Notice is hereby given that the above governmental body will hold a Regular Meeting on Wednesday, May 15, 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/Mayor Boswell

Pledge of Allegiance/Welcome

1) Presentation of the following proclamations:
   a) declaring the day of May 18th as "Colonel Robert G. Hill Day"
   b) declaring the day of May 23rd as "Clinical Hypnosis Day"
   c) declaring the day of May 24th as "Poppy Day"
   d) declaring the day of May 31st as "Sergeant Major Ford H. Kinsley, Jr. Day"
   e) declaring the week of May 19th thru 25th as "National Public Works Week"

2) Approval of Minutes
   a) Regular Meeting of February 6, 2019.

3) Introduction of the Chief of Police Michael Kester. (City Manager)

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 Items withdrawn from the Consent Agenda for individual consideration in their normal sequence will be heard after the remainder of the Consent Agenda has been acted upon.
4a) Consideration and possible action to approve the Lease Agreement between the City of Harlingen and Cameron County Elections Department for the use of the voting equipment for the Special Runoff Election to be held on June 22, 2019. Attachment: (City Secretary)

b) Consideration and possible action to approve a refund of property taxes paid by Corelogic on behalf of James Michael Sherman, account No. 88-1923-0010-0080-00. Attachment: (Finance)

c) Investment report for the City of Harlingen for quarter ended March 31, 2019. Attachment: (Finance)

5) Consideration and possible action pursuant to the Harlingen City Charter, Article IV, Section 6 to elect a Mayor Pro-Tempore by a majority vote of the City Commissioners. (City Attorney)

6) Presentation by Carr, Riggs & Ingram, CPA(s) and Advisors, regarding the City of Harlingen Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2017-2018. Attachment: (Finance)

7) Consideration and possible action to accept a grant award from the Department of State Health Services HHSTX-9-0000187127 to purchase technical equipment and educational supplies to conduct bi-natural mosquito education and surveillance. Attachment: (Health Dept.)

8) Consideration and possible action to adopt a resolution suspending the June 5, 2019 Effective Date of AEP Texas Inc’s requested rate change, hiring Lloyd Gosselin of Attorneys and Consulting Services to negotiate with the company and direct any necessary litigation and appeals and requiring reimbursement of the City’s Rate Case expenses. Attachment: (Gabriel Gonzalez, Asst. City Manager)

9) Public hearing to consider an ordinance on first reading for a Specific Use Permit (SUP) to allow a Bar/Lounge in a General Retail (GR) District located at 309 W. Van Buren, bearing a legal description of Lot 8, Block 67, Harlingen Original Townsite. Applicant: Jesus A. Pena. Attachment: (Planning & Zoning)

   a) Public Hearing

   b) Consideration and possible action to approve an ordinance on first reading for a Specific Use Permit (SUP) to allow a Bar/Lounge in a General Retail (GR) District located at 309 W. Van Buren at the above described property.

10) Public hearing to consider an ordinance on first reading to rezone from Residential Multi-Family ("M-2") District to General Retail ("GR") District for 5.91 acres out of Block 23, Lon C. Hill Subdivision, located at 501 Rangerville Road. Applicant: Jay Schwichtenberg of Blue Cactus Properties, LLC. Attachment: (Planning & Zoning)

   a) Public Hearing
b) Consideration and possible action to approve an ordinance on first reading to rezone from Residential Multi-Family ("M-2") District to General Retail ("GR") District for 5.91 acres out of Block 23, Lon C. Hill Subdivision at the above described property.

11) Consideration and possible action to approve an ordinance on first reading to amend Chapter 18 of the City Code of Ordinances in regards to building permit fees; providing for publication; and any other related matters. Attachment: (Gabriel Gonzalez, Asst. City Manager)

12) Consideration and possible action to approve a resolution ordering the Special Runoff Election for June 22, 2019 to elect one (1) City Commissioner for District 1, and approval of appointment of the Presiding Judges and Alternate Presiding Judges for the Early Voting Ballot Board and Election Day to serve as election officials for the June 22, 2019 Special Runoff Election and ordaining other matters related to the foregoing. Attachment: (City Secretary)

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

a. Airport Board (1)
b. Animal Shelter Advisory Committee (3)
c. Audit Committee (1) (Terms expire annually in June)
d. Civil Service Commission (1)
e. Community Development Advisory Board (5)
f. Construction Board of Adjustments (10)
g. Convention & Visitors Bureau (5)
h. Development Corporation of Harlingen, Inc.
i. Downtown Improvement District Board (2)
j. Golf Course Advisory Board (3)
k. Harlingen Community Improvement Board
l. Harlingen Housing Authority Board
m. Harlingen Finance Corporation (5)
n. Harlingen Proud Advisory Board (3)
o. Library Advisory Board (3)
p. Mayor Wellness Council
q. Museum Advisory Board (1)
r. Parks Advisory Board (4)
s. Planning & Zoning Advisory Board (3)
t. Senior Citizens Advisory Board (6)
u. Tax Increment Finance Board (1)
v. Utility Board of Trustees (2)
w. Veterans Advisory Board (6)
x. Zoning Board of Adjustments (4)
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 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)

b) 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. (City Manager)

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

d) pursuant to Chapter 551, Subchapter D, V.T.C.A., Government Code, Sections 551.087, 551.071 and 551.072 regarding commercial and financial information with which the City is conducting economic development negotiations and/or to discuss or deliberate financial or other incentives with ULA and to seek legal advice from the City Attorney regarding the subject matter. (City Manager)

15) Consideration and possible action on Item No. 14 (a). (City Manager)

16) Consideration and possible action to authorize the City Manager to sign any and all related documents pertaining to Item No. 14 (b). (City Manager)

17) Consideration and possible action on Item No. 14 (c). (City Manager)

18) Consideration and possible action to approve the Industrial Development Agreement between the City of Harlingen and Project Melt. (City Manager)

19) Consideration and possible action on Item No. 14 (d) (City Manager)

20) 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, May 10th, 2019 at 4:00 p.m. at least 72 hours preceding the scheduled time of said meeting.

Dated this 10th day of May, 2019

[Signature]

Amanda C. Elizondo, City Secretary
Proclamation

Office of the Mayor

WHEREAS, Colonel Robert G. Hill, USMC (Ret.), has announced his retirement from Marine Military Academy effective May 18, 2019 after more than 23 years of loyal and dedicated service; and

WHEREAS, Col. Hill served a long and distinguished career in the Marine Corps and received four medals and two gold stars for his dedication and service; and

WHEREAS, Col. Hill excelled from the very beginning graduating from Lamar University in 1966, obtaining a Bachelor of Science Degree in Government, as well as Master Degrees in Management and Strategic Studies he was then commissioned a Second Lieutenant in the U.S. Marine Corps in May 1966 through the Platoon Leader Class Program;

WHEREAS, Col. Hill attended The Basic School and later the Basic Communications Officer Course and went on to serve in the Republic of Viet Nam, participated in Operation Earnest Will, Operation Desert Shield and Operation Desert Storm;

WHEREAS, during his service, Col. Hill has received the Defense Superior Service Medal, Legion of Merit with Gold Star, Defense Meritorious Service Medal with an oak leaf and the Navy Commendation Medal with Combat V and Golf Star;

WHEREAS, after 30 years of service, Col. Hill retired from the Marine Corps and took the position of Support Activities Director for Marine Military Academy in 1996 and soon after assumed the duties of Chief of Staff and then in 2006 took on the role of Superintendent;

WHEREAS, Col. Hill has been an active member of his community serving on many honorific and academic societies and organizations, Chairman of the Finance Committee for First United Methodist Church and Executive Board Member, President of the Rotary Foundation and Past President of the Rotary Club of Harlingen, Valley Baptist Medical Center Board of Trustees, Executive Board of the Rio Grande Valley Council, Boy Scouts of America, and Leases and Fishes Advisory Board;

WHEREAS, the City of Harlingen is enormously grateful for the knowledge, care and commitment that Col. Hill has given to his community through his dedication and service on numerous boards, the many years of service given in the Marine Corps, and his more than 23 years at Marine Military Academy;

WHEREAS, the City of Harlingen would like to express our sincere and grateful appreciation to Col. Robert G Hill, our congratulations on his well earned retirement and our best wishes to him for continued success, happiness and good health in the years to come;

NOW, THEREFORE, in recognition of his friendship and support of our community I, Chris Boswell, Mayor of the City of Harlingen, do hereby proclaim Saturday, May 18, 2019 as

"COLONEL ROBERT G HILL DAY"

and encourage the public's recognition for his dedication, compassion, and valuable contributions, and extend congratulations to him for his accomplishments throughout his professional career in the Marine Corps and as Superintendent of Marine Military Academy.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the seal of HARLINGEN to be affixed on this the 15th day of May, 2019.

__________________________
Chris Boswell, Mayor

ATTEND:

__________________________
Amanda C. Elizondo City Secretary
Proclamation

Office of the Mayor

WHEREAS, clinical hypnosis has an extensive and rich history of effectively treating and relieving medical, dental, and mental health illnesses; and

WHEREAS, appropriately trained and certified practitioners of clinical hypnosis interventions are dedicated to the highest standards of professionalism and maintain these standards through education, credentialing and professional commitment; and

WHEREAS, millions of Americans and other individuals seek the services of professionals trained and certified to provide clinical hypnosis each year; and

WHEREAS, scientific research has provided support of clinical hypnosis for treating medical, dental, and mental health disorders; and

WHEREAS, it is essential that those in need of medical, dental, and mental health services understand the benefits of clinical hypnosis and seek competent and professional care;

THEREFORE, I, Christopher Boswell, Mayor of the City of Harlingen, Texas do hereby proclaim this 23rd day of May, 2019, as

“CLINICAL HYPNOSIS DAY”

and encourage all citizens to learn more about the potential benefits of clinical hypnosis.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of HARLINGEN this 15th day of May, 2019.

__________________________
Chris Boswell, Mayor

Attest:

__________________________
Amanda C. Elizondo, City Secretary
Proclamation

WHEREAS, America is the land of freedom, preserved and protected willingly and freely by citizen soldiers;

WHEREAS, Millions who have answered the call to arms have died on the field of battle;

WHEREAS, A nation at peace must be reminded of the price of war and the debt owed to those who have died in war;

WHEREAS, The red poppy has been designated as a symbol of sacrifice of lives in all wars; and

WHEREAS, The American Legion Family, the Post, and Auxiliary have pledged to remind America annually of this debt through the distribution of the memorial flower;

THEREFORE, I, Chris Boswell, Mayor, of the City of Harlingen, Texas do hereby proclaim this 24th day of May, 2019, as

“POPPY DAY”

and ask that all citizens pay tribute to those who have made the ultimate sacrifice in the name of freedom by wearing the Memorial Poppy on this day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of HARLINGEN this 15th day of May, 2019.

______________________________
Chris Boswell, Mayor

Attest:

______________________________
Amanda C. Elizondo, City Secretary
Proclamation

Office of the Mayor

WHEREAS, Sergeant Major Ford H. Kinsley, Jr., USMC (Ret.), has announced his retirement from Marine Military Academy effective May 31, 2019 after more than 19 years of loyal and dedicated service; and

WHEREAS, Sgt. Major Kinsley entered into the Marine Corps in 1971, after completing recruit training and infantry training went on to complete the course study of Topographic Drafting where he was then assigned to the 2d Topographic Platoon 8th Engineer Support Battalion at Camp Lejeune, North Carolina; and

WHEREAS, Sgt. Major Kinsley was transferred to Okinawa where he was meritoriously promoted to Corporal in November 1973 and then Sergeant in July 1974 while serving in Guam and then upon completion of his tour was assigned to Jacksonville, North Carolina; and

WHEREAS, Sgt. Major Kinsley served with the 1st Recruit Training Battalion in May 1979 where he was meritoriously promoted to Gunnery Sergeant in February 1981 and then returned to Camp Lejeune in July 1982 where he was assigned as the leader of Coastal Survey Teams that deployed to Haiti and Egypt; and

WHEREAS, Sgt. Major Kinsley was once again promoted to First Sergeant in 1988 while serving Company “A”, 1st Recruit Training Battalion and then Chief Instructor of Drill Instructor School followed by tours on Okinawa and Camp Lejeune until April 1990 when he was promoted to Sergeant Major then transferring to Okinawa in 1993 where he remained until 1995 before returning to the United States; and

WHEREAS, after 48 years of service, Sgt. Major Kinsley retired from the Marine Corps and took the position of Support Commandant of Cadets for Marine Military Academy in July 2000; and

WHEREAS, Sgt. Major Kinsley received the Legion of Merit with gold star, Meritorious Service Medal with gold star, Navy/Marine Corps Commendation Medal with gold star and the Navy/Marine Corps Achievement Medal throughout his years of service in the Marine Corps; and

WHEREAS, Sgt. Major Kinsley has been an active member of his community serving on many boards, Vice Chairman and Chairman of the Harlingen Veterans Advisory Board, Vice President and President of the Harlingen Amigas Lions Club, MMA Faculty Adviser for Kiwanis Key Club and Lions Club, International Leo Club, MMA Assistant Commandant of Cadets July 2000 through July 2003, MMA Commandant of Cadets July 2003 to present; and

WHEREAS, the City of Harlingen is enormously grateful for the knowledge, care and commitment that Sgt. Major Kinsley has given to his community through his dedication and service on numerous boards, the many years of service given in the Marine Corps, and his more than 18 years at Marine Military Academy; and

WHEREAS, the City of Harlingen would like to express our sincere and grateful appreciation to Sgt. Major Ford H. Kinsley, Jr., our congratulations on his well earned retirement and our best wishes to him for continued success, happiness and good health in the years to come;

NOW, THEREFORE, in recognition of his friendship and support of our community I, Chris Boswell, Mayor of the City of Harlingen, do hereby proclaim Friday, May 31, 2019 as

"SERGEANT MAJOR FORD H. KINSELEY, JR. DAY"

and encourage the public’s recognition for his dedication, compassion, and valuable contributions, and extend congratulations to him for his accomplishments throughout his professional career in the Marine Corps and as Superintendent of Marine Military Academy.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the seal of HARLINGEN to be affixed on this the 15th day of May, 2019.

Chris Boswell, Mayor

ATTEST:

Amanda C. Elizondo City Secretary
Proclamation

Office of the Mayor

Whereas, Public Works services provided in our community are an integral part of our citizens’ everyday lives; and

Whereas, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and program such as drainage, streets and highways, public buildings, and solid waste collection; and

Whereas, the quality and effectiveness of these facilities, as well as their planning, design, and construction, are vitally dependent upon the efforts and skill of public works officials; and

Whereas, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people’s attitude and understanding of the importance of the work they perform,

Now, therefore, I, Chris Boswell, Mayor of the City of Harlingen, do hereby proclaim the week of May 19th – 25th, 2019 as

"NATIONAL PUBLIC WORKS WEEK"

In the City of Harlingen and I call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the seal of the City of Harlingen, Texas, this 15th day of May, 2019.

Chris Boswell, Mayor

Attest:

Amanda Elizondo, City Secretary
REGULAR MEETING

CITY COMMISSION

FEBRUARY 6, 2019

HARLINGEN, TEXAS

A Regular Meeting of the Harlingen Elective Commission was held February 6, 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
Richard Uribe, City Commissioner, District 1
Michael Mezmar, Mayor Pro-Tem, District 3
Ruben De La Rosa, District 4
Victor Leal, City Commissioner, District 5

ABSENT
Tudor Uhlhorn, District 2

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 Chris Boswell

Pledge of Allegiance/Welcome

1) Approval of Minutes

a) Regular Meeting of November 26, 2018

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner De La Rosa to approve the minutes of the Regular Meeting of November 26, 2018. Motion carried unanimously.

2a) Second and final reading to approve and adopt an ordinance for a Specific Use Permit to allow a contractor/shop, plumbing in a General Retail (GR) District located at 2505 F.M. 508, bearing a legal description of Lot 2, Block 1, Alexandria Estates Subdivision, Applicant: Roberto Cabrera.

b) Consideration and possible action to approve a request to close the following streets: Fair Park Blvd. between "L" Street and "J" Street and North "L" Street between Fair Park Blvd. and West Adams Street, for the Jalapeno 100, Saturday, February 23, 2019 from 5 a.m. to 5 p.m.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve the Consent Agenda Items 2 (a) and (b). Motion carried unanimously.
3) Consideration and possible action to approve an Interlocal Agreement between the City of Harlingen and the City of Brownsville for the sale of Arbitrator In-Car Video Systems to the City of Brownsville Police Department for $2,000.00, declare the equipment, as surplus property, and authorize the City Manager to sign the agreement.

Michael Kester, Interim Chief of Police stated the Harlingen Police Department purchased new Watch Guard In-Car Video Systems which were installed in early 2018 and are currently in service. The old Arbitrator In-Car Video Systems are no longer in use. The Police Department is requesting permission to declare the arbitrator systems as surplus items and allow the department to sell these systems to the City of Brownsville Police Department for the amount of $2,000.

Motion was made by Commissioner De La Rosa and seconded by Mayor Pro-Tem Mezmar to approve the Interlocal Agreement between the City of Harlingen and the City of Brownsville for the sale of Arbitrator In-Car Video Systems to the City of Brownsville Police Department for $2,000.00, declare the equipment, as surplus property, and authorize the City Manager to sign the agreement. Motion carried unanimously.

4) Consideration and possible action to approve a resolution authorizing the Mayor to enter into an agreement with Cameron County Emergency Communication District (CCECD 911) to enable the City of Harlingen, Texas (COH) to participate in the Early Warning Notification System (EWNS), also known as Emergency Alert System (EAS), for certain emergencies utilizing the 9-1-1 Emergency Telephone Number System (ETNS) in Cameron County, Texas and Vesta Alert (Reverse 911) System Technology.

Mr. Kester mentioned this was an update to the current agreement with Cameron County 9-1-1 Emergency Communication District. There are several changes being mentioned on this updated agreement and Ms. Sylvia Barajas is present tonight on behalf of the County in case the Commission had any questions.

Mayor Boswell inquired if the District Offices and the 9-1-1 offices were located in Harlingen and if Mr. Kester could explain how the health system works.

Mr. Kester responded the offices were in Harlingen and explained that the 9-1-1 System is a countywide system paid by the county and provided to Harlingen citizens as long as City agreed to do so. In case of an emergency, the system will send out alerts from the communications system.

Commissioner Leal asked if this system will be like the Amber Alert that appeared on the citizen’s phones.

Mr. Kester replied those alerts are done slightly different than the 911 Emergency System.

5) Consideration and possible action to enter into a contract with the Department of State Health Services Contract #HHS00371500005 and authorize the Mayor to sign the contract.

Josh Ramirez, Environmental Health Director, briefly highlighted the 2017 Hurricane Public Health Crisis Response Cooperative Agreement Grant. The grant would allow the City of Harlingen to expand its Vector Control Program by purchasing new equipment, obtain additional training for staff and hire additional temporary staff to assist in identifying and testing
mosquitoes. With this funding, the City's Environmental Health Department will also host trainings on food and water borne diseases.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to enter into a contract with the Department of State Health Services Contract #HHS000371500005 and authorize the Mayor to sign the contract. Motion carried unanimously.

6) Consideration and possible action to approve an ordinance on first reading amending Chapter 18 of the Harlingen Code of Ordinances establishing the correction of rental fees for the Rangerville Park Pavilion and Gazebo.

Javier Mendez, Director of Parks and Recreation, stated staff is requesting to amend the Master Fee Ordinance to reflect the correct rental fee rates for Rangerville Park Pavilion and Gazebo. On July 11, 2018, the City Commission approved the new and updated fees, which included the recommended rental fees for park facilities. Inadvertently, the schedule of fees that were presented and adopted for the pavilion rental and gazebo rental were switched. The fees that were adopted for the pavilion rental are $75 for residents and $90 for non-residents per day and for the Gazebo rental is $100 for residents and $125 for non-residents per day. Staff is requesting to correct the rental fees.

Allison Bastian, Asst. City Attorney, readstated Allison B, read the ordinance caption.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve an ordinance on first reading amending Chapter 18 of the Harlingen Code of Ordinances establishing the correction of rental fees for the Rangerville Park Pavilion and Gazebo. Motion carried unanimously.

7) Consideration and possible action regarding the participation of the Mayor and City Commissioners in the 2019 It's Time Texas Challenge Pledge.

Mr. Mendez stated "It's Time Texas Challenge" This was the third year, the City of Harlingen participated and this year the program consisted of eight (8) weeks statewide from January 7th through March 3rd. Last year, the City of Harlingen placed 1st place and received a grant of $1,800. The grant funding was used for health-related efforts. By signing this year's pledge the City of Harlingen will receive 2,500 points and of today, Harlingen ranked number one on points.

Mayor Boswell stated the competition is to raise awareness throughout the state of Texas about the importance of everybody staying active and being physically fit. We know that part of the industry and the healthcare community and local governments all understand that keeping their workforces physically fit and with a lot of activity is something that is good for business. This keeps people at work and out of the doctor's office or in the hospital. We are encouraging everybody to get out and participate in a lot of these activities that we will be doing over the course of the next 3 weekends. We have a lot going on like the Kid Fit and the Harlingen Marathon and the Second Boston Qualifier Marathon in our City. We also have the Jalapeno 100 Bicycle Race and the Mayor's Walk.

8) Consideration and possible action to amend the rental contract for the Harlingen Cultural Arts Center.

Javier Mendez stated staff is requesting to amend the contract to include the same language used for the rental of Casa De Amistad, Casa Del Sol and Harlingen Community Center, to allow the serving of alcohol with the condition that they have off duty city police
officers on site. He recommended including language in the agreement that the entire building would have to be rented to avoid mixed occupancy during the events when alcohol is served.

City Manager Dan Serna, mentioned that smoking is not permitted in any City building and this provision should remain on the contract.

Motion was made by Commissioner De La Rosa and seconded by Commissioner Leal to amend the rental contract for the Harlingen Cultural Arts Center. Motion carried unanimously.

9) Consideration and possible action to approve a resolution supporting relief from nonpayment and disconnection policies for services provided by the Harlingen Water Works System for federal employees.

Carlos Sanchez, Assistant City Manager stated that on January 30, 2019 the Harlingen Water Works System Board approved a resolution approving a temporary variance to payment and disconnection policies for furloughed federal employees. Said action provides relief by waiving late payment penalties and suspending disconnection of services on delinquent accounts maintained by said federal employees during the shutdown and for a period of 21 days thereafter. Approval of the resolution would provide relief from late fees created by the city services and fees billed through the HWWS billing system; solid waste collection services and the street maintenance fee.

A short discussion was held regarding to the subsequent furloughs in 2019 and if this would also be part of the resolution.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to include into the resolution subsequent furloughs in 2019 in case there would be another government shutdown and approve the resolution supporting relief from nonpayment and disconnection policies for services provided by the Harlingen Water Works System for federal employees. Motion carried unanimously.

10) Consideration and possible action to approve a resolution calling and ordering the May 4th, 2019 City of Harlingen General Election to elect one member for the position of Mayor (At-Large) and two (2) members for the position of City Commissioner, District 1 and District 2 and any other matters related to the election.

Amanda C. Elizondo, City Secretary stated the purpose of the resolution is call and order the City of Harlingen General Election for May 4, 2019 between the hours of 7 a.m. to 7 p.m. to elect one member for the position of Mayor (at-large), and two members for the positions of City Commissioners, District 1 and District 2 to the elective governing body; designating the voting precincts, designating the voting places. The Early Voting will be held in City Hall, Town Hall Meeting Room. The City will hold the Election jointly with school district and early voting will be held starting April 22nd and ends April 30th from 8 a.m. to 5 p.m. with the exception of two days from 8 a.m. 8 p.m. The school will be calling their election on February 12th, 2019. The inter-local agreement will be placed on the next agenda for the City Commission’s consideration and approval.

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner De La Rosa to approve the resolution calling and ordering the May 4th, 2019 City of Harlingen General Election to elect one member for the position of Mayor (At-Large) and two (2) members for the position of City Commissioner, District 1 and District 2 and any other matters related to the election. Motion carried unanimously.
11) Consideration and possible action to postpone the Harlingen Regular City Commission Meeting of March 6, 2019 due to the Harlingen/San Benito Day at the Capitol.

City Manager Dan Serna mentioned the City will be in Austin March 5th and returning on March 6th for the Harlingen/San Benito Day at the Capitol. Staff is requesting to postpone the meeting to March 7th for everyone to be present at the meeting.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to postpone the Harlingen Regular City Commission Meeting of March 6, 2019 due to the Harlingen/San Benito Day at the Capitol. Motion carried unanimously.

12) Consideration and possible action to appropriately recognize the significant contributions made to the City of Harlingen by Herb Kelleher and Southwest Airlines.

Mayor Boswell gave a short recognition to honor the memory of Herb Kelleher, founder of Southwest Airlines. The City of Harlingen was the fourth destination city for the airline and now Southwest Airlines. Southwest Airlines is the busiest airline in the United States. They serve more flights and much more passengers than any other airline. Herb Kelleher was a friend to the City of Harlingen and a personal friend to many people in this community as well. Many people got to know him when he brought Southwest Airlines and he contributed to our economic development. The Airport Director made an announcement on the Dallas Newspaper extending our condolences to his family and the Southwest Airlines staff on behalf of the City of Harlingen. Our suggestion is to authorize the City Manager to come up with something appropriate in honor of Herb Kelleher and Southwest Airlines.

Commissioner Uribe suggested naming a room in the Convention Center after Mr. Kelleher.

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner Leal to authorize our City Manager to look at the six ideas presented to him and move forward with it. Motion carried unanimously.

13) Executive/Closed Session on the following items:

a) Attorney consultation pursuant to Section 552.071, Texas Gov't Code for legal advice and counsel in connection with the prior conveyance to Texas State Technical College of real property located along the Northeast portion of State Highway Loop 499 in Harlingen.

b) 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 Trails Project.

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.

d) pursuant to Sections 551.071, 551.072 and 551.087, Texas Gov't Code, to discuss or deliberate regarding commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay, or expand in or
near the city and with which the city is conducting economic development
negotiations and/or to discuss or deliberate financial or other incentives with ULA,
and to deliberate the purchase, exchange, lease, or value of real property, and to
seek legal advice from the City Attorney regarding the same.

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

At 6:00 p.m., Mayor Boswell announced the City Commission would convene into
executive session to discuss Item 13 (a, b, c, d, & e).

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to
convene into executive session to discuss Item No. 13 (a, b, c, d, & e). Motion carried
unanimously.

At 6:38 p.m., Mayor Boswell announced the City Commission had completed its
executive session and declared the meeting open to the public.

14) Consideration and possible action on Item 13 (a) as discussed in executive session.
No action was taken on Item 13 (a).

15) Consideration and possible action on Item 13 (b) as discussed in executive session.
Motion was made by Commissioner Uribe and seconded by Commissioner De La Rosa
to approve Item 13 (b) as discussed in executive session. Motion carried unanimously.

16) Citizen Communication

Mr. Sisson, resident of 7101 W. Business 83 Lot No. 51, stated he is concerned with
conditions of the roads where he lives. Ten years ago Mayor Boswell and I had a meeting and
he signed a paper stating the roads were private. I believe these roads have been private for 50
years and the people out there are tired of fixing potholes. I am here tonight to ask to for a
meeting with the Mayor Boswell and Mr. Dan Serna, City Manager to discuss this matter. Since
the annexation was done we have been paying city taxes and the roads have never been fixed.

Mayor Boswell stated a meeting would be scheduled to discuss this matter and staff
would contact Mr. Sisson to inform him of the date and time.

There being no further business to discuss, Mayor Boswell adjourned the meeting at
6:20 p.m.

CITY OF HARLINGEN

ATTEST:

Chris Boswell, Mayor

Amanda C. Elizondo, City Secretary
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: 5/15/19

Agenda Item:
Consideration and possible action to approve the Lease Agreement between the City of Harlingen and Cameron County Elections Department for the use of the voting equipment for the Special Runoff Election to be held on June 22, 2019.

Prepared By (Print Name): Amanda C. Elizondo
Title: City Secretary
Signature: [Signature]

Brief Summary:
The City of Harlingen held the General Election on May 4, 2019 and pursuant to the Harlingen City Charter no candidate received the majority of the votes at the General Election for District 1, a special runoff election is required. Staff is recommending approval of the lease agreement leasing two (2) DS-200 Scanner (Precinct Counter) for $595.50 each and one (1) Automark Voter Assist Terminal for $540.00 to comply with the American Disability Act for a total amount of $1,730.00. This equipment is necessary to conduct the special runoff election.

<table>
<thead>
<tr>
<th>Funding (if applicable):</th>
</tr>
</thead>
<tbody>
<tr>
<td>☑ Yes ☐ No</td>
</tr>
</tbody>
</table>

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

Staff Recommendation:
Staff recommends approval of the lease agreement.

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

Comments:

City Attorney's approval:
☒ Yes ☐ No ☐ N/A

Yes to form - advice is weak share information in #1 VI - A3 6/19
THE STATE OF TEXAS §
CAMERON COUNTY §

LEASE AGREEMENT

ELECTION EQUIPMENT

This Lease is made and entered into this May 7th, 2019 by and between Cameron County, hereinafter called “Lessor”, and the City of Harlingen, hereinafter called “Lessee”.

In the consideration of the mutual covenants and agreements herein set forth, and other good and valuable consideration, Lessor does lease to Lessee One (1) Automark(s) (Voter Assist Terminals), version 1.8.6.1 at $540.00 each, Two (2) DS200 Scanner (precinct counter) version 2.12.2.0 at $595.50 each, hereinafter called “Equipment”.

I. Terms

The term of this Lease shall be for the period of June 10th, 2019 through June 18th, 2019 consisting of the early voting and Election Day period as related to the June 22nd, 2019 Election. The Lessee agrees to make arrangements to pick up the leased equipment on Wednesday, June 5th, 2019 at 9:30 a.m. at the County Elections Warehouse, 1006 E. Monroe St., Brownsville, Texas from the Lessor. At the end of the lease, the Lessee agrees to deliver the leased equipment in its original condition to the County Elections Warehouse, 1006 E. Monroe St., Brownsville, Texas by 9:30 a.m. on Monday, July 8th, 2019 same date being the expiration of the lease. The Lessee will make own arrangements to pick up and also deliver the equipment from and to Lessor.

Delivery of the equipment past three (3) working days of the canvass date will incur a penalty of 10% of the total lease amount under Section II, Consideration.

II. Consideration

In consideration for the use of the equipment, Lessee agrees to pay the sum of one thousand seven hundred thirty-one dollars and zero cents ($1,731.00). This Equipment Lease excludes any additional services such as programming for equipment, ballot layout, ballot production, etc. These services are available through Election Systems & Software, designated authorized vendor certified by the Secretary of State’s Office, and are the responsibility of the Lessee. This agreement is intended to cover only the leasing of the voting equipment and any additional work on or testing or programmed equipment is the sole responsibility of the Lessee. If the County Elections Office is requested to deliver the leased equipment to the lessee at their locations and, or pick up the leased equipment from the lessee at their locations, the county may charge $15.00/hr with a minimum of 2 hours and mileage at .545/mile for both delivery and/or pick up.

III. Maintenance

Lessee agrees and covenants to keep and maintain in good repair all equipment during the term of this lease. In the event that any repairs are necessary due to negligence by Lessee, Lessee agrees to utilize the Elections Systems & Software Company to provide the repair service and to pay for any repairs.
Lessee agrees to return the equipment in the condition in which it was received. In the event that the equipment is lost, stolen or damaged, Lessee agrees to compensate the county in the amount of the requisite cost.

IV.

**Improvements and Major Repairs**

Lessee may not make any alterations, additions or improvements to the equipment.

V.

**No Partnership**

This Lease shall not give rise to a partnership relationship between the parties hereto. Neither party shall have the authority to bind the other without its written consent.

VI.

**Indemnification**

Lessee agrees and covenants to indemnify and hold Lessor harmless against any and all claims, demands, damages, costs, and expenses, including reasonable attorney fees for the defense, thereof, arising from the conduct or management of Lessee's business or its use of the equipment. In the event that any action or proceeding is brought against Lessor by reason of any of the above, Lessee further agrees and covenants to defend the action of proceeding by legal counsel acceptable to Lessor.

VII.

**No Assignment or Sublease**

Lessee may not assign this Lease without the prior written consent of Lessor.

VIII.

**Notices**

All notices to Lessor shall be sent by certified or registered mail, addressed to: Cameron County Elections Department, P.O. Box 3587, Brownsville, Texas 78523, or at such other address as the County may otherwise designate. All Notices to leases shall be sent or certified or registered mail, addressed to: Amanda Elizondo, City Secretary, City of Harlingen, or at such other address as lessee may otherwise designate in writing.

IX.

**Breach**

If Lessor or Lessee fail to carry out any provision of this Lease, the other party shall have the right to terminate this Lease with three (3) days written notice, hand delivered to the other party.

X.

**Entire Agreement – Amendment**

This Lease shall constitute the entire understanding of the parties hereto with respect to the subject matter hereof, and no amendment, modification, or alteration of the terms hereof shall be binding unless the same be in writing, dated subsequent to the date hereof, and duly executed by the parties hereto.
XII. Law Governing Venue

This Lease shall be governed by and construed in accordance with the laws of the State of Texas, and the obligations and undertaking of each of the parties to this lease shall be performable in Cameron County, Texas.

IN WITNESS WHEREOF, the undersigned Lessor and Lessee hereto executed this Lease as of the day and year above written.

LESSOR:

County Elections/Voter Registration Office

[Signature]

Remi Garza, Elections Administrator

LESSEE:

City of Harlingen Amanda Elizondo City Secretary

[Signature]

By:

Date

5/8/19

Date
AGENDA ITEM  
EXECUTIVE SUMMARY

Meeting Date: 05/15/2019

<table>
<thead>
<tr>
<th>Agenda Item:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consideration and possible action to approve a refund of property taxes paid by Corelogic on behalf of James Micheal Sherman on account #88-1923-0010-0080-00.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Prepared By (Print Name): Elvia Treviño</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title: Finance Director</td>
</tr>
<tr>
<td>Signature:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Brief Summary:</th>
</tr>
</thead>
<tbody>
<tr>
<td>This refund request in the amount of $529.89 for account # 88-1923-0010-0080-00 is due to a homestead exemption for “2017-2018” years.</td>
</tr>
<tr>
<td>Total amount of refund requested is $529.89</td>
</tr>
<tr>
<td>Refunds over $500.00 require Commission approval.</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Staff Recommendation:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff recommends approval of refund.</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Comments:</th>
</tr>
</thead>
<tbody>
<tr>
<td>[Signature]</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City Attorney’s approval:</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ Yes □ No □ N/A</td>
</tr>
</tbody>
</table>
MEMORANDUM

TO:     Elvia Trevino  
         City of Harlingen  
         Harlingen, Texas 78550

FROM:  Aurora Lozano  
         TAX OFFICE  
         Harlingen, Texas 78550

DATE: April 25, 2019

RE:    Account #88-1923-0010-0080-00, James Michael Sherman(Corelogic)

Attached please find a refund of over $500 which will require Commissioner’s approval. Please let this memo serve as a request for this refund to be considered for approval of disbursement on the next Commissioner’s meeting.

The enclosed refund request is due to an adjustment. The adjustment is due to a homestead exemption for years “2017-2018” years.

Therefore the amount of $529.89 to be refunded to:

Corelogic  
P.O. Box 9202  
Attn: Refund Dept  
Coppell, Texas 75019

Should you have any questions regarding this matter, please contact me at (956)428-7999
### Current Property Data as of Supp 27

<table>
<thead>
<tr>
<th>Prop ID</th>
<th>Owner</th>
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<th>Legal Description</th>
<th>Supp Code: AHS</th>
<th>Values</th>
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<tbody>
<tr>
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<td>611002</td>
<td>100.00</td>
<td>Geo: 88-1923-0010-0080-00 Effective Acres: 0.0000</td>
<td>Imp HS: 373,091</td>
<td>Market: 406,091</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>LOT 8 BLK A WATER'S EDGE PHASE I</td>
<td>Imp NHS: 0</td>
<td>Prod Loss: 0</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Land HS: 36,000</td>
<td>Appraised: 406,091</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Map ID: 05-16-00</td>
<td>Cap: 89,991</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Appraiser: JOEY PEN Operator: Kneyer</td>
<td>Prod Use: 0</td>
<td>Assessed: 319,100</td>
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<tr>
<td></td>
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<td></td>
<td>State Codes: A</td>
<td>Mig Cn: 0</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Sltn: 4506 WATER EDGE HARLINGEN, TX 78552</td>
<td>Mig ID: Ref ID1:</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Ref ID2:</td>
<td>Late Ag: F</td>
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#### Change Desc:

### Previous Property Data as of Supp: 0

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<tbody>
<tr>
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<td>Geo: 88-1923-0010-0080-00 Effective Acres: 0.0000</td>
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<td></td>
<td>LOT 8 BLK A WATER'S EDGE PHASE I</td>
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<td></td>
<td></td>
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<td>Land HS: 36,000</td>
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<tr>
<td></td>
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<td></td>
<td>Appraiser: JOEY PEN Operator: Kneyer</td>
<td>Prod Use: 0</td>
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<tr>
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<td>State Codes: A</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Sltn: 4506 WATER EDGE HARLINGEN, TX 78552</td>
<td>Mig ID: Ref ID1:</td>
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<td>Ref ID2:</td>
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#### Change Desc:

### Gain or Loss of Value for:

| Property: 187458 Geo: 88-1923-0010-0080-00 |

<table>
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<th>Entity</th>
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<td>319,100</td>
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<td>409,091</td>
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<td>-89,991</td>
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<tr>
<td>IHG</td>
<td>319,100</td>
<td>294,100</td>
<td>0.00</td>
<td>409,091</td>
<td>409,091</td>
<td>0.00</td>
<td>-114,991</td>
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</tbody>
</table>

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This document includes information about property data, legal descriptions, and assessment values. It also notes changes in property status and provides gain or loss data for specific properties.
### Current Property Data as of Supp 49

<table>
<thead>
<tr>
<th>Prop ID</th>
<th>Owner</th>
<th>%</th>
<th>Legal Description</th>
<th>Supp Code: AHS</th>
<th>Values</th>
</tr>
</thead>
</table>
| 187458  | 611002      | 100.00 | R
JAMES MICHAEL SHERMAN
4506 Water Edge
Harlingen, TX 78552-2614 | Geo: 88-1923-0010-0080-00 Effective Acres: 0.0000 | Imp HS: 254,091                                      |
|         |             |     | LOT 8 BLK A WATER'S EDGE PHASE 1                       | Market: 290,091                                     |
|         |             |     | Appraiser: JOEY PEN Operator: Kmeyer                  | Imp NMS: 0                                          |
|         |             |     | State Codes: A                                        | Prod Loss: 0                                        |
|         |             |     | Situs: 4506 WATER EDGE HARLINGEN, TX 78552             | Assessed: 290,091                                    |
|         |             |     | Map ID: 05-16-00                                      | Prod Use: 0                                         |
|         |             |     | Mgr Cd: Ref 871 Ref 871                               | Prod Mkt: 0                                         |
|         |             |     |                                                       | Late Ag: F                                          |
|         |             |     |                                                       |                                                    |

Change Desc:

### Previous Property Data as of Supp 0

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<th>Legal Description</th>
<th>Values</th>
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</thead>
</table>
| 187458  | 611002      | 100.00 | R
JAMES MICHAEL SHERMAN
4506 Water Edge
Harlingen, TX 78552-2614 | Geo: 88-1923-0010-0080-00 Effective Acres: 0.0000 | Imp HS: 0                                      |
|         |             |     | LOT 8 BLK A WATER'S EDGE PHASE 1                       | Market: 290,091                                     |
|         |             |     | Appraiser: JOEY PEN Operator: Kmeyer                  | Imp NMS: 254,091                                    |
|         |             |     | State Codes: A                                        | Prod Loss: 0                                        |
|         |             |     | Situs: 4506 WATER EDGE HARLINGEN, TX 78552             | Assessed: 290,091                                    |
|         |             |     | Map ID: 05-16-00                                      | Prod Use: 36,000                                     |
|         |             |     | Mgr Cd: Ref 871 Ref 871                               | Prod Mkt: 0                                         |
|         |             |     |                                                       | Late Ag: F                                          |
|         |             |     |                                                       |                                                    |

Change Desc:

### Gain or Loss of Value for:

| Property: 187458 | Geo: 88-1923-0010-0080-00 |

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<thead>
<tr>
<th>Entity</th>
<th>Current Assessed</th>
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<td>290,091</td>
<td>0.00</td>
<td>0</td>
<td>-25,000</td>
<td>0.00</td>
</tr>
</tbody>
</table>
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: May 15, 2019

Agenda Item:
Investment report for the City of Harlingen for quarter ended March 31, 2019.

Prepared By (Print Name): Elvia Treviño
Title: Finance Director
Signature:

Brief Summary:
The investment report shows the total amount of cash and investment transactions in summary and detail for all City funds. The report includes type of investments, interest rates, maturity dates and portfolio composition.

Highlights:
$ 53,224,614.56 Total book value of all City funds at March 31, 2018
$ 302,187.20 Interest earned during the quarter
2.303% Weighted average yield to maturity
96% Cash and Investments maturing within 0-3 months
.04% Investments maturing within 6-12 months

The graphical summary of the City’s portfolio is displayed on pages 4 & 5. The City of Harlingen manages and invests funds with three objectives, listed in order of priority: Preservation and Safety of Principal, Liquidity, and Yield. All investments comply with the Public Funds Investment Act (PFIA).

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

Staff Recommendation:
Approve quarterly investment report.

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

Comments:

City Attorney’s approval: ☑ Yes ☐ No ☐ N/A
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: May 15, 2019

Agenda Item:
Considersation and possible action to accept a grant award from the Department of State Health Services HHSTX-9-0000187127 to purchase technical equipment and educational supplies to conduct bi-national mosquito education and surveillance.

Prepared By: Josh Ramirez, MPA, CPM
Title: Environmental Health Director
Signature: [Signature]

Brief Summary:
City of Harlingen, Texas, the City of Reynosa and Centro de Biotecnología Genómica del Instituto Politécnico Nacional Campus Reynosa, represent a region at high risk for mosquito borne disease outbreaks, and will conduct binational mosquito education and surveillance. We share the same environmental challenges and a well-established coordination between the cities is essential to safeguard our region. We will establish regular communications thru official channels. Coordinated mosquito surveillance must be part of our plans.

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: Department of State Health Services $13,338.40
Staff is currently providing these services.
Finance Director's approval: [ ] Yes [ ] No [ ] N/A

Staff Recommendation:
Staff recommends approval of the Office of Border Public Health Mosquito Surveillance Mini Grant.

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

Comments:

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

[Signature] 5/10/2019
Department of State Health Services

Purchase Order

<table>
<thead>
<tr>
<th>Payment Terms</th>
<th>Freight Terms</th>
<th>Ship Via</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prepaid &amp; Allow</td>
<td>BEST WAY</td>
<td></td>
</tr>
</tbody>
</table>

If advertised by informal bid, Invitation for Offer, or Request for Proposal; all specifications, terms, and conditions set forth in the advertisement and vendor's confirming responses become a part of this non-competitive purchase order. Contractor guarantees goods or services delivered meet or exceed numbered purchase order requirements.

All shipments, shipping papers, invoices, and correspondence must be identified with our Purchase Order Number.

Vendor: 17460010477
CITY OF HARLINGEN
PO BOX 2207
HARLINGEN TX 785512207
United States

Bill To: Invoice-DSHS Fiscal Claims
DEPARTMENT OF STATE HEALTH SERVICES
1100 W 49th St
PO Box 149347
Austin TX 78756
United States

Fax: 512/458-7442
Email: invoices@dshs.state.tx.us

Purchase Order HHSTX-9-0000187127

<table>
<thead>
<tr>
<th>Date</th>
<th>Revision</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>04/23/19</td>
<td></td>
<td>1</td>
</tr>
</tbody>
</table>

Purchaser: Ender Katrina
512/406-2428

Line-Sch  Inventory Item ID - Line Description  Class/Item  Quantity  UOM  PO Price  Extended Amt  Due Date

Terms and Conditions are attached.

FY19 Purchase Order Term: 04/01/2019 thru 06/30/2019

This order issued in accordance with quote number KMX2253 dated 3/28/19 from David Castro with CDW-G.

Services are to be performed in accordance to agency scope of work which has been provided to vendor.

Exempt from Competitive Procurement - HHSC TAC 391.205 (b)(6) intergovernmental transfer.

TEXAS GOVERNMENT CODE, TITLE 7, CHAPTER 791, INTERLOCAL COOPERATION CONTRACTS.

Confirmation order DO NOT DUPLICATE

VENDOR: City of Harlingen
VENDOR CONTACT: Josh Ramirez
PHONE: (956) 216-5064
FAX: (956) 216-5069
EMAIL: jramirez@myharlingen.us

AGENCY CONTACT: Lupita Mata
PHONE: (956) 421-5592
EMAIL: lupita.mata@dshs.state.tx.us

HHSC Purchasing Contact: Katrina Ender
PHONE: (512) 406-2428
EMAIL: katrina.ender@hhsc.state.tx.us

HHSC or the agency does not commit to ordering specific quantities of service/goods or dollar amounts with respect to this purchase order. The agency shall be obligated to pay for only those services actually ordered and received by the agency. Any funds not utilized are automatically cancelled.

This contract is contingent upon the continued availability of lawful appropriations by the Texas Legislature.

Client Purchase/Stock BEST VALUE
PCC EX/0 Requisition # 0000074022

1-1  988-72  1.00 EA  13338.40000  $13,338.40  04/23/2019

Funding for City of Harlingen Mosquito Surveillance and Control Activities.
# Department of State Health Services

## Purchase Order

**Vendor:** 17460010477  
CITY OF HARLINGEN  
PO BOX 2207  
HARLINGEN TX 785512207  
United States

**Purchase Order Number:** HHSTX-9-0000187127

**Dispatch via Print**

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<tr>
<th>Line #</th>
<th>Item ID - List Description</th>
<th>Class/Item</th>
<th>Quantity</th>
<th>UOM</th>
<th>PO Price</th>
<th>Extended Amt</th>
<th>Due Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Haringen, City of Brownsville and Matamoros, Mexico region as specified of attached Proposal and Budget</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$13,338.40</td>
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</tr>
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</table>

**Schedule Total:** $13,338.40

**Item Total for Line 1:** $13,338.40

**Total PO Amount:** $13,338.40

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No substitutions or cancellations are permitted without prior approval by Health & Human Services Commission. If contractor fails to deliver by promised delivery date (or reasonable time thereafter) or fails to meet requirements, Health & Human Services Commission reserves the right to purchase elsewhere and charge an increased cost and handling to contractor.

Over shipments will not be accepted unless authorized by Buyer prior to shipment. The dispute resolution process provided for in Chapter 2260 of the Texas Government Code must be used by the Health & Human Services Commission and Contractor to attempt to resolve all disputes arising under the contract.

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**Authorized By:**  
_KatrinaEndr, CPM_  
04/23/2019
REQUESTING AGENCY/PROGRAM
City of Harlingen Health Department

KEY PERSONNEL

Project Lead
Josh Ramirez, Health Director
Other key personnel (describe their role).
Roy Garza, Health Inspector (education and outreach)
James Padilla, Health Inspector (mosquito mapping and data gathering)
Dr. Jose Estrada (mosquito trapping and shipping specimens)
Shannon Harvill, Health Coordinator (Developer of educational materials for health Professionals)

PROJECT DESCRIPTION

Background

City of Harlingen, Texas and the City of Reynosa, represent a region at high risk for mosquito borne disease outbreaks. Historically both cities' environment greatly impact each other. Epidemiologically theses cities represent the same unit. We share the same environmental challenges and a well-established coordination between the cities is essential to safe guard our region. We established regular communications thru official channels. Coordinated mosquito surveillance must be part of our plans. The City of Harlingen Health Department covers a total area around 43 square miles with both extraterritorial jurisdictions and urban areas. The extension as well as the border location is a challenge for our staff with the limited resources. However due, recent threats, as Zika and Dengue our environmental and mosquito control staff provided training and education to the City of Harlingen residents, Harlingen Independent School District Student, and local College and Universities. Also we will provide chemicals,
traps and educational materials. Mosquito surveillance and trapping is supervised by our staff. The acquisition of new mosquito trapping supplies will enhance our program, and improve mosquito surveillance activity.

Our population is more than 73% Hispanic from Mexican origin and a percentage only speaks Spanish. We'll launch a bilingual educational and awareness campaign that include radio advertising with a projected population reach of 25,000. We'll develop promotional materials that include education for pregnant women and for the general population. We'll also launch, a media campaign that included radio spots and social media. We will organize one large event called Prevent the Bite “Action Day” in which we included other partners in the community offering different health services but focused on women’s health. These efforts will continue during this year if the funding is available.

Project Summary
Describe your project in detail.

This project encompasses two different but complementary objectives.

Environmental:

The mosquito surveillance team will enhance our mosquito surveillance and control activities by adding and maintaining 4 sites for mosquito trapping on specific sites around City of Harlingen. The mosquito surveillance team will collect the traps and will ship the mosquitoes to the State Laboratory for further speciation and viral test. Our team will keep the data and will determine areas of risk as well as the mosquito activities according to the number of mosquitoes trapped. This will serve as an indicator for enhancing and locate, where our mosquito control activities should focus on. Determination of hot spots of high mosquito activity before and after spraying is also important for measuring effectiveness of our mosquito prevention actions. At the same time the data of mosquito trapping will be plotted on a mapping system to determine areas of concern as well as for historical data.

Education

Outreach and Education on how to prevent mosquito borne diseases, are current and continuous measures that our organization is exercising. Enhancing our educational outreach with new funding will improve our current efforts. We believe this year we’ll conduct a massive outreach campaign for health education in regards mosquito borne disease and it is imperative to create awareness for the upcoming years. For that reason we plan to have our first “Prevent the Bite or Fight the Bite” day event. We will coordinate with the City of Harlingen Parks for this event. The Prevent the Bite action day is an event that includes a health fair focusing on women’s health and prevention of mosquito borne disease. The “Prevent the Bite/Fight the Bite” action day will include multiple educational activities for health education and will be promoted thru social media and radio stations. Also we will provide promotional items. Health
educators/Promotoras will provide all of their patients with educational materials in regards to mosquito prevention.

Yet, with the possibility of local Zika transmission stress may be placed on increase, the education levels and awareness concerning Zika for our community and health care professionals. For healthcare professionals we will incorporate educational materials for our medical community to be delivered both sides of the border. This materials will include Zika, Dengue West Nile education for health professionals. Promotional items for reporting disease to health authorities will be issued both sides of the border among our healthcare professionals. The Zika education team will enhance mosquito disease prevention education by not only issuing mosquito repellent at different binational health fair events, but also instructing the high-risk binational population on the proper methods to avoid mosquito bites. Zika prevention education aims for the most part in preventing Zika the unborn child, which is susceptible to a variety of birth defects that could culminate in death of the young child, if the child survives.

Identify goal and objectives.

Environmental

Goal 1.- mosquito surveillance (trapping) in at least 4 different sites within our city
Goal 2.- mosquito data summary by speciation and laboratory test for viral presence
Goal 3.- mapping and plotting the mosquito data (mosquito counts and species) for historical and environmental data

Outreach and Education

Goal 1.- Binational education of health care professionals with the manuals for recognizing, testing, treating and reporting Zika, West Nile and Dengue.

Goal 2.- Prevent the Bite action day as a community health fair for mosquito prevention education

Goal 3.- at least 3 educational sessions on mosquito borne disease

Goal 4.- educate at least 2500 individuals in both sides of the border

Goal 5: Identify the binational population at risk by coordinating a brief mosquito disease community needs assessment.

Goal 6: Educate the binational community through news media advocacy in how to clean the household environment by reducing artificial containers to include scrap tires.

Goal 7: Educate child bearing age women and their spouses on how to avoid high risk zika disease areas, and how to prevent Zika in the unborn child by adding family planning education as a prevention tool when in Zika infested areas.
Identify the Target Population.

City of Harlingen Health Jurisdictional areas, health professionals and general population with some focuses on women of reproductive age

Indicate how many people/individuals will be served.

At least 1000 in both sides of the border

Identify stakeholders and partners.

City of Harlingen Health Department and Students from Centro de BiotecnologiaGenomicadelInstitutoPolitecnico Nacional, who will participate with City of Reynosa.

Proposed Work Plan / Timeline

Identify key tasks and dates for completing.

<table>
<thead>
<tr>
<th>Year 1 (FY19) Activities</th>
<th>Responsible Party</th>
<th>Timeframe</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mosquito surveillance (trapping) in at least 4 different sites in our city</td>
<td>Medical Entomologist/Health Inspectors City of Harlingen Health Department</td>
<td>Weekly April to June -July</td>
</tr>
<tr>
<td>Mosquito speciation and viral test</td>
<td>Environmental City of Harlingen Health Department</td>
<td>Weekly April to June</td>
</tr>
<tr>
<td>Mosquito trapping data and analysis</td>
<td>Health Inspectors/Vector Control program City of Harlingen Health Department</td>
<td>Weekly April to June 2019</td>
</tr>
<tr>
<td>Health care professional’s education. Handouts for health care professionals both sides of the border on how to recognize, treat, notify and test for Zika, Dengue and West Nile</td>
<td>City of Harlingen health Department</td>
<td>Completed by June 2019</td>
</tr>
<tr>
<td>Prevent the Bite action day</td>
<td>City of Harlingen Health Department staff</td>
<td>June 2019</td>
</tr>
</tbody>
</table>
3 educational session on mosquito borne disease at least one in the City of Harlingen for vector control officers

Education to at least 1500 individuals preferably health care professionals and women of reproductive age both sides of the border

| City of Harlingen Health Department | April to June 2019 |
| City of Harlingen health Department | March to June 2019 |

Plan for Evaluation

How will the success of the project be determined?

Administer randomize data surveys that measure the degree of knowledge in large gatherings before project implementation, and after project implementation.

How will you measure performance?

At least 10 individuals will be educated at each large public health events.

What data will be collected and analyzed?

A survey tool will be developed, and analyze, as appropriate.

Who will be responsible for evaluating the success of the project?

The Health Department staff

PLAN FOR SUSTAINABILITY AFTER FUNDING ENDS?

How will project be sustained?

General funds from the City of Harlingen thru EnvironmentalHealth services.

Do you anticipate other sources of funding?

Related projects will add the best practices learned through this binational effort.

FUNDING REQUEST
Narrative Summary of funds requested by year.

- Mosquito disease repellent to be used by the Mosquito disease binational education team
- Advertising to use different media (radio spots, newspaper etc.) For mosquito borne disease prevention
- Printing materials for educational brochures for health professionals and other educational materials
- Promotional items for our outreach activities and our Prevent the Bite Day action day and for using during our outreach activities
- Mosquito traps
- Shipping fees for sending mosquito specimens to the State laboratory for viral testing and speciation

For detailed please see Standard Budget Form.

Reporting Requirements

At the conclusion of this project, the contractor will submit a report that will cover the entire funding period of March 2019 to June 2019 and is due to OBPH on or before July 31, 2019. The report will describe in detail all activities that were completed by the contractor related to the Vector Surveillance Community Awareness Project. At a minimum, the report will summarize all community engagement/awareness activities performed and provide OBPH with copies of all educational materials developed and distributed. Also sign in sheets and pre and post assessments during the educational sessions as well as pictures of events.

Contact Information

Tax ID #:

Contact Name: Josh Ramirez, Health Director, City of Harlingen

Contact Address: 502 E. Tyler St. Harlingen, TX 78551 Telephone: (956) 216-5220 Fax: (956) 216-5228

Email: jramirez@myharlingen.us

Finance Contact Name: Elvia Trevino, Finance Director, City of Harlingen

Contact Address: 502 E. Tyler Ave. Harlingen, TX 78551

Telephone: (956) 216-5064 Fax: (956) 216-5058
HHS PROCUREMENT AND CONTRACTING SERVICES

TERMS AND CONDITIONS BELOW APPLY TO THIS CONTRACT

1. RESPONSE REQUIREMENTS:
   1.1. Respondent must show price per unit. Facsimile (fax) submissions will NOT be accepted. Electronic submissions of Responses may be sent by e-mail. All e-mailed Responses must be sent to the HHS/PCS Bid e-mail account at: PCSbid@hhs.texas.gov. Submission to any other e-mail address will not be accepted. Do NOT open or accept on the e-mail. The State shall not be responsible for failure of e-mail equipment or operator error. Response must be submitted on form provided and returned to the location indicated and received by the due date and time specified in the solicitation. Person signing response must have the authority to bind the firm in a contract.
   1.2. Return of materials will not be allowed. Otherwise, show exact delivery costs and terms.
   1.3. Response must include Texas Identification Number (TIN), or Federal Employer's Identification Number (FEIN), full firm name, and address of respondent on the response.
   1.4. Any terms and conditions attached to a Response will not be considered unless specifically referred to in the Response.

2. SPECIFICATION:
   2.1. Catalog, brand names, or manufacturer's references are descriptive only. Response must include the brand name and model number for exact product that is being offered. Any manufacturer's names, trade names, brand names, or catalog numbers used in the specifications are there for the purpose of establishing and describing style, general performance, and quality levels. Such references are not intended to be restrictive, and bids are invited on these and comparable brands or products of any manufacturer.
   2.2. No substitutions permitted without written approval of the HHS agency.
   2.3. All electrical items must meet all applicable federal Occupational Safety and Health Administration (OSHA) standards and regulations, and bear the appropriate listing from UL, FMSCC, or NEMA.
   2.4. Respondent shall comply with Texas Government Code, Title 10, Subtitle D, Section 2155.8441, relating to use of products produced in the State of Texas when performing services under this contract.
   2.5. Prior to the response submission deadline, a respondent may:
      2.5.1. (a) Withdraw his response by submitting a written request to the HHS agency Point of Contact; or
      2.5.2. (b) Modify his proposal by submitting a written amendment to the HHS agency Point of Contact. The HHS agency may request proposal modifications at any time.

3. SAFETY STANDARDS:
   3.1. All electrical items shall meet applicable OSHA safety standards. By signature on the response the respondent certifies that item or item(s) offered meet these standards.
   3.2. Vendor, its employees and agents shall observe all safety measures and proper operating procedures at HHS agency sites at all times.
   3.3. Vendor shall direct its employees and agents to immediately report to HHS any defect or unsafe condition encountered while on HHS premises.

4. REQUIRED AFFIRMATIONS: By signing this response the respondent affirms the following:
   4.1. The respondent has not given, offered to give, or intends to give at any time hereafter any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, or service to a public servant in connection with this solicitation.
   4.2. Under Section 2155.038(b) of the Texas Government Code, the respondent has not received compensation for participation in the preparation of specifications for this solicitation. Under Gov't Code §155.004, no person who prepared the specifications or this RFP has any financial interest in Respondent's Proposal. If Respondent is not eligible, then any contract resulting from this RFP shall be immediately terminated. Furthermore, under Section 2155.004, Government Code, the vendor certifies that the individual or business entity named in this bid or contract is not ineligible to receive the specified contract and acknowledges that this contract may be terminated and payment withheld if this certification is inaccurate.
   4.3. As required to 15 U.S.C.A. § 1, et seq. and Tex. Bus. & Com. Code Ann. § 150.01, et seq., neither the respondent nor the firm, corporation, partnership, or institution represented by the respondent, or anyone acting for such a firm, corporation or institution has violated the antitrust laws of this state, federal antitrust laws, or communicated directly or indirectly the response made to any competitor or any other person engaged in such line of business. Respondent hereby assigns to ordering agency any and all claims for overcharges associated with this contract arising under the antitrust laws of the United States, 15 U.S.C.A. § 1, et seq., and which arise under the antitrust laws of the State of Texas, Tex. Bus. & Com. Code Ann. § 150.01, et seq.
   4.4. Under Section 2155.038(b) of the Texas Government Code, a state agency may not accept a bid or award a contract, including a contract for which purchasing authority is delegated to a state agency, that includes proposed financial participation by a person who, during the five-year period preceding the date of the bid or award, has been: (1) convicted of violating a federal law in connection with a contract awarded by the federal government for relief, recovery, or reconstruction efforts as a result of Hurricane Rita, as defined by Section 39.459, Utilities Code, Hurricane Katrina, or any other disaster occurring after September 24, 2005; or (2) assessed a penalty in a federal civil or administrative enforcement action in connection with a contract awarded by the federal government for relief, recovery, or reconstruction efforts as a result of Hurricane Rita, as defined by Section 39.459, Utilities Code, Hurricane Katrina, or any other disaster occurring after September 24, 2005. Under Section 2155.006, Government Code, the vendor certifies that the individual or business entity named in this bid or contract is not ineligible to receive the specified contract and acknowledges that this contract may be terminated and payment withheld if this certification is inaccurate. Furthermore, any respondent subject to Section 231.006, regarding child support, must include names and social security numbers of each person with at least 25% ownership of the business entity submitting the response. This information must be provided prior to award.
   4.5. If any of the funds paid under this contract will be used to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress or the state legislature for obtaining any federal or state contract, grant, loan, or cooperative agreement.

5. FALSE STATEMENTS: Respondent represents and warrants that all statements and information prepared and submitted to this document are current, complete, true, and accurate. Submitting a response with a false statement or material misrepresentations made during the performance of a contract is a material breach of contract and may void the submitted response and any resulting contract.

6. CERTIFICATION REGARDING DEBARMENT AND SUSPENSION: By signing the solicitation response, Respondent certifies to the best of its knowledge and belief that:
   6.1. It is not ineligible for participation in federal or state assistance programs under Executive Order 12549, Debarment and Suspension. Vendor/Respondent shall not contact with a subcontractor nor procure goods or services from a subcontractor, at any tier, that is debarred or suspended or is otherwise excluded from or ineligible to participate in any federal, state, or local assistance program under Executive Order 12549.
   6.2. Neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this solicitation by any federal department or agency.
   6.3. It is not debarred or suspended by any federal or state agency.
   6.4. It is not subject to an outstanding judgment in a suit against vendor for collection of the balance of a debt.
   6.5. Where vendor/Respondent is unable to certify to any of the statements in this article, vendor/Respondent shall attach an explanation.

7. COMPLIANCE:
   7.1. Federal, State, and Local Laws: Respondent shall comply with any and all applicable federal, state, and local laws, including, but not limited to: all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C. 1857 (n)), section 508 of the Clean Water Act (33 U.S.C. 1348).
Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15); and mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163, 89 Stat. 761).

7.2. Immigration Reform: Respondent represents and warrants that it will comply with all requirements of the Immigration Reform and Control Act of 1986 and all subsequent immigration laws relating to which regarding employment verification and retention of verification forms for any individual(s) hired or on or after November 6, 1986, who will perform any labor or services under this agreement.

7.3. Former Executive Head of a State Agency Affirmation: Under Section 555.003 of the Texas Government Code, Respondent certifies that it does not employ any former executive head of a state agency. If Respondent does employ a former executive head of a state agency it must provide the following in order for the response to be evaluated:

7.3.1. Name of Former Executive;
7.3.2. Name of State Agency;
7.3.3. Date of Separation from State Agency; and
7.3.4. Position and Date of Employment with Respondent.

7.4. Conflict of Interest: Respondent represents and warrants that the provision of goods and services or other performance under the contract will not constitute an actual or potential conflict of interest or reasonably create an appearance of impropriety.

7.5. Permits, Certifications, and Licenses: Respondent represents and warrants that it has obtained all licenses, certifications, permits, and authorizations necessary to perform the services under this agreement and currently is in good standing with all applicable agencies that regulate any or all aspects of Respondent’s performance under this agreement. Respondent will maintain all required certifications, licenses, permits, and authorizations during the term of this agreement.

7.6. Independent Contractor: It is understood and agreed that the awarding contractor is an independent contractor and that neither party is, nor shall be considered to be, an agent, distributor, or representative of the other. Neither party shall act or represent itself, directly or by implication, as an agent of the other or in any manner assume or create any obligation on behalf of, or in the name of, the other.

7.7. Texas Bidder Affirmation: Respondent certifies that if a Texas address is shown as the address of the Respondent on this Response, Respondent qualifies as a Texas Bidder as defined in Section 2155.446(c)(2) of the Texas Government Code.

8. HHS Uniform EIR Accessibility Clause: Contractors that are required to procure or develop Electronic and Information Resources (EIR) are required to comply with the Uniform EIR Accessibility Clause, as set out below.

(a) Repeatability. This section applies if the contract requires the CONTRACTOR to procure or develop Electronic and Information Resources (EIR) for [HHS AGENCY], or to change any of [HHS AGENCY’S] EIR. This section also applies if the contract requires the CONTRACTOR to perform a service or supply goods that include EIR that:

(i) [HHS AGENCY] employees are required or permitted to access; or
(ii) members of the public are required or permitted to access. This section does not apply to incidental uses of EIR in the performance of a contract, unless the parties agree that the EIR will become property of the state or will be used by the HHS agency’s Client/Recipient after completion of the contract, resulting in this section intended to prescribe the use of particular designs or technologies to prevent the use of alternative technologies, provided they result in substantially equivalent or greater access to and use of a product/service.

(b) Definitions.

(i) "Accessibility Standards" means the Electronic and Information Resources Accessibility Standards and the Web Site Accessibility Standards/Specifications.

(ii) “Electronic and Information Resources Standards” means standards contained in Title 28 Texas Administrative Code, Chapter 213.

(iii) "Products" means Information Resources that are, or are related to, EIR. Under Texas Government Code Chapter 2054, Subchapter M, and implementing rules of the Texas Department of Information Resources, [HHS AGENCY] must procure Products that comply with the Accessibility Standards when such Products are available in the commercial marketplace or when such Products are developed in response to a procurement solicitation. Accordingly, CONTRACTOR must provide electronic and Information Resources that comply with the Accessibility Standards.

(c) Evaluation, Testing, and Monitoring.

(i) [HHS AGENCY] may review, test, evaluate, and monitor CONTRACTOR’s Products and associated documentation and technical support for compliance with the Accessibility Standards. Review, testing, evaluation, and monitoring may be conducted before and after the award of a contract. Testing and monitoring may include use acceptance testing. Neither (1) the review, testing (including acceptance testing), evaluation or monitoring of any Product, nor (2) the absence of such review, testing, evaluation or monitoring, will result in a waiver of the State’s right to contest the CONTRACTOR’S assertion of compliance with the Accessibility Standards.

(ii) The CONTRACTOR agrees to cooperate fully and provide [HHS AGENCY] and its representatives timely access to Products, records, and other items of information needed to conduct such review, evaluation, testing and monitoring.

(d) Representations and Warranties.

(i) CONTRACTOR represents and warrants that:

(A) as of the effective date of the contract, the Products and associated documentation and technical support comply with the Accessibility Standards as they exist at the time of entering the contract, unless and to the extent the Parties otherwise expressly agree in writing; and

(B) if the Products will be in the custody of the state of an [HHS agency’s] client or recipient after the contract expiration or termination, the Products will continue to comply with such Accessibility Standards after the expiration or termination of the contract term, unless [HHS AGENCY AND/OR Client/Recipient, as applicable] uses the Products in a manner that renders it noncompliant.

(ii) In the event CONTRACTOR should have known, becomes aware, or is notified that the Product and associated documentation and technical support do not comply with the Accessibility Standards, CONTRACTOR represents and warrants that it will, in a timely manner and at no cost to [HHS AGENCY], perform all necessary steps to satisfy the Accessibility Standards, including but not limited to remediation, replacement, and upgrading of the Product, or providing a suitable substitute.

(iii) CONTRACTOR acknowledges and agrees that these representations and warranties are essential inducements on which [HHS AGENCY] relies in awarding this contract.

(iv) CONTRACTOR’S representations and warranties under this subsection will survive the termination or expiration of the contract and will remain in full force and effect throughout the useful life of the Product.

(f) Remedies.

(i) Pursuant to Texas Government Code Sec. 2554.465, neither CONTRACTOR nor any other person has a cause of action against [HHS AGENCY] for a claim of a failure to comply with Texas Government Code Chapter 2054, Subchapter M, and rules of the Department of Information Resources.

(ii) In the event of a breach of CONTRACTOR’S representations and warranties, CONTRACTOR will be liable for direct and consequential damages and any other remedies to which [HHS AGENCY] may be entitled. This remedy is cumulative of all other remedies to which [HHS AGENCY] may be entitled under this contract and other applicable law.

9. SECURITY OF INFORMATION:

9.1. The HHS agency may be in possession of confidential information and material which require protection under applicable laws and regulations, as well as policies and procedures, of the State of Texas and the United States. Confidential information and material obtained within or from the HHS agency may not be disclosed.
10. VENDOR CERTIFICATION INFORMATION TECHNOLOGY STAFF AUGMENTATION: In addition to those Vendor Certifications included in the Department of Information Resources' Agenda "Standard Terms and Conditions for INFORMATION TECHNOLOGY STAFF AUGMENTATION SERVICES," Vendor certifies on behalf of Vendor and its designated Order Fulfillers that they:

10.1. Will not use any information received to provide services to an individual customer under the Contract only for the purpose of providing those services;
10.2. Will treat any information so received as confidential and will not disclose, reveal, communicate, impair, or divogue the information or any summary or synopsis of the information in any manner or any form otherwise without prior written authorization to do so from the relevant individual customer; and
10.3. Are not authorized to make any representations concerning the work done for an individual customer to third parties for promotional, research, or other commercial or proprietary purposes without the individual customer's written advance approval.

11. FELONY CONVICTION HISTORY: Respondent represents that neither Respondent nor any of its employees, agents, or representatives, including any subcontractors and employees, agents, or representative of such subcontractors, has been convicted of a felony or that such a conviction has occurred, respondent has fully advised the HHS agency of the facts and circumstances surrounding the convictions.

12. AWARD:
12.1. The HHS agency reserves the right to waive minor infirmities in a proposal and award a contract if in the best interest of the State of Texas.
12.2. Sanctions, delinquency, and terrorism: Respondent certifies that it and its principals are eligible to participate in this solicitation and have not been subjected to suspension, debarment, or similar ineligibility determined by any federal, state or local governmental entity and are not listed on the State of Texas Debarmed Vendor List maintained by the CPA or by the System for Award Management (SAM) maintained by the General Services Administration at http://www.sam.gov; and that Respondent is in compliance with all applicable State of Texas statutes and HHS agency rules; and that Respondent certifies it is not listed on the federal government's terrorism watch list as described in executive order 13224.
12.3. The State reserves the right to make an award on the basis of low bid item, low total of line items, or in any other combination that will serve the best interest of the State.
12.4. Tie responses: In the case of the bids, awards will be made in accordance with Title 34, Texas Administrative Code, Chapter 20, Subchapter C, Division 2, § 20.207(2)(c), either by application of one or more preferences described in Title 34, Texas Administrative Code, Chapter 20, Subchapter D, Division 2, § 20.306; or in the case of the bids that cannot be resolved by application of one or more preferences, by drawing lots.
12.5. A response to this solicitation is an offer to contract based upon the terms, conditions, and specifications contained herein. Responses do not become orders until a purchase order and/or contract is released by an HHS agency, purchasing agent, or designer through a written purchase order/contract. The contract shall be governed, construed, and interpreted under the laws of the State of Texas.
12.6. Orders to Extend Services: The Respondent by signature of a representative to this solicitation agrees that HHS may require continued performance, beyond the initial term or renewal contract term, of any of the herein described services at the rates specified herein. This option may be exercised more than once, for the purpose of meeting HHS agency procurement goals but the total extension of performance hereunder shall not exceed one hundred twenty (120) calendar days. Such extension of services shall be subject to all specifications and terms and conditions of the contract resulting from this procurement, with the sole and limited exceptions that the original date of termination shall be extended pursuant to this provision. The HHS agency may exercise this option upon notice to the awarded Respondent.
12.7. The Procurement and Contracting Services (PCS) section of HHS will administer the initial stages of the procurement process, prior to the award contract, including announcement and publication, handling of communications from the Respondent, as well as managing the receipt and handling of valid responses for the review and evaluation. PCS directs the execution of the contract after the awarded vendor has been selected. The contract(s) issued as a result of this solicitation may be utilized by one or all of the HHS agencies listed below:
12.7.1. Health and Human Services Commission (HHS);
12.7.2. Department of Family and Protective Services (DFPS);
12.7.3. Department of State Health Services (DSHS). PCS will issue an individual purchase order, contract, or release for each HHS agency, region, city, or location requiring goods or services under the contract(s). Each purchase order will include the delivery/service location and address for the HHS agency requiring goods/services.
12.8. No terms or conditions advanced by the contractor, by way of exception or other means, are included as part of the contract unless expressly agreed to in writing by HHS.

13. DELIVERY:
13.1. Respondents must show number of days required to place material in receiving agency's designated location under normal conditions. Failure to state delivery time obligates Respondent to deliver in 14 calendar days. Delivery shall be made during normal working hours only, unless prior approval has been obtained from the HHS agency.
13.2. If delivery is delayed, Contractor shall notify the HHS agency. Default in promised delivery or failure to meet specifications authorizes the HHS agency to purchase goods and/or services elsewhere and charge full increase. If, in any, in cost and handling to defaulting Contractor. Any damages incurred by the HHS agency as a result of the default may also be assessed to the defaulting Contractor.
13.3. Products delivered that fail to meet specifications or are not the actual item(s) awarded on the contract shall be rejected or returned at the vendor's expense. Damages may be assessed on open market and any resulting increase in price shall be charged to the awarded vendor.

14. CANCELLATION OR EARLY TERMINATION:
14.1. TERMINATION FOR CONVENIENCE: The HHS agency reserves the right to terminate, in whole or in part without recourse or penalty, any Contract resulting from this solicitation with 30 days written notice to the Contractor.
14.2. TERMINATION FOR CAUSE OR DEFAULT: The HHS agency may terminate this Contract immediately for any failure of the Contractor to comply with the terms and conditions of the Contract.
14.3. TERMINATION DUE TO REDUCTION IN OR UNAVAILABILITY OF STATE FUNDS: HHS reserves the right to terminate the purchase order and/or Contract awarded from this solicitation, without penalty to HHS, either in whole or in part, for reduction in or unavailability of state funds. HHS is a state agency whose authority and appropriations are subject to actions of the Texas legislature. HHS will not be liable to Contractor for any damages, which are caused or associated with such termination or cancellation and HHS will not be required to give notice.
14.4. ABANDONMENT OR DEFAULT: If the Respondent abandons or defaults on any work under the Contract and causes the work to be re-done, the Respondent may be held liable for any damages sustained by HHS for performance of the work at HHS's expense. HHS may also cancel all or any part of the resulting purchase order and/or Contract if the Contractor fails to comply with any requirement of the purchase order and/or Contract, including but not limited to this solicitation and its General Terms and Conditions. HHS may also abandon the work and reject the goods and services, may withhold payments and payments to the Contractor and may pursue all available rights and remedies against the Contractor. In addition, HHS will report the defaulting contractor to the Texas Comptroller of Public Accounts (CPA) Statewide Procurement Division (SPD) for possible action, including, but not limited to, removal of the Contractor from the Centralized Master Bidders List (CML).
14.6 RIGHT TO RECOVER: HHS reserves the right to recover reasonable costs, fees, expenses, and other amounts or damages available under applicable law, including, but not limited to, attorneys' fees and court costs, if termination or cancellation is at Contractor's request or the result of Contractor's failure to perform. This right is in addition to any other remedies available to HHS under applicable law.

15. RESPONSIBILITY FOR NEGLIGENCE: Contractor shall bear all risk of loss or damage due to product defects, imperfection, or negligence or wilful misconduct of Contractor or its employees, agents, or representatives.

16. FORCE MAJEURE: Neither party shall be liable to the other for any delay in, or failure of performance, of any requirement included in the Contract caused by force of nature. The existence of such causes of delay or failure shall extend the period of performance until after the causes of delay or failure have been removed provided the non-performing party exercises all reasonable due diligence to perform. Force majeure is defined as acts of God, war, fires, explosions, hurricanes, floods, or other causes that are beyond the reasonable control of the party claiming force majeure and that by the exercise of all reasonable due diligence, such party is unable to overcome.

17. PATENTS OR COPYRIGHTS: Contractor must defend, at its own expense, any action brought against the State of Texas based on a claim that the product(s) supplied by Contractor or the operation of such product(s) pursuant to the current release and modification level on any programming aid, infringes a United States patent, copyright, or trade secret. Contractor must pay those costs and damages finally awarded against the State of Texas in any such claim.

18. WORK MADE FOR HIRE: All work performed by Contractor for the HHS agency pursuant to this Contract, including all work developed or prepared by Contractor or its subcontractors or authorized representatives, is the exclusive property of the HHS agency. All right, title and interest in and to said property shall vest in the HHS agency upon creation and shall be deemed to be a work made for hire and made in the course of the services rendered pursuant to this Contract. To the extent that any such work may be, by operation of law, work made for hire in the HHS agency, or such work may not be considered a work made for hire, all rights, title and interest therein are hereby irrevocably assigned to the HHS agency. The HHS agency shall have the right to assign and to hold in its name any and all patents, copyrights, registrations or such other protection as may be appropriate, and any extensions and renewals thereof. Contractor must give the HHS agency and the State of Texas, as well as any person designated by the HHS agency and the State of Texas, all assistance required to perfect the rights defined herein without any charge or expense beyond those amounts payable to Contractor for the services rendered under this Contract.

19. REPRODUCTION RIGHTS: Contractor agrees that the HHS agency is free to reproduce, without royalty, all manuals, publications, maintenance programs, diagnostics and documents for exclusive use by the HHS agency for State of Texas Business. The HHS agency is free to reproduce, without royalty, necessary materials used in connection with publications provided that incorporation into the HHS agencies information systems is for exclusive use by state-authorized systems. Any proprietary statement contained in any document will be referenced if that document, or any part thereof, is used.

20. TEXAS PUBLIC INFORMATION ACT: Information, documentation, and other material in connection with this solicitation or any resulting contract may be subject to public disclosure pursuant to Chapter 552 of the Texas Government Code (the "Public Information Act"). In accordance with Section 2525.007 of the Texas Government Code, the Government is required to make any information created or exchanged with the State pursuant to the Contract, and not otherwise exempted from disclosure under the Texas Public Information Act, available in a format that is accessible by the public at no additional charge to the State. If the Respondent believes that parts of its response are exempt from disclosure under the Texas Public Information Act, Respondent must specifically identify the information it contends to be confidential or proprietary. If Respondent designates substantial portions of its solicitation response or its entire solicitation response as confidential or proprietary, the solicitation response is subject to being disqualified.

21. REQUESTS FOR INFORMATION: The Contractor shall not provide information generated or otherwise obtained in the performance of its responsibilities under this Contract to any party other than the HHS agency and its authorized agents except as otherwise authorized by this Contract or after obtaining written permission from the HHS agency.

22. INDEMNIFICATION: RESPONDENT SHALL DEFEND, INDEMNIFY AND HOLD HARMLESS THE STATE OF TEXAS AND AGENCY, AND/OR THEIR OFFICERS, AGENTS, EMPLOYEES, REPRESENTATIVES, CONTRACTORS, ASSIGNEES, AND/OR DESIGNEES FROM ANY AND ALL LIABILITY, ACTIONS, CLAIMS, DEMANDS, OR SUITS, AND ALL RELATED COSTS, ATTORNEY FEES, AND EXPENSES ARISING OUT OF, OR RESULTING FROM ANY ACTS OR OMISSIONS OF RESPONDENT, INCLUDING BUT NOT LIMITED TO, THE CONTRACTORS IN THE EXECUTION OR PERFORMANCE OF THE CONTRACT AND ANY PURCHASE ORDERS ISSUED UNDER THE CONTRACT. THE DEFENSE SHALL BE COORDINATED BY RESPONDENT WITH THE OFFICE OF THE TEXAS ATTORNEY GENERAL WHEN THE STATE AGENCIES ARE NAMED DEFENDANTS IN ANY LAWSUIT AGAINST THEM ARISING OUT OF ANY ACTS OR OMISSIONS OF THE TEXAS ATTORNEY GENERAL OR AGENCY. RESPONDENT AGREES TO FORWARD TIMELY WRITTEN NOTICE TO EACH OTHER OF ANY SUCH CLAIM.

23. RIGHT TO AUDIT: The State auditor may conduct an audit or investigation of any entity receiving funds from the State directly under the Contract or indirectly through a subcontract. The acceptance of funds directly under the Contract or indirectly through a subcontract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. Under the direction of the legislative audit committee, an entity that is the subject of an audit or investigation by the state auditor must provide the state auditor with access to any information the state auditor considers relevant to the audit or investigation. Contractor will ensure that this clause concerning the authority to audit funds received indirectly by subcontractors and the requirement to cooperate is included in any subcontract it awards.

24. CONTRACT PERFORMANCE: Contractor that comply with and act in good faith in the performance of all provisions of this Contract and any amendments.

25. REMEDIES AND SANCTIONS: In accordance with Section 2261.101, Government Code, remedies and sanctions, state agencies are required to hold contractors accountable for breach of contract or substandard performance.

25.1. The HHS agency may impose remedies and sanctions as described in this solicitation for Contractor's default under this Contract.

25.2. The State of Texas may impose remedies and sanctions as appropriate on a case-by-case basis.

25.3. The HHS agency may terminate the Contract in accordance with Section 14, above.

26. RECORDS RETENTION: Contractor must retain all invoices, records and other documents pertinent to this Contract until seven (7) years following the expiration or termination of this Contract, until any audits in progress are completed, or until any lawsuits relating to this Contract are resolved, whichever is later.

27. PAYMENT: Prior to any payment being made, the HHS agency shall certify that the goods and services being invoiced have been received and accepted. Contractor shall submit all invoices showing the HHS agency purchase order or contract number. Payment shall be made in accordance with Chapter 2251 of the Texas Government Code, commonly known as the Texas Prompt Payment Act. Chapter 2251 shall govern remittance of payment and remedies for late payment and non-payment.

28. ASSIGNMENT BY CONTRACTOR: Contractor shall not assign all or any portion of its rights under or interests in this Contract or delegate the performance of its obligations hereunder without prior written consent of the HHS agency contract manager. Any written request for assignment must be accompanied by written acceptance of the assignment by the assignee. Except where otherwise agreed in writing by the HHS agency contract manager, no assignment will release the Contractor or its subcontractors from their obligations. Any attempted assignment in violation of this section is void and without effect.

29. COMPLIANCE WITH LAWS: Contractor shall comply with all applicable laws, including but not limited to, laws concerning taxes and child support. Payments shall be applied until the debts and back taxes are paid in full. Federal law may supersede this requirement.

30. DISCLOSURE OF INFORMATION: If the Contract includes federal funds, the federal agency providing the funds, the Comptroller General of the United States, and any of their authorized representatives, must have access to any books, documents, papers, and records of the Contractor which are directly pertinent to this Contract.

31. GOVERNING LAW AND JURISDICTION: This Contract is being executed and delivered to the State of Texas. This Contract is intended to be performed in the State of Texas and shall be governed by and construed in accordance with the laws of the State of Texas, without regard to any conflicts of law provisions. The venue of any suit arising out of the performance of this Contract shall be in the county in which Contractor's principal place of business is located. Any claim arising out of the performance of this Contract shall be determined in Travis County, Texas. If any provision of this Contract is declared to be illegal, invalid, or unenforceable, such construction will not affect the legality or validity of any other provisions/parts. The illegal or invalid provision/part will be deemed severable and
32. DISPUTE RESOLUTION: The dispute resolution process provided for in Texas Government Code, Title 10, Chapter 228, shall be used by the HHS agency and the Contractor to attempt to resolve any dispute or any claim for breach of Contract made by the Contractor.

33. COMPLIANCE WITH STATE AND FEDERAL ANTI-DISCRIMINATION LAWS

33.1. Contractor agrees to comply with state and federal anti-discrimination laws, including without limitation: 1) Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.); 2) Sec. 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794); 3) Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.); 4) Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-6107); 5) Title IX of the Education Amendments of 1972 (20 U.S.C. §§ 1681-1688); 6) Food Stamp Act of 1977 (7 U.S.C. § 2001 et seq.); 7) HHS's administrative rules, as set forth in the Texas Administrative Code, to the extent applicable to this agreement. Contractor agrees to comply with all amendments to the referenced laws, and all regulations imposed by the regulations issued pursuant to these laws. These laws provide in part that no persons in the United States may, on the grounds of race, color, national origin, sex, age, disability, political beliefs, or religion, be excluded from participation in, or denied any aid, service or other benefit provided by federal or state funding, or otherwise be subjected to discrimination.

33.2. Contractor agrees to comply with Title VI of the Civil Rights Act of 1964, and its implementing regulations at 45 C.F.R. Part 80 or 7 C.F.R. Part 15, prohibiting a contractor from adopting and implementing policies and procedures that exclude or have the effect of excluding or limiting the participation of clients in its programs, benefits, or activities on the basis of national origin. Applicable state and federal civil rights laws require contractors to provide alternative methods for ensuring access to services for applicants and recipients who cannot express themselves fluently in English. Contractor agrees to ensure that its policies do not have the effect of excluding or limiting the participation of persons in its programs, benefits, or activities on the basis of national origin.

33.3. Contractor agrees to comply with Executive Order 13279, and its implementing regulations at 45 C.F.R. Part 87 or 7 C.F.R. Part 16. These provide in part that any organization that participates in programs funded by direct financial assistance from the United States Department of Agriculture or the United States Department of Health and Human Services shall not, in providing services, discriminate against a program beneficiary or prospective program beneficiary on the basis of religion or religious belief.

33.4. Upon request, Contractor will provide the HHS agency with copies of all of the Contractor's civil rights policies and procedures.

33.5. Contractor must notify HHS's Civil Rights Office of any civil rights complaints received relating to Contractor's performance under this agreement. This notice must be delivered no more than ten (10) calendar days after receipt of a complaint. Notice provided pursuant to this section must be directed to: HHS Civil Rights Office, 701 W. 51st Street, Mail Code W206, Austin, Texas 78751. Phone toll free: (888) 388-6332; phone: (512) 438-7232; TTY Toll free: (877) 432-7232; Fax: (512) 438-5885

34. PROHIBITION ON CONTRACTING WITH ENTITIES THAT BOYCOTT ISRAEL:

34.1. Contractor represents and warrants, pursuant to Section 2270.002 of the Texas Government Code, Contractor does not boycott Israel and will not boycott Israel during the term of the Contract.

35. PROHIBITION ON CONTRACTING WITH ENTITIES ENGAGED IN BUSINESS WITH FOREIGN TERRORIST ORGANIZATIONS:

35.1. Contractor represents and warrants that it is not engaged in business with Iran, Sudan, or a foreign terrorist organization, as prohibited by Section 2352.152 of the Texas Government Code.

36. DISCLOSURE OF INTERESTED PARTIES:

36.1. Respondent represents and warrants that if selected for award of a contract as a result of the solicitation, that has a value of at least $1 million, Respondent will submit to HHS a Certificate of Interests Parties prior to contract execution in accordance with Section 2252.908 of the Texas Government Code and the rules of the Texas Ethics Commission, Title 1, Texas Administrative Code, Part 2, Chapter 46.

37. E-VERIFY PROGRAM: Contractor represents that for contracts for services, Contractor shall utilize the U.S. Department of Homeland Security's E-Verify system during the term of the Contract to determine the eligibility of all persons employed by Contractor to perform duties within Texas; and all persons, including subcontracts, assigned by Contractor to perform work pursuant to the Contract within the United States.

38. COMPUTER EQUIPMENT RECYCLING PROGRAM: To the extent applicable to this Contract, Respondent certifies its compliance with Subchapter Z, Chapter 361 of the Texas Health and Safety Code and the Texas Commission on Environmental Quality rules in Title 30, Texas Administrative Code, Chapter 328.

39. DISASTER RECOVERY PLAN: To the extent applicable to this Contract, upon request of HHS, Respondent shall provide the definitions of its business continuity and disaster recovery plans.

40. TELEVISION EQUIPMENT RECYCLING PROGRAM: To the extent applicable to this Contract, Respondent certifies its compliance with Subchapter Z, Chapter 361 of the Texas Health and Safety Code, relating to the Television Equipment Recycling Program.
Office of Border Public Health  
FY'19 Funding Request  
Public Health Region: ___

Budget Request Period: September 1, 2018 through August 31, 2019.

<table>
<thead>
<tr>
<th>Budget Item</th>
<th>Amount</th>
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<tr>
<td><em>Total Travel</em></td>
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</tr>
<tr>
<td>In-State Travel</td>
<td>$</td>
</tr>
<tr>
<td>Out-of-State Travel</td>
<td>$</td>
</tr>
<tr>
<td>Total Travel</td>
<td>$</td>
</tr>
<tr>
<td>Equipment</td>
<td>$ 4,335</td>
</tr>
<tr>
<td>Supplies</td>
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<tr>
<td>Operating: Contractual</td>
<td>$</td>
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<tr>
<td>Operating: Other</td>
<td>$ 3,680</td>
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<td><em>Total</em></td>
<td>$ 13,815</td>
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## Equipment

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<tr>
<th>Item #</th>
<th>Description of Equipment</th>
<th>Quantity</th>
<th>Unit Price</th>
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<th>Total</th>
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<tbody>
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<td>1</td>
<td>Mosquito Traps</td>
<td>2</td>
<td>203</td>
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<td>$ 406.00</td>
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<tr>
<td>2</td>
<td>Chemical Lure</td>
<td>12</td>
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<td>3</td>
<td>BG Sweetscent Lure</td>
<td>12</td>
<td>14.39</td>
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<tr>
<td>4</td>
<td>Material Shipping Fee</td>
<td>1</td>
<td>200</td>
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<tr>
<td>5</td>
<td>Laptop computer</td>
<td>1</td>
<td>2500</td>
<td>$ 2,500.00</td>
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<tr>
<td>6</td>
<td>Software</td>
<td>1</td>
<td>100</td>
<td>$ 100.00</td>
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</tr>
<tr>
<td>7</td>
<td>Computer accessories</td>
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<td>300</td>
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<tr>
<td>8</td>
<td>Projector</td>
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<td>9</td>
<td></td>
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<td>$ -</td>
<td></td>
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<td>10</td>
<td></td>
<td></td>
<td></td>
<td>$ -</td>
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Total: $ 4,335.32
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<th>Total</th>
<th>Detailed Description/Justification</th>
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<td>1</td>
<td>Meeting Room</td>
<td>400</td>
<td>2</td>
<td>$ 800.00</td>
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<td>To be used by the Zika/Mosquito disease education team.</td>
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<tr>
<td>2</td>
<td>Promotional Items</td>
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<td>$ 5,000.00</td>
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<td>To be used given to the public during outreach activities.</td>
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## OPERATING: OTHER

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</tr>
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<tr>
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<td>EXAMPLE: AT&amp;T Mobile Services (Monthly Service Fee)</td>
<td>12</td>
<td>47.99</td>
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<tr>
<td>2</td>
<td>Shipping fees for Mosquito Specimens</td>
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<td>15</td>
<td>$180.00</td>
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<td>3</td>
<td>Advertising</td>
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<td>1000</td>
<td>$1,000.00</td>
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<tr>
<td>4</td>
<td>Printing Materials</td>
<td>1</td>
<td>2500</td>
<td>$2,500.00</td>
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</tr>
</tbody>
</table>

**Total** $3,680.00

**Detailed Description/Justification**

- Shipping fees to send mosquito specimens to the state laboratory for viral testing and speciation.
- Advertising through various media services about mosquito borne disease prevention.
- Printing of educational brochures for health professionals and other educational materials.
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: May 15, 2019

Agenda Item:
Consider and possible action on adopting a Resolution suspending the June 5, 2019 Effective Date of AEP Texas Inc.'s requested rate change, hiring Lloyd Gosselink Rochelle & Townsend, P.C. and Consulting Services to negotiate with the Company and direct any necessary litigation and appeals and requiring reimbursement of the City's Rate Case expenses.

Prepared By (Print Name): Gabriel Gonzalez, CPM
Title: Assistant City Manager

Signature: Gabriel Gonzalez

Brief Summary:
AEP has filed a Statement of Intent to change its rates. AEP intends to increase their system-wide distribution rates by $38.3 million per year, an increase of 4.2% for customers in the Central Division and a decrease of system-wide transmission rates in the North Division by $3.16 million, a decrease of 0.7%. This would result in an increase of about $4.75 for customers in the Central Division (our area) and a decrease of $5.01 for customers in the North Division.

This Resolution allows the City to hire Thomas Brocato with Lloyd Gosselink Rochelle & Townsend, P.C. and 3 other consultants to review the filing and negotiate on behalf of the Cities impacted by the filing. There will be no cost to the City of Harlingen, all reasonable expenses will be reimbursed by AEP.

Staff recommends adoption of the Resolution.

Funding (if applicable):
Are funds specifically designated in the current budget for the full amount
☐ Yes ☐ No*

*If no, specify source of funding and amount requested:
N/A

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

Staff Recommendation:

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

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

Comments:

City Attorney's approval:
☐ Yes ☐ No ☐ N/A
ACTION REQUIRED BY JUNE 5.

Dear Cities Served by AEP Texas,

Yesterday, your city likely received a Statement of Intent from AEP Texas Inc. (AEP Texas or Company) to change its rates. In its filing, the Company seeks to increase system-wide distribution rates by $38.3 million per year (an increase of 4.2%), and decrease system-wide transmission rates by $3.16 million (a decrease of 0.7%). The Company also requests approval of consolidated rates and tariffs for its Central and North Divisions. (formerly TCC and TNC). According to AEP Texas, the impact of this approval on an average residential customers would be an increase of about $4.75 per month for customers in the Central Division, and a decrease of $5.01 for customers in the North Division.

Also today, AEP Texas filed its application at the Public Utility Commission (PUC). As we have done in the past, we are planning to participate in the case and will intervene on behalf of the Cities of McAllen, Victoria, and the 42 cities in the Lower Rio Grande Valley Development Council. We have hired three consultants to assist us with the case. As a ratemaking proceeding, cities are entitled to reimbursement of their legal and consulting expenses. Thus, there will be no direct charge to your city as a participant in the rate case.

ACTION REQUIRED:
For Cities with Original Jurisdiction
For those cities with original jurisdiction over AEP Texas’ rates, you will need to take action on AEP Texas’ application using the attached resolution for Cities with Original Jurisdiction. This resolution authorizes the hiring of Lloyd Gosselink, intervention in the PUC proceeding, and suspends the rate filing. Rather than permit the increase to go into effect within your city, we advise that cities suspend the rate filing for 90 days via the attached resolution. This will give us more time to review the application. We will follow-up with a resolution/ordinance for final action as the case proceeds. Your city must adopt the attached suspension resolution by June 5, 2019. We have attached a model staff report for your use. If your city needs one of us to attend your council meeting, please let us know.

Please also let us know the date of the Council meeting at which the suspension resolution will be taken up.

For Cities without Original Jurisdiction
Several Cities Served by AEP Texas have relinquished their jurisdiction to the PUC. These cities are listed in the attached document entitled, “Non-OJ Cities – AEP Service Territory.” For these cities, you will need to take action by authorizing the attached resolution for Cities without Original Jurisdiction. This resolution authorizes
the hiring of Lloyd Gosselink and intervention in the PUC proceeding. We have attached a model staff report for your use. If your city needs one of us to attend your council meeting, please let us know.

Thanks,
Thomas Brocato and Jamie Mauldin

THOMAS L. BROCATO
Partner
512-322-5857 Direct
512-914-5061 Cell
Lloyd Gosselink Rochelle & Townsend, P.C.
816 Congress Ave., Suite 1900, Austin, TX 78701
www.lglawfirm.com  512-322-5800
News | vCard | Bio

****ATTENTION TO PUBLIC OFFICIALS AND OFFICIALS WITH OTHER INSTITUTIONS SUBJECT TO THE OPEN MEETINGS ACT****

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MODEL STAFF REPORT

***ACTION MUST BE TAKEN TO SUSPEND THE EFFECTIVE DATE BEFORE JUNE 5, 2019***

PURPOSE:

AEP Texas Inc ("AEP Texas" or "Company") filed an application on May 1, 2019 with cities retaining original jurisdiction seeking to increase system-wide distribution rates by $38.3 million per year (an increase of 4.2%), and decrease system-wide transmission rates by $3.16 million (a decrease of 0.7%).

The Company also asks the City to approve consolidated rates and tariffs for its Central and North Divisions. According to AEP Texas, the impact of this approval on an average residential customer would be an increase of about $4.75 per month for customers in the Central Division, and a decrease of $5.01 for customers in the North Division.

The resolution suspends the June 5, 2019 effective date of the Company’s rate change for the maximum period permitted by law to allow the City, working in conjunction with other Cities served by AEP Texas to intervene in the Public Utility Commission Docket No. 49494 to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

The law provides that a rate request made by an electric utility cannot become effective until at least 35 days following the filing of the application to change rates. The law permits the City to suspend the rate change for 90 days after the date the rate change would otherwise be effective. If the City fails to take some action regarding the filing before the effective date, AEP Texas’s rate request is deemed approved.

Purpose of this Resolution:

The purpose of this Resolution is to suspend the Statement of Intent to Change Rates proposed by AEP Texas and authorize the City to intervene in the Company’s rate case proceeding before the Public Utility Commission in Docket No. 49494.

Explanation of “Be It Resolved” Paragraphs:

Section 1. The City is authorized to suspend the rate change for 90 days after the date that the rate change would otherwise be effective for any legitimate purpose. Time to study and investigate the application is always a legitimate purpose. Please note that the resolution refers to the suspension period as “the maximum period allowed by law” rather than ending by a specific date. This is because the Company controls the effective date and can extend the deadline for final city action to increase the time that the City retains jurisdiction if necessary to reach settlement on the case. If the suspension period is not otherwise extended by the Company, the City must take final action on AEP Texas’ request to change rates by June 5, 2019.
Section 2. This provision authorizes the City to participate in a coalition of Cities served by AEP Texas ("Cities") in order to more efficiently represent the interests of the City and their citizens and authorizes the hiring of Lloyd Gosselink and consultants to review the filing, negotiate with the Company, and make recommendations to the City regarding reasonable rates. Additionally, it authorizes Cities to direct any necessary administrative proceedings or court litigation associated with an appeal of this application filed with the PUC.

Section 3. This section authorizes the City to intervene in and participate with Cities Served by AEP Texas as a party in the Company’s filing, PUC Docket No. 49494.

Section 4. The Company will reimburse the cities for their reasonable rate case expenses. Legal counsel and consultants approved by Cities will submit monthly invoices that will be forwarded to AEP Texas for reimbursement. No individual city incurs liability for payment of rate case expenses by adopting a suspension resolution.

Section 4. This section merely recites that the resolution was passed at a meeting that was open to the public and that the consideration of the Resolution was properly noticed.

Section 5. This section provides that both AEP Texas’ counsel and counsel for the Cities will be notified of the City’s action by sending a copy of the approved and signed resolution to certain designated individuals.
RESOLUTION NO. __________________

RESOLUTION OF THE CITY OF HARLINGEN, TEXAS SUSPENDING THE JUNE 5, 2019 EFFECTIVE DATE OF AEP TEXAS INC.’S REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH THE CITIES SERVED BY AEP TEXAS AND AUTHORIZING INTERVENTION IN AEP TEXAS INC.’S REQUESTED RATE CHANGE PROCEEDINGS BEFORE THE COMMISSION; HIRING LLOYD GOSSELINK ATTORNEYS AND CONSULTING SERVICES TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; REQUIRING REIMBURSEMENT OF CITIES’ RATE CASE EXPENSES; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

WHEREAS, on or about May 1, 2019, AEP Texas Inc. ("AEP Texas" or "Company"), pursuant to Public Utility Regulatory Act ("PURPA") §§ 33.001 and 36.001 filed with the City of Harlingen, Texas ("City") a Statement of Intent to change electric delivery rates in all municipalities exercising original jurisdiction within its service area, effective June 5, 2019; and

WHEREAS, the City is an electric utility customer of AEP Texas and a regulatory authority with an interest in the rates and charges of AEP Texas; and

WHEREAS, the City is a member of the Cities Served by AEP Texas ("Cities"), a membership of similarly situated cities served by AEP that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in AEP Texas’ service area; and

WHEREAS, PURA § 36.108 grants local regulatory authorities the right to suspend the effective date of proposed rate changes for ninety (90) days after the date the rate change would otherwise be effective; and

WHEREAS, the City retains its rights as a city with original jurisdiction including the right to suspend the application; and

WHEREAS, PURA § 33.023 provides that costs incurred by Cities in ratemaking activities are to be reimbursed by the regulated utility; and

WHEREAS, the City’s consultants and attorneys recommend that the City suspend the application for further review.

7836500
THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS:

SECTION 1. That the June 5, 2019, effective date of the rate request submitted by AEP Texas on or about May 1, 2019, be suspended for the maximum period allowed by law to permit adequate time to review the proposed changes and to establish reasonable rates.

SECTION 2. That the City joins other Cities Served by AEP Texas in this proceeding and, subject to the right to terminate employment at any time, hereby authorizes the hiring of Thomas Brocato of Lloyd Gosselink Rochelle and Townsend, P.C., and consultants to review the Company’s filing, negotiate with the Company, make recommendations regarding reasonable rates and to direct any necessary administrative proceedings or court litigation associated with an appeal of city action.

SECTION 3. That the City shall work with Cities Served by AEP Texas in the review and evaluation of whether the proposed rates are appropriate, fair, just, and reasonable; and, intervene as a necessary party in the Public Utility Commission of Texas’ consideration of AEP Texas’ rate filing in Docket No. 49494 as it affects the customers in the unincorporated areas of AEP Texas’ service territory.

SECTION 4. That the City’s reasonable rate case expenses shall be reimbursed by AEP Texas.

SECTION 5. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

SECTION 6. A copy of this Resolution shall be sent to AEP Texas, care of Jennifer Frederick, American Electric Power Company, 400 West 15th Street, Suite 1520, Austin, Texas 78701 (jjfrederick@aep.com), and to Thomas Brocato at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701 (tbrocato@lglawfirm.com).

PASSED AND APPROVED this __________ day of __________________, 2019.

_______________________________
MAYOR

_______________________________
ATTEST:

City Secretary

APPROVED AS TO FORM:
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: 5/15/2019

Agenda Item:
Public hearing and take action to consider an Ordinance on First Reading for a Specific Use Permit (SUP) to allow a Bar/Lounge in a General Retail (GR) District located at 309 W. Van Buren, bearing a legal description of Lot 8, Block 67, Harlingen Original Townsite. Applicant: Jesus A. Pena

Prepared By: Gabriel Gonzalez
Title: Assistant City Manager
Signature: [Signature]

Brief Summary:

Project Timeline

• April 9, 2019 – Application for Specific Use Permit (SUP) submitted to the City. (ATTACHMENT I & II)
• April 26 & 27, 2019 – In accordance with Statute and local law, notice of required public hearings published in the Valley Morning Star and mailed to all property owners within 200 feet of subject tract.
• May 8, 2019 – Public hearing was conducted by the Planning and Zoning Commission (P&Z). The P&Z Commission recommended approval based on Staff recommendation, and with the condition that the establishment can remain open until 2:00 a.m. only on Thursday – Saturday, by 2 to 1 vote.
• May 15, 2019 – Public hearing and consideration of requested Specific Use Permit via 1st ordinance reading scheduled before the City Commission.
• June 5, 2019 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

The subject property is located on the south side of W. Jackson St, 100 feet west of S. West Street. Adjacent zoning is General Retail (GR) all directions. Surrounding land uses include general commercial and vacant lots. (ATTACHMENT III)

• The subject property is included in the Downtown Improvement District (DID). The proposed use for a bar/lounge requires recommendation by the DID Board as per Sec 111-505. On April 2, 2019, DID Board recommended approval of Sir’s Martini Lounge to operate Monday to Sunday from 11am – 12am (midnight) on the subject property. (ATTACHMENT IV-VI)

• The applicant would like to modify the hours of operation on Thursday – Saturday from 3pm – 2am in order to apply for a Mixed Beverage Late Hours Permit through TABC. According to the applicant there will be no DJ or loud music that may disturb the surrounding area and security personnel will be provided. The Planning and Zoning Commission may recommend the modified hours to City Commission. (ATTACHMENT IV)
• The applicant will still have to submit a building permit/reoccupancy with the Building Inspections Department in order to receive a certificate of occupancy and operate the bar/lounge. There is no requirement for off-street parking in the Downtown Improvement District for new uses which occupy existing buildings and new construction of a building on a lot which was previously occupied with a building of similar size.

• Building Inspections, Health Department, and Fire Prevention Bureau reviewed the SUP application and recommend approval of the SUP. (ATTACHMENT VII-IX)

• Harlingen Police Department recommended approval subject to a surveillance camera system with 30 day retention, licensed security officers working during peak hours, and adequate lighting inside and outside the business. (ATTACHMENT X)

• On May 8, 2019, Planning Staff received one letter in opposition from a property owner in the surrounding area. (ATTACHMENT XI)

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

### Funding (if applicable):

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

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

### Staff Recommendation:

Staff recommends approval of the request subject to the following:

1. The SUP will be limited to one year. The applicant would have to apply for renewal to continue to operate the bar/lounge;
2. Provision of security officers during peak hours of operation (Thursday – Saturday from 9pm to 2am);
3. Provision of video surveillance with 30 day retention period;
4. Provision of adequate lighting inside and outside the business;
5. Obtain and maintain proper state permits;
6. Compliance Code of Ordinance Chapter 22, Article 3, Sections 22-54 to 22-66 Smoking Regulations; and
7. Compliance with the requirements administered by the Planning & Zoning Commission, Building Inspections Departments, Environmental Health, Fire Prevention, and Police Departments prior to the issuance of Certificate of Occupancy.
<table>
<thead>
<tr>
<th>City Manager's approval:</th>
<th>Yes [ ] No [ ] N/A [ ]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comments:</td>
<td></td>
</tr>
<tr>
<td>City Attorney's approval:</td>
<td>Yes [ ] No [ ] N/A [ ]</td>
</tr>
<tr>
<td></td>
<td>5/9/19</td>
</tr>
</tbody>
</table>
CITY OF HARLINGEN PLANNING AND ZONING DIVISION
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)
Project Address: 309 West VanBuren, Nearest Intersection: Harrison St.
(Proposed) Subdivision Name: Harlingen Original Townsite Lot 8, Block 67
Existing Zoning Designation: Retail/Lounge, Future Land Use Plan Designation: Lounge/Bar

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)
Applicant/Authorized Agent: Jesus A. Pena Phone: (956) 454-1221 FAX: N/A
Email Address (for project correspondence only): cmujdebi@gmail.com (956) 537-6275
Mailing Address: 101 Crescent Dr., City: San Benito, State: TX, Zip: 78586
Property Owner: Estate of Dora Vela Phone: (956) 533-7266 FAX: N/A
Email Address (for project correspondence only):

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

☐ Annexation Request: $0 No Fee
☐ Administrative Appeal (ZBA): $125.00
☐ Comp. Plan Amendment Request: $250.00
☐ Re-zoning Request: $250.00
☐ SUP Request/Renewal: $250.00
☐ Zoning Variance Request (ZBA): $250.00
☐ PDD Request: $250.00
☐ License to Encroach: $250.00
☐ Preliminary Plat: $100.00
☐ Final Plat: $50.00
☐ Minor Plat: $100.00
☐ Re-plat: $250.00
☐ Vacating Plat: $50.00
☐ Development Plat: $100.00
☐ Subdivision Variance Request: $25.00 (each)

Please provide a basic description of the proposed project: Bar/Lounge

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: Jesus Pena Date:

Property Owner(s) Signature: C. V. Vela Date:

Accepted by: Date:
PLANNED DEVELOPMENT DISTRICT (PDD) REQUEST
SPECIFIC USE PERMIT (SUP) REQUEST
SUBMITTAL CHECKLIST

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

Complete

☐ City and School Tax Certificates

☐ Ten (10) copies of a comprehensive site plan showing the proposed development of the property. The site plan shall consist of the following items, as applicable:
  - Existing/proposed building footprints and building heights (or buildable areas for single and two-family residential); and
  - Locations of proposed uses; and
  - Ingress and egress to/from property;
  - Existing/proposed streets in compliance with the City of Haringen Long Range Thoroughfare Plan; and
  - Existing/proposed sidewalks; and
  - Existing/proposed utilities; and
  - Existing/proposed drainage; and
  - Existing/proposed parking spaces.

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

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

---

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

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

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

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

---

Owner: [Signature] Date: 

Owner Address: 

Phone/Fax: 

Signature: [Signature]
Request for a Specific Use Permit to allow a Bar/Lounge in a General Retail (GR) District located at 309 W. Van Buren bearing a legal description of LOT 8, BLK 67, Harlingen Original Townsite. Applicant: Jesus A. Pena
Leofredo Pena
26454 Palomino Avenue
La Feria, Texas 78559
(956) 536-6949
fred.pena@yahoo.com

Mr. Jesse Pena,

As per our agreement, Leofredo Pena will be providing certified police officers to provide security to Sir's Martini Bar.

I am a licensed Texas Peace Officer and my commission is held through Cameron County Constable Precinct 2.

If you have any questions, please feel free to contact me at (956) 536-6949.

Leofredo Pena
CONSIDER AND TAKE ACTION TO APPROVE PAINT FOR BASE TRIM FOR THE BUILDING LOCATED ON 417 W. VAN BUREN (EL GALLITO) IN ACCORDANCE WITH SECTION 15.07 OF THE CITY OF HARLINGEN ZONING ORDINANCE.

Mr. Meza stated that this building is the Rio Grande Grill building. Ms. Alamiz explained the colors as Butternut being the color of the building and Sierra Redwood would be the color of the door. Mr. Aune made a motion. Mrs. Ramirez seconded. Mr. Perez called for a vote. The motion carried unanimously.

CONSIDER AND TAKE ACTION TO APPROVE THE HARLINGEN CHAMBER OF COMMERCE TO HAVE THEIR DAY OF THE DEAD CELEBRATION ON SATURDAY, OCTOBER 26 OR SATURDAY, NOVEMBER 2 FROM 6PM-10PM IN DOWNTOWN HARLINGEN IN JACKSON ST. BETWEEN COMMERCE AND 1ST AND ON A STREET FROM BOTH NORTH AND SOUTH ALLEYS.

Mr. Meza explained that The Chamber will be using the same area as Shrimp Fest. Mr. Aune made a motion. Mr. Rodriguez seconded. Mr. Perez called for a vote. The motion carried unanimously.

CONSIDER AND TAKE ACTION TO APPROVE THE QUEEN OF PEACE (OUR LADY OF THE ROSARY) PUBLIC PRAYER PROCESSING ON SATURDAY, MAY 18 FROM 7:30AM-9:30AM IN DOWNTOWN HARLINGEN BETWEEN A & 5TH STREET FROM BOTH NORTH AND SOUTH ALLEYS.

Mr. DeBrooke made a motion. Mr. Pearcy seconded. Mr. Perez called for a vote. The motion carried unanimously.

CONSIDER AND TAKE ACTION TO APPROVE TO HAVE A LOUNGE SERVING LIQUOR AT 309 W. VAN BUREN (SIR'S MARTINI LOUNGE) IN ACCORDANCE WITH SECTION 15.07 OF THE CITY OF HARLINGEN ZONING ORDINANCE.

Mr. Meza asked Mr. Pena to speak on this item. Mr. Pena explained that the martini lounge will be more of an up-scaled lounge. This is the former D'Angelos building. Mrs. Ramirez made a motion. Mr. Aune seconded. Discussion followed. Mr. DeBrooke asked about the materials for the storefront as per the picture it wasn't clear. Mr. Perez explained that this item is just to approve serving liquor. The Board of Directors asked Mr. Pena about his hours for the lounge. He stated that his hours for the lounge will be until 2am. Mr. DeBrooke stated that the Downtown District doesn't allow the bars to be open until 2am. Mr. Pena agreed that he would voluntarily stay open till 12am. Mr. Meza will look into the Downtown District overlay for the hours and regulations. Mr. Perez called for a vote. The motion carried unanimously.
SPECIFIC USE PERMIT ("SUP") ROUTING SLIP

Applicant: JESUS PENA
Phone No.: (956) 454-1226
Location: 309 W VAN BUREN
Project Description: SUP FOR BAR

Department: DID

Approval: X YES ____ NO

Comments:

The DID Board and applicant agreed to have the business open until 12 a.m. during business hours throughout the week.

Signature

Date: 5/1/2019
SPECIFIC USE PERMIT ("SUP") ROUTING SLIP

| Applicant: | JESUS PENA |
| Phone No.: | (956) 454-1226 |
| Location:  | 309 W VAN BUREN |
| Project Description: | SUP FOR BAR |

| Department: | Building Inspections Department |
| Approval:    | XYES  NO |

Comments: 1. Require to apply for any and all applicable permits. (Re-occupancy, Building, Electrical, Plumbing, & Mechanical) 2. Must comply with all applicable city ordinances, codes and standards before a final Certificate of Occupancy is issued.

| Esmael Ortega Jr. | 5/2/19 |
| Signature | Date |
### SPECIFIC USE PERMIT ("SUP") ROUTING SLIP

**Applicant:** JESUS PENA  
**Phone No.:** (956) 454-1228  
**Location:** 309 W VAN BUREN  
**Project Description:** SUP FOR BAR

<table>
<thead>
<tr>
<th>Department:</th>
<th>Health Department</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approval:</td>
<td>✓ YES   NO</td>
</tr>
</tbody>
</table>

**Comments:** Business must meet minimum health requirements according to the Texas Food Establishment Rules for bathrooms, handwash stations, refrigeration equipment, and if necessary a three compartment sink, etc.

---

**Signature**  
**Date:** 4-24-19
Specific Use Permit ("SUP") Routing Slip

| Applicant: | Jesus Pena |
| Phone No.: | (956) 454-1226 |
| Location:  | 309 W Van Buren |
| Project Description: | SUP request for a bar |

| Department: | Fire Prevention Bureau |
| Approval: | X YES NO |

Comments: Applicant will have to meet any codes, regulations, ordinances, and standards required for permit.

Fire Marshal Juan Sauced Jr.  

Date: May 1, 2019
SPECIFIC USE PERMIT ("SUP") ROUTING SLIP

Applicant: JESUS PENA
Phone No.: (956) 454-1226
Location: 309 W VAN BUREN
Project Description: SUP FOR BAR

Department: HARLINGEN POLICE DEPARTMENT
Approval: ☑ YES ☐ NO
Comments:
- With video surveillance system with a 30 day retention.
- Licensed security during peak hours or special events.
- Adequate lighting inside and outside business

Signature: __________________________ Date: 5-2-19
City of Harlingen
Planning & Zoning Department
502 E Tyler
Harlingen, Texas 78550

May 7, 2019

To Planning & Zoning Department:

I am the owner of 320 West Van Buren, Harlingen, Texas. I am opposed to the proposed bar/lounge to be located at 309 West Van Buren. In my opinion, the proposed establishment would have a negative impact on my and surrounding property values.

Sincerely,

Andreina T. Muniz
Property Owner, 320 West Van Buren
ORDINANCE NO. 19---

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 07-27) OF THE CITY OF HARLINGEN; TO ISSUE A SPECIFIC USE PERMIT TO JESUS A PENA TO ALLOW A BAR/LOUNGE IN A GENERAL RETAIL (GR) DISTRICT LOCATED AT 309 W. VAN BUREN, BEARING A LEGAL DESCRIPTION OF LOT 8, BLOCK 67, HARLINGEN ORIGINAL TOWNSITE. SUBJECT TO: 1) THE SUP WILL BE LIMITED TO ONE YEAR WITH HOURS OF OPERATION OF MONDAY – WEDNESDAY FROM 3PM TO 12AM AND THURSDAY – SATURDAY FROM 3PM TO 2AM AND SUNDAYS FROM 12PM TO 12AM. THE APPLICANT WOULD HAVE TO APPLY FOR RENEWAL TO CONTINUE TO OPERATE THE BAR/LOUNGE SINCE IT IS LOCATED WITHIN THE DOWNTOWN IMPROVEMENT DISTRICT; 2) PROVISION OF SECURITY OFFICERS DURING PEAK HOURS OF OPERATION (THURSDAY – SATURDAY FROM 9PM TO 2AM); 3) PROVISION OF VIDEO SURVEILLANCE WITH 30 DAY RETENTION PERIOD; 4) PROVISION OF ADEQUATE LIGHTING INSIDE AND OUTSIDE THE BUSINESS; 5) OBTAIN AND MAINTAIN PROPER STATE PERMITS; 6) COMPLIANCE CODE OF ORDINANCE CHAPTER 22, ARTICLE 3, SECTIONS 22-54 TO 22-66 SMOKING REGULATIONS; AND 7) COMPLIANCE WITH THE REQUIREMENTS ADMINISTERED BY THE PLANNING & ZONING COMMISSION, BUILDING INSPECTIONS DEPARTMENTS, ENVIRONMENTAL HEALTH, FIRE PREVENTION, AND POLICE DEPARTMENTS PRIOR TO THE ISSUANCE OF CERTIFICATE OF OCCUPANCY.

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

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

That the Code of Ordinances of the City of Harlingen (Ordinance 16-8) be and the same is herewith amended by the following described property being issued a specific use permit as indicated:

An Ordinance amending the Zoning Ordinance (Ordinance No. 07-27) of the City of Harlingen: to issue a Specific Use Permit to Jesus a Pena to allow a bar/lounge in a General Retail (GR) District located at 309 W. Van Buren, bearing a legal description of Lot 8, Block 67, Harlingen Original Townsite. Subject to: 1) The SUP will be limited to one year with hours of operation of Monday – Wednesday from 3pm to 12am and Thursday – Saturday from 3pm to 2am and Sundays from 12pm to 12am. The applicant would have to apply for renewal to continue to operate the bar/lounge since it is located within the Downtown Improvement District; 2) Provision of security officers during peak hours of operation (Thursday – Saturday from 9pm to 12am); 3) Provision Of Video Surveillance With 30 Day Retention Period; 4) Provision of adequate lighting inside and outside the business; 5) Obtain and maintain proper state permits; 6) Compliance Code of Ordinance Chapter 22, Article 3, Sections 22-54 to 22-66 Smoking Regulations; and 7) Compliance with the requirements administered by The Planning & Zoning Commission, Building Inspections Departments, Environmental Health, Fire Prevention, And Police Departments Prior To The Issuance Of Certificate Of Occupancy.

The Provisions Prohibiting the Violation of the Zoning Ordinance Shall Continue in Full force and effect and apply to this amendment.

The Specific Use Permit is made contingent upon a site plan, a true and correct copy of which is attached hereto and incorporated herein by reference as EXHIBIT “A”.

The provisions of this ordinance shall become effective from and after the final and lawful passage hereof and publication of the caption hereof as provided for and required in the Code of Ordinances and applicable state statutes.
FINALLY ENACTED this _____ day of __________, 2019, at a regular meeting of the Elective Commission of the City of Harlingen, Texas at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, CHAPTER 551.

CITY OF HARLINGEN

Chris Boswell, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary
Request for a Specific Use Permit (SUP) to allow a Bar/Lounge in a General Retail (GR) District located at 309 W. Van Buren, bearing a legal description of Lot 8, Block 67, Harlingen Original Townsite. Applicant: Jesus A. Pena
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: May 15, 2019

Agenda Item:
Public hearing and take action to consider an Ordinance on First Reading to rezone from Residential, Multi-Family ("M-2") District to General Retail ("GR") District for 5.91 acres out of Block 23, Lon C. Hill Subdivision, located at 501 Rangerville Road. Applicant: Jay Schwichtenberg of Blue Cactus Properties, LLC

Prepared By: Gabriel Gonzalez
Title: Assistant City Manager
Signature: [Signature]

Project Timeline

- April 22, 2019 – Application for rezoning submitted to the City (ATTACHMENT I).
- April 27, 2019 – In accordance with Statute and local law, notice of required public hearings published in the Valley Morning Star and mailed to all property owners within 200 feet of subject tract.
- May 8, 2019 – Public hearing was conducted by the Planning and Zoning Commission (P&Z). The P&Z Commission recommended approval by a 3 to 0 vote.
- May 15, 2019 – Public hearing and consideration of requested rezoning via 1st ordinance reading scheduled before the City Commission.
- June 5, 2019 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- The applicant is requesting to rezone the subject property from Residential, Multi-Family ("M-2") District to General Retail ("GR") District to market and sell the subject property for commercial use (ATTACHMENT II).

- The subject property is currently vacant. It has a width of 312 feet and depth of 820 feet. The subject 5.91 acres of land is part of a 8.25 acre tract owned by the applicant. (ATTACHMENT III-VI).

- The subject property was zoned to Residential, Multi-Family ("M-2") as part of a City Initiated Rezoning in November 1974. The remaining 2.14 acres of land owned by the applicant has 176.21 feet of frontage on Rangerville Road and depth of 420 feet at its longest point, and was rezoned to General Retail ("GR") District on April 20, 2005.

- The surrounding properties are zoned Residential ("R-1") District and General Retail ("GR") District to the north, Residential, Multi-Family ("M-2") to the south, Residential, Single Family ("R-1") District to the east, and General Retail ("GR") District to the west (ATTACHMENT II). The surrounding land use consists of a single family residence and vacant land to north, “Bonita Park” apartments and vacant land to the south, single family
residential use to the east, and "El Patron Italian Ice and More," and a vacant commercial building to the west (ATTACHMENT VII).

- The Future Land Use Plan (FLUP) component of the City of Harlingen Comprehensive One Vision One Harlingen shows this area as mixed use (ATTACHMENT VIII). The requested zoning is generally consistent with the Future Land Use Plan, and the general retail zoning pattern to the north of the subject property and on the west side of the subject property.

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

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

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

Staff Recommendation:
Staff recommends approval.

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

Comments:

City Attorney's approval: | Yes | No | N/A |

5/9/19
### CITY OF HARLINGEN PLANNING AND ZONING DIVISION
**MASTER APPLICATION**

**PROPERTY INFORMATION:** (Please PRINT or TYPE)

<table>
<thead>
<tr>
<th>Project Address</th>
<th>B 501 Rangerville Rd</th>
<th>Nearest Intersection</th>
<th>King Ave</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Proposed) Subdivision Name</td>
<td>Harlingen - LON C Hill</td>
<td>Lot</td>
<td>23</td>
</tr>
</tbody>
</table>

**Existing Zoning Designation:** Multi Family, **Future Land Use Plan Designation:** General

**OWNER/APPLICANT INFORMATION:** (Please PRINT or TYPE)

<table>
<thead>
<tr>
<th>Applicant/Authorized Agent</th>
<th>Blue Cactus Properties, LLC</th>
<th>Phone</th>
<th>956-222-8079</th>
<th>FAX</th>
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<tr>
<td>Email Address (for project correspondence only)</td>
<td><a href="mailto:jay@bluecactusproperties.com">jay@bluecactusproperties.com</a></td>
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<tr>
<td>Mailing Address</td>
<td>5111 N 101st St</td>
<td>City</td>
<td>McAllen</td>
<td>State</td>
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<tr>
<td>Property Owner</td>
<td>Blue Cactus Properties, LLC</td>
<td>Phone</td>
<td>956-222-8079</td>
<td>FAX</td>
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<td>Email Address (for project correspondence only):</td>
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<tr>
<td>Mailing Address</td>
<td></td>
<td>City</td>
<td></td>
<td>State</td>
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</table>

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

- **Annexation Request** No Fee
- **Comp. Plan Amendment Request** $250.00
- **Existing Zoning Request** $250.00
- **SLIP Request/Renewal** $250.00
- **Zoning Variance Request (ZBA)** $250.00
- **PDD Request** $250.00
- **License to Enlarge** $250.00
- **Final Plat** $50.00
- **Minor Plat** $100.00
- **Re-plat** $250.00
- **Vacating Plat** $50.00
- **Development Plat** $100.00
- **Subdivision Variance Request** $25.00 (each)

Please provide a basic description of the proposed project:

Currently front part of property is zoned General Retail and back part is multi-family. We would like entire property to be General Retail.

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 in this application is incorrect the permit or approval may be revoked.

**Applicant's Signature:**

**Property Owner(s) Signature:**

**Accepted by:**

**Date:**

**Manager of Blue Cactus:**

**Date:**

**Date:**
RE-ZONING REQUEST
SUBMITTAL CHECKLIST

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

Complete

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

City and School Tax Certificates

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

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

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

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

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

Owner: Blue Sage Properties, LLC  Date: 4-22-19
Owner Address: 5111 N. 101st St. Ste. 188, McAllen, TX 78504
Phone/Fax: 956-222-8086
Signature: [Signature]
Request to rezone from Multi-Family Residential (M2) District to General Retail (GR) District for 5.91 acres out of Block 23, Lon C Hill Subdivision, located at 501 Rangerville Rd. Applicant: Blue Cactus Properties, LLC.
Attachment IV

VIEW FROM THE WEST ON RANGERVILLE RD.
Attachment V

VIEW FROM THE NORTH ON RANGERVILLE RD.
Attachment VI

VIEW FROM THE SOUTH ON RANGERVILLE RD.
Future Land Use Map

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

This map has been produced by the City of Harlingen for the sole purpose of locating jurisdictional boundaries and is not intended for any other. The map data is compiled from various sources including orthophoto imagery, engineer plans and plats, survey field notes, and other sources. This map is intended for graphic representation only. No warranty is made by the City regarding its accuracy or completeness. Before relying on any information on the map, check with the Planning Department. Date of map 4.3.19.
ORDINANCE NO. 19

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: REZONING FROM RESIDENTIAL, MULTI-FAMILY ("M-2") DISTRICT TO GENERAL RETAIL ("GR") DISTRICT FOR 5.91 ACRES OUT OF BLOCK 23, LON C. HILL SUBDIVISION; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING

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

BE IT ORDAINED BY THE CITY OF HARLINGEN

That the Code of Ordinances of the City of Harlingen (Ordinance 16-8) be and the same is herewith amended by the following described property being changed for permissive zone use as indicated:

Rezoning from Residential, Multi-Family ("M-2") District to General Retail ("GR") District for 5.91 acres out of Block 23, Lon C. Hill Subdivision, located at 501 Rangerville Road.
A copy of the Zoning Map constituting a part and parcel of the Code of Ordinances, as filed with the Building Inspection Inspector and for the joint use and information of the Planning and Zoning Commission shall, upon final enactment hereof, be and the same is herewith amended and revised to reflect that the above described property is zoned for land use purposes as above indicated by the boundaries thereof being outlined in pronounced heavy line markings and such heavy line marking boundary enclosure being indicated within by the appropriate initials for that portion herewith zoned for particular land uses; with the Planning and Development Director being herewith instructed and authorized to document such Zoning Map changes and revisions.

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

FINALLY ENACTED this ______ day of ____________, 2019 at a regular meeting of the Elective Commission of the City of Harlingen, Texas at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, CHAPTER 551.

CITY OF HARLINGEN

________________________
Chris Boswell, Mayor

ATTEST:

________________________
Amanda C. Elizondo, City Secretary
Request to rezone from Multi-Family Residential (M2) District to General Retail (GR) District for 5.91 acres out of Block 23, Lon C Hill Subdivision, located at 501 Rangerville Rd. Applicant: Blue Cactus Properties, LLC.
PUBLIC HEARING AND TAKE ACTION TO CONSIDER AND TAKE ACTION ON A VARIANCE REQUEST WITH REGARDS TO THE SUBDIVISION NOTE REQUIREMENT FOR SIDEWALKS, BEARING A LEGAL DESCRIPTION OF A 38.673 ACRE TRACT OF LAND, MORE OR LESS, SAME BEING 21.217 ACRES OUT OF BLOCK 4, STUART PLACE SUBDIVISION AND 17.456 ACRES OUT OF STUART PLACE RESORT SECTION 1 & RESERVE, LOCATED ON THE NORTH SIDE OF QUEEN SAGO DRIVE, WEST OF KNOTTY PINE LANE. APPLICANT: JACK BROWN OF BROWN, LEAL & ASSOCIATES, C/O SUN VALLEY ENTERPRISE.

Mr. Molina summarized the following:

The City has a subdivision requirement to have a plat note stating that additional sidewalks shall be required at time of construction. The developer is not required to install the sidewalks prior to the approval of the subdivision. The variance request is simply for the plat note. The rule is fairly recent and when the Woodland Oaks preliminary plat was first approved in 2013, it was not required at that time; however the applicant is amending that preliminary plat. Whenever an amendment, replat or a new subdivision is submitted, current rules are applied. The variance request was reviewed by the Engineering Department and they have reported an objection to the variance request because the purpose of the sidewalks is to create walkable neighborhoods and to promote a healthy lifestyle. The sidewalks in the existing phase will be taken care of by the City in the future and there really isn’t any undue hardship that would prevent the applicant from putting the plat note on the subdivision. Staff recommends disapproval of the variance.

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

Cmr. Wolf asked how many phases of the development were previously approved without sidewalks.

Mr. Molina stated that it was one final plat that was approved. Originally the preliminary plat had a few phases but the first section was the only one completed without sidewalks.

Cmr. Wolf asked if every new subdivision that comes in would be required to have sidewalks.

Mr. Molina replied that each subdivision will be required to have the plat note stating that the sidewalk would be required at time of construction. The construction of the sidewalk is not required immediately upon approval of the subdivision plat, it is upon construction of each individual lot in the subdivision.

Cmr. Haire asked if that meant that the homeowner would construct the sidewalk.

Mr. Molina replied that was correct.

Jack Brown addressed the board and stated he did not believe that the ordinance required sidewalks. The ordinance he downloaded from the City website has an exception “...except if adjacent to subdivision on both sides of arterials and within the subdivision and collectors within or adjacent”. It says nothing about sidewalks within a subdivision and he could find nothing about sidewalks required at the time of construction. He stated that it did state that “...additional sidewalks installed as required by staff or within 1,000 feet of a school.” Both adjoining streets, Queen Sago and Beckham are rural.
streets without curb and gutter and there will be no sidewalk there until such time that it is curbed and guttered. The resubdivision is to create larger, nicer lots within the subdivision. There will be fewer lots, but increasing their size and the developer would like to proceed with his development as currently planned. If he is required to construct sidewalks, he may choose to pull the amended plat and go with his original plan which had been approved without the sidewalk note requirement.

Mr. Wolf asked staff for clarification of ordinance by staff.

Mr. Davila stated that he was conferring with the Engineer and he did not recall at that time if it is part of the subdivision ordinance.

Mr. Brown stated he believed it was an internal policy.

Mr. Lowry stated he did not feel it was unreasonable to have sidewalks for every new subdivision. He felt it added to the Healthy Harlingen Initiative, curb appeal and ADA compliance. He understands that the impression is that the developer would then decide to go with the original plat instead, but he didn’t feel intimidated by that.

Kemp Dubea, property owner, addressed the board and stated that a portion of the area does not have sidewalks currently and if the next phase does have sidewalks installed then he feels that property owners will start calling the City and complaining that they do not have sidewalks. He feels it would create more hassle for himself and probably the City as well. The only reason why there was a change from the original plat to what is being proposed now is that he is including 15 acres that were originally designated for commercial use and there will be no apartment complexes there because his desire is to have the whole thing be part of the subdivision and single family housing. He feels he would have to go back with his original plan and the new proposed plan would be a nicer subdivision. If anyone has visited the current developed portion, you can see what it looks like currently. The cost for sidewalks is not a factor, it is the overall looks of the subdivision that is a factor.

Cmr. Haire asked Mr. Brown if he did not believe that the ordinance applies, then why is he applying for a variance.

Mr. Brown stated that staff has told him that it applies and the only way to get a decision is to ask for a variance.

Cmr. Wolf said that his only comment is that it seems like it is somewhat secluded, with no pass-through streets where cars would be going significantly fast through the streets to where it would create a safety issue. He tends to agree, he would like to see sidewalks everywhere, that being said, he lives in a subdivision where there are no sidewalks and does not feel unsafe and it does not stop him from walking.

Cmr. Lowry stated that there are a lot of homes that will be built and if all subdivisions now require a sidewalk to be built upon construction, he does not see a reason why it has to be changed.

Cmr. Haire stated that he has been in the subdivision numerous times and it is a nice area, well kept properties. He believes in being fair. If everyone else is going to be required to have sidewalks, then this subdivision should be required to as well upon being re-platted. We can’t pick and choose where to approve this, there needs to be consistency. If someone else were to build a subdivision and not want a sidewalk, there might be a precedent set for other developers to not want to as well.
Chrm. Peacock stated that he tends to agree with Cmr. Haire in that unlike Item 4, this is not some area that does not have any development nearby. There is an initial development already that does not have it but there is quite a bit that is forthcoming and if they all have it then it will leave a relatively small number that do not have sidewalks.

Cmr. Wolf asked if there was a variance granted for the first phase that would set a precedence.

Chrm. Peacock asked if it was even city property at the time of the initial development.

Mr. Olivo replied that there was no variance the first time around, it was just not a requirement. This property was within city limits at the time it was initially developed.

Cmr. Lowry motioned to deny the variance request, Cmr. Martinez seconded the motion. Upon vote, Cmr. Haire and Cmr. Lowry opposed the motion. Chrm. Peacock cast the deciding vote to deny the variance. Motion was denied by a 3-2 vote.
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date:  

Agenda Item:  
Consideration and possible action to approve an ordinance on first reading amending Chapter 18 of the Harlingen Code of Ordinances in regards to building permit fees; providing for publication and any other related matters.

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

Brief Summary:  
House Bill 852 passed which changes the process which cities use to assess their building permit fees for residential structures. The Bill prohibits cities from setting the fee based on the value of the dwelling or the cost of the improvements being made, we can however assess a fee based on the square footage of the structure. The attached ordinance allows us to do just that. The fee structure that we are proposing is 0.25¢ per square foot. This allows a building permit for 1,000 and 1,500 sq. ft. house to be slightly lower than the current fee but the fees for larger residential units will be increased in the proposed fee structure. Attached is a comparison for current fee structures versus the proposed fees.

Funding (if applicable):  
Are funds specifically designated in the current budget for the full amount ☐ Yes ☐ No*  
*If no, specify source of funding and amount requested: N/A

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

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

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

City Attorney’s approval: ☐ Yes ☐ No ☐ N/A  
5/10/19
ORDINANCE NO.  _____

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 18 OF THE HARLINGEN CODE OF ORDINANCES RELATING TO THE COLLECTION OF BUILDING PERMIT FEES FOR RESIDENTIAL STRUCTURES; ESTABLISHING AN EFFECTIVE DATE; PROVIDING FOR THE PUBLICATION AND ORDAINING OTHER MATTERS RELATING TO THE FOREGOING.

WHEREAS, House Bill 852 was passed by the Texas State Legislature and amended Subchapter Z, Chapter 214, Local Government Code by adding Section 214.907 which prohibits cities from collecting building permit or inspection fees for a residential dwelling based on the value of the dwelling or the cost of constructing or improving the dwelling; and,

WHEREAS, House Bill 852 does not expressly prohibit cities from collecting building permit or inspection fees based on the square footage of the residential dwelling; and,

WHEREAS, the City Commission of the City of Harlingen, Texas desires to amend its ordinance to conform to the new statutory requirements;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF HARLINGEN, TEXAS

SECTION 1: That the following sections of Chapter 18 of the Code of Ordinances of the City of Harlingen, Texas is hereby amended as set out below:

Chapter 103-325.
The following fees for residential dwellings will be determined as follows:
The fees for building permits for residential dwellings will be determined by assessing a fee of 0.25¢ per square foot of the total buildable area of the residential dwelling.
SECTION II: That the City Secretary of the City of Harlingen, Texas is hereby authorized and directed to cause a true and correct copy of the caption of this Ordinance to be published in a newspaper having general circulation in the City of Harlingen, Cameron County, Texas.

SECTION IV: That the City Secretary of the City of Harlingen, Texas is hereby authorized and directed to cause true and correct copies of this Ordinance to be published as an amendment to Chapter 18 of the Code of Ordinances of the City of Harlingen, Texas.

FINALLY ENACTED this _______ day of _____________, 2019 at a regular meeting of the Elective Commission of the City of Harlingen, Texas at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, CHAPTER 551.

CITY OF HARLINGEN

Chris Boswell, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary
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AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: 5/15/2019

Agenda Item:
Consideration and possible action to approve a resolution ordering the Special Runoff Election for June 22nd, 2019 to elect one (1) City Commissioner for District 1. Attachment (City Secretary)

Prepared By (Print Name): Amanda C. Elizondo
Title: City Secretary
Signature: [Signature]

Brief Summary:
The City of Harlingen held the General Election on May 4, 2019. Pursuant to the Harlingen City Charter when no candidate receives the majority of the votes at a General Election, a Runoff Election is required. None of the candidates running for City Commissioner in District 1 received the majority votes. This resolution is to order the Run-Off Election for District 1 for June 22nd, 2019 between the hours of 7 a.m. to 7 p.m. to elect one member for City Commissioner, District 1 to the elective governing body. Designating the election precincts for said election; directing the City Secretary to prepare the official ballot form; adopting the use of paper ballots for Election Day and Early Voting by Personal Appearance; providing for the appointment of presiding judges and clerks for Election Day and Early Ballot Board; providing for publication and posting of election notice; providing for early voting by mail and designating City Hall as the polling place for Early Voting by Personal Appearance; appointing the City Secretary as the Early Voting Clerk; providing for the canvassing of the General Election results and any other related matters pertaining to the conduct of the election.

Funding (if applicable):
X Yes ☐ No*

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.

A RESOLUTION OF THE CITY OF HARLINGEN, TEXAS ORDERING A SPECIAL RUNOFF ELECTION TO BE HELD ON JUNE 22, 2019 BETWEEN THE HOURS OF 7:00 A.M. AND 7:00 P.M. CENTRAL STANDARD TIME FOR THE PURPOSE OF ELECTING ONE (1) CITY COMMISSIONER DISTRICT 1; DESIGNATING THE ELECTION PRECINCTS FOR DISTRICT 1; DIRECTING THE CITY SECRETARY TO PREPARE THE OFFICIAL BALLOT FORM; ADOPTING THE USE OF PAPER BALLOTS FOR THE SPECIAL RUNOFF ELECTION DAY AND FOR EARLY VOTING BY PERSONAL APPEARANCE BEGINNING MONDAY, JUNE 10-THROUGH JUNE 18, 2019 WHICH INCLUDES TWO (2) TWELVE (12)-HOUR BY STATE LAW; PROVIDING FOR APPOINTMENT OF A PRESIDING JUDGE, ALTERNATE PRESIDING JUDGE AND CLERKS FOR THE SPECIAL RUNOFF ELECTION DAY POLLING PLACE; ORDERING PUBLICATION AND POSTING OF NOTICE OF THE SPECIAL RUNOFF ELECTION FOR DISTRICT 1; PROVIDING FOR THE EARLY VOTING DATES, TIMES, AND POLLING PLACE; PROVIDING FOR EARLY VOTING BY MAIL; APPOINTING THE CITY SECRETARY TO BE THE EARLY VOTING CLERK; CREATING THE EARLY VOTING BALLOT BOARD; PROVIDING FOR CANVASSING OF THE SPECIAL RUN-OFF ELECTION RESULTS; AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

WHEREAS, a resolution canvassing the returns and declaring the results of the City of Harlingen May 4, 2019 General Election was passed by the City Commission on May 15, 2019; and

WHEREAS, that resolution declared that in the race for City Commissioner, District 1, no candidate received a majority of the votes cast for such position; and

WHEREAS, pursuant to Article IV, Section 3 of the Home Rule Charter of the City of Harlingen, Texas and Chapter 2 of the Texas Election Code, a Special Runoff Election must be held between the two candidates receiving the highest number of votes cast for such office of Commissioner, District 1; and

WHEREAS, J.J. Gonzalez with 264 and Richard Uribe with 256 received the most votes in the City of Harlingen May 4, 2019 General Election;

WHEREAS, the Harlingen City Commission has determined that a Special Runoff Election is necessary to comply with the Texas Election Code and holding such Special Run-off Election on the date hereinafter provided is in the best interest of the public.

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

1. The Harlingen City Commission hereby resolves that a Special Runoff Election for the City of Harlingen be held on June 22, 2019, between the hours of 7:00 a.m. and 7:00 p.m. to elect one (1) City Commissioner for District 1.

Residents residing in District 1 and who are legally registered to vote in District 1 shall be qualified to vote in the Special Runoff Election.

1
The Harlingen City Commission hereby appoints the City Secretary as the custodian of records for the District 1 Special Runoff Election.

2. **Official Ballot**

The City Secretary shall be and is hereby directed to prepare the necessary documents and to proceed to acquire the ballot so that the vote shall be held upon an official ballot prepared in a manner that will permit the qualified voters of District 1 in the City of Harlingen to vote for one candidate for District 1.

Qualified voters who reside in District 1 shall use paper ballots on the Special Runoff Election Day for voting. Ballots shall be prepared in accordance with the Texas Election Code. Optical scan ballots shall be used for early voting by mail, early voting by personal appearance and voting on Election Day. All ballots shall be in compliance with the requirements as set out by the Texas Election Code.

3. **Voting Machines**

The Harlingen City Commission hereby adopts the DS-200 Scanner (Precinct Counter) and the Automark Voter Assist Terminal for Early Voting by Personal Appearance and Election Day as approved by the Texas Secretary of State and to comply with the Help America Vote Act requirements.

4. **Polling Place Presiding Judge, Alternate Presiding Judge and Polling Clerks**

There shall be a Presiding Judge, an Alternate Presiding Judge, and a number of clerks to serve in the polling place. The following individuals are hereby appointed to serve as election officers to conduct the election on Election Day at the designated polling place in accordance with the Texas Election Code. The Presiding Judge of the polling place shall appoint not less than two and no more than four clerks to serve in the respective polling place. If the presiding judge and the alternate judge cannot serve emergency judges may be appointed pursuant to Section 32.007 of the Texas Election Code.

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<thead>
<tr>
<th>Presiding Judge</th>
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<tbody>
<tr>
<td>Rosita Preston</td>
<td>Virginia King</td>
</tr>
<tr>
<td>1826 Cherry Court</td>
<td>2125 Summerfield Lane</td>
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<tr>
<td>Harlingen, Tx. 78550</td>
<td>Harlingen, Tx. 78550</td>
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5. **Notice of Special Runoff Election for District 1**

After enactment of this resolution, notice of the Special Runoff Election shall be given by publication one (1) time only in a newspaper of general circulation in Harlingen, Texas pursuant to Section 4.003 of the Texas Election Code. Notice of such Special Runoff Election shall be posted on the bulletin board located at Harlingen City Hall not later than fifteen (15) days prior to said election; and at the designated polling location not later than the 10th day prior to the election.

6. **Early Voting Dates, Times and Polling Place**

Early Voting, except early voting by mail, shall take place in City Hall, Town Hall Meeting Room, 2nd Floor, 118 E. Tyler Street, Harlingen, Texas between the hours of 8:00 a.m. and 5:00 p.m. starting Monday, June 10, 2019 through June 18, 2019. As required under Section 85.005(d) of the Texas Election Code, early voting by personal appearance at the early voting
polling place shall be conducted for at least 12 hours on two weekdays, if the voting period consists of six or more weekdays; therefore, early voting by personal appearance shall be conducted for 12 hours on Thursday, June 13, 2019 and Thursday, June 18, 2019 from 8:00 a.m. to 8:00 p.m.

7. **Special Runoff Election Day Polling Place**

Long Elementary School located at 2601 N. 7th Street, Harlingen, Texas is hereby designated as the polling for the Special Runoff Election for City Commissioner District 1, Texas. All registered voters residing in Precincts 56 and parts of 39, 57, 78, 84, and 87 shall vote in said election.

8. **Early Voting Ballot Board**

The Harlingen City Commission hereby appoints the City Secretary to be the Early Voting Clerk for the early voting Special Runoff Election.

In accordance with Chapter 87 of the Texas Election Code, the Harlingen City Commission hereby creates an Early Voting Ballot Board to process the early voting results from District 1, Special Runoff Election. The following individuals are hereby appointed to serve as election officers to qualify and count the early voting votes by Personal Appearance and Mail-In Votes in accordance with the Texas Election Code. If the presiding judge and the alternate judge cannot serve emergency judges may be appointed pursuant to Section 32.007 of the Texas Election Code. The Early Voting Ballot Board Presiding Judge shall appoint at least two other members to serve on the Early Voting Ballot Board.

<table>
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<tr>
<td>Lupita Canales</td>
<td>Maggie Salinas</td>
</tr>
<tr>
<td>514 N. Eye Street</td>
<td>2201 Lisa Ann</td>
</tr>
<tr>
<td>Harlingen, Texas 78550</td>
<td>Harlingen, Texas 78550</td>
</tr>
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</table>

9. **Canvassing of Votes**

In addition to and cumulative of all the provisions herein provided for said election, is the canvassing hereof which shall be held and conducted in accordance with the Texas Election Code and the Harlingen City Charter.

FINALLY ENACTED THIS 15th, day of May, 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, TITLE 5, SUBTITLE A, CHAPTER 551.

CITY OF HARLINGEN

BY: ____________________________

Chris Boswell, Mayor

ATTEST:

______________________________
Amanda Elizondo, City Secretary