

Control Number: 41606



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JOINT APPLICATION OF ELECTRIC
TRANSMISSION TEXAS, LLC AND
SHARYLAND UTILITIES, L.P. TO
AMEND THEIR CERTIFICATES OF
CONVENIENCE AND NECESSITY
FOR THE NORTH EDINBURG TO
LOMA ALTA DOUBLE-CIRCUIT 345-
KV TRANSMISSION LINE IN
HIDALGO AND CAMERON
COUNTIES, TEXAS

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BEFORE THE

STATE OFFICE OF

ADMINISTRATIVE HEARINGS

**CITY OF McALLEN'S RESPONSE TO ELECTRIC TRANSMISSION TEXAS, LLC's
AND SHARYLAND UTILITIES, L.P.'s FIRST REQUEST FOR INFORMATION**

To: Electric Transmission Texas, LLC and Sharyland Utilities, L.P., by and through their attorneys of record, Jerry Huerta, 400 West 15th Street, Suite 1520, Austin, TX 78701, and James E. Guy, 600 Congress Avenue, Suite 2000, Austin, TX 78701-3238.


The City of McAllen ("City") files this Response to Electric Transmission Texas, LLC and Sharyland Utilities, L.P. ("Joint Applicants") First Request for Information ("RFI") to the City received on September 5, 2013. Pursuant to agreement reached between Joint Applicants and the City, these responses are timely filed. The responses to these RFIs may be treated by all parties as if they were filed under oath.

Respectfully submitted,

**LLOYD GOSSELINK ROCHELLE
& TOWNSEND, P.C.**

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GEOFFREY M. GAY
State Bar No. 07774300


EILEEN McPHEE
State Bar No. 24060273

ATTORNEYS FOR THE CITY OF McALLEN

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was transmitted by facsimile, e-mail and/or regular, first class mail on this 9th day of October, 2013, to the Joint Applicants.


EILEEN McPHEE

SOAH Docket No. 473-13-5207
PUC Docket No. 41606
City's Response to Joint Applicants' First RFI

Joint Applicants 1-1 Please provide a copy of the annual activity report for the City of McAllen-Miller International Airport for the years 2003 through 2012 and any similar activity report for the months of January through July 2013.

RESPONSE:

The information responsive to this request is attached.

ATTACHMENTS:

Activity Reports for MFE, 2003-2013, 11 pages.

Prepared by: Phil Brown

ATADS : Airport Operations : Standard Report

From 01/2003 To 12/2003 | Facility=MFE

Facility	Itinerant					Local			Total Operations
	Air Carrier	Air Taxi	General Aviation	Military	Total	Civil	Military	Total	
MFE	6,258	1,149	32,247	8,065	47,719	16,177	657	16,834	64,553
Total:	6,258	1,149	32,247	8,065	47,719	16,177	657	16,834	64,553

Report created on Mon Sep 9 15:02:14 EDT 2013
Sources: Air Traffic Activity System (ATADS)

ATADS : Airport Operations : Standard Report

From 01/2004 To 12/2004 | Facility=MFE

Facility	Itinerant					Local		Total Operations
	Air Carrier	Air Taxi	General Aviation	Military	Total	Civil	Military	
MFE	5,962	3,949	33,564	6,059	49,534	13,186	248	62,968
Total:	5,962	3,949	33,564	6,059	49,534	13,186	248	62,968

Report created on Mon Sep 9 15:02:46 EDT 2013
Sources: Air Traffic Activity System (ATADS)

ATADS : Airport Operations : Standard Report

From 01/2005 To 12/2005

Calendar Year	Itinerant					Local			Total Operations
	Air Carrier	Air Taxi	General Aviation	Military	Total	Civil	Military	Total	
2005	13,467,204	12,437,123	19,151,192	1,389,814	46,445,333	14,774,016	1,445,191	16,219,207	62,664,540
Total:	13,467,204	12,437,123	19,151,192	1,389,814	46,445,333	14,774,016	1,445,191	16,219,207	62,664,540

Report created on Tue Sep 24 18:14:24 EDT 2013
Sources: Air Traffic Activity System (ATADS)

EXHIBIT A
McALLEN MILLER INT'L. AIRPORT
Dec-06

AIRPORT OPERATIONS				CUSTOMS	
	ITINER.	LOCAL	TOTAL	A/C	PAX
Dec-05	4,004	908	4,912	387	2,390
Dec-06	4,027	766	4,793	387	2,282
% CHANGE	1%	-16%	-2%	0%	-5%
YTD 2005	50,128	11,042	61,170	3,939	20,044
YTD 2006	51,713	11,724	63,437	4,171	22,551
% CHANGE	3%	6%	4%	6%	13%

FLIGHTS

	CO DOMEST.	CO INT'L.	CO TOTAL	AA	*NW	** G4	*** DL	CHTR	TOTAL
Dec-05	204	31	235	120	0	26	0	0	381
Dec-06	243	31	274	116	0	18	55	0	463
% CHANGE	19%	0%	17%	-3%	NA	-31%	NA	NA	22%
YTD 2005	2,176	364	2,540	1,437	6	110	0	18	4,111
YTD 2006	2,843	350	3,193	1,413	0	242	612	11	5,471
% CHANGE	31%	-4%	26%	-2%	NA	NA	NA	NA	33%

ENPLANEMENTS

	CO DOMEST.	CO INT'L.	CO TOTAL	AA	*NW	** G4	*** DL	CHTR	TOTAL
Dec-05	18,801	1,196	19,997	10,669	0	3,265	0	0	33,931
Dec-06	19,598	974	20,572	11,771	0	2,510	1,808	0	36,661
% CHANGE	4%	-19%	3%	10%	NA	-23%	NA	NA	8%
YTD 2005	216,945	8,823	225,768	127,467	267	12,893	0	2,097	368,492
YTD 2006	225,740	8,761	234,501	123,670	0	28,991	18,573	1,408	407,143
% CHANGE	4%	-1%	4%	-3%	NA	NA	NA	NA	10%

DEPLANEMENTS

	CO DOMEST.	CO INT'L.	CO TOTAL	AA	*NW	** G4	*** DL	CHTR	TOTAL
Dec-05	19,159	1,051	20,210	10,762	0	3,009	0	0	33,981
Dec-06	18,745	881	19,626	11,895	0	2,395	1,723	0	35,639
% CHANGE	-2%	-16%	-3%	11%	NA	-20%	NA	NA	5%
YTD 2005	212,513	7,873	220,386	124,375	191	12,463	0	2,082	359,497
YTD 2006	218,277	8,045	226,322	122,459	0	29,367	17,940	1,510	397,598
% CHANGE	3%	2%	3%	-2%	NA	NA	NA	NA	11%

* Left in January 2005

**Allegiant Air - Began Service in June 2005

***Began Service in February 2006

EXHIBIT A
McALLEN MILLER INT'L. AIRPORT
Dec-07

	AIRPORT OPERATIONS			CUSTOMS	
	ITINER.	LOCAL	TOTAL	A/C	PAX
Dec-06	4,027	766	4,793	387	2,282
Dec-07	4,270	1,029	5,299	429	1,501
% CHANGE	6%	34%	11%	11%	-34%
YTD 2006	51,713	11,724	63,437	4,171	22,551
YTD 2007	50,581	11,621	62,202	4,124	19,557
% CHANGE	-2%	-1%	-2%	-1%	-13%

FLIGHTS

	CO DOMEST.	CO** INT'L.	CO TOTAL	AA	G4	* DL	CHTR	TOTAL
Dec-06	243	31	274	116	18	55	0	463
Dec-07	241	0	241	121	34	72	0	468
% CHANGE	-1%	NA	-12%	4%	89%	31%	NA	1%
YTD 2006	2,843	350	3,193	1,413	242	612	11	5,471
YTD 2007	2,967	245	3,212	1,388	283	829	9	5,721
% CHANGE	4%	NA	1%	-2%	17%	35%	NA	5%

ENPLANEMENTS

	CO DOMEST.	CO** INT'L.	CO TOTAL	AA	G4	* DL	CHTR	TOTAL
Dec-06	19,598	974	20,572	11,771	2,510	1,808	0	36,661
Dec-07	18,597	0	18,597	12,313	4,752	2,398	0	38,060
% CHANGE	-5%	NA	-10%	5%	89%	33%	NA	4%
YTD 2006	225,740	8,761	234,501	123,670	28,991	18,573	1,408	407,143
YTD 2007	220,994	5,484	226,478	136,398	35,927	26,374	1,241	426,418
% CHANGE	-2%	NA	-3%	10%	24%	42%	NA	5%

DEPLANEMENTS

	CO DOMEST.	CO** INT'L.	CO TOTAL	AA	G4	* DL	CHTR	TOTAL
Dec-06	18,745	881	19,626	11,895	2,395	1,723	0	35,639
Dec-07	17,855	0	17,855	12,447	4,334	2,408	0	37,044
% CHANGE	-5%	NA	-9%	5%	81%	40%	NA	4%
YTD 2006	218,277	8,045	226,322	122,459	29,367	17,940	1,510	397,598
YTD 2007	215,403	5,094	220,497	135,221	35,665	26,569	1,246	419,198
% CHANGE	-1%	NA	-3%	10%	21%	48%	NA	5%

* Began Service in February 2006

**Ended Service in September 2007

EXHIBIT A
McALLEN MILLER INT'L. AIRPORT
Dec-08

	AIRPORT OPERATIONS			CUSTOMS	
	ITINER.	LOCAL	TOTAL	A/C	PAX
Dec-07	4,270	1,029	5,299	429	1,501
Dec-08	3,306	600	3,906	346	1,141
% CHANGE	-23%	-42%	-26%	-19%	-24%
YTD 2007	50,581	11,621	62,202	4,124	19,557
YTD 2008	45,412	10,987	56,399	3,671	13,124
% CHANGE	-10%	-5%	-9%	-11%	-33%

FLIGHTS

	CO DOMEST.	CO* INT'L.	CO TOTAL	AA	ALLEG.	DL**	CHTR	TOTAL
Dec-07	241	0	241	121	34	72	0	468
Dec-08	228	0	228	118	31	0	0	377
% CHANGE	-5%	NA	-5%	-2%	-9%	NA	NA	-19%
YTD 2007	2,967	245	3,212	1,388	283	829	9	5,721
YTD 2008	2,826	1	2,827	1381	290	9	16	4,523
% CHANGE	-5%	NA	-12%	-1%	2%	NA	NA	-21%

ENPLANEMENTS

	CO DOMEST.	CO* INT'L.	CO TOTAL	AA	ALLEG.	DL**	CHTR	TOTAL
Dec-07	18,597	0	18,597	12,313	4,752	2,398	0	38,060
Dec-08	17,166	0	17,166	10,993	4,272	0	0	32,431
% CHANGE	-8%	NA	-8%	-11%	-10%	NA	NA	-15%
YTD 2007	220,994	5,484	226,478	136,398	35,927	26,374	1,241	426,418
YTD 2008	209,634	38	209,672	134,181	39,425	358	1,950	385,586
% CHANGE	-5%	NA	-7%	-2%	10%	NA	NA	-10%

DEPLANEMENTS

	CO DOMEST.	CO* INT'L.	CO TOTAL	AA	ALLEG.	DL**	CHTR	TOTAL
Dec-07	17,855	0	17,855	12,447	4,334	2,408	0	37,044
Dec-08	16,898	0	16,898	11,183	4,017	0	0	32,098
% CHANGE	-5%	NA	-5%	-10%	-7%	NA	NA	-13%
YTD 2007	215,403	5,094	220,497	135,221	35,665	26,569	1,246	419,198
YTD 2008	201,985	38	202,023	133,138	39,446	353	2,054	377,014
% CHANGE	-6%	NA	-8%	-2%	11%	NA	NA	-10%

*Ended Service in September 2007 - Diversion in January 2008

**Ended Service in January 2008

EXHIBIT A
McALLEN MILLER INT'L. AIRPORT
Dec-09

	AIRPORT OPERATIONS			CUSTOMS	
	ITINER.	LOCAL	TOTAL	A/C	PAX
Dec-08	3,306	600	3,906	346	1,141
Dec-09	3,173	883	4,056	347	1,246
% CHANGE	-4%	47%	4%	0%	9%
YTD 2008	45,412	10,987	56,399	3,671	13,124
YTD 2009	44,065	9,012	53,077	3,464	11,718
% CHANGE	-3%	-18%	-6%	-6%	-11%

FLIGHTS

	CO DOMEST.	CO* INT'L.	CO TOTAL	AA	ALLEG.	DL**	CHTR	TOTAL
Dec-08	228	0	228	118	31	0	0	377
Dec-09	194	0	194	113	31	56	0	394
% CHANGE	-15%	NA	-15%	-4%	0%	NA	NA	5%
YTD 2008	2,826	1	2,827	1,381	290	9	16	4,523
YTD 2009	2,580	0	2,580	1,401	380	562	11	4,934
% CHANGE	-9%	NA	-9%	1%	31%	NA	NA	9%

ENPLANEMENTS

	CO DOMEST.	CO* INT'L.	CO TOTAL	AA	ALLEG.	DL**	CHTR	TOTAL
Dec-08	17,166	0	17,166	10,993	4,272	0	0	32,431
Dec-09	14,568	0	14,568	10,211	4,074	1,975	0	30,828
% CHANGE	-15%	NA	-15%	-7%	-5%	NA	NA	-5%
YTD 2008	209,634	38	209,672	134,181	39,425	358	1,950	385,586
YTD 2009	179,611	0	179,611	119,456	51,154	18,923	802	369,946
% CHANGE	-14%	NA	-14%	-11%	30%	NA	NA	-4%

DEPLANEMENTS

	CO DOMEST.	CO* INT'L.	CO TOTAL	AA	ALLEG.	DL**	CHTR	TOTAL
Dec-08	16,898	0	16,898	11,183	4,017	0	0	32,098
Dec-09	14,131	0	14,131	10,560	4,039	2,031	0	30,761
% CHANGE	-16%	NA	-16%	-6%	1%	NA	NA	-4%
YTD 2008	201,985	38	202,023	133,138	39,446	353	2,054	377,014
YTD 2009	174,826	0	174,826	119,190	50,712	19,675	759	365,162
% CHANGE	-13%	NA	-13%	-10%	29%	NA	NA	-3%

*Diversion in January 2008

**Ended Service in January 2008 - Resumed Service on March 2, 2009

EXHIBIT A
McALLEN MILLER INT'L. AIRPORT
Dec-10

	AIRPORT OPERATIONS			CUSTOMS	
	ITINER.	LOCAL	TOTAL	A/C	PAX
Dec-09	3,173	883	4,056	347	1,346
Dec-10	4,509	1,180	5,689	694	2,769
% CHANGE	42%	34%	40%	100%	106%
YTD 2009	44,065	9,012	53,077	3,464	11,718
YTD 2010	47,683	8,781	56,464	5,361	21,239
% CHANGE	8%	-3%	6%	55%	81%

FLIGHTS

	CO	AA	ALLEG	DL*	CHTR	TOTAL
Dec-09	194	113	31	56	0	394
Dec-10	177	117	35	84	0	413
% CHANGE	-9%	4%	13%	50%	NA	5%
YTD 2009	2,580	1401	380	562	11	4,934
YTD 2010	2,139	1349	345	844	6	4,683
% CHANGE	-17%	-4%	-9%	NA	NA	-5%

ENPLANEMENTS

	CO	AA	ALLEG	DL*	CHTR	TOTAL
Dec-09	14,568	10,211	4,074	1,975	0	30,828
Dec-10	13,945	10,898	4,979	3,432	0	33,254
% CHANGE	-4%	7%	22%	74%	NA	8%
YTD 2009	179,611	119,456	51,154	18,923	802	369,946
YTD 2010	161,958	115,859	47,546	30,675	847	356,885
% CHANGE	-10%	-3%	-7%	NA	NA	-4%

DEPLANEMENTS

	CO	AA	ALLEG	DL*	CHTR	TOTAL
Dec-09	14,131	10,560	4,039	2,031	0	30,761
Dec-10	13,265	10,563	4,684	3,232	0	31,744
% CHANGE	-6%	0%	16%	59%	NA	3%
YTD 2009	174,826	119,190	50,712	19,675	759	365,162
YTD 2010	156,471	113,872	47,004	30,826	847	349,020
% CHANGE	-10%	-4%	-7%	NA	NA	-4%

*Started Service on March 2, 2009



McAllen International Airport Activity Report

PUC Docket No. 41606
McAllen's Response to Joint
Applicant's 1-1, page 9 of 11

	January	February	March	April	May	June	July	August	September	October	November	December
ENPLANEMENTS												
2011	26,764	23,876	29,347	26,605	26,307	32,862	37,342	29,081	25,895	27,419	27,345	29,891
2010	27,220	25,627	31,229	27,935	29,184	32,780	35,494	29,239	26,436	30,204	28,283	33,254
% Change	-2%	-7%	-6%	-5%	-10%	0%	5%	-1%	-2%	-9%	-3%	-10%
Cumulative YTD 2011	26,764	50,639	79,986	106,591	132,898	165,760	203,102	232,183	258,078	285,497	312,842	342,733
Cumulative YTD 2010	27,220	52,847	84,076	112,011	141,195	173,975	209,469	238,708	265,144	295,348	323,631	356,885
% Change	-2%	-4%	-5%	-5%	-6%	-5%	-3%	-3%	-3%	-3%	-3%	-4%
DEPLANEMENTS												
2011	27,571	25,434	28,938	24,927	26,040	30,169	36,780	30,967	25,097	27,712	27,343	28,373
2010	26,072	25,584	30,599	26,814	27,794	30,248	34,682	31,702	25,454	29,840	28,492	31,744
% Change	6%	-1%	-5%	-7%	-6%	0%	6%	-2%	-1%	-7%	-4%	-11%
Cumulative YTD 2011	27,571	53,005	81,943	106,870	132,910	163,079	199,859	230,826	255,923	283,635	310,978	339,351
Cumulative YTD 2010	26,072	51,656	82,255	109,069	136,863	167,111	201,793	233,495	258,949	288,789	317,281	349,025
% Change	6%	3%	0%	-2%	-3%	-2%	-1%	-1%	-1%	-2%	-2%	-3%
Flights												
2011	378	308	394	367	371	391	415	418	383	395	350	361
2010	343	341	390	388	368	398	447	431	388	397	392	412
% Change	10%	-10%	1%	-5%	1%	-2%	-7%	-3%	-1%	-1%	-11%	-12%
Cumulative YTD 2011	378	686	1,080	1,447	1,818	2,209	2,624	3,042	3,423	3,818	4,168	4,529
Cumulative YTD 2010	343	684	1,074	1,462	1,830	2,228	2,675	3,106	3,492	3,889	4,281	4,693
% Change	10%	0%	1%	-1%	-1%	-1%	-2%	-2%	-2%	-2%	-3%	-3%
AIRPORT OPERATIONS												
Total	4,713	4,625	6,334	5,824	5,986	5,400	5,645	5,865	5,229	5,490	5,513	5,174
Cumulative YTD 2011	4,713	9,338	15,672	21,496	27,482	32,882	38,527	44,392	49,621	55,111	60,624	65,798
CUSTOMS												
Aircraft	464	498	711	715	601	593	639	561	595	604	629	607
Passengers	1,746	1,842	2,673	2,878	2,140	2,219	2,554	2,280	2,156	2,104	2,147	2,341
CARGO												
Enplaned	58,645	9,652	37,195	132,014	132,023	26,421	13,100	61,747	35,375	35,974	44,887	45,728
Deplaned	127,970	24,107	58,516	120,363	109,077	46,461	63,540	62,243	56,916	59,362	69,757	54,323

Notes

McAllen International Airport Activity Report

	January	February	March	April	May	June	July	August	September	October	November	December
ENPLANEMENTS												
2012	25,610	24,951	31,193	29,274	29,111	32,070	32,996	27,209	23,166	22,009	26,824	28,571
2011	26,764	23,875	29,347	26,605	26,307	32,862	37,342	29,081	25,895	27,419	27,345	29,891
% Change	-4%	5%	6%	10%	11%	-2%	-12%	-6%	-11%	-20%	-2%	-4%
Cumulative YTD 2012	25,610	50,561	81,754	111,028	140,139	172,209	205,205	232,414	255,580	277,589	304,413	332,984
Cumulative YTD 2011	26,764	50,639	79,986	106,591	132,898	165,760	203,102	232,183	258,078	285,497	312,842	342,733
% Change	-4%	0%	2%	4%	5%	4%	1%	0%	-1%	-3%	-3%	-3%
DEPLANEMENTS												
2012	25,139	25,713	29,874	28,643	27,753	29,887	32,236	29,205	22,527	22,369	26,258	28,210
2011	27,571	25,434	28,938	24,927	26,040	30,169	36,780	30,967	25,097	27,712	27,343	28,373
% Change	-9%	1%	3%	15%	7%	-2%	-12%	-6%	-10%	-19%	-4%	-1%
Cumulative YTD 2012	25,139	50,852	80,726	109,369	137,122	166,809	199,045	228,250	250,777	273,146	299,404	327,614
Cumulative YTD 2011	27,571	53,005	81,943	106,870	132,910	163,079	199,859	230,826	255,923	283,635	310,978	339,351
% Change	-9%	4%	-1%	2%	3%	2%	0%	-1%	-2%	-4%	-4%	-3%
Flights												
2012	336	334	378	408	351	365	378	364	329	339	365	380
2011	378	308	394	367	371	391	415	418	383	395	350	361
% Change	-11%	8%	-4%	11%	-5%	-7%	-9%	-13%	-14%	-14%	4%	5%
Cumulative YTD 2012	336	670	1,048	1,456	1,807	2,172	2,550	2,914	3,243	3,582	3,947	4,327
Cumulative YTD 2011	378	686	1,080	1,447	1,818	2,209	2,624	3,042	3,425	3,820	4,170	4,531
% Change	-11%	-2%	-3%	1%	-1%	-2%	-3%	-4%	-5%	-5%	-5%	-5%
Load Factor												
2012 Available Seats	35,801	35,176	37,057	37,928	39,393	36,010	37,625	35,874	34,066	31,674	34,342	35,771
2011 Available Seats	41,569	33,574	42,003	37,658	32,772	38,256	43,996	38,557	33,649	38,394	33,881	32,622
% Change	-14%	5%	-12%	1%	20%	-6%	-14%	-7%	1%	-18%	1%	10%
2012 Load Factor	72%	71%	84%	77%	74%	89%	88%	76%	68%	69%	78%	80%
Cumulative YTD 2012	35,801	70,977	108,034	145,962	185,355	221,365	258,990	294,864	328,930	360,604	394,946	430,717
Cumulative YTD 2011	41,569	75,143	117,146	154,804	187,576	225,832	269,828	308,385	342,034	380,428	414,309	446,931
AIRPORT OPERATIONS												
Total	5,346	4,658	5,413	5,082	5,328	4,848	5,515	5,185	4,759	4,909	4,882	4,977
Cumulative YTD 2012	5,346	10,004	15,417	20,498	25,827	30,675	36,190	41,375	46,134	51,043	55,925	60,902
CUSTOMS												
Aircraft	489	436	580	496	493	470	487	447	470	482	522	574
Passengers	1,632	1,477	1,974	1,646	1,525	1,600	1,805	1,514	1,479	1,585	1,678	1,948
CARGO												
Enplaned	23,515	350,817	576,048	560,885	562,348	545,882	462,790	582,675	521,158	563,623	478,768	471,136
Deplaned	45,749	465,986	677,552	551,811	724,634	721,081	650,400	880,672	770,676	820,961	881,654	822,655

Notes



McAllen International Airport Activity Report

PUC Docket No. 41606
McAllen's Response to Joint
Applicant's 1-1, page 11 of 11

	January	February	March	April	May	June	July	August	September	October	November	December
ENPLANEMENTS												
2013	24,888	24,495	30,890	27,938	31,695	34,778	37,260					
2012	25,610	24,951	31,193	29,274	29,111	32,070	32,996					
% Change	-3%	-2%	-1%	-5%	9%	8%	13%					
Cumulative YTD 2013	24,888	49,383	80,273	108,211	139,906	174,684	211,944					
Cumulative YTD 2012	25,610	50,561	81,754	111,028	140,139	172,209	205,205					
% Change	3%	-2%	2%	3%	0%	1%	3%					
DEPLANEMENTS												
2013	24,814	24,452	29,662	26,568	28,762	32,137	36,288					
2012	25,139	25,713	29,874	28,643	27,753	29,687	32,236					
% Change	-1%	-5%	-1%	-7%	4%	8%	13%					
Cumulative YTD 2013	24,814	49,266	78,928	105,496	134,258	166,395	202,683					
Cumulative YTD 2012	25,139	50,852	80,726	109,369	137,122	166,809	199,045					
% Change	-1%	-3%	-2%	-4%	-2%	0%	2%					
Flights												
2013	376	340	408	410	430	443	487					
2012	336	334	378	408	351	365	378					
% Change	12%	2%	8%	0%	23%	21%	24%					
Cumulative YTD 2013	376	716	1,124	1,534	1,964	2,407	2,874					
Cumulative YTD 2012	336	670	1,048	1,456	1,807	2,172	2,550					
% Change	12%	7%	7%	5%	9%	11%	13%					
Load Factor												
2013 Available Seats	34,883	31,160	36,381	37,613	41,785	42,968	44,228					
2012 Available Seats	35,801	35,176	37,057	37,928	39,393	36,010	37,625					
% Change	-3%	-11%	-2%	-1%	6%	19%	18%					
2013 Load Factor	71%	79%	85%	74%	76%	81%	84%					
Cumulative YTD 2013	34,883	66,043	102,424	140,037	181,822	224,790	269,018					
Cumulative YTD 2012	35,801	70,977	108,034	145,962	185,355	221,365	258,990					
AIRPORT OPERATIONS												
Total	4,125	4,171	5,085	4,700	4,837	4,559	3,096					
Cumulative YTD 2013	4,125	8,296	13,381	18,081	22,918	27,477	30,575					
CUSTOMS												
Aircraft	404	436	552	448	513	418	432					
Passengers	1,288	1,458	2,444	1,889	1,561	1,327	2,462					
CARGO												
Enplaned	467,210	413,458	489,095	476,950	509,007	563,191	487,029					
Deplaned	801,539	656,629	681,135	627,521	780,076	653,621	679,788					

Notes

Aeromar began service March 15

SOAH Docket No. 473-13-5207
PUC Docket No. 41606
City's Response to Joint Applicants' First RFI

Joint Applicants 1-2 Please provide a copy of the 2005 McAllen-Miller International Airport Draft Final Report for City Commission Approval. Is there a final report that is not labeled as draft? If there is such a report, please provide a copy of that report as well.

RESPONSE:

A copy of the 2005 McAllen-Miller International Airport Draft Final Report for City Commission Approval is available online at <http://www.mcallenairport.com/info/projects.aspx>. The draft label was never removed from the report, even after Commission approval, due to oversight.

Prepared by: Phil Brown

SOAH Docket No. 473-13-5207
PUC Docket No. 41606
City's Response to Joint Applicants' First RFI

Joint Applicants 1-3 Was the 2005 McAllen-Miller International Airport Draft Final Report for City Commission Approval presented to and approved by the City Commission? If so, please provide the date of approval and documentation of that approval.

RESPONSE:

Yes. The Airport Master Plan Update was approved by the City Commission on April 25, 2005. A copy of the minutes of the Commission meeting approving the Airport Master Plan Update is attached.

ATTACHMENTS:

Minutes of the April 25, 2005 Meeting of the City Commission of McAllen, 15 pages.

Prepared by: Phil Brown

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

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The McAllen Board of Commissioners convened in a Regular Meeting on **Monday, April 25, 2005** at McAllen City Hall in the Commission Chambers at 4:00 pm with the following present:

	Leo Montalvo	Mayor
	Carlos I. Garza	Mayor Pro Tem
	Marcus C. Barrera	Commissioner
	Hilda Salinas	Commissioner
	Aida Ramirez	Commissioner
	Ric Godinez	Commissioner
Absent:	Jan M. Klinck	Commissioner
Staff:	Mike R. Perez	City Manager
	Jim Darling	City Attorney
	Annette Villarreal	City Secretary
	Pilar Rodriguez	City Engineer
	David House	City Architect
	Juli Rankin	Planning Director
	Ed Taylor	Senior Planner
	Carla DeRoulac	Grant Administrator
	Belinda Mercado	IT Director
	Amado Cano	Interim Fire Chief
	Miguel Ayala	Deputy Fire Chief
	Al Garcia	Director of Purchasing
	Fred Segundo	Deputy Director - Airport
	Roy Cantu	Media Relations Director
	Elma Vela	City Commission Liaison
	Perla Zamora	Asst. City Secretary

CALL TO ORDER

Mayor Montalvo called the meeting to order.

PLEDGE

Mayor Montalvo led the pledge.

INVOCATION

Mayor Montalvo delivered the invocation.

PROCLAMATIONS

Mayor Pro Tem Garza and Commissioners Barrera and Salinas read and presented proclamations for *Arbor Day*, *Municipal Clerks Week*, and *Chris Diaz Day*, respectively.

1. MINUTES:

Commissioner Godinez moved to approve the minutes for the Regular Meeting held April 11, 2005 as submitted. Commissioner Ramirez seconded the motion. The motion carried unanimously by those present.

2. BIDS/CONTRACTS:

A) LICENSE AGREEMENT WITH TSA FOR REIMBURSEMENT OF UTILITIES AND JANITORIAL SERVICES.

Mr. Segundo recommended approval of the License Agreement with TSA for reimbursement of Utilities and Janitorial Services. Annual reimbursement will be in the amount of \$4,190.20 for

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equipment power consumption, \$5,190.30 for HVAC power consumption, and \$7,672.00 for janitorial services for a grand total of \$17,052.50 per year.

Commissioner Godinez moved to approve the license agreement as recommended. Commissioner Ramirez seconded the motion. The motion carried unanimously by those present.

B) PURCHASE OF DESKTOP COMPUTERS.

Ms. Mercado recommended authorization to purchase 25 Desktop Computers directly through the State of Texas, Department of Information Resources (DIR) for the Police Department in the amount of \$27,625.

Commissioner Barrera moved to approve the purchase as recommended. Commissioner Ramirez seconded the motion. The motion carried unanimously by those present.

C) INTERLOCAL AGREEMENT WITH HIDALGO COUNTY FOR EMERGENCY RESPONSE EQUIPMENT.

Interim Fire Chief Cano recommended approval of an Interlocal Cooperation Agreement for the transfer of emergency response equipment between Hidalgo County and the City of McAllen. He noted that said equipment was purchased through a grant.

Mayor Pro Tem Garza moved to approve the interlocal agreement as recommended. Commissioner Ramirez seconded the motion. Commissioner Salinas asked about the Regional Hazardous Material Team and whether our department is part of the team. Chief Cano responded that we are already a team that provides back up for each other in the valley. The motion carried unanimously by those present.

D) AWARD OF CONTRACT -- PURCHASE OF FIRE FIGHTER'S BUNKER GEAR.

Deputy Chief Ayala recommended award of supply contract for the Purchase of Fire Fighters' Bunker Gear to Casco Industries for the low bid as follows:

Item No. 1 -- Protective Jacket & High Back Trousers "Proximity Fire Fighting"
Manufacturer/Model: Globe 81884-4, Coat 91884-4, Pants
Unit Price for Jacket \$ 650.00
Unit Price for High Back Trousers 495.00
Total \$1,145.00

Item No. 2 -- Protective Jacket & High Back Trousers "Structural Fire Fighting"
Manufacturer/Model: Globe 81084-4, Coat 91084-4, Pants
Unit Price for Jacket \$ 695.00
Unit Price for High Back Trousers 510.00
Total \$1,205.00
Delivery 90 Days

He noted that at present time they will purchase 12 sets due to new personnel; otherwise, the equipment is replaced every 5 years.

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

E) LICENSE AGREEMENT WITH HESCO GATHERING COMPANY, L.L.C. FOR AN EXISTING GAS LINE WITHIN THE TRENTON ROAD AND NORTHEAST CENTRAL BLUELINE DRAINAGE DITCH RIGHT-OF-WAY.

Mr. Rodriguez recommended approval of a License Agreement with HESCO Gathering Company, L.L.C. for an existing gas line within the Trenton Road and Northeast Central BlueLine Drainage Ditch Right-of-Way. Also, to waive the Right-of-Way filing and use fees required in the Right-of-Way Management Ordinance due to the cost to HESCO for the relocation of portions of this gas line to avoid conflicts with future roadway improvements to Auburn Avenue.

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

**F) LEASE AGREEMENT WITH JOHN VAN RAMSHORST, JR.
COVERING A PORTION OF LOTS 7 & 8, KING'S HIWAY
SUBDIVISION.**

Mr. Darling recommended approval of a License Agreement with John VanRamshorst, Jr. covering a portion of Lots 7 & 8, King's Hiway Subdivision for a temporary mailbox for residents on Bentsen Road due to utility and road construction on Bentsen Road between Expressway 83 and Business 83, as required by the United States Postal Service.

Commissioner Godinez moved to approve the license agreement as recommended. Commissioner Salinas seconded the motion. The motion carried unanimously by those present.

**G) AWARD OF CONTRACT - 4TH & 8TH STREET DRAINAGE
IMPROVEMENTS.**

Mr. Rodriguez recommended award of contract for 4th and 8th Street Drainage Improvements to Ramos Industries as the lowest, responsive and responsible bidder for the base bid in the amount of \$871,641.00, subject to budget reclassification.

Commissioner Barrera moved to award the contract as recommended. Commissioner Godinez seconded the motion. Commissioner Barrera expressed a concern relating to being over budget. Mr. Rodriguez responded that the estimate was calculated last year during budget but have seen a substantial price increase due to fuel and material costs. Commissioner Salinas asked about combining with other projects to obtain a better price. Mr. Rodriguez replied that normally they would look into this but there are no other projects in the area to combine with at this time. The motion carried unanimously by those present.

**H) DEDUCT CHANGE ORDER NO. 2 AND FINAL FOR THE PURCHASE
AND DELIVERY OF TYPE "D" HOT MIX ASPHALTIC CONCRETE
(H.M.A.C.) - 2004-2005.**

Mr. Rodriguez recommended approval of the Deduct Change Order No. 2 and Final for the Purchase and Delivery of Type "D" Hot Mix Asphaltic Concrete (H.M.A.C.) for a credit amount of \$145,481.53 for a revised purchase order amount of \$1,130,883.54.

Commissioner Barrera moved to approve the change order as recommended. Commissioner Ramirez seconded the motion. The motion carried unanimously by those present.

**I) CHANGE ORDER NO. 2 FOR SINGLE MACHINE
REPAVING/RECYCLING 2004-2005.**

Mr. Rodriguez recommended approval of Change Order No. 2 for Single Machine Repaving/Recycling in the amount of \$227,659.50 for a revised contract amount of \$1,783,264.71.

Commissioner Barrera moved to approve the change order as recommended. Commissioner Salinas seconded the motion. Commissioner Salinas noted Quince Street, past the Police Department up to 27th Street, is in bad shape. Commissioner Godinez asked about the number of miles that would be repaired. Mr. Rodriguez noted that a report would be provided to the entire Commission depicting said amount. The motion carried unanimously by those present.

J) CHANGE ORDER NO. 1 FOR THE MCALLEN CONVENTION CENTER.

Mr. House recommended approval of a Deduct Change Order No. 1 for the McAllen Convention Center to Spaw-Glass Class Contractor, Inc. for a credit amount of \$82,603.00 for a revised contract amount of \$50,790,397.00.

Commissioner Godinez moved to approve the change order as recommended. Commissioner Salinas seconded the motion. The motion carried unanimously by those present.

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**K) EXTENSION OF CONTRACT PROVIDING FOR INCREASE OF TIME
FOR THE CITY ENTRY MONUMENT PROJECT.**

Mr. Rodriguez recommended approval of the extension of contract to provide for additional time to complete the City Entry Monument Project by 34 working days.

Commissioner Barrera moved to approve staff's recommendation. Commissioner Salinas seconded the motion. The motion carried unanimously by those present.

**L) CHANGE ORDER NO. 4 FOR THE PALM VIEW DRIVING RANGE
HOUSE.**

Mr. Perez recommended approval of Change Order No. 4 for the Palm View Driving Range House to Marvel Construction in the amount of \$2,625.00 for a revised contract amount of \$96,787.00. Mr. Espinoza reviewed the proposed changes to allow the video room to be converted into a studio.

Commissioner Barrera moved to approve the change order as recommended. Commissioner Ramirez seconded the motion. The motion carried unanimously by those present.

**M) INTER-GOVERNMENTAL AGREEMENT WITH CONGRESSMAN
LLOYD DOGGETT FOR LEASE OF OFFICE SPACE AT OLD CITY
HALL BUILDING.**

Mr. Perez recommended approval of the Inter-Governmental Agreement with Congressman Lloyd Doggett for lease of office space at Old City Hall in the amount of \$500 per month for the lease of a 1,608 square feet area. The term requested is for a two-year term.

Mayor Pro Tem Garza moved to approve the inter-governmental agreement as recommended. Commissioner Barrera seconded the motion. A discussion ensued relating to the two-year term. Mayor Pro Tem Garza suggested making the term of the lease standard to coincide with other leases for the building in case the city had another use for it. The Commission concurred on a one-year term. Commissioner Barrera asked staff to look into the 90-day termination clause in the agreement. The motion carried unanimously by those present.

**N) AWARD OF BID - PURCHASE OF ONE (1) CURRENT MODEL FRONT
LOAD DUMPSTER REFUSE VEHICLE.**

Mr. Rodriguez recommended award of bid for the Purchase of One (1) Current Model Front Load Dumpster Refuse Vehicle to the lowest responsible bidder BUYBOARD Purchasing Cooperative in the amount of \$166,280.00.

Commissioner Salinas moved to award the bid as recommended. Commissioner Ramirez seconded the motion. The motion carried unanimously by those present.

**O) CONSIDER AUTHORIZING ALAMO ARCHITECTS TO PROCEED
WITH THE SCHEMATIC DESIGN CONTRACT FOR THE
DOWNTOWN PARKING GARAGES.**

Mr. House recommended approval and authorization for Alamo Architects to proceed with the Schematic Design Phase Contract for the Downtown Parking Garages with direction given at workshop which was to work with the Heart of City Committee and to work on obtaining letters of intent for the possible lease space for the first floor and to bring back for consideration.

Commissioner Barrera moved to approve staff's recommendation. Commissioner Salinas seconded the motion. Mayor Pro Tem Garza requested a copy of the feasibility study to review the operation of the facility. Commissioner Godinez asked to obtain options on revenue side if the long term parking was increased. The motion carried unanimously by those present.

**P) CONSIDERATION OF PROPOSAL FOR THE DEMOLITION OF THE
CURRENT REGION ONE ADULT EDUCATION CENTER FACILITY
AND THE CONSTRUCTION OF A NEW BUILDING.**

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Mayor Montalvo announced that he would abstain from any discussion and voting on said item and noted that he filed a Conflict of Interest form with the City Secretary. Mayor Pro Tem Garza presided over this item.

Mr. Perez recommended approval of the proposal providing for the demolition of the current Region One Adult Education Facility and the construction of a new building due to the bad condition of the building. The new building is proposed to be 22,570 square feet and cost an estimated \$1,385,380.

Commissioner Godinez moved to approve the proposal as recommended and as presented at the Workshop held earlier. Commissioner Salinas seconded the motion. Commissioner Barrera asked about the 20% city match. Mr. Perez clarified that the 20% match would not be required; however, once the building is complete the city would put in the landscaping and maintain same. Commissioner Godinez amended his motion to clarify that no match would be necessary aside from those noted at the workshop. Commissioner Salinas seconded the motion. Commissioner Salinas asked staff to work with Region One relating to curb cuts and to trying to keep traffic away from residential areas.

The vote and the motion is as follows:

AYE: Commissioners Godinez, Salinas, Ramirez and Barrera
NAY: None
ABSTAIN: Mayor Montalvo
ABSENT: Commissioner Klinck

Q) CONSIDER PURCHASE OF MATERIALS FOR FIBER OPTIC NETWORK BETWEEN MCALLEN CITY HALL AND THE MCALLEN POLICE DEPARTMENT IN SUPPORT OF THE DISASTER RECOVERY PROJECT.

Ms. Mercado recommended approval of the purchase of Materials for the Fiber Optic Network between McAllen City Hall and the McAllen Police Department in support of the Disaster Recovery Project. She noted that the fiber optics would increase the bandwidth and will go from 20 megabyte rate to 1000 megabytes; hence, this would be the first phase of the plan. The Police Department would be the back-up to City Hall but eventually plan to expand to other city facilities such as the Airport, Traffic Signs Shop, the new Fire Station and Public Works. She noted that this project will be paid with the 2003 Homeland Security Grant money.

Commissioner Godinez moved to approve the purchase as recommended. Commissioner Salinas seconded the motion. The motion carried unanimously by those present.

3. ORDINANCES:

A) CONSIDERATION AND ACTION ON RECOMMENDATION OF MCALLEN PUBLIC UTILITY BOARD'S PROPOSED SEPTIC TANK WASTE DISPOSAL FEES.

Mr. Perez recommended adoption of an ordinance approving the recommendation of McAllen Public Utility Board's relating to the proposed Septic Tank Waste Disposal Fees to come in line with others providing this service. The proposed rates are as follows:

- 0 – 1000 gallons (city limits) - \$25.00; \$12.50 for each additional 1,000 gallons
- 0 – 1000 gallons (outside city limits) - \$40.00; \$12.50 for each 1,000 gallons
- 2000 gallons (city/other) - \$37.50/\$52.50

Commissioner Salinas moved to adopt the ordinance as recommended. Commissioner Ramirez seconded the motion. Commissioner Godinez asked if the charge would only be applied to the users. Commissioner Salinas replied yes and further clarified the situation involving out of city disposal service. The motion carried unanimously by those present.

B) AMENDING SPEED LIMITS ON THE FRONTAGE ROAD OF US 83 WITHIN THE CITY LIMITS AND ALONG TRENTON ROAD BETWEEN 23RD STREET AND WARE ROAD.

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Mr. Darling recommended adoption of an ordinance amending the speed limits on the Frontage Road of US 83 within the city limits and along Trenton Road between 23rd Street and Ware Road.

Commissioner Salinas moved to adopt the ordinance as recommended. Commissioner Ramirez seconded the motion. Mayor Pro Tem Garza expressed concern with the speed limit along Ware Road leading up to the Convention Center. Mr. Rodriguez noted that he could go back to TXDOT for reconsideration.

After due consideration, the motion and second were withdrawn and a motion was made by Commissioner Ramirez to table said item. Mayor Pro Tem Garza seconded the motion. The motion carried unanimously by those present.

C) BUDGET AMENDMENT PROVIDING FOR ADDITIONAL FUNDING FOR THE NEIGHBORHOOD MATCHING GRANT PROGRAM.

Mr. Perez recommended adoption of an ordinance providing for a budget amendment in the amount of \$30,000 for additional funding for the Neighborhood Matching Grant Program. With said amendment, the total funding cost would be \$80,000.

Commissioner Salinas moved to adopt the ordinance as recommended. Commissioner Ramirez seconded the motion. Commissioner Godinez asked about marketing. Mr. Cervantes noted that a note has been posted next to the project sign; nevertheless, he recommended utilizing the quarterly newsletter. The motion carried unanimously by those present.

D) VOLUNTARY ANNEXATION OF 19.77 ACRES LOCATED ALONG S. 29TH STREET AT SARAH AVENUE.

Mr. Taylor recommended adoption of an ordinance providing for the voluntary annexation of 18.77 acres located along S. 29th Street at Sarah Avenue.

Commissioner Barrera moved to adopt the ordinance as recommended. Commissioner Ramirez seconded the motion. The motion carried unanimously by those present.

E) VOLUNTARY ANNEXATION OF 16.69 ACRES LOCATED ALONG N. 29TH STREET APPROXIMATELY 1,740 FT. NORTH OF AUBURN AVENUE.

Mr. Taylor recommended adoption of an ordinance providing for the voluntary annexation of 16.69 acres located along N. 29th Street approximately 1,740 ft. north of Auburn Avenue.

Commissioner Barrera moved to adopt the ordinance as recommended. Commissioner Ramirez seconded the motion. The motion carried unanimously by those present.

F) ABANDONING A 40 FT. ROAD RIGHT-OF-WAY OUT OF 150 FT. RESERVATION FOR CANAL AND ROAD ADJACENT TO LOT 3, BLOCK 13, STEELE & PERSHING SUBDIVISION.

Mr. Taylor recommended tabling said item at the applicant's request to allow time to further address access easement.

Commissioner Barrera moved to table said item as recommended. Commissioner Ramirez seconded the motion. The motion carried unanimously by those present.

G) ABANDONING ASH AVENUE BETWEEN BICENTENNIAL BLVD. AND N. 17TH STREET OUT OF BLOCK 5, NORTH MCALLEN SUBDIVISION.

Mr. Taylor recommended adoption of an ordinance providing for the abandonment of Ash Avenue between Bicentennial Blvd. and N. 17th Street out of Block 5, North McAllen Subdivision.

Commissioner Barrera moved to adopt the ordinance as recommended. Commissioner Ramirez seconded the motion. The motion carried unanimously by those present.

H) ABANDONING THE CITY'S INTEREST IN THE 35 FT. EXISTING CANAL AND ALLEY RIGHT-OF-WAY ADJACENT ON THE SOUTH SIDE OF LOT 1, BLOCK 1, GERT'S ADDITION NO. 1, REVISED.

Mr. Taylor recommended adoption of an ordinance providing for the abandonment of the city's interest in the 35 ft. existing canal and alley right-of-way adjacent on the south side of Lot 1, Block 1, Gert's Addition No. 1, Revised.

Commissioner Godinez moved to adopt the ordinance as recommended. Commissioner Ramirez seconded the motion. Commissioner Barrera asked about the abandonments and recommended looking beyond this property to identify all. A lengthy discussion ensued relating to alleys and fire truck access. After due consideration, the motion carried unanimously by those present.

I) BUDGET AMENDMENT PROVIDING FOR FUNDING FOR THE PURCHASE OF A FRONT LOADER FOR THE COMMERCIAL BOX DEPARTMENT.

Mr. Perez recommended adoption of an ordinance providing for a budget amendment in the amount of \$170.00 for funding for the purchase of a Front Loader Garbage Truck for the Commercial Box Division.

Commissioner Godinez moved to adopt the ordinance as recommended. Commissioner Ramirez seconded the motion. The motion carried unanimously by those present.

J) BUDGET AMENDMENT PROVIDING FOR FUNDING FOR THE PURCHASE OF VEHICLES FOR THE POLICE DEPARTMENT ANIMAL CONTROL AND RECREATION DEPARTMENTS.

Mr. Perez recommended adoption of an ordinance providing for a budget amendment in the amount of \$513,365 for funding the purchase of vehicles for the Police Department Animal Control and Recreation Departments.

Commissioner Godinez moved to adopt the ordinance as recommended. Commissioner Salinas seconded the motion. The motion carried unanimously by those present.

K) BUDGET AMENDMENT FOR THE INSTALLATION OF LANDSCAPING AND IRRIGATION ALONG THE 2ND STREET HIKE AND BIKE TRAIL FROM NOLANA TO TRENTON ROAD.

Mr. Perez recommended adoption of an ordinance providing for a budget amendment in the amount of \$165,906 for the installation of landscaping and irrigation along the 2nd Street Hike and Bike Trail from Nolana to Trenton Road.

Commissioner Godinez moved to adopt the ordinance as recommended. Commissioner Barrera seconded the motion. The motion carried unanimously by those present.

L) AMENDING MCALLEN CODE, CHAPTER 90. SOLID WASTE RELATING TO RATE INCREASES.

Mr. Perez recommended adoption of an ordinance amending the McAllen Code, Chapter 90, Solid Waste, increasing the Sanitation Rate of Residential Collection by \$1.00 as follows:

Sec. 90-76. Residences generally-Monthly charge or rate shall be based on the front footage of the residential lot as follows:

- (1) On lots with frontage up to 50 feet..... \$10.80
- (2) On lots with frontage 51 feet to 75 feet..... \$12.10
- (3) On lots with frontage 76 feet to 100 feet..... \$13.40
- (4) On lots with frontage 101 feet to 150 feet..... \$14.70
- (5) On lots with frontage 151 feet..... \$17.40
- (6) On lots with frontage 200 feet and over..... \$22.60

Sec. 90-77. Apartments, duplexes, triplexes, condominiums and townhouses-\$10.80 per month for each residential unit.

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Sec. Section 90-78. Mobile Home and Travel Trailer Parks-\$10.80 per occupied mobile home or travel trailer. For unoccupied mobile homes and trailers-\$5.60.

Sec. 90-87. Day Care Centers with conditional use permits.

Number of children	
0-6	\$13.80 + 1.25 recycling fee
7-12	\$28.70 + 1.25 recycling fee

Commissioner Barrera moved to adopt the ordinance as recommended. Commissioner Salinas seconded the motion. The motion carried unanimously by those present.

4. **RESOLUTION:**

- A) **AUTHORIZING THE SUBMISSION OF A GRANT PROPOSAL TO THE TEXAS DEPARTMENT OF TRANSPORTATION FOR FUNDING UNDER THE *CLICK IT OR TICKET* CAMPAIGN.**

Ms. de Roulac recommended approval of a resolution authorizing the submission of a grant proposal to the Texas Department of Transportation for funding under the *Click It or Ticket Campaign*.

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

5. **VARIANCE:**

- A) **VARIANCE TO INSTALL DODGE FRANCHISE SIGN AT 1300 E. HIGHWAY 83.**

Ms. Rankin recommended approval of the variance request to the height beyond the 600 ft. requirement from Expressway 83 to install a Dodge franchise sign at 1300 E. Highway 83.

Mayor Pro Tem Garza moved to approve the variance as recommended. Commissioner Barrera seconded the motion. A discussion was held relating to setting precedence based on prior denials. Commissioner Barrera clarified that this request is a unique situation. Commissioner Godinez noted that he would vote against it. The vote on the motion is as follows:

AYE: Mayor Pro Tem Garza, Commissioners Barrera and Ramirez
NAY: Commissioner Godinez and Salinas
ABSENT: Commissioner Klinck
ABSTAIN: None

6. **MANAGER'S REPORT:**

- A) **TAX REFUND OVER \$500.00 TO ALONZO CANTU ON 5400 N. CYNTHIA AVENUE.**

Ms. Guel recommended approval of a tax refund to Alonzo Cantu for 5400 N. Cynthia Avenue in the amount of \$1,883.21.

Mayor Pro Tem Garza moved to approve the tax refund as recommended. Commissioner Barrera seconded the motion. The motion carried unanimously by those present.

- B) **CONSIDER DECLARING INVENTORY LISTS AS "SURPLUS" AND AUTHORIZATION TO CONDUCT A PUBLIC AUCTION.**

Mr. Garcia recommended authorization to declare inventory lists as "surplus" and requested authorization to conduct a public auction to dispose of said items.

Commissioner Salinas moved to approve staff's recommendation. Commissioner Godinez seconded the motion. The motion carried unanimously by those present.

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C) FUTURE AGENDA ITEMS.

- Workshop on commercial landscaping requirement and enforcement
- Workshop on the maintenance of same
- Dates for future workshops/retreats

7. TABLED ITEM:

A) APPROVAL OF AIRPORT MASTER PLAN UPDATE.

Commissioner Godinez moved to remove said item from the table. Commissioner Barrera seconded the motion. The motion carried unanimously by those present.

Mr. Segundo recommended adopting the Airport Master Plan Update as presented in the workshop held earlier. It was emphasized that Colonia Hermosa would not be relocated pursuant to the presentation of said Master Plan Update.

Commissioner Godinez moved to adopt the Airport Master Plan Update as recommended. Mayor Pro Tem Garza seconded the motion. The motion carried unanimously by those present.

THE CITY COMMISSION HAS THE PREROGATIVE TO RECESS INTO EXECUTIVE SESSION PRIOR TO 6:00 PM

8. PUBLIC HEARING BEGINNING AT 6:00 PM:

Mayor Montalvo declared the public hearing open.

A) REZONINGS:

TRACT ONE: INITIAL ZONING TO R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT:

14.85 ACRES OUT OF LOT 47, LA LOMITA IRRIGATION & CONSTRUCTION COMPANY SUBDIVISION; 8500 NORTH 29TH STREET.

Ms. Rankin recommended approval of the R-1 initial zoning per Planning and Zoning Board.

Mayor Pro Tem Garza moved to approve the R-1 initial zoning as recommended. Commissioner Ramirez seconded the motion. Mayor Montalvo asked if there was anyone to speak against the rezoning request. There being none, the motion carried unanimously by those present.

TRACT TWO: INITIAL ZONING TO R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT:

THE WEST ¼ OF LOT 2, BLOCK 4, RIO BRAVO CANAL COMPANY SUBDIVISION; 2701 SARAH AVENUE.

Ms. Rankin recommended approval of the R-1 initial zoning per Planning and Zoning Board.

Commissioner Barrera moved to approve the R-1 initial zoning as recommended. Commissioner Ramirez seconded the motion. Mayor Montalvo asked if there was anyone to speak against the rezoning request. There being none, the motion carried unanimously by those present.

TRACT THREE: REZONE FROM A-O (AGRICULTURAL & OPEN SPACE) DISTRICT TO R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT:

10.0 ACRES OUT OF LOT 52, LA LOMITA IRRIGATION & CONSTRUCTION COMPANY SUBDIVISION; 8020 NORTH WARE ROAD.

Ms. Rankin recommended approval of the R-1 zoning per Planning and Zoning Board.

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Commissioner Salinas moved to approve the R-1 zoning as recommended. Commissioner Barrera seconded the motion. Mayor Montalvo asked if there was anyone to speak against the rezoning request. There being none, the motion carried unanimously by those present.

TRACT FOUR: REZONE FROM C-3 (GENERAL BUSINESS) DISTRICT TO R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT:

**2.42 ACRES OUT OF LOT 5, BLOCK 7, STEELE & PERSHING SUBDIVISION;
4300 NORTH "C" STREET.**

Ms. Rankin recommended approval of the R-1 zoning per Planning and Zoning Board.

Commissioner Barrera moved to approve the R-1 zoning as recommended. Mayor Pro Tem Garza seconded the motion. Mayor Montalvo asked if there was anyone to speak against the rezoning requests. There being none, the motion carried unanimously by those present.

TRACT FIVE: REZONE FROM A-O (AGRICULTURAL & OPEN SPACE) DISTRICT TO R-3A (MULTIFAMILY RESIDENTIAL APARTMENTS) DISTRICT:

**1.19 ACRES OUT OF LOT 8, BLOCK 2, RIO BRAVO PLANTATION
COMPANY'S SUBDIVISION; 4400 SOUTH WARE ROAD.**

Ms. Rankin noted that the applicant may want to table the item until a full Commission is present since a petition was submitted against the rezoning request. The applicant requested that the item be heard.

Commissioner Godinez moved to approve the R-3A zoning as recommended. Commissioner Barrera seconded the motion. Mayor Montalvo asked if there was anyone to speak against the rezoning request. Ms. Fela Macias spoke against the rezoning request. Ms. Sara Lopez spoke against the rezoning request. The applicant, Ms. Rios, spoke in favor of the rezoning request. Mayor Montalvo addressed the issue involving the cost for the installation of a street noting that same would be solely bared by the property owners. Mayor Pro Tem Garza expressed concern with the five different zonings in the surrounding area; hence, he recommended a joint application to look at the area and suggested a city initiated zoning request. Mr. Alfonso Medina spoke in favor of the rezoning.

After due consideration, Mayor Pro Tem Garza moved to table said item to allow time for staff to study further. Commissioner Salinas seconded the motion. The motion carried unanimously by those present.

TRACT SIX: REZONE FROM R-2 (DUPLEX-FOURPLEX RESIDENTIAL) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT:

**0.15 ACRE OUT OF LOT 146, LA LOMITA IRRIGATION CONSTRUCTION
SUBDIVISION; 2715 HIGHWAY 83.**

Ms. Rankin recommended approval of the C-3 zoning per Planning and Zoning Board.

Mayor Pro Tem Garza moved to approve the C-3 zoning as recommended. Commissioner Salinas seconded the motion. Mayor Montalvo asked if there was anyone to speak against the rezoning request. Peter Cortez spoke against the rezoning request. Mayor Montalvo asked that a note on the subdivision plat be placed prohibiting traffic onto the cul-de-sac and residential area. He noted that the lighting requirement also be addressed with the plat. The motion carried unanimously by those present.

At this time, Mayor Pro Tem Garza excused himself from the meeting.

TRACT SEVEN: REZONE FROM A-O (AGRICULTURAL & OPEN SPACE) DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT:

**11.83 ACRES OUT OF LOT 113, LA LOMITA IRRIGATION &
CONSTRUCTION COMPANY SUBDIVISION; 3700 NOLANA AVENUE.**

Ms. Rankin recommended denial of the C-3 zoning per Planning and Zoning Board and alternatively, approve the following compromise plan of: 1) R-1 along the N. 30 ft. of the property; 2) C-1 on the W. 660 ft. less the N. 30 ft.; 3) C-2 for the S. 200 ft. of the E. 200 ft.; 4) C-3L for the E. 660 ft. less the N. 30 ft. & less the S.E. 200 ft. by 200 ft.; 5) A masonry wall 8 ft. in height with a landscape strip of 5 ft. in width with a vegetation screen be required at the time of site plan approval according to Section 110-49 of the City Code.

Commissioner Barrera moved to approve the compromise zoning as recommended. Commissioner Ramirez seconded the motion. Mayor Montalvo asked if there was anyone to speak against the rezoning requests. Nedra Kinerk spoke in favor of the compromise rezoning. The motion carried unanimously by those present.

**TRACT EIGHT: REZONE FROM R-1 (SINGLE FAMILY RESIDENTIAL)
DISTRICT TO C-3 (GENERAL BUSINESS) DISTRICT:**

**1.27 ACRES OUT OF LOT 5, BLOCK 7, STEELE & PERSHING SUBDIVISION;
4401 NORTH "E" STREET.**

Ms. Rankin recommended disapproval of the C-3 zoning per Planning and Zoning Board and alternatively, approve C-1 zoning.

Commissioner Barrera moved to deny the C-3 and approve the C-1 zoning as recommended. Commissioner Godinez seconded the motion. Mayor Montalvo asked if there was anyone to speak against the rezoning requests. There being none, the motion carried unanimously by those present.

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

Commissioner Ramirez moved to adopt the Zoning Ordinance for the approved tracts. Commissioner Barrera seconded the motion. The motion carried unanimously by those present.

C) ADOPTION OF INITIAL ZONING ORDINANCE.

Commissioner Barrera moved to adopt the Initial Zoning Ordinance for the approved tracts. Commissioner Ramirez seconded the motion. The motion carried unanimously by those present.

D) CONDITIONAL USE PERMIT:

**1) REQUEST OF TEMPLE EMMANUEL OF MCALLEN, INC. FOR A
CONDITIONAL USE PERMIT, FOR LIFE OF THE USE (CHURCH) AT THE
4.20 ACRES OUT OF LOT 5, BLOCK 7, STEELE & PERSHING
SUBDIVISION; 4300 NORTH "C" STREET.**

Ms. Rankin recommended approval of the conditional use permit per Planning and Zoning Board subject to the following requirements:

- 1) The proposed use shall not generate traffic onto residential sized streets or disrupt residential areas, and shall be as close as possible to a major arterial. The property has direct access to N. "C" Street which is 50 feet of right-of-way and 40 ft. of pavement.
- 2) The proposed use shall comply with off-street parking requirements and make provisions to prevent the use of street parking, especially in residential areas. Based on the maximum seating capacity of 552 people in the main sanctuary, 138 parking spaces are required, which are shown on the proposed site plan. Five spaces are required to be accessible with one of which is to be van accessible.
- 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) Sides adjacent to residentially zoned or used properties shall be screened by a 6 ft. opaque fence.

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Commissioner Godinez moved to approve the conditional use permit as recommended. Commissioner Barrera seconded the motion. The motion carried unanimously by those present.

**2) REQUEST OF DOLLAR THRIFTY AUTOMOTIVE GROUP FOR A
CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR AN
AUTOMOTIVE SERVICE AND REPAIR AT LOT 1, BLOCK 2, CASA
LINDA HEIGHTS SUBDIVISION; 2901 SOUTH 23RD STREET.**

Ms. Rankin recommended approval of the conditional use permit per Planning and Zoning Board subject to the following requirements:

- 1) A minimum lot size of 10,000 sq. ft. is required. The subject property consists of 11,634 square feet.
- 2) All service, repair, maintenance, painting and other work shall take place within an enclosed area. The work was proposed to be done inside.
- 3) Outside storage of materials is prohibited. No outside storage is proposed.
- 4) The building where the work is to take place shall be a minimum of 100 ft. from the nearest residence. The automotive service and repair establishment is approximately 130 ft. from the nearest residence.
- 5) A 6 ft. opaque fence buffering the proposed use from any residential use or residentially zoned area is required. The property is surrounded on all sides by commercial use and zoning; therefore, buffer was not required.
- 6) New buildings and conversions of existing buildings shall meet current Building and Fire Code requirements concerning separation of high hazard uses from other occupancy use classifications.

Commissioner Barrera moved to approve the conditional use permit as recommended. Commissioner Salinas seconded the motion. The motion carried unanimously by those present.

**3) REQUEST OF BARRY E. TUBBS, REPRESENTING THE "XS" FOR A
CONDITIONAL USE PERMIT, FOR LIFE OF THE USE, FOR AN
INSTITUTIONAL USE (YOUTH CENTER) AT LOT 1 EXCLUDING THE
EAST 497 FT. OF THE SOUTH 510 FT. AND THE WEST 188 FT. OF THE
SOUTH 379.26 FT. AND THE NORTH 20 FT. AND A 0.19 ACRE AND THE
WEST 188 FT. OF THE SOUTH 160 FT. OF THE NORTH 397 FT., PLAZA
DEL NORTE SUBDIVISION; 3420 NORTH 10TH STREET.**

Ms. Rankin recommended approval of the conditional use permit per Planning and Zoning Board subject to the following requirements:

- 1) The proposed use shall not generate traffic onto residential sized streets or disrupt residential areas, and shall be as close as possible to a major arterial. N. 10th Street is a principal arterial roadway.
- 2) The proposed use shall comply with off-street parking requirement outlined in the Zoning Ordinance and make provision to prevent the use of street parking, especially in residential area. Based on the 6,500 sq. ft., 87 parking spaces are required and are provided as part of the common parking on site.
- 3) The proposed use shall prevent the unauthorized parking of its patrons on adjacent businesses or residences by providing fences, hedges or reorientation of entrances and exits.
- 4) The proposed use shall provide sufficient lighting to eliminate dark areas, perimeter fencing, and an orientation of the building to provide maximum visibility from a public street in order to discourage vandalism and criminal activities.
- 5) Provisions shall be made to prevent litter from blowing onto adjacent streets and residential area.
- 6) The number of persons within the building shall be restricted to those allowed by the Fire Marshal and Building Official at the time of permit issuance. The allowable number of persons within the building for the use was previously set at 650 persons.
- 7) Sides adjacent to residentially zoned or used properties shall be screened by a 6 ft. opaque fence. A 6 ft. block wall is provided along the north side.

Commissioner Barrera moved to approve the conditional use permit as recommended. Commissioner Ramirez seconded the motion. The motion carried unanimously by those present.

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4) REQUEST OF GIL CISNEROS APPEALING THE DECISION OF THE PLANNING AND ZONING COMMISSION OF THE APRIL 5, 2005 MEETING DISAPPROVING A CONDITIONAL USE PERMIT REQUESTED FOR A RECEPTION HALL AT THE NORTH ¼ OF LOT 3, BLOCK 25, ORIGINAL TOWNSITE SUBDIVISION; 314 SOUTH 17TH STREET.

Ms. Rankin recommended disapproval of the conditional use permit per Planning and Zoning Board based on non-compliance with Items 1, 3, & 4 of the Zoning Ordinance Section 138-118 (4) and made a recommendation to approve variances to the following requirements:

- > #1 - The property line of dancehalls, discos, lounges, etc., must be at least 600 ft. from the nearest residence or residentially zoned property, church, school or publicly-owned property and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10 pm. Within the 600 ft. distance are scattered residential uses, new multifamily construction on S. 16th street near Erie Avenue, a police substation, and Sacred Heart Church and related properties. Property owners from the immediate area submitted a petition in opposition which represents 10.92 % of the property within the 600 ft. notification area.
- > #3 - The business must provide parking in accordance with the McAllen Off-Street Parking Ordinance as a minimum, and make provisions to prevent the use of adjacent streets for parking. Based on 2,500 sq. ft. for the proposed reception hall (1st floor), 25 parking spaces are required and 2,500 sq. ft. for office (2nd Floor), 13 parking spaces are required. A total of 38 parking spaces are required. Only two paved parking spaces are provided at the rear of the building, which are fenced. The applicant is currently using the vacant caliche based lot to the north for parking; however, no improvements have been made for a parking lot;
- > #4 - The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent properties. Vehicles are parking on adjacent vacant lot.

Commissioner Godinez moved to disapprove the conditional use permit as recommended. Commissioner Ramirez seconded the motion. The motion carried unanimously by those present.

Commissioner Barrera moved to approve the conditional use permit and grant variances to the above requirements as recommended. Commissioner Ramirez seconded the motion. The motion carried unanimously by those present.

5) REQUEST OF JACOB ZAMORA APPEALING THE DECISION OF THE PLANNING AND ZONING COMMISSION OF THE APRIL 5, 2005 MEETING DISAPPROVING A CONDITIONAL USE PERMIT REQUESTED FOR A BAR AT LOT 6, MEJIA SUBDIVISION #1; 2010 NOLANA AVENUE.

Ms. Rankin recommended disapproval of the conditional use permit per Planning and Zoning Board based on non-compliance with Item 1 of the Zoning Ordinance Section 138-118 (4) as follows:

- > #1 - The property line of the lot of any of the above mentioned businesses must be at least 600 ft. from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruption of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 pm. The proposed establishment is within 600 ft. of the McAllen International Museum which is owned by the City of McAllen.

Commissioner Barrera moved to disapprove the conditional use permit as recommended. Commissioner Ramirez seconded the motion.

After due consideration, Commissioner Barrera moved to approve the conditional use permit and grant variances to the above requirements as recommended. Commissioner Salinas seconded the motion. The motion carried unanimously by those present.

END OF PUBLIC HEARING

Mayor Montalvo declared the public hearing closed.

PUBLIC COMMENT SESSION

Ms. Nedra Kinerk addressed the Mayor and Commissioners.

9. **EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 ATTORNEY-CLIENT PRIVILEGE AND PENDING OR CONTEMPLATING LITIGATION, SECTION 551.072 LAND TRANSACTION, AND SECTION 551.074 PERSONNEL MATTERS.**

Mayor Montalvo recessed the meeting at 7:35 pm to go into executive session. Mayor Montalvo reconvened the meeting at 8:48 pm and announced that the following action would be taken:

- A) **DISCUSSION AND POSSIBLE ACTION - COUNTER OFFER FOR ACQUISITION OF A PORTION OF KENNEDY AVENUE BETWEEN WARE AND BENTSEN.**

Commissioner Salinas moved to direct the City Attorney to terminate negotiations relating to the acquisition of Kennedy Avenue being at the west side of the intersection of West Ware Road. Commissioner Ramirez seconded the motion. The motion carried unanimously by those present.

- B) **DISCUSSION AND POSSIBLE ACTION -CONDEMNATION 1420-D AMENDING CONDEMNATION PLEADING TO REDUCE AREA TAKEN AND CHANGE PURPOSE FROM FEE FOR ROAD RIGHT-OF-WAY TO UTILITY EASEMENT FOR KENNEDY AVENUE PORTION.**

Commissioner Barrera moved to authorize the City Attorney to file an amended condemnation pleading under Condemnation 1420-D to reduce the area taken and change the proposed from fee for road right-of-way to utility easement for Kennedy Avenue portion running along Bentsen Road eastward for ¼ mile. Commissioner Godinez seconded the motion. The motion carried unanimously by those present.

- C) **DISCUSSION AND POSSIBLE ACTION - TOTAL FINA SETTLEMENT RELATING TO OVERRIDING ROYALTY INTEREST.**

No action.

- D) **DISCUSSION AND POSSIBLE ACTION ON LITIGATION - CAUSE NO. C-773-05-F; JESUS CRUZ VS. CITY OF MCALLEN AND CLIFFORD BAIN.**

No action.

- E) **DISCUSSION AND POSSIBLE ACTION - WORKERS COMPENSATION/LOSS RUN REPORT AS OF MARCH 31, 2005.**

No action.

- F) **DISCUSSION AND POSSIBLE ACTION ON COUNTEROFFER - IRRIGATION DISTRICT #1 - PURCHASE OF RADO DRAIN OUT OF LOT 152, LA LOMITA IRRIGATION AND CONSTRUCTION COMPANY SUBDIVISION.**

No action.

- G) **DISCUSSION AND POSSIBLE ACTION - CONSIDER 380 INCENTIVE AGREEMENT FOR ALLEGiant AIR, LLC.**

Commissioner Barrera moved to approve the 380 Incentive Agreement for Allegiant Air, LLC. Commissioner Ramirez seconded the motion. The motion carried unanimously by those present.

- H) **DISCUSSION AND POSSIBLE ACTION - CONSIDER PURCHASE OF LAND ON WICHITA AVENUE AND BICENTENNIAL BOULEVARD.**

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Commissioner Barrera moved to authorize the Right-of-Way Department to commence purchase of the tract located at the northeast corner of Wichita and Bicentennial Boulevard. Commissioner Ramirez seconded the motion. The motion carried unanimously by those present.

I) **DISCUSSION AND POSSIBLE ACTION - CONSIDER POSSIBLE SALE OF PROPERTY ON WARE ROAD AND EXPRESSWAY.**

No action.

J) **DISCUSSION AND POSSIBLE ACTION ON LITIGATION - CAUSE NO. CL-43,206-D; CITY OF MCALLEN VS. PABLO CRUZ.**

No action.

ADJOURNMENT

There being no further business to come before the Commission, the meeting was unanimously adjourned at 8:50 pm.


Leo Montalvo, Mayor

Attest:


Annette Villarreal
City Secretary

SOAH Docket No. 473-13-5207
PUC Docket No. 41606
City's Response to Joint Applicants' First RFI

Joint Applicants 1-4 Has the Federal Aviation Administration (FAA) approved the location, headings or lengths of the existing runway extension and the new runway as specified in the 2005 McAllen-Miller International Airport Draft Final Report for the City Commission Approval? If so, please provide copies of all correspondence related to the new runway and runway extension sent by the City or the airport to the FAA and documents received from the FAA.

RESPONSE:

The FAA has approved the location, headings, and lengths of an extension to existing runway 13/31 and for a new runway 13R/31L, as contained in the FAA approved Airport Layout Plan ("ALP").

The parties have agreed that the second sentence of this request is to be read as follows: If so, please provide copies of all correspondence related to [approval of] the new runway and runway extension sent by the City or the airport to the FAA and documents received from the FAA. The information responsive to this request is attached via the attached flashdrive.

ATTACHMENTS:

Flashdrive

Prepared by: Phil Brown

SOAH Docket No. 473-13-5207
PUC Docket No. 41606
City's Response to Joint Applicants' First RFI

Joint Applicants 1-5 Please provide a pdf copy and/or AutoCAD files showing the current airspace information for the existing airport runway and operations for the McAllen Miller International Airport.

RESPONSE:

After a diligent search, McAllen was unable to find airspace information for solely the existing airport runways and operations. The current airspace for MFE is associated with the approved ALP for the airport, which includes the planned runway expansion and new runway.

Prepared by: Phil Brown

SOAH Docket No. 473-13-5207
PUC Docket No. 41606
City's Response to Joint Applicants' First RFI

Joint Applicants 1-6 Please confirm that annual operations as provided in the activity reports by the McAllen-Miller International Airport are the same as total of landings and takeoffs for the time period recorded. If this is not confirmed, then what is the definition, express or implied, of annual operations within those reports.

RESPONSE:

Confirm.

Prepared by: Phil Brown