



AGENDA

**CITY COMMISSION REGULAR MEETING
MONDAY, NOVEMBER 11, 2013 – 5:00 PM
CITY COMMISSION CHAMBERS; 3RD FLOOR**

CALL TO ORDER - Mayor Jim Darling

PROCLAMATION - *Veteran's Day*

PLEDGE OF ALLEGIANCE - Mayor Jim Darling

INVOCATION - John Ingram, City Commissioner

PRESENTATIONS - Recognizing the Valley Legislative Delegation
- Texas Oncology

SWEARING IN CEREMONY - Victor Flores, Assistant City Attorney

PROCLAMATION - *Texas Recycles' Day*– Recycling Department

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 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 23rd Street.
- 2.** 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.
- 3.** Initial zoning to C-3 (general business) District: 2.50 acres out of Lot 503, John H. Shary Subdivision, Hidalgo County, Texas; 6500 State Highway 107.
- 4.** Request of Michael L. Crain on behalf of AT&T Mobility, for a Conditional Use Permit, for life of the use, for personal wireless service facility at Lots 1 through 4, Block 5, South McAllen Subdivision, Hidalgo County, Texas; 803 South 16 ½ Street.
- 5.** Request of Alejandro F. Herrera, for a Conditional Use Permit, for life of the use, for gasoline service station at the 2.19 acres of land out of Lots 7 and 8, King's Highway Subdivision, Hidalgo County, Texas; 3621 Highway 83.
- 6.** Request of Alejandro F. Herrera, for a Conditional Use Permit, for life of the use, for gasoline service station at the 3.865 acres out of Lot 15, C.E. Hammond Subdivision, Hidalgo County, Texas; 1901 Dove Avenue.
- 7.** Request of Victor Barrera, appealing the decision of the Planning & Zoning Commission of the October 16, 2013 meeting, denying a Conditional Use Permit, for

one year, for a dancehall at Lot 1, Michelle's Banquet Hall Subdivision, Hidalgo County, Texas; 2100 Nolana Avenue.

8. Request of Dolia N. Lucero, appealing the decision of the Planning & Zoning Commission of the October 16, 2013 meeting, denying a Conditional Use Permit, for one year, for a nightclub at Lot 1-3, McAllen Athletic Mall Subdivision, Hidalgo County, Texas; 500 East Hackberry Avenue.

B) REZONING:

Rezone from A-O (agricultural-open space) District to C-3 (general business) District: 3.25 acres out of Lot 6, Block 2, C.E. Hammond Subdivision, Hidalgo County, Texas; 4300 Pecan Boulevard.

C) CONDITIONAL USE PERMIT:

Request of Rene H. Alanis, for a Conditional Use Permit, for life of the use, for personal wireless service facility at Lot 17, Block A, Cathey Courts Subdivision, Hidalgo County, Texas; 128 Beaumont Avenue.

D) Amending the Zoning Ordinance (Initial Zoning) providing that 2.50 acres out of Lot 503, John H. Shary Subdivision, Hidalgo County, Texas; 6500 State Highway 107 shall be initially zoned to C-3 (general business) District.

E) 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) Consider approval of the extension of contract for Delinquent Tax Collection with Linebarger Goggan Blair & Sampson, LLC.
- C) Authorization to declare certain vehicles as surplus and begin auction efforts.
- D) Ordinance providing for amendment of Ordinance 2013-04 deleting the Affordable Homes of South Texas' Neighborhood Revitalization Program and reprogramming said funds into Affordable Homes of South Texas' Helping Hands Grants Program which were designated under the Fiscal Year 2012-2013 Action Plan.
- E) Ordinance providing for budget amendment for the New World System Software Project.

- F) Ordinance providing for a budget amendment for the construction improvements at Trinity Methodist Church parking lot as per the approved lease agreement for utilization of the parking lot for the Bicentennial Trail.

3. BIDS/CONTRACTS:

- A) Consider approval of Change Order No. 6 for McAllen Miller International Airport Terminal Expansion Project.
- B) Request approval to accept the TxDOT Ramp Grant for Routine Airport Maintenance Program.
- C) Selection of Airport General Engineering Contractor and authorization to negotiate a five-year contract with such firm.
- D) Award of Contract for Pool Administration Building Hail Damaged Re-Roof Project.
- E) Consider approval of Change Order No 1 for Retiree Haven Subdivision Drainage Improvements.
- F) Consider approval of Contract Amendment No. 2 to S&B Infrastructure for Environmental Assessment Services for Anzalduas Southbound Trucks and adoption of an ordinance providing for a budget amendment for such services.

4. **ORDINANCE** providing for the annexation of a tract comprising 2.5 acres at the north side of State Highway 107, approximately 870 feet east of Glasscock Road.

5. **RESOLUTION** authorizing the submission of a grant application to Texas Parks and Wildlife Department for funding under the Fiscal Year 2014 Horned Lizard License Plate Grant Program.

6. MANAGER'S REPORT:

- A) Consider acceptance of Civil Service Commissioner resignation and appointment of replacement.
- B) 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) 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.

8. MAYOR'S REPORT:

- A) Discussion of McAllen's opportunities with new university.
- B) Report on unofficial election results.

PUBLIC COMMENT SESSION

- 9. EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY), SECTION 551.087 (ECONOMIC DEVELOPMENT), AND SECTION 551.072 (DELIBERATION REGARDING REAL PROPERTY).**
- 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)** 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 5, Hidalgo Canal Company's Subdivision, Hidalgo County, Texas and approve related resolution. (Sections 551.072 and 551.071, T.G.C.)
 - D)** Consultation with City Attorney regarding legal aspects of human resources process. (Section 551.071, T.G.C.)
 - E)** 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 **8th** day of **November, 2013** at **2:00 pm** and will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.

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

**CITY OF McALLEN
STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION X
UTILITY BOARD
OTHER

AGENDA ITEM 1A1
DATE SUBMITTED 10/22/13
MEETING DATE 11/11/13

1. Agenda Item: Rezoning Request
2. Party Making Request: Integ Corporation
3. Nature of Request: (Brief Overview) Contract: Yes No
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 23rd Street.
4. Policy Implication: Zoning Ordinance
5. Budgeted: Yes X No N/A
Bid Amount: Budgeted Amount:
Under Budget: Over Budget:
Amount Remaining:
If over budget how will it be paid for:
6. Alternate option/costs:
7. Routing:
- | | NAME/TITLE | INITIAL | DATE | CONCURRENCE |
|----|---|-------------------|-------------------|-------------------|
| a) | <u>Julianne R. Rankin</u>
Director of Planning | <u>JR</u> | <u>10/22/13</u> | <u>Yes</u> |
| b) | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
8. Staff's Recommendation: Approval
9. Advisory Board: X Approved Disapproved None
10. City Attorney: KP Approved Disapproved None
11. Manager's Recommendation: ABB Approved Disapproved None

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-1 (OFFICE BUILDING) DISTRICT: 1.07 ACRES OUT OF LOT 30, EBONY HEIGHTS CITRUS GROVES UNIT NO. 2 SUBDIVISION, HIDALGO COUNTY, TEXAS; 9120 NORTH 23RD STREET. (REZ2013-0026)

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 east side of North 23rd Street north of the intersection of Northgate Avenue. The tract has 101 feet of frontage along North 23rd Street and a depth of 494 feet at its deepest point for a tract size of approximately 1.07 acres. The property was zoned to R-1 (single family residential) District during annexation in November 1995. An existing office building containing 1,500 square feet is located on the property. The building was constructed prior to annexation into the City of McAllen and has been used for office purposes in the past. The applicant is requesting C-1 (office building) District to bring the building use into conformance with the zoning district.

The adjacent zoning is R-1 (single family residential) District in all directions except the area to the west across North 23rd Street which is outside the city limits. The adjacent surrounding properties were zoned to R-1 District during annexation in 1995 and single family residential uses have been constructed. A rezoning request for C-3 (general business) District for a property to the north at Oxford and 23rd Street was disapproved in 2010. Adjacent land uses are single family residential and vacant land. Commercial buildings in the area are used for office purposes and are located to the south and along the west side of 23rd Street outside the city limits.

- The requested zoning does not conform to the Suburban Residential land use designation for the area as indicated on the Foresight McAllen Comprehensive Plan. Foresight Land Use Plan proposes residential development for the area and the development trend is single family residential with houses currently under construction to the north in the La Floresta Subdivision. The compatible land use designation for office use is Suburban Commercial. Foresight Land Use Plan proposes Auto Urban Commercial along 23rd

Street at Freddy Gonzalez and Auburn Avenue which is approximately ½ mile away.

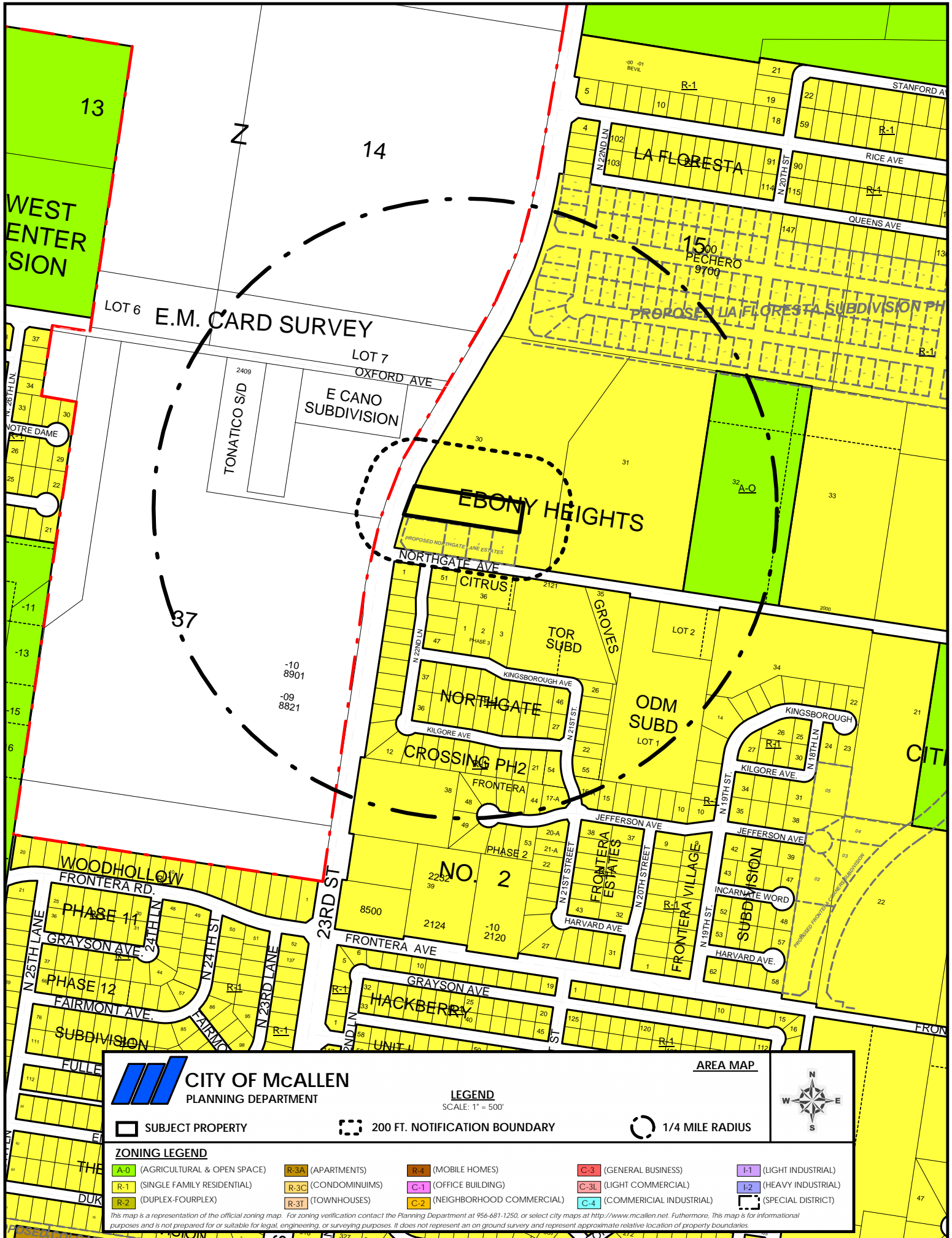
- C-1 (office building) District is a more compatible commercial district with adjacent single family residential uses and scattered commercial uses in the area. Land uses permitted in a C-1 zone are: office building for professional services, medical services, financial services and personal services including beauty salons, day care centers and nursing homes. The maximum height for buildings within C-1 District is 2 stories.
- North 23rd Street is designated as a principal arterial with 120 feet of right-of-way and is constructed with 4 travel lanes, one turning lane, curb and gutter, and a posted speed limit of 55 miles per hour. Northgate Lane is designated as a minor collector street with 55 feet of right-of-way and is constructed as a rural road with 2 travel lanes, and a posted speed limit of 30 miles per hour.
- Trees with a caliper of 20 inches or greater in commercial zones are protected and require a permit for removal.
- A water main is located along 23rd Street with fire hydrants installed in the area along Oxford Avenue and 23rd Street. Sanitary sewers are being extended to subdivisions in the area, but existing residences and commercial buildings use septic systems.
- A recorded subdivision plat may be required prior to issuance of a building permit if the existing building is removed or an addition is required.
- An approved site plan in compliance with parking, landscaping, buffers and building setbacks is required as part of the building permit process.

OPTIONS:

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

RECOMMENDATION:

At the Planning and Zoning Commission meeting of October 16, 2013 no one appeared in opposition of the rezoning request. Susana Vela, a resident of the area, inquired how a commercial designation for the subject property would impact her own property in regards to higher taxes. Board Chairman Leonel Garza III, replied that if she had a Homestead Exemption designation on her property, it would remain. The Board then voted to recommend approval of the rezoning request with five members present and voting.



CITY OF McALLEN
PLANNING DEPARTMENT

AREA MAP

LEGEND
SCALE: 1" = 500'



SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS

ZONING LEGEND

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

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



OXFORD AVE

CANO DIVISION

30

EBONY HEI

PROPOSED NORTHGATE LANE ESTATES

NORTHGATE AVE

CITRUS

2121

23RD ST

VDLN

47


PHASE 3

TOR SUBD

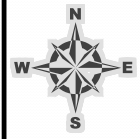


CITY OF McALLEN
PLANNING DEPARTMENT

AERIAL MAP
SCALE: N.T.S.

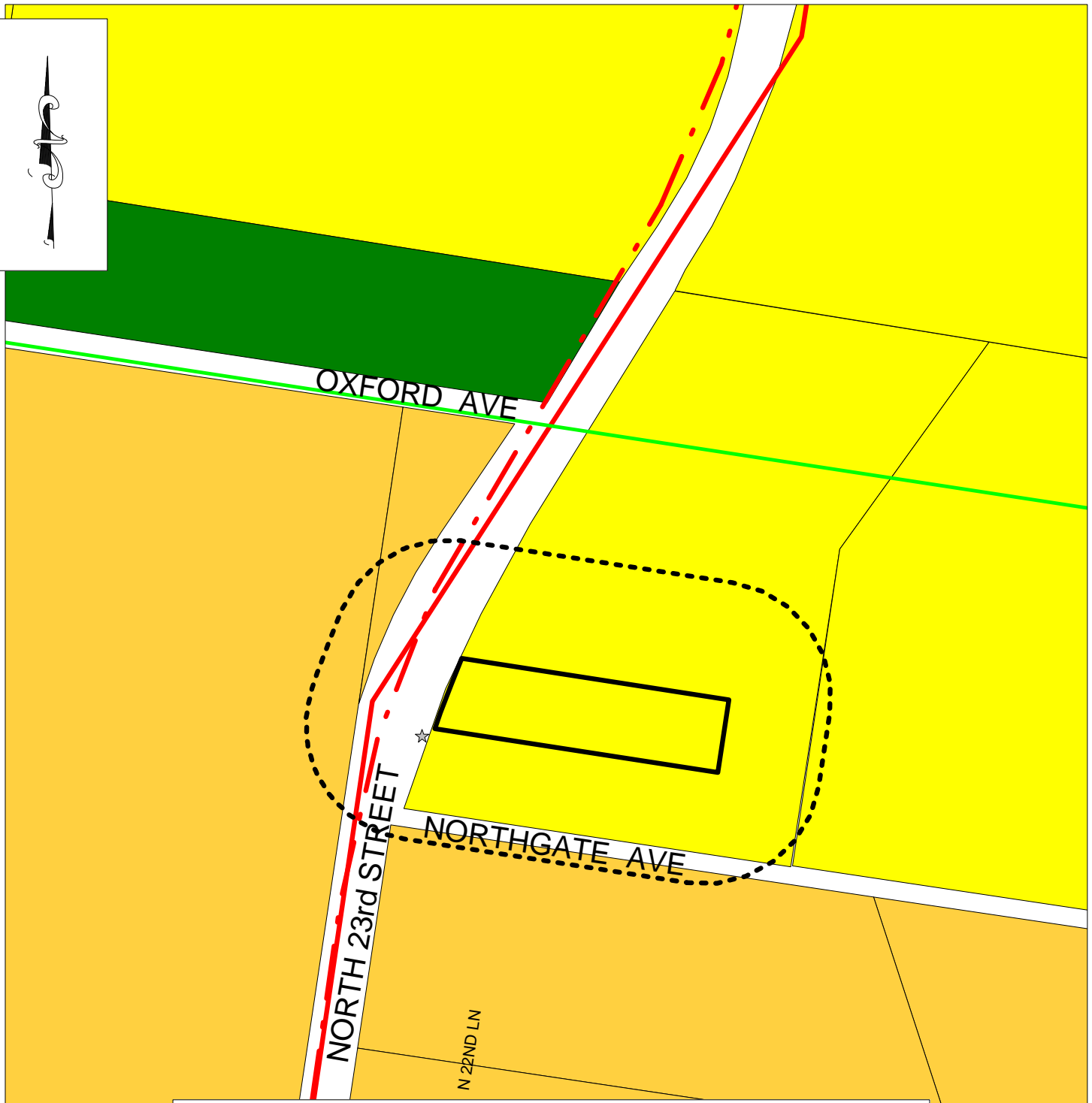
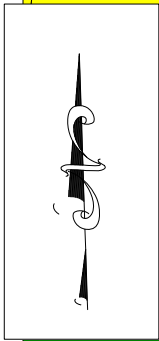
 SUBJECT PROPERTY

 200 FT. NOTIFICATION BOUNDARY



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GHAVE



CITY OF McALLEN
PLANNING DEPARTMENT

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

FORESIGHT McALLEN COMPREHENSIVE PLAN

FUTURE LAND USE PLAN

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

THOROUGHFARE PLAN

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

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

FFERSON AVE



MCALLEN
POLICE
TRAINING
CENTER



NOTICE
REZONING
For
This Property
REZ2013-0026
City of McAllen Planning Dept. 681-1200
www.mcallean.net

**CITY OF McALLEN
STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION X
 UTILITY BOARD _____
 OTHER _____

AGENDA ITEM 1A2
 DATE SUBMITTED 10/17/13
 MEETING DATE 11/11/13

1. **Agenda Item:** Rezoning Request
2. **Party Making Request:** Enrique Kalifa
3. **Nature of Request: (Brief Overview) Contract:** ___ Yes ___ No
 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. (REZ2013-0028)
4. **Policy Implication:** Zoning Ordinance
5. **Budgeted:** ___ Yes X No ___ N/A

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

If over budget how will it be paid for: _____
6. **Alternate option/costs:** _____
7. **Routing:**

NAME/TITLE	INITIAL	DATE	CONCURRENCE
a) <u> Julianne R. Rankin </u> Director of Planning	<u> JRR </u>	<u> 10/16/13 </u>	<u> Yes </u>
b) _____	_____	_____	_____
8. **Staff's Recommendation:** Approval
9. **Advisory Board:** ___ X ___ Approved ___ Disapproved ___ None
10. **City Attorney:** KP Approved ___ Disapproved ___ None
11. **Manager's Recommendation:** ABB Approved ___ Disapproved ___ None

Memo

TO: Mike R. Perez, City Manager

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

DATE: October 17, 2013

SUBJECT: 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. (REZ2013-0028)

GOAL:

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

BRIEF DESCRIPTION:

The property is located on the northwest corner of Gumwood Avenue and North 24th Street. The subject property has 50 feet of frontage along Gumwood Avenue and a depth of 140 feet for a tract size of 0.16 acres. The subject property was zoned R-2 (duplex-fourplex residential) District during comprehensive zoning in 1979. A rezoning request to C-3 (general business) District for the subject property was approved in 1979. There have been no rezoning requests on the subject property since that time. The subject property is currently vacant. The applicant is requesting R-2 (duplex-fourplex residential) District to construct a duplex on the subject property. A feasibility plan has not been submitted.

The adjacent zoning is R-2 (duplex-fourplex residential) District to the north, south, and west and C-3 (general business) District to the east. Surrounding land uses are Gumwood Apartments, Kalifa’s Paint Supplies, La Paloma Lounge, McAllen Indoor League, single family residences, duplexes, and vacant land.

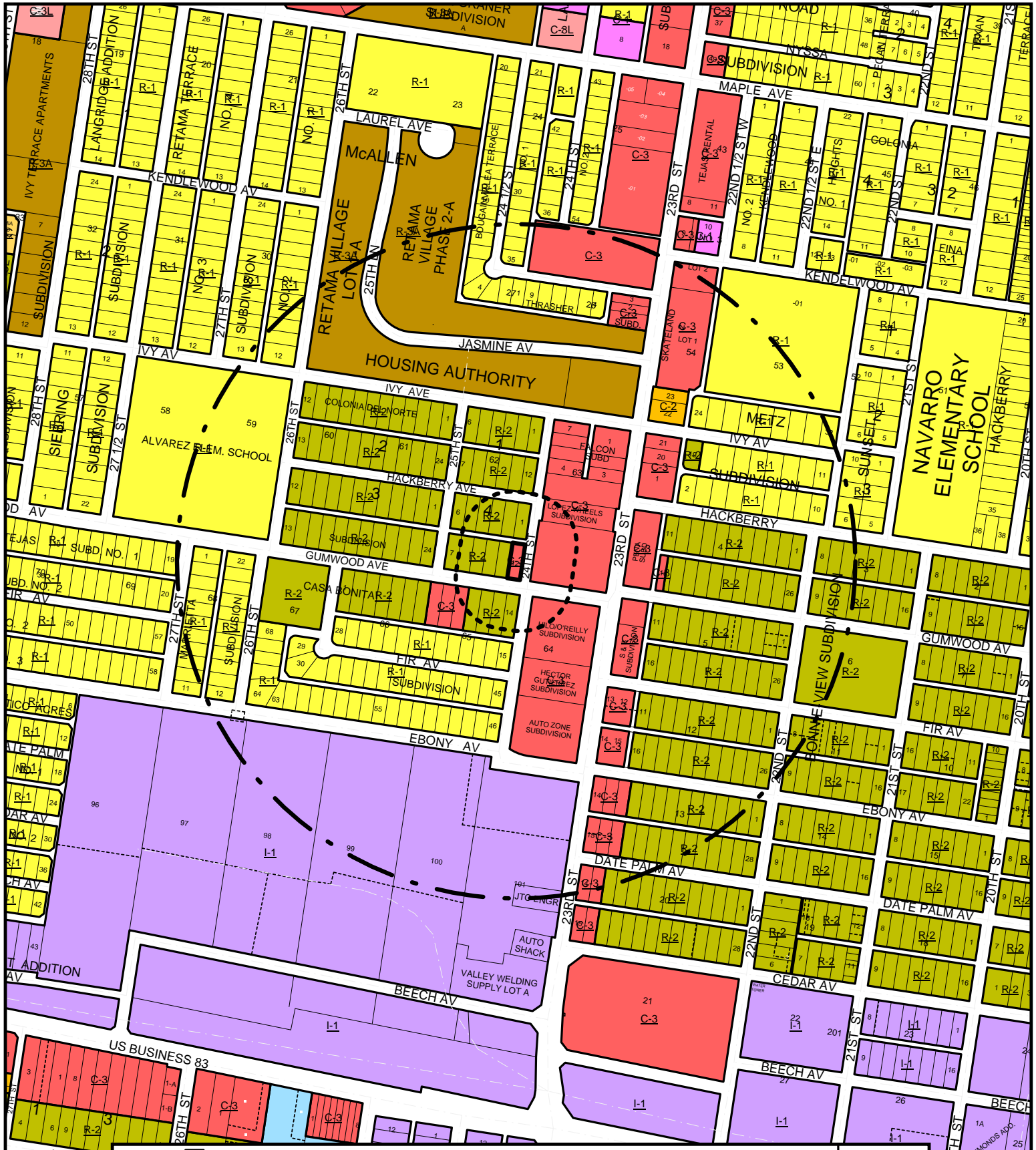
- The requested zoning conforms to the Auto Urban Residential land use designation as indicated on the Foresight McAllen Comprehensive Plan
- The proposed zoning is consistent with duplex-fourplex development trends on adjacent properties.
- The property would complete the R-2 (duplex-fourplex residential) District zoning for the block.
- Gumwood Avenue is designated as a collector street and is constructed with two travel lanes, sidewalks, streetlights, and curb and gutter.
- North 24th Street is designated as a local street and is constructed with two travel lanes, street lights, and curb and gutter.

OPTIONS:

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

RECOMMENDATION:

At the Planning and Zoning Commission meeting of October 16, 2013 no one appeared in opposition of the rezoning request. There was no discussion. The board voted unanimously to recommend approval of the rezoning request with five members present and voting.



CITY OF McALLEN
PLANNING DEPARTMENT

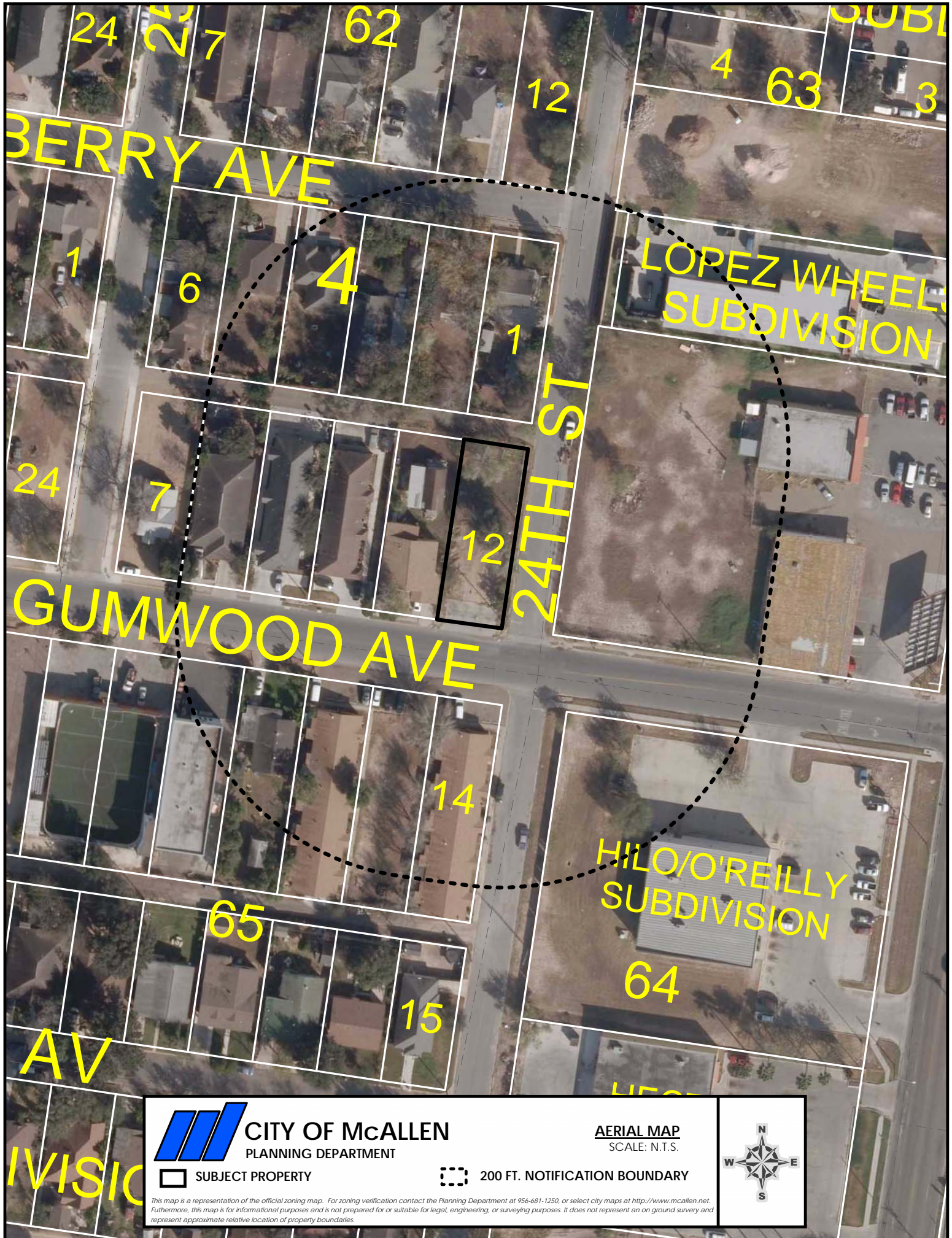
LEGEND
SCALE: 1" = 500'

- SUBJECT PROPERTY
- ⋯ 200 FT. NOTIFICATION BOUNDARY
- 1/4 MILE RADIUS
- N
W E
S

ZONING LEGEND

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

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BERRY AVE

LOPEZ WHEEL SUBDIVISION

GUMWOOD AVE

24TH ST

HILO/O'REILLY SUBDIVISION

AV

IVISIO

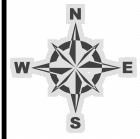


CITY OF McALLEN
PLANNING DEPARTMENT

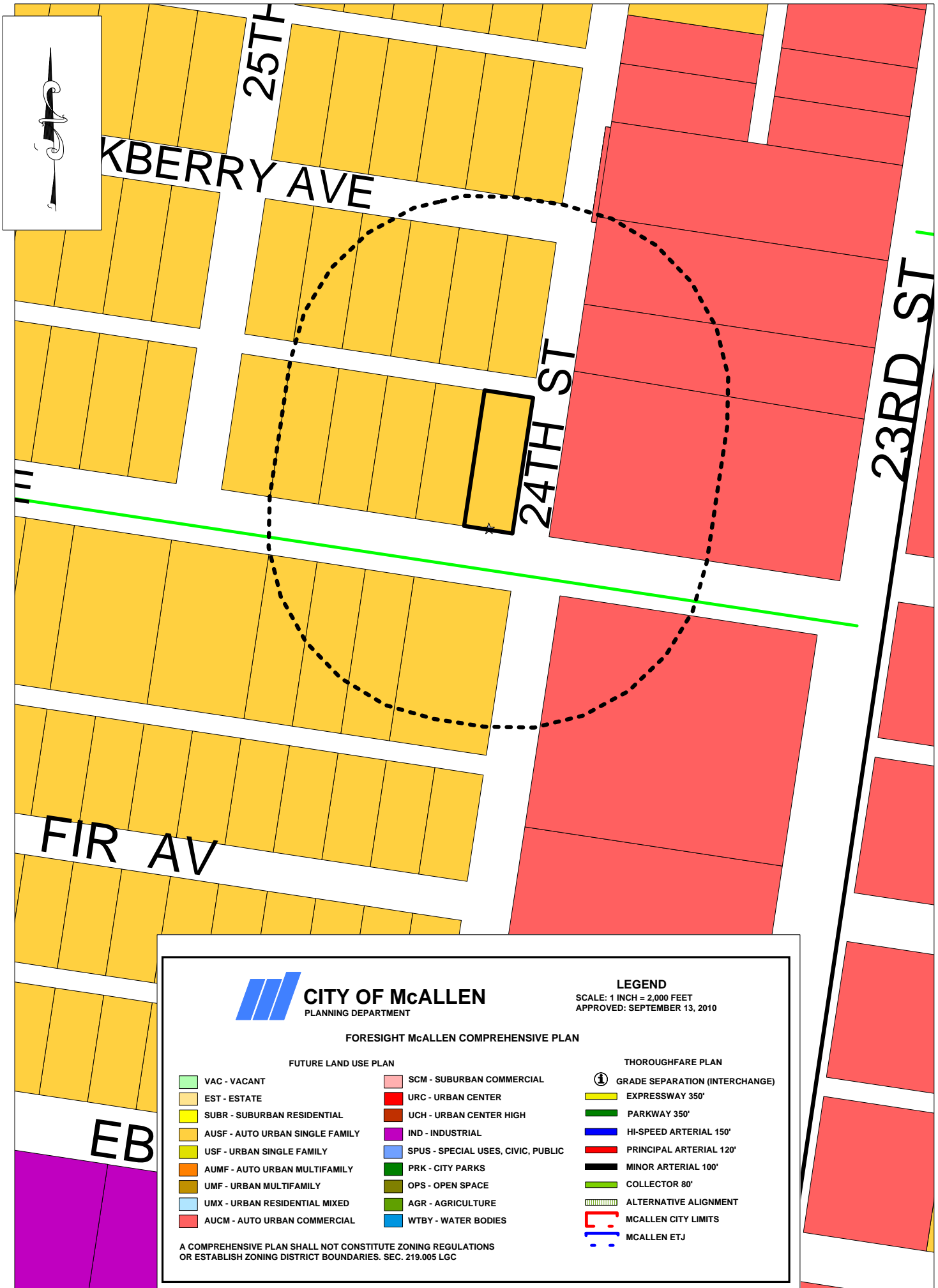
AERIAL MAP
SCALE: N.T.S.

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY



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CITY OF McALLEN
PLANNING DEPARTMENT

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

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



**NOTICE
REZONING
For
This Property
REZ2013-0028**

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

Guilford

715414

**CITY OF McALLEN
STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION X
UTILITY BOARD
OTHER

AGENDA ITEM 1A3
DATE SUBMITTED 10/8/13
MEETING DATE 11/11/13

1. **Agenda Item:** Rezoning Request
2. **Party Making Request:** Fernando & Yadira Estrada
3. **Nature of Request: (Brief Overview) Contract:** Yes No
 Initial zoning to C-3 (general business) District: 2.50 acres out of Lot 503, John H. Shary Subdivision, Hidalgo County, Texas; 6500 State Highway 107. (REZ2013-0031)
4. **Policy Implication:** Zoning Ordinance
5. **Budgeted:** Yes X No N/A
- Bid Amount: Budgeted Amount:
Under Budget: Over Budget:
Amount Remaining:
- If over budget how will it be paid for:**
6. **Alternate option/costs:**
7. **Routing:**
- | | NAME/TITLE | INITIAL | DATE | CONCURRENCE |
|----|---|-------------------|-------------------|-------------------|
| a) | <u> Julianne R. Rankin </u>
Director of Planning | <u> JRR </u> | <u> 10/8/13 </u> | <u> Yes </u> |
| b) | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
8. **Staff's Recommendation:** Approval
9. **Advisory Board:** X Approved Disapproved None
10. **City Attorney:** KP Approved Disapproved None
11. **Manager's Recommendation:** ABB Approved Disapproved None

Memo

TO: Mike R. Perez, City Manager

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

DATE: October 1, 2013

SUBJECT: INITIAL ZONING TO C-3 (GENERAL BUSINESS) DISTRICT: 2.50 ACRES OUT OF LOT 503, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 6500 STATE HIGHWAY 107. (REZ2013-0031)

GOAL:

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

BRIEF DESCRIPTION:

The property is located on the side of State Highway 107 approximately 1000 feet east of Glasscock Avenue. The subject property has 174 feet of frontage along State Highway 107 and a depth of 628 feet for a tract size of 2.5 acres. The tract is currently outside the city limits and is undergoing voluntary annexation. The zoning will become effective upon the annexation of the tract into the City. The Planning and Zoning Commission granted final approval of the Ariday Subdivision on September 3, 2013. The property is currently vacant land.

The adjacent properties are outside the city limits. The area to the southwest across State Highway 107 is zoned R-1 (single family residential) District and the area to the southeast across State Highway is zoned C-3 (general business) District. The surrounding land uses include vacant land, Bigotes Restaurant, Home Décor and Furniture, Collision Center, and single family on rural tracts of land.

- The requested zoning does not conform to the Auto Urban Residential land use designation as indicated on the Foresight McAllen Comprehensive Plan.
- The proposed zoning is consistent with commercial development trends on adjacent properties.
- State Highway 107 is designated as a high speed arterial and is constructed with six

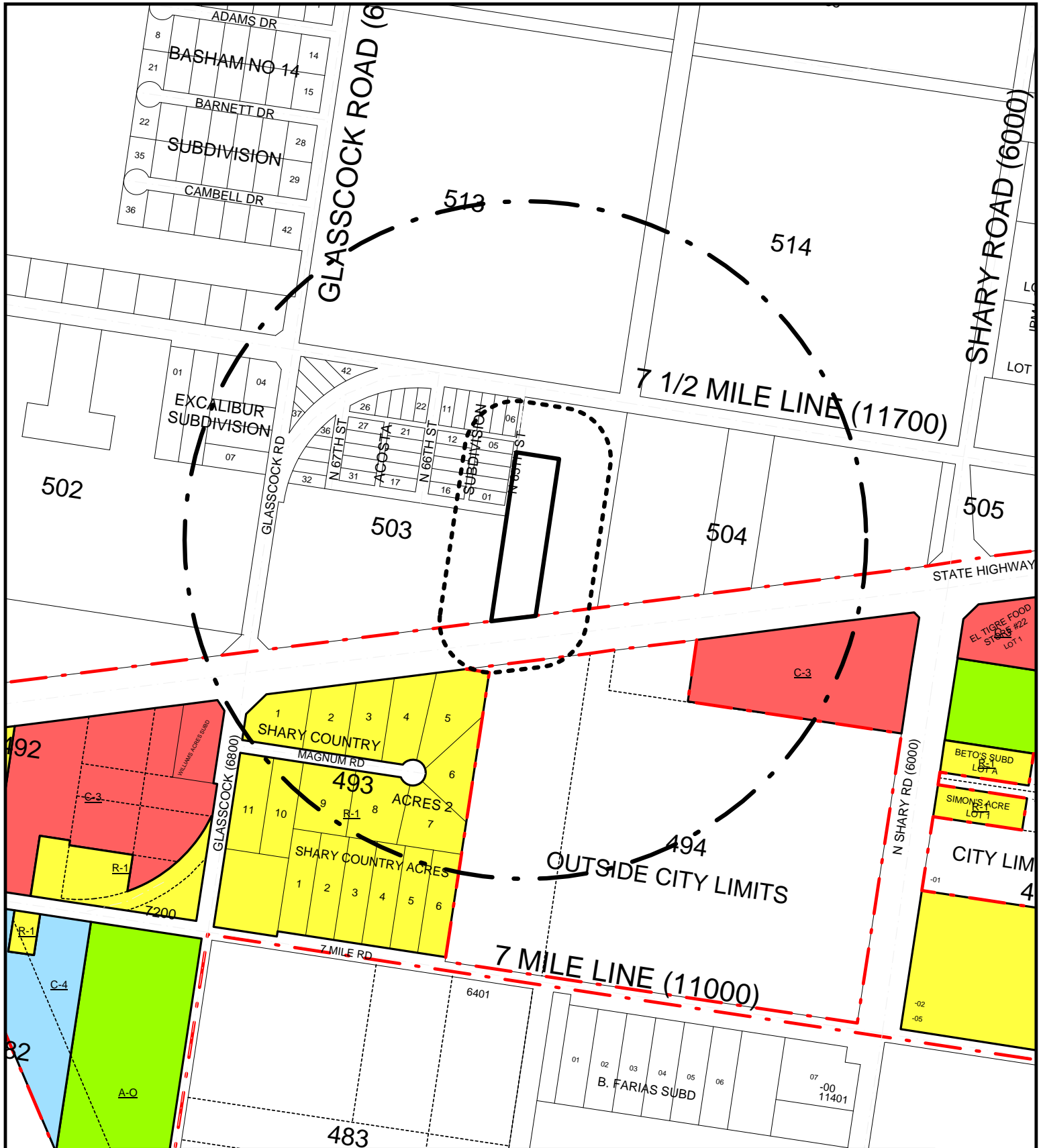
travel lanes, two shoulder lanes, a median, and curb and gutter.

OPTIONS:

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

RECOMMENDATION:

At the Planning and Zoning Commission meeting of October 1, 2013 no one appeared in opposition of the rezoning request. There was no discussion. The board voted unanimously to recommend approval of the rezoning request with six members present and voting.



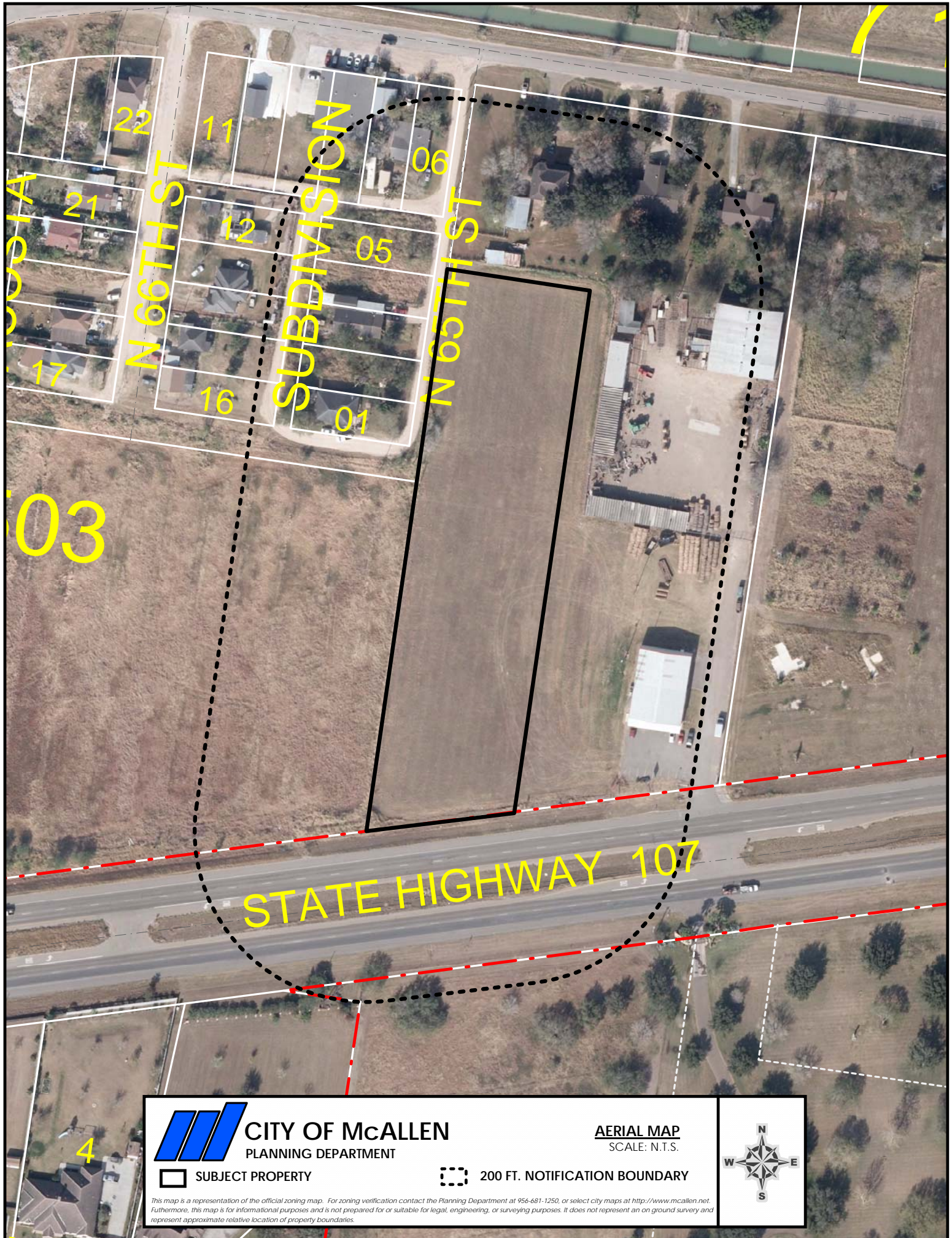
CITY OF McALLEN
PLANNING DEPARTMENT

AREA MAP

LEGEND
SCALE: 1" = 500'


SUBJECT PROPERTY	200 FT. NOTIFICATION BOUNDARY	1/4 MILE RADIUS	
ZONING LEGEND			
A-0 (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)
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)

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

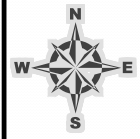


CITY OF McALLEN
PLANNING DEPARTMENT

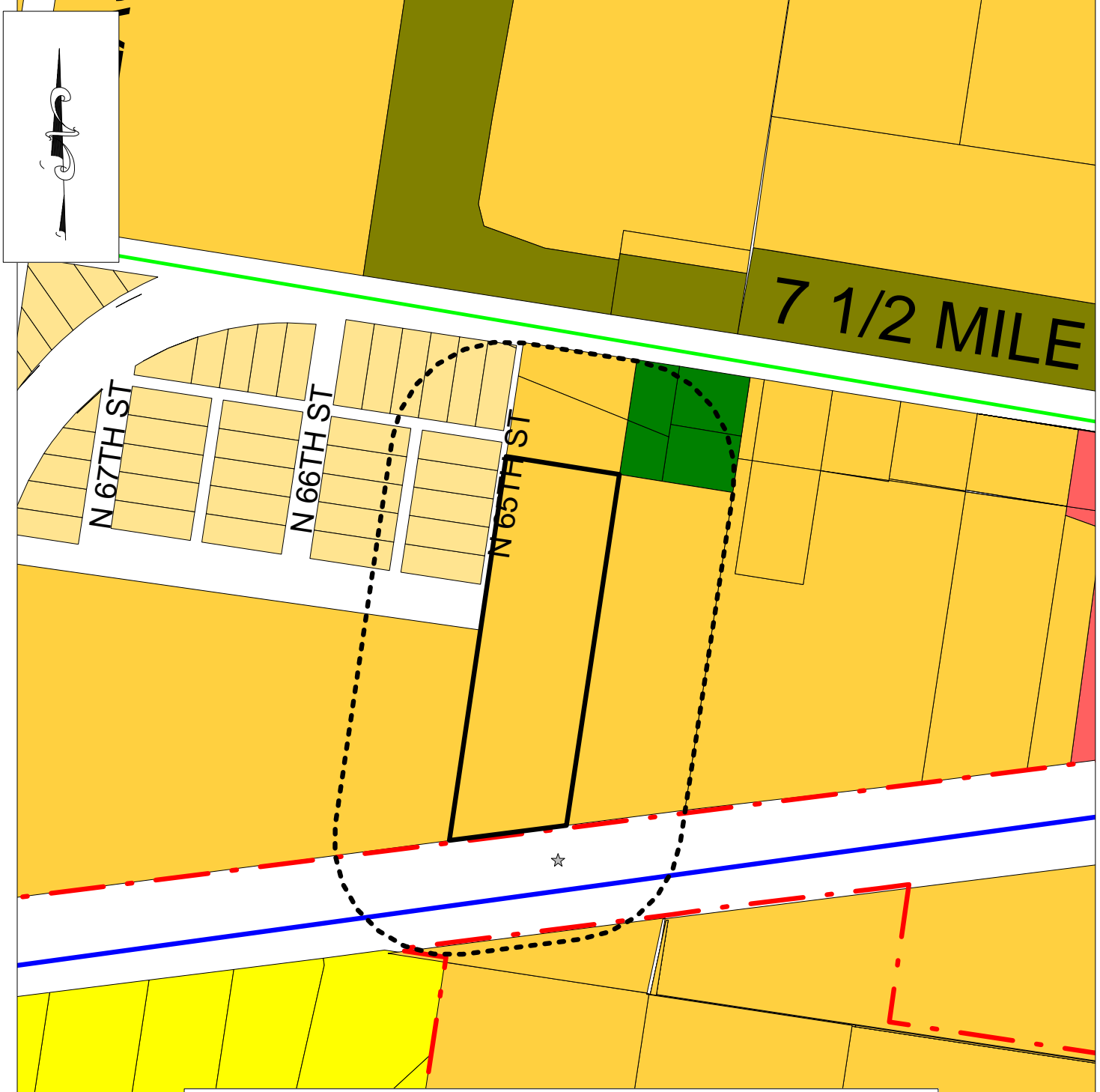
AERIAL MAP
SCALE: N.T.S.

 SUBJECT PROPERTY

 200 FT. NOTIFICATION BOUNDARY



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CITY OF McALLEN
PLANNING DEPARTMENT

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

FORESIGHT McALLEN COMPREHENSIVE PLAN

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

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

LIMITS

**NOTICE
REZONING
For
This Property
REZ2013-0031**

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



STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION	<u> X </u>	AGENDA ITEM	<u> 1A4 </u>
UTILITY BOARD	_____	DATE SUBMITTED	<u> 11/4/13 </u>
PLANNING & ZONING BOARD	_____	MEETING DATE	<u> 11/11/13 </u>
OTHER	_____		

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

2. **Party Making Request:** Michael L. Crain on behalf of AT&T Mobility

3. **Nature of Request: (Brief Overview) Attachments:** X Yes No
The request of Michael L. Crain on behalf of AT&T Mobility, for a Conditional Use Permit, for the life of the use, for a personal wireless service facility at Lots 1 through 4, Block 5, South McAllen Subdivision, Hidalgo County, Texas: 803 South 16th ½ Street.

4. **Policy Implication:** _____

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

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

6. **Alternate option costs:** _____

7. **Routing:**

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

a) <u> Julianne R. Rankin </u> Director of Planning	<u> JRR </u>	<u> 11/5/2013 </u>	<u> Yes </u>
b) _____	_____	_____	_____

8. **Staff's Recommendation:** Approval of the request, for the life of the use, subject to Sections 138-118(11) of the Zoning Ordinance, co-location and FAA approval, building permit requirements and conditions as noted.

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

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

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

Memo

TO: Mike R. Perez, City Manager

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

DATE: November 4, 2013

SUBJECT: REQUEST OF MICHAEL L. CRAIN ON BEHALF OF AT&T-MOBILITY FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR A PERSONAL WIRELESS SERVICE FACILITY AT LOTS 1 THROUGH 4, BLOCK 5, SOUTH MCALLEN SUBDIVISION, 803 SOUTH 16TH ½ 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 at the southeast corner of Houston Avenue and South 16th ½ Street. The total area of the lots is 9,500 sq. ft. and it is zoned C-3 (general business) District and R-2 (duplex-fourplex) District. The adjacent zoning is C-3 to the north, west and east, R-2 District to the south and also to the east. A personal wireless service facility is permitted in a C-3 zone with a conditional use permit.

The initial conditional use permit was approved, for the life of the use, by City Commission on November 11, 1996. In 2001, a new application was processed to amend the conditional use permit to construct an equipment shelter. The applicant requested a one year term in order to expedite the building permit process. The Planning and Zoning Commission approved the conditional use permit, for one year, on June 19, 2001. The permit was not renewed and the City notified the applicant that the conditional use permit was up for renewal. The applicant subsequently submitted a new application and requested the permit for the life of the use. The City Commission approved the life of the use request on November 25, 2002.

Currently, there is an existing 100 ft. tower with existing shelters and steel platforms on the property. The applicant is proposing to expand the boundaries of the approved tower area (10 ft. by 23 ft. area to the northeast) in order to accommodate a new generator pad site. To do the improvements, the conditional use permit must be amended.

Any future improvements will need to meet all minimum setbacks and building permit requirements, and be made co-locatable. Federal Aviation Administration (FAA)

approval must be obtained prior to beginning construction. In addition, the request must comply with requirements set forth in Section 138-118(11) of the Zoning Ordinance as follows:

- 1) Broadcast pole structure shall comply with the height requirements of the Airport Zoning Ordinance and the requirements set forth by the McAllen International Airport Advisory Board;
- 2) Maximum height of pole or tower structure is 80 ft. within commercial zones and 120 ft. within industrial zones. The ordinance previously allowed a 120 ft. pole or tower in commercial or industrial zones. There is existing 100 ft. monopole on the property and will remain the same. The pole or tower structure became non-conforming in 2006 when the ordinance was revised, which reduced the maximum height allowed from 120 ft. to 80 ft. in a commercial zone;
- 3) One broadcast pole structure allowed per lot within commercial or industrial zone. There is no other pole structure on the property;
- 4) Minimum spacing between broadcast poles and tower structures within commercial or industrial zones of 1,000 ft. measured in a direct line of another tower;
- 5) Minimum setback of 25 ft. from the front property line, 10 ft. from side yard, and 10 ft. from rear, unless greater requirements as noted on subdivision plat;
- 6) A masonry wall shall be required as a buffer if pole or tower structure located within the front or side yard, or adjacent to a residential use or zone. The ordinance previously allowed the buffering of a ground site including fence and landscape materials. There is an existing chain link fence around the area of the tower and a 6 ft. opaque wood fence on the east and south side of the property. In 2003, the buffer requirement was revised to add the masonry wall requirement when adjacent to residential uses or zones;
- 7) The pole or tower structure must be constructed or installed with the capabilities of locating thereon additional PWSF's and the applicant agrees to cooperate with other PWSF providers in co-locating additional facilities on permitted support structures;
- 8) All conditional use applicants shall demonstrate reasonable efforts in developing a co-location alternative for their proposed PWSF site;
- 9) Failure to comply with the co-location requirements of this section may result in denial of a permit request or revocation of an existing permit; and
- 10) No form of pollution shall emanate beyond the immediate property line of the permitted use.

OPTIONS

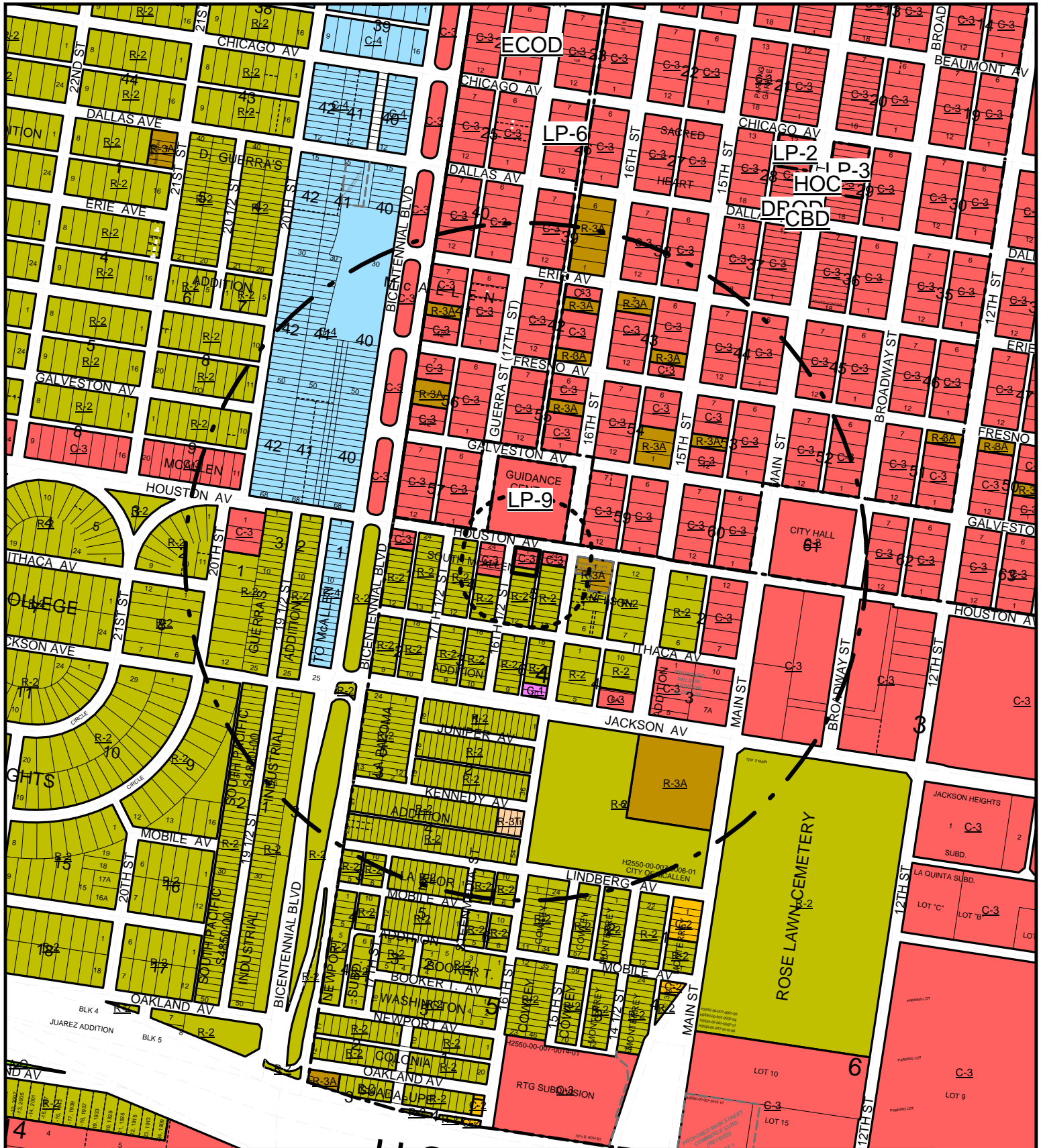
1. Approve the conditional use permit.
2. Table the item for additional information.
3. Disapprove the request.

RECOMMENDATION:

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

The applicant approached the podium and stated that they will comply with all requirements plus vegetation and buffer requirements for the new extension and discuss the requirements with the owners to assure compliance.

Following a brief discussion of the item, the board unanimously voted to recommend approval of the conditional use permit, for the life of the use, subject to Section 138-118 (11) of the Zoning Ordinance, co-location and FAA approval, building permit requirements, conditions as noted with buffer and vegetation compliance. There were four members present and voting.



CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: 1" = 500'

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS



ZONING LEGEND

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

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0-00-003-0014-10
S 23rd St.

INTER NATIONAL BANK
LOT 1-A



GUIDANCE
CENTER
58

16TH ST

HOUSTON AV

SOUTH McALLEN

16TH 1/2 ST

PROPOSED 1515
HOUSTON SUBD


LOT 1

NE 1/4



CITY OF McALLEN
PLANNING DEPARTMENT

AERIAL MAP
SCALE: N.T.S.

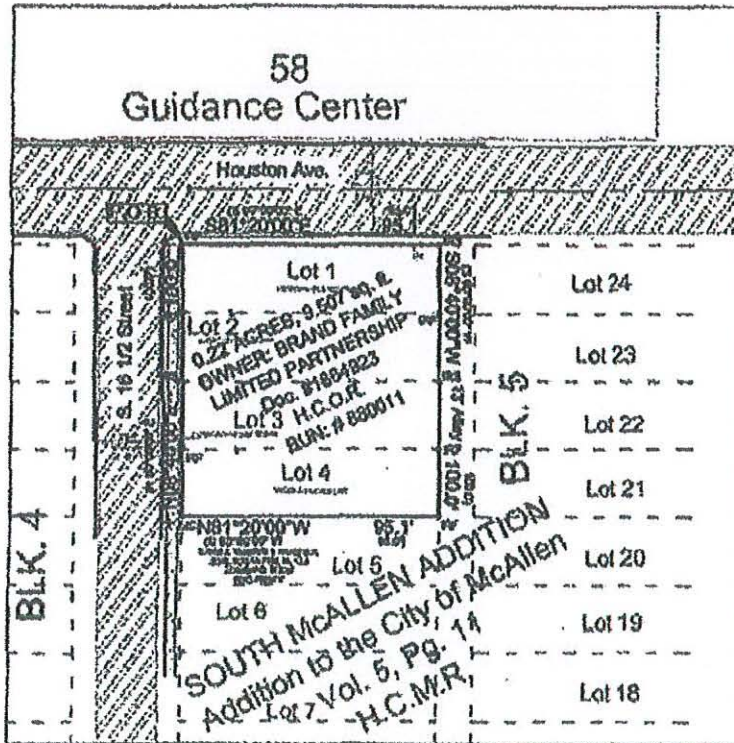
 SUBJECT PROPERTY

 200 FT. NOTIFICATION BOUNDARY



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Boundary Survey:



LEGEND	
⊙	IRON ROD SET w/ ALUM CAP
⊙	IRON ROD FOUND
⊙	"X" MARK ON CONCRETE
LL	LOT LINE
CL	CENTER LINE

ARANDA AND ASSOCIATES, INC.
 LAND SURVEYING AND MAPPING COMPANY
 200 DOWE AVENUE, McALLEN, TEXAS 78101
 TEL: 361-224-1111 FAX: 361-224-1112
 WWW.ARANDASURVEYING.COM

Job No. HOUSTON 31 (11-800158-0001)
 Page 2 of 8 Pages - "Boundary Drawing"

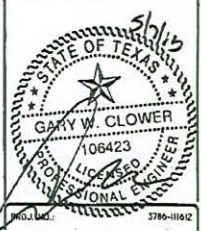
* This Survey has been prepared on covered pages;

GENERAL DYNAMICS
Information Technology
 8600 JAMEEL, SUITE 140
 HOUSTON, TX 77040
 PH. # 713.425.2455

at&t
 1001 WEST LOOP SOUTH,
 SUITE 300
 HOUSTON, TX 77027

SUBMITTALS

0	05/06/13	100% CONSTRUCTION	JLB
A	04/24/13	ISSUED FOR REVIEW	EHS



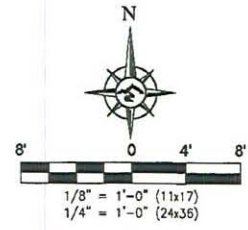
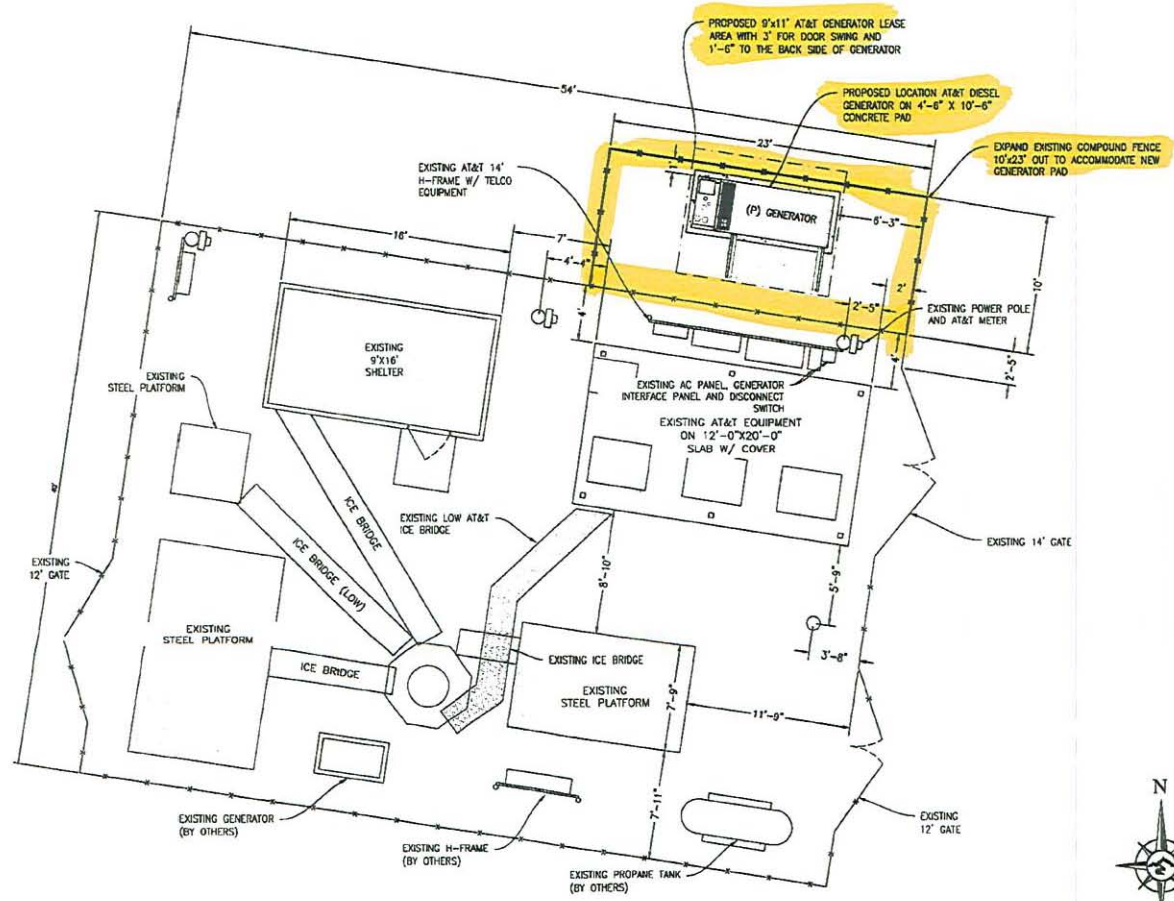
CHECKED BY: GARY MCCULLOUGH, P.E.

THIS PLAN AND ANY PROVISIONS, AGREEMENTS OR NOTICES, ARE THE PROPERTY OF THE ENGINEER OR ARCHITECT. NO PART OF THIS PLAN OR ANY INFORMATION CONTAINED HEREIN IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER OR ARCHITECT.

RENAISSANCE HOTEL
 10140307
 (AT&T-SX2072)
 (CCI - 880011)
 803 S 16th ST.
 MCALLEN, TX 78501

SHEET TITLE:
 ENLARGED
 SITE PLAN

SHEET NUMBER:
 C-2



RECEIVED
 SEP 16 2013
 Initial: [Signature]



POWDER RIVER
 Consulting Services, LLC
 100 E. SHENANDO STREET
 SHARPSVILLE, PA 16150
 724.922.5900
 www.powderriverenv.com

GENERAL DYNAMICS
 Information Technology
 8000 JAMEEL, SUITE. 140
 HOUSTON, TX 77040
 PH.# 713.425.2455

at&t
 1001 WEST LOOP SOUTH,
 SUITE 300
 HOUSTON, TX 77027

SUBMITTALS	
0 05/06/13	100% CONSTRUCTION
A 04/24/13	ISSUED FOR REVIEW



5/7/13

PROJ. NO.: 3786-11042

CHECKED BY: GARY MCCULLOUGH, P.E.

THIS PLAN OR SPECIFICATION IS INTENDED TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE USED FOR ANY OTHER PROJECT OR SITE WITHOUT THE WRITTEN CONSENT OF POWDER RIVER CONSULTING SERVICES, LLC. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO CARRIER SERVICES IS STRICTLY PROHIBITED.

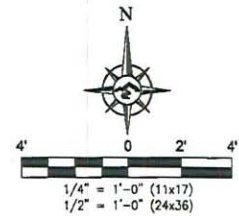
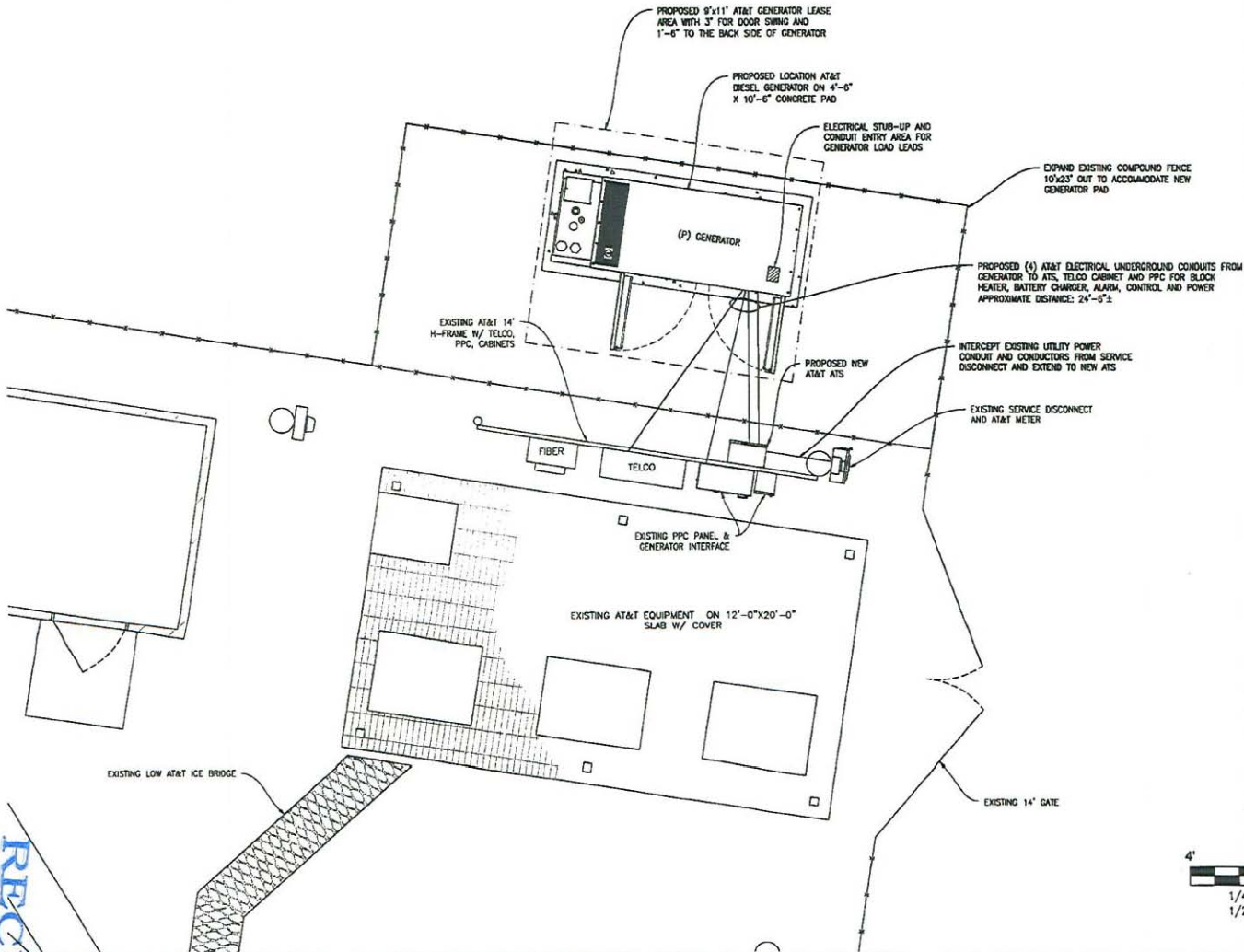
RENAISSANCE HOTEL
 10140307
 (AT&T-SX2072)
 (CCI - 880011)
 803 S 16th ST.
 MCALLEN, TX 78501

SHEET TITLE:

SITE ELECTRICAL PLAN

SHEET NUMBER:

E-2

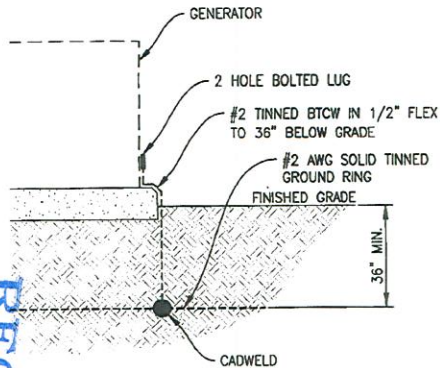
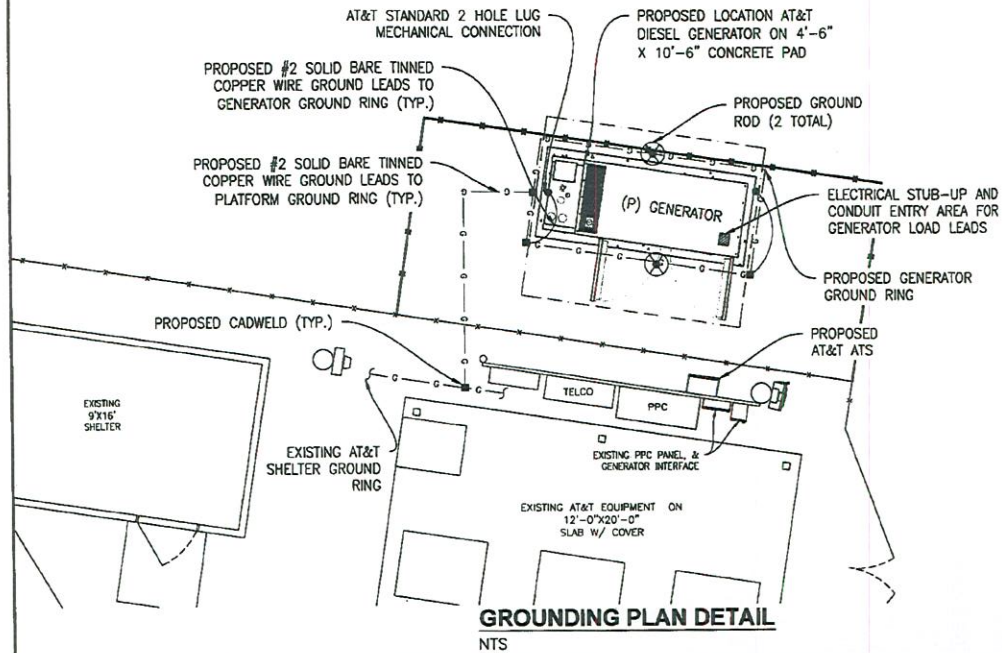


NOTE: THE ORIGINAL SET OF THIS PLAN IS AT 1/4" SCALE. THIS IS NOT A FULL SCALE COPY. REDUCED OR ENLARGED SETS ARE NOT TO BE USED.

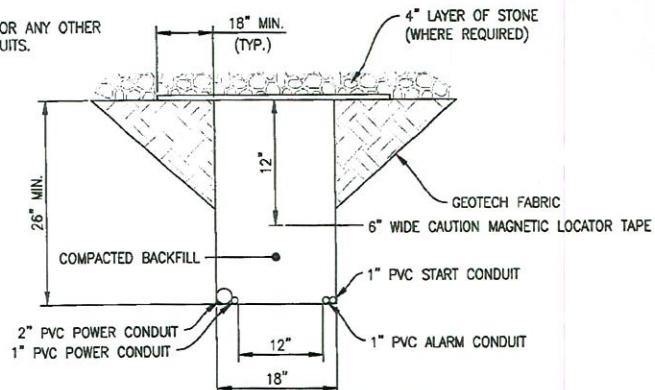
RECEIVED

SITE SPECIFIC GROUNDING NOTES:

1. ALL NEW ABOVE GRADE GROUNDING CONNECTIONS SHALL BE MADE WITH BRONZE TWO HOLE LUGS WITH SET SCREW TYPE CONNECTIONS TO NEW GROUNDING CONDUCTORS. ALL BELOW GRADE GROUNDING CONNECTIONS SHALL BE MADE BY MEANS OF AN EXOTHERMIC WELD PROCESS UNLESS NOTED OTHERWISE.
2. ALL NEW EXTERIOR GROUNDING CONDUCTORS SHALL BE #2 SOLID, BARE, TINNED COPPER WIRE (BTCW).
3. ALL TRENCHES FOR BURIED GROUNDING CONDUCTORS SHALL BE BACKFILLED WITH SOIL AND COMPACTED TO STANDARD GRADE PRIOR TO PLACEMENT OF GRAVEL COVER.
4. ALL GROUNDING CONDUCTORS SHALL BE 98% CONDUCTIVITY COPPER SOLID OR STRANDED AS SHOWN.
5. ANY NEW GROUND RODS SHALL BE 5/8"Ø X 8'-0" LONG COPPER CLAD STEEL UNLESS OTHERWISE NOTED.
6. ALL GROUNDING SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE NATIONAL ELECTRICAL CODE AND AT&T SPECIFICATIONS AND PRACTICES.
7. ALL RIGID CONDUITS ABOVE GRADE SHALL HAVE A GROUNDING CLAMP INSTALLED, BURNDY OR EQUAL. GROUNDING CLAMP SHALL BE PROVIDED WITH STAINLESS STEEL HARDWARE.
8. ALL NEW CONDUITS AND EQUIPMENT INSTALLED ON THE INTERIOR OF THE EXISTING SHELTER SHALL BE GROUNDED WITH GROUND CLAMPS OR 2 HOLE LUGS AND #6 AWG GREEN INSULATED COPPER WIRE TO MATCH EXISTING. ALL NEW GROUNDING CONNECTIONS SHALL BE CONNECTED TO EITHER NEARBY GROUNDED OBJECTS OR DIRECTLY TO THE INTERIOR GROUND HALO WITH C OR H TAPS OF EXACT CONDUCTOR SIZE.
9. ALL NEW EXTERIOR GROUND CONDUCTORS SHALL BE INSTALLED IN NONMETALLIC FLEX CONDUIT FROM LUG TO 12" BELOW EXISTING GRADE. NEW FLEX CONDUIT SHALL BE SEALED WITH SILICONE SEALANT FOR ALL ABOVE GRADE ENDS.



NOTES:
BACKFILL MUST BE FREE OF ROCKS OR ANY OTHER DEBRIS THAT MAY DAMAGE THE CONDUITS.



POWDER RIVER
Development Services, LLC
100 E. SHERMANGO STREET
SHARPSVILLE, PA 15150
724.962.9600
www.powderriverdev.com

GENERAL DYNAMICS
Information Technology
8600 JAMEEL, SUITE 140
HOUSTON, TX 77060
PH.# 713.425.2455

at&t
1001 WEST LOOP SOUTH,
SUITE 300
HOUSTON, TX 77027

SUBMITTALS		
D	05/16/13	100% CONSTRUCTION
A	04/24/13	ISSUED FOR REVIEW



PROJ. NO.: 3780-11612

CHECKED BY: GARY McCULLOUGH, P.E.

THIS PLAN represents contract documents and shall be read in conjunction with the contract and specifications. It is the responsibility of the contractor to verify all dimensions and quantities shown on this plan against the field conditions. The contractor shall be responsible for any errors or omissions on this plan. The contractor shall be responsible for any errors or omissions on this plan. The contractor shall be responsible for any errors or omissions on this plan.

RENAISSANCE HOTEL
10140307
(AT&T-SX2072)
(CCI - 880011)
803 S 16th ST.
MCALLEN, TX 78501

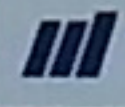

SHEET TITLE:
GROUNDING PLAN

SHEET NUMBER:
E-3

Initial
 RECEIVED
 SEP 16 2013



**NOTICE
CELL TOWER
For
This Property
CUP2013-0174**

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

STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION	<u> X </u>	AGENDA ITEM	<u> 1A5 </u>
UTILITY BOARD	<u> </u>	DATE SUBMITTED	<u> 11/4/13 </u>
PLANNING & ZONING BOARD	<u> </u>	MEETING DATE	<u> 11/11/13 </u>
OTHER	<u> </u>		

1. Agenda Item: Conditional Use Permit

2. Party Making Request: Alejandro F. Herrera

3. Nature of Request: (Brief Overview) Attachments: X Yes No
The request of Alejandro F. Herrera, for a Conditional Use Permit, for the life of the use, for a Gasoline Service Station at the 2.19 acres out of Lots 7 and 8, King's Highway Subdivision, Hidalgo County, Texas: 3621 Highway 83.

4. Policy Implication: _____

5. Budgeted: Yes No N/A

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

6. Alternate option costs: _____

7. Routing:

NAME/TITLE	INITIAL	DATE	CONCURRENCE <u>YES/NO</u>
a) <u> Julianne R. Rankin </u> Director of Planning	<u> JRR </u>	<u> 11/4/2013 </u>	<u> Yes </u>
b) _____	<u> </u>	<u> </u>	<u> </u>

8. Staff's Recommendation: Approval of the request, for the life of the use, subject to Sections 138-118 and 138-257 – 138-261 of the Zoning Ordinance 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: ABB Approved Disapproved None

Memo

TO: Mike R. Perez, City Manager

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

DATE: November 4, 2013

SUBJECT: REQUEST OF ALEJANDRO F. HERRERA FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR A GASOLINE SERVICE STATION AT THE 2.19 ACRES OUT OF LOTS 7 AND 8, KING'S HIGHWAY SUBDIVISION; 3621 HIGHWAY 83.

GOAL:

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

BRIEF DESCRIPTION:

The property is located at the southeast corner of South Ware Road and U.S. Highway 83. The property has approximately 200 ft. of frontage on U.S. Highway 83 with a depth of 340 ft. for a tract size of 2.19 acres. The property is zoned C-3 (general business) District with a portion of the south side being zoned C-4 (commercial industrial) District. The adjacent zoning is C-3 District to the east and west, C-4 District to the south, and I-1 (light industrial) District to the north. Surrounding land uses include agricultural, industrial, commercial businesses, and vacant land. A convenience store with gas sales is permitted in a C-3 zone with a conditional use permit.

The property is currently vacant and is part of proposed Lot 1, City Center Subdivision which received revised preliminary plat approval on June 18, 2013. The applicant is proposing a 6,844 sq. ft. convenience store with 10 gasoline pump stations on the property. Based on the 6,844 sq. ft. of building area, 21 parking spaces are required; 44 spaces are proposed. Access to the property will be from two 45 ft. wide curb cuts; one on South Ware Road and one on U.S. Business 83.

A preliminary site plan was submitted; however, a detailed site plan will need to be reviewed to determine specific requirements. A site plan would need to be approved by Planning and Zoning Commission prior to issuance of a building permit as a condition of the required subdivision. Required landscaping, parking and buffers will be determined at the time of site plan review. The Health and Fire Departments will conduct final inspections once the building is constructed. The use must comply with Section 138-257 – 138-261 of the Zoning Ordinance and specific requirements as follows:

- 1) Activities are limited to sale of gasoline, oil, and minor accessories and incidental services;
- 2) Ingress or egress shall not be permitted at locations where it will tend to create traffic hazards. Entrances shall not be permitted within 25 ft. of a street intersection. Proposed curb cut distances from the intersection are approximately 155 ft. east on U.S. Highway 83 and 232 ft. south on South Ware Road;
- 3) Front yard building setbacks, not including gas pumps or driveway covers (canopy), shall be 60 feet. The proposed building setback is approximately 167 feet on U.S. Highway 83 and 66 ft. on South Ware Road;
- 4) All lighting shall be shielded from adjacent residential districts;
- 5) A 6 ft. opaque buffer shall be provided where abutting or adjacent to residential districts. The property does not abut a residential district;
- 6) Gasoline service stations that have facilities for the repair or servicing of automobiles shall be a minimum of 13,000 square feet. Retail outlets for gasoline, oil, and minor accessories, without repair facilities, may be permitted on lots less than 13,000 square feet. The subject property is 23,048 sq. ft. and has no automobile servicing;
- 7) Gas pumps/islands shall be set back at least 13 ft. from the property line or 18 ft. from the curb, whichever is greater. The gas pumps are set back approximately 50 ft. from U.S. Highway 83 and 76 ft. from South Ware Road;
- 8) Gas pump canopy shall be set back at least 9 ft. from the property line or 10 ft. from the curb, whichever is greater. The gas canopy has a setback of approximately 57 ft. from U.S. Highway 83 and 66 ft. from South Ware Road; and
- 9) Gas pumps shall not be located within 100 ft. of a residential district. Gas pumps will not be located within 100 ft. of a residential district.

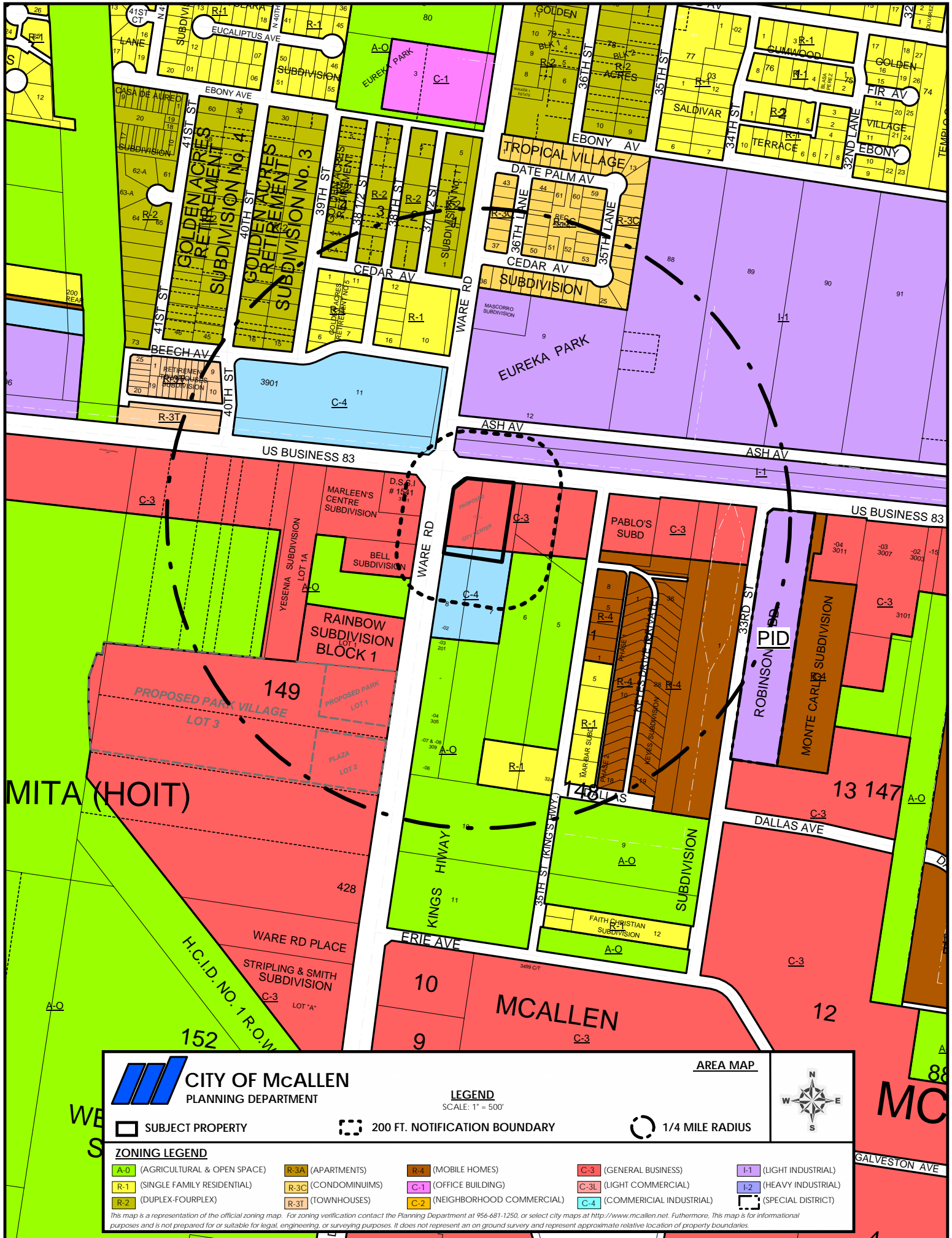
OPTIONS:


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

RECOMMENDATION:

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

Following a brief discussion of the item, the board unanimously voted to recommend approval of the conditional use permit, for the life of the use, subject to the conditions noted, Section 138-118 and 138-257 – 138-261 of the Zoning Ordinance and building permit requirements. There were four members present and voting.






CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: 1" = 500'

AREA MAP



SUBJECT PROPERTY

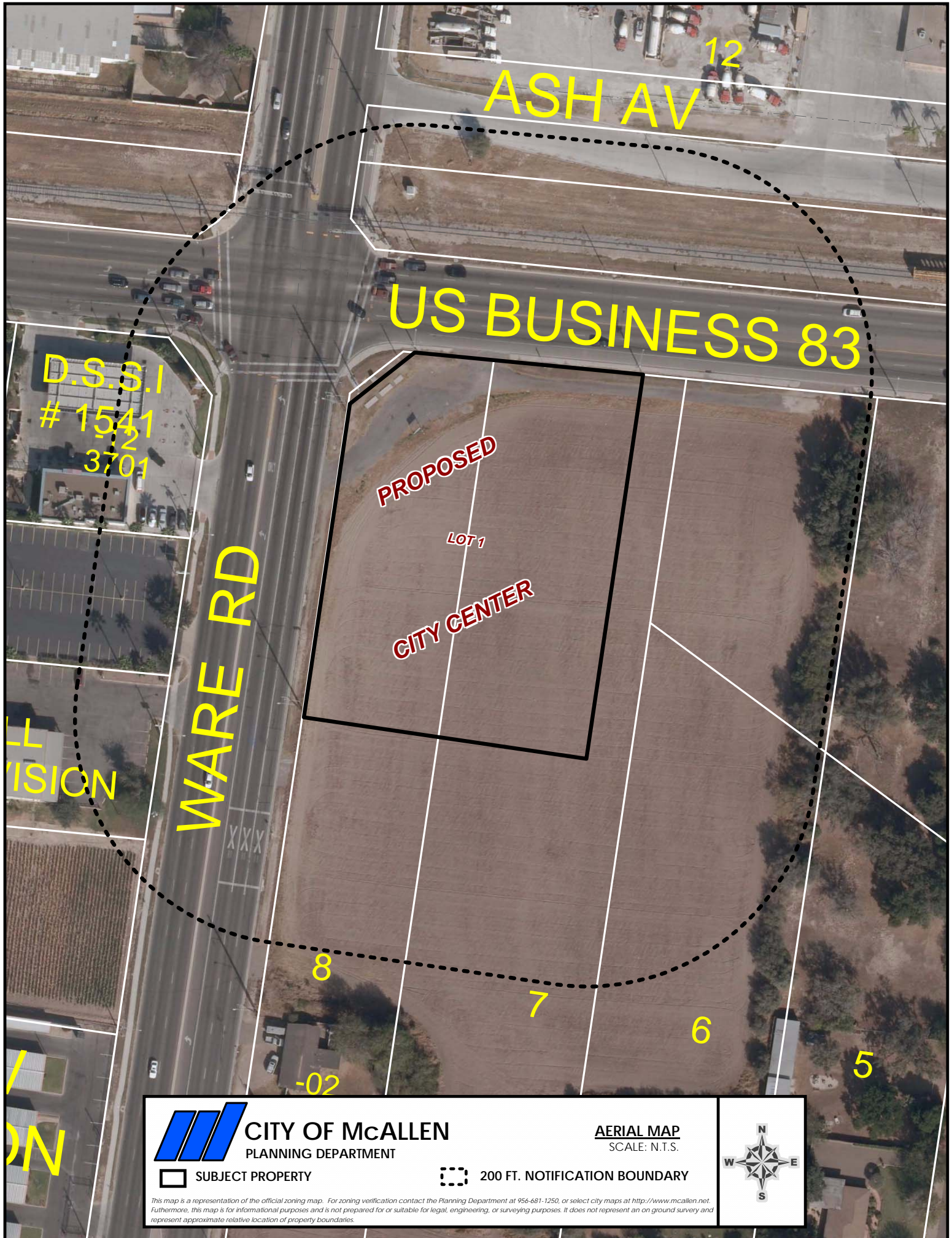
200 FT. NOTIFICATION BOUNDARY

1/4 MILE RADIUS

ZONING LEGEND

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

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.



12
ASH AV

US BUSINESS 83

D.S.S.I
1541
3701

WARE RD

PROPOSED
LOT 1
CITY CENTER

8

7

6


5

-02

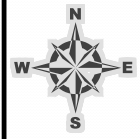


CITY OF McALLEN
PLANNING DEPARTMENT

AERIAL MAP
SCALE: N.T.S.

 SUBJECT PROPERTY

 200 FT. NOTIFICATION BOUNDARY



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LOT 11,
EUREKA PARK
SUBDIVISION,
(Vol. 3, Pg. 16, M/R)

LOT 12,
EUREKA PARK SUBDIVISION,
(Vol. 3, Pg. 16, M/R)

BUSINESS 83 (LOOP 374)

N.W. Cor.
Lot 8

N.E. Cor.
Lot 6

N.E. Cor.
Lot 5

DSSI No. 1541
SUBDIVISION

LOT A,
MARLEEN'S CENTER,
(Vol. 33, Pg. 77-B, M/R)

LOT A,
BELL SUBDIVISION,
(Vol. 26, Pg. 109-B, M/R)

OWNER: BELL, ROBERT Jr.
(Vol. 2965, Pg. 583, D/R)

LOT 1, BLOCK 1,
RAINBOW STORAGE
UNITS SUBDIVISION,
(Vol. 22, Pg. 99, M/R)

OWNER:
SDDR, LLC
(Doc. No. 1337205-13)
LOT 8

OWNER: PAWLK,
WILFRED S.
(Doc. No. 1337205-13)
LOT 7

KING'S HIGHWAY SUBDIVISION
(Vol. 3, Pg. 8, M/R)

OWNER: BARRERA, JOSE O. &
CHRISTINA C.
(Doc. No. 946769)

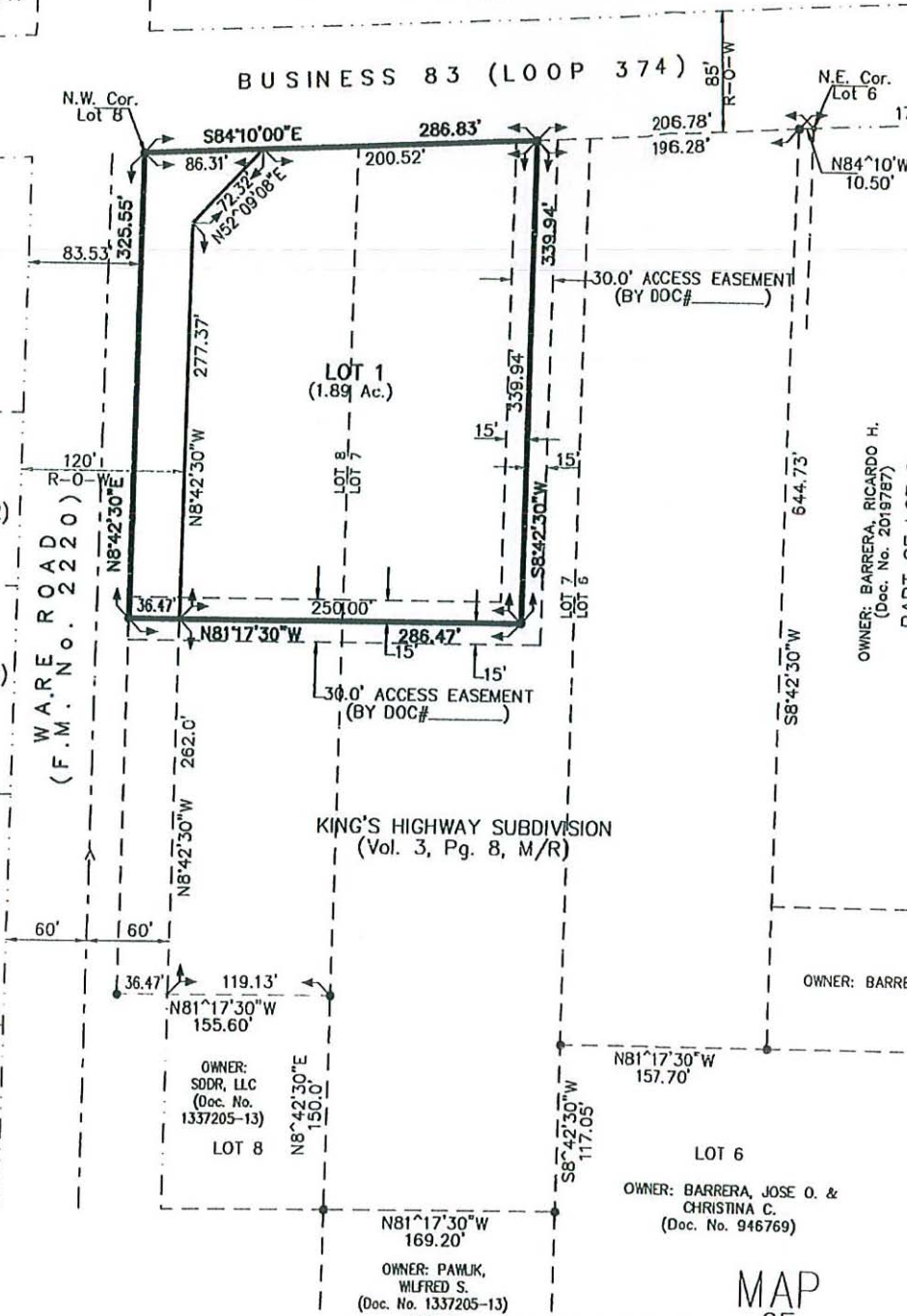
MAP
OF
CITY CENTER
SUBDIVISION
PHASE I

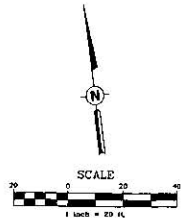
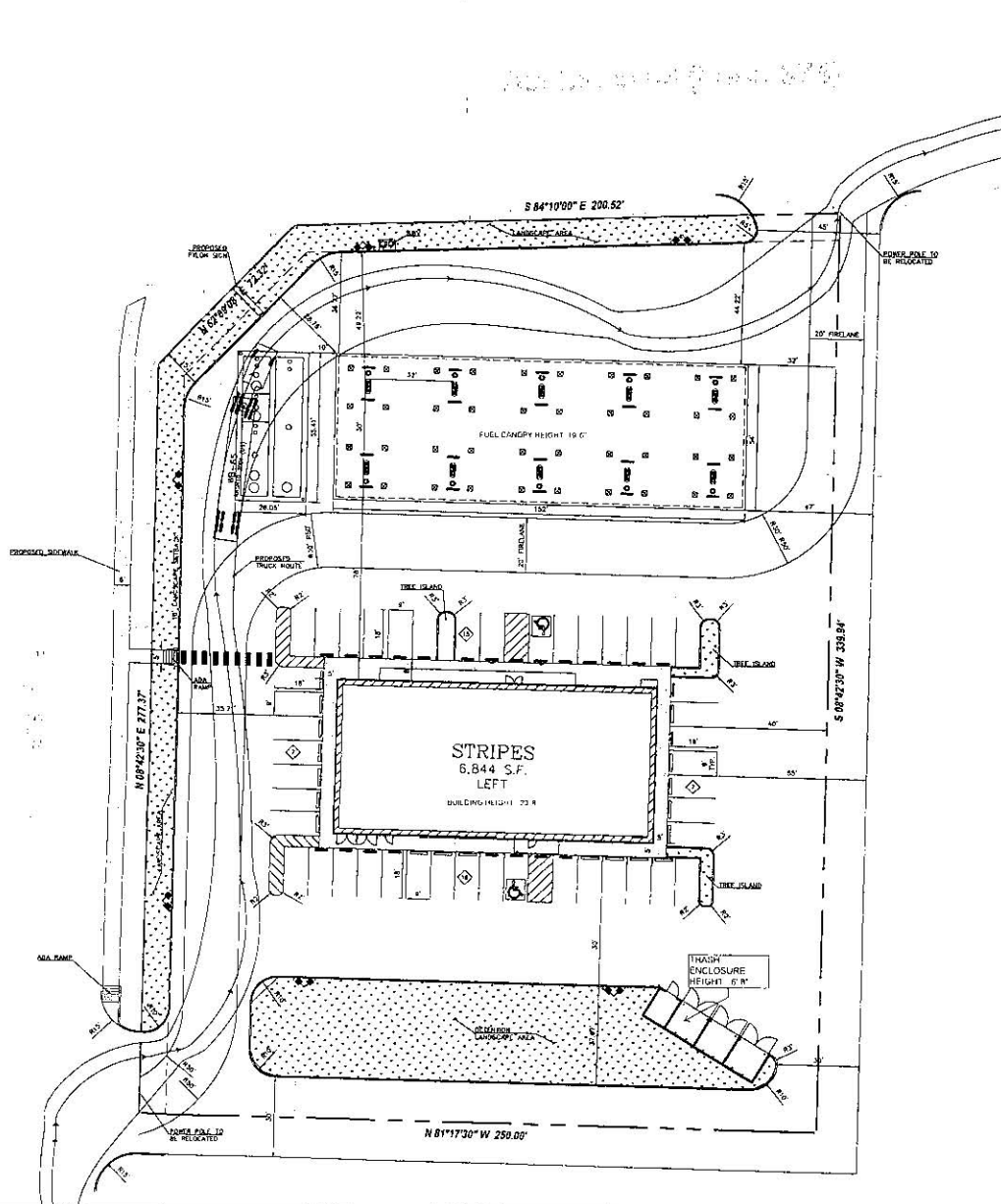


McAllen, Texas

RECEIVED

MAY 31 2013





PURPOSE:
THIS DRAWING HAS BEEN CREATED FOR CONCEPTUAL PURPOSES ONLY AND SHALL NOT BE USED FOR PERMITTING OR CONSTRUCTION.

SUMMARY: THESE DOCUMENTS ARE THE BEST DRAWING AND INFORMATION SHOWN ON THIS PLAN IS BASED ON THE BEST AVAILABLE DATA TO DATE. THESE DOCUMENTS SHALL BE PRODUCED FOR THE USE OF THE CLIENT AND SHALL BE USED FOR THE RELATION TO HOW IT WAS OBSERVED IN THE FIELD.

SUMMARY		
ZONING	C-3 GENERAL BUSINESS	
USE	CUSTOMER ACCEPTABLE	
ZONING REQUIREMENTS	REQUIRED	PROVIDED
LOT		
MINIMUM LOT AREA	N/A	1.86 ACRES
MINIMUM LOT WIDTH	N/A	N/A
SETBACKS		
FRONT YARD	75% HALF OF STREET FRONT	50'
SIDE YARD	10'	10'
REAR YARD	10'	10'
PLANNING	N/A	N/A
LANDSCAPE	10'	10'
BUILDING		
SIZE	N/A	1884 S.F.
HEIGHT	N/A	23 FT
FLOOR AREA RATIO	N/A	N/A
PARKING		
STALL SIZE	9'x18'	9'x18'
STALLS	1 PER 600 S.F.	18
SPACES	18	18
HANDICAP SPACES	1	1
VAN/HANDICAP SPACES	1	1
LANDSCAPE		
SIZE	N/A	N/A
SPACES	N/A	N/A

NOTE: PROVIDED VALUE IS NONCONFORMING TO REGULATIONS.

NOTE: TABLE INFORMATION IS BASED ON THE SITE INVESTIGATION REPORT BY HFA DATED JUNE 28, 2011.

STATE OF TEXAS

I, **STEPHEN R. HARRISON**, County Clerk, County of **JEFFERSON**, State of **TEXAS**, do hereby certify that the foregoing is a true and correct copy of the original as filed in my office on **SEP 18 2013** at **11:00 AM**. My commission expires on **SEP 18 2015**.



stripes.

8500 BRIS 83 & WADE ROAD
MCKINNEY, TX

LPD NUMBER: 10-14-10002

ISSUE BLOCK

NO.	DATE	DESCRIPTION

DATE: **08/28/2013**
DRAWN BY: **DLN**

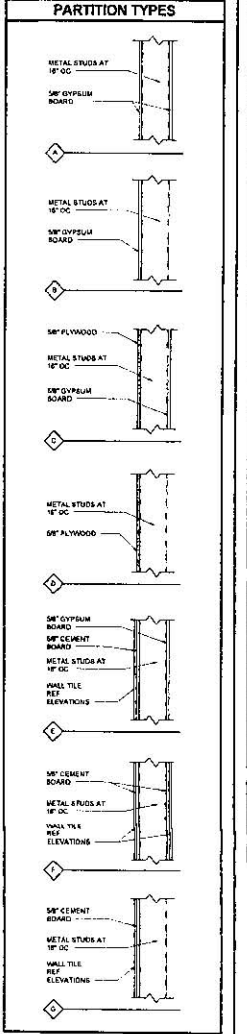
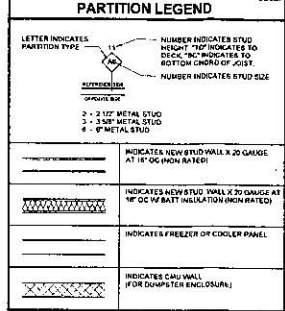
FOR REVIEW ONLY

SITE
PLAN
REV-0

SEP 18 2013

initials

- ### GENERAL NOTES
1. USE S/8 GYPSUM BOARD ON NON-PARTITIONED PARTITIONS UNO
 2. USE S/2 GYPSUM BOARD AT BOTTOM 2' OF WALLS IN KITCHEN AND UTILITY AREA NEAR MOP SINK AND ICE MAKERS
 3. CONTINUE FINISH MATERIAL TO A MINIMUM OF 8" ABOVE SUSPENDED CEILING SYSTEM UNO
 4. REF PARTITION KEY SYMBOL FOR STUD THICKNESS
 5. PROVIDE ALTERNATING DIAGONAL STUD BRACING FROM DECK TO WALL STUDS ABOVE CEILING AT 48" OC FOR PARTITION STUDS UNDER 8" WIDE.
 6. ALL DIMENSIONS TO FACE OF STUD UNO
 7. REFERENCE WALL SECTIONS FOR EXTERIOR WALL CONSTRUCTION.



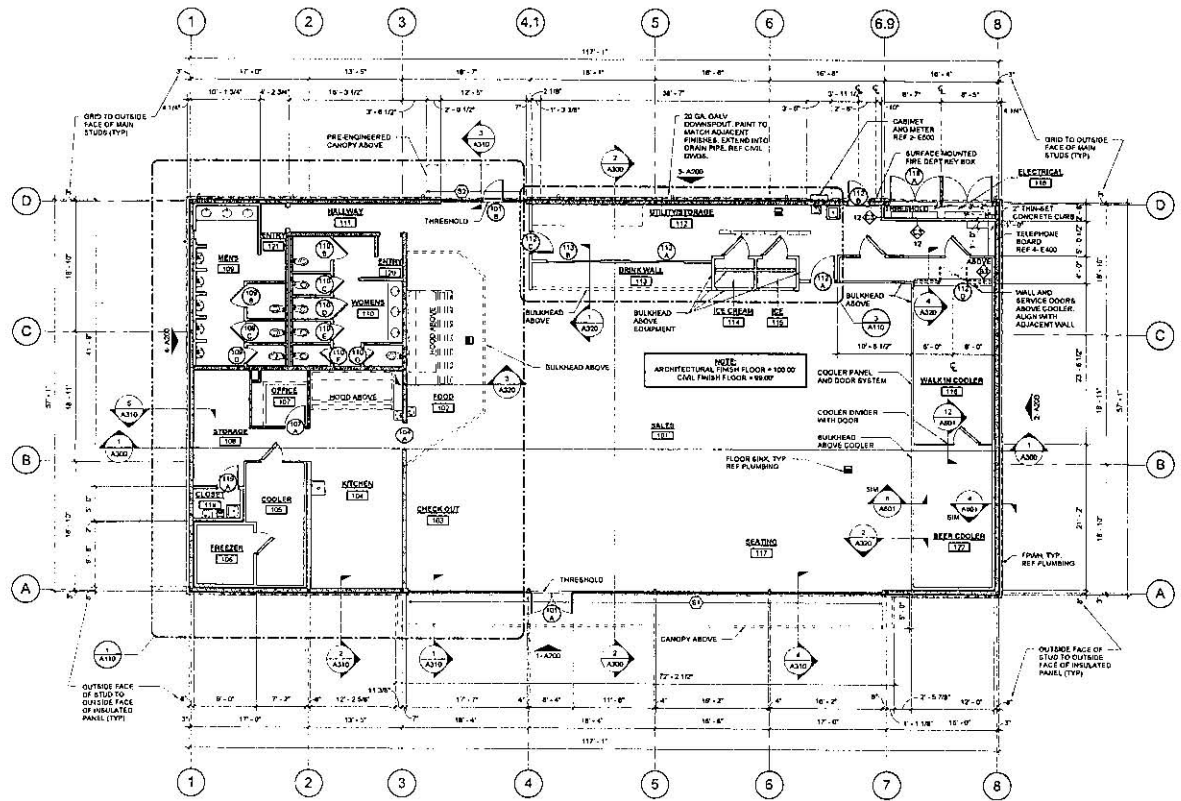
STRIPES ARCHITECTURE
 HARRISON PRINCE
 500 S.W. 4 Street, Suite 201
 Fort Lauderdale, Florida 33324
 1-954-778-1750
 1-954-251-1546
 www.stripes.com

PERMIT INFORMATION FOR FLORIDA
 DATE: 08/18/2010
 PROJECT: 1011100000000000000000
 CITY: FT. LAUDERDALE
 COUNTY: DADE
 EXPIRES: 08/18/2011
 EXPIRES: 08/18/2011
 EXPIRES: 08/18/2011
 EXPIRES: 08/18/2011
 EXPIRES: 08/18/2011
 EXPIRES: 08/18/2011

stripes.
 0000
 STREET ADDRESS
 CITY, STATE 00000
 EXPIRES: 08/18/2000
 STORE NO. 0000

ISSUE	DESCRIPTION	DATE

CHECKED BY: CEB
 DRAWN BY: MJC
 DOCUMENT DATE: 08/18/10
 PROJ: 0844
 PROTO CYCLE: 08/18/10



1 FLOOR PLAN
 1/4" = 1'-0"

SEP 1 8 2013
 Initial:

OVERALL FLOOR PLAN
 104/LEEN, TX
 US AT AND W/WHF

PROJECT: A100

**NOTICE
GASOLINE SALES
For
This Property
CUP2013-0179**

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



PL2001
ENGINEER
PLANNING DEPT

STANDARDIZED RECOMMENDATION FORM

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

AGENDA ITEM _____ 1A6
DATE SUBMITTED _____ 11/4/13
MEETING DATE _____ 11/11/13

1. Agenda Item: _____ Conditional Use Permit _____

2. Party Making Request: _____ Alejandro F. Herrera _____

3. Nature of Request: (Brief Overview) Attachments: X Yes _____ No
The request of Alejandro F. Herrera, for a Conditional Use Permit, for the life of the use, for a Gasoline Service Station at the 3.865 acres out of Lot 15, C.E. Hammond Subdivision, Hidalgo County, Texas: 1901 Dove 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
YES/NO

a) Julianne R. Rankin _____ JRR _____ 11/4/2013 _____ Yes _____
Director of Planning
b) _____ _____ _____ _____

8. Staff's Recommendation: Approval of the request, for the life of the use, subject to Sections 138-118 and 138-257 – 138-261 of the Zoning Ordinance 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: November 4, 2013

SUBJECT: REQUEST OF ALEJANDRO F. HERRERA FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR A GASOLINE SERVICE STATION AT THE 3.865 ACRES OUT OF LOT 15, C.E. HAMMOND SUBDIVISION; 1901 DOVE 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 at the southwest corner of Dove Avenue and Bicentennial Boulevard. The property has approximately 978 ft. of frontage on Dove Avenue with a depth of 240 ft. for a tract size of 3.865 acres. The property is zoned C-2 (neighborhood commercial) District. The adjacent zoning is C-3 (general business) District to the north and west, C-2 District to the west as well, and A-O (agricultural and open space) District to the west and south. Surrounding land uses include single family residences, agricultural and vacant land. A convenience store with gas sales is permitted in a C-2 zone with a conditional use permit.

The subject property was rezoned to C-2 District on July 8, 2013 by the City Commission. The property is currently vacant and is part of proposed Lot 1, Harry's Hill Subdivision which received final plat approval on September 3, 2013. The applicant is proposing a 6,844 sq. ft. convenience store with 10 gasoline pump stations on the property. Based on the 6,844 sq. ft. of building area, 21 parking spaces are required; 46 spaces are proposed. Access to the property will be from two 45 ft. wide curb cuts; one on Dove Avenue and one on Bicentennial Boulevard.

A preliminary site plan was submitted; however, a detailed site plan will need to be reviewed to determine specific requirements. A site plan would need to be approved by Planning and Zoning Commission prior to issuance of a building permit as a condition of the required subdivision. Required landscaping, parking and buffers will be determined at the time of site plan review. The Health and Fire Departments will conduct final

inspections once the building is constructed. The use must comply with Section 138-257 – 138-261 of the Zoning Ordinance and specific requirements as follows:

- 1) Activities are limited to sale of gasoline, oil, and minor accessories and incidental services;
- 2) Ingress or egress shall not be permitted at locations where it will tend to create traffic hazards. Entrances shall not be permitted within 25 ft. of a street intersection. Proposed curb cut distances from the intersection are approximately 252 ft. on Dove Avenue and 262 ft. on Bicentennial Boulevard;
- 3) Front yard building setbacks, not including gas pumps or driveway covers (canopy), shall be 60 feet. The proposed front yard setback is approximately 175 feet from Dove Avenue and 60.5 feet on Bicentennial Boulevard;
- 4) All lighting shall be shielded from adjacent residential districts;
- 5) A 6 ft. opaque buffer shall be provided where abutting or adjacent to residential districts. The property does not abut a residential district;
- 6) Gasoline service stations that have facilities for the repair or servicing of automobiles shall be a minimum of 13,000 square feet. Retail outlets for gasoline, oil, and minor accessories, without repair facilities, may be permitted on lots less than 13,000 square feet. The subject property is 11,270 sq. ft. and has no automobile servicing;
- 7) Gas pumps/islands shall be set back at least 13 ft. from the property line or 18 ft. from the curb, whichever is greater. The gas pumps are set back approximately 50 ft. from property line on Dove Avenue and 65.5 ft. from property line on Bicentennial Boulevard;
- 8) Gas pump canopy shall be set back at least 9 ft. from the property line or 10 ft. from the curb, whichever is greater. The gas canopy has a setback of approximately 47 ft. from property line on Dove Avenue and 60.5 ft. from property line on Bicentennial Boulevard; and
- 9) Gas pumps shall not be located within 100 ft. of a residential district. Gas pumps will not be located within 100 ft. of a residential district.

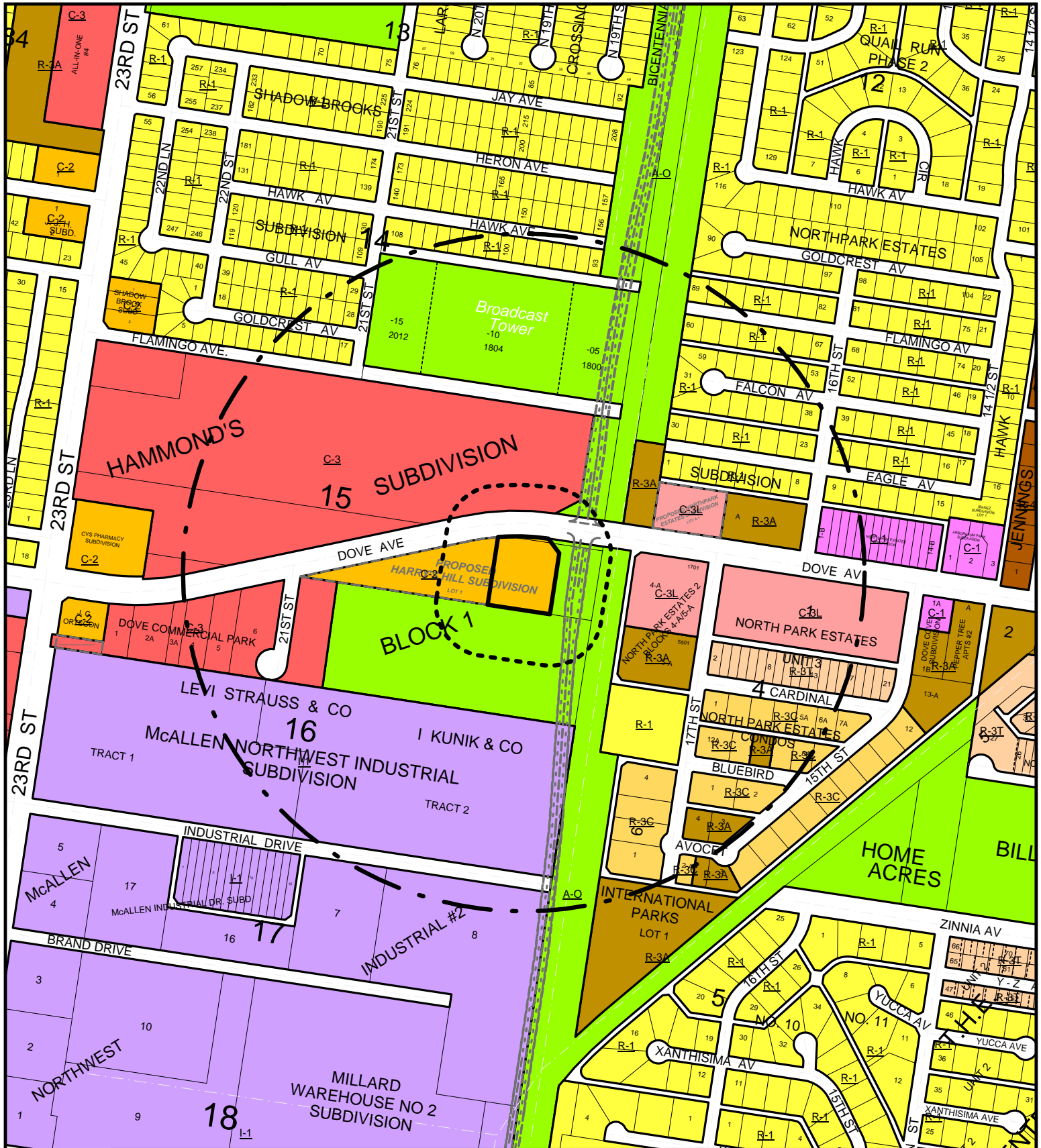
OPTIONS:

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

RECOMMENDATION:

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

Following a brief discussion of the item, the board unanimously voted to recommend approval of the conditional use permit, for the life of the use, subject to the conditions noted, Section 138-118 and 138-257 – 138-261 of the Zoning Ordinance and building permit requirements. There were four members present and voting.



CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: 1" = 500'

SUBJECT PROPERTY

200 FT. NOTIFICATION BOUNDARY

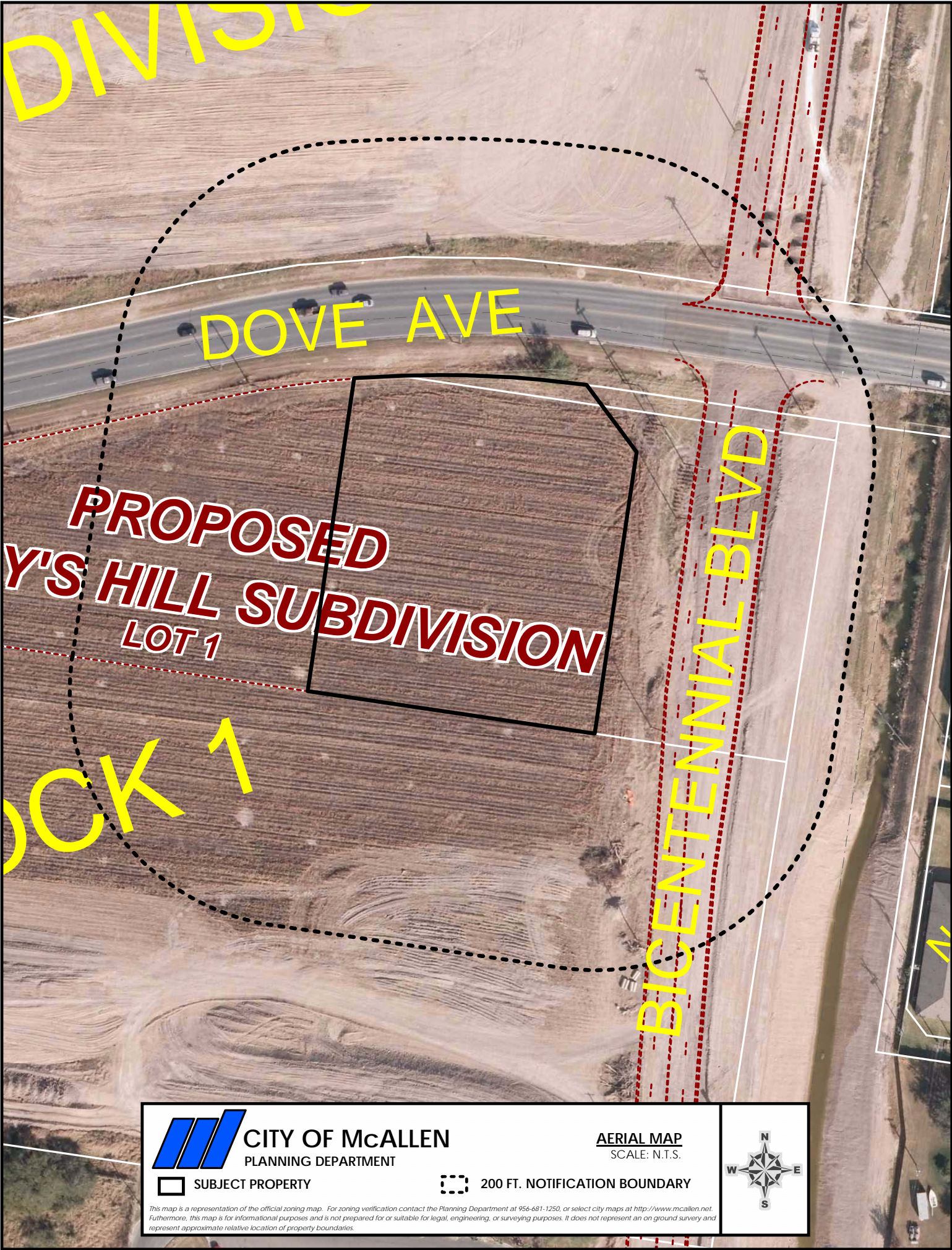
1/4 MILE RADIUS



ZONING LEGEND

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

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DIVISION

DOVE AVE

**PROPOSED
Y'S HILL SUBDIVISION
LOT 1**

BLOCK 1

BICENTENNIAL BLVD



CITY OF McALLEN
PLANNING DEPARTMENT

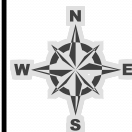
AERIAL MAP
SCALE: N.T.S.



SUBJECT PROPERTY



200 FT. NOTIFICATION BOUNDARY



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LOT 15, BLOCK 1,
C.E. HAMMOND'S SUBDIVISION

OWNERS: G. TRAM TJOA & HOI L. TJOA
RECORDED: DOC.# 1110910, H.C.O.R.

DOVE AVENUE
(100' R.O.W. - VOL. 1745, PG. 279 &
VOL. 1745, PG. 278, H.C.M.R.)

LOT 1
(106,327.87 SF)
(3.432 AC)

LOT 16, BLOCK 1,
C.E. HAMMOND'S SUBDIVISION

OWNERS: PREMIERE DEVELOPMENT CO., INC.
RECORDED: VOL. 1506, PG. 600, H.C.O.R.

N. BICENTENNIAL BLV'D.
(VARIABLE R.O.W. - DOC.#2010942, H.C.O.R.)

HARRY'S HILL SUBD.

McALLEN, TEXAS

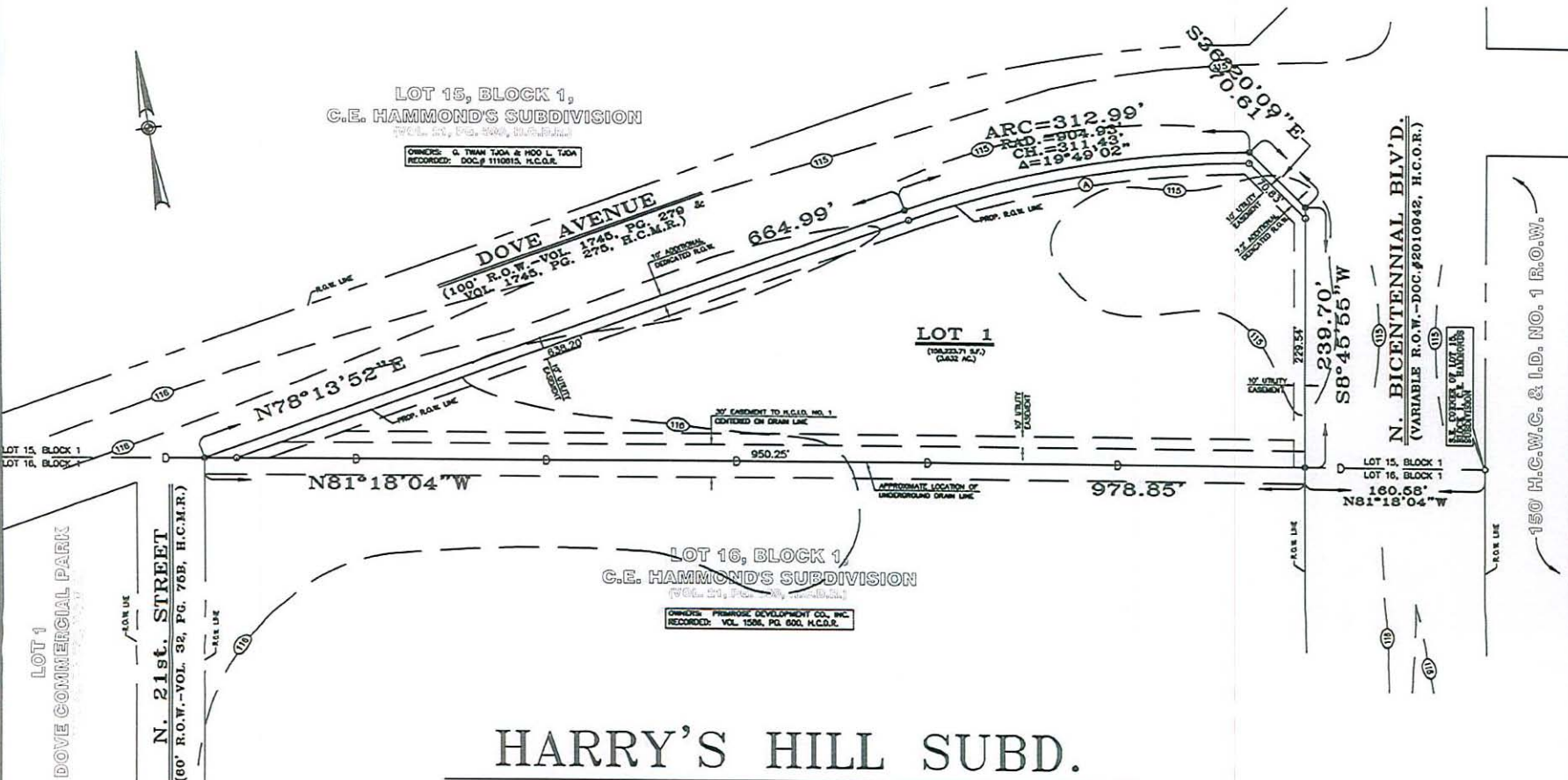
A 3.865 ACRE TRACT OF LAND, MORE OR LESS, BEING A PART OF LOT 15, BLOCK 1, C.E. HAMMOND'S SUBDIVISION OF PORCIONES 61, 62, 63 AND 64, HIDALGO COUNTY, TEXAS, ACCORDING TO THE MAP RECORDED IN VOLUME 21, PAGE 599, DEED RECORDS IN THE OFFICE OF THE COUNTY CLERK OF HIDALGO COUNTY, TEXAS, LYING SOUTH OF DOVE AVENUE AND WEST OF BICENTENNIAL AVENUE.

RECEIVED

AUG 01 2013

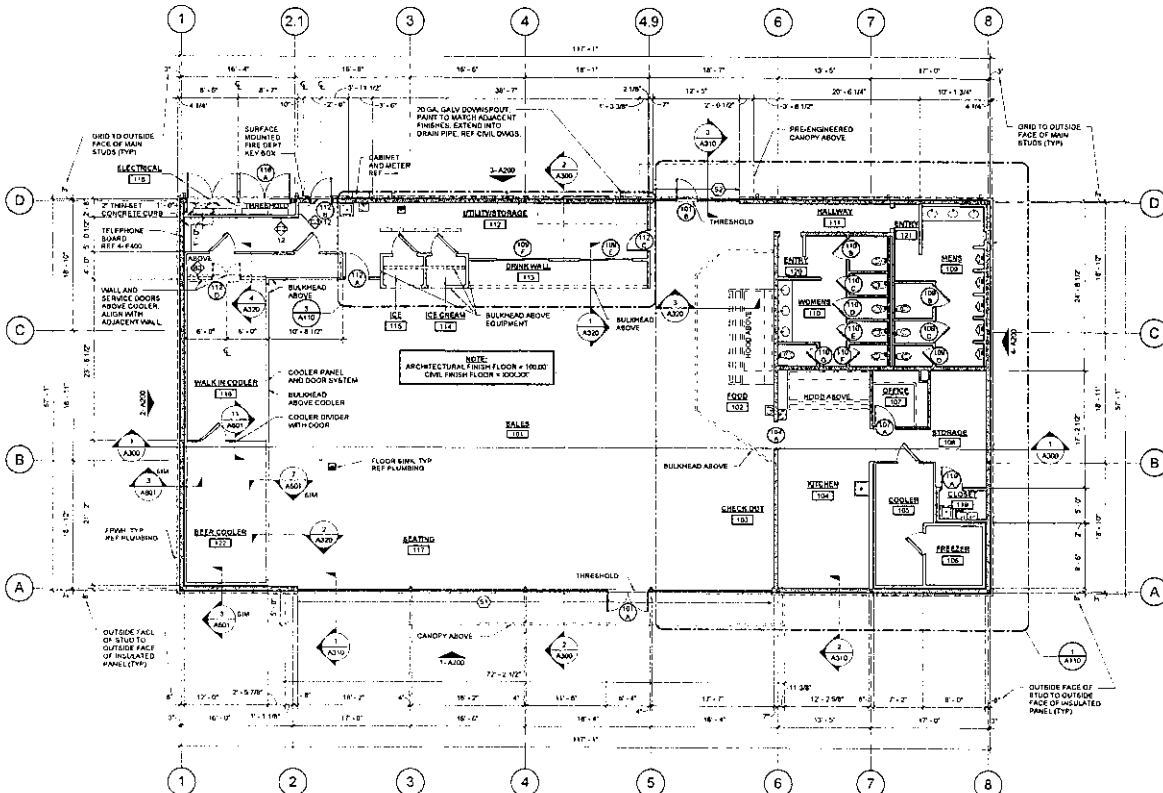
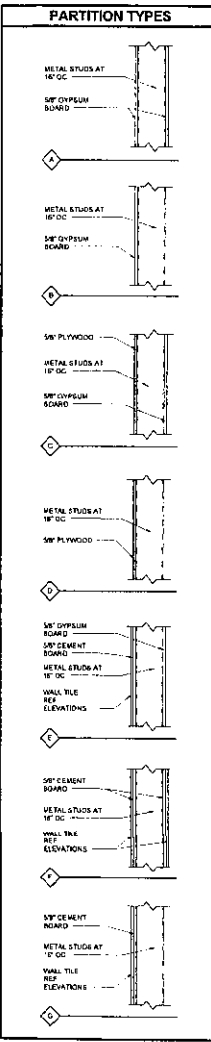
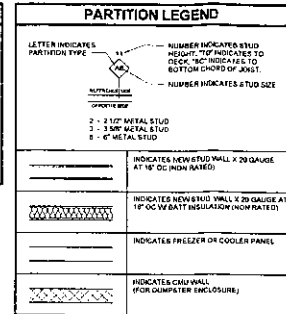
Initial: WJ

DATE: 06-28-13



150 H.C.W.C. & I.D. NO. 1 R.O.W.

- ### GENERAL NOTES
- USE 5/8" OYSPSLM BOARD ON NON-RATED PARTITIONS W/ND.
 - USE 5/8" CEMENT BOARD AT BOTTOM 2' OF WALLS IN KITCHEN AND NEAR HOT SINK AND ICE MAKERS IN UTILITY AREA.
 - CONTINUE FINISH MATERIAL TO A MINIMUM OF 8" ABOVE SUSPENDED CEILING SYSTEMS UNDG.
 - REF PARTITION KEY SYMBOL FOR STUD THICKNESS.
 - PROVIDE ALTERNATING DIAGONAL STUD BRACING FROM DECK TO WALL STUDS ABOVE CEILING AT 48" OC FOR PARTITION STUDS UNDER 8" W/DL. REF 10-A810
 - ALL DIMENSIONS TO FACE OF STUD UNDG.
 - REFERENCE WALL ECTIONS FOR EXTERIOR WALL CONSTRUCTION.



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

F.P.A. ARCHITECTS

HARRISON FRENCH & ASSOCIATES, LTD.

871 S.W. A Street, Suite 201
Beaverton, Oregon 97005
503.278.1700
503.278.1800
www.hfa.com

STANDARD FLOOR BOARD

1/8" = 1' 0"

1/8" = 1' 0"

1/8" = 1' 0"

1/8" = 1' 0"

1/8" = 1' 0"

1/8" = 1' 0"

stripes

0000

stripes

STREET ADDRESS
CITY, STATE 00000
ZIP NUMBER 00000

FORM NO. 0000

ISSUE RECORD

NO.	DATE	DESCRIPTION

CHECKED BY	CGB
DRAWN BY	MAC
DOCUMENT DATE	9/9/2013
PROJECT	0994-R
PROJECT CYCLE	06/21/13

REVISIONS

SEP 19 2013

REVISION

OVERALL FLOOR PLAN

Multnomah County
Div 6 (Development)

A100

**NOTICE
GASOLINE SALES
For
This Property
CUP2013-0178**

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



STANDARDIZED RECOMMENDATION FORM

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

AGENDA ITEM 1A7
DATE SUBMITTED 11/4/13
MEETING DATE 11/11/13

1. Agenda Item: Conditional Use Permit

2. Party Making Request: Victor Barrera on behalf of D'Gala Banquets & Special Events, LTD

3. Nature of Request: (Brief Overview) Attachments: X Yes No
 The request of Victor Barrera on behalf of D'Gala Banquets & Special Events, LTD, for a Conditional Use Permit, for one year, for a dancehall at Lot 1, Michelle's Banquet Hall Subdivision, Hidalgo County, Texas: 2100 Nolana Avenue.

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> 11/5/2013 </u>	<u> No </u>
b) _____	_____	_____	_____

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

9. Advisory Board: Approved X Disapproved None
 With a favorable recommendation to grant the variance to the distance requirement and subject to providing extra security, nightly trash pickup, and compliance with the parking requirement.

10. City Attorney: KP Approved Disapproved None

11. Manager's Recommendation: ABB Approved Disapproved None

Memo

TO: Mike R. Perez, City Manager

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

DATE: November 4, 2013

SUBJECT: **APPEAL THE DECISION OF THE PLANNING & ZONING COMMISSION OF THE OCTOBER 16, 2013 MEETING, DENYING THE REQUEST OF VICTOR BARRERA ON BEHALF OF D’GALA BANQUETS & SPECIAL EVENTS, LTD FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A DANCEHALL AT LOT 1, MICHELLE’S BANQUET HALL SUBDIVISION; 2100 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 280 ft. east of North 22nd Street. The property has 193 ft. of frontage along Nolana Avenue and a depth of 416 ft. at its deepest point. The property, as well as the surrounding area, is zoned C-3 (general business) District. Surrounding land uses include restaurants, commercial businesses, offices, bars, the International Museum of Arts & Science (IMAS) and McAllen’s Library. A dancehall is allowed in a C-3 zone with a conditional use permit and in compliance with requirements.

The initial Conditional Use Permit was approved for a dancehall at this location on November 21, 2000 for one year by the Planning and Zoning Commission and had been renewed annually up until August 4, 2009. Code Enforcement did a follow up and verified that the establishment was still operating. Subsequently, the applicant submitted an application on November 21, 2011. The permit was approved January 23, 2012 by the City Commission with a variance to the distance requirement. The applicants for the conditional use permit changed; therefore, a new permit application was submitted and approved by City Commission with the variance to the distance requirement on May 29, 2012.

The applicant is proposing to continue to operate a dancehall (D’Gala) from the existing 12,100 sq. ft. building. The hours of operation are from 7:00 a.m. to 1:00 a.m. Monday through Saturday. The applicant is also proposing an addition to the establishment (kitchen) for a total of 13,350 sq. ft. During inspection staff observed a 10 ft. X 12 ft. storage building, occupying two parking spaces, and an R.V. on site. Based on the new square footage 134 are required, 131 are provided on site, being 5 spaces short including the two spaces the storage building is located on.

A police activity report is attached indicating service calls from October 2012 to present. 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, the International Museum of Arts & Science, 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. During inspection staff observed a 10 ft. X 12 ft. storage building, occupying two parking spaces, and an R.V. on site. Based on the new square footage 134 are required, 131 are provided on site, being 5 spaces short including the two spaces the storage building is located on;
- 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 600.

OPTIONS:

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

RECOMMENDATION:

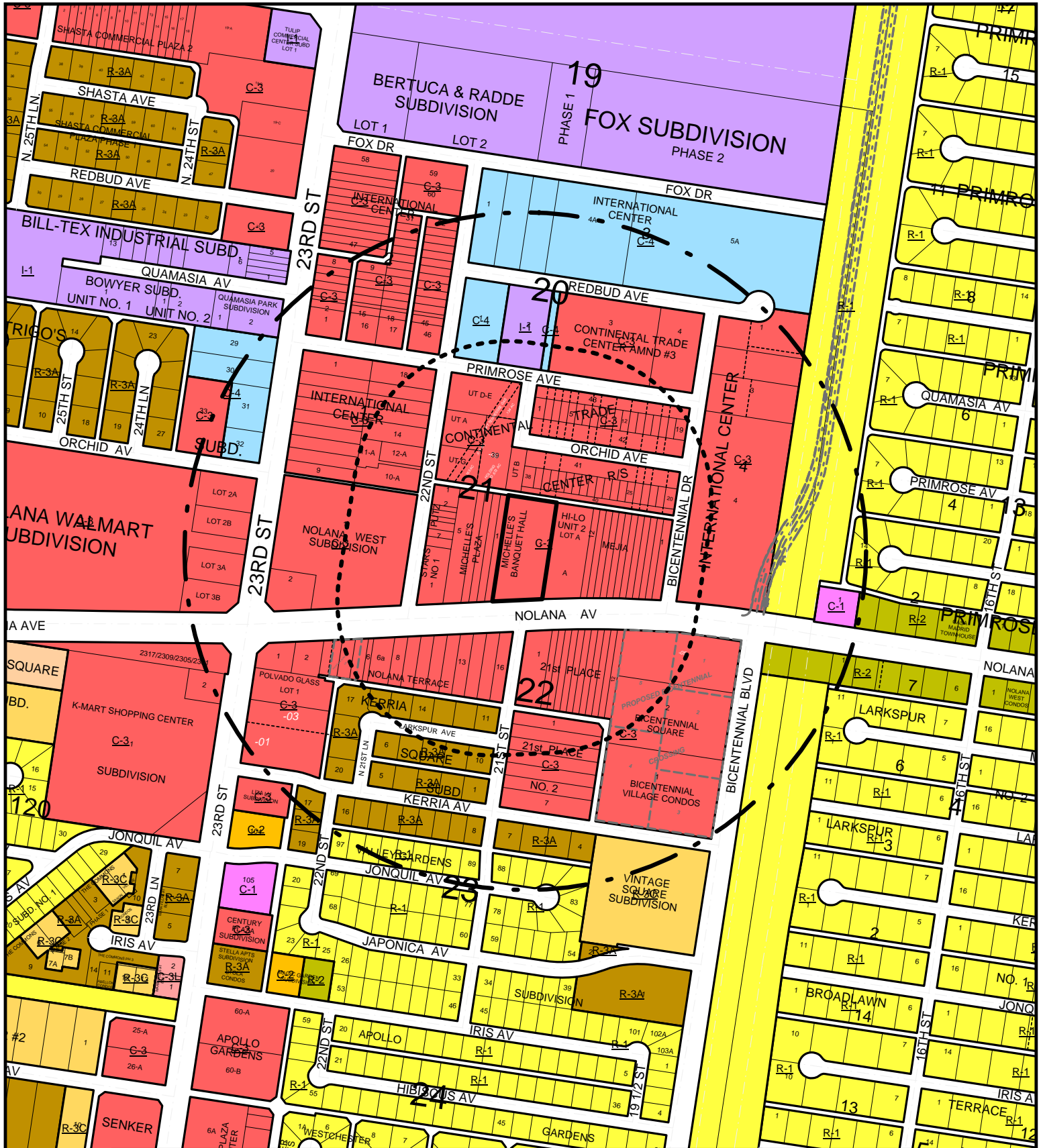
This item was heard at the October 16, 2013 Planning and Zoning Commission meeting. There was no one present to speak in opposition of the request. The applicant was present.

The board discussed the parking and the removal of the R.V. and storage in order to comply with parking.

Following a brief discussion of the item, the board unanimously voted to disapprove the request due to non-compliance with requirement #1 (distance) of Section 138-118(4) of the Zoning Ordinance but with a favorable recommendation to grant the variance to the distance requirement and subject to providing extra security, nightly trash pickup, and compliance with the parking requirement. There were four members present and voting. The applicant submitted a letter of appeal.

UPDATE:

The applicant met with staff to go over the new parking requirements. Based on the total square footage (13,350 sq. ft.) of the establishment presented, 134 parking spaces are required. The applicant indicated that he will reduce the square footage of the new addition, remove the R.V. and storage building from the property, and will provide additional parking spaces in order to comply with the parking requirements. The applicant submitted a new site plan showing the establishment will now have a total of 13,087 sq. ft. Based on the new square footage, 131 parking spaces are required and 132 parking spaces are proposed on site.



CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: 1" = 500'

AREA MAP



SUBJECT PROPERTY

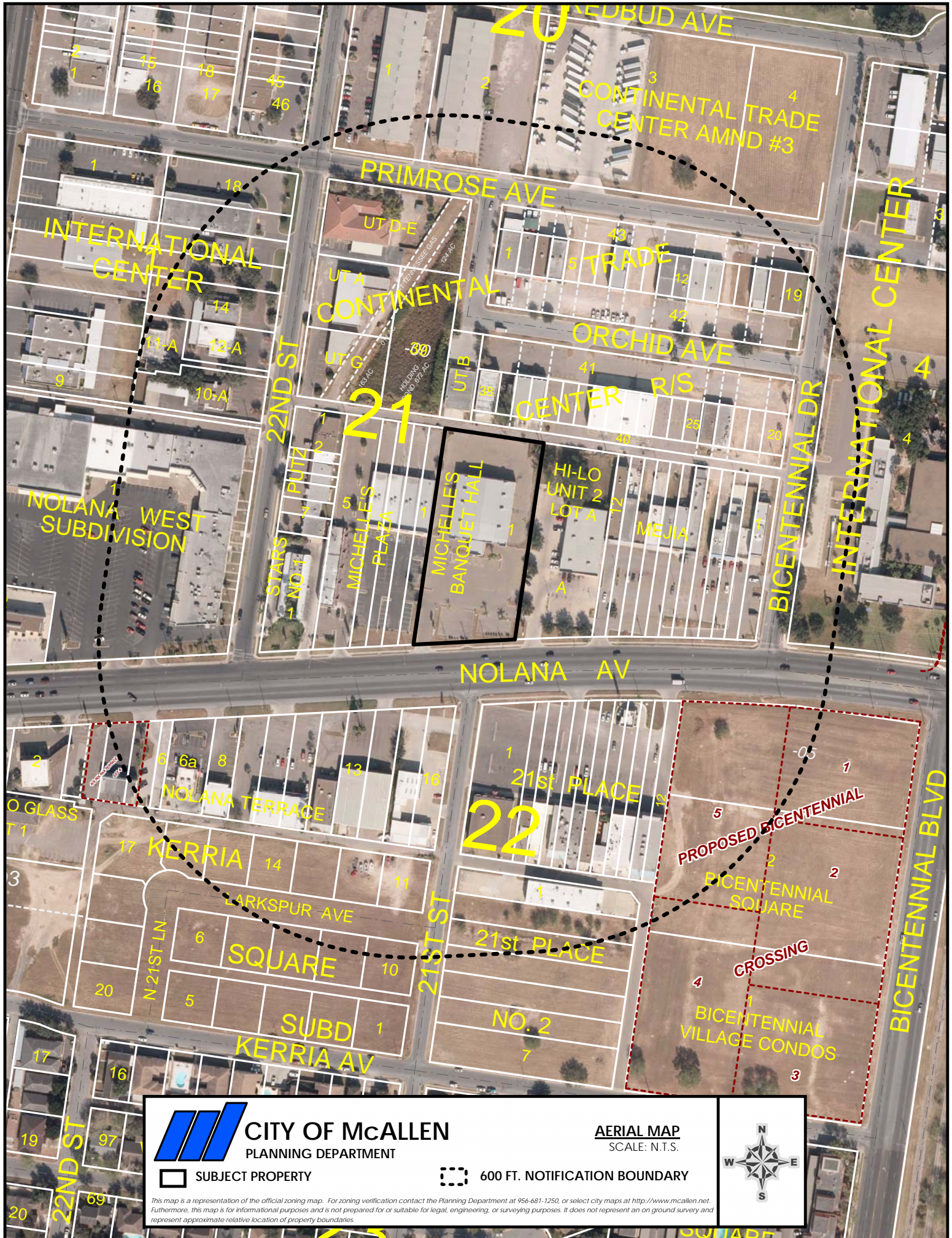
600 FT. NOTIFICATION BOUNDARY

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)	S (SPECIAL DISTRICT)

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

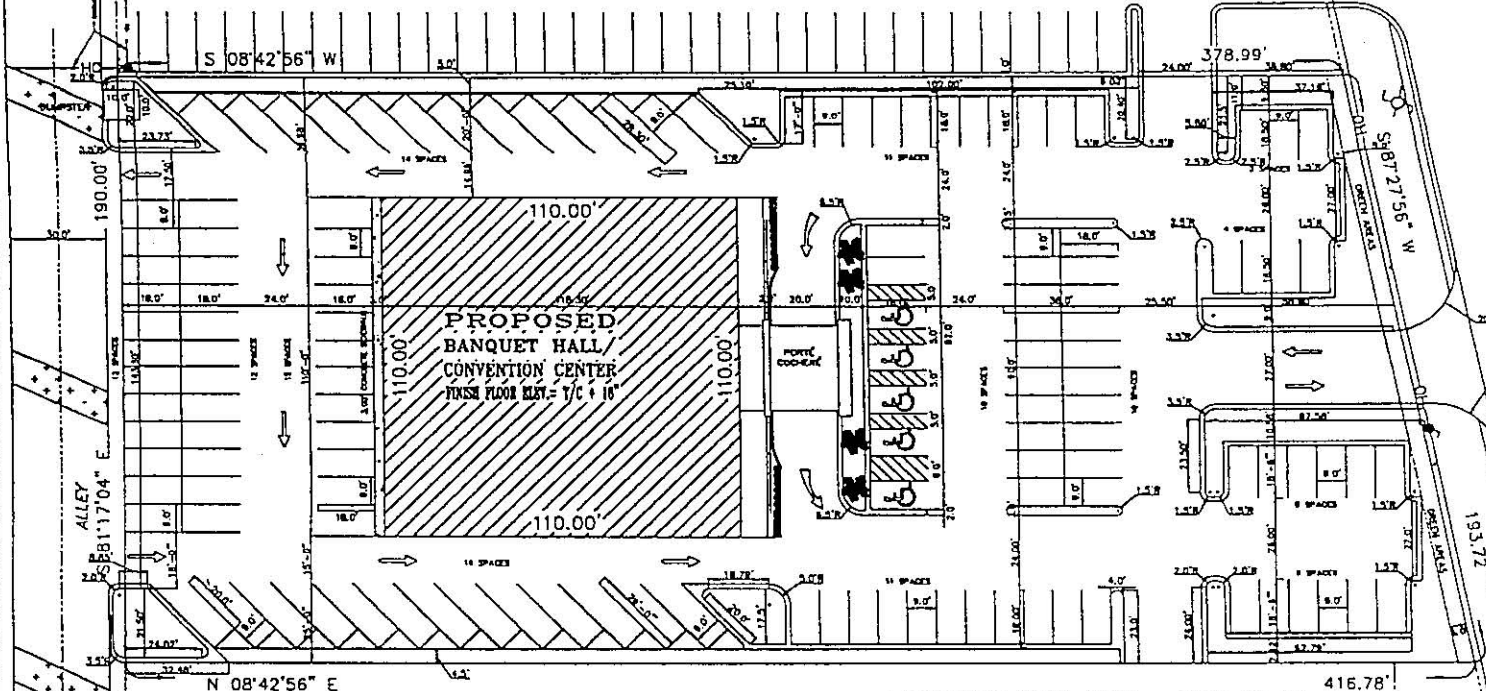


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CONTINENTAL TRADE CENTER SUBDIVISION
 RECORDED ON VOLUME 23, PAGE 157 A,
 MAP RECORDS, HIDALGO COUNTY, TEXAS.

HI-LO SUBDIVISION No. 2
 RECORDED ON VOLUME 29, PAGE 120A,
 MAP RECORDS, HIDALGO COUNTY, TEXAS.

SCALE 1"=20'



LOT 21, BLOCK 1, C. E. HAMMONDS SUBDIVISION
 OF PORCIONES 61, 62, 63, & 64 HIDALGO COUNTY, TEXAS.
 RECORDED IN VOL. 21, PAGE 599 D/R.

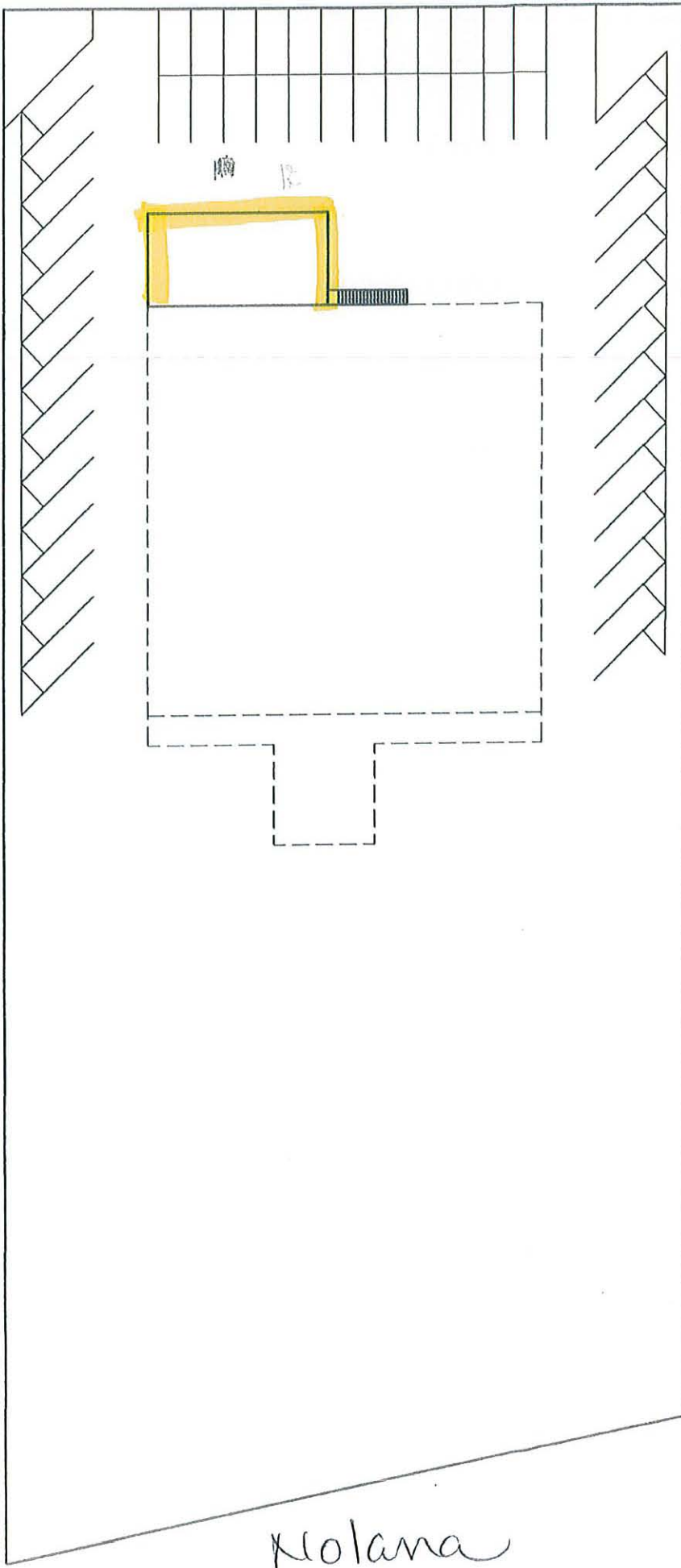
LANDSCAPE TOTAL AREA - 8509.00 S.F.
 PARKING SPACES REQUIRED - 121
 PARKING SPACES PROVIDED - 130
 HANDICAP SPACES PROVIDED - 5

PORCIONES 61, 62, 63, & 64 HIDALGO COUNTY, TEXAS.
 RECORDED IN VOL. 21, PAGE 599 D/R.
 LOT 22, BLOCK 1, C. E. HAMMONDS SUBDIVISION OF

RECEIVED
 July 29, 2003
 mlw 10:41am

MICHELLE'S BANQUET
 PROPOSED SITE PLAN

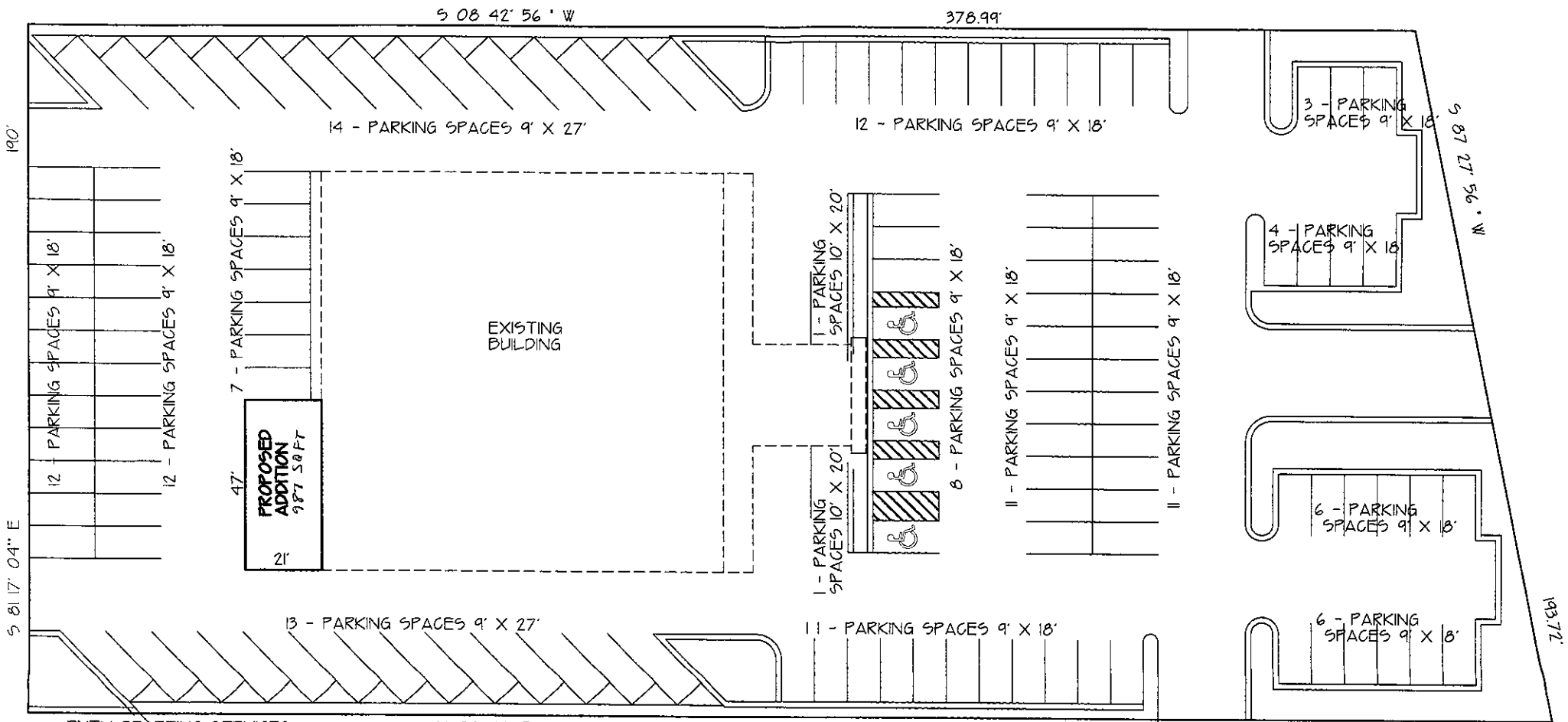
OVERHEAD POWERLINE



窗

門

Kiolana



RNTM DRAFTING SERVICES
505 N. 34TH ST.
MCGALLEN TX
OFFICE 956-630-1047

N 08 42' 56" E

416.78'

PROPOSAL NO. P2013-058
OPTION A

New Site Plan

132 p.s.

RECEIVED

OCT 28 2013

Initial: _____

October 13, 2013

To who it may concern

My name is Victor Barrera, on October 16, 2013 I applied for a permit for my business located at 2100 W Nolana Ave, McAllen TX 78504, but it was rejected by the planning zoning commission because we are missing three parking spaces according to your requirements, beside that we count with all the requirements you ask, we had a portable storage in the parking lot, but we already remove it, I want to appeal for the application.

I hope you can help me with this matter, as soon is possible, thank you in advance

McAllen Police Department
Crime Records Office

Criteria: 2100 W Nolana Ave;
Oct 2012 - 2013

Date	Time	Inc Type	Addr
9/24/2013	18:32	Accident w/Injuries	2100 NOLANA AVE
7/20/2013	21:57	Domestic Disturbance	2100 NOLANA AVE
8/26/2013	0:36	Domestic Disturbance	2100 NOLANA AVE
8/23/2013	23:58	Dwi	2100 NOLANA AVE
12/17/2012	11:17	MINOR ACC	2100 NOLANA AVE
7/27/2013	23:38	Suspicious Person/Vehicle	2100 NOLANA AVE
3/10/2013	19:55	Traffic Stop	2100 NOLANA AVE



**NOTICE
DANCE HALL
For
This Property
CUP2013-0176**

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



Memo

TO: Mike R. Perez, City Manager

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

DATE: November 4, 2013

SUBJECT: APPEAL THE DECISION OF THE PLANNING AND ZONING COMMISSION OF THE OCTOBER 16, 2013 MEETING, DENYING THE REQUEST OF DOLIA N. LUCERO, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, FOR A NIGHTCLUB AT LOTS 1-3, MCALLEN ATHLETIC MALL SUBDIVISION; 500 EAST HACKBERRY AVENUE, SUITE A.

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 property is located on the south side of East Hackberry Avenue, approximately 230 ft. west of North McColl Road and is zoned C-3 (general business) District. The adjacent zoning is C-3 District to the east, C-2 (neighborhood commercial) District to the east and west and R-3A (apartments) District to the north, west and south. Surrounding land uses include commercial businesses, offices, apartments, mobile homes, McAllen Memorial High School, Palmer Pavilion and a park, Texas Employment Commission, and Hidalgo County WIC.

The initial conditional use permit was approved for a bar at this location by the Planning and Zoning Commission in March of 2002. The permit had been renewed annually by different applicants up until 2006 by the Planning and Zoning Commission. In May of 2009 another applicant submitted a request for a conditional use permit, for a nightclub as well. The City Commission approved the request with a variance to the distance requirement on June 8, 2009. The applicant renewed in 2010 and 2011, but canceled the permit in late February 2011 since the bar was leased to a different tenant. The new tenant (applicant) got approval by the City Commission with a variance to the distance requirement on April 11, 2011. The last permit renewal was on August 27, 2012 by the City Commission with a variance to the distance requirement.

The applicant is proposing to continue to operate a nightclub from the existing 12,006 sq. ft. building in the McAllen Athletic Club. The proposed hours of operation are from 1:00 p.m. to 2:00 a.m. daily.

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

- 1) The property line of the lot of any of the above mentioned businesses must be at least 600 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 600 ft. of a residence and residentially zoned property;
- 2) The property must be as close as possible to a major arterial and shall not generate traffic onto residential sized streets. The establishment has direct access to East Hackberry Avenue and does not generate traffic into residential areas;
- 3) The business must provide parking in accordance with the Zoning Ordinance parking requirements as a minimum, and make provision to prevent the use of adjacent streets for parking. Based on the floor area, 114 parking spaces are required for this use; 197 spaces are provided and are part of the common parking lot;
- 4) The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties or residences by providing, when necessary, fences, hedges or reorientation of entrances and exists;
- 5) The business shall provide sufficient lighting to eliminate dark areas and maximize visibility from a public street in order to discourage vandalism and criminal activities;
- 6) The business must make provisions to keep litter to a minimum and keep it from blowing onto adjacent properties; and
- 7) The above mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshall, Building Official and Planning Director.

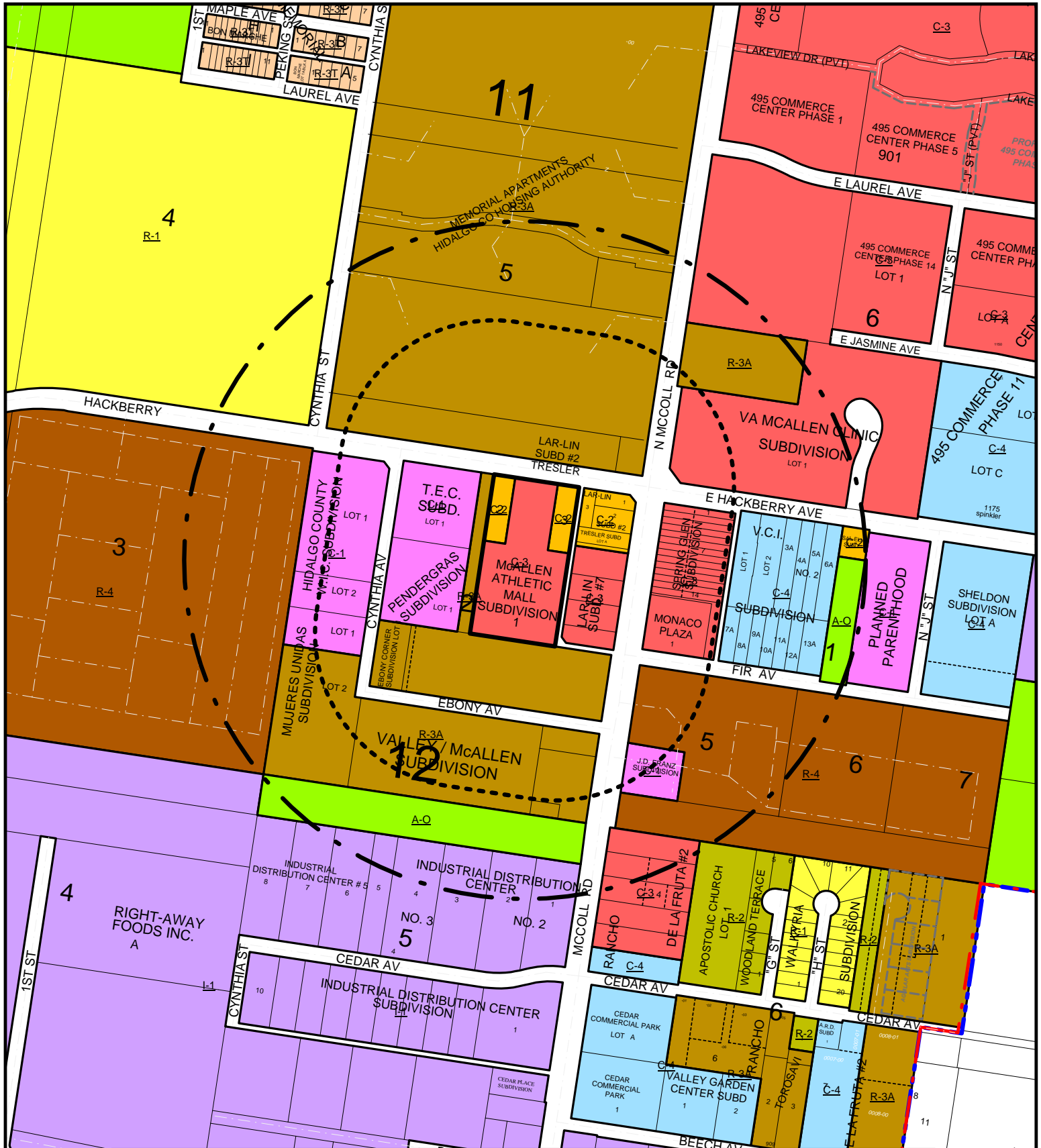
OPTIONS:

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

RECOMMENDATION:

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

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



CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: 1" = 500'

SUBJECT PROPERTY	600 FT. NOTIFICATION BOUNDARY	1/4 MILE RADIUS	
ZONING LEGEND			
A-0 (AGRICULTURAL & OPEN SPACE)	R-3A (APARTMENTS)	R-4 (MOBILE HOMES)	C-3 (GENERAL BUSINESS)
R-1 (SINGLE FAMILY RESIDENTIAL)	R-3C (CONDOMINIUMS)	C-1 (OFFICE BUILDING)	C-3L (LIGHT COMMERCIAL)
R-2 (DUPLIX-FOURPLEX)	R-3I (TOWNHOUSES)	C-2 (NEIGHBORHOOD COMMERCIAL)	I-1 (LIGHT INDUSTRIAL)
		C-4 (COMMERCIAL INDUSTRIAL)	I-2 (HEAVY INDUSTRIAL)
			(SPECIAL DISTRICT)

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CITY OF McALLEN
PLANNING DEPARTMENT

AERIAL MAP
SCALE: N.T.S.





SUBJECT PROPERTY



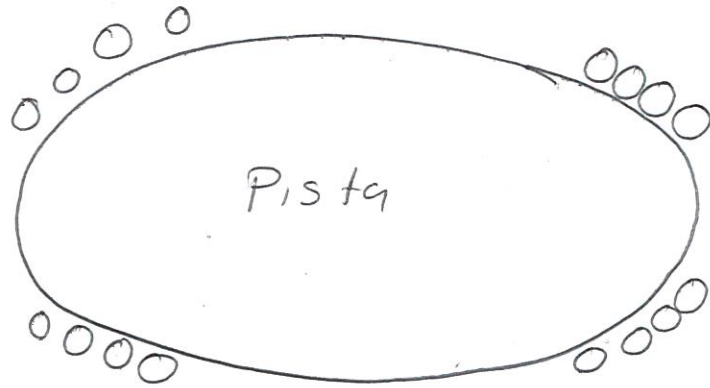
600 FT. NOTIFICATION BOUNDARY

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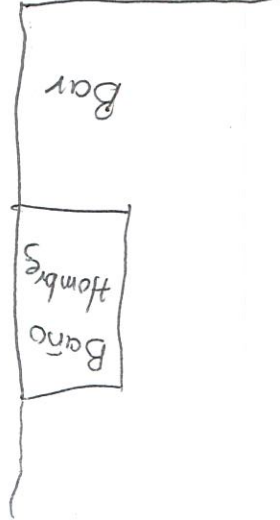
1 2 3 4 5 12

ENTRADA

EXIT
puerta



EXIT
puerta



RECEIVED

SEP 05 2013

Initial: RB

McAllen Police Department
Crime Records Office

Criteria: 500 W Hackberry Ave;
Oct 2012 - 2013

Date	Time	Inc Type	Addr
6/15/2013	10:49:48	Alarm Burglary	500 HACKBERRY AVE
6/30/2013	18:50:39	Alarm Burglary	500 HACKBERRY AVE
7/26/2013	15:03:26	CRIMINAL MISCHIEF	500 HACKBERRY AVE

10/16/13

Yo apelo a la decisión
de planeación de la Junta de
octubre 16 de 2013, de la
Dirección 500 E HACK BERRY
Ave STE A en McAllen TX
Número de tel (956) 2126864

DOLIA N LUCERO.



**NOTICE
NIGHT CLUB
For
This Property
CUP2013-0165**



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



**CITY OF McALLEN
STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION X
UTILITY BOARD _____
OTHER _____

AGENDA ITEM 1B
DATE SUBMITTED 11/06/13
MEETING DATE 11/11/13

1. **Agenda Item:** Rezoning Request

2. **Party Making Request:** Sergio Licon

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

 Rezone from A-O (agricultural-open space) District to C-3 (general business) District: 3.25 acres out of Lot 6, Block 2, C.E. Hammond Subdivision, Hidalgo County, Texas; 4300 Pecan Boulevard.

4. **Policy Implication:** Zoning Ordinance

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

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

If over budget how will it be paid for: _____

6. **Alternate option/costs:** _____

7. **Routing:**

	NAME/TITLE	INITIAL	DATE	CONCURRENCE
a)	<u> Julianne R. Rankin </u> Director of Planning	<u> JR </u>	<u> 11/06/13 </u>	<u> No </u>
b)	_____	_____	_____	_____

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

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

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

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

Memo

TO: Mike R. Perez, City Manager

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

DATE: November 6, 2013

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

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

BRIEF DESCRIPTION:

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

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

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

OPTIONS:

1. Approve the rezoning request.
2. Table the item for a) consideration by a full board, b) additional information, c) additional time for applicant and adjacent property owners to meet on zoning issues or d) further study by the Planning and Zoning Commission of rezoning the area.
3. Disapprove the rezoning request and approve **C-3 District excluding the east 25 feet for a buffer yard.**
4. Disapprove the rezoning request.

Planning and Zoning Commission meeting of October 16, 2013.

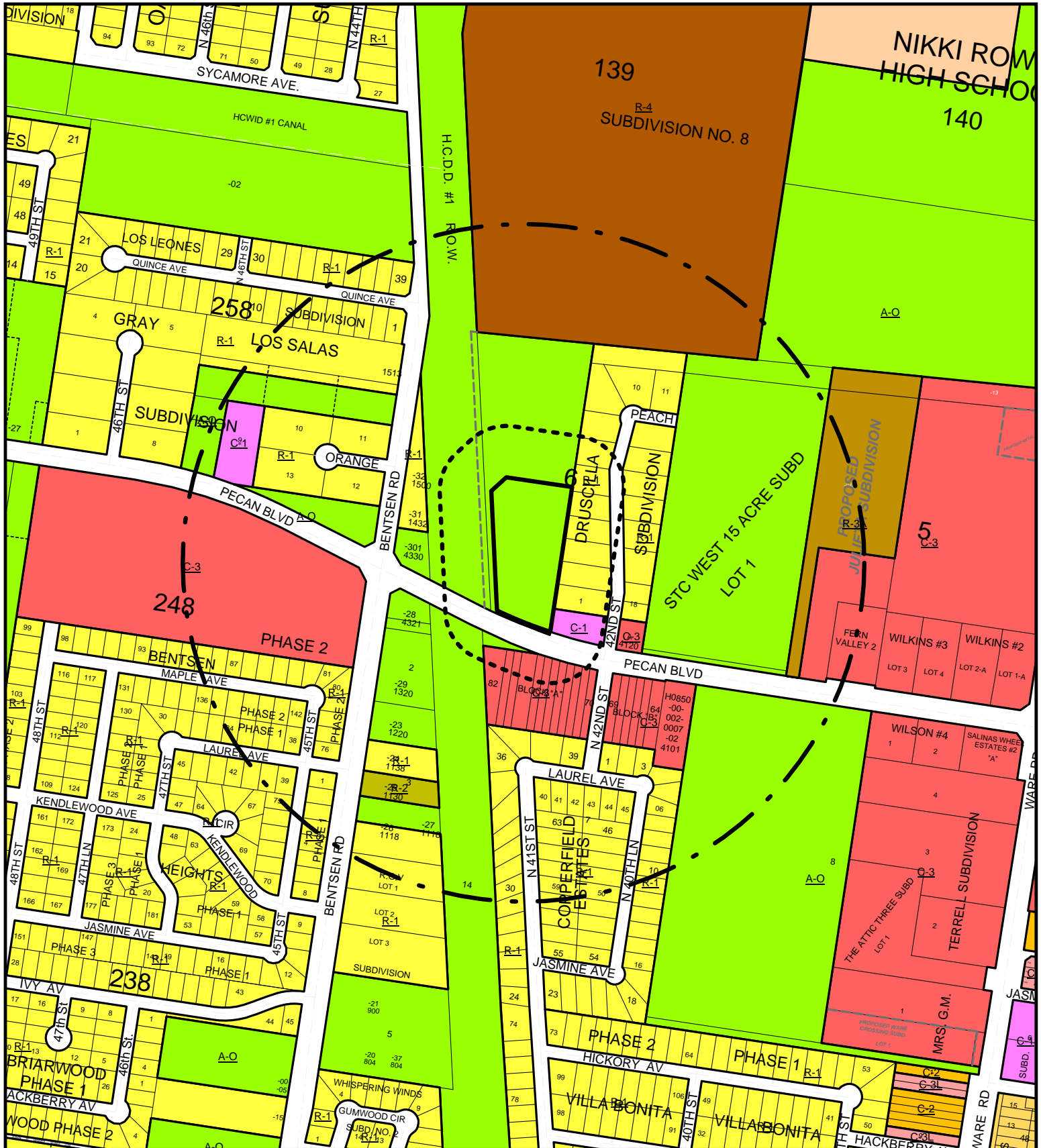
At the Planning and Zoning Commission meeting of October 16, 2013 several residents appeared in opposition of the rezoning request. Adrian Arriaga, 116 Bluebird Avenue, spoke in favor of the rezoning request and stated that this location is used as a weekend retreat and the applicant proposes an event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

Planning and Zoning Commission meeting of November 5, 2013.

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

RECOMMENDATION:

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



CITY OF McALLEN
PLANNING DEPARTMENT

LEGEND
SCALE: 1" = 500'

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

ZONING LEGEND

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

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

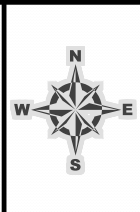


 **CITY OF McALLEN**
 PLANNING DEPARTMENT

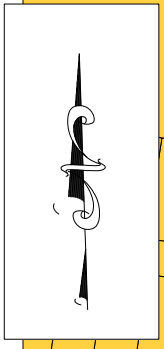
AERIAL MAP
 SCALE: N.T.S.

 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

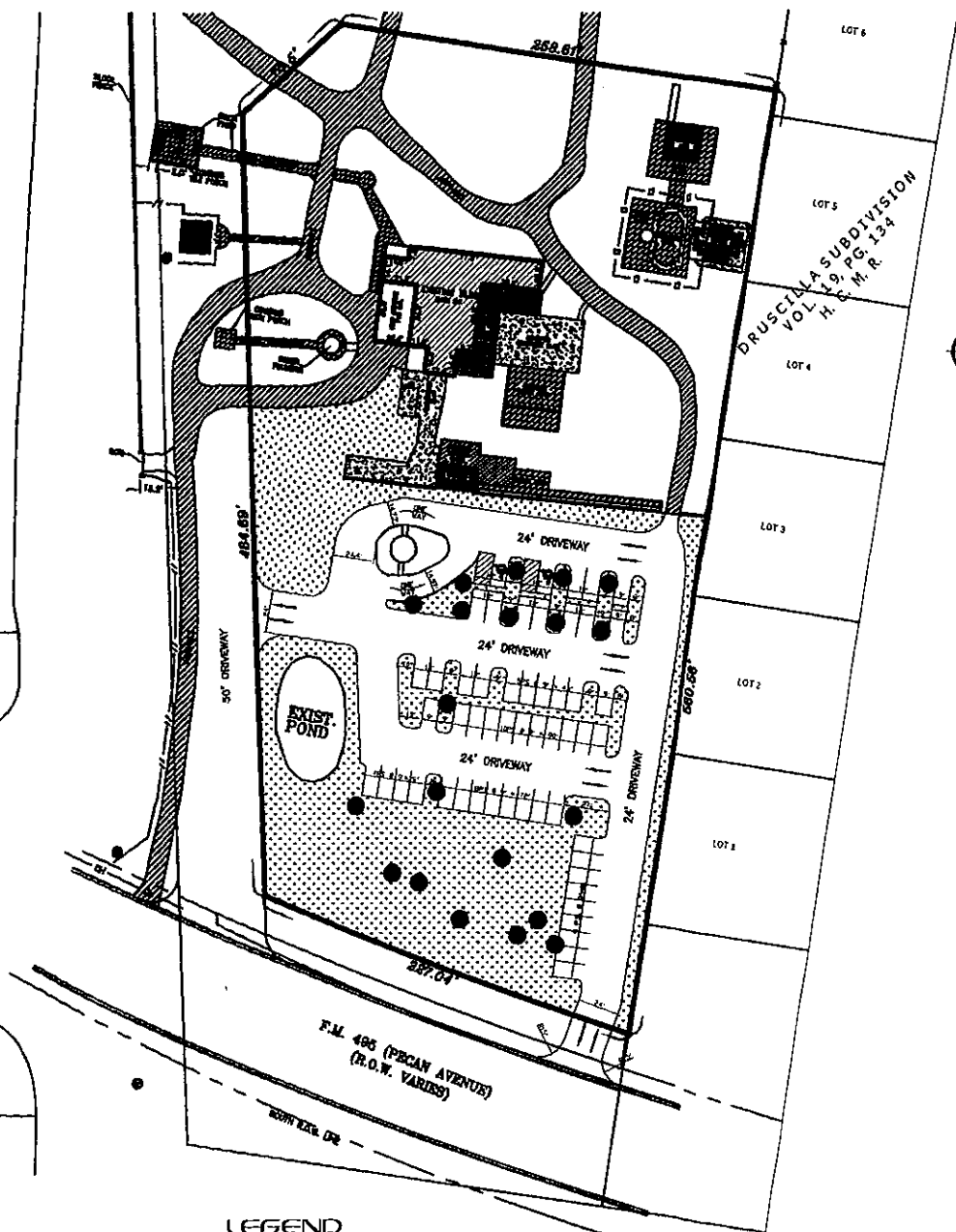
FORESIGHT McALLEN COMPREHENSIVE PLAN

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

DRAIN DITCH

DRAIN DITCH



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



LEGEND

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

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

SITE PLAN
 OF
 LOT 1
 QUINTA LUZ
 MCALLEN, TEXAS

SITE PLAN

DATE OF PREPARATION: SEPTEMBER 2013
MAST+E ENGINEERING LLC.
 CONSULTING ENGINEER
 200 SOUTH 10 STREET, SUITE 100
 MCALLEN, TEXAS 78101-1211

SEP 30 2013



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



Memo

TO: Mike R. Perez, City Manager

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

DATE: November 4, 2013

SUBJECT: REQUEST OF RENE H. ALANIS FOR A CONDITIONAL USE PERMIT, FOR THE LIFE OF THE USE, FOR A PERSONAL WIRELESS SERVICE FACILITY AT LOT 17, BLOCK A, CATHY COURTS SUBDIVISION; 128 BEAUMONT 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 Beaumont Avenue, approximately 390 ft. of South 1st Street and it zoned C-3 (general business) District. The adjacent zoning is C-3 in all directions. Surrounding land uses include the commercial businesses, industrial businesses, and single family residential.

The applicant is proposing to place an 80 ft. monopole tower at the rear of the property. A personal wireless service facility is permitted in a C-3 zone with a conditional use permit. The proposal will need to meet all minimum setbacks and building permit requirements. The setbacks required are 25 ft. front, and 10 ft. sides and 10 ft. rear. Federal Aviation Administration (FAA) approval must be obtained prior to beginning construction. In addition, the request must comply with requirements set forth in Section 138-118(11) of the zoning ordinance as follows:

- 1) Broadcast pole structure shall comply with the height requirements of the Airport Zoning Ordinance and the requirements set forth by the McAllen International Airport Advisory Board. FAA approval must be obtained prior to beginning construction;
- 2) Maximum height of pole or tower structure of 80 ft. within commercial zones or within 200 ft. of an existing residential structure. The applicant is proposing to place an 80 ft. antenna on the property;

- 3) Maximum height of pole or tower structure of 120 ft. within industrial zones for measuring distance purposes, the leasehold interest area boundary or compound area boundary, whichever is greater shall be utilized;
- 4) One broadcast pole structure allowed per lot within commercial or industrial zone. There is no other pole structure on the property;
- 5) Only one pole or tower structure allowed per lot or tract within a commercial or industrial zone;
- 6) The applicant shall attempt to locate the proposed facility on an existing structure, as per subsection k-m of this section. If co-location of the proposed wireless facility is not possible (as per subsections k-m of this section) then the applicant for a personal wireless service facility must submit at least two alternatives designs for antenna and supporting structure, pole or tower design (including the equipment shelter, as per subsection "h" below) that is treated with architectural material (e.g.) "stealth" design so as to conform to the predominant architectural environment in the area of the facility. Such "stealth" personal wireless service facility shall blend into its proposed surroundings such as a tree, flag pole or other feature, to be approved. When a tree-type stealth design is used, one live and growing tree of the same variety or species one-half the height of the proposed tower shall be planted at the time of installation. The 80 ft. tower is not stealth;
- 7) Minimum spacing between poles and tower structures within commercial or industrial zones of 1,000 ft. measured in a direct line of another tower. There are no co-locatable towers within 1,000 feet;
- 8) Minimum setback of one-half the street right of way from the property line, 10 ft. from side yard, and 10 ft. from rear, unless greater requirements as noted on subdivision plat. The pole must meet all minimum setbacks. The 80 ft. tower is not meeting the 10 ft. rear setback;
- 9) A masonry wall shall be required as a buffer if pole or tower structure located within the front or side yard, or adjacent to a residential use or zone;
- 10) The equipment structure installed at the base of the proposed tower shall be not be greater than 180 sq. ft. and constructed to conform to the predominant architectural environment. The proposed base for the tower is 156.25 sq. ft.;
- 11) A landscaped buffer area to soften the visual impact shall commence along the perimeter of the lease area or the property line. At least one row of shrubs shall be installed as well as trees as appropriate shall be included. Materials shall be of a variety which can be expected to grow to form a continuous hedge at least six feet in height within two years of planting;
- 12) The pole or tower structure must be constructed or installed with the capabilities of locating thereon additional PWSF when tower or pole is greater than 80 ft. in height. The applicant agrees to cooperate with other PWSF providers in co-locating additional facilities on permitted support structures;

- 13) A permittee shall exercise good faith in co-locating with other providers and sharing the permitted structure, provided such shared use does not give rise to a substantial technical level impairment of the ability to provide the permitted use (i.e., a significant interference in broadcast or reception capabilities as opposed to a competitive conflict or financial burden). Such good faith shall include sharing technical information to evaluate the feasibility of co-location. In the event a dispute arises as to whether a permittee has exercised good faith in accommodating other users, the city may require a third party technical study at the expense of either or both the applicant and permittee;
- 14) All conditional use applicants shall demonstrate good-faith, reasonable efforts in developing a co-location alternative for their proposed PWSF site, which efforts shall be documented to the City and shall include, but not limited to, providing technical details sufficient to determine co-locations efforts. If the applicant asserts that co-location is not possible, the applicant must provide, in addition to the foregoing, an affidavit in a form provided by the city stating that all efforts to co-locate the PWSF at an existing facility have been exhausted and that there is no possibility of co-location on the existing towers. The applicant submitted a letter;
- 15) Failure to comply with the co-location requirements of this section may result in denial of a permit request or revocation of an existing permit; and
- 16) No form of pollution shall emanate beyond the immediate property line of the permitted use.

OPTIONS:

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

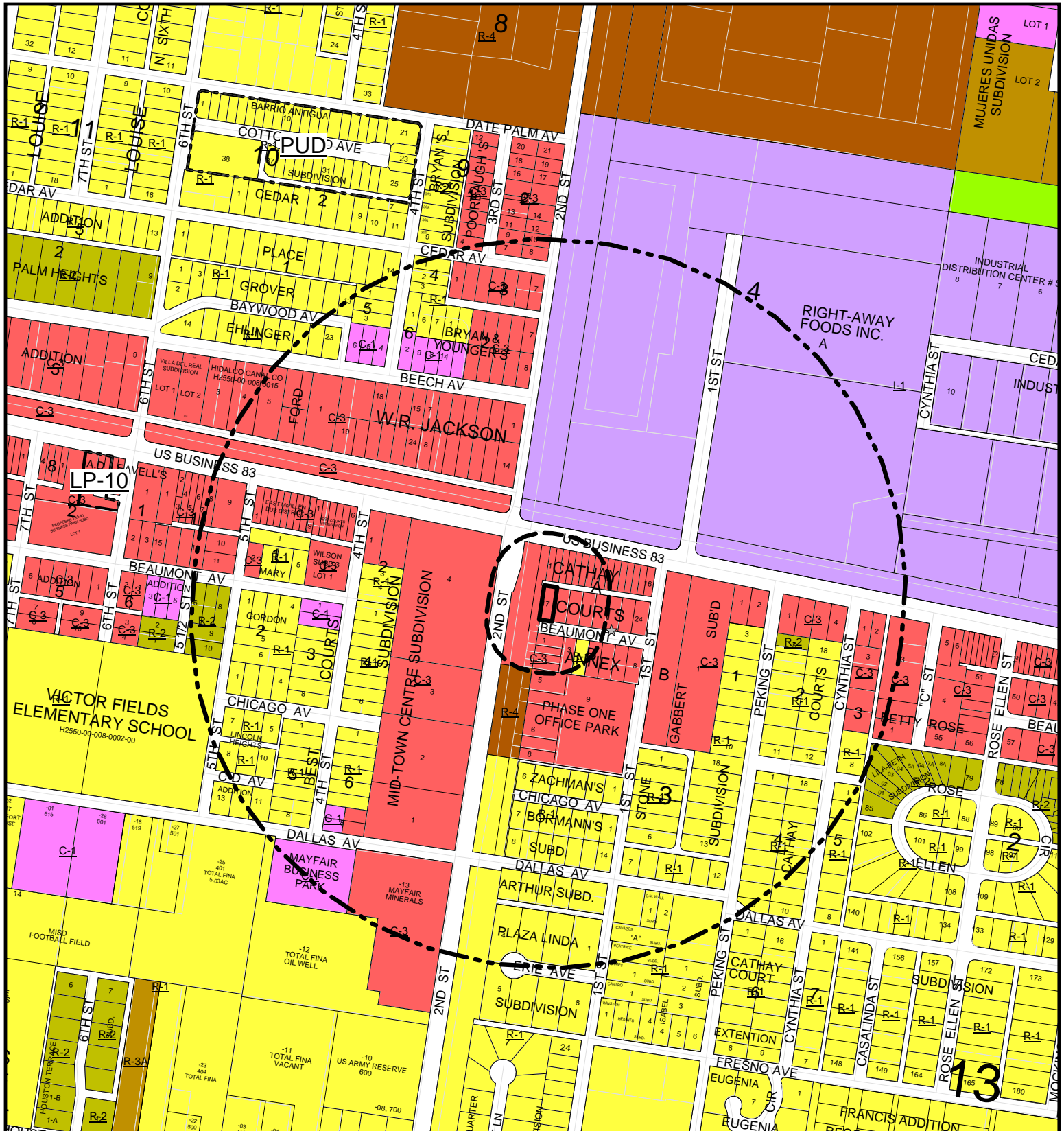
RECOMMENDATION:

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

The board addressed concerns on the size, height, stealth design of the tower and also the rear setbacks not being met.

Mr. Alanis, the applicant, addressed the boards concerns and explained the design of the tower and its use. The tower is for wireless internet only.

Following discussion of the item, the board unanimously voted to disapprove the request, for the life of the use, based on non-compliance with #6 (stealth) and #8 (setbacks) of Section 138-118(11) of the Zoning Ordinance. There were four members present and voting.



CITY OF McALLEN
PLANNING DEPARTMENT

AREA MAP

4

LEGEND
SCALE: 1" = 500'

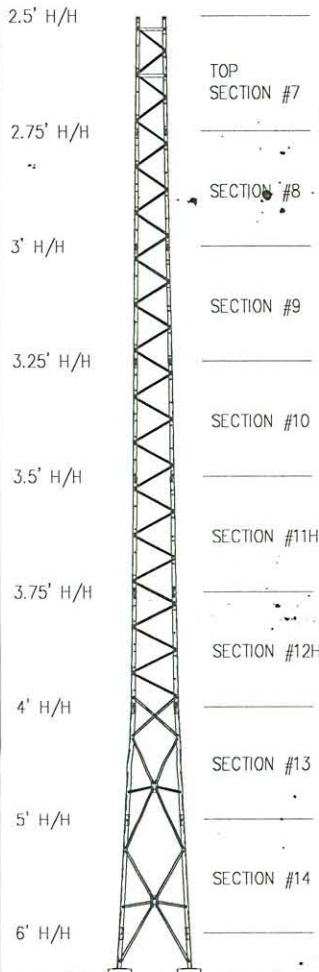
- SUBJECT PROPERTY
- 200 FT. NOTIFICATION BOUNDARY
- 1/4 MILE RADIUS

ZONING LEGEND

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

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80FT S700 SUPERTITAN TOWER



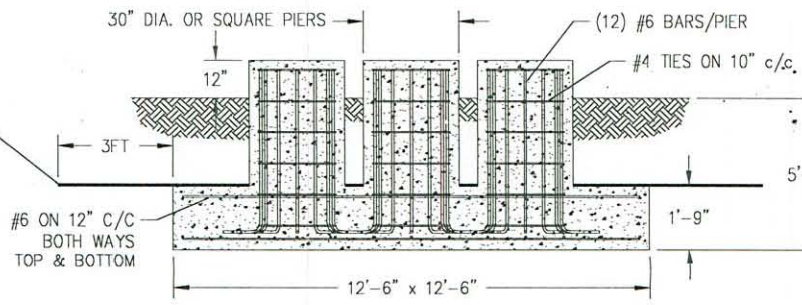
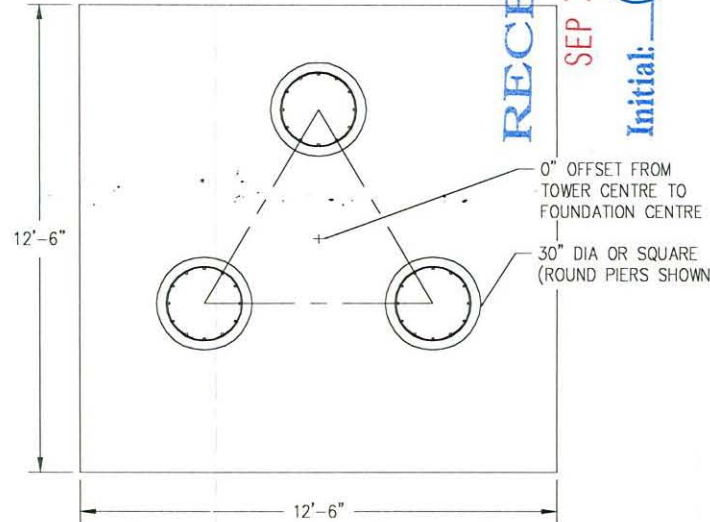
C A N D A									
MAXIMUM ALLOWABLE ANTENNA AREA - PER CSA-S37-01									
ROUND ANTENNA MEMBER / FLAT ANTENNA MEMBER									
CLASS 1 (10mm ICE)			CLASS 1 (25mm ICE)			CLASS 3 (25mm ICE)			
350Pa	450Pa	550Pa	350Pa	450Pa	550Pa	350Pa	450Pa	550Pa	
73/52	47/33	30/21	73/52	47/33	30/21	172/115	116/77	80/53	

FOUNDATION LOADS:
 MAX. OVERTURNING MOMENT (K*FT) =
 MAX. SHEAR (kips) =
 MAX. AXIAL (kips) =

INSULATING STYROFOAM REQUIRED WHERE FROST PENETRATION EXCEEDS 6 FEET. PLACE STYROFOAM ON SLAB AND EXTEND 3 FEET BEYOND EDGE. HIGHLOAD 40 INSULATION BY DOW CHEMICALS IS RECOMMENDED.

Option 1

FOUNDATION DESIGN (NORMAL DRY SOIL)



CUBIC YARDS of CONCRETE				
PAD	RND PIER	SQ PIER	TOTAL RND	TOTAL SQ
10.13	0.77	0.98	12.45	13.08

- NOTES:
- 1) KNOCK-DOWN PART NUMBER 5.94.S700.080.
 - 2) PRE-ASSEMBLED PART NUMBER: NOT AVAILABLE.
 - 3) ANTENNA LOADS ARE CENTRALLY LOCATED AND BALANCED, 3-FT OR LESS ABOVE THE TOWER TOP.
 - 4) WIND LOADING ASSUMES (1) 1/2" TRANSMISSION LINE PER 10 SQ.FT. OF ROUND MEMBER ANTENNA AREA.

CONFIDENTIAL: ALL INTELLECTUAL PROPERTY RIGHTS HEREIN ARE THE PROPERTY OF TRYLON MANUFACTURING COMPANY LTD. ALL DUPLICATION, RECORDING, DISCLOSURE OR USE IS PROHIBITED WITHOUT WRITTEN CONSENT OF TRYLON MANUFACTURING COMPANY



CUSTOMER: _____ SITE: _____ SCALE: 130,000

DATE: 16 FEB 07 BY: MRH CHK: _____ APP: _____

TITLE: 80' S700 SUPERTITAN TOWER DRAWING NO. 000001.620.03

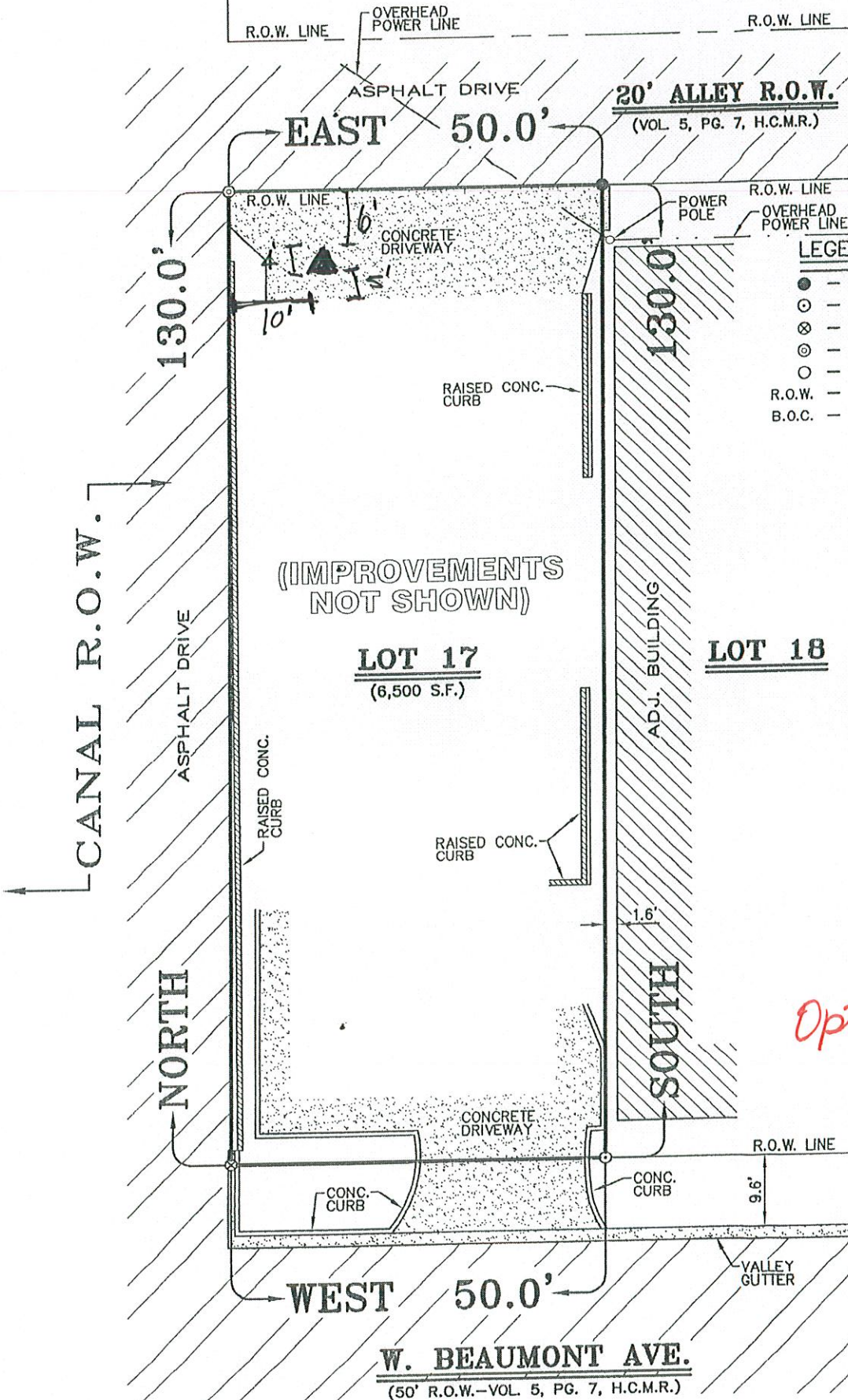
REV.	REV. BY:	CHK. BY:	DESCRIPTION	DATE



ART SALINAS

ENGINEERING & SURVEYING

1524 DOVE AVENUE, McALLEN, TEXAS 78504 PH: (956) 618-5565 FAX: (956) 618-5540



LEGEND

- - DENOTES FOUND 1/2" ROD
- - DENOTES SET 1/2" ROD
- ⊗ - DENOTES SET "X" MARK
- ⊙ - DENOTES SET CONC. NAIL
- - DENOTES NO MONUMENT
- R.O.W. - DENOTES RIGHT OF WAY
- B.O.C. - DENOTES BACK OF CURB

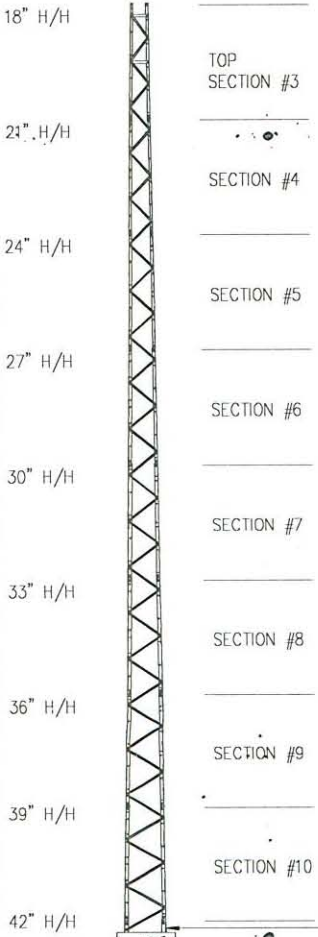
RECEIVED

SEP 19 2013

Initial: 

W. BEAUMONT AVE.
(50' R.O.W. - VOL. 5, PG. 7, H.C.M.R.)

80FT S300 SUPERTITAN TOWER



TOP SECTION #3
SECTION #4
SECTION #5
SECTION #6
SECTION #7
SECTION #8
SECTION #9
SECTION #10

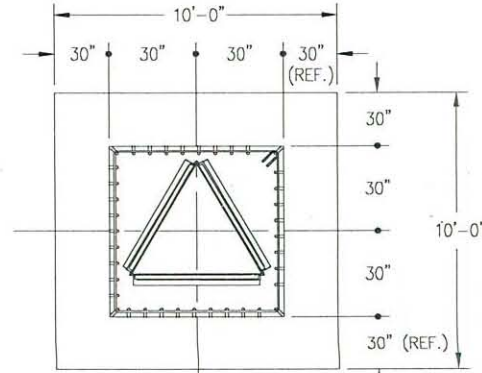
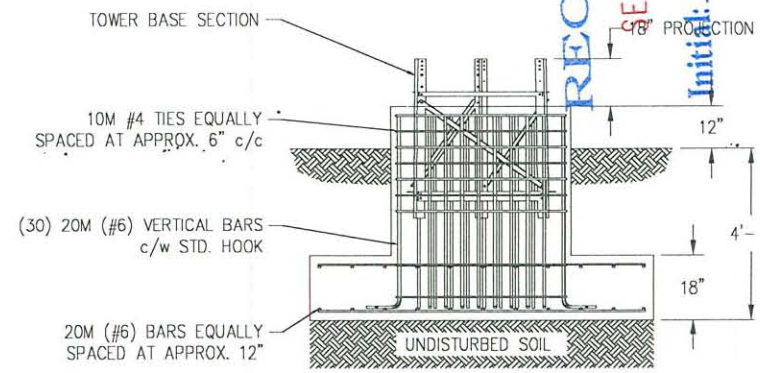
5' EMBEDMENT SECTION INCLUDED IN KITS

CANADA	MAXIMUM ALLOWABLE ANTENNA AREA - PER CSA-S37-01								
	ROUND ANTENNA MEMBER / FLAT ANTENNA MEMBER								
	CLASS 1 (10mm ICE)			CLASS 1 (25mm ICE)			CLASS 3 (25mm ICE)		
	350Pa	450Pa	550Pa	350Pa	450Pa	550Pa	350Pa	450Pa	550Pa
25/17	9/6	--/--	21/15	9/6	--/--	50/33	27/18	13/9	

FOUNDATION LOADS:
MAX. OVERTURNING MOMENT (K*FT) =
MAX. SHEAR (kips) =
MAX. AXIAL (kips) =

Option 2

FOUNDATION DESIGN (NORMAL DRY SOIL)
DESIGN ASSUMES THAT FROST DEPTH IS LESS THAN 4'-0"



CUBIC YARDS OF CONCRETE		
PAD CONC VOL.	PIER CONC VOL.	TOTAL VOL.
5.6	3.2	8.8

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- NOTES:
- 1) KNOCK-DOWN PART NUMBER 5.94.S300.080.
 - 2) PRE-ASSEMBLED PART NUMBER: 5.95.S300.080.
 - 3) ANTENNA LOADS ARE CENTRALLY LOCATED AND BALANCED, 3-FT OR LESS ABOVE THE TOWER TOP.
 - 4) WIND LOADING ASSUMES (1) 1/2" TRANSMISSION LINE PER 10 SQ.FT. OF ROUND MEMBER ANTENNA AREA.

REV.	REV. BY:	CHK. BY:	DESCRIPTION	DATE

CUSTOMER:	SITE:	SCALE:
DATE: 16 FEB 07	BY: MRH	130,000
TITLE:	CHK:	APP:
80' S300 SUPERTITAN TOWER		
		DRAWING NO. 000001.620.0



TELDELNORT COMMUNICATIONS LLC

128 Beaumont Ave • McAllen, TX 78501 • Phone: +19563699600 • Fax: +19566830454
E-Mail: rene@teldelnort.com

Date: September 19, 2013

City of McAllen
P.O. BOX 220
1300 Houston Ave
McAllen, Texas 78501

To whom it may concern:

Teldelnort Communications LLC will exercise good faith in co-locating with other providers and sharing the permitted structure, provided such shared use does not give rise to a substantial technical level impairment of the ability to provide the permitted use (i.e., a significant interference with broadcast or reception capabilities as composed to a competitive conflict or financial burden). Such good faith shall include sharing technical information to evaluate the feasibility of co-location. In the event a dispute arises as to whether a permittee has exercised good faith in accommodation other users, the city may require a third party technical study at the expense of either both applicant and permittee.

Sincerely,

Rene H. Alanis
CEO

**NOTICE
CELL TOWER
For
This Property
CUP2013-0186**

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

**NOTICE
VARIANCE
For
This Property
ZBA2013-0044**

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



Rene H. Alanis

Request for a Conditional Use Permit, for life of the use, for personal wireless service facility at Lot 17, Block A, Cathey Courts Subdivision, Hidalgo County, Texas;
128 Beaumont Avenue, McAllen, Texas 78501

Points of Interest

- * City Planning and Zoning
- * Tower Type
- * Tower Wind Load
- * Tower Height
- * Tower Aesthetics
- * FAA Regulations
- * Tower Purpose
- * Tower Location and Facility

City Planning and Zoning

- * 128 Beaumont is within a C-3 Zone (General Business)



City Planning and Zoning

- * No existing Towers within 1000 ft.



Tower Type

- * Self supporting tower.
- * No guyed wire needed for support



Tower Type

- * Base diameter 3 1/2 feet
- * Top diameter 1 1/2 feet



Tower Wind Load

- * Engineered for **110 mph winds** with a 30 square foot surface area. Load location top.

Tower Height

- * 80 feet tall from ground
- * This allows for a greater coverage area.
- * Ideal for Point to Point connection

Collapse Zone

- * Concerns were raised on whether the tower has the possibility of collapsing over Business 83 or 2nd Street

Collapse Zone



Tower Aesthetics

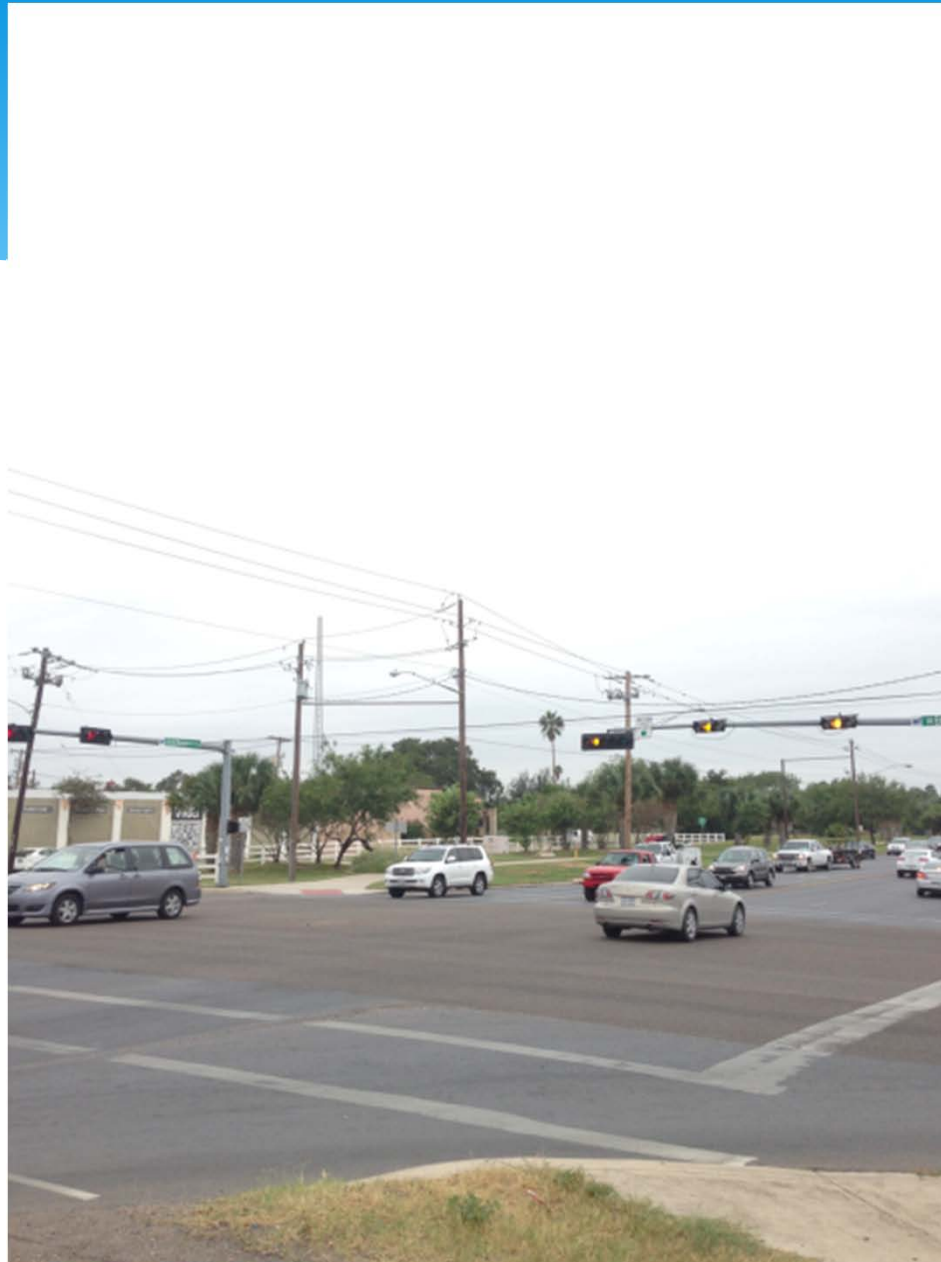
To best demonstrate the tower we have photoshopped
in a tower of its likeness.











FAA Regulations

Tower does not require any marking or lighting since it is under the 200 feet minimum

TITLE 47, PART 17—CONSTRUCTION, MARKING, AND LIGHTING OF ANTENNA STRUCTURES

Subpart C- Specifications for Obstruction Marking and Lighting of Antenna Structures

§ 17.21 Painting and lighting, when required.

Antenna structures shall be painted and lighted when:

(A) THEY EXCEED 60.96 METERS (200 FEET) IN HEIGHT ABOVE THE GROUND OR THEY REQUIRE SPECIAL AERONAUTICAL STUDY.

(b) The Commission may modify the above requirement for painting and/or lighting of antenna structures, when it is shown by the applicant that the absence of such marking would not impair the safety of air navigation, or that a lesser marking requirement would insure the safety thereof.

Tower Purpose

- * This tower will be used to provide Dedicated Internet Access Service to businesses and residential customers in the McAllen.
- * This benefits McAllen's residents with another Internet Service Provider (ISP) option.

Tower Location and Facility

- * Rene H. Alanis owns the building located at 128 Beaumont, McAllen, Texas 78501.
- * The Building is the main operation site with fiber optic interconnection.
- * The build is the Colocation Data Center with redundant electricity powered by a backup generator.



AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF McALLEN, TEXAS AS ENACTED ON MAY 29, 1979, BY PROVIDING THAT 2.50 ACRES OUT OF LOT 503, JOHN H. SHARY SUBDIVISION SHALL BE INITIALLY ZONED TO C-3 (GENERAL BUSINESS) DISTRICT;

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 was located outside the city limits of the City of McAllen, Texas and which has been annexed by the City of McAllen shall be initially zoned as C-3 (general business) District:

A 2.50 acre tract of land out of John H. Shary Subdivision, Hidalgo County, Texas, said tract of land being more particularly described by metes and bounds as follows;

COMMENCING at the Northeast corner of said lot;

THENCE, with the North line of said lot, the centerline of Mile 7 ½ North Road, North 80 Deg. 59 Min. 10 Sec. West, 231.92 feet;

THENCE, parallel with the East line of said lot, South 08 Deg. 41 Min. 30 Sec. West, 218.29 feet to a ½ inch diameter iron rod found for the Northeast corner;

THENCE, South 08 Deg. 41 Min. 30 Sec. West, 628.10 feet to a ½ inch diameter iron rod found for the Southeast corner;

THENCE, with the North right-of-way of S.H. 107, South 82 Deg. 58 Min. 03 Sec. West, 173.67 feet to a ½ inch diameter iron rod found for the

Southwest corner;

THENCE, with the East line of Julio Garza's tract, North 08 Deg. 41 Min. 30 Sec. East, 676.11 feet to a ½ inch diameter iron rod found for the Northwest corner;

THENCE, South 80 Deg. 59 Min. 10 Sec. East, 167.18 feet to the Place of Beginning containing 2.50 acres, more or less.

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

SECTION III: 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 IV: 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 V: 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 11th day of November 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 November 2012.

CITY OF McALLEN

By: _____
James E. Darling, Mayor

ATTEST:

By: _____
Annette Villarreal, TRMC/CMC
City Secretary

Approved as to form:

Kevin Pagan, City Attorney

CITY OF MCALLEN
STANDARDIZED RECOMMENDATION FORM

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

AGENDA ITEM _____
 DATE SUBMITTED 11/01/13
 MEETING DATE 11/11/13

IE

1. Agenda Item: Zoning Ordinance
2. Party Making Request: Kevin D. Pagan, City Attorney
3. Nature of Request: (Brief Overview) Attachments: X Yes _____ No
Ordinance Amending the Zoning Ordinance
4. Policy Implication: _____
5. Budgeted: ___ Yes _____ No _____ N/A
 Bid Amount: _____ Budgeted Amount: _____
 Under Budget: _____ Over Budget: _____
 Amount Remaining: _____
6. Alternate option costs: _____

7. Routing:

<u>NAME/TITLE</u>	<u>INITIALS</u>	<u>DATE</u>	<u>CONCURRENCE YES/NO</u>
a) _____ Kevin D. Pagan City Attorney	_____	_____	_____
b) _____ Julianne Rankin Director of Planning	<u>JR</u>	<u>11-4</u>	<u>Yes</u>

8. Staff Recommendation: Subject to approval of rezoning by City Commission
9. Advisory Board: _____ Approved _____ Disapproved _____ None
10. City Attorney: _____ Approved _____ Disapproved KDP None
11. Manager's Recommendation: ABB Approved _____ Disapproved _____ None

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF McALLEN, TEXAS AS ENACTED ON MAY 29, 1979, BY PROVIDING THAT 1.07 ACRES OUT OF LOT 30, EBONY HEIGHTS CITRUS GROVES UNIT NO. 2 SUBDIVISION, HIDALGO COUNTY, TEXAS, SHALL BE CHANGED FROM R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO C-1 (OFFICE BUILDING) DISTRICT; THAT LOT 12, BLOCK 4, COLONIA DEL NORTE SUBDIVISION, HIDALGO COUNTY, TEXAS, SHALL BE CHANGED FROM C-3 (GENERAL BUSINESS) DISTRICT TO R-2 (DUPLEX-FOURPLEX RESIDENTIAL) DISTRICT; THAT 3.25 ACRES OUT OF LOT 6, BLOCK 2, C.E. HAMMOND SUBDIVISION, HIDALGO COUNTY, TEXAS, SHALL BE CHANGED FROM A-O (AGRICULTURAL-OPEN SPACE) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT 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-1 (office building) District:

A 1.07 acre tract, more or less, out of Lot 30, Ebony Heights Citrus Groves Unit No. 2, Hidalgo County, Texas, said tract of land being more particularly described by metes and bounds as follows:

COMMENCING at the Southeast corner of Lot 30;

THENCE, West along the South line of Lot 30, a distance of 149.1 feet to a found 60 penny nail;

THENCE, North, a distance of 20 feet, past a ¾ inch iron pipe for a total distance of 172.7 feet to a ¾ inch iron pipe found for the Southeast corner of the 1.07 acre tract;

THENCE, West a distance of 494.53 feet measured (D.R. 489.8 feet) to a ¾ inch iron pipe found on the East right-of-way line of North 23rd Street (FM 1926) for the Southwest corner;

THENCE, North with and along the East right-of-way line of North 23rd Street (FM 1926) along a curve with an arc length of 101.0 feet to a found ¾ inch iron pipe for the Northwest corner;

THENCE, East a distance of 473.6 feet to a point for the Northeast corner;

THENCE, South a distance of 98.8 feet to the Place of Beginning of the 1.07 acre tract, more or less.

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

Lot 12, Block 4, Colonia Del Norte
Subdivision, Hidalgo County, Texas.

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

A 3.25 acre tract, more or less, out of and forming, a part of the West 9.80 acres (called the West 10.0 acres) of Lot 6, Block 2, C.E. Hammond Subdivision,

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

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

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

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

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

THENCE, coincident with the North

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

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

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

THENCE, South 81 Deg. 36 Min. 00 Sec. East, a distance of 258.61 feet to the POINT OF BEGINNING, containing 3.25 acres of land, more or less.

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

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

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

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

CONSIDERED, PASSED and APPROVED this 11th day of November, 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 November 2013.

CITY OF MCALLEN

By: _____
James E. Darling, Mayor

ATTEST:

By: _____
Annette Villarreal, City Secretary

Approved as to form:

By: _____
Kevin D. Pagan, City Attorney

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

The McAllen Board of Commissioners convened in a Workshop on **Monday, October 28, 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, Mayor Pro Tem Aida Ramirez, Commissioner Scott Crane, Commissioner Trey Pebley, Commissioner John Ingram, Commissioner Veronica Vela Whitacre

Staff: City Manager Mike R. Perez, City Attorney Kevin Pagan, 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 28, 2013 REGULAR MEETING AGENDA, TO BE ADDRESSED AT SUCH MEETING.

There were no questions relating to the Regular Meeting Agenda.

2. DISCUSSION OF BUFFERING REQUIREMENTS.

Presentation was given on buffering requirements. Staff reviewed the proposed McAllen Development Code (MDC). A handout was provided depicting the buffer types. A lengthy discussion was held. Concerns were expressed as it relates to buffering requirements. Direction was given to bring back an ordinance that cleans up on commercial abutting streets.

3. PRESENTATION ON BLEACHERS & SYNTHETIC TURF FOR DELEON SOCCER COMPLEX.

Presentation was given on bleachers and synthetic turf for Deleon Soccer Complex. Pros and Cons were discussed as it related to Synthetic and Natural Turf as follows:

Synthetic Turf Pros

Provides Year Round Playing Surface
Ability to handle the play demand without excessive wear to surfacing
Can endure up to 3000 hours play time per year
Costs may be offset by charging user fees

Synthetic Turf Cons

Watering is necessary to alleviate heat loads
Reduced play time during hot season
Costly repair to surfacing
Field require equipment, supplies and labor for

Similar maintenance costs
Reduced irrigation costs

Fields are aesthetically pleasing

grooming
Anti-static treatments are recommended
Fields require fungicide and anti-bacterial
treatments regularly due to health concerns
Valley has a 12 month growing cycle for natural
turf
Initial installation cost is high
Replacement every 8 – 10 years
NCAA will not use synthetic turf

Staff also touched on the Permanent Bleachers and Portable Bleachers. Pro and Cons were discussed as follows:

Permanent Bleachers

Cost to add 1800 additional permanent seats is \$264,000.00 with installation by the manufacturer

Bleachers would match what is existing

Portable Bleachers

Requires moving existing bleachers for a cost of \$75,000.00

Purchase 4 sets of portable bleachers for a cost of \$292,184.00

Engineering for retro-fit of existing bleachers- \$5,000.00

Staff went over the cost comparison. A lengthy discussion was held. Concerns were expressed.

4. REPORT ON PROJECT *IMAGINE TOMORROW*.

Staff gave a brief report on the progress of project *Imagine Tomorrow*. Mayor Darling and City Commissioners thanked staff for their presentation.

5. REPORT ON ENTRY MONUMENTS PROJECT.

Staff gave a brief report on the proposed entry monument signs. Staff reported on the following locations:

- 2nd Street and 10th Street Intersection
- Bicentennial Boulevard & Uvalde Avenue Intersection
- 23rd Street & South of Expressway 83 Intersection
- Taylor Road & Expressway 83 Eastbound Frontage
- US 281 Billboard

Mayor Darling and City Commissioners thanked staff for their presentation.

6. 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

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

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

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

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

Staff: City Manager Mike R. Perez, City Attorney Kevin Pagan, Deputy City Manager Brent Branham, Assistant City Manager Wendy Smith, City Secretary Annette Villarreal, City Engineer Yvette Barrera, Director of Planning Juli Rankin, Director of Parks and Recreation Sally Gavlik, Public Works Director Carlos Sanchez, Fire Chief Rafael Balderas

CALL TO ORDER

Mayor Darling called the meeting to order.

PROCLAMATION

SUPERHERO BOWL DAY

Mayor Pro Tem Ramirez read and presented a proclamation for *Superhero Bowl for Kids Sake Day*.

1. PUBLIC HEARING:

Mayor Darling called the Public Hearing to order.

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

Staff noted that item A-1 had opposition and recommended that said item be removed from the routine items section of the agenda and be addressed separately. Mayor Darling asked if anyone was present to speak in opposition to the items listed under this section of the agenda with exception of item A-1. No one appeared.

Mayor Pro Tem Ramirez moved to approve the items listed on the Routine Items section of the agenda with exception of item A-1 which would be addressed separately. Mayor Pro Tem Salinas seconded the motion. The motion carried unanimously.

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.

Staff recommended approval of an R-3A zoning at 1107 Tamarack Avenue and 1102 Sycamore Avenue, as per Planning and Zoning Commission.

Mayor Darling asked if anyone was present to speak in opposition to this item. The following individuals spoke in opposition: Santos Escobedo, Linda Bales and Grace Jarvis. Attorney Mark Montalvo, representing the applicant, spoke in favor of the request.

Commissioner Ingram moved to disapprove the rezoning request. Mayor Pro Tem Ramirez seconded the motion. The vote on the motion was as follows:

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

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.

Granted a variance to the distance requirement and approved a Conditional Use Permit, for life of the use, for an automotive service and repair at 711 Dove Avenue, as per Planning and Zoning Commission. 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, consists 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 6 ft. 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.

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.

Approved a Conditional Use Permit, for life of the use, for a single family dwelling at 2000 South Jackson Road, as per Planning and Zoning Commission, subject to Section 138-238 and 138-176 of the Zoning Ordinance, Fire Department and building permit 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.

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.

Granted a variance to the distance requirement and approved a Conditional Use Permit, for one year, for a banquet hall at 3000 through 3020 South Jackson Road, as per Planning and Zoning Commission, subject to maintaining the conditions of nightly trash pickup an hour after closing, extra security, and the removal of the storage units to comply with parking. 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 at 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 are 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 at 624 inside the dance hall and 232 outdoor-area for a total of 856 persons.

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.

Granted a variance to the distance requirement and approved a Conditional Use Permit, for one year, for a dance hall at 2000 South Jackson Road, as per Planning and Zoning Commission. 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 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 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 at 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.

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 10TH STREET.

Granted a variance to the distance requirement and approved a Conditional Use Permit, for one year, for a lounge at 6401 North 10th Street, as per Planning and Zoning Commission, subject to 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. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of the lot of any of the above-mentioned businesses must be at least 600 ft. from the nearest residence or residentially-zoned property, church, school, or publicly-owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 600 ft. of residential zones and uses;
- 2) The property must be as close as possible to a major arterial and shall not generate traffic onto residential-sized streets. The establishment has access to North 10th Street and does not generate traffic into residential areas;
- 3) The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance at a minimum, and make provisions to prevent the use of adjacent streets for parking. 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.

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.

Granted a variance to the distance requirement and approved a Conditional Use Permit, for one year, for a bar at 2104 Nolana Avenue, as per Planning and Zoning Commission subject to added conditions of

nightly trash pickup and extra security. 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 at 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.

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 23RD BUSINESS PARK SUBDIVISION, HIDALGO COUNTY, TEXAS; 4910 SOUTH 23RD STREET.

Approved a variance to the distance requirement and approved a Conditional Use Permit, for one year, for an automotive service and repair at 4910 South 23rd Street, as per Planning and Zoning Commission. 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 6 ft. 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.

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.

Staff recommended disapproval of the C-3 zoning at 1005-1011 Orange Avenue, as per Planning and Zoning Commission.

Mayor Darling asked if anyone was present to speak in favor of the rezoning request. No one appeared.

Commissioner Ingram moved to disapprove the C-3 zoning as recommended. Mayor Pro Tem Ramirez seconded the motion. The motion carried unanimously.

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 27TH STREET.

Staff recommended disapproval of the Conditional Use Permit, for life of the use, for a guest house at 1220 North 27th Street, as per Planning and Zoning Commission.

Mayor Darling asked if anyone was present to speak in favor of the permit. The applicant, Cipriano Bارسenas Jr., spoke in favor of the permit. Ms. Molly Sanchez spoke in opposition. A discussion was held.

After due consideration, Mayor Pro Tem Salinas moved to disapprove the Conditional Use Permit as recommended. Commissioner Ingram seconded the motion. The motion carried unanimously.

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

No action required on this item.

END OF PUBLIC HEARING

Mayor Darling declared the Public Hearing closed.

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

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

Mayor Pro Tem Ramirez moved to approve the items listed on the Consent Agenda. Commissioner Ingram seconded the motion. The motion carried unanimously

A) APPROVAL OF MINUTES OF VARIOUS MEETINGS.

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

B) AWARD OF CONTRACT FOR THE PURCHASE OF MATERIALS FOR THE PEDESTRIAN BRIDGE REHABILITATION AT PALM VIEW GOLF COURSE.

Awarded a contract for the Purchase of Materials for the Pedestrian Bridge Rehabilitation at Palm View Golf Course to American Plastic Lumber, in the amount of \$52,840.20.

C) CONSIDER APPROVAL OF CONTRACT AMENDMENT NO. 5 FOR THE DEVELOPMENT CENTER.

Approved Contract Amendment No. 5 to Rike Ogden for additional services for the Development Center in the fixed fee of \$46,315.

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.

Approved 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.

Declared a certain vehicle as surplus and authorized the donation of such 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.

Approved a change order to the contract awarded to South Texas Pump, Inc., to reflect the increase of \$4,415 for the Purchase and Installation of one (1) 8,000 Gallon Fuel Tank and Two (2) Single Hose Dispensers for a total contract amount of \$81,415.

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.

Awarded a contract for 1,000 96-Gallon Black Refuse Carts and 1,000 96-Gallon Blue Recycling Carts to TOTER Incorporated, in the amount of \$104,698.36 and authorized additional purchases 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.

Adopted an ordinance providing for a budget amendment to the Inter-Departmental Services Fund in the amount of \$81,415 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.

Adopted an ordinance providing for a budget amendment in the amount of \$75,946 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.

Adopted an ordinance providing for a budget amendment in the amount of \$29,999 to the General Fund for the purchase of an Excavator Mounting Cutting Attachment.

K) ORDINANCE PROVIDING FOR A BUDGET AMENDMENT TO THE GENERAL DEPRECIATION FUND FOR THE REFURBISHMENT OF ONE (1) KOMATSU DOZER.

Adopted an ordinance providing for a budget amendment in the amount of \$73,000 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.

Adopted an ordinance providing for a budget amendment in the amount of \$463,320 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.

Adopted an ordinance approving the Assignment and Transfer of Franchise from Texas Gas Service, Inc., a division of ONEOK, Inc. 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.

Approved a resolution authorizing the submission of a grant application to American Forests for funding under the Fiscal Year 2014 Global Releaf Grant Program. Grant funds requested are for \$15,000 with no local match requirement which will be utilized for the restoration of four acres called Ebony Grove at Quinta Mazatlan.

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.

Approved a resolution authorizing the submittal of a grant application to the Texas Historical Commission for funding under the Fiscal Year 2014 Certified Local Government Grant Program. Grant funds requested are for \$13,000 with a \$13,000 local match for a total project amount of \$26,000 which will be utilized for public educational outreach effort by the City's Planning Department.

3. BIDS/CONTRACTS:

A) CONSIDER THE REQUEST FOR CITY PARTICIPATION WITH WIDENING OF FREDDY GONZALEZ BETWEEN 23RD STREET AND 2,600 FT. TO THE EAST.

Staff recommended approval for City participation in the amount of \$128,000 for the widening of Freddy Gonzalez between 23rd Street and 2,600 ft. to east.

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

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.

Staff recommended approval of a contract with Boultinghouse, Simpson, Gates LLC for Architectural Design Services for additional restroom facilities at De Leon North Soccer Facility.

A question was asked about designing the project in-house. Staff reported that the design could be done in-house; however, the design would need to be reviewed and stamped by a licensed architect. Staff was instructed to research same in an effort reduce costs on the overall project.

Commissioner Pebley moved to table said item. Commissioner Whitacre seconded the motion. The motion carried unanimously.

C) AWARD OF CONTRACT FOR PURCHASE AND INSTALLATION OF ADDITIONAL PERMANENT BLEACHER SEATING AT DELEON NORTH SOCCER COMPLEX.

Staff recommended award of contract for the Purchase and Installation of Additional Permanent Bleacher Seating at De Leon North Soccer Complex to Sturdi Steel, in the amount of \$262,500.

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

D) CONSIDER APPROVAL OF STADIUM LICENSE AGREEMENT WITH MCALLEN INDEPENDENT SCHOOL DISTRICT.

Staff recommended approval of a Stadium License Agreement with McAllen Independent School District subject to Commissioners Pebley and Crane meeting with the school district regarding block-out dates.

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

E) CONSIDER APPROVAL OF AN AGREEMENT BETWEEN THE DEVELOPMENT CORPORATION OF MCALLEN, INC. AND RGV FOUNDATION.

Staff recommended approval of an agreement between the Development Corporation of McAllen, Inc. and RGV Foundation for funding in the amount of \$50,000.

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

4. ORDINANCE PROVIDING FOR A BUDGET AMENDMENT FOR GONZALEZ ELEMENTARY PLAYScape.

Staff recommended adoption of an ordinance providing for a budget amendment in the amount of \$50,000 for Gonzalez Elementary Playscape.

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

5. RESOLUTIONS:

A) CASTING VOTES FOR HIDALGO COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS FOR 2014-2015.

Staff recommended approval of a resolution casting votes for Eddie Cano for Hidalgo County Appraisal District Board of Directors for 2014-2015.

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

- 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.**

Staff recommended approval of a resolution 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 Fund for Texas to assist in the financing of priority projects in the State Water Plan to ensure the availability of adequate water resources.

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

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.**

Staff recommended authorization for the payment of taxes owed to the Hidalgo Irrigation District #1 in the amount of \$27,867.87 for De Leon Park, Garcia Park, Nature Center and Daffodil Park.

Commissioner Pebley moved to approve the payment of taxes as recommended. Commissioner Ingram seconded the motion. The motion carried unanimously.

- B) STATUS REPORT ON PARKS AND RECREATION CONSTRUCTION PROJECTS.**

Report only. No action required.

- C) STATUS REPORT ON VARIOUS CITY PROJECTS THRU SEPTEMBER 30, 2013.**

Report only. No action required.

- D) STATUS REPORT ON THE TERMINAL EXPANSION CONSTRUCTION PROJECT.**

Report only. No action required.

- E) REPORT ON SUBDIVISIONS AND DEVELOPMENT.**

Report only. No action required.

F) REPORT ON CONVENTION ACTIVITIES BY MCALLEN CONVENTION AND VISITORS BUREAU.

Report only. No action required.

G) DESIGNATION OF A COMMISSION REPRESENTATIVE TO THE IMAS BOARD OF DIRECTORS.

Staff recommended the nomination of a Commission Representative to the IMAS Board of Directors.

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

H) FUTURE AGENDA ITEMS.

The items for upcoming workshops were briefly reviewed: Airport Engineer Interviews; Presentation on Health Clinic; Post-Employment Benefits; Palm Bowl; Small Business Assistance; and Parade Improvements.

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.

Said item remained tabled.

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.

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

Staff recommended disapproval of a variance to the subdivision requirement process at 2901 Valcosta Service Road.

The applicant, Noemi Garcia, addressed the City Commission in favor of the variance request. A discussion was held about certain conditions if approved, for which the applicant was willingly agreeable to as she conveyed to the Commission.

After due consideration, Commissioner Crane moved to approve the variance subject to conditions of additional road right-of-way dedication, curb cuts on Valcosta SR, and executing a contractual agreement for the owner's share of future infrastructure improvements. Commissioner Pebley seconded the motion. The motion carried unanimously.

PUBLIC COMMENT SESSION

No one appeared.

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

On behalf of the Presiding Officer, the City Attorney recommended recessing into Executive Session pursuant to Chapter 551, Texas Government Code, Section 551.087 Economic Development for Item 8F; Section 551.071 Consultation with Attorney for Items 8A, 8B, 8C and 8D; and Section 551.072 Deliberation regarding Real Property for Items 8A, 8B and 8E.

Commissioner Whitacre announced that she had a conflict with item 8A and would abstain from discussion and voting on said item; subsequently, a conflict form was filed with the City Secretary.

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

Mayor Darling recessed the meeting at 6:37 pm to go into Executive Session. Mayor Pro Tem Ramirez excused herself from the meeting at 8:04 pm. Mayor Darling reconvened the meeting at 8:05 pm and announced any action on Executive Session items.

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.)

No action.

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.)

No action.

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

Commissioner Ingram moved to authorize the approval of the settlement with the three (3) elements discussed in Executive Session. Commissioner Pebley seconded the motion. The motion carried unanimously by those present.

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.)

Commissioner Ingram moved to authorize the City Attorney or appropriate outside attorney, to defend the city in the lawsuit. Commissioner Crane seconded the motion. The motion carried unanimously by those present.

E) CONSULTATION WITH CITY ATTORNEY REGARDING C-1572-13-D; MIGUEL CRUZ, ET AL. VS. CITY OF MCALLEN. (SECTION 551.072, T.G.C.)

Commissioner Ingram moved to authorize the City Attorney or appropriate outside attorney, to defend the city in the lawsuit. Commissioner Crane seconded the motion. The motion carried unanimously by those present.

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

Commissioner Ingram moved to authorize the President of the McAllen Economic Development Corporation and City Manager to offer the economic developments on Projects 1 and 2, respectively, as discussed in Executive Session. Commissioner Crane seconded the motion. The motion carried unanimously by those present.

ADJOURNMENT

There being no other business to come before the Commission, the meeting was adjourned at 8:08 p.m.

Jim Darling, Mayor

Attest:

Annette Villarreal, TRMC/CMC, CPM
City Secretary

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

The McAllen Board of Commissioners convened in a Workshop on **Monday, February 11, 2008** at 2:30 pm at McAllen City Hall Commission Chambers – Third (3rd) Floor, with the following present:

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

Absent: Commissioner Hilda Salinas

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, Deputy City Attorney Ignacio Perez, Director of Aviation Phil Brown, Purchasing Director Sandra Zamora, City Engineer Yvette Barrera, Designer Victor Gonzalez, Director of Parks and Recreation Larry Pressler

CALL TO ORDER

Mayor Cortez called the meeting to order.

1. PRESENT QUESTIONS TO STAFF RELATING TO FEBRUARY 11, 2008 REGULAR MEETING AGENDA, TO BE ADDRESSED AT SUCH MEETING.

No concerns were expressed relating to the Regular Meeting Agenda.

2. DISCUSSION OF BIDDING REQUIREMENTS.

Presentation was given on bidding requirements. Staff mentioned increasing the P-Card limits to \$750 or \$1,000 and Sealed Bid Amounts to \$25,000. A lengthy discussion was held. Questions and concerns were discussed. Staff answered questions posed by the City Commission.

3. DISCUSSION OF SIGN ORDINANCE.

Presentation was given on sign ordinance proposed amendments. Staff touched on the following requirements:

- Monument Sign Requirements
- Freestanding Sign Requirements
- Additional Sign Regulations

A lengthy discussion was held. Questions and concerns were discussed. Staff answered questions posed by the City Commission.

4. PRESENTATION OF QUINTA MAZATLAN MEADOWS REHABILITATION PROJECT.

A brief presentation was given on Quinta Mazatlan Meadows Rehabilitation Project. Staff mentioned that Parks and Recreation were to do the landscaping aspect of the project. Discussion ensued. Questions and concerns were discussed. Staff answered questions posed by the City Commission.

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

- A) DISCUSSION AND POSSIBLE ACTION RELATING TO THE PURCHASE AND REDEVELOPMENT OF A CENTRAL PARK. (SECTION 551.072, T.G.C.)**
- B) DISCUSSION AND POSSIBLE ACTION - CONSIDER THE SALE OF 40 ACRES OUT OF LOT 152, LA LOMITA IRRIGATION & CONSTRUCTION COMPANY SUBDIVISION. (SECTION 551.072, T.G.C.)**
- C) DISCUSSION TO AND POSSIBLE ACTION – RELATING TO ECONOMIC INCENTIVES FOR PROJECT GOLD STAR. (SECTION 551.087, T.G.C.)**
- D) DISCUSSION AND POSSIBLE ACTION – RELATING TO 380 AGREEMENTS FOR DOWNTOWN PARKING GARAGE TENANTS. (SECTION 551.087, T.G.C.)**
- E) DISCUSSION AND POSSIBLE ACTION – RELATING TO ECONOMIC INCENTIVES FOR LA PLAZA MALL EXPANSION. (SECTION 551.087, T.G.C.)**
- F) CONSULTATION WITH CITY ATTORNEY REGARDING NEW LAWSUIT CAUSE NO. CL-07-3925-B; MICHAEL ZELLERS VS. RICHARD CORTEZ. (SECTION 551.071, T.G.C.)**
- G) DISCUSSION AND POSSIBLE ACTION – CONSIDER ECONOMIC INCENTIVES FOR OPERATION HARDSTAND. (SECTION 551.087, T.G.C.)**
- H) CONSULTATION WITH CITY ATTORNEY RELATING TO APPEAL OF AWARD FOR SPECIAL COMMISSIONERS FOR CONDEMNATION NO. 1552F. (SECTION 551.071, T.G.C.)**
- I) DISCUSSION AND POSSIBLE ACTION RELATING TO THE PURCHASE OF 1.803 ACRES OUT OF LOT 2, BLOCK 1, C. E. HAMMONDS SUBDIVISION. (SECTION 551.072, T.G.C.)**
- J) DISCUSSION AND POSSIBLE ACTION – RELATING TO THE CONVEYANCE OF A TRACT OF LAND OUT OF BLOCKS 34, 35, 36 AND 37, C.E. HAMMONDS SUBDIVISION. (SECTION 551.072, T.G.C.)**
- K) CONSULTATION WITH CITY ATTORNEY RELATING TO APPEAL OF AWARD FOR SPECIAL COMMISSIONERS FOR CONDEMNATION NO. 1553E. (SECTION 551.071, T.G.C.)**
- L) CONSULTATION WITH CITY ATTORNEY RELATING TO AN AMENDMENT TO AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF EDINBURG AND CITY OF MCALLEN RELATING TO DOVE/OWASSA ROAD IMPROVEMENTS. (SECTION 551.071, T.G.C.)**

ADJOURNMENT

There being no other business to come before the Commission, the meeting was adjourned at 4:00 p.m.

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

The McAllen Board of Commissioners convened in a Workshop on **Monday, August 11, 2008** at 2:30 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 Jim Darling

Absent: Commissioner Hilda Salinas, Commissioner John Ingram

Staff present: Mike Perez, City Manager, Deputy City Manager Brent Branham, City Attorney Kevin Pagan, Assistant City Manager Pilar Rodriguez, City Secretary Annette Villarreal, City Engineer Yvette Barrera, Deputy City Engineer Ramon Navarro, Deputy Parks Director Mike Hernandez, Public Works Director, Carlos Sanchez

Others: Dave Hendricks, Nedra Kinerk, Davis Rankin, Steve Ahlenius, Keith Patridge, Laura Reagan, Mario Garcia, Dr. John Gerling

CALL TO ORDER

Mayor Cortez called the meeting to order.

1. PRESENT QUESTIONS TO STAFF RELATING TO AUGUST 11, 2008 REGULAR MEETING AGENDA, TO BE ADDRESSED AT SUCH MEETING.

Concerns were expressed relating to item 2B of the Regular Meeting Agenda.

2. DISCUSSION OF FY 2008-2009 BUDGET.

Presentations were made by respective outside agency staff and board members from the Boys & Girls Club of McAllen, International Museum of Art & Science (IMAS), McAllen Economic Development Corporation, and McAllen Chamber of Commerce FY 2008-09 funding. Respective agency accomplishments and highlights for fiscal year were reviewed along with objectives for the fiscal year.

- Boys & Girls Club of McAllen - presented a revised budget request of \$450,000 and gave a brief overview of the After School Programs
- IMAS – also noted two significant science exhibitions including a permanent acquisition exhibit called “Science on a Sphere”
- McAllen Chamber of Commerce - also discussed advertising efforts
- McAllen Economic Development Corporation – reported on business plan

A lengthy discussion ensued. Questions and concerns were discussed. Staff answered questions posed by the City Commission.

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

1. **DISCUSSION AND POSSIBLE ACTION RELATING TO THE PURCHASE AND REDEVELOPMENT OF A CENTRAL PARK. (SECTION 551.072, T.G.C.)**
2. **CONSULTATION WITH CITY ATTORNEY REGARDING FUTURE DEVELOPMENT OF 10 ACRES UNDER THE 272 AGREEMENT FOR DRISCOLL MCALLEN SPECIALTY CLINIC. (SECTION 551.072, T.G.C.)**
3. **DISCUSSION AND POSSIBLE ACTION RELATING TO ECONOMIC INCENTIVES FOR PROJECT GOLD STAR. (SECTION 551.087, T.G.C.)**
4. **DISCUSSION AND POSSIBLE ACTION RELATING TO ECONOMIC INCENTIVES FOR LA PLAZA MALL EXPANSION. (SECTION 551.087, T.G.C.)**
5. **DISCUSSION AND POSSIBLE ACTION - CONSULTATION WITH CITY ATTORNEY RELATING TO NEW LAWSUIT; CAUSE NO. C-1765-08-A; JAMES CLOPTON, ET UX VS. MAYOR RICHARD CORTEZ. (SECTION 551.071, T.G.C.)**
6. **DISCUSSION AND POSSIBLE ACTION - CONSULTATION WITH CITY ATTORNEY RELATING SAN ANTONIO VS. HOTELS.COM CLASS ACTION LAWSUIT. (SECTION 551.071, T.G.C.)**
7. **DISCUSSION AND POSSIBLE ACTION - CONSULTATION WITH CITY ATTORNEY RELATING TO RIO GRANDE VALLEY SILVERADOS. (SECTION 551.071, T.G.C.)**
8. **DISCUSSION AND POSSIBLE ACTION - CONSULTATION WITH CITY ATTORNEY RELATING TO THE POSSIBLE APPEAL OF AWARD FOR SPECIAL COMMISSIONERS FOR CONDEMNATION NO. CCD. 0016-B. (SECTION 551.071, T.G.C.)**
9. **DISCUSSION AND POSSIBLE ACTION – CONSULTATION WITH CITY ATTORNEY RELATING TO NEW LAWSUIT CITY OF MCALLEN VS. RUDY FRANZ D/B/A STS TRANSPORTATION. (SECTION 551.071, T.G.C.)**

ADJOURNMENT

There being no other business to come before the Commission, the meeting was adjourned at 3:45 p.m.

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

The McAllen Board of Commissioners convened in a Workshop on **Monday, August 25, 2008** at 2:30 pm at McAllen City Hall Commission Chambers – Third (3rd) Floor, with the following present:

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

Absent: Commissioner Hilda Salinas

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, Deputy City Attorney Ignacio Perez, Director of Aviation Phil Brown, City Engineer Yvette Barrera, Designer Victor Gonzalez, Health Benefits Rebecca Garza, Deputy Director Engineer Ramon Navarro, Library Director Jose Gamez

CALL TO ORDER

Mayor Cortez called the meeting to order.

1. PRESENT QUESTIONS TO STAFF RELATING TO AUGUST 25, 2008 REGULAR MEETING AGENDA, TO BE ADDRESSED AT SUCH MEETING.

No concerns were expressed relating to the Regular Meeting Agenda.

2. JOINT MEETING WITH MCALLEN PUBLIC UTILITY BOARD OF TRUSTEES:

A) DISCUSSION OF HEALTH INSURANCE AND RETIREMENT HEALTH SAVINGS ACCOUNT.

Presentation was given on Health Insurance and Retirement Health Savings. Staff touched on proposed recommendation for the 2008-09 year. Staff mentioned that they will continue to monitor cost and review pricing and cost savings alternatives.

Handouts were provided depicting the City/MPU Employee/Dependent Health Insurance Program and Cost Projections for FY 2008-09. A lengthy discussion was held. Questions and concerns were discussed. Staff answered questions posed by the City Commission. Mayor Cortez and City Commission thanked staff for their presentation.

END OF JOINT MEETING WITH MPUB

3. A) DISCUSSION AND REVIEW OF NEW MAIN LIBRARY SCHEMATIC DESIGN.

Presentation was given on New Main Library Schematic Design. 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.

- 4. EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY), SECTION 551.072 (DELIBERATIONS ABOUT REAL PROPERTY) AND SECTION 551.087 (ECONOMIC DEVELOPMENT).**
 - A) DISCUSSION AND POSSIBLE ACTION RELATING TO THE PURCHASE AND REDEVELOPMENT OF A CENTRAL PARK. (SECTION 551.072, T.G.C.)**
 - B) DISCUSSION AND POSSIBLE ACTION – DISCUSSION OF POSSIBLE INCENTIVES FOR LOCATING THE REGIONAL DPS HEADQUARTERS IN MCALLEN. (SECTION 551.072, T.G.C.)**
 - C) DISCUSSION AND POSSIBLE ACTION RELATING TO ECONOMIC INCENTIVES FOR PROJECT GOLD STAR. (SECTION 551.087, T.G.C.)**
 - D) DISCUSSION AND POSSIBLE ACTION RELATING TO ECONOMIC INCENTIVES FOR CONSOLIDATION OF TWO (2) CUSTOMER CALL CENTERS IN MCALLEN. (SECTION 551.087, T.G.C.)**
 - E) DISCUSSION AND POSSIBLE ACTION – PRESENTATION BY VENTURE ASSETS, LTD ON THE STATUS OF THE CONVENTION CENTER HOTEL. (SECTION 551.087, T.G.C.)**
 - F) DISCUSSION AND POSSIBLE ACTION RELATING TO ECONOMIC INCENTIVES FOR LA PLAZA MALL EXPANSION. (SECTION 551.087, T.G.C.)**
 - G) DISCUSSION AND POSSIBLE ACTION - CONSULTATION WITH CITY ATTORNEY RELATING TO THE POSSIBLE APPEAL OF AWARD FOR SPECIAL COMMISSIONERS FOR CONDEMNATION NO. CCD. 0002-F. (SECTION 551.071, T.G.C.)**
 - H) CONSULTATION WITH CITY ATTORNEY RELATING TO WORKERS COMP/LOSS RUN REPORT AS OF JULY 31, 2008. (SECTION 551.071, T.G.C.)**
 - I) CONSULTATION WITH CITY ATTORNEY RELATING TO LAWSUIT: CITY OF MCALLEN VS. WYNDHAM GARDEN HOTEL AND MAHESH GOPALAKRISHNA (OWNER). (SECTION 551.071, T.G.C.)**
 - J) DISCUSSION AND POSSIBLE ACTION - CONSULTATION WITH CITY ATTORNEY RELATING TO THE RIO GRANDE VALLEY SILVERADOS. (SECTION 551.071, T.G.C.)**
 - K) DISCUSSION AND POSSIBLE ACTION - EVALUATION OF CITY MANAGER AND DEPARTMENT HEADS. (SECTION 551.074, T.G.C.)**
 - L) CONSULTATION WITH CITY ATTORNEY REGARDING REVIEW OF LEGAL ISSUES RELATED TO VARIOUS CHARTER PROVISIONS. (SECTION 551.071, T.G.C.)**

ADJOURNMENT

There being no other business to come before the Commission, the meeting was adjourned at 4:00 p.m.

STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION

✓

AGENDA ITEM

2B

UTILITY BOARD

DATE SUBMITTED

11/5/2013

PLANNING & ZONING BOARD

MEETING DATE

11/11/2013

OTHER

1 Agenda Item: Consent

2 Party Making Request:

Lucy Canales and Kelly Salazar Linebarger Firm

3 Nature of Request: (Brief Overview) Attachments:

✓ Yes

The Linebarger, Goggin, Blair, & Sampson Firm was awarded the contract for collection of delinquent taxes after bidding process on 11/12/12. This is a consideration for extension of the contract.

4 Policy Implication:

5 Budgeted:

 Yes

 No

 N/A

Bid Amount: _____

Under Budget: _____

Budgeted Amount: _____

Over Budget: _____

Amount Remaining: _____

6 Alternate option costs:

7 Routing:

NAME/TITLE

INITIALS

DATE

a) Martha Guel Tax Assessor

mg

11/05/13

b) _____

8 Staff Recommendation:

as recommended by City Commission.

10 City Attorney: KP Approved

 Disapproved

 None

11 Manager's Recommendation:

ABB Approved

 Disapproved

 None

Memorandum

Tax Office

To: Mayor Jim Darling and City Commission
Through: Mike R. Perez, City Manager
From: Martha Guel, Tax Assessor *mg*
Date: 11/4/2013
Re: Delinquent Tax Attorney Contract

Attached Please find the copy of the Tax Collection Service Agreement between the City of McAllen and the Linebarger Goggin Blair & Sampson Firm.

The contract is due to expire on November 11, 2013 with the option to renew for four (4) additional one-year periods.

Also attached is a copy of the client's request for extension.

An Attorney from the firm will be present at the meeting to answer any questions you might have.



E- MAIL

Company:	Attention:	Phone:	EMAIL:
Linebarger Goggan Blair & Sampson, LLP	Lucy G. Canales, Capital Partner	956-383-4500	<u>Lucyc@lgb.com</u>

From: Martha Guel, Tax Assessor-Collector

Date: November 4, 2013

Subject: Contract Extension, Project # 08-12-S74-20, SOQ DELINQUENT TAX COLLECTION ATTORNEY

Please be advised that the above referenced contract with the City of McAllen is **due to expire on November 11, 2013**. We are requesting the option to extend the contact for an additional (1) one-year term with **unit price(s) remaining unchanged**. Terms and conditions shall be as per the original bid documents. If you wish to extend/not extend this contract, please check appropriate box below. Please submit your response by **November 4, 2013 at 4:00PM**, via email to sigonzalez@mcallen.net or fax to (956) 681-1138.

Yes, I will extend the above referenced contract at the same unit prices and terms and conditions as per the original bid documents.

No, I will not extend the above referenced contract.

Contract Extension would be through November 11, 2014

Lucy G. Canales
Signature

CAPITAL PARTNER
Title

NOV. 4, 2013
Date

Lucy G. Canales
Print Name

If you have any questions, please do not hesitate to contact our office at 956-681-1130

Agreement for Tax Collection Services

This Agreement is made between Linebarger Goggan Blair & Sampson, LLP (hereinafter referred to as the "Firm") and City of McAllen (hereinafter referred to as the "Client").

Article I

Nature of Relationship

1.01 The parties hereto acknowledge that this Agreement creates an attorney-client relationship.

1.02 The Client hereby employs the Firm to provide the services hereinafter described for compensation hereinafter provided.

Article 2

Scope of Services

2.01 The Firm shall take reasonable and necessary actions to collect property taxes that are owed to the Client and that are subject to this agreement, as hereinafter provided.

2.02 The Client may from time-to-time specify in writing additional actions to be taken by the Firm in connection with the collection of taxes that are owed to the Client. Client further constitutes and appoints the Firm as Client's attorneys to sign all legal instruments, pleadings, drafts, authorizations and papers as shall be reasonably necessary to prosecute the Client's claim for taxes.

2.03 Taxes owed to the Client shall become subject to this agreement upon the following dates, whichever occurs first:

(a) On February 1 of the year in which the taxes become delinquent if a previously filed tax suit is then pending against the property subject to the tax;

(b) On the date any lawsuit is filed with respect to the recovery of the tax if the tax is delinquent and is required to be included in the suit pursuant to TEX. TAX CODE § 33.42(a);

(c) On the date of filing any application for tax warrant where recovery of the tax or estimated tax is sought and where the filing of an application for tax warrant by the Firm is at the request of Client's Tax Assessor-Collector;

(d) On the date of filing any claim in bankruptcy where recovery of the tax is sought; or

(e) In the case of tangible personal property, on the 60th day after the February 1st delinquency date;

(f) On July 1st of the year in which the taxes become delinquent.

Article 3 *Compensation*

3.01 Client agrees to pay to the Firm, as compensation for the services required herein, fifteen (15%) percent of all taxes, penalty and interest subject to the terms of this contract as set forth in Paragraph 2.03 above, collected and paid to the collector of taxes during the term of this contract, as and when collected.

3.02 The Client shall pay the Firm by the twentieth day of each month, all compensation earned by the Firm for the previous month as provided in this Article 3. All compensation above provided for shall become the property of the Firm at the time payment of the taxes, penalty and interest is made to the collector.

Article 4 *Intellectual Property Rights*

4.01 The Client recognizes and acknowledges that the Firm owns all right, title and interest in certain proprietary software that the Firm may utilize in conjunction with performing the services provided in this Agreement. The Client agrees and hereby grants to the Firm the right to use and incorporate any information provided by the Client ("Client Information") to update the databases in this proprietary software, and, notwithstanding that Client Information has been or shall be used to update the databases in this proprietary software, further stipulates and agrees that the Client shall have no rights or ownership whatsoever in and to the software or the data contained therein, except that the Client shall be entitled to obtain a copy of such data that directly relates to the Client's accounts at any time.

4.02 The Firm agrees that it will not share or disclose any specific confidential Client Information with any other company, individual, organization or agency, without the prior written consent of the Client, except as may be required by law or where such information is otherwise publicly available. It is agreed that the Firm shall have the right to use Client Information for internal analysis, purposes of improving the proprietary software and database, and to generate aggregate data and statistics that may inherently contain Client Information. These aggregate statistics are owned solely by the Firm and will generally be used internally, but may be shared with the Firm's affiliates, partners or other third parties for purposes of improving the Firm's software and services.

Article 5 *Costs*

5.01 The Firm and Client recognize that publication costs for citations and notices of sale and title abstract costs will be incurred in the process of providing the litigation services contemplated in this Agreement. All such costs shall be billed to the Client, in care of the Firm, and the Firm will advance the payment of such costs on

behalf of the Client. Upon recovery of such costs from the defendants or from the tax sale of defendants' property, the Firm shall be reimbursed for the advance payment. Alternatively, the Firm may arrange with the vendor or agency providing the service that actual payment of the costs of services is wholly contingent upon recovery of such costs by the Client or the Firm from the defendants or from the tax sale of defendants' property. In such contingent arrangements, the Client has no responsibility or liability for payment or advancement of any costs, other than forwarding to the vendor or service provider any cost amounts received from defendants or from the tax sale of defendants' property.

5.02 The Client acknowledges that the Firm may provide services, such as title research, with its own employees or with other entities or individuals who may be affiliated with the Firm, but the Firm agrees that any charges for such services will be reasonable and consistent with what the same services would cost if obtained from a third party. The Client agrees that upon the recovery of such costs, the Client will: (i) pay the Firm for any such costs which have been advanced by the Firm or performed by the Firm, and (ii) pay any third party agency or vendor owed for performing such services.

Article 6

Term and Termination

6.01 This Agreement shall be effective on November 12, 2012 (The "Effective Date") and shall expire on November 11, 2013 (the "Expiration Date") unless extended as hereinafter provided.

6.02 This contract is drawn to cover a period of one (1) year, beginning November 12, 2012 and ending November 11, 2013 with the option to renew for four (4) additional one-year periods. At the expiration of its initial term, the Firm and the Client may by mutual agreement renew this Agreement for four (4) successive one-year terms in the same manner at the end of each renewal period.

6.03 If at any time during the initial term of this Agreement or any extension hereof, the Client determines that the Firm's performance under this Agreement is unsatisfactory, the Client shall notify the Firm in writing of the Client's determination. The notice from the Client shall specify the particular deficiencies that the Client has observed in the Firm's performance. The Firm shall have sixty (60) days from the date of the notice to cure any such deficiencies. If at the conclusion of that sixty-day remedial period, the Client remains unsatisfied with the Firm's performance, the Client may terminate this Agreement effective upon the expiration of thirty days following the date of written notice to the Firm of such termination ("Termination Date").

6.04 Whether this Agreement expires or is terminated, the Firm shall be entitled to continue to prosecute any tax suits, applications for tax warrants or bankruptcy claims pending on the Termination Date or Expiration Date for an additional six months following termination or expiration. The Client agrees that the Firm shall be compensated as provided by Article 3 for any base tax, penalties and interest collected in the pending matters during the six-month period.

6.05 The Client agrees that the Firm shall be reimbursed for any costs advanced and shall be paid for any services performed pursuant to Article 5 when such costs are recovered by or on behalf of the Client, regardless of the date recovered. It is expressly agreed that neither the expiration nor the termination of this Agreement constitutes a waiver by the Firm of its entitlement to be reimbursed for such costs and to be paid for such services. It is further expressly agreed that the expiration of any six-month period under Section 6.04 does not constitute any such waiver by the Firm.

Article 7
Miscellaneous

7.01 Assignment and Subcontracting. This Agreement is not assignable, provided however, the Firm may from time-to-time obtain co-counsel or subcontract some of the services provided for herein to other law firms or entities. In such cases, the Firm will retain supervisory control and responsibility for any services provided by such co-counsel or subcontractors and shall be responsible to pay any compensation due to any such co-counsel or subcontractor.

7.02 Integration. This Agreement contains the entire agreement between the parties hereto and may only be modified in a written amendment, executed by both parties.

7.03 Representation of Other Taxing Entities. The Client acknowledges and consents to the representation by the Firm of other taxing entities that may be owed taxes or other claims and be secured by the same property as the Client's claim.

In consideration of the terms and compensation herein stated, the Firm hereby accepts said employment and undertakes the performance of this Agreement as above written. This Agreement is executed on behalf of the Firm and of the Client by the duly authorized persons whose signatures appear below.

City of McAllen

**Linebarger Goggan Blair
& Sampson, LLP**

By: Richard F. Cortez
Richard F. Cortez
Mayor

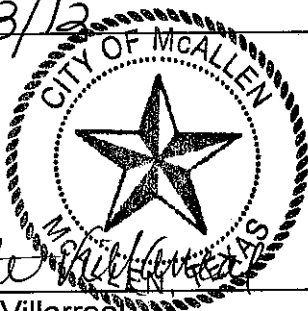
By: Lucy G. Canales
Lucy G. Canales
Capital Partner

Date: 12/13/12

Date: _____

ATTEST:

By: Annette Villarreal
Annette Villarreal
City Secretary



THE STATE OF TEXAS

§

COUNTY OF HIDALGO

§

WHEREAS, **CITY OF McALLEN** wishes to defray its costs of collection, as authorized by TEX. TAX CODE §§ 33.07 and 33.08, that it incurs under a contract for collection of delinquent property taxes between said **CITY** and a private law firm entered into pursuant to TEX. TAX CODE § 6.30;

WHEREAS, under said Sections 33.07 and 33.08, the governing body of **CITY OF MCALLEN** is empowered to authorize the addition of a collection penalty in an amount that does not exceed the amount of the compensation specified in the contract with the private law firm;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSIONERS OF **CITY OF MCALLEN**, SITTING AS THE GOVERNING BODY OF SAID CITY, THAT:

Section 1: THE RECITALS SET FORTH IN THIS RESOLUTION ARE TRUE AND CORRECT.

Section 2: (a) AN ADDITIONAL PENALTY ON DELINQUENT TAXES FOR TAX YEARS 2012 AND SUBSEQUENT YEARS IS HEREBY AUTHORIZED AND IMPOSED, AS PROVIDED BY SECTION 33.07, TEXAS TAX CODE, IN THE AMOUNT OF 15% OF THE DELINQUENT TAX, PENALTY AND INTEREST IF THE TAX BECOMES DELINQUENT ON OR AFTER FEBRUARY 1 OF A YEAR BUT NOT LATER THAN MAY 1 OF THAT YEAR AND REMAINS DELINQUENT ON JULY 1 OF THE YEAR IN WHICH THE TAX BECOMES DELINQUENT; AND

(b) AN ADDITIONAL PENALTY ON DELINQUENT TAXES FOR TAX YEARS 2012 AND SUBSEQUENT YEARS IS HEREBY AUTHORIZED AND IMPOSED, AS PROVIDED BY SECTION 33.08, TEXAS TAX CODE, IN THE AMOUNT OF 15% OF THE DELINQUENT TAX, PENALTY AND INTEREST IF THE TAX BECOMES DELINQUENT ON OR AFTER JUNE 1 UNDER SECTION 26.07(F), 26.15(E), 31.03, 31.031, 31.032, OR 31.04, TEX. TAX CODE.

PASSED, APPROVED and ADOPTED this 10th day of December, 2012.

CITY OF McALLEN

BY: Richard F. Cortez
Richard F. Cortez
Mayor



ATTEST

Annette Villarreal

Annette Villarreal, TRMC/CMC, CPM
City Secretary

THE STATE OF TEXAS §

COUNTY OF HIDALGO §

WHEREAS, the **City of McAllen** wishes to defray its costs of collection, as authorized by TEX. TAX CODE § 33.11, that it incurs under a contract for collection of delinquent property taxes between said **City** and a private law firm entered into pursuant to TEX. TAX CODE § 6.30;

WHEREAS, under said Section 33.11, the governing body of the **City of McAllen** is empowered to authorize the addition of a collection penalty in an amount that does not exceed the amount of the compensation specified in the contract with the private law firm;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSIONERS OF THE **CITY OF McALLEN**, SITTING AS THE GOVERNING BODY OF SAID CITY, THAT:

Section 1: THE RECITALS SET FORTH IN THIS RESOLUTION ARE TRUE AND CORRECT.

Section 2: AN ADDITIONAL PENALTY ON DELINQUENT TAXES FOR TAX YEARS 2012 AND SUBSEQUENT YEARS IS HEREBY AUTHORIZED AND IMPOSED, AS PROVIDED BY SECTION 33.11, TEXAS TAX CODE, IN THE AMOUNT OF 15% OF THE DELINQUENT TAX, PENALTY AND INTEREST IF THE TAX BECOMES DELINQUENT ON FEBRUARY 1 OF A YEAR AND REMAINS DELINQUENT ON THE 60TH DAY THEREAFTER.

PASSED, APPROVED and ADOPTED this 10th day of December, 2012.

CITY OF McALLEN

BY: Richard F. Cortez
Richard F. Cortez
Mayor



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

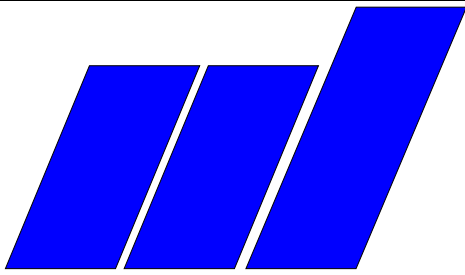
STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION X
UTILITY BOARD _____
OTHER _____

AGENDA ITEM 2C
DATE SUBMITTED 11/05/2013
MEETING DATE 11/11/2013

1. Agenda Item: City Property Surplus Declaration – Vehicles & Equipment
2. Party Making Request: Public Works Department
3. Nature of Request: (Brief Overview) Attachments: X Yes No
Public Works requests authorization to declare vehicles and equipment described in attachments as surplus and begin auction efforts.
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.) <u>Wendy Smith, Asst. City Manager</u>	<u> WS </u>	<u>11/05/13</u>	<u> YES </u>
b.) <u>Carlos A. Sanchez, P.E., PW Director</u>	<u> CAS </u>	<u>11/05/13</u>	<u> YES </u>
8. Staff Recommendation: Staff recommends approval to declare listed vehicles and equipment as surplus and begin marketing efforts.
9. Advisory Board: Approved Disapproved None
10. City Attorney: KP Approved Disapproved None
11. Manager's Recommendation: ABB Approved Disapproved None



CITY OF MCALLEN
DEPARTMENT OF PUBLIC WORKS
MEMORANDUM

TO: Mike R. Perez, City Manager

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

DATE: November 5, 2013

SUBJECT: **Vehicles & Equipment Surplus Declaration**

Goal: Public Works staff has a need to declare—as surplus—unusable, inoperable, outdated or otherwise worn out equipment and vehicles gathered from various departments. These vehicles are in different stages of disrepair and most have been replaced by new vehicles or equipment.

Explanation: The City of McAllen conducts auctions or requests formal sealed bids as needed to dispose of vehicles and equipment that are not economical to repair, have been replaced, or are unsafe to operate. All proceeds are returned to the appropriate fund where the vehicle purchase originated (i.e. General Fund, Sanitation Fund, Public Utility Fund). Attached is a comprehensive list of all vehicles and equipment including the respective photos of these items proposed for surplus declaration.

Options:

1. The City can defer the sale of some or all vehicles and equipment at the risk of significantly lower returns.
2. The City may elect to retain some or all vehicles and equipment.

Recommendation: Public Works recommends approval to declare the described vehicles and equipment as surplus and begin the disposal of said assets through auctioneering services and/or recycling salvage yards.

Please advise if you require additional information. Attached is a list and description of all items being presented for review and consideration.

CITY OF MCALLEN
Rolling Stock Surplus
Tuesday, November 05, 2013

Department	Unit#	Year	Description	Condition	Mileage	LTD Maintenance
ANIMAL CONTROL	AC0251	2008	F-250 PICK UP	operable/high mileage	131,089	\$ 20,726.70
ANIMAL CONTROL	AC0138	2006	F-250 PICK UP	operable/high mileage	140,260	\$ 23,182.00
POLICE	PD0008	2009	CROWN VICTORIA	total loss	63,186	\$ 5,857.00
POLICE	PD0001	2009	CROWN VICTORIA	total loss	70,870	\$ 21,959.18
POLICE	PD0962	2008	CROWN VICTORIA	total loss	52,351	\$ 7,411.98
POLICE	PD0022	2009	CROWN VICTORIA	operable	117,464	\$ 27,266.90
POLICE	PD0904IN	2007	CROWN VICTORIA	salvaged parts/missing parts	83,316	\$ 26,202.23
POLICE	13XDEL	2001	CROWN VICTORIA	salvaged parts/missing parts	76,430	\$ 16,568.80
POLICE	1059	2003	DAKOTA	operable/high mileage	114,217	\$ 16,898.67
POLICE	1012	2002	F-150 PICK UP	dependable/new batt & alt 6/13	78,718	\$ 5,250.33
POLICE	PD0918	2006	TAHOE	operable/high mileage	110,269	\$ 17,883.22
POLICE	32	2005	IMPALA	not dependable/too many recent costly repairs & failures	85,211	\$ 7,232.20
POLICE	55A	2004	IMPALA	operable/sitting for a year/potential problems	90,349	\$ 5,992.70
POLICE	58A	2004	IMPALA	operable/dependable	97,570	\$ 14,867.25
POLICE	72A	2004	IMPALA	not dependable/history of overheating/premature engine failure	87,540	\$ 12,670.25
POLICE	942	2002	IMPALA	operable/dependable	71,732	\$ 7,523.23
POLICE	49AIN	2004	IMPALA	inoperable	84,000	\$ 12,064.77
DRAINAGE	877	2003	SIDE MOWER	not dependable/too many recent costly repairs & failures	1346 hrs	\$ 103,132.04
DRAINAGE	SD0880	2006	SIDE MOWER	operable/not dependable/high cost of ownership	2980 hrs	\$ 41,403.49
DRAINAGE	881	2004	SIDE MOWER	operable/not dependable/high cost of ownership	3440 hrs	\$ 53,338.70
STREET MAINT.	574	1992	FRONT LOADER	inoperable	19,605 hrs	\$ 86,647.27
SIDEWALK	SD0536	2000	2500 PICK UP	operable/dependable/interior worn	69,399	\$ 11,419.46
RESIDENTIAL	436A	2003	REFUSE TRUCK	inoperable	124,764	\$ 219,300.39
RESIDENTIAL	SA001	2005	REFUSE TRUCK	inoperable	112,575	\$ 162,228.57
RESIDENTIAL	433A	2003	REFUSE TRUCK	inoperable	101,628	\$ 200,901.03
COMMERCIAL BOX	484A	2004	COMM BOX FRT LDR	inoperable	194,757	\$ 235,411.06
BRUSH	471	1995	OPEN TOP	inoperable	807,796	\$ 55,774.83
RECYCLING	411	2003	2500 PICK UP	operable/dependable/good condition	50,887	\$ 10,454.65

Dept.	Unit#	Year	Description	Condition	Mileage	LTD Maintenance
PARKS	344	2001	1500 PICK UP	operable	115,017	\$ 13,123.94
PARKS	113	2001	CAVALIER	inoperable/repairs needed exceed value	62,594	\$ 2,727.32
FIRE	637	1990	3500 PICK UP	operable/old/hard to find parts	13,697	\$ 16,398.55
METRO	ME72	2006	VAN	inoperable	172,928	\$ 16,743.63
TRAFFIC	186	2001	CAVALIER	inoperable/repairs needed exceed value	40,070	\$ 6,106.35
SEWER COLLECTION	PU0221	2005	2500 PICK UP	operable/high mileage	111,118	\$ 13,047.43
ENGINEERING	121	2000	F-250 PICK UP	operable/collision damage	98,652	\$ 18,332.12



Unit # AC0251



Unit # AC0138



Unit # PD0008



Unit # PD0001



Unit # PD0962



Unit # PD0022



Unit # 0904IN



Unit # 13XDEL



Unit # 1059



Unit # 1012



Unit # PD0918



Unit # PU0221



Unit # 32



Unit # 55A



Unit # 58A



Unit # 72A



Unit # 942



Unit # 49AIN



Unit # 877



Unit # SD880



Unit # 881



Unit # 436A

Unit # 574



Unit # SA001

Unit # SD0536



Unit # 433A



Unit # 484A



Unit # 471



Unit # 411



Unit # 344



Unit # 113



Unit # 637



Unit # 121



Unit # ME72



Unit # 186

**CITY OF MCALEN
Equipment Surplus**

November 5, 2013

DEPARTMENT	DESCRIPTION	MODEL/SERIAL #	QTY.	CONDITION	Declared Surplus	
DRAINAGE	15' SHREDDER/MOWER	MX6	1	INOPERABLE	YES	NO
DRAINAGE	15' SHREDDER/MOWER	MX6	1	INOPERABLE	YES	NO
DRAINAGE	LOW BOY TRAILER	N/A	1	INOPERABLE	YES	NO
WASTE WATER	CONTROL PANEL BOX	N/A	1	INOPERABLE	YES	NO
PUBLIC WORKS	SCRAP METAL/TRAFFIC CONES	N/A	N/A	N/A	YES	NO
FLEET	TRANSMISSION JACK	N/A	1	INOPERABLE	YES	NO
PUBLIC WORKS	SCRAP CHAIN LINK FENCE	N/A	N/A	N/A	YES	NO
CONVENTION CENTER	FLOOR SWEEPER	44429	1	INOPERABLE	YES	NO
METRO	SCRAP ENGINE/TRANSMISSION	UNIT # ME82	1EA	INOPERABLE	YES	NO
VARIOUS	A/C UNITS	DF120C00N2AAA3C/1A/1C	3	DAMAGED/INOPERABLE	YES	NO
VARIOUS	A/C UNITS	38AKS009/014/024	3	DAMAGED/INOPERABLE	YES	NO
VARIOUS	A/C UNITS	38AKS016	2	DAMAGED/INOPERABLE	YES	NO
VARIOUS	A/C UNITS	KCA048S4DN1Y	3	DAMAGED/INOPERABLE	YES	NO
VARIOUS	A/C UNITS	TSA072S4SN1Y	4	DAMAGED/INOPERABLE	YES	NO
VARIOUS	A/C UNITS	DM060C00A2AAA1A	2	DAMAGED/INOPERABLE	YES	NO
TRAFFIC	DIESEL ENGINE GENERATORS	MEP003A	2	INOPERABLE	YES	NO
TRAFFIC	CONCRETE CUTTING SAW W/TRAILER	RRR70D, RRR100	1EA	INOPERABLE	YES	NO
TRAFFIC	CASE TRENCHER	460	1	INOPERABLE	YES	NO
TRAFFIC	VER-MAC MESSAGE BOARD	PCMS 548RS	1	INOPERABLE	YES	NO
TRAFFIC	WATER VACUUM/PRESSURE WASHER	N/A	1	INOPERABLE	YES	NO
TRAFFIC	GENERATOR W/TRAILER	MEP003A	1	INOPERABLE	YES	NO
TRAFFIC	VER-MAC MESSAGE BOARD	PCMS 548RS	1	INOPERABLE	YES	NO
TRAFFIC	AMERICAN SIGNAL MESSAGE BOARD	CMS-GP432T	1	INOPERABLE	YES	NO
TRAFFIC	BEAN BUG SPRAYER	N/A	1	INOPERABLE	YES	NO
TRAFFIC	AMERICAN SIGNAL MESSAGE BOARD	CMS-GP432T	1	INOPERABLE	YES	NO
TRAFFIC	INGERSOLL-RAND AIR COMPRESSOR	NPE-2147	1	INOPERABLE	YES	NO
PARKS	RIDING MOWER	JACOBSEN	1	INOPERABLE	YES	NO
PARKS	UTILITY GOLF CART	UNK	1	INOPERABLE	YES	NO
PARKS	RIDING MOWER	JACOBSEN	1	INOPERABLE	YES	NO
PARKS	MOWER BLADE ATTACHMENT	UNK	1	INOPERABLE	YES	NO
PARKS	JOHN DEERE RIDING MOWER	N/A	1	INOPERABLE	YES	NO
PARKS	TOILETS/SINKS (OLD WAL-MART)	UNK		N/A	YES	NO
DEPARTMENT	DESCRIPTION	MODEL #	QTY.	CONDITION	Declared Surplus	
PARKS	GENERATOR/HAND SOAP DISPENSERS	HONDA/UNK	1/7	INOPERABLE	YES	NO
PARKS	ROASTER OVEN	GE	1	INOPERABLE	YES	NO

FLEET	HEAVY DUTY AIR BOTTLE JACKS/MISC.	UNK	6	INOPERABLE	YES	NO
FLEET	BATTERY CHARGERS/TESTER/CREEPER	UNK	3/1/1	INOPERABLE	YES	NO



15' Shredder/Mower



15' Shredder/Mower



Low Boy Trailer



Control Panel Box



Scrap Metal/Traffic Cones



Transmission Jack



Battery Chargers/Tester/Floor Creeper



Scrap Chain Link Fence



Floor Sweeper



Scrap Engine/Transmission



A/C Units



A/C Units



A/C Units



A/C Units



A/C Units



A/C Units



Diesel Engine Generators



Concrete Cutting Saw w/Trailer



Case Trencher



Ver-Mac Message Board



Storm Water Vacuum



Generator w/Trailer



Ver-Mac Message Board



American Signal Message Board



Bean Bug Sprayer



American Signal Message Board



Air Compressor



Riding Mower



Utility Golf Cart



Riding Mower



Mower Blade Attachment



John Deere Riding Mower



Toilets/Sinks (Old Wal-Mart)



Generator/Soap Dispensers



Roaster



HD Air Bottle Jacks/Misc.

CITY OF McALLEN
STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION	<u> X </u>	AGENDA ITEM	<u> 2D </u>
UTILITY BOARD	<u> </u>	DATE SUBMITTED	<u> 10-25-13 </u>
PLANNING & ZONING BOARD	<u> </u>	MEETING DATE	<u> 11-11-13 </u>
OTHER			

1. Agenda Item: Approval of Amendment to Ordinance 2013-04.

2. Party Making Request: M. Piedad Martinez, CD Director

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

Approval of the program and budget amendment to delete the Affordable Homes of South Texas' Neighborhood Revitalization Program and reprogram said funds into Affordable Homes of South Texas' Helping Hands Grants program which were designated under the FY 2012-2013 Action Plan.

4. Policy Implication: None

5. Budgeted: Yes No X N/A

6. Alternate option costs: N/A

7. Routing:

NAME/TITLE	INITIALS	DATE	CONCURRENCE <u> YES/NO </u>
a) <u>Brent Branham</u> Deputy City Manager	<u> BB </u>	<u> 10/24/13 </u>	<u> Yes </u>
b) <u>M. Piedad Martinez</u> 681-3200 CD Director	<u> MPM </u>	<u> 10/24/13 </u>	<u> Yes </u>

8. Staff Recommendation: Approval of CDBG Amendment

9. Advisory Board: X Approved Disapproved None

10. City Attorney: KP Approved Disapproved None

11. Manager's Recommendation: BB Approved Disapproved None

12. Action Taken: Public Hearing occurred on Tuesday, October 22, 2013



MEMORANDUM

To: Mayor and City Commissioners
From: Janet Matthews-Landers, Community Development Board Chair
Date: October 23, 2013
Subject: CDBG Amendment

Goal – The Community Development Advisory Council (CDAC) respectfully requests approval of the amendment to the FY 2012-2013 Action Plan (original Ordinance 2012-29, amended as Ordinance 2013-04).

Explanation – In accordance with the Citizen Participation process, a public hearing was held soliciting comments on the deletion of the Affordable Homes of South Texas, Inc.'s (AHSTI) Neighborhood Revitalization program and reprogram of these funds into the agency's Helping Hands Grant program. No one commented on the budget and program amendment.

AHSTI staff requested deletion of the Neighborhood Revitalization project and reallocation of funds into the Helping Hands Grant citing a greater need in principal reduction for homebuyers.

A motion to approve the budget and program amendment was passed by the CDAC at a regularly scheduled meeting held on October 22, 2013.

Options – City Commission may approve, reject or modify of the amendment.

Recommendation – The CDAC recommends approval of the CDBG budget and program amendment.

Should you have any questions, please advise.

Thank you,
JML:MPM/ymb

**ORDINANCE NO. 2013 - 04
AMENDING
ORDINANCE 2012 - 29**

AN ORDINANCE ADOPTING THE ANNUAL ACTION PLAN APPLICATION AND BUDGET FOR HUD ENTITLEMENT FUNDS TO BE RECEIVED BY THE CITY OF McALLEN UNDER THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED; ESTABLISHING AN ANNUAL BUDGET PERIOD OF OCTOBER 1, 2012 TO SEPTEMBER 30, 2013; AUTHORIZING THE IMPLEMENTATION OF THE THIRTY-EIGHTH YEAR PROGRAM; PROVIDING FOR THE PUBLICATION OF THE ORDINANCE AND SEVERABILITY OF SECTIONS AND AUTHORIZING THE MAYOR TO PERFORM ALL ACTIONS NECESSARY TO IMPLEMENT THE PROGRAM.

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

WHEREAS, during the thirty-eighth year of such entitlement, the City of McAllen will have available for the benefit of its citizens, primarily low income citizens, \$2,094,722.14; and

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

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

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

SECTION I: The Thirty-eighth Year Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) Fund Budget for Fiscal Year 2012-2013 is hereby adopted in the following particulars:

▪ Affordable Homes of South Texas, Inc. - Helping Hands Grants	\$100,000
Funds will be used for principle reduction grants to qualified families; <i>increase award</i>	\$300,000
▪ Affordable Homes of South Texas, Inc. – Neighborhood Revitalization	\$200,000
Funds will be used for the purchase and rehabilitation of properties for resale <i>Delete project and award</i>	
▪ Amigos Del Valle, Inc.	\$15,000
Funds will be used to provide hot meals to homebound senior citizens	
▪ Boys and Girls Club on McAllen- Scholarship Program	\$8,500
Funds will be used for membership, sports league and summer camp scholarships	
▪ Children’s Advocacy of Hidalgo County	\$10,000
Funds will be used for salaries to provide services to victims of child abuse	
▪ Comfort House Services, Inc.	\$34,300
Funds will be used for salaries of caregivers who provide palliative care	
▪ Community HOPE Projects, Inc.	\$10,000
Funds will be used for lab fees, surgeries, medical procedures and medicine	
▪ Court Appointed Special Advocates (CASA)	\$5,310
Funds will be used for Case Manager’s and Supervisor’s salaries and for mileage	
▪ Dentists Who Care, Inc.	\$19,600
Funds will be used for dental services and care	
▪ Easter Seals – Rio Grande Valley	\$10,000
Funds will be used for physical, occupational, and speech therapy services	
▪ Engineering Dept. – Drainage Imp.: South McColl at E. Pineridge	\$75,900
Funds will design/construct storm sewer line along McColl from Pineridge to Nassau	
▪ Engineering Dept. – Kendlewood Ave. Drainage Improvements	\$485,800
Funds will construct a storm sewer line along Kendlewood between 19 th and 22½ nd	
▪ Engineering Dept. – Uvalde Soccer Complex Parking Improvements	\$132,000
Funds will construct a 62-space paved parking lot for the soccer complex	
▪ First United Methodist Church (“In His Steps” Shoe Bank of McAllen)	\$10,000
Funds will be used for the purchase of shoes for school-aged children	
▪ Girl Scouts of Greater South Texas	\$4,000
Funds will be used for membership dues, program supplies and salaries	
▪ LRGV Community Health Management Corp., Inc. – El Milagro Clinic	\$5,000
Funds will be used to provide specialty and ancillary services	
▪ LRGVDC – Area Agency on Aging	\$5,420
Funds will be used for medication, dentures and hearing aids for the elderly	
▪ LRGVDC – Foster Grandparent Program	\$4,000
Funds will be used for stipends of elderly participants who mentor children	
▪ McAllen Food Pantry	\$40,000
Funds will be used for purchase of food to be distributed via 5 pantries	
▪ McAllen Youth Soccer Association	\$2,450
Funds will be used for membership dues <i>Delete project and award; Approved 1/14/13</i>	
▪ Parks and Recreation Department – Los Encinos Park	\$40,000
Funds will be used for parks improvements at the Los Encinos Park	
▪ Planned Parenthood Association	\$15,000
Funds will be used for physical exams, pap tests, lab work and STI testing	
▪ Silver Ribbon Community Partners	\$6,000
Funds will be used for rent/utilities/deposits, medication, physician/dental visits, glasses, DME	

▪ Senior Communities Outreach Services, Inc.	\$4,900
Funds will reimburse stipends to the elderly who provide companionship	
▪ The Salvation Army – Emergency Shelter and Social Services	\$5,520
Funds will be used for rent/utilities, food, transportation, medication assistance, work clothes, culinary arts supplies, shelter hygiene kits and baby diapers	
▪ The Salvation Army – Repair Shelter Family Bathrooms	\$40,000
Funds will be used for rehabilitation of the four family bathrooms within the shelter	
▪ Vannie E. Cook, Jr. Cancer Foundation, Inc.	\$8,000
Funds will be used for services to children with cancer or other blood diseases	
▪ Women Together Foundation, Inc. – Transitional Housing Services	\$12,000
Funds will be used for the Transitional Housing Coordinator and Caseworker	
▪ Community Development Administration	\$320,097.14
Funds will be used for program administration	
▪ Affordable Homes of South Texas, Inc. – HOME PROGRAM	\$419,333
Funds will be used for the construction of homes throughout the City	
▪ Community Development Administration – HOME PROGRAM	\$46,592
Funds will be used for program administration	
▪ Community Development – Unprogrammed Funds	\$2,450
Funds will be provided to a current subrecipient that has encumbered its award	
<i>Create line item; Approved 1/14/13</i>	
TOTAL	\$2,094,722.14

Alternate projects (in order of priority)

▪ Engineering Dept. – S. 20th St. Storm Sewer Inlet Rehabilitation	\$122,519
Funds will design/replace inlets along S. 20 th between Beaumont and Dallas	
▪ McAllen Public Utilities–Water/Sewer Imp. Colonia Hermosa Phase B	\$208,900
Funds will construct a sewer line between Jordan, El Rancho, 20 th and 23 rd Streets	
▪ McAllen Public Utilities–Water/Sewer Imp. Colonia Hermosa Phase C	\$318,400
Funds will construct a sewer line between Jordan, El Rancho, 20 th and 23 rd Streets	
▪ Affordable Homes of South Texas, Inc. – New Beginnings Program	\$150,000
Funds will be used for rehabilitation or life estate grants to qualified households	

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

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

SECTION III: This ordinance shall not be published in the Code of Ordinances of the City of McAllen, Texas, as it is not amendatory thereof.

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

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

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

CONSIDERED, PASSED and APPROVED this 11th day of November 2013, at a Regular meeting of the Board of Commissioners of the City of McAllen at which a quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code.

SIGNED this _____ day of _____, 2013.

CITY OF McALLEN

By: _____
James E. Darling, Mayor

ATTEST

By: _____
Annette Villarreal, City Secretary

APPROVED AS TO FORM:

Kevin Pagan, City Attorney

CITY OF McALLEN
STANDARDIZED RECOMMENDATION FORM

2E

CITY COMMISSION X
UTILITY BOARD
OTHER (Audit/Investment Committee)

AGENDA ITEM
DATE SUBMITTED 011/05/2013
MEETING DATE 11/11/2013

1. Agenda Item: Budget Amendment in the amount of \$213,124 for funding of New World System Software Project.

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

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

4. Policy Implication Required by law

5. Budgeted: Yes X No N/A

Funding Source: Capital Improvement Fund

300-8708-426-66-24 (EO0303)

6. Alternate Option/Costs: N/A

7. Routing:

<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
			<u>YES/NO</u>
a.) Jerry W. Dale Finance Director	<u>JDW</u>	<u>11/5/13</u>	<u>YES</u>

8. Staff Recommendation

9. Advisory Board: Approved Disapproved None

10. City Attorney: X Approved Disapproved None

11. Manager's Recommendation: X Accepted Disapproved None

12. Action Taken:

CITY OF McALLEN
BUDGET AMENDMENT REQUEST FORM
FISCAL YEAR 2014

DATE OF ENTRY
 ENTRY MADE BY
 JOURNAL ENTRY #
 AA UPDATE DATE

To be assigned by Finance Dept.

FUND: CAPITAL IMPROVEMENTS FUND

DEPARTMENT: _____

Fund	Dept. & Division	Activity	Element & Object	Project Code	Description	Original/Revised Budget	Debt	Credit	Revised Budget
300	8708	426	66-24	EO0303	Capital Outlay - Computer/software	\$ -	\$ 213,124	\$ -	\$ 213,124
300	0000	290	99-00		Capital Improvement fund Balance - DON'T POST	1,427,484		213,124	1,214,360
									-
									-
					TOTALS	<u>\$ 1,427,484</u>	<u>\$ 213,124</u>	<u>\$ 213,124</u>	<u>\$ 1,427,484</u>

(Round up all amounts to the nearest hundred dollars)

JUSTIFICATION: To fund New World system

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: \$213,124.00 FOR FUNDING OF THE NEW WORLD SYSTEM SOFTWARE PROJECT.

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 11th day of November, 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 November, 2013.

CITY OF McALLEN, TEXAS

James E. Darling, Mayor

ATTEST:

Annette Villarreal, City Secretary

Approved as to form:

Kevin D. Pagan, City Attorney

To: MIKE R. PEREZ, CITY MANAGER
From: SALLY GAVLIK, DIRECTOR
Subject: BUDGET AMENDMENT – TRINITY METHODIST CHURCH PARKING LOT
LEASE AND RENOVATIONS
Date: NOVEMBER 4, 2013

COMMENT

GOAL:

To provide a budget amendment for the Lease agreement and renovations at the Trinity Methodist Church parking lot that was approved by the Commission on October 14, 2013.

DISCUSSION:

The Commission approved a lease agreement with Trinity Methodist Church west side parking lot, located at the corner of Trenton and Bicentennial. The lease agreement will allow the city to use this parking lot for individuals who would like to use the Bicentennial Trail system. As part of the lease agreement the City is responsible for paying the parking lot and improvements along Bicentennial to match the improvements and landscaping on the trail.

The cost for the paving and the improvements is \$113,524.00. A budget amendment is required to allow for the construction to begin. The attached information provides the necessary funding to complete the project as approved by the Commission.

RECOMMENDATION:

The Parks and Recreation Department recommends approval of the budget amendment in the amount of \$113,524.00.

ORDINANCE NO. 2013 - ____

AN ORDINANCE AMENDING THE BUDGET OF THE CITY OF McALLEN FOR THE FISCAL YEAR 2013/2014 EFFECTIVE DECEMBER 1, 2013, BY PROVIDING FOR AN INCREASE IN EXPENDITURES TO-WIT: \$113,524 FOR PAVING AND OTHER IMPROVEMENTS AT A MUNICIPAL HIKE AND BIKE TRAIL

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 2012/2013 budget but have been received by the governmental body since that date.

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

SECTION I: The Budget for the City of McAllen for the Fiscal Year 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 ____ day of November, 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 November, 2013.

CITY OF McALLEN, TEXAS

James E. Darling, Mayor

ATTEST:

Annette Villarreal, TRMC/CMC,CPM
City Secretary

Approved as to form:

Kevin D. Pagan, City Attorney

CITY OF McALLEN
STANDARD RECOMMENDATION FORM

<u>CITY COMMISSION</u>	<u> X </u>	AGENDA ITEM	<u> 3A </u>
UTILITY BOARD	<u> </u>	DATE SUBMITTED	<u> 11/04/13 </u>
PLANNING & ZONING COMMISSION	<u> </u>	MEETING DATE	<u> 11/11/13 </u>
OTHER	<u> </u>		

1. Agenda Item: Change Order No.6 - McAllen Miller International Airport Terminal Expansion Project
(Project No. 0811-C30-190)

2. Party Making Request: DEPARTMENT OF AVIATION

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

Consideration and approval of Change Order No. 6 on the McAllen Miller International Airport Terminal
Expansion Project for Don Krueger Construction Company.

4. Policy Implication: _____

5. Budgeted: X YES NO N/A

FUND: 551-8708-446.66-10

Original Contract Amount:	\$ 18,879,500.00	713 calendar days
Change Order 1-5:	\$ 469,917.00	29 calendar days
Proposed Change Order 6:	\$ 129,568.00	13 calendar days
Total Revised Contract Amount:	\$ 19,478,985.00	755 calendar days

6. Alternate option/costs:

7. Routing:

<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u> <u>YES/NO</u>
Philip K. Brown Director of Aviation	<u> </u>	<u> </u>	<u> </u>
Sandra Zamora, CPM Director of Purchasing & Contracting	<u> </u>	<u> </u>	<u> </u>
Jerry W. Dale, CPA, CGFO Director of Finance	<u> </u>	<u> </u>	<u> </u>
Brent Branham Deputy City Manager	<u> </u>	<u> </u>	<u> </u>

8. Staff Recommendation: Approval of Change Order No. 6 on the McAllen Miller Airport Terminal Expansion Project in the amount of \$129,568.00 and 13 calendar days, for a total revised amount of \$19,478,985.00 and 755 calendar days.

9. Advisory Board: Approved Disapproved X None

10. City Attorney: KP Approved Disapproved None

11. Manager's Recommendation: BB Approved Disapproved None

12. Action Taken: _____



MEMO

To: Mike R. Perez, City Manager

Thru: Brent Branham, Deputy City Manager

From: Philip K. Brown, Director of Aviation

Date: November 4, 2013

Subject: Change Order No.6 – McAllen Miller International Airport Terminal Expansion Project
(Project No. 08-11-C30-190)

GOAL

Consideration and approval of Change Order No.6 on the McAllen Miller International Airport Terminal Expansion Project for Don Krueger Construction Company.

EXPLANATION

As construction has progressed, several construction items have emerged. Summary is below:

1. **Relocation of automatic transfer switch in Room 1310.** The proposed automatic transfer switch was relocated near a distribution panel and switchboard to make any future maintenance more accessible and centralize more equipment. **No cost or time added.**
2. **Carpet and Terrazzo.** The color selection committee had met several times to review and approve carpet and terrazzo colors and layout. The layout was produced and approved along with the selections of materials. Additional area within the future retail concession area was included to keep the consistency in the terrazzo. A smaller section in the bar concession area was removed from the terrazzo layout which will be surfaces by concessionaire. **Cost \$8,698 with no additional time.**
3. **Grease Trap for Pre-Security Concessions.** As the utilities were being extended to the pre-security concession area, it was found that the sewer line from the kitchen area could not make the minimum slope from the location to the existing grease trap. To facilitate, the requirement for pre-treatment and make the scheduled Nov. 1st opening, a grease trap that met MPU's specifications was purchased by City and installed by contractor away from the concession area to avoid odors. **Cost \$1,873 with no additional time.**
4. **Wall at Lower Level Shell Space.** After reviewing the layout and space provided for storage, existing fire-proofed beams exist within this storage area. It is proposed to construct a wall and create 2 storage areas versus 1 and protect the fire-proofing on beams within this area. **Cost \$7,540 with an additional 2 days.**
5. **Increase Width to Door 1103C and Add Magnet Holder.** This door is located in a hallway between the new and existing lower level of the terminal. The door is proposed to be increased in width for a wider passageway for equipment and supplies including a magnetic holder for convenience and safety. **Cost \$2,070 with no additional time.**

6. **Power and Data at Transportation Security Administration (TSA) Screening Area.** TSA has secured funding to man and equip 2 exit lanes while the improvements allow for a future third lane. Since these areas will not be occupied in the near future by TSA manpower or equipment, the probability that technology and screening area layouts will evolve by the time the future lane is warranted, and increase safety in an open floor area, it is proposed that the floor receptacles for power and data be removed. **Credit of \$3,626 with no additional time.**
7. **Remove and Replace Carpet in Pre-Security Areas.** The existing carpeted areas within pre-security areas of the existing terminal are proposed to be replaced with the new carpet. The 6 alcoves located by the ticket counters, the baggage claim area and the 2 offices adjacent to the baggage claim area are proposed for carpet replacement. This will ensure continuity with the new carpet through the public areas of the terminal. **Cost is \$27,766 with no additional time.**
8. **Gate 2 Jet Bridge Modification Kit.** The passenger boarding bridge at Gate 2 is unable to serve United ERJ planes. These highly used United jets are lower at the boarding door and operations will have the flexibility to use Gate 2 when needed with the addition of the modification kit on the Gate 2 jet bridge. **Cost is \$5,007 with an additional 2 days.**
9. **Chemical Treatment for Central Plant.** As part of the contract and specifications, the general contractor was required perform chemical treatment for the open-looped chiller system. Because of temporary chiller operations in summer of last year, Airport Operations and maintenance had been managing the treatment. After review, it was best for Airport to continue the management of this chemical treatment to ensure that same chemicals and procedures were used. The credit is for the chemical treatment that was to be performed by general contractor. **Credit is \$6,404 with no additional time.**
10. **Addition of Pre-Security Passenger Seating.** The original contract included an allowance of \$210,000 for post-security furniture. As the color selection committee was reviewing furniture options it was concluded that a proposal be sought for the pre-security areas so that there was continuity through the terminal with the furniture selection. **Cost is \$86,644 with no additional time.**
11. **Inclement Weather Days.** Contractor has requested 9 additional days due to inclement weather.

Please see attachments for exhibit of improvements and cost itemization.

OPTIONS

Approve or reject Change Order No.6.

RECOMMENDATION

Staff recommends approval of Change Order No. 6 for the Terminal Expansion Project to Don Krueger Construction Co., in the amount of \$129,568 and an additional 13 days, for a total revised contract amount of \$19,478,985.00 and 755 calendar days.

**Proposed Change Order No.6 – McAllen Miller International Airport Terminal Expansion Project
(Project No. 08-11-C30-190)**

Item	Description of Work	Additional Cost	Cost Credit	Contract Time Adjustment
1	Relocation of Automatic Transfer Switch in Room 1310	N/C		
2	Carpet and Terrazzo	\$8,698		
3	Grease Trap for Pre-Security Concessions	\$1,873		
4	Wall at Lower Level Shell Space	\$7,540		2
5	Increase Width to Door 1103C and Add Magnet Holder	\$2,070		
6	Power and Data at TSA Screening Area		(\$3,626)	
7	Remove and Replace Carpet in Pre-Security Areas	\$27,766		
8	Gate 2 Jet Bridge Modification Kit	\$5,007		2
9	Chemical Treatment for Central Plant		(\$6,404)	
10	Addition of Pre-Security Passenger Seating	\$86,644		
11	Requested Inclement Weather Days	N/C		9

Proposed Change Order No.6 Total =	\$129,568	13
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TERMINAL EXPANSION EXPENDITURES

EXPENDITURES	TOTAL APPROVED	ACTUAL 11-12	ESTIMATED 12-13	DEPT. REQ. 13-14
Design	\$ 4,008,027.38	\$ 61,726.61	\$ -	\$ -
URS Work Order 3 (Expansion Design)	\$ 3,988,610.23	\$ 42,309.46	\$ -	\$ -
Design Copies	\$ 19,417.15	\$ 19,417.15	\$ -	\$ -
Soft Costs	\$ 1,800,000.00	\$ 214,779.70	\$ 363,171.11	\$ 1,222,049.19
URS Work Order 5 (Construction Administration)	\$ 543,616.99	\$ 100,099.70	\$ 183,953.04	\$ 259,564.25
<i>Baseline</i>	<i>\$ 252,537.00</i>			
<i>Change Order 1</i>	<i>\$ 6,920.99</i>			
<i>Change Order 2</i>	<i>\$ 284,159.00</i>			
Other	\$ 1,256,383.01	\$ 114,680.00	\$ 179,218.07	\$ 962,484.94
<i>Management Fee</i>	<i>\$ 381,870.00</i>	<i>\$ 114,561.00</i>	<i>\$ 152,748.00</i>	<i>\$ 114,561.00</i>
<i>Computer</i>	<i>\$ 1,740.42</i>	<i>\$ -</i>	<i>\$ 1,740.42</i>	<i>\$ -</i>
<i>Camera</i>	<i>\$ 119.00</i>	<i>\$ 119.00</i>	<i>\$ -</i>	<i>\$ -</i>
<i>Furniture</i>	<i>\$ 1,906.46</i>		<i>\$ 1,906.46</i>	<i>\$ -</i>
<i>Misc.</i>	<i>\$ 718,176.15</i>		<i>\$ -</i>	<i>\$ 718,176.15</i>
<i>Raba</i>	<i>\$ 152,570.98</i>	<i>\$ -</i>	<i>\$ 22,823.19</i>	<i>\$ 129,747.79</i>
Krueger (Base + Add Alternates)	\$ 19,478,984.00	\$ 3,940,683.00	\$ 5,559,086.00	\$ 9,979,215.00
Krueger Base + Add Alternates	\$ 18,879,500.00			
Krueger Change Order 1	\$ 231,493.00			
Krueger Change Order 2	\$ 48,410.00			
Krueger Change Order 3	\$ 24,568.00			
Krueger Change Order 4	\$ 17,735.00			
Krueger Change Order 5	\$ 147,710.00			
Krueger Change Order 6	\$ 129,568.00			
Concessions Allowance	\$ 800,000.00	\$ -	\$ -	\$ 800,000.00
Contingency	\$ 1,632,009.00	\$ -	\$ -	\$ 1,632,009.00
Total Appropriations	\$ 23,710,993.00	\$ 4,155,462.70	\$ 5,922,257.11	\$ 13,633,273.19

REVENUES:

Federal Aviation	\$	3,919,207.00	\$	337,291.00	\$	738,451.40	\$	2,843,464.60
TSA	\$	6,442,440.00	\$	887,611.00	\$	614,270.03	\$	4,940,558.97
Total Revenues	\$	10,361,647.00	\$	1,224,902.00	\$	1,352,721.43	\$	7,784,023.57

TRANSFER INS:

Bond Revenues	\$	9,636,447.00	\$	2,539,523.71	\$	3,439,516.98	\$	3,657,406.31
Loan	\$	4,500,000.00	\$	110,678.00	\$	46,438.49	\$	4,342,883.51
<i>Water CIP</i>	<i>\$</i>	<i>1,500,000.00</i>	<i>\$</i>	<i>-</i>	<i>\$</i>	<i>-</i>	<i>\$</i>	<i>1,500,000.00</i>
<i>Water Depreciated</i>	<i>\$</i>	<i>3,000,000.00</i>	<i>\$</i>	<i>110,678.00</i>	<i>\$</i>	<i>46,438.49</i>	<i>\$</i>	<i>2,842,883.51</i>
Total Transfer Ins	\$	14,136,447.00	\$	2,650,201.71	\$	3,485,955.47	\$	8,000,289.82

TOTAL RESOURCES	\$	24,498,094.00	\$	3,875,103.71	\$	4,838,676.90	\$	15,784,313.39
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Department of Aviation MEMO

To: Mike R. Perez, City Manager

Thru: Brent Branham, Deputy City Manager

From: Philip K. Brown, Director of Aviation

Date: November 4, 2012

Subject: TxDot Grant Application

A handwritten signature in blue ink, appearing to be 'PB', is written over the 'From' line.

The Texas Department of Transportation provides capital funding for commercial service airports in the form of the Routine Airport Maintenance Program (Ramp) Grant. These funds associated with the grant are to be applied to various Airport maintenance projects including pavement markings, terminal building rehab, and pavement rehabilitation.

In compliance with the RAMP grant, the State requires a match of 50% local funds up to \$50,000 with the state matching up \$50,000 of the grant. In anticipation of being awarded the RAMP grant, the Airport has budgeted the funds necessary to fulfill the parameters of the grant.

Staff requests acceptance of the RAMP grant for FY14, the terms of which are attached.

**TEXAS DEPARTMENT OF TRANSPORTATION
GRANT FOR ROUTINE AIRPORT MAINTENANCE PROGRAM**

(State Assisted Airport Routine Maintenance)

**TxDOT Project No.: AM 2014MCAL
TxDOT CSJ No.: M1421MCAL**

Part I - Identification of the Project

TO: The City of McAllen, Texas

FROM: The State of Texas, acting through the Texas Department of Transportation

This Grant is made between the Texas Department of Transportation, (hereinafter referred to as the "State"), on behalf of the State of Texas, and the City of McAllen, Texas, (hereinafter referred to as the "Sponsor").

This Grant Agreement is entered into between the State and Sponsor shown above, under the authority granted and in compliance with the provisions of the Transportation Code Chapter 21.

The project is for **airport maintenance** at the McAllen Miller International Airport.

Part II - Offer of Financial Assistance

1. For the purposes of this Grant, the annual routine maintenance project cost, Amount A, is estimated as found on Attachment A, Scope of Services, attached hereto and made a part of this grant agreement.

State financial assistance granted will be used solely and exclusively for airport maintenance and other incidental items as approved by the State. Actual work to be performed under this agreement is found on Attachment A, Scope of Services. State financial assistance, Amount B, will be for fifty percent (50%) of the eligible project costs for this project or \$50,000.00, whichever is less, per fiscal year and subject to availability of state appropriations.

Scope of Services, Attachment A, of this Grant, may be amended, subject to availability of state funds, to include additional approved airport maintenance work. Scope amendments require submittal of an Amended Scope of Services, Attachment A.

Services will not be accomplished by the State until receipt of Sponsor's share of project costs.

Only work items as described in Attachment A, Scope of Services of this Grant are reimbursable under this grant.

Work shall be accomplished by August 31, 2014, unless otherwise approved by the State.

2. The State shall determine fair and eligible project costs for work scope. Sponsor's share of estimated project costs, Amount C, shall be as found on Attachment A and any amendments.

It is mutually understood and agreed that if, during the term of this agreement, the State determines that there is an overrun in the estimated annual routine maintenance costs, the State may increase the grant to cover the amount of the overrun within the above stated percentages and subject to the maximum amount of state funding.

The State will not authorize expenditures in excess of the dollar amounts identified in this Agreement and any amendments, without the consent of the Sponsor.

3. Sponsor, by accepting this Grant certifies and, upon request, shall furnish proof to the State that it has sufficient funds to meet its share of the costs. The Sponsor grants to the State the right to audit any books and records of the Sponsor to verify expended funds.

Upon execution of this Agreement and written demand by the State, the Sponsor's financial obligation (Amount C) shall be due in cash and payable in full to the State. State may request the Sponsor's financial obligation in partial payments. Should the Sponsor fail to pay their obligation, either in whole or in part, within 30 days of written demand, the State may exercise its rights under Paragraph V-3. Likewise, should the State be unwilling or unable to pay its obligation in a timely manner, the failure to pay shall be considered a breach and the Sponsor may exercise any rights and remedies it has at law or equity.

The State shall reimburse or credit the Sponsor, at the financial closure of the project, any excess funds provided by the Sponsor which exceed Sponsor's share (Amount C).

4. The Sponsor specifically agrees that it shall pay any project costs which exceed the amount of financial participation agreed to by the State. It is further agreed that the Sponsor will reimburse the State for any payment or payments made by the State which are in excess of the percentage of financial assistance (Amount B) as stated in Paragraph II-1.

5. Scope of Services may be accomplished by State contracts or through local contracts of the Sponsor as determined appropriate by the State. All locally contracted work must be approved by the State for scope and reasonable cost. Reimbursement requests for locally contracted work shall be submitted on forms provided by the State and shall include copies of the invoices for materials or services. Payment shall be made for no more than 50% of allowable charges.

The State will not participate in funding for force account work conducted by the Sponsor.

6. This Grant shall terminate upon completion of the scope of services.

Part III - Sponsor Responsibilities

1. In accepting this Grant, if applicable, the Sponsor guarantees that:
 - a. it will, in the operation of the facility, comply with all applicable state and federal laws, rules, regulations, procedures, covenants and assurances required by the State in connection with this Grant; and
 - b. the Airport or navigational facility which is the subject of this Grant shall be controlled by the Sponsor for a period of at least 20 years; and
 - c. consistent with safety and security requirements, it shall make the airport or air navigational facility available to all types, kinds and classes of aeronautical use without discrimination between such types, kinds and classes and shall provide adequate public access during the period of this Grant; and
 - d. it shall not grant or permit anyone to exercise an exclusive right for the conduct of aeronautical activity on or about an airport landing area. Aeronautical activities include, but are not limited to scheduled airline flights, charter flights, flight instruction, aircraft sales, rental and repair, sale of aviation petroleum products and aerial applications. The landing area consists of runways or landing strips, taxiways, parking aprons, roads, airport lighting and navigational aids; and
 - e. it shall not enter into any agreement nor permit any aircraft to gain direct ground access to the sponsor's airport from private property adjacent to or in the immediate area of the airport. Further, Sponsor shall not allow aircraft direct ground access to private property. Sponsor shall be subject to this prohibition, commonly known as a "through-the-fence operation," unless an exception is granted in writing by the State due to extreme circumstances; and
 - f. it shall not permit non-aeronautical use of airport facilities without prior approval of the State; and
 - g. the Sponsor shall submit to the State annual statements of airport revenues and expenses when requested; and
 - h. all fees collected for the use of the airport shall be reasonable and nondiscriminatory. The proceeds from such fees shall be used solely for the development, operation and maintenance of the airport or navigational facility; and
 - i. an Airport Fund shall be established by resolution, order or ordinance in the

treasury of the Sponsor, or evidence of the prior creation of an existing airport fund or a properly executed copy of the resolution, order, or ordinance creating such a fund, shall be submitted to the State. The fund may be an account as part of another fund, but must be accounted for in such a manner that all revenues, expenses, retained earnings, and balances in the account are discernible from other types of moneys identified in the fund as a whole. All fees, charges, rents, and money from any source derived from airport operations must be deposited in the Airport Fund and shall not be diverted to the general revenue fund or any other revenue fund of the Sponsor. All expenditures from the Airport Fund shall be solely for airport purposes. Sponsor shall be ineligible for a subsequent grant or loan by the State unless, prior to such subsequent approval of a grant or loan, Sponsor has complied with the requirements of this subparagraph; and

j. the Sponsor shall operate runway lighting at least at low intensity from sunset to sunrise; and

k. insofar as it is reasonable and within its power, Sponsor shall adopt and enforce zoning regulations to restrict the height of structures and use of land adjacent to or in the immediate vicinity of the airport to heights and activities compatible with normal airport operations as provided in Tex. Loc. Govt. Code Ann. Sections 241.001 et seq. (Vernon and Vernon Supp.). Sponsor shall also acquire and retain aviation easements or other property interests in or rights to use of land or airspace, unless sponsor can show that acquisition and retention of such interest will be impractical or will result in undue hardship to Sponsor. Sponsor shall be ineligible for a subsequent grant or loan by the State unless Sponsor has, prior to subsequent approval of a grant or loan, adopted and passed an airport hazard zoning ordinance or order approved by the State.

l. mowing services will not be eligible for state financial assistance. Sponsor will be responsible for 100% of any mowing services.

2. The Sponsor, to the extent of its legal authority to do so, shall save harmless the State, the State's agents, employees or contractors from all claims and liability due to activities of the Sponsor, the Sponsor's agents or employees performed under this agreement. The Sponsor, to the extent of its legal authority to do so, shall also save harmless the State, the State's agents, employees or contractors from any and all expenses, including attorney fees which might be incurred by the State in litigation or otherwise resisting claim or liabilities which might be imposed on the State as the result of those activities by the Sponsor, the Sponsor's agents or employees.

3. The Sponsor's acceptance of this Offer and ratification and adoption of this Grant shall be evidenced by execution of this Grant by the Sponsor. The Grant shall comprise a contract, constituting the obligations and rights of the State of Texas and the Sponsor with respect to the accomplishment of the project and the operation and maintenance of the airport.

If it becomes unreasonable or impractical to complete the project, the State may void this agreement and release the Sponsor from any further obligation of project costs.

4. Upon entering into this Grant, Sponsor agrees to name an individual, as the Sponsor's Authorized Representative, who shall be the State's contact with regard to this project. The Representative shall receive all correspondence and documents associated with this grant and shall make or shall acquire approvals and disapprovals for this grant as required on behalf of the Sponsor, and coordinate schedule for work items as required.
5. By the acceptance of grant funds for the maintenance of eligible airport buildings, the Sponsor certifies that the buildings are owned by the Sponsor. The buildings may be leased but if the lease agreement specifies that the lessee is responsible for the upkeep and repairs of the building no state funds shall be used for that purpose.
6. Sponsor shall request reimbursement of eligible project costs on forms provided by the State. All reimbursement requests are required to include a copy of the invoices for the materials or services. The reimbursement request will be submitted no more than once a month.
7. The Sponsor's acceptance of this Agreement shall comprise a Grant Agreement, as provided by the Transportation Code, Chapter 21, constituting the contractual obligations and rights of the State of Texas and the Sponsor with respect to the accomplishment of the airport maintenance and compliance with the assurances and conditions as provided. Such Grant Agreement shall become effective upon the State's written Notice to Proceed issued following execution of this agreement.

PART IV - Nomination of the Agent

1. The Sponsor designates the State as the party to receive and disburse all funds used, or to be used, in payment of the costs of the project, or in reimbursement to either of the parties for costs incurred.
2. The State shall, for all purposes in connection with the project identified above, be the Agent of the Sponsor. The Sponsor grants the State a power of attorney to act as its agent to perform the following services:
 - a. accept, receive, and deposit with the State any and all project funds granted, allowed, and paid or made available by the Sponsor, the State of Texas, or any other entity;
 - b. enter into contracts as necessary for execution of scope of services;
 - c. if State enters into a contract as Agent: exercise supervision and direction of the project work as the State reasonably finds appropriate. Where there is an

irreconcilable conflict or difference of opinion, judgment, order or direction between the State and the Sponsor or any service provider, the State shall issue a written order which shall prevail and be controlling;

- d. receive, review, approve and pay invoices and payment requests for services and materials supplied in accordance with the State approved contracts;
- e. obtain an audit as may be required by state regulations; the State Auditor may conduct an audit or investigation of any entity receiving funds from TxDOT directly under this contract or indirectly through a subcontract under this contract. Acceptance of funds directly under this contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the State Auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.
- f. reimburse sponsor for approved contract maintenance costs no more than once a month.

PART V - Recitals

- 1. This Grant is executed for the sole benefit of the contracting parties and is not intended or executed for the direct or incidental benefit of any third party.
- 2. It is the intent of this grant to not supplant local funds normally utilized for airport maintenance, and that any state financial assistance offered under this grant be in addition to those local funds normally dedicated for airport maintenance.
- 3. This Grant is subject to the applicable provisions of the Transportation Code, Chapters 21 and 22, and the Airport Zoning Act, Tex. Loc. Govt. Code Ann. Sections 241.001 et seq. (Vernon and Vernon Supp.). Failure to comply with the terms of this Grant or with the rules and statutes shall be considered a breach of this contract and will allow the State to pursue the remedies for breach as stated below.
 - a. Of primary importance to the State is compliance with the terms and conditions of this Grant. If, however, after all reasonable attempts to require compliance have failed, the State finds that the Sponsor is unwilling and/or unable to comply with any of the terms of this Grant, the State, may pursue any of the following remedies: (1) require a refund of any financial assistance money expended pursuant to this Grant, (2) deny Sponsor's future requests for aid, (3) request the Attorney General to bring suit seeking reimbursement of any financial assistance money expended on the project pursuant to this Grant, provided however, these remedies shall not limit the State's authority to enforce its rules, regulations or

orders as otherwise provided by law, (4) declare this Grant null and void, or (5) any other remedy available at law or in equity.

b. Venue for resolution by a court of competent jurisdiction of any dispute arising under the terms of this Grant, or for enforcement of any of the provisions of this Grant, is specifically set by Grant of the parties in Travis County, Texas.

4. The State reserves the right to amend or withdraw this Grant at any time prior to acceptance by the Sponsor. The acceptance period cannot be greater than 30 days after issuance unless extended by the State.
5. This Grant constitutes the full and total understanding of the parties concerning their rights and responsibilities in regard to this project and shall not be modified, amended, rescinded or revoked unless such modification, amendment, rescission or revocation is agreed to by both parties in writing and executed by both parties.
6. All commitments by the Sponsor and the State are subject to constitutional and statutory limitations and restrictions binding upon the Sponsor and the State (including Sections 5 and 7 of Article 11 of the Texas Constitution, if applicable) and to the availability of funds which lawfully may be applied.

Part VI - Acceptances

Sponsor

The City of McAllen, Texas, does ratify and adopt all statements, representations, warranties, covenants, agreements, and all terms and conditions of this Grant.

Executed this _____ day of _____, 20__.

The City of McAllen, Texas
Sponsor

Witness Signature

Sponsor Signature

Witness Title

Sponsor Title

Certificate of Attorney

I, _____, acting as attorney for the City of McAllen, Texas, do certify that I have fully examined the Grant and the proceedings taken by the Sponsor relating to the acceptance of the Grant, and find that the manner of acceptance and execution of the Grant by the Sponsor, is in accordance with the laws of the State of Texas.

Dated at _____, Texas, this _____ day of _____, 20__.

Witness Signature

Attorney's Signature

Witness Title

Acceptance of the State

Executed by and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs and grants heretofore approved and authorized by the Texas Transportation Commission.

STATE OF TEXAS
TEXAS DEPARTMENT OF TRANSPORTATION

By: _____

Date: _____

Attachment A
Scope of Services
TxDOT CSJ No.: M1421MCAL

Eligible Scope Items:	Estimated Costs	State Share	Sponsor Share
	Amount A	Amount B	Amount C
GENERAL MAINTENANCE	\$100,000.00	\$50,000.00	\$50,000.00
MISCELLANEOUS	\$0.00	\$0.00	\$0.00
SPECIAL PROJECT	\$0.00	\$0.00	\$0.00
SPECIAL PROJECT	\$0.00	\$0.00	\$0.00
SPECIAL PROJECT	\$0.00	\$0.00	\$0.00
Total	\$100,000.00	\$50,000.00	\$50,000.00

Accepted by: The City of McAllen, Texas

Signature

Title: _____

Date: _____

Notes: (explanations of any specifications or variances as needed for above scope items) _____

GENERAL MAINTENANCE: As needed, Sponsor may contract for services/purchase materials for routine maintenance/improvement of airport pavements, signage, drainage, approach aids, lighting systems, utility infrastructure, fencing, herbicide/application, sponsor owned and operated fuel systems, hangars, buildings, terminal buildings and security systems; professional services for environmental compliance, approved project design. Special projects to be determined and added by amendment.

Only work items as described in Attachment A, Scope of Services of this Grant are reimbursable under this grant.

CERTIFICATION OF AIRPORT FUND

TxDOT CSJ No.: M1421MCAL

The City of McAllen does certify that an Airport Fund has been established for the Sponsor, and that all fees, charges, rents, and money from any source derived from airport operations will be deposited for the benefit of the Airport Fund and will not be diverted for other general revenue fund expenditures or any other special fund of the Sponsor and that all expenditures from the Fund will be solely for airport purposes. The fund may be an account as part of another fund, but must be accounted for in such a manner that all revenues, expenses, retained earnings, and balances in the account are discernible from other types of moneys identified in the fund as a whole.

The City of McAllen, Texas
(Sponsor)

By: _____

Title: _____

Date: _____

State of Texas Single Audit Requirements

I, _____, do certify that the City of McAllen will comply with all
(Designated Representative)
requirements of the State of Texas Single Audit Act if the City of McAllen spends or receives more than \$500,000 in any funding sources during this fiscal year. And in following those requirements, the City of McAllen will submit the report to the audit division of the Texas Department of Transportation. If your entity did not meet the threshold of \$500,000.00 in grant expenditures, please submit a letter indicating that your entity is not required to have a State Single Audit performed for the most recent audited fiscal year.

Signature

Title

Date

DESIGNATION OF SPONSOR'S AUTHORIZED REPRESENTATIVE

TxDOT CSJ Number: M1421MCAL

The City of McAllen designates, _____
(Name, Title)

as the Sponsor's authorized representative, who shall receive all correspondence and documents associated with this grant and who shall make or shall acquire approvals and disapprovals for this grant as required on behalf of the Sponsor.

The City of McAllen, Texas
(Sponsor)

By: _____

Title: _____

Date: _____

DESIGNATED REPRESENTATIVE

Mailing Address: _____

Overnight Mailing Address: _____

Telephone/Fax Number: _____

Email address: _____

STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION X
UTILITY BOARD _____
ADVISORY BOARD _____

AGENDA ITEM 3C
DATE SUBMITTED 11/04/13
MEETING DATE 11/11/13

1. Agenda Item: SELECTION OF AIRPORT GENERAL ENGINEERING CONTRACTOR (PROJECT NO.08-13-S64-329)

2. Party Making Request: Aviation Department

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

The Dept. of Aviation requests authorization to negotiate a five-year Airport General Engineering Contract with the top firm selected by the City Commission. Projects for this contract include, but are not limited to the following: master planning, facility design, environmental analysis, and any other work that may arise from reprioritization of projects or immediate airport needs. Work assignments under the contract will be issued by amendments to the contract.

4. Policy Implication: Federal Government Code (FAA)

5. Budgeted: Yes No X N/A

Funding Source:

6. Alternate Option/Costs
N/A

7. Routing:

	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a.)	<u>Elizabeth Suarez, Deputy Dir. of Aviation</u>	<u>ES</u>	<u>11.4.13</u>	<u>Yes</u>
b.)	<u>Sandra Zamora, CPM, Director of P&C</u>	<u>SZ</u>	<u>11-5-13</u>	<u>Yes</u>
c.)	<u>Brent Branham, Deputy City Manager</u>	<u>BB</u>	<u>11-5-13</u>	<u>Yes</u>

8. Staff Recommendation: Recommendation to enter into negotiations for General Engineering Services for the McAllen – Miller International Airport

9. Advisory Board: Approved Disapproved X None

10. City Attorney: Approved Disapproved KP None

11. Manager's Recommendation: Approved Disapproved None

12. Action Taken: _____



Department of Aviation

MEMO

To: Mike R. Perez, City Manager

Thru: Brent Branham

From: Elizabeth Suarez, Deputy Director of Aviation *ES*

CC: Sandra Zamora, Director of Purchasing and Contracting

Date: November 4, 2013

Subject: Airport General Engineering Contract

Goal

To maximize operating efficiencies and expedite the use of available grant funds.

Background

On August 30, the Department of Aviation received nine (9) Statements of Qualification from firms responding to the City's Request for Qualifications. On October 14, an evaluation team of airport staff, engineering staff, and Airport Advisory Board Members ranked the Statements of Qualification and recommended a short list of three firms to be interviewed (listed below in ranking order). Each of the teams to be interviewed, during the November 11, 2013 Commission Workshop are experienced airport engineering teams.

1. Garver Engineering
2. HNTB Corporation
3. KSA Engineers

Recommendation

Staff requests authorization to negotiate a five-year (5) Airport General Engineering Contract with the top firm selected by the City Commission. Projects for this contract include, but are not limited to the following: master planning, facility design, environmental analysis, and any other work that may arise from reprioritization of projects or immediate airport needs. Work assignments under the contract will be issued by amendments to the contract.

STANDARDIZED RECOMMENDATION FORM

3D

CITY COMMISSION X
 UTILITY BOARD _____
 OTHER _____

AGENDA ITEM _____
 DATE SUBMITTED 10/31/13
 MEETING DATE 11/11/13

1. Agenda Item: AWARD OF CONTRACT -- POOL ADMINISTRATION BUILDING HAIL DAMAGED RE-ROOF PROJECT # 09-13-C36-181

2. Party Making Request: Engineering Department

3. Nature of Request: (Brief Overview) Attachments: X Yes ABB No
 Consideration and approval of the award of contract for the Pool Administration Hail Damaged Re-Roof.

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

5. Budgeted: X Yes Funding Source: 690-6160-475-65-25 \$33,531

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> 11/4/13 </u>	<u> yes </u>
b) J. W. Dale, CPA, CGFO, Finance Director	<u> JD </u>	<u> 11/5/13 </u>	<u> yes </u>
c) S. Zamora, CPM, Director of P&C	<u> SZ </u>	<u> 11-4-13 </u>	<u> yes </u>
d) R. Rodriguez, PE, General Manager Assistant City Manager	<u> RR </u>	<u> 11/5/13 </u>	<u> / </u>
e) S. Gavlik, Director of Parks & Recreation	<u> SG </u>	<u> 11-5-13 </u>	<u> yes </u>

**subject to Budget Amendment*

8. Staff Recommendation: Staff recommends award of contract to the low bidder Sechrist-Hall Company, of Harlingen, Texas in the amount of \$33,531 with a contract time of 45-calendar days.

9. Advisory Board: [Signature] Approved _____ Disapproved _____ None _____

10. City Attorney: [Signature] Approved _____ Disapproved _____ None _____

11. Manager's Recommendation: Approved [Signature] 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 30, 2013

Subject: Award of Contract – Pool Administration Building Hail Damaged
Re-Roof (Project #09-13-C336-181)

Goal:
The goal is to award the contract for Pool Administration Building Re-Roof to the lowest, responsive bidder.

Brief Explanation:
On Tuesday, October 15, 2013 the Purchasing and Contracting Department received three (3) bid proposals for the above referenced project located at 1921 N. Bicentennial Boulevard.

	SECHRIST-HALL COMPANY	AMERICAN CONTRACTING U.S.A., INC	STATEWIDE ROOFING, L.L.C.
	HARLINGEN, TX	RIO HONDO, TX	EDINBURG, TX
BASE BID ★	\$33,531.00	\$35,400.00	\$41,450.00

The work consists of a one story structure re-roof. To provide a coal tar elasto-meric roofing system and a manufacturer's 20 year NDL warranty. Moreover, the project includes related (sheet metal, mechanical, electrical and plumbing), for a complete system with, (flashings, trim, gutters, downspouts, fasteners), roof accessories and other components and material required for a complete installation.

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

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

Recommendation:
The Parks & Recreation Department and Engineering Department, recommend award of contract to the lowest responsive bidder, Sechrist-Hall Company, of Harlingen, Texas, for the total bid amount of \$33,531.00 with a contract time of 45 days – calendar days.



CITY OF McALLEN

BID OPENING: October 15, 2013 at 4:00 p.m.

LOCATION: Conference Room

PROJECT NO. 09-13-C336-181 POOL ADMINISTRATION BUILDING HAIL DAMAGED RE-ROOF

BT created: 10/17/13-mm

BIDDERS:	SECHRIST HALL COMPANY HARLINGEN, TX	AMERICAN CONTRACTING USA INC RIO HONDO, TX	STATEWIDE ROOFING EDINBURG, TX
BASE BID: RE-ROOF OF POOL ADMINISTRATION BUILDING AS INDICATED ON THE DRAWINGS AND IN THE SPECIFICATIONS, COMPLETE, IN PLACE.	\$33,531.00	\$35,400.00	\$41,450.00
NUMBER OF CALENDAR DAYS TO COMPLETE CONTRACT	45	30	20
BID BOND	SUBMITTED	SUBMITTED	SUBMITTED
ADDENDUM	ACKNOWLEDGED	ACKNOWLEDGED	ACKNOWLEDGED
HARDCOPY OF BID SUBMITTED	SUBMITTED	SUBMITTED	SUBMITTED
ELECTRONIC BID SUBMITTED	SUBMITTED	SUBMITTED	NOT SUBMITTED

****PURCHASING & CONTRACTING HAS CHECKED DEBARMENT LIST & BOND INFORMATION FOR THE THREE (3) LOW BIDDERS.****

STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION X
 UTILITY BOARD _____
 ANZALDUAS BRIDGE _____

AGENDA ITEM 3e
 DATE SUBMITTED 10/30/13
 MEETING DATE 11/11/13

1. Agenda Item: CHANGE ORDER #1 – Retiree Haven Subdivision Drainage Improvements (FEMA HMGP Project 1780-TX-007)

2. Project No. B-09-MC-48-0506

3. Party Making Request: Engineering Department

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

Request that the City Commission consider Change Order #1 to the Retiree Haven Drainage Improvements. This change order provides for the modification of the proposed IBWC levee crossing and the elimination of unused items from the scope of work.

4. Policy Implication: N/A

5. Budgeted: X Yes No N/A

Funding Sources: 300-8708-436.66-36, ID1108 (\$1,808,000.00) (75% FEMA)
 430-8708-446-66.36, IU1306 (\$340,000.00) (100% MPU)
 730-000-211-22-00, XD1311 (\$64,400.00) (100% DEV.)

Original Contract	\$ 1,734,292.07 (100.0%)	150 days + 90 (alt. 3)
Previous Change Orders	\$ 0.00 (0.00%)	0 days
This Change Order	\$ 63,030.00 (+3.63%)	20 days
Total Contract	\$ 1,797,322.07 (103.63%)	170 days + 90 (alt. 3)

6. Alternate Option/Costs None

7. Routing:

<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
-------------------	----------------	-------------	--------------------

a.) R. Rodriguez, PE, General Manager _____
Assistant City Manager

b.) Yvette Barrera, P.E., CFM, City Engineer YB 11/5/13 yes

c.) Jerry Dale, CPA, Director of Finance _____

d.) S. Zamora, CPM Director of SZ 11-5-13 Yes
Purchasing & Contracting

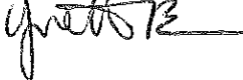
8. Staff Recommendation: Approve Change Order #1 for Retiree Haven Subdivision Drainage Improvements to increase contract amount from \$1,734,292.07 to \$1,797,322.07. Contract time changes from 150 working days for base bid + alternates 1 & 2 to 170 working days. Contract time for alternate 3 remains unchanged at an additional 90 days.

9. Advisory Board: Approved Disapproved None

10. City Attorney: KP Approved Disapproved None

11. Manager's Recommendation: ABB Approved Disapproved None

To: Mike R. Perez, City Manager

From: Yvette Barrera, PE, CFM, City Engineer 

Date: October 29, 2013

Subject: Change Order #1 – Retiree Haven Subdivision Drainage Improvements (FEMA HMGP Project 1780-TX-007) -Project No. B-09-MC-48-0506

Goal
Consider and approve Change Order #1 to the existing contract.

Explanation
Item #1 – Levee Crossing Modification: During the permitting review process, the International Boundary & Waterway Commission required the levee crossings associated with this project be modified from open cut to directional bore. This change impacted four (4) proposed crossings of the IBWC levee, including one 16-inch storm force main outfall from Retiree Haven, one 16-inch storm force main for future use by area developer(s) and two 12-inch water main crossings associated with MPU related improvements within this project.

Item #2 – Credit in Water Service Adjustments: The installation of the on-site drainage improvements has been completed and the number of water main adjustments required to complete the work was reduced from 12 to 3 each. The unused portion of this line item is being deducted from the scope of work at this time.

The additional cost will be distributed as follows:

City	\$24,640.00	(75% FEMA & 25% City)
MPU	\$26,690.00	
Developers	\$11,700.00	
Total Increase	\$63,030.00	

The tabulation of these additional costs is attached for your reference. MPU and the Developers have been contacted and they are in concurrence with this additional amount. The contractor is requesting 20 additional days to complete this work.

The result of these items will result in **net increase** in the project costs in the amount of **\$63,030.00 (3.63%)**. **This change will include an additional 20 working days** in the contract period.

P.O. BOX 595
PEÑITAS, TX 78576



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

Order No. ONE

Date: October 18, 2013

CONTRACT CHANGE ORDER REQUEST

Project Name: RETIREE HAVEN DRAINAGE IMPROVEMENTS

Owner: CITY OF MCALLEN

Description of Changes	Decrease in contract price	Increase in contract price
Directional Drill (Bores) Across North Levees		
<u>Drainage Modifications (FEMA Funded)</u>		
235LF - 16" PVC, DR-18, C905 Directional Drill @ \$220/LF		\$ 51,700.00
235LF - 16" C905 DR18 FM @ \$45/LF	\$ 10,575.00	
235LF - Trench Protection @ \$1/LF	\$ 235.00	
2EA - Concrete Collars @ \$2,500/EA	\$ 5,000.00	
<u>MPU Improvements (MPU Funded)</u>		
470LF - 12" PVC, DR-18, C900 Directional Drill @ \$184/LF		\$ 86,480.00
470LF - 12" Fusible PVC DR18 @ \$120/LF	\$ 56,400.00	
470LF - Trench Protection @ \$2/LF	\$ 940.00	
5EA - Concrete Collars @ \$2,500	\$ 12,500.00	
3EA - WL Adjustments & 1EA - FH Relocation		\$ 10,050.00
<u>Developer Improvements (Developer funded)</u>		
235LF - 16" PVC, DR-18, C905 Directional Drill @ \$110/LF		\$ 25,850.00
235LF - 16" C905 DR18 FM @ \$50/LF	\$ 11,750.00	
2EA - Concrete Collars @ \$1,200/EA	\$ 2,400.00	
Totals	\$ 99,800.00	\$ 174,080.00
Net Change In Contract Price	\$ -	\$ 74,280.00

Reasons:

As requested to provide alternative and avoid open cutting of the levee.

The amount of the Contract will be (Decreased)(Increased) by the Sum of : seventy-four thousand two hundred eighty dollars and no cents Dollars \$ 74,280.00

The Contract Total Including this and previous Change Order Will be: one million eight hundred eight thousand five hundred seventy-two dollars and seven cents Dollars \$ 1,808,572.07

The contract Period Provided for Completion will be (Increased)(Decreased)(Unchanged): 20 Days.

Requested by: Jose R. Saiz
2GS, LLC

10/18/2013
Date

CHANGE ORDER #1

ITEM 1 - LEVEE CROSSING MODIFICATIONS					
DRAINAGE IMPROVEMENTS (FEMA 75% FUNDED)					
ADD	16" DIRECTIONAL BORE	LF	235	220.00	\$51,700.00
DEL	16" OPEN CUT	LF	-235	45.00	-\$10,575.00
DEL	TRENCH PROTECTION	LF	-235	1.00	-\$235.00
DEL	Concrete Collar	EA	-2	2,500.00	-\$5,000.00
	SUBTOTAL				\$35,890.00
DRAINAGE IMPROVEMENTS (MPU FUNDED)					
ADD	12" DIRECTIONAL BORE	LF	470	184.00	\$86,480.00
ADD	(3) 8" WATER LINE ADJUSTMENTS & (1) FIRE HYDRANT ADJUSTMENT	LS	1	10,050.00	\$10,050.00
DEL	12" OPEN CUT	LF	-470	120.00	-\$56,400.00
DEL	TRENCH PROTECTION	LF	-470	2.00	-\$940.00
DEL	Concrete Collar	EA	-5	2,500.00	-\$12,500.00
	SUBTOTAL				\$26,690.00
DRAINAGE IMPROVEMENTS (DEVELOPER FUNDED)					
ADD	16" DIRECTIONAL BORE	LF	235	110.00	\$25,850.00
DEL	16" OPEN CUT	LF	-235	50.00	-\$11,750.00
DEL	Concrete Collar	EA	-2	1,200.00	-\$2,400.00
	SUBTOTAL				\$11,700.00
	ITEM #1 TOTAL				\$74,280.00

ITEM 2 - CREDIT FOR UNUSED WATER SERVICE ADJUSTMENTS					
DRAINAGE IMPROVEMENTS (FEMA 75% FUNDED)					
DEL	Water Service Adjustments	EA	-9	1,250.00	-\$11,250.00
	ITEM #2 TOTAL				-\$11,250.00

TOTAL, CHANGE ORDER #1					
	DRAINAGE IMPROVEMENTS (FEMA 75% FUNDED)				\$24,640.00
	DRAINAGE IMPROVEMENTS (MPU FUNDED)				\$26,690.00
	DRAINAGE IMPROVEMENTS (DEVELOPER FUNDED)				\$11,700.00
TOTAL					\$63,030.00

CITY OF McALLEN
STANDARDIZED RECOMMENDATION FORM

3F

CITY COMMISSION _____ X _____
UTILITY BOARD _____
TOLL BRIDGE _____

AGENDA ITEM _____
DATE SUBMITTED 11/5/13
MEETING DATE 11/11/13

1. **Agenda Item:** Consider and Approve award of Contract Amendment #2 to S & B Infrastructure for Environmental Assessment Services for Anzalduas Southbound Trucks – Project No. 07-12-S67-78 and budget amendment for \$20,185.75 for Anzalduas International Bridge assessment services.

2. **Party Making Request:** Rigo Villarreal, Superintendent of Bridges

3. **Nature of Request: (Brief Overview) Attachments:** X Yes ___ No
Assessment Services were approved by the Anzalduas International Bridge Board on October 14, 2013

4. **Policy Implication:** _____

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

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

If over budget how will it be paid for: Bridge CIP Fund Balance

6. **Alternate option/costs:** _____

7. **Routing:**

<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a) Mr. Jerry Dale, Director of Finance	<i>JD</i>	<i>11/11/13</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
b) _____	_____	_____	Yes <input type="checkbox"/> No <input type="checkbox"/>
c) _____	_____	_____	Yes <input type="checkbox"/> No <input type="checkbox"/>

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

Advisory Board: R Approved ___ Disapproved ___ None


City Attorney: R Approved ___ Disapproved ___ None

Manager's Recommendation: ABD Approved ___ Disapproved ___ None



**ENGINEERING DEPARTMENT
MEMORANDUM**

To: Mike R. Perez, City Manager

From: Yvette Barrera, PE, CFM, City Engineer 

Date: October 31, 2013

Subject: **CONTRACT AMENDMENT #2: S & B INFRASTRUCTURE FOR ENVIRONMENTAL ASSESSMENT SERVICES FOR ANZALDUAS SOUTHBOUND TRUCKS PROJECT PROJECT #07-12-S67-78**

GOAL

Consideration and approval of award of Contract Amendment #2 to contract for the Environmental Assessment at the Anzalduas International Bridge for the Southbound Trucks Project.

EXPLANATION

On October 8, 2012 an award of contract was issued to S&B Infrastructure for environmental assessment services for the Anzalduas Southbound Trucks Project in the amount of \$29,992.25. The project is currently sixty-five percent (65%) completed. The Texas Department of Transportation (TxDOT) has been designated by Federal Highway Administration [FHWA] as the regulatory agency. Upon the documents preliminary review and considering various agency requirements, additional services have been deemed necessary. They are requiring a full, in-depth archeological survey be conducted. No previous studies exist, nor was stipulation incurred upon initial port improvements. Board approval is sought for issuance of Contract Amendment #1 in the amount of \$20,185.75 for conducting an archeological intensive survey (with a six week turnaround time due 11/29/13).

RECOMMENDATION

This item comes before Commission with approval from Anzalduas International Bridge Board and staff recommends approval of contract amendment to S&B Infrastructure for additional environmental assessment services for Anzalduas Southbound Trucks Project in the amount of \$20,185.75.

EXHIBIT A

AMENDMENT NUMBER 2

This Amendment is made as of this __ day of __, **2013**, under the terms and conditions established in the CONTRACT AGREEMENT FOR CONSULTANTING/PROFESSIONAL SERVICES, dated **October 22, 2012** (the Agreement), between the OWNER of McAllen (OWNER) and S&B Infrastructure, Ltd. (CONSULTANT). This Amendment is made for the following purpose:

To Conduct a Categorical Exclusion (CE) document for the Anzalduas Southbound Trucks Project

Section A - Scope of Services

A.1. CONSULTANT shall perform the following Services: **See Attachment A for a Scope of Services**

A.2. The following Services are not included in this Amendment, but shall be provided as Additional Services if authorized or confirmed in writing by the OWNER: **Not Applicable**

A.3. In conjunction with the performance of the foregoing Services, CONSULTANT shall provide the following submittals/deliverables (Documents) to OWNER: **See Attachment A for any submittals/Deliverables**

Section B - Schedule

CONSULTANT shall perform the Services and deliver the related Documents (if any) according to the following schedule: **See Attached Schedule.**

Section C - Compensation

C.1. In return for the performance of the foregoing obligations, OWNER shall pay to CONSULTANT the amount of \$ **20,185.72** as computed in Exhibit B Figures 1 & 2 or as otherwise agreed, payable according to the following terms: Per the contract

C.2. Compensation for Additional Services (if any) shall be paid by OWNER to CONSULTANT according to the following terms: **Not Applicable**

Section D - Other Provisions

The parties agree to the following provisions with respect to this specific Amendment:

N/A

IN WITNESS WHEREOF, the OWNER and CONSULTANT have executed this Amendment.

City of McAllen
(OWNER)

S&B INFRASTRUCTURE, LTD
(CONSULTANT)

By _____

By _____

Title _____

Title _____

Date _____

Date _____

ATTACHMENT A
**SCOPE OF SERVICES FOR Anzalduas International Bridge Southbound Inspection
Facilities Supplemental 1**

Deliverables to include: Archeological Survey

To Conduct additional Archeological Intensive Surveys as per TxDOT.

TASK 1– PROJECT ADMINISTRATION AND COORDINATION

Subtask 1A – General Administration

The CONSULTANT will perform project administrative and coordination duties, including contract administration, project management, providing meeting minutes of all meetings and telephone conversations and other related administrative tasks (e.g., direct costs) associated with the project, including:

- A) Subcontracting – Prepare, coordinate, execute and administer work authorizations with sub-consultants.
- B) Progress Reports and Invoices – Prepare monthly invoices and progress reports for the work tasks, together with evidence of work accomplished during the time period since the previous report. The monthly progress reports will include: Activities completed, initiated or ongoing during the reporting period; Activities planned for the coming period; Problems encountered and actions to remedy them; Overall status, including a tabulation of percentage complete by task; Updated project schedule; Minutes of study meetings and copies of monthly correspondence.
- C) Record Keeping and File Management – Maintain all records and files related to the project throughout the duration of the services.
- D) Correspondence - Prepare written materials, letters, survey forms etc. used to solicit information or collect data for the project and submit them to the OWNER for review and approval prior to its use or distribution. Copies of outgoing correspondence and incoming correspondence will be provided to the OWNER on a continuing, at least monthly, basis.
- E) Managing Change -Communicate in a timely manner all types of change that may occur in the project including but not limited to schedule, personnel, scope and work product changes. The OWNER approved change(s) shall then be incorporated into the project schedule in a timely fashion to minimize any unnecessary rework.

Deliverables:

- Monthly progress report that delineates activities performed per function code
- Monthly invoice/billings with list of products delivered per invoice billing cycle

Deliverable:

- Meeting agendas and minutes for all progress meetings attended

TASK 2- Archeological Intensive Survey

The tasks includes coordination with the Texas Historical Commission (THC) through the City of McAllen and the dead federal agency to secure a valid archeological permit for the project, perform approved field investigations, produce and submit a report per THC requirements, and prepare and submit project materials to an appropriate state facility for long term curation.

The scale of the field investigation is assumed to be at the Phase I intensive survey level (Category 2 under 13 TAC 26.20). Assuming the selection of a high-archeological-probability zone for the alignment, the study will include a pedestrian survey for previously unidentified archeological resources as well as backhoe excavations due to the great depth of local soils and previously documented deeply buried cultural horizons. Field methods will comply with the requirements of 13 TAC 26.20, as elaborated by the THC and the Council of Texas Archeologists (CTA), with a minimum coverage of 16 shovel tests per 100 foot width per mile where ground surface visibility is below 30 percent and where soils appear undisturbed. In addition, this investigation will evaluate archeological resources for their potential eligibility for inclusion in the NRHP per Section 106 (36 CFR 800) of the National Historic Preservation Act of 1966, as amended, or designation as a State Archeological Landmark (SAL) under the provisions of the Texas Antiquities Code (13 TAC 26.12).

Assumptions and Exclusions

- Assumes total survey area (preferred alignment only) of 30 acres or less.
- If City wants to provide an appropriate backhoe/trackhoe/Gradall and qualified operator, estimate would be reduced by \$1,700.00.
- Assumes THC will concur with the preliminary research design, which is based on linear standards, the most comprehensive and conservative of the THC-CTA guidelines.

Deliverable:

- Archeological Intensive Survey Report (7 draft copies, 12 final copies)

The following environmental services are specifically excluded from this scope of work and, if required, shall be subject to a separate work authorization as Special Services:

- Wetland delineations and Section 404 Permitting
- Preparation of a biological assessment
- Quantitative MSAT analysis
- Archeological testing and data recovery
- Hazardous materials due diligence/site assessments
- Resource agency coordination
- Environmental permitting

Section 4(f) evaluations

STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION _____
UTILITY BOARD _____
ANZALDUAS BRIDGE X

AGENDA ITEM _____
DATE SUBMITTED 10/10/13
MEETING DATE 10/14/13

1. Agenda Item: **AWARD OF CONTRACT AMENDMENT TO S&B INFRASTRUCTURE FOR ENVIRONMENTAL ASSESSMENT SERVICES FOR ANZALDUAS SOUTHBOUND TRUCKS PROJECT NO. 07-12-S67-78.**

2. Party Making Request: Engineering Department

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

Consideration and approval of award of Contract Amendment #1 to contract for the Environmental Assessment at the Anzalduas International Bridge for the Southbound Trucks Project in the amount of \$20,185.75 for an archeological intensive survey.

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

5. Budgeted: Yes No N/A

6. Alternate Option/Costs N/A

7. Routing:

	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a.)	<u>Ramon Navarrete, Environmental</u>	<u>RN</u>	<u>10/10/13</u>	<u>YES</u>
b.)	_____	<u>R</u>	<u>10-10-13</u>	<u>Yes</u>

8. Staff Recommendation: _____


9. Advisory Board: Approved Disapproved None

10. City Attorney: Approved Disapproved None

11. Manager's Recommendation: Approved Disapproved None



**ENGINEERING DEPARTMENT
MEMORANDUM**

To: Mike R. Perez, City Manager
From: Ramon Navarro IV, PE, CFM, Deputy City Engineer 
Through: Yvette Barrera, PE, CFM, City Engineer
Date: October 10, 2013
Subject: **CA#1: S&B INFRASTRUCTURE FOR ENVIRONMENTAL
ASSESSMENT SERVICES FOR ANZALDUAS SOUTHBOUND TRUCKS PROJECT**

GOAL

Consideration and approval of award of Contract Amendment #1 to contract for the Environmental Assessment at the Anzalduas International Bridge for the Southbound Trucks Project.

EXPLANATION

On October 8, 2012 an award of contract was issued to S&B Infrastructure for environmental assessment services for the Anzalduas Southbound Trucks Project in the amount of \$29,992.25. The project is currently sixty-five percent (65%) completed. The Texas Department of Transportation (TxDOT) has been designated by Federal Highway Administration [FHWA] as the regulatory agency. Upon the documents preliminary review and considering various agency requirements, additional services have been deemed necessary. They are requiring a full, in-depth archeological survey be conducted. No previous studies exist, nor was stipulation incurred upon initial port improvements. Board approval is sought for issuance of Contract Amendment #1 in the amount of \$20,185.75 for conducting an archeological intensive survey (with a six week turnaround time due 9/29/13).

RECOMMENDATION

Staff recommends Award of contract amendment to S&B Infrastructure for additional environmental assessment services for Anzalduas Southbound Trucks Project in the amount of \$20,185.75.

Generic Review Details

Reviewed By: Chris W Ringstaff -



Contract/WA Number:

CSJ: 092102303

Highway: VA

County: HIDALGO

District: PHARR

Anticipated ENV Document Type: CE

Review

Review Type: Initial Follow-up

Initial Review

Page:

Section:

Sentence:

Criteria:

Comments:

Please first save your record before adding Initial Review comments.

Page	Sentence	Criteria	Comments	Actions
3 (Appendix D)			TxDOT concurs with the recommendation of Cox McClain. An archeological survey with trenching should be conducted.	

Reviewer Conclusions:

TxDOT concurs with the recommendation of Cox McClain. An archeological survey with trenching should be conducted.

Review Result:

Pending

Document Reviewed And Commented:

Yes

\$20,185.75

ATTACHMENT A

SCOPE OF SERVICES FOR Anzalduas International Bridge Southbound Inspection Facilities Supplemental 1

Deliverables to include: Archeological Survey

To Conduct additional Archeological Intensive Surveys as per TxDOT.

TASK 1– PROJECT ADMINISTRATION AND COORDINATION

Subtask 1A – General Administration

The CONSULTANT will perform project administrative and coordination duties, including contract administration, project management, providing meeting minutes of all meetings and telephone conversations and other related administrative tasks (e.g., direct costs) associated with the project, including:

- A) Subcontracting – Prepare, coordinate, execute and administer work authorizations with sub-consultants.
- B) Progress Reports and Invoices – Prepare monthly invoices and progress reports for the work tasks, together with evidence of work accomplished during the time period since the previous report. The monthly progress reports will include: Activities completed, initiated or ongoing during the reporting period; Activities planned for the coming period; Problems encountered and actions to remedy them; Overall status, including a tabulation of percentage complete by task; Updated project schedule; Minutes of study meetings and copies of monthly correspondence.
- C) Record Keeping and File Management – Maintain all records and files related to the project throughout the duration of the services.
- D) Correspondence - Prepare written materials, letters, survey forms etc. used to solicit information or collect data for the project and submit them to the OWNER for review and approval prior to its use or distribution. Copies of outgoing correspondence and incoming correspondence will be provided to the OWNER on a continuing, at least monthly, basis.
- E) Managing Change -Communicate in a timely manner all types of change that may occur in the project including but not limited to schedule, personnel, scope and work product changes. The OWNER approved change(s) shall then be incorporated into the project schedule in a timely fashion to minimize any unnecessary rework.

Deliverables:

- Monthly progress report that delineates activities performed per function code
- Monthly invoice/billings with list of products delivered per invoice billing cycle

Deliverable:

- Meeting agendas and minutes for all progress meetings attended

TASK 2– Archeological Intensive Survey

The tasks includes coordination with the Texas Historical Commission (THC) through the City of McAllen and the dead federal agency to secure a valid archeological permit for the project, perform approved field investigations, produce and submit a report per THC requirements, and prepare and submit project materials to an appropriate state facility for long term curation.

The scale of the field investigation is assumed to be at the Phase I intensive survey level (Category 2 under 13 TAC 26.20). Assuming the selection of a high-archeological-probability zone for the alignment, the study will include a pedestrian survey for previously unidentified archeological resources as well as backhoe excavations due to the great depth of local soils and previously documented deeply buried cultural horizons. Field methods will comply with the requirements of 13 TAC 26.20, as elaborated by the THC and the Council of Texas Archeologists (CTA), with a minimum coverage of 16 shovel tests per 100 foot width per mile where ground surface visibility is below 30 percent and where soils appear undisturbed. In addition, this investigation will evaluate archeological resources for their potential eligibility for inclusion in the NRHP per Section 106 (36 CFR 800) of the National Historic Preservation Act of 1966, as amended, or designation as a State Archeological Landmark (SAL) under the provisions of the Texas Antiquities Code (13 TAC 26.12).

Assumptions and Exclusions

- Assumes total survey area (preferred alignment only) of 30 acres or less.
- If City wants to provide an appropriate backhoe/tracker/Gradall and qualified operator, estimate would be reduced by \$1,700.00.
- Assumes THC will concur with the preliminary research design, which is based on linear standards, the most comprehensive and conservative of the THC-CTA guidelines.

Deliverable:

- Archeological Intensive Survey Report (7 draft copies, 12 final copies)

The following environmental services are specifically excluded from this scope of work and, if required, shall be subject to a separate work authorization as Special Services:

- Wetland delineations and Section 404 Permitting
- Preparation of a biological assessment
- Quantitative MSAT analysis
- Archeological testing and data recovery
- Hazardous materials due diligence/site assessments
- Resource agency coordination
- Environmental permitting

Section 4(f) evaluations

PROJECT: Anzalduas International Bridge
 CLIENT: City of McAllen
 CONTRACT: x
 CSJ: 0921-02-303
 COUNTY: Hidalgo
 S & B JOB NO.: U1974

10/10/13

FEE SCHEDULE

Anticipated Schedule is approximately 5 weeks from Notice to proceed

ACTIVITY CODE	FUNCTION CODE	FC	DESCRIPTION from Attachment B	FRM	SERVICE	MAN-HOURS													ESTIMATED FEE	TOTALS						
						Principal (XV)	Director of CDDA (XVI)	Project Manager (VII)	Env Manager	Env Scientist III	Env Scientist II	Env Scientist I	Engineer Structural	Engineer (V)	Engineer (IV)	Engineer (UI)	Design (V)	CADD/GIS Tech			Secretary	TOTAL HRS				
	Task 2		Cultural Resources																							
		120	Archeological Field Survey	SUB1	SPECIAL																			0	\$18,680.00	
		120																						0	\$0.00	
		120																						0	\$0.00	
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P. O. Box 399
Hidalgo, TX 78557
Phone - (956) 843-2471
Fax - (956) 843-9501



MEMO

TO: MAYOR JIM DARLING AND CITY COMMISSION
FROM : JUAN OLAGUIBEL, DIRECTOR OF OPERATIONS
XC: MR. MIKE PEREZ, CITY MANAGER
RIGO VILLARREAL, SUPERINTENDENT OF BRIDGES
BRENT BRANHAM, DEPUTY CITY MANAGER
DATE: NOVEMBER 5, 2013
RE: BUDGET AMENDMENT FOR ANZALDUAS BRIDGE
PROJECT

On October 14, 2013 a motion was made and approved by the Anzalduas International Bridge Board the approval of contract amendment to S & B Infrastructure for additional environmental assessment services for the Anzalduas Southbound Trucks Project.

The Anzalduas International Bridge currently withholds .25 cents for every car toll crossing collected. This money is part of the Capital Improvement Fund and is intended use is to pay for improvement projects at the bridge.

We are requesting a budget amendment for \$20,185.75, in order to have funds available for this project.

CITY OF McALLEN
BUDGET AMENDMENT REQUEST FORM
FISCAL YEAR 2013

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

FUND: McAllen-Hidalgo Capital Improvement Fund

DEPARTMENT: McAllen-Hidalgo International Bridge

Fund	Dept. & Division	Activity	Element & Object	Project Code	Description	Original/Revised Budget	Debt	Credit	Revised Budget
586	0000	280	02-00		Bridge CIP	\$ 669,914	\$ -	\$ 20,186	\$ 649,728
586	8708	436	66-30		Improvement other than building	22,000	20,186		42,186
					TOTALS	\$ 691,914	\$ 20,186	\$ 20,186	\$ 691,914

(Round up all amounts to the nearest hundred dollars)

JUSTIFICATION: Anzalduas International Bridge Project approved by the Bridge Board:

Bridge Assessment Project \$20,185.75

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: \$20,185.75 FOR THE ANZALDUAS INTERNATIONAL BRIDGE ASSESSMENT PROJECT.

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

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 11th day of November, 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 November, 2013.

CITY OF McALLEN, TEXAS

James E. Darling, Mayor

ATTEST:

Annette Villarreal, City Secretary

Approved as to form:

Kevin D. Pagan, City Attorney

Memo

TO: Mike R. Perez, City Manager

FROM: Julianne R. Rankin, Director of Planning

DATE: November 1, 2013

SUBJECT: ANNEXATION OF 2.50 ACRES OUT OF LOT 503, JOHN H. SHARY SUBDIVISION COMPRISING 2.50 ACRES.

GOAL:

Annexation must be adopted in accordance with the City of McAllen Annexation Plan that encourages annexation to square off the city limits in order to clearly determine the city service area and to encourage the orderly development of McAllen's growth area. The Annexation Plan authorizes the Director of Planning to implement annexation policies for areas exempted from Municipal Annexation Plan. L.G.C. Section 43.028 and 43.061.

BRIEF DESCRIPTION:

Attached is an ordinance annexing a tract comprising 2.50 acres located along the north side of State Highway 107 approximately 870 feet east of Glasscock Road. The tract is contiguous to the city limits along the north side of State Highway 107. The applicant is requesting annexation of the tract that is being subdivided for commercial uses under the name of Ariday Subdivision.

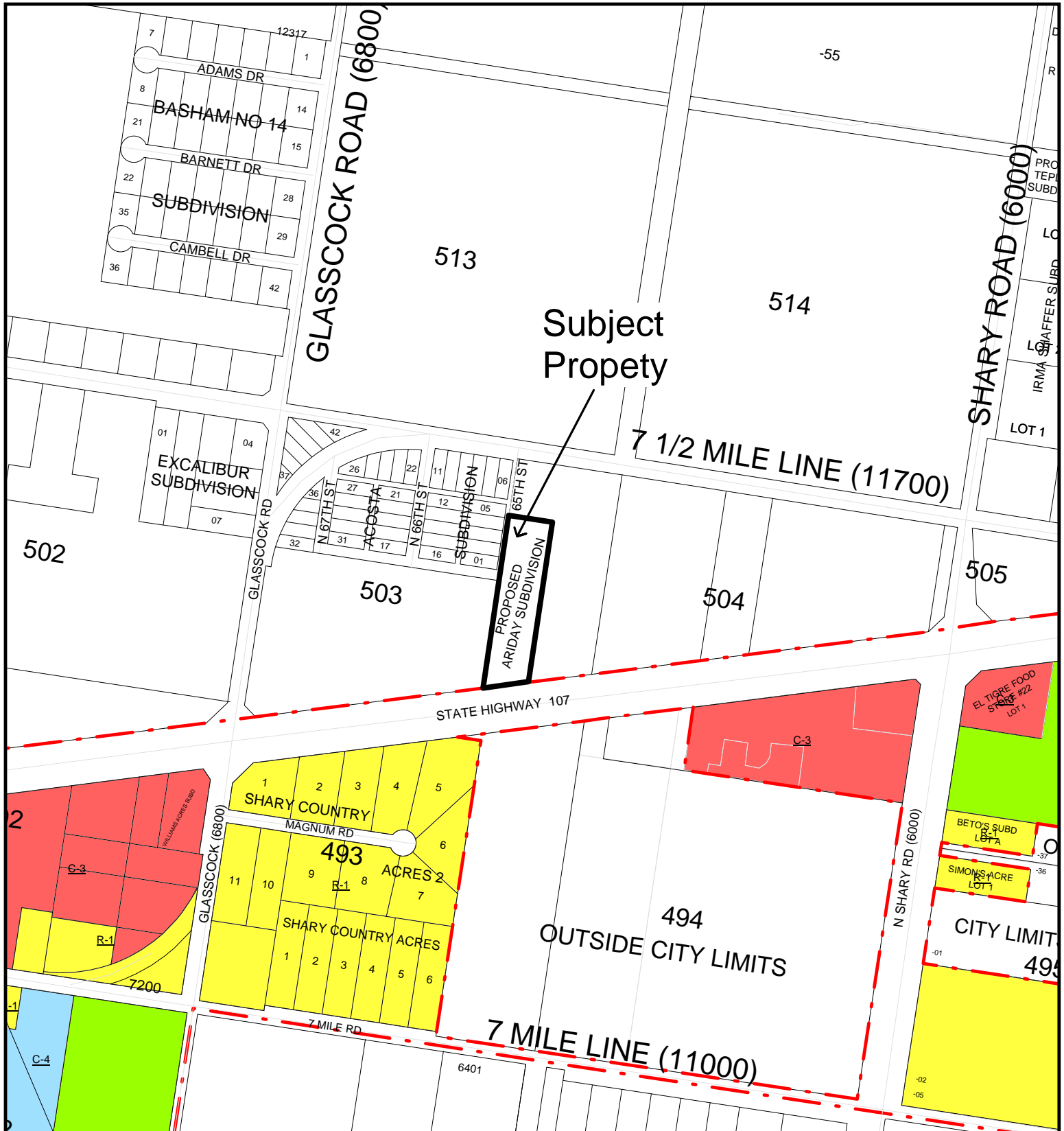
The Annexation Plan for the City allows for the voluntary annexation of properties where full municipal services are being provided. Water services are provided by Sharyland Water Supply Corporation and on-site septic system will be provided until sewer lines are extended to the area. The Texas Department of Transportation is responsible for the maintenance of State Highway 107. Police, fire, sanitation and other general municipal services will be available upon the effective date of annexation into the city. State law provides for an alternative to the standard annexation proceedings for voluntary annexations where the tracts are less than one-half mile in width, contiguous to the city limits and without any inhabitants.

OPTIONS:

1. Approve the tract for annexation.
2. Table the item for a) consideration by a full board, b) additional information, c) additional time for staff and property owners to meet on annexation issues or d) further study by the Planning and Zoning Commission on the tract for annexation.
3. Disapprove the request and approve a smaller area for annexation.
4. Disapprove the tract for annexation.

RECOMMENDATION:

Planning staff recommends approval of annexation of the tract.



CITY OF McALLEN
PLANNING DEPARTMENT

AREA MAP

4

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

ZONING LEGEND

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

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

Subject Property

7 1/2 MI



503

504

STATE HIGHWAY 107

COUNTRY
UM RD

493

ACRES 2

494

OUTSIDE CITY LIM

COUNTRY ACRES

ORDINANCE NO. 2013- __

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF MCALLEN, TEXAS; AND THE ANNEXATION OF A 2.50 ACRE TRACT OUT LOT 503, JOHN H. SHARY SUBDIVISION AS RECORDED IN VOLUME 1, PAGE 17, MAP RECORDS, HIDALGO COUNTY, TEXAS, CONTAINING 2.50 ACRES; AND ORDAINING OTHER MATTERS RELATING TO THE SUBJECT MATTER THEREOF.

WHEREAS, Section 43.028 of the Texas Local Government Code provides for an alternate to the standard annexation proceedings where the property owner petitions for annexation; and

WHEREAS, the Board of Commissioners in the adoption of this ordinance finds that the petition for annexation has been properly filed under Section 43.028 and that the property to be annexed is one-half mile or less in width, is contiguous to the city limits of the City of McAllen, and is vacant without residents, and is otherwise subject to annexation by the City of McAllen; and

WHEREAS, Article 3 of the Charter of the City of McAllen provides that where a majority of the landowners within an area petition the City Commission for annexation, the City Commission may annex the same under the provisions of Article 3 at a regular meeting of the Board of Commissioners held not sooner than twenty days after the presentation of such petition; and

WHEREAS, the City Commission finds that the petition for annexation has been on file with the City of McAllen for greater than twenty but less than thirty days in accordance with the provisions of both Section 43.028 of the Local Government Code and Article 3 of the Charter of the City of McAllen.

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

SECTION I: The following described land and territory adjacent to and adjoining the City of McAllen, Texas, is hereby added and annexed to the City of McAllen, Texas, and said property herein described shall be included within the boundary limits of such city, and the present boundary limits of such city, at the various points contiguous to the area hereinafter described are altered and amended so as to include said areas within the corporate limits of the City of McAllen. The description of the property to be annexed as shown in Exhibit A and more specifically described as follows:

Tract 1: 2.50 acre tract out of Lot 503, John H. Shary Subdivision as recorded in Volume 1, Page 17, Map Records, Hidalgo County, Texas, 6500 State Highway 107. Voluntary.

COMMENCING, at the Northeast corner of said Lot, thence with the North Line of said Lot, the centerline of Mile 7 ½ North Road, North 80 degrees, 59 minutes, 10 seconds West

231.92 feet, thence parallel with the East Line of said Lot, South 8 degrees, 41 minutes, 30 seconds West 218.29 feet to a one-half (1/2) inch diameter iron rod for the Northeast corner hereof and the PLACE OF BEGINING;

THENCE, South 8 degrees, 41 minutes, 30 seconds West 628.10 feet to a one-half (1/2) inch diameter iron rod found for the Southeast corner hereof located on the current city limits of the City of McAllen;

THENCE, with the North right-of-way line of State Highway 107 and the currently city limit, South 82 degrees, 58 minutes, 3 seconds West 173.67 feet to a one-half (1/2) inch diameter iron rod found for the Southwest corner hereof;

THENCE, with the East line of Julio Garza's Tract described in Document No. 899107 Official records and Acosta Subdivision recorded in Volume 10 Page 31 Map Records of said County, North 8 degrees, 41 minutes, 30 seconds East 676.11 feet to a one-half (1/2) inch diameter iron rod found for the Northwest corner hereof;

THENCE, South 80 degrees, 59 minutes, 10 seconds East 167.18 feet to the PLACE OF BEGINNING, containing 2.50 acres, more or less, as shown in Exhibit A.

SECTION II: The services plans for the above tract have not been prepared and have been waived by the above referenced owner and not required under the provisions of Sections 43.028 or Article 3 of the Charter of the City of McAllen and furthermore, that the annexation procedures heretofore adopted for the City of McAllen are, in this instance, waived by the adoption of this ordinance and the resolution for service plan is not required for such subdivision, as the subdivision is being annexed under the provisions of Section 43.028 of the Local Government Code, and Article 3, of the Charter of the City of McAllen and furthermore, that the sole property owner requesting such annexation has waived the requirement of any and all service plans for such area.

SECTION III: The hereinabove described property and the area so annexed shall be a part of the City of McAllen, Texas, and the property so added hereby shall bear its pro rata share of the taxes levied by the City of McAllen, Texas, and inhabitants thereof shall be entitled to all of the rights and privileges of the citizens of the City of McAllen, Texas, in areas having similar characteristics of topography, land utilization and population density, and shall be bounded by the acts, ordinances, resolutions and regulations of the City of McAllen, Texas.

SECTION IV: The zoning of the hereinabove described property shall be determined and ordained by the Board of Commissioners of the City of McAllen, Texas by an ordinance effective subsequent in time to the time of the final adoption of this Ordinance.

SECTION V: The extraterritorial jurisdiction of the City of McAllen shall expand in conformity with this annexation and shall comprise an area around the corporate limits of the City, consistent with Chapter 42 of the Texas Local Government Code.

SECTION VI: In computing the total amount of territory that the City of McAllen may annex in the year 2013, 2.50 acres hereby annexed are exempt or voluntary.

SECTION VII: Upon annexation of the hereinabove described property, the acreage within the city limits of McAllen after annexation will be increased in an amount which does not exceed the statutory limitations as set out in Chapter 43 of the Texas Local Government Code.

SECTION VIII: Tract 1 shall be included in single member district Number 1 under the Single Member Voting Plan for City Commissioners elections.

SECTION IX: This Ordinance is being adopted under Article 3 of the Charter of the City of McAllen and as such, this ordinance is being adopted in its first and final reading hereof without further action to be required for the annexation of such property except the adoption of this ordinance, and upon the adoption of this ordinance, the City Secretary of the City of McAllen is hereby authorized and directed to cause a true and correct copy of the caption of this ordinance, including the general description of the property annexed to be published in a newspaper having general circulation in McAllen, Hidalgo County, Texas and in the territory annexed hereinabove.

SECTION X: The City Secretary is hereby directed to correct the City maps in the office of the City Secretary and the City Engineer so as to add thereto the additional territory, indicating on the maps the date of annexation, the number of this Ordinance and a reference to the ordinance records of the City of McAllen where this Ordinance is recorded in full. Further, the City Secretary is directed to cause this Ordinance to be filed with the County Clerk and Appraisal District of Hidalgo County and any other authority required by law to receive a copy hereof.

SECTION XI: If any part, phrase or sentence of this Ordinance is held void or unconstitutional by a Court of competent jurisdiction, or if any tract of land or portion of any tract of land hereby annexed shall be held to be ineligible for annexation or wrongfully annexed, the remaining portions of this Ordinance and the remaining tracts so annexed shall be considered severable and shall remain in full force and effect.

SECTION XII: In accomplishing the annexation of the territory annexed by this Ordinance, the City of McAllen has strictly followed the provisions of the State law and the cases as they apply to annexations and any possible deviation from special provisions was unintentional and not material to the accomplishment of this annexation.

SECTION XIII: This ordinance shall become effective immediately upon its passage and execution in accordance with the law.

SECTION XIV: 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.

READ in pertinent part, **CONSIDERED, PASSED** and **APPROVED** this 11th day of November, 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 Local Government Code.

SIGNED this __ day of November, 2013.

CITY OF McALLEN

By _____

James E. Darling, Mayor

ATTEST:

Annette Villarreal, City Secretary

Approved as to form:

Kevin D. Pagan, City Attorney

EXHIBIT A

GLASSCOCK ROAD (6800)

SHARY ROAD (6000)

Subject Property

7 1/2 MILE LINE (11700)

STATE HIGHWAY 107

PROPOSED ARIDAY SUBDIVISION

ADAMS DR
BASHAM NO 14
BARNETT DR
SUBDIVISION
CAMBELL DR

EXCALIBUR SUBDIVISION

ACOSTA SUBDIVISION

SHARY COUNTRY
MAGNUM RD
493 ACRES 2
SHARY COUNTRY ACRES

494 OUTSIDE CITY LIMITS

7 MILE LINE (11000)

EL TIGRE FOOD STORE #22 LOT 1
BETO'S SUBD LOT A
SIMON'S ACRE LOT 1
CITY LIMIT 495

B. FARIAS SUBD

1 MITSCHELEN

502

513

514

503

504

505

2

483

484

485

6800

10800

**CITY OF McALLEN
STANDARDIZED RECOMMENDATION FORM**

CITY COMMISSION	<u> X </u>	AGENDA ITEM	<u> 5 </u>
UTILITY BOARD	<u> </u>	DATE SUBMITTED	<u>11/05/13</u>
PLANNING & ZONING BOARD	<u> </u>	MEETING DATE	<u>11/11/13</u>

1. Agenda Item: **RESOLUTION:** Authorizing the submission of a grant application to the Texas Parks and Wildlife Department for funding under the Fiscal Year 2014 Horned Lizard License Plate Grant Program.

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

3. Nature of Request: (Brief Overview) Attachments: Yes X No
 The Horned Lizard License Plate Grant Program provides funding to enhance habitat restoration and management; viewing and access to wildlife; environmental outreach and education endeavors; community partnerships; community planning; and research. The City of McAllen is eligible to apply for and receive funding in support of an investment toward the construction of the Ebony Grove Wildlife Pond at Quinta Mazatlan, which will facilitate long term restoration of native habitat for birds and other wildlife. In addition, it will facilitate an increase in trail space from .5 mile to 1 mile, as well as wildlife viewing opportunities for the recreational enjoyment and education of tens of thousands of students and adults annually. The request is \$30,000 with a local match of \$40,000, a total project cost of \$70,000.

5. Policy Implication: None

6. Budgeted: X Yes No N/A

7. Alternate Option/Costs: _____

8. Routing:

NAME/TITLE	INITIAL	DATE	CONCURRENCE
a) Sally Gavlik, Director of Parks & Recreation	<u> SG </u>	<u> 11/05/13 </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: ABB 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: November 5, 2013
Subject: FY 14 Horned Lizard License Plate Grant Program

GOAL: Authorize the submission of a grant application to the Texas Parks and Wildlife Department for funding under the Fiscal Year 2014 Horned Lizard License Plate Grant Program.

BRIEF EXPLANATION OF THE ITEM: The Horned Lizard License Plate Grant Program provides funding to enhance habitat restoration and management; viewing and access to wildlife; environmental outreach and education endeavors; community partnerships; community planning; and research. The City of McAllen is eligible to apply for and receive funding in support of an investment toward the construction of the Ebony Grove Wildlife Pond at Quinta Mazatlan, which will facilitate long term restoration of native habitat for birds and other wildlife. In addition, it will facilitate an increase in trail space from .5 mile to 1 mile, as well as wildlife viewing opportunities for the recreational enjoyment and education of tens of thousands of students and adults annually. The request is \$30,000 with a local match of \$40,000, a total project cost of \$70,000.

OPTIONS: Option 1: Approving the submission of the grant application will allow the City to acquire funds to leverage costs associated with the construction of McAllen's Ebony Grove Wildlife Pond.

Option 2: Not approving the submission of the grant application will result in the loss of an opportunity to acquire grant funds to leverage the construction of McAllen's Ebony Grove Wildlife Pond

RECOMMENDATION: Staff recommends submission of the application.

RESOLUTION NO. 2013-_____

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE TEXAS PARKS AND WILDLIFE DEPARTMENT FOR FUNDING UNDER THE FISCAL YEAR 2014 HORNEDED LIZARD LICENSE PLATE GRANT PROGRAM.

WHEREAS, the Texas Parks and Wildlife Department has made funding available through the Horned Lizard License Plate Grant Program;

WHEREAS, the Horned Lizard License Plate Grant Program provides funding to Texas municipalities to address conservation related issues;

WHEREAS, the Horned Lizard License Plate Grant Program supports environmental conservation activities aimed at sustaining local wildlife; and

WHEREAS, the City of McAllen's Parks and Recreation Department has elected the Ebony Grove project as an area of focus to maximize the community's conservation efforts.

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 Parks and Wildlife Department under the Fiscal Year 2014 of the Horned Lizard License Grant Program to provide funding toward an environmental conservation effort by the City's Parks and Recreation Department, which entails the construction of the Ebony Grove Wildlife Pond in the amount of \$30,000 with a local match of \$40,000, a total project cost of \$70,000.
- 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 Parks and Wildlife Department in full.

CONSIDERED, PASSED, APPROVED, AND SIGNED this 11th day of November 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 Board _____

Agenda Item 6A
Date Submitted 11/04/13
Meeting Date 11/11/13

1. Agenda Item: City Manager's Report

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

3. Nature of Request: (Brief Overview) Attachments: x Yes No
 Consideration and action on acceptance of resignation of Civil Service Commissioner and appointment of replacement.

4. Policy Implication: None

5. Budgeted: Yes No x N/A

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

If over budget, how will it be paid for: _____

6. Alternate option/costs: _____

7. Routing: _____

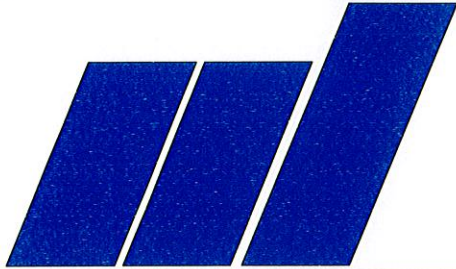
Name/Title	Initial	Date	Concurrence		
a) kevin D. Pagan	KDP	11/4/13	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	N/A
b) _____	_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No	N/A
c) _____	_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No	N/A
d) _____	_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No	N/A
e) _____	_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No	N/A

8. Staff's Recommendation: _____

9. Advisory Board: Approved Disapproved None

10. City Attorney: KDP Approved Disapproved None

11. Manager's Recommendation: ABB Approved Disapproved None



CITY OF MCALLEN

City Attorney's Office

MEMORANDUM

To: Mayor and City Commissioners

From: Kevin D. Pagan, City Attorney

Date: November 4, 2013

Subject: Civil Service Commission

Please be advised that Terry Van Burkleo has resigned as Civil Service Commissioner.

Mayor Darling is recommending that Lee Jinks be appointed to serve the remainder of Mr. Van Burkleo's unexpired term.

STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION

✓

AGENDA ITEM

7A

UTILITY BOARD

DATE SUBMITTED

9/17/2013

PLANNING & ZONING BOARD

MEETING DATE

11/11/13

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: _____
Under Budget: _____

Budgeted Amount: _____
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 None

11 Manager's Recommendation: MRP Approved Disapproved None

Memorandum

TaxOffice

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.

mguel

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

YEAR	SQ	ENTITY	DESC.	BASE TAX	CAUSE# : T-1113-12-J P&I/DISC.	COLL FEE	TOTAL
2009	0	CITY OF	MCALLEN	3850.18	2002.09	877.84	6730.11
2009		TAX DUE		3850.18	2002.09	877.84	6730.11
2010	0	CITY OF	MCALLEN	3850.18	1694.08	831.64	6375.90
			LATE RENDITION PENAL	385.02	169.41	83.16	637.59
2010		TAX DUE		4235.20	1863.49	914.80	7013.49
2011	0	CITY OF	MCALLEN	3941.57	1261.30	780.43	5983.30
			LATE RENDITION PENAL	394.16	126.13	78.04	598.33
2011		TAX DUE		4335.73	1387.43	858.47	6581.63
3R		TAX DUE		12421.11	5253.01	2651.11	20325.23
3R		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

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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

PARKS &


interoffice

MEMORANDUM

RECREATION

city of mcallen

To: MIKE R. PEREZ, CITY MANAGER
BRENT BRANHAM, DEPUTY CITY MANAGER

From: SALLY GAVLIK, DIRECTOR 

Subject: ARCHITECTURAL SERVICES FOR DELEON SOCCER COMPLEX

Date: NOVEMBER 4, 2013

COMMENT

At the Commission meeting on October 28, 2013 Mayor Darling requested additional information concerning the architectural services for additional restrooms at DeLeon Soccer Complex. The department currently has restroom plans for 9 fixtures. Those were incorporated into the main concession building on the site. The restroom plans we have for parks includes 4 fixtures.

The restrooms required for the soccer complex include two additional buildings with a total of 54 fixtures required. The current restroom plans cannot be modified to comply with the Code requirements. New restroom designs including civil and engineer drawings are required.

The proposal being recommended is with Boltinghouse, Simpson who has been the architect for the facilities located in the park. They are aware of the needs for the park and would not take long to get up to speed to develop the plans.

The department is recommending award to Boltinghouse, Simpson for architectural services.

STANDARDIZED RECOMMENDATION FORM

CITY COMMISSION	<u> X </u>	AGENDA ITEM	<u> 8A </u>
UTILITY BOARD	<u> </u>	DATE SUBMITTED	<u> 11/06/2013 </u>
PLANNING & ZONING BOARD	<u> </u>	MEETING DATE	<u> 11/11/2013 </u>
OTHER	<u> </u>		

1 Agenda Item: Mayor's Report on McAllen's opportunities with new university

2 Party Making Request: Mayor Darling

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

4 Policy Implication: _____

5 Budgeted: Yes No N/A

Bid Amount:	<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: None.

9 Advisory Board: Approved Disapproved None

10 City Attorney: Approved Disapproved KP None

11 Manager's Recommendation: Approved Disapproved MRP None

