



Mayor Javier Villalobos
Mayor Pro Tem/Commissioner J. Omar Quintanilla
Commissioner Tony Aguirre, Jr.
Commissioner Joaquin Zamora

Commissioner Rodolfo "Rudy" Castillo
Commissioner Victor "Seby" Haddad
Commissioner Pepe Cabeza de Vaca
City Manager Roel "Roy" Rodriguez, P.E.

AGENDA
CITY COMMISSION REGULAR MEETING
MONDAY, OCTOBER 9, 2023 – 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 Pro Tem Omar Quintanilla

PLEDGE OF ALLEGIANCE - Mayor Pro Tem Omar Quintanilla

INVOCATION - Commissioner Antonio "Tony" Aguirre, Jr.

PROCLAMATIONS - Down Syndrome Awareness Month - Deborah Tomai

Taco Palenque-Juan Francisco Ochoa

National Community Planning Month - Edgar Garcia

Fire Prevention Week- Chief Juan Gloria

AGENDA ITEM PUBLIC COMMENT (Individuals wishing to speak regarding an agenda item on today's agenda, please contact City Secretary before 5:00pm)

1. PUBLIC HEARING:

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

1. Request of Robert Wilson, for a Conditional Use Permit, for one year, and adoption of an ordinance for a bar (Eddies) at lot a-1, Nolana Tower Subdivision, Hidalgo County, Texas; 400 Nolana Avenue, Suite G.

2. Request of Eric R. Pena, for a Conditional Use Permit, for one year, and adoption of an ordinance for a bar (Suerte Bar and Grill) at N98.5' Lot 1 Block 1 , Fairway North Subdivision, Hidalgo County, Texas; 2001 South 10th Street.
3. Request of Mario Almadovar, for A Conditional Use Permit, for one year, and Adoption of an ordinance, for a Hooka Bar, at Lot 1, Gateway Plaza Shopping City Subdivision S85'-N300', Hidalgo County, Texas; 1215 South 10th Street, Suite D.
4. Request of Miguel A. Vargas, for a Conditional Use Permit, for one year, and adoption of an ordinance, for a bar at Lots 1 and 2, Mejia Subdivision Unit No.1, Hidalgo County, Texas; 2000 Nolana Avenue.
5. Request of Florentino Obregon Jr., for a Conditional Use Permit, for life of the use, and adoption of an ordinance, for an institutional use (church) at Lot 15, Espensen Industrial Park Subdivision Unit No.3, Hidalgo County, Texas; 2600 Zinnia Avenue.

B) REZONINGS:

1. Initial Zoning to R-1 (single-family residential) District: 1.09 acres, more or less, out of Lot 417, John H. Shary Subdivision, Hidalgo County, Texas; 4800 Auburn Avenue.
2. Initial Zoning to R-1 (single-family residential) District: 24.54 acres, more or less, out of Lot 417, John H. Shary Subdivision, Hidalgo County, Texas; 8100 North Taylor Road.

C) CONDITIONAL USE PERMIT:

1. Request of Ramon Martinez, for a Conditional Use Permit, for one year, and Adoption of an Ordinance, for a Food Truck Park, at Lot 1, Valley Salvage Center Subdivision, Hidalgo County, Texas; 701 E. Highway 83.

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

E) Public hearing and ordinance providing for the annexation of 1.09 acres, more or less, out of Lot 417, John H. Shary Subdivision, Hidalgo County, Texas; 4800 Auburn Avenue.

F) Public hearing and ordinance providing for the annexation of 24.54 acres, more or less, out of Lot 417, John H. Shary Subdivision, Hidalgo County, Texas; 8100 North Taylor Road.

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 Workshop and Regular meeting held September 25, 2023.
- B)** Consideration and Approval of an Interlocal Agreement with Rio Grande Valley Metropolitan Planning Organization (RGVMPO) for planning funds.
- C)** Consideration and Approval of Change Order for Short Range Transit Plan Revisit.

- D) Resolution authorizing the acceptance of a grant from NASA @ My Library.
- E) Resolution authorizing the submittal of a grant application to the Texas State Library and Archives Commission (TSLAC).
- F) Resolution authorizing the submittal of a grant application to the U.S. Department of Commerce under the Fiscal Year 2023 EDA Public Works and Economic Adjustment Assistance Programs.
- G) Resolution authorizing the submittal of a grant application to the Environmental Protection Agency under the Environmental Education Local Grants Program for Region 6.
- H) Resolution authorizing the submittal of a grant application to the National Endowment for the Humanities under the Dangers and Opportunities of Technology: Perspectives from the Humanities Grant.
- I) Resolution amending Resolution No. 2023-08 to provide for the inclusion of required language as required by the Office of the Governor, Public Safety Office - Criminal Justice Division for the Texas Anti-Gang Program, Fiscal Year 2024, Application No. 3060509.
- J) Resolution amending Resolution 2022-48 to accept grant funds in the amount of \$10,000 from the Office of the Governor Homeland Security Grant Division under the Fiscal Year 2023 Local Border Security Program.
- K) Resolution authorizing the submittal of a grant application to the FTA for Transit-Oriented Development Planning Funds.
- L) Resolution in support of Cost of Living Adjustment (COLA) to pensions as provided by Teacher Retirement System of Texas.
- M) CONSENT COOP PURCHASES
 - 1. Award of Contract for the purchase of Rescue Air-Bags for the Fire Department.
 - 2. Award of Contract for the purchase of Two (2) Front End Loaders utilizing Sourcewell Cooperative Pricing.

3. BIDS/CONTRACTS:

- A) Consideration and Approval of a Memorandum of Understanding between the City of McAllen Fire Department and South Texas College.
- B) Consideration and Approval of EZ Cross Lane Upgrade at McAllen-Hidalgo International Bridge.
- C) Consideration and Approval of Parking Services Agreement with Municipal Parking Services, Inc.
- D) Consideration and Approval of Change Order No. 3 for the Anzalduas Bridge Infrastructure Improvements.
- E) Consideration and Approval of Change Order No. 4 for the McAllen-Hidalgo International Bridge Pedestrian Improvements.
- F) Award of Contract for the McAllen Foreign Trade Zone Stormwater Pump Station Improvements.

4. ORDINANCES:

- A) Consideration and possible approval of an update to the emergency services ordinance to provide for a sole-provider ambulance system.
- B) Ordinance providing for a Budget Amendment for Emergency Medical Services.

5. VARIANCES:

- A) Consideration of variance requests to: 1) Paving width, curb and gutter, and sidewalk requirements for the interior street, 2) Right-of-way, curb and gutter, and sidewalk requirements for a Cul-de-Sac, and 3) A contractual agreement in lieu of providing or escrowing for paving, curb and gutter, and sidewalk requirements for N. Bentsen Palm Drive, for proposed JLG Subdivision, Hidalgo County, Texas; 9212 North Bentsen Palm Drive.

6. MANAGER'S REPORT:

- A) Immigration and Respite Center Report.
- B) Future Agenda Items.

7. 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) Consideration of Economic Development Matters. (Section 551.087, T.G.C.)
- B) Consultation with City Attorney for litigation update regarding Cause No. C-0074-19-D pending in Hidalgo County, Texas. (Section 551.072, T.G.C.)
- C) Evaluation of the City Manager. (Section 551.074, T.G.C.)
- D) Discussion and possible lease, sale or purchase of Real Property, Tract 1. (Section 551.072, 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 October 06, 2023 at 3:30 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



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

1.A.1.

DATE SUBMITTED

09/27/2023

MEETING DATE

10/9/2023

1. Agenda Item: Request of Robert Wilson, for a Conditional Use Permit, for one year, and adoption of an ordinance for a bar (Eddies) at lot a-1, Nolana Tower Subdivision, Hidalgo County, Texas; 400 Nolana Avenue, Suite G.
2. Party Making Request: Edgar Garcia
3. Applicant: Robert Wilson
4. Nature of Request: Request of Robert Wilson, for a Conditional Use Permit, for one year, and adoption of an ordinance for a bar (Eddies) at lot a-1, Nolana Tower Subdivision, Hidalgo County, Texas; 400 Nolana Avenue, Suite G.
5. Fiscal Impact Summary:
6. Budgeted:

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

Jessica Cavazos	Created/Initiated - 9/27/2023
Edgar Garcia	Approved - 9/29/2023
Michelle Rivera	Approved - 9/29/2023
Isaac Tawil	Final Approval - 10/4/2023
8. Staff Recommendation: Staff recommends approval.
9. Advisory Board:
10. City Attorney: Approve. IJT
11. Manager's Recommendation: Approve. RR

Memo

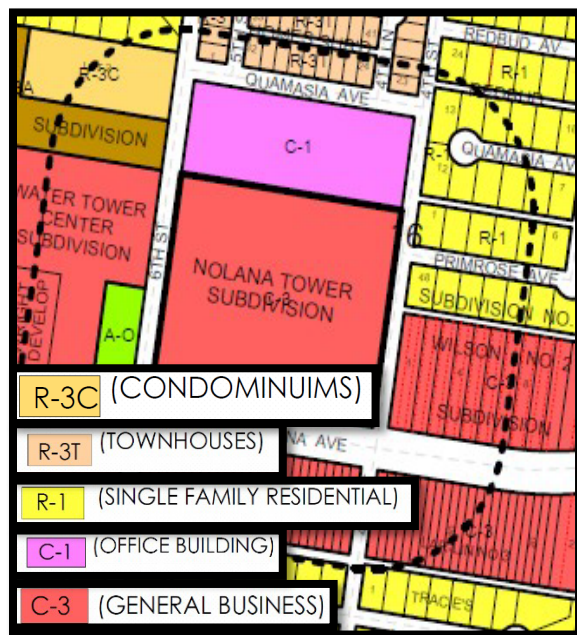
TO: Roel "Roy" Rodriguez, P.E., City Manager

FROM: Edgar I. Garcia, AICP, CNU-A, CPM, Director of Planning

DATE: August 17, 2023

SUBJECT: REQUEST OF ROBERT WILSON, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE, FOR A BAR (EDDIES) AT LOT A-1, NOLANA TOWER SUBDIVISION, HIDALGO COUNTY, TEXAS; 400 NOLANA AVENUE, SUITE G (CUP2023-0101)

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



HISTORY: The initial Conditional Use Permit was approved for this establishment by the Planning and Zoning Commission on November 2, 1999 and had been renewed annually until September 2011. The last permit renewal was approved for one year on August 2nd, 2022 by the City Commission with a variance to the distance requirement.

SUMMARY/ANALYSIS: The applicant is proposing to continue to operate a bar/pool hall (Eddie's) from the existing 14,891 sq. ft. lease space within the shopping center. The hours of operation will continue to be from 11:00 a.m. to 2:00 a.m. Monday thru Saturday and from 12:00 p.m. to 2:00 a.m. on Sundays

A police activity report is attached for service calls from September 2022 to present. Fire Department has inspected the establishment and found it to be in compliance, pending Health Department inspection. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

- a) The property line of the lot of the above mentioned business must be at least 400 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 400 ft. of residential zones and uses, and a water tower;
- b) The abovementioned business must be as close as possible to a major arterial, and shall not allow the traffic generated by such business onto residential streets, or allow such traffic to exit into and disrupt residential areas. The property has direct access to Nolana Avenue, North 4th Street, and North 6th Street. The existing gates on North 4th Street need to be closed as required by other Conditional Use Permits issued in this commercial plaza;
- c) The abovementioned business must provide parking in accordance with the city off-street parking ordinance as a minimum, and make provisions to prevent use of adjacent streets for parking, especially those in adjacent residential areas, by providing additional onsite parking. Currently there is a multi-tenant commercial building on the property. The shopping center consists of various uses including office, retail, vacant suites, restaurants, a children's event center, and bars. The proposed 11,875 sq. ft. bar/pool hall requires 149 parking spaces; 729 parking spaces are provided on the common parking area in the front and rear of the building. For the 729 parking spaces of the common parking area, 15 accessible parking spaces are required and are provided on site, as per section 138-400(a) of the Off-Street Parking and Loading requirements, all off-street parking must be clearly striped and free of potholes;
- d) The abovementioned business must do everything possible to prevent the unauthorized parking by the patrons of such business on adjacent businesses or residential properties including, when necessary, the installation of fences and hedges, and the reorientation of entrances;
- e) The abovementioned business should do everything possible and be designed to discourage criminal activities and vandalism, both on the site and on adjacent properties. Included would be provision of sufficient lighting and perimeter fencing, elimination of dark areas, and the orientation of the building such that it provides maximum visibility as much as possible of the site from a public street;
- f) The abovementioned business must make provisions to keep litter to a minimum, and

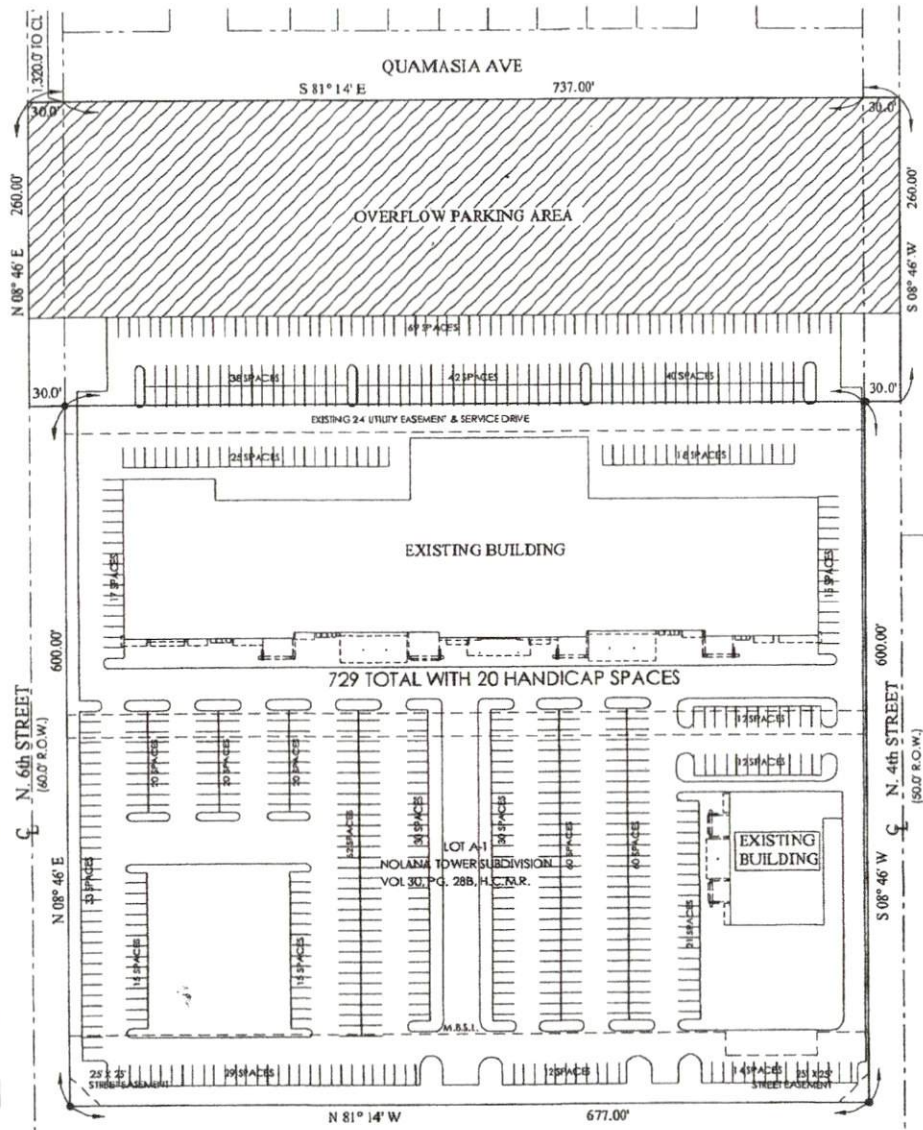
to keep it from blowing onto adjacent streets and properties;

- g) The abovementioned business shall restrict the number of persons within the building to those allowed by the Chief Building Official and Fire Marshal. The occupancy load will be established by the Building Inspections Department as part of the building permit review process.

PLANNING AND ZONING COMMISSION RECOMMENDATION: At the Planning and Zoning Commission meeting of September 19, 2023, no one appeared in opposition to the CUP request. The Board unanimously voted to recommend disapproval with a favorable recommendation of the request. There were five Board members present and voting.

LOT 14, SECTION 11,
HIDALGO CANAL CO. SUBDIVISION
VOL. 6, PG. 177, H.C.D.R.

C N. 6th STREET
(60.0' R.O.W.)



QUAMASIA AVE
S 81° 14' E 737.00'

OVERFLOW PARKING AREA

EXISTING BUILDING

729 TOTAL WITH 20 HANDICAP SPACES

LOT A-1
NOLANA TOWER SUBDIVISION
VOL. 30, PG. 288, H.C.M.R.

EXISTING BUILDING

C NOLANA LOOP
(120.0' R.O.W.)

20' ALLEY

PRIMOSE AVENUE

20' ALLEY

WILSON SUBDIVISION NO. 2
VOL. 19, PG. 178, H.C.M.R.

REDUUD SUBDIVISION
VOL. 19, PG. 173, H.C.M.R.

Raiser
Rom

pool

pool

pool

pool

Rear Exit

pool

pool

pool

pool

pool

pool

pool

pool

pool

pool

Tables

Service Bar

pool

soft tip
darts

T

T

T

Dance
Floor

T

Tables

T

T

T

T

T

Patio

Patio Exit

Ceiling is 14 ft. High

Tables

Tables

tables

tables

tables

tables

MAIN BAR

Entrance

Rear Exit

Office

Mens

Womens

Rest Rooms

Steel tip
darts

pool

pool

pool

pool

pool

pool

pool

pool

Patio

Patio Exit

PRO Nails

EDDY'S

EDDY'S
TAYBORN
& SOCIETY

4000 P
WELCOME
NAILS
ACRYLIC NAIL
TIP OVERLAY
NAIL DESIGN
971-9888



**NOTICE
BAR
FOR
THIS PROPERTY
CUP2023-0101**



CITY OF MCALLEN PLANNING DEPT.
956-681-1250
WWW.MCALLEN.NET





McALLEN POLICE DEPARTMENT

CALLS FOR SERVICE REPORT

From Date/Time: 01/01/2022 00:00

Incident Type: All

To Date/Time: 08/22/2023 23:59

Location: 2001 S 10th St, McAllen [Suerte]

<u>Date</u>	<u>Time</u>	<u>Incident Type</u>	<u>Incident No.</u>	<u>Case Status</u>	<u>Incident Address</u>	<u>Qualifier</u>
8/11/2022	21:26	Accident w/Injuries	2022-00055728	Inactive	400 NOLANA AVE	G
5/23/2023	1:02	Assault	2023-00036917	Closed by Adult Arrest	400 NOLANA AVE	G
7/15/2023	10:53	Auto Theft	2023-00050869	Open	400 NOLANA AVE	G
10/12/2022	0:43	CIVIL MATTER	2022-00071102	Inactive	400 NOLANA AVE	G
1/4/2023	1:17	CRIMINAL MISCHIEF	2023-00000815	Unfounded	400 NOLANA AVE	G
5/23/2023	2:11	Disorderly Conduct	2023-00036921	Closed by Adult Arrest	400 NOLANA AVE	G
9/8/2022	21:32	Domestic Disturbance	2022-00062860	Closed by Adult Arrest	400 NOLANA AVE	G
9/8/2022	21:32	Domestic Disturbance	2022-00062860	Closed by Adult Arrest	400 NOLANA AVE	G
9/8/2022	21:32	Domestic Disturbance	2022-00062860	Closed by Adult Arrest	400 NOLANA AVE	G
5/22/2023	22:54	Disturbance - Non Domestic	2023-00036896	Inactive	400 NOLANA AVE	G
2/22/2022	11:27	Hit and Run	2022-00012243	Suspended	400 NOLANA AVE	G
8/29/2022	15:15	Hit and Run	2022-00060256	Suspended	400 NOLANA AVE	G
4/28/2023	19:32	Lost/Found Property	2023-00030144	Inactive	400 NOLANA AVE	G
1/3/2023	21:35	Intoxicated Person	2023-00000784	Closed by Adult Arrest	400 NOLANA AVE	G
9/17/2022	2:49	Police Services	2022-00064983	Inactive	400 NOLANA AVE	G
7/8/2022	9:05	Police Services	2022-00047000		400 NOLANA AVE	G
9/10/2022	23:53	Improperly Parked Vehicle	2022-00063437		400 NOLANA AVE	G
12/4/2022	20:31	Domestic Disturbance	2022-00085199		400 NOLANA AVE	G
4/14/2023	19:23	Alarm Burglary	2023-00026571		400 NOLANA AVE	G
5/17/2023	3:57	Alarm Burglary	2023-00035400		400 NOLANA AVE	G
6/17/2023	1:57	Disturbance - Non Domestic	2023-00043613		400 NOLANA AVE	G
7/7/2023	20:36	Harassment	2023-00048943		400 NOLANA AVE	G
7/8/2023	17:54	Follow Up	2023-00049149		400 NOLANA AVE	G

McALLEN POLICE DEPARTMENT

CALLS FOR SERVICE REPORT

Incident Type	Count
Accident w/Injuries	1
Alarm Burglary	2
Assault	1
Auto Theft	1
CIVIL MATTER	1
CRIMINAL MISCHIEF	1
Disorderly Conduct	1
Disturbance - Non Domestic	2
Domestic Disturbance	4
Follow Up	1
Harassment	1
Hit and Run	2
Improperly Parked Vehicle	1
Intoxicated Person	1
Lost/Found Property	1
Police Services	2
Grand Total	23

ORDINANCE NO. 2023 – ____

**AN AMENDMENT TO THE CITY OF MCALLEN ZONING
ORDINANCE TO ISSUE A CONDITIONAL USE PERMIT,
REQUIRING COMPLIANCE WITH LISTED CONDITIONS
AND ORDAINING OTHER PROVISIONS RELATING TO
THE SUBJECT MATTER THEREOF.**

WHEREAS, on October 9, 2023, the City of McAllen Board of Commissioners considered an application for a Conditional Use Permit for a Bar (Eddies) at Lot A-1, Nolana Tower Subdivision, Hidalgo County, Texas; 400 Nolana Avenue Suite G; and

WHEREAS, after reviewing the application, the recommendation of the Planning and Zoning Commission, public comment, if any, and staff's presentation the Board of Commissioners finds the proposed use does not interfere with compatible and orderly development within the City;

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

SECTION I: A Conditional Use Permit is hereby granted for a Bar (Eddies) at Lot A-1, Nolana Towers Subdivision, Hidalgo County, Texas; 400 Nolana Avenue Suite G. The Conditional Use Permit shall expire in one year from the date this ordinance is signed, or if for the life of the use, when the use ceases.

SECTION II: The Conditional Use Permit issued pursuant to this ordinance shall only remain in effect and retain validity while all conditions listed on the permit as authorized by the City Commission at a meeting held on October 9, 2023 or contained in the McAllen Code of Ordinances are met including but not limited to the following: a) The property line of the lot of the above mentioned business must be at least 400 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00p.m. The proposed establishment is within 400 ft. of residential zones and uses, and a water tower,

b) The abovementioned business must be as close as possible to a major arterial, and shall not allow the traffic generated by such business onto residential streets, or allow such traffic to exit into and disrupt residential areas. The property has direct access to Nolana Avenue, North 4th Street, and North 6th Street. The existing gates on North 4th Street need to be closed as required by other Conditional Use Permits issued in this commercial plaza, c) The abovementioned business must provide parking in accordance with the city off- street parking ordinance as a minimum, and make provisions to prevent use of adjacent streets for parking, especially those in adjacent residential areas, by providing additional onsite parking. Currently there is a multi-tenant commercial building on the property. The shopping center consists of various uses including office, retail, vacant suites, restaurants, a children's event center, and bars. The proposed 11,875 sq. ft. bar/pool hall requires 149 parking spaces; 729 parking spaces are provided on the common parking area in the front and rear of the building. For the 729 parking spaces of the common parking area, 15 accessible parking spaces are required and are provided on site, as per section 138-400(a) of the Off-Street Parking and Loading requirements, all off-street parking must be clearly striped and free of potholes, d) The abovementioned business must do everything possible to prevent the unauthorized parking by the patrons of such business on adjacent businesses or residential properties including, when necessary, the installation of fences and hedges, and the reorientation of entrances, e) The abovementioned business should do everything possible and be designed to discourage criminal activities and vandalism, both on the site and on adjacent properties. Included would be provision of sufficient lighting and perimeter fencing, elimination of dark areas, and the orientation of the building such that it provides maximum visibility as much as possible of the site from a public street, f) The abovementioned business must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties, g) The abovementioned business shall restrict the number of persons within the building to those allowed by the Chief Building Official and Fire Marshal. The occupancy load will be established by the Building Inspections Department as part of the building permit review process. Should the conditions of the permit be violated, the City retains the complete and sole authority to suspend or revoke the permit.

SECTION III: The City Secretary of the City of McAllen is hereby directed **not** to publish this ordinance in the Code of Ordinances of the City of McAllen as it is not amendatory thereof.

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

CONSIDERED, PASSED and APPROVED this 9th day of October 2023, at a Regular Meeting of the Board of Commissioners at which a quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code.

SIGNED this _____ day of 2023.

CITY OF McALLEN, TEXAS

Javier Villalobos, Mayor

ATTEST:

Perla Lara, TRMC/CMC, CPM
City Secretary

APPROVED AS TO FORM:

Isaac J. Tawil, City Attorney



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

1.A.2.

DATE SUBMITTED

09/27/2023

MEETING DATE

10/9/2023

1. Agenda Item: Request of Eric R. Pena, for a Conditional Use Permit, for one year, and adoption of an ordinance for a bar (Suerte Bar and Grill) at N98.5' Lot 1 Block 1 , Fairway North Subdivision, Hidalgo County, Texas; 2001 South 10th Street.
2. Party Making Request: Edgar Garcia
3. Applicant: Eric R. Peña
4. Nature of Request: Request of Eric R. Pena, for a Conditional Use Permit, for one year, and adoption of an ordinance for a bar (Suerte Bar and Grill) at N98.5' Lot 1 Block 1 , Fairway North Subdivision, Hidalgo County, Texas; 2001 South 10th Street.
5. Fiscal Impact Summary:
6. Budgeted:

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

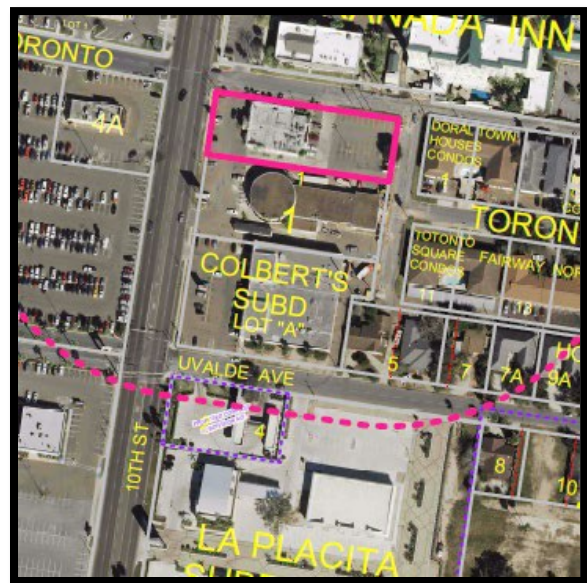
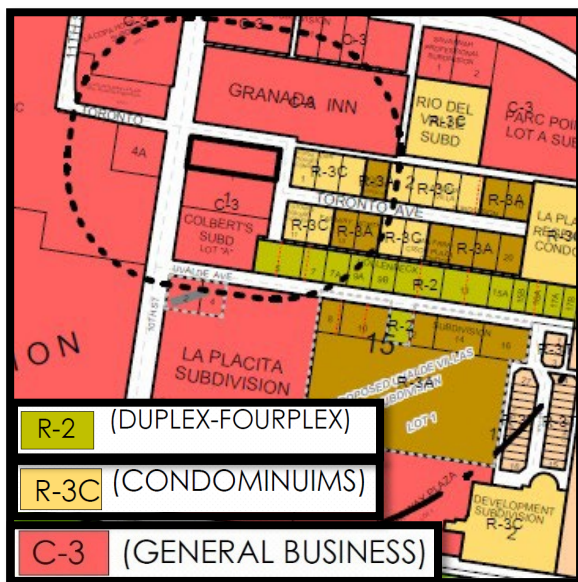
Jessica Cavazos	Created/Initiated - 9/27/2023
Edgar Garcia	Approved - 9/29/2023
Michelle Rivera	Approved - 9/29/2023
Isaac Tawil	Final Approval - 10/4/2023
8. Staff Recommendation: Staff recommends approval.
9. Advisory Board:
10. City Attorney: Approve. IJT
11. Manager's Recommendation: Approve. RR

Memo

TO: Roel "Roy" Rodriguez, P.E., City Manager
FROM: Edgar I. Garcia, AICP, CNU-A, CPM, Director of Planning
DATE: August 28, 2023

SUBJECT: REQUEST OF ERIC R. PENA, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE FOR A BAR (SUERTE BAR AND GRILL) AT N98.5' LOT 1 BLOCK 1 , FAIRWAY NORTH SUBDIVISION, HIDALGO COUNTY, TEXAS; 2001 SOUTH 10TH STREET. (CUP2023-0102)

BRIEF DESCRIPTION: The property is located at the southeast corner of South 10th Street and Toronto Avenue and is zoned C-3 (general business) District. The adjacent zoning is C-3 District to the north, west and south, R-3A (apartments) and R-3C (condominiums) District to the east. Surrounding land uses include McAllen Country Club, Logan's Roadhouse, McCreery Aviation Co., La Placita retail plaza, Fairway Plaza Shopping Center, and condominiums. A bar is allowed in a C-3 District with a Conditional Use Permit and in compliance with requirements.



HISTORY: The initial Conditional Use Permit request was approved by City Commission on August 22, 2022. The renewal for the bar was submitted August 1, 2023.

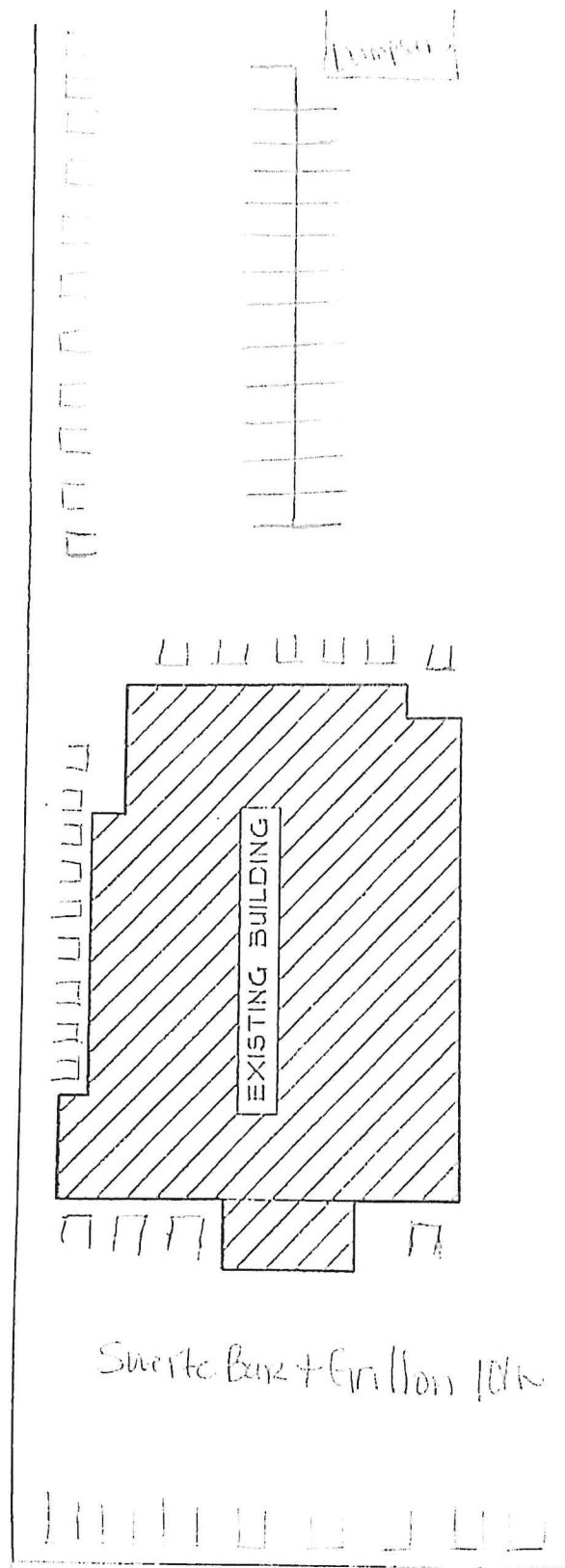
SUMMARY/ANALYSIS: The applicant is proposing to continue to operate a bar (Suerte Bar and Grill) from the existing building. The proposed hours of operation are from Monday- Sunday from 12:00 P.M.- 2:00 A.M.

A police activity report is attached for service calls from September 2022 to present. The Health and Fire Departments have inspected the bar and allowed the CUP process to be continued. The Planning Department has received no complaints regarding this use. The establishment must also meet the requirements set forth in Section 138-118(a)(4) of the Zoning Ordinance and specific requirements as follows:

- 1) The property line of the lot of any of the abovementioned businesses must be at least 400 feet from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruptions of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The establishment is within 400 ft. of the residential zone/use to the northeast;
- 2) The abovementioned businesses must be as close as possible to a major arterial, and shall not allow the traffic generated by such businesses onto residential streets, or allow such traffic to exit into and disrupt residential areas. The establishment has direct access to South 10th Street;
- 3) The abovementioned businesses must provide parking in accordance with the city off-street parking ordinance as a minimum, and make provisions to prevent use of adjacent streets for parking, especially those in adjacent residential areas, by providing additional onsite parking. 61 parking spaces are required and 63 are provided as per site plan.
- 4) The abovementioned businesses must do everything possible to prevent the unauthorized parking by the patrons of such businesses on adjacent business or residential properties including, when necessary, the installation of fences and hedges, and the reorientation of entrances.
- 5) The abovementioned businesses should do everything possible and be designed to discourage criminal activities and vandalism, both on the site and on adjacent properties. Included would be provision of sufficient lighting and perimeter fencing, elimination of dark areas, and the orientation of the building such that it provides maximum visibility of as much as possible of the site from a public street.
- 6) The abovementioned businesses must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties.
- 7) The abovementioned business shall restrict the number of persons within the building to those allowed by the Chief Building Official and Fire Marshal. The occupancy load will be established by the Building Inspections Department as part of the building permit review process

PLANNING AND ZONING COMMISSION RECOMMENDATION: At the Planning and Zoning Commission meeting of September 19, 2023, no one appeared in opposition to the CUP request. The Board unanimously voted to recommend disapproval with a favorable recommendation of the request. There were five Board members present and voting.

TORONTO



2001 STH 10TH ST.

Swerde Buz + Erillon 10/11



Suerte

SANTITAS
UFC

NOTICE
BAR
FOR
THIS PROPERTY
CLIP 0011-0107



McALLEN POLICE DEPARTMENT

CALLS FOR SERVICE REPORT

From Date/Time: 01/01/2022 00:00

Incident Type: All

To Date/Time: 08/22/2023 23:59

Location: 2001 S 10th St, McAllen [Suerte]

<u>Date</u>	<u>Time</u>	<u>Incident Type</u>	<u>Incident No.</u>	<u>Case Status</u>	<u>Address</u>	<u>Qualifier</u>
3/19/2022	22:38	Suspicious Person/Vehicle	2022-00018811		2001 S 10TH ST	
5/6/2022	16:03	MINOR ACC	2022-00031319		2001 S 10TH ST	
10/17/2022	0:38	Alarm Burglary	2022-00072414		2001 S 10TH ST	
11/6/2022	7:54	Alarm Burglary	2022-00077889		2001 S 10TH ST	
11/6/2022	1:17	Domestic Disturbance	2022-00077813	Inactive	2001 S 10TH ST	
11/9/2022	3:00	Alarm Burglary	2022-00078600		2001 S 10TH ST	
11/10/2022	3:27	Alarm Burglary	2022-00078855		2001 S 10TH ST	
11/18/2022	21:26	Theft	2022-00081071	Inactive	2001 S 10TH ST	
12/2/2022	21:23	Domestic Disturbance	2022-00084601	Inactive	2001 S 10TH ST	
12/2/2022	20:18	Domestic Disturbance	2022-00084591		2001 S 10TH ST	
12/3/2022	2:11	Theft	2022-00084669	Suspended	2001 S 10TH ST	
12/7/2022	6:17	Alarm Burglary	2022-00085795		2001 S 10TH ST	
12/9/2022	2:04	Public Intoxication/Drunk	2022-00086263	Closed by Adult Arrest	2001 S 10TH ST	
12/9/2022	22:04	Suspicious Person/Vehicle	2022-00086509	Inactive	2001 S 10TH ST	
12/10/2022	19:00	MINOR ACC	2022-00086738		2001 S 10TH ST	
12/15/2022	1:08	Improperly Parked Vehicle	2022-00087823	Inactive	2001 S 10TH ST	
12/18/2022	0:40	Domestic Disturbance	2022-00088680	Inactive	2001 S 10TH ST	
12/18/2022	2:06	Domestic Disturbance	2022-00088702		2001 S 10TH ST	
12/30/2022	23:01	Domestic Disturbance	2022-00092016	Inactive	2001 S 10TH ST	
1/15/2023	0:04	Intoxicated Driver	2023-00003649		2001 S 10TH ST	
1/18/2023	0:07	Intoxicated Driver	2023-00004609		2001 S 10TH ST	
1/22/2023	2:20	Public Intoxication/Drunk	2023-00005723	Closed by Adult Arrest	2001 S 10TH ST	
1/22/2023	2:20	Public Intoxication/Drunk	2023-00005723	Closed by Adult Arrest	2001 S 10TH ST	
2/17/2023	22:23	Police Services	2023-00012406		2001 S 10TH ST	
2/26/2023	4:02	Suspicious Person/Vehicle	2023-00014578		2001 S 10TH ST	
3/5/2023	0:31	Domestic Disturbance	2023-00016367		2001 S 10TH ST	
3/5/2023	20:21	Domestic Disturbance	2023-00016524		2001 S 10TH ST	
3/11/2023	1:20	Assault	2023-00017857	Inactive	2001 S 10TH ST	

McALLEN POLICE DEPARTMENT

CALLS FOR SERVICE REPORT

<u>Date</u>	<u>Time</u>	<u>Incident Type</u>	<u>Incident No.</u>	<u>Case Status</u>	<u>Address</u>	<u>Qualifier</u>
3/11/2023	1:20	Assault	2023-00017857	Inactive	2001 S 10TH ST	
4/9/2023	1:32	Suspicious Person/Vehicle	2023-00025090		2001 S 10TH ST	
4/15/2023	5:41	Alarm Burglary	2023-00026678		2001 S 10TH ST	
4/24/2023	1:55	Alarm Burglary	2023-00028993		2001 S 10TH ST	
4/27/2023	2:58	Alarm Burglary	2023-00029717		2001 S 10TH ST	
6/1/2023	1:39	Suspicious Person/Vehicle	2023-00039228	Inactive	2001 S 10TH ST	
6/11/2023	20:13	Disturbance - Non Domestic	2023-00042114	Inactive	2001 S 10TH ST	
6/18/2023	20:28	Domestic Disturbance	2023-00044054	Inactive	2001 S 10TH ST	
6/26/2023	18:35	Intoxicated Person	2023-00046068		2001 S 10TH ST	
7/24/2023	9:46	Follow Up	2023-00053178		2001 S 10TH ST	

<u>Incident Type</u>	<u>Count</u>
Alarm Burglary	8
Assault	2
Disturbance - Non Domestic	1
Domestic Disturbance	9
Follow Up	1
Improperly Parked Vehicle	1
Intoxicated Driver	2
Intoxicated Person	1
MINOR ACC	2
Police Services	1
Public Intoxication/Drunk	3
Suspicious Person/Vehicle	5
Theft	2
Grand Total	38

ORDINANCE NO. 2023 – ____

**AN AMENDMENT TO THE CITY OF MCALLEN ZONING
ORDINANCE TO ISSUE A CONDITIONAL USE PERMIT,
REQUIRING COMPLIANCE WITH LISTED CONDITIONS
AND ORDAINING OTHER PROVISIONS RELATING TO
THE SUBJECT MATTER THEREOF.**

WHEREAS, on October 9, 2023, the City of McAllen Board of Commissioners considered an application for a Conditional Use Permit for a Bar at N98.5' Lot 1, Block 1, Fairway North Subdivision, Hidalgo County, Texas; 2001 South 10th Street; and

WHEREAS, after reviewing the application, the recommendation of the Planning and Zoning Commission, public comment, if any, and staff's presentation the Board of Commissioners finds the proposed use does not interfere with compatible and orderly development within the City;

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

SECTION I: A Conditional Use Permit is hereby granted for a Bar at N98.5' Lot 1, Block 1, Fairway North Subdivision, Hidalgo County, Texas; 2001 South 10th Street. The Conditional Use Permit shall expire in one year from the date this ordinance is signed, or if for the life of the use, when the use ceases.

SECTION II: The Conditional Use Permit issued pursuant to this ordinance shall only remain in effect and retain validity while all conditions listed on the permit as authorized by the City Commission at a meeting held on October 9, 2023 or contained in the McAllen Code of Ordinances are met including but not limited to the following: 1) The property line of the lot of any of the abovementioned businesses must be at least 400 feet from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruptions of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The establishment is within 400 ft. of the residential zone/use to the northeast, 2) The abovementioned businesses must be as close as possible to a major arterial, and shall not

allow the traffic generated by such businesses onto residential streets, or allow such traffic to exit into and disrupt residential areas. The establishment has direct access to South 10th Street, 3) The abovementioned businesses must provide parking in accordance with the city off-street parking ordinance as a minimum, and make provisions to prevent use of adjacent streets for parking, especially those in adjacent residential areas, by providing additional onsite parking. 61 parking spaces are required and 63 are provided as per site plan, 4) The abovementioned businesses must do everything possible to prevent the unauthorized parking by the patrons of such businesses on adjacent business or residential properties including, when necessary, the installation of fences and hedges, and the reorientation of entrances, 5) The abovementioned businesses should do everything possible and be designed to discourage criminal activities and vandalism, both on the site and on adjacent properties. Included would be provision of sufficient lighting and perimeter fencing, elimination of dark areas, and the orientation of the building such that it provides maximum visibility of as much as possible of the site from a public street, 6) The abovementioned businesses must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties, 7) The abovementioned business shall restrict the number of persons within the building to those allowed by the Chief Building Official and Fire Marshal. The occupancy load will be established by the Building Inspections Department as part of the building permit review process. Should the conditions of the permit be violated, the City retains the complete and sole authority to suspend or revoke the permit.

SECTION III: The City Secretary of the City of McAllen is hereby directed **not** to publish this ordinance in the Code of Ordinances of the City of McAllen as it is not amendatory thereof.

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

CONSIDERED, PASSED and APPROVED this 9th day of October 2023, at a Regular Meeting of the Board of Commissioners at which a quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code.

SIGNED this _____ day of October, 2023.

CITY OF McALLEN, TEXAS

Javier Villalobos, Mayor

ATTEST:

Perla Lara, TRMC/CMC, CPM
City Secretary

APPROVED AS TO FORM:

Isaac J. Tawil, City Attorney



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

1.A.3.

DATE SUBMITTED

09/27/2023

MEETING DATE

10/9/2023

1. Agenda Item: Request of Mario Almadovar, for A Conditional Use Permit, for one year, and Adoption of an ordinance, for a Hooka Bar, at Lot 1, Gateway Plaza Shopping City Subdivision S85'-N300', Hidalgo County, Texas; 1215 South 10th Street, Suite D.
2. Party Making Request: Edgar Garcia
3. Applicant: Mario Almadovar
4. Nature of Request: Request Of Mario Almadovar, For A Conditional Use Permit, For One Year, And Adoption Of An Ordinance, For A Hooka Bar, At Lot 1, Gateway Plaza Shopping City Subdivision S85'-N300', Hidalgo County, Texas; 1215 South 10th Street Suite D.
5. Fiscal Impact Summary:
6. Budgeted:

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

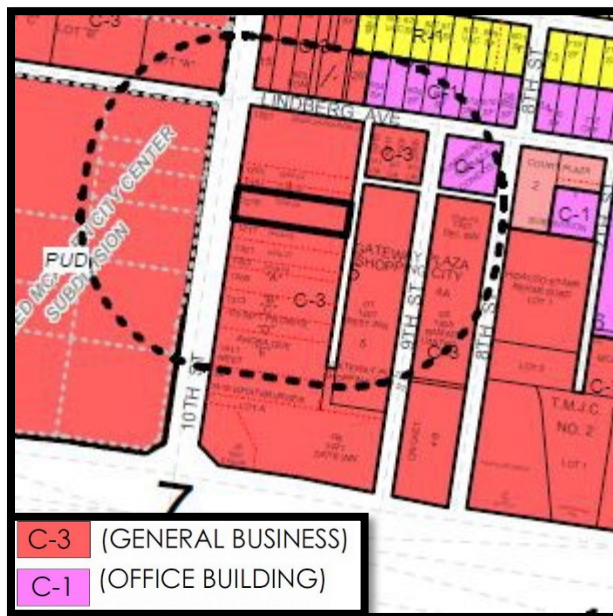
Jessica Cavazos	Created/Initiated - 9/27/2023
Edgar Garcia	Approved - 9/29/2023
Michelle Rivera	Approved - 9/29/2023
Isaac Tawil	Final Approval - 10/4/2023
8. Staff Recommendation: Staff recommends approval.
9. Advisory Board:
10. City Attorney: Approve. IJT
11. Manager's Recommendation: Approve. RR

Memo

TO: Roel "Roy" Rodriguez, P.E., City Manager
FROM: Edgar I. Garcia, AICP, CNU-A, CPM, Director of Planning
DATE: September 12, 2023

SUBJECT: REQUEST OF MARIO ALMODOVAR, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE, FOR A HOOKA BAR, AT LOT 1, GATEWAY PLAZA SHOPPING CITY SUBDIVISION S85'-N300', HIDALGO COUNTY, TEXAS; 1215 SOUTH 10TH STREET, SUITE D. (CUP2023-0117)

BRIEF DESCRIPTION: The subject property is located on the east side of North 10th Street, south of Lindberg Avenue and is zoned C-3 (general business) District. The Suite is located inside of the Gateway Plaza Shopping City along with two other businesses, Puff Air, and Metro by T-Mobile. A bar is allowed in a C-3 District with a Conditional Use Permit.



HISTORY: This is the initial application for a Conditional Use Permit for a Hooka bar at this location. Puff Air smoke shop next door was opened back in 2021 with no CUP on file.

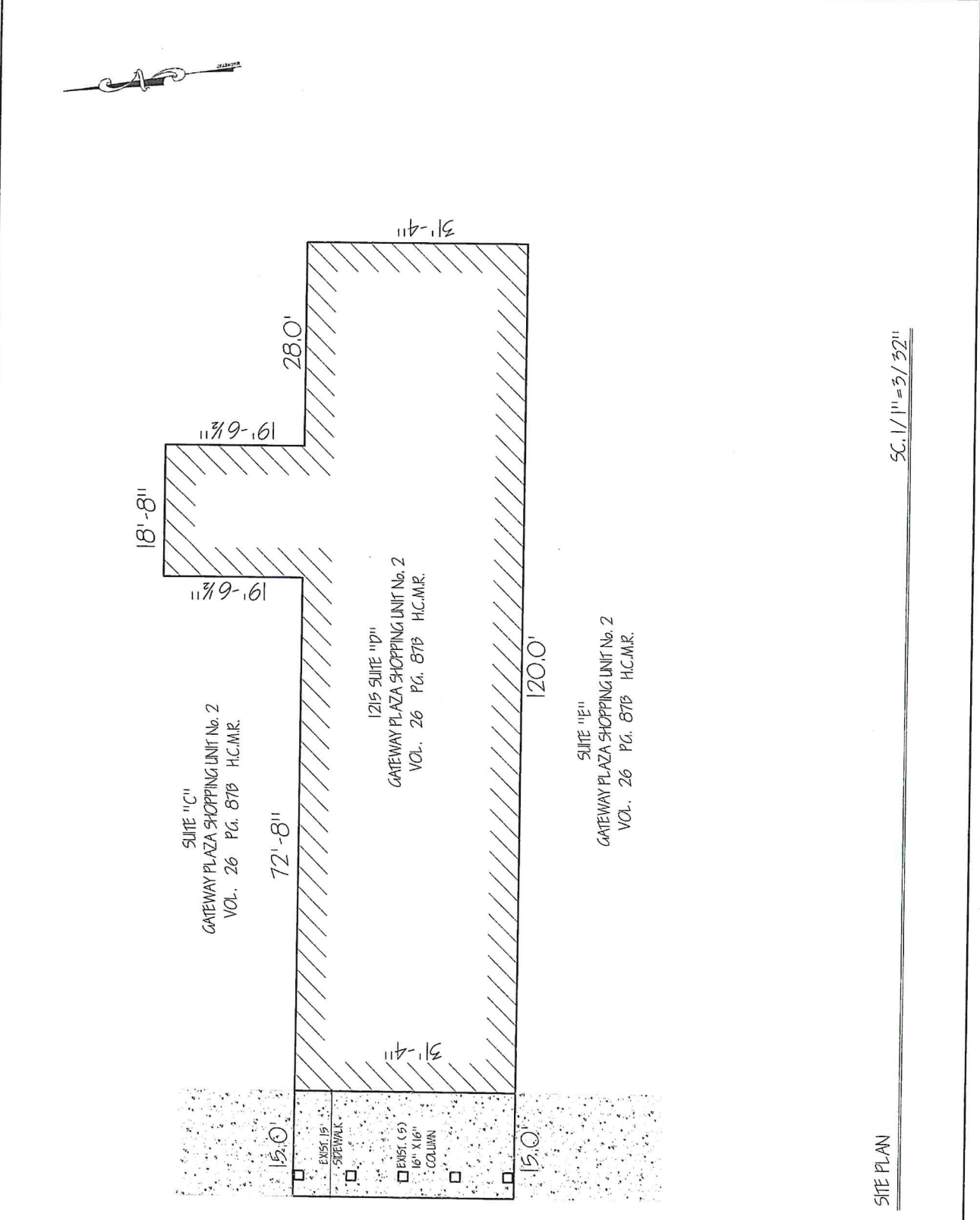
SUMMARY/ANALYSIS: The applicant is proposing to operate a hooka bar/restaurant by the name of Dubi Lunch and Grill from the 4,131 square foot Suite. Hours of operation will be from Sunday to Thursday from 11:00 A.M. to 12:00 A.M. and Friday to Saturday from 11:00 A.M. to 2:00 A.M. The hooka bar will be located in the front area of the suite and the restaurant will be in the rear area of the suite.

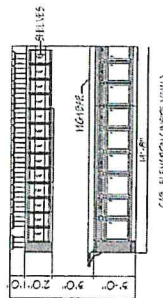
Fire Department has inspected the establishment and have approved the CUP process to continue, pending Health Department inspection. The establishment must also meet the requirements set forth in Section 138-118(4) of the Zoning Ordinance and specific requirements as follows:

- a) The property line of the lot of the above mentioned business must be at least 400 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 400 ft. of residential zones and uses.
- b) The abovementioned business must be as close as possible to a major arterial, and shall not allow the traffic generated by such business onto residential streets, or allow such traffic to exit into and disrupt residential areas. The property has direct access to South 10th Street, and Lindberg Avenue.
- c) The abovementioned business must provide parking in accordance with the city off-street parking ordinance as a minimum, and make provisions to prevent use of adjacent streets for parking, especially those in adjacent residential areas, by providing additional onsite parking. Currently there is a multi-tenant commercial building on the property. The shopping center consists two other suites, Metro T-Mobile, and Puff Air. The proposed 4,131 sq. ft. restaurant/bar requires ten parking spaces; 37 parking spaces are provided on the common parking area in the front of the building, all parking must be clearly striped and free of potholes;
- d) The abovementioned business must do everything possible to prevent the unauthorized parking by the patrons of such business on adjacent businesses or residential properties including, when necessary, the installation of fences and hedges, and the reorientation of entrances;
- e) The abovementioned business should do everything possible and be designed to discourage criminal activities and vandalism, both on the site and on adjacent properties. Included would be provision of sufficient lighting and perimeter fencing, elimination of dark areas, and the orientation of the building such that it provides maximum visibility as much as possible of the site from a public street;
- f) The abovementioned business must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties;
- g) The abovementioned business shall restrict the number of persons within the building to those allowed by the Chief Building Official and Fire Marshal. The occupancy load will be established by the Building Inspections Department as

part of the building permit review process.

PLANNING AND ZONING COMMISSION RECOMMENDATION: At the Planning and Zoning Commission meeting of September 19, 2023, no one appeared in opposition to the CUP request. The Board unanimously voted to recommend disapproval with a favorable recommendation of the request. There were five Board members present and voting.





AREAS	50.11
LIVING	41.51 SQ. FT
TOTAL	41.51 sq. ft.

	WISDOM	SCIENCE
A	4070	511 PLURAL W/ SCIENCE & ART
B	20270	511 ALUM W/ SCIENCE
D	7090	511 ALUM W/ SCIENCE
E	406	406 W/ SCIENCE & ART

DOOR		SCHEDEL
1	3062	INT. UNIFORM DOOR
2	3070	INT. UNIFORM DOOR
3	2085	INT. UNIFORM DOOR
4	2085	INT. UNIFORM DOOR

SCALE, 3/32"=1'0"

FLOOR PLAN



IR

1215 SUITE

1215 SUITE D



SMOOTHIES | JUICES | BOWLS |

OPEN



FAIR





PS STORE

metro
by T-Mobile

SP EMPIRE

PUFF AIR

THE SHACK

GAVEL
WESTERN WEAR

AVAILABLE
COMMERCIAL PROPERTY
FOR LEASE
Call: 714.234.1234

SMOOTHIES
THE SHACK
Supplements & Shakes

NOTICE
BAR
FOR
THIS PROPERTY
CUP2023-0117

ORDINANCE NO. 2023 – ____

**AN AMENDMENT TO THE CITY OF MCALLEN ZONING
ORDINANCE TO ISSUE A CONDITIONAL USE PERMIT,
REQUIRING COMPLIANCE WITH LISTED CONDITIONS
AND ORDAINING OTHER PROVISIONS RELATING TO
THE SUBJECT MATTER THEREOF.**

WHEREAS, on October 9, 2023, the City of McAllen Board of Commissioners considered an application for a Conditional Use Permit, for one year, and adoption of an ordinance, for a hooka bar, located at Lot 1, Gateway Plaza Shopping City Subdivision S85'-N300', Hidalgo County, Texas; 1215 South 10th Street Suite D; and

WHEREAS, after reviewing the application, the recommendation of the Planning and Zoning Commission, public comment, if any, and staff's presentation the Board of Commissioners finds the proposed use does not interfere with compatible and orderly development within the City;

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

SECTION I: A Conditional Use Permit is hereby granted for adoption of an ordinance, for a hooka bar, located at Lot 1, Gateway Plaza Shopping City Subdivision S85'-N300', Hidalgo County, Texas; 1215 South 10th Street Suite D. The Conditional Use Permit shall be for the life of the use, or when the use ceases.

SECTION II: The Conditional Use Permit issued pursuant to this ordinance shall only remain in effect and retain validity while all conditions listed on the permit as authorized by the City Commission at a meeting held on October 9, 2023 or contained in the McAllen Code of Ordinances are met, including but not limited to the following: 1) The property line of the lot of the above mentioned business must be at least 400 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 400 ft. of residential zones and uses.

b) The abovementioned business must be as close as possible to a major arterial, and shall not allow the traffic generated by such business onto residential streets, or allow such traffic to exit into and disrupt residential areas. The property has direct access to South 10th Street, and Lindberg Avenue. c) The abovementioned business must provide parking in accordance with the city off-street parking ordinance as a minimum, and make provisions to prevent use of adjacent streets for parking, especially those in adjacent residential areas, by providing additional onsite parking. Currently there is a multi-tenant commercial building on the property. The shopping center consists 2 other suites, Metro T-Mobile, and Puff Air. The proposed 4,131 sq. ft. restaurant/bar requires 10 parking spaces; 37 parking spaces are provided on the common parking area in the front of the building, all parking must be clearly striped and free of potholes; d) The abovementioned business must do everything possible to prevent the unauthorized parking by the patrons of such business on adjacent businesses or residential properties including, when necessary, the installation of fences and hedges, and the reorientation of entrances; e) The abovementioned business should do everything possible and be designed to discourage criminal activities and vandalism, both on the site and on adjacent properties. Included would be provision of sufficient lighting and perimeter fencing, elimination of dark areas, and the orientation of the building such that it provides maximum visibility as much as possible of the site from a public street; f) The abovementioned business must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties; g) The abovementioned business shall restrict the number of persons within the building to those allowed by the Chief Building Official and Fire Marshal. The occupancy load will be established by the Building Inspections Department as part of the building permit review process. Should the conditions of the permit be violated, the City retains the complete and sole authority to suspend or revoke the permit.

SECTION III: The City Secretary of the City of McAllen is hereby directed **not** to publish this ordinance in the Code of Ordinances of the City of McAllen as it is not amendatory thereof.

SECTION IV: If any part or parts of this Ordinance are found to be invalid or unconstitutional by a court having competent jurisdiction, then such invalidity or unconstitutionality shall not affect the

remaining parts hereof and such remaining parts shall remain in full force and effect and to that extent this ordinance is considered severable.

CONSIDERED, PASSED and APPROVED this 9 Day of October 2023, at a Regular Meeting of the Board of Commissioners at which a quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code.

SIGNED this _____ day of October 2023.

CITY OF McALLEN, TEXAS

Javier Villalobos, Mayor

ATTEST:

Perla Lara, TRMC/CMC, CPM
City Secretary

APPROVED AS TO FORM:

Isaac J. Tawil, City Attorney



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

1.A.4.

DATE SUBMITTED

09/27/2023

MEETING DATE

10/9/2023

1. Agenda Item: Request of Miguel A. Vargas, for a Conditional Use Permit, for one year, and adoption of an ordinance, for a bar at Lots 1 and 2, Mejia Subdivision Unit No.1, Hidalgo County, Texas; 2000 Nolana Avenue.
2. Party Making Request: Edgar Garcia
3. Applicant: Miguel Vargas
4. Nature of Request: Request of Miguel A. Vargas, for a Conditional Use Permit, for one year, and adoption of an ordinance, for a bar at Lots 1 and 2, Mejia Subdivision Unit No.1, Hidalgo County, Texas; 2000 Nolana Avenue.
5. Fiscal Impact Summary:
6. Budgeted:

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

Jessica Cavazos	Created/Initiated - 9/27/2023
Edgar Garcia	Approved - 9/29/2023
Michelle Rivera	Approved - 10/3/2023
Isaac Tawil	Final Approval - 10/4/2023
8. Staff Recommendation: Staff recommends approval.
9. Advisory Board:
10. City Attorney: Approve. IJT
11. Manager's Recommendation: Approve. RR

Memo

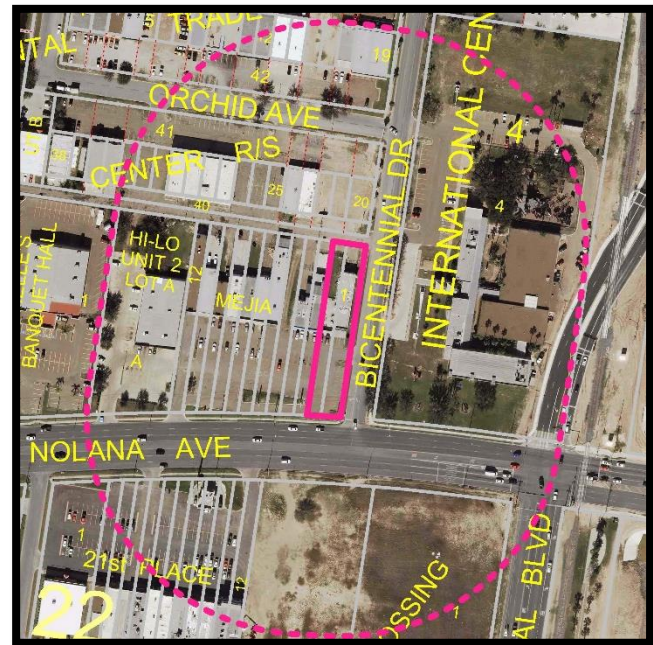
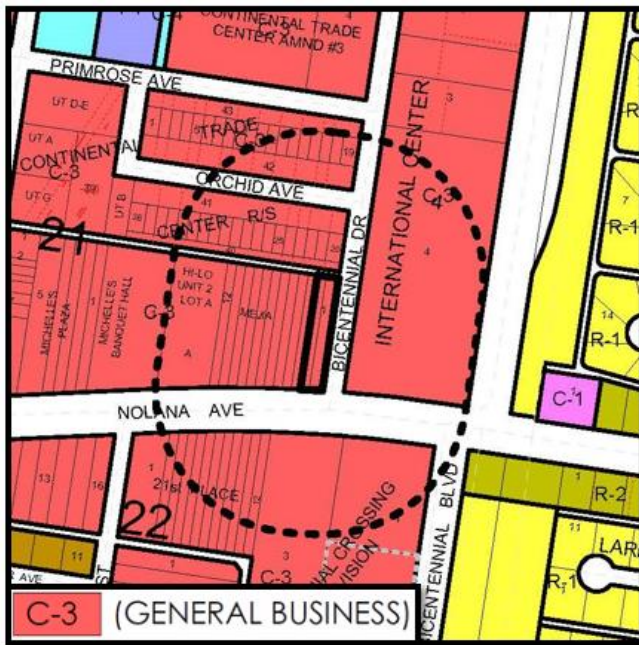
TO: Roel "Roy" Rodriguez, P.E., City Manager

FROM: Edgar I. Garcia, AICP, CNU-A, CPM, Planning Director

DATE: September 20, 2023

SUBJECT: REQUEST OF MIGUEL A. VARGAS, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE, FOR A BAR, AT LOTS 1 AND 2, MEJIA SUBDIVISION UNIT NO.1, HIDALGO COUNTY, TEXAS; 2000 NOLANA AVENUE. (CUP2023-0116)

BRIEF DESCRIPTION: The property is located at the northwest corner of Nolana Avenue and Bicentennial Drive and is zoned C-3 (general business) District. The adjacent zoning is C-3 District in all directions. Surrounding land uses include restaurants, commercial businesses, bars, offices, the International Museum of Arts & Science (IMAS), auto services, and vacant land. A bar and lounge is allowed in a C-3 zone with a Conditional Use Permit and in compliance with the requirements.



HISTORY: The first Conditional Use Permit for a bar at this location was approved by the City Commission on September 29, 2009, with a variance to the 600 ft. distance requirement. The permit has been renewed annually by different tenants with variances to the distance requirement by the City Commission until March 2018. An application for a Conditional Use Permit for one year for a bar was approved by the City Commission on August 10, 2020. The previous Conditional Use Permit was approved by the City Commission on October 11, 2021.

The Conditional Use Permit was not renewed in 2022. The application for a Conditional Use Permit was submitted on August 21, 2023.

REQUEST/ANALYSIS: The applicant is proposing to operate a bar (Calandrias Bar & Lounge) with an outdoor patio area. The hours of operation will be Thursday to Sunday, from 9:00 p.m. to 2:00 a.m. Based on the 2,472 square feet for the bar, 25 parking spaces would be required. As per the subdivision plat Mejia Unit No. 1 Subdivision, the existing parking area is a common parking area for all 12 lots.

The Fire and Health Department have inspected the establishment and approved for the CUP process to continue. Should the Conditional Use Permit be approved, the applicant would be required to sign the certificate acknowledging and agreeing to the conditions of the permit. The establishment must comply with the requirements set forth in Section 138-118 (a)(4) of the Zoning Ordinance and specific requirements as follows:

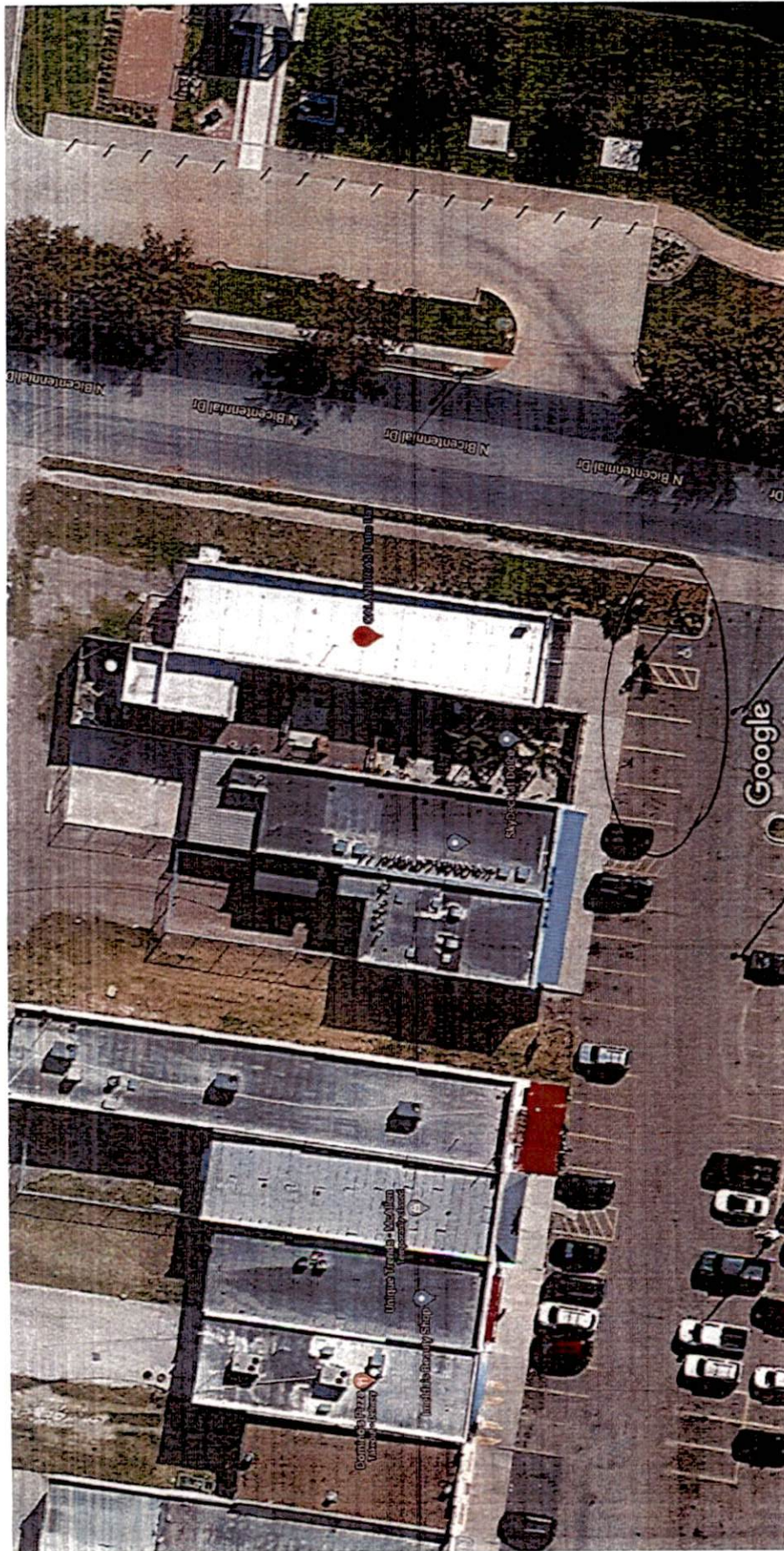
- 1) The property line of the lot of the abovementioned business must be at least 400 feet from the nearest residence or residentially zone property, church, school, or publicly owned property, and must be designed to prevent disruptions of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The establishment is within 400 ft. of the International Museum of Arts & Science (IMAS);
- 2) The abovementioned business must be as close as possible to a major arterial, and shall not allow the traffic generated by such business onto residential streets, or allow such traffic to exit into and disrupt residential areas. The establishment has direct access to Nolana Avenue and Bicentennial Drive and does not generate traffic into residential areas;
- 3) The abovementioned business must provide parking in accordance with the city off-street parking ordinance as a minimum, and make provisions to prevent use of adjacent streets for parking, especially those in adjacent residential areas, by providing additional onsite parking. Based on the square footage of the bar, 25 parking spaces will be required, which are provided as part of the common parking area. There is a 2-year parking agreement on file valid from June 2023 to June 2025, that provides an additional 40 parking spaces.
- 4) The abovementioned business must do everything possible to prevent the unauthorized parking by the patrons of such business on adjacent business or residential properties including, when necessary, the installation of fences and hedges, and the reorientation of entrances;
- 5) The abovementioned business should do everything possible and be designed to discourage criminal activities and vandalism, both on the site and on adjacent properties. Included would be provision of sufficient lighting and perimeter fencing, elimination of dark areas, and the orientation of the building such that it provides maximum visibility of as much as possible of the site from a public street;
- 6) The abovementioned business must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties; and
- 7) The abovementioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance,

after having taken into account the recommendations of the Fire Marshal, Building Official and Director of Planning. This number cannot exceed the number provided for in existing city ordinances.

Staff did not receive any phone calls, emails, or letters in opposition to this request.

PLANNING AND ZONING COMMISSION RECOMMENDATION: At the Planning and Zoning Commission meeting of September 19, 2023, no one appeared in opposition to the CUP request. The Board unanimously voted to recommend disapproval with a favorable recommendation of the request. There were five Board members present and voting.

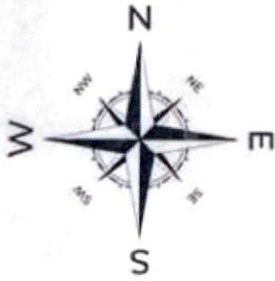
Google Maps
CALANDRIAS Patio Bar
2000 WEST NOLANA MCALLEN TEXAS



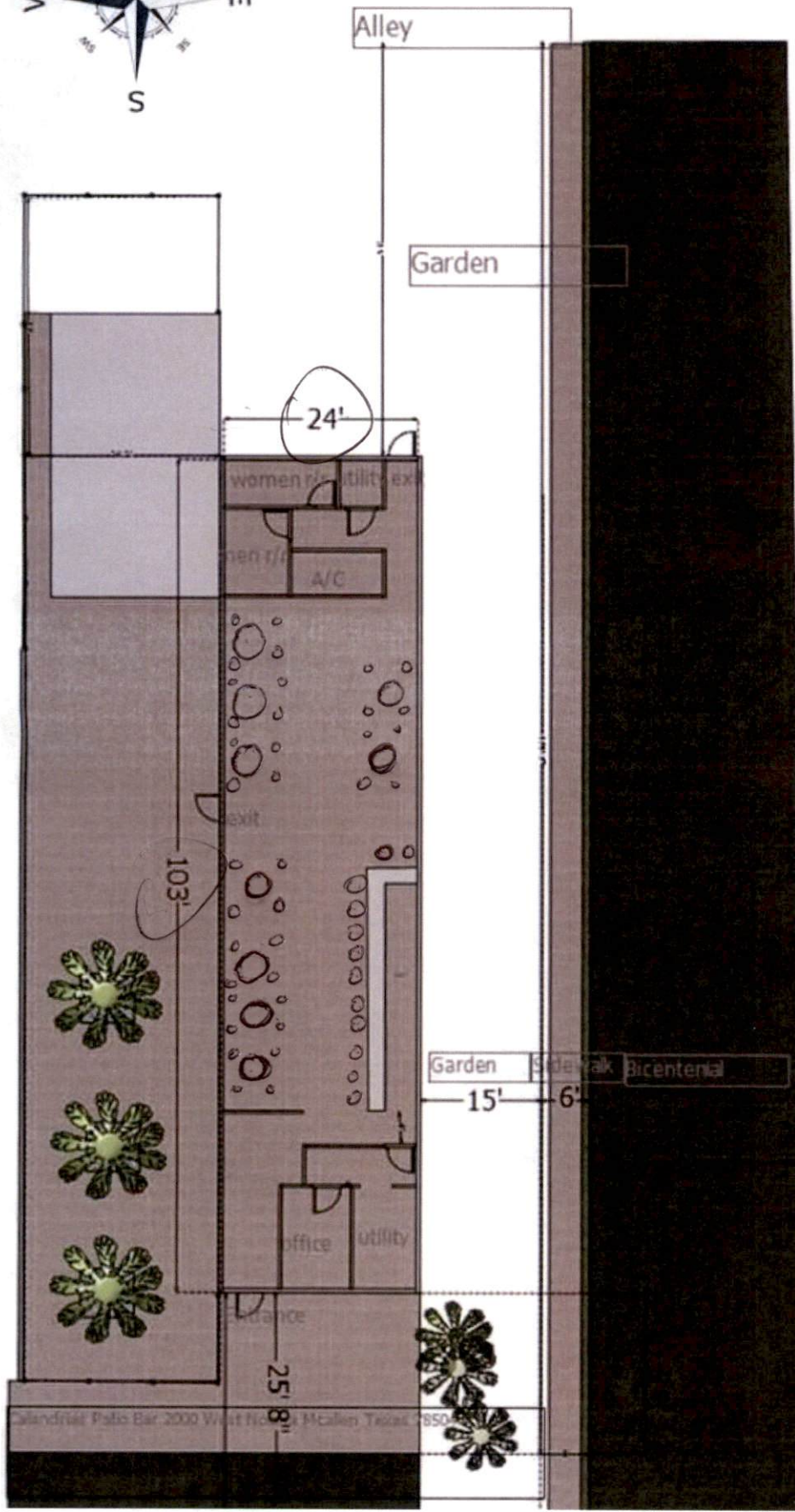
Map data ©2020, Map data ©2020 20 ft

RECEIVED
JUN 17 2020
BY: *Sc+30pm*

RECEIVED
AUG 21 2023
By: *[Signature]*



48 seats



RECEIVED
AUG 21 2023
By *[Signature]*

RECEIVED
JUN 17 2020
BY *[Signature]*




CALANDRIAS
PATIO • BAR • LIVE MUSIC

2000



CPB

CPB

CPB

CPB

**NOTICE
BAR
FOR
THIS PROPERTY
CUP2023- 0116**

 CITY OF MCALLEN PLANNING DEPT.
956-684-1290
WWW.MCALLEN.NET



ORDINANCE NO. 2023 – ____

**AN AMENDMENT TO THE CITY OF MCALLEN ZONING
ORDINANCE TO ISSUE A CONDITIONAL USE PERMIT,
REQUIRING COMPLIANCE WITH LISTED CONDITIONS
AND ORDAINING OTHER PROVISIONS RELATING TO
THE SUBJECT MATTER THEREOF.**

WHEREAS, on October 9th, 2023, the City of McAllen Board of Commissioners considered an application for a Conditional Use Permit, for one year, and adoption of an ordinance, for a bar at Lots 1 and 2, Mejia Subdivision Unit No.1, Hidalgo County, Texas; 2000 Nolana Avenue; and

WHEREAS, after reviewing the application, the recommendation of the Planning and Zoning Commission, public comment, if any, and staff's presentation the Board of Commissioners finds the proposed use does not interfere with compatible and orderly development within the City;

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

SECTION I: A Conditional Use Permit is hereby granted for adoption of an ordinance, for a bar at Lots 1 and 2, Mejia Subdivision Unit No.1, Hidalgo County, Texas; 2000 Nolana Avenue. The Conditional Use Permit shall be for the life of the use, or when the use ceases.

SECTION II: The Conditional Use Permit issued pursuant to this ordinance shall only remain in effect and retain validity while all conditions listed on the permit as authorized by the City Commission at a meeting held on October 9th, 2023 or contained in the McAllen Code of Ordinances are met, including but not limited to the following: 1) the property line of the lot of any of the above mentioned business must be at least 400 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m., 2) the abovementioned business must be as close as possible to a

major arterial, and shall not allow the traffic generated by such business onto residential streets, or allow such traffic to exit into and disrupt residential areas, 3) the abovementioned business must provide parking in accordance with the city off-street parking ordinance as a minimum, and make provisions to prevent use of adjacent streets for parking, especially those in adjacent residential areas, by providing additional onsite parking, 4) the abovementioned business must do everything possible to prevent the unauthorized parking by the patrons of such business on adjacent business or residential properties including, when necessary, the installation of fences and hedges, and the reorientation of entrances, 5) the abovementioned business should do everything possible and be designed to discourage criminal activities and vandalism, both on the site and on adjacent properties. Included would be provision of sufficient lighting and perimeter fencing, elimination of dark areas, and the orientation of the building such that it provides maximum visibility of as much as possible of the site from a public street, 6) the abovementioned business must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties, 7) the above-mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director. This number cannot exceed the number provided for in existing city ordinances. Should the conditions of the permit be violated, the City retains the complete and sole authority to suspend or revoke the permit.

SECTION III: The City Secretary of the City of McAllen is hereby directed **not** to publish this ordinance in the Code of Ordinances of the City of McAllen as it is not amendatory thereof.

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

CONSIDERED, PASSED and APPROVED this 9th Day of October 2023, at a Regular Meeting of the Board of Commissioners at which a quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code.

SIGNED this _____ day of October 2023.

CITY OF McALLEN, TEXAS

Javier Villalobos, Mayor

ATTEST:

Perla Lara, TRMC/CMC, CPM
City Secretary

APPROVED AS TO FORM:

Isaac J. Tawil, City Attorney



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

1.A.5.

DATE SUBMITTED

09/27/2023

MEETING DATE

10/9/2023

1. Agenda Item: Request of Florentino Obregon Jr., for a Conditional Use Permit, for life of the use, and adoption of an ordinance, for an institutional use (church) at Lot 15, Espensen Industrial Park Subdivision Unit No.3, Hidalgo County, Texas; 2600 Zinnia Avenue.
2. Party Making Request: Edgar Garcia
3. Applicant: Florentino Obregon Jr.
4. Nature of Request: Request of Florentino Obregon Jr., for a Conditional Use Permit, for life of the use, and adoption of an ordinance, for an institutional use (church) at Lot 15, Espensen Industrial Park Subdivision Unit No.3, Hidalgo County, Texas; 2600 Zinnia Avenue.
5. Fiscal Impact Summary:
6. Budgeted:

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

Jessica Cavazos	Created/Initiated - 9/27/2023
Edgar Garcia	Approved - 9/29/2023
Michelle Rivera	Approved - 10/3/2023
Isaac Tawil	Final Approval - 10/4/2023
8. Staff Recommendation: Staff recommends approval.
9. Advisory Board:
10. City Attorney: Approve. IJT
11. Manager's Recommendation: Approve. RR

Memo

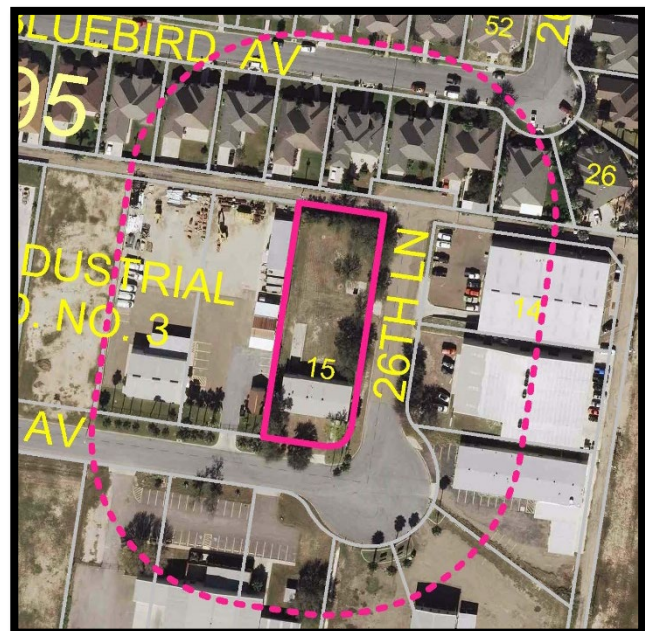
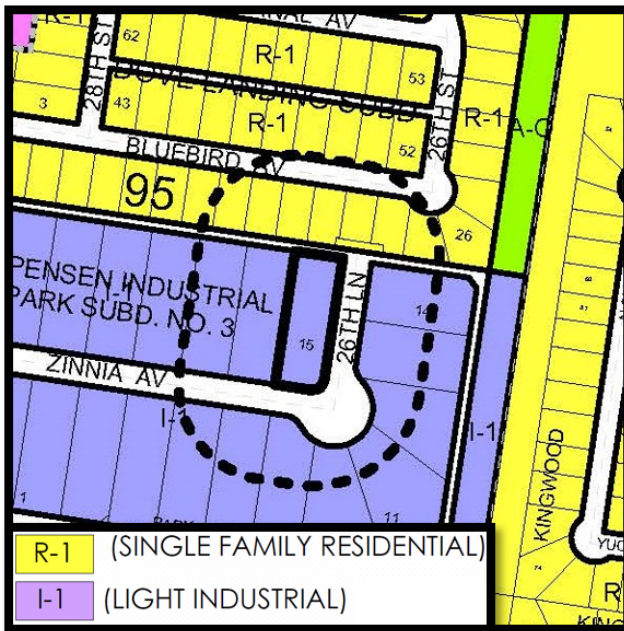
TO: Roel "Roy" Rodriguez, P.E., City Manager

FROM: Edgar I. Garcia, AICP, CNU-A, CPM, Planning Director

DATE: September 20, 2023

SUBJECT: REQUEST OF FLORENTINO OBREGON JR., FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, AND ADOPTION OF AN ORDINANCE, FOR AN INSTITUTIONAL USE (CHURCH), AT LOT 15, ESPENSEN INDUSTRIAL PARK SUBDIVISION UNIT NO. 3, HIDALGO COUNTY, TEXAS; 2600 ZINNIA AVENUE. (CUP2023-0113)

BRIEF DESCRIPTION: The subject property is located along the northwest corner of Zinnia Avenue and North 26th Lane. The property is zoned I-1 (light industrial) District. The adjacent zoning is R-1 (single-family residential) District to the north, I-1 District to the east, south, and west. Surrounding land uses include residential homes and commercial businesses. An institutional use is permitted in a I-1 District with a Conditional Use Permit and in compliance with requirements.



HISTORY: This is the first Conditional Use Permit request for this property. The Conditional Use Permit request application was submitted on August 17, 2023.

SUMMARY/ANALYSIS: There is an existing 2,560 sq. ft. (as per appraisal district) building which is being used as the main sanctuary for the church. The applicant is proposing to operate a church with a main sanctuary area. The days and hours of the services of the church will be on Sunday from 1:00 PM to 3:00 PM and Monday to Friday 6:00 AM – 7:00 AM for morning prayer and a monthly meeting on Thursday. Based on the 40 seats in the

sanctuary area, ten parking spaces are required; seven parking spaces are provided on site on the south side of the property. A parking agreement has been submitted for an additional six parking spaces with the adjacent property.

The Fire Department inspection is still pending. Should the Conditional Use Permit be approved, the applicant would be required to sign the certificate acknowledging and agreeing to the conditions of the permit. The church must comply with the Zoning Ordinance and specific requirements as follows:

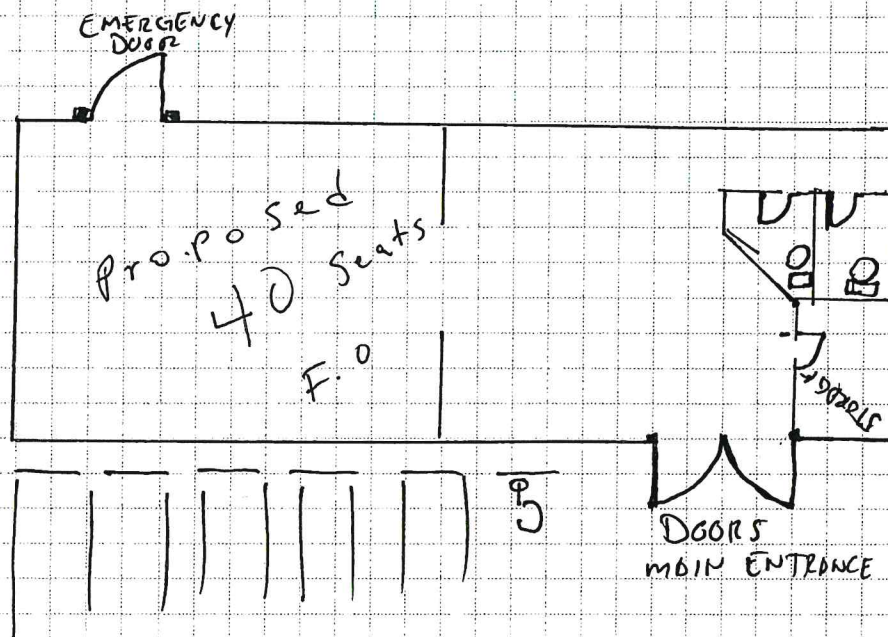
- 1) The proposed use shall not generate traffic onto residential size streets or disrupt residential areas, and shall be as close as possible to a major arterial. The business has frontage on Zinnia Avenue with direct outlet onto N 29th St.
- 2) The proposed use shall comply with the McAllen Off-Street Parking Ordinance and make provisions to prevent the use of street parking, especially in residential areas. Based on the seating area of 40 seats in the sanctuary, ten parking spaces are required; seven parking spaces are provided on site on the south side of the property. A parking agreement has been submitted for an additional six parking spaces with the adjacent property.
- 3) The proposed use shall prevent the unauthorized parking of its patrons on adjacent businesses or residences by providing fences, hedges or reorientation of entrances and exits.
- 4) The proposed use shall provide sufficient lighting to eliminate dark areas, perimeter fencing, and an orientation of the building to provide maximum visibility from a public street in order to discourage vandalism and criminal activities.
- 5) Provisions shall be made to prevent litter from blowing onto adjacent streets and residential areas.
- 6) The numbers of persons within the building shall be restricted to the existing seating capacity for the building.
- 7) Sides adjacent to commercially and residentially zoned or used properties shall be screened by a 6 ft. opaque fence.

If approval is granted to this request, the applicant must still comply with all other Zoning Ordinance and Building Code requirements that will be requested during the building permit process.

Staff did not receive any phone calls, letters, or emails in opposition to this request.

PLANNING AND ZONING COMMISSION RECOMMENDATION: At the Planning and Zoning Commission meeting of September 19, 2023, no one appeared in opposition to the CUP request. The Board unanimously voted to recommend approval of the request for life of the use. There were five Board members present and voting.

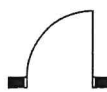
Por Dentro y X Fuera



Wall Legend:

Existing 
Proposed 
Demolition 

Symbol Legend:

 Door  Window  Electrical Panel  A/C Unit  Toilet  Sink

Application and documents can be submitted electronically to
BLDGPERMITS@MCALLEN.NET



NUEVOS COMIENZOS
IGLESIA CRISTIANA

NOTICE
INSTITUTIONAL
USE
FOR
THIS PROPERTY
CUP2023-0113

ORDINANCE NO. 2023 – ____

**AN AMENDMENT TO THE CITY OF MCALLEN ZONING
ORDINANCE TO ISSUE A CONDITIONAL USE PERMIT,
REQUIRING COMPLIANCE WITH LISTED CONDITIONS
AND ORDAINING OTHER PROVISIONS RELATING TO
THE SUBJECT MATTER THEREOF.**

WHEREAS, on October 9th, 2023, the City of McAllen Board of Commissioners considered an application for a Conditional Use Permit, for life of the use, and adoption of an ordinance, for an institutional use (church) at Lot 15, Espensen Industrial Park Subdivision Unit No. 3, Hidalgo County, Texas; 2600 Zinnia Avenue; and

WHEREAS, after reviewing the application, the recommendation of the Planning and Zoning Commission, public comment, if any, and staff's presentation the Board of Commissioners finds the proposed use does not interfere with compatible and orderly development within the City;

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

SECTION I: A Conditional Use Permit is hereby granted for adoption of an ordinance, for an institutional use (church) at Lot 15, Espensen Industrial Park Subdivision Unit No. 3, Hidalgo County, Texas; 2600 Zinnia Avenue. The Conditional Use Permit shall be for the life of the use, or when the use ceases.

SECTION II: The Conditional Use Permit issued pursuant to this ordinance shall only remain in effect and retain validity while all conditions listed on the permit as authorized by the City Commission at a meeting held on October 9th, 2023 or contained in the McAllen Code of Ordinances are met, including but not limited to the following: 1) the proposed use shall not generate traffic onto residential size streets or disrupt residential areas, and shall be as close as possible to a major arterial, 2) the proposed use shall comply with the McAllen Off-Street Parking Ordinance and make provisions to prevent the use of street parking, especially in residential areas, 3) the proposed use shall prevent the unauthorized parking of its patrons on adjacent businesses or

residences by providing fences, hedges or reorientation of entrances and exits, 4) the proposed use shall provide sufficient lighting to eliminate dark areas, perimeter fencing, and an orientation of the building to provide maximum visibility from a public street in order to discourage vandalism and criminal activities, 5) provisions shall be made to prevent litter from blowing onto adjacent streets and residential areas, 6) the numbers of persons within the building shall be restricted to the existing seating capacity for the building, 7) sides adjacent to commercially and residentially zoned or used properties shall be screened by a 6 ft. opaque fence. Should the conditions of the permit be violated, the City retains the complete and sole authority to suspend or revoke the permit.

SECTION III: The City Secretary of the City of McAllen is hereby directed **not** to publish this ordinance in the Code of Ordinances of the City of McAllen as it is not amendatory thereof.

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

CONSIDERED, PASSED and APPROVED this 9th Day of October 2023, at a Regular Meeting of the Board of Commissioners at which a quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code.

SIGNED this ____ day of October 2023.

CITY OF McALLEN, TEXAS

Javier Villalobos, Mayor

ATTEST:

Perla Lara, TRMC/CMC, CPM
City Secretary

APPROVED AS TO FORM:

Isaac J. Tawil, City Attorney



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

1.B.1.

DATE SUBMITTED

09/27/2023

MEETING DATE

10/9/2023

1. Agenda Item: Initial Zoning to R-1 (single-family residential) District: 1.09 acres, more or less, out of Lot 417, John H. Shary Subdivision, Hidalgo County, Texas; 4800 Auburn Avenue.
2. Party Making Request: Edgar Garcia
3. Applicant: City of McAllen
4. Nature of Request: Initial Zoning to R-1 (single-family residential) District: 1.09 acres, more or less, out of Lot 417, John H. Shary_Subdivision, Hidalgo County, Texas; 4800 Auburn Avenue.
5. Fiscal Impact Summary:
6. Budgeted:

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

Jessica Cavazos	Created/Initiated - 9/27/2023
Edgar Garcia	Approved - 9/29/2023
Michelle Rivera	Approved - 9/29/2023
Isaac Tawil	Final Approval - 10/4/2023
8. Staff Recommendation: Staff recommends approval.
9. Advisory Board:
10. City Attorney: Approve. IJT
11. Manager's Recommendation: Approve. RR

Memo

TO: Roel "Roy" Rodriguez, P.E., City Manager

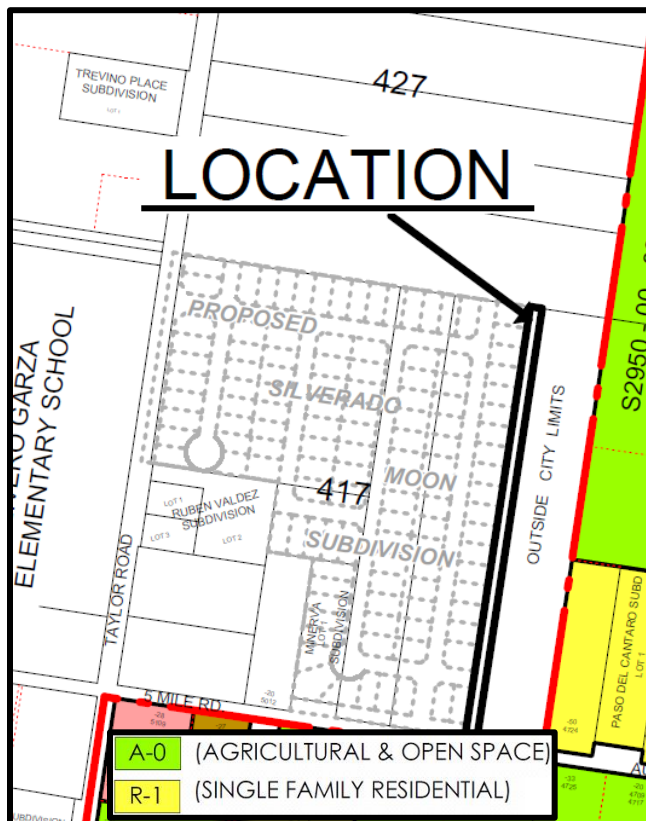
FROM: Edgar I. Garcia, AICP, CNU-A, CPM, Planning Director

DATE: September 19, 2023

SUBJECT: INITIAL ZONING TO R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT: 1.09 ACRES, MORE OR LESS, OUT OF LOT 417, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 4800 AUBURN AVENUE. (REZ2023-0045)

LOCATION: The property is located along the north side of Auburn Avenue and is part of a larger tract of land (i.e., 25.63 acres gross) that also has frontage on North Taylor Road. This particular tract is comprised of 1.09 acres of vacant land.

PROPOSAL: The applicant is requesting annexation of the property and initial zoning to R-1 (single-family residential) District in order to develop the tract of land for a single-family residential subdivision with 121 lots proposed. The tract is currently outside of McAllen's City limits. The initial zoning to R-1 District will become effective upon the annexation of the tract into the City. The subdivision process will be required prior to building permit issuance.



ADJACENT ZONING: The adjacent properties to the north and west are currently outside of McAllen's city limits and are therefore without zone. Adjacent properties to the east and south across Auburn Avenue include A-O (agricultural and open space) District and R-1 District.

LAND USE: The property is currently vacant. Surrounding land uses are a mix of single-family residential, institutional, and open spaces.

FUTURE LAND USE PLAN: The Envision McAllen Future Land Use Plan designates the future land use for this property as Parks and Open Space. Civic and Parks and Open Space uses are considered most appropriate for this property.

DEVELOPMENT TRENDS: The development trend for this area along Auburn Avenue is single family residential.

ANALYSIS: The requested zoning does not conform to the Parks and Open Space use designation on the Envision McAllen Future Land Use Plan. However, this proposal would be compatible with the existing single-family residential uses in the vicinity.

If the property is ever rezoned and or re-subdivided for a multifamily residential, commercial, or industrial use, a recorded plat and an approved site plan review may be required prior to building permit issuance. Required park land dedication or a fee in lieu of land comprising \$700 per dwelling unit is required prior to recording a subdivision plat.

Staff has not received any phone calls, emails, or letters in opposition to the initial zoning request.

PLANNING AND ZONING RECOMMENDATION: At the Planning and Zoning Commission meeting of September 19, 2023, no one appeared in opposition to this request. After Staff presented their analysis and their recommendation of approval, the Board requested to speak to anyone present in opposition. The Board had a question regarding why the requests were being split into two. Staff explained that it was an issue with timing and a change in ownership. After a brief discussion, the Board unanimously voted to recommend approval. There was five Board members present and voting.

**EXHIBIT A
TRACT I - 1.09 ACRES
OUT OF LOT 417,
JOHN H. SHARY SUBDIVISION,
VOLUME 1, PAGE 17,
MAP RECORDS OF HIDALGO COUNTY, TEXAS**

A 1.09 ACRES TRACT OF LAND, MORE OR LESS, OUT OF LOT 417, JOHN H. SHARY SUBDIVISION, RECORDED IN VOLUME 1, PAGE, 17, MAP RECORDS OF HIDALGO COUNTY, TEXAS, SAID 1.09 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 1/2-INCH IRON ROD FOUND AT THE SOUTHWEST CORNER OF A CALLED 1.46 ACRES TRACT CONVEYED TO RGV PARTNERS, LLC., DESCRIBED IN DOCUMENT # 1978999 SAME BEING A POINT ON THE EXISTING NORTH RIGHT-OF-WAY OF MILE 5 N. ROAD (F.M. 676), OF HIDALGO COUNTY, TEXAS;

THENCE, S 81°20'50" E ALONG THE EXISTING NORTH RIGHT-OF-WAY OF MILE 5 N. ROAD (F.M. 676), A DISTANCE OF 667.62 FEET TO A 1/2-INCH CAPPED IRON ROD SET, FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT AND THE **POINT OF BEGINNING**;

THENCE, N 8°39'10" E ALONG THE EAST BOUNDARY LINE OF A CALLED 24.54 ACRE TRACT CONVEYED TO FORTIS LAND COMPANY LLC, DESCRIBED IN DOCUMENT #3412710, DEED RECORDS OF HIDALGO COUNTY, TEXAS, A DISTANCE OF 1304.00 FEET TO 1/2- INCH IRON ROD FOUND, FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, S 81°20'50" E ALONG THE NORTH BOUNDARY LINE OF THE SAID LOT 417, SAME BEING THE SOUTH BOUNDARY LINE OF LOT 427, JOHN H. SHARY SUBDIVISION, A DISTANCE OF 36.29 FEET TO A 1/2- INCH IRON ROD SET, ON THE SOUTH BOUNDARY LINE OF A CALLED 6.67 ACRE TRACT CONVEYED TO RODNEY C. WOMACK, DESCRIBED IN DOCUMENT #1445547, DEED RECORDS OF HIDALGO COUNTY, TEXAS, FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 8°39'10" E ACROSS THE SAID LOT 417, A DISTANCE OF 1304.00 FEET TO A 1/2- INCH IRON ROD SET, FOR THE SOUTHEAST CORNER FOR THE HEREIN DESCRIBED TRACT;

THENCE, N 81°20'50" E ACROSS THE SAID LOT 417, SAME BEING ALONG THE EXISTING NORTH RIGHT-OF-WAY OF MILE 5, A DISTANCE OF 36.29 FEET TO THE **POINT AND PLACE OF BEGINNING, SAID TRACT CONTAINING 1.09 ACRES OF LAND, MORE OR LESS, OUT OF WHICH 0.033 ACRES LIES WITHIN THE RIGHT-OF-WAY OF MILE 5 N. ROAD (F.M. 676 EXIST. 60.00 FOOT R.O.W.).**

I, IVAN GARCIA, CERTIFY THAT THE ABOVE FIELDNOTES AND PLAT REPRESENT AN ACTUAL SURVEY ON THE GROUND MADE UNDER MY SUPERVISION AND THAT ALL CORNERS HAVE BEEN LOCATED AS INDICATED.



IVAN GARCIA
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6496
SURVEY FIRM NO. 10194027
RIO DELTA ENGINEERING
921 S. 10TH AVENUE
EDINBURG, TEXAS 78539

DATE

8/14/23

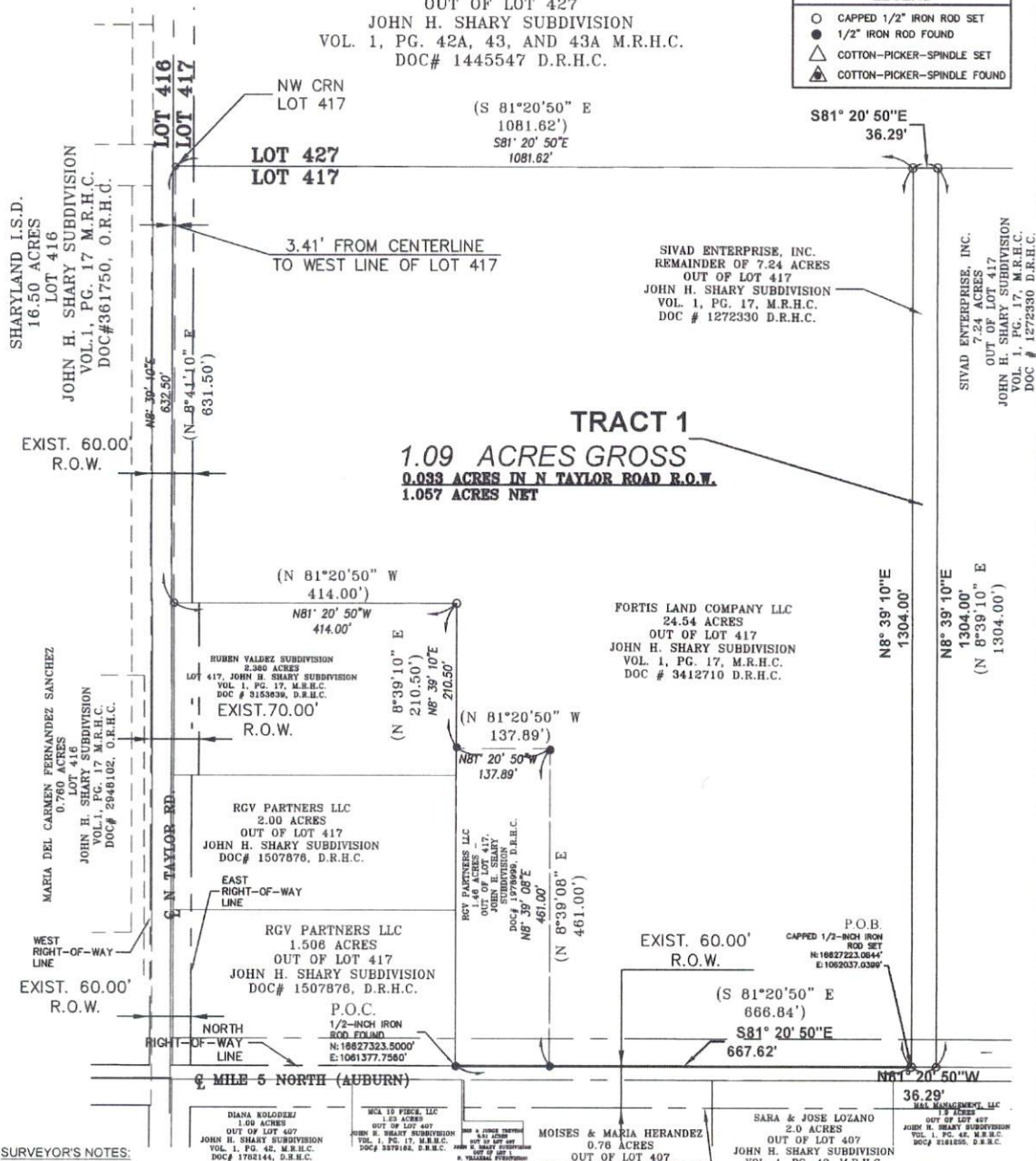


EXHIBIT B
TRACT 1 - 1.09 ACRES
OUT OF LOT 417,
JOHN H. SHARY SUBDIVISION,
VOLUME 1, PAGE 17,
MAP RECORDS OF HIDALGO COUNTY, TEXAS
TO ACCOMPANY FIELD NOTES

RODNEY C. WOMACK
6.67 ACRES
OUT OF LOT 427
JOHN H. SHARY SUBDIVISION
VOL. 1, PG. 42A, 43, AND 43A M.R.H.C.
DOC# 1445547 D.R.H.C.

SCALE: 1" = 200'
BEARING BASIS
TX STATE PLANE
COORDINATES NAD 83
TEXAS SOUTH ZONE (4205)
WESTERN DATA
SYSTEMS NETWORK

LEGEND	
○	CAPPED 1/2" IRON ROD SET
●	1/2" IRON ROD FOUND
△	COTTON-PICKER-SPINDLE SET
▲	COTTON-PICKER-SPINDLE FOUND



SURVEYOR'S NOTES:

- 1) SURVEY DONE WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
- 2) NO ADDITIONAL RESEARCH WAS PERFORMED BY RIO DELTA ENGINEERING FOR ANY ADDITIONAL EASEMENT(S) OR BUILDINGS LINES WHICH MAY OR MAY NOT AFFECT THE SUBJECT TRACT.
- 3) THE PROPERTY SHOWN IS IN ZONE "X" ON FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 480334 0295 D, REVISED DATE JUNE 6, 2000.

I, IVAN GARCIA, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY STATE, THAT THIS SURVEY WAS MADE ON THE GROUND OF THE PROPERTY SHOWN HEREON DURING AUGUST 2023, UNDER MY DIRECTION AND SUPERVISION; THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE; THAT THE PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR LAND TITLE SURVEYS".



RIO DELTA ENGINEERING
FIRM REGISTRATION No. F-7628
SURVEY FIRM NO. 10194027
921 S. 10TH AVENUE, EDINBURG TEXAS 78539
(TEL) 956-380-5152 (FAX) 956-380-5083

DATE: AUGUST 2023
PROJECT: SUB 22 064
PAGE: 1 OF 1

IVAN GARCIA
REG. PROFESSIONAL LAND
SURVEYOR NO. 6496

DATE



SILVERADO MOON SUBDIVISION

A 25.62 ACRES TRACT OF LAND, MORE OR LESS, OUT OF LOT 417, JOHN H. SHARY SUBDIVISION, RECORDED IN VOLUME 1, PAGE, 17, MAP RECORDS OF HIDALGO COUNTY, TEXAS, SAID 25.62 ACRES TRACT BEING THE SAME LAND DESCRIBED IN THE FOLLOWING WARRANTY DEEDS:
1) FROM SANJUAN, LLC TO FORTIS LAND COMPANY, LLC, DATED JANUARY 11, 2023, RECORDED IN DOCUMENT #3412710 OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS
2) FROM SANDRA J. WOMACK AND CANDACE L. MCCOY TO SANJUAN, LLC, DATED OCTOBER 4, 2016, RECORDED IN DOCUMENT #2895550 OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS

MARIA DEL CARMEN FERNANDEZ SANCHEZ
0.760 ACRES
LOT 416
JOHN H. SHARY SUBDIVISION
VOL. 1, PG. 17 M.R.H.C.
DOC# 2948102, O.R.H.C.

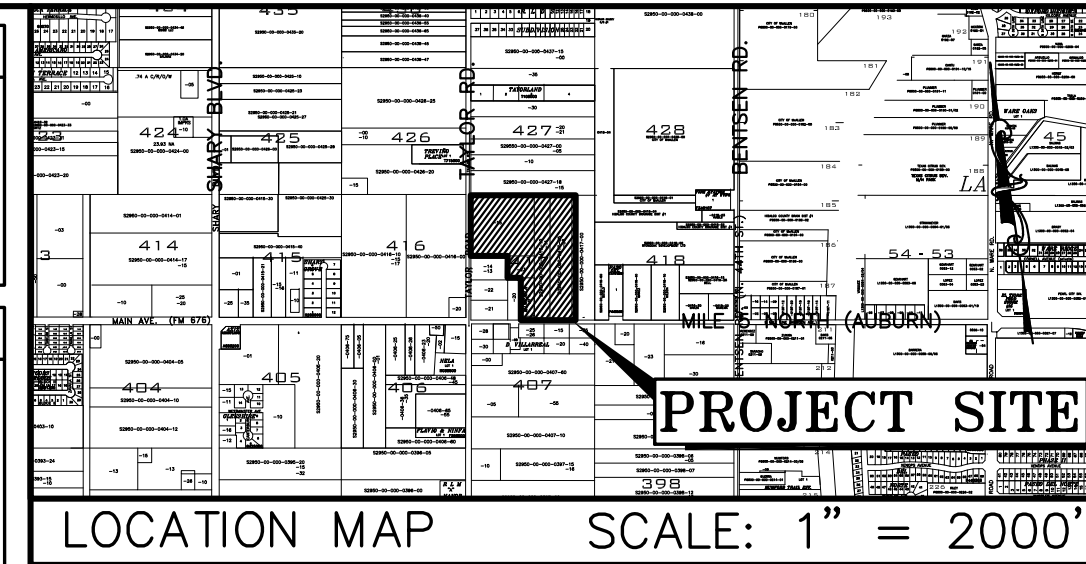
(PRIVATE SUBDIVISION)

SHARYLAND I.S.D. 16.50 ACRES
LOT 416
JOHN H. SHARY SUBDIVISION
VOL. 1, PG. 17 M.R.H.C.
DOC#361750, O.R.H.C.

SCALE 1" = 100'
BASIS OF BEARING
TEXAS STATE PLANE COORDINATES
NAD 83
TEXAS SOUTH ZONE (4205)
WESTERN DATA SYSTEMS NETWORK

LEGEND	
●	SET 1/2 INCH IRON ROD
▲	FOUND 1/2 INCH IRON ROD
○	FOUND COTTON PICKER SPINDLE
●	SET COTTON PICKER SPINDLE
XXXX	NATURAL GROUND
○	CALCULATED POINT
○	CAPPED IRON ROD SET

ABBREVIATION LEGEND	
R.O.W.	RIGHT-OF-WAY
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCING
S.W.C.	SOUTHWEST CORNER
F.T.M.	FARM-TO-MARKET
U.E.	UTILITY EASEMENT
C.L.	CENTER LINE
L.O.T.	LOT LINE



METES AND BOUNDS DESCRIPTION

A 25.62 ACRES TRACT OF LAND, MORE OR LESS, OUT OF LOT 417, JOHN H. SHARY SUBDIVISION, RECORDED IN VOLUME 1, PAGE, 17, MAP RECORDS OF HIDALGO COUNTY, TEXAS, SAID 25.62 ACRES TRACT BEING THE SAME LAND DESCRIBED IN THE FOLLOWING WARRANTY DEEDS:

1) FROM SANJUAN, LLC TO FORTIS LAND COMPANY, LLC, DATED JANUARY 11, 2023, RECORDED IN DOCUMENT #3412710 OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS
2) FROM SANDRA J. WOMACK AND CANDACE L. MCCOY TO SANJUAN, LLC, DATED OCTOBER 4, 2016, RECORDED IN DOCUMENT #2895550 OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS

SAID 25.62 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 1/2-INCH IRON ROD FOUND AT THE SOUTHWEST CORNER OF A CALLED 1.46 ACRES TRACT CONVEYED TO RGV PARTNERS, LLC, DESCRIBED IN DOCUMENT # 1978899 SAME BEING A POINT ON THE EXISTING NORTH RIGHT-OF-WAY OF MILE 5 N. ROAD (F.M. 676), OF HIDALGO COUNTY, TEXAS;

THENCE, N 81°28'33" W ALONG THE SOUTH BOUNDARY LINE OF SAID 1.46 ACRES TRACT DISTANCE OF 137.13 FEET TO A 1/2-INCH IRON ROD FOUND, FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT AND THE POINT OF BEGINNING;

THENCE, N 83°39' E ALONG THE EAST BOUNDARY LINE OF THE SAID 1.46 ACRES TRACT, A DISTANCE OF 461.00 FEET TO 1/2-INCH IRON ROD FOUND, FOR A CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 81°20'50" W ACROSS THE SAID LOT 417, SAME BEING ALONG THE NORTH BOUNDARY LINE OF THE SAID 1.46 ACRES TRACT TO A 1/2-INCH IRON ROD FOUND, A DISTANCE OF 137.89 FEET TO A 1/2-INCH CAPPED IRON ROD SET, FOR A CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 83°39' E ALONG THE EAST BOUNDARY LINE OF RUBEN VALDEZ SUBDIVISION, DOCUMENT #3153639, MAP RECORDS OF HIDALGO COUNTY, TEXAS, A DISTANCE OF 210.50 FEET TO A 1/2-INCH CAPPED IRON ROD SET, FOR THE CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 81°20'50" W ACROSS THE SAID LOT 417, SAME BEING ALONG THE NORTH BOUNDARY LINE OF THE SAID RUBEN VALDEZ SUBDIVISION, A DISTANCE OF 414.00 FEET TO A 1/2-INCH CAPPED IRON ROD SET, FOR THE WESTERLY SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 83°39' E ALONG THE CENTERLINE OF TAYLOR ROAD, A DISTANCE OF 632.50 FEET TO A 1/2-INCH CAPPED IRON ROD SET, FOR THE NORTHWEST CORNER OF LOT 417 OF JOHN H. SHARY SUBDIVISION, FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, S 81°20'50" E ALONG THE NORTH BOUNDARY LINE OF THE SAID LOT 417, SAME BEING THE SOUTH BOUNDARY LINE OF LOT 427, JOHN H. SHARY SUBDIVISION, A DISTANCE OF 1081.61 FEET TO A 1/2-INCH IRON ROD SET, ON THE SOUTH BOUNDARY LINE OF A CALLED 6.67 ACRES TRACT CONVEYED TO RODNEY C. WOMACK AND SANDRA J. WOMACK, DESCRIBED IN DOCUMENT #1445547, DEED RECORDS OF HIDALGO COUNTY, TEXAS, FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 83°39' E ALONG THE WEST BOUNDARY LINE OF A CALLED 7.24 ACRES TRACT CONVEYED TO SIVAD ENTERPRISE, INC., DESCRIBED IN DOCUMENT #1272330, DEED RECORDS OF HIDALGO COUNTY, TEXAS, A DISTANCE OF 1304.00 FEET TO A 1/2-INCH IRON ROD SET, FOR THE SOUTHEAST CORNER FOR THE HEREIN DESCRIBED TRACT;

THENCE, N 81°20'50" E ACROSS THE SAID LOT 417, SAME BEING ALONG THE EXISTING NORTH RIGHT-OF-WAY OF MILE 5, A DISTANCE OF 529.71 FEET TO THE POINT AND PLACE OF BEGINNING, SAID TRACT CONTAINING 24.54 ACRES OF LAND, MORE OR LESS, OUT OF WHICH 0.48 ACRES LIES WITHIN THE RIGHT-OF-WAY OF MILE 5 N. ROAD (F.M. 676 EXIST. 60.00 FOOT R.O.W.), INCLUDING 0.531 ACRES LIES WITHIN THE RIGHT-OF-WAY OF TAYLOR ROAD (60.00 FOOT R.O.W.).

GENERAL PLAT NOTES:

- MINIMUM PERMISSIBLE FINISHED FLOOR ELEVATION SHALL BE 18" ABOVE TOP OF CURB IN FRONT OF THE CENTER-POINT OF THE LOT.
- THE CORNER PINS ALONG AUBURN AVE. (MILE 5 NORTH) FOR LOTS 84, 85, 86, 87, 88, 89, AND 90 ARE SET WITH AN OFF-SET OF 2 FT. INTO THE LOTS.
- THE CORNER PINS ALONG TAYLOR RD. FOR LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, AND 10 ARE SET WITH AN OFF-SET OF 2 FT. INTO THE LOTS.
- MINIMUM BUILDING SETBACKS SHALL BE AS FOLLOWS:
FRONT: 25 FT. OR GREATER FOR EASEMENTS.
REAR: 10 FT. OR GREATER FOR EASEMENTS.
INTERIOR SIDES: 6 FT. OR GREATER FOR EASEMENTS.
CORNER: 10 FT. OR GREATER FOR EASEMENTS.
GARAGE: 18 FT. EXCEPT WHERE GREATER SETBACK IS REQUIRED; GREATER SETBACK APPLIES.

- THE SUBDIVISION IS IN ZONE "X" (NON-SHADED), AREAS DETERMINED OF MINIMAL FLOODING. (NO SHADING) MAP COMMUNITY PANELS NO.: 480334 0295 D MAP REVISED: JUNE 6, 2000.
- DRAINAGE DETENTION OF 144.901 OF OR 3.326 ACRE FEET IS REQUIRED FOR THIS SUBDIVISION. CURRENT RUNOFF WILL BE DETAINED IN THE EXISTING HIDALGO COUNTY DRAINAGE DISTRICT NO.1 MISSION-MACLEAN LATERAL DRAIN DITCH.
- ENGINEERED DRAINAGE DETENTION PLAN, APPROVED BY THE ENGINEERING DEPARTMENT, PRIOR TO ISSUANCE OF BUILDING PERMIT. GRADING MUST COMPLY WITH MASTER PLAN.
- EASEMENTS SHALL BE KEPT CLEAR OF FENCES, BUILDINGS, SHEDS, SHRUBS, TREES, AND OTHER PLANTINGS (EXCEPT LOW-GROUND COVER, GRASS OR FLOWERS) AND OTHER OBSTRUCTIONS TO THE OPERATIONS AND MAINTENANCE OF THE EASEMENT.
- THE CITY OF MACLEAN TO HAVE A 25'X25' SIDE OBSTRUCTION EASEMENT AT STREET INTERSECTIONS MEASURED FROM STREET CURB INTERSECTION.
- 4 FT. WIDE MINIMUM SIDEWALK REQUIRED ALONG AUBURN AVENUE (5 MILE LINE ROAD), NORTH TAYLOR ROAD, AND BOTH SIDES OF ALL INTERIOR STREETS.
- NO CURB CUT, ACCESS, OR LOT FRONTAGE PERMITTED ALONG AUBURN AVENUE (5 MILE LINE ROAD) AND NORTH TAYLOR ROAD.
- CITY OF MACLEAN BENCHMARK (M47) A 30" ALUMINUM PIPE WITH A 3/4" BRASS MONUMENT CAP ON TOP. LOCATED APPROXIMATELY 29 FEET EAST FROM NORTH TAYLOR ROAD AND 650 FEET WEST OF MILE 5. NORTHING: 1061100.60350 EASTING: 16628009.54221 ELEV.=140.02
- 6 FT. OPAQUE BUFFER REQUIRED FROM ADJACENT/BETWEEN MULTI-FAMILY RESIDENTIAL AND COMMERCIAL, AND INDUSTRIAL ZONES/USES AND ALONG AUBURN AVE. (5 MILE LINE ROAD) AND NORTH TAYLOR ROAD.
- 8 FT. MASONRY WALL REQUIRED BETWEEN SINGLE FAMILY RESIDENTIAL AND COMMERCIAL, INDUSTRIAL, OR MULTI-FAMILY RESIDENTIAL ZONES/USES.
- ALL UTILITY AND DRAINAGE EASEMENTS TO BE DEDICATED BY THIS PLAT, UNLESS STATED OTHERWISE.

- ALL IRRIGATION EASEMENTS ARE EXCLUSIVE TO UNITED IRRIGATION DISTRICT, AND THE DISTRICT ALLOWS NO OTHER UTILITIES OR OUTSIDE USE WITHOUT ITS EXPRESS WRITTEN APPROVAL.
- THIS SUBDIVISION IS SUBJECT TO A BLANKET EASEMENT RESERVATION IN FAVOR OF UNITED IRRIGATION DISTRICT AS SET FORTH IN DEED DATED SEPTEMBER 22, 1920, RECORDED IN DOCUMENT #1140166, OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS.
- NO UTILITY COMPANY, PUBLIC ENTITY, PARTY OR PERSON IS ALLOWED TO CROSS ABOVE OR BELOW GROUND ANY IRRIGATION DISTRICT EASEMENT OR RIGHT-OF-WAY WITH LINES, POLES, OPEN DITCHES OR OTHER USE WITHOUT FIRST OBTAINING A CROSSING PERMIT FROM UNITED IRRIGATION DISTRICT.
- NO PERMANENT STRUCTURE UTILITY POLE, HOLE, WALL, FENCE, DRIVEWAY, OR ROAD WILL BE ALLOWED TO BE CONSTRUCTED OR EXIST ON ANY DISTRICT EASEMENT OR RIGHT OF WAY WITHOUT WRITTEN APPROVAL BY IRRIGATION DISTRICT. ANY UNAUTHORIZED STRUCTURE WITHIN THE EASEMENT BOUNDARY IS SUBJECT TO IMMEDIATE REMOVAL AT VIOLATOR'S EXPENSE.
- NO UTILITY COMPANY, PUBLIC ENTITY, PARTY OR PERSON IS ALLOWED TO CONNECT TO ANY DISTRICT FACILITY WITHOUT FIRST OBTAINING A PERMIT FROM IRRIGATION DISTRICT, ANY CONNECTION NOT AUTHORIZED BY THE DISTRICT IS SUBJECT TO IMMEDIATE REMOVAL AT VIOLATOR'S EXPENSE.
- DEVELOPER/HOMEOWNER'S ASSOCIATION/OWNER, THEIR SUCCESSORS AND ASSIGNEES, AND NOT THE CITY OF MACLEAN SHALL BE RESPONSIBLE FOR COMPLIANCE OF INSTALLATION AND MAINTENANCE AND OTHER REQUIREMENTS PER SECTION 134-168 OF THE SUBDIVISION ORDINANCE, INCLUDING BUT NOT LIMITED TO COMMON AREAS AND ITS PRIVATE STREETS.

- AS PER DECLARATIONS OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR SILVERADO MOON SUBDIVISION, RECORDED AS DOCUMENT NUMBER _____ HIDALGO COUNTY, DEED RECORDS, DEVELOPER/HOMEOWNER'S ASSOCIATION/OWNER, THEIR SUCCESSORS AND/OR ASSIGNEES, AND NOT THE CITY OF MACLEAN SHALL BE RESPONSIBLE FOR THE INSTALLATION, MAINTENANCE AND OTHER REQUIREMENTS AS PER SECTION 134-168 OF THE CODE OF ORDINANCES OF THE CITY OF MACLEAN, INCLUDING BUT NOT LIMITED TO COMMON AREAS AND PRIVATE STREETS. ANY AMENDMENT TO DECLARATIONS THAT CONFLICT WITH THE REQUIREMENTS OF SECTION 134-168 OF THE SUBDIVISION ORDINANCE SHALL BE NULL AND VOID.
- COMMON LOT A, IDENTIFIED AS A DETENTION AREA SHALL BE MAINTAINED BY THE DEVELOPER, WHO MAY TRANSFER SUCH MAINTENANCE OBLIGATION TO THE SUBDIVISION HOMEOWNER'S ASSOCIATION, SILVERADO MOON HOMEOWNER'S ASSOCIATION, UPON CONVEYANCE OF TITLE TO THE SAME, THEIR SUCCESSORS AND ASSIGNS, AND NOT BY THE CITY OF MACLEAN, NO BUILDINGS OR OTHER STRUCTURES SHALL BE ERRECTED IN COMMON LOT A, WHICH SHALL BE USED EXCLUSIVELY AS A DETENTION AREA, AFTER COMMON LOT A'S TRANSFER OF TITLE TO THE SILVERADO TRAIL ON AUBURN HILL HOMEOWNER'S ASSOCIATION THE SUBDIVISION LOT OWNER'S PRO RATA SHARES OF THE COST OF MAINTENANCE SHALL BE DETERMINED BY THE SILVERADO MOON HOMEOWNER'S ASSOCIATION. THE CITY OF MACLEAN, IN SUCH MAINTENANCE OBLIGATIONS, SHALL NOT BE REQUIRED TO MAINTAIN THE SAME AT THE LOT OWNER'S COST, WHICH COST MAY BECOME A LIEN AGAINST THEIR PROPERTIES. PRIOR TO THE IMPOSITION OF ANY LIEN, THE CITY SHALL FIRST COMPLY WITH NOTICE REQUIREMENTS SIMILAR TO THOSE UNDER EXISTING ORDINANCE SECTION 134-168(d), AS THE SAME MAY BE AMENDED. THE SPECIFIC AND EXCLUSIVE USE OF COMMON LOT A, THE OWNER'S MAINTENANCE OBLIGATION, AND THE CONSEQUENCES OF FAILURE TO MAINTAIN SHALL BE INCORPORATED INTO ANY DEED OR INSTRUMENT OF CONVEYANCE AS A DEED RESTRICTION, RECORDED IN INSTRUMENT NO. _____ OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS.

OWNER'S ACKNOWLEDGMENT STATE OF TEXAS COUNTY OF HIDALGO

I (WE), THE UNDERSIGNED, OWNER(S) OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS THE SILVERADO MOON SUBDIVISION, DO HEREBY GRANT AN ACCESS AND UTILITY EASEMENT TO THE CITY OF MACLEAN AND THOSE WHO MAY NOW OR HEREAFTER HOLD FRANCHISE UNDER SAID CITY. THE USE OF THE STREETS, LOTS, AND EASEMENTS THEREON SHOWN, SURFACE USE OF THE STREETS AND ALLIES ARE RESTRICTED TO THE EMPLOYEES AND AGENTS OF THE CITY OF MACLEAN, TO THE EMPLOYEES OF THE UTILITY OPERATING UNDER FRANCHISE TO THE CITY OF MACLEAN, AND RESIDENTS OF THE SUBDIVISION AND THEIR GUESTS. ADDITIONAL PUBLIC RIGHT-OF-WAY FOR AUBURN AVE. (MILE 5 NORTH) IS BEING DEDICATED BY THIS PLAT.

OMAR GARCIA (MANAGING MEMBER) _____ DATE _____
FORTIS LAND COMPANY, LLC
222 WEST UNIVERSITY DRIVE
EDINBURG, TEXAS 78539

STATE OF TEXAS
COUNTY OF HIDALGO
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED OMAR FELIPE GARCIA, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS ____ DAY OF ____ 2023.

NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS
MY COMMISSION EXPIRES ____

SHARYLAND WATER SUPPLY CORPORATION

I, SHERILYN DAHLBERG, HEREBY CERTIFY THAT SHARYLAND WATER SUPPLY CORPORATION HAS APPROVED THE POTABLE WATER INFRASTRUCTURE FOR THE SILVERADO MOON SUBDIVISION, LOCATED AT CITY OF MACLEAN IN HIDALGO COUNTY, TEXAS, SUBJECT TO THE POTABLE WATER SYSTEM MEETING THE APPROVAL OF THE DESIGN ENGINEER AND ALL APPLICABLE RULES AND REGULATIONS OF SHARYLAND WATER SUPPLY CORPORATION, AND LOCAL, STATE, AND FEDERAL AGENCIES.

DEVELOPER AND DESIGN ENGINEER SHALL BEAR FULL RESPONSIBILITY TO ENSURE THAT THE ABOVE REFERENCED POTABLE WATER INFRASTRUCTURE IS CONSTRUCTED WITHIN THE DESIGNATED SHARYLAND WATER SUPPLY CORPORATION EASEMENT.

CARLOS LIMA _____ DATE _____
GENERAL MANAGER
SHARYLAND WATER SUPPLY CORPORATION

PLANNING AND ZONING COMMISSION CHAIR CERTIFICATE

NAME	ADDRESS	PHONE & FAX
OWNER(S): FORTIS LAND COMPANY, LLC	222 W. UNIVERSITY DRIVE	EDINBURG, TX. 78539 (956) 292-0008 (956) 292-0896
SURVEYOR: IVAN GARCIA	P.E. R.P.L.S.	921 S. 10TH AVENUE EDINBURG, TX. 78539 (956) 380-5152 (956) 380-5083
ENGINEER: IVAN GARCIA	P.E. R.P.L.S.	921 S. 10TH AVENUE EDINBURG, TX. 78539 (956) 380-5152 (956) 380-5083

LIENHOLDER'S ACKNOWLEDGMENT STATE OF TEXAS COUNTY OF HIDALGO

I (WE), THE UNDERSIGNED, HOLDER(S) (OR DULY AUTHORIZED OFFICERS OF THE HOLDER(S)) OF A SECURITY INTEREST IN THE ABOVE DESCRIBED PROPERTY, BEING THE LAND SHOWN ON THIS PLAT AND THE DESIGNATED HEREIN AS THE SILVERADO MOON SUBDIVISION OF THE CITY OF MACLEAN, TEXAS, DO HEREBY CONSENT TO THE SUBDIVISION OF THE PROPERTY AS PROVIDED FOR UNDER THE PLAT AND DO HEREBY PROVIDE THAT ANY FORECLOSURE RELATING TO THE SECURITY INTEREST IN THE ABOVE DESCRIBED PROPERTY SHALL BE SUBJECT TO THE PLATTING OF THE PROPERTY AS PROVIDED FOR HEREIN.

GABRIEL GARZA
RIO BANK-SAN JUAN BANKING CENTER (PRESIDENT)
401 W. STATE HWY 495
SAN JUAN, TEXAS 78589

STATE OF TEXAS
COUNTY OF HIDALGO
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED GABRIEL GARZA, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS ____ DAY OF ____ 2023.

NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS
MY COMMISSION EXPIRES ____

STATE OF TEXAS UNITED IRRIGATION DISTRICT

THIS PLAT IS HEREBY APPROVED BY THE UNITED IRRIGATION DISTRICT ON THIS ____ DAY OF ____ 2023.

NO IMPROVEMENTS OF ANY KIND (INCLUDING WITHOUT LIMITATION TREES, FENCES AND BUILDINGS) SHALL BE PLACED UPON UNITED IRRIGATION DISTRICT RIGHT OF WAYS OR EASEMENTS. APPROVAL OF THIS PLAT DOES NOT RELEASE ANY RIGHTS THAT THE DISTRICT MAY HAVE WHETHER SHOWN OR NOT.

PRESIDENT _____ SECRETARY _____

STATE OF TEXAS COUNTY OF HIDALGO MAYOR'S CERTIFICATE

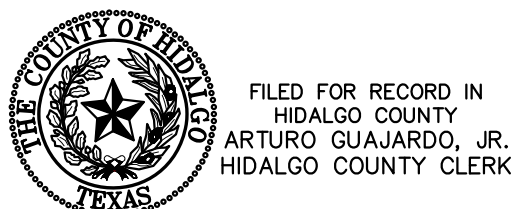
I, THE UNDERSIGNED, MAYOR OF THE CITY OF MACLEAN, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

CITY MAYOR _____ DATE _____

STATE OF TEXAS COUNTY OF HIDALGO PLANNING AND ZONING COMMISSION CHAIR CERTIFICATE

I, THE UNDERSIGNED, CHAIR OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF MACLEAN, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

PLANNING AND ZONING CHAIR _____ DATE _____



FILED FOR RECORD IN
HIDALGO COUNTY
ARTURO GUJARDO, JR.
HIDALGO COUNTY CLERK

ON: _____ AT _____ AM/PM
INSTRUMENT NUMBER _____
OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS

BY: _____ DEPUTY

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 CERTIFICATE

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEXAS WATER CODE NO. 49.211(C). THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION, BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER OF THE SUBDIVISION AND ITS ENGINEER TO MAKE THESE DETERMINATIONS.

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1

RAUL E. SESIN, P.E., C.F.M.
GENERAL MANAGER _____ DATE _____

STATE OF TEXAS - COUNTY OF HIDALGO

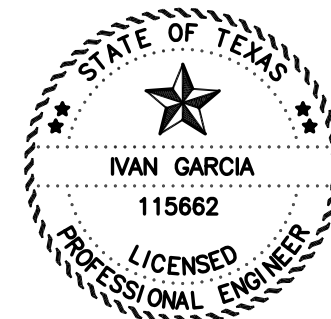
I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE PROPER ENGINEERING CONSIDERATIONS HAVE BEEN GIVEN TO THIS PLAT.

IVAN GARCIA P.E., R.P.L.S. _____ DATE _____
REG. PROFESSIONAL ENGINEER No. 115662

STATE OF TEXAS - COUNTY OF HIDALGO

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE FROM AN ACTUAL SURVEY MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON, AND THAT THERE ARE NO APPARENT DISCREPANCIES, CONFLICTS, OR OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE, EXCEPT AS SHOWN ON THE ACCOMPANYING PLAT, AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY PLACED UNDER MY SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF MACLEAN AND HIDALGO COUNTY, TEXAS.

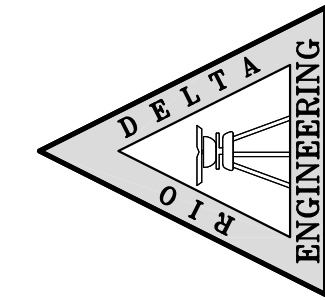
IVAN GARCIA P.E., R.P.L.S. _____ DATE _____
REG. PROFESSIONAL LAND SURVEYOR No. 6469
SURVEY FIRM No. 10194027



RIO DELTA ENGINEERING

FIRM REGISTRATION No. F-7628
SURVEY FIRM No. 10194027

921 S. 10TH AVENUE EDINBURG, TEXAS 78539
(TEL) 956-380-5152 (FAX) 956-380-5083



ISSUED FOR:
FINAL

PLAT SHEET
SILVERADO MOON SUBDIVISION
CITY OF MACLEAN ETJ
HIDALGO COUNTY, TEXAS

PROJECT: _____
ENGINEER: IVAN GARCIA P.E., R.P.L.S.
SURVEYOR: IVAN GARCIA P.E., R.P.L.S.
CHECKED: IVAN GARCIA P.E., R.P.L.S.
DRAWN: O.A./H.G./Y.V.
SCALE: 1" = 100'
DATE: SEPTEMBER 8, 2023
PROJECT: SUB 22 064
REVISIONS: _____
PAGE NO.: SHT 2

**NOTICE
REZONING
FOR
THIS PROPERTY
REZ2023-0045**

CITY OF MCALLEN PLANNING DEPT
106 WEST 10TH
WWW.MCALLEN.NET



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

1.B.2.

DATE SUBMITTED

09/27/2023

MEETING DATE

10/9/2023

1. Agenda Item: Initial Zoning to R-1 (single-family residential) District: 24.54 acres, more or less, out of Lot 417, John H. Shary Subdivision, Hidalgo County, Texas; 8100 North Taylor Road.
2. Party Making Request: Edgar Garcia
3. Applicant: City of Mcallen
4. Nature of Request: Initial Zoning to R-1 (single-family residential) District: 24.54 acres, more or less, out of Lot 417, John H. Shary Subdivision, Hidalgo County, Texas; 8100 North Taylor Road.
5. Fiscal Impact Summary:
6. Budgeted:

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

Jessica Cavazos	Created/Initiated - 9/27/2023
Edgar Garcia	Approved - 9/29/2023
Michelle Rivera	Approved - 9/29/2023
Isaac Tawil	Final Approval - 10/4/2023
8. Staff Recommendation: Staff recommends approval.
9. Advisory Board:
10. City Attorney: Approve. IJT
11. Manager's Recommendation: Approve. RR

Memo

TO: Roel "Roy" Rodriguez, P.E., City Manager

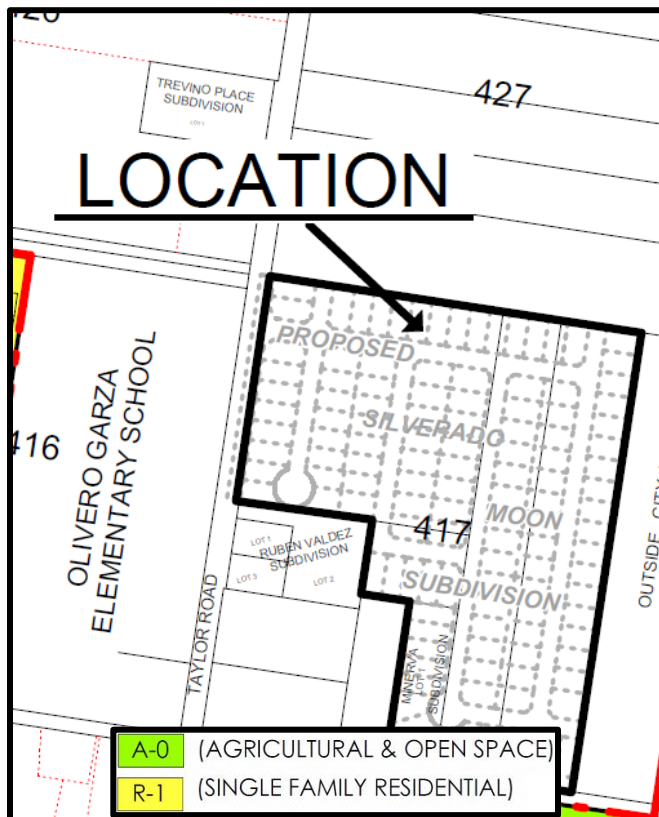
FROM: Edgar I. Garcia, AICP, CNU-A, CPM, Planning Director

DATE: September 19, 2023

SUBJECT: INITIAL ZONING TO R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT: 24.54 ACRES, MORE OR LESS, OUT OF LOT 417, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 8100 NORTH TAYLOR ROAD. (REZ2023-0046)

LOCATION: The property is located along the east side of North Taylor Road and is part of a larger tract of land (i.e., 25.63 acres gross) that also has frontage on Auburn Avenue. This particular tract is comprised of 24.54 acres of vacant land.

PROPOSAL: The applicant is requesting annexation of the property and initial zoning to R-1 (single-family residential) District in order to develop the tract of land for a single-family residential subdivision with 121 lots proposed. The tract is currently outside of McAllen's City limits. The initial zoning to R-1 District will become effective upon the annexation of the tract into the City. The subdivision process will be required prior to building permit issuance.



ADJACENT ZONING: The adjacent properties to the north and west are currently outside of McAllen's city limits and are therefore without zone. Adjacent properties to the east and south across Auburn Avenue include A-O (agricultural and open space) District and R-1 District.

LAND USE: The property is currently vacant. Surrounding land uses are a mix of single-family residential, institutional, and open spaces.

FUTURE LAND USE PLAN: The Envision McAllen Future Land Use Plan designates the future land use for this property as Parks and Open Space. Civic and Parks and Open Space uses are considered most appropriate for this property.

DEVELOPMENT TRENDS: The development trend for this area along North Taylor Road is single family residential.

ANALYSIS: The requested zoning does not conform to the Parks and Open Space use designation on the Envision McAllen Future Land Use Plan. However, this proposal would be compatible with the existing single-family residential uses in the vicinity.

If the property is ever rezoned and or re-subdivided for a multifamily residential, commercial, or industrial use, a recorded plat and an approved site plan review may be required prior to building permit issuance. Required park land dedication or a fee in lieu of land comprising \$700 per dwelling unit is required prior to recording a subdivision plat.

Staff has not received any phone calls, emails, or letters in opposition to the initial zoning request.

PLANNING AND ZONING RECOMMENDATION: At the Planning and Zoning Commission meeting of September 19, 2023, no one appeared in opposition to this request. After Staff presented their analysis and their recommendation of approval, the Board requested to speak to anyone present in opposition. The Board had a question regarding why the requests were being split into two. Staff explained that it was an issue with timing and a change in ownership. After a brief discussion, the Board unanimously voted to recommend approval. There was five Board members present and voting.

**EXHIBIT A
TRACT I – 24.540 ACRES
OUT OF LOT 417,
JOHN H. SHARY SUBDIVISION,
VOLUME 1, PAGE 17,
MAP RECORDS OF HIDALGO COUNTY, TEXAS**

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- 1) FROM SANJUCAN, LLC. TO FORTIS LAND COMPANY, LLC. DATED JANUARY 11, 2023, RECORDED IN DOCUMENT #3412710 OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS
- 2) FROM SANDRA J. WOMACK AND CANDACE L. MCCOY TO SANJUCAN, LLC. DATED OCTOBER 4, 2016, RECORDED IN DOCUMENT #2890550 OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS

SAID 24.54 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 1/2-INCH IRON ROD FOUND AT THE SOUTHWEST CORNER OF A CALLED 1.46 ACRES TRACT CONVEYED TO RGV PARTNERS, LLC., DESCRIBED IN DOCUMENT # 1978999 SAME BEING A POINT ON THE EXISTING NORTH RIGHT-OF-WAY OF MILE 5 N. ROAD (F.M. 676), OF HIDALGO COUNTY, TEXAS;

THENCE, N 81°26'53" W ALONG THE SOUTH BOUNDARY LINE OF SAID 1.46 ACRE TRACT DISTANCE OF 137.13 FEET TO A 1/2-INCH IRON ROD FOUND, FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT AND THE **POINT OF BEGINNING**;

THENCE, N 81°20'50" W ACROSS THE SAID LOT 417, SAME BEING ALONG THE SOUTH BOUNDARY LINE OF THE HEREIN DESCRIBED TRACT, PASSING AT 303.53 FEET A 1/2 - INCH CAPPED IRON ROD FOUND, AND CONTINUING FOR A TOTAL DISTANCE OF 529.71 FEET TO 1/2- INCH IRON ROD FOUND, FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 8°39'10" E ALONG THE WEST BOUNDARY LINE OF A CALLED 7.24 ACRES TRACT CONVEYED TO SIVAD ENTERPRISE, INC., DESCRIBED IN DOCUMENT #1272330, DEED RECORDS OF HIDALGO COUNTY, TEXAS, A DISTANCE OF 1304.00 FEET TO A 1/2- INCH IRON ROD SET, ON THE SOUTH BOUNDARY LINE OF A CALLED 6.67 ACRE TRACT CONVEYED TO RODNEY C. WOMACK, DESCRIBED IN DOCUMENT #1445547, DEED RECORDS OF HIDALGO COUNTY, TEXAS, FOR THE NORTHEAST CORNER FOR THE HEREIN DESCRIBED TRACT;

THENCE, S 81°20'50" E ALONG THE NORTH BOUNDARY LINE OF THE SAID LOT 417, SAME BEING THE SOUTH BOUNDARY LINE OF LOT 427, JOHN H. SHARY SUBDIVISION, A DISTANCE OF 1081.61 FEET TO A 1/2- INCH IRON ROD SET, ON THE CENTERLINE OF TAYLOR RD, THE NORTHWEST CORNER OF LOT 17 OF JOHN H. SHARY SUBDIVISION, FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 8°39'10" E ALONG THE CENTERLINE OF TAYLOR ROAD, A DISTANCE OF 632.50 FEET TO A 1/2- INCH CAPPED IRON ROD SET, FOR THE MOST WESTERLY SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 81°20'50" W ACROSS THE SAID LOT 417, SAME BEING ALONG THE NORTH BOUNDARY LINE OF A CALLED RUBEN VALDEZ SUBDIVISION, DOCUMENT #3153639, MAP RECORDS OF HIDALGO COUNTY, TEXAS, A DISTANCE OF 414.00 FEET TO A 1/2-INCH CAPPED IRON ROD SET, FOR A CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 8°39'10" E ALONG THE EAST BOUNDARY LINE OF RUBEN VALDEZ SUBDIVISION, A DISTANCE OF 210.50 FEET TO A 1/2-INCH CAPPED IRON ROD FOUND, FOR A CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 81°20'50" W ACROSS THE SAID LOT 417, SAME BEING ALONG THE NORTH BOUNDARY LINE OF A CALLED 1.46 ACRE TRACT CONVEYED TO RGV PARTNERS LLC., DESCRIBED IN DOCUMENT NUMBER #1978999, DEED RECORDS OF HIDALGO COUNTY, TEXAS, A DISTANCE OF 137.89 FEET TO A 1/2-INCH CAPPED IRON ROD FOUND, FOR A CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 8°39'8" E ALONG THE EAST BOUNDARY LINE OF THE SAID 1.46 ACRE TRACT, A DISTANCE OF 461.00 FEET TO THE **POINT AND PLACE OF BEGINNING**, SAID TRACT CONTAINING 24.54 ACRES OF LAND, MORE OR LESS, OUT OF WHICH 0.486 ACRES LIES WITHIN THE RIGHT-OF-WAY OF MILE 5 N. ROAD (F.M. 676 EXIST. 60.00

FOOT R.O.W.), INCLUDING 0.531 ACRES LIES WITHIN THE RIGHT-OF-WAY OF TAYLOR ROAD (60.00 FOOT R.O.W.).

I, IVAN GARCIA, CERTIFY THAT THE ABOVE FIELDNOTES AND PLAT REPRESENT AN ACTUAL SURVEY ON THE GROUND MADE UNDER MY SUPERVISION AND THAT ALL CORNERS HAVE BEEN LOCATED AS INDICATED.



5/26/2023

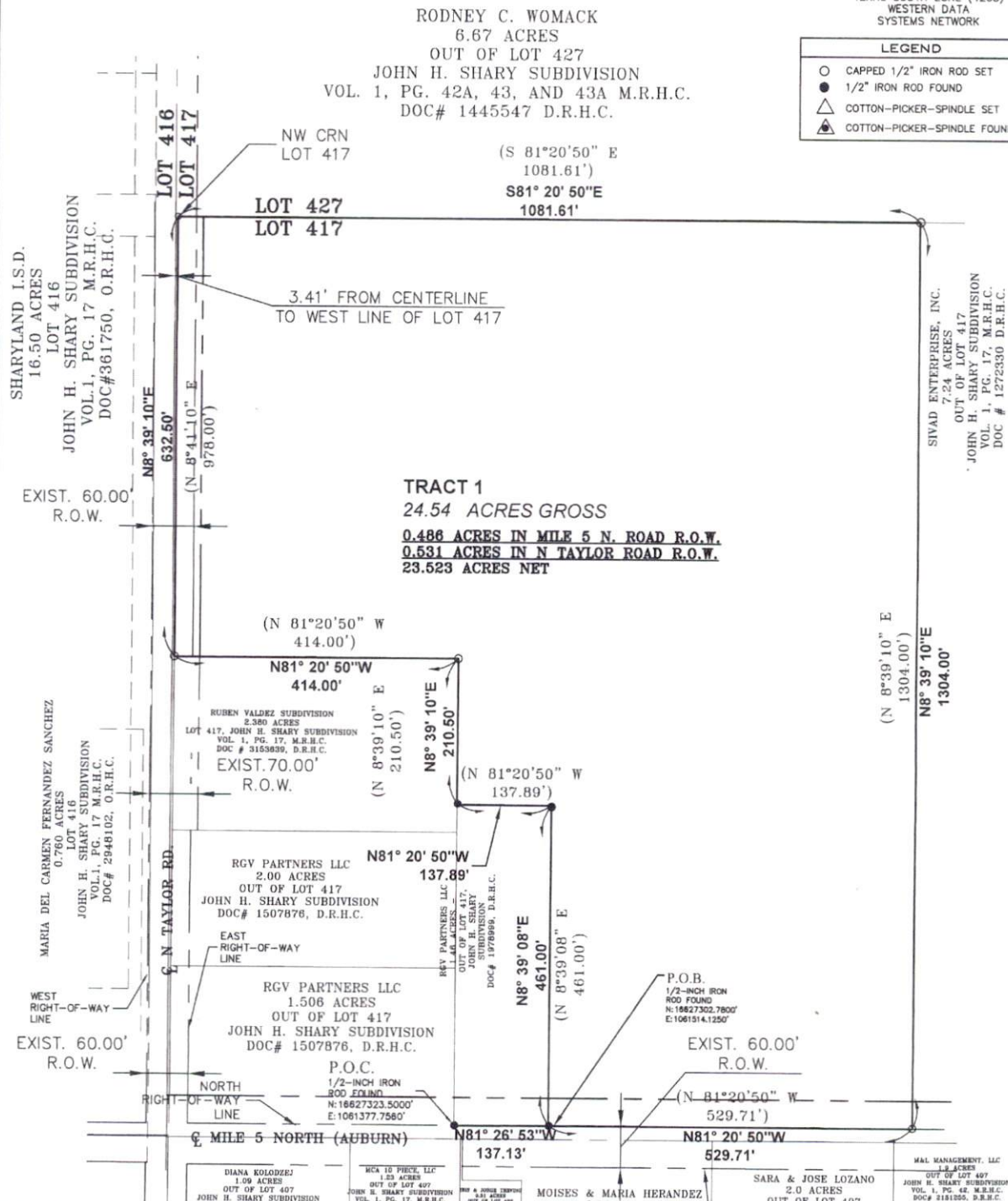
IVAN GARCIA
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6496
SURVEY FIRM NO. 10194027
RIO DELTA ENGINEERING
921 S. 10TH AVENUE
EDINBURG, TEXAS 78539



EXHIBIT B
TRACT 1 - 24.54 ACRES
OUT OF LOT 417,
JOHN H. SHARY SUBDIVISION,
VOLUME 1, PAGE 17,
MAP RECORDS OF HIDALGO COUNTY, TEXAS
TO ACCOMPANY FIELD NOTES

SCALE: 1" = 200'
BEARING BASIS
TX STATE PLANE
COORDINATES NAD 83
TEXAS SOUTH ZONE (4205)
WESTERN DATA
SYSTEMS NETWORK

LEGEND	
○	CAPPED 1/2" IRON ROD SET
●	1/2" IRON ROD FOUND
△	COTTON-PICKER-SPINDLE SET
▲	COTTON-PICKER-SPINDLE FOUND



SURVEYOR'S NOTES:

- 1) SURVEY DONE WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
- 2) NO ADDITIONAL RESEARCH WAS PERFORMED BY RIO DELTA ENGINEERING FOR ANY ADDITIONAL EASEMENT(S) OR BUILDINGS LINES WHICH MAY OR MAY NOT AFFECT THE SUBJECT TRACT.
- 3) THE PROPERTY SHOWN IS IN ZONE "X" ON FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 480334 0295 D, REVISED DATE JUNE 6, 2000.

I, IVAN GARCIA, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY STATE, THAT THIS SURVEY WAS MADE ON THE GROUND OF THE PROPERTY SHOWN HEREON DURING NOVEMBER 2018, UNDER MY DIRECTION AND SUPERVISION, THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, THAT THE PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR LAND TITLE SURVEYS".



RIO DELTA ENGINEERING
FIRM REGISTRATION No. F-7628
SURVEY FIRM NO. 10194027
921 S. 10TH AVENUE, EDINBURG TEXAS 78539
(TEL) 956-380-5152 (FAX) 956-380-5083

DATE: MAY 2023
PROJECT: SUB 22 064
PAGE: 4 OF 4

IVAN GARCIA
REG. PROFESSIONAL LAND
SURVEYOR NO. 6496



5/28/2023
DATE

SILVERADO MOON SUBDIVISION

A 25.62 ACRES TRACT OF LAND, MORE OR LESS, OUT OF LOT 417, JOHN H. SHARY SUBDIVISION, RECORDED IN VOLUME 1, PAGE, 17, MAP RECORDS OF HIDALGO COUNTY, TEXAS, SAID 25.62 ACRES TRACT BEING THE SAME LAND DESCRIBED IN THE FOLLOWING WARRANTY DEEDS:
1) FROM SANJUAN, LLC TO FORTIS LAND COMPANY, LLC, DATED JANUARY 11, 2023, RECORDED IN DOCUMENT #3412710 OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS
2) FROM SANDRA J. WOMACK AND CANDACE L. MCCOY TO SANJUAN, LLC, DATED OCTOBER 4, 2016, RECORDED IN DOCUMENT #2895550 OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS

MARIA DEL CARMEN FERNANDEZ SANCHEZ
0.760 ACRES
LOT 416
JOHN H. SHARY SUBDIVISION
VOL. 1, PG. 17 M.R.H.C.
DOC# 2948102, O.R.H.C.

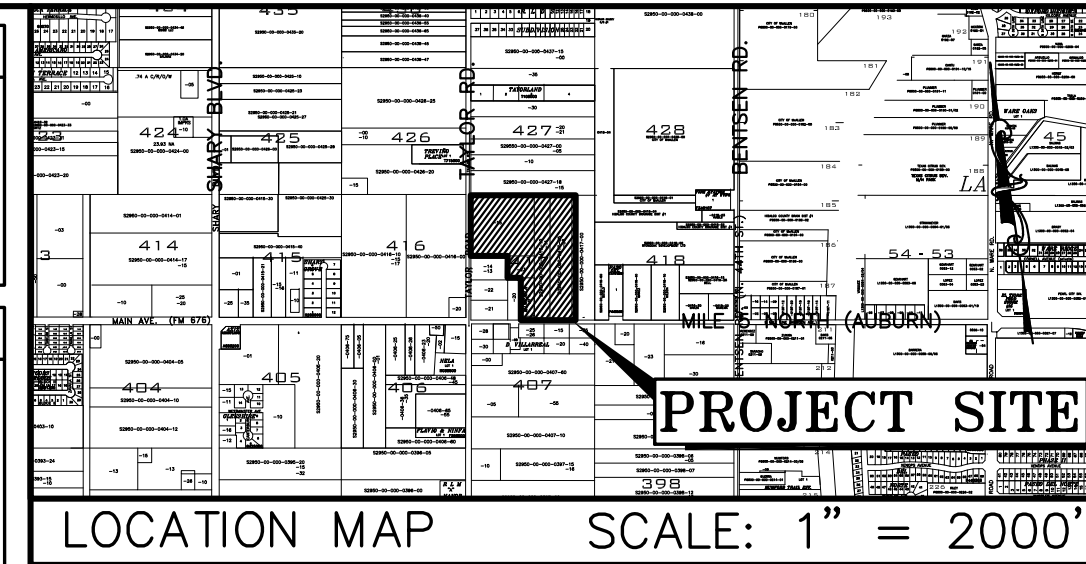
(PRIVATE SUBDIVISION)

SHARYLAND I.S.D. 16.50 ACRES
LOT 416
JOHN H. SHARY SUBDIVISION
VOL. 1, PG. 17 M.R.H.C.
DOC#361750, O.R.H.C.

SCALE 1" = 100'
BASIS OF BEARING
TEXAS STATE PLANE COORDINATES
NAD 83
TEXAS SOUTH ZONE (4205)
WESTERN DATA SYSTEMS NETWORK

LEGEND	
●	SET 1/2 INCH IRON ROD
▲	FOUND 1/2 INCH IRON ROD
○	FOUND COTTON PICKER SPINDLE
●	SET COTTON PICKER SPINDLE
XXXX	NATURAL GROUND
○	CALCULATED POINT
○	CAPPED IRON ROD SET

ABBREVIATION LEGEND	
R.O.W.	RIGHT-OF-WAY
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCING
S.W.C.	SOUTHWEST CORNER
F.T.M.	FARM-TO-MARKET
U.E.	UTILITY EASEMENT
C.L.	CENTER LINE
L.O.T.	LOT LINE



METES AND BOUNDS DESCRIPTION

A 25.62 ACRES TRACT OF LAND, MORE OR LESS, OUT OF LOT 417, JOHN H. SHARY SUBDIVISION, RECORDED IN VOLUME 1, PAGE, 17, MAP RECORDS OF HIDALGO COUNTY, TEXAS, SAID 25.62 ACRES TRACT BEING THE SAME LAND DESCRIBED IN THE FOLLOWING WARRANTY DEEDS:

1) FROM SANJUAN, LLC TO FORTIS LAND COMPANY, LLC, DATED JANUARY 11, 2023, RECORDED IN DOCUMENT #3412710 OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS
2) FROM SANDRA J. WOMACK AND CANDACE L. MCCOY TO SANJUAN, LLC, DATED OCTOBER 4, 2016, RECORDED IN DOCUMENT #2895550 OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS

SAID 25.62 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 1/2-INCH IRON ROD FOUND AT THE SOUTHWEST CORNER OF A CALLED 1.46 ACRES TRACT CONVEYED TO RGV PARTNERS, LLC, DESCRIBED IN DOCUMENT # 1978899 SAME BEING A POINT ON THE EXISTING NORTH RIGHT-OF-WAY OF MILE 5 N. ROAD (F.M. 676), OF HIDALGO COUNTY, TEXAS;

THENCE, N 81°28'33" W ALONG THE SOUTH BOUNDARY LINE OF SAID 1.46 ACRES TRACT DISTANCE OF 137.13 FEET TO A 1/2-INCH IRON ROD FOUND, FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT AND THE POINT OF BEGINNING;

THENCE, N 83°39' E ALONG THE EAST BOUNDARY LINE OF THE SAID 1.46 ACRES TRACT, A DISTANCE OF 461.00 FEET TO 1/2-INCH IRON ROD FOUND, FOR A CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 81°20'50" W ACROSS THE SAID LOT 417, SAME BEING ALONG THE NORTH BOUNDARY LINE OF THE SAID 1.46 ACRES TRACT TO A 1/2-INCH IRON ROD FOUND, A DISTANCE OF 137.89 FEET TO A 1/2-INCH CAPPED IRON ROD SET, FOR A CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 83°39' E ALONG THE EAST BOUNDARY LINE OF RUBEN VALDEZ SUBDIVISION, DOCUMENT #3153639, MAP RECORDS OF HIDALGO COUNTY, TEXAS, A DISTANCE OF 210.50 FEET TO A 1/2-INCH CAPPED IRON ROD SET, FOR THE CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 81°20'50" W ACROSS THE SAID LOT 417, SAME BEING ALONG THE NORTH BOUNDARY LINE OF THE SAID RUBEN VALDEZ SUBDIVISION, A DISTANCE OF 414.00 FEET TO A 1/2-INCH CAPPED IRON ROD SET, FOR THE WESTERLY SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 83°39' E ALONG THE CENTERLINE OF TAYLOR ROAD, A DISTANCE OF 632.50 FEET TO A 1/2-INCH CAPPED IRON ROD SET, FOR THE NORTHWEST CORNER OF LOT 417 OF JOHN H. SHARY SUBDIVISION, FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, S 81°20'50" E ALONG THE NORTH BOUNDARY LINE OF THE SAID LOT 417, SAME BEING THE SOUTH BOUNDARY LINE OF LOT 427, JOHN H. SHARY SUBDIVISION, A DISTANCE OF 1081.61 FEET TO A 1/2-INCH IRON ROD SET, ON THE SOUTH BOUNDARY LINE OF A CALLED 6.67 ACRES TRACT CONVEYED TO RODNEY C. WOMACK AND SANDRA J. WOMACK, DESCRIBED IN DOCUMENT #1445547, DEED RECORDS OF HIDALGO COUNTY, TEXAS, FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 83°39' E ALONG THE WEST BOUNDARY LINE OF A CALLED 7.24 ACRES TRACT CONVEYED TO SIVAD ENTERPRISE, INC., DESCRIBED IN DOCUMENT #1272330, DEED RECORDS OF HIDALGO COUNTY, TEXAS, A DISTANCE OF 1304.00 FEET TO A 1/2-INCH IRON ROD SET, FOR THE SOUTHEAST CORNER FOR THE HEREIN DESCRIBED TRACT;

THENCE, N 81°20'50" E ACROSS THE SAID LOT 417, SAME BEING ALONG THE EXISTING NORTH RIGHT-OF-WAY OF MILE 5, A DISTANCE OF 529.71 FEET TO THE POINT AND PLACE OF BEGINNING, SAID TRACT CONTAINING 24.54 ACRES OF LAND, MORE OR LESS, OUT OF WHICH 0.48 ACRES LIES WITHIN THE RIGHT-OF-WAY OF MILE 5 N. ROAD (F.M. 676 EXIST. 60.00 FOOT R.O.W.), INCLUDING 0.531 ACRES LIES WITHIN THE RIGHT-OF-WAY OF TAYLOR ROAD (60.00 FOOT R.O.W.).

GENERAL PLAT NOTES:

- MINIMUM PERMISSIBLE FINISHED FLOOR ELEVATION SHALL BE 18" ABOVE TOP OF CURB IN FRONT OF THE CENTER-POINT OF THE LOT.
- THE CORNER PINS ALONG AUBURN AVE. (MILE 5 NORTH) FOR LOTS 84, 85, 86, 87, 88, 89, AND 90 ARE SET WITH AN OFF-SET OF 2 FT. INTO THE LOTS.
- THE CORNER PINS ALONG TAYLOR RD. FOR LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, AND 10 ARE SET WITH AN OFF-SET OF 2 FT. INTO THE LOTS.
- MINIMUM BUILDING SETBACKS SHALL BE AS FOLLOWS:
FRONT: 25 FT. OR GREATER FOR EASEMENTS.
REAR: 10 FT. OR GREATER FOR EASEMENTS.
INTERIOR SIDES: 6 FT. OR GREATER FOR EASEMENTS.
CORNER: 10 FT. OR GREATER FOR EASEMENTS.
GARAGE: 18 FT. EXCEPT WHERE GREATER SETBACK IS REQUIRED; GREATER SETBACK APPLIES.

- THE SUBDIVISION IS IN ZONE "X" (NON-SHADED), AREAS DETERMINED OF MINIMAL FLOODING. (NO SHADING) MAP COMMUNITY PANELS NO.: 480334 0295 D MAP REVISED: JUNE 6, 2000.
- DRAINAGE DETENTION OF 144.901 OF OR 3.326 ACRE FEET IS REQUIRED FOR THIS SUBDIVISION. CURRENT RUNOFF WILL BE DETAINED IN THE EXISTING HIDALGO COUNTY DRAINAGE DISTRICT NO.1 MISSION-MACLEAN LATERAL DRAIN DITCH.
- ENGINEERED DRAINAGE DETENTION PLAN, APPROVED BY THE ENGINEERING DEPARTMENT, PRIOR TO ISSUANCE OF BUILDING PERMIT. GRADING MUST COMPLY WITH MASTER PLAN.
- EASEMENTS SHALL BE KEPT CLEAR OF FENCES, BUILDINGS, SHEDS, SHRUBS, TREES, AND OTHER PLANTINGS (EXCEPT LOW, GROUND COVER, GRASS OR FLOWERS) AND OTHER OBSTRUCTIONS TO THE OPERATIONS AND MAINTENANCE OF THE EASEMENT.
- THE CITY OF MACLEAN TO HAVE A 25'X25' SIDE OBSTRUCTION EASEMENT AT STREET INTERSECTIONS MEASURED FROM STREET CURB INTERSECTION.
- 4 FT. WIDE MINIMUM SIDEWALK REQUIRED ALONG AUBURN AVENUE (5 MILE LINE ROAD), NORTH TAYLOR ROAD, AND BOTH SIDES OF ALL INTERIOR STREETS.
- NO CURB CUT, ACCESS, OR LOT FRONTAGE PERMITTED ALONG AUBURN AVENUE (5 MILE LINE ROAD) AND NORTH TAYLOR ROAD.
- CITY OF MACLEAN BENCHMARK (M47) A 30" ALUMINUM PIPE WITH A 3/4" BRASS MONUMENT CAP ON TOP. LOCATED APPROXIMATELY 29 FEET EAST FROM NORTH TAYLOR ROAD AND 650 FEET WEST OF MILE 5. NORTHING: 1061100.60350 EASTING: 16628009.54221 ELEV.=140.02
- 6 FT. OPAQUE BUFFER REQUIRED FROM ADJACENT/BETWEEN MULTI-FAMILY RESIDENTIAL AND COMMERCIAL, AND INDUSTRIAL ZONES/USES AND ALONG AUBURN AVE. (5 MILE LINE ROAD) AND NORTH TAYLOR ROAD.
- 8 FT. MASONRY WALL REQUIRED BETWEEN SINGLE FAMILY RESIDENTIAL AND COMMERCIAL, INDUSTRIAL, OR MULTI-FAMILY RESIDENTIAL ZONES/USES.
- ALL UTILITY AND DRAINAGE EASEMENTS TO BE DEDICATED BY THIS PLAT, UNLESS STATED OTHERWISE.

- ALL IRRIGATION EASEMENTS ARE EXCLUSIVE TO UNITED IRRIGATION DISTRICT, AND THE DISTRICT ALLOWS NO OTHER UTILITIES OR OUTSIDE USE WITHOUT ITS EXPRESS WRITTEN APPROVAL.
- THIS SUBDIVISION IS SUBJECT TO A BLANKET EASEMENT RESERVATION IN FAVOR OF UNITED IRRIGATION DISTRICT AS SET FORTH IN DEED DATED SEPTEMBER 22, 1920, RECORDED IN DOCUMENT #1140166, OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS.
- NO UTILITY COMPANY, PUBLIC ENTITY, PARTY OR PERSON IS ALLOWED TO CROSS ABOVE OR BELOW GROUND ANY IRRIGATION DISTRICT EASEMENT OR RIGHT-OF-WAY WITH LINES, POLES, OPEN DITCHES OR OTHER USE WITHOUT FIRST OBTAINING A CROSSING PERMIT FROM UNITED IRRIGATION DISTRICT.
- NO PERMANENT STRUCTURE UTILITY POLE, HOLE, WALL, FENCE, DRIVEWAY, OR ROAD WILL BE ALLOWED TO BE CONSTRUCTED OR EXIST ON ANY DISTRICT EASEMENT OR RIGHT OF WAY WITHOUT WRITTEN APPROVAL BY IRRIGATION DISTRICT. ANY UNAUTHORIZED STRUCTURE WITHIN THE EASEMENT BOUNDARY IS SUBJECT TO IMMEDIATE REMOVAL AT VIOLATOR'S EXPENSE.
- NO UTILITY COMPANY, PUBLIC ENTITY, PARTY OR PERSON IS ALLOWED TO CONNECT TO ANY DISTRICT FACILITY WITHOUT FIRST OBTAINING A PERMIT FROM IRRIGATION DISTRICT, ANY CONNECTION NOT AUTHORIZED BY THE DISTRICT IS SUBJECT TO IMMEDIATE REMOVAL AT VIOLATOR'S EXPENSE.
- DEVELOPER/HOMEOWNER'S ASSOCIATION/OWNER, THEIR SUCCESSORS AND ASSIGNEES, AND NOT THE CITY OF MACLEAN SHALL BE RESPONSIBLE FOR COMPLIANCE OF INSTALLATION AND MAINTENANCE AND OTHER REQUIREMENTS PER SECTION 134-168 OF THE SUBDIVISION ORDINANCE, INCLUDING BUT NOT LIMITED TO COMMON AREAS AND ITS PRIVATE STREETS.

- AS PER DECLARATIONS OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR SILVERADO MOON SUBDIVISION, RECORDED AS DOCUMENT NUMBER _____ HIDALGO COUNTY, DEED RECORDS, DEVELOPER/HOMEOWNER'S ASSOCIATION/OWNER, THEIR SUCCESSORS AND/OR ASSIGNEES, AND NOT THE CITY OF MACLEAN SHALL BE RESPONSIBLE FOR THE INSTALLATION, MAINTENANCE AND OTHER REQUIREMENTS AS PER SECTION 134-168 OF THE CODE OF ORDINANCES OF THE CITY OF MACLEAN, INCLUDING BUT NOT LIMITED TO COMMON AREAS AND PRIVATE STREETS. ANY AMENDMENT TO DECLARATIONS THAT CONFLICT WITH THE REQUIREMENTS OF SECTION 134-168 OF THE SUBDIVISION ORDINANCE SHALL BE NULL AND VOID.
- COMMON LOT A, IDENTIFIED AS A DETENTION AREA SHALL BE MAINTAINED BY THE DEVELOPER, WHO MAY TRANSFER SUCH MAINTENANCE OBLIGATION TO THE SUBDIVISION HOMEOWNER'S ASSOCIATION, SILVERADO MOON HOMEOWNER'S ASSOCIATION, UPON CONVEYANCE OF TITLE TO THE SAME, THEIR SUCCESSORS AND ASSIGNS, AND NOT BY THE CITY OF MACLEAN, NO BUILDINGS OR OTHER STRUCTURES SHALL BE ERRECTED IN COMMON LOT A, WHICH SHALL BE USED EXCLUSIVELY AS A DETENTION AREA, AFTER COMMON LOT A'S TRANSFER OF TITLE TO THE SILVERADO TRAIL ON AUBURN HILL HOMEOWNER'S ASSOCIATION THE SUBDIVISION LOT OWNER'S PRO RATA SHARES OF THE COST OF MAINTENANCE SHALL BE DETERMINED BY THE SILVERADO MOON HOMEOWNER'S ASSOCIATION. THE CITY OF MACLEAN, IN SUCH MAINTENANCE OBLIGATIONS, SHALL NOT BE REQUIRED TO MAINTAIN THE SAME AT THE LOT OWNER'S COST, WHICH COST MAY BECOME A LIEN AGAINST THEIR PROPERTIES. PRIOR TO THE IMPOSITION OF ANY LIEN, THE CITY SHALL FIRST COMPLY WITH NOTICE REQUIREMENTS SIMILAR TO THOSE UNDER EXISTING ORDINANCE SECTION 134-168(d), AS THE SAME MAY BE AMENDED. THE SPECIFIC AND EXCLUSIVE USE OF COMMON LOT A, THE OWNER'S MAINTENANCE OBLIGATION, AND THE CONSEQUENCES OF FAILURE TO MAINTAIN SHALL BE INCORPORATED INTO ANY DEED OR INSTRUMENT OF CONVEYANCE AS A DEED RESTRICTION, RECORDED IN INSTRUMENT NO. _____ OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS.

OWNER'S ACKNOWLEDGMENT STATE OF TEXAS COUNTY OF HIDALGO

I (WE), THE UNDERSIGNED, OWNER(S) OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS THE SILVERADO MOON SUBDIVISION, DO HEREBY GRANT AN ACCESS AND UTILITY EASEMENT TO THE CITY OF MACLEAN AND THOSE WHO MAY NOW OR HEREAFTER HOLD FRANCHISE UNDER SAID CITY. THE USE OF THE STREETS, ALLEYS, AND EASEMENTS THEREON SHOWN, SURFACE USE OF THE STREETS AND ALLEYS ARE RESTRICTED TO THE EMPLOYEES AND AGENTS OF THE CITY OF MACLEAN, TO THE EMPLOYEES OF THE UTILITY OPERATING UNDER FRANCHISE TO THE CITY OF MACLEAN, AND RESIDENTS OF THE SUBDIVISION AND THEIR GUESTS. ADDITIONAL PUBLIC RIGHT-OF-WAY FOR AUBURN AVE. (MILE 5 NORTH) IS BEING DEDICATED BY THIS PLAT.

OMAR GARCIA (MANAGING MEMBER) DATE
FORTIS LAND COMPANY, LLC
222 WEST UNIVERSITY DRIVE
EDINBURG, TEXAS 78539

STATE OF TEXAS
COUNTY OF HIDALGO
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED OMAR FELIPE GARCIA, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS ____ DAY OF ____ 2023.

NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS
MY COMMISSION EXPIRES ____

SHARYLAND WATER SUPPLY CORPORATION

I, SHERILYN DAHLBERG, HEREBY CERTIFY THAT SHARYLAND WATER SUPPLY CORPORATION HAS APPROVED THE POTABLE WATER INFRASTRUCTURE FOR THE SILVERADO MOON SUBDIVISION, LOCATED AT CITY OF MACLEAN IN HIDALGO COUNTY, TEXAS, SUBJECT TO THE POTABLE WATER SYSTEM MEETING THE APPROVAL OF THE DESIGN ENGINEER AND ALL APPLICABLE RULES AND REGULATIONS OF SHARYLAND WATER SUPPLY CORPORATION, AND LOCAL, STATE, AND FEDERAL AGENCIES.

DEVELOPER AND DESIGN ENGINEER SHALL BEAR FULL RESPONSIBILITY TO ENSURE THAT THE ABOVE REFERENCED POTABLE WATER INFRASTRUCTURE IS CONSTRUCTED WITHIN THE DESIGNATED SHARYLAND WATER SUPPLY CORPORATION EASEMENT.

CARLOS LIMA DATE
GENERAL MANAGER
SHARYLAND WATER SUPPLY CORPORATION

PLANNING AND ZONING COMMISSION CHAIR CERTIFICATE

NAME	ADDRESS	PHONE & FAX
OWNER(S): FORTIS LAND COMPANY, LLC	222 W. UNIVERSITY DRIVE	EDINBURG, TX. 78539 (956) 292-0008 (956) 292-0896
SURVEYOR: IVAN GARCIA	P.E. R.P.L.S.	921 S. 10TH AVENUE EDINBURG, TX. 78539 (956) 380-5152 (956) 380-5083
ENGINEER: IVAN GARCIA	P.E. R.P.L.S.	921 S. 10TH AVENUE EDINBURG, TX. 78539 (956) 380-5152 (956) 380-5083

LIENHOLDER'S ACKNOWLEDGMENT STATE OF TEXAS COUNTY OF HIDALGO

I (WE), THE UNDERSIGNED, HOLDER(S) (OR DULY AUTHORIZED OFFICERS OF THE HOLDER(S)) OF A SECURITY INTEREST IN THE ABOVE DESCRIBED PROPERTY, BEING THE LAND SHOWN ON THIS PLAT AND THE DESIGNATED HEREIN AS THE SILVERADO MOON SUBDIVISION OF THE CITY OF MACLEAN, TEXAS, DO HEREBY CONSENT TO THE SUBDIVISION OF THE PROPERTY AS PROVIDED FOR UNDER THE PLAT AND DO HEREBY PROVIDE THAT ANY FORECLOSURE RELATING TO THE SECURITY INTEREST IN THE ABOVE DESCRIBED PROPERTY SHALL BE SUBJECT TO THE PLATTING OF THE PROPERTY AS PROVIDED FOR HEREIN.

GABRIEL GARZA
RIO BANK-SAN JUAN BANKING CENTER (PRESIDENT)
401 W. STATE HWY 495
SAN JUAN, TEXAS 78589

STATE OF TEXAS
COUNTY OF HIDALGO
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED GABRIEL GARZA, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS ____ DAY OF ____ 2023.

NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS
MY COMMISSION EXPIRES ____

STATE OF TEXAS UNITED IRRIGATION DISTRICT

THIS PLAT IS HEREBY APPROVED BY THE UNITED IRRIGATION DISTRICT ON THIS ____ DAY OF ____ 2023.

NO IMPROVEMENTS OF ANY KIND (INCLUDING WITHOUT LIMITATION TREES, FENCES AND BUILDINGS) SHALL BE PLACED UPON UNITED IRRIGATION DISTRICT RIGHT OF WAYS OR EASEMENTS. APPROVAL OF THIS PLAT DOES NOT RELEASE ANY RIGHTS THAT THE DISTRICT MAY HAVE WHETHER SHOWN OR NOT.

PRESIDENT SECRETARY

STATE OF TEXAS COUNTY OF HIDALGO MAYOR'S CERTIFICATE

I, THE UNDERSIGNED, MAYOR OF THE CITY OF MACLEAN, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

CITY MAYOR DATE

STATE OF TEXAS COUNTY OF HIDALGO PLANNING AND ZONING COMMISSION CHAIR CERTIFICATE

I, THE UNDERSIGNED, CHAIR OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF MACLEAN, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

PLANNING AND ZONING CHAIR DATE

FILED FOR RECORD IN
HIDALGO COUNTY
ARTURO GUJARDO, JR.
HIDALGO COUNTY CLERK

ON: ____ AT ____ AM/PM
INSTRUMENT NUMBER ____
OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS

BY: ____ DEPUTY

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 CERTIFICATE

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEXAS WATER CODE NO. 49.211(C). THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION, BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER OF THE SUBDIVISION AND ITS ENGINEER TO MAKE THESE DETERMINATIONS.

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1

RAUL E. SESIN, P.E., C.F.M.
GENERAL MANAGER DATE

STATE OF TEXAS - COUNTY OF HIDALGO

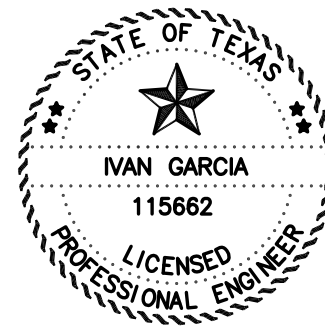
I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE PROPER ENGINEERING CONSIDERATIONS HAVE BEEN GIVEN TO THIS PLAT.

IVAN GARCIA P.E., R.P.L.S. DATE
REG. PROFESSIONAL ENGINEER No. 115662

STATE OF TEXAS - COUNTY OF HIDALGO

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE FROM AN ACTUAL SURVEY MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON, AND THAT THERE ARE NO APPARENT DISCREPANCIES, CONFLICTS, OR OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE, EXCEPT AS SHOWN ON THE ACCOMPANYING PLAT, AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY PLACED UNDER MY SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF MACLEAN AND HIDALGO COUNTY, TEXAS.

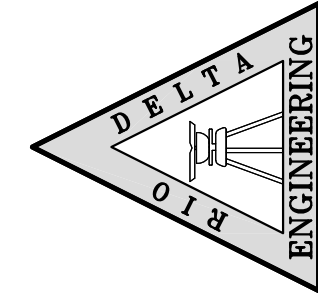
IVAN GARCIA P.E., R.P.L.S. DATE
REG. PROFESSIONAL LAND SURVEYOR No. 6469
SURVEY FIRM No. 10194027



RIO DELTA ENGINEERING

FIRM REGISTRATION No. F-7628
SURVEY FIRM No. 10194027

921 S. 10TH AVENUE EDINBURG, TEXAS 78539
(TEL) 956-380-5152 (FAX) 956-380-5083



ISSUED FOR:
FINAL

PLAT SHEET
SILVERADO MOON SUBDIVISION
CITY OF MACLEAN ETJ
HIDALGO COUNTY, TEXAS

PROJECT: _____
ENGINEER: IVAN GARCIA P.E., R.P.L.S.
SURVEYOR: IVAN GARCIA P.E., R.P.L.S.
CHECKED: IVAN GARCIA P.E., R.P.L.S.
DRAWN: O.A./H.G./Y.V.
SCALE: 1" = 100'
DATE: SEPTEMBER 8, 2023
PROJECT: SUB 22 064
REVISIONS: _____
PAGE NO: SHT 2

**NOTICE
REZONING
FOR
THIS PROPERTY
REZ2023-0046**



CITY OF MCALLEN PLANNING DEPT.
956-681-1250
WWW.MCALLE.NET





ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

1.C.1.

DATE SUBMITTED

09/27/2023

MEETING DATE

10/9/2023

1. Agenda Item: Request of Ramon Martinez, for a Conditional Use Permit, for one year, and Adoption of an Ordinance, for a Food Truck Park, at Lot 1, Valley Salvage Center Subdivision, Hidalgo County, Texas; 701 E. Highway 83.
2. Party Making Request: Edgar Garcia
3. Applicant: Ramon Martinez
4. Nature of Request: Request Of Ramon Martinez, For A Conditional Use Permit, For One Year, And Adoption Of An Ordinance, For A Food Truck Park, At Lot 1, Valley Salvage Center Subdivision, Hidalgo County, Texas; 701 E Highway 83.
5. Fiscal Impact Summary:
6. Budgeted:

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

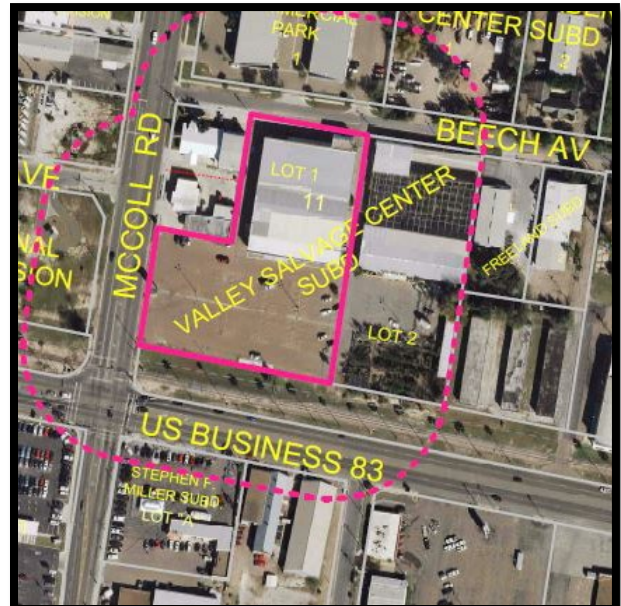
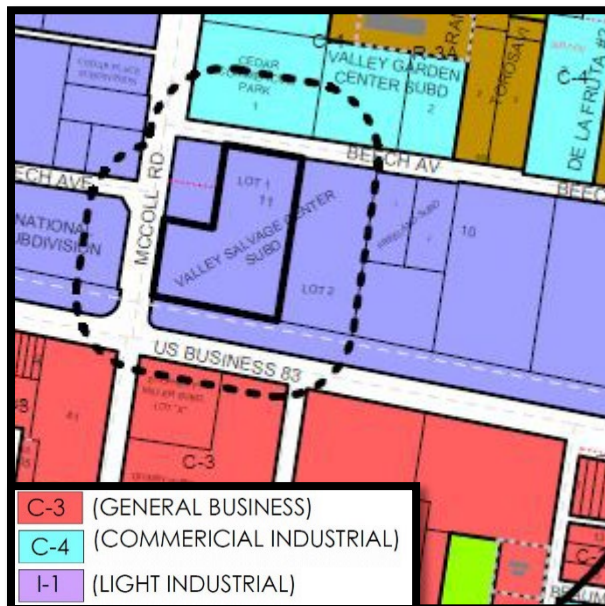
Jessica Cavazos	Created/Initiated - 9/27/2023
Edgar Garcia	Approved - 9/29/2023
Michelle Rivera	Approved - 9/29/2023
Isaac Tawil	Final Approval - 10/4/2023
8. Staff Recommendation: Staff recommends approval.
9. Advisory Board:
10. City Attorney: Approve. IJT
11. Manager's Recommendation: Approve. RR

Memo

TO: Roel "Roy" Rodriguez, P.E., City Manager
FROM: Edgar I. Garcia, AICP, CNU-A, CPM, Director of Planning
DATE: September 12, 2023

SUBJECT: REQUEST OF RAMON R. MARTINEZ, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE, FOR A FOOD TRUCK PARK, AT LOT 1, VALLEY SALVAGE CENTER SUBDIVISION, HIDALGO COUNTY, TEXAS; 701 EAST HIGHWAY 83. (CUP2023-0119)

BRIEF DESCRIPTION: The subject property is located north of East Highway 83 on the corner of North McColl Road and East Beech Avenue. The subject property is zoned I-1 (light industrial) District. The adjacent zones to the south, east, and across McColl Road to the West, are also I-1 District, with a C-4 (commercial industrial) District across East Beech Avenue to the north. A food truck park is a permitted use under an I-1 District, subject to compliance to a Conditional Use Permit's requirements



HISTORY: The last approved CUP for the location was on August 16, 2022.

SUMMARY/ANALYSIS: The applicant is proposing to operate a food truck park on the subject property (which currently serves as a parking lot area). According to the applicant, 150 parking spaces (not including spaces for food trucks and tables) will be available on the subject property for the general public. The food truck park's proposed days and hours of operation would be 8:00 AM to 12:00 AM Monday through Sunday. The food truck park will continue to consist of six food trucks and 14 tables.

The food truck park and its vendors must comply with the requirements set forth in Section 54-51 of the Zoning Ordinance for mobile food vendors and the following specific requirements:

- 1) The property line of the lot must be at least 200 feet from the nearest residence or residentially zoned property;
- 2) The name, address, phone number and email address of a contact person who shall be available 24 hours per day, seven days per week for the purposes of responding to complaints regarding the operation of the mobile food vendor court;
- 3) Mobile food vendor courts shall not operate between the hours of 2:00 AM and 7:00 AM;
- 4) Each mobile food vendor court shall provide access to a restroom on or within 600 feet of the property lines of the track of land on which it is situated;
- 5) Mobile food vendor courts must provide one (1) garbage receptacle, to hold a minimum of thirteen (13) gallons, per each vendor located on premises for public use. This requirement is in addition to the receptacles required of each individual vendor;
- 6) Mobile food trucks may not be placed or parked on unimproved surfaces;
- 7) Adequate lighting, as determined by the Health Director, to enable clear and unobstructed visibility of mobile food vendors and patrons shall be provided at all entrances and exits of the mobile food vendor court;
- 8) Mobile food vendor courts shall provide on-premise parking areas sufficient to accommodate staffing needs and seating areas.

The Planning Department has not received any phone calls, emails, or letters in opposition of the Conditional Use Permit request.

PLANNING AND ZONING COMMISSION RECOMMENDATION: At the Planning and Zoning Commission meeting of September 19, 2023, no one appeared in opposition to the CUP request. The Board unanimously voted to recommend approval of the request. There were five Board members present and voting.

S 81°14'0" E - 203.60'

N 8°33'56" E - 204.69'

S 78°34'37" E-110.41'

WILSON HEARING &
SERVICE INC.
V. 3219 P. 734 O.R.

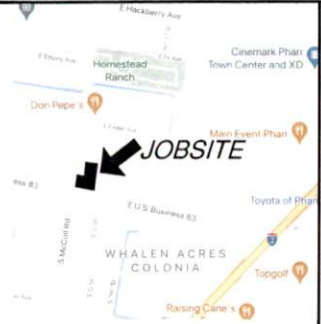
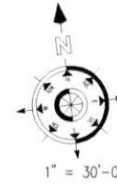
N 8° 48' 14" E - 217.75'

BLOCK & STUCCO BUILDING

SPACE

S 8°49'40" W - 431.98'

V. 34 P. 154-A M.R.



N 78°33'2" W - 313.20'

RAILROAD TRACKS

U.S. BUSINESS 83

SITE PLAN

163 TOTAL PARKING SPACES
6 HADICAP PARKING SPACES PROVIDED
PARKING SPACES MINIMUM SIZE 9'x18'

THE DESIGNER IS NOT RESPONSIBLE FOR STRUCTURAL, MECHANICAL, ELECTRICAL & PLUMBING ENGINEERING SERVICES.
ENGINEERING FOR THE BUILDING IS THE RESPONSIBILITY OF THE OWNER AND CONTRACTOR OF SUCH BUILDING.

ALL STATE AND LOCAL CODES, REGULATIONS, ORDINANCES, FOR ALL TRADES SHALL BE CONSIDERED AS PART OF DRAWINGS AND FOR THIS BUILDING AND SHALL TAKE PRECEDENCE OVER ANYTHING SHOWN DESCRIBED OR IMPLIED WHEN VARIANCES OCCUR.

Martinez
FURNITURE AND APPLIANCE

Project:

**MARTINEZ
FOOD PARK**

Location:
**701 U.S. BUSINESS 83
MCALLEN, TX.**

Contents:

**EXISTING
SITE PLAN**

SHEET NUMBER

SITE
1 OF 1





FURNITURE

Martinez

APPLANCE

NOTICE
FOOD TRUCK
PARK
FOR
THIS PROPERTY
CUP 2023-0119

CITY OF McALLEN PLANNING DEPT
1001-1230
WWW.MC-ALLEN.NET

TORTAS LA BARRA
EL NORTEÑO

(956) 515.4

ORDINANCE NO. 2023 – ____

**AN AMENDMENT TO THE CITY OF MCALLEN ZONING
ORDINANCE TO ISSUE A CONDITIONAL USE PERMIT,
REQUIRING COMPLIANCE WITH LISTED CONDITIONS
AND ORDAINING OTHER PROVISIONS RELATING TO
THE SUBJECT MATTER THEREOF.**

WHEREAS, on October 9, 2023, the City of McAllen Board of Commissioners considered an application for a Conditional Use Permit, for life of the use, and adoption of an ordinance, for a guest house, at west 46 feet of Lot 12 and east 14 feet of Lot 13 and east 14 feet of Lot 14 and east 14 feet of north 27.75 feet of Lot 15, Mathis Addition Subdivision, Hidalgo County, Texas; 1109 Maple Avenue; and

WHEREAS, after reviewing the application, the recommendation of the Planning and Zoning Commission, public comment, if any, and staff's presentation the Board of Commissioners finds the proposed use does not interfere with compatible and orderly development within the City;

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

SECTION I: A Conditional Use Permit is hereby granted for adoption of an ordinance, for a guest house, at west 46 feet of Lot 12 and east 14 feet of Lot 13 and east 14 feet of Lot 14 and east 14 feet of north 27.75 feet of Lot 15, Mathis Addition Subdivision, Hidalgo County, Texas; 1109 Maple Avenue. The Conditional Use Permit shall be for the life of the use, or when the use ceases.

SECTION II: The Conditional Use Permit issued pursuant to this ordinance shall only remain in effect and retain validity while all conditions listed on the permit as authorized by the City Commission at a meeting held on October 9, 2023 or contained in the McAllen Code of Ordinances are met, including but not limited to the following: 1) The property line of the lot must be at least 200 feet from the nearest residence or residentially zoned property; 2) The name, address, phone number and email address of a contact person who shall be

available 24 hours per day, 7 days per week for the purposes of responding to complaints regarding the operation of the mobile food vendor court; 3) Mobile food vendor courts shall not operate between the hours of 2:00 AM and 7:00 AM; 4) Each mobile food vendor court shall provide access to a restroom on or within 600 feet of the property lines of the track of land on which it is situated; 5) Mobile food vendor courts must provide one (1) garbage receptacle, to hold a minimum of thirteen (13) gallons, per each vendor located on premises for public use. This requirement is in addition to the receptacles required of each individual vendor; 6) Mobile food trucks may not be placed or parking on unimproved surfaces; 7) Adequate lighting, as determined by the Health Director, to enable clear and unobstructed visibility of mobile food vendors and patrons shall be provided at all entrances and exits of the mobile food vendor court; 8) Mobile food vendor courts shall provide on-premise parking areas sufficient to accommodate staffing needs and seating areas. . Should the conditions of the permit be violated, the City retains the complete and sole authority to suspend or revoke the permit.

SECTION III: The City Secretary of the City of McAllen is hereby directed **not** to publish this ordinance in the Code of Ordinances of the City of McAllen as it is not amendatory thereof.

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

CONSIDERED, PASSED and APPROVED this 9th Day of October 2023, at a Regular Meeting of the Board of Commissioners at which a quorum was present and which was held in accordance with Chapter 551 of the Texas Government Code.

SIGNED this ____ day of October 2023.

CITY OF McALLEN, TEXAS

Javier Villalobos, Mayor

ATTEST:

Perla Lara, TRMC/CMC, CPM
City Secretary

APPROVED AS TO FORM:

Isaac J. Tawil, City Attorney



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

1.D.

DATE SUBMITTED

09/29/2023

MEETING DATE

10/9/2023

1. Agenda Item: Amending the Zoning Ordinance of the City of McAllen.
2. Party Making Request:
3. Applicant:
4. Nature of Request: Amending the Zoning Ordinance of the City of McAllen.
5. Fiscal Impact Summary:
6. Budgeted:

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

Emmanuel Garcia	Created/Initiated - 9/29/2023
Edgar Garcia	Approved - 9/29/2023
Michelle Rivera	Approved - 10/3/2023
Isaac Tawil	Final Approval - 10/4/2023
8. Staff Recommendation:
9. Advisory Board:
10. City Attorney: Approve. IJT
11. Manager's Recommendation: Approve. RR

ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF MCALLEN, TEXAS, BY PROVIDING THAT 1.09 ACRES, MORE OR LESS, OUT OF LOT 417, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS, SHALL BE INITIALLY ZONED TO R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT; 24.54 ACRES, MORE OR LESS, OUT OF LOT 417, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS, SHALL BE INITIALLY ZONED TO R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT; AMENDING THE ZONING MAP TO CONFORM TO THESE CHANGES.

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

SECTION I: The following tract of land which is located within the city limits of the City of McAllen, Texas shall be initially zoned to R-1 (single family residential) District:

A 1.09 ACRES TRACT OF LAND, MORE OR LESS, OUT OF LOT 417, JOHN H. SHARY SUBDIVISION, RECORDED IN VOLUME 1, PAGE, 17, MAP RECORDS OF HIDALGO COUNTY, TEXAS, SAID 1.09 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS.

COMMENCING AT A 1/2-INCH IRON ROD FOUND AT THE SOUTHWEST CORNER OF A CALLED 1.46 ACRES TRACT CONVEYED TO RGV PARTNERS, LLC., DESCRIBED IN DOCUMENT # 1978999 SAME BEING A POINT ON THE EXISTING NORTH RIGHT-OF-WAY OF MILE 5 N. ROAD (F.M. 676), OF HIDALGO COUNTY, TEXAS;

THENCE, S 81°20'50" E ALONG THE EXISTING NORTH RIGHT-OF-WAY OF MILE 5 N. ROAD (F.M. 676), A DISTANCE OF 667.62 FEET TO A 1/2-INCH CAPPED IRON ROD SET, FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT AND THE POINT OF BEGINNING;

THENCE, N 8°39'10" E ALONG THE EAST BOUNDARY LINE OF A CALLED 24.54 ACRE TRACT CONVEYED TO FORTIS LAND COMPANY LLC, DESCRIBED IN DOCUMENT #3412710, DEED RECORDS OF HIDALGO COUNTY, TEXAS, A DISTANCE OF 1304.00 FEET TO 1/2- INCH IRON ROD FOUND, FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, S 81°20'50" E ALONG THE NORTH BOUNDARY LINE OF THE SAID LOT 417, SAME BEING THE SOUTH BOUNDARY LINE OF LOT 427, JOHN H. SHARY SUBDIVISION, A DISTANCE OF 36.29 FEET TO A 1/2- INCH IRON ROD SET, ON THE SOUTH BOUNDARY LINE OF A

CALLED 6.67 ACRE TRACT CONVEYED TO RODNEY C. WOMACK, DESCRIBED IN DOCUMENT #1445547, DEED RECORDS OF HIDALGO COUNTY, TEXAS, FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 8°39'10" E ACROSS THE SAID LOT 417, A DISTANCE OF 1304.00 FEET TO A 1/2- INCH IRON ROD SET, FOR THE SOUTHEAST CORNER FOR THE HEREIN DESCRIBED TRACT;

THENCE, N 81°20'50" E ACROSS THE SAID LOT 417, SAME BEING ALONG THE EXISTING NORTH RIGHT-OF-WAY OF MILE 5, A DISTANCE OF 36.29 FEET TO THE POINT AND PLACE OF BEGINNING, SAID TRACT CONTAINING 1.09 ACRES OF LAND, MORE OR LESS, OUT OF WHICH 0.033 ACRES LIES WITHIN THE RIGHT-OF-WAY OF MILE 5 N. ROAD (F.M. 676 EXIST. 60.00 FOOT R.O.W.).

SECTION II: The following tract of land which is located within the city limits of the City of McAllen, Texas shall be initially zoned to R-1 (single family residential) District:

A 24.54 ACRES TRACT OF LAND, MORE OR LESS, OUT OF LOT 417, JOHN H. SHARY SUBDIVISION, RECORDED IN VOLUME 1, PAGE, 17, MAP RECORDS OF HIDALGO COUNTY, TEXAS, SAID 24.54 ACRES TRACT BEING THE SAME LAND DESCRIBED IN THE FOLLOWING WARRANTY DEEDS.

- 1) FROM SANJUCAN, LLC. TO FORTIS LAND COMPANY, LLC. DATED JANUARY 11, 2023, RECORDED IN DOCUMENT #3412710 OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS
- 2) FROM SANDRA J. WOMACK AND CANDACE L. MCCOY TO SANJUCAN, LLC. DATE OCTOBER 4, 2016, RECORDED IN DOCUMENT #2890550 OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS

SAID 24.54 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 1/2-INCH IRON ROD FOUND AT THE SOUTHWEST CORNER OF A CALLED 1.46 ACRES TRACT CONVEYED TO RGV PARTNERS, LLC., DESCRIBED IN DOCUMENT # 1978999 SAME BEING A POINT ON THE EXISTING NORTH RIGHT-OF-WAY OF MILE 5 N. ROAD (F.M. 676), OF HIDALGO COUNTY, TEXAS;

THENCE, N 81°26'53" W ALONG THE SOUTH BOUNDARY LINE OF SAID 1.46 ACRE TRACT DISTANCE OF 137.13 FEET TO A 1/2-INCH IRON ROD FOUND, FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT AND THE POINT OF BEGINNING;

THENCE, N 81°20'50" W ACROSS THE SAID LOT 417, SAME BEING ALONG THE SOUTH BOUNDARY LINE OF THE HEREIN DESCRIBED TRACT, PASSING AT 303.53 FEET A 1/2 - INCH CAPPED IRON ROD FOUND, AND CONTINUING FOR A TOTAL DISTANCE OF 529.71 FEET TO 1/2- INCH IRON ROD FOUND, FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 8°39'10" E. ALONG THE WEST BOUNDARY LINE OF A CALLED 7.24 ACRES TRACT CONVEYED TO SIVAD ENTERPRISE, DESCRIBED IN DOCUMENT #1272330, DEED RECORDS OF HIDALGO COUNTY, TEXAS, A DISTANCE OF 1304.00 FEET TO A 1/2- INCH IRON ROD SET, ON THE SOUTH BOUNDARY LINE OF A CALLED 6.67 ACRE TRACT CONVEYED TO RODNEY C. WOMACK, DESCRIBED IN DOCUMENT #1445547, DEED RECORDS OF HIDALGO COUNTY, TEXAS, FOR THE NORTHEAST CORNER FOR THE HEREIN DESCRIBED TRACT;

THENCE, S 81°20'50" E ALONG THE NORTH BOUNDARY LINE OF THE SAID LOT 417, SAME BEING THE SOUTH BOUNDARY LINE OF LOT 427, JOHN H. SHARY SUBDIVISION, A DISTANCE OF 1081.61 FEET TO A 1/2- INCH IRON ROD SET, ON THE CENTERLINE OF TAYLOR RD, THE NORTHWEST CORNER OF LOT 17 OF JOHN H. SHARY SUBDIVISION, FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT,

THENCE, N 8°39'10" E ALONG THE CENTERLINE OF TAYLOR ROAD, A DISTANCE OF 632.50 FEET TO A 1/2- INCH CAPPED IRON ROD SET, FOR THE MOST WESTERLY SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 81°20'50" W ACROSS THE SAID LOT 417, SAME BEING ALONG THE NORTH BOUNDARY LINE OF A CALLED RUBEN VALDEZ SUBDIVISION, DOCUMENT #3153639, MAP RECORDS OF HIDALGO COUNTY, TEXAS, A DISTANCE OF 414 FEET TO A 1/2-INCH CAPPED IRON ROD SET, FOR A CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 8°39'10" E ALONG THE EAST BOUNDARY LINE OF RUBEN VALDEZ SUBDIVISION, A DISTANCE OF 210.50 FEET TO A 1/2-INCH CAPPED IRON ROD FOUND, FOR A CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 81°20'50" W ACROSS THE SAID LOT 417, SAME BEING ALONG THE NORTH BOUNDARY LINE OF A CALLED 1.46 ACRE TRACT CONVEYED TO RGV PARTNERS LLC., DESCRIBED IN DOCUMENT NUMBER #1978999, DEED RECORDS OF HIDALGO COUNTY, TEXAS, A DISTANCE OF 137.89 FEET TO A 1/2-INCH

CAPPED IRON ROD FOUND, FOR A CORNER OF THE
HEREIN DESCRIBED TRACT;

THENCE, N 8° 39' 8" E ALONG THE EAST BOUNDARY LINE
OF THE SAID 1.46 ACRE TRACT, A DISTANCE OF 461.00
FEET TO THE POINT AND PLACE OF BEGINNING, SAID
TRACT CONTAINING 24.54 ACRES OF LAND, MORE OR
LESS, OUT OF WHICH 0.486 ACRES LIES WITHIN THE
RIGHT-OF-WAY OF MILE 5 N. ROAD (F.M. 676 EXIST. 60.00
FOOT R.O.W.), INCLUDING 0.531 ACRES LIES WITHIN
THE RIGHT-OF-WAY OF TAYLOR ROAD (60.00 FOOT
R.O.W.).

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

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

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

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

CONSIDERED, PASSED and APPROVED this 9th day of October 2023, at a regular meeting of the
Board of Commissioners of the City of McAllen at which a quorum was present and which was held in
accordance with Chapter 551 of the Texas Government Code.

SIGNED this ____ day of October 2023.

CITY OF MCALLEN

Javier Villalobos, Mayor

ATTEST:

Perla Lara, TRMC/CMC, CPM
City Secretary

Approved as to form:

Isaac Tawil, City Attorney



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

1.E.

DATE SUBMITTED

09/27/2023

MEETING DATE

10/9/2023

1. Agenda Item: Public hearing and ordinance providing for the annexation of 1.09 acres, more or less, out of Lot 417, John H. Shary Subdivision, Hidalgo County, Texas; 4800 Auburn Avenue.
2. Party Making Request: Edgar Garcia
3. Applicant: City of McAllen
4. Nature of Request: Public hearing and ordinance providing for the annexation of 1.09 acres, more or less, out of Lot 417, John H. Shary Subdivision, Hidalgo County, Texas; 4800 Auburn Avenue.
5. Fiscal Impact Summary:
6. Budgeted:

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

Jessica Cavazos	Created/Initiated - 9/27/2023
Edgar Garcia	Approved - 9/29/2023
Michelle Rivera	Approved - 10/3/2023
Isaac Tawil	Final Approval - 10/4/2023
8. Staff Recommendation: Staff recommends annexation.
9. Advisory Board:
10. City Attorney: Approve. IJT
11. Manager's Recommendation: Approve. RR

Planning Department

Memo

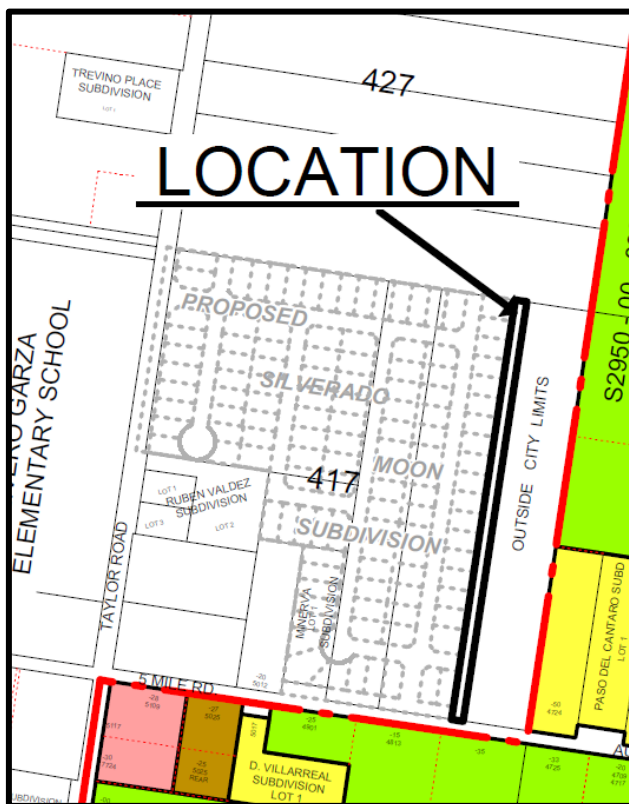
TO: Roel "Roy" Rodriguez, P.E., City Manager

FROM: Edgar I. Garcia, AICP, CNU-A, CPM, Planning Director

DATE: September 20, 2023

SUBJECT: PUBLIC HEARING AND ORDINANCE PROVIDING FOR THE ANNEXATION OF 1.09 ACRES, MORE OR LESS, OUT OF LOT 417, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 4800 AUBURN AVENUE. (ANX2023-0004)

LOCATION: The property is located along the north side of Auburn Avenue and is part of a larger tract of land (i.e., 25.63 acres gross) that also has frontage on North Taylor Road. This particular tract is comprised of 1.09 acres of vacant land.



PROPOSAL The applicant is requesting annexation of the property and initial zoning to R-1 (single-family residential) District in order to develop the tract of land for a single-family residential subdivision with 121 lots proposed. The tract is currently outside of McAllen's City limits. The initial zoning to R-1 District will become effective upon the annexation of the tract into the City. The subdivision process will be required prior to building permit issuance.

ADJACENT ZONING: The adjacent properties to the north and west are currently outside of McAllen's city limits and are therefore without zone. Adjacent properties to the east and south across Auburn Avenue include A-O (agricultural and open space) District and R-1 District.

LAND USE: The property is currently vacant. Surrounding land uses are a mix of single-family residential, institutional, and open spaces.

HISTORY: The subject property has been in the City's Extra-Territorial Jurisdiction (ETJ) since September 19, 1977. The request for the annexation and initial zoning of the subject property was submitted on August 18, 2023. An application for a subdivision review under the name "Silverado Moon Subdivision" was submitted on June 2, 2023 and is underway.

The plat for the mentioned subdivision was approved in final form at the Planning and Zoning Commission meeting of September 19, 2023. During this meeting, the Planning and Zoning Commission also recommended approval of the initial zoning to R-1 (single-family residential) District. This zoning request will be heard at this meeting.

Staff has not received any phone calls, emails, or letters in opposition to the annexation request.

RECOMMENDATION:

Staff recommends adoption of the ordinance for annexation of the property.

SILVERADO MOON SUBDIVISION

A 25.62 ACRES TRACT OF LAND, MORE OR LESS, OUT OF LOT 417, JOHN H. SHARY SUBDIVISION, RECORDED IN VOLUME 1, PAGE, 17, MAP RECORDS OF HIDALGO COUNTY, TEXAS, SAID 25.62 ACRES TRACT BEING THE SAME LAND DESCRIBED IN THE FOLLOWING WARRANTY DEEDS:

1) FROM SANJUAN, LLC TO FORTIS LAND COMPANY, LLC, DATED JANUARY 11, 2023, RECORDED IN DOCUMENT #3412710 OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS
2) FROM SANDRA J. WOMACK AND CANDACE L. MCCOY TO SANJUAN, LLC, DATED OCTOBER 4, 2016, RECORDED IN DOCUMENT #899550 OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS

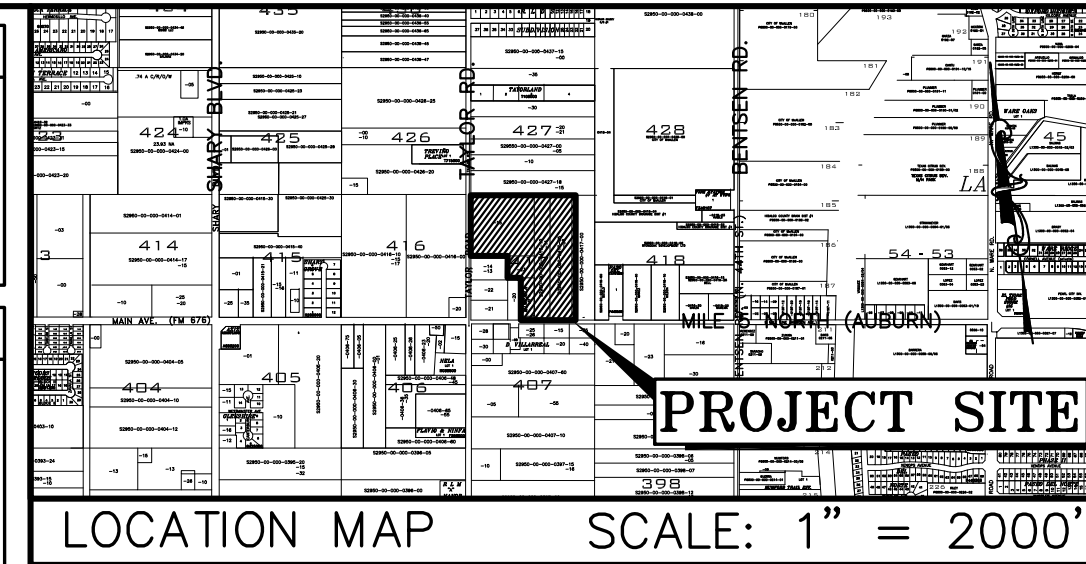
MARIA DEL CARMEN FERNANDEZ SANCHEZ (PRIVATE SUBDIVISION)
LOT 416
0.760 ACRES
JOHN H. SHARY SUBDIVISION
VOL. 1, PG. 17 M.R.H.C.
DOC# 2948102, O.R.H.C.

SHARYLAND I.S.D. 16.50 ACRES
LOT 416
JOHN H. SHARY SUBDIVISION
VOL. 1, PG. 17 M.R.H.C.
DOC#361750, O.R.H.C.

SCALE 1" = 100'
BASIS OF BEARING
TEXAS STATE PLANE COORDINATES
NAD 83
TEXAS SOUTH ZONE (4205)
WESTERN DATA SYSTEMS NETWORK

LEGEND	
●	SET 1/2 INCH IRON ROD
▲	FOUND 1/2 INCH IRON ROD
○	FOUND COTTON PICKER SPINDLE
●	SET COTTON PICKER SPINDLE
XXXX	NATURAL GROUND
○	CALCULATED POINT
○	CAPPED IRON ROD SET

ABBREVIATION LEGEND	
R.O.W.	RIGHT-OF-WAY
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCING
S.W.C.	SOUTHWEST CORNER
F.T.M.	FARM-TO-MARKET
U.E.	UTILITY EASEMENT
C.L.	CENTER LINE
L.O.T.	LOT LINE



METES AND BOUNDS DESCRIPTION

A 25.62 ACRES TRACT OF LAND, MORE OR LESS, OUT OF LOT 417, JOHN H. SHARY SUBDIVISION, RECORDED IN VOLUME 1, PAGE, 17, MAP RECORDS OF HIDALGO COUNTY, TEXAS, SAID 25.62 ACRES TRACT BEING THE SAME LAND DESCRIBED IN THE FOLLOWING WARRANTY DEEDS:

1) FROM SANJUAN, LLC TO FORTIS LAND COMPANY, LLC, DATED JANUARY 11, 2023, RECORDED IN DOCUMENT #3412710 OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS
2) FROM SANDRA J. WOMACK AND CANDACE L. MCCOY TO SANJUAN, LLC, DATED OCTOBER 4, 2016, RECORDED IN DOCUMENT #899550 OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS

SAID 25.62 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 1/2-INCH IRON ROD FOUND AT THE SOUTHWEST CORNER OF A CALLED 1.46 ACRES TRACT CONVEYED TO RGV PARTNERS, LLC, DESCRIBED IN DOCUMENT # 1978899 SAME BEING A POINT ON THE EXISTING NORTH RIGHT-OF-WAY OF MILE 5 N. ROAD (F.M. 676), OF HIDALGO COUNTY, TEXAS;

THENCE, N 81°28'33" W ALONG THE SOUTH BOUNDARY LINE OF SAID 1.46 ACRES TRACT DISTANCE OF 137.13 FEET TO A 1/2-INCH IRON ROD FOUND, FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT AND THE POINT OF BEGINNING;

THENCE, N 83°39' E ALONG THE EAST BOUNDARY LINE OF THE SAID 1.46 ACRES TRACT, A DISTANCE OF 461.00 FEET TO 1/2-INCH IRON ROD FOUND, FOR A CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 81°20'50" W ACROSS THE SAID LOT 417, SAME BEING ALONG THE NORTH BOUNDARY LINE OF THE SAID 1.46 ACRES TRACT TO A 1/2-INCH IRON ROD FOUND, A DISTANCE OF 137.89 FEET TO A 1/2-INCH CAPPED IRON ROD SET, FOR A CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 83°10' E ALONG THE EAST BOUNDARY LINE OF RUBEN VALDEZ SUBDIVISION, DOCUMENT #3153639, MAP RECORDS OF HIDALGO COUNTY, TEXAS, A DISTANCE OF 210.50 FEET TO A 1/2-INCH CAPPED IRON ROD SET, FOR THE CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 81°20'50" W ACROSS THE SAID LOT 417, SAME BEING ALONG THE NORTH BOUNDARY LINE OF THE SAID RUBEN VALDEZ SUBDIVISION, A DISTANCE OF 414.00 FEET TO A 1/2-INCH CAPPED IRON ROD SET, FOR THE WESTERLY SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 83°10' E ALONG THE CENTERLINE OF TAYLOR ROAD, A DISTANCE OF 632.50 FEET TO A 1/2-INCH CAPPED IRON ROD SET, FOR THE NORTHWEST CORNER OF LOT 417 OF JOHN H. SHARY SUBDIVISION, FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, S 81°20'50" E ALONG THE NORTH BOUNDARY LINE OF THE SAID LOT 417, SAME BEING THE SOUTH BOUNDARY LINE OF LOT 427, JOHN H. SHARY SUBDIVISION, A DISTANCE OF 1081.61 FEET TO A 1/2-INCH IRON ROD SET, ON THE SOUTH BOUNDARY LINE OF A CALLED 6.67 ACRES TRACT CONVEYED TO RODNEY C. WOMACK, DESCRIBED IN DOCUMENT #1445547, DEED RECORDS OF HIDALGO COUNTY, TEXAS, FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 83°10' E ALONG THE WEST BOUNDARY LINE OF A CALLED 7.24 ACRES TRACT CONVEYED TO SIVAD ENTERPRISE, INC., DESCRIBED IN DOCUMENT #1272330, DEED RECORDS OF HIDALGO COUNTY, TEXAS, A DISTANCE OF 1304.00 FEET TO A 1/2-INCH IRON ROD SET, FOR THE SOUTHEAST CORNER FOR THE HEREIN DESCRIBED TRACT;

THENCE, N 81°20'50" E ACROSS THE SAID LOT 417, SAME BEING ALONG THE EXISTING NORTH RIGHT-OF-WAY OF MILE 5, A DISTANCE OF 529.71 FEET TO THE POINT AND PLACE OF BEGINNING, SAID TRACT CONTAINING 24.54 ACRES OF LAND, MORE OR LESS, OUT OF WHICH 0.48 ACRES LIES WITHIN THE RIGHT-OF-WAY OF MILE 5 N. ROAD (F.M. 676 EXIST. 60.00 FOOT R.O.W.), INCLUDING 0.531 ACRES LIES WITHIN THE RIGHT-OF-WAY OF TAYLOR ROAD (60.00 FOOT R.O.W.).

GENERAL PLAT NOTES:

- MINIMUM PERMISSIBLE FINISHED FLOOR ELEVATION SHALL BE 18" ABOVE TOP OF CURB IN FRONT OF THE CENTER-POINT OF THE LOT.
- THE CORNER PINS ALONG AUBURN AVE. (MILE 5 NORTH) FOR LOTS 84, 85, 86, 87, 88, 89, AND 90 ARE SET WITH AN OFF-SET OF 2 FT. INTO THE LOTS.
- THE CORNER PINS ALONG TAYLOR RD. FOR LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, AND 10 ARE SET WITH AN OFF-SET OF 2 FT. INTO THE LOTS.
- MINIMUM BUILDING SETBACKS SHALL BE AS FOLLOWS:

FRONT: 25 FT. OR GREATER FOR EASEMENTS.
REAR: 10 FT. OR GREATER FOR EASEMENTS.
INTERIOR SIDES: 6 FT. OR GREATER FOR EASEMENTS.
CORNER: 10 FT. OR GREATER FOR EASEMENTS.
GARAGE: 18 FT. EXCEPT WHERE GREATER SETBACK IS REQUIRED; GREATER SETBACK APPLIES.

- THE SUBDIVISION IS IN ZONE "X" (NON-SHADED), AREAS DETERMINED OF MINIMAL FLOODING. (NO SHADING) MAP COMMUNITY PANELS NO.: 480334 0295 D MAP REVISED: JUNE 6, 2000.
- DRAINAGE DETENTION OF 144.901 OF OR 3.326 ACRE FEET IS REQUIRED FOR THIS SUBDIVISION. CURRENT RUNOFF WILL BE DETAINEED IN THE EXISTING HIDALGO COUNTY DRAINAGE DISTRICT NO.1 MISSION-MACLEAN LATERAIN DRAIN DITCH.
- ENGINEERED DRAINAGE DETENTION PLAN, APPROVED BY THE ENGINEERING DEPARTMENT, PRIOR TO ISSUANCE OF BUILDING PERMIT. GRADING MUST COMPLY WITH MASTER PLAN.
- EASEMENTS SHALL BE KEPT CLEAR OF FENCES, BUILDINGS, SHEDS, SHRUBS, TREES, AND OTHER PLANTINGS (EXCEPT LOW, GROUND COVER, GRASS OR FLOWERS) AND OTHER OBSTRUCTIONS TO THE OPERATIONS AND MAINTENANCE OF THE EASEMENT.
- THE CITY OF MACLEAN TO HAVE A 25'X25' SIDE OBSTRUCTION EASEMENT AT STREET INTERSECTIONS MEASURED FROM STREET CURB INTERSECTION.
- 4 FT. WIDE MINIMUM SIDEWALK REQUIRED ALONG AUBURN AVENUE (5 MILE LINE ROAD), NORTH TAYLOR ROAD, AND BOTH SIDES OF ALL INTERIOR STREETS.
- NO CURB CUT, ACCESS, OR LOT FRONTAGE PERMITTED ALONG AUBURN AVENUE (5 MILE LINE ROAD) AND NORTH TAYLOR ROAD.
- CITY OF MACLEAN BENCHMARK (M47) A 30" ALUMINUM PIPE WITH A 3/4" BRASS MONUMENT CAP ON TOP. LOCATED APPROXIMATELY 29 FEET EAST FROM NORTH TAYLOR ROAD AND 650 FEET WEST OF MILE 5. NORTHING: 1061100.60350 EASTING: 16628009.54221 ELEV.=140.02
- 6 FT. OPAQUE BUFFER REQUIRED FROM ADJACENT/BETWEEN MULTI-FAMILY RESIDENTIAL AND COMMERCIAL, AND INDUSTRIAL ZONES/USES AND ALONG AUBURN AVE. (5 MILE LINE ROAD) AND NORTH TAYLOR ROAD.
- 8 FT. MASONRY WALL REQUIRED BETWEEN SINGLE FAMILY RESIDENTIAL AND COMMERCIAL, INDUSTRIAL, OR MULTI-FAMILY RESIDENTIAL ZONES/USES.
- ALL UTILITY AND DRAINAGE EASEMENTS TO BE DEDICATED BY THIS PLAT, UNLESS STATED OTHERWISE.

- ALL IRRIGATION EASEMENTS ARE EXCLUSIVE TO UNITED IRRIGATION DISTRICT, AND THE DISTRICT ALLOWS NO OTHER UTILITIES OR OUTSIDE USE WITHOUT ITS EXPRESS WRITTEN APPROVAL.
- THIS SUBDIVISION IS SUBJECT TO A BLANKET EASEMENT RESERVATION IN FAVOR OF UNITED IRRIGATION DISTRICT AS SET FORTH IN DEED DATED SEPTEMBER 22, 1920, RECORDED IN DOCUMENT #1140166, OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS.
- NO UTILITY COMPANY, PUBLIC ENTITY, PARTY OR PERSON IS ALLOWED TO CROSS ABOVE OR BELOW GROUND ANY IRRIGATION DISTRICT EASEMENT OR RIGHT-OF-WAY WITH LINES, POLES, OPEN DITCHES OR OTHER USE WITHOUT FIRST OBTAINING A CROSSING PERMIT FROM UNITED IRRIGATION DISTRICT.
- NO PERMANENT STRUCTURE UTILITY POLE, HOLE, WALL, FENCE, DRIVEWAY, OR ROAD WILL BE ALLOWED TO BE CONSTRUCTED OR EXIST ON ANY DISTRICT EASEMENT OR RIGHT OF WAY WITHOUT WRITTEN APPROVAL BY IRRIGATION DISTRICT. ANY UNAUTHORIZED STRUCTURE WITHIN THE EASEMENT BOUNDARY IS SUBJECT TO IMMEDIATE REMOVAL AT VIOLATOR'S EXPENSE.
- NO UTILITY COMPANY, PUBLIC ENTITY, PARTY OR PERSON IS ALLOWED TO CONNECT TO ANY DISTRICT FACILITY WITHOUT FIRST OBTAINING A PERMIT FROM IRRIGATION DISTRICT, ANY CONNECTION NOT AUTHORIZED BY THE DISTRICT IS SUBJECT TO IMMEDIATE REMOVAL AT VIOLATOR'S EXPENSE.
- DEVELOPER/HOMEOWNER'S ASSOCIATION/OWNER, THEIR SUCCESSORS AND ASSIGNEES, AND NOT THE CITY OF MACLEAN SHALL BE RESPONSIBLE FOR COMPLIANCE OF INSTALLATION AND MAINTENANCE AND OTHER REQUIREMENTS PER SECTION 134-168 OF THE SUBDIVISION ORDINANCE, INCLUDING BUT NOT LIMITED TO COMMON AREAS AND ITS PRIVATE STREETS.

- AS PER DECLARATIONS OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR SILVERADO MOON SUBDIVISION, RECORDED AS DOCUMENT NUMBER _____ HIDALGO COUNTY, DEED RECORDS, DEVELOPER/HOMEOWNER'S ASSOCIATION/OWNER, THEIR SUCCESSORS AND/OR ASSIGNEES, AND NOT THE CITY OF MACLEAN SHALL BE RESPONSIBLE FOR THE INSTALLATION, MAINTENANCE AND OTHER REQUIREMENTS AS PER SECTION 134-168 OF THE CODE OF ORDINANCES OF THE CITY OF MACLEAN, INCLUDING BUT NOT LIMITED TO COMMON AREAS AND PRIVATE STREETS. ANY AMENDMENT TO DECLARATIONS THAT CONFLICT WITH THE REQUIREMENTS OF SECTION 134-168 OF THE SUBDIVISION ORDINANCE SHALL BE NULL AND VOID.
- COMMON LOT A, IDENTIFIED AS A DETENTION AREA SHALL BE MAINTAINED BY THE DEVELOPER, WHO MAY TRANSFER SUCH MAINTENANCE OBLIGATION TO THE SUBDIVISION HOMEOWNER'S ASSOCIATION, SILVERADO MOON HOMEOWNER'S ASSOCIATION, UPON CONVEYANCE OF TITLE TO THE SAME, THEIR SUCCESSORS AND ASSIGNS, AND NOT BY THE CITY OF MACLEAN, NO BUILDINGS OR OTHER STRUCTURES SHALL BE ERECTED IN COMMON LOT A, WHICH SHALL BE USED EXCLUSIVELY AS A DETENTION AREA, AFTER COMMON LOT A'S TRANSFER OF TITLE TO THE SILVERADO TRAIL ON AUBURN HILL HOMEOWNER'S ASSOCIATION THE SUBDIVISION LOT OWNER'S PRO RATA SHARES OF THE COST OF MAINTENANCE SHALL BE DETERMINED BY THE SILVERADO MOON HOMEOWNER'S ASSOCIATION. THE CITY OF MACLEAN, IN SUCH MAINTENANCE OBLIGATIONS, SHALL NOT BE REQUIRED TO MAINTAIN THE SAME AT THE LOT OWNER'S COST, WHICH COST MAY BECOME A LIEN AGAINST THEIR PROPERTIES. PRIOR TO THE IMPOSITION OF ANY LIEN, THE CITY SHALL FIRST COMPLY WITH NOTICE REQUIREMENTS SIMILAR TO THOSE UNDER EXISTING ORDINANCE SECTION 134-168(d), AS THE SAME MAY BE AMENDED. THE SPECIFIC AND EXCLUSIVE USE OF COMMON LOT A, THE OWNER'S MAINTENANCE OBLIGATION, AND THE CONSEQUENCES OF FAILURE TO MAINTAIN SHALL BE INCORPORATED INTO ANY DEED OR INSTRUMENT OF CONVEYANCE AS A DEED RESTRICTION, RECORDED IN INSTRUMENT NO. _____ OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS.

OWNER'S ACKNOWLEDGMENT STATE OF TEXAS COUNTY OF HIDALGO

I (WE), THE UNDERSIGNED, OWNER(S) OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS THE SILVERADO MOON SUBDIVISION, DO HEREBY GRANT AN ACCESS AND UTILITY EASEMENT TO THE CITY OF MACLEAN AND THOSE WHO MAY NOW OR HEREAFTER HOLD FRANCHISE UNDER SAID CITY. THE USE OF THE STREETS, ALLEYS, AND EASEMENTS THEREON SHOWN, SURFACE USE OF THE STREETS AND ALLEYS ARE RESTRICTED TO THE EMPLOYEES AND AGENTS OF THE CITY OF MACLEAN, TO THE EMPLOYEES OF THE UTILITY OPERATING UNDER FRANCHISE TO THE CITY OF MACLEAN, AND RESIDENTS OF THE SUBDIVISION AND THEIR GUESTS. ADDITIONAL PUBLIC RIGHT-OF-WAY FOR AUBURN AVE. (MILE 5 NORTH) IS BEING DEDICATED BY THIS PLAT.

OMAR GARCIA (MANAGING MEMBER) DATE
FORTIS LAND COMPANY, LLC
222 WEST UNIVERSITY DRIVE
EDINBURG, TEXAS 78539

STATE OF TEXAS
COUNTY OF HIDALGO
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED OMAR FELIPE GARCIA, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS ____ DAY OF ____ 2023.

NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS
MY COMMISSION EXPIRES ____

SHARYLAND WATER SUPPLY CORPORATION

I, SHERILYN DAHLBERG, HEREBY CERTIFY THAT SHARYLAND WATER SUPPLY CORPORATION HAS APPROVED THE POTABLE WATER INFRASTRUCTURE FOR THE SILVERADO MOON SUBDIVISION, LOCATED AT CITY OF MACLEAN IN HIDALGO COUNTY, TEXAS, SUBJECT TO THE POTABLE WATER SYSTEM MEETING THE APPROVAL OF THE DESIGN ENGINEER AND ALL APPLICABLE RULES AND REGULATIONS OF SHARYLAND WATER SUPPLY CORPORATION, AND LOCAL, STATE, AND FEDERAL AGENCIES.

DEVELOPER AND DESIGN ENGINEER SHALL BEAR FULL RESPONSIBILITY TO ENSURE THAT THE ABOVE REFERENCED POTABLE WATER INFRASTRUCTURE IS CONSTRUCTED WITHIN THE DESIGNATED SHARYLAND WATER SUPPLY CORPORATION EASEMENT.

CARLOS LIMA DATE
GENERAL MANAGER
SHARYLAND WATER SUPPLY CORPORATION

PLANNING AND ZONING COMMISSION CHAIR CERTIFICATE

NAME	ADDRESS	PHONE & FAX
OWNER(S): FORTIS LAND COMPANY, LLC	222 W. UNIVERSITY DRIVE	EDINBURG, TX. 78539 (956) 292-0008 (956) 292-0896
SURVEYOR: IVAN GARCIA	P.E. R.P.L.S.	921 S. 10TH AVENUE EDINBURG, TX. 78539 (956) 380-5152 (956) 380-5083
ENGINEER: IVAN GARCIA	P.E. R.P.L.S.	921 S. 10TH AVENUE EDINBURG, TX. 78539 (956) 380-5152 (956) 380-5083

LIENHOLDER'S ACKNOWLEDGMENT STATE OF TEXAS COUNTY OF HIDALGO

I (WE), THE UNDERSIGNED, HOLDER(S) (OR DULY AUTHORIZED OFFICERS OF THE HOLDER(S)) OF A SECURITY INTEREST IN THE ABOVE DESCRIBED PROPERTY, BEING THE LAND SHOWN ON THIS PLAT AND THE DESIGNATED HEREIN AS THE SILVERADO MOON SUBDIVISION OF THE CITY OF MACLEAN, TEXAS, DO HEREBY CONSENT TO THE SUBDIVISION OF THE PROPERTY AS PROVIDED FOR UNDER THE PLAT AND DO HEREBY PROVIDE THAT ANY FORECLOSURE RELATING TO THE SECURITY INTEREST IN THE ABOVE DESCRIBED PROPERTY SHALL BE SUBJECT TO THE PLATTING OF THE PROPERTY AS PROVIDED FOR HEREIN.

GABRIEL GARZA
RIO BANK-SAN JUAN BANKING CENTER (PRESIDENT)
401 W. STATE HWY 495
SAN JUAN, TEXAS 78589

STATE OF TEXAS
COUNTY OF HIDALGO
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED GABRIEL GARZA, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS ____ DAY OF ____ 2023.

NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS
MY COMMISSION EXPIRES ____

STATE OF TEXAS UNITED IRRIGATION DISTRICT

THIS PLAT IS HEREBY APPROVED BY THE UNITED IRRIGATION DISTRICT ON THIS ____ DAY OF ____ 2023.

NO IMPROVEMENTS OF ANY KIND (INCLUDING WITHOUT LIMITATION TREES, FENCES AND BUILDINGS) SHALL BE PLACED UPON UNITED IRRIGATION DISTRICT RIGHT OF WAYS OR EASEMENTS. APPROVAL OF THIS PLAT DOES NOT RELEASE ANY RIGHTS THAT THE DISTRICT MAY HAVE WHETHER SHOWN OR NOT.

PRESIDENT SECRETARY

STATE OF TEXAS COUNTY OF HIDALGO MAYOR'S CERTIFICATE

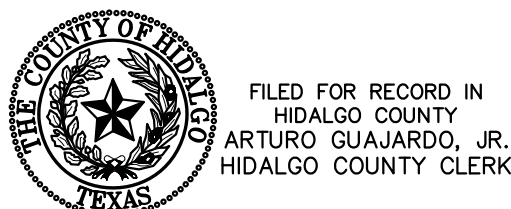
I, THE UNDERSIGNED, MAYOR OF THE CITY OF MACLEAN, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

CITY MAYOR DATE

STATE OF TEXAS COUNTY OF HIDALGO PLANNING AND ZONING COMMISSION CHAIR CERTIFICATE

I, THE UNDERSIGNED, CHAIR OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF MACLEAN, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

PLANNING AND ZONING CHAIR DATE



FILED FOR RECORD IN
HIDALGO COUNTY
ARTURO GUJARDO, JR.
HIDALGO COUNTY CLERK

ON: _____ AT _____ AM/PM
INSTRUMENT NUMBER _____
OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS

BY: _____ DEPUTY

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 CERTIFICATE

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEXAS WATER CODE NO. 49.211(C). THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION, BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER OF THE SUBDIVISION AND ITS ENGINEER TO MAKE THESE DETERMINATIONS.

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1

RAUL E. SESIN, P.E., C.F.M.
GENERAL MANAGER DATE

STATE OF TEXAS - COUNTY OF HIDALGO

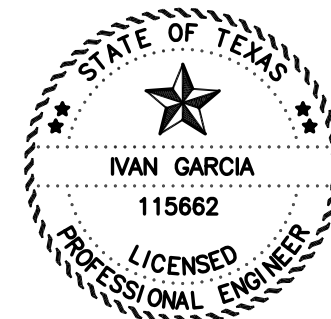
I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE PROPER ENGINEERING CONSIDERATIONS HAVE BEEN GIVEN TO THIS PLAT.

IVAN GARCIA P.E., R.P.L.S. DATE
REG. PROFESSIONAL ENGINEER No. 115662

STATE OF TEXAS - COUNTY OF HIDALGO

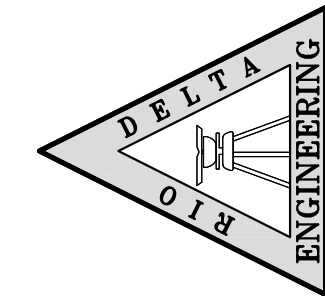
I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE FROM AN ACTUAL SURVEY MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON, AND THAT THERE ARE NO APPARENT DISCREPANCIES, CONFLICTS, OR OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE, EXCEPT AS SHOWN ON THE ACCOMPANYING PLAT, AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY PLACED UNDER MY SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF MACLEAN AND HIDALGO COUNTY, TEXAS.

IVAN GARCIA P.E., R.P.L.S. DATE
REG. PROFESSIONAL LAND SURVEYOR No. 6469
SURVEY FIRM No. 10194027



RIO DELTA ENGINEERING
FIRM REGISTRATION No. F-7628
SURVEY FIRM No. 10194027

921 S. 10TH AVENUE EDINBURG, TEXAS 78539
(TEL) 956-380-5152 (FAX) 956-380-5083



ISSUED FOR:
FINAL

PLAT SHEET
SILVERADO MOON SUBDIVISION
CITY OF MACLEAN ETJ
HIDALGO COUNTY, TEXAS

PROJECT: _____
ENGINEER: IVAN GARCIA P.E., R.P.L.S.
SURVEYOR: IVAN GARCIA P.E., R.P.L.S.
CHECKED: IVAN GARCIA P.E., R.P.L.S.
DRAWN: O.A./H.G./Y.V.
SCALE: 1" = 100'
DATE: SEPTEMBER 8, 2023
PROJECT: SUB 22 064
REVISIONS: _____
PAGE NO.: SHT 2

EXHIBIT A
TRACT I - 1.09 ACRES
OUT OF LOT 417,
JOHN H. SHARY SUBDIVISION,
VOLUME 1, PAGE 17,
MAP RECORDS OF HIDALGO COUNTY, TEXAS

A 1.09 ACRES TRACT OF LAND, MORE OR LESS, OUT OF LOT 417, JOHN H. SHARY SUBDIVISION, RECORDED IN VOLUME 1, PAGE, 17, MAP RECORDS OF HIDALGO COUNTY, TEXAS, SAID 1.09 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 1/2-INCH IRON ROD FOUND AT THE SOUTHWEST CORNER OF A CALLED 1.46 ACRES TRACT CONVEYED TO RGV PARTNERS, LLC., DESCRIBED IN DOCUMENT # 1978999 SAME BEING A POINT ON THE EXISTING NORTH RIGHT-OF-WAY OF MILE 5 N. ROAD (F.M. 676), OF HIDALGO COUNTY, TEXAS;

THENCE, S 81°20'50" E ALONG THE EXISTING NORTH RIGHT-OF-WAY OF MILE 5 N. ROAD (F.M. 676), A DISTANCE OF 667.62 FEET TO A 1/2-INCH CAPPED IRON ROD SET, FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT AND THE **POINT OF BEGINNING**;

THENCE, N 8°39'10" E ALONG THE EAST BOUNDARY LINE OF A CALLED 24.54 ACRE TRACT CONVEYED TO FORTIS LAND COMPANY LLC, DESCRIBED IN DOCUMENT #3412710, DEED RECORDS OF HIDALGO COUNTY, TEXAS, A DISTANCE OF 1304.00 FEET TO 1/2- INCH IRON ROD FOUND, FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, S 81°20'50" E ALONG THE NORTH BOUNDARY LINE OF THE SAID LOT 417, SAME BEING THE SOUTH BOUNDARY LINE OF LOT 427, JOHN H. SHARY SUBDIVISION, A DISTANCE OF 36.29 FEET TO A 1/2- INCH IRON ROD SET, ON THE SOUTH BOUNDARY LINE OF A CALLED 6.67 ACRE TRACT CONVEYED TO RODNEY C. WOMACK, DESCRIBED IN DOCUMENT #1445547, DEED RECORDS OF HIDALGO COUNTY, TEXAS, FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 8°39'10" E ACROSS THE SAID LOT 417, A DISTANCE OF 1304.00 FEET TO A 1/2- INCH IRON ROD SET, FOR THE SOUTHEAST CORNER FOR THE HEREIN DESCRIBED TRACT;

THENCE, N 81°20'50" E ACROSS THE SAID LOT 417, SAME BEING ALONG THE EXISTING NORTH RIGHT-OF-WAY OF MILE 5, A DISTANCE OF 36.29 FEET TO THE **POINT AND PLACE OF BEGINNING, SAID TRACT CONTAINING 1.09 ACRES OF LAND, MORE OR LESS, OUT OF WHICH 0.033 ACRES LIES WITHIN THE RIGHT-OF-WAY OF MILE 5 N. ROAD (F.M. 676 EXIST. 60.00 FOOT R.O.W.).**

I, IVAN GARCIA, CERTIFY THAT THE ABOVE FIELDNOTES AND PLAT REPRESENT AN ACTUAL SURVEY ON THE GROUND MADE UNDER MY SUPERVISION AND THAT ALL CORNERS HAVE BEEN LOCATED AS INDICATED.



IVAN GARCIA
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6496
SURVEY FIRM NO. 10194027
RIO DELTA ENGINEERING
921 S. 10TH AVENUE
EDINBURG, TEXAS 78539

DATE

8/14/23

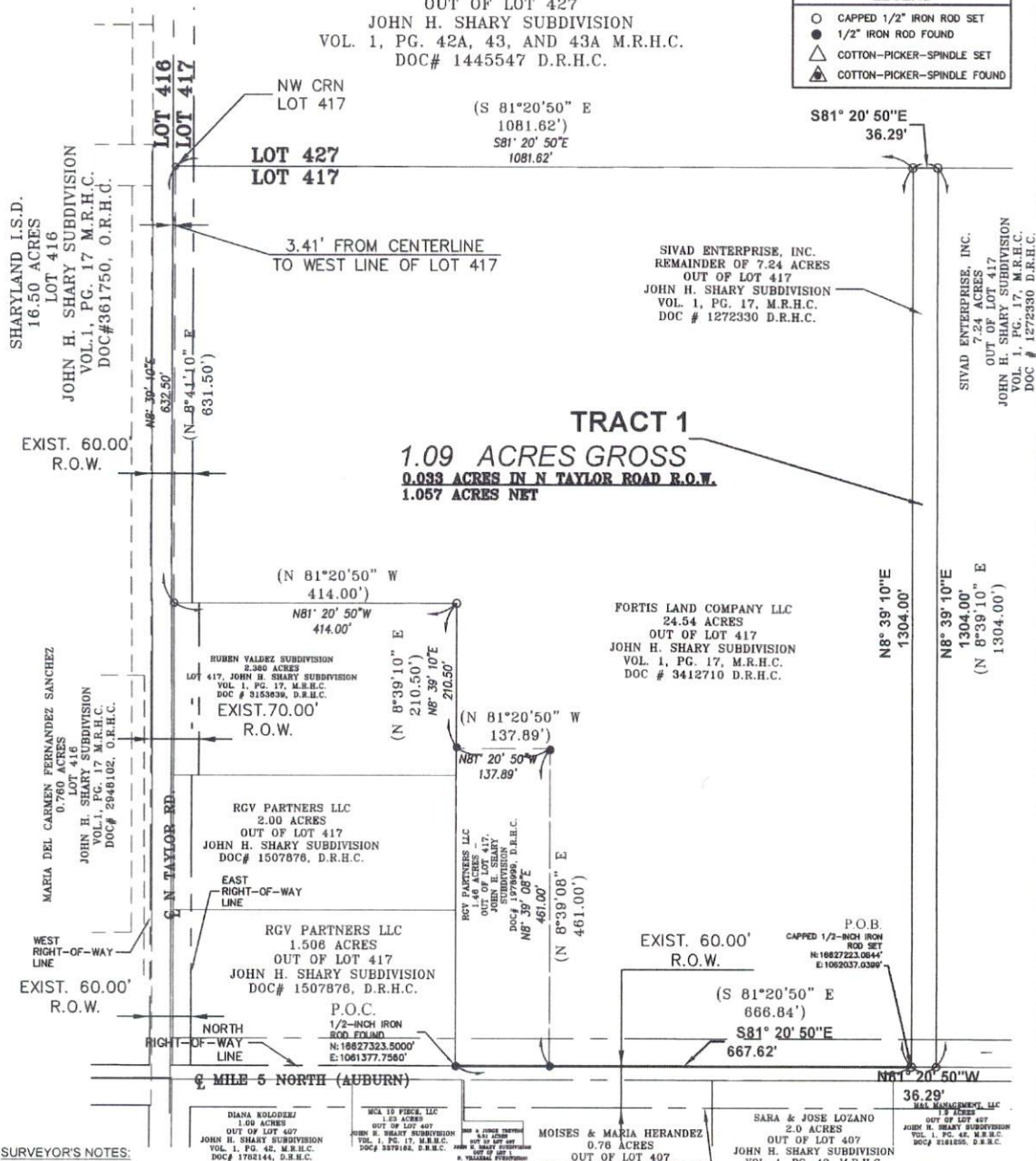


EXHIBIT B
TRACT 1 - 1.09 ACRES
OUT OF LOT 417,
JOHN H. SHARY SUBDIVISION,
VOLUME 1, PAGE 17,
MAP RECORDS OF HIDALGO COUNTY, TEXAS
TO ACCOMPANY FIELD NOTES

RODNEY C. WOMACK
6.67 ACRES
OUT OF LOT 427
JOHN H. SHARY SUBDIVISION
VOL. 1, PG. 42A, 43, AND 43A M.R.H.C.
DOC# 1445547 D.R.H.C.

SCALE: 1" = 200'
BEARING BASIS
TX STATE PLANE
COORDINATES NAD 83
TEXAS SOUTH ZONE (4205)
WESTERN DATA
SYSTEMS NETWORK

LEGEND	
○	CAPPED 1/2" IRON ROD SET
●	1/2" IRON ROD FOUND
△	COTTON-PICKER-SPINDLE SET
▲	COTTON-PICKER-SPINDLE FOUND



SURVEYOR'S NOTES:

- 1) SURVEY DONE WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
- 2) NO ADDITIONAL RESEARCH WAS PERFORMED BY RIO DELTA ENGINEERING FOR ANY ADDITIONAL EASEMENT(S) OR BUILDINGS LINES WHICH MAY OR MAY NOT AFFECT THE SUBJECT TRACT.
- 3) THE PROPERTY SHOWN IS IN ZONE "X" ON FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 480334 0295 D, REVISED DATE JUNE 6, 2000.

I, IVAN GARCIA, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY STATE, THAT THIS SURVEY WAS MADE ON THE GROUND OF THE PROPERTY SHOWN HEREON DURING AUGUST 2023, UNDER MY DIRECTION AND SUPERVISION; THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE; THAT THE PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR LAND TITLE SURVEYS".



RIO DELTA ENGINEERING
FIRM REGISTRATION No. F-7628
SURVEY FIRM NO. 10194027
921 S. 10TH AVENUE, EDINBURG TEXAS 78539
(TEL) 956-380-5152 (FAX) 956-380-5083

DATE: AUGUST 2023
PROJECT: SUB 22 064
PAGE: 1 OF 1

IVAN GARCIA
REG. PROFESSIONAL LAND
SURVEYOR NO. 6496

DATE



ORDINANCE 2023-__

**AN ORDINANCE PROVIDING FOR THE EXTENSION
OF CERTAIN BOUNDARY LIMITS OF THE CITY OF
MCALLEN, TEXAS; AND THE ANNEXATION OF 1.09
ACRES, MORE OR LESS, OUT OF LOT 417, JOHN
H. SHARY SUBDIVISION, HIDALGO COUNTY,
TEXAS; AND ORDAINING OTHER MATTERS
RELATING TO THE SUBJECT MATTER THEREOF.**

WHEREAS, Sections 43.016 and 212.172 of the Texas Local Government Code provides the annexation proceedings where the property owner petitions for annexation; and

WHEREAS, the Board of Commissioners in the adoption of this ordinance finds that the petition for annexation has been properly filed under Sections 43.016 and 212.172 and that the property to be annexed is within the Extra-Territorial Jurisdiction of the City of McAllen, and is otherwise subject to annexation by the City of McAllen; and

WHEREAS, Article 3 of the Charter of the City of McAllen provides that where a majority of the landowners within an area petition the City Commission for annexation, the City Commission may annex the same under the provisions of Article 3 at a regular meeting of the Board of Commissioners held not sooner than twenty days after the presentation of such petition.

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

SECTION I: The following described and territory within the Extra-Territorial Jurisdiction of the City of McAllen, Texas, is hereby added and annexed to the City of McAllen, Texas, and said property herein described shall be included within the boundary limits of such city, and the present boundary limits of such city, at the various points contiguous to the area hereinafter described are altered and amended so as to include said areas within the corporate limits of the City of McAllen. The description of the property to be annexed as shown in Exhibit A and more specifically described as follows:

A 1.09 ACRES TRACT OF LAND, MORE OR LESS,
OUT OF LOT 417, JOHN H. SHARY SUBDIVISION,
RECORDED IN VOLUME 1, PAGE, 17, MAP
RECORDS OF HIDALGO COUNTY, TEXAS, SAID 1.09
ACRES MORE PARTICULARLY DESCRIBED BY
METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A ½-INCH IRON ROD FOUND AT
THE SOUTHWEST CORNER OF A CALLED 1.46
ACRES TRACT CONVEYED TO RGV PARTNERS,
LLC., DESCRIBED IN DOCUMENT # 1978999 SAME
BEING A POINT ON THE EXISTING NORTH RIGHT-
OF-WAY OF MILE 5 N. ROAD (F.M. 676), OF HIDALGO
COUNTY, TEXAS;

THENCE, S 81°20'50" E ALONG THE EXISTING NORTH RIGHT-OF-WAY OF MILE 5 N. ROAD (F.M. 676), A DISTANCE OF 667.62 FEET TO A ½-INCH CAPPED IRON ROD SET, FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT AND THE POINT OF BEGINNING;

THENCE, N 8°39'10" E ALONG THE EAST BOUNDARY LINE OF A CALLED 24.54 ACRE TRACT CONVEYED TO FORTIS LAND COMPANY LLC, DESCRIBED IN DOCUMENT #3412710, DEED RECORDS OF HIDALGO COUNTY, TEXAS, A DISTANCE OF 1304.00 FEET TO ½-INCH IRON ROD FOUND, FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, S 81°20'50" E ALONG THE NORTH BOUNDARY LINE OF THE SAID LOT 417, SAME BEING THE SOUTH BOUNDARY LINE OF LOT 427, JOHN H. SHARY SUBDIVISION A DISTANCE OF 36.29 FEET TO A ½-INCH IRON ROD SET, ON THE SOUTH BOUNDARY LINE OF A CALLED 6.67 ACRE TRACT CONVEYED TO RODNEY C. WOMACK, DESCRIBED IN DOCUMENT #1445547, DEED RECORDS OF HIDALGO COUNTY, TEXAS, FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 8°39'10" E ACROSS THE SAID LOT 417, A DISTANCE OF 1304.00 FEET TO A ½-INCH IRON ROD SET, FOR THE SOUTHEAST CORNER FOR THE HEREIN DESCRIBED TRACT;

THENCE, N 81°20'50" E ACROSS THE SAID LOT 417, SAME BEING ALONG THE EXISTING NORTH RIGHT-OF-WAY OF MILE 5, A DISTANCE OF 36.29 FEET TO THE POINT AND PLACE OF BEGINNING, SAID TRACT CONTAINING 1.09 ACRES OF LAND, MORE OR LESS, OUT OF WHICH 0.033 ACRES LIES WITHIN THE RIGHT-OF-WAY OF MILE 5 N. ROAD (F.M. 676 EXIST. 60.00 FOOT R.O.W.).

SECTION II: An Annexation Service Agreement has been signed by the property owner for the above tract under the provisions of Sections 43.0672 and 212.172 of the Texas Local Government Code or Article 3 of the Charter of the City of McAllen and furthermore, that the annexation procedures heretofore adopted for the City of McAllen are, in this instance, waived by the adoption of this ordinance and the resolution for service plan is not required for such subdivision, as the subdivision is being annexed under the provisions of Section 43.016 of the Local Government Code, and Article 3, of the Charter of the City of McAllen and furthermore,

that the sole property owner requesting such annexation has waived the requirement of any and all service plans for such area.

SECTION III: The hereinabove described property and the area so annexed shall be a part of the City of McAllen, Texas, and the property so added hereby shall bear its pro rata share of the taxes levied by the City of McAllen, Texas, and inhabitants thereof shall be entitled to all of the rights and privileges of the citizens of the City of McAllen, in areas having similar characteristics of topography, land utilization and population density, and shall be bounded by the acts, ordinances, resolutions and regulations of the City of McAllen, Texas.

SECTION IV: The extraterritorial jurisdiction of the City of McAllen shall expand in conformity with this annexation and shall comprise an area around the corporate limits of the City, consistent with Chapter 42 of the Texas Local Government Code.

SECTION V: In computing the total amount of territory that the City of McAllen may annex in the year 2022, 19.953 acres hereby annexed are exempt or voluntary.

SECTION VI: Upon annexation of the hereinabove described property, the acreage within the city limits of McAllen after annexation will be increased in an amount which does not exceed the statutory limitations as set out in Chapter 43 of the Texas Local Government Code.

SECTION VII: Tract 1 shall be included in single member district Number 1 under the Single Member Voting Plan for City Commissioners elections.

SECTION VIII: This Ordinance is being adopted under Article 3 of the Charter of the City of McAllen and as such, this ordinance is being adopted in its first and final reading without further action to be required for the annexation of such property except the adoption of this ordinance, and upon the adoption of this ordinance, the City Secretary of the City of McAllen is hereby authorized and directed to cause a true and correct copy of the caption of this ordinance, including the general description of the property annexed to be published in a newspaper having general circulation in McAllen, Hidalgo County, Texas and in the territory annexed hereinabove.

SECTION IX: The City Secretary is hereby directed to correct the City maps in the office of the City Secretary and the City Engineer so as to add thereto the additional territory, indicating on the maps the date of annexation, the number of this Ordinance and a reference to the ordinance records of the City of McAllen where this ordinance is recorded in full. Further, the City Secretary is directed to cause this Ordinance to be filed with the County Clerk and Appraisal District of Hidalgo County and any other authority required by law to receive a copy hereof.

SECTION X: If any part, phrase, or sentence of this Ordinance is held void or unconstitutional by a Court of competent jurisdiction, or if any tract of land or portion of any tract of land hereby annexed shall be held to be ineligible for annexation or wrongfully annexed, the remaining portions of this Ordinance and the remaining tracts so annexed shall be considered severable and shall remain in full force and effect.

SECTION XI: In accomplishing the annexation of the territory annexed by this Ordinance, the City of McAllen has strictly followed the provisions of the State law and the cases as they apply to annexations and any possible deviation from special provisions was unintentional and not material to the accomplishment of this annexation.

SECTION XII: This ordinance shall become effective immediately upon its passage and execution in accordance with the law.

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

READ in pertinent part, **CONSIDERED, PASSED** and **APPROVED** this 9th day of October, 2023, at a regular meeting of the Board of Commissioners of the City of McAllen, Texas, at which a quorum was present and which was held in accordance with Chapter 551 of the Local Government Code.

SIGNED this ____ day of October, 2023.

CITY OF McALLEN

Javier Villalobos, Mayor

ATTEST:

Perla Lara, TRMC/CMC, CPM
City Secretary

Approved as to form:

Isaac Tawil, City Attorney

EXHIBIT "A"

Property Description and Depiction



SCALE: 1" = 200'
BEARING BASIS
TX STATE PLANE
COORDINATES NAD 83
TEXAS SOUTH ZONE (4205)
WESTERN DATA
SYSTEMS NETWORK

JOHN H. SHARY SUBDIVISION
VOL. 1, PG. 42A, 43, AND 43A M.R.H.C.
DOC# 1445547 D.R.H.C.

○ CAPPED 1/2" IRON ROD SET
● 1/2" IRON ROD FOUND
△ COTTON-PICKER-SPINDLE SET
▲ COTTON-PICKER-SPINDLE FOUND

[illegible]

1) SURVEY DONE WITHOUT THE BENEFIT OF A TITLE COMMITMENT.

2) NO ADDITIONAL RESEARCH WAS PERFORMED BY RIO DELTA ENGINEERING FOR ANY ADDITIONAL EASEMENT(S) OR BUILDINGS LINES WHICH MAY OR MAY NOT AFFECT THE SUBJECT TRACT.

3) THE PROPERTY SHOWN IS IN ZONE "X" ON FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 480334 0295 D. REVISED DATE JUNE 5, 2000.

I, IVAN GARCIA, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY STATE THAT THIS SURVEY WAS MADE ON THE GROUND OF THE PROPERTY SHOWN HEREON DURING AUGUST 2023, UNDER MY DIRECTION AND SUPERVISION, THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE; THAT THE PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR LAND TITLE SURVEYS".



SURVEY FIRM NO. 10104027
921 S. 10TH AVENUE, EDINBURG TEXAS 78539
(TEL) 956-380-5152 (FAX) 956-380-5083

PAGE: 1 OF 1

IVAN GARCIA
REG. PROFESSIONAL LAND
SURVEYOR NO. 6496





ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

1.F.

DATE SUBMITTED

09/27/2023

MEETING DATE

10/9/2023

1. Agenda Item: Public hearing and ordinance providing for the annexation of 24.54 acres, more or less, out of Lot 417, John H. Shary Subdivision, Hidalgo County, Texas; 8100 North Taylor Road.
2. Party Making Request: Edgar Garcia
3. Applicant: City of McAllen
4. Nature of Request: Public hearing and ordinance providing for the annexation of 24.54 acres, more or less, out of Lot 417, John H. Shary Subdivision, Hidalgo County, Texas; 8100 North Taylor Road.
5. Fiscal Impact Summary:
6. Budgeted:

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

Jessica Cavazos	Created/Initiated - 9/27/2023
Edgar Garcia	Approved - 9/29/2023
Michelle Rivera	Approved - 10/3/2023
Isaac Tawil	Final Approval - 10/4/2023
8. Staff Recommendation: Staff recommends annexation.
9. Advisory Board:
10. City Attorney: Approve. IJT
11. Manager's Recommendation: Approve. RR

Memo

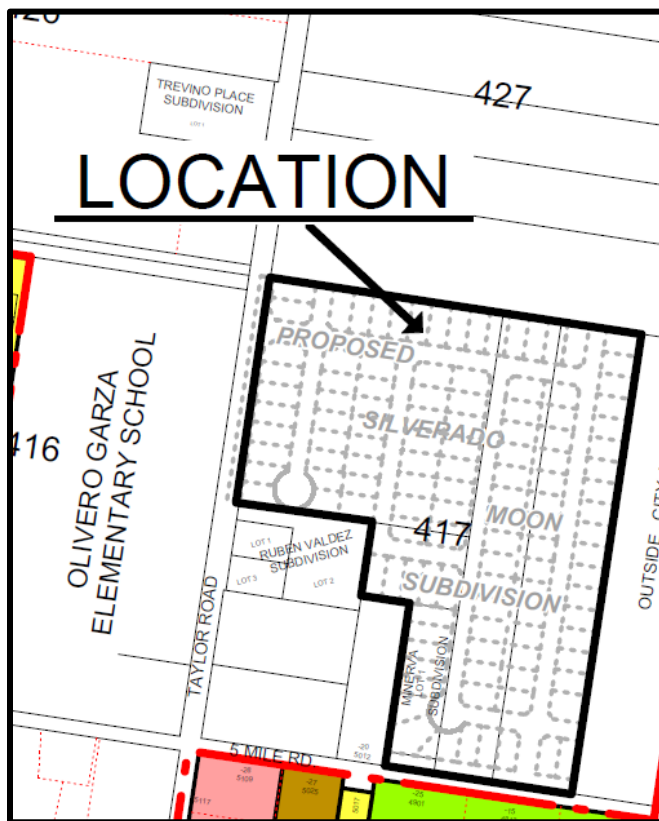
TO: Roel "Roy" Rodriguez, P.E., City Manager

FROM: Edgar I. Garcia, AICP, CNU-A, CPM, Planning Director

DATE: September 20, 2023

SUBJECT: PUBLIC HEARING AND ORDINANCE PROVIDING FOR THE ANNEXATION OF 24.54 ACRES, MORE OR LESS, OUT OF LOT 417, JOHN H. SHARY SUBDIVISION, HIDALGO COUNTY, TEXAS; 8100 NORTH TAYLOR ROAD. (ANX2023-0002)

LOCATION: The property is located along the east side of North Taylor Road and is part of a larger tract of land (i.e., 25.63 acres gross) that also has frontage on Auburn Avenue. This particular tract is comprised of 24.54 acres of vacant land.



PROPOSAL: The applicant is requesting annexation of the property and initial zoning to R-1 (single-family residential) District in order to develop the tract of land for a single-family residential subdivision with 121 lots proposed. The tract is currently outside of McAllen's City limits. The initial zoning to R-1 District will become effective upon the annexation of the tract into the City. The subdivision process will be required prior to building permit issuance.

ADJACENT ZONING: The adjacent properties to the north and west are currently outside of McAllen's city limits and are therefore without zone. Adjacent properties to the east and south across Auburn Avenue include A-O (agricultural and open space) District and R-1 District.

LAND USE: The property is currently vacant. Surrounding land uses are a mix of single-family residential, institutional, and open spaces.

HISTORY: The subject property has been in the City's Extra-Territorial Jurisdiction (ETJ) since September 19, 1977. The request for the annexation and initial zoning of the subject property was submitted on August 18, 2023. An application for a subdivision review under the name "Silverado Moon Subdivision" was submitted on June 2, 2023.

The plat for the mentioned subdivision was approved in final form at the Planning and Zoning Commission meeting of September 19, 2023. During this meeting, the Planning and Zoning Commission also recommended approval of the initial zoning to R-1 (single-family residential) District. This zoning request will be heard at this meeting.

Staff has not received any phone calls, emails, or letters in opposition to the annexation request.

RECOMMENDATION:

Staff recommends adoption of the ordinance for annexation of the property.

SILVERADO MOON SUBDIVISION

A 25.62 ACRES TRACT OF LAND, MORE OR LESS, OUT OF LOT 417, JOHN H. SHARY SUBDIVISION, RECORDED IN VOLUME 1, PAGE, 17, MAP RECORDS OF HIDALGO COUNTY, TEXAS, SAID 25.62 ACRES TRACT BEING THE SAME LAND DESCRIBED IN THE FOLLOWING WARRANTY DEEDS:
1) FROM SANJUAN, LLC TO FORTIS LAND COMPANY, LLC, DATED JANUARY 11, 2023, RECORDED IN DOCUMENT #3412710 OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS
2) FROM SANDRA J. WOMACK AND CANDACE L. MCCOY TO SANJUAN, LLC, DATED OCTOBER 4, 2016, RECORDED IN DOCUMENT #2895550 OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS

MARIA DEL CARMEN FERNANDEZ SANCHEZ
0.760 ACRES
LOT 416
JOHN H. SHARY SUBDIVISION
VOL. 1, PG. 17 M.R.H.C.
DOC# 2948102, O.R.H.C.

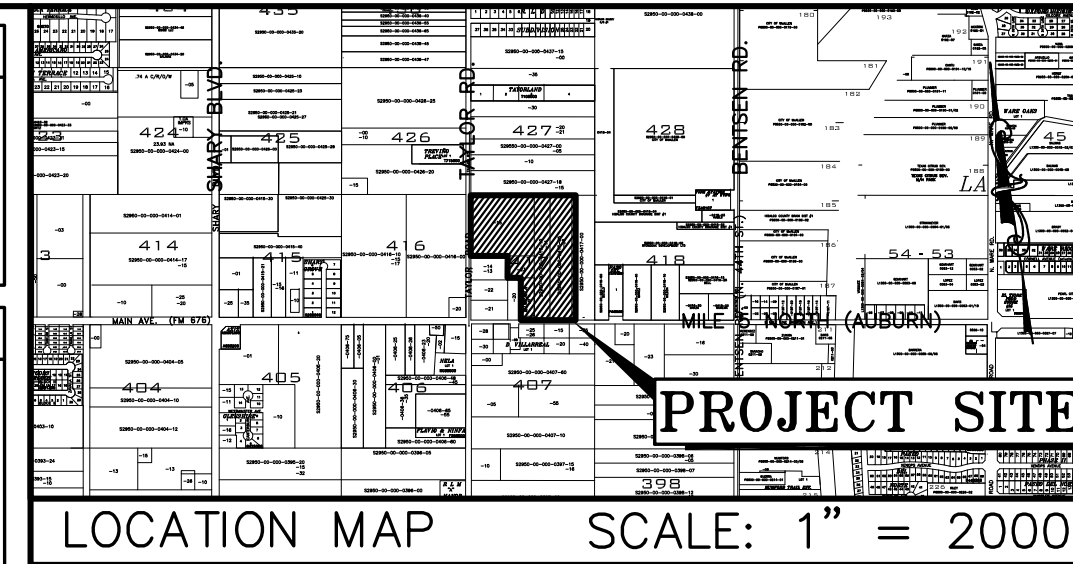
(PRIVATE SUBDIVISION)

SHARYLAND I.S.D. 16.50 ACRES
LOT 416
JOHN H. SHARY SUBDIVISION
VOL. 1, PG. 17 M.R.H.C.
DOC#361750, O.R.H.C.

SCALE 1" = 100'
BASIS OF BEARING
TEXAS STATE PLANE COORDINATES
NAD 83
TEXAS SOUTH ZONE (4205)
WESTERN DATA SYSTEMS NETWORK

LEGEND	
●	SET 1/2 INCH IRON ROD
○	FOUND 1/2 INCH IRON ROD
▲	FOUND COTTON PICKER SPINDLE
●	SET COTTON PICKER SPINDLE
XXXX	NATURAL GROUND
○	CALCULATED POINT
○	CAPPED IRON ROD SET

ABBREVIATION LEGEND	
R.O.W.	RIGHT-OF-WAY
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCING
S.W.C.	SOUTHWEST CORNER
F.T.M.	FARM-TO-MARKET
U.E.	UTILITY EASEMENT
C.L.	CENTER LINE
LOT LINE	LOT LINE



METES AND BOUNDS DESCRIPTION

A 25.62 ACRES TRACT OF LAND, MORE OR LESS, OUT OF LOT 417, JOHN H. SHARY SUBDIVISION, RECORDED IN VOLUME 1, PAGE, 17, MAP RECORDS OF HIDALGO COUNTY, TEXAS, SAID 25.62 ACRES TRACT BEING THE SAME LAND DESCRIBED IN THE FOLLOWING WARRANTY DEEDS:

1) FROM SANJUAN, LLC TO FORTIS LAND COMPANY, LLC, DATED JANUARY 11, 2023, RECORDED IN DOCUMENT #3412710 OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS
2) FROM SANDRA J. WOMACK AND CANDACE L. MCCOY TO SANJUAN, LLC, DATED OCTOBER 4, 2016, RECORDED IN DOCUMENT #2895550 OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS

SAID 25.62 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 1/2-INCH IRON ROD FOUND AT THE SOUTHWEST CORNER OF A CALLED 1.46 ACRES TRACT CONVEYED TO RGV PARTNERS, LLC, DESCRIBED IN DOCUMENT # 1978899 SAME BEING A POINT ON THE EXISTING NORTH RIGHT-OF-WAY OF MILE 5 N. ROAD (F.M. 676), OF HIDALGO COUNTY, TEXAS;

THENCE, N 81°26'33" W ALONG THE SOUTH BOUNDARY LINE OF SAID 1.46 ACRES TRACT DISTANCE OF 137.13 FEET TO A 1/2-INCH IRON ROD FOUND, FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT AND THE POINT OF BEGINNING;

THENCE, N 83°39' E ALONG THE EAST BOUNDARY LINE OF THE SAID 1.46 ACRES TRACT, A DISTANCE OF 461.00 FEET TO 1/2-INCH IRON ROD FOUND, FOR A CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 81°20'50" W ACROSS THE SAID LOT 417, SAME BEING ALONG THE NORTH BOUNDARY LINE OF THE SAID 1.46 ACRES TRACT TO A 1/2-INCH IRON ROD FOUND, A DISTANCE OF 137.89 FEET TO A 1/2-INCH CAPPED IRON ROD SET, FOR A CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 83°10' E ALONG THE EAST BOUNDARY LINE OF RUBEN VALDEZ SUBDIVISION, DOCUMENT #3153639, MAP RECORDS OF HIDALGO COUNTY, TEXAS, A DISTANCE OF 210.50 FEET TO A 1/2-INCH CAPPED IRON ROD SET, FOR THE CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 81°20'50" W ACROSS THE SAID LOT 417, SAME BEING ALONG THE NORTH BOUNDARY LINE OF THE SAID RUBEN VALDEZ SUBDIVISION, A DISTANCE OF 414.00 FEET TO A 1/2-INCH CAPPED IRON ROD SET, FOR THE WESTERLY SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 83°10' E ALONG THE CENTERLINE OF TAYLOR ROAD, A DISTANCE OF 632.50 FEET TO A 1/2-INCH CAPPED IRON ROD SET, FOR THE NORTHWEST CORNER OF LOT 417 OF JOHN H. SHARY SUBDIVISION, FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, S 81°20'50" E ALONG THE NORTH BOUNDARY LINE OF THE SAID LOT 417, SAME BEING THE SOUTH BOUNDARY LINE OF LOT 427, JOHN H. SHARY SUBDIVISION, A DISTANCE OF 1081.61 FEET TO A 1/2-INCH IRON ROD SET, ON THE SOUTH BOUNDARY LINE OF A CALLED 6.67 ACRES TRACT CONVEYED TO RODNEY C. WOMACK AND SANDRA J. WOMACK, DESCRIBED IN DOCUMENT #445547, DEED RECORDS OF HIDALGO COUNTY, TEXAS, FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 83°10' E ALONG THE WEST BOUNDARY LINE OF A CALLED 7.24 ACRES TRACT CONVEYED TO SIVAD ENTERPRISE, INC., DESCRIBED IN DOCUMENT #272330, DEED RECORDS OF HIDALGO COUNTY, TEXAS, A DISTANCE OF 1304.00 FEET TO A 1/2-INCH IRON ROD SET, FOR THE SOUTHEAST CORNER FOR THE HEREIN DESCRIBED TRACT;

THENCE, N 81°20'50" E ACROSS THE SAID LOT 417, SAME BEING ALONG THE EXISTING NORTH RIGHT-OF-WAY OF MILE 5, A DISTANCE OF 529.71 FEET TO THE POINT AND PLACE OF BEGINNING, SAID TRACT CONTAINING 24.54 ACRES OF LAND, MORE OR LESS, OUT OF WHICH 0.48 ACRES LIES WITHIN THE RIGHT-OF-WAY OF MILE 5 N. ROAD (F.M. 676 EXIST. 60.00 FOOT R.O.W.), INCLUDING 0.531 ACRES LIES WITHIN THE RIGHT-OF-WAY OF TAYLOR ROAD (60.00 FOOT R.O.W.).

GENERAL PLAT NOTES:

- MINIMUM PERMISSIBLE FINISHED FLOOR ELEVATION SHALL BE 18" ABOVE TOP OF CURB IN FRONT OF THE CENTER-POINT OF THE LOT.
- THE CORNER PINS ALONG AUBURN AVE. (MILE 5 NORTH) FOR LOTS 84, 85, 86, 87, 88, 89, AND 90 ARE SET WITH AN OFF-SET OF 2 FT. INTO THE LOTS.
- THE CORNER PINS ALONG TAYLOR RD. FOR LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, AND 10 ARE SET WITH AN OFF-SET OF 2 FT. INTO THE LOTS.
- MINIMUM BUILDING SETBACKS SHALL BE AS FOLLOWS:
FRONT: 25 FT. OR GREATER FOR EASEMENTS.
REAR: 10 FT. OR GREATER FOR EASEMENTS.
INTERIOR SIDES: 6 FT. OR GREATER FOR EASEMENTS.
CORNER: 10 FT. OR GREATER FOR EASEMENTS.
GARAGE: 18 FT. EXCEPT WHERE GREATER SETBACK IS REQUIRED; GREATER SETBACK APPLIES.

- THE SUBDIVISION IS IN ZONE "X" (NON-SHADED), AREAS DETERMINED OF MINIMAL FLOODING. (NO SHADING) MAP COMMUNITY PANELS NO.: 480334 0295 D MAP REVISED: JUNE 6, 2000.
- DRAINAGE DETENTION OF 144.901 OF OR 3.326 ACRE FEET IS REQUIRED FOR THIS SUBDIVISION. CURRENT RUNOFF WILL BE DETAINEED IN THE EXISTING HIDALGO COUNTY DRAINAGE DISTRICT NO.1 MISSION-MACLEAN LATERAIN DRAIN DITCH.
- ENGINEERED DRAINAGE DETENTION PLAN, APPROVED BY THE ENGINEERING DEPARTMENT, PRIOR TO ISSUANCE OF BUILDING PERMIT. GRADING MUST COMPLY WITH MASTER PLAN.
- EASEMENTS SHALL BE KEPT CLEAR OF FENCES, BUILDINGS, SHEDS, SHRUBS, TREES, AND OTHER PLANTINGS (EXCEPT LOW, GROUND COVER, GRASS OR FLOWERS) AND OTHER OBSTRUCTIONS TO THE OPERATIONS AND MAINTENANCE OF THE EASEMENT.
- THE CITY OF MACLEAN TO HAVE A 25'X25' SIDE OBSTRUCTION EASEMENT AT STREET INTERSECTIONS MEASURED FROM STREET CURB INTERSECTION.
- 4 FT. WIDE MINIMUM SIDEWALK REQUIRED ALONG AUBURN AVENUE (5 MILE LINE ROAD), NORTH TAYLOR ROAD, AND BOTH SIDES OF ALL INTERIOR STREETS.
- NO CURB CUT, ACCESS, OR LOT FRONTAGE PERMITTED ALONG AUBURN AVENUE (5 MILE LINE ROAD) AND NORTH TAYLOR ROAD.
- CITY OF MACLEAN BENCHMARK (M47) A 30" ALUMINUM PIPE WITH A 3/4" BRASS MONUMENT CAP ON TOP. LOCATED APPROXIMATELY 29 FEET EAST FROM NORTH TAYLOR ROAD AND 650 FEET WEST OF MILE 5. NORTHING: 1061100.60350 EASTING: 16628009.54221 ELEV.=140.02
- 6 FT. OPAQUE BUFFER REQUIRED FROM ADJACENT/BETWEEN MULTI-FAMILY RESIDENTIAL AND COMMERCIAL, AND INDUSTRIAL ZONES/USES AND ALONG AUBURN AVE. (5 MILE LINE ROAD) AND NORTH TAYLOR ROAD.
- 8 FT. MASONRY WALL REQUIRED BETWEEN SINGLE FAMILY RESIDENTIAL AND COMMERCIAL, INDUSTRIAL, OR MULTI-FAMILY RESIDENTIAL ZONES/USES.
- ALL UTILITY AND DRAINAGE EASEMENTS TO BE DEDICATED BY THIS PLAT, UNLESS STATED OTHERWISE.

- ALL IRRIGATION EASEMENTS ARE EXCLUSIVE TO UNITED IRRIGATION DISTRICT, AND THE DISTRICT ALLOWS NO OTHER UTILITIES OR OUTSIDE USE WITHOUT ITS EXPRESS WRITTEN APPROVAL.
- THIS SUBDIVISION IS SUBJECT TO A BLANKET EASEMENT RESERVATION IN FAVOR OF UNITED IRRIGATION DISTRICT AS SET FORTH IN DEED DATED SEPTEMBER 22, 1920, RECORDED IN DOCUMENT #1140166, OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS.
- NO UTILITY COMPANY, PUBLIC ENTITY, PARTY OR PERSON IS ALLOWED TO CROSS ABOVE OR BELOW GROUND ANY IRRIGATION DISTRICT EASEMENT OR RIGHT-OF-WAY WITH LINES, POLES, OPEN DITCHES OR OTHER USE WITHOUT FIRST OBTAINING A CROSSING PERMIT FROM UNITED IRRIGATION DISTRICT.
- NO PERMANENT STRUCTURE UTILITY POLE, HOLE, WALL, FENCE, DRIVEWAY, OR ROAD WILL BE ALLOWED TO BE CONSTRUCTED OR EXIST ON ANY DISTRICT EASEMENT OR RIGHT OF WAY WITHOUT WRITTEN APPROVAL BY IRRIGATION DISTRICT. ANY UNAUTHORIZED STRUCTURE WITHIN THE EASEMENT BOUNDARY IS SUBJECT TO IMMEDIATE REMOVAL AT VIOLATOR'S EXPENSE.
- NO UTILITY COMPANY, PUBLIC ENTITY, PARTY OR PERSON IS ALLOWED TO CONNECT TO ANY DISTRICT FACILITY WITHOUT FIRST OBTAINING A PERMIT FROM IRRIGATION DISTRICT, ANY CONNECTION NOT AUTHORIZED BY THE DISTRICT IS SUBJECT TO IMMEDIATE REMOVAL AT VIOLATOR'S EXPENSE.
- DEVELOPER/HOMEOWNER'S ASSOCIATION/OWNER, THEIR SUCCESSORS AND ASSIGNEES, AND NOT THE CITY OF MACLEAN SHALL BE RESPONSIBLE FOR COMPLIANCE OF INSTALLATION AND MAINTENANCE AND OTHER REQUIREMENTS PER SECTION 134-168 OF THE SUBDIVISION ORDINANCE, INCLUDING BUT NOT LIMITED TO COMMON AREAS AND ITS PRIVATE STREETS.

- AS PER DECLARATIONS OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR SILVERADO MOON SUBDIVISION, RECORDED AS DOCUMENT NUMBER _____ HIDALGO COUNTY, DEED RECORDS, DEVELOPER/HOMEOWNER'S ASSOCIATION/OWNER, THEIR SUCCESSORS AND/OR ASSIGNEES, AND NOT THE CITY OF MACLEAN SHALL BE RESPONSIBLE FOR THE INSTALLATION, MAINTENANCE AND OTHER REQUIREMENTS AS PER SECTION 134-168 OF THE CODE OF ORDINANCES OF THE CITY OF MACLEAN, INCLUDING BUT NOT LIMITED TO COMMON AREAS AND PRIVATE STREETS. ANY AMENDMENT TO DECLARATIONS THAT CONFLICT WITH THE REQUIREMENTS OF SECTION 134-168 OF THE SUBDIVISION ORDINANCE SHALL BE NULL AND VOID.
- COMMON LOT A, IDENTIFIED AS A DETENTION AREA SHALL BE MAINTAINED BY THE DEVELOPER, WHO MAY TRANSFER SUCH MAINTENANCE OBLIGATION TO THE SUBDIVISION HOMEOWNER'S ASSOCIATION, SILVERADO MOON HOMEOWNER'S ASSOCIATION, UPON CONVEYANCE OF TITLE TO THE SAME, THEIR SUCCESSORS AND ASSIGNS, AND NOT BY THE CITY OF MACLEAN, NO BUILDINGS OR OTHER STRUCTURES SHALL BE ERRECTED IN COMMON LOT A, WHICH SHALL BE USED EXCLUSIVELY AS A DETENTION AREA, AFTER COMMON LOT A'S TRANSFER OF TITLE TO THE SILVERADO TRAIL ON AUBURN HILL HOMEOWNER'S ASSOCIATION THE SUBDIVISION LOT OWNER'S PRO RATA SHARES OF THE COST OF MAINTENANCE SHALL BE DETERMINED BY THE SILVERADO MOON HOMEOWNER'S ASSOCIATION. THE CITY OF MACLEAN, IN SUCH MAINTENANCE OBLIGATIONS, SHALL NOT BE REQUIRED TO MAINTAIN THE SAME AT THE LOT OWNER'S COST, WHICH COST MAY BECOME A LIEN AGAINST THEIR PROPERTIES. PRIOR TO THE IMPOSITION OF ANY LIEN, THE CITY SHALL FIRST COMPLY WITH NOTICE REQUIREMENTS SIMILAR TO THOSE UNDER EXISTING ORDINANCE SECTION 134-168(d), AS THE SAME MAY BE AMENDED. THE SPECIFIC AND EXCLUSIVE USE OF COMMON LOT A, THE OWNER'S MAINTENANCE OBLIGATION, AND THE CONSEQUENCES OF FAILURE TO MAINTAIN SHALL BE INCORPORATED INTO ANY DEED OR INSTRUMENT OF CONVEYANCE AS A DEED RESTRICTION, RECORDED IN INSTRUMENT NO. _____ OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS.

OWNER'S ACKNOWLEDGMENT STATE OF TEXAS COUNTY OF HIDALGO

I (WE), THE UNDERSIGNED, OWNER(S) OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS THE SILVERADO MOON SUBDIVISION, DO HEREBY GRANT AN ACCESS AND UTILITY EASEMENT TO THE CITY OF MACLEAN AND THOSE WHO MAY NOW OR HEREAFTER HOLD FRANCHISE UNDER SAID CITY. THE USE OF THE STREETS, ALLEYS, AND EASEMENTS THEREON SHOWN, SURFACE USE OF THE STREETS AND ALLEYS ARE RESTRICTED TO THE EMPLOYEES AND AGENTS OF THE CITY OF MACLEAN, TO THE EMPLOYEES OF THE UTILITY OPERATING UNDER FRANCHISE TO THE CITY OF MACLEAN, AND RESIDENTS OF THE SUBDIVISION AND THEIR GUESTS. ADDITIONAL PUBLIC RIGHT-OF-WAY FOR AUBURN AVE. (MILE 5 NORTH) IS BEING DEDICATED BY THIS PLAT.

OMAR GARCIA (MANAGING MEMBER) _____ DATE _____
FORTIS LAND COMPANY, LLC
222 WEST UNIVERSITY DRIVE
EDINBURG, TEXAS 78539

STATE OF TEXAS
COUNTY OF HIDALGO
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED OMAR FELIPE GARCIA, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS ____ DAY OF ____ 2023.

NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS
MY COMMISSION EXPIRES ____

SHARYLAND WATER SUPPLY CORPORATION

I, SHERILYN DAHLBERG, HEREBY CERTIFY THAT SHARYLAND WATER SUPPLY CORPORATION HAS APPROVED THE POTABLE WATER INFRASTRUCTURE FOR THE SILVERADO MOON SUBDIVISION, LOCATED AT CITY OF MACLEAN IN HIDALGO COUNTY, TEXAS, SUBJECT TO THE POTABLE WATER SYSTEM MEETING THE APPROVAL OF THE DESIGN ENGINEER AND ALL APPLICABLE RULES AND REGULATIONS OF SHARYLAND WATER SUPPLY CORPORATION, AND LOCAL, STATE, AND FEDERAL AGENCIES.

DEVELOPER AND DESIGN ENGINEER SHALL BEAR FULL RESPONSIBILITY TO ENSURE THAT THE ABOVE REFERENCED POTABLE WATER INFRASTRUCTURE IS CONSTRUCTED WITHIN THE DESIGNATED SHARYLAND WATER SUPPLY CORPORATION EASEMENT.

CARLOS LIMA _____ DATE _____
GENERAL MANAGER
SHARYLAND WATER SUPPLY CORPORATION

PLANNING AND ZONING COMMISSION CHAIR CERTIFICATE

NAME	ADDRESS	PHONE & FAX
OWNER(S): FORTIS LAND COMPANY, LLC	222 W. UNIVERSITY DRIVE	EDINBURG, TX. 78539 (956) 292-0008 (956) 292-0896
SURVEYOR: IVAN GARCIA	921 S. 10TH AVENUE	EDINBURG, TX. 78539 (956) 380-5152 (956) 380-5083
ENGINEER: IVAN GARCIA	921 S. 10TH AVENUE	EDINBURG, TX. 78539 (956) 380-5152 (956) 380-5083

LIENHOLDER'S ACKNOWLEDGMENT STATE OF TEXAS COUNTY OF HIDALGO

I (WE), THE UNDERSIGNED, HOLDER(S) (OR DULY AUTHORIZED OFFICERS OF THE HOLDER(S)) OF A SECURITY INTEREST IN THE ABOVE DESCRIBED PROPERTY, BEING THE LAND SHOWN ON THIS PLAT AND THE DESIGNATED HEREIN AS THE SILVERADO MOON SUBDIVISION OF THE CITY OF MACLEAN, TEXAS, DO HEREBY CONSENT TO THE SUBDIVISION OF THE PROPERTY AS PROVIDED FOR UNDER THE PLAT AND DO HEREBY PROVIDE THAT ANY FORECLOSURE RELATING TO THE SECURITY INTEREST IN THE ABOVE DESCRIBED PROPERTY SHALL BE SUBJECT TO THE PLATTING OF THE PROPERTY AS PROVIDED FOR HEREIN.

GABRIEL GARZA
RIO BANK-SAN JUAN BANKING CENTER (PRESIDENT)
401 W. STATE HWY 495
SAN JUAN, TEXAS 78589

STATE OF TEXAS
COUNTY OF HIDALGO
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED GABRIEL GARZA, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS ____ DAY OF ____ 2023.

NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS
MY COMMISSION EXPIRES ____

STATE OF TEXAS UNITED IRRIGATION DISTRICT

THIS PLAT IS HEREBY APPROVED BY THE UNITED IRRIGATION DISTRICT ON THIS ____ DAY OF ____ 2023.

NO IMPROVEMENTS OF ANY KIND (INCLUDING WITHOUT LIMITATION TREES, FENCES AND BUILDINGS) SHALL BE PLACED UPON UNITED IRRIGATION DISTRICT RIGHT OF WAYS OR EASEMENTS. APPROVAL OF THIS PLAT DOES NOT RELEASE ANY RIGHTS THAT THE DISTRICT MAY HAVE WHETHER SHOWN OR NOT.

PRESIDENT _____ SECRETARY _____

STATE OF TEXAS COUNTY OF HIDALGO MAYOR'S CERTIFICATE

I, THE UNDERSIGNED, MAYOR OF THE CITY OF MACLEAN, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

CITY MAYOR _____ DATE _____

STATE OF TEXAS COUNTY OF HIDALGO PLANNING AND ZONING COMMISSION CHAIR CERTIFICATE

I, THE UNDERSIGNED, CHAIR OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF MACLEAN, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THIS CITY WHEREIN MY APPROVAL IS REQUIRED.

PLANNING AND ZONING CHAIR _____ DATE _____



FILED FOR RECORD IN
HIDALGO COUNTY
ARTURO GUJARDO, JR.
HIDALGO COUNTY CLERK

ON: _____ AT _____ AM/PM
INSTRUMENT NUMBER _____
OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS
BY: _____ DEPUTY

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 CERTIFICATE

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER TEXAS WATER CODE NO. 49.211(C). THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION, BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER OF THE SUBDIVISION AND ITS ENGINEER TO MAKE THESE DETERMINATIONS.

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1

RAUL E. SESIN, P.E., C.F.M.
GENERAL MANAGER _____ DATE _____

STATE OF TEXAS - COUNTY OF HIDALGO

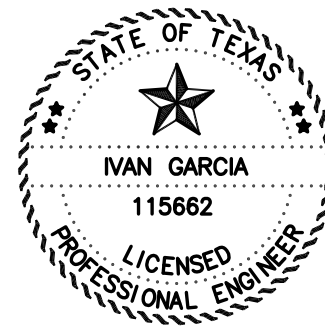
I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE PROPER ENGINEERING CONSIDERATIONS HAVE BEEN GIVEN TO THIS PLAT.

IVAN GARCIA P.E., R.P.L.S.
REG. PROFESSIONAL ENGINEER No. 115662 _____ DATE _____

STATE OF TEXAS - COUNTY OF HIDALGO

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE FROM AN ACTUAL SURVEY MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON, AND THAT THERE ARE NO APPARENT DISCREPANCIES, CONFLICTS, OR OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE, EXCEPT AS SHOWN ON THE ACCOMPANYING PLAT, AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY PLACED UNDER MY SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF MACLEAN AND HIDALGO COUNTY, TEXAS.

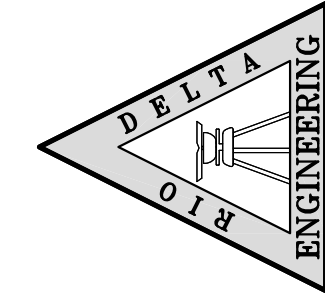
IVAN GARCIA P.E., R.P.L.S.
REG. PROFESSIONAL LAND SURVEYOR No. 6469
SURVEY FIRM No. 10194027 _____ DATE _____



RIO DELTA ENGINEERING

FIRM REGISTRATION No. F-7628
SURVEY FIRM No. 10194027

921 S. 10TH AVENUE EDINBURG, TEXAS 78539
(TEL) 956-380-5152 (FAX) 956-380-5083



ISSUED FOR:
FINAL

PLAT SHEET
SILVERADO MOON SUBDIVISION
CITY OF MACLEAN ETJ
HIDALGO COUNTY, TEXAS

PROJECT: _____
ENGINEER: IVAN GARCIA P.E., R.P.L.S.
SURVEYOR: IVAN GARCIA P.E., R.P.L.S.
CHECKED: IVAN GARCIA P.E., R.P.L.S.
DRAWN: O.A./H.G./Y.V.
SCALE: 1" = 100'
DATE: SEPTEMBER 8, 2023
PROJECT: SUB 22 064
REVISIONS: _____
PAGE NO: SHT 2

**EXHIBIT A
TRACT I – 24.540 ACRES
OUT OF LOT 417,
JOHN H. SHARY SUBDIVISION,
VOLUME 1, PAGE 17,
MAP RECORDS OF HIDALGO COUNTY, TEXAS**

A 24.54 ACRES TRACT OF LAND, MORE OR LESS, OUT OF LOT 417, JOHN H. SHARY SUBDIVISION, RECORDED IN VOLUME 1, PAGE, 17, MAP RECORDS OF HIDALGO COUNTY, TEXAS, SAID 24.54 ACRES TRACT BEING THE SAME LAND DESCRIBED IN THE FOLLOWING WARRANTY DEEDS:

- 1) FROM SANJUCAN, LLC. TO FORTIS LAND COMPANY, LLC. DATED JANUARY 11, 2023, RECORDED IN DOCUMENT #3412710 OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS
- 2) FROM SANDRA J. WOMACK AND CANDACE L. MCCOY TO SANJUCAN, LLC. DATED OCTOBER 4, 2016, RECORDED IN DOCUMENT #2890550 OFFICIAL RECORDS OF HIDALGO COUNTY, TEXAS

SAID 24.54 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 1/2-INCH IRON ROD FOUND AT THE SOUTHWEST CORNER OF A CALLED 1.46 ACRES TRACT CONVEYED TO RGV PARTNERS, LLC., DESCRIBED IN DOCUMENT # 1978999 SAME BEING A POINT ON THE EXISTING NORTH RIGHT-OF-WAY OF MILE 5 N. ROAD (F.M. 676), OF HIDALGO COUNTY, TEXAS;

THENCE, N 81°26'53" W ALONG THE SOUTH BOUNDARY LINE OF SAID 1.46 ACRE TRACT DISTANCE OF 137.13 FEET TO A 1/2-INCH IRON ROD FOUND, FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT AND THE **POINT OF BEGINNING**;

THENCE, N 81°20'50" W ACROSS THE SAID LOT 417, SAME BEING ALONG THE SOUTH BOUNDARY LINE OF THE HEREIN DESCRIBED TRACT, PASSING AT 303.53 FEET A 1/2 - INCH CAPPED IRON ROD FOUND, AND CONTINUING FOR A TOTAL DISTANCE OF 529.71 FEET TO 1/2- INCH IRON ROD FOUND, FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 8°39'10" E ALONG THE WEST BOUNDARY LINE OF A CALLED 7.24 ACRES TRACT CONVEYED TO SIVAD ENTERPRISE, INC., DESCRIBED IN DOCUMENT #1272330, DEED RECORDS OF HIDALGO COUNTY, TEXAS, A DISTANCE OF 1304.00 FEET TO A 1/2- INCH IRON ROD SET, ON THE SOUTH BOUNDARY LINE OF A CALLED 6.67 ACRE TRACT CONVEYED TO RODNEY C. WOMACK, DESCRIBED IN DOCUMENT #1445547, DEED RECORDS OF HIDALGO COUNTY, TEXAS, FOR THE NORTHEAST CORNER FOR THE HEREIN DESCRIBED TRACT;

THENCE, S 81°20'50" E ALONG THE NORTH BOUNDARY LINE OF THE SAID LOT 417, SAME BEING THE SOUTH BOUNDARY LINE OF LOT 427, JOHN H. SHARY SUBDIVISION, A DISTANCE OF 1081.61 FEET TO A 1/2- INCH IRON ROD SET, ON THE CENTERLINE OF TAYLOR RD, THE NORTHWEST CORNER OF LOT 17 OF JOHN H. SHARY SUBDIVISION, FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 8°39'10" E ALONG THE CENTERLINE OF TAYLOR ROAD, A DISTANCE OF 632.50 FEET TO A 1/2- INCH CAPPED IRON ROD SET, FOR THE MOST WESTERLY SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 81°20'50" W ACROSS THE SAID LOT 417, SAME BEING ALONG THE NORTH BOUNDARY LINE OF A CALLED RUBEN VALDEZ SUBDIVISION, DOCUMENT #3153639, MAP RECORDS OF HIDALGO COUNTY, TEXAS, A DISTANCE OF 414.00 FEET TO A 1/2-INCH CAPPED IRON ROD SET, FOR A CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 8°39'10" E ALONG THE EAST BOUNDARY LINE OF RUBEN VALDEZ SUBDIVISION, A DISTANCE OF 210.50 FEET TO A 1/2-INCH CAPPED IRON ROD FOUND, FOR A CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 81°20'50" W ACROSS THE SAID LOT 417, SAME BEING ALONG THE NORTH BOUNDARY LINE OF A CALLED 1.46 ACRE TRACT CONVEYED TO RGV PARTNERS LLC., DESCRIBED IN DOCUMENT NUMBER #1978999, DEED RECORDS OF HIDALGO COUNTY, TEXAS, A DISTANCE OF 137.89 FEET TO A 1/2-INCH CAPPED IRON ROD FOUND, FOR A CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 8°39'8" E ALONG THE EAST BOUNDARY LINE OF THE SAID 1.46 ACRE TRACT, A DISTANCE OF 461.00 FEET TO THE **POINT AND PLACE OF BEGINNING**, SAID TRACT CONTAINING 24.54 ACRES OF LAND, MORE OR LESS, OUT OF WHICH 0.486 ACRES LIES WITHIN THE RIGHT-OF-WAY OF MILE 5 N. ROAD (F.M. 676 EXIST. 60.00

FOOT R.O.W.), INCLUDING 0.531 ACRES LIES WITHIN THE RIGHT-OF-WAY OF TAYLOR ROAD (60.00 FOOT R.O.W.).

I, IVAN GARCIA, CERTIFY THAT THE ABOVE FIELDNOTES AND PLAT REPRESENT AN ACTUAL SURVEY ON THE GROUND MADE UNDER MY SUPERVISION AND THAT ALL CORNERS HAVE BEEN LOCATED AS INDICATED.



5/26/2023

IVAN GARCIA
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6496
SURVEY FIRM NO. 10194027
RIO DELTA ENGINEERING
921 S. 10TH AVENUE
EDINBURG, TEXAS 78539

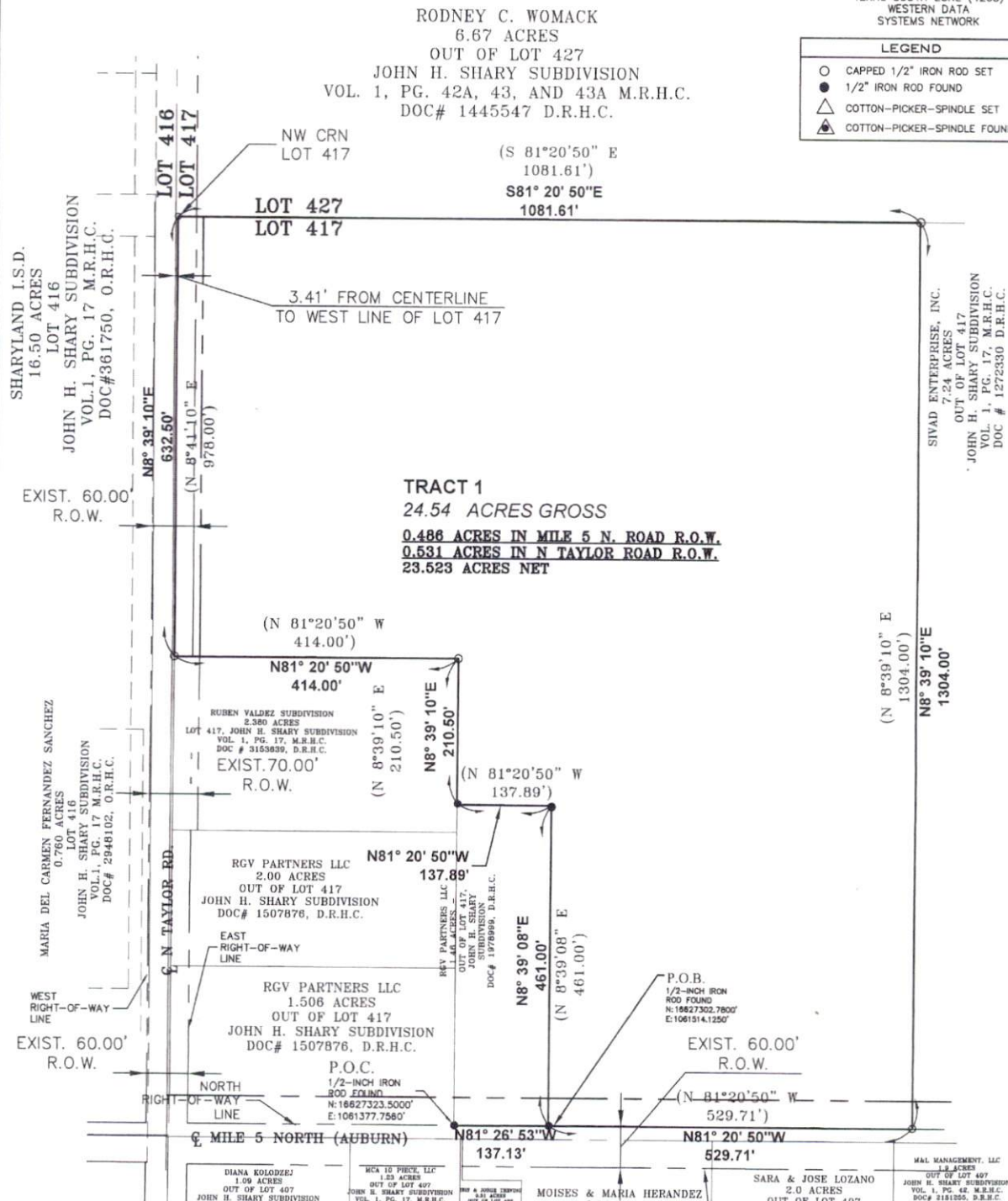


EXHIBIT B
TRACT 1 - 24.54 ACRES
OUT OF LOT 417,
JOHN H. SHARY SUBDIVISION,
VOLUME 1, PAGE 17,
MAP RECORDS OF HIDALGO COUNTY, TEXAS
TO ACCOMPANY FIELD NOTES

SCALE: 1" = 200'
BEARING BASIS
TX STATE PLANE
COORDINATES NAD 83
TEXAS SOUTH ZONE (4205)
WESTERN DATA
SYSTEMS NETWORK

LEGEND

- CAPPED 1/2" IRON ROD SET
- 1/2" IRON ROD FOUND
- △ COTTON-PICKER-SPINDLE SET
- ▲ COTTON-PICKER-SPINDLE FOUND



SURVEYOR'S NOTES:

- 1) SURVEY DONE WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
- 2) NO ADDITIONAL RESEARCH WAS PERFORMED BY RIO DELTA ENGINEERING FOR ANY ADDITIONAL EASEMENT(S) OR BUILDINGS LINES WHICH MAY OR MAY NOT AFFECT THE SUBJECT TRACT.
- 3) THE PROPERTY SHOWN IS IN ZONE "X" ON FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 480334 0295 D, REVISED DATE JUNE 6, 2000.

I, IVAN GARCIA, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY STATE, THAT THIS SURVEY WAS MADE ON THE GROUND OF THE PROPERTY SHOWN HEREON DURING NOVEMBER 2018, UNDER MY DIRECTION AND SUPERVISION, THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, THAT THE PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR LAND TITLE SURVEYS".



RIO DELTA ENGINEERING

FIRM REGISTRATION No. F-7628
SURVEY FIRM NO. 10194027
921 S. 10TH AVENUE, EDINBURG TEXAS 78539
(TEL) 956-380-5152 (FAX) 956-380-5083

DATE: MAY 2023
PROJECT: SUB 22 064
PAGE: 4 OF 4

IVAN GARCIA
REG. PROFESSIONAL LAND
SURVEYOR NO. 6496



5/28/2023

DATE

ORDINANCE 2023-__

**AN ORDINANCE PROVIDING FOR THE EXTENSION
OF CERTAIN BOUNDARY LIMITS OF THE CITY OF
MCALLEN, TEXAS; AND THE ANNEXATION OF
24.54 ACRES, MORE OR LESS, OUT OF LOT 417,
JOHN H. SHARY SUBDIVISION, HIDALGO
COUNTY, TEXAS; AND ORDAINING OTHER
MATTERS RELATING TO THE SUBJECT MATTER
THEREOF.**

WHEREAS, Sections 43.016 and 212.172 of the Texas Local Government Code provides the annexation proceedings where the property owner petitions for annexation; and

WHEREAS, the Board of Commissioners in the adoption of this ordinance finds that the petition for annexation has been properly filed under Sections 43.016 and 212.172 and that the property to be annexed is within the Extra-Territorial Jurisdiction of the City of McAllen, and is otherwise subject to annexation by the City of McAllen; and

WHEREAS, Article 3 of the Charter of the City of McAllen provides that where a majority of the landowners within an area petition the City Commission for annexation, the City Commission may annex the same under the provisions of Article 3 at a regular meeting of the Board of Commissioners held not sooner than twenty days after the presentation of such petition.

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

SECTION I: The following described and territory within the Extra-Territorial Jurisdiction of the City of McAllen, Texas, is hereby added and annexed to the City of McAllen, Texas, and said property herein described shall be included within the boundary limits of such city, and the present boundary limits of such city, at the various points contiguous to the area hereinafter described are altered and amended so as to include said areas within the corporate limits of the City of McAllen. The description of the property to be annexed as shown in Exhibit A and more specifically described as follows:

A 24.54 ACRES TRACT OF LAND, MORE OR LESS,
OUT OF LOT 417, JOHN H. SHARY SUBDIVISION,
RECORDED IN VOLUME 1, PAGE, 17, MAP
RECORDS OF HIDALGO COUNTY, TEXAS, SAID
24.54 ACRES TRACT BEING THE SAME LAND
DESCRIBED IN THE FOLLOWING WARRANTY
DEEDS:

- 1) FROM SANJUCAN, LLC. TO FORTIS LAND
COMPANY, LLC. DATED JANUARY 11, 2023,
RECORDED IN DOCUMENT #3412710
OFFICIAL RECORDS OF HIDALGO COUNTY,
TEXAS
- 2) FROM SANDRA J. WOMACK AND CANDACE

L. MCCOY TO SANJUCAN, LLC. DATED
OCTOBER 4, 2016, RECORDED IN
DOCUMENT #2890550 OFFICIAL ROCRODS
OF HIDALGO COUNTY, TEXAS

SAID 24.54 ACRES BEING MORE PARTICULARLY
DESCRIBED BY METES AND BOUNDS AS
FOLLOWS:

COMMENCING AT A ½-INCH IRON ROD FOUND AT
THE SOUTHWEST CORNER OF A CALLED 1.46
ACRES TRACT CONVEYED TO RGV PARTNERS,
LLC., DESCRIBED IN DOCUMENT # 1978999 SAME
BEING A POINT ON THE EXSITING NORTH RIGHT-
OF-WAY OF MILE 5 N. ROAD (F.M. 676), OF HIDALGO
COUNTY TEXAS;

THENCE, N 81°26'56" W ALONG THE SOUTH
BOUNDARY LINE OF SAID 1.46 ACRE TRACT
DISTANCE OF 137.13 FEET TO A ½-INCH IRON ROD
FOUND, FOR THE SOUTHWEST CORNER OF THE
HEREIN DESCRIBED TRACT AND THE POINT OF
BEGINNING;

THENCE, N 81°20'50" W ACROSS THE SAID LOT 417,
SAME BEING ALONG THE SOUTH BOUNDARY LINE
OF THE HEREIN DESCRIBED TRACT, PASSING AT
303.53 FEET A ½-INCH CAPPED IRON ROD FOUND,
AND CONTINUING FOR A TOTAL DISTANCE OF
529.71 FEET TO ½-INCH IRON ROD FOUND, FOR
THE SOUTHEAST CORNER OF THE HEREIN
DESCRIBED TRACT;

THENCE, N 8°39'10" E ALONG THE WEST
BOUNDARY LINE OF A CALLED 7.24 ACRES TRACT
CONVEYED TO SIVAD ENTERPRISE, INC.,
DESCRIBED IN DOCUMENT #1272330, DEED
RECORDS OF HIDALGO COUNTY, TEXAS, A
DISTANCE OF 1304.00 FEET TO A ½-INCH IRON
ROD SET, ON THE SOUTH BOUNDARY LINE OF A
CALLED 6.67 ACRE TRACT CONVEYED TO RODNEY
C. WOMACK, DESCRIBED IN DOCUMENT #1445547,
DEED RECORDS OF HIDALGO COUNTY, TEXAS,
FOR THE NORTHEAST CORNER FOR THE HEREIN
DESCRIBED TRACT;

THENCE, S 81°20'50" E ALONG THE NORTH
BOUNDARY LINE OF THE SAID LOT 417, SAME
BEING THE SOUTH BOUNDARY LINE OF LOT 427,

JOHN H. SHARY SUBDIVISION, A DISTANCE OF 1081.61 FEET TO A ½-INCH IRON ROD SET, ON THE CENTERLINE OF TAYLOR RD, THE NORTHWEST CORNER OF LOT 17 OF JOHN H. SHARY SUBDIVISION, FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 8°39'10" E ALONG THE CENTERLINE OF TAYLOR ROAD, A DISTANCE OF 632.50 FEET TO A ½-INCH CAPPED IRON ROD SET, FOR THE MOST WESTERLY SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 81°20'50" W ACROSS THE SAID LOT 417, SAME BEING ALONG THE NORTH BOUNDARY LINE OF A CALLED RUBEN VALDEZ SUBDIVISION, DOCUMENT #3153639, MAP RECORDS OF HIDALGO COUNTY, TEXAS, A DISTANCE OF 414.00 FEET TO A ½-INCH CAPPED IRON ROD SET, FOR A CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 81°39'10" E ALONG THE EAST BOUNDARY LINE OF RUBEN VALDEZ SUBDIVISION, A DISTANCE OF 210.50 FEET TO A ½-INCH CAPPED IRON ROD FOUND, FOR A CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 81°20'50" W ACROSS THE SAID LOT 417, SAME BEING ALONG THE NORTH BOUNDARY LINE OF A CALLED 1.46 ACRE TRACT CONVEYED TO RGV PARTNERS LLC., DESCRIBED IN DOCUMENT NUMBER #1978999, DEED RECORDS OF HIDALGO COUNTY, TEXAS, A DISTANCE OF 137.89 FEET TO A ½-INCH CAPPED IRON ROD FOUND, FOR A CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, N 8°39'8" E ALONG THE EAST BOUNDARY LINE OF THE SAID 1.46 ACRE TRACT, A DISTANCE OF 461.00 FEET TO THE POINT AND PLACE OF BEGINNING, SAID TRACT CONTAINING 24.54 ACRES OF LAND, MORE OR LESS, OUT OF WHICH 0.486 ACRES LIES WITHIN RIGHT-OF-WAY OF MILE 5 N. ROAD (F.M. 676 EXIST. 60.00 FOOT R.O.W.), INCLUDING 0.531 ACRES LIES WITHIN THE RIGHT-OF-WAY OF TAYLOR ROAD (60.00 FOOT R.O.W.).

SECTION II: An Annexation Service Agreement has been signed by the property owner for the above tract under the provisions of Sections 43.0672 and 212.172 of the Texas Local Government Code or Article 3 of the Charter of the City of McAllen and furthermore, that the

annexation procedures heretofore adopted for the City of McAllen are, in this instance, waived by the adoption of this ordinance and the resolution for service plan is not required for such subdivision, as the subdivision is being annexed under the provisions of Section 43.016 of the Local Government Code, and Article 3, of the Charter of the City of McAllen and furthermore, that the sole property owner requesting such annexation has waived the requirement of any and all service plans for such area.

SECTION III: The hereinabove described property and the area so annexed shall be a part of the City of McAllen, Texas, and the property so added hereby shall bear its pro rata share of the taxes levied by the City of McAllen, Texas, and inhabitants thereof shall be entitled to all of the rights and privileges of the citizens of the City of McAllen, in areas having similar characteristics of topography, land utilization and population density, and shall be bounded by the acts, ordinances, resolutions and regulations of the City of McAllen, Texas.

SECTION IV: The extraterritorial jurisdiction of the City of McAllen shall expand in conformity with this annexation and shall comprise an area around the corporate limits of the City, consistent with Chapter 42 of the Texas Local Government Code.

SECTION V: In computing the total amount of territory that the City of McAllen may annex in the year 2022, 19.953 acres hereby annexed are exempt or voluntary.

SECTION VI: Upon annexation of the hereinabove described property, the acreage within the city limits of McAllen after annexation will be increased in an amount which does not exceed the statutory limitations as set out in Chapter 43 of the Texas Local Government Code.

SECTION VII: Tract 1 shall be included in single member district Number 1 under the Single Member Voting Plan for City Commissioners elections.

SECTION VIII: This Ordinance is being adopted under Article 3 of the Charter of the City of McAllen and as such, this ordinance is being adopted in its first and final reading without further action to be required for the annexation of such property except the adoption of this ordinance, and upon the adoption of this ordinance, the City Secretary of the City of McAllen is hereby authorized and directed to cause a true and correct copy of the caption of this ordinance, including the general description of the property annexed to be published in a newspaper having general circulation in McAllen, Hidalgo County, Texas and in the territory annexed hereinabove.

SECTION IX: The City Secretary is hereby directed to correct the City maps in the office of the City Secretary and the City Engineer so as to add thereto the additional territory, indicating on the maps the date of annexation, the number of this Ordinance and a reference to the ordinance records of the City of McAllen where this ordinance is recorded in full. Further, the City Secretary is directed to cause this Ordinance to be filed with the County Clerk and Appraisal District of Hidalgo County and any other authority required by law to receive a copy hereof.

SECTION X: If any part, phrase, or sentence of this Ordinance is held void or unconstitutional by a Court of competent jurisdiction, or if any tract of land or portion of any tract of land hereby annexed shall be held to be ineligible for annexation or wrongfully annexed, the remaining portions of this Ordinance and the remaining tracts so annexed shall be considered severable and shall remain in full force and effect.

SECTION XI: In accomplishing the annexation of the territory annexed by this Ordinance, the City of McAllen has strictly followed the provisions of the State law and the cases as they apply to annexations and any possible deviation from special provisions was unintentional and not material to the accomplishment of this annexation.

SECTION XII: This ordinance shall become effective immediately upon its passage and execution in accordance with the law.

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

READ in pertinent part, **CONSIDERED, PASSED** and **APPROVED** this 9th day of October, 2023, at a regular meeting of the Board of Commissioners of the City of McAllen, Texas, at which a quorum was present and which was held in accordance with Chapter 551 of the Local Government Code.

SIGNED this ____ day of October, 2023.

CITY OF McALLEN

Javier Villalobos, Mayor

ATTEST:

Perla Lara, TRMC/CMC, CPM
City Secretary

Approved as to form:

Isaac Tawil, City Attorney

EXHIBIT "A"

Property Description and Depiction

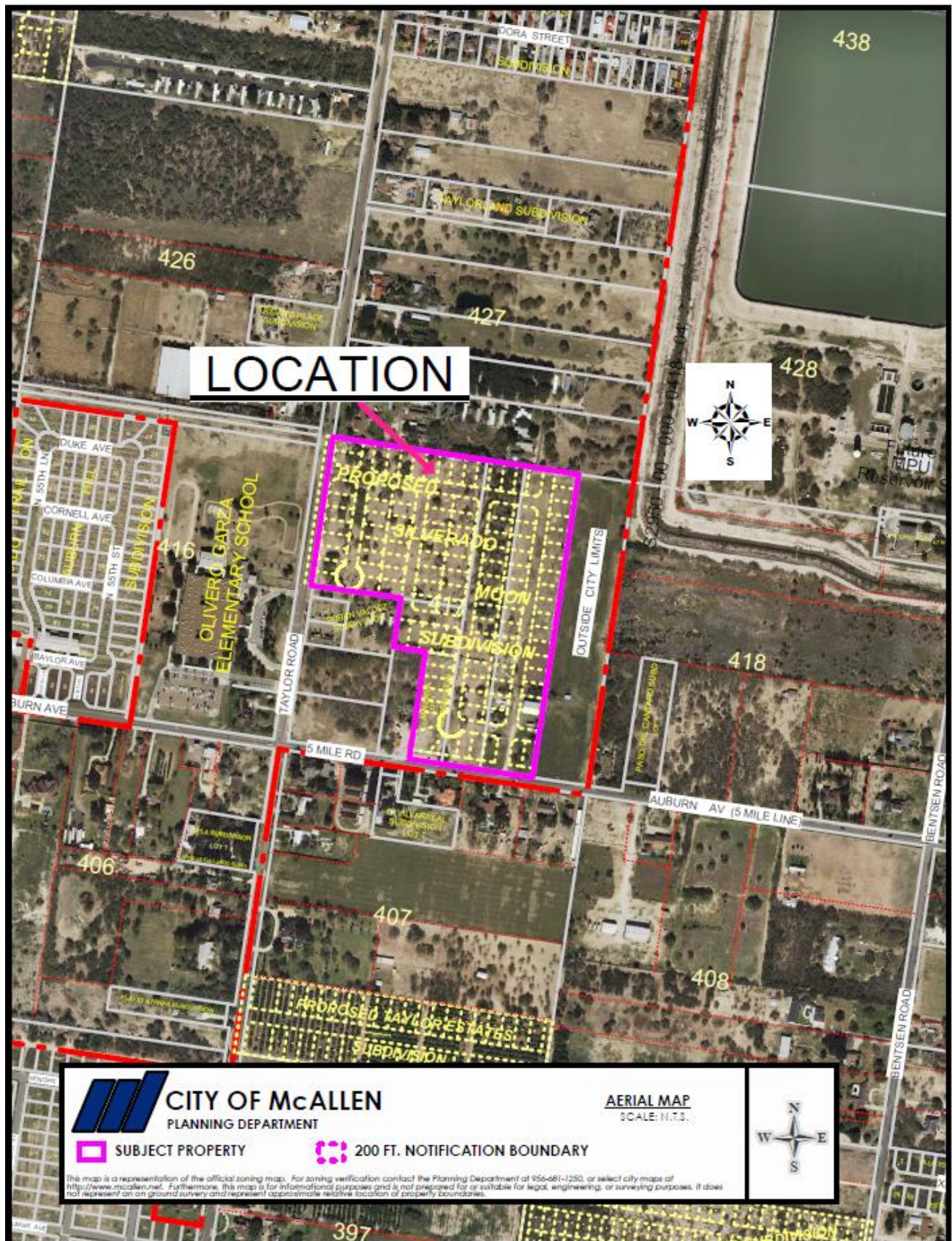
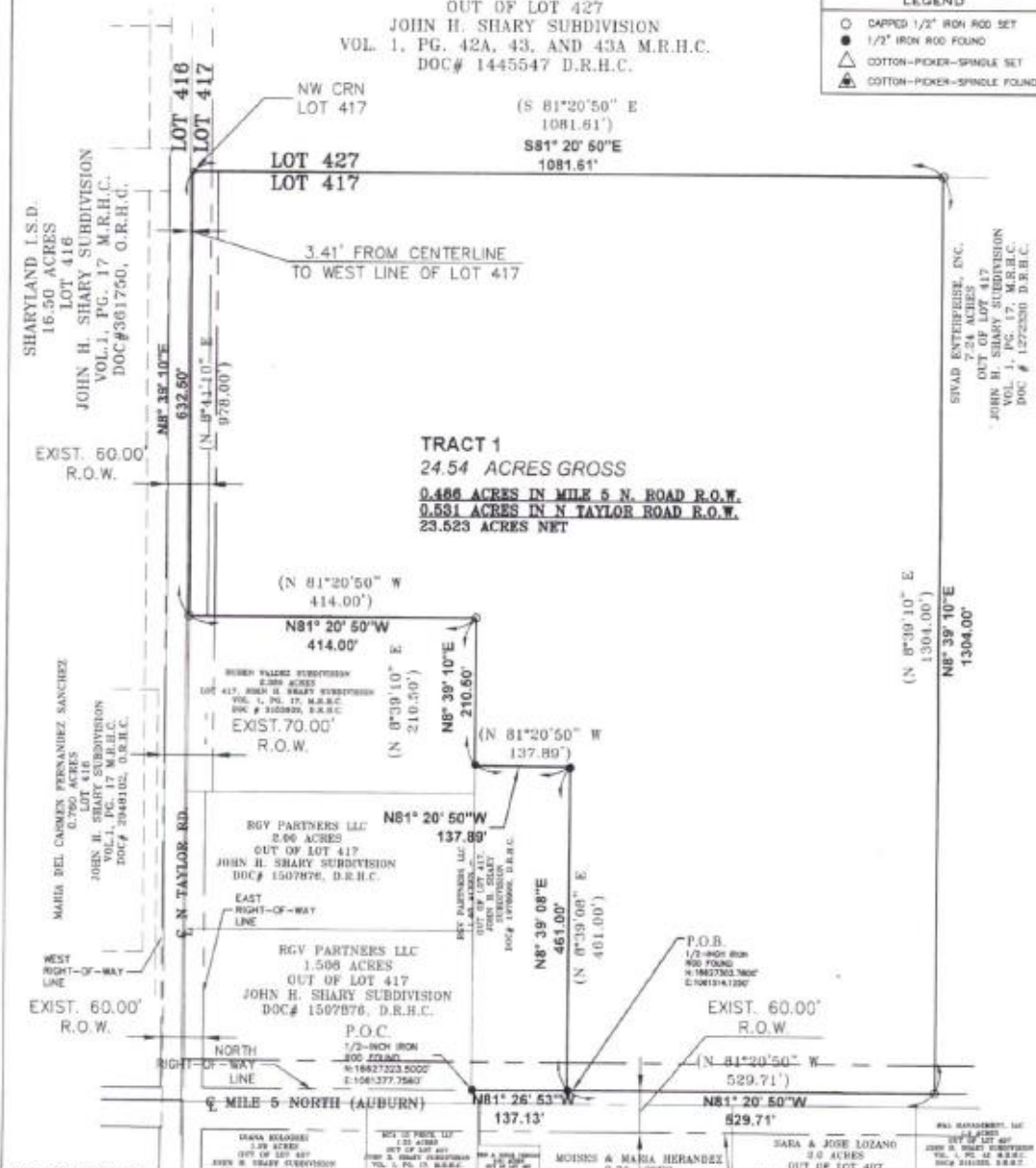


EXHIBIT B
TRACT 1 - 24.54 ACRES
OUT OF LOT 417,
JOHN H. SHARY SUBDIVISION,
VOLUME 1, PAGE 17,
MAP RECORDS OF HIDALGO COUNTY, TEXAS
TO ACCOMPANY FIELD NOTES

RODNEY C. WOMACK
8.67 ACRES
OUT OF LOT 427
JOHN H. SHARY SUBDIVISION
VOL. 1, PG. 42A, 43, AND 43A M.R.H.C.
DOC# 1445547 D.R.H.C.

SCALE: 1" = 200'
BEARING BASIS
TX STATE PLANE
COORDINATES NAD 83
TEXAS SOUTH ZONE (4205)
WESTERN DATA
SYSTEMS NETWORK

LEGEND	
○	CAPPED 1/2" IRON ROD SET
●	1/2" IRON ROD FOUND
△	COTTON-POKER-SPINDLE SET
▲	COTTON-POKER-SPINDLE FOUND



SURVEYOR'S NOTES:

- 1) SURVEY DONE WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
- 2) NO ADDITIONAL RESEARCH WAS PERFORMED BY RIO DELTA ENGINEERING FOR ANY ADDITIONAL EASEMENT(S) OR BUILDINGS LINES WHICH MAY OR MAY NOT AFFECT THE SUBJECT TRACT
- 3) THE PROPERTY SHOWN IS IN ZONE "X" ON FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 48C334 0296 D, REVISED DATE JUNE 6, 2000

I, IVAN GARCIA, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY STATE, THAT THIS SURVEY WAS MADE ON THE GROUND OF THE PROPERTY SHOWN HEREON DURING NOVEMBER 2018. UNDER MY DIRECTION AND SUPERVISION, THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. THAT THE PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH MINIMUM STANDARD DETAIL REQUIREMENTS FOR LAND TITLE SURVEYS.



RIO DELTA ENGINEERING
FIRM REGISTRATION No. F-7626
SURVEY FIRM NO. 10194027
921 S. 16TH AVENUE, EDINBURG TEXAS 78639
(TEL) 956-380-5152 (FAX) 956-380-5083

DATE: MAY 2023
PROJECT: SUB 22 064
PAGE: 1 OF 1

IVAN GARCIA
REG. PROFESSIONAL LAND
SURVEYOR NO. 6496



5/26/2023
DATE



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

2.A.

DATE SUBMITTED

10/03/2023

MEETING DATE

10/9/2023

1. Agenda Item: Approval of Minutes of Workshop and Regular meeting held September 25, 2023.

2. Party Making Request:

3. Applicant:

4. Nature of Request:

5. Fiscal Impact Summary:

6. Budgeted:

Bid Amount: _____

Budgeted Amount: _____

Under Budget: _____

Over Budget: _____

Amount Remaining: _____

7. Routing:

Emmanuel Garcia

Perla Lara

Isaac Tawil

Created/Initiated - 10/3/2023

Approved - 10/3/2023

Final Approval - 10/4/2023

8. Staff Recommendation:

9. Advisory Board:

10. City Attorney: Approve. IJT

11. Manager's Recommendation: Approve. RR

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

The McAllen Board of Commissioners convened in a workshop on **Monday, September 25, 2023**, at 4:00 p.m., at McAllen City Hall Third Floor (3rd) Commission Chambers.

Mayor Pro Tem Omar Quintanilla Commissioner Antonio "Tony" Aguirre, Jr., Commissioner Joaquin Zamora, Commissioner Rodolfo "Rudy" Castillo, Commissioner Victor "Seby" Haddad, Commissioner Jose R. "Pepe" Cabeza de Vaca were present.

Absent: Mayor Javier Villalobos

Also, present City Manager Roy Rodriguez, City Attorney Isaac Tawil, Assistant City Manager Michelle Rivera, Assistant City Manager Joe Vera, Assistant City Manager Jeff Johnston, and City Secretary Perla Lara.

CALL TO ORDER

Mayor Pro Tem Omar Quintanilla called the meeting to order at 4:00 pm.

1. PRESENT QUESTIONS TO STAFF RELATING TO THE SEPTEMBER 25th REGULAR MEETING AGENDA, TO BE DISCUSSED AT SUCH MEETING.

There were no questions relating to the regular meeting agenda.

2. PARKING ENFORCEMENT TECHNOLOGY PILOT.

Staff provided an automated parking enforcement technology update. Brief explanation was given on how system operates, installation and processes.

Comments were shared by Council. Questions were asked regarding software, violations, signage, colored lights, number of spaces, 15th Street, taxi area, pilot for six months, and citations. Staff answered questions posed by Council.

Mayor Pro Tem Omar Quintanilla thanked staff for their presentation.

3. STREETLIGHTS BY DISTRICT UPDATE.

Staff provided a streetlights by district update. Brief overview was given on established neighborhoods, arterial roadways, annexed areas, and undeveloped areas. The number of lights by districts were mentioned by district. It was mentioned that District 4 concerns had been addressed.

Workflow was reviewed as follows:

- Preliminary schematic
- Field Reconnaissance
- Prepare final schematic and submit request to AEP/MVEC

- Final Plan Development by AEP/MVEC
- Installation

Status to dates were reviewed as follows:

- District 1: Receiving Final Plans from AEP/MVEC
- District 2: Field Reconnaissance
- District 3: Final schematic submittal
- District 5: Field Reconnaissance
- District 6: Field Reconnaissance

Comments were shared by Council. Questions were raised regarding timeframe, field reconnaissance, deficiencies in lightning, 10th Street, Trenton area, state roads, and next steps. Staff answered questions posed by Council.

Mayor Pro Tem Omar Quintanilla thanked staff for their presentation.

4. MPO UPDATE ON UNIFIED TRANSPORTATION PLAN.

Item was tabled.

5. 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 A
- B) CONSIDERATION OF ECONOMIC DEVELOPMENT MATTER. (SECTION 551.087, T.G.C.)

PUBLIC COMMENT: Mr. Carlos De Leon

ADJOURN

Without objection, the meeting was adjourned at 5:00 p.m.

Omar Quintanilla, Mayor Pro Tem

Attest:

Perla Lara, TRMC/CMC, CPM
City Secretary

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

The McAllen Board of Commissioners convened in a Regular Meeting on Monday, **September 25, 2023**, at 5:00 PM, at McAllen City Hall Third Floor (3rd) Commission Chambers, with the following present:

Mayor Pro Tem Omar Quintanilla, Commissioner Antonio "Tony" Aguirre, Jr., Commissioner Joaquin Zamora, Commissioner Rodolfo "Rudy" Castillo, Commissioner Victor "Seby" Haddad and Commissioner Jose R. "Pepe" Cabeza de Vaca

Absent: Mayor Javier Villalobos

Staff: City Manager Roy Rodriguez, City Attorney Isaac Tawil, Assistant City Manager Michelle Rivera, Assistant City Manager Jeff Johnston, Assistant City Manager Joe Vera, City Secretary Perla Lara, City Engineer Eduardo Mendoza, Planning Director Edgar Garcia, Finance Director Sergio Villasana

CALL TO ORDER

Mayor Pro Tem Omar Quintanilla called the meeting to order.

AGENDA ITEM PUBLIC COMMENT (Individuals wishing to speak regarding an agenda item on today's agenda, please contact City Secretary before 5:00pm)

1. PUBLIC HEARING

Mayor Pro Tem Omar Quintanilla called the Public Hearing to order.

- A) ROUTINE ITEMS: (ALL REZONINGS AND CONDITIONAL USE PERMITS LISTED UNDER THIS SECTION COME WITH A FAVORABLE RECOMMENDATION FROM THE PLANNING & ZONING COMMISSION AND WILL BE ENACTED BY ONE MOTION. HOWEVER, IF THERE IS OPPOSITION AT THE MEETING OR A DISCUSSION IS DESIRED, THAT ITEM(S) WILL BE REMOVED FROM THE ROUTINE ITEMS SECTION OF THE AGENDA AND WILL BE CONSIDERED SEPARATELY.)**

Mayor Pro Tem Omar Quintanilla asked if there was anyone to speak in opposition to the items under this section of the agenda.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the items listed on the Routine Items section of the agenda and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

1. REZONE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO R-3A (MULTIFAMILY APARTMENT RESIDENTIAL) DISTRICT: 5.411 ACRES, MORE OR LESS, OUT OF LOT 27, LA LOMITA IRRIGATION & CONSTRUCTION

COMPANY SUBDIVISION, HIDALGO COUNTY, TEXAS; 3401 LA LOMITA ROAD.

Approved the R-3A Zoning at 3401 La Lomita Road, as per Planning and Zoning Commission.

2. REQUEST OF VICTORIA ORTEGA, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE, FOR AN EVENT CENTER AT LOT 1, NOLANA HEIGHTS SUBDIVISION, HIDALGO COUNTY, TEXAS; 601 EAST NOLANA AVENUE.

Approved a Conditional Use Permit and adopted an ordinance, for one year, for an event center at 601 East Nolana Avenue, as per Planning and Zoning Commission.

The establishment must also meet the requirements set forth in Section 138-118(a)(4) of the Zoning Ordinance and specific requirements as follows:

1. The property line of the lot of any of the above mentioned business must be at least 400 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The proposed establishment is within 400 ft. from the nearest residentially zoned property and a church (First United Methodist);
2. The abovementioned business must be as close as possible to a major arterial, and shall not allow the traffic generated by such businesses onto residential streets, or allow such traffic to exit into and disrupt residential areas. The establishment has direct access to East Nolana Avenue and does not generate traffic into residential areas.
3. The abovementioned business must provide parking in accordance with the city off-street parking ordinance as a minimum, and make provisions to prevent use of adjacent streets for parking, especially those in adjacent residential areas, by providing additional onsite parking. Based on the square footage and use of the building, 173 parking spaces are required and 203 spaces are provided. 98 spaces are provided on lot and 105 parking spaces are provided as shared parking with Lot 3, which has a common access easement to the west. The parking lot must be free of potholes and clearly striped.
4. The abovementioned business must do everything possible to prevent the unauthorized parking by the patrons of such businesses on adjacent business or residential properties including, when necessary, the installation of fences and hedges, and the reorientation of entrances;
5. The abovementioned business should do everything possible and be designed to discourage criminal activities and vandalism, both on the site and on adjacent properties. Included would be provision of sufficient lighting and perimeter fencing, elimination of dark areas, and the orientation of the building such that it provides maximum visibility of as much as possible of the site from a public street.
6. The abovementioned business must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties.
7. The above-mentioned business shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Building Official and Planning Director.

3. REQUEST OF MAGDA VILLARREAL, FOR A CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, AND ADOPTION OF AN ORDINANCE, FOR A GUEST

**HOUSE, AT LOT 35, BLOCK 2, COLONIA MCALLEN NO. 2 SUBDIVISION,
HIDALGO COUNTY, TEXAS; 2220 SOUTH 26TH STREET.**

Approved a Conditional Use Permit and adopted an ordinance, for life of the use, for a guest house at 2220 South 26TH Street as per Planning and Zoning Commission.

The guest house must comply with requirements set forth in Section 138-118(a)(5) of the Zoning Ordinance and specific requirements as follows:

1. Only one allowed per lot.
2. Must meet setback requirements.
3. Must be on same utilities as primary residence on lot.
4. Lot size must be a minimum 8,000 square feet. According to the Hidalgo County Appraisal District, the Lot size is 5,880 square feet.
5. There can be no separate driveway or garage for the guesthouse. Applicant is not proposing an independent driveway for the proposed guesthouse.
6. It must not be rented out; and
7. If money is ever paid for rent or share of utilities, etc., permit will be revoked.

If approval is granted to this request, the applicant must still comply with all other Zoning Ordinance and Building Code requirements.

B) CONDITIONAL USE PERMITS:

1. REQUEST OF EZIQUEL ORTIZ, FOR A CONDITIONAL USE PERMIT, FOR ONE YEAR, AND ADOPTION OF AN ORDINANCE FOR A BAR (EUTOPIA) AT LOT 3, NORTH PARK VILLAGE SUBDIVISION PHASE 2, HIDALGO COUNTY, TEXAS; 1200 AUBURN AVENUE, SUITE 320. (TABLED)

Commissioner Joaquin Zamora moved to remove said item from the table and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously by those present.

Staff recommended disapproval of a Conditional Use Permit and adoption of an ordinance, for one year, for a bar at 1200 Auburn Avenue, Suite 320, as per Planning and Zoning Commission.

The establishment must also meet the requirements set forth in Section 138- 118(a)(4) of the Zoning Ordinance and specific requirements as follows:

1. The property line of the lot of any of the abovementioned businesses must be at least 400 feet from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruptions of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m. The establishment is within 400 ft. of the residential zone/use to the north and south.
2. The abovementioned businesses must be as close as possible to a major arterial, and shall not allow the traffic generated by such businesses onto residential streets, or allow such traffic to exit into and disrupt residential areas. The establishment has direct access to Auburn Avenue.
3. The abovementioned businesses must provide parking in accordance with the city off-street parking ordinance as a minimum, and make provisions to prevent use of adjacent streets for parking, especially those in adjacent residential areas, by providing additional onsite parking.

18 parking spaces are required and more than 250 are provided as per site plan with shared parking within the plaza.

4. The abovementioned businesses must do everything possible to prevent the unauthorized parking by the patrons of such businesses on adjacent business or residential properties including, when necessary, the installation of fences and hedges, and the reorientation of entrances.
5. The abovementioned businesses should do everything possible and be designed to discourage criminal activities and vandalism, both on the site and on adjacent properties. Included would be provision of sufficient lighting and perimeter fencing, elimination of dark areas, and the orientation of the building such that it provides maximum visibility of as much as possible of the site from a public street.
6. The abovementioned businesses must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties.
7. The abovementioned business shall restrict the number of persons within the building to those allowed by the Chief Building Official and Fire Marshal. The occupancy load will be established by the Building Inspections Department as part of the building permit review process.

Commissioner Victor "Seby" Haddad announced that he had a conflict with item 1B1 and would abstain from discussion and voting on said matter. Subsequently, he filed a conflict form with the City Secretary.

Commissioner Joaquin Zamora moved to approve the Conditional Use Permit as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion passed with five votes in the affirmative and Commissioner Victor "Seby" Haddad in abstention.

C) AMENDING THE ZONING ORDINANCE OF THE CITY OF MCALLEN.

Commissioner Joaquin Zamora moved to amend the Zoning Ordinance and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

D) PUBLIC HEARING REGARDING THE 2023-2024 PROPOSED ASSESSMENTS WITHIN THE TRES LAGOS PUBLIC IMPROVEMENT DISTRICT, THE 2023-2024 SERVICE AND ASSESSMENT PLAN, AND THE 2023-2024 ASSESSMENT ROLL.

Mayor Pro Tem Omar Quintanilla called the Public Hearing to order and asked if there was anyone to speak about the Tres Lagos Public Improvement District, 2023-2024 Service and Assessment Plan.

Mr. David Earl gave a presentation on the 2023-2024 Service and Assessment Plan for the Public Improvement District for Tres Lagos. It was noted that an annual update Chapter 372 of the Texas Local Government Code requires the advisory body of a Public Improvement District to create a service plan and assessment plan. Said plans must cover a period of at least five years and must be updated annually for the purposes of determining the annual budget for improvements. Mr. Earl mentioned the recommendation was to approve the assessment roll and levy the assessment.

Mayor Pro Tem Omar Quintanilla called the Public Hearing to order and asked if there was anyone to speak on item 1D.

Ms. Rosalinda Martinez spoke in opposition.

Mayor Pro Tem Omar Quintanilla declared the public hearing closed.

E) PUBLIC HEARING ON 2023 PROPOSED TAX RATE.

Mayor Pro Tem Omar Quintanilla called the Public Hearing to order and asked if there was anyone to speak about the 2023 Proposed Tax Rate. No one spoke.

Mayor Pro Tem Omar Quintanilla declared the public hearing closed.

END OF PUBLIC HEARING

Mayor Pro Tem Omar Quintanilla declared the Public Hearing closed.

- 2. CONSENT AGENDA (ALL MATTERS LISTED UNDER CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE GOVERNING BODY AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS; HOWEVER, IF DISCUSSION IS DESIRED, THAT ITEM(S) WILL BE REMOVED FROM THE CONSENT AGENDA AND WILL BE CONSIDERED SEPARATELY.)**

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the items listed on the Consent Agenda except for Item 2C to be addressed separately and Commissioner Joaquin Zamora seconded. The motion carried unanimously by those present.

- A) APPROVAL OF MINUTES OF BUDGET WORKSHOPS HELD AUGUST 9TH, AUGUST 15TH, SPECIAL MEETING HELD SEPTEMBER 7TH, AND WORKSHOP AND REGULAR MEETING HELD SEPTEMBER 11, 2023.**

Approval of Minutes of Budget Workshops held August 9th, August 15th, Special Meeting held September 7th, and Workshop and Regular meeting held September 11, 2023, as submitted.

- B) AWARD OF CONTRACT FOR THE PURCHASE OF A MOBILE MODULAR OFFICE BUILDING FOR THE NEW COMPOSTING SITE.**

Awarded a contract to BOXX Modular in the amount of \$147,825.00 for the purchase of One (1) Modular Office Building for the new composting site.

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

Awarded a contract to Rodz Lawn Care and Landscaping in the amount of \$94,755.00 for trimming and peeling of tall palm trees.

A discussion ensued. Comments were shared by Council. Questions were raised relating to truck used to do trimming, stains on pavement and issues raised. Staff answered questions posed by Council.

After due consideration, Commissioner Joaquin Zamora moved to award the contract as recommended and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously by those present.

D) CONSIDERATION AND APPROVAL OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MCALLEN AND THE BOYS & GIRLS CLUB OF MCALLEN TO FACILITATE THE TRANSFER OF A DONATION OF SALVAGE FURNITURE.

Approved a Memorandum of Understanding between the City of McAllen and the Boys & Girls Club of McAllen to facilitate the transfer of a donation of salvage furniture.

E) RESOLUTION AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS FROM THE DEPARTMENT OF HOMELAND SECURITY, FISCAL YEAR 2023 SHELTER AND SERVICES PROGRAM, SECOND TRANCHE.

Approved a resolution authorizing the acceptance of grant funds from the Department of Homeland Security, Fiscal Year 2023 Shelter and Services Program, Second Tranche.

F) RESOLUTION FOR THE ADVANCE FUNDING AGREEMENT(AFA) WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE WIDENING OF BENTSEN ROAD.

Approved a resolution for the Advance Funding Agreement (AFA) with the Texas Department of Transportation for the Widening of Bentsen Road.

G) RESOLUTION APPROVING THE CITY'S INVESTMENT POLICY AND STRATEGY AS PRESENTED.

Approved a resolution approving the City's Investment Policy and Strategy as presented.

H) RESOLUTION TO ACCEPT FEDERAL AVIATION ADMINISTRATION (FAA) AIRPORT TERMINAL PROGRAM (ATP) GRANT NO. 60 FOR AIRPORT IMPROVEMENTS.

Approved a resolution to accept Federal Aviation Administration (FAA) Airport Terminal Program (ATP) Grant No. 60 for Airport Improvements.

I) SUBDIVISION MONTHLY REPORT.

Approved the subdivision monthly report.

J) STATUS REPORT ON PARKS & RECREATION PROJECTS.

Approved the status report on Parks and Recreation Projects.

K) PROJECT STATUS REPORT THROUGH AUGUST 31, 2023.

Approved the project status report through August 31, 2023.

L) APPROVAL OF TAX REFUND OVER \$500.00.

Approved tax refunds of over \$500.

1. HABIB GHADDAR & SUAD FAYEZ GHADDAR

Approved a tax refund in the amount of \$1,467.05.

3. BIDS/CONTRACTS

A) CONSIDERATION AND AUTHORIZATION TO DECLARE CITY VEHICLES AND PROPERTY AS SURPLUS.

Staff recommended authorization to declare certain city vehicles and property as surplus and begin auction efforts.

Commissioner Joaquin Zamora moved to declare certain city vehicles and property as surplus as recommended and seconded by Commissioner Rodolfo "Rudy" Castillo. The motion carried unanimously by those present.

B) AWARD OF CONTRACT FOR THE PURCHASE EIGHT (8) NEW CURRENT MODEL VEHICLES THROUGH COOPERATIVE PRICING.

Staff recommended award of contract to Randall Reed's Planet Ford 635 in the amount of \$374,883.00 for the purchase of eight (8) new current model vehicles.

Commissioner Antonio "Tony" Aguirre, Jr. moved to award the contract as recommended and seconded by Commissioner Rodolfo "Rudy" Castillo. The motion carried unanimously by those present.

C) CONSIDERATION AND AUTHORIZATION TO REMOVE 2nd QUARTER OF FISCAL YEAR 2022-2023 UNCOLLECTIBLE SANITATION AND DRAINAGE ACCOUNTS FROM THE GENERAL LEDGER AND BEGIN WRITE-OFF PROCEDURES.

Staff recommended authorization to remove 2nd Quarter of Fiscal Year 2022-2023 Uncollectible Sanitation and Drainage Accounts from General Ledger and begin Write -Off procedures.

Commissioner Joaquin Zamora moved to authorize removal of uncollectible sanitation accounts as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

D) CONSIDERATION AND APPROVAL FOR ON-SITE SEWAGE FACILITY INTERLOCAL AGREEMENT BETWEEN HIDALGO COUNTY AND CITY OF MCALLEN.

Staff recommended approval for an On-Site Sewage Facility Interlocal Agreement between Hidalgo County and City of McAllen.

Commissioner Joaquin Zamora moved to approve the interlocal agreement as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

E) CONSIDERATION AND APPROVAL OF AN INTERLOCAL AGREEMENT WITH THE CITY OF EDINBURG FOR DRAINAGE INFRASTRUCTURE IMPROVEMENTS AS RELATED TO THE NORTHGATE LANE DRAINAGE IMPROVEMENTS PROJECT.

Staff recommended approval of an Interlocal Agreement with the City of Edinburg for Drainage Infrastructure Improvements as related to the Northgate Lane Drainage Improvements Project.

Commissioner Joaquin Zamora moved to approve the interlocal agreement as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

F) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 1 FOR THE QUINCE AVENUE AT NORTH 8TH STREET DRAINAGE IMPROVEMENTS PROJECT.

Staff recommend approval of Change Order No. 1 in the amount of \$ 16,250.00 with 14-additional calendar days for the Quince Avenue at North 8th Street Drainage Improvements Project.

A discussion ensued. Comments were made by Council. Staff answered questions posed by Council.

After due consideration, Commissioner Joaquin Zamora moved to approve the Change Order No. 1 as recommended and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously by those present.

G) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 1 FOR THE CITY HALL CANOPY UPGRADES AND INTERIOR IMPROVEMENTS. PROJECT NO. 01-23-C12-561.

Staff recommended approval of Change Order No. 1 in the amount of \$2,785.25 with additional 30 calendar days for the City Hall Canopy Upgrades and Interior Improvements Project.

Commissioner Joaquin Zamora moved to approve Change Order No. 1 as recommended and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously by those present.

H) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 1 FOR FIRE TRAINING FACILITY.

Staff recommended approval of Change Order No. 1 for the Fire Training Facility Project in the amount of \$3,554.30 with zero additional days.

A discussion ensued. Comments were made by Council. Staff answered questions posed by Council.

Commissioner Joaquin Zamora moved to approve Change Order No. 1 as recommended and seconded by Commissioner Victor "Seby" Haddad. The motion carried unanimously by those present.

I) CONSIDERATION AND APPROVAL OF CHANGE ORDER NO. 3 FOR NORTHGATE LANE DRAINAGE IMPROVEMENTS.

Staff recommended approval of Change Order No. 3 in the amount of \$102,171.82 with 20 additional calendar days for the Northgate Lane Drainage Improvements Project.

A discussion ensued. Comments were made by Council. Questions were asked relating to contract time, Northgate, holidays, additional lines, cost, percentage of completion, and bad weather. Staff answered questions posed by Council.

After due consideration, Commissioner Joaquin Zamora moved to approve Change Order No. 3 as recommended and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously by those present.

J) AWARD OF CONTRACT FOR THE IDELA AVENUE DRAINAGE IMPROVEMENTS PROJECT (CDBG FUNDED).

Staff recommended award of contract to J&S Construction Management LLC in the amount of \$183,618.55 with a contract time not to exceed 90-calendar days for the Idela Avenue Drainage Improvements Project. Staff noted it required a CDBG budget amendment.

Commissioner Joaquin Zamora moved to award the contract as recommended and seconded by Commissioner Rodolfo "Rudy" Castillo. The motion carried unanimously by those present.

K) AWARD OF CONTRACT FOR THE MAIN STREET AND FIR AVENUE DRAINAGE IMPROVEMENTS PROJECT (CDBG FUNDED).

Staff recommended award of contract to Mor-Wil LLC in the amount of \$150,587.31 for the Main Street and Fir Avenue Drainage Improvements Project. Staff noted it required a CDBG budget amendment.

Commissioner Joaquin Zamora moved to award the contract as recommended and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion carried unanimously by those present.

L) AWARD OF CONTRACT FOR THE TERMINAL HVAC & LIGHTING EFFICIENCY IMPROVEMENTS AT MCALLEN INTERNATIONAL AIRPORT.

Staff recommended award of contract to NM Contracting in the amount of \$2,780,600 for the Terminal HVAC and Lighting efficiency improvements at the McAllen International Airport.

A discussion ensued. Comments were made by Council. Questions were asked relating to the system, alternate 1 and 2, cost, bids, contractor, and other alternates. Staff answered questions posed by Council. Staff answered questions posed by Council.

Commissioner Victor "Seby" Haddad moved to award the contract as recommended and seconded by Commissioner Antonio "Tony" Aguirre, Jr. The motion passed with four votes in the

affirmative and Commissioner Joaquin Zamora and Jose R. "Pepe" Cabeza de Vaca voting against.

M) CONSIDERATION AND APPROVAL OF A NON-EXCLUSIVE FOOD AND BEVERAGE CONCESSIONAIRE AT MCALLEN INTERNATIONAL AIRPORT.

Staff recommended approval of an agreement with Oakwell's Commuter Rail, LLC for Non-Exclusive Food and Beverage Concessionaire at McAllen International Airport.

Commissioner Antonio "Tony" Aguirre, Jr. moved to award the contract as recommended and seconded by Commissioner Joaquin Zamora. The motion carried unanimously by those present.

4. ORDINANCES

A) ROLL CALL VOTE ON THE ADOPTION OF AN ORDINANCE APPROVING AND ADOPTING THE CITY OF MCALLEN ANNUAL BUDGET FOR FISCAL YEAR 2023-2024.

Staff recommended adoption of an ordinance adopting the City of McAllen proposed budget for the fiscal year 2023-2024.

Mayor Pro Tem Omar Quintanilla asked if there was anyone to speak. Mr. Jose Hinojosa and Elizabeth Cantu spoke.

Comments were shared by Mayor Pro Tem and City Commission. City Manager thanked staff for all their hard work during the budget process.

A Roll Call Vote was requested, and all voted aye: Mayor Pro Tem Omar Quintanilla, Commissioner Joaquin Zamora, Commissioner Antonio "Tony" Aguirre, Jr., Commissioner Rodolfo "Rudy" Castillo, Commissioner Victor "Seby" Haddad and Commissioner Jose R. "Pepe" Cabeza de Vaca and Mayor Javier Villalobos absent.

B) ROLL CALL VOTE OF AN ORDINANCE ADOPTING THE CITY OF MCALLEN 2023 PROPERTY TAX RATE.

Staff recommended adoption of an ordinance adopting the City of McAllen property tax rate for 2023.

Commissioner Joaquin Zamora moved that the property tax rate be increased by the adoption of a tax rate of \$0.457285, which is effectively a 5.03 percent increase in the tax rate. This year's proposed rate of \$0.457285 is allocated at the rate of \$0.418013/\$100 for Maintenance & Operations and \$0.039272 for Debt Services and seconded by Commissioner Rodolfo "Rudy" Castillo.

A Roll Call Vote was requested, and motion carried as follows:

Mayor Javier Villalobos	Absent
Mayor Pro Tem J. Omar Quintanilla	Aye
Commissioner Antonio "Tony" Aguirre, Jr.	Aye

Commissioner Joaquin "J.J." Zamora	Aye
Commissioner Rodolfo "Rudy" Castillo	Aye
Commissioner Victor "Seby" Haddad	Aye
Commissioner Jose R. "Pepe" Cabeza de Vaca	Aye

- C) DISCUSSION AND POSSIBLE ACTION ON AN ORDINANCE APPROVING AND ADOPTING THE TRES LAGOS PUBLIC IMPROVEMENT DISTRICT 2023-2024 SERVICE AND ASSESSMENT PLAN AND 2023-2024 ASSESSMENT ROLL; ESTABLISHING CLASSIFICATIONS FOR THE APPORTIONMENT OF COSTS AND THE METHODS OF ASSESSMENT OF SPECIAL BENEFITS FOR IMPROVEMENTS, MAINTENANCE, AND SPECIAL SERVICES TO PROPERTY WITHIN THE DISTRICT; CLOSING THE HEARING AND LEVYING DEBT SERVICE ASSESSMENTS FOR THE COST OF IMPROVEMENTS TO BE PROVIDED IN THE DISTRICT, ORDINARY MAINTENANCE ASSESSMENT AND LIMITED-BENEFIT MAINTENANCE ASSESSMENT FOR THE COST OF MAINTENANCE AND OPERATION OF THE DISTRICT, AND SPECIAL SERVICE ASSESSMENTS FOR THE COSTS OF PROVISION OF SUPPLEMENTAL SERVICES WITHIN THE DISTRICT AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE ASSESSMENTS; MAKING CERTAIN FINDINGS RELATED TO THE NATURE OF THE PROPERTY WITHIN THE PUBLIC IMPROVEMENT DISTRICT; AND PROVIDING AN EFFECTIVE DATE.**

Staff recommended adoption of an ordinance approving and adopting the Tres Lagos Public Improvement District ("District") 2023-2024 Service and Assessment Plan and 2023-2024 Assessment Roll for the District; Establishing classifications for the apportionment of costs and methods of assessing for special benefits for improvements, maintenance, and special services to property within the District; levying debt service assessments for the cost of improvements to be provided in the District, maintenance assessments (including an ordinary maintenance assessment and limited-benefit maintenance assessment) for the cost of maintenance and operation of the District, and supplemental service assessments for the costs of provision of supplemental services within the District; fixing charges and liens against the Property in the District and against the owners thereof; providing for the collection of the assessments; and providing an effective date.

Commissioner Joaquin Zamora moved to adopt the ordinance as recommended and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

- D) REQUEST OF TRIAMD CONSULTANTS, LLC, ON BEHALF OF CM PROPERTIES, LLC, TO ABANDON AN EXISTING ACCESS EASEMENT AND KEEP THE UTILITY EASEMENT, BEING A 0.185-ACRE TRACT OUT OF LOTS 38, 41, 42, AND 43, IGOA BUSINESS CAMPUS SUBDIVISION-PHASE I, HIDALGO COUNTY, TEXAS, 4101 NORTH M STREET.**

Staff recommended adoption of an ordinance providing for the abandonment of an existing easement and keep the utility easement at 4101 North M Street.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to adopt the ordinance as recommended and seconded by Commissioner Joaquin Zamora. The motion carried unanimously by those present.

5. RESOLUTIONS

- A) RESOLUTION OF THE COMMISSIONERS OF THE CITY OF MCALLEN, TEXAS ACCEPTING THE RESIGNATION OF MELBA D. CARVAJAL AND DESIGNATING VALERIA RIOS AS AN INVESTMENT OFFICER ALONG WITH SERGIO VILLASANA, MARCO A. VEGA, P.E., AND ROEL RODRIGUEZ, P.E. FOR THE CITY OF MCALLEN.**

Staff recommended approval of resolution accepting the resignation of Melba d. Carvajal and designating Valeria Rios as an Investment Officer along with Sergio Villasana, Marco A. Vega, P.E., and Roel Rodriguez, P.E.

Commissioner Antonio "Tony" Aguirre, Jr. moved to approve the resolution and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

- B) RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF MCALLEN, HIDALGO COUNTY, TEXAS, AMENDING TEXPOOL AUTHORIZED REPRESENTATIVES AND PROVIDING AN EFFECTIVE DATE.**

Staff recommended approval of resolution amending Texpool authorized representatives and providing an effective date.

Commissioner Joaquin Zamora moved to approve the resolution and seconded by Commissioner Jose R. "Pepe" Cabeza de Vaca. The motion carried unanimously by those present.

- C) RESOLUTION NOMINATING A REPRESENTATIVE FOR THE HIDALGO COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS 2024-2025.**

Staff recommended nominating Albert Cardenas as a representative for the Hidalgo County Appraisal District Board of Directors 2024-2025.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to approve the nomination as recommended and seconded by Commissioner Joaquin Zamora. The motion carried unanimously by those present.

6. VARIANCE

- A) REQUEST OF GREG BURKETT ON BEHALF OF PARKE AT NOLANA LLC, TO CONSIDER A SIGN VARIANCE REQUEST TO ALLOW MORE THAN THE PERMITTED NUMBER OF SIGNS ON A PROPERTY, 23.741 ACRES BEING A PART OR PORTION OUT OF LOTS 111 & 112, LA LOMITA IRRIGATION & CONSTRUCTION COMPANY SUBDIVISION, HIDALGO COUNTY, TEXAS; 3200 NOLANA AVENUE.**

Staff announced that applicant withdraw the item. No further action was needed for said item.

7. MANAGER'S REPORT

A) RECEIVE AN ANNUAL UPDATE ON THE STATUS OF REINVESTMENT ZONE NUMBER ONE, CITY OF MCALLEN, TEXAS (TRES LAGOS) AS REQUIRED BY SECTIONS 311.0101(C) AND 311.016 OF THE TEXAS TAX CODE AND THE INTERLOCAL AGREEMENT FOR THE ZONE.

Mr. David Earl presented the annual update on the status of reinvestment zone number one, City of McAllen, Texas (Tres Lagos) as required by sections 311.0101(c) and 311.016 of the Texas Tax Code and the Interlocal Agreement for the zone.

Staff mentioned this item was for presentation only. No action required.

B) ADVISORY BOARD APPOINTMENTS.

DISABILITY ADVISORY BOARD

Ms. Evelyn Cano was nominated to the Disability Board.

MCALLEN LIBRARY BOARD

Dr. Ofelia Averack was nominated to the McAllen Library Board.

Commissioner Jose R. "Pepe" Cabeza de Vaca moved to accept the nominations as recommended and seconded by Commissioner Joaquin Zamora. The motion carried unanimously by those present.

C) IMMIGRATION AND RESPITE CENTER REPORT.

Mr. Jeff Johnston presented immigration and respite center updates and answered questions.

D) FUTURE AGENDA ITEMS.

There were no future agenda items discussed.

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).

On behalf of the Presiding Officer, City Attorney recommended recessing into Executive Session pursuant to Chapter 551, Texas Government Code, Section 551.071 Consultation with Attorney on Item 8A and Section 551.087 Economic Development on Item 8B.

Mayor Pro Tem Omar Quintanilla recessed the meeting at 6:25 pm to go into Executive Session. Mayor Pro Tem Omar Quintanilla reconvened the meeting at 7:06 pm and noting the following city commission members present: Mayor Pro Tem Omar Quintanilla, Commissioner Antonio "Tony" Aguirre, Jr., Commissioner Joaquin Zamora, Commissioner Rodolfo "Rudy" Castillo, Commissioner Victor "Seby" Haddad and Commissioner Jose R. "Pepe" Cabeza de Vaca.

Absent: Mayor Javier Villalobos

A) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ISSUES RELATED TO ADVISORY BOARD APPOINTMENTS. (SECTION 551.071, T.G.C.)

No action.

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

Commissioner Victor “Seby” Haddad announced that he had a conflict with item 8B and would abstain from discussion and voting on said matter. Subsequently, he filed a conflict form with the City Secretary.

Commissioner Jose R. “Pepe” Cabeza de Vaca moved to authorize city manager and city attorneys’ office to respond to the proposal offer of economic incentives under terms and priorities discussed in executive session and seconded by Commissioner Joaquin Zamora. The motion carried by a unanimous vote and Commissioner Victor “Seby” Haddad in abstention.

ADJOURNMENT

Without objection the meeting was adjourned at 7:08 p.m.

Attest:

Omar Quintanilla, Mayor Pro Tem

Perla Lara, TRMC/CMC, CPM
City Secretary



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

2.B.

DATE SUBMITTED

10/02/2023

MEETING DATE

10/9/2023

1. Agenda Item: Consideration and Approval of an Interlocal Agreement with Rio Grande Valley Metropolitan Planning Organization (RGVMPO) for planning funds.
2. Party Making Request: Mario Delgado
3. Applicant:
4. Nature of Request: The City of McAllen Transit Department, in Partnership with the Rio Grande Valley Metropolitan Planning Organization (RGVMPO), contracted a consultant, Alliance Transportation Group (ATG), to develop and Short-Range Transit Plan for Metro McAllen in 2019. The Short-Range Transit Plan was developed in coordination with key stakeholders, and included extensive public participation, to ensure transit users could provide feedback for service modifications. The RGV MPO provided \$100,000.00 to undertake this project at no cost to the City. At this time, we have requested an additional \$25,900.00 to complete the project and the MPO has agreed to provide the needed funding. A change order to the ATG Contract will also be needed.
5. Fiscal Impact Summary:
6. Budgeted:

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

Angela Cano	Created/Initiated - 10/2/2023
Mario Delgado	Approved - 10/2/2023
Jeff Johnston	Approved - 10/2/2023
Isaac Tawil	Final Approval - 10/4/2023
8. Staff Recommendation: Approve ILA with RGVMPO
9. Advisory Board:
10. City Attorney: Approve. IJT
11. Manager's Recommendation: Approve. RR

CITY OF McALLEN

MEMO

TO: Roel Rodriguez, P. E., City Manager

FROM: Mario Delgado, Transit Director *MD*

DATE: October 4, 2023

SUBJECT: Approval of Interlocal Agreement with RGVMPO for Planning Funds

- **Goal** – Continue to expand Metro McAllen Services in a methodical and conservative manner.
- **Explanation** – The City of McAllen Transit Department, in Partnership with the Rio Grande Valley Metropolitan Planning Organization (RGVMPO), contracted a consultant, Alliance Transportation Group (ATG), to develop and Short-Range Transit Plan for Metro McAllen in 2019. The Short-Range Transit Plan was developed in coordination with key stakeholders, and included extensive public participation, to ensure transit users could provide feedback for service modifications. As a result of the COVID-19 Pandemic, there was a need to revisit the plan and account for any market changes that have taken place. The RGV MPO provided \$100,000.00 to undertake this project at no cost to the City. At this time, we have requested an additional \$25,900.00 to complete the project and the MPO has agreed to provide the needed funding. A change order to the ATG Contract will also be needed.
- **Options**
 - **Option 1** – Approve MOA with RGVMPO
 - **Option 2** – Reject the MOA and seek other funding.
- **Recommendation** - The Transit Department staff recommends approval of the MOA.

This Interlocal Agreement ("Agreement") is entered into on this _____ day of October, 2023, by and between the Rio Grande Valley Metropolitan Planning Organization (RGVMPO), represented by the Lower Rio Grande Valley Development Council (LRGVDC), hereinafter referred to as the "RGVMPO," and the City of McAllen, hereinafter referred to as the "City."

WHEREAS, the RGVMPO, acknowledges the importance of the service redesign program for fixed-route service, identified for December implementation, to enhance public transportation within the region; and

WHEREAS, the City seeks financial assistance to engage a consultant to provide essential technical support services to facilitate the successful execution of the transit planning period from October 31 to December 31, 2023; and

WHEREAS, both parties recognize the mutual benefits and agree to collaborate in achieving the objectives outlined in this agreement.

NOW, THEREFORE, in consideration of the premises set forth herein, the parties agree as follows:

1. **Scope of Work:** The City shall engage a consultant to provide technical support services for the defined transit planning period (October 31 - December 31, 2023) in relation to the service redesign program for fixed-route service.
2. **Funding:** The RGVMPO, through the LRGVDC, shall provide the City with a total of \$25,900 to support the engagement of the aforementioned consultant.
3. **Reimbursement Process:** The funds will be disbursed to the City in a reimbursement process. The City shall submit invoices to the RGVMPO for eligible expenses incurred in accordance with the terms of this agreement.
4. **Compliance:** The City agrees to adhere to all applicable laws, regulations, and policies governing the use of funds provided under this agreement.
5. **Term of Agreement:** This agreement shall be effective as of the date of execution and shall remain in force until all obligations have been fulfilled to the satisfaction of both parties.
6. **Amendments:** Any amendments to this agreement must be made in writing and signed by both parties.
7. **Governing Law:** This agreement shall be governed by the laws of the State of Texas.

IN WITNESS WHEREOF, the parties hereto have executed this Interlocal Agreement as of the Effective Date.

Javier Villalobos
Mayor, City of McAllen

Andrew A Canon
RGVMPO Executive Director

Manuel Cruz
LRGVDC Executive Director



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

2.C.

DATE SUBMITTED

10/02/2023

MEETING DATE

10/9/2023

1. Agenda Item: Consideration and Approval of Change Order for Short Range Transit Plan Revisit.
2. Party Making Request: Mario Delgado
3. Applicant:
4. Nature of Request: This change order is being processed due to additional work that will be needed with Implementation Support of the Metro McAllen System Redesign, an integral part of the adopted Short-Range Transit Plan.
5. Fiscal Impact Summary: The change order amount is \$25,900.00, 100% of which will be covered by the Rio Grande Valley Metropolitan Planning Organization (RGVMPO). Account # 556-4764-444-63-45 Other Services and Charges/ Professional.
6. Budgeted: Yes

Bid Amount:	<u>\$25,900</u>	Budgeted Amount:	<u>\$625,000</u>
Under Budget:	<u>\$0.00</u>	Over Budget:	<u>\$0.00</u>
		Amount Remaining:	<u>\$0.00</u>
7. Routing:

Angela Cano	Created/Initiated - 10/2/2023
Mario Delgado	Approved - 10/2/2023
Angie Rodriguez	Approved - 10/2/2023
Sergio Villasana	Approved - 10/2/2023
Gerardo Noriega	Approved - 10/3/2023
Jeff Johnston	Approved - 10/3/2023
Isaac Tawil	Final Approval - 10/4/2023
8. Staff Recommendation: The Transit Department staff recommends approval of the change order to ensure the department gets the support that is needed for plan implementation
9. Advisory Board:
10. City Attorney: Approve. IJT
11. Manager's Recommendation: Approve. RR

CITY OF McALLEN

MEMO

TO: Roel Rodriguez, P.E., City Manager

FROM: Mario Delgado, Transit Director *MD*

DATE: October 3, 2023

SUBJECT: Change Order for Short Range Transit Plan Revisit

- **Goal** – To ensure that Metro McAllen Transit Services are effective and efficient, and to provide quality transportation services to our patrons.
- **Explanation** – On February 13, 2023, an award of \$100,000.00 was made to Alliance Transportation Group (ATG) for a Revisit of the Short-Range Transit Plan adopted prior to the COVID-19 Pandemic. This change order is being processed because of some additional work that will be needed with Implementation Support of the Metro McAllen System Redesign, an integral part of the adopted Short-Range Transit Plan.

The change order amount is \$25,900.00, 100% of which will be covered by the Rio Grande Valley Metropolitan Planning Organization (RGVMPO).

Attached is a summary of changes.

- **Options**
 - **Option 1** – Approve change order as presented for an increase of \$25,900.00.
 - **Option 2** – Reject changes
- **Recommendation** – The Transit Department staff recommends approval of the change order to ensure the department gets the support that is needed for plan implementation.



11701 Stonehollow Drive | Suite 100
Austin, Texas 78758
Office 512.821.2081
Fax 512.821.2085
alliance-transportation.com

September 19, 2023

Submitted Via Email

Mario Delgado
Director, Metro McAllen
City of McAllen
1300 Houston Avenue
McAllen, TX 78501

**Re: Move Metro McAllen Implementation Plan
Definition of Task 6.0, Implementation Support**

Dear Mario,

In response to the City's expression of interest, Alliance Transportation Group, LLC (ATG) presents the enclosed scope and fee to provide additional services in support of the Move Metro McAllen Implementation Plan. This scope and fee, presented as **Attachment A-1** will define services dedicated to assisting the city implement recommendations identified through Task 5.0 of the implementation plan.

General Task Outline

- **Task 6.0, Implementation Support** - ATG will provide technical support services to assist Metro McAllen through the defined implementation period (October 31 - December 31, 2023) of the service redesign implementation program for fixed-route service, identified for December implementation.

Assumptions

The scope of services assumes that the city, acting on behalf of itself and applicable departments, will assist in collecting items identified for ATG review as a part of this phase of service.

Time to Complete

The timeline for services will be through December 31, 2023, from the notice to proceed issued by the City, with opportunity to provide extension at-will due to the need for additional services or time or time, as required.

Cost

Not to exceed \$25,900.

We appreciate the opportunity to continue to work with the city on this assignment.

Sincerely,

Alliance Transportation Group, LLC

A blue ink signature, appearing to be 'JD Allen', is written over the name and title of the sender.

JD Allen, AICP, WSO-CSSD, TSSP Rail/Bus, PTSCTP
Executive Vice President

cc: Robert DeLeon, Metro McAllen, City of McAllen

Attachment A-1 - Move McAllen Implementation Plan
Task 6.0, Implementation Support

General Task Description: ATG will provide technical support services to assist Metro McAllen through the defined implementation period (October 31 - December 31, 2023) of the service redesign implementation program for fixed-route service, identified for December implementation.

Activities and deliverables to be supported by ATG include the following:

1. Updating GIS base map layers to document changes in route recommendations made because of refinement tasks completed by the City on route layers identified for December implementation, as delivered September 5-6, 2023.
2. Updating Excel list of bus stop locations to be served by proposed fixed-route network utilizing city supplied and verified files for all current bus stops in the Metro McAllen system.
3. Update Remix route files (once all edits are complete) to generate Remix-based scheduling details for City evaluation, exported from Remix.
4. Conduct three check-in meetings to assist with reviewing staff activities and assignments identified as part of the Task 5.0 implementation plan schedule.
5. Conduct one on-site meeting to work with the City to review all changes and updates by City staff on implementation activities prior to the public announcement date for system route changes.
6. Providing Metro McAllen with monthly progress reports to be delivered with invoices.

Metro McAllen to Provide: Metro McAllen to provide access to all relevant data and details required to assist with transit system update implementation. This includes providing access to the system's Remix account to facilitate examination of updates and delivery of data to the City for review/evaluation.

Definition of Additional Services: All tasks not defined with the scope of implementation support above are to be considered additional services and subject to additional compensation.

Timeline for Completion: All tasks to be completed no later than December 31, 2023.

Labor Category	Task 6.0 Implementation			Total	
	Base Labor Rate	Task Support		Labor and Direct Costs	
		Hours	Dollars	Hours	Dollars
Direct Labor	Loaded Rate	136		136	
Principal	\$ 374.00	4	\$ 1,496.00	4	\$ 1,496.00
Quality Manager	\$ 270.00	2	\$ 540.00	2	\$ 540.00
Planning Director (Senior Advisor)	\$ 270.00	24	\$ 6,480.00	24	\$ 6,480.00
Senior Planner	\$ 249.00		\$ -	0	\$ -
Planner III	\$ 208.00	0	\$ -	0	\$ -
Planner II	\$ 153.00	80	\$ 12,240.00	80	\$ 12,240.00
Planner I	\$ 124.00	16	\$ 1,984.00	16	\$ 1,984.00
Sr Modeler	\$ 267.00		\$ -	0	\$ -
Travel Demand Modeler III	\$ 215.00		\$ -	0	\$ -
Travel Demand Modeler I/II	\$ 147.00		\$ -	0	\$ -
Senior Engineer	\$ 264.00		\$ -	0	\$ -
Engineer	\$ 238.00		\$ -	0	\$ -
Traffic Engineer	\$ 199.00		\$ -	0	\$ -
Design Engineer	\$ 199.00		\$ -	0	\$ -
EIT	\$ 143.00		\$ -	0	\$ -
Clerical	\$ 111.00		\$ -	0	\$ -
Project Administration	\$ 143.00	10	\$ 1,430.00	10	\$ 1,430.00
			\$ -	0	\$ -
			\$ -	0	\$ -
Direct Labor Subtotal	\$ 24,170.00				\$ 24,170.00
Reimbursable Expenses*	Unit Cost	Units	Cost		
Auto Rental	\$ 150.00	2	\$ 300.00		
Air	\$ 400.00	2	\$ 800.00		
Lodging	\$ 165.00	2	\$ 330.00		
Other incidentals	\$ 100.00	3	\$ 300.00		
Subtotal Reimbursable Exp.					\$ 1,730.00
Total Contract Amount					\$ 25,900.00

* All reimbursable expenses provided under one task column



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

2.D.

DATE SUBMITTED

10/03/2023

MEETING DATE

10/9/2023

1. Agenda Item: Resolution authorizing the acceptance of a grant from NASA @ My Library.
2. Party Making Request: Kristina Garcia
3. Applicant:
4. Nature of Request: Resolution to accept award from NASA @ My Library in the form of Bilingual Solar Science Kit. Award includes one kit valued at \$1,900. This is a nonmonetary award.
5. Fiscal Impact Summary: This is a nonmonetary award with no fiscal obligation.
6. Budgeted:

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

Kristina Garcia	Created/Initiated - 10/3/2023
Kristina Garcia	Approved - 10/3/2023
Kathleen Horan	Approved - 10/3/2023
Angie Rodriguez	Approved - 10/3/2023
Sergio Villasana	Approved - 10/3/2023
Gerardo Noriega	Approved - 10/3/2023
Isaac Tawil	Final Approval - 10/4/2023
8. Staff Recommendation: Staff recommends approval of resolution.
9. Advisory Board:
10. City Attorney: Approve. IJT
11. Manager's Recommendation: Approve. RR



**CITY OF MCALLEN
GRANT ADMINISTRATION OFFICE
MEMORANDUM**

To: Roel “Roy” Rodriguez, P.E., M.P.A., City Manager
Through: Joe Vera, Assistant City Manager
From: Kate Horan, McAllen Public Library Director
Date: October 9, 2023
Subject: FY 2024 Bilingual Solar Science Kit

GOAL:

Authorizing the acceptance of grant funds from NASA @ My Library through a Bilingual Solar Science Kit.

BRIEF EXPLANATION OF THE ITEM:

NASA@ My Library is a STEM education initiative created to increase and enhance STEAM learning opportunities for library patrons throughout the nation, including geographic areas and populations currently underrepresented in STEAM education. 30 English/Spanish bilingual kits were made available to public libraries in Texas through an application process and designed to be used in conjunction with programming related to the October 2023 and April 2024 solar eclipses. The McAllen Public Library seeks approval to accept a one-time non-monetary donation of 1 kit from NASA@ My Library (estimated kit value \$1,900) that was awarded on August 15, 2023.

OPTIONS:

1. Approval of the resolution authorizing the acceptance of grant funds will allow the City to apply for resources to enhance STEM education.
2. Declining the acceptance of grant funds will result in the loss of the grant funding opportunity.

RECOMMENDATION:

Staff recommends approval of the resolution authorizing the grant award acceptance.

FY 2023 NASA @ My Library Bilingual Solar Science Kits

Agenda Item: A

Authorizing the acceptance of grant funds from *NASA@ My Library*.

Nature of Request: B

NASA@ My Library is a STEM education initiative created to increase and enhance STEAM learning opportunities for library patrons throughout the nation, including geographic areas and populations currently underrepresented in STEAM education.³⁰ English/Spanish bilingual kits were made available to public libraries in Texas through an application process and designed to be used in conjunction with programming related to the October 2023 and April 2024 solar eclipses. The McAllen Public Library seeks approval to accept a one-time non-monetary donation of 1 kit from *NASA@ My Library* (estimated kit value \$1,900) that was awarded on August 15, 2023.

Fiscal Comment:

This resolution authorizes the acceptance of grant funds from the *NASA@ My Library* program to support the STEM education of patrons at the McAllen Public Library. The grant request seeks a non-monetary award for a Bilingual Solar Science Kit (estimated kit value \$1,900) with no local match.

Staff Recommendation:

Motion to approve acceptance of grant funds.

Policy Implication:

None.

Comment:

This resolution authorizes the acceptance of grant funds from the *NASA@ My Library* program for the award of a Bilingual Solar Science Kit for the McAllen Public Library's operational expenses. The grant request seeks a non-monetary award for a Bilingual Solar Science Kit (estimated kit value \$1900) with no local match.

Approvers:

RESOLUTION NO. 2023-_____

AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS FROM THE NASA@ MY LIBRARY PROGRAM FOR THE 2023 FISCAL YEAR.

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

WHEREAS, *NASA@ My Library* has created the Bilingual Solar Science Kit as part of a nationwide initiative to promote public education concerning solar eclipses through the support of public libraries, and

WHEREAS, *NASA@ My Library* has made funding available to the McAllen Public Library by granting a Bilingual Solar Science Kit, and

WHEREAS, the mission of the McAllen Public Library is to connect the public to resources.

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

- 1) The McAllen Public Library is hereby directed to accept a Bilingual Solar Science Kit from *NASA@ My Library* in the value of \$1,900 for the purpose of enhancing public programming and education during the period of October 2023 through April 2024.
- 2) Upon the acceptance of this grant, the Mayor and/or his delegates are authorized to execute all legal documents necessary, including electronic submissions through funding agencies' portals, and to perform any acts necessary to implement the project.
- 3) In the event of loss or misuse of funds, the governing body assures that all funds will be returned to *NASA@ My Library* in full.

CONSIDERED, PASSED, APPROVED, AND SIGNED this 9th day of October 2023, at a regular meeting of the Board of Commissioners, of the City of McAllen, Texas, at which a quorum was present and which was held pursuant to Chapter 551, Texas Government Code.

Attest:

City of McAllen

Perla Lara, TRMC/CMC, CPM
City Secretary

Javier Villalobos, Mayor

Approved as to form:

Isaac Tawil, City Attorney



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

2.E.

DATE SUBMITTED

10/03/2023

MEETING DATE

10/9/2023

1. Agenda Item: Resolution authorizing the submittal of a grant application to the Texas State Library and Archives Commission (TSLAC).
2. Party Making Request: Kathleen Horan
3. Applicant: Kristina Garcia
4. Nature of Request: Resolution to authorize the submission of a grant application to the Texas State Library and Archives Commission for Family Place Library funding up to \$6,000.
5. Fiscal Impact Summary: This is a grant to reimburse the purchase of materials up to \$6,000.
6. Budgeted:

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

Kristina Garcia	Created/Initiated - 10/3/2023
Kathleen Horan	Approved - 10/3/2023
Angie Rodriguez	Approved - 10/3/2023
Julia Lash	Approved - 10/3/2023
Joe Vera	New -
Isaac Tawil	
8. Staff Recommendation: Staff recommend approval to authorize grant submission.
9. Advisory Board:
10. City Attorney: Approve. IJT
11. Manager's Recommendation: Approve. RR



CITY OF MCALLEN
GRANT ADMINISTRATION OFFICE
MEMORANDUM

To: Roel “Roy” Rodriguez, P.E., M.P.A., City Manager
Through: Joe Vera, Assistant City Manager
From: Kate Horan, McAllen Public Library Director
Date: October 9, 2023
Subject: FY 2024 Family Place Libraries

GOAL:

Authorizing the submission of a grant application to the Texas State Library and Archives Commission for funding under the Fiscal Year 2024 Family Place Library Expansion Grant Program.

BRIEF EXPLANATION OF THE ITEM:

The Texas State Library and Archives Commission provides funding under the Fiscal Year 2024 Family Place Library Expansion Grant Program to encourage library branches to expand the programming and services of a Family Place Library environment. Following McAllen Public Library’s Main and Lark Branches development of the Family Place Program, the Palm View Branch is eligible to apply and receive funding to support the implementation of the program. The grant will fund one full-time children’s staff member from the library to attend the Family Place Libraries training in Round Rock, Texas and acquire reimbursement of funds up to \$6,000 through a one time, state-funded subgrant for the purchase of materials necessary to establish a family space and learning environment as outlined in training.

The grant request is \$6,000 with no local match.

OPTIONS:

1. Option 1: Authorizing the grant submission will allow the City to receive grant funding from the Texas State Library and Archives Commission under the Fiscal Year 2024 Family Place Library Expansion Grant Program.
2. Option 2: Declining the grant submission will result in the loss of the grant funding opportunity for the Fiscal Year 2024 Family Place Library Expansion Grant Program.

RECOMMENDATION:

Staff recommends approval to authorize grant submission.

RESOLUTION NO. 2023-____

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION FOR FUNDING UNDER THE FISCAL YEAR 2024 FAMILY PLACE LIBRARY EXPANSION GRANT PROGRAM.

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

WHEREAS, the Texas State Library and Archives Commission is committed to helping public libraries address early learning with a goal of ensuring that all children enter school ready to learn;

WHEREAS, the Fiscal Year 2024 Family Place Library Expansion Grant Program to encourage library branches to expand the programming and services of a Family Place Library environment; and

WHEREAS, following McAllen Public Library's Main and Lark Branches development of the Family Place Program, the Palm View Branch is eligible to apply and receive funding to support the implementation of the program.

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

- 1)** The McAllen Public Library is hereby directed to prepare and submit an application to the Texas State Library and Archives Commission for the development of the Family Place Program for the Palm View Branch
- 2)** Upon the approval of this application, the Mayor and/or other delegated City representatives is authorized to execute all legal documents necessary, including electronic submissions through funding agency portals, and to perform any acts necessary to implement the project.
- 3)** In the event of loss or misuse of funds, the governing body assures that all funds will be returned to the Texas State Library and Archives Commission Foundation in full.

CONSIDERED, PASSED, APPROVED, AND SIGNED this 09th day of October 2023, at a regular meeting of the Board of Commissioners, of the City of McAllen, Texas, at which a quorum was present and which was held pursuant to Chapter 551, Texas Government Code.

Attest:

City of McAllen

Perla Lara, TRMC/CMC, CPM

Javier Villalobos, Mayor

Approved as to form:

Isaac Tawil, City Attorney



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

2.F.

DATE SUBMITTED

10/03/2023

MEETING DATE

10/9/2023

1. Agenda Item: Resolution authorizing the submittal of a grant application to the U.S. Department of Commerce under the Fiscal Year 2023 EDA Public Works and Economic Adjustment Assistance Programs.
2. Party Making Request: Julia Lash
3. Applicant:
4. Nature of Request: Funding is to be utilized for water and sewer system improvements; the creation or expansion of industrial parks; the construction or upgrading of public infrastructure; and other economic development activities.

The Grant Administration Department is requesting authorization to submit a grant application to the Department of Commerce in the amount of \$30,000,000. A local match is of 40% is required bringing total project cost to \$42,000,000.

5. Fiscal Impact Summary: The award request is for \$30,000,000 with 40% match of \$12,00,000.

6. Budgeted:

Bid Amount: _____
Under Budget: _____

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

7. Routing:

Araceli Salas
Julia Lash
Eduardo Mendoza
Angie Rodriguez
Sergio Villasana
Gerardo Noriega
Michelle Rivera
Isaac Tawil

Created/Initiated - 10/3/2023
Approved - 10/3/2023
Approved - 10/3/2023
New -

8. Staff Recommendation: Approval

9. Advisory Board:

10. City Attorney: Approve. IJT

11. Manager's Recommendation: Approve. RR



**CITY OF MCALLEN
GRANT ADMINISTRATION OFFICE
MEMORANDUM**

To: Roel “Roy” Rodriguez, P.E., M.P.A., City Manager
Through: Michelle Rivera, Assistant City Manager
From: Julia Lash, Interim Director of Grant Administration
Date: October 9, 2023
Subject: FY 2023 EDA Public Works and Economic Adjustment Assistance Programs

GOAL:

Authorizing the submission of a grant application to the Department of Commerce, for funding under the FY 2023 EDA Public Works and Economic Adjustment Assistance Programs.

BRIEF EXPLANATION OF THE ITEM:

Under the Department of Commerce, the Economic Development Administration provides funding for the implementation of long-term economic development efforts. These efforts include a variety of non-construction and construction projects. Funding is to be utilized for water and sewer system improvements; the creation or expansion of industrial parks; the construction or upgrading of public infrastructure; and other economic development activities.

The Grant Administration Department is requesting authorization to submit a grant application to the Department of Commerce in the amount of \$30,000,000. A local match is of 40% is required bringing total project cost to \$42,000,000.

OPTIONS:

1. Approval of the resolution authorizing the submission of grant application to the Department of Commerce.
2. Declination of the submission will result in the loss of the grant opportunity.

RECOMMENDATION:

Staff recommends approval of the resolution authorizing the submission of the grant application.

RESOLUTION NO. 2023-_____

**AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE
DEPARTMENT OF COMMERCE, FOR FUNDING UNDER THE FY 2023 EDA
PUBLIC WORKS AND ECONOMIC ADJUSTMENT ASSISTANCE PROGRAMS.**

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

WHEREAS, the Department of Commerce is providing funding for the implementation of long-term economic development efforts. These efforts include a variety of non-construction and construction projects.

WHEREAS, funding is to be utilized for water and sewer system improvements; the creation or expansion of industrial parks; the construction or upgrading of public infrastructure; and other economic development activities.

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

- 1)** The Grant Administration Office is hereby authorized to submit an application to the Department of Commerce under the FY 2023 EDA Public Works and Economic Adjustment Assistance Program. The amount being requested is \$30,000,000, with a local match of 40%, bringing the total project cost to \$42,000,000.
- 2)** In the event of loss or misuse of funds, the governing body assures that all funds will be returned to the Department of Commerce in full.

CONSIDERED, PASSED, APPROVED, AND SIGNED this 9th day of October 2023, at a regular meeting of the Board of Commissioners, of the City of McAllen, Texas, at which a quorum was present, and which was held pursuant to Chapter 551, Texas Government Code.

Attest:

City of McAllen

Perla Lara, TRMC/CMC, CPM
City Secretary

Javier Villalobos
Mayor

Approved as to form:

Isaac Tawil, City Attorney

ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

2.G.

DATE SUBMITTED

10/03/2023

MEETING DATE

10/9/2023

1. Agenda Item: Resolution authorizing the submittal of a grant application to the Environmental Protection Agency under the Environmental Education Local Grants Program for Region 6.
2. Party Making Request: Julia Lash
3. Applicant:
4. Nature of Request: Funding from the U.S. Environmental Protection Agency will be used to support locally-focused environmental education projects that promote environmental stewardship and help develop knowledgeable and responsible students, teachers, and community members.

The amount requested is \$100,000 with a local match of 25% being required; bringing the total project cost to \$125,000.

5. Fiscal Impact Summary: U.S. Environmental Protection Agency Contribution \$100,000
Local Match \$ 25,000
\$125,000

The amount requested is \$100,000 with a local match of 25% being required, bringing the total project cost to \$125,000.

Account Number to be utilized is 500-4257-444-63-02

6. Budgeted:

Bid Amount: \$25,000.00
Under Budget: \$0.00

Budgeted Amount: \$0.00
Over Budget: \$0.00
Amount Remaining: \$0.00

7. Routing:

Araceli Salas	Created/Initiated - 10/3/2023
Julia Lash	Approved - 10/3/2023
Elvira Alonzo	Approved - 10/3/2023
Angie Rodriguez	Approved - 10/3/2023
Sergio Villasana	Approved - 10/3/2023
Gerardo Noriega	Approved - 10/3/2023
Michelle Rivera	Approved - 10/3/2023
Isaac Tawil	Final Approval - 10/4/2023

8. Staff Recommendation: Approval

9. Advisory Board:

10. City Attorney: Approve. IJT

11. Manager's Recommendation: Approve. RR



**CITY OF MCALLEN
GRANT ADMINISTRATION OFFICE
MEMORANDUM**

To: Roel “Roy” Rodriguez, P.E., M.P.A., City Manager
Through: Michelle Rivera, Assistant City Manager
From: Julia Lash, Interim Director of Grant Administration
Date: October 09, 2023
Subject: Environmental Education Local Grants Program for Region 6

GOAL:

Authorizing the submission of a grant application to the U.S Environmental Protection Agency, for funding under the Office of Environmental Education.

BRIEF EXPLANATION OF THE ITEM:

Under the Grant Administration Office, McAllen Public Works, in partnership with KMB, is requesting \$100,000 in funding from the U.S. Environmental Protection Agency. Funding from the U.S. Environmental Protection Agency will be used to support locally focused environmental education projects that promote environmental stewardship and help develop knowledgeable and responsible students, teachers, and community members.

The amount requested is \$100,000 with a local match of 25% being required; bringing total project cost to \$125,000.

OPTIONS:

1. Approval of the resolution authorizes the grant submission to the Environmental Education Local Grants Program for Region 6.
2. Decline the grant opportunity.

RECOMMENDATION:

Staff recommends approval of the resolution authorizing the grant submission.

RESOLUTION NO. 2023-_____

**AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE
ENVIRONMENTAL EDUCATION LOCAL GRANTS PROGRAM FOR REGION 6**

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

WHEREAS, the Environmental Education Local Grants Program for Region 6 provides support to locally focused environmental education projects that promote environmental stewardship and help develop knowledgeable and responsible students, teachers, and community members;

WHEREAS, the Environmental Education Local Grants Program for Region 6 provides financial support for projects that design, demonstrate, and/or disseminate environmental education practices, methods, or techniques that increase public awareness and knowledge about local environmental issues.

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

- 1) The McAllen Public Works Department, through the Grant Administration Department, is requesting funding to engage in environmental awareness campaigns. Total requested funding is \$100,000 with a 25% match. With the match included, the project cost for said grant application is \$125,000.
- 2) Upon the approval of this application, the Mayor and/or other delegated City representative is authorized to execute all legal documents necessary, including electronic submissions through funding agency portals, and to perform any acts necessary to implement the project.
- 3) In the event of loss or misuse of funds, the governing body assures that all funds will be returned to the Hero Fund America in full.

CONSIDERED, PASSED, APPROVED, AND SIGNED this 9th day of October 2023 at a regular meeting of the Board of Commissioners, of the City of McAllen, Texas, at which a quorum was present, and which was held pursuant to Chapter 551, Texas Government Code.

Attest:

City of McAllen

Perla Lara, TRMC/CMC, CPM
City Secretary

Javier Villalobos
Mayor

Approved as to form:

Isaac Tawil, City Attorney



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

2.H.

DATE SUBMITTED

10/03/2023

MEETING DATE

10/9/2023

1. Agenda Item: Resolution authorizing the submittal of a grant application to the National Endowment for the Humanities under the Dangers and Opportunities of Technology: Perspectives from the Humanities Grant.
2. Party Making Request: Julia Lash
3. Applicant: Elvira Alonzo
4. Nature of Request: Funding from the National Endowment for the Humanities will be utilized for humanistic research that explores the relationships between technology, health, social interactions, government, the environment, and other aspects of life.

The amount requested is \$150,000 with no local match required.

5. Fiscal Impact Summary: The amount requested is \$150,000 with no local match required.

6. Budgeted:

Bid Amount:

Budgeted Amount:

Under Budget: _____

Over Budget: _____

Amount Remaining: _____

7. Routing:

Araceli Salas

Julia Lash

Elvira Alonzo

Angie Rodriguez

Sergio Villasana

Gerardo Noriega

Michelle Rivera

Isaac Tawil

Created/Initiated - 10/3/2023

Approved - 10/3/2023

New -

8. Staff Recommendation: Approval

9. Advisory Board:

10. City Attorney: Approve. IJT

11. Manager's Recommendation: Approve. RR



**CITY OF MCALLEN
GRANT ADMINISTRATION OFFICE
MEMORANDUM**

To: Roel “Roy” Rodriguez, P.E., M.P.A., City Manager
Through: Michelle Rivera, Assistant City Manager
From: Julia Lash, Interim Director of Grant Administration
Date: October 09, 2023
Subject: Dangers and Opportunities of Technology: Perspectives from the Humanities Grant

GOAL:

Authorizing the submission of a grant application to the National Endowment for the Humanities.

BRIEF EXPLANATION OF THE ITEM:

Under the Grant Administration Office, McAllen Public Works, is applying for \$150,000 in funding from the National Endowment for the Humanities. Funding from the National Endowment for the Humanities will be utilized for humanistic research that explores the relationships between technology, health, social interactions, government, the environment, and other aspects of life.

The amount requested is \$150,000 with no local match required.

OPTIONS:

1. Approval of the resolution authorizes the grant submission to the Environmental Education Local Grants Program for Region 6.
2. Decline the grant opportunity.

RECOMMENDATION:

Staff recommends approval of the resolution authorizing the grant submission.

RESOLUTION NO. 2023-_____

**AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION NATIONAL ENDOWMENT FOR
THE HUMANITIES, UNDER THE DANGERS AND OPPORTUNITIES OF TECHNOLOGY:
PERSPECTIVES FROM THE HUMANITIES GRANT**

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

WHEREAS, the Dangers and Opportunities of Technology: Perspectives from the Humanities Grant provides support to fund humanistic research that explores the relationships between technology, health, social interactions, government, the environment, and other aspects of life;

WHEREAS, the Dangers and Opportunities of Technology: Perspectives from the Humanities Grant provides financial support for projects that attempt to understand climate change and its variables;

WHEREAS, the Dangers and Opportunities of Technology: Perspectives from the Humanities Grant covers the cost of research that includes, research time, research assistance, community partner participation, and research travel.

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

- 1) The McAllen Public Works Department, through the Grant Administration Department, is requesting funding to engage in research pertaining to greenhouse gas emissions. Total requested funding is \$150,000 with no local match.
- 2) Upon the approval of this application, the Mayor and/or other delegated City representative is authorized to execute all legal documents necessary, including electronic submissions through funding agency portals, and to perform any acts necessary to implement the project.
- 3) In the event of loss or misuse of funds, the governing body assures that all funds will be returned to the Hero Fund America in full.

CONSIDERED, PASSED, APPROVED, AND SIGNED this 9th day of October 2023 at a regular meeting of the Board of Commissioners, of the City of McAllen, Texas, at which a quorum was present, and which was held pursuant to Chapter 551, Texas Government Code.

Attest:

City of McAllen

Perla Lara, TRMC/CMC, CPM
City Secretary

Javier Villalobos
Mayor

Approved as to form:

Isaac Tawil, City Attorney



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

2.I.

DATE SUBMITTED

10/03/2023

MEETING DATE

10/9/2023

1. Agenda Item: Resolution amending Resolution No. 2023-08 to provide for the inclusion of required language as required by the Office of the Governor, Public Safety Office - Criminal Justice Division for the Texas Anti-Gang Program, Fiscal Year 2024, Application No. 3060509.
2. Party Making Request: Julia Lash
3. Applicant: Victor Rodriguez
4. Nature of Request: The Texas Anti-Gang Program provides funding for projects that support regional, multidisciplinary approaches to combat gang violence through the coordination of gang prevention, intervention, and suppression activities via a Texas Anti-Gang (TAG) Center. Following the implementation of the previous TAG grants, the City is eligible to apply and receive continued funding for operational infrastructure of the Rio Grande Valley TAG Center.

Upon review, City staff is required to amend Resolution No. 2023-08 to change the amount from \$600,000 to \$2.0 Million. The performance period will begin or after September 1, 2023 and extend for no more than 12 months.

5. Fiscal Impact Summary: Approval of resolution will change grant award amounts from \$600,000 to \$2.0 Million. No local match required.

6. Budgeted:

Bid Amount: _____
Under Budget: _____

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

7. Routing:

Araceli Salas	Created/Initiated - 10/3/2023
Julia Lash	Approved - 10/3/2023
Victor Rodriguez	Approved - 10/3/2023
Angie Rodriguez	Approved - 10/3/2023
Sergio Villasana	Approved - 10/3/2023
Gerardo Noriega	Approved - 10/3/2023
Michelle Rivera	Approved - 10/3/2023
Isaac Tawil	Final Approval - 10/4/2023

8. Staff Recommendation: Staff recommends approval.

9. Advisory Board:

10. City Attorney: Approve. IJT

11. Manager's Recommendation: Approve. RR



**CITY OF MCALLEN
GRANT ADMINISTRATION OFFICE
MEMORANDUM**

To: Roel “Roy” Rodriguez, P.E., M.P.A., City Manager
Through: Michelle Rivera, Assistant City Manager
From: Julia D. Lash, Interim Director of Grant Administration
Date: October 09, 2023
Subject: Texas Anti-Gang Program, Fiscal Year 2024

GOAL:

Amendment to Resolution No. 2023-08 to provide for inclusion of required language as required by the Office of the Governor, Public Safety Office – Criminal Justice Division for the Texas Anti-Gang Program, FY 2024, Application No. 3060509.

BRIEF EXPLANATION OF THE ITEM:

The Texas Anti-Gang Program provides funding for projects that support regional, multidisciplinary approaches to combat gang violence through the coordination of gang prevention, intervention, and suppression activities via a Texas Anti-Gang (TAG) Center. Following the implementation of the previous TAG grants, the City is eligible to apply and receive continued funding for operational infrastructure of the Rio Grande Valley TAG Center.

Upon review, City staff is required to amend Resolution No. 2023-08 to change the amount from \$600,000 to \$2.0 million. The performance period will begin on or after September 1, 2023 and extend for no more than 12-months.

OPTIONS:

1. Approval of Amended Resolution
2. Declining approval will result in the loss of the grant funding opportunity.

RECOMMENDATION:

Staff recommends approval of the resolution authorizing the grant submission.

AMENDED RESOLUTION NO. 2023-_____

**AMENDING RESOLUTION 2023-08 TO ACCEPT GRANT FUNDS IN THE
AMOUNT OF \$2.0 MILLION FROM THE OFFICE OF THE GOVERNOR,
CRIMINAL JUSTICE DIVISION, UNDER THE FISCAL YEAR 2024 TEXAS
ANTI-GANG GRANT PROGRAM**

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

WHEREAS, the Office of the Governor provides necessary funds to invited eligible units of Local Government through the Texas Anti-Gang Grant Program; and

WHEREAS, the grant program provides for regional, multidisciplinary approaches to combat gang violence through the coordination of grant prevention, intervention and suppression activities;

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

- 1) The Grant Administration Office and the McAllen Police Department are hereby directed to prepare and submit an application, Grant Application No. 3060509, to the Office of the Governor, Criminal Justice Division under the Fiscal Year 2024 Texas Anti-Gang Grant Program for operational infrastructure for the Rio Grande Valley Anti-Gang Center, including utility and technology expenses, various maintenance and operations expenses, as well as personnel support through a grant request of \$2.0 million with no local match required.
- 2) Upon the approval of this resolution, the Mayor or designee is authorized to execute all legal documents necessary, including electronic submissions through funding agency portals, and to perform any acts necessary to implement the project.
- 3) In the event of loss or misuse of funds, the governing body assures that all funds will be returned to the Office of the Governor, Criminal Justice Division in full.

CONSIDERED, PASSED, APPROVED, AND SIGNED this 09th day of October 2023, at a regular meeting of the Board of Commissioners, of the City of McAllen, Texas, at which a quorum was present and which was held pursuant to Chapter 551, Texas Government Code.

Attest:

City of McAllen

Perla Lara, TRMC/CMC, CPM
City Secretary

Javier Villalobos, Mayor

Approved as to form:

Isaac Tawil, City Attorney



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

2.J.

DATE SUBMITTED

10/03/2023

MEETING DATE

10/9/2023

1. Agenda Item: Resolution amending Resolution 2022-48 to accept grant funds in the amount of \$10,000 from the Office of the Governor Homeland Security Grant Division under the Fiscal Year 2023 Local Border Security Program.
2. Party Making Request: Julia Lash
3. Applicant: Victor Rodriguez
4. Nature of Request: Amendment to Resolution No. 2022-48 to provide for inclusion of required language as required by the Office of the Governor's Homeland Security Grant Division for funding under the FY 2024 Local Border Security Program, Application No. 4110804
5. Fiscal Impact Summary: No local match is required.
6. Budgeted:

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

Araceli Salas	Created/Initiated - 10/3/2023
Julia Lash	Approved - 10/3/2023
Victor Rodriguez	Approved - 10/3/2023
Angie Rodriguez	Approved - 10/3/2023
Sergio Villasana	Approved - 10/3/2023
Gerardo Noriega	Approved - 10/3/2023
Michelle Rivera	Approved - 10/3/2023
Isaac Tawil	Final Approval - 10/4/2023
8. Staff Recommendation: Approval
9. Advisory Board:
10. City Attorney: Approve. IJT
11. Manager's Recommendation: Approve. RR



**CITY OF MCALLEN
GRANT ADMINISTRATION OFFICE
MEMORANDUM**

To: Roel “Roy” Rodriguez, P.E., M.P.A., City Manager
Through: Michelle Rivera, Assistant City Manager
From: Julia Lash, Interim Director of Grant Administration
Date: October 9, 2023
Subject: Local Border Security Program, Fiscal Year 2024

GOAL:

Amendment to Resolution No. 2022-48 to provide for inclusion of required language as required by the Office of the Governor’s Homeland Security Grant Division for funding under the FY 2024 Local Border Security Program, Application No. 4110804

BRIEF EXPLANATION OF THE ITEM:

Through the FY 2024 Local Border Security Program, funds will be available for overtime (salaries and fringe benefits) of police officers to undertake the operations of a Gang Crime Control Initiative. Operations consist of identification, detection, apprehension, and intervention of transnational gang members engaged in organized crime. The grant application is \$10,000.00 with no local match required.

OPTIONS:

1. Approval of a resolution authorizing a grant application for enhanced Anti-Gang Initiatives.
2. Decline approval of the resolution which will result in the loss of the grant opportunity.

RECOMMENDATION:

Staff recommends approval of the resolution authorizing grant submission.

RESOLUTION NO. 2023-_____

AMENDING RESOLUTION 2023- TO ACCEPT GRANT FUNDS IN THE AMOUNT OF \$10,000 FROM THE OFFICE OF THE GOVERNOR, HOMELAND SECURITY GRANT DIVISION UNDER THE FY2023 LOCAL BORDER SECURITY PROGRAM.

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

WHEREAS, the Office of the Governor has made funding available through the FY 2024 Local Border Security Program to provide payment of overtime and operational costs for local law enforcement officers;

WHEREAS, the McAllen Police Department is required to provide essential public safety services to the residents of the City;

WHEREAS, the Board of Commissioners finds it in the best interest of its citizens of McAllen, that the 2024 Local Border Security Program be operated for the 09/01/2023 – 08/31/2024 period of performance;

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

- 1)** The McAllen Police Department and the Grant Administration Office are hereby directed to prepare and submit an application, Grant Application No. 4110804, to the Office of the Governor, Homeland Security Grant Division under the FY 2024 Local Border Security Grant Program. The grant requests amount of \$10,000.00 with no local match required.
- 2)** Upon the approval of this application, the Mayor or designee is authorized to execute all legal documents necessary, and to perform any acts necessary to implement the project.
- 3)** In the event of loss or misuse of funds, the governing body assures that all funds will be returned to the Office of the Governor, Homeland Security Grant Division in full.

CONSIDERED, PASSED, APPROVED, AND SIGNED this 9th day of October 2023, at a regular meeting of the Board of Commissioners, of the City of McAllen, Texas, at which a quorum was present, and which was held pursuant to Chapter 551, Texas Government Code.

Attest:

City of McAllen

Perla Lara, Deputy City Secretary

Javier Villalobos, Mayor

Approved as to form:

Isaac Tawil, City Attorney



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

2.K.

DATE SUBMITTED

10/02/2023

MEETING DATE

10/9/2023

1. Agenda Item: Resolution authorizing the submittal of a grant application to the FTA for Transit-Oriented Development Planning Funds.
2. Party Making Request: Mario Delgado
3. Applicant:
4. Nature of Request: The City of McAllen is currently engaged in planning for a new Bus Rapid Transit corridor. The proposed comprehensive planning efforts for TOD around the corridor will examine ways to improve economic development and ridership, foster multimodal connectivity and accessibility, improve transit access for pedestrian and bicycle traffic, engage the private sector, identify infrastructure needs, encourage affordable housing, and enable mixed-use development near transit stations.

The grant request is approximately \$500,000, but not to exceed \$600,000. An award can be made at 100% subsidy, but not to exceed 20% of local funds.

5. Fiscal Impact Summary:

6. Budgeted:

Bid Amount: _____
Under Budget: _____

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

7. Routing:

Angela Cano
Mario Delgado
Jeff Johnston
Isaac Tawil

Created/Initiated - 10/2/2023
Approved - 10/2/2023
Approved - 10/2/2023
Final Approval - 10/4/2023

8. Staff Recommendation: Authorize grant submission as presented to secure Planning Funds.
9. Advisory Board:
10. City Attorney: Approve. IJT
11. Manager's Recommendation: Approve. RR

CITY OF McALLEN
Transit Department

MEMO

TO: Roel Rodriguez, P. E., City Manager

FROM: Mario Delgado, Transit Director MD

DATE: 10/4/2023

SUBJECT: FY 2023 Pilot Program for Transit-Oriented Development Planning

- **Goal** – Maximize annual Federal Transit Administration Grant funds and submit application to the FTA for Transit-Oriented Development Planning Funds.
- **Brief explanation of item** – The FY 2023 Pilot Program for Transit-Oriented Development Planning is intended to help local communities to integrate land use and transportation planning with a new fixed guideway or core capacity transit capital investment. Comprehensive planning funded through the program must examine ways to improve economic development and ridership, foster multimodal connectivity and accessibility, improve transit access for pedestrian and bicycle traffic, engage the private sector, identify infrastructure needs, and enable mixed-use development near transit stations.

The City of McAllen is currently engaged in planning for a new Bus Rapid Transit corridor. The proposed comprehensive planning efforts for TOD around the corridor will examine ways to improve economic development and ridership, foster multimodal connectivity and accessibility, improve transit access for pedestrian and bicycle traffic, engage the private sector, identify infrastructure needs, encourage affordable housing, and enable mixed-use development near transit stations.

The grant request is approximately \$500,000, but not to exceed \$600,000. An award can be made at 100% subsidy, but not to exceed 20% of local funds.

- **Options**
 - **Option 1** – Authorize grant submission as presented to secure Planning Funds.
 - **Option 2** – Disapprove grant submission and lose out on Planning Funds
- **Recommendation** - The Transit Department recommends approval to submit Pilot Program for Transit-Oriented Development Planning Grant Application.

RESOLUTION NO. 2023-_____

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE FEDERALTRANSIT DEPARTMENT UNDER THE PILOT PROGRAM FOR TRANSIT-ORIENTED DEVELOPMENT PLANNING – SECTION 20005(B)

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN

WHEREAS, the Pilot Program for Transit-Oriented Development (TOD) Planning supports communities by providing funding to local communities to integrate land use and transportation planning with a new fixed guideway or core capacity transit capital investment;

WHEREAS, the proposed comprehensive planning efforts for TOD around the corridor will examine ways to improve economic development and ridership, foster multimodal connectivity and accessibility, improve transit access for pedestrian and bicycle traffic, engage the private sector, identify infrastructure needs, encourage affordable housing, and enable mixed-use development near transit stations.; and

WHEREAS, the McAllen Transit Department is eligible to apply for and receive funding.

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

- 1) The Transit Department is hereby directed to submit an application to the Federal Transit Administration for funding to support TOD Planning around High Capacity Transit.
- 2) Upon the approval of this application, the Mayor and/or other delegated City representative is authorized to execute all legal documents necessary, including electronic submissions through funding agency portals, and to perform any acts necessary to implement the project.
- 3) In the event of loss or misuse of funds, the governing body assures that all funds will be returned to Federal Transit Administration in full.

CONSIDERED, PASSED, APPROVED, AND SIGNED this 9th day of October 2023, at a regular meeting of the Board of Commissioners, of the City of McAllen, Texas, at which a quorum was present, and which was held pursuant to Chapter 551, Texas Government Code.

Attest:

City of McAllen

Perla Lara, TRMC/CMC, CPM
City Secretary

Javier Villalobos, Mayor

Approved as to form:

Isaac J. Tawil, City Attorney



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

2.L.

DATE SUBMITTED

MEETING DATE

10/9/2023

1. Agenda Item: Resolution in support of Cost of Living Adjustment (COLA) to pensions as provided by Teacher Retirement System of Texas.
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:

Diana Silva

Perla Lara

Isaac Tawil

Created -
8. Staff Recommendation:
9. Advisory Board:
10. City Attorney:
11. Manager's Recommendation: Approve. RR

Resolution No. 2023-

WHEREAS the Teacher Retirement System of Texas was established in 1937, and

WHEREAS the Teacher Retirement System of Texas is actually the retirement system for all public-education employees in Texas, including bus drivers, police officers, cafeteria employees, custodians, counselors, secretaries, nurses, maintenance staff, librarians, classroom aides, interpreters, administrators, and teachers; and

WHEREAS the Teacher Retirement System of Texas is the largest public retirement system in the state, with over 1.9 million members; and

WHEREAS retired Teacher Retirement System of Texas members who have retired since September 1, 2004, have not had a single cost-of-living adjustment; and

WHEREAS Teacher Retirement System of Texas retirees who retired prior to September 1, 2004, have not had a cost-of-living adjustment (COLA) since October of 2013 when they received a 3% adjustment, capped at \$100 per month; and

WHEREAS Teacher Retirement System of Texas retirees are subject to two federal provisions that drastically reduce or even eliminate any earned Social Security benefits; and

WHEREAS this cost-of-living adjustment will have no impact on Texas taxpayers; and

WHEREAS Texas voters will have the opportunity to vote “**FOR**” Proposition 9 in the November 7, 2023, election providing Teacher Retirement System of Texas retirees who retired on or before August 31, 2020, with a sorely needed cost-of-living adjustment.

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

The City of McAllen is in support of encouraging voters to vote FOR Proposition 9.

CONSIDERED, PASSED, APPROVED, AND SIGNED this day of , 2023, at a regular meeting of the Board of Commissioners, of the City of McAllen, Texas, at which a quorum was present and which was held pursuant to Chapter 551, Texas Government Code.

CITY OF MCALLEN, TEXAS

Attest:

Javier Villalobos , Mayor

Perla Lara, TRMC/CMC, CPM
City Secretary

Approved as to Form:

Issac J. Tawil, City Attorney



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

2.M.1.

DATE SUBMITTED

10/02/2023

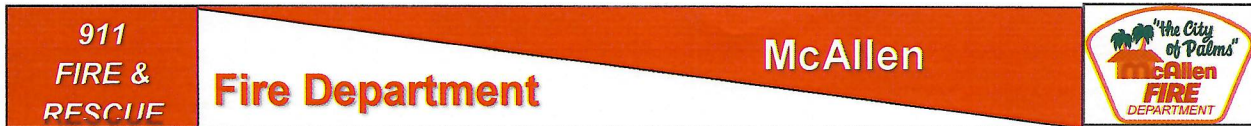
MEETING DATE

10/9/2023

1. Agenda Item: Award of Contract for the purchase of Rescue Air-Bags for the Fire Department.
2. Party Making Request: Juan Gloria
3. Applicant:
4. Nature of Request:
5. Fiscal Impact Summary: CDBG funded 100% of this project at a cost of \$76,161., from account number 132-8048-426-66-20-ZA4808
6. Budgeted: Yes

Bid Amount:	<u>\$76,161</u>	Budgeted Amount:	<u>\$76,161</u>
Under Budget:	<u>\$0.00</u>	Over Budget:	<u>\$0.00</u>
		Amount Remaining:	<u>\$0.00</u>
7. Routing:

Juan Gloria	Created/Initiated - 10/2/2023
Juan Gloria	Approved - 10/2/2023
Angie Rodriguez	Approved - 10/3/2023
Sergio Villasana	Approved - 10/3/2023
Gerardo Noriega	Approved - 10/3/2023
Isaac Tawil	Final Approval - 10/4/2023
8. Staff Recommendation: Staff Recommends approval to award a contract to Metro Fire for the purchase of Rescue Air-Bags and accessories in the amount of \$76,161.00.
9. Advisory Board:
10. City Attorney: Approve. IJT
11. Manager's Recommendation: Approve. RR



MEMORANDUM

TO: Roel "Roy" Rodriguez, P.E., M.P.A., City Manager

FROM: Juan A. Gloria Jr. / Fire Chief

DATE: September 27, 2023

RE: Purchase of Rescue Air-Bags and Accessories.

GOAL:

Requesting authorization to purchase (3) sets of rescue air-bags and related accessories in the amount of \$76,161.00 utilizing CDBG funds.

EXPLANATION:

Existing equipment has reached its useful life and it is now expired. Metro Fire Apparatus Specialists, Inc., provided a quote through Buy Board Contract 698-23, in the amount of \$76,161.00.

Funding sources and project number:

- #132-8048-426-66-20-ZA4808– CDBG – \$76,161.00

RECOMMENDATION:

Staff recommends approval to award a contract to Metro Fire for the purchase of Rescue Air-Bags and accessories in the amount of \$76,161.00.



QUOTE

Number	208723-0
Quote Date	09/18/2023
Page	1

Corporate
17350 State Hwy 249
Suite 250
Houston TX 77064-1142
(713) 692-0911 Phone
(713) 692-1591 Fax

Mansfield
625 S Wisteria St Ste 121
Mansfield TX 76063-2528
(817) 467-0911 Phone
(817) 375-1775 Fax

South Houston
514 Michigan St
South Houston TX 77587-3221
(713) 475-2411 Phone
(713) 475-2428 Fax

Bill to: MCALLEN FIRE DEPARTMENT
ATTN: ACCOUNTS PAYABLE
P O BOX 220
MCALLEN, TX 78505

Ship to: MCALLEN FIRE DEPARTMENT
201 NORTH 21ST STREET
MCALLEN, TX 78501

Cust Code	Ordered By	Salesman	Job/Rel#	Customer PO
MCA001	JAMES FARRELL	CESAR PEDRAZA		
Entered By		FOB	Ship Via	Terms
CESAR PEDRAZA		DESTINATION	BEST WAY	NET 20 DAYS
Customer/Order Instructions				

PRICING PER TEXAS BUY BOARD CONTRACT 698-23

Quantity			U/M	Item #	Description	Price	Extension
Order	Ship	Back					
3	3	3	EA	PAR-22-889234G2	MODEL 234, 7 LIFT BAG SET G2	13115.00	39345.00
3	3	3	EA	PAR-22-890300G2	MASTER CONTROL PACKAGE G2 890900 DUAL DEADMAN CONTROLLER (5) 16' AIR HOSES 6000PSI PRESSURE REGULATOR FITTINGS, CARRYING CASE	4119.00	12357.00
1	1	1	EA	PAR-22-88D025K	MULTIFORCE LIFTING BAG KIT BAG, CONTROLLER, REGULATOR 2 HOSES, RELIEF BAG	11527.00	11527.00
2	2	2	EA	PAR-22-79HA10K	HYDRAFUSION STRUT 10 KIT INCLUDES STRUT, HAND PUMP AND 10 FT HOSE	4403.00	8806.00
2	2	2	EA	PAR-22-796180C	12" X 12" HINGED BASE INCLUDES ANCHOR RING	629.00	1258.00
2	2	2	EA	PAR-22-796035	EXTENSION CONVERTERS	240.00	480.00
2	2	2	EA	PAR-22-796025	MULTI BASE	258.00	516.00
2	2	2	EA	PAR-22-796685	MULTI CHAIN BASE	636.00	1272.00
1	1	1	EA	PAR-22-796C1H	GRADE 100 CHAIN 20FT (6.09M)	451.00	451.00
1	1	1	EA	PAR-22-890553	27' RATCHET BELT W/FINGER HOOKS	149.00	149.00
1	1	1	EA	BUY BOARD CONTRACT	CONTRACT 698-23	0.00	0.00

SubTotal 76,161.00

Total 76,161.00

QUOTE GOOD FOR 30 DAYS



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

2.M.2.

DATE SUBMITTED

10/03/2023

MEETING DATE

10/9/2023

1. Agenda Item: Award of Contract for the purchase of Two (2) Front End Loaders utilizing Sourcewell Cooperative Pricing.
2. Party Making Request: Elvira Alonzo
3. Applicant: Elvira Alonzo
4. Nature of Request: Award of Purchase Contract for Two (2) Front End Loaders for the Compost and Brush Departments utilizing Sourcewell cooperative pricing in the total amount of \$505,396.30- Project No. 10-23-P01-01.
5. Fiscal Impact

Account Number: 500-4250-446-66-14-000000

Project No: _____

Account Number: 502-4280-446-66-14-EC2402

Project No: _____

Description	Bid Amount	Budgeted Amount	Under Budget	Over Budget
Composting One (1) Front End Loader	\$253,738.10	\$265,000.00	\$11,261.90	
Brush One (1) Front End Loader	\$251,658.20	\$265,000.00	\$13,341.80	

Summary:

6. Budgeted: Yes
Yes

Bid Amount:	\$253,738.10	Budgeted Amount:	\$265,000.00
	\$251,658.20		\$265,000.00
Under Budget:	\$11,261.90	Over Budget:	\$0.00
	\$13,341.80		\$0.00
		Amount Remaining:	\$0.00
			\$0.00

7. Routing:
Esmeralda Garcia
Elvira Alonzo
Angie Rodriguez
Sergio Villasana
Gerardo Noriega
Jeff Johnston
Isaac Tawil
Created/Initiated - 10/3/2023
Approved - 10/3/2023
Approved - 10/3/2023
Approved - 10/3/2023
Approved - 10/3/2023
Approved - 10/3/2023
Final Approval - 10/4/2023
8. Staff Recommendation: Public Works staff recommends approval of a purchase contract utilizing Sourcewell cooperative pricing to Doggett Heavy Machinery of San Juan, TX for a combined cost of \$505,396.30. Contract includes one (1) John Deere 624P Loader at a unit cost of \$253,738.10

for the Compost Department and one (1) John Deere 544P Loader with grapple rake at a unit cost of \$251,658.20 for the Brush Department.

9. Advisory Board:

10. City Attorney: Approve. IJT

11. Manager's Recommendation: Approve. RR



Memorandum

To: Roel “Roy” Rodriguez, P.E., City Manager
From: Elvira Alonzo, CPM, Director of Public Works
Date: September 29, 2023
Subject: Award of Purchase Contract for Two (2) Current Model Front Wheel Loaders Utilizing Sourcewell Cooperative Pricing - Project# 10-23-P0-01

GOAL: Public Works is requesting consideration and approval to award a purchase contract to Doggett Heavy Machinery of San Juan, TX for Two (2) Current Model Front End Loaders for a total cost of \$505,396.30. This is a cooperative purchase through Sourcewell cooperative.

BRIEF EXPLANATION: The Brush Department will be replacing Unit# SA9012 (2014 Doosan DL-200-3 Front End Loader) which meets replacement criteria. This unit will assist staff in providing continued customer service to the citizens of McAllen with the collection of brush and debris.

The Composting Department will be adding one (1) new current model front wheel loader to assist with increase in demand of compost products and services.

Public Works solicited a Sourcewell cooperative purchase quote from Doggett Heavy Machinery for Two (2) Front End Loaders and received a total purchase amount of \$505,396.30.

RECOMMENDATION: Public Works staff recommends approval of a purchase contract utilizing Sourcewell cooperative pricing to Doggett Heavy Machinery of San Juan, TX for a combined cost of \$505,396.30. Contract includes one (1) John Deere 624P Loader at a unit cost of \$253,738.10 for the Compost Department and one (1) John Deere 544P Loader with grapple rake at a unit cost of \$251,658.20 for the Brush Department.



Recommended Vendor

PURCHASE OF TWO (2) CURRENT MODEL FRONT WHEEL LOADERS

SOURCEWELL 011723-JDC

Item #	DESCRIPTION	UOM	QTY	 DOGGETT HEAVY MACHINERY SERVICES SAN JUAN, TX
				Unit Price
1	JOHN DEERE 624P WHEEL LOADER	EA	1	\$ 253,738.10
2	JOHN DEERE 544P WHEEL LOADER	EA	1	\$ 251,658.20

624 P Wheel Loader



CITY OF MCALLEN

DOGGETT HEAVY MACHINERY SERVICES

CASEY J CAVAZOS

CASEY.CAVAZOS@DOGGETT.COM

Code	Description	Qty	List Price(USD)
6041DW	624 P Wheel Loader	1	\$297,503.00
	6041DW (Gen-A)		
Option Codes			
0202	United States	1	No Added Cost
0259	English	1	No Added Cost
	English language for operator's manual and electronic content		
0351	Translated Text Labels	1	No Added Cost
	Vehicle labels translated to selected language		
0400	Standard Loader	1	No Added Cost
0451	Standard Z-BAR	1	No Added Cost
0612	Level 2 Trim	1	\$6,663.00
	Includes:		
	- Flat Black Exhaust		
	- 140 Amp Alternator		
	- 15 Amp Converter		
	- Halogen Work and Drive Lights		
	- Premium Seat, Heated and Ventilated with Heavy Duty Air Suspension		
	- AM/FM/Weather Band (WB) Radio with Remote AUX Port		
	- Ride Control		

0654	Level 1 Performance	1	No Added Cost
	This Package is recommended for machines that will be used on hard packed and well maintained surfaces.		
	Package includes:		
	- Locking Front Differential		
	- Standard Rear Differential		
	- Manual Diff Lock		
	- Less Throttle Lock		
	- Less Wheel Spin Control		
	- 5-Speed Powershift Transmission		
0951	Rear Camera (Primary Display)	1	No Added Cost
	Rear camera with display integrated into monitor		
1100	Less Detection System	1	No Added Cost
1301	Left Side Steps	1	No Added Cost
183E	JDLink™	1	No Added Cost
	Includes integrated cab wiring harness, antenna, and JDLink™ Modem (MTG).		
	JDLink™ connectivity is enabled separately through the JDLink™ website. Connectivity service is subject to country availability.		
2201	Less Payload Scale w/ Cycle Counter	1	\$124.00
	Models will be shipped payload scale ready.		
	A payload scale whole good field kit may be added at a later time.		
4095	John Deere 6.8L - FT4/SV	1	\$26,100.00
	John Deere Powertech PVS 6.8L Meets FT4/EU Stage V Emissions		
6522	Rear Counterweight & Rear Hitch w/ Pin	1	No Added Cost
7026	Joystick Controls	1	No Added Cost
	Provides a single lever (joystick) control for the boom and the bucket.		
	Optional 3rd and 4th functions are controlled with proportional thumb rollers integrated in the joystick handle (if equipped for applicable models).		
7054	Three Function Hydraulics	1	\$2,342.00
	Controls boom, bucket, and adds an auxiliary function (w/ boom lines).		

5121	No Brand Preference - 20.5R25 L3 1-Star Radial Tires w/ 3 PC Rims	1	\$13,794.00
5552	Standard Front Fenders Includes: - Standard width front fenders	1	No Added Cost
7403	Hydraulic Coupler - JRB 416 Pattern	1	\$6,294.00
7800	Less Bucket	1	No Added Cost
7465	Less Cutting Edge, Segments, and Teeth	1	No Added Cost
7500	Less Fork Frame	1	No Added Cost
7700	Less Tines	1	No Added Cost
8505	Guards - Transmission & Bottom	1	\$2,135.00
8015	20.5R25 L3 1-Star Radial Tires w/ 3 PC Rims - No Brand Preference	1	No Added Cost

Total	\$354,955.00
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SOURCEWELL GOV DISCOUNT 38% (011723-JDC)	-	\$134,882.90
--	---	--------------

60 MONTH 5000 HR POWERTRAIN AND HYDRUALIC EXTENDED WARRANTY	+	\$ 4,666.00
---	---	-------------

COUPLER BUCKET 3.75 YARDS	+	\$ 12,000.00
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PDI AND FREIGHT	+	\$ 17,000.00
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TOTAL SALES PRICE	\$253,738.10
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OPTIONAL BRUSH GRAPPLE \$ 38,000

TOTAL SALES PRICE WITH GRAPPLE OPTION	\$291,738.10
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QUOTE IS VALID FOR 60 DAYS

544 P Wheel Loader

CITY OF MCALLEN



DOGGETT HEAVY MACHINERY SERVICES

CASEY J CAVAZOS

CASEY.CAVAZOS@DOGGETT.COM

(956)227-0877

Code	Description	Qty	List Price(USD)
6031DW	544 P Wheel Loader	1	\$266,524.00
	6031DW (Gen-A)		
Option Codes			
0202	United States	1	No Added Cost
0259	English	1	No Added Cost
	English language for operator's manual and electronic content		
0351	Translated Text Labels	1	No Added Cost
	Vehicle labels translated to selected language		
0400	Standard Loader	1	No Added Cost
0451	Standard Z-BAR	1	No Added Cost
0612	Level 2 Trim	1	\$6,663.00
	Includes:		
	- Flat Black Exhaust		
	- 140 Amp Alternator		
	- 15 Amp Converter		
	- Halogen Work and Drive Lights		
	- Premium Seat, Heated and Ventilated with Heavy Duty Air Suspension		
	- AM/FM/Weather Band (WB) Radio with Remote AUX Port		
	- Ride Control		

0658	Level 3 Performance	1	\$4,320.00
	This Package is recommended for machines that will be used on hard packed and well maintained surfaces doing load and carry or stockpiling		
	Package includes:		
	- Locking Front Differential		
	- Standard Rear Differential		
	- Manual Diff Lock		
	- Throttle Lock		
	- Less Wheel Spin Control		
	- 5-Speed Powershift Transmission with Lock-up Torque Converter		
0951	Rear Camera (Primary Display)	1	No Added Cost
	Rear camera with display integrated into monitor		
1100	Less Detection System	1	No Added Cost
1301	Left Side Steps	1	No Added Cost
183E	JDLink™	1	No Added Cost
	Includes integrated cab wiring harness, antenna, and JDLink™ Modem (MTG).		
	JDLink™ connectivity is enabled separately through the JDLink™ website. Connectivity service is subject to country availability.		
2201	Less Payload Scale w/ Cycle Counter	1	\$124.00
	Models will be shipped payload scale ready.		
	A payload scale whole good field kit may be added at a later time.		
4095	John Deere 6.8L - FT4/SV	1	\$20,570.00
	John Deere Powertech PVS 6.8L Meets FT4/EU Stage V Emissions		
6522	Rear Counterweight & Rear Hitch w/ Pin	1	No Added Cost
7026	Joystick Controls	1	No Added Cost
	Provides a single lever (joystick) control for the boom and the bucket.		
	Optional 3rd and 4th functions are controlled with proportional thumb rollers integrated in the joystick handle (if equipped for applicable models).		
7054	Three Function Hydraulics	1	\$2,342.00
	Controls boom, bucket, and adds an auxiliary function (w/ boom lines).		

5121	No Brand Preference - 20.5R25 L3 1-Star Radial Tires w/ 3 PC Rims	1	\$13,794.00
5552	Standard Front Fenders	1	No Added Cost
	Includes: - Standard width front fenders		
7403	Hydraulic Coupler - JRB 416 Pattern	1	\$6,083.00
7800	Less Bucket	1	No Added Cost
7465	Less Cutting Edge, Segments, and Teeth	1	No Added Cost
7500	Less Fork Frame	1	No Added Cost
7700	Less Tines	1	No Added Cost
8015	20.5R25 L3 1-Star Radial Tires w/ 3 PC Rims - No Brand Preference	1	No Added Cost
Total			\$320,420.00

SOURCEWELL GOV DISCOUNT 39% (011723-JDC)	-	\$ 124,963.80
60 MONTH 5000 HR POWERTRAIN AND HYDRULIC EXTENDED WARRANTY	+	\$ 4,202.00
PDI AND FRIGHT	+	\$ 17,000.00
BRUSH GRAPPLE	+	\$ 35,000.00
TOTAL SALES PRICE		\$ 251,658.20

QUOTE IS VALID FOR 60 DAYS



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

3.A.

DATE SUBMITTED

10/02/2023

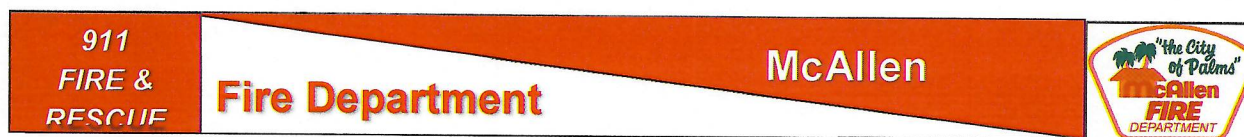
MEETING DATE

10/9/2023

1. Agenda Item: Consideration and Approval of a Memorandum of Understanding between the City of McAllen Fire Department and South Texas College.
2. Party Making Request: Juan Gloria
3. Applicant:
4. Nature of Request:
5. Fiscal Impact Summary:
6. Budgeted:

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

Juan Gloria	Created/Initiated - 10/2/2023
Juan Gloria	Approved - 10/2/2023
Isaac Tawil	Final Approval - 10/4/2023
8. Staff Recommendation: Staff recommends approval of MOU between City of McAllen and South Texas College.
9. Advisory Board:
10. City Attorney: Approve. IJT
11. Manager's Recommendation: Approve. RR



MEMORANDUM

TO: Roel "Roy" Rodriguez, P.E., M.P.A., City Manager

FROM: Juan A. Gloria Jr. / Fire Chief 

DATE: October 2, 2023

RE: City of McAllen/South Texas College – MOU Fire Training Cooperation.

GOAL:

Requesting authorization to officiate a memorandum of understanding between the City of McAllen and South Texas College for cooperation in relation to Firefighter related training.

EXPLANATION:

McAllen Fire Department and South Texas College have been working together through the years in relation to Firefighting and Law Enforcement programs. This MOU will further strengthen collaboration through resource sharing and issuance of continues education credits when applicable.

RECOMMENDATION:

Staff recommends approval of MOU between City of McAllen and South Texas College.

MEMORANDUM OF UNDERSTANDING

*Between the City of McAllen and
South Texas College*

Continuing Education Units for Firefighter Related Trainings

I. Purpose: In accordance with the terms of this Memorandum of Understanding ("MOU"), South Texas College Continuing Education ("CE") will award Continuing Education Units ("CEUs") to participants of *Firefighter Related Trainings* coordinated and conducted by the City of McAllen by and through the McAllen Fire Department herein after referred to as "Partner." Partner has agreed to deliver these training courses free of charge. Neither Party shall pay any compensation to or reimburse any expenses of the other Party for the services provided under or in connection with this MOU.

II. Obligations of the Parties:

A. Prior to Training:

1. Partner will provide CE with a copy of the curriculum, syllabus, and qualifications of trainer (resume and transcript) in order to determine whether, in CE's sole, reasonable discretion, they meet Continuing Education Program Criteria stipulated in the Guidelines for Instructional Programs in Workforce Education. Partner will provide CE with trainer's email and a Special Assignment MOU.
2. Partner will decide on training location, dates, and times and relay the decisions and information to CE.
3. CE will set up courses in CE Registration System for \$0 per participant.
4. CE will provide Partner with blank participant registration forms or a registration database.
5. Partner will provide CE with completed participant registration forms or a completed registration database.
6. CE will register participants.
7. CE will provide Partner with admission documentation to be filled out during training, which includes, but are not limited to:
 - a. Class Roster
 - b. Sign-in Sheets
 - c. Satisfaction Surveys
 - d. Grading Protocol: S for Satisfactory and U for Unsatisfactory. A Satisfactory grade and Certificate of Completion will be issued to participants who (a) attend at least 75% of the total number of hours comprising the training program and (b) earn a minimum grade of 80 (type of assessment to be determined by CE and Partner). All others will receive an Unsatisfactory grade and no Certificate of Completion.

B. During Training:

1. Partner will provide approved syllabus to participants and will conduct training.
2. CE will observe trainer and fill out the Trainer Observation form.

C. At the end of Training:

1. Partner will turn in admission documentation to CE, which include:
 - a. Class Roster graded by the trainer
 - b. Sign-in Sheets
 - c. Satisfaction Surveys

2. CE will issue Certificates of Completion to participants based on the Grading Protocol.
3. CE will file documentation for auditing purposes: curriculum, syllabus, trainer qualifications, and admission documentation.

III. Term and Termination: The Initial Term of this MOU shall become effective on the Effective Date and shall be for a period of three (3) years and shall begin on September 1, 2023 and end on August 31, 2026 unless earlier terminated pursuant to the terms of this MOU. Partner and CE shall have the mutual right to renew the term by up to three (3) additional twelve-month renewal periods (each a “Renewal Term”) by each Party executing a written notice of their joint election to renew the term hereof, such notice to be provided at least sixty (60) days prior to the expiration of the Initial Term or any Renewal Term. In all circumstances, this MOU may be terminated by either Party upon thirty (30) days written notice to the other; however, unless such termination is based on a material breach of this MOU, under no circumstances shall the termination become effective prior to the conclusion of any on-going training courses.

IV. General Provisions:

A. Amendments. Either Party may request changes to this MOU. Any changes, modifications, revisions or amendments to this MOU, which are mutually agreed upon by and between the Parties hereto, shall be incorporated by written instrument, and effective when executed and signed by all Parties to this MOU.

B. Applicable Law. The construction, interpretation and enforcement of this MOU shall be governed by the laws of the State of Texas. The courts of the State of Texas shall have jurisdiction over any action arising out of this MOU and over the Parties, and the exclusive venue shall be the courts of Hidalgo County, Texas.

C. Entirety of Agreement. This MOU represents the entire and integrated agreement between the Parties and supersedes all prior negotiations, representations and agreements, whether written or oral.

D. Assignment. Neither Party shall assign, sublet, or transfer its interests in this MOU without the prior written consent of the other party.

E. Equal Opportunity. The Parties shall provide all services associated with the subject matter of this MOU in compliance with the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972 (34 C.F.R., Section 106, et seq.), and all other applicable federal and state nondiscrimination statutes or laws. Neither Party will discriminate against any person on the basis of race, religion, color, sex, national origin, or disability in the carrying out of the terms of this MOU.

F. Public Information. Partner acknowledge that CE is obligated to strictly comply with the Public Information Act, Chapter 552, Texas Government Code, in responding to any request for public information pertaining to this MOU. CE agrees to advise Partner in writing of any such public information requests in accordance with the Public Information Act.

G. Severability. Should any portion of this MOU be judicially determined to be illegal or unenforceable, the remainder of the MOU shall continue in full force and effect, and either Party may renegotiate the terms affected by the severance.

H. Immunity. CE and its governing body do not waive any immunity based on the Constitution or laws of the State of Texas by entering into this MOU and fully retain all immunities and defenses provided by law with respect to any action based on or occurring as a result of this MOU.

I. Third Party Beneficiary Rights. The Parties do not intend to create in any other individual or entity the status of a third-party beneficiary, and this MOU shall not be construed so as to create such status. The rights, duties and obligations contained in this MOU shall operate only between and inure solely to the benefit of the Parties. The provisions of this MOU are intended only to assist the Parties in determining and performing their obligations hereunder. The Parties intend and expressly agree that only the Parties that are signatories to this MOU shall have any legal or equitable right to seek to enforce this MOU, to seek any remedy arising out of a Party's performance or failure to perform any term or condition of this MOU, or to bring an action for the breach of this MOU.

J. Relationship of the Parties. Nothing in this MOU will create or imply an agency relationship between the Parties hereto nor will this MOU be deemed to constitute a joint venture or partnership between the Parties. Neither the Parties nor their employees will be deemed employees of one another for any purpose. Unless otherwise agreed in writing, signed by the Parties, no Party is entitled to receive any fees, charges, reimbursements, or payments of any kind for the performance of any of the obligations, activities, efforts or services arising under the terms of this MOU.

K. Promotions. Neither Party will use the other Party's name, logo, or likeness in any press release, marketing materials, or other public announcements without receiving that Party's prior written approval.

V. Signatures: In witness whereof, the Parties to this MOU, through their duly authorized representatives, have executed this MOU on the days and dates set out below, and certify that they have read, understood, and agreed to the terms and conditions of this MOU as set forth herein.

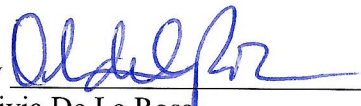
The Effective Date of this MOU is the date of the signature last affixed to this page.

By 
Roel Roy Rodriguez
City Manager, City of McAllen

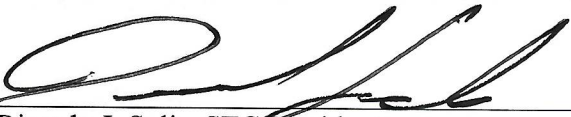
Date 9/26/23

By 
Juan Gloria
Deputy Chief, McAllen Fire Department

Date 9/29/23

By 
Olivia De La Rosa
STC Director of Professional and Workforce Education

Date 10/2/23

By 
Dr. Ricardo J. Solis, STC President

Date 10/2/23



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

3.B.

DATE SUBMITTED

09/27/2023

MEETING DATE

10/9/2023

1. Agenda Item: Consideration and Approval of EZ Cross Lane Upgrade at McAllen-Hidalgo International Bridge.

2. Party Making Request: Juan Olaguibel

3. Applicant:

4. Nature of Request:

5. Fiscal Impact Summary: McAllen Hidalgo International Bridge CIP Fund
Account number 566-8708-436-66-10 BB1605

6. Budgeted: Yes

Bid Amount: \$60,354.04

Budgeted Amount: \$90,000

Under Budget: \$0.00

Over Budget: \$0.00

Amount Remaining: \$0.00

7. Routing:

Juan Olaguibel

Created/Initiated - 9/27/2023

Juan Olaguibel

Approved - 9/27/2023

Angie Rodriguez

Approved - 9/27/2023

Sergio Villasana

Approved - 9/27/2023

Gerardo Noriega

New -

Isaac Tawil

8. Staff Recommendation: Approval

9. Advisory Board:

10. City Attorney: Approve. IJT

11. Manager's Recommendation: Approve. RR

P. O. Box 399
Hidalgo, TX 78557
Phone - (956) 681-1800
Fax - (956) 681-1845



MEMO

TO: ROEL "ROY" RODRIGUEZ P.E., McALLEN CITY
MANAGER

FROM : JUAN OLAGUIBEL, SUPERINTENDENT OF BRIDGES

DATE: AUGUST 10, 2023

RE: EZ CROSS LANE UPGRADE

The McAllen Hidalgo International Bridge currently has unmanned lanes providing additional crossing options. These lanes are used by travelers that prepay their crossings. As more vehicles are using the unmanned lanes, travelers not in the EZ cross program are beginning to try and use them causing delays.

The recommendation is to move the reader and gate up so that traffic issues do not occur. Attached is a picture of what the lane looks like. This project is intended to expedite crossings safely.

Cost of relocating and upgrading the EZ Cross Lane is \$60,354.04.

Staff recommends approval of project.



The Revenue Markets, Inc.

5120 US Highway 209
Accord, NY 12404
P. 845.626.8655
F. 845.626.2492

Quote No. 071223HK
IT#: 7416

Quote Date
July 12, 2023

Customer Billing Address

McAllen-Hidalgo Int'l. Bridge
Attn: Juan Olaguibel
(956) 681-1820

Ship To:

McAllen-Hidalgo Int'l. Bridge
1023 S. Int'l Blvd.
End of Bridge Street
Hidalgo, TX 78557

Terms: Net 30

Delivery: 8-12 weeks

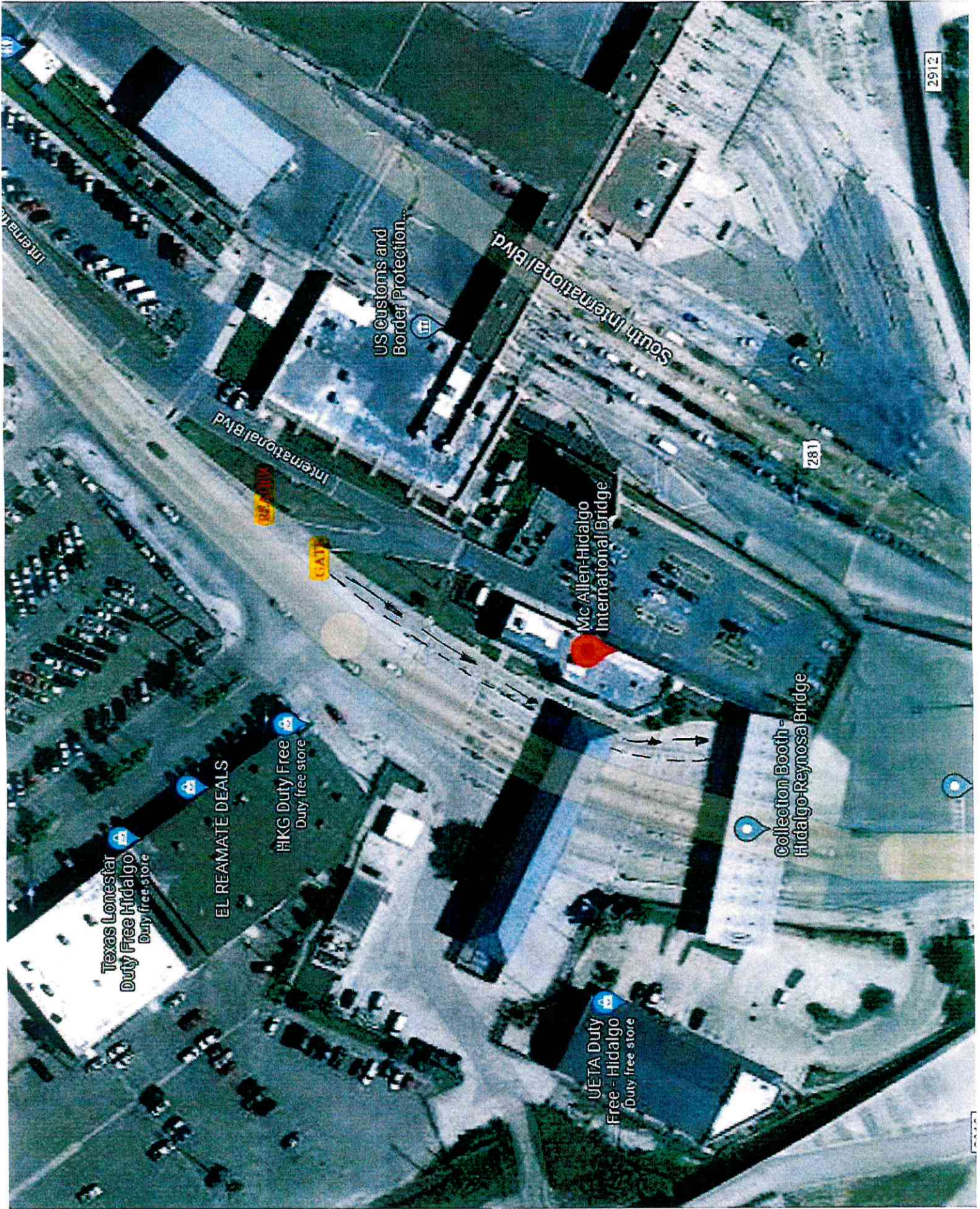
Quote Valid: through Sept.

Line Item	Qty.	Description: Hidalgo Bridge, Lane 1 - Gate Relocation	Unit Price	Total
1	1	Software Development	LS	\$ 15,192.00
2	1	Hardware: Enclosure for AC, Lane computer, Gate, 19" PFD, Traffic light, HID reader and other supporting hardware.	LS	\$ 36,682.04
3	1	Shipping	\$ 2,500.00	\$ 2,500.00
4	1	Installation	\$ 5,980.00	\$ 5,980.00
5				
6		*All civil work (concrete, communication & power) is the responsibility of McAllen.		
7				
8				
			Total:	\$ 60,354.04

Notes:

1. Please forward approved Purchase Orders to Marcy Paris at mparis@trmi.com.
2. Shipping charges are estimated, actual charges to be invoiced at time of delivery.
- 3.
- 4.

Signature: Henry Kroll





ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

3.C.

DATE SUBMITTED

10/02/2023

MEETING DATE

10/9/2023

1. Agenda Item: Consideration and Approval of Parking Services Agreement with Municipal Parking Services, Inc.
2. Party Making Request: Mario Delgado
3. Applicant:
4. Nature of Request: To minimize prohibited parking in areas of Downtown McAllen.
5. Fiscal Impact Summary:
6. Budgeted:

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

Angela Cano	Created/Initiated - 10/2/2023
Mario Delgado	Approved - 10/2/2023
Jeff Johnston	Approved - 10/2/2023
Isaac Tawil	Final Approval - 10/4/2023
8. Staff Recommendation: Approve the Contract with Municipal Parking Services as presented.
9. Advisory Board:
10. City Attorney: Approve. IJT
11. Manager's Recommendation: Approve. RR

PARKING SERVICES AGREEMENT

This Parking Services Agreement (“**Agreement**”) is made effective _____, 2023 (the “**Effective Date**”) by and between the CITY OF McALLEN, a Home-Rule Municipality located in Hidalgo County, Texas (the “**City**”) and MUNICIPAL PARKING SERVICES, INC., a Foreign For-Profit corporation authorized to transact business in the State of Texas (“**MPS**”). City and MPS are referred to in this Agreement as the “**Parties**.”

RECITALS

WHEREAS, MPS has developed a unique, proprietary, patent-protected parking and no-parking enforcement and parking data technology system referred to as the Sentry® System (the “**Sentry System™**”), which includes the camera-equipped, self-enforcing Sentry® SafetyStick® bollards and the Sentry® SolarStick™ bollards (collectively the “**SafetyStick(s)**”) and related hardware and the Sentry® software (the “**Sentry Software**”) that enables operation and web-based back-end management of the SafetySticks®.

WHEREAS, City wishes to deploy in phases up to one SafetySticks and use the Sentry System to monitor parking activity and enforce parking regulations in certain no-parking zones such as fire hydrants, bus stops, crosswalks, and loading zones (the “**No-Parking Zone(s)**”).

NOW, THEREFORE, in consideration of the mutual covenants, terms and conditions set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, including the above recitals, the Parties agree to the following as of the Effective Date:

1. Schedules. This Agreement incorporates the Recitals and the following Schedules (including all definitions set forth therein): Schedule A – Data & Legal Terms; Schedule B – Economic Terms; Schedule B-1 – Rate Table; Schedule C – Enforcement Terms; Schedule D – Operational Terms; and Schedule E – Software-as-a-Service License. If a conflict arises between this Agreement and any Schedule, the terms of the Agreement shall prevail.

2. Equipment and Services. Subject to the terms and conditions of this Agreement, MPS shall provide City with the Sentry® System to enforce no-parking zones by providing the City automated Violation Notices (the “**Services**”). MPS will provide up to one SafetySticks in the aggregate (and provide the Sentry Software relating thereto) as ordered by City and agreed to by MPS to provide the Services. Each order shall set forth the specific number of SafetySticks, the applicable initial City location where the Equipment will be installed, and other terms as the parties shall agree and be executed by City and MPS (each an “**Order**”). Each Order will be governed by the terms of this Agreement and will be binding upon the Parties and will be deemed to constitute a part of this Agreement as if fully set forth herein. In the event of any conflict between this Agreement and any Order, this Agreement will take precedence unless otherwise expressly provided by the Order. SafetySticks and any other tangible property provided by MPS under this Agreement are the “**Equipment**.”

3. Term. This Agreement commences on the Effective Date and continues for a pilot period of six (6) months (the “**Term**”), unless sooner terminated pursuant to this Agreement. City may renew this Agreement for two (2) additional one-year periods on terms and conditions mutually agreed by the Parties unless a Party provides notice of non-renewal at least two (2) months prior to the end of the then-current Term.

4. Consideration to MPS. In consideration for MPS providing the Equipment and the Services, City shall pay MPS the Transaction Fees and other charges as set forth on Schedules B and B-1.

5. Termination.

(a) **City Termination Rights**. City may terminate this Agreement for material breach if MPS fails to cure such breach within thirty (30) days of receiving written notice thereof from City detailing such breach. MPS shall have thirty (30) days from receipt of such notice to cure the breach or develop a plan to remediate such breach to City’s approval, which City shall not unreasonably withhold. City may terminate this Agreement for an uncured material breach after the 30-day period; provided, however, if MPS has timely delivered to City a remedial plan and is diligently carry out such remedial plan, City shall not have the right to terminate this Agreement. If MPS fails to diligently carry out such plan and cure such breach substantially in accordance with the plan, then City may terminate this Agreement upon written notice to MPS.

(b) **MPS Termination Rights.** MPS may terminate this Agreement for material breach if City fails to cure such breach within ninety (90) days of receiving written notice thereof from MPS detailing such breach. City shall have ninety (90) days from receipt of such notice to cure the breach (excluding non-payment or breach of MPS software license terms), or if such breach cannot be reasonably cured within the 90 days, to develop and deliver a plan to remediate such breach to MPS's approval, which MPS shall not unreasonably withhold. MPS may terminate this Agreement for an uncured material breach including non-payment after the 90-day period; provided, however, if City has timely delivered to MPS a remedial plan and is diligently carry out such remedial plan, MPS shall not have the right to terminate this Agreement. If City fails to diligently carry out such plan and cure such breach substantially in accordance with the plan, then MPS may terminate this Agreement upon written notice to City. Notwithstanding the foregoing to the contrary, MPS may also terminate this Agreement as set forth elsewhere in this Agreement or suspend Services or terminate this Agreement immediately on written notice if City removes or disables any Equipment or violates the licensing terms in Schedule D.

(c) On any termination (or expiration) of this Agreement in addition to any other rights or remedies a Party may have, (1) City's right to access and use the Sentry Software, and MPS' obligation to provide Services, shall terminate as of the date of termination; (2) the then-current month's Transaction Fees shall become immediately due and payable; (3) MPS shall remove all Equipment in place within ninety (90) days; and (4) City shall immediately pay MPS all amounts owing or to be owed to MPS under this Agreement. City will be liable for all collection costs and expenses, including reasonable attorneys' fees incurred by MPS to collect amounts owed by City to MPS. No termination of this Agreement shall release a Party from any obligation that (i) has already accrued under this Agreement, (ii) comes into effect because of such termination, or (iii) survives such termination. All rights and obligations set forth in this Agreement that by their nature contemplate survival after termination hereof shall so survive.

6. .

7. Warranties; Limitations of Liability; Indemnification.

a) City Warranties. On a continuing basis, City warrants that: (a) it has all necessary legal authority, permits, licenses, or permissions relating to its use and MPS's provision of the Services (including all necessary legal authority, permits, licenses, or permissions required to enforce No Parking Zones, and any issue and collect any fines, fees, penalties, or interest relating to such enforcement), and City agrees to notify MPS of any proposed or enacted change thereto; and, (b) the Authorized Parties are duly authorized to use and access the Services and the Parking Data.

b) MPS Warranties. MPS warrants it has all necessary rights, authorizations, and licenses in and to the Sentry System to grant the City any rights, privileges, or licenses under this Agreement. MPS further warrants it shall use reasonable efforts to make the Sentry System available at all times, except for planned maintenance periods, but MPS reserves the right to perform maintenance of the Sentry System as needed.

c) .

d) WARRANTY DISCLAIMERS. EXCEPT AS PROVIDED IN THIS SECTION 8, MPS MAKES NO REPRESENTATIONS OR WARRANTIES, DIRECTLY OR INDIRECTLY, EXPRESS OR IMPLIED, WITH RESPECT TO ANY PRODUCT OR SERVICE PROVIDED UNDER THIS AGREEMENT. WITHOUT LIMITING THE FOREGOING, MPS EXPRESSLY DISCLAIMS ALL WARRANTIES OF MERCHANTABILITY, DESIGN, OPERATION, FITNESS FOR PARTICULAR PURPOSE, NON-INTERFERENCE WITH INFORMATION, SERVICE AVAILABILITY OR UPTIME, SOFTWARE COMPATIBILITY, QUALITY OF DATA, AND ANY WARRANTY FROM CONDUCT, COURSE OF DEALING, CUSTOM, OR TRADE USAGE.

e) LIABILITY LIMITATIONS. MPS AND CITY SHALL NOT BE LIABLE TO THE OTHER PARTY UNDER OR IN CONNECTION WITH THIS AGREEMENT UNDER ANY LEGAL OR EQUITABLE THEORY, INCLUDING CONTRACT, TORT (INCLUDING NEGLIGENCE), STRICT LIABILITY, OR OTHERWISE, FOR ANY: (i) CONSEQUENTIAL, INCIDENTAL, INDIRECT, EXEMPLARY, SPECIAL, ENHANCED, OR PUNITIVE DAMAGES; (ii) INCREASED COSTS, DIMINUTION IN VALUE, OR LOST BUSINESS, PRODUCTION, REVENUES, OR PROFITS; (iii) LOSS OF GOODWILL OR REPUTATION; (iv) USE, INABILITY TO USE, LOSS, INTERRUPTION, DELAY, OR RECOVERY OF ANY DATA, OR BREACH OF DATA OR SYSTEM SECURITY; OR (v) COST OF REPLACEMENT GOODS OR SERVICES. THE FOREGOING SHALL APPLY REGARDLESS OF WHETHER MPS OR CITY WERE ADVISED OF THE POSSIBILITY OF SUCH LOSSES OR DAMAGES OR SUCH LOSSES OR DAMAGES WERE OTHERWISE FORESEEABLE.

MPS'S AGGREGATE LIABILITY ARISING FROM OR RELATED TO THIS AGREEMENT SHALL NOT EXCEED IN THE AGGREGATE THE AMOUNT OF FEES ACTUALLY PAID TO MPS IN THE THREE CALENDAR MONTHS PRECEDING THE EVENT GIVING RISE TO DAMAGES.

8. Power and Authority; Enforceability. Each Party ("such Party") hereby represents and warrants to the other that (i) such Party has the full power and authority to enter into and perform this Agreement, (ii) the execution, delivery and performance of this Agreement by such Party has been duly authorized by all necessary action on the part of such Party; (iii) the person signing this Agreement on behalf of such Party is duly authorized to sign and deliver this Agreement on behalf of such Party, and (iv) the Agreement constitutes the legal, valid and binding obligation of such Party enforceable in accordance with its terms.

9. Miscellaneous.

(a) No Party shall be in default hereunder or liable to the other for any delays or failures in performance resulting from acts beyond its reasonable control (force majeure) including, without limitation, acts of God, terrorist acts, shortage of supply, labor difficulties, war or civil unrest, acts of public authority, vandalism, pandemic, interruptions, malfunction or failure of computer facilities or transmissions, loss of data due to power failures or mechanical difficulties with information storage or retrieval systems or other cause beyond the reasonable control of a Party. Changes in laws or regulations affecting the ability to mail violations, adjudicate violations through the court system, or otherwise enforce parking or no-parking zones using the Sentry System technology shall not constitute a force majeure event. Lack of funds or other financial inability to perform shall not constitute a force majeure event.

(b) This Agreement and its Schedules constitutes the entire agreement between the Parties relating to all subject matters contemplated herein and supersedes and merges all prior proposals, understandings, and agreements, oral or written, relating to such subject matters. This Agreement may be amended only by writing executed by each Party.

(c) This Agreement shall inure to the benefit of and bind the Parties and their legal representatives, successors, and assigns. City and MPS may not assign or transfer this Agreement without the other Party's prior written consent, which shall not be unreasonably withheld.

(d) Any notices or communication required or permitted to be provided shall be given by first class certified or registered mail, return receipt requested, hand-delivery by a nationally recognized overnight courier, or send by email, all of which is effective when properly sent and received, refused or returned undelivered. Notices will be addressed to the parties as follows:

For City:

City of McAllen
Attn: City Manager
P.O. Box 220
McAllen, TX 78505-0220

With copy to:

City of McAllen
Attn: City Attorney
P.O. Box 220
McAllen, TX 78505-0220

For MPS:

Municipal Parking Services, Inc.
Attn: Joe Caldwell, CEO (Joe@MPSPark.com)
Attn: Bob Brooks, CFO (Bob@MPSPark.com)
11305 Four Points Drive
Building II, Suite 200
Austin, TX 78726

With copy to:

Messerli & Kramer P.A.
Attn: [Pam](mailto:Pam@MesserliKramer.com) Curran (PCurran@MesserliKramer.com)
Attn: [Brett](mailto:Brett@MesserliKramer.com) Larson (BLarson@MesserliKramer.com)
1400 Fifth Street Towers
100 South Fifth Street
Minneapolis, MN 55402

The copy sent to the City Attorney is an administrative step which alone does not constitute legal notice. Either Party may change the place for the giving of notice to it by thirty (30) days prior written notice to the other as provided herein.

(e) This Agreement and all disputes or matters arising out of or relating to this Agreement shall be governed by the laws of Texas without giving effect to any choice of law or conflict of law provision or rule (whether of the State of Texas or any other jurisdiction) that would cause the application of the laws of any jurisdiction other than the State of Texas including statute of limitations laws. Each Party irrevocably consents to the exclusive jurisdiction of any federal or state court having jurisdiction in Hidalgo County, Texas.

(f) City agrees that it will not purchase any such products or services which infringe or may infringe upon MPS's intellectual property.

(g) The Parties agree this Agreement was negotiated between them, with each represented by counsel, and agree no term hereof shall be construed against either Party as the drafter. If any part of this Agreement is held invalid or unenforceable, the remainder of this Agreement shall remain in effect as though the invalid or unenforceable provision was never included.

(h) No waiver under this Agreement is effective unless expressly in writing executed by the waiving Party. A Party's failure or delay in exercising any right under this Agreement shall not constitute a waiver of that or any other right.

(i) This Agreement may be executed in counterparts and electronically with the same effect as though they were a single instrument and may be delivered via electronic mail or other electronic transmission.

(j) The Parties shall notify and consult with each other concerning any media requests relating to the Sentry System. Neither Party shall make disparaging public comments about the other or the Sentry System.

(k) If this Agreement has a value of \$100,000 or more that is to be paid wholly or partly from public funds of City, and if MPS is a company, other than a sole proprietorship, with ten (10) or more full-time employees, then pursuant to Texas Government Code Chapter 2271, MPS affirmatively states that it does not boycott Israel and will not boycott Israel during the term of this Agreement. In this paragraph, the terms “company” and “boycott Israel” shall have the meanings described in Texas Government Code §808.001.

(l) If this Agreement has a value of \$100,000 or more to be paid wholly or partly from public funds of City, and if MPS is a company, other than a sole proprietorship, with ten (10) or more fulltime employees, then pursuant to Texas Government Code §2274.002, MPS affirmatively states it does not boycott energy companies and will not boycott energy companies during the term of this Agreement. In this paragraph, the terms “company” and “boycott energy companies” shall have the meanings described in Texas Government Code §809.001, and MPS further verifies that: (1) it does not, and will not for the duration of the Agreement, have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association or (2) the verification required by Section 2274.002 of the Texas Government Code does not apply to the Agreement. If circumstances relevant to this provision change during the course of the Agreement, MPS shall immediately notify the City.

(m) Notwithstanding any other provision, nothing in this Agreement shall be deemed or construed to prohibit the disclosure of information to the extent required by applicable law including, but not limited to, the Texas Public Information Act in Chapter 552 of the Texas Government Code, order of a court of competent jurisdiction, or other governmental agency. MPS acknowledges that City is a governmental body subject to constitutional and statutory limitations on its ability to enter into certain contractual terms and conditions, including confidentiality provisions. This Agreement, information, documentation and other material submitted for and under this Agreement is subject to public disclosure under the Texas Public Information Act (Texas Government Code, Chapter 552). MPS is notified that City strictly adheres to this statute and the interpretations rendered by the Courts and the Texas Attorney General. City will make a good-faith effort to maintain the confidentiality of all submitted information except where City is required to disclose it under the Act or other legal authority. The Texas Attorney General will ultimately decide whether MPS’s information is confidential or proprietary and must be released or withheld from public disclosure. City will provide MPS notice of all requests for its proprietary information in accordance with the Act. City cannot and does not represent MPS’s interests to the Texas Attorney General and if MPS seeks to withhold their proprietary information or trade secrets from public disclosure, it will be required to submit a letter, brief, or memorandum to the Texas Attorney General with written comments or reasons why the requested information should not be released.

(n) The Parties are aware that there are constitutional and statutory limitations on the authority of City, a home-rule municipality, to enter into certain terms and conditions of the Agreement, including, but not limited to, authorizations of the placement of liens on City’s property; disclaimers and limitations of warranties; disclaimers and limitations of liability for damages; waivers, disclaimers and limitations of legal rights, remedies, requirements and processes; limitations of periods to bring legal action; granting control of litigation or settlement to another party; liability for acts or omissions of third parties; payment of attorneys’ fees or costs; dispute resolution; indemnities; and confidentiality (collectively, the “Limitations”). Any Agreement terms and conditions related to the Limitations shall not be binding on City except to the extent authorized by the laws and Constitution of the State of Texas.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the Effective Date.

MUNICIPAL PARKING SERVICES, INC.

By: _____
Name: Joe Caldwell
Title: Chief Executive Officer

CITY OF McALLEN

By: _____
Name: Roel “Roy” Rodriguez, P.E.
Title: City Manager

SCHEDULE A
Data & Legal Terms

Data Capture & Retention	City shall disclose, and MPS shall comply with, any applicable local or other laws or ordinances regarding data retention and use. City warrants to MPS that MPS has the right to collect, use and retain data collected in connection with its provision of the Services.
Photo / Image Retention	MPS shall have no obligation to retain or archive photos or images beyond one year from the date of Violation, unless City subscribes separately with MPS for such services.
Media Communications	The Parties shall notify and consult with each other concerning any media requests relating to the Sentry System. Neither Party shall make disparaging public comments about the other or the Sentry System.
Equipment or space Downtime ...	MPS shall have no liability to City for any Sentry System, Equipment, or space downtime in the normal course of business, including downtime related to installation or maintenance.
Equipment Ownership	MPS Equipment shall remain the property of MPS (or MPS's financial partner) at all times even though it may be installed in or affixed to real property and be operated for the benefit of City under this Agreement.
Equipment Damage	MPS and City shall bear the financial risk of damage and repairs to the Equipment as noted in Schedule D – Repairs and Replacement below.
No Integration Obligation	MPS shall have no obligation to integrate the Sentry System with any third-party applications. MPS agrees to provide its application programming interfaces (“API”) to third-parties who contract with City and require integration with the Sentry System upon execution of an MPS API license.
Future Development Costs	Any programming time requested by City in pursuit of integration with third-parties, additional features, enhancements, capabilities and/or for custom data extraction will be provided solely at the discretion of MPS. City will compensate MPS for such programming time at the then applicable MPS hourly billing rates.
Intellectual Property	All parts of the Sentry System™, Sentry® Software, SafetySticks®, SolarSticks™, EVSticks™, and all intangible property rights in, to, or relating to the Sentry System, are and shall always be MPS's or its licensors' exclusive property. This means, among other things, MPS (or its licensors) owns and shall own all patents, copyrights, trade and service marks, trade names, trade secrets, and other intangible property relating to or residing in the Sentry System. City shall have no right, title, or interest therein or thereto, except as expressly stated in this Agreement. All right, title and interest in and to any new developments, enhancements including all derivative works developed during the Term by either Party related to the Sentry System are hereby assigned by City to MPS.
Confidentiality.....	To the extent authorized by the laws and Constitution of the State of Texas, City shall keep all intellectual property and non-public information belonging to MPS and related to MPS's business confidential and shall not use, disclose, or transfer such intellectual property or information except as permitted by this Agreement and subject to Paragraph 9 subsections (m) & (n).
Plate Lookup Authorization	If MPS is to process tickets on behalf of the City, City shall promptly provide any authorizations required by third-party license plate/data lookup services to allow for the provision of vehicle owner and related information to MPS for use in Violation Notices and ticketing.
Lender Rights	MPS's lenders shall have the right to cure performance defaults and step into MPS's shoes in the event of default or to prevent a default. City hereby consents to a collateral assignment of this Agreement or granting of a Lien by MPS to its lenders to secure any loans which are used by MPS to finance the Equipment and agrees to execute any documents required to effect such assignment or granting of a Lien.

SCHEDULE B
Economic Terms

Violation Fees; Modifications	The fee for each no-parking violation, plus any late-payment fees, escalations, penalties or related charges are called violation fees (collectively, the “Violation Fees”). City shall determine the Violation Fees that apply to each type of no-parking violation (e.g., fire hydrant, bus stop, loading zone, etc.). Violation Fees in effect as of the Effective Date are summarized in Schedule B-1. City shall notify MPS in writing sixty (60) days before making any modifications to Violation Fees, shall provide an updated listing of such fees on Schedule B-1, and such notification shall be a material obligation of City. During the Term, in the event any Violation Fees are reduced, such reduction shall not reduce the amount of the then current Transaction Fees (defined below) payable to MPS which Transaction Fees shall remain the same regardless of such decrease. However, during the Term, in the event any Violation Fees are increased, such increase shall automatically increase the then current Transaction Fees payable to MPS by the corresponding percentage increase in the applicable increased Violation Fees. For example, if a Violation Fee is increased from \$100 to \$120 (by 20%), the applicable Transaction Fee for such violation shall be automatically increased by 20%.
Transaction Fees.....	As consideration for providing the Sentry System, MPS shall be paid a transaction fee payable from amounts collected by City per Violation Notice generated by the Sentry System. The Transaction Fee amount shall be based on the type of No-Parking Zone violation (e.g., fire hydrant, bus stop, loading zone, etc.) and the corresponding Violation Fee set forth on the Violation Fees rate table attached hereto as Schedule B-1, or as subsequently updated (the “Rate Table”). The transaction fee payable for each Violation Notice shall be the Violation Fee multiplied by 0.40 (the “Transaction Fee”), subject to the modification provisions above. If Violation Fees are changed, the Rate Table and corresponding Transaction Fees shall be subject to change as set forth in the Section above captioned “Violation Fees; Modifications” without the need for a separate writing signed by the Parties. Notwithstanding anything contained in this Agreement to the contrary, all Transaction Fees are due and payable to MPS when City collects any revenue with respect to any issued ticket or violation from the Sentry System. For purposes of the Agreement and Schedules, the term Violation Notice “generated” or “issued” means the Sentry System has identified that a violation has occurred.
Transaction Fees Payment Terms	MPS shall invoice City monthly by providing an invoice listing each Violation Notice and its Location/Type, whether the device has met its Minimum Fee Performance (defined below), and the associated Transaction Fees. City shall pay the Transaction Fees on a monthly basis from amounts collected by the City for Violation Notices generated by the Sentry System in the prior month. Payment is due within thirty (30) days of MPS’s invoice. Transaction Fees are not considered part of City’s general revenue fund or parking revenue and are obligations due and payable for MPS’s Equipment and Services rendered. The first invoice under this Agreement will be sent to the City approximately 90 days after the first Violation Notice has been created and approved by the City.
Past Due Payments	Past due amounts owing under this Agreement will be charged in accordance with the Texas Prompt Payment Act.. Where amounts due and payable by City to MPS under this Agreement exceed five thousand dollars (\$5,000) and remain outstanding for

Minimum Performance	over ninety (90) days from the date they became due and payable, MPS may, in its sole discretion, refuse City access to the Sentry Software and/or shut down all or part of the Equipment until such amounts outstanding have been paid or arrangements for their payment satisfactory to MPS have been made, and/or terminate this Agreement. Each SafetyStick must generate Transaction Fees of one hundred fifty dollars (\$150) per month, on average, calculated on a 90-day rolling average basis (“Minimum Fee Performance”). If a SafetyStick does not generate Transaction Fees sufficient to meet the Minimum Fee Performance, City must pay MPS the difference between the Transaction Fees generated by the SafetyStick and the Minimum Fee Performance to satisfy the Minimum Fee Performance level. If City does not want to pay the difference in future periods, MPS may, at its option, (a) leave the SafetyStick in its existing location and waive the Minimum Fee Performance, (b) mutually agree with City an alternative location for the SafetyStick, whereupon City shall undertake to promptly move the SafetyStick to the new location, If MPS and City have moved an underperforming SafetyStick in accordance with (b) above, and after three consecutive months such SafetyStick continues to not meet the Minimum Fee Performance, then City shall have the right to (a) mutually agree with MPS an alternative location for the SafetyStick, whereupon City shall undertake to promptly move the SafetyStick to the new location, or (b) return the SafetyStick to MPS, with no further Minimum Fee Performance obligation.
Installation and Removal Costs ...	MPS shall at its own cost and expense, provide and deliver to City the SafetySticks and other Equipment for the No-Parking Zones site locations agreed upon in writing by the Parties. All costs to install or remove the Equipment prior to the end of the Term of the Agreement shall be paid by City, whether incurred by MPS or City. If City requests and MPS agrees to install the Equipment, City will reimburse MPS’s costs incurred in connection with the installation. Should any Equipment need to be relocated to a new City location for any reason, any new location(s) must be agreed upon in writing by MPS and City, and City shall be responsible for the cost of moving and reinstalling such Equipment. City shall operate the SafetySticks and Equipment only at City site locations mutually agreed upon by the Parties.
Monthly Operating Costs	Communications and data expenses incurred by any SolarSticks, including cellular network and web hosting costs will be incurred and paid by MPS. Electricity and Communications expenses incurred by any SafetySticks, if any, including electric utility charges, and wired internet access via cable or other communications provider, however incurred, will be paid by City. Web hosting costs for both SafetySticks and SolarSticks will be incurred and paid by MPS. Any expenses incurred by City in reviewing Violation Notices, issuing and collecting tickets, periodic SafetyStick cleaning, etc., shall be paid by City.

SCHEDULE C

Enforcement Terms

Violation Notices; Grace Period..	City and MPS shall mutually agree a “grace period”, not to exceed ninety seconds, once a vehicle has entered a No-Parking Zone. The Grace Period may not be altered without the written consent of MPS. During the hours of operation and enforcement, and after a vehicle has been in the No-Parking Zone longer than the Grace Period, a violation (a “Violation”) will have occurred, and a violation notice (“Violation Notice”) will be generated. Due to technical and operational constraints, not all Violations will result in a Violation Notice being generated. MPS will review and approve all Violation Notices for quality and accuracy before they are sent to City. A Violation Notice will consist of: 1. A unique Violation ID to identify the Violation; 2. A code indicating the device at which the Violation was detected; 3. The license plate number and state of the violating vehicle; 4. The date and time the Violation occurred; 5. Two or more time-stamped photographs of the violating vehicle: an initial photo indicating the violating vehicle’s arrival, and a second photo indicating that the violating vehicle was in the No-Parking Zone longer than the Grace Period; 6. A code and time-stamp indicating that the Violation has been reviewed and approved by MPS.
Violation Notice Approval	MPS will grant City access to the Sentry System to review and approve Violation Notices. Such review is optional, however, all Violation Notices that are not reviewed within 10 business days of submission to the City will be deemed approved by City. City may void a Violation Notice within such 10 business day period if it believes in good faith that a Violation did not occur in accordance with the terms of this Agreement by specifying the reason it believes a Violation did not occur. No Transaction Fee would be payable in respect of such voided Violation Notice.
Enforcement; Ticketing; Collections.....	City agrees to vigorously enforce No-Parking Zones and related parking and no-parking regulations. City can download or print Violation Notices from the Sentry System to assist with its enforcement activities.
Hours of Operation and Enforcement	City shall maintain its current hours and days of operation and enforcement of No-Parking Zones, at a minimum,. Hours and Days of Enforcement in effect as of the Effective Date are summarized in Schedule B-1. For the avoidance of doubt, the hours of parking enforcement in the City will have no impact on the days and hours of enforcement of No-Parking Zones.
No Enforcement Holiday.....	
Ticket Processing	City is responsible for Ticket processing, issuance, and collections. MPS has no obligation to process, approve, issue, mail or collect upon tickets for approved Violations under this Agreement.
Violations Collections	City has the sole responsibility to enforce and pursue collection of any tickets issued as a result of Violation Notices, including past due ticket collections. MPS has no obligation to enforce or pursue collection of tickets under this Agreement.
Vehicle Exemptions	City shall provide to MPS a list of license plates of bona fide public safety vehicles (e.g., police, fire, ambulance) and those vehicles designated by the City for exemption from issuance of a Violation Notice. Only bona fide public safety vehicles and those vehicles designated by the City shall be exempt from Violation Notices.

SCHEDULE D
Operational Terms

Data Exchange and Reporting Requirements.....	As described in Schedule C, City is responsible for all collection and ticket enforcement activities, including ticket generation, mailing and other communication with Violators, and collection of Violation and Late Fees. MPS agrees to provide its application programming interfaces (“API”) to third-parties who contract with City and require integration with the Sentry System upon execution of an MPS API license. Such API will be the sole method to exchange data related to Violations, Violation Notices, Violation and Late Fees, and other related data with the City and any third-parties. City agrees to access the Sentry System for data required for all ticket issuance, collection, and enforcement activities, and to enter all required data into the Sentry System related to its ticket issuance and collection efforts. Examples of such required information are the dates of mailing tickets, dates and amounts of Violation and Late Fees collected, and any tickets that are voided.
No-Parking Signage and Notices.	City is responsible for producing, installing, and maintaining no-parking street signage that is appropriate or required in support of the Sentry System enforcing No Parking Zones. City is also responsible for notices, including on its website, to publicize parking and no-parking regulations, and fees and charges related to non-compliance in support of the Sentry System.
Maintenance	City shall protect the Equipment to the same or greater degree as it protects similar equipment and shall be responsible for removing graffiti from the Equipment and performing mandatory semi-annual exterior cleaning of the Equipment to ensure proper camera function. City shall notify MPS immediately if it disables any part of the Equipment. City shall not, directly or indirectly, attempt to disassemble, repair, alter, or duplicate any part of the Equipment. City shall ensure the safety of sidewalks, street, no-parking zones, and surrounding areas where the Equipment is located, including but not limited to promptly removing obstructions, snow, vegetation, refuse or other debris or hazards. MPS has no obligation or liability related to maintaining the safety of such areas.
Repairs & Replacement.....	City shall notify MPS of any malfunctioning Equipment that it becomes aware of. MPS will be responsible for repair and replacement costs due to any Equipment malfunction including malfunction due to damage or vandalism.
Location Reporting.....	City shall assist MPS in maintaining accurate records of the location of Equipment at all times.
Updates; Upgrades	MPS may, but is not obligated to, conduct routine software updates to the Sentry Software; provided any routine updates shall be subject to this Agreement and shall be the exclusive property of MPS. Any Sentry System upgrades, including upgrades to the Sentry Software (beyond routine updates) are not required to be provided by MPS to City under this Agreement.
Training; Support	MPS shall conduct one Sentry System Certification training seminar and periodic webinars as required to support system wide updates. City will ensure participation of City employees in initial training and shall maintain at least one Sentry-Certified employee on staff at all times.
Help Desk.....	MPS shall provide Tier II call support 9:00AM-5:00PM Central time Monday through Friday. MPS shall determine the priority of action against service issues at its discretion.

SCHEDULE E
Software-As-A-Service License

Right to Access and Use.....	Subject to the terms and conditions set forth in the Agreement, MPS hereby grants City a non-exclusive, non-sublicensable, non-transferable limited right to access and use the Sentry System and Sentry Software solely through Authorized Parties (defined below), during the Term. Without limiting any other part of this Agreement, City's right to access and use the Sentry System and Sentry Software is subject to the terms and conditions below all of which are material.
Authorized Parties	City shall identify an employee (" Administrator ") authorized to select and manage employees authorized to access and retrieve data from the Sentry System and Sentry Software for City (" Authorized Users ") (the Administrator and Authorized Users are the " Authorized Parties "). The Administrator shall represent City in its access and use of the Sentry System and may access and use the Sentry System on a non-exclusive basis, at all times, subject to the terms and conditions hereof.
Scope of Use; Restrictions	City shall use the Sentry Software only in conjunction with the Equipment, and only to monitor parking activity and enforce no-parking regulations as provided in this Agreement, and shall comply with all policies, procedures, and instructions concerning the Sentry System as MPS may establish from time to time. Without limiting any other part of this Agreement, City shall not, directly or indirectly, and shall not permit any Authorized Users or other persons to, directly or indirectly: (i) copy, modify, or create derivative works of the Sentry Software, in whole or in part; (ii) rent, lease, lend, sell, license, sublicense, assign, distribute, publish, transfer, or otherwise make available the Sentry Software; (iii) reverse engineer, disassemble, decompile, decode, adapt, duplicate, reproduce, or otherwise attempt to access any software component of the Sentry System or the Equipment, in whole or in part; (iv) remove any proprietary notices from the Sentry System; (v) create any online "links" to the Sentry Software nor "frame" or "mirror" any content contained on or accessible from it, other than on devices provided by MPS for such purpose; (vi) permit any third party to access or use the Sentry System or Sentry Software without MPS's express written consent; (vii) introduce or permit to be introduced into the Sentry Software any virus, worm, Trojan horse, or other software routine, program, or mechanism that permits unauthorized access into, disables, partially or wholly erases, or otherwise adversely affects the Sentry Software; (viii) use the Services to generate, process, or retrieve data for a third party; or (ix) use the Sentry System in any manner or for any purpose that infringes, misappropriates, or otherwise violates any intellectual property right or other right of any person, or that violates any applicable law.
Ownership	All programs, software, specifications, data, images, designs, codes, configurations, video, sounds, Equipment, and other tangible or intangible property contained in or utilized by the Sentry System are proprietary and confidential to MPS and protected under United States and International patent and copyright laws. MPS or its financing partner is and shall remain the owner of all right, title, and interest in and to the Sentry Software and intellectual property rights and other proprietary rights relating to or arising from the Sentry Software or any derivative works. City shall have no right, title, or interest in or to any of the foregoing, except as expressly permitted in this Agreement. The Sentry Software is and shall remain at all times intangible property even if it resides in or on Equipment. City shall not permit any lien, claim, or encumbrance to attach to the Sentry System.
MPS Right to Data	City grants MPS permission to access, review and use all data and information arising from City's usage of the Sentry System (the " Parking Data ") for analytical and reporting purposes, and for purposes in furtherance of this Agreement or any other lawful use. MPS shall have the right to use any Parking Data collected for any lawful use as determined in its sole discretion. City shall disclose to MPS any state, local, or other statutes, rules, or ordinances regarding data retention and use, and if it does, MPS shall comply with such statutes, rules, or ordinances.

Technical Requirements	City shall provide Internet access and computer or terminal access for its own Authorized Parties' use of the Sentry System in compliance with MPS's minimum specifications for equipment, software, and connectivity.
Performance	City agrees that the operation and availability of the systems used for accessing and interacting with the Sentry Software, including computer networks, wireless networks, and the Internet, may be unpredictable and from time to time prevent access to or interfere with City's access and use of the Service, and that the Sentry Software's response times and other performance may be adversely affected by issues relating to City's network infrastructure. MPS shall not be liable for any such prevention of or interference with City's access or use of the Service, or for any such adverse effect on the response time or performance of the Sentry Software.
Security	A. Each Party shall take reasonable steps to keep secure its communications with the other Party relating to the Sentry System and Sentry Software, and to maintain the security of all Parking Data it possesses, including (without limitation) by making reasonable efforts to authenticate the Authorized Parties using a username and individual password; maintain confidentiality of such username and password; physically secure equipment and facilities in its control; appropriately supervise its personnel; periodically evaluate its security safeguards; install and maintain appropriate firewalls and other technical measures; and guard against intentional or unintentional corruption or loss of the Parking Data in its control. B. City shall maintain an up-to-date list of the names of the Authorized Parties and provide MPS with such list immediately on any changes thereto. On execution of this Agreement, MPS shall assign a password and username to the Administrator. The Administrator shall distribute the username(s) and password(s) only to Authorized Users. City and the Administrator shall keep the password secure and current by changing it on a periodic basis or if an Authorized Party ceases to be an Authorized Party. The Authorized Parties shall log into the Sentry Software using only their username and associated password. C. City shall be solely responsible for all activities of the Authorized Parties while using the Sentry System and Sentry Software, and for ensuring the Authorized Parties log off at the end of each session of use. MPS shall assume, unless City advises otherwise, that a user presenting a username and associated password is in fact the corresponding Authorized Party. City shall not permit anyone other than an Authorized Party to use the username and password associated with such Authorized Party. If City or its personnel knowingly or unknowingly furnishes a password to an unauthorized party, City hereby authorizes such party to act on its behalf in using that password, ratifies all acts of such party, and shall be liable for any damages, of any sort, such party causes to MPS. City shall notify MPS immediately if it learns of any unauthorized use of any username or password, and MPS may disable access or use by such username and associated password. D. If a Party learns of an actual or possible security breach, it shall promptly notify the other of the security breach and of any actual or possible damage or unauthorized access to, or failure of, any part of the Sentry System, any actual or possible unauthorized access to any Parking Data, or any other actual or possible adverse results of such breach. In such case, each Party shall make reasonable efforts, and reasonably cooperate with the other in so doing, to reduce or mitigate any such actual or possible adverse results and restore the Sentry System and the Parking Data to its state prior to such breach.

CITY OF McALLEN

MEMO

TO: Roel “Roy” Rodriguez, P.E., City Manager

FROM: Mario Delgado, Transit Director *MD*

DATE: October 3, 2023

SUBJECT: Requesting Approval to Execute a Contract with Municipal Parking Services for Parking Enforcement Technology

- **Goal** – To minimize prohibited parking in areas of Downtown McAllen.
- **Background** – On September 23, 2023, the Transit and Downtown Services Department presented a proposed pilot project for parking enforcement technology. The technology will be piloted along the Bus Terminal facility, along 15th street, with the goal of minimizing prohibited parking that creates congestion along 15th street. The pilot program is a no cost solution to the city. Municipal Parking Services will provide the equipment and back-end software to manage the program. In return, the vendor, will take 40% of the citation amount. The term of the pilot will be for the period of 6 months, after which, the City can renew for two additional one year terms if it so chooses.
- **Options**
 1. Approve the Contract with Municipal Parking Services as presented.
 2. Reject staff's recommendation and explore other options.
- **Recommendation** – Approve the contract with Municipal Parking Services in order to commence parking enforcement along the bus terminal.



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

3.D.

DATE SUBMITTED

09/28/2023

MEETING DATE

10/9/2023

1. Agenda Item: Consideration and Approval of Change Order No. 3 for the Anzalduas Bridge Infrastructure Improvements.
2. Party Making Request: Eduardo Mendoza
3. Applicant:
4. Nature of Request: Consideration and Approval of Change Order No. 3 consists of furnishing & installing a folding partition in the inbound building.
(Rooms 254/257 & rooms 212/213) Prj. No.: 07-22-C29-802
5. Fiscal Impact Summary:

ANZALDUAS CARGO CONSTRUCTION FUND		
587-8708-434-63-45-BB2005	NB Commercial Inspection Station	\$ 48,409,997
587-8708-434-63-45-NP2213	SB Commercial Inspection Station	14,460,129
587-8708-436-66-16-EO2402	Anzalduas Cargo Construction - FFE	1,600,000

A brief contract summary is presented below.

	Amount	Working Days
Original Contract	\$ 81,861,364.52	320
Change Order No. 1	\$ 258,760.75	80
Change Order No. 2	\$ 750,000.00	0
Change Order No.3	\$ 71,005.35	0
Revised Contract	\$ 82,941,130.62	400

6. Budgeted: Yes

Bid Amount: \$71,005.35
Under Budget: \$0.00

Budgeted Amount: \$64,470,126
Over Budget: \$0.00
Amount Remaining: \$0.00

7. Routing:

Zef Mendoza
Eduardo Mendoza
Juan Olaguibel
Angie Rodriguez
Sergio Villasana
Gerardo Noriega

Created/Initiated - 9/28/2023
Approved - 10/3/2023
Approved - 10/3/2023
Approved - 10/4/2023
Approved - 10/4/2023
Approved - 10/4/2023

Michelle Rivera
Isaac Tawil

Approved - 10/4/2023
New -

8. Staff Recommendation: RRP Consulting Engineers, LLC., and staff recommend approval of Change Order No. 3 in the amount of \$ 71,005.35 with ***no additional working days*** for a revised contract amount of \$ 82,941,130.62 and unchanged contract time of ***400-working days***, subject to a budget amendment.

9. Advisory Board:

¹
0. City Attorney: Approve. IJT

¹
1. Manager's Recommendation: Approve. RR



ENGINEERING DEPARTMENT MEMORANDUM

To: Roel "Roy" Rodriguez, P.E., City Manager

From: Eduardo Mendoza, P.E., P.T.O.E., City Engineer

Date: 27 September 2023

Subject: Change Order No. 3 – Anzalduas Bridge Infrastructure Improvements
Prj. No.: 07-22-C29-802

Goal

Consideration and approval of Change Order No. 3 for the Anzalduas Bridge Infrastructure Improvements project.

Explanation

Consideration and Approval of Change Order No. 3 consists of furnishing & installing a folding partition in the inbound building. (Rooms 254/257 & rooms 212/213) This item was part of the furniture package removed during the re-bid. This item is being requested currently due to the long lead time for the partitions. Staff will be submitting a comprehensive furniture package for approval at a later date.

A brief contract summary is presented below.

	Amount	Working Days
Original Contract	\$ 81,861,364.52	320
Change Order No. 1	\$ 258,760.75	80
Change Order No. 2	\$ 750,000.00	0
Change Order No. 3	\$ 71,005.35	0
Revised Contract	\$ 82,941,130.62	400

Detailed supporting documentation is attached for your review.

Options

- 1) Approve Change Order No. 3
- 2) Disapprove Change Order No. 3

Recommendation

RRP Consulting Engineers, LLC., (formally S&B Infrastructure, LTD.), and staff recommend approval of Change Order No. 3 in the amount of \$ 71,005.35 with no additional working days for a revised contract amount of \$ 82,941,130.62 and unchanged contract time of 400-working days, subject to a budget amendment.

CONSTRUCTION CONTRACT CHANGE ORDER NUMBER: 3

1. CONTRACTOR: D. Wilson Construction Company

2. Change Order Work Limits: Sta. _____ to Sta. _____

3. Type of Change (on federal-aid non-exempt projects): Minor (Major/Minor)

4. Describe the change and the reason for the change order. When necessary, include exceptions to this agreement.

FURNISH & INSTALL FOLDING PARTITIONS AT INBOUND IMPORT BUILDING
(ROOMS 254/257 & ROOMS 212/213)

CCSJ: 0921-02-379
Project: Anzalduas LPOE In
Highway: Anzalduas Int'l Bridge
County: Hidalgo
District: Pharr
Contract Number: 07-22-C29-802

5. New or revised plan sheet(s) are attached and numbered: _____

Each signatory hereby warrants that each has the authority to execute this Change Order.

By signing this change order, the contractor agrees to waive any and all claims for additional compensation due to any and all other expenses; additional changes for time, overhead and profit; or loss of compensation as a result of this change. Further, the contractor agrees that this agreement is made in accordance with Item 4 and the Contract. Exceptions should be noted in the response for #5 above.	The following information must be provided Time Ext. #: _____ Days added on this C.O.: <u>0</u> Amt. added by this change order: <u>\$71,005.35</u>
	For TxDOT use only: Days participating: _____ Amount participating: _____ Signature _____ Date _____ Name/Title _____
THE CONTRACTOR Date <u>9/19/23</u> By <u>D Wilson Construction Company</u> <u>Josue Reyes</u> Typed/Printed Name <u>Josue Reyes</u> Typed/Printed Title <u>President & CEO</u>	

RECOMMENDED FOR EXECUTION:

RRP Consulting Engineers, LLC - Engineer

Guillermo Arratia, P.E.

PRINTED NAME AND TITLE

Guillermo Arratia, P.E. 09/19/23
SIGNATURE DATE

City of McAllen - Owner

Roel "Roy" Rodriguez, City Manager

PRINTED NAME AND TITLE

SIGNATURE DATE

Director of Purchasing & Contracting, City of McAllen

Gerardo Noriega

PRINTED NAME AND TITLE

SIGNATURE DATE

City Engineer - City of McAllen

Eduardo Mendoza, P.E.

PRINTED NAME AND TITLE

SIGNATURE DATE

Superintendent of Bridges, City of McAllen

Juan Olaguibel

PRINTED NAME AND TITLE

SIGNATURE DATE

CONSTRUCTION CONTRACT CHANGE ORDER NUMBER: 3

Estimated Cost:

CCSJ: 0921-02-379

Paid by Invoice? (☐ Yes ☐ No)

TABLE A: Force Account Work and Materials Placed into Stock

LABOR	HOURLY RATE	EQUIPMENT	HOURLY RATE

TABLE B: Contract Items

				ORIGINAL + PREVIOUSLY REVISED		NEW		
ITEM	DESCRIPTION	UNIT	UNIT PRICE	QUANTITY	ITEM COST	QUANTITY	ITEM COST	OVERRUN/ UNDERRUN
	FURNITURE -FURNISH & INSTALL	LS	71,005.35	0.00	0.00	1.00	71,005.35	71,005.35
	FOLDING PANEL PARTITIONS							
TOTALS					0.00		71,005.35	71,005.35



PCO #006

D. Wilson Construction
PO Box 3455
McAllen, Texas 78502
Phone: (956) 686-9573
Fax: (956) 686-3270

Project: 22-192 - McAllen Anzalduas LPOE Expansion
5911 S Stewart Rd
Mission, Texas 78572-1500

Prime Contract Potential Change Order #006: Folding Panel Partition - Added SOW

TO:	City of McAllen PO Box 220 McAllen, Texas 78505	FROM:	D Wilson Construction Company PO Box 3455 McAllen, Texas 78502
PCO NUMBER/REVISION:	006 / 1	CONTRACT:	22-192 - McAllen Anzalduas LPOE Expansion
REQUEST RECEIVED FROM:	Bill Wilson (D Wilson Construction Company)	CREATED BY:	William Northcutt (D Wilson Construction Company)
STATUS:	Pending - In Review	CREATED DATE:	7/17/2023
REFERENCE:		PRIME CONTRACT CHANGE ORDER:	None
EXECUTED:	No	SIGNED CHANGE ORDER RECEIVED DATE:	
SCHEDULE IMPACT:	0 days	TOTAL AMOUNT:	\$71,005.35

POTENTIAL CHANGE ORDER TITLE: Folding Panel Partition - Added SOW

CHANGE REASON: Client Request

POTENTIAL CHANGE ORDER DESCRIPTION: *(The Contract Is Changed As Follows)*

CE #015 - Folding Partition Doors - Added SOW

Folding Panel Partitions - Specification 102239 (Furnish & Install)

2x Folding Panel Partitions: (RMs 254/257) (RMs 212/213)

Manufacturer - Modern Fold

Manually operated and 5 year extended warranty

Excluded: Pass Thru Doors

****Price is good for 20 days, after that we will need to reprice and submit again.****

ATTACHMENTS:

#	Budget Code	Description	Amount
1	124.10-220.S	Folding Panel Partition - Added SOW	\$71,005.35
Grand Total:			\$71,005.35

RRP Consulting Engineers
5408 10th St.
McAllen, Texas 78505

City of McAllen
PO Box 220
McAllen, Texas 78505

D Wilson Construction Company
PO Box 3455
McAllen, Texas 78502

ProcureArchitectSignHere

ProcureArchitectSignedDate

ProcureOwnerSignHere

ProcureOwnerSignedDate

ProcureGeneralContractorSignHere

ProcureGeneralContractorSignedDate

SIGNATURE

DATE

SIGNATURE

DATE

SIGNATURE

DATE

DESCRIPTION	QTY	UNIT	COST					SUB TOTAL
			Labor/Equip	Material	Hauling/Frieght			
Folding Panel Partitions - Specification 102239 (Furnish & Install)								
2x Folding Panel Partitions: (RMs 254/257) (RMs 212/213)								
Manufactuer - Modern Fold								
Manually operated and 5 year extended warranty								
Excluded: Pass Thru Doors								
Price is good for 20 days, after that we will need to reprice and submit again.								
Folding Panel Partitions								
Import Building								
Folding Panel Partition x2	1.00	LS	Included	Included	Included			\$ 59,189.00
NEW SCOPE OF WORK (TOTAL)								
						-	-	\$ 59,189.00
						Folding Panel Partition		\$ 59,189.00
						Total		\$ 59,189.00
						Overhead		\$ 7,102.68
						Profit		\$ 3,314.58
						Insurance		\$ 696.06
						Bond		\$ 703.02
						Grand Total		\$ 71,005.35



FURNISH & INSTALL

5151 Castroville Road • San Antonio, TX 78227

Phone: (210) 298-5591 • Fax: (210) 523-1544 • www.deaspecialties.com

Paul Hougdaht - VP, Project Manager, Estimator

paulh@deaspecialties.com

Attention:	William Northcut - D. Wilson Construction	Date:	May 22, 2023
Project:	Anzalduas Inbound Commercial Facility	Location:	Mission
Plans Dated:	4/26/2021	Acknowledged Addendum:	1 and 2

MODERNFOLD OPERABLE PARTITIONS - Specification 102239

Quantity	Model	Width	Height	STC	Finish	Description
1	Premier 932	17'-5"	10'	47	standard Wilsonart plastic laminate	Manually operated paired panel with white steel track and warranty extended to 5 years
1	Premier 932	25'-6"	10'	47	standard Wilsonart plastic laminate	Manually operated paired panel with white steel track and warranty extended to 5 years

TOTAL FURNISHED AND INSTALLED **\$ 58,189**

ALTERNATE	
ALTERNATE	

EXCLUSIONS (unless otherwise noted): ATTIC STOCK, OVERHEAD STRUCTURAL SUPPORT, INCLUDING ANY STRUCTURAL STEEL AND ENGINEERING (BOTTOM MUST BE LOCATED A MINIMUM OF 8" AND A MAXIMUM OF 12" ABOVE THE CEILING HEIGHT AND BE EITHER A WIDE FLANGE AT LEAST 6" WIDE OR A CHANNEL AT LEAST 8" WIDE), BLOCKING, PLENUM CLOSURE, CEILING WORK, BOOM LIFT/Crane AND WINDOW REMOVAL/WALL OPENING, FURR-OUTS, CAULK/SEALANTS, NON STANDARD MODERNFOLD PLAM COLOR SELECTION (WILSONART - 38 OR -60), PASS DOORS, POCKET DOORS AND SOUND TESTING, DELEGATED DESIGN, DRAWINGS OR CALCULATIONS BEARING THE STAMP OF A PROFESSIONAL ENGINEER REGISTERED IN THE STATE OF TEXAS.

LEAD TIMES Allow 24-26 weeks for fabrication and shipping following receipt of signed contract, approved submittals, color selection and field measurements.

Sales Tax: Excluded

The General Contractor / Purchaser hereby accepts this quotation, and the TERMS and CONDITIONS attached hereto, this ____ day of _____, 20 ____.	DEA SPECIALTIES
Name of General Contractor/Purchaser:	By: <i>Paul Hougdaht</i>
Authorized Signature	Name: Paul Hougdaht
Name of Purchaser and Title	Its: Estimator/Project Manager

Exclusive factory authorized distributor for *Modernfold Operable Partitions*, *Skyfold Acoustic Vertical Retractable Folding Walls*, *Kalwall Daylighting Systems*, *Smoke Guard Smoke & Fire Curtains*, *McKeon Smoke & Fire Doors*, *Syntegra Integrated Doors & McDougall ACM Panels*.

HUB certified with the State of Texas/8M SCTRCA DBE/SBE/WBE WOB certified with the City of Austin.

DEA Specialties Co., Inc. is a Nevada Sub-S Corporation

TERMS AND CONDITIONS: FURNISH AND INSTALL

Quotation is subject to the following terms and conditions:

1	This offer is valid for thirty (30) days and may be subject to escalation thereafter.
2	This offer is considered accepted upon receipt of a signed proposal, notice to proceed, a letter of intent, purchase order, or entering into a mutually agreeable subcontract agreement.
3	Unless otherwise stated, this proposal includes one shipment of product. Additional shipments with approved change order only.
4	If credit has <u>not</u> been granted by DEA Specialties prior to placing the order, we require a 10% deposit when Submittals are produced, a 50% deposit when the material order is placed, and balance due prior to installation.
5	All proprietary products which are custom fabricated, including Modernfold, Skyfold, Line Systems, Kalwall, Smoke Guard, Syntegra or McDougall, require a 10% deposit when Submittals are produced, a 50% deposit when the material order is placed, and balance due upon installation. All amounts are due thirty (30) days from invoice date.
6	Payment is not contingent upon Purchaser receiving funds from any other source.
7	Past due amounts are subject to a 1% service charge per month plus all costs of collection including costs of legal proceedings and reasonable attorneys' fees incurred by DEA Specialties to collect the overdue payment.
8	DEA Specialties, as the exclusive Manufacturer's distributorship, warrants that the products purchased pursuant hereto will be free from defects in workmanship, under normal use, for one year from the date of installation. If this product does not operate as warranted during the applicable warranty period, DEA Specialties may replace the defective product or part with a comparable product or part, or repair the defective product or part. DEA Specialties will warrant replaced or repaired parts for a period of (90) days from the date of installation or through the end of the original warranty, whichever is longer. THIS WARRANTY IS IN LIEU OF ALL OTHER WARRANTIES, EXPRESSED OR IMPLIED.
9	Performance of this agreement may be cancelled or the time for performance extended in the event of any strikes, fires, accidents, emergencies, pandemics, acts of God or any other intervening cause beyond DEA Specialties' control thus relieving all liability for DEA Specialties.
10	If proposal includes installation labor, Purchaser must notify DEA Specialties in writing at least seven (7) days in advance of the date to commence installation work. In giving such notice to commence work, the Purchaser represents that the premises are / or will be ready for DEA Specialties to proceed without delay. In the event DEA Specialties arrives at the job site as scheduled and cannot proceed immediately with its work, Purchaser then agrees to pay a flat fee of \$500 for any lost time for jobs in San Antonio and an hourly fee for out of town work at \$75 per hour per installer, including travel time and travel expenses, subsistence and all other costs caused directly by said delay.
11	The approved DEA Specialties shop drawings determine the manufacturing dimensions and associated responsibilities of DEA Specialties and wherever the same is inconsistent with the plans and specifications, the approved drawings shall govern.
12	DEA Specialties may elect to suspend fabrication, decline shipment of materials or stop in transit any such shipment, should there arise a doubt as to the Purchaser's financial stability. Should the Purchaser make an assignment for the benefit of creditors, become involved in any bankruptcy or arrangement or reorganization proceedings, or should any liens be filed against its property, or should a receiver, trustee, or other form of court officer be appointed for it, DEA Specialties may elect to cancel any unfilled portion of this contract and all costs and damages incurred by DEA Specialties along with any unpaid balances otherwise due, shall become immediately due and payable to DEA Specialties.
13	The Purchaser will report immediately any errors in workmanship or defects in the material and no allowance or credit will be made or given for any labor, repairs, alterations or materials performed or furnished by the Purchaser without DEA Specialties' prior written consent.
14	It is expressly agreed that there are no promises, agreements or understandings that are not included in this instrument. Any claims of cancellation or modifications of this instrument must be mutually agreed to in writing by both parties.
15	Any and all payments, credits or charges to be made hereunder, are to be handled directly with DEA Specialties and no agent or representative has any authority to accept any payments or grant any credits, without the prior written consent of DEA Specialties.
16	This agreement shall be binding upon and inure to the benefit of the respective parties, their successors, representatives, executors, administrators and assigns.
17	Contractor agrees to allow Subcontractor timely service elevator access.
18	Cancelled projects whether a signed proposal, notice to proceed, a letter of intent, purchase order, or a subcontract agreement was signed, but prior to Submittals, will be subject to a charge of \$1000 or 5% whichever is larger.
19	Cancelled projects, whether a signed proposal, notice to proceed, a letter of intent, purchase order, or a subcontract agreement was signed, with the following manufacturers including Modernfold, Skyfold, Line Systems, Kalwall, Smoke Guard, Syntegra, or McDougall projects cancelled after shop drawings are prepared are subject to a 10% charge. Once fabrication commences, Customer is responsible for 100% of material price due to custom fabrication.
20	If there are ROCIP / OCIP requirements, add \$200.00 for administration expense. If OCP required, add \$600.00.
21	If a project "safety course" is required, add \$55.00 per hour for each installer to attend.
22	If a project requires a software subscription i.e. PlanGrid, etc., to view the construction documents, the additional cost will be added to the quote.
23	If General Contractor directs DEA to field measure and DEA is unable to field measure because the project is not ready, a \$150.00 per hour fee including travel time and travel expenses, subsistence and all other costs caused directly by said delay.
24	Should there be an increase in the cost(s) of any specified building material(s) that cause the price of any of the materials to increase by more than five percent (5%), the Subcontractor shall, before making any additional purchases of the specified material(s), provide the General Contractor a written statement setting forth the materials at issue, the amount of the price increase(s), and the total dollar amount of any proposed increase of the contract price. The General Contractor may then, at its option, terminate the contract by providing, within ten (10) business days, both written notice of termination to the Subcontractor, plus payment to the Subcontractor for (i) all costs expended in the Subcontractor's performance of the contract to the date of termination, and (ii) a prorated percentage of the Subcontractor's anticipated profits based on the percent of completion. Should both the notice of termination and full payment not be forthcoming within ten (10) business days, as provided herein, the Subcontractor shall have the option to terminate the contract, or to proceed with the contract and purchase the specified material(s) at the increased price(s). If termination is elected, the Subcontractor shall provide the General Contractor with a written notice of termination, and the General Contractor shall pay the Subcontractor for all its costs expended in performance of the contract to the date of termination, plus payment of a prorated percentage of the Subcontractor's anticipated profits based on the percent of completion. If the Subcontractor elects to proceed with the contract, it may then purchase the specified material(s) at the increased price, and the General Contractor shall pay the increased costs incurred.

GENERAL EXCLUSIONS

1	Bonding permit
2	Bond premium (add 3% of the final contract price if required)
3	Painting, caulking and sealing
4	Protection of product after installation
5	Final cleaning
6	Night work or weekend work unless pre-authorized via a change order
7	Crane, lifts, hoists, etc., are excluded unless otherwise noted
8	Material storage (material must be stored on site, in the building)
9	Any additional insurance over the standard amount that we currently have in effect (a sample certificate of insurance available upon request)

Exclusive factory authorized distributor for *Modernfold Operable Partitions* , *Skyfold Acoustic Vertical Folding Retractable Walls* , *Line Systems Demountable Walls* , *Kalwall Daylighting Systems* , *Smoke Guard Smoke & Fire Curtains* , *Syntegra Integrated Doors & ACM Panels* .

HUB certified with the State of Texas/8M SCTRCA DBE/SBE/WBE WOB certified with the City of Austin.

DEA Specialties Co., Inc. is a Nevada Sub-S Corporation



ACOUSTI-SEAL® LEGACY® & PREMIER®

Movable Walls

ABOUT MODERNFOLD INC.

Intelligent solutions for sophisticated interior design requirements

Satisfy a variety of needs from basic sight separation to sight and sound separation with Modernfold's line of durable, high-quality space division products.

WHY USE MOVABLE WALLS?

- Flexibility
- Space Management
- Sound Control
- Traffic Control and Security Enhancement
- Energy Conservation
- Revenue Generation

Since 1925, Modernfold has produced space division products to facilitate optimal space utilization. Modernfold designs, manufactures, and services movable walls, movable glass walls, and accordion doors.

- Movable walls transform interior space requirements to meet current and future demands.
- They increase revenue potential by allowing room size to be tailored to each event.
- A large meeting room can be transformed into several small rooms with minimal setup time.

- Maximize space utilization.
- Sound control through a wide range of acoustic ratings without fixed wall constraints.
- Smart Track™—available on all Acousti-Seal® single panel systems—simplifies setup, eliminates operator errors, and shortens setup time. Steel track is durable and reliable, as it provides low cost of ownership and less downtime.

Modernfold is a dormakaba Group company. With Modernfold and Dorma Hüppe Movable Walls, dormakaba is the world's largest manufacturer of movable walls.

A JOB DONE RIGHT

With its reliable, dependable products and the industry's strongest, most dependable distribution system, Modernfold provides confidence that the job is done right. Modernfold factory-certified installation and maintenance services are available throughout North America and in select international markets.



PRODUCT PORTFOLIO

ACOUSTI-SEAL® ENCORE®

ACOUSTI-SEAL® LEGACY®

ACOUSTI-SEAL® PREMIER®

ACOUSTI-CLEAR®

COMFORTDRIVE®

MOVABLE GLASS WALL SYSTEMS

ACCORDION DOORS/PARTITIONS

Contact your local Modernfold Distributor for product selection and layout consultation.

To locate your Modernfold distributor or for additional information, visit www.modernfold.com or call 800-869-9685.

ACOUSTI-SEAL® MOVABLE WALLS

MODERNFOLD'S ACOUSTI-SEAL®, THE INDUSTRY STANDARD, IS OFFERED IN THREE CONFIGURATIONS.

SINGLE PANEL

Single panel systems provide the ultimate in versatility and flexibility, offering multiple room setups, changes in the location of pass doors and work surfaces, and remote storage.

- Solves complex layout challenges.
- Accommodates wide variations in floor conditions.
- Simplifies setup and storage with the use of the Smart Track™ suspension system.
- Often used in conference, multi-purpose, hospitality, and convention facilities.



PAIRED PANEL

Center-hung, paired panels are quick and easy to set up and perfect for straight-line openings.

- Hinged together in groups of two.
- Suited for applications that require exceptional durability, acoustic control, and frequent use.
- Panels are designed to be stored at either or both ends of an opening.
- Frequently used to divide classrooms, meeting rooms, or office spaces.



CONTINUOUSLY HINGED

Continuously hinged panels are connected together in a train, extending as one complete unit. Electrically operated for straight-line openings and simple operation.

- Quick and effortless setup.
- Concealed Hinges or Heavy-Duty Barrel Hinges (lifetime guarantee).
- Keyed switches prevent unauthorized operation and integrated safety systems ensure safe operation for electric partitions.
- Electrically operated partitions are frequently used in school gyms, classrooms, hotels, and board rooms.





ACOUSTI-SEAL®

OPTIONS AT A GLANCE

As an industry leader in the movable wall concept, Modernfold delivers the highest-quality, custom wall solutions from start to finish. Modernfold operable partitions provide customers with endless possibilities for their environments. Through Acousti-Seal® Legacy® and Acousti-Seal® Premier®, Modernfold brings innovation, creativity, and vision to interior architectural design.

ACOUSTI-SEAL® LEGACY®

Acousti-Seal® Legacy® movable wall systems offer a welded steel construction. This product line, which has been in the industry for about 50 years, has been top-notch in acoustics, performance, durability, and longevity.



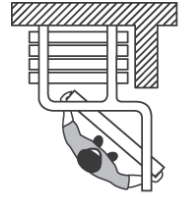
ACOUSTI-SEAL® PREMIER®

The Acousti-Seal® Premier® series is an economical product that offers a truly custom design appearance. With a wide array of finish options, including wood veneer and plastic laminate, Premier® can match existing construction or reflect a true, individualized look.





SINGLE PANEL PARTITIONS



For the largest openings, remote pocket storage, and complex partition layouts, the single panel is the operable partition of choice.

ADVANTAGES

- Offers the greatest versatility for space division needs.
- Solves complex layout challenges.
- Satisfies high ceiling requirements with custom-engineered panels up to 30-feet high.
- Simplifies setup and storage with the use of the Smart Track™ suspension system.
- One-piece panels accommodate wide variations in floor conditions.



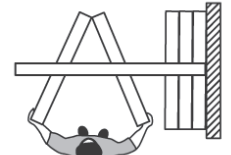
Single Panel Model	Legacy®	Premier®	Legacy® Fire Rated
Nominal Panel Thickness	3-inch	3-inch	3-inch
Operation	Single Panel Manual	Single Panel Manual	Single Panel Manual
Frame	Roll Formed & Welded 16-gage Steel	Roll Formed & Welded 18-gage Steel	Roll Formed & Welded 16-gage Steel
Skin/Face Options	Steel	Gypsum, MDF Board	Steel
Finish Options	Vinyl, Heavy-Duty Vinyl, Carpet, Fabric, Customer's Own Material*, Full-Height Marker/Tack Board, Uncovered, Primed for Field Finishing	Vinyl, Heavy-Duty Vinyl, Carpet, Fabric, Customer's Own Material*, Full-Height Marker/Tack Board, High Pressure Laminate, Wood Veneer, Uncovered	Vinyl, Heavy-Duty Vinyl, Carpet, Fabric, Customer's Own Material*, Full-Height Marker Board, Uncovered, Primed for Field Finishing
Maximum Width	Unlimited	Unlimited	Unlimited
Maximum Height*	30-feet	24-feet	30-feet
STC	52, 50, 28	50, 47, 28	52, 50
Hanging Weight (STC-dependent)	6 to 11 lb/sq ft	6 to 8 lb/sq ft	8 to 11 lb/sq ft

* Custom-engineered solutions available beyond maximum height | * Customer's Own Material must be approved by factory.

* Consult your local Modernfold distributor for custom options including finishes, cutouts, and alternative platforms for pocket space restraints.



PAIRED PANELS PARTITIONS



The center-hung, paired panels are perfect for straight-line openings and offer quick and easy operation. For convenient and economical space division, the paired panel is the ideal solution.

ADVANTAGES

- Offers the most efficient movable wall option.
- Quick setup with movement of two panels at a time.
- Smooth operation.
- Economical overhead support of straight-line track.
- Simple automatic bottom seals for efficient operation.
- Concealed Hinges available (Legacy).



Quickly and easily convert a classroom to meet fluctuations in class size.

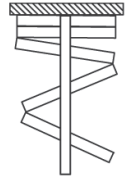
Paired Panel Model	Legacy®	Premier®	Legacy® Fire Rated
Nominal Panel Thickness	3-inch	3-inch	3-inch
Operation	Paired Panel Manual	Paired Panel Manual	Paired Panel Manual
Frame	Roll Formed & Welded 16-gage Steel	Roll Formed & Welded 18-gage Steel	Roll Formed & Welded 16-gage Steel
Skin/Face Options	Steel	Gypsum, MDF Board	Steel
Finish Options	Vinyl, Heavy-Duty Vinyl, Carpet, Fabric, Customer's Own Material*, Full-Height Marker/Tack Board, Uncovered, Primed for Field Finishing	Vinyl, Heavy-Duty Vinyl, Carpet, Fabric, Customer's Own Material*, Full-Height Marker/Tack Board, High Pressure Laminate, Wood Veneer, Uncovered	Vinyl, Heavy-Duty Vinyl, Carpet, Fabric, Customer's Own Material*, Full-Height Marker Board, Uncovered, Primed for Field Finishing
Maximum Width	Unlimited	Unlimited	Unlimited
Maximum Height*	24-feet	18-feet	24-feet
STC	52, 50, 28	50, 47, 28	52, 50
Hanging Weight (STC-dependent)	6 to 11 lb/sq ft	6 to 8 lb/sq ft	8 to 11 lb/sq ft

* Custom-engineered solutions available beyond maximum height | * Customer's Own Material must be approved by factory.

* Consult your local Modernfold distributor for custom options including: finishes, cutouts, and alternative platforms for pocket space restraints..



ELECTRICALLY OPERATED PARTITIONS



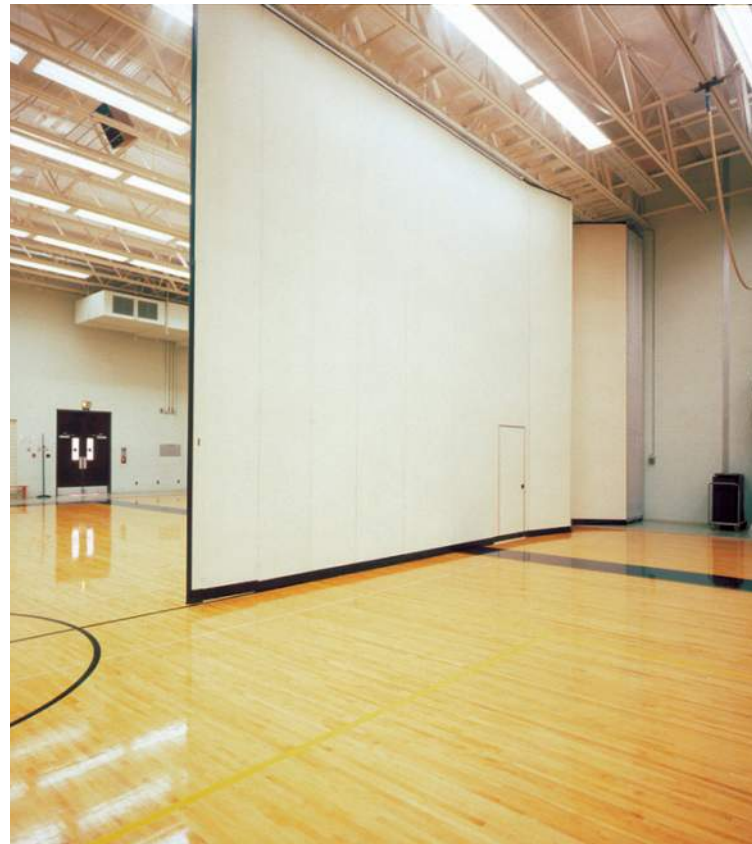
Electrically operated, continuously hinged panels facilitate quick setup time and provide efficient and convenient separation. Electric operation offers automatic setup without the need to manually move the partitions into place.

Fully automated movable walls make space management easy, effective, and smart.

All Modernfold electric partitions are designed for simultaneous activation by two keyed switches to facilitate safe operation. Operational safety is vitally important to Modernfold. Modernfold is serious about safety. In addition to the standard built-in mechanisms, a variety of custom options are available. For example, Modernfold's innovative Presto® Package safety system provides convenient touchpad automation and several safety features, including heat sensitive touch pads, infrared safety systems, wireless safety noses, pocket sensors, and motion monitoring.

ADVANTAGES

- Automatic, electric operation allows for quick separation.
- Keyed switches prevent unauthorized operation.
- Integrated safety systems ensure safe operation.
- One-piece panels are available on continuously hinged partitions up to 28-feet tall.
- Concealed Hinges are available (Legacy).



Hinged Model	Legacy® Electric	Premier® Electric
Nominal Panel Thickness	3-inch	3-inch
Operation	Continuously Hinged Electric	Continuously Hinged Electric
Frame	Roll Formed & Welded 16-gage Steel	Roll Formed & Welded 18-gage Steel
Skin/Face Options	Steel	Gypsum, MDF Board
Finish Options	Vinyl, Heavy-Duty Vinyl, Carpet, Fabric, Customer's Own Material*, Full-Height Marker/Tack Board, Uncovered, Primed for Field Finishing	Vinyl, Heavy-Duty Vinyl, Carpet, Fabric, Customer's Own Material*, Full-Height Marker/Tack Board, High Pressure Laminate, Wood Veneer, Uncovered
Maximum Width	164'-11" (single); 329'-7" (pair)	164'-11" (single); 329'-7" (pair)
Maximum Height*	28-feet	24-feet
STC	52, 50, 28	50, 47
Hanging Weight (STC-dependent)	6 to 11 lb/sq ft	7 to 8 lb/sq ft

* Custom-engineered solutions available beyond maximum height | * Customers Own Material must be approved by factory.

* Consult your local Modernfold distributor for custom options including: finishes, cutouts, and alternative platforms for pocket space restraints.







SAFETY AND SUSTAINABILITY

Modernfold goes above and beyond to offer solutions that enhance the safety and security of a building.

FIRE RATED PARTITIONS

- Available in single and paired panel configurations.
- One-hour and two-hour UL® fire ratings.



GREEN BUILDING REQUIREMENTS

- Recycled and recyclable content of products available upon request.
- Custom reports available for each installation.
- Custom products with custom contents meet the most stringent requirements.





ACOUSTICAL CONTROL

Today, acoustical control is a critical factor in virtually every type of environment. It's important when choosing an operable partition system to consider not only the space and configuration of your application and how the wall operates, but also to check out the wall's acoustical performance.

The right wall system, in conjunction with complementing architectural elements, can help produce excellent acoustical control.

- Sound control designed for specific room environment.
- Independent laboratory testing.
- Acoustic ratings up to 52 STC.

When choosing a space division product, questions related to the room-to-room noise reduction requirements must be answered.

- What degree of acoustical control will you need?
- What does it take to attain it?
- Which wall system is better for your needs?
- What are the architectural elements of the project with which I should be concerned?

Is there a need for the operable partition to provide a sound absorbing surface? Modernfold offers a guide titled, *Making a Sound Decision in Movable Walls*, which is designed to answer these and many other questions. To obtain a copy of this brochure or if you have questions, email us at info@modernfold.com or call 800-869-9685.



OPTIONS AND ACCESSORIES

Give your space a unique, individualized appearance with a wide variety of options and accessories.

WORK SURFACES

- Marker boards and tack boards available with no vertical trim.
- Standard 4'x4' and full-height or custom sizes available.

POCKET DOORS

- Acoustic and non-acoustic solutions to conceal panel storage areas.
- Prefabricated with jambs and hardware installed.
- Pre-finished with all available finish options or uncovered for field finishing.

PASS DOORS

- Matching construction.
- Single and double configurations.
- Acoustical control.
- One-hour UL® fire ratings available.
- ADA-compliant hardware available.
- Optional window openings.
- Door viewer.

WINDOW OPTIONS

- Full height or partial height.
- Factory glazed.
- Custom cutouts for field glazing.

ACCESSORIES

- Chair rail.
- Push plates.
- Recessed exit signs.
- Key-locking foot bolt.

SPECIAL LAYOUTS

- Sloped floors.
- Floors with risers.
- Sliding partitions.
- Segmented walls (curved layouts).





FINISH OPTIONS AND AESTHETICS

Appeal to the aesthetic and performance needs of your space.



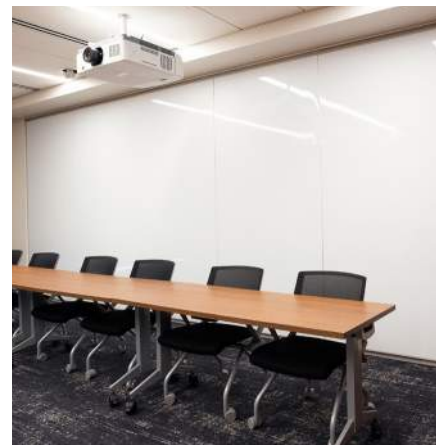
FINISH OPTIONS

- Standard-weight vinyl wall covering.
- Heavy-duty vinyl wall covering.
- Woven fabrics.
- Ribbed wall carpeting.
- Wood veneers.
- Plastic laminates.
- Customer's Own Material.
- Uncovered for field finishing.



SKIN OPTIONS

- Steel skins available 21-gage.
- Genuine wood veneer MDF.
- NAUF MDF board.



SKIN TREATMENTS

- Perforated steel skins.
- Resilient padding.
- Full-height marker boards.
- Partial-height marker boards.



#14 Track with Soffit

HIGH PERFORMANCE, DURABLE SUSPENSION SYSTEMS.

Modernfold takes pride in the reliability and durability of its all-steel suspension systems. The #14 and #17 are proven to last a lifetime. Smart Track™ technology, in conjunction with a durable steel suspension, offers easy operation and low maintenance. Satisfy a variety of needs from basic sight separation to sight and sound separation with Modernfold's line of durable, high-quality space division products.

SMART TRACK™

Modernfold continues to expand the programming capabilities of the #14 and #17 steel track and trolley systems. Solve even the most complex switching challenges without the added expense and maintenance requirements of electric or pneumatic switches. Designs provide added staging and sorting abilities while reducing operational confusion, setup costs, and trolley stress.



#14 Steel Track

MULTI-DIRECTIONAL SYSTEMS

The RT200 right angle suspension system—available up to 20-feet tall—provides an alternative where grid layouts are a must. The RT100 right angle suspension system is available for heights up to 16-feet.



#17 Steel Smart Track™

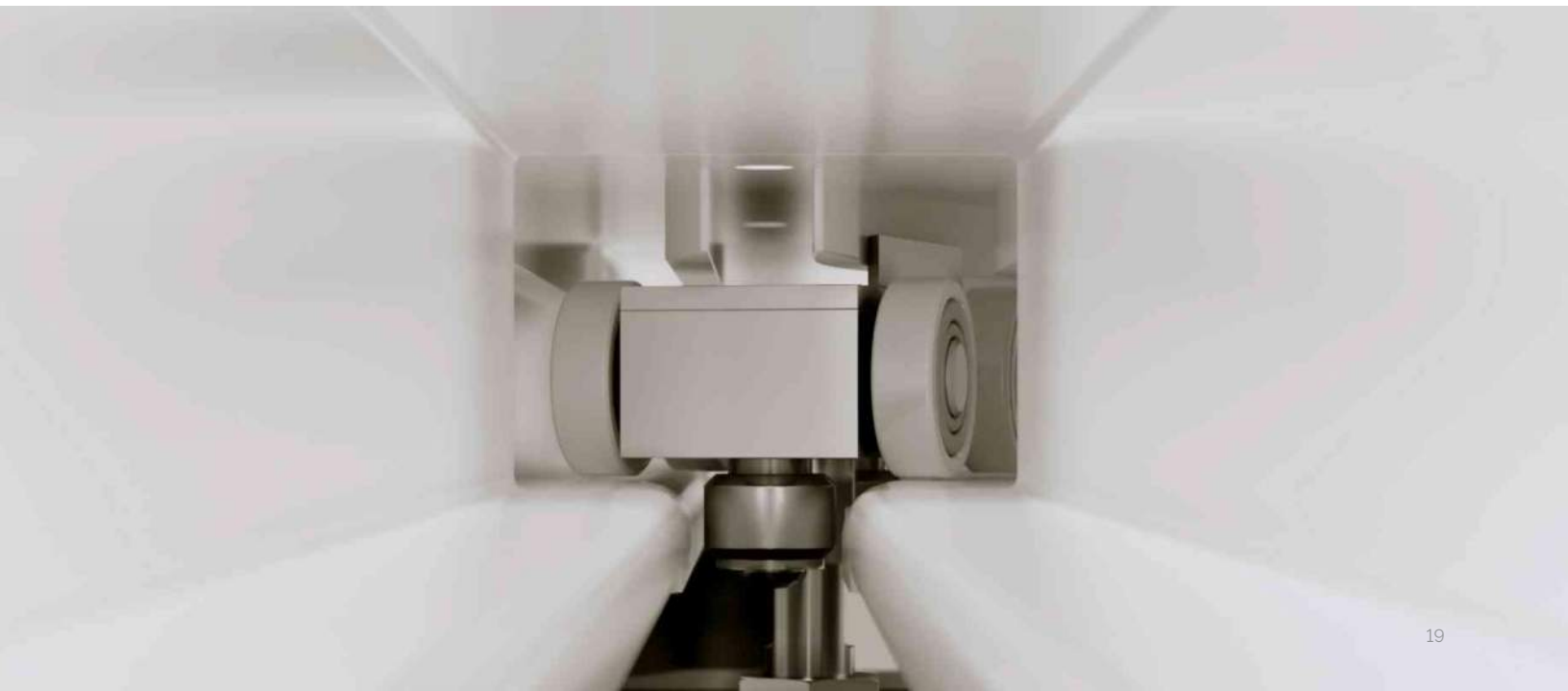
SMART TRACK WARRANTY

20 years on #14 Track

5 years on #17 Track



RT200/RT100 Aluminum Track





215 West New Road
Greenfield, IN 46140

Tel: 800-869-9685

Email: info@modernfold.com
Website: www.modernfold.com



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

3.E.

DATE SUBMITTED

09/28/2023

MEETING DATE

10/9/2023

1. Agenda Item: Consideration and Approval of Change Order No. 4 for the McAllen-Hidalgo International Bridge Pedestrian Improvements.
2. Party Making Request: Eduardo Mendoza
3. Applicant:
4. Nature of Request: Change Proposal #007 concerning the installation of two (2) new column fur-outs in Room 101 & Room 103 Waiting Rooms with twelve (12) additional working days to complete the work and the recycling and reinstallation of brick from demolished columns in Room 100 Primary Inspection. The cost associated with this proposal is \$8,700.00. Project No. 07-22-C30-558

5. Fiscal Impact Summary:

566-8708-436-66-10-BB2004

\$ 739,337

Bridge Capital Improvement
Fund

	Amount	Working Days
Original Contract	\$ 1,098,000.00	270
Previous Change Orders*	\$ 67,875.00	60
Change Order No. 4	\$ 8,700.00	12
Current Contract	\$ 1,174,575.00	342

** Note: Previous Change Orders amount does not reflect \$ 26,125.00 applied toward project contingencies and allowances (no change in contract amount) as presented with Change Orders No. 2 & 3.*

6. Budgeted: FY 22-23 Actuals
FY 23-24 Estimated

Bid Amount:	\$559,354 \$615,221	Budgeted Amount:	\$559,354 \$739,337
Under Budget:	\$0.00 \$0.00	Over Budget:	\$0.00 \$0.00
		Amount Remaining:	\$0.00 \$0.00

7. Routing:

Zef Mendoza

Created/Initiated - 9/28/2023

Eduardo Mendoza

Approved - 10/3/2023

Juan Olaguibel

Approved - 10/3/2023

Angie Rodriguez

Approved - 10/3/2023

Sergio Villasana
Gerardo Noriega
Michelle Rivera
Isaac Tawil

Approved - 10/3/2023
Approved - 10/3/2023
Approved - 10/3/2023
Final Approval - 10/4/2023

8. Staff Recommendation: Milnet Architectural Services, PLLC, McAllen-Hidalgo International Bridge Department and Engineering staff recommend approval of Change Order No. 4 in the amount of **\$8,700.00** with **12-additional working days** for a revised contract amount of **\$1,174,575.00** and revised contract time of **342-working days**.
9. Advisory Board:
10. City Attorney: Approve. IJT
11. Manager's Recommendation: Approve. RR



**CITY OF MCALLEN
ENGINEERING DEPARTMENT
MEMORANDUM**

To: Roel Rodriguez, P.E., City Manager
From: Eduardo Mendoza, P.E., City Engineer
Date: 27 September 23
Subject: **Consideration of Change Order No. 4 for Triun LTD. for McAllen-Hidalgo International Bridge Pedestrian Improvements**
(Project No. 07-22-C30-558)

Goal:

Consideration and approval of Change Order No. 4 for Triun LTD. for McAllen-Hidalgo International Bridge Pedestrian Improvements.

Brief Explanation:

Change Proposal No. #007 concerning the installation of two (2) new column fur-outs in Room 101 & Room 103 Waiting Rooms with twelve (12) additional working days to complete the work and the recycling and reinstallation of brick from demolished columns in Room 100 Primary Inspection. The cost associated with this proposal is \$8,700.00.

Options:

- 1.) Approve Change Order #4
- 2.) Disapprove Change Order #4

Recommendation:

Milnet Architectural Services, PLLC, McAllen-Hidalgo International Bridge Department and Engineering staff recommend approval of Change Order #4 in the amount of \$8,700.00 and 12 additional working days for a revised contract amount of \$1,174,575.00 and revised contract time of 342-working days.



MEMORANDUM

Project Name: McAllen-Hidalgo International
Bridge Pedestrian Improvements

MAS Proj. No: 218004

To: Zef Mendoza, Project Manager

From: Rodolfo Molina, Jr. A.I.A.

Subject: Proposal #007

We have reviewed the following proposal:

- **Proposal #007** concerning the installation of two (2) new column fur-outs in Room 101 & Room 103 Waiting Rooms with **twelve (12) additional working days** to complete the work and the recycling and reinstallation of brick from demolished columns in Room 100 Primary Inspection. The cost associated with this proposal is **\$8,700.00.**

The column fur-outs were requested by U.S. Customs and Border Protection and the reinstallation of brick was required to patch the walls that were affected from the columns demolition. Therefore, we recommend approval in the amount of **\$8,700.00** and the extension of time for an additional **twelve (12) working days.**

Both the Contract Time and the Contract Sum can be modified through a Change Order. If you have any questions, please feel free to contact me.

A handwritten signature in blue ink, reading 'Rodolfo Molina'.

Rodolfo Molina, AIA
President
Milnet Architectural Services, PLLC

08/24/2023

Zeferino Mendoza
City of McAllen
1300 Houston Avenue
McAllen, TX 78501

RE: HPBI- Proposal #007

Dear Mr. Mendoza,

We appreciate the opportunity to prepare our scope and fees for the Hidalgo Bridge Pedestrian Improvements project. Below, is an itemized list and description of proposed scope of work:

- 1) Install two (2) new column fur outs in Room 101 & Room 103 Waiting rooms as per Exhibit A attached. \$3,900.00
 - a) 2-1/2" Mtl. Studs 25ga
 - b) 1/4" Plywood
 - c) 1/4" Gyp. Board
 - d) Tape, float, texture and paint
- 2) Recycle existing brick from demolished columns. Acid wash brick and reinstall on broken wall to match existing. (See Exhibit B) \$4,800.00
- 3) 12 additional days to do the work.

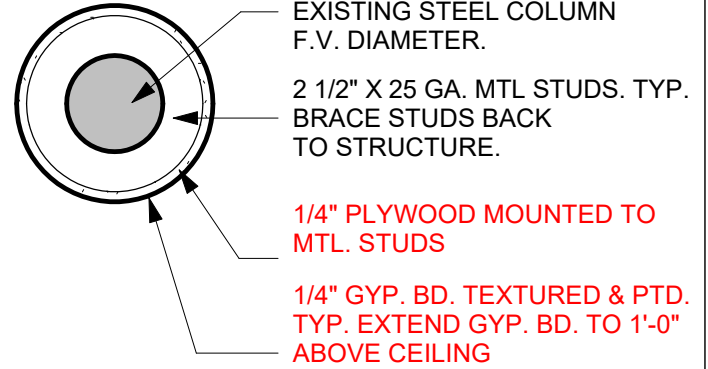
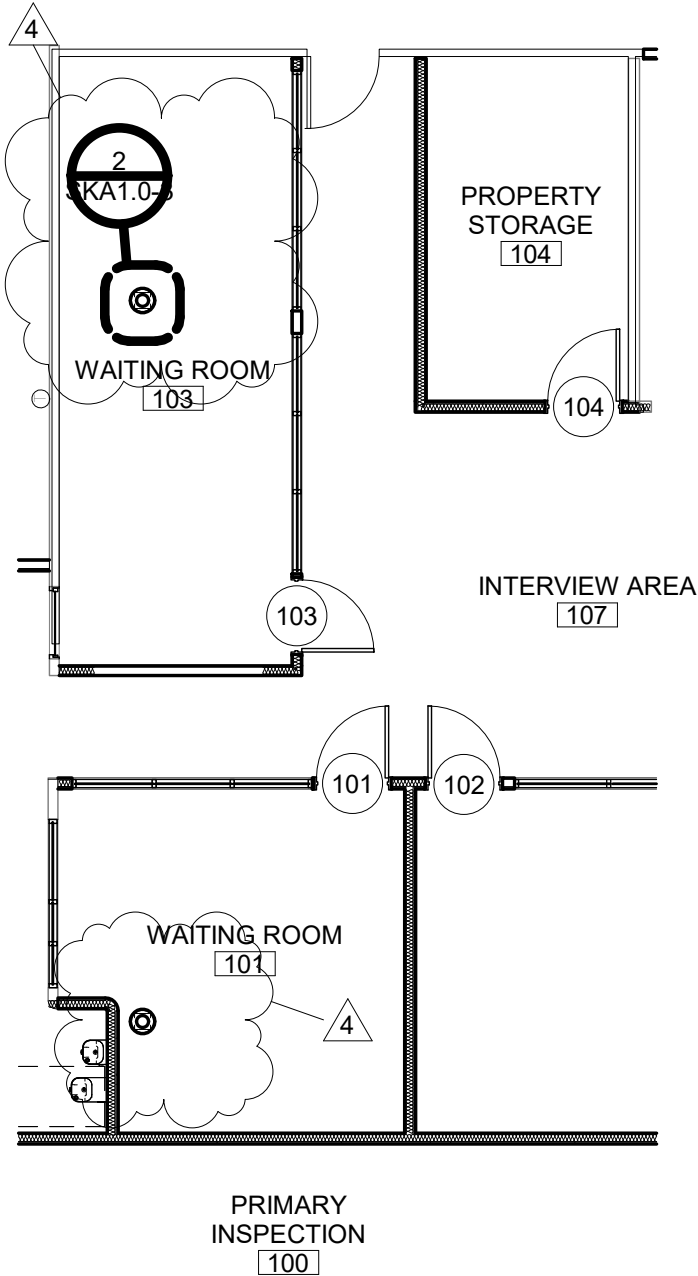
The cost associated with Proposal #007 is **\$8,700.00**. Please contact me if you have any questions or would like to request additional information.

Thank you,



Edward R. De La Garza
Chief Executive Officer

Exhibit A



2 STEEL COLUMN FUR OUT DTL.
1" = 1'-0"

1 COLUMN FUR OUT IN WAITING ROOMS
1/8" = 1'-0"

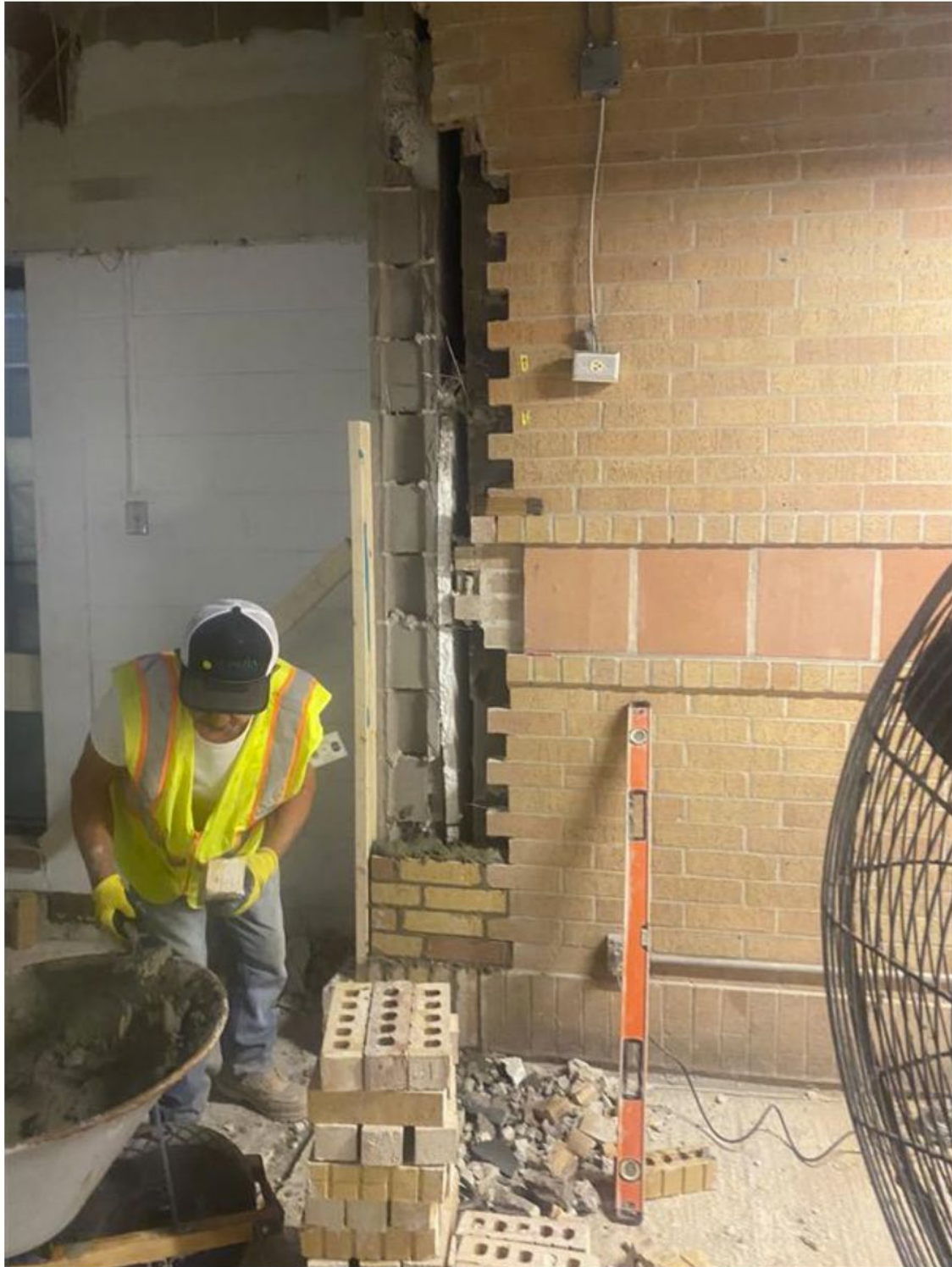
SKA1.0-3



**MILNET
ARCHITECTURAL
SERVICES**
Ph: (956) 688-5656
Fax: (956) 687-9289
Email: milnet@awbell.net

Project name: McALLEN - HIDALGO INTERNATIONAL BRIDGE PEDESTRIAN IMPROVEMENTS
Date: 08/02/23
Project number: 218004

Cvfg`gr @





ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

3.F.

DATE SUBMITTED

09/28/2023

MEETING DATE

10/9/2023

1. Agenda Item: Award of Contract for the McAllen Foreign Trade Zone Stormwater Pump Station Improvements.

2. Party Making Request: Eduardo Mendoza

3. Applicant:

4. Nature of Request: Award of Contract for the Foreign Trade Zone Pump Station Improvements Project. (07-23-C44-655)

5. Fiscal Impact Summary:

170-8728-436-66-36-ID2002

\$224,865.00

Drainage Fee Fund

Bid Amount: \$ 199,718.00

6. Budgeted: Yes

Bid Amount: \$199,718

Budgeted Amount: \$224,865

Under Budget: \$0.00

Over Budget: \$0.00

Amount Remaining: \$0.00

7. Routing:

Jorge Gutierrez

Created/Initiated - 9/28/2023

Eduardo Mendoza

Approved - 9/28/2023

Angie Rodriguez

Approved - 10/3/2023

Sergio Villasana

Approved - 10/3/2023

Gerardo Noriega

Approved - 10/3/2023

Michelle Rivera

Approved - 10/3/2023

Isaac Tawil

Final Approval - 10/4/2023

8. Staff Recommendation: The engineer of record, SAMES, Inc., and staff recommend award of contract to the lowest responsive bidder, **RGV Industrial Machine Shop & Pumps, LLC., of Elsa, Texas**, in the amount of **\$ 199,718.00** with a contract time not to exceed **200-calendar days**.

9. Advisory Board:

10. City Attorney: Approve. IJT

11. Manager's Recommendation: Approve. RR



ENGINEERING DEPARTMENT
MEMORANDUM

To: Roel "Roy" Rodriguez, P.E., City Manager

From: Eduardo Mendoza, P.E., P.T.O.E., City Engineer

Date: October 9, 2023

Subject: **Award of Contract – McAllen Foreign Trade Zone Stormwater Pump Station Improvements Prj. No.: 07-23-C44-655**

Goal

Consideration of Award of Contract for the McAllen Foreign Trade Zone Stormwater Pump Station Improvements.

Explanation

On September 15, 2023, the Purchasing and Contracting department a single bid proposal for the above referenced project.

The scope of work consists of upgrades to an existing stormwater pump station and provisions for auxiliary power in the event of an outage.

The pump station serves a drainage basin of roughly 246-acres characterized by commercial and industrial development in the area of Military Highway and South Ware Road. Built in the early 1980's, the current manually operated electric pump is outdated and lacks back-up power.

The project will include installation of an automated electric pump, reconstruction of its concrete wet-well and all related appurtenances.

RGV Industrial Machine Shop & Pumps, LLC., of Elsa, Texas submitted a bid of \$ 199,718.00

The contract amount under consideration is within the programmed project budget.

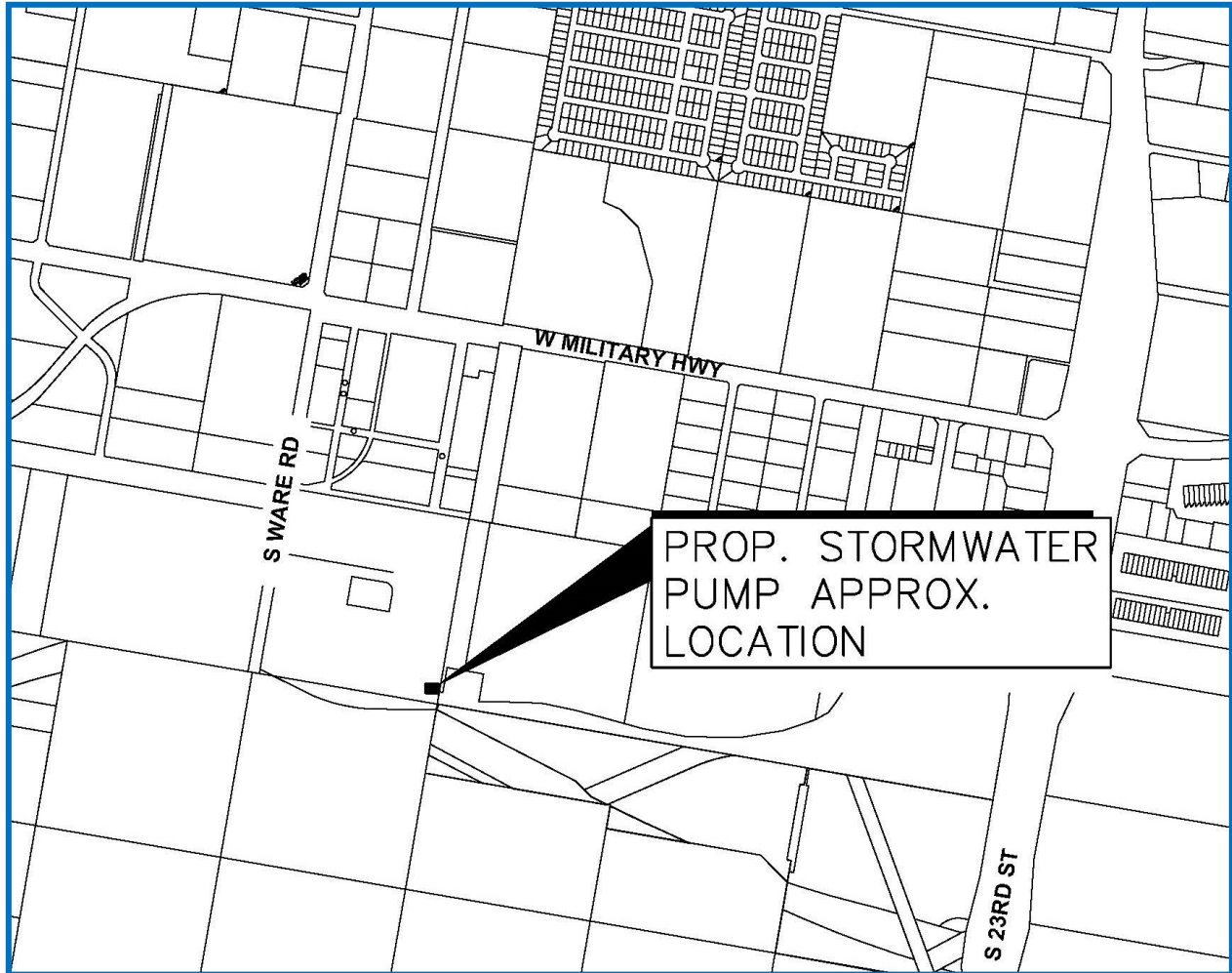
A detailed bid tabulation is also attached for your review.

Options

- 1) Award to lowest responsive bidder.
- 2) Reject all bids and re-advertise the project.

Recommendation

The engineer of record, SAMES, Inc., and staff recommend award of contract to the lowest responsive bidder, **RGV Industrial Machine Shop & Pumps, LLC., of Elsa, Texas**, in the amount of **\$ 199,718.00** with a contract time not to exceed **200-calendar days**.



**LOCATION MAP: McALLEN FOREIGN TRADE ZONE
STORMWATER PUMP STATION IMPROVEMENTS
(07-23-C44-655)**



CREATED ON 9/20/2023 CPM

BID OPENING: SEPTEMBER 15, 2023 AT 4:00 PM

LOCATION: CITY HALL CONFERENCE ROOM NO. 2A

PROJECT NO. 07-23-C44-655 MCALLEN FOREIGN TRADE ZONE PUMP STATION IMPROVEMENTS

BIDDER					RGV INDUSTRIAL MACHINE SHOP & PUMPS, LLC ELSA, TX	
NO.	REFERENCE NO.	DESCRIPTION	UOM	QTY	UNIT PRICE	EXT PRICE
1	72082-01	VERTICAL AXIAL-FLOW LINESHAFT MWI MODEL NW312X14 (INCLUDES ALL ACCESSORIES AND HARDWARE)	LS	1	\$105,000.00	\$105,000.00
2	72082-02	12" D.I. FORCE MAIN W/ EPOXY COATING	LF	5	\$700.00	\$3,500.00
3	72082-03	12" 45 DEGREE D.I. BEND, MJ	EA	2	\$1,950.00	\$3,900.00
4	72082-04	AIR RELEASE VALVE	EA	1	\$1,200.00	\$1,200.00
5	72082-05	CONCRETE SUPPORT	EA	1	\$8,500.00	\$8,500.00
6	72082-06	ELECTRICAL RISER, CONTROL PANELS, METERS, AND UNISTRUT RACK	LS	1	\$42,000.00	\$42,000.00
7	72082-07	TRANSFER SWITCH FOR PORTABLE GENERATOR	LS	1	\$6,000.00	\$6,000.00
8	72082-08	6" PVC ELECTRICAL CONDUIT	LF	20	\$190.00	\$3,800.00
9	72082-09	1-1/2" PVC ELECTRICAL CONDUIT	LF	13	\$124.00	\$1,612.00
10	72082-10	DEMO ELECTRICAL COMPONENTS	LS	1	\$4,900.00	\$4,900.00
11	72082-11	6" CONCRETE RIP RAP	SY	9	\$534.00	\$4,806.00
12	72082-12	REMOVE AND DISCARD EXISTING PUMP	LS	1	\$6,500.00	\$6,500.00
13	72082-13	REMOVE AND DISCARD EXISTING 12" FORCE MAIN	LF	5	\$800.00	\$4,000.00
14	72082-14	REMOVE AND DISCARD CONCRETE SUPPORT	EA	1	\$4,000.00	\$4,000.00
GRAND TOTAL:					\$199,718.00	



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

4.A.

DATE SUBMITTED

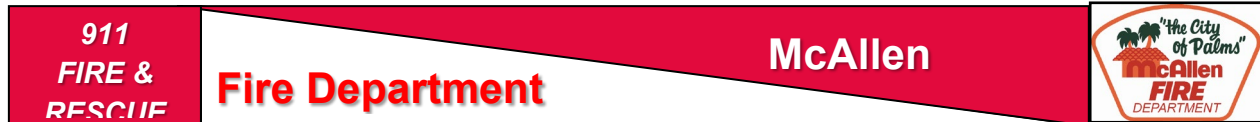
MEETING DATE

10/9/2023

1. Agenda Item: Consideration and possible approval of an update to the emergency services ordinance to provide for a sole-provider ambulance system.
2. Party Making Request: Isaac Tawil
3. Applicant:
4. Nature of Request: Consideration and possible approval of an update to the emergency services ordinance to provide for a sole-provider ambulance system.
5. Fiscal Impact Summary:
6. Budgeted:

Bid Amount:	_____	Budgeted Amount:	_____
Under Budget:	_____	Over Budget:	_____
		Amount Remaining:	_____
7. Routing:
Alma Villarreal
Isaac Tawil

Created -
8. Staff Recommendation:
9. Advisory Board:
10. City Attorney: Approve. IJT
11. Manager's Recommendation: Approve. RR



MEMORANDUM

TO: Roel “Roy” Rodriguez, P.E., M.P.A., City Manager

FROM: Juan A. Gloria Jr. / Fire Chief

DATE: September 27, 2023

RE: EMS Sole Provider Ordinance Amendment – Request for Consideration.

GOAL:

Request for consideration to amend the Emergency Medical Service ordinance to have the officially contracted “Ambulance Service Contractor” be the sole provider within McAllen’s jurisdiction.

EXPLANATION:

- The recommended amendment will help further regulate utilization of ambulance services in regards to an “ambulance patient or patient” in need of “transportation to or from a healthcare facility by a commercial entity or paid individual whose transport originates within the Regulated Service Area”, as defined in the ordinance amendment.

RECOMMENDATION:

Staff recommends approval to amend the EMS ordinance to have the official “Ambulance Service Contractor”, “provide all Ambulance and Ambulance Patient services within the Regulated Service Area”.

ORDINANCE NO. 2023- _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCALLEN AT CHAPTER 42 (“EMERGENCY SERVICES”), Article III (“AMBULANCES”), PROVIDING FOR A SOLE-PROVIDER AMBULANCE SYSTEM, UPDATING THE PERMITTING AND LICENSING FRAMEWORK, AND PROVIDING FOR SEVERABILITY, AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

WHEREAS, the City of McAllen seeks to establish a regulated ambulance service system, which can provide clinical quality of care, with reasonable, reliable response time standards, and with the goal of furnishing the best possible chance or survival, without disability or preventable complication, to each ambulance patient.

WHEREAS, the City of McAllen seeks to establish a sole-provider ambulance system, because it is unreasonable to have unnecessarily high rates and/or public subsidy to make needed improvements to ambulance service in the service area, when a more efficiently designed system can achieve the same results at a lower cost. The most efficient design to achieve the goals of high-quality service, at the lowest cost, consistent with the quality of care required, is the implementation of the system described herein.

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 42 (“Emergency Services”), Article III (“Ambulances”), Division 1 (“Generally”), is hereby amended as follows:

Sec. 42-75. — ~~Authority to Operate; Exceptions.Scope.~~

~~Any ambulance service or transportation originating in the city shall comply with the provisions~~

~~of this article, and it shall be unlawful for anyone to provide ambulance service or transportation originating in the city except when there is compliance with the provisions of this article. Ambulance service or transportation originates in the city when a patient is attended, or a patient's transportation begins, within the city's corporate limits.~~

a) _____ No person shall operate or cause to be operated an Ambulance nor furnish, conduct, maintain, advertise or otherwise be engaged in the business or service of the transportation of Ambulance Patients within the Regulated Service Area, or provide Special Event standby coverage, unless such person is the Ambulance Service Contractor. No person shall knowingly solicit ambulance services regulated herein except the Ambulance Service Contractor.

b) However, the prohibitions set forth in Paragraph (a), immediately above, shall not be applicable to an Ambulance Service provider:

1. Which is rendering assistance to patients in the case of a major catastrophe or emergency with which the Ambulance Service Contractor's ambulances are insufficient or unable to cope; or is
2. Transporting a patient who is picked up from a location beyond the Regulated Service Area and transported to a location within the Regulated Service Area; or is
3. Transporting a patient who is picked up from a location beyond the Regulated Service Area and transported to a location beyond the limits of the Regulated Service Area and only incidentally passing through the Regulated Service Area; or is
4. Transporting a patient who is picked up from a location within the Regulated Service Area and transported to a location at least fifteen (15) miles beyond the limits of the

Regulated Service Area; or is

5. Transporting a patient as a result of a non-emergency call and not under emergency circumstances.

a)c) Violations of this section are hereby declared to be a public nuisance and shall be prohibited and abated at law or in equity.

Sec. 42-76. - 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:

Ambulance means any vehicle used for the transportation of wounded, injured or sick persons to or from a destination within the corporate boundaries of the city, but specifically excludes funeral coaches and wheelchair vans.

Ambulance Patient or Patient means any person being transported to or from a health care facility by a commercial entity or paid individual whose transport originates with the Regulated Service Area.

Ambulance Service Contractor means the entity which is then currently under contract to provide all Ambulance and Ambulance Patient services within the Regulated Service Area, except those services specifically exempted herein.

Emergency ambulance means an ambulance used to render emergency services, and which may also be used to render transport services.

Emergency circumstances means the existence of circumstances in which the element of

time in transporting the sick, injured or wounded for medical treatment is essential to the health or life of such person.

Emergency service means any ambulance service rendered under emergency circumstances, including the trip to the place of emergency, rendering of first aid and assistance, and the trip to the hospital or other qualified emergency treatment destination.

Permit officer means the fire chief and/or designees.

Regulated Service Area means the geographic area encompassing the City of McAllen and other such areas where the City of McAllen may be responsible for the provision of public safety service, including ambulance service.

Safety-sensitive position means one that presents a life threatening danger or risk of bodily injury to the employee, other employees, or the general public, or the risk of significant property or environmental damage, and that requires the exercise of discriminating judgment or a high degree of care and caution, including, without limitation, a position that requires the employee to carry a firearm, perform life-threatening procedures, work with confidential information or documents pertaining to criminal investigations, work with controlled substances or hazardous materials, or operate motor vehicles, machinery, or equipment.

Transport ambulance means an ambulance used to render transport services.

Transport service means the transportation of sick, injured or wounded persons under other than emergency circumstances. Such transport vehicles at all times during the transportation of a patient shall be staffed with the minimum certified personnel required by state law for the

vehicle authorization.

Sec. 42-77. - City may provide service.

The city reserves the right to render emergency ambulance service in the event that a contractor under this article is unable to, or fails to, respond to an emergency call, or requires assistance at an emergency location.

Sec. 42-78. - Penalty for violation of article; fines, suspensions, revocations, and appeals.

Sec. 42-79. - Permit officer; duties and powers; citation authority.

Sec. 42-80. - Ambulance license.

Sec. 42-81. - License application; duty to update information.

Sec. 42-82. - Vehicle permits; inspections; suspension or revocation; appeals.

Sec. 42-83. - Operation of emergency lights and sirens.

SECTION II: The Code of Ordinances, City of McAllen, Chapter 42 ("Emergency Services"), Article III ("Ambulances"), Division 3 ("Contract for City Emergency Ambulance Service"), is hereby amended as follows:

~~Sec. 42-106. -- Emergency calls.~~

~~It shall be unlawful for any person having management, ownership or control of any ambulance to operate or to suffer permitting such ambulance to be operated in the city in response to emergency calls initiated by the city police or fire departments or initiated by the city's 9-1-1 communications~~

~~center or other appropriate entity, if applicable, unless such service is specifically contracted for with the city as provided for in this division, except where such service is specifically requested by the city or its contracted emergency service provider in the event of a disaster, emergency or mutual aid request. Proof of the following shall constitute prima facie evidence of violation of this section:~~

~~(1) That an ambulance which is owned or controlled by the person charged with an offense under this section provided emergency service within the city limits;~~

~~(2) That the police or fire departments of the city, city's 9-1-1 communications center or other appropriate entity dispatched some other ambulance to the scene of such emergency; and~~

~~(3) That the person or company charged did not operate under a valid contract with the city for emergency ambulance service pursuant to the provisions of this division.~~

~~It shall be an affirmative defense to any prosecution brought under this section that the emergency service in question was provided in response to a call or request from a private citizen.~~

Sec. 42-1067. - Contract proposals.

Periodically, as directed by the city commission, ~~the ambulance review committee, in conjunction with~~ the city manager's office shall solicit proposals for contract for city emergency ambulance service. Such proposals shall require, at a minimum, the following information:

(1) Name and address of the owner of the ambulance service. If the owner is a corporation, the registered agent and the principal officers and the stockholders of the corporation shall be listed.

(2) The number and description of the ambulance utilized or to be utilized by the contractor.

(3) The location, description and location of the places from which the ambulance services will operate.

(4) Copies of the licenses or certificates of the persons who will operate such vehicles or treat patients or provide service in conjunction with the ambulance service as required by state law.

(5) A statement that the applicant agrees to comply with this article and all laws of the state applicable to ambulances and ambulance services and that the applicant has acquired and will agree to maintain throughout the period of the contract all such licenses or certifications.

(6) A statement that the applicant will render satisfactory and efficient ambulance service including service which is classified as advance life support (ALS) or mobile intensive care service (MICS).

(7) Any other information deemed necessary by the ambulance review committee or city manager.

Sec. 42-10~~78~~. - Contract award.

Sec. 42-10~~89~~. - Cancellation of contract.

Sec. 42-10~~940~~. - Quarterly report required.

SECTION III: The City Secretary of the City of McAllen is hereby authorized and directed to cause the caption of this ordinance to be published in a newspaper having general circulation in McAllen, Hidalgo County, Texas in accordance with the Code of Ordinances of the City of McAllen, Section 2-56. Publication of ordinances.

SECTION IV: The City Secretary of the City of McAllen is hereby authorized and directed to cause the language in Chapter 42, Article III of the McAllen Code of Ordinances, as amended by Sections I and II, hereinabove, to be published in the appropriate location in the said Code of Ordinances.

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

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

CONSIDERED, PASSED and APPROVED this ____ day of _____, 2023, 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 _____, 2023.

CITY OF MCALLEN

By: _____
Javier Villalobos, Mayor

Attest:

Perla Lara, TRMC, City Secretary

Approved as to form:

Isaac J. Tawil, City Attorney



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

4.B.

DATE SUBMITTED

10/02/2023

MEETING DATE

10/9/2023

1. Agenda Item: Ordinance providing for a Budget Amendment for Emergency Medical Services.

2. Party Making Request: Juan Gloria

3. Applicant:

4. Nature of Request:

5. Fiscal Impact Summary: 011-2025-424-63-45 - Budget \$300,000 - Emergency Medical Services

Budget Amendment	<u>\$1,800,000</u>	- Funding Source: General Fund.
Total	<u>\$2,100,000</u>	

6. Budgeted:

Bid Amount: \$2,100,000

Budgeted Amount: \$300,000

Under Budget: \$0.00

Over Budget: \$0.00

Amount Remaining: \$0.00

7. Routing:

Marina Rodriguez

Created/Initiated - 10/2/2023

Juan Gloria

Approved - 10/2/2023

Angie Rodriguez

Approved - 10/3/2023

Sergio Villasana

Approved - 10/3/2023

Gerardo Noriega

Approved - 10/3/2023

Isaac Tawil

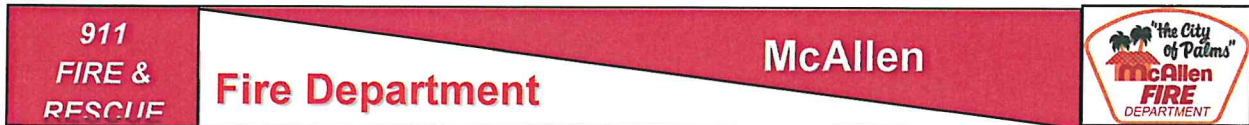
Final Approval - 10/4/2023

8. Staff Recommendation:

9. Advisory Board:

10. City Attorney: Approve. IJT

11. Manager's Recommendation: Approve. RR



MEMORANDUM

TO: Roel "Roy" Rodriguez, P.E., M.P.A., City Manager

FROM: Juan A. Gloria Jr. / Fire Chief

DATE: September 27, 2023

RE: EMS Budget Amendment – Request for Authorization

GOAL:

Requesting consideration for a budget amendment in the amount of 1,800,000.00 for Emergency Medical Services.

EXPLANATION:

The first amendment for Emergency Medical Services was entered on September 12, 2023, by and between the City of McAllen and Lone Star EMS Inc., to cover the agreed upon cost of services.

- Funding source – General fund.

RECOMMENDATION:

Staff recommends approval of budget amendment as requested.

FIRST AMENDED EMERGENCY AMBLULANCE SERVICE AGREEMENT

THIS FIRST AMENDED EMERGENCY AMBULANCE SERVICE AGREEMENT ("First Amended Agreement") is entered into and made effective on September 12, 2023, by and between the City of McAllen, a home-rule municipality in Hidalgo County, Texas ("City") and LONE STAR AMBULANCE, INC., a Texas corporation located at 3700 Fredericksburg Rd., San Antonio, TX 78201 (the "Contractor") and collectively referred to as the "Parties".

RECITALS

WHEREAS, City and Corporation entered into an Emergency Ambulance Service Agreement ("Agreement") dated February 23, 2023; and,

WHEREAS, the Parties agreed to review the Contractor's financial records and any other information deemed necessary after six months regarding quarterly subsidies, and,

WHEREAS, the Parties have reviewed financial information and other terms of the Agreement; and

WHEREAS, the Parties now desire to amend the Agreement; and,

NOW, THEREFORE, in consideration of the mutual covenants set forth herein, City and Contractor do mutually agree to amend the Agreement as follows:

1. Section 9 (Compensation) is amended to read as follows:

COMPENSATION

9. The City will pay Contractor for the Services as follows (the "Compensation"):

City will pay Contractor in the amount of One Hundred Seventy-Five Thousand Dollars (\$175,000.00) per month beginning the seventh month of the Agreement for the Services. Contractor shall not be entitled to any further compensation by City for the Services provided for the remainder of the term of the Agreement unless the Parties enter into a written amendment to this First Amended Agreement on terms mutually agreed by the Parties.

2. Exhibit A – Scope of Work and Operational Requirements is amended to read as follows:

Vehicles

Lone Star Ambulance, Inc. shall provide the CITY OF MCALLEN with a minimum of four (4) MICU Ambulances 24 hours a day 7 days a week and three (3) ALS Ambulances during peak hours strategically placed within the limits of the CITY OF MCALLEN. These vehicles shall be exclusively dedicated to 911 EMS transport servicing those persons within The CITY OF MCALLEN.

Lone Star Ambulance, Inc. must demonstrate how back up will be provided when the need for additional units becomes necessary. This will address move up requirements to include time limits for travel when dedicated units have been committed. When the secondary dedicated unit is dispatched, Lone Star Ambulance, Inc. shall immediately dispatch the closest available unit to McAllen to provide backup coverage. Backup must arrive within the city limits within (10) minutes of the eighth (8th) dedicated unit having been dispatched.

All vehicles shall be approved ambulances pursuant to Federal KKK-A-1822 for models prior to Jan 1, 2013, and must comply with the new National Fire Protection Agency (NFPA) 1917 Standard for Automotive Ambulances. It applies to new ambulances acquired on or after Jan. 1, 2013.

All vehicles shall be no more than five (5) years old, and the vehicles and their maintenance logs shall be readily available for inspection at Lone Star Ambulance, Inc.'s McAllen place of business without prior notice. All vehicles shall have equipment and supplies as required by Texas Administrative Code 157.11.

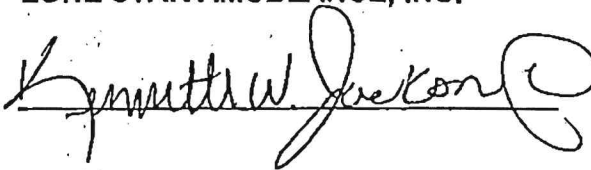
ALL OTHER TERMS AND CONDITIONS OF THE EMERGENCY AMBULANCE SERVICE AGREEMENT SHALL REMAIN IN FULL FORCE AND EFFECT EXCEPT AS EXPRESSLY AMENDED HEREIN.

IN WITNESS WHEREOF, City and Contractor have executed this First Amended Agreement as of the date and year first written above.

CITY OF McALLEN

LONE STAR AMUBLANCE, INC.


Roel "Roy" Rodriguez, P.E.
City Manager

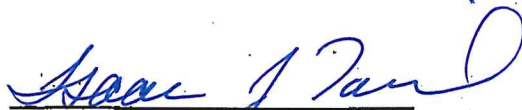


Attest:

Attest to form only:

First Amended Agreement
Lone Star Ambulance, Inc.


Perla Lara, TRMC/CMC, CPM


Isaac J. Tawil, City Attorney



ORDINANCE NO. 2023-_____

**AN ORDINANCE AMENDING THE BUDGET OF THE CITY
OF McALLEN FOR THE FISCAL YEAR 2023-2024
EFFECTIVE OCTOBER 1, 2023, BY PROVIDING FOR AN
INCREASE IN EXPENDITURES TO-WIT: \$1,800,000.00
FROM THE GENERAL FUND FOR EMERGENCY
MEDICAL SERVICES.**

WHEREAS, the Board of Commissioners of the City of McAllen pursuant to Chapter 102 of the Local Government Code has heretofore adopted a budget for the City of McAllen for Fiscal Year 2023-2024. Such budget was effective October 1, 2023 and

WHEREAS, the Board of Commissioners of the City of McAllen deems it in the best interest of the City and for municipal purposes to amend the budget heretofore adopted for such fiscal year by providing for unanticipated expenditures which were not known to the governmental body prior to the adoption of the budget but have since become necessary to fund since the effective date of the budget and to also show revenues which were not anticipated by the governing body in the adoption of the 2023-2024 budget but have been received by the governmental body since that date.

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

SECTION I: The Budget for the City of McAllen for the Fiscal Year 2023-2024 which became effective October 1, 2023 as set out in Ordinance 2023-131 adopted on September 25, 2023 is hereby amended in the following particulars as shown on Exhibit "A" attached hereto and incorporated herein for all purposes.

SECTION II: The City Manager as Budget Officer shall provide for the filing of a true copy of this Budget Amendment in the office of the County Clerk, Hidalgo County, Texas.

SECTION III: This Ordinance shall be effective after its passage and execution in accordance with the law.

SECTION IV: The City Secretary of the City of McAllen is hereby authorized and directed to cause the caption of this ordinance to be published in a newspaper having general circulation in McAllen, Hidalgo County, Texas in accordance with the Code of Ordinances of the City of McAllen Section 2-56. Publication of ordinances.

SECTION V: The City Secretary of the City of McAllen is hereby directed not to

publish this Ordinance in the Code of Ordinances of the City of McAllen as it is not amendatory thereof; however, it shall be cited in the appropriate appendix of the Code of Ordinances.

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

CONSIDERED, PASSED and APPROVED this 9th of October 2023, at a regular meeting of the Board of Commissioners of the City of McAllen, Texas, at which a quorum was present, and which was held in accordance with Chapter 551 of the Texas Government Code.

SIGNED this _____ day of October 2023.

CITY OF McALLEN, TEXAS

Javier Villalobos, Mayor

ATTEST:

Perla Lara, TRMC/CMC,CPM
City Secretary

Approved as to form:

Isaac J. Tawil, City Attorney



BUDGET AMENDMENT REQUEST FORM

FUND: General
DEPARTMENT: Fire
FISCAL YEAR: 2023-2024

To be assigned by Office of Management & Budget dept.

REVIEW BY

DATE OF ENTRY

ENTRY MADE BY

JOURNAL ENTRY

ORDINANCE NO.

INTRANET CROSS FUND CAPITAL
IMPRV PROJECT LISTING UPDATE

Fund	Dept. & Division	Activity	Element & Object	Project Code	Description	Original/Revised Budget	Debit/Credit	Revised Budget
011	2025	424	63-45	000000	Other Services & charges - Emergency Medical Services	\$ 300,000	\$ 1,800,000	\$ 2,100,000
011	0000	290	99-00	000000	General Fund Balance - DO NOT POST	77,490,783	(1,800,000)	75,690,783
TOTALS						\$ 77,790,783	\$ -	\$ 77,790,783

(Round up all amounts to the nearest hundred dollars)

JUSTIFICATION:

Budget amendment in the amount of \$1,800,000 for Emergency Medical Services.

City Manager

Signature

Date

Office of Management & Budget

Signature

Date

Finance

Signature

Date



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

5.A.

DATE SUBMITTED

10/03/2023

MEETING DATE

10/9/2023

1. Agenda Item: Consideration of variance requests to: 1) Paving width, curb and gutter, and sidewalk requirements for the interior street, 2) Right-of-way, curb and gutter, and sidewalk requirements for a Cul-de-Sac, and 3) A contractual agreement in lieu of providing or escrowing for paving, curb and gutter, and sidewalk requirements for N. Bentsen Palm Drive, for proposed JLG Subdivision, Hidalgo County, Texas; 9212 North Bentsen Palm Drive.
2. Party Making Request: Edgar Garcia
3. Applicant: Atlas Engineering Consultants
4. Nature of Request: Consideration of variance requests to: 1) Paving width, curb and gutter, and sidewalk requirements for the interior street, 2) Right-of-way, curb and gutter, and sidewalk requirements for a Cul-de-Sac, and 3) A contractual agreement in lieu of providing or escrowing for paving, curb and gutter, and sidewalk requirements for N. Bentsen Palm Drive, for proposed JLG Subdivision, Hidalgo County, Texas; 9212 North Bentsen Palm Drive.
5. Fiscal Impact Summary:
6. Budgeted:

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

Jessica Cavazos	Created/Initiated - 10/3/2023
Edgar Garcia	Approved - 10/3/2023
Michelle Rivera	Approved - 10/3/2023
Isaac Tawil	Final Approval - 10/4/2023
8. Staff Recommendation: Staff recommends Option 2. Disapprove of 26 ft. paving width for internal street but approval of curb and gutter and sidewalk variances for internal street & cul-de-sac and a contractual agreement for N. Bentsen Palm Drive._
9. Advisory Board:
10. City Attorney: Approve. IJT
11. Manager's Recommendation: Approve staff recommendation. RR

Memo

TO: Roel “Roy” Rodriguez, P.E., City Manager

FROM: Edgar I. Garcia, Planning Director

DATE: October 2, 2023

SUBJECT: CONSIDERATION OF VARIANCE REQUESTS TO: 1) PAVING WIDTH, CURB AND GUTTER, AND SIDEWALK REQUIREMENTS FOR THE INTERIOR STREET, 2) RIGHT-OF-WAY, CURB AND GUTTER, AND SIDEWALK REQUIREMENTS FOR A CUL-DE-SAC, AND 3) A CONTRACTUAL AGREEMENT IN LIEU OF PROVIDING OR ESCROWING FOR PAVING, CURB AND GUTTER, AND SIDEWALK REQUIREMENTS FOR N. BENTSEN PALM DRIVE, FOR PROPOSED JLG SUBDIVISION, HIDALGO COUNTY, TEXAS; 9212 NORTH BENTSEN PALM DRIVE.

BRIEF DESCRIPTION:

JLG Subdivision is proposed as a six-lot private single-family residential subdivision, located in McAllen’s ETJ, on the east side of N. Bentsen Palm Drive, approximately 190 ft. south of Mile 8 Road. According to the submitted plat, the property consists of 10 acres. Based on Google images, there are existing houses on Lots 1, 5, and 6, and JLG Construction mobile homes on Lot 2. Surrounding uses include, single-family residences, retail stores, agricultural, and vacant land.

Ms. Xitlali Gonzalez, on behalf of the developer, submitted a subdivision variance application for proposed JLG Subdivision on August 4, 2023. The variance requests are from Sections 134-105 and 134-120 of the Subdivision ordinance and are as follows:

The first variance request is to the residential street requirements of 32 ft. pavement, with curb and gutter and 4 ft. wide minimum sidewalk on both sides. The applicant proposed to have 26 ft. pavement, with no curb and gutter or sidewalk. Staff recommends requiring 32 ft. of paving, but with no curb and gutter or sidewalk provided.

The second request is to have a Cul-de-Sac with 96 ft. of paving within a 100 ft. right-of-way, with no curb and gutter or sidewalk. Staff recommends approval of the request.

Final variance is for a contractual agreement, in lieu of providing or escrowing for paving, curb and gutter, or sidewalk on N. Bentsen Palm Drive, which is designated as a collector roadway with 80 ft. ROW and 52 ft. of paving. The applicant is asking that the existing 24 ft. pavement width remain. Staff recommends approval of the request, subject to a contractual agreement.

The applicant provided the following reasons for the variance requests: 1. The property is located within McAllen’s ETJ; therefore, it will not receive City services; 2. The requested improvements are too costly for a six-lot single-family development; 3. The County has approved the subdivision in preliminary form, as proposed; and 4. There is no sidewalk or curb and gutter on N. Bentsen Palm Drive.

RECOMMENDATION:

The Planning and Zoning Commission considered the subdivision in revised preliminary form with the variance requests at their meeting of September 19, 2023. Following a lengthy discussion, the Board unanimously voted to approve the subdivision in revised preliminary form and recommended: 1. Disapproval of the variance for the interior street paving width; 2. Approval to not provide or escrow for curb and gutter or sidewalk for the interior street and Cul-de-Sac; and 3. A contractual agreement in lieu of paving, curb and gutter, or sidewalk on N. Bentsen Palm Drive.

OPTIONS:

1. Approve the variances as requested.
2. Disapprove 26 ft. pavement request and require 32 ft. paving for the interior street, but with no curb and gutter or sidewalk for the interior street or Cul-de-Sac; Approve 100 ft. ROW with 96 ft. paving for a Cul-de-Sac; and a contractual agreement, in lieu of providing or escrowing for paving, curb and gutter, and sidewalk on N. Bentsen Palm Drive.
3. Disapprove the variance requests.
4. Table the variance requests for additional information.



City of McAllen

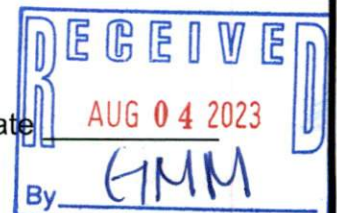
VARIANCE-0072

311 North 15th Street
McAllen, TX 78501
P. O. Box 220

Planning Department
VARIANCE TO SUBDIVISION
PROCESS APPLICATION

McAllen, TX 78505-0220
(956) 681-1250
(956) 681-1279 (fax)

Project	Legal Description <u>Bentzen Groves Subdivision Addition 'C'</u> <u>Lot 321 (JLG Subdivision Proposed)</u> Street Address <u>9212 N Bentzen Palm Dr. Mission, TX 78574</u> Number of lots <u>6</u> Gross acres <u>9.74</u> Existing Zoning <u>Residential ETJ</u> Existing Land Use <u>Residential</u> ☐ Current Survey and Metes and Bounds (if the legal description of the tract is a portion of a lot) is required
	Applicant
Owner	<u>Jose Luis Gil, Yasmir Gil</u> Name <u>Jose Espinoza Gil, Rodrigo Rangel</u> Phone <u>956-271-3136</u> <u>Yasmir I. Rangel</u> Address <u>9212 N Bentzen Palm Dr.</u> E-mail <u>xgonzalez.atlas@gmail.com</u> City <u>Mission</u> State <u>TX</u> Zip <u>78574</u>
Authorization	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated? ☐ Yes ☒ No I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the actual owner to submit this application and have attached written evidence of such authorization. Signature <u>[Signature]</u> Date <u>08/04/23</u> Print Name <u>Xitalli Gonzalez</u> ☐ Owner ☒ Authorized Agent
Office	*FOR OFFICE USE ONLY* APPLICATION FILING FEE: ☒ \$250.00 Accepted by <u>KF</u> Payment received by <u>GMM</u> Date <u>AUG 04 2023</u> Rev 06/21 By <u>GMM</u>





City of McAllen
Planning Department
REASON FOR APPEAL

Notes: As per McAllen Code of Ordinances Sec. 134-6, financial hardships alone are **not** an eligible standing for a variance. Please submit for consideration and review any combination of the following: *(If necessary, please use an additional page to complete responses)*

**Information provided here by the applicant does not guarantee that the Commission will grant a variance.

***Applicant should include all information they determine is relevant, but it is not required to provide responses to all sections listed below.

Reason for Appeal

1. Describe the special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land.

See Report

2. Described how the variance is necessary for the preservation and enjoyment of the legal property rights of its owner.

See Report

3. Describe how the variance will not be detrimental to the public health, safety or welfare or injurious to the legal rights other property owners enjoy in the area.

See Report

4. Describe how the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this chapter.

See Report.

TRANSMITTAL

To: City of McAllen
Planning Department
311 North 15th Street
McAllen, Texas

From: Jose Luis Gonzalez

RE: REQUEST FOR VARIANCE
JLG SUBDIVISION
9212 North Bentsen Palm Drive
Mission, Texas 78574

Date: August 25, 2023

This letter is an appeal to the City of McAllen Zoning Board of Adjustment to bypass the subdivision requirements set forth in the City of McAllen Municipal Code Chapter 134. Under Section 134-6, the planning and zoning commission may recommend variances from this chapter. The following provides information regarding a tract of land located at 9212 North Bentsen Palm Drive, Mission, Texas.

Description

The subject property consists of a tract of land that measures approximately 1,455.83 feet by 300 feet encompassing a total of 10.00 acres. There are currently two residences built on the property along with detached garages and porches. The property is considered to be in the "County" limits but is located within the City of McAllen ETJ.

Purpose for Variance

The property is currently in the subdivision process with Hidalgo County, however as part of the process, the proposed subdivision is to be reviewed by the City of McAllen planning department. A preliminary review of the subdivision has been completed and multiple requirements by the city for subdivision approval were provided. A copy of the subdivision plat review comments is included in the attachments.

Due to the complexity of these requirements, we are requesting a variance for all subdivision requirements provided by the City of McAllen which are as follows:

1. N/S Quarter Mile Collector Street on Lot 6 of the proposed subdivision
2. 1,200 ft. block length
3. 32 feet wide pavement on Gonzalez Lane and a 96 ft Cul-de-sac
4. Sidewalks and curb & gutter on Bentsen Palm Drive and Gonzalez Lane

Our reasoning is due the following key requirements provided by the City of McAllen;

- Prior to submitting the plat to the City of McAllen, the JLG subdivision has already been approved for preliminary approval by Hidalgo County.
- The city is requesting costly improvements that will ultimately stop completing the subdivision and we are not interesting on escrowing the costs;
- The city is requesting an easement onto an already developed lot to extend a street. This lot currently has one residence.
- The city is requesting additional Right-of-Way on a private street and proposes to widen the street from 18 feet to 32 feet as well as the widen the Cul-de-sac from 82 ft to 96 ft; and;
- The city is requesting a sidewalk and curb and gutter on Bentsen Palm Drive. The neighboring properties do not have a sidewalk nor have a curb and gutter system in place.

Utilities are provided by Sharyland Water Supply Corporation. Trash disposal services are not provided by an independent contractor. Sewer service is not available and OSSF systems are used.

We're requesting this variance to approve the JLG Subdivision as is. This property does not pay City of McAllen taxes and annexation is voluntary. The City of McAllen does not provide any services to this property and expecting the owners to follow their requirements encouraged this variance.

Closing

We hope you consider our appeal. Please review the plat review comments and place yourself in my position. Would you appreciate what the City of McAllen is trying to accomplish or feel that you are being taken advantage of? This is a family plat and will remain so. No profits will be made with the development of this property.

We appreciate your time. Please contact me with questions you may have.

Sincerely,



Jose Luis Gonzalez
956-271-3136

Attachments:

- JLG Subdivision Plat
- Photo Log
- Boundary Survey
- Original 10-Acre Survey Plat

Kaveh Forghanparast

From: Xitlali Gonzalez <xgonzalez.atlas@gmail.com>
Sent: Tuesday, September 26, 2023 9:18 AM
To: Kaveh Forghanparast
Subject: JLG Subdivision

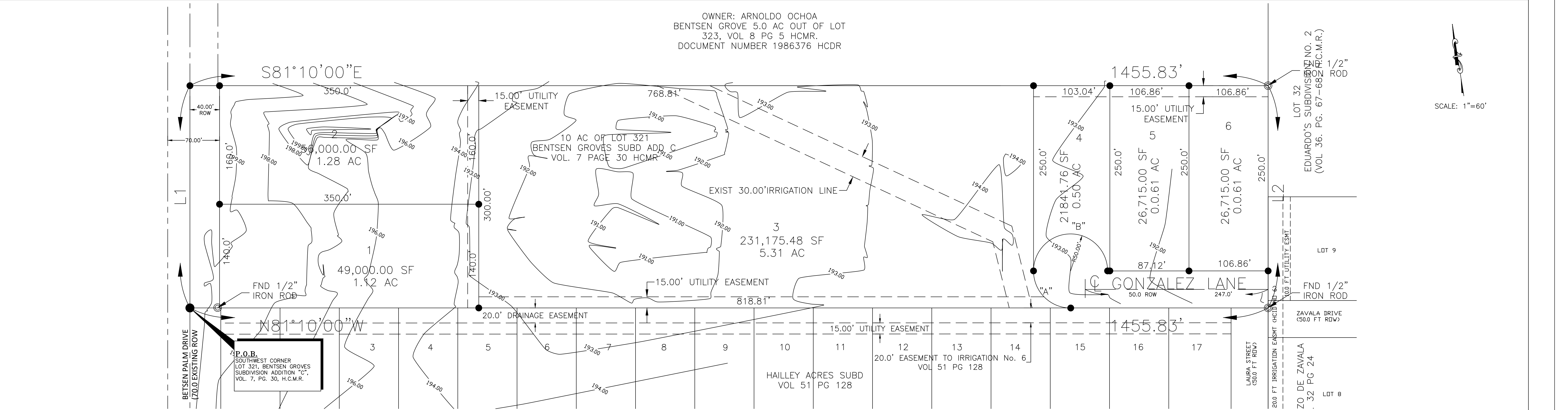
Good morning Kaveh,

As per our phone conversation regarding the past meeting. Paving of the cul-de-sac for Gonzalez Lane will be 96 feet as requested with a 100 ft R.O.W.. I spoke with Captain Abrigo yesterday and he said they would accept a 26ft wide street for Gonzalez Lane instead of the 32 ft. Lastly, we want to move forward with the contractual agreement for the sidewalk and curb and gutter for Bentsen Palm Drive.

Thank you,



Xitlali Gonzalez, Graduate Engineer
Atlas Engineering Consultants, LLC
TBPE Firm No. 17057
2820 Gull, McAllen, TX 78504
956-379-3857



SUBDIVISION PLAT OF:
JLG SUBDIVISION

BEING A 10.0 ACRE (436,569.00 SQ.FT.) GROSS, 9.74 ACRE (424,569.00 SQ.FT.) NET, TRACT OF LAND BEING ALL OF LOT 321, BENTSEN GROVES SUBDIVISION ADDITION "C", AN ADDITION TO HIDALGO COUNTY, TEXAS, AS PER MAP OR PLAT THEREOF RECORDED IN VOLUME 7, PAGE 30, AS PER DEED RECORDS THEREOF RECORDED IN WARRANTY DEED WITH VENDORS LIEN NUMBER: 879936, IN THE OFFICE OF THE COUNTY CLERK OF HIDALGO COUNTY, TEXAS REFERENCE TO WHICH IS HERE MADE FOR ALL PURPOSES.

METES AND BOUNDS
A 10.0 ACRE (436,569.00 SQ.FT.) GROSS, 9.74 ACRE (424,569.00 SQ.FT.) NET., TRACT OF LAND BEING ALL OF LOT 321, BENTSEN GROVES SUBDIVISION ADDITION "C", AN ADDITION TO HIDALGO COUNTY, TEXAS, AS PER MAP OR PLAT THEREOF RECORDED IN VOLUME 7, PAGE 30, MAP RECORDS, HIDALGO COUNTY, TEXAS, ALSO BEING THE NORTHWEST CORNER OF HAILEY ACRES SUBDIVISION, AS PER THE MAP OR PLAT THEREOF RECORDED IN VOLUME 51, PAGE 128, A POINT LYING ON THE CENTERLINE OF BENTSEN PALM DRIVE, BEING THE POINT OF BEGINNING, AND BEING THE SOUTHWEST CORNER OF THIS HEREIN DESCRIBED TRACT OF LAND;

BEGINNING AT THE SOUTHWEST CORNER OF LOT 321, BENTSEN GROVES SUBDIVISION ADDITION "C", AN ADDITION TO HIDALGO COUNTY, TEXAS, AS PER MAP OR PLAT THEREOF RECORDED IN VOLUME 7, PAGE 30, MAP RECORDS, HIDALGO COUNTY, TEXAS, ALSO BEING THE NORTHWEST CORNER OF HAILEY ACRES SUBDIVISION, AS PER THE MAP OR PLAT THEREOF RECORDED IN VOLUME 51, PAGE 128, A POINT LYING ON THE CENTERLINE OF BENTSEN PALM DRIVE, BEING THE POINT OF BEGINNING, AND BEING THE SOUTHWEST CORNER OF THIS HEREIN DESCRIBED TRACT OF LAND;

THENCE, NORTH 08°50'00" EAST, ALONG THE CENTER LINE OF BENTSEN PALM DRIVE, A DISTANCE OF 300.00 FEET, TO A POINT, LYING ON THE CENTER LINE OF SAID ROAD, FOR THE NORTHWEST CORNER OF THIS HEREIN DESCRIBED TRACT OF LAND;

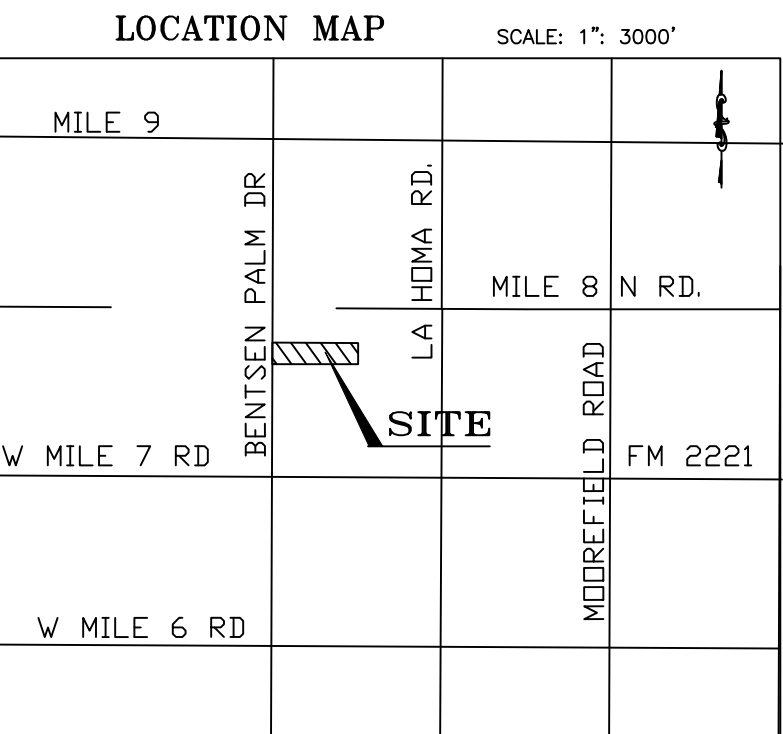
THENCE, SOUTH 81°10'00" EAST, ALONG THE SOUTH LINE OF A 5.0 ACRE TRACT OF LAND THEREOF CONVEYED TO OCHOA ARNOLDO AND MINERVA, AS RECORDED IN DOCUMENT NUMBER 1986376, AT A DISTANCE OF 37.5 FEET PASS A FOUND HALF (1/2) INCH IRON ROD, LYING ON THE EAST RIGHT OF WAY LINE OF SAID DRIVE, A TOTAL DISTANCE OF 1455.83 FEET, TO A FOUND HALF (1/2) INCH IRON ROD, FOR THE NORTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT OF LAND;

THENCE, SOUTH 08°50'00" WEST, ALONG THE WEST LINE OF EDUARDOS SUBDIVISION No. 2, AS RECORDED IN VOLUME 36, PAGE 67, A DISTANCE OF 300.00 FEET, TO A FOUND HALF (1/2) INCH IRON ROD, FOR THE SOUTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT OF LAND;

THENCE, NORTH 81°50'00" WEST, ALONG THE NORTH LINE OF HAILEY ACRES SUBDIVISION, AT A DISTANCE OF 1,418.33 PASS A FOUND HALF (1/2) INCH IRON ROD, LYING ON THE EAST RIGHT OF WAY LINE OF BENTSEN PALM DRIVE, A TOTAL DISTANCE OF 1,455.83 FEET, TO A POINT, LYING ON THE CENTER LINE OF SAID ROAD, BEING THE POINT OF BEGINNING, CONTAINING A 10.0 ACRE (436,569.00 SQ.FT.) GROSS, 9.74 ACRE (424,569.00 SQ.FT.) NET, TRACT OF LAND, MORE OR LESS.

LOCATION OF SUBDIVISION WITH RESPECT TO THE EXTRATERRITORIAL JURISDICTION OF A MUNICIPALITY:

JLG SUBDIVISION IS LOCATED NORTHWEST SIDE OF HIDALGO COUNTY EAST OF BENTSEN ROAD, THE ONLY NEARBY MUNICIPALITY IS THE CITY OF ALTON (POPULATION 14,065). JLG SUBDIVISION LIES APPROXIMATELY 2 MILE FROM THE CITY LIMITS AND IT IS NOT WITHIN THE CITY'S TWO-MILE EXTRA-TERRITORIAL JURISDICTION (ETJ) UNDER LOCAL GOVERNMENT CODE § 42.021. IT LIES IN PCT. 3



INDEX OF SHEETS

SHEET 1.- HEADING INDEX: LOCATION MAP AND ETJ: PRINCIPAL CONTACTS: MAP, LOT, STREETS, AND EASEMENT LAYOUT: DESCRIPTION (METES AND BOUNDS): ENGINEER'S & SURVEYOR'S CERTIFICATION: NOTES AND RESTRICTIONS: OWNER'S DEDICATION, CERTIFICATION, PLAT ATTESTATION: COUNTY CLERK'S RECORDING CERTIFICATION: CERTIFICATION, HCD NO. 1 CERTIFICATION, HEALTH DEPARTMENT CERTIFICATION, IRRIGATION DISTRICT CERTIFICATION AND COUNTY JUDGE'S CERTIFICATION, REVISION NOTES.

SHEET 2.- ENGINEERING REPORT, INCLUDING DESCRIPTION OF WATER DISTRIBUTION SYSTEM, OSSF OR WASTE WATER COLLECTION SYSTEM AND ENGINEER'S CERTIFICATION (ENGLISH AND SPANISH VERSION) SUBDIVIDER CERTIFICATE & STATEMENT, REVISION NOTES.

SHEET 3.- DRAINAGE REPORT INCLUDING DESCRIPTION OF DRAINAGE AND MAP OF TOPOGRAPHY AND DRAINAGE, AND ENGINEERING CERTIFICATION, CONSTRUCTION DETAILS, REVISION NOTES.

PRINCIPAL CONTACTS:

Name	Address	City & Zip	Phone	Fax
OWNER:	Jose Luis Gonzalez	9212 N. Bentsen Palm Drive	MISSION, Texas 78574	(956) 534-3798
ENGINEER:	ATLAS ENGINEERING CONSULTANTS	2820 GULL ST.	McALLEN, Texas 78504	(956) 379-3857
SURVEYOR:	HOMERO LUIS GUTIERREZ	2600 SAN DIEGO ST.	MISSION, Texas 78574	(956)369-0988

STATE OF TEXAS
COUNTY OF HIDALGO
OWNER'S DEDICATION, CERTIFICATION, AND ATTESTATION

I, Jose Luis Gonzalez, Yasmin Gonzalez, Jose España Gonzalez and Yasmin Isabel Gonzalez AS OWNER OF THE 10.00 ACRES TRACT OF LAND ENCOMPASSED WITHIN THE PROPOSED JLG SUBDIVISION HEREBY SUBDIVIDE THE LAND AS DEPICTED IN THIS SUBDIVISION PLAT AND DEDICATE TO PUBLIC USE THE STREET, PARK, AND EASEMENTS SHOWN HEREIN.

I CERTIFY THAT I HAVE COMPLIED WITH THE REQUIREMENTS OF TEXAS LOCAL GOVERNMENT CODE §232.032 AND THAT:

(A) THE WATER QUALITY AND CONNECTIONS TO THE LOTS MEET, OR WILL MEET, THE MINIMUM STATE STANDARDS;

(B) SEWER CONNECTIONS TO THE LOTS OR SEPTIC TANKS MEET, OR WILL MEET, THE MINIMUM REQUIREMENTS OF STATE STANDARDS;

(C) ELECTRICAL CONNECTIONS PROVIDED TO THE LOTS MEET, OR WILL MEET, THE MINIMUM STATE STANDARDS; AND

(D) GAS CONNECTIONS, IF AVAILABLE, PROVIDED TO THE LOTS MEET, OR WILL MEET, THE MINIMUM STATE STANDARDS.

I ATTEST THAT THE MATTERS ASSERTED IN THIS PLAT ARE TRUE AND COMPLETE.

Jose Luis Gonzalez
9212 N. Bentsen Palm Drive
Mission, Texas 78574

DATE

Yasmin Gonzalez
9212 N. Bentsen Palm Drive
Mission, Texas 78574

DATE

Jose España Gonzalez
3310 Zavala Drive
Mission, Texas 78574

DATE

Jose Luis Gonzalez
3304 Zavala Drive
Mission, Texas 78574

DATE

STATE OF TEXAS
COUNTY OF HIDALGO
BEFORE ME, the undersigned notary public, on this day personally appeared
Jose Luis Gonzalez, Yasmin Gonzalez, Jose España Gonzalez and Yasmin Isabel Gonzalez
proved to me through his Texas Department of Public Safety Driver License to be the person
whose name is subscribed to the foregoing instrument, who, being by me first duly sworn,
declared that the statements therein are true and correct and acknowledged that he executed
the same for the purposes and consideration thereby expressed.

Given under my hand and seal of office this _____ day of _____, 20____.

XITLALI YOLANDA GUERRERO RIVERA
MY COMMISSION EXPIRES MAY 19, 2024
NOTARY PUBLIC

LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	300.0'	N08°50'00"E
L2	300.0'	S08°50'00"W

CURVE DATA CHART					
CURVE	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD LENGTH
"A"	27°	50.0'	235.62'	S 54°7'44.2" W	71.0'

HIDALGO COUNTY
CERTIFICATE OF PLAT APPROVAL

I, THE UNDERSIGNED, CERTIFY THAT THIS PLAT OF JLG SUBDIVISION WAS REVIEWED AND APPROVED BY THE HIDALGO COUNTY HEALTH DEPARTMENT ON _____.

ENVIRONMENTAL HEALTH DIVISION MANAGER

DATE

STATE OF TEXAS
COUNTY OF HIDALGO

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT, AND WAS MADE AND PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY DONE ON THE GROUND UNDER MY SUPERVISION.



HIDALGO COUNTY
CERTIFICATE OF PLAT APPROVAL
UNDER LOCAL GOVERNMENT CODE § 232.028(a)

WE THE UNDERSIGNED CERTIFY THAT THIS PLAT OF THE JLG SUBDIVISION _____ WAS REVIEWED
and approved by the Hidalgo County Commissioners Court on _____.

Hidalgo County Judge

Hidalgo County Clerk

DATE

DATE

REVISION NOTES				
No.	Sheet	REVISION	Date	Approved

PLAT NOTES AND RESTRICTIONS:

1.- FLOOD ZONE DESIGNATION:
ZONE "X" (UNSHADED) AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOOD-PLAIN COMMUNITY-PANEL NUMBER 480334 0290 D JUNE 6, 2000.

THE AREAS WITHIN THE PROPOSED STREET RIGHT-OF-WAY ARE WITHIN THE 100-YEAR FLOOD PLAIN, COMMUNITY-PANEL NO. 480334 0290 D, JUNE 6, 2000. EFFECTIVE DATE: JUNE 6, 2000. OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY MAPS FOR HIDALGO COUNTY, TEXAS AND THE LOCAL FLOOD PLAIN ADMINISTRATOR HAVE IDENTIFIED NO OTHER AREAS AS SHOWN ON THIS PLAT ARE WITHIN THE PROPOSED SUBDIVISION TO BE WITHIN THE 100-YEAR FLOOD PLAIN.

CONSTRUCTION OF RESIDENTIAL HOUSING WITHIN ANY AREA OF THE SUBDIVISION THAT IS IN THE 100-YEAR FLOOD PLAIN IS PROHIBITED UNLESS THE HOUSING QUALIFIES FOR INSURANCE UNDER THE NATIONAL FLOOD INSURANCE ACT OF 1968 (42 U.S.C. SECTIONS 4001 THROUGH 4127).

2.- GENERAL NOTE FOR SINGLE FAMILY RESIDENCES: NO MORE THAN ONE-SINGLE FAMILY DETACHED DWELLING SHALL BE LOCATED ON EACH LOT. THIS MUST BE STIPULATED ON ALL DEEDS AND CONTRACTS FOR DEEDS. APPLICATIONS FOR CONSTRUCTION ARE REQUIRED PRIOR TO OCCUPYING THE LOT.

3.- MINIMUM FINISH FLOOR NOTE: MINIMUM FINISH FLOOR ELEVATION SHALL BE 18" ABOVE CENTERLINE OF STREET OR 18" ABOVE NATURAL GROUND, WHICHEVER IS GREATER. ELEVATION CERTIFICATE MAY BE REQUIRED FOR LOTS LOCATED OUTSIDE A DESIGNATED FLOOD ZONE AT THE TIME FOR APPLICATION FOR CONSTRUCTION. TO VERIFY PRE AND POST CONSTRUCTION FINISH FLOOR ELEVATIONS, AN ELEVATION CERTIFICATE SHALL BE REQUIRED FOR ALL LOTS WITHIN A DESIGNATED FLOOD ZONE AT THE TIME FOR A DEVELOPMENT PERMIT APPLICATION.

4.- LEGEND - DENOTES 1/2" IRON ROD WITH A PLASTIC CAP 4856 SET UNLESS OTHERWISE NOTED.

6.- MINIMUM BUILDING SETBACK LINES:
FRONT25.00'
SIDE6.00'
REAR.....15.00'
FRONT GARAGE.....18.00'

7.- DRAINAGE: IN ACCORDANCE WITH THE HIDALGO COUNTY DRAINAGE DISTRICT No. 1 AND HIDALGO COUNTY REQUIREMENTS, THIS DEVELOPMENT WILL BE REQUIRED TO DETAIN A TOTAL OF 17,600 CUBIC FEET (0.4 ACRE FEET) OF STORM WATER RUNOFF. DRAINAGE RETENTION IN ACCORDANCE WITH THE LOCAL REQUIREMENTS WILL BE ACCOMPLISHED AS FOLLOWS: SEE DRAINAGE REPORT ON SHEET No. 3

8.- NO STRUCTURE SHALL BE PERMITTED OVER ANY EASEMENT. EASEMENTS SHALL BE KEPT CLEAR OF FENCES, BUILDINGS, SHEDS, SHRUBS TREES, AND OTHER PLANTINGS (EXCEPT LOW, LESS THAN 18 INCHES MATURE HEIGHT, GROUND COVER, GRASS, OR FLOWERS) AND OTHER OBSTRUCTIONS THAT WOULD INTERFERE WITH THE OPERATIONS AND MAINTENANCE OF THE EASEMENT.

9.- BENCHMARK NOTE: THE FOLLOWING BENCHMARK IS IDENTIFIED ON THE FACE OF THE PLAT AND ON THE ATTACHED ENGINEERING PLANS.
B.M. 1- ELEV. ____ N.A.V.D. 88 DATUM.

10.- EACH PURCHASE CONTRACT MADE BETWEEN A SUBDIVIDER AND PURCHASER OF A LOT IN THIS SUBDIVISION SHALL CONTAIN A STATEMENT DESCRIBING HOW AND WHEN WATER, SEWER, ELECTRICITY AND GAS SERVICES WILL BE MADE AVAILABLE TO THE SUBDIVISION.

11.- ALL IRRIGATION EASEMENTS ARE EXCLUSIVE TO DELTA LAKE IRRIGATION DISTRICT, AND THE DISTRICT ALLOWS NO OTHER UTILITIES OR USE WITHOUT ITS EXPRESS WRITTEN APPROVAL.

12.- THE RESIDENTIAL LOTS SHOULD REFLECT SERVICE BY A 3/4" METER.

13.- ALL PUBLIC UTILITIES EASEMENTS DEDICATED BY THIS PLAT SHALL BE A MINIMUM WIDTH OF 15.00 FEET AS PER THE HIDALGO COUNTY MODEL SUBDIVISION RULES. BY SIGNING THIS PLAT DEVELOPER AND ENGINEER CERTIFY THAT ALL OTHER EASEMENTS SHOWN COMPLY WITH THE SIZE REQUIRED BY EACH UTILITY PROVIDER OCCUPYING AN EASEMENT.

14.- ALL LOTS SHALL HAVE A POST DEVELOPMENT FINISHED GRADE FROM THE REAR OF THE LOT TO THE CURB AND/OR ROADSIDE DITCH AT A 0.25% SLOPE TO ACCOMPLISH POSITIVE DRAINAGE.

Jose Luis Gonzalez, Yasmin Gonzalez, Jose España Gonzalez and Yasmin Isabel Gonzalez THE OWNER & SUBDIVIDER OF RRR SUBDIVISION No. 1 RETAINS AN EASEMENT UPON EACH LOT FOR THE PURPOSES OF INSTALLING AN APPROVED OSSF ON THE LOT AS DESCRIBED ON SHEET No.2 OF THIS PLAT.

15.- ON-SITE SEWAGE FACILITIES (OSSF) NOTE: THIS SUBDIVISION SHALL USE ON-SITE SEWAGE FACILITIES IN ACCORDANCE WITH TCEQ AND HIDALGO COUNTY REGULATIONS FOR SEWAGE DISPOSAL. THE SUBDIVIDER IS RESPONSIBLE FOR PROVIDING AN OSSF

A. OSSF SYSTEM IS BEING DESIGNED FOR DISPOSAL OF DOMESTIC SEWERAGE
B. EACH LOT ON THIS PLAT COMPLIES WITH THE MINIMUM 21,780 SQUARE FEET
C. OSSF SYSTEM SHALL REQUIRE INSPECTION AND APPROVAL BY HIDALGO
D. SOIL ANALYSIS HAVE BEEN SUBMITTED TO THE AUTHORIZED HIDALGO COUNTY DEPARTMENT AND EXCERPTS MAY BE ALSO SEEN ON THE UTILITY LAYOUT FOR THIS SUBDIVISION AS SUBMITTED TO THE HIDALGO COUNTY PLANNING DEPARTMENT. THE ENGINEER HAS DETERMINED THAT THE SOIL IS SUITABLE FOR A STANDARD SEPTIC TANK AND ABSORPTIVE DRAINFIELD SYSTEM.
E. APPROVED "OSSF" PERMIT APPLICATION IS REQUIRED INCLUDING INDIVIDUAL LOT PLANNING MATERIALS PRIOR TO OCCUPYING A LOT.

IRRIGATION DISTRICT NO. 6.
THIS PLAT IS HEREBY APPROVED BY HIDALGO COUNTY IRRIGATION DDISTRICT No. 6 ON THIS _____ DAY OF _____, 20____. NO IMPROVEMENTS OF ANY KIND (INCLUDING WITHOUT LIMITATION TREE, FENCES AND BUILDING) SHALL BE PLACED UPON HCID#6 RIGHT OF WAY OR EASEMENTS. APPROVAL OF THIS PLAT DOES NOT RELEASE ANY RIGHTS THAT THE DISTRICT MAY HAVE WHETHER SHOWN OR NOT.

BOARD MEMEBER

DATE

APPROVED BY DRAINAGE DISTRICT:

HIDALGO COUNTY DRAINAGE DISTRICT NO. 1 HEREBY CERTIFIES THAT THE DRAINAGE PLANS FOR THIS SUBDIVISION COMPLY WITH THE MINIMUM STANDARDS OF THE DISTRICT ADOPTED UNDER THE TEXAS WATER CODE 49.211(C). THE DISTRICT HAS NOT REVIEWED AND DOES NOT CERTIFY THAT THE DRAINAGE STRUCTURES DESCRIBED ARE APPROPRIATE FOR THE SPECIFIC SUBDIVISION BASED ON GENERALLY ACCEPTED ENGINEERING CRITERIA. IT IS THE RESPONSIBILITY OF THE DEVELOPER AND HIS ENGINEER TO MAKE THEIR DETERMINATIONS.

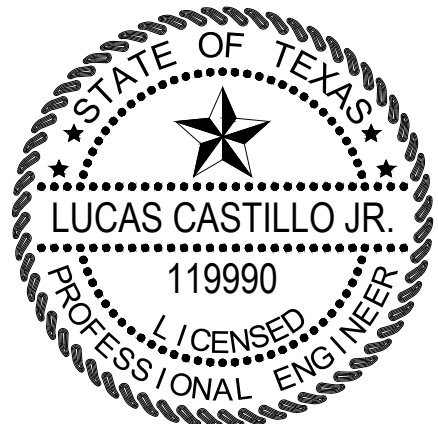
HIDALGO COUNTY DRAINAGE DISTRICT NO. 1

RAUL SESIN, P.E., C.F.M.
GENERAL MANAGER

DATE

STATE OF TEXAS
COUNTY OF HIDALGO

I, THE UNDERSIGNED, A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE PROPER ENGINEERING CONSIDERATIONS HAVE BEEN GIVEN TO THIS PLAT.



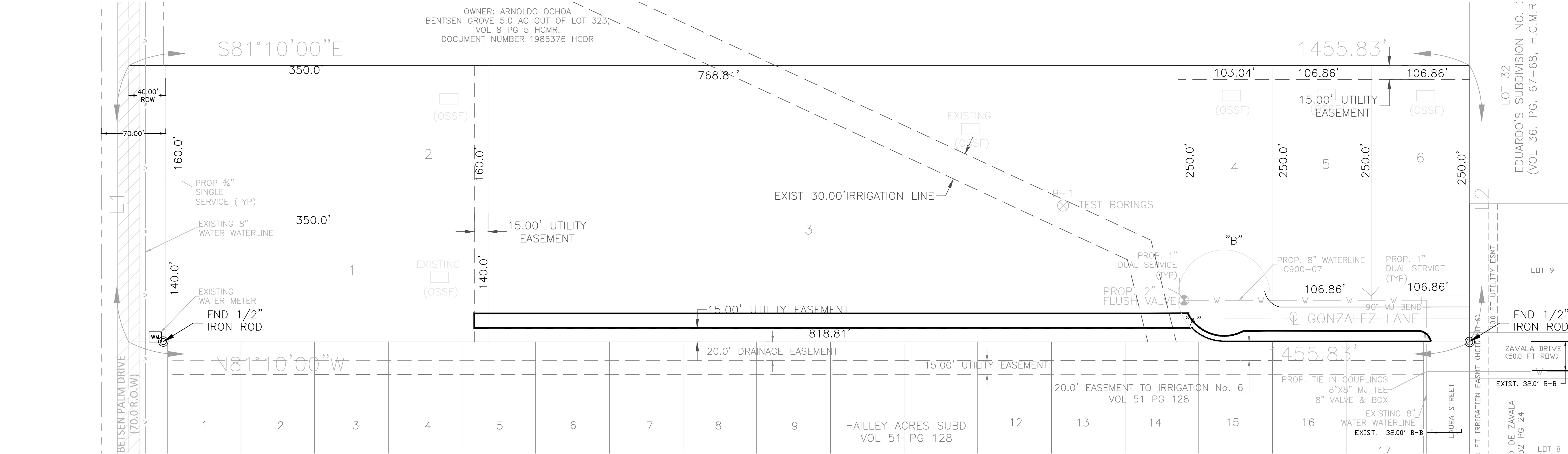
LUCAS CASTILLO JR.
119990
LICENSED PROFESSIONAL ENGINEER

COUNTY CLERK

FILED FOR RECORD IN
HIDALGO COUNTY
ARTURO GUARADO, JR.
HIDALGO COUNTY CLERK

ON: _____ AT _____ AM/PM
INSTRUMENT NUMBER _____
OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS

BY: _____ DEPUTY



SCALE: 1"=60'

COUNTY COURT
COUNTY OF HIDALGO, TEXAS

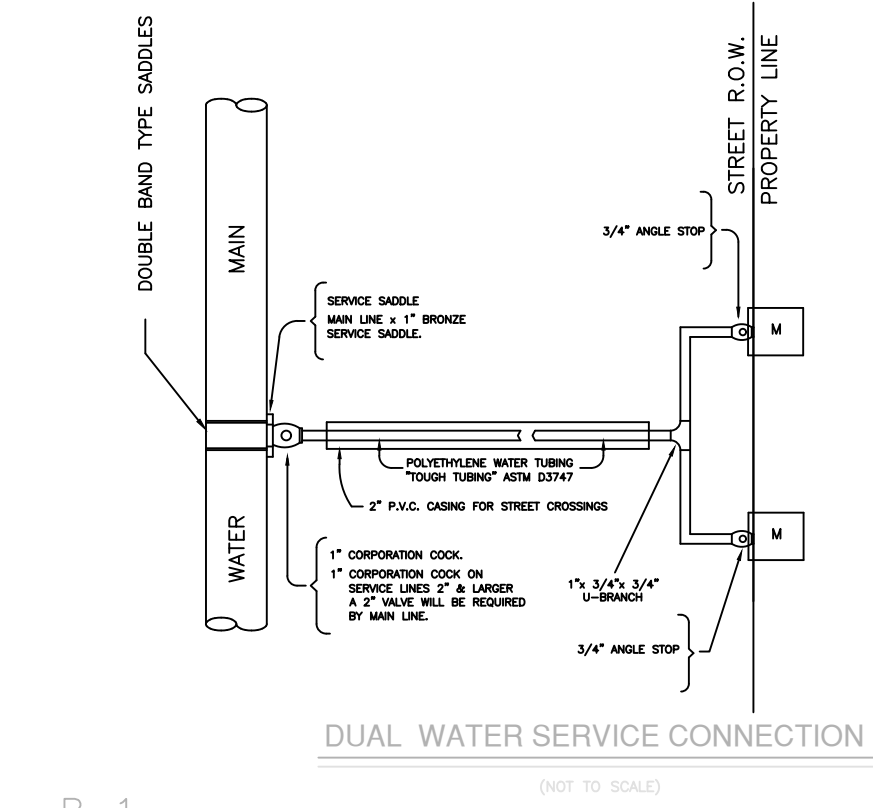
FILED FOR RECORD IN
HIDALGO COUNTY
ARTURO GUAJARDO, JR.
HIDALGO COUNTY CLERK

ON: _____ AT _____ AM/PM
INSTRUMENT NUMBER _____
OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS

BY: _____ DEPUTY

JLG SUBDIVISION MAP OF WATER DISTRIBUTION

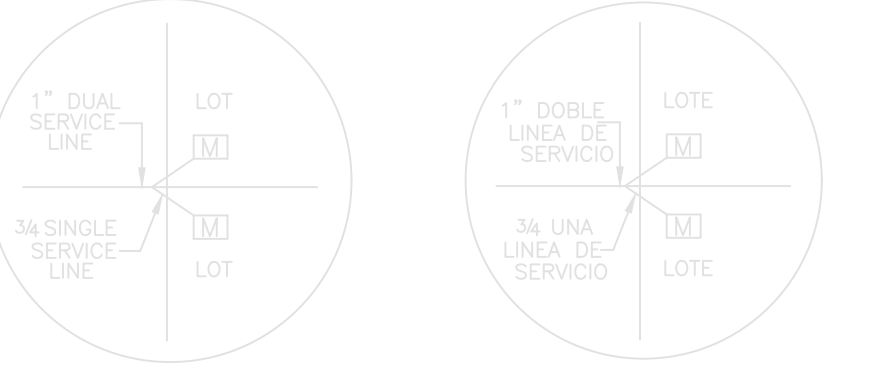
BEING A 10.0 ACRE (436,569.00 SQ.FT.) GROSS, 9.74 ACRE (424,569.00 SQ.FT.) NET, TRACT OF LAND BEING ALL OF LOT 321, BENTSEN GROVES SUBDIVISION ADDITION "C", AN ADDITION TO HIDALGO COUNTY, TEXAS, ACCORDING TO THE OF MAP RECORDED IN VOLUME 7, PAGE 39, AS PER DEED RECORDS THEREOF RECORDED IN WARRANTY DEED WITH VENDORS LIEN NUMBER: 879936, IN THE OFFICE OF THE COUNTY CLERK OF HIDALGO COUNTY, TEXAS REFERENCE TO WHICH IS HERE MADE FOR ALL PURPOSES.



- B-1
- ⊗ TEST BORINGS
- SEPTIC TANK (OSSF)

WATER DISTRIBUTION:	\$ XXXXXXXX
DRAINAGE IMPROVEMENTS:	\$ XXXXXXXX
PAVING IMPROVEMENTS:	\$ XXXXXXXX
SEPTIC TANK (OSSF):	\$ XXXXXXXX

- ☒ WATER METER BOX
- ☒ CAJA DE MEDIDOR DE AGUA
- 8" WATER SUPPLY LINE
- 8" LINEA DE AGUA
- SERVICE LINES
- LINEAS DE SERVICIOS



REPORTE FINAL DE INGENIERIA PARA LA SUBDIVISION JLG SUBDIVISION
PROVISION DE AGUA: Description y Costos.
LA SUBDIVISION JLG SUBDIVISION HA SIDO PROVISTA DE AGUA POTABLE POR LA COMPAÑIA DE SHARYLAND WATER SUPPLY CORPORATION (SWSC) EL DUEÑO DE LA SUBDIVISION Y LA COMPAÑIA DE AGUA S.W.S.C. SE HA COMPROMETIDO A PROVEER DE AGUA SUFICIENTE A LA SUBDIVISION POR UN PERIODO DE 30 AÑOS. LA COMPAÑIA DE AGUA N.A.W.S.C. HA PRESENTADO LA DOCUMENTACION DEMOSTRANDO LA DISPONIBILIDAD DE CANTIDAD Y CALIDAD DE AGUA A LARGO PLAZO QUE SERVIRA PARA EL FUTURO DESARROLLO DE LA SUBDIVISION.

S.W.S.C. TIENE UNA LINEA DE AGUA DE 8" DE DIAMETRO EXISTENTE LA CUAL CORRE A LADO ESTE DE LA BENTSEN PALM ROAD. Y OTRA LINEA DE AGUA DE 8" DE DIAMETRO EXISISTENTE LA CUAL CORRE A LADO OESTE DE LA LAURA STREET.

EL SISTEMA DE AGUA PARA JLG SUBDIVISION CONSISTE DE UNA LINEA DE AGUA DE 8" DE DIAMETRO QUE SE CONECTA A UNA LINEA DE AGUA EXISTENTE DE 8" DE DIAMETRO. LINEA DE AGUA PROPUESTA DE 8" DE DIAMETRO CORRE HACIA EL NORTE VOLTIANDO AL OESTE EN LA CALLE GONZALEZ LANE.

DEL CONDUCTO DE AGUA DE 8 PULGADAS SE PRODUCEN SEIS (6) DOBLE-CONDUCTOS DE AGUA DE 1 PULGADA DE DIAMETRO PARA CADA DOS LOTES. ESTOS CONDUCTOS SE SEPARAN PARA PRODUCIR DOS CONDUCTOS DE AGUA DE 3/4"DE PULGADA DE DIAMETRO PARA CADA LOTE. Y

LOS DOBLE-CONDUCTOS DE AGUA DE 1 PULGADA DE DIAMETRO, Y LOS MEDIDORES MECÁNICOS DE AGUA A UN COSTO TOTAL DE US\$ XXXXXXXX O US\$ XXXXXXXX POR LOTE. EL DUEÑO DE LA SUBDIVISION TAMBIÉN LE HA PAGADO A LA COMPAÑIA S.W.S.C. US\$ XXXXXXXX, QUE CUBRE EL COSTO DEL MEDIDOR MECÁNICO DE AGUA PARA CADA LOTE, US\$ XXXXXXXX ESTE PRECIO INCLUYE EL COSTO DE LA INSTALACION DE CADA MEDIDOR Y LOS GASTOS DE CONEXIÓN. CUANDO EL DUEÑO DE CADA LOTE SOLICITE UN MEDIDOR DE AGUA, LA COMPAÑIA S.W.S.C. LO INSTALARA SIN ALGÓN GASTO AL DUEÑO. EL SISTEMA DE AGUA ESTARÁ EN FUNCIONAMIENTO COMPLETO ANTES O EN LA FECHA, EN LA CUAL LA SUBDIVISION SEA REGISTRADA EN EL CONDADO DE HIDALGO.

DRENAJE DESCRIPCION Y GASTOS
SE INSTALARA UNA FOSA SÉPTICA EN CADA SOLAR DE LA SUBDIVISION JLG SUBDIVISION ESTA FOSA SÉPTICA CONSISTE DE UN TANQUE SÉPTICO DE MODELO DUAL Y DE UN CAMPO DE DRENAJE PARA EL SOLAR. EL EVALUADOR (LIC# OS _____) AUTOR DE ESTE DOCUMENTO HA EVALUADO EL ÁREA DONDE SE ENCUENTRA LA SUBDIVISION Y HA PREPARADO UN REPORTE QUE CONCLUYE QUE ESTE TERRENO ES ADECUADO PARA ESAS FOSAS SÉPTICAS (OSSF). EL REPORTE FUE APROBADO POR EL DEPARTAMENTO DE SALUBRIDAD DEL CONDADO DE HIDALGO (HIDALGO COUNTY HEALTH DEPARTMENT) SEGÓN EL REPORTE.

CADA LOTE EN LA SUBDIVISION MIDE MEDIO ACRE. EL EVALUADOR (LIC# _____) HIZO SEIS (6) PRUEBAS CON AGUEROS EN EL CENTRO DE LOS LOTES #, #, # (EXCAVACIONES ADICIONALES NO FUERON NECESARIAS PORQUE EL TERRENO EN ESTA ÁREA ES SIGNIFICAMENTE UNIFORME). EL TERRENO ES UNIFORME FRANCO ARENOSO (CLASS II) Y SE EXTIENDE A 36 PULGADAS BAJO TODAS LAS EXCAVACIONES PROPUESTAS. NO EXISTE EVIDENCIA DE AGUA 24 PULGADAS MAS ARRIBA DE LO MAS BAJO DE LAS EXCAVACIONES PROPUESTAS. EL AGUA EN ESTA ÁREA FLUYE BIEN

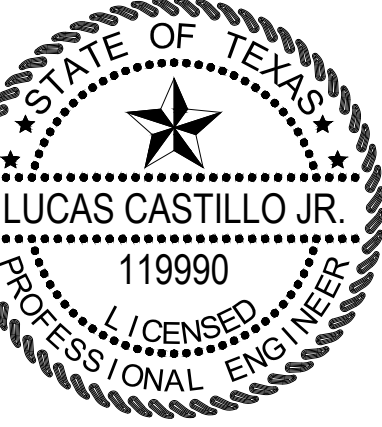
EL COSTO TOTAL PARA LA INSTALACION DE UN SISTEMA INDIVIDUAL DE FOSAS SÉPTICAS POR SOLAR SON US\$ _____ INCLUYENDO EL COSTO DEL PERMISO REQUERIDO Y LICENCIA. EN ESTOS MOMENTOS TODAS LAS FOSA SÉPTICAS HAN SIDO INSTALADAS EN EL PROCESO DE LA APROBACION FINAL A UN COSTO TOTAL DE US\$ _____ EL DEPARTAMENTO DE SALUBRIDAD DEL CONDADO DE HIDALGO HA INSPECCIONADO TODOS LAS FOSAS SÉPTICAS Y AH APROBADO LA INSTALACION DE LAS FOSAS SÉPTICAS DESDE _____

CERTIFICACION

CON MI FIRMA, CERTIFICO QUE LOS SERVICIOS Y SISTEMAS DE AGUA Y DE DRENAJE, DESCRITOS EN ESTE DOCUMENTO, CUMPLEN CON LAS MODEL SUBDIVISION RULES (LAS REGLAS GOBERNANDO A LAS SUBDIVISIONES), ADOPTADAS EN LA SECCION 16.343 DEL TEXAS WATER CODE (CODIGO DE AGUA DE TEXAS). CERTIFICO QUE LOS GASTOS PARA INSTALAR LOS SISTEMAS DE AGUA Y DE DRENAJE SON:

AGUA: EL SISTEMA/SERVICIO DE AGUA ESTA TOTALMENTE CONSTRUIDO, CON LA INSTALACION DE LOS MEDIDORES DE AGUA. EL GRAN COSTO TOTAL ES DE US\$ XXXXXXXX LO CUAL EQUIVALE A US\$ XXXXXXXX POR LOTE.

DRENAJE: SE ESTIMA QUE LA FOSA SÉPTICA COSTARA \$ _____ A UN COSTO TOTAL DE \$ _____ TODA LA SUBDIVISION.



SIGNATURE

DATE

FINAL ENGINEERING REPORT FOR JLG SUBDIVISION
WATER SUPPLY: Description and Costs.

JLG SUBDIVISION WILL BE PROVIDED WITH POTABLE WATER BY THE SHARYLAND WATER SUPPLY CORPORATION (S.W.S.C.) THE SUBDIVIDER AND S.W.S.C. HAVE ENTERED INTO A CONTRACT IN WHICH S.W.S.C. HAS PROMISED TO PROVIDE SUFFICIENT WATER TO THE SUBDIVISION FOR AT LEAST 30 YEARS AND S.W.S.C. HAS PROVIDED DOCUMENTATION TO SUFFICIENTLY ESTABLISH THE LONG TERM QUANTITY AND QUALITY OF THE AVAILABLE WATER SUPPLIES TO SERVE THE FULL DEVELOPMENT OF THIS SUBDIVISION.

N.A.W.S.C. HAS AN EXISTING 8" DIAMETER WATERLINE RUNNING ALONG THE EAST RIGHT OF WAY LINE OF BENTSEN PALM DRIVE.
THE WATER SYSTEM FOR JLG SUBDIVISION CONSISTS OF AN 8" DIAMETER WATERLINE THAT CONNECTS INTO THE EXISTING 8" DIAMETER WATERLINE ON THE WEST SIDE OF LAURA STREET. FROM THE 8" DIAMETER WATERLINE, THERE ARE SIX (6) 1" DUAL SERVICE LINES RUNNING TO PAIR OF LOTS BEFORE SPLITTING INTO TWO 3/4" DIAMETER SINGLE SERVICE LINES THAT RUN INTO THE WATER METER BOXES FOR EACH LOT.

THE 6" WATERLINE, THE 1" DUAL SERVICE LINES, AND THE METER BOXES WILL BE INSTALLED, AT A TOTAL COST OF \$ XXXXXXOR \$ XXXXXX PER LOT. THE SUBDIVIDER HAS IN ADDITION PAID S.W.S.C. THE SUM OF \$ XXXXXXOR \$ XXXXX PER LOT, WHICH REPRESENTS THE TOTAL COST OF WATER METERS AND ALL MEMBERSHIPS OR OTHER FEES ASSOCIATED WITH CONNECTING THE INDIVIDUAL LOTS IN THE SUBDIVISION TO THE S.W.S.C. SYSTEM. THE ENTIRE WATER FACILITIES WILL BE APPROVED AND ACCEPTED BY S.W.S.C. AND SAID DISTRIBUTION SYSTEM IS OPERABLE AS OF THE DATE OF THE RECORDING OF THE PLAT.
SEWAGE FACILITIES: Description and Costs.
SEWAGE FROM THE JLG SUBDIVISION IS TREATED BY INDIVIDUAL ON-SITE SEWAGE FACILITIES ("OSSF") CONSISTING OF A STANDARD DESIGN DUAL COMPARTMENT SEPTIC TANK AND A DRAINFIELD ON EACH LOT. THE SITE EVALUATOR (LICENSE NUMBER OS 12258) HAS EVALUATED THE SUITABILITY OF THE SUBDIVISION SITE FOR OSSF AND SUBMITTED A REPORT CONCLUDING THAT THE SITE IS SUITABLE FOR OSSF. THE REPORT WAS REVIEWED AND APPROVED BY THE HIDALGO COUNTY HEALTH DEPARTMENT. EACH LOT HAS ADEQUATE AREA FOR A REPLACEMENT DRAIN FIELD.

EACH LOT IN THE EXISTING SUBDIVISION IS AT LEAST 1/2 ACRE IN SIZE. THE NATURAL RESOURCE CONSERVATION SERVICE SOIL SURVEY BOOK INDICATED A FINE SANDY LOAM, SANDY CLAY LOAM AND CLAY LOAM SOIL FOR THE AREA. THE SITE EVALUATOR (LICENSE NUMBER OS _____) HAD # (#) TEST BORINGS MADE AT OPPOSITE AREAS OF THE SUBDIVISION AT THE CENTERS OF LOTS #, #, (ADDITIONAL BORINGS WERE UNNECESSARY BECAUSE THE SOILS ARE VERY UNIFORM WITHIN THIS LIMITED AREA.) THE SOIL IS A UNIFORM SANDY LOAM (CLASS II) EXTENDING UP TO 36" BELOW THE BOTTOM OF ANY EXISTING EXCAVATIONS. THERE IS NO INDICATION OF GROUNDWATER OR A RESTRICTIVE LAYER WITHIN 24" OF BOTTOM OF THE EXISTING EXCAVATIONS. THE SUBDIVISION DRAINS WELL.

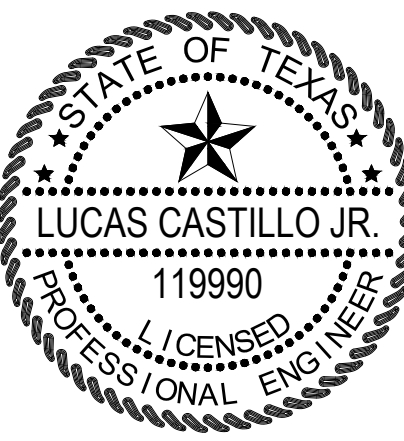
THE COST TO INSTALL A SEPTIC SYSTEM ON AN INDIVIDUAL LOT IS \$ 1,350.00, INCLUDING THE COST FOR THE REQUIRED PERMIT AND LICENSE. ALL OSSFS HAVE BEEN INSTALLED AS OF THE TIME OF APPLICATION FOR FINAL PLAT APPROVAL AT A TOTAL COST OF \$ _____ THE HIDALGO COUNTY HEALTH DEPARTMENT HAS INSPECTED AND APPROVED THE INSTALLATION OF ALL OSSF ON _____

CERTIFICATION:

BY MY SIGNATURE BELOW, I CERTIFY THAT THE WATER AND SEWAGE SERVICE FACILITIES DESCRIBED ABOVE ARE IN COMPLIANCE WITH THE MODEL RULES ADOPTED UNDER SECTION 16.343, WATER CODE. I CERTIFY THAT THE COSTS TO INSTALL THE CONSTRUCTED WATER AND ON-SITE SEWAGE FACILITIES, DISCUSSED ABOVE, ARE AS FOLLOWS:

WATER FACILITIES-- THESE FACILITIES WILL BE CONSTRUCTED, WITH THE INSTALLATION OF WATER METER BOXES, HAVE COST A GRAND TOTAL OF \$ XXXXXX WHICH EQUALS TO \$ XXXXXX PER LOT.

SEWAGE FACILITIES-- SEPTIC SYSTEM IS ESTIMATED TO COST \$ _____PER LOT (ALL INCLUSIVE), FOR A TOTAL OF \$ _____ FOR THE ENTIRE SUBDIVISION.



SIGNATURE

DATE

SUBDIVIDER CERTIFICATION

1.-- BY COMPLETING THE IMPROVEMENTS DESCRIBED ON THE PLAT, SUBDIVIDER WILL COMPLY WITH MINIMUM STATE STANDARDS AND THAT (a) WATER QUALITY AND CONNECTIONS INCLUDING WATER METERS TO THE LOTS MEET SUCH STANDARDS AND (b) SEWER CONNECTIONS TO THE LOTS OR SEPTIC TANKS MEET OR WILL MEET SUCH STANDARDS AND WILL BE CONSTRUCTED IN ACCORDANCE WITH STATE AND COUNTY REGULATIONS.

SUBDIVIDER STATEMENT:

Jose Luis Gonzalez, Yasmin Gonzalez, Jose España Gonzalez and Yasmin Isabel Gonzalez SUBDIVIDERS OF JLG SUBDIVISIONS HEREBY CERTIFY SEWER PERMITS, AS APPLICABLE, HAVE BEEN PAID AND COPIES OF RECEIPTS ARE ON FILE WITH THE HIDALGO COUNTY HEALTH DEPARTMENT AND THAT AN ADEQUATE DRINKING WATER SOURCE IS IMMEDIATELY AVAILABLE TO EACH LOT OF THE TYPE, QUALITY & QUANTITY TO ENABLE EACH PERSON PURCHASING A LOT HAVE ADEQUATE WATER TO COMPLY WITH THE REGULATIONS AND THE LAWS OF THE STATE AS REQUIRED BY STATE AND COUNTY REGULATIONS.

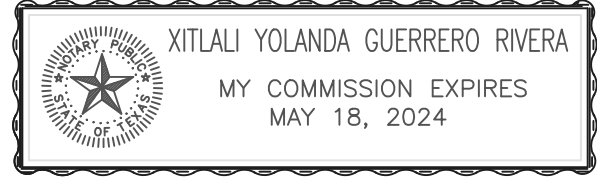
Jose Luis Gonzalez 9212 N. Bentsen Palm Drive Mission, Texas 78574	DATE
Yasmin Gonzalez 9212 N. Bentsen Palm Drive Mission, Texas 78574	DATE
Jose España Gonzalez 3310 Zavala Drive Mission, Texas 78574	DATE
Jose Luis Gonzalez 3304 Zavala Drive Mission, Texas 78574	DATE

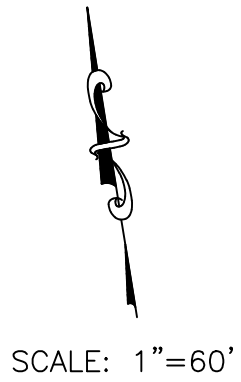
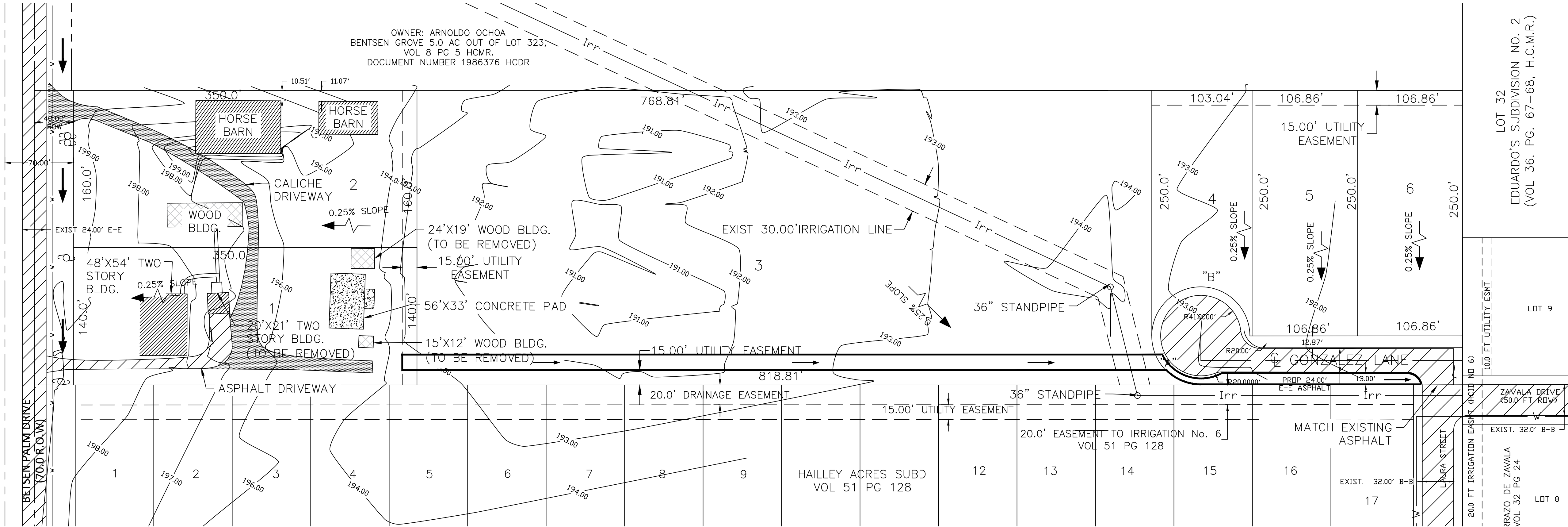
STATE OF TEXAS COUNTY OF HIDALGO

BEFORE ME, the undersigned notary public, on this day personally appeared

proved to me through his Texas Department of Public Safety Driver License to be the person whose name is subscribed to the foregoing instrument, who, being by me first duly sworn, declared that the statements therein are true and correct and acknowledged that he executed the same for the purposed and consideration thereby expressed.

Given under my hand and seal of office this _____ day of _____, 20____.





DRAINAGE REPORT FOR
JLG SUBDIVISION
REPLAT OF LOT 321, BENTSEN GROVES SUBDIVISION

PROJECT LOCATION
The property is an approximate 10.03-acre (436,906.8 square feet) tract of land comprising of lot 321 out of Bentsen Groves Subdivision Addition "C", Hidalgo County, Texas. The proposed six (6) lot subdivision is located approximately 4800 feet north of the intersection of Mile 7 (107) and North Bentsen Palm Drive in Mission, Hidalgo County, Texas.

FLOOD PLAIN
The subject property is in Flood Zone X of the Hidalgo County FEMA (Federal Emergency Management Agency) Flood Insurance Rate Map (FIRM) Panel No. 480334 0290 D, dated June 06, 2000. Zone X is defined as areas determined to be outside 500-year flood-plain.

SOIL CONDITIONS
According to the Hidalgo County Soil Survey (USDA United States Department of Agriculture) Soil Conservation Service, the subsurface consist of Brennan fine sandy loam (3), Hidalgo fine sandy loam (25) and Racombes sandy clay loam (48). These soils are moderately to well drained, permeability is moderate with 0 to 1 percent slope. Attached are the engineering index properties of the designated soils from the Soil Survey of Hidalgo County.

EXISTING CONDITIONS
The site currently consists of single-family residential homes with plenty of grass area and has a slight slope towards the East. Runoff from the property currently travels east down Zavala Dr. via curb and gutter, then south La Homa Rd via an existing roadside ditch approximately 4,800 ft. south to Mile 7 Rd. Additionally, an existing roadside ditch on east side of Bentsen Palm carries flow south about 4,800 ft. also toward Mile 7 Rd. Stormwater then flows east via roadside ditch to HCDD1's FM 681 Outfall. Existing runoff is currently calculated as Q = 9.69 cfs.

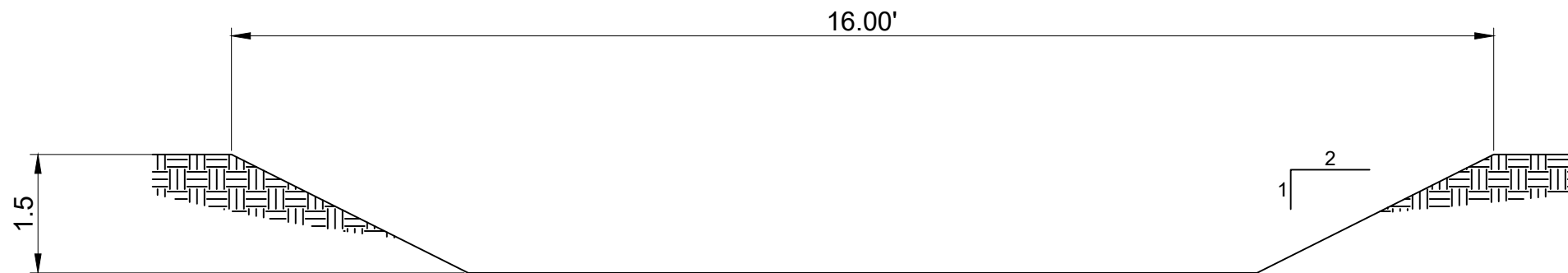
PROPOSED CONDITIONS
The property is located within Mission ETJ, Hidalgo County, Texas. The proposed subdivision will consist of 6 lots each a half-acre or more in size. Calculations show that after development the runoff will be Q = 20.25 cubic feet per second for an increase of Q = 10.56 cubic feet per second. Detention required will be 17,600 cubic feet (0.4-acre feet). Proposed detention volume will meet requirement of 17,600 cubic feet and will be accomplished by construction of a road along with roadside ditch that will connect and flow east to Zavala Drive. These improvements will be sized to hold the additional runoff calculated to meet current City and County requirements of 50-year storm event detention calculations with existing 10-year release rate.

CERTIFICATION:

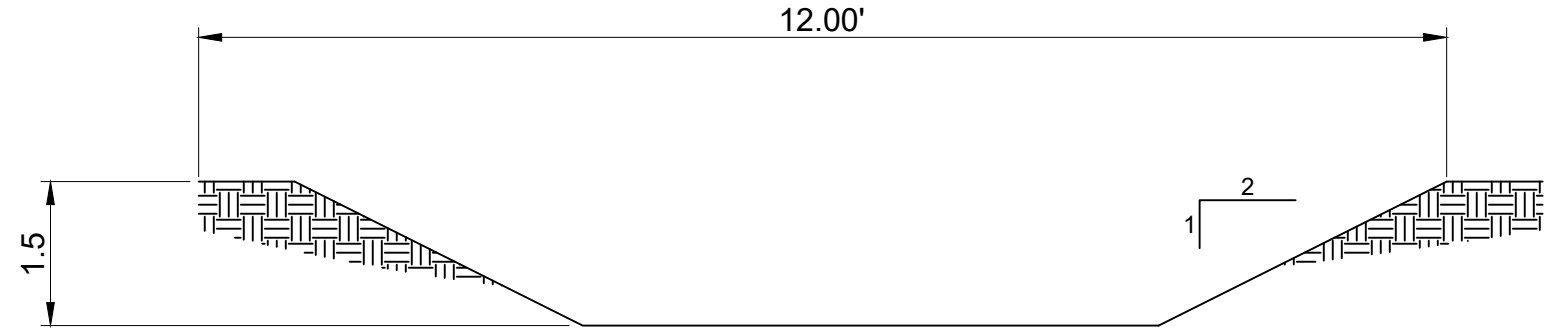
BY MY SIGNATURE BELOW, I CERTIFY THAT THE 100-YEAR FLOODPLAIN FOR ZONE "X" [AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD PLAIN] AS DESCRIBED IN COMMUNITY PANEL NUMBER 480334 0290 D (MAP REVISED: MAY 17, 2001 LOMR) IS CONTAINED WITHIN THE RIGHT-OF-WAY OF STREET AND WITHIN THE DRAINAGE OF THE SUBDIVISION, AS SHOWN BELOW.

JLG SUBDIVISION
MAP OF TOPOGRAPHY & DRAINAGE

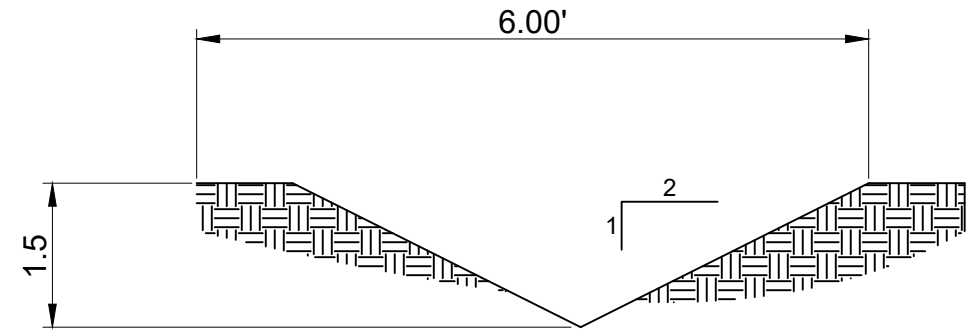
BEING A 10.0 ACRE (436,569.00 SQ.FT.) GROSS, 9.74 ACRE (424,569.00 SQ.FT.) NET., TRACT OF LAND BEING ALL OF LOT 321, BENTSEN GROVES SUBDIVISION ADDITION "C", AN ADDITION TO HIDALGO COUNTY, TEXAS, ACCORDING TO THE OF MAP RECORDED IN VOLUME 7, PAGE 30, AS PER DEED RECORDS THEREOF RECORDED IN WARRANTY DEED WITH VENDORS LIEN NUMBER: 879936, IN THE OFFICE OF THE COUNTY CLERK OF HIDALGO COUNTY, TEXAS REFERENCE TO WHICH IS HERE MADE FOR ALL PURPOSES.



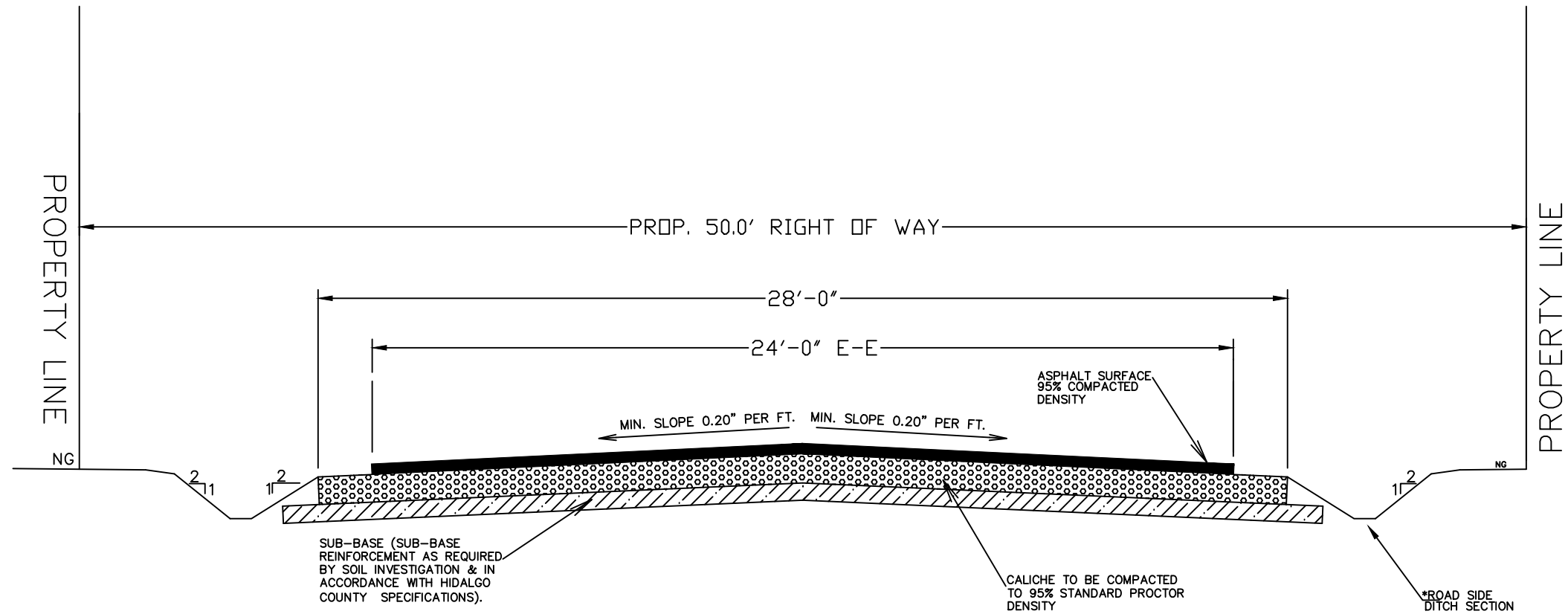
DETENTION AREA
LENGTH: 766 FT.
VOLUME: 14,754 CF



ROADSIDE SWALE
190 FT.
VOLUME: 2565 CF



ROADSIDE SWALE ARC
LENGTH: 65 FT.
VOLUME: 292 CF

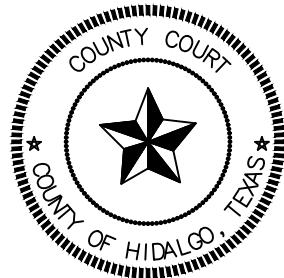


STREET SECTION

NOT TO SCALE

LOT GRADING
FLOW DIRECTION OF WATER

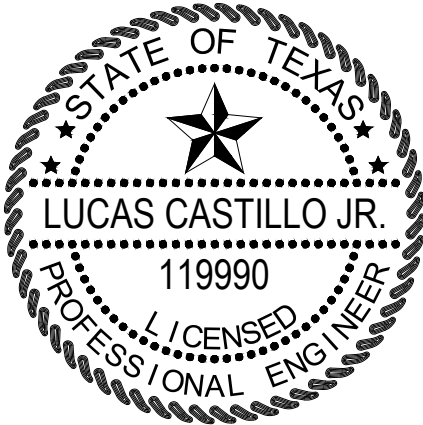
COST ESTIMATE	
WATER DISTRIBUTION:	\$ XXXXXXX
DRAINAGE IMPROVEMENTS:	\$ XXXXXXX
PAVING IMPROVEMENTS:	\$ XXXXXXX
SEPTIC TANK (OSSF):	\$ XXXXXXX



FILED FOR RECORD IN
HIDALGO COUNTY
ARTURO GUAJARDO, JR.
HIDALGO COUNTY CLERK

ON: _____ AT _____ AM/PM
INSTRUMENT NUMBER _____
OF THE MAP RECORDS OF HIDALGO COUNTY, TEXAS

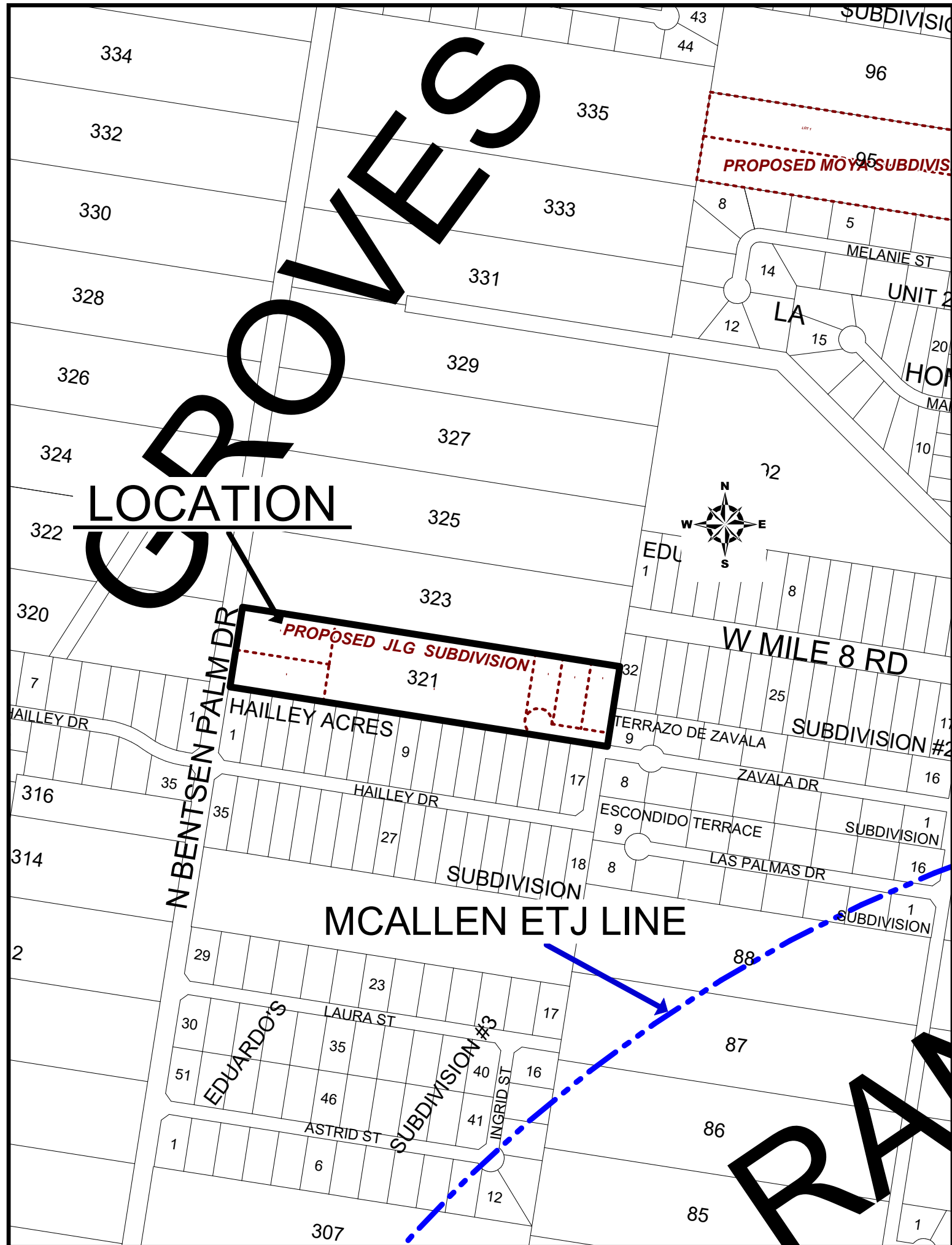
BY: _____ DEPUTY



SIGNATURE

DATE

PROPOSED LOCATIONS



LOCATIONS

LOCATION



N BENTSEN PALM DR

PROPOSED JLG SUBDIVISION

W MILE 8 RD

HAILLEY ACRES

HAILLEY DR

TERRAZO DE ZAVALA SUBDIVISION

ZAVALA DR

ESCONDIDO TERRACE SUBDIVISION

LAS PALMAS DR

MCALLEN ETJ LINE

EDUARDO'S SUBDIVISION #3

LAURA ST

ASTRID ST

INGRID ST

RA



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM
DATE SUBMITTED
MEETING DATE

6.A.
10/03/2023
10/9/2023

1. Agenda Item: Immigration and Respite Center Report.

2. Party Making Request: Jeff Johnston

3. Applicant:

4. Nature of Request:

5. Fiscal Impact Summary:

6. Budgeted:

Bid Amount: _____
Under Budget: _____

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

7. Routing:

Emmanuel Garcia
Jeff Johnston
Isaac Tawil

Created/Initiated - 10/3/2023
Approved - 10/3/2023
Final Approval - 10/4/2023

8. Staff Recommendation:

9. Advisory Board:

10. City Attorney: None. IJT

11. Manager's Recommendation: None. RR



CITY OF MCALLEN
CITY MANAGER'S OFFICE
MEMORANDUM

TO: Roy Rodriguez, P.E., City Manager
FROM: Jeff Johnston, Assistant City Manager / EMC
DATE: October 2, 2023
RE: **Manager's Report – Immigration & Respite Center Report – October 9, 2023**

Attached, please find the McAllen OEM Immigration Update for September 29, 2023.



City of McAllen OEM Emergency Management Report

September 29, 2023

IMMIGRATION UPDATE



While numbers increased briefly with the May 11, 2023 expiration of Title 42, they quickly decreased and then began trending back up over the past few months. Numbers arriving in McAllen have increased steadily to around 450-550 per day. Federal agencies continue to bring individuals directly to Catholic Charities in downtown McAllen, as well as to Anzalduas Park, which remains operational with a capacity of approximately 2,000. Increased numbers are anticipated in the coming days / weeks.

Catholic Charities has been working closely with the Texas Division of Emergency Management in their provision of bus trips out of the area for immigrants. To date, a total of 16 TDEM busses have departed from Anzalduas Park headed to either New York City (12 busses), Chicago (2 busses), Denver (1 bus) or Los Angeles (1 bus). Catholic Charities staff has gone through a vetting process with these immigrants to be sure that there is someone specific to receive them at their final destination, or to direct them to further transportation where they can complete their journey.

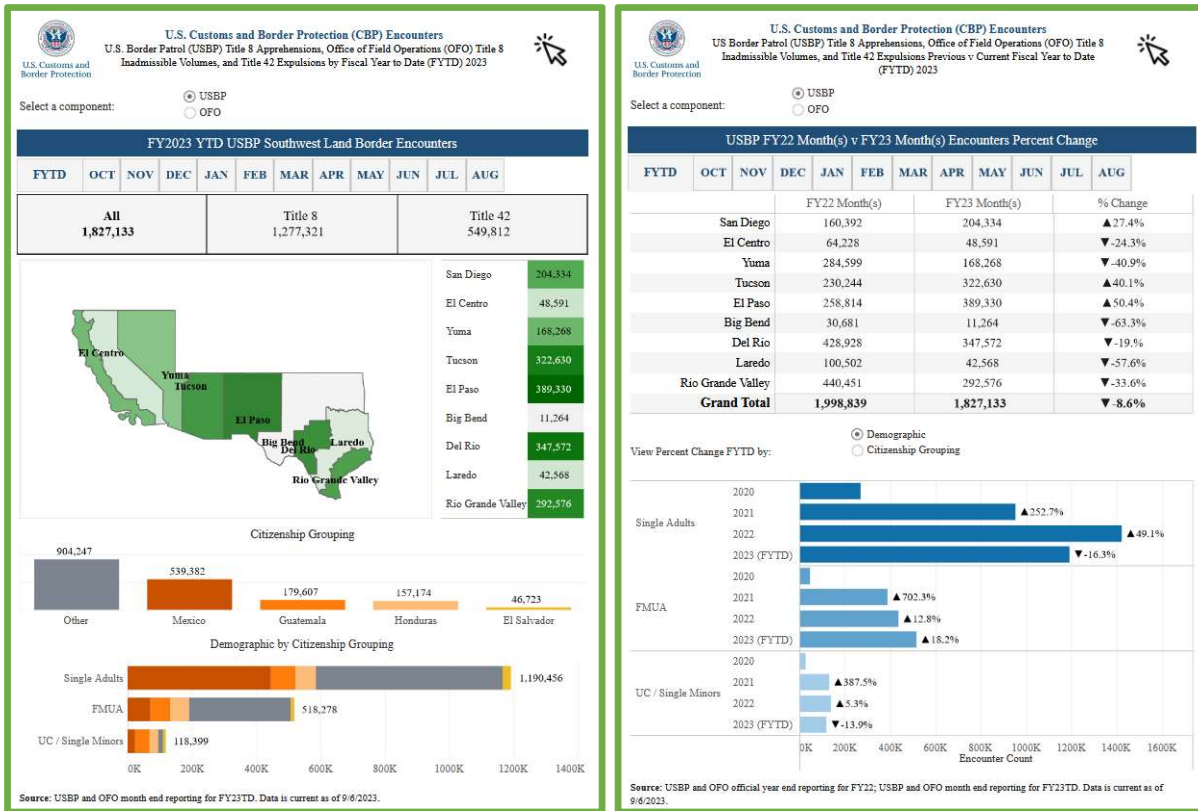
Staff continues to interact regularly with local, regional, state, and federal officials in anticipation of unexpected changes to the present status. *(Note that an “*” in the list below denotes that complete information was unavailable)*

Federal Agency Drop-Off Count September 21-27, 2023							
Date:	9/21/23	9/22/23	9/23/23	9/24/23	9/25/23	9/26/23	9/27/23
Count:	448	591	389	416	(no data)*	(no data)*	(no data)*
Total Drop-Offs		COVID-19 % Positive of those tested		At Anzalduas Park		Quarantining in the Area	
This Week	Last Week	This Week	Last Week	This Week	Last Week	This Week	Last Week
1,844+*	3,940	5.5%*	3.9%	180+	175	1,448+*	1,597

The City's expected expenses for this past week are listed below, and continue to be compiled for potential federal reimbursement.

EXPENDITURES THROUGH 09/24/2023 PAID FROM CITY FUNDS	\$ 70,412.16
Nothing to Report	
EXPENDITURES September 25, 2023-October 01, 2023	
TOTAL	\$ -
TOTAL	\$ 70,412.16
EXPENDITURES THROUGH 09/24/2023 PAID FROM FEDERAL FUNDS	\$ 37,258,803.95
EXPENDITURES September 25, 2023-October 01, 2023	
SECURITY SERVICES 08/14/23-08/27/23- Park	\$ 21,521.95
SECURITY SERVICES 08/14/23-08/27/23- Testing Site	\$ 717.00
TOTAL	\$ 22,238.95
TOTAL	\$ 37,281,042.90

The graphics below are directly from the USCBP website, and will be updated as new information is posted on the site. Note, at present, the most recent data (shown) is based on total encounters from October 2022 through February 2023.



<https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters-by-component>

A large group of migrants, mostly men and children, are wading across a river near a railroad bridge in Eagle Pass, Texas. They are carrying belongings and some are using makeshift rafts. The river is filled with reeds and tall grass. In the background, there are pickup trucks and more people on the riverbank. The text "against new rules by President" is overlaid on the image.

<https://www.reuters.com/world/migrants-cross-into-texas-undeterred-by-razor-wire-or-new-asylum-rules-2023-09-28/>



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM
DATE SUBMITTED
MEETING DATE

6.B.
10/03/2023
10/9/2023

1. Agenda Item: Future Agenda Items.
2. Party Making Request: Roel Rodriguez
3. Applicant:
4. Nature of Request:
5. Fiscal Impact Summary:
6. Budgeted:
 Bid Amount: _____
 Under Budget: _____
7. Routing:
 Emmanuel Garcia
 Perla Lara
 Isaac Tawil
8. Staff Recommendation:
9. Advisory Board:
10. City Attorney: None. IJT
11. Manager's Recommendation: None. RR

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

Created/Initiated - 10/3/2023
Approved - 10/3/2023
Final Approval - 10/4/2023



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

7.A.

DATE SUBMITTED

MEETING DATE

10/9/2023

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

2. Party Making Request: Isaac Tawil

3. Applicant:

4. Nature of Request: Consideration of Economic Development Matters. (Section 551.087, T.G.C)

5. Fiscal Impact Summary:

6. Budgeted:

Bid Amount: _____

Under Budget: _____

Budgeted Amount: _____

Over Budget: _____

Amount Remaining: _____

7. Routing:

Amy Gonzalez

Created -

8. Staff Recommendation:

9. Advisory Board:

10. City Attorney: None. IJT

11. Manager's Recommendation: None. RR



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

7.B.

DATE SUBMITTED

MEETING DATE

10/9/2023

1. Agenda Item: Consultation with City Attorney for litigation update regarding Cause No. C-0074-19-D pending in Hidalgo County, Texas. (Section 551.072, T.G.C.)
2. Party Making Request: Isaac Tawil
3. Applicant:
4. Nature of Request: Consultation with City Attorney for litigation update regarding Cause No. C-0074-19-D pending in Hidalgo County, Texas. (Section 551.072, T.G.C.)
5. Fiscal Impact Summary:
6. Budgeted:

Bid Amount:	_____	Budgeted Amount:	_____
Under Budget:	_____	Over Budget:	_____
		Amount Remaining:	_____
7. Routing:
Alma Villarreal
Isaac Tawil

Created -
8. Staff Recommendation:
9. Advisory Board:
10. City Attorney: None. IJT
11. Manager's Recommendation: None. RR



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

7.C.

DATE SUBMITTED

MEETING DATE

10/9/2023

1. Agenda Item: Evaluation of the City Manager. (Section 551.074, T.G.C.)

2. Party Making Request: Isaac Tawil

3. Applicant:

4. Nature of Request: Evaluation of the City Manager. (Section 551.074, T.G.C.)

5. Fiscal Impact Summary:

6. Budgeted:

Bid Amount: _____

Under Budget: _____

Budgeted Amount: _____

Over Budget: _____

Amount Remaining: _____

7. Routing:

Alma Villarreal

Isaac Tawil

Created -

8. Staff Recommendation:

9. Advisory Board:

10. City Attorney: None. IJT

11. Manager's Recommendation: None. RR



ITEM SUMMARY

BOARD: City Commission

AGENDA ITEM

7.D.

DATE SUBMITTED

MEETING DATE

10/9/2023

1. Agenda Item: Discussion and possible lease, sale or purchase of Real Property, Tract 1. (Section 551.072, T.G.C.)
2. Party Making Request: Isaac Tawil
3. Applicant:
4. Nature of Request: Discussion and possible lease, sale or purchase of Real Property, Tract 1. (Section 551.072, T.G.C.)
5. Fiscal Impact Summary:
6. Budgeted:

Bid Amount:		Budgeted Amount:	
Under Budget:		Over Budget:	
		Amount Remaining:	
7. Routing:
Amy Gonzalez

Created -
8. Staff Recommendation:
9. Advisory Board:
10. City Attorney: None. IJT
11. Manager's Recommendation: None. RR