and recycling carts as needed to provide new residents with containers and to replace worn and damaged containers. Public Works, with the assistance of TOTER, now also incorporates graphics and recycling education information on the lids to promote the proper use of the containers. (See Attached Graphic)

Public Works solicited quotes from TOTER Inc. for the purchase of one thousand (1000) 96 gallon black refuse carts and one thousand (1000) 96 gallon blue recycling carts at a unit price of \$47.30 using pricing from NIPA (see attached) plus \$5.44 per recycling cart and an additional \$0.75 per refuse cart for additional graphics for a total bid amount of \$104,698.36.

Authorization is also being requested to purchase, in the future, additional containers under NIPA, HGAC, or through State of Texas contracts on an as needed basis with City Manager approval.

**Recommendation:**

Public Works staff recommends approval of purchase from TOTER Incorporated in the amount of \$104,698.36 for one thousand (1000) 96 gallon black refuse carts and one thousand (1000) 96 gallon blue recycling carts through NIPA. This request includes authorization to make future purchases of containers (both Residential and Recycling type) for the remainder of the fiscal year, from the various intergovernmental purchasing cooperatives with City Manager approval.



841 Meacham Rd, Statesville, NC, 28677  
 PHONE: 800-424-0422 FAX: 704-878-0734 toterpo@wastequip.com  
 Quote Number: WQ-0011114

## QUOTATION

<b>Sell To:</b>		<b>Ship To:</b>	
Customer Contact	Mario Vela	Ship To Name	
Customer Name	City of McAllen	Shipping Address	4201 N Bentsen Rd
			Mcallen, TX 78504-5555
Billing Address	Po Box 220	Customer Job Reference	
	Mcallen, TX 78505-0220		
Email	mvela@mcallen.net		
Phone	956-681-4008		

Salesperson	Linda Lassiter	Created Date	10/22/2013
Email	llassiter@wastequip.com	Expiration Date	11/06/2013
			WQ-0011114
Phone	(704) 872-8171	Quote Number	Please Reference Quote Number on all Purchase Orders

Product Description	Quantity	Unit Price	Extended Price
Model 79296 - Toter 96 Gallon EVR II Universal/Nestable Cart	1,000	\$55.94	\$55,940.00
---Body Color - (705) Blue	1,000	\$0.00	\$0.00
---Lid Color - (705) Blue	1,000	\$0.00	\$0.00
---Customer Serial Number Hot Stamped on Front of Cart Body in White	1,000	\$0.00	\$0.00
---Body Hot Stamp on Left Hand Side (Existing)	1,000	\$0.00	\$0.00
---Lid Hot Stamp Insert - Read from Street (Existing)	1,000	\$0.00	\$0.00
---Lid Hot Stamp Center - Read from Street (Existing)	1,000	\$0.00	\$0.00
---Wheels - 10" Sunburst	1,000	\$0.00	\$0.00
---1/3 Assembled with Stop Bar and Axle Factory Installed	1,000	\$0.00	\$0.00
---Warranty - 10 Year Unprorated	1,000	\$0.00	\$0.00
---Lid Graphic (IML) - 4" x 11"	1,000	\$0.00	\$0.00
---Lid Graphic (IML) Position - Center of Lid, Read from Street	1,000	\$0.00	\$0.00

Subtotal	\$55,940.00
Freight (F.O.B)	\$
Tax	\$0.00
Total	\$55,940.00



Shipping Details

Est. Ship Date	Shipping Terms	FOB destination
Shipping Instructions	Shipping Terms Details	
Additional Special Instructions		
Installation Instructions		

Additional Information

Payment Terms	Net 30 Days
Additional Terms	

Our quote is a good faith estimate, based on our understanding of your needs. Your order is an offer to purchase our products and services, subject to our acceptance, and in accordance with the Wastequip Terms and Conditions. The Wastequip Terms and Conditions, which are available on our website and incorporated by reference herein, constitute the entire agreement regarding the purchase of our products and services, including our limited warranties.

Our pricing is based on your anticipated order, including product specifications, quantities and timing - any differences to your order may result in different pricing. Due to volatility in petrochemical, steel and related product material markets, actual prices, as well as freight, are subject to change and will be confirmed prior to acceptance of an order. Unless otherwise stated, materials and container sizes indicated on sales literature, invoices, price lists, quotations and delivery tickets are nominal sizes and representations – actual volume, products and materials are subject to manufacturing and commercial variations and Wastequip’s practices, and may vary from nominal sizes and materials. All prices are in US dollars; this quotation may not include all applicable taxes, brokerage fees or duties.

Wastequip, Toter, Galbreath, Cusco, Accurate, Mountain Tarp, Pioneer, and Parts Place are registered trademarks, trade names and subsidiaries of Wastequip, LLC.

Additional Information  
Special Contract Information

PRICING IS OFF STATE OF TEXAS CONTRACT- BID # 450-A2 ALL ORDERS MUST BE ENTERED INTO THE TXSMARTBUY SYSTEM TXSMARTBUY’S SYSTEM IMMEDIATELY FORWARDS YOUR ORDERS TO TOTER FOR PROCESSING.

Signatures


Salesperson:	<i>Linda Lassiter</i>	Accepted By:	_____
		Company Name:	_____
		Date:	_____
CC:		Purchase Order:	_____



# City of McAllen

October 22, 2013

## TOTER EVRII 96 GALLON REFUSE CARTS

PURCHASING COOPERATIVES		 NATIONAL INTERGOVERNMENTAL PURCHASING ALLIANCE (NIPA)	HOUSTON-GALVESTON AREA COUNCIL (HGAC)	STATE OF TEXAS
	QUANTITY			
EVRII - BLACK REFUSE CARTS WITH HOTSTAMPS	1000	\$ 48,050.00	\$ 51,740.00	\$ 51,250.00
EVRII - BLUE CARTS WITH HOTSTAMPS AND GRAPHIC	1000	\$ 52,740.00	\$ 56,430.00	\$ 55,940.00
FREIGHT		\$ 3,908.36	\$ 3,800.00	\$ -
TOTAL		\$ 104,698.36	\$ 111,970.00	\$ 107,190.00

**Standardized Recommendation Form**

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

Agenda Item   2H    
Date Submitted 10/18/13  
Meeting Date 10/28/13

1. **Agenda Item:** Budget Amendment to the Inter-Departmental Services Fund for the purpose of funding the purchase of a (1) One 8,000 Gallon Fuel Tank and (2) Hose Dispensers for the Fleet Operations Department.

2. **Party Making Request:** Public Works Department – Fleet Operations Department

3. **Nature of Request:** (Brief Overview) Attachments:   X   Yes    No  
Consideration and authorization to amend the Inter-Departmental Services Fund in the amount of \$81,415.00 to fund the purchase of the Fuel Tank Upgrade.

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

5. **Budgeted:**    Yes    No    N/A      **Account No:** 670-6002-476-66-30      **Amount:** \$81,415

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

7. **Routing:**

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

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

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

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

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



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

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

**Date:** October 21, 2013

**Subject:** Budget Amendment to the Inter-Departmental Services Fund for the purchase of a One (1) 8,000 Gallon Fuel Tank and Two (2) Single Hose Dispensers for the Fleet Operations Department of Public Works.

**GOAL:**

Consideration and approval of a budget amendment to the Inter-Departmental Services Fund in the amount of \$81,415 for the purchase of a One (1) 8,000 Gallon Fuel Tank and Two (2) Single Hose Dispensers for the Fleet Operations Department.

**BRIEF EXPLANATION:**

On June 10, 2013, the City Commission awarded a purchase and installation contract to South Texas Pump Inc., from Weslaco TX for one 8,000 gallon fuel tank and two single hose dispensers in the amount of \$77,000. Changes in the contract pricing resulted from the existing unused conduit not leading to the Fueling Station as previously thought. A change order in the amount of \$4,415 is being requested through a change order to cover the additional expenses. The fuel tank upgrade was budgeted in FY 2012-2013, however, the fuel tank upgrades are scheduled for completion in November. The funds were not rolled over to the current fiscal year; therefore, a budget amendment in the amount of \$81,415 is required to account for the purchase of the fuel tank upgrade.

**RECOMMENDATION:**

Public Works staff recommends approval of the budget amendment in the amount of \$81,415 to fund the purchase the fuel tank upgrade.

**CITY OF McALLEN**  
**BUDGET AMENDMENT REQUEST FORM**  
**FISCAL YEAR 2013-2014**

DATE OF ENTRY	
ENTRY MADE BY	
JOURNAL ENTRY #	
AA UPDATE DATE	

**To be assigned by Finance Dept.**

**FUND:** INTER-DEPARTMENTAL SERVICES FUND

**DEPARTMENT:** FLEET OPERATIONS

Fund	Dept. & Division	Activity	Element & Object	Project Code	Description	Original/Revised Budget	Debt	Credit	Revised Budget
670	6002	476	66-30		CAPITAL OUTLAY/IMPRV O/T BUILDINGS	\$ -	\$ 81,415		\$ 81,415
670					INTER-DEPARTMENTAL SERVICES FUND	\$427,079		81,415	345,664
<b>TOTALS</b>						<b>\$ 427,079</b>	<b>\$ 81,415</b>	<b>\$ 81,415</b>	<b>\$ 427,079</b>

(Round up all amounts to the nearest hundred dollars)

**JUSTIFICATION:** Budget Amendment in the amount of \$81,415 to fund the purchase of a fuel tank upgrade that was

budgeted in FY 12-13. City Commissioners approved the purchase on July 10, 2013, however the funds

were not rolled over. Therefore, an amendment in the amount of \$81,415 is required to account for the

cost of the purchase.

**Department Head Approval**

Signature

Date

**Finance Department**

Signature

Date

**City Manager**

Signature

Date

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

AN ORDINANCE AMENDING THE BUDGET OF THE CITY OF McALLEN FOR THE FISCAL YEAR 2013/2014 EFFECTIVE OCTOBER 1, 2013, BY PROVIDING FOR AN INCREASE IN EXPENDITURES TO-WIT: \$81,415 FOR THE PURCHASE OF ONE (1) FUEL TANK AND TWO (2) SINGLE HOSE DISPENSERS FOR THE FLEET OPERATIONS DEPARTMENT.OF PUBLIC WORKS.

WHEREAS, the Board of Commissioners of the City of McAllen pursuant to Chapter 102 of the Local Government Code has heretofore adopted a budget for the City of McAllen for Fiscal Year 2013/2014. Such budget was effective October 1, 2013 and

WHEREAS, the Board of Commissioners of the City of McAllen deems it in the best interest of the City and for municipal purposes to amend the budget heretofore adopted for such fiscal year by providing for unanticipated expenditures which were not known to the governmental body prior to the adoption of the budget but have since become necessary to fund since the effective date of the budget and to also show revenues which were not anticipated by the governing body in the adoption of the 2013/2014 budget but have been received by the governmental body since that date.

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

SECTION I: The Budget for the City of McAllen for the Fiscal Year 2013/2014 which became effective October 1, 2013 as set out in Ordinance 2013-73 adopted on September 23, 2013 is hereby amended in the following particulars as shown on Exhibit "A" attached hereto and incorporated herein for all purposes.

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

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

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

SECTION V: The City Secretary of the City of McAllen is hereby directed not to

publish this Ordinance in the Code of Ordinances of the City of McAllen as it is not amendatory thereof; however, it shall be cited in the appropriate appendix of the Code of Ordinances.

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

CONSIDERED, PASSED and APPROVED this 28th day of October, 2013, at a regular meeting of the Board of Commissioners of the City of McAllen, Texas, at which a quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code.

SIGNED this                    day of October, 2013.

CITY OF McALLEN, TEXAS

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

ATTEST:

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

Approved as to form:

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

**Standardized Recommendation Form**

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

Agenda Item 21  
Date Submitted 10/21/13  
Meeting Date 10/28/13

1. **Agenda Item: Budget Amendment to the Sanitation Fund for the purpose of funding the purchase of One (1) Compact Wheel Loader for the Recycling Department.**

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

3. **Nature of Request:** (Brief Overview) Attachments:  Yes  No  
Consideration and authorization to amend the Sanitation Fund in the amount of \$75,946 to fund the purchase of One (1) Compact Wheel Loader that was budgeted in FY 2012-2013, but is scheduled to be delivered in December.

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

5. **Budgeted:**  Yes  No  N/A      **Account No:** 500-4258-446-66-14      **Amount:** \$75,946

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

7. **Routing:**

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

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

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

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

11. **City Manager:** MP Approved      \_\_\_\_\_ Disapproved      \_\_\_\_\_ None

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

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

**DATE:** October 21, 2013

**SUBJECT:** Budget Amendment – To the Sanitation Fund for the Purchase of One (1) New and Unused Compact Wheel Loader for the Recycling Department.

---

**GOAL:**

Consideration and approval of a budget amendment to the Sanitation Fund in the amount of \$75,946 for the refurbishment of One (1) New and Unused Compact Wheel Loader for the Recycling Department.

**BRIEF EXPLANATION:**

On September 9, 2013, the City Commission awarded the purchase of a Compact Wheel Loader to Romco Equipment Company of Mercedes, TX in the amount of \$75,946. The Compact Wheel Loader was budgeted in FY 2012-2013, however, it is scheduled to be delivered in December. The funds were not rolled over to the current fiscal year; therefore a budget amendment in the amount of \$75,946 is required to fund the purchase of the Compact Wheel Loader.

**RECOMMENDATION:**

Public Works staff recommends approval of the budget amendment in the amount of \$75,946 to fund the purchase of the Compact Wheel Loader.

AN ORDINANCE AMENDING THE BUDGET OF THE CITY OF McALLEN FOR THE FISCAL YEAR 2013/2014 EFFECTIVE OCTOBER 1, 2013, BY PROVIDING FOR AN INCREASE IN EXPENDITURES TO-WIT: \$75,946.00 FOR THE PURCHASE OF ONE (1) COMPACT WHEEL LOADER FOR THE RECYCLING DEPARTMENT OF PUBLIC WORKS.

WHEREAS, the Board of Commissioners of the City of McAllen pursuant to Chapter 102 of the Local Government Code has heretofore adopted a budget for the City of McAllen for Fiscal Year 2013/2014. Such budget was effective October 1, 2013 and

WHEREAS, the Board of Commissioners of the City of McAllen deems it in the best interest of the City and for municipal purposes to amend the budget heretofore adopted for such fiscal year by providing for unanticipated expenditures which were not known to the governmental body prior to the adoption of the budget but have since become necessary to fund since the effective date of the budget and to also show revenues which were not anticipated by the governing body in the adoption of the 2013/2014 budget but have been received by the governmental body since that date.

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

SECTION I: The Budget for the City of McAllen for the Fiscal Year 2013/2014 which became effective October 1, 2013 as set out in Ordinance 2013-73 adopted on September 23, 2013 is hereby amended in the following particulars as shown on Exhibit "A" attached hereto and incorporated herein for all purposes.

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

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

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

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

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

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

CONSIDERED, PASSED and APPROVED this 28th day of October, 2013, at a regular meeting of the Board of Commissioners of the City of McAllen, Texas, at which a quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code.

SIGNED this                      day of October, 2013.

CITY OF McALLEN, TEXAS

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

ATTEST:

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

Approved as to form:

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



**CITY OF McALLEN**  
**BUDGET AMENDMENT REQUEST FORM**  
**FISCAL YEAR 2013-2014**

DATE OF ENTRY  
 ENTRY MADE BY  
 JOURNAL ENTRY #  
 AA UPDATE DATE


To be assigned by Finance Dept.

FUND: SANITATION FUND

DEPARTMENT: RECYCLING DEPARTMENT

Fund	Dept. & Division	Activity	Element & Object	Project Code	Description	Original/Revised Budget	Debt	Credit	Revised Budget
500	4258	446	66.14		CAPITAL OUTLAY/VEHICLES	\$ -	\$ 75,946		\$ 75,946
500					SANITATION FUND	\$8,228,717		75,946	8,152,771
<b>TOTALS</b>						<b>\$ 8,228,717</b>	<b>\$ 75,946</b>	<b>\$ 75,946</b>	<b>\$ 8,228,717</b>

(Round up all amounts to the nearest hundred dollars)

**JUSTIFICATION:** Budget Amendment in the amount of \$75,946 to fund the purchase of a Compact Wheel Loader that was budgeted in FY 12-13. City Commissioners approved the purchase on September 9, 2013, however the funds were not rolled over. Therefore, an amendment in the amount of \$75,946 is required to account for the cost of the purchase.

**Department Head Approval**

Signature \_\_\_\_\_ Date \_\_\_\_\_

**Finance Department**

Signature \_\_\_\_\_ Date \_\_\_\_\_

**City Manager**

Signature \_\_\_\_\_ Date \_\_\_\_\_



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

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

**DATE:** October 21, 2013

**SUBJECT:** Budget Amendment – To the General Fund for the purchase of One (1) New Current Model Excavator Mounted Cutting Attachment for the Streets and Drainage Department of Public Works.

---

**GOAL:**

Consideration and approval of a budget amendment to the General Fund in the amount of \$29,999 for the purchase of a One (1) New Current Model Excavator Mounted Cutting Attachment for the Streets and Drainage Department.

**BRIEF EXPLANATION:**

On May 28, 2013, the City Commission awarded the purchase and installation of One (1) New Current Model Excavator Mounted Brush Cutting Attachment to Neuhaus Company LTD, from Weslaco, TX for a unit price of \$29,999. The attachment was budgeted in FY 2012-2013, however, it is scheduled to be delivered in November. The funds were not rolled over to the current fiscal year; therefore a budget amendment in the amount of \$29,999 is required to fund the purchase of the attachment.

**RECOMMENDATION:**

Public Works staff recommends approval of the budget amendment in the amount of \$29,999 to fund the purchase of the attachment.

**CITY OF McALLEN**  
**BUDGET AMENDMENT REQUEST FORM**  
**FISCAL YEAR 2013-2014**

DATE OF ENTRY	
ENTRY MADE BY	
JOURNAL ENTRY #	
AA UPDATE DATE	
<b>To be assigned by Finance Dept.</b>	

**FUND:** GENERAL FUND

**DEPARTMENT:** DRAINAGE DEPARTMENT

Fund	Dept. & Division	Activity	Element & Object	Project Code	Description	Original/Revised Budget	Debt	Credit	Revised Budget
011	3030	436	66.20		CAPITAL OUTLAY/EQUIPMENT	\$ 19,000	\$ 29,999		\$ 48,999
011					GENERAL FUND	\$40,832,618		29,999	40,802,619
<b>TOTALS</b>						<b>\$ 40,851,618</b>	<b>\$ 29,999</b>	<b>\$ 29,999</b>	<b>\$ 40,851,618</b>
(Round up all amounts to the nearest hundred dollars)									

**JUSTIFICATION:** Budget Amendment in the amount of \$29,999 to fund the purchase of an excavator mounted cutting attachment  
that was budgeted in FY 12-13. City Commissioners approved the purchase on May 28, 2013, however the funds  
were not rolled over. Therefore, an amendment in the amount of \$29,999 is required to account for the  
cost of the purchase.

	<b>Department Head Approval</b>
	Signature _____ Date _____
	<b>Finance Department</b>
	Signature _____ Date _____
	<b>City Manager</b>
	Signature _____ Date _____

AN ORDINANCE AMENDING THE BUDGET OF THE CITY OF McALLEN FOR THE FISCAL YEAR 2013/2014 EFFECTIVE OCTOBER 1, 2013, BY PROVIDING FOR AN INCREASE IN EXPENDITURES TO-WIT: \$29,999.00 FOR THE PURCHASE OF AN EXCAVATOR MOUNTED CUTTING ATTACHMENT FOR THE STREETS AND DRAINAGE DEPARTMENT OF PUBLIC WORKS.

WHEREAS, the Board of Commissioners of the City of McAllen pursuant to Chapter 102 of the Local Government Code has heretofore adopted a budget for the City of McAllen for Fiscal Year 2013/2014. Such budget was effective October 1, 2013 and

WHEREAS, the Board of Commissioners of the City of McAllen deems it in the best interest of the City and for municipal purposes to amend the budget heretofore adopted for such fiscal year by providing for unanticipated expenditures which were not known to the governmental body prior to the adoption of the budget but have since become necessary to fund since the effective date of the budget and to also show revenues which were not anticipated by the governing body in the adoption of the 2013/2014 budget but have been received by the governmental body since that date.

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

SECTION I: The Budget for the City of McAllen for the Fiscal Year 2013/2014 which became effective October 1, 2013 as set out in Ordinance 2013-73 adopted on September 23, 2013 is hereby amended in the following particulars as shown on Exhibit "A" attached hereto and incorporated herein for all purposes.

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

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

SECTION V: The City Secretary of the City of McAllen is hereby directed not to

publish this Ordinance in the Code of Ordinances of the City of McAllen as it is not amendatory thereof; however, it shall be cited in the appropriate appendix of the Code of Ordinances.

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

CONSIDERED, PASSED and APPROVED this 28th day of October, 2013, at a regular meeting of the Board of Commissioners of the City of McAllen, Texas, at which a quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code.

SIGNED this            day of October, 2013.

CITY OF McALLEN, TEXAS

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

ATTEST:

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

Approved as to form:

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

**Standardized Recommendation Form**

City Commission    X     
Utility Board             
Other Board           

Agenda Item    2K     
Date Submitted 10/18/13  
Meeting Date 10/28/13

1. **Agenda Item:** Budget Amendment to the General Depreciation Fund for the purpose of funding the refurbishment of One (1) Komatsu Dozer for the Drainage Department.

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

3. **Nature of Request:** (Brief Overview) Attachments:   X   Yes    No  
Consideration and authorization to amend the General Depreciation Fund in the amount of \$73,000.00 to fund the refurbishment of One (1) Komatsu Dozer that was budgeted in FY 2012-2013, but was delivered in this current fiscal year.

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

5. **Budgeted:**    Yes    No    N/A      **Account No:**    **Amount:**  
    678-6382-436-66-14 EC1320 \$73,000

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

7. **Routing:**

<u>Name/Title</u>	<u>Initial</u>	<u>Date</u>	<u>Concurrence</u>
a.) <u>Carlos A. Sanchez, PE, PW Dir.</u>	<u>          </u>	<u>          </u>	<u>          </u>
b.) <u>Wendy Smith, Asst. City Mgr/EMC</u>	<u>          </u>	<u>          </u>	<u>          </u>
c.) <u>JW Dale, CPM, Finance Director</u>	<u>          </u>	<u>          </u>	<u>          </u>

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

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

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

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

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

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

**DATE:** October 21, 2013

**SUBJECT:** Budget Amendment – To the General Depreciation Fund for the refurbishment of One (1) Komatsu Dozer for the Drainage Department.

---

**GOAL:**

Consideration and approval of a budget amendment to the General Depreciation Fund in the amount of \$73,000 for the refurbishment of One (1) Komatsu Dozer for the Drainage Department.

**BRIEF EXPLANATION:**

On September 9, 2013, the City Commission awarded the refurbishment of One (1) Komatsu Dozer to Border Engine Rebuilders of Mission, TX in the amount of \$73,000. The refurbishment of the Komatsu Dozer was budgeted in FY 2012-2013, however, it is scheduled to be delivered in December. The funds were not rolled over to the current fiscal year; therefore a budget amendment in the amount of \$73,000 is required to account for the expenses related to the refurbishment of the Komatsu Dozer.

**RECOMMENDATION:**

Public Works staff recommends approval of the budget amendment in the amount of \$73,000 to fund the refurbishment of the Komatsu Dozer.



**CITY OF McALLEN**  
**BUDGET AMENDMENT REQUEST FORM**  
**FISCAL YEAR 2013-2014**

DATE OF ENTRY	
ENTRY MADE BY	
JOURNAL ENTRY #	
AA UPDATE DATE	
<b>To be assigned by Finance Dept.</b>	

**FUND:** GENERAL DEPRECIATION FUND

**DEPARTMENT:** DRAINAGE DEPARTMENT

Fund	Dept. & Division	Activity	Element & Object	Project Code	Description	Original/Revised Budget	Debt	Credit	Revised Budget
678	6382	436	66.14	EC1320	CAPITAL OUTLAY/VEHICLES	\$ -	\$ 73,000		\$ 73,000
678					GENERAL DEPRECIATION FUND	\$12,904,508		73,000	12,831,508
<b>TOTALS</b>						<b>\$ 12,904,508</b>	<b>\$ 73,000</b>	<b>\$ 73,000</b>	<b>\$ 12,904,508</b>

(Round up all amounts to the nearest hundred dollars)

**JUSTIFICATION:** Budget Amendment in the amount of \$73,000 to fund the refurbishment of a Kumatso Dozer that was budgeted in FY 12-13. City Commissioners approved the purchase on September 9, 2013, however the funds were not rolled over. Therefore, an amendment in the amount of \$73,000 is required to account for the cost of the refurbishment.

**Department Head Approval**

---

**Signature** **Date**

---

**Finance Department**

---

**Signature** **Date**

---

**City Manager**

---

**Signature** **Date**

AN ORDINANCE AMENDING THE BUDGET OF THE CITY OF McALLEN FOR THE FISCAL YEAR 2013/2014 EFFECTIVE OCTOBER 1, 2013, BY PROVIDING FOR AN INCREASE IN EXPENDITURES TO-WIT: \$73,000.00 FOR THE REFURBISHING OF ONE (1) KOMATSU DOZER FOR THE DRAINAGE DEPARTMENT OF PUBLIC WORKS..

WHEREAS, the Board of Commissioners of the City of McAllen pursuant to Chapter 102 of the Local Government Code has heretofore adopted a budget for the City of McAllen for Fiscal Year 2013/2014. Such budget was effective October 1, 2013 and

WHEREAS, the Board of Commissioners of the City of McAllen deems it in the best interest of the City and for municipal purposes to amend the budget heretofore adopted for such fiscal year by providing for unanticipated expenditures which were not known to the governmental body prior to the adoption of the budget but have since become necessary to fund since the effective date of the budget and to also show revenues which were not anticipated by the governing body in the adoption of the 2013/2014 budget but have been received by the governmental body since that date.

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

SECTION I: The Budget for the City of McAllen for the Fiscal Year 2013/2014 which became effective October 1, 2013 as set out in Ordinance 2013-73 adopted on September 23, 2013 is hereby amended in the following particulars as shown on Exhibit "A" attached hereto and incorporated herein for all purposes.

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

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

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

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

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

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

CONSIDERED, PASSED and APPROVED this 14th day of October, 2013, at a regular meeting of the Board of Commissioners of the City of McAllen, Texas, at which a quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code.

SIGNED this            day of October, 2013.

CITY OF McALLEN, TEXAS

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

ATTEST:

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

Approved as to form:

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

Standardized Recommendation Form

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

Agenda Item   2L    
Date Submitted 10/18/13  
Meeting Date 10/28/13

1. Agenda Item: Budget Amendment to the Sanitation Depreciation Fund for the purpose of funding the purchase of Two (2) Front Load Refuse Trucks for the Commercial Box Department.

2. Party Making Request: Public Works Department – Recycling Department

3. Nature of Request: (Brief Overview) Attachments:   X   Yes    No  
Consideration and authorization to amend the Sanitation Depreciation Fund in the amount of \$463,320.00 to fund the purchase of Two (2) Front Load Refuse Trucks that was budgeted in FY 2012-2013, but were delivered in this current fiscal year.

4. Policy Implication: City Commission, Local Government Code

5. Budgeted:    Yes    No    N/A      Account No:      Amount:  
502-4280-446-66-14 EC1327 \$463,320

6. Alternate option/costs: N/A

7. Routing:

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

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

9. Advisory Board:    Approved         Disapproved         None

10. City Attorney:   KP   Approved         Disapproved         None

11. City Manager:   MP   Approved         Disapproved         None

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

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

**DATE:** October 21, 2013

**SUBJECT:** Budget Amendment – To the Sanitation Depreciation Fund for the Purchase of Two (2) Front Load Refuse Trucks for the Commercial Box Department.

---

**GOAL:**

Consideration and approval of a budget amendment to the Sanitation Depreciation Fund in the amount of \$463,320 for the Purchase of Two (2) Front Load Refuse Trucks for the Commercial Box Department.

**BRIEF EXPLANATION:**

On December 10, 2012 the City Commission awarded the purchase of two (2) Front Load Refuse Trucks to Grande Truck Center of San Antonio, TX in the amount of \$463,320. The purchase of the refuse trucks were budgeted in FY 2012-2013, however, they are scheduled to be delivered this October. The funds were not rolled over to the current fiscal year; therefore a budget amendment in the amount of \$463,320 is required to fund the purchase of the refuse trucks.

**RECOMMENDATION:**

Public Works staff recommends approval of the budget amendment in the amount of \$463,320 to fund the purchase of the Refuse Trucks.

**CITY OF McALLEN  
BUDGET AMENDMENT REQUEST FORM  
FISCAL YEAR 2013-2014**

DATE OF ENTRY	
ENTRY MADE BY	
JOURNAL ENTRY #	
AA UPDATE DATE	
<b>To be assigned by Finance Dept.</b>	

**FUND:** SANITATION DEPRECIATION FUND

**DEPARTMENT:** COMMERCIAL BOX DEPARTMENT

<b>Fund</b>	<b>Dept. &amp; Division</b>	<b>Activity</b>	<b>Element &amp; Object</b>	<b>Project Code</b>	<b>Description</b>	<b>Original/Revised Budget</b>	<b>Debt</b>	<b>Credit</b>	<b>Revised Budget</b>
502	4280	446	66.14	EC1327	CAPITAL OUTLAY/VEHICLES	\$ -	\$ 463,320		\$ 463,320
502					SANITATION DEPRECIATION FUND	\$8,448,017		463,320	7,984,697
<b>TOTALS</b>						<b>\$ 8,448,017</b>	<b>\$ 463,320</b>	<b>\$ 463,320</b>	<b>\$ 8,448,017</b>
<i>(Round up all amounts to the nearest hundred dollars)</i>									

**JUSTIFICATION:** Budget Amendment in the amount of \$463,320 to fund the purchase of two (2) Front Load Refuse Trucks that were budgeted in FY 12-13. City Commissioners approved the purchase on December 10, 2012, however the funds were not rolled over. Therefore, an amendment in the amount of \$463,320 is required to account for the cost of the purchase.

**Department Head Approval**

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**Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**Finance Department**

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**Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**City Manager**

---

**Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

AN ORDINANCE AMENDING THE BUDGET OF THE CITY OF McALLEN FOR THE FISCAL YEAR 2013/2014 EFFECTIVE OCTOBER 1, 2013, BY PROVIDING FOR AN INCREASE IN EXPENDITURES TO-WIT: \$463.320 FOR THE PURCHASE OF TWO (2) FRONT LOAD REFUSE TRUCKS FOR THE COMMERCIAL BOX DEPARTMENT OF PUBLIC WORKS.

WHEREAS, the Board of Commissioners of the City of McAllen pursuant to Chapter 102 of the Local Government Code has heretofore adopted a budget for the City of McAllen for Fiscal Year 2013/2014. Such budget was effective October 1, 2013 and

WHEREAS, the Board of Commissioners of the City of McAllen deems it in the best interest of the City and for municipal purposes to amend the budget heretofore adopted for such fiscal year by providing for unanticipated expenditures which were not known to the governmental body prior to the adoption of the budget but have since become necessary to fund since the effective date of the budget and to also show revenues which were not anticipated by the governing body in the adoption of the 2013/2014 budget but have been received by the governmental body since that date.

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

SECTION I: The Budget for the City of McAllen for the Fiscal Year 2013/2014 which became effective October 1, 2013 as set out in Ordinance 2013-73 adopted on September 23, 2013 is hereby amended in the following particulars as shown on Exhibit "A" attached hereto and incorporated herein for all purposes.

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

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

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

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

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

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

CONSIDERED, PASSED and APPROVED this 28th day of October, 2013, at a regular meeting of the Board of Commissioners of the City of McAllen, Texas, at which a quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code.

SIGNED this                    day of October, 2013.

CITY OF McALLEN, TEXAS

---

James E. Darling, Mayor

ATTEST:

---

Annette Villarreal, City Secretary

Approved as to form:

---

Kevin D. Pagan, City Attorney



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

<u>CITY COMMISSION</u>	<u>X</u>	AGENDA ITEM	<u>2M</u>
UTILITY BOARD	_____	DATE SUBMITTED	<u>10-22-13</u>
<u>PLANNING &amp; ZONING COMMISSION</u>	_____	CC MEETING DATE	<u>10-28-13</u>

1. Agenda Item: ORDINANCE

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

3. Nature of Request: (Brief Overview) ATTACHMENT: x YES \_\_\_\_\_ NO  
ORDINANCE APPROVING THE ASSIGNMENT AND TRANSFER OF FRANCHISE TO ONE  
Gas, Inc.

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

5. Budgeted: \_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_ N/A

FUND:

Bid Amount:	\$ _____	Budgeted Amount:	\$ <u>N/A</u>
Under Budget:	\$ _____	Over Budget:	\$ _____
		Amount Remaining:	\$ _____

If over budget how will it be paid for:

6. Alternate option/costs:

7. Routing:

	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u> <u>YES/NO</u>
a.)	Kevin D. Pagan City Attorney	_____	_____	<u>YES</u>
b.)	_____	_____	_____	_____

8. Staff recommendation:

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

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

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



# CITY OF MCALLEN

City Attorney's Office

---

**TO:** Mayor and City Commission

**FROM:** Kevin D. Pagan, City Attorney

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

**DATE:** October 22, 2013

**SUBJECT:** Texas Gas Service, Division of ONEOK, Inc., Request for Approval of Assignment of Franchise by City to ONE Gas, Inc.

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**Brief explanation of the item:** In June, 2013, the City granted Texas Gas Service Company, a Division of ONEOK, Inc. a Franchise to use the streets and public ways in the City. In July, ONEOK's separated its natural gas distribution business into a new publicly traded company, ONE Gas, Inc. Texas Gas Service Company and ONEOK are requesting the approval of the City Commission to assign and transfer the Franchise to ONE Gas, Inc.

**Options:**

1. Approve the proposed Ordinance approving the assignment and transfer.
2. Not approve the proposed Ordinance approving the assignment and transfer.

**Recommendation:** This office recommends approval of the Ordinance.



A DIVISION OF ONEOK

October 9, 2013

Via Certified Mail, Return Receipt Requested

Jim Darling, Mayor

Kevin Pagan, City Manager

City of McAllen

1300 Houston Avenue

McAllen, TX 78501

Re: Request for Approval of Assignment of Franchise by City of McAllen to  
**ONE Gas, Inc.**

Dear Mayor and City Manager:

By Ordinance No. 2013-39 adopted on June 14, 2013 the City of McAllen granted Texas Gas Service Company, which is a Division of **ONEOK, Inc.**, a franchise for the use of the streets and public ways in the City. Texas Gas Service has had the privilege of serving our customers in the City of McAllen for many years.

As you may already be aware, in July ONEOK's Board of Directors unanimously approved the separation of its natural gas distribution business into a new stand-alone, publicly traded company, **ONE Gas, Inc.** ONE Gas will consist of Oklahoma Natural Gas, Kansas Gas Service Company and Texas Gas Service Company and will continue to be headquartered in Tulsa. ONE Gas will be one of the largest natural gas utilities in the United States, serving more than two million customers. Among other benefits of the transaction, the separation allows ONE Gas to efficiently allocate capital to continue to provide safe, reliable and efficient service to its customers.

To effectuate the separation, ONEOK will assign all of its gas service and distribution franchises to ONE Gas, including Texas Gas Service's gas distribution assets located in the City, and ONE Gas will assume and agree to perform ONEOK's obligations under the franchise. This assignment and assumption will be effective as of the closing of the transaction. The City's franchise ordinance described above permits the assignment of the franchise by Texas Gas Service upon the City's approval.

Texas Gas Service and ONE Gas request that the matter be placed on the next available agenda of the City Council McAllen for the approval of Texas Gas Service's assignment of the franchise. The assignment is conditioned upon the closing of Texas Gas Service's transaction with ONE Gas, and will be effective upon such closing. Accordingly, Texas Gas Service and ONE Gas are requesting that your approval of the assignment be effective also upon such closing. In that

Texas Gas Service  
1301 South Mopac Expressway,  
Suite 400  
Austin, TX 78746  
[www.texasgasservice.com](http://www.texasgasservice.com)

Jim Darling, Mayor  
Kevin Pagan, City Manager  
October 9, 2013  
Page 2

regard, I have enclosed a proposed form of Ordinance for the approval of the assignment of the franchise. Please inform me of the date and time of the meeting.

Together with ONE Gas, we look forward to continuing Texas Gas Service's record of safe, reliable and efficient natural gas service to our customers in the City of McAllen. You may, of course, feel free to contact me or Naomi Perales at 956/444-3953 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Kari L. French", with a long horizontal stroke extending to the right.

Kari L. French  
Vice President  
Commercial Natural Gas Distribution

Enclosures

cc: Joseph L. McCormick (w/enclosure)  
Stephen A. Schuller (w/enclosure)

/g

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MCALLEN, TEXAS, (“CITY”) APPROVING THE ASSIGNMENT AND TRANSFER OF THE FRANCHISE PREVIOUSLY GRANTED TO ONEOK, INC., DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; ADOPTING A SAVINGS CLAUSE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY.**

WHEREAS, ONEOK, Inc. through its division, Texas Gas Service Company, provides natural gas distribution service within the City of McAllen (City”); and

WHEREAS, the existing franchise between ONEOK, Inc. and City granted under Ordinance No. 2013-39 enacted by the City on June 14, 2013 (“Franchise”) requires approval of the City Commission for the assignment and transfer of the Franchise;

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

Section 1. ONEOK, Inc. (“ONEOK”) has complied with the Franchise in requesting the express consent of the City for the transfer and assignment of the Franchise to ONE Gas, Inc. an Oklahoma corporation (ONE Gas”).

Section 2. Pursuant to Section 3, City Commission of the City of McAllen, Texas, hereby gives its consent to the assignment and transfer by ONEOK to ONE Gas of the McAllen Franchise, and to the substitution of ONE Gas for ONEOK in the Franchise, which Franchise is incorporated herein by reference.

Section 3. The City Commission of the City of McAllen, Texas, in open session at a regularly scheduled meeting, hereby approves the assignment and transfer by ONEOK to ONE Gas, subject to the requirement that ONE Gas sign the acceptance of this ordinance, which shall indicate that ONE Gas assumes all of ONEOK’s rights, title and interests in or to the Franchise and all rights and privileges granted thereunder, to be effective upon the closing of the

transaction by which ONE Gas acquires certain assets and liabilities of ONEOK, including those relating to the Franchise and the franchise ordinance identified herein and assumes the obligations thereunder.

Section 4. The meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 5. This Ordinance shall take effect upon the closing of the transaction by which ONE Gas acquires certain assets and liabilities of ONEOK, as noted in Section 1.

Section 6. If any one or more sections or clauses of this Ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.

Section 7. A copy of this Ordinance shall be sent to ONEOK, in care of Janet Reinarz, Managing Attorney for Texas Gas Service, 1301 South Mopac, Suite 400, Austin, Texas 78746 within ten (10) days of its passage.

CONSIDERED, PASSED and APPROVED this 28th day of October, 2013, at a regular meeting of the Board of Commissioners of the City of McAllen, Texas at which a quorum was present and which was held in accordance with Chapter 552 of the Texas Government Code.

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

CITY OF McALLEN, TEXAS

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

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

APPROVED AS TO FORM:

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

**CITY OF McALLEN  
STANDARDIZED RECOMMENDATION FORM**

<b>CITY COMMISSION</b>	<u>  X  </u>	<b>AGENDA ITEM</b>	<u>  2N  </u>
<b>UTILITY BOARD</b>	<u>          </u>	<b>DATE SUBMITTED</b>	<u>  10/22/13  </u>
<b>PLANNING &amp; ZONING BOARD</b>	<u>          </u>	<b>MEETING DATE</b>	<u>  10/28/13  </u>

1. Agenda Item: **RESOLUTION:** Authorizing the submission of a grant application to American Forests for funding under Fiscal Year 2014 Global ReLeaf Grant Program.
2. Party Making Request: Carla M. Rodriguez, Director of Grant Administration
3. Nature of Request: (Brief Overview) Attachments:   Yes   X  No

American Forests is a national nonprofit conservation organization which advocates for the protection of forests throughout the country. The Global ReLeaf Grant provides funding in support of reforestation efforts on public lands. The City of McAllen is eligible to apply for and receive funding for the restoration of four acres called Ebony Grove in Quinta Mazatlan to native Tamaulipan Thornforest through the removal of non-native plant species; planting a variety of native plant tree species; and maintaining this newly created habitat for wildlife and people. The proposed restoration initiative of Ebony Grove will double forest space at Quinta Mazatlan for birds and other wildlife as well as trails for the recreational enjoyment and education of students, residents and tourists. The request entails \$15,000 (100%) of private dollars for the purchase of trees with no local match required.

5. Policy Implication:   None
6. Budgeted:   Yes   No   X  N/A
7. Alternate Option/Costs: \_\_\_\_\_
8. Routing:

NAME/TITLE	INITIAL	DATE	CONCURRENCE
a) Sally Gavlik, Director of Parks & Rec.	<u>  SG  </u>	<u>  10/22/2013  </u>	<u>  YES  </u>

9. Staff Recommendation: Motion to approve submission of application.
10. Advisory Board:           Approved           Disapproved           None
11. City Attorney:   KP  Approved           Disapproved           None
12. 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:** October 22, 2013  
**Subject:** 2014 Global ReLeaf Grant

**GOAL:** Authorize the submission of a grant application to the American Forests for funding under Fiscal Year 2014 Global ReLeaf Grant Program.

**BRIEF EXPLANATION OF THE ITEM:** American Forests is a national nonprofit conservation organization which advocates for the protection of forests throughout the country. The Global ReLeaf Grant provides funding in support of reforestation efforts on public lands. The City of McAllen is eligible to apply for and receive funding for the restoration of four acres called Ebony Grove in Quinta Mazatlan to native Tamaulipan Thornforest through the removal of non-native plant species; planting a variety of native plant tree species; and maintaining this newly created habitat for wildlife and people. The proposed restoration initiative of Ebony Grove will double forest space at Quinta Mazatlan for birds and other wildlife as well as trails for the recreational enjoyment and education of students, residents and tourists. The request entails \$15,000 (100%) of private dollars for the purchase of trees with no local match required.

**OPTONS:** Option 1: Approving the submission of the grant application will allow the City to acquire funds to support the restoration of Ebony Grove.

Option 2: Not approving the submission of the grant application will result in the loss of an opportunity to acquire grant funds to support Quinta Mazatlan's restoration of Ebony Grove.

**RECOMMENDATION:** Staff recommends submission of the application.



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

**AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO AMERICAN FORESTS FOR FUNDING UNDER FISCAL YEAR 2014 GLOBAL RELEAF GRANT PROGRAM.**

**WHEREAS**, the American Forests agency has made funding available to nonprofit organizations and public agencies in the U.S. and around the world;

**WHEREAS**, the Global ReLeaf Grant provides funding to eligible jurisdictions to develop and sustain restoration tree-planting projects;

**WHEREAS**, the Global ReLeaf Grant supports development activities aimed at the local reforestation efforts on McAllen's Quinta Mazatlan Ebony Grove; and

**WHEREAS**, the City of McAllen Parks and Recreation Department has identified a tree-planting project which will maximize the effectiveness of the restoration of four acres called Ebony Grove to native Tamaulipan Thornforest.

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

- 1) The Grant Administration Office is hereby directed to prepare and submit an application to American Forests under the Fiscal Year 2014 Global ReLeaf Grant Program, which will provide funding for the restoration of four acres called Ebony Grove in Quinta Mazatlan to native Tamaulipan Thornforest through the removal of non-native plant species; planting a variety of native plant tree species; and maintaining this newly created habitat for wildlife and people in the amount of a \$15,000 (100%) request of private dollars for the purchase of trees with no local match required.
- 2) Upon the approval of this application, the Mayor is authorized to execute all legal documents necessary, and to perform any acts necessary to implement the project.
- 3) In the event of loss or misuse of funds, the governing body assures that all funds will be returned to the American Forests agency in full.

**CONSIDERED, PASSED, APPROVED, AND SIGNED** this 28<sup>th</sup> day of October 2013, at a regular meeting of the Board of Commissioners, of the City of McAllen, Texas, at which a quorum was present and which was held pursuant to Chapter 551, Texas Government Code.

Attest:

City of McAllen

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

\_\_\_\_\_  
James Darling, Mayor

Approved as to form:

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





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

---

**To:** Mike R. Perez, City Manager  
**From:** Carla M. Rodriguez, Director of Grant Administration  
**Date:** October 22, 2013  
**Subject:** 2014 Certified Local Government Grant Program

---

**GOAL:** Authorize the submission of a grant application to the Texas Historical Commission for funding under the Fiscal Year 2014 Certified Local Government Grant Program.

**BRIEF EXPLANATION OF THE ITEM:** The Certified Local Government Grant Program provides funding to enhance citizens' and visitors' increased public education and awareness of historical contexts, thereby enhancing the local preservation ethic of the community. The City of McAllen is eligible to apply for and receive funding in support of an investment toward a public educational outreach effort by the City's Planning Department, which entails the publication of information inclusive of landmarks and historic sites through various multimedia outlets (such as a series of videos, new brochures, website communication technology, and a mobile application (app) widget). The request is \$13,000 with a local match of \$13,000. The total project cost is \$26,000.

**OPTIONS:** Option 1: Approving the submission of the grant application will allow the City to acquire funds to offset the costs of McAllen's self-sustaining preservation projects.

Option 2: Not approving the submission of the grant application will result in the loss of an opportunity to acquire grant funds to support McAllen's self-sustaining preservation projects.

**RECOMMENDATION:** Staff recommends submission of the application.

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

**AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE TEXAS HISTORICAL COMMISSION FOR FUNDING UNDER THE FISCAL YEAR 2014 CERTIFIED LOCAL GOVERNMENT GRANT PROGRAM.**

**WHEREAS**, the Texas Historical Commission has made funding available to certified local governments in Texas through the Certified Local Government Grant Program;

**WHEREAS**, the Certified Local Government Grant Program provides funding to eligible city and county governments to develop and sustain effective local preservation programs critical to preserving local historic resources;

**WHEREAS**, the Certified Local Government Grant Program supports development activities aimed at the local community preservation ethic; and

**WHEREAS**, the City of McAllen Planning Department has identified an outreach project which will maximize its self-sustaining projects.

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

- 1) The Grant Administration Office is hereby directed to prepare and submit an application to the Texas Historical Commission under the Fiscal Year 2014 of the Certified Local Government Grant Program to provide funding toward a public educational outreach effort by the City's Planning Department, which entails the publication of information inclusive of landmarks and historic sites through various multimedia outlets (such as a series of videos, new brochures, website communication technology, and a mobile application (app) widget) in the amount of \$13,000 with a local match of \$13,000, for a total project cost of \$26,000.
- 2) Upon the approval of this application, the Mayor is authorized to execute all legal documents necessary, and to perform any acts necessary to implement the project.
- 3) In the event of loss or misuse of funds, the governing body assures that all funds will be returned to the Texas Historical Commission in full.

**CONSIDERED, PASSED, APPROVED, AND SIGNED** this 28<sup>th</sup> day of October 2013, at a regular meeting of the Board of Commissioners, of the City of McAllen, Texas, at which a quorum was present and which was held pursuant to Chapter 551, Texas Government Code.

Attest:

City of McAllen

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

\_\_\_\_\_  
James Darling, Mayor

Approved as to form:

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

**STANDARDIZED RECOMMENDATION FORM**

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

AGENDA ITEM   3a    
DATE SUBMITTED 10/14/13  
MEETING DATE 10/28/13

1. Agenda Item: **REQUEST FOR CITY PARTICIPATION WITH WIDENING OF FREDDY GONZALEZ BETWEEN 23<sup>RD</sup> STREET AND 2,600 FT TO THE EAST**

2. Party Making Request: Steve Spoor Consultants, Inc., Trinity Baptist Church

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

Consideration and approval of the request for City participation with Freddy Gonzalez Drive in the amount of \$128,000.00

4. Policy Implication: Chapter 134, Article III, City of McAllen Code of Ordinance – Improvements

5. Budgeted:    Yes   X   No    N/A

Funding Source:                   300-8708-436-66-36 Project ID# IR0105   \$50,000  
  300-8708-436-66-36 Project ID# ID0104   \$50,000

Reimbursements   X   Is Applicable    Is not Applicable

6. Alternate Option/Costs                           \$128,000.00

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>10/24/13</u>	<u>YES</u>
b.)	<u>Roel Rodriguez, PE, Assistant City Manager</u>	<u>RR</u>	<u>10/21/13</u>	<u>yes</u>
c.)	<u>J.W. Dale, Director of Finance</u>	<u>JD</u>	<u>10/22/13</u>	<u>YES</u>

*will  
→ REQUIRE  
BUDGET  
AMENDMENT*

8. Staff Recommendation: **Approval for City participation in the amount of \$128,000.00, subject to a budget amendment.**

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, P.E., City Engineer

Date: October 21, 2013

**Subject: Request for City Participation widening of Freddy Gonzalez between 23<sup>rd</sup> Street and 2,600 LF to the east**

**GOAL:**

Approval of the request for City participation with widening of Freddy Gonzalez Drive between 23<sup>rd</sup> Street and 2,600 LF to the east.

**EXPLANATION:**

Trinity Heights Subdivision has proposed a new commercial development along Freddy Gonzalez for a Baptist Church. As part of the subdivision process, additional right of way dedication and paving improvements are required for Freddy Gonzalez. The property is located approximately 600 FT east of 23<sup>rd</sup> Street as shown in Exhibit A. There is an unsubdivided tract between this development and Cavazos Elementary to the east. The Developer's Engineer has approached staff with a request to address the traffic flow on Freddy Gonzalez. He is requesting that the City continue the widening of Freddy Gonzalez through the eastern limits of the school. This request requires action from three parties.

First, the right of way through the unsubdivided tract would be required to be obtained. The owner is agreeable to dedicating the right of way subject to the City participating with the paving improvements, estimated to be a cost of \$128,000.00. Reimbursement agreement between City and property owner would be required to reimburse funds when development occurs.

Second, ECISD would be required to participate with the widening of Freddy Gonzalez, through the limits of the school. Cavazos Elementary School, subdivided as Southwest Elementary School Subdivision in 1996, is located approximately 500 FT east of Trinity Heights Subdivision. At the time of subdivision, ECISD entered into an agreement with the City of McAllen that stated that when the City of McAllen was ready to widen the road, the school district would participate with such widening.

We have contacted ECISD staff to commence this process. It is estimated that the school's portion of improvements is \$100,000.

Finally, there is one remaining tract on the south side of Freddy Gonzalez between 23<sup>rd</sup> Street and Trinity Heights Subdivision that is unsubdivided. The property owner is agreeable to dedicating the right-of-way at this time, as well, if the City proposed to widen Freddy Gonzalez. A reimbursement agreement between the City and the property owner would also be required to reimburse the City when development occurs. This construction is estimated at \$88,000.00.

In order to complete the improvements, staff recommends that the City develop the project and assess EISD and Trinity Heights for their portions of improvements, subject to a budget amendment. The total project cost is estimated at \$225,000.00.

### **OPTIONS:**

- (1) Approval of City participation in the amount of \$40,000.00 for Freddy Gonzalez widening fronting George Carpenter's property subject to reimbursement contract for future development.
- (2) Approval of City participation in the amount of \$128,000.00 for Freddy Gonzalez widening from 23<sup>rd</sup> Street to EISD property subject to reimbursement contract for the development.
- (3) Disapproval of the submitted request for City participation for Freddy Gonzalez widening fronting George Carpenter's property costs due to insufficient funds.

### **RECOMMENDATION:**

Based on review by this office, approval for City participation in the amount of \$128,000.00 is recommended, subject to compliance of Chapter 134, Article III - Improvements, for a total project cost of \$225,000. If approved, this will be subject to a budget amendment.

SCALE: 1" = 200'

FREDDY GONZALEZ

N. 23RD STREET (F.M. 1926)

630.00'  
GEORGE CARPENTER  
\$88,000.00  
Ⓐ

426.52'  
TRINITY HEIGHTS SUBD  
\$51,000.00  
Ⓑ

315.00'  
GEORGE CARPENTER  
\$40,000.00  
Ⓒ

1,174.17'  
ECISD  
\$100,000.00  
Ⓓ

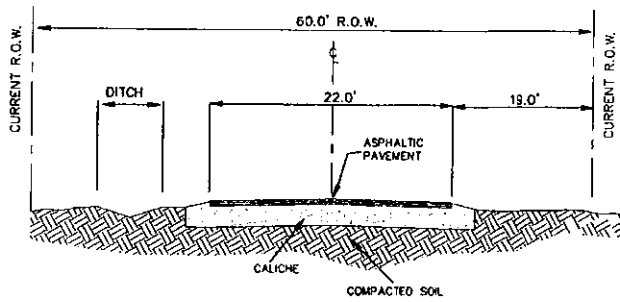
H.C.I.D. No. 1

TRACT	DESCRIPTION	ROW ACQUIRED (SF)	COST OF ROADWAY	COMMENTS
A	GEORGE CARPENTER	12,600 SF	\$88,000.00	FUTURE ASSESMENT
B	TRINITY HEIGHTS SUBDIVISION	DEDICATED	\$51,000.00	ESCROWED BY DEVELOPER
C	GEORGE CARPENTER	6,300 SF	\$40,000.00	FUTURE ASSESMENT
D	E.C.I.S.D.	DEDICATED	\$100,000.00	E.C.I.S.D. WILL BE ASSESSED
TOTAL			\$225,000.00	

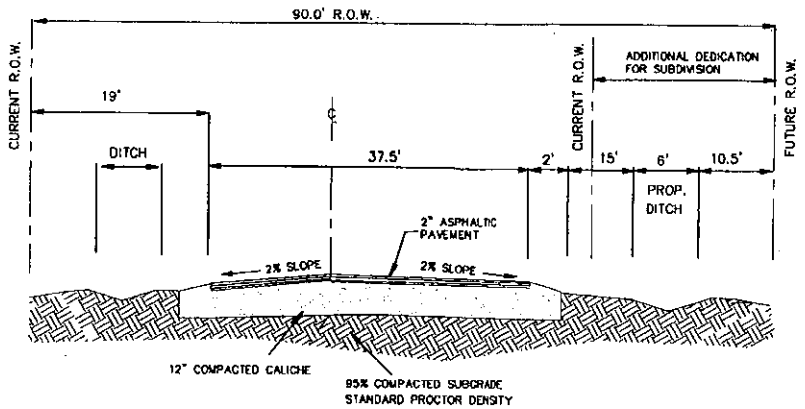


# CROSS SECTION - FREDDY GONZALEZ DRIVE

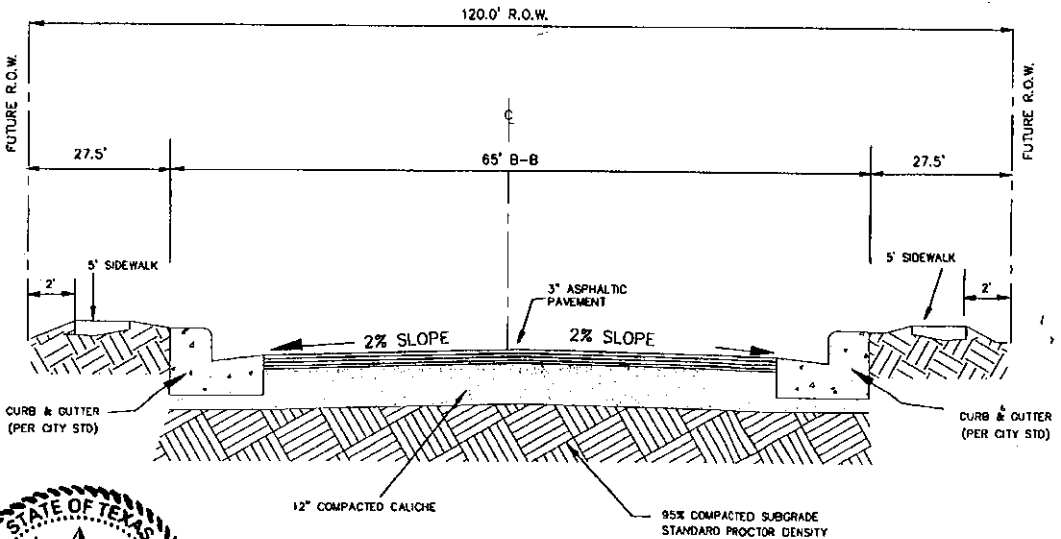
NOT TO SCALE



EXISTING (LOOKING EAST)



PROPOSED (LOOKING EAST)



FUTURE (LOOKING EAST)



**J. E. SAENZ & ASSOCIATES, INC.**

P.O. BOX 3293  
EDINBURG, TEXAS 78540

TEL. (210) 383-2984  
FAX (210) 383-3736

**STANDARDIZED RECOMMENDATION FORM**

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

AGENDA ITEM          3B    
 DATE SUBMITTED    10/22/13  
 MEETING DATE      10/28/13

1.    **Agenda Item: AOC – Authorize staff to negotiate a contract with the top ranked firm for Architectural Design Services for additional restroom facilities at De Leon North Soccer Facility** **Project #09-13-S72-329**

2.    Party Making Request: Parks and Recreation Department

3.    Nature of Request: (Brief Overview) Attachments:   Yes  X  No  
**Request authorization to negotiate a contract with the top ranked firm Boultinghouse, Simpson, Gates, LLC. for architectural design services for additional restroom facilities at De Leon North Soccer Facility**

4.    Policy Implication: Local Government Code

5.    Budgeted: Yes   X   No \_\_\_\_\_ \$70,000.00 ----- CP1304  
 Estimated Expense:            \$40,000.00

6.    **Alternate Option/Costs: Not completing the design would prohibit construction and the issuance of the Certificate of Occupancy.**

7.    Routing:    NAME/TITLE                      INITIAL                      DATE                      CONCURRENCE

a).	<u>Sally Gavlik.Dir, Parks&amp;Rec</u>	<u>  SG  </u>	<u>10/22/13</u>	<u>  Yes  </u>
b).	<u>D. Melaas, Dpty.Dir. Parks&amp;Rec</u>	<u>  DM  </u>	<u>10/22/13</u>	<u>  Yes  </u>
c).	<u>S. Zamora, CPM, Dir. Purchasing</u>	<u>  SZ  </u>	<u>10-22-13</u>	<u>  Yes  </u>

8.    **Staff Recommendation: Staff recommends negotiating a contract with the top ranked firm, Boultinghouse, Simpson, Gates, LLC. for architectural design services for additional restroom facilities at De Leon North Soccer Facility.**

9.    Advisory Board: N/A

10.   City Attorney:                      <sup>KP</sup>    Approved       Disapproved       None

11.   Manager's Recommendation <sup>MRP</sup>    Approved       Disapproved       None

12.   Action Taken: \_\_\_\_\_

**MEMORANDUM**

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

**From:** Sally Gavlik, Director 

**Subject:** Project No. 09-13-S72-329  
SOQ - Architectural Design Services for Additional Restroom Facilities at De Leon North Soccer Facility

**Date:** October 7, 2013

**COMMENT**

**GOAL:**

Staff is requesting authorization to negotiate a contract with the top ranked firm Boultinghouse, Simpson, Gates, LLC. for architectural design services for additional restroom facilities at De Leon North Soccer Facility.

**DISCUSSION:**

During the permitting process for the construction of De Leon Soccer Expansion, the Planning Department and Code informed the staff that there were not sufficient restroom facilities in the project to meet the user capacity. Staff sent out an RFQ for Architectural Design Services and received five (5) responses for the design of two additional restroom facilities to meet National Building Code requirements.

The firms were scored by park design staff with the following results:

- 1 – Boultinghouse, Simpson, Gates, LLC. (top ranked firm)
- 2 – PBK Sports
- 3 – Megamorphosis
- 4 – Milnet
- 5 – Negrete & Kolar.

Boultinghouse, Simpson, & Gates has been the architect of record on the initial design of the facility.

**BUDGET:**

Project budget is \$70,000. Estimated actual expenditure is \$40,000.

**RECOMMENDATION:**

Staff recommends negotiating a contract with the top ranked firm Boultinghouse, Simpson, Gates, LLC. as depicted in GOAL area.

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

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

AGENDA ITEM     3C      
 DATE SUBMITTED 10/22/13  
 MEETING DATE 10/28/13

1. Agenda Item: Award of Contract for purchase and installation of additional permanent bleacher seating at DeLeon North Soccer Complex Project #10-13-C03-01.

2. Party Making Request: Parks and Recreation Department

3. Nature of Request: (Brief Overview) Attachments:   x   Yes      No  
Consideration and approval of a construction contract to Sturdi Steel, a Division of Schultz Industries Inc., of Waco Texas using the Texas BuyBoard Cooperative Contract, for the amount of \$262,500.00. This is an original budget line item.

4. Policy Implication:           None          

5. Budgeted Information:   x   Yes      No      N/A

Total Project Cost           \$262,500.00

Account Number: 110-8702-466.66-63 CP1304

6. Alternate option/costs: To reduce the scope of the project or, not install the additional bleachers.

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>10/22/13</u>	<u>Yes</u>
b)	<u>D. Melaas, Dpty Dir.</u>	<u>DM</u>	<u>10/22/13</u>	<u>Yes</u>
c)	<u>B. Branham, Dep. CM</u>	<u>amb</u>	<u>10-22-13</u>	<u>yes</u>
d)	<u>S. Zamora, Dir. Purchasing</u>	<u>SZ</u>	<u>10-22-13</u>	<u>yes</u>

8. Staff Recommendation: Approve a Texas Buy Board contract with Sturdi Steel, a Division of Schultz Industries, of Waco, Texas, in the amount of \$262,500.00

9. Advisory Board:   X   Approved      Disapproved      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 

**Date:** October 14, 2013

**Subject:** Project No. 10-13-C03-01 Award of Contract for a Purchase and Installation of Permanent Bleacher Seating from a Texas Buyboard Contract

**COMMENT**

**Goal:**  
Consideration and approval of a construction contract to Sturdi Steel, a Division of Schultz Industries Inc., of Waco Texas for the purchase and installation of additional permanent bleacher seating at DeLeon North Soccer Complex for the amount of \$262,500.00

**Discussion:**  
Commission approved the Master Plan for the construction of the DeLeon North Soccer Complex Expansion. An element of the design was the addition of permanent bleachers for the stadium field that will be used for both soccer and football.

The existing bleachers on site were manufactured by Sturdi Steel. The additional units will match the bleachers on site with the addition of 1600 seats. This is an original budget line item.

**Recommendation:**  
The Parks and Recreation Department recommends approval of a Texas Buy Board contract with Sturdi Steel, a Division of Schultz Industries Inc, of Waco, Texas, in the amount of \$262,500.00



10-4-13  
DAVID MELAAS-CITY OF MCALLEN  
FAX 956-681-3300

STURDISTEEL PROPOSES TO FURNISH THE FOLLOWING ITEMS IN ACCORDANCE WITH PLANS AND SPECIFICATIONS BY STURDISTEEL COMPANY

**INCLUDED:**

- 1.) FOUR(4) 16 ROW X 42'-0 I-BEAM PERMANENT GRANDSTAND ADDITIONS
- 2.) GALVANIZED STEEL COLUMNS, BEAMS, STRINGERS, BRACING
- 3.) ANODIZED ALUMINUM SEAT PLANKS AND FULL DECK TREAD PLANK DECKING SYSTEM
- 4.) NINE-3/4 INCH RISE AND TWENTY FIVE INCH TRED DEPTH
- 5.) GUARDRAILS ON FRONT BACK AND SIDES WITH 9GA CHAIN LINK FENCE ATTACHED
- 6.) HANDICAP RAMPS AND HANDICAP SPACES WITH COMPANION SEATS
- 7.) FOUNDATION AND PIERS FOR STANDS, STAIRS AND RAMPS PER STURIDSTEELS REQUIRED DESIGN BASED ON SOIL'S REPORT
- 8.) INSTALLATION OF ITEMS #1 THRU #7
- 9.) SHOP DRAWINGS FOR GRANDSTANDS WITH TEXAS REGISTERED ENGINEER'S SEAL
- 10.) PAYMENT AND PERFORMANCE BONDS AND PERMITS

**EXCLUDED:**

- 1.) DEMOLITION SITEWORK OVER EXCAVATION , FILL AND COMPACTION
- 2.) FENCING OR RAILS NOT ON STANDS
- 3.) ANY WORK ON EXISTING STANDS
- 4.) ANY CONCRETE OTHER THAN PIERS FOR STANDS
- 5.) ANY ITEM NOT SPECIFICALLY LISTED AS INCLUDED

ALL FOR THE LUMP SUM OF-----\$262,500.00  
BUY BOARD # 423-13

SUBMITTED BY,

GARY WILSON  
SALES REPRESENTATIVE  
Gwilson@sturdisteel.net

A Division of Schultz Industries, Inc.



# **INTER-GOVERNMENTAL AGREEMENT AND STADIUM LICENSE**

This Inter-Governmental Agreement and Stadium License (herein after “Agreement”) is made this the \_\_\_\_\_ day of \_\_\_\_\_, 2013, by and between the City of McAllen, a home rule municipal corporation (hereinafter “CITY”) and the McAllen Independent School District (hereinafter “MISD”).

**WHEREAS**, CITY provides recreational, enrichment, educational and other community services to youth and adult citizens of CITY; and

**WHEREAS**, MISD provides educational and recreational services to students and youth within its school district; and

**WHEREAS**, CITY and MISD desire to enhance the quantity and quality of recreational and athletic programs and services by entering into this Agreement to share facilities within both organizations; and

**WHEREAS**, CITY and MISD desire to enhance the quality of physical improvements available to provide enhanced quantity and quality of recreational and athletic programs and services by entering into this Agreement to share facilities within both organizations; and

**WHEREAS**, MISD owns that certain stadium known as McAllen Veterans Memorial Stadium (hereinafter referred to as the “Stadium”); and

**WHEREAS**, CITY and MISD are authorized to enter into this Agreement under the provisions of Chapter 791, Texas Government Code;

**NOW, THEREFORE**, CITY and MISD hereby enter into this Interlocal Governmental Agreement and Stadium License under the following terms and conditions:

## **1.0 CONTRACTUAL RELATIONSHIP**

1.1 The parties to this Agreement are independent contractors. Except as may be expressly and unambiguously provided in this Agreement, no partnership or joint venture is intended to be created by this Agreement, nor any principal-agent or employer-employee relationship between the parties or any of their officers, employees, agents or representatives.

1.1-1 As an independent contractor MISD understands and agrees that it will be responsible for its respective acts or omissions, and CITY shall in no way be responsible as an employer to MISD’s officers, employees, agents or representatives who perform any service in connection with this Agreement.

1.1-2 As an independent contractor, CITY understands and agrees that it will be responsible for its respective acts or omissions, and MISD shall in no way be responsible as an



employer to CITY's officers, employees, agents or representatives who perform any service in connection with this Agreement.

1.2 MISD acknowledges and agrees that it does not have, and will not attempt to assert, the authority to make commitments for or to bind CITY to any obligation other than the obligations set forth in this Agreement. CITY acknowledges and agrees that it does not have, and will not attempt to assert, the authority to make commitments for or to bind MISD to any obligation other than the obligations set forth in this Agreement.

1.3 The parties acknowledge and expressly agree that, in all things relating to this Agreement, CITY and MISD are performing governmental functions, as defined by the Texas Tort Claims Act. The parties hereby agree that CITY and MISD enter into this Agreement as governmental entities for the purposes of performing a governmental function.

## **2.0 SCOPE AND TERM OF AGREEMENT**

2.1 Scope. CITY and MISD agree, on this basis set out in this Agreement, to share use of the athletic, parking and recreational facilities owned by MISD and more particularly described in Exhibit "A" (hereinafter referred to as the "Stadium") for the athletic and other programs and activities operated and sponsored by each entity. The dates of the initial athletic and other programs of MISD utilizing the Stadium are hereinafter referred to as "MISD Blackout Date(s)". The athletic and other programs of CITY are hereinafter referred to as "CITY Events". The initial MISD Blackout Dates and CITY Events are further described in Exhibit "B". MISD shall thereafter during the term of this Agreement, on a yearly basis, or more often as may be necessary, provide an updated list of MISD Blackout Dates for the year following the last year included in the then current MISD Blackout Date list to CITY.

2.2 Term. This Agreement shall become effective on \_\_\_\_\_, 2013 and shall be for a primary term of ten (10) years from that date. This Agreement may be extended for an additional two (2), five (5) year terms, provided CITY gives written notice to MISD of its intent to extend this Agreement at least thirty (30) days prior to the expiration of the then current term.

2.3 Stadium Improvements. CITY agrees to fund up to THREE MILLION and NO/100 DOLLARS (\$3,000,000.00) and MISD agrees to fund up to TWO MILLION and NO/100 DOLLARS (\$2,000,000.00) for improvements necessary to bring the Stadium up to the standards necessary to host the Events and in accordance with the plans and specifications more particularly described in Exhibit "C". MISD shall be the party responsible for hiring a professional architect to design and contractor to construct the improvement contemplated by this agreement, subject to the approval of the CITY, which approval shall not be unreasonably withheld. Prior to final approval of any phase of construction, MISD shall obtain the written consent of CITY for the granting of such approval.

2.4 Funding Payment by CITY. CITY agrees to pay its prorata share of the fees

charged by the architect pursuant to the conditions set forth in Paragraph 2.3 upon written notice from MISD that an contract has been executed by the selected architect and MISD. Thereafter, the balance of the funding to be provided by CITY shall be provided within \_\_\_\_\_ days after final approval, in accordance with the conditions set forth in Paragraph 2.3, of the construction contract.

### **3.0 LICENSE AGREEMENT**

**3.1 Grant of License:** Subject to the Terms and Conditions set out below and for the Term of this Agreement, MISD hereby grants to CITY a license to use that portion of the Stadium and its facilities and adjacent areas as may be necessary for the presentation of the CITY Event(s), including the Stadium's field floor, seating facilities, access areas, public address and scoreboard, sound systems, dressing rooms, press rooms, corridors, stairways, walks and lavatories in or about the Stadium, and such other areas or parts of the Stadium as may be necessary for the presentation of the CITY Event(s), during the Event Hours of Operation as proposed by CITY for each such CITY Event(s) which shall be provided in writing to MISD at least 30 days prior to each such CITY Event(s). MISD reserves unto itself the right to use or permit the use of any portion of the Stadium not granted to CITY under this Agreement to any person, firm, or entity regardless of the nature of the use of such other space, so long as such use does not interfere, in any material respect, with CITY's use of the Stadium.

#### **3.2 Terms and Conditions**

**a. MISD agrees to:**

- (1) Provide the funding outlined in Paragraph 2.3 herein above.
- (2) Provide to CITY a calendar of MISD Blackout Dates two years in advance, those dates being dates on which MISD will have the exclusive right to use the Stadium for MISD athletic and other programs. The initial MISD Blackout Date list is included in Exhibit "B" attached hereto.
- (3) Provide all utilities, except for electric service subject to the provisions below, for lighting, heating, air conditioning and other services used in conjunction with the Stadium use during the Stadium Hours of Operation. Reimburse CITY for the actual cost of electric services used in conjunction with MISD use of the Stadium. The actual cost of said utilities shall be calculated based on the prorata amount of cost allocated to MISD use by reading the relevant meters immediately prior to use by MISD and then immediately after such use. Reimbursement shall be made to CITY on a quarterly basis. CITY shall provide staffing responsible to generate the electric meter reading contemplated by this paragraph, and

- (4) Provide cleaning and janitorial service during and after MISD's use of the Stadium.

**b. CITY agrees to:**

- (1) Subject to a booking policy to be mutually developed and approved by the parties, to coordinate all bookings, other than for MISD Blackout Dates, for the use of the Stadium during the entire Term of this Agreement.
- (2) Provide to MISD each year on January 1 the Dates on which CITY will use the Stadium for CITY Events.
- (3) Provide for electric service for lighting, heating, air conditioning and other services used in conjunction with the Stadium use during the Stadium Hours of Operation. Provided however, should either party become aware that the electric service rate shall obtained by MISD shall be less than the CITY, in such event, the electric service account for the Stadium shall be changed to MISD and the reimbursement provisions provided for in Paragraph 3.2 above shall be prorated in such a fashion that the CITY will provide reimbursement to MISD on a quarterly basis for CITY Event(s) use.
- (4) Provide cleaning and janitorial service to MISD's reasonable satisfaction, during and within twenty-four (24) hours after its Stadium use.
- (5) Conduct the CITY Event(s) at the Stadium on the CITY Event Date and during the Hours of Operation.
- (6) Provide all supporting staff required for the proper presentation of the CITY Event(s), at the Stadium including but not limited to artists, performers, players, officiating crews, medical staff, law enforcement staff, security staff, sound, video, lighting, staging, or other technical personnel, catering staff and move-in/move-out crews.
- (7) Designate a duly authorized representative of CITY who shall be in attendance at the Stadium during the Stadium Hours of operation. The identity, email address and mobile phone number of such representative must be provided to MISD at least 48 hours prior to the CITY Event.
- (8) Provide all of CITY's representatives, participants, and supporting staff with distinctive, visual identification, which shall be approved by MISD prior to the commencement of the use of the Stadium. Provide all equipment or other items, other than Stadium equipment of MISD,

necessary for the proper presentation of the CITY Event(s) at the Stadium.

- (9) No less than five (5) business days prior to commencement of each CITY Event(s) at the Stadium procure and present to MISD all licenses and permits that may be required by or in connection with the use of the Stadium for the CITY Event(s), including, but not limited to ASCAP, BMI, SESAC and similar licenses required for the use of copyrighted or licensed music in connection with the presentation of the CITY Event(s), licenses for the use of any photograph, image, likeness, video, film, brand, trademark or other intellectual property, and all other licenses or permits required in connection with the use of the Stadium for the CITY Event(s).
- (10) In the event that any minor or foreign national is scheduled to appear in the CITY Event(s) at the Stadium obtain all necessary visas, employment certificates and other permits and authorizations as may be required by any governmental authority for the performance of such minor or foreign national.
- (11) Comply with the Fire Code of the City of McAllen, Texas with respect to the use of any displays, props, decorations, materials or other personal property in connection with the CITY Event(s) at the Stadium.
- (12) Comply with all laws and requirements of all public authorities and all rules and regulations and Board Policies of MISD in connection with the presentation of the CITY Event(s) at the Stadium.
- (13) Provide such advertising, promotion and publicity as may be necessary and desirable to properly promote the CITY Event(s) at the Stadium.
- (14) Name Use: Signage. CITY shall not use or provide MISD's name or logos in any manner or media in connection with the CITY Event(s) without the prior approval of MISD. CITY shall not erect any signs, banners, or displays in or about the Stadium without the prior approval of MISD. Written requests should be submitted to MISD's Superintendent at least 10 business days prior to CITY Event(s).
- (15) Continuously and in good faith conduct the CITY Event(s) at the Stadium in an efficient and reputable manner.
- (16) Maintain Insurance as required in the Insurance Addendum attached hereto and incorporated herein as Exhibit "D".
- (17) To the extent allowed by law CITY SHALL INDEMNIFY, DEFEND, SAVE AND HOLD HARMLESS MISD, FROM AND AGAINST ANY

AND ALL CLAIMS, SUITS, LOSSES, INJURIES, DAMAGES, LIABILITIES AND EXPENSES, INCLUDING, WITHOUT LIMITATION, REASONABLE ATTORNEY'S FEES AND EXPENSES AND COSTS OF INVESTIGATION (WHETHER OR NOT LITIGATION OCCURS) ARISING OUT OF OR IN ANY WAY CONNECTED WITH CONDUCTING CITY EVENT(S) AT THE STADIUM INCLUDING, BUT NO LIMITED TO, ANY PROPERTY DAMAGE, PERSONAL INJURY OR DEATH SUSTAINED BY ANYONE COMING UPON OR WITHIN THE STADIUM PREMISES AS A RESULT OF OR FOR THE PURPOSE OF ATTENDING THE CITY EVENT(S). THIS INDEMNITY AND HOLD HARMLESS AGREEMENT SHALL APPLY WHETHER SUCH LOSS, INJURY OR DAMAGE IS CAUSED IN PART BY THE STADIUM, MISD, MISD TRUSTEES, OFFICERS, AGENTS OR EMPLOYEES, UNLESS CAUSED BY THEIR GROSS NEGLIGENCE AND/OR WILLFUL MISCONDUCT. IT IS THE EXPRESS INTENT OF THE PARTIES THAT, BY THE TERMS HEREOF, MISD MAY BE INDEMNIFIED FOR THE CONSEQUENCES OF ITS OWN NEGLIGENCE (OTHER THAN GROSS NEGLIGENCE). THE PROVISIONS OF THIS SECTION SHALL SURVIVE ANY EXPIRATION OR TERMINATION OF THIS AGREEMENT.

- (18) At the conclusion of each event, remove all goods, wares, merchandise, property and debris owned by CITY or which CITY has placed or permitted to be placed on or at the Stadium. Any such property not so removed shall be considered abandoned and may be disposed of by MISD as MISD deems necessary.
- (19) At the expiration of the Event Hours of Use of the Stadium, vacate the Stadium, leaving it in as good condition and repair as it was at the beginning of the CITY Event(s) excepting usual wear and tear.
- (20) Repairs. CITY shall be liable for all damage to buildings, grounds, athletic fields, and equipment of MISD incident to the CITY's use of the Stadium.
- (21) If any material, composition or name to be used or performed under this Agreement is copyrighted, the CITY shall be responsible for securing, before using or employing such material, composition or name, the assent in writing, of the owner or license of such copyright. The CITY agrees to be fully responsible for any fees, royalties and in connection therewith. Furthermore, the CITY shall indemnify and save MISD harmless from any and all claims, expenses or suits for copyright infringements which may arise from the performance of this Agreement.

- (22) Set up. CITY and/or a CITY approved third-party will supply all equipment needed for use in connection with the CITY Event(s). These items and any other equipment or supplies may be set up only on the day of the CITY Event(s) and must be removed immediately after the CITY Event(s).

**c. CITY agrees not to:**

1. Use the Stadium for any purpose other than the CITY Event(s) scheduled in accordance with the requirements of this agreement.
2. Do any act or suffer any act to be done during the CITY Event(s) which shall mar, deface or injure any part of the Stadium.
3. Permit any person under its control or supervision to drive nails, tacks, hooks and screws unto any part of the Stadium without MISD and CITY's prior written consent.
4. Permit any person under its control or supervision to damage, alter or remove any Stadium equipment.
5. Bring into the Stadium explosives, pyrotechnics, gasoline, kerosene, acetylene or other fuel or combustibles without MISD's prior written consent and approval from a duly authorized representative of MISD to give such consent.
6. Cover, conceal, damage, alter, remove, block or obstruct any fire safety equipment in the Stadium including fire extinguishers, fire hose cabinets and emergency exits.
7. Use any gasoline motor driven vehicles in the Stadium without MISD's prior written consent.
8. Permit any person to engage in any political activities (i.e. political advertisements, leafleting, politician meet and greets, etc.) on Stadium premises during the Event Hours of Operation.
9. Use any part of the Stadium for any use or proposed use which would be contrary to law, common decency or good morals or otherwise improper or detrimental to the reputation of MISD.
10. Permit any weapons or firearms in the Stadium other than in the sole possession of State of Texas licensed peace officers.
11. Discriminate against any person for any reason prohibited by law.

**d. CITY and MISD agree to the following:**

**1. Ticket Sales and Seat Allocations.**

- a. For all CITY Event(s), admittance into the Stadium shall be by ticket only, unless otherwise agree to in writing by MISD.
- b. CITY shall act as the custodian of all revenue from the sale of tickets sold for CITY Event(s).
- c. MISD shall retain all revenue generated by athletic and other programs conducted on MISD Blackout Dates.
- d. CITY shall share equally with MISD all net revenue proceeds, after payment of all cost and expense for CITY Event(s).
- e. CITY shall provide at least annually, or at such other times upon reasonable request from MISD, an accounting of each CITY Event(s) that details the actual costs, revenue, expenses and net revenue for all CITY Event(s).

**2. Marketing and Advertising.**

- a. All advertisements for the CITY Event(s) shall be produced at the sole cost and expense of the CITY.

**3. Broadcast Rights.**

- a. MISD shall be solely responsible for all costs associated with filming, broadcasting or otherwise disseminating the athletic and other programs it conducts at the Stadium on MISD Blackout Dates including but not limited to the costs of high speed data lines, cabling, uplink equipment, cameras, audio recording equipment and other items related thereto.
- b. CITY shall be solely responsible for all costs associated with filming, broadcasting or otherwise disseminating the CITY Event(s) including but not limited to the costs of high speed data lines, cabling, uplink equipment, cameras, audio recording equipment and other items related thereto.

**4. Concessions and Merchandise.**

- a. Concessions shall be arranged and provided in the manner set forth in accordance with the concession model developed by the joint effort of CITY and MISD. This model shall include use of nonprofit organizations and give preference to MISD school booster clubs or organizations.
- b. Food and Beverages; Alcohol; Merchandise. Either party may provide food or beverages in the Stadium. If alcohol is to be

provided, Texas Alcohol Beverage Commission (TABC) certified servers must be employed. Ten (10) business days prior to the CITY Event(s) the CITY must receive a copy of either the license to sell alcohol from the caterer (if alcohol is not free of charge), or the TABC Certification Cards of the individuals who will be serving.

- c. During the Event Hours of Operation, either party may offer for sale programs, clothing, hats, banners, pennants, photographs, posters, toys, novelties and other merchandise relating to the CITY Event(s) (“Event Merchandise”). If either party chooses to sell Event Merchandise, all such sales will be conducted by said party at locations in the Stadium.
5. **Personal Property.** MISD shall not be responsible for losses by CITY, its agents, employees or invitees due to theft or loss of equipment or other personal property. MISD shall have the sole right to collect and take custody of any articles left at the Stadium by invitees or attendees and to provide for the disposition thereof as MISD deems fit.
  6. **Control of Stadium and Right to Enter.** In permitting CITY to use the Stadium for the CITY Event(s), it is understood by the parties that MISD does not relinquish the right to control the management of the Stadium and to enforce all necessary rules and regulations, provided such rules and regulations do not conflict with the terms of this Agreement. Duly authorized representatives of MISD may enter the Stadium premises, or any part thereof, at any time, and on any occasion without restrictions whatsoever by CITY.
  7. **Default.** The following occurrences shall be considered “Events of Default”:
    - a. Either party shall fail to pay any amount due hereunder to the other party when due; and
    - b. Either party shall fail to perform the duties, obligations or agreements set out in this Agreement.

In an Event of Default shall occur, the non-defaulting party will give written notice to the defaulting party identifying the default with reasonable specific descriptions. If within seven (7) days after such notice of default is sent, the default has not been cured, then, the non-defaulting party may terminate this Agreement or if MISD is in default, CITY may seek damages.

#### 4. MISCELLANEOUS

(a). **Entire Agreement Severability.** This Agreement and its Exhibits constitute the entire agreement between the parties, and supersede all prior agreements, understandings and negotiations, with respect to the subject matter hereof. In the event



any provision of this Agreement shall be held unenforceable by a court, such unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such unenforceable provision, to the extent of such unenforceability, had not been incorporated herein.

**(b). Notice.** Notices by CITY and MISD to each other shall be deemed duly given if (i) delivered personally with a signed receipt evidencing such delivery, (ii) transmitted by fax with confirmation of transmission, (iii) transmitted by email with confirmation of receipt, (iv) mailed by certified mail, return receipt requested, postage prepaid, or (v) delivered by duly recognized air courier service to the other at the address, fax number or email addresses listed below:

MISD: McAllen Independent School District  
Attn: Superintendent  
Mailing Address: 2000 N. 23<sup>rd</sup> Street  
McAllen, Texas 78501  
Fax No.: (956) 686-8362  
Email Address: \_\_\_\_\_

CITY: City of McAllen  
Attn: City Manager  
Mailing Address: 1300 Houston Avenue  
McAllen, Texas 78501  
Fax No.: (956) 681-1099  
Email Address: \_\_\_\_\_

**(c). Force Majeure.** Either party may be excused from performance under this Agreement for any period that such party is prevented from performing its obligations in whole or in part as a result of any act of God, war, civil disturbance epidemic, court order, or other event outside the control of such party, provided the party seeking to be excused has prudently and promptly acted to take any and all reasonable corrective measures that are within such party's control.

**(d). Governmental Immunity.** MISD and CITY each acknowledge and understand that the other party is a political subdivision of the State of Texas that possesses governmental immunity to suit and liability, except to the extent such immunity has been waived by the Texas Civil Practices and Remedies Code §101.053. It is specifically acknowledged that MISD and CITY, by entering into this Agreement, do not in any form or fashion waive such governmental immunity.

**(e). No Assignment:** No Amendment; No Waiver. This Agreement (i) may not be assigned or transferred, in whole or in part, by operation of law or otherwise, by either party without the prior written consent of the other party, and (ii) may not be amended or modified, by course of conduct or otherwise, except in writing duly executed by each of the parties. Any waiver of any provision of this Agreement shall be in writing duly executed by the waiving party. The failure or

delay by either party to seek redress for any breach of this Agreement, or to insist upon the strict performance of any provision of this Agreement, shall not constitute a waiver thereof or of any other provision of this Agreement, and such party shall have all remedies provided herein and at law and in equity with respect to such act and any subsequent act constituting the same.

**(f). CHOICE OF LAW AND VENUE.** THIS AGREEMENT IS ENTERED INTO IN THE STATE OF TEXAS AND, IN THE EVENT OF ANY CONTROVERSY OR LITIGATION, SHALL BE GOVERNED BY AND CONSTRUED IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS, WITHOUT REGARD TO ITS PRINCIPLES OF CONFLICTS OF LAWS. VENUE FOR ANY DISPUTE SHALL BE IN THE STATE COURTS IN HIDALGO COUNTY, TEXAS, OR THE FEDERAL COURTS FOR THE SOUTHERN DISTRICT OF TEXAS, McALLEN DIVISION.

**(g). Attorney's Fees.** In the event either party hereto initiates or hires legal counsel to enforce or protect its rights under this Agreement, the prevailing party shall be entitled to recover from the unsuccessful party, in addition to any other damages or relief awarded or obtained, all court costs and reasonable attorney's fees incurred in connection with such litigation or action by legal counsel.

**(h). Counterparts and Execution.** This Agreement may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed to be an original, but all of which taken together form but one and the same instrument. A faxed copy or other electronic copy shall be deemed as an original. This Agreement may be executed by and through electronic signature technology which is in compliance with Texas law governing electronic signatures. Signatures, originally signed by hand, but transmitted via e-mail or fax shall also be deemed valid and binding original signatures.

**(i). Authority.** MISD and CITY each represent and warrant to the other that it has the full right, power and authority to enter into and perform this Agreement.

**(j). Compliance with Laws, Rules and Regulations.** MISD and CITY shall comply with all applicable Federal, State, and local laws, ordinances, rules, and regulations concerning the use of the Stadium or the conduct of the athletic and other programs conducted by MISD on MISD Blackout Dates and CITY Event(s) and that neither will not do, nor suffer to be done, anything in or on the Stadium in violation of any such laws, ordinances, rules, and regulations. Each party hereto shall obtain and pay for all necessary permits and licenses. Each Party hereto will immediately cease and desist from, and correct all violations of law or permit conditions upon request of the other party or a law enforcement authority.

**(k). Civil Emergency.** In the event a civil emergency requiring the evacuation of an MISD school occurs on the date of a CITY Event, should the

CITY's use of the Stadium prevent MISD from using the Stadium as a relocation area for evacuated students, CITY shall allow MISD to use the CITY convention center or other community events centers or CITY owned facility as a relocation area for evacuated students. Coordination of the use of a CITY owned facility as a relocation area for evacuated students shall be coordinated between MISD and CITY in accordance with the standard disaster procedures utilized by MISD and CITY for such events.

**(l). Matters Not Covered.** Any decision concerning a matter not specifically covered by this Agreement, on subject matters reasonably inferable from the terms of this Agreement, shall rest solely within the reasonable discretion of the mutual decision of the Superintendent of MISD, and City Manager of CITY acting by and on behalf of MISD and CITY respectively.

**(m). Condition of Facilities:**

**(1). At Delivery.** CITY and MISD makes no representation or warranty of any kind (express or implied) regarding the suitability of, or compliance with applicable laws by the Stadium as built or maintained or for any aspect of the CITY or MISD's intended use. Accordingly, MISD and CITY acknowledge and agree that CITY and MISD have made an adequate investigation and inspection of the Stadium and its own determination regarding the suitability thereof for its intended use. The parties further acknowledge and agree that Stadium shall be delivered "as is," "where is," and "with any and all faults," and without any representation or warranty of kind (express or implied), including, but not limited to representation and warranties as to the merchantability and fitness for use for any particular purpose, and the Stadium shall be used by the parties for MISD athletic and other programs on MISD Blackout Dates and CITY for CITY Event(s) at each parties' own risk. Notwithstanding anything in this Agreement to the contrary, the parties undertake no obligation whatsoever for the safety or security of any property or person, including, but not limited to the other party or any of the other party's employees, subcontractors, agents, representatives, participants, invitees, or attendees.

**(2). General Conditions.** No portions of the sidewalks, entries, passages, vestibules, halls, fire safety equipment, ways or access to public utilities of the Stadium may be obstructed, by any party, or used or permitted to be used, for any purpose other than ingress and egress to and from the Stadium. The water closets and water apparatus shall not be used for any purpose other than that for which they were constructed, and no sweepings, rubbish, rags, papers or other substances may be deposited therein. Attendance at any MISD athletic or other programs on MISD Blackout Dates and CITY Event(s) shall not exceed maximum occupancy as determined by lawful authorities.

(3). CITY will not do, or permit to be done, anything in or upon any portion of the Stadium or bring or keep anything therein or thereon, which will in any way conflict with the conditions of any MISD's fire or casualty insurance policy, or in any way increase any rate of insurance upon the Stadium on property kept there. Under no circumstances shall MISD nor CITY conduct or permit to be conducted, any activities, in or on the Stadium that create an unreasonable risk to public health or safety.

CITY:  
City of McAllen

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

ATTEST:

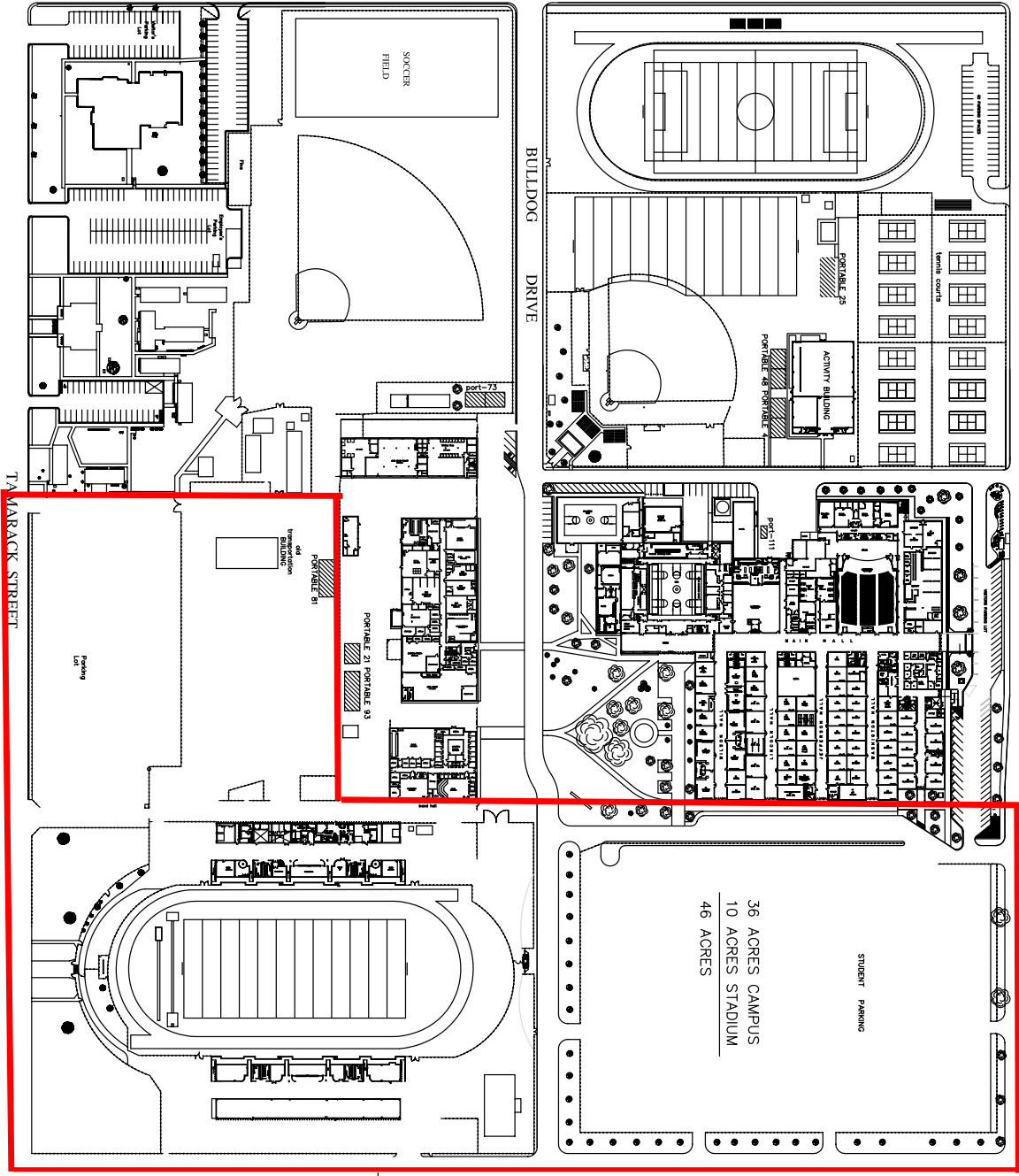
By: \_\_\_\_\_  
Annette Villarreal  
Its: City Secretary

MISD:  
McAllen Independent School District

By: \_\_\_\_\_  
Debbie Crane Aliseda  
Its: President Board of Trustees

# EXHIBIT A - STADIUM

23rd STREET



BICENTENNIAL STREET

EXISTING SITE PLAN  
SCALE: 1" = 80'

TAMARACK STREET

BULLDOG DRIVE

LA VISTA DRIVE

36 ACRES CAMPUS  
10 ACRES STADIUM  
46 ACRES  
STUDENT PARKING

SHEET NO.  
A-1

PROJECT NAME  
MCALLEN HIGH SCHOOL  
2021 LA VISTA STREET  
MCALLEN, TEXAS  
DRAWING NAME  
EXISTING SITE PLAN

**MCALLEN**  
INDEPENDENT SCHOOL DISTRICT  
FACILITY PLANNING SERVICES

DESIGN BY:	DRAWING BY:	SCALE: as shown	DATE DRAWN:
DATE:	DATE:	DATE:	DATE:
REVISIONS			
NO.	DATE	DESCRIPTION	BY



# Exhibit B

MISD Athletic/Fine Arts

Black Out Dates



Department of Athletics  
Stadium Blackout Dates  
2013-2014

These are the projected dates that the McAllen Veterans Memorial Stadium will be used by the McAllen Independent School District for 2013-2014. There are some scheduled practice dates which may have a change in site if needed.

### HS Football

- August 12 1<sup>st</sup> day of football workouts
- August 16 & 23 Football Scrimmage
- Aug. 30 – Nov. 8 Football games every Thurs., Fri., & Sat.
- Nov. 14 – Nov. 30 Football Playoffs
- May 2 – May 31 Spring Football Practice/Games

### MS Football

- Every Tuesday from Sept. 10-Oct. 28 8<sup>th</sup> Grade Football
- Every Saturday from Sept. 14-Nov. 2 7<sup>th</sup> Grade Football

### HS Cross Country

- Aug. 5- Nov. 8 Morning workout

### HS Soccer

- Dec. 2 - April 19 Soccer Practice
- January 9 – April 12 Soccer games every Monday, Tuesday, Friday & Saturday

March 22- April 12

Soccer Playoffs

**Elem. Track**

November 8

Elementary Track Unit

**MS Track**

Friday, April 4

District Track Meet

**HS Track**

Jan. 6-May 8

Feb. 22

April 5

High School Track Practice

McAllen Varsity Track Meet

9<sup>th</sup>/JV 31-5A District Track Meet

**Band Events**

October 12

October 19

October 26

City of Palms

Pigskin (Every 2 years)

Area Competition (Every 4 years)

**Special Olympics  
Track Meet**

One Saturday in November (TBA)

**Cancer Walk**

One Saturday in the Spring (TBA)



# August 2013

August 2013						
Su	Mo	Tu	We	Th	Fr	Sa
4	5	6	7	1	2	3
11	12	13	14	8	9	10
18	19	20	21	15	16	17
25	26	27	28	22	23	24
				29	30	31

September 2013						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Jul 28	29	30	31	Aug 1	2	3
4	5 6:00am HS XC Practice	6 6:00am HS XC Practice	7 6:00am HS XC Practice	8 6:00am HS XC Practice	9 6:00am HS XC Practice	10
11	12 6:00am HS XC Practice 4:00pm HS FB Practice	13 6:00am HS XC Practice 4:00pm HS FB Practice	14 6:00am HS XC Practice 4:00pm HS FB Practice	15 6:00am HS XC Practice 4:00pm HS FB Practice	16 Football Scrimmage (Stadium) 6:00am HS XC Practice	17
18	19 6:00am HS XC Practice 4:00pm HS FB Practice	20 6:00am HS XC Practice 4:00pm HS FB Practice	21 6:00am HS XC Practice 4:00pm HS FB Practice	22 6:00am HS XC Practice 4:00pm HS FB Practice	23 Football Scrimmages (Stadium) 6:00am HS XC Practice	24
25	26 6:00am HS XC Practice 4:00pm HS FB Practice	27 6:00am HS XC Practice 4:00pm HS FB Practice	28 6:00am HS XC Practice 4:00pm HS FB Practice	29 Football Games 6:00am HS XC Practice	30 Football Games 6:00am HS XC Practice	31

# September 2013

September 2013						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

October 2013						
Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Sep 1	2 6:00am HS XC Practice 4:00pm HS FB Practice	3 6:00am HS XC Practice 4:00pm HS FB Practice	4 6:00am HS XC Practice 4:00pm HS FB Practice	5 Football Games 6:00am HS XC Practice	6 Football Games 6:00am HS XC Practice	7 Football Games
8	9 6:00am HS XC Practice 4:00pm HS FB Practice	10 Middle School Football 6:00am HS XC Practice 4:00pm HS FB Practice	11 6:00am HS XC Practice 4:00pm HS FB Practice	12 Football Games 6:00am HS XC Practice	13 Football Games 6:00am HS XC Practice	14 Football Games Middle School Football
15	16 6:00am HS XC Practice 4:00pm HS FB Practice	17 Middle School Football 6:00am HS XC Practice 4:00pm HS FB Practice	18 6:00am HS XC Practice 4:00pm HS FB Practice	19 Football Games 6:00am HS XC Practice	20 Football Games 6:00am HS XC Practice	21 Football Games Middle School Football
22	23 6:00am HS XC Practice 4:00pm HS FB Practice	24 Middle School Football 6:00am HS XC Practice 4:00pm HS FB Practice	25 6:00am HS XC Practice 4:00pm HS FB Practice	26 Football Games 6:00am HS XC Practice	27 Football Games 6:00am HS XC Practice	28 Football Games Middle School Football
29	30 6:00am HS XC Practice 4:00pm HS FB Practice	Oct 1	2	3	4	5

# October 2013

October 2013						
Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

November 2013						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Sep 29	30	Oct 1 Middle School Football 6:00am HS XC Practice 4:00pm HS FB Practice	2 6:00am HS XC Practice 4:00pm HS FB Practice	3 Football Games 6:00am HS XC Practice	4 Football Games 6:00am HS XC Practice	5 Football Games Middle School Football
6	7 6:00am HS XC Practice 4:00pm HS FB Practice	8 Middle School Football 6:00am HS XC Practice 4:00pm HS FB Practice	9 6:00am HS XC Practice 4:00pm HS FB Practice	10 Football Games 6:00am HS XC Practice	11 Football Games 6:00am HS XC Practice	12 Football Games Middle School Football 12:00pm City of Palms Band Competition (Stadium)
13	14 6:00am HS XC Practice 4:00pm HS FB Practice	15 Middle School Football 6:00am HS XC Practice 4:00pm HS FB Practice	16 6:00am HS XC Practice 4:00pm HS FB Practice	17 Football Games 6:00am HS XC Practice	18 Football Games 6:00am HS XC Practice	19 Football Games Middle School Football 7:00am Pigskin
20	21 6:00am HS XC Practice 4:00pm HS FB Practice	22 Middle School Football 6:00am HS XC Practice 4:00pm HS FB Practice	23 6:00am HS XC Practice 4:00pm HS FB Practice	24 Football Games 6:00am HS XC Practice	25 Football Games 6:00am HS XC Practice	26 Area Band Competition Football Games Middle School Football
27	28 6:00am HS XC Practice 4:00pm HS FB Practice	29 Middle School Football 6:00am HS XC Practice 4:00pm HS FB Practice	30 6:00am HS XC Practice 4:00pm HS FB Practice	31 Football Games 6:00am HS XC Practice	Nov 1	2

# November 2013

November 2013						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

December 2013						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Oct 27	28	29	30	31	Nov 1 Football Games 6:00am HS XC Practice	2 Football Games Middle School Football
3	4 6:00am HS XC Practice 4:00pm HS FB Practice	5 6:00am HS XC Practice 4:00pm HS FB Practice	6 6:00am HS XC Practice 4:00pm HS FB Practice	7 Football Games 6:00am HS XC Practice	8 Football Games 6:00am HS XC Practice 8:00am Elementary Track Unit	9
10	11 4:00pm HS FB Practice	12 4:00pm HS FB Practice	13 4:00pm HS FB Practice	14 4:00pm HS FB Practice	15 Football Playoff Games (Stadium)	16
17	18 4:00pm HS FB Practice	19 4:00pm HS FB Practice	20 4:00pm HS FB Practice	21 4:00pm HS FB Practice	22 Football Playoff Games (Stadium)	23 Special Olympics Track Meet (TBA)
24	25 8:00am HS FB Practice	26 8:00am HS FB Practice	27 8:00am HS FB Practice	28 8:00am HS FB Practice	29 Football Playoff Games (Stadium)	30

# December 2013

December 2013						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

January 2014						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Dec 1	2 4:00pm HS Soccer Practice	3 4:00pm HS Soccer Practice	4 4:00pm HS Soccer Practice	5 4:00pm HS Soccer Practice	6 4:00pm HS Soccer Practice	7
8	9 4:00pm HS Soccer Practice	10 4:00pm HS Soccer Practice	11 4:00pm HS Soccer Practice	12 4:00pm HS Soccer Practice	13 4:00pm HS Soccer Practice	14
15	16 4:00pm HS Soccer Practice	17 4:00pm HS Soccer Practice	18 4:00pm HS Soccer Practice	19 4:00pm HS Soccer Practice	20 4:00pm HS Soccer Practice	21
22 12:00am UIL No Practice Days	23 12:00am UIL No Practice Days	24 12:00am UIL No Practice Days	25 12:00am UIL No Practice Days	26 12:00am UIL No Practice Days	27	28
29	30 8:00am HS Soccer Practice	31 8:00am HS Soccer Practice	Jan 1, 14	2	3	4

# January 2014

January 2014							February 2014						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4							1
5	6	7	8	9	10	11	2	3	4	5	6	7	8
12	13	14	15	16	17	18	9	10	11	12	13	14	15
19	20	21	22	23	24	25	16	17	18	19	20	21	22
26	27	28	29	30	31		23	24	25	26	27	28	

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Dec 29	30	31	Jan 1, 14 8:00am HS Soccer Practice	2 8:00am HS Soccer Practice	3 8:00am HS Soccer Practice	4
5	6 4:00pm HS Track Practice 4:00pm HS Soccer Practice	7 4:00pm HS Track Practice 4:00pm HS Soccer Practice	8 4:00pm HS Track Practice 4:00pm HS Soccer Practice	9 4:00pm HS Track Practice 4:00pm HS Soccer Practice	10 4:00pm HS Track Practice 4:00pm HS Soccer Practice	11 5:00pm Soccer Games
12	13 4:00pm HS Track Practice 4:00pm HS Soccer Practice 5:00pm Soccer Games	14 4:00pm HS Track Practice 4:00pm HS Soccer Practice 5:00pm Soccer Games	15 4:00pm HS Track Practice 4:00pm HS Soccer Practice	16 4:00pm HS Track Practice 4:00pm HS Soccer Practice	17 4:00pm HS Track Practice 4:00pm HS Soccer Practice 5:00pm Soccer Games	18 5:00pm Soccer Games
19	20 4:00pm HS Track Practice 4:00pm HS Soccer Practice 5:00pm Soccer Games	21 4:00pm HS Track Practice 4:00pm HS Soccer Practice 5:00pm Soccer Games	22 4:00pm HS Track Practice 4:00pm HS Soccer Practice	23 4:00pm HS Track Practice 4:00pm HS Soccer Practice	24 4:00pm HS Track Practice 4:00pm HS Soccer Practice 5:00pm Soccer Games	25 5:00pm Soccer Games
26	27 4:00pm HS Track Practice 4:00pm HS Soccer Practice 5:00pm Soccer Games	28 4:00pm HS Track Practice 4:00pm HS Soccer Practice 5:00pm Soccer Games	29 4:00pm HS Track Practice 4:00pm HS Soccer Practice	30 4:00pm HS Track Practice 4:00pm HS Soccer Practice	31 4:00pm HS Track Practice 4:00pm HS Soccer Practice 5:00pm Soccer Games	Feb 1

# February 2014

February 2014						
Su	Mo	Tu	We	Th	Fr	Sa
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	

March 2014						
Su	Mo	Tu	We	Th	Fr	Sa
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Jan 26	27	28	29	30	31	Feb 1 5:00pm Soccer Games
2	3 4:00pm HS Track Practice 4:00pm HS Soccer Practice 5:00pm Soccer Games	4 4:00pm HS Track Practice 4:00pm HS Soccer Practice 5:00pm Soccer Games	5 4:00pm HS Track Practice 4:00pm HS Soccer Practice	6 4:00pm HS Track Practice 4:00pm HS Soccer Practice	7 4:00pm HS Track Practice 4:00pm HS Soccer Practice 5:00pm Soccer Games	8 5:00pm Soccer Games
9	10 4:00pm HS Track Practice 4:00pm HS Soccer Practice 5:00pm Soccer Games	11 4:00pm HS Track Practice 4:00pm HS Soccer Practice 5:00pm Soccer Games	12 4:00pm HS Track Practice 4:00pm HS Soccer Practice	13 4:00pm HS Track Practice 4:00pm HS Soccer Practice	14 4:00pm HS Track Practice 4:00pm HS Soccer Practice 5:00pm Soccer Games	15 5:00pm Soccer Games
16	17 4:00pm HS Track Practice 4:00pm HS Soccer Practice 5:00pm Soccer Games	18 4:00pm HS Track Practice 4:00pm HS Soccer Practice 5:00pm Soccer Games	19 4:00pm HS Track Practice 4:00pm HS Soccer Practice	20 4:00pm HS Track Practice 4:00pm HS Soccer Practice	21 4:00pm HS Track Practice 4:00pm HS Soccer Practice 5:00pm Soccer Games	22 8:00am McAllen Varsity Track Meet (Stadium) 5:00pm Soccer Games
23	24 4:00pm HS Track Practice 4:00pm HS Soccer Practice 5:00pm Soccer Games	25 4:00pm HS Track Practice 4:00pm HS Soccer Practice 5:00pm Soccer Games	26 4:00pm HS Track Practice 4:00pm HS Soccer Practice	27 4:00pm HS Track Practice 4:00pm HS Soccer Practice	28 4:00pm HS Track Practice 4:00pm HS Soccer Practice 5:00pm Soccer Games	Mar 1

# March 2014

March 2014							April 2014						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						1			1	2	3	4	5
2	3	4	5	6	7	8	6	7	8	9	10	11	12
9	10	11	12	13	14	15	13	14	15	16	17	18	19
16	17	18	19	20	21	22	20	21	22	23	24	25	26
23	24	25	26	27	28	29	27	28	29	30			
30	31												

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Feb 23	24	25	26	27	28	Mar 1 5:00pm Soccer Games
2	3 4:00pm HS Track Practice 4:00pm HS Soccer 5:00pm Soccer Games	4 4:00pm HS Track Practice 4:00pm HS Soccer 5:00pm Soccer Games	5 4:00pm HS Track Practice 4:00pm HS Soccer Practice	6 4:00pm HS Track Practice 4:00pm HS Soccer Practice	7 4:00pm HS Track Practice 4:00pm HS Soccer 5:00pm Soccer Games	8 5:00pm Soccer Games
9	10 8:00am HS Track Practice 8:00am HS Soccer 5:00pm Soccer Games	11 8:00am HS Track Practice 8:00am HS Soccer 5:00pm Soccer Games	12 8:00am HS Track Practice 8:00am HS Soccer Practice	13 8:00am HS Track Practice 8:00am HS Soccer Practice	14 8:00am HS Track Practice 8:00am HS Soccer 5:00pm Soccer Games	15 5:00pm Soccer Games
16	17 4:00pm HS Track Practice 4:00pm HS Soccer 5:00pm Soccer Games	18 4:00pm HS Track Practice 4:00pm HS Soccer 5:00pm Soccer Games	19 4:00pm HS Track Practice 4:00pm HS Soccer Practice	20 4:00pm HS Track Practice 4:00pm HS Soccer Practice	21 4:00pm HS Track Practice 4:00pm HS Soccer 5:00pm Soccer Games	22 Soccer Playoffs 5:00pm Soccer Games
23	24 4:00pm HS Track Practice 4:00pm HS Soccer 5:00pm Soccer Games	25 4:00pm HS Track Practice 4:00pm HS Soccer 5:00pm Soccer Games	26 4:00pm HS Track Practice 4:00pm HS Soccer Practice	27 4:00pm HS Track Practice 4:00pm HS Soccer Practice	28 4:00pm HS Track Practice 4:00pm HS Soccer 5:00pm Soccer Games	29 Soccer Playoffs 5:00pm Soccer Games
30	31 4:00pm HS Track Practice 4:00pm HS Soccer 5:00pm Soccer Games	Apr 1	2	3	4	5



# April 2014

April 2014						
Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

May 2014						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Mar 30	31	Apr 1 4:00pm HS Track Practice 4:00pm HS Soccer Practice 5:00pm Soccer Games	2 4:00pm HS Track Practice 4:00pm HS Soccer Practice	3 4:00pm HS Track Practice 4:00pm HS Soccer Practice	4 8:00am Middle school district track meet 4:00pm HS Track 4:00pm HS Soccer 5:00pm Soccer Games	5 Soccer Playoffs 8:00am Sub-Varsity District Track Meet (Stadium) 5:00pm Soccer Games
6	7 4:00pm HS Track Practice 4:00pm HS Soccer Practice 5:00pm Soccer Games	8 4:00pm HS Track Practice 4:00pm HS Soccer Practice 5:00pm Soccer Games	9 4:00pm HS Track Practice 4:00pm HS Soccer Practice	10 4:00pm HS Track Practice 4:00pm HS Soccer Practice	11 4:00pm HS Track Practice 4:00pm HS Soccer Practice 5:00pm Soccer Games	12 Soccer Playoffs 5:00pm Soccer Games
13	14 4:00pm HS Track Practice 4:00pm HS Soccer Practice	15 4:00pm HS Track Practice 4:00pm HS Soccer Practice	16 4:00pm HS Track Practice 4:00pm HS Soccer Practice	17 4:00pm HS Track Practice 4:00pm HS Soccer Practice	18 Good Friday	19 8:00am Cancer Walk (TBA)
20	21 4:00pm HS Track Practice	22 4:00pm HS Track Practice	23 4:00pm HS Track Practice	24 4:00pm HS Track Practice	25 4:00pm HS Track Practice	26
27	28 4:00pm HS Track Practice	29 4:00pm HS Track Practice	30 4:00pm HS Track Practice	May 1	2	3

# May 2014

May 2014							June 2014						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3	1	2	3	4	5	6	7
4	5	6	7	8	9	10	8	9	10	11	12	13	14
11	12	13	14	15	16	17	15	16	17	18	19	20	21
18	19	20	21	22	23	24	22	23	24	25	26	27	28
25	26	27	28	29	30	31	29	30					

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Apr 27	28	29	30	May 1 4:00pm HS Track Practice	2 4:00pm Spring FB Practice 4:00pm HS Track Practice	3
4	5 4:00pm Spring FB Practice 4:00pm HS Track Practice	6 4:00pm Spring FB Practice 4:00pm HS Track Practice	7 4:00pm Spring FB Practice 4:00pm HS Track Practice	8 4:00pm Spring FB Practice 4:00pm HS Track Practice	9 4:00pm Spring FB Practice	10
11	12 4:00pm Spring FB Practice	13 4:00pm Spring FB Practice	14 4:00pm Spring FB Practice	15 4:00pm Spring FB Practice	16 4:00pm Spring FB Practice	17
18	19 4:00pm Spring FB Practice	20 4:00pm Spring FB Practice	21 4:00pm Spring FB Practice	22 4:00pm Spring FB Practice	23 4:00pm Spring FB Practice	24
25	26 4:00pm Spring FB Practice	27 4:00pm Spring FB Practice	28 4:00pm Spring FB Practice	29 4:00pm Spring FB Practice	30 4:00pm Spring FB Practice	31

# June 2014

June 2014							July 2014						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7	6	7	8	9	10	11	12
8	9	10	11	12	13	14	13	14	15	16	17	18	19
15	16	17	18	19	20	21	20	21	22	23	24	25	26
22	23	24	25	26	27	28	27	28	29	30	31		
29	30												

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Jun 1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	Jul 1	2	3	4	5

# July 2014

July 2014							August 2014						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
6	7	1	2	3	4	5	3	4	5	6	7	1	2
13	14	8	9	10	11	12	10	11	12	13	14	15	16
20	21	22	23	24	25	26	17	18	19	20	21	22	23
27	28	29	30	31			24	25	26	27	28	29	30
							31						

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Jun 29	30	Jul 1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31	Aug 1	2



Department of Athletics  
Stadium Blackout Dates

2014-2015

These are the projected dates that the McAllen Veterans Memorial Stadium will be used by the McAllen Independent School District for 2014-2015. There are some scheduled practice dates which may have a change in site if needed.

**HS Football**

August 11 1<sup>st</sup> day of football workouts  
August 15 & 22 Football Scrimmage  
Aug. 31 – Nov. 7 Football games on Thurs. & Fri.  
Nov. 13 – Nov. 29 Football Playoffs  
May 1 – May 30 Spring Football Practice/Games

**MS Football**

Every Tuesday from Sept. 9-Oct. 27 8<sup>th</sup> Grade Football

**HS Cross Country**

Aug. 4- Nov. 7 Morning workouts

**HS Soccer**

Dec. 1 - April 18 Soccer Practice  
January 8 – April 11 Soccer games every Monday,  
Tuesday, Friday & Saturday  
March 21- April 11 Soccer Playoffs

## **Elem. Track**

November 7

Elementary Track Unit

## **MS Track**

Friday, April 4

District Track Meet

## **HS Track**

Jan. 5-May 7

Feb. 21

April 4

High School Track Practice

McAllen Varsity Track Meet

9<sup>th</sup>/JV 31-5A District Track Meet

## **Band Events**

October 11

October 18

October 25

City of Palms

Pigskin (Every 2 years)

Area Competition (Every 4 years)

## **Special Olympics**

**Track Meet**

One Saturday in November (TBA)

## **Cancer Walk**

One Saturday in the Spring (TBA)

# August 2014

August 2014							September 2014						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
3	4	5	6	7	8	9	7	1	2	3	4	5	6
10	11	12	13	14	15	16	14	8	9	10	11	12	13
17	18	19	20	21	22	23	21	15	16	17	18	19	20
24	25	26	27	28	29	30	28	22	23	24	25	26	27
31								29	30				

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Jul 27	28	29	30	31	Aug 1	2
3	4 6:00am HS XC Practice	5 6:00am HS XC Practice	6 6:00am HS XC Practice	7 6:00am HS XC Practice	8 6:00am HS XC Practice	9
10	11 6:00am HS XC Practice 4:00pm HS FB Practice	12 6:00am HS XC Practice 4:00pm HS FB Practice	13 6:00am HS XC Practice 4:00pm HS FB Practice	14 6:00am HS XC Practice 4:00pm HS FB Practice	15 6:00am HS XC Practice 6:00pm Football Scrimmage	16
17	18 6:00am HS XC Practice 4:00pm HS FB Practice	19 6:00am HS XC Practice 4:00pm HS FB Practice	20 6:00am HS XC Practice 4:00pm HS FB Practice	21 6:00am HS XC Practice 4:00pm HS FB Practice	22 6:00am HS XC Practice 5:30pm Football Scrimmage	23
24	25 6:00am HS XC Practice 4:00pm HS FB Practice	26 6:00am HS XC Practice 4:00pm HS FB Practice	27 6:00am HS XC Practice 4:00pm HS FB Practice	28 6:00am HS XC Practice 5:30pm Football games	29 6:00am HS XC Practice 5:30pm Football games	30 5:30pm Football games
31	Sep 1	2	3	4	5	6

# September 2014

September 2014

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

October 2014

Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Aug 31	Sep 1 6:00am HS XC Practice 4:00pm HS FB Practice	2 6:00am HS XC Practice 4:00pm HS FB Practice	3 6:00am HS XC Practice 4:00pm HS FB Practice	4 6:00am HS XC Practice 5:30pm Football games	5 6:00am HS XC Practice 5:30pm Football games	6 5:30pm Football games
7	8 6:00am HS XC Practice 4:00pm HS FB Practice	9 6:00am HS XC Practice 4:00pm HS FB Practice 5:00pm MS Football Games	10 6:00am HS XC Practice 4:00pm HS FB Practice	11 6:00am HS XC Practice 5:30pm Football games	12 6:00am HS XC Practice 5:30pm Football games	13 5:00pm MS Football Games 5:30pm Football games
14	15 6:00am HS XC Practice 4:00pm HS FB Practice	16 6:00am HS XC Practice 4:00pm HS FB Practice 5:00pm MS Football Games	17 6:00am HS XC Practice 4:00pm HS FB Practice	18 6:00am HS XC Practice 5:30pm Football games	19 6:00am HS XC Practice 5:30pm Football games	20 5:00pm MS Football Games 5:30pm Football games
21	22 6:00am HS XC Practice 4:00pm HS FB Practice	23 6:00am HS XC Practice 4:00pm HS FB Practice 5:00pm MS Football Games	24 6:00am HS XC Practice 4:00pm HS FB Practice	25 6:00am HS XC Practice 5:30pm Football games	26 6:00am HS XC Practice 5:30pm Football games	27 5:00pm MS Football Games 5:30pm Football games
28	29 6:00am HS XC Practice 4:00pm HS FB Practice	30 6:00am HS XC Practice 4:00pm HS FB Practice 5:00pm MS Football Games	Oct 1	2	3	4



# October 2014

October 2014						
Su	Mo	Tu	We	Th	Fr	Sa
5	6	7	1	2	3	4
12	13	14	8	9	10	11
19	20	21	22	23	24	25
26	27	28	29	30	31	

November 2014						
Su	Mo	Tu	We	Th	Fr	Sa
2	3	4	5	6	7	1
9	10	11	12	13	14	8
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Sep 28	29	30	Oct 1 6:00am HS XC Practice 4:00pm HS FB Practice	2 6:00am HS XC Practice 5:30pm Football games	3 6:00am HS XC Practice 5:30pm Football games	4 5:00pm MS Football Games 5:30pm Football games
5	6 6:00am HS XC Practice 4:00pm HS FB Practice	7 6:00am HS XC Practice 4:00pm HS FB Practice 5:00pm MS Football Games	8 6:00am HS XC Practice 4:00pm HS FB Practice	9 6:00am HS XC Practice 5:30pm Football games	10 6:00am HS XC Practice 5:30pm Football games	11 5:00pm MS Football Games 5:30pm Football games
12	13 6:00am HS XC Practice 4:00pm HS FB Practice	14 6:00am HS XC Practice 4:00pm HS FB Practice 5:00pm MS Football Games	15 6:00am HS XC Practice 4:00pm HS FB Practice	16 6:00am HS XC Practice 5:30pm Football games	17 6:00am HS XC Practice 5:30pm Football games	18 5:00pm MS Football Games 5:30pm Football games
19	20 6:00am HS XC Practice 4:00pm HS FB Practice	21 6:00am HS XC Practice 4:00pm HS FB Practice 5:00pm MS Football Games	22 6:00am HS XC Practice 4:00pm HS FB Practice	23 6:00am HS XC Practice 5:30pm Football games	24 6:00am HS XC Practice 5:30pm Football games	25 5:00pm MS Football Games 5:30pm Football games
26	27 6:00am HS XC Practice 4:00pm HS FB Practice	28 6:00am HS XC Practice 4:00pm HS FB Practice 5:00pm MS Football Games	29 6:00am HS XC Practice 4:00pm HS FB Practice	30 6:00am HS XC Practice 5:30pm Football games	31 6:00am HS XC Practice 5:30pm Football games	Nov 1

# November 2014

November 2014						
Su	Mo	Tu	We	Th	Fr	Sa
	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29						

December 2014						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Oct 26	27	28	29	30	31	Nov 1 5:30pm Football games
2	3 6:00am HS XC Practice 4:00pm HS FB Practice	4 6:00am HS XC Practice 4:00pm HS FB Practice	5 6:00am HS XC Practice 4:00pm HS FB Practice	6 6:00am HS XC Practice 5:30pm Football games	7 6:00am HS XC Practice 8:00am Elementary Track Unit 5:30pm Football games	8
9	10 4:00pm HS FB Practice	11 4:00pm HS FB Practice	12 4:00pm HS FB Practice	13 4:00pm HS FB Practice	14 5:30pm Football Playoff Games	15
16	17 4:00pm HS FB Practice	18 4:00pm HS FB Practice	19 4:00pm HS FB Practice	20 4:00pm HS FB Practice	21 5:30pm Football Playoff Games	22 8:00am Special Olympics Track Meet
23	24 4:00pm HS FB Practice	25 4:00pm HS FB Practice	26 4:00pm HS FB Practice	27 4:00pm HS FB Practice	28 5:30pm Football Playoff Games	29
30	Dec 1	2	3	4	5	6

# December 2014

December 2014						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

January 2015						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Nov 30	Dec 1 4:00pm HS Soccer Practice	2 4:00pm HS Soccer Practice	3 4:00pm HS Soccer Practice	4 4:00pm HS Soccer Practice	5 4:00pm HS Soccer Practice	6
7	8 4:00pm HS Soccer Practice	9 4:00pm HS Soccer Practice	10 4:00pm HS Soccer Practice	11 4:00pm HS Soccer Practice	12 4:00pm HS Soccer Practice	13
14	15	16	17	18	19	20
Palm Bowl Preparation						Palm Bowl Game
21 Palm Bowl Breakdown 12:00am UIL No Practice Days	22 12:00am UIL No Practice Days	23 12:00am UIL No Practice Days	24 12:00am UIL No Practice Days	25 12:00am UIL No Practice Days	26 4:00pm HS Soccer Practice	27
28	29 4:00pm HS Soccer Practice	30 4:00pm HS Soccer Practice	31 4:00pm HS Soccer Practice	Jan 1, 15	2	3

# January 2015

January 2015						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

February 2015						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Dec 28	29	30	31	Jan 1, 15 4:00pm HS Soccer Practice	2 4:00pm HS Soccer Practice	3
4	5 4:00pm HS Soccer Practice 4:00pm HS Track Practice	6 4:00pm HS Soccer Practice 4:00pm HS Track Practice	7 4:00pm HS Soccer Practice 4:00pm HS Track Practice	8 4:00pm HS Soccer Practice 4:00pm HS Track Practice	9 4:00pm HS Soccer Practice 4:00pm HS Track Practice	10
11	12 4:00pm HS Soccer Practice 4:00pm HS Track Practice	13 4:00pm HS Soccer Practice 4:00pm HS Track Practice	14 4:00pm HS Soccer Practice 4:00pm HS Track Practice	15 4:00pm HS Soccer Practice 4:00pm HS Track Practice	16 4:00pm HS Soccer Practice 4:00pm HS Track Practice 5:00pm Soccer Games	17 5:00pm Soccer Games
18	19 4:00pm HS Soccer Practice 4:00pm HS Track Practice 5:00pm Soccer Games	20 4:00pm HS Soccer Practice 4:00pm HS Track Practice 5:00pm Soccer Games	21 4:00pm HS Soccer Practice 4:00pm HS Track Practice	22 4:00pm HS Soccer Practice 4:00pm HS Track Practice	23 4:00pm HS Soccer Practice 4:00pm HS Track Practice 5:00pm Soccer Games	24 5:00pm Soccer Games
25	26 4:00pm HS Soccer Practice 4:00pm HS Track Practice 5:00pm Soccer Games	27 4:00pm HS Soccer Practice 4:00pm HS Track Practice 5:00pm Soccer Games	28 4:00pm HS Soccer Practice 4:00pm HS Track Practice	29 4:00pm HS Soccer Practice 4:00pm HS Track Practice	30 4:00pm HS Soccer Practice 4:00pm HS Track Practice 5:00pm Soccer Games	31 5:00pm Soccer Games

# February 2015

February 2015							March 2015						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7	1	2	3	4	5	6	7
8	9	10	11	12	13	14	8	9	10	11	12	13	14
15	16	17	18	19	20	21	15	16	17	18	19	20	21
22	23	24	25	26	27	28	22	23	24	25	26	27	28
							29	30	31				

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Feb 1	2 4:00pm HS Soccer Practice 4:00pm HS Track Practice 5:00pm Soccer Games	3 4:00pm HS Soccer Practice 4:00pm HS Track Practice 5:00pm Soccer Games	4 4:00pm HS Soccer Practice 4:00pm HS Track Practice	5 4:00pm HS Soccer Practice 4:00pm HS Track Practice	6 4:00pm HS Soccer Practice 4:00pm HS Track Practice 5:00pm Soccer Games	7 5:00pm Soccer Games
8	9 4:00pm HS Soccer Practice 4:00pm HS Track Practice 5:00pm Soccer Games	10 4:00pm HS Soccer Practice 4:00pm HS Track Practice 5:00pm Soccer Games	11 4:00pm HS Soccer Practice 4:00pm HS Track Practice	12 4:00pm HS Soccer Practice 4:00pm HS Track Practice	13 4:00pm HS Soccer Practice 4:00pm HS Track Practice 5:00pm Soccer Games	14 5:00pm Soccer Games
15	16 4:00pm HS Soccer Practice 4:00pm HS Track Practice 5:00pm Soccer Games	17 4:00pm HS Soccer Practice 4:00pm HS Track Practice 5:00pm Soccer Games	18 4:00pm HS Soccer Practice 4:00pm HS Track Practice	19 4:00pm HS Soccer Practice 4:00pm HS Track Practice	20 4:00pm HS Soccer Practice 4:00pm HS Track Practice 5:00pm Soccer Games	21 5:00pm Soccer Games
22	23 4:00pm HS Soccer Practice 4:00pm HS Track Practice 5:00pm Soccer Games	24 4:00pm HS Soccer Practice 4:00pm HS Track Practice 5:00pm Soccer Games	25 4:00pm HS Soccer Practice 4:00pm HS Track Practice	26 4:00pm HS Soccer Practice 4:00pm HS Track Practice	27 4:00pm HS Soccer Practice 4:00pm HS Track Practice 5:00pm Soccer Games	28 5:00pm Soccer Games

# March 2015

March 2015						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

April 2015						
Su	Mo	Tu	We	Th	Fr	Sa
	5	6	7	8	9	10
	12	13	14	15	16	17
	19	20	21	22	23	24
	26	27	28	29	30	

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Mar 1	2 4:00pm HS Soccer Practice 4:00pm HS Track Practice 5:00pm Soccer Games	3 4:00pm HS Soccer Practice 4:00pm HS Track Practice 5:00pm Soccer Games	4 4:00pm HS Soccer Practice 4:00pm HS Track Practice	5 4:00pm HS Soccer Practice 4:00pm HS Track Practice	6 4:00pm HS Soccer Practice 4:00pm HS Track Practice 5:00pm Soccer Games	7 5:00pm Soccer Games
8	9 8:00am HS Soccer Practice 8:00am HS Track Practice 5:00pm Soccer Games	10 8:00am HS Soccer Practice 8:00am HS Track Practice 5:00pm Soccer Games	11 8:00am HS Soccer Practice 8:00am HS Track Practice	12 8:00am HS Soccer Practice 8:00am HS Track Practice	13 8:00am HS Soccer Practice 8:00am HS Track Practice 5:00pm Soccer Games	14 5:00pm Soccer Games
15	16 4:00pm HS Soccer Practice 4:00pm HS Track Practice 5:00pm Soccer Games	17 4:00pm HS Soccer Practice 4:00pm HS Track Practice 5:00pm Soccer Games	18 4:00pm HS Soccer Practice 4:00pm HS Track Practice	19 4:00pm HS Soccer Practice 4:00pm HS Track Practice	20 4:00pm HS Soccer Practice 4:00pm HS Track Practice 5:00pm Soccer Games	21 Soccer Playoffs 5:00pm Soccer Games
22	23 4:00pm HS Soccer Practice 4:00pm HS Track Practice 5:00pm Soccer Games	24 4:00pm HS Soccer Practice 4:00pm HS Track Practice 5:00pm Soccer Games	25 4:00pm HS Soccer Practice 4:00pm HS Track Practice	26 4:00pm HS Soccer Practice 4:00pm HS Track Practice	27 4:00pm HS Soccer Practice 4:00pm HS Track Practice 5:00pm Soccer Games	28 Soccer Playoffs 5:00pm Soccer Games
29	30 4:00pm HS Soccer Practice 4:00pm HS Track Practice 5:00pm Soccer Games	31 4:00pm HS Soccer Practice 4:00pm HS Track Practice 5:00pm Soccer Games	Apr 1	2	3	4

# April 2015

April 2015							May 2015						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
5	6	7	1	2	3	4	3	4	5	6	7	1	2
12	13	14	8	9	10	11	10	11	12	13	14	15	16
19	20	21	15	16	17	18	17	18	19	20	21	22	23
26	27	28	22	23	24	25	24	25	26	27	28	29	30
			29	30			31						

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Mar 29	30	31	Apr 1 4:00pm HS Soccer Practice 4:00pm HS Track Practice	2 4:00pm HS Soccer Practice 4:00pm HS Track Practice	3 4:00pm HS Soccer Practice 4:00pm HS Track Practice 5:00pm Soccer Games	4 Soccer Playoffs 5:00pm Soccer Games
5	6 4:00pm HS Soccer Practice 4:00pm HS Track Practice 5:00pm Soccer Games	7 4:00pm HS Soccer Practice 4:00pm HS Track Practice 5:00pm Soccer Games	8 4:00pm HS Soccer Practice 4:00pm HS Track Practice	9 4:00pm HS Soccer Practice 4:00pm HS Track Practice	10 4:00pm HS Soccer Practice 4:00pm HS Track Practice 5:00pm Soccer Games	11 Soccer Playoffs 5:00pm Soccer Games
12	13 4:00pm HS Soccer Practice 4:00pm HS Track Practice 5:00pm Soccer Games	14 4:00pm HS Soccer Practice 4:00pm HS Track Practice 5:00pm Soccer Games	15 4:00pm HS Soccer Practice 4:00pm HS Track Practice	16 4:00pm HS Soccer Practice 4:00pm HS Track Practice	17 Good Friday	18 8:00am Cancer Walk (TBA)
19	20 4:00pm HS Track Practice	21 4:00pm HS Track Practice	22 4:00pm HS Track Practice	23 4:00pm HS Track Practice	24 4:00pm HS Track Practice	25
26	27 4:00pm HS Track Practice	28 4:00pm HS Track Practice	29 4:00pm HS Track Practice	30 4:00pm HS Track Practice	May 1	2

# May 2015

May 2015							June 2015						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
3	4	5	6	7	8	9	7	8	9	10	11	12	13
10	11	12	13	14	15	16	14	15	16	17	18	19	20
17	18	19	20	21	22	23	21	22	23	24	25	26	27
24	25	26	27	28	29	30	28	29	30				
31													

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Apr 26	27	28	29	30	<b>May 1</b> 4:00pm HS Track Practice 4:00pm Spring FB Practice	2
3	4 4:00pm HS Track Practice 4:00pm Spring FB Practice	5 4:00pm HS Track Practice 4:00pm Spring FB Practice	6 4:00pm HS Track Practice 4:00pm Spring FB Practice	7 4:00pm HS Track Practice 4:00pm Spring FB Practice	8 4:00pm Spring FB Practice	9
10	11 4:00pm Spring FB Practice	12 4:00pm Spring FB Practice	13 4:00pm Spring FB Practice	14 4:00pm Spring FB Practice	15 4:00pm Spring FB Practice	16
17	18 4:00pm Spring FB Practice	19 4:00pm Spring FB Practice	20 4:00pm Spring FB Practice	21 4:00pm Spring FB Practice	22 4:00pm Spring FB Practice	23
24	25 4:00pm Spring FB Practice	26 4:00pm Spring FB Practice	27 4:00pm Spring FB Practice	28 4:00pm Spring FB Practice	29 4:00pm Spring FB Practice	30
31	Jun 1	2	3	4	5	6



# June 2015

June 2015

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

July 2015

Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
May 31	Jun 1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	Jul 1	2	3	4

# July 2015

July 2015

Su	Mo	Tu	We	Th	Fr	Sa
5	6	7	1	2	3	4
12	13	14	8	9	10	11
19	20	21	22	23	24	25
26	27	28	29	30	31	

August 2015

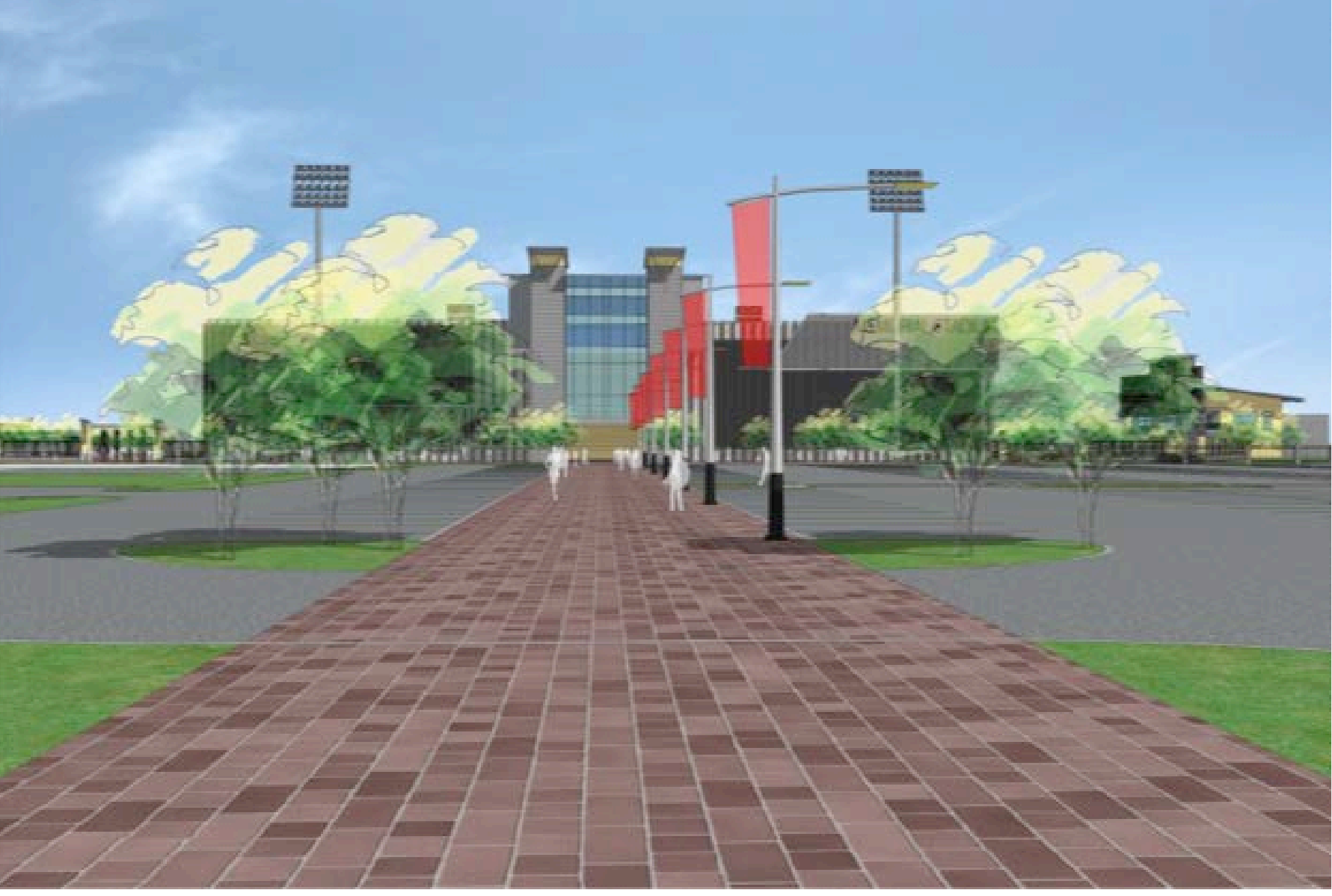
Su	Mo	Tu	We	Th	Fr	Sa
2	3	4	5	6	7	1
9	10	11	12	13	14	8
16	17	18	19	20	21	15
23	24	25	26	27	28	22
30	31					29

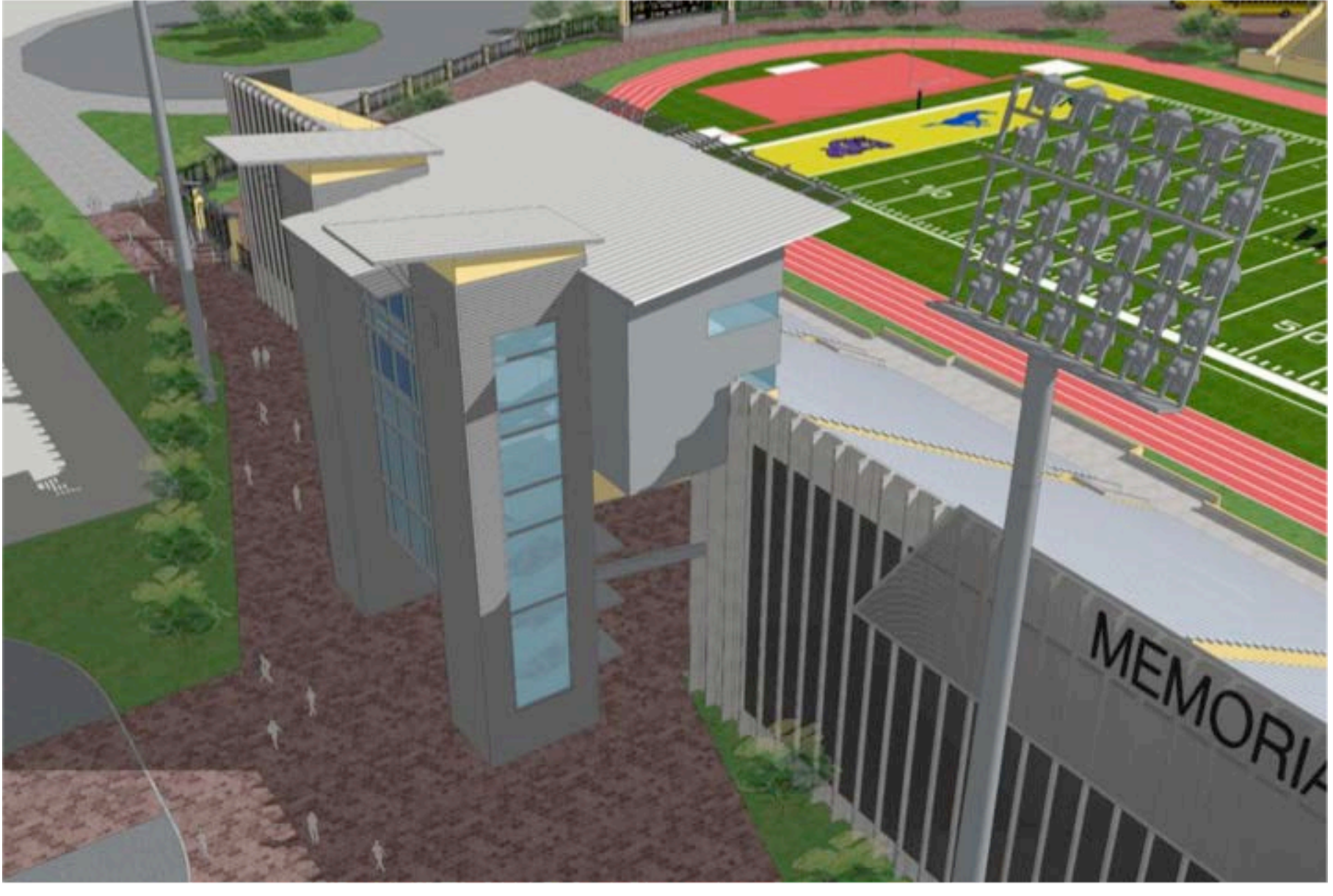
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Jun 28	29	30	Jul 1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	Aug 1

# Exhibit C

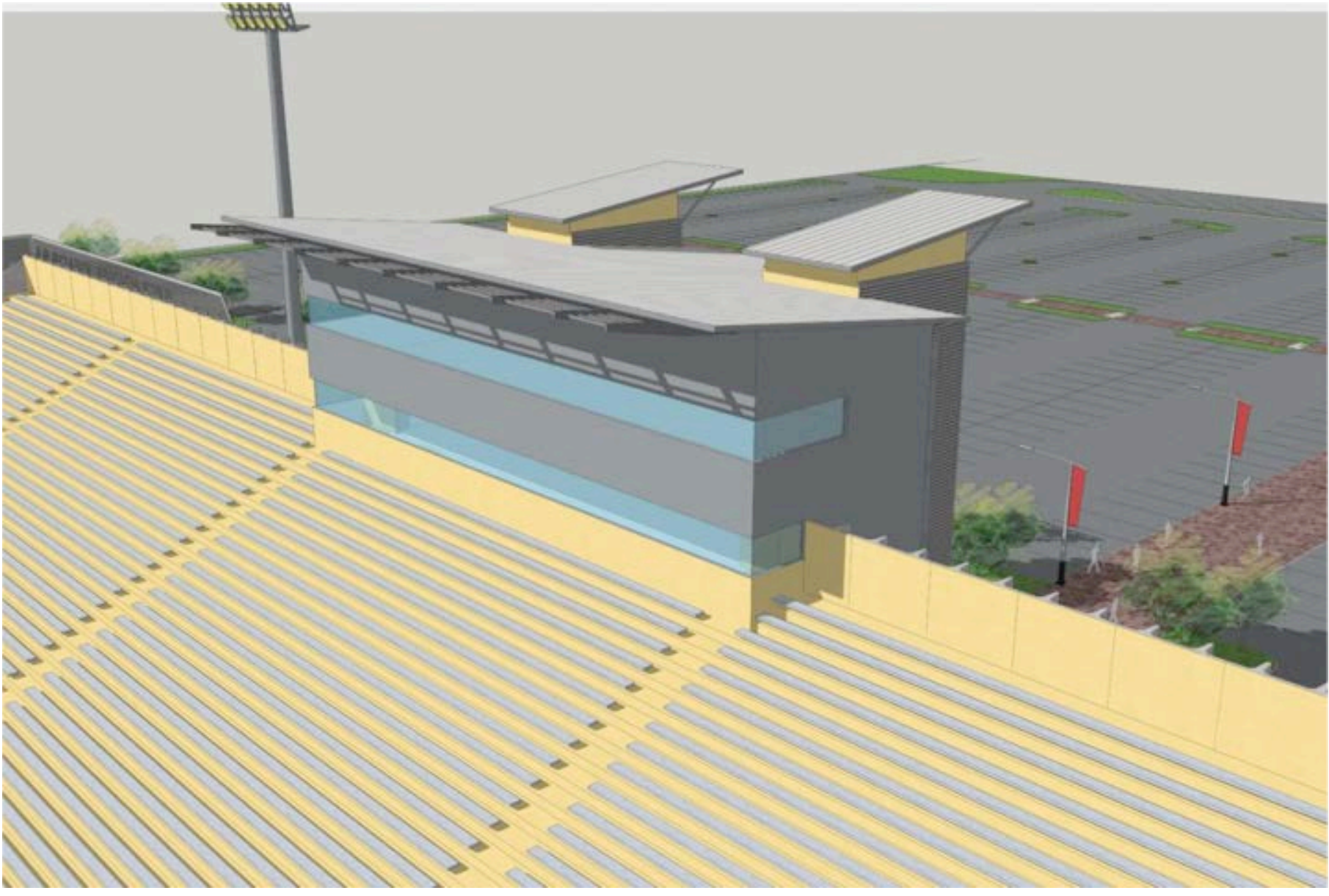
## NCAA Improvements

City of Mcallen	\$3,000,000	
McAllen ISD	\$2,000,000	
Hard Costs		\$4,000,000
	<p style="text-align: center;">To include the following design elements @ approximately 80% of total</p> <ul style="list-style-type: none"> <li>Americans with Disabilities Act</li> <li>70 Individual Locker Room</li> <li>70 Individual Locker Room</li> <li>9 Officials Locker Room</li> <li>Lighting</li> <li>Media Work Space</li> <li>Interview Area</li> <li>Private Office Space</li> <li>Statistics/media Work Area</li> <li>Two Drug Testing Space</li> <li>Press box</li> <li>Scoreboard</li> <li>25 NCAA Parking Spaces</li> <li>Interior and Exterior Signage</li> <li>Field Markings</li> <li>Environmental Remediation</li> <li>Miscellaneous</li> </ul>	
Soft Costs	<p style="text-align: center;">Design and other soft costs @ approximately 20% of total</p> <ul style="list-style-type: none"> <li>Architect (Design)</li> <li>Site Surveys</li> <li>Geotechnical Surveys</li> <li>Environmental Surveys</li> <li>Materials Testing</li> <li>Miscellaneous</li> </ul>	\$1,000,000
<b>TOTALS</b>	<b>\$5,000,000</b>	<b>\$5,000,000</b>





MEMORIA



STANDARDIZED RECOMMENDATION FORM

3 E

CITY COMMISSION  
UTILITY BOARD  
PLANNING & ZONING BOARD  
OTHER

X  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

AGENDA ITEM  
DATE SUBMITTED  
MEETING DATE

10-22-13  
10-28-13

1 Agenda Item: BIDS & CONTRACTS - Consider approval of the Agreement between the Development Corporation of McAllen, Inc. and RGV Foundation.

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

3 Nature of Request: (Brief Overview) Attachments: X Yes      No  
The Development Corporation of McAllen, Inc. recommended that RGV Foundation be funded for \$50,000.00.

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

5 Budgeted: X Yes      No      N/A

Bid Amount: \_\_\_\_\_ Budgeted Amount: \$50,000.00  
Under Budget: \_\_\_\_\_ Over Budget: \_\_\_\_\_  
Amount Remaining: \_\_\_\_\_

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

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

8 Staff Recommendation: Approve contract

9 Advisory Board:      Approved      Disapproved      None

10 City Attorney: KDP Approved      Disapproved      None

11 Manager's Recommendation: MV Approved      Disapproved      None

**STATE OF TEXAS**

**COUNTY OF HIDALGO**

**DEVELOPMENT CORPORATION OF MCALLEN, INC.**

**BASIC AGREEMENT**

THIS AGREEMENT, entered into on this 28th day of October 2013, by and between the DEVELOPMENT CORPORATION OF MCALLEN, INC, a Corporation (hereinafter referred to as "Corporation") and RGV Foundation., a 501c (3) Corporation (hereinafter referred to as "Contractor").

**WITNESSETH THAT:**

**WHEREAS**, Corporation is interested in assisting Contractor in providing the community of McAllen with such services as desirable by Corporation all as such services are defined and incorporated herein for all purposes; and

**WHEREAS**, Corporation has available certain funds which may be spent by Corporation for the provision of services and which services are provided by Contractor as part of its non-profit corporation purposes; and

**WHEREAS**, Corporation desires to provide a contribution to Contractor to render such services in the City of McAllen, Texas; and

**WHEREAS**, Corporation and Contractor by this Agreement, are providing for the contributions by Corporation to Contractor for such services with the obligation and commitment by Contractor to provide the Services for the duration of this Agreement.

**NOW THEREFORE**, the parties hereto agree as follows:



**SECTION I.  
STATEMENT OF WORK**

Contractor agrees to utilize the contribution of funds to provide Services (See Exhibit "A") for the duration of the term hereof and under the conditions hereof. Contractor, in providing the Services hereunder, shall be acting as an independent contractor in carrying out this Agreement subject to the specific terms of this Agreement. In consideration of the continued provision of such Services in the quantity as represented by Contractor to Corporation, Corporation shall make payments to Contractor as provided in Section VII.

**SECTION II.  
RECORDS AND REPORTS**

Contractor agrees to furnish Corporation, for Corporation approval, a detailed budget of all expenditures for the duration hereof. Contractor will maintain all records of operations for the period of this Contract that establishes that the funds furnished by Corporation used exclusively for the purpose as detailed herein. A report of expenditures will be submitted on a quarterly basis to Corporation. Contractor acknowledges and agrees that records (as that term is defined under the Texas Open Records Act) generated by the expenditures of funds received from the Corporation hereunder are subject to public disclosure in accordance with procedures to be developed by Contractor. The approval of the budget by Corporation creates a fiduciary duty in Contractor with respect to all funds provided by City hereunder.

**SECTION III.  
OTHER PROGRAM REQUIREMENTS**

Contractor will not exclude any person, on the ground of race, color, religion, sex, national origin or disability, from participation in any of the program activities receiving

Corporation financial assistance, nor on any such grounds deny the benefits of such programs, or otherwise subject any person to discrimination.

#### **SECTION IV. SUSPENSION AND TERMINATION**

If Contractor fails to fulfill in a timely and proper manner any of its obligations under this Agreement, or Contractor violates any of the terms, conditions or stipulations hereof, then Contractor shall have thirty (30) days after the date of notice, in writing, from Corporation to cure or correct such defect or failure unless Corporation requires that the defect should be cured in a shorter time period as set out in such notice, in which case the earlier requirement for correction shall apply. Failure to so cure or correct is a breach of this Agreement. The Corporation may terminate this Agreement in the event of any such breach and contractor shall reimburse to Corporation all funds received from Corporation. Corporation may withhold any payments to Contractor until such time as the exact amount of damages due the Corporation from such breaching Contractor is determined. The failure of Corporation to exercise any right shall in no way constitute a waiver by Corporation of such right, and Corporation may demand payment or seek any other relief in law or in equity.

#### **SECTION V. REVERSION OF ASSETS**

Contractor agrees that should, for any reason, it substantially discontinue the Services as provided for herein, or breach this Agreement, then it shall immediately remit to Corporation all unexpended monies received from Corporation, and Corporation shall be entitled to possession and title to any equipment and facilities purchased with Corporation funds. Otherwise, all equipment and facilities purchased with funds of

Corporation shall be held and used for the useful life thereof exclusively for the Services set out in Exhibit "A".

Contractor shall give thirty (30) days written notice to Corporation prior to the proposed selling, granting or disposal of any such equipment or facilities before the expiration of its useful life. In the event of any such proposed sale, grant or disposal, Corporation is hereby appointed as Contractor's agent for the purpose of collection of such funds or disposition of such property, and any such property, proceeds and unexpended or returned funds still remaining will be appropriated by Corporation to eligible activities in keeping with the Corporation's budgetary process.

#### **SECTION VI. TIME OF PERFORMANCE**

Time of performance for this Agreement shall be for a period ending September 30, 2013. Contractor shall forfeit to Corporation all unspent and/or unused non-requested funds.

#### **SECTION VII. PAYMENTS TO CONTRACTOR**

Corporation hereby agrees to pay Contractor an amount not to exceed FIFTY THOUSAND DOLLARS AND 00/100THS (\$50,000.00) payable according to the Budget for services in accordance with STATEMENT OF WORK and in keeping with the record of expenditures.

#### **SECTION VIII. AUDIT**

Contractor agrees to furnish Corporation, upon request, with audits as applicable, certified by a certified public accountant covering the Agreement year or any lesser requested period, with receipts and disbursements of the payments to Contractor

hereunder. Contractor agrees to require any such auditor to cooperate with Corporation or its agents or representatives, relating to any inquiries by Corporation as to the provisions of any such audit. Corporation may conduct service and/or expenditure audits during the term or for one year after the expiration date hereof. Contractor agrees to furnish any records requested by or for Corporation and to otherwise cooperate with Corporation or its agents or representatives in relation to any inquiries made pursuant to this section.

### **SECTION IX. DEFAULT**

Any signatory party to this Agreement, who because of the other party's breach hereof institutes any legal proceedings in relationship to this Agreement, and who should prevail in any such legal proceedings, shall be entitled to recover court costs and reasonable attorney's fees from the non-prevailing party. The term prevailing party shall mean in the case of the Plaintiff, the party who receives in substantial form or amount the relief sought by such party as set out in the final petition before the court; and as to any Defendant, it shall be considered a prevailing party where the Plaintiff did not substantially recover the relief sought.

### **SECTION X. VENUE AND REMEDIES**

Venue in any suits, right or cause of action arising under or in connection with this Agreement shall lie exclusively in Hidalgo County, Texas. This Agreement shall be governed, interpreted and enforceable according to the laws of the State of Texas. In addition to any other remedy available by law, it is specifically provided that either party

hereto may enforce this Agreement by specific performance in a court of competent jurisdiction.

## **SECTION XI. NOTICES**

Reports and Notices shall be made by Contractor to City's representative:

### **CITY OF MCALLEN**

Name: Attn: Mike R. Perez  
Title: Office of the City Manager  
Address: P.O. Box 220  
City, State, Zip: McAllen, TX 78505-0220  
Phone: (956) 681-1001  
Fax: (956) 681-1010

### **CONTRACTOR:**

Name: Becky Guerra  
Title: President  
Address: P.O. Box 4319  
City, State, Zip: McAllen, TX 78502  
Phone: (956) 661-9100

## **SECTION XII. ENUMERATION OF CONTRACT DOCUMENTS**

This Agreement shall be in accordance with and subject to the provisions of all documents enumerated herein or which may be attached hereto by mutual consent of the contracting parties at any future date, and are hereby made a part of this Agreement unless otherwise provided for. This Agreement contains the entire agreement of the parties and cannot be changed except by express written agreement. The Agreement document so enumerated is:

- (1) Statement of Work (Exhibit "A")
- (2) Budget Breakdown (Exhibit "B")

IN WITNESS THEREOF, Corporation and Contractor have executed two (2)  
conformed copies of Contract as of the date first above written.

Development Corporation of McAllen

By \_\_\_\_\_  
Veronica V. Whitacre  
President

ATTEST:

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

DOWNTOWN MERCHANTS ASSOCIATION

By: \_\_\_\_\_  
Becky Guerra  
President

Approved as to form:

\_\_\_\_\_  
Isaac Tawil, Assistant City Attorney  
Development Corporation of McAllen, Inc.

Project approved by City Commission minute order of October 28, 2013.

City of McAllen

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

## **EXHIBIT A**

### **STATEMENT OF WORK**

The matching of funds raised by the Bar and Restaurant Association of up to \$50,000 that will be used to promote and coordinate projects within the 17<sup>th</sup> Street Entertainment District. These projects may include but are not limited to safety of the downtown area, transportation and public infrastructure.

STANDARDIZED RECOMMENDATION FORM

4

CITY COMMISSION  
UTILITY BOARD  
PLANNING & ZONING BOARD  
OTHER

X  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

AGENDA ITEM  
DATE SUBMITTED  
MEETING DATE

10-22-13  
10-28-13

1 Agenda Item: BUDGET AMENDMENT for \$50,000 to pay for Gonzalez Elementary play scape

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

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

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

5 Budgeted:      Yes X No      N/A

Bid Amount: \_\_\_\_\_  
Under Budget: \_\_\_\_\_

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

Funding Source: Capital Improvement Fund

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

7 Routing:  
NAME/TITLE                      INITIALS                      DATE                      CONCURRENCE  
YES/NO                      *SUBJECT*

a) Jerry W. Dale                      *JWD*                      10/23/13                      YES

Finance Director

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

8 Staff Recommendation: Approve

9 Advisory Board:      Approved      Disapproved      None

10 City Attorney: *[Signature]* Approved      Disapproved      None

11 Manager's Recommendation: *[Signature]* Approved      Disapproved      None



# CAPITAL IMPROVEMENT PROJECTS

## FISCAL YEAR 2013-2014

				Proposed Budget FY 13-14
Account Numbers	Project #			
<b><i>Culture &amp; Recreation Improvements</i></b>				
300-8708-466.66-30	EP0104	Assorted Park Amenities	\$	100,000
300-8708-466.66-10	BB1404	Cascade Swimming Pool - Bath House renovation		40,000
300-8708-466.66-30	CP1102	Crockett Park		100,000
300-8708-466.66-30	EP0901	Curtis Park		50,000
300-8708-466.66-20	EP1401	Fitness Equipment - Various Parks		50,000
300-8708-466.66-30	CA1403	Golf Course Discing		50,000
300-8708-466.66-30	CA1405	Horticulture Improvements		100,000
300-8708-466.66-30	CA1406	Irrigation system upgrade - Expressway 83		25,000
300-8708-466.66-30	CP0104	La Vista Park Renovation		65,000
300-8708-466.66-30	CA1404	Landscape Triangle		50,000
300-8708-466.66-30	CA1407	Milan Elementary Improvements - Fencing		50,000
300-8708-466.66-30	CP1201	Morris Phase One - Irrigation Trees Turf		709,000
300-8708-466.66-30	CP1001	Parks Water Conversion Project		50,000
300-8708-466.66-30	CP1301	Pavilion Construction		375,000
300-8708-466.66-10	BB1202	Performing Arts Bldg: Design only		2,167,241
300-8708-466.66-30	CA1408	Playground Improvements - Municipal & Zinnia Parks		116,000
300-8708-466.66-20	EO1404	Quinta Mazatlan Directional Marquee signs		35,000
300-8708-466.66-30	CA1409	Trails Resurfacing		500,000
300-8708-466.66-99	NP1203	Travis Tennis Courts - Resurfacing		70,000
300-8708-466.66-30	CP0102	Daffodil Park		200,000
300-8708-466.66-30	NP0602	Memorial Tennis Court Rehab		170,000
300-8708-466.66-30	CA1415	Shades for South 2nd Street		20,000
		<b><i>Subtotal</i></b>	<b>\$</b>	<b>5,092,241</b>
		<b><i>Total Culture &amp; Recreation Improvements</i></b>	<b>\$</b>	<b>5,092,241</b>
<b><i>Golf Course</i></b>				
300-8708-466.66-30	CP1302	Pedestrian Bridge Rehab	\$	92,000
		<b><i>Total Golf Course</i></b>	<b>\$</b>	<b>92,000</b>
		<b>TOTAL CIP PROJECTS</b>		<b>\$ 15,286,923</b>

**INVOICE**

**Submitted: October 3, 2013**

Mike Perez, City Manager  
City of McAllen  
1300 Houston Avenue  
McAllen, TX 78501

*To  
Please  
check with  
Account  
Shirley*

DESCRIPTION	AMOUNT
City/School Park Improvements	\$50,000.00
<b>TOTAL</b> paid to Gonzalez Elementary PTO*	<b>\$50,000.00</b>

**\*Supporting Documents Attached**

Remit Payment To:  
Gonzalez Elementary PTO  
ATTN: Rachelle Cisneros  
201 E. Martin Avenue  
McAllen, TX 78504

Contact:  
Lisa A. Aleman  
956.821.5740  
lisa@aleman.net

**Park Place Recreation Designs, Inc.**

Playgrounds - Safety Surfacing - Shelters  
Shade - Site Furnishings - Waterplay

P.O. Box 18186  
San Antonio, TX 78218  
Toll Free: (800) 626-0238  
Phone: (210) 821-5878  
Fax: (210) 832-0115



**PARK PLACE**  
RECREATION DESIGNS, INC.  
Fun Starts Here!



Park Place Recreation Designs  
Approved Vendor - Proposal #346-10  
www.buyboard.com

Gonzalez Elementary School  
McAllen, Texas

April 5, 2013

**Younger Kids Playscape Development**

QTY	ITEM DESCRIPTION	UNIT Price	TOTAL Price
1	#KC11205 Miracle Recreation Playscape with climbers revised	\$ 81,333.00	\$ 81,333.00
1	#304 Ten Spin	2,624.00	2,624.00
1	#457-32 Wavy Wedge Wall Walker, 3-way, 2-section	5,085.00	5,085.00
2	#944 Jumping Bean	816.00	1,632.00
1	#945-1 Saddle Seat Spinner, angled post	542.00	542.00
2	#946-1 Surfer	526.00	1,052.00
1	#593U202 Pirouette Spinner	555.00	555.00
2	UPC Park-Bear Cub	2,703.00	5,406.00
1	UPC Park-Big Grizzly	6,324.00	6,324.00
3	UPC Park-Outdoor Classroom Tiered Seat	3,400.00	10,200.00
2	UPC Park-Outdoor Classroom Corner/End Piece	2,200.00	4,400.00
1	Engineered Wood Fiber surfacing, installed in remainder of main playground area and West Side/Older Kids reconfigured playground	14,587.00	14,587.00
1	Rubberbond Surfacing, 2,400 square feet around main playstructure	35,520.00	35,520.00
1	Construct new curb section to combine both play areas	1,040.00	1,040.00
1	Relocate existing equipment to West Side/Older Kids' playground	12,000.00	12,000.00
	Freight for Miracle Recreation Equipment		5,096.00
	Freight for UPC parks Equipment		5,050.00
	Optional Installation		27,650.00
	Extra Credit		(20,191.00)
	Removal of Existing Equipment and Pea Gravel with Haul Off, both playground areas.		6,975.00
	Performance and Payment Bond		4,980.00
	<b>Subtotal</b>		\$ 211,860.00
	Sales Tax (0% if non-taxable entity)	0.000%	
	<b>GRAND TOTAL</b>		\$ 211,860.00

**Approved BuyBoard Vendor Proposal #346-10 "Park Place Recreation Designs"**

Prices are valid for 30 days after which they are subject to change. No applicable permits, fees or bonds have been included unless quoted above- these are available at an additional cost. Any work not specifically mentioned in this proposal as being included shall be deemed excluded. The customer will be responsible for any taxes owed.

Please issue all purchase orders and payments to: **Park Place Recreation Designs, Inc**

www.miracleparkplace.com  
Representing Miracle Recreation Equipment Company  
P.O. Box 18186 - San Antonio, Texas 78218  
210/821-5878 800/6260238 Fax: 210/832-0115



INTERNAL REVENUE SERVICE  
P. O. BOX 2508  
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: JAN 24 2009

GONZALEZ ELEMENTARY PTO  
201 E MARTIN  
MCALLEN, TX 78504

Employer Identification Number:  
20-3353410  
DLN:  
17053337038007  
Contact Person:  
CARLY D YOUNG ID# 31494  
Contact Telephone Number:  
(877) 829-5500  
Accounting Period Ending:  
May 31  
Public Charity Status:  
509(a)(2)  
Form 990 Required:  
Yes  
Effective Date of Exemption:  
June 14, 2005  
Contribution Deductibility:  
Yes  
Addendum Applies:  
No

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

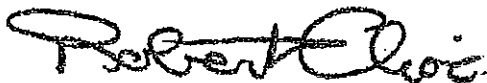
Please see enclosed Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, for some helpful information about your responsibilities as an exempt organization.

If you distribute funds to other organizations, your records must show whether they are exempt under section 501(c)(3). In cases where the recipient organization is not exempt under section 501(c)(3), you must have evidence the funds will be used for section 501(c)(3) purposes.

GONZALEZ ELEMENTARY PTO

We have sent a copy of this letter to your representative as indicated in your power of attorney.

Sincerely,

A handwritten signature in black ink that reads "Robert Choi". The signature is written in a cursive style with a large, prominent "R" and "C".

Robert Choi  
Director, Exempt Organizations  
Rulings and Agreements

Enclosures: Publication 4221-PC

AN ORDINANCE AMENDING THE BUDGET OF THE CITY OF McALLEN FOR THE FISCAL YEAR 2013/2014 EFFECTIVE OCTOBER 1, 2013, BY PROVIDING FOR AN INCREASE IN EXPENDITURES TO-WIT: \$50,000.00 FOR THE PURCHASE OF PLAY SCAPE IMPROVEMENTS AT GONZALEZ ELEMENTARY SCHOOL/CITY PARK.

WHEREAS, the Board of Commissioners of the City of McAllen pursuant to Chapter 102 of the Local Government Code has heretofore adopted a budget for the City of McAllen for Fiscal Year 2013/2014. Such budget was effective October 1, 2013 and

WHEREAS, the Board of Commissioners of the City of McAllen deems it in the best interest of the City and for municipal purposes to amend the budget heretofore adopted for such fiscal year by providing for unanticipated expenditures which were not known to the governmental body prior to the adoption of the budget but have since become necessary to fund since the effective date of the budget and to also show revenues which were not anticipated by the governing body in the adoption of the 2013/2014 budget but have been received by the governmental body since that date.

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

SECTION I: The Budget for the City of McAllen for the Fiscal Year 2013/2014 which became effective October 1, 2013 as set out in Ordinance 2013-73 adopted on September 23, 2013 is hereby amended in the following particulars as shown on Exhibit "A" attached hereto and incorporated herein for all purposes.

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

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

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

SECTION V: The City Secretary of the City of McAllen is hereby directed not to

publish this Ordinance in the Code of Ordinances of the City of McAllen as it is not amendatory thereof; however, it shall be cited in the appropriate appendix of the Code of Ordinances.

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

CONSIDERED, PASSED and APPROVED this 28th day of October, 2013, at a regular meeting of the Board of Commissioners of the City of McAllen, Texas, at which a quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code.

SIGNED this            day of October, 2013.

CITY OF McALLEN, TEXAS

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

ATTEST:

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

Approved as to form:

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

**CITY OF McALLEN**  
**BUDGET AMENDMENT REQUEST FORM**  
**FISCAL YEAR 2014**

<b>DATE OF ENTRY</b>	
<b>ENTRY MADE BY</b>	
<b>JOURNAL ENTRY #</b>	
<b>AA UPDATE DATE</b>	
<b>To be assigned by Finance Dept.</b>	

FUND: CAPITAL IMPROVEMENTS FUND

DEPARTMENT: \_\_\_\_\_

Fund	Dept. & Division	Activity	Element & Object	Project Code	Description	Original/Revised Budget	Debt	Credit	Revised Budget	
300	8708	466	66-30	CP1401	Capital Outlay - Improvements other than Bldg	\$ 2,730,000	\$ 50,000	\$ -	\$ 2,680,000	
300	0000	290	99-00		FUND BALANCE - DON'T POST	1,427,484		50,000	1,377,484	
						<b>TOTALS</b>	<b>\$ 4,157,484</b>	<b>\$ 50,000</b>	<b>\$ 50,000</b>	<b>\$ 4,057,484</b>
<i>(Round up all amounts to the nearest hundred dollars)</i>										

**JUSTIFICATION:** To fund the Gonzalez Playscape project.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Department Head Approval**

Signature \_\_\_\_\_ Date \_\_\_\_\_

**Finance Department**

Signature \_\_\_\_\_ Date \_\_\_\_\_

**City Manager**

Signature \_\_\_\_\_ Date \_\_\_\_\_





# HIDALGO COUNTY APPRAISAL DISTRICT

*Mr. Perez*

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

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

October 21, 2013

*10/23/13*  
*Annette*  
*city can already*  
*visit several*  
*places ago*  
*ml*

RECEIVED  
OCT 22, 2013  
BY ELU

Honorable Mayor  
City of McAllen  
PO Box 220  
McAllen, TX 78505-0220

Re: Election Ballot 2014-2015 Appraisal District Board of Directors 2014-2015

Dear Honorable Mayor:

As prescribed by Section 6.03 of the Texas Property Tax Code enclosed you will find the "Official Ballot" with the candidate's names and the number of votes that you are authorized to cast in the election for Board of Directors for the Hidalgo County Appraisal District. In addition, for your review, I have provided a condensed biography of each candidate and a list of the total vote distribution to all entities.

There are five Board of Directors, who are elected by the taxing units that participate in the District which governs Hidalgo County Appraisal District. The County Tax Assessor-Collector Mr. Pablo "Paul" Villarreal Jr. is not elected to the Board but serves as a non-voting director.

The governing body of a taxing unit may cast all its votes for one candidate or distribute them among any number of candidates. Each voting unit shall determine its vote by written resolution and submit it to the Chief Appraiser before DECEMBER 15, 2013. A voting unit can only cast its votes for candidates named on the ballot. There is no provision for write-in candidates. The Chief Appraiser will not count votes cast for someone not listed on the official ballot.


The Chief Appraiser will count all the votes timely submitted and declare the five candidates who received the largest cumulative vote totals elected, and submit the results before DECEMBER 31, 2013 to the governing body of each taxing unit in the district and to the candidates.

Election of Board of Directors

Page 2

If you have any questions, or I can provide you with any additional information, please do not hesitate to contact me at (956) 381-8466.

Sincerely,

A handwritten signature in cursive script that reads "Rolando Garza".

Rolando Garza, RPA  
Chief Appraiser

RG:pa

Enclosures

# 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

**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

<p><b>Hidalgo County Appraisal District</b>                  4405 S. Professional Drive                  PO Box 208                  Edinburg, TX 78540-0208</p> <p><b>“OFFICIAL BALLOT”</b></p> <p><b>Election of 2014 – 2015</b>  <b>Appraisal District Board of Directors</b></p>	
<b>Entity: City of McAllen</b>	<b>Authorized Votes: 240</b>
<b>Nominee</b>	<b># Of Votes</b>
Eddie Cano	
Albert Cardenas	
Rudy Elizondo	
Pete Garcia	
Richard A. Garza	
David Hernandez	
Angel Magallanes	
Amador Requenez	

\_\_\_\_\_  
 Date Resolution Passed  
 (Attach Resolution)

\_\_\_\_\_  
 Authorized Representative



**HIDALGO COUNTY APPRAISAL DISTRICT**  
**2014 – 2015**  
**BOARD OF DIRECTORS NOMINEES**

**Cardenas, Albert**

**McAllen**

Current Board member of McAllen Public Utility Board

Current Board members Boys and Girls Club

Vice-President Easton Construction dealing mainly with commercial projects with offices in McAllen & San Antonio

Served 6 years on the McAllen Planning and Zoning Board

**Cano, Eddie R.**

**McAllen**

Founder & owner of Cano Coors Dist. Co. in 1979

Past President Hidalgo Whole Sale Beer Distributor's Association 10 years

Served as a member of the Board of Directors for Co-Step 6 year

Served as member Texas Commerce Bank & Chase 22 years

Served as member of Hidalgo County Appraisal Review Board, two years as Chairman 2006-2012

Presently serving on Board of Directors of South Texas Higher Education Authority

Current President Cano family Co., a family owned Property Development & Management Business

**Elizondo, Rodrigo "Rudy"**

**McAllen**

Board of Directors of McAllen Affordable Homes for 10 years

Board of Directors of Rio Grande Builders Association past president 10 times

Currently serving on McAllen Planning & Zoning & McAllen Parks Blue Ribbon Board

Board member of Casa for Kids

**Garcia, Pete**

**San Juan**

Presently self-employed

Worked for Swift & Beef Company for 20 years as meat Buyer and Sales Manager;

PSJA School Board from 2004 to present

Member of Region I School Board Association of Texas

TSAB Legislative Advisory Council; National Association of School Boards

Mexican School Boards and National Association of Latino Elected Officials

Current member Hidalgo County Appraisal District Board of Directors 2010 to present

**Garza, Richard A.**

**Edinburg**

Real Estate Broker and Partner for over 3 decades BIC Realty  
President of BIC Investments  
BIC GR Land, Garco, Ltd., BIC Development Corp, & Gold Star Holdings Real Estate  
Owner of Cuartitos.com shipping container sales  
McAllen Board of Realtors  
Past Commissioner McAllen Planning & Zoning Commission  
Past Vice President of Finance Discovery School Board,  
Texas Land Developers Association  
Plazas Del Lago HOA-Director,  
Chairman, Hidalgo County Appraisal District Board of Directors 1991 to present  
Boy Scouts of America-Troop Leader,  
Bachelor of Business Administration-Finance 1985  
Member of Holy Spirit Catholic Church,  
Member of various organizations

**Hernandez, David**

**Weslaco**

President/Owner & Operator of Holiday Wine & Liquors  
Owner of Hernandez Farms  
Board member Hidalgo County Appraisal District Board of Directors 2006 to present  
Served 6 years as Director Weslaco Economic Corporation  
Served 7 years as Director Weslaco Economic Corporation  
Served 21 years and continue to serve on Weslaco Planning & Zoning Commission;  
Former Weslaco ISD Board Member  
Former McAllen Boys & Girls Club Board member;  
Former Palm Valley Animal Shelter Board member

**Magallanes, Angel**

**Donna**

Bachelor's Degree in Education Texas A & M University College Station  
Principal Certification University of Texas Pan American, currently working towards  
Superintendent Certification  
Former teacher with Edinburg ISD  
Former Curriculum Coordinator at Mercedes ISD  
Onsite specialist with Texas Association of School Boards (TSAB), assisting school boards  
with developing energy management plans in South Texas  
Donna ISD School Board Member 2010-Present

2014-2015 Board of Directors Nominees

**Requenez, Amador**

**Mission**

Owner & Operator of Valley Welding Steel & Steel Fabrication in Mission since 1970

Owner & Operator of Valley Crane Service since 1970

Member of the (AGC) Associated General Contractors of America for 43 years

Member of Mission Chamber of Commerce for 20 years and Director for 4 year

Member of Mission Rotary for 20 years

Served on the Board of Hidalgo County Water District #6

Served on the Board of Hidalgo PIC (Private Industry Council)

Served on Board of Hidalgo County Appraisal District from 1992 to 2009

Current Board member Hidalgo County Appraisal Board of Directors 2012 to present

**2014-2015**  
**VOTING ENTITLEMENT**  
**HCAD BOARD OF DIRECTORS**

	2012	2012	2012		2014-2015	2014-2015
<b>ENTITY:</b>	<b>Tax Levied</b>	<b>Total Levy</b>	<b>Percent</b>	<b>Votes</b>	<b>Directorships</b>	<b>Official Votes</b>
Hidalgo County	\$ 159,570,084	\$ 674,141,691	23.670%	237	5	1185
Drainage Dist.#1	\$ 19,853,462	\$ 674,141,691	2.945%	29	5	145
<b>Cities:</b>						
Alamo	\$ 2,787,562	\$ 674,141,691	0.413%	4	5	20
Alton	\$ 1,374,802	\$ 674,141,691	0.204%	2	5	10
Donna	\$ 4,750,650	\$ 674,141,691	0.705%	7	5	35
Edcouch	\$ 445,168	\$ 674,141,691	0.066%	1	5	5
Edinburg	\$ 21,110,636	\$ 674,141,691	3.131%	31	5	155
Elsa	\$ 1,155,538	\$ 674,141,691	0.171%	2	5	10
Granjeno	\$ 18,487	\$ 674,141,691	0.003%	1	5	5
Hidalgo	\$ 1,608,659	\$ 674,141,691	0.239%	2	5	10
La Joya	\$ 687,108	\$ 674,141,691	0.102%	1	5	5
La Villa	\$ 328,021	\$ 674,141,691	0.049%	1	5	5
McAllen	\$ 32,234,694	\$ 674,141,691	4.782%	48	5	240
Mercedes	\$ 3,541,510	\$ 674,141,691	0.525%	5	5	25
Mission	\$ 17,911,598	\$ 674,141,691	2.657%	27	5	135
Palmview	\$ 895,338	\$ 674,141,691	0.133%	1	5	5
Peritas	\$ 647,634	\$ 674,141,691	0.096%	1	5	5
Progreso	\$ 360,541	\$ 674,141,691	0.053%	1	5	5
Pharr	\$ 14,820,842	\$ 674,141,691	2.198%	22	5	110
San Juan	\$ 5,863,669	\$ 674,141,691	0.870%	9	5	45
Sullivan City	\$ 279,394	\$ 674,141,691	0.041%	1	5	5
Weslaco	\$ 12,080,564	\$ 674,141,691	1.792%	18	5	90
<b>Schools:</b>						
Donna	\$ 12,462,349	\$ 674,141,691	1.849%	18	5	90
Edcouch-Elsa	\$ 3,307,676	\$ 674,141,691	0.491%	5	5	25
Edinburg	\$ 62,082,724	\$ 674,141,691	9.209%	92	5	460
Hidalgo	\$ 6,116,403	\$ 674,141,691	0.907%	9	5	45
La Joya	\$ 27,485,724	\$ 674,141,691	4.077%	41	5	205
La Villa	\$ 1,275,014	\$ 674,141,691	0.189%	2	5	10
Lyford	\$ 112,430	\$ 674,141,691	0.017%	1	5	5
McAllen	\$ 68,843,140	\$ 674,141,691	10.212%	102	5	510
Mercedes	\$ 5,669,646	\$ 674,141,691	0.841%	8	5	40
Mission	\$ 20,700,162	\$ 674,141,691	3.071%	31	5	155
Monte Alto	\$ 985,305	\$ 674,141,691	0.146%	1	5	5
PSJA	\$ 46,707,020	\$ 674,141,691	6.928%	69	5	345
Progreso	\$ 1,757,494	\$ 674,141,691	0.261%	3	5	15
Sharyland	\$ 32,503,815	\$ 674,141,691	4.822%	48	5	240
So Tx College	\$ 41,616,411	\$ 674,141,691	6.173%	62	5	310
South Texas ISD	\$ 13,891,635	\$ 674,141,691	2.061%	21	5	105
Valley View	\$ 5,483,882	\$ 674,141,691	0.813%	8	5	40
Weslaco	\$ 20,814,899	\$ 674,141,691	3.088%	31	5	155
<b>Grand Total</b>	<b>\$ 674,141,691</b>		<b>100.000%</b>			<b>5015</b>



**STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION  
UTILITY BOARD  
PLANNING & ZONING BOARD  
OTHER

    X      
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

AGENDA ITEM  
DATE SUBMITTED  
MEETING DATE

    5B      
10/22/2013  
10/28/2013

1 Agenda Item: Resolution in support of Proposition 6

2 Party Making Request: Mayor Jim Darling

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

Approval of a resolution in support of Proposition 6 of the November 5, 2013 Constitutional Amendment  
Election relating to the creation of the State Water Implementation Fund for Texas and the State Water  
Implementation Revenue Fund for Texas, to assist in the financing of priority projects in the State Water  
Plan to ensure the availability of adequate water resources.

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

5 Budgeted:            Yes            No     x     N/A

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

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

7 Routing:

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

8 Staff Recommendation: Approve

9 Advisory Board:            Approved            Disapproved      None

10 City Attorney:            Approved            Disapproved     KP None

11 Manager's Recommendation: MRP Approved            Disapproved            None

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

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

AGENDA ITEM \_\_\_\_\_  
 DATE SUBMITTED   10-21-13    
 MEETING DATE   10-28-13  

6A

1. Agenda Item: Authorization to pay taxes to Hidalgo Irrigation District #1 for DeLeon Park, Garcia Park, Nature Center and Daffodil Park in the amount of \$27,864.87.
2. Party Making Request: Parks and Recreation Department
3. Nature of Request: (Brief Overview) Attachments:   x   Yes    No  
Irrigation District 1 will allow the City of McAllen to utilize Irrigation District Water for the above referenced parks. Two of the parks will be flood irrigated, and two will have a pond utilizing irrigation district water. The cost for Irrigation District Water is significantly lower than city potable water. The taxes are owed on the properties for several years.

4. Policy Implication: Local Government Code

5. Budgeted Information:   x   Yes    No    N/A

Budgeted Amount:

DeLeon Park	\$19,828.86
Garcia Park	\$ 1,135.02
Nature Center	\$ 3,583.61
Daffodil Park	\$ 3,317.38
Total	\$ 27,864.87

Account Number: 011-5104-464.63-52

6. Alternate option/costs: To not pay the taxes and continue to use City Water.

7. Routing:	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a)	S.Gavlik, Dir.	sg	10-21-13	yes
b)	J.Backor, Land.Acq.DD.	<i>JB</i>	<i>10-22-13</i>	<i>yes</i>
c)	S.Zamora, Purch. Dir.	<i>SZ</i>	<i>10-22-13</i>	<i>yes</i>
d)	B.Branham, Dep.C.M.	<i>BB</i>	<i>10-22-13</i>	<i>yes</i>

8. Staff Recommendation: Staff recommends approval of the authorization to pay the taxes owed to the Hidalgo Irrigation District #1 in the amount of \$27,864.87

9. Advisory Board:    Approved    Disapproved    None


10. City Attorney:    Approved    Disapproved    <sup>KP</sup> None

11. Manager's Recommendation: MRP Approved    Disapproved    None  
 Payback in 3.5 years

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

**MEMORANDUM**

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

**From:** SALLY GAVLIK, DIRECTOR 

**Subject:** AUTHORIZATION TO PAY TAXES TO HIDALGO IRRIGATION DISTRICT #1 IN THE AMOUNT OF \$27,864.87.

**Date:** OCTOBER 22, 2013

**COMMENT****GOAL:**

To authorize the payment of back taxes to the Hidalgo Irrigation District #1 in the amount of \$27,864.87.

**DISCUSSION:**

Hidalgo Irrigation District #1 has agreed to furnish water for the following parks at a rate of \$20 per acre foot of water for DeLeon Soccer Complex, Garcia Park, Nature Center and Daffodil Park. This will allow the Parks and Recreation Department to discontinue using city potable water for irrigation purposes at those sites.

Garcia Park will be tied directly to the irrigation canal and metered, and Daffodil will be flood irrigated which means they will only be irrigated four (4) to six (6) times per year. The water for DeLeon will be placed in a pond and the irrigation system will run off of the pond. This will allow the department to maintain fish in the pond for the community. The last site the Nature Park the water will be used to maintain the lake that is on site for the development of attractions and to attract birds to the site. The department will be able to maintain the vegetation at the Nature Park with this lake.

The City owes taxes on all of these properties and the Irrigation District is asking for those taxes to be paid. The Parks and Recreation Department will off-set this expense through the savings on the annual water bill from PUB. Currently, the city water bills for the four sites are \$5,136.66.

The comparison of water usage is on the attached page and is based on \$20 per acre foot of water from the Irrigation District compared to the City of McAllen Utility charges of \$1.30 to \$1.80 per 1,000 gallons of water depending on usage. There are 325,851.427 gallons of water per acre foot of water.

Currently, of the parks identified one site currently has no irrigation (Daffodil), the Nature Park has had limited water usage and the new DeLeon Soccer Complex is not included in the actual payments for 2012 -13. Thus, the actual water usage for the previous year does not reflect potential water usage.

New water usages for these park areas include building a pond to hold water and irrigate from at DeLeon North, flood irrigating at Daffodil and Garcia Parks and to re-create the lake and waterfall at the Nature Park.

**RECOMMENDATION:**

The Parks and Recreation Department recommends approval of the payment of taxes to the Hidalgo Irrigation District #1 in the amount of \$27,864,87 to be paid from the Parks and Recreation Operating budget.

## Comparison of Irrigation District Water to City Water Usage Cost

Site	Current Usage - City	Potential Usage Irrigation District	Comparison Irrigation District	City (\$1.30)
1. Daffodil Park	\$63.01	\$ 500.00 ( 25 a.f.)	\$ 500.00 ( 25 a.f.)	\$10,590.00
2. Garcia Park (2 mo.)	\$574.92	\$ 120.00 ( 6 a.f.)	\$ 120.00 ( 6 a.f.)	\$2,541.00
3. Nature Park	\$445.74	\$ 1,200.00 ( 60 a.f.)	\$ 1,200.00 ( 60 a.f.)	\$25,416.00
4. DeLeon Soccer Complex	\$9,779.37	\$ 1,200.00 ( 60 a.f.)	\$ 1,200.00 ( 60 a.f.)	\$25,416.00
<b>Total</b>	<b>\$10,863.04</b>	<b>\$3,020.00</b>	<b>\$3,020.00</b>	<b>\$63,963.00</b>

HIDALGO COUNTY IRRIGATION #1  
P.O. BOX 870  
EDINBURG TX 78540-0000  
956-383-3886

10/01/2013

FUTURE  
DELINQUENT  
STATEMENT

2037  
MCALLEN, CITY OF  
ATTN: JEANIE BECKER  
P.O. BOX 220  
MCALLEN TX 78501-0000  
SUB: 26 BLOCK: 000 LOT: 111 SEQ:

*DeLeon Sports Complex*

PROPERTY DESC:

PLEASE ADVISE HCID #1 IF YOU ARE NO LONGER THE  
OWNER OF SAID PROPERTY - ESTELLA MATA,  
TAX ASSESSOR/COLLECTOR

YEAR	ORIGINAL AMOUNT	ATT. FEE AMOUNT	INTEREST AMOUNT	PENALTY AMOUNT	PAYMENT AMOUNT	AMOUNT DUE
2003 F	90.00	35.70	148.03			273.73
2004 F	90.00	33.67	134.47			258.14
2005 F	90.00	31.64	120.91			242.55
2006 F	90.00	29.60	107.35			226.95
2007 F	100.00	30.56	103.75			234.31
2008 F	100.00	28.31	88.75			217.06
2009 F	100.00	26.06	73.75			199.81
2010 F	100.00	23.81	58.75			182.56
2011 F	100.00	21.00	40.00			161.00
2012 F	100.00	18.94	26.25			145.19
2013 F	100.00	16.69	11.25			127.94
	1060.00	295.98	913.26			2269.24

# Hidalgo County Irrigation District No. 1

P.O. Box 870  
Edinburg, Texas 78540  
(956) 383-3886

DeLeon Sports  
Complex

## 2013 FLAT RATE ASSESSMENT

Owner: 2037

**MCALLEN, CITY OF**  
**ATTN: JEANIE BECKER**  
**P.O. BOX 220**  
**MCALLEN, TX 78501**

Statement No: 120130379

Assessment Amount Due **100.00**

Payment Due Date **JANUARY 31, 2013**

Tract	Tract Name	Block No.	Lot No.	Code	Gross	Taxable
26	LA LOMITA	000	111	00	5.00	5.00

If taxes are Paid In	Interest	Total Due	If taxes are Paid In	Interest	Total Due
NOV.	.00	100.00	APR.	3.75	103.75
DEC.	.00	100.00	MAY.	5.00	105.00
JAN.	.00	100.00	JUNE	6.25	106.25
FEB.	1.25	101.25	JULY	7.50	107.50
MAR.	2.50	102.50	AUG.	8.75	108.75

Flat rate assessments are made against all land in the district for maintenance of district facilities, and is payable in one installment due on or before January 31, 2013. Assessments become delinquent on the first day of the month following the due date. Delinquent assessments accrue interest at the rate of 15% per annum from the date payment is due until paid. Attorney fees will be applied on September 1st of the same year.

DELINQUENT TAXES						
Year	Original	Interest	Attorney	Amount Due	Balance	
2003	F 90.00	135.60	33.84	259.44	259.44	
2004	F 90.00	122.04	31.81	243.85	503.29	
2005	F 90.00	108.48	29.77	228.25	731.54	
2006	F 90.00	94.92	27.74	212.66	944.20	
2007	F 100.00	90.00	28.50	218.50	1162.70	
2008	F 100.00	75.00	26.25	201.25	1363.95	
2009	F 100.00	60.00	24.00	184.00	1547.95	
2010	F 100.00	45.00	21.75	166.75	1714.70	
2011	F 100.00	26.25	18.94	145.19	1859.89	
2012	F 100.00	12.50	16.88	129.38	1989.27	
2013	100.00					
Total Delinquent Amount					1,989.27	

\$279.97

\$ 2269.24

The delinquent amounts will be valid until month end. If paid after that date fees will be recalculated, and have higher amounts.

HIDALGO COUNTY IRRIGATION #1  
P.O. BOX 870  
EDINBURG TX 78540-0000  
956-383-3886

10/01/2013

FUTURE

DELINQUENT  
STATEMENT

*De Leon Sports Complex*

17621  
MCALLEN, CITY OF  
P.O. BOX 220  
MCALLEN TX 78501-0000  
SUB: 26 BLOCK: 000 LOT: 111 SEQ:

PROPERTY DESC: (S18)29TH

PLEASE ADVISE HCID #1 IF YOU ARE NO LONGER THE  
OWNER OF SAID PROPERTY - ESTELLA MATA,  
TAX ASSESSOR/COLLECTOR

YEAR	ORIGINAL AMOUNT	ATT. FEE AMOUNT	INTEREST AMOUNT	PENALTY AMOUNT	PAYMENT AMOUNT	AMOUNT DUE
2001 F	228.60	100.79	443.30			772.69
2002 F	228.60	95.64	408.98			733.22
2003 F	228.60	90.49	374.66			693.75
2004 F	228.60	85.34	340.34			654.28
2005 F	228.60	80.19	306.02			614.81
2006 F	228.60	75.05	271.70			575.35
2007 F	254.00	77.69	263.94			595.63
2008 F	254.00	71.97	225.78			551.75
2009 F	254.00	66.24	187.62			507.86
2010 F	254.00	60.52	149.46			463.98
2011 F	254.00	53.36	101.76			409.12
2012 F	254.00	48.12	66.78			368.90
2013 F	254.00	42.39	28.62			325.01
	3149.60	947.79	3168.96			7266.35



# Hidalgo County Irrigation District No. 1

P.O. Box 870  
Edinburg, Texas 78540  
(956) 383-3886

DeLeon Sports Complex

## 2013 FLAT RATE ASSESSMENT

Owner: 17621

**MCALLEN, CITY OF**  
**P.O. BOX 220**  
**MCALLEN, TX 78501**

Statement No: **120130601**

Assessment Amount Due **254.00**

Payment Due Date **JANUARY 31, 2013**

Tract	Tract Name	Block No.	Lot No.	Code	Gross	Taxable
26	LA LOMITA	000	111	00	13.00	12.70

If taxes are Paid In	Interest	Total Due	If taxes are Paid In	Interest	Total Due
NOV.	.00	254.00	APR.	9.53	263.53
DEC.	.00	254.00	MAY.	12.70	266.70
JAN.	.00	254.00	JUNE	15.88	269.88
FEB.	3.18	257.18	JULY	19.05	273.05
MAR.	6.35	260.35	AUG.	22.23	276.23

Flat rate assessments are made against all land in the district for maintenance of district facilities, and is payable in one installment due on or before January 31, 2013. Assessments become delinquent on the first day of the month following the due date. Delinquent assessments accrue interest at the rate of 15% per annum from the date payment is due until paid. Attorney fees will be applied on September 1st of the same year.

DELINQUENT TAXES						
Year		Original	Interest	Attorney	Amount Due	Balance
2001	F	228.60	411.84	96.07	736.51	736.51
2002	F	228.60	377.52	90.92	697.04	1433.55
2003	F	228.60	343.20	85.77	657.57	2091.12
2004	F	228.60	308.88	80.62	618.10	2709.22
2005	F	228.60	274.56	75.47	578.63	3287.85
2006	F	228.60	240.24	70.33	539.17	3827.02
2007	F	254.00	228.96	72.44	555.40	4382.42
2008	F	254.00	190.80	66.72	511.52	4893.94
2009	F	254.00	152.64	61.00	467.64	5361.58
2010	F	254.00	114.48	55.27	423.75	5785.33
2011	F	254.00	66.78	48.12	368.90	6154.23
2012	F	254.00	31.80	42.87	328.67	6482.90
2013		254.00				

\$ 7266.35

Total Delinquent Amount **6,482.90**

The delinquent amounts will be valid until month end. If paid after that date fees will be recalculated, and have higher amounts.

ESTELLA MATA, TAX ASSESSOR/COLLECT  
CUSTOMER COPY

HIDALGO COUNTY IRRIGATION #1  
P.O. BOX 870  
EDINBURG TX 78540-0000  
956-383-3886

10/01/2013

FUTURE  
DELINQUENT  
STATEMENT

*de Leon*

2037  
MCALLEN, CITY OF  
ATTN: JEANIE BECKER  
P.O. BOX 220  
MCALLEN TX 78501-0000  
SUB: 26 BLOCK: 000 LOT: 105 SEQ:

PROPERTY DESC: E20 LESS 4.74

PLEASE ADVISE HCID #1 IF YOU ARE NO LONGER THE  
OWNER OF SAID PROPERTY - ESTELLA MATA,  
TAX ASSESSOR/COLLECTOR

YEAR	ORIGINAL AMOUNT	ATT. FEE AMOUNT	INTEREST AMOUNT	PENALTY AMOUNT	PAYMENT AMOUNT	AMOUNT DUE
2003 F	261.18	103.24	427.06			791.48
2004 F	346.50	129.27	515.27			991.04
2005 F	261.18	91.50	348.82			701.50
2006 F	261.18	85.63	309.70			656.51
2007 F	290.20	88.72	301.29			680.21
2008 F	290.20	82.19	257.73			630.12
2009 F	290.20	75.66	214.17			580.03
2010 F	290.20	69.12	170.61			529.93
2011 F	290.20	60.95	116.16			467.31
2012 F	290.20	54.96	76.23			421.39
2013 F	290.20	48.43	32.67			371.30
	3161.44	889.67	2769.71			6820.82

# Hidalgo County Irrigation District No. 1 *De Leon Park*

P.O. Box 870  
Edinburg, Texas 78540  
(956) 383-3886

## 2013 FLAT RATE ASSESSMENT

Owner: 2037  
  
MCALLEN, CITY OF  
ATTN: JEANIE BECKER  
P.O. BOX 220  
MCALLEN, TX 78501

Statement No: 120130375  
  
Assessment Amount Due 290.20  
  
Payment Due Date JANUARY 31, 2013

Tract	Tract Name	Block No.	Lot No.	Code	Gross	Taxable
26	LA LOMITA	000	105	00	15.26	14.51

If taxes are Paid In	Interest	Total Due	If taxes are Paid In	Interest	Total Due
NOV.	.00	290.20	APR.	10.88	301.08
DEC.	.00	290.20	MAY.	14.51	304.71
JAN.	.00	290.20	JUNE	18.14	308.34
FEB.	3.63	293.83	JULY	21.77	311.97
MAR.	7.26	297.46	AUG.	25.39	315.59

Flat rate assessments are made against all land in the district for maintenance of district facilities, and is payable in one installment due on or before January 31, 2013. Assessments become delinquent on the first day of the month following the due date. Delinquent assessments accrue interest at the rate of 15% per annum from the date payment is due until paid. Attorney fees will be applied on September 1st of the same year.

DELINQUENT TAXES						
Year		Original	Interest	Attorney	Amount Due	Balance
2003	F	261.18	391.20	97.86	750.24	750.24
2004	F	346.50	467.64	122.12	936.26	1686.50
2005	F	261.18	312.96	86.12	660.26	2346.76
2006	F	261.18	273.84	80.25	615.27	2962.03
2007	F	290.20	261.36	82.73	634.29	3596.32
2008	F	290.20	217.80	76.20	584.20	4180.52
2009	F	290.20	174.24	69.67	534.11	4714.63
2010	F	290.20	130.68	63.13	484.01	5198.64
2011	F	290.20	76.23	54.96	421.39	5620.03
2012	F	290.20	36.30	48.98	375.48	5995.51
		<i>290.20</i>				
Total Delinquent Amount						5,995.51

*\$ 7055.71*  
*\$ 6820.92*

The delinquent amounts will be valid until month end. If paid after that date fees will be recalculated, and have higher amounts.

HIDALGO COUNTY IRRIGATION #1  
P.O. BOX 870  
EDINBURG TX 78540-0000  
956-383-3886

10/01/2013

FUTURE  
DELINQUENT  
STATEMENT

*de Leon*

2037  
MCALLEN, CITY OF  
ATTN: JEANIE BECKER  
P.O. BOX 220  
MCALLEN TX 78501-0000  
SUB: 338 BLOCK: 000 LOT: SEQ:

PROPERTY DESC: N10

PLEASE ADVISE HCID #1 IF YOU ARE NO LONGER THE  
OWNER OF SAID PROPERTY - ESTELLA MATA,  
TAX ASSESSOR/COLLECTOR

YEAR	ORIGINAL AMOUNT	ATT. FEE AMOUNT	INTEREST AMOUNT	PENALTY AMOUNT	PAYMENT AMOUNT	AMOUNT DUE
2005 F	180.00	63.11	240.75			483.86
2006 F	180.00	59.06	213.75			452.81
2007 F	200.00	61.13	207.50			468.63
2008 F	200.00	56.63	177.50			434.13
2009 F	200.00	52.13	147.50			399.63
2010 F	200.00	47.63	117.50			365.13
2011 F	200.00	42.00	80.00			322.00
2012 F	200.00	37.88	52.50			290.38
2013 F	200.00	33.38	22.50			255.88
	1760.00	452.95	1259.50			3472.45

# Hidalgo County Irrigation District No. 1

P.O. Box 870  
Edinburg, Texas 78540  
(956) 383-3886

De Leon  
Soccer Field

## 2013 FLAT RATE ASSESSMENT

Owner: 2037

**MCALLEN, CITY OF**  
**ATTN: JEANIE BECKER**  
**P.O. BOX 220**  
**MCALLEN, TX 78501**

Statement No: **120130409**

Assessment Amount Due **200.00**

Payment Due Date **JANUARY 31, 2013**

Tract	Tract Name	Block No.	Lot No.	Code	Gross	Taxable
338	MCALLEN I.S.D. #9	000		00	10.00	10.00

If taxes are Paid In			If taxes are Paid In		
Interest	Total Due		Interest	Total Due	
NOV. .00	200.00		APR. 7.50	207.50	
DEC. .00	200.00		MAY. 10.00	210.00	
JAN. .00	200.00		JUNE 12.50	212.50	
FEB. 2.50	202.50		JULY 15.00	215.00	
MAR. 5.00	205.00		AUG. 17.50	217.50	

Flat rate assessments are made against all land in the district for maintenance of district facilities, and is payable in one installment due on or before January 31, 2013. Assessments become delinquent on the first day of the month following the due date. Delinquent assessments accrue interest at the rate of 15% per annum from the date payment is due until paid. Attorney fees will be applied on September 1st of the same year.

DELINQUENT TAXES						
Year		Original	Interest	Attorney	Amount Due	Balance
2005	F	180.00	216.00	59.40	455.40	455.40
2006	F	180.00	189.00	55.35	424.35	879.75
2007	F	200.00	180.00	57.00	437.00	1316.75
2008	F	200.00	150.00	52.50	402.50	1719.25
2009	F	200.00	120.00	48.00	368.00	2087.25
2010	F	200.00	90.00	43.50	333.50	2420.75
2011	F	200.00	52.50	37.88	290.38	2711.13
2012	F	200.00	25.00	33.75	258.75	2969.88

*Handwritten notes:* Blue brackets group the interest and attorney fees for years 2005-2012. A plus sign is written between the brackets. Below the table, there are handwritten calculations: ~~\$ 3450.50~~ and \$ 3,472.45.

Total Delinquent Amount **2,969.88**

The delinquent amounts will be valid until month end. If paid after that date fees will be recalculated, and have higher amounts.

**ESTELLA MATA, TAX ASSESSOR/COLLECT**  
REMITTANCE COPY

HIDALGO COUNTY IRRIGATION #1  
P.O. BOX 870  
EDINBURG TX 78540-0000  
956-383-3886

10/01/2013

FUTURE  
**DELINQUENT  
STATEMENT**

*Garcia Park*

2037  
MCALLEN, CITY OF  
ATTN: JEANIE BECKER  
P.O. BOX 220  
MCALLEN TX 78501-0000  
SUB: 26 BLOCK: 000 LOT: 114 SEQ:

PROPERTY DESC: GARCIA PARK

PLEASE ADVISE HCID #1 IF YOU ARE NO LONGER THE  
OWNER OF SAID PROPERTY - ESTELLA MATA,  
TAX ASSESSOR/COLLECTOR

YEAR	ORIGINAL AMOUNT	ATT. FEE AMOUNT	INTEREST AMOUNT	PENALTY AMOUNT	PAYMENT AMOUNT	AMOUNT DUE
2004 F	51.30	19.12	76.16			146.58
2005 F	51.30	17.97	68.48			137.75
2006 F	51.30	16.82	60.80			128.92
2007 F	57.00	17.39	58.93			133.32
2008 F	57.00	16.11	50.41			123.52
2009 F	57.00	14.83	41.89			113.72
2010 F	57.00	13.56	33.37			103.93
2011 F	57.00	11.96	22.72			91.68
2012 F	57.00	10.79	14.91			82.70
2013 F	57.00	9.51	6.39			72.90
	552.90	148.06	434.06			1135.02

HIDALGO COUNTY IRRIGATION #1  
P.O. BOX 870  
EDINBURG TX 78540-0000  
956-383-3886

10/01/2013

FUTURE  
DELINQUENT  
STATEMENT

*Botanical  
Gardens  
Nature Center*

2037  
MCALLEN, CITY OF  
ATTN: JEANIE BECKER  
P.O. BOX 220  
MCALLEN TX 78501-0000  
SUB: 26 BLOCK: 000 LOT: 150 SEQ:

PROPERTY DESC:

PLEASE ADVISE HCID #1 IF YOU ARE NO LONGER THE  
OWNER OF SAID PROPERTY - ESTELLA MATA,  
TAX ASSESSOR/COLLECTOR

YEAR	ORIGINAL AMOUNT	ATT. FEE AMOUNT	INTEREST AMOUNT	PENALTY AMOUNT	PAYMENT AMOUNT	AMOUNT DUE
2000 F	101.34	47.01	212.09			360.44
2001 F	101.34	44.73	196.85			342.92
2002 F	101.34	42.44	181.61			325.39
2003 F	101.34	40.16	166.37			307.87
2004 F	101.34	37.87	151.13			290.34
2005 F	101.34	35.58	135.89			272.81
2006 F	101.34	33.30	120.65			255.29
2007 F	112.60	34.44	117.03			264.07
2008 F	112.60	31.91	100.11			244.62
2009 F	112.60	29.37	83.19			225.16
2010 F	112.60	26.83	66.27			205.70
2011 F	112.60	23.66	45.12			181.38
2012 F	112.60	21.33	29.61			163.54
2013 F	112.60	18.79	12.69			144.08
	1497.58	467.42	1618.61			3583.61

# Hidalgo County Irrigation District No. 1

P.O. Box 870  
Edinburg, Texas 78540  
(956) 383-3886

Botanical  
Gardens

## 2013 FLAT RATE ASSESSMENT

Owner: 2037

**MCALLEN, CITY OF**  
**ATTN: JEANIE BECKER**  
**P.O. BOX 220**  
**MCALLEN, TX 78501**

Statement No:	120130384
Assessment Amount Due	112.60
Payment Due Date	JANUARY 31, 2013

Tract	Tract Name	Block No.	Lot No.	Code	Gross	Taxable
26	LA LOMITA	000	150	00	5.63	5.63

If taxes are Paid In	Interest	Total Due	If taxes are Paid In	Interest	Total Due
NOV.	.00	112.60	APR.	4.22	116.82
DEC.	.00	112.60	MAY.	5.63	118.23
JAN.	.00	112.60	JUNE	7.04	119.64
FEB.	1.41	114.01	JULY	8.45	121.05
MAR.	2.82	115.42	AUG.	9.85	122.45

Flat rate assessments are made against all land in the district for maintenance of district facilities, and is payable in one installment due on or before January 31, 2013. Assessments become delinquent on the first day of the month following the due date. Delinquent assessments accrue interest at the rate of 15% per annum from the date payment is due until paid. Attorney fees will be applied on September 1st of the same year.

DELINQUENT TAXES						
Year		Original	Interest	Attorney	Amount Due	Balance
2000	F	101.34	198.12	44.92	344.38	344.38
2001	F	101.34	182.88	42.63	326.85	671.23
2002	F	101.34	167.64	40.35	309.33	980.56
2003	F	101.34	152.40	38.06	291.80	1272.36
2004	F	101.34	137.16	35.78	274.28	1546.64
2005	F	101.34	121.92	33.49	256.75	1803.39
2006	F	101.34	106.68	31.20	239.22	2042.61
2007	F	112.60	101.52	32.12	246.24	2288.85
2008	F	112.60	84.60	29.58	226.78	2515.63
2009	F	112.60	67.68	27.04	207.32	2722.95
2010	F	112.60	50.76	24.50	187.86	2910.81
2011	F	112.60	29.61	21.33	163.54	3074.35
2012	F	112.60	14.10	19.01	145.71	3220.06
2013		112.60				
Total Delinquent Amount						3,220.06

\$ 363.55

\$ 3,583.61

The delinquent amounts will be valid until month end. If paid after that date fees will be recalculated, and have higher amounts.



HIDALGO COUNTY IRRIGATION #1  
P.O. BOX 870  
EDINBURG TX 78540-0000  
956-383-3886

10/01/2013

FUTURE  
DELINQUENT  
STATEMENT

*Daffodil Park*

2116  
CITY OF MCALLEN  
P.O. BOX 220  
MCALLEN TX 78501-0000  
SUB: 26 BLOCK: 000 LOT: 126 SEQ:

PROPERTY DESC: E10W20

PLEASE ADVISE HCID #1 IF YOU ARE NO LONGER THE  
OWNER OF SAID PROPERTY - ESTELLA MATA,  
TAX ASSESSOR/COLLECTOR

YEAR	ORIGINAL AMOUNT	ATT. FEE AMOUNT	INTEREST AMOUNT	PENALTY AMOUNT	PAYMENT AMOUNT	AMOUNT DUE
2005 F	171.90	60.29	230.05			462.24
2006 F	171.90	56.42	204.25			432.57
2007 F	191.00	58.41	198.37			447.78
2008 F	191.00	54.10	169.69			414.79
2009 F	191.00	49.80	141.01			381.81
2010 F	191.00	45.50	112.33			348.83
2011 F	191.00	40.12	76.48			307.60
2012 F	191.00	36.18	50.19			277.37
2013 F	191.00	31.88	21.51			244.39
	1680.80	432.70	1203.88			3317.38

# Hidalgo County Irrigation District No. 1

P.O. Box 870  
Edinburg, Texas 78540  
(956) 383-3886

*Daffodil Park*

## 2013 FLAT RATE ASSESSMENT

Owner: 2116

**CITY OF MCALLEN**  
**P.O. BOX 220**  
**MCALLEN, TX 78501**

Statement No: 120130423

Assessment Amount Due 191.00

Payment Due Date **JANUARY 31, 2013**

Tract	Tract Name	Block No.	Lot No.	Code	Gross	Taxable
26	LA LOMITA	000	126	00	10.00	9.55

If taxes are Paid In	Interest	Total Due	If taxes are Paid In	Interest	Total Due
NOV.	.00	191.00	APR.	7.16	198.16
DEC.	.00	191.00	MAY.	9.55	200.55
JAN.	.00	191.00	JUNE	11.94	202.94
FEB.	2.39	193.39	JULY	14.33	205.33
MAR.	4.78	195.78	AUG.	16.71	207.71

Flat rate assessments are made against all land in the district for maintenance of district facilities, and is payable in one installment due on or before January 31, 2013. Assessments become delinquent on the first day of the month following the due date. Delinquent assessments accrue interest at the rate of 15% per annum from the date payment is due until paid. Attorney fees will be applied on September 1st of the same year.

DELINQUENT TAXES					
Year	Original	Interest	Attorney	Amount Due	Balance
2005	F 171.90	206.40	56.75	435.05	435.05
2006	F 171.90	180.60	52.88	405.38	840.43
2007	F 191.00	172.08	54.46	417.54	1257.97
2008	F 191.00	143.40	50.16	384.56	1642.53
2009	F 191.00	114.72	45.86	351.58	1994.11
2010	F 191.00	86.04	41.56	318.60	2312.71
2011	F 191.00	50.19	36.18	277.37	2590.08
2012	F 191.00	23.90	32.24	247.14	2837.22
2013	191.00				

*\$ 480.16*

*\$ 3,317.38*


Total Delinquent Amount	2,837.22
-------------------------	----------

The delinquent amounts will be valid until month end. If paid after that date fees will be recalculated, and have higher amounts.

CITY OF McALLEN  
STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION <u>  X  </u>	AGENDA ITEM <u>6B</u>
UTILITY BOARD     _____	DATE SUBMITTED <u>10/22/13</u>
OTHER                    _____	MEETING DATE <u>10/28/13</u>

1. Agenda Item: Update on Parks and Recreation construction projects.  
\_\_\_\_\_
  
2. Party Making Request: Parks and Recreation Department  
\_\_\_\_\_
  
3. Nature of Request: (Brief Overview) Attachments:   X   Yes    No  
Monthly update on construction projects within the Parks and Recreation Department.  
\_\_\_\_\_  
\_\_\_\_\_
  
4. Policy Implication: None  
\_\_\_\_\_
  
5. Budgeted Information:    Yes    No   X   N/A  
Budgeted Amount: \_\_\_\_\_  
Under Budget: \_\_\_\_\_
  
6. Alternate option/costs: NA  
\_\_\_\_\_
  
7. Routing:      NAME/TITLE            INITIAL            DATE            CONCURRENCE  
  
a) S. Gavlik, Director            sg            10-22-13            Yes  
b) D. Melaas, Dep.Dir.            dm            10-22-13            Yes  
c) B. Branham, Dept. C.M.            abr            10-22-13            Yes
  
8. Staff Recommendation: Staff recommends approval of the report  
\_\_\_\_\_
  
9. Advisory Board:               Approved    Disapproved    None
  
10. City Attorney:               Approved    Disapproved KP None
  
11. Manager's Recommendation:    Approved    Disapproved MRP None
  
12. Action Taken: \_\_\_\_\_

**To:** MIKE R. PEREZ, CITY MANAGER  
**From:** SALLY GAVLIK, DIRECTOR   
**Subject:** PROJECT UPDATES  
**Date:** OCTOBER 22, 2013

## **COMMENT**

This month the Parks and Recreation Department will highlight the following projects:

### **Bicentennial Trail Extension**

Little work has been completed on the project since last month by the contractor.

### **DeLeon Soccer Fields**

The Contractor is working on the parking lots, and the restroom/concession area. The lake compaction is being done by the Parks and Recreation staff and Engineering. Compaction levels are tested on a regular basis. The contractor is on time and moving along very rapidly.

### **Irrigation Wells**

The well for DeLeon is included in the cost projections for the project.

### **Hidalgo Bridge Landscape Improvements**

Bids were received for this project but the bid amount is still higher than the budget so the project will be scaled down.

### **Morris Park**

The bid has been awarded. Contractor is securing all their insurance, etc. to meet Purchasing requirements. The Junior League has awarded their Anniversary Grant in the amount of \$75,000 for the development of an accessible park area. This will be constructed at the northwest corner of the park along the trail system.

### **Airport Landscape Plan**

Plan is ready to be bid out.







04/00/0010







**STANDARDIZED RECOMMENDATION FORM**

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

AGENDA ITEM                      6c    
DATE SUBMITTED                10/21/13  
MEETING DATE                  10/28/13

1. Agenda Item:                Project Status Report through September 30, 2013.

2. Party Making Request:      Engineering Department

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

Project Status Report for September 30, 2013.

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

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

6. Alternate Option/Costs      N/A

7. Routing:

<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a.) Y. Barrera, PE, CFM, City Engineer	<u>YB</u>	<u>10/22/13</u>	<u>yes</u>
b.) Roel "Roy" Rodriguez, P.E. Asst. City Manager/General Manager	<u>MR</u>	<u>10/21/13</u>	<u>y</u>

8. Staff Recommendation:      Project Status through September 30, 2013.

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

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

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



**ENGINEERING DEPARTMENT  
MEMORANDUM**

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

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

A handwritten signature in blue ink, appearing to read "Yvette Barrera".

**Date:** September 13, 2013

**Subject:** Project Status Report through September 30, 2013

Please find attached a list of various projects that are currently under construction and for which the Engineering Department performs Construction Management services. The work depicted is work performed through September 30, 2013.

The following projects are included:

1. Bentsen Road Paving Improvements – Pecan Boulevard (FM 495) to 3 Mile Line
2. McAllen Development Center
3. Retiree Haven Stormwater Improvements
4. Kendlewood Drainage Improvements
5. Firemans Park Lake Liner Improvements

# Construction Status Report for work performed through September 30, 2013

## 1) Bentsen Road Paving Improvements – Pecan Boulevard (FM 495) to 3 Mile Line

Project consists of paving infrastructure improvements along the future widening of Bentsen Road, connection of Vine Ave across the corridor, widening of Daffodil to 46<sup>th</sup> Street and local drainage improvements.

**Contractor:** IOC Company, LLC  
**Original Contract:** \$ 4,879,306.99 160 working days  
**Change Orders:** \$ 459,625.90 91 working days  
**Revised Contract:** \$ 5,338,932.89 251 working days  
**Completion Date:** June 4, 2013

**Construction Status:** Construction is very near completion. Sidewalks, driveway installation and seeding green areas is about complete. Concrete curb, sub-grade, flexible base, sidewalk is complete from Pecan to 3 Mile. Daffodil and Nolana intersections are open. Contractor will proceed with last lane of final lift of asphalt and complete striping thereafter. Final lift will be placed along the west half of the road to move traffic over prior to finishing final lift on east half of the road. The project is approximately 94% complete and liquidated damages will be assessed for work beyond the contract time. Contractor is currently behind schedule.

Paving 98% Complete  
Drainage 98% Complete  
Utilities 100% Complete



Project limits of Bentsen Road Paving Improvements.



Sidewalk construction along the south side of Vine extension.



Final seeding of existing Mission/McAllen Lateral Ditch.

## 2) Development Services Center

This project consists of renovation work including upgrades to meet the new IBC codes, architectural finishes, M.E.P. and special systems. The remodeled building will accommodate the tax office, environmental code compliance, engineering, planning, inspections and public utility departments. It will also have two new additions that will accommodate bathrooms and conference spaces. It incorporates partial demolition work and, interior partition walls. Asbestos abatement and limited general demolition have already occurred.

**Construction Company:** Peacock General Contractors, Inc.  
**Contract:** \$2,005,197.00  
**Completion Date:** November 23, 2013  
**Contract Time:** 160 working days

**Construction Status:** The renovation portion of this project is about 85% complete. Elevator walls and cab are in. The air conditioning system is operational throughout. Interior mill work is complete and currently waiting on the granite top installation. Drop ceiling placement continues throughout.



Painting and ceiling tile – room C104



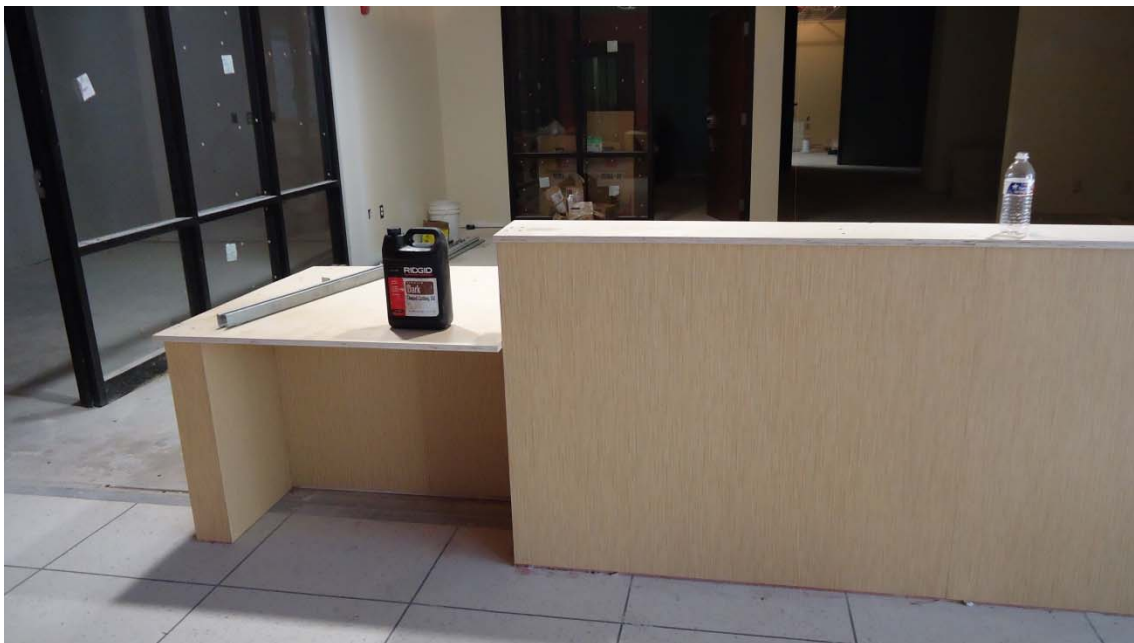
Health Dept. entry (right)/Tax Entry Door (left)



Photo taken facing NE from under stair; new conference area in background.



The central core; door to elevator machine room; recessed areas for monitor installations



Typical finish of vertical surfaces at millwork

### 3) Retiree Haven Stormwater Improvements

**SCOPE OF WORK:** The project involves excavation of two ponds within the central portion of the subdivision; construction of a network of pipes and inlets within the existing roadways to collect the stormwater runoff and direct it to one of the two proposed dry detention ponds; construction of a stormwater pump station to be located on the south side of the southernmost dry detention pond; construction of a force main discharge pipe to run from the stormwater pump station south along the west side of S. 10th Street and discharging into the pilot channel within the floodway. This portion of the project is a FEMA Hazard Mitigation Grant Program (HMGP) project with 75% federal funding and 25% local funding. Additional work includes off-site water improvements funded by MPU and off-site drainage improvements funded by developer contributions.

**CONTRACTOR:** 2GS, LLC.

Original Contract: \$1,734,292.07 150 working days for base bid items, plus 90 days for alt. items

Change Orders: \$ 0.00 0 working days

Current Contract: \$1,734,292.07 150 working days for base bid items, plus 90 days for alt. items

**Date of Completion:** February 17, 2014 (base bid) and June 20, 2014 (alternate item).

**CONSTRUCTION STATUS:** Construction commenced on July 12, 2013. Pond excavation and grading complete. Storm structures and pipes approx.. 75% complete. On-site water improvements complete. Lost 13 working days due to rain in the month of September.

#### **EXHIBITS & PHOTOS:**





#### 4) Kendlewood Drainage Improvements

This project consist of installing storm sewer infrastructure in the area bounded by Kendlewood Ave to Hackberry Ave and 22 ½ St to 20<sup>th</sup> St. The project is being funded by CDBG funds and aims to relieve ponding and flooding issues experienced in the area by extending a storm sewer trunkline and installing inlets at various locations throughout the project area. The construction will be split into three phases by location: Hackberry Ave, 21<sup>st</sup> Street, Kendlewood Ave.

**Construction Company:** OG Construction  
**Contract:** \$487,900.00  
**Completion Date:** December 4, 2013  
**Contract Time:** 100 working days

**Construction Status:** The contractor is beginning the third phase of the construction which includes installing the trunkline located on Kendlewood Ave between 22<sup>nd</sup> St and 20<sup>th</sup> St. The storm sewer along Hackberry Ave and 21<sup>st</sup> St has been installed. The contractor is still pending paving over the trench on Hackberry Ave and 21<sup>st</sup> but the work is scheduled for the first and second week of October. The contractor has replaced the valley gutters on 20<sup>th</sup> and Kendlewood Ave. The contractor is on schedule to complete construction prior to the end of the contract time.



**Top:** Map of contractor's progress.

**Left:** Contractor is prepping Hackberry Ave for paving.

**Right:** Installation of manhole at 21<sup>st</sup> St and Kendlewood Ave



## 5) Firemans Park Lake Liner Improvements

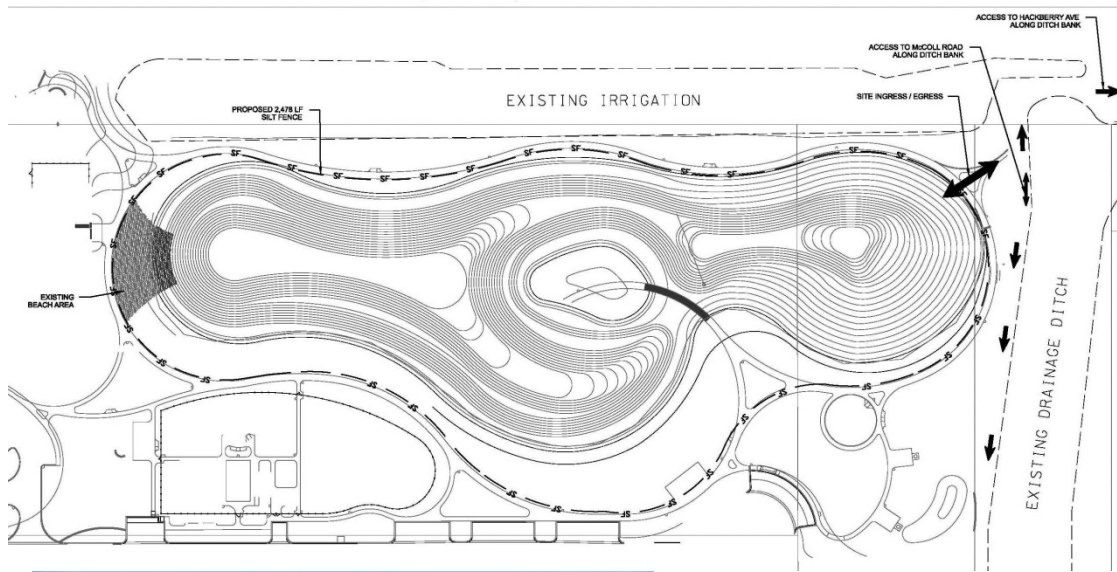
**SCOPE OF WORK:** The project includes re-construction of an existing lake to install a clay liner with a low permeability rate and reduce the exfiltration of water from the lake into the surrounding environment..

**CONTRACTOR:** Rovan Texas LLC.

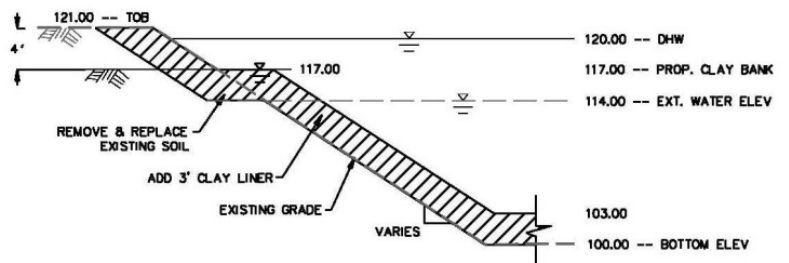
Original Contract:	\$ 212,512.18	30 working days
Change Orders:	\$ 0.00	13 working days (CO#1 this Board Meeting)
Current Contract:	\$ 212,512.18	43 working days
<b>Date of Completion:</b>	<del>October 2, 2013</del>	October 21, 2013

**CONSTRUCTION STATUS:** Construction commenced on August 21, 2013. Erosion control set in place. Construction access points established. Placement of clay liner in process. Project delayed 13 working days in September due to rain in early part of the month but production back to acceptable levels at end of the month.

### EXHIBITS & PHOTOS:



APPROXIMATE QUANT. OF EXISTING SOIL TO BE REMOVED = 12,172 CY  
 APPROXIMATE QUANT. OF NEW CLAY SOILS TO BE IMPORTED = 28,080 CY  
 TOTAL SOIL VOLUME MOVED = 40,252 CY



CITY OF MCALLEN  
STANDARD RECOMMENDATION FORM

CITY COMMISSION	X	AGENDA ITEM	6D
UTILITY BOARD		DATE SUBMITTED	10/22/13
PLANNING & ZONING COMMISSION		MEETING DATE	10/28/13
OTHER			

1. Agenda Item: Construction Update for Terminal Expansion Project

2. Party Making Request: DEPARTMENT OF AVIATION PKB

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

4. Policy Implication:

5. Budgeted:          YES          NO          X          N/A

FUND:

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

If over budget, how will it be paid:

6. Alternate option/costs:

7. Routing:

<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
Brent Branham, Deputy City Manager			

8. Staff Recommendation: \_\_\_\_\_

9. Advisory Board:          Approved          Disapproved          X          None

10. City Attorney:          Approved          Disapproved          KP          None

11. Manager's Recommendation:          Approved          Disapproved          MRP          None

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

# Airport Construction Status Report through October 28, 2013

## Terminal Expansion Project

The Project is the expansion of the existing terminal and ramp at the McAllen Miller International Airport. It consists of adding approximately 55,000 square feet of new terminal, renovation of approximately 40,000 square feet of terminal, addition of a new passenger boarding bridge, a new and expanded baggage handling facility for outbound baggage, and upgrades to the airport central plant equipment and infrastructure.

Contractor: Don Krueger Construction Company, Inc.  
Original Contract: \$18,879,500 713 calendar days  
Change Orders: \$ 469,917 29 calendar days  
Revised Contract: \$19,349,417 742 calendar days  
Completion Date: April 7, 2014

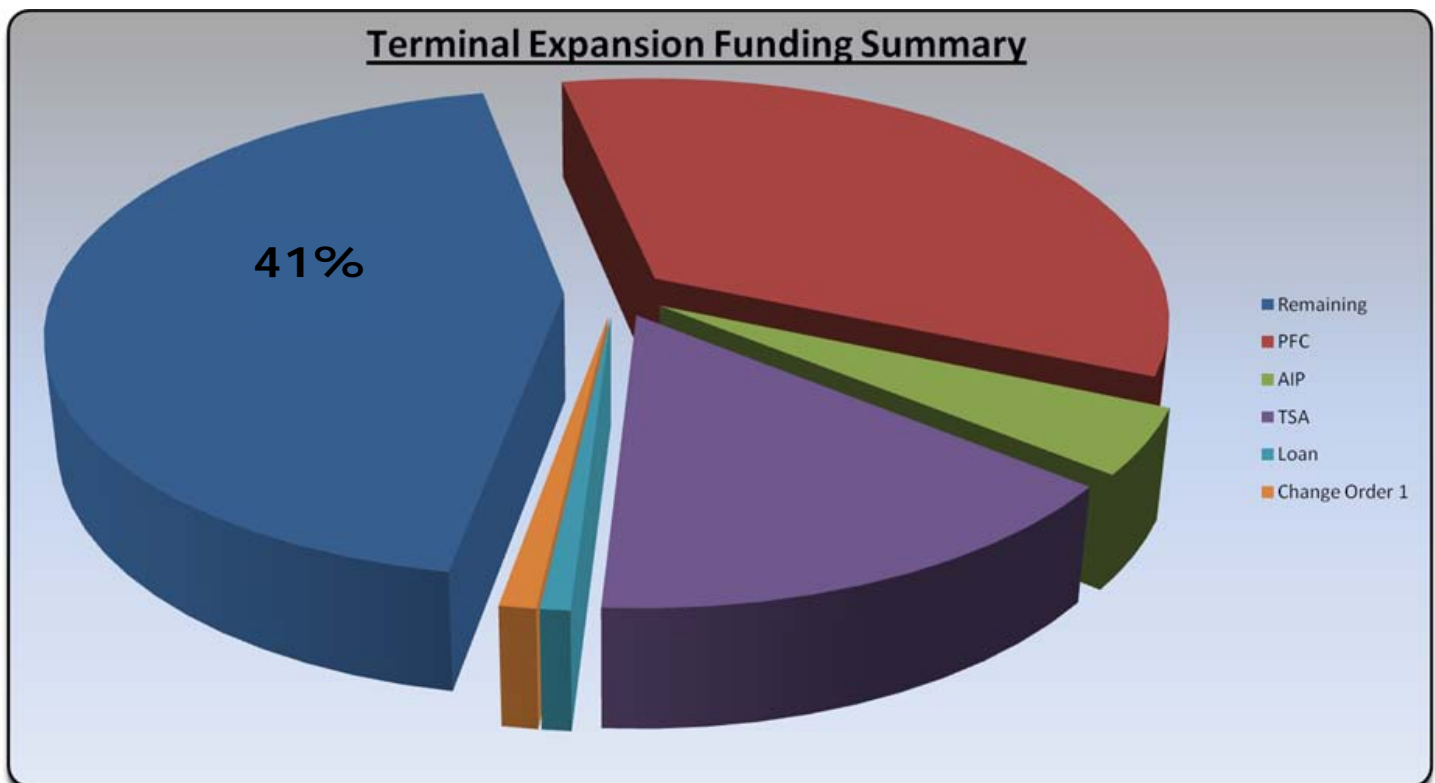
## Project Finance Summary

Used to Date \$ 11,402,629  
Remaining \$ 7,946,788

## Funding Sources:

PFC \$ 6,712,150  
AIP 42 \$ 840,947  
TSA \$ 2,936,747  
Inter Department Loan \$ 153,332  
Operating \$ 189,321\*\*

\*\*Change Order #1 (Improvements to Cargo Ramp) Reimbursable through AIP 43



Construction Status:

The project continues as the sheathing is installed on the exterior of the new terminal addition. The roofing to the terminal addition is in progress. HVAC ductwork, electrical, data and metal stud framing continue on the upper level. Roof drains are complete. Pre-security concessions are in progress and design on post-security is almost complete. The baggage handling building continues to progress as the baggage conveyor belt systems are installed and interior walls are covered with sheet rock. Project time and budget metrics:

Percent of Project Complete (Time)      78%  
Percent of Project Complete (Budget)    59%

The Project, through coordination with staff and contractor, is currently looking to get back on schedule for completion in April 2014.

Overview of Terminal Expansion



Installed sheathing for clerestory window at roof level of Terminal Expansion



Ceiling work within the Terminal Expansion



Interior metal stud framing at upper level of Terminal Expansion



HVAC ductwork on roof of upper level at Terminal Expansion



Installation of insulated tapered roofing system at Terminal Expansion



East view of Terminal Expansion





Roof work at the Baggage Handling Building



Installation of ductwork above conveyors at the Baggage Handling Building



Installation of baggage handling equipment at the Baggage Handling Building



Plumbing work within the Baggage Handling Building



Canopy of Baggage Handling Building from west end view



**CITY OF McALLEN  
STANDARDIZED RECOMMENDATION FORM**

**CITY COMMISSION**                X      
**UTILITY BOARD**                        
**OTHER**                                  

**AGENDA ITEM**                6E      
**DATE SUBMITTED**    10/22/2013  
**MEETING DATE**        10/28/2013

1. **Agenda Item:**   Manager's Report  

2. **Party Making Request:**   Planning Department  

3. **Nature of Request: (Brief Overview):**   X   Yes      No  
  Subdivision Development Monthly Report - September 2013  

4. **Policy Implication:**   Local Government Code, 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, FAICP</u> <small>Julianne R. Rankin, Planning Director</small>	<u>JRR</u>	<u>10/22/13</u>	<u>N/A</u>

8. **Staff's Recommendation:**   Subdivision Development September 2013  

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

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

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

# Planning Department

Memo

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

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

**DATE:** October 22, 2013

**SUBJECT:** Subdivision Development Monthly Report: September 2013

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## New Subdivisions:

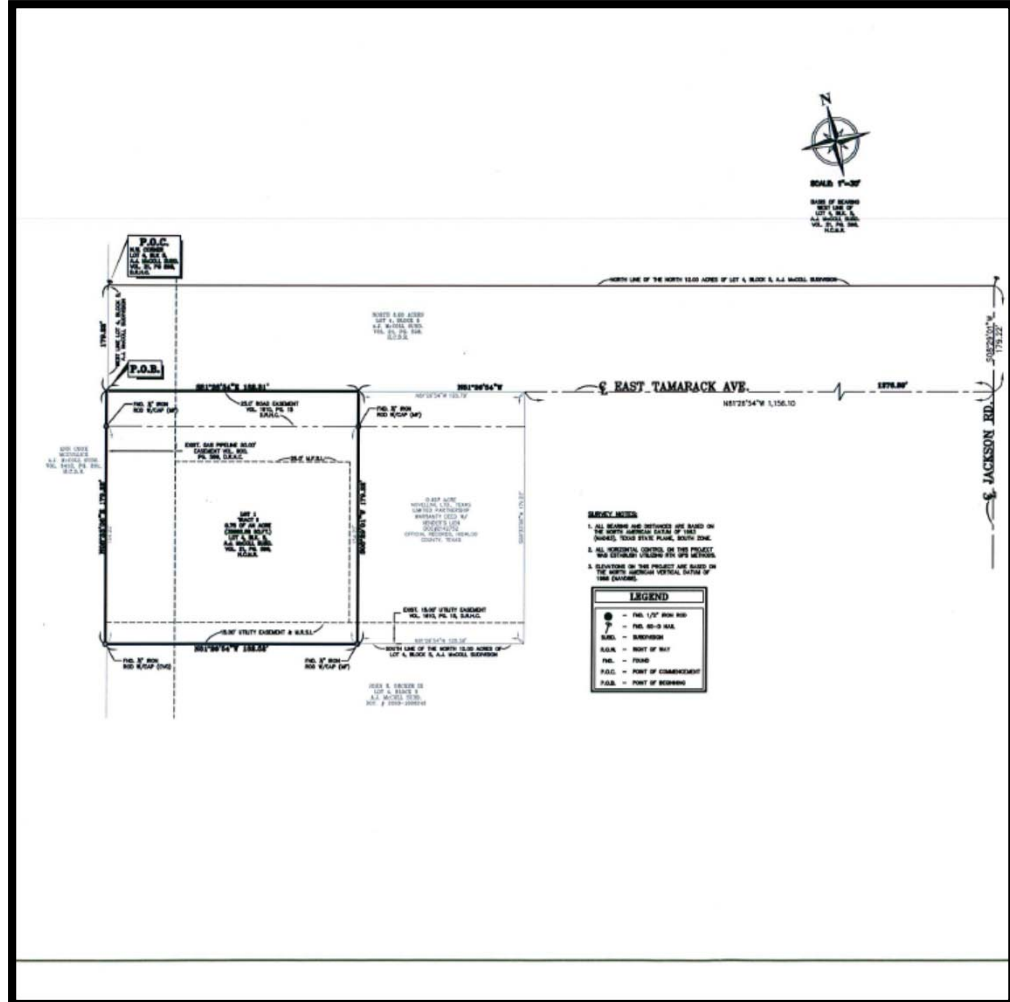
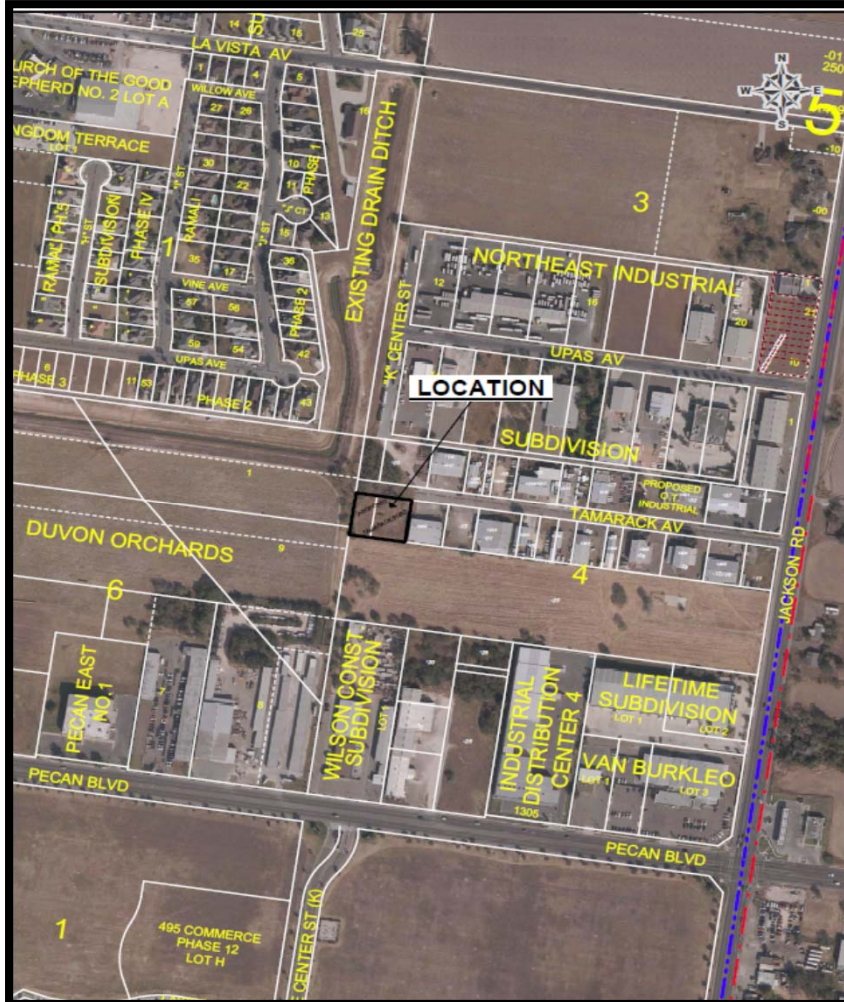
Name	Zoning	Type of Development	Number of lots	Acres
<b>1. Tamarack Subdivision</b>	<b>I-1</b>	<b>Industrial</b>	<b>1</b>	<b>.75</b>
<b>2. Quinta Luz Subdivision</b>	<b>A-O</b>	<b>Commercial</b>	<b>1</b>	<b>3.25</b>
<b>3. Villagio Phase II-A Subdivision (Vacate and Replat)</b>	<b>R-1 &amp; R3T</b>	<b>Residential/Residential Townhouse</b>	<b>74</b>	<b>9.416</b>

## Subdivisions Recorded:

Name	Zoning	Type of Development	Number of lots	Acres
<b>1. Popeye's Subdivision</b>	<b>C-3</b>	<b>Commercial</b>	<b>1</b>	<b>0.74</b>
<b>2. North Park Estates Lot A-1 Subdivision</b>	<b>C-3L</b>	<b>Commercial</b>	<b>1</b>	<b>1.10</b>
<b>3. North McAllen Shopping Center Lots 4A and 4B</b>	<b>C-3</b>	<b>Commercial</b>	<b>2</b>	<b>2.25</b>

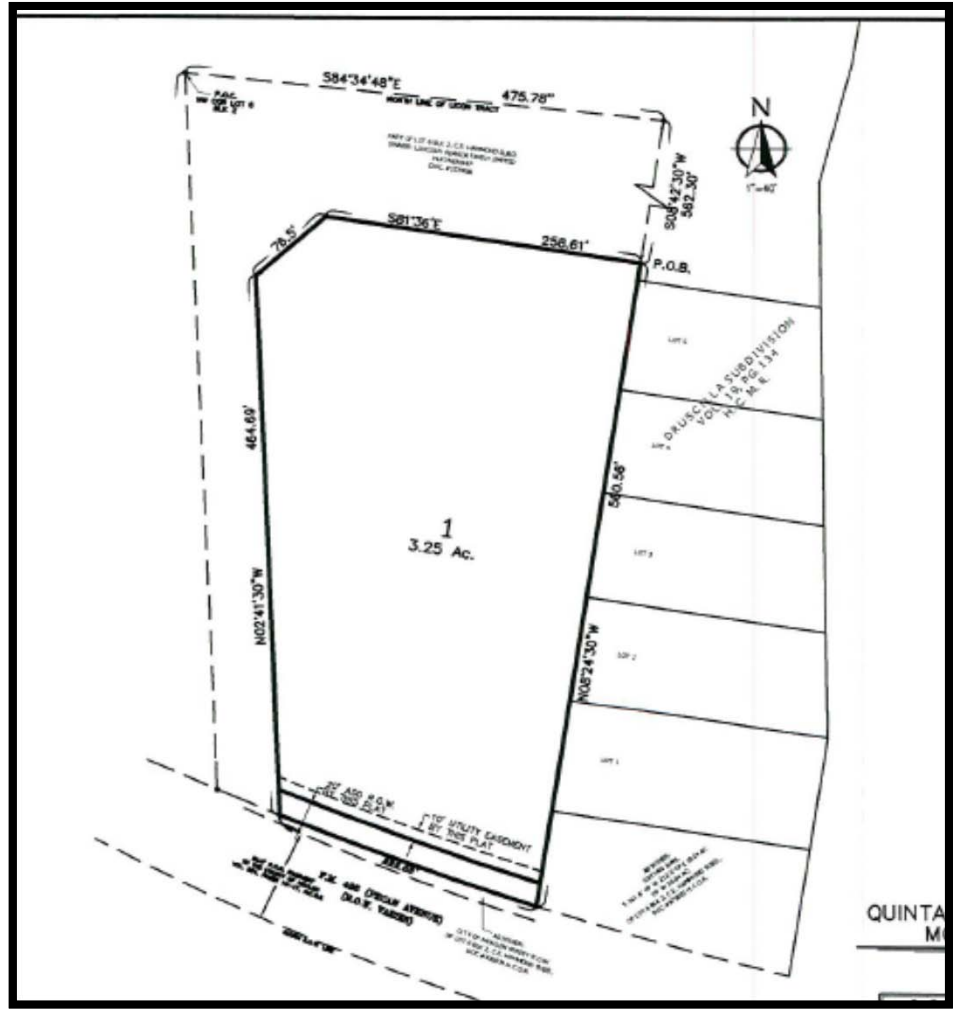
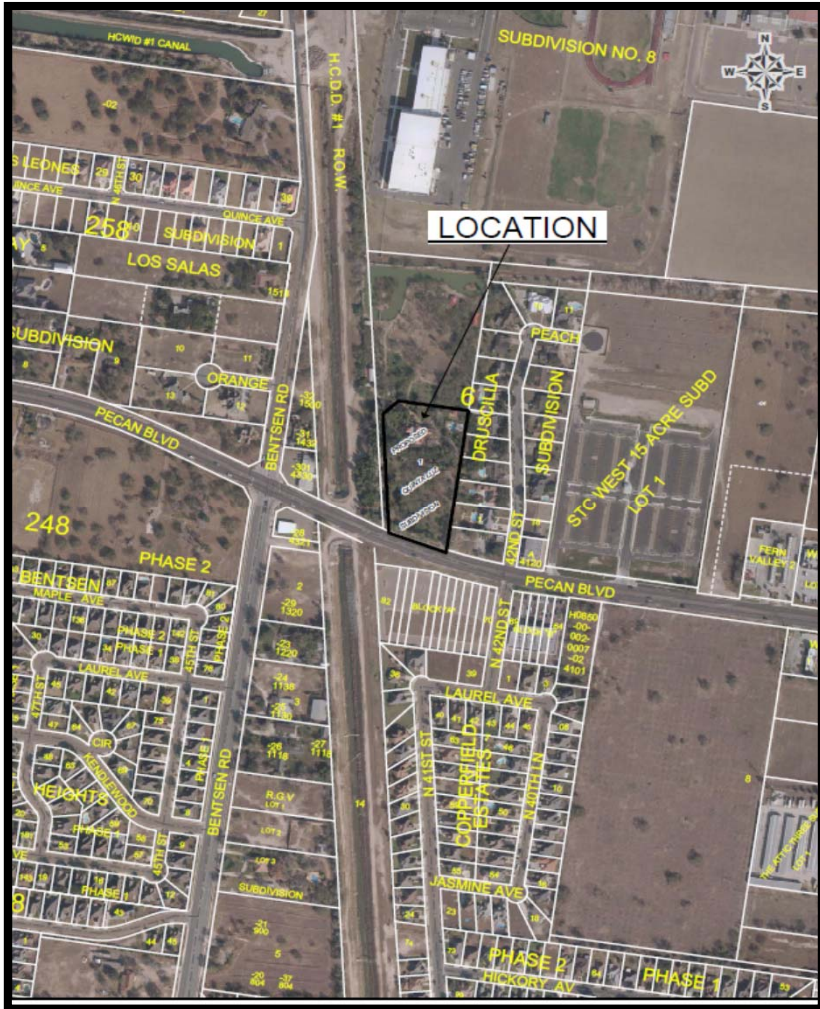
# TAMARACK SUBDIVISION

## 1 LOT INDUSTRIAL – .75 ACRES



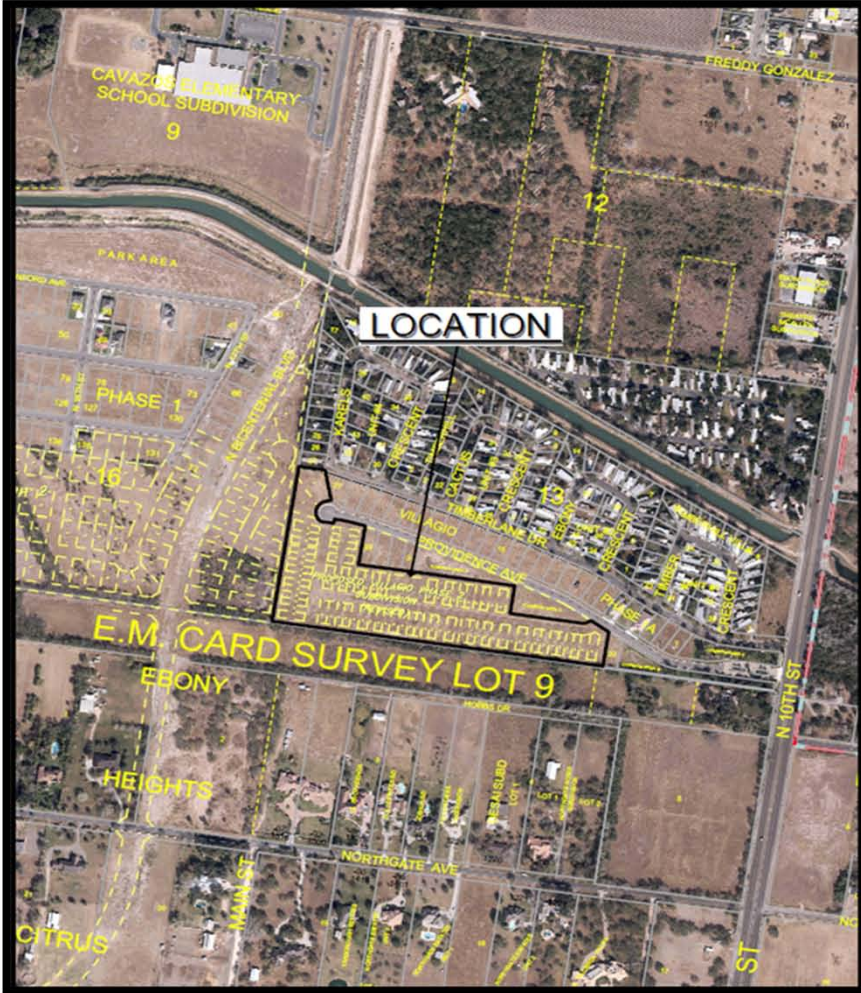
# QUINTA LUZ SUBDIVISION

## 1 LOT COMMERCIAL – 3.25 ACRES



# VILLAGIO PHASE II SUBDIVISION

## 74 LOT RESIDENTIAL – 9.416 ACRES

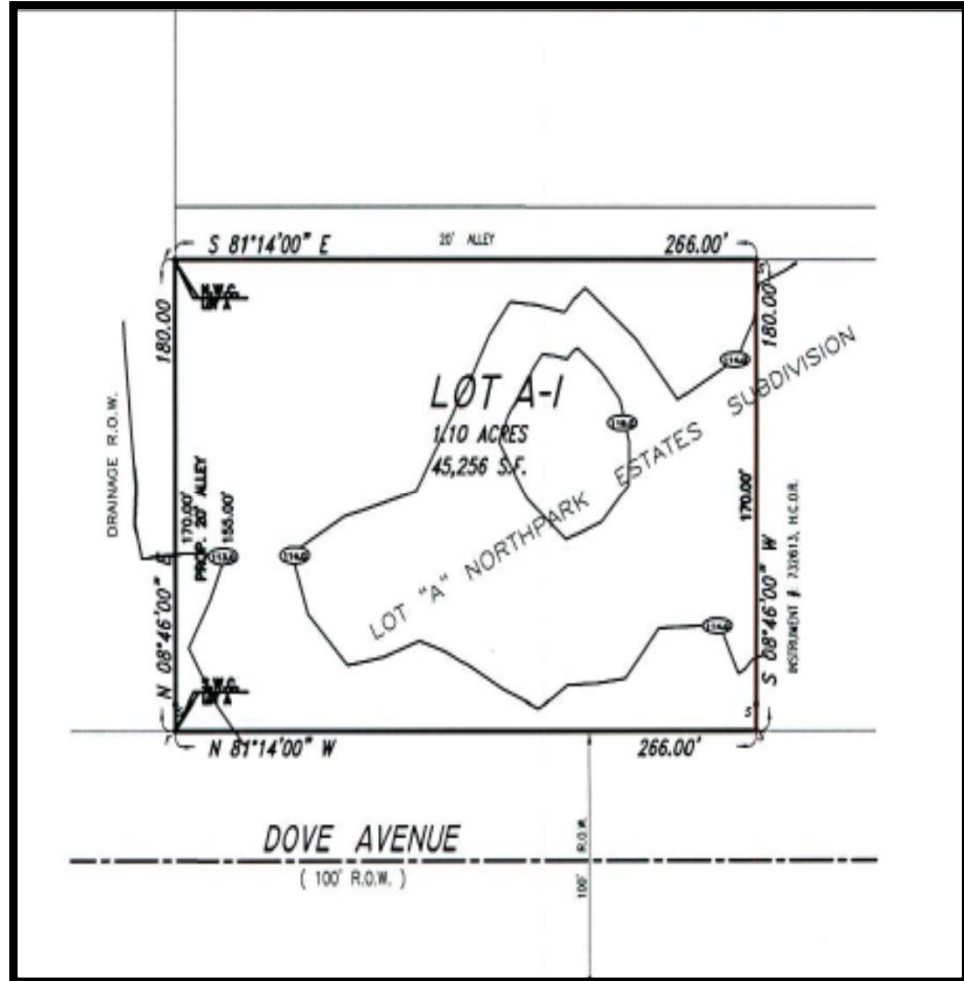
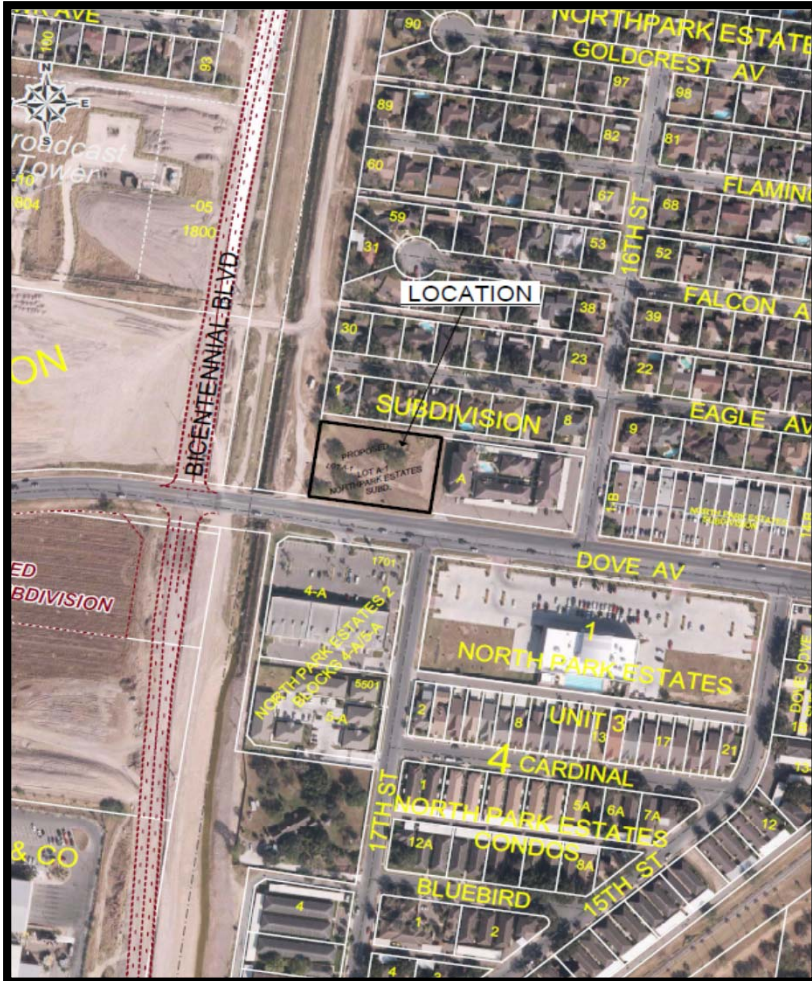






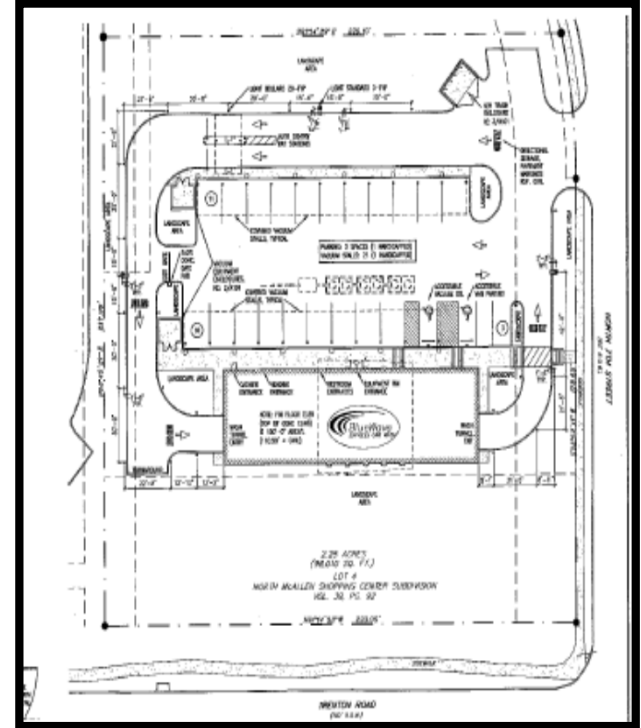
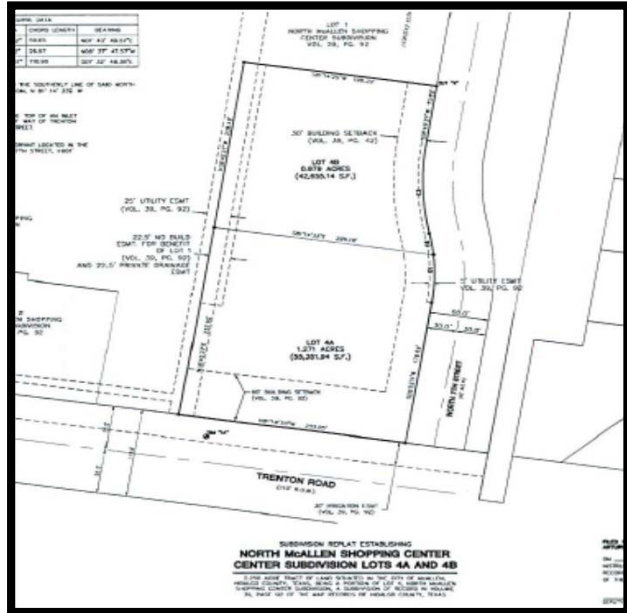
# NORTH PARK ESTATES LOT A-1 SUBDIVISION

## 1 LOT COMMERCIAL- 1.10 ACRES



# NORTH MCALLEN SHOPPING CENTER LOTS 4A AND 4B SUBDIVISION

## 2 LOT COMMERCIAL- 2.25 ACRES



STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION	<u>  X  </u>	AGENDA ITEM	<u>  6G  </u>
UTILITY BOARD	<u>          </u>	DATE SUBMITTED	<u>  10/23/2013  </u>
PLANNING & ZONING BOARD	<u>          </u>	MEETING DATE	<u>  10/28/2013  </u>
OTHER	<u>          </u>		

1 Agenda Item: CITY MANAGER'S REPORT - Designation of a Commissioner Representative to the IMAS Board of Directors

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

3 Nature of Request: (Brief Overview) Attachments:        Yes   X   No  
As discussed during budget workshop.

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

5 Budgeted:        Yes        No   X   N/A

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

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

7 Routing:

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

8 Staff Recommendation: Designate Commissioner Ingram

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>    6H    </u>
UTILITY BOARD	<u>          </u>	DATE SUBMITTED	<u>    10/23/2013    </u>
PLANNING & ZONING BOARD	<u>          </u>	MEETING DATE	<u>    10/28/2013    </u>
OTHER	<u>          </u>		

**1 Agenda Item:**     FUTURE AGENDA ITEMS    

---

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

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

---

**4 Policy Implication:** \_\_\_\_\_

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

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

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

**7 Routing:**

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

**8 Staff Recommendation:** \_\_\_\_\_

**9 Advisory Board:**      Approved      Disapproved      None

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

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

**STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION

✓

AGENDA ITEM

7A

UTILITY BOARD

\_\_\_\_\_

DATE SUBMITTED

9/17/2013

PLANNING & ZONING BOARD

\_\_\_\_\_

MEETING DATE

10/28/13

OTHER

\_\_\_\_\_

1 Agenda Item: City Manager's

2 Party Making Request: Lucy Canales and Kelly Salazar Linebarger Firm

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

Discussion, consideration and possible action regarding waiver of penalty and interest on delinquent taxes for Sinbon Electronics Co. Ltd. Cause No. T-1113-12-J

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>
a) <u>Martha Guel Tax Assessor</u>	<u>mg</u>	<u>09/17/13</u>
b) _____	_____	_____

8 Staff Recommendation: None

10 City Attorney:        Approved        Disapproved        KP        None

11 Manager's Recommendation: MRP Approved        Disapproved        None

# Memorandum

Tax Office

**To:** Mayor Jim Darling and City Commission

**Through:** Mike Perez, City Manager

**From:** Martha Guel, Tax Assessor *mg*

**Date:** 9/16/2013

**Re:** Request for Waiver of Penalty and Interest

---

Attached is the request from our Delinquent Tax Attorneys for discussion of waiver of penalty and interest.

The Property they will be discussing is personal property and inventory that was taxable in McAllen when the company requesting the waiver was in operation. The company (Sinbon) did not pay the taxes that were due at the time and now the penalties are \$7,904.12. They are requesting a waiver on these penalties.

I have attached a copy of the most current statement for your review.

City of McAllen Tax Office  
 Martha Guel, CTA Tax Assessor Collector  
 P.O. Box 220 - 1501 W. Pecan Blvd.  
 McAllen, Texas 78505-0220  
 (956) 681-1330

SEPTEMBER 03, 2013

TAX STATEMENT FOR TAXES DUE

ACCOUNT NUMBER: S298299000001223

PROPERTY DESCRIPTION  
 INVENTORY AT 5200 GEORGE MCVAY STE  
 C (INSIDE SPAN AMERICA) / NEW ACC  
 T 2009

SINBON ELECTRONICS CO LTD  
 4F 13 N 79 SEC  
 1 HSIN TAI WU RD  
 TAIPEI HSIEN 221, TA WAN R

USER CODES: LRP TXS

CAUSE# : T-1113-12-J  
 P&I/DISC. COLL FEE

YEAR	SQ	ENTITY	DESC.	BASE TAX	CAUSE# : T-1113-12-J P&I/DISC.	COLL FEE	TOTAL
009	0	CITY OF MCALLEN		3850.18	2002.09	877.84	6730.11
009		TAX DUE		3850.18	2002.09	877.84	6730.11
-----							
010	0	CITY OF MCALLEN		3850.18	1694.08	831.64	6375.90
		LATE RENDITION PENAL		385.02	169.41	83.16	637.59
010		TAX DUE		4235.20	1863.49	914.80	7013.49
-----							
011	0	CITY OF MCALLEN		3941.57	1261.30	780.43	5983.30
		LATE RENDITION PENAL		394.16	126.13	78.04	598.33
011		TAX DUE		4335.73	1387.43	858.47	6581.63
-----							
R		TAX DUE		12421.11	5253.01	2651.11	20325.23
R		TOTAL DUE		12421.11	5253.01	2651.11	20325.23
-----							
TOTAL AMOUNT DUE IF PAID DURING THE MONTH OF							
SEPTEMBER 2013.....							20325.23
OCTOBER 2013.....							20468.08
NOVEMBER 2013.....							20610.93



## **Martha Guel**

---

**From:** Elvira Hernandez [Elvira.Hernandez@lgbs.com]  
**Sent:** Tuesday, September 03, 2013 2:20 PM  
**To:** Martha Guel  
**Subject:** Sinbon Electronics Request for Waiver of Penalties  
**Attachments:** Jay Chadha settlement offer.pdf

Good Afternoon Martha,

Lucy has asked me to send you the following with regard to the request for the waiver of penalties and interest for Sinbon Electronics:

Attached is a copy of request for waiver of penalties and interest submitted by Mr. Chadra, attorney for Sinbon Electronics. The item should be placed under executive session and listed as:

Discussion, consideration and possible action regarding waiver of penalty and interest on Cause No. T-1113-12-J, styled Sharyland Independent School District, City of McAllen and South Texas College et al vs. Sinbon Electronics Co. Ltd.

Let me know if you have any questions.

Thanks!

**Elvira Hernandez**

Asst Office Mgr

**Linebarger Goggan Blair & Sampson, LLP**

**Attorneys at Law**

[Elvira.Hernandez@lgbs.com](mailto:Elvira.Hernandez@lgbs.com)

205 South Pin Oak Avenue

Edinburg, TX 78539

Main: (956) 383-4500

Direct: (956) 289-7912

Fax: (956) 383-7820

<http://www.lgbs.com/>

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January 31, 2013

VIA TELECOPY - (956) 316-4935

**FOR SETTLEMENT DISCUSSION PURPOSES ONLY**

Ms. Kelly R. Salazar  
Linebarger Goggan Blair & Sampson, LLP  
205 S. Pin Oak Avenue  
Edinburg, TX 78539

Re: Cause No. T-113-12-J; *Sharyland ISD et al. v. Sinbon Electronics, Co., Ltd.*

Dear Ms. Salazar:

Sinbon Electronics, Co., Ltd. ("Sinbon") makes the following offer to settle the above-referenced cause:

Sinbon would pay the property taxes owed for tax years 2009, 2010, and 2011, provided that the taxing units waive any and all interest, penalties and fees on such tax amounts. We estimate that the total amount of the taxes to be \$68,163.68, based on the attached information provided by the Hidalgo County Appraisal District.

Waiver of interest and penalties is authorized under Section 33.011 of the Texas Tax Code when an act or omission of an officer, employee, or agent of the taxing unit or the appraisal district in which the taxing unit participates caused or resulted in the taxpayer's failure to pay the tax before the delinquency. Waiver of interest and penalties is appropriate in this case because Sinbon did not receive any notices from the Hidalgo County Appraisal District or any notices from any taxing jurisdiction. The taxing units have admitted in discovery responses that they used an erroneous address for Sinbon (for example, the taxing units used "Tawiwan" instead of "Taiwan"). It was not until the Texas Secretary of State corrected this error in serving this lawsuit did Sinbon learn of any property taxes owed.

If this proposal is agreeable, we will prepare a settlement agreement providing that Sinbon will make the payment to the taxing units within twenty-one (21) days after the settlement agreement is signed. Plaintiff taxing units will dismiss the above-referenced suit within the twenty-one (21) day period after the settlement agreement is signed and within seven

Ms. Kelly R. Salazar

January 31, 2013

Page 2

(7) days after receiving payment, shall issue tax certificates under Section 31.08 of the Texas Tax Code for each year, confirming that there are no amount of delinquent taxes, penalties, interest, and any known costs and expenses due on the property. Each party would bear its own attorney's fees and costs.

If the terms and conditions are acceptable to Plaintiffs, please indicate so by signing in the space provided and return via telecopier. Thank you for your consideration to this matter.

Sincerely,



Jay M. Chadha

Attachments

AGREED:

---

Kelly R. Salazar



## Memo

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

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

J.R.R.

**DATE:** October 7, 2013

**SUBJECT: REQUEST FOR VARIANCE TO NOT REQUIRE THE SUBDIVISION PROCESS AT THE EAST 137 FT. OF THE NORTH 10 ACRES OF THE SOUTH 20 ACRES OF COMBINED LOT 11, BLOCK 4 AND BLOCK 2, M & M SUBDIVISION; 2901 VALCOSTA SR (SERVICE 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 vacant property is located at the southwest corner of Rooth Road (N. 29<sup>th</sup> Street) and Valcosta Sr. (service road). The tract consists of 0.79 of an acre with 137 ft. of frontage along a 50 ft. access easement, identified as Valcosta Sr. as well as 251.80 ft. of frontage along Rooth Road, a dedicated street right-of-way (ROW). The property is located within the City's extra-territorial jurisdiction (ETJ). Surrounding land uses include vacant land, single family residences, and three separate schools at the intersection of Russell and N. 29<sup>th</sup> Street.

A drawing of the tracts identified as Courtney Palms exists of which tracts of land were sold to individuals without benefit of an approved subdivision. Of the 15 tracts of land, 3 have homes on the properties; 12 are still vacant. In June 2006, a 50 ft. easement agreement for access was recorded providing for ingress and egress from the subject property to and from Rooth Road.

According to Noemi Garcia, the property owner, she purchased this tract in December 2005 with the understanding that the property was properly subdivided. She intends to build a single family residence on the property; however, the tract of land in question is described by metes and bounds and was split from a larger tract without benefit of subdivision. Water services to the proposed residence will be from an existing Sharyland Water Supply Corporation (SWSC) line for which the owner would need to obtain a letter of approval. However, no hydrants, sanitary sewer, drainage improvements, or other city infrastructure improvements exist.

Ms. Garcia is 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 owner will obtain building and related permits from the County. 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 private drive for which future requests to construct homes may be submitted. Four of these tracts to the west are located within the city limits, of which two tracts were zoned single family residential in 2009. An application for a building permit for the property zoned single family residential was received. The permit was reviewed with conditions such as paved access; however, the permit was never issued.

**OPTIONS:**

1. Approve the variance request not to require the subdivision process.
2. Approve the variance request subject to additional road ROW along Valcosta SR (Service Road).
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.

TO: CITY OF MCALLEN

PLANNING DEPARTMENT

DATE: SEPTEMBER 12, 2013

OWNER NOEMI GARCIA

SUBJECT: REQUEST FOR VARIANCE TO NOT REQUIRE THE SUBDIVISION PROCESS AT A 1.00  
ACRE TRACT OF LAND - LOT 1 M.&M. Subdivision (also known as Courtney Palms)

PROPERTY:

The West 117 feet of the East 371 feet of the North 10 acres of the South acres of Lot Eleven (11), Block Four (4) and Block Two (2), M. and M. Subdivision, Hidalgo County, Texas as per map Or plat thereof recorded in Volume 8, Page 20, Map Records, Hidalgo County, Texas Being Commonly known as Lot 1, Courtney Palms. .79 OF ACRE. SURVEY ATTACHED

1. Citrus City Lake Development Corporation owner Curtis C. Davis, President of Courtney Palms Subdivision, assign an Collateral Assignment filed on Vol. 965 page 63 through 71 as to set property had been subdivided and lots were sold as early as December 1979. (including Lot 1 of M.&M.Sub)  
Attached. Document  
  
1a. Subject Lot 1, was first conveyed by Citrus City Lake Development Corporation to Edgardo C. Carballo on June 1981 (attached Deed)
2. Owner, NOEMI GARCIA, purchase set property with the understanding that it was already legally subdivided thereby saving any expense thereof. At no time did she subdivided or SPLIT the property.
3. The subdivision met and meets the COUNTY regulations which was plated in the '70, county knew of its existing subdivision since several homes are built in the subdivision.
4. The City of McAllen, Texas entre the property under the extra-territorial jurisdiction (ETJ) on August 5, 1985. The city cannot apply their regulation to this subdivision ( Ex Post Factor ).
5. The City of McAllen, Texas should GRANDFATHER this property and allow me to build a home of \$150,000 to \$200,000 in value.
6. City of McAllen acquiesce by not sending notices to the previous owners or owners over 26 years ago when the (ETJ) CAME INTO EFFECT.

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SEP 12 2013

7. George Salas and Melba Salas, purchased their property on August 21, 1996 and enjoying their land.
8. Subject property has FRONTAGE ON A DEDICATED STREET RIGHT-OF WAY ROUTH ROAD.
9. Blanket Easement to CPL , VOLUME 669, PAGE 120.
10. Magic Valley Electric has utility at the present time in the area.
11. Sharyland Water Supply Corporation record in Volume 1664 Page 645, Volume 1683 Page 211.
12. Sharyland Water supply water and meter are install in the area.
13. The land was purchase to build a home and enjoy the area.
14. Irrigation District #1 supply water and collect revenue from the home owners
15. Owner has been paying taxes over 6 years , ITS PREDECESSOR and has maintained the property clean and mowed.
16. Owner has an Easement agreement between Lot1,Lot2 Lot 3 of set subdivision.
17. Owner has an Easement and install telephone lines (AT&T) on set property.
18. Owner would be beautifying the area and raising the value of it property.
19. 13.7' Asphalt road on the North side of said property 50' Road Easement.

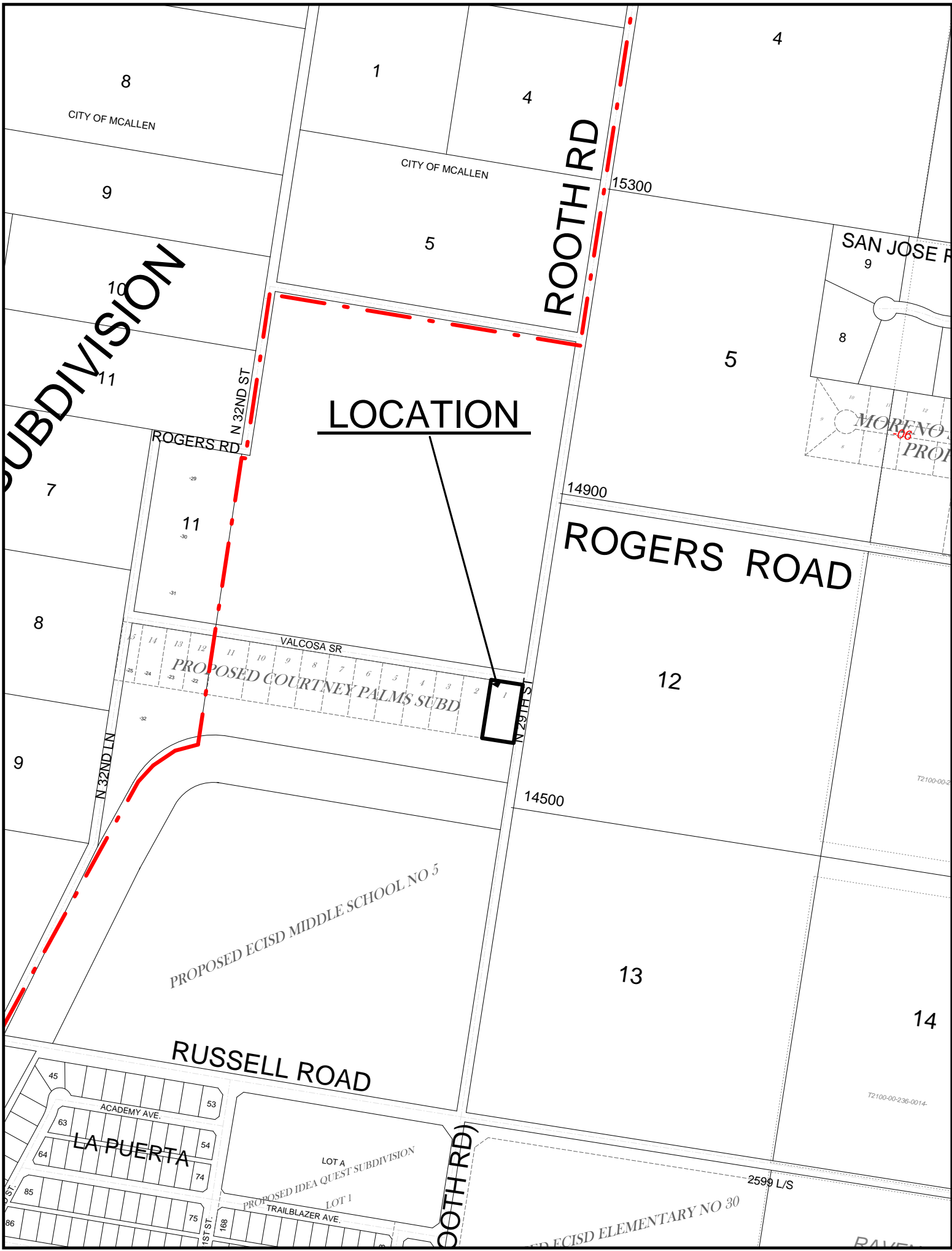
I would greatly appreciated in working with me in order to resolve this issue otherwise, I have purchase a piece of property I cannot enjoy, as a tax payer I need your corporation in this matter

Noemi Garcia

956 739-6284

956 992-9120





SUBDIVISION

ROOTH RD

LOCATION

ROGERS ROAD

RUSSELL ROAD

LA PUERTA

PROPOSED IDEA QUEST SUBDIVISION  
TRAILBLAZER AVE.

PROPOSED ECISD ELEMENTARY NO 30

PROPOSED ECISD MIDDLE SCHOOL NO 5

VALCOSA SR  
PROPOSED COURTNEY PALMS SUBD

SAN JOSE P

MORENO  
PROJ

CITY OF MCALLEN

CITY OF MCALLEN

ACADEMY AVE.

LOT A

LOT 1

2599 L/S

14900

14500

15300

T2100-00-2

T2100-00-236-0014-

4

1

4

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11

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14

1ST ST.

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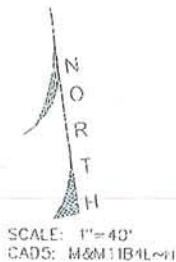
2

1

# PEÑA ENGINEERING

1001 WHITEWING · P.O. BOX 4320  
 (956) 682-8812 · McALLEN, TEXAS 78502 · FAX (956) 531-PENA

**COPY**

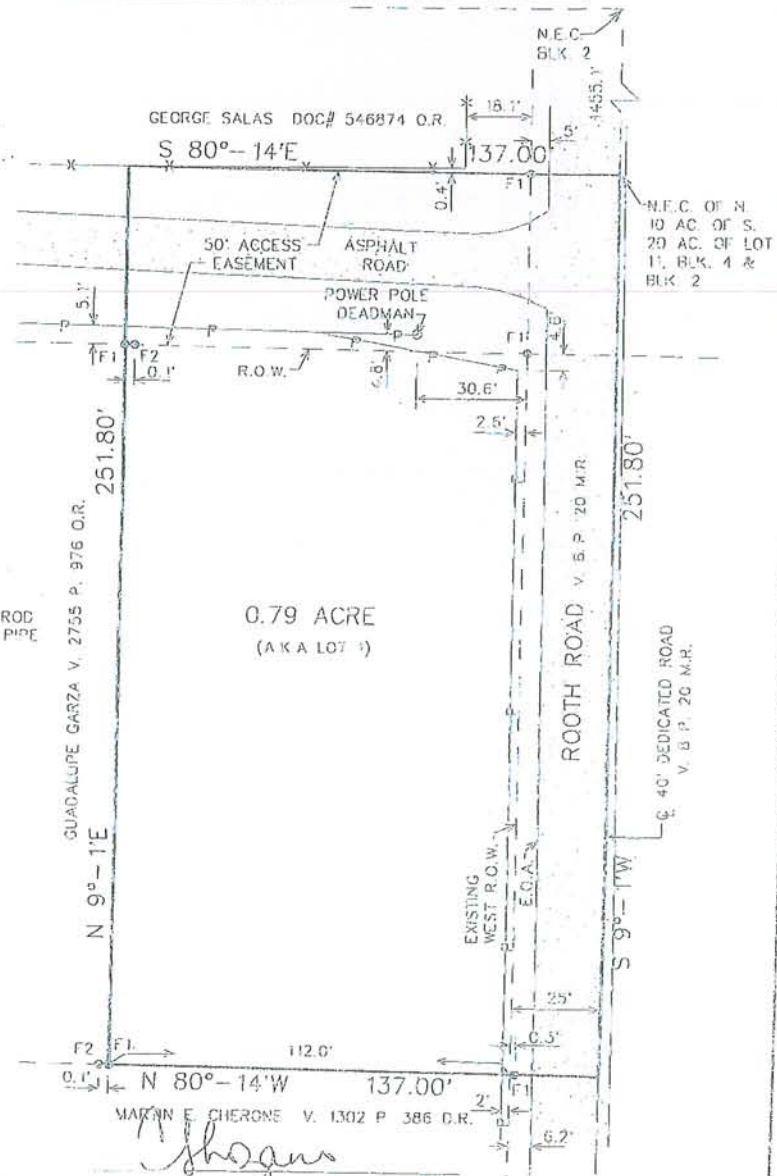


NOTE: BASIS OF BEARING,  
 THE WEST LINE OF BLOCK  
 2, M & M SUBDIVISION V.  
 8 P. 20 M.R.

**LEGEND**

- F1- FOUND 1/2" DIAMETER IRON ROD
- F2- FOUND 3/4" DIAMETER IRON PIPE
- FN- FOUND 60-D NAIL
- P- POWER POLE LINE
- X-X- 5' HOGWIRE FENCE

0.79 ACRE  
 (AKA LOT 1)



BUYER'S NAME: \_\_\_\_\_

FLOOD ZONE: By GRAPHICAL PLOTTING Community Panel No. 480334 0325 D  
 Map Revised: MAY 17, 2001

- Zone "A" -- This is to certify that this property is in a flood prone area.
- Zone "X" -- This is to certify that this property is not in a flood prone area. However limits between the 100 year and 500 year flood are subject to flooding with average depths less than one foot.
- Zone "C" -- This is to certify that this property is not in a flood prone area.

I certify that this plat represents the facts found on the ground at the time of survey and that there are no visible discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments, or overlapping of improvements except as shown on this plat. © copyright 2004 PEÑA ENGINEERING this survey was provided in multiple originals solely for the borrower named hereon, in conjunction with the original transaction which shall take place within 6 months after the survey was provided. No license has been created or implied to copy this survey. Survey valid only if print has original seal and signature.

ADDRESS: \_\_\_\_\_

LEGAL DESCRIPTION: The East 137.0 feet of the North 10.0 acres of the South 20.0 acres of combined Lot 11, Block 4 and Block 2, M & M SUBDIVISION, Hidalgo County, Texas,

ACCORDING TO THE MAP RECORDED IN VOLUME 8 PAGE 20  
 OF THE Map RECORDS OF Hidalgo COUNTY, TEXAS.

9-8-04

DATE

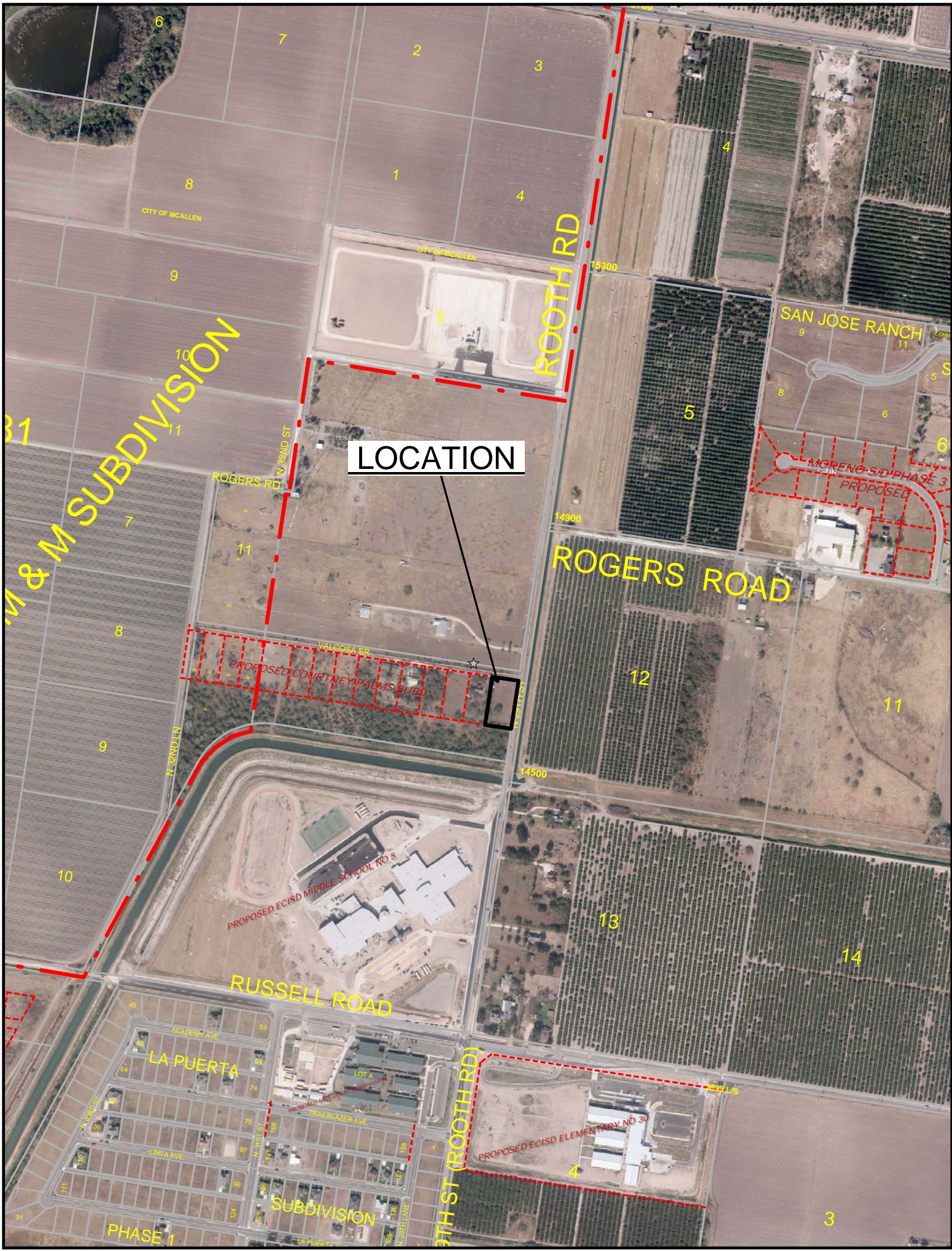
*Paul P. Peña*  
 REG. PROFESSIONAL LAND SURVEYOR

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SEP 12 2013

Initial





LOCATION

M & M SUBDIVISION

ROOTH RD

ROGERS ROAD

PROPOSED ECISD MIDDLE SCHOOL NO 5

RUSSELL ROAD

LA PUERTA

SUBDIVISION

PROPOSED ECISD ELEMENTARY NO 30

SAN JOSE RANCH

PROPOSED MORENO SUB PHASE 3

PROPOSED COURTNEY PALMS SUBD

PHASE 1

31ST ST (ROOTH RD)

CITY OF MCALLEN

6

7

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64900

# Intersection of Rooth Rd. and Valcosta SR

