CITY COMMISSION
AGENDA
January 2, 2019
@ 5:30 P.M.
CITY HALL, TOWN HALL
118 E. Tyler Street
Harlingen, Texas

Notice is hereby given that the above governmental body will hold a Regular Meeting on Wednesday, January 2, 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 Richard Uribe

Pledge of Allegiance/Welcome

1) Approval of Minutes

   a) October 16, 2018

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 Items withdrawn from the Consent Agenda for individual consideration in their normal sequence will be heard after the remainder of the Consent Agenda has been acted upon.

2) Second and final reading to approve and adopt an ordinance to rezone from Not Designated ("N") District to Residential, Mobile Home ("MH") District for 3.82± acres out of Lot 7, Block 147, San Benito Land and Water Company Subdivision; rezone from Not Designated ("N") District to Residential, Multi-Family ("M-2") District for 19.83 acres out of Block 66, Harlingen Land and Water Company Subdivision; 6.5 acres out of Lot 10, 5.0 acres out of Lot 11, 4.7 acres out of Lot 14, and 9.39 acres out of Lot 15, Block 147, San Benito Land and Water Company Subdivision; rezone from Light Industry ("LI") District to Residential, Multi-Family ("M-2") District for 7.55 acres out of Block 119, San Benito Land and Water Company Subdivision; rezone from Not Designated ("N") District to General Retail ("GR") District for 4.12 acres out of Block 27, and 4.32 acres out of Block 28, Briggs Coleman Subdivision Survey 49; Lot 1, Block 1, Coastal Bend Subdivision; 7.52± acres out of Block 57, 6.03 acres out of Block 68, 34.99 acres out of Block 90, 19.08 acres out of Block 91, Harlingen Land and Water Company Subdivision; 30.73 acres out of Block 49, Palmetal Company Subdivision; Lots 1-4, Rio Subdivision; Part of Lot 4, Block 1, Cameron County Juvenile Detention Center Subdivision; 4.35 acres out of Lots 1 and 2, 4.95 acres out of Lot 2, 4.0 acres out of Lot 7, and
3.5 acres out of Lot 10, Block 147, and 7.91 acres out of Block 179, San Benito Land and Water Company Subdivision; and rezone from Not Designated ("N") District to Light Industry ("LI") District for 3.08 acres out of Block 91, Harlingen Land Water Company Subdivision, all properties generally located along Loop 499 east of 7th Street, and north of 77 Sunshine Strip between Camelot Drive and FM 509. Applicant: City of Harlingen. Attachment (Planning & Zoning)

3) Consideration and possible action to grant a variance with regards to the sidewalk requirement for the proposed Storage Depot Subdivision, bearing a legal description of a 3.743 acre tract of land, more or less being all of Lot 2, Block 1, replat of Lots 1, 2 and 4 Stone Subdivision Phase II, and a 2.766 acre tract out of Block 54, David and Stephenson Subdivision, located on the north side of Loop 499, west of Briggs Coleman Rd. Applicant: Jack Brown of Brown, Leal & Associates, c/o Troy Investment Company No. 7, L.P. (Planning & Zoning)

4) Consideration and possible action to adopt an ordinance on first reading 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 2.766 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. Applicant: John W. Drennan, c/o Troy Investment Company No. 7, L.P. (Planning & Zoning)

5) Presentation by Carlos A. Sanchez, Asst. City Manager on the current state and efforts to improve the Tony Butler Golf Course.

6) Board Appointments

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

a. Airport Board (1)
b. Animal Shelter Advisory Committee (1)
c. Audit Committee (Terms expire annually in June) (4)
d. Civil Service Commission
e. Community Development Advisory Board (2)
f. Construction Board of Adjustments (5) 
g. Convention & Visitors Bureau (3)h. Development Corporation of Harlingen, Inc.
i. Downtown Improvement District Board 
j. Golf Course Advisory Board (0)
k. Harlingen Community Improvement Board 
l. Harlingen Housing Authority Board
m. Harlingen Finance Corporation
n. Harlingen Proud Advisory Board (5)
o. Library Advisory Board 
p. Mayor Wellness Council
q. Museum Advisory Board (1)
r. Parks Advisory Board
s. Planning & Zoning Advisory Board (1)
l. Senior Citizens Advisory Board (5)
u. Tax Increment Finance Board (7)
v. Utility Board of Trustees
w. Veterans Advisory Board (5)
x. Zoning Board of Adjustments (6)

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

(7) 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, Dec 21 2018 at 8:00 a.m. at least 72 hours preceding the scheduled time of said meeting.

Dated this December 25, 2018

For

Amanda C. Elizondo, City Secretary
REGULAR MEETING

CITY COMMISSION

OCTOBER 16, 2018

HARLINGEN, TEXAS

A Regular Meeting of the Harlingen Elective Commission was held on October 16, 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
Michael Mezmar, Mayor Pro-Tem, District 3
Richard Uribe, City Commissioner, District 1
Tudor Uthlhorn, City Commissioner, District 2
Ruben de la Rosa, City Commissioner, District 4
Victor Leal, City Commissioner, District 5

Staff Present
Dan Serna, City Manager
Amanda C. Elizondo, City Secretary
Allison Bastian, Asst. City Attorney

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

Invocation/Commissioner Victor Leal

Pledge of Allegiance/Welcome

Mayor Boswell recited the pledge of allegiance and welcomed everyone in attendance

1) Presentation by Salvador Carmona, Jr. USMC Ret., Chairman of the Harlingen's Veteran Advisory Board regarding the Wreaths Across America Program.

Salvador Carmona, Jr., Chairman of the Harlingen's Veteran Advisory Board stated for the first time in Harlingen, the Veterans Advisory Board and the Veterans Memorial Project Committee will be hosting a Wreaths Across America Day Ceremony, December 15, 2018 at the Veterans Memorial, Pendleton Park at 11 a.m. to remind the public of the importance in remembering the fallen, honoring those who serve and teach the children about the sacrifices made by veterans and their families to preserve our freedom. Volunteers will be assisting, placing wreaths on Veterans cemetery plots at the local area cemeteries. This will be a yearly ceremony occurring on December 15th of each year.

Mayor Boswell thanked the Veterans Advisory Board and the Veterans Memorial Project Committee and expressed his appreciation for their service to the community.

2) Approval of Minutes

a) Special Joint Meeting City Commission Meeting & Development Corporation of Harlingen, Inc. – September 28, 2018.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve the minutes of September 28, 2018. Motion carried unanimously.
CONSENT AGENDA

3a) Consideration and possible action to approve a request from St. Anthony Catholic Church Administration to close 10th Street and Harrison Avenue, 10th Street and Van Buren Avenue and Van Buren Avenue and 11th Street surrounding the Church property from 10:00 a.m. to 11:00 p.m., Saturday and Sunday, November 3rd and 4th, 2018 for their Annual Fall Festival.

b) Consideration and possible action to approve a request from Limitless Church of God Assembly to close 11th Street from Jefferson Avenue to Madison Avenue and the alleyway entering on 11th Street, Wednesday, October 31, 2018 from 3:00 p.m. to 11:00 p.m. for their Annual Halloween Block Party.

c) Consideration and possible action to approve a request from the Temple of the Lord Ministries to close the 200 Block of La Palomar Avenue from 2:00 p.m. to 8:00 p.m., Sunday, October 28, 2018 for their “Community Fall Festival.”

d) Consideration and possible action to approve a request from the Rotary Shrimp Fest of South Texas, Inc. to close Jackson Avenue from 1st Street to Commerce Street and “A” Street from Jackson Avenue to Monroe Avenue for their 25th Anniversary of the Rotary Shrimp Fest of Harlingen, Saturday, February 16, 2019 from 12:00 p.m. to 10:00 p.m.

e) Consideration and possible action to approve a request from the Convention and Visitors Bureau (CVB) requesting to close Fair Park Boulevard in front of Casa de Amistad, Saturday, November 3, 2018 from 5:00 p.m. to 10:00 p.m. for their Annual Fall Festival.

f) Consideration and possible action to approve a Lease Agreement with the Harlingen Area Chamber of Commerce for lease space for the Harlingen Convention and Visitors Bureau and authorize the City Manager to sign the lease agreement.

g) Consideration and possible action to approve a “Food for Fines” Drive at the Harlingen Public Library.

Motion was made by Commissioner Leal and seconded by Commissioner Uhlhorn to approve the consent agenda with the exception of Item 3 (e). Motion carried unanimously.

Dan Serna, City Manager, stated staff was requesting to remove Item 3 (f) and not 3 (e) from the consent agenda.

Motion was made by Mayor Pro-Tem Mezmer and seconded by Commissioner Uhlhorn to amend the motion and remove Item 3 (f) and approve Item 3 (e). Motion carried unanimously.

Gabriel Gonzalez, Asst. City Manager, stated the only change in the contract was the date from Fiscal Year of October 1, 2020 to September 30, 2021.

Motion was made by Mayor Pro-Tem Mezmer and seconded by Commissioner De La Rosa to approve the change of the contract date from October 1, 2020 to September 30, 2021. Motion carried unanimously.

Mayor Boswell changed the order of the agenda and proceeded with Items No. 16 (a) and Addendum Item No. 16 (d) under executive session, and Item No. 11.

15) Executive/Closed Session on the following items:
pursuant to Chapter 551, Sections 551.087, 551.071 and 551.072 of the Go's Code regarding commercial and financial information from a business prospect with which the City is conducting economic development negotiations and/or to discuss or deliberate financial or other incentives with the business prospect known as Project Dream and to seek legal advice from the City Attorney regarding the subject matter.

At 5:40 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item 16 (a).

Motion was made by Commissioner Uribe and seconded by Commissioner Leal to convene into executive session to discuss Item 16 (a). Motion carried unanimously.

At 5:52 p.m., Mayor Boswell announced the City Commission had completed its executive session on Item 16 (a) and declared the meeting open to the public.

ADDENDUM ITEM

16) pursuant to Texas Gov't Code Section 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 the chapter regarding the Harlingen Convention Center Project.

At 5:54 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item 16 (d).

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to convene into executive session to discuss Item 16 (d). Motion carried unanimously.

At 6:33 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

11) Consideration and possible action to approve or deny a request from Nancy Fly (Grassroots Headquarters for Beto O'Rourke) to close certain sections of roadways/streets near 201 N. First Street from 3:00 p.m. to 11:00 p.m., Friday, October 26, 2018 for a Community Gathering.

Miryam Anderson, Harlingen Deputy Chief, stated the Grassroots Headquarters for Beto O'Rourke is planning a community gathering that is predicted to attract a large crowd of people from Harlingen and the surrounding communities. They are requesting permission to close West Monroe Street from alleyway behind New York Deli to First Street, Friday, October 26, 2018 from 3:00 p.m. until 11:00 p.m.

Comments were heard from Minerva Simpson, Sharon Patterson, and Alberto Garcia opposing the request to close the above mentioned streets due to the tenants that live there. The residents will not be able to drive in or out of their homes in case of an emergency or an ambulance will not have access to the tenants.

Discussion was held regarding the closing of the streets due to an emergency and the flow of traffic and Mayor Pro-Tem Mezmar suggested renting a private venue for their event.

Ms. Nancy Fly stated their event would be for people to gather and talk about different topics.
Motion was made by Commissioner Leal and seconded by Commissioner Uribe to deny the request from Nancy Fly (Grassroots Headquarters for Beto O'Rourke) to close certain sections of roadways/streets near 201 N. 1st Street from 3:00 p.m. to 11:00 p.m., Friday, October 26, 2018 for a Community Gathering Event. Motion carried unanimously.

Mayor Boswell excused himself from the meeting due to another commitment and Mayor Pro-Tem Mezmar presided the meeting.

4) Consideration and possible action to accept or deny the donation of 21-6 foot park benches from the Sunburst Rotary Club of Harlingen, a non-profit organization.

Javier Mendez, Parks & Recreation Director, stated the Sunburst Rotary Club of Harlingen offered to donate to the City, 21-6 ft. perforated pattern PVC coated benches. The intent is to install the benches at the all-inclusive playground and along the Harlingen Hometown Heroes and Meg Jorn Trails. Keep Harlingen Beautiful purchased the benches for $8,169. Staff will be responsible to install the benches. The benches were of the same material quality and color as the City’s benches.

Motion was made by Commissioner Uribe and seconded by Commissioner Leal to approve the donation of the 21-6 ft. park benches from the Sunburst Rotary Club of Harlingen, a non-profit organization. Motion carried unanimously.

5) Consideration and possible action to approve the proposed branding for the Convention Center Logo.

Mr. Serna introduced Clyde Johnson with BC Lynd and his marketing team and stated they had a proposal on the marketing and branding of the convention center for the City Commission’s consideration and approval.

Alexander Hilmy, Principal & Founder of Hilmy/Branding Firm stated they were engaged by BC Lynd to assist with the branding initiative for the Harlingen Convention Center. This would be done through marketing initiatives and environmental design to develop the signage for the convention center. The Harlingen Convention Center has a lot of letters. To vertically stack the letters would be hard; it would have a linear look. This would not work on a sign because it would get lost. He presented a power point presentation on the proposed signage design and stated the monoline of the “H” icon was inspired by the prominent arches that adorn the face of the building and the unique light fixtures in the grand lobby. The condensed logo type lends a contemporary aesthetic while also aiding in the scaling due to the high number of characters in the name. The idea of any type of conventional digital advertising initiatives is to help raise public attention. The newest developments in Harlingen, is to target quinceneras, weddings, medical conferences, and give it a contemporary look without it completely abandoning a civic nature, but a little more modern. Suggested color models are the earth tones which not only go with the City, but some of the color that are going into the actual Convention Center Building. He highlighted some of the suggested colors, concepts showing how the Harlingen Convention Center Logo would read above the parapet on the roof structure. Some of renderings will not be completely complimentary of each other. What would be seen is actually a huge “H” at the very top in conjunction with Harlingen Convention Center widely written on the top. Two other options are on the water feature in the front or a standing marquee sign by the entrance and ultimately a billboard up closer to the highway. This would be a different isometric view to help highlight the convention. This could be explored if recommended by the City.

Discussion was held regarding the design of the logo, the idea of having LED lighting on the logo to be seen from a far distance, and whether or not to do different designs on the letter “H,” since it offered itself to a similar look to the under armour logo.
Mr. Hilmy stated LED lighting could be used provided that the necessary electrical work is installed.

Motion was made by Commissioner Uribe and seconded by Commissioner De La Rosa to approve the proposed branding for the Convention Center logo. Motion carried unanimously.

6) Consideration and possible action to renew the UT Health Science Center Contract “Tu Salud Si Cuenta” Program to enhance the City’s Health Promotion Program by promoting healthy lifestyles and health changing lifestyle courses and authorize the Mayor to sign the contract.

Josh Ramirez, Health Director recommended approval to renew the UT Health Science Center Contract. The terms were the same and the only change was the dollar amount from $46,000 to $60,000.

Motion was made by Commissioner Uribe and seconded by Commissioner Leal to renew the UT Health Science Center Contract “Tu Salud Si Cuenta” Program to enhance the City’s Health Promotion Program and authorize the Mayor to sign the contract. Motion carried unanimously.

7) Consideration and possible action to approve the Fire Protection Service Contract between the City of Harlingen and the City of Combes, Texas to provide fire protection services for a cost of $95,430.26 payable in quarterly installments of $23,857.56 and authorize the Mayor to sign the contract.

Roy Rubio, Fire Chief stated the rate to provide fire protection services to the City of Combes is .10 cents per $100 valuation based on the City’s 2018 Certified Net Taxable Value. The contract was approved by the City of Combes for a total cost of $95,430.26 for FY 18/19, payable in quarterly installments of $23,857.56 on the following dates: Dec. 31st, 2018, Mar. 31st, 2019, Jun 30th, 2019, and Sept. 30th, 2019.

Motion was made by Commissioner Uribe and seconded by Commissioner De La Rosa to approve the Fire Protection Service Contract between the City of Harlingen and the City of Combes, Texas to provide fire protection services for a cost of $95,430.26 payable in quarterly installments of $23,857.56 and authorize the Mayor to sign the contract. Motion carried unanimously.

8) Consideration and possible action to approve an ordinance on first reading to annex and to 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.

Rodrig Davila, Planning and Zoning Manager, stated that according to the Texas Local Government Code and the City Code of Ordinances, three public hearings are required for voluntary annexation. Mr. Daniel Dominguez, applicant and property owner is requesting voluntary annexation of 8.95 acres of land. Mr. Dominguez is proposing to subdivide the property into a one lot residential subdivision under the name of Dominguez Subdivision. Part of the proposed subdivision (0.16) acres is inside the City limits and the east 8.95 acres are located outside the City limits and is landlocked. The proposed subdivision will have frontage on Park Lane East. 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. The water and wastewater services will be provided by Harlingen Water Works System. The proposed property will be zone Residential Single Family (“R-1”) District. The proposed zoning is consistent with the Future Land Use Plan component of the City of Harlingen Comprehensive Plan. City services will be provided within sixty (60) days and capital improvements within 2½ years after the effective date of
the annexation. The annexation ordinance requires two readings to officially annex and zone the
property.

Commissioner Uhlhorn asked if there was an existing home in the proposed subdivision and if
the applicant knew of the fire hydrant requirements.

Mr. Davila responded there was not an existing home, but one may be build and Mr.
Dominguez knew about the fire hydrant requirements. The fire hydrant requirements were regulated
through the Subdivision Ordinance.

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner De La Rosa to
approve the ordinance on first reading to annex and establish the initial zoning to Residential, Single
Family ("R-1") District for 8.95 acres out of Block 35, Petersburg Syndicated Subdivision located on
the east side of Park Lane East, north of Spur 54. Motion carried unanimously.

9) Consideration and possible action to approve a lease purchase agreement with Yamaha for 65
golf carts to be used at the Tony Butler Golf Course and authorize the City Manager to sign
the agreement.

David Arce, Asst. Parks & Recreation Director, stated the lease purchase agreement for 65
Yamaha golf carts is to replace 75 carts at the Tony Butler Golf Course. The City has 25 2014 carts
proposed lease is for 65 gas operated golf carts instead of electrical carts.

Mr. Serna stated the golf course has 25 non-operational electrical carts due to battery
problems. With the new lease, the City will be saving money and it will be more economical on the
budgeting side. The first and second year of the lease is covered. Staff will work on the Golf Course
to find options to do the payments for the remaining years.

Discussion was held regarding the proposed lease agreement, use of gasoline carts vs.
electrical carts, cost of the batteries for the 25 non-operational carts, the cost of the carts for five (5)
years, if this purchase was being proposed through the buy-board, and the need for 65 carts vs. 50
carts.

Mr. Serna stated that during golf tournaments, staff would have to rent carts. Staff is proposing
to go with gasoline carts for economical purposes. The Golf Course is a great amenity to the City. At
the end of the five (5) year lease, the City will have an opportunity to purchase the golf carts at a
dollar a piece.

Motion was made by Commissioner Uribe and seconded by Commissioner Leal to approve a
lease purchase agreement with Yamaha for 65 golf carts to be used at the Tony Butler Golf Course
and authorize the City Manager to sign the agreement. Motion carried unanimously.

10) Consideration and possible action to approve an ordinance on first reading amending Chapter
28, "Licenses, Permits, and Miscellaneous Regulations" by adding Article XI, Dockless Vehicle
permits and to amend Chapter 18 of Master Fee Ordinance to reflect fee changes.

Javier Mendez, Parks & Recreation Director, stated the bikes will be pedal assisted and will be
allowed throughout the City. If the City wishes to restrict some areas, it could be done through geo-
fencing in certain designated areas. There is no cost to the City for this program. As part of the app, it
was required that a short awareness video be shown prior to people renting the bikes.
Ron Garza, Executive Director of the RGV Development Council, stated the bikes have to be service at least once a week which will require changing the battery. The bikes are equipped with a small motor to help with the wind and humidity.

Commissioner Uhlhorn asked if the City of Harlingen had a helmet ordinance.

Mr. Garza responded some cities did and other did not have a helmet ordinance.

Discussion was held regarding the definition of a dockless vehicle, how would people rent the bikes, if there was a weight limit on the bike and if another person would be allow to ride in the back of the bike, and if not, how will this be prevented from happening as a safety issue, and were there any issues as far as stolen or abused bikes.

Mr. Garza stated dockless means the bike locks itself. The most common ways to rent the bikes is to download the app and it show where the bikes are located through GPS. The cost to unlock the bike is one dollar and 15 cents a minute thereafter. It could be use for as long as needed, but the cost would tally quickly. Once it unlocks, it would disengage the person's account. The cost per hour is $9.00 and for persons that qualified for any type of assistance, such as, low income assistance, state or federal or local programs, the cost would be reduce by 50%. The dockless vehicle is being considered as a pilot program to replace vehicles and crowded cars. Mr. Garza stated his team has been in contact with different vendors to avoid any cost associated in bringing this program to the cities. This will be a benefit to smaller cities that want to travel from one city to another city which opens another mode of transportation. This program will be monitored for compliance and they will provide a lot of education and awareness to the public. The systems will require to be tested and it is preferable that one provider be selected for the region to hold the provider accountable. Local enforcement will be required for the protection of the equipment and safety of the participants.

Mr. Sema stated the vendor will be responsible for certain things and if there were any problems, the City will not renew the permit.

Ms. Bastian read the caption of the ordinance.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve the ordinance on first reading amending Chapter 28 “License, Permits and Miscellaneous Regulations” by adding Article XI, Dockless Vehicle permits and to amend Chapter 18 of the Master Fee Ordinance to reflect fee changes. Motion carried unanimously.

12) Consideration and possible action to award RFQ 2018-09 Professional Engineering Services for the 9th & 13th Drainage Improvement Project Phase I to a qualified firm and authorize the City Manager to enter into a Professional Services Contract with such firm.

Martha Viada, Engineer, stated on September 9, 2018, the City issued a Request for Qualifications for firms licensed with the State of Texas to provide engineering services for the 9th and 13th Drainage Improvement Project Phase I. Phase I is part of the grant award under the Hazard Mitigation Grant Program (HMGP) with FEMA and the Texas Division of Emergency Management (TDEM). Phase I consists of conducting a study, design and development of plans to improve the drainage system along 9th and 13th Street. Staff evaluated the firms based on the following criteria: Professional Qualifications of Team, Experience/Availabilty of the Project Engineer/Project Manager, Understanding of the Project and Familiarity with Applicable Rules and Regulations. TEDSI Infrastructure Group, Inc. was rated the best qualified firm. She recommended approval to authorize the City Manager to enter into a contract with the highest ranked firm as per the requirements of procurement under the grant.
Motion was made by Commissioner Uribe and seconded by Commissioner Uhlhorn to authorize the City Manager to enter into a professional services contract with the best qualified engineering firm for the 9th & 13th Drainage Improvement Project Phase I. Motion carried unanimously.

13) Consideration and possible action to approve a resolution in support of the Tennessee Lofts Housing Partners, LP Application to the Texas Department of Housing and Community Affairs for 2019 Competitive 9% Housing Tax Credits for the proposed development of the Tennessee Lofts affordable rental housing.

Mr. Serna stated Tennessee Loft Housing Partners, LP intends to submit an application to the Texas Department of Housing and Community Affairs for 2019 competitive 9% housing tax credits to construct affordable rental housing at 1904 Tennessee Street in the City of Harlingen and is requesting a resolution from the City in support of this development.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve the resolution in support of the Tennessee Lofts Housing Partners, LP Application to the Texas Department of Housing and Community Affairs for 2019 Competitive 9% Housing Tax Credits for the proposed development of the Tennessee Lofts affordable rental housing. Motion carried unanimously.

14) Consideration and possible action to approve a resolution in support of the Lozano Housing Partners, LP Application to the Texas Department of Housing and Community Affairs for 2019 Competitive 9% Housing Tax Credits for the proposed development of the Lozano Lofts affordable rental housing.

Mr. Serna stated this item is similar to Item 13, same requirements and staff is recommending approval of the resolution in support of the Lozano Housing Partners, LP for the submittal of an application to the Texas Department of Housing and Community Affairs for 2019 competitive 9% housing tax credits to construct affordable rental housing at 1910 Tennessee Street in the City of Harlingen.

Motion was made by Commissioner Uribe and seconded by Commissioner Leal to approve the resolution in support of the Lozano Housing Partners, LP Application to the Texas Department of Housing and Community Affairs for 2019 Competitive 9% Housing Tax Credits for the proposed development of the Lozano Lots affordable rental housing. Motion carried unanimously.

15) Board Appointments

None

16) Executive/Closed Session on the following items:

a) pursuant to Chapter 551, Sections 551.087, 551.071 and 551.072 of the Gov't Code regarding commercial and financial information from a business prospect with which the City is conducting economic development negotiations and/or to discuss or deliberate financial or other incentives with the business prospect known as Project Dream and to seek legal advice from the City Attorney regarding the subject matter.

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

c) Personnel -deliberation pursuant to Texas Gov't Code, Section 551.074, to deliberate the
Consideration and possible action as discussed in executive session regarding Item (b).

Consideration and appropriate action to update and reconfirm the legal services agreement between the City of Harlingen, Texas and the Law Firm of Denton, Navarro, Rocha, Bernal & Zech, P.C. as the City's General Counsel.

Items 16 (b) & (c), 17, and 18 were postponed for a future meeting.

19) Citizen Communication

Edward Rocha, resident of 530 Lake Drive and John O'Mick, resident of 546 Lake Drive, Harlingen, Texas spoke in regards to some drainage issues they had with the present drainage system.

Mayor Pro-Tem Mezmar informed Mr. Rocha and Mr. O'Mick that the Commission could not discuss the issue, but City staff was present and heard their concerns.

There being no further business to discuss the meeting was adjourned.

City of Harlingen

ATTEST:

Chris Boswell, Mayor

Amanda C. Elizondo, City Secretary
ORDINANCE NO. 19____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: REZONING FROM NOT DESIGNATED ("N") DISTRICT TO RESIDENTIAL, MOBILE HOME ("MH") DISTRICT FOR 3.82± ACRES OUT OF LOT 7, BLOCK 147, SAN BENITO LAND AND WATER COMPANY SUBDIVISION; REZONE FROM NOT DESIGNATED ("N") DISTRICT TO RESIDENTIAL MULTI-FAMILY ("M-2") DISTRICT FOR 19.83 ACRES OUT OF BLOCK 66, HARLINGEN LAND AND WATER COMPANY SUBDIVISION; 6.5 ACRES OUT OF LOT 10, 5.0 ACRES OUT OF LOT 11, 4.7 ACRES OUT OF LOT 14, AND 9.39 ACRES OUT OF LOT 15, BLOCK 147, SAN BENITO LAND AND WATER COMPANY SUBDIVISION; REZONE LIGHT INDUSTRY ("LI") DISTRICT TO RESIDENTIAL MULTI-FAMILY ("M-2") DISTRICT FOR 7.55 ACRES OUT OF BLOCK 119, SAN BENITO LAND AND WATER COMPANY SUBDIVISION; REZONE FROM NOT DESIGNATED ("N") DISTRICT TO GENERAL RETAIL ("GR") DISTRICT FOR 4.12 ACRES OUT OF BLOCK 27, AND 4.32 ACRES OUT OF BLOCK 28, BRIGGS COLEMAN SUBDIVISION SURVEY 49; LOT 1, BLOCK 1, COASTAL BEND SUBDIVISION; 7.52± ACRES OUT OF BLOCK 57, 6.03 ACRES OUT OF BLOCK 58, 34.99 ACRES OUT OF BLOCK 90, AND 19.08 ACRES OUT OF BLOCK 91, HARLINGEN LAND AND WATER COMPANY SUBDIVISION; 30.73 ACRES OUT OF BLOCK 49, PALMETAL COMPANY SUBDIVISION; LOTS 1-4, RIO SUBDIVISION; PART OF LOT 4, BLOCK 1, CAMERON COUNTY JUVENILE DENTENTION CENTER SUBDIVISION; 4.35 ACRES OUT OF LOTS 1 AND 2, 4.95 ACRES OUT OF LOT 2, 4.0 ACRES OUT OF LOT 7, AND 3.5 ACRES OUT OF LOT 10, BLOCK 147, AND 7.91 ACRES OUT OF BLOCK 179, SAN BENITO LAND AND WATER COMPANY SUBDIVISION; AND REZONE FROM NOT DESIGNATED ("N") DISTRICT TO LIGHT INDUSTRY ("LI") DISTRICT FOR 3.08 ACRES OUT OF BLOCK 91, HARLINGEN LAND AND WATER COMPANY SUBDIVISION, ALL PROPERTIES GENERALLY LOCATED ALONG LOOP 499 EAST OF 7TH STREET, AND NORTH OF 77 SUNSHINE STRIP BETWEEN CAMELOT DRIVE AND FM 509; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING
WHEREAS, the Planning and Zoning Commission of the City of Harlingen pursuant to Harlingen’s Zoning Ordinance procedure, has recommended a change in the zoning classification for certain described real property in the City of Harlingen; and it is deemed to be in the best interest of the City of Harlingen in accordance with said recommendation of the Planning and Zoning Commission of the City, being the recommendation as hereinafter set forth; and public notice of such proposed rezoning having been fully made and complied with as required by said Zoning Ordinance and applicable laws of the State of Texas; and the City Commission of the City of Harlingen having held public hearings with reference thereto, being duly and thoroughly heard; and after consideration of the evidence presented, said City Commission is of the opinion that it is in the best interest of the City of Harlingen that said 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 changed for permissive zone use as indicated:

Rezoning from Not Designated (“N”) District to Residential, Mobile Home (“MH”) District for 3.82± acres out of Lot 7, Block 147, San Benito Land and Water Company Subdivision; rezone from Not Designated (“N”) District to Residential, Multi-Family (“M-2”) District for 19.83 acres out of Block 66, Harlingen Land and Water Company Subdivision; 6.5 acres out of Lot 10, 5.0 acres out of Lot 11, 4.7 acres out of Lot 14, and 9.39 acres out of Lot 15, Block 147, San Benito Land and Water Company Subdivision; rezone from Light Industry (“LI”) District to Residential, Multi-Family (“M-2”) District for 7.55 acres out of Block 119, San Benito Land and Water Company Subdivision; rezone from Not Designated (“N”) District to General Retail (“GR”) District for 4.12 acres out of Block 27, and 4.32 acres out of Block 28, Briggs Coleman Subdivision Survey 49; Lot 1, Block 1, Coastal Bend’ Subdivision; 7.52± acres out of Block 57, 6.03 acres out of Block 68, 34.99 acres out of Block 90, 19.08 acres out of Block 91, Harlingen Land and Water Company Subdivision; 30.73 acres out of Block 49, Palmetal Company Subdivision; Lots 1-4, Rio Subdivision; Part of Lot 4, Block 1, Cameron County Juvenile Detention Center Subdivision; 4.35 acres out of Lots 1 and 2, 4.95 acres out of Lot 2, 4.0 acres out of Lot 7, and 3.5 acres out of Lot 10, Block 147, and 7.91 acres out of Block 179, San Benito Land and Water Company Subdivision; and rezone from Not Designated (“N”) District to Light Industry (“LI”) District for 3.08 acres out of
Block 91, Harlingen Land and Water Company Subdivision, all properties generally located along Loop 499 east of 7th Street, and north of 77 Sunshine Strip between Camelot Drive and FM 509.

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

The provisions of this ordinance shall become effective from and after the final and lawful passage hereof and publication of the caption hereof as provided for and required in the 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
Tract 1: Rezone from Not Designated (N) District to General Retail (GR) District for 4.12 acres out of Bock 27 and 4.32 acres out of Block 28, Briggs Coleman Subdivision Survey 49. Applicant: City of Harlingen

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 11-19-18.
Tract 2: Rezone from Light Industry (LI) District to Residential, Multi-Family (M2) District for 7.55 acres out of Block 119, Harlingen Land and Water Company Subdivision. City of Harlingen: City of Harlingen
Tract 3: Rezone from Not Designated (N) District to General Retail (GR) District for Lot 1, Block 1, Coastal Bend Subdivision, 34.99 acres out of Block 90, 19.08 acres out of Block 91, Harlingen Land and Water Company Subdivision. Applicant: City of Harlingen.

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Tract 4: Rezone from Not Designated ("N") District to Light Industry ("LI") District for 3.08 acres out of Block 91, Harlingen Land Water Company Subdivision. Applicant: City of Harlingen
Tract 5: Rezone from Not Designated (N) District to General Retail (GR) District for 6.03 acres out of Block 68, Harlingen Land and Water Company Subdivision. Applicant: City of Harlingen
Tract 6: Rezone from Not Designated (N) District to Residential, Multi-Family (M2) District for 19.83 acres out of Block 66, Harlingen Land and Water Company Subdivision. Applicant: City of Harlingen

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Tract 7: Rezone from Not Designated (N) District to General Retail (GR) District for 30.73 acres out of Block 49, Palmetal Company Subdivision. Applicant: City of Harlingen

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Tract 8: Rezone from Not Designated (N) District to General Retail (GR) District for 7.25 acres out of Block 57, Harlingen Land and Water Company Subdivision.
Applicant: City of Harlingen

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Tract 9: Rezone from Not Designated (N) District to General Retail (GR) District for 7.91 acres out of Block 179, San Benito Land and Water Company Subdivision. Applicant: City of Harlingen

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 11.19.18
Tract 11: Rezone from Not Designated (N) District to Residential, Mobile Home ("MH") District for 3.82 acres out of Lot 7, Block 147, San Benito Land and Water Company Subdivision. Applicant: City of Harlingen

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 plates, 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 11.19.18
Tract 12: Rezone from Not Designated (N) District to General Retail (GR) District for Part of Lots 3 and 4, Block 1, Cameron County Juvenile Detention Center Subdivision; 4.35 acres out of Lots 1 and 2, 4.95 acres out of Lot 2, 4.0 acres out of Lot 7, and 3.5 acres out of Lot 10, Block 147, San Benito Land and Water Company Subdivision. Applicant: City of Harlingen

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)
- Neighborhood Services (NS)
- Residential Patio Home (RPH)

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Tract 13: Rezone from Not Designated (N) District to General Retail (GR) District for Lots 1-4, Rio Subdivision. Applicant: City of Harlingen

Zoning Designations

- General Retail (GR)
- Multi Family Residential (M2)
- Office (O)
- Heavy Industry (HI)
- Mobile Home Residential (MH)
- Planned Development (PD)
- Light Industry (LJ)
- Not Designated (N)
- Single Family Residential (R1)
- Neighborhood Services (NS)
- Duplex Residential (R2)
- Residential Palio Home (RPH)

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AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: January 2, 2019

Agenda Item:
Consider and take action to grant a variance with regards to the sidewalk requirement for the proposed Storage Depot Subdivision, bearing a legal description of a 3.743 acre tract of land, more or less being all of Lot 2, Block 1, replat of Lots 1, 2 and 4 Stone Subdivision Phase II, and a 2.766 acre tract out of Block 54, David and Stephenson Subdivision, located on the north side of Loop 499, west of Briggs Coleman Rd. Applicant: Jack Brown of Brown, Leal & Associates, c/o Troy Investment Company No. 7, L.P.

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

Brief Summary:
Project Timeline
- October 05, 2018 – Original preliminary and final plat application and subdivision application submitted to the City
- October 17, 2018 – Subdivision reviewed by the Subdivision Review Committee.
- October 18, 2018 – Letter sent to applicant outlining deficiencies; application deemed incomplete.
- November 28, 2018 – Variance application submitted to the City. (ATTACHMENT I).
- December 12, 2018 – The P&Z Commission recommended approval by a 5 to 0 vote.
- December 19, 2018 – City Commission postponed variance request.
- January 2, 2019 – Consideration of variance request by the City Commission

Summary
- The developer is requesting a variance from the City of Harlingen Code of Ordinances Section 109-124(f) with regards to the requirement of sidewalks on the subdivision side of all arterial streets.

- The subject property is currently undeveloped. It is located inside the City Limits, and has a proposed frontage of 200.00 feet on Loop 499 (150 foot ROW), and has a proposed frontage of 137.39 feet on Briggs Coleman Road (70 foot ROW). (ATTACHMENT II).

- The surrounding land use consists of single family residential use to the north, general retail use to the east and west, and undeveloped use to the south. The surrounding properties are subdivided. (ATTACHMENT III).

- On the north section of Loop 499, there are sidewalks from N 77 Sunshine Strip to Mont Park Drive (~0.37 miles). There are no sidewalks from Mont Park Drive to Morgan Blvd (~2.90 miles). Most of the properties on the north section of the Loop are undeveloped, so there are no sidewalks in those areas. For the properties that are developed, TxDOT would not allow sidewalks a the time. TxDOT has changed policies since then, and they currently do not have a hard stance on the matter.
On the east section of the Loop, the City has received a grant to construct sidewalks from E Harrison Avenue to Rio Hondo Road. There are also existing sidewalks on the Loop in the TSTC area.

The variance request was reviewed by the Engineering Department. The Engineering Department reported objection to the variance request. (ATTACHMENT IV).

In accordance with Section 109-27(c) of the Harlingen Code of Ordinances, no variance shall be recommended unless the Planning and Zoning Commission finds:
1. There are special circumstances or conditions affecting the land involved such that a strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land; and
2. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
3. The granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property owners in the area; and
4. The granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with this chapter.

In addition, Section 109-27(d), states “Financial hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship.”

A 4/5ths vote of the City Commission shall be required to override a recommendation for/or against the variance from P&Z Commission.

**Staff Recommendation:**

Staff recommends disapproval of the variance as:

1. The variance request does not comply with the findings outlined in Section 109-27(c) of the Code of Ordinances;
2. There is no undue hardship for the request;
3. The Engineering Department has objection to the variance being granted.

**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
CITY OF HARLINGEN PLANNING AND ZONING DIVISION
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)
Project Address 513 W. Loop 499 Nearest Intersection Briggs Coleman & Loop 499
(Proposed) Subdivision Name Storage Depot Subdivision Lot 1 - 4 Block 1
Existing Zoning Designation GR Future Land Use Plan Designation GR

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)
Applicant/Authorized Agent Brown, Leal 7 Associates Consulting Engineers Phone (956) 424-4014 FAX N/A
Email Address (for project correspondence only): i_brown@blengineer.com
Mailing Address 1205 W. Jackson Street City Harlingen State Texas Zip 78550
Property Owner Troy Investment Company No. 7, L.P. Phone (212) 201-1443 FAX
Email Address (for project correspondence only): i_brown@blengineer.com
Mailing Address 1205 W. Jackson Street City Harlingen State Texas Zip 78550

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: SEE ATTACHED

__________________________________________________________________________
__________________________________________________________________________

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: 10/5/2018

Property Owner(s) Signature: __________________________ Date:

Accepted by: __________________________ Date:
Troy Investment Company No. 7, L.P.

P. O Box 3817 • Brownsville, TX 78523-3817 • (956) 838-1133 • Fax (956) 838-1766

September 28, 2018

I, Stephen M. Gano, authorized agent for Troy Investment Company No. 7, L.P., hereby authorize Jack L. Brown with Brown, Leal & Associates Consulting Engineers and/or their representatives to act on my behalf in any dealings and/or negotiations with reference to the property for the proposed Storage Depot Subdivision Plat.

[Signature]
Stephen M. Gano

9/28/18
Date

Subscribed and sworn before me on this 28 day of September, 2018.

[Stamp: OLIANA RODRIGUEZ
My Notary ID # 128021226
Expires August 24, 2021]

[Signature of Notary]
November 19, 2018

Planning & Zoning Department
502 E. Tyler Avenue
Harlingen, Texas 78550

Re: Storage Depot Variance Request

Dear Joel Olivo,

Storage Depot is requesting a variance be made for the requirement of construction of a sidewalk on Lot 1 that fronts Loop 499. Lot 1 is a replat of Stone Subdivision Phase II which was not required to construct a sidewalk. There are no sidewalks constructed along the North and South side of Loop 499 from North 21st Street to New Combes Hwy. That includes Lee Means Elementary School, Fire Station, Nursing Home, and a Church. In fact, there are no sidewalks at all in the vicinity of Lot 1 which would make Storage Depot the only lot to have a sidewalk if required. The City has the authority to construct sidewalks and assess the adjoining owners which would make more sense and make a usable section of a sidewalk.

Respectfully Submitted,

Jack L. Brown, P.E.
Attachment IV—Engineering Disapproval Letter

Variance Request Routing Slip

Applicant: Jack Brown, P.E. (Brown, Leal, & Associates)
Phone No.: (956) 428-4014
Location: 513 W. Loop 499 (Briggs Coleman & Loop 499)
Project Description: Sidewalks along Loop 499

Department: Engineering Department

Approval: ______ YES  X NO

Comments:
The sidewalks for the subdivision along Loop 499 are required as per the subdivision requirements (Sect. 109-124 (f) (1)). Loop 499 is classified as a major arterial and will require sidewalk.

Signature: ___________________________ Date: 12/5/18
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: January 2, 2019

Agenda Item:
Consider and take action to adopt an Ordinance on First Reading 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 2.766 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. Applicant: John W. Drennan, c/o Troy Investment Company No. 7, L.P.

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

Brief Summary:
Project Timeline

- September 12, 2018 – Voluntary Annexation Request submitted to the City; application deemed incomplete (ATTACHMENT I AND II).
- September 20, 2018 – Metes and bounds description of annexation submitted; application deemed complete.
- October 3, 2018 – The City Commission approved a resolution directing staff to prepare a service plan for the annexation and to initiate proceedings.
- November 3, 2018 – 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.
- November 14, 2018 – Public hearing to recommend a zoning designation of tract upon annexation by the Planning and Zoning Commission.
- November 24, 2018 – 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.
- December 5, 2018 – First Public Hearing conducted by the City Commission
- December 8, 2018 – In accordance with Statute and local law, notice of second public hearing published in the Valley Morning Star.
- December 19, 2018 – Second Public Hearing conducted by the City Commission
- January 2, 2019 – Consideration of annexation by the City Commission via First Ordinance Reading.
- January 16, 2019 – Pending approval of 1st ordinance reading, consideration of annexation by the City Commission via Second Ordinance Reading.

Summary

- In accordance with the Texas Local Government Code and the City Code of Ordinances, three public hearings are required and have been conducted as related to the voluntary annexation request.
- John W. Drennan, the applicant on behalf of Troy Investment Company No. 7, L.P has requested the voluntary annexation of 1.0+ acre of land. All of the subject property is outside, but adjacent to, the current city limits (ATTACHMENT II and III).
• The applicant is proposing to subdivide the subject property into a four lot commercial subdivision under the name of Storage Depot Subdivision. The applicant is proposing an expansion of their existing storage unit business. The proposed subdivision will consist of an existing recorded lot that has frontage on Loop 499, and a 2.76 acre tract of land adjacent to the north of the said lot. Within the said 2.76 acre tract is an existing 1,500 square ft. building. Part of the proposed subdivision (2.73 acres) is currently inside the city limits and the north 1.0 acre is located outside the city limits. The proposed subdivision will have frontage on Loop 499 and Briggs Coleman Road (ATTACHMENT IV and V).

• 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.

• Concurrent with the annexation, the subject property will be zoned to General Retail ("GR") District. The requested zoning is generally consistent with the Future Land Use Plan component of the City of Harlingen Comprehensive Plan One Vision One Harlingen, and consistent with the GR zoning pattern along Loop 499 (ATTACHMENT VI).

• The Service Plan outlines the services to be provided within sixty (60) days after the effective date of annexation and the capital improvements that will begin construction within two and one-half (2-1/2) years of the effective date of the annexation (ATTACHMENT VII).

• The final step in the annexation process is the consideration by the City Commission of the two ordinance readings to officially annex and zone the subject property.

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**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*

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**Staff Recommendation:**

Staff recommends conducting the public hearing. No action is required.

City Manager's approval:  
*Yes*  
*No*  
*N/A*

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Comments:
**CITY OF HARLINGEN PLANNING AND ZONING DIVISION**  
**MASTER APPLICATION**

**PROPERTY INFORMATION:**  
(Please PRINT or TYPE)  
Project Address: 20058 Briggs Coleman  
Nearest Intersection: Briggs Coleman & Loop 499  
(Proposed) Subdivision Name: not platted  
Lot: ________  
Block: ________  
Existing Zoning Designation: not zoned  
Future Land Use Plan Designation: general retail

**OWNER/APPLICANT INFORMATION:**  
(Please PRINT or TYPE)  
Applicant/Authorized Agent: Stephen M. Gano  
Phone: 956-838-1133  
FAX: 956-838-1766  
Email Address (for project correspondence only): sgano@oakcrestmgmt.com  
Mailing Address: P.O. Box 3817  
City: Brownsville  
State: TX  
Zip: 78523-3817  
Property Owner: Troy Investment Company. No. 7, L.P.  
Phone: 956-838-1133  
FAX: 956-838-1766  
Email Address (for project correspondence only):  
Mailing Address (for project correspondence only):  
City: Brownsville  
State: TX  
Zip: 78523-3817

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

<table>
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<tr>
<th>Process Description</th>
<th>Fee</th>
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<td>Administrative Appeal (ZBA)</td>
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</tbody>
</table>

Please provide a basic description of the proposed project: The North approximately 50 feet of our property is outside the city limits. The entire tract needs to be inside the city limits for development purposes.

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: 9/12/18

Property Owner(s) Signature: [Signature]  
Date: 9/12/18

Accepted by:  
Date:
PETITION REQUESTING ANNEXATION BY AREA LANDOWNERS

TO THE MAYOR OF THE GOVERNING BODY OF CAMERON, TEXAS:

The undersigned owners of the hereinafter described tract of land, which is vacant and without residents, or on which fewer than three qualified voters reside, hereby [if applicable: waive the requirement to be offered a development agreement pursuant to Section 43.035, and] petition your honorable Body to extend the present city limits so as to include as part of the City of Harlingen, Texas, the following described territory, to wit:

Described on Exhibit "A"

We certify that the above described tract of land is contiguous and adjacent to the City of Harlingen, Texas, is not more than one-half mile in width [only limited by Local Government Code Section 43.028], and that this petition is signed and duly acknowledged by each and every person having an interest in said land.

Troy Investment Company No. 7, L.P.
By: Parkwood Enterprises, Inc., General Partner

By: John W. Drennan, President

THE STATE OF TEXAS
COUNTY OF CAMERON

BEFORE ME, the undersigned authority, on this day personally appeared John W. Drennan, President, of Parkwood Enterprises, Inc., General Partner of Troy Investment Company No. 7, L.P., known to me to be the persons whose names are subscribed to the foregoing instrument and each acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 13th day of September, 2018.

OLIVIA RODRIGUEZ
My Notary ID # 129021229
Expires August 24, 2021
Notary Public in and for Cameron County, Texas.
The Northernmost 50’ of a 2.766 acre tract of land, more or less, out Block Fifty Four (54), DAVID AND STEPHENSON SUBDIVISION, Cameron County, Texas as recorded in Volume 1, Page 2 of the Cameron County Map Records, said 2.766 acre tract of land being more particularly described as follows:

Commencing at the Northwest corner of said Block 54, said corner being on the Northwest corner of Montezuma Estates Subdivision as recorded in Cabinet 1, Slot 2438-B of the Cameron County Map Records;

Thence, South 00 degrees 03 minutes 00 seconds West, with the contiguous West line of said Block 54, and West line of said Montezuma Estates Subdivision, a distance of 490.79 feet to the Southwest corner of said Montezuma Estates Subdivision;

Thence, South 89 degrees 57 minutes 00 seconds East, with the South line of said Montezuma Estates Subdivision, a distance of 489.35 feet to a ½ inch steel rod previously set for the Northwest corner and Point of Beginning of the tract of land herein described;

Thence, continuing South 89 degrees 57 minutes 00 seconds East, with the South line of said Montezuma Estates Subdivision, at a distance of 860.21 feet passing a ½ inch steel rod set on the apparent West right of way line of Briggs-Coleman Road, a total distance of 876.61 feet to a point on the East line of said Block 54 for the Northeast corner of this tract;

Thence, South 00 degrees 15 minutes 45 seconds East, with the East line of said Block 54, a distance of 137.39 feet to a point for the Southeast corner of this tract;

Thence, North 89 degrees 57 minutes 00 seconds West, parallel to the North line of said Block 54, at a distance of 16.40 feet passing a ½ inch steel rod set on the apparent West right of way line of said Briggs-Coleman Road, a total distance of 877.36 feet to a ½ inch steel rod previously set for the Southwest corner of this tract, said corner being on the Northwest corner of Lot 2, Block 1, Replat of Lots 1, 2 and 4 Stone Subdivision Phase II as recorded in Cabinet 1, Slot 2897-B of the Cameron County map Records;

Thence, North 00 degrees 03 minutes 00 seconds East, parallel to the West line of said Block 54, a distance of 137.39 feet to the Point of Beginning and containing 2.766 acres of land, more or less.
Request for the voluntary annexation and establish the initial zoning to General Retail ("GR") District for 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. Applicant: John W. Drennan, c/o Troy Investment Company No. 7, L.P.
Future Land Use Map

A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.
See attached service plan
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 jurisdiction of the City of Harlingen; and

That the territory hereinabove 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 compromises 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 Elizondo, City Secretary
Exhibit “A”

CITY OF HARLINGEN
TEXAS

SERVICE PLAN
FOR
PROPOSED ANNEXED AREA

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

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 Area Map

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

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 07/28/18
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:** January 2, 2019

**Agenda Item:**
Presentation by Carlos A. Sanchez, Asst. City Manager on the Tony Butler Golf Course

**Prepared By (Print Name):** Carlos A. Sanchez, P.E.,  
**Title:** Assistant City Manager  
**Signature:** [Signature]

**Brief Summary:**
Staff will make a presentation related to the state of the Tony Butler Golf Course and the on-going efforts to improve management, operations, and marketing with the ultimate goal of creating a sustainable facility.

**Funding (if applicable):**
Are funds specifically designated in the current budget for the full amount

[ ] Yes  [X] No*

*If no, specify source of funding and amount requested:
Finance Director’s approval:

[ ] Yes  [ ] No  [ ] N/A

**Staff Recommendation:**
Staff will present recommendations to City Commission.

**City Manager’s approval:**

[ ] Yes  [ ] No  [ ] N/A

**Comments:**

**City Attorney’s approval:**

[ ] Yes  [ ] No  [ ] N/A