Notice is hereby given that the above governmental body will hold a Regular Meeting on Wednesday, January 16, 2019 5:30 P.M. in City Hall, Town Hall Meeting Room, 2nd Floor, 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) 216-5003 or write Post Office Box 2207, Harlingen, Texas 78550 at least 48 hours in advance of the meeting.

The Harlingen City Commission reserves the right, pursuant to Texas Government Code Chapter 551, Subchapter D, to enter into closed executive session on any item posted on the agenda if a matter is raised that is appropriate for closed discussion.

Invocation/Commissioner Tudor Uhlhorn

Pledge of Allegiance/Welcome

1) Approval of Minutes
   a) Regular Meeting of November 7, 2018

2) Recognition of the City of Harlingen, Vital Statistics Department, Recipient of the 2018 Exemplary Five-Star Service Award. *(Health Dept.)*

**CONSENT AGENDA**

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 Items withdrawn from the Consent Agenda for individual consideration in their normal sequence will be heard after the remainder of the Consent Agenda has been acted upon.

3a) Second and final reading to approve and adopt an ordinance to annex and to establish the initial zoning to General Retail (“GR”) District for a 1.0+ acre of land being the North 50 feet of a 2.755 acre tract of land out of Block 54, David and Stephenson Subdivision, located on the west side of Briggs Coleman Road north of Loop 499. Applicant: John W. Drennan, c/o Troy Investment Company No. 7, L.P. Attachment *(Planning & Zoning)*

b) Consideration and possible action to approve a contract between the City of Harlingen and Harlingen and San Benito Housing Finance Corporation for funding in the amount of $30,000 to construct affordable single family housing in conjunction with the Habitat for Humanity Project and authorize the City Manager to sign the contract. Attachment *(City Manager)*
c) Consideration and possible action to approve a request to close the following streets: Fair Park Blvd. from "J" Street to "L" Street; "L" Street at W. Adams Street and the streets immediately adjacent to the Casa de Amistad and Harlingen Auditorium for the following events: Attachment (Police Department)

- Kidfit Event sponsored by the Junior League of Harlingen Saturday, February 9, 2019, 6:30 a.m. to 12:00 noon at Lon C. Hill Park.
- Harlingen Marathon Packet Pick-up and Fitness Expo Saturday, February 9, 2019, 10:00 a.m. to 6:00 p.m. at the Casa de Amistad.
- 2019 Harlingen Marathon, Sunday, February 10, 2019, 4:00 a.m. to 2:30 p.m.

d) Consideration and possible action to approve the final plat of the proposed Sunshine Health Care Subdivision, bearing a legal description of 7,000 acre tract of land out of a 35.09 acre tract, located in Block 182 of the San Benito Land and Water Company Subdivision, located on the south side of S. 77 Sunshine Strip (Loop 448), west of North Whalen Rd. Applicant: James E. Rose of Mejia and Rose, Inc., c/o Star Development Co. Attachment (Planning & Zoning)

4) Consideration and possible action to approve an ordinance to designate a "No Parking Zone" on Hitching Post Boulevard from the intersection of Garrett Road extending 610 feet on both sides of the street to the intersection with Wagon Trail and around the four landscape islands on Hitching Post Boulevard. Attachment (Public Works)

5) Consideration and take action to adopt a resolution directing staff to prepare a service plan and initiate proceedings for the voluntary annexation of a 36.46 acre tract of land, more or less, consisting of all of Block 99, Wilson Tract Subdivision, saving and excepting 3.54 acres of land, more or less, located with the plat of Pelican’s Landing Estates, Phase I, located north of Pink Flamingo Street east of Tamm Lane. Applicant: David Salinas, c/o Arturo Ortega. Attachment (Planning & Zoning)

6) Public hearing to consider an ordinance on first reading to rezone from Heavy Industry ("HI") District to Light Industry ("LI") District for 17.74 acres out of Lot 1, Block 1, Texas Pipe Bending Subdivision, located at 5129 E. Harrison. Applicant: Omar Villarreal. (Planning & Zoning)

a) Public Hearing

b) Consideration and possible action to approve an ordinance on first reading to rezone the above described property from Heavy Industry ("H") District to Light Industry ("LI") District.

7) Public hearing to consider an ordinance on first reading for a Specific Use Permit to allow a contractor/shop, plumbing in a General Retail (GR) District located at 2505 F.M. 508, bearing a legal description of Lot 2, Block 1, Alexandria Estates Subdivision. Applicant: Roberto Cabrera. Attachment (Planning & Zoning)

a) Public Hearing
b) Consideration and possible action to approve an ordinance on first reading for a Specific Use Permit to allow a contractor/shop, plumbing in a General Retail (GR) District at the above described property.

8) Executive/Closed Session on the following items:
   a) pursuant to Section 551.071, Texas Gov't. Code to consult with the City Attorney in connection with the MPO Merger. *(City Manager)*
   b) pursuant to Tex. Gov't. Code Sec. 552.071(2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter regarding the recovery of delinquent Hotel Occupancy Tax payments. *(City Manager)*

9) Consideration and possible action to approve Item 5(b) as discussed in executive session. *(City Manager)*

10) Citizen Communication

    I, the undersigned authority, do hereby certify that the above notice of meeting is a true and correct copy of said notice posted on the City's bulletin board, City Hall, 118 E. Tyler Avenue, a place convenient and readily accessible to the general public at all times and said notice was posted on Friday, January 11th, 2019 at 4:20 p.m. at least 72 hours preceding the scheduled time of said meeting.

    Dated this 11th day of January, 2019

    ________________________________
    Amanda C. Elizondo, City Secretary
REGULAR MEETING

CITY COMMISSION

NOVEMBER 7, 2018

A Regular Meeting of the Harlingen Elective Commission was held November 7, 2018 at 5:30 p.m., City Hall, Town Hall Meeting Room, 2nd Floor, 118 E. Tyler Street, Harlingen, Texas. Those in attendance were:

MAYOR and COMMISSIONERS
Chris Boswell, Mayor
Richard Uribe, City Commissioner, District 1
Tudor Uhlhorn, District 2
Ruben De La Rosa, District 4

STAFF PRESENT
Dan Serna, City Manager
Amanda C. Elizondo, City Secretary
Allison Bastian, Asst. City Attorney

ABSENT
Michael Mezmar, Mayor Pro-Tem, District 3
Victor Leal, City Commissioner, District 5

Mayor Boswell called the meeting to order and announced the meeting was duly posted according to state law. The following proceedings were held:

Invocation/Commissioner Tudor Uhlhorn

Pledge of Allegiance/Welcome

Mayor Chris Boswell recited the Pledge of Allegiance and welcomed those in attendance. He apologized for convening the meeting later than 5:30 p.m. The Cities of Harlingen, Edinburg, and Brownsville met with the new University of Texas State Chancellor, Dr. James Milliken, regarding the Clinical Education Building, located at Treasure Hills Boulevard. There was a ceremonial presentation in regards to the land that was acquired by the Development Corporation of Harlingen, Inc. for the South Texas Foundation of 35 acres that was ceremonially conveyed to RGV Foundation for the Institute of Neuroscience in Harlingen.

Mayor Boswell changed the order of the agenda and proceeded with Item No. 6, Public Hearing.

6) Public hearing to solicit comments regarding the proposed issuance by the Arizona Industrial Development Authority (the “Authority”) of its revenue bonds in one or more series from time to time pursuant to a plan of financing (the “Bonds”) not to exceed $32,000,000.

Dan Serna, City Manager stated the notice of the public hearing is required by Section 147(f) of the Internal Revenue Code of 1986 as amended by (the Code) and is being held with respect to the proposed issuance by the Arizona Industrial Development Authority (“Authority”) of its revenue bonds pursuant to a plan of finance (the “Bonds”) in an amount not to exceed $32,000,000 for the construction of a hotel adjacent to the Harlingen Convention Center. The Arizona Industrial Development Authority is issuing the bonds and the borrower is Provident Group. There is no financial support given by the City of Harlingen. Present from the Provident Group, LLC is David Grand, Michelle Benitez and Brandon Raney with BC Lynd Hospitality.
Mayor Boswell stated there was no financial support given by the City of Harlingen for the hotel project. This was simply a financing mechanism that was available to the developer to construct a hotel next to the convention center.

Comments were heard from Minerva Simpson 15701 Perkins Road, a resident of Harlingen, Jeff Beckler 1329 E. Lark St, Springfield, MO and Yolanda Shoffeitt, non-residents of Harlingen who opposed the issuance of bonds for $32,000,000 by the Arizona Industrial Development Authority for the development of the hotel next to the Harlingen Convention Center. Their concerns were: that the citizens were not being asked, if they wanted this development, who would be paying for the construction of the hotel; is the City responsible for the losses of the hotel or any downfalls; and why were hotels being build, if the City did not have people to occupy the hotels.

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

7) Consideration and possible action to approve a resolution approving the issuance by the Arizona Industrial Development Authority of its Revenue Bonds, in one or more series, in aggregate principal amount not to exceed $32,000,000 to finance costs of acquiring, designing, constructing and equipping a Convention Center Hotel for Provident Group-Harlingen Properties LLC.

Dan Serna, City Manager stated approval of the resolution was part of the requirements. The City is not issuing any bonds or debt nor is obligated in any way on this transaction. These bonds are being issued by the Arizona Industrial Development Authority to the owner of the hotel, Provident Group, LLC. Representatives from Provident Group-Harlingen, LLC and Mr. Preston Hollow are in the audience for any questions. Staff is recommending approval of the resolution to move forward with the issuance by the Arizona Industrial Development Authority.

Motion was made by Commissioner Uribe and seconded by Commissioner Ullhorn to approve the resolution approving the issuance by the Arizona Industrial Development Authority of its Revenue Bonds, in one or more series, in aggregate principal amount not to exceed $32,000,000 to finance costs of acquiring, designing, constructing and equipping a Convention Center Hotel for Provident Group-Harlingen Properties LLC. Motion carried unanimously.

8) Consideration and possible action to approve a Corporation and Development Agreement between City of Harlingen and Provident Group-Harlingen Properties, LLC for the construction of the hotel adjacent to the Harlingen Convention Center and authorize the City Manager to sign the agreement.

Mr. Serna stated the purpose of the agreement between the City and Provident Resources Group Inc. is for the disposition of the hotel. Both parties agree that once the hotel is paid in full the City will own ownership of the hotel including the land. At that time, the City will decide whether or not to have someone continue the operation of the hotel on behalf of the City. The City will receive all revenues from the hotel operation as per the agreement. The City did not waive any of its immunity and is not obligated in any way to pay for any part of these bonds. This is a benefit to the City and it is being done to lessen the burden of governance by having the hotel connected to the convention center which will make it more financially stabled. He recommended approval of the agreement.

Mayor Boswell stated there have been some things that have been mischaracterized about this issue. The City is not obligated in any way and the City’s bond counsel, financial advisors, and City Attorneys have thoroughly examined the transaction to assure that there is absolutely no financial obligation on the part of the City. This is a private developer coming to Harlingen wanting to invest in a project up to $32,000,000 which is a good thing for the City. This is a very positive thing when
investors want to invest their money in the City of Harlingen. The City is not approving any sale or issuance of bonds. This is between the developer and the issuer.

Motion was made by Commissioner Uribe and seconded by Commissioner De La Rosa to approve the Corporation and Development Agreement between City of Harlingen and Provident Group-Harlingen Properties, LLC for the construction of the hotel adjacent to the Harlingen Convention Center and authorize the City Manager to sign the agreement. Motion carried unanimously.

Mayor Boswell returned to the regular order of the agenda and proceeded with the following items.

1) Board Recognition

Mr. Rudy Martinez was not presented to receive the certificate for appointment to the Zoning Board of Adjustment.

2) Proclamation –proclaiming November 8-10, November 15-17 and December 1, 2018 as “Harlingen Professional Fire Fighters Local – Fill the Boot Days.”

Mayor Boswell read and presented a proclamation. Present to receive the proclamation was Jennifer Molina, Development Director for the Rio Grande Valley Muscular Dystrophy Association, Roy Rubio, Fire Chief, and several firefighters. He expressed his appreciation for their services to the community.

3) Presentation by Harlingen Fire Lt., Andy Galvan to recognize the support of the City of Harlingen and the City Commission during the recent Barbeque Competition Fundraiser held on October 5th and 6th, 2018 at Fair Park Blvd. behind Casa De Amistad.

Andy Galvan, Harlingen Fire Lieutenant, member of the Harlingen Professional Firefighters Association Local 3404 and founder and promoter of the Annual Harlingen Bravest Cook-off. As firefighters, our job is to respond to emergency situations and disasters and often witness homes destroyed; loss of lives; life draining accidents; and various other tragedies. For the past decade, the Harlingen Professional Firefighters Association developed the Emergency Assistance Fund to assist citizens financially affected by such tragedies. The cook-off was held October 5th, 6th in front of the White-Wing Stadium. A total of 41 teams participated and raise over $2,000. All proceeds go to the Emergency Assistance Fund. Mr. Galvan thanked the City Commission for their support and for allowing them to partner with other cities to make this event a safe and family-friendly event. People from out of town as far as San Antonio and Laredo participated in this event.

Mayor Boswell congratulated the firefighters for a job well done and thanked them for hosting an event so important to the community.

4) Approval of Minutes

a) Regular Meeting of September 19, 2018

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Uribe to approve the minutes of September 19, 2018. Motion carried unanimously.

CONSENT AGENDA
5a) Second and final reading to approve and adopt an ordinance to annex and establish the initial zoning to Residential, Single Family ("R-1") District for 8.95 acres out of Block 35, Petersburg Syndicate Subdivision, located on the east side of Park Lane East, north of Spur 54. Applicant: Dustin Moore of Moore Land Surveying, LLC, c/o Daniel Dominguez.

b) Second and final reading to approve an ordinance amending Chapter 28, "Licenses, Permits, and Miscellaneous Regulations" by adding Article XI, Dockless Vehicle permits and amend Chapter 18 of the Master Fee Ordinance to reflect fee changes.

c) Consideration and possible action to approve a request from Veronica Hunt, Advisor for the Harlingen High School Student Council, to close the following streets, Thursday, November 8, 2018, from 5:30 p.m. to 7:30 p.m., for their parade festivities and burning of the "H."

- North 13th Street (just north of the Rear Parking Lot of the school)
- North 13th Street and Marshall Avenue
- Marshall Avenue from 13th Street to North 7th Street
- Marshall Avenue and 9th Street
- 7th Street and Village Drive
- North 7th Street (just North of Village Drive)

d) Consideration and possible action to approve a request from Rafael Kirkpatrick, with Westbrook Clinic, to close the following streets from 7:30 a.m. to 11:00 a.m. on Saturday, December 1, 2018, for their 2nd Annual "Adelante Run" Event.

- West Lincoln Avenue (westbound right lane/south mall parking lot exit (across Panda Express/IHOP)
- West Lincoln Avenue/Dixieland Road
- Haverford Avenue/Dixieland Road
- Adrian Avenue/Dixieland Road
- Garrett Road/Dixieland Road

e) Consideration and possible action to approve a refund of property taxes paid by Wells Fargo Real Estate Tax Service on behalf of Kilmer James Patrick, Acct. #18-4038-0060-0070-00 in the amount of $792.79 due to adding a 100% exempt veteran's exemption for Year "2017."

f) Consideration and possible action to approve an Industrial District Agreement between the City of Harlingen and International Cold Storage, LLC.

g) Investment Report for the City of Harlingen for Quarter ended September 30, 2018.

Mayor Boswell requested that Item 5(b) be removed from the consent agenda.

Mr. Serna stated the idea is to do away with the dockless vehicles. The Lower Rio Grande Valley Development Council wants to be the vendor or operator of the program. Staff is requesting to table the ordinance for further review. Once staff has the details of the new program, staff will bring a revised ordinance for the City Commission's consideration.

Motion was made by Commissioner Uribe and seconded by Commissioner De La Rosa to table the Dockless Vehicle Ordinance for further review. Motion carried unanimously.
Motion was made by Commissioner De La Rosa and seconded by Commissioner Uribe to approve Item 5(a) and (c thru g) under the consent agenda. Motion carried unanimously.

For the record the caption of Ordinance No. 2018-42 read as follows:

**ORDINANCE NO. 2018-42**

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF HARLINGEN THROUGH ANNEXATION AND ESTABLISHING THE INITIAL ZONING TO “R-1” DISTRICT CONSISTING OF 8.95 ACRES OUT OF BLOCK 35, PETERSBURG SYNDICATE SUBDIVISION, LOCATED ON THE EAST SIDE OF PARK LANE EAST NORTH OF SPUR 54; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

PASSED AND APPROVED on first reading this 16th day of October, 2018.
PASSED AND APPROVED on second and final reading this 7th day of November, 2018.

**ATTEST:**
/S/AMANDA C. ELIZONDO, CITY SECRETARY
/S/CHRIS BOSWELL, MAYOR

9) Public hearing to consider an ordinance on first reading to rezone from Residential, Single Family (“R-1”) District to Residential, Duplex (“R-2”) District for Lot 12, Block 89, Harlingen Original Townsite, located at 422 W. Polk Avenue, Applicant: Juan Leonel Torres.

Rodrigo Davila, Planning and Development Director, stated Juan Leonel Torres, applicant and property owner is requesting to rezone the subject property from Residential, Single Family (“R-1”) District to Residential, Duplex (“R-2”) District to allow for a duplex on the property. There is an existing single-family structure on the property. Future plans are to remove the existing structure and construct a new duplex on the property. The property has 50 ft. of frontage on Polk Avenue and 140 ft. of frontage on “D” Street. The surrounding properties are zoned General Retail to the north, south, and west, and Residential Single Family (“R-1”) District to the east. The surrounding Land uses consist of a beauty salon and shoe repair shop to the north, Rodriguez Tortilleria to the south, a single residence, Immaculate Heart of Mary Church, CCE Center, and multi-family residential land use to the west. The Future Land Use Plan shows this area as mixed use, although the request is not consistent with the Future Land Use Plan, it is a lower intense zoning than the mixed use land use indicated on the plan. It is consistent with the Multi-Family Residential Land Use to the southwest and west. No comments have been received from the surrounding property owners opposing the rezone request.

a. Public Hearing

Mayor Boswell announced this was a public hearing and anyone wishing to speak for or against this item could do so.

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

b. Consideration and possible action to approve an ordinance on first reading to rezone from Residential, Single Family (“R-1”) District to Residential, Duplex (“R-2”) District for Lot 12, Block 89, Harlingen Original Townsite for the above described location.

Allison Bastian, Asst. City Attorney read the caption of the ordinance.
Motion was made by Commissioner Uhlhorn and seconded by Commissioner Uribe to approve the ordinance on first reading to rezone from Residential, Single Family ("R-1") District to Residential, Duplex ("R-2") District for Lot 12, Block 89, Harlingen Original Townsite, located at 422 W. Polk Avenue. Motion carried unanimously.

10) Consideration and possible action to award a loan utilizing Community Development Block Grant funds to provide for the home reconstruction for Mr. Ignacio Rangel for his home located at 922 W. Grant Street; Mr. Faustino Bermudez for his home located at 1213 W. Grant Street; and for Mr. Tranquillo Ramirez for his home located at 417 W. Marjory Street.

Tammy De-Gannes Jackson, Community Development Director, stated the community Development Block Grant Program provides housing reconstruction financial assistance in the form of loans to homeowners. This program is designed to execute the demolition of dilapidated or substandard housing units. The Community Development Housing Rehabilitation/Reconstruction Program allows for new homes to be constructed on the same properties. A notice was published in the Valley Morning Star and posted on the City's website for the construction of a 2 bedroom, 1 bath home. Six (6) companies submitted a bid. She recommended approval to award a loan utilizing CDBG funds to the above named homeowners for reconstruction of their homes.

Motion was made by Commissioner De La Rosa and seconded by Commissioner Uribe to award a loan utilizing Community Development Block Grant funds to provide for home reconstruction for Ignacio Rangel, located at 922 W. Grant Street; Faustino Bermudez, 1213 W. Grant Street; and Tranquillo Ramirez, 417 W. Marjory Street. Motion carried unanimously.

11) Consideration and possible action to authorize the Harlingen Police Department to enter into a Service Agreement with A-USA JAIL SERVICES for jail phones at Harlingen City Jail, and authorize the City Manager to sign the agreement.

Daniel Villarreal, Chief Deputy, stated the Harlingen Police Department is requesting approval to enter into an agreement with A-USA Jail Services to provide telephone services to inmates incarcerated in the City Jail. The term of the agreement is for five (5) years. The provider will forward monthly payment of 35% to the subscriber (City of Harlingen) and provide a comprehensive ITS, allowing for collect, prepaid collect, and debit calling card calls for local, interstate, and international calls. The provider will be responsible for the installation, system functionality, equipment service and maintenance of the phones. Either party may terminate the agreement for cause prior to the expiration date if there is an alleged breach of term(s) by the offending party.

Motion was made by Commissioner De La Rosa and seconded by Commissioner Uhlhorn to authorize the Harlingen Police Department to enter into a Service Agreement with A-USA Jail Services for jail phones at the Harlingen City Jail and authorize the City Manager to sign the agreement. Motion carried unanimously.

12) Consideration and possible action to authorize the Mayor, on behalf of the City of Harlingen, to accept grant funding in the amount of $17,800.00 made available through the Office of the Governor Homeland Security Grants Division under the 2018 State Homeland Security Program (SHSP).

Mr. Villarreal stated the Harlingen Police Department is recommending to accept the grant from the Office of the Governor Homeland Security Grants Division for $17,800 to upgrade and improve the Police Department’s Emergency Mobile Command Center and the Interoperable Communications (Mobile radios) for the HPO SWAT Team.
Motion was made by Commissioner Uribe and seconded by Commissioner De La Rosa to authorize the Mayor, on behalf of the City of Harlingen, to accept the grant for $17,800.00 from the Office of the Governor Homeland Security Grants Division under the 2018 State Homeland Security Program (SHSP). Motion carried unanimously.

13) Consideration and possible action to authorize the City to participate in the American Electric Power (AEP) rate adjustment case filed by AEP to recover losses due to repairs from damage caused by recent natural disasters, hiring legal consulting services to review the filing and direct any necessary litigation and appeals.

Gabriel Gonzalez, Asst. City Manager, stated this case was settled. The City of McAllen hired Lloyd Gosselink Rochelle & Townsend, P.C., to start the process and AEP agreed to reduce their cost by 13.7 million dollars. AEP also agreed to provide up to $75,000 to cover legal expenses. This is not a coastal filing and the City of Harlingen will not be eligible for any reimbursement. Mr. Thomas Brocato, partner of Lloyd Gosselink Rochelle & Townsend, P.C. Firm is requesting for the City Commission authorization to participate in this case to show solidarity among the valley cities. Staff is recommending that the City participate in case, even though it has been settled.

Motion was made by Commissioner Uhlinhorn and seconded by Commissioner De La Rosa for the City to participate in the American Electric Power (AEP) rate adjustment case filed by AEP to recover losses due to repairs from damage caused by recent natural disasters, hiring legal consulting services to review the filing and direct any necessary litigation and appeals. Motion carried unanimously.

14) Consideration and possible action to approve a resolution in support of the Pendleton Square Apartments, being submitted by Pendleton Square, LP to the Texas Department of Housing and Community Affairs for 2019 Competitive 9% Housing Tax Credits, for the proposed development of the Pendleton Square Apartments affordable rental housing.

Mr. Gonzalez stated an application was received from Mr. Connie De La Garza requesting a resolution from the City in support of an application to the Texas Department of Housing and Community Affairs for 2019 competitive 9% housing tax credits to construct the Pendleton Square Apartments, affordable rental housing units, at the NEC of Doctors Memorial Drive and Medical Drive/Vermont Avenue.

Motion was made by Commissioner Uribe and seconded by Commissioner De La Rosa to approve a resolution in support of the Pendleton Square Apartments, being submitted by Pendleton Square, LP to the Texas Department of Housing and Community Affairs for 2019 Competitive 9% Housing Tax Credits, for the proposed development of the Pendleton Square Apartments, affordable rental housing units. Motion carried unanimously.

15) Consideration and possible action to approve an ordinance on first reading to designate a “No Parking Zone” along 25th Street, 104 feet from the intersection of Haine Drive, extending north 700 feet on the west side, and 74 feet from the intersection of Haine Drive, extending north 390 feet on the east side of 25th Street.

Pasiano Longoria, City Engineer stated the new striping along 25th Street between Haine Drive and Treasure Hills Blvd. was converted from a two-lane to a four-lane roadway. The creation of the new lane eliminated the parking along this route to place a “No Parking Zone” on 25th Street, as outlined in design provided in the agenda packet.
Discussion was held regarding the elimination of the parking spaces in front of the residents’ homes along 25th Street. The concern was that the residents would not have any parking in front of their homes due to the expansion of 25th Street and where would the residents and visitors park?

Motion was made by Commissioner Uihlhorn and seconded by Commissioner De La Rosa to table the item for further review. Motion carried unanimously.

16) Consideration and possible action to rescind the action by the City Commission on October 16, 2018, authorizing the City Manager to enter into a lease purchase agreement with Yamaha for 65 golf carts.

Javier Mendez, Parks & Recreation Director, stated on October 16, 2018, the City Commission, staff made a recommendation to authorized the City Manager to enter into a lease purchase agreement with Yamaha Car Sales Company for 65 gas powered cars for use at the Tony Butler Golf Course. Staff failed to take into account a lower cost proposal submitted by Club Car dated September 1, 2018. Both vendors submitted quotes based on cooperative purchasing agreements. BuyBoard purchasing agreements have undergone a competitive bid process which ensures that the City is in compliance with applicable state and local procurement rules & regulations. Due to the fact that, not all information was presented to the City Commission at the time this item was considered and approved. Staff is recommending that the action taken by the City Commission on October 16th, 2018 to authorize the City Manager to enter into a lease purchase agreement with Yamaha Car Sales Company be rescinded so that both proposals may be fairly considered.

Motion was made by Commissioner Uihlhorn and seconded by Commissioner De La Rosa to rescind the action by the City Commission of October 16, 2018, authorizing the City Manager to enter into a lease purchase agreement with Yamaha for 65 golf carts. Motion carried unanimously.

17) Consideration and possible action to approve a lease purchase or purchase agreement between the City of Harlingen and Car Club to purchase 65 golf carts to be used at the Tony Butler Golf Course; and authorize the City Manager to sign the agreement.

Mr. Mendez stated the Tony Butler Golf Course has a fleet of seventy-five (75) electric golf carts. The fleet consists of three sets of twenty-five (25) units each with model years of 2014, 2015, and 2016. These carts are rented to consumers of the golf course. The lease agreement for the 2016 golf carts will expire December 31, 2018 with a balloon payment of $40,000. Two quotes were received and Club Car Sales Company submitted a quote via U.S. Communities (Contract No. EV2024-02) for the lease purchase of sixty-five (65) 2019 Club Car “Tempo” gas Golf Cars for five (5) annual payments of $48,287.04. Club Car’s proposal includes the payoff of the balloon payment of $40,000.00 and a net trade-in value of $126,250 for the existing 75 golf cart fleet. The current purchase price is $211,389.55. Yamaha Golf Carts submitted a proposal via Buy Board for a lease purchase agreement of sixty-five (65) gas quiet tech golf carts for an annual cost of $54,444 for FIVE (5) years. Yamaha’s purchase price is $240,257.50.

Mr. Serna stated a budget amendment transfer from the General Fund, would be required for the purchase of golf carts. The purchase agreement in lieu of a lease purchase agreement would result in a saving of $30,045.65 over the term of the lease. Staff reviewed the applicability and reliability of gas powered golf carts and determined that the fleet could be reduced from 75 units to 65.

Motion was made by Commissioner Uihlhorn and seconded by Commissioner Uribe to approve a purchase agreement between the City of Harlingen and Car Club to purchase 65 golf carts to be used at the Tony Butler Golf Course; and authorize the City Manager to sign the agreement. Motion carried unanimously.
18) Consideration and possible action to approve a contract between the City of Harlingen and Elizabeth Rose Flores to provide water aerobics instruction at Pendleton Park Pool and authorize the City Manager to sign the agreement.

Mr. Mendez stated the contract for water aerobics classes with Rose Flores expired. Ms. Elizabeth Rose Flores is requesting for the City to consider modifying the terms of the contract to be similar to the one with John Tucker for competitive swim classes. The term of the contract will be for one year with an annual payment of $2,400.00 for the use of the pool rather than the City paying 80% of the collections to Ms. Flores. The contract will require Mrs. Flores to carry the required insurance coverage for the term of the agreement. The water aerobics classes will be Monday, Wednesday and Friday for two sessions at 9:00 a.m. to 10:00 a.m. and at 6:30 p.m. to 7:30 p.m. at the Pendleton Park Pool. The Parks and Recreation Advisory Board at their meeting of October 16, 2018 recommended approval of the agreement.

Motion was made by Commissioner Uribe and seconded by Commissioner De La Rosa to approve the contract between the City of Harlingen and Elizabeth Rose Flores to provide water aerobics instruction at Pendleton Park Pool and authorize the City Manager to sign the agreement. Motion carried unanimously.

19) Consideration and possible action to postpone the Harlingen Regular City Commission Meeting of November 21, 2018 to another date due to the Thanksgiving Holiday.

Mr. Serna stated some members of the City Commission would be out of town along with some staff members for the Thanksgiving Holiday. He recommended changing the Regular City Commission Meeting of November 21st to November 26th, 2018.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner De La Rosa to postpone the Regular City Commission Meeting of November 21st, to November 26th, 2018 due to the Thanksgiving Holiday. Motion was carried unanimously.

20) Board Appointments
   None

21) Executive/Closed Session on the following items:

a) pursuant to Tex. Gov’t Code Sec. 552.071(2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter regarding the recovery of delinquent Hotel Occupancy Tax payments.

b) pursuant to Section 551.071, Texas Gov’t Code to consult with the City Attorney regarding the Firemen Pension.

c) Personnel - deliberation pursuant to Texas Gov’t Code, Section, 551.074, to deliberate the appointment, employment, evaluation, reassignment, or duties of the City Auditor.

d) Personnel - deliberation pursuant to Texas Gov’t Code, Section 551.074, to deliberate the appointment, employment, evaluation, reassignment, or duties of the City Attorney.
At 7:09 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item 21 (a, b, c, & d).

Motion was made by Commissioner De La Rosa and seconded by Commissioner Uribe to convene into executive session to discuss Item No. 21 (a, b, c, & d). Motion carried unanimously.

At 8:05 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

22) Consideration and possible action as discussed in executive session regarding Item 21(a).
   No Action

23) Consideration and possible action as discussed in executive session regarding Item 21(b).
   No Action

24) Consideration and possible action as discussed in executive session regarding Item 21(c).

   Motion was made by Commissioner Uribe and seconded by Commissioner De La Rosa to approve Item 21(c) as discussed in executive session. Motion carried unanimously.

25) Consideration and possible action to approve an updated legal services agreement with the Law Firm of Denton, Navarro, Rocha, Bernal & Zech, PC for City Attorney Legal Services for FY 2019.

   Motion was made by Commissioner De La Rosa and seconded by Commissioner Uribe to approve an updated Legal Services Agreement with the Law Firm of Denton, Navarro, Rocha, Bernal & Zech, and PC for City Attorney Legal Services for FY 2019. Motion was carried unanimously.

26) Citizen Communication
   None

   There being no further business to discuss, Mayor Boswell adjourned the meeting.

City of Harlingen

ATTEST:

Chris Boswell, Mayor

Amanda C. Elizondo, City Secretary
**AGENDA ITEM**
**EXECUTIVE SUMMARY**

**Meeting Date:** January 9, 2019

**Agenda Item:**
Recognition to the City of Harlingen Vital Statistics Department, Recipient of the 2018 Exemplary Five-Star Service Award.

**Prepared By (Print Name):** Josh Ramirez  
**Title:** Environmental Health Director  
**Signature:**

**Brief Summary:**
For the 19th consecutive year, the Harlingen Vital Statistics met all exemplary designation criteria standards set by the Texas Department of State Health services in birth, & death filing records, thus becoming a recognized winner of the 5 Star Exemplary Award.

**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:
N/A

Finance Director's approval: [ ] Yes [ ] No [ ] N/A

**Staff Recommendation:**
For Street Closures ONLY, Fire Chief's approval: [ ] Yes [ ] No [ ] N/A

City Manager's approval: [ ] Yes [ ] No [ ] N/A

Comments:

City Attorney's approval: [ ] Yes [ ] No [ ] N/A
AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF HARLINGEN THROUGH ANNEXATION AND ESTABLISHING THE INITIAL ZONING TO GENERAL RETAIL ("GR") DISTRICT CONSISTING OF 1.0± ACRE TRACT OF LAND BEING THE NORTH 50 FEET OF A 2.755 ACRE TRACT OF LAND OUT OF BLOCK 54, DAVID AND STEPHENSON SUBDIVISION, LOCATED ON THE WEST SIDE OF BRIGGS COLEMAND ROAD NORTH OF LOOP 499; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

WHEREAS, it is deemed to be in the best interest of the City of Harlingen, Texas to consider the annexation and zoning of certain land area hereinafter described; and

WHEREAS, said land area is adjacent to and abutting upon the present city limits of the City of Harlingen, and is within the exclusive extra-territorial jurisdiction of the City of Harlingen; and

WHEREAS, the Elective Commission has heretofore held two public hearings at a meeting of the Elective Commission at the City Commission Room at City Hall, 118 E. Tyler Avenue, Harlingen, Texas on December 5, 2018 and December 19, 2018 pursuant to the provisions of Chapter 43, Texas Local Government Code, as amended; and

WHEREAS, at such hearings all interested persons were heard concerning the advisability of annexing and zoning such tracts of land; and

WHEREAS, such public hearing was duly conducted at the time and public place indicated above,

WHEREAS, the Elective Commission of the City of Harlingen, finds that the inclusion of such additional area will be of benefit to the City of Harlingen; now therefore
BE IT ORDAINED BY THE CITY OF HARLINGEN

That the corporate boundary limits of the City of Harlingen, Texas are hereby extended and as shown on Exhibit “A” pursuant to the provisions of Chapter 43, Texas Local Government Code to include the areas described as:

A 1.0± acre of land being the North 50 feet of a 2.766 acre tract of land out of Block 54, David and Stephenson Subdivision, located on the west side of Briggs Coleman Road north of Loop 499.

All of which property is located in Cameron County, Texas and said property lying adjacent to and abutting upon the current boundaries of the City of Harlingen, Texas and within the exclusive extraterritorial jurisdictio of the City of Harlingen; and

That the territory hereinafore described from shall be zoned upon annexation to General Retail (“GR”) and after the date hereof shall be subject to all the acts, ordinances, resolutions and regulations of the City of Harlingen, Texas and all ad valorem and other applicable taxes to the area.

A service plan prepared pursuant to Section 43.056 of Chapter 43, Texas Local Government Code providing for the extension of municipal services into the area hereby annexed is attached hereto as Exhibit “A”, and said service plan is hereby in all things approved and adopted. The area identified by the property description comprises a total of approximately 1.0± acres and is identified on the map attached to the service plan.

FINALLY ENACTED this _____ day of ____________, 2018 such date being the date of the second presentation of said Ordinance to the said Elective Commission. This Ordinance was finally enacted at a regular meeting of the Elective Commission of the City of Harlingen, Texas on
November 7, 2018 at which a quorum was present and which was held in accordance with TEXAS
GOVERNMENT CODE, CHAPTER 551, as amended.

CITY OF HARLINGEN

Chris Boswell, Mayor

ATTEST:

Amanda Plizondo, City Secretary
DESCRIPTION OF TRACT:

A 1.0± acre of land being the North 50 feet of a 2.766 acre tract of land out of Block 54, David and Stephenson Subdivision, located on the west side of Briggs Coleman Road north of Loop 499.

PREPARED BY
CITY OF HARLINGEN PLANNING AND ZONING DEPARTMENT

DATE COMPLETED: October 4, 2018
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Introduction ................................................................. 2
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Services to be Provided within 60 days ............................ 4
Services to be Provided within 2-1/2 years ......................... 5
INTRODUCTION

In accordance with Chapter 43, Section 43.056, Texas Local Government Code, "governing body of the City proposing the annexation shall direct its planning or other appropriate department to prepare a service plan that provides for extension of municipal services into each area to be annexed". It is for this reason that this plan has been prepared.

Texas Local Government Code Section 43.056(f), requires that a service plan may not: 1) require the creation of another political subdivision; 2) require a landowner in the area to fund the capital improvement necessary to provide municipal services in a manner inconsistent with Chapter 395 unless otherwise agreed to by the landowner; or 3) provide services in the area in a manner that would have the effect of reducing by more than a negligible amount the level of the fire and police protection and emergency services provided within the corporate boundaries of the municipality before annexation.

The plan is divided into three sections that will illustrate the area proposed for annexation and explain the quality and quantity of services to be delivered to the proposed annexed area. The first section is a map of the area(s) to be annexed. The second and third sections consist of description of services that will be delivered within sixty (60) days after the effective date of annexation and the capital improvements that will begin construction within two and one-half (2 ½) years of the effective date of annexation.
Annexation of 1.0 +/- acre of land being the north 50 feet of a 2.766 acres tract of land out of Block 54, David and Stephenson Subdivision.
Services to be Provided within 60 days of Annexation

Fire:
The Harlingen Fire Department will provide fire protection immediately upon annexation utilizing present staff and equipment. Additional facilities, fire apparatus, and personnel will be requested as population and geographic size warrants.

Police:
Patrolling and on-call police protection available on effective date of annexation using present personnel and equipment. Patrol positions will be added when population warrants.

Solid Waste Collection:
City provided garbage collection services will be provided to all residential and commercial customers within the annexed areas in accordance with adopted city ordinances.

Brush and Debris collections services will be made available to all residential and commercial customers in accordance with adopted city ordinances within the annexed area. Within two years from the date of annexation, solid waste services provided by the City will become mandatory for all customers.

As per Texas Local Government Code Section 43.056, before the second anniversary of the date an area is included within the corporate boundaries of a municipality by annexation, the municipality may not prohibit the collection of solid waste in the area by a privately owned solid waste management service provider. After that time period, solid waste services provided by the City becomes mandatory.

Water and Wastewater:
Routine maintenance of city-owned water and wastewater facilities, if any, in the annexed area.

Water and wastewater facilities for domestic and commercial uses will be available at City rates according to policies of the Harlingen Waterworks Department from existing lines not within the service area of another water or wastewater utility on the effective date of annexation.

Streets and Street Lighting:
Public streets within the annexed area will be included into the street improvement program for routine maintenance on the same basis as presently occurs in the city. Maintenance of streets including the repair of hazardous potholes and measures necessary for traffic flow will begin within 60 days of the effective date of annexation. Unpaved streets will be graded as necessary on the same basis as presently occurs in the city.

Maintenance of traffic control devices will begin within 60 days of the effective date of annexation.
Operation and Maintenance of Parks, Playgrounds & Swimming Pools:
Access to all public parks, playgrounds, and swimming pools, immediately upon annexation.

Operation and Maintenance of Publicly Owned Facilities & Buildings:
Maintenance of any publicly owned facilities, buildings, or services will begin within 60 days of the effective date of annexation.

Capital Improvements to be Completed within 2 ½ Years of Annexation

Fire:
No capital improvement funds or equipment requested at this time. Additional facilities, fire apparatus, and personnel will be requested as population and geographic size warrants.

Police:
None at this time. Additional personnel and equipment will be requested as population and geographic size warrants.

Solid Waste Collection:
City provided garbage collection services will be provided to all residential and commercial customers within the annexed areas in accordance with adopted city ordinances. Brush and Debris collection services will be provided to all residential and commercial customers in accordance with adopted city ordinances within the annexed area.

As per the Texas Local Government Code Section 43.056, before the second anniversary of the date an area is included within the corporate boundaries of a municipality by annexation, the municipality may not prohibit the collection of solid waste in the area by privately owned solid waste management service provider. After that time period, solid waste collections service provided by the City becomes mandatory.

Water and Wastewater:
New water and wastewater lines of the Harlingen Waterworks will be extended to areas not within the service area of another water or wastewater utility by developers as land becomes subdivided in accordance with City and Waterworks ordinances and policies. Pursuant to V.T.C.A., Local Government Code Section 43.056(F)(2), landowners in the area are not required to fund capital improvements necessary to provide municipal services in a manner inconsistent with Chapter 395 unless otherwise agreed to by the landowner.

Streets and Street Lighting:
Reconstruction and resurfacing of streets, installation of storm drainage facilities, construction of curbs and gutters, and other major improvements will be accomplished under the established policies of the city as need determines and upon development and subdivision of said areas.

Provision of additional street lighting as needed to be spaced similar to other similarly populated areas of Harlingen.
Traffic signals, street markings and other traffic control devices will be installed as need is established by appropriate study and traffic standards.

Street lighting is to be installed by developers according to city policies when land is subdivided.

Landowners in the area are not required to fund street and drainage capital improvements necessary to provide full municipal services that are inconsistent with V.T.C.A. Local Government Code Chapter 395 unless otherwise agreed to by the landowner.

**Parks, Playgrounds & Swimming Pools:**
None

**Publicly Owned Facilities & Buildings:**
None
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: 1/16/19

Agenda Item:
Consideration and possible action to approve a contract between the City of Harlingen and Harlingen and San Benito Housing Finance Corporation for funding in the amount of $30,000 to construct affordable single family housing in conjunction with the Habitat for Humanity Project and authorize the City Manager to sign the contract. Attachment (City Manager)

Prepared By (Print Name): Dan Sema
Title: City Manager
Signature:

Brief Summary:
At their meeting of November 14, 2018, the Harlingen & San Benito Housing Finance Corporation met and approved a contract between the City of Harlingen and the Harlingen & San Benito Housing Finance Corporation to grant an additional $30,000 for the purchase of two (2) lots in the City of Harlingen located at 1306 S “D” Street and 1614 Hayden Street to create affordable single family housing in conjunction with the Habitat for Humanity Project. The agreement period shall commence upon the execution of this agreement and shall remain in effect until all funding has expended.

Funding (if applicable):

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Finance Director’s approval:

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Staff Recommendation:
Staff recommends approval of the contract.

City Manager’s approval:

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Comments:

City Attorney’s approval:

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CONTRACT

ARTICLE ONE
PARTIES

1.01 This Contract (the "Agreement") is between the City of Harlingen, Texas ("CITY"), a home rule municipality of the State of Texas, and Harlingen and San Benito Housing Finance Corporation ("HFC"), a public nonprofit finance corporation of the State of Texas, (collectively referred to as the Parties").

ARTICLE TWO
AGREEMENT PERIOD

2.01 The Agreement Period shall commence upon the execution of this Agreement and shall remain in effect until all funding has been expended.

ARTICLE THREE
PERFORMANCE

3.01 The CITY will enter into an agreement to partner with Habitat for Humanity (HFH) to create affordable single family housing within the city limits of Harlingen.

3.02 The CITY will ensure all funds are expended to further affordable housing.

3.03 CITY agrees to perform in accordance with the assurances, covenants, warranties, certifications, and all other statements made by CITY in its application for Project funding under this Agreement, and with all other terms, provisions, and requirements set forth in this Agreement.

3.04 CITY agrees to notify HFC of any changes in its Performance Statement, Project Budget and/or Project Implementation Schedule.

3.05 CITY will include in the contract between Habitat for Humanity (HFH) and the homeowner(s) a provision that the homeowner is required to maintain an insurance policy that covers all improvements for their insurable values, contains an 80% coinsurance clause, and provides fire and extended coverage including windstorm coverage.

ARTICLE FOUR
HFC OBLIGATIONS

4.01 Measure of Liability. In consideration of full and satisfactory performance of the activities referred to in this Agreement, HFC shall be liable for actual costs incurred by CITY for the purchase of real estate lots and the closing costs associated with those purchases, not to exceed Thirty Thousand Dollars ($30,000.00), during the Agreement Period for performances rendered under this Agreement by CITY, subject to the limitations set forth herein.

4.02 The Parties to this Agreement shall be liable to the other for any costs incurred by HFH or for any performances rendered by HFH which are not strictly in accordance with terms of this Agreement, including the terms contained in the attached Exhibits A & B.
ARTICLE FIVE
DISBURSEMENT OF FUNDS

5.01 HFC funding shall cover all costs incurred which are eligible and which are properly submitted under this Agreement.

5.02 The Parties agree that any right or remedy provided for in this Article or in any other provision of this Agreement is cumulative, and shall not preclude the exercise of any other right or remedy under this Agreement or under any provision of law, nor shall any action taken in the exercise of any right or remedy hereunder shall not constitute a waiver of the right to exercise that or any other right or remedy at any time.

5.03 Project expenses shall be paid based on vouchers for actual expenses incurred or paid by CITY for the purchase of real estate lots and the associated closing costs. All such expenses shall be in conformance with the approved project budget. Budget revisions and approval shall be required prior to payment of any expenses not conforming to the approved project budget.

ARTICLE SIX
UNIFORM ADMINISTRATIVE REQUIREMENTS, COSTS PRINCIPLES

6.01 The Parties must comply with the requirements of the Texas Constitution and Statutes of the State of Texas that apply such as 2 CFR 200, and any other applicable regulations.

ARTICLE SEVEN
PROCUREMENT STANDARDS

7.01 CITY has established procurement procedures to ensure that materials and services are obtained in a cost-effective manner.

ARTICLE EIGHT
RECORDS — RECORDKEEPING, RETENTION AND ACCESSIBILITY

8.01 The Parties must establish and maintain sufficient records for each transaction arising out of or attributable to this Agreement.

8.02 The Parties shall comply with their established policies regarding the Open Records and Open Meetings Acts.

8.03 All records pertaining to funds under this agreement for this specific activity shall be retained at minimum until completion of the project.

ARTICLE NINE
MONITORING

9.01 The Parties reserve the rights to carry out regular and periodic field inspections to ensure compliance with the requirements of this Agreement.

ARTICLE TEN
INDEPENDENT CONTRACTOR

10.01 It is expressly understood and agreed by the Parties hereto that HFC is contracting with CITY as an independent contractor.

ARTICLE ELEVEN
SUBCONTRACTS

11.01 No provisions for subcontracts are made a part of this contract.

ARTICLE TWELVE
CONFLICT OF INTEREST

12.01 No person who (1) is an employee, agent, consultant, officer or elected or appointed official of CITY or HFC or any applicant that receives funds and who exercises or has exercised oversight or decision-making functions or responsibilities with respect to activities assisted with funds provided under this Agreement or (2) who is in a position to participate in a decision-making process or gain inside information with regard to such activities may obtain a personal or financial interest or benefit from this funding, during their tenure or for one year thereafter.

ARTICLE THIRTEEN
NONDISCRIMINATION AND SECTARIAN ACTIVITY

13.01 Equal Opportunity. The Parties shall ensure that no person shall on the grounds of race, color, religion, sex, handicap, familial status, national origin, sexual orientation, or gender identity be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds provided under this Agreement.

ARTICLE FOURTEEN
LEGAL AUTHORITY

14.01 The Parties possesses the legal authority to enter into this Agreement, to receive funds authorized by this Agreement, and to perform the services each Party has obligated itself to perform hereunder.

14.02 The person or persons signing and executing this Agreement on behalf of each Party, or representing themselves as signing and executing this Agreement on behalf of each Party, do hereby warrant and guarantee that he, she or they have been duly authorized by each respective Party to execute this Agreement on behalf of the Party they represent and to validly and legally bind the Party they represent to all terms, performances, and provisions herein set forth.

ARTICLE FIFTEEN
LITIGATION AND CLAIMS
15.01 Each Party shall give the other immediate notice in writing of 1) any action, including any proceeding before an administrative agency, brought or filed against the Party in connection with this Agreement. In such an event, each Party shall furnish immediately to the other Party copies of all documents received with respect to such action, proceeding, or claim.

ARTICLE SIXTEEN
CHANGES AND AMENDMENTS

16.01 Except as specifically provided otherwise in this Agreement, any alterations, additions, or deletions to the terms of this Agreement shall be by amendment hereto in writing and executed by both the Parties to this Agreement.

ARTICLE SEVENTEEN
SUSPENSION

17.01 In the event either Party fails to comply with any term of this Agreement, the other Party may, upon written notification, suspend this Agreement in whole or in part and withhold further payments under this Agreement.

ARTICLE EIGHTEEN
ENFORCEMENT; TERMINATION

18.01 If either Party materially fails to comply with any term of this Agreement, whether stated in a Federal statute or regulation, an assurance, the other Party may take one or more of the following actions, as appropriate in the circumstances:

1. Disallow (that is, deny use of funds for) all or part of the cost of the activity or action not in compliance, and require immediate repayment of such disallowed costs;

2. Wholly or partially suspend or terminate the current award to CITY;

3. Exercise such other rights and remedies that may be legally available to comply with the terms of this Agreement.

ARTICLE NINETEEN
AUDIT

19.01 CITY shall arrange for the performance of an annual financial and compliance audit of funds received and performances rendered under this Agreement, subject to the following conditions and limitations:

1. CITY shall provide the HFC with their most recent Audit completed in accordance with standard auditing procedures;

2. Each audit required by this Article will cover each department, agency, or establishment of CITY which received, expended, or otherwise administered federal funds;
3. Unless otherwise specifically authorized by HFC in writing, CITY shall submit the complete and final report of such audit and Management Letter to HFC within thirty (30) days after completion of the audit, but no later than nine (9) months after the end of each fiscal period included within the period of this Agreement.

19.02 CITY shall take all necessary actions to facilitate the performance of such audit or audits conducted pursuant to this Article as HFC may reasonably require of CITY.

ARTICLE TWENTY
ENVIRONMENTAL CLEARANCE REQUIREMENTS

20.01 CITY understands and agrees that by the execution of this Agreement, CITY shall assume the responsibilities for environmental review, decision making, and other environmental-related action which may be required by other funding agencies. The HFC assumes no responsibilities for environment review under this agreement.

20.02 CITY further understands and agrees that CITY shall handle inquiries and complaints from persons and agencies seeking redress in relation to environmental reviews covered by approved certifications.

ARTICLE TWENTY-ONE
SPECIAL CONDITIONS

21.01 Housing Standards. CITY shall ensure that all housing, assisted with funds provided under this Agreement shall meet the requirements of the local building codes adopted by the jurisdiction.

21.02 Flood Insurance. Funds provided under this Agreement may not be used in connection with acquisition, rehabilitation, or construction of a development located in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards, unless the locality in which the site is located is participating in the National Flood Insurance Program or less that a year has passed since FEMA notification regarding such hazards and flood insurance is obtained as a condition of approval of the commitment.

21.03 Fair Housing and Other Federal Requirements. The requirements in the Fair Housing Act (42 U.S.C. 3601-20), as well as 24 CFR 570.601(a), which sets forth the CITY's responsibility to certify that it will affirmatively further fair housing.

21.04 Displacement Relocation, and Acquisition. CITY must ensure that it has taken all reasonable steps to minimize the displacement of persons (families, individuals, businesses, nonprofit organizations, and farms) as a result of a Project assisted with funds provided under this Agreement.

ARTICLE TWENTY-TWO
ORAL AND WRITTEN CONTRACTS

22.01 All oral and written contracts between the Parties relating to the subject matter of this Agreement that were made prior to the execution of this Agreement
have been superseded by or reduced to writing and are contained in this Agreement.

ARTICLE TWENTY-THREE VENUE

23.01 For purposes of litigation pursuant to this Agreement, venue shall lie in Cameron County, Texas.

ARTICLE TWENTY-FOUR 
COMPLIANCE WITH FEDERAL, STATE AND LOCAL LAWS

24.01 Both Parties shall comply with all federal, state and local laws, statutes, ordinances, rules, regulations, orders and decrees of any court or administrative body or tribunal related to the activities and performances under this Agreement.

IN WITNESS THEREOF, this Agreement is executed in duplicate originals this ______ day of ____________, 2019.

HARLINGEN & SAN BENITO
HOUSING FINANCE CORPORATION

CITY OF HARLINGEN

Larry Galbreath, President

Dan Serna, City Manager

ATTEST:

Amanda C. Elizondo, City Secretary
EXHIBIT "A"

PERFORMANCE STATEMENT

The City of Harlingen has been approved for funding through the Harlingen and San Benito Housing Finance Corporation to carry out the following activity.

CONSTRUCTION OF AFFORDABLE HOUSING AND OTHER AFFORDABLE HOUSING ACTIVITIES IN CONJUNCTION WITH HABITAT FOR HUMANITY

CITY shall utilize the funding provided to construct single-family homes in the City of Harlingen, Texas, Cameron County, in partnership with Habitat for Humanity.

Habitat for Humanity (HFH) will leverage other funds to construct single-family affordable homes and shall ensure that each unit constructed meets the requirements set for the by the jurisdiction having authority and the unit acquired meets or exceeds applicable local codes adopted by the City of Harlingen. All housing units constructed will have a sales price that does not exceed 95 percent of the median purchase price for the area. HFH will provide an affordable home to income eligible persons.

HFH shall impose on the homebuyer an obligation to comply with the affordability requirements of not less than 10 years and shall ensure pro-rata recapture of the funds in the event of noncompliance by requiring the homebuyer to execute a Note and Deed of Trust to HFH.

Property to be acquired shall be located within the city limits of Harlingen. HFH will obtain prior approval from the City for any expenses in which they seek reimbursement.
EXHIBIT "B"

APPLICABLE LAWS AND REGULATIONS

CITY shall comply with all federal, state, and local laws and regulations applicable to the activities and performances rendered by CITY under this Agreement including, but not limited to the laws, and the regulations specified in sections below.

I. CIVIL RIGHTS

The Fair Housing Act (42 U.S.C. 3601-20) and implementing regulations at 24 CFR part 100 et seq.;


The Age Discrimination Act of 1975 (42 U.S.C. 6101-6107) and implementing regulations at 24 CFR Part 146;


Executive Order 11625, as amended by Executive Order 12007 (3 CFR, 1971-1975 Comp., p. 616 and 3 CFR, 1977 Comp., p. 139) (Minority Business Enterprises);

Executive Order 12432 (3 CFR, 1983 Comp., p. 198) (Minority Business Enterprise Development);


The Architectural Barriers Act of 1968 (42 U.S.C. 4151 et. seq.) including the use of a telecommunications device for deaf persons (TDDs) or equally effective communication system.

II. LEAD-BASED PAINT

No Lead Based Paint shall be used in any housing constructed pursuant to this Agreement.
Meeting Date: January 16, 2019

Agenda Item:
Consideration and possible action to approve a request to close the following streets: Fair Park Blvd. from “J” Street to “L” Street; “L” Street at W. Adams Street and the streets immediately adjacent to the Casa de Amistad and Harlingen Auditorium for the following events:

Kidfit Event is sponsored by the Junior League of Harlingen and will be held Saturday February 9, 2019 from 6:30 a.m. to 12:00 noon at Lon C. Hill Park.

Harlingen Marathon Packet Pick-up and Fitness Expo will also be on Saturday, February 9, 2019 from 10:00 a.m. to 6:00 p.m. at the Casa de Amistad.

The 2019 Harlingen Marathon is on Sunday, February 10, 2019 from 4:00 a.m. to 2:30 p.m.

Prepared By (Print Name): Michael E. Kester
Title: Interim Chief of Police
Signature: [Signature]

Brief Summary:
The Marathon, Fitness Expo and Kidfit events cover most of the weekend of Saturday, February 9, 2019 and Sunday, February 10, 2019 and the street closures have two parts as follow:

Part 1 of the street closure is for the Lon C. Hill Park area from Saturday, February 9, 2019 from 6:30 a.m. until Sunday, February 10, 2019 at 5:00 p.m. after the Marathon is complete. This includes: Fair Park Blvd from “J” Street to “L” Street; “L” Street at W. Adams Street and the streets immediately adjacent to the Casa de Amistad and Harlingen Auditorium.

Part 2 of the street closure is for the actual Marathon Route and is requested on Sunday, February 10, 2019 from at 4:00 a.m. to 2:30 p.m. The Marathon has the same route as the 2018 Marathon and the specific roadways and intersections are listed on the attached request. A total of 160 barricades will be needed for the event.

The street closures will help to ensure the safety of the participants and visitors attending this event.

The Assistant Harlingen Fire Chief has reviewed the request and provided approval.

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:
N/A
TO: Chief of Police

FROM: Jose G Gonzalez

RE: Harlingen Marathon (Jun Ellorimo)

This IDC is in reference to the Harlingen Marathon Route, on 01/07/2019 I, Officer Jose G Gonzalez reviewed the route for the Harlingen Marathon and below are the findings as a result of this investigation.

The Harlingen Marathon will be held at Lon C Hill Park on Fair Park Blvd on February 09-10, 2019. February 9th being the first day will consist of the Junior League of Harlingen 2018 KIDFIT event (6:30 am - 12:00 pm), Fitness EXPO, and Packet Pick up for the marathon (10:00 am - 6:00 pm). The Kid Fit Event is Requesting for the Closure of the following Streets to be closed Saturday February 09th 2019 6:30 am and closes Sunday February 10th 2019 5:00 pm in conjunction with the packet pick / Fitness Expo for the Harlingen Marathon event:

1. Fair Park Blvd be blocked off at L St South East corner to the North West corner of L St and Fair Park By the Canal up until the 1 Mile Ninja Run is done then the barricades will be moved to the North East corner until the end of the event. (8 barricades)
2. Fair Park to be closed from the Harlingen Performing Arts Theater the South West corner of J St to the North curb of Fair Park in front of the parking area of the Casa De Amistad. (8 barricades)
3. The entry point to the Harlingen Performing Arts Theater off of J St to avoid any through traffic. (1 barricades)
4. North West side street of the Harlingen Auditorium (2 barricades)
5. And the North East side street of the Casa De Amistad (2 barricades)

Requesting the delivery of 21 barricades for the Kidfit Event and Packet Pick up / Fitness Expo.

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The Harlingen Marathon will begin from Lon C Hill Park on Fair Park Blvd on February 10, 2018 at 4:00 am and ending at 2:30 pm when barricades can be broken down for pick up:

1. Fair Park to be closed from the Harlingen Performing Arts Theater the South West corner of J St to the North curb of Fair Park in front of the parking area of the Casa De Amistad. (6 barricades)
2. L St to be closed from the North East corner of Adams Ave to the curb on the West side of L St. (4 barricades)
3. Fair Park to be closed on both sides of Teege Rd on the North and South side. (6 barricades)
4. Fair Park Blvd to be closed on the South side of O St from the south East corner of O st to the South West Corner. (1 barricade)
5. Jefferson Ave to be blocked at T St with a Unit on the South Side of the intersection. (1 Unit)
6. Spur 54 to be blocked by a Unit on the North Bound Frontage Road on the south side of the intersection. (1 Unit)
7. Spur 54 to be blocked by a Unit on the South Bound Frontage Road on the north side of the intersection. (1 Unit)
8. Bass Pro Dr. East to be blocked by a Unit on Spur 54 on the East side of the intersection. (1 Unit)
9. Bass Pro Dr. to be blocked by a Unit on Dixieland Rd on the South side of the intersection. (1 Unit)
10. Bass Pro Dr. West to be blocked by a Unit on Spur 54 on the South side of the intersection. (1 Unit)
11. Spur 54 to be blocked by a Unit on Palm Court Blvd. on the East and West side of the intersection. (1 Unit)
12. Chester Park Dr. to be closed at south Palm Court on the North East corner of Chester park Blvd to the North West of Chester park Blvd. (1 barricade)
13. Chester Park Dr. to be closed at Graham Rd on the North East corner of Chester park Blvd to the North West of Chester park Blvd. (1 barricade)
14. Graham Rd to be blocked at Whipple Rd on the West side of the intersection from the North West Corner to the South West Corner. (1 barricade)
15. Graham Rd to be blocked at Lewis Lane on the north side of the intersection from the North Corner to the South Corner. (1 barricade)
16. Graham Rd to be blocked at Nesmith on the north side of the intersection from the North West Corner to the South West Corner. (1 barricade)
17. Graham Rd to be blocked at Sendero East on the north side of the intersection from the North West Corner to the South West Corner. (1 barricade)

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18. Graham Rd to be blocked at Sendero West on the north side of the intersection from the North West Corner to the South West Corner. (1 barricade)
19. Graham Rd to be blocked at Chico on the north side of the intersection from the North West Corner to the South West Corner. (1 barricade)
20. Graham Rd to be blocked at Powhatan on the north side of the intersection from the North West Corner to the South West Corner. (1 barricade)
21. Graham Rd to be blocked at Lake Shore Dr on the north side of the intersection from the North West Corner to the South West Corner. (1 barricade)
22. Graham Rd to be blocked at Dilworth Dr on the South side of the intersection from the South West Corner to the South East Corner. (2 barricades)
23. Dilworth Dr to be blocked at Bougainvillea on the West side of the intersection from the South West Corner to the North West Corner. (1 barricade)
24. Dilworth Dr to be blocked at Wilson Rd on the south side of the intersection from the South West Corner to the North West Corner. (2 barricades)
25. Wilson Rd. to be blocked at Stone Briar on the South side of the intersection from the South West Corner to the South East Corner. (1 barricade)
26. Wilson Rd. to be blocked at Stonegate Dr on the South side of the intersection from the South West Corner to the South East Corner. (1 barricade)
27. Wilson Rd. to be blocked at Cielo Lindo Dr on the South side of the intersection from the South West Corner to the South East Corner. (1 barricade)
28. Wilson Rd. to be blocked at Southern Breeze on the South side of the intersection from the South West Corner to the South East Corner. (1 barricade)
29. Wilson Rd. to be blocked at Ramsey Rd on the South side of the intersection from the South West Corner to the South East Corner. (1 barricade)
30. Wilson Rd. to be blocked at Chester park rd on the South side of the intersection from the South West Corner to the South East Corner. (1 barricade)
31. Chester park rd. to be blocked Just behind the Performing Arts Center on the South side of the intersection from the West Curb to the East Corner. (1 barricade)
32. Wilson Rd. to be blocked at the Harlingen Sports Complex on the South side of the intersection from the South West Corner to the South East Corner. (2 barricade)
33. 1 Barricade to be set up on the West side of Barton St on L St
34. 2 Barricades to be set up on “L St” and W Jackson St
35. 1 Barricade to be set up on Jackson St and L St
36. 2 Barricades to be set up on W Van Buren St and “L ½ St”
37. 2 Barricades to be set up on W Van Buren St and “K St”
38. 2 Barricades to be set up on W Van Buren St and “J St”
39. 2 Barricades to be set up on W Van Buren St and “Eye St”
40. 2 Barricades to be set up on W Van Buren St and “H St”

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41. 2 Barricades to be set up on W Van Buren St and "G St"
42. 2 Barricades to be set up on W Van Buren St and "F St"
43. 2 Barricades to be set up on W Van Buren St and "E St"
44. 2 Barricades to be set up on W Van Buren St and "D St"
45. 2 Barricades to be set up on W Van Buren St and "C St"
46. 2 Barricades to be set up on W Van Buren St and "West St"
47. 6 Barricades to be set on Jackson St and Commerce St
48. 1 Barricade to be set up on Jackson St and "A St"
49. 4 Barricades to be set up on Jackson St and "1st St"
50. 4 Barricades to be set up on Jackson St and "2nd St"
51. 4 Barricades to be set up on Jackson St and "3rd St"
52. 4 Barricades to be set up on Jackson St and "4th St"
53. 4 Barricades to be set up on Jackson St and "5th St"
54. 4 Barricades to be set up on Jackson St and "6th St"
55. 1 Barricade to be set up on "6th St" and Monroe Ave
56. 1 Barricade to be set up on "6th St" and Madison Ave
57. 2 Barricades to be set up on "6th St" and Jefferson Ave
58. 2 Barricades to be set up on "3rd St" and Washington Ave
59. 2 Barricades to be set up on "5th St" and Austin St
60. 2 Barricades to be set up on "7th St" and Austin St
61. 1 Barricade to be set up on "9th St" and Austin St
62. 1 Barricade to be set up on "11th St" and Austin St
63. 5 Barricades to be set up on Business 77 and Austin St
64. 2 Barricades to be set up on "13th St" and Austin Ave
65. 2 Barricades to be set up on "13th St" and Bowie Ave
66. 2 Barricades to be set up on "13th St" and Crockett Ave
67. 2 Barricades to be set up on "13th St" and Grimes Ave
68. 2 Barricades to be set up on Grimes St and High St
69. 1 Barricade to be set up on Grimes and Pendleton Park Entrance
70. 1 Barricade to be set up on Pendleton Park Exit and Morgan Blvd
71. 1 Barricade to be set up on Morgan Blvd and Warren St
72. 1 Barricade to be set up on Morgan Blvd and Charles St
73. 4 Barricades to be set up on Morgan Blvd and Rio Hondo St
74. 2 Barricades to be set up on Rio Hondo Rd and 29th St
75. 4 Barricades to be set up on Loop 499 and Oak (TSTC Campus)
76. 1 Barricade to be set on Morgan Blvd and Phoenix St (Harlingen School of Health Professions)
77. 2 Barricades to be set up on "21st St" and between Memorial Middle School/Harlingen School of Health Profession

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78. 1 Barricade needed at the intersection of Rio Hondo Rd. and N. 21st St. Blocking traffic traveling south on 21st St.

79. 1 Barricade needed at the intersection of Rio Hondo Rd. and High St. Blocking traffic traveling north on High St.

80. 3 Barricades needed at the intersection of Rio Hondo Rd. and N. 13th St. Officer with unit will be at intersection directing traffic at that intersection.

81. 2 Barricades needed at the intersection of N. 13th St. and Marshal. Blocking traffic traveling east on Marshal.

82. 1 Barricade needed at the intersection of N. 13th St. and Carroll. Blocking traffic traveling east on Carroll.

I am requesting 160 Barricades and the use of Units to supplement this event for the Safety of the participants of the Marathon.

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HFD has no issues at this time with these closures.

E. Alvarez

Sent from my iPhone

On Jan 8, 2019, at 8:35 AM, Pena, Frances <francespena2@harlingenpolice.com> wrote:

Good Morning Asst. Fire Chief Alvarez:

Attached you will find our IDC for the street closures request for the 2019 Harlingen Marathon. We never received the request from the sponsor, FootWorks, but didn’t want to wait until the last minute to do. I would ask that you please review the route and let me know if you approve.

I was wanting to see if you could possibly review today and give me your response asap so that I can see if we can get it heard at the January 16, 2019 City Commission meeting, since the deadline was this past Friday to submit items for agenda.

Thank you for your prompt attention to this matter.

Frances Peña, Executive Admin. Assistant
Office of the Interim Chief of Police Michael E. Kester
HARLINGEN POLICE DEPT.
1018 Fair Park Blvd., Harlingen, TX 78550
(956) 216-5403 office / (956) 216-5407 fax
email: francespena2@harlingenpolice.com

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AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: January 16, 2018

Agenda Item:
Consider take action to approve the final plat of the proposed Sunshine Health Care Subdivision, bearing a legal description of 7.000 acre tract of land out of a 35.09 acre tract, located in Block 182 of the San Benito Land and Water Company Subdivision, located on the south side of S. 77 Sunshine Strip (Loop 448), west of North Whalen Rd. Applicant: James E. Rose of Mejia and Rose Inc, c/o Star Development Co.

Prepared By: Rodrigo Davila, CPM
Title: Planning and Development Director
Signature:

Brief Summary:

Project Timeline
- October 5, 2018 – Original preliminary plat application submitted to the City (ATTACHMENT I).
- October 17, 2018 – Subdivision reviewed by the Subdivision Review Committee.
- October 22, 2018 – Letter sent to applicant outlining deficiencies; application deemed incomplete.
- October 29, 2018 – Preliminary plat resubmitted based on deficiency letter; application deemed complete.
- November 14, 2018 – Approval of the preliminary plat by the Planning and Zoning Commission.
- January 16, 2019 – Consideration of the final plat by the City Commission.

Summary
- The proposed subdivision consists of one commercial lot (ATTACHMENT II). It is located inside the City Limits, on the south side of S. 77 Sunshine Strip (Loop 448), west of North Whalen Rd.
- The intended use is allowed based on the existing zoning designation of General Retail ("GR").
- Water and sanitary sewer services will be provided by HWWS.
- All items on the final plat checklist have been addressed. (ATTACHMENT III).

Staff Recommendation:
Staff recommends approval of the final plat.

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
City Manager’s approval: ☐ Yes ☐ No ☐ N/A

Comments:

City Attorney’s approval: ☐ Yes ☐ No ☐ N/A
Attachment I—Application

CITY OF HARLINGEN PLANNING AND ZONING DIVISION
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)
Project Address_________________________ Nearest Intersection_________________________
(Proposed) Subdivision Name_________________________ Lot_________________________ Block_________________________
Existing Zoning Designation_________________________ Future Land Use Plan Designation_________________________

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)
Applicant/Authorized Agent_________________________ Phone_________________________ FAX_________________________
Email Address (for project correspondence only):_________________________
Mailing Address_________________________ City_________________________ State_________________________ Zip_________________________
Property Owner_________________________ Phone_________________________ FAX_________________________
Email Address (for project correspondence only):_________________________
Mailing Address_________________________ City_________________________ State_________________________ Zip_________________________

Select appropriate process for which approval is sought. Attach completed checklists with this application.

☐Annexation Request_________________________ No Fee
☐Administrative Appeal (ZBA)_________________________ $125.00
☐Comp. Plan Amendment Request_________________________ $250.00
☐Re-zoning Request_________________________ $250.00
☐SUP Request/Renewal_________________________ $250.00
☐Zoning Variance Request (ZBA)_________________________ $250.00
☐PDD Request_________________________ $250.00
☐License to Encroach_________________________ $250.00
☐Preliminary Plat_________________________ $100.00
☐Final Plat_________________________ $50.00
☐Minor Plat_________________________ $100.00
☐Re-plat_________________________ $250.00
☐Vacating Plat_________________________ $50.00
☐Development Plat_________________________ $100.00
☐Subdivision Variance Request_________________________ $25.00 (each)

Please provide a basic description of the proposed project:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

I hereby certify that I am the owner and/or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit or approval may be revoked.

Applicant's Signature:_________________________ Date:_________________________

Property Owner(s) Signature:_________________________ Date:_________________________

Accepted by:_________________________ Date:_________________________
FINAL PLAT SUBMITTAL CHECKLIST

Please submit the following items along with the completed master application and appropriate fees. The project cannot be scheduled for consideration unless all items are marked complete. Citations come from the Subdivision Ordinance.

Complete
Fifteen (15) paper copies of the plat drawn to a scale of one (1) inch to one hundred (100) feet on sheets no larger than 24" X 36". (Section 3.5.3)

An 8 1/2" X 11" reduced copy of the submitted final plat drawing. (Section 3.5.4.E)

No less than two (2) copies of the plat drawn in ink and on a permanent reproducible medium (mylar) suitable for filing in the office of the County Clerk. (Mylars may be submitted to the City after the final plat has been reviewed; however, no later than 5 business days prior to consideration by the Planning and Zoning Commission) (Section 3.5.3)

All required public improvements have been constructed and accepted by the appropriate public entity or an appropriate financing mechanism (i.e. letter of credit, bond) has been submitted to and accepted by said entities. (Section 3.5.1.B)

The existing zoning designation of the subject tract allows for the proposed use(s). (Section 3.5.1.A)

Variance requests, if any, have completed the respective processes. (Section 7.1)

The applicant shall submit the final plat to the appropriate drainage/irrigation district, if applicable. (Section 3.5.5)

Written statements from appropriate utilities that the plat has been reviewed and service can be provided. (Section 3.5.4.A)

Submit list of restrictive covenants if not listed on plat. (Section 3.5.4.B)

Original tax certificates from City, School District, and County that all taxes have been paid. (Section 3.5.4.C)

Title commitment less than six (6) months old. Any liens shall be secured and noted on plat. (Section 3.5.4.D)

Payment of all drainage and/or street assessments, and street sign/light deposits, if applicable. (Section 3.5.4.G)

Check(s) payable to the County Clerk for the filing of the Final Plat. (Section 3.5.4.H)

Digital submittal of plat with control points in .dxf or .dgn format. (3.5.4.I)

Final Plat form and content:
The final plat submittal shall substantially conform to the conditionally approved preliminary plat and incorporate all conditions imposed by the Planning and Zoning Commission. (Section 3.5.3)

Proposed name of subdivision printed across the lots and blocks. (Section 3.5.3.B)

Names of adjoining subdivisions and notation as to whether adjoining properties are platted. (Section 3.5.3.C)

Subdivision boundary lines (Indicated by heavy lines) and computed acreage of subdivision. (Section 3.5.3.C)

Primary control points (set concrete monuments on each corner of subdivision) with description and location of said points with ties to original block corners per Statute. (Section 3.5.3.F)

Existing site information: (Section 3.5.3.F)

1. Exact locations and names of all roads, easements, reservations, alleys, or other public right-of-ways within and/or contiguous to the subdivision.

2. Exact locations and dimensions of all lots, parks, public areas, permanent structures, water courses, irrigation canals, and drainage structures within and/or contiguous to the subdivision.

3. Cross section(s) of any existing ditches and canals within the subdivision with ties to the subdivision boundary.

4. Regulatory flood elevations and boundaries of flood prone areas, including floodways, if known.
5. Location of City limits, extraterritorial jurisdiction (ETJ), and zoning district boundaries if within or contiguous to the proposed subdivision.

Date of preparation, north arrow, and scale of plat. (Section 3.5.3.H)

A number or letter to identify each lot, tract, and block. (Section 3.5.3.I)

Building setback lines if different from Zoning Ordinance. (Section 3.5.3.J)

 Vicinity map of not more than 1:2,000 showing existing streets, and city limit and/or ETJ boundary. (Section 3.5.3.L)

Street system in compliance with the City of Harlingen's Long Range Thoroughfare Plan. (Section 4.1.3.A)

Appropriate signature blocks for the following:

1. Subdivider, record owner, lien holders, engineer and/or surveyor. (Section 3.5.3.M)

2. All signature blocks required in “Exhibit F” of the Subdivision Ordinance. (Section 3.5.3.N-S)

3. A signed statement from the appropriate drainage and/or irrigation district that the final plat has been approved by such entity. (Section 3.5.3.T)

4. An engineer’s statement of the minimum finished floor elevation based on average flood waters in the flood zone location, if applicable. (Section 3.5.3.U)

Plats shall not be scheduled for the Planning and Zoning Commission review unless items on this list are completed. I have read and understand in its entirety the City of Harlingen’s Subdivision Ordinance and understand that the requirements of a final plat are subject to the terms and conditions therein. This final plat checklist is used to insure compliance with the Ordinance and in some instances the City may require additional information for approval. An endorsement of this application checklist by the applicant shall be acknowledgment that all of the items on the above list have been submitted. I also understand that, pursuant to Section 6 of the City of Harlingen Zoning Ordinance, no building permit will be issued until the plat has been approved by the Planning and Zoning Commission and filed in the office of the County Clerk.

Project Name: Sunshine Health Care Subdivision

Owner: RBC Harlingen Group Investments, LLC / See attached Authorization Form Date 12-7-18

Owner Address: Phone/Fax:

Signature:

Engineer/Surveyor: James E. Rose Date 12-7-18

Engineer/Surveyor Address: 1540 West Price Road Phone/Fax: (956)544-3022 / (956)544-3068

Signature: James E. Rose

By
January 08, 2019

Mr. Albert Molina
City Planner
Planning & Development Department
502 E. Tyler Ave.
Harlingen, Texas 78550

RE: Review of Sunshine Health Care Subdivision (Final Plat Re-Submittal)

Dear Mr. Molina:

We are in receipt of the final plat for the above referenced subdivision and it is approved as submitted. The reviewer’s comment does not relieve the Engineer/Developer/Contractor from complying with the City of Harlingen’s Subdivision Rules and Regulations.

If you have any questions, please feel free to contact me at (956) 216-5280 or via email at ogil@myharlingen.us.

Sincerely,

Olivia Gil

cc: Ponceiano N. Longoria, P.E. CFM, Assistant Public Work Director/City Engineer
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: January 16, 2019

Agenda Item:
CONSIDER AND TAKE ACTION to adopt an ordinance to designate a “No Parking Zone” on Hitching Post Boulevard from the intersection of Garrett Road extending 610 feet on both sides of the street to the intersection with Wagon Trail and around the four landscape islands on Hitching Post Boulevard.

Prepared By (Print Name): Celina Gonzales
Title: Public Works Director
Signature:

Brief Summary:
The Home Owners Association for Dilworth Ranch Estates located on Garrett Road presented this request to Staff with concerns of enforcement for overnight street parking on Hitching Post Boulevard. The Home Owners Association is requesting “No Parking - 10pm - 6am” along both sides of the street on Hitching Post Boulevard.

Staff visited the area and determined that a shoulder would not meet the 2012 International Fire Code (IFC) requirements for fire apparatus access, which states that roads 20 to 26 feet in width are required fire lanes on both sides of the road. The existing one-way travel lanes are 18 feet 9 inches, allowing for a 9-foot shoulder would leave 9 feet 9 inches for a travel lane. This would be too narrow for emergency response vehicles to navigate safely into the subdivision. Currently the Dilworth Ranch subdivision only had one entrance/exit point for 55 lots. Vehicles parked along Hitching Post would hinder the response time of emergency services.

Based on field observations, Staff is proposing “No Parking” along both sides of the street on Hitching Post Boulevard from Garrett Road to Wagon Trail and around the four landscape islands within the boulevard. A petition was received from the Home Owners Association requesting that the parking continue to be allowed on the street from 6am-10pm. The petition along with the existing and proposed layout and a cross-section of the street are included in your packet.

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

Yes No N/A

Staff Recommendation:
Staff recommends approval of a “No Parking Zone” on Hitching Post Boulevard from the intersection of Garrett Road extending 610 feet on both sides of the street to the intersection with Wagon Trail and around the four landscape islands on Hitching Post Boulevard.

City Manager’s approval:

Yes No N/A

Comments:

City Attorney’s approval:

Yes No N/A

Form revised 01/26/09
Cross Section of Hitching Post Boulevard

20'-0"

18'-9"
9'-6"

18'-9"
9'-6"
9'-6"
6'
ORDINANCE NO. 18-

AN ORDINANCE TO ESTABLISH A "NO PARKING ZONE" ON HITCHING POST BOULEVARD ON BOTH SIDES OF THE STREET FROM GARRETT ROAD 610 FEET SOUTH TO THE INTERSECTION OF WAGON TRAIL AND AROUND THE FOUR LANDSCAPE ISLANDS WITHIN THE STREET; AUTHORIZING THE TOWING OF VEHICLES PARKED IN SAID "NO PARKING ZONE"; ESTABLISHING A PENALTY NOT TO EXCEED $200.00 FOR VIOLATION OF THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

BE IT ORDAINED BY THE CITY OF HARLINGEN:

SECTION I: That establishes an ordinance to designate a "No Parking Zone" on Hitching Post Boulevard on both sides of the street from Garrett Road 610 feet south to the intersection of Wagon Trail and around the four landscape islands within the street.

SECTION II: The Chief of Police of the City of Harlingen, Texas is hereby authorized and directed to place the traffic control devices authorized by this ordinance.

SECTION III: It shall be unlawful for any person to stop or park a vehicle in the "No Parking Zone" designated by this ordinance.

SECTION IV: That the Police Department of the City of Harlingen is authorized to cause vehicles parked in violation of this ordinance to be towed at the expense of the owners or operators of such vehicles.

SECTION V: That a person who stops or parks a vehicle in the "No Parking Zone" established by this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine not to exceed $200.00.

SECTION VI: 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 __________, 2018 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
October 25, 2018

We, the undersigned, are residents in Dilworth Ranch Estates and our properties are located on Hitching Post Boulevard. This letter is to resend the no parking restriction request for Hitching Post Boulevard.

- We understand the current restrictions of parking on Hitching Post Boulevard; no parking on the street between the hours of 10:00 p.m. and 6:00 a.m.
- We understand that on Mondays and Wednesdays, when the City of Harlingen has trash pick-up in our area and street sweepers, we do not park in the street.
- We understand that if we need to have a trailer for landscaping and/or construction, for an extended period of time, we must obtain a permit from the City of Harlingen, to have the trailer placed in the front yard, and not in the street.

We hereby request that the City of Harlingen consider this petition to continue authorized parking on Hitching Post Boulevard between 6:00 a.m. and 10:00 p.m.

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gretchen Smith</td>
<td>2205 Hitching Post Blvd.</td>
<td>419.990.4808</td>
</tr>
<tr>
<td>Blanche E.</td>
<td>2209 Hitching Post Blvd.</td>
<td>956.241.2197</td>
</tr>
<tr>
<td>Denise Ferrato</td>
<td>9306 Hitching Post Blvd.</td>
<td>956.792.1881</td>
</tr>
<tr>
<td>Angel Eguiazo</td>
<td>2302 Hitching Post Blvd.</td>
<td>956.594.7273</td>
</tr>
<tr>
<td>David Amanda Hagg</td>
<td>2400 Hitching Post Blvd.</td>
<td>560.951.2242</td>
</tr>
<tr>
<td>Larry M.</td>
<td>2202 Hitching Post Blvd.</td>
<td></td>
</tr>
<tr>
<td>Janet Alejandro</td>
<td>2201 Hitching Post Blvd.</td>
<td>956.241.2119</td>
</tr>
<tr>
<td>Daniel Yzaguirre IV</td>
<td>2214 Hitching Post Blvd.</td>
<td>956.742.7956</td>
</tr>
<tr>
<td>Linda Luster</td>
<td>2301 Hitching Post Blvd.</td>
<td>956.241.0611</td>
</tr>
<tr>
<td>Maria Spitz</td>
<td>2310 Hitching Post Blvd.</td>
<td>956.245.0303</td>
</tr>
<tr>
<td>Cynthia A. Durksen</td>
<td>2510 Hitching Post Blvd.</td>
<td>956.778.8946</td>
</tr>
<tr>
<td>Danny Roche</td>
<td>2313 Hitching Post Blvd.</td>
<td>956.536.1805</td>
</tr>
<tr>
<td>Claudia Yzaguirre</td>
<td>2214 Hitching Post Blvd.</td>
<td>956.793.7874</td>
</tr>
<tr>
<td>Jim Kathy Rockwell</td>
<td>2309 Hitching Post Blvd.</td>
<td>214.533.4101</td>
</tr>
</tbody>
</table>
Hitching Post Boulevard Residents who are requesting that we continue to allow parking during the hours of 6:00 a.m. to 10:00 p.m.:

<table>
<thead>
<tr>
<th>Name</th>
<th>Lot #</th>
<th>Address</th>
<th>Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gretchen &amp; Danny Smith</td>
<td>48</td>
<td>2205 Hitching Post Blvd</td>
<td>(619) 990-4808</td>
</tr>
<tr>
<td>Blandina &amp; Elias Elizondo</td>
<td>47</td>
<td>2209 Hitching Post Blvd</td>
<td>(956) 244-2197</td>
</tr>
<tr>
<td>Denise Serrato</td>
<td>55</td>
<td>2306 Hitching Post Blvd</td>
<td>(956) 792-1831</td>
</tr>
<tr>
<td>Angel Guajardo</td>
<td>54</td>
<td>2302 Hitching Post Blvd</td>
<td>(708) 594-9173</td>
</tr>
<tr>
<td>Daniel &amp; Karina Trigg</td>
<td>51</td>
<td>2206 Hitching Post Blvd</td>
<td>(360) 951-2262</td>
</tr>
<tr>
<td>Diana &amp; Argelio Rodriguez</td>
<td>50</td>
<td>2202 Hitching Post Blvd</td>
<td>(912) 656-9026</td>
</tr>
<tr>
<td>Ernest Alejandro</td>
<td>49</td>
<td>2201 Hitching Post Blvd</td>
<td>(956) 244-2119</td>
</tr>
<tr>
<td>Daniel Yzaguirre IV</td>
<td>52</td>
<td>2214 Hitching Post Blvd</td>
<td>(956) 742-7956</td>
</tr>
<tr>
<td>Linda &amp; Steve Lunsford</td>
<td>45</td>
<td>2301 Hitching Post Blvd</td>
<td>(956) 245-0611</td>
</tr>
<tr>
<td>Maggi &amp; Jaime Perez</td>
<td>56</td>
<td>2310 Hitching Post Blvd</td>
<td>(956) 245-0303</td>
</tr>
<tr>
<td>Cynthia &amp; Onesimo Monteze</td>
<td>44</td>
<td>2510 Hitching Post Blvd</td>
<td>(956) 778-8856</td>
</tr>
<tr>
<td>Danny Posada</td>
<td>46</td>
<td>2313 Hitching Post Blvd</td>
<td>(956) 536-1805</td>
</tr>
<tr>
<td>Claudia Yzaguirre</td>
<td>53</td>
<td>2214 Hitching Post Blvd</td>
<td>(956) 793-7874</td>
</tr>
</tbody>
</table>

Jim & Kathy Rackler

<table>
<thead>
<tr>
<th>Address</th>
<th>Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>2309 Hitching Post Blvd</td>
<td>(214) 533-6108</td>
</tr>
</tbody>
</table>
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: January 16, 2019

Agenda Item:
Consider and take action to adopt a resolution directing staff to prepare a service plan and initiate proceedings for the voluntary annexation of a 36.46 acre tract of land, more or less, consisting of all of Block 99, Wilson Tract Subdivision, saving and excepting 3.54 acres of land, more or less, located with the plat of Pelican’s Landing Estates, Phase I, located north of Pink Flamingo Street east of Tamm Lane. Applicant: David Salinas, c/o Arturo Ortega

Prepared By: Rodrigo Davila, CPM
Title: Planning and Development Director
Signature:

Brief Summary:

Project Timeline

- December 21, 2018 – Voluntary Annexation Request submitted to the City. (ATTACHMENT I AND II).
- January 16, 2019 – Consideration of a resolution by the City Commission directing staff to prepare a service plan for the annexation and to initiate proceedings.
- February 2, 2019 – In accordance with Statute and local law, notice of required public hearings (for the zoning and first public hearing for the annexation) published in the Valley Morning Star.
- February 13, 2019 – Public hearing to recommend a zoning designation of tract upon annexation by the Planning and Zoning Commission.
- February 20, 2019 – First Public Hearing before the City Commission
- February 23, 2018 – In accordance with Statute and local law, notice of second public hearing published in the Valley Morning Star.
- March 6, 2019 – Second Public Hearing before the City Commission
- March 20, 2018 – Consideration of annexation by the City Commission via First Ordinance Reading.
- April 3, 2019 – Pending approval of 1st ordinance reading, consideration of annexation by the City Commission via Second Ordinance Reading.

Summary

- David Salinas, the applicant on behalf of Arturo Ortega, the property owner, has requested the voluntary annexation of a 36.46 acre tract of land. All of the subject property is outside, but adjacent to, the current city limits (ATTACHMENT II).

- The subject property is currently vacant. The applicant is proposing to subdivide the subject property into a one hundred sixty lot single family residential subdivision to be done in four phases. The proposed subdivision will have frontage and access from Brown Pelican Lane and access from Seahawk Lane (ATTACHMENT III and III).

- The developer will be responsible for all infrastructure provisions, including street development, street lights, water and wastewater services, storm sewer, and other requirements as specified under the subdivision regulations.
- Water and wastewater disposal for this subdivision is proposed to be provided through HWWS.
- The developer has requested Residential, Single Family ("R-1") District zoning for the subject property.
- The subject annexation will require three public hearings and two reading of the ordinance to annex the property. The above timeline delineates the annexation process.

### 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 approval.

City Manager’s approval: [X] Yes [ ] No [ ] N/A

### Comments:

City Attorney’s approval: [ ] Yes [ ] No [ ] N/A
CITY OF HARLINGEN PLANNING AND ZONING DIVISION
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)
Project Address: NOT ASSIGNED Nearest Intersection: NEAR LONE PINE
(Proposed) Subdivision Name: Palco’s Ranch Lot: Block:
Existing Zoning Designation: AGRICULTURAL Future Land Use Plan Designation: RESIDENTIAL

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)
Applicant/Authorized Agent: David Salinas Phone: (956) 993-9001 FAX: (956) 993-9002
Email Address: (for project correspondence only): desalinas@salinasengineering.com
Mailing Address: 2221 Daffodil Ave., Mission, TX 78572 City: Mission State: TX Zip: 78572
Property Owner: Augusto Oviedo Phone: 538-2363 FAX: 538-2363
Email Address: (for project correspondence only):
Mailing Address: 2221 Daffodil Ave., Mission, TX 78572 City: Mission State: TX Zip: 78572

Select appropriate process for which approval is sought. Attach completed checklists with this application.

<table>
<thead>
<tr>
<th>Process Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annexation Request</td>
<td>No Fee</td>
</tr>
<tr>
<td>Administrative Appeal (ZBA)</td>
<td>$125.00</td>
</tr>
<tr>
<td>Comp. Plan Amendment Request</td>
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</tr>
<tr>
<td>Re-zoning Request</td>
<td>$250.00</td>
</tr>
<tr>
<td>SUP Request/Renewal</td>
<td>$250.00</td>
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<tr>
<td>Zoning Variance Request (ZBA)</td>
<td>$250.00</td>
</tr>
<tr>
<td>PDD Request</td>
<td>$250.00</td>
</tr>
<tr>
<td>License to Encroach</td>
<td>$250.00</td>
</tr>
<tr>
<td>Preliminary Plat</td>
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<tr>
<td>Final Plat</td>
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</tr>
<tr>
<td>Minor Plat</td>
<td>$100.00</td>
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<tr>
<td>Re-splat</td>
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<tr>
<td>Vacating Plat</td>
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<tr>
<td>Development Plat</td>
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</tr>
<tr>
<td>Subdivision Variance Request (each)</td>
<td>$25.00</td>
</tr>
</tbody>
</table>

Please provide a basic description of the proposed project: REQUEST TO ALLOW FOR RESIDENTIAL USE.

I hereby certify that I am the owner and/or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit or approval may be revoked.

Applicant’s Signature: __________________________ Date: 12/21/18
Property Owner(s) Signature: __________________________ Date: 12/21/18

Accepted by: __________________________ Date: __________________________

form revised 04/29/09
ANNEXATION AND RE-ZONING REQUEST

METES AND BOUNDS DESCRIPTION

BEING A 36.46 ACRE TRACT OF LAND, MORE OR LESS, CONSISTING OF ALL OF BLOCK 99, WILSON TRACT SUBDIVISION, CAMERON COUNTY, TEXAS, AS PER THE MAP OR PLAT THEREOF RECORDED IN VOLUME 09, PAGE 28, CAMERON COUNTY MAP RECORDS, SAVING AND EXCEPTING 3.54 ACRES OF LAND, MORE OR LESS, LOCATED WITHIN THE PLAT OF PELICAN’S LANDING ESTATES, PHASE I, CAMERON COUNTY, TEXAS, AS PER THE MAP OR PLAT THEREIN FILED IN CABINET C1, PAGE 28108, MAP RECORDS OF CAMERON COUNTY, TEXAS; SAID 36.46 ACRE TRACT OF LAND IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A ¾ INCH DIAMETER IRON ROD SET ON THE SOUTHWEST CORNER OF SAID BLOCK 99 LOCATED ON THE WEST LINE OF SAID PELICAN’S LANDING ESTATES, PHASE I; THENCE, AS FOLLOWS:

NORTH 00 DEGREES 10 MINUTES 00 SECONDS EAST, COINCIDENT WITH THE WEST LINE OF SAID BLOCK 99 SAME BEING THE WEST LINE OF SAID PELICAN’S LANDING ESTATES, PHASE I, A DISTANCE OF 35.0 FEET TO A ¾ INCH DIAMETER IRON ROD SET ON THE NORTHWEST CORNER OF SAID PELICAN’S LANDING ESTATES, PHASE I, FOR THE SOUTHWEST CORNER AND POINT OF BEGINNING OF THIS HEREIN DESCRIBED TRACT;

(1) THENCE, NORTH 00 DEGREES 10 MINUTES 00 SECONDS EAST, CONTINUING COINCIDENT WITH THE WEST LINE OF SAID BLOCK 99, A DISTANCE OF 1,265.0 FEET PASS THE SOUTH LINE OF A 40.0 FOOT UN-OPENED UN-NAMED PUBLIC ROAD RIGHT-OF-WAY, AT A DISTANCE OF 1,285.0 FEET IN ALL TO A ¾ INCH DIAMETER IRON ROD SET ON THE NORTHWEST CORNER OF SAID BLOCK 99 AND THE SOUTHWEST CORNER OF BLOCK 98 OF SAID WILSON TRACT SUBDIVISION FOR THE NORTHWEST CORNER OF THIS HEREIN DESCRIBED TRACT;

(2) THENCE, NORTH 89 DEGREES 52 MINUTES 00 SECONDS EAST, COINCIDENT WITH THE NORTH LINE OF SAID BLOCK 99 AND THE SOUTH LINE OF SAID BLOCK 98, A DISTANCE OF 1,320.0 FEET TO A ¾ INCH DIAMETER IRON ROD SET ON THE NORTHEAST CORNER OF SAID BLOCK 99 AND THE SOUTHEAST CORNER OF BLOCK 98 FOR THE NORTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT;

(3) THENCE, SOUTH 00 DEGREES 10 MINUTES 00 SECONDS WEST, COINCIDENT WITH THE EAST LINE OF SAID BLOCK 99, A DISTANCE OF 20.0 FEET PASS THE SOUTH RIGHT-OF-WAY LINE OF SAID 40.0 FOOT UN-OPENED UN-NAMED PUBLIC ROAD RIGHT-OF-WAY, AT A DISTANCE OF 1,285.0 FEET IN ALL TO A ¾ INCH DIAMETER IRON ROD SET ON THE NORTHEAST CORNER OF SAID PELICAN’S LANDING ESTATES, PHASE I, FOR THE SOUTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT;

(4) THENCE, SOUTH 89 DEGREES 52 MINUTES 00 SECONDS WEST, COINCIDENT WITH A NORTHERN LINE OF SAID PELICAN’S LANDING ESTATES, PHASE I, A DISTANCE OF 150.0 FEET TO A ¾ INCH
DIAMETER IRON ROD FOUND ON A NORTHERN CORNER OF SAID PELICAN'S LANDING ESTATES, PHASE I, FOR A SOUTHERN CORNER OF THIS HEREIN DESCRIBED TRACT;

(5) THENCE, NORTH 44 DEGREES 59 MINUTES 00 SECONDS WEST, CONTINUING COINCIDENT WITH A NORTHERN LINE OF SAID PELICAN'S LANDING ESTATES, PHASE I, A DISTANCE OF 21.16 FEET TO A ¾ INCH DIAMETER IRON ROD FOUND ON A NORTHERN CORNER OF SAID PELICAN'S LANDING ESTATES, PHASE I, FOR A SOUTHERN CORNER OF THIS HEREIN DESCRIBED TRACT;

(6) THENCE, SOUTH 89 DEGREES 52 MINUTES 00 SECONDS WEST, CONTINUING COINCIDENT WITH A NORTHERN LINE OF SAID PELICAN'S LANDING ESTATES, PHASE I, A DISTANCE OF 60.0 FEET TO A ¾ INCH DIAMETER IRON ROD FOUND ON A SOUTHERN CORNER OF LOT 15 OF SAID PELICAN'S LANDING ESTATES, PHASE I, FOR AN INSIDE SOUTHERN CORNER OF THIS HEREIN DESCRIBED TRACT;

(7) THENCE, NORTH 00 DEGREES 10 MINUTES 00 SECONDS EAST, COINCIDENT WITH THE EAST LINE OF SAID LOT 15, A DISTANCE OF 100.0 FEET TO A ¾ INCH DIAMETER IRON ROD FOUND ON THE NORTHEAST CORNER OF SAID LOT 15 FOR A SOUTHERN CORNER OF THIS HEREIN DESCRIBED TRACT;

(8) THENCE, SOUTH 89 DEGREES 52 MINUTES 00 SECONDS WEST, COINCIDENT WITH THE MOST NORTHERN LINE OF SAID PELICAN'S LANDING ESTATES, PHASE I, A DISTANCE OF 920.0 FEET TO A ¾ INCH DIAMETER IRON ROD FOUND ON THE NORTHWEST CORNER OF LOT 1 OF SAID PELICAN'S LANDING ESTATES, PHASE I, FOR A SOUTHERN CORNER OF THIS HEREIN DESCRIBED TRACT;

(9) THENCE, SOUTH 00 DEGREES 10 MINUTES 00 SECONDS WEST, COINCIDENT WITH THE WEST LINE OF SAID LOT 1, A DISTANCE OF 100.0 FEET TO A ¾ INCH DIAMETER IRON ROD FOUND ON A SOUTHERN CORNER OF SAID LOT 1 FOR AN INSIDE SOUTHERN CORNER OF THIS HEREIN DESCRIBED TRACT;

(10) THENCE, SOUTH 89 DEGREES 52 MINUTES 00 SECONDS WEST, COINCIDENT WITH A NORTHERN LINE OF SAID PELICAN'S LANDING ESTATES, PHASE I, A DISTANCE OF 60.0 FEET TO A ¾ INCH DIAMETER IRON ROD FOUND ON A NORTHERN CORNER OF SAID PELICAN'S LANDING ESTATES, PHASE I, FOR A SOUTHERN CORNER OF THIS HEREIN DESCRIBED TRACT;

(11) THENCE, SOUTH 45 DEGREES 01 MINUTES 03 SECONDS WEST, CONTINUING COINCIDENT WITH A NORTHERN LINE OF SAID PELICAN'S LANDING ESTATES, PHASE I, A DISTANCE OF 21.27 FEET TO A ¾ INCH DIAMETER IRON ROD FOUND ON A NORTHERN CORNER OF SAID PELICAN'S LANDING ESTATES, PHASE I, FOR A SOUTHERN CORNER OF THIS HEREIN DESCRIBED TRACT;

(12) THENCE, SOUTH 89 DEGREES 52 MINUTES 00 SECONDS WEST, CONTINUING COINCIDENT WITH A NORTHERN LINE OF SAID PELICAN'S LANDING ESTATES, PHASE I, A DISTANCE OF 100.0 FEET TO THE POINT OF BEGINNING, CONTAINING 36.46 ACRES OF LAND, MORE OR LESS.
BASIS OF READING: PELICAN'S LANDING ESTATES, PHASE I, C.C.T
REF: SURVEY OF 36.46 ACRES OUT OF BLOCK 99, WILSON TRACT SUBDIVISION, CCT, PREPARED BY VICTOR BANUELOS, RPLS,
DATED 07/08/12 (ATTACHED)
REF: COPY OF RECORDED PLAT OF PELICAN'S LANDING ESTATES, PHASE I, HARLINGEN, CCT (ATTACHED)
N:\SUBDIVISIONPLATS\PELICAN'S\REACH\PHASE I\06.46.112818

DAVID OMAR SALINAS, RPLS
SALINAS ENGINEERING & ASSOCIATES
2221 DAFFODIL AVE.
MCALLEN, TEXAS, 78501
(956) 682-9081

DATE: NOVEMBER 29, 2018
JOB NO. SP-18-23964

STATE OF TEXAS
REGISTERED

DAVID OMAR SALINAS
RPLS

LAND SURVEYOR

3
RESOLUTION NO. 19-

STATE OF TEXAS
COUNTY OF CAMERON

WHEREAS, after a thorough study being made, it deemed to be in the best interest of the City of Harlingen, Texas to consider the annexation of certain land area lying within the extraterritorial jurisdiction of the City of Harlingen, said territory being more particularly described as a 36.46 acre tract of land, more or less, located north of Pink Flamingo Street east of Tamm Lane, and as shown on the map attached hereto as Exhibit “A.”

BE IT RESOLVED BY THE CITY OF HARLINGEN:

That three public hearing are hereby set to be held in the City Hall Town Hall in accordance with Chapter 43, Texas Local Government Code, as amended, on February 13, 2019 at 5:30 p.m., on February 20, 2019 at 5:30 p.m., and on March 6, 2019 at 5:30 p.m. and that each public hearing all interested person will be held considering the annexation of the subject tract of land to the City of Harlingen.

BE IT FURTHER RESOLVED BY THE CITY OF HARLINGEN:

That notice of public hearings will be published in the Valley Morning Star in accordance with Chapter 43, Texas Local Government Code, as amended.

BE IT FURTHER RESOLVED BY THE CITY OF HARLINGEN:

That the Director of Planning and Development is hereby directed to prepare a service plan providing for the extension of municipal services into said land area in accordance with Chapter 43, Texas Local Government Code as amended.
CONSIDERED AND ADOPTED THIS _____ day of ___________, 2019 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, as amended.

CITY OF HARLINGEN

________________________
Chris Boswell, Mayor

ATTEST:

________________________
Amanda C. Elizondo, City Secretary
Annexation of a 36.46 acre tract of land, more or less, consisting of all of Block 99, Wilson Tract Subdivision.

Boundary lines

- Proposed Annexation
- Harlingen City Limits

This map has been produced by the City of Harlingen for the sole purpose of locating jurisdictional boundaries and is not intended for any other. The map data is compiled from various sources including orthophoto imagery, engineer plans and plats, survey field notes, and other sources. This map is intended for graphic representation only. No warranty is made by the City regarding its accuracy or completeness. Before relying on any information on the map, check with the Planning Department. Date of map 07/2018.
<table>
<thead>
<tr>
<th>Meeting Date:</th>
<th>January 16, 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Agenda Item:</strong></td>
<td></td>
</tr>
<tr>
<td>Public hearing and take action to consider an Ordinance on First Reading to rezone from Heavy Industry (&quot;HI&quot;) District to Light Industry (&quot;LI&quot;) District for 17.74 acres out of Lot 1, Block 1, Texas Pipe Bending Subdivision, located at 5129 E. Harrison. Applicant: Omar Villarreal</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Prepared By:</th>
<th>Rodrigo Davila, CPM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title:</td>
<td>Planning and Development Director</td>
</tr>
<tr>
<td>Signature:</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Brief Summary:</strong></th>
</tr>
</thead>
</table>

**Project Timeline**

- **October 8, 2018** – Application for rezoning submitted to the City (ATTACHMENT I).
- **November 3, 2018** – In accordance with Statute and local law, notice of required public hearings published in the Valley Morning Star and mailed to all property owners within 200 feet of subject tract.
- **November 14, 2018** – Public hearing was conducted. The Planning and Zoning Commission (P&Z) recommended approval by a 5 to 0 vote.
- **November 24, 2018** – In accordance with Statute and local law, notice of required public hearing published in the Valley Morning Star and mailed to all property owners within 200 feet of subject tract.
- **December 5, 2018** – Public hearing was conducted. Item failed due to a lack of a second on the motion.
- **December 10, 2018** – Application for rezoning submitted to the City (ATTACHMENT I).
- **December 29, 2018** – In accordance with Statute and local law, notice of required public hearings published in the Valley Morning Star and mailed to all property owners within 200 feet of subject tract.
- **January 9, 2019** – Public hearing was conducted by the Planning and Zoning Commission (P&Z). **The P&Z Commission recommended approval by a 3 to 1 vote.**
- **January 16, 2019** – Public hearing and consideration of requested rezoning via 1st ordinance reading scheduled before the City Commission.
- **February 6, 2019** – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

**Summary**

- The applicant is requesting to rezone the subject property from Heavy Industry ("HI") District to Light Industry ("LI") District to allow for a church on the property (ATTACHMENT II). The applicant had recently submitted the same request; however, the rezoning request failed due to a lack of a second on the motion at the December 5, 2018 City Commission meeting.

- There is an existing 5,696 square ft. building on the subject property which the applicant is
proposing to use for office suites. In addition, there is also a 1,040 square feet metal
storage building on the subject property. The future plans are as mentioned above to
construct a church on the property. The property has 345 feet of frontage on East
Harrison Avenue and a depth of 1,171 feet at is longest point. The property currently
shares an access with the adjacent property. (ATTACHMENT III-V).

- The surrounding properties are zoned Heavy Industry ("HI") District to the east and Light
  Industry to the west. North and south of the subject property is located outside the city
  limits. (ATTACHMENT II). The surrounding land use consists of an industrial use to the
  north, Wilbert Vault Company to the south, a vacant warehouse adjacent to the east,
  further east is Derksen Emersen, and a storage warehouse to the west. (ATTACHMENT
  VI).

- The Future Land Use Plan (FLUP) component of the City of Harlingen Comprehensive
  One Vision One Harlingen shows this area as industrial use (ATTACHMENT VII). The
  Comprehensive Plan defines industrial use as larger properties typically used for
  manufacturing products, storage and distribution of goods, or mining or construction
  activities. Although the requested zoning is consistent with the Future Land Use Plan, the
  proposed church use of the property is not consistent with the Comprehensive Plan
  definition of industrial use for the property. As mentioned above, the adjacent property to
  the east is Heavy Industry ("HI") District which is a higher intense zoning.

- A Light Industry ("LI") District is for light manufacturing process which do not emit
detectable dust, odor, smoke, gas, or fumes beyond the bounding property or generate
noise or vibration at the boundary of the LI District which is generally perceptible as noise
in the adjacent area. A Heavy Industry ("HI") District is for an area used for industry that
does not fall into light industry district designation, and which is not prohibited by law.

- To the present, the Planning and Zoning Department has not received any objection from
surrounding property owners for the proposed request.

<table>
<thead>
<tr>
<th>Funding (if applicable):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Are funds specifically designated in the current budget for the full amount</td>
</tr>
<tr>
<td>for this purpose?</td>
</tr>
</tbody>
</table>
*If no, specify source of funding and amount requested: |
Finance Director’s approval: | Yes | No | N/A |

<table>
<thead>
<tr>
<th>Staff Recommendation:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff recommends disapproval since the request is not consistent with the Comprehensive Plan</td>
</tr>
<tr>
<td>industrial use of the property.</td>
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<th>City Manager’s approval:</th>
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<th>Comments:</th>
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<th>City Attorney’s approval:</th>
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<tr>
<td>Yes</td>
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</table>
City of Harlingen Planning and Zoning Division
Master Application

Property Information: (Please PRINT or TYPE)
Project Address: 5129 E. Harrison
Nearest Intersection: 499 Loop
(Proposed) Subdivision Name: Texas Pines Ranch Subdivision
Lot: Lot 65 Block 36-344 B
Existing Zoning Designation: H-1
Future Land Use Plan Designation: LT

Owner/Applicant Information: (Please PRINT or TYPE)
Applicant/Authorized Agent: Omar Villarreal
Phone: (956) 357-6425
Fax:
Email Address (for project correspondence only): omavillarreal7@gmail.com
Mailing Address: 28440 S. FM 147 Dr., City of Harlingen, State of TX, Zip 78552
Property Owner: David Villarreal
Phone: (956) 857-0333
Fax:
Email Address (for project correspondence only): david@onchurch.onmicrosoft.com
Mailing Address: PO Box 530 344, City of Harlingen, State of TX, Zip 78553

Select appropriate process for which approval is sought. Attach completed checklists with this application.

- [ ] Annexation Request: No Fee
- [ ] Administrative Appeal (ZBA): $125.00
- [ ] Cono, Plan Amendment Request: $250.00
- [ ] Re-zoning Request: $250.00
- [ ] SUP Request/Renewal: $250.00
- [ ] Zoning Variance Request (ZBA): $250.00
- [ ] PDD Request: $250.00
- [ ] License to Encroach: $250.00

- [ ] Preliminary Plat: $100.00
- [ ] Final Plat: $50.00
- [ ] Minor Plat: $100.00
- [ ] Re-plat: $250.00
- [ ] Voicing Plat: $50.00
- [ ] Development Plat: $100.00
- [ ] Subdivision Variance Request: $25.00 (each)

Please provide a basic description of the proposed project:

On the premises, there is an existing building. We plan to build a church in the future on this property.

I hereby certify that I am the owner and/or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect, the permit or approval may be revoked.

Applicant's Signature: [Signature]
Date: 11-8-18

Property Owner(s) Signature: [Signature]
Date: 11-8-18

Accepted by: ____________________________ Date: ____________________________
RE-ZONING REQUEST
SUBMITTAL CHECKLIST

Please submit the following items along with the completed master application and appropriate fees. This project cannot be scheduled for consideration unless all items are marked complete. Citations come from the Zoning Ordinance.

Complete

☐ A metes and bounds description or survey plat of the tract(s) in which the re-zoning is requested.

☐ City and School Tax Certificates

☐ A written statement describing the proposed use(s) of the subject property (can be provided on Master Application).

☐ Any other information (elevation drawings, pictures, etc.) in support of the subject request.

- I understand that I am requesting an amendment to the City's Zoning Ordinance and it will not be scheduled for Planning and Zoning Commission review unless all items on this list are completed.

- I understand that in accordance State law and the Zoning Ordinance, no later than ten (10) days prior to consideration by the Planning and Zoning Commission:
  - A notice will be published in the Valley Morning Star describing the request and the date, time, and location of the public hearing; and
  - Notices will be mailed to all property owners within 200 feet of the tract describing the request and the date, time, and location of the public hearing.

- I understand that while all requirements for the submittal of a re-zoning request may be complete, the City Commission is the sole authority for the consideration and approval or denial of the request.

Owner: David Villeneuve

Owner Address: P.O. Box 536346 Harlingen TX 78553

Phone/Fax: (956) 357-6425

Date: 11-8-18

Signature: [Signature]
OVERCOMERS ACADEMY
A church training for the life!

overcomersacademy.org  P.O. Box 530346 Harlingen, Tx. 78550  956 893-0951

To: Whom it may concern
From: Overcomers Academy Church
Subj: 5129 E. Harrison

As We Found It
This property, for over 8 yrs has been abandoned. Over the years, it has settled as acres of overgrown (approx. 3 ft) grass and weeds. Debris of metal, wood, and all kinds trash has been its only resident, littered all over the property. It has made it look like an old abandoned ghost town. In the warehouse you can see the activity of rats, which has caused a couple of owls and other birds of prey to make their home there. In fact, the neighboring property to the right of us is also presently in the same condition, if not worse, as we speak.

A Dangerous Situation
The property at one time was fenced all around. It is apparent, that for years, the fence, especially at the far end, has laid on the ground buried in. The immediate back part to this property and the surrounding ones is somewhat secluded with only the activity of a train traveling on the train tracks that are behind this property and behind the neighboring Harlingen Soccer Complex. As a result, there is evidence that people have easily walked over the fence, into this property and conducted vandalism, and sprayed the buildings with graffiti.

Dangerous Youth Parties by the Railroad Tracks
About 3 months ago, when we took over this property, as we began the clean-up phase of this project, we found a wooden crate measuring approximately 4 ft X 4 ft filled with about 15 empty liquor bottles and the same amount of empty juice bottles. This was found at the backside of the property at about 50 ft away from the train tracks. Keep in mind that between the train tracks and this "party location" was only a downed fence, buried in the mud and tall grass, to the degree that people just walked on it and into the property to conduct their business. We also found an old abandoned shopping cart that was obviously used to transport their liquor and other party supplies. This doesn't seem to be random activity, but a coordinated, consistent one by youth. We know this because as we were out there cleaning, we came across one of these youths, who
informed us that at times, these parties would include a crowd of about 40 youth.

Fire arms activity
At this same "party location" and by the railroad tracks, we have found a high number of spent shotgun shells and used shotgun shell boxes. Please keep in mind, that not in the too far distance our neighbor is the Harlingen Soccer Complex where our children play. Why would we keep this property with these dangers in place, when there is a church who is willing to clean it up and do something productive on it while nothing else has been done with it for over 8 yrs.

Life Beginning To Come Back
Obviously all this has happened as a result of this property laying dormant, lifeless and abandoned for too long. It has created opportunity for vandalism, graffiti and dangerous activity. We understand that this property is zoned for other things, but obviously it has been years since anybody has been interested in conducting those activities at this location. We understand that our zoning laws are in place to give opportunity for specific activity but when that activity has not taken place for many years, but instead property sits lifeless, the situation itself is speaking to us loud and clear, that it's time for a change. Our zoning laws are not set in stone, but only the Word of God is, everything else that is under the influence of time is subject to change. Since we took over the property, our church members have gone out there, cut the grass, lifted the fence, posted "No Trespassing Signs" and life has begun to come back to that lifeless property. So far it has taken 3 months of daily cleaning just to make the place look descent. It's indicative of how much mess has been out there.

Our Intention:
The vision that God has given us for this property is to turn into a place of hope, a place where people can dream of a better future, and learn biblical life principles and leadership skills to chart a course that will help them reach that end. Our buildings will be multipurpose where not only church services will be conducted, but also rooms where small groups will meet and attend Life Coach Classes that will target specific life challenges.

We the People
We have informed our congregants and donors of this petition that now sits before you, and they await to know what you decided. Though we number in the hundreds, we speak with one voice, in that after years of prayer and fasting, the Lord God led us to this property. For this reason, we have already invested ten's of thousands of dollars and we passionately aim to finish was God has lead us to start at this particular location. By faith, this property will be converted from an ugly, abandoned piece of land that has looked like an "eyesore" in our community for too long and will become a component of our city that we can be proud of. The Senior Pastor is a military veteran from the U.S. Marines and with the tenacity and focus that he served our country, he now seeks to
serve our city by rallying us together to fulfill this God given Vision and do something great that benefits others and not just ourselves. We are a body of people from around this city and other cities of the Rio Grande Valley and online members from around the state. We have the choice to continue as it is or make a change for the better. We respectfully ask that you help us in this endeavor.

God's Will Be Done On Earth As It Is In Heaven
Matthew 6:9-10 Our Father in heaven,
Hallowed be Your name.
Your kingdom come.
Your will be done
On earth as it is in heaven.

Sincerely,
David Villarreal - Pastor, Director
Overcomers Academy Church
A 501(c3) non-profit organization
Request of Omar Villarreal to rezone from Heavy Industry ("HI") District to Light Industry ("LI") District for 17.74 acres out of Lot 1, Block 1, Texas Pipe Bending Subdivision, located at 5129 E Harrison.

Attachment III

Zoning Designations

- General Retail (GR)
- Multi Family Residential (M2)
- Office (O)
- Heavy Industry (HI)
- Mobile Home Residential (MH)
- Planned Development (PD)
- Light Industry (LI)
- Not-Designated (N)
- Single Family Residential (R1)
- 3/4 Plex Residential (M1)
- Duplex Residential (R2)
- Residential Patio Home (RPH)

Boundary lines
- Harlingen city limits.shp
- 200' Notification Boundary
- Subject Property

This map has been produced by the City of Harlingen for the sole purpose of locating jurisdictional boundaries and is not intended for any other. The map data is compiled from various sources including orthophoto imagery, engineer plans and plats, survey field notes, and other sources. This map is intended for graphic representation only. No warranty is made by the City regarding its accuracy or completeness. Before relying on any information on the map, check with the Planning Department. Date of map 10/1/18.
Attachment IV

View from the South on Harrison Avenue
View from the East on Harrison Avenue
View from the West on Harrison Avenue
Future Land Use Map

A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.

Future Land Use

This map has been produced by the City of Harlingen for the sole purpose of locating jurisdictional boundaries and is not intended for any other. The map data is compiled from various sources including orthophoto imagery, engineer plans and plats, survey field notes, and other sources. This map is intended for graphic representation only. No warranty is made by the City regarding its accuracy or completeness. Before relying on any information on the map, check with the Planning Department. Date of map 10.3.18.
Mr. Olivo summarized the following:

The applicant is requesting to rezone the subject property from Heavy Industry ("HI") District to Light Industry ("LI") District to allow for a church on the property. The applicant had recently submitted the same request; however, the rezoning request failed due to a lack of a second on the motion at the December 5, 2018 City Commission meeting. The applicant has submitted a 3 page letter included in packet detailing the proposed use of the property. The future plans are as mentioned above, to construct a church on the property. The property has 345 feet of frontage on East Harrison Avenue and a depth of 1,171 feet at its longest point. The property currently shares an access with the adjacent property. The surrounding properties are zoned Heavy Industry to the east and Light Industry to the west. North and south of the subject property is located outside the city limits. The surrounding land use consists of an industrial use to the north, Wilbert Vault Company to the south, a vacant warehouse adjacent to the east, further east is Derksen Emersen, and a storage warehouse to the west. The Future Land Use Plan (FLUP) shows this area as industrial use. The Comprehensive Plan defines industrial use as larger properties typically used for manufacturing products, storage and distribution of goods, or mining or construction activities. Although the requested zoning is consistent with the Future Land Use Plan, the proposed church use of property is not consistent with the surrounding land use. As mentioned above, the adjacent zoning to the east is Heavy Industry ("HI") District, which is a higher intense zoning. A Light Industry ("LI") District is for light manufacturing process which do not emit detectable dust, odor, smoke, gas, or fumes beyond the bounding property or generate noise or vibration at the boundary of the LI District which is generally perceptible as noise in the adjacent area. A Heavy Industry ("HI") District is for an area used for industry that does not fall into light industry district designation, and which is not prohibited by law. To the present, the Planning and Zoning Department has not received any objection from surrounding property owners for the proposed request. Staff recommends disapproval of the request.

Cmr. Haire asked what the recommendation was the last time this came before the board.

Mr. Olivo replied that the recommendation from staff was to approve the request. He added that there is more definitive information that has been provided as to the proposed use of the property. In addition, the City Commission had mentioned at the meeting that the property is primarily industrial and that is how it is viewed by the City in the Comprehensive Plan. It was not the change of the zoning that did not conform; it is the proposed use of the property that does not.

Cmr. Haire asked to confirm that the last time this was before the board, the proposed use was also for a church.

Mr. Olivo replied that it was for a church and for office space as well.

Cmr. Haire asked what has changed since that time. Is the change to conform with the commissioner’s decision?
Mr. Olivo replied that it was due in part to that and also the fact that it does not comply with the industrial land use definition on the Future Land Use Plan.

Chrm. Peacock asked if there were any further questions for staff. As there were none, he opened the matter to public hearing.

Pastor David Villarreal, the property owner, addressed the board and stated that he believes that the growth that is going on that area, even though this is an industrial area, is more of a family oriented area. He would like to make good use of the property. The photos shown of the property at its current state do not reflect what it was like when his congregation purchased the property. It was overgrown with grass and infested with vermin and snakes and filled with debris. He believes the Lord led him to this area to develop a church. When he first obtained the property, he found a box full of liquor bottles where kids had been partying close to the train tracks. He is requesting the opportunity to make good use of the property with the full knowledge that it is a high industry area. He would like it to be something that the city could be proud of as well.

Chrm. Peacock asked the board if they had any questions for the property owner.

Cmr. Haire asked Pastor Villarreal if he was the property owner and had purchased the property.

Pastor Villarreal confirmed that he was and that the congregation had purchased the property.

Cmr. Haire asked why the property was purchased without asking to have the zone changed prior to purchase.

Pastor Villarreal stated that he understood where he was coming from but on a spiritual side, he and his congregation had prayed and fasted for years looking for guidance on where they could do their work. His previous profession was with the Texas prison systems and he ran programs there to help the inmates become productive citizens. He left that profession to pursue this work. He has been in the area for about 8 years now sharing the building with another church, praying and fasting looking for another location. He wanted a different location because he knew the obstacles that lay ahead, but this is where the Lord has led him and his congregation. He is asking for an opportunity to make good use of the property. Yes, he understood how it was zoned and initially did not want the property because it was an eyesore. The neighbor has an abandoned warehouse with owls in it. He is reasonably close to the soccer complex and can hear the beautiful noises there and his congregation has gathered on the property on occasion to enjoy the property. He would like an opportunity to keep this from being an eyesore and make something beneficial.

Cmr. Haire asked Pastor Villarreal if he was aware that if he went forward with it and this was approved and his church was built in the future, he would lose any right to come back and ask the board to prevent someone from coming in and putting in something that goes with an industrial area, which includes things that would create noise and odors. He is going into an area that is not designed for a church. He wants to be sure that he is in full understanding that if he goes forward with this and it is approved, he does not have the right to come back and say “I do not want Industry X here because it will cause odor or noise, and I will not be able to operate my church”. He will lose that right. He can’t come to an area and say change this for me and now everyone else has to change for me.

Pastor Villarreal stated that he fully understands that but feels that it should be ok because if the soccer complex, which is nearby, is exposed to the same things, then this should not be an issue for the church.
as well. His activities will be on weekends and after business hours. He understands fully what the church is asking and what they are getting into by constructing in an industrial area.

Cmr. Haire asked if he purchased the property or if it was donated.

Pastor Villarreal stated that it was purchased.

Chrm. Peacock asked if anyone else wanted to speak on the item.

Rodrigo Davila stated that the shaded areas on the image are the only areas that are inside the city limits and the areas that are not shaded are County. The city does have ETJ control with how the county properties surrounding this are developed. A secondary concern that was brought up was, if a church is allowed in the area, it may deter a company from coming into the area that they are designated for. Prospective companies who are aware of who their neighbors are.

Chrm. Peacock asked Mr. Davila why when this item first came before the board there was no recommendation for approval and now staff is recommending disapproval.

Mr. Davila responded that initially the plans were for an office space and possibly in the future a church. There are no plans or anything indicating that there was a church desired on the property. Now that we have more information as to the intended use of the property, the recommendation then changed.

Cmr. Wolf asked about the property immediately across the drain ditch and what its previous use was.

Mr. Davila responded that it was a paintball or RC place.

Cmr. Wolf stated that it would not exactly be setting precedence in allowing a church there since it seemed that a family oriented business was already in existence there in a light industry zone.

Pastor Villarreal thanked the board and stated once again if being in that area is dangerous, then it would be too dangerous for a paintball range or a soccer complex. If it is safe enough for them, he believes that it is safe enough for their church. He hopes that this is taken into consideration. There seems to be a lot of potential for family oriented businesses there. If the area is so dangerous for the church, then it should be equally as dangerous for the other entities there.

Chrm. Peacock asked if anyone else had a comment. There being none, he closed the public hearing.

Cmr. Consiglio motioned to deny the rezoning request. There was no second to the motion.

Cmr. Wolf stated that while he was under the impression the first time this came before the board that the purpose of the rezoning was for a church, and he was not terribly fond of the idea of having a church in an industrial area, it did make for a decent point that the here and now that it would be something positive. There is already precedence that a family oriented business was previously allowed in the area and nothing has changed since the last time this came before the board.

Cmr. Wolf motioned to approve the rezoning request. Cmr. Martinez seconded the motion, which passed with a vote of 3-1.
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: 1/16/2019

<table>
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<td>Public hearing and take action to consider an Ordinance on First Reading for a Specific Use Permit to allow a contractor/shop, plumbing in a General Retail (GR) District located at 2505 F.M. 508, bearing a legal description of Lot 2, Block 1, Alexandria Estates Subdivision. Applicant: Roberto Cabrera</td>
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| Prepared By: Rodrigo Davila, CPM |
| Title: Planning and Development Director |
| Signature: [Signature] |

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<th>Brief Summary:</th>
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<tr>
<td><strong>Project Timeline</strong></td>
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<tr>
<td>- <strong>November 21, 2019</strong> – Application for Specific Use Permit submitted to the City. <em>(ATTACHMENT I &amp; II).</em></td>
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<tr>
<td>- <strong>December 19, 2019</strong> – In accordance with Statute and local law, notice of required public hearings published in the Valley Morning Star and mailed to all property owners within 200 feet of subject tract.</td>
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<td>- <strong>January 9, 2019</strong> – Public hearing was conducted by the Planning and Zoning Commission (P&amp;Z). The P&amp;Z Commission recommended approval based on Staff recommendation by a 4 to 0 vote.</td>
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<tr>
<td>- <strong>January 16, 2019</strong> – Public hearing and consideration of requested Specific Use Permit via 1st ordinance reading scheduled before the City Commission.</td>
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<tr>
<td>- <strong>February 6, 2019</strong> – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.</td>
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<td>- The subject property is located on the north side of F.M. 508; property has 97 ft. of frontage along F.M. 508 and a depth of 387.87 ft. Adjacent zoning is General Retail (GR) District to the east and west, Not-Designated (N) District to the south, and outside of city limits to the north. <em>(ATTACHMENT III)</em></td>
</tr>
<tr>
<td>- Sec. 111-62 of the Zoning Ordinance requires a Specific Use Permit for a contractor/shop, plumbing. The applicant is requesting a Specific Use Permit for a plumbing business. The applicant states that the primary use is for offices and business vehicles. A building permit application has not been submitted. <em>(ATTACHMENT IV &amp; V)</em></td>
</tr>
<tr>
<td>- The subject property is currently vacant. Surrounding land uses include mechanic shop, auto body shop, agricultural - open space, and single family residences <em>(ATTACHMENT VI &amp; VII)</em></td>
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<tr>
<td>- The applicant is proposing a 2,400 sq. ft. building for offices with 3-4 staff members and plumbing materials. The proposed hours of operation are Monday</td>
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through Saturday from 8AM to 5PM. The applicant has stated no work will be done on the subject property as service calls are in different locations throughout the Valley. (ATTACHMENT VIII)

- Sec. 111-140(b)(2)(q) of the Zoning Ordinance requires one parking space for each 400 sq. ft. of floor area; therefore 6 parking spaces are required. The applicant is proposing approximately 10 parking spaces.

- City Departments involved in the development process such as Engineering, Environmental Health, Fire Prevention, and Building Inspections will review and verify compliance prior to the insurance of a building permit.

- To the present, the Planning and Zoning Department has not received any phone calls or letters in objection to the request from surrounding property owners.

- In accordance with the zoning ordinance, the P&Z and City Commission may impose requirements and conditions of approval as are needed to ensure that a use requested by a SUP is compatible and complementary to adjacent properties.

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<th>Funding (if applicable):</th>
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<tr>
<td>Are funds specifically designated in the current budget for the full amount for this purpose?</td>
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<td>*If no, specify source of funding and amount requested:</td>
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Finance Director’s approval:  

| Yes [ ] No [ ] N/A [ ] |

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<th>Staff Recommendation:</th>
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<td>Staff recommends approval of the request subject to the following:</td>
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1. Compliance with the requirements administered by the Planning & Zoning, Engineering, Environmental Health, Fire Prevention, and Building Inspections Departments.

City Manager’s approval:  

| Yes [ ] No [ ] N/A [ ] |

| Comments: |

City Attorney’s approval:  

| Yes [x] No [ ] N/A [ ] |
CITY OF HARLINGEN PLANNING AND ZONING DIVISION
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)
Project Address: 2505 F.M. 508  Nearest Intersection:
(Proposed) Subdivision Name: Alexandria Estates
Existing Zoning Designation: Mix Future Land Use Plan Designation: Plumbing Business

RECEIVED
NOV 21 2018

BY

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)
Applicant/Authorized Agent: Roberto Cabraza  Phone: (507) 793 - 7547  FAX: —
Email Address (for project correspondence only): plumbingdoctorroberto@gmail.com
Mailing Address: 11607 Wilson Rd # Unit B  Harlingen  TX  Zip: 78552
Property Owner: Same
Phone: FAX: —
Email Address (for project correspondence only): —
Mailing Address: —  City:  —  State:  —  Zip:  —

Select appropriate process for which approval is sought. Attach completed checklists with this application.

☐ Annexation Request: No Fee  ☐ Preliminary Plat: $100.00
☐ Administrative Appeal (ZBA): $125.00  ☐ Final Plat: $50.00
☐ Comp. Plan Amendment Request: $250.00  ☐ Minor Plat: $100.00
☐ Re-zoning Request: $250.00  ☐ Re-plat: $250.00
☐ VSUP Request/Renewal: $250.00  ☐ Vacating Plat: $50.00
☐ Zoning Variance Request (ZBA): $250.00  ☐ Development Plat: $100.00
☐ PDD Request: $250.00  ☐ Subdivision Variance Request: $25.00 (each)
☐ License to Encroach: $250.00

Please provide a basic description of the proposed project:

And Parking Our Vehicles

General Contractor/Plumbing

I hereby certify that I am the owner and/or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit or approval may be revoked.

Applicant's Signature: [Signature]  Date: 11/21/10

Property Owner(s) Signature: [Signature]  Date: 11/21/10

Accepted by: [Signature]  Date: [Signature]
ATTACHMENT II

PLANNED DEVELOPMENT DISTRICT (PDD) REQUEST
SPECIFIC USE PERMIT (SUP) REQUEST
SUBMITTAL CHECKLIST

Please submit the following items along with the completed master application and appropriate fees. The project cannot be scheduled for consideration unless all items are marked complete. Citations come from the Zoning Ordinance.

Complete:

City and School Tax Certificates

Ten (10) copies of a comprehensive site plan showing the proposed development of the property. The site plan shall consist of the following items, as applicable:

- Existing/proposed building footprints and building heights (or buildable areas for single and two-family residential); and
- Locations of proposed uses; and
- Ingress and egress to/from property;
- Existing/proposed streets in compliance with the City of Harlingen Long Range Thoroughfare Plan; and
- Existing/proposed sidewalks; and
- Existing/proposed utilities; and
- Existing/proposed drainage; and
- Existing/proposed parking spaces.

A written statement describing the proposed use(s) of the subject property.

Any other information (elevation drawings, pictures, etc.) in support of the subject request.

- I understand that I am requesting an amendment to the City’s Zoning Ordinance and it will not be scheduled for Planning and Zoning Commission review unless all items on this list are completed.

- I understand that in accordance State law and the Zoning Ordinance, no later than ten (10) days prior to consideration by the Planning and Zoning Commission:

  - A notice will be published in the Valley Morning Star describing the request and the date, time, and location of the public hearing; and
  - Notices will be mailed to all property owners within 200 feet of the tract describing the request and the date, time, and location of the public hearing.

- I understand that while all requirements for the submittal of a PDD or SUP request may be complete, the City Commission is the sole authority for the consideration and approval or denial of the request.

- I understand that the purpose of a PDD or SUP is to allow for development not otherwise authorized in the Zoning Ordinance. Hence, the Planning and Zoning Commission and/or City Commission may impose development standards important to the health, safety, welfare, and protection of the proposed development and the adjacent property and its occupants.

Owner: Roberto Acubana Date 11/21/18
Owner Address: 16474 Wilson Rd Unit 123 Harlingen TX 78552
Phone/Fax (512) 793-7847
Signature: 

DEADLINE
12/10/18

MTG:
9/26/18
1/9/19

4
Request for a Specific Use Permit to allow a contractor/shop, plumbing in a General Retail (GR) District located at 2505 F.M. 508, bearing a legal description of Lot 2, Block 1, Alexandria Estates Subdivision. Applicant: Roberto Cabrera.
To whom it may concern:

The purpose is strictly office use for the plumbing company with no customer flow only employees and parking spaces for the employees as well. Any questions please contact me at 956 793-7847.

Thank you,

Roberto Cabrera
## ATTACHMENT V

### ARTICLE III. - ZONING DISTRICTS

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AUTO BODY SHOP
(FURTHER EAST OF SUBJECT PROPERTY)

SINGLE FAMILY & MECHANIC
(ADJACENT TO THE WEST OF
SUBJECT PROPERTY)
ORDINANCE NO. 19-_____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT (SUP) TO ROBERTO CABRERA TO ALLOW A CONTRACTOR/SHOP, PLUMBING IN A GENERAL RETAIL (GR) DISTRICT LOCATED AT 2505 F.M. 508, BEARING A LEGAL DESCRIPTION OF LOT 2, BLOCK 1, ALEXANDRIA ESTATES SUBDIVISION, SUBJECT TO: (1) COMPLYING WITH REQUIREMENTS ADMINISTERED BY THE PLANNING, BUILDING INSPECTIONS, ENVIRONMENTAL HEALTH, AND FIRE PREVENTION DEPARTMENTS; 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 Code of Ordinances 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 Code of Ordinances be amended as indicated, now, therefore,

BE IT ORDAINED BY THE CITY OF HARLINGEN

That the Code of Ordinances of the City of Harlingen (Ordinance 16-8) 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 (Sup) to Roberto Cabrera to allow a contractor/shop, plumbing in a General Retail (GR) District located at 2505 F.M. 508, bearing a legal description of Lot 2, Block 1, Alexandria Estates Subdivision, subject to: (1) Complying with requirements administered by the Planning, Building Inspections, Environmental Health, and Fire Prevention Departments; providing for publication and ordaining other matters related to the foregoing.

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 Code of Ordinances and applicable state statutes.

FINALLY ENACTED this ______ day of ____________, 2019, 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
PUBLIC HEARING CONSIDER AND TAKE ACTION ON A REQUEST FOR A SPECIFIC USE PERMIT TO ALLOW A CONTRACTOR/SHOP, PLUMBING IN A GENERAL RETAIL (GR) DISTRICT LOCATED AT 2505 F.M. 508, BEARING A LEGAL DESCRIPTION OF LOT 2, BLOCK 1, ALEXANDRIA ESTATES SUBDIVISION.

Mr. Garces summarized the following:

The subject property is located on the north side of F.M. 508; property has 97 ft. of frontage along F.M. 508 and a depth of 387.87 ft. Adjacent zoning is General Retail (GR) District to the east and west, Not-Designated (N) District to the south, and outside of city limits to the north. Sec. 111-62 of the Zoning Ordinance requires a Specific Use Permit for a contractor/shop, plumbing. The applicant is requesting a Specific Use Permit for a plumbing business. The applicant states that the primary use is for offices and business vehicles. A building permit application has not been submitted. The subject property is currently vacant. Surrounding land uses include mechanic shop, auto body shop, agricultural - open space, and single family residences. The applicant is proposing a 2,400 sq. ft. building for offices with 3-4 staff members and plumbing materials. The proposed hours of operation are Monday through Saturday from 8AM to 5PM. The applicant has stated no work will be done on the subject property as service calls are in different locations throughout the Valley. Sec. 111-140(b)(2)(q) of the Zoning Ordinance requires one parking space for each 400 sq. ft. of floor area; therefore 6 parking spaces are required. The applicant is proposing approximately 10 parking spaces. To the present, the Planning and Zoning Department has not received any phone calls or letters in objection to the request from surrounding property owners. Staff recommends approval of the request subject to Compliance with the requirements administered by the Planning & Zoning, Engineering, Environmental Health, Fire Prevention, and Building Inspections Departments.

Chrm. Peacock asked if there were any questions for staff.

Cmr. Consiglio mentioned that the application stated that this would be strictly for parking for parking for the office and parking their vehicles.

Mr. Garces confirmed that was what the applicant indicated; it would be for office use and no customer flow.

Cmr. Wolf stated that his only concern was the storage of materials, how much pipe and what kind of security fence would be surrounding it.

Chrm. Peacock asked if there were any questions for staff, there being none, the item was opened for public hearing.

Travis Bence from the law firm of Bence and Associates, LLC, approached the podium representing the owner for the property on the Southwest corner of FM 507 and FM 508. He stated that his instructions from the property owner are in support for the proposed change. His client is of the belief that a generation of activity is a positive thing in this area.

Chrm. Peacock asked if anyone else had a comment. There being none, he closed the public hearing.
Cmr. Wolf motioned to approve the item. Cmr. Consiglio seconded the motion, which passed unanimously.