



**TAKE NOTICE THAT A REGULAR MEETING
OF THE BOARD OF COMMISSIONERS
OF THE CITY OF PHARR, TEXAS
WILL BE HELD AT CITY HALL, COMMISSIONERS' ROOM,
118 S. CAGE BLVD., 2ND FLOOR, PHARR, TEXAS
COMMENCING AT 5:00 P.M. ON
TUESDAY, APRIL 7, 2015**

The City of Pharr has called this meeting as allowed pursuant to Texas law, city charter, and Ordinance O-2010-32. The governing body may recess from day to day when it does not complete consideration of a particularly long subject as authorized by law. On matters requiring a public hearing, all persons desiring to speak during a public hearing shall sign in with the City Clerk no later than 5:00 p.m. or the close of business on the business day prior to the scheduled public hearing.

1. CALL TO ORDER:

- A) Roll call and possible action on the excusing of any absent member of the governing body.
- B) Pledge of Allegiance/Invocation.

2. PROCLAMATIONS:

- A) Presentation of Proclamation proclaiming the week of April 6-11, 2015 as National Community Development Week in Pharr, Texas.
- B) Presentation of Proclamation proclaiming the week of April 12-18, 2015 as National Library Week.
- C) Presentation of Proclamation proclaiming the month of April as Fair Housing Month.

3. CITY MANAGER'S REPORTS: *(City Manager's Administrative Reports and discussion, if any, with governing body. The City Manager may also assign a designated spokesperson for any particular listed topic)*

- A) City Engineer's Report
- B) Consultants Quarterly Reports
- C) City events of interest
- D) Legislative/Project Update

4. **CONSENT AGENDA:** *(All items listed under consent Agenda are considered to be routine and non-controversial by the Governing Body and will be enacted by one motion. Any Commissioner may remove items from the consent agenda by making such request prior to a motion and vote on the Consent Agenda)*

A) Consideration and action, if any, on request from Knights of Columbus for partial street closure of S. Ironwood for the St. Jude Catholic Church annual Jamaica on Sunday, April 19, 2015 between 3:00pm and 9:00pm.

B) Consideration and action, if any, on Change Order #1 in the additional amount of \$7,964.70 and 260 calendar days for the Moore Road Driveway at Pharr Police Department Project.

C) Consideration and action, if any, on Change Order #2 in the additional amount of add \$39,387.20 and 23 calendar days for the South Pharr Sidewalk Improvements Project.

D) Consideration and action, if any, authorizing City Manager to advertise for bids for construction of North Water Transmission Project and North Water Tower Project.

E) Consideration and action on Planning & Zoning Cases:
Public Hearing

1. Sergio R. Garcia, d/b/a Aragon Music Hall, is requesting renewal of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C). The property is legally described as Lots 1, 2 & 4, Replat of Lot 1, Mexican Fiesta Subdivision Unit No. 1 and Lot 1, Mexican Fiesta Subdivision Unit No. 2 Pharr, Hidalgo County, Texas. The property's physical address is 1300 West Nolana.

2. Raul Martinez, d/b/a The Fraternal Order of Eagles of Pharr, Texas, is requesting renewal of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a Business District (C-2). The property is legally described as Lot 3, Block 58, Pharr Original Townsite Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 305 South Cage Boulevard.

3. Sebastian A. Sobczak dba La Ofrenda LLC is requesting renewal of the Conditional Use Permit and Late Hours Permit to allow the sale of alcoholic beverages for on-premise consumption in a Limited Industrial District (L-1). The property is legally described as Lot A, Re-Plat of Lots 9 & 10, Steel Horse Industrial Park Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 5704 North Gumwood.

4. William R. Bauman representing Branch Towers, LLC, has filed with the Planning and Zoning Commission a request for a Life-of-the-Use Conditional Use Permit to allow a new telecommunication tower in a Planned Unit Development District (PUD). The property is legally described as 0.057 of an acre tract of land more or less, out of Lot 2, Re-subdivision of Lot 1, of the Re-subdivision of Lots 43-46, Pharr/Las Milpas Industrial Park Subdivision, Pharr, Hidalgo County, Texas. The property is physically located at 9302 South Lamar Drive.

AGENDA REGULAR MEETING
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5. William R. Bauman representing T-Mobile West, LLC, has filed with the Planning and Zoning Commission a request for a Life-of-the-Use Conditional Use Permit to allow the co-location of telecommunication equipment on a new tower in a Planned Unit Development District (PUD). The property is legally described as 0.057 of an acre tract of land more or less, out of Lot 2, Re-subdivision of Lot 1, of the Re-subdivision of Lots 43-46, Pharr/Las Milpas Industrial Park Subdivision, Pharr, Hidalgo County, Texas. The property is physically located at 9302 South Lamar Drive.

PLATS:

6. Melden & Hunt Inc., representing Jan R. Koepke, is requesting final plat approval of the proposed Janco Subdivision. The property is legally described as 1.76 acres out of Lot 85 Kelly-Pharr Subdivision, Pharr Hidalgo County, Texas. The property is located within the 5300 Block of US Hwy 281 South.
7. Quintanilla, Headley & Associates, Inc., representing Jose F. De Hoyos, Eva De Hoyos, Rolando Aguirre and Janet Aguirre, are requesting final plat approval of the proposed Re-plat of the West half of Lot 59, Addition to Las Milpas Subdivision. The property is legally described as being a 0.50 acre tract of land out of the West half of Lot 59, Las Milpas Subdivision, Pharr, Hidalgo County, Texas. The property is located within the 400 Block of West Ruisenor Avenue.

REGULAR AGENDA – OPEN SESSION:

5. ORDINANCES AND RESOLUTIONS:

- A) Consideration and action, if any, on Ordinance amending Ordinance No. O-2014-48. (Rental fees Boggus Ford Events Center facility)
- B) Consideration and action, if any, on Ordinance amending Ordinance No. O-2012-33 adopting the City of Pharr Purchasing Manual.
- C) Consideration and action, if any, on Ordinance appointing Judges, Alternate Judges, and Early Voting Ballot Board Judge for the General Municipal Election to be held on Saturday, May 9, 2015. (TABLED)
- D) Consideration and action, if any, on Ordinance amending Ordinance Nos. O-2013-42 and O-2011-12 Section 18 of the Code of Ordinances; adopting provisions related to Pharr Animal Shelter.
- E) Consideration and action, if any, on Ordinance amending Ordinance No. O-2015-03 for budget amendments to the FY 2014-2015 budget.
- F) Consideration and action, if any, on Ordinance designating the City of Pharr – TIF Reinvestment Zone #2. (TABLED)
- G) Consideration and action, if any, on Ordinance setting guidelines and framework for Neighborhood Empowerment Zone/ Business Improvement District #2.

- H) Consideration and action, if any, on Ordinance authorizing the issuance, sale and delivery of City of Pharr, Texas Refunding Bonds to refund the City's Combination Tax and International Bridge Revenue Refunding Bonds, Series 2005A; delegating certain authority to the City Manager, the Assistant City Manager, and the Chief Financial Officer, pursuant to the provisions of Texas Government Code, sections 1207.007 and 1207.008; levying a continuing direct annual ad valorem tax (and revenues, if so determined by the City Commission); authorizing the refunding of certain outstanding obligations; authorizing the execution of a bond purchase contract; approving an official statement, execution of an escrow and trust agreement, and making other provisions regarding such bonds and matters incident thereto.
- I) Consideration and action, if any, on Ordinance authorizing the issuance, sale and delivery of City of Pharr, Texas Refunding Bonds to refund the City's General Obligation Refunding Bonds, Series 2005B; delegating certain authority to the City Manager, the Assistant City Manager, and the Chief Financial Officer, pursuant to the provisions of Texas Government Code, sections 1207.007 and 1207.008; levying a continuing direct annual ad valorem tax; authorizing the refunding of certain outstanding obligations; authorizing the execution of a bond purchase contract; approving an official statement, execution of an escrow and trust agreement, and making other provisions regarding such bonds and matters incident thereto.
- J) Consideration and action, if any, on Resolution appointing one (1) member to the Community Development Council.
- K) Consideration and action, if any, on Resolution authorizing Lone Star National Bank signatures for Workman's Comp account changes.
- L) Consideration and action, if any, on Resolution for donation of surplus equipment to South Texas College for training purposes.

6. ADMINISTRATIVE:

- A) Presentation on Comprehensive Parks Master Plan Update 2015.
- B) Consideration and action, if any, on request from Point Blank Sporting Goods for assistance for their Pharr Archery Tournament on Saturday, May 16, 2015.
- C) Consideration and action, if any, authorizing City Manager to take any action relating to the Jackson Place Apartments and Jackson Crosstown Apartments ("Apartments") including, but not limited to creation of Pharr Housing Finance Corporation and ownership entities, and negotiation of contracts for the development and financing of the Apartments.

- D) Consideration and action, if any, acceptance of Moore Road Driveway at Pharr Police Department Project with Candela Organization and release of final payment and retainage in the amount of \$ 16,841.91.
- E) Consideration and action, if any, on acceptance of the South Pharr Sidewalk Improvements Project with Texas Cordia Construction and release of final payment and retainage in the amount of \$ 29,665.42.
- F) Consideration and action, if any, awarding bid for Pavement Markings for Public Works Annual Use (FY 2014-2015).
- G) Consideration and action, if any, on request from Hidalgo County MPO to consider allocating the remaining balance of Coordinate Border Infrastructure (CBI) Programs Funds for improvements to the Pharr-Reynosa International Bridge.

7. CONTRACTS/AGREEMENTS:

- A) Consideration and action, if any, on contract between the City of Pharr and Hidalgo County Elections Administrator for lease election services.
- B) Consideration and action, if any, on Interlocal Agreement between the City of Pharr and the Lower Rio Grande Valley Development Council for the Cage and Helmer Sidewalk Improvements Project funded through the Section 5310 Program.

8. CLOSED SESSION: *In accordance with Chapter 551 of the Texas Gov't. Code, the Pharr Board of Commissioners hereby gives notice that it may meet in a closed (non-public) executive session to discuss the items listed on the public portion of the meeting agenda, including items 4 - 7 in accordance with the following below:*

Pursuant to Section 551.071, the City may convene in a closed, non-public meeting with its attorney and discuss any matters related to **legal advice on pending or contemplated litigation, settlement offer, and/or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.** The City and its attorney may also discuss such issues with the appropriate staff so as to obtain necessary and relevant information so that such discussion is informative and developed.

Pursuant to Section 551.072, the City may convene in a closed, non-public meeting to discuss any matters related to **real property and deliberate the purchase, exchange, lease, or value of real property as such would be detrimental to negotiations between the City and a third party in an open meeting.** The City and its attorney may also discuss such issues with the appropriate staff so as to obtain necessary and relevant information so that such discussion is informative and developed.

Pursuant to Section 551.074, the City may convene in a closed, non-public meeting to discuss any matters related to **appointment, employment, evaluation, reassignment, duties and discipline or dismissal of a public officer or employee and to hear any complaints or charges against an officer or employee.** The City and its attorney may also

discuss such issues with the appropriate staff including members so as to obtain necessary and relevant information so that such discussion is informative and developed.

Pursuant to Section 551.076, the City may convene in a closed, non-public meeting to discuss any matters on the **deployment, or specific occasions for implementation, of security personnel or devices**. The City and its attorney may also discuss such issues with the appropriate staff so as to obtain necessary and relevant information so that such discussion is informative and developed.

Pursuant to Section 551.084, the City may convene in a closed, non-public meeting to discuss any matters involving an **investigation and may exclude a witness from hearing during the examination of another witness in the investigation**. The City and its attorney may also discuss such issues with the appropriate staff so as to obtain necessary and relevant information so that such discussion is informative and developed.

Pursuant to Section 551.087, the City may convene in a closed, non-public meeting to discuss any matters regarding **economic development issues**. The City and its attorney may also discuss such issues with the appropriate staff so as to obtain necessary and relevant information so that such discussion is informative and developed.

9. **RECONVENE** into Regular Session, and consider action, if necessary on any item(s) discussed in closed session.

10. **ADJOURNMENT.**

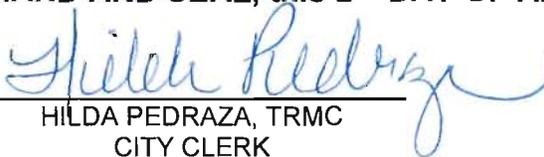
NOTICE OF ASSISTANCE AT THE PUBLIC MEETING

City Hall is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Clerk's Office at 956/402-4100 ext 1003/1007 or FAX 956/702-5313 or E-mail hilda.pedraza@pharr-tx.gov or sonia.hinojosa@pharr-tx.gov for further information. Braille is not available.

I, the undersigned authority, do hereby certify that the above notice of said Regular Meeting of the City Commission of the City of Pharr was posted on the bulletin board at City Hall and on the City's web page at www.pharr-tx.gov. This Notice was posted on the 2nd day of April 2015, at 5:00 P.M. and will remain posted continuously for at least 72 hours preceding the scheduled time of said Meeting, in compliance with Chapter 551 of the Government Code, Vernon's Texas Codes, Annotated (Open Meetings Act).



WITNESS MY HAND AND SEAL, this 2nd DAY OF APRIL 2015.


HILDA PEDRAZA, TRMC
CITY CLERK

I certify that the attached notice and agenda of items to be considered by the City Commission was removed from the bulletin board of City Hall on the _____ day of _____, 2015 by,

Title: _____

Proclamation



WHEREAS, the City of Pharr is a participant in the Community Development Block Grant (CDBG) program which funds a myriad of social and public services, community projects and housing programs; and

WHEREAS, in the City of Pharr and in communities throughout the nation forty-one years of Community Development Block Grant Program funding has developed a strong working network of relationships between this local government, residents of Community Development target neighborhoods and a number of nonprofit agencies which provide services and help make possible our commitment to those neighborhoods; and

WHEREAS, that during National Community Development Week, the City of Pharr will give special thanks and recognition of all participants whose hard work and devotion to the neighborhood and their low and moderate income residents help ensure the quality and effectiveness of the Community Development Block Grant Program.

NOW THEREFORE, I, Leopoldo "Polo" Palacios, Jr., Mayor of the City of Pharr, Texas, by the virtue of the authority vested in me and on behalf of the Commission do hereby proclaim the week of April 6-11, 2015 as:

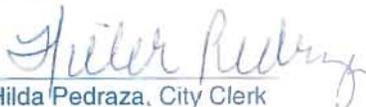
"National Community Development Week in Pharr, Texas"

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Pharr to be affixed on this 7th day of April 2015.

CITY OF PHARR

Leopoldo "Polo" Palacios, Jr.,
Mayor

ATTEST:


Hilda Pedraza, City Clerk



Proclamation



WHEREAS, libraries create potential and possibilities within their communities, campuses and schools; and

WHEREAS, libraries level the playing field for all who seek information and access to technologies; and

WHEREAS, libraries continuously grow and evolve in how they provide for the needs of every member of their communities; and

WHEREAS, libraries and librarians open up a world of possibilities through innovative STEAM programming, Maker spaces, job-seeking resources and the power of reading; and

WHEREAS, librarians are trained, tech-savvy professionals, providing technology training and access to downloadable content like e-books; and

WHEREAS, libraries support democracy and effect social change through their commitment to provide equitable access to information for all library users regardless of race, ethnicity, creed, ability, sexual orientation, gender identity or socio-economic status; and

WHEREAS, libraries, librarians, library workers and supporters across America are celebrating National Library Week; and

WHEREAS, I encourage all residents to visit the library this week to take advantage of the wonderful library resources available Pharr Memorial Library. Unlimited possibilities at the Pharr Memorial Library!

NOW THEREFORE, I, Leopoldo "Polo" Palacios, Jr., Mayor of the City of Pharr, Texas, by the virtue of the authority vested in me and on behalf of the Commission do hereby proclaim the week of April 12-18, 2015 as:

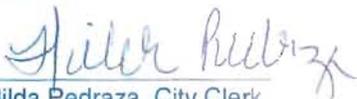
"National Library Week"

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Pharr to be affixed on this 7th day of April 2015.

CITY OF PHARR

Leopoldo "Polo" Palacios, Jr., Mayor

ATTEST:


Hilda Pedraza, City Clerk



Proclamation



WHEREAS, April is observed as "FAIR HOUSING MONTH" across the country;
and

WHEREAS, The Fair Housing Act recognizes, supports, and encourages the right of every person, regardless of race, color, creed, gender, national origin, family status, or disability to live in the housing of the individual's choice; and

WHEREAS, Fair Housing organizations and partners will observe the month of April with special activities and events in recognition of the Federal Fair Housing Act and the important role it plays in our community; and

WHEREAS, in Pharr, Texas we encourage all of our citizens to join in this national effort to assure housing opportunities for all Americans in all neighborhoods throughout the nation.

NOW THEREFORE, I, Leopoldo "Polo" Palacios, Jr., Mayor of the City of Pharr, Texas, by the virtue of the authority vested in me and on behalf of the Commission do hereby proclaim the Month of April, 2015 as:

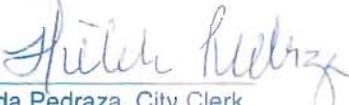
"Fair Housing Month"

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Pharr to be affixed on this 7th day of April 2015.

CITY OF PHARR

Leopoldo "Polo" Palacios, Jr.,
Mayor

ATTEST:


Hilda Pedraza, City Clerk



City Engineer's Report
April 7, 2015

Design Projects:

City of Pharr Bicycle Accessible Improvements

Engineer has completed 90% of the design; 90% has been submitted to TxDOT for review. The environmental consultant is currently working on the environmental document for the project.

City of Pharr Pedestrian Improvements Project – Ridge Road

Plans and Specifications are about 90% completed.

International Trade Center – Bridge

Architect has submitted 100% of construction plans. A meeting with staff was held to review 100% plans.

Owassa Road

The Opportunity for a Public Hearing Notice has been posted in English and Spanish on the city website and Advance Newspaper. The public has until May 1, 2015 to provide any final comments on the project. An initial Utility Coordination meeting was held on March 31, 2015. Efforts to begin the relocation of utilities in the project limits have begun with all applicable utility companies.

Cage Boulevard Traffic Signal Improvements – Polk Ave to Ridge Road

Contract has been signed with Aldaña Engineering & Traffic Design. Preparation of plans and specifications for this project is underway.

Construction Projects:

Capote Industrial Park & Pharr/Las Milpas Industrial Park Street Improvements

Subgrade material has been limed stabilized and reworked on Central Capote Ave, from S. Cage Blvd to the DPS exit from the International Bridge. Concrete intersections on Capote Ave & Toro Street and Capote Ave & Cage Blvd are almost complete. Milling of asphalt and removal of base material on the south section of Las Milpas Industrial Park is underway.

Contract Amount:	\$1,617,323
Current Expenditures:	\$0
Percent Completed:	5%

East Anaya Road

Contracts have been signed with IOC Company and a pre-construction meeting was held on February 11, 2015.

Contract Amount:	\$179,152.65
Current Expenditures:	\$0
Percent Completed:	0%

Egley & Sugar Drainage Detention Pond-Offsite Improvements

A bid opening was held on February 10, 2015. Contract execution with Garco Industries is underway.

Moore Road Driveway at Pharr Police Department

Project has been completed. Project acceptance recommendation is on the agenda.

Contract Amount:	\$126,700.00
Change Orders:	\$ +7,964.70
Current Expenditures:	\$134,664.70
Percent Completed:	100%

Northside Park – Special Needs

Contractor is currently working on the site grading and installation of the playsets. Letters have been sent to Texas Descon to submit a revised schedule but no response.

Contract Amount:	\$708,150.00
Current Expenditures:	\$648,903.00
Percent Completed:	85%

Single Machine Repaving Project 1st Year Program

Cutler Repaving has completed repaving all of Los Ebanos Subdivision, Juan Balli Road, S. Gardenia, Flag Street, Ortiz Street, W. Kelly Ave, S. Palm, S. Sugar Road and W. Polk Ave. Work on San Patricia and N. Palm has begun.

Contract Amount:	\$1,133,651.44
Current Expenditures:	\$ 332,230.49
Percent Completed:	65%

South Pharr Sidewalk Improvements Project

Project has been completed. Project acceptance recommendation is on the agenda.

Contract Amount:	\$242,402.85
Change Orders:	+\$44,197.20
Current Expenditures:	\$286,600.05
Percent Completed:	100%

Traffic Signal at Sugar & Sioux Road

A bid opening was held on January 30, 2015. Contracts have been signed and a pre-construction meeting will be scheduled soon.

Contract Amount:	\$83,126.55
Current Expenditures:	\$0
Percent Completed:	0%

Wastewater Treatment Plant – Secondary Clarifier No. 1 Replacement

Contracts have been signed with Associated Construction Partners, Ltd and a pre-construction meeting was held on March 27, 2015.



Single Machine Repaving – W. Kelly Ave



Single Machine Repaving – W. Polk Ave



Capote Industrial Park Street Improvements – Capote Central Ave



Las Milpas Industrial Park Street Improvements –Zaragosa Drive



Moore Road Driveway – Police Department



Northside Park – Special Needs



South Pharr Sidewalk Improvements Project

Hollis Rutledge and Associates, Inc.
Quarterly Report
March 31, 2015

HRA, Inc. staff has been working with the City Manager and the City Attorney on various projects. An Economic Development Administration (EDA) grant award of \$1.25 Million was received from coordination by City and HRA, Inc. staff. Texas Department of Public Safety (TXDPS) border inspection issues and state legislative issues were addressed. A series of meetings were held with the Governor's Office, the Lt Governor's Office, the Speaker, and various legislators regarding Pharr Priorities and assisted with Pharr Legislative Day. In addition, HRA Inc. has assisted the City with various state and federal issues.

INFORME DE ACTIVIDADES DE ROBERTO LEAL-TOVIAS.

Honorable Miembros de la Comisión de la Cd. De Pharr, Tx.

Mayor Leopoldo "Polo" Palacios, Jr.

City Manager, Fred Sandoval.

City Clerk, Hilda Pedraza.

Me es muy grato, a continuación, hacer entrega de un reporte Ejecutivo de Actividades realizadas durante los trimestres ; Julio- Septiembre del 2014, Octubre- Diciembre del 2014 y Enero- Marzo del 2015, mismos que he realizado representando a la Cd. de Pharr y su Puente Internacional Pharr-Reynosa en Mexico.

Cabe mencionar que todas las actividades y gastos que he realizado en México (boletos de avión, hoteles, transporte terrestre, vehículo propio, gasolina, comidas, promociones en prensa, pagos de eventos representados, etc.) han sido solventadas (pagados) por su Servidor, sin costo alguno para la Cd. de Pharr y su Puente Internacional Pharr-Reynosa, incluyendo los gastos de la oficina que tenemos en el Centro de Mexico en la Cd. De San Luis Potosi.

Es importante hacer hincapié, que en la mayoría de los eventos y reuniones que hemos realizado, nuestros temas más importantes son la promoción del Puente Internacional de Pharr, los parques industriales incluyendo el de precederos con que cuenta Pharr, así como las distancias más cortas del centro y sur de México a la frontera sur de EEUU a través del Puente de Pharr, su infraestructura, sus ventajas de logística y los tiempos de cruce, su cercanía con dos aeropuertos internacionales, sus cuotas más económicas en cruces de puentes internacionales de todo Texas, sus instalaciones con espacios refrigerados para su inspección rápida, así como todos los servicios de apoyo que se prestan . Incluyendo la situación geográfica del nacimiento de la carretera I-69 que nace en Pharr y se une por todo el Este de Norteamérica para desembocar en Detroit, Michigan y cruza a Canadá hasta llegar a la Cd. de Quebec.

A raíz del inicio y apertura del Puente Baluarte y la nueva Supervisa 40 Mazatlán-Reynosa- Pharr –Matamoros, realizamos el Hermanamiento con la Cd. de Mazatlán Sinaloa, con muy Buenos resultados, del cual hemos sostenido reuniones de trabajo para promocionar la nueva ruta de precederos y de mercancías procedentes del Puerto de Mazatlán y del Estado de Sinaloa hacia nuestro Puente Comercial de Pharr.

ACTIVIDADES REALIZADAS DE MANERA CRONOLOGICA:

- Reunión en la Cd. de México con el Presidente de CANACAR, Sr Roberto Diaz, y sus integrantes de la Cámara Nacional del transporte para dar a conocer nuestras instalaciones y posicionamiento del Puente Intl de Pharr.
- Con el interés de agilizar el tránsito fronterizo del Puente de Pharr-Reynosa la delegación de Pharr sostuvimos una reunión en México con Administrador general de Aduanas, Alejandro Chacón Dominguez, con muy buenos resultados
- Ya que enviaron a Reynosa a su director de operaciones para hacer las ampliaciones requeridas en aduanas del lado mexicano.
- Reunión con el Subsecretario de Transporte de la Secretaría de comunicaciones y transporte, Dr. Carlos Almada, para darles a conocer las necesidades en materia de Transporte y Carreteras que involucran al Puente de Pharr.
- Reunión con el Sr. Elias Dip Rame, Presidente de la Confederación del Transporte de México CONATRAM, que tiene más de 100,000 miembros del transporte afiliados a dicha Organización. Posteriormente nos visitó en Pharr ,conjuntamente con sus afiliados transportistas de Reynosa y Matamoros para conocer las instalaciones del Puente de Pharr y posteriormente en Sesión de Cabildo de la Ciudad de Pharr se le entregó el Reconocimiento de “Ciudadano Distinguido”.
- Celebramos un convenio de colaboración con la Universidad Autónoma de San Luis Potosí para promover el Puente Internacional Pharr-Reynosa.
- Comparecencia ante la Directora para América del Norte de la sec. de rel ext. lic. Ma. Luis Fajer. La cual está directamente involucrada y es la representante de los asuntos fronterizos de México, que también ya visitó nuestro Puente de Pharr.
- Se visitó en dos ocasiones a la Ciudad de Colima del estado de Nayarit, para abrir nuevos mercados de Perecederos (Produce) exportables hacia el Puente de Pharr, los productos más fuertes son el Mango, limón y guayaba, por lo cual estuve con el Presidente de los productores de mango y frutas de Nayarit en diversas ocasiones y estaré visitando Pharr en un futuro inmediato, también se visitó a la Presidenta municipal de Compostela, Nayarit ,Sra Alicia Monroy Lizola, ya que desea hermanarse con la Cd. De Pharr por su gran producción Agrícola exportable, estaré visitándonos también .
- Estuvimos presentes una Delegación de Pharr, para asistir al Congreso internacional de Ciudades Hermanas que se realizó en Septiembre del 2014 en San Luis Potosí.
- Sostuvimos reuniones en San Luis Potosí en el Congreso con el Sr. Gobernador del estado de San Luis Potosí, Dr. Fernando Toranzo y también con el Presidente Municipal de la Cd. Hna. De San Luis Potosí, Lic. Mario García Valdez.
- En dichos eventos se promocionó nuestra Ciudad de Pharr y Su Puente Intl.
- Tuvimos varias Reuniones Preparatorias con los representantes de la Cd. Hermana De Aguascalientes para buscar la Promoción de ambas Ciudades Hermanas, ya que Aguascalientes es muy importante su Industria Automotriz y Textilera . pronto nos visitará su Pte. Mpal. Enrique Martín del Campo.
- Hemos estado en tres ocasiones visitando a los Productores exportadores de Perecederos de Culiacán y varias Ciudades del Estado de Culiacán, por mencionar algunas empresas: Del Cam,po, Rene Produce, Pony, Farmers Best. En dicha

ocasion estuvimos tambien con el Sr. de Desarrollo economico del Estado y con el sr. Gobernador Mario Lopez Valdez.

Asistimos al Encuentro de Gobernadores del Corredor Economico del Norte, el cual se reune periodicamente para trabajar , construyendo acuerdos y alianzas para fomentar el desarrollo del norte de Mexico, en la cual estan involucradas las Entidades de Tamaulipas, Nuevo Leon, Coahuila, Durango, Zacatecas y Sinaloa, tambien Chihuahua y Sonora.

- Dentro de las responsabilidades que tenemos, estamos asistiendo en representacion de la ciudad de Pharr a los diferentes compromisos que adquirimos con Nuestras Ciudades Hermanas.
- Como datos importantes les comento la participacion y asistencia a los eventos varios de conmemoracion, foros, celebraciones y trabajos de promocion y fomento de nuestras ciudades hermanas las cuales muchas de ellas tienen grandes parques industriales y sectores agricolas productores susceptibles de exportacion a Mexico.

De las 27 Ciudades Hermanas que tiene Pharr, menciono a las que he asistido representando a Pharr y su Puente internacional Pharr-Reynosa en las fechas de Junio del 2014 a Marzo del 2015.

- Aguascalientes, Aguascalientes.
- Mazatlan, Sin.
- Reynosa, Tamps.
- Dolores Hgo, C.I.N., Gto.
- San Jose Iturbide, Gto.
- Tierra Blanca, Gto
- San Luis Potosi, S.L.P.
- Linares, N.L.
- San Luis de la Paz, Gto.
- Sta. Maria del Rio, S.L.P.
- Can Cun, Q.R.
- Cd. Valles. S.L.P.
- Metepec, Edo. De Mx.
- Matehuala, S.L.P.

Ademas, he asistido a reuniones preparatorias para hermanarse con las siguientes Ciudades: Queretaro y Corregidora, Qro., Leon, Guanajuato, Guadalajara Jalisco, Cd. Victoria, Tamaulipas y Toluca, Edo. De Mexico.

De las ultimas reuniones que hemos sostenido en Pharr, Texas es importante mencionar la visita de la Diputada federal Consuelo Arguelles Loya, quien consiguio recursos federales por un monto de 60 millones de pesos para Reynosa, de los cuales 20 millones seran destinados a la pavimentacion de las calles que conectan al Puente Intl de Pharr-Reynosa en el Lado mexicano, tambien estamos en agenda para visitar a la Dip. Arguelles en la Cd. De Mexico en los dias de mayo con una reunion con la H. Comision

de Comunicaciones y transportes del Congreso de la Union. Para obtener mas presupuesto y recursos para beneficio del Puente.

Hace unas semanas , agendamos la Visita del Srio. De Turismo del Estado de Sinaloa, Dr. Frank Cordova, quien vino a ofrecernos la oportunidad de trabajar conjuntamente con la promocion de la nueva ruta 40 Pharr-Reynosa-Pharr, el tiene un presupuesto de aperture para la promocion de 8 millones de pesos, y a su vez estaremos en un futuro proximo en reunion con ellos en la Cd. Hna de Mazatlan para hacer sinergia de trabajo conjunto para promover el Corredor economico del Norte y Ambas Ciudades Hermanas de Mazatlan y Pharr, TX.

Asimismo, se le otorgo en una ceremonia en la sesion de Cabildo de la Cd. De Pharr, Tx. La preseas de "ciudadano distinguido"

Por ultimo, quiero expresarles, que el dia 17 -19 de marzo tendremos 2 importantes reuniones con las Asociaciones de industrials exportadores de la Industria automotriz, del cuero y Textil de Guanajuato, y tambien con la Asociacion y confederacion de Exportadores de Perecederos con la Asistencia de 60 Empresarios en cada Reunion . Etsa reuniones las sostendremos el Sr. Fred Brouwen, director de operacuiones del Puente Internacional de Pharr y su servidor , Rep. de Pharr en Mexico. Todo lo anterior , en base a un programa que se me asigno por parte de la Cd. De Pharr para asistir a 16 Estados de Mexico con susceptibilidades de exporter e importer via Puente Intl Pharr-Reynosa y del cual les anexo una copia de un oficio de los 16 ,como ejemplo.

Agradezco, como siempre todas sus atenciones que mehan brindado, y por este conducto les envoi un afectuoso saludo,

Atentamente



Lic. Roberto Leal Tovias.

Rep. de la Cd. De Pharr,Tx. Y su Puente Internacional Pharr-Reynosa en Mexico.

-
-
-



“Triple Crown City”



MAYOR
Leo “Polo” Palacios, Jr.

COMMISSIONERS
Arturo J. Cortez
Roberto “Bobby” Carrillo
Oscar Elizondo, Jr.
Edmund Maldonado, Jr.
Aguiles “Jimmy” Garza
Adan Farias
CITY MANAGER
Fred Sandoval

8 de abril de 2014

Asociación de Agricultores y Empresarios
Exportadores del Estado de Zacatecas

PRESENTE

Estimados Sres.:

Con el presente, con mucho agrado me permito invitarlos cordialmente a visitar nuestra ciudad de Pharr, Texas y su Puente Internacional Comercial Pharr-Reynosa.

El Sr. Lic. Roberto Leal Tovias, representante de la Ciudad de Pharr, Texas en México, les hará previo a su visita una exposición de la logística actual, derivada de las nuevas carreteras y autopistas de México. Además de presentarles las ventajas de las distancias más cortas a nuestro puente internacional, les explicara las bondades de invertir en nuestros parques industriales y de percederos de la localidad de Pharr, Texas.

Esperando contar con su valiosa presencia en un futuro próximo, por este conducto les enviamos un afectuoso saludo.

ATENTAMENTE,


Sr. Leopoldo “Polo” Palacios, Jr.
Mayor de la Cd. De Pharr, Texas

Ccp: Sr. Gobernador y Alcaldes del Estado



 **Pharr**
International Bridge



 **Pharr**
Economic Development
Corporation



Ezequiel Ordóñez Animas
Pharr Bridge Liaison

First Quarterly Liaison Bridge Report

Mr. Ezequiel Ordóñez
LIAISON IN TAMAUlipAS

ezequiel.bridgepharr@gmail.com

OCTOBER - DECEMBER 2014



A.



B.



C.



A. Attended **Matamoros Industrial Supplier Expo 2014** with State of Tamaulipas Government – Matamoros, Tamps. Mex.

B. Attended **Foro Internacional INDEX Reynosa 2014**, manufacturing event with individual companies – Reynosa, Tamps. Mex.

C. Attended and participated in a **National Congress with the Produce Association of Sinaloa AHMPAC** – Los Cabos, Baja California, Mex.



Pharr International Bridge representatives attend the **2014 NASCO Conference in Mexico City.**

Organizations from across the world come together to learn more about the benefits of investing more time in logistics and supply chain developments.





A.



B.



C.



A. Participated in a **Trade Mission to the City of Queretaro, Qro. Mex.**, with agricultural companies and the state government – Queretaro, Qro. Mex.

B. Visited and toured **AgroPark, an agro-industrial park** for high-tech green house clusters, designed as an integral solutions initiative – Queretaro, Qro. Mex.

C. **The Texas International Produce Association (TIPA)** announced plans to host the inaugural VIVA Fresh Conference & Expo, March 26-28, 2015 – Austin, Texas.



Pharr International Bridge attended the **12th Annual T21 Transport & Logistics Meeting** "1999 – 2014: What Transport Has Taken and the Logistics That are Forth coming".

The focus was on analyzing all the concepts and strategies in the industry and the economy that have materialized.





A.



A. Attended the **South Texas Manufacturers Association (STMA)** monthly meeting to discuss Economic and Industrial Development News.

B.



B. Attended a **bi-national planning meeting with bridge staff**, Pharr Police and Policia Federal Preventiva (PFP) for safe-keeping of the Pharr International Bridge including all roads and access points leading to the bridge on Mexico's side.

C.



C. Attended meeting with **PROVEESA**, a **phytosanitary treatment & insecticide company** that is managing the distribution, the storage and marketing of all kinds of agricultural supplies.



The Pharr International Bridge attended the **San Luis Potosi University's "Week of Commerce & Produce"**, where we presented our advantages in logistics and international trade to the local student body – San Luis Potosi, SLP, Mex.





A.



A. Attended meeting in Ciudad Victoria, with the **State of Tamaulipas Government and the Department of Public Works & Planning**, to discuss infrastructure/access projects on Mexico's side – Cd. Victoria, Tamps. Mex.

B.



B. Attended meeting in Mission, with **Mr. Lucky Fresh, a produce company from Guanajuato**, where fresh produce is grown and harvested. Discussed strict food safety program that ranges from field, processing and distribution – Mission, Texas.

C.



C. Attended the **Agriculture & Livestock Committee** Hearing and Tour – Pharr POE and McAllen, Texas.



A.



B.



C.



A. Attended **Mexico's Industrial & Logistics Location Summit in Mexico City**. Learned about how to analyze the total cost of manufacturing in the different regions of Mexico, including labor, management, engineering and logistics specific costs – Mexico City, D.F., Mex.

B. Attended meeting in Reynosa, with the **State of Tamaulipas Government and the Federal Government's Department of Public Works & Planning**, as well as **Federal Customs (SAT)** to discuss infrastructure/access projects on Mexico's side – Reynosa, Tamps. Mex.

C. Attended **Index Reynosa Golf Tournament 2014** – McAllen, Texas.



Hosted **Michoacan Commercial Mission** to Pharr with producers and exporters of avocados and peppers, along with a **produce group from Guanajuato**. Visited with Promexico and the Consulate of Mexico in McAllen at Tierra del Sol.



Pharr International Bridge 20th Anniversary Celebration Kick-Off Reception at Tierra del Sol.



A.



A. Attended meeting in Reynosa, with the **Federal Roads & Bridges Administration (CAPUFE)**, a **decentralized body of the Federal Government**, to discuss access projects and construction on Mexico's side – Reynosa, Tamps. Mex.

B.



B. Attended meeting in Pharr, with **Representatives from the State of Nuevo Leon**, including a prospect company from Monterrey with plans to develop a full-service truck stop across the Pharr Bridge in Reynosa – Pharr, Texas.

C.

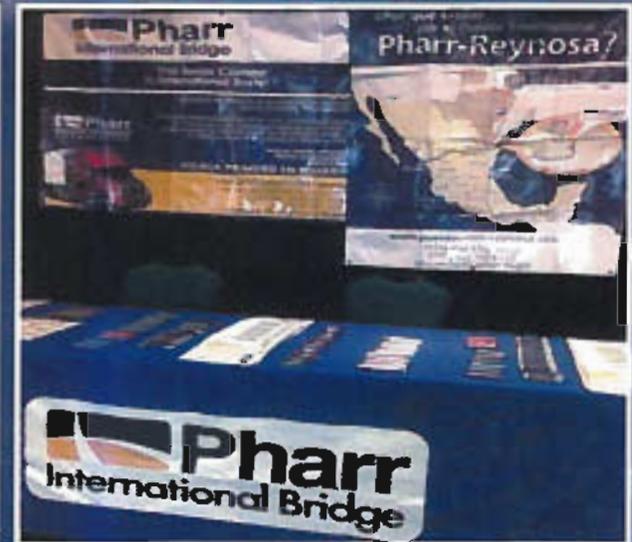


C. Pharr representatives visited **truck company and cold storage facilities in San Luis Potosi** – San Luis Potosi, SLP, Mex.



Participated in the **5th Bi-Annual Border-to-Border Transportation Conference**, hosted by the Hidalgo County Metropolitan Planning Organization (HCMPO).

As part of the bi-annual conference, Pharr Bridge staff offered a tour of the bridge facilities to highlight key infrastructure planning initiatives between the U.S. and Mexico.





A.



A. Attended the **“How to Export to the Countries of the Pacific Alliance Seminar”** in Monterrey, which covered topics dealing with Logistics from the Pacific Coast of Mexico to the Gulf of Mexico. The event was organized by DHL for Promexico – Monterrey, N.L. Mex.

B.



B. Attended the **Medical Tourism Global Business Summit in Reynosa**, which was organized by the State of Tamaulipas Government. – Reynosa, Tamps. Mex.

C.



C. Attended the **International Inspection Point on Health Conference**, organized by the AIPA and SALSA Group, as well as the Federal Government Agencies, Senacica and SAGARPA – Reynosa, Tamps. Mex.

The Governor of the State of Tamaulipas, Egidio Torre Cantú, gave the 4th State of the Government Report last Sunday at the city's Parque Cultural (Conference Center) in Reynosa.

Torre Cantú went into detail, explaining complete projects in the State of Tamaulipas for the last four years, highlighting main achievements in infrastructure, economic development and quality of life that make the state sustainable and competitive.





Ezequiel Ordóñez Anímas
Pharr Bridge Liaison

First Quarterly Liaison Bridge Report

Mr. Ezequiel Ordóñez
LIAISON IN TAMAUlipAS

ezequiel.bridgepharr@gmail.com

OCTOBER - DECEMBER 2014



Second Quarterly Liaison Bridge Report

Mr. Ezequiel Ordonez
LIAISON IN TAMAULIPAS

JAN - MARCH 2015



Planned and coordinated meeting Pharr International Bridge representatives and Liaison attend Cluster Transportation and Logistic Association of Nuevo Leon , MX



Cluster Transportation and Logistic of Nuevo Leon State



MARCH 2015

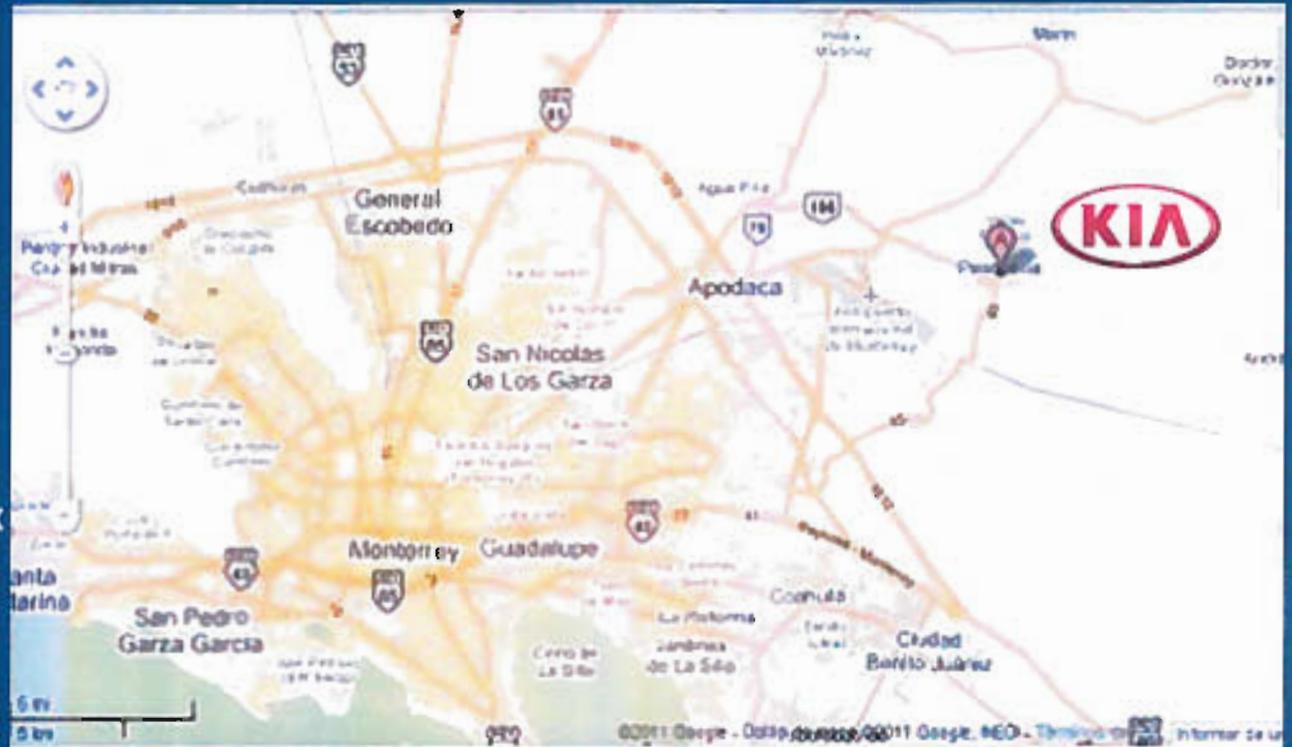




Planned and coordinated meeting Pharr International Bridge representatives and Liaison attend Pesquerias City, Nuevo Leon , MX , through Economic Development of Pesquerias link with Kia Motors.



Pesquerias of Nuevo Leon Mx





Planned and coordinated meeting Pharr International Bridge representatives and Liaison attend Government State of Nuevo Leon , MX , through Economic Development of State and Investment Promotion link with Kia Motors,.



Government State of Nuevo Leon Mx



SINALOA ENCANTA 2015, 12nd MARCH

<http://vimeo.com/104133590>



MARCH 2015





Pharr, TX, Planned and coordinated meeting Pharr International Bridge representatives and Liaison attended TXDoT representatives from Austin, TX.



TXDoT: Jorge Garces invited us to give a presentation at TX-NM BBBXG will be held at the Texas Department of Transportation



Pharr, TX; coordinated meeting Pharr International Bridge representatives and Liaison attend Representatives from State of Sinaloa



Secretary of Tourism of State Government of Sinaloa, MX





Monterrey, NL MX. The industrial sector of the northern region, which accounts for an important part of the industry, is destined to be the growth engine in the country.

EXPO MANUFACTURA™ 2015 of Nuevo Leon , MX



Expo Manufactura of Nuevo Leon State



Planned and coordinated meeting Pharr International Bridge representatives and Liaison attend CAPUFE Regional Representative, issue about keeping up the bridge.



Caminos y Puentes Federales de Ingresos y Servicios Conexos (CAPUFE)



EXPO AGRO TECNOLOGICA 2015, Jalisco MX Guadalajara, Jal State of Jalisco and Mexican Association for the Development of Agricultural Community, AC



MARCH 2015





Planned and coordinated meeting Pharr International Bridge representatives and Liaison attended TXDoT Meeting for issues about Gate to gate inside of POE.



MARCH 2015





Planned and coordinated meeting Pharr International Bridge representatives and Liaison attend Holiday Inn Reynosa Zona Dorada with Pepe Elias Leal, Index Reynosa, New President.



MARCH 2015



Estados Unidos Unidos
Pharr International Bridge

Pharr International Bridge host the first maquila working group meeting with CBP, major transportation companies, maquila consultants, and general managers.



MARCH 2015





 **Pharr**
International Bridge



 Pharr
Economic Development
Corporation



Ezequiel Ordóñez Aninos
Pharr Bridge Liaison

2ND Quarterly Liaison Bridge Report

Mr. Ezequiel Ordóñez
LIAISON IN TAMAULIPAS

MARCH 2015



**KNIGHTS OF COLUMBUS
ST JUDE COUNCIL NO. 12776**

Pharr TX 78577

March 18, 2015

City of Pharr
Attn: Fred Sandoval, City Manager
181 S Cage Blvd
Pharr TX 78577

SUBJECT: PARTIAL CLOSING OF S IRONWOOD ST

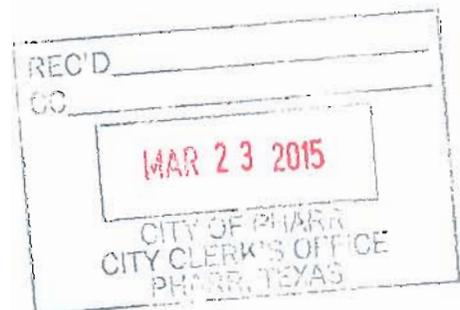
St. Jude Catholic Church is having their annual Jamaica on Sunday, April 19, 2014. The hours will be between 3:00 pm and 9:00 pm.

As in the past, we are again requesting for a partial closing of **S IRONWOOD ST** in order to set up the various booths. The blocks need to be set up about 100' north of E Sam Houston Ave and about 50' south of E Jones St. early the morning of the event.

The City of Pharr has been very gracious in turning on the baseball park lights from 8:00 pm to 10:00 pm. We would greatly appreciate being provided with this service.

Sincerely,

Ruben Rosales, Jr.
Member Council #12776



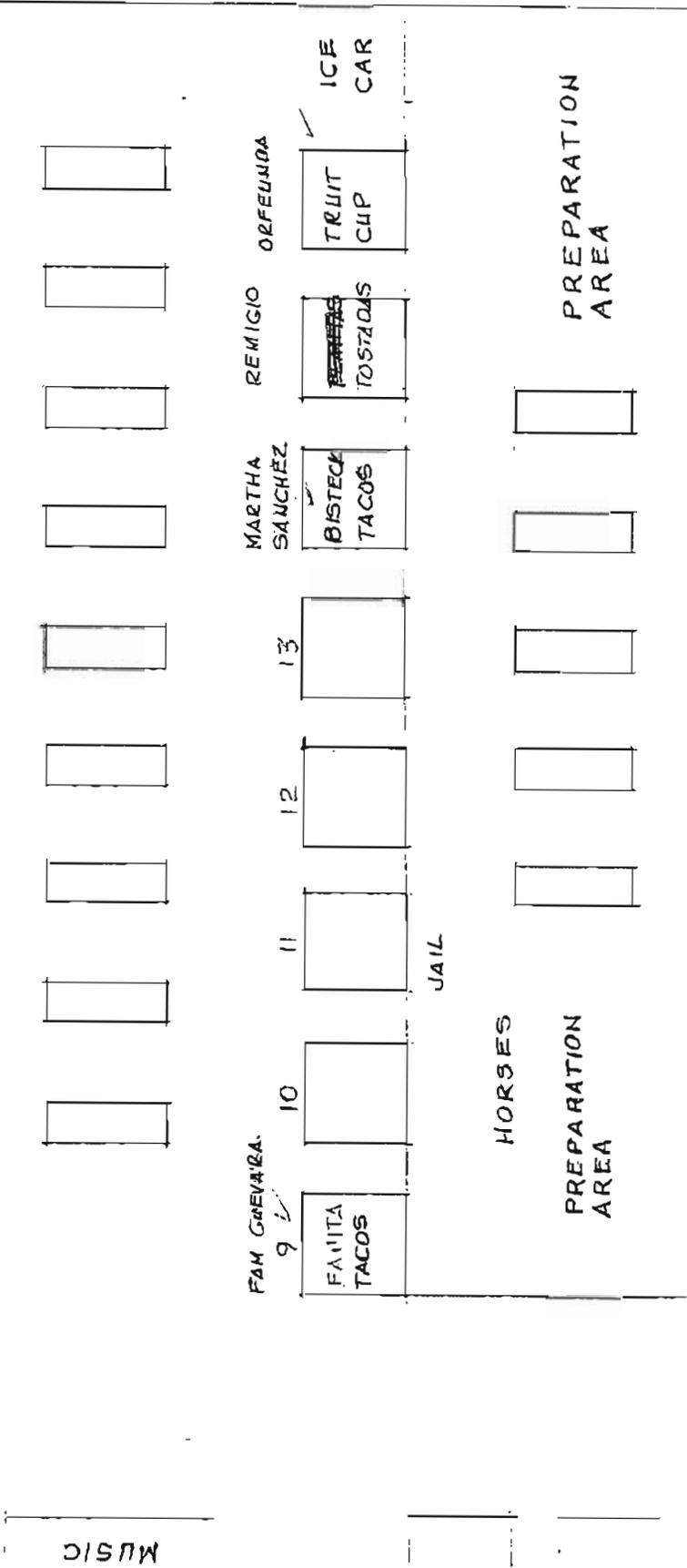
ST JUDE CHURCH JAMAICA

BASEBALL PARK

✓	REY SAENS	HOT LOGS	8
✓	LONGORIA FAMILY	SAUSAGE TACOS	7
✓	RICHAD JAK-SOU	HAMBURGERS	6
✓	DE LOS SANTOS	FLAYORED WATER	5
✓	DERISE HERNANDEZ	PANNEK CAKE	4
✓	ELMA HERNANDEZ	SO DAS WATER	3
✓	ROSALEZ FAMILY	NACHOS FRITO PIE	2
✓	CRUIZ FAMILY	TICKETS BANK	1
		GAMES	

IRON WOOD ST

PARKING AREA



MUSIC

FAM GONZALEZ	9	FANITA TACOS	10		11		12		13	MARTHA SANCHEZ	ORFELINDA
										BISTECK TACOS	TRUIT CUP
										PERNOS TOSTADAS	ICE CAR

JAIL

HORSES

PREPARATION AREA

PREPARATION AREA



AGENDA ITEM REQUEST

MEETING DATE: April 7, 2015

INITIATED BY: William F Ueckert Jr. DEPARTMENT: Engineering

AGENDA ITEM:

PARTY MAKING THE REQUEST: William F. Ueckert Jr., P.E. - City Engineer

NATURE OF THE REQUEST: Consideration and action, if any, on Change Order #1 in the total amount of add \$7,964.70 and 260 calendar days for the Moore Road Driveway at Pharr Police Department Project.

BUDGET:

EXPENDITURE REQUIRED: \$7,964.70

CURRENT BUDGET: \$

ADDITIONAL FUNDING: \$ 0

ROUTING:

LEGAL: _____ DATE: _____

FINANCE/PURCHASING: _____ DATE: _____

APPROVAL:

DEPT. HEAD: _____ DATE: _____

ASSISTANT CITY MANAGER: _____ DATE: _____

CITY MANAGER: *Jul Stel* DATE: 4-2-15

STAFF RECOMMENDATION:

Staff recommends approving Change order #1



Memorandum

To: Fred Sandoval – City Manager

From: William F. Ueckert Jr., P.E. - City Engineer
Dora E. Robles, EIT

Date: April 2, 2015

Re: **Consideration and action, if any, on Change Order #1 in the total amount of add \$7,964.70 and 260 calendar days for the Moore Road Driveway at Pharr Police Project.**

Fred:

We are recommending that Change Order No.1 be issued to add \$7,964.70 and 260 calendar days to the contract with Candela Organization.

This change order is an accumulation of changes as per RFI's No. 1, 2 &4, deduct for item not used (trench protection plan) and contract time.

Below is a summary of contract amount and change order:

Contract Amount:	\$ 126,700.00	Contract Time:	90 calendar days
Change Order #1:	\$ + 7,964.70	Change Order #1:	260 calendar days
Total Contract Amount:	\$ 134,664.70	Total Contract Time:	350 calendar days

Attached is Change Order No. 1 with the relevant RFIs.



CHANGE ORDER

Contractor: Candela Organization

Change Order No.: 1

Project: Moore Road Driveway at Pharr Police Department

Date: 03/27/2015

Notice to Proceed Date: April 12, 2014

Change Order Amount: \$ 7,964.70

You are directed to make the following changes in the Contract Documents:

Changes as per RFI's No. 1, 2 & 4, deduct for item not used (trench protection plan) and contract time.

Reason for Change Order:

Change order No. 1 is a cumulation of several items that came up during the project including additional work for preparation of control access gate.

	Contract Price	Contract Time(Calendar Days)
Original Contract:	<u>\$ 126,700.00</u>	Original Completion Date: <u>07/10/14</u>
Previous Change Order: (+/-)	<u>\$ 0.00</u>	Additional Days: <u>260</u>
This Change Order: (+/-)	<u>\$ 7,964.70</u>	Revised Completion Date: <u>03/27/15</u>
Revised Contract Amount:	<u>\$ 134,664.70</u>	

It is agreed by the Contractor that this Change Order includes any and all costs associated with or resulting from change(s) ordered herein, including all impact, delays, and acceleration costs. Other than the dollar amount and time allowance listed above, there shall be no further time or dollar compensation as a result of this Change Order.

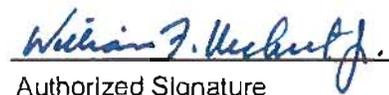
THIS DOCUMENT SHALL BECOME AN AMMENDMENT TO THE CONTRACT AND ALL STIPULATIONS AND COVENANTS OF THE CONTRACT SHALL APPLY HERETO.

Accepted:

Candela Organization  3-30-15
 Contractor Authorized Signature Date

Recommended:

William F. Ueckert Jr., P.E.  3/30/15
 Project Engineer Authorized Signature Date

William F. Ueckert Jr., P.E.  3/30/15
 City Engineer Authorized Signature Date

Approved:

Fred Sandoval _____
 City Manager Authorized Signature Date



4011 Lomita St.
Edinburg TX 78539
Ph: (956) 929-4262

Date: 6/19/14

RFI
1

To:

Dora E. Robles, MS, EIT, CFM
City of Pharr
118 S. Cage Blvd, 1st Floor
Pharr, TX 78577

Project: City of Pharr Moore Road Driveway at Pharr Police Department
Job: 1314-01-512-0002
Subject: Clearing of Extra Vegetation

Cost Impact: \$1,300

Schedule Impact: 3 days

Request:

Police department requesting removal of extra trees along with any vegetation that would be too close to the new drive way.

Please response with a formal approval to proceed with work.
Requested by: Roy Vela

11

Response: *Approved*

Answered by: *Dora E. Robles*

Date: *6/19/14*



Date: 6/27/14

4011 Lomita St.
Edinburg TX 78539
Ph: (956) 929-4262

RFI
2

To:

Dora E. Robles, MS, EIT, CFM
City of Pharr
118 S. Cage Blvd, 1st Floor
Pharr, TX 78577

Project: City of Pharr Moore Road Driveway at Pharr Police Department
Job: 1314-01-512-0002
Subject: Proposed PD Gate

Cost Impact: \$5,300.00

Schedule Impact: 10 days

Request:			
<u>Item</u>	<u>Qty</u>	<u>Unit Price</u>	<u>Amount</u>
4" Conduit	50LF	\$14.00	\$700.00
Bollards	6EA	\$350.00	\$2,100.00
Concrete Island	1LS	\$2,500.00	\$2,500.00

Please response with a formal approval to proceed with work.
Requested by: Roy Vela

Response: *Approved*

Answered by: *Dora E Robles*

Date: *6/30/14*



Date: 6/27/14

4011 Lomita St.
Edinburg TX 78539
Ph: (956) 929-4262

RFI
#4

To:

Dora E. Robles, MS, EIT, CFM
City of Pharr
118 S. Cage Blvd, 1st Floor
Pharr, TX 78577

Project: City of Pharr Moore Road Driveway at Pharr Police Department
Job: 1314-01-512-0002
Subject: Additional Lime Stabilization

Cost Impact: ~~\$3,811.50~~ \$2,702.70

Schedule Impact: 5 days

Request:

Item	Qty	Unit Price	Amount
Lime Stabilization	693SY	\$5.50 DR \$ 3.90	\$3,811.50 \$ 2,702.70 DR

Please response with a formal approval to proceed with work.
Requested by: Roy Vela

Response: We already have a bid price for lime stabilization.
\$3.90/SY. Additional quantities total cost impact \$2,702.70

Answered by: Don E [Signature]

Date: 6/30/14

5/30/14

Cost for Additional Lime - Moore Rd Dwy at Pharr PD
@ 5.5% Lime (As per testing)

$$\begin{array}{l} 27.23 \text{ lbs/sy} \\ 4278 \text{ sy} \end{array} > 58.23 \text{ TONS OF LIME}$$

Total cost of Lime

$$@ \$170/\text{TON} \Rightarrow \$9,900.00$$

@ 4% Lime (As on Bid Proposal)

$$\begin{array}{l} 19.80 \text{ lbs/sy} \\ 4278 \text{ sy} \end{array} > 42.35 \text{ TONS OF LIME}$$

Total cost of Lime

$$@ \$170/\text{TON} \Rightarrow \$7,200.44$$

Total Cost for Add. 1 1/2% Lime required
@ \$ 2,700

at bid price \$ 3.90 /sy (Bid Item No. 4)

$$\frac{\$ 2700}{\$ 3.90/\text{sy}} = \underline{692.3 \text{ sy}}$$

** Pay add. 693 sy on bid item ~~#4~~ **



AGENDA ITEM REQUEST

MEETING DATE: April 7, 2015

INITIATED BY: William F Ueckert Jr. DEPARTMENT: Engineering

AGENDA ITEM:

PARTY MAKING THE REQUEST: William F. Ueckert Jr., P.E. - City Engineer

NATURE OF THE REQUEST: Consideration and action, if any, on Change Order #2 in the total amount of add \$39,387.20 and 23 calendar days for the South Pharr Sidewalk Improvements Project.

BUDGET:

EXPENDITURE REQUIRED: \$39,387.20

CURRENT BUDGET: \$

ADDITIONAL FUNDING: \$ 0

ROUTING:

LEGAL: _____ DATE: _____

FINANCE/PURCHASING: _____ DATE: _____

APPROVAL:

DEPT. HEAD: _____ DATE: _____

ASSISTANT CITY MANAGER: _____ DATE: _____

CITY MANAGER:  DATE: 4-2-15

STAFF RECOMMENDATION:

Staff recommends approving Change order #2



Memorandum

To: Fred Sandoval – City Manager

From: William F. Ueckert Jr., P.E. - City Engineer
Dora E. Robles, EIT

Date: April 2, 2015

Re: **Consideration and action, if any, on Change Order #2 in the total amount of add \$39,387.20 and 23 calendar days for the South Pharr Sidewalk Improvements Project.**

Fred:

We are recommending that Change Order No.2 be issued to add \$39,387.20 and 23 calendar days to the contract with Texas Cordia Construction, LLC.

This change order is an accumulation of several issues that occur during the duration of the project including additional work near Eldorado Apartments as well as adjustment of quantities and days on contract time due to rain days/unfavorable weather conditions during the duration of the project.

Project Contract Amount:	\$242,402.85	Project Contract Time:	120 calendar days
Change Order #1:	\$ 4,810.00	Change Order #1:	10 calendar days
Change Order #2:	<u>\$ 39,387.20</u>	Change Order #2:	<u>23 calendar days</u>

Revised Contract Amount: \$286,600.05

Revised contract time: 153 calendar days

Attached is Change Order No. 2.



CHANGE ORDER

Contractor: Texas Cordia Construction

Change Order No.: 2

Project: South Pharr Sidewalk Improvements Project

Date: 03/10/2015

Notice to Proceed Date: September 13, 2014

Change Order Amount: \$ 39,387.20

You are directed to make the following changes in the Contract Documents:

Reduce & increase quantities and add to contract time.

Reason for Change Order:

Change Order No. 2 is a cumulation of several issues that have arisen in the project including additional work near Eldorado apartments as well as adjustment on contract time due to rain days/unfavorable weather conditions during the duration of the project (see attached).

	Contract Price	Contract Time(Calendar Days)
Original Contract:	\$ 242,402.85	Original Completion Date: 01/11/15
Previous Change Order: (+/-)	\$ 4,810.00	Additional Days: 33
This Change Order: (+/-)	\$ 39,387.20	Revised Completion Date: 02/13/15
Revised Contract Amount:	\$ 286,600.05	

It is agreed by the Contractor that this Change Order includes any and all costs associated with or resulting from change(s) ordered herein, including all impact, delays, and acceleration costs. Other than the dollar amount and time allowance listed above, there shall be no further time or dollar compensation as a result of this Change Order.

THIS DOCUMENT SHALL BECOME AN AMMENDMENT TO THE CONTRACT AND ALL STIPULATIONS AND COVENANTS OF THE CONTRACT SHALL APPLY HERETO.

Accepted:

Texas Cordia Construction
Contractor


Authorized Signature

03/10/15
Date

Recommended:

William F. Ueckert Jr., P.E.
Project Engineer

Authorized Signature

Date

William F. Ueckert Jr., P.E.
City Engineer

Authorized Signature

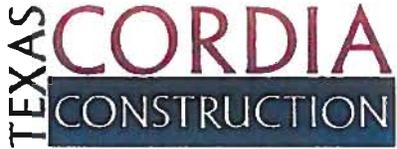
Date

Approved:

Fred Sandoval
City Manager

Authorized Signature

Date



3149-A Center Pointe Drive
Edinburg, TX 78539
O: 956-627-6181
F: 956-386-0289

February 13, 2015

City of Pharr
Attn: Dora E. Robles, MS, EIT, CFM
118 S. Cage Blvd, 1st Floor
Pharr, TX 78577

**RE: SOUTH PHARR SIDEWALK IMPROVEMENTS PROJECT
BID NO. 1314-01-528-0004**

Ms. Robles:

The following are the rain days and too wet to work days:

Rain Days:

September 16, 2014	January 9, 2015
November 5, 2014	January 10, 2015
November 6, 2014	January 11, 2015
November 7, 2014	January 14, 2015
November 12, 2014	January 15, 2015
November 13, 2014	February 3, 2015
December 31, 2014	February 4, 2015
January 1, 2015	February 5, 2015
January 2, 2015	February 6, 2015

Total Days: 18

Please feel free to contact our office if you have any questions.

Thank you,

A handwritten signature in blue ink, appearing to read "Yara M. Corbitt, P.E.", with a stylized flourish at the end.

Yara M. Corbitt, P.E.
President

City of Pharr
South Pharr Sidewalk Improvements
Final Quantity Narrative

Item No.	Description	Units	Final Quantity	Overage	Reason
1	PREPARATION OF ROW FOR INSTALLATION OF SIDEWALKS & RAMPS; TO INCLUDE REMOVAL OF EXISTING CONCRETE, SIDEWALKS & RAMPS, ASPHALT MATERIAL, TREE REMOVAL AND TRIMMING, HAULING AND DISPOSAL OF ALL UNUSED MATERIALS. ALL COMPLETE IN PLACE.	LS	1	0	N/A
2	RELOCATION OF TRAFFIC SIGNS. ALL COMPLETE IN PLACE.	EA	0	-1	None needed.
3	CUSTOM ADA COMPLIANT & H20 LOADING GRATE INLET. ALL COMPLETE IN PLACE.	EA	0	0	Type "A" Inlet Extension was installed.
4	SIDEWALKS (5')(4"); WITH 6X6 No. 6 WIRE MESH AND 6" SAND BEDDING COMPLETE IN PLACE	SY	3915	601	City requested additional sidewalk to be constructed.
5	CURB RAMPS (TY 1) WITH TRUNCATED DOMES. ALL COMPLETE IN PLACE.	EA	0	-1	None needed.
6	CURB RAMPS (TY 1 MODIFIED) WITH TRUNCATED DOMES. ALL COMPLETE IN PLACE.	EA	6	1	Due to additional sidewalk.
7	CURB RAMPS (TY 3) WITH TRUNCATED DOMES. ALL COMPLETE IN PLACE.	EA	6	4	Due to additional sidewalk.
8	CURB RAMPS (TY 6) WITH TRUNCATED DOMES. ALL COMPLETE IN PLACE.	EA	1	0	N/A
9	CURB RAMPS (TY 7) WITH TRUNCATED DOMES. ALL COMPLETE IN PLACE.	EA	17	2	Due to additional sidewalk.
10	CURB RAMPS (TY 10) WITH TRUNCATED DOMES. ALL COMPLETE IN PLACE.	EA	13	0	N/A
11	CURB RAMPS (TY 21) WITH TRUNCATED DOMES. ALL COMPLETE IN PLACE.	EA	3	2	Due to additional sidewalk.
12	RETROFIT EXISTING CURB RAMPS WITH TRUNCATED DOMES. ALL COMPLETE IN PLACE.	EA	0	-2	None needed.

13	STANDARD 6" CURB. TO BE PLACED AT ABANDONED AND REFURBISHED DRIVEWAY ENTRANCES. ALL COMPLETE IN PLACE.	LF	940	241	Due to additional sidewalk.
14	TY II CURB. ALL COMPLETE IN PLACE.	LF	471	6	Due to additional sidewalk.
15	ASPHALT DRIVEWAYS TO INCLUDE 1-1/2" OF TY D HMAC (LIMESTONE AGGR) WITH 6" CALICHE. ALL COMPLETE IN PLACE.	SY	51	-822	Per City instructions, specified asphalt drive ways were to be concrete driveways.
16	CONCRETE DRIVEWAY WITH 6" OF 4,000 PSI CONCRETE TO INCLUDE STEEL. ALL COMPLETE IN PLACE.	SY	1954	1091	Per City instructions, specified proposed asphalt drives were changed to concrete drives.
17	REFL PAV MRK TY I (W) 12" (SLD) (100 MIL); CROSSWALK STRIPING ALL COMPLETE IN PLACE.	LF	1139	33	Due to additional sidewalk.
18	REFL PAV MRK TY I (W) 24" (SLD) (100 MIL); STOP BAR. ALL COMPLETE IN PLACE.	LF	206	0	N/A
19	CELL FIBER MULCH SEED (PERM) (URBAN) (CLAY). ALL COMPLETE IN PLACE.	SY	4073	0	N/A
20	EROSION AND SEDIMENT CONTROL. ALL COMPLETE IN PLACE.	LS	1	0	N/A
21	BARRICADES, SIGNS AND TRAFFIC HANDLING. ALL COMPLETE IN PLACE.	LS	1	0	N/A



AGENDA ITEM REQUEST

MEETING DATE: 04-01-15

INITIATED BY: David Garza DEPARTMENT: Public Utilities

AGENDA ITEM: Consideration and action, if any, on permission to advertise for construction of North Water Transmission Project and North Water Tower Project.

PARTY MAKING THE REQUEST: David Garza

NATURE OF THE REQUEST: Advertise for construction project

BUDGET:

EXPENDITURE REQUIRED: \$

CURRENT BUDGET: \$

ADDITIONAL FUNDING: \$

ROUTING:

LEGAL: _____

DATE: _____

FINANCE/PURCHASING: _____

DATE: _____

APPROVAL:

DEPT. HEAD: _____

DATE: _____

ASSISTANT CITY MANAGER: [Signature]

DATE: 4/2/15

CITY MANAGER: _____

DATE: _____

STAFF RECOMMENDATION: The City of Pharr received loan forgiveness and loan from TWDB to construct a much needed water transmission line and water tower on the north west side of the city. Staff is recommending approval to advertise on for the project. Thank you.



"Triple Crown City"



MAYOR
Leo "Polo" Palacios, Jr.

COMMISSIONERS
Arturo J. Cortez
Roberto "Bobby" Carrillo
Oscar Elizondo, Jr.
Edmund Maldonado, Jr.
Aquiles "Jimmy" Garza
Adan Farias

CITY MANAGER
Fred Sandoval

Executive Summary Letter

April 7, 2015

Conditional Use Permit for ABC –

Aragon Music Hall

Background:

Sergio R. Garcia, d/b/a Aragon Music Hall, is requesting renewal of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption. his request constitutes the 5th renewal for Aragon Music Hall.

The property is located at 1300 W. Nolana. It is zoned General Business District (C) and is in conformance with the Future Land Use Plan. All required inspections have been conducted and have passed.

Recommendations:

Staff recommends **approval** of the renewal of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption.

Microsoft Word PharrCPD on Cpdserver\Admin\MyFiles\CUPS\Renewal-Aragon Music



MEMORANDUM

TO: MAYOR AND CITY COMMISSION
FROM: EDWARD M. WYLIE, DIRECTOR/DEPUTY E.M.C.
THROUGH: FRED SANDOVAL, CITY MANAGER
DATE: APRIL 7, 2015
RE: CONDITIONAL USE PERMIT **RENEWAL** FOR ABC –
FILE NO. CUP#100313 (ARAGON MUSIC HALL)

GENERAL INFORMATION:

APPLICANT: Sergio R. Garcia, d/b/a Aragon Music Hall, is requesting renewal of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C).

LEGAL DESCRIPTION: The property is legally described as Lots 1, 2 & 4, Replat of Lot 1, Mexican Fiesta Subdivision Unit No. 1 and Lot 1, Mexican Fiesta Subdivision Unit No. 2 Pharr, Hidalgo County, Texas.

LOCATION: The property's physical address is 1300 West Nolana.

ZONING: The property is currently zoned General Business District (C). The surrounding area is zoned Agricultural Open Space District (A-O) and General Business District (C) to the north, east, and west, and Single-Family Residential District (R-1) as well as General Business District (C) to the south. The area is generally designated for commercial use in the Land Use Plan.

COMMENTS:	CODE ENFORCEMENT	Recommends approval of the Conditional Use Permit. (See attached memo)
	FIRE MARSHAL:	Recommends approval of the Conditional Use Permit. (See attached memo)

POLICE CHIEF:

Recommends approval of the Conditional Use Permit. (See attached memo)

PLANNING DEPT.:

Recommends approval of the Conditional Use Permit. (See attached memo)

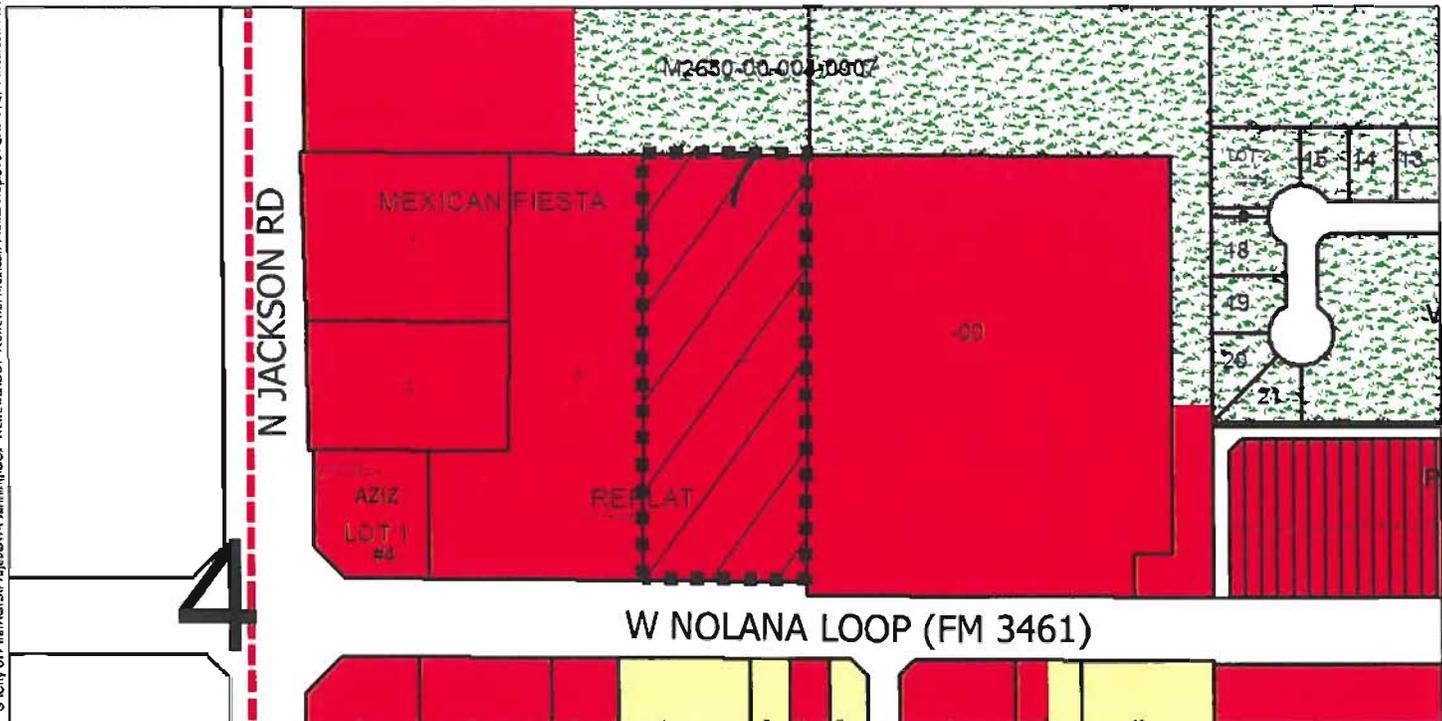
**PLANNING STAFF
RECOMMENDATIONS:**

Planning Staff is recommending approval of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C) subject to site/applicant being in compliance with all City Ordinances and City Department requirements.

Conditional Use Permit Renewal
 Replat of Lot 1 Mexican Fiesta Subd and
 Lot 1 Mexican Fiesta Unit 2 Subd, Lot 4
 Aragon Music Hall/ Sergio R. Garcia



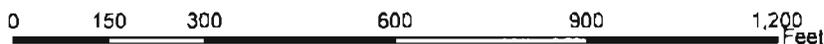
G:\City of Pharr\GIS\Projects\11-Pharr\GIS\CUP Renewal\CUP Renewal Mexican Fiesta Replat of Lots 1, 2, 4 Mexican Fiesta Unit 2, Lot 1 Mexican Fiesta Subd and Lot 1 Mexican Fiesta Unit 2 Subd, Lot 4.mxd



- | | | | | |
|-----------------------------|---------------------------|-------------------|-------------------------|--------------------------|
| Agricultural Open Space | High Density Multi-Family | Government Owned | Heavy Industrial | Hidalgo ISD |
| Single Family | Mobile Home | General Business | Limited Industrial | Valley View ISD |
| Single Family Small Lot | Townhouse | Business District | Neighborhood Commercial | Planned Unit Development |
| Two Family | HUD Code | Drainage Easement | Office Professional | |
| Medium Density Multi-Family | Rail Road R.O.W. | Heavy Commercial | PSJA ISD | |

City of Pharr, Texas
 Engineering Department
 956.702.5355

Scale: 1 inch = 300 feet



Date: 3/18/2015

**CITY OF PHARR
COMMUNITY PLANNING & DEVELOPMENT
CERTIFICATE OF OCCUPANCY & CONDITIONAL USE PERMIT
INSPECTION FORM**

3911

OWNER/APPLICANT: Sergio Garcia PHONE: 957-227-2355
 ADDRESS: 1700 W. Nolana
 TYPE OF BUSINESS: Dance Hall NAME OF BUSINESS: Aragon Music Hall
 LEGAL: lot 1 (264 Replat of lot 1) SUBD.: Mexican Fiesta Subd.

(PW)

EXISTING BUILDING IF YES, PREVIOUS TYPE OF OCCUPANCY(S)	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
MIXED OCCUPANCY IF YES, TYPE OF ADJACENT OCCUPANCY(S)	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
CHANGE OF OCCUPANCY FROM PREVIOUS?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
IS CHANGE OF WALL ASSEMBLY REQUIRED?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
IS FIRE PROTECTION REQUIRED? IF SO, WHAT TYPE?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

BUILDING STATUS/STRUCTURAL:

1. FLOOR	<input checked="" type="checkbox"/>	OK	SUBSTANDARD
2. WALLS	<input checked="" type="checkbox"/>	OK	SUBSTANDARD
- EXTERIOR	<input checked="" type="checkbox"/>	OK	SUBSTANDARD
- INTERIOR	<input checked="" type="checkbox"/>	OK	SUBSTANDARD
3. CEILING	<input checked="" type="checkbox"/>	OK	SUBSTANDARD
4. ROOF	<input checked="" type="checkbox"/>	OK	SUBSTANDARD

MEANS OF EGRESS:

1. OCCUPANT LOAD (IF APPLICABLE)	<u>2200</u>	<input checked="" type="checkbox"/>	OK	SUBSTANDARD
2. NUMBER OF EXITS	<u>9</u>	<input checked="" type="checkbox"/>	OK	SUBSTANDARD
3. MEANS OF EGRESS LIGHTING	<input checked="" type="checkbox"/>	OK	SUBSTANDARD	
4. EXIT SIGNS	<input checked="" type="checkbox"/>	OK	SUBSTANDARD	
5. DOOR HARDWARE	<input checked="" type="checkbox"/>	OK	SUBSTANDARD	

ACCESSIBILITY:

1. RESTROOMS	<input checked="" type="checkbox"/>	OK	SUBSTANDARD
2. PATH OF EGRESS	<input checked="" type="checkbox"/>	OK	SUBSTANDARD
3. RAMPS (HANDRAILS/GUARDS)	<input checked="" type="checkbox"/>	OK	SUBSTANDARD
4. DOORS	<input checked="" type="checkbox"/>	OK	SUBSTANDARD

ELECTRICAL:

1. SERVICE ENTRANCE	<input checked="" type="checkbox"/>	OK	SUBSTANDARD
2. SERVICE EQUIPMENT	<input checked="" type="checkbox"/>	OK	SUBSTANDARD
3. WIRING SYSTEM	<input checked="" type="checkbox"/>	OK	SUBSTANDARD
4. LIGHT FIXTURE	<input checked="" type="checkbox"/>	OK	SUBSTANDARD
5. RECEPTACLE OUTLETS (G.F.C.I. WHERE REQUIRED)	<input checked="" type="checkbox"/>	OK	SUBSTANDARD

MECHANICAL:

1. REGISTERS	<input checked="" type="checkbox"/>	OK	SUBSTANDARD
2. GRILL	<input checked="" type="checkbox"/>	OK	SUBSTANDARD
3. DRAIN	<input checked="" type="checkbox"/>	OK	SUBSTANDARD
4. EQUIPMENT	<input checked="" type="checkbox"/>	OK	SUBSTANDARD

PLUMBING:

1. P TRAPS	<input checked="" type="checkbox"/>	OK	SUBSTANDARD
2. VENTS	<input checked="" type="checkbox"/>	OK	SUBSTANDARD
3. DRAINS	<input checked="" type="checkbox"/>	OK	SUBSTANDARD
4. PLUMBING FIXTURES	<input checked="" type="checkbox"/>	OK	SUBSTANDARD
5. WATER SERVICE LINE	<input checked="" type="checkbox"/>	OK	SUBSTANDARD
6. DISTRIBUTION LINES	<input checked="" type="checkbox"/>	OK	SUBSTANDARD
7. GREASE TRAP (INTERCEPTOR/SEPARATOR)	<u>N/A</u>	OK	SUBSTANDARD
8. BACKFLOW PREVENTION	<input checked="" type="checkbox"/>	OK	SUBSTANDARD

WATER HEATER:

1. LOCATION	<input checked="" type="checkbox"/>	OK	SUBSTANDARD
2. T.P. VALVE & DRAIN	<input checked="" type="checkbox"/>	OK	SUBSTANDARD
3. SHUT-OFF VALVE	<input checked="" type="checkbox"/>	OK	SUBSTANDARD
4. VENT	<input checked="" type="checkbox"/>	OK	SUBSTANDARD

GAS SYSTEM
PREMISE
GARBAGE CONTAINER

	<u>N/A</u>	OK	SUBSTANDARD
	<input checked="" type="checkbox"/>	OK	SUBSTANDARD
	<input checked="" type="checkbox"/>	OK	SUBSTANDARD

RECEIVED
 PHARR DEVELOPMENT
 SERVICES DEPT.
 MAR 18 2015

PASSED

FAILED:

**PASSED WITH
CONDITIONS:**

**RE-INSPECT
DATE:**

BUILDING/SITE NEEDS IMPROVEMENT TO MEET THE FOLLOWING CONDITIONS:

- 1 _____
- 2 _____
- 3 _____
- 4 _____
- 5 _____

PREPARED BY: [Signature] DATE: 3-17-15
 RECEIVED BY: [Signature] DATE: _____

Please note: Owner/Applicant is responsible to contact the City of Pharr Community Planning & Development Dept. at 702-5399 when improvements have been completed. Any permits with regard to this location will remain on hold until full compliance is met.



Prevention Division
118 S. Cage Blvd., 3rd Fl
Pharr, Texas 78577
Ph: 956-402-4400
Fax: 956-475-3433
fireprevention@pharrfd.net

March 11, 2015

ARAGON MUSIC HALL
1300 W NOLANA LOOP
PHARR, TX 78577

OK
ylo

INSPECTION STATUS - PASSED

An inspection of your facility on Mar 11, 2015 revealed no violations.

1572 FELIPE PEDRAZA
Inspector

Matias Garcia Owner

RECEIVED

PHARR DEVELOPMENT
SERVICES DEPT.

MAR 11 2015



Pharr Police Department

1900 S. CAGE • PHARR, TX 78577-6751
PH: (956) 784-7700 • FAX: (956)781-9163



To: Edward Wylie, Director City Planning
From: Joel Robles, Asst. Chief of Police
Date: 03/16/2015
Re: Conditional use Permit Renewal for ABC – File No. CUP#100313 (Aragon Music Hall)

Sergio Rodriguez Garcia (TDL#16708563) is requesting renewal of the Conditional Use Permit to allow the sale of alcoholic beverages for on premise consumption in a General Business District (C). The property is more fully described as follows:

Legal Description: Lot 1, 2, & 4, Replat of Lot 1, Mexican Fiesta Subdivision Unit #2, Pharr, Hidalgo County, Texas

Physical Address: 1300 W. Nolana – Contact Number: 956-782-8504

In keeping with the requirements of ordinance # 0-84-44, I am providing you with the following comments:

REPLY

Mr. Wylie, I have reviewed the proposed application. Based on the information we have on file for this establishment at this time, I recommend approval subject to the following documented requirements.

1. All state and local ordinances that currently exist or that may be enacted in the future that affect this business must be strictly adhered to. Personnel such as bartenders, waitresses and hostesses must be required to wear identifying insignia such as, name tags and or uniforms that clearly identify them as employees.
2. The owners, managers and or operators must agree not to use any advertisement on the property that is offensive, distasteful and or creates a visual impairment to traffic.
3. In the event that the manner the applicant conducts its business, endangers the general welfare, health, peace, morals, or safety of the community, the Chief of Police will exercise his authority under Section 11.612 of the Texas Alcoholic Beverage Code to recommend the cancellation of any and all permits for the same premises for up to one year after the date of cancellation.
4. The sale of alcoholic beverages to a minor inside the premises or on any area controlled by the aforementioned business will be considered an act that endangers the general welfare, health, peace, morals and or safety of the community.

Signed: _____

Date: 03/16/2015

RECEIVED
PHARR DEVELOPMENT
SERVICES DEPT.

Aragon CUP#100313

MAR 13 2015

0001



INTEROFFICE MEMORANDUM

To: MAYOR AND CITY COMMISSION
From: PLANNING STAFF
Subject: CONDITIONAL USE PERMIT **RENEWAL** FOR ABC –
FILE NO. CUP#100313 (ARAGON MUSIC HALL)
Date: APRIL 7, 2015

Sergio R. Garcia, d/b/a Aragon Music Hall, is requesting renewal of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C). The property is more fully described as follows:

Legal description: Lots 1, 2 & 4, Replat of Lot 1, Mexican Fiesta Subdivision Unit No. 1 and Lot 1, Mexican Fiesta Subdivision Unit No. 2, Pharr, Hidalgo County, Texas.

Physical address: 1300 West Nolana.

Planning staff is recommending approval of the renewal of the Conditional Use Permit provided the site/applicant being in compliance with all City Ordinances and City Department requirements.



“Triple Crown City”



MAYOR
Leo “Polo” Palacios, Jr.

COMMISSIONERS
Arturo J. Cortez
Roberto “Bobby” Carrillo
Oscar Elizondo, Jr.
Edmund Maldonado, Jr.
Aquiles “Jimmy” Garza
Adan Farias

CITY MANAGER
Fred Sandoval

April 7, 2015

Executive Summary Letter

Conditional Use Permit **Renewal** for ABC -- The Fraternal Order of Eagles of Pharr, Texas.

Background:

Raul Martinez, d/b/a The Fraternal Order of Eagles of Pharr, Texas, is requesting renewal of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption. This request constitutes the 9th renewal for The Fraternal Order of Eagles.

The property is located at 305 South Cage Boulevard. It is zoned Business District (C-2) and is in conformance with the Future Land Use Plan. All required inspections have been conducted and have passed.

Recommendations:

Staff recommends **approval** of the renewal of the Conditional Use Permit to allow the sale of alcoholic beverage for on-premise consumption.

P:\Admin\MY FILES\CUP\ABC\ABC_THE FRATERAL ORDER OF EAGLES OF PHARR_4.18.2006



MEMORANDUM

TO: MAYOR AND CITY COMMISSION

FROM: EDWARD M. WYLIE, DIRECTOR/DEPUTY E.M.C.

THROUGH: FRED SANDOVAL, CITY MANAGER

DATE: APRIL 7, 2015

RE: CONDITIONAL USE PERMIT **RENEWAL** FOR ABC- FILE NO. CUP#060312 (THE FRATERNAL ORDER OF EAGLES OF PHARR)

GENERAL INFORMATION:

APPLICANT: Raul Martinez, d/b/a The Fraternal Order of Eagles of Pharr, Texas, is requesting renewal of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a Business District (C-2).

LEGAL DESCRIPTION: The property is legally described as Lot 3, Block 58, Pharr Original Townsite Subdivision, Pharr, Hidalgo County, Texas.

LOCATION: The property's physical address is 305 South Cage Boulevard.

ZONING: The property is currently zoned Business District (C-2). The property to the north, south, and west is also zoned Business District (C-2). The property to the east is zoned General Business District (C). The area is generally designated for commercial use in the Land Use Plan.

COMMENTS: **CODE ENFORCEMENT** Recommends approval of the Conditional Use Permit. (See attached memo)

FIRE MARSHAL: Recommends approval of the Conditional Use Permit. (See attached memo)

POLICE CHIEF:

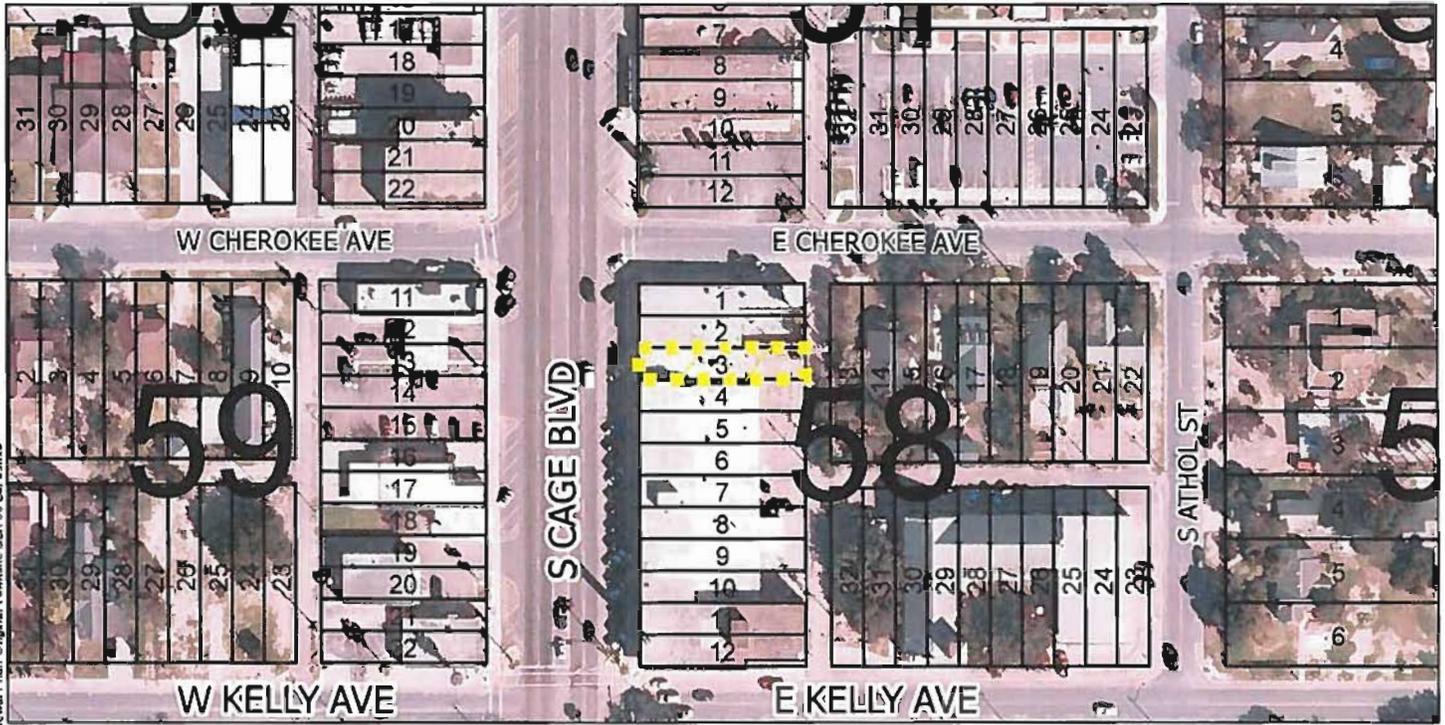
Recommends approval of the Conditional Use Permit.
(See attached memo)

PLANNING DEPT.:

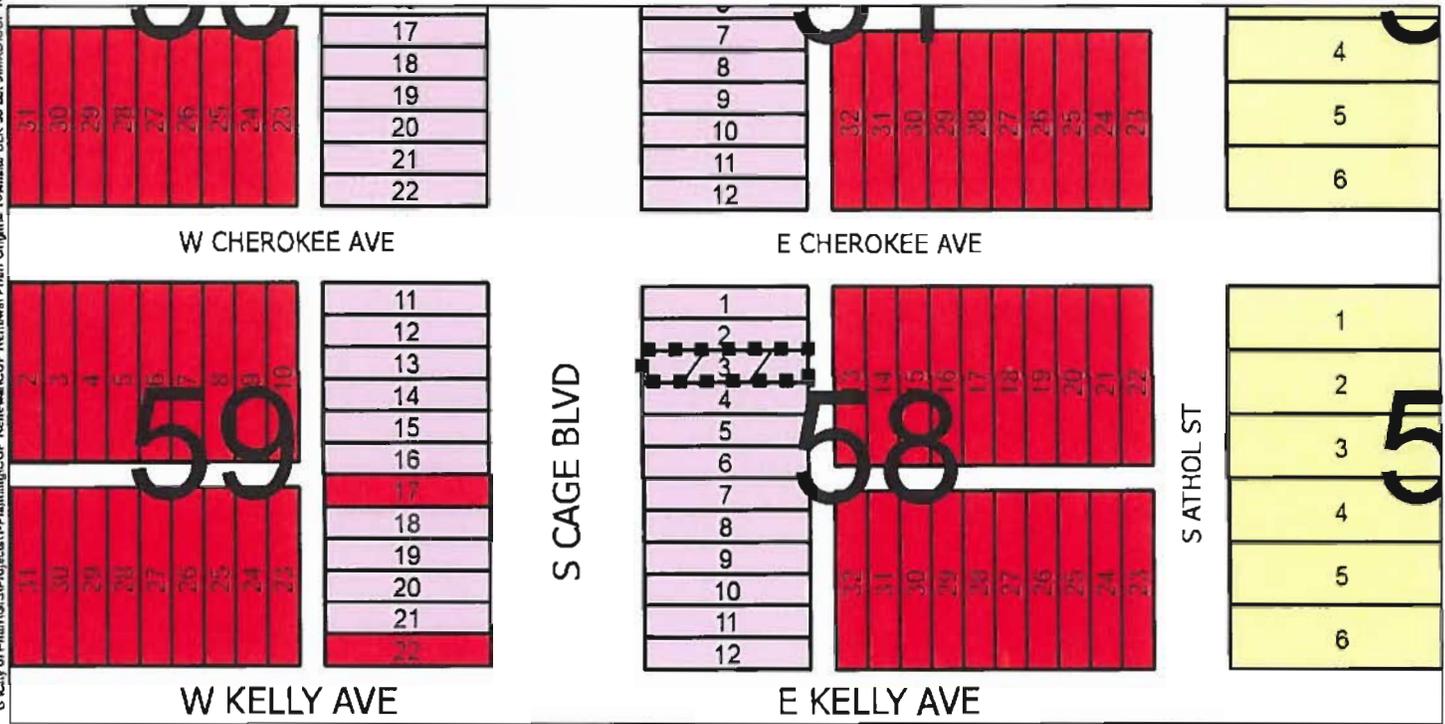
Recommends approval of the Conditional Use Permit.
(See attached memo)

**PLANNING STAFF
RECOMMENDATIONS:**

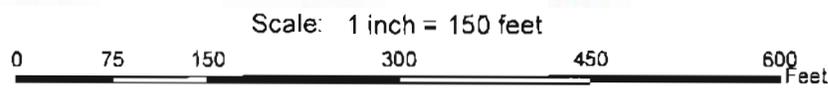
Planning Staff is recommending approval of the renewal of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a Business District (C-2) subject to site/applicant being in compliance with all City Ordinances and City Department requirements.



G:\City of Pharr\GIS\Projects\11-Planning\CUP Renewal\CUP Renewal Pharr Original Townsite BLK 58 Lot 3\MapDoc\CUP Renewal Pharr Original Townsite BLK 58 Lot 3\MapDoc.mxd



- | | | | | |
|-----------------------------|---------------------------|-------------------|-------------------------|--------------------------|
| Agricultural Open Space | High Density Multi-Family | Government Owned | Heavy Industrial | Hidalgo ISD |
| Single Family | Mobile Home | General Business | Limited Industrial | Valley View ISD |
| Single Family Small Lot | Townhouse | Business District | Neighborhood Commercial | Planned Unit Development |
| Two Family | HUD Code | Drainage Easement | Office Professional | |
| Medium Density Multi-Family | Rail Road R.O.W. | Heavy Commercial | PSJA PD | |



CITY OF PHARR
 COMMUNITY PLANNING & DEVELOPMENT
 CERTIFICATE OF OCCUPANCY & CONDITIONAL USE PERMIT
 INSPECTION FORM

3900

OWNER/APPLICANT: RAUL MARTINEZ PHONE: 261-0270
 ADDRESS: 305 S. CAGE
 TYPE OF BUSINESS: LONGE NAME OF BUSINESS: INTERNAL CORDA
 LEGAL: _____ SUBD.: _____

EXISTING BUILDING YES NO
 IF YES, PREVIOUS TYPE OF OCCUPANCY(S) _____
 MIXED OCCUPANCY YES NO
 IF YES, TYPE OF ADJACENT OCCUPANCY(S) _____
 CHANGE OF OCCUPANCY FROM PREVIOUS? YES NO
 IS CHANGE OF WALL ASSEMBLY REQUIRED? YES NO
 IS FIRE PROTECTION REQUIRED? YES NO
 IF SO, WHAT TYPE? _____

BUILDING STATUS/STRUCTURAL:
 1. FLOOR _____ SUBSTANDARD
 2. WALLS: EXTERIOR _____ SUBSTANDARD
 INTERIOR _____ SUBSTANDARD
 3. CEILING _____ SUBSTANDARD
 4. ROOF _____ SUBSTANDARD

MEANS OF EGRESS:
 1. OCCUPANT LOAD (IF APPLICABLE) _____ SUBSTANDARD
 2. NUMBER OF EXITS 2 _____ SUBSTANDARD
 3. MEANS OF EGRESS LIGHTING _____ SUBSTANDARD
 4. EXIT SIGNS _____ SUBSTANDARD
 5. DOOR HARDWARE _____ SUBSTANDARD

ACCESSIBILITY:
 1. RESTROOMS _____ SUBSTANDARD
 2. PATH OF EGRESS _____ SUBSTANDARD
 3. RAMPS (HANDRAILS/GUARDS) _____ SUBSTANDARD
 4. DOORS _____ SUBSTANDARD

ELECTRICAL:
 1. SERVICE ENTRANCE _____ SUBSTANDARD
 2. SERVICE EQUIPMENT _____ SUBSTANDARD
 3. WIRING SYSTEM _____ SUBSTANDARD
 4. LIGHT FIXTURE _____ SUBSTANDARD
 5. RECEPTACLE OUTLETS (G.F.C.I. WHERE REQUIRED) _____ SUBSTANDARD

MECHANICAL:
 1. REGISTERS _____ SUBSTANDARD
 2. GRILL _____ SUBSTANDARD
 3. DRAIN _____ SUBSTANDARD
 4. EQUIPMENT _____ SUBSTANDARD

PLUMBING:
 1. P. TRAPS _____ SUBSTANDARD
 2. VENTS _____ SUBSTANDARD
 3. DRAINS _____ SUBSTANDARD
 4. PLUMBING FIXTURES _____ SUBSTANDARD
 5. WATER SERVICE LINE _____ SUBSTANDARD
 6. DISTRIBUTION LINES _____ SUBSTANDARD
 7. GREASE TRAP (INTERCEPTOR/SEPARATOR) _____ SUBSTANDARD
 8. BACKFLOW PREVENTION _____ SUBSTANDARD

WATER HEATER:
 1. LOCATION BATH ROOM _____ SUBSTANDARD
 2. T P VALVE & DRAIN _____ SUBSTANDARD
 3. SHUT-OFF VALVE _____ SUBSTANDARD
 4. VENT _____ SUBSTANDARD

GAS SYSTEM _____ SUBSTANDARD
PREMISE _____ SUBSTANDARD
GARBAGE CONTAINER _____ SUBSTANDARD

PASSED

FAILED: _____

PASSED WITH CONDITIONS: _____

RE-INSPECT DATE: _____

BUILDING/SITE NEEDS IMPROVEMENT TO MEET THE FOLLOWING CONDITIONS:
 1. PREMISE WAS FOUND TO BE IN REASONABLE
 2. CONDITION AT TIME OF INSPECTION
 3. _____
 4. _____
 5. _____

PREPARED BY: [Signature] DATE: 3-13-2015
 RECEIVED BY: [Signature] DATE: 3-13-2015

Please note: Owner/Applicant is responsible to contact the City of Pharr Community Planning & Development Dept. at 702-5399 when improvements have been completed. Any permits with regard to this location will remain on hold until full compliance is met.



Prevention Division
118 S. Cage Blvd., 3rd Fl
Pharr, Texas 78577
Ph: 956-402-4400
Fax: 956-475-3433
fireprevention@pharrfd.net

April 1, 2015

THE FRATERNAL ORDER OF EAGLES OF PHARR,
305 S CAGE BLVD
PHARR, TX 78577

INSPECTION STATUS - PASSED

An inspection of your facility on Apr 1, 2015 revealed no violations.

2960 EDUARDO LUGO
Inspector

Richard Garza

RECEIVED
PHARR DEVELOPMENT
SERVICES DEPT.

APR 01 2015

BY: _____



Pharr Police Department

1900 S. CAGE • PHARR, TX 78577-6751
PH: (956) 784-7700 • FAX: (956)781-9163



To: Edward Wylie, Director City Planning
From: Joel Robles, Asst. Chief of Police
Date: 03/16/2015
Re: Conditional use Permit Renewal for ABC – File No. CUP#060312 (The Fraternal Order of Eagles - Pharr)

Raul Martinez (TDL#01828286) d/b/a The Fraternal Order of Eagles of Pharr, Texas is requesting renewal of the Conditional Use Permit to allow the sale of alcoholic beverages for on premise consumption in a Business District (C-2). The property is more fully described as follows:

Legal Description: Lot 3, Block 58, Pharr Original Townsite Subdivision, Pharr, Hidalgo County, Texas

Physical Address: 305 S. Cage Blvd. – Contact Number: 956-266-0270

In keeping with the requirements of ordinance # 0-84-44, I am providing you with the following comments:

REPLY

Mr. Wylie, I have reviewed the proposed application. Based on the information we have on file for this establishment at this time, I recommend approval subject to the following documented requirements.

1. All state and local ordinances that currently exist or that may be enacted in the future that affect this business must be strictly adhered to. Personnel such as bartenders, waitresses and hostesses must be required to wear identifying insignia such as, name tags and or uniforms that clearly identify them as employees.
2. The owners, managers and or operators must agree not to use any advertisement on the property that is offensive, distasteful and or creates a visual impairment to traffic.
3. In the event that the manner the applicant conducts its business, endangers the general welfare, health, peace, morals, or safety of the community, the Chief of Police will exercise his authority under Section 11.612 of the Texas Alcoholic Beverage Code to recommend the cancellation of any and all permits for the same premises for up to one year after the date of cancellation.
4. The sale of alcoholic beverages to a minor inside the premises or on any area controlled by the aforementioned business will be considered an act that endangers the general welfare, health, peace, morals and or safety of the community.

Signed: _____

Date: 03/16/2015

RECEIVED
PHARR DEVELOPMENT
SERVICES DEPT.

MAR 13 2015

FOE Pharr CUP Renewal

BY:



INTEROFFICE MEMORANDUM

TO: MAYOR AND CITY COMMISSION

FROM: EDWARD M. WYLIE, DIRECTOR/DEPUTY E.M.C.

THROUGH: FRED SANDOVAL, CITY MANAGER

SUBJECT: CONDITIONAL USE PERMIT **RENEWAL** FOR ABC-FILENO. CUP#060312 (THE FRATERNAL ORDER OF EAGLES OF PHARR)

DATE: APRIL 7, 2015

Raul Martinez, d/b/a The Fraternal Order of Eagles of Pharr, Texas, is requesting renewal of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a Business District (C-2). The property is more fully described as follows:

Legal description: Lot 3, Block 58, Pharr Original Townsite Subdivision, Pharr, Hidalgo County, Texas.

Physical address: 305 South Cage Boulevard.

Planning staff is recommending approval of the renewal of the Conditional Use Permit provided site/applicant being in compliance with all City Ordinances and City Department requirements.



“Triple Crown City”



MAYOR
Leo “Polo” Palacios, Jr.

COMMISSIONERS
Arturo J. Cortez
Roberto “Bobby” Carrillo
Oscar Elizondo, Jr.
Edmund Maldonado, Jr.
Aquiles “Jimmy” Garza
Adan Farias

CITY MANAGER
Fred Sandoval

Executive Summary Letter

April 7, 2015

Conditional Use Permit for ABC –

Golazo's Stadium

Background:

Sebastian A. Sobczak dba La Ofrenda LLC, is requesting renewal of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption. This request constitutes the 2nd renewal for Golazo’s Stadium.

The property is located at 5704 North Gumwood. It is zoned Limited Industrial District (L-I) and is in conformance with the Future Land Use Plan. All required inspections have been conducted and have passed.

Recommendations:

Staff recommends **approval** of the renewal of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption.

P:\Admin\WY FILES\CUPs\ABC\ABC_S SOBCZAK rep LA OFRENDA LLC dba GOLAZO LP_2013



MEMORANDUM

TO: MAYOR AND CITY COMMISSION
FROM: EDWARD M. WYLIE, DIRECTOR/DEPUTY E.M.C.
THROUGH: FRED SANDOVAL, CITY MANAGER
DATE: APRIL 7, 2015
RE: CONDITIONAL USE PERMIT **RENEWAL** FOR ABC –
FILE NO. CUP#130309 (GOLAZO)

GENERAL INFORMATION:

APPLICANT: Sebastian A. Sobczak dba La Ofrenda LLC is requesting renewal of the Conditional Use Permit and Late Hours Permit to allow the sale of alcoholic beverages for on-premise consumption in a Limited Industrial District (L-I).

LEGAL DESCRIPTION: The property is legally described as Lot A, Re-Plat of Lots 9 & 10, Steel Horse Industrial Park Subdivision, Pharr, Hidalgo County, Texas.

LOCATION: The property's physical address is 5704 North Gumwood.

ZONING: The property is currently zoned Limited Industrial District (L-I). The surrounding area is zoned Limited Industrial District (L-I) to the north, Single-Family Residential District (R-1) to the south, Agricultural Open Space District (A-O) to the east and Limited Industrial District (L-I) to the west. The area is generally designated for manufactured home use in the Land Use Plan.

COMMENTS:	CODE ENFORCEMENT	Recommends approval of the Conditional Use Permit. (See attached memo)
	FIRE MARSHAL:	Recommends approval of the Conditional Use Permit. (See attached memo)

POLICE CHIEF:

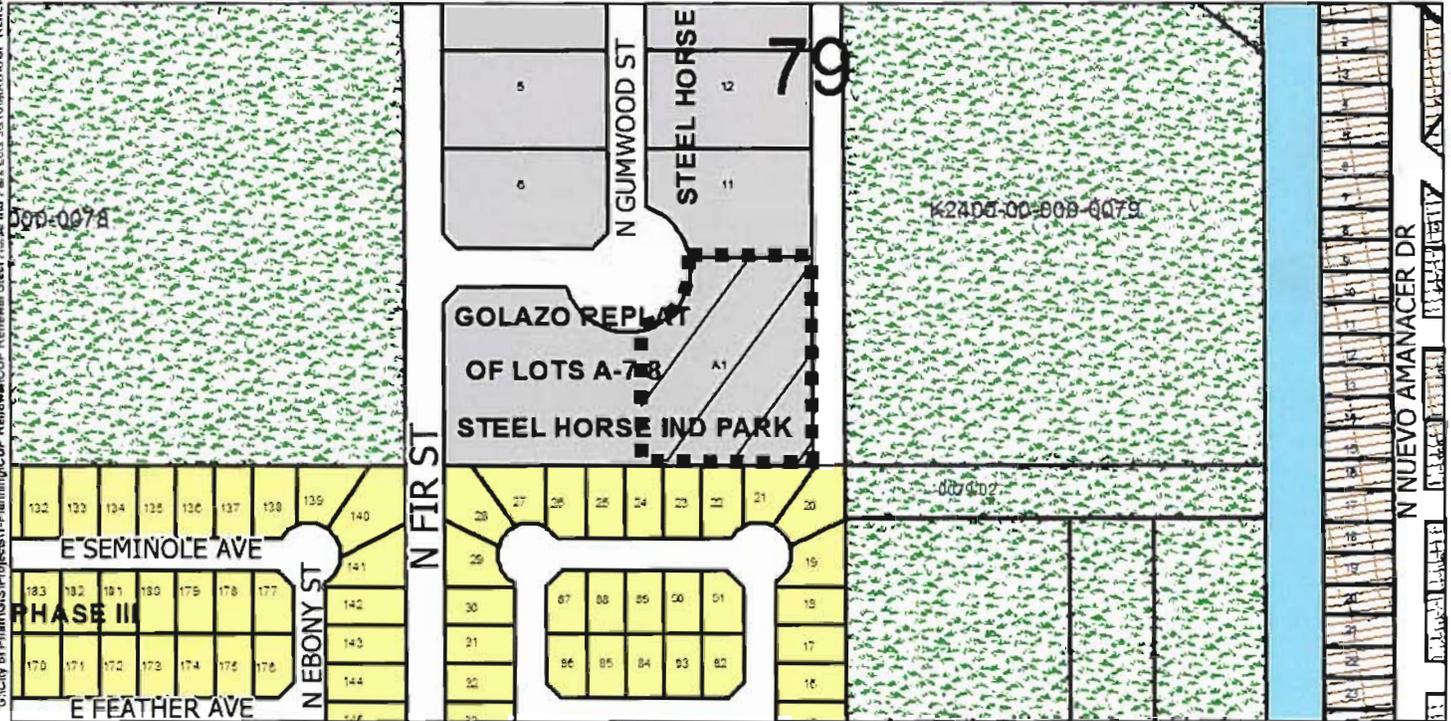
Recommends approval of the Conditional Use Permit.
(See attached memo)

PLANNING DEPT.:

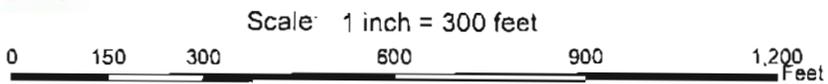
Recommends approval of the Conditional Use Permit.
(See attached memo)

**PLANNING STAFF
RECOMMENDATIONS:**

Planning Staff is recommending approval of the renewal of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a Limited Industrial District (L-I) subject to site being in compliance with all City Ordinances and City Department requirements.



- | | | | | |
|-----------------------------|---------------------------|-------------------|-------------------------|--------------------------|
| Agricultural Open Space | High Density Multi-Family | Government Owned | Heavy Industrial | Hidalgo ISD |
| Single Family | Mobile Home | General Business | Limited Industrial | Valley View ISD |
| Single Family Small Lot | Townhouse | Business District | Neighborhood Commercial | Planned Unit Development |
| Two Family | HUD Code | Drainage Easement | Office Professional | |
| Medium Density Multi-Family | Rail Road R.O.W. | Heavy Commercial | PSJA ISD | |



**CITY OF PHARR
COMMUNITY PLANNING & DEVELOPMENT
CERTIFICATE OF OCCUPANCY & CONDITIONAL USE PERMIT
INSPECTION FORM**

3883

OWNER/APPLICANT: Sebastian Sobczak PHONE: 956-797-1573
 ADDRESS: 5704 N. Greenwood
 TYPE OF BUSINESS: spart complex NAME OF BUSINESS: Gola 20
 LEGAL: Lot A, N. Plot of 1st 900 SUBD.: Steel Horse Sub. Plat
Pharr Bridge Co. LLC

EXISTING BUILDING	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO
IF YES, PREVIOUS TYPE OF OCCUPANCY(S)				
MIXED OCCUPANCY	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
IF YES, TYPE OF ADJACENT OCCUPANCY(S)				
CHANGE OF OCCUPANCY FROM PREVIOUS?	<input checked="" type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
IS CHANGE OF WALL ASSEMBLY REQUIRED?	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
IS FIRE PROTECTION REQUIRED?	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
IF SO, WHAT TYPE?				

BUILDING STATUS/STRUCTURAL:

1. FLOOR	<input checked="" type="checkbox"/>	OK	<input type="checkbox"/>	SUBSTANDARD
2. WALLS:				
- EXTERIOR	<input checked="" type="checkbox"/>	OK	<input type="checkbox"/>	SUBSTANDARD
- INTERIOR	<input checked="" type="checkbox"/>	OK	<input type="checkbox"/>	SUBSTANDARD
3. CEILING	<input checked="" type="checkbox"/>	OK	<input type="checkbox"/>	SUBSTANDARD
4. ROOF	<input checked="" type="checkbox"/>	OK	<input type="checkbox"/>	SUBSTANDARD

MEANS OF EGRESS:

1. OCCUPANT LOAD (IF APPLICABLE)	<input checked="" type="checkbox"/>	OK	<input type="checkbox"/>	SUBSTANDARD
2. NUMBER OF EXITS	<u>6</u>	<input checked="" type="checkbox"/>	OK	SUBSTANDARD
3. MEANS OF EGRESS LIGHTING	<input checked="" type="checkbox"/>	OK	<input type="checkbox"/>	SUBSTANDARD
4. EXIT SIGNS	<input checked="" type="checkbox"/>	OK	<input type="checkbox"/>	SUBSTANDARD
5. DOOR HARDWARE	<input checked="" type="checkbox"/>	OK	<input type="checkbox"/>	SUBSTANDARD

ACCESSIBILITY:

1. RESTROOMS	<input checked="" type="checkbox"/>	OK	<input type="checkbox"/>	SUBSTANDARD
2. PATH OF EGRESS	<input checked="" type="checkbox"/>	OK	<input type="checkbox"/>	SUBSTANDARD
3. RAMPS (HANDRAILS/GUARDS)	<u>NA</u>	OK	<input type="checkbox"/>	SUBSTANDARD
4. DOORS	<input checked="" type="checkbox"/>	OK	<input type="checkbox"/>	SUBSTANDARD

ELECTRICAL:

1. SERVICE ENTRANCE	<input checked="" type="checkbox"/>	OK	<input type="checkbox"/>	SUBSTANDARD
2. SERVICE EQUIPMENT	<input checked="" type="checkbox"/>	OK	<input type="checkbox"/>	SUBSTANDARD
3. WIRING SYSTEM	<input checked="" type="checkbox"/>	OK	<input type="checkbox"/>	SUBSTANDARD
4. LIGHT FIXTURE	<input checked="" type="checkbox"/>	OK	<input type="checkbox"/>	SUBSTANDARD
5. RECEPTACLE OUTLETS (G.F.C.I. WHERE REQUIRED)	<input checked="" type="checkbox"/>	OK	<input type="checkbox"/>	SUBSTANDARD

MECHANICAL:

1. REGISTERS	<input checked="" type="checkbox"/>	OK	<input type="checkbox"/>	SUBSTANDARD
2. GRILL	<input checked="" type="checkbox"/>	OK	<input type="checkbox"/>	SUBSTANDARD
3. DRAIN	<input checked="" type="checkbox"/>	OK	<input type="checkbox"/>	SUBSTANDARD
4. EQUIPMENT	<input checked="" type="checkbox"/>	OK	<input type="checkbox"/>	SUBSTANDARD

PLUMBING:

1. P TRAPS	<input checked="" type="checkbox"/>	OK	<input type="checkbox"/>	SUBSTANDARD
2. VENTS	<input checked="" type="checkbox"/>	OK	<input type="checkbox"/>	SUBSTANDARD
3. DRAINS	<input checked="" type="checkbox"/>	OK	<input type="checkbox"/>	SUBSTANDARD
4. PLUMBING FIXTURES	<input checked="" type="checkbox"/>	OK	<input type="checkbox"/>	SUBSTANDARD
5. WATER SERVICE LINE	<input checked="" type="checkbox"/>	OK	<input type="checkbox"/>	SUBSTANDARD
6. DISTRIBUTION LINES	<input checked="" type="checkbox"/>	OK	<input type="checkbox"/>	SUBSTANDARD
7. GREASE TRAP (INTERCEPTOR/SEPARATOR)	<u>NA</u>	OK	<input type="checkbox"/>	SUBSTANDARD
8. BACKFLOW PREVENTION	<input checked="" type="checkbox"/>	OK	<input type="checkbox"/>	SUBSTANDARD

WATER HEATER:

1. LOCATION	<input checked="" type="checkbox"/>	OK	<input type="checkbox"/>	SUBSTANDARD
2. T.P. VALVE & DRAIN	<input checked="" type="checkbox"/>	OK	<input type="checkbox"/>	SUBSTANDARD
3. SHUT-OFF VALVE	<input checked="" type="checkbox"/>	OK	<input type="checkbox"/>	SUBSTANDARD
4. VENT	<input checked="" type="checkbox"/>	OK	<input type="checkbox"/>	SUBSTANDARD

GAS SYSTEM

PREMISE	<input checked="" type="checkbox"/>	OK	<input type="checkbox"/>	SUBSTANDARD
GARBAGE CONTAINER	<input checked="" type="checkbox"/>	OK	<input type="checkbox"/>	SUBSTANDARD

BUILDING/SITE NEEDS IMPROVEMENT TO MEET THE FOLLOWING CONDITIONS:

- 1 _____
- 2 _____
- 3 _____
- 4 _____
- 5 _____

PREPARED BY: Ratny DATE: 3-16-15
 RECEIVED BY: [Signature] DATE: 3/16/15

Please note: Owner/Applicant is responsible to contact the City of Pharr Community Planning & Development Dept. at 702-5399 when improvements have been completed. Any permits with regard to this location will remain on hold until full compliance is met.

RECEIVED
 PHARR DEVELOPMENT
 ESTIMATED DEPT.
 MAR 16 2015

PASSED

FAILED:

**PASSED WITH
CONDITIONS:**

**RE-INSPECT
DATE:**



Prevention Division
118 S. Cage Blvd., 3rd Fl
Pharr, Texas 78577
Ph: 956-402-4400
Fax: 956-475-3433
fireprevention@pharrfd.net

March 11, 2015

GOLAZO
5704 N GUMWOOD
PHARR, TX 78577

INSPECTION STATUS - PASSED

An inspection of your facility on Mar 11, 2015 revealed no violations.



2960 EDUARDO LUGO
Inspector

Esmundo Rodriguez

RECEIVED
PHARR DEVELOPMENT
SERVICES DEPT.
MAR 11 2015

BY:



Pharr Police Department
 1900 S. CAGE • PHARR, TX 78577-6751
 PH: (956) 784-7700 • FAX: (956)781-9163



To: Edward Wylie, Director City Planning
 From: Joel Robles, Asst. Chief of Police
 Date: 03/16/2015
 Re: Conditional use Permit Renewal for ABC – File No. CUP#130109 (Golazo)

Sebastian A. Sobczak (TDL#33683733) representing La Ofrenda LLC d/b/a Golazo, is requesting renewal of the Conditional Use Permit to allow the sale of alcoholic beverages for on premise consumption in a Limited Industrial District (L-1). The property is more fully described as follows:

Legal Description: Lot A, Re-Plat of Lots 9 & 10, Steel Horse Industrial Park Subdivision, Pharr, Hidalgo County, Texas

Physical Address: 5704 N. Gumwood – Contact Number: 650-996-6339

In keeping with the requirements of ordinance # 0-84-44, I am providing you with the following comments:

REPLY

Mr. Wylie, I have reviewed the proposed application. Based on the information we have on file for this establishment at this time, I recommend approval subject to the following documented requirements.

1. All state and local ordinances that currently exist or that may be enacted in the future that affect this business must be strictly adhered to. Personnel such as bartenders, waitresses and hostesses must be required to wear identifying insignia such as, name tags and or uniforms that clearly identify them as employees.
2. The owners, managers and or operators must agree not to use any advertisement on the property that is offensive, distasteful and or creates a visual impairment to traffic.
3. In the event that the manner the applicant conducts its business, endangers the general welfare, health, peace, morals, or safety of the community, the Chief of Police will exercise his authority under Section 11.612 of the Texas Alcoholic Beverage Code to recommend the cancellation of any and all permits for the same premises for up to one year after the date of cancellation.
4. The sale of alcoholic beverages to a minor inside the premises or on any area controlled by the aforementioned business will be considered an act that endangers the general welfare, health, peace, morals and or safety of the community.

Signed: _____

Date: 03/16/2015

RECEIVED
 PHARR DEVELOPMENT
 SERVICES DEPT.

MAR 13 2015

Golazo CUP Renewal

BY:



INTEROFFICE MEMORANDUM

TO: MAYOR AND CITY COMMISSION

FROM: EDWARD M. WYLIE, DIRECTOR/DEPUTY E.M.C.

THROUGH: FRED SANDOVAL, CITY MANAGER

SUBJECT: CONDITIONAL USE PERMIT **RENEWAL** FOR ABC –
FILE NO. CUP#130309 (GOLAZO)

DATE: APRIL 7, 2015

Sebastian A. Sobczak is requesting renewal of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a Limited Industrial District (L-I). The property is more fully described as follows:

Legal Description: Lot A, RePlat of Lots 9 & 10, Steel Horse Industrial Park
Subdivision, Pharr, Hidalgo County, Texas.

Physical Address: 5704 North Gumwood.

Planning staff is recommending approval of the renewal of the Conditional Use Permit provided site being in compliance with all City Ordinances and City Department requirements.



MEMORANDUM

TO: MAYOR AND CITY COMMISSION

FROM: EDWARD M. WYLIE, DIRECTOR/DEPUTY E.M.C.

THROUGH: FRED SANDOVAL, CITY MANAGER

DATE: APRIL 7, 2015

RE: LIFE-OF-THE-USE CONDITIONAL USE PERMIT –
FILE NO. CUP#150210 (TELECOMMUNICATION TOWER)

GENERAL INFORMATION:

APPLICANT: William R. Bauman representing Branch Towers, LLC, has filed with the Planning and Zoning Commission a request for a Life-of-the-Use Conditional Use Permit to allow a new telecommunication tower in a Planned Unit Development District (PUD).

LEGAL DESCRIPTION: The property is legally described as 0.057 of an acre tract of land more or less, out of Lot 2, Re-subdivision of Lot 1, of the Re-subdivision of Lots 43-46, Pharr/Las Milpas Industrial Park Subdivision, Pharr, Hidalgo County, Texas.

LOCATION: The property is physically located at 9302 South Lamar Drive.

ZONING: The property is currently zoned Planned Unit Development District (PUD). The surrounding area is zoned Planned Unit Development District (PUD) to the North, South and East and Limited Industrial District (L-I) to the West. The area is generally designated for industrial use in the Land Use Plan.

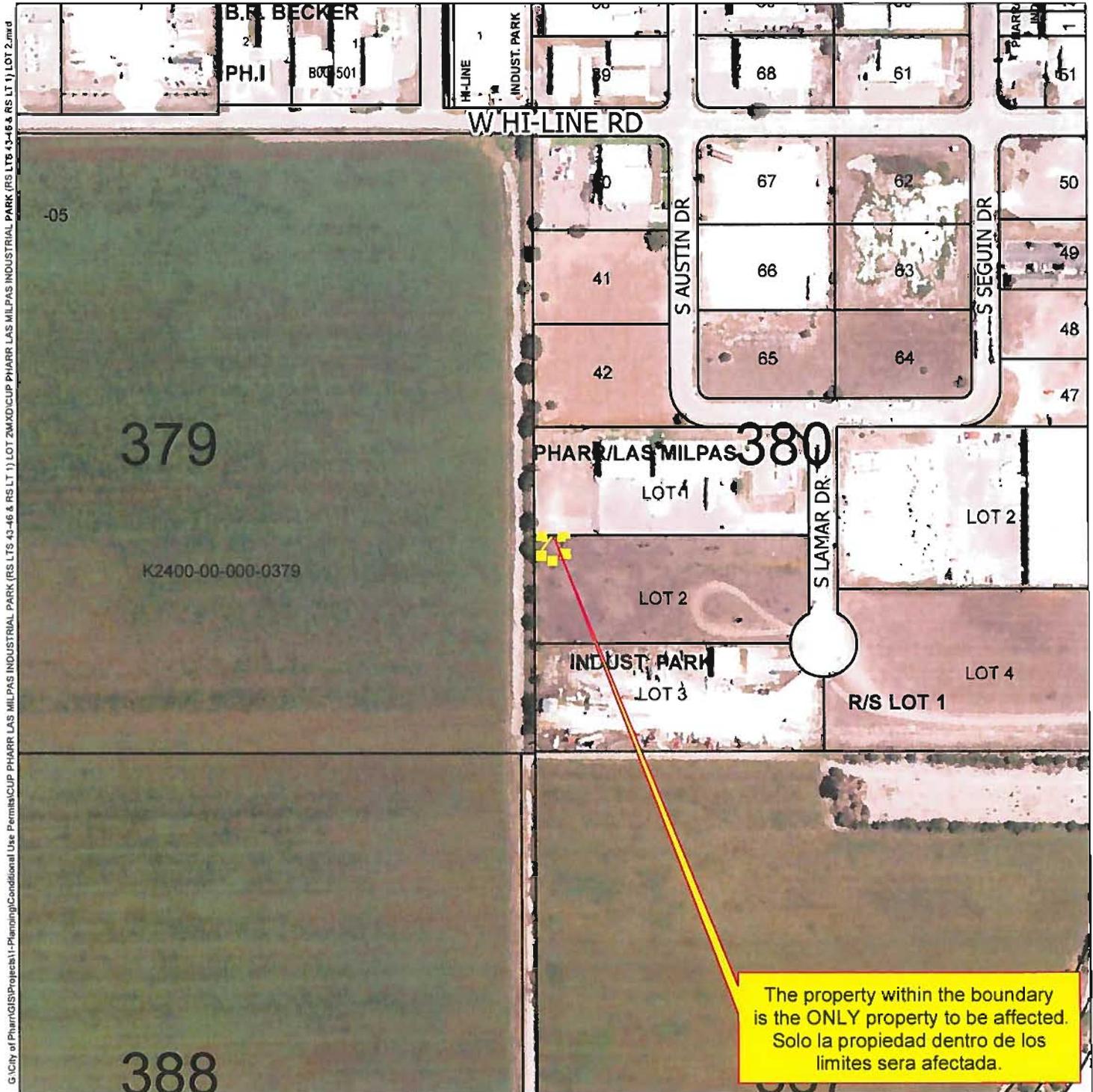
NOTIFICATION OF PUBLIC: Four (4) surrounding property owners were notified by letter and a legal notice was published in the Advance News Journal. Staff received no response to the letters or the legal notice.

PLANNING STAFF RECOMMENDATIONS: Planning Staff is recommending **approval** of the Life-of-the-Use Conditional Use Permit to allow a new telecommunication tower in a Planned Unit Development District (PUD) subject to the following conditions:

1. The applicant shall comply with all City of Pharr Ordinance requirements. Any violation of City Ordinance will terminate this Conditional Use Permit;
2. Any request to revise, alter or amend the conditions or requirements shall require the applicant to apply for a new Conditional Use Permit;
3. Any change in location, change in ownership or business entity owning or carrying out its operation on the property shall terminate this Conditional Use Permit;
4. This Conditional Use Permit shall be issued for the Life-of-the-Use; and
5. The telecommunications tower must comply with all setback and height requirements.
6. The following shall be considered as grounds for the revocation of a Conditional Use Permit:
 - Any change in use or change in extent of use, area or location being used.
 - Failure to allow periodic inspections by representatives of the City of Pharr at any reasonable time.
 - Conditional Use Permits that have been revoked may not be applied for again until a period of one year has lapsed from the date of revocation.

PLANNING & ZONING RECOMMENDATIONS: Planning and Zoning Commission voted unanimously to approve the request for a Life-of-the-Use Conditional Use Permit to allow a new telecommunication tower in a Planned Unit Development District (PUD) subject to staff's recommendations.

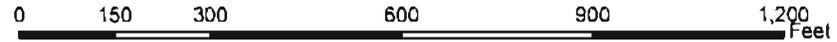
Proposed Conditional Use Permit
 PHARR/LAS MILPAS INDUSTRIAL PARK
 (R/S LTS 43-46 & R/S LT 1) LOT 2
 Branch Towers, LLC / William R. Bauman



The property within the boundary is the ONLY property to be affected.
 Solo la propiedad dentro de los limites sera afectada.

- | | | | | |
|-----------------------------|---------------------------|-------------------|-------------------------|--------------------------|
| Agricultural Open Space | High Density Multi-Family | Government Owned | Heavy Industrial | Hidalgo ISD |
| Single Family | Mobile Home | General Business | Limited Industrial | Valley View ISD |
| Single Family Small Lot | Townhouse | Business District | Neighborhood Commercial | Planned Unit Development |
| Two Family | HUD Code | Drainage Easement | Office Professional | |
| Medium Density Multi-Family | Rail Road R.O.W. | Heavy Commercial | PSJA ISD | |

Scale: 1 inch = 300 feet



City of Pharr, Texas
 Engineering Department
 956.702.5355



Date: 2/27/2015

3601 SOUTH CAPITAL OF TEXAS HWY
 SUITE 200
 AUSTIN, TEXAS 78704

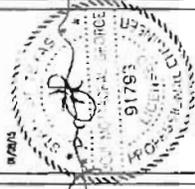
T

ADD NO: 14-6784

OWNER: CC

CHECKED BY: J. GEORGE

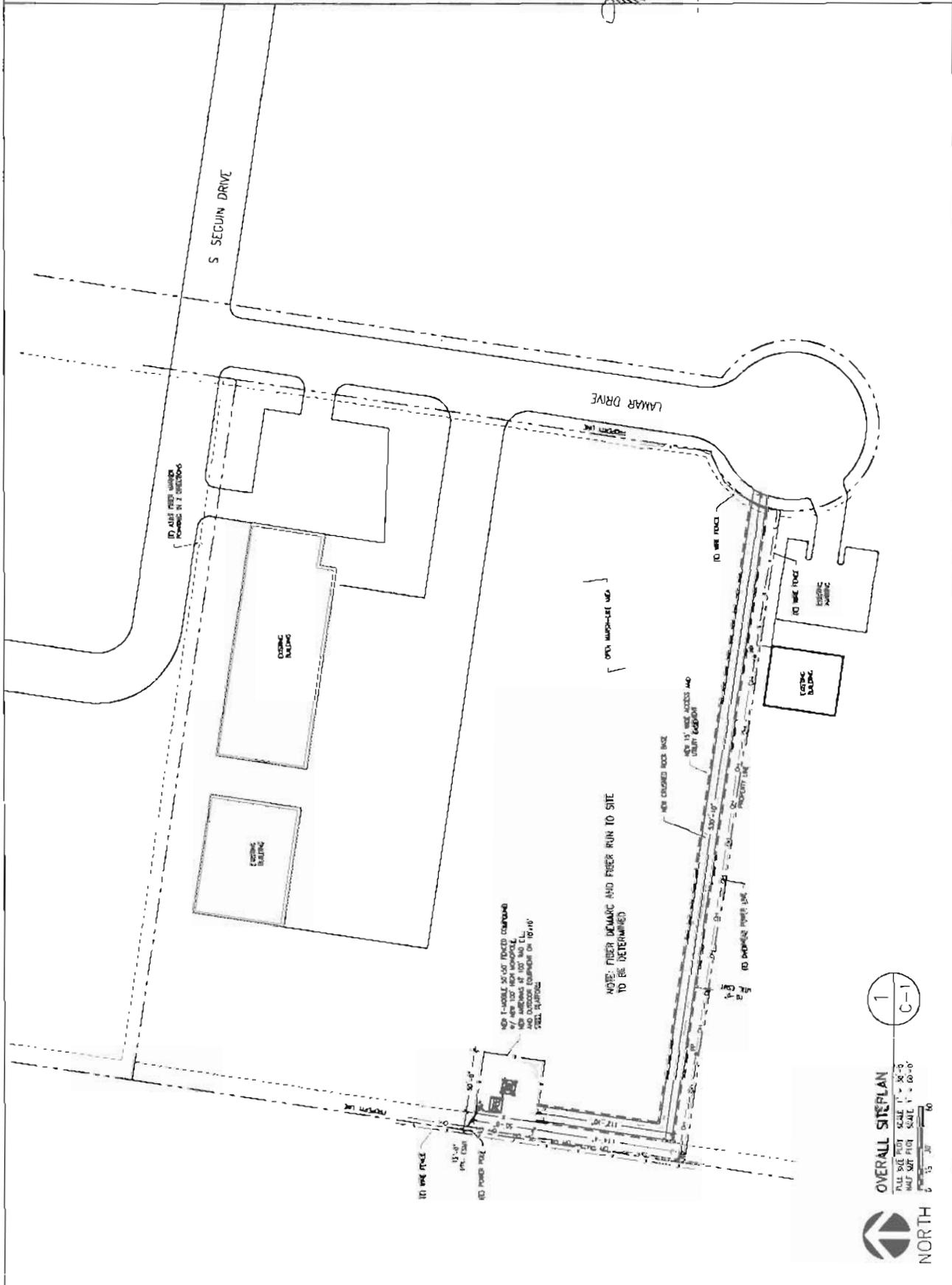
REVISIONS:
 1. INITIAL ISSUED FOR REVIEW
 2. INITIAL ISSUED FOR REVIEW
 3. INITIAL ISSUED FOR REVIEW
 4. INITIAL ISSUED FOR REVIEW
 5. INITIAL ISSUED FOR REVIEW



CD01893A
 BENAVIDEZ
 RAW LAND
 6700 LAMAR DR.
 HOUSTON, TEXAS 77036
 HOUSTON COUNTY

SHEET FILE
 OVERALL SITEPLAN

SHEET NUMBER
C-1



TOWER STRUCTURAL ANALYSIS BY OTHERS:
NO NEW ANTENNAS OR EQUIPMENT SHALL BE
INSTALLED WITHOUT APPROVAL OF STRUCTURAL
ENGINEER.

NOTE:
INSTALLED EQUIPMENT MUST HAVE
A MATCHING CROWN APPLICATION
AND STRUCTURAL ANALYSIS



1-MOBILE PANEL ANTENNAS
SECTOR A, 10' @ 100' RAD. COVER
SECTOR B, 100' @ 100' RAD. COVER
SECTOR C, 100' @ 100' RAD. COVER
SECTOR D, 100' @ 100' RAD. COVER

NEW 100 VOLT/PHASE
175 NEW HYBRID
POWER/FIBER
CABLE HIGH CAPACITY

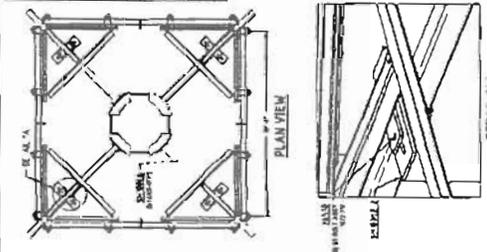


NEW 100 AMP/3 PHASE
W/ METER BANK
AND METER BANK
FIELD BOX
NEW 10' WOOD
CHANGING FENCE
W/ BARBED WIRE

ELEVATION
FULL SIZE PLOT SCALE 1/2" = 1'-0"
HALF SIZE PLOT SCALE 1/4" = 1'-0"

C-2

**NOTE: DETAIL ONLY
SHOWN FOR REFERENCE**



NOTE: MOUNT COMPLIANCE BY OTHERS
NOTE: VERIFY AZIMUTHS WITH REDS
NOTE: 2' ANTENNA SEPARATION REQ

PAR'S LIST

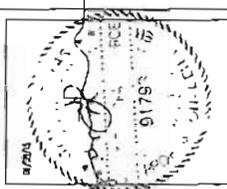
ITEM	DESCRIPTION	QTY	UNIT	PRICE	TOTAL
1	10' X 10' X 10' GALV. STEEL TOWER	1	EA	1500.00	1500.00
2	10' X 10' X 10' GALV. STEEL TOWER	1	EA	1500.00	1500.00
3	10' X 10' X 10' GALV. STEEL TOWER	1	EA	1500.00	1500.00
4	10' X 10' X 10' GALV. STEEL TOWER	1	EA	1500.00	1500.00
5	10' X 10' X 10' GALV. STEEL TOWER	1	EA	1500.00	1500.00
6	10' X 10' X 10' GALV. STEEL TOWER	1	EA	1500.00	1500.00
7	10' X 10' X 10' GALV. STEEL TOWER	1	EA	1500.00	1500.00
8	10' X 10' X 10' GALV. STEEL TOWER	1	EA	1500.00	1500.00
9	10' X 10' X 10' GALV. STEEL TOWER	1	EA	1500.00	1500.00
10	10' X 10' X 10' GALV. STEEL TOWER	1	EA	1500.00	1500.00

SHIELDS FOUR SECTOR PLATE KIT
FOR Poles 10'-30' Flat to Flat
- Features 10'-30' Flat to Flat
with 10' Flat to Flat
Total Weight: 100 lbs.

3001 SOUTH CAPITAL OF TEXAS HWY
SUITE 300
AUSTIN, TEXAS 78704

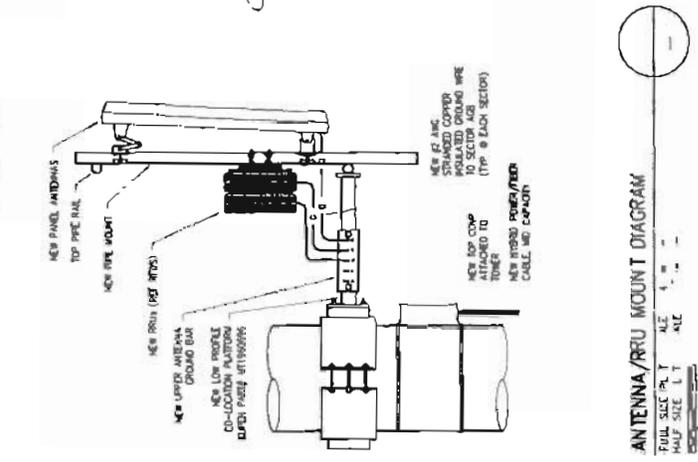
CD NO. 14-0774
DRAWN BY: CC
CHECKED BY: J. GEORGE
REVISIONS FOR REVIEW
REVISIONS FOR REVIEW
REVISIONS FOR REVIEW
REVISIONS FOR REVIEW

ALPRO
CONSTRUCTION INC.
2821 Lakota & Highway 171
Suite 100, P.O. Box 100
San Antonio, TX 78217
Tel: 214-343-1171
Fax: 214-343-1172
www.alpro.com

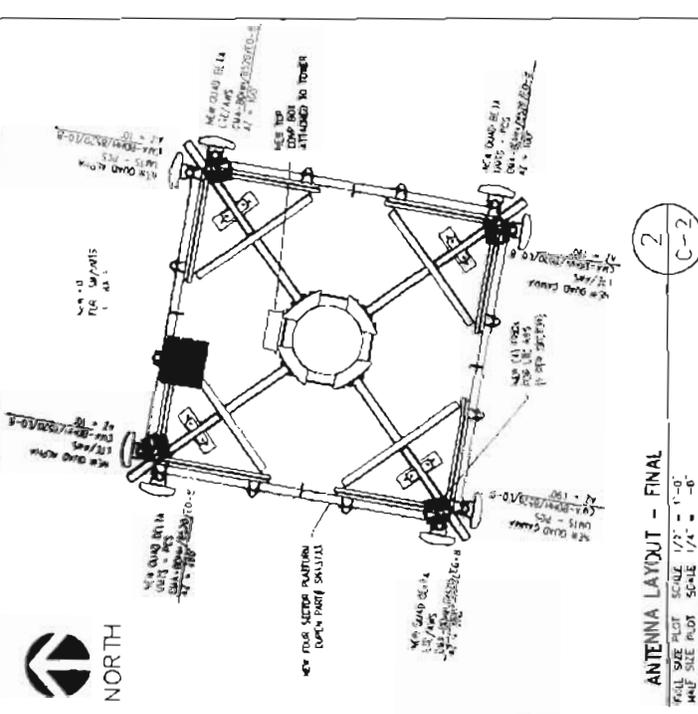


CC01693A
BENAVIDEZ
RAW LAND
8000 LAMAR DR.
P.O. BOX 100
MIDLAND COUNTY

SHEET TITLE
ELEVATION & ARRAY
SHEET NUMBER
C-2



ANTENNA/RRU MOUNT DIAGRAM
FULL SIZE PLOT SCALE 1/2" = 1'-0"
HALF SIZE PLOT SCALE 1/4" = 1'-0"



ANTENNA LAYOUT - FINAL
FULL SIZE PLOT SCALE 1/2" = 1'-0"
HALF SIZE PLOT SCALE 1/4" = 1'-0"

2
C-2





MEMORANDUM

TO: MAYOR AND CITY COMMISSION

FROM: EDWARD M. WYLIE, DIRECTOR/DEPUTY E.M.C.

THROUGH: FRED SANDOVAL, CITY MANAGER

DATE: APRIL 7, 2015

RE: LIFE-OF-THE-USE CONDITIONAL USE PERMIT – FILE NO. CUP#150211
(COLOCATION OF TELECOMMUNICATION EQUIPMENT)

GENERAL INFORMATION:

APPLICANT: William R. Bauman representing T-Mobile West, LLC, has filed with the Planning and Zoning Commission a request for a Life-of-the-Use Conditional Use Permit to allow the co-location of telecommunication equipment on a new tower in a Planned Unit Development District (PUD).

LEGAL DESCRIPTION: The property is legally described as 0.057 of an acre tract of land more or less, out of Lot 2, Re-subdivision of Lot 1, of the Re-subdivision of Lots 43-46, Pharr/Las Milpas Industrial Park Subdivision, Pharr, Hidalgo County, Texas.

LOCATION: The property is physically located at 9302 South Lamar Drive.

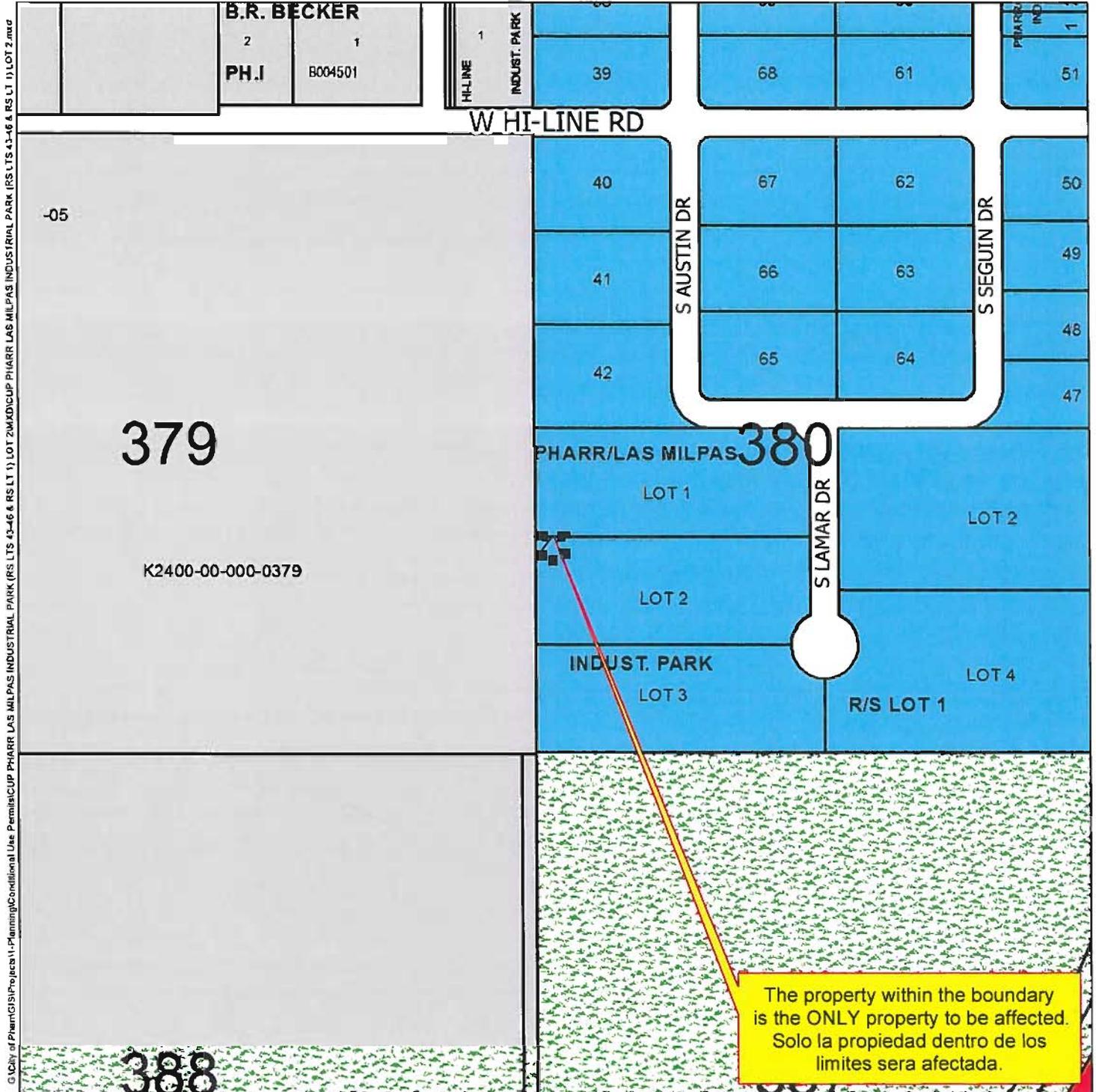
ZONING: The property is currently zoned Planned Unit Development District (PUD). The surrounding area is zoned Planned Unit Development District (PUD) to the north, south and east and Limited Industrial District (L-I) to the west. The area is generally designated for industrial use in the Land Use Plan.

NOTIFICATION OF PUBLIC: Four (4) surrounding property owners were notified by letter and a legal notice was published in the Advance News Journal. Staff received no response to the letters or the legal notice.

PLANNING STAFF RECOMMENDATIONS: Planning Staff is recommending **approval** of the Life-of-the-Use Conditional Use Permit to allow the co-location of telecommunication equipment on a new tower in a Planned Unit Development District (PUD) subject to the following conditions:

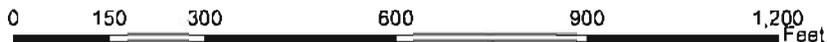
1. The applicant shall comply with all City of Pharr Ordinance requirements. Any violation of City Ordinance will terminate this Conditional Use Permit;
2. Any request to revise, alter or amend the conditions or requirements shall require the applicant to apply for a new Conditional Use Permit;
3. Any change in location, change in ownership or business entity owning or carrying out its operation on the property shall terminate this Conditional Use Permit;
4. This Conditional Use Permit shall be issued for the Life-of-the-Use; and
5. The telecommunications tower must comply with all setback and height requirements.
6. The following shall be considered as grounds for the revocation of a Conditional Use Permit:
 - Any change in use or change in extent of use, area or location being used.
 - Failure to allow periodic inspections by representatives of the City of Pharr at any reasonable time.
 - Conditional Use Permits that have been revoked may not be applied for again until a period of one year has lapsed from the date of revocation.

PLANNING & ZONING RECOMMENDATIONS: Planning and Zoning Commission voted unanimously to approve the request for a Life-of-the-Use Conditional Use Permit to allow the co-location of telecommunication equipment on a new tower in a Planned Unit Development District (PUD) subject to staff's recommendations.



The property within the boundary is the ONLY property to be affected.
 Solo la propiedad dentro de los limites sera afectada.

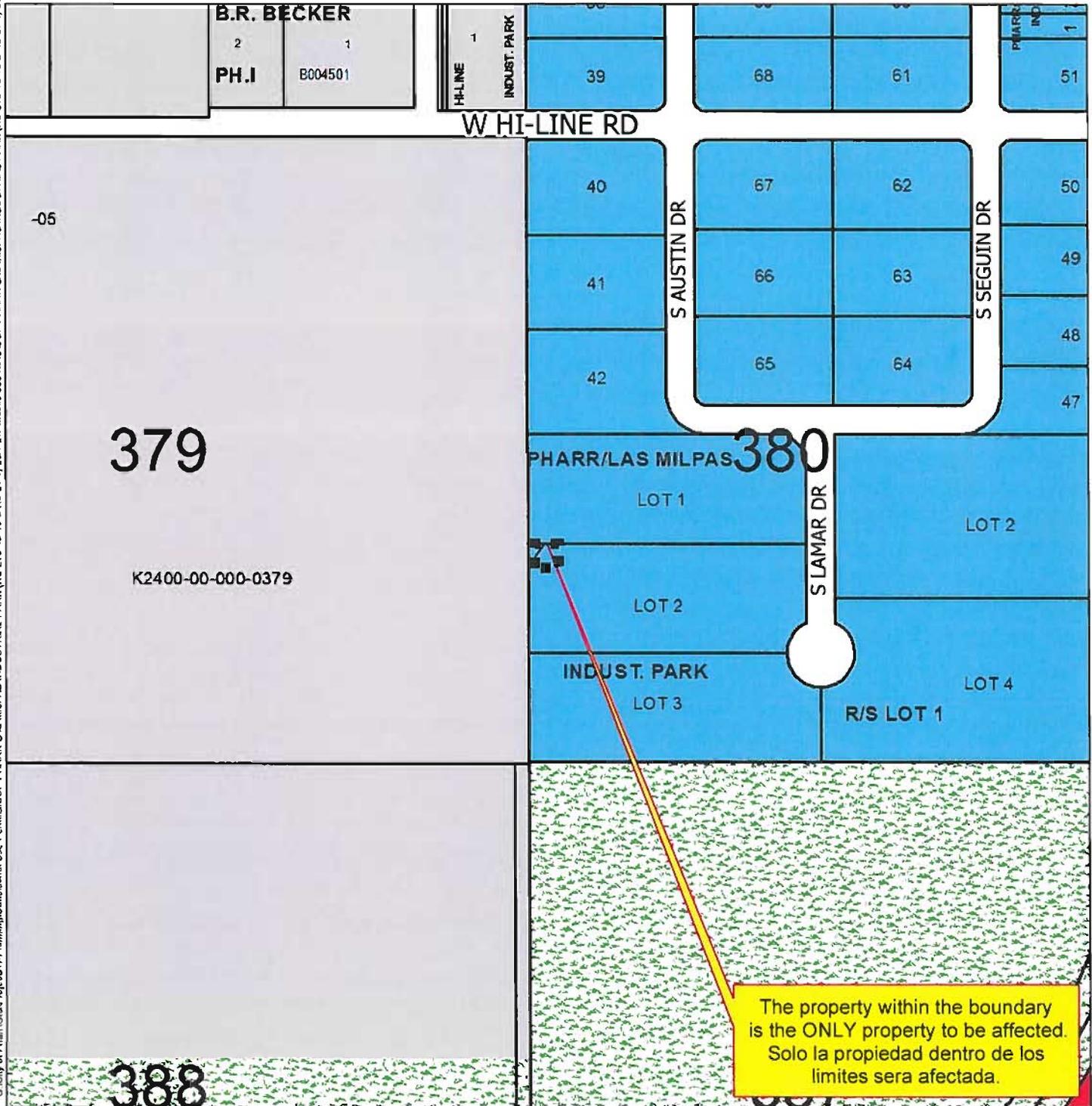
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|-----------------------------|---------------------------|-------------------|-------------------------|--------------------------|
| Agricultural Open Space | High Density Multi-Family | Government Owned | Heavy Industrial | Hidalgo ISD |
| Single Family | Mobile Home | General Business | Limited Industrial | Valley View ISD |
| Single Family Small Lot | Townhouse | Business District | Neighborhood Commercial | Planned Unit Development |
| Two Family | HUD Code | Drainage Easement | Office Professional | |
| Medium Density Multi-Family | Rail Road R.O.W. | Heavy Commercial | PSJA ISD | |



Proposed Conditional Use Permit
 PHARR/LAS MILPAS INDUSTRIAL PARK
 (R/S LTS 43-46 & R/S LT 1) LOT 2
 T-Mobile LLC / William R. Bauman

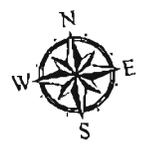
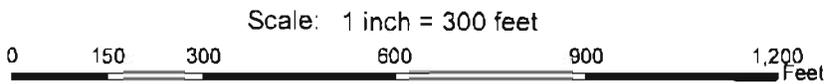


G:\City of Pharr\GIS\Projects\11-Planning\Conditional Use Permits\CUP PHARR LAS MILPAS INDUSTRIAL PARK (R/S LTS 43-46 & R/S LT 1)\LOT 2.dwg



- | | | | | |
|-----------------------------|---------------------------|-------------------|-------------------------|--------------------------|
| Agricultural Open Space | High Density Multi-Family | Government Owned | Heavy Industrial | Hidalgo ISD |
| Single Family | Mobile Home | General Business | Limited Industrial | Valley View ISD |
| Single Family Small Lot | Townhouse | Business District | Neighborhood Commercial | Planned Unit Development |
| Two Family | HUD Code | Drainage Easement | Office Professional | |
| Medium Density Multi-Family | Rail Road R.O.W. | Heavy Commercial | PSJA ISD | |

City of Pharr, Texas
 Engineering Department
 956.702.5355

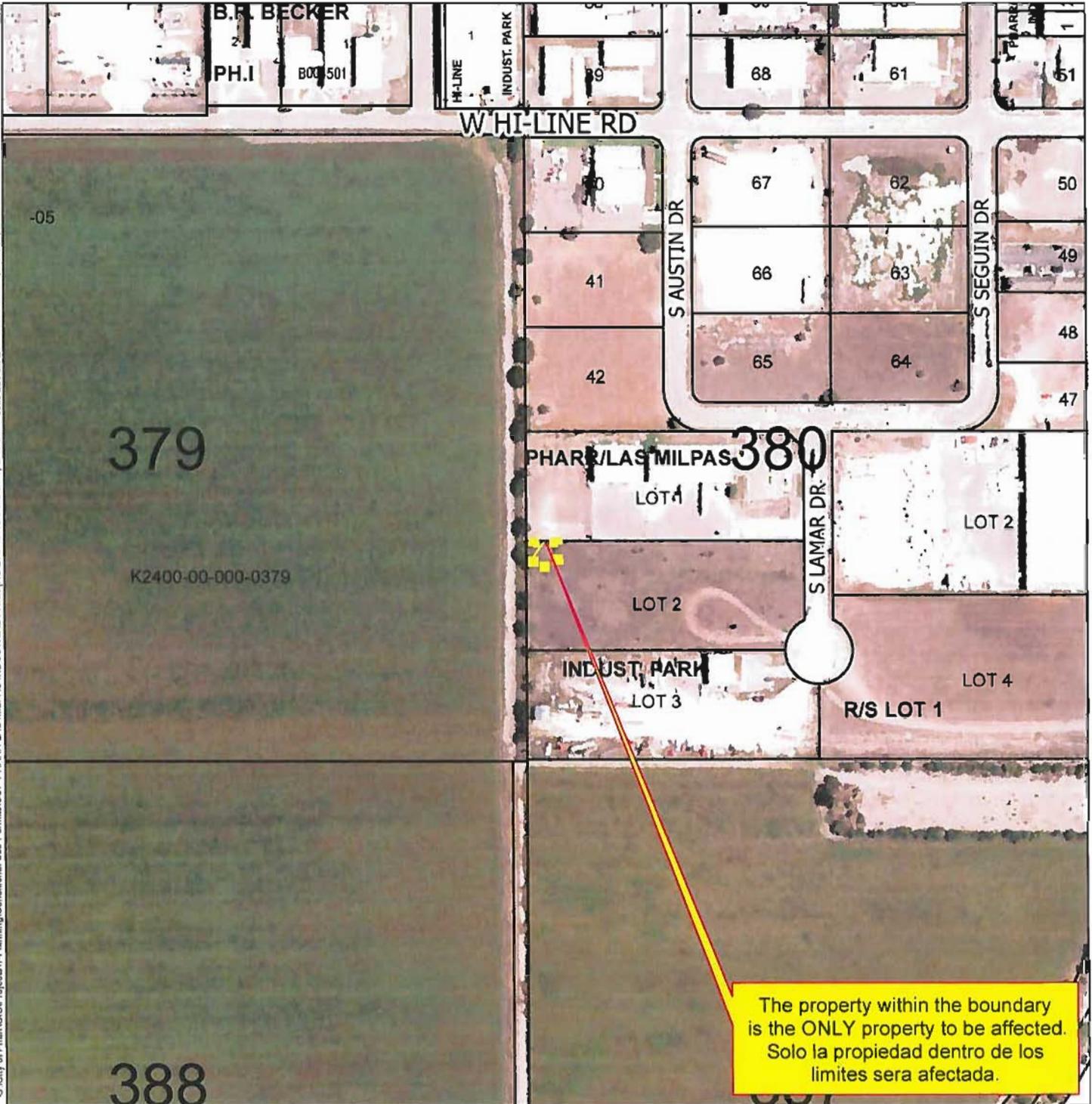


Date: 2/27/2015

Proposed Conditional Use Permit
 PHARR/LAS MILPAS INDUSTRIAL PARK
 (R/S LTS 43-46 & R/S LT 1) LOT 2
 T-Mobile LLC / William R. Bauman



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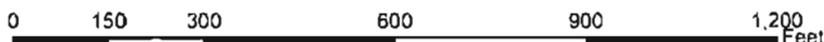


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 limites sera afectada.

- | | | | | |
|-----------------------------|---------------------------|-------------------|-------------------------|--------------------------|
| Agricultural Open Space | High Density Multi-Family | Government Owned | Heavy Industrial | Hidalgo ISD |
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| Single Family Small Lot | Townhouse | Business District | Neighborhood Commercial | Planned Unit Development |
| Two Family | HUD Code | Drainage Easement | Office Professional | |
| Medium Density Multi-Family | Rail Road R.O.W. | Heavy Commercial | PSJA ISD | |

City of Pharr, Texas
 Engineering Department
 958.702.5355

Scale: 1 inch = 300 feet



Date: 2/27/2015

3601 SOUTH CAPITAL OF TEXAS HWY
SUITE 300
AUSTIN, TEXAS 78704

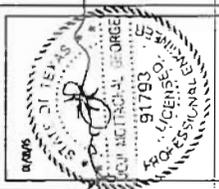
T

ACD NO: 14-6784

DRAWN BY: CC

CHECKED BY: J. GEORGE

ALL RIGHTS RESERVED FOR REVIEW
ALL RIGHTS RESERVED FOR REVIEW
ALL RIGHTS RESERVED FOR REVIEW
ALL RIGHTS RESERVED FOR REVIEW



CC01693A
BENAVIDEZ
RAW LAND
1302 LAMAR DR.
PHARR, TX 78577
HIDALGO COUNTY

SHEET TITLE
OVERALL SITEPLAN

SHEET NUMBER
C-1

S. SEQUIN DRIVE

LAMAR DRIVE

EXISTING FIBER WAREHOUSE
FOUND IN 17 DECISION

EXISTING BUILDING

EXISTING BUILDING

EXISTING BUILDING

EXISTING BUILDING

EXISTING BUILDING

EXISTING BUILDING

NOTE: FIBER DEMARC AND FIBER RUN TO SITE
TO BE DETERMINED

NEW 1-WHOLE SIZE FENCED COMPOND
BY NEW 100' HIGH METALLIC
POST AND RAIL FENCING WITH
AND OUTSIDE EXPOSURE ON 10' HIGH
STEEL PLATFORM

NEW CHANGES SIDE WALK
NEW 15' WIDE ACCESS AND
DRIVE DRIVEWAY

TO NEW FIBER

1
C-1

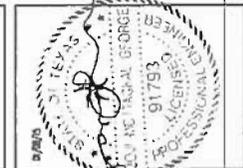
OVERALL SITEPLAN
ALL SIZE FOOT SCALE 1" = 30'-0"
ALL SIZE FEET SCALE 1" = 60'-0"



2801 SOUTH CAPITAL OF TEXAS HWY
SUITE 300
AUSTIN, TEXAS 78704

ACD NO. 14-0784
DRAWN BY: CO
CHECKED BY: S. GEORGE

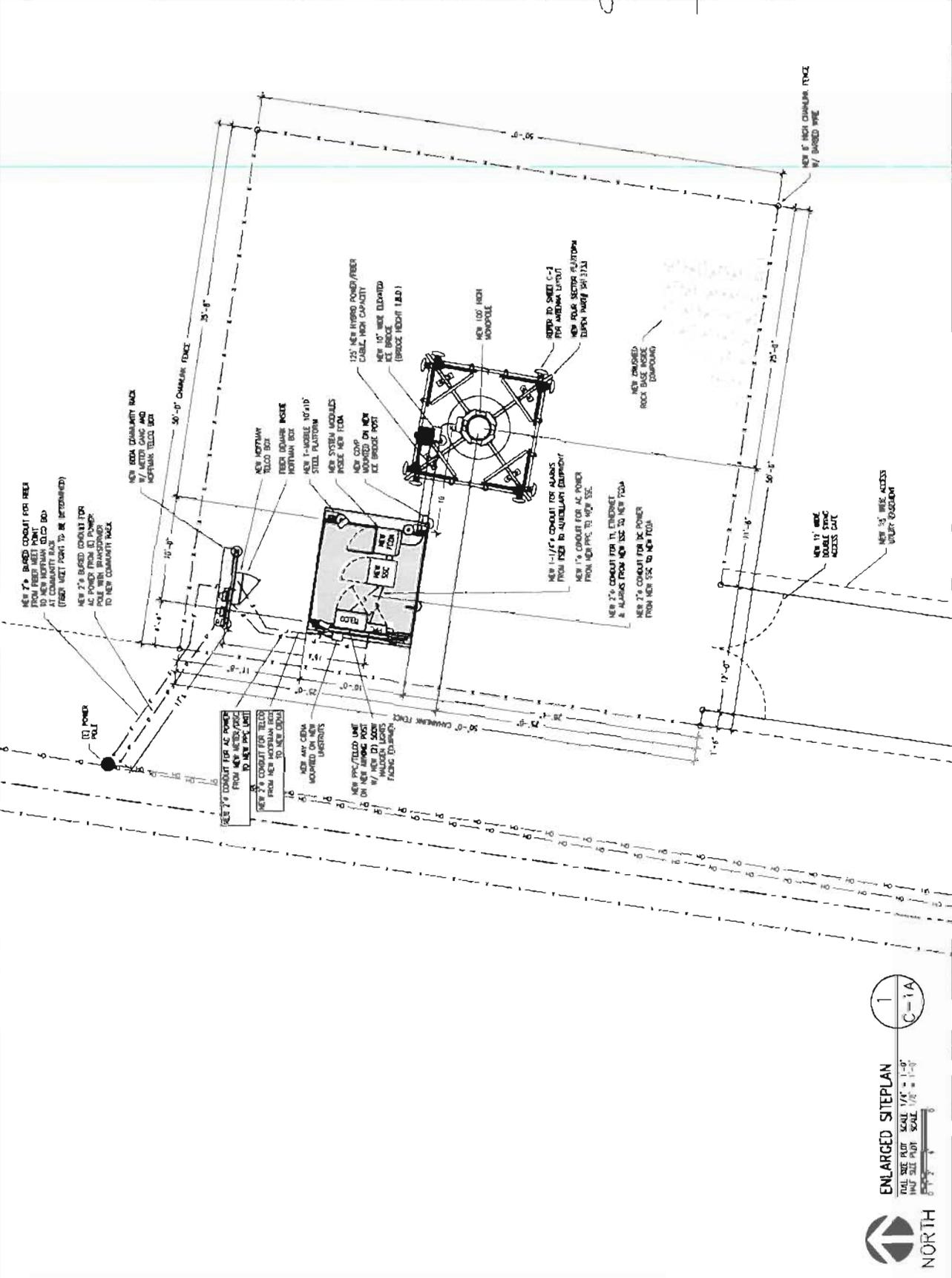
ALLPRO
QUALITY GROUP, INC.
1071 Lyman & Avenue 77
San Jose, CA 95128
Tel: 408-241-3070
www.allpro.com



CC01693A
BENAVIDEZ
RAW LAND
8300 LAJAS DR.
PHOENIX, TX 78777
HIDALGO COUNTY

SHEET TITLE
OVERALL SITEPLAN

SHEET NUMBER
C-1A



1
C-1A

ENLARGED SITEPLAN
OVERALL SITE PLAN SCALE 1/4" = 1'-0"
UTILITY PLAN SCALE 1/8" = 1'-0"





MEMORANDUM

TO: MAYOR AND CITY COMMISSION

FROM: PLANNING STAFF

DATE: APRIL 07, 2015

RE: JANCO SUBDIVISION
FILE NO. SUB#130716

GENERAL INFORMATION:

APPLICANT: Melden & Hunt Inc., representing Jan R. Koepke, is requesting final plat approval of the proposed Janco Subdivision.

LEGAL DESCRIPTION: The property is legally described as 1.76 acres out of Lot 85 Kelly-Pharr Subdivision, Pharr Hidalgo County, Texas.

LOCATION: The property is located within the 5300 Block of US Hwy 281 South.

ZONING: The property is zoned Limited Industrial District (L-I). The adjacent zones are Limited Industrial District (L-I) to the North, South and West and General Business District (C) to the East. The property is designated for industrial and commercial use in the Land Use Plan.

PROPERTY PROPOSED USE: Warehouse.

VARIANCES: None requested.

RECOMMENDATIONS: Planning staff recommends final plat approval of the proposed Janco Subdivision subject to the following conditions:

**STREETS, PAVING
AND R.O.W.:** 1) No Comments.

EASEMENTS: 1) No Comments.

**SIDEWALK:
ADA:** 1) No Comments.

FIRE PROTECTION: 1) No Comments.

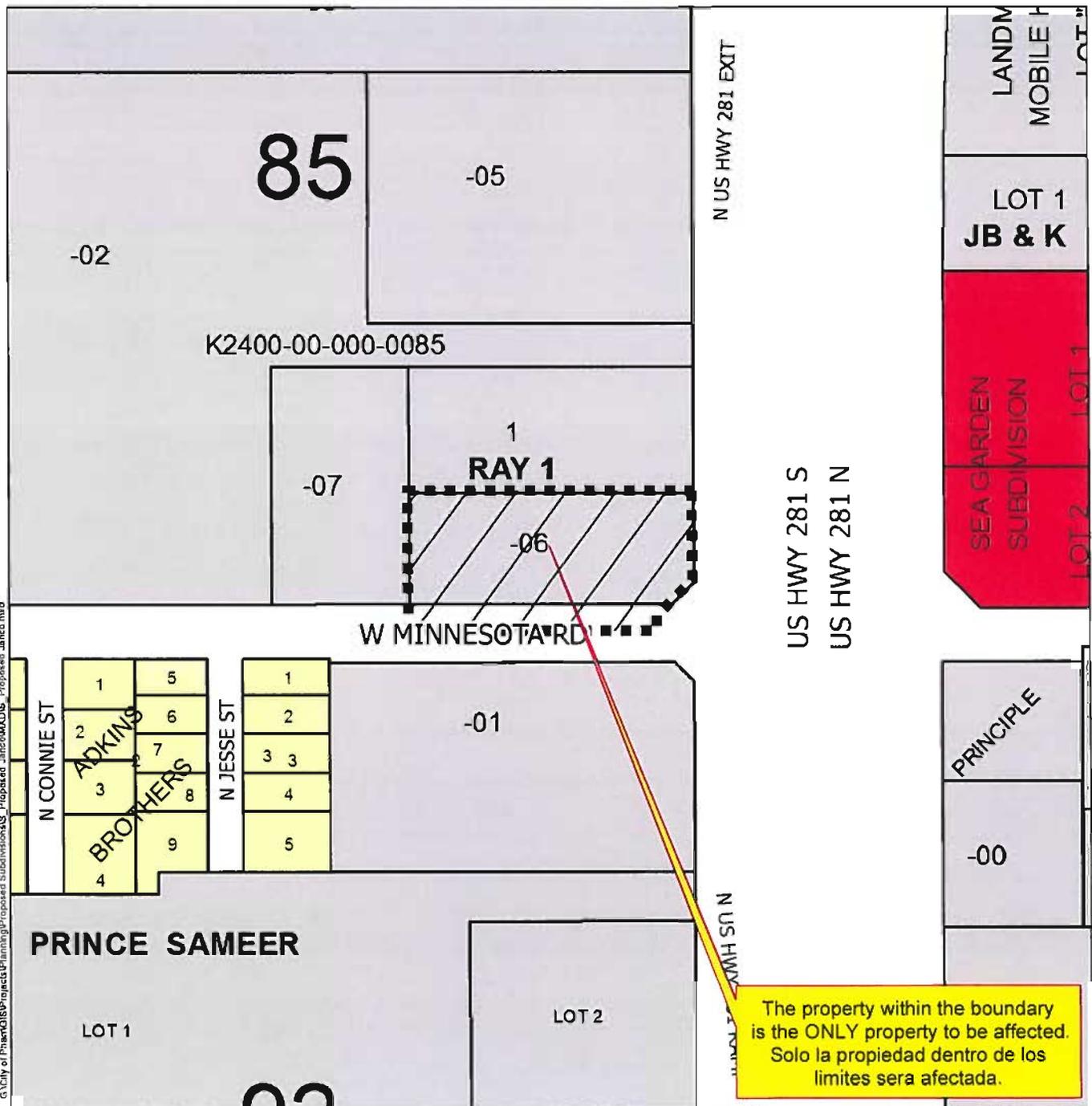
WATER: 1) No Comments.

SEWER: 1) No Comments.

DRAINAGE: 1) No Comments.

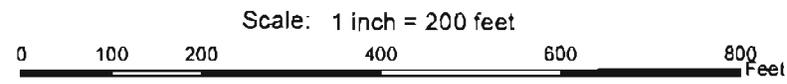
OTHER: 1) No Comments.

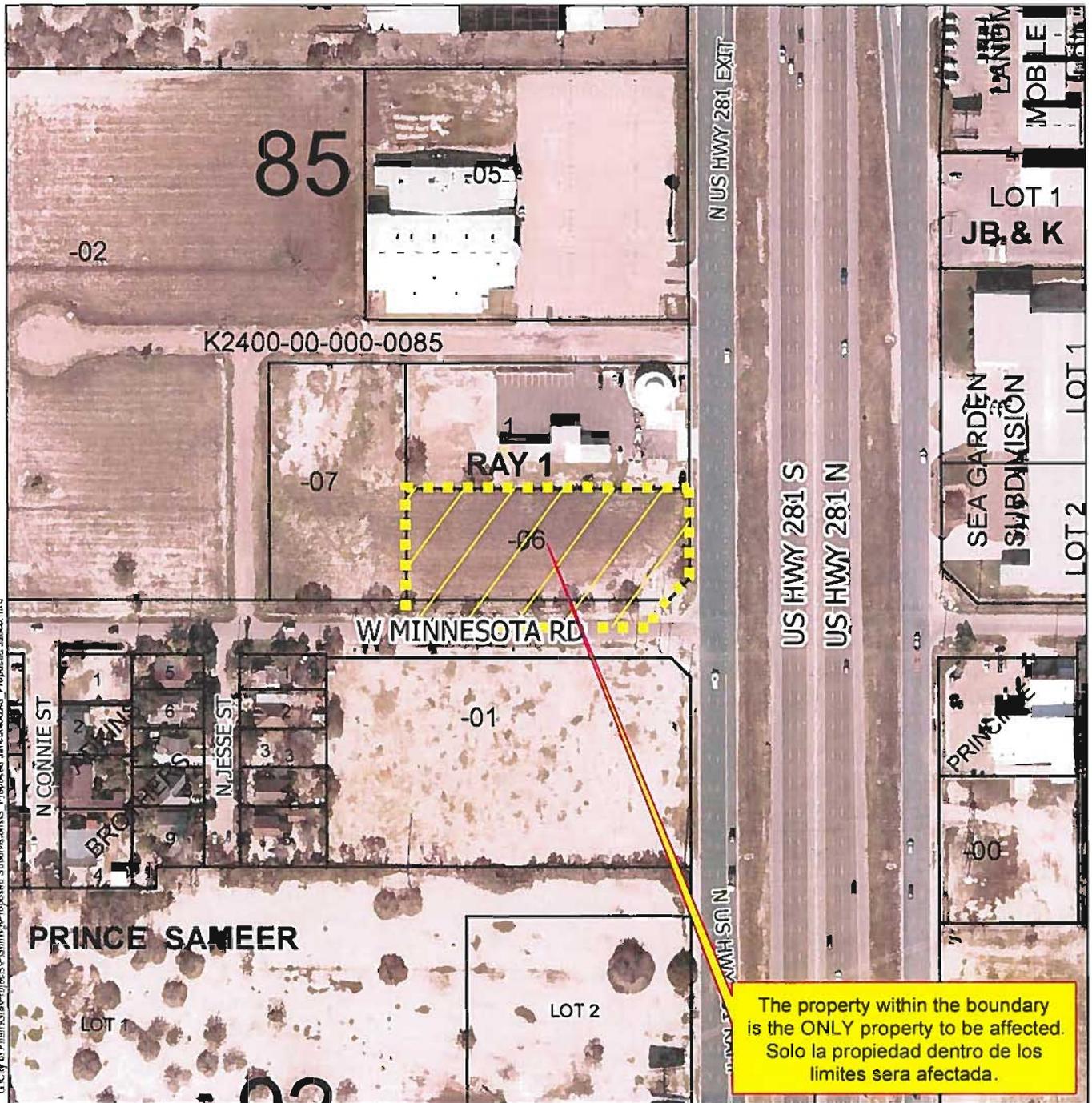
**PLANNING AND
ZONING COMMISSION:** The Planning and Zoning Commission voted unanimously to approve the final plat approval of the proposed Janco Subdivision.



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- | | | | | |
|-----------------------------|---------------------------|-------------------|-------------------------|--------------------------|
| Agricultural Open Space | High Density Multi-Family | Government Owned | Heavy Industrial | Hidalgo ISD |
| Single Family | Mobile Home | General Business | Limited Industrial | Valley View ISD |
| Single Family Small Lot | Townhouse | Business District | Neighborhood Commercial | Planned Unit Development |
| Two Family | HUD Code | Drainage Easement | Office Professional | |
| Medium Density Multi-Family | Rail Road R.O.W. | Heavy Commercial | PSJA ISD | |





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Agricultural Open Space	High Density Multi-Family	Government Owned	Heavy Industrial	Hidalgo ISD
Single Family	Mobile Home	General Business	Limited Industrial	Valley View ISD
Single Family Small Lot	Townhouse	Business District	Neighborhood Commercial	Planned Unit Development
Two Family	HUD Code	Drainage Easement	Office Professional	
Medium Density Multi-Family	Rail Road R.O.W.	Heavy Commercial	PSJA ISD	

City of Pharr, Texas
 Engineering Department
 956.702.5355

Scale: 1 inch = 200 feet

0 100 200 400 600 800 Feet

Date: 8/21/2013



MEMORANDUM

TO: MAYOR AND CITY COMMISSION
FROM: PLANNING STAFF
DATE: APRIL 07, 2015
RE: RE-PLAT OF THE WEST HALF OF LOT 59, ADDITION TO LAS MILPAS SUBDIVISION FILE NO. SUB#141129

GENERAL INFORMATION:

APPLICANT: Quintanilla, Headley & Associates, Inc., representing Jose F. De Hoyos, Eva De Hoyos, Rolando Aguirre and Janet Aguirre, are requesting final plat approval of the proposed Re-plat of the West half of Lot 59, Addition to Las Milpas Subdivision.

LEGAL DESCRIPTION: The property is legally described as being a 0.50 acre tract of land out of the West half of Lot 59, Las Milpas Subdivision, Pharr, Hidalgo County, Texas.

LOCATION: The property is located within the 400 Block of West Ruisenor Avenue.

ZONING: The property is zoned Two-Family Residential District (R-2). The adjacent zones are Two-Family Residential District (R-2) to the North, South, and East, and Single-Family Residential District (R-1) to the West. The property is designated for residential use in the Land Use Plan.

PROPERTY PROPOSED USE: Apartments.

VARIANCES: None requested.

RECOMMENDATIONS: Planning staff is recommending final plat approval of the proposed Re-plat of the West half of Lot 59, Addition to Las Milpas Subdivision. subject to the following conditions:

STREETS, PAVING AND R.O.W.: 1) No Comments.

EASEMENTS: 1) No Comments.

**SIDEWALK:
ADA:** 1) No Comments.

FIRE PROTECTION: 1) No Comments.

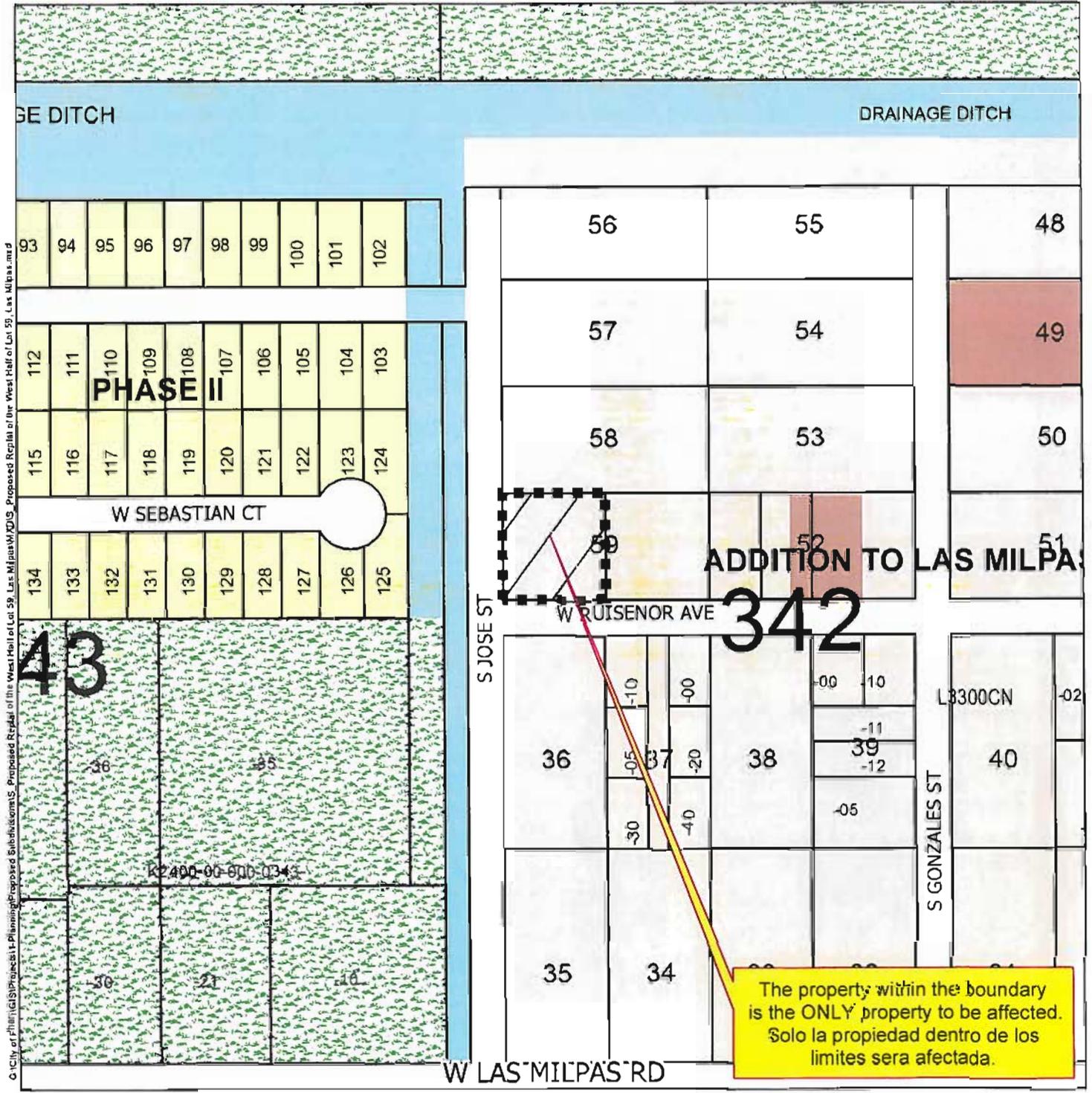
WATER: 1) No Comments.

SEWER: 1) No Comments.

DRAINAGE: 1) No Comments.

OTHER: 1) No Comments.

PLANNING AND ZONING COMMISSION: The Planning and Zoning Commission voted unanimously to approve the final plat approval of the proposed Re-plat of the West half of Lot 59, Addition to Las Milpas Subdivision.



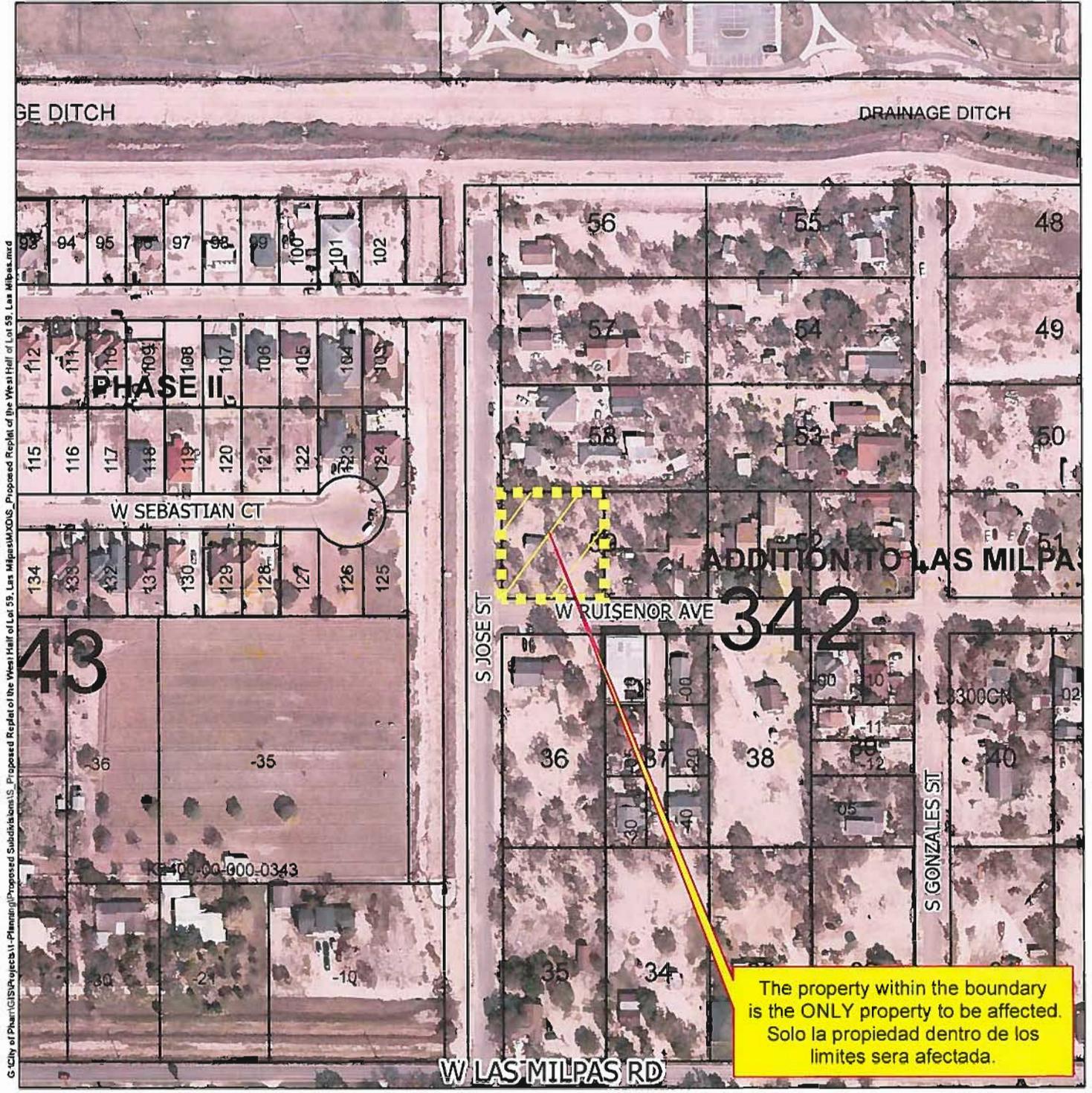
The property within the boundary is the ONLY property to be affected.
 Solo la propiedad dentro de los limites sera afectada.

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|-----------------------------|---------------------------|-------------------|-------------------------|--------------------------|
| Agricultural Open Space | High Density Multi-Family | Government Owned | Heavy Industrial | Hidalgo ISD |
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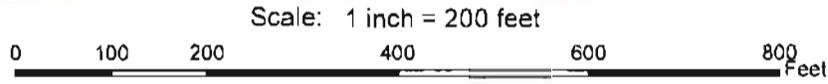
Scale: 1 inch = 200 feet





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|-----------------------------|---------------------------|-------------------|-------------------------|--------------------------|
| Agricultural Open Space | High Density Multi-Family | Government Owned | Heavy Industrial | Hidalgo ISD |
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AGENDA ITEM REQUEST

MEETING DATE: _____

INITIATED BY: Roy S. Garcia DEPARTMENT: PEC

AGENDA ITEM: Amending the PEC Ordinance - a promoter cannot bring an artist of the same genre with three weeks before or 3 weeks after a promoter has a contract and deposit in place.

PARTY MAKING THE REQUEST: PEC

NATURE OF THE REQUEST: _____

BUDGET:

EXPENDITURE REQUIRED: \$

CURRENT BUDGET: \$

ADDITIONAL FUNDING: \$

ROUTING:

LEGAL: _____

DATE: _____

FINANCE/PURCHASING: _____

DATE: _____

APPROVAL:

DEPT. HEAD: [Signature]

DATE: 2/25/15

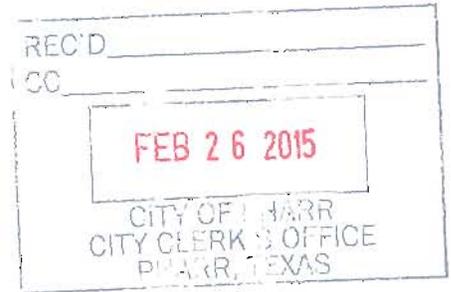
ASSISTANT CITY MANAGER: _____

DATE: _____

CITY MANAGER: [Signature]

DATE: 3/12/15

STAFF RECOMMENDATION:



ORDINANCE NO. O-2014- 48

AN ORDINANCE AMENDING ORDINANCES NO. O-2013-41, O-2013-22, O-2012-41; O-2011-50, O-2011-23, O-2009-25, O-97-14, CITY CODE, CHAPTER 30, SECTION 30-26, 30-27, 30-38, 30-40, AND 30-41; ESTABLISHING PROCEDURES AND RATES FOR RENTAL OF CITY FACILITIES; AND ESTABLISHING AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF PHARR, TEXAS:

SECTION 1: SECTION 30-37 OF THE CITY CODE IS AMENDED TO READ AS FOLLOWS:

“Sec. 30-37. Rental reservations, advanced reservations, limitations of serial reservations”

To reserve a City facility, renter/lessee must execute a lease agreement and pay the rental and rental deposit as set out in Section 30-41. To maintain the reservation, all rental fees must be paid within the time limitations set out in Section 30-41. Advanced reservations may be made as set out in Section 30-41. If the lessee desires to make a series of reservation, the director shall be authorized to limit the number of serial reservations by a single lessee in order to ensure varied public availability of facilities. Ord. No. O-94-12, & IV (J), 4-5-94; Ord. No. O-97-14, & 2, 3- 97)”. Rental fees and charges may be determined by an Interlocal agreement for political subdivisions.

SECTION 2: SECTION 30-40 OF THE CITY CODE IS AMENDED TO READ AS FOLLOWS:

“Sec. 30-40. Rental fee classes”

For the purpose of the rental fee schedule set out in section 30-41, except for the Pharr Events Center, the following rental fee classes are established:

- (1) **Class I** (Commercial/profit making) shall apply to any and all activities such as exhibitions, sporting events, shows, dances, and all other activities sponsored by private entities for the purpose of profit making, such as through charging of admission fees at the door or in advance. Examples are boxing matches, commercial exhibitions, indoor flea markets, concerts, etc.
- (2) **Class II** (Non-commercial/profit making) shall apply and all activities sponsored by public or private nonprofit entities for the expressed purposes of raising funds either through the charging of admission fees or the soliciting of donations. Examples are dances sponsored by non-profit corporations and church events.

- (3) **Class III (Non-commercial/private)** shall apply to any and all activities sponsored by private entities to which admission might be restricted but to which an admission fee will not be charged and profit making is not intended. These activities may include weddings, quinceñeras, receptions, birthday parties and company banquets, etc.

SECTION 3: SECTION 30-41 OF THE CITY CODE IS AMENDED TO READ AS FOLLOWS:

"Sec. 30-41. Rental fee schedule"

The following rental fees shall be charged for the use of city-owned public facilities, by rental fee classes as defined in this article.

Ancillary charges will be decided by City of Pharr Management and City Police Department. The standard ancillary fees for all locations are as follows:

Ancillary charges:

- Security: -\$35/hour per certified City of Pharr Police Officer (minimum of 3 certified officers) x _____
 -Greater of \$15/hour or actual cost per non-certified security personnel x _____
 -\$15/hour Ushers/Custodians/Ticket Takers x _____

(1) PHARR EVENTS CENTER:

		Rate Per Day*	
		June thru August	
		Thursday thru Saturday	Sunday thru Wednesday
<u>NON-TICKETED</u> Gala's, Weddings, Quinceaneras, Conventions, Other		\$8,000	\$5,000
		September thru May	
		Thursday thru Saturday	Sunday thru Wednesday
		\$10,000	\$5,000

NON-PROFIT EVENT

-501c3 from \$2,500.

-Provide letter to City Commission with at least 45 days of notice. x _____

NOTE: Rent does not include ancillary charges required: security

TICKETED
 Concerts/Sporting/Other

Rate Per Day*	
June thru August	
Thursday thru Saturday	Sunday thru Wednesday
\$5,000	\$3,000

September thru May	
Thursday thru Saturday	Sunday thru Wednesday
\$5,000	\$3,000

-All Pre-Box tickets are due when doors open of day of show. Any Pre-Box tickets not turned in are the sole promoter responsibility. x

NOTE: Rent does not include ancillary charges required: security

Half-Day Events	Rate	x
Breakfast - 6am-10am	\$ 1,000	<u> </u>
Lunch - 11am - 3pm	\$ 1,000	<u>x</u> <u> </u>
Dinner - 5pm - 9pm	\$ 1,000	<u>x</u> <u> </u>

NOTE: Half-Day events will only be allowed so long as they do not interfere with daily rental events. Events that continue in duration than the time stated will incur a charge of \$150/hour over the stated time, starting the first minute over allotted time. x

Rate per day includes set-up and/or take down day of use, unless there is no event the day of the set-up and/or take down, at which point it will be \$150/hour. x

Day of event is defined as 8:00 a.m. thru 2:00 a.m.
 DJ events must end at 2:00 a.m. x

Charge for the use of the 2 projectors is \$150.00 each, per day. Charge for the use of the pipe drape/booths for Expos is \$1,000.00 per day. x

PSJA school graduations and any other events including Church events or dinners non-profits events can be held on Sunday thru Wednesday only. x

Any all items brought into the venue for your event must be taken out after the event is over (for example decorations, catering items, etc.) x

All Pre-Box tickets must be returned to the box office no LATER than 3:00 p.m. day of the event; any and all tickets not returned will be considered as sold tickets. x

- a. **House Promoter Exception** Dates may be reserved without deposit and rental fees reduced to \$2,000 for ticketed events so long as the promoter brings twelve (12) events to the Events Center.

- b. Discount for In-Kind Media Rental Event.** Rental fees and security costs will be discounted \$0.50 per dollar in exchange for media promotional coverage of City and Events Center considered in-kind. Rental fees for media company promotional events will not be limited (rental fee may be \$0).
- c. Rental Deposit and Payment (Non-House Promoters).** Twenty-five percent (25%) of the rent must be paid to reserve a rental date. The full amount of the rental fee must be paid at least 30 days prior to reserved date. Failure to timely pay in full may result in cancellation of the event without refund.
- d. Conflicting Reservation Date.** When two or more renters want to reserve the same date, priority will be given to the renter with a signed contract by the artist (or the artist's manager) that will be performing. If a deposit was provided and the date revoked due to the conflicting reservation date, the deposit will be returned. Costs incurred to move the event to another venue will not be the responsibility of the City.
- e. Security Personnel.** All activities involving dancing, and the selling, serving and/or consumption of alcoholic beverages will require a minimum of three certified City of Pharr Police Officers to be contracted by the renter. The City of Pharr Police Department will designate the number of certified police officers required for functions. If more than 3 officers are required, they may be either certified police officers and/or security personnel from a licensed and bonded security company. x _____
- f. Support Personnel Included in the Price.** Included in the price, if needed, the venue will provide each promoter/renter with the following personnel at the venue: three Box Office, two Ticket Scanners, two Ushers, and a crew of 4 to set-up and/or take-down the layout for the event. Any additional staff will incur the greater of \$15/hour or actual cost. Layout will be discussed on a one to one basis one week prior to event. If layout needs changes after the layout has been done, this will fall solely on the rental party not on the venue employees. Venue staff will do the changing of the layout for an additional \$150/hour. x _____
- g. Additional Rent Discount (Hotel Use).** The Rent Fee can be further discounted dollar for dollar on every hotel/motel room paid for the renter's occasion, limited to the night of the event. This discount is limited to no more than \$1,000. The Hotel/Motel must be located in Pharr city limits. A receipt must be provided identifying the PAYMENT of the rooms. x _____
- h. Rental Rates 30 Days From Event (Non-Ticketed Events Only).** If there are no "Ticketed" events scheduled 30 days from the day of the proposed "Non-Ticketed" event, the "Non-Ticketed" rental rate will be \$5,000. Venue reserves the right to move any "Non-Ticketed" event 30 days prior to the event. x _____

- i. The City of Pharr will withhold between 150-200 General admission/Standing room only comp tickets. These comp tickets will offset the volunteer costs for the Pharr Events Center. The volunteer program staff will be subjected to fill out a criminal background check within the City of Pharr/Human Resource Department. x

(2) TIERRA DEL SOL: (Hall and Bar Area)

Rental Period	Rental Period	Time	Deposit	Class I	Class II	Class III
Sunday-Thursday	Morning	8:00 a.m. -1:00 p.m.	\$ 200.00	\$ 500.00	\$ 400.00	\$ 400.00
	Day	8:00 a.m. -7:00 p.m.	\$ 200.00	\$ 1,500.00	\$ 1,000.00	\$ 1,000.00
	Evening	1:00 p.m. -12 MID.	\$ 200.00	\$ 1,500.00	\$ 1,000.00	\$ 1,000.00
Friday	Morning	8:00 a.m. -1:00 p.m.	\$ 200.00	\$ 600.00	\$ 500.00	\$ 500.00
	Day	8:00 a.m. -7:00 p.m.	\$ 200.00	\$ 1,800.00	\$ 1,200.00	\$ 1,200.00
	Evening	1:00 p.m. -12 MID.	\$ 200.00	\$ 1,800.00	\$ 1,200.00	\$ 1,200.00
Saturday	Morning	8:00 a.m. -1:00 p.m.	\$ 200.00	\$ 750.00	\$ 500.00	\$ 500.00
	Day	8:00 a.m. -7:00 p.m.	\$ 200.00	\$ 2,000.00	\$ 1,500.00	\$ 1,500.00
	Evening	1:00 p.m. -1:00 a.m.	\$ 200.00	\$ 2,000.00	\$ 1,500.00	\$ 1,500.00

- a. Payment of rental.** The full amount of the rental fee must be paid at least 30 days prior to reserved date. Any amount paid by lessee less than 30 days prior to reserved date will be cancelled and any amount previously paid will not be returned.
- b. Rental and damage deposit.** \$200.00 to be paid at the time reservation is made. This deposit will be deducted from the total amount due.

- c. **Security personnel.** All activities involving dancing, and the selling, serving and/or consumption of alcoholic beverages will require a minimum of three certified City of Pharr Police Officers to be contracted by the renter. The City of Pharr Police Department will designate the number of certified police officers required for functions. If more than 3 officers are required, they may be either certified police officers and/or security personnel from a licensed and bonded security company.
- d. **Advanced reservations.** Class I reservations will be accepted for up to two years to the month in advance of the reserved date. Class II and III reservations will not be accepted more than one year to the month in advance of reserved date.

(3) LAS MILPAS COMMUNITY CENTER

Rental Period	Time	Deposit (not refunded)	Rental Rate
Monday-Sunday	8 a.m.-12 MID.	\$50.	\$50. Per hr.

- a. **Payment of rental.** The full amount of the rental fee must be paid at least 30 days prior to reserved date. Any amount paid by lessee less than 30 days prior to reserved date will be cancelled and any amount previously paid will not be returned.
- b. **Advanced reservations.** Reservations will not be accepted more than 90 days in advance of reserved date.
- c. **Restricted usage.** No alcoholic beverages will be allowed on premises.

(4) VICTOR GARCIA MUNICIPAL PARK:

Rental Period	Time	Deposit (not refunded)	Rental Rate
MUNICIPAL PARK 205 W. Polk Monday-Sunday	1 p.m.-10 p.m.	\$25.	\$100.

- a. **Payment of rental.** The full amount of the rental fee must be paid at least 30 days prior to reserved date. Any amount paid by lessee less than 30 days prior to reserved date will be cancelled and any amount previously paid will not be returned.

- b. **Advanced reservations.** Reservations will not be accepted more than 90 days in advance of reserved date.
- e. **Restricted usage.** No Class I or Class II activities will be allowed. No activity which involve dancing and/or the live playing of electronically amplified music will be permitted. The playing of prerecorded is allowed provided the volume is not such as to disturb nearby residents.

(5) PHARR SPORTS COMPLEX:

Rental Period	Time	Deposit (not refunded)	Rental Rate
Monday-Thursday	6 p.m.-10 p.m.	\$50.00	\$100.
Friday	6 p.m.-10 p.m.	\$50.00	\$150.
Saturday and Sunday	8 a.m. to 10 p.m.	\$50.00	\$250.

- a. **Payment of rental.** The full amount of the rental fee must be paid at least 30 days prior to reserved date. Any amount paid by lessee less than 30 days prior to reserved date will be cancelled and any amount previously paid will not be returned.
- b. **Advanced reservations.** Reservations will not be accepted more than 90 days in advance of reserved date.
- e. **Restricted usage.** Parks will be used for practice and tournaments only. **No alcoholic beverages will be allowed on premises.**

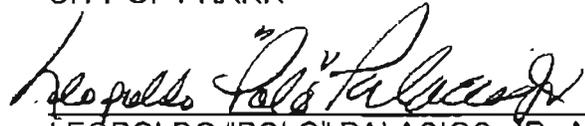
SECTION 4: PUBLICATION AND EFFECTIVE DATE. The Ordinance shall take effect and be in force from and after its passage and approval on three (3) separate readings in accordance with Section 8, Article 3 of the Charter of the City of Pharr, Texas.

SECTION 5: PROPER NOTICE AND MEETING.

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED ON THE FIRST READING BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the 7th day of October, 2014, A.D.

CITY OF PHARR



LEOPOLDO "POLO" PALACIOS, JR., MAYOR

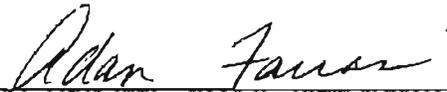
ATTEST:



HILDA PEDRAZA, CITY CLERK

PASSED AND APPROVED ON THE SECOND READING BY THE BOARD OF COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the 21st day of October, 2014, A.D.

CITY OF PHARR



ADAN FARIAS, MAYOR PRO-TEM

ATTEST:



HILDA PEDRAZA, CITY CLERK

PASSED AND APPROVED ON THE THIRD AND FINAL READING BY THE BOARD OF COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the 3rd day of November, 2014, A.D.

CITY OF PHARR



ADAN FARIAS, MAYOR PRO-TEM

ATTEST:



HILDA PEDRAZA, CITY CLERK



AGENDA ITEM REQUEST

MEETING DATE: 3/17/15 - 4-7-15

INITIATED BY: Finance Dept/Juan Guerra DEPARTMENT: Finance Dept.

AGENDA ITEM: Adoption of Updated Purchasing Policy

PARTY MAKING THE REQUEST: Juan G. Guerra CFO

NATURE OF THE REQUEST: Ordinance/Resolution

BUDGET:

EXPENDITURE REQUIRED:

CURRENT BUDGET:

ADDITIONAL FUNDING:

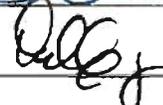
ROUTING:

LEGAL: _____ DATE: _____

FINANCE/PURCHASING: Juan G. Guerra DATE: 3/6/15

APPROVAL:

DEPT. HEAD:  DATE: 3/9/15

ASSISTANT CITY MANAGER:  DATE: 3/9/15

CITY MANAGER: _____ DATE: _____

STAFF RECOMMENDATION:

Approval of Ordinance/Resolution to adopt the updated Purchasing Policy

ORDINANCE NO: 0-2015-xx

AN ORDINANCE AMENDING ORDINANCE NOS. 0-2012-33, 0-2010-29 AND 1985-8527, PROVIDING FOR THE DELEGATION OF THE DUTIES OF THE CITY MANAGER AS PURCHASING AGENT; ADOPTING THE CITY OF PHARR PURCHASING MANUAL AS THE AUTHORITATIVE GUIDE TO PURCHASING ACTIONS; INCLUSION IN PHARR CODE OF ORDINANCES; INCORPORATION OF OTHER ORDINANCES; REPEALING CONFLICTING ORDINANCES; SEVERABILITY; AND EFFECTIVE DATE

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

Section 1: The City Manager or his designated representative shall act as purchasing agent for the City and shall purchase all merchandise material and supplies needed by the City and will establish a suitable storehouse where such supplies shall be kept and from which the same shall be issued as needed. He shall adopt such rules and regulations as he shall deem necessary governing requisitions and transaction of business between himself and the department heads, officers and employees of the City.

SECTION 2: REPEALING CLAUSE. This Ordinance, as well as the attached purchasing policies, shall be enforce and apply to all personnel and agents of the City of Pharr and vendors. This ordinance shall incorporate herein all other ordinances that exist in the Pharr Code of Ordinances not in direct conflict with this Ordinance as such are hereby abolished, and repealed to the extent of the conflict, and this Ordinance shall supersede any provisions in conflict herewith. All other provisions of the above described ordinance shall remain in full force and effect.

SECTION 3: SEVERABILITY CLAUSE. If any section, part of provisions of this Ordinance is declared unconstitutional or invalid, such declaration shall not affect the validity of the remaining sections, parts or provision of this Ordinance.

SECTION 4: EFFECTIVE DATE. This Ordinance shall take effect upon receiving final approval by the governing body following three (3) readings of the Board of Commissioners.

CONSIDERED PASSED AND APPROVED ON FIRST READING BY THE BOARD OF COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the 17th day of March, 2015.

CITY OF PHARR

Leopoldo "Polo" Palacios, Jr., Mayor

ATTEST:

Hilda Pedraza, City Clerk

CONSIDERED PASSED AND APPROVED ON SECOND READING BY THE BOARD OF COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the ____ day of _____, 2015.

CITY OF PHARR

Leopoldo "Polo" Palacios, Jr., Mayor

ATTEST:

Hilda Pedraza, City Clerk

CONSIDERED PASSED AND APPROVED ON THIRD AND FINAL READING BY THE BOARD OF COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the ____ day of _____, 2015.

CITY OF PHARR

Leopoldo "Polo" Palacios, Jr., Mayor

ATTEST:

Hilda Pedraza, City Clerk

Pharr



All-America City

2006

CITY OF PHARR, TX

PURCHASING MANUAL



MARCH 2015

RECIPIENTS OF:



Prepared By: Finance Department

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CHAPTER 1 – INTRODUCTION

1.A –AUTHORITY

As per the City of Pharr's Code of Ordinances; Ordinance No. 85-27: the Agent of Purchasing by virtue of being the City Manager's designated representative shall have full authority to purchase or provide for the purchasing of materials, supplies and equipment for the use of all departments, commissions, and boards comprising the City government. The Agent of Purchasing shall have full authority towards monitoring the activity of all purchasing for the City of Pharr and keep proper documentation of same.

The Purchasing Division is located in the Finance Department. The Finance Department will provide assistance in all purchasing activities. Each department director is responsible for their department's purchases.

This purchasing manual is subordinate to the State of Texas laws and regulations as set forth in the State of Texas Local Government Code, City Charter, and City ordinances.

1.B – PURCHASING DIVISION

Per the City Manager, the Purchasing Division (Division) is a branch of the Finance Department in the City of Pharr (City). The Division's responsibility is to assist all City departments in the acquisition of goods and services at the most cost effective manner. The Division is the central point for all purchase orders.

It is the objective of the City to assure fair and competitive access by responsible vendors/contractors to the purchasing requirements of the City and to conduct business activities in such a manner as to foster public confidence in the integrity of the City. The City adheres to all State of Texas laws and regulations as set forth in the State of Texas Local Government Code and as published in the Cities purchasing manual and as approved by the City Commission of the City.

1.C – GOALS OF THESE POLICIES AND PROCEDURES

The goals of the Purchasing Manual are to:

- Acquaint all persons (internal and external) in respect to the City's purchasing policies and procedures;
- Attempt to gain the most value for in every purchase;
- Provide added security in attempting to insure public spending is not used to enrich elected officials or government employees or to confer favors on favored constituents;
- Establish a good strong business-like relationship with all interested vendors;
- Ensure public funds are safeguarded. Although the purchasing office does not usually designate the types of purchases to be made, purchases are reviewed for completeness and are tested on a sample basis for adequate departmental purchasing methods;
- Ensure fair and open competition among bidders; and
- Ensure local businesses have an added opportunity in the contract awards process. This serves an interest of the City as a whole by assisting local vendors stay in business.

1.D – RESPONSIBILITIES OF CITY EMPLOYEES

The City wants to promote and protect its governmental integrity. Public employees must, therefore, discharge their duties impartially to assure fair, competitive access to City procurement. All City Staff engaged in procurement for the City shall comply with the ethical standards set forth in the following section.

The employees of the City responsible for purchasing activities should:

- Purchase the proper goods or services to suit the City's need;
- Get the best possible price for the goods or services using City policies;
- Have the goods or services available when and where the City needs it;
- Assure a continuing supply of needed goods and services;
- Guard against misappropriation of City funds;
- Facilitate cooperation with other governmental units;
- Maximize competition from responsible bidders;
- Safeguard public funds and receive the best value for the public dollar;
- Never use public spending to enrich elected officials or City employees; and
- Never make purchases for personal use in the City's name.

1.E – PURCHASING MANUAL REVIEW

This Purchasing Manual will be reviewed at least annually and approved by the City Commission at least every two fiscal years.

CHAPTER 2 – PURCHASING ETHICS (For City Representatives & Vendors)

The statutes governing local government purchasing impose criminal penalties for violating the provisions of the various Acts enacted by the Legislature to oversee purchasing. Any misuse of the City's purchasing power carries various legal and/or future employment consequences.

The City also requires ethical conduct from those who do business with the City. City representatives and vendors/entities are required to adhere to all federal, state, and municipal laws and ordinances.

2.A – DISCLOSURE OF CERTAIN RELATIONSHIPS

Effective January 1, 2006, pursuant to H.B.914 and per Chapter 176, LGC, conflict of interest should be disclosed at all times. Vendors/entities wishing to do business with the City, including those who submit bids on city contracts, make purchases of surplus city property, or participate in any other purchase or sales transactions with a city, must disclose any potential conflict of interest (example: elected member/employee of the City that provide services to the City for compensation). The City may not disqualify the entities with a conflict of interest, so long as the conflict is disclosed.

It is the entity's responsibility to notify the City of a potential conflict of interest and to fill out the questionnaire. It is the responsibility of the City's representative to inform senior management or the Division of a potential conflict of interest by the entity. Failure to do so results in a breach of ethics.

Pursuant to the requirements of Section 176.002(a) of the Texas Local Government Code, vendors or respondents who meet the following criteria must fill out a conflict of interest questionnaire no later than the 7th day after the person begins contract discussions or negotiations' with the City or submits to the City 'an application, response to a request for proposals or bids, correspondence, or another writing related to a potential agreement with the City:

An entity/vendor or respondent that-

(1) contracts or seeks to contract for the sale or purchase of property, goods, or services with a local governmental entity;

Or

(2) is an agent of a person described in Subdivision (1) in the person's business with a local governmental entity.' Any person who meets the criteria, as for enforcement to ensure the veracity of the vendors, the statute makes it a Class C Misdemeanor to violate the vendor disclosure provisions."

Conflict of interest forms are maintained by the City's Finance Department Accounts Payable Division.

The forms required to comply with the above Government Code are available on the City's Finance Department Accounts Payable Division webpage and on the Ethics Commission website at <http://www.ethics.state.tx.us/forms/CIS.pdf>.

2.B – CONFLICTS OF INTEREST

It shall be a breach of ethics for any employee of the City to participate directly or indirectly in procurement when the employee knows that:

- The employee or any member of the employee's immediate family has a financial interest pertaining to the procurement;
- A business or organization in which the employee, or any member of the employee's immediate family, has a financial interest pertaining to the procurement; or
- Any other person, business or organization with which the employee or any member of the employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.

2.C – PERSONAL GAIN

It shall be a breach of ethics to attempt to realize unauthorized personal gain through employment with the City or by any conduct inconsistent with the proper discharge of the employee's duties. Any personal gain by a representative of the City must be disclosed and a conflict of interest form submitted to the City.

2.D – INFLUENCE OF A PUBLIC EMPLOYEE

It shall be a breach of ethics to attempt to influence any City representative to violate the standards of conduct set forth by the City.

2.E – PARTICIPATING IN PROCUREMENT'S WITH FAMILY

It shall be a breach of ethics for any representative of the City to participate directly or indirectly in procurement activity for the City, and failing to disclose it, when the employee knows that:

- The employee or any member of the employee's immediate family has a financial interest pertaining to the procurement;
- A business or organization in which the employee, or any member of the employee's immediate family, has a financial interest pertaining to the procurement; or
- Any other person, business or organization with which the employee or any member of the employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement

2.F – GRATUITIES

It shall be a breach of ethics of city employment to offer, give or agree to give any representative of the City or for any representative of the City to solicit, demand, accept or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, preparation of any part of a program requirement or purchase

request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter pertaining to any program requirement or a contract or sub-contract, or to any solicitation or proposal therefore pending before the City.

2.G – KICKBACKS

It shall be a breach of ethics for any payment, gratuity or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor for any contract for the City of Pharr, or any person associated therewith, as an inducement for the award of a subcontract or order.

2.H – CONFIDENTIAL INFORMATION

It shall be a breach of ethics for any representative of the City knowingly to use confidential information for actual or anticipated personal gain, or for the actual or anticipated gain of any person.

2.I – PURCHASE OF MATERIALS, EQUIPMENT, AND SUPPLIES FOR PERSONAL USE

No City representative may purchase City property for their own personal use unless it is purchased through the City's public auction or through the sealed bid procedures of the City. This includes new and used equipment, materials or supplies.

2.J – PRIVATE PURCHASES THROUGH CITY FACILITIES

No City representative may use the purchasing power of the City to make private purchases. In addition, they should not have private purchases sent to the City C.O.D. to be paid for by the representative.

- Such purchases may give citizens the erroneous impression that something dishonest is being perpetrated;
- It may be considered a mild form of blackmail on the merchant involved who desires to do business with the City; and/or
- It may evade sales tax, which is illegal

CHAPTER 3 – PURCHASING PROCESS

3.A – GENERAL AUTHORITY

The City has attempted to incorporate local, state and federal laws into this manual. The City, however, does not warrant that these policies include all such laws. Local, state and federal laws will prevail over these rules where applicable.

The Department Director has the authority to release a purchase order. A purchase order is a contract between the City and a vendor. The contract is not binding until it is accepted by the vendor. The City will not recognize the issuance of orders by unauthorized individuals and payment of the obligations will not be approved. Department Directors are responsible for their purchase orders. Failure to comply with the purchasing procedures may be subject to review by the City Manager. The only exceptions are emergency purchases made during or after normal working hours to keep necessary equipment or machinery in operation or to avoid work stoppage.

The Purchase Order authorizes the supplier to ship and invoice for the goods ordered and acts as a contract between the City and the supplier. The primary purpose of the Purchase Order is to expedite and control the buying activities of the City.

3.B – PURCHASING LIMITS AND REQUIREMENTS – NON-MAINTENANCE

At no time shall purchases be broken down into smaller quantities or specialized activities so as to avoid the requirements stated below. It is against state law and City policy to do so.

1. Purchases less than \$2,000

Purchases less than \$2,000 do not require competitive bidding, quotation forms. Quotes may be advantageous to obtain them regardless of the purchase price, so the City encourages them at all prices. Directors may, without further approval of the Division, make purchases less than \$2,000. Directors must authorize invoices for payment and forward to the Division.

This purchase order requires approval by the following City representatives: Department Director.

2. Purchases of \$2,000 to less than \$5,000

Purchases \$2,000 to less than \$5,000 will require written quotations with at least three quote prices. This is an informal process. The Department Director will validate the authenticity of the quotations. If the department solicits only one quotation because of the lack of bidders, the department Director shall note that explanation on a quotation page. The Director will authorize the invoice for payment once the items are received. Something documenting the original quotations, supporting documentation, and invoice shall be forwarded to the Division for payment processing.

This purchase order requires approval by the following City representatives: Department Director.

3. Purchases of \$5,000 to less than \$50,000

The Department Director must submit every purchase request for \$5,000 or more to the City Manager for approval prior to purchasing the item. This is a formal process; quotes must be on the vendor's official letterhead/form.

The City Commission must approve in advance all capital expenditures for \$5,000 or more if the City administration proposes to award the bid to other than the low bidder meeting specifications.

This purchase order requires approval by the following City representatives: Department Director, City Manager.

4. Purchases for \$50,000 or More

City Commission must approve in advance all expenditures for \$50,000 or more. With the approval of the City's annual budget containing a listing of all capital expenditures, approval is already provided. If the asset is not in the annual budget's list of capital expenditures, separate Commission approval will be needed.

The requesting department will initiate the request for formal competitive bids/proposals for goods, services, or contractual needs. The City Clerk will maintain and provide guidance for all bid activities.

City Commission must grant permission to advertise for formal bids/proposals. Notice to bidders must be advertised in two (2) consecutive weeks, with the first date of publication being at least fourteen (14) days prior to the opening of the bids or proposals. The department director initiating the bid process along with a Finance Department representative will conduct a public bid opening and tabulate the bids. The Finance representative will open the bids and read them aloud in the City's effort to ensure no tampering of bid documents. Competitive bids are awarded by the City Commission. The decision is based on a combination of price, quality, delivery time and service reputation. The bid will be awarded to the lowest responsible bidder, but the City reserves the right to reject any or all bids if it is in the best interest of the City. Competitive sealed proposals, used for high technology procurements, are opened so as to avoid disclosure of the contents of proposals to competing bidders until after the award of the bid.

This purchase order requires approval by the following City representatives: Department Director, City Manager, and City Commission official approval.

4.i Purchases Exempt From Competitive Bidding

State law provides a number of exceptions to the competitive bidding process. Under the State of Texas' Professional Services Procurement Act, a contract for the purchase of a personal or professional service is exempt from competitive bidding requirements if the City grants the exemption.

The City may not select providers of professional services based on competitive bids. In these situations, the City must make the selection and award based on demonstrated competence and qualifications for performing the services for a fair and reasonable price.

The professional fees under the contract must be consistent with the recommended practices and fees published by the applicable professional associations and may not exceed any maximum provided by law.

Professional services include:

- Accounting;
- Architecture;
- Landscape architecture;
- Land surveying;
- Medicine;
- Optometry;
- Professional engineering;
- Real estate appraisal; or
- Nursing.

Professional services may include “members of disciplines requiring special knowledge or attainment and a high order of learning, skill and intelligence,” according to the Texas Attorney General’s Office.

Some of the areas not mentioned in the Professional Services Procurement Act that state courts and Texas attorneys general have ruled as excused under the professional and personal exemption include:

- Contracts for preparing tax rolls, tax reports, tax statements, inventory and proof rolls;
- Contracts involving the coordination of investigation of crimes;
- Contracts for services of a construction manager;
- Contracts for services of a third-party administrator of insurance benefits;
- Employment of an auditor; and
- Contracts for plat books and abstracts

Except for those professions specifically covered under the Professional Services Procurement Act and listed above, the City may still ask for competitive bids for professional services if it believes it is in the City’s best interests.

4.ii Other Exemptions

The following is a list of other areas that are exempt from competitive bidding requirements.

- Any land or right-of-way;
- An item that can be obtained from only one source, including:

- items for which competition is precluded because of the existence of patents, copyrights, secret processes or monopolies;
- films, manuscripts or books;
- electric power, gas, water, and other utility services; and
- captive replacement parts or components for equipment;
- An item of food;
- Personal property sold:
 - at an auction by a state licensed auctioneer;
 - at a going-out-of-business sale; or
 - by a political subdivision of the state, a state agency, or an entity of the federal government; or
- Any work performed under a contract for community and economic development made by a county designed to reasonably increase participation by historically underutilized businesses in public contract awards by establishing a contract percentage goal for those businesses.

3.C – PURCHASING REQUIREMENTS – REPAIR & MAINTENANCE

Purchase of repair and maintenance services will require an open PO to be issued. The requesting department will go out for bids to obtain an hourly rate from the top 3 most advantageous businesses. During the bidding process, it must state that priority will be given to emergency equipment repair.

3.D – LIABILITIES NOT REQUIRING PURCHASE ORDERS

There are certain City liabilities that do not require purchase orders due to the nature of the purchase and their billing. The only liabilities the City recognizes without purchase orders, other than those expressed in section 3.B.1, are for utility services (example: water, electricity, gas, etc...) and for payroll related liabilities (pension, health insurance, etc...).

3.E – PURCHASE ORDER PROCESS

The Purchase Order (PO) process is centralized through the Division. The following steps are the basic City purchasing order procedures:

1. The Division controls all PO's.
2. The Division provides 25 blank PO forms to each department.
3. PO forms are filled out and approved per section 3.B **BEFORE** making purchases, **ENSURING** that budgeted funds are available, excluding maintenance items.
4. The department makes purchases based on departmental needs.
5. The department turns in all PO forms and invoices/statements to the Division for entry. Departments are responsible for the timely submission of all PO's, invoices, and statements.
6. The Division enters PO's throughout the month in the City's Incode accounting system.

7. The PO's are not present in the account line item detail until the PO's are posted; they are posted once payments are made.

3.F – PURCHASE ORDER PAYMENT PROCESS

The timely processing of payments to vendors is addressed via State law. The Local Government Code, Chapter 2251 sets out:

- Required deadlines for payment to vendors;
- Requirements for vendors' payments to their subcontractors;
- Penalties for failure to comply with the Act; and
- Exceptions to the Act.

It requires that the City pay all payments owed not later than 30 days after the goods or services are received or the date that the invoice is received, whichever is later. This Act also requires that vendors follow the same rules for payments to their subcontractors,

When the City believes there is an error on an invoice received from a vendor, it has until the 21st day after receipt to notify the vendor of the dispute. Then, if the dispute is resolved in favor of the City, the vendor must submit a new invoice and the City has 30 days from receipt of the new invoice in which to pay. If the dispute is resolved in favor of the vendor, interest is due from the original date the invoice became overdue.

Other times when the Act provides exceptions are:

- When there is a bona fide dispute between the City and a vendor, contractor, subcontractor or a supplier concerning the supplies, materials or equipment delivered or the services performed which causes the payment to be late;
- When there is a bona fide dispute between the vendor and a subcontractor, or between a subcontractor and its supplier concerning the supplies, materials or equipment delivered or the services performed which causes the payment to be late;
- When the terms of a federal contract, grant, regulation or statute prevent the City from making a timely payment with federal funds; or
- When the invoice is not mailed to the proper office, if an office address is specified in the instructions on the purchase order.

1. Standard Accounts Payable Cycle

The Accounts Payable Division (AP) is in the Finance Department. AP works closely with the Division in ensuring the prompt payment of City purchasing liabilities.

AP's standard payment cycle is posted twice a month, on the 15th and at the end of the month. The payment cycle is as follows:

1. Invoices/statements are sent to AP AT LEAST 4 DAYS PRIOR TO PAYMENT DATE.
2. The department director responsible for the purchase liability must approve the invoice and submit the associated PO form for proper documentation
3. AP will enter the information into accounting system
4. Once all documentation is turned in and approved for payment, checks will be processed

5. Checks will then be mailed out unless specifically requested otherwise

2. Check Request Purpose and Use

Check Request forms are to be used for prompt payments and do not go through the standard City policy of using a semi-monthly payment cycle. They are only to be used for certain time-sensitive payment requests. Constant use of this procedure goes against the purchase order process and standard payment cycle, which leaves the door open to possible discrepancies in operations. Attempts to minimize the use of Check Requests should continue at all times. Due to the need for prompt payment, the following items are approved for the use of the Check Request procedure:

- Travel related pre-payments
- Emergency payments so as to avoid penalties or to comply with Chapter 6 of this manual
- Time sensitive **NON-RECURRING** items approved by the City Manager
- Construction contracts
- Purchase from entities that do not accept PO's
- Events Center close-out

The steps in preparing a Check Request are similar to the standard accounts payable cycle. The summary steps are as follows:

1. Check Requests must be properly filled out and approved with all data prior to being submitted to AP for processing.
2. Check Requests must be approved by the requesting department's director, City Manager, and Finance Director
3. Once filled out and proper approvals and documentation attached, AP will process it to produce a check.
4. The check will go directly to the department requesting the check request unless specifically requested otherwise.

3.G – **UNBUDGETED EXPENDITURES**

Departments may find themselves in situations where unexpected purchases are required, which are at times unbudgeted. Unbudgeted expenditures are not routine but do happen on occasion. The following outlines the City's standard procedures for unbudgeted expenditures:

- Departments will review their adopted budgets and will make every effort to purchase the required unexpected items/services utilizing their adopted budget. Budget adjustments (reallocated unexpended budget funds, not to exceed \$10,000) will be performed if there are excess funds in their budgets;
- If the department does not have sufficient budget funds to cover the unbudgeted purchase, they will contact the Finance Department to ask if there are any excess funds within the fund the department is budgeted from;
 - If Finance has concluded that there are excess funds, Finance will allow the purchase and input the funds in the department via a Budget Amendment.

- If Finance has concluded that there are no excess funds, Finance will attempt to cover the cost of the unbudgeted purchase via reallocation of another department's budget within the same fund (everyone will be notified of the budget reallocation). If reallocation of funds is not possible, Finance will not allow the purchase.

3.H – RECEIVING AND INSPECTION

After an item is purchased, the task of receiving and inspection rests with all City representatives accepting the materials, goods, or supplies. This should be done as promptly as possible to take advantage of early payment discounts and/or to give the Division the processing time needed to avoid interest and penalties. All items must be inspected upon receipt, and whenever possible, in the presence of the vendor or shipper. Inspection should include:

- Verification of correct delivery site
- Verification of correct quantities
- Verification of correct PO number on the packing slip
- Checking for damaged or defective goods
- Receiving Complete Orders: sign and date the packing slip, attach the packing slip to the PO, and immediately submit it to the Division
- Receiving Partial Orders: make a copy of the P.O. and cross out any items that are not received, sign and date the partial packing slip, and submit it to the Division for processing. The original PO will be submitted for the final payment of the PO.

3.I – INVOICES

An invoice is an itemized statement of merchandise or service provided by the vendor. Invoices are sent by the vendor for payment by the City after purchases are made. It contains the same information as the purchase order and is the means of settlement of financial obligations incurred when the PO is issued.

- All invoices must be sent directly to the Division where they are held until the PO receiving or partial (copy of original) has been processed
- Should the using department receive an invoice, the department will forward it immediately to the Division for prompt payment and to avoid interest penalty. Vendors should be notified that all future invoices are to be sent directly to the Division
- Payment is overdue on the 31st day after the later of: (Texas Government Code, Chapter 2251.021)
 - ✓ The date the City receives the goods under the contract
 - ✓ The date the performance of the service under the contract is completed; or
 - ✓ The date the City receives an invoice for the goods or services

CHAPTER 4 – QUOTATION PROCESS – FORMAL/INFORMAL

The quotation process is the documentation of the City's purchasing representative's attempt to obtain the best purchase price available. This documentation can be informal and formal, based on the cost of the item being purchased per section 3.B.

1. Formal Quote

The requesting department will ask the vendor providing the quote to mail/fax/email their quote for the item being purchased. This quote must be on the vendor's letterhead/stationary.

2. Informal Quote

The requesting department may ask the vendor providing the quote to state their quote over the phone for the item being purchased. The quote will then be noted by the requesting department via memo format using the internal template provided by the Finance Department.

CHAPTER 5 – BID PROCESS (RFP/RFQ)

5.1 – SEALED BID OR PROPOSAL PROCEDURES

The bid activity must be coordinated with and maintained by the City Clerk. It is the policy of the City to use a sealed bid proposal or design/build procedure in compliance with Chapter 252 of the State of Texas Local Government Code for any procurement which will total \$50,000 or more. The requesting department will prepare and solicit all procurement's requiring sealed bids.

5.2 – REQUIREMENTS UNDER STATE LAW

The Texas Local Government Code requires that before a municipality may enter into a contract, other than a contract for insurance, that requires an expenditure of more than \$50,000 from one or more municipal funds, the municipality must comply with the procedure prescribed by Chapter 252.021 for competitive sealed bidding or competitive sealed proposals.

5.3 – ADVERTISING AND ADVERTISING TIME REQUIREMENTS

Permission to advertise must be obtained from the City Commission. Section 252.041 of Chapter 252 requires that the sealed bid be advertised publicly with notice of the time and place at which the bids will be publicly opened and read aloud. The public notice must be published at least once a week for two (2) consecutive weeks in a newspaper published in the municipality that is listed as the City's paper of record (Advance News). The date of the first publication must be before the 14th day before the date set to publicly open the bids. In addition to the paper of record, the City, at its option, may also advertise online and with other publications and/or organizations.

5.4 – BID SPECIFICATIONS AND DEPARTMENT REQUISITIONS

All sealed bids must include a set of complete and detailed specifications of the item or items and/or services to be purchased. **THE CREATION IS THE SOLE RESPONSIBILITY OF THE REQUESTING DEPARTMENT.** The Finance Department will assist the requesting department in any way necessary, but will not be responsible for the final content of the specifications. The City Clerk is responsible for all remaining parts of the bids/proposals terms, conditions and document requirements including any legal terminology required by law.

Vendors can be consulted as a source for specification information as long as they are advised that a sealed bid procedure will be used and the vendor cannot be treated with any type of favoritism. Specifications used by other governmental entities or sources is acceptable, and therefore, should be contacted if needed for this assistance. In addition, previous specifications submitted to Finance will be kept available for reference.

In order to assure fair and competitive bids, brand names should not be used in specifications unless it is made clear to each bidder that the brand name is being used for reference only. This can be accomplished by adding an "or equal" statement behind the brand name. This statement will indicate to the bidder that other brand names will be considered if they offer specifications that are equal or better than the specifications listed in the bid. Brand names can be specified, as

the only brand that will be accepted in cases where the brand specified is the only product that will work with the existing parts or equipment.

An approved purchase order must be submitted to Finance for all formal bids and proposals. The requisition must include the funding account number and budgeted amount authorized for the purchase. The requisition along with the specifications should be submitted for approval as called for in the purchasing manual. WITHOUT THE AUTHORIZED APPROVALS INDICATING SUFFICIENT FUNDS ARE AVAILABLE FINANCE WILL NOT PROCESS A BID.

5.5 – BID PREPARATION AND ADMINISTRATION

All sealed bids and proposals will be prepared and administered by the requesting department and coordinated with the City Clerk. The only exceptions are projects that involve engineering and architect design services. The requesting department will be responsible for notifying the City Clerk on any bid or proposal that they issue, the dates of any advertisements, pre-bid conferences and bid opening dates. The City Clerk will be responsible for posting the bids on the City Internet Web site to insure all bid information is available on the Web site. On both bids and proposals, a bid number will be assigned and advertising dates, pre-bid meeting dates and the bid opening date set. The Finance Director or his designee or the designee assigned for bids/proposals will be responsible for the bid opening and reading of the bids received. Once opened, a pre-audit bid tabulation will be created. Once a complete audit and bid tabulation is completed by the requesting department, the tabulation along with all bids will be sent to the City Clerk. When all bids have been reviewed, the requesting department will be responsible for submitting to the City Clerk a recommendation of bid award and background wording to be included in the Agenda Memo to the City Commission.

5.6 – BID OPENING PROCEDURES

Receiving competitive bids and proposals must be done properly in order to ensure that no possibility of favoritism or even the appearance of favoritism exists.

Each bid or proposal must be returned to the City Clerk's office, with the bid/proposal identification number marked on the outside of the envelope/box. Only one bid/proposal should be submitted per envelope. If more than one bid is to be submitted, require that the vendor use separate envelopes for each one. The bid/proposal envelope should be time and date stamped in the designated office as soon as it is received. The bid/proposal envelope should then be filed unopened together with the other bids/proposals for the same invitation/request number.

Bids/proposals are opened at the hour specified in the invitation/request at the place named in the RFP. Vendors and the public are invited and encouraged to attend the bid opening. In case no observers attend the bid opening, always have a member of another office act as witness so that charges or irregularities can be disproved.

In order to establish a standardized format of bid openings the following procedures should be followed:

1. The Finance Director or his designee or the designee assigned by the requesting department bids shall conduct all bid openings.

2. In addition to the Finance Director or his representative there will be at least one city employee from the department who submitted the purchase request at all bid openings. This employee will be knowledgeable of the bid specifications and should be prepared to answer all questions that pertain to the specifications. At bid openings the requesting department representative will act as the recorder of all information that is read at the bid opening and will publicly confirm that all information was read completely and truthfully.

3. At Bid Openings all bids will be opened and all pricing will be called out in accordance with the bid opening procedures.

5.7 – BID RECOMMENDATIONS AND STATE LAW REGARDING BID AWARDS

The requesting department is solely responsible for reviewing the specifications offered in each bid to insure the specifications meet the bid requirements and must provide a review of any bid that did not meet the specifications. If the bids offered meet the specifications requested, the recommendation may then be made based on the procedures set out in the State of Texas Local Government Code Chapter 252, Sub Chapter C, 252.043. Under this chapter entitled Award of Contract, the City may award the contract based on:

Sub-section (a) f the competitive sealed bidding requirement applies to the contract for goods or services, the contract must be awarded to the lowest responsible bidder or the bidder who provides goods or services at the best value for the municipality”.

Sub-section (b) In determining the best value for the municipality, the municipality may consider:

- (1) the purchase price;
- (2) the reputation of the bidder and of the bidder’s goods or services;
- (3) the quality of the bidder’s goods or services;
- (4) the extent to which the goods or services meet the municipality needs;
- (5) the bidder’s past relationship with the municipality;
- (6) the impact on the ability of the municipality to comply with laws and rules relating to contacting with historically underutilized businesses and non-profit organizations employing persons with disabilities;
- (7) the total long-term cost to the municipality to acquire the bidder’s goods or services; and
- (8) any relevant criteria specifically listed in the request for bids or proposals.

Sub-section (c) Before awarding a contract under this section, a municipality must indicate in the bid specifications and requirements that the contract may be awarded either to the lowest responsible bidder or to the bidder who provides goods or services at the best value for the municipality.

Sub-section (f) The Governing body may reject any and all bids.

Sub-section (h) If the competitive sealed proposals requirement applies to the contract, the contract must be awarded to the responsible offeror whose proposal is determined to be the most advantageous to the municipality considering the relative importance of price and the other evaluation factors included in the request for proposals.

In addition under the State of Texas Local Government Code Chapter 271, Sub Chapter 271.9051 a Municipality may consider a bidders principal place of business where the Municipality has a population of 250,000 or less. The sections of this Sub Chapter states:

(b) In purchasing under this title any real property, personal property that is not affixed to real property, or services, if a municipality receives one or more competitive sealed bids from a bidder whose principal place of business is in the municipality and whose bid is within five percent of the lowest bid price received by the municipality from a bidder who is not a resident of the municipality, the municipality may enter into a contract with:

- (1) the lowest bidder, or
- (2) the bidder whose principal place of business is in the municipality if the governing body of the municipality determines, in writing, that the local bidder offers the municipality the best combination of contract price and additional economic development opportunities for the municipality created by the contract award, including the employment of residents of the municipality and increased tax revenues to the municipality.

(c) This section does not prohibit a municipality from rejecting all bids.

Other considerations of a bid award may be:

- the safety record of the bidder considered
- Companies or individuals indebted to the municipality
- Inclusion of required bonding and insurance
- Any other consideration as listed in the State of Texas Local Government Code

5.7.1 – BID NUMBER SEQUENCES

The bid number will consist of four sections totaling 13 digits. The first sections will consist of four digits indicating the fiscal year. The next section will consist of two digits indicating the fund. The third section consists of three digits identifying the requesting department's departmental account number. The last section consists of the number of bids the City as a whole has managed throughout the fiscal year. The City Clerk is responsible for assigning the bid number to the requesting department.

5.8 – BID DISCREPANCIES AND DISQUALIFICATIONS

There are several reasons that require a bid to be disqualified. These reasons are as follows:

1. Any bid received that is not signed by an authorized company representative.

2. Any bid received that did not return required information such as addendum/s, bonding and/or insurance requirements. This requirement may be waived as a technicality but must be approved by the City Attorney's office.

3. Also subject to disqualification are bids/proposals where prices are conditional on award of another bid, or when prices are subject to unlimited escalation. If allowed by the specification, prices may be subject to escalation based on an independent wholesale index. (e.g., for oil and gas products, the net terminal price or current Oil Price Information Service prices.)

5.9 – AGENDA REQUIREMENT RESPONSIBILITIES (ALL CAPITAL PURCHASES/PROJECTS)

All capital items purchased by the City must be submitted to the City Commission for approval. During the budget process, all capital items are budgeted and approved by the City Commission once they approve the budget. The capital items needed outside of the budget process must be submitted to the City Commission for approval after ensuring adequate funds are available.

5.10 – RELEASE OF BID INFORMATION

All requests for historic information concerning a bid, specifications on a bid or other matters relating to bids of the City can only be conveyed via an open records request and should be made through the City Clerk's Office. All open records request forms are to be kept and filed in a manner that makes retrieval of the information that was requested and the information that was returned easily accessible.

5.11 – CHANGE ORDERS

After awarding the contract, the governing body may make changes to plans, specifications or quantities if necessary. But the total contract amount may not be increased unless the increase will be paid from current funds, or is provided for by issuing debt. If a change order involves a decrease or an increase of \$25,000 or less, the governing body may grant general authority to an administrative official of the municipality to approve the change orders. No increase of more than 25 percent may be made, and the contractor must agree to any decrease of 25 percent or more.

5.12 – BONDING

By State Statute, any person, persons, firm, or corporation (prime contractor) entering into a contract in excess of \$ 50,000.00 with the City for the construction, alteration or repair of any public building or prosecution of completion of any public work, shall be required before commencing such work, to provide the following bonds, issued by a corporate Surety duly authorized and admitted to do business in the State of Texas.

PUBLIC WORK: Although the term public work is not defined by statute, it is generally understood to mean construction, repair, or renovation of a structure, road, highway, or other improvement or addition to real property. Contracting for demolition of real property would also fall under this definition.

5.12.1 – BONDING REQUIREMENTS

To ensure that the successful bidder will enter into a contract with the City and complete the project as defined by the bid specifications, bidders may be required to provide the City with surety bonds guaranteeing successful completion of the contract. There are three types of surety bonds commonly used with City contracts; the bid bond, performance (and maintenance) bond, and the payment bond. A surety is a firm (usually an insurance company) that will guarantee that the bidder will perform as defined by the specifications. The City will only accept corporate sureties as bonding entities. Personal sureties are unacceptable.

5.12.2 – BID BOND

It is the City's option whether or not to require bidders to provide the City with a bid bond along with their bid submissions. State statutes do not address bid bonds for Municipalities.

Bid bonds are issued by a Surety financially guaranteeing that the successful bidder will enter into an agreement with the City to perform the project or provide the service as defined by the specifications. The City requires that the bid bond be accompanied with an appropriately completed "Power of Attorney" executing the bid bond for the bidder. As an alternative, the City may accept a cashier's check, with the City named as payee, to be held in escrow until the successful bidder signs the City's project contract.

BID BOND AMOUNT: The bid bond minimum limit (or cashier's check) is five percent (5%) of the total amount bid.

5.12.3 – PERFORMANCE BOND

Performance bonds financially guarantee that once the successful bidder enters into a contract with the City to perform work, the contractor will complete the project. Should the contractor fail, then the Surety will, generally, hire an alternate contractor to complete the work, allow the City to select another contractor and pay the difference between the first contractor's price and the new contractor's price, or pay the original contractor whatever it takes to complete the project.

PERFORMANCE BOND AMOUNT: Performance bonds must be written for one hundred percent (100%) of the total bid price.

5.12.4 – PAYMENT BOND

A payment bond will pay any outstanding bills for labor, materials, and supplies used in the City's project from the contractor's subcontractors and suppliers should the prime contractor default on their payment.

PAYMENT BOND AMOUNT: Payment bonds must be written for one hundred percent (100%) of the total bid price

5.12.5 – MAINTENANCE BOND

Maintenance bonds financially guarantee that the Contractor will maintain and keep in good repair the work contracted to be done and performed from the date of acceptance of the work by the City for a predetermined period of time. For public works projects, the bond would also include any necessary back filling that may arise because of sunken conditions in ditches.

The bond is designed to provide financial protection to the City for all defective conditions arising by reason of defective material, work, or labor performed by the Contractor. In the event the Contractor does not fulfill its maintenance obligation, the bonding company will pay to maintain the project as defined in the contract specifications.

5.13 – INSURANCE REQUIREMENTS

Whenever the City contracts with an outside party (contractor, consultant, vendor, or concessionaire) for goods or services, the bid or request for proposal that is released to the public should include an indemnity clause (hold harmless clause), along with a contractual agreement, to be executed upon award of the contract, that transfers the risk of the project from the City to the contractor. Because the contractor may or may not have the financial resources to handle the risks that are transferred in the contract, the City requires that insurance be purchased and maintained by the contractor for financial security.

Most contracts are tailored for individual projects and programs; therefore, certain elements of the insurance required should be addressed in every contract document. One of the most important elements is the actual insurance coverage, which include the coverage types and limits that are dependent upon the nature of the project/program.

Although not all of the coverage's are required for every project (and limits will vary by exposure), understanding the coverage's provided by these policies is important to assure that all of the City's potential liabilities and exposures from the project are properly protected. Should any questions arise about the amounts of types of insurance requirements the initiating department should contact the Risk Managers office.

5.14 – TECHNOLOGY COMPETITIVE SEALED PROPOSALS

Municipalities may use the Competitive Sealed Proposal procedure for high technology procurements. Local Government Code 252.021. High technology procurement is defined as the procurement of equipment, goods, or services of a highly technical nature, including, but not limited to: data processing equipment, software, and firmware used in conjunction with data processing equipment, telecommunications equipment, radio and microwave systems, and electronic distributed control systems (including building energy management systems), and technical services relating to such items.

Notice requirements for high technology proposals are the same as for general contracts. Requests for Proposals must solicit quotations and must specify the relative importance of price and other evaluation factors. The City may hold discussions with bidders who submit proposals and are determined to be responsibly qualified for the award of the contract. Each bidder must be treated fairly and equally with respect to any opportunity for discussion and revision.

Proposals are evaluated one against the other, and then initially ranked. The proposals are then negotiated, and re-ranked. Further negotiations will be required and a final selection made. A department head or his designee may meet in private session with each proposer, and negotiate for exactly what is needed. Negotiations are not limited to one meeting.

Offers shall be treated fairly and equally with respect to any opportunity for discussion and revision of proposals. To obtain the final offers, revisions may be permitted after submissions and before the award of the contract. Throughout the proposal process, information identified by the vendor as trade secrets or proprietary information, and contained in the proposals, must be kept confidential by law.

After proposals are received, the City may enter into negotiations with as many vendors as have submitted feasible proposals in order to arrive at the best possible proposal for each vendor.

CHAPTER 6 – EMERGENCY PURCHASES

The City may make emergency or exempted purchases without competitive bidding under specific circumstances. Purchases that are required immediately for purposes that could not reasonably have been foreseen are generally exempt from bids. They may be subject to other requirements, however, such as certification that an emergency exists. When it is necessary to preserve or protect the public health, competitive bidding requirements are waived regardless of how the conditions were brought about. If there is time to give proper notice and for an advertisement to be made, then it is not an emergency situation.

6.A – Procedure for Making Emergency Purchases

The following are procedures for dealing with emergency purchases:

- **Qualification:** The purchase must qualify as an emergency purchase as defined in state law local government code chapters 252, 262 and 271.
- **Designation:** The emergency purchase designation indicates a situation of such urgency that the normal purchasing procedure must be modified in the interest of speed, and therefore no competitive bids are required.
- **Normal working hours:** All emergency purchases occurring during normal working hours are processed through the City as follows:
 - The requesting department will notify the Division by telephone immediately, with as much information as possible about the emergency purchase required, so that the purchasing action can be initiated immediately;
 - Simultaneously, a PO is prepared and hand-carried through the approval process;
 - The requesting department contacts as many vendors as necessary to arrange the emergency purchase. If there is not enough time to get authorization, the purchase can be completed by telephone, and the purchase order completed after the fact and delivered to the vendor; and
 - The buyer requests expedited delivery. The person making the requisition may be required to pick up the emergency purchase from the vendor if timely delivery is not available.
- **Evenings, weekends and holidays:** When purchasing support is unavailable, process emergency purchases as follows:
 - The responsible official of the requesting department takes whatever steps are necessary to procure needed supplies, services or equipment to relieve the emergency. If possible, only those goods or services needed during the evening, weekend or holiday are procured; and
 - On the first working day following the emergency, the responsible official prepares a PO and hand carries it to the Division. The person making the purchase must attach the invoices, bills of materials, receipts or other documents related to the purchase to the PO.
- The official in charge of the requesting department must certify in writing on the next business day, or as soon as possible, why the emergency purchase was necessary and why it was an emergency.

CHAPTER 7 – SOLE SOURCE PURCHASES

Quotes are not required if the materials, goods, or supplies can only be purchased from a sole vendor, in other words, a sole source. Reasonable efforts must be made to ensure purchases from sole sources are correctly classified as such. Materials, goods, and/or supplies cannot be requested so as to remove other suitable alternative vendors/sources. Sole source purchases are subject to possible review by the City Attorney.

For a sole source purchase, at least one (1) of the following must exist:

- Available from only one source because of patents, copyrights, secret processes, or natural monopolies
- Films, manuscripts, or books
- Gas, water, and other utility services, (in most instances)
- Captive replacement parts or components for equipment
- Books, papers, and other library materials for a public library that are available only from the persons holding exclusive distribution rights to the materials; and
- Sole source purchases are approved only after the lack of alternate sources has been determined and proof of sole source is documented via memo by the department director.

The requesting department should do everything possible to strengthen the City's bargaining position. Costs related to procurement should always be considered before an order is issued. Post-purchase costs could include multi-year maintenance contracts, replacement parts or trade-in value.

7.A – Procedure for Sole Source Purchases

Sole source purchases are handled the same as other purchases, with these exceptions:

1. The Finance Director must approve all sole source purchases. The approval should be done before a PO is issued.
2. The PO is then completed in accordance with the standard purchasing procedures.
3. If the item is a sole source purchase, the requesting department director must prepare a statement and attached it to the PO that says a sufficient number of vendors have been contacted to determine that only one practical source of supply exists or states the reasons only one source exists. This statement must be attached to the PO.

CHAPTER 8 – DISPOSAL OF SURPLUS/SALVAGE EQUIPMENT/MATERIAL

8.A – SURPLUS EQUIPMENT AND PROPERTY

Any property that is movable or not attached to the land (referred to as personal property) such as furniture, fixtures, vehicles, equipment, tools, instruments, clothing, or other such items of value, which has lost its useful value to the City or has become obsolete, may be disposed of by any of the following methods.

1. Sold competitively by accepting sealed bids or by public auction.
2. Traded in for new equipment or equivalent service;
3. Donated to an entity with City Commission approval;
4. Recycled; or
5. If the item has no value except for salvage, the procedure will take place per section 8.B.

Personal property does not include real estate such as land, including the building or improvements on it, or its natural assets, such as minerals and water. The City may sell real property owned by the City by sealed bid under Local Government Code §272.001 or by public auction under this section.

To sell real property by public auction, the City must publish notice of the auction. According to Local Government Code, §253.008, the notice must be published once a week for at least three consecutive weeks, with the first publication at least 20 days before the date the auction is held, in a newspaper of general circulation in both the county in which the City is located and the county in which the property is located. The notice must contain a description of the property, including location, and the date, time and location at which the auction is to be held.

8.B – SALVAGE MATERIAL

Disposal of salvage materials, scrap metals, copper, brass, etc., may be sold after attempting to obtain 3 offers.

CHAPTER 9 – CREDIT CARDS

9.A – CREDIT CARD USE AUTHORIZATION

Credit card purchases are authorized for:

- Unforeseen non-routine, charges that are considered an emergency need
- Travel related charges
- Meeting preparation purposes
- Vendors that do not accept PO's

9.B – Responsibilities

Management of the City's credit cards require a team effort. The levels of responsibilities are as follows:

➤ **Cardholder**

- Comply with all purchasing policies and procedures.
- Review, Approve and Initial receipts, card holder statement/department summary.
- Hold and secure credit card.
- Compare charge slip with receipts and verify totals are the same.
- Turn in all charge slips, invoices, receipts daily to department representative.
- Notify Finance Department of lost and stolen card.
- Responsible for all missing documentation.

➤ **Department Representative**

- Receive daily all receipts, charge slips, invoices and credit slips.
- Verify receipt total and charge slip total agree.
- Write general ledger account number on each receipt.
- If the card is used for meals, must write on receipt who was present and purpose of the meal.
- Have cardholder sign each receipt as a validated charge.
- Reconcile monthly card statement total for agreement with receipts.
- Submit cardholder statement and supporting receipts in a timely manner (2 days after the purchase) to the Finance Department.
- Comply with all purchasing policies and procedures.

➤ **Finance/Account Administrator**

- Monitor charges for proper account codes and fund availability.
- Receive approved cardholder statements, receipts and supporting documentation.
- Confirm charges/receipts are authorized by department representatives and/or cardholder.
- Check individual receipts for account coding accuracy.
- Notify departments when approved monthly department statements are not received.
- Notify Credit Card Company of any disputes.
- Initiate training program for all cardholders/department representatives.

- Cancellation/termination of credit cards.
- Coordinate and maintain internal controls.
- Receive monthly City statements.
- Receive approved cardholder statements, receipts, and summary reconcile statements to City Total Summary.
- Pay all non-disputed monthly charges for consolidated statement.
- Process accounting data and issue accounts payable check.
- File and store statements, receipts, monthly check and etc.

9.C – LIMITATIONS ON USE OF CREDIT CARD

The credit card is to be used for City authorized purchases only. The card cannot be used for any personal use. Any such use will require immediate reimbursement and will result in disciplinary action, which may include dismissal.

9.D – MISSING DOCUMENTATION

If for some reason the cardholder does not have documentation of the transaction to send with the statement, the cardholder must try to obtain a copy and if this is not possible, detail the purchase must be attached via memorandum. The detail will include a description of each item, the number of items purchased, the unit cost, the date of purchase, the vendor name and why there is no supporting documentation. Continued incidents of missing documentation will result in disciplinary action, to include cancellation of credit card for six months.

9.E – DISPUTES/RETURNS

The Finance Department must be notified of all disputes. All documentation concerning the disputed items will be turned into the Finance Department as soon as possible. The Finance Department will contact the Credit Card Company and follow dispute procedures.

The Cardholder is responsible for obtaining a credit memo from a supplier, when the merchandise that was purchased with the City Credit Card is returned to the supplier. The credited amount will be applied to the cardholder's account. **Cash refunds are prohibited.**

9.F – RECONCILIATION OF CREDIT CARD PURCHASES

1. The Credit Card Company will mail/email billing statements to the Finance Department and in return Finance will send a departmental statement to the each department representative. Statements will list all transactions processed during the billing cycle.

2. Department Representative reconciles receipts against monthly statement within two (2) days of receipt.
3. Cardholder must sign and approve all

9.G – LOST OR STOLEN CREDIT CARDS

If a credit card is lost or stolen, the cardholder or department representative must immediately notify the Finance Department. The cardholder will be responsible for reporting all information necessary to reduce the liability to the City for a lost or stolen card. Disciplinary action will be taken in the event that the Finance Department is not notified.

9.H – TERMINATION OR TRANSFER OF CARDHOLDER

When an employee ends his or her employment or is transferred to another department, the Finance department must be immediately notified to ensure that the card is canceled or necessary action is taken. Credit Card is to be collected by the Department Representative and sent to the Finance Department for cancellation.

CHAPTER 10 - MISCELLANEOUS

10.A – SALES TAX

The City of Pharr is exempt from all Federal Excise Tax And the State of Texas Limited Sales Excise and User Tax. All purchases should be tax exempt.

10.B – PREFERENCE TO LOCAL VENDORS

The City will always make every effort to purchase from Pharr vendors. This preference is deemed as being in the best interest of the city. Local vendors are afforded a 5% cost difference in comparison to non-Pharr vendors. This preference applies to items under the State of Texas bid mandated purchasing per section 3.B.

10.C – PURCHASING THROUGH STATE CONTRACTS

Through cooperative purchasing, the City can save time and money in our purchasing procedures. The Local Government Code (§§271.081 - 271.083) provides for purchasing by the City through state contracts. This frequently saves time and effort in local purchasing. In addition, all statutory bidding requirements are satisfied when purchases are made through state contracts, and the vendors are frequently the same ones with whom the City is already dealing.

There may be some drawbacks. Some prices on state contracts may not be as low as a local contract. Requesting departments should also consider levels of service and other service related options not included on the contract or in the quoted price.

10.D – PURCHASES OTHER THAN COOPERATIVE PURCHASING USING FEDERAL & HOMELAND SECURITY FUNDS

If purchases are made from other than a cooperative purchasing contract using federal funds, example: Homeland Security Funds, the department purchasing shall:

1. Check with the GSA Excluded Parties List System (EPLS) website www.epls.gov to verify that the vendor to be used by the City is not on the excluded parties list. Due to the EPLS constantly changing, this action needs to be done every time a purchase order is issued.
2. Attach a copy of the screen indicating the vendor is not debarred at the time of the procurement and include that copy with the procurement records for audit and monitoring purposes. If the vendor is debarred, we cannot do business with that vendor.

10.E – EMPLOYEE REIMBURSEMENT FOR CITY EXPENSES

The City will reimburse purchases made by employees on behalf of City business. Items that are not reimbursable include: tobacco products, alcoholic beverages, and other questionable expenses. Questionable expenses will ultimately be decided upon by the City Manager.

10.F – PURCHASING LAWS

Texas purchasing law is located in a number of places in the statutes. City purchasing is primarily in Chapter 252 of the Local Government Code. Statutes pertaining to both cities and counties, plus other types of local governments, are included in Chapter 271 of the Local Government Code. Conflicts of interest by local government officials are covered in Chapter 171 of the Local Government Code.

Other statutes pertaining to purchasing or contracting are in Vernon's Civil Statutes or in other parts of Vernon's Texas Codes. Since the law is so fragmented, it is helpful to have this listing of where to find different statutes and each act's general contents.

Attorney general opinions offer valuable guidance in interpreting and applying the laws. Consult them whenever questions arise. The attorney general's opinions are available from:

Attorney General of Texas
Opinion Committee
209 West 14th Street
Austin, TX 78701-2548

Telephone (512) 463-2110

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ORDINANCE NO. O-2015-___

**ORDINANCE APPOINTING JUDGES AND ALTERNATE
JUDGES FOR THE GENERAL MUNICIPAL ELECTION
TO BE HELD ON SATURDAY, MAY 9, 2015**

WHEREAS, the Board of City Commissioners of the City of Pharr, Texas (the "City") has ordered a general municipal election be held on Saturday, May 9, 2015 within and throughout the corporate limits of the City at which all residents, qualified electors of the District shall be entitled to vote for Mayor, Commissioner Place 1, Commissioner Place 5, and Commissioner Place 6;

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

SECTION 1: Presiding and Alternate Election Judges: The presiding and alternate judges for each voting precinct established for the Election in the order calling the election, shall be appointed for one single election and runoff election if necessary, and shall be the following:

- | | | |
|--|---|---|
| Election Precincts 61, 116, and 240 | - | Pharr Housing Authority
104 W. Polk Ave. |
| Presiding Judge | - | |
| Alternate Judge: | - | |
| Election Precincts 06, 35, and 147 | - | Jose "Pepe" Salinas Civic Center
1011 W. Kelly |
| Presiding Judge | - | |
| Alternate Judge | - | |
| Election Precincts 60 and 115 | - | Buckner Elementary School
1001 North Fir |
| Presiding Judge | - | |
| Alternate Judge | - | |
| Election Precincts 25 and 36 - | | Pharr Elementary School
500 E. Sam Houston |
| Presiding Judge | - | |
| Alternate Judge | - | |

Election Precincts 05, 122 - Las Milpas Community Center
137, 146, and 227 7107 S. Cage

Presiding Judge -

Alternate Judge -

SECTION 2: Appointment of Election Clerks: The Presiding Judge of each Voting precinct shall appoint not more than three (3) qualified election clerks to serve and assist in conducting the Election; provided that if the Presiding Judge actually serves as expected, the Alternate Judge shall be one of such clerks.

SECTION 3: Compensation for Services at Polling Place: The presiding judge, alternate judge, and each election clerk appointed by the presiding judge shall be Compensated for services rendered, as follows:

Presiding Judge	\$12.00 per hour
Alternate Judge	\$11.00 per hour
Election Clerk	\$10.00 per hour

A judge or clerk may not be paid for more than one hour of work before the polls open. In a precinct in which voting machines are used, a judge or clerk may not be paid for more than two hours of work after the time for closing the polls or after the last voter has voted, whichever is later.

SECTION 4: Compensation for Delivering Election Records and Supplies:
The election judge or clerk who delivers the precinct election records, keys to ballot boxes or other election equipment, and unused election supplies after an election is entitled to compensation for that service in an amount not to exceed \$25.00. If more than one election officer delivers the records, keys, and unused supplies, the presiding judge is entitled to compensation for that service in an amount not to exceed \$25.00. If more than one election officer delivers the records, keys, and unused supplies, the presiding judge shall determine how the amount fixed for the services is to be allocated among the officers.

SECTION 5: Early Voting Ballot Board Created: An early voting ballot board shall hereby be created to process early voting results from the territory served by the early voting clerk.

SECTION 6: Composition of Early Voting Ballot Board: The early voting ballot board consists of a presiding judge and two other members. The presiding judge of the ballot board shall be _____. The presiding judge shall appoint the two (2) other members to serve on the early voting ballot board.

SECTION 7: Eligibility for Board Membership: To be eligible for appointment to the early voting ballot board, a person must meet the requirements for eligibility for service as a presiding election judge, except that the appointee must be a qualified voter of the territory served by the early voting clerk and is not required to be a qualified voter of any other particular territory.

SECTION 8: Compensation of Early Voting Ballot Board Members: Members of the early voting ballot board shall be compensated at the same hourly rate as the presiding judge for the Election, for the hours actually worked, but not less than an amount equal to 10 hours work. A member of this board who also serves as a judge or clerk in the Election shall not be entitled to additional compensation for services in this board.

SECTION 9: Declaring an Emergency Clause: The importance of the subject matter hereof creates an emergency and an imperative public necessity requiring the suspension of the rule that Ordinance be read on three separate days, and such rule is hereby suspended and said requirement is dispensed with by a vote of not less than a majority of all the members of the Board of Commissioners. This Ordinance shall take effect and be in full force from and after its passage and approval.

PASSED AND APPROVED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF PHARR, TEXAS on this the 7th day of April, 2015.

CITY OF PHARR

LEOPOLDO "POLO" PALACIOS, MAYOR

ATTEST:

HILDA PEDRAZA, CITY CLERK

ORDINANCE NO. 0-2015-___

AN ORDINANCE AMENDING AND SUPERSEDING ORDINANCE NO. 0-2011-12, NO. 0-2013-42 SECTION 18 OF THE CODE OF ORDINANCES; ADOPTING PROVISIONS RELATED TO UNLAWFUL TO HARBOR, FEED OR CARE FOR ANIMALS ON CITY PROPERTY; UNLAWFUL TO RAISE, KEEP, PEN OR HARBOR OF DOMESTICATED ANIMALS IN CITY LIMITS; PROHIBITING OF WILD ANIMALS IN CITY LIMITS; CITY'S PRESENCE ON PRIVATE PROPERTY; ANIMAL PERMIT APPLICATION AND FEES; DEFINITIONS; IMPLEMENTING FINES AND FEES; PROVIDING FOR SEVERABILITY CLAUSE; PROVIDING FOR EFFECTIVE DATE; PROPER NOTICE OF MEETING; AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

WHEREAS, the community has over the years urged that the image of the City of Pharr and its citizenry be improved by focusing on problem solving and the diverse exchange of ideas;

WHEREAS, in accordance with Article I, Section 3 of the Pharr City Charter, the enumeration of powers granted and authorized by the charter shall not be held or deemed exclusive, but shall be in addition to the powers appropriate for the exercise necessary of local self government, and shall all powers granted by law, constitution, and ordinance;

WHEREAS, pursuant to Texas Local Government Code section 51.001, the City has authority to adopt ordinances that are for the good government, peace, or order of the municipality or for the trade and commerce of the municipality and that are necessary to carry out powers granted to the City; and

WHEREAS, pursuant to the Texas Constitution, article XI, section 5, and Texas Local Government Code section 51.072, the City, as a home-rule municipality, has full power of local self government; and

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

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- Sec. 2. Cats and dogs; license and vaccination required; fees; fee exemptions and discounts.**
- Sec. 3. Unvaccinated dogs or cats are a nuisance.**

Sec. 4. Unlawful to harbor, feed or care for animals on city property. Unlawful to raise, keep, pen or harbor of domesticated animals in city limits. Prohibiting of wild animals in city limits. City's presence on private property.

Sec. 5. Animal Permit Application and fees.

Sec. 5. Sale of pets; pet shop permit required; prohibitions; application; fees; inspections; requirements; revocation; exceptions.

Sec. 6. Animal Shelter.

Sec. 7. Dogs running at large (leash law).

Sec. 8. Tethering and confinement

Sec. 9. Barking dogs.

Sec. 10. Vicious animal declaration.

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Sec. 18. Cruelty to animals prohibited.

Sec. 19. Pets riding in vehicles.

Sec. 20. Enforcement.

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Sec. 23. Severability Clause.

Sec. 24. Effective Date; Publication.

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SECTION 1. DEFINITIONS.

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

Altered means spayed or neutered.

Animal Shelter means a facility that keeps or legally impounds stray, homeless abandoned, or unwanted animals.

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

Designee means, with reference to animal control personnel of the Pharr Public Works Department, any person or entity authorized to exercise any authority assigned by administrative personnel under this Ordinance which may include any regional entity and any veterinarian.

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

Feral animal means an animal that is wild, untamed, endangered, or has no ascertainable owner. It shall be reputedly presumed that a cat or dog not bearing a current license tag as required by Section 2(i) has no ascertainable owner and is a feral cat or dog.

Fowl means, any various bird widely domesticated (duck, goose, turkey, pheasant, chicken, turkey, etc.).

Intact means not spayed or neutered.

Kennel means any permanent or temporary enclosure erected for the purpose of confining a dog.

Livestock means, any widely domesticated animal (horse, cattle, pig, sheep, goat, etc.)

Owner means any person who owns an animal that is within the limits of the city.

Owner's premises means any lot, tract or parcel of land, whether or not under

common ownership, including all buildings thereon and appurtenances, which are owned or leased by an owner, as well as any vehicle, travel trailer, or motor home owned or leased by an owner.

Pet means any domestic animal kept for any reason other than utility.

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

Run at large means to be free of physical restraint beyond the boundaries of the owner's premises. When controlled by a leash held by a competent person a dog or cat shall not be deemed to be running at large. Fixed length leashes shall not exceed 12 feet in length. Retractable leashes shall be lockable at 6 feet and shall not exceed 25 feet in total length. A dog or cat that is free of physical restraints within the confines of an animal park and in compliance with park regulations shall not be deemed to be running at large.

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

Wild Animal means, any animal from a natural, undomesticated state (lion, tiger, ape, bear, wolf, etc.)

SECTION 2. CATS AND DOGS; LICENSE AND VACCINATION REQUIRED; FEES; FEE EXEMPTIONS AND DISCOUNTS.

- (a) Owners of dogs or cats four (4) months of age or older are required to have each currently licensed as provided in this Ordinance.
- (b) No license shall be issued under this Ordinance unless the application is accompanied by a certificate from a veterinarian licensed to practice in any state or territory of the United States, showing that the animal for which the license is sought has a current rabies vaccine. Any licensed animal shall be issued a metallic tag, having stamped thereon the year of issuance and the number corresponding to the number on the certificate.
- (c) The initial license shall be valid for one year, upon the expiration of which, and provided a three-year licensed vaccine is administered, a three-year renewal license may be issued, the application must be accompanied by a certificate from a veterinarian licensed in Texas, showing that the animal received a booster within one year of receiving the first vaccination. Subsequently, renewal license applications must be accompanied by similar certificates showing that the vaccination against rabies is current. The renewal license shall be valid for up to three years but not beyond the currency of the animal's vaccination.

- (d) If adequate and sufficient proof is presented that a cat or dog entering into the City has current vaccinations, then may a license be issued with its term prorated.
- (e) Cat and dog licenses shall be issued by the animal control officer or designee upon compliance with the requirements of this Ordinance and payment of the required fees. The initial license fee for dogs and cats shall be \$10.00, and fees for subsequent 3-year renewal licenses shall be \$30.00. License fees may be collected, and the license certificate and metallic tag delivered to the pet owner by veterinarians administering the vaccines, provided they have registered with and been designated by an animal control officer, use the forms required by the animal control officer, and follow such regulations as may be established by the animal control officer regarding the collection and transmittal of such fees and the delivery of license certificates and tags. Designated veterinarians shall be entitled to a processing fee of \$1.00 per license issued.
 - (1) Law enforcement, assistance, and service dogs must comply with the vaccination and licensing requirements but shall be exempted from payment of the license fee.
 - (2) The fee for altered cats and dogs shall be one-half the regular fee if, at the time such fee is paid, proof is presented that the animal has been altered. Upon the filing of an application within 60 days of issuance of the license, with sufficient proof that the animal is altered, a pet owner who was unable at the time of issuance to prove the animal was altered shall be reimbursed one-half of the fees. A certificate issued by a veterinarian licensed in the State of Texas will be sufficient proof. An animal shall be reputably presumed to be intact if the owner does not provide adequate and sufficient proof that it has been altered.
- (f) Prior to the issuance of a cat or dog license, pet owners applying for the same other than through the vaccinating veterinarian must present a certificate from a veterinarian licensed in any state or territory of the United States showing the animal has been vaccinated for rabies in compliance with the requirements of this Ordinance, and must apply on such form as may be required by an animal control officer. The owner shall state their name, address, and telephone number along with the breed, color, age, name, and sex of the dog or cat to be licensed.
- (g) Upon payment of the license fee, if applicable, and compliance with vaccination and all other applicable requirements and conditions of this

Ordinance, a license certificate and a metallic tag shall be issued for the licensed animal.

- (h) The animal license tag issued shall not be transferable from one dog or cat to another and it shall be unlawful for the owner or person having control over or custody of any dog or cat to transfer such license tag from the dog or cat for which such tag was issued to any other dog or cat.
- (i) Every person having ownership of a dog or cat for which a license is required under this Ordinance must ensure that the license tag is worn by the animal at all times whenever it is outside its owner's premises.
- (j) Every dog and/or cat, and every dog and/or cat owner, temporarily in the city for a period of no more than 60 days, and which dog and/or cat has been vaccinated as required by the laws of the regular domicile of the dog and/or cat or its owner, shall be exempted from the license and tag requirements of this division; provided, that any such dog or cat shall at no time be permitted to run at large or to remain unattended and shall be free from disease. The burden of proof shall be upon any dog and/or cat owner charged with violation of this division to establish the fact that he has well and truly complied with the laws of his domicile or regular place of residence.
- (k) In any prosecution under this Ordinance it shall be reputably presumed that at the time of the alleged offense an animal was not currently vaccinated, and that no valid license had been issued for the animal, unless it was wearing a valid license tag issued pursuant to this section.

SECTION 3. UNVACCINATED DOGS OR CATS ARE A NUISANCE.

When not confined on the owner's premises, any dog or cat found in or within 5,000 feet of the City's corporate limits, except where such distance lies in an incorporated area of another city, that is found without a current tag issued as required in Section 2(b), shall be reputably presumed to be unvaccinated and is hereby declared to be a nuisance. An animal control officer or designee is hereby authorized pursuant to impound any such dog or cat. The owner shall be notified of the impoundment in a manner similar to that required by Section 15. Ownership of the animal may be reputably presumed in a manner similar to how it is provided in Section 1 O(b) Such animal may not be released unless its owner furnishes proof of vaccination and licensing or shall cause the animal to be vaccinated and licensed. If within days of service of notice to the animal's owner does not claim such animal and fully comply with the requirements of this division then the animal may be humanely disposed of in accordance with the procedures of the animal control officer or designee.

SECTION 4. UNLAWFUL TO HARBOR, FEED OR CARE FOR ANIMALS ON CITY PROPERTY. UNLAWFUL TO RAISE, KEEP, PEN OR HARBOR OF DOMESTICATED ANIMALS IN CITY LIMITS. PROHIBITING OF WILD ANIMALS IN CITY LIMITS. CITY'S PRESENCE ON PRIVATE PROPERTY

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

(b) It shall be unlawful for any person to raise, keep, pen or harbor any domestic fowl, livestock, or feral animal, or other endangered species upon any premises of less than one acre (43,460 square feet) and within 200 feet from any residence or residential building, hotel, motel, church, public or private school, boarding house, duplex, apartment house, cafe or restaurant of any type, or place of business or other entity manufacturing, distributing, or selling at retail or wholesale food products of any type.

(c) City prohibits any and all undomesticated wild animals in its limits; or otherwise as stated in Section 5 of this ordinance

(d) Unless entry is necessary for the enforcement of the provisions of this ordinance, city personnel will not be responsible for entrance upon private property for the removal or care of any animal, fowl, reptile, or insect including but not limited to bees.

SECTION 5. ANIMAL PERMIT APPLICATION; FEES

- (a) Animal permit application shall be obtained for the use of a pet shop, pet store, grooming shop, livestock, dangerous/vicious dog; Any and all permits shall be renewed annually
- (b) Animal permit application shall be obtained for *special events*- circus, rodeo, animal show, petting zoo, animal exhibit, dangerous wild animal, temporary zoo.
- (c) Animal permit applications for special events shall be submitted at least 20 days before permit is needed and is to be terminated immediately after event.
- (d) Animal permit fee shall be \$150.00 and permittee agrees to the inspections provided for in this section.

SECTION 5. SALE OF PETS; PET SHOP PERMIT REQUIRED; PROHIBITIONS; APPLICATION; FEES; INSPECTIONS; REQUIREMENTS; REVOCATION; EXCEPTIONS.

- (a) It shall be unlawful for any person to maintain or operate a pet shop without a permit. Application for a pet shop permit shall be on a form prescribed by the animal control officer or designee, provide such information as the animal control officer or designee shall require, and specify the number and type of animals to be maintained. It shall be unlawful to maintain more animals or types of animals than allowed by such permit.

- (b) It shall be unlawful to sell or to allow the sale of pets in flea markets, or on a roadside or any other outdoor or unenclosed location. No pet shop permit shall be issued for the sale of pets in flea markets, or on a roadside or any other outdoor or unenclosed location.
- (c) It shall be a condition of the issuance of pet shop permits that the permittee agrees to the inspections provided for in this section. The application fee shall be \$150. Pet shop permits shall be annually renewable.
- (d) Pet shop premises shall be inspected by an animal control officer or designee prior to the issuance of any permit, and the same shall be subject to random inspections as well as to inspections based on complaints.
- (e) Pet shops shall be kept and maintained in a clean manner, free from odors detectable at or near neighboring property.
- (f) Pet shops shall be constructed and maintained in accordance with this ordinance and all applicable state law regulating pet shops and/or the sale of pets, as the same may hereafter be amended from time to time.
- (g) Pet shop permits are subject to revocation by an animal control officer or designee, for failure to operate the same in accordance with this ordinance and all applicable state laws.
- (h) It shall be unlawful to transact a sale of any offspring of an owner's pet or other animal upon any premises of less than one acre (43,460 square feet) and within 200 feet from any residence or residential building, hotel, motel, church, public or private school, boarding house, duplex, apartment house, cafe or restaurant of any type, or place of business or other entity manufacturing, distributing, or selling at retail or wholesale food products of any type.

SECTION 6. ANIMAL SHELTER; CITY OF PHARR

- (a) Animal shelter shall comply with the standards under the Health and Safety code Title 10. Health and Safety of Animals for:
 - 1. Housing and sanitation existing on September 1, 1982, and adopted under Chapter 826; and
 - 2. Animal control officer training adopted under Chapter 829
- (b) Animal shelter shall separate animals in its custody at all times by species, by sex (if known), and if the animals are not related to one another, by size.
- (c) Animal shelter may not confine healthy animals with sick, injured, or diseased

animals.

- (d) Each person who operates the animal shelter shall employ a veterinarian at least once a year to inspect the shelter to determine whether it complies with the requirements of Chapter 823 and 829 "Animal Shelters" of the Health and Safety Code.
- (e) Personnel operating the animal shelter shall keep records of the date and disposition of animals in its custody, and make the records available for inspection at reasonable times.
- (f) All stray or running at large live animals will be held for a period of 72 hours at city animal shelter before transferred to Palm Valley Animal Center.
- (g) Advisory Committee;
 - 1. The city shall appoint an advisory committee to assist in complying with the requirements of Chapter 823. Animal Shelters of the Health and Safety Code.
 - 2. Advisory committee must be composed of at least one licensed veterinarian, one county or municipal official, one person whose duties include the daily operation of an animal shelter, and one representative from an animal welfare organization.
 - 3. The advisory committee shall meet at least three times a year.
- (h) An S.O.P.- Standard Operating Procedure shall be established in accordance with this section and administered all times while operating the animal shelter.
- (i) Associated fees for the shelter are as follows;
 - 1. Boarding/Feeding: \$20.00 daily
 - 2. Critical Care: (Veterinarian to charge city and city will charge owner).
 - 3. Quarantine Charge: \$150.00 (10 days)
 - 4. Rabies Vaccination: if no proof, \$50.00 deposit is required and returned with proof after discharge
 - 5. Flea Dip: \$15.00 per animal
 - 6. City License: Section 2 of this ordinance shall apply

SECTION 7. ANIMALS RUNNING AT LARGE (LEASH LAW); HYGIENE; PUBLIC AREAS AND EVENTS.

(a) It shall be unlawful to allow any animal, including but not limited to livestock, dogs, or cats, and fowl to run at large within the city. An animal control officer or designee is hereby granted the authority to pick up and cause to be impounded any animal found running at large in the city. The impoundment notice and hearing procedures of this Ordinance shall apply in the case of any such animal.

(b) The owner of every animal shall be responsible for the removal of any excreta deposited by the animal on public property, walks, recreation areas or the property of others.

(c) All owners at all times shall restrain their animals with a leash or within a building or adequate fence.

(d) It shall be unlawful for any person to take any animal, whether under a leash

or allowed to run at large, upon any city-owned or controlled park or recreational facility at any time during an organized event, athletic activity, or practice. The event, activity, or practice need not be sponsored or organized by the City for a violation to occur. At any other time in which an animal is not prohibited upon any city-owned or controlled park or recreational facility, it shall be unlawful for any person to take any animal upon any city owned or controlled park or recreational facility that proximately results in an unclean, unsafe, and/or filthy environment or condition.

(e) It shall be an affirmative defense to prosecution under Section 6(d) that the animal has been brought upon the premises of a park or recreational facility during the periods prohibited under this section as a legitimate accommodation of a person's handicap such that the same would be covered under the Americans with Disabilities Act.

SECTION 8. TETHERING AND CONFINEMENT.

(a) A dog may be tethered only in full compliance with the provisions of this section. No person shall tether a dog:

- (1) using any device that is directly attached to its neck, but instead via a tying device attached to a properly fitted collar or harness made of leather or nylon, and not of the choker type; this does not prohibit the proper use of choker collars in the training of dogs;
- (2) using a collar exceeding one and one-half (1 1/2) inches wide for any dog weighing less than sixty (60) pounds, or using a collar exceeding two (2) inches in width for dogs weighing sixty (60) pounds or more;
- (3) except by using a tying device at least ten (10) feet in length or five times the dog's length, whichever is longer, with a swivel device on the anchor and collar end to prevent tangling, and made of 3/16" links of a minimum grade 30 with a load limit of 800 pounds for dogs that weigh between 30 and 80 pounds, and X links of a minimum grade 30 with a load limit of 1,500 pounds for dogs that weigh from 80 pounds and up to 200 pounds;
- (4) using a device that weighs more than one-eighth (1/8) of the dog's body weight;
- (5) in any manner that allows it, or any part of the tying device by which it is tethered, to go into, upon or over any sidewalk, alley, street, or any property not belonging to the dog's owner;
- (6) to any lamppost, light pole, utility pole, awning post, tree, fence, hydrant, or shrubbery belonging to another person without the consent of the owner of the object to which the animal is to be tethered;
- (7) on its owner's property for more than four (4) hours per day, and only if it has access to water and shelter at all times is, and the owner or a duly authorized person that is familiar with dog handling, their habits and behavior is on the premises or within its view and a reasonable distance therefrom; or
- (8) anywhere other than its owner's property for more than ten (10)

minutes, and only if it is in a safe place and the owner, or a duly authorized person that is familiar with dog handling, their habits and behavior, is never out of sight of the dog or more than 50 feet away.

(b) Any confinement of a dog shall be secure, whether indoors or outdoors. If outdoors, the dog shall be confined in an enclosed and locked kennel. Kennels, whether indoors or outdoors, must be large enough for a dog to comfortably have shelter from the elements, provide at all times access to shade and water, allow a reasonable amount of space for movement, and a place to eliminate body waste. Kennels must have minimum dimensions of five feet by ten feet and must have secure sides and, if outdoors, a secure top attached to the sides in order to make it escape proof. If a concrete slab floor or patio block floor over sand is not provided for an outdoor kennel, the bottom must be wire fencing or similar material that is secured to the sides, and otherwise the sides must be embedded into the ground no less than two feet. All kennels must be adequately lighted and kept clean and sanitary. The dog shall be taken out of the kennel daily for training, playtime, exercise, and attention.

SECTION 9. ANIMAL NOISE LEVEL.

It shall be unlawful to keep any animal in the city which by loud, frequent or habitual barking or howling shall cause annoyance and/or disturb the peace and quiet of any person. Any such person who believes that there has been a violation of this section shall have the right, and it shall be his duty, to file a complaint against the owner or keeper of such dog in the Municipal Court of the city, whereupon a hearing within a reasonable time thereafter shall be held and a determination made as to whether such alleged loud, frequent or habitual barking annoyed and disturbed the peace of such person; and if so, the Court may thereupon declare such loud barking or howling dog to be a public nuisance and order such dog to be picked up, impounded and/or destroyed, or the owner to be fined as provided

SECTION 10. VICIOUS ANIMAL DECLARATION.

- (a) *Vicious animal* means any animal:
- (1) with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise threaten the safety of human beings or domestic animals;
 - (2) which, without provocation, has attacked or injured a human being or domestic animal?
 - (3) owned or harbored primarily or in part for the purpose of fighting, or any animal trained for fighting;
 - (4) which, without provocation, chases or approaches a person upon the streets, sidewalks or any public or private property in a menacing fashion or apparent attitude of attack; or
 - (5) which has behaved in such a manner that the owner thereof knows or should reasonably know that the animal is possessed of tendencies to attack or to bite human beings or other animals.

- (b) If an animal control officer or designee has cause to believe that an animal is vicious as defined in subsection (a) hereof, the animal control officer or designee shall so find and declare that animal a vicious animal.
- (c) No animal may be declared vicious for injury or damage sustained by a person who was committing a willful trespass or other tort upon the premises of the animal's owner.
- (d) No animal may be declared vicious for injury or damage sustained by a person who was teasing, tormenting, abusing or assaulting the animal.

SECTION 11. VICIOUS ANIMAL DECLARATION—NOTICE AND ORDER.

- (a) Within five days of declaring an animal vicious, an animal control officer or designee shall notify the animal's owner in writing of the declaration by personal service. In the alternative, service may be by certified mail and by posting on the animal owner's property, in which case service shall be deemed completed upon mailing. The notice shall:
 - (1) identify the requirements and conditions for maintaining a vicious animal as set forth in Section 12;
 - (2) order the owner to immediately comply with the confinement and other requirements of that section; and
 - (3) advise of the owner's right to a hearing under Section 11.
- (b) If the animal owner's identity cannot otherwise reasonably be ascertained, it shall be reputedly presumed that its owner is the owner of the property where it was located. In the case of stray animals an attempt to notify the owner is not necessary. If within five days of service of the notice and order there is failure to comply with the requirements and conditions for maintaining a vicious animal, an animal control officer or designee may order the impoundment and destruction of the animal, pursuant to Section 14, and if applicable, comply with the notice and hearing requirements of Section 15 and Section 16.

SECTION 12. VICIOUS ANIMAL DECLARATION—HEARING.

- (a) The owner of an animal declared vicious shall have the right, within five days after service of the notice under Section 10, to personally serve upon the animal control officer, designee, or an employee of the Pharr Public Works Department written request for a hearing to contest the vicious animal declaration. The animal control officer or designee shall immediately file the request with the Municipal Court, and a hearing shall be held within five business days after such filing with the Municipal Court.

- (b) The hearing under this section shall be before a Municipal Judge of the City and shall be formal, and strict rules of evidence shall apply. The owner may be represented by counsel, present oral and written evidence, and cross examine witnesses.
- (c) The Municipal Judge shall issue a decision within two business days after the close of the hearing under this section and shall notify the owner in writing of the decision.
- (d) The Municipal Judge may uphold the vicious animal declaration, in which event the owner shall comply with all of the requirements and conditions for keeping a vicious animal as set forth in Section 12 or may unconditionally release the animal to its owner.
- (e) The decision of the Municipal Judge on the vicious animal declaration shall be final.

SECTION 13. REQUIREMENTS FOR KEEPING VICIOUS ANIMAL.

The owner of a vicious animal shall be subject to the following requirements:

- (a) **Confinement.** All vicious animals shall be securely confined upon the premises of the owner indoors or outdoors in an enclosed and locked kennel. Confinement shall comply with the provisions of Section 7(b).
- (b) **Leash and muzzle.** The owner of a vicious animal shall not allow the animal to go outside its kennel unless the animal is muzzled, restrained by a chain or leash not more than four feet in length, and under the physical control of a person. The muzzle must not cause injury to the animal or interfere with its vision or respiration, but must prevent the animal from biting any human or animal.
- (c) **Signs.** The owner of a vicious animal shall display in a prominent place on the owner's premises a clearly visible warning sign indicating that there is a vicious animal on the premises. The sign lettering must be at least two inches high. The owner shall also display either separately or in conjunction with the warning sign, a pictorial, symbolic or illustrative sign that conveys to children and those who do not read the idea of the presence of a vicious animal. Similar signs shall be posted on the animal's kennel, if any, in such a manner as to be clearly visible.
- (d) **Insurance.** The owner of a vicious animal must provide proof to an animal control officer or designee that the owner has procured public liability insurance of at least \$100,000.00, insuring the owner for any damage or personal injury which may be caused by such owner's vicious animal.

SECTION 14. VIOLATIONS—IMPOUNDMENT OF ANIMALS.

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

SECTION 15. IMPOUNDMENT FOR DESTRUCTION.

- (a) An animal control officer or designee may order the impoundment for destruction of an animal only when the animal:
 - (1) has attacked, bitten or injured a human being or domestic animal and the circumstances indicate that there is a probability of additional similar conduct by such animal,
 - (2) has been declared a vicious animal pursuant to Section 8 and, if applicable, Section 11, and the owner, if any is ascertainable, has failed to comply with the requirements and conditions for keeping a vicious animal as defined provided in Section 12, or
 - (3) poses a threat of serious harm to the public health or safety.
- (b) Any animal impounded for destruction under the provisions of this section may be claimed by its owner only with an order issued by the Municipal Court after a hearing pursuant to Section 16, and in compliance with any conditions of such an order.

SECTION 16. NOTICE OF IMPOUNDMENT FOR DESTRUCTION.

Within two days of any impoundment for destruction under this Ordinance, an animal control officer or designee shall notify the animal's owner in writing of the impoundment, by personal service acknowledged in writing by the owner or certified by the server. In the alternative, service may be by certified mail and by posting on the animal owner's property. The notice shall advise of the owner's right to a hearing under Section 16. Service of notice shall be deemed completed upon mailing. Ownership of the animal may be presumed in a manner similar to how it is provided in Section 10(b). In the case of

stray animals an attempt to notify the owner is not necessary.

SECTION 17. IMPOUNDMENT FOR DESTRUCTION—HEARING.

- (a) The owner of an animal impounded for destruction shall have the right, within five days after service of the notice under Section 15, to personally serve upon an animal control officer, designee, or any police officer a written request for a hearing to contest the impoundment. An animal control officer or designee shall immediately file the request with the Municipal Court, and a hearing shall be held within five business days after such filing with the Municipal Court.
- (b) The impoundment hearing shall be informal, and strict rules of evidence shall not apply. The owner may be represented by counsel, present oral and written evidence and cross examine witnesses.
- (c) The Municipal Judge shall issue a decision within two business days after the close of the hearing under this section and shall notify the owner in writing of the decision.
- (d) After considering all of the relevant evidence, the Municipal Judge may order the destruction of the impounded animal or may release the animal to its owner, conditional on the owner complying with the requirements for keeping a vicious animal as set forth in Section 12 and/or complying with any other requirements necessary to protect the public health or safety, or may unconditionally release the animal to its owner. The Municipal Judge may in any event make the animal's release conditional upon the owner's payment to the designated animal center of the costs of impoundment and boarding.
- (e) If after proper notice the owner of an animal impounded under this Ordinance fails to appear at a hearing or fails to request a hearing, the animal may be destroyed.

SECTION 18. CRUELTY TO ANIMALS PROHIBITED.

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

SECTION 19. PETS RIDING IN MOTOR VEHICLES.

It is unlawful to have any pet ride in a motor vehicle, except if it is humanely confined in an enclosed carrier, or the entire vehicle's doors are closed and all windows are raised, or it is securely tethered in a way which humanely precludes their ability to jump off or fall from the vehicle.

SECTION 20. ENFORCEMENT.

(a) An animal control officer or designee is hereby granted the authority and it shall be their duty to carry out the functions of, and to enforce the provisions of this Ordinance.

(b) Should any person or business commit a nuisance, or allowed the commission of any act or condition that creates a nuisance, the City Attorney may take any action to enforce this or any ordinance to prevent and summarily abate and remove a nuisance. These actions may include but not be limited to allowing for municipal resources and personnel to: abate any premises or property, closure, condemn, remove any person or thing, court action, suspend, cancel, or void any license or permit issued by the City of Pharr, and any and all other relief as may be necessary.

SECTION 21. PENALTY FOR VIOLATION.

(a) Any violation of this Ordinance shall be subject to both civil and criminal penalties. A criminal conviction shall be a Class C misdemeanor. A violator shall also be subject to the maximum penalties allowed by law for failing to appear in Court when charged with an offense as described herein.

(b) Any person found guilty of the violation of any provision of this Ordinance shall be punished as follows:

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

(b) In addition to the fine specified in subsection (a) hereof, the Municipal Court shall sentence owners, at their own cost, to complete a Responsible Owner Course every time they are found guilty after a first violation.

(c) In the event the Municipal Judge allows community service in lieu of or in addition to the imposition of a fine, whenever possible such community service shall be served at an animal shelter or similar institution.

(d) Prior to sentencing in the case the owner of an intact animal is found guilty of or pleads no contest to a violation of a provision in this Ordinance, if the defendant represents that the animal will be altered, the Municipal Court may

reset the sentencing, but only once and for no more than 60 days, for the purpose of allowing the defendant to present sufficient proof that the animal was altered after the finding of guilt or entry of the plea of no contest. Upon presentation of such proof the fines imposed pursuant to this section shall be reduced by one-half.

SECTION 22: SAVINGS CLAUSE.

Except as hereby amended, any provisions of the code of ordinances or directives of the City of Pharr, Texas, not in conflict with this Ordinance shall remain in full force and effect, unimpaired hereby.

SECTION 23: SEVERABILITY CLAUSE.

The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part thereof. The effects of this Ordinance shall at all times be in compliance with state, federal, local, and other guidelines as directed.

SECTION 24: EFFECTIVE DATE; PUBLICATION.

The Ordinance shall take effect and be in force from and after its passage and approval on three (3) separate readings in accordance with Section 8, Article 3 of the Charter of the City of Pharr, Texas. Publication, if necessary, may also be in caption form as allowed under Section 9 of the Pharr City Charter.

SECTION 25: PROPER NOTICE AND MEETING.

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED ON FIRST READING BY THE BOARD OF COMMISSIONERS OF THE CITY OF PHARR, TEXAS, ON THIS THE 15th DAY OF FEBRUARY, 2011.

CITY OF PHARR

LEOPOLDO "POLO" PALACIOS, JR. MAYOR

ATTEST:

HILDA PEDRAZA, CITY CLERK

PASSED AND APPROVED ON SECOND READING BY THE BOARD OF COMMISSIONERS OF THE CITY OF PHARR, TEXAS, ON THIS THE 1st DAY OF MARCH, 2011. CITY OF PHARR

CITY OF PHARR

LEOPOLDO "POLO" PALACIOS, JR. MAYOR

ATTEST:

HILDA PEDRAZA, CITY CLERK

PASSED AND APPROVED ON THIRD READING BY THE BOARD OF COMMISSIONERS OF THE CITY OF PHARR, TEXAS, ON THIS THE 5TH DAY OF APRIL, 2011. CITY OF PHARR

CITY OF PHARR

LEOPOLDO "POLO" PALACIOS, JR. MAYOR

ATTEST:

HILDA PEDRAZA, CITY CLERK



interoffice
MEMORANDUM

To: Mayor and City Commission

From: Hilda Pedraza, TRMC City Clerk

Subject: Agenda Item – Ordinance amending Ordinance No. O-2015-03 for budget amendments to the FY 2014-2015 budget

Date: April 7, 2015

Ordinance will be passed out at the meeting.

Thank you.

ORDINANCE NO. O-2015-

AN ORDINANCE DESIGNATING AN AREA KNOWN AS THE CITY OF PHARR – TIF REINVESTMENT ZONE NUMBER 2; DESCRIBING THE BOUNDARIES OF THE ZONE; CREATING A BOARD OF DIRECTORS FOR THE ZONE; PROVIDING FOR AN EFFECTIVE DATE AND TERMINATION DATE FOR THE ZONE; NAMING OF THE ZONE CITY OF PHARR – TIF REINVESTMENT ZONE #1 AND ESTABLISHING A TAX INCREMENT FUND; CUMULATIVE CLAUSE; REPEALER; PROPER NOTICE AND MEETING

WHEREAS, the Board of Commissioners (the "Commission") of the City of Pharr, Texas (the "City") desires to support development and redevelopment in the City to be funded in whole or in part, through the creation of a Tax Increment Reinvestment Zone (the "Zone"), as hereinafter more specifically defined and named and with boundaries as hereinafter provided, pursuant to the provisions of the Tax Increment Financing Act 9 the "Act"), Texas Tax Code, Chapter 311; and

WHEREAS, the City indicated its intent to create the Zone through Resolution 2015-08 passed by the Commission on February 3, 2015; and

WHEREAS, the Project will support financing of costs associated with the construction of public improvements related to several possible development and redevelopment projects, which may include but not limited to: Street Construction and Reconstruction, Right of Way Acquisition, Municipal Facilities Acquisition/Construction, Parks, Storm Water Pollution Prevention Drainage & Drainage Detention, Wastewater Treatment Plant Expansion, Waste Water Collection System Improvements, Water Rights Acquisition, Utility Relocation and Open Space Improvements; and

WHEREAS, pursuant to the Act, the City may designate a geographical area within the City; and

WHEREAS, Pursuant to the Act, the City has directed that a Preliminary Reinvestment Zone Financing Plan (the "Preliminary Plan") be prepared for the proposed Zone; and

WHEREAS, A Public Hearing was held on February 17, 2015 at 5:00 p.m. in the Pharr Commission Chambers, City Hall to consider the creation of a Tax Increment Reinvestment Zone for the Project and its respective benefits to the City and to property in the proposed Zone; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

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

SECTION 1. DESIGNATING THE AREA AS A REINVESTMENT ZONE. The area described in Section 2 below and more commonly referred to as the "Pharr Redevelopment Project" and officially assigned the name as designated in Section 5 below (which reinvestment zone so described, named and designated is hereinafter referred to as the "Zone", is hereby designated as a Tax Increment Reinvestment Zone.

SECTION 2. DESCRIPTION OF THE BOUNDARIES OF THE REINVESTMENT ZONE. Attached hereto as Exhibits "A" and "B", which is incorporated herein by reference for all purposes is a legal description and Hidalgo County Appraisal District Map with the parcels, area and boundaries of the Zone outlined in purple incorporated in the Zone.

SECTION 3. CREATION AND COMPOSITION OF A BOARD OF DIRECTORS FOR THE ZONE.

- (a) There is hereby created a Board of Directors (the "Board") for the Zone, with all the rights powers and duties as provided by the Act to such Boards or by action of the Commission. Pursuant to Section 311.009(a) of the Texas Tax Code the Board shall consist of not less than five (5) and not more than fifteen (15) members.
- (b) Each taxing unit other than the City that levies taxes on real property in the Zone may appoint one member to the Board. A unit may waive its right to appoint a member. The City shall appoint the remaining directors of which, one shall be nominated by the Commissioners Court of Hidalgo County.
- (c) Appointees shall be for a two (2) year term. Upon expiration of their respective terms of office, replacements to the Board shall be appointed. Vacancies on the Board shall be filled by the respective taxing unit making such appointments for the remainder of the unexpired term.

SECTION 4. EFFECTIVE DATE AND TERMINATION DATE OF THE ZONE. The Zone shall take effect on or about _____ and continue till its termination date of _____ unless otherwise terminated earlier as a result of payment in full of all project costs, tax increment bonds, if any, including interest on said bonds as authorized or permitted by law.

SECTION 5. ASSIGNING A NAME TO THE ZONE. The Tax Increment Reinvestment Zone created hereby is assigned the name of "REINVESTMENT ZONE NUMBER 2, CITY OF PHARR, TEXAS."

SECTION 6. TAX INCREMENT BASE. The tax increment base for the Zone is the total assessed value of all real property taxable by the City and located in the Zone, determined as of January 1, 2015, the year in which the Zone was designated as a Reinvestment Zone (the "Tax Increment Base").

SECTION 7. ESTABLISHMENT OF A TAX INCREMENT FUND. There is hereby created and established in the depository bank of the City, a fund to be called the "CITY OF PHARR – TIF REINVESTMENT ZONE #2, TEXAS TAX INCREMENT FUND" (HEREIN CALLED THE "Tax Increment Fund"). Money in the Tax Increment Fund, from whatever source, may be disbursed from the Tax Increment Fund, invested, and paid as permitted by the Act or by any agreements entered into pursuant to the Act, or as otherwise authorized by law.

SECTION 8. FINDINGS.

- (a) The City hereby finds and declares that (a) improvements in the Zone will significantly enhance the value of all the taxable real property in the Zone and will be of general benefit to the City; and (b) the Zone meets the requirements of 311.005 of the Act, being that the Zone area:
 - 1. Is predominantly open, and because of obsolete platting, deterioration of structures or site improvements;
 - 2. Creation of the zone is necessary to further the public health, safety, morals, and welfare as a result of substandard conditions, inadequate streets, unsanitary conditions, and the predominant existence of undeveloped area; and
 - 3. Other factors that may substantially impair the growth of the city.
- (b) The City of Pharr, pursuant to the Act, further finds and declares that:
 - 1. the proposed zone is a geographical area located wholly within the City limits or extraterritorial jurisdiction of Pharr;
 - 2. less than fifty percent (50%) of the property in the proposed Zone is used for residential purposes, as the term "residential" is defined in Section 311.006(d) of the Act;
 - 3. the total appraised value of the taxable real property in the proposed Zone or in existing reinvestment zones, if any, does not exceed fifty per cent (50%) of the total appraised value of taxable real property in the City and in industrial districts, if any, created by the City;

4. the proposed Zone does not contain more than fifty percent (50%) of the total appraised value of real property taxable by Hidalgo County, the PSJA ISD, the Hidalgo ISD and the Valley View ISD, and
5. development or redevelopment within the boundaries of the proposed Zone will not occur solely through private investment in the reasonably foreseeable future.

SECTION 9. DESIGNATION OF A SECTION 311.005(a) ZONE. The Zone is designated pursuant to Section 311.005(a) of the Act.

SECTION 10. SEVERABILITY. If any of the provisions of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance and the application thereof to other circumstance shall nevertheless be valid, as if such invalid provisions had never appeared herein, and this governing body hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 11. CUMULATIVE CLAUSE; REPEALING CLAUSE. The ordinance shall be cumulative of all ordinances dealing with the same subject and any provision in conflict with this ordinance is hereby repealed and the provisions of this Ordinance supersedes. The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part thereof.

SECTION 12:PROPER NOTICE AND MEETING. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION 13. EFFECTIVE DATE. The Zone shall take effect immediately upon passage of this Ordinance after having been read on three (3) separate meetings. Publication may also be in caption form as allowed under Section 9 of the Pharr City Charter.

PASSED AND APPROVED ON THE FIRST MEETING BY THE BOARD OF COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the ____ day of _____, 2015.

CITY OF PHARR

LEOPOLDO "POLO" PALACIOS, JR. MAYOR

ATTEST:

HILDA PEDRAZA, CITY CLERK

PASSED AND APPROVED ON THE SECOND READING BY THE BOARD OF COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the ____ day of _____, 2015.

CITY OF PHARR

LEOPOLDO "POLO" PALACIOS, JR. MAYOR

ATTEST:

HILDA PEDRAZA, CITY CLERK

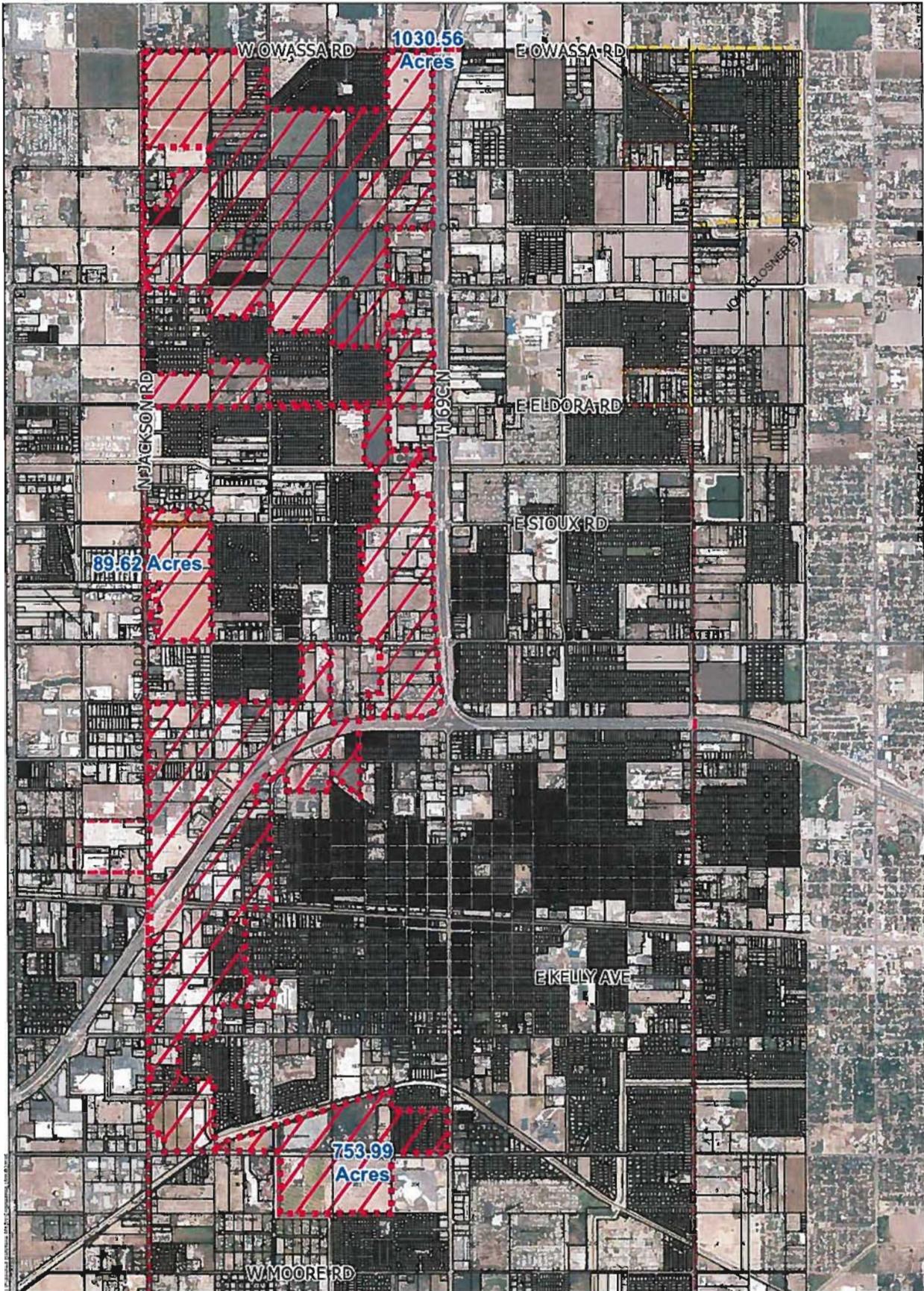
PASSED AND APPROVED ON THE THIRD READING BY THE BOARD OF COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the ____ day of _____, 2015.

CITY OF PHARR

LEOPOLDO "POLO" PALACIOS, JR. MAYOR

ATTEST:

HILDA PEDRAZA, CITY CLERK



Legend

- Pharr City Limit
- Pharr ETJ
- TIRZ Area 1,874.17 Ac

All information contained herein is either:
1. the property of the City of Pharr, Texas, and
2. the property of the City of Pharr, Texas, and
3. the property of the City of Pharr, Texas.

City of Pharr, Texas
Engineering Department
958.402.4221

Scale: 1 inch = 2,000 feet





AGENDA ITEM REQUEST

MEETING DATE: 3/17/14 4-7-15

INITIATED BY: Edward Wylie DEPARTMENT: Development Services

AGENDA ITEM: An ordinance creating guidelines and incentives for the Neighborhood Empowerment Zone / Business Improvement District (NEZ/BID) #2

PARTY MAKING THE REQUEST: Development Services Staff

NATURE OF THE REQUEST: Ordinance Adoption

BUDGET:

EXPENDITURE REQUIRED: \$

CURRENT BUDGET: \$

ADDITIONAL FUNDING: \$

ROUTING:

LEGAL: _____ DATE: _____

FINANCE/PURCHASING: _____ DATE: _____

APPROVAL:

DEPT. HEAD:  DATE: ~~3-10-15~~ 3-10-15

ASSISTANT CITY MANAGER: _____ DATE: _____

CITY MANAGER:  DATE: 3/12/15

STAFF RECOMMENDATION: Staff recommends approval of the ordinance for a period of two (2) years.

ORDINANCE NO. O-2015-__

AN ORDINANCE CREATING A REBATE POLICY AND BASIC INCENTIVES FOR "NEIGHBORHOOD EMPOWERMENT DISTRICT/BUSINESS IMPROVEMENT DISTRICT #2"; STATING A PURPOSE; DEFINITIONS; PERMIT FEE REBATES; PROCEDURAL STEPS; AND INELIGIBLE PROJECT; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; REPEALING ALL ORDINANCES IN CONFLICT; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

WHEREAS, the City of Pharr recognizes geographic area(s) as a symbol of community pride and quality of life, factors that help create a positive environment to encourage private investment and reinvestment of sustainable neighborhoods and businesses in the City; and

WHEREAS, the City Commission of the City of Pharr desires to see redevelopment and revitalization of targeted areas of the City; and

WHEREAS, the creation of affordable housing, coupled with economic development, and the increase in social services, education, and public safety are also high priority issues for the City; and

WHEREAS, the City has investigated different economic development tools used in other municipalities, and determined that Neighborhood Empowerment Zones have been used effectively and with positive results in other communities facing the same economic challenges facing the City of Pharr; and

WHEREAS, the State of Texas, through the Neighborhood Empowerment Zone program, as codified in Section 378 of the Texas Local Government Code, has provided municipalities a framework and authorization to provide certain incentives to both residential and commercial property owners, with the goal of achieving redevelopment of targeted areas by creation of a Neighborhood Empowerment Zone; and

WHEREAS, the City of Pharr, pursuant to Section 378.003, makes the necessary findings that the City and area within Pharr NEZ/BID #2 (see exhibit "A") will benefit the area, and serve the public purpose of increasing public health, safety and welfare of persons in the municipality; and

WHEREAS, the creation of NEZ/BID #2 by the City Commission does satisfy the requirements set forth in Section 378.002; and

WHEREAS, the City Commission also supports the attached guidelines, which set the general framework for how the NEZ/BID #2 will incentivize development and redevelopment within the boundary of the Zone.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PHARR, TEXAS THAT:

SECTION 1. The City Commission further resolves that the Department of Development Services and the Pharr Economic Development Corporation II will be the Departments responsible for the program, and authorizes those Departments to prepare and all applications and administrative procedures necessary for implementation of the program.

SECTION 2. The City Commission further resolves that the attached guidelines will serve as the framework for the implementation of the program.

SECTION 3. The City Commission further resolves that this ordinance will cease to exist at the end of business day two years and 1 day after adoption.

SECTION 4. That the Exhibit "A" NEZ/BID #2 attached to and made part of Ordinance No. 2015-_____ to specifically include the following designated area:

LEGAL DESCRIPTION: A 10.92 AC GR TRACT OF LAND OUT OF LOT 40, LR BELL SUBDIVISION

PHYSICAL LOCATION: 101 N VETERAN'S BLVD.

**CITY OF PHARR
NEIGHBORHOOD EMPOWERMENT ZONE (NEZ) TAX REBATE POLICY AND
BASIC INCENTIVES**

I. GENERAL PURPOSE AND OBJECTIVES

Chapter 378 of the Texas Local Government Code allows a municipality to create a Neighborhood Empowerment Zone/Business Improvement District (NEZ/BID) #2 when a municipality determines that the creation of the zone would promote:

1. the creation of affordable housing in the zone;
2. an increase in economic development in the zone;
3. an increase in the quality of social services, education, or public safety provided to residents of the zone; or
4. the rehabilitation of affordable housing in the zone.

The City, by adopting the following NEZ Rebate Policy and Basic Incentives, will promote rehabilitation of single family homes, multi-unit housing and/or economic development in Neighborhood Empowerment Zone/Business Improvement District #2. For each NEZ/BID, the City Commission may approve additional terms and incentives as permitted by Chapter 378 of the Texas Local Government Code or by City Commission resolution. However, any rebate awarded before the expiration of a NEZ/BID shall carry its full term according to its rebate agreement approved by the City Commission.

II. DEFINITIONS

"Affordable Housing" means affordable to persons earning less than 80% Area Median Family Income (AMFI) as defined by U.S. Department of Housing and Urban Development (HUD) for single family housing and under 60% Average Mean Family Income (AMFI) as defined by HUD for rental and multi-family.

"Base Value" is the value of the real property, excluding land, as determined by the Hidalgo County Appraisal District, as of January 1 prior to the execution of the contract.

"Building Code" the City of Pharr adopted code pursuant to the International Building Code.

"Capital Investment" includes only real property improvements such as new facilities and structures, site improvements, facility expansion, and facility modernization. Capital Investment does NOT include land acquisition costs and/or any existing improvements, or personal property (such as machinery, equipment, and/or supplies and inventory).

"City of Pharr Rebate Policy Statement" means the policy adopted by the Pharr City Commission and Pharr Economic Development Corporation II.

"Commercial Development Project" is a development project which proposes to construct or rehabilitate commercial facilities on property that is (or meets the requirements to be) zoned commercial or mixed use as defined by the City of Pharr Zoning Ordinance. The building must be enclosed with a concrete slab, walls, roof, and windows.

"Eligible Rehabilitation" includes only physical improvements to real property. Eligible Rehabilitation does NOT include personal property (such as furniture, appliances, equipment, and/or supplies).

"Energy Star Program" an international standard for energy efficient consumer products originated in the United States of America.

"Gross Floor Area" is measured by taking the outside dimensions of the building at each floor level, except that portion of the basement used only for utilities or storage.

"Mixed-Use Development Project" is a development project which proposes to construct or rehabilitate mixed-use facilities in which residential uses constitute 20 percent or more of the total gross floor area, and office, eating and entertainment, and/or retail sales and service uses constitute 10 percent or more of the total gross floor area and is on property that is (or meets the requirements to be) zoned for mixed-use as described by the City of Pharr Zoning Ordinance.

"Multi-Family Development Project" is a development project which proposes to construct or rehabilitate multi-family residential living units on property that is (or meets the requirements to be) zoned multifamily or mixed use as defined by the City of Pharr Zoning Ordinance.

"New Construction" is a newly constructed improvement requiring a permanent foundation, walls, roof and windows. This excludes accessory structures such as sheds and incidental or secondary use buildings.

"Primary Residence" is the residence that has a Homestead Exemption on file with Hidalgo County Appraisal District.

"Project" means a *"Residential Project"*; *"Commercial Development Project"*; *"Mixed-Use Development Project"*; or a *"Multi-Family Development Project."*

III. PERMIT FEE REBATES

A. ELIGIBLE RECIPIENTS/PROPERTIES

1. For NEZ applicants, the following fee rebates or partial fee rebates including, but not limited to, are reviewed and may be granted on a case-by-case-basis.
 - a. Building Permit fees
 - b. Permit Review fees
 - c. Plan Review fees
 - d. Plumbing fees
 - e. Electrical fees
 - f. Mechanical fees
 - g. Fire fees
 - h. Right-of-way (curb and street cut) fees
 - i. Floodplain fees
 - j. Water permit fees
 - k. Sprinkler System permit fees
 - l. Plat application fees
 - m. Demolition fees
 - n. Zoning application fees
 - o. Parkland fees
 - p. Health Permit fees
 - q. Certificate of Occupancy fees
 - r. Subdivision fees
 - s. Demolition fees
 - t. Sign Permit fees

IV. PROCEDURAL STEPS

A. APPLICATION AND REVIEW OF SUBMISSION FOR ALL PERMIT FEE REBATES

1. The non-refundable application fee for NEZ/BID incentives and/or rebates is \$20.00.
2. The applicant for NEZ/BID incentives must complete and submit a City of Pharr's "Application for NEZ Incentives" and pay the appropriate application fee to the Department of Development Services, as applicable.
3. NEZ benefits will continue for certified projects as stated in the agreement.
4. The Department of Development Services will review the application for accuracy and completeness. A complete application must include proof that the Project is located in a NEZ/BID;
5. Department of Development Services will evaluate a completed and certified application based on:
 - a. The project's increase in the value of the tax base.
 - b. Costs to the City (such as infrastructure participation, etc.).
 - c. Other items which the City and the applicant may negotiate.
6. If criteria and guidelines are met, the Department of Development Services will submit to the City Manager an approval of the agreement for consideration by the Pharr City Commission.

All applications shall go through administrative review and approval will be approved upon City Commission approval.

B. APPLICATION EXECUTION AND AGREEMENT

1. Once an applicant's eligibility is approved by Manager, the Department of Development Services will inform appropriate departments administering the incentives.

V. INELIGIBLE PROJECTS

For the project to be considered for NEZ Incentives, the project must comply with City of Pharr Zoning Ordinance. The following Projects or Businesses shall not be eligible for any incentives under the City of Pharr's Neighborhood Empowerment Zone (NEZ) Tax Abatement Policy and Basic Incentives:

1. Sexually Oriented Businesses
2. Non-residential mobile structures
3. Tattoo Parlors
4. Religious places of worship or Churches
5. Blood Banks
6. Drive-through businesses that serve alcohol
7. Check Cashing Stores
8. Taxi Services
9. Non-conforming uses

SECTION 5. SAVINGS CLAUSE

Except as hereby amended, any provisions of the code of ordinances or directives of the City of Pharr, Texas, not in conflict with this Ordinance shall remain in full force and effect, unimpaired hereby.

SECTION 6. SEVERABILITY CLAUSE

The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part thereof. The effects of this Ordinance shall at all times be in compliance with state, federal, local, and other guidelines as directed. 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 7. EFFECTIVE DATE; PUBLICATION

The Ordinance shall take effect and be in force from and after its passage and approval on three (3) separate readings in accordance with Section 8, Article 3 of the Charter of the City of Pharr, Texas. Publication, if necessary, may also be in caption form as allowed under Section 9 of the Pharr City Charter.

SECTION 8. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED ON THE FIRST READING BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the _____ day of _____, 2015.

CITY OF PHARR

LEOPOLDO "POLO" PALACIOS, JR.
MAYOR

ATTEST:

HILDA PEDRAZA, CITY CLERK

PASSED AND APPROVED ON THE SECOND READING BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the ___ day of _____, 2015.

CITY OF PHARR

LEOPOLDO "POLO" PALACIOS, JR.
MAYOR

ATTEST:

HILDA PEDRAZA, CITY CLERK

PASSED AND APPROVED ON THE THIRD AND FINAL READING BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF PHARR, TEXAS, on this the ___ day of _____, 2015.

CITY OF PHARR

LEOPOLDO "POLO" PALACIOS, JR.
MAYOR

ATTEST:

HILDA PEDRAZA, CITY CLERK



i n t e r o f f i c e
M E M O R A N D U M

To: Mayor and City Commission

From: Hilda Pedraza, TRMC City Clerk

Subject: Agenda Item – Ordinance authorizing the issuance, sale and delivery of City of Pharr, Texas Refunding Bonds to refund the City's Combination Tax and International Bridge Revenue Refunding Bonds, Series 2005A

Date: April 7, 2015

Ordinance will be passed out at the meeting.

Thank you.



interoffice
MEMORANDUM

To: Mayor and City Commission

From: Hilda Pedraza, TRMC City Clerk

Subject: Agenda Item – Ordinance authorizing the issuance, sale and delivery of City of Pharr, Texas Refunding Bonds to refund the City's General Obligation Refunding Bonds, Series 2005B

Date: April 7, 2015

Ordinance will be passed out at the meeting.

Thank you.



AGENDA ITEM REQUEST

MEETING DATE: 4-2-2015

INITIATED BY: Javler Rodriguez DEPARTMENT: CDBG

AGENDA ITEM: Community Development Council Members Resolution

PARTY MAKING THE REQUEST: _____

NATURE OF THE REQUEST: _____

BUDGET:

EXPENDITURE REQUIRED: \$

CURRENT BUDGET: \$

ADDITIONAL FUNDING: \$

ROUTING:

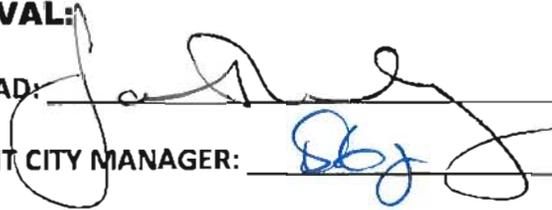
LEGAL: _____

DATE: _____

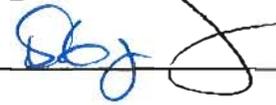
FINANCE/PURCHASING: _____

DATE: _____

APPROVAL:

DEPT. HEAD: 

DATE: 4-2-15

ASSISTANT CITY MANAGER: 

DATE: 4/2/15

CITY MANAGER: _____

DATE: _____

STAFF RECOMMENDATION:

To appoint One (1) New Member CT-215.

CITY OF PHARR

**RESOLUTION
NO. R-2015-_____**

WHEREAS, there is hereby created a City Community Development Council which serves in an advisory capacity to the Board of Commissioners, and its purpose is to review and coordinate data, vote on agenda items and to assist in the development of a system of priorities in the area of Community Development for the City of Pharr; and

WHEREAS, the appointment of one (1) member (CT215), needs to be made at this time.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF PHARR, TEXAS THAT;

The following resident of the City of Pharr is hereby appointed member of the Community Development Council:

NAME	CENSUS TRACT	LENGTH OF TERM
1. _____	215	1 Year

PASSED, APPROVED AND MADE EFFECTIVE BY THE BOARD OF COMMISSIONERS OF THE CITY OF PHARR, TEXAS ON THIS THE 7th DAY OF APRIL, 2015.

CITY OF PHARR

Leopoldo "Polo" Palacios Jr., Mayor

ATTEST:

Hilda Pedraza, City Clerk

STATE OF TEXAS §

HIDALGO COUNTY §

RESOLUTION NO.

CITY OF PHARR §

WHEREAS, payroll and other checks require two separate signatures; and

WHEREAS, currently only the Mayor and City Commission Members are authorized signatures (**Federico Sandoval, Juan Gabriel Guerra, Hilda O Pedraza, Karla Moya**) for the City of Pharr Workman’s Compensation Claim Account, account number ***3592; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF PHARR, TEXAS, THAT:

SECTION 1: **Matthew Thompson, Senior Vice President,** is hereby added as signature authority and is hereby authorized to sign checks on behalf of the City of Pharr

SECTION 3: This Resolution shall be in full force and effect from and after its passage by a majority vote of the City Commission.

PASSED AND APPROVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF PHARR TEXAS this ___ day of _____2014.

CITY OF PHARR

Leopoldo “Polo” Palacios, Jr. Mayor

ATTEST

Hilda Pedraza – City Clerk



AGENDA ITEM REQUEST

MEETING DATE: April 7, 2015

INITIATED BY: Jaime R. Guzman DEPARTMENT: FIRE

AGENDA ITEM: To request all turnout gear that has expired and can no longer be used by any firefighter in the State of Texas. This equipment is being requested by STC for training purposes only and would like to donate to them.

PARTY MAKING THE REQUEST: Jaime R. Guzman, Fire Chief

NATURE OF THE REQUEST: To Donate equipment and make room for new equipment

BUDGET:

EXPENDITURE REQUIRED: \$0 Purchasing new equipment to replace expired one.

CURRENT BUDGET: \$0

ADDITIONAL FUNDING: \$0

ROUTING:

LEGAL: _____ DATE: _____

FINANCE/PURCHASING: _____ DATE: _____

APPROVAL:

DEPT. HEAD: [Signature] DATE: 3/30/15

ASSISTANT CITY MANAGER: [Signature] DATE: 3/30/15

CITY MANAGER: _____ DATE: _____

STAFF RECOMMENDATION: To approve request

Fire Science Department
3700 W. Military Hwy • McAllen, TX 78503

(956) 872-6191
Fax (956) 872-2762

March 23, 2015

Chief Jaime Guzman
Pharr Fire Department
118 S. Cage Blvd.
3rd Floor
Pharr, TX 78577

Chief Guzman,

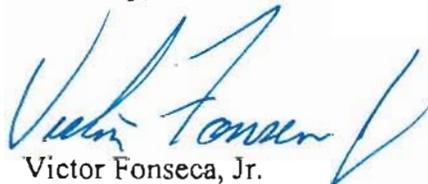
We are extremely grateful for all of the assistance the City of Pharr has given to our Fire Academy here at South Texas College. Our programs can only achieve their goals with the support of generous donations from members within our community. Without these donations, serving students in our area would not be possible.

Since our academy relies on the continued generosity of city departments like yours, we write to ask you to consider the donation of any surplus equipment to our Fire Academy for training purposes.

Both our program and your city will benefit from your donation because it will give us the chance to continue training highly skilled and educated firefighters that are prepared to enter the workforce in fire departments such as your own. Our academy's ability to continue to operate is due in large part to those who believe in our mission.

We hope that you will continue to support our efforts and we thank you for considering our request.

Sincerely,



Victor Fonseca, Jr.
Fire Science Program Chair

RESOLUTION NO. R- 2015-

STATE OF TEXAS §
COUNTY OF HIDALGO §
CITY OF PHARR §

WHEREAS, the City of Pharr, Texas owns the equipment described on Exhibit "A" attached hereto and incorporated herein, and the Board of Commissioners being of the opinion that such equipment should be declared surplus and disposed of as herein specified.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF PHARR, THAT:

SECTION 1: The Board of Commissioners find that the surplus equipment described on Exhibit "A" and attached hereto and incorporated herein for all purposes have no market value and such surplus will be donated to South Texas College.

SECTION 2: The City Manager is authorized and directed to donate the surplus equipment as attached in Exhibit "A".

PASSED AND APPROVED BY THE BOARD OF CITY COMMISSIONERS OF PHARR, TEXAS on this the 7th day of August, 2015.

CITY OF PHARR

LEOPOLDO "POLO" PALACIOS, JR. MAYOR

ATTEST:

HILDA PEDRAZA, CITY CLERK

EXHIBIT "A"



Pharr
Administration
interoffice
MEMORANDUM

To: Mayor and City Commission
From: Hilda Pedraza, TRMC City Clerk
Subject: Agenda Item –Presentation on Comprehensive Parks Master Plan Update 2015
Date: April 7, 2015

No backup information is needed for this item.

Thank you.

Hilda Pedraza

From: Fred Sandoval <fred.sandoval@pharr-tx.gov>
Sent: Thursday, April 02, 2015 2:35 PM
To: Hilda Pedraza
Subject: Fwd: Pharr Archery Tournament

Please add to the agenda. Thanks.

Fred

Begin forwarded message:

From: Felipe Cavazos <info@pointblanksg.com>
Subject: Pharr Archery Tournament
Date: March 27, 2015 at 10:46:29 AM CDT
To: Fred Sandoval <fred.sandoval@pharr-tx.gov>, Frank Marin <frank.marin@pharr-tx.gov>

Fred, as per our conversation we would like permission to use the field just north of AtHOME for the city of Pharr archery skill shoot (tournament)

The following is what we need from the city

If we can have the property mowed 3 or 4 days before that would be ideal
2 portable restrooms
Help with the installation and removal of the targets

We will take care of the rest.

Please call me with any questions or comments

Felipe

PONTBLANK

Pharr



OUTDOOR ARCHERY SKILLS SHOOT

Saturday May 16th

11:00 am

Registration and warmups start at 9:00 am

Field next to at home

1600 W Kelly, Pharr TX 78577

Youth Trophy Shoot

Bowman	Up to 12
Cub	Up to 14
Cadet	Up to 17

Adult Money Shoot

Hunter
Open
Traditional

*Skills shoot will consist of 30 targets of varying kinds.
Targets will be at different known distances to challenge the skills of the shooter.*

Please bring rangefinders and binoculars..Oh and PLENTY of arrows!

\$20 Entry fee includes:

Raffle for new Mathews Bow
Brisket sandwich from Ruben's Grocery

FOR MORE INFO PLEASE CALL
HIRAM RODRIGUEZ
956.992.8799





www.pointblanksg.com

www.facebook.com/PointBlankSportingGoods

407 N Jackson Rd
Pharr, TX 78577
956.992.8799
956.992.8764 fax



interoffice
MEMORANDUM

To: Mayor and City Commission

From: Hilda Pedraza, TRMC City Clerk

Subject: Agenda Item –authorizing City Manager to take any action relating to the Jackson Place Apartments and Jackson Crosstown Apartments (“Apartments”) including, but not limited to creation of Pharr Housing Finance Corporation and ownership entities, and negotiation of contracts for the development and financing of the Apartments.

Date: April 7, 2015

No backup information is needed for this item.

Thank you.



AGENDA ITEM REQUEST

MEETING DATE: April 7, 2015

INITIATED BY: William F Ueckert Jr. DEPARTMENT: Engineering

AGENDA ITEM:

PARTY MAKING THE REQUEST: William F. Ueckert Jr., P.E. - City Engineer

NATURE OF THE REQUEST: Consideration and action, if any, on acceptance of Moore Road Driveway at Pharr Police Department Project with Candela Organization and release of final payment & retainage in the amount of \$ 16,841.91

BUDGET:

EXPENDITURE REQUIRED: \$16,841.91

CURRENT BUDGET: \$

ADDITIONAL FUNDING: \$ 0

ROUTING:

LEGAL: _____

DATE: _____

FINANCE/PURCHASING: _____

DATE: _____

APPROVAL:

DEPT. HEAD: _____

DATE: _____

ASSISTANT CITY MANAGER: _____

DATE: _____

CITY MANAGER: 

DATE: 4-2-15

STAFF RECOMMENDATION:

Staff recommends accepting the project and release of final payment and retainage in the amount of \$16,841.91 to Candela Organization.



Memorandum

To: Fred Sandoval – City Manager

From: William F. Ueckert Jr., P.E. - City Engineer
Dora Robles – E.I.T.

Date: April 2, 2015

Re: **Agenda Item: Consideration and action, if any, on acceptance of the Moore Road Driveway at Pharr Police Department Project with Candela Organization and release of final payment & retainage in the amount of \$16,841.91**

Fred:

Candela Organization was awarded a contract and Notice to Proceed on April 12, 2014 in the amount of \$126,700.00 for the Moore Road Driveway at Pharr Police Department Project.

The work was completed on March 30, 2015 with a final punch list to complete. Since that time all items are completed.

Below is a summary of contract amount and change orders:

Contract Amount:	\$ 126,700.00	Contract Time:	90 calendar days
<u>Change Order #1:</u>	<u>\$ + 7,964.70</u>	<u>Change Order #1:</u>	<u>260 calendar days</u>

Total Contract Amount: \$ 134,664.70 Total Contract Time: 350 calendar days

I recommend that the City Commission accept the Moore Road Driveway at Pharr Police Department Project and release the final payment & retainage in the amount of **\$16,841.91** to **Candela Organization**.



CONTRACTOR'S AFFIDAVIT
AS TO STATUS OF LIENS

STATE OF TEXAS

COUNTY OF HIDALGO

Personally appeared me the undersigned authority in and for said County and State
of ROY VELA (Name of Individual) PRESIDENT (Title)
of CANDELA ORGANIZATION (Prime Contractor), who being duly
sworn by me states on oath that to the best of his knowledge and belief, except as listed below,
the Releases and Waivers of Claim attached hereto include all subcontractors and all suppliers of
labor, products and equipment provided by all persons who may have liens against the property
of City of Pharr for improvements of MOORE ROAD DRIVEWAY AT PHARR POLICE DEPARTMENT
(Name of Project) arising out of the construction of Improvements thereon.

Exceptions: (If none, write "None". Any exception listed shall be bonded by the Prime Contractor
to indemnify the City of Pharr, and a copy of each such bond shall be attached hereto).

- 1. None
- 2.
- 3.
- 4.

CANDELA ORGANIZATION

Company

Signature

ROY VELA

Print Name

PRESIDENT

Title

3-30-15

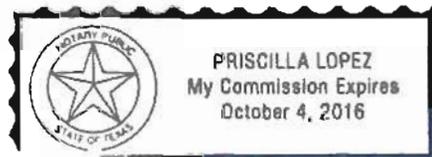
Date

Sworn to and subscribed before me this 30th day of March, 2015.

Notary Public

10/04/16

My Commission Expires





AGENDA ITEM REQUEST

MEETING DATE: April 7, 2015

INITIATED BY: William F Ueckert Jr. DEPARTMENT: Engineering

AGENDA ITEM:

PARTY MAKING THE REQUEST: William F. Ueckert Jr., P.E. - City Engineer

NATURE OF THE REQUEST: Consideration and action, if any, on acceptance of the South Pharr Sidewalk Improvements Project with Texas Cordia Construction and release of final payment & retainage in the amount of \$ 29,665.42.

BUDGET:

EXPENDITURE REQUIRED: \$29, 665.42

CURRENT BUDGET: \$

ADDITIONAL FUNDING: \$ 0

ROUTING:

LEGAL: _____ DATE: _____

FINANCE/PURCHASING: _____ DATE: _____

APPROVAL:

DEPT. HEAD: _____ DATE: _____

ASSISTANT CITY MANAGER: _____ DATE: _____

CITY MANAGER: *Julie* DATE: 4-2-15

STAFF RECOMMENDATION:

Staff recommends accepting the project and release of final payment and retainage in the amount of \$29,665.42 to Texas Cordia Construction.



Memorandum

To: Fred Sandoval – City Manager

From: William F. Ueckert Jr., P.E. - City Engineer
Dora Robles – E.I.T.

Date: April 2, 2015

Re: **Agenda Item: Consideration and action, if any, on acceptance of the South Pharr Sidewalk Improvements Project with Texas Cordia Construction and release of final payment & retainage in the amount of \$ 29,665.42.**

Fred:

Texas Cordia Construction was awarded a contract and Notice to Proceed on September 13, 2014 in the amount of \$242,402.85 for the South Pharr Sidewalk Improvements Project.

The work was completed on February 13, 2015 with a final punch list to complete. Since that time all items are completed.

Below is a summary of contract amount and change orders:

Contract Amount:	\$ 242,402.85	Contract Time:	120 calendar days
Change Order #1:	\$ + 4,810.00	Change Order #1:	10 calendar days
Change Order #2:	\$ +39,387.20	Change Order #2:	23 calendar days

Total Contract Amount: \$ 286,600.05 Total Contract Time: 153 calendar days

I recommend that the City Commission accept the South Pharr Sidewalk Improvements Project and release the final payment & retainage in the amount of **\$29,665.42** to **Texas Cordia Construction**.



CONTRACTOR'S AFFIDAVIT AS TO STATUS OF LIENS

STATE OF TEXAS

COUNTY OF HIDALGO

Personally appeared me the undersigned authority in and for said County and State
Yara M. Corbitt (Name of Individual) President (Title)
Of Texas Cordia Construction, LLC (Prime Contractor), who being duly sworn by me states on oath that to the best of his knowledge and belief, except as listed below, the Releases and Waivers of Claim attached hereto include all subcontractors and all suppliers of labor, products and equipment provided by all persons who may have liens against the property of City of Pharr for improvements of South Pharr Sidewalk Improvements (Name of Project) arising out of the construction of improvements thereon.

Exceptions: (If none, write "None". Any exception listed shall be bonded by the Prime Contractor to indemnify the City of Pharr, and a copy of each such bond shall be attached hereto).

- 1. None
2.
3.
4.

Texas Cordia Construction, LLC

Company

[Handwritten Signature]

Signature

Yara M. Corbitt

Print Name

President

Title

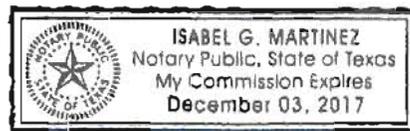
2/13/15

Date

Sworn to and subscribed before me this 13th day of February, 2015.

[Handwritten Signature]
Notary Public

12/3/17
My Commission Expires





3149-A Center Pointe Drive
Edinburg, TX 78539
O: 956-627-6181
F: 956-386-0289

March 10, 2015

City of Pharr
Attn: Dora E. Robles, MS, EIT, CFM
118 S. Cage Blvd, 1st Floor
Pharr, TX 78577

**RE: SOUTH PHARR SIDEWALK IMPROVEMENTS PROJECT
BID NO. 1314-01-528-0004**

General Warranty

Texas Cordia Construction, LLC guarantees all materials and equipment furnished and work performed for the period of one year beginning on February 13, 2015, the date of the substantial completion, and that the work is free from all defects due to faulty materials or workmanship.

Submitted by:



Yara M. Colett, President



AGENDA ITEM REQUEST

MEETING DATE: April 7, 2015

INITIATED BY: William F Ueckert Jr. DEPARTMENT: Engineering

AGENDA ITEM:

PARTY MAKING THE REQUEST: William F. Ueckert Jr., P.E. - City Engineer

NATURE OF THE REQUEST: Consideration and action, if any, on awarding bid for Pavement Markings for Public Works Annual Use (FY 2014-2015)

BUDGET:

EXPENDITURE REQUIRED: \$

CURRENT BUDGET: \$ 100,000.00

ADDITIONAL FUNDING: \$ 0

ROUTING:

LEGAL: _____ DATE: _____

FINANCE/PURCHASING: _____ DATE: _____

APPROVAL:

DEPT. HEAD: _____ DATE: _____

ASSISTANT CITY MANAGER: _____ DATE: _____

CITY MANAGER: *Jul Ste* DATE: 4-2-15

STAFF RECOMMENDATION:

Staff recommends awarding contract to Pavement Markings Inc.



Memorandum

To: Fred Sandoval – City Manager

From: William F. Ueckert Jr., P.E. - City Engineer
Dora Robles – E.I.T

Date: April 2, 2015

Re: **Agenda Item - Consideration and action, if any, on awarding bid for Pavement Markings for Public Works Annual Use (FY 2014-2015)**

Fred:

A total of three (3) bids were received for the above referenced project. The low bid was from Pavement Markings Inc. Attached is the bid tabulation for this project.

I recommend awarding the Yearly Contract to Pavement Markings Inc. for Pavement Markings for Public Works Annual Use (FY 2014-2015).

BID OPENING RESULTS

PROJECT: PAVEMENT MARKINGS FOR PUBLIC WORKS ANNUAL USE FY 2014-2015

BID NO: Bid No. 1415-01-528-0011

DATE: March 12, 2015

TIME: 2:00PM



	Contractor	5% Bid Bond	Addendum No. 1	Base Bid
1	Pavement Markings Inc.	Yes	Yes	\$51,809.60
2	L&S Striping	No	Yes	NO BID BOND
3	Valley Striping	Yes	Yes	\$76,882.00
4				



AGENDA ITEM REQUEST

MEETING DATE: April 7, 2015

INITIATED BY: William F Ueckert Jr. DEPARTMENT: Engineering

AGENDA ITEM:

PARTY MAKING THE REQUEST: William F. Ueckert Jr., P.E. - City Engineer

NATURE OF THE REQUEST: Consideration and action, if any, requesting the Hidalgo County MPO to consider allocating the remaining balance of Coordinate Border Infrastructure (CBI) Programs Funds for improvements to the Pharr-Reynosa International Bridge facilities.

BUDGET:

EXPENDITURE REQUIRED: \$

CURRENT BUDGET: \$

ADDITIONAL FUNDING: \$ 0

ROUTING:

LEGAL: _____ DATE: _____

FINANCE/PURCHASING: _____ DATE: _____

APPROVAL:

DEPT. HEAD: _____ DATE: _____

ASSISTANT CITY MANAGER: [Signature] DATE: 4/2/15

CITY MANAGER: _____ DATE: _____

STAFF RECOMMENDATION:



AGENDA ITEM REQUEST

MEETING DATE: 04-07-2015

INITIATED BY: Hilda Pedraza DEPARTMENT: ADMINISTRATION

AGENDA ITEM: Consideration and action, if any, on contract for lease election services

PARTY MAKING THE REQUEST: Fred Sandoval

NATURE OF THE REQUEST: Direct Recording Electronic (DREs) voting equipment and necessary equipment to be used in the May 9, 2015 City Election.

BUDGET:

EXPENDITURE REQUIRED: \$ 9,132.84 (ESTIMATE)

CURRENT BUDGET: \$21,409.00

ADDITIONAL FUNDING: \$N/A

ROUTING:

LEGAL: _____ DATE: _____

FINANCE/PURCHASING: _____ DATE: _____

APPROVAL:

DEPT. HEAD: Hilda Pedraza DATE: 3-27-15

ASSISTANT CITY MANAGER: [Signature] DATE: 3/27/15

CITY MANAGER: _____ DATE: _____

STAFF RECOMMENDATION:

Approve as submitted

THE STATE OF TEXAS §
 § CONTRACT FOR LEASE ELECTION SERVICES
COUNTY OF HIDALGO §

This Contract is entered into by and between the HIDALGO COUNTY ELECTIONS ADMINISTRATOR, Yvonne Ramón, hereinafter referred to as “ADMINISTRATOR”, on behalf of Hidalgo County, a political subdivision of the State of Texas, and the CITY OF PHARR, hereinafter referred to as the “ENTITY”, pursuant to Texas Election Code Section 31.092.

RECITALS

WHEREAS, the ENTITY, by appropriate action of its governing body acting in accordance with all applicable laws, has called an election to be held on May 9, 2015.

WHEREAS, pursuant to Section 31.091(1) of the Texas Election Code, the County Election Officer means the Elections Administrator for Hidalgo County; and

WHEREAS, the ENTITY and the COUNTY, through the ADMINISTRATOR, desire to enter into a contract that sets out respective responsibilities and certain election services; and

WHEREAS, ADMINISTRATOR has provided costs for election services to be rendered by ADMINISTRATOR’S office pursuant to the terms of this Contract, which costs are set out in Article VI hereof; and

NOW, THEREFORE, the COUNTY, through the ADMINISTRATOR, and the ENTITY for good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, do hereby agree to hold contract, covenant and agree as follows:

ARTICLE I
PURPOSE

1.01. The parties hereto have entered into this Contract for election services described in Article II to be provided to the ENTITY for its election to be held on May 9, 2015, and any Runoff, if applicable.

ARTICLE II
SERVICES

2.01. The COUNTY, through the ADMINISTRATOR, agrees to provide to the ENTITY the following:

- (A) Procure, provide, prepare, code and distribute Direct Recording Electronic (DREs) voting systems and necessary election equipment, as well as an ADA voting system, and transport equipment to and from the polling locations, including early voting substations, for the ENTITY;
- (B) Provide Voter Registration List(s) in CD Format to be used for mail-in-ballots, as provided by Hidalgo County Voter Registration pursuant to the request by THE ENTITY; and
- (C) Prepare and provide Logic and Accuracy testing on ENTITY’S election ballot for every iVotronic voting machine to be utilized by ENTITY during early voting and election day;
- (D) Prepare and provide Direct Recording Electronic device training for election workers

- (E) Procure, provide, prepare and code Electronic Poll Book(s) per Early Voting polling location with the Voter Registration Database. To include laptop(s), training for poll book, insurance and delivery fee as well as supplies such as but not limited to labels and printer
- (F) Provide information for election officers;
- (G) Review the eligibility of each provisional voter within 7 days of receiving voted provisional ballots from the ENTITY;
- (H) COUNTY will keep provisional ballots for up to 6 days after Election Day to allow for a provisional voter to "cure" their ballot for lack of proper identification as allowed by Texas Election Code Section 65.0541 and in compliance with procedures established by the Texas Secretary of State.

2.02. The Entity shall be responsible for performing the following:

- (A) Confirm and/or correct the boundaries of the political subdivision holding the election on a map provided by the County. Once confirmed and/or corrected, Entity certifies the veracity of the boundaries and geographical area that represents the Entity and the area subject to the election.
- (B) Deliver in person all voted provisional ballots to the COUNTY for the purpose of the Voter Registrar to review a provisional voter's eligibility no later than the following business day after the final day of Early Voting.
- (C) Deliver in person all voted provisional ballots to the COUNTY for the purpose of the Voter Registrar to review a provisional voter's eligibility no later than the following business day after Election Day.
- (D) ENTITY will notify COUNTY prior to scheduling their canvassing so as to allow all deadlines to be met per the requirements of Texas Election Code Section(s) 86.07 and 65.0451, and to allow for the ballot board to convene its final meeting.

ARTICLE III SCHEDULE FOR PERFORMANCE OF SERVICES

3.01. Specific services to be provided related to the general services identified in Article II shall be performed in accordance with the time requirements set out in the Texas Election Code.

ARTICLE IV SERVICES NOT PROVIDED BY COUNTY

4.01. ADMINISTRATOR shall have no responsibility for insuring the passage of the appropriate Election Order by THE ENTITY, publishing and (or) posting the election notice as required by the Texas Election Code Section 4.003, printing or providing election day poll book(s), any recounts and/or election contests associated with the election, or canvassing election results. ADMINISTRATOR shall have no responsibility as custodian of THE ENTITY'S election records as per Texas Election Code Section 31.096.

ARTICLE V TERM

5.01. Except as hereinafter set out, the term of this Contract shall be from the time of execution until all items with respect to this Contract and the election held hereunder have been completed.

ARTICLE VI
COST OF SERVICE AND BILLING

In consideration for the services provided hereunder by ADMINISTRATOR, the ENTITY agrees to pay ADMINISTRATOR for the following costs of services:

6.01 iVotronic Voting Machines:

- A. One base charge of \$150.00 for Programming iVotronic ballot for voting machines, a \$25 additional charge per additional ballot styles and a minimum of a \$10 charge for Request Changes on Programmed Ballot;
- B. Base charge for Audio Setup of \$300 for English/Spanish;
- C. A \$10.00 recording fee for Audio Files for each Contest and/or Office;
- D. A \$10.00 recording fee for Audio Files for each Proposition/Amendment/Charter/Instructions;
- E. A \$10.00 recording fee for Audio Files for each Candidate and/or Responses;
- F. Cost of creating election media, such as, but not limited to Personal Electronic Ballot cartridges (PEB), compact flash cards, labels, bags, keys, etc.;
- G. The amount of \$150.00 leasing fee for each iVotronic and \$150.00 leasing fee for each ADA iVotronic;
- H. Cost of delivery and pick-up of iVotronics for Early Voting and Election Day to include fuel charge and mileage charge;
- I. Fee for Voter Registration List(s) in CD format;
- J. The above described fees for each machine and programming fee shall be additionally charged for any Runoff Election.

6.02 Electronic Poll Book for Early Voting:

- A. Database access at \$100.00 per day;
- B. Laptop rental, magnetic card swipes, bar code scanner, Dymo printers, insurance and delivery fee of \$150.00 per location;
- C. Printer label fee of \$0.03 per label (price subject to change);
- D. Creation of separate Username and password for each polling location at \$20.00 per location;

6.03 PDF CD file charge of \$17.50 per CD to be used for self-printing of poll book(s) for Election Day by Entity;

6.04 Provide iVotronic scheduled training for Judges and/or clerks or a representative from the Political Subdivision at no cost to the ENTITY;

6.05 Billing:

- A. The form of the invoice to be used in the billing by the County, including a good faith estimate of costs, is attached hereto as Exhibit A. The ENTITY shall submit to the County, an administrative fee of ten percent (10%) of the entire estimated cost of the Election, as shown in Exhibit A referenced above. This fee shall be submitted to the County with this signed contract. The parties agree that time is of the essence on this payment obligation. The ten percent (10%) administrative fee is prescribed by Section 31.100(d) of the Election Code.
- B. The Administrator shall, as soon as practicable after the Election, prepare and send an itemized invoice with the actual costs of the Election to the ENTITY.
- C. Full payment of the remaining balance, if any, shall be made by the ENTITY within thirty (30) days of

receipt of the invoice.

- D. Payment shall be made by check payable to the Hidalgo County Elections.
- E. Notice. Except as may be otherwise specifically provided in this contract, all notices, demands, requests or communication required or permitted hereunder shall be in writing and shall either be (i) personally delivered against a written receipt, or (ii) sent by registered or certified mail, return receipt requested, postage prepaid and addressed to the parties at the addresses set forth below, or at such other addresses as may have been theretofore specified by written notice delivered in accordance herewith:

Yvonne Ramón
Hidalgo County Elections Administrator
PO Box 659
Edinburg, Texas 78540

Hilda Pedraza
City Clerk
City of Pharr
PO Box 1729
Pharr, TX 78577

- F. Any balances, if any remain after the payment of all costs of election bills, shall be the property of the ENTITY and returned to it.

ARTICLE VII

- 7.01 IF ANY OF THE ELECTION EQUIPMENT IS LOST, STOLEN, DESTROYED, OR DAMAGED, THE CITY, SCHOOL DISTRICT OR ENTITY WHO LEASED THE EQUIPMENT IS LIABLE FOR THE DAMAGE AND AGREES TO PAY THE ADMINISTRATOR THE COST OF THE REPLACEMENT OR REPAIR OF THE ELECTION EQUIPMENT SO LOST, STOLEN, DESTROYED OR DAMAGED.

ARTICLE VIII GENERAL PROVISIONS

- 8.01. This Contract shall be construed under and in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Hidalgo County, Texas.
- 8.02. In case any one or more of the provisions contained in this Contract shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision thereof, and this Contract shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.
- 8.03. This Contract constitutes the sole and only agreement of the parties hereto and supersedes any prior understanding or written or oral agreement between the parties respecting the written subject matter.
- 8.04. No amendment, modification, or alteration of the term hereof shall be binding unless the same be in writing, dated subsequent to the date hereof and duly executed by the parties hereto.

SIGNED this _____ day of _____, 2015

APPROVAL COUNTY OF HIDALGO:

CITY OF PHARR
ENTITY

BY: _____
RAMON GARCIA
COUNTY JUDGE

BY: _____

PRINT: FRED SANDOVAL

TITLE: CITY MANAGER

ATTEST:

ATTEST

BY: _____
ARTURO GUAJARDO, JR.
COUNTY CLERK

BY: _____

PRINT: _____

TITLE: _____

ELECTIONS ADMINISTRATOR

BY: _____
YVONNE RAMÓN

APPROVED AS TO FORM:

OFFICE OF CRIMINAL DISTRICT ATTORNEY
RICARDO RODRIGUEZ, JR.

BY: _____
JOSEPHINE RAMIREZ SOLIS
Assistant District Attorney



2015 Hidalgo County Elections Leasing Estimate Calculator

EXHIBIT A

PLEASE NOTE THAT THIS TOOL IS FOR ESTIMATION PURPOSES ONLY.
PRICES ARE SUBJECT TO CHANGE AS DETERMINED BY FINAL INVOICE.

ELECTION: City of Pharr-Mayor & Commissioner's Place 1, 5 & 6	DATE: May 9, 2015
--	--------------------------

		Price	Quantity	Total
6.01	Programming Services for iVotronic			
A	Base Charge: Ballot Programming	\$150.00	1	\$150.00
A	Additional Ballot Style(s)	\$25.00	0	\$0.00
A	Request Change on Programmed Ballot	\$10.00	0	\$0.00
B	Audio Files Set up Charge English/ Spanish	\$300.00	1	\$300.00
C	Audio Files (Per Contests/ Office)	\$10.00	3	\$30.00
D	Audio Files (Per Propositions/ Amendments/ Charters/ Instructions)	\$10.00	0	\$0.00
E	Audio Files (Per Candidates/ Answer)	\$10.00	12	\$120.00
F	Election Media per Polling Location(s)	\$100.00	7	\$700.00
G	iVotronic Voting Machine(s)	\$150.00	16	\$2,400.00
G	ADA iVotronic Voting Machine(s)	\$150.00	7	\$1,050.00
H	Delivery/Pick-up Fee (includes Mileage)	\$550.00	1	\$550.00
I	Voter Registration List(s) (CD Format) for Mail-In-Ballot(s) Request	\$17.50	1	\$17.50
Total iVotronic Programming Charges				\$5,317.50
6.02	Early Voting Electronic Poll Book (VoteSafe)			
A	Voter Registration Database (per day)	\$100.00	9	\$900.00
B	Laptop Rental	\$150.00	2	\$300.00
B	Brother Printer Rental (per day)	\$4.35	18	\$78.30
C	Printer Labels (27,488 per vote)	\$0.03	54,976	\$1,649.28
D	Username/Password - Per Polling Location	\$20.00	2	\$40.00
Total Electronic Poll Book Charges				\$2,967.58
6.03	Election Day Poll Book			
	PDF CD File	\$17.50	1	\$17.50
Total Poll Book Charges				\$17.50
6.04	Training			
	iVotronic and Votesafe scheduled training	\$0.00	1	\$0.00
Total Training Charges				\$0.00
6.05			Subtotal	\$8,302.58
			Administrative Fees (10%)	\$830.26
			ESTIMATE GRAND TOTAL	\$9,132.84



AGENDA ITEM REQUEST

MEETING DATE: April 7, 2015

INITIATED BY: William F Ueckert Jr. DEPARTMENT: Engineering

AGENDA ITEM:

PARTY MAKING THE REQUEST: William F. Ueckert Jr., P.E. - City Engineer

NATURE OF THE REQUEST: Consideration and action, if any, on Interlocal Agreement between the City of Pharr and the Lower Rio Grande Valley Development Council for the Cage & Helmer Sidewalk Improvements Project funded through the Section 5310 Program.

BUDGET:

EXPENDITURE REQUIRED: \$0

CURRENT BUDGET: \$

ADDITIONAL FUNDING: \$ 0

ROUTING:

LEGAL: _____ DATE: _____

FINANCE/PURCHASING: _____ DATE: _____

APPROVAL:

DEPT. HEAD: _____ DATE: _____

ASSISTANT CITY MANAGER: _____ DATE: _____

CITY MANAGER: *Julie Schell* DATE: 4-2-15

STAFF RECOMMENDATION:

Staff recommends approval. This is an interlocal agreement with the LRGVDC to construct sidewalks along the East side of Cage Blvd between Helmer Street and Ridge Road and on Helmer Street between Cage Blvd and Casa Amigos #6. Matching funds (20%) for the project will be in-kind and provided by in house engineering design and construction management.



Memorandum

To: Fred Sandoval – City Manager

From: William F. Ueckert Jr., P.E. - City Engineer
Dora E. Robles –E.I.T.

Date: April 2, 2015

Re: **Agenda Item - Consideration and action, if any on Interlocal Agreement between the City of Pharr and the Lower Rio Grande Valley Development Council for the Cage Blvd & Helmer Street Sidewalks Improvements Project funded through the Section 5310 Program.**

Fred:

The City of Pharr was recently awarded Section 5310 Program funds for the Cage Blvd & Helmer Street Sidewalks Improvements through the Hidalgo County Metropolitan Organization.

The Lower Rio Grande Valley Development Council is the designated recipient for Federal Transit Administration funds under the Section 5310 Program therefore they will be performing all grant administration activities for this project.

I recommend that we enter into agreement with the LRGVDC. Attached is the Interlocal Agreement.

INTERLOCAL AGREEMENT FOR A 5310 PROJECT LRGVDC – CITY OF PHARR

**THE STATE OF TEXAS
THE COUNTY OF HIDALGO**

This interlocal agreement is made by and between the **Lower Rio Grande Valley Development Council**, hereinafter called the “LRGVDC” and the **City of Pharr**, hereinafter called “PHARR.”

WITNESSETH

WHEREAS, the LRGVDC is the designated recipient for Federal Transit Administration (FTA) funds under the Enhanced Mobility of Seniors and People with Disabilities (section 5310) program in the McAllen Urbanized Area; and

WHEREAS, the LRGVDC currently provides public transportation to the City of Pharr; and

WHEREAS, PHARR and the LRGVDC desire to cooperate in a 5310 project within the city limits of Pharr; and

WHEREAS, this 5310 project will provide increased mobility and access primarily for seniors and people with disabilities;

NOW, THEREFORE, in consideration of the premises and of the mutual covenants hereinafter set forth, LRGVDC and PHARR hereto agree as follows.

AGREEMENT

ARTICLE 1. PROJECT DESCRIPTION

PHARR will use grant funds for construction costs for construction of sidewalks along S. Cage Blvd and Helmer Street in Pharr along public transit routes. The construction will result in addition of accessible sidewalks, ramps, crosswalks and other accessible features beyond what is required by the Americans with Disabilities Act (ADA). A full project description is attached as Appendix A.

ARTICLE 2. STATEMENT OF SERVICES TO BE PERFORMED

A. LRGVDC and PHARR will, upon project commencement, form a committee of staff members from each organization that will meet periodically to provide project updates, request information, provide technical assistance, and engage in project oversight.

B. LRGVDC will perform all grant administration activities for this project. It will submit project reports, financial reports, milestones, and other required information to FTA.

C. LRGVDC will request funding reimbursements from FTA for eligible activities under this project only when supporting documentation is provided by PHARR. Reimbursement requests

will occur on a monthly basis. PHARR will receive payments for its services only after reimbursements are received from FTA. PHARR acknowledges that project funds will be paid by FTA to LRGVDC upon successful requests for reimbursement. LRGVDC is in no way responsible for any non-payment of funds.

D. LRGVDC will withhold payments if satisfactory progress in meeting project milestones is not shown. Milestones are contained in an approved FTA grant.

E. LRGVDC will subcontract all project activities, including procurement and construction, and not otherwise assigned to LRGVDC in this interlocal contract, to PHARR. In no way are PHARR employees LRGVDC employees. PHARR will ensure that it or its employees do not in any way represent themselves as having any employer/employee relationship with the LRGVDC.

F. PHARR agrees to hold the LRGVDC harmless against any and all claims, liability, demands, expenses, and causes of action of any kind arising from this project, including any claims arising from termination before the end of the term.

G. PHARR agrees to follow all Federal Transit Administration and Texas Department of Transportation policies and guidelines, including Disadvantaged Business Enterprise regulations as found in Code of Federal Regulations Title 49, Subtitle A Part 26. PHARR will not undertake any activity that may cause LRGVDC to violate any provision of FTA's certifications and assurances, attached for reference as Appendix B.

H. Any funds used by PHARR to subcontract work under this project must follow all applicable rules and regulations regarding procurements. LRGVDC must review procurement documents prior to publication.

I. PHARR will submit monthly requests for payment with supporting documentation by the 10th day of the month. Each request will be on letterhead signed by an individual with the authority to request payment, and will contain:

1. A summary table of the total amount requested for payment, the local match amount applied (must be 20% of the total amount), and a line item description of each activity for which payment is being requested.

2. A narrative and data table describing progress made on the project.

3. Documentation of any expense made and in-kind match. (All expenses must be incurred only after the effective date of this agreement.)

a. For equipment, materials, or supplies, PHARR must provide documentation through a dated purchase receipt.

b. For staff time, PHARR must provide signed documentation (by both the worker and the authorizing official) that the individual worked the time that is stated in the reimbursement. All time must be matched to an official signed timesheet.

4. Documentation of the local match being applied and that the match is drawn from local funds, is not already being used for another project, and is eligible as match. The source must be identified.

J. PHARR will maintain records of all documents and materials related to this project. PHARR agrees to allow LRGVDC to inspect and evaluate the work performed and any records under this agreement.

ARTICLE 3. CONTRACT AMOUNT

The maximum amount of FTA funds payable to PHARR will be **\$ 138,650** PHARR will provide an in-kind match in the form of staff time used for preliminary engineering & design and construction management in the amount of **\$ 34,663**.

ARTICLE 4. TERM

The term of this Interlocal Agreement begins when signed by both parties and automatically expires on **September 30, 2016** if not terminated earlier by either party. This MOU may be amended or extended upon mutual agreement of the LRGVDC and PHARR.

ARTICLE 5. TERMINATION

A. Either the LRGVDC or PHARR may terminate this agreement by giving notice in writing at least ninety (90) days prior to the effective date of termination to the other party. The notice will specify the effective date of termination, the reason for the termination, and other termination instructions.

B. In the event of termination for convenience, neither the LRGVDC nor PHARR shall be subject to additional liability except as otherwise provided in this agreement.

C. Upon termination of this grant agreement, whether for cause or at the convenience of the parties hereto, title to all property and equipment will be disposed of according to FTA rules and regulations.

ARTICLE 6. NOTICES

Except as otherwise provided in this section, all notices, consents, approvals, demands, requests or other communications provided for or permitted to be given under any of the provisions of this Contract shall be in writing and shall be deemed to have been duly given or served when delivered by hand delivery or when deposited in the U.S. mail by registered or certified mail, return receipt requested, postage prepaid, and addressed as follows:

If to PHARR:

City of Pharr
ATTN: William F. Ueckert Jr., P.E.
City Engineer
118 S. Cage Blvd, 1st Floor
Pharr, TX 78577
Phone: (956) 402-4221
Email: william.ueckert@pharr-tx.gov

If to LRGVDC: LRGVDC
ATTN: Kenneth N. Jones Jr.
Executive Director
301 W. Railroad St.
Weslaco, TX 78596
Phone: 682-3481
Email: knjones@lrgvdc.org

With a copy to: Valley Metro
ATTN: Tom Logan
Director
510 S. Pleasantview Dr.
Weslaco, TX 78596
Phone: 969-5761
Email: tlogan@lrgvdc.org

or such other person or address as may be given in writing by either party to the other in accordance with this Section.

THEREFORE, witness our signatures binding the DELIGHTFULVILLE and the LRGVDC this _____ day of _____, 2015.

CITY OF PHARR, TEXAS

**LOWER RIO GRANDE VALLY
DEVELOPMENT COUNCIL**

BY: _____
Fred Sandoval, City Manager

BY: _____
Kenneth N. Jones, Executive Director

ATTEST:

ATTEST:

BY: _____
Hilda Pedraza, City Clerk

BY: _____
Crystal Balboa, Director of Finance

**APPENDIX A
PROJECT DESCRIPTION**

Planning & Coordination:

The proposed Pedestrian Improvements Project will enhance mobility for seniors and those with disabilities by providing 5-ft wide sidewalks (approximately 0.28 linear miles), ramps that meet and exceed the Americans with Disabilities Act (ADA) requirements and crosswalks. See attached location map.

The City of Pharr has received a letter of support from a local non-profit organization, *Amigos Del Valle, Inc.* whose mission is to assist seniors in our area with housing, nutrition and transportation services. One of their facilities lies in the vicinity of the proposed project. See attached letter. Right-of-way clearance has also been given for this project from the Texas Department Of Transportation (TxDOT); see attached letter from the Pharr Area Office.

Demonstration of Need:

The limits of the proposed project currently have gaps in the sidewalk network available; mobility for pedestrians, especially those with disabilities and seniors is rather challenging. The proposed project will eliminate these gaps and transportation barriers by providing safe access to public facilities.

Based on the latest available United States Census Data, the limits of this proposed capital project lies in an area where 21.7% of residents are seniors (7,689 total population - census tract 214.04, Hidalgo, TX). This is the highest percentage citywide. See attached Census Map. The proposed project also lies in an area where 11-15% of the population has some disability as identified in the LRGVDC "*Human Service-Public Transit Coordination Plan.*" Other demographic characteristics of the area that indicate a need for public transit and improvements such as the ones being proposed include: poverty rate (21-35%), transit Index (medium) and household with no vehicle (0-20%). See attached maps.

Benefits:

The project's main goals are to improve and provide mobility to seniors and persons with disabilities in the area. This particular project will provide an accessible means to nearby stores, pharmacies, schools and other public facilities. Within a quarter mile is also a Valley Metro Route 30 stop; combined with this proposed project, the two will enhance the mobility of the area. Lastly, this project will also improve the ability for pedestrians to access the existing transit service.

Service/Sustainability:

The City's Engineering Department will be the one assigned to overlook the planning, engineering and construction and implementation plan for completing the project on a timely manner. The department consists of the following full time employees:

- Professional Engineer
- Engineer In Training
- GIS Manager
- CAD Technician
- Construction Inspector



Staff has the experienced and qualifications to overlook all aspects of the project and is committed to this project's success.

The staff assigned to this project will implement the same process and procedures used for all other capital improvement projects. The project will go through a formal bidding process from which the lowest responsible bidder will be awarded the construction portion of the project. Throughout the construction of the pedestrian facility staff will monitor the progress and record key milestones and completion date.

ESTIMATED PROJECT TIMELINE		
<i>Activity</i>	<i>Time Frame</i>	<i>Estimated Commence Date</i>
Sub-recipient Orientation Meeting		March 26, 2015
Sign Interlocal Agreement		June 2, 2015
FTA Grant Application & Approval	12 weeks	September 2015
Planning:		
- Surveying	2 weeks	
- Construction Plans & Specifications	4 weeks	October 2015
Bidding:		
- Advertise	4 weeks	November 4, 2015
- Review Bids	2 weeks	December 4, 2015
- Award Project	2 weeks	December 15, 2015
Construction	6 weeks	January 4, 2016
Project Closeout	2 weeks	March 15, 2016

The proposed pedestrian improvements will complement our effort to improve our existing Sidewalk Network which currently has large gaps in the proposed project area.

Innovation:

With this project we hope to establish a model or a basis from which we can continue to improve and provide more community enhancement projects that present residents with more opportunities to rich public transportation. One of the projects we have in mind for future funding is improvements to existing bus shelters and adjacent pedestrian facilities.

Budget:

The itemized construction estimate is attached to this application as well as the letter of commitment for the matching funds.

Matching funds for this project will be in-kind which encompasses the preparation and completion of Field Survey, Plans, Specifications, Estimates and construction management by the city's Engineering Department.



PART III – PROPOSED PROJECT BUDGET

Project Funding

Local matching funds will be required for all application submittals. For projects requiring operating funds the required match is 50%+ from non-federal transportation funds. For capital projects the required match is 20%+ from non-federal transportation funds.

Total Annual Project Budget	\$ <u> N/A </u>	
Capital Federal Share	\$ <u> 138,650.00 </u>	<u> 80 </u> %
Capital Local Match	\$ <u> 34,662.50 </u>	<u> 20 </u> %
Operating Federal Share	\$ <u> N/A </u>	<u> N/A </u> %
Operating Local Match	\$ <u> N/A </u>	<u> N/A </u> %

Local Matching Fund Source: In-kind (Engineering-PS&E)
Note: The applicant is required to demonstrate a commitment to providing local match funds. This can be in the form of a letter and/or a copy of an existing grant agreement or supporting documentation where funds will be drawn from.

Will there be a commitment of funds beyond the grant period? Yes X No

Describe: This is a capital project so ongoing operating cost are not anticipated beyond the grant period. If at any given time the pedestrian improvements require routine maintenance, the City of Pharr is committed in providing it as needed.

PRELIMINARY CONSTRUCTION ESTIMATE



Project: CAGE BLVD & HELMER ST SIDEWALK PROJECT-SECTION 5310 PROGRAM

ITEM NO	DESCRIPTION	ESTIMATE QTY	UNITS	UNIT PRICE	TOTAL
1	REMOVAL OF TREES, PALM TREES, BRUSH, ETC. FOR SIDEWALK PLACEMENT.	1	LS	\$20,000.00	\$20,000.00
2	REMOVAL OF CONCRETE OR ASPHALT DRIVEWAY	400	SY	\$18.00	\$7,200.00
3	WATER VALVE ADJUSTMENT. ALL COMPLETE IN PLACE.	6	EA	\$200.00	\$1,200.00
4	MAILBOX RELOCATION	10	EA	\$200.00	\$2,000.00
5	TRAFFIC SIGN RELOCATION	6	EA	\$175.00	\$1,050.00
6	SIDEWALKS (4"); WITH 6X6 No. 6 WIRE MESH AND 6" SAND BEDDING. ALL COMPLETE IN PLACE	1500	SY	\$38.00	\$57,000.00
7	ADA RAMP WITH TRUNCATED DOMES.	6	EA	\$1,200.00	\$7,200.00
8	RETAINING WALL. ALL COMPLETE IN PLACE	250	SF	\$35.00	\$8,750.00
9	18" CURB & GUTTER	50	LF	\$20.00	\$1,000.00
10	CONCRETE DRIVEWAY WITH 6" OF CALICHE BASE & 6" OF 4,000 PSI CONCRETE TO INCLUDE REINFORCING STEEL. ALL COMPLETE IN PLACE.	450	SY	\$58.00	\$26,100.00
11	REFL PAV MRK TY I (W) 12" (SLD) (100 MIL); CROSSWALK STRIPPING . ALL COMPLETE IN PLACE.	75	LF	\$6.00	\$450.00
12	REFL PAV MRK TY I (W) 24" (SLD) (100 MIL); STOP BAR. ALL COMPLETE IN PLACE	20	LF	\$10.00	\$200.00
13	SEEDING	1	LS	\$1,000.00	\$1,000.00
14	EROSION AND SEDIMENT CONTROL	1	LS	\$2,500.00	\$2,500.00
15	BARRICADES, SIGNS AND TRAFFIC HANDLING	1	LS	\$3,000.00	\$3,000.00

TOTAL: \$138,650.00



“Triple Crown City”



MAYOR
Leo “Polo” Palacios, Jr.

COMMISSIONERS
Arturo J. Cortez
Roberto “Bobby” Carrillo
Oscar Elozondo, Jr.
Edmund Maldonado, Jr.
Aquiles “Jimmy” Garza
Adan Farias

CITY MANAGER
Fred Sandoval

February 20, 2015

Maria G. Champine
Assistant Transportation Director
510 S. Pleasantview Dr.
Weslaco, TX 78596

Re: Section 5310 Program - Letter of Commitment for matching funds

Dear Ms. Champine:

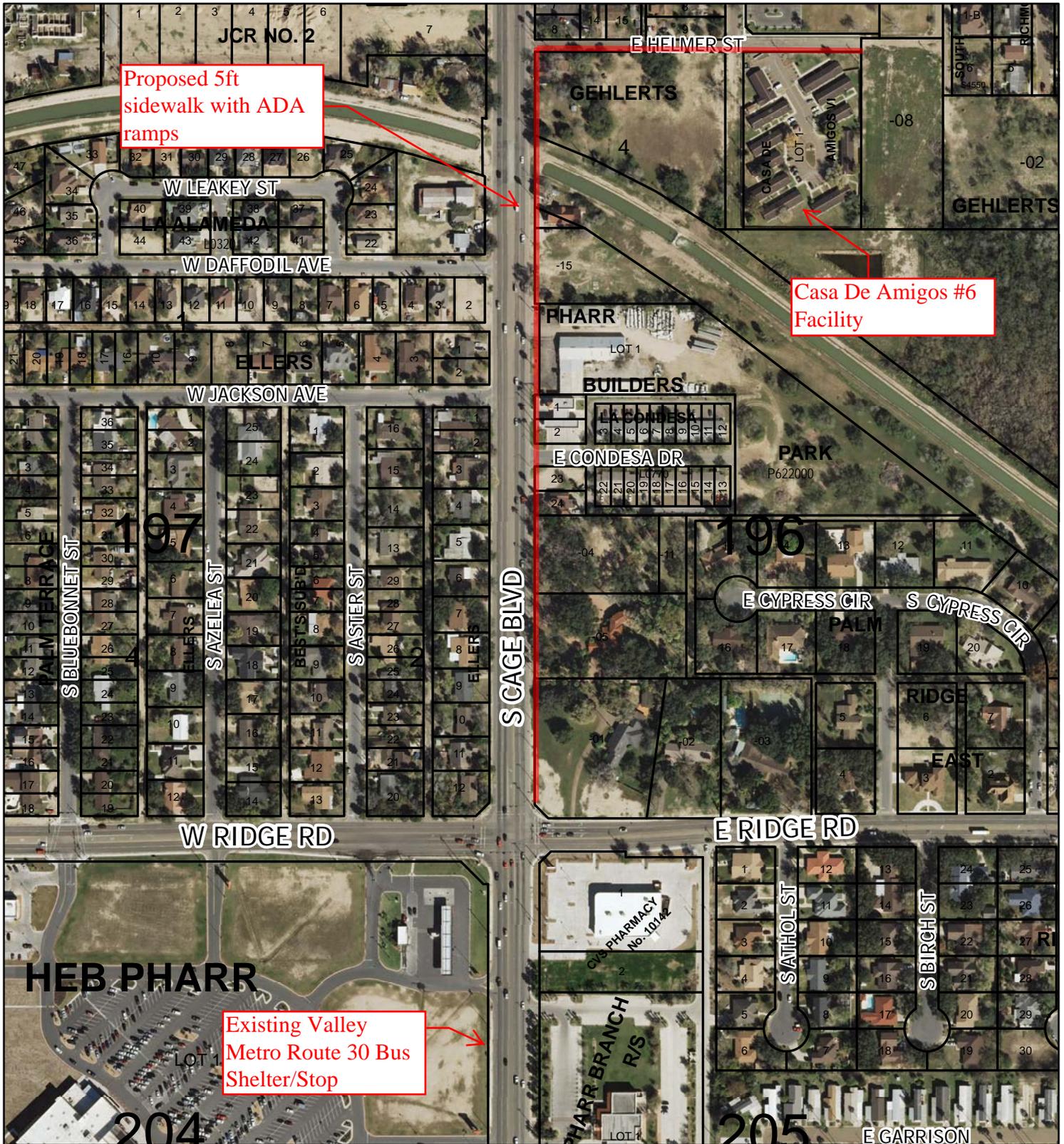
The City of Pharr supports funding this project as shown in the nomination budget and commits to the project’s development, implementation, construction, maintenance, management and financing.

The program requires a minimum of twenty percent (20%) local funding match in cash, donations, volunteered services or in-kind contributions. The City will provide in-kind match requirement through Engineering Services by the City Engineering Department; thereby pledging twenty percent (20%) local matching funds plus 100% of any overruns above the total project estimate.

In the event that the City is selected as the recipient of such funds, the City is willing and able to enter into agreement with the Lower Rio Grande Valley Development Council through an interlocal agreement.

Respectfully,

David Garza
Assistant City Manager
City of Pharr



All information displayed on this map is subject to verification by field survey or by the agency responsible for maintaining the information. This map is intended for general information only.

Pharr City Limit

City of Pharr, Texas
Engineering Department
956.402.4221

Scale: 1 inch = 300 feet



Amigos Del Valle, Inc.

1116 North Conway Avenue
Mission, Texas 78572
Phone (956) 581-9494
Fax (956) 581-7743

February 19, 2015

Mr. William F. Ueckert, Jr.
City Engineer
118 S. Cage Blvd.
Pharr, Texas 78577

RE: Letter of Support to Expand Sidewalks

Dear Mr. Ueckert,

The Amigos Del Valle, Inc. is classified as a non-profit organization under the 501 (C)(3) of the Internal Revenue Service Code. We are dedicated to serving and providing assistance to Counties of Cameron, Hidalgo, and Willacy to assist such population to continue to live as healthy, productive, independent, and self-sufficient lives as possible.

We recognize the need for sidewalks in our community and fully support The City of Pharr.

If you have any questions or need additional information, please do not hesitate to contact me at (956) 581-9494, Ext. 106 or contact Anita Jenny, Executive Administrative Assistant, at (956) 581-9494 Ext. 110.

Sincerely,



Leonard Guerra, Jr.
Acting Executive Director

LG/aj



BOARD OFFICERS

RICHARD MOLINA
City Commissioner, Edinburg
President
GERARDO "JERRY" TAFOLLA
City Commissioner, Weslaco
Vice President
BASILIO SANCHEZ
City Commissioner, Harlingen
Secretary
CARLA M. RODRIGUEZ
Grant Administration Director, McAllen
Treasurer
EMILIO VERA, JR.
Member At-Large, Willacy County
Immediate Past President

BOARD MEMBERS

ELEAZAR J. ROMERO
Member At-Large, Hidalgo County
JOEY TREVINO
Member At-Large, Cameron County
JAVIER RODRIGUEZ
Community Development Block Grant, Pharr
EDUARDO "EDDIE" CANTU
County Commissioner, Hidalgo County
EDUARDO GONZALES
County Commissioner, Willacy County
MICHAEL WARRIX
Planning Director, Brownsville
SONIA GALLEGOS
City Councilwoman, Donna
ARMANDO LOPEZ
City Commissioner, Mercedes
NORIE GARZA
Mayor Pro Tem, Mission
MARY GUTIERREZ
City Commissioner, Raymondville
ANTONIO GONZALES
Mayor Pro Tem, San Benito
ARMANDO GARZA
Mayor Pro Tem, San Juan
IRMA R. GARCIA
Banking / Finanee
NORBERTO "BETO" SALINAS
Member Emeritus

ACTING EXECUTIVE DIRECTOR
LEONARD GUERRA, JR.



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February 19, 2015

William F. Ueckert Jr., P.E.
City of Pharr
118 S. Cage Blvd
Pharr, TX 78577

Re: Section 5310 Program
US 281 (Cage Blvd)
City of Pharr

Dear Mr. Ueckert:

We are in receipt of your preliminary layout to construct a pedestrian facility along US 281 (Cage Blvd) between Helmer Street and Ridge Road. The right-of-way width on US 281 will accommodate the pedestrian facility improvements. Also, there are no projects currently listed on the Hidalgo County Metropolitan Organization's Metropolitan Transportation Plan that encompass this proposed area of improvements.

Coordination with the Pharr Area Office for any proposed work within the TxDOT right-of-way will be necessary. An approved permit allowing work to commence will be issued by TxDOT through the Department's Sidewalk Permit process when all required documents have been approved. If you have any questions or comments concerning this matter, please feel free to contact me or Juan A. Sustaita Jr., at (956) 702-6338.

Sincerely,

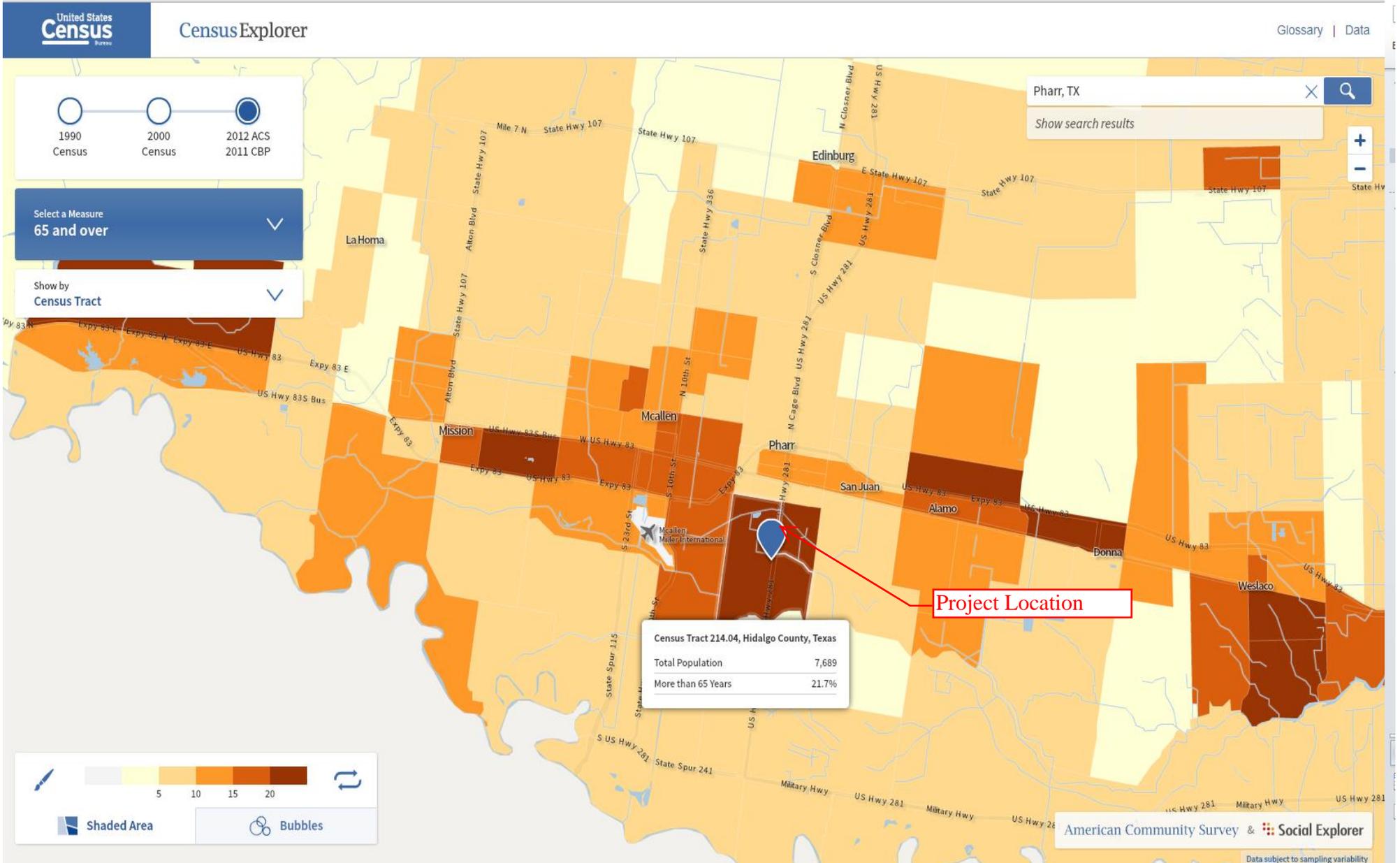
for Rene Garza, P.E.
Pharr Area Engineer

OUR GOALS

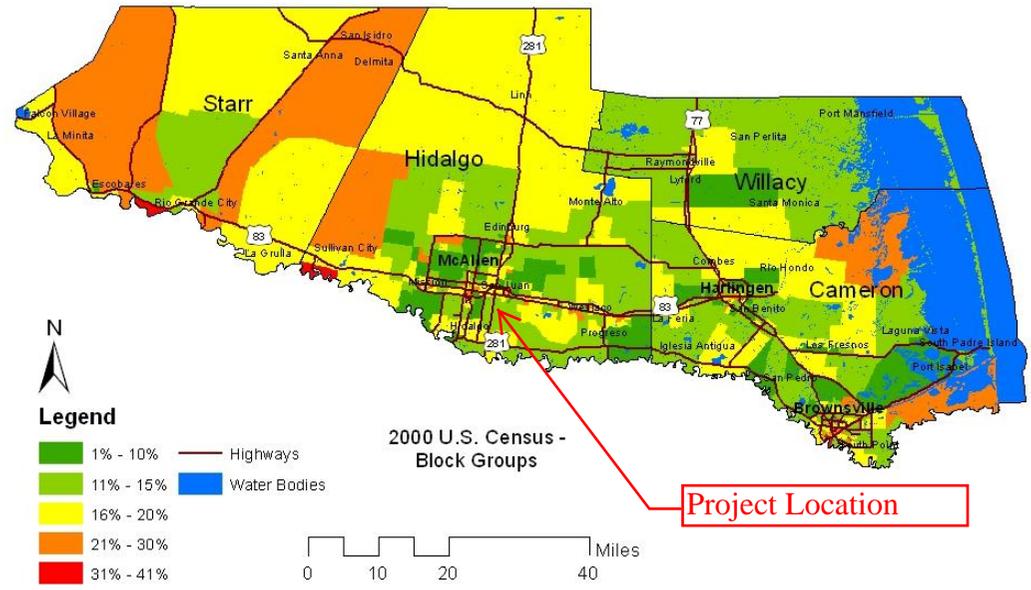
MAINTAIN A SAFE SYSTEM • ADDRESS CONGESTION • CONNECT TEXAS COMMUNITIES • BEST IN CLASS STATE AGENCY

An Equal Opportunity Employer

CENSUS DATA MAP



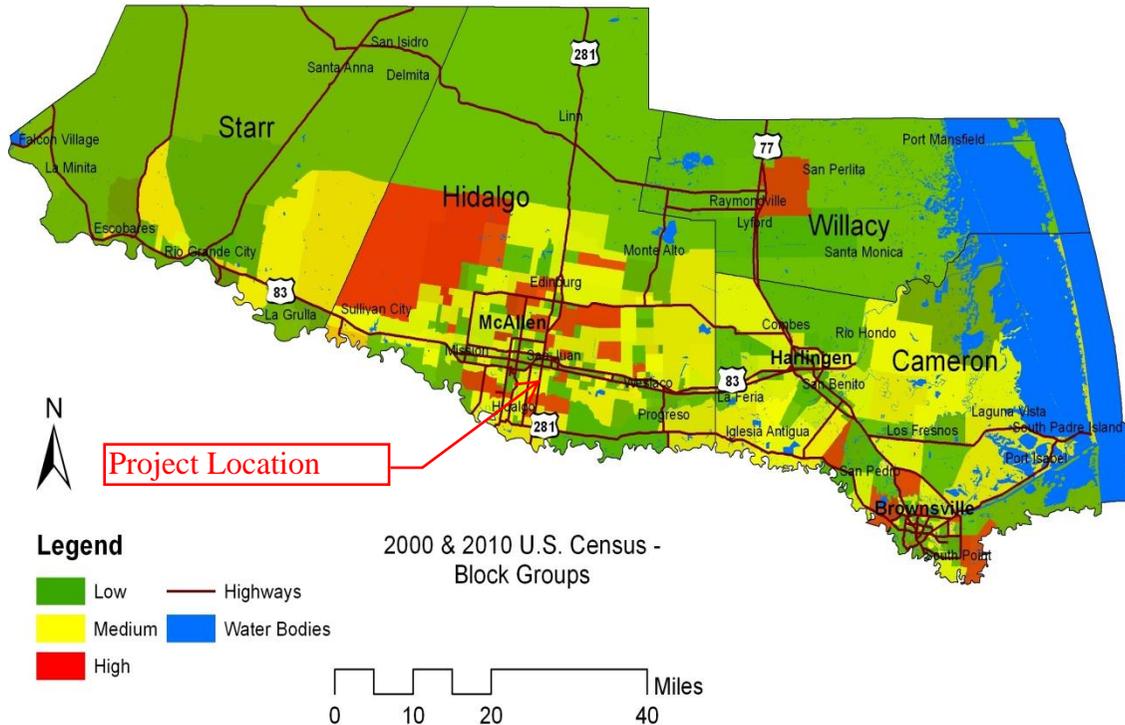
Population with Some Disability - Lower Rio Grande Valley



0 10 20 30 40

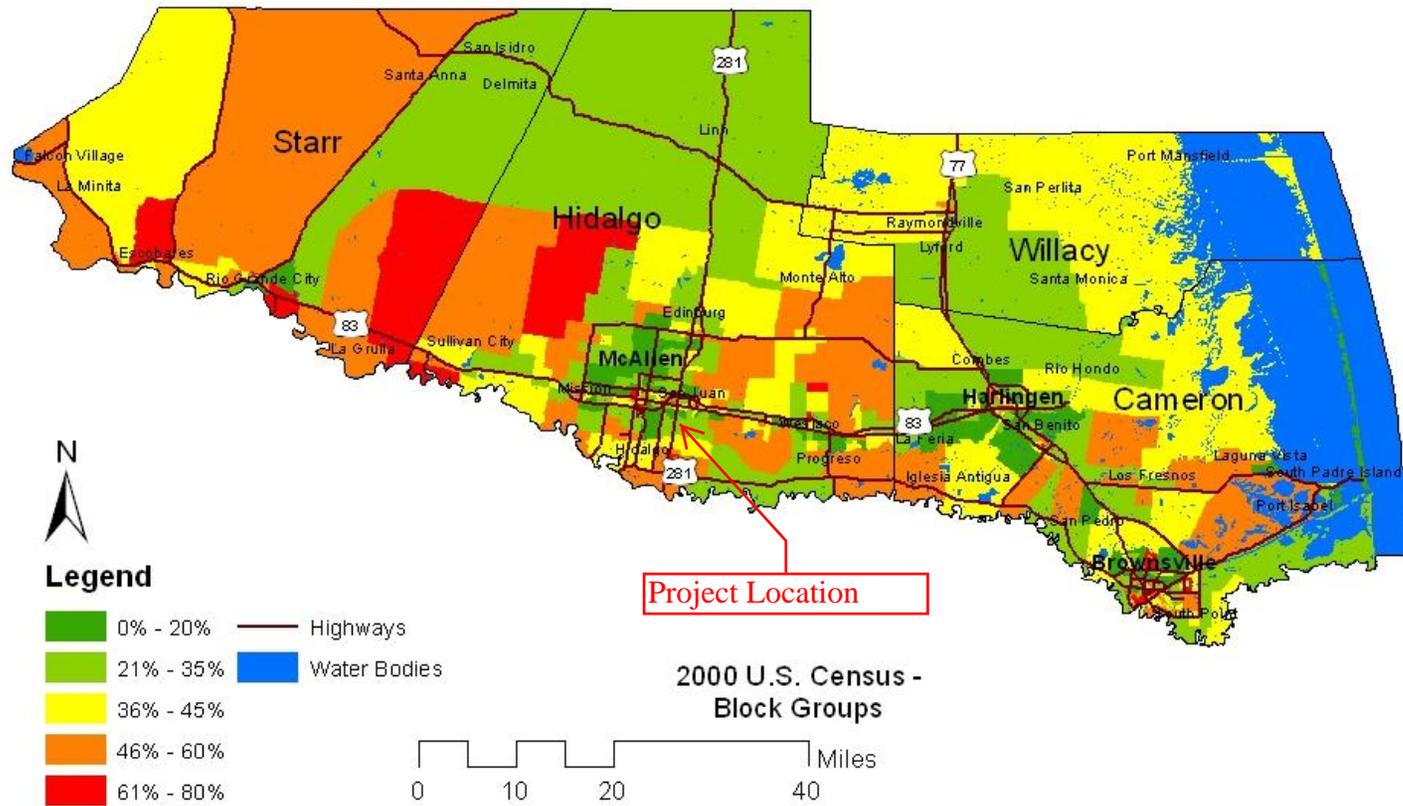
Demographic Characteristics and Transit Need Analysis

Transit Need Index - Lower Rio Grande Valley



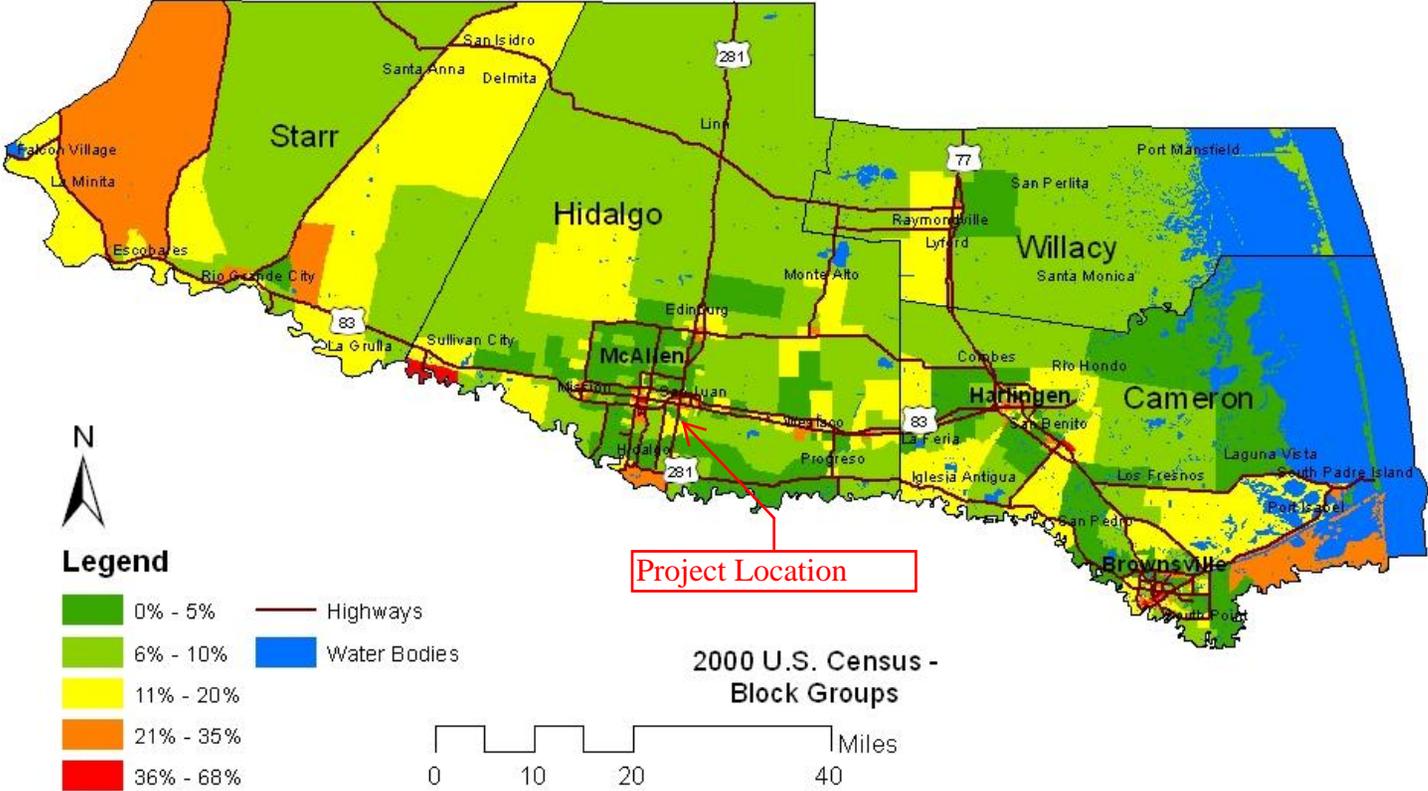
Poverty Rate - Lower Rio Grande Valley

12



Households with No Vehicle - Lower Rio Grande Valley

13



**APPENDIX B
FEDERAL TRANSIT ADMINISTRATION CERTIFICATIONS AND ASSURANCES**

FTA FISCAL YEAR 2015 CERTIFICATIONS AND ASSURANCES

PREFACE

Except as the Federal Transit Administration (FTA or We) determines otherwise in writing, before FTA may award Federal transit assistance (funding or funds) in the form of a Federal Grant, Cooperative Agreement, Loan, Line of credit, or Loan Guarantee to support a public transportation Project, an Authorized Representative (You) of the Project Sponsor (Applicant) must select certain Certifications and Assurances required by Federal law or regulation. Among other things, the Authorized Representative must be duly authorized by the Applicant to sign these Certifications and Assurances and bind its compliance. You, as your Applicant's Authorized Representative, must select all Certifications and Assurances that your Applicant must provide to support its application(s) for FTA funding during Federal fiscal year (FY) 2015.

We request that you read each Certification and Assurance and select those that will apply to all Projects for which your Applicant might seek FTA funding. As required by Federal law and regulation, only if you select adequate Certifications and Assurances on your Applicant's behalf, may FTA award Federal funding for its Project.

We have consolidated our Certifications and Assurances into twenty-four (24) Groups. At a minimum, you must select the Assurances in Group 01 on your Applicant's behalf. If your Applicant requests more than \$100,000 in Federal funding, you must also select the "Lobbying" Certification in Group 02, unless your Applicant is an Indian tribe, Indian organization, or a tribal organization. Depending on the nature of your Applicant and its Project, you may also need to select some Certifications and Assurances in Groups 03 through 24. Instead of selecting individual Groups of Certifications and Assurances, however, you may make a single selection that will encompass all twenty-four (24) Groups of Certifications and Assurances that apply to all our programs.

FTA, your Applicant, and you, as your Applicant's Authorized Representative, understand and agree that not every provision of these twenty-four (24) Groups of Certifications and Assurances will apply to every Applicant or every Project FTA funds, even if you make a single selection encompassing all twenty-four (24) Groups. Nor will every provision of all Certifications and Assurances within a single Group apply if that provision does not apply to your Applicant or its Project. The type of Project and Applicant will determine which Certifications and Assurances apply.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and each Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

FTA FISCAL YEAR 2015 CERTIFICATIONS AND ASSURANCES

Except as FTA determines otherwise in writing, if your Applicant is a team, consortium, joint venture, or partnership, it understands and agrees that you must identify the activities each member will perform and the extent to which each will be responsible for compliance with the Certifications and Assurances that you select on its behalf, and whether the member will serve as a Recipient, Subrecipient, or Third Party Contractor.

It is important that your Applicant and you also understand that these Certifications and Assurances are pre-award requirements, generally imposed by Federal law or regulation, and do not include all Federal requirements that may apply to it or its Project. Our FTA Master Agreement for Federal FY 2015, MA(21), is available at <http://www.fta.dot.gov>, and contains a list of most of those requirements.

We expect you to submit your Applicant's FY 2015 Certifications and Assurances and its applications for funding in TEAM-Web. You must be registered in TEAM-Web to submit the FTA FY 2015 Certifications and Assurances on its behalf. The TEAM-Web "Recipients" option at the "Cert's & Assurances" tab of the "View/Modify Recipients" page contains fields for selecting among the twenty-four (24) Groups of Certifications and Assurances and a designated field for selecting all twenty-four (24) Groups of Certifications and Assurances. If FTA agrees that you cannot submit your Applicant's FY 2015 Certifications and Assurances electronically, you must submit the Signature Pages at the end of this document, as FTA directs, marked to show the Groups of Certifications and Assurances that it is submitting.

Be aware that these Certifications and Assurances have been prepared in light of:

- *FTA's latest authorization legislation, Moving Ahead for Progress in the 21st Century Act (MAP-21), Pub. L. 112-141, June 6, 2012,*
- *FTA's authorizing legislation in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply,*
- *The Highway and Transportation Funding Act of 2014, Pub. L. 113-159, August 8, 2014, and*
- *Continuing Appropriations Resolution, 2015, Pub. L. 113-164, September 19, 2014 and other Appropriations Acts or Continuing Resolutions funding the Department of Transportation during Fiscal Year 2015.*

With certain exceptions, Projects financed in FY 2015 with funds appropriated or made available for FY 2012 or a previous fiscal year must be in compliance with the requirements for that type of Project in effect during the fiscal year for which the funding was derived, except as superseded by MAP-21 cross-cutting requirements that apply.

GROUP 01. REQUIRED CERTIFICATIONS AND ASSURANCES FOR EACH APPLICANT.

Before FTA may provide funding for your Applicant's Project, in addition to any other Certifications and Assurances that you must select on your Applicant's behalf, you must

FTA FISCAL YEAR 2015 CERTIFICATIONS AND ASSURANCES

also select the Certifications and Assurances in Group 01, except as FTA determines otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications and Assurances in Group 01 that does not apply will not be enforced.

01.A. Certification and Assurance of Authority of the Applicant and Its Authorized Representative.

You certify and affirm that both you, as your Applicant's Authorized Representative, and your Applicant's attorney, who is authorized to represent your Applicant in legal matters, who sign these Certifications, Assurances, and Agreements, may undertake the following activities on its behalf, in compliance with applicable State, local, or Indian tribal laws and regulations, and its by-laws or internal rules:

1. Execute and file its application for Federal funds,
2. Execute and file its Certifications, Assurances, Charter Service Agreement, and School Bus Agreement, as applicable, binding its compliance,
3. Execute the Grant Agreement, Cooperative agreement, Loan, Loan Guarantee, or Line of Credit, for which the Applicant is seeking FTA funding,
4. Comply with applicable Federal laws and regulations, and
5. Follow applicable Federal guidance.

01.B. Standard Assurances.

On behalf of your Applicant, you assure that it understands and agrees to the following:

1. It will comply with all applicable Federal statutes and regulations to carry out any FTA-funded Project,
2. It is under a continuing obligation to comply with the terms and conditions of its Grant Agreement or Cooperative Agreement with FTA for its Project, including the FTA Master Agreement incorporated by reference and made part of the latest amendment to that Grant Agreement or Cooperative Agreement,
3. It recognizes that Federal laws and regulations may be amended from time to time and those amendments may affect Project implementation,
4. It understands that Presidential executive orders and Federal guidance, including Federal policies and program guidance, may be issued concerning matters affecting it or its Project,

FTA FISCAL YEAR 2015 CERTIFICATIONS AND ASSURANCES

5. It agrees that the most recent Federal laws, regulations, and guidance will apply to its Project, except as FTA determines otherwise in writing,
6. Except as FTA determines otherwise in writing, it agrees that requirements for FTA programs may vary depending on the fiscal year for which the funding for those programs was appropriated:
 - a. In some instances, FTA has determined that Federal statutory or regulatory program and eligibility requirements for FY 2012 or a specific previous fiscal year, except as superseded by applicable MAP-21 cross-cutting requirements, apply to:
 - (1) New Grants and Cooperative Agreements, and
 - (2) New Amendments to Grants and Cooperative Agreements that:
 - (a) Have been awarded Federal funds appropriated or made available for FY 2012 or the previous fiscal year, or
 - (b) May be awarded Federal funds appropriated or made available for FY 2012 or the previous fiscal year, but
 - b. In other instances, FTA has determined that MAP-21 requirements will apply to Federal funds appropriated or made available for FY 2012 or a previous fiscal year, and
 - c. For all FTA-funded Projects, the following MAP-21 cross-cutting requirements supersede and apply in lieu of conflicting provisions of previous Federal law and regulations:
 - (1) Metropolitan and Statewide and Nonmetropolitan Transportation Planning,
 - (2) Environmental Review Process,
 - (3) Public Transportation Agency Safety Plans,
 - (4) Transit Asset Management Provisions (and Asset Inventory and Condition Reporting),
 - (5) Costs Incurred by Providers of Public Transportation by Vanpool,
 - (6) Revenue Bonds as Local Match,
 - (7) Debt Service Reserve,
 - (8) Government's Share of Cost of Vehicles, Vehicle-Equipment, and Facilities for ADA and Clean Air Act Compliance,
 - (9) Private Sector Participation,
 - (10) Bus Testing,
 - (11) Buy America,
 - (12) Corridor Preservation,
 - (13) Rail Car Procurements,
 - (14) Veterans Preference/Employment,
 - (15) Alcohol and Controlled Substance Testing, and
 - (16) Other provisions as FTA may determine.¹

¹ More information about these matters appears in the Federal Transit Administration, "Notice of FTA Transit Program Changes, Authorized Funding Levels and Implementation of the Moving Ahead for Progress in the 21st Century Act (MAP-21) and FTA FY 2013 Apportionments, Allocations, Program Information and Interim Guidance," 77 Fed. Reg. 663670, Oct. 16, 2012.

FTA FISCAL YEAR 2015 CERTIFICATIONS AND ASSURANCES

01.C. Intergovernmental Review Assurance.

(This assurance in Group 01.C does not apply to an Indian tribe, an Indian organization or a tribal organization that applies for funding made available for 49 U.S.C. 5311(c)(1), which authorizes FTA's Tribal Transit Programs.)

As required by U.S. Department of Transportation (U.S. DOT) regulations, "Intergovernmental Review of Department of Transportation Programs and Activities," 49 CFR part 17, on behalf of your Applicant, you assure that it has submitted or will submit each application for Federal funding to the appropriate State and local agencies for intergovernmental review, to facilitate compliance with those regulations.

01.D. Nondiscrimination Assurance.

On behalf of your Applicant, you assure that:

1. It will comply with the following laws and regulations so that no person in the United States will be denied the benefits of, or otherwise be subjected to, discrimination in any U.S. DOT or FTA-funded program or activity (particularly in the level and quality of transportation services and transportation-related benefits) on the basis of race, color, national origin, religion, sex, disability, or age:
 - a. Federal transit laws, specifically 49 U.S.C. 5332 (prohibiting discrimination on the basis of race, color, religion, national origin, sex, disability, age, employment, or business opportunity),
 - b. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d,
 - c. The Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, *et seq.*,
 - d. The Americans with Disabilities Act of 1990, as amended, 42 U.S.C. 12101 *et seq.*,
 - e. U.S. DOT regulations, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964," 49 CFR part 21,
 - f. U.S. DOT regulations, specifically 49 CFR parts 27, 37, 38, and 39, and
 - g. Any other applicable Federal statutes that may be signed into law or Federal regulations that may be promulgated,
2. It will comply with Federal guidance implementing Federal nondiscrimination laws and regulations, except to the extent FTA determines otherwise in writing,
3. As required by 49 CFR 21.7:
 - a. It will comply with 49 U.S.C. 5332, 42 U.S.C. 2000d, and 49 CFR part 21 in the manner:
 - (1) It conducts each Project,
 - (2) It undertakes property acquisitions, and
 - (3) It operates all parts of its facilities, as well as its facilities operated in connection with its Project,
 - b. This assurance applies to its entire Project and to all parts of its facilities, as well as its facilities operated to implement its Project,

FTA FISCAL YEAR 2015 CERTIFICATIONS AND ASSURANCES

- c. It will promptly take the necessary actions to carry out this assurance, including the following:
 - (1) Notifying the public that discrimination complaints about transportation-related services or benefits may be filed with U.S. DOT or FTA, and
 - (2) Submitting information about its compliance with these provisions to U.S. DOT or FTA upon their request,
- d. If it transfers FTA-funded real property, structures, or improvements to another party, any deeds and instruments recording that transfer will contain a covenant running with the land assuring nondiscrimination:
 - (1) While the property is used for the purpose that the Federal funding is extended, or
 - (2) While the property is used for another purpose involving the provision of similar services or benefits,
- e. The United States has a right to seek judicial enforcement of any matter arising under:
 - (1) Title VI of the Civil Rights Act, 42 U.S.C. 2000d,
 - (2) U.S. DOT regulations, 49 CFR part 21, or
 - (3) This assurance,
- f. It will make any changes in its Title VI implementing procedures, as U.S. DOT or FTA may request, to comply with:
 - (1) Title VI of the Civil Rights Act, 42 U.S.C. 2000d,
 - (2) U.S. DOT regulations, 49 CFR part 21, and
 - (3) Federal transit laws, 49 U.S.C. 5332,
- g. It will comply with applicable Federal guidance issued to implement Federal nondiscrimination requirements, except as FTA determines otherwise in writing,
- h. It will extend the requirements of 49 U.S.C. 5332, 42 U.S.C. 2000d, and 49 CFR part 21 to each Third Party Participant, including any:
 - (1) Subrecipient,
 - (2) Transferee,
 - (3) Third Party Contractor or Subcontractor at any tier,
 - (4) Successor in Interest,
 - (5) Lessee, or
 - (6) Other participant in its Project, except FTA and the Applicant (that later becomes the Recipient),
- i. It will include adequate provisions to extend the requirements of 49 U.S.C. 5332, 42 U.S.C. 2000d, and 49 CFR part 21 to each third party agreement, including each:
 - (1) Subagreement at any tier,
 - (2) Property transfer agreement,
 - (3) Third party contract or subcontract at any tier,
 - (4) Lease, or
 - (5) Participation agreement, and
- j. The assurances you have made on its behalf remain in effect as long as FTA determines appropriate, including, for example, as long as:

FTA FISCAL YEAR 2015 CERTIFICATIONS AND ASSURANCES

- (1) Federal funding is extended to its Project,
 - (2) Its Project property is used for a purpose for which the Federal funding is extended,
 - (3) Its Project property is used for a purpose involving the provision of similar services or benefits,
 - (4) It retains ownership or possession of its Project property, or
 - (5) FTA may otherwise determine in writing, and
4. As required by U.S. DOT regulations, "Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance," 49 CFR part 27, specifically 49 CFR 27.9, and consistent with 49 U.S.C. 5307(c)(1)(D)(ii), you assure that:
- a. It will comply with the following prohibitions against discrimination on the basis of disability listed below in subsection 4.b of this Group 01.D Assurance, of which compliance is a condition of approval or extension of any FTA funding awarded to:
 - (1) Construct any facility,
 - (2) Obtain any rolling stock or other equipment,
 - (3) Undertake studies,
 - (4) Conduct research, or
 - (5) Participate in any benefit or obtain any benefit from any FTA administered program, and
 - b. In any program or activity receiving or benefiting from Federal funding that U.S. DOT administers, no qualified people with a disability will, because of their disability, be:
 - (1) Excluded from participation,
 - (2) Denied benefits, or
 - (3) Otherwise subjected to discrimination.

01.E. Suspension and Debarment Certification.

On behalf of your Applicant, you certify that:

1. It will comply and facilitate compliance with U.S. DOT regulations, "Nonprocurement Suspension and Debarment," 2 CFR part 1200, which adopts and supplements the U.S. Office of Management and Budget (U.S. OMB) "Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," 2 CFR part 180,
2. To the best of its knowledge and belief, that its Principals and Subrecipients at the first tier:
 - a. Are eligible to participate in covered transactions of any Federal department or agency and are not presently:
 - (1) Debarred,
 - (2) Suspended,
 - (3) Proposed for debarment,
 - (4) Declared ineligible,

FTA FISCAL YEAR 2015 CERTIFICATIONS AND ASSURANCES

- (5) Voluntarily excluded, or
- (6) Disqualified,
- b. Its management has not within a three-year period preceding its latest application or proposal been convicted of or had a civil judgment rendered against any of them for:
 - (1) Commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction, or contract under a public transaction,
 - (2) Violation of any Federal or State antitrust statute, or
 - (3) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making any false statement, or receiving stolen property,
- c. It is not presently indicted for, or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses listed in the preceding subsection 1.E.2.b of this Certification,
- d. It has not had one or more public transactions (Federal, State, or local) terminated for cause or default within a three-year period preceding this Certification,
- e. If, at a later time, it receives any information that contradicts the preceding statements of subsections 2.a – 2.d of this Group 01.E Certification, it will promptly provide that information to FTA,
- f. It will treat each lower tier contract or lower tier subcontract under its Project as a covered lower tier contract for purposes of 2 CFR part 1200 and 2 CFR part 180 if it:
 - (1) Equals or exceeds \$25,000,
 - (2) Is for audit services, or
 - (3) Requires the consent of a Federal official, and
- g. It will require that each covered lower tier contractor and subcontractor:
 - (1) Comply and facilitate compliance with the Federal requirements of 2 CFR parts 180 and 1200, and
 - (2) Assure that each lower tier participant in its Project is not presently declared by any Federal department or agency to be:
 - (a) Debarred from participation in its federally-funded Project,
 - (b) Suspended from participation in its federally-funded Project,
 - (c) Proposed for debarment from participation in its federally-funded Project,
 - (d) Declared ineligible to participate in its federally-funded Project,
 - (e) Voluntarily excluded from participation in its federally-funded Project, or
 - (f) Disqualified from participation in its federally-funded Project, and
- 5. It will provide a written explanation as indicated on a page attached in FTA's TEAM-Web or the Signature Page if it or any of its principals, including any of its first tier Subrecipients or its Third Party Participants at a lower tier, is unable to certify compliance with the preceding statements in this Group 01.E Certification.

FTA FISCAL YEAR 2015 CERTIFICATIONS AND ASSURANCES

01.F. U.S. OMB Assurances in SF-424B and SF-424D.

The assurances in Group 01.F are consistent with the U.S. OMB assurances required in the U.S. OMB SF-424B and SF-424D, and updated as necessary to reflect changes in Federal laws and regulations.

1. *Administrative Activities.* On behalf of your Applicant, you assure that:
 - a. For every Project described in any application it submits for Federal funding, it has adequate resources to properly plan, manage, and complete its Project, including the:
 - (1) Legal authority to apply for Federal funding,
 - (2) Institutional capability,
 - (3) Managerial capability, and
 - (4) Financial capability (including funds sufficient to pay the non-Federal share of Project cost),
 - b. As required, it will give access and the right to examine Project-related materials to entities or individuals including, but not limited to the:
 - (1) FTA,
 - (2) The Comptroller General of the United States, and
 - (3) State, through an appropriate authorized representative,
 - c. It will establish a proper accounting system in accordance with generally accepted accounting standards or FTA guidance, and
 - d. It will establish safeguards to prohibit employees from using their positions for a purpose that results in:
 - (1) A personal or organizational conflict of interest, or personal gain, or
 - (2) The appearance of a personal or organizational conflict of interest or personal gain,
2. *Project Specifics.* On behalf of your Applicant, you assure that:
 - a. Following receipt of an FTA award, it will begin and complete Project work within the time periods that apply,
 - b. For FTA-funded construction Projects:
 - (1) It will comply with FTA provisions concerning the drafting, review, and approval of construction plans and specifications,
 - (2) It will provide and maintain competent and adequate engineering supervision at the construction site to assure that the completed work conforms with the approved plans and specifications,
 - (3) It will include a covenant to assure nondiscrimination during the useful life of its Project in its title to federally-funded real property,
 - (4) To the extent FTA requires, it will record the Federal interest in the title to FTA-funded real property or interests in real property, and
 - (5) It will not alter the site of the FTA-funded construction Project or facilities without permission or instructions from FTA by:
 - (a) Disposing of the underlying real property or other interest in the site and facilities,

FTA FISCAL YEAR 2015 CERTIFICATIONS AND ASSURANCES

- (b) Modifying the use of the underlying real property or other interest in the site and facilities, or
 - (c) Changing the terms of the underlying real property title or other interest in the site and facilities, and
 - c. It will furnish progress reports and other information as FTA or the State may require, and
- 3. *Statutory and Regulatory requirements.* On behalf of your Applicant, you assure that:
 - a. It will comply with all Federal statutes relating to nondiscrimination that apply, including, but not limited to:
 - (1) The prohibitions against discrimination on the basis of race, color, or national origin, as provided in Title VI of the Civil Rights Act, 42 U.S.C. 2000d,
 - (2) The prohibitions against discrimination on the basis of sex, as provided in:
 - (a) Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 – 1683, and 1685 – 1687, and
 - (b) U.S. DOT regulations, “Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance,” 49 CFR part 25,
 - (3) The prohibitions against discrimination on the basis of age in federally-funded programs, as provided in the Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 – 6107,
 - (4) The prohibitions against discrimination on the basis of disability in federally-funded programs, as provided in section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794,
 - (5) The prohibitions against discrimination on the basis of disability, as provided in the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. 12101 *et seq.*,
 - (6) The prohibitions against discrimination in the sale, rental, or financing of housing, as provided in Title VIII of the Civil Rights Act, 42 U.S.C. 3601 *et seq.*,
 - (7) The prohibitions against discrimination on the basis of drug abuse, as provided in the Drug Abuse Office and Treatment Act of 1972, as amended, 21 U.S.C. 1101 *et seq.*,
 - (8) The prohibitions against discrimination on the basis of alcohol abuse, as provided in the Comprehensive Alcohol Abuse and Alcoholism Prevention Act of 1970, as amended, 42 U.S.C. 4541 *et seq.*,
 - (9) The confidentiality requirements for records of alcohol and drug abuse patients, as provided in the Public Health Service Act, as amended, 42 U.S.C. 290dd – 290dd-2, and
 - (10) The nondiscrimination provisions of any other statute(s) that may apply to its Project,
 - b. As provided by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Relocation Act), 42 U.S.C. 4601 *et seq.*, and 49 U.S.C. 5323(b), regardless of whether Federal funding has been provided for any of the real property acquired for Project purposes:

FTA FISCAL YEAR 2015 CERTIFICATIONS AND ASSURANCES

- (1) It will provide for fair and equitable treatment of any displaced persons, or any persons whose property is acquired as a result of federally-funded programs,
- (2) It has the necessary legal authority under State and local laws and regulations to comply with:
 - (a) The Uniform Relocation Act. 42 U.S.C. 4601 *et seq.*, as specified by 42 U.S.C. 4630 and 4655, and
 - (b) U.S. DOT regulations, "Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs," 49 CFR part 24, specifically 49 CFR 24.4, and
- (3) It has complied with or will comply with the Uniform Relocation Act and implementing U.S. DOT regulations because:
 - (a) It will adequately inform each affected person of the benefits, policies, and procedures provided for in 49 CFR part 24,
 - (b) As required by 42 U.S.C. 4622, 4623, and 4624, and 49 CFR part 24, if an FTA-funded Project results in displacement, it will provide fair and reasonable relocation payments and assistance to:
 - 1 Displaced families or individuals, and
 - 2 Displaced corporations, associations, or partnerships,
 - (c) As provided by 42 U.S.C. 4625 and 49 CFR part 24, it will provide relocation assistance programs offering the services described in the U.S. DOT regulations to such:
 - 1 Displaced families and individuals, and
 - 2 Displaced corporations, associations, or partnerships,
 - (d) As required by 42 U.S.C. 4625(c)(3), within a reasonable time before displacement, it will make available comparable replacement dwellings to families and individuals,
 - (e) It will:
 - 1 Carry out the relocation process to provide displaced persons with uniform and consistent services, and
 - 2 Make available replacement housing in the same range of choices with respect to such housing to all displaced persons regardless of race, color, religion, or national origin,
 - (f) It will be guided by the real property acquisition policies of 42 U.S.C. 4651 and 4652,
 - (g) It will pay or reimburse property owners for their necessary expenses as specified in 42 U.S.C. 4653 and 4654, understanding that FTA will provide Federal funding for its eligible costs for providing payments for those expenses, as required by 42 U.S.C. 4631,
 - (h) It will execute the necessary implementing amendments to FTA-funded third party contracts and subagreements,
 - (i) It will execute, furnish, and be bound by such additional documents as FTA may determine necessary to effectuate or implement these assurances,

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- (j) It will incorporate these assurances by reference into and make them a part of any third party contract or subagreement, or any amendments thereto, relating to any FTA-funded Project involving relocation or land acquisition, and
- (k) It will provide in any affected document that these relocation and land acquisition provisions must supersede any conflicting provisions,
- c. It will comply with the Lead-Based Paint Poisoning Prevention Act, specifically 42 U.S.C. 4831(b), which prohibits the use of lead-based paint in the construction or rehabilitation of residence structures,
- d. It will, to the extent applicable, comply with the protections for human subjects involved in research, development, and related activities supported by Federal funding of:
 - (1) The National Research Act, as amended, 42 U.S.C. 289 *et seq.*, and
 - (2) U.S. DOT regulations, "Protection of Human Subjects," 49 CFR part 11,
- e. It will, to the extent applicable, comply with the labor standards and protections for federally-funded Projects of:
 - (1) The Davis-Bacon Act, as amended, 40 U.S.C. 3141 – 3144, 3146, and 3147,
 - (2) Sections 1 and 2 of the Copeland "Anti-Kickback" Act, as amended, 18 U.S.C. 874, and 40 U.S.C. 3145, respectively, and
 - (3) The Contract Work Hours and Safety Standards Act, as amended, 40 U.S.C. 3701 *et seq.*,
- f. It will comply with any applicable environmental standards prescribed to implement Federal laws and executive orders, including, but not limited to:
 - (1) Complying with the institution of environmental quality control measures under the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 – 4335 and following Executive Order No. 11514, as amended, 42 U.S.C. 4321 note,
 - (2) Following the notification of violating facilities provisions of Executive Order No. 11738, 42 U.S.C. 7606 note,
 - (3) Following the protection of wetlands provisions of Executive Order No. 11990, 42 U.S.C. 4321 note,
 - (4) Following the evaluation of flood hazards in floodplains provisions of Executive Order No. 11988, 42 U.S.C. 4321 note,
 - (5) Complying with the assurance of Project consistency with the approved State management program developed pursuant to the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. 1451 – 1465,
 - (6) Complying with the Conformity of Federal Actions to State (Clean Air) Implementation Plans requirements under section 176(c) of the Clean Air Act of 1955, as amended, 42 U.S.C. 7401 – 7671q,
 - (7) Complying with the protections for underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, 42 U.S.C. 300f – 300j-6,
 - (8) Complying with the protections for endangered species under the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 – 1544,

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- (9) Complying with the environmental protections for Federal transportation programs, including, but not limited to, protections for parks, recreation areas, or wildlife or waterfowl refuges of national, State, or local significance or any land from a historic site of national, State, or local significance to be used in a transportation Project, as required by 49 U.S.C. 303 (also known as “Section 4f”),
- (10) Complying with the protections for national wild and scenic rivers systems, as required under the Wild and Scenic Rivers Act of 1968, as amended, 16 U.S.C. 1271 – 1287, and
- (11) Complying with and facilitating compliance with:
 - (a) Section 106 of the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470f,
 - (b) The Archaeological and Historic Preservation Act of 1974, as amended, 16 U.S.C. 469 – 469c, and
 - (c) Executive Order No. 11593 (identification and protection of historic properties), 16 U.S.C. 470 note,
- g. To the extent applicable, it will comply with the following Federal requirements for the care, handling, and treatment of warm-blooded animals held or used for research, teaching, or other activities supported by Federal funding:
 - (1) The Animal Welfare Act, as amended, 7 U.S.C. 2131 *et seq.*, and
 - (2) U.S. Department of Agriculture regulations, “Animal Welfare,” 9 CFR subchapter A, parts 1, 2, 3, and 4,
- h. To the extent applicable, it will obtain a certificate of compliance with the seismic design and construction requirements of U.S. DOT regulations, “Seismic Safety,” 49 CFR part 41, specifically 49 CFR 41.117(d), before accepting delivery of any FTA-funded building,
- i. It will comply with, and assure that its Subrecipients located in special flood hazard areas comply with, section 102(a) of the Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4012a(a), by:
 - (1) Participating in the Federal flood insurance program, and
 - (2) Purchasing flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more,
- j. It will comply with:
 - (1) The Hatch Act, 5 U.S.C. 1501 – 1508, 7324 – 7326, which limits the political activities of State and local agencies and their officers and employees whose primary employment activities are financed in whole or part with Federal funds, including a Federal Loan, Grant Agreement, or Cooperative Agreement, and
 - (2) 49 U.S.C. 5323(1)(2) and 23 U.S.C. 142(g), which provide an exception from Hatch Act restrictions for a nonsupervisory employee of a public transportation system (or of any other agency or entity performing related functions) receiving FTA funding appropriated or made available for 49 U.S.C. chapter 53 and 23 U.S.C. 142(a)(2) to whom the Hatch Act does not otherwise apply,

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- k. It will perform the financial and compliance audits as required by the:
 - (1) Single Audit Act Amendments of 1996, 31 U.S.C. 7501 *et seq.*,
 - (2) U.S. OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations," Revised, and
 - (3) Most recent applicable U.S. OMB A-133 Compliance Supplement provisions for the U.S. DOT,
- l. It will comply with all other Federal laws or regulations that apply, and
- m. It will follow Federal guidance governing it and its Project, except to the extent that FTA has expressly approved otherwise in writing.

GROUP 02. LOBBYING.

Before FTA may provide funding for a Federal Grant or Cooperative Agreement exceeding \$100,000 or a Federal Loan, Line of Credit, Loan Guarantee, or Loan Insurance exceeding \$150,000, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Lobbying Certifications in Group 02, unless your Applicant is an Indian Tribe exempt from the requirements of 31 U.S.C. 1352 or FTA determines otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications in Group 02 that does not apply will not be enforced.

On behalf of your Applicant, you certify that:

- 1. As required by 31 U.S.C. 1352 and U.S. DOT regulations, "New Restrictions on Lobbying," specifically 49 CFR 20.110:
 - a. The lobbying restrictions of this Certification apply to its requests:
 - (1) For \$100,000 or more in Federal funding for a Grant or Cooperative Agreement, and
 - (2) For \$150,000 or more in Federal funding for a Loan, Line of Credit, Loan Guarantee, or Loan Insurance, and
 - b. Your Certification on its behalf applies to the lobbying activities of:
 - (1) It,
 - (2) Its Principals, and
 - (3) Its Subrecipients at the first tier,
- 2. To the best of your knowledge and belief:
 - a. No Federal appropriated funds have been or will be paid by your Applicant or on its behalf to any person to influence or attempt to influence:

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- (1) An officer or employee of any Federal agency regarding the award of a:
 - (a) Federal Grant or Cooperative Agreement, or
 - (b) Federal Loan, Line of Credit, Loan Guarantee, or Loan Insurance, or
- (2) A Member of Congress, an employee of a member of Congress, or an officer or employee of Congress regarding the award of a:
 - (a) Federal Grant or Cooperative Agreement, or
 - (b) Federal Loan, Line of Credit, Loan Guarantee, or Loan Insurance,
- b. It will submit a complete OMB Standard Form LLL (Rev. 7-97), "Disclosure of Lobbying Activities," consistent with its instructions, if any funds other than Federal appropriated funds have been or will be paid to any person to influence or attempt to influence:
 - (1) An officer or employee of any Federal agency regarding the award of a:
 - (a) Federal Grant or Cooperative Agreement, or
 - (b) Federal Loan, Line of Credit, Loan Guarantee, or Loan Insurance, or
 - (2) A Member of Congress, an employee of a member of Congress, or an officer or employee of Congress regarding the award of a:
 - (a) Federal Grant or Cooperative Agreement, or
 - (b) Federal Loan, Line of Credit, Loan Guarantee, or Loan Insurance, and
- c. It will include the language of this Certification in the award documents for all subawards at all tiers, including, but not limited to:
 - (1) Third party contracts,
 - (2) Subcontracts,
 - (3) Subagreements, and
 - (4) Other third party agreements under a:
 - (a) Federal Grant or Cooperative Agreement, or
 - (b) Federal Loan, Line of Credit, Loan Guarantee, or Loan Insurance,
3. It understands that:
 - a. This Certification is a material representation of fact that the Federal Government relies on, and
 - b. It must submit this Certification before the Federal Government may award funding for a transaction covered by 31 U.S.C. 1352, including a:
 - (a) Federal Grant or Cooperative Agreement, or
 - (b) Federal Loan, Line of Credit, Loan Guarantee, or Loan Insurance, and
4. It also understands that any person who does not file a required Certification will incur a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

GROUP 03. PROCUREMENT AND PROCUREMENT SYSTEMS.

We request that you select the Procurement and Procurement Systems Certification in Group 03 on behalf of your Applicant, especially if your Applicant is a State, local, or Indian tribal government with a certified procurement system, as provided in 49 CFR 18.36(g)(3)(ii).

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Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certification in Group 03 that does not apply will not be enforced.

On behalf of your Applicant, you certify that its procurements and its procurement system will comply with all Federal laws and regulations in accordance with applicable Federal guidance, except to the extent FTA has approved otherwise in writing.

GROUP 04. PRIVATE SECTOR PROTECTIONS.

Before FTA may provide funding for a Project that involves the acquisition of public transportation property or operation of public transportation facilities or equipment, in addition to other Certifications you must select on your Applicant's behalf, you must also select the Private Property Protections Assurances in Group 04.A and enter into the Agreements in Group 04.B and Group 04.C on behalf of your Applicant, except as FTA determines otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Assurances and Agreements in Group 04 that does not apply will not be enforced.

04.A. Private Property Protections.

If your Applicant is a State, local government, or Indian tribal government and seeks FTA funding to acquire the property of a private transit operator or operate public transportation in competition with or in addition to a public transportation operator, the Private Property Protections Assurances in Group 04.A apply to your Applicant, except as FTA determines otherwise in writing.

To facilitate FTA's ability to make the findings required by 49 U.S.C. 5323(a)(1), on behalf of your Applicant, you assure that:

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1. It has or will have:
 - a. Determined that the funding is essential to carrying out a Program of Projects as required by 49 U.S.C. 5303, 5304, and 5306,
 - b. Provided for the participation of private companies engaged in public transportation to the maximum extent feasible, and
 - c. Paid just compensation under State or local laws to the company for any franchise or property acquired, and
2. It has completed the actions described in the preceding section 1 of this Group 04.A Certification before it:
 - a. Acquires the property or an interest in the property of a private provider of public transportation, or
 - b. Operates public transportation equipment or facilities:
 - (1) In competition with transportation service provided by an existing public transportation operator, or
 - (2) In addition to transportation service provided by an existing public transportation operator.

04.B. Charter Service Agreement.

If your Applicant seeks FTA funding to acquire or operate transit facilities or equipment, the Charter Service Agreement in Group 04.B applies to your Applicant, except as FTA determines otherwise in writing.

To comply with 49 U.S.C. 5323(d) and (g) and FTA regulations, "Charter Service," 49 CFR part 604, specifically 49 CFR 604.4, on behalf of your Applicant, you are entering into the following Charter Service Agreement:

1. FTA's "Charter Service" regulations apply as follows:
 - a. FTA's Charter Service regulations restrict transportation by charter service using facilities and equipment acquired by Recipients of FTA funding for transportation Projects with Federal funding derived from:
 - (1) Federal transit laws, 49 U.S.C. chapter 53,
 - (2) 23 U.S.C. 133 or 142, or
 - (3) Any other Act that provides Federal public transportation assistance, unless otherwise excepted,
 - b. FTA's charter service restrictions extend to:
 - (1) Your Applicant, when it becomes a Recipient of Federal funding appropriated or made available for:
 - (a) Federal transit laws, 49 U.S.C. chapter 53,
 - (b) 23 U.S.C. 133 or 142, or
 - (c) Any other Act that provides Federal public transportation assistance, unless otherwise excepted, and
 - (2) Any Third Party Participant that receives Federal funding derived from:
 - (a) Federal transit laws, 49 U.S.C. chapter 53,
 - (b) 23 U.S.C. 133 or 142, or

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- (c) Any other Act that provides Federal public transportation assistance, unless otherwise excepted,
 - c. A Third Party Participant includes any:
 - (1) Subrecipient at any tier,
 - (2) Lessee,
 - (3) Third Party Contractor or Subcontractor at any Tier, and
 - (4) Other Third Party Participant in its Project,
 - d. You and your Applicant agree that neither it nor any governmental authority or publicly owned operator that receives Federal public transportation assistance appropriated or made available for its Project will engage in charter service operations, except as permitted under:
 - (1) Federal transit laws, specifically 49 U.S.C. 5323(d) and (g),
 - (2) FTA regulations, "Charter Service," 49 CFR part 604, to the extent consistent with 49 U.S.C. 5323(d) and (g),
 - (3) Any other Federal Charter Service regulations, or
 - (4) Federal guidance, except as FTA determines otherwise in writing,
 - e. You and your Applicant agree that the latest Charter Service Agreement it has selected in its latest annual Certifications and Assurances is incorporated by reference in and made part of the underlying Agreement accompanying an award of FTA funding, and
 - f. You and your Applicant agree that:
 - (1) FTA may require corrective measures or impose remedies on it or any governmental authority or publicly owned operator that receives FTA funding appropriated or made available for its Project that has engaged in a pattern of violations of FTA's Charter Service regulations by:
 - (a) Conducting charter operations prohibited by Federal transit laws and FTA's Charter Service regulations, or
 - (b) Otherwise violating its Charter Service Agreement it has elected in its latest annual Certifications and Assurances, and
 - (2) These corrective measures and remedies may include:
 - (a) Barring it or any Third Party Participant operating public transportation under the Project that has provided prohibited charter service from receiving FTA funds,
 - (b) Withholding an amount of Federal funds as provided by Appendix D to FTA's Charter Service regulations, or
 - (c) Any other appropriate remedy that may apply, and
2. In addition to the exceptions to the restrictions in FTA's Charter Service Regulations, FTA has established the following additional exceptions to those restrictions:
- a. FTA's Charter Service restrictions do not apply to your Applicant if it seeks funding appropriated or made available for 49 U.S.C. 5307 and 5311, to be used for Job Access and Reverse Commute (JARC) activities that would have been eligible for assistance under repealed 49 U.S.C. 5316 in effect in FY 2012 or a previous fiscal year, provided that it uses that FTA funding for those program purposes only,

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- b. FTA's Charter Service restrictions do not apply to your Applicant if it seeks funding appropriated or made available for 49 U.S.C. 5310, to be used for New Freedom activities that would have been eligible for assistance under repealed 49 U.S.C. 5317 in effect in FY 2012 or a previous fiscal year, provided it uses that FTA funding for those program purposes only, and
- c. An Applicant for assistance under 49 U.S.C. chapter 53 will not be determined to have violated the FTA Charter Service regulations if that Recipient provides a private intercity or charter transportation operator reasonable access to that Recipient's federally-funded public transportation facilities, including intermodal facilities, park and ride lots, and bus-only highway lanes, as provided in 49 U.S.C. 5323(r).

04.C. School Bus Agreement.

If your Applicant seeks FTA funding to acquire or operate transit facilities or equipment, the School Bus Agreement in Group 04.C applies to your Applicant, except as FTA determines otherwise in writing.

To comply with 49 U.S.C. 5323(f) and (g) and FTA regulations, "School Bus Operations," 49 CFR part 605, to the extent consistent with 49 U.S.C. 5323(f) and (g), on behalf of your Applicant, you are entering into the following School Bus Agreement:

1. FTA's "School Bus Operations" regulations restrict school bus operations using facilities and equipment acquired with Federal funding derived from:
 - a. Federal transit laws, 49 U.S.C. chapter 53,
 - b. 23 U.S.C. 133 or 142, or
 - c. Any other Act that provides Federal public transportation assistance, unless otherwise excepted,
2. FTA's school bus operations restrictions extend to:
 - a. Your Applicant, when it becomes a Recipient of Federal funding appropriated or made available for:
 - (1) Federal transit laws, 49 U.S.C. chapter 53,
 - (2) 23 U.S.C. 133 or 142, or
 - (3) Any other Act that provides Federal public transportation assistance, unless otherwise excepted, and
 - b. Any Third Party Participant that receives Federal funding derived from:
 - (1) Federal transit laws, 49 U.S.C. chapter 53,
 - (2) 23 U.S.C. 133 or 142, or
 - (3) Any other Act that provides Federal public transportation assistance, unless otherwise excepted,
3. A Third Party Participant includes any:
 - a. Subrecipient at any tier,
 - b. Lessee,
 - c. Third Party Contractor or Subcontractor at any tier, and
 - d. Other Third Party Participant in the Project,

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4. You and your Applicant agree, and will obtain the agreement of any Third Party Participant involved in your Applicant's Project, that it will not engage in school bus operations in competition with private operators of school buses, except as permitted under:
 - a. Federal transit laws, specifically 49 U.S.C. 5323(f) and (g),
 - b. FTA regulations, "School Bus Operations," 49 CFR part 605, to the extent consistent with 49 U.S.C. 5323(f) and (g),
 - c. Any other Federal School Bus regulations, or
 - d. Federal guidance, except as FTA determines otherwise in writing,
5. You and your Applicant agree that the latest School Bus Agreement you have selected on its behalf in FTA's latest annual Certifications and Assurances is incorporated by reference in and made part of the underlying Agreement accompanying an award of FTA funding, and
6. You and your Applicant agree that after it is a Recipient, if it or any Third Party Participant has violated this School Bus Agreement, FTA may:
 - a. Bar your Applicant or Third Party Participant from receiving further Federal transit funds, or
 - b. Require the Applicant or Third Party Participant to take such remedial measures as FTA considers appropriate.

GROUP 05. ROLLING STOCK REVIEWS AND BUS TESTING.

Before FTA may provide funding for a Project to acquire rolling stock for use in revenue service or to acquire a new bus model, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Rolling Stock Reviews and Bus Testing Certifications in Group 05, except as FTA determines otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications in Group 05 that does not apply will not be enforced.

05.A. Rolling Stock Reviews.

If your Applicant seeks FTA funding to acquire rolling stock for use in revenue service, the Rolling Stock Reviews Certifications in Group 05.A apply to your Applicant, except as FTA determines otherwise in writing.

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On behalf of your Applicant, you certify that when procuring rolling stock for use in revenue service:

1. It will comply with:
 - a. Federal transit laws, specifically 49 U.S.C. 5323(m), and
 - b. FTA regulations, "Pre-Award and Post-Delivery Audits of Rolling Stock Purchases," 49 CFR part 663, and
2. As provided in 49 CFR 663.7:
 - a. It will conduct or cause to be conducted the required pre-award and post-delivery reviews, and
 - b. It will maintain on file the Certifications required by 49 CFR part 663, subparts B, C, and D.

05.B. Bus Testing.

If your Applicant seeks FTA funding to acquire a new bus model, the Bus Testing Certifications in Group 05.B apply to your Applicant, except as FTA determines otherwise in writing.

On behalf of your Applicant, you certify that:

1. Bus Testing requirements apply to all acquisitions of new buses and new bus models that require bus testing as defined in FTA's Bus Testing regulations, and it will comply with:
 - a. 49 U.S.C. 5318, and
 - b. FTA regulations, "Bus Testing," 49 CFR part 665, to the extent these regulations are consistent with 49 U.S.C. 5318,
2. As required by 49 CFR 665.7, when acquiring the first bus of any new bus model or a bus model with a major change in components or configuration:
 - a. It will not spend any Federal funds appropriated under 49 U.S.C. chapter 53 to acquire that new bus or new bus model until:
 - (1) That new bus or new bus model has been tested at FTA's bus testing facility, and
 - (2) It has received a copy of the test report prepared on that new bus or new bus model, and
 - b. It will not authorize final acceptance of that new bus or new bus model until:
 - (1) That new bus or new bus model has been tested at FTA's bus testing facility, and
 - (2) It has received a copy of the test report prepared on that new bus or new bus model,
3. It will ensure that the new bus or new bus model that is tested has met the performance standards consistent with those regulations, including:
 - a. Performance standards for:
 - (1) Maintainability,
 - (2) Reliability,
 - (3) Performance (including braking performance),

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- (4) Structural integrity,
 - (5) Fuel economy,
 - (6) Emissions, and
 - (7) Noise, and
- b. Minimum safety performance standards established under 49 U.S.C. 5329, and
4. After FTA regulations authorized by 49 U.S.C. 5318(e)(2) are in effect, it will ensure that the new bus or new bus model that is tested has received a passing aggregate test score under the "Pass/Fail" standard established by regulation.

GROUP 06. DEMAND RESPONSIVE SERVICE.

If your Applicant is a public entity, operates demand responsive service, and seeks FTA funding to acquire a non-rail vehicle that is not accessible, before FTA may provide funding for that Project, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Demand Responsive Service Certifications in Group 06, except as FTA determines otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications in Group 06 that does not apply will not be enforced.

As required by U.S. DOT regulations, "Transportation Services for Individuals with Disabilities (ADA)," 49 CFR part 37, specifically 49 CFR 37.77(d), on behalf of your Applicant, you certify that:

1. Your Applicant offers public transportation services equivalent in level and quality of service to:
 - a. Individuals with disabilities, including individuals who use wheelchairs, and
 - b. Individuals without disabilities, and
2. Viewed in its entirety, its service for individuals with disabilities is:
 - a. Provided in the most integrated setting feasible, and
 - b. Equivalent to the service it offers individuals without disabilities with respect to:
 - (1) Response time,
 - (2) Fares,
 - (3) Geographic service area,
 - (4) Hours and days of service,
 - (5) Restrictions on priorities based on trip purpose,
 - (6) Availability of information and reservation capability, and
 - (7) Constraints on capacity or service availability.

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GROUP 07. INTELLIGENT TRANSPORTATION SYSTEMS.

Before FTA may provide funding for an Intelligent Transportation Systems (ITS) Project or a Project in support of an ITS Project, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Intelligent Transportation Systems Assurances in Group 07, except as FTA determines otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Assurances in Group 07 that does not apply will not be enforced.

On behalf of your Applicant, you and your Applicant:

1. Understand that, as used in this Assurance, the term Intelligent Transportation Systems (ITS) Project is defined to include any Project that, in whole or in part, finances the acquisition of technologies or systems of technologies that provide or significantly contribute to the provision of one or more ITS user services as defined in the "National ITS Architecture," and
2. Assure that, as provided in 23 U.S.C. 517(d), any ITS Project it undertakes funded with appropriations made available from the Highway Trust Fund, including amounts made available to deploy ITS facilities or equipment, will conform to the appropriate regional ITS architecture, applicable standards, and protocols developed under 23 U.S.C. 517(a) or (c), unless it obtains a waiver as provided in 23 U.S.C. 517(d)(2).

GROUP 08. INTEREST AND FINANCING COSTS AND ACQUISITION OF CAPITAL ASSETS BY LEASE.

Before FTA may provide funding appropriated or made available for 49 U.S.C. chapter 53 to support interest, or financing, or leasing costs of any Project financed under the Urbanized Area Formula Grants Program, Fixed Guideway Capital Investment Grants Program, or another program as FTA may specify, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 08, except as FTA may determine otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in

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writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications and Assurances in Group 08 that does not apply will not be enforced.

08.A. Interest and Financing Costs.

If your Applicant intends to use FTA funding to support interest or any other financing costs for Projects funded by the Urbanized Area Formula Grants Program, Fixed Guideway Capital Investment Grants Program, or another program as FTA may specify, the Interest and Financing Costs Certifications in Group 08.A apply to your Applicant, except as FTA determines otherwise in writing.

On behalf of your Applicant, you certify that:

1. It will not seek reimbursement for interest or any other financing costs unless:
 - a. It is eligible to receive Federal funding for those costs, and
 - b. Its records demonstrate that it has shown reasonable diligence in seeking the most favorable financing terms, to the extent FTA may require, and
2. It will comply with the same favorable financing cost provisions for:
 - a. Urbanized Area Formula Grants Projects,
 - b. Projects under Full Funding Grant Agreements,
 - c. Projects with Early Systems Work Agreements,
 - d. Fixed Guideway Capital Investment Projects funded by previous FTA enabling legislation,
 - e. State of Good Repair Projects,
 - f. Bus and Bus Facilities Projects, and
 - g. Low or No Emission Vehicle Development Projects.

08.B. Acquisition of Capital Assets by Lease.

If your Applicant seeks FTA funding to acquire capital assets through a lease, the Acquisition of Capital Assets by Lease Certifications and Assurances in Group 08.B applies to your Applicant, except as FTA determines otherwise in writing.

On behalf of your Applicant, you certify and assure that, as required by FTA regulations, "Capital Leases," 49 CFR part 639, specifically 49 CFR 639.15(b)(1) and 49 CFR 639.21, if your Applicant acquires any capital asset through a lease financed with Federal funding appropriated or made available for 49 U.S.C. chapter 53:

1. It will not use Federal funding appropriated or made available for public transportation Projects eligible under 49 U.S.C. chapter 53 or any other applicable law to finance the cost of leasing any capital asset until:

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- a. It performs calculations demonstrating that leasing the capital asset would be more cost-effective than purchasing or constructing a similar asset, and
- b. It completes these calculations before the later of:
 - (1) Entering into the lease, or
 - (2) Receiving a capital grant for the asset, and
2. It will not enter into a capital lease for which FTA can provide only incremental Federal funding unless it has adequate financial resources to meet its future lease obligations if Federal funding is not available.

GROUP 09. TRANSIT ASSET MANAGEMENT PLAN AND PUBLIC TRANSPORTATION AGENCY SAFETY PLAN.

Before FTA may provide funding appropriated or made available for 49 U.S.C. chapter 53 to support your Applicant's Project, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 09, except as FTA determines otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications in Group 09 that does not apply will not be enforced.

09.A. Transit Asset Management Plan.

If your Applicant applies for funding appropriated or made available for 49 U.S.C. chapter 53, the Transit Asset Management Certifications in Group 09.A apply to your Applicant, except as FTA determines otherwise in writing.

On behalf of your Applicant, you certify that it and each Subrecipient will:

1. Follow Federal guidance when issued that implements transit asset management system provisions of 49 U.S.C. 5326, except as FTA determines otherwise in writing, and
2. Comply with the final Federal regulations when issued that implement the transit asset management provisions of 49 U.S.C. 5326.

09.B. Public Transportation Agency Safety Plan.

If your Applicant applies for funding under 49 U.S.C. chapter 53 and it is a State government, local government, or any other operator of a public transportation system,

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the Public Transportation Safety Plan Certifications in Group 09.B apply to your Applicant, except as FTA determines otherwise in writing.

On behalf of your Applicant, you certify that it will:

1. Follow the Federal guidance, when issued, that will implement the safety plan provisions of 49 U.S.C. 5329(d), except as FTA determines otherwise in writing, and
2. Comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. 5329(d).

GROUP 10. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.

If your Applicant must comply with the alcohol and controlled substance testing requirements of 49 U.S.C. 5331 and its implementing regulations, before FTA may provide funding for your Applicant's Project, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 10, except as FTA may determine otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications in Group 10 that does not apply will not be enforced.

As required by 49 U.S.C. 5331, and FTA regulations, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations," 49 CFR part 655, subpart I, specifically 49 CFR 655.83, on behalf of your Applicant, including a State Applicant, and on behalf of its Subrecipients and Third Party Contractors, you certify that:

1. Your Applicant, its Subrecipients, and Third Party Contractors to which these testing requirements apply have established and implemented:
 - a. An alcohol misuse testing program, and
 - b. A controlled substance testing program,
2. Your Applicant, its Subrecipients, and Third Party Contractors to which these testing requirements apply have complied or will comply with all applicable requirements of 49 CFR part 655 to the extent those regulations are consistent with 49 U.S.C. 5331, and
3. Consistent with U.S. DOT Office of Drug and Alcohol Policy and Compliance Notice, issued October 22, 2009, if your Applicant, its Subrecipients, or Third Party Contractors to which these testing requirements apply reside in a State that permits marijuana use for medical or recreational purposes, your Applicant, its Subrecipients, and Third Party Contractors to which these testing requirements apply have complied

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or will comply with the Federal controlled substance testing requirements of 49 CFR part 655.

GROUP 11. FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS PROGRAM (NEW STARTS, SMALL STARTS, AND CORE CAPACITY), AND CAPITAL INVESTMENT PROGRAM IN EFFECT BEFORE MAP-21 BECAME EFFECTIVE.

The Certifications in Group 11 apply to the New Starts, Small Starts, or Core Capacity Programs, 49 U.S.C. 5309.

Before FTA may provide funding for your Applicant's New Starts, Small Starts, or Core Capacity Project in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 11, except as FTA may determine otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications in Group 11 that does not apply will not be enforced.

Except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

1. It has or will have the following capabilities to carry out its proposed Project(s), including the safety and security aspects of the Project(s):
 - a. Legal capacity,
 - b. Financial capacity, and
 - c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. It will maintain its Project equipment and facilities adequately, and
4. It will comply with:
 - a. The Metropolitan Transportation Planning requirements of 49 U.S.C. 5303, and
 - b. The Statewide and Nonmetropolitan Transportation Planning requirements of 49 U.S.C. 5304.

GROUP 12. STATE OF GOOD REPAIR PROGRAM.

Certain Certifications and Assurances listed previously are required for the State of

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Good Repair Program funding under 49 U.S.C. 5337.

Before FTA may provide funding for your Applicant's Project under the State of Good Repair Program, 49 U.S.C. 5337, for your Applicant's Project, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 12, except as FTA determines otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Assurance in Group 12 that does not apply will not be enforced.

On behalf of your Applicant, you certify that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of the Project(s):
 - a. Legal capacity,
 - b. Financial capacity, and
 - c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. It will maintain its Project equipment and facilities adequately, and
4. It will comply with:
 - a. The Metropolitan Transportation Planning requirements of 49 U.S.C. 5303, and
 - b. The Statewide and Nonmetropolitan Transportation Planning requirements of 49 U.S.C. 5304.

GROUP 13. FIXED GUIDEWAY MODERNIZATION GRANT PROGRAM.

Before FTA may provide funding for your Applicant's Project under the Fixed Guideway Modernization Grant Program, former 49 U.S.C. 5309 in effect in FY 2012 or a previous fiscal year, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 13, except as FTA determines otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each

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Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certification in Group 13 that does not apply will not be enforced.

Former 49 U.S.C. 5309(b)(2) and former 49 U.S.C. 5307(d)(1) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply, require the following Certifications for Fixed Guideway Modernization Grant Program funding; therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of the proposed Project(s):
 - a. Legal capacity,
 - b. Financial capacity, and
 - c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. It will maintain its Project equipment and facilities adequately, and
4. It has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5303 and 5304.

GROUP 14. BUS AND BUS FACILITIES FORMULA GRANTS PROGRAM AND BUS AND BUS-RELATED EQUIPMENT AND FACILITIES GRANT PROGRAM (DISCRETIONARY).

The Certifications in Group 14 are required for funding under:

- 14.A. *The Bus and Bus Facilities Formula Grants Program, 49 U.S.C. 5339, as amended by MAP-21, and*
- 14.B. *The Bus and Bus-Related Equipment and Facilities Grant Program (Discretionary), former 49 U.S.C. 5309(b)(3) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross cutting requirements that apply.*

Before FTA may provide funding for your Applicant's Project under either Program listed above, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 14, except as FTA determines otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the

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applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications in Group 14 that does not apply will not be enforced.

14.A. Bus and Bus Facilities Formula Grants Program

If your Applicant seeks FTA funding for its Project under the Bus and Bus Facilities Formula Grants Program, 49 U.S.C. 5339, the Certifications in Group 14.A below apply to your Applicant, except as FTA determines otherwise in writing.

The following Certifications for Bus and Bus Facilities Formula Grants Program funding are required by 49 U.S.C. 5339(b), which states that “[t]he requirements of section 5307 apply to recipients of grants made under this section [5339]”; therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its proposed Project(s):
 - a. Legal capacity,
 - b. Financial capacity, and
 - c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. It will maintain its Project equipment and facilities adequately,
4. It will ensure that, during non-peak hours for transportation using or involving a facility or equipment financed under 49 U.S.C. 5339, the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour fare:
 - a. Any senior,
 - b. Any individual who, because of illness, injury, age, congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
 - c. Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. 401 *et seq.*), and
 - d. Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),
5. When carrying out a procurement under 49 U.S.C. 5339, it will comply with the:
 - a. General Provisions of 49 U.S.C. 5323, and
 - b. Third Party Contract Provisions of 49 U.S.C. 5325,
6. It has complied with or will comply with 49 U.S.C. 5307(b) because it:
 - a. Has made or will make available to the public information on amounts of its funding available to it under 49 U.S.C. 5339,
 - b. Has developed or will develop, in consultation with interested parties, including private transportation providers, a proposed Program of Projects for activities to be funded,

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- c. Has published or will publish a Program of Projects in a way that affected individuals, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on the proposed Program of Projects and its performance as an Applicant or Recipient,
 - d. Has provided or will provide an opportunity for a public hearing to obtain the views of individuals on the proposed Program of Projects,
 - e. Has ensured or will ensure that the proposed Program of Projects provide for coordination of transportation services funded by FTA under 49 U.S.C. 5336 with transportation services supported by other Federal Government sources,
 - f. Has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final Program of Projects, and
 - g. Has made or will make the final Program of Projects available to the public,
7. As required by 49 U.S.C. 5307(d), it:
 - a. Has or will have the amount of funds required for the local share,
 - b. Will provide the local share funds from sources approved by FTA, and
 - c. Will provide the local share funds when needed,
 8. It will comply with:
 - a. The Metropolitan Transportation Planning requirements of 49 U.S.C. 5303, and
 - b. The Statewide and Nonmetropolitan Transportation Planning requirements of 49 U.S.C. 5304,
 9. It has a locally developed process to solicit and consider public comment before:
 - a. Raising a fare, or
 - b. Implementing a major reduction of public transportation, and
 10. It will comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. 5329(d).

14.B. Bus and Bus-Related Equipment and Facilities Grant Program (Discretionary).

If your Applicant seeks FTA funding for its Project under the Bus and Bus-Related Equipment and Facilities Grant Program (Discretionary), former 49 U.S.C. 5309 in effect in FY 2012 or a previous fiscal year, the Certifications in Group 14.B below apply to your Applicant, except as FTA determines otherwise in writing.

The following Certifications for the Bus and Bus-Related Equipment and Facilities Grant Program (Discretionary) funding are required by former 49 U.S.C. 5309(c)(2), which applies the requirements of former 49 U.S.C. 5307(d)(1)(A), (B), (C), and (H), in effect in FY 2012 or a previous fiscal year to this Program, except as superseded by MAP-21 cross-cutting requirements that apply; therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of those Project(s):
 - a. Legal capacity,

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- b. Financial capacity, and
- c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. It will maintain its Project equipment and facilities adequately, and
4. It has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5303 and 5304.

GROUP 15. URBANIZED AREA FORMULA GRANTS PROGRAMS, PASSENGER FERRY GRANT PROGRAM, AND JOB ACCESS AND REVERSE COMMUTE (JARC) FORMULA GRANT PROGRAM.

The Certifications in Group 15 are required for funding under:

- 15.A. *The Urbanized Area Formula Grants Program financed with funds appropriated or made available for 49 U.S.C. 5307, as amended by MAP-21, which among other things, authorizes funding for Job Access and Reverse Commute (JARC) Projects and Project Activities,*
- 15.B. *The Urbanized Area Formula Grants Program financed with funds appropriated or made available for former 49 U.S.C. 5307 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply,*
- 15.C. *The Passenger Ferry Grant Program financed with funds appropriated or made available for 49 U.S.C. 5307(h), as amended by MAP-21, and*
- 15.D. *The Job Access and Reverse Commute (JARC) Formula Grant Program financed with funds appropriated or made available for former 49 U.S.C. 5316 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply.*

Before FTA may provide funding for your Applicant's Project under any of the Programs listed above, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 15, except as FTA determines otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications in Group 15 that does not apply will not be enforced.

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15.A. Urbanized Area Formula Grants Program under MAP-21.

If your Applicant seeks FTA funding for its Project under the Urbanized Area Formula Grants Program, 49 U.S.C. 5307, as amended by MAP-21, the Certifications in Group 15.A apply to your Applicant, except as FTA determines otherwise in writing.

The following Certifications for the Urbanized Area Formula Grants Program funding appropriated or made available in FYs 2013, 2014, and 2015 are required by 49 U.S.C. 5307(c)(1); therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of the proposed Project(s):
 - a. Legal capacity,
 - b. Financial capacity, and
 - c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. It will maintain its Project equipment and facilities adequately,
4. It will ensure that, during non-peak hours for transportation using or involving a facility or equipment financed under 49 U.S.C. 5339, the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour fare:
 - a. Any senior,
 - b. Any individual who, because of illness, injury, age, congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
 - c. Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. 401 *et seq.*), and
 - d. Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),
5. When carrying out a procurement under 49 U.S.C. 5307, it will comply with the:
 - a. General Provisions of 49 U.S.C. 5323, and
 - b. Third Party Contract Provisions of 49 U.S.C. 5325,
6. It has complied with or will comply with 49 U.S.C. 5307(b) because it:
 - a. Has made or will make available to the public information on amounts of its funding available to it under 49 U.S.C. 5307,
 - b. Has developed or will develop, in consultation with interested parties, including private transportation providers, a proposed Program of Projects for activities to be funded,
 - c. Has published or will publish a Program of Projects in a way that affected individuals, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on the proposed Program of Projects and its performance as an Applicant or Recipient,

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- d. Has provided or will provide an opportunity for a public hearing to obtain the views of individuals on the proposed Program of Projects,
 - e. Has ensured or will ensure that the proposed Program of Projects provide for coordination of transportation services funded by FTA under 49 U.S.C. 5336 with transportation services supported by other Federal Government sources,
 - f. Has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final Program of Projects, and
 - g. Has made or will make the final Program of Projects available to the public,
7. As required by 49 U.S.C. 5307(d), it:
- a. Has or will have the amount of funds required for the local share,
 - b. Will provide the local share funds from sources approved by FTA, and
 - c. Will provide the local share funds when needed,
8. As required by 49 U.S.C. 5307(c)(1)(H), it will comply with:
- a. The Metropolitan Transportation Planning requirements of 49 U.S.C. 5303, and
 - b. The Statewide and Nonmetropolitan Transportation Planning requirements of 49 U.S.C. 5304,
9. As required by 49 U.S.C. 5307(c)(1)(I), it has a locally developed process to solicit and consider public comment before:
- a. Raising a fare, or
 - b. Implementing a major reduction of public transportation,
10. Each fiscal year:
- a. It will assure that at least one (1) percent of the amount of the 49 U.S.C. 5307 funding apportioned to its urbanized area must be expended for public transportation security Projects as described in 49 U.S.C. 5307(c)(1)(J)(i) including:
 - (1) Increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages),
 - (2) Increased camera surveillance of an area in or adjacent to that system,
 - (3) Providing emergency telephone line or lines to contact law enforcement or security personnel in an area in or adjacent to that system, and
 - (4) Any other Project intended to increase the security and safety of an existing or planned public transportation system, or
 - b. The Designated Recipients in its urbanized area certify that such expenditures for transportation security Projects are not necessary (Information about the intentions of your Designated Recipients in your Applicant's urbanized area must be recorded in the "Security" tab page of the TEAM-Web "Project Information" window when it submits its Urbanized Area Formula Grants Program application in TEAM-Web),
11. If it serves an urbanized area with a population of at least 200,000 individuals, as determined by the Bureau of the Census:
- a. Each fiscal year, it will ensure that at least one (1) percent of the amount apportioned to its urbanized area is spent for Associated Transit Improvements, as defined in 49 U.S.C. 5302(1),

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- b. It will include in its quarterly report for the fourth quarter of the preceding Federal fiscal year:
 - (1) A list of its Associated Transit Improvement Projects or Project Activities during that Federal fiscal year using those 49 U.S.C. 5307 funds, or
 - (2) Sufficient information to demonstrate that the Designated Recipients in its urbanized area together have spent one (1) percent of the funding apportioned to the area for Associated Transit Improvement Projects or Project Activities, or have included the same information in a separate report attached in TEAM-Web, and
 - c. The report of its Associated Transit Improvement Projects or Project Activities is or will be incorporated by reference and made part of its Certifications and Assurances, and
12. It will comply with the final Federal regulations, when issued, that implement the safety requirements of 49 U.S.C. 5329(d).

B. Urbanized Area Formula Grants Program before MAP-21 Became Effective.

You must select the Certification in Group 15.B if your Applicant seeks funding under the Urbanized Area Formula Grants Program financed with funds appropriated or made available for former 49 U.S.C. 5307 in effect in FY 2012 or a previous fiscal year. In administering this program, MAP-21 cross-cutting requirements supersede inconsistent former requirements.

The following Certifications for the Urbanized Area Formula Grants Program are required by former 49 U.S.C. 5307(d)(1) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply instead; therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of Project(s):
 - a. Legal capacity,
 - b. Financial capacity, and
 - c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. It will maintain its Project equipment and facilities adequately,
4. It will ensure that for transportation using or involving a facility or equipment of a Project financed under former 49 U.S.C. 5307 in effect in FY 2012 or a previous fiscal year, the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour fare:
 - a. Any elderly individual,
 - b. Any handicapped individual, as described in 49 CFR part 27,
 - c. Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. 401 *et seq.*), and

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- d. Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),
5. When carrying out a procurement under former 49 U.S.C. 5307 in effect in FY 2012 or a previous fiscal year, it will comply with the following provisions as amended by MAP-21:
 - a. Competitive procurement (as defined or approved by FTA), as required by 49 U.S.C. 5325(a),
 - b. The prohibition against exclusionary or discriminatory specifications in its procurements under 49 U.S.C. 5323(h),
 - c. "Buy America" under 49 U.S.C. 5323(j),
 - d. Applicable pre-award and post-delivery requirements of 49 U.S.C. 5323(m),
 - e. Applicable railcar option restrictions of 49 U.S.C. 5325(e), and
 - f. "Veterans Preference/Employment" under 49 U.S.C. 5325(k),
6. It will comply with other applicable requirements under 49 U.S.C. 5323 and 5325,
7. It:
 - a. Has or will make available to the public information on amounts available to it under 49 U.S.C. 5307 and the Program of Projects it proposes to undertake,
 - b. Will develop or has developed, in consultation with interested parties, including private transportation providers, a proposed Program of Projects for activities to be financed,
 - c. Will publish or has published a proposed Program of Projects in a way that affected citizens, private transportation providers, and local elected officials have the opportunity to examine the proposed program and submit comments on the proposed program and the Applicant or Recipient's performance,
 - d. Will provide or has provided an opportunity for a public hearing in which to obtain the views of citizens on the proposed Program of Projects,
 - e. Will ensure or has ensured that the proposed Program of Projects provides for the coordination of public transportation services assisted under 49 U.S.C. 5336 with transportation services assisted from other Federal Government sources,
 - f. Will consider or has considered comments and views received, especially those of private transportation providers, in preparing the final Program of Projects, and
 - g. Will make or has made the final Program of Projects available to the public,
8. It:
 - a. Has or will have the amount of funds required for the local share,
 - b. Will provide the local share funds from sources approved by FTA, and
 - c. Will provide the local share funds when needed,
9. It has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5303, and 5304,
10. It has a locally developed process to solicit and consider public comment before:
 - a. Raising a fare, or
 - b. Implementing a major reduction of public transportation,
11. Each fiscal year:
 - a. It will assure that at least one (1) percent of the 49 U.S.C. 5307 funding apportioned to its urbanized area must be spent for public transportation security

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Projects (limited to capital Projects if it serves an urbanized area with a population of 200,000 or more), including:

- (1) Increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages),
 - (2) Increased camera surveillance of an area in or adjacent to that system,
 - (3) Emergency telephone line or lines to contact law enforcement or security personnel in an area in or adjacent to that system, and
 - (4) Any other Project intended to increase the security and safety of an existing or planned public transportation, or
- b. It will certify that such expenditures for transportation security Projects are not necessary (Information about its intentions must be recorded in the "Security" tab page of the TEAM-Web "Project Information" window when it submits its Urbanized Area Formula Grants Program application in TEAM-Web),
12. If it serves an urbanized area with a population of at least 200,000 individuals:
- a. Each fiscal year, it will ensure that at least one (1) percent of the amount apportioned to its urbanized area is spent for Transit Enhancements, as defined in former 49 U.S.C. 5302(a)(15),
 - b. It will include in its quarterly report for the fourth quarter of the preceding Federal fiscal year:
 - (1) A list of its Transit Enhancement Project Activities during that Federal fiscal year using those former 49 U.S.C. 5307 funds, or
 - (2) Sufficient information to demonstrate that the Designated Recipients in its urbanized area together have spent one (1) percent of the amount of funding that must be made available to them for Transit Enhancements or have included the same information in a separate report attached in TEAM-Web, and
 - c. The report of its or the Designated Recipients' Transit Enhancement Projects or Project Activities is or will be incorporated by reference and made part of its Certifications and Assurances, and
13. It will comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. 5329(d).

C. Passenger Ferry Grant Program.

If your Applicant seeks FTA funding for its Project under the Passenger Ferry Grant Program, 49 U.S.C. 5307(h), the Certifications in Group 15.C apply to your Applicant, except as FTA determines otherwise in writing.

The following Certifications for the Passenger Ferry Grant Program funding are required by 49 U.S.C. 5307(h) and (c)(1); therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of the proposed Project(s):
 - a. Legal capacity,

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- b. Financial capacity, and
- c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. It will maintain its Project equipment and facilities adequately,
4. It will ensure that, during non-peak hours for transportation using or involving a facility or equipment of a Project financed under 49 U.S.C. 5307(h), the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour fare:
 - a. Any senior,
 - b. Any individual who, because of illness, injury, age, congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
 - c. Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. 401 *et seq.*), and
 - d. Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),
5. When carrying out a procurement under 49 U.S.C. 5307(h), it will comply with the:
 - a. General Provisions of 49 U.S.C. 5323, and
 - b. Third Party Contract Provisions of 49 U.S.C. 5325,
6. As required by 49 U.S.C. 5307(d), it:
 - a. Has or will have the amount of funds required for the local share,
 - b. Will provide the local share funds from sources approved by FTA, and
 - c. Will provide the local share funds when needed,
7. As required by 49 U.S.C. 5307(c)(1)(H), it will comply with:
 - a. The Metropolitan Transportation Planning requirements of 49 U.S.C. 5303, and
 - b. The Statewide and Nonmetropolitan Transportation Planning requirements of 49 U.S.C. 5304,
8. As required by 49 U.S.C. 5307(c)(1)(I), it has a locally developed process to solicit and consider public comment before:
 - a. Raising a fare, or
 - b. Implementing a major reduction of public transportation, and
9. It will comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. 5329(d).

D. Job Access and Reverse Commute (JARC) Formula Grant Program.

If your Applicant seeks FTA funding for its Project under the Job Access and Reverse Commute (JARC) Formula Grant Program, former 49 U.S.C. 5316 in effect in FY 2012 or a previous fiscal year, the Certifications in Group 15.D apply to your Applicant, except as FTA determines otherwise in writing.

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1. The following Certifications for the Job Access and Reverse Commute (JARC) Formula Grant Program are required by former 49 U.S.C. 5316 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply; therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:
 - a. It will make awards of JARC funding on a competitive basis following:
 - (1) An areawide solicitation in cooperation with the appropriate metropolitan planning organization for applications for funding in compliance with former 49 U.S.C. 5316 if your Applicant receives funding under former 49 U.S.C. 5316(c)(1)(A), and
 - (2) A statewide solicitation for applications for JARC funding in compliance with former 49 U.S.C. 5316 if your Applicant receives funding under former 49 U.S.C. 5316(c)(1)(B) or (C),
 - b. Any allocations to Subrecipients of JARC funding authorized by former 49 U.S.C. 5316 will be distributed on a fair and equitable basis,
 - c. As required by former 49 U.S.C. 5316:
 - (1) The Projects it has selected or will select for former 49 U.S.C. 5316 funding must be derived from a public transit-human services transportation plan that has been:
 - (a) Locally developed, and
 - (b) Coordinated, and
 - (2) That locally developed and coordinated plan was produced through a process that included:
 - (a) Representatives of public, private, and nonprofit transportation providers,
 - (b) Human service providers, and
 - (c) Participation by the public,
 - d. Before it transfers funds to a Project funded by former 49 U.S.C. 5336, that Project has been or will have been coordinated with private nonprofit providers of services as required under former 49 U.S.C. 5316(g)(2),
 - e. Before using funds apportioned for Projects serving an area other than that for which funding was apportioned under former 49 U.S.C. 5316:
 - (1) The State's chief executive officer, or his or her designee, will have certified that all the JARC program objectives of former 49 U.S.C. 5316 are being met in the area from which the funding would be derived, and
 - (2) If the State has a statewide program for meeting the JARC program objectives of former 49 U.S.C. 5316, the funds can be used for Projects anywhere in the State, and
 - f. The requirements of former 49 U.S.C. 5307 will apply to the JARC Program, authorized by former 49 U.S.C. 5316, and
2. The following Certifications for the JARC Program are required by former 49 U.S.C. 5307(d)(1) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply; therefore, except as FTA determines otherwise in writing, on its behalf, you certify that:

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- a. It has or will have, and will require each Subrecipient to have, the following to carry out its proposed Project(s), including the safety and security aspects of its proposed Project(s):
 - (1) The legal capacity,
 - (2) The financial capacity, and
 - (3) The technical capacity,
- b. It has or will have, and will require each Subrecipient to have satisfactory continuing control over the use of Project equipment and facilities,
- c. It will maintain, and will require each Subrecipient to maintain, its Project equipment and facilities adequately,
- d. To the extent applicable, it will ensure, and will require each Subrecipient to ensure, that for transportation using or involving a facility or equipment of a Project financed under former 49 U.S.C. 5316 the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour fare:
 - (1) Any elderly individual,
 - (2) Any handicapped individual, as described in 49 CFR part 27,
 - (3) Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. 401 *et seq.*), and
 - (4) Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),
- e. When carrying out a procurement under former 49 U.S.C. 5316, it will comply with the following provisions as amended by MAP-21:
 - (1) Competitive procurement (as defined or approved by FTA), as required by 49 U.S.C. 5325(a),
 - (2) The prohibition against exclusionary or discriminatory specifications in its procurements, as required by 49 U.S.C. 5323(h),
 - (3) "Buy America" under 49 U.S.C. 5323(j),
 - (4) Applicable pre-award and post-delivery requirements of 49 U.S.C. 5323(m), and
 - (5) "Veterans Preference/Employment" under 49 U.S.C. 5325(k),
- f. It will comply with other applicable requirements under 49 U.S.C. 5323 and 5325,
- g. It:
 - (1) Has or will have, and as necessary, will require each Subrecipient to have the amount of funds required for the local share by former 49 U.S.C. 5316,
 - (2) Will provide, and as necessary, will require each Subrecipient to provide, the local share funds from sources approved by FTA, and
 - (3) Will provide, and as necessary, will require each Subrecipient to provide, the local share funds when needed,
- h. It has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5303, and 5304,
- i. It has or will have, and will require each Subrecipient to have, a locally developed process to solicit and consider public comment before:
 - (1) Raising a fare, or
 - (2) Implementing a major reduction of public transportation, and

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- j. To the extent applicable, it will comply with, and as necessary, will require each Subrecipient to comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. 5329(d).

GROUP 16. SENIORS/ELDERLY/INDIVIDUALS WITH DISABILITIES/ NEW FREEDOM PROGRAMS.

The Certifications in Group 16 are required for funding under:

- 16.A. *The Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program, financed or to be financed with funds appropriated or made available for 49 U.S.C. 5310, as amended by MAP-21, which among other things authorizes funding for New Freedom Projects and Project Activities,*
- 16.B. *The Formula Grants for the Special Needs of Elderly Individuals and Individuals with Disabilities Program financed or to be financed with funds appropriated or made available for former 49 U.S.C. 5310 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply, and*
- 16.C. *The New Freedom Program financed or to be financed with funds appropriated or made available for former 49 U.S.C. 5317 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply.*

Before FTA may provide funding for your Applicant's Project under any of the Programs listed above, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 16, except as FTA determines otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications in Group 16 that does not apply will not be enforced.

16.A. Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program.

If your Applicant seeks FTA funding for its Project under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program, 49 U.S.C. 5310, as amended by MAP-21, the Certifications in Group 16.A apply to your Applicant, except as FTA determines otherwise in writing.

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1. The following Certifications for the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program are required by 49 U.S.C. 5310; therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:
 - a. Each of its Subrecipients is:
 - (1) A private nonprofit organization, or
 - (2) A State or local governmental authority that:
 - (a) Is approved by a State to coordinate services for seniors and individuals with disabilities, or
 - (b) Certifies that there are no private nonprofit organizations readily available in the area to provide the services authorized for support under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program,
 - b. It will comply with the following Project selection and planning requirements:
 - (1) The Projects it has selected or will select for funding appropriated or made available for 49 U.S.C. 5310 are included in a public transit-human services transportation plan that has been:
 - (a) Locally developed, and
 - (b) Coordinated,
 - (2) The public transit-human services transportation plan was developed and approved through a process that included participation by:
 - (a) Seniors,
 - (b) Individuals with disabilities,
 - (c) Representatives of public, private, and nonprofit transportation providers,
 - (d) Representatives of public, private, and nonprofit human services providers, and
 - (e) Other members of the public,
 - (3) The transportation Projects to assist in providing transportation services for seniors and individuals with disabilities are included in a Program of Projects,
 - (4) A Program of Projects in the preceding subsection 1.b(3) of this Group 16.A Certification is or will be submitted annually to FTA, and
 - (5) To the maximum extent feasible, the services funded by 49 U.S.C. 5310 will be coordinated with transportation services funded by other Federal departments and agencies, including any transportation activities carried out by a recipient of a grant from the Department of Health and Human Services,
 - c. As required by 49 U.S.C. 5310(e)(2)(B), it certifies that if it allocates funds received under 49 U.S.C. 5310, to Subrecipients, it will have allocated those funds on a fair and equitable basis,
 - d. It will transfer a facility or equipment financed with funding appropriated or made available for a grant under 49 U.S.C. 5310, to any other recipient eligible to receive assistance under 49 U.S.C. chapter 53, only if:

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- (1) The recipient possessing the facility or equipment consents to the transfer, and
 - (2) The facility or equipment will continue to be used as required under 49 U.S.C. 5310,
 - e. As required by 49 U.S.C. 5310(b)(2), it will use at least fifty-five (55) percent of the funds on capital Projects to meet the special needs of seniors and disabled, and
 - f. The requirements of 49 U.S.C. 5307, as determined by FTA, will apply to the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities, authorized by 49 U.S.C. 5310, and
2. FTA has determined certain requirements of 49 U.S.C. 5307, to be appropriate for which some require Certifications; therefore, as specified under 49 U.S.C. 5307(c)(1), it certifies that:
- a. It has or will have, and will require each Subrecipient to have, the following to carry out its proposed Project(s), including the safety and security aspects of its proposed Project(s):
 - (1) Legal capacity,
 - (2) Financial capacity, and
 - (3) Technical capacity,
 - b. It has or will have, and will require each Subrecipient to have, satisfactory continuing control over the use of Project equipment and facilities,
 - c. It will maintain, and will require each Subrecipient to maintain its Project equipment and facilities adequately,
 - d. When carrying out a procurement under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program, it will, and will require each Subrecipient to comply with the:
 - (1) General Provisions of 49 U.S.C. 5323, and
 - (2) Third Party Contract Provisions of 49 U.S.C. 5325,
 - e. It has complied or will comply with, and will require each Subrecipient to comply with:
 - (1) The Metropolitan Transportation Planning requirements of 49 U.S.C. 5303, and
 - (2) The Statewide and Nonmetropolitan Transportation Planning requirements of 49 U.S.C. 5304, and
 - f. To the extent applicable, it will comply with, and require its Subrecipients to comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. 5329(d).

16.B. Formula Grants for the Special Needs of Elderly Individuals and Individuals with Disabilities Program.

If your Applicant seeks FTA funding for its Project under the Formula Grants for the Special Needs of Elderly Individuals and Individuals with Disabilities Program, former 49 U.S.C. 5310 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply, the Certifications in Group 16.B apply to

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your Applicant, except as FTA determines otherwise in writing.

1. The following Certifications for the Formula Grants for the Special Needs of Elderly Individuals and Individuals with Disabilities Program are required by former 49 U.S.C. 5310 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply; therefore, except as FTA determines otherwise in writing, on behalf of your State Applicant, you certify that:
 - a. Each of your State Applicant's Subrecipients is:
 - (1) A private nonprofit organization, if the public transportation service that would undertake public transportation capital Project(s) planned, designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities is:
 - (a) Unavailable,
 - (b) Insufficient, or
 - (c) Inappropriate, or
 - (2) A State or local governmental authority that:
 - (a) Is approved by a State to coordinate services for seniors and individuals with disabilities, or
 - (b) Certifies that there are not any nonprofit organizations readily available in the area to provide public transportation capital Projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities,
 - b. The Projects your State Applicant has selected or will select for funding appropriated or made available for former 49 U.S.C. 5310 are included in a public transit-human services transportation plan that has been:
 - (1) Locally developed, and
 - (2) Coordinated,
 - c. That public transit-human services transportation plan was developed and approved through a process that included participation by:
 - (1) Elderly individuals,
 - (2) Individuals with disabilities,
 - (3) Representatives of public, private, and nonprofit transportation providers,
 - (4) Representatives of human services providers, and
 - (5) Other members of the public,
 - d. If your State Applicant allocates funds received under former 49 U.S.C. 5310 to Subrecipients, your State Applicant will have allocated those funds on a fair and equitable basis,
 - e. The Program of Projects your State Applicant has submitted or will submit contains or will contain an assurance that the Program provides for the maximum feasible coordination of transportation services funded by former 49 U.S.C. 5310 with transportation services funded by other Government sources,
 - f. If your State Applicant transfers former 49 U.S.C. 5310 funds to another Project funded under 49 U.S.C. 5336 in accordance with former 49 U.S.C. 5310(b)(2),

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- the Project for which the funds are requested has been coordinated with private nonprofit providers of service under former 49 U.S.C. 5310, and
- g. It will comply with the requirements of former 49 U.S.C. 5307 that FTA determined will apply to the former Formula Grants for the Special Needs of Elderly Individuals and Individuals with Disabilities Program,
2. The following Certifications for the Special Needs of Elderly Individuals and Individuals with Disabilities Program are required by former 49 U.S.C. 5307(d)(1); therefore, except as FTA determines otherwise in writing, on behalf of your State Applicant, you certify that:
- a. Your State Applicant and each of its Subrecipients have or will have the following to carry out its proposed Project(s), including the safety and security aspects of the proposed Project(s):
- (1) Legal capacity,
 - (2) Financial capacity, and
 - (3) Technical capacity,
- b. Your State Applicant and each Subrecipient has or will have satisfactory continuing control over the use of Project equipment and facilities,
- c. Your State Applicant and each of its Subrecipients will maintain its Project equipment and facilities adequately,
- d. When carrying out a procurement under former 49 U.S.C. 5310, it will, and will require each Subrecipient, to comply with the following provisions as amended by MAP-21:
- (1) Competitive procurement (as defined or approved by FTA), as required by 49 U.S.C. 5325(a),
 - (2) The prohibition against exclusionary or discriminatory specifications in its procurements under 49 U.S.C. 5323(h),
 - (3) "Buy America" under 49 U.S.C. 5323(j),
 - (4) Applicable pre-award and post-delivery requirements of 49 U.S.C. 5323(m),
 - (5) Applicable railcar option restrictions of 49 U.S.C. 5325(e), and
 - (6) "Veterans Preference/Employment" under 49 U.S.C. 5325(k),
- e. It will comply with other applicable requirements under 49 U.S.C. 5323 and 5325,
- f. Your State Applicant:
- (1) Has or will have, and as necessary, will require each Subrecipient to have, the amount of funds required for the local share by former 49 U.S.C. 5310(c)(2),
 - (2) Will provide, and as necessary will require each Subrecipient to provide, the local share funds from sources approved by FTA, and
 - (3) Will provide, and as necessary, will require each Subrecipient to provide, the local share funds when needed,
- g. It has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5303, and 5304, and
- h. To the extent applicable, your State Applicant will comply with, and as necessary, will require each Subrecipient to comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. 5329(d).

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16.C. New Freedom Program.

If your Applicant seeks FTA funding for its Project under the New Freedom Program, former 49 U.S.C. 5317, in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply, the Certifications in Group 16.C apply to your Applicant, except as FTA determines otherwise in writing.

1. Former 49 U.S.C. 5317 in effect in FY 2012 or a previous fiscal year requires the following Certification for the New Freedom Program; therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:
 - a. It will make awards of New Freedom funding on a competitive basis after conducting:
 - (1) An areawide solicitation in cooperation with the appropriate metropolitan planning organization for applications for funding in compliance with former 49 U.S.C. 5317(d)(1), or
 - (2) A statewide solicitation for applications for New Freedom funding in compliance with former 49 U.S.C. 5317(d)(2),
 - b. Any allocations to Subrecipients of New Freedom funding authorized by former 49 U.S.C. 5317 will be distributed on a fair and equitable basis,
 - c. It will comply with the following Project selection and planning requirements:
 - (1) The Projects it has selected or will select for funding appropriated or made available for that program were derived from a public transit-human services transportation plan that has been:
 - (a) Locally developed, and
 - (b) Coordinated,
 - (2) That locally developed and coordinated plan was produced through a process that included:
 - (a) Representatives of public, private, and nonprofit transportation providers,
 - (b) Representatives of public, private, and nonprofit human services providers, and
 - (c) Participation by the public,
 - d. Before it transfers funds to a Project funded by former 49 U.S.C. 5311(c), former 49 U.S.C. 5336, or both:
 - (1) The funding to be transferred may be made available only to Projects eligible for funding appropriated or made available for former 49 U.S.C. 5317, and
 - (2) It will have consulted with responsible local officials and publicly owned operators of public transportation in each area for which the amount to be transferred was originally awarded, and
 - e. The requirements of former 49 U.S.C. 5307 and 5310, as determined by FTA, will apply to the New Freedom Program, authorized by former 49 U.S.C. 5317, and
2. The following Certifications for the New Freedom Program are required by former 49 U.S.C. 5307(d)(1) and 5310; therefore, except as FTA determines otherwise in writing, on its behalf, you certify that:

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- a. It has or will have, and will require each Subrecipient to have, the following to carry out its proposed Project(s), including the safety and security aspects of its proposed Project(s):
 - (1) Legal capacity,
 - (2) Financial capacity, and
 - (3) Technical capacity,
- b. It has or will have, and will require each Subrecipient to have, satisfactory continuing control over the use of Project equipment and facilities,
- c. It will maintain, and will require each Subrecipient to maintain, its Project equipment and facilities adequately,
- d. When carrying out a procurement under former 49 U.S.C. 5317, it will, and will require each Subrecipient, to comply with the following provisions as amended by MAP-21:
 - (1) Competitive procurement (as defined or approved by FTA), as required by 49 U.S.C. 5325(a),
 - (2) The prohibition against exclusionary or discriminatory specifications in its procurements under 49 U.S.C. 5323(h),
 - (3) "Buy America" under 49 U.S.C. 5323(j),
 - (4) Applicable pre-award and post-delivery requirements of 49 U.S.C. 5323(m),
 - (5) Applicable railcar option restrictions of 49 U.S.C. 5325(e), and
 - (6) "Veterans Preference/Employment" under 49 U.S.C. 5325(k),
- e. It will comply with other applicable requirements under 49 U.S.C. 5323 and 5325,
- f. It:
 - (1) Has or will have, and as necessary, will require each Subrecipient to have the amount of funds required for the local share required by former 49 U.S.C. 5317(g),
 - (2) Will provide, and as necessary will require each Subrecipient to provide, the local share funds from sources approved by FTA, and
 - (3) Will provide, and as necessary will require each Subrecipient to provide, the local share funds when needed,
- g. It has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5303, and 5304, and
- h. To the extent applicable, it will comply with, and as necessary, will require each Subrecipient to comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. 5329(d).

GROUP 17. RURAL/OTHER THAN URBANIZED AREAS/APPALACHIAN DEVELOPMENT/OVER-THE-ROAD BUS ACCESSIBILITY PROGRAMS.

The Certifications in Group 17 are required for funding under:

- 17.A. *The Formula Grants for Rural Areas Program financed with funding appropriated or made available for 49 U.S.C. 5311(b), as amended by MAP-21, (separate Certifications and Assurances have been established in Group 18 for an Indian tribe that is an Applicant for a Public Transportation on Indian*

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- Reservations Project financed with funding made available for 49 U.S.C. 5311(c)(1), as amended by MAP-21),*
- 17.B. *The Formula Grants for Other Than Urbanized Areas Program financed with funding appropriated or made available for former 49 U.S.C. 5311(b) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply, (separate Certifications and Assurances have been established in Group 18 for an Indian tribe that is an Applicant for a "Tribal Transit" Project financed with funding made available for former 49 U.S.C. 5311(c)(1) in effect in FY 2012 or a previous fiscal year),*
- 17.C. *The Appalachian Development Public Transportation Assistance Program financed with funding appropriated or made available for 49 U.S.C. 5311(c)(2), as amended by MAP-21, and*
- 17.D. *The Over-the-Road Bus Accessibility Program financed with funding appropriated or made available for section 3038 of TEA-21, as amended by section 3039 of SAFETEA-LU, 49 U.S.C. 5310 note, except as superseded by MAP-21 cross-cutting requirements that apply.*

Before FTA may provide funding for your Applicant's Project under any of the Programs listed above, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 17, except as FTA determines otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications and Assurances in Group 17 that does not apply will not be enforced.

17.A. Formula Grants for Rural Areas Program.

If your Applicant seeks FTA funding for its Project under the Formula Grants for Rural Areas Program, 49 U.S.C. 5311, as amended by MAP-21, the Certifications in Group 17.A apply to your Applicant, except as FTA determines otherwise in writing.

The following Certifications apply to each State or State organization serving as your Applicant for funding appropriated or made available for the Rural Areas Formula Project authorized by 49 U.S.C. 5311(b). On its behalf, you certify and assure that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its Project(s):

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- a. Legal capacity,
- b. Financial capacity, and
- c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. Its Project equipment and facilities will be adequately maintained,
4. Its State program has provided for a fair distribution of Federal funding appropriated or made available for 49 U.S.C. 5311(b) within the State, including Indian reservations,
5. Its program provides or will provide the maximum feasible coordination of public transportation service funded by 49 U.S.C. 5311(b) with transportation service funded by other Federal sources,
6. Its Projects in its Formula Grants for Rural Areas Program are included in:
 - a. The Statewide Transportation Improvement Program, and
 - b. To the extent applicable, a Metropolitan Transportation Improvement Program,
7. It:
 - a. Has or will have the amount of funds required for the local share, as required by 49 U.S.C. 5311(g),
 - b. Will provide the local share funds from sources approved by FTA, and
 - c. Will provide the local share funds when needed,
8. It may transfer a facility or equipment acquired using a grant under 49 U.S.C. 5311(b) to any other Recipient eligible to receive assistance under 49 U.S.C. chapter 53, if:
 - a. The Recipient possessing the facility or equipment consents to the transfer, and
 - b. The facility or equipment will continue to be used as required under 49 U.S.C. 5311, and
9. Each fiscal year:
 - a. It will spend at least fifteen (15) percent of its 49 U.S.C. 5311 funding available that fiscal year to develop and support intercity bus transportation within the State, with eligible activities, including:
 - (1) Planning and marketing for intercity bus transportation,
 - (2) Capital grants for intercity bus facilities,
 - (3) Joint-use facilities,
 - (4) Operating grants through purchase-of-service agreements, user-side subsidies, and demonstration Projects, and
 - (5) Coordinating rural connections between small public transportation operations and intercity bus carriers, or
 - b. It will provide to FTA a Certification from the Governor of the State that:
 - (1) It has consulted with the affected intercity bus service providers about the intercity bus needs of the State, and
 - (2) The State's intercity bus service needs are being met adequately.

17.B. Formula Grants for Other Than Urbanized Areas Program.

If your Applicant seeks FTA funding for its Project under the Formula Grants for Other

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Than Urbanized Areas Program, former 49 U.S.C. 5311 in effect in FY 2012 or a previous fiscal year, the Certifications in Group 17.B apply to your Applicant, except as FTA determines otherwise in writing.

The following Certifications apply to each State or State organization serving as your Applicant for funding appropriated or made available for the Formula Grants for Other Than Urbanized Areas Project authorized by former 49 U.S.C. 5311(b)(1) in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply. On its behalf, you certify and assure that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its Project(s):
 - a. Legal capacity,
 - b. Financial capacity, and
 - c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. Its Project equipment and facilities will be adequately maintained,
4. Its State program required under former 49 U.S.C. 5311(b)(2) has provided for a fair distribution of Federal funding appropriated or made available for former 49 U.S.C. 5311(b) within the State, including Indian reservations,
5. Its State program required under former 49 U.S.C. 5311(b)(2) provides or will provide the maximum feasible coordination of public transportation service funded by former 49 U.S.C. 5311(b) with transportation service funded by other Federal sources,
6. Its Projects in its Formula Grants for Other than Urbanized Areas Program are included in:
 - a. The Statewide Transportation Improvement Program, and
 - b. To the extent applicable, a Metropolitan Transportation Improvement Program,
7. It:
 - a. Has or will have the amount of funds required for the local share, as required by former 49 U.S.C. 5311(g),
 - b. Will provide the local share funds sources approved by FTA, and
 - c. Will provide the local share funds when needed,
8. It may transfer a facility or equipment acquired using a grant under former 49 U.S.C. 5311(b) in effect in FY 2012 or a previous fiscal year to any other Recipient eligible to receive assistance under 49 U.S.C. chapter 53, if:
 - a. The Recipient possessing the facility or equipment consents to the transfer, and
 - b. The facility or equipment will continue to be used as required under former 49 U.S.C. 5311, and
9. Each fiscal year:
 - a. It will spend at least fifteen (15) percent of its former 49 U.S.C. 5311 funding available for that fiscal year to develop and support intercity bus transportation within the State with eligible activities, including:
 - (1) Planning and marketing for intercity bus transportation,
 - (2) Capital grants for intercity bus shelters,

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- (3) Joint-use stops and depots,
 - (4) Operating grants through purchase-of-service agreements, user-side subsidies, and demonstration Projects, and
 - (5) Coordinating rural connections between small public transportation operations and intercity bus carriers, or
- b. It will provide to FTA a Certification from the Chief Executive Officer of the State that:
- (1) It has consulted with the affected intercity bus service providers about the intercity bus needs of the State, and
 - (2) The State's intercity bus service needs are being met adequately.

17.C. Appalachian Development Public Transportation Assistance Program.

If your Applicant seeks FTA funding for its Project under the Appalachian Development Public Transportation Assistance Program, 49 U.S.C. 5311(c)(2), the Certification in Group 17.C applies to your Applicant, except as FTA determines otherwise in writing.

On behalf of your Applicant, you certify and assure that, in addition to other Certifications and Assurances it must provide, if it is unable to use its funding made available or appropriated for public transportation operating assistance, in accordance with 49 U.S.C. 5311(c)(2)(D), it may use the funding for a highway Project only after:

1. It provides notice and an opportunity for comment and appeal to affected public transportation providers,
2. It approves for such use in writing, and
3. In approving the use, it determines that local transit needs are being addressed.

17.D. Over-the-Road Bus Accessibility Program.

If your Applicant seeks FTA funding for its Project under the Over-the-Road Bus Accessibility Program, section 3038 of TEA-21, as amended by section 3039 of SAFETEA-LU, 49 U.S.C. 5310 note, the Assurances in Group 17.D apply to your Applicant, except as FTA determines otherwise in writing.

Your Applicant assures that it will comply with all applicable Federal statutes and regulations, and follow applicable Federal guidance in carrying out any Over-the-Road Bus Accessibility Project supported by the its Grant Agreement with FTA. It acknowledges that it is under a continuing obligation to comply with the terms and conditions of the Grant Agreement with FTA for its Project. It understands that Federal laws, regulations, policies, and administrative practices might be modified from time to time and affect the implementation of the Project.

It assures that the Federal requirements for the Over-the-Road Bus Accessibility Program during FY 2012 will apply to the Project, except as FTA determines otherwise in writing. Certifications and Assurances for funding to be awarded under this program in FY 2015

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are included in these FTA Certifications and Assurances for FY 2015. Each Applicant must submit Group 01 (“Required Certifications and Assurances for Each Applicant”). Each Applicant seeking more than \$100,000 in Federal funding must provide both Group 01, and Group 02, (“Lobbying”).

GROUP 18. TRIBAL TRANSIT PROGRAMS (PUBLIC TRANSPORTATION ON INDIAN RESERVATIONS PROGRAMS).

The Certifications in Group 18 are required for funding under:

- *The Public Transportation on Indian Reservations Formula Program, 49 U.S.C. 5311(c)(1), as amended by MAP-21, and*
- *The Public Transportation on Indian Reservations Discretionary Program, 49 U.S.C. 5311(c)(1).*

Before FTA may provide funding for your Applicant's Project under either Program listed above, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 18, except as FTA determines otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications in Group 18 that does not apply will not be enforced.

FTA has established terms and conditions for Tribal Transit Program grants financed with funding appropriated or made available for 49 U.S.C. 5311(c)(1). On behalf of your Applicant, you certify and assure that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its Project(s):
 - a. Legal capacity,
 - b. Financial capacity, and
 - c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. Its Project equipment and facilities will be adequately maintained,
4. Its Project will achieve maximum feasible coordination with transportation service funded by other Federal sources,
5. It will:
 - a. Have a procurement system that complies with U.S. DOT regulations, “Uniform Administrative Requirements for Grants and Cooperative Agreements to State

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- and Local Governments,” 49 CFR part 18, specifically 49 CFR 18.36, or
- b. Inform FTA promptly that its procurement system does not comply with those U.S. DOT regulations,
6. It will comply with Buy America under 49 U.S.C. 5323(j), and
 7. It will comply with the Certifications, Assurances, and Agreements in:
 - a. Group 03.B and 03.C (Charter Service Agreement and School Bus Agreement),
 - b. Group 05.B (Bus Testing),
 - c. Group 06 (Demand Responsive Service),
 - d. Group 07 (Intelligent Transportation Systems), and
 - e. Group 10 (Alcohol and Controlled Substances Testing).

GROUP 19. LOW OR NO EMISSION/CLEAN FUELS GRANT PROGRAMS

The Certifications in Group 19 are required for funding under:

- 19.A. *The Low or No Emission Vehicle Deployment Program, 49 U.S.C. 5312(d)(5), as amended by MAP-21, and*
- 19.B. *The Clean Fuels Grant Program, former 49 U.S.C. 5308, in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply.*

Before FTA may provide funding for your Applicant's Project under either Program listed above, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 19, except as FTA determines otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications in Group 19 that does not apply will not be enforced.

19.A. Low or No Emission Vehicle Deployment.

If your Applicant seeks FTA funding for its Project under the Low or No Emission Vehicle Development Program, 49 U.S.C. 5312(d)(5), as amended by MAP-21, the Certifications and Assurances in Group 19.A apply to your Applicant, except as FTA determines otherwise in writing.

Section 5312(d)(5)(C)(i) of title 49, United States Code requires the following Certifications for Low or No Emission Vehicle Deployment Program funding

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appropriated or made available for MAP-21; therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify and assure that:

1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its proposed Project(s):
 - a. Legal capacity,
 - b. Financial capacity, and
 - c. Technical capacity,
2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
3. It will maintain its Project equipment and facilities adequately,
4. It will ensure that, during non-peak hours, for transportation using or involving a facility or equipment funded for its Project, the following individuals will be charged a fare not exceeding fifty (50) percent of the peak hour fare:
 - a. Any senior,
 - b. Any individual who, because of illness, injury, age, a congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or who has semi-ambulatory capability) and cannot use a public transportation service or a public transportation facility effectively without special facilities, special planning, or special design,
 - c. Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. 401 *et seq.*), and
 - d. Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),
5. When carrying out a procurement under this Program, it will comply with the:
 - a. General Provisions of 49 U.S.C. 5323, and
 - b. Third Party Contract Provisions of 49 U.S.C. 5325,
6. It has:
 - a. Informed or will inform the public of the amounts of its funding available under this Program,
 - b. Developed or will develop, in consultation with interested parties, including private transportation providers, a proposed Program of Projects for activities to be funded,
 - c. Published or will publish a Program of Projects in a way that affected individuals, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on the proposed Projects and its performance as an Applicant,
 - d. Provided or will provide an opportunity for a public hearing to obtain the views of individuals on the proposed Program of Projects,
 - e. Assured or will assure that the proposed Program of Projects provides for coordination of public transportation services assisted under 49 U.S.C. 5336 with federally-funded transportation services supported by other Federal Government sources,
 - f. Considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final list of Projects, and

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- g. Made or will make the final list of Projects available to the public,
- 7. It:
 - a. Has or will have the amount of funds required for the local share,
 - b. Will provide the local share funds from sources approved by FTA, and
 - c. Will provide the local share funds when needed,
- 8. It will comply with:
 - a. The Metropolitan Transportation Planning requirements of 49 U.S.C. 5303, and
 - b. The Statewide and Nonmetropolitan Planning requirements of 49 U.S.C. 5304,
- 9. It has a locally developed process to solicit and consider public comment before:
 - a. Raising a fare, or
 - b. Implementing a major reduction of public transportation, and
- 10. It will comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. 5329(d).

19.B. Clean Fuels Grant Program.

If your Applicant seeks FTA funding for its Project under the Clean Fuels Grant Program, former 49 U.S.C. 5308, in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 crosscutting requirements that apply, the Certifications and Assurances in Group 19.B apply to your Applicant, except as FTA determines otherwise in writing.

Former 49 U.S.C. 5307(d)(1), except as superseded by MAP-21 cross-cutting requirements that apply, requires the following Certifications for Clean Fuels Grant Program funding appropriated or made available for former 49 U.S.C. 5308 in effect in FY 2012 or a previous fiscal year; therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify and assure that:

- 1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its Project(s):
 - a. Legal capacity,
 - b. Financial capacity, and
 - c. Technical capacity,
- 2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
- 3. It will maintain the Project equipment and facilities adequately,
- 4. It will ensure that the following individuals will be charged not more than fifty (50) percent of the peak hour fare for transportation during non-peak hours using or involving Project facilities or equipment supported under former 49 U.S.C. 5308:
 - a. Elderly individuals,
 - b. Individuals with disabilities,
 - c. Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. 401 *et seq.*), and
 - d. Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),

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5. When carrying out a procurement under former 49 U.S.C. 5308, it will, and will require each Subrecipient, to comply with the following provisions as amended by MAP-21:
 - a. Competitive procurement (as defined or approved by FTA), as required by 49 U.S.C. 5325(a),
 - b. The prohibition against exclusionary or discriminatory specifications in its procurements under 49 U.S.C. 5323(h),
 - c. "Buy America" under 49 U.S.C. 5323(j),
 - d. Applicable pre-award and post-delivery requirements of 49 U.S.C. 5323(m),
 - e. Applicable railcar option restrictions of 49 U.S.C. 5325(e), and
 - f. "Veterans Preference/Employment" under 49 U.S.C. 5325(k),
6. It will comply with other applicable requirements under 49 U.S.C. 5323 and 5325,
7. It:
 - a. Has or will have the amount of funds required for the local share,
 - b. Will provide the local share funds from sources approved by FTA, and
 - c. Will provide the local share funds when needed,
8. It has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5303 and 5304,
9. It has a locally developed process to solicit and consider public comment before:
 - a. Raising a fare, or
 - b. Implementing a major reduction of public transportation, and
10. It will comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. 5329(d).

GROUP 20. PAUL S. SARBANES TRANSIT IN PARKS PROGRAM

Before FTA may provide funding for your Applicant's Project under the Paul S. Sarbanes Transit in Parks Program, former 49 U.S.C. 5320, in effect in FY 2012 or a previous fiscal year for your Applicant's Project, except as superseded by MAP-21 requirements that apply, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 20, except as FTA may determine otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications and Assurances in Group 20 that does not apply will not be enforced.

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1. The following Certifications and Assurances for the Paul S. Sarbanes Transit in Parks Program (Parks Program) are required by former 49 U.S.C. 5320 in effect in FY 2012 or a previous fiscal year, except as superseded by MAP-21 cross-cutting requirements that apply; therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:
 - a. It will consult with the appropriate Federal land management agency during the planning process, and
 - b. The requirements of former 49 U.S.C. 5307, as determined by FTA, will apply to the Parks Program, authorized by former 49 U.S.C. 5320, and
2. FTA has determined certain requirements of former 49 U.S.C. 5307 to be appropriate for the Parks Program, of which some require Certifications; therefore, as specified under former 49 U.S.C. 5307(d)(1), except as superseded by MAP-21 cross-cutting requirements that apply, you certify that:
 - a. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its Project(s):
 - (1) Legal capacity,
 - (2) Financial capacity, and
 - (3) Technical capacity,
 - b. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
 - c. It will maintain the Project equipment and facilities adequately,
 - d. When carrying out a procurement under former 49 U.S.C. 5320, it will, and will require each Subrecipient, to comply with the following provisions as amended by MAP-21:
 - (1) Competitive procurement (as defined or approved by FTA), as required by 49 U.S.C. 5325(a),
 - (2) The prohibition against exclusionary or discriminatory specifications in its procurements under 49 U.S.C. 5323(h),
 - (3) "Buy America" under 49 U.S.C. 5323(j),
 - (4) Applicable pre-award and post-delivery requirements of 49 U.S.C. 5323(m),
 - (5) Applicable railcar option restrictions of 49 U.S.C. 5325(e), and
 - (6) "Veterans Preference/Employment" under 49 U.S.C. 5325(k),
 - e. It will comply with other applicable requirements under 49 U.S.C. 5323 and 5325,
 - f. It has complied or will comply with the requirements of former 49 U.S.C. 5307(c), and specifically, it:
 - (1) Has made or will make available to the public information on the amounts available for the Parks Program, former 49 U.S.C. 5320, and the Projects it proposes to undertake,
 - (2) Has developed or will develop, in consultation with interested parties, including private transportation providers, Projects to be financed,
 - (3) Has published or will publish a list of proposed Projects in a way that affected citizens, private transportation providers, and local elected officials have the opportunity to examine the proposed Projects and submit comments on the proposed Projects and its performance,

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- (4) Has provided or will provide an opportunity for a public hearing to obtain the views of citizens on the proposed Projects,
 - (5) Has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final list of Projects, and
 - (6) Has made or will make the final list of Projects available to the public,
- g. It:
- (1) Has or will have the amount of funds required for the local share,
 - (2) Will provide the local share funds from sources approved by FTA, and
 - (3) Will provide the local share funds when needed,
- h. It has complied or will comply with, and will require each Subrecipient to comply with, 49 U.S.C. 5303 and 5304, and
- i. It has a locally developed process to solicit and consider public comment before:
- (1) Raising a fare, or
 - (2) Implementing a major reduction of public transportation.

GROUP 21. STATE SAFETY OVERSIGHT GRANT PROGRAM.

Before FTA may provide funding for your Applicant's Project under the State Safety Oversight Grant Program, 49 U.S.C. 5329(e), as amended by MAP-21, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 21, except as FTA may determine otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications in Group 21 that does not apply will not be enforced.

On behalf of your Applicant, you certify that:

- 1. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its proposed Project(s):
 - a. Legal capacity,
 - b. Financial capacity, and
 - c. Technical capacity,
- 2. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
- 3. It will maintain its Project equipment and facilities adequately,
- 4. When carrying out a procurement for its Project, it will comply with the:

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- a. Uniform Administrative Requirements for Grants and Cooperative Agreements to States and Local Governments, 49 CFR part 18,
 - b. General Provisions of 49 U.S.C. 5323, and
 - c. Third Party Contract Requirements of 49 U.S.C. 5325,
5. As required by 49 U.S.C. 5329(e)(6)(C), it:
- a. Has or will have the amount of funds required for the local share,
 - b. Will provide the local share funds only from sources approved by FTA, and will not be met by:
 - (1) Any Federal funds,
 - (2) Any funds received from a public transportation agency, or
 - (3) Any revenues earned by a public transportation agency, and
 - c. Will provide the local share funds when needed,
6. It meets the applicable requirements of 49 CFR part 659, Rail Fixed Guideway Systems: State Safety Oversight, and
7. It has received or will receive an FTA certification upon a determination that its State Safety Oversight Program meets the requirements of 49 U.S.C. 5329(e) and is adequate to promote the purposes of 49 U.S.C. 5329.

GROUP 22. PUBLIC TRANSPORTATION EMERGENCY RELIEF PROGRAM.

Before FTA may provide funding for your Applicant's Project under the Public Transportation Emergency Relief Program, 49 U.S.C. 5324, as amended by MAP-21, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Assurance in Group 22, except as FTA may determine otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Assurance in Group 22 that does not apply will not be enforced.

As required by 49 U.S.C. 5324(d), on behalf of your Applicant, you assure that it will comply with the requirements of the Certifications and Assurances as FTA determines will apply to an Applicant for funding appropriated or made available for the Public Transportation Emergency Relief Program.

GROUP 23. EXPEDITED PROJECT DELIVERY PILOT PROGRAM.

Before FTA may provide funding for your Applicant's Project under the Expedited

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Project Delivery Pilot Program, section 20008(b)(5)(D) of MAP-21, in addition to any other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certification in Group 23, except as FTA may determine otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

To the extent that the Certification in Group 23 does not apply, it will not be enforced.

On behalf of your Applicant, you certify that its existing public transportation system or the public transportation system that is the subject of the Project is in a state of good repair, as required by section 20008(b)(5)(D) of MAP-21.

GROUP 24. INFRASTRUCTURE FINANCE PROGRAMS.

The Certifications in Group 24 apply to the following programs:

- 24.A. The Transportation Infrastructure Finance and Innovation Act (TIFIA) Program, 23 U.S.C. 601-609, except as superseded by MAP-21 cross-cutting requirements that apply, and*
- 24.B. The State Infrastructure Banks (SIB) Program, 23 U.S.C. 610, except as superseded by MAP-21 cross-cutting requirements that apply.*

Before FTA may provide credit assistance under TIFIA for your Applicant's Project or funding for your Applicant to deposit in a SIB, in addition to other Certifications and Assurances you must select on your Applicant's behalf, you must also select the Certifications in Group 24, except as FTA may determine otherwise in writing.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected on its behalf that apply to its Project, itself, any Subrecipient, or any other Third Party Participant in its Project, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including, but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant to assure the validity of the applicable Certifications and Assurances selected on behalf of your Applicant.

Any provision of the Certifications and Assurances in Group 24 that does not apply will not be enforced.

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24.A. Transportation Infrastructure Finance and Innovation Act (TIFIA) Program.

If your Applicant seeks FTA funding for its Project under the TIFIA Program, the Certifications and Assurances in Group 24.A applies to your Applicant, except as FTA determines otherwise in writing.

On behalf of your Applicant, you certify and assure, as required by 49 U.S.C. 5323(o), that Federal transit laws, specifically 49 U.S.C. 5307, 49 U.S.C. 5309, and 49 U.S.C. 5337, apply to any Project under 49 U.S.C. chapter 53 that receives TIFIA credit assistance under 23 U.S.C. 601 – 609.

1. To comply with 49 U.S.C. 5307, specifically 49 U.S.C. 5307(d)(1), on its behalf, you certify that:
 - a. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of its proposed Project(s):
 - (1) Legal capacity,
 - (2) Financial capacity, and
 - (3) Technical capacity,
 - b. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
 - c. It will maintain its Project equipment and facilities adequately,
 - d. It will ensure that when, during non-peak hours for transportation using or involving a facility or equipment of a TIFIA-financed Project, a fare that is not more than fifty (50) percent of the peak hour fare will be charged to the following individuals:
 - (1) A senior,
 - (2) An individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
 - (3) Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. 401 *et seq.*), and
 - (4) Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),
 - e. When carrying out a TIFIA-funded procurement, it will comply with:
 - (1) 49 U.S.C. 5323, and
 - (2) 49 U.S.C. 5325,
 - f. It has complied with or will comply with 49 U.S.C. 5307(b) because it:
 - (1) Has made or will make available to the public information on amounts of its TIFIA funding request(s),
 - (2) Has developed or will develop, in consultation with interested parties, including private transportation providers, a proposed Program of Projects for activities to be funded,

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- (3) Has published or will publish a Program of Projects in a way that affected individuals, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on the proposed Program of Projects and its performance as an Applicant or Recipient,
 - (4) Has provided or will provide an opportunity for a public hearing to obtain the views of individuals on the proposed Program of Projects,
 - (5) Has ensured or will ensure that the proposed Program of Projects provides for coordination of public transportation services funded by FTA under 49 U.S.C. 5336 and U.S. DOT under TIFIA with federally-funded transportation services supported by other Federal Government sources,
 - (6) Has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final Program of Projects, and
 - (7) Has made or will make the final Program of Projects available to the public,
- g. It:
- (1) Has or will have at least (twenty) 20 percent of the TIFIA net Project costs required for the local share,
 - (2) Will provide the local share funds from sources approved by FTA, and
 - (3) Will provide the local share funds when needed,
- h. It will comply with:
- (1) The Metropolitan Transportation Planning requirements of 49 U.S.C. 5303, and
 - (2) The Statewide and Nonmetropolitan Planning requirements of 49 U.S.C. 5304,
- i. It has a locally developed process to solicit and consider public comment before:
- (1) Raising a fare, or
 - (2) Implementing a major reduction of public transportation, and
- j. It will comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. 5329(d),
2. To comply with the interest and financing costs restrictions of 49 U.S.C. chapter 53, it agrees that it will not seek reimbursement for interest and any other financing costs incurred in connection with its Project that must be in compliance with those requirements unless:
 - a. It is eligible to receive Federal funding for those expenses, and
 - b. Its records demonstrate that it has used reasonable diligence in seeking the most favorable financing terms underlying those costs, to the extent FTA may require.
 3. It will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*),
 4. The National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 5321 *et seq.*, and will receive an environmental categorical exclusion, a finding of no significant impact, or a record of decision under NEPA for its Project prior to obligation of funds, and
 5. It agrees that it will adopt a transit asset management plan that complies with regulations implementing 49 U.S.C. 5326(d), when required.

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24.B. State Infrastructure Banks (SIB) Program.

If your Applicant is a State and seeks FTA funding under the SIB Program to deposit in its SIB, the Certifications and Assurances in Group 24.B applies to your State and its Project, except as FTA determines otherwise in writing.

On behalf of the State organization serving as your Applicant for funding for its SIB Program, you certify and assure that:

1. It will comply with the following applicable Federal laws establishing the various SIB programs since 1995:
 - a. 23 U.S.C. 610, as amended by MAP-21,
 - b. 23 U.S.C. 610 or its predecessor before MAP-21 was signed into law,
 - c. Section 1511 of TEA-21, 23 U.S.C. 181 note, or
 - d. Section 350 of the National Highway System Designation Act of 1995, as amended, 23 U.S.C. 181,
2. It will comply with or follow the Cooperative Agreement establishing the State's SIB program between:
 - a. It and FHWA, FRA, and FTA, or
 - b. It and FHWA and FTA,
3. It will comply with or follow the Grant Agreement that provides FTA funding for the SIB and is between it and FTA, including the FTA Master Agreement, which is incorporated by reference into the Grant Agreement, except that any provision of the FTA Master Agreement incorporated by reference into that Grant Agreement will not apply if it conflicts with any provision of:
 - a. 23 U.S.C. 610, as amended by MAP-21,
 - b. 23 U.S.C. 610 or its predecessor before MAP-21 was signed into law,
 - c. Section 1511 of TEA-21, 23 U.S.C. 181 note, or section 350 of the National Highway System Designation Act of 1995, as amended, 23 U.S.C. 181 note,
 - d. Federal guidance pertaining to the SIB Program,
 - e. The Cooperative Agreement establishing the State's SIB Program, or
 - f. The Grant Agreement with FTA,
4. As required by 49 U.S.C. 5323(o), Federal transit laws, specifically 49 U.S.C. 5307, 49 U.S.C. 5309, and 49 U.S.C. 5337, as amended by MAP-21, apply to any Project under 49 U.S.C. chapter 53 that receives SIB support or financing under 23 U.S.C. 610 (or any support from 23 U.S.C. 601 – 609),
5. As required by 49 U.S.C. 5323(o) and 49 U.S.C. 5307(d)(1):
 - a. It has or will have the following to carry out its proposed Project(s), including the safety and security aspects of those proposed Project(s):
 - (1) Legal capacity,
 - (2) Financial capacity, and
 - (3) Technical capacity,
 - b. It has or will have satisfactory continuing control over the use of Project equipment and facilities,
 - c. It will maintain its Project equipment and facilities adequately,

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- d. It will ensure that when, during non-peak hours for transportation using or involving a facility or equipment of a SIB-financed Project, a fare that is not more than fifty (50) percent of the peak hour fare will be charged to the following individuals:
 - (1) A senior,
 - (2) An individual who, because of illness, injury, age, congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
 - (3) An individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. 401 *et seq.*), and
 - (4) An individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*),
- e. When carrying out a procurement under a SIB-financed Project, it will comply with the:
 - (1) General Provisions of 49 U.S.C. 5323, and
 - (2) Third Party Contract Provisions of 49 U.S.C. 5325,
- f. It has complied with or will comply with 49 U.S.C. 5307(b) because it:
 - (1) Has made or will make available to the public information on amounts of its funding requested under the SIB program,
 - (2) Has developed or will develop, in consultation with interested parties, including private transportation providers, a proposed Program of Projects for activities to be funded,
 - (3) Has published or will publish a Program of Projects in a way that affected individuals, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on the proposed Program of Projects and its performance as an Applicant or Recipient,
 - (4) Has provided or will provide an opportunity for a public hearing to obtain the views of individuals on the proposed Program of Projects,
 - (5) Has ensured or will ensure that the proposed Program of Projects provide for coordination of public transportation services funded by FTA under 49 U.S.C. 5336 and the SIB Program with federally-funded transportation services supported by other Federal Government sources,
 - (6) Has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final Program of Projects, and
 - (7) Has made or will make the final Program of Projects available to the public,
- g. It:
 - (1) Has or will have the amount of funds required for the local share by the SIB Program, but not less than twenty-five (25) percent of each capitalization grant,
 - (2) Will provide the local share funds from sources approved by FTA, and
 - (3) Will provide the local share funds when needed,

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- h. It will comply with the:
 - (1) The Metropolitan Transportation Planning requirements of 49 U.S.C. 5303, and
 - (2) The Statewide and Nonmetropolitan Planning requirements of 49 U.S.C. 5304,
 - i. It has a locally developed process to solicit and consider public comment before:
 - (1) Raising a fare, or
 - (2) Implementing a major reduction of public transportation, and
 - j. It will comply with the final Federal regulations, when issued, that implement the safety plan requirements of 49 U.S.C. 5329(d),
2. As required by 49 U.S.C. chapter 53, it certifies that it will not seek reimbursement for interest and any other financing costs incurred in connection with its Project unless:
- a. It is eligible to receive Federal funding for those expenses, and
 - b. Its records demonstrate that it has used reasonable diligence in seeking the most favorable financing terms underlying those costs, to the extent FTA may require, and
3. It agrees that it will adopt a transit asset management plan that complies with regulations implementing 49 U.S.C. 5326(d).

Selection and Signature Page(s) follow.

FTA FISCAL YEAR 2015 CERTIFICATIONS AND ASSURANCES

FEDERAL FISCAL YEAR 2015 CERTIFICATIONS AND ASSURANCES FOR FEDERAL TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS

(Signature pages alternative to providing Certifications and Assurances in TEAM-Web)

Name of Applicant: _____

The Applicant agrees to comply with applicable provisions of Groups 01 – 24. _____

OR

The Applicant agrees to comply with applicable provisions of the Groups it has selected:

<u>Group</u>	<u>Description</u>	
01.	Required Certifications and Assurances for Each Applicant.	_____
02.	Lobbying.	_____
03.	Procurement and Procurement Systems.	_____
04.	Private Sector Protections.	_____
05.	Rolling Stock Reviews and Bus Testing.	_____
06.	Demand Responsive Service.	_____
07.	Intelligent Transportation Systems.	_____
08.	Interest and Financing Costs and Acquisition of Capital Assets by Lease.	_____
09.	Transit Asset Management Plan and Public Transportation Agency Safety Plan.	_____
10.	Alcohol and Controlled Substances Testing.	_____
11.	Fixed Guideway Capital Investment Grants Program (New Starts, Small Starts, and Core Capacity) and Capital Investment Program in Effect before MAP-21 Became Effective.	_____
12.	State of Good Repair Program.	_____
13.	Fixed Guideway Modernization Grant Program.	_____
14.	Bus and Bus Facilities Formula Grants Program and Bus and Bus-Related Equipment and Facilities Grant Program (Discretionary).	_____
15.	Urbanized Area Formula Grants Programs/ Passenger Ferry Grants Program/Job Access and Reverse Commute (JARC) Formula Grant Program.	_____
16.	Seniors/Elderly/Individuals with Disabilities Programs/New Freedom Program.	_____
17.	Rural/Other Than Urbanized Areas/Appalachian Development/Over-the-Road Bus Accessibility Programs.	_____
18.	Tribal Transit Programs (Public Transportation on Indian Reservations Programs).	_____
19.	Low or No Emission/Clean Fuels Grant Programs.	_____
20.	Paul S. Sarbanes Transit in Parks Program.	_____
21.	State Safety Oversight Grant Program.	_____
22.	Public Transportation Emergency Relief Program.	_____
23.	Expedited Project Delivery Pilot Program.	_____
24.	Infrastructure Finance Programs.	_____

FTA FISCAL YEAR 2015 CERTIFICATIONS AND ASSURANCES

FEDERAL FISCAL YEAR 2015 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE (Required of all Applicants for FTA funding and all FTA Grantees with an active Capital or Formula Project)

AFFIRMATION OF APPLICANT

Name of the Applicant: _____

Name and Relationship of the Authorized Representative: _____

BY SIGNING BELOW, on behalf of the Applicant, I declare that it has duly authorized me to make these Certifications and Assurances and bind its compliance. Thus, it agrees to comply with all Federal statutes and regulations, and follow applicable Federal guidance, and comply with the Certifications and Assurances as indicated on the foregoing page applicable to each application its Authorized Representative makes to the Federal Transit Administration (FTA) in Federal Fiscal Year 2015, irrespective of whether the individual that acted on his or her Applicant's behalf continues to represent it.

FTA intends that the Certifications and Assurances the Applicant selects on the other side of this document should apply to each Project for which it seeks now, or may later seek FTA funding during Federal Fiscal Year 2015.

The Applicant affirms the truthfulness and accuracy of the Certifications and Assurances it has selected in the statements submitted with this document and any other submission made to FTA, and acknowledges that the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3801 *et seq.*, and implementing U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31, apply to any certification, assurance or submission made to FTA. The criminal provisions of 18 U.S.C. 1001 apply to any certification, assurance, or submission made in connection with a Federal public transportation program authorized by 49 U.S.C. chapter 53 or any other statute

In signing this document, I declare under penalties of perjury that the foregoing Certifications and Assurances, and any other statements made by me on behalf of the Applicant are true and accurate.

Signature _____ Date: _____

Name _____
Authorized Representative of Applicant

AFFIRMATION OF APPLICANT'S ATTORNEY

For (Name of Applicant): _____

As the undersigned Attorney for the above named Applicant, I hereby affirm to the Applicant that it has authority under State, local, or tribal government law, as applicable, to make and comply with the Certifications and Assurances as indicated on the foregoing pages. I further affirm that, in my opinion, the Certifications and Assurances have been legally made and constitute legal and binding obligations on it.

I further affirm that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these Certifications and Assurances, or of the performance of its FTA Project or Projects.

Signature _____ Date: _____

Name _____
Attorney for Applicant

Each Applicant for FTA funding and each FTA Grantee with an active Capital or Formula Project must provide an Affirmation of Applicant's Attorney pertaining to the Applicant's legal capacity. The Applicant may enter its signature in lieu of the Attorney's signature, provided the Applicant has on file this Affirmation, signed by the attorney and dated this Federal fiscal year.