



Mayor Javier Villalobos
Commissioner Tony Aguirre Jr.
Commissioner Joaquin J. Zamora
Commissioner J. Omar Quintanilla



Commissioner Tania Ramirez
Commissioner Victor "Seby" Haddad
Commissioner Pepe Cabeza de Vaca
City Manager Roel "Roy" Rodriguez, P.E.

**NOTICE OF WORKSHOP TO BE HELD BY THE
MCALLEN BOARD OF COMMISSIONERS
MONDAY, JUNE 28, 2021 – 4:00 PM
MCALLEN CITY HALL
CITY COMMISSION CHAMBERS; 3RD FLOOR
1300 HOUSTON AVENUE
MCALLEN TEXAS, 78501**

AGENDA

<https://zoom.us/j/5087553077?pwd=TjduYjR4U2l3cWU1NjlsZzlsM2hJUT09>

Members of the public that wish to listen to the meeting can log in to the virtual Zoom meeting or dial (346) 248-7799 US (Houston) Meeting ID: 508 755 3077 Passcode: 878576.

Individuals that wish to participate in the meeting or comment on an agenda item should call (956) 681-1020 by 3:30 pm. Any individual dialing in acknowledges his or her phone number may be visible to the public.

"At any time during the course of this meeting, the City Commission may retire to Executive Session under Texas Government Code 551.071(2) to confer with its legal counsel on any subject matter on this agenda in which the duty of the attorney to the City Commission under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code. Further, at any time during the course of this meeting, the City Commission may retire to Executive Session to deliberate on any subject slated for discussion at this meeting, as may be permitted under one or more of the exceptions to the Open Meetings Act set forth in Title 5, Subtitle A, Chapter 551, Subchapter D of the Texas Government Code."

CALL TO ORDER

- 1. Present questions to staff relating to the June 28, 2021 Regular Meeting Agenda, to be discussed at such meeting.**
- 2. Discussion of Animal Control response to opossums.**
- 3. City of McAllen Roadway Assessment.**
- 4. Discussion on Carports.**
- 5. Subdivision Monthly Report.**
- 6. Project Status Report through May 31, 2021.**
- 7. Status Report on Parks & Recreation Projects.**
- 8. EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY), SECTION 551.072 (DELIBERATION REGARDING**

REAL PROPERTY), SECTION 551.074 (PERSONNEL MATTERS) AND SECTION 551.087 (ECONOMIC DEVELOPMENT)

- A)** Consultation with City Attorney regarding issues related to Cause No. C-1946-21-E; Edgar Devora v. City of McAllen, et al. (Section 551.071, T.G.C.)
- B)** Consultation with City Attorney regarding legal issues related to Collective Bargaining with the Fire Department. (Section 551.071, T.G.C.)
- C)** Consultation with City Attorney regarding legal issues related to Collective Bargaining with the Police Department.
- D)** Consultation with City Attorney regarding legal issues with license agreement. (Section 551.0071, T.G.C.)
- E)** Consideration of Economic Development Matters. (Section 551.087, T.G.C.)
- F)** (Section 551.071, T.G.C.) Discussion and possible lease, sale or purchase of real property; Tract 1, Tract 2 and Tract 3. (Section 551.072, T.G.C.)
- G)** Consultation with City Attorney regarding legal issues related to Mobile Truck Vendors. (Section 551.071, T.G.C.)

ADJOURNMENT

IF ANY ACCOMMODATION FOR A DISABILITY IS REQUIRED (OR INTERPRETERS FOR THE DEAF), NOTIFY THE CITY SECRETARY'S DEPARTMENT AT 681-1020 FORTY-EIGHT (48) HOURS PRIOR TO THE MEETING DATE. WITH REGARD TO ANY ITEM, THE BOARD OF COMMISSIONERS MAY TAKE VARIOUS ACTIONS INCLUDING BUT NOT LIMITED TO RESCHEDULING AN ITEM IN ITS ENTIRETY FOR A FUTURE DATE OR TIME.

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 June 25, 2021 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/
Yesenia Rodriguez, TRMC
Deputy City Secretary



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

1.

DATE SUBMITTED

06/21/2021

MEETING DATE

6/28/2021

1. Agenda Item: Present questions to staff relating to the June 28, 2021 Regular Meeting Agenda, to be discussed at such meeting.
2. Party Making Request: Perla Lara
3. Nature of Request:
4. Routing:
Cindy Gonzalez
Yesenia Rodriguez
Perla Lara
Created/Initiated - 6/21/2021
Approved - 6/22/2021
New - 1/1/1900
5. Staff Recommendation:
6. Advisory Board:
7. City Attorney:
8. Manager's Recommendation:



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

2.

DATE SUBMITTED

MEETING DATE

6/28/2021

1. Agenda Item: Discussion of Animal Control response to opossums.

2. Party Making Request: Victor Rodriguez

3. Applicant:

4. Nature of Request:

5. Fiscal Impact Summary:

6. Budgeted:

Bid Amount: _____

Under Budget: _____

Budgeted Amount: _____

Over Budget: _____

Amount Remaining: _____

7. Routing:

Cindy Gonzalez

Created -

8. Staff Recommendation:

9. Advisory Board:

10. City Attorney:

11. Manager's Recommendation:



McAllen Police Department

INTRA-DEPARTMENTAL COMMUNICATION

TO: ROY RODRIGUEZ, CITY MANAGER
FROM: VICTOR RODRIGUEZ, CHIEF OF POLICE
SUBJECT: ANIMAL CONTROL ACTIVITIES/IMPOUNDMENTS
DATE: 2/10/2021

A handwritten signature in black ink, appearing to be "V. Rodriguez", is written over the "FROM" line of the communication.

The intent of this submittal is to generally outline Animal Control activities/impoundments and expenditure authority pursuant to City of McAllen ordinances.

Cited information is copied and attached herewith. Referenced information is highlighted within the attached submittal.

Fiscal Outlays

Animal Control Budget: \$357,248.00¹.

Full Time Employees (FTE's): 7.

Current Animal Control Officer (ACO) per annum Salary/Wages: \$27,206.

ACO annual attrition rate: 66.7%.

Intergovernmental Cooperative Agreement²: Palm Valley Animal Center (PVAC).

Due monthly: \$83,563.

Due annually: \$1,002,756.

¹ FY '21 Approved Budget.

² Effective through September 30, 2021.

Rate of cost per animal seized during 2019³ based only on the PVAC inter-governmental agreement.

\$76.90.

Rate of cost per animal seized during 2020⁴ based only on the PVAC inter-governmental agreement.

\$72.58.

Applicable Authority

Chapter 14 – ANIMALS, CODE OF ORDINANCES City of McAllen, Texas.

ARTICLE I. – IN GENERAL

Sec. 14-1. – Definitions.

The following words, terms and phrases, when used in this chapter shall have the following meanings, except where the context clearly indicates a different meaning:

...

Cat means either a male or female of the feline species, whether altered or not.

...

Sec. 14-8. – Running at large.

It shall be unlawful for any person to permit or allow any animal owned or possessed by him or under his control to run at large or to wander in or upon or invade the premises of any other person without such person's consent, within the corporate limits of the city. The chief of police or departmental designee is hereby granted the authority to pick up and cause to be impounded any dog or cat found running at large in the city.

Sec. 14-0. – Impoundments of animals.

- (a) It shall be the duty of the chief of police or departmental designee, and in compliance with any procedural requirements in this chapter, to seize and deliver to the Palm Valley Animal Center any and all animals, including livestock, poultry or fowl, dogs or cats, found in violation of the provisions of this chapter.
- (b) ...the owner of any animal impounded under the provisions of this chapter may claim such animal after paying any applicable impoundment fee to the Palm Valley Animal Center and otherwise following their rules and regulations.

...

Sec. 14-13. – Unlawful to harbor, feed or care for animals on city property. It is unlawful for any unauthorized person to regularly or routinely harbor, feed, care or provide any form of sustenance to a cat or dog on city property or right-of-way.

Sec. 14-14. – Penalty for violation of chapter.

³ Calendar year 2019.

⁴ Calendar year 2020.

- (a) Notwithstanding any different provision in this chapter otherwise, any person found guilty of the violation or any provision of this chapter involving a pet, shall be punished with a minimum fine as follows, but not more than \$500.00:

First violation involving an altered animal....\$50.00
First violation involving an intact animal\$100.00
Second violation involving an altered animal....\$100.00
Second violation involving an intact animal\$200.00
Violations after second involving an altered animal\$200.00
Violations after second involving an intact animal\$400.00

- (b) In addition to the fine specified in subsection (a) hereof, the municipal court shall Sentence owners, at their own cost, to complete a responsible owner course every time they are found guilty after a first violation.
- (c) In the event the municipal judge allows community service in lieu of or in addition to the imposition of a fine, whenever possible such community service shall be served at an animal shelter or similar institution.
- (d) Prior to sentencing in the case the owner of an intact animal is found guilty of or pleads no contest to a violation or a provision in this chapter, if the defendant represents that the animal will be altered, the municipal court may reset the sentencing, but only once and for no more than 60 days, for the purpose of allowing the defendant to present sufficient proof that the animal was altered after the finding of guilt or entry of the plea of no contest. Upon presentation of such proof the fines imposed pursuant to this section shall be reduced by one-half.

...

Sec. 14-18. – Enforcement of chapter.

- (a) The chief of police or departmental designee shall enforce the provisions of this chapter. Enforcement efforts conducted as to animals within private property shall be restricted to those instances where required by clear public health or safety concerns or in response to a complaint.

ARTICLE II. – DOGS AND CATS

...

Sec. 14-40. – Maintenance of premises where dogs and cats kept.

Every person keeping any dog or cat in the city shall maintain the area used or occupied by such animal in a sanitary manner at all times and such area shall be kept free of offensive odors, flies, rodents and other pests.

...

Sec. 14-41. – Unvaccinated dogs or cats are a nuisance.

When not confined on the owner's premises, any dog or cat in or within 5,000 feet of the corporate limits of the city, except where such distance lies in an incorporated area of another city, that is found without a current tag issued as required under division 2 hereof, shall be rebuttably presumed to be unvaccinated and is hereby declared to be a nuisance. The chief of police or departmental designee is hereby authorized to impound any such dog or cat.

Call-For-Service Application – Generally

This segment intends to outline Call-For-Service (CFS) application resulting in animal impoundments. Generally, a CFS may take the form of either animals running at large complaint or capture of an animal that was running at large complaint.

CFS: Animal(s) Running At Large-Cats.

1. A Citizen reports an animal running at large.
2. Animal Control Officers may place capture traps in suspect area.
3. If traps capture animal, Animal Control Officers to take possession of captured animal.
4. Animal Control Officers inspect animal to determine if captured animal has been previously spayed or neutered (ear tipped) pursuant to Palm Valley Animal Center (PVAC) Trap, Neuter and Release (TNR) Program.
 - a. If positive determination is made that the captured animal has been processed through the TNR Program, the captured animal is released to another area.
 - b. If negative determination is made (not previously processed through the TNR Program), Animal Control Officers transport the captured animal to Palm Valley Animal Center.
 - c. Animals (Cats) transferred to PVAC are processed through their TNR Program.

CFS: Capture of Animal(s) Running At Large-Cats.

1. Citizen reports a captured animal.
 - a. Most captures occur in McAllen provided traps.
2. Citizen requests Animal Control Officers to take possession of captured animal.
3. Animal Control Officers respond to Citizen's location and transfer captured animal to Animal Control traps.
4. Animal Control Officers inspect animal to determine if captured animal has been previously spayed or neutered (ear tipped) pursuant to Palm Valley Animal Center (PVAC) Trap, Neuter and Release (TNR) Program.
 - a. If positive determination is made that the captured animal has been processed through the TNR Program, the captured animal is released to another area.
 - b. If negative determination is made (not previously processed through the TNR Program), Animal Control Officers transport the captured animal to Palm Valley Animal Center.
 - c. Animals (Cats) transferred to PVAC are processed through their TNR Program.

CFS: Animal Running At Large/Non-combative Dogs.

1. A Citizen reports an animal running at large.
2. Animal Control Officers respond to suspect area.
3. If reported animal is located and captured, Animal Control Officers will take possession of the captured animal.
4. Animal Control Officers will attempt to identify the dog owner(s) at or around the seizure site.

5. If owner ID fails, Animal Control Officers will scan the captured animal to determine if the captured animal has microchip implant.
6. If the captured animal is microchip outfitted, Animal Control Officers attempt to locate identified owner and take applicable action (citation, impound, etc.).
 - a. If owner is located, but determination to impound captured animal occurs, the captured animal is transported to Palm Valley Animal Center.
 - i. There are some limitations to owner contact.
 - ii. Some owners are not McAllen residents.
 - b. If owner location fails, the captured animal is transported to Palm Valley Animal Center.

CFS: Animal Running At Large/Combative Dogs.

1. A Citizen reports an animal running at large.
2. Animal Control Officers respond to suspect area.
3. If reported animal is located and captured, Animal Control Officers will take possession of the captured animal.
4. Animal Control Officers attempt to locate identified owner and take applicable action (citation, impound, etc.).
 - a. If owner is located, but determination to impound captured animal occurs, the captured animal is transported to Palm Valley Animal Center.
 - i. There are some limitations to owner contact.
 - ii. Some owners are not McAllen residents.
5. If owner ID fails, the captured animal is transported to the Palm Valley Animal Center.
 - a. Combative dogs cannot be safely scanned for microchip implants.
 - b. Combative dogs require multiple personnel to safely restrain the animal for safe scanning for microchip implants.
 - c. The Palm Valley Animal Center is best equipped in these circumstances.

Palm Valley Animal Center

General Provisions: Intergovernmental Cooperative Agreement

General provisions include:

“The Animal Center agrees to provide a facility ...for the operation of a Regional Animal Shelter;

Palm Valley Animal Center

Trap, Neuter and Release (TNR) Program – Generally

This segment intends to outline the Palm Valley Animal Center Trap, Neuter, and Release (TNR) Program.

Impounded animals (cats) transferred to the Palm Valley Animal Center (PVAC) may be:

- Euthanized, if sick, ill or injured.
- Processed through the Trap, Neuter and Release (TNR) Program; or

- If animal is not released, it is placed for adoption.

The TNR Program – generally:

- Upon receipt of an impounded animal, the animal is spayed or neutered.
- Animals that are processed through the TNR Program are “ear tipped” at their left ear; and
- Animals are released by PVAC staff.
 - Release of animal, is designed to ultimately affect animal population.
 - Released animals are spayed or neutered and thereby end that population line.
- If animal is not released, it is placed for adoption.

Outcomes Generally

This segment intends to reflect impoundment data for 2019 and 2020. This data reflects that live possums and dead animals account for 54% of all animal impoundment activity.

IMPOUNDMENTS generally: These impounds resulted from the above CFS data.

- 2019: Total animals impounded: 13,040.
 - Live dogs: 3,320 (25%).
 - Live cats: 2,642 (20%).
 - Live possums: 4,027 (31%).
 - Live animals total: 9,989 (76%).
 - Dead animals: 3,051 (23%).
- 2020: Total animals impounded: 13,816.
 - Live dogs: 3,254 (24%).
 - Live cats: 3,112 (23%).
 - Live possums: 4,593 (33%).
 - Live animals total: 10,951 (79%).
 - Dead animals: 2,865 (21%).

Respectfully, I remain.

Xc: file
 Mayor James Darling
 Commissioner Javier Villalobos, District 1
 Commissioner Joaquin “JJ” Zamora, District 2
 Commissioner Omar Quintanilla, District 3
 Commissioner Tania Ramirez, District 4
 Commissioner Victor “Seby” Haddad, District 5
 Commissioner Veronica Vela Whitacre, District 6

2021

011-2004 Animal control

**Form "A" Worksheet
For Fiscal Year 2020-2021**

	Actuals FY 18-19	Adjusted Budget FY 19-20	Estimated FY 19-20	Department Request FY 20-21	City Mgr Recomm FY 20-21	City Comm Approved FY 20-21
011-2004-421-60-02-000000 Compensation / Non-exempt	159,329	200,284	200,284	196,911	196,911	196,911
011-2004-421-60-10-000000 Compensation / Overtime	7,094	10,000	10,000	10,000	10,000	10,000
011-2004-421-60-12-000000 Compensation / Holiday pay	-	-	-	-	-	-
60	166,423	210,284	210,284	206,911	206,911	206,911
011-2004-421-61-30-000000 Benefits / Social security	12,636	16,087	16,087	15,829	15,829	15,829
011-2004-421-61-36-000000 Benefits / Retirement	13,139	16,318	16,318	17,918	17,918	17,918
011-2004-421-61-40-000000 Benefits / Unemployment tax	231	1,197	1,197	504	504	504
011-2004-421-61-46-000000 Benefits / Workers' comp-	1,627	3,224	3,224	2,814	2,814	2,814
011-2004-421-61-50-000000 Benefits / Health cost	14,980	23,832	23,832	43,512	43,512	43,512
011-2004-421-61-52-000000 Benefits / Life insurance	132	344	344	342	342	342
011-2004-421-61-53-000000 Benefits / Retiree health ins (ARC)	1,921	1,921	1,921	1,892	1,892	1,892
61	44,666	62,923	62,923	82,811	82,811	82,811
011-2004-423-62-04-000000 Supplies / Operating	4,091	12,000	12,000	12,000	12,000	12,000
62	4,091	12,000	12,000	12,000	12,000	12,000
011-2004-424-63-64-000000 Other services & charges / Training	-	1,750	1,750	1,750	1,750	1,750
011-2004-424-63-75-000000 Other services & charges / Rental-depreciation fun	28,875	28,875	28,875	16,500	16,500	16,500
011-2004-424-63-99-000000 Other services & charges / Miscellaneous	80	200	200	200	200	200
63	28,955	30,825	30,825	18,450	18,450	18,450
011-2004-425-65-16-000000 Maintenance / Vehicles	31,115	14,496	14,496	14,496	14,496	14,496
011-2004-425-65-17-000000 Maintenance / Fuel & lubricants	27,469	22,580	22,580	22,580	22,580	22,580
65	58,584	37,076	37,076	37,076	37,076	37,076
011-2004-426-66-14-000000 Capital outlay / Vehicles	-	-	-	-	-	-
011-2004-426-66-20-000000 Capital outlay / Equipment	-	-	-	-	-	-
011-2004-426-66-99-000000 Capital outlay / Non-capitalized	-	-	-	-	-	-
66	-	-	-	-	-	-
011-2004-429-78-01-000000 Disaster Exp/ COVID-19	-	-	-	-	-	-
78	-	-	-	-	-	-
011-2004 Animal Control	\$ 302,719	\$ 353,108	\$ 353,108	\$ 357,248	\$ 357,248	\$ 357,248

CITY OF McALLEN
PERSONNEL SCHEDULE WORKSHEET
APPROVED PERSONNEL FOR FY 2020-2021

DEPT. #	DEPARTMENT	EXEMPT	NON-EXEMPT/ PART-TIME	NOT BUDGET POSITIONS	POSITION	STATUS	CURRENT SALARIES/ WAGES
2004	Animal Control		1		Animal Control Officer	FILLED	
2004	Animal Control		1		Animal Control Officer	FILLED	\$ 27,206
2004	Animal Control		1		Animal Control Officer	FILLED	27,206
2004	Animal Control		1		Animal Control Officer	FILLED	27,206
2004	Animal Control		1		Animal Control Officer	UNFILLED	27,206
2004	Animal Control		1		Animal Control Officer	UNFILLED	27,206
2004	Animal Control		1		Working Supervisor	FILLED	33,675
			<u>7</u>				<u>196,911</u>
OVERTIME							<u>10,000</u>
							10,000
CURRENT POSITIONS			<u>7</u>				<u>\$ 206,911</u>

[illegible]

INTERGOVERNMENTAL COOPERATIVE AGREEMENT
FOR THE OPERATION OF A REGIONAL ANIMAL SHELTER

I.

Parties:

The Parties to this Agreement are *THE PALM VALLEY ANIMAL CENTER*, a Texas Non-Profit Corporation, hereinafter referred to as *The Animal Center*, whose principal place of business is on Trenton Road, in the City of Edinburg, Hidalgo County, Texas, and the *CITY OF MCALLEN*, governmental entity located in Hidalgo County, Texas, hereinafter referred to as *The City*.

II.

Purpose:

- A. *Whereas The Animal Center* has operated an Animal Adoption program and Regional Animal Shelter in Hidalgo County since 1983;
- B. *Whereas The City* desires to continue its participation in the ongoing operation of a Regional Animal Shelter in conjunction with *The Animal Center* and other governmental entities in Hidalgo County;
- C. *Therefore, The Parties* hereby mutually agree as set out below:

III.

The Animal Center agrees:

- A. To provide a facility which complies with all requirements of the Texas Health and Safety Code Chapter 823 and all other relevant regulations, for the operation of a Regional Animal Shelter;
- B. To provide a quarantine facility for the housing and care of any animal ordered quarantined for causing bodily injury to a person;
- C. To provide a quarantine and impoundment facility which complies with all requirements of the Texas Health and Safety Code Chapter 826 and all other relevant regulations, for the control of rabies;
- D. To provide a Regional Animal Shelter for housing and care of companion animals as defined by the ASPCA (ASPCA defines as such: companion animals should be domesticated or domestic-bred animals whose physical, emotional, behavioral and social needs can be readily met as companions in the home, or in close daily

relationship with humans.) delivered to the Regional Animal Shelter by The City;

- E. To maintain *The Animal Center* for Animal Control drop-off of Opossum delivered to *The Animal Center* by *The City* Animal Control Wardens;
- F. To provide a program of mandatory spaying and neutering of all animals adopted from the Regional Animal Shelter in accordance with Chapter 828 of the Texas Health and Safety Code;
- G. To maintain the Regional Animal Shelter for Animal Control drop off only Monday - Saturday 7 a.m. - 7 p.m. and Sunday 8 a.m. - 4 p.m. An emergency number will be provided for after hour emergencies. After hour emergencies are defined as quarantine, extremely ill or injured, and animals picked up due to owner being involved in illegal activity with animal in their possession. No unweaned animals will be dropped off after hours. Extremely ill and injured are defined as those animals as determined by a veterinarian to be such. These hours are not available for the general public to drop off animals. Public drop off hours will be posted by the Animal Center;
- H. To maintain office hours Monday through Saturday from 10 a.m. to 6 p.m. and 10 a.m. to 4 p.m. on Sunday;
- I. *The Animal Center* reserves the right to close all operations to the public and animal control at its discretion in the event of an emergency. *The Animal Center* will post on their website and Facebook any closures that need to occur as well as will keep all gates locked in the event of a closure.
- J. With the exception of a State of Emergency and in the event of temporary closure, *The City* may reduce its monthly payment to *The Animal Center* by the sum of Two Thousand Eight Hundred Dollars (\$2,800) for every calendar day closed.
- K. To notify *The City* of the date, time and location of all meetings of *The Animal Center's* Board of Directors. A representative of *The City* is welcome to attend all board meetings. Any representative of *The City* who wishes to be placed on the agenda to address the board must notify the Animal Center in writing 48 hours in advance of the meeting. Any action taken by *The Animal Center* shall be at the Sole discretion of the Board of Directors.
- L. To provide a logbook where each Animal Control Warden can note any complaint as well as the date and time the complaint was made. The Shelter manager will then investigate complaints and respond to the Animal Control Officer as soon as reasonably possible;
- M. To provide an area where *The City's* Animal Control Warden shall rinse out waste material from their trucks after dropping off animals;

- N. To accept responsibility for the acts and/or omissions of employees of the Regional Animal Shelter while acting within the course and scope of their employment and hold *The City* harmless from any claims resulting from those acts and/or omissions;
- O. To accept responsibility for the condition and operation of the Regional Animal Shelter and hold *The City* harmless from any claims resulting from that condition and operation;
- P. To maintain during the life of this Agreement a policy of liability insurance in an amount equal to the value of the Regional Animal Shelter and its contents;
- Q. *The Animal Center* expressly denies any liability for the acts and/or omissions of the employees or agents of *The City* and for the capture and transportation of animals to the Regional Animal Shelter until such animal is actually in the care, custody and control of *The Animal Center*; and
- R. To provide monthly statements to *The City* setting out the total number of animals received in the preceding month and the total amount due from *The City*.

IV.

The City agrees:

- A. To compensate *The Animal Center*: \$1,002,756 per 12 months for basic shelter services for 12,500 animals delivered to the *Animal Center* by City of McAllen Animal Control Wardens and/or City Citizens per calendar year, payable on a monthly basis at \$83,563.00 per month due within 30 days of the invoice date. An additional charge of \$90.00 per animal will be assessed for any animal placed with *The Animal Center* by City of McAllen Animal Control Wardens above the allotted 12,500 animals per calendar year. The City will not pay for any animals delivered by its citizens after the 12,500 animal allotment have been reached.
- B. To deliver all animals designated by the authority of *The City* to the Regional Animal Shelter in a safe and humane manner. This includes not transporting deceased animals in the same compartment as live animals. This also includes not transporting obviously contagious animals with non-contagious animals as well as using humane efforts to unload the animals from the transport vehicles and only utilizing catch poles when absolutely necessary;
- C. To provide disinfectant to each of its Animal Control Wardens delivering animals to the Regional Animal Shelter for use during the rinsing out of *The City's* trucks;
- D. To train each Animal Control Warden in the proper preparation of the necessary documentation when dropping off animals at *The Animal Center*; requiring that each

Animal Control Officer utilize the universal document provided by *The Animal Center*;

- E. To provide training to *The City's* new Animal Control Wardens for the safe and humane control of animals in accordance with Chapter 829 of the Texas Health and Safety Code;
- F. To provide a logbook where the Animal Center managers can note any complaint as well as the date and time the complaint was made. The City will then investigate complaints and respond to the Animal Control Officer as soon as reasonably possible;
- G. To deliver to *The Animal Center* any animal required to be quarantined by the Texas Health and Safety Code, ensuring that proper documentation is provided to The Animal Center upon delivery of the animal;
- H. To designate *The Animal Center* as an authorized Local Rabies Control Authority representative for *The City*;
- I. To permit *The Animal Center* to dispose of any animal quarantined pursuant to this Agreement as it sees fit in accordance with the Texas Health and Safety Code requirements:

V.

Payment for invoices shall be made by *The City* within thirty (30) days after receipt of invoice for service. Should *The City* fail to pay any invoice, and such failure is not cured within Sixty (60) days, *The Animal Center* shall be permitted to suspend service without any written notice of same. At *The Animal Center's* option, *The Animal Center* may pursue any available remedy a law or in equity in addition to collecting the late payment charge and/or any outstanding principal amount due from *The City* under the provisions of this Agreement for its Term.

VI.

This Agreement shall only be amended by written mutual agreement of the Parties. This Agreement contains all of the terms of the agreements of the Parties. This Agreement shall be in effect for three (3) years, from October 1, 2018 through September 30, 2021.

VII.

Neither *The Animal Center* nor *The City* shall terminate this agreement nor take any adverse

action against the other party without first giving written notice of the problem and advising the other party of its right to cure such problem. If the party corrects or cures the problem within the specified 30-day period, then no adverse action related to this Agreement shall be taken by either participant. Notwithstanding, *The Animal Center* or *The City* may terminate this Agreement with or without cause by providing a 90-day written notice to the other party.

It is the intent of the parties that litigation be avoided and in order to allow for quick resolution of any and all disputes, the parties hereby agree that any claims, demands or disputes that cannot be amicably resolved between the parties upon written request by either party shall be submitted within two weeks to a neutral, trained party for assistance in dispute resolution by means of non-binding mediation. If mediation efforts are unsuccessful, parties may resort to protecting their rights by litigation in district court.

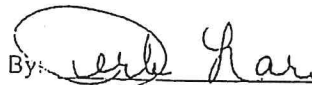
Said neutral third party should, if possible, be a local person with a background in dispute resolution and subject law. If the parties cannot agree on a neutral third party, then they shall submit the process to the American Arbitration Association for the selection of a neutral third party and the accomplishment of dispute resolution, in accordance with its guidelines.

VIII.

The City, at its own expense, may audit the financial records of *The Animal Center* from time to time from the latest fiscal year for transactions involving expenditures of funds from *The City*, arising under this contract. The audit shall not extend to all transactions of *The Animal Center*, but only to those transactions, which relate directly to services provided to *The City*. At the written request of *The City*, *The Animal Center* will furnish *The City* with a copy of *The Animal Center's* budget which relates to the expenditure of funds of *The City* arising under this contract. *The Animal Center* agrees to reasonably cooperate with audit inquiries relating to such budget and expenditures arising out of this contract.

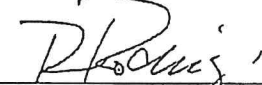
IN WITNESS THEREOF, *The City* and *The Animal Center* have executed this agreement as of the date first above written.

ATTEST:

By: 

Title: City Secretary

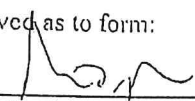
City of McAllen, Texas

By: 

Title: C.M.

Palm Valley Animal Center


Executive Director

Approved as to form:

City Attorney

Chapter 14 - ANIMALS^[1]

Footnotes:

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Cross reference— Substantial evidence rule in effect in appeals from decisions or orders of city officers or employees, § 2-196.

State Law reference— Animal health and safety, V.T.C.A., Health and Safety Code § 821.001 et seq.

ARTICLE I. - IN GENERAL

Sec. 14-1. - Definitions.

The following words, terms and phrases, when used in this chapter shall have the following meanings, except where the context clearly indicates a different meaning:

Altered means spayed or neutered.

Cat means either a male or female of the feline species, whether altered or not.

Confine means to restrict or secure an untethered animal to a building, structure or other enclosure from which reasonably it cannot escape.

Dog means either a male or female of the canine species, whether altered or not.

Designee means, when with reference to the chief of police, any person or entity authorized to exercise any authority assigned to the chief of police under this [chapter/article], which may include any regional entity and any veterinarian.

Dog means either a male or female of the canine species, whether altered or not.

Feral animal means an animal that is wild, untamed, or has no ascertainable owner. It shall be rebuttably presumed that a cat or dog not bearing a current license tag as required by section [14-51] has no ascertainable owner and is a feral cat or dog.

Intact means not spayed or neutered.

Kennel means any permanent or temporary enclosure erected or suitable for the purpose of confining a dog, including premises owned or leased by the owner or a person consenting to the dog's presence therein.

Owner means any person owning, harboring or in any way keeping an animal within the limits of the city.

Owner's premises means any lot, tract or parcel of land, whether or not under common ownership, including all buildings thereon and appurtenances, which are owned or leased by an owner, as well as any vehicle, travel trailer, or motor home owned or leased by an owner.

Pet means any domestic animal kept for any reason other than utility. Wild animals are not pets.

Pet shop means any place where pets are sheltered, enclosed or grouped for wholesale or retail sale.

Run at large means to be free of physical restraint beyond the boundaries of the owner's premises. When controlled by a leash held by a competent person a dog shall not be deemed to be running at large. Fixed length leashes shall not exceed 12 feet in length. Retractable leashes shall be lockable at six feet and shall not exceed 25 feet in total length. A dog that is free of physical restraints within the confines of an animal park and in compliance with park regulations shall not be deemed to be running at large.

Stray is an animal running at large and without an ascertainable owner. It is a rebuttable presumption that a cat or dog without a current license tag as required by under division 2 hereof has no ascertainable owner.

Wild animal means any mammal, amphibian, reptile or fowl which commonly exists in a natural unconfined state and is usually not domesticated, and any animal of a species that is wild by nature and dangerous to human beings, and specifically including, without limitation or intention to be exhaustive: lions, tigers, panthers, bears, wolves, non-human primates, elephants, all forms of poisonous reptiles and snakes of a constricting type.

(Ord. No. 2010-25, § I, 4-26-10)

Editor's note— Ord. No. 2010-25, § I, adopted Apr. 26, 2010, deleted the former § 14-1, and enacted a new § 14-1 as set out herein. The former § 14-1 pertained to enforcement of chapter and derived from the Code of 1966, § 5-1; Ord. No. 1992-54, § I, 6-8-92; Ord. No. 2004-50, § 1, 6-28-04.

Sec. 14-2. - Keeping of hogs prohibited; permitted exceptions.

It shall be unlawful for any person to keep any hogs, swine, or pigs within the city limits at any time.

Notwithstanding the preceding sentence the keeping or maintaining of domesticated miniature pigs commonly referred to as miniature vietnamese, chinese or oriental-pot bellied pigs (*sus serafa bittotus*) is allowed subject to the following conditions:

- (1) Such pigs shall not exceed a maximum height of 24 inches at the shoulder or weigh more than 200 pounds.
- (2) No more than one such pig may be kept on any one parcel or tract of land and only in residentially or agriculturally zoned districts. A pigpen utilized to house such pig shall not be less than 15 feet from the resident side yard property line of any single-family residential lot nor shall it be less than 15 feet from any residence or building adjacent to such lot not owned by the owner of the pig. A minimum of 100 square feet of area shall be required for outdoor use by the pot bellied pig.
- (3) No such pig shall be allowed to run at large and at anytime when not constrained to the yard of the owner, such pig shall be on a leash not to exceed six foot in length.
- (4) The premises where any such pigs are kept shall be kept clean and free of all offensive odors, flies, rodents or other pests. Droppings shall be placed in the suitable container and disposed of on a regular basis.
- (5) No such pigs may be bred within the city limits. In the event a pig becomes pregnant, such pig must be taken outside of the city limits in order to rear the piglets. All of such pigs must be spayed or neutered as applicable.
- (6) All of such pigs must have their tusks surgically removed.
- (7) All of such pigs must be vaccinated against communicable diseases, within the species.
- (8) All such pigs must be licensed by the chief of police on the payment of an annual license fee to be set by the board of commissioners by minute order from time to time. In order to obtain a license for any such pig, the owner of the pig must present the following:
 - a. Proof that the pig is neutered and that the tusks have been removed;
 - b. The address and property description where the pig will be kept; and,
 - c. Immunization records as required.

It should be unlawful for any owner of any such pig to violate the provisions of this section or not provide for any requirement as set out herein. Any violation shall be subject to a fine in municipal court not to exceed the maximum fine as set out under section 1-14, General penalty for violations of Code; continuing violations.

- (9) Any pig that is running at large or is found to be in violation of this section or any other ordinance of the City of McAllen may be seized by animal control officer and impounded at the Humane Society Animal Shelter. Any animal control officer so seizing such pig shall use reasonable efforts to notify the owner that such pig has been seized and turned over to animal control shelter along with notification of the specific violations of this section. The animal control shelter may dispose of the pig in accordance with the procedures therefore as established from time to time by the Humane Society Animal Shelter.

(Code 1966, § 5-2; Ord. No. 1999-31, § 1, 3-22-99; Ord. No. 1999-37, § 1, 4-12-99; Ord. No. 2004-50, § 1, 6-28-04)

Cross reference— Supplementary district regulations, § 138-346 et seq.

Sec. 14-3. - Poisonous, dangerous animals.

It shall be unlawful for any person to keep or harbor any poisonous reptile or dangerous animal within the city.

(Code 1966, § 5-3)

Cross reference— Supplementary district regulations, § 138-346 et seq.

Sec. 14-4. - Keeping livestock near buildings; area requirements for livestock.

It shall be unlawful for any person to feed, breed, stable, pasture or keep any cow, goat, horse, sheep or any other animal of like species in or on any lot, pen, building, parcel of land, stable, or other enclosure in the city, any part of which lot, pen, building, stable, parcel of land or other enclosure is nearer than 200 feet to any building occupied by any person during any part of the day or night. A minimum of 400 square feet of area shall be required for each such animal.

(Code 1966, § 5-4)

Sec. 14-5. - Poultry and fowl prohibited; exception; violation.

- (a) *Prohibition; exception.* It shall be unlawful for any person to keep, harbor, maintain or permit the presence on any lot or parcel of land within the city of any poultry or fowl, except that no more than six such birds per acre are allowed on any lot or parcel of land, provided the requirements and conditions of this section and section 14-8 are complied with.
- (b) *Sanitary requirements.* Each place in the city used for feeding, harboring or keeping any poultry or fowl shall be maintained in a sanitary manner at all times and kept free of offensive odors, flies, rodents and other pests.
- (c) *Declaration of nuisance; complaint; violation; penalty.* It shall be unlawful to keep any poultry or fowl in the city which by loud, frequent or habitual crowing or any other noise annoyance from such animal shall disturb the peace and quiet of any person of ordinary sensitivities. If the chief of police has cause to believe that a nuisance described in this subsection exists, the chief of police shall so find and shall notify the bird's owner in writing of the finding by personal service. In the alternative,

service may be by certified mail and by posting on the animal owner's property, in which case service of shall be deemed completed upon mailing. The notice shall advise that failure to abate the nuisance may lead to impoundment of the birds under section 14-9, and the right, within five days after service of the notice, to personally serve upon the chief of police or any police officer a written request for a hearing before the municipal court to contest the nuisance finding and/or impoundment, whereupon a hearing shall be held within five business days thereafter and a determination made as to whether such loud, frequent or habitual crowing or other noise annoyed the peace of such person, and if so, the court may thereupon declare such poultry or fowl to be a nuisance and order the owner or keeper therefrom to remove such poultry or fowl from the city limits, or the birds impounded for destruction. The failure to obey the order of the municipal court under this section shall constitute a class "C" misdemeanor. In addition to such remedy as provided in this section, should there be a conviction for any other violation of this section, the party convicted shall be subject to a fine as provided in section 1-14.

(Code 1966, § 5-5; Ord. No. 2007-30, § 1, 4-9-07)

Cross reference— Supplementary district regulations, § 138-346.

Sec. 14-6. - Maintenance of premises where livestock kept; disposal of manure.

Each place in the city used for feeding, breeding, stabling, pasturing or keeping any cow, goat, horse, sheep or any other animal of like species shall be kept free of offensive odors, flies, rodents and other pests. Each lot, pen, building, stable or other enclosure in or on which any such animal is kept, fed, bred, stabled, pastured or housed shall have a suitable manure box or container in which all manure and droppings shall be placed daily. Each such box or container shall be securely screened or otherwise protected from flies, vermin and rodents, and shall be cleaned out and disinfected at least once a week. Manure from such boxes or containers shall not be left in open stacks but shall be removed or buried.

(Code 1966, § 5-6)

Cross reference— Nuisances, § 46-26 et seq.

Sec. 14-7. - Inspection of premises where kept.

Each person owning or keeping animals, including poultry or fowl within the corporate limits of the city shall, upon request of the chief of police, after proper identification and during reasonable times, permit access to the area or places of keeping of animals for the purpose of carrying out the provisions of this chapter. Should the chief of police be denied entry, he then shall make application for a search warrant to enter the premises, such warrant to be issued by the municipal court judge of the city upon proper application therefor.

(Code 1966, § 5-7; Ord. No. 2004-50, § 1, 6-28-04; Ord. No. 2007-30, § 1, 4-9-07)

Sec. 14-8. - Running at large.

It shall be unlawful for any person to permit or allow any animal owned or possessed by him or under his control to run at large or to wander in or upon or invade the premises of any other person without such person's consent, within the corporate limits of the city. The chief of police or departmental designee is hereby granted the authority to pick up and cause to be impounded any dog found running at large in the city. The impoundment notice and hearing procedures of this [chapter/article] shall apply in the case of any such dog.

(Code 1966, § 5-8; Ord. No. 2004-50, § 1, 6-28-04; Ord. No. 2007-30, § 1, 4-9-07; Ord. No. 2010-25, § I, 4-26-10)

Editor's note— Ord. No. 2010-25, § I, adopted Apr. 26, 2010, changed the title of § 14-8, from running at large, poultry, fowl or livestock to running at large.

Sec. 14-9. - Impoundment of animals.

- (a) It shall be the duty of the chief of police or departmental designee, and in compliance with any procedural requirements in this chapter, to seize and deliver to the Palm Valley Animal Center any and all animals, including livestock, poultry or fowl, dogs or cats, found in violation of the provisions of this chapter.
- (b) Subject to any limitation or requirement in this chapter to the contrary, and provided the chief of police consents, the owner of any animal impounded under the provisions of this chapter may claim such animal after paying any applicable impoundment fee to the Palm Valley Animal Center and otherwise following their rules and regulations.
- (c) No impounded cat or dog shall be released unless proof is presented showing the animal is in compliance with this chapter's vaccination and licensing requirements.
- (d) Whenever an owner has had two prior impoundments of any animal it shall be a condition of the release of any subsequently impounded animal owned by that person that such animals shall be altered.

(Code 1966, § 5-9; Ord. No. 2004-50, § 1, 6-28-04; Ord. No. 2007-30, § 1, 4-9-07; Ord. No. 2010-25, § I, 4-26-10)

Sec. 14-10. - Confinement of animals suspected of having rabies, etc.

- (a) Any person who knows of an animal bite or scratch to an individual that the person could reasonably foresee as being capable of transmitting rabies, or who knows of an animal that the person suspects as rabid, shall report the incident or animal to the chief of police. The report to be given under this section shall contain the name and address of the victim and of the animal's owner if known, and other information that may help in locating the victim or animal. In addition, upon written complaint of any person that any kind of animal has bitten any person or other animal, the owner of such animal, if known, shall be notified by the chief of police, by the most expedient means available, which notification shall be documented in writing, and shall be ordered to properly confine such animal for a period of not less than ten days from the date of such attack. The term "properly confine" shall be construed to include confinement in an animal hospital or humane society animal shelter under the supervision of a licensed veterinarian, who shall notify the chief of police by telephone the same day such animal is received and further notify the chief of police by telephone immediately upon the development of any symptoms suspicious of rabies.
- (b) In no event shall any animal which is the subject of this section be allowed to remain at the owner's home unless a written evaluation by a licensed veterinarian, establishing the animal's safety, is submitted to the chief of police.

(Code 1966, § 5-10; Ord. No. 1992-54, § II, 6-8-92; Ord. No. 2004-50, § 1, 6-28-04)

State Law reference— Rabies control, V.T.C.A., Health and Safety Code § 826.001 et seq.

Sec. 14-11. - Disposal of rabid animals.

Any animal that dies of, or is killed while suffering from, or suspected of suffering from rabies, is hereby declared a nuisance, and shall be impounded forthwith and held for such disposition of the body, and under such conditions, as the chief of police may prescribe.

(Code 1966, § 5-11; Ord. No. 2004-50, § 1, 6-28-04)

Cross reference— Environment, ch. 46; health and sanitation, ch. 54.

Sec. 14-12. - Exemption for agricultural-open space.

Notwithstanding any other provision in this Code, the following sections of this chapter shall not be applicable to any land zoned agricultural-open space designation according to the zoning ordinance of the city, provided that this exemption shall not apply within 300 feet of any residence or residentially zoned district:

- (1) [Reserved.]
- (2) Section 14-4, Keeping livestock near buildings; area requirements for livestock;
- (3) Section 14-5, Area and sanitary requirements for poultry or fowl;
- (4) Section 14-6, Maintenance of premises where livestock kept.

Provided, however, that no person owning property under which the foregoing sections are inapplicable shall utilize such property for the purposes of keeping animals thereon where such utilization shall cause or constitute a nuisance.

(Code 1966, § 5-12; Ord. No. 2002-10, § 1, 1-28-02; Ord. No. 2007-30, § 1, 4-9-07)

Cross reference— Agricultural and open space district, § 138-161 et seq.

Sec. 14-13. - Unlawful to harbor, feed or care for animals on city property.

It is unlawful for any unauthorized person to regularly or routinely harbor, feed, care for or provide any form of sustenance to a cat or dog on city property or right-of-way.

(Ord. No. 2010-25, § I, 4-26-10)

Editor's note— Ord. No. 2010-25, § I, adopted Apr. 26, 2010, deleted the former § 14-13, and enacted a new § 14-13 as set out herein. The former § 14-13 pertained to animal fighting and derived from the Code of 1966, § 5-61.

Sec. 14-14. - Penalty for violation of chapter.

- (a) Notwithstanding any different provision in this chapter otherwise, any person found guilty of the violation of any provision of this chapter involving a pet, shall be punished with a minimum fine as follows, but not more than \$500.00:

First violation involving an altered animal\$50.00

First violation involving an intact animal100.00

Second violation involving an altered animal100.00

Second violation involving an intact animal200.00

Violations after second involving an altered animal200.00

Violations after second involving an intact animal400.00

- (b) In addition to the fine specified in subsection (a) hereof, the municipal court shall sentence owners, at their own cost, to complete a responsible owner course every time they are found guilty after a first violation.
- (c) In the event the municipal judge allows community service in lieu of or in addition to the imposition of a fine, whenever possible such community service shall be served at an animal shelter or similar institution.
- (d) Prior to sentencing in the case the owner of an intact animal is found guilty of or pleads no contest to a violation of a provision in this chapter, if the defendant represents that the animal will be altered, the municipal court may reset the sentencing, but only once and for no more than 60 days, for the purpose of allowing the defendant to present sufficient proof that the animal was altered after the finding of guilt or entry of the plea of no contest. Upon presentation of such proof the fines imposed pursuant to this section shall be reduced by one-half.

(Ord. No. 1992-54, § III, 6-8-92; Ord. No. 2010-25, § I, 4-26-10)

Sec. 14-15. - Regulation of sale of animals and poultry or fowl; sale of pets; pet shop license required; prohibitions; application; fees; inspections; requirements; revocation; exceptions.

- (a) It shall be unlawful for any person to sell, offer for sale or display for purposes of sale, any animal, including poultry or fowl in, on or adjacent to any public roadway, unimproved parcel of land or in any public or private parking lot, or at any open-air or enclosed flea market, farmer's market, or similar operations where stalls are rented on a temporary basis.
- (b) It shall be unlawful for any person to maintain or operate a pet shop without a license. Application for a pet shop license shall be on a form prescribed by the chief of police or departmental designee, provide such information as shall be required, and specify the number and type of animals to be maintained. It shall be unlawful to maintain more animals or types of animals than allowed by such license.
- (c) It shall be unlawful to sell or to allow the sale of pets in flea markets, or on a roadside or any other outdoor or unenclosed location. No pet shop license shall be issued for the sale of pets in flea markets, or on a roadside or any other outdoor or unenclosed location.
- (d) It shall be a condition of the issuance of pet shop permits that the licensee agree to the inspections provided for in this section. The application fee shall be \$100.00. Pet shop licenses shall be annually renewable.
- (e) Pet shop premises shall be inspected by the chief of police or departmental designee prior to the issuance of any license, and the same shall be subject to random inspections as well as to inspections based on complaints.
- (f) Pet shops shall be kept and maintained in a clean manner, free from odors detectable at or near neighboring property.
- (g) Pet shops shall be constructed and maintained in accordance with this ordinance and all applicable state law regulating pet shops and/or the sale of pets, as the same may hereafter be amended from time to time.
- (h) Pet shop licenses are subject to revocation by the chief of police or departmental designee, for failure to operate the same in accordance with this ordinance and all applicable state laws.
- (i) Excepted from the provisions of subsection (a) hereof is the sale of the offspring of an owner's pet, provided the sale takes place on the premises where the owner's pet resides, and there is compliance with any other applicable ordinance.

(Ord. No. 1994-29, § I, 5-9-94; Ord. No. 2007-30, § 1, 4-9-07; Ord. No. 2010-25, § I, 4-26-10)

Editor's note— Ord. No. 2010-25, § I, adopted Apr. 26, 2010, changed the title of § 14-15 from regulation of sale of animals and poultry or fowl to regulation of sale of animals and poultry or fowl; sale of pets; pet shop license required; prohibitions; application; fees; inspections; requirements; revocation; exceptions.

Sec. 14-16. - Cruelty to animals prohibited.

- (a) It is unlawful for anyone to beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse an animal, or cause, instigate or permit any dogfight, cockfight, bullfight or other combat between animals or between animals and humans.
- (b) It is unlawful for anyone to breed or train an animal for fighting with any other animal.
- (c) Failure to provide acceptable standards of housing and care constitutes animal cruelty.
- (d) It is unlawful for anyone to intentionally or knowingly leave a pet in a motor vehicle for longer than five minutes, knowing that the animal is not attended by an individual in the vehicle who is 14 years of age or older.
- (e) This section is not intended to contravene the provisions for animal cruelty contained in the Texas Penal Code.

(Ord. No. 2007-30, § 2, 4-9-07; Ord. No. 2010-25, § I, 4-26-10)

Sec. 14-17. - Pets riding in motor vehicles.

It is unlawful to have any pet ride in a vehicle on a paved roadway, except in a manner that does not allow it easily to fall off or exit the vehicle onto the roadway.

(Ord. No. 2010-25, § I, 4-26-10)

Sec. 14-18. - Enforcement of chapter.

- (a) The chief of police or departmental designee shall enforce the provisions of this chapter. Enforcement efforts conducted as to animals within private property shall be restricted to those instances where required by clear public health or safety concerns or in response to a complaint.
- (b) It shall be unlawful for any person to refuse permission to or refuse to permit the chief of police to go upon any premises during reasonable times when the chief of police is engaged in the enforcement of this chapter. The chief of police is hereby authorized to apply for an administrative search warrant from the municipal court judge of the city, which judge is authorized to grant such warrant upon reasonable grounds in order to enforce the provisions of this chapter.

(Ord. No. 2010-25, § I, 4-26-10)

Secs. 14-19—14-35. - Reserved.

ARTICLE II. - DOGS AND CATS

DIVISION 1. - GENERALLY

Sec. 14-36. - Tethering and confinement.

- (a) It is unlawful to tether a dog:
- (1) Using any device that is directly attached to its neck, but instead via a tying device attached to a properly fitted collar or harness made of leather or nylon, and not of the choker type; this does not prohibit the proper use of choker collars in the training of dogs;
 - (2) Using a collar exceeding one and one-half inches wide for any dog weighing less than 60 pounds, or using a collar exceeding two inches in width for dogs weighing 60 pounds or more;
 - (3) Except by using a tying device at least ten feet in length or five times the dog's length, whichever is longer, with a swivel device on the anchor and collar end to prevent tangling and:
 - a. Made of 3/16 th-inch links of a minimum grade 30 with a load limit of 800 pounds for dogs that weigh between 30 and 80 pounds, or
 - b. Made of one-quarter-inch links of a minimum grade 30 with a load limit of 1,500 pounds for dogs that weigh from 80 pounds and up to 200 pounds.
 - (4) Using a device that weighs more than one-eighth-inch of the dog's body weight;
 - (5) In any manner that allows it, or any part of the tying device by which it is tethered, to go into, upon or over any sidewalk, alley, street, or any property not belonging to the dog's owner;
 - (6) To any lamppost, light pole, utility pole, awning post, tree, fence, hydrant, shrubbery, or other object belonging to another person without the consent of the owner of the object to which the animal is to be tethered;
 - (7) If on its owner's property, for more than four hours per day, and only if it has access to water and shelter at all times is, and the owner or a duly authorized person that is familiar with dog handling, their habits and behavior, is on the premises and within its view and a reasonable distance therefrom; or
 - (8) If anywhere other than its owner's property, for more than ten minutes, and only if it is in a safe place and the owner, or a duly authorized person that is familiar with dog handling, their habits and behavior, is never out of sight of the dog and never more than 50 feet away.
- (b) The confinement of any vicious animal shall be secure, whether indoors or outdoors. If outdoors, the vicious animal shall be confined in an enclosed and locked kennel. Animals that are not vicious animals may be tethered or kenneled when outside any structure on their owner's premises, but are not required to be thus restrained if reasonable measures are taken to maintain the animal within the owner's premises, such as a fenced or adequately secured backyard. Kennels, whether indoors or outdoors, must be large enough for the animal to comfortably have shelter from the elements, provide at all times access to shade and water, allow a reasonable amount of space for movement, and a place to eliminate body waste. Kennels must have minimum dimensions of five feet by ten feet and must have secure sides and, if outdoors, a secure top attached to the sides in order to make it escape proof. If a concrete slab floor or patio block floor over sand is not provided for an outdoor kennel, the bottom must be wire fencing or similar material that is secured to the sides, and otherwise the sides must be embedded into the ground no less than two feet. All kennels must be adequately lighted and kept clean and sanitary. The animal shall be taken out of the kennel daily for training, playtime, exercise, and attention.

(Ord. No. 2010-25, § I, 4-26-10)

Editor's note— Ord. No. 2010-25, § I, adopted Apr. 26, 2010, deleted the former § 14-36, and enacted a new § 14-36 as set out herein. The former § 14-36 pertained to definitions and derived from the Code of 1966, § 5-20; Ord. No. 2004-50, § 1, 6-28-04.

Sec. 14-37. - Dogs running at large (leash law).

It shall be unlawful to allow any dog to run at large within the city. The chief of police or departmental designee is hereby granted the authority to pick up and cause to be impounded any dog found running at large in the city. The impoundment notice and hearing procedures of sections 14-86 and 14-87 shall apply in the case of any such dog.

(Code 1966, § 5-21; Ord. No. 2004-50, § 1, 6-28-04; Ord. No. 2010-25, § I, 4-26-10)

Sec. 14-38. - Confinement during rabies emergency.

The chief of police, whenever he may detect danger from hydrophobia, shall request that the mayor issue an emergency proclamation requiring all dogs and/or other affected animals to be properly confined as required under section 14-10, or securely muzzled. If such proclamation is issued, it shall be unlawful for the owner of any affected animal to fail to comply with such proclamation. Such proclamation shall be published and broadcast for public dissemination.

(Code 1966, § 5-22; Ord. No. 2004-50, § 1, 6-28-04)

Cross reference— Health director, § 2-251 et seq.; health and sanitation, ch. 54.

Sec. 14-39. - Barking dogs.

It shall be unlawful to keep any dog in the city which by loud, frequent or habitual barking or howling shall cause annoyance and disturb the peace and quiet of an ordinary normal person.

(Code 1966, § 5-23; Ord. No. 2010-25, § I, 4-26-10)

Cross reference— Nuisances, § 46-26 et seq.; noise, § 46-141 et seq.

Sec. 14-40. - Maintenance of premises where dogs and cats kept.

Every person keeping any dog or cat in the city shall maintain the area used or occupied by such animal in a sanitary manner at all times and such area shall be kept free of offensive odors, flies, rodents and other pests.

(Code 1966, § 5-24)

Sec. 14-41. - Unvaccinated dogs or cats are a nuisance.

When not confined on the owner's premises, any dog or cat in or within 5,000 feet of the corporate limits of the city, except where such distance lies in an incorporated area of another city, that is found without a current tag issued as required under division 2 hereof, shall be rebuttably presumed to be unvaccinated and is hereby declared to be a nuisance. The chief of police or departmental designee is hereby authorized to impound any such dog or cat. The owner shall be notified of the impoundment in writing in a manner similar to how it is provided in section 14-86. Ownership of the animal may be rebuttably presumed in a manner similar to how it is provided in subsection 14-82(b). Such animal may not be released unless its owner furnishes proof of vaccination and licensing or shall cause the animal to be vaccinated and licensed. If within five days of service of the notice the animal's owner does not claim such animal and fully comply with the requirements of this division then the animal may be humanely disposed of in accordance with the procedures of the chief of police or departmental designee.

(Code 1966, § 5-25; Ord. No. 2003-30, § 1, 4-28-03; Ord. No. 2004-50, § 1, 6-28-04; Ord. No. 2010-25, § I, 4-26-10)

Editor's note— Ord. No. 2010-25, § I, adopted Apr. 26, 2010, changed the title of § 14-41 from unvaccinated dogs or cats to unvaccinated dogs or cats are a nuisance.

Secs. 14-42—14-50. - Reserved.

DIVISION 2. - LICENSE^[2]

Footnotes:

--- (2) ---

Editor's note— Ord. No. 2016-12, § I, adopted Feb. 8, 2016, deleted div. 2, §§ 14-51—14-55 entitled "License," which derived from: Code of 1966, §§ 5-40—5-48, § 5-49(b); Ord. No. 2003-30, §§ 2—7, adopted Apr. 28, 2003; Ord. No. 2004-50, § 1, adopted June 28, 2004; and Ord. No. 2010-25, § I, adopted Apr. 26, 2010.

Secs. 14-51—14-80. - Reserved.

ARTICLE III. - VICIOUS ANIMALS^[3]

Footnotes:

--- (3) ---

Editor's note— Ord. No. 2016-12, § II, adopted Feb. 8, 2016, amended art. III in its entirety to read as herein set out. Former art. III, §§ 14-81—14-91, pertained to similar subject matter, and derived from: Code 1966, §§ 5-51—5-60; Ord. No. 2004-50, § 1, adopted June 28, 2004; and Ord. No. 2010-25, § I, adopted Apr. 26, 2010.

State Law reference— Dangerous dogs, V.T.C.A., Health and Safety Code § 822.041 et seq.

Sec. 14-81. - Dangerous animals.

Section 822 of the Texas Health and Safety Code, as it may be amended by state law, is hereby adopted for the city, and such law is referred to, incorporated in this article and made a part of this article for all purposes.

(Ord. No. 2016-12, § II, 2-8-16)

Secs. 14-82—14-110. - Reserved.

ARTICLE IV. - BEEKEEPING^[4]

Footnotes:

--- (4) ---

Cross reference— Buildings and building regulations, ch. 22; nuisances, § 46-26 et seq.; health and sanitation, ch. 54; zoning, ch. 138; agriculture and open space district, § 138-161 et seq.

Sec. 14-111. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Apiary means a place where bee colonies are kept.

Bee means any stage of the common domestic honeybee, *apis mellifera* species.

Colony means a hive and its equipment and appurtenances, including bees, comb, honey, pollen and brood.

Hive means a structure intended for the housing of a bee colony.

Tract means a contiguous parcel of land under common ownership.

Undeveloped property means any idle land that is not improved or actually in the process of being improved with residential, commercial, industrial, church, park, school or governmental facilities or other structures or improvements intended for human use occupancy and the grounds maintained in association therewith. The term shall be deemed to include property developed exclusively as a street or highway or property zoned for commercial or agricultural purposes.

(Code 1966, § 5-70)

Cross reference— Definitions and rules of construction generally, § 1-2.

Sec. 14-112. - Certain conduct declared unlawful.

- (a) The purpose of this article is to establish certain requirements of sound beekeeping practices which are intended to avoid problems that may otherwise be associated with the keeping of bees in populated areas.
- (b) Notwithstanding compliance with the various requirements of this article, it shall be unlawful for any beekeeper to keep any colony or colonies in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others or interfere with the normal use and enjoyment of any public property or property of others.
- (c) It shall be unlawful for any person not to comply with any of the provisions or terms of this article.

(Code 1966, § 5-71)

Sec. 14-113. - General restrictions.

- (a) *Hives*. All bee colonies except for temporary purposes relating to commercial pollination for agricultural purposes shall be kept in properties zoned agricultural-open space under the city's zoning ordinance. All bee colonies shall be kept in Langstroth-type hives with removable frames which shall be kept in sound and usable condition.
- (b) *Fencing of flyways*. In each instance in which any colony is situated within 25 feet of a public or private property line of the tract upon which an apiary is situated as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least

six feet in height consisting of a solid wall, fence, dense vegetation or a combination thereof that is parallel to the property line and extends ten feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six feet above ground level over the property lines in vicinity of the apiary. It is a defense to prosecution under this section that the property adjoining the apiary tract in the vicinity of the apiary is undeveloped property for a distance of at least 25 feet from the property line of the apiary tract.

- (c) *Water.* Each beekeeper shall ensure that a convenient source of water is available at all times to the bees so that the bees will not congregate at swimming pools, bibcocks, pet watering bowls, birdbaths or other water sources where they may cause human, bird or domestic pet contact.
- (d) *General maintenance.* Upon their removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other beeproof enclosure.
- (e) *Queens.* In any instance in which a colony exhibits unusually aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition towards swarming, it shall be the duty of the beekeeper to promptly requeen the colony. Queens shall be selected from stock bred for gentleness and nonswarming characteristics.
- (f) *Colony densities.* The maximum number of colonies permitted shall be as follows:
 - (1) One-acre or larger tract size: Six colonies;
 - (2) Greater than one-acre tracts where all hives are situated at least 200 feet in any direction from all property lines of the tract on which the apiary is situated so long as all property, other than the tract upon which the hives are situated, that is within a radius of at least 200 feet from any hive remains undeveloped property: Ten colonies.
- (g) *Nucleus colony.* For every two colonies authorized under colony densities (subsection (f)), there may be maintained upon the same tract one nucleus colony in a hive structure not exceeding one standard 9 5/8 -inch depth ten-frame hive body with no supers attached as required from time to time for management of swarms. Each such nucleus colony shall be disposed of or combined with an authorized colony within 30 days after the date as acquired.
- (h) *Marking hives; presumption of beekeeping.*
 - (1) In apiaries, the name or telephone number shall be branded, painted or otherwise clearly marked upon the structure of at least two hives and placed at opposite ends of the apiary. Instead of marking the hives, the beekeeper may conspicuously post a sign setting forth the name and telephone number of the beekeeper. It is a defense to prosecution for lack of telephone number under this subsection that a colony is kept upon the same tract upon which the owner resides.
 - (2) Unless marked in accordance with subsection (h)(1), it shall be presumed for the purposes of this article that the beekeeper is the person who owns or otherwise has the present right of possession and control of the tract upon which a hive or hives are situated. The presumption may be rebutted by a written agreement authorizing another person to maintain the colony or colonies upon the tract setting forth the name, address and telephone number of the other person who is acting as the beekeeper.
- (i) *Inspection.*
 - (1) The chief of police shall enforce the provisions of this article, and he or his duly authorized representative, upon presentation of proper identification to the owner, agent or tenant in charge of such apiary and with their consent, may enter any structure, house or premises during all reasonable hours except in cases of emergency where extreme hazards are known to exist which may involve the potential loss of life or severe property damage; in which case, the above limitation shall not apply. Should the chief of police be denied entry, then he shall make application for a search warrant to enter the premises, such warrant to be issued by the municipal court judge of the city upon proper application therefor.

- (2) Any officer or employee charged with the enforcement of this article in the discharge of his duties shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee because of this article shall be defended by the city until the final termination of the proceedings.

(j) *Compliance.*

- (1) Upon receipt of information that any colony situated within the city is not being kept in compliance with this article, the chief of police shall cause an investigation to be conducted. If he finds that grounds exist to believe that one or more violations have occurred, he shall cause a written notice of hearing to be issued to the beekeeper.
- (2) The notice of hearing shall set forth:
- The date, time and place at which the hearing will be conducted;
 - The violation(s) alleged;
 - That the beekeeper may appear in person or through counsel, present evidence and cross examine witnesses; and
 - That the bees may be ordered destroyed or removed from the city if the chief of police finds that they have been kept in violation of this article.

Notices shall be given by certified United States mail or personal delivery. However, if the chief of police is unable to locate the beekeeper, then the notice may be given by publication one time in a newspaper of general circulation at least five days prior to the date of the hearing.

- (3) The hearing shall be conducted by the chief of police. The burden shall be on the city to demonstrate by substantial evidence that the colony or colonies have in fact been kept in violation of this article. If the hearing officer finds that the colony or colonies have been kept in violation of this article, then he may order that the bees be destroyed or removed from the city within 20 days and that bees shall not thereafter be kept upon the tract for a period of two years. In instances where the hearing officer finds that the violations were not intentional and that the beekeeper has employed corrective actions that will probably be effective to cure the violations alleged, then he may issue a warning in lieu of ordering the bees destroyed or removed. Upon failure of the beekeeper to comply with the order, the chief of police may cause the bees to be destroyed and the hive structures to be removed. In each instance in which a bee colony is destroyed, all usable components of the hive structure that are not damaged or rendered unhealthy by the destruction of the bees shall, upon the beekeeper's request, be returned to the beekeeper, provided that the beekeeper agrees to bear all transportation expenses for their return.
- (4) The decision of the hearing officer shall be final, and any appeal thereof to a court of competent jurisdiction shall be tried under the substantial evidence rule.
- (5) The provisions of this section shall not be construed to require the conduct of a hearing for the destruction of:
- Any bee colony not residing in a hive structure intended for beekeeping;
 - Any swarm of bees; or
 - Any colony residing in a standard or manmade hive which, by virtue of its condition, has obviously been abandoned by the beekeeper.

(Code 1966, § 5-72; Ord. No. 2004-50, § 1, 6-28-04)

ARTICLE V. - WILD PARROTS

Sec. 14-114. - Definition.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Active nest is defined to mean a nest inhabited by wild parrots, that contains eggs or birds less than one year in age.

Wild parrot is defined to mean a self-sufficient, free-ranging, social, surviving independent of human care, non-caged bird, classified scientifically within the taxonomic order Psittaciformes.

(Ord. No. 2014-06, § I, 2-24-14)

Sec. 14-115. - Acts prohibited.

- (a) It is unlawful for any person(s) within the city limits of the City of McAllen to knowingly injure, capture, remove from their night roosts or their nests, or kill a wild parrot.
- (b) It is unlawful for any person(s) within the city limits of the City of McAllen to knowingly remove young wild parrots from a nest or in any manner take, remove, or destroy any eggs of the wild parrot.
- (c) It is unlawful for a person(s) to knowingly cut down or in any other way harm a tree in which there exists an active nest of the wild parrot within the city limits of the City of McAllen.
- (d) It is a defense to a violation of subsection (c) of this section if a tree is cut down in compliance with the city's landscaping ordinances (chapter 110 of the city Code of Ordinances) at the direction of the owner of the tree and any eggs or young wild parrots found in the tree are protected from capture or injury.

(Ord. No. 2014-06, § I, 2-24-14)

Sec. 14-116. - Penalties.

Any person who shall violate any of the provisions of this article (or any subsequent amendments hereto), or who shall fail to comply herewith, or with any of the requirements hereof, may be prosecuted in municipal court for a class C misdemeanor and upon a finding of guilt shall be liable for a fine of up to \$500.00 for each offense; provided, however, that such fine shall not exceed the maximum fine allowed by both state and the city Charter for each offense.

(Ord. No. 2014-06, § I, 2-24-14)

Sec. 14-117. - Enforcement.

The Police Department of the City of McAllen is hereby authorized to issue citations and/or arrest any person(s) who violates any provision of this article. The director of public health or the director's representative is hereby authorized to issue citations to any violator of this article. Any citation issued shall state the alleged violation and the date of the violation.

(Ord. No. 2014-06, § I, 2-24-14)

Secs. 14-118—14-140. - Reserved.



Mayor James "Jim" Darling
Mayor Pro Tem/Commissioner Veronica Whitacre
Commissioner Javier Villalobos
Commissioner Joaquín J. Zamora



Commissioner J. Omar Quintanilla
Commissioner Tania Ramirez
Commissioner Victor "Seby" Haddad
City Manager Roel "Roy" Rodriguez, P.E.

AGENDA
CITY COMMISSION REGULAR MEETING
MONDAY, JULY 13, 2020 – 5:00 PM
MCALLEN CITY HALL
CITY COMMISSION CHAMBERS; 3RD FLOOR
1300 HOUSTON AVENUE
MCALLEN, TEXAS 78501

"At any time during the course of this meeting, the City Commission may retire to Executive Session under Texas Government Code 551.071(2) to confer with its legal counsel on any subject matter on this agenda in which the duty of the attorney to the City Commission under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code. Further, at any time during the course of this meeting, the City Commission may retire to Executive Session to deliberate on any subject slated for discussion at this meeting, as may be permitted under one or more of the exceptions to the Open Meetings Act set forth in Title 5, Subtitle A, Chapter 551, Subchapter D of the Texas Government Code."

CALL TO ORDER - Mayor Jim Darling
PLEDGE OF ALLEGIANCE - Mayor Jim Darling
INVOCATION - Mayor Pro Tem Veronica Whitacre

AGENDA ITEM PUBLIC COMMENT: (956) 681-1020 (Individuals wishing to speak regarding an agenda item on today's agenda, please contact City Secretary before 5:00pm). Any individual dialing in acknowledges that his or her phone number may be visible to the public.

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 C-3 (general business) District to R-3A (multifamily residential apartments) District: Lot 3, Block 54, McAllen Addition, Hidalgo County, Texas; 612 South 15th Street.

2. Rezone from R-1 (single-family residential) District to R3-T (multifamily residential townhouses) District: 26.375 acres out of Sections 227 and 232, Texas-Mexican Railway Company Survey, Hidalgo County, Texas; 5600 Tres Lagos Boulevard.

3. Rezone from C-4 (commercial-industrial) District to R-3T (multifamily residential townhouse) District: 2.888 acres out of Section 232, Texas-Mexican Railway Company Survey, Hidalgo County, Texas; 5700 Tres Lagos Blvd.
4. Rezone from R-1 (Single-Family Residential) District to R-3A (multifamily residential apartment) District: 0.645 acres out of Section 232, Texas-Mexican Railway Company Survey, Hidalgo County, Texas; 5750 Tres Lagos Blvd.
5. Rezone from C-4 (commercial-industrial) District to R3-A (multifamily residential apartments) District: 14.355 acres out of Sections 227 and 232, Texas-Mexican Railway Company Survey, Hidalgo County, Texas; 14800 North Shary Road.
6. Rezone from C-4 (commercial-industrial) District to R3-T (multifamily residential townhouses) District: 2.908 acres out of Section 227 and 232, Texas-Mexican Railway Company Survey, Hidalgo County, Texas; 15000 North Shary Road.
7. Request of Guillermo Cruz, appealing the decision of the Planning and Zoning Commission of the June 02, 2020 Meeting, disapproval of a Conditional Use Permit, for one year, for an automotive service and repair shop, at Lots 17, 18 and the west 25 ft. of Lot 19, Block 7, West Addition to McAllen Subdivision, Hidalgo County, Texas; 2226 & 2228 Houston Avenue.
8. Request of Mario Gutierrez, for a Conditional Use Permit, for one year, for a social event center at Lot A, Arapaho Subdivision, Hidalgo County, Texas; 4108 North 10th Street, Suite 900.
9. Request of Mario Gutierrez, for a Conditional Use Permit, for one year, for a social event center at Lot A, Arapaho Subdivision, Hidalgo County, Texas; 4108 North 10th Street, Suite 1000.

B) REZONINGS:

1. Rezone from R-1 (single family residential) District to R-3A (multifamily residential apartments) District: 39.83 acres out of Lots 13, 14, 16, 17, and 18, Section 234, Texas-Mexican Railway Company's Survey, Hidalgo County, Texas; 12512 North Ware Road. (Tabled)
2. Rezone from R-1 (Single-Family Residential) district to C-4 (Commercial Industrial) district: 12.23 acres Tract of land out of Lot 482, John H. Shary Subdivision, Hidalgo County, Texas: 6801 Mile 7 Rd. (WITHDRAWN)

C) CONDITIONAL USE PERMITS:

1. Request of Juan A. Ludwig, on behalf of AEP Texas Inc., for a Conditional Use Permit, for a life of use, for a railroad facility or utilities holding a franchise (Electric Substation) at a 3.248-acre tract of land out of Lot 141, La Lomita Irrigation and Construction Company's Subdivision, Hidalgo County, Texas: 3600 Quince Avenue & 1700 North Ware Road. (Tabled)
2. Request of Jared W. Doxey, on behalf of The Church of Jesus Christ of Latter-Day Saints, for a Conditional Use Permit, for life of the use, for an Institutional Use (church),

at a 10.615-acre tract of land out of Lot 16, Section 13, Hidalgo Canal Company Subdivision, Hidalgo County, Texas, 7301 North 2nd Street.

3. Request of Jorge A. Briones, appealing the decision of the Planning and Zoning Commission of the June 16, 2020 Meeting, denying a Conditional Use Permit, for one year, for an Automotive Service and Repair (body shop), at Lots 11 & 12, Block 2, West Addition to McAllen, Hidalgo County, Texas; 2241 Dallas Avenue, Suite B.

D) Amending the Zoning Ordinance of the City of McAllen.

END OF PUBLIC HEARING

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 Special Joint Meeting and Joint Meeting held June 22, 2020.
- B) Award of Contract for the Traffic Signal Loop Detector Replacement.
- C) Consideration and Approval of Change Order No. 4 for the McAllen Hidalgo International Bridge Federal Motor Carrier Safety Administration (FMCSA) Southern Border Program Project.
- D) Award of Service Contract for Trimming and Peeling of Tall Palm Trees.
- E) Approval of Tax Refunds over \$500.00.
 - 1. Lowe's Home Centers Inc.
 - 2. Target Corporation
 - 3. Texas Roadhouse of McAllen
 - 4. Valley Land Title Co. for Riverside Development Services
 - 5. Box Family Limited Partnership

3. BIDS/CONTRACTS:

- A) Award of Contract to R. Gutierrez Engineering Corp., for Professional Engineering Services related to Fiscal Year 2019-2020 Drainage Utility Fee Projects - North Main and Jay Street Drainage Improvements and Harvey Drainage Lift Station Upgrades.
- B) Award of Contract to Perez Consulting Engineers, for Professional Engineering Services related to Fiscal Year 2019-2020 Drainage Utility Fee Projects.
- C) Consideration and Approval of Change Order No. 2 for Public Works Automotive Expansion and Elevator.
- D) Consideration and Approval of the Schematic Design for Anzalduas Northbound & Southbound Commercial Inspection.
- E) Consideration and Approval of the Schematic Design for the Quinta Mazatlan Larger Palm House and new entrance with authorization to proceed to the Design Development Phase.

- F) Consideration and Approval of a Memorandum of Understanding with the University of Texas Rio Grande Valley (UTRGV) for a ground lease allowing for the construction of a practice facility for the UTRGV golf team at the Palm View Golf Course Driving Range.
- G) Consideration and Approval of Temporary Contract Extension to the Grounds Maintenance Contract.

4. ORDINANCES:

- A) Providing for approval of the Fiscal Year 2020-2021 Annual Action Plan for CDBG and HOME Programs.
- B) Approval of substantial amendment for Fiscal Year 2019-2020 Annual Action Plan for CDBG-COVID and HOME Programs.
- C) Providing for the abandonment of a 20 ft. x 1926.16 Right-of-way out of Lot 11 and 12, Section 5, Hidalgo Canal Company Subdivision, Hidalgo County, Texas; 4900 South Old 10th Street.
- D) Consideration and Possible Approval of an amendment to the animals running at large ordinance to allow the impoundment of cats as well as dogs.

5. RESOLUTION:

- A) Consideration and Possible Action to Adopt a Resolution Adopting TCAP's Professional Services Agreement and GEXA Energy's Commercial Electric Service Agreement for Power to be provided on and after January 1, 2023.

6. MANAGER'S REPORT:

- A) Recognition of the McAllen Professional Law Enforcement Association as the exclusive bargaining agent for the McAllen Police Department.
- B) Future Agenda Items.

7. TABLED ITEM(S):

- A) Consideration and Authorization of extension of contract to McGuire Woods for Consulting Services.
- B) Consideration of a variance request to waive the paving and drainage requirements for Los Vecinos Subdivision.

8. MAYOR'S REPORT:

- A) Report on COVID Matters.

9. EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY), SECTION 551.072 (DELIBERATION REGARDING REAL PROPERTY), SECTION 551.074 (PERSONNEL MATTERS) AND SECTION 551.087 (ECONOMIC DEVELOPMENT).
- A) Consultation with City Attorney regarding legal issues related to Zoning Board of Adjustments. (Section 551.071, T.G.C.)
 - B) Consideration of Economic Development Matters. (Section 551.087, T.G.C.)
 - C) Consultation with City Attorney regarding legal issues to COVID-19 situation and response. (Section 551.071, T.G.C.)
 - D) Consultation with City Attorney regarding Palm Tree removal at 1418 Beech Ave. (Section 551.071, T.G.C.)
 - E) Consultation with City Attorney regarding legal issues related to contractual issues with consulting firm. (Section 551.071, T.G.C.)
 - F) Consultation with City Attorney regarding pending litigation - Cause No. C-0937-20-A; Hidalgo County Irrigation District No. 1 v. City of McAllen v. Hidalgo County Water Improvement District No. 3, in the 92nd District Court, Hidalgo County, Texas. (Section 551.071, T.G.C.)
 - G) Consultation with City Attorney regarding legal aspects of landscaping business at 7500 N. 20th Street. (Section 551.071, T.G.C.)

ADJOURNMENT

IF ANY ACCOMMODATION FOR A DISABILITY IS REQUIRED (OR INTERPRETERS FOR THE DEAF), NOTIFY THE CITY SECRETARY'S DEPARTMENT AT 681-1020 FORTY-EIGHT (48) HOURS PRIOR TO THE MEETING DATE. WITH REGARD TO ANY ITEM, THE BOARD OF COMMISSIONERS MAY TAKE VARIOUS ACTIONS INCLUDING BUT NOT LIMITED TO RESCHEDULING AN ITEM IN ITS ENTIRETY FOR A FUTURE DATE OR TIME.

CERTIFICATION

I, the Undersigned Authority, do hereby certify that the attached agenda of the meeting of the McAllen Board of Commissioners is a true and correct copy and that I posted a true and correct copy of said notice on the bulletin board in the Municipal Building, a place convenient and readily accessible to the general public at all times, and said Notice was posted on July 10, 2020 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/
Perla Lara, TRMC/CMC, CPM
City Secretary

ORDINANCE NO. 2020- _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCALLEN AT CHAPTER 14 ("ANIMLAS"), PROVIDING FOR PUBLICATION; PROVIDING FOR SEVERABILITY, AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

WHEREAS, the City of McAllen desires to maintain a clean and safe community,

WHEREAS, excessive numbers of stray cats can pose a health risk and create a public nuisance,

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

SECTION I: The Code of Ordinances, City of McAllen, Chapter 14 ("Animals"), Article I ("In General"), Section 14-8 ("Running At Large") is hereby amended as follows:

Sec. 14-8 Running at large.

It shall be unlawful for any person to permit or allow any animal owned or possessed by him or under his control to run at large or to wander in or upon or invade the premises of any other person without such person's consent, within the corporate limits of the city. The chief of police or departmental designee is hereby granted the authority to pick up and cause to be impounded any dog or cat found running at large in the city. ~~The impoundment notice and hearing procedures of this [chapter/article] shall apply in the case of any such dog.~~

SECTION II: 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 III: The City Secretary of the City of McAllen is hereby authorized and directed to cause the language in Chapter 14, Article I hereinabove, to be published in the appropriate location in the said Code of Ordinances.

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

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

CONSIDERED, PASSED and APPROVED this ____ day of _____, 2020, 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 _____, 2020.

CITY OF McALLEN

By: _____
James E. Darling, Mayor

Attest:

Perla Lara, TRMC, City Secretary

Approved as to form:

Austin W. Stevenson, Assistant City Attorney

2019 Animal Control

	Live Animals	dogs	cats	opossums	Dead animals
		live	live	live	
January	812	254	224	334	246
February	661	207	184	270	207
March	848	312	212	324	221
April	875	272	215	388	378
May	874	320	204	350	339
June	750	307	199	244	251
July	778	291	177	310	262
August	854	278	227	349	264
September	818	228	218	372	237
October	994	339	235	420	202
November	825	133	346	346	207
December	900	379	201	320	237
TOTAL	9989	3320	2642	4027	3051

2020 Animal Control

	Live Animals	dogs	cats	opossums	Dead animals
		live	live	live	
January	967	436	151	380	245
February	804	330	179	295	138
March	825	326	184	315	202
April	1125	321	288	516	251
May	1173	501	301	371	330
June	1026	434	272	320	238
July	697	131	287	293	240
August	859	147	289	423	196
September	898	166	320	412	232
October	1091	196	396	493	282
November	1019	157	308	554	266
December	467	109	137	221	245
TOTAL	10951	3254	3112	4593	2865



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

3.

DATE SUBMITTED

06/18/2021

MEETING DATE

6/28/2021

1. Agenda Item: City of McAllen Roadway Assessment.
2. Party Making Request: Yvette Barrera
3. Applicant:
4. Nature of Request: Provide a summary of the Roadway Assessment performed by Infrastructure Management Services LLC (IMS).
5. Fiscal Impact Summary:
6. Budgeted:

Bid Amount:	_____	Budgeted Amount:	_____
Under Budget:	_____	Over Budget:	_____
		Amount Remaining:	_____
7. Routing:

Eduardo Mendoza	Created/Initiated - 6/18/2021
Yvette Barrera	Approved - 6/18/2021
Michelle Rivera	Approved - 6/18/2021
Isaac Tawil	New - 1/1/1900
8. Staff Recommendation: Based on review by this office, staff recommends option 2, maintaining a PCI of 73, increases backlog to 2% and increases budget to \$3.30 million (increase of \$710,000).
9. Advisory Board:
10. City Attorney:
11. Manager's Recommendation:



ENGINEERING DEPARTMENT
MEMORANDUM

To: Roel Rodriguez, P.E., City Manager
From: Yvette Barrera, PE, CFM, City Engineer
Date: June 21, 2021
Subject: City of McAllen Roadway Assessment Summary

Goal

Provide a summary of the Roadway Assessment performed by Infrastructure Management Services LLC (IMS).

Explanation

Infrastructure Management Services assessed 507 centerline miles of roadway. They reviewed the streets for 7 different distresses and provided a condition index score for each street segment. In addition to providing street condition, IMS was able to provide recommendations based on the condition index score over 5 years and budget that are presented in the workshop presentation.

CITY OF MCALLEN ROADWAY ASSESSMENT

June 2021

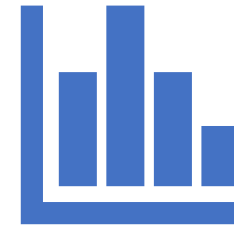
Pavement Condition Assessment



IMS Infrastructure Management
Services LLC performed
assessment

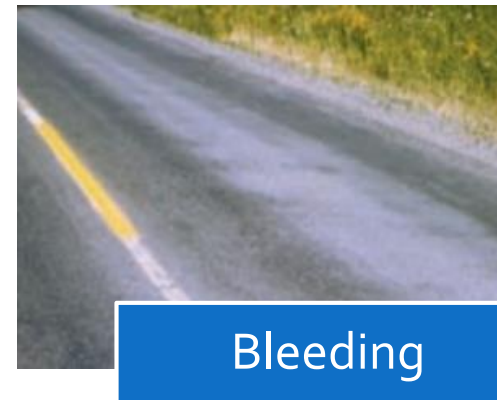


507 Centerline miles were
evaluated.



Pavement Condition Index
developed for City roadways

Pavement Distresses



Pavement Condition Index Score

PCI Range	Description	Relative Remaining Life	Definition
85 – 100	Excellent	15 to 25 Years	Like new condition – little to no maintenance required when new; routine maintenance such as crack and joint sealing.
70 – 85	Very Good	12 to 20 Years	Routine maintenance such as patching and crack sealing with surface treatments such as seal coats or slurries.
60 – 70	Good	10 to 15 Years	Heavier surface treatments, chip seals and thin overlays. Localized panel replacements for concrete.
40 – 60	Marginal to Fair	7 to 12 Years	Heavy surface-based inlays or overlays with localized repairs. Moderate to extensive panel replacements.
25 – 40	Poor	5 to 10 Years	Sections will require very thick overlays, surface replacement, base reconstruction, and possible subgrade stabilization.
0 – 25	Very Poor	0 to 5 Years	High percentage of full reconstruction.

PCI SCORE

0 To 25 (Very Poor)



25 To 40 (Poor)



PCI SCORE

40 To 60 (Marginal)



60 To 70 (Good)



PCI SCORE

70 To 85 (Very Good)



85 To 100 (Excellent)



Street Condition Data

List of Existing Condition

City of McAllen, TX
Street Inventory and Condition Summary - Sorted by Street Name



GISID	On Street	From Street	To Street	Condition Summary					
				Surface Distress Index (SDI)	Roughness Index (RI)	Structural Index (SI)	Pavement Condition Index (PCI)	Strength Rating	Condition Rating
2133	KENDLEWOOD AVE	N BENTSEN RD	N 45TH ST	64	35	80	54.3	Strmg	Fair
6668	KENDLEWOOD AVE	N 45TH ST	KENDLEWOOD CT	63	71	60	65.7	Mod	Good
6669	KENDLEWOOD AVE	KENDLEWOOD CT	N 47TH ST	76	60	60	70.7	Mod	V Good
5771	KENDLEWOOD AVE	N 47TH ST	N 47TH LN	90	70	60	83.3	Mod	V Good
5769	KENDLEWOOD AVE	N 47TH LN	N 48TH ST	90	70	60	83.3	Mod	V Good
6577	KENDLEWOOD AVE	N 48TH ST	N 49TH ST	92	76	60	86.7	Mod	Excellent
6365	KENDLEWOOD AVE	N 49TH ST	N TAYLOR RD	88	69	60	81.7	Mod	V Good
1626	KENDLEWOOD CT	KENDLEWOOD AVE	NE END	63	46	60	57.3	Mod	Fair
3078	EAST END	DS@530W EAST END	DS@530W EAST END	99	90	60	96	Mod	Excellent
3589	KENNEDY AVE	DS@530W EAST END	S 8TH ST	99	90	60	96	Mod	Excellent
1669	KENNEDY AVE	S 8TH ST	SH0336	68	47	60	61	Mod	Good
1675	KENNEDY AVE	S 16TH ST	S 17TH 1/2 ST	82	64	60	76	Mod	V Good
4301	KENNEDY AVE	S 17TH 1/2 ST	RAMP	66	43	60	58.3	Mod	Fair
2235	KENNEDY AVE	S 25TH ST	S 25TH ST	51	63	60	55	Mod	Fair
4955	KENNEDY AVE	S 25TH ST	S 25TH 1/2 ST E	75	72	60	74	Mod	V Good
4954	KENNEDY AVE	S 25TH 1/2 ST E	S 25TH 1/2 ST W	88	84	60	86.7	Mod	Excellent
4956	KENNEDY AVE	S 25TH 1/2 ST W	S 26TH ST	72	50	60	64.7	Mod	Good
6907	KENNEDY CIR	S 21ST ST	S 21ST ST	89	70	60	82.7	Mod	V Good
6906	KENNEDY CIR	S 21ST ST	JACKSON AVE	73	52	60	66	Mod	Good
7085	KENT LN	NORTH END	E BURNS DR	75	61	60	70.3	Mod	V Good
2869	KERRIA AVE	KERRIA AVE	N CYNTHIA ST	69	48	60	62	Mod	Good
2877	KERRIA AVE	E KERRIA AVE	N 1ST LN W	69	59	60	65.7	Mod	Good
3332	KERRIA AVE	EAST END	N 4TH ST	54	54	60	54	Mod	Fair
2170	KERRIA AVE	N 4TH ST	WEST END	80	61	60	73.7	Mod	V Good
1698	KERRIA AVE	N 6TH ST	N 8TH ST	75	56	60	68.7	Mod	Good
6884	KERRIA AVE	N 8TH ST	N 9TH ST	65	73	60	67.7	Mod	Good
1747	KERRIA AVE	N 9TH ST	SH0336	62	31	60	51.7	Mod	Fair
3829	KERRIA AVE	N 11TH ST	N 12TH ST	78	70	60	75.3	Mod	V Good
3833	KERRIA AVE	N 12TH ST	N MAIN ST	88	69	60	81.7	Mod	V Good
3986	KERRIA AVE	N MAIN ST	N 16TH ST	89	70	60	82.7	Mod	V Good
2216	KERRIA AVE	N 16TH ST	WEST END	78	58	60	71.3	Mod	V Good

Map (GIS) of Existing Condition



Summary of Findings

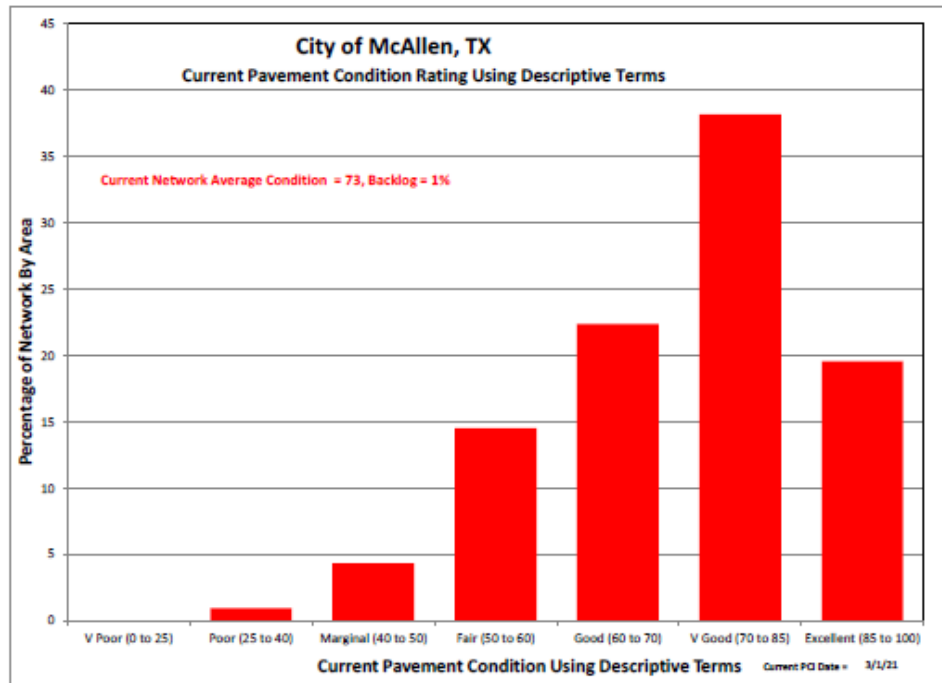


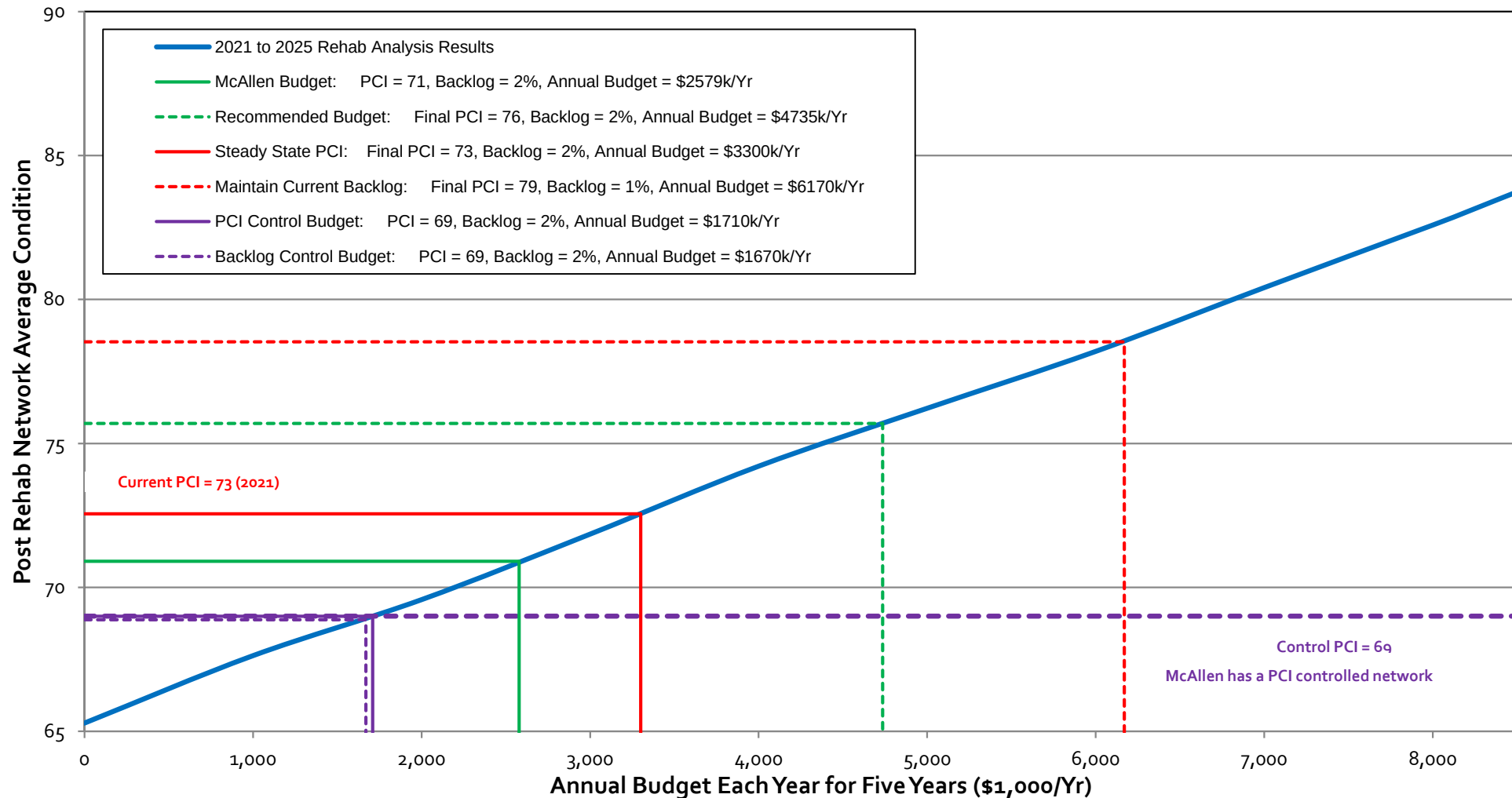
Figure 9 – Roadway Network Present Status Using Descriptive Terms

Current Network has average PCI of 73
Better than national average of between 60-65

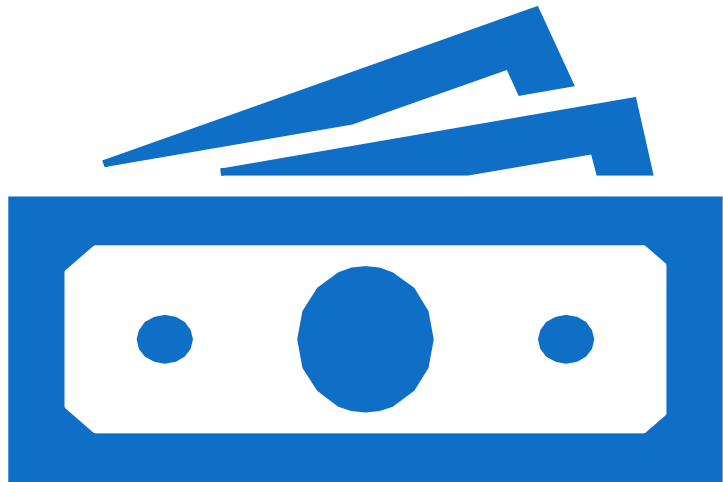
Streets rated as excellent is at 19.6%
Better than the minimum recommended target 15%

Backlog is at 1%
Better than national average value of 12%

Five Year PCI Vs Annual Budget



Funding Options (5 Year Plan)



1. Maintain current budget, \$2.59 million, lowers PCI to 71 and increases backlog to 2%.
2. Maintain PCI of 73, increases to 2% backlog, fund at \$3.30 million (increase of \$710,000)
3. Maintain 1% backlog, increase PCI to 79, fund at \$6.17 million (increase of \$3.58 million)
4. Increase PCI to 76 with 2% backlog, fund at \$4.735 million (increase of \$2.145 million)



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

4.

DATE SUBMITTED

06/22/2021

MEETING DATE

6/28/2021

1. Agenda Item: Discussion on Carports.

2. Party Making Request: Edgar Garcia

3. Nature of Request: Discussion on Carports

4. Routing:

Jessica Cavazos

Created/Initiated - 6/22/2021

Edgar Garcia

Approved - 6/22/2021

Michelle Rivera

Approved - 6/22/2021

Isaac Tawil

New - 1/1/1900

5. Staff Recommendation:

6. Advisory Board:

7. City Attorney:

8. Manager's Recommendation:

Discussion on Carports

Workshop for City Commission

June 28, 2021

Back to Basics

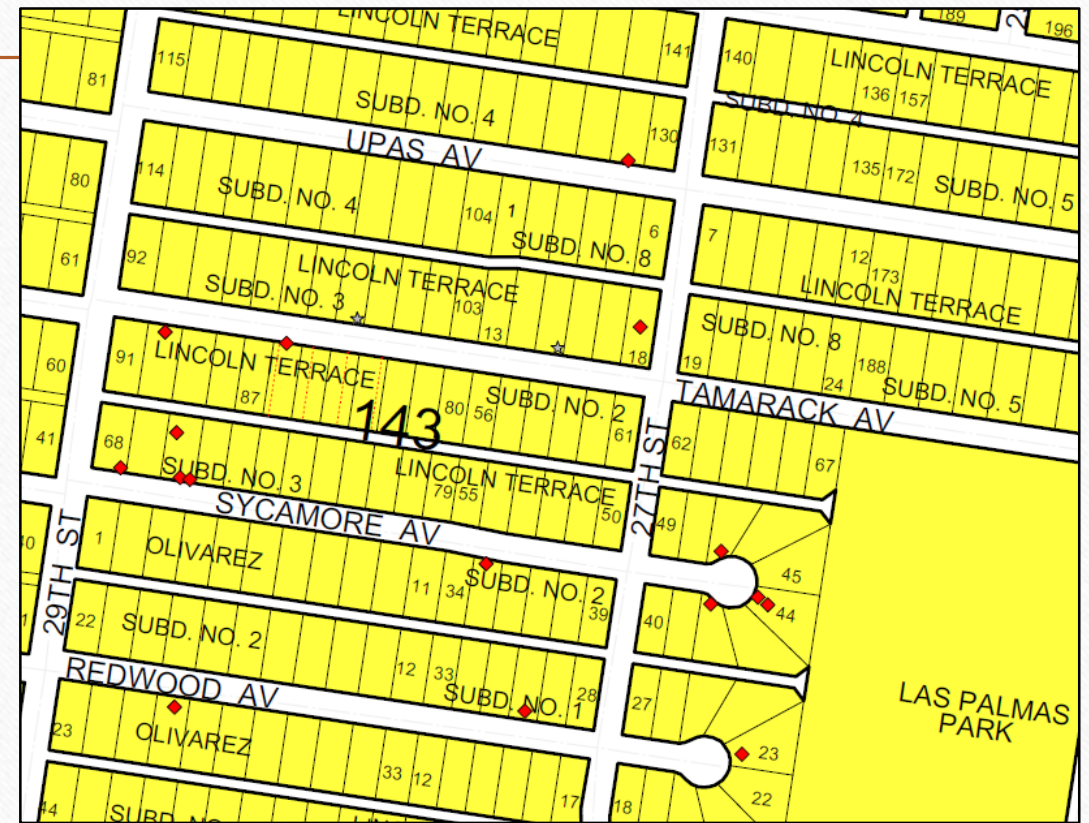
- Violation of a City Ordinance
- Setbacks found in Zoning Ordinance
- Encroachments into setbacks are violations of Ordinance
- Carports themselves not the issue



NON-COMPLIANCE

Violations

- Weedy lots
- Junked Vehicles
- Noise Complaints
- Parking on yard
- Businesses in residential zone
- Unpermitted construction
- Carports



Carport Still Possible

- Special Exceptions to Zoning Ordinance go to Zoning Board of Adjustment & Appeals (ZBOA)
- Public hearing process required
- Staff presents facts and make recommendation
- ZBOA makes final decision

Enforcement Stop Work Orders

A notice of violation and citation will be served for any construction done without obtaining the proper building permits.



Compliance

- Remove structure
- Apply for building permit* and meet setbacks
- Apply for building permit* and variance to encroach into setbacks

*penalty fees equal to the permit fee will be assess for any construction work which a permit is required.

Questions?





ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

5.

DATE SUBMITTED

06/15/2021

MEETING DATE

6/28/2021

1. Agenda Item: Subdivision Monthly Report.

2. Party Making Request: Edgar Garcia

3. Nature of Request: Subdivision Monthly Report

4. Routing:

Jessica Cavazos

Edgar Garcia

Michelle Rivera

Isaac Tawil

Created/Initiated - 6/15/2021

Approved - 6/21/2021

Approved - 6/21/2021

New - 1/1/1900

5. Staff Recommendation:

6. Advisory Board:

7. City Attorney:

8. Manager's Recommendation:

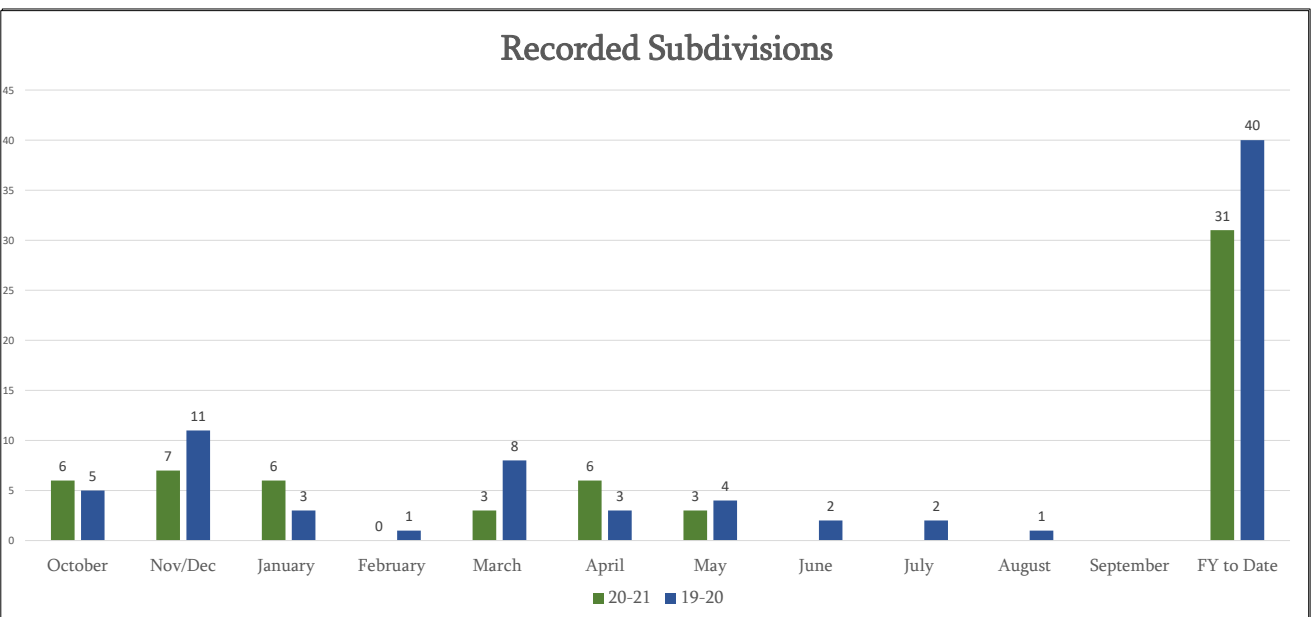
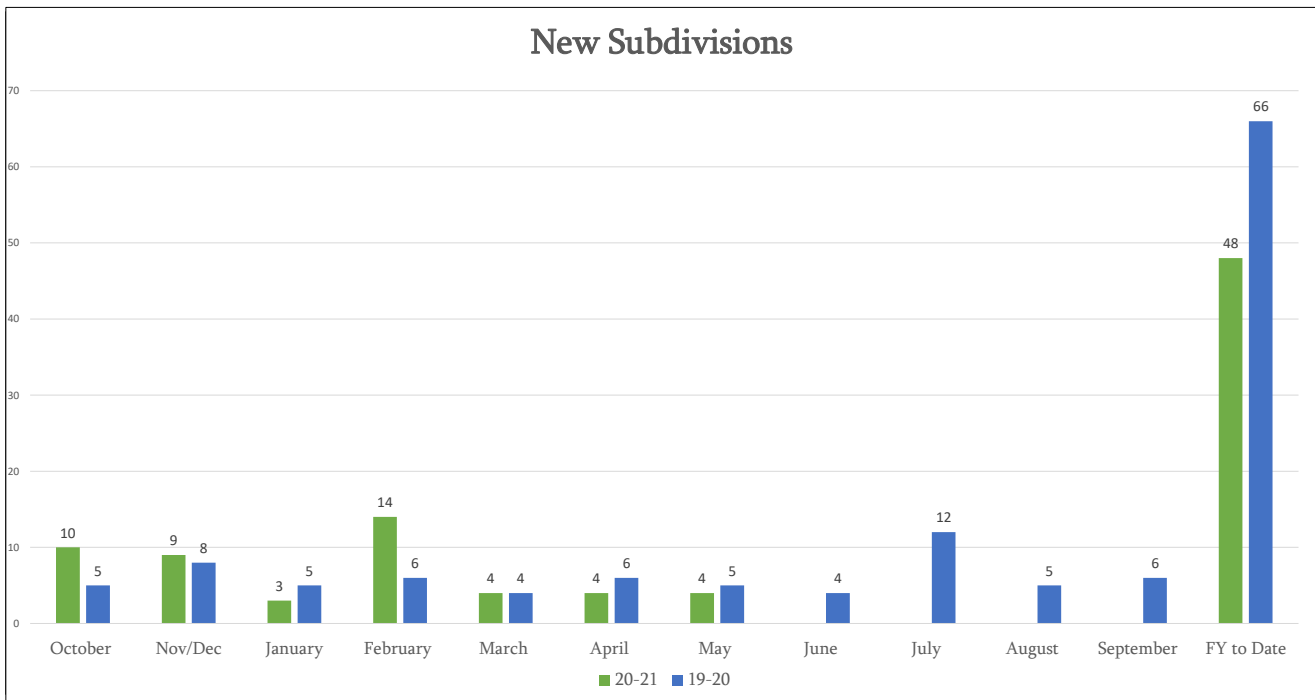
City of McAllen

Subdivision Report Ending May 31, 2021

Planning Department

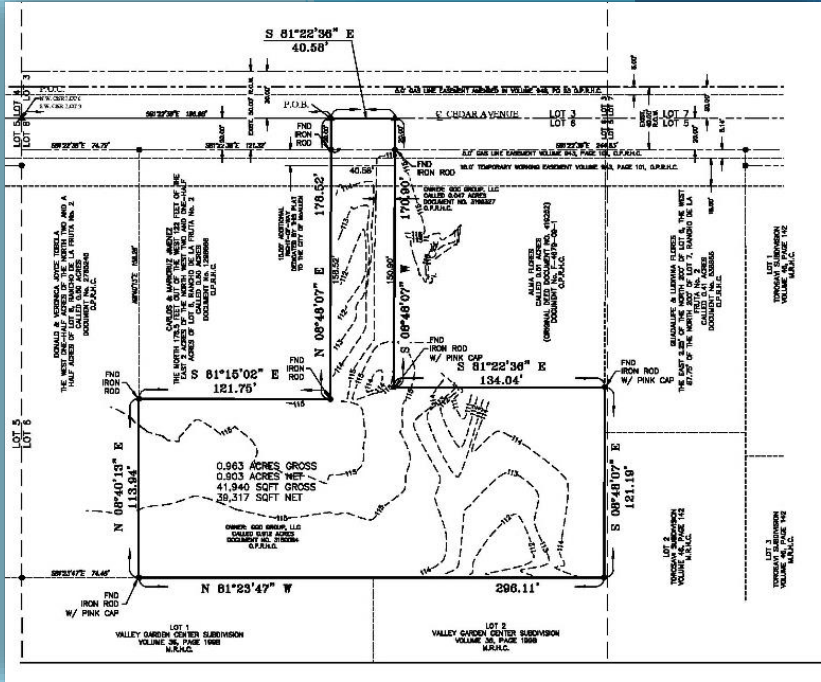
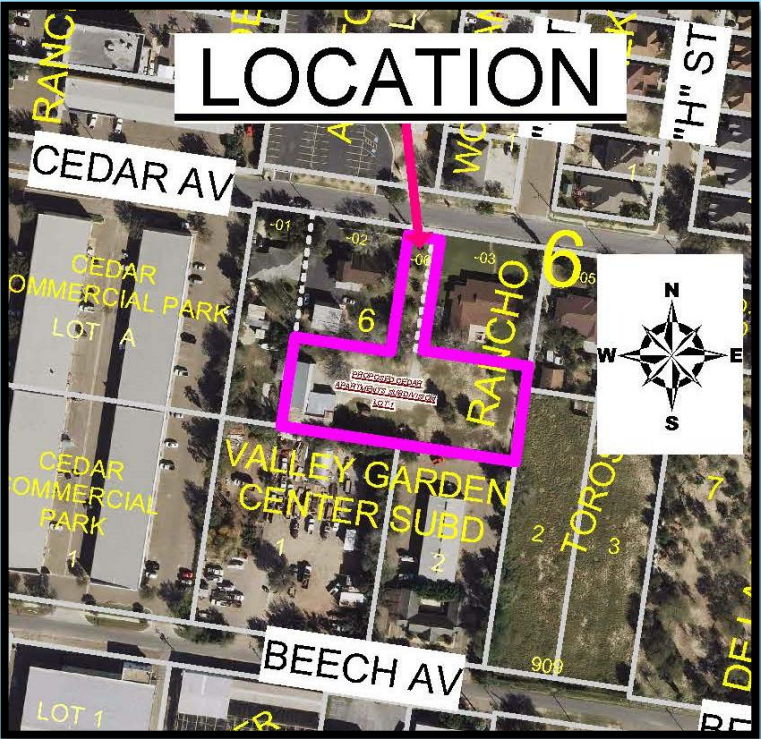
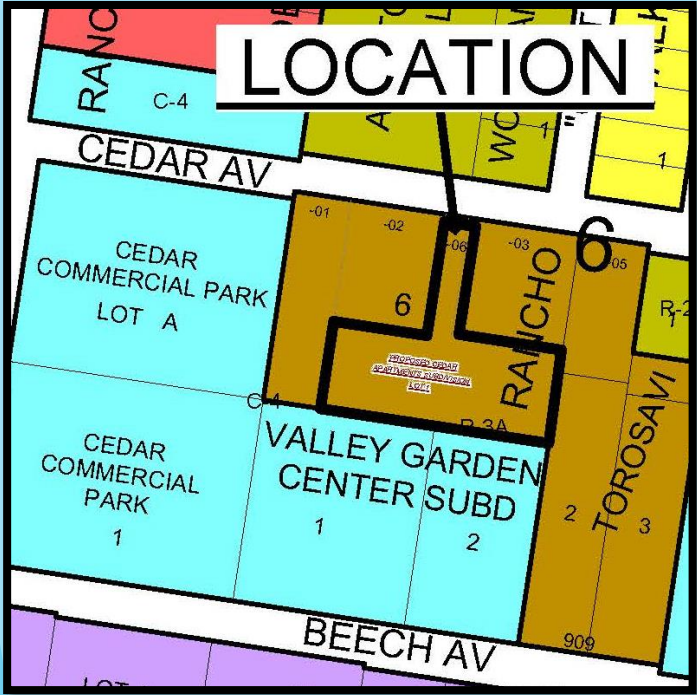


	Zoning	Type of Development	Number of Lots	Acres
New Subdivisions				
1. Cedar Apartments Subdivision	R-3A	Residential	1	0.936
2. Salkinder Plaza Subdivision	C-3	Commercial	1	2.07
3. Saltillo Plaza Subdivision	C-3	Commercial	1	0.998
4. Villa Torre at North Bentsen Estates	R-1	Residential	27	5.00
Recorded Subdivisions				
1. B.B.E Ranchette Subdivision	R-1	Residential	1	2.296
2. McAllen Townsite Lot 6-A Block 47 Subdivision	C-3	Commercial	1	0.124
3. Villatorre Estates at Almon Subdivision	R-1	Residential	41	8.48



Cedar Apartments Subdivision

Zoning: R-3A
Type of Development: Residential
Lots: 1
Acres: 0.936



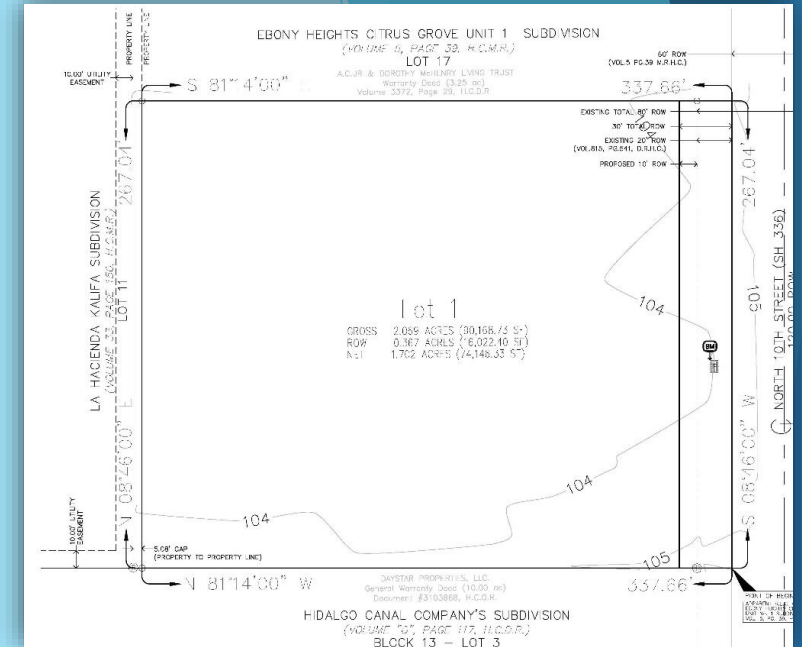
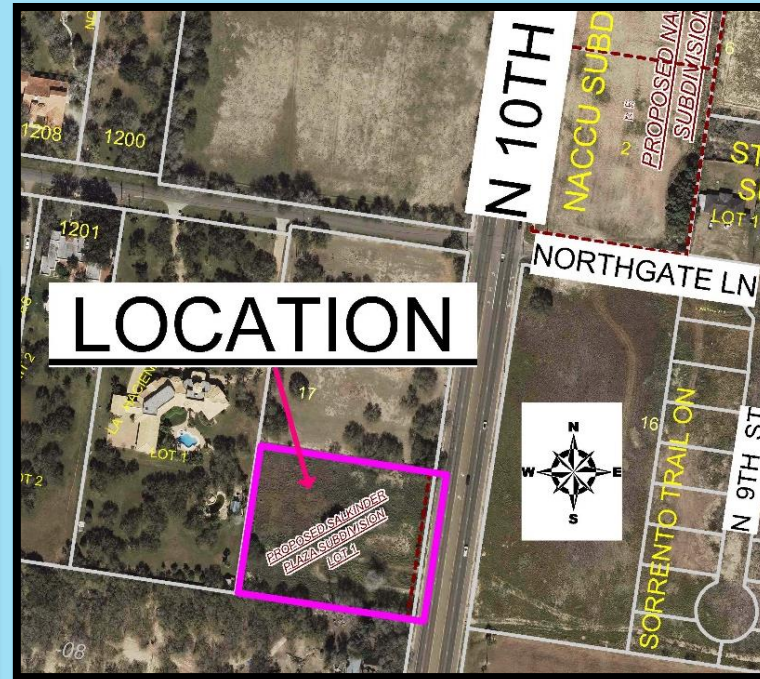
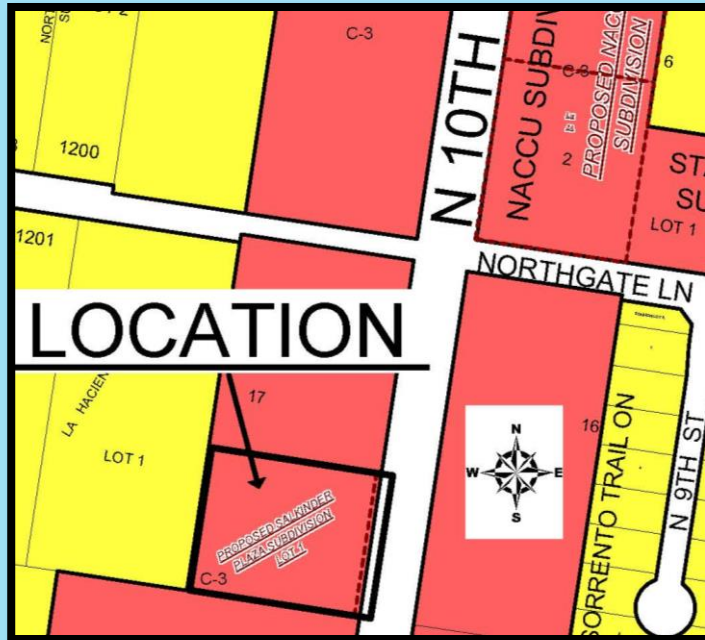
Salkinder Plaza Subdivision

Zoning: C-3

Type of Development: Commercial

Lots: 1

Acres: 2.07



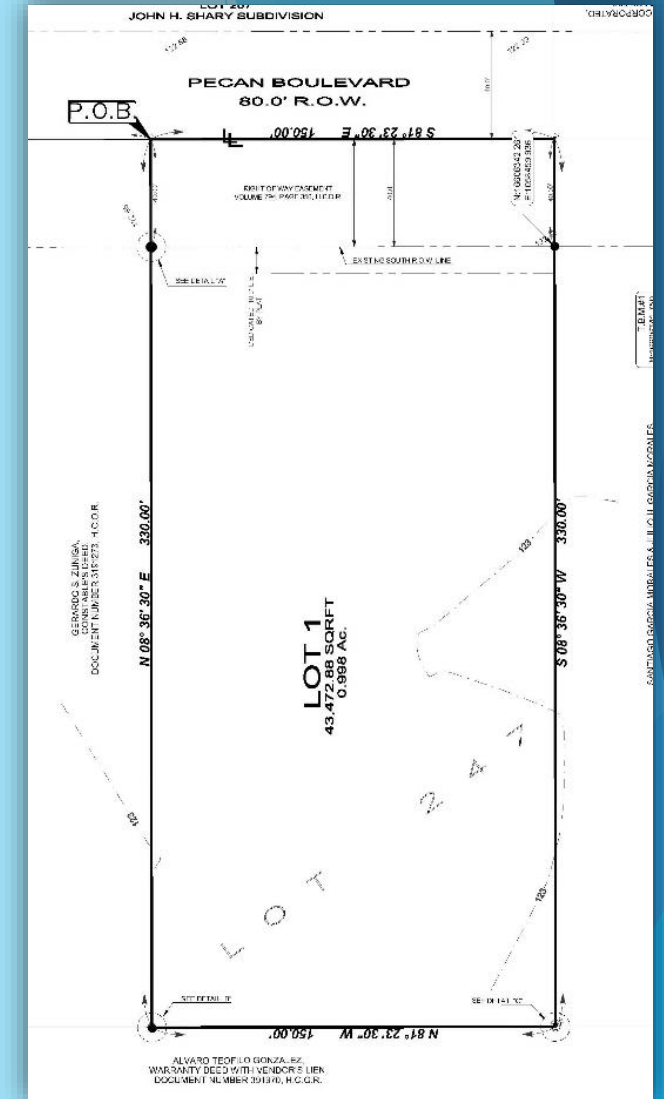
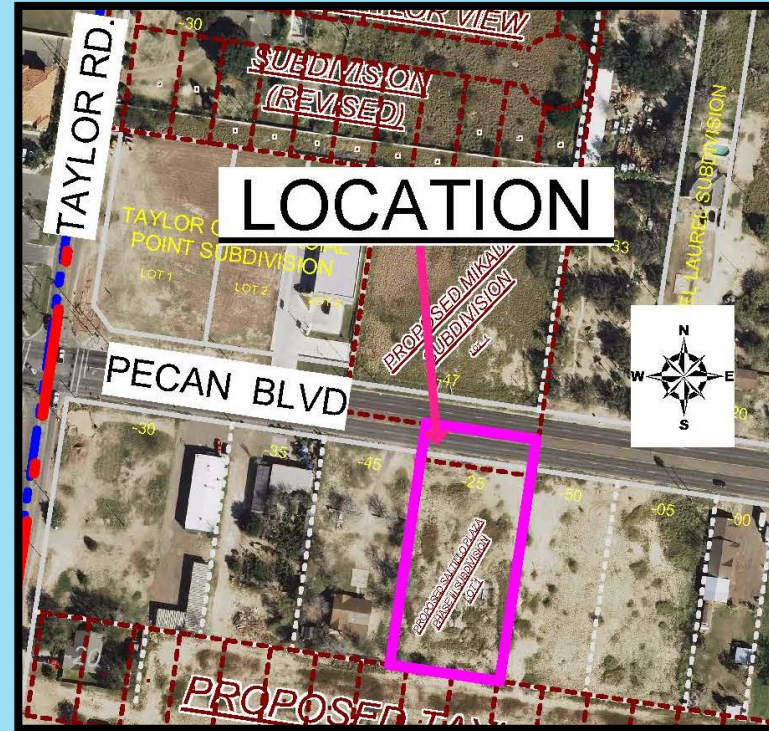
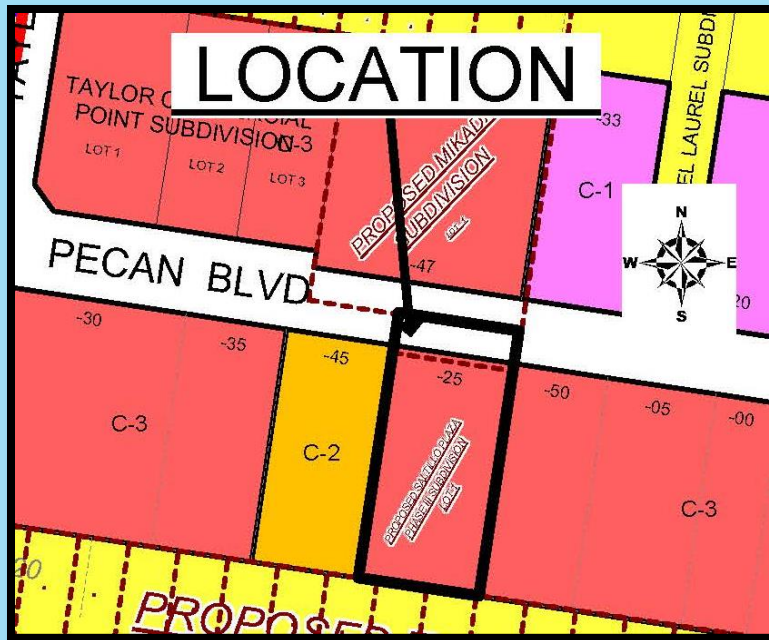
Saltillo Plaza Subdivision

Zoning: C-3

Type of Development: Commercial

Lots: 1

Acres: 0.998



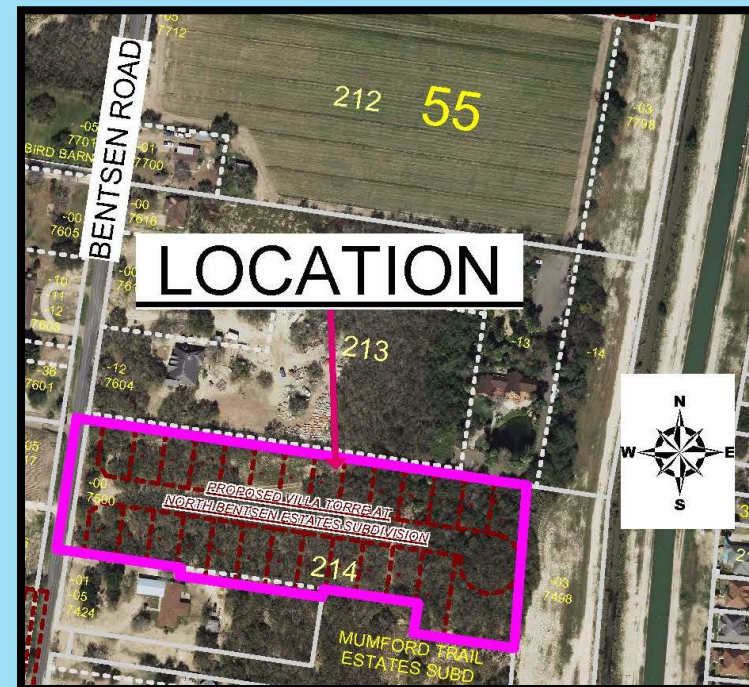
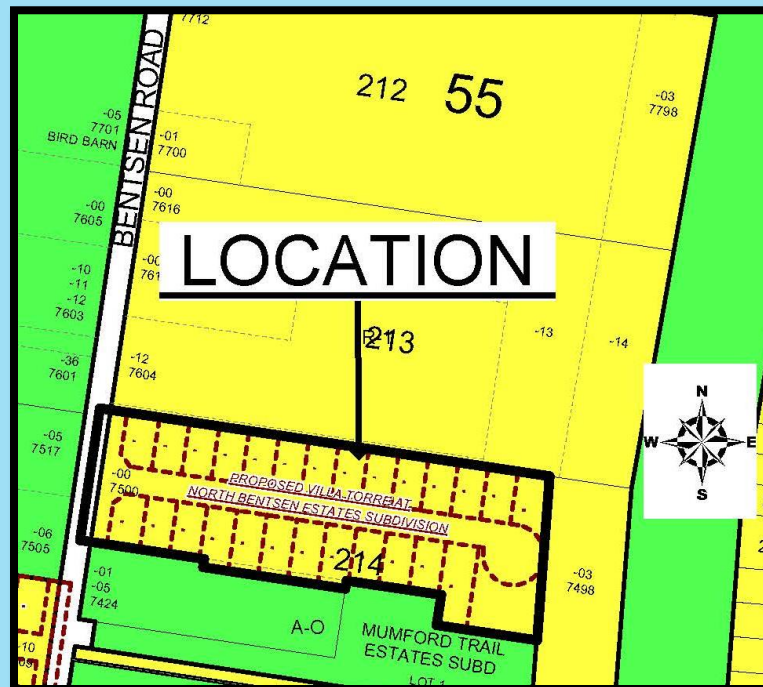
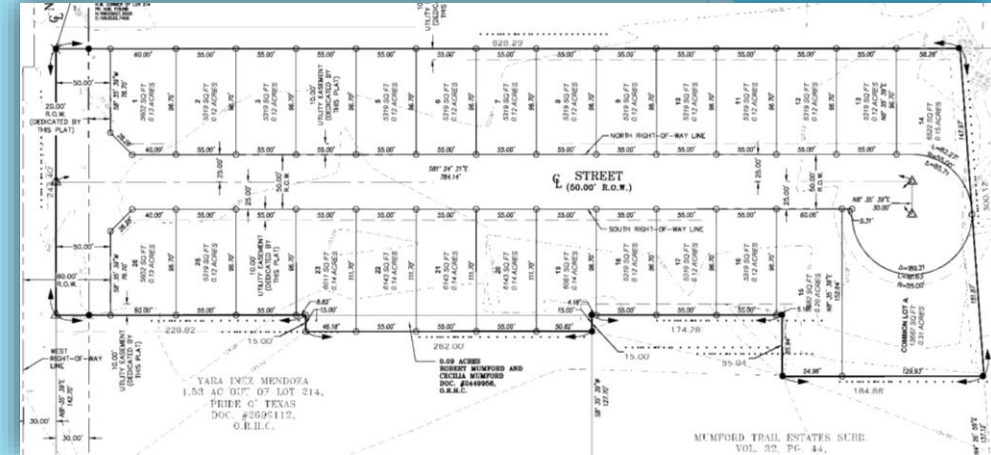
Villa Torre at North Bentsen Estates Subdivision

Zoning: R-1

Type of Development: Residential

Lots: 27

Acres: 5.00



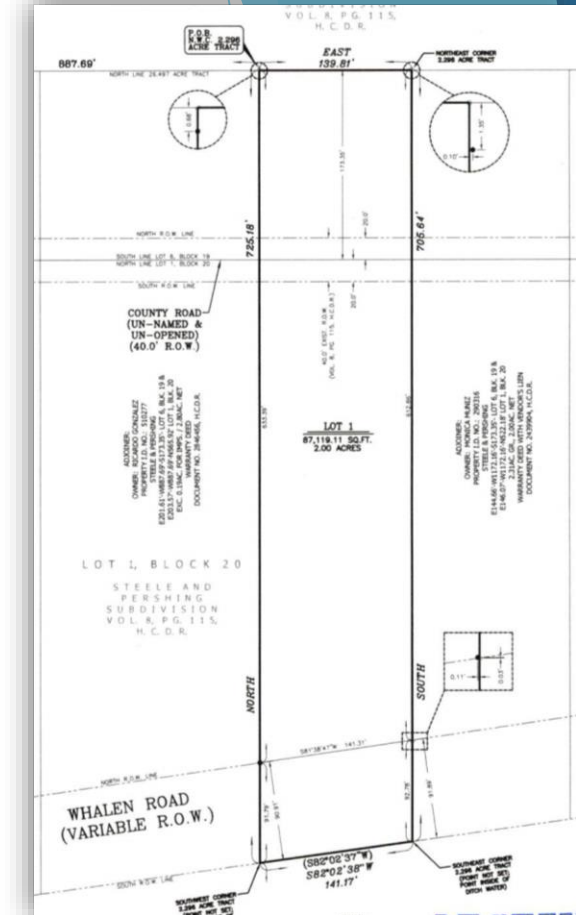
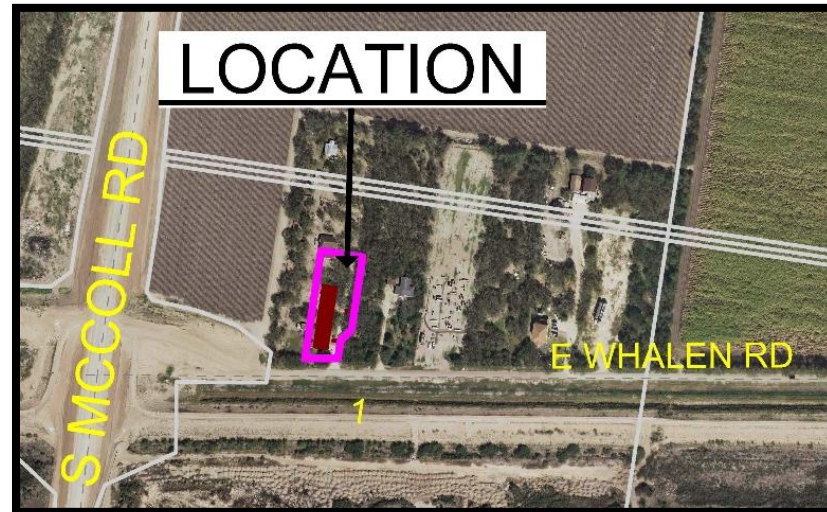
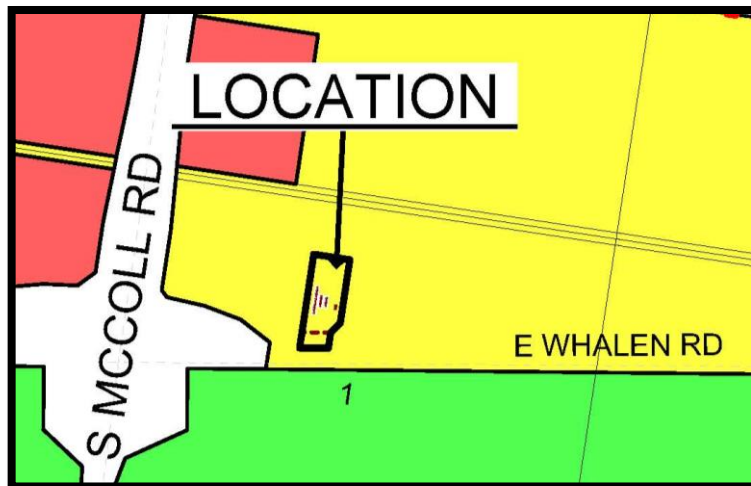
B.B.E Ranchette Subdivision

Zoning: R-1

Type of Development: Residential

Lots: 1

Acres: 2.296



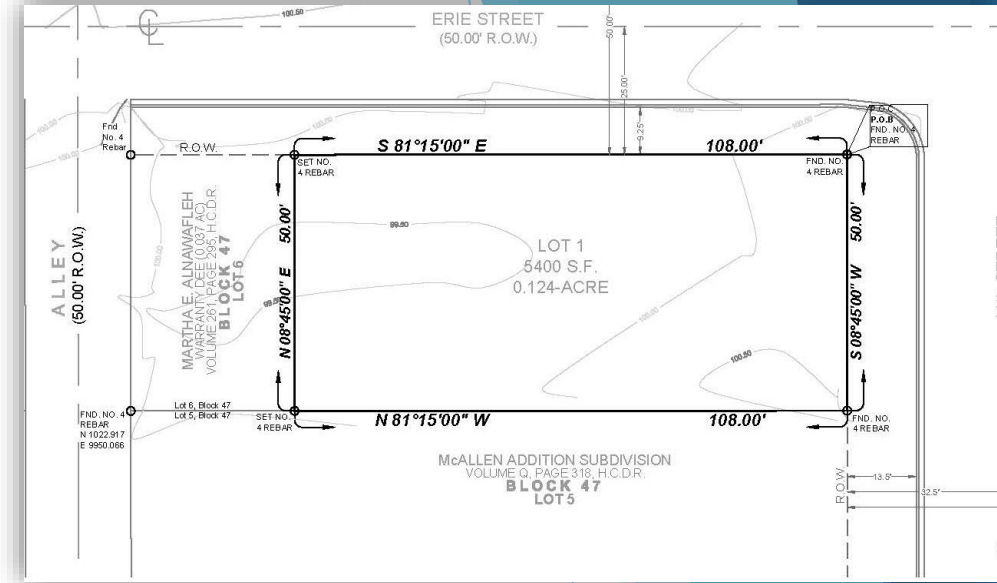
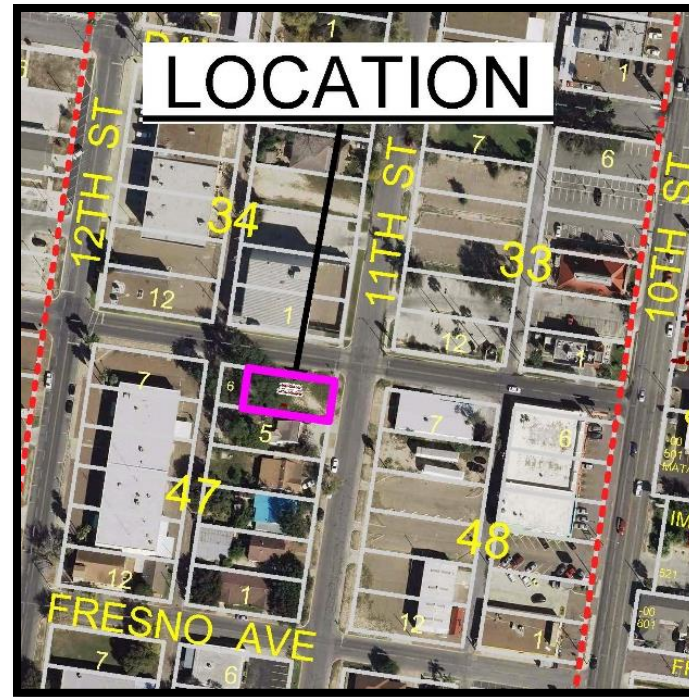
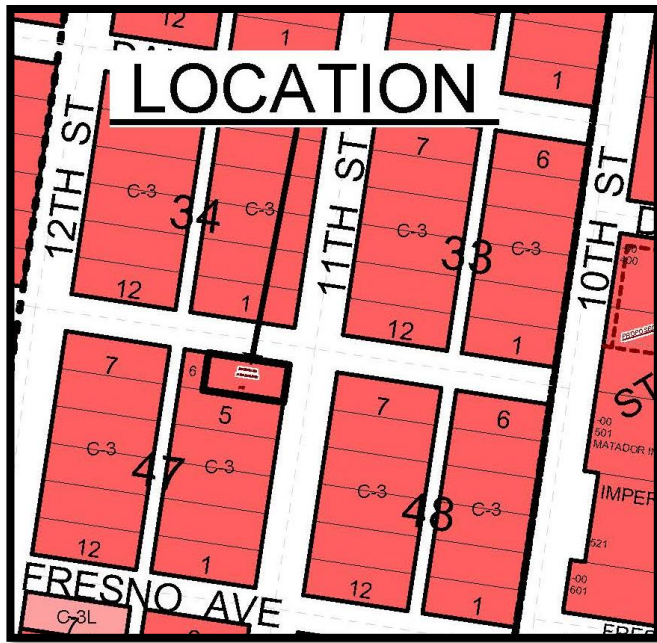
McAllen Townsite Lot 6-A Block 47 Subdivision

Zoning: C-3

Type of Development: Commercial

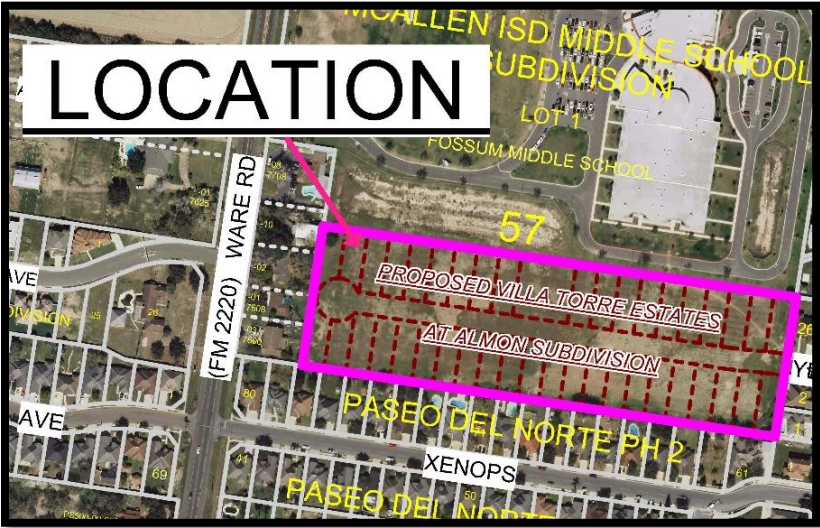
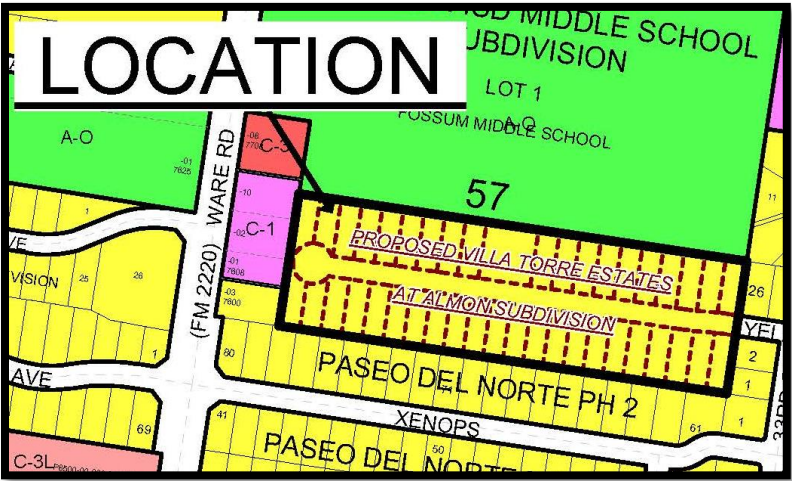
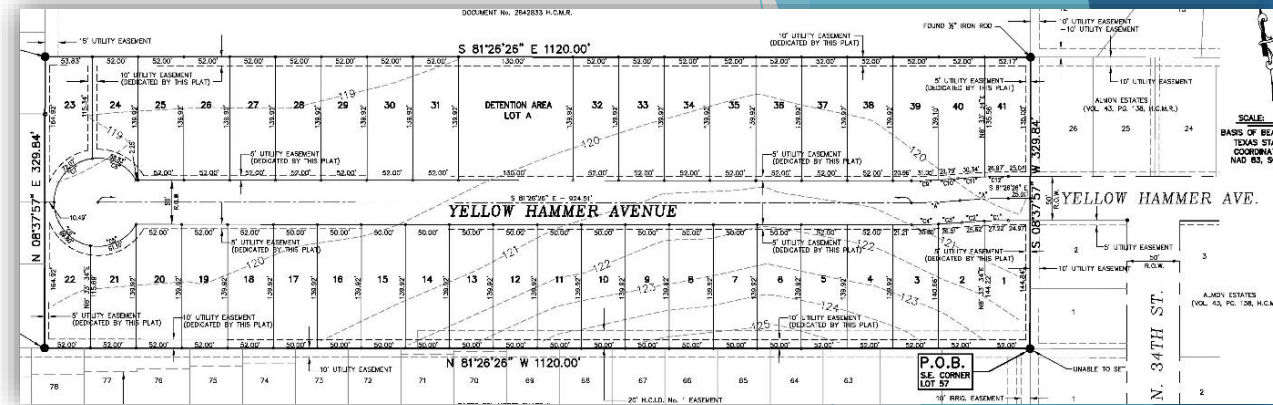
Lots: 1

Acres: 0.124



Villatorre Estates at Almon Subdivision

Zoning: R-1
Type of Development: Residential
Lots: 41
Acres: 8.48





ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

6.

DATE SUBMITTED

06/18/2021

MEETING DATE

6/28/2021

1. Agenda Item: Project Status Report through May 31, 2021.
2. Party Making Request: Eduardo Mendoza
3. Applicant: Eduardo Mendoza
4. Nature of Request: Project Status Report through May 31, 2021.
5. Fiscal Impact Summary:
6. Budgeted:

Bid Amount:	_____	Budgeted Amount:	_____
Under Budget:	_____	Over Budget:	_____
		Amount Remaining:	_____
7. Routing:

Sugey Perez	Created/Initiated - 6/18/2021
Yvette Barrera	Approved - 6/22/2021
Michelle Rivera	Approved - 6/22/2021
Isaac Tawil	New - 1/1/1900
8. Staff Recommendation: Project Status Report through May 31, 2021.
9. Advisory Board:
10. City Attorney:
11. Manager's Recommendation:



ENGINEERING DEPARTMENT
MEMORANDUM

To: Roel "Roy" Rodriguez, P.E., City Manager
From: Yvette Barrera, PE, CFM, City Engineer
Date: June 28, 2021
Subject: Project Status Report through May 31, 2021.

Please find attached a list of various projects that are currently under construction and for which the Engineering Department performs Construction Management services. The work depicted is work performed through May 31, 2021.

The following projects are included:

1. Bicentennial Boulevard Extension (Trenton to SH107)
2. Taylor Road Widening (I2 to Daffodil Avenue)
3. Daffodil Avenue Widening (Taylor Road to Ware Road)
4. Dove Avenue Widening (Bentsen Road to 41st Street)
5. 2018 Bond Drainage Improvement Projects Cont.
6. Drainage Utility Fee Projects
7. Single Machine Repaving Project
8. TX DOT Update on I-2/ I-69C Interchange Project



PROJECT STATUS REPORT

Through May 31, 2021

By Yvette Barrera, P.E., City Engineer

Bicentennial Boulevard Extension (Trenton to SH107)

2.8 mile extension of a 4 lane urban curb and gutter roadway

Construction Company:	Texas Cordia LLC
Original Contract:	\$12,796,830.45
Change Orders:	\$233,179.59
Contract End Date:	August 27, 2021

- HCID#1 raw water infrastructure is pending delivery of gate valves for irrigation service connections to the east to finalize construction.
- Southbound lanes from Auburn to Hobbs Drive are complete.
- Roadway complete from Trenton Road to Auburn Avenue. Paving construction of Frontera Road, Northgate Lane, Freddy Gonzalez, and Sprague Road Intersections is pending installation of traffic signals and pedestrian crossings at Freddy Gonzalez and Sprague.



2018 Bond Drainage Improvement Projects

N 43rd Street Storm water Bypass

This project consists of constructing a storm sewer bypass line.

Construction Company:	Castle Construction
Original Contract:	\$ 231,097.98
Change Order to date:	\$ 0
Original Contract End Date:	August 21,2020

- Pavement repair is complete.
- Substantial completion is anticipated in mid June.



2018 Bond Drainage Improvement Projects

Dove Avenue (N 10th Street to N 2nd Street) Drainage

This project consists of installation of a new storm sewer line to supplement existing infrastructure along Dove Avenue as well as new infrastructure to serve the intersection of North 10th Street at Dove Avenue

Construction Company:	RDH Site & Concrete
Original contract:	\$ 679,820.00
Change Order to date:	\$ 0
Original Contract End date:	January 11,2021

- Utility conflict at 10th and Dove is resolved.
- 80-LF of pipe remain and final pavement repair pending.



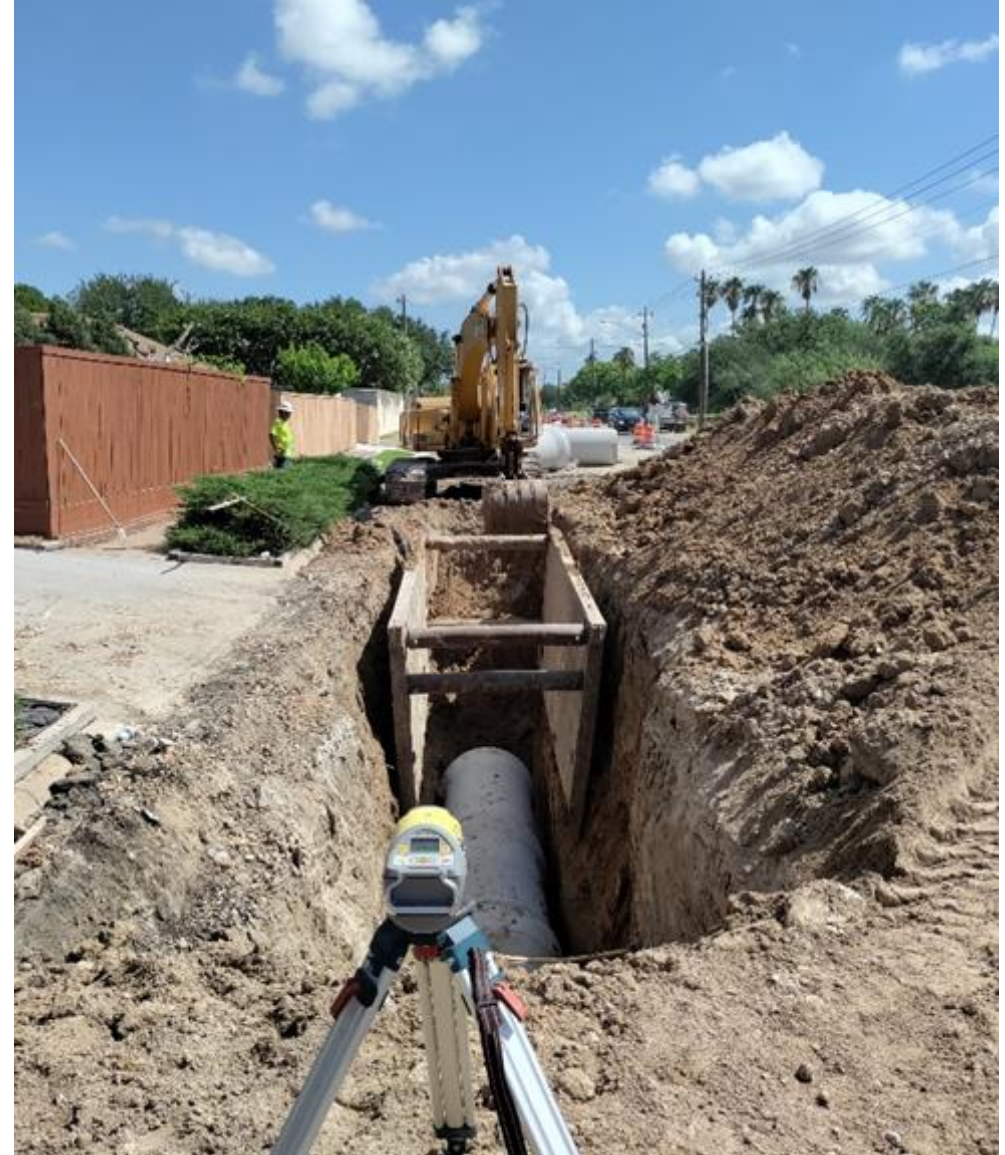
2018 Bond Drainage Improvement Projects

N 4TH Street at Sunflower Avenue Drainage Improvements

This project consists of a new storm sewer line serving the area of N 4th street at Sunflower Avenue and vicinity.

Construction Company:	RDH Site & Concrete
Original contract:	\$ 348,766.00
Change Order to date:	\$ 0
Original Contract End date:	February 21, 2021

- Approximately 1,800-linear feet of the storm sewer is installed from the outlet point at the Northeast Blueline ditch to N. 2nd Street.
- Roughly 250-linear feet of pipe installation remains.
- Crossing at 2nd St is complete.



2018 Bond Drainage Improvement Projects

Northwest Blueline Regrade Trenton to Outfall

This project consists of excavation and grading of an upstream segment of the Northwest Blueline drainage channel, along with approximately 2700-linear feet of new storm sewer

Construction Company:	REIM Construction
Original contract:	\$ 2,028,251.50
Change Order to date:	\$ 0
Original Contract End date:	August 8, 2021

- Work has started on installation of 670-linear feet storm sewer along future 33rd Street..
- Roughly 230-linear feet (Trenton Rd interconnect) also remains.
- Preparations have started for pavement reconstruction between N 29th Street and future 33rd Street.



2018 Bond Drainage Improvement Projects

Bicentennial Blueline (Harvey Ave to Tamarack Ave) Bridge Improvements (4 Locations)

Construction Company: GO Underground

1) La Vista Avenue Bridge Improvements

Original contract: \$ 1,272,271.14

Change Order to date: \$ 0

Original Contract End date: June 11, 2021

- Waterline relocations are complete. Drilled shaft construction is ongoing. Headwall construction and roadway reconstruction will remain.

2) Highland Avenue Pedestrian Bridge Improvements

Original contract: \$ 351,640.40

Change Order to date: \$ 0

Original Contract End date: December 9, 2021

- The pre-fabricated pedestrian bridge is staged on-site.
- Pedestrian Bridge Sub-structure to begin in June 2021



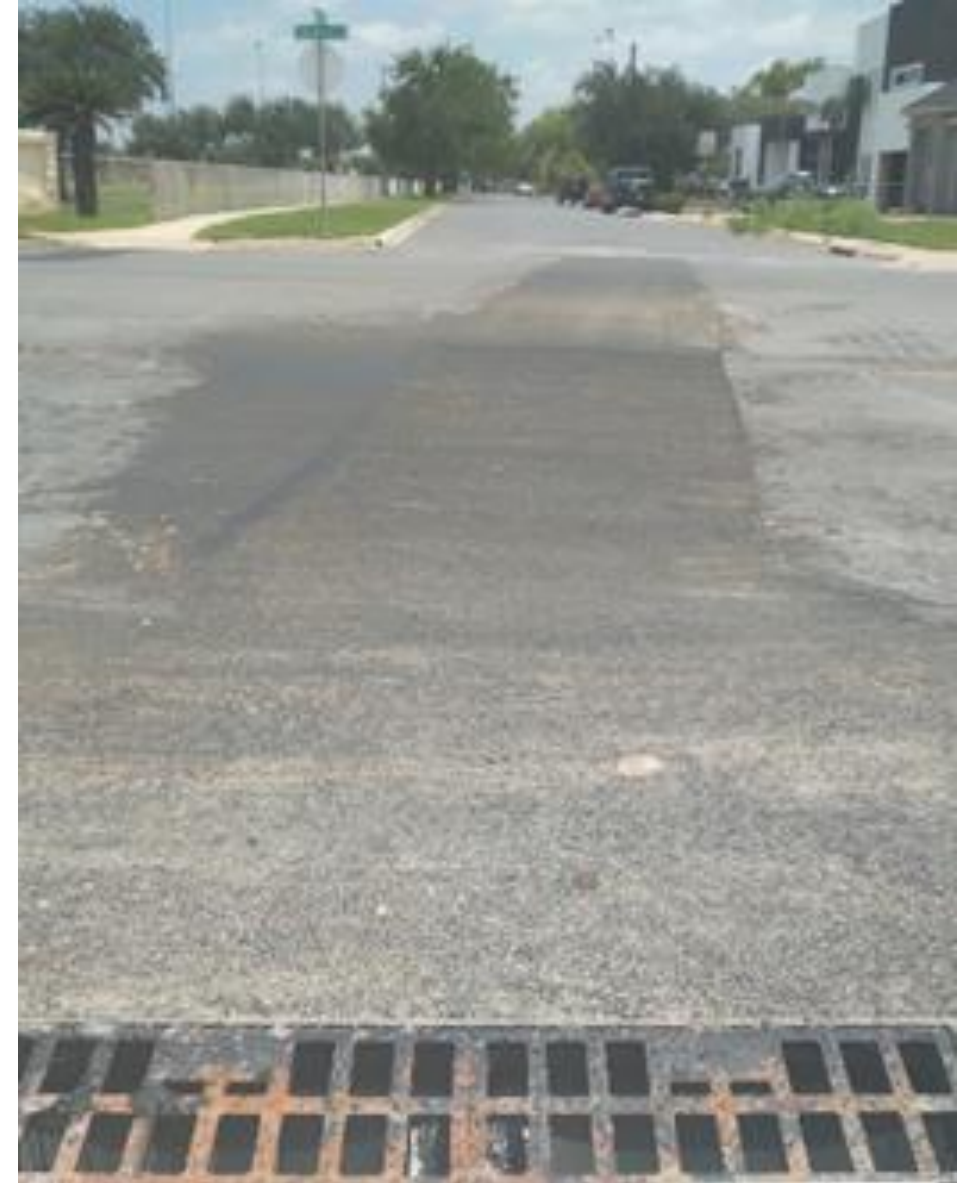
Drainage Utility Fee Projects

Sarah Avenue Storm Sewer Bypass

This project consists of installation of a storm sewer bypass line to redirect excess storm flows into an adjacent system. Construction includes installation of 450-linear feet of new storm sewer line, related structures and a backflow prevention valve.

Construction Company:	Texas Cordia , LLC
Original contract:	\$ 111,100.00
Change Order to date:	\$ 0
Original Contract End date:	June 6, 2021

- Substantial completion was acknowledged on May 18, 2021.
- Crews are addressing minor punch list items.



Drainage Utility Fee Projects Cont.

Gardenia Avenue at N 12th Street Drainage Improvements

This project consists of the installation of a new storm sewer infrastructure: Approximately 1,700- linear feet of pipe ranging from 24-inches to 42-inches, related inlets and manholes and pavement reconstruction.

Construction Company:	Texas Cordia
Original contract:	\$ 282,060.00
Change Order to date:	\$ 0
Original Contract End date:	August 2, 2021

- 680-linear feet of the storm sewer is installed between the outfall at the Bicentennial Blueline drain ditch and N 16th Street.
- Two manhole structures and two curb inlet structures are installed.
- Approximately 1,000-linear feet of storm sewer remains.



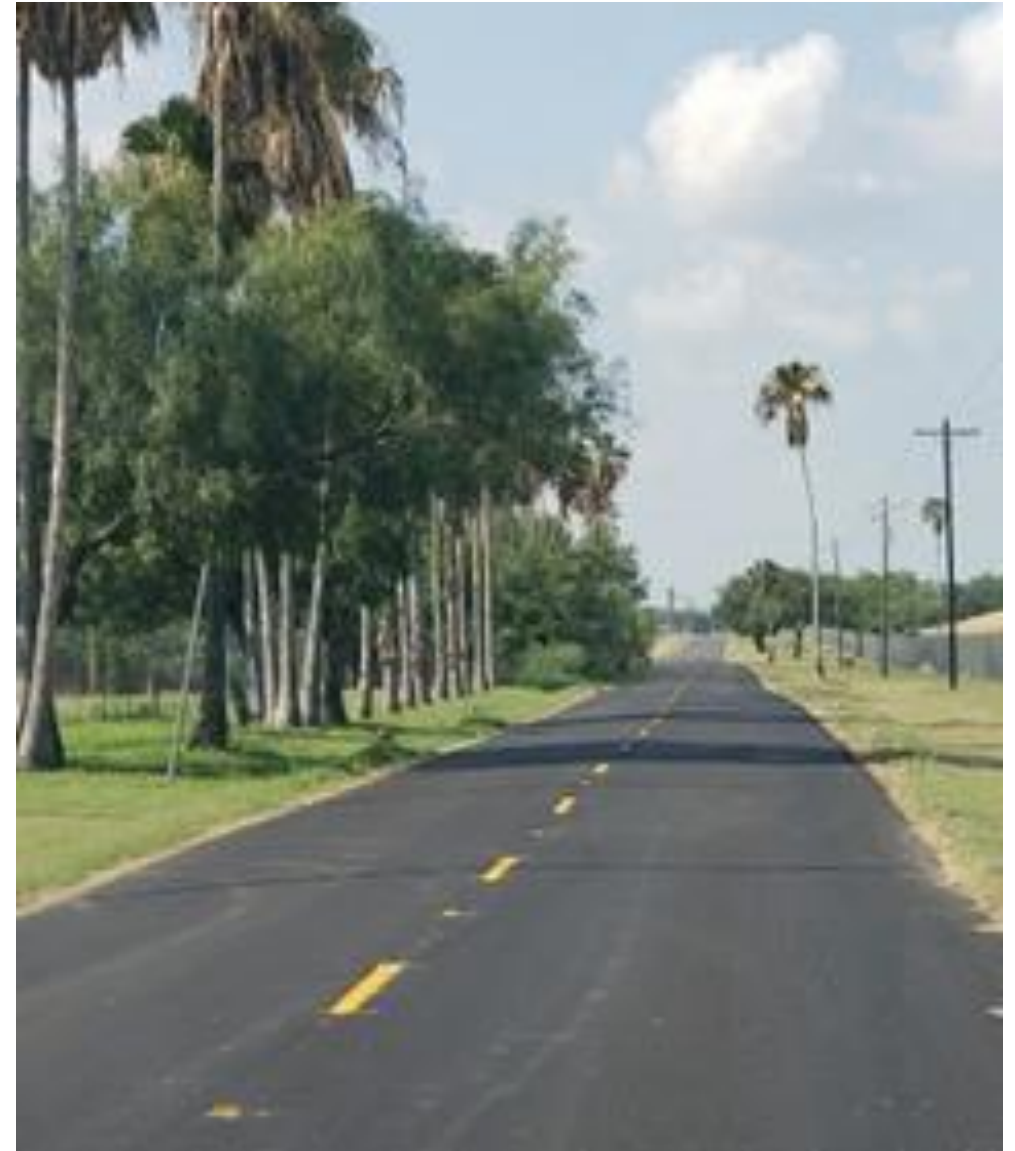
Single Machine Annual Repaving Project

21st and Kennedy and Colbath and 38th street

This project includes the annual repaving of McAllen Roadways. The scope of work includes milling and hot in place recycling, followed by a new one inch asphalt mat.

Construction Company:	Cutler Repaving, Inc.
Original contract:	\$ 1,145,725.60
Change Order to date:	\$ 0
Original Contract Time:	100 days
Original Contract End date:	July 28, 2021

- During the month of May, the project reached 95% Completion.
- The contractor has completed list of roads as of June 10th.



TX DOT Update on I-2/ I-69C Interchange Project



PROJECT STATUS UPDATE FOR THE CITIES

We've been busy!

The project reached a major milestone this month with the setting of precast girders for DC4. Over a three-day period, a total of 20 supersized girders were installed connecting the columns on the northwest corner of the interchange.

Additional work taking place in Pharr includes drainage and roadway activities on the I-2 main lanes between Sugar Road and Veterans Boulevard and on southbound I-69C between Nolana Loop and SH495. Crews also continue prep work for the straddle cap pour over the I-69C southbound frontage road. The construction of substructures for DC2 and DC3 has also been an ongoing process.

In McAllen, drilling operations are taking place at Jackson Avenue and drainage/roadway activities are taking place on the I-2 eastbound main lanes between 2nd Street and Jackson Road.

In San Juan drainage activities continue on eastbound I-2. Work for roadway widening is currently take place at Veterans Boulevard. Crews also continue construction on columns and bent caps for the braided ramps and work on drilled shaft extensions at Nebraska Avenue.



What's coming next?

Construction activities will continue for DC4, DC3 and DC2 in Pharr, as well as for the braided ramps in San Juan. The straddle cap pour over southbound I-69C is expected to take place in late June or early July. Crews are also on scheduled to complete MSE walls on southbound I-69C in Pharr and eastbound I-2 in San Juan within the next month.

Drilling operations will continue on Jackson Avenue in McAllen for an estimated 2 weeks allowing crews to begin working on drilled shaft extensions for the bridge widening. Crews are also expected complete the relocation of high-mast illumination between 2nd Street and Jackson Avenue.

To minimize the impact to the travelling public, necessary lane closures will continue to be implemented nightly, when possible. Nightly full closures have been scheduled in Pharr. Additional details will be distributed when advisories are released.

Please keep in mind, construction activities are subject to change due to inclement weather or other unforeseen events that may occur.

June 21, 2021

TX DOT Update on I-2/ I-69C Interchange Project





ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

7.

DATE SUBMITTED

06/22/2021

MEETING DATE

6/28/2021

1. Agenda Item: Status Report on Parks & Recreation Projects.
2. Party Making Request:
3. Nature of Request: Status Report on Parks & Recreation Projects.
4. Routing:
Cristina Monroy Created/Initiated - 6/22/2021
Denny Meline Approved - 6/22/2021
Isaac Tawil New - 1/1/1900
5. Staff Recommendation:
6. Advisory Board:
7. City Attorney:
8. Manager's Recommendation:



City

Commission

Update





Uvalde Ballfield Lighting CDBG ZA4517

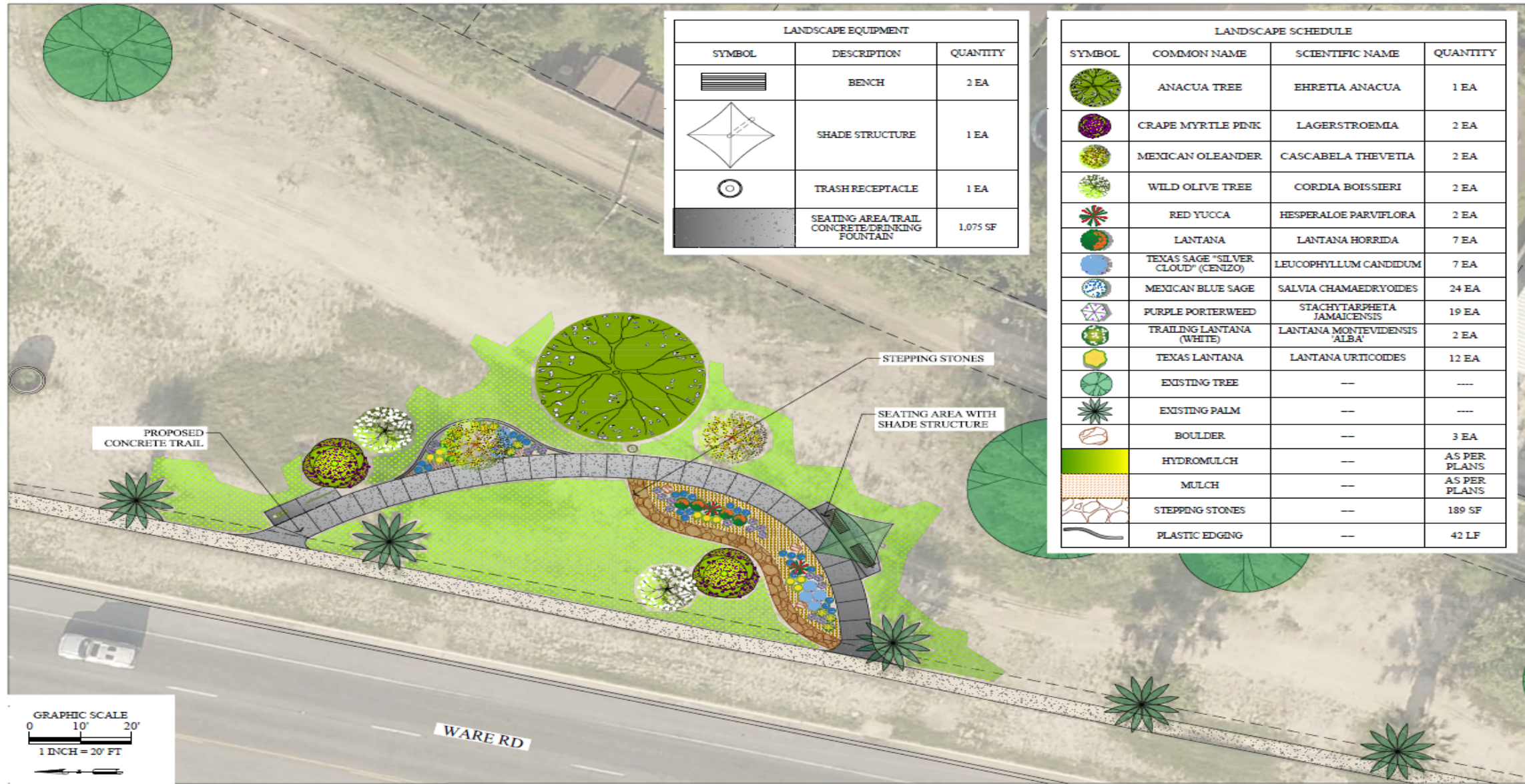
District: 4

Vendor: MUSCO

Budget: \$280,000

Completion Date: Complete pending Field

DATE: JAN 15, 2021 - 03:56 PM
 LUP: SAVED: JAN 15, 2021 - 03:56 PM
 DRAWING FILE: C:\CITY OF MCALLEN\PROJECTS\2. RECREATION\WARE RD\WARE RD COLBATH\WARE RD COLBATH SEATING AREA & CONCRETE TRAIL NORTH SIDE.dwg



CITY OF MCALLEN
 PARKS AND RECREATION DEPARTMENT

COLBATH & WARE RD. PROJECT

REVISIONS:

DATE	DESCRIPTION

Seating Area & Concrete Trail North Side

2

Ware Road Colbath/Jordan Seating Nodes CDBG ZA4080

District: 4 Vendor: Various and In House Budget: \$280,000 Completion Date: July 2021



Ware Road Colbath/Jordan Seating Nodes CDBG ZA4080

District: 4 Vendor: Various and In House Budget: \$280,000 Completion Date: July 2021

Suarez Park

South Location
McAllen, Texas

KC12183
Option 1



Date:
02.23.21

Notes:

Miracle
In Texas
Represented by:

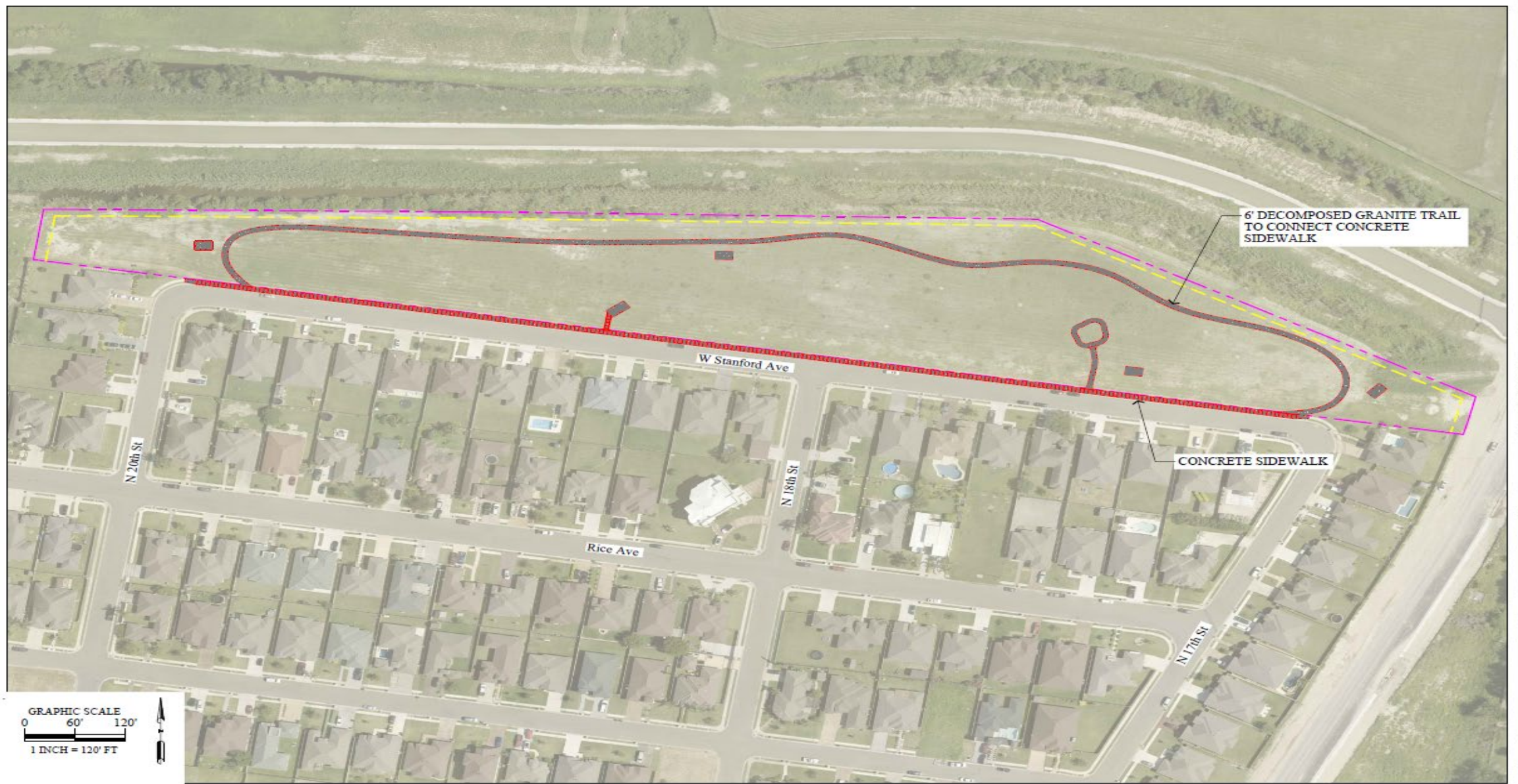


PARK PLACE
RECREATION DESIGNS

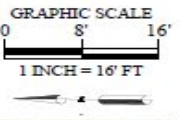


Suarez Toddler Play System CDBG-ZA4514

District: 4 Vendor: Artillery LLC Budget: \$38,155 Completion Date: June 2021



FIREMAN'S PARK - H2O HUT



H2O Hut Relocation- CP2002

District: 6 Vendor: TBD and In House Budget: \$115,000 Completion Date: January 2022



Garza Chavez Substation Landscaping

District: 4

Vendor:

Horticulture in house

Completion Date: July 2021



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

8.A.

DATE SUBMITTED

MEETING DATE

6/28/2021

1. Agenda Item: Consultation with City Attorney regarding issues related to Cause No. C-1946-21-E; Edgar Devora v. City of McAllen, et al. (Section 551.071, T.G.C.)
2. Party Making Request: Isaac Tawil
3. Nature of Request: Consultation with City Attorney regarding issues related to Cause No. C-1946-21-E; Edgar Devora v. City of McAllen, et al. (Section 551.071, T.G.C.)
4. Routing:
Leilani Estrada Colima Created -
5. Staff Recommendation:
6. Advisory Board:
7. City Attorney:
8. Manager's Recommendation:



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

8.B.

DATE SUBMITTED

MEETING DATE

6/28/2021

1. Agenda Item: Consultation with City Attorney regarding legal issues related to Collective Bargaining with the Fire Department. (Section 551.071, T.G.C.)

2. Party Making Request:

3. Applicant:

4. Nature of Request:

5. Fiscal Impact Summary:

6. Budgeted:

Bid Amount: _____

Under Budget: _____

Budgeted Amount: _____

Over Budget: _____

Amount Remaining: _____

7. Routing:

Leilani Estrada Colima

Created -

8. Staff Recommendation:

9. Advisory Board:

10. City Attorney:

11. Manager's Recommendation:



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

8.C.

DATE SUBMITTED

MEETING DATE

6/28/2021

1. Agenda Item: Consultation with City Attorney regarding legal issues related to Collective Bargaining with the Police Department. (Section 551.071, T.G.C.)

2. Party Making Request:

3. Applicant:

4. Nature of Request:

5. Fiscal Impact Summary:

6. Budgeted:

Bid Amount: _____

Under Budget: _____

Budgeted Amount: _____

Over Budget: _____

Amount Remaining: _____

7. Routing:

Leilani Estrada Colima

Created -

8. Staff Recommendation:

9. Advisory Board:

10. City Attorney:

11. Manager's Recommendation:



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

8.D.

DATE SUBMITTED

MEETING DATE

6/28/2021

1. Agenda Item: Consultation with City Attorney regarding legal issues with license agreement.
(Section 551.0071, T.G.C.)

2. Party Making Request:

3. Applicant:

4. Nature of Request:

5. Fiscal Impact Summary:

6. Budgeted:

Bid Amount: _____

Under Budget: _____

Budgeted Amount: _____

Over Budget: _____

Amount Remaining: _____

7. Routing:

Leilani Estrada Colima

Created -

8. Staff Recommendation:

9. Advisory Board:

10. City Attorney:

11. Manager's Recommendation:



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

8.E.

DATE SUBMITTED

MEETING DATE

6/28/2021

1. Agenda Item: Consideration of Economic Development Matters. (Section 551.087, T.G.C.)

2. Party Making Request:

3. Applicant:

4. Nature of Request:

5. Fiscal Impact Summary:

6. Budgeted:

Bid Amount: _____

Under Budget: _____

Budgeted Amount: _____

Over Budget: _____

Amount Remaining: _____

7. Routing:

Leilani Estrada Colima

Created -

8. Staff Recommendation:

9. Advisory Board:

10. City Attorney:

11. Manager's Recommendation:



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

8.F.

DATE SUBMITTED

MEETING DATE

6/28/2021

1. Agenda Item: Discussion and possible lease, sale or purchase of real property; Tract 1, Tract 2 and Tract 3. (Section 551.072, T.G.C.)
2. Party Making Request: Isaac Tawil
3. Nature of Request: Discussion and possible lease, sale or purchase of real property; Tract 1, Tract 2 and Tract 3. (Section 551.072, T.G.C.)
4. Routing:
Leilani Estrada Colima Created -
5. Staff Recommendation:
6. Advisory Board:
7. City Attorney:
8. Manager's Recommendation:



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

8.G.

DATE SUBMITTED

MEETING DATE

6/28/2021

1. Agenda Item: Consultation with City Attorney regarding legal issues related to Mobile Truck Vendors. (Section 551.071, T.G.C.)
2. Party Making Request: Isaac Tawil
3. Nature of Request: Consultation with City Attorney regarding legal issues related to Mobile Truck Vendors. (Section 551.071, T.G.C.)
4. Routing:
Leilani Estrada Colima Created -
5. Staff Recommendation:
6. Advisory Board:
7. City Attorney:
8. Manager's Recommendation: