Notice is hereby given that the above governmental body will hold a Special Meeting on Tuesday, March 19, 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/City Commissioner, Victor Leal

Pledge of Allegiance/Welcome

1) Board Recognition

2) Approval of Minutes
   a) January 22, 2019
   b) February 20, 2019

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 Items withdrawn from the Consent Agenda for individual consideration in their normal sequence will be heard after the remainder of the Consent Agenda has been acted upon.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) Consideration and possible action to approve a request from the National Honor Societies of Harlingen High School, Harlingen High School South, Harlingen School of Health Professions and Early College High School to close the following streets for their Four Birds One Cause 5K Walk/Run to benefit the American Cancer Society, Saturday, March 30, 2019 from 7:00 a.m. to 11:00 a.m. Attachment (Police Dept.)

   (1) Bothwell and Dixieland (blocking the south bound traffic at Dixieland);
   (2) Ailani Circle (North and South at Dixieland);
   (3) Haverford at Dixieland;
   (4) Adrian (East and West at Dixieland);
   (5) Topaz at Dixieland; and
   (6) Garrett (East and West at Dixieland)
b) Investment Report for the City of Harlingen for quarter ended December 31, 2018. *(Finance)*

c) Consideration and possible action to approve an overdue fine amnesty at the Harlingen Public Library in honor of National Library Week from April 6th thru 14th, 2019. Attachment *(Library)*

d) Consideration and possible action to approve an Industrial District Agreement between the City of Harlingen and Texas Gas Service Company, a Division of One Gas, Inc. Attachment *(Gabriel Gonzalez, Asst. City Manager)*

4) Consideration and possible action to authorize the Mayor, on behalf of the City of Harlingen, to submit, accept and expend grant funding ($48,000.00) made available through the Office of the Governor Homeland Security Grants Division under the Operation Stone Garden Program. Attachment *(Police Dept.)*

5) Consideration and possible action to authorize the Mayor, on behalf of the City of Harlingen, to submit, accept, and expend grant funding ($65,000.00) made available through the Office of the Governor Homeland Security Grants Division under the Local Border Security (Border Star) Program. Attachment *(Police Dept.)*

6) Consideration and possible action to approve a Curfew Ordinance on first reading to prohibit juveniles, 16 years of age and younger to be out in public without an adult during the hours of 10:30 p.m. to 6:00 a.m. Attachment *(Police Dept.)*

7) Consideration and possible action to approve an ordinance on first reading to annex and establish the initial zoning to Residential, Single Family ("R-1") District for a 36.46 acre tract of land, more or less, out of Block 99, Wilson Tract Subdivision, located north of Pink Flamingo Street east of Tamm Lane. Applicant: David Salinas, c/o Arturo Ortega. Attachment *(Planning & Zoning)*

8) Consideration and possible action to approve a resolution amending the City of Harlingen Personnel Policy Manual. Attachment *(Human Resources)*

9) Consideration and possible action to select Negrete & Kolar Architects, LLP as the top ranked firm recommended by the evaluation committee and authorize the City Manager to negotiate and execute a contract for associated architectural and engineering services pursuant to the City's Request for Qualifications No. 2019-03 for the Design and Project Management of the HEB Tennis Center Pro Shop. Attachment *(Parks & Recreation)*

10) Consideration and possible action to authorize the City Manager to execute an Agreement for the Preliminary Engineering Services with Union Pacific for Railroad Improvements at 76 Drive at Jefferson Avenue. Attachment *(Public Works)*

11) Consideration and possible action to approve a resolution establishing an Economic Development Program pursuant to Chapter 380 of the Texas Local Government Code. Attachment *(City Manager)*
12) Consideration and possible action to cancel the Harlingen Regular City Commission Meeting of March 20, 2019. (City Manager)

13) Board Appointments

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

a. Airport Board
b. Animal Shelter Advisory Committee (1)
c. Audit Committee (Terms expire annually in June)
d. Civil Service Commission
e. Community Development Advisory Board (1)
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 (1)
k. Harlingen Community Improvement Board
l. Harlingen Housing Authority Board
m. Harlingen Finance Corporation (1)
n. Harlingen Proud Advisory Board (4)
o. Library Advisory Board
p. Mayor Wellness Council
q. Museum Advisory Board (1)
r. Parks Advisory Board
s. Planning & Zoning Advisory Board (1)
t. Senior Citizens Advisory Board (2)
u. Tax Increment Finance Board (2)
v. Utility Board of Trustees
w. Veterans Advisory Board (1)
x. Zoning Board of Adjustments (9)
y. Complete Census Committee

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.

14) 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 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 Development and to seek legal advice from the City Attorney regarding the subject matter. (City Manager)

c) pursuant to Chapter 551, Sections 551.087 and 551.071 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 Firefly and to seek legal advice from the City Attorney regarding the subject matter. (City Manager)

d) 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 Target 2.1 and to seek legal advice from the City Attorney regarding the subject matter. (City Manager)

e) 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 Happy Days and to seek legal advice from the City Attorney regarding the subject matter. (City Manager)

f) 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 FM and to seek legal advice from the City Attorney regarding the subject matter. (City Manager)

g) pursuant to Chapter 551, Sections 551.087 and 551.071 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 Melt and to seek legal advice from the City Attorney regarding the subject matter. (City Manager)

h) pursuant to Section 551.071, Texas Gov't Code to consult with the City Attorney regarding the Firemen Pension. (City Manager)

15) Consideration and possible action to proceed as discussed in executive session regarding Item 14 (b). (City Manager)

16) Consideration and possible action to proceed as discussed in executive session regarding Item 14 (c). (City Manager)

17) Consideration and possible action to proceed as discussed in executive session regarding Item 14 (d). (City Manager)

18) Consideration and possible action to proceed as discussed in executive session regarding Item No. 14 (e). (City Manager)

19) Consideration and possible action to proceed as discussed in executive session regarding Item 14 (f). (City Manager)

20) Consideration and possible action to proceed as discussed in executive session regarding Item 14 (g). (City Manager)

21) 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, March 15th, 2019 at 5:15 p.m. at least 72 hours preceding the scheduled time of said meeting.

Dated this 15th day of March, 2019

[Signature]

Amanda C. Elizondo, City Secretary
SPECIAL MEETING

CITY COMMISSION

HARLINGEN, TEXAS

January 22, 2019

A Special Meeting of the Harlingen Elective Commission was held Tuesday, January 22, 2019 at 5:00 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 Uhlhorn, 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 Boswell called the meeting to order and announced the meeting was duly posted according to state law. The following proceedings were held:

At 5:03 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item No. 1.

Motion was made by Commissioner De La Rosa and seconded by Commissioner Leal to convene into executive session to discuss Item No. 1. Motion carried unanimously.

1) Executive/Closed Session pursuant to Section 551.071, Texas Gov't. Code to consult with the City Attorney in connection with the MPO Redesignation. (City Manager)

At 5:09 p.m., Mayor Boswell announced the City Commission had completed its executive session, declared the meeting open to the public and proceeded with the following item.

2) Consideration and possible action regarding the MPO Redesignation or as otherwise discussed in executive session. (City Manager)

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner Uhlhorn to adopt the resolution for the City of Harlingen to support the concept of the MPO Redesignation of the merger concept into one valley wide MPO designation based on the proposed MPO term sheet subject to the final approval of the proposed agreement and by-laws. Motion carried unanimously.

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

CITY OF HARLINGEN

ATTEST:

Chris Boswell, Mayor

Amanda C. Elizondo, City Secretary
REGULAR MEETING

CITY COMMISSION

FEBRUARY 20, 2019

A Regular Meeting of the Harlingen Elective Commission was held February 20, 2019 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 Uhilhorn, District 2
Ruben De La Rosa, 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 Boswell called the meeting to order and announced the meeting was duly posted according to state law. The following proceedings were held:

Invocation/Mayor Pro-Tem Mezmar
Pledge of Allegiance/Welcome

Mayor Chris Boswell recited the Pledge of Allegiance and welcomed those in attendance.

1) Proclamation – proclaiming the month of February, 2018 as “Black History Month”

Mayor Boswell presented a proclamation to Dr. Deloria Davis proclaiming February, 2019 as “Black History Month” and congratulated her for her many accomplishments. He also presented her with a City of Harlingen Coin as a token of the City appreciation for her services to the Harlingen Community Improvement Board and for her services to the community by teaching mathematics at the Student Learning Center. Mayor Boswell expressed his appreciation on behalf of the City Commission for her commitment and dedication to the community.

2) Approval of Minutes

a) Regular Meeting of December 5, 2018
b) Regular Meeting of December 19, 2018

Motion was made by Commissioner Uhilhorn and seconded by Commissioner Uribe to approve the minutes for the regular meeting of December 5, 2018 and the regular meeting of December 19, 2018. Motion carried unanimously.
3a) Second and final reading to approve and adopt an ordinance amending Chapter 18 of
the Harlingen Code of Ordinances establishing the correction of rental fees for the
Rangerville Park Pavilion and Gazebo.

b) Consideration and possible action to approve a request from Mercedes Betancourt,
member of the Junior League of Harlingen to close the 100 Block of North “A” Street for
their March Madness Event to be held on Jackson Street, Saturday, March 30, 2019
from 6:00 p.m. to 10:00 p.m.

c) Consideration and possible action to approve a request from City Church Harlingen to
close the 500 Block of North “B” Street between Washington Avenue and Adams
Avenue from 2:00 p.m. to 9:00 p.m., Saturday, March 9, 2019 for their First Church
Event, with the inclusion of Alpha & Omega Church and Grace Fellowship Church.

d) Consideration and possible action to approve a request to close Business 77 Sunshine
Strip adjacent to the Park for five (5) events on the following dates and times at
McKelvey Park during the Year 2019. The events include a Symphony in the Park, two
(2) Blues on the Hill, a Concert in the Park and the Lighting of the Arroyo.

March 8th - Symphony at the Park  7-10 pm
May 11th Blues on the Hill  7-10 pm
June 15th Concert on the Hill  7-10 pm
August 24th Blues on the Hill  7-10 pm
December 5th – Lighting of the Arroyo  6-8 pm

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to
approve Items 3(a) thru (d) under the Consent Agenda. Motion carried unanimously.

4) Consideration and possible action to approve the bid received on the following property
struck off to Cameron County, for itself, and other taxing jurisdictions from a tax resale
conducted on November 6, 2018.

a) Legal Description: The south ½ of Lot 17, Colonia Guadalupe Subdivision No. 2,
an Addition to Cameron County, Texas, as described in Volume 1327, Page 469,
Office Records of Cameron County, Texas. (Acct. No. 16-6770-0000-0171-00).

John Guevara with Linebargher Goggan Blair & Sampson, LLP, stated bids were received
for the sale of the above mentioned property for the third time. The previous two times there
were no bids for this property. The City gets about 20 to 23 cents on the dollar on this property,
and the property will be placed on the tax roll. The judgement amount owed to the City was
$910 and after court and advertising costs the amount to the City is $205. The property has
been delinquent since 2006.

Motion was made by Commissioner Mezmar and seconded by Commissioner De La
Rosa to approve the bid received for the property described as the south ½ of Lot 17, Colonia
Guadalupe Subdivision No. 2, an Addition to Cameron County, Texas, as described in Volume
1327, Page 469, Office Records of Cameron County, Texas. (Acct. No. 16-6770-0000-0171-00)
Motion carried unanimously.

5) Consideration and possible action to approve a resolution accepting the bid received on
the tax resale conducted on November 6, 2018 for the above referenced property.
Motion was made by Commissioner Uhhorn and seconded by Commissioner Uribe to approve the resolution accepting the bid received on the tax resale conducted on November 6, 2018 for the above referenced property. Motion carried unanimously.

6) Consideration and possible action to approve a resolution authorizing the Mayor, on behalf of the City of Harlingen, to submit a grant application in the amount of $83,537.20 to the Office of the Governor, Public Safety Office – Criminal Justice Division (General Victim Assistance Program) to secure funds for a Crime Victim Liaison.

Mike Kester, Interim Chief of Police, stated the grant is for two years to fund the Crime Victims Liaison position. The City has received this grant for 12 years. This is an 80/20 match, (State -80% and City 20%). The City’s 20% share is paid through salaries and in-kind. Ms. Beatriz Garcia, Crime Victims Liaison, has been with the Police Dept. for 12 years and has done a fantastic job. She has helped approximately 2,700 victims over the last three (3) years. If the grant is approved, the funding will be for the start of Fiscal Year 2019-2020 and will continue for the following year.

Motion was made by Commissioner De La Rosa and seconded by Commissioner Leal to approve a resolution authorizing the Mayor, on behalf of the City of Harlingen, to submit a grant application in the amount of $83,537.20 to the Office of the Governor, Public Safety Office – Criminal Justice Division to secure the funds for a Crime Victim Liaison. Motion carried unanimously.

7) Consideration and possible action to authorize the Mayor, on behalf of the City of Harlingen, to submit a grant application to the Office of the Governor Criminal Justice Division for $29,724.60 under the Rifle-Resistant Body Armor Grant Program.

Mr. Kester, stated staff was requesting approval to submit a grant to the Office of the Governor Criminal Justice Division under the Rifle-Resistant Body Armor Grant Program for approximately sixty body armors for patrol officers.

Motion was made by Commissioner De La Rosa and seconded by Commissioner Mezmar to authorize the Mayor, on behalf of the City of Harlingen, to submit a grant application to the Office of the Governor Criminal Justice Division for $29,724.60 under the Rifle-Resistant Body Armor Grant Program. Motion carried unanimously.

8) Consideration and possible action to approve a resolution authorizing the Mayor, on behalf of the City of Harlingen, to submit a grant application to the Office of the Governor Homeland Security Grants Division for $31,122 under the 2019 State Homeland Security Program (SHSP).

Mr. Kester stated this is an annual grant application for $30,000 for technology. If the grant is approved, the funds will be use to purchase portable radios for the SWAT Team.

Motion was made by Commissioner De La Rosa and seconded by Commissioner Leal to approve a resolution authorizing the Mayor, on behalf of the City of Harlingen, to submit a grant application to the Office of the Governor Homeland Security Grants Division for $31,122 under the 2019 State Homeland Security Program (SHSP). Motion carried unanimously.

9) Consideration and possible action to authorize the Mayor, on behalf of the City of Harlingen, to accept a grant funding in the amount of $27,830.00 made available through the Office of the Governor Department of Justice under the 2018/2019 Edward Byrne Memorial Justice Assistance Grant Program.
Mr. Kester stated the Office of the Governor, Department of Justice, awarded the grant to the City. Approval is required from the City Commission to authorize the Mayor to accept the funding. The funds will be used for technology upgrades.

Motion was made by Commissioner Leal and seconded by Commissioner Mezmar to authorize the Mayor, on behalf of the City of Harlingen, to accept the grant funding in the amount of $27,830 made available through the Office of the Governor Department of Justice under the 2018/2019 - Edward Byrne Memorial Justice Assistance Grant Program. Motion carried unanimously.

10) Public hearing to receive comments regarding the proposed voluntary annexation and to establish the initial zoning to Residential, Single Family ("R-1") District for a 36.46 acre tract of land, more or less, out of Block 99, Wilson Tract Subdivision, located north of Pink Flamingo Street east of Tamm Lane. Applicant David Salinas, c/o Arturo Ortega.

Rodrigo Davila, Planning & Zoning Director stated Mr. David Salinas, applicant, in the care of Arturo Ortega, property owner, has requested voluntary annexation of 36.46 acre tract of land. The property is currently outside the City limits, but adjacent to the City limits and is vacant. The applicant is proposing to subdivide the property into a 160 lot single-family residential subdivision to be done in 4 phases. The developer will be responsible for all infrastructure provisions including street developments, streetlights, water services and storm water and any other requirements as specified under the subdivision regulations. Harlingen Water Works System will provide water and wastewater services subject to the proceeding of the annexation. As per state law, three (3) public hearings are required for voluntary annexation and two readings of the ordinance. The subdivision is currently in preliminary stages and engineering was requesting a traffic study and staff was waiting on the results of this study.

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

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

Discussion was held in reference to the subdivision whether or not it has been sold; whether this subdivision was similar to the one located on Wilson Road; and if the City had a drainage master plan.

Mr. Davila responded yes, some of the existing houses were still not sold. The subdivision on Wilson Road was similar to this one, but smaller.

Commissioner Uhlhorn stated staff should make sure that the Drainage District is aware of this proposed development to assure that the drainage is adequate. There have been drainage problems in the past with the existing homes in this particular area.

Mr. Davila stated staff has been in communication with the Drainage District and Harlingen Water Works and staff is waiting on the impact study. Staff wrote a letter to the City of Primera informing them of the proposed development because the property is adjacent to their city limits. They have not responded to our correspondence. This subdivision is still on the preliminary review stages and there is more information to be gathered. A drainage plan was provided to the Engineering Department. The Engineering Department reviewed the subdivision plan, but additional information is pending for review prior to continuing with the elimination process.
Mayor Boswell stated the developers need to look into what has been assessed to help
them with their planning process.

Mr. Davila responded the developer(s) are aware of the possible means and are waiting
on the impact traffic analysis.

No action was taken on Item #10.

11) Public hearing to consider an ordinance on first reading to rezone from Single Family
Residential ("R1") District to General Retail ("GR") District for Lots 11 thru 13, Block 2
and Lots 12 and 13, Block 3, R. W. Nelson Amended Subdivision, located at 703 and
706 W. Hanson, Applicant Jose Jaime Cano.

Mr. Davila stated the properties are located on the north and south side of E. Hanson
Street, west of F. Street. The surrounding zoning is General Retail (GR) District to the north,
east, and south, and Single Family Residential (R1) District to the west. The owner owns all
these properties and the zoning is General Retail. Mr. Cano owns Lots 12 and 13 of the Nelson
Amended Subdivision and Lots 11-13, Block 2; owns Lots 9 and 10, but is only requesting 11,
12, and 13 of the same block. The applicant would like to rezone the properties to create a
smoother transition from Single-Family District to General Retail. There is an existing home on
Lots 11 and 13 which are owned by Mr. Cano.

a) Public Hearing

Mayor Boswell announced this was a public hearing and anyone wishing to speak for or
against this item may 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 Single Family Residential ("R1") District to General Retail ("GR") District for the
above described property.

Allison Bastian, Asst. City Attorney, 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 to rezone from Single Family Residential ("R1") District to
General Retail ("GR") District for the above described property. Motion carried unanimously.

12) Consideration and possible action to authorize the City Manager to execute the
Landscape Maintenance Agreement with the Texas Department of Transportation for the
Landscaping Elements for the Widening of Spur 54.

Ponciano Longoria, Engineer, stated agreement is for the landscaping of Spur 54 from
Interstate 2 to "T" Street. The Texas Dept. of Transportation is responsible for installing
landscape elements including, but not limited to plants, shrubs, grass, sidewalks, irrigation
systems, and hardscape features through its employees or duly appointed agents. The City's
responsibility is to maintain all landscape elements within the limits of the right of way including
all median and island areas, but excluding paved areas that are intended for traveling.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to
authorize the City Manager to execute the Landscape Maintenance Agreement with the Texas
Department of Transportation for the Landscaping Elements for the Widening of Spur 54. Motion carried unanimously.

13) Consideration and possible action to authorize the City Manager to execute Amendment Number 1 to the Interlocal Agreement between the Lower Rio Grande Valley Development Council and the City of Harlingen for the Federal Transit Administration 5307 Project of Sidewalk Improvements and submit a letter of local funding match certification.

Mr. Longoria stated the amendment was in regards to the Sidewalk Project for additional funding. The Sidewalk Project was completed, except for the railroad crossing on 6th and Jefferson Street. Staff reached out to the Lower Rio Grande Valley Development Council and an additional $75,025 was allocated to complete the project. He requested to extend the existing agreement from September 30, 2017 to December 31, 2019 to complete the crossing.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to authorize the City Manager to execute Amendment Number 1 to the Interlocal Agreement between the Lower Rio Grande Valley Development Council and the City of Harlingen for the Federal Transit Administration 5307 Project, Sidewalk Improvements, and submit a letter of local funding match certification. Motion carried unanimously.

14) Consideration and possible action to accept or reject bids and award a contract for the 2018-2019 Street Improvements Project under Bid Number 2019-02 and to allow for a quantity adjustment to bring the project within budget.

Mr. Longoria stated they received a total of 6 bids on February 12, 2019. The lowest bid received was Earthworks Enterprise for $2,094,394.54 which is over budget. Staff reviewed the plans again to reduce the cost or remove streets from the project. Staff reduced the linear feet of the curb and gutter, eliminated the grass seeding and watering along the disturbed areas. The bid amount was reduced from $2,094,394.54 to $1,862,827.08 to stay within the budget. Mr. Longoria stated he spoke to the contractor and he agreed with reductions.

Motion was made by Commissioner Leal and seconded by Commissioner Mezmar to accept or reject bids and award a contract for the 2018-2019 Street Improvements Project under Bid Number 2019-02 and to allow for a quantity adjustment to bring the project within budget. Motion carried unanimously.

15) Consideration and possible action to authorize the City Manager to enter into an Advanced Funding Agreement with the Texas Department of Transportation (TxDOT) for maintenance of the landscaped areas along the US 77/83 Interchange, Expressway 77 and Spur 54.

Celina Gonzales, Public Works Director, stated this agreement has been in place for awhile and is renewed every two (2) year for the mowing and oversight of the landscaping on Spur 54, 77/83 Interchange and along Expressway 77 for a cost of $90,566 per year.

Motion was made by Commissioner Uribe and seconded by Mayor Pro-Tem Mezmar to authorize the City Manager to enter into an Advanced Funding Agreement with the Texas Department of Transportation (TxDOT) for maintenance of the landscaped areas along the US 77/83 Interchange, Expressway 77 and Spur 54. Motion carried unanimously.

16) Consideration and possible action to approve an ordinance on first reading to amend the City of Harlingen’s Budget for Fiscal Year 2018-2019.
Elvia Trevino, Finance Director, stated the budget amendment allocated funds for grants and other revenues and expenditures not previously included in the current budget. The total amount of increase revenues is $2,975,124 and increase expenditures are $2,623,839. She referred to Exhibit "A" which outlined the total revenues, expenditures and estimated fund balances by fund after the amendment and Exhibit "B" showed the detailed changes in revenues and expenditures by account number.

Allison Bastian, Asst. City Attorney read the caption of the ordinance.

Motion was made by Commissioner Leal and seconded by Commissioner Mezmar to approve an ordinance on first reading to amend the City of Harlingen’s Budget for Fiscal Year 2018-2019. Motion carried unanimously.

17) Consideration and possible action to approve a resolution of the Harlingen City Commission amending Resolution No. 2019-03 for the purpose of designating Ben Milam Elementary School as a polling place located at 1215 Rangerville Road for the May 2019 City of Harlingen General Election for all registered voters residing in Precinct 43, District 5.

Amanda C. Elizondo, City Secretary, stated the resolution is to designate Ben Milam Elementary as a polling place. The School Board voted to designate Ben Milam as a polling place and since the City is doing joint elections, staff is recommending the same.

Motion was made by Commissioner Mezmar and seconded by Commissioner De La Rosa to approve a resolution of the Harlingen City Commission amending Resolution No. 2019-03 for the purpose of designating Ben Milam Elementary School as a polling place located at 1215 Rangerville Road for the May 2019 City of Harlingen General Election for all registered voters residing in Precinct 43, District 5. Motion carried unanimously.

18) Consideration and possible action to approve an Intergovernmental Agreement between the City of Harlingen and the Harlingen Consolidated Independent School District to share polling places, equipment and election personnel for Election Day and share City Hall as a joint polling place for Early Voting by Personal Appearance.

Amanda C. Elizondo, City Secretary, stated this is the standard contract that has been used in the past with the School District to hold the joint elections. The only difference is that the hold harmless clause was removed at the recommendation of Ms. Bastian, Asst. City Attorney for both entities.

Ms. Bastian preferred to discuss this in executive session.

Mayor Boswell recommended discussing this item in executive session.

19) Board Appointments

Mayor Boswell appointed Johanna Lozano to the Keep Harlingen Beautiful Board.

Motion was made by Commissioner Mezmar and seconded by Commissioner Leal to appoint Johanna Lozano to the Keep Harlingen Beautiful Board.

20) Executive/Closed Session on the following items:
a) pursuant to Texas Gov't. Code Sec. 552.072 and 551.071 to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the City of Harlingen with a third person regarding the acquisition of real property for transit terminal expansion.

b) 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 Development and to seek legal advice from the City Attorney regarding the subject matter.

c) 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.

At 6:11 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item 20 (a, b, & c) and Item No. 16.

Motion was made by Commissioner De La Rosa and seconded by Commissioner Leal to go into executive session to discuss Item 20 (a, b, & c) and Item No. 18. Motion carried unanimously.

At 6:45 p.m., Mayor Boswell announced the City Commission had completed its executive session.

21) Citizen Communication

None

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

City of Harlingen

_____________________________
Chris Boswell, Mayor

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

Meeting Date: March 19, 2019

Agenda Item:
Consider and take action to approve a request from the National Honor Societies of Harlingen High School, Harlingen High School South, Harlingen School of Health Professions and Early College High School to close certain sections of roadways / streets for their Four Birds One Cause 5K Walk/Run to benefit the American Cancer Society being held on Saturday, March 30, 2019 from 7:00 a.m. to 11:00 a.m.

Prepared By (Print Name): Michael Kester
Title: Chief of Police
Signature:

Brief Summary:
Mirian Ortiz, National Honor Society Advisor with Harlingen High School is requesting the closure of (1) Bothwell and Dixieland (blocking the south bound traffic at Dixieland); (2) Ailani Circle (North and South at Dixieland); (3) Haverford at Dixieland; (4) Adrian (East and West at Dixieland); (5) Topaz at Dixieland; and, (6) Garrett (East and West at Dixieland) from approximately 7:00 a.m. to 11:00 a.m. on Saturday, March 30, 2019 for their Four Birds One Cause 5K Walk/Run to benefit the American Cancer Society.

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

The Asst. Fire Chief has reviewed this request and provided his approval.

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: N/A

Finance Director’s approval: ☐ Yes ☐ No ☐ N/A

Staff Recommendation:
Staff recommends approval.

For Street Closures ONLY, Fire Chief’s approval: X Yes ☐ No ☐ N/A

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

Comments:

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

form revised 01/26/09
TO: Chief of Police

FROM: Officer Hector Villegas # 4211

RE: Street Closure Request Supplement

REQUESTOR: Miriam Ortiz, 1201 E Marshall St., Harlingen, TX 78550, 956-427-3600

EVENT NAME: 4 Birds One Cause

DATE: Saturday, March 30, 2019

TIME: 7:00 AM to 11:00 AM

LOCATION: Dixieland Rd

DESCRIPTION: The Harlingen Honor Society of Harlingen High Schools has provided a map with the route for their run. For safety of the public in attendance during the Harlingen High School South 4th Annual 5K Walk/Run to benefit the American Cancer Society to be held on March 30, 2019 from 7:00 AM to 11:00 AM. The route will run down Dixieland Road heading towards Dixieland Park, once they pass Dixieland Lake they will then return following the same route.

COMMENTS/NOTES: It is a recommendation that street barricades be provided by the street department to be dropped off by Friday, March 29, 2019 before the close of business for the event organizer to set up along the route if needed. Contact was made with Miriam Ortiz regarding this route and she has requested for two (2) Uniformed Officers and Units that will be paid for through the National Honor Society for the three (3) hour event.

RECOMMENDATION: [Signature: Approve / Disapprove]

<table>
<thead>
<tr>
<th>OFFICER / EMPLOYEE</th>
<th>SIGNATURE</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Officer Hector Villegas # 4211</td>
<td>[Signature]</td>
<td>March 15, 2019</td>
</tr>
<tr>
<td>SERGEANT / SUPERVISOR</td>
<td>[Signature]</td>
<td>3-15-2019</td>
</tr>
<tr>
<td>COMMANDER / MANAGER</td>
<td>[Signature]</td>
<td>3-15-2019</td>
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<tr>
<td>DEPUTY CHIEF</td>
<td>[Signature]</td>
<td>3-15-19</td>
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<td>ASSISTANT CHIEF</td>
<td>[Signature]</td>
<td>3-15-19</td>
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<tr>
<td>CHIEF OF POLICE</td>
<td>[Signature]</td>
<td>3-15-19</td>
</tr>
</tbody>
</table>
Harlingen Police Chief
Michael Kester
1018 Fair Park
Harlingen, Texas 78550

February 19, 2019

Dear Chief of Police Kester:

The National Honor Societies of Harlingen High School, Harlingen High School South, Harlingen School of Health Professions, and Early College High School will be hosting the Four Birds One Cause 5K Walk/Run to benefit the American Cancer Society. The run will take place Saturday, March 30th. The Four Birds One Cause Run will start at the Harlingen High School South Mini Stadium and end at the Harlingen High School South Mini Stadium as well. Runners will run half the distance one way on Dixieland then turn around and finish off at the school. We would like to request traffic support from HPD as well as barricades to close the street on the Four Birds One Cause route. The street closures would be from approximately 7:00 am to 11:00 am. The affected streets would be:

- Bothwell and Dixieland (blocking the south bound traffic at Dixieland)
- Ailani Circle (North and South at Dixieland)
- Haverford at Dixieland
- Adrian (East aad West at Dixieland)
- Topaz at Dixieland
- Garrett (East and West at Dixieland)

This year we would like to request for 2 officers along with their units to be paid by HHS National Honor Society. The officers would be needed for 3 hours from 7:30 to 10:30 am. We would like to request your participation and services for this year’s run in order to ensure the safety of participants and volunteers during the duration of this event. Thank you for all the support you provide for our school and our community. I hope to hear from you soon. If you need any additional information, please contact me at 956-264-6038 or by email at miriam.ortiz@hcisd.org.

Respectfully,

Miriam Ortiz
Harlingen High School
National Honor Society Advisor
From: Alvarez, Eduardo  
Sent: Monday, February 25, 2019 5:53 PM  
To: Pena, Frances  
Subject: Re: STREET CLOSURE REQUEST - HHS NAT'L HONOR SOCIETIES

HFD has no issues regarding these road closures.
E. Alvarez

Sent from my iPhone

On Feb 25, 2019, at 5:09 PM, Pena, Frances <francespena2@harlingenpolice.com> wrote:

Good Afternoon Asst. Fire Chief Alvarez:

I would ask if you could please review the attached street closure request and provide your recommendation at your earliest convenience so that I can include as an agenda item at the next City Commission meeting.

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

This email & the documents that accompany this email may contain information belonging to the sender, which is legally privileged. The information is intended only for the use of the individual or entity stated in this email. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or taking of any action in reliance on the contents of this email information is strictly forbidden and prohibited. If you have received this email in error, please immediately notify us by telephone to arrange for the disposition of the original documents.

<STREET CLOSURE REQUEST - HHS NAT'L HONOR SOCIETIES.pdf>
**AGENDA ITEM**  
**EXECUTIVE SUMMARY**

**Meeting Date:** 03/19/19

**Agenda Item:**
Consider and take action to approve an overdue fine amnesty at the Library in honor of National Library Week from April 6th-14th 2019.

<table>
<thead>
<tr>
<th>Prepared By (Print Name):</th>
<th>Dauna Campbell</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title:</td>
<td>Library Director</td>
</tr>
<tr>
<td>Signature:</td>
<td></td>
</tr>
</tbody>
</table>

**Brief Summary:**
In honor of National Library Week, an amnesty will be held from Saturday, April 6, 2019 until Sunday, April 14th. Patrons will bring in their long overdue materials in good condition with barcodes to the circulation desk. Staff will then check them in and waive LATE fees. Damaged items do not qualify for the amnesty.

**Funding (if applicable):**

- [ ] Yes  
- [ ] No

Finance Director’s approval:

- [ ] Yes  
- [ ] No  
- [ ] N/A

**Staff Recommendation:**

Staff recommends approval.

City Manager’s approval:

- [ ] Yes  
- [ ] No  
- [ ] N/A

**Comments:**

City Attorney’s approval:

- [x] Yes  
- [ ] No  
- [ ] N/A
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: March 19, 2019

Agenda Item:
Consideration and possible action to approve an Industrial District Agreement between the City and Texas Gas Service Company, a Division of One Gas, Inc.

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

Brief Summary:
The Industrial Development Agreement between the City and Texas Gas Service, a Division of One Gas, Inc. is the seventh company to sign their Industrial Development Agreement. Payments will be paid on the current value of the facility. As part of the Agreement, the following conditions will apply:

1) The City will not annex the property for the 7 year term of the Agreement.
2) During this term, the City will provide police and fire protection, will charge the water and sewer rates as if they were located within the city limits and provide other services available to industries within the city.
3) The company will pay 100% of the fair market value of the property as certified by the Cameron County Appraisal District as of July 20th of the prior year.
4) After the 7 year term, the City may annex the property under the voluntary annexation procedures.

Staff recommends approval of the Agreement.

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:
Approval
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
INDUSTRIAL DISTRICT AGREEMENT

STATE OF TEXAS
COUNTY OF CAMERON §

THIS INDUSTRIAL DISTRICT AGREEMENT ("Agreement") is made and entered into on the date hereinafter written by and between the CITY OF HARLINGEN, TEXAS, a home-rule municipal corporation of Cameron County, Texas 78550, acting through its Mayor as authorized by its Elective Commission, (hereinafter referred to as "CITY") and TEXAS GAS SERVICE COMPANY, A DIVISION OF ONE GAS, INC., a corporation organized and doing business under the laws of the State of Texas at 5602 E. Grimes Rd. Harlingen, Texas 78550. (hereinafter collectively referred to as "COMPANY").

WHEREAS, it is the intention of CITY and COMPANY to enter this Agreement which shall constitute a non-annexation agreement for the property designated as a 4.374 acre tract of land being all of Lot 1, Block 1, Harlingen Industrial Park No. 3 and

WHEREAS, the Subject Property is located in the extraterritorial jurisdiction of the City of Harlingen; and

WHEREAS, Texas Local Government Code Section 42.044 provides for the creation of industrial districts within the extraterritorial jurisdiction of cities; and

WHEREAS, the City Commission of the City of Harlingen adopted Resolution No. 81R-36 dated October 21, 1981 designating a part of its extraterritorial jurisdiction as an industrial district; and

WHEREAS, it is to the mutual advantage of industries and municipalities to cooperate whenever possible for the general advancement of the affected population
because orderly economic growth raises the standard of living and otherwise improves the quality of life for the community as a whole; and

WHEREAS, the City Commission of the City of Harlingen is of the opinion that commercial industrial and manufacturing industries should compensate the City proportionately, recognizing their use of municipal services, and realizing that industries derive a benefit, both direct and indirect from municipal services,

NOW THEREFORE, the CITY and COMPANY, in consideration of the agreements exchanged herein do hereby contract as follows:

1) City agrees that all of the land and improvements thereon owned, used, occupied, leased, rented, or possessed by COMPANY within the Subject Property and designated by Resolution No. 81R-36 as an industrial district shall continue its extraterritorial status as an industrial district and shall not be annexed by CITY during the seven 7 year term of this agreement ("Term of this Agreement").

2) CITY further agrees that during the Term of this Agreement, CITY shall furnish to COMPANY police protection, fire protection, and such other services in the same manner furnished to other industries located within the city limits of Harlingen. It is specifically understood that water rates and sewer rates will be the same as the industrial published rates charges within the city limits.

3) COMPANY agrees to pay CITY on or before April 1 of each year during the Term of this Agreement, in lieu of taxes, the first of such payments ("PILOT") to be made on April 1, 2018 an amount calculated on the basis of the following formula:

   a) Calculate 100 % of the fair market value of all property real and personal, and improvements owned by COMPANY constituting or located on the
"Subject Property" as established by the Certified Cameron Appraisal District tax rolls as of July 20th of the year prior to each payment year, and reduce said fair market value by 100% of all exemptions and exclusions available under applicable law (such as the Freeport tax exemption). This is the "ADJUSTED VALUE".

b) The PILOT will be the ADJUSTED VALUE multiplied by one hundred percent (100%) of the CITY's tax rate on all taxable property.

4) If any portion of the subject property is located within CITY's corporate limits, that portion shall be subject to the normal tax treatment applicable to land of its type located within CITY.

5) CITY and COMPANY further agree that CITY may terminate this Agreement, annex the "Subject Property", and tax all real and personal property located on the "Subject Property", at 100% of its appraised value in the event COMPANY fails to timely make any payment in lieu of taxes or any substitute to the Payment-In-Lieu-Of-Taxes as and when required by this Agreement.

6) If Company is involved in a contest concerning the accuracy of the appraisal of the real and personal property located on the "Subject Property", COMPANY will make the payment in lieu of taxes required under this Agreement for the amount of the Appraisal not contested.

7) CITY AND COMPANY hereby mutually agree that venue for any suit arising under this Agreement shall be in a court of appropriate jurisdiction in Cameron County, Texas.
8) Subject to all of the provisions hereof, CITY agrees that it will not annex the "Subject Property" described in this Agreement for the period of seven (7) years from the date written below herein.

10) Upon the expiration of this AGREEMENT, CITY's agreement not to annex the Subject Property shall terminate and COMPANY shall be considered by virtue of this AGREEMENT to have petitioned CITY to annex the Subject Property, and CITY may annex the Subject Property pursuant to the procedures applicable to voluntary annexations. COMPANY agrees that it shall execute any additional instruments that may be necessary to effectuate the voluntary annexation.

[Remainder of page left intentionally blank]
WITNESS OUR HAND IN DUPLICATE ORIGINALS THIS 1ST day of March, 2019.

TEXAS GAS SERVICE COMPANY, A DIVISION OF ONE GAS, INC.

BY: Tony Vandeweyer
ITS DIRECTOR OF OPERATIONS

ATTEST:

__________________________
ITS: _______________________

CITY OF HARLINGEN

BY: _______________________
   Chris Boswell, Mayor

ATTEST:

__________________________
Elena Garza, Asst. City Secretary
CORPORATE ACKNOWLEDGEMENT

STATE OF TEXAS
COUNTY OF CAMERON §

BEFORE ME, the undersigned authority on this day personally appeared Chris Boswell, Mayor of the City of Harlingen, Texas, a municipal corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein expressed, in the capacity herein stated and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS _____ day of

__________________________

Notary Public, State of Texas
My Commission Expires: ____________________

CORPORATE ACKNOWLEDGEMENT

STATE OF TEXAS
COUNTY OF CAMERON §

BEFORE ME, the undersigned authority on this day personally appeared

Tony Vanschuyver, Director of TEXAS GAS SERVICE COMPANY, A DIVISION OF ONE GAS, INC., a Texas corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein expressed, in the capacity herein stated and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS _____ day of

March 2019

__________________________

Notary Public, State of Texas
My Commission Expires: 11/22/19

Page 6 of 6
**AGENDA ITEM**

**EXECUTIVE SUMMARY**

Meeting Date: March 19, 2019

**Agenda Item:**

Consider and take action to authorize the Mayor, on behalf of the City of Harlingen, to submit, accept and expend grant funding ($48,000.00) made available through the Office of the Governor Homeland Security Grants Division under the Operation Stone Garden Program.

<table>
<thead>
<tr>
<th>Prepared By (Print Name):</th>
<th>Michael Kester</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title:</td>
<td>Chief of Police</td>
</tr>
<tr>
<td>Signature:</td>
<td></td>
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</table>

**Brief Summary:**

The Harlingen Police Department will be utilizing the Operation Stone Garden Program funding for overtime costs and operating expenses to the City of Harlingen for providing additional manpower in a state-led and unified strategy to respond to the increased presence and threat of organized crime, terrorism and violent crimes within our borders.

<table>
<thead>
<tr>
<th>Funding (if applicable):</th>
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<tbody>
<tr>
<td>Are funds specifically designated in the current budget for the full amount</td>
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<tr>
<td>*If no, specify source of funding and amount requested: $48,000.00 will derive from reimbursement requests to the Office of the Governor Homeland Security Grants Division – Local Border Security Program. A budget amendment will be requested to reflect the increase in expenditures and revenues.</td>
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</table>

Finance Director’s approval:

| Yes | No | N/A |

<table>
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<tr>
<th>Staff Recommendation:</th>
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<tbody>
<tr>
<td>Staff recommends that we submit, accept and expend Operation Stone Garden grant funding allocated to the City of Harlingen Police Department.</td>
</tr>
</tbody>
</table>

City Manager’s approval:

| Yes | No | N/A |

**Comments:**

City Attorney’s approval:

| Yes | No | N/A |
RESOLUTION NO. _______

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS AUTHORIZING THE HARLINGEN POLICE DEPARTMENT TO SUBMIT AN APPLICATION, ACCEPT RELATED AWARD AND ULTIMATELY EXPEND SAID FUNDING IN REFERENCE TO (GRANT #3186904) FROM THE OFFICE OF THE GOVERNOR HOMELAND SECURITY GRANTS DIVISION FOR FUNDING OVERTIME COSTS AND OPERATING EXPENSES TO THE CITY OF HARLINGEN, TEXAS FOR PROVIDING ADDITIONAL MANPOWER TO ENHANCE AND IMPROVE BORDER SECURITY UNDER THE OPERATION STONE GARDEN PROGRAM.

WHEREAS, the City of Harlingen finds it in the best interest of the citizens of Harlingen, Texas and the region, that the City of Harlingen utilize its local law enforcement personnel in a state-led and unified strategy to respond to the increased presence and threat of organized crime, terrorism and violent crimes within our borders; and

WHEREAS, the governing body of the City of Harlingen has considered the proposed grant funding opportunity under the FY 2019-2020 Operation Stone Garden Program in the proposed amount of $48,000.00 from the Office of the Governor – Homeland Security Grants Division; and

WHEREAS, the governing body of the City of Harlingen, Texas understanding the financial limitations and obligations related to such funding, including the full return of grant funds in the event of a loss or misuse of the Operation Stone Garden Program Funds, endorses the acceptance of the award for funding to the Harlingen Police Department; and

WHEREAS, the City Commission of the City of Harlingen designates Mayor Chris Boswell as the authorized official to apply for, accept, reject, alter or terminate funding of said grant.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS: that the City Commission approves the submission, acceptance and expenditure of grant funding awarded by the Office of the Governor, Homeland Security Grants Division for the funding made available under the Operation Stone Garden Program in the amount of $48,000.00.

CONSIDERED AND ADOPTED this 19th day of March, 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.

GRANT #3186904

CITY OF HARLINGEN:

ATTEST:

______________________________
Chris Boswell, Mayor

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

Meeting Date: March 19, 2019

Agenda Item:
Consider and take action to authorize the Mayor, on behalf of the City of Harlingen, to submit, accept and expend grant funding ($65,000.00) made available through the Office of the Governor Homeland Security Grants Division under the Local Border Security (Border Star) Program.

Prepared By (Print Name): Michael Kester
Title: Chief of Police
Signature:

Brief Summary:
The Harlingen Police Department will be utilizing the Local Border Security (Border Star) Program funding for overtime costs and operating expenses to the City of Harlingen for providing additional manpower in a state-led and unified strategy to respond to the increased presence and threat of organized crime, terrorism and violent crimes within our borders.

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: $65,000.00 will derive from reimbursement requests to the Office of the Governor Homeland Security Grants Division – Local Border Security Program. A budget amendment will be requested to reflect the increase in expenditures and revenues.

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

Staff Recommendation:
Staff recommends that we submit, accept and expend Border Star grant funding allocated to the City of Harlingen Police Department.

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

Comments:

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

form revised 01/26/09
RESOLUTION NO.   

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS AUTHORIZING THE HARLINGEN POLICE DEPARTMENT TO SUBMIT AN APPLICATION, ACCEPT RELATED AWARD AND ULTIMATELY EXPEND SAID FUNDING IN REFERENCE TO (GRANT #2995505) FROM THE OFFICE OF THE GOVERNOR HOMELAND SECURITY GRANTS DIVISION FOR FUNDING OVERTIME COSTS AND OPERATING EXPENSES TO THE CITY OF HARLINGEN, TEXAS FOR PROVIDING ADDITIONAL MANPOWER TO ENHANCE AND IMPROVE BORDER SECURITY UNDER THE LOCAL BORDER SECURITY (BORDER STAR) PROGRAM 

WHEREAS, the City of Harlingen finds it in the best interest of the citizens of Harlingen, Texas and the region, that the City of Harlingen utilize its local law enforcement personnel in a state-led and unified strategy to respond to the increased presence and threat of organized crime, terrorism and violent crimes within our borders; and

WHEREAS, the governing body of the City of Harlingen has considered the proposed grant funding opportunity under the FY 2019-2020 Local Border Security Program (border Star) in the proposed amount of $65,000.00 from the Office of the Governor – Homeland Security Grants Division; and

WHEREAS, the governing body of the City of Harlingen, Texas understanding the financial limitations and obligations related to such funding, including the full return of grant funds in the event of a loss or misuse of the Local Border Security Program Funds, endorses the acceptance of the award for funding to the Harlingen Police Department: and

WHEREAS, the City Commission of the City of Harlingen designates Mayor Chris Boswell as the authorized official to apply for, accept, reject, alter or terminate funding of said grant.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS: that the City Commission approves the submission, acceptance and expenditure of grant funding awarded by the Office of the Governor, Homeland Security Grants Division for the funding made available under the Local Border Security Program in the amount of $65,000.00.

CONSIDERED AND ADOPTED this 19th day of MARCH, 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.

GRANT #2995505
CITY OF HARLINGEN:

Chris Boswell, Mayor

ATTEST:

Amanda Elizondo, City Secretary
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: March 19, 2019

**Agenda Item:**
Consider and take action to approve a Curfew Ordinance for juveniles sixteen (16) years of age and younger. This ordinance restricts the nighttime hours juveniles can be out in the public unescorted by an adult and allows for defense protections from the violation.

<table>
<thead>
<tr>
<th>Prepared By (Print Name):</th>
<th>Michael Kester</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title:</td>
<td>Interim Chief of Police</td>
</tr>
<tr>
<td>Signature:</td>
<td>Michael Kester</td>
</tr>
</tbody>
</table>

**Brief Summary:**
The Curfew Ordinance would prohibit juveniles to be out in public without an adult during the hours of 10:30 p.m. to 6:00 a.m. on Sundays through Thursdays; also 12:01 a.m. through 6:00 a.m. on Saturdays and Sundays. There are several defenses to the curfew ordinance that provide for a juvenile to be out during the prohibited hours. This would be a renewal of a Curfew Ordinance and is required to be evaluated and renewed in three (3) years.

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

<table>
<thead>
<tr>
<th>Yes</th>
<th>No*</th>
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*If no, specify source of funding and amount requested: N/A

Finance Director’s approval:

<table>
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<tr>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
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</table>

**Staff Recommendation:**
Staff recommends approval.

For Street Closures ONLY, Fire Chief’s approval:

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
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</thead>
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City Manager’s approval:

<table>
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<tr>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
</table>

**Comments:**

City Attorney’s approval:

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
</table>
Honorable Mayor, City Commissioners, and City Manager;

In accordance with the Curfew Ordinance, the Commission must re-approve the ordinance every three years. If not re-approved the ordinance automatically expires. The Ordinance was last approved on October 7th 2015 and it expired on October 7th, 2018. I am recommending that the Commission approve a new Curfew Ordinance.

The tables below show juvenile criminal activity in the City of Harlingen during the time the curfew ordinance was in effect. The Harlingen Police Department has identified juvenile arrests and/or citations from October 7, 2015 through October 7, 2018. This information comes from our police records database and information provided by the Harlingen Municipal Court. The numbers also reflect arrests made during the curfew hours, where no curfew citation was issued. In instances where the juvenile was arrested for a criminal offense and no curfew offense was charged there were mitigating circumstances that led to the officer not citing for a curfew violation. The numbers show a clear downward trend in juvenile crime and curfew violations. I believe the curfew ordinance has contributed significantly to reducing the amount of juvenile crime not only overnight but all day long. No Parents were cited during the three (3) year period.

**October 7, 2015 through October 7, 2016**
- Juvenile arrests or citations for curfew violation: 61
- Juvenile arrest during curfew hours (no curfew citation issued): 74
- All juvenile arrests: 416

**October 7, 2016 through October 7, 2017**
- Juvenile arrests or citations for curfew violation: 57
- Juvenile arrest during curfew hours (no curfew citation issued): 67
- All juvenile arrests: 278

**October 7, 2017 through October 7, 2018**
- Juvenile arrests or citations for curfew violation: 19
- Juvenile arrest during curfew hours (no curfew citation issued): 42
- All juvenile arrests or citations: 197

**Total number for all three years**
- Juvenile arrests or citations for curfew violation: 137
- Juvenile arrest during curfew hours (no curfew citation issued): 203
- All juvenile arrests: 881

Respectfully,

Michael Kester  
Interim Chief of Police  
Harlingen Police Department
CURFEW ORDINANCE

Sec. 34-180. - Short title.

This article shall be known and may be cited as the minor curfew ordinance.

(Ord. No. 19-- , § 1, 03- -2019)

Sec. 34-181. - Definitions.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

City means the City of Harlingen, Cameron County, Texas.

Curfew hours means:

(1) 10:30 p.m. on Sunday, Monday, Tuesday, Wednesday or Thursday until 6:00 a.m. of the following day; and

(2) 12:01 a.m. until 6:00 a.m. of any Saturday or Sunday.

Direct route means the shortest path to travel through a public place to reach a final destination without any detour or stop along the way.

Emergency means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes but is not limited to a fire, a natural disaster, an automobile accident or any situation requiring immediate action to prevent serious bodily injury or loss of life.

Establishment means any privately-owned place of business operated for a profit to which the public is invited in the city, including but not limited to any place of amusement or entertainment.

Guardian means:

(1) A person who, under court order, is the guardian of the person of a minor; or

(2) A public or private agency with whom a minor has been placed by a court.

Minor means any person under 17 years of age.

Motor vehicle means every mechanical device in, upon or by which any person or property is to be transported or drawn upon a public highway, which includes but is not limited to motorcycles, cars, pickup trucks, tractors, semi-trailers, trailers, vans, motor scooters, mopeds, truck tractors and motorized bicycles.

Operator means any individual, firm, association, partnership or corporation operating, managing or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

Parent means a person who is:

(1) As a natural parent, adoptive parent or step-parent;

(2) As a legal guardian;

(3) At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor;

Public place means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, alleys, highways, sidewalks, playgrounds, parks, plazas, the
common areas of schools, hospitals, apartment houses, office buildings and transport facilities, or other places used by or open to the public, and shall include any place to which the general public has access and a right to enter for business, entertainment or other lawful purpose. A public place shall include but not be limited to any store, shop, restaurant, tavern, bowling alley, cafe, theater, drug store, pool room, shopping center and any other place devoted to amusement or entertainment of the general public. It shall also include the front or immediate area of the above.

Remain means to:

(1) Linger or stay; or

(2) Fail to leave premises when requested to do so by a police officer or the owner, operator or other person in control of the premises.

Serious bodily injury means bodily injury that creates a substantial risk of death or that causes death, permanent disfigurement, or protracted loss of impairment of the function of any bodily member or organ.

(Ord. No. 19-, § 1, 03- -2019)

Sec. 34-182. - Offenses.

(a) A minor commits an offense if he or she remains in any public place or on the premises of any establishment within the city during curfew hours.

(b) A parent or guardian of a minor commits an offense if he or she knowingly permits or by insufficient control, allows the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.

(c) The owner, operator or any employee of an establishment commits an offense if he or she knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

(Ord. No. 19-, § 1, 03- -2019)

Sec. 34-183. - Defenses.

(a) It is a defense to prosecution under section 34-182 that the minor was:

(1) Accompanied by the minor's parent or guardian;

(2) On an errand at the direction of the minor's parent or guardian, without any detour or stop;

(3) In a motor vehicle involved in interstate travel;

(4) In a motor vehicle involved in transportation for which passage through the curfew area was the most direct route;

(5) Engaged in an employment activity, including or going to or returning home from an employment activity, without any detour or stop;

(6) Involved in an emergency;

(7) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor, if the neighbor did not complain to the police department about the minor's presence;

(8) Attending an official, school, religious or other recreational activity supervised by adults and sponsored by the City of Harlingen, a civic organization or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious or other recreational activity supervised by adults and sponsored by the City of Harlingen, a civic organization or another similar entity that takes responsibility for the minor;
(9) At an event intended for youth at a place of business, such as a bowling center or movie theater, for which a ticket or other proof of attendance was provided to the minor in the event of police requested verification, and from which event, when leaving, the minor was returning home without any detour or stop.

(10) Exercising his or her First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly; or

(11) Married or had been married or had disabilities of minority removed in accordance with Texas Family Code ch. 31, as amended.

(b) It is a defense to prosecution under section 34-182(c) that the owner, operator or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

(Ord. No. 19-__, § 1, 03- -2019)

Sec. 34-184. - Enforcement procedure.

(a) Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer with probable cause believes that an offense has occurred and that, based on any response and other circumstances, no defense in section 34-183 is present.

(b) A police officer shall not issue a citation to or arrest a parent or guardian of a minor for a violation of section 34-182(b), relating to the curfew hours defined in section 34-181, unless the parent or guardian has, within the same calendar year, received at least two prior written warnings from a police officer for a violation of section 34-182(b) relating to curfew hours defined in section 34-181. In calculating the number of written warnings received by a parent or guardian in a calendar year, all warnings issued to the parent or guardian will be counted, regardless of whether the warnings relate to the same minor.

(c) A police officer shall not issue a citation to or arrest an owner, operator or employee of an establishment for a violation of section 34-182(c), relating to the curfew hours defined in section 34-181, unless the establishment has, within the same calendar year, received at least two prior written warnings from a police officer for a violation of section 34-182(c) relating to curfew hours defined in section 34-181. In calculating the number of written warnings received by an owner, operator or employee in a calendar year, all warnings issued to any owner, operator or employee of an establishment shall be counted, regardless of whether the warnings relate to the same minor.

(d) Any police officer, upon finding a minor in violation of section 34-182, who has twice previously been convicted of section 34-182, shall transfer under conduct indicating a need for supervision (Texas Family Code § 51.03), the case to proper authorities for handling under the provisions of the Texas Family Code ch. 51, as amended. In addition, a complaint will be filed against the parents in municipal court for violation of section 34-182(b). The police department shall file all necessary legal papers, supply all necessary documentation and provide necessary testimony as required for pursuing a violation of this section by either the minor or by any parent or guardian.

(Ord. No. 19-__, § 1, 03- -2019)

Sec. 34-185. - Referral.

Any minor who shall violate any of the provisions of this curfew article more than three times may be referred by the juvenile officer to the county juvenile probation department for processing as a child having engaged in conduct indicating a need for supervision. In making any such referral, the juvenile officer shall follow the appropriate police department juvenile procedures.
Sec. 34-186. - Penalty.

(a) Any person who violates any provision of this chapter for which no other penalty has been provided shall be punished as established in section 1-7.

(b) Any person who violates any provision of section 34-182 shall, upon conviction, be punished by a fine not to exceed $500.00.

(c) Curfew penalties.

(1) Any minor violating any of the provisions of section 34-182 shall be guilty of a Class "C" misdemeanor, as defined in Texas Penal Code § 12.23, and shall be dealt with in accordance with the provisions of Texas Family Code tit. 3, as amended.

(2) A parent of a minor violating any of the provisions of section 34-182 shall be guilty of a misdemeanor, which shall be punishable by a fine of not less than $50.00 nor more than $500.00.

(3) In assessing punishment for either a parent or a child, the municipal court judge may consider a community service program.

(4) The owner, operator or employee of an establishment who violates section 34-182(c) is guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed $500.00.

(5) When required by Texas Family Code § 51.08, as amended, the municipal court shall waive original jurisdiction over a minor who violates section 34-182(a) and shall refer the minor to juvenile court.

Sec. 34-187. - Expiration.

This article expires three years from the date enacted, unless sooner terminated or extended by the Elective Commission of the City of Harlingen, Texas.
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: March 19, 2019

Agenda Item:
Consider and take action to adopt an Ordinance on First Reading to annex and to establish the initial zoning to Residential, Single Family ("R-1") District for a 36.46 acre tract of land, more or less, out of Block 99, Wilson Tract Subdivision, 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 – The City Commission approved a resolution 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 was conducted by the Planning and Zoning Commission on the requested annexation. The P&Z Commission recommended approval by a 5 to 0 vote.
- February 20, 2019 – First Public Hearing was conducted by the City Commission.
- February 23, 2019 – In accordance with Statute and local law, notice of second public hearing published in the Valley Morning Star.
- March 7, 2019 – Second Public Hearing was conducted by the City Commission.
- March 19, 2019 – 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

- 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.

- 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-VI).
• 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 Residential, Single Family ("R-1") District (ATTACHMENT III). The requested zoning is consistent with the Future Land Use Plan component of the City of Harlingen Comprehensive Plan One Vision One Harlingen (ATTACHMENT VII).

• 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 VIII).

• 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.

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

Finance Director’s approval: | Yes | No | N/A

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<th>Staff Recommendation:</th>
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<tr>
<td>Staff recommends approval.</td>
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City Manager’s approval: | Yes | No | N/A

Comments:

City Attorney’s approval: | Yes | No | N/A
# Attachment I

## CITY OF HARLINGEN PLANNING AND ZONING DIVISION
**MASTER APPLICATION**

<table>
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<tr>
<td>Project Address: Not Assigned</td>
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<tr>
<td>(Proposed) Subdivision Name: Palica's Ranch</td>
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<tr>
<td>Existing Zoning Designation: Agricultural</td>
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<table>
<thead>
<tr>
<th>OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)</th>
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<tbody>
<tr>
<td>Applicant/Authorized Agent: David Salinas</td>
</tr>
<tr>
<td>Email Address (for project correspondence only): <a href="mailto:degradation@email.com">degradation@email.com</a></td>
</tr>
<tr>
<td>Mailing Address: 2221 Daftool Ave., Harlingen, TX 78550</td>
</tr>
<tr>
<td>Property Owner: Arturo Ortega</td>
</tr>
<tr>
<td>Email Address (for project correspondence only): <a href="mailto:degradation@email.com">degradation@email.com</a></td>
</tr>
<tr>
<td>Mailing Address: 2221 Daftool Ave., Harlingen, TX 78550</td>
</tr>
</tbody>
</table>

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

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<tbody>
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<tr>
<td>Administrative Appeal (ZBA)</td>
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<tr>
<td>Comp. Plan Amendment Request</td>
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<td>Re-zoning Request</td>
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<tr>
<td>SUP Request/Renewal</td>
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<tr>
<td>Zoning Variance Request (ZBA)</td>
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<tr>
<td>PDO Request</td>
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<td>License to Encroach</td>
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<td>Preliminary Plat</td>
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<td>Final Plat</td>
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<td>Re-plat</td>
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<tr>
<td>Vacating Plat</td>
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<tr>
<td>Development Plat</td>
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<tr>
<td>Subdivision Variance Request</td>
<td>$250.00 (each)</td>
</tr>
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</table>

Please provide a basic description of the proposed project: **REQUEST TO APPROVE 3.46 ACRES INTO CITY OF HARLINGEN FOR RESIDENTIAL USE & DEVELOPMENT.**

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: 12/21/18

Property Owner(s) Signature: [Signature] | Date: 12/21/18

Accepted by: | Date:
ANNEXATION AND RE-ZONING REQUEST

METES AND BOUNDS DESCRIPTION

BEING A 36.46 ACRE TRACT OF LAND, MORE OR LESS, OUT OF BLOCK 99, WILSON TRACT SUBDIVISION, CAMERON COUNTY, TEXAS, AS PER THE MAP OR PLAT THEREOF RECORDED IN VOLUME 09, PAGE 28, 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 ½ INCH DIAMETER IRON ROD SET ON THE SOUTHWEST CORNER OF SAID BLOCK 99 LOCATED ON THE WEST LINE OF PELICAN'S LANDING ESTATES, PHASE I, HARLINGEN, CAMERON COUNTY, TEXAS, AS PER THE MAP OR PLAT THEREOF RECORDED IN CAB. 1, PAGE 2810-B, MAP RECORDS OF CAMERON COUNTY, TEXAS; 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 ½ 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 ½ 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 16 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 ½ 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 ½ 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 16 SECONDS WEST, COINCIDENT WITH A NORTHERN LINE OF SAID PELICAN'S LANDING ESTATES, PHASE I, A DISTANCE OF 150.0 FEET TO A ½ 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 58 MINUTES 52 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 16 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 16 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 16 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 06 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 16 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 BEARING: PELICAN'S LANDING ESTATES, PHASE I, C.C.T
REF: SURVEY OF 38.46 ACRES OUT OF BLOCK 99, WILSON TRACT SUBDIVISION, CCT, PREPARED BY VICTOR BAEJUELOS, RPLS.
DATED 07/08/12 (ATTACHED)
REF. COPY OF RECORDED PLAT OF PELICAN'S LANDING ESTATES, PHASE I, HARLINGEN, CCT. (ATTACHED)
N:\SUBDIVISION\PLATS\PELICAN'S.REACH.PHASE I\38.46.011119

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

DATE: JANUARY 11, 2019
JOB NO. SP-18-23964

3
"MASTER DRAINAGE PLAN"
FOR
PELICAN'S REACH, PHASE I
Request for the voluntary annexation and establish the initial zoning to Single Family Residential ("R1") District for 34.46 acre tract of land, more or less, consisting of all of Block 99, Wilson Tract Subdivision, located on the north side of Wilson Road, east of N Tamm Lane. Applicant: Arturo Ortega
Future Land Use Map

A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.
SEE ATTACHED SERVICE PLAN
ORDINANCE NO. 19-____

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF HARLINGEN THROUGH ANNEXATION AND ESTABLISHING THE INITIAL ZONING TO RESIDENTIAL, SINGLE FAMILY ("R-1") DISTRICT, CONSISTING OF A 36.46 ACRE TRACT OF LAND, MORE OR LESS, OUT OF BLOCK 99, WILSON TRACT SUBDIVISION, LOCATED NORTH OF PINK FLAMINGO STREET EAST OF TAMM LANE; 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 February 20, 2019 and March 7, 2019 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 36.46 acre tract of land, more or less, out of Block 99, Wilson Tract Subdivision, located north of Pink Flamingo Street east of Tamm Lane.

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 Residential, Single Family (“R-1”) 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 36.36 acres and is identified on the map attached to the service plan.

FINALLY ENACTED this _____day of ____________, 2019 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 April 3, 2019 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 36.46 acre tract of land, more or less, out of Block 99, Wilson Tract Subdivision, located north of Pink Flamingo Street east of Tamm Lane.

PREPARED BY
CITY OF HARLINGEN PLANNING AND ZONING DEPARTMENT

DATE COMPLETED: January 18, 2019
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<tr>
<td>Map of Proposed Annexation</td>
<td>3</td>
</tr>
<tr>
<td>Services to be Provided within 60 days</td>
<td>4</td>
</tr>
<tr>
<td>Services to be Provided within 2-1/2 years</td>
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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 1/2) years of the effective date of annexation.
Annexation of a 36.46 acre tract of land, more or less, consisting of all of Block 99, Wilson Tract Subdivision.

36.46 Acres

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 fieldnotes, 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 07/26/18.
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
ANNEXATION AND RE-ZONING REQUEST

METES AND BOUNDS DESCRIPTION

BEING A 36.46 ACRE TRACT OF LAND, MORE OR LESS, OUT OF BLOCK 99, WILSON TRACT SUBDIVISION, CAMERON COUNTY, TEXAS, AS PER THE MAP OR PLAT THEREOF RECORDED IN VOLUME 09, PAGE 28, 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 ½ INCH DIAMETER IRON ROD SET ON THE SOUTHWEST CORNER OF SAID BLOCK 99 LOCATED ON THE WEST LINE OF PELICAN'S LANDING ESTATES, PHASE I, HARLINGEN, CAMERON COUNTY, TEXAS, AS PER THE MAP OR PLAT THEREOF RECORDED IN CAB. 1, PAGE 2810-B, MAP RECORDS OF CAMERON COUNTY, TEXAS; 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 ½ 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 HEREFIN 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 ½ 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 HEREFIN DESCRIBED TRACT;

(2) THENCE, NORTH 89 DEGREES 52 MINUTES 16 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 ½ 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 HEREFIN 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 ½ INCH DIAMETER IRON ROD SET ON THE NORTHEAST CORNER OF SAID PELICAN'S LANDING ESTATES, PHASE I, FOR THE SOUTHEAST CORNER OF THIS HEREFIN DESCRIBED TRACT;

(4) THENCE, SOUTH 89 DEGREES 52 MINUTES 16 SECONDS WEST, COINCIDENT WITH A NORTHERN LINE OF SAID PELICAN'S LANDING ESTATES, PHASE I, A DISTANCE OF 150.0 FEET TO A ½ INCH DIAMETER IRON ROD FOUND ON A NORTHERN CORNER OF SAID PELICAN'S LANDING ESTATES, PHASE I, FOR A SOUTHERN CORNER OF THIS HEREFIN DESCRIBED TRACT;
(5) THENCE, NORTH 44 DEGREES 58 MINUTES 52 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 HERELN DESCRIBED TRACT;

(6) THENCE, SOUTH 89 DEGREES 52 MINUTES 16 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 HERELN 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 HERELN DESCRIBED TRACT;

(8) THENCE, SOUTH 89 DEGREES 52 MINUTES 16 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 HERELN 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 HERELN DESCRIBED TRACT;

(10) THENCE, SOUTH 89 DEGREES 52 MINUTES 16 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 HERELN DESCRIBED TRACT;

(11) THENCE, SOUTH 45 DEGREES 01 MINUTES 06 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 HERELN DESCRIBED TRACT;

(12) THENCE, SOUTH 89 DEGREES 52 MINUTES 16 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 BEARING: PELICAN'S LANDING ESTATES, PHASE I, C.C.T
EXECUTIVE SUMMARY

Meeting Date: March 19, 2019

Agenda Item:
Consideration and possible action to select Negrete & Kolar Architects, LLP as the top ranked firm recommended by the evaluation committee and authorize the City Manager to negotiate and execute a contract for associated architectural and engineering services pursuant to the City’s Request for Qualifications No. 2019-03 for the Design and Project Management of the HEB Tennis Center.

Prepared By: Javier Mendez
Title: Director of Parks and Recreation
Signature: [Signature]

Brief Summary:
Summary:
Staff solicited Statements of Qualifications for Architectural/Engineer services to provide the design and project management for the HEB Tennis Center Pro Shop at Pendleton Park. The project shall include architectural/engineer schematic design, preparation of plans, cost estimates and specifications for bidding, and construction management. As a result of the advertised RFQ, we received seven (7) sealed proposals. The evaluation committee then reviewed and ranked the seven proposals with Negrete & Kolar Architects, LLP scoring the highest. The evaluation committee who scored the RFQ’s was comprised of Assistant City Manager, Carlos Sanchez; City Engineer, Ponciano Longoria; Public Works Director, Celina Gonzales and Parks and Recreation Director, Javier Mendez. The evaluation scoring table is attached to this agenda showing each evaluators score. Also, attached is the scoring criteria. Staff recommends to authorize the City Manager to begin negotiations with the highest scored firm Negrete & Kolar Architects, LLP.

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

Staff Recommendation:
Staff recommends the City Commission approve the evaluation committee’s selection of Negrete & Kolar Architects, LLP and authorize City Manager to negotiate and execute a contract for the design, and construction management of the HEB Tennis Center Pro Shop.

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

Comments:

City Attorney’s approval: □ Yes □ No □ N/A
## RFQ No. 2019-03 - Evaluation Criteria Point Totals for Design and Project Management of the HEB Tennis Center

### 1) Professional Qualification of Team
Possible point = 90

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Sub-Total 1: 300 330 180 330 300 180 360

### 2) Experience/Ability of Project Manager
Possible points = 90

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Sub-Total 2: 330 330 180 330 210 150 330

### 3) Understanding of Project
Possible points = 90

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Sub-Total 3: 300 300 270 330 300 240 360

### 4) Familiarity w/Applicable Rules and Reg.
Possible points = 30

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Sub-Total 4: 40 70 70 110 50 90 110

Total: 970 1030 700 1100 860 660 1160

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REQUEST FOR QUALIFICATIONS:

RFQ NO 2019-03 Architectural Engineering Design and Project Management of the HEB Tennis Center Pro Shop

SELECTION CRITERIA
EVALUATION CRITERIA

In the following criteria for a minimum and preferred qualifications, one year, two years, etc. experience need not consist of continuous work but may be made up of discontinuous periods of full-time work adding up to the equivalent years of full-time experience.

RESPONSE EVALUATION CRITERIA

The Provider’s response will be evaluated based on the criteria presented below. These criteria will be scored on the scales shown on the enclosed “Response Evaluation Form.”

1. Professional Qualifications of Team (30 points)

The firm should provide information on their proposed project manager, i.e. applicable certifications/registrations and other pertinent information that demonstrates their qualification to perform the contract. The project manager shall have experience in performing similar contracts for Municipalities or Local Governments as stated in the Request for Qualifications (RFQ). Performance records or client reference will be called for verification of past performance. Similar experience gained through other clients should be substantiated by reference.

Minimum Qualifications - One (1) Professional Licensed Architects/Engineer with educational background or strong experience in parks and recreation design, engineering design, construction management with minimum 5 years experience.

Preferred Qualifications - Two (2) Professional Licensed Architects/Engineer with educational background or strong experience in parks and recreation design, engineering design, construction management with more than 10 years experience.

2. Experience/Availability of Project Manager (30 points)

The Project Manager must be a licensed Architect or Engineer, have adequate experience in managing projects and shall be registered in the State of Texas. The project manager’s resume must be included in the appendix. Scope of relative projects must be included as well with references.

Minimum Qualifications - The Project Manager must have managed 2 Municipal projects within the last 3 years.

Preferred Qualifications - The Project Manager must have managed a minimum of 5 Parks and Recreation projects within Cameron County.

3. Understanding of Project (30 points)

The response shall include the following:
- Demonstrate an understanding of the scope of services
- Address the approach to complete the scope
- Address appropriate Federal/State/Local regulations and policies

**Minimum Qualifications -** The response must address knowledge and experience of working with multiple entities, such as Municipalities in the general area, Cameron County and State Agencies.

**Preferred Qualifications -** The response must address the approach to complete the scope and identify information to be gathered or obtained and how it will be used in addition to the Minimum Qualifications above. The response must indicate knowledge of state and federal regulations for these types of projects and identify those applicable.

4. **Familiarity with Applicable Rules and Regulations (10 points)**

The response should indicate, through past experience of the Architectural or Engineering Team, that they possess sufficient knowledge of governmental regulations, appropriate codes, guidelines, professional standards and policies (as required).

**Minimum Qualifications -** The response must contain a narrative that outlines applicable regulations, guidelines, standards and policies.

**Preferred Qualifications -** Suitable examples of previous commercial building design with an emphasis renovation projects completed in the State of Texas by the Project Manager, in addition to the Minimum Qualifications above.
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: March 19, 2019

Agenda Item:
Consider and take action to authorize the City Manager to Execute an Agreement for Preliminary Engineering Services with Union Pacific for Railroad Improvements at 76 Drive at Jefferson Avenue.

Prepared By (Print Name): Celina Gonzalez, CPM
Title: Public Works Director
Signature: [Signature]

Brief Summary:
The City of Harlingen received a grant through the Lower Rio Grande Valley Development Council (LRGVDC) for the construction of 2.03 miles (10,742.30 FT) of sidewalks and curb ramps for three different locations within the City Limits. The sidewalks along 6th Street (Area 3) between Jefferson Avenue to Buchanan Avenue have been completed with the exception of an existing Railroad Crossing just south of Jefferson Avenue. The existing conditions of the railroad crossing are wooden planking which does not allow for adequate accessibility for a pedestrian crossing. In order to accommodate the crossing and complete the sidewalk connectivity, the existing railroad crossing needs to be improved with concrete planking.

Staff met with LRGVDC staff, Mr. Tom Logan, to request additional funding for the improvement of the railroad crossing by upgrading it with concrete planking and any other apparatuses required by the railroad company. Staff has already presented the amendment to the interlocal agreement for the additional funding.

The request before you is for the preliminary engineering services for the design of the railroad crossing to concrete planking. Union Pacific Railroad would complete the preliminary design for the crossing and it is estimated at $5,000. The final cost will be adjusted depending on the work required for the crossing. Included with the packet is the Preliminary Engineering Agreement and a layout of the location.

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

Finance Director’s approval:

Staff Recommendation:
Staff is recommending authorizing the City Manager to Execute an Agreement for Preliminary Engineering Services with Union Pacific for Railroad Improvements at 76 Drive at Jefferson Avenue.

City Manager’s approval:

Comments:

City Attorney’s approval:

Form revised 01/26/09
March 8, 2019

AGREEMENT FOR PRELIMINARY ENGINEERING SERVICES
AND SUBMITTAL OF EXHIBIT “A” FOR RAILROAD APPROVAL

Exhibit A
Crossing: Public
Texas City of Harlingen
RRMP 2.22 Harlingen Subdivision
76 Drive DOT # 758317N
Cameron County

Mr. Dale Hill
Manager, Industry & Public Projects
Union Pacific Railroad Company
24125 Old Aldine Westfield Road
Spring, Texas 77373

Dear Mr. Hill:

Plans are being prepared to (description of Agency Project) construct Railroad Planking at the location referenced above. The proposed work includes (scope of work) the installation of concrete pedestrian walkway and ramps. In connection with the project, the City of Harlingen considers it necessary for the successful advancement of the project for your company to collaborate in the development of the project by performing the following:

- preliminary engineering and other related services
- development of cost estimates
- review of the project’s preliminary layouts
- submit current train and switching moves

The City of Harlingen authorizes and agrees to reimburse the Railroad for its expenses and actual costs that are incurred for collaborating in the development of the project’s preliminary engineering and other preliminary activities. The Railroad has estimated that these preliminary engineering and other preliminary costs will be $40,500. Payment will be made within thirty (30) days from the Agency’s receipt and approval of the Railroad’s request for reimbursement. Railroad will refer to City of Harlingen’s Project Numbers: 001 (Exhibit A) and 002 (Exhibit B). Please forward invoices to City of Harlingen, Public Works Department, P.O. Box 2207, Harlingen, Texas 78550.

Additionally, attached for your company’s review and approval is one (1) set of half-scale prints of the concept plans marked Exhibit A, which are the 100% complete plans and show the basic features of the proposed highway project at the location referenced above. Please review and provide comment on the basic features of the Exhibit A as soon as possible. Also enclosed is
one (1) set of photos of each of the project areas.

The project may require the Railroad to incur costs for force account activities. Please prepare the railroad force account cost estimate for work activities to be provided by your company, as identified in Exhibit A and submit them at your earliest convenience so that they may be attached to the railroad generated Construction & Maintenance (C&M) agreement.

Please verify the number of current regular train for Exhibit A is 5 and switching movements 0 with a Maximum Speed of 45 MPH at this location as currently shown in our inventory records. This information will be used by the Agency’s Contractor to obtain Railroad Protective Liability Insurance.

This agreement is intended to address Preliminary Engineering. It is understood by both parties that railroad may withhold its approval for any reason directly or indirectly related to safety or its operations, property issues or effect to its facilities. If the Project is approved, Union Pacific will continue to work with the City of Harlingen to develop Final Plans, Specifications and prepare Material and Cost Estimates for Railroad Construction Work associated with the project. It is also understood that if the project is constructed, if at all, it will be at no cost to the railroad.

The City of Harlingen and the Railroad will enter into separate License, Right of Entry, Construction and Maintenance Agreements associated with the actual construction of the project if the project is accepted and approved by the railroad. The Agreements will be drafted by Union Pacific and forwarded to the Agency after the Exhibit A and cost estimates for both have been approved.

Please contact Mr. Carlos Sanchez, P.E. at telephone number (956) 216-5001 via email at csanchez@myharlingen.us if you have any questions. Your assistance in this matter is appreciated.

Sincerely,

Dan Serna
City Manager
City of Harlingen

UNION PACIFIC RAILROAD COMPANY

By __________________________ Date ________________

Name and Title ____________________________

Attachment(s)
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: March 19, 2019

Agenda Item:
Consideration and possible action to approve a resolution establishing an Economic Development Program pursuant to Chapter 380 of the Texas Local Government Code. Attachment (City Manager)

Prepared By (Print Name): Dan Serna
Title: City Manager

Signature:

Brief Summary:
The adoption of this resolution, pursuant to Chapter 380 of the Texas Local Government Code, allows for the use and expenditure of public and municipal funds to further stimulate and expand Harlingen's economy as specified in Exhibit “A” Policies and Procedures. The City Manager shall be responsible for administering and coordinating the City’s economic development activities through policy implementation, strategic planning, and partnership with key organizations, including, but not limited to the Development Corporation of Harlingen, Inc. Any resolution, regulation, rule, or prior program in conflict with this Resolution and Program, including but not limited to Resolution No. 10R-57 is hereby rescinded and repealed.

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: The funds have been generated through solicitation of private and corporate donations.

Finance Director's approval: ☐ Yes ☐ No ☐ N/A

Staff Recommendation:
Staff recommends approval of the resolution.

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

Comments:

City Attorney's approval: ☐ Yes ☒ No ☐ N/A
RESOLUTION NO. R-2019- _____

A RESOLUTION ESTABLISHING AN ECONOMIC DEVELOPMENT PROGRAM
PURSUANT TO CHAPTER 380 OF THE TEXAS LOCAL GOVERNMENT CODE

WHEREAS, Article III, Section 52-a of the Texas Constitution authorized by the state of Texas allows for the creation of programs and the making of loans and grants of public money to assist private entities to foster economic growth and thereby serve a legitimate public purpose affording a public benefit in return;

WHEREAS, the Texas legislature adopted Chapter 380 of the Texas Local Government Code, which provides authorization for the establishment of economic development programs (hereinafter referred to as a "Chapter 380 Program");

WHEREAS, Chapter 380 of the Local Government Code provides for the administration of one or more programs to promote state or local economic development and to stimulate, develop, and diversify business and commercial activity in the municipality, including, but not limited to, programs for making loans and grants of public money and providing personnel and services of the municipality; and

WHEREAS, because of the foregoing, a Chapter 380 Program will provide a public benefit to the City of Harlingen and its citizens;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS:

SECTION 1. ADOPTION OF CHAPTER 380 PROGRAM.

A. The City of Harlingen hereby adopts the provisions, as if fully set out herein, pursuant to Chapter 380 of the Texas Local Government Code that allows the use and expenditure of public and municipal funds to further stimulate and expand Harlingen’s economy;

B. The City of Harlingen hereby adopts the Chapter 380 Program set forth as Exhibit “A;”

C. The City Manager of the City of Harlingen shall be responsible for administering and coordinating the City’s economic development activities pursuant to this Program through policy implementation, strategic planning, and partnerships with key organizations, including but not limited to the Development Corporation of Harlingen, Inc.; and

D. Any resolution, regulation, rule, or prior program in conflict with this Resolution and Program, including but not limited to Resolution No. 10R-57 is hereby rescinded and repealed.

PASSED AND APPROVED BY THE HARLINGEN CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS, on this the 19th day of March, 2019.

CITY OF HARLINGEN

CHRIS BOSWELL, Mayor

ATTEST:

AMANDA C. ELIZONDO, City Secretary
CHAPTER 380 ECONOMIC DEVELOPMENT PROGRAM

POLICIES AND PROCEDURES

I. General statement of Purpose and Policy

The City of Harlingen is committed to the promotion of high quality development in all parts of the City and to an ongoing improvement in the quality of life for its citizens. These Policies and Procedures are established in an effort to develop and expand the local economy by promoting and encouraging development and redevelopment projects that enhance the City’s economic base and a higher quality of life, diversify and expand job opportunities, or encourage projects that create additional revenue for the city without substantially increasing the demand on City services or infrastructure. The ultimate goal and public purpose of programs established hereunder is to protect and enhance the City’s fiscal ability to provide high quality municipal services for the safety, comfort and enjoyment of Harlingen residents. Insofar as the enhancement and expansion of the local economy generally serve these objectives, the City of Harlingen will, on a case-by-case basis, give consideration of economic incentives to applicants in accordance with these Policies and Procedures as authorized by Chapter 380 of the Texas Local Government Code, as amended from time to time.

The Chapter 380 Program is intended as an incentive for developers and businesses to address revenue gaps in development projects, defined as having insufficient revenues to support the project’s debt service under a standard financing scenario. The program can also apply to projects that have a development margin or rate of return that is below market. Any sources of public financing are not intended to substitute conventional debt and equity financing, and a project should generally be able to deliver the terms of most of its financing. In order for a project to be approved, it will undergo an analysis of the development budgets, projected revenues and expenses and sources and uses of funds for the project. These figures will be compared to industry standard measures. The City Commission will give preference to proposals that contribute public infrastructure investments and seek reimbursement through enhanced sales and property taxes generated from the project.

Nothing in this document is intended to imply or suggest that the City of Harlingen is under any obligation to provide economic incentives to any applicant. The decision to approve or deny economic incentives shall be at the discretion of the City Commission. Each applicant granted economic incentives as a Chapter 380 Economic Development Program (also referred to as “Program”) under these Policies and Procedures must enter into an agreement with the City of Harlingen containing all terms required by these Policies and Procedures and by state law to protect the public interest of receiving a public benefit in exchange for public funds, assets and services.
II. Program Requirements

To be considered for incentives as a Chapter 380 Economic Development Program under these Policies and Procedures, a project must at least fulfill one of the following minimum requirements:

1. The project will:
   a. Result in a minimum increased taxable value for the City of Five Hundred Thousand Dollars ($500,000) in real and/or business personal property (excluding inventory and supplies); or
   b. Result in a minimum increased taxable value to the City of One Hundred Thousand Dollars ($100,000) in real and business personal property (excluding inventory and supplies) in the area defined as the Downtown Improvement District; or
   c. Generate an amount of municipal sales tax with a single location that, on an annual basis, ranks the facility in the top quartile of the top 100 sales tax generators in the City as determined by the most recently available sales tax report; or
   d. Provide employment opportunities for City residents where a majority (fifty-one percent or greater) of the available positions are offered at an average hourly wage that is at least 10% greater than the MSA’s average wage as determined by the Bureau of Labor Statistic’s most recently available Metropolitan and Nonmetropolitan Area Occupational Employment and Wage Estimates for the Brownsville-Harlingen MSA; or
   e. Is specifically determined by resolution of the City Commission to bring benefit to the City consistent with the General Statement of Purpose and Policy as stated in Paragraph I above.

2. In addition, the City Commission shall determine in the Resolution adopting the Agreement that the project:
   a. Will make a unique or unequaled contribution to development or redevelopment efforts in the City of Harlingen, due to its magnitude, significance to the community or aesthetic quality; or
   b. Makes a significant contribution to the City of Harlingen’s strategic or other financial or economic plans and programs and budgetary priorities as identified in the annual municipal budget document or other finance documents; or
   c. Will enhance the City’s fiscal ability to provide high quality municipal services for the safety, comfort and enjoyment of Harlingen residents.

3. A project shall not be eligible for incentives under these Policies and Procedures if a building permit has been issued for the project prior to making application in accordance with these Policies and Procedures.

4. Incentives provided in accordance with these Policies and Procedures will be provided only to the extent that the revenue realized by the City and attributable to a project exceeds a minimum amount established by the Agreement. The public benefit or amount of revenue realized by the City and attributable to the project must be commensurate with the value of any incentives granted under this program.
III. Additional Considerations

Additional factors that can be considered by the City Commission in determining whether to authorize an Agreement for incentives as a Chapter 380 Economic Development Program are:
1. The existence and size of the financing gap;
2. The number and types of jobs to be created or retained;
3. The financial capacity of the applicant to undertake and complete the proposed project;
4. The extent to which the project constructs public infrastructure and if the applicant seeks funding for the infrastructure through a reimbursement from increased sales and/or property taxes.
5. Other incentives programs for which the applicant has applied or is qualified;
6. The market conditions and growth potential for the business activity;
7. The Project's contribution of a service or good that will decrease the likelihood that citizens will travel to other communities to purchase that service or good;
8. Whether the project makes a financial contribution beyond minimally established requirements that fulfills a strategic priority as determined by the City Commission;
9. Any other factors the City Commission finds helpful or relevant to accomplishing the City's economic development objectives.

IV. Application Process

1. An application for consideration as a Program shall be made on forms supplied by the City. An applicant may be required to provide additional information to show compliance with minimum Program requirements. If City staff determines minimum Program requirements have been met, City staff shall prepare and present a proposed Agreement with the applicant to the City Commission.

2. The City Commission may consider the proposed Agreement and may take action on the proposal as it deems appropriate. Nothing in these Policies and Procedures and nothing in the application form and process shall create any property, contract or other legal right in any person to have the City Commission consider or grant incentives.

V. Agreement Terms

An Agreement established for a program must include:

1. A timetable and list of the kind of improvements or development that the Program will include and conditions to assure that the Program meets or exceeds the City's requirements pertaining to property values and revenues, which in no event shall be less than the minimum Program requirements established in Paragraph II above;

2. A complete description of the location of the proposed Program or projects included in the Program;

3. A timetable and list of the kind and amount of property values, revenues, incomes or other public benefits that the proposed Program will provide;
4. If public funds are delivered to a project in advance of the City realizing revenue increases from the project (property and sales tax, fees, etc.), the City will require credit enhancement mechanisms to protect the City in the event of a default in an amount and for a term to be determined and approved by the City Commission. Such security may include collateral security, Letter of Credit, or a Third-party guarantee in forms approved by the City Attorney;

5. A provision establishing the duration of the Agreement;

6. A provision detailing a limit on the value of any rebates and/or grants of funds for the duration of the Agreement;

7. A provision identifying the method for calculating and sourcing the funding for any grant, loan or other incentives provided in the Agreement;

8. A provision providing a tangible means for measuring whether the applicant and other responsible parties have met their obligations under the Agreement;

9. A provision providing for access to and authorizing inspection of the property and applicant’s pertinent business records by municipal employees in order to determine compliance with the Agreement;

10. A provision detailing monitoring and reporting requirements of the Owner;

11. A provision for cancellation of the Agreement and/or nonpayment of incentives if the Program is determined to not be in compliance with the Agreement;

12. A provision for recapturing City funds granted or loaned, or for recapturing the value of other public assets granted or loaned, if the applicant does not meet its duties and obligations under the terms of the Agreement;

13. A provision that allows assignment of the Agreement with prior written approval of the City Commission, or without the prior written approval of the City Commission provided that:

   a. A provision that allows assignment of the Agreement with prior written approval of the City Commission, or without the prior written approval of the City Commission provided that:

      (i) All rights, duties, obligations and liabilities under the Agreement are assigned from the assignor to the assignee;

      (ii) The assignment is made subject and subordinate to the Agreement and the Chapter 380 Economic Development Program Policies and Procedures; and

      (iii) The assignment document is in a form and contains content acceptable to the City Attorney’s Office.

14. Provisions relating to administration, delinquent taxes and indemnification; and

15. A provision that the Agreement may be amended by the parties to the Agreement by using the same procedure for approval as is required for entering into the Agreement;

16. The submission of a Phase I Environmental Survey of the real property to be developed and expanded; and

17. Such other provisions as the City Commission shall deem appropriate.