

CITY COMMISSION  
AGENDA  
**August 3, 2011**  
**@ 5:30 P.M.**  
**TOWN HALL, CITY HALL**  
118 E. Tyler Street  
Harlingen, Texas

Notice is hereby given that the above governmental body will hold a Regular Meeting on **Wednesday, August 3, 2011 at 5:30 p.m.** in Town Hall, City Hall, 118 E. Tyler Street, Harlingen, Texas.

**City of Harlingen meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary's office at (956) 216-5001 or write Post Office Box 2207, Harlingen, Texas 78550 at least 48 hours in advance of the meeting.**

Invocation/City Commissioner, Robert Leftwich

Pledge of Allegiance/Welcome

1) SPECIAL RECOGNITION

Harlingen Proud Neighborhood Clean-Up Sweep Program for the month of July (Filmore Street from "F" Street to "M" Street)

2) Board Member Recognitions

3) Citizen Communication

4) Approval of Minutes – Regular Meeting of July 20, 2011  
Attachment

	<b>CONSENT AGENDA</b>	
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**The following items are of a routine or administrative nature. The Council has been furnished with background material on each item and/or it has been discussed at a previous meeting. All items will be acted upon by one vote, without being discussed separately, unless requested by a Commission member. Items withdrawn from the Consent Agenda for individual consideration in their normal sequence**

**will be heard after the remainder of the Consent Agenda has been acted upon.**

- 5a) Approval of ordinance on second and final reading to rezone from not designated ("N") zoning district to residential, mobile home ("MH") zoning district for Lot 82, Palm Vista Estates, Unit 2 located at 15983 Palm Vista Drive. Applicant: Samuel Medrano. Attachment ***(Planning and Development)***
- b) Approval of ordinance on second and final reading for the Issuance of a Specific Use Permit ("SUP") to allow a bar/lounge in a general retail ("GR") zone located at 1105 S. Tamm Lane, bearing a legal description of 3.474 acres out of Block 33, Stuart Place Survey 139/297/298. Applicant: Rosemary Cantu Guerra. Attachment ***(Planning and Development)***
- c) Approval of ordinance on second and final reading amending the 2010-11 Fiscal Year Budget. Attachment ***(Finance Department)***



- 6) Consider and take action to accept (or reject) bids and award contract for the Van Buren, (bearing a legal description of Lots 17, 18, & 19, Block 59, Harlingen Original Townsite) Parking Canopy Project under Bid 2011-19. Attachment ***(City Engineer)***
- 7) Consider and take action to approve an Interlocal Cooperation Agreement between the Lower Rio Grande Valley Development Council (LRGVDC) and City of Harlingen and to accept the transfer of equipment acquired by the expenditure of grant funds awarded by the Governor's Division of Emergency Management FY 2010 MMRS Grant. Attachment ***(Fire Department)***
- 8) Consider and take action to approve the 2010 Assistance to Firefighters Grant Fire Prevention and safety Grant Program award from the Federal Emergency Management Agency (FEMA) and the U.S. Department of Homeland Security (DHS). Attachment ***(Fire Department)***
- 9) Consider and take action to authorize the Mayor to execute an Interlocal Agreement with the Harlingen Consolidated Independent School District (HCISD) to assign two full-time uniformed Harlingen Police Officers to work at the two high school campuses as High School Resource Officers during the 2011-2012 school calendar year. (HCISD) may elect to hire

additional police officers on overtime should the need arise.) Attachment ***(Police Department)***

- 10) Consider and discuss: (1) the 2011 redistricting process; (2) existing Harlingen City Commission election districts and potential changes to the election district lines; (3) redistricting criteria; and (4) provide direction to redistricting counsel on process to be used for adopting new redistricting plan. Attachment ***(City Attorney)***
- 11) Consider and take action to adopt a resolution approving the One Year Action Plan (Budget) for Fiscal Year 2011-2012 (Year 37) of the Community Development Block Grant (CDBG) Program and Fiscal Year 2011-2012 (Year 17) of the Home Investment Partnerships Program (Home). Attachment ***(Community Development)***
- 12) Consider and take action to approve the renewal of a contract between the AARP Foundation Senior Community Service Employment Agency and the City of Harlingen to request the services of participants from the AARP Foundation Senior Community Service Employment Agency at no cost to the City of Harlingen. Attachment ***(Human Resources)***
- 13) Discuss an ordinance establishing the protection of Green Parakeets and Red-Crowned Parrots by preventing the capture, preventing the killing or injuring of these birds within the corporate city limits of Harlingen, preventing the willful destruction of their native habitat on government property or public right of ways and prohibiting the taking of nestlings or un-hatched eggs. Attachment ***(Assistant City Manager)***
- 14) Board Appointments

Discussion and possible action regarding membership on any of the following listed board/entity:

- a. Airport Board
- b. Animal Shelter Advisory Committee (3)
- c. Audit Committee (6) **(Annual Appointments as per Ordinance 08-38)**
- d. Civil Service Commission (Mayor) (1)
- e. Community Development Advisory Board (1)
- f. Construction Board of Adjustments (8)
- g. Convention & Visitors Bureau (1)
- h. Development Corporation of Harlingen, Inc.
- i. Downtown Improvement District Board (2)
- j. Golf Course Advisory Board
- k. Harlingen Community Improvement Board (4)

- l. Harlingen Housing Authority Board (0)
- m. Harlingen Finance Corporation
- n. Harlingen Proud Advisory Board (6)
- o. Library Advisory Board (1)
- p. Municipal Auditorium Advisory Board (2)
- q. Museum Advisory Board (2)
- r. Parks Advisory Board
- s. Planning & Zoning Advisory Board
- t. Senior Citizens Advisory Board (1)
- u. Tax Increment Finance Board (1)
- v. Tennis Advisory Board
- w. Utility Board of Trustees
- x. Veterans Advisory Board (2)
- y. Zoning Board of Adjustments (5)

Specifically, appointment or discussion and possible action to include appointment and/or removal of any position subject to appointment or removal by statute, ordinance, or bylaws.

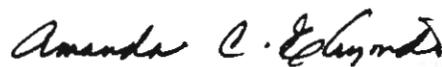
- 15) Closed/Executive Session pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code, Sections 551.087 and 551.071 regarding commercial and financial information from a business prospect with which the City Commission is conducting economic development negotiations and/or to discuss and deliberate financial or other incentives with the business prospect known as **Project Green** to seek legal advice from the City Attorney regarding this subject. *(City Manager)*
- 16) Consider and take action to approve an addendum to the Waste Disposal Agreement dated December 2, 2010 between the City of Harlingen and the City Edinburg. *(City Manager)*
- 17) Closed/Executive Session pursuant to Chapter 551, Subchapter D., V.T.C.A. Government Code, Sections 551.087 and 551.071 regarding commercial and financial information from a business prospect with which the City Commission is conducting economic development negotiations and/or to discuss or deliberate financial or other incentives with the business prospect known as **Project T** and to seek legal advice from the City Attorney regarding this subject. *(City Manager)*
- 18) Consider and take action to approve a letter of intent to be issued to a business prospect known as **Project T**. *(City Manager)*

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. Contemplated or pending litigation, or matters where legal advice is requested of the City Attorney. Section 551.071 of the Texas Open Meetings Act.
2. The purchase, exchange, lease, or value of real property, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.072 of the Texas Open Meetings Act.
3. A contract for a prospective gift or donation to the City, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.073 of the Texas Open Meetings Act.
4. Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Section 551.074 of the Texas Open Meetings Act.
5. The deployment, or specific occasions for implementation of security personnel or devices. Section 551.076 of the Texas Open Meetings Act.
6. Deliberations regarding Economic Development negotiations. Section 551.087 of the Texas Open Meetings Act.

I, the undersigned authority, do hereby certify that the above Notice of Meeting is a true and correct copy of said Notice and that I posted said Notice on the bulletin board in the City Hall of the City of Harlingen, a place convenient and readily accessible to the general public at all times and said Notice was posted on Friday, July 29, 2011 at 4:30 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Dated this 29th day of July, 2011.



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Amanda C. Elizondo, City Secretary

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REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

JULY 20, 2011

A Regular Meeting of the Harlingen Elective Commission was held on Wednesday, July 20, 2011 at 5:30 p.m. in Town Hall, City Hall, 118 E. Tyler Street, Harlingen, Texas.

Those in attendance were:

Mayor and City Commission

- Mayor Chris Boswell
- Jerry Prepejchal, Mayor Pro-Tem, District 4
- Gustavo C. Ruiz, Commissioner District 1
- Kori Marra, Commissioner District 3

Staff Present:

- Carlos Yerena, City Manager
- Roxann P. Cotroneo, City Attorney
- Gabriel Gonzalez, Assistant City Manager
- Roel Gutierrez, Finance Director
- Amanda C. Elizondo, City Secretary

Mayor Boswell called the meeting to order, a quorum was established. Commissioners, Robert Leftwich and Joey Trevino were absent. He stated a notice of the meeting had been duly posted according to state law and the following proceedings were held.

Invocation/City Commissioner, Robert Leftwich

Mayor Boswell gave the invocation in the absence of Commissioner Leftwich.

Pledge of Allegiance/Welcome

Mayor Boswell led the Pledge of Allegiance.

1) Board Member Recognitions

Mayor Boswell announced there were no board recognitions and changed the order of the agenda to discuss Item Nos. 20 and 21.

20) Closed/Executive Session pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code, Section 551.071 to discuss contemplated or pending litigation and to seek legal advice from the City Attorney, Valley International Airport Attorney and outside legal counsel regarding the Federal Aviation Administration

1 Complaint filed by Sun Valley Aviation, Inc. against the City of Harlingen,  
2 Valley International Airport. (City Attorney)

3  
4 Commissioner Ruiz recommended to table the item under a full commission was  
5 present.

6  
7 Motion was made by Commissioner Ruiz and seconded by Mayor Pro-Tem  
8 Prepejahl to table the item. The motion carried as follows: FOR: Commissioner Ruiz  
9 and Mayor Pro-Tem Prepejahl. AGAINST: Commissioner Marra. Vote carried (2-1).

10  
11 21) Consider and take action to approve a resolution accepting Valley International  
12 Airport's amended mid-year capital expense and capital improvement budget for  
13 Fiscal Year 2010-2011. Attachment (Airport)

14  
15 Commissioner Ruiz recommended the same for Item No. 21.

16  
17 Motion was made by Commissioner Ruiz and seconded by Mayor Pro-Tem  
18 Prepejahl to table the item. The motion carried as follows: FOR: Commissioner Ruiz  
19 and Mayor Pro-Tem Prepejahl. AGAINST: Commissioner Marra. Vote carried (2-1).

20  
21 3) Approval of Minutes – Regular Meeting of July 6, 2011

22  
23 Motion was made by Mayor Pro-Tem Prepejahl and seconded by Commissioner  
24 Ruiz to approve the minutes of July 6, 2011 as presented. Motion carried unanimously.

25  
26 CONSENT AGENDA

27  
28 4a) An Ordinance amending the City of Harlingen Subdivision Ordinance No. 07-28,  
29 Section 4.6.7 pertaining to the standards and specifications of fire hydrants on  
30 second and final reading. Applicant: City of Harlingen. (Planning and  
31 Development)

32  
33 b) An ordinance to designate a “No Parking Zone” along the west side of Tennessee  
34 Road on second and final reading. (City Engineer)

35  
36 c) An ordinance to designate a “No Parking Loading/Unloading Zone” to be  
37 established on the west side of First Street, 61.50 feet to the south from the  
38 southwest corner of the intersection of Van Buren and First Street consisting of a  
39 total of 40 feet. (City Engineer)

40  
41 5) Consider and take action to approve a refund of property taxes to Orlando Flores  
42 c/o Harlingen Medical Center Account #00-0100-0100-6590-03 in the amount of  
43 \$5,930.60 due to a change of value adjustment for the Year 2010 as per an agreed  
44 judgment. (Finance Department)

1 Motion was made by Commissioner Marra and seconded by Mayor Pro-Tem  
2 Prepejchal to approve the items under the consent agenda as presented. Motion carried  
3 unanimously.

4  
5 For the record, the captions of Ordinance Nos. 11-30, 11-31, 11-32 read as  
6 follows:

7  
8 ORDINANCE NO. 11-30

9  
10 AN ORDINANCE AMENDING THE SUBDIVISION ORDINANCE (ORDINANCE  
11 NO. 07-28) SECTION 4.6.7 OF THE CITY OF HARLINGEN BY ADDING  
12 LANGUAGE WHICH ALLOWS THE CONSTRUCTION OF A SINGLE FAMILY  
13 RESIDENCE WITHOUT A FIRE HYDRANT IN THE CITY ETJ IN A ONE LOT  
14 SUBDIVISION OF 1 TO 9.99 ACRES IN SIZE; PROVIDING FOR PUBLICATION  
15 AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

16  
17 ORDINANCE NO. 11-31

18  
19 AN ORDINANCE TO ESTABLISH A "NO PARKING ZONE" LOCATED ON THE  
20 WEST SIDE OF TENNESSEE ROAD; AUTHORIZING THE TOWING OF  
21 VEHICLES PARKED IN SAID "NO PARKING ZONE"; ESTABLISHING A  
22 PENALTY NOT TO EXCEED \$200.00 FOR VIOLATION OF THE PROVISIONS OF  
23 THIS ORDINANCE; PROVIDING FOR PUBLICATION AND ORDAINING OTHER  
24 MATTERS RELATED TO THE FOREGOING.

25  
26 ORDINANCE NO. 11-32

27  
28 AN ORDINANCE TO ESTABLISH A "NO PARKING LOADING/UNLOADING  
29 ZONE" ON THE WEST SIDE OF FIRST STREET 61.50 FEET TO THE SOUTH  
30 FROM THE SOUTHWEST CORNER OF THE INTERSECTION OF VAN BUREN  
31 AND FIRST STREET CONSISTING OF A TOTAL OF 40 FEET; AUTHORIZING  
32 THE TOWING OF VEHICLES PARKED IN SAID "NO PARKING  
33 LOADING/UNLOADING ZONE"; ESTABLISHING A PENALTY NOT TO EXCEED  
34 \$200.00 FOR VIOLATION OF THE PROVISIONS OF THIS ORDINANCE;  
35 PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS  
36 RELATED TO THE FOREGOING.

37  
38 PASSED AND APPROVED on first reading July 6, 2011

39 PASSED AND APPROVED on second and final reading on July 20, 2011.

40  
41 SIGNED BY: /s/ Chris Boswell, Mayor

42 ATTESTED BY: /s/ Amanda C. Elizondo, City Secretary

43  
44 6) Consider and take action to extend the current rental agreement with Lifeline  
45 Heart of Worship through January 31, 2012. (Arts and Entertainment)

46  
47 Joel Humphries, Director of Arts and Entertainment stated Lifeline Heart of  
48 Worship (LHW); a local nonprofit organization was requesting an extension of their  
49 current rental agreement with the Harlingen Municipal Auditorium. The LHW received  
50 an additional 10% discount on top of the 25% extended to local nonprofits based on the  
51 number of times they rented the auditorium. LHW was prepared to contract for an  
52 additional 23 rental dates between July 31, 2011 and January, 2012.

1  
2 Motion was made by Commissioner Marra and seconded by Mayor Pro-Tem  
3 Prepejchal to approve the item as presented. Motion carried unanimously.  
4

- 5 7) Consider an ordinance on first reading to rezone from “not designated (N)”  
6 zoning district to “residential, mobile home (MH)” zoning district for Lot 82,  
7 Palm Vista Estates Unit 2 located at 15983 Palm Vista Drive. Applicant: Samuel  
8 Medrano. (Planning and Development)  
9

10 Joel Olivo, Planning and Zoning Manager stated Mr. Samuel Medrano was  
11 requesting to rezone his property from a “Not designated (“N”) zoning district to  
12 “Residential Mobile Home (MH)” zoning district for Lot 82, Palma Vista Estates Unit 2  
13 located at 15983 Palm Vista Drive to allow a mobile home on the property. The property  
14 was annexed into the city on November 2008 with a “Not Designated (“N”) zoning  
15 district. A mobile home had been placed on the property prior to being annexed and since  
16 the annexation the property was vacant. The owner placed a new mobile home without a  
17 permit from the city. One of the requirements was that the property would have to be  
18 rezoned to allow the mobile home to be placed on the property. He stated the surrounding  
19 areas were mostly residential and mobile homes. The request was consistent with the  
20 Future Land Use Plan. The Planning and Zoning Commission did not receive any  
21 objections from the surrounding property owners. Staff recommended approval of the  
22 request.  
23

- 24 a) Public Hearing  
25

26 Mayor Boswell declared the public hearing opened to the public.  
27

28 Jerry Moore, resident of 709 Town Lane Drive, stated the property was under  
29 litigation.  
30

31 There being no other comments, Mayor Boswell closed the public hearing.  
32

- 33 b) Consider and take action to approve an ordinance on first reading for the  
34 above mentioned rezone request.  
35

36 Roxann Pais Cotroneo, City Attorney read the caption of the ordinance.  
37

38 Motion was made by Commissioner Marra and seconded by Mayor Pro-Tem  
39 Prepejchal to approve and adopt the ordinance on first reading. Motion carried  
40 unanimously.  
41

- 42 8) Issuance of a Specific Use Permit (“SUP”) to allow a bar/lounge in a “general  
43 retail (GR)” zone located at 1105 S. Tamm Lane, bearing a legal description of  
44 3.474 acres out of Block 33, Stuart Place Survey 139/297/298. Applicant  
45 Rosemary Cantu Guerra. (Planning and Development)  
46

1 Mr. Olivo stated Ms. Rosemary Cantu Guerra was requesting a specific use  
2 permit to allow a bar/lounge in a "General Retail (GR)" zone located at 1105 S. Tamm  
3 Lane, bearing a legal description of 3.474 acres out of Block 33, Stuart Place Survey  
4 139/207/298. Ms. Guerra was proposing to operate a bar/lounge out of an existing  
5 30,000 square foot building. The previous use of the property consisted of a grill and bar  
6 under the name of Cactus Jacks. The establishment must comply with the off street  
7 parking regulations. Based on the seating arrangement and the square footage of the  
8 building, 60 parking spaces were required and 62 were being provided. Hours of  
9 operations would be from 9:00 p.m. to 2:00 a.m. and Wednesday through Sunday - 12:00  
10 noon p.m. to 12 a.m. on Sunday. DJ music would be provided during the hours of  
11 operation. The applicant was currently processing a mix beverage license with the Texas  
12 Alcoholic Beverage Commission. Security cameras would be provided at the place of  
13 business. The City's Health and Fire Departments had done the necessary inspections as  
14 required by the city. Mr. Olivo recommended approval of the request subject to the  
15 applicant meeting all the conditions imposed by the city codes.

16  
17 a) Public Hearing

18  
19 Mayor Boswell declared the public hearing opened to the public.

20  
21 Mr. Joe Rubio, 2309 Hacienda Road, stated he was in favor of the city issuing a  
22 permit and his only concern was that security officers be licensed.

23  
24 Yolanda Schoffeit stated her concern was evacuating the premises in case of an  
25 emergency, if the establishment did not have licensed security officers to handle the  
26 emergency.

27  
28 Gayle Moore, 709 Town Lane Drive stated her concern dealt with the fire  
29 hydrants.

30  
31 Fire Chief, Mike Rinaldi stated if the fire hydrant was going to be located along  
32 the entrance of the business it was okay unless the capacity of the occupancy changed.

33  
34 There being no other comments, Mayor Boswell closed the public hearing.

35  
36 b) Consider and take action to approve an ordinance on first reading on the  
37 above mentioned specific use permit.

38  
39 Ms. Cotroneo read the caption of the ordinance.

40  
41 Motion was made by Mayor Pro-Tem Prepejchal and seconded by Commissioner  
42 Ruiz to approve request as presented and adopt the ordinance on first reading. Motion  
43 carried unanimously.

44

1 9) Consider and take action to accept or reject bids and award contract for the Van  
2 Buren Parking Canopy Project under Bid 2011-19 as part of the Downtown Public  
3 Parking Lot Improvements Project. (City Engineer)  
4

5 Dan Serna, Public Works Director recommended to table the item for further  
6 review.  
7

8 Motion was made by Commissioner Ruiz and seconded by Mayor Pro-Tem  
9 Prepejchal to table the item. Motion carried unanimously.  
10

11 10) Consider and take action to accept or reject bids and award contract for the  
12 Harlingen Municipal Golf Course Drainage Improvements under Bid 2011-16 to  
13 remediate an erosion problem at the golf course caused by runoff from heavy  
14 rainfall. (City Engineer)  
15

16 Mr. Serna stated staff had received a total of seven (7) bids for the Harlingen  
17 Municipal Golf Course Drainage Improvements. These improvements were to remediate  
18 an erosion problem at the golf course caused by runoff from heavy rainfalls. Zimmerman  
19 Construction Co., Inc. was the lowest bidder in the amount of \$86,615.12. He  
20 recommended awarding the project to Zimmerman Construction Co., Inc.  
21

22 Motion was made by Mayor Pro-Tem Prepejchal and seconded by Commissioner  
23 Marra to accept staff recommendation. Motion carried unanimously.  
24

25 11) Consider and take action to approve a resolution authorizing the City Manager to  
26 request e-Grant access through the Texas Department of Emergency Management  
27 (TDEM) to apply for the Fiscal Year 2012 Pre-Disaster Mitigation (PDM) and  
28 Repetitive Flood Claims (RFC) grant programs for the State of Texas. (City  
29 Engineer)  
30

31 Mr. Serna stated the Texas Department of Emergency Management (TDEM) has  
32 announced the guidance and deadlines for FY 2012, Pre-Disaster Mitigation (PDM) and  
33 Repetitive Flood Claims (RFC) grant programs for the State of Texas. This grant  
34 provided FEMA funds for the implementation of mitigation projects pertaining to natural  
35 hazards or local mitigation plans. The RFC Grant provided funds for the reduction or  
36 elimination of long term risk flood damage to structures having one or more claim  
37 payment filed through the National Flood Insurance Program. The first step of the  
38 application process was to request access to e-Grants, a federal web-based system. The  
39 state would review the applications for eligibility, feasibility, cost-effectiveness and  
40 completeness. Once they completed the review process it was passed to FEMA for final  
41 review and approval. Mr. Serna recommended approval of the resolution.  
42

43 Motion was made by Mayor Pro Tem Prepejchal and seconded by Commissioner  
44 Ruiz to approve and adopt the resolution as presented. Motion carried unanimously.  
45

- 1 12) Consider and take action to approve the preliminary ranking of the Engineering  
2 Consulting Firms for the Safe Routes to School Projects/Applications and  
3 authorize the Public Works Director to negotiate a contract with the highest  
4 ranked firm. (City Engineer)  
5

6 Mr. Serna stated the Safe Routes to School Program was offered by the Texas  
7 Department of Transportation. It was designed to educate and encourage children to  
8 walk and bicycle to school making it safer and more appealing and was another form of  
9 transportation. This program would improve safety and reduce traffic, fuel consumption  
10 and air pollution in the vicinity of the schools. Staff advertised for request for  
11 qualifications from engineering firms to complete the studies, funding applications,  
12 prepare plans, specifications, estimates and construction management. Three proposals  
13 were received. The committee consisting of the Public Works Director, Planning and  
14 Development Director, City Engineer, Finance Director and the Assistant City Engineer  
15 evaluated and rated each of the proposals in accordance to a rating criteria provided to  
16 each of the firms. Staff was requesting authorization to allow the Public Works Director  
17 to negotiate a contract for the Safe Routes to School/Projects/Applications with the  
18 highest ranked firm and proceed to the seconded highest rank firm should the  
19 negotiations with the first firm failed.  
20

21 Motion was made by Mayor Pro-Tem Prepejchal and seconded by Commissioner  
22 Marra to approve the item as presented. Motion carried unanimously.  
23

- 24 13) Consider and take action to adopt a resolution approving the One Year Action  
25 Plan (Budget) for Fiscal Year 2011-2012 (Year 37) of the Community  
26 Development Block Grant (CDBG) Program and Fiscal Year 2011-2012 (Year  
27 17) of the Home Investment Partnerships Program (Home). (Community  
28 Development)  
29

30 For the record, Roxann Pais Cotroneo, City Attorney stated Commissioner Marra  
31 had relinquished her chair and excused herself from the meeting room in order to avoid  
32 an appearance of impropriety and signed an affidavit, which was presented to the City  
33 Secretary. She announced that because of a lack of a quorum the item could not be  
34 discussed.  
35

36 It was consensus of the City Commission to place the item on the Special Meeting  
37 agenda for July 26, 2011.  
38

39 No action was taken.  
40

- 41 14) Consider and take action to approve bid selected by the Development Corporation  
42 of Harlingen, Inc. for construction of landscaping improvements at the Bass Pro  
43 Shops Site. (Development Corporation)  
44

45 Mr. Bill Martin, Executive Director for the Development Corporation of  
46 Harlingen, Inc. stated the corporation had solicited bids for landscaping improvements at

1 Bass Pro Shops. A pre-bid conference was held on July 13, 2011 and the Development  
2 Corporation held a special meeting on July 19<sup>th</sup> at 5:30 p.m and recommended award of  
3 the bid to Green Thumb Landscaping, L.L.C. in the amount of \$200,905.13.

4  
5 Motion was made by Mayor Pro-Tem Prepejchal and seconded by Commissioner  
6 Marra to accept the recommendation of the Development Corporation of Harlingen, Inc.  
7 Motion carried unanimously.

8  
9 15) Consider and take action to: (1) adopt a resolution to reconstitute the Rio Grande  
10 Valley Health Facilities Development Corporation, and appoint seven directors to  
11 said corporation; and (2) approve the defease of the Series 1992 bonds issued to  
12 Valley Baptist Medical Center Project, if approved by a majority vote of the Rio  
13 Grande Valley Health Facilities Development Corporation. (City Attorney)

14  
15 Roxann Pais Cotroneo, City Attorney stated pursuant to Chapter 221 of the Texas  
16 Health and Safety Code, a municipality may create a health facilities development  
17 corporation with the power to provide, expand and improve health facilities that needed  
18 to improve the adequacy, cost and accessibility of health care, research and education.  
19 The purpose of the corporation was to issue bonds to finance the cost of a health facility.  
20 The city did not lend its credit or granted public money or any other thing of value to the  
21 corporation. The City Commission needed to appoint a minimum of three (3) directors.  
22 Directors must be residents of the City of Harlingen and be at least 18 years of age; serve  
23 for a two (2) year term or until there successors were appointed. All actions performed by  
24 the corporation must also be approved the City Commission. On June 1984, the City of  
25 Harlingen created the Rio Grande Valley Health Facilities Development Corporation  
26 (RGVHFDC) also known as ("the Issuer") the following seven (7) directors were  
27 appointed to the corporation: Sam Tisdale, Frank Boggus, M.H. Connelly, Jack Barfield,  
28 Gustav Braun, Albert Galvan and Martin Ferrero. On June 19, 1992, RGVHFDC with  
29 approval from the City Commission issued \$59, 805,000 in hospital revenue bonds to the  
30 Valley Baptist Medical Center Project. On August 29, 2007, RGVHFDC was  
31 involuntarily dissolved by the Texas Secretary of State because it failed to file a periodic  
32 report as required by the Texas Non-Profit Corporation Act. As of today, approximately  
33 \$35 million in bonds remained outstanding and needed to be paid by Valley Baptist  
34 Health System by the year 2015. Valley Baptist Health System wished to defease (i.e.  
35 pay) the remaining outstanding bonds by July 29, 2011. However, to pay these bonds,  
36 the bond documents required that the issuer (i.e. RGVHFDC) seek final approval from  
37 the Harlingen City Commission to pay-off the remainder of the bonds. Since RGVHFDC  
38 has been dissolved, the City Commission needed to reconstitute the corporation and  
39 appoint seven (7) new directors to hold the required meeting.

40  
41 Motion was made by Commissioner Marra and seconded by Commissioner Ruiz  
42 to approve the resolution appointing the following seven members: Linda Burke, Rick  
43 Ledesma, Nolan Perez, Greg Powers, Rick Rodriguez, Felix Sanchez and Ernest Silva.  
44 Motion carried unanimously.

- 1 16) Consider and take action to ratify Halff Associates as the top firm according to the  
2 Ad-Hoc 25<sup>th</sup> Street Pedestrian and Bicycle Trail Ranking Committee and to  
3 authorize the City Manager to negotiate and execute a contract for associated  
4 architectural and engineering services pursuant to the City's request for  
5 qualifications under RFQ #2011-14. Applicant: City of Harlingen. (Parks &  
6 Recreation)  
7

8 Paul Menzies, Parks & Recreation Director stated the 25<sup>th</sup> Street Pedestrian and  
9 Bicycle Trail was a \$2.6 million project that included 4.1 miles of hike and bike trails  
10 generally from Ramsey Nature Park north to TSTC, with an associated spur from 25<sup>th</sup>  
11 Street west along Monroe Street to the middle school/Boggus Stadium area. Funding for  
12 the project included a \$2.1 million federal grant with an approved match of \$525,000  
13 from the City's Community Improvement Board. The purpose of this item was to select  
14 Halff & Associates Engineering Firm as the top firm to design and engineer the project  
15 and to authorize the City Manager to negotiate and execute the contract. Once a contract  
16 was executed, the firm would have approximately eight (8) months to complete the  
17 project design and engineering and submit the final design packet to TxDOT. They  
18 would do the solicitation of bids, award the construction contract and oversee the  
19 construction. TxDOT anticipated in bidding out the project on January 2013, allowing  
20 enough lead time for environmental clearance once the design and engineering work was  
21 completed. Mr. Menzies recommended to ratify Halff & Associates as the top firm  
22 according to the Ad-Hoc 25<sup>th</sup> Street Pedestrian and Bicycle Trail Ranking Committee.  
23

24 Motion was made by Mayor Pro-Tem Prepejchal and seconded by Commissioner  
25 Marra to ratify Halff Associates as the top firm. Motion carried unanimously.  
26  
27

- 28 17) Consider and take action to approve a payment to the Development Corporation  
29 of Harlingen, Inc. on an outstanding loan in the amount of \$196,132.15 in  
30 connection with the Washington Avenue Improvements Project. (Finance  
31 Department)  
32

33 Roel Gutierrez, Finance Director stated the Development Corporation of  
34 Harlingen, Inc. was requesting a payment of \$196,132.15 on an outstanding loan from the  
35 City of Harlingen. In 1994 the Development Corporation loaned the City \$365,000 for  
36 improvements to Washington Avenue. The last payment made by the City was \$25,000  
37 in June of 2011 and brought the loan balance down to \$196,132.15. This amount was in  
38 the petition paving fund as a liability and the funds were available.  
39

40 A brief discussion was held and Carlos Yerena, City Manager informed the  
41 Commission there were some street construction overages on the Bass Pro Shop that  
42 could be utilized if the Commission wished to utilize these funds.  
43

44 Mayor Boswell instructed staff to meet with the development corporation staff to  
45 further discuss this item.  
46

1 18) Consider and take action to approve an ordinance on first reading to amend 2010-  
2 11 Fiscal Year Budget. (Finance Department)

3  
4 Roel Gutierrez, Finance Director highlighted the budget amendment and stated  
5 this was the fourth budget amendment to the 2010-2011 City of Harlingen Budget.

6  
7 General Fund – Revenues increase by \$564,551

8 Expenditures increase by \$485,957

9  
10 Hotel/Motel Fund – Expenditures increase by \$45,805

11  
12 Communication Center Fund – Revenues increase by \$122,580

13  
14 Neighborhood Stabilization Grant – Revenues increase by \$797,255

15 Expenditures increase by \$797,255

16  
17 TDRA Northwest Area Drainage Fund – Revenues increase by \$2,190,385

18 Expenditures increase by \$2,189,224

19  
20 Harlingen Community Improvement Board – Expenditures change with net effect of \$0.

21  
22 Ms. Cotroneo read the caption of the ordinance.

23  
24 Motion was made by Mayor Pro Tem Prepejchal and seconded by Commissioner  
25 Marra to approve the ordinance on first reading. Motion carried unanimously.

26  
27 19) Board Appointments

28  
29 Discussion and possible action regarding membership on any of the following  
30 listed board/entity:

31  
32 a. Airport Board

33 b. Animal Shelter Advisory Committee (3)

34 c. Audit Committee (6) (Annual Appointments as per Ordinance 08-38)

35 d. Civil Service Commission (Mayor) (1)

36 e. Community Development Advisory Board (1)

37 f. Construction Board of Adjustments (7)

38 g. Convention & Visitors Bureau (2)

39 h. Development Corporation of Harlingen, Inc.

40 i. Downtown Improvement District Board (2)

41 j. Golf Course Advisory Board

42 k. Harlingen Community Improvement Board

43 l. Harlingen Housing Authority Board (0)

44 m. Harlingen Finance Corporation

45 n. Harlingen Proud Advisory Board (3)

46 o. Library Advisory Board (1)

- 1 p. Municipal Auditorium Advisory Board (2)
- 2 q. Museum Advisory Board (2)
- 3 r. Parks Advisory Board
- 4 s. Planning & Zoning Advisory Board
- 5 t. Senior Citizens Advisory Board
- 6 u. Tax Increment Finance Board
- 7 v. Tennis Advisory Board
- 8 w. Utility Board of Trustees
- 9 x. Veterans Advisory Board (2)
- 10 y. Zoning Board of Adjustments (5)

11  
12 Specifically, appointment or discussion and possible action to include appointment and/or  
13 removal of any position subject to appointment or removal by statute, ordinance, or  
14 bylaws.

15  
16 Commissioner Ruiz appointed Jack Freehamel to the Convention and Visitors  
17 Bureau.

18  
19 Motion was made by Commissioner Marra and seconded by Mayor Pro-Tem  
20 Prepejchal to approve the appointment of Mr. Freehamel. Motion carried unanimously.

21  
22 2) Citizen Communication

23  
24 Raul Rodriguez, business owner stated he was present to say good-bye and thank  
25 everyone for the business he received while he was in operation in the City of Harlingen.

26  
27 Sam Lozano spoke with regards to the airport issue and stated the remarks that  
28 were made by the board members were unnecessary and felt no additional money should  
29 be spent to construct additional aprons.

30  
31 Art Cohen spoke on behalf of the Veterans Memorial Committee. He stated the  
32 Committee was trying to move forward with the construction of the Memorial Project.  
33 Their committee understood they could not get any commitments from the city and the  
34 Harlingen Development Corporation for any type of funding. The Committee hoped to  
35 complete the project before the end of this calendar year. They would request special  
36 recognition through a form of a resolution from the City when the project was completed.

37  
38 Jeff Kohlman spoke in regards to the airport issue and questioned why the airport  
39 was requesting the same request that was turned down by the city several months ago.  
40 What has changed at the airport from the time they received FAA guidance requesting  
41 fund for aprons. The Harlingen Airport is not capable of supporting two FBO(s).

42  
43 Juan Ortega voiced his concerns regarding the amount of money that would be  
44 allocated the construction of these aprons. He stated Gulf Aviation has being doing well  
45 on its own for quite along time. Mr. Ortega stated he did not understand someone else  
46 would want to recruit financial help from the City instead of using their own funds.

1  
2 Luis Perez spoke in regards to the airport aprons and stated why was the city  
3 spending money on something that was not needed when there an economic situation.  
4 Only 40% of the aprons were being used. This city can only maintain one (1) apron and  
5 companies interested in building should utilize their own money and not the city funds.  
6

7 David Garza spoke in regards to the airport issue and stated he did not understand  
8 why the Airport Board was not communicating with the city.  
9

10 At this time, the City Attorney stated the Mayor had left the City Commission  
11 meeting room and there was no quorum for the moment.  
12

13 Mr. Garza stated he had a contract with the City of Harlingen and heard numerous  
14 discussions between the airport and the city. The FAA had made it very clear these  
15 negotiations should all be made in good faith. These instructions have not been followed.  
16 Discussion should be held in the open session for everyone to attend and participate.  
17 These are the type of issues that are destroying the City.  
18

19 Fred Rendon, 1749 Apple Court requested transportation assistance to transport a  
20 veteran to Dallas for a doctor's appointment.  
21

22 Joe Rubio, Jr., 2309 Hacienda Road stated he provided a check for \$170 to the  
23 City Secretary. He had been accused of profiting from a video recording he had  
24 conducted for the City Attorney. Mr. Rubio pointed out the minutes did not reflect some  
25 issues that transpired during the meeting. He also pointed out an issue during one of the  
26 executive sessions from the last meeting. Mr. Rubio would be filing a formal complaint  
27 to the Cameron County District's Office regarding the open meetings violation.  
28

29 Motion was made by Commissioner Marra and seconded by Mayor Pro Tem  
30 Prepejchal to go into Executive Session to discuss Item 24, 25, and 26. Motion carried  
31 unanimously.  
32

33 At 6:15 p.m. on July 20, 2011, Mayor Boswell announced the City Commission  
34 would convene in Executive Session to discuss Items 24, 25, and 26.  
35

36 At 6:44 p.m., Mayor Boswell announced that the City Commission had completed  
37 its executive session on Item 24, 25, and 26 and declared the meeting opened to the  
38 public.  
39

40 24) Executive Session pursuant to Chapter 551, Subchapter D, V.T.C.A. Government  
41 Code, Sections 551.071 and 551.072 to consult with the City Attorney to seek  
42 legal advice regarding the Dixieland Railroad Crossing at Mile Post MP 1.7 at the  
43 Mission Subdivision and to deliberate the purchase, exchange, lease or value of  
44 real property because deliberations in an open meeting would have detrimental  
45 effect on the City's position in negotiations with a third person. (City Attorney)  
46

1 No action

2

3 25) Consider and take action to approve a possession and use agreement between the  
4 City of Harlingen, Union Pacific Railroads Company, and Rio Valley Switching  
5 Company for the purpose of constructing and operating a public crossing over a  
6 right-of-way and rail line owned by Union Pacific and leased to Rio Valley  
7 Switching at Mile Post 1.7 on the Mission Subdivision also Know as “Dixieland  
8 Crossing.” (City Attorney)

9

10 Motion was made by Mayor Pro Tem Prepejchal and seconded by Commissioner  
11 Ruiz to approve the possession and use agreement between the City of Harlingen and  
12 Union Pacific Railroad Company and Rio Valley Switching Company. Motion carried  
13 unanimously.

14

15 26) Consider and take action to approve a public grade crossing agreement between  
16 the City of Harlingen, Union Pacific Railroads Company and Rio Valley  
17 Switching Company for the use of a public crossing over a right-of-way and rail  
18 line owned by Union Pacific and leased to Rio Valley Switching at Mile Post 1.7  
19 on the Mission Subdivision also know as “Dixieland Crossing.” (City Attorney)

20

21 Motion was made by Mayor Pro Tem Prepejchal and seconded by Commissioner  
22 Ruiz to approve the public grade crossing agreement between the City of Harlingen and  
23 Union Pacific Railroad Company and Rio Valley Switching Company. Motion carried  
24 unanimously.

25

26 22) Closed/Executive Session pursuant to Chapter 551, Subchapter D, V.T.C.A.  
27 Government Code, Sections 551.087 and 551.071 regarding commercial and  
28 financial information from a business prospect with which the City Commission  
29 is conducting economic development negotiations and/or to discuss and deliberate  
30 financial or other incentives with the business prospect known as Project Green to  
31 seek legal advice from the City Attorney regarding this subject. (City Manager)

32

33 No Action.

34

35 23) Consider and take action to approve an addendum to the Waste Disposal  
36 Agreement dated December 2, 2010 between the City of Harlingen and the City  
37 Edinburg. (City Manager)

38

39 No Action.

40

41 There being no further business to discuss, Mayor Boswell adjourned the meeting  
42 at 6:57 p.m.

43

44

45

Regular Meeting  
7/20/11

1  
2  
3  
4  
5  
6  
7  
8

Attest:

\_\_\_\_\_  
Amanda C. Elizondo, City Secretary

\_\_\_\_\_  
Chris Boswell, Mayor

**ORDINANCE NO. 11-\_\_\_\_\_****AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-27) OF THE CITY OF HARLINGEN: REZONING FROM "NOT DESIGNATED (N)" ZONING DISTRICT TO "RESIDENTIAL, MOBILE HOME (MH)" ZONING DISTRICT FOR LOT 82, PALM VISTA ESTATES UNIT 2, LOCATED AT 15983 PALM VISTA DRIVE; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING**

**WHEREAS**, the Planning and Zoning Commission of the City of Harlingen pursuant to Harlingen's Zoning Ordinance procedure, has recommended a change in the zoning classification for certain described real property in the City of Harlingen; and it is deemed to be in the best interest of the City of Harlingen in accordance with said recommendation of the Planning and Zoning Commission of the City, being the recommendation as hereinafter set forth; and public notice of such proposed rezoning having been fully made and complied with as required by said Zoning Ordinance and applicable laws of the State of Texas; and the City Commission of the City of Harlingen having held public hearings with reference thereto, being duly and thoroughly heard; and after consideration of the evidence presented, said City Commission is of the opinion that it is in the best interest of the City of Harlingen that said Zoning Ordinance be amended as indicated, now, therefore,

**BE IT ORDAINED BY THE CITY OF HARLINGEN**

That the Zoning Ordinance of the City of Harlingen (Ordinance 07-27) be and the same is herewith amended by the following described property being changed for permissive zone use as indicated:

Rezoning from "not designated (N)" zoning district to "residential, mobile home (MH)" zoning district for Lot 82, Palm Vista Estates Unit 2, located at 15983 Palm Vista Drive.

A copy of the Zoning Map constituting a part and parcel of the Zoning Ordinance, as filed with the Building Inspection Inspector and for the joint use and information of the Planning and Zoning Commission shall, upon final enactment hereof, be and the same is herewith amended and revised to reflect that the above described property is zoned for land use purposes as above indicated by the boundaries thereof being outlined in pronounced heavy line markings and such heavy line marking boundary enclosure being indicated within by the appropriate initials for that portion herewith zoned for particular land uses; with the Planning and Development Director being herewith instructed and authorized to document such Zoning Map changes and revisions.

The provisions of this ordinance shall become effective from and after the final and lawful passage hereof and publication of the caption hereof as provided for and required in the Zoning Ordinance and applicable state statutes.

**FINALLY ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011, at a regular meeting of the Elective Commission of the City of Harlingen, Texas at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, CHAPTER 551.

**CITY OF HARLINGEN**

\_\_\_\_\_  
Chris Boswell, Mayor

**ATTEST:**

\_\_\_\_\_  
Amanda C. Elizondo, City Secretary

## ORDINANCE NO. 11-\_\_\_\_\_

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-27) OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT TO ROSEMARY CANTU GUERRA TO ALLOW A BAR/LOUNGE IN A "GENERAL RETAIL (GR)" ZONE LOCATED AT 1105 S. TAMM LANE, BEARING A LEGAL DESCRIPTION OF 3.474 ACRES, OUT OF BLOCK 33, STUART PLACE SURVEY 139/297/298, SUBJECT TO: (1) MAINTAIN THE REQUIRED OFF STREET PARKING SPACES; (2) PROVIDING A LICENSED SECURITY GUARD IN THE PARKING LOT DURING PEAK HOURS OF OPERATION ON THURSDAY, FRIDAY AND SATURDAY FROM 9:00 P.M. TO 2:00 A.M.; (3) MUST PROVIDE ADEQUATE LIGHTING IN THE PARKING AREA; (4) PROVIDE AND MAINTAIN THE SURVEILLANCE VIDEO ON THE PROPERTY AND (5) APPLICANT MUST OBTAIN AND MAINTAIN TABC LICENSE; AND (6) COMPLY WITH REQUIREMENTS ADMINISTERED BY THE PLANNING, BUILDING INSPECTIONS, HEALTH AND FIRE DEPARTMENT; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING

**WHEREAS**, the Planning and Zoning Commission of the City of Harlingen pursuant to Harlingen's Zoning Ordinance procedure. has recommended a specific use permit for certain described real property in the City of Harlingen; and it is deemed to be in the best interest of the City of Harlingen in accordance with said recommendation of the Planning and Zoning Commission of the City, being the recommendation as hereinafter set forth; and public notice of such proposed specific use permit having been fully made and complied with as required by said Zoning Ordinance and applicable laws of the State of Texas; and the City Commission of the City of Harlingen having held public hearings with reference thereto, being duly and thoroughly heard: and after consideration of the evidence presented, said City Commission is of the opinion that it is in the best interest of the City of Harlingen that said Zoning Ordinance be amended as indicated, now, therefore,

**BE IT ORDAINED BY THE CITY OF HARLINGEN**

That the Zoning Ordinance of the City of Harlingen (Ordinance 07-27) be and the same is herewith amended by the following described property being issued a specific use permit as indicated:

To issue a specific use permit to Rosemary Cantu Guerra to allow a bar/lounge in a "general retail (GR)" zone located at 1105 S. Tamm Lane, bearing a legal description of 3.474 acres out of Block 33, Stuart Place Survey 139/297/298, subject to: (1) maintain the required off street parking spaces; (2) providing a licensed security guard in the parking lot during peak hours of operation on Thursday, Friday and Saturday from 9:00 p.m. to 2:00 a.m.; (3) sufficient lighting, as determined by the Planning and Zoning and Police Departments, shall be provided on all parking lot and loading areas, and building's entrances/exits. Required outdoor lighting shall not be less than 1-foot candle at or beyond the property lines, and shall be shielded to reduce glare and arranged to reflect light or

glare away from public thoroughfares. A Photometric Plan showing compliance with this requirement shall be submitted to the Planning and Zoning Department for review and approval with the Electrical Permit Application; (4) must provide and maintain the surveillance video on the property; (5) must obtain and maintain TABC license; and (6) comply with requirements administered by the Planning, Building Inspections, Health and Fire Department.

The provisions prohibiting the violation of the Zoning Ordinance shall continue in full force and effect and apply to this amendment.

The specific use permit is made contingent upon a site plan, a true and correct copy of which is attached hereto and incorporated herein by reference as Exhibit "A".

The provisions of this ordinance shall become effective from and after the final and lawful passage hereof and publication of the caption hereof as provided for and required in the Zoning Ordinance and applicable state statutes.

**FINALLY ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011, at a regular meeting of the Elective Commission of the City of Harlingen, Texas at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, CHAPTER 551.

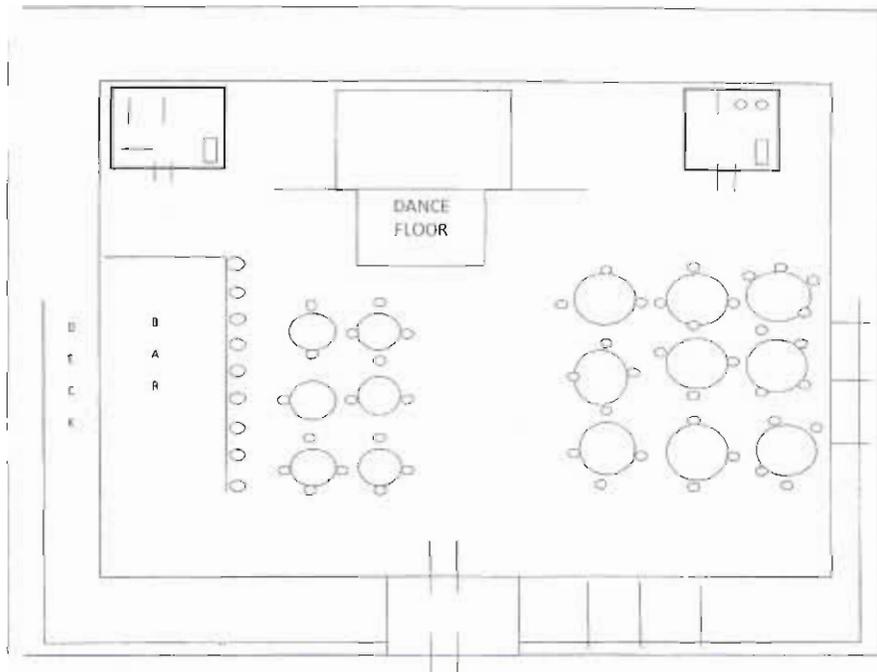
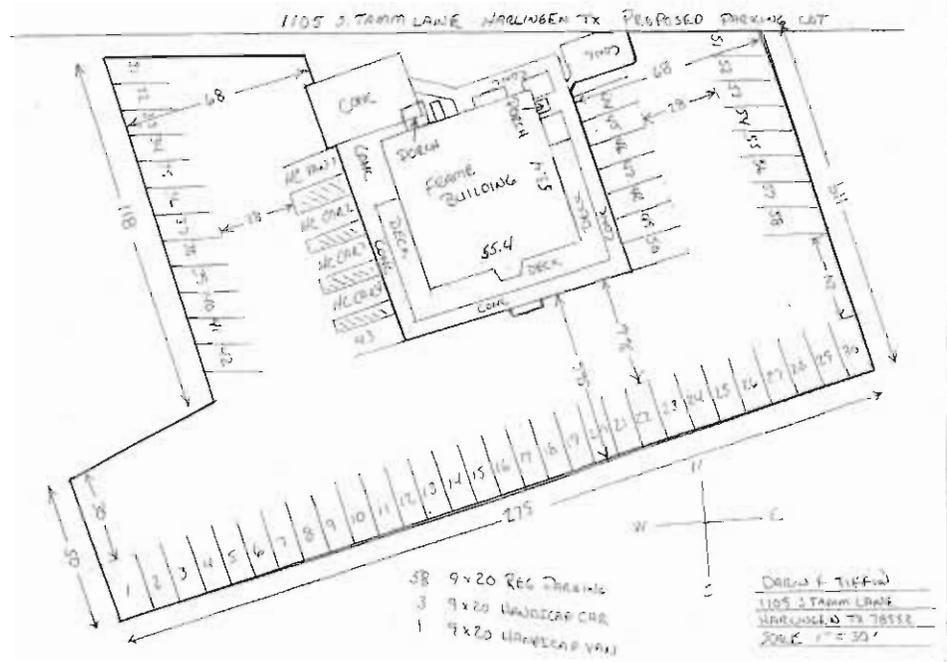
**CITY OF HARLINGEN**

\_\_\_\_\_  
Chris Boswell, Mayor

**ATTEST:**

\_\_\_\_\_  
Amanda C. Elizondo, City Secretary

# Exhibit "A"



ORDINANCE NO. 11-\_\_\_\_\_

AN ORDINANCE AMENDING THE REVENUE AND EXPENDITURE BUDGET FOR THE CITY OF HARLINGEN, TEXAS, FOR THE FISCAL YEAR OCT. 1, 2010 THROUGH SEPT. 30, 2011. TOTAL BUDGET REVENUES WILL INCREASE TO \$70,523,218 AND TOTAL BUDGET EXPENDITURES WILL INCREASE TO \$73,964,636 RESPECTIVELY; PROVIDING FOR PUBLICATION OF THE CAPTION OF THIS ORDINANCE AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

WHEREAS, the City Manager of the City of Harlingen has prepared and presented to the City Commission budget amendment #4 for fiscal year October 1, 2010 through September 30, 2011; and

WHEREAS, amending the current fiscal year budget is desirable for clarity and is required by law: now therefore

**BE IT ORDAINED BY THE CITY OF HARLINGEN:**

**SECTION I.** That an amendment to the budget of the City of Harlingen, Texas for the fiscal year October 1, 2010 and ending September 30, 2011 (exclusive of the revenues and expenditures of the Harlingen Waterworks System, Valley International Airport, Harlingen Downtown Fund, Community Development Block Grant Fund, and Development Corporation Fund) in the total amount of Seventy Million Five Hundred Twenty Three Thousand Two Hundred And Eighteen Dollars (\$70,523,218) in revenues and Seventy Three Million Nine Hundred Sixty Four Thousand Six Hundred And Thirty Six Dollars (\$73,964,636) in expenditures is hereby adopted. A summary of the budget adopted is hereby attached to this Ordinance and incorporated herein as Exhibit A and the complete detail budget adopted by this Ordinance is incorporated herein by reference and shall be made available for public inspection at the office of the City Secretary during regular business hours.

**SECTION II.** That the City Manager of the City of Harlingen, Texas, is hereby authorized to increase the budget by the amount of purchase orders outstanding as of September 30, 2010.

**SECTION III.** That the City Manager of the City of Harlingen,

Texas, is hereby authorized to increase the budget by the amount of funds recovered for repair or replacement of property or equipment damaged by others.

**SECTION IV.** That the City Secretary of the City of Harlingen, Texas is hereby authorized and directed to cause a true and correct copy of the caption of this Ordinance to be published in a newspaper having general circulation in the City of Harlingen, Cameron County, Texas.

**FINALLY ENACTED THIS** \_\_\_\_\_ day of \_\_\_\_\_, 2011 at a regular meeting of the Elective Commission of the City of Harlingen, Texas at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, TITLE 5, SUBTITLE A., CHAPTER 551.

**CITY OF HARLINGEN**

\_\_\_\_\_  
Chris Boswell, Mayor

**ATTEST:**

\_\_\_\_\_  
Amanda C. Elizondo, City Secretary

**CITY OF HARLINGEN  
ESTIMATED FUND BALANCES  
FISCAL YEAR 2010-2011**

**Exhibit "A"**

	(NOTE 1) AUDITED FUND BALANCE 9/30/2010	2010/11 BUDGETED REVENUES	2010/11 BUDGETED EXPENDITURES	(NOTE 1) ESTIMATED FUND BALANCE 9/30/2011
GENERAL FUND	\$10,527,631	\$38,103,964	\$38,992,995	\$9,638,600
M.P.O.	(1,219)	628,931	628,931	(1,219)
SPECIAL INVESTIGATION	1,978,988	478,250	1,076,507	1,380,731
TENNIS COURT	79,373	41,025	42,171	78,227
HOTEL/MOTEL	547,499	851,800	926,805	472,494
CATASTROPHIC EMERGENCY	1,060,867	400	350,694	710,573
FREE TRADE BRIDGE	812,235	140,850	752,000	201,085
COMMUNICATION CENTER	42,560	181,713	96,300	127,973
COPS UHP GRANT	0	270,777	270,777	0
RED LIGHT ENFORCEMENT PROGRAM	391,892	0	200,689	191,203
ENERGY EFFICIENT BLOCK GRANT	0	645,100	645,100	0
TX DOT 25TH ST TRAIL GRANT	0	2,623,811	2,623,811	0
NEIGHBORHOOD STABILIZATION FUND	0	797,255	797,255	0
TDRA NORTHWEST DRAINAGE	0	2,190,385	2,189,224	1,161
CONVENTION & VISITORS BUREAU	336,226	488,150	483,613	340,763
HARLINGEN COMMUNITY IMPROVEMENT BOARD (4B)	1,370,969	1,197,361	1,897,361	670,969
DEBT SERVICE	515,108	4,240,144	4,240,136	515,116
PETITION PAVING	589,480	4,300	549,431	44,349
CAPITAL IMPROVEMENT	(84,115)	0	0	(84,115)
STREET IMPROVEMENT	500,669	0	173,000	327,669
INFRASTRUCTURE FUND	208,506	255,100	201,564	262,042
MUNICIPAL AUDITORIUM (NOTE 1)	(79,879)	345,800	345,763	(79,842)
SANITATION/SANITARY LANDFILL (NOTE 1)	3,239,518	8,115,400	7,849,823	3,505,095
HARL ARTS & HERITAGE MUSEUM (NOTE 1)	163,771	122,500	122,500	163,771
GOLF COURSE (NOTE 1)	434,781	1,333,400	1,220,659	547,522
MOTOR VEHICLE & WAREHOUSE (NOTE 1)	0	1,961,150	1,941,092	20,058
VEHICLE REPLACEMENT FUND (NOTE1)	1,433,345	1,178,898	1,019,851	1,592,392
HEALTH INSURANCE (NOTE 1)	202,378	3,912,678	3,912,508	202,548
TAX INCREMENT FINANCING (TIF) #1	138,151	115,900	115,900	138,151
TAX INCREMENT FINANCING (TIF) #2	272,264	175,826	175,826	272,264
TAX INCREMENT FINANCING (TIF) #3	48,753	122,350	122,350	48,753
<b>TOTAL</b>	<b>24,729,751</b>	<b>70,523,218</b>	<b>73,964,636</b>	<b>21,288,333</b>

Note 1 - Fund Balance is defined as Working Capital for funds indicated.

**CITY OF HARLINGEN**  
**BUDGET AMENDMENT FY 2010-2011**

DEPARTMENT	G/L ACCOUNT NO.	BUDGET REQUESTS	GRANTS	TOTAL
<b>GENERAL FUND</b>				
<b>REVENUES</b>				
<u>Delinquent Taxes</u>	001-0000-301-0200	(53,000)		(53,000)
<u>Penalty &amp; Interest</u>	001-0000-301-0300	44,000		44,000
<u>Pilot</u>	001-0000-301-0900	37,841		37,841
<u>Sales Tax 1%</u>	001-0000-302-0100	(69,500)		(69,500)
<u>Sales Tax .25%</u>	001-0000-302-0200	(34,750)		(34,750)
<u>Telecom SW Bell</u>	001-0000-303-0100	(35,000)		(35,000)
<u>Electrical - AEP</u>	001-0000-303-1000	40,000		40,000
<u>Electrical - Magic Valley</u>	001-0000-303-1100	19,201		19,201
<u>Gas - Texas Gas</u>	001-0000-303-2000	5,000		5,000
<u>Cable - Time Warner</u>	001-0000-303-3100	15,000		15,000
<u>Commercial Waste Haulers</u>	001-0000-303-6001	(12,000)		(12,000)
<u>Bingo</u>	001-0000-304-0100	(10,000)		(10,000)
<u>Mixed Beverages</u>	001-0000-304-0200	10,000		10,000
<u>Miscellaneous</u>	001-0000-304-9900	334		334
<u>Food Handler's</u>	001-0000-311-1000	5,500		5,500
<u>Dog Licenses/Pound Fees</u>	001-0000-311-1100	3,500		3,500
<u>Building Permits</u>	001-0000-311-2000	30,000		30,000
<u>Electrical Permits</u>	001-0000-311-2100	2,000		2,000
<u>Plumbing Permits</u>	001-0000-311-2300	3,000		3,000
<u>Mechanical Permits</u>	001-0000-311-2500	(2,500)		(2,500)
<u>Registrations Fees</u>	001-0000-311-3000	(3,000)		(3,000)
<u>Re-Inspection Fees</u>	001-0000-311-3200	3,500		3,500
<u>Energy Conservation Inspection</u>	001-0000-311-3300	(1,000)		(1,000)
<u>Business Alarm Permits</u>	001-0000-311-4100	2,000		2,000
<u>Miscellaneous Permits</u>	001-0000-311-9900	4,000		4,000
<u>Traffic</u>	001-0000-321-0100	70,000		70,000
<u>Library Fines</u>	001-0000-322-3000	3,000		3,000
<u>Sports Complex</u>	001-0000-331-0100	(1,100)		(1,100)
<u>Tourist Building</u>	001-0000-331-0700	(3,500)		(3,500)
<u>Casa Del Sol</u>	001-0000-331-0800	10,000		10,000

**CITY OF HARLINGEN**  
**BUDGET AMENDMENT FY 2010-2011**

DEPARTMENT	G/L ACCOUNT NO.	BUDGET REQUESTS	GRANTS	TOTAL
<u>Dixieland Pavilion</u>	001-0000-331-1100	(500)		(500)
<u>Oil Mill Pavilion</u>	001-0000-331-1200	(500)		(500)
<u>Rangerville Park Gazebo</u>	001-0000-331-1500	(500)		(500)
<u>Library Meeting Room</u>	001-0000-331-3000	3,000		3,000
<u>Cultural Arts Center</u>	001-0000-331-4300	1,000		1,000
<u>Recreation Activities</u>	001-0000-332-0100	(6,000)		(6,000)
<u>Pool Pendlaton</u>	001-0000-332-0400	(9,000)		(9,000)
<u>Water Aerobics</u>	001-0000-332-0401	20,000		20,000
<u>Library Xerox</u>	001-0000-332-2000	1,000		1,000
<u>Birth &amp; Death Certificates</u>	001-0000-332-2500	(30,000)		(30,000)
<u>Cleanup Mowing</u>	001-0000-332-2700	(9,000)		(9,000)
<u>Fire County</u>	001-0000-332-3100	(43,401)		(43,401)
<u>Fire Calls-Primera</u>	001-0000-332-3200	(2,699)		(2,699)
<u>Fire Calls-Combes</u>	001-0000-332-3300	(2,975)		(2,975)
<u>Fire Calls-Palm Valley</u>	001-0000-332-3400	2,584		2,584
<u>TML</u>	001-0000-332-3802	84,305		84,305
<u>Reimbursements City Manager</u>	001-0000-333-0100	1,000		1,000
<u>Reimbursements Fire Suppression</u>	001-0000-333-2000	(10,753)		(10,753)
<u>Reimbursements Street Maintenance</u>	001-0000-333-5000	(10,000)		(10,000)
<u>Reimbursements Street Cut Repairs</u>	001-0000-333-5200	10,000		10,000
<u>Reimbursements Recreation</u>	001-0000-333-6000	10,000		10,000
<u>Reimbursements Public Buildings</u>	001-0000-333-7000	10,000		10,000
<u>Homeland Security Grant FD (Fire Homeland Security)</u>	001-0000-350-2500		372,765	372,765
<u>Demolition</u>	001-0000-389-1500	500		500
<u>Police Records</u>	001-0000-389-3000	5,000		5,000
<u>Miscellaneous</u>	001-0000-389-9900	10,000		10,000
<u>Jail Phone Fees</u>	001-0000-389-9901	700		700
<u>Sale of Fixed Assets</u>	001-0000-392-0100	75,500		75,500
<b>TOTAL GENERAL FUND REVENUES</b>		<b>\$191,787</b>	<b>\$372,765</b>	<b>\$564,552</b>

**CITY OF HARLINGEN  
BUDGET AMENDMENT FY 2010-2011**

DEPARTMENT	G/L ACCOUNT NO.	BUDGET REQUESTS	GRANTS	TOTAL
<b>GENERAL FUND</b>				
<b>EXPENDITURES</b>				
<u>Professional Services</u> (Health Insurance Consultant)	001-2003-421-3010	50,000		50,000
<u>Contract Labor</u> (Court 4 alternate judges to preside over magistrate warnings and arraignments)	001-2215-422-3060	41,125		41,125
<u>Contract Labor</u> (Court 1 Temporary clerk to enter citations until automated ticket writing system is in place)	001-2215-422-3060	22,067		22,067
<u>Capital Outlay Misc. Equipment</u> (Fire Homeland Security)	001-3511-904-8034		341,705	341,705
<u>Capital Outlay Misc. Equipment</u> (Fire Homeland Security)	001-3511-904-8034		31,060	31,060
<b>TOTAL GENERAL FUND EXPENDITURES</b>		<b>\$113,192</b>	<b>\$372,765</b>	<b>\$485,957</b>
<b>CHANGE TO FUND BALANCE - GENERAL FUND</b>		<b>\$78,595</b>	<b>\$0</b>	<b>\$78,595</b>

<b>HOTEL/MOTEL FUND</b>				
<b>EXPENDITURES</b>				
<u>Harlingen Performing Art Theater</u>	105-6199-834-3933	45,805	0	45,805
<b>TOTAL HOTEL/MOTEL FUND EXPENDITURES</b>		<b>\$45,805</b>	<b>\$0</b>	<b>\$45,805</b>
<b>CHANGE TO FUND BALANCE - HOTEL/MOTEL FUND</b>		<b>\$45,805</b>	<b>\$0</b>	<b>\$45,805</b>

<b>COMMUNICATION CENTER FUND</b>				
<b>REVENUES</b>				
<u>Tower Rental</u> (Cam Cty Emerg Comm District & Equip & Maint Proj Agreeem-112-0000-331-4500)		121,500	0	121,500
<u>Tower Rental</u> (Radio Service Agreements: Palm Valley \$1,440, Primera \$1,680, & Combes \$3,360)	112-0000-331-4500	6,480	0	6,480
<u>Tower Rental</u> (City of San Benito Radio Service Agreement Reduction)	112-0000-331-4500	(5,400)	0	(5,400)
<b>TOTAL COMMUNICATION CENTER FUND REVENUES</b>		<b>\$122,580</b>	<b>\$0</b>	<b>\$122,580</b>
<b>CHANGE TO FUND BALANCE - COMMUNICATION CENTER FUND</b>		<b>\$122,580</b>	<b>\$0</b>	<b>\$122,580</b>

<b>NEIGHBORHOOD STABILIZATION FUND</b>				
<b>REVENUES</b>				
<u>State Neighborhood Stabilization</u> (Grant balance to be received)	117-0000-351-2200		797,255	797,255
<b>TOTAL NEIGHBORHOOD STABILIZATION FUND REVENUES</b>		<b>\$0</b>	<b>\$797,255</b>	<b>\$797,255</b>

<b>NEIGHBORHOOD STABILIZATION FUND</b>				
<b>EXPENDITURES</b>				
<u>Operations Svcs &amp; Charges Misc</u> (Bring forward unexpended balance from FY10 to FY11)	117-1901-438-3999		54,158	54,158
<u>Clearance &amp; Demolition</u> (Bring forward unexpended balance from FY10 to FY11)	117-1901-742-3950		181,907	181,907
<u>NSP Program</u> (Bring forward unexpended balance from FY10 to FY11)	117-1901-742-3963		561,190	561,190
<b>TOTAL NEIGHBORHOOD STABILIZATION FUND EXPENDITURES</b>		<b>\$0</b>	<b>\$797,255</b>	<b>\$797,255</b>
<b>CHANGE TO FUND BALANCE - NEIGHBORHOOD STABILIZATION FUND</b>		<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**CITY OF HARLINGEN**  
**BUDGET AMENDMENT FY 2010-2011**

DEPARTMENT	G/L ACCOUNT NO.	BUDGET REQUESTS	GRANTS	TOTAL
<b>TDRA NORTHWEST AREA DRAINAGE FUND</b>				
<b>REVENUES</b>				
<u>State TDRA</u> (Grant Balance to be received)	123-0000-351-2700		2,190,385	2,190,385
<b>TOTAL TDRA NORTHWEST AREA DRAINAGE FUND REVENUES</b>		<b>\$0</b>	<b>\$2,190,385</b>	<b>\$2,190,385</b>
<b>TDRA NORTHWEST AREA DRAINAGE FUND</b>				
<b>EXPENDITURES</b>				
<u>St Improvements Svcs &amp; Charges Misc</u> (Bring Forward Unexpended balance from FY10 to FY11)	123-5017-614-3999		2,796	2,796
<u>Street Improvements Engineering</u> (Bring Forward Unexpended balance from FY10 to FY11)	123-5017-614-7091		30,000	30,000
<u>Street Improvement Drainage</u> (Bring Forward Unexpended balance from FY10 to FY11)	123-5017-614-7093		2,156,428	2,156,428
<b>TOTAL TDRA NORTHWEST AREA DRAINAGE FUND EXPENDITURES</b>		<b>\$0</b>	<b>\$2,189,224</b>	<b>\$2,189,224</b>
<b>CHANGE TO FUND BALANCE - TDRA NORTHWEST AREA DRAINAGE FUND</b>		<b>\$0</b>	<b>\$1,161</b>	<b>\$1,161</b>

<b>HARLINGEN COMMUNITY IMPROVEMENT BOARD FUND</b>				
<b>EXPENDITURES</b>				
<u>Misc Unallocated Projects</u>	192-8501-441-6112	(361,000)		(361,000)
<u>Project 2011-02 Water Park - Lon C. Hill Park</u>	192-8506-443-6632	236,000		236,000
<u>Project 2011-03 Complete baseball field - Lon C. Hill Park</u>	192-8506-443-6633	15,000		15,000
<u>Project 2011-04 Outfield fencing at Boys &amp; Girls Field</u>	192-8506-443-6634	5,000		5,000
<u>Project 2011-05 Resurface tennis courts - Victor Park</u>	192-8506-443-6635	90,000		90,000
<u>Project 2011-06 Fencing at Pendleton Park</u>	192-8506-443-6636	15,000		15,000
(4B board approved projects at May 26, 2011 meeting)				
<b>TOTAL HARLINGEN COMMUNITY IMPROVEMENT BOARD FUND EXPENDITURES</b>		<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>CHANGE TO FUND BALANCE - HARLINGEN COMMUNITY IMPROVEMENT BOARD FUND</b>		<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

6.

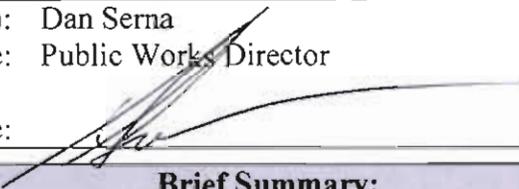
**AGENDA ITEM  
EXECUTIVE SUMMARY**

Meeting Date: **August 3, 2011**

**Agenda Item:**

Consider and take action to accept (or reject) bids and award contract for the Van Buren Parking Lot Canopy Project under Bid 2011-19.

Prepared By (Print Name): Dan Serna  
Title: Public Works Director

Signature: 

**Brief Summary:**

On July 5, 2011 staff received and opened a total of six (6) bids for the construction of canopies over the parking spaces at the parking lot located on the 100 Block of West Van Buren Avenue bearing a legal description of Lots 17, 18 & 19, Block 59, Harlingen Original Townsite. Upon award of the bid by the City Commission, staff will coordinate the canopy installation with the work being performed under a separate contract to overlay new asphalt on the same parking lot.

**Funding (if applicable):**

Are funds specifically designated in the current budget for the full amount  Yes  No\*

\*If no, specify source of funding and amount requested:

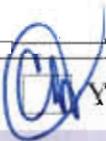
Finance Director's approval:

  Yes  No  N/A

**Staff Recommendation:**

Staff recommends that we award the project to Sean Andrews Construction for the low bid amount of \$71,000.00

City Manager's approval:

  Yes  No  N/A

**Comments:**

City Attorney's approval:

  Yes  No  N/A

SUBJECT TO COMPLIANCE WITH CHAPTER 380  
AGREEMENT BETWEEN THE CITY OF HARLINGEN  
AND THE REESE PLAZA DEVELOPMENT LLC EXECUTED  
BY RESOLUTION NO. 11R-19 ON APRIL 20, 2011

July 5, 2011

PROJECT: Van Buren Parking Lot Canopy Project

TYPE: Parking Lot Improvements

LIMITS:

<b>Base Bid</b>	<b>\$</b>	<b>75,000.00</b>
Bidder 1 Caltia Construction	\$	77,000.00
Bidder 2 C. A. Builders	\$	85,458.00
Bidder 3 Garco Construction	\$	74,759.00
Bidder 4 Grande Valley Builders	\$	89,800.00
Bidder 5 H2O Construction	\$	109,000.00
Bidder 6 Sean Andrews Construction	\$	71,000.00

Engineer's Estimate

Description	Unit	Est Qty	Base Bid		Caltia Construction		C. A. Builders		Garco Construction	
			Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
New Parking Lot Canopy	LS	1.00	\$ 75,000.00	\$ 75,000.00	\$ 77,000.00	\$ 77,000.00	\$ 85,458.00	\$ 85,458.00	\$ 74,759.00	\$ 74,759.00
<b>BASE BID TOTAL</b>				<b>\$ 75,000.00</b>		<b>\$ 77,000.00</b>		<b>\$ 85,458.00</b>		<b>\$ 74,759.00</b>

Engineer's Estimate

Description	Unit	Est Qty	Base Bid		Grande Valley Builders		H2O Construction		Sean Andrews Construction	
			Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
New Parking Lot Canopy	LS	1.00	\$ 75,000.00	\$ 75,000.00	\$ 89,800.00	\$ 89,800.00	\$ 109,000.00	\$ 109,000.00	\$ 71,000.00	\$ 71,000.00
<b>BASE BID TOTAL</b>				<b>\$ 75,000.00</b>		<b>\$ 89,800.00</b>		<b>\$ 109,000.00</b>		<b>\$ 71,000.00</b>

RESOLUTION NO. 11R-19

**AUTHORIZING THE CREATION OF A CHAPTER 380 ECONOMIC DEVELOPMENT PROGRAM AND NEGOTIATION AND EXECUTION OF A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF HARLINGEN AND THE REESE PLAZA DEVELOPMENT, LLC.**

*WHEREAS*, the CITY OF HARLINGEN, TEXAS (the "City") is a duly created political subdivision of the State of Texas (the "State") operating as a home-rule municipality pursuant to the laws of the State and its City Charter; and

*WHEREAS*, Article 3, Section 52-a of the Texas Constitution and Chapter 380 of the Texas Local Government Code ("*Chapter 380*"), authorizes the City to establish and provide for the administration of local economic development programs within its city;

*WHEREAS*, Reese Plaza Development, LLC ("*Reese*") requested that the Harlingen City Commission consider establishing and administering an economic development program in the City of Harlingen as allowed under the Texas Local Government Code, Chapter 380 in exchange and consideration for Reese Plaza Development LLC investing five million, two-hundred and five thousand (\$5,205,000) dollars in the real property improvements, new equipment and machinery located at 202 S. 1<sup>st</sup> Street, Harlingen, Texas, with a legal description of *Lots five (5), six (6), seven (7), eight (8), nine (9), ten (10) and eleven (11), Block Sixty-nine (69), Original Townsite of Harlingen, Cameron County, Texas, according to the Map or Plat thereof recorded in Volume 2, Page 14, Map Records of Cameron County, Texas* also known as "The Reese".

*WHEREAS*, the Harlingen City Commission finds that authorizing the establishment and administration of a local economic development program, known as the Reese Plaza Development LLC Economic Development Program, pursuant to the provisions of Chapter 380 will enable the City to promote economic development and stimulate business and commercial activity in the City; and

*WHEREAS*, it is hereby officially found and determined that the meeting at which this Resolution 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 RESOLVED BY THE CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS:**

**SECTION 1. APPROVAL OF CHAPTER 380 ECONOMIC DEVELOPMENT PROGRAMS.**  
Pursuant to the authority granted in Chapter 380 of the Texas Local Government Code, the Harlingen City Commission established economic development programs as described in City Resolution No. 10R-57, attached hereto as Exhibit "1" on December 15, 2010.

**SECTION 2. APPROVAL OF CHAPTER 380 ECONOMIC DEVELOPMENT PROGRAM KNOWN AS REESE PLAZA DEVELOPMENT LLC.** Pursuant to the authority granted in Chapter 380 of the Texas Local Government Code and City Resolution No. 10R-57, the Harlingen City Commission hereby authorizes and establishes a local economic development program, known as the Reese Plaza Development LLC Economic Development Program.

**SECTION 3. APPROVAL OF CHAPTER 380 AGREEMENT BETWEEN CITY OF HARLINGEN AND REESE PLAZA DEVELOPMENT LLC.** The Harlingen City Commission authorizes the negotiation and execution of an economic development agreement for Reese under Chapter 380 of the Texas Local Government Code, herein attached as Exhibit "2". Under this Chapter 380 Agreement, the City shall:

- (a) ***Transfer title to the land with a legal description*** of Lots seventeen (17), eighteen (18), and nineteen (19), Block fifty-nine (59), Original Townsite of Harlingen, Cameron County, Texas according to the map or plate thereof recorded in Volume 2, Page 14, Map Records of Cameron County, Texas on or before June 1, 2011, which has a certified fair market appraisal value of fifty-eight thousand (\$58,000) dollars to Reese; and
- (b) ***Repave or overlay the parking lot located on the land*** bearing a legal description of Lots seventeen (17), eighteen (18), and nineteen (19), Block fifty-nine (59), Original Townsite of Harlingen, Cameron County, Texas according to the map or plate thereof recorded in Volume 2, Page 14, Map Records of Cameron County, Texas on or before September 30, 2011; and
- (c) ***Construct a canopy to provide twenty-nine (29) covered parking spaces on the land*** bearing a legal description of Lots seventeen (17), eighteen (18), and nineteen (19), Block fifty-nine (59), Original Townsite of Harlingen, Cameron County, Texas according to the map or plate thereof recorded in Volume 2, Page 14, Map Records of Cameron County, Texas, on or before September 30, 2011; and
- (d) ***Transfer an easement to Reese to use two-hundred and forty-seven (247) square feet of land to be determined by the City*** located on land bearing the legal description of Lots fifteen (15), sixteen (16), seventeen (17), and eighteen (18), Block sixty-nine (69), Original Townsite of Harlingen, Cameron County, Texas, solely for purposes of a trash container and waterline back-flow preventer for sole use by The Reese on or before September 30, 2011. The two-hundred and forty-seven (247) square feet will be described by metes and bounds and attached to a special warranty deed to be signed by the City and recorded in the official records of Cameron County, Texas.

Total projects expenses and costs to be granted to the Reese from the City for the above-listed (1)-(3) items shall not exceed two-hundred thousand (\$200,000) dollars. Under this Agreement, Reese shall invest five million, two-hundred and five thousand (\$5,205,000) dollars on real property improvements, new equipment and machinery at property located at 202 S. 1<sup>st</sup> Street, Harlingen, Texas, bearing the legal description of ***Lots five (5), six (6), seven (7), eight (8), nine (9), ten (10) and eleven (11), Block Sixty-nine (69), Original Townsite of Harlingen, Cameron***

*County, Texas, according to the Map or Plat thereof recorded in Volume 2, Page 14, Map Records of Cameron County, Texas also known as "The Reese".*

**SECTION 4. CITY MANAGER AUTHORITY.** As part of the City's economic development program, the City Manager is directed and authorized to execute the Reese Plaza Development LLC Economic Development Agreement in substantially the form attached as Exhibit "2".

**SECTION 5. INCORPORATION OF RECITALS.** The Harlingen City Commission hereby finds that the statements set forth in the recitals of this Resolution are true and correct, and the Harlingen City Commission hereby incorporates such recitals as a part of this Resolution.

**SECTION 6. EFFECTIVE DATE.** This Resolution shall become effective immediately upon on the passage hereof.

***PASSED AND APPROVED BY THE CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS AT A REGULAR MEETING ON THE 20<sup>TH</sup> DAY OF APRIL, 2011.***



\_\_\_\_\_  
Mayor, City of Harlingen, Texas  
Chris Boswell

ATTEST:

  
\_\_\_\_\_  
Interim City Secretary, City of Harlingen, Texas  
Elena Garza

**AGENDA ITEM  
EXECUTIVE SUMMARY**

Meeting Date: **August 3, 2011**

**Agenda Item:**  
Consider and take action to approve an Interlocal Cooperation Agreement between Lower Rio Grande Valley Development Council (LRGVDC) and City of Harlingen; and to accept the transfer of equipment acquired by the expenditure of grant funds awarded by the Governor's Division of Emergency Management FY2010 MMRS Grant.

Prepared By (Print Name): Michael J. Rinaldi  
Title: Fire Chief  
Signature:  Michael J. Rinaldi

**Brief Summary:**  
The LRGVDC applied for and received grants for equipment from the Metropolitan Medical Response System (MMRS) through the FY2010 Homeland Security Grant Program (SHSP). The LRGVDC desires to transfer this equipment (8-Pulse Oximeters) to City of Harlingen as a permanent loan asset according to LRGVDC and Federal guidelines. The Property Transfer Record Agreement is for the equipment; (8) Pulse Oximeters as listed in ATTACHMENT A.

**Funding (if applicable):**  
Are funds specifically designated in the current budget for the full amount  Yes  No\*  
for this purpose? N/A  
\*If no, specify source of funding and amount requested:  
Finance Director's approval:  Yes  No  N/A

**Staff Recommendation:**  
Approve both the Interlocal Cooperation Agreement and the Property Transfer Record Agreement for equipment purchased from the FY2010 MMRS Grant by the Lower Rio Grande Valley Development Council.

City Manager's approval:  Yes  No  N/A

**Comments:**

City Attorney's approval:  Yes  No  N/A

**INTERLOCAL COOPERATION AGREEMENT  
BETWEEN LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL  
AND CITY OF HARLINGEN  
(FY2010 MMRS Harlingen Fire Dept. Project – 8 Pulse Oximeters)**

This Agreement made on this \_\_\_\_\_ day of \_\_\_\_\_, 2011, by and between the **LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL** hereinafter referred to as "LRGVDC," and the City of Harlingen, hereinafter referred to as the "City of Harlingen," pursuant to the provisions of the Texas Interlocal Cooperation Act, as follows:

**WITNESSETH:**

**WHEREAS**, City of Harlingen is a form of city government in City of Harlingen, Texas;

**WHEREAS**, LRGVDC is a Regional Planning Agency formed under Texas Law;

**WHEREAS**, LRGVDC and City of Harlingen, each pursuant to its statutory and constitutional authority, are responsible for the safety of the citizens within their respective boundaries, and are desirous that the necessary equipment and services are available;

**WHEREAS**, LRGVDC applied for and received grants for the equipment from the Metropolitan Medical Response System (MMRS) through the FY2010 Homeland Security Grant Program (SHSP), hereinafter referred to as the "FY2010 MMRS Grant;"

**WHEREAS**, the Equipment was purchased by the LRGVDC through the FY2010 MMRS Grant and delivered to the possession of the City of Harlingen;

**WHEREAS**, the Equipment will remain the property of the Federal Emergency Management Agency (FEMA) and in LRGVDC's inventory records until July 31, 2015 or otherwise specified by the State Administrative Agency (SAA) at which time the Grant will be closed;

**WHEREAS**, the Lower Rio Grande Valley Region has the desire to combine resources for the purpose of increasing the region's ability to respond to all emergencies and disasters, natural and man-made, through City of Harlingen;

**WHEREAS**, the LRGVDC desires to transfer certain equipment as described in Appendix "A" attached hereto to City of Harlingen as a permanent loan asset according to LRGVDC and federal guidelines;

**WHEREAS**, the LRGVDC and City of Harlingen are authorized to enter into this Agreement pursuant to the Interlocal Cooperation Act, Texas Gov't. Code 791.001 et

seq., which authorizes local governments to contract with each other to perform governmental functions and services under the terms of the Act.

**NOW, THEREFORE,** the LRGVDC and City of Harlingen, in consideration of the mutual covenants expressed hereinafter, agree as follows:

1. In order to fulfill the goals of LRGVDC regional efforts to emergency response, the parties agree that the equipment described in Appendix "A" attached hereto, will be made readily available, region and state wide for the purpose of responding to both manmade and natural disasters if requested under mutual aid.
2. The parties understand that the FEMA will retain ownership of the equipment listed in Appendix "A" until July 31, 2015 or otherwise specified by the State Administrative Agency, at which time City of Harlingen through the LRGVDC's permanent loan will obtain ownership of the equipment.
3. City of Harlingen agrees to meet eligibility status upon receiving grant funded equipment and must maintain eligibility status in accordance with the SAA eligibility requirements.
4. City of Harlingen agrees to, at a minimum; provide the equivalent insurance coverage for all such equipment listed in Appendix "A".
5. City of Harlingen agrees to maintain and repair the equipment listed in Appendix "A" in good working condition for the life of the equipment and agrees to pay for any and all yearly maintenance agreements for equipment as applicable.
6. City of Harlingen agrees to notify LRGVDC in writing and provide all pertinent documentation within ten (10) days should equipment be transferred, replaced due to upgrades, lost, stolen, or otherwise made unusable or unavailable.
7. City of Harlingen agrees to provide an annual accounting of the equipment to the LRGVDC for the purposes of grant reporting. LRGVDC agrees it will provide Grant reporting to FEMA as required under the FY2010 MMRS Grant.
8. City of Harlingen agrees, within 60 days of receiving equipment, to tag equipment with appropriate identification labels in accordance with City of Harlingen Procedures and grant guidance tag requirements. (Homeland Security Grant Equipment and Grant Year, example: FY2010 HSGP/MMRS).
9. The LRGVDC and City of Harlingen agree to conform to its own applicable purchasing laws, regulations, policies and procedures with respect to any parts or supplies needed to maintain operability of equipment.

10. **Conflict with Applicable Law.** Nothing in this Agreement shall be construed so as to require the commission of any act contrary to law, and whenever there is any conflict between any provision of this Agreement and any present or future law, ordinance or administrative, executive or judicial regulation, order or decree, or amendment thereof, contrary to which the parties have no legal right to contract, the FY2010 Homeland Security terms and conditions prevail, but in such event the affected provision or provision of this Agreement shall be modified only to the extent to bring them within the legal requirements and only during the times such conflict exists.
11. **No Waiver.** No waiver by any party hereto of any breach of any provisions of the Agreement shall be deemed to be a waiver of any preceding or succeeding breach of the same or any other provision hereof.
12. **Entire Agreement.** This Agreement contains the entire contract between the parties hereto, and each party acknowledges that neither has made (either directly or through any agent or representative) any representation or agreement in connection with this Agreement not specifically set forth herein. This Agreement may be modified or amended only by agreement in writing executed by LRGVDC and City of Harlingen, and not otherwise.
13. **TEXAS LAW TO APPLY.** THIS AGREEMENT 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 WITHIN CAMERON, HIDALGO, WILLACY AND STARR COUNTY, TEXAS. THE PARTIES HEREBY CONSENT TO PERSONAL JURISDICTION IN CAMERON, HIDALGO, WILLACY AND STARR COUNTY, TEXAS.
14. **Governing Provisions.** City of Harlingen shall comply with all applicable laws and regulations. A non-exclusive list of regulations commonly applicable to Federal and State grants and equipment are listed below:
- A. Administrative Requirements**
1. OMB Circular A-102, State and Local Governments (10/07/94, amended 08/29/97)
  2. OMB Circular A-87, State and Local Governments (05/04/95, amended 08/29/97)
- B. Audit Requirements.**
- OMB Circular A-133, State, Local Governments and Non-Profit Organizations (06/24/97, includes revisions published in the *Federal Register* 06/27/03)

15. **Notice.** Except as many be otherwise specifically provided in this Agreement, 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:

If to LRGVDC:                    Attention: Kenneth N. Jones, Jr.  
Executive Director  
311 North 15<sup>th</sup>  
McAllen, Texas 78501

If to City of Harlingen:      Attention: Honorable Chris Boswell  
Mayor, City of Harlingen  
P.O. Box 2207  
Harlingen, TX 78551

Each notice, demand, request or communication, which shall be delivered or mailed in the manner described above, shall be deemed sufficiently given for all purposes at such time as it is personally delivered to the addressee or, if mailed, at such time as it is deposited in the United States mail.

16. **Additional Documents.** The parties hereto covenant and agree that they will execute such other and further instruments and documents as are or may become necessary or convenient to effectuate and carry out the terms of this Agreement.

17. **Successors.** This Agreement shall be binding upon and to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representative, successors, and assigns where permitted by this Agreement.

18. **Assignments.** This Assignment shall not be assignable.

19. **Headings.** The headings and captions contained in this Agreement are solely for convenience reference and shall not be deemed to affect the meaning or interpretation of any provision of any paragraph hereof.

20. **Gender and Number.** All pronouns used in this Agreement shall include the other gender, whether used in the masculine, feminine or neuter gender, and singular shall include the plural whenever and so often as may be appropriate.
21. **Authority to Execute.** The execution and performance of this Agreement by LRGVDC and City of Harlingen have been duly authorized by all necessary laws, resolutions or corporate action, and this Agreement constitutes the valid and enforceable obligations of LRGVDC and City of Harlingen in accordance with its terms.
22. **Governmental Purpose.** Each party hereto is entering into this Agreement for the purpose of providing for governmental services or functions and will pay for such services out of current revenues available to the paying party as herein provided.
23. **Commitment of Current Revenues Only.** In the event that, during any term hereof, the governing body of any party does not appropriate sufficient funds to meet the obligations of such party under this Agreement, then any party may terminate this Agreement upon ninety (90) days' written notice to the other party. Each of the parties hereto agrees, however, to use its best efforts to secure funds necessary for the continued performance of this Agreement. The parties intend this provision to be a continuing right to terminate this Agreement at the expiration of each budget period of each party hereto pursuant to the provisions of Tex. Loc. Govt. Code Ann. §271.903.

**WITNESS THE HANDS OF THE PARTIES** effective as of the day and year first written above.

City of Harlingen

Lower Rio Grande Valley Development Council

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Honorable Chris Boswell  
Mayor, City of Harlingen

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Kenneth N. Jones, Jr.,  
Executive Director

Texas Division of Emergency Management

State Administrative Agency
Homeland Security Grant Program
Property Transfer Record Agreement

Transferred From: Lower Rio Grande Valley Development Council
Name of Organization (Homeland Security Grant Sub-Recipient)
311 N. 15TH ST, McAllen, Hidalgo, 78501
Street/Mailing Address, City, County, Zip
Kenneth N. Jones, Jr., Executive Director
Printed Name and Title

Signature Date

Transferred To: City of Harlingen
Name of Organization (Homeland Security Grant Sub-Recipient)
P.O. Box 2207, Harlingen, TX, Cameron, 78551
Street/Mailing Address, City, County, Zip
Honorable Chris Boswell, Mayor
Printed Name and Title

Sign Here ->

Signature Date

This is to certify that the property described below was acquired by the expenditure of:
FY2010 HSGP/MMRS

(name and year of grant)
funds awarded to the above named Homeland Security Grant Sub-Recipient(Grantor). The jurisdiction/organization receiving the property (Grantee) certifies that they have knowledge of the laws, rules and regulations of the aforementioned grant for the year of the award. The Grantee further certifies that they agree to be bound by all the contract covenants and exhibits to the Grantor's Sub-Recipient agreement and any modifications or amendments to that agreement as if they were written here. The Grantor and Grantee further certify that they are duly authorized and empowered by their governing body to enter into this agreement. The Grantor further certifies that the Grantee has complied with all State and Federal eligibility requirements.

Property being transferred

Table with 2 columns: Item description, Item Control Number, Serial Number/VIN, Model Number, Acquisition Date, Unit Cost. Values include Pulse Oximeters, Refer to Attachment, Multiple, Refer to Attachment A, N/A, June 30, 2011, \$3,000.00 (Refer to Attachment A)

This form is provided for the benefit of grant administration. GDEM/SAA cannot advise sub-recipients about the legality of any specific property transfers. Sub-recipients should consult with their own legal counsel concerning compliance with all relevant laws, including state and local requirements.

FY2010 Homeland Security Grant Program - Metropolitan Medical Response System (MMRS)

City of Harlingen Project - 8 Pulse Oximeters

TOTAL AMOUNT: \$3,000.00

Attachment A

City of Harlingen: FY2010 MMRS Project Total Cost in Equipment: \$3,000.00

Serial Number	Description	Item Cost
FCB11210188SA	Pulse Oximeter	\$ 375.00
FCB11210178SA	Pulse Oximeter	\$ 375.00
FCB11210172SA	Pulse Oximeter	\$ 375.00
FCB11210210SA	Pulse Oximeter	\$ 375.00
FCB11210201SA	Pulse Oximeter	\$ 375.00
FCB11210204SA	Pulse Oximeter	\$ 375.00
FCB11210195SA	Pulse Oximeter	\$ 375.00
FCB11210187SA	Pulse Oximeter	\$ 375.00
	Total:	\$ 3,000.00

8.

**AGENDA ITEM  
EXECUTIVE SUMMARY**

Meeting Date: **August 03, 2011**

**Agenda Item:**

Consider and take action to approve the 2010 Assistance to Firefighters Grant Fire Prevention and Safety Grant Program award, from the Federal Emergency Management Agency (FEMA) and the U.S. Department of Homeland Security (DHS).

Prepared By (Print Name): Michael J. Rinaldi  
Title: Fire Chief

Signature: 

**Brief Summary:**

The City of Harlingen has been awarded a grant in the amount of \$42,608.00 by the Federal Emergency Management (FEMA) and the U.S. Department of Homeland Security (DHS) to supplement a \$53,260.00 Fire Prevention and Safety Project: Code Enforcement/Awareness & Computer-based fire inspections. The City's cost to implement the project will be \$10,652.00. The grant funds will be used to purchase a specialized computer that will be used by Fire Inspectors in the field. Specialized software will also be purchased for use by the Fire Inspector while in the field. The equipment will make fire inspection more efficient and less time consuming. The funding will also be used to buy and install 300 smoke detectors for low-income families and the hard of hearing and deaf residents.

**Funding (if applicable):**

Are funds specifically designated in the current budget for the full amount for this purpose?  Yes  No\*

\*If no, specify source of funding and amount requested:

Finance Director's approval:

  Yes  No  N/A

**Staff Recommendation:**

Accept the Grant Award amount of \$42,608.00 from FEMA & DHS for the Fire Prevention and Safety Project of Code Enforcement/Awareness & Computer-based fire inspections.

City Manager's approval:

  Yes  No  N/A

**Comments:**

City Attorney's approval:

  Yes  No  N/A

U.S. Department of Homeland Security  
Washington, D.C. 20472



# FEMA

Mr. Danny Warner  
Harlingen Fire Department  
3510 East Grimes  
Harlingen, Texas 78550-1756

Re: Grant No.EMW-2010-FP-00575

Dear Mr. Warner:

On behalf of the Federal Emergency Management Agency (FEMA) and the Department of Homeland Security (DHS), I am pleased to inform you that your grant application submitted under the FY 2010 Assistance to Firefighters Grant Program - Fire Prevention and Safety Grants has been approved. FEMA's Grant Programs Directorate (GPD), in consultation with the U.S. Fire Administration (USFA), carries out the Federal responsibilities of administering your grant. The approved project costs total to \$53,260.00. The Federal share is \$42,608.00 of the approved amount and your share of the costs is \$10,652.00.

As part of your award package, you will find Grant Agreement Articles. Please make sure you read and understand the articles as they outline the terms and conditions of your grant award. Maintain a copy of these documents for your official file. **You establish acceptance of the grant and Grant Agreement Articles when you request and receive any of the Federal grant funds awarded to you.** By accepting the grant, you agree not to deviate from the approved scope of work without prior written approval from FEMA.

If your SF 1199A has been reviewed and approved, you will be able to request payments online. Remember, you should request funds when you have an immediate cash need.

If you have any questions or concerns regarding the process to request your grant funds, please call 1-866-274-0960.

Sincerely,

A handwritten signature in cursive script that reads "Elizabeth M. Harman".

Elizabeth M. Harman  
Assistant Administrator  
Grant Programs Directorate

24

## Award Status

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Congratulations! Your grant application has been selected for an award.

[View Award Package](#)

**Award Number:** EMW-2010-FP-00575

**Award Amount:** \$42,608

You establish acceptance of this award when you expend any grant funds available to you. You should fill out your Direct Deposit Form 1199A immediately; however, submit your request for funds when you are ready to spend the money. *It is a federal requirement to minimize the time between you receiving the funds in your bank account and your spending of those funds.* For planning purposes, you can estimate that it could take up to **three weeks** for the funds to be transferred to your account.

## Warner, Danny

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**From:** firegrants@dhs.gov  
**Sent:** Friday, June 03, 2011 4:04 AM  
**To:** Warner, Danny  
**Subject:** Award Notification (Application Number: EMW-2010-FP-00575)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Congratulations!

Your grant application submitted under the Grant Programs Directorate's (GPD/FEMA of DHS) FY 2010 Assistance to Firefighters Grant - Fire Prevention and Safety Grant Program has been approved for award. Please go to <https://portal.fema.gov>. This will take you to the AFG eGrants system. Enter your User ID and Password as requested on the login screen. Your User and Password are the same as those used to complete the application on-line. Once you are in the system, you will see a list of all of the grants your department has applied for under the current User ID. On the right-hand side of the screen, you will see the Action column for the various applications/awards. For your FY 2010 Fire Prevention and Safety Grant Program application, select View Award Package from the drop-down menu and click Go. Please print your Award Package for your grant files.

While you are in the system, you will see a link that says Update 1199A in the Action column. If you have not already done so, you will need to complete the SF-1199a on-line and submit the form electronically. If the AFG system confirms the accuracy of your information, you will have completed this process and no further action is necessary. If you have supplied additional or new information, or if the system is unable to verify your information, you will see a link to print the SF-1199a. Then you must take this form to your bank as they must complete Section 3 (bottom portion). Once the form has been filled out in its entirety, you must fax the completed form to FEMA's SF-1199a Processing Staff at 301-998-8699. You should keep the original form in your grant file.

You will receive an email notification that your SF-1199a Direct Deposit Sign-up Form has been approved. You will be allowed to make online payment requests for awarded applications only.

If you have any questions regarding your SF-1199a, please call contact the AFG help desk 1-866-274-0960.

## Award Package

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## Agreement Articles



# FEMA

U.S. Department of Homeland Security  
Washington, D.C. 20472

## AGREEMENT ARTICLES

### Assistance to Firefighters Grant Program - Fire Prevention and Safety Grants

**GRANTEE:** Harlingen Fire Department

**PROGRAM:** Assistance to Firefighters Grant Program - Fire Prevention and Safety Grants

**AGREEMENT NUMBER:** EMW-2010-FP-00575

**AMENDMENT NUMBER:**

### TABLE OF CONTENTS

Article I	Project Description
Article II	Grantee Concurrence
Article III	Period of Performance
Article IV	Amount Awarded
Article V	Financial Guidelines
Article VI	Prohibition on Using Federal Funds
Article VII	GPD Allocations
Article VIII	Financial Reporting
Article IX	FEMA Officials

#### Article I - Project Description

The purpose of the **Assistance to Firefighters Grant Program – Fire Prevention and Safety Grants** is to provide funds to national, State, local or community organizations that are recognized for their experience and expertise with respect to fire prevention or firefighter safety programs and activities.

After careful consideration, FEMA has determined that the grantee's project submitted as part of the grantee's application, and detailed in the project narrative as well as the request details section of the application - including budget information - was consistent with the program's purpose and worthy of award. The grantee shall perform the work described in the approved grant application as itemized in the request details section of the application and further described in the grant application's narrative. These sections of the application are made a part of these grant agreement articles by reference. The grantee may not change or make any material deviations from the approved scope of work outlined in the above referenced sections of the application without prior written approval from FEMA.

#### Article II - Grantee Concurrence

By requesting and receiving Federal grant funds provided by this grant program, the grantee accepts and agrees

[https://eservices.fema.gov/FemaFireGrant/firegrant/jsp/fire\\_admin/awards/spec/view\\_award...](https://eservices.fema.gov/FemaFireGrant/firegrant/jsp/fire_admin/awards/spec/view_award...) 6/7/2011

to abide by the terms and conditions of the grant as set forth in this document and the documents identified below. By receiving funds under this grant, grantees agree that they will use the funds provided through the Fiscal Year 2010 Assistance to Firefighters Grant Program - Fire Prevention and Safety Grants in accordance with these Articles of Agreement and the program guidelines provided in the Fiscal Year 2010 Assistance to Firefighters Grant Program - Fire Prevention and Safety Grants program guidance. All documents submitted as part of the original grant application are made a part of this agreement by reference.

### Article III - Period of Performance

The period of performance shall be from 24-MAY-11 to 23-MAY-12.

### Article IV - Amount Awarded

The amount of the award is detailed on the Obligating Document for Award attached to these articles. The following are the budgeted estimates for object classes for this grant (including Federal share plus grantee match):

Personnel	\$0.00
Fringe Benefits	\$0.00
Travel	\$2,200.00
Equipment	\$23,600.00
Supplies	\$0.00
Contractual	\$0.00
Construction	\$0.00
Other	\$27,460.00
Indirect Charges	\$0.00
Total	\$53,260.00

### NEGOTIATION COMMENTS IF APPLICABLE (max 4000 characters)

### Article V - Financial Guidelines

The grantee and any subgrantee shall comply with the most recent version of the Administrative Requirements, Cost Principles, and Audit Requirements. A non-exclusive list of regulations commonly applicable to DHS grants are listed below:

#### A. Administrative Requirements

1. 44 CFR Part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments
2. 2 CFR Part 215, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations (OMB Circular A-110)

#### B. Cost Principles

1. 2 CFR Part 225, Cost Principles for State, Local, and Indian Tribal Governments (OMB Circular A-87)
2. 2 CFR Part 220, Cost Principles for Educational Institutions (OMB Circular A-21)
3. 2 CFR Part 230, Cost Principles for Nonprofit Organizations (OMB Circular A-122)
4. Federal Acquisition Regulations (FAR), Part 31.2 Contract Cost Principles and Procedures, Contracts with Commercial Organizations

### C. Audit Requirements

#### 1. OMB Circular A-133, Audits of States, Local Governments, and Nonprofit Organizations

##### **Article VI - Prohibition on Using Federal Funds**

Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of FEMA.

##### **Article VII - GPD Allocations**

The recipient agrees that all allocations and use of funds under this grant will be in accordance with the FY 2010 Assistance to Firefighters Grant Program – Fire Prevention and Safety Grants guidance and application kit.

##### **Article VIII - Financial Reporting**

Recipients of an Assistance to Firefighters Grant Program -Fire Prevention and Safety Grant will be required to submit a semi-annual Federal Financial Report (FFR) via the automated system on the Standard Form 425. The FFR is intended to provide Federal agencies and grant recipients with a standard format and consistent reporting requirements throughout the government. The FFR, to be submitted using the online e-grant system, will be due semi-annually based on the calendar year beginning with the period after the award is made. Grant recipients will be required to submit an FFR throughout the entire period of performance of the grant.

The reporting periods for the FFR are January 1 through June 30 (report due by July 31), and July 1 through December 31 (report due by January 31).

At the end of the grant's period of performance, all grantees are required to produce a final report on how the grant funding was used and the benefits realized from the award. Grantees must submit a final financial report and a final performance report within 90 days after the end of the period of performance.

##### **Article IX - FEMA Officials**

**Program Officer:** Catherine Patterson is the Program Officer for this grant program. The Program Officer is responsible for the technical monitoring of the stages of work and technical performance of the activities described in the approved grant application. If you have a programmatic questions regarding your grant, please call the AFG Help Desk at 866-274-0960 to be directed to a program specialist.

**Grants Assistance Officer:** Natalie Romanoff is the Assistance Officer for this grant program. The Assistance Officer is the Federal official responsible for negotiating, administering, and executing all grant business matters.

**Grants Management Division POC:** The Grants Management Specialist shall be contacted to address all financial and administrative grant business matters for this award. If you have any questions regarding your grant please call ASK-GMD at 866-927-5646 to be directed to a specialist.

**ADDITIONAL REQUIREMENTS (IF APPLICABLE)** (max 4000 characters)

**FEDERAL EMERGENCY MANAGEMENT AGENCY  
OBLIGATING DOCUMENT FOR AWARD/AMENDMENT**

1a. AGREEMENT NO. EMW-2010-FP-00575	2. AMENDMENT NO. 0	3. RECIPIENT NO. 74-6001047	4. TYPE OF ACTION AWARD	5. CONTROL NO. W494331N
6. RECIPIENT NAME AND ADDRESS Harlingen Fire Department 3510 East Grimes Harlingen Texas, 78550-1756	7. ISSUING OFFICE AND ADDRESS Grant Programs Directorate 500 C Street, S.W. Washington DC, 20472 POC: Natalie Romanoff	8. PAYMENT OFFICE AND ADDRESS FEMA, Financial Services Branch 500 C Street, S.W., Room 723 Washington DC, 20472		
9. NAME OF RECIPIENT PROJECT OFFICER Danny Warner	PHONE NO. 9562165790	10. NAME OF PROJECT COORDINATOR Catherine Patterson	PHONE NO. 1-866-274-0960	
11. EFFECTIVE DATE OF THIS ACTION 24-MAY-11	12. METHOD OF PAYMENT SF-270	13. ASSISTANCE ARRANGEMENT Cost Sharing	14. PERFORMANCE PERIOD From:24-MAY-11 To:23-MAY-12	

Budget Period  
From:12-NOV-10 To:30-SEP-11

15. DESCRIPTION OF ACTION  
a. (Indicate funding data for awards or financial changes)

PROGRAM NAME ACRONYM	CFDA NO.	ACCOUNTING DATA (ACCS CODE) XXXX-XXX-XXXXXX-XXXX-XXXX-XXXX-X	PRIOR TOTAL AWARD	AMOUNT AWARDED THIS ACTION + OR (-)	CURRENT TOTAL AWARD	CUMMULATIVE NON-FEDERAL COMMITMENT
FP	97.044	2011-M0-3120GF-25000000-4101-D	\$0.00	\$42,608.00	\$42,608.00	\$10,652.00
TOTALS			\$0.00	\$42,608.00	\$42,608.00	\$10,652.00

b. To describe changes other than funding data or financial changes, attach schedule and check here.  
N/A

16 a. FOR NON-DISASTER PROGRAMS: RECIPIENT IS REQUIRED TO SIGN AND RETURN THREE (3) COPIES OF THIS DOCUMENT TO FEMA (See Block 7 for address)

Assistance to Firefighters Grant - Fire Prevention and Safety Program recipients are not required to sign and return copies of this document. However, recipients should print and keep a copy of this document for their records.

16b. FOR DISASTER PROGRAMS: RECIPIENT IS NOT REQUIRED TO SIGN

This assistance is subject to terms and conditions attached to this award notice or by incorporated reference in program legislation cited above.

17. RECIPIENT SIGNATORY OFFICIAL (Name and Title) N/A	DATE N/A
18. FEMA SIGNATORY OFFICIAL (Name and Title) Natalie Romanoff	DATE 23-MAY-11

Go Back

## Entire Application

### Preparer Information

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	Preparer Information
Prefix or Title	Mr.
*First Name	Danny
Middle Initial	D
*Last Name	Warner
Organization Name	Harlingen Fire Department
*Address 1	3510 East Grimes
*City	Harlingen
*State	Texas
*Zip	78550 -
*Primary Phone	956-216-5790 Ext. work
*Secondary Phone	956-244-6842 Ext. cell
Optional Phone	Ext. Select
*Email	dwarner@myharlingen.us

• Is there a grant-writing fee associated with the preparation of this request? No

If you answered yes above, what is the fee? \$

• **Are you the person to be contacted on matters involving this application?** Yes

If no, please specify who should be contacted:

**Contact Information**

---

Primary Contact Information

\* Title Fire Marshal  
Prefix Mr.  
\* First Name Danny  
Middle Initial D  
\* Last Name Warner  
\* Primary Phone 956-216-5790 Ext. work  
\* Secondary Phone 956-244-6842 Ext. cell  
Optional Phone Ext. Select  
Fax  
\* Email dwarner@myharlingen.us

## Alternate Contact Information

\* Title Fire Chief  
Prefix Mr.  
\* First Name Michael  
Middle Initial  
\* Last Name Rinaldi  
\* Primary Phone 956-216-5700 Ext. work  
\* Secondary Phone 956-873-2402 Ext. cell  
Optional Phone Ext. Select  
Fax  
\* Email mrinaldi@myharlingen.us

**Applicant Information**

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EMW-2010-FP-00575

Originally submitted on 02/02/2011 by Danny Wamer (Userid: dwamer222)

**Contact Information:**

Address: 502 E. Tyler  
 City: Harlingen  
 State: Texas  
 Zip: 78552  
 Day Phone: 9562165790  
 Evening Phone:  
 Cell Phone: 9562446842  
 Email: dwamer@myharlingen.us

**Application number is EMW-2010-FP-00575**

- Organization Name Harlingen Fire Department
- Type of Applicant Fire Department
- If other, please enter the type of Applicant
- Are you a Fire Department? Yes
- If yes, what type of department do you represent? Career
- If you answered combination, above, what is the percentage of career members in your organization?
- Are you a non-fire based EMS? No
- Type of community served? Urban
- Employer Identification Number 74-6001047
- What is your DUNS Number? 069448124

Harlingen, "The Capitol City of the Rio Grande Valley", is located at the southern tip of Texas, just north of Mexico and close to South Padre Island. The economy is diverse and has developed around agriculture, health care services and logistics, manufacturing, distribution corporations, and mercantile occupancies. Harlingen is expected to grow over the next few years due to large commercial developments.

- Please describe your organization and/or community that you serve

The Harlingen Fire Department has a fire force of 110 members with 3 administrative staff. It is responsible for fire and rescue services to the City of Harlingen, Combes, Primera, Palm Valley, Los Indios, and approximately 60 square miles of Cameron County. The fire department has seven fire stations on ready-status 24 hours per day throughout the year. Our mission statement is: "The first and foremost

objective of the Harlingen Fire Department is to serve, without prejudice or favoritism, all citizens of the City of Harlingen, Cameron County and neighboring cities by safeguarding their lives and properties against the perils of fires, explosions, hazardous materials, emergency medical and any other threatening force that falls within our realm of jurisdiction and responsibilities." The fire department is divided into several divisions including administration, operations, fire prevention, and training.

The Harlingen Fire Prevention Bureau, a division of the Harlingen Fire Department, is requesting assistance for the implementation of a computer based fire inspection program, a smoke detector distribution program to include the deaf and hard-of-hearing community, and for code upgrade.

The Harlingen Fire Prevention Bureau has been working towards the implementation of a computer based fire inspection program for the last several years. Budgetary constraints have impeded this process. The software that we are considering would integrate with our current Records Management System and allow fire inspectors to conduct fire inspections with greater efficiency. This would also improve our current Records Management System and it would provide assistance to other emergency responders in emergency mitigation.

• Please describe your organization's need for Federal financial assistance.

On November 21, 2010, a fire occurred in a trailer park within the city limits of Harlingen. Two adults and two infant children died in the fire. There was one survivor. We believe that if a smoke detector had been present, the deaths may have been prevented. In late December of 2010, the Harlingen Fire Prevention Bureau, the Harlingen Fire Department, City leaders, and the Harlingen Community Emergency Response Team (CERT) distributed smoke detectors in two trailer parks within the city limits. This program met with great success and encouragement. We would like to continue this project through 2011.

The City of Harlingen is expecting tremendous growth over the next few

years due to ongoing large commercial developments. Assistance funding for training of fire inspectors will help to meet the growing and diverse demands of the community.

Assistance with the implementation of a computer based fire inspection program, smoke detector distribution, and code upgrade will greatly benefit the growing community within the City of Harlingen.

\* What is the permanent resident population of your Primary/First-Due Response Area or jurisdiction served?

65289

Note: If you are **not** a fire department or EMS organization, you may enter a zero.

Headquarters Physical Address

\* Physical Address 1

3510 East Grimes

Physical Address 2

\* City

Harlingen

\* State

Texas

\* Zip

78550 - 1756

Mailing Address

\* Mailing Address1

3510 East Grimes

Mailing Address2

\* City

Harlingen

\* State

Texas

\* Zip

78550 - 1756

Account information

\* Type of bank account

Checking

\* Bank routing number - 9 digit number on the bottom left hand corner of your check

113010547

\*Your account number

701082558

Additional Information

\* This fiscal year, are you receiving Federal funding from any other grant program for the same purpose for which you are applying for this grant?

No

\* This fiscal year, are you receiving Federal funding from any other grant program regardless of purpose?

Yes

\* Is the applicant delinquent on any federal debt?

No

If you answered yes to any of the additional questions above, please provide an explanation in the space provided below:

The Harlingen Fire Prevention Bureau receives a CLEOSE grant of approximately \$800 annually to assist with police training for our police officers.

**Request Information**

---

\* 1. Select one of the choices listed below. You can apply for a maximum of 3 projects within an activity.  
 (If you modify your selection, you will lose data entered under the original activity.)

Program Name

Fire Prevention and Safety

Go Back

**Request Details**

---

The number of projects and cost for the activity Fire Prevention and Safety are listed in the table below.

Activity	Number of Projects	Total Cost
Fire Prevention and Safety	3	\$ 53,260

**Fire Prevention And Safety Projects**

Code Enforcement/Awareness Project(s)

**View Project**

---

Code Enforcement/Awareness Project Information

\*1. Project Code Enforcement/Awareness  
 If you are submitting more than one Code Enforcement/Awareness project, please provide a project title (i.e.: commercial inspections, update code books, etc) Computer-based fire inspections

\*2. Who is the target audience for the planned project? Other citizens of Harlingen

\*3. What is your estimated size of the target audience? 65289

\* 4. How was this target audience determined? Informal Assessment

Briefly describe method used (required if selected "None of the above" above) Review of annual and monthly performance indicators over the last nine years.

\*5. Briefly describe (or provide) the appropriate statistics that correspond to your project and target audience (i.e. injury statistics, # of fires/arsons, firefighter fatalities, Population: 65,289  
 Fiscal Year 2009/2010: fire inspections - 1,193; plans reviewed: 206; subdivisions reviewed: 29; fire drills: 293; complaint investigations: 58; fire investigations:

etc).

70; presentations: 103 with 10,187 in attendance; consultations: 281; meetings: 224; incidents: 2111

\*6. Describe the steps or methods that will be used to achieve the goal and objectives of this project.

Purchase hardware and software, ensure infrastructure is in place, train personnel, and implement system.

\*7. Will your organization periodically evaluate the project's impact on the community?

Yes

If you answered Yes to question 7 above, please specify:

Review of monthly and annual performance indicators such as the number of fire inspections conducted, the number of fire drills conducted, the number of consultations conducted, etc.

\*8. Is it the applicant's intention to continue delivering this program after the grant year?

Yes

\*9. In the space provided below, please provide a brief synopsis of the proposed project:

This project will move the fire prevention bureau from paper-based inspections to computer-based inspections. Currently, fire inspectors fill out forms after each inspection. They then bring the information back into the office and it is filed accordingly. This project will give inspectors the capability of more efficient inspections by ensuring all areas of the inspections are completed, instant access to codes rather than returning to the office for research, and improve records management by entering the inspection information into a database which can be accessed by suppression and dispatch personnel.

\*10. In the space provided below, please explain the experience you have in managing the type of project you are proposing:

. Incident reports, training reports, and daily logs are already used in digital format. This project would add the fire inspection component to that system. I have experience in managing all of the above aspects of the program through report review and acceptance. As for the management of the implementation of the project, I have already started this program and am working toward its completion. This was scheduled to be a three year implementation until funds were no longer available. I have worked with the Fire Chief and the MIS department in the evolution of the current FireRMS system.

\*11. The narrative portion of the application should contain supporting information that allows for evaluation of this project. If you are applying for a grant in the **Fire Prevention and Safety Activity**, your Narrative Statement must address the evaluation elements outlined in the Program Guidance ().

Keep in mind that the evaluation of your application will also be based on a clear understanding of your proposal, your ability to meet the objectives of the program, and your probability of successfully delivering your project to the population targeted. You need to fully explain how the funds will be used to accomplish the goals of your project. To that end be sure to include descriptions/justification for all budgeted items - items not justified may be disallowed.

Your narrative may **not** exceed **five** pages of text. You may type your project narrative in the space provided below however, due to the built in "time out" feature, we recommend you create the narrative text in your word processing system and then copy it into the space provided below. Images, attachments, and special characters or formatting (i.e.: quote marks, bold print, bullet points, symbols, etc.) are not allowed.

**Vulnerability Statement:** The entire population of the City of Harlingen is no longer efficiently served by the current fire inspection process. Current demands require that the quantity and quality of inspections be improved. This has been shown through an in-house review of performance indicators. The implementation of a computer based fire inspection process using handheld computers will reduce paper work, increase the quantity and quality of fire inspections, save time, increase inspector efficiency, improve the records management system, and reduce the losses caused by fire in the City of Harlingen.

**Implementation Plan:** Purchase hardware and RescueNet software, ensure that the infrastructure is in place, train personnel, and launch the system.

**Evaluation Plan:** Monitor monthly and annual performance indicator reports, evaluate the quality of fire inspection reports through FireRMS Mobile software.

**Goal:** 15% - 40 % improvement in the number of fire inspections, better records management, better quality fire inspections.

**Cost-benefit:** This project will affect all of the citizens of Harlingen. Fire inspection quality and quantity will increase which will reduce the number of emergency incidents. Computer based records management will significantly reduce the time necessary for data retrieval. Man hours per project will be reduced.

**Sustainability:** This project will continue and evolve as the standard method of gathering and storing information as the fire prevention division moves towards a near paperless system.

**Financial Need:** This project is already in progress, however, the current municipal economic environment is non-conducive to the continuation of the implementation of this project.

#### Past Performance on Grants:

Pre 2004 SHSP Homeland Security Money: \$274,326.00 Balance -0-

2004 SHSP Homeland Security Money: \$177,842.87 Balance -0-

2005 SHSP Homeland Security Money: \$172,470.86 Balance -0-

2006 SHSP Homeland Security Money: \$34,291.14 Balance -0-

2007 SHSP Homeland Security Money: \$62,500.00 Balance -0-

2008 SHSP Homeland Security Money: \$350,000.00 Balance -0-

2009 SHSP Homeland Security Money: \$66,827.62 Balance \$66,827.62 Pending state approval for expenditures

2010 SHSP Homeland Security Money: \$31,060 Balance \$31,060

2005 FEMA Assistance to Fire Fighters Grant: \$168,000.00 Balance -0- S.C.B.A.s

2002 FEMA Assistance to Fire Fighters Grant: \$122,500.00 Balance -0- Tanker Truck

The Harlingen Fire Department uses RescueNet FireRMS from Zoll Data Systems, a digital system for incident, training, and daily log reporting. However, the Fire Prevention Bureau still uses paper forms for fire inspections. This is proving to be a detriment in that the division can no longer meet the community's demands with current resources. The use of handheld computers and software for the gathering and management of fire inspection information will reduce paper work, increase the quantity and quality of fire inspections, save time, increase inspector efficiency, improve the records management system, and reduce the losses caused by fire in the City of Harlingen.

Under the current system, information is gathered in the field by fire inspectors and written into a report. If a question arises, the inspector must return to the office to research the item and then return to the site. Often the inspection form does not allow for a thorough inspection because the inspector may miss critical components of the inspection due to the lack of a prompt, which would be provided in the computer based system. After the information is gathered, the inspector returns to the office and the report is filed into a bank of filing cabinets. When it becomes necessary to retrieve this information, the task is often time consuming and therefore inefficient.

In October of 2010, one fire inspector was added to the fire prevention division, after fifteen years of requests for additional personnel. The City of Harlingen has grown and continues to grow but resources for the fire prevention bureau have remained relatively static even though the demands on staff have tremendously increased. Computer based fire inspections can benefit the fire prevention division in several ways. It would increase inspector efficiency by ensuring that a more complete inspection is conducted. Information from the applicable codes would be available on the site of the inspection, allowing for faster research. Redundant data entry would be eliminated. Also, the software would improve the records management system and data retrieval. Information obtained by fire inspectors could also easily be used by emergency responders to view information about occupancies to which they are responding, such as contact information or special hazards.

Once implemented, this system would be used continually by the Harlingen Fire Prevention Bureau to conduct all manner of fire inspections, fire drills, acceptance tests, etc. This system of information gathering and storage has proven effective in many other fire departments across the nation.

The implementation of this project is already in progress. The Harlingen Fire Prevention Bureau is in the process of purchasing the computers and portable printers necessary for the project. The Harlingen Fire Department already has the basic software in place along with most of the infrastructure. This project was started with local funds in the fiscal year 2008/2009. However, municipal budgetary restraints have prevented this program from

continuing to completion.

The remaining needs are an additional three handheld computers estimated at \$4,200 each, five FireRMS licenses at \$995 each, the purchase of FireRMS Sync Manager quoted at \$5,000, and the need to pay fees for the RescueNet FireRMS deployment, training, and travel expenses for a Zoll representative costing \$5,200. This provides a total of \$27,775.

The effectiveness of this program can be measured through systems that are already in place. Monthly and annual performance indicator studies are conducted and reports issued for review by administrative staff. These reports readily show how many inspections and other fire prevention activities are being conducted. For example, in fiscal year 2001/2002, 750 fire inspections were conducted. In fiscal year 2009/2010, 1193 fire inspections were conducted. During the intervening years, no additional staff members were added to the fire prevention bureau. These same reports will show the increase in inspector performance when the system is implemented. The amount and quality of information can be evaluated through the various reports available in the FireRMS software. An increase of inspector efficiency of 15% to 40% is expected.

The implementation of this program will also have other benefits. The number of incidents within the city should decrease, there will be a cost savings in fuel, Freedom of Information Act requests will be handled in less time, target areas will be easier to identify, and man-hours per project will decrease. This system could also benefit other city departments such as the police department. Dispatchers could gather information about and occupancy from FireRMS and provide critical information to police officers responding to an emergency. This would better assure their safety and provide additional resources to help mitigate the emergency. This is the most important project that the Harlingen Fire Prevention Bureau is managing. It is important because it has far reaching benefits. It will positively affect all areas of fire prevention including enforcement, education, and engineering, as well as emergency response for the fire and police departments. It will give us capabilities in records management which we greatly need. All of this at a time when the public has greater demands and resources are strained.

**Budget Item**

*Item	Panasonic CF19 Dell PC
*Select Object Class	Equipment
If you selected other above, please specify	
* Number of units	3 (Whole number only)
* Cost per unit	\$ 4200 (Whole dollar amounts only)
* Description	
The space to the right should be used to provide further clarification and details on the costs (i.e. personnel costs: number of hours/rate/staff; meeting costs: number of meetings/days/attendees; travel costs, etc.) and types of items that you are requesting. Budget justification should be included in the project narrative.	Cost per Dell Toughbook unit is approximately \$4,200. They are recommended by Zoll Datasystems as the platform for their software.

**Budget Item**

*Item	Fire RMS license
*Select Object Class	Other
If you selected other above, please specify software	
* Number of units	5 (Whole number only)
* Cost per unit	\$ 995 (Whole dollar amounts only)
* Description	
The space to the right should be used to provide further clarification and details on the costs (i.e. personnel costs: number of hours/rate/staff; meeting costs: number of meetings/days/attendees; travel costs, etc.) and types of items that you are	These are the software licenses for the Fire RMS Mobile program.

requesting. Budget justification should be included in the project narrative.

**Budget Item**

\*Item FireRMS SyncManager

\*Select Object Class Other

If you selected other above, please specify software

\* Number of units 1 (Whole number only)

\* Cost per unit \$ 5000 (Whole dollar amounts only)

**\* Description**

The space to the right should be used to provide further clarification and details on the costs (i.e. personnel costs: number of hours/rate/staff; meeting costs: number of meetings/days/attendees; travel costs, etc.) and types of items that you are requesting. Budget justification should be included in the project narrative.

Software required by Zoll Datasystems to integrate Fire RMS Mobile into the current Records Management System.

**Budget Item**

\*Item RescueNet FireRMS Deployment

\*Select Object Class Other

If you selected other above, please specify required fee

\* Number of units 1 (Whole number only)

\* Cost per unit \$ 1500 (Whole dollar amounts only)

**\* Description**

The space to the right should be used to provide further clarification and details on the costs (i.e. personnel costs: number of hours/rate/staff; meeting costs: number of meetings/days/attendees; travel costs, etc.) and types of items that you are requesting. Budget justification should be included in the project narrative.

Required fee from Zoll Datasystems to deploy FireRMS Mobile.

**Budget Item**

\*Item RescueNet FireRMS Training

\*Select Object Class Other

If you selected other above, please specify required fee

\* Number of units 1 (Whole number only)

\* Cost per unit \$ 1500 (Whole dollar amounts only)

**\* Description**

The space to the right should be used to provide further clarification and details on the costs (i.e. personnel costs: number of hours/rate/staff; meeting costs: number of meetings/days/attendees; travel costs, etc.) and types of items that you are requesting. Budget justification should be included in the project narrative.

Required fee from Zoll Datasystems to train fire department personnel in the use of FireRMS Mobile software.

**Budget Item**

\*Item Travel expenses for Zoll Datasystems representative

\*Select Object Class Travel

If you selected other above, please specify

- \* Number of units 1 (Whole number only)
- \* Cost per unit \$ 2200 (Whole dollar amounts only)
- \* Description  
 The space to the right should be used to provide further clarification and details on the costs (i.e. personnel costs: number of hours/rate/staff; meeting costs: number of meetings/days/attendees; travel costs, etc.) and types of items that you are requesting. Budget justification should be included in the project narrative. Estimated cost of travel expenses for Zoll Datasystems representative for deployment and training.

## View Project

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### Code Enforcement/Awareness Project Information

- \*1. Project Code Enforcement/Awareness 2  
 If you are submitting more than one Code Enforcement/Awareness project, please provide a project title (i.e.: commercial inspections, update code books, etc) Code upgrade to digital format
- \*2. Who is the target audience for the planned project? Other The citizens of Harlingen
- \*3. What is your estimated size of the target audience? 65289
- \* 4. How was this target audience determined? Informal Assessment  
 Briefly describe method used (required if selected "None of the above" above) Review of annual and monthly performance indicators over the last nine years. As this will affect the entire population of Harlingen, the latest census information was used.  
 Population: 65,289
- \*5. Briefly describe (or provide) the appropriate statistics that correspond to your project and target audience (i.e. injury statistics, # of fires/arsons, firefighter fatalities, etc). Fiscal Year 2009/2010: fire inspections - 1,193; plans reviewed: 206; subdivisions reviewed: 29; fire drills: 293; complaint investigations: 58; fire investigations: 70; presentations: 103 with 10,187 in attendance; consultations: 281; meetings: 224; incidents: 2111  
 Purchase digital software containing the various International Code Council and National Fire Protection Association Codes enforced by the City of Harlingen. Install this software on existing computers and/or the proposed computers from the computer-based project for which we are applying.
- \*6. Describe the steps or methods that will be used to achieve the goal and objectives of this project.
- \*7. Will your organization periodically evaluate the project's impact on the community? Yes  
 If you answered Yes to question 7 above, please specify: Review of monthly and annual performance indicators such as the number of fire inspections conducted, the number of fire drills conducted, the number of consultations conducted, etc.
- \*8. Is it the applicant's intention to continue delivering this program after the grant year? Yes

\*9. In the space provided below, please provide a brief synopsis of the proposed project:

This project will assist the fire prevention bureau with fire inspections using computer-based platforms. Currently, fire inspectors only have access to codes in loose-leaf binders. If this project is granted, research will become more efficient. This project, in conjunction with the computer-based inspection project, will greatly increase the efficiency and quality of fire inspections in the City of Harlingen.

\*10. In the space provided below, please explain the experience you have in managing the type of project you are proposing:

Incident reports, training reports, and daily logs are already used in digital format. I have experience in managing all of the above aspects of the current FireRMS program and have assisted in its evolution.

\*11. The narrative portion of the application should contain supporting information that allows for evaluation of this project. If you are applying for a grant in the **Fire Prevention and Safety Activity**, your Narrative Statement must address the evaluation elements outlined in the Program Guidance ().

Keep in mind that the evaluation of your application will also be based on a clear understanding of your proposal, your ability to meet the objectives of the program, and your probability of successfully delivering your project to the population targeted. You need to fully explain how the funds will be used to accomplish the goals of your project. To that end be sure to include descriptions/justification for all budgeted items - items not justified may be disallowed.

Your narrative may **not** exceed **five** pages of text. You may type your project narrative in the space provided below however, due to the built in "time out" feature, we recommend you create the narrative text in your word processing system and then copy it into the space provided below. Images, attachments, and special characters or formatting (i.e.: quote marks, bold print, bullet points, symbols, etc.) are not allowed.

**Vulnerability Statement:** The entire population of the City of Harlingen is no longer efficiently served by the current fire inspection process. Current demands require that the quantity and quality of inspections be improved. This has been shown through an in-house review of performance indicators. The upgrade of codes to digital format will increase inspector efficiency, improve inspection quality, and reduce the losses caused by fire in the City of Harlingen.

**Implementation Plan:** Purchase International Code Council and National Fire Protection Association Codes in digital format. Install on existing computers or, if the computer-based inspection program is approved, on laptops for field use.

**Evaluation Plan:** Monitor monthly and annual performance indicator reports; evaluate the quality of fire inspection reports through current FireRMS software.

**Goal:** Ease the inspectors' workload by reducing the time necessary for research on code enforcement matters and improve the quality of inspections for the City of Harlingen.

**Cost-benefit:** This project will affect all of the citizens of Harlingen. Fire inspection quality and quantity will increase which will reduce the number of emergency incidents.

**Sustainability:** This project will continue and evolve as the standard method of referencing Code information.

**Financial Need:** The current municipal economic environment is non-conducive to the purchase of ICC or NFPA codes in digital format.

**Past Performance on Grants:**

Pre 2004 SHSP Homeland Security Money: \$274,326.00 Balance -0-

2004 SHSP Homeland Security Money: \$177,842.87 Balance -0-

2005 SHSP Homeland Security Money: \$172,470.86 Balance -0-

2006 SHSP Homeland Security Money: \$34,291.14 Balance -0-

2007 SHSP Homeland Security Money: \$62,500.00 Balance -0-

2008 SHSP Homeland Security Money: \$350,000.00 Balance -0-

2009 SHSP Homeland Security Money: \$66,827.62 Balance \$66,827.62 Pending state approval for expenditures

2010 SHSP Homeland Security Money: \$31,060 Balance \$31,060

2005 FEMA Assistance to Fire Fighters Grant: \$168,000.00 Balance -0- S.C.B.A.s

2002 FEMA Assistance to Fire Fighters Grant: \$122,500.00 Balance -0- Tanker Truck

The Harlingen Fire Prevention Bureau currently uses Code in loose-leaf format. This requires that inspectors

[https://eservices.fema.gov/FemaFireGrant/firegrant/jsp/prevention2010/application/print\\_ap...](https://eservices.fema.gov/FemaFireGrant/firegrant/jsp/prevention2010/application/print_ap...) 6/7/2011

either carry several large binders and books for research in the field, or return to the office for research on an issue before returning to the inspection site. Using Codes in a digital format will save time in research and, if the computer-based inspection project is approved, allow inspectors to have immediate access to the information while conducting the inspection.

In October of 2010, one fire inspector was added to the fire prevention division, after fifteen years of requests for additional personnel. The City of Harlingen has grown and continues to grow but resources for the fire prevention bureau have remained relatively static even though the demands on staff have tremendously increased. Having digital access to the Codes enforced by the City of Harlingen can benefit the fire prevention division in several ways. It would increase inspector efficiency by ensuring that a more complete inspection is conducted. Information from the applicable codes would be available on the site of the inspection, allowing for faster research.

Once implemented, the digital format of the Codes would be used continually by the Harlingen Fire Prevention Bureau to conduct all manner of fire inspections, fire drills, acceptance tests, etc. This system of digital access has proven effective in many other fire departments across the nation.

The implementation of this project is already in progress. The Harlingen Fire Prevention Bureau is in the process of purchasing the computers necessary for the project. This project was started with local funds in the fiscal year 2008/2009 as part of the computer-based inspection program. However, municipal budgetary restraints have prevented this program from continuing to completion.

The remaining needs are five International Code Council CDROMs costing \$241 each. This is at the ICC member price. Additionally, we would need to purchase five licenses for NFPA "National Fire Codes" Subscription Service Electronic with Handbooks" at a cost of \$1616 each.

The effectiveness of this program can be measured through systems that are already in place. Monthly and annual performance indicator studies are conducted and reports issued for review by administrative staff. These reports readily show how many inspections and other fire prevention activities are being conducted. For example, in fiscal year 2001/2002, 750 fire inspections were conducted. In fiscal year 2009/2010, 1193 fire inspections were conducted. During the intervening years, no additional staff members were added to the fire prevention bureau. These same reports will show the increase in inspector performance when the system is implemented. The amount and quality of information can be evaluated through the various reports available in the FireRMS software. An increase of inspector efficiency of 15% to 40% is expected.

The implementation of this program will also have other benefits. The number of incidents within the city should decrease,

This project will have long term effects for the Harlingen Fire Prevention Bureau. It will positively affect all areas of fire prevention including enforcement, education, and engineering, as well as emergency response for the fire department. This project will enhance our ability to serve the citizens of the City of Harlingen.

**Budget Item**

*Item	ICC CDROM codes
*Select Object Class	Other
If you selected other above, please specify	software
* Number of units	5 (Whole number only)
* Cost per unit	\$ 241 (Whole dollar amounts only)
* Description	International Code Council product: CDROM ID: 8005PDF06 This is the digital format for ICC codes currently enforced by the City of Harlingen. These would be needed to update our codes to digital format so that it could be used in computer-base field inspections.

The space to the right should be used to provide further clarification and details on the costs (i.e. personnel costs: number of hours/rate/staff; meeting costs: number of meetings/days/attendees; travel costs, etc.) and types of items that you are requesting. Budget justification should be included in the project narrative.

**Budget Item**

*Item	National Fire Codes" Subscription Service Electronic with Handbooks
*Select Object Class	Other
If you selected other above, please specify	software

\* Number of units 5 (Whole number only)  
 \* Cost per unit \$ 1616 (Whole dollar amounts only)

\* Description

The space to the right should be used to provide further clarification and details on the costs (i.e. personnel costs; number of hours/rate/staff; meeting costs; number of meetings/days/attendees; travel costs, etc.) and types of items that you are requesting. Budget justification should be included in the project narrative.

This is the digital format for NFPA codes currently enforced by the City of Harlingen. These would be needed to update our codes to digital format so that it could be used in computer-base field inspections.

General Education/Awareness Project(s)

**View Project**

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General Education/Awareness Project Information

\*1. Project

Smoke Alarm Campaign

\*2. Describe the steps or methods that will be used to achieve the goal and objectives of this project.

Determine neighborhoods in need (already done), purchase and receive smoke alarms with 10 year lithium batteries and specialized smoke alarms for the deaf and hearing impaired, coordinate with other City Departments and CERT Team. Visit neighborhoods and the deaf and hard-of-hearing community at large, and go door-to-door to establish if the household is in need of smoke detectors or batteries for existing smoke detectors.

300

\*3. What is your estimated size of the target audience?

\*4. Briefly describe method used to determine target audience.

After a multiple fatality fire in November of 2010 in our city occurring in a mobile home park and after determining that the home did not have a smoke alarm at the time of the fire, we coordinated with the City of Harlingen Code Enforcement Division and developed a list of mobile home parks within the city consisting of low income families. In early December, we visited two parks and distributed approximately 60 smoke alarms to a receptive and thankful community. We have also been in contact with and training with the deaf and hard-of-hearing community within Harlingen. These citizens have communicated a need for specialized smoke alarms and their enforced installation at apartment complexes.

\*5. Briefly describe (or provide) the appropriate statistics that correspond to your project and target audience (i.e. injury statistics, # of fires/arsons, firefighter fatalities, etc).

Fiscal Year 2009/2010: fire inspections - 1,193; plans reviewed: 206; subdivisions reviewed: 29; fire drills: 293; complaint investigations: 58; fire investigations: 70; presentations: 103 with 10,187 in attendance; consultations: 281; meetings: 224; incidents: 2111.

Novemeber 21,2010 - 4 fatalities at a mobile home park, 1 survivor.

\*6. Will you install the alarms?

Yes

If no, Describe the plan for ensure the alarms will be installed

\*7. Describe the type of alarms that will be installed and the rationale for this selection

10 year lithium battery smoke alarm. Less burden on the home owner, greater fire and life safety. Specialized smoke alarms for the deaf and hard-of-hearing. The community has expressed a need.

\*8. Will your organization periodically evaluate the project's impact on the community?

Yes

If you answered Yes to question 8 above, please specify:

Count of smoke alarms and batteries (in stock) distributed. Review of reports indicating incident numbers within those response districts.

\*9. Is it the applicant's intention to continue delivering this program after the grant year? Yes

\*10. In the space provided below, please provide a brief synopsis of the proposed project:

The Harlingen Fire Department wishes to purchase smoke alarms for distribution to low income neighborhoods and the deaf and hard-of-hearing community of the City of Harlingen. Neighborhoods have already been selected in conjunction with the City of Harlingen Code Enforcement Division. Partnerships have already been established with the Harlingen Citizen Emergency Response Team and representatives of the deaf and hard-of-hearing community.

Once purchased, we will coordinate with the other groups, and begin visiting the listed low income neighborhoods and deaf or hard-of-hearing citizens determined by and the Harlingen Fire Department. Smoke alarms will be installed. Periodic evaluations and/or polls will be conducted to establish the effectiveness of this program.

\*11. In the space provided below, please explain the experience you have in managing the type of project you are proposing:

This has been an ongoing project for the last several years. We have distributed smoke alarms to families in need during home visits, when citizens call our office asking for home smoke alarm installation, and during neighborhood door-to-door campaigns.

\*12. The narrative portion of the application should contain supporting information that allows for evaluation of this project. If you are applying for a grant in the **Fire Prevention and Safety Activity**, your Narrative Statement must address the evaluation elements outlined in the Program Guidance ().

Keep in mind that the evaluation of your application will also be based on a clear understanding of your proposal, your ability to meet the objectives of the program, and your probability of successfully delivering your project to the population targeted. You need to fully explain how the funds will be used to accomplish the goals of your project. To that end be sure to include descriptions/justification for all budgeted items - items not justified may be disallowed.

Your narrative may **not** exceed **five** pages of text. You may type your project narrative in the space provided below however, due to the built in "time out" feature, we recommend you create the narrative text in your word processing system and then copy it into the space provided below. Images, attachments, and special characters or formatting (i.e.: quote marks, bold print, bullet points, symbols, etc.) are not allowed.

Vulnerability Statement: A multiple fatality fire occurred in a mobile home park in a low income neighborhood in Harlingen in November of 2010. This home did not have a working smoke alarm and it is believed that if it did, some of the deaths could have been prevented. We found that many of the mobile homes in the same neighborhood did not have working smoke detectors. Other neighborhoods visited by the Harlingen Code Enforcement Division were also found in similar conditions. In December of 2010, the Harlingen Fire Department, city staff and Community Emergency Response Team volunteers distributed long life smoke alarms and batteries to two of these neighborhoods. We would like to continue this program but due to budget constraints, we are unable to do so.

The Harlingen Fire Department has also conducted training with the Valley Association of Independent Living (VAIL) and Community Emergency Preparedness Information Network (CEPIN) to develop a working relationship with the deaf and hard-of-hearing community in Harlingen. During this time, members of this community expressed their need for specialized smoke alarms which they could not afford.

Implementation Plan: Purchase 10 year lithium battery powered ionization smoke alarms, the KA300 Alarm Kit, and the training program provided by Community Emergency Preparedness Information Network (CEPIN). Take the training program offered by CEPIN. Organize fire suppression personnel, fire prevention personnel, other city staff, and Community Emergency Response Team volunteers. Divide into two teams and visit the designated neighborhoods or homes in need of these smoke alarms.

Evaluation Plan: Itemize the number of smoke alarms that have been installed as a result of this program.  
Goal: Install smoke alarms in low income neighborhoods, especially mobile home parks and in homes of the deaf and hard-of-hearing community.

Cost-benefit: This project will affect two target populations in Harlingen where a need has been determined. The first is low income neighborhoods, especially mobile home parks where, due to a recent multiple fatality fire and we have found many homes lack smoke detectors. The second is the deaf and hard-of-hearing community which we have already been working and training with. Individuals identified by CEPIN and VAL are in need of specialized smoke alarms.

Sustainability: This project will continue until all smoke detectors are installed.

Financial Need: This project is already in progress; however, the current municipal economic environment is non-conducive to the continuation of the implementation of this project. In December of 2010, two teams visited two low income neighborhoods in Harlingen where smoke detectors with long life batteries were installed in needy homes and long life batteries were replaced as needed.

Past Performance on Grants:

Pre 2004 SHSP Homeland Security Money: \$274,326.00 Balance -0-  
2004 SHSP Homeland Security Money: \$177,842.87 Balance -0-  
2005 SHSP Homeland Security Money: \$172,470.86 Balance -0-  
2006 SHSP Homeland Security Money: \$34,291.14 Balance -0-  
2007 SHSP Homeland Security Money: \$62,500.00 Balance -0-  
2008 SHSP Homeland Security Money: \$350,000.00 Balance -0-  
2009 SHSP Homeland Security Money: \$66,827.62 Balance \$66,827.62 Pending state approval for expenditures

2010 SHSP Homeland Security Money: \$31,060 Balance \$31,060

2005 FEMA Assistance to Fire Fighters Grant: \$168,000.00 Balance -0- S.C.B.A.s

2002 FEMA Assistance to Fire Fighters Grant: \$122,500.00 Balance -0- Tanker Truck

The smoke detector program, including smoke alarms for the deaf and hard-of-hearing, will provide the entire community in our jurisdiction with door-to-door installation of smoke detectors (with long life alarms/batteries), fire prevention and safety assessments, and home safety inspections. Further, we will incorporate the needs of the deaf, hard of hearing and deaf/blind communities since conventional smoke detectors do not meet their needs. Approximately 7% of the smoke detectors we plan to distribute will have visual and/or tactile notification alerts that make these devices accessible and usable by this underserved population. With our smoke detector program, including smoke alarms for the deaf and hard-of-hearing program we'll be able to include a significant part of our community that typically has been overlooked in our emergency planning process.

Our program will reduce injury and loss-of-life by providing smoke alarms and fire prevention and safety guidelines that are accessible by all. Special attention will be given to the deaf, hard of hearing and deaf/blind populations because those individuals typically have difficulty connecting with fire and life safety education programs. We recognize the need to fill this gap, so we plan to partner with CEPIN (Community Emergency Preparedness Information Network), a proven, experienced FEMA training partner that has been developing and delivering emergency preparedness training to the responder and deaf, hard of hearing and deaf/blind communities for 6 years. Their experience in providing specialized outreach, training and education will ensure our distribution efforts are completely accessible and relevant to the deaf, hard of hearing, and deaf-blind communities. During the months of April, May or June, on various dates, two teams will visit and attempt to install smoke detectors in approximately 300 homes. Long life batteries will be placed in existing detectors under 2 years old, and strobe/bed-shaker alarm kits will be made available to the deaf, hard of hearing and deaf/blind communities. Flyers will notify residents about this distribution and education opportunity. Teams will use scripted guides and standardized instructions, along with CEPIN instructors for outreach to the deaf, hard of hearing and

deaf/blind communities.

**Budget Item**

\*Item 10 year lithium battery powered smoke alarm

\*Select Object Class Equipment

If you selected other above, please specify

\* Number of units 300 (Whole number only)

\* Cost per unit \$ 20 (Whole dollar amounts only)

**\* Description**

The space to the right should be used to provide further clarification and details on the costs (i.e. personnel costs: number of hours/rate/staff; meeting costs: number of meetings/days/attendees; travel costs, etc.) and types of items that you are requesting. Budget justification should be included in the project narrative.

These are the smoke alarms that we wish to install at low income neighborhoods throughout the City of Harlingen that have been identified in conjunction with the Harlingen Code Enforcement Division.

**Budget Item**

\*Item Compu-TTY, Inc. KA300 Alarm System Kit

\*Select Object Class Equipment

If you selected other above, please specify

\* Number of units 20 (Whole number only)

\* Cost per unit \$ 250 (Whole dollar amounts only)

**\* Description**

The space to the right should be used to provide further clarification and details on the costs (i.e. personnel costs: number of hours/rate/staff; meeting costs: number of meetings/days/attendees; travel costs, etc.) and types of items that you are requesting. Budget justification should be included in the project narrative.

These alarm kits are for the deaf and hard-of-hearing people of the City of Harlingen. CEPIN and VAIL are assisting in determining which people will receive these kits, if granted.

The kit is composed of the KA300 TX transmitter, which attaches to a common smoke alarm, the KA300 TX receiver which has a built-in strobe light, and the KBS300 bed shaker which receives its signal from the KA300 transmitter.

**Budget Item**

\*Item CEPIN training

\*Select Object Class Other

If you selected other above, please specify training

\* Number of units 1 (Whole number only)

\* Cost per unit \$ 5200 (Whole dollar amounts only)

**\* Description**

The space to the right should be used to provide further clarification and details on the costs (i.e. personnel costs: number of hours/rate/staff; meeting costs: number of meetings/days/attendees; travel costs, etc.) and types of items that you are requesting. Budget justification should be included in the project narrative.

This item will deliver the training, education and outreach components of our smoke detector distribution program for the deaf and hard-of-hearing community. The cost is \$5200 which includes 2 instructors, course materials and communication accessibility accommodations.

National/State/Regional Programs and Studies Project(s)

**Research And Development Projects**

**Budget**

Budget Object Class

Budget Amount

Personnel	0
Benefits	0
Travel	2,200
Equipment	23,600
Supplies	0
Contractual	0
Construction	0
Other	27,460
Indirect Charges	0

Indirect Cost Details (complete this section only if you have a Federally approved Indirect Cost Rate agreement). Please note you must add the Indirect Costs as a line item within the Request Details section as they are not automatically calculated.

Agency Indirect Cost Agreement with

Indirect Cost Rate %

Agreement Summary

Total Federal and Applicant Share

Federal Share	\$ 42,608
Applicant Share	\$ 10,652
Federal Rate Sharing (%)	80/20

\* Non-Federal Resources (The combined Non-Federal Resources must equal the Applicant Share of \$ 10,652)

a. Applicant	\$ 10,652
b. State	\$ 0
c. Local	\$ 0
d. Other Sources	\$ 0

If you entered a value in Other Sources other than zero (0), include your explanation below. You can use this space to provide information on the project, cost share match, or if you have an indirect cost agreement with a federal agency.

**Total Budget** **\$ 53,260**

**Narrative Statement**

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The narrative for Fire Prevention and Safety is provided when adding Fire Prevention and Safety Projects under the **Request Details** section.

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**Assurances and Certifications**

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**FEMA Form 20-16A**

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**You must read and sign these assurances by providing your password and checking the box at the bottom of this page.**

**Note:** Fields marked with an \* are required.

**Assurances Non-Construction Programs**

**Note:** Certain of these assurances may not be applicable to your project or program. If you have any questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. Section 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration) 5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. Sections 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. Section 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. Sections 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290-dd-3 and 290-ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Acts of 1968 (42 U.S.C. Section 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Title II and III of the Uniform

- Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or Federally assisted programs. These requirements apply to all interest in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply with provisions of the Hatch Act (5 U.S.C. Sections 1501-1508 and 7324-7328), which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
  9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. Sections 276a to 276a- 7), the Copeland Act (40 U.S.C. Section 276c and 18 U.S.C. Sections 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. Sections 327-333), regarding labor standards for federally assisted construction sub agreements.
  10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
  11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. Section 1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. Section 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
  12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. Section 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
  13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
  14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
  15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
  16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. Section 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
  17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.
  18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.
  19. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act (29 U.S.C. 201), as they apply to employees of institutions of higher education, hospitals, and other non-profit organizations.

Signed by **Danny Warner** on **02/02/2011**

**Form 20-16C**

**You must read and sign these assurances by providing your password and checking the box at the bottom of this page.**

**Note:** Fields marked with an \* are required.

Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibilities Matters; and Drug-Free Workplace Requirements.

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature on this form provides for compliance with certification requirements under 44 CFR Part 18, "New Restrictions on Lobbying; and 44 CFR Part 17, "Government-wide Debarment and suspension (Non-procurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Federal Emergency Management Agency (FEMA) determines to award the covered transaction, grant, or cooperative agreement.

**1. LOBBYING**

A. As required by the section 1352, Title 31 of the US Code, and implemented at 44 CFR Part 18 for persons into a grant or cooperative agreement over \$100,000, as defined at 44CFR Part 18, the applicant certifies that:

(a) No federal appropriated funds have been paid or will be paid by or on behalf of the undersigned to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of congress, or an employee of a Member of Congress in connection with the making of any federal grant, the entering into of any cooperative agreement and extension, continuation, renewal amendment or modification of any Federal Grant or cooperative agreement.

(b) If any other funds than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure of Lobbying Activities", in accordance with its instructions.

(c) The undersigned shall require that the language of this certification be included in the award documents for all the sub awards at all tiers (including sub grants, contracts under grants and cooperative agreements and sub contract(s)) and that all sub recipients shall certify and disclose accordingly.

**2. Debarment, Suspension and Other Responsibility Matters (Direct Recipient)**

As required by Executive Order 12549, Debarment and Suspension, and implemented at 44CFR Part 67, for prospective participants in primary covered transactions, as defined at 44 CFR Part 17, Section 17.510-A, the applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency.

(b) Have not within a three-year period preceding this application been convicted of or had a civilian judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or perform a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.

(c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification: and

(d) have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

### 3. Drug-Free Workplace (Grantees other than individuals)

As required by the Drug-Free Workplace Act of 1988, and implemented at 44CFR Part 17, Subpart F, for grantees, as defined at 44 CFR part 17, Sections 17.615 and 17.620:

(A) The applicant certifies that it will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug free awareness program to inform employees about:

- (1) The dangers of drug abuse in the workplace;
- (2) The grantees policy of maintaining a drug-free workplace;
- (3) Any available drug counseling, rehabilitation and employee assistance programs; and
- (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant to be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

- (1) Abide by the terms of the statement and
- (2) Notify the employee in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.

(e) Notifying the agency, in writing within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to the applicable FEMA awarding office, i.e. regional office or FEMA office.

(f) Taking one of the following actions, against such an employee, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

- (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
- (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement or other appropriate agency.

(g) Making a good faith effort to continue to maintain a drug free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

(B) The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance

Street	City	State	Zip	Action
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**If your place of performance is different from the physical address provided by you in the Applicant Information, click on Add Place of Performance button above to ensure that the correct place of performance has been specified. You can add multiple addresses by repeating this process multiple times.**

Section 17.630 of the regulations provide that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for FEMA funding. States and State agencies may elect to use a Statewide certification.

Signed by **Danny Warner** on **02/02/2011**

**Standard Form LLL**

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Only complete if applying for a grant for more than \$100,000 and have lobbying activities. See Form 20-16C for lobbying activities definition.

**This form is not applicable**

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**AGENDA ITEM  
EXECUTIVE SUMMARY**

Meeting Date: **08/03/2011**

**Agenda Item:**

Consider and take action to authorize the Mayor to execute an Interlocal Agreement with the Harlingen Consolidated Independent School District (HCISD) to assign two full-time uniformed Harlingen Police Officers to work at the two high schools campuses as High School Resource Officers during the 2011-2012 school calendar year. HCISD may elect to hire additional police officers on overtime should the need arise.

Prepared By (Print Name): Thomas Whitten  
Title: Police Chief

Signature: 

**Brief Summary:**

The police officers assigned to the high school will manage the Campus Crime Stoppers Program, make presentations, assist security and otherwise work with the schools population to encourage and maintain positive behavior. HCISD will reimburse the city at a rate of \$37/hour for any additional officers assigned for overtime duties as stipulated in the interlocal agreement.

**Funding (if applicable):**

Yes  No

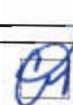
Finance Director's approval:

  Yes  No  N/A

**Staff Recommendation:**

Staff recommends approval.

City Manager's approval:

  Yes  No  N/A

**Comments:**

City Attorney's approval:

Yes  No  N/A

**Memorandum of Understanding  
And  
Interlocal Agreement for Police**

This Agreement is entered into between City of Harlingen, whose address is c/o City Manager, 118 East Tyler, Harlingen, Texas 78550, and Harlingen Consolidated Independent School District ("HCISD"), whose address is c/o Superintendent of Schools, 407 North 77 Sunshine Strip, Harlingen, Texas 78550, under the authority of the Texas Interlocal Cooperation Act (Chapter 791, Texas Government Code), as of the effective date of August 12, 2011.

**Article 1 - Recitals**

1.01 As in other school districts around the State, the Board of Trustees of HCISD finds that there are increasing acts of violence and vandalism occurring on school campuses in the district which threaten the safety of students, faculty, and administrative personnel and the security of public property.

1.02 Although authorized to do so under Section 37.081, Texas Education Code, HCISD does not have the resources to employ, train, commission, and equip its own security personnel, and has requested the City, under the authority of the Interlocal Cooperation Act, to furnish police protection services by assigning two officers from the City's police department to act as school resource officers for HCISD.

1.03 The Elective Commission of the City finds that assigning a police officer as school resource officers to HCISD is necessary and desirable in order to preserve and protect the public health, safety, and welfare.

**Article 2 - School Resource Officer**

2.01 The term of this Agreement is the one-year period commencing on the Effective Date.

2.02 On the Effective Date, and for the term of this Agreement, the City will assign to HCISD two of its police officers as school resource officers. The officers will be commissioned peace officers meeting all minimum standards for peace officers established by the Texas Commission on Law Enforcement Officer Standards and Education, and HCISD authorizes the officers to carry a weapon in the officer's jurisdiction. The officers will be selected through a process developed by the Police Chief and Deputy Superintendent - School Support Services and will be mutually agreed to by both parties.

2.03 The school resource officers' jurisdiction includes all territory in the boundaries of the HCISD district, or within 300 feet of school property, and all property outside the boundaries of the district that is owned, leased, or rented or otherwise under the control of HCISD and its Board of Trustees.

2.04 The school resource officers shall perform administrative and law enforcement duties for HCISD as determined by the Chief of Police and specified in the school resource officer job description and goals filed jointly at the HCISD administration office and the office of the City Manager, including protecting the safety and welfare of any

person in the officers' jurisdiction and the property of HCISD. The Board of Trustees, or its designee, may prescribe the officers' duty hours, subject to the limitations contained in Chapter 142, Texas Local Government Code. There shall be joint supervision between the High School Principals and the Police Chief.

2.05 HCISD shall refer any disciplinary matters involving alleged misconduct of the school resource officer during duty hours to the City's Chief of Police or his designee.

2.06 To the extent permitted by applicable law, but without waiver or expansion of any limits established by the Texas Tort Claims Act, each party to this Agreement will indemnify and hold harmless the other parties and their officers, employees and agents, from and against any and all claims proximately caused by negligence, breach, or other act or omission by the indemnifying party or its officers, employees, or agents.

### Article 3 - Compensation

3.01 HCISD shall appropriate from current revenues and pay to the City the salary of the officers for 181 days as per the City's salary schedule to defray the expense of the school resource officers' salaries and benefits, including but not limited to sick leave and vacation leave accrued during the term of this Agreement. The compensation shall be paid half by with the exception of accrued leave, which will be determined at the end of the school calendar year.

3.02 The school resource officers shall adhere to the HCISD Board of Trustees approved 2011 – 2012 school calendar and perform the prescribed duties for 181 days.

3.03 In addition to the compensation to be paid in accordance with paragraph 3.01, HCISD shall appropriate from current revenues and pay to the City an amount equal to any overtime pay for which the City becomes liable to the school resource officers as a result of the officers' being required to work overtime in furtherance of the officers' duties as the school resource officer. No overtime work shall be assigned to the officers without the specific approval of the Chief of Police or his designee and the Deputy Superintendent – School Support Services-or designee.

3.04 In addition to the compensation required above the HCISD shall appropriate from current revenues and pay to the City an amount equal to the City's costs to equip the officers provided under this Agreement including but not limited to police vehicles, vehicle equipment, projected maintenance and fuel. The total cost to equip two (2) school officers is agreed to be \$16,022.40. Payment shall be due half by December 27, 2011 and the other half by June 04, 2012.

3.05 In addition, the district may choose to hire off duty officer(s) at a rate of \$37 per hour and based on availability. These officers will be hired on an hourly basis and based on needs and times identified by the Superintendent or designee. This provision is subject to compliance with the provisions of the City of Harlingen Collective Bargaining Labor Agreement between the City of Harlingen and the Harlingen Professional Law Enforcement Association.

3.06 In the event the school resource officers sustain an injury while performing his/her school duties HCISD will continue to pay to the City the salary, accruals, and other benefits received by the school resource officers during the term of this Agreement. The City will offset any workman's compensation or insurance benefits received from the

amount due by the District. If necessary and in the best interest of HCISD, HCISD may opt to hire a temporary replacement for the injured officer(s) at an additional expense and as agreed by both parties (HCISD and City).

#### Article 4 - Termination; Renewal

4.01 This Agreement is terminable by either party on 30 days written notice to the other party if the other party is in breach of any of its obligations under this Agreement and fails to cure the breach within the notice period. If this Agreement is terminated by either party under this paragraph, any unearned compensation paid by HCISD to City under paragraph 3.01, less accrued overtime, if any, will be refunded by City to HCISD.

4.02 This Agreement may be renewed annually by joint resolution of the Elective Commission of City and Board of Trustees of HCISD adopted prior to the expiration of the initial term or any subsequent term. The resolution must state the amount of compensation to be paid by HCISD to City for the ensuring term.

EXECUTED by official action of the respective governing bodies of the City and the HCISD on the dates shown below, to be effective as of the Effective Date.

**AGREED:**

**THE CITY OF HARLINGEN**

By: \_\_\_\_\_  
**Honorable Chris Boswell, Mayor**

Date: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
**Amanda Elizondo**  
**City Secretary**

**AGREED:**

**HARLINGEN CONSOLIDATED  
INDEPENDENT SCHOOL DISTRICT**

By: \_\_\_\_\_  
**Dr. Cesar Maldonado, Board Vice  
President**

Date: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
**Mr. George McShan**  
**Board Secretary**

## **Job Description for Resource Police Officer in the School Program**

### **QUALIFICATIONS:**

1. Texas licensed peace officer,
2. City of Harlingen Police Department police officer in good standing,
3. Familiarity with, and ability to make references to community agencies which offer assistance to delinquency-prone youths and their families, such as mental health clinics, drug treatment centers, etc.

### **SUPERVISOR:**

High School Principals and  
Chief of Police or their designee

### **DUTIES:**

The Resource Police Officer shall:

1. Take appropriate action as a law enforcement officer only at such times as the campus principal or his/her designee requests police involvement, believing a campus incident is a violation of criminal law, except when the officer directly observes the commission of a criminal act for which the officer's duties as a licensed peace officer require action as a City of Harlingen police officer. The officer otherwise will leave discipline to school officials, except as directed.
2. Coordinate the Crimestopper Program with regular consultation with campus principals and designated staff members relating to advice and feedback on the adoption, and revision as reasonable, of guidelines for the Crimestopper Program.
3. Prepare and present, student programs on a regular basis, as directed, related to the law and the role of the police, in order to increase student understanding of the law as well as understanding of and rapport with law enforcement officers and their mission.
4. Facilitate individual and/or small group informal discussion or conversations with students as part of the officer's regular daily work schedule, to increase student understanding of the law as well as understanding of and rapport with law enforcement officers and their mission.
5. Attend parent/faculty meetings, as directed, to present programs on, and to develop parent/faculty rapport with and support and understanding of, the school resource officer program.
6. Confer with students, parents, and faculty members, as needed and/or directed to assist them with problems of a law enforcement or crime prevention nature.
7. Make references, when necessary, requested, or directed, to individuals requesting such assistance to community agencies which offer assistance to delinquency-prone youths and their families, such as mental health clinics, drug treatment centers, etc.

8. Develop plans and strategies, in consultation with and subject to the approval of the Director of Special Projects and the campus principals, to prevent or minimize dangerous situations at school or school activities which might threaten or result in interference with school educational activities.
9. Advise campus principals of the need for requesting additional law enforcement from the officer's City Police supervisor in student disruption or interference with school educational activities, which decision shall rest in the principal's discretion. In the event additional law enforcement assistance is requested or authorized, the school resource police officer shall direct all police action at the scene in conjunction with the uniformed peace officers that may respond to the request. The school principal shall direct all staff action.
10. Take appropriate action, when directed or requested by the campus principal or his/her authorized designee, to deal with trespassers, unauthorized guests, or individuals not complying with directives from school principals or authorized personnel, not complying with school policies, procedures, and rules, and/or not complying with state or federal criminal laws.
11. Conduct police interviews with students, when directed or requested by the campus principal or his/her authorized designee, in conformance with District policy and proper Harlingen Police Department procedure.
12. Handle emergency actions of a law enforcement nature in which there is a danger of immediate danger or injury to HCISD students, personnel, visitors, or agents, in coordination with the campus principal.
13. Assist other law enforcement officers in matters relating to the school resource police officer duties, as necessary or directed.
14. Attend and/or participate in school functions as directed and as approved by the Chief of Police or his designee.
15. Prepare and submit an annual written evaluation to the principal of the effectiveness of the school resource police officer program, based on input from students, school, staff, and the community.

## **Job Description for Resource Police Officer in the School Program**

### **QUALIFICATIONS:**

1. Texas licensed peace officer,
2. City of Harlingen Police Department police officer in good standing,
3. Familiarity with, and ability to make references to community agencies which offer assistance to delinquency-prone youths and their families, such as mental health clinics, drug treatment centers, etc.

### **SUPERVISOR:**

High School Principals and  
Chief of Police or their designee

### **DUTIES:**

The Resource Police Officer shall:

1. Take appropriate action as a law enforcement officer only at such times as the campus principal or his/her designee requests police involvement, believing a campus incident is a violation of criminal law, except when the officer directly observes the commission of a criminal act for which the officer's duties as a licensed peace officer require action as a City of Harlingen police officer. The officer otherwise will leave discipline to school officials, except as directed.
2. Coordinate the Crimestopper Program with regular consultation with campus principals and designated staff members relating to advice and feedback on the adoption, and revision as reasonable, of guidelines for the Crimestopper Program.

Job Description: Resource Police Officer

3. Prepare and present, student programs on a regular basis, as directed, related to the law and the role of the police, in order to increase student understanding of the law as well as understanding of and rapport with law enforcement officers and their mission.
4. Facilitate individual and/or small group informal discussion or conversations with students as part of the officer's regular daily work schedule, to increase student understanding of the law as well as understanding of and rapport with law enforcement officers and their mission.
5. Attend parent/faculty meetings, as directed, to present programs on, and to develop parent/faculty rapport with and support and understanding of, the school resource officer program.
6. Confer with students, parents, and faculty members, as needed and/or directed to assist them with problems of a law enforcement or crime prevention nature.
7. Make references, when necessary, requested, or directed, to individuals requesting such assistance to community agencies which offer assistance to delinquency-prone youths and their families, such as mental health clinics, drug treatment centers, etc.
8. Develop plans and strategies, in consultation with and subject to the approval of the Director of Special Projects and the campus principals, to prevent or minimize dangerous situations at school or school activities which might threaten or result in interference with school educational activities.
9. Advise campus principals of the need for requesting additional law enforcement from the officer's City Police supervisor in student disruption or interference with school educational activities, which decision shall rest in the principal's discretion. In the event additional law enforcement assistance is requested or authorized, the school resource police officer shall direct all police action at the scene in conjunction with the uniformed peace officers that may respond to the request. The school principal shall direct all staff action.

Job Description: Resource Police Officer

10. Take appropriate action, when directed or requested by the campus principal or his/her authorized designee, to deal with trespassers, unauthorized guests, or individuals not complying with directives from school principals or authorized personnel, not complying with school policies, procedures, and rules, and/or not complying with state or federal criminal laws.
11. Conduct police interviews with students, when directed or requested by the campus principal or his/her authorized designee, in conformance with District policy and proper Harlingen Police Department procedure.
12. Handle emergency actions of a law enforcement nature in which there is a danger of immediate danger or injury to HCISD students, personnel, visitors, or agents, in coordination with the campus principal.
13. Assist other law enforcement officers in matters relating to the school resource police officer duties, as necessary or directed.
14. Attend and/or participate in school functions as directed and as approved by the Chief of Police or his designee.
15. Prepare and submit an annual written evaluation to the principal of the effectiveness of the school resource police officer program, based on input from students, school, staff, and the community.

**AGENDA ITEM  
EXECUTIVE SUMMARY**

Meeting Date: **August 3, 2011**

**Agenda Item:**  
Consider and discuss: (1) the 2011 redistricting process; (2) existing Harlingen City Commission election districts and potential changes to the election district lines; (3) redistricting criteria; and (4) provide direction to redistricting counsel on process to be used for adopting new redistricting plan.

Prepared By (Print Name): Roxann Pais Cotroneo  
Title: City Attorney  
Signature: 

**Brief Summary:**

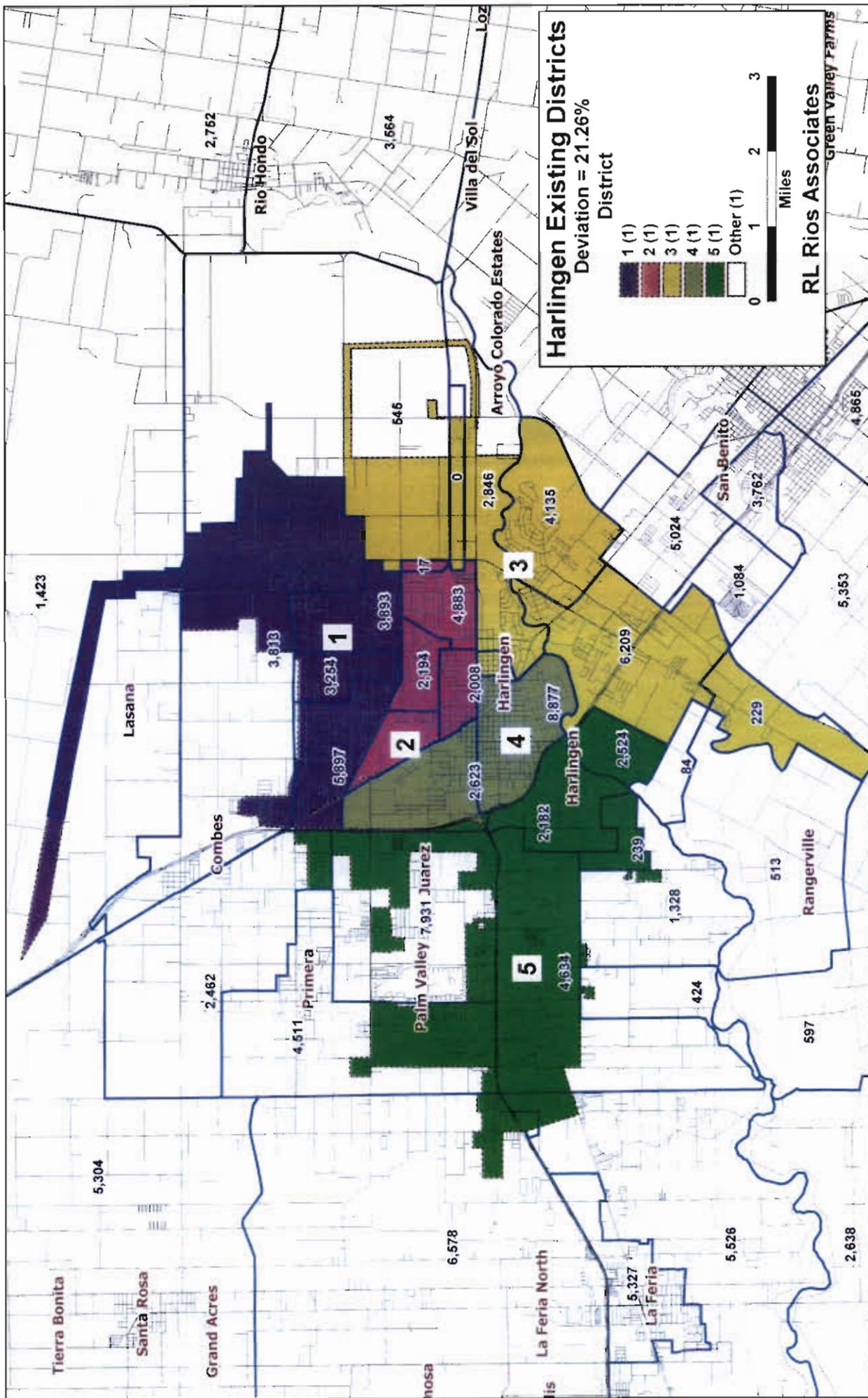
**Funding (if applicable):**  
Are funds specifically designated in the current budget for the full amount  Yes  No\*  
for this purpose?  
\*If no, specify source of funding and amount requested:  
Finance Director's approval:  Yes  No  N/A

**Staff Recommendation:**

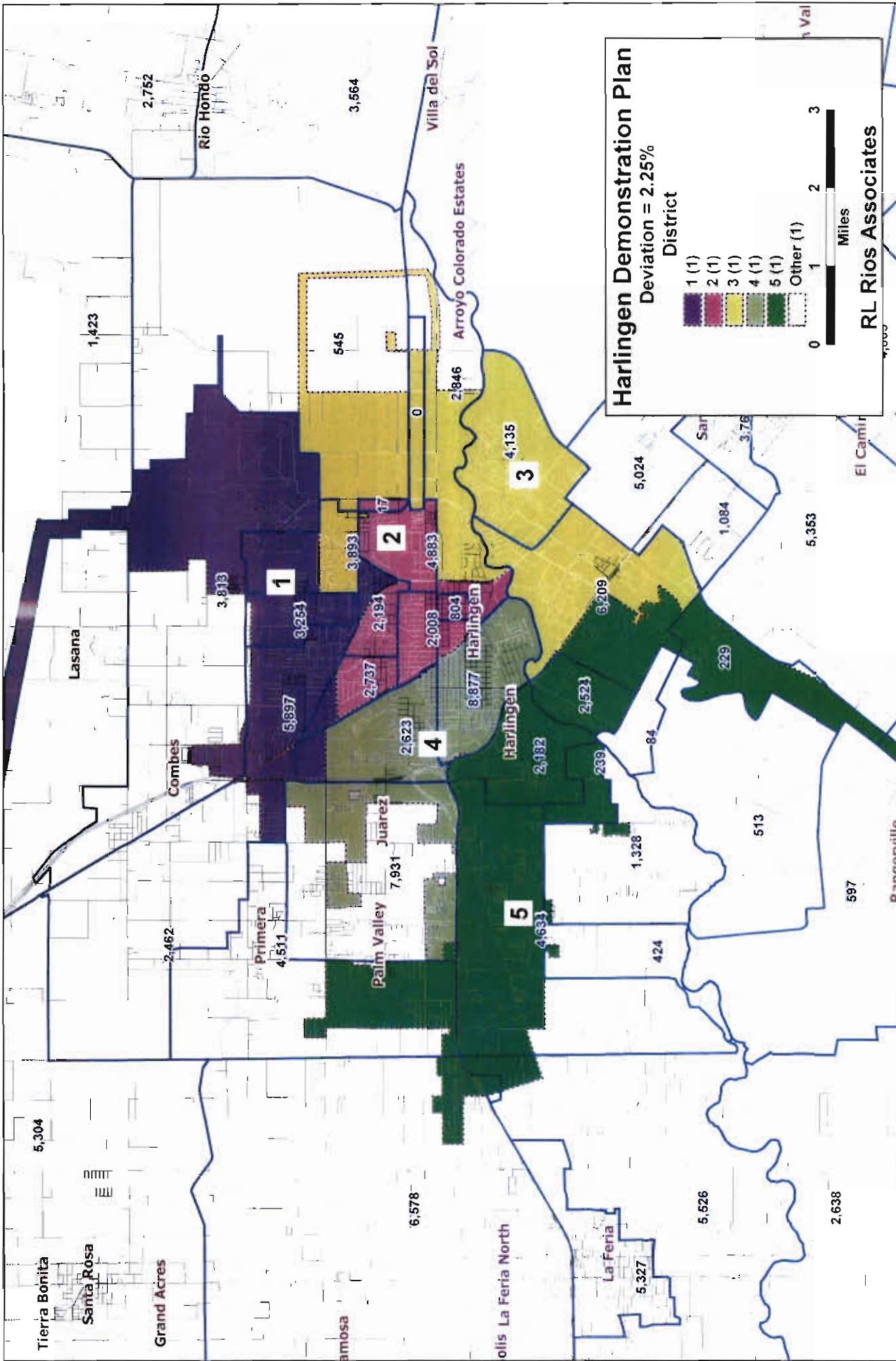
City Manager's approval:  Yes  No  N/A

**Comments:**

City Attorney's approval:  Yes  No  N/A



District	Population	Deviation	% Deviation	Black	% Black	Hispanic Origin	% Hispanic Origin
1	13607	537	4.14%	146	1.08%	10387	76.9%
2	11857	-1,113	-8.58%	142	1.2%	10016	84.47%
3	14241	1,271	9.8%	178	1.25%	10017	70.34%
4	11499	-1,471	-11.34%	90	0.78%	10924	95%
5	13748	778	6%	76	0.55%	10239	74.48%



District	Population	Deviation	% Deviation	Black	% Black	Hispanic Origin	% Hispanic Origin
1	13028	59	0.45%	144	1.11%	10135	77.79%
2	12862	-108	-0.83%	134	1.04%	10960	85.21%
3	12940	-30	-0.23%	178	1.38%	8808	68.07%
4	12867	-103	-0.79%	93	0.72%	11632	90.4%
5	13154	184	1.42%	83	0.63%	10048	76.39%

11

**AGENDA ITEM  
EXECUTIVE SUMMARY**

Meeting Date: **August 3, 2011**

**Agenda Item:**

Consider and TAKE ACTION to adopt resolution to approve the One Year Action Plan (Budget) for Fiscal Year 2011-2012 (Year 37) of the Community Development Block Grant (CDBG) Program and Fiscal Year 2011-2012 (Year 17) of the Home Investment Partnerships Program (HOME).

Prepared By (Print Name): Tammy DeGannes  
Title: Community Development Director

Signature: *Tammy DeGannes*

**Brief Summary:**

In compliance with HUD regulations, the City Commission of the City of Harlingen approved the Proposed Budget for the One Year Action Plan as part of the 2nd year of the Rio Grande Valley Regional Consolidated Plan on June 1, 2011. During the 30 day comment period, a Regular Public Hearing was held on July 18, 2011 before the Community Development Advisory Board at which time they were available to listen to the various comments related to the One-Year Action Plan. Upon approval of the Resolution, the One Year Action Plan will be forwarded to the Department of Housing and Urban Development, at which time they will review the One Year Action Plan and if it is deemed acceptable, HUD will authorize the funding to begin on October 1, 2011.

**Funding (if applicable):**

Are funds specifically designated in the current budget for the full amount  Yes  No\*

\*If no, specify source of funding and amount requested:

FY 11-12 CDBG Allocation is expected to be:	\$ 864,079.00
FY 11-12 HOME Allocation is expected to be:	\$ 358,797.00
Anticipated Program Income is expected to be:	\$ 93,045.00
	\$1,315,921.00

Finance Director's approval:

Yes  No  N/A

**Staff Recommendation:**

Staff recommends approval of the Resolution.

City Manager's approval:

Yes  No  N/A

**Comments:**

City Attorney's approval:

Yes  No  N/A

## RESOLUTION 11R-\_\_\_

STATE OF TEXAS

COUNTY OF CAMERON

**WHEREAS**, pursuant to the laws of the United States of America, the United States Government has allocated to the City of Harlingen, Texas, the sum of \$864,079.00 in Community Development Block Grant funds (CDBG) for the 2011-12 Entitlement year and the City has identified an amount of \$93,045.00 (\$59,445.00 received by the City and \$33,600.00 to be received by Harlingen Community Development Corporation) in anticipated program income for a total CDBG amount of \$957,124.00; and

**WHEREAS**, the United States Government has additionally allocated the sum of \$358,797.00 in Home Investment Partnerships Program funds (HOME) to the City as a Participating Jurisdiction for the Entitlement Year to be disbursed as set forth in the 2011-12 One Year Action Plan on a project-by-project basis, said funds constituting CDBG Funds and HOME Funds from the U. S. Department of Housing and Urban Development to the City of Harlingen; to be used by the City in the implementation and completion of Community Development Programs as specified in the application for said funds; and

**WHEREAS**, pursuant to the provisions attendant with such grant funds, the City Manager of Harlingen budgeted and programmed the expenditures of such funds for various approved projects and public works for the City of Harlingen, including public services and planning and management development; all to be funded from the aforesaid CDBG and HOME Grants, as being funds surplus and wholly in addition to all other revenues and sources of funds of the City of Harlingen for Fiscal Year 2011-12; said City Manager having submitted such budget and proposed expenditures of such funds to the Mayor and Elective Commission of the City of Harlingen; and

**WHEREAS**, the Community Development Advisory Board through public hearings, and the Mayor and Elective Commission having reviewed and considered such proposed budget and expenditures for the 2011-12 period as submitted, in the form of a budget to the public on June 1, 2011(through a public hearing); and

**WHEREAS**, the public hearing was held on the 1st day of June, 2011, at a regular scheduled City Commission meeting at 5:30 p.m. as posted, and said budget was discussed and all interested persons were given an opportunity to be heard on any matter relative thereto, and all interested persons were heard; and there being no other persons seeking to be heard with reference to any matter concerning said public hearing was closed on the 1st day of June, 2011; and

**WHEREAS**, prior to final adoption of the One Year Action Plan by the City Commission, an additional public hearing was held July 7, 2011, in the Conference Room of the Lon C. Hill Building at 5:30 p.m. by the Community Development Advisory Board during the required 30 day comment period to obtain citizen comments; and

**WHEREAS**, upon receipt of the Request For Release of Funds and Removal of Grant Conditions from the U.S. Department of Housing and Urban Development, the City Manager of the City of Harlingen is authorized to execute agreements for subrecipients approved in the 2011-12 One Year Action Plan as required by HUD; and

### **NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF HARLINGEN:**

That the Community Development Block Grant and HOME Funds Budget for the City of Harlingen, appropriating funds only for the programs set forth in the "CDBG and HOME Funds—2011-2012 Budget", in the total amount of \$1,315,921.00; a copy of said budget being attached as Exhibit "A" and more clearly identified within the CITY OF HARLINGEN ONE YEAR ACTION PLAN and the same is hereby adopted as the funds and expenditures listed under the 2011-2012 budget in connection with the receipt of the aforesaid CDBG and HOME funds, and the regulatory required budgeting and disposition thereof; all being separate and apart from the regular fiscal year budget of the City of Harlingen.

**CONSIDERED AND ADOPTED** this 20th day of July, 2011 at a regular meeting of the Elective Commission of the City of Harlingen at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, TITLE 5, SUBTITLE A., CHAPTER 551, enacted by Act 1999, 73rd Legislature, 2d Session, Chapter 64, effective September 1, 1999.

Exhibit "A"

**C.D.B.G. AND HOME FUNDS  
2011-2012 ONE YEAR ACTION PLAN BUDGET**

C.D.B.G. Allocation .....	\$ 864,079.00
HOME Allocation .....	\$ 358,797.00
Anticipated Program Income (from Rehabilitation, Economic Development to City) .....	\$ 59,445.00
Anticipated Program Income (to HCDC) .....	\$ 33,600.00
<b>Combined Total Allocations .....</b>	<b>\$ 1,315,921.00</b>

**PROPOSED PROJECTS**

03I - Drainage Improvements (Buchanan, Hays & "M" Streets)	\$260,000.00
03F- Rangerville Road Park Improvements (Solar lighting)	\$49,287.00
03T- Public Services (Homeless Shelter) Loaves & Fishes of the RGV	\$16,000.00
05A - Public Services (Seniors) Senior Companion Program	\$20,000.00
05D - Public Services (Youth) Boy's & Girl's Club	\$44,500.00
05N - Public Services (Abused & Neglected Children) Maggie's House	\$7,500.00
05N - Public Services (Abused & Neglected Children) CASA	\$29,500.00
14A - Housing Rehabilitation Program	\$172,007.00
14H - Housing Rehabilitation Administration	\$95,000.00
21A - General Administration	\$170,285.00
Total CDBG Funding	<u>\$864,079.00</u>
12 - HOME-Affordable Housing Programs (Harlingen Community Development Corp)	\$254,297.00
12 - HOME-City of Harlingen-Juvenile Justice Program Partnership	\$69,500.00
21H - HOME-Administrative Support	\$35,000.00
Total HOME Funding	<u>\$358,797.00</u>
14A - Housing Rehabilitation (anticipated RL program income)	\$59,445.00
12 - Construction of Housing (anticipated AHP-RL Program Income)	\$33,600.00
Total Anticipated Program Income	<u>\$93,045.00</u>
Total Anticipated Funding	<u>\$1,315,921.00</u>

**AGENDA ITEM  
EXECUTIVE SUMMARY**

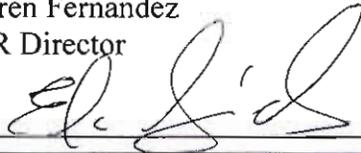
Meeting Date: **08/03/2011**

**Agenda Item:**

Consider and take action to approve the renewal of a contract between the AARP Foundation Senior Community Service Employment Agency and the City of Harlingen to request the services of participants from the AARP Foundation Senior Community Service Employment Agency at no cost to the City.

Prepared By (Print Name): Efren Fernandez  
Title: HR Director

Signature:



**Brief Summary:**

The Senior Community Service Employment (SCSEP) is a short-term, work-training program to prepare participants for unsubsidized employment. SCSEP participants are not employees of either the AARP Foundation or the host agency (City of Harlingen) to which they are temporarily assigned. This is a federally funded program and the program pays for workers compensation insurance. City of Harlingen currently participates in this program.

**Funding (if applicable):**

Yes  No

Finance Director's approval:

Yes  No  N/A

**Staff Recommendation:**

Staff recommends approval.

City Manager's approval:

Yes  No  N/A

**Comments:**

City Attorney's approval:

Yes  No  N/A



## WorkSearch

*Host Agencies are the engine for the AARP Foundation Senior Community Service Employment Program (SCSEP). Our mission is to help our participants acquire the skills and confidence they need to find and stay in a job—and better their lives. Your agency provides a safe, supervised job experience for the individuals we assign, and as such are a major part of their success.*

*We are using federal tax dollars to provide a training stipend for our participants when they are at your agency—they are not employees of either the AARP Foundation or your agency—a very important distinction. We also pay for the workers compensation insurance necessary to protect them should they be injured. Because we must all work hard to remain careful and responsible stewards of these tax dollars, it is critical that you continue to provide adequate and accurate supervision of their training and the time they spend doing that training; and continue to ensure they work safely. Because our participants are all older individuals, even a simple injury can cause them real harm—and as importantly, impede or stop their progress towards financial independence.*

*Thank you for your service to the participants in your charge. You are a valued partner in our quest to help each and every one of our participants find a job that fits their needs so that they can live a better life.*

**Host Agency:** City of Harlingen

**FEIN:** 74-6001047

**Phone:** (956) 216-5002

**Fax:** (956) 216-5010

**Address:** 118 E. Tyler/P O Box 2207

Harlingen, TX 78550

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The above named agency/organization, an equal employment opportunity employer, requests the services of participants from the AARP Foundation Senior Community Service Employment Agency.

**This agency is:**

**A Non-Profit Organization.**

(Tax exempt under the Internal Revenue code 501(c)(3))

**A Public Organization.**

**Enrollee Supervisors are:**

**Compensated with federal funds.**

**Not compensated with federal funds.**

**To ensure our host agency partners understand their important role in the daily lives of our participants and their responsibilities in supporting each participants quest for an unsubsidized job, we ask that each host agency supervisor clearly understand and support the following requirements that are part of each participant's agreement with our program:**

- (1) The purpose of the SCSEP is for a participant to provide community service while they actively pursue unsubsidized employment off of the program. When an individual enrolls and/or gets a job off the program they may lose their public benefits. These benefits may include, but are not limited to: Public Housing, Food Stamps, SSI/SSD, and Medicaid.
- (2) Participants are asked to cooperate with the Project Director and Employment Specialists by:
  - Accepting referrals and interviews for employment outside the program;
  - Conducting an ongoing search for unsubsidized employment as specified in their IEP and as directed by the Project Director and/or project site staff;
  - Accepting regular transfers to other host agency assignments as necessary to further their training and work experience;
  - Maintaining registration with the State Employment Service and/or One Stop Center;
  - Attending job search training, job clubs, participant meetings, etc., when offered by the Project Office, and to engage in continuing unsubsidized job search activities.

**Note: These activities may cause the participant to miss some hours at their host agency assignment.**

- (3) The Senior Community Service Employment Program (SCSEP) is a short-term, work-training program to prepare participants for unsubsidized employment off of the program. The program is not an entitlement, nor is it designed to provide income maintenance. SCSEP participants are considered to be in training status, preparing to accept unsubsidized employment. They, and you as the host agency supervisor, must understand and accept that training with the host agency is a short-term training opportunity, NOT a job, and that participants are NOT employees of either the AARP Foundation or the host agency to which they are temporarily assigned.

- (4) Host Agency understands that AARP Foundation SCSEP does not conduct background checks or drug screenings on Program participants. Host Agencies may conduct background checks and drug screenings in their sole and exclusive discretion and in accordance with applicable law. The AARP Foundation SCSEP is not financially or otherwise responsible for any costs, expenses or claims associated with background checks or drug screenings.

- (5) Host agencies must not use participants as substitutes for permanent employees in their agency. Federal regulations prohibit this violation of "maintenance of effort." Host agencies must not substitute federal dollars for local dollars. Participants are additions to, not substitutes for, regular agency staff.

**Host Agency: City of Harlingen**

(6) To become and remain a Host Agency, the Host Agency agrees to have a fax machine in good working condition in order to both receive and send participant Time Attendance Reports from and to the Project Site office or designated fax number. "Good working order" includes insuring that the document output settings are correct so that the fax is readable—not overly dark or overly light. Without good fax copies, AARP Foundation SCSEP cannot scan timesheets. If AARP Foundation SCSEP is consistently unable to scan your timesheets, AARP Foundation SCSEP participants cannot be paid and would potentially have to be transferred to a host agency where fax machines work properly.

(7) Host agencies agree to give serious consideration for any permanent job openings in the agency to qualified assigned participants. This Host Agency agrees to provide supervision, training, and a safe work site for each assigned participant. The Host Agency also agrees to the provisions outlined in the Participant - Host Agency Handbook provided by the program as a condition of participation in the Senior Community Service Employment Program.

(8) The Department of Labor (DoL) now requires a survey of randomly selected Host Agencies. This survey is generally done in January. If selected please complete the survey as it influences continued DoL funding for this grant. The DoL will make three attempts to get a completed survey from you. While the survey may have up to 20 questions, answering any five completes the survey for DoL purposes and prevents these follow-ups.

(9) Insurance and Safety for SCSEP Participants: AARP Foundation SCSEP will be responsible for providing workers' compensation insurance for all Participants, in accordance with state law. The Host Agency is responsible for maintaining a safe working environment for SCSEP Participants during their normal course of duties; and to insure that proper equipment, procedures, and safe practices are used in conformance with state law. AARP Foundation has the right to coordinate safety inspections with the Host Agency to insure that work procedures, equipment and practices are used to protect the safety of SCSEP Participants. If the Host Agency, fails to adhere to reasonable safe working practices, AARP Foundation SCSEP has the right to terminate the contract for cause and for the protection of SCSEP Participants.

Five key safety issues that the Host Agency must keep in mind at all times:

- No lifting over 20 pounds
- No step stools or ladders
- Participants may not drive their personal vehicle while conducting Host Agency business. Participants are authorized to operate an insured Host Agency vehicle as part of their training assignment
- No open-toed or high heel shoes
- Enrollees are always supervised

(10) AARP Foundation SCSEP is a federally funded program and as such, is required by federal regulations to maintain documentation (timesheets) to substantiate the expenditure of federal funds for wages. It is understood and agreed that AARP Foundation SCSEP shall pay the wages of participants assigned to the host agency. The host agency agrees to verify, sign and return completed timesheets to AARP Foundation SCSEP for processing. Federal regulations also require that timesheets be signed by the individual participant and by a responsible supervisory official having first hand knowledge of the hours worked by the participant. AARP Foundation SCSEP recognizes that assigned supervisors change and may not always be available to sign participant timesheets. Therefore, to ensure compliance with federal regulations, in lieu of providing the names and signatures of authorized supervisors, by signing this Host Agency Agreement, the authorized agency representative agrees to ensure that the participant signs his/her timesheet and that a responsible supervisory official of the agency certifies that the reported information on the timesheet is correct.

## HOST AGENCY AGREEMENT

**Host Agency:** City of Harlingen

(11) The host agency supervisor will be listed on the Time Attendance Report. If there are changes to a participant's supervisor, the Project Office must be notified so that the Project Site Office can update the information in our databases.

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Carlos R. Yerena, Main Contact

Date

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Martha Balboa-Crixell, Project Director

Date

SAFETY IS NO ACCIDENT

**AGENDA ITEM  
EXECUTIVE SUMMARY**

Meeting Date: **August 3, 2011**

**Agenda Item:**  
Discuss an ordinance establishing the protection of Green Parakeets and Red-crowned Parrots by preventing the capture, preventing the killing or injuring of these birds within the corporate city limits of Harlingen, preventing the willful destruction of their native habitat on government property or public rights of way and prohibiting the taking of nestlings or unhatched eggs.

Prepared By (Print Name): Gabriel Gonzalez  
Title: Assistant City Manager  
Signature: *Gabriel Gonzalez*

**Brief Summary:**  
Members of the Birding Festival have requested the City create an Ordinance that would protect the Green Parakeets and Red-crowned Parrots here in Harlingen. This is the only area in the United States where these birds thrive in the wild. These birds are an attraction to many birders and are generally on their "Bird Bucket List"  
  
This Ordinance will prevent their capture, killing or injuring, prevent the taking of nestlings or unhatched eggs however, this Ordinance does not prohibit pet stores from selling Parakeets or Red-crowned Parrots, it merely prevents the birds from being captured here within the City.  
  
The Ordinance also prevents the destruction of any roosting trees or nesting sites for the birds on any government property or on any rights-of-way. Trees may be removed if approval is granted by the Parks and Recreation Director and any birds, nestlings or eggs are relocated before the tree or nesting site is removed.  
  
Danny Hoehne with the Birding Festival will be on hand at the meeting to address this issue.

**Funding (if applicable):**  
Are funds specifically designated in the current budget for the full amount  Yes  No\*  
for this purpose?  
\*If no, specify source of funding and amount requested:  
  
Finance Director's approval:  Yes  No  N/A

**Staff Recommendation:**

City Manager's approval:  Yes  No  N/A

**Comments:**

City Attorney's approval:  Yes  No  N/A

*CITY ATTORNEY WILL PREPARE AN ORDINANCE IF REQUESTED BY CITY COMMISSION.*  
form revised 04/29/09 (PAGE }

**AGENDA ITEM  
EXECUTIVE SUMMARY**

Meeting Date: **August 3, 2011**

**Agenda Item:**  
Closed/Executive Session pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code, Sections 551.087 and 551.071 regarding commercial and financial information from a business prospect with which the City Commission is conducting economic development negotiations and/or to discuss or deliberate financial or other incentives with the business prospect known as **Project Green** and to seek legal advice from the City Attorney regarding this subject.

Prepared By (Print Name): Carlos Yerena  
Title: City Manager  
Signature: *Carlos Yerena*

**Brief Summary:**

**Funding (if applicable):**  
Are funds specifically designated in the current budget for the full amount  Yes  No\*  
for this purpose?  
\*If no, specify source of funding and amount requested:  
Finance Director's approval:  Yes  No  N/A

**Staff Recommendation:**

City Manager's approval:  Yes  No  N/A

**Comments:**

City Attorney's approval:  Yes  No  N/A

16.

**AGENDA ITEM  
EXECUTIVE SUMMARY**

Meeting Date: **August 3, 2011**

**Agenda Item:**  
Consider and take action to approve an addendum to the Waste Disposal Agreement dated December 2, 2010 between the City of Harlingen and the City of Edinburg.

Prepared By (Print Name): Carlos Yerena  
Title: City Manager  
Signature: *Carlos Yerena*

**Brief Summary:**

**Funding (if applicable):**  
Are funds specifically designated in the current budget for the full amount  Yes  No\*  
for this purpose?  
\*If no, specify source of funding and amount requested:  
Finance Director's approval:  Yes  No  N/A

**Staff Recommendation:**

City Manager's approval:  Yes  No  N/A

**Comments:**

City Attorney's approval:  Yes  No  N/A

17.

**AGENDA ITEM  
EXECUTIVE SUMMARY**

Meeting Date: **August 3, 2011**

**Agenda Item:**

Closed/Executive Session pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code, Sections 551.087 and 551.071 regarding commercial and financial information from a business prospect with which the City Commission is conducting economic development negotiations and/or to discuss or deliberate financial or other incentives with the business prospect known as **Project T** and to seek legal advice from the City Attorney regarding this subject.

Prepared By (Print Name): Carlos Yerena

Title: City Manager

Signature: 

**Brief Summary:**

**Funding (if applicable):**

Are funds specifically designated in the current budget for the full amount  Yes  No\*  
for this purpose?

\*If no, specify source of funding and amount requested:

Finance Director's approval:  Yes  No  N/A

**Staff Recommendation:**

City Manager's approval:  Yes  No  N/A

**Comments:**

City Attorney's approval:  Yes  No  N/A

18.

**AGENDA ITEM  
EXECUTIVE SUMMARY**

Meeting Date: **August 3, 2011**

**Agenda Item:**

Consider and take action to approve a letter of intent to be issued to a business prospect known as Project T.

Prepared By (Print Name): Carlos Yerena  
Title: City Manager

Signature:

**Brief Summary:**

**Funding (if applicable):**

Are funds specifically designated in the current budget for the full amount for this purpose?  Yes  No\*

\*If no, specify source of funding and amount requested:

Finance Director's approval:  Yes  No  N/A

**Staff Recommendation:**

City Manager's approval:  Yes  No  N/A

**Comments:**

City Attorney's approval:  Yes  No  N/A