Notice is hereby given that the above governmental body will hold a Regular Meeting on Wednesday, August 7th, 2019 at 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) 216-5001 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 the Texas Government Code Chapter 551, Subchapter D, to enter into closed executive session on any item posted on the agenda if a matter is raised that is appropriate for closed discussion.

Invocation/City Commissioner, Mayor Chris Boswell

Pledge of Allegiance/Welcome

1) Presentation of a Recognition Plaque to the Community Emergency Response Team (CERT).

2) Approval of Minutes

   a) Regular Meeting of May 15th, 2019
   b) Special Meeting of July 2, 2019

CONSENT AGENDA

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 Items withdrawn from the Consent Agenda for individual consideration in their normal sequence will be heard after the remainder of the Consent Agenda has been acted upon.

3a) Second and final reading to approve and adopt an ordinance designating a "No Parking Zone" on Briar Avenue on the south side of the street extending 100 ft. from the intersection with 25th Street. Attachment (Public Works)

b) Second and final reading to approve and adopt an ordinance designating a "No Parking Zone" on Rangerville Road from the intersection with Knox Avenue extending 100 ft. on the south side of the street on either side of Knox Avenue. Attachment (Public Works)
c) Second and final reading to approve an ordinance for a Specific Use Permit "SUP") to allow an adult business (vape shop) in a General Retail ("GR") District located at 616 Ed Carey Drive, bearing a legal description of Lot 8, Southpoint Subdivision No. 1. Applicant: Mario A. Cardenas, Jr. Attachment (Gabriel Gonzalez, Asst. City Manager)

d) Consideration and possible action to approve an Industrial District Agreement between the City of Harlingen and Peterson Jay Trustee of the Jay Peterson Irrevocable Trust and authorize the Mayor to sign the agreement. Attachment Gabriel Gonzalez, Asst. City Manager)

e) Consideration and possible action to approve a refund of property taxes paid by Lereta on behalf of Danny & Criselda Cantu, Acct. #98-1045-0010-0170-00 in the amount of $537.43 due to a prorated disabled veteran's exemption for Year 2018. Attachment (Finance Dept.)

f) Consideration and possible action to approve a refund of property taxes paid by Robert A. and Linda Little, Acct. #88-1923-0020-0160-00 in the amount of $1,019.51 due to a prorated disabled veteran's exemption for Year 2018. Attachment (Finance Dept.)

g) Consideration and possible action to approve the preliminary and final replat of the proposed Replat of Pelican's Peak Re-Subdivision, being 1.230 acres of land out of Lots 1-2, Block 1, Pelican's Peak Re-Subdivision, located on the west side of Ed Carey Drive, south of Sesame Drive. Applicant: Michael Wood of Southpoint Texas Surveying, LLC, c/o VIA Real Estate. Attachment (Planning and Zoning)

h) Consideration and possible action to approve a request from the Harlingen Convention and Visitors Bureau to close the following streets from 10:00 a.m. to 11:00 p.m., Saturday, August 24, 2019 for their Blues on the Hill Back to School Event. Attachment (Police Dept.)

- Fair Park Blvd. between North "J" Street and North "L" Street; and,
- North "L" Street to West Adams Avenue

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4) Consideration and possible action to authorize the City Manager to accept the Texas Division of Emergency Management (TDEM) sub-grant for the Hazard Mitigation Grant Program under award identification number 4266-014 and provide the matching funds for Phase II of the 9th & 13th Street Drainage Improvement Project (System 005). Attachment (Carlos A. Sanchez, Asst. City Manager)

5) Consideration and possible action to approve a three (3) party inter-local agreement between the City of Harlingen, Harlingen Irrigation District No. 1, and Cameron County Drainage District No. 5 to collaborate in a project to improve the conveyance of storm water along the 13th Street Drainage Ditch and authorize the Mayor to sign the agreement. Attachment (Carlos Sanchez, Asst. City Manager)

6) Consideration and possible action to approve a three (3) party inter-local agreement between the City of Harlingen, Harlingen Irrigation District No. 1, and Cameron County
Drainage District No. 5 to collaborate in a project to improve the conveyance of storm water along the Dixieland Drainage Ditch and authorize the Mayor to sign the agreement. Attachment (Carlos Sanchez, Asst. City Manager)

7) Public Hearing to solicit comments from the public for or against the adoption of the City of Harlingen Annual Budget for Fiscal Year 2019-2020. Attachment (Finance)

8) First Public Hearing to solicit comments from the public for or against the proposed tax rate of $0.630000 per $100 in value for Fiscal Year 2019-2020. Attachment (Finance)

9) Consideration and possible action on approving a reimbursement resolution expressing official intent to reimburse costs of drainage improvements from obligations to be issued by the City of Harlingen. Attachment (City Manager)

10) Consideration and possible action to adopt a resolution approving the One Year Action Plan (Budget) for Fiscal Year 2019-2020 (Year 45) of the Community Development Block Grant (CDBG) Program and Fiscal Year 2019-2020 (Year 25) of the Home Investment Partnership Program (HOME). Attachment (Community Development)

11) Consideration and possible action to award a loan utilizing Community Development Block Grant funds to provide for the home reconstruction for Mr. Ranulfo Ramirez and Mrs. Elizabeth Ramirez for their home located at 1126 N. Sunset Drive. Attachment (Community Development)

12) Consideration and possible action to adopt an ordinance approving the negotiated resolution between the City of Harlingen and Texas Gas Service regarding the Company’s April 30, 2019 Cost of Service Adjustment filing, declaring existing rates to be unreasonable, adopting new tariffs that reflect rate adjustments consistent with the negotiated settlement and providing for the recovery of the City’s reasonable and necessary rate case expense. Attachment (Gabriel Gonzalez, Asst. City Manager)

13) Consideration and possible action to adopt a Resolution finding that AEP Texas, Inc’s requested increase to its electric transmission and distribution rates and charges within the City should be denied and finding that the City’s reasonable rate case expenses shall be reimbursed by the company. Attachment (Gabriel Gonzalez, Asst. City Manager)

14) Consideration and possible action to approve a request from the City of Hidalgo to enter into a Sale and Purchase Agreement of brush collection equipment; declare the equipment as surplus property; and authorize the City Manager to execute the agreement and any other related documents. Attachment (Carlos A. Sanchez, Asst. City Manager)

15) Consideration and possible action to approve a request from the City of Primera to enter into a Sale and Purchase Agreement of brush collection equipment and authorize the City Manager to prepare and execute all necessary documents. Attachment (Carlos A. Sanchez, Asst. City Manager)

16) Consideration and possible action to amend the list of streets for the 2018-2019 Street Improvement Program to exclude Haine Street and add Beckham Road to 2018-2019 list. Attachment (Public Works)
17) Consideration and possible action to approve the proposed list of streets for 2019-2020 Street Improvement Program. Attachment (Public Works)

18) Consideration and possible action to approve a resolution accepting the disbursement of funds from the Harlingen Economic Development Corporation, Inc. (HEDC) to the Harlingen Community Improvement Board (HCIB) in the amount of $492,500 as part of the gain on the sale of the University Articulation and Career Center to Texas State Technical College (TSTC) recognizing HCIB’s financial contribution to the University Articulation and Career Center. Attachment (City Manager)

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

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

20) Executive/Closed Session on the following items:

a) pursuant to Section §551.071(2) and §551.072 of the Texas Government Code to seek and receive legal advice pertaining to the City's legal options and to discuss the exchange of real property regarding the implementation of Project Dream. (City Manager)

b) pursuant to Section §551.071(2) and §551.072 of the Texas Government Code to seek and receive legal advice pertaining to the City's legal options and to discuss
the exchange of real property regarding the implementation of Project Development. (City Manager)

c) pursuant to Section §551.071(2) to receive legal advice pertaining to certain provisions contained within the City of Harlingen Convention Center Project Agreement. (City Manager)

d) pursuant to Section §551.071(2) to receive legal advice regarding a potential joint CDBG agreement with Cameron County. (City Manager)

e) pursuant to Section §551.071(2) to receive legal advice pertaining to negotiations regarding the Cameron County Emergency Services District agreement renewal. (City Manager)

f) pursuant to 551.071(1) attorney client consultation to seek legal advice as to the City's legal duties, rights, and obligations regarding Fire Department bunker gear claim. (City Manager)

21) Consideration and possible action to authorize the City Manager to negotiate the exchange of property along Tennessee Street with UTRGV, (Item No. 20 (a) (City Manager)

22) Consideration and possible action to approve Item No. 20 (b) as discussed in executive session. (City Manager)

23) Consideration and possible action to approve Item No. 20 (c) as discussed in executive Session. (City Manager)

24) Consideration and possible action to approve Item No. 20 (d) as discussed in executive Session. (City Manager)

25) Consideration and possible action to approve Item No. 20 (e) as discussed in executive Session. (City Manager)

26) Consideration and possible action to approve Item No. 20 (f) as discussed in executive Session. (City Manager)

27) 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, August 2nd, 2019 at 6:00 p.m. at least 72 hours preceding the scheduled time of said meeting.

Dated this 2nd day of August, 2019

Amanda C. Elizondo, City Secretary
REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

May 15, 2019

A Special Meeting of the Harlingen City Commission was held on May 15, 2019 at 5:30 p.m., City Hall, Town Hall Meeting Room, 118 E. Tyler Street, Harlingen, Texas. Those in attendance were:

Mayor and Commissioners
Mayor Chris Boswell
Michael Mezmar, Mayor Pro-Tem, District 3
Richard Uribe, Commissioner, District 1
Frank Puente, Commissioner, District 2
Ruben de la Rosa, Commissioner, District 4
Victor Leal, Commissioner, District 5

City Staff
Dan Serna, City Manager
Amanda C. Elizondo, City Secretary
Rebecca Hayward, Asst. City Attorney

Mayor Boswell called the meeting to order and stated the agenda was duly posted according to state law.

Invocation/Mayor Boswell

Pledge of Allegiance/Welcome

1) Presentation of the following proclamations:

Mayor Boswell read and presented proclamations to the following recipients.

a) declaring the day of May 18th as “Colonel Robert G. Hill Day”
   Colonel Robert G. Hill and Mrs. Hill

b) declaring the day of May 23rd as “Clinical Hypnosis Day”
   Joseph LaBeau, LPC.

c) declaring the day of May 24th as “Poppy Day”
   Simon Muniz, Eddie Villafranca, Elizabeth Tamayo, Connie Duff, Lucy Cadenas,
   Wanda Fall, Linda Garcia, Melba Reyes, Star Garza, and Bobby Cavazos.

d) declaring the day of May 31st as “Sergeant Major Ford H. Kinsley, Jr. Day”
   Sergeant Major Ford H. Kinsley, Jr., and Mrs. Kinsley

e) declaring the week of May 19th thru 25th as “National Public Works Week”
   Several Public Works Staff Member were present

2) Approval of Minutes

a) Regular Meeting of February 6, 2019.
Motion was made by Commissioner De La Rosa and seconded by Commissioner Puente to approve the minutes of February 6, 2019, Regular Meeting. Motion carried unanimously.

3) Introduction of the Chief of Police Michael Kester.

Dan Serna, City Manager, thanked John Guevarra, Attorney, Dr. Linda Burke, Danny Castillo, former City Commissioner and Police Chief, Mike Alex, Architect, and Omar Lucio, Cameron County Sheriff, who served as members of the Search Committee for a Police Chief. After a five (5) month search, the committee selected Michael Kester. He has been with the City for 29 years; began his law enforcement career with Harlingen in 1990 as a patrol officer; has served more than 16 years in an executive leadership role; served as interim police chief twice; he brings a lot of experience in firearms, accidents, investigations, field training and management which help him lead the department into the future.

CONSENT AGENDA

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.

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.

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

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve the Consent Agenda Items 4 (a thru c). Motion carried unanimously.

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.

Motion was made by Commissioner De La Rosa and seconded by Commissioner Leal to nominate Commissioner Mezmar as Mayor Pro-Tem for another term. Motion carried unanimously.

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.

Quentin Anderson, CPA, Partner of Carr, Riggs & Ingram, CPA(s) and Advisors, presented the Harlingen Comprehensive Annual Financial Report for Fiscal Year 2017-2018. Mr. Anderson stated the City's Finance Department was the recipient of the Certificate of Achievement for Excellence in Financial Reporting for Fiscal Year ending September 30, 2017. He presented a power point presentation on the Comprehensive Annual Financial Report. Their firm audited the basic financial statements consisting of the primary governmental activities, police, fire, public works, public services, administration and business-type activities, golf course, municipal auditorium, museum, and sanitation. They also audited other component units such as the Harlingen Economic Development Corporation, Harlingen Community Improvement Board, Harlingen Waterworks System and Valley International Airport. Some of the 2018 highlights for the Governmental and Business-type activities are the assets and deferred outflows of resources, liabilities and deferred inflows of resources, and net position. The revenue comparison and the revenue analysis do not include transfers. They issued two opinions. 1) The financial statements present fairly in all materials and in a respective financial position of the listed activities. The respective changes in the financial position and cash flows
for the year ended were in accordance with the accepted accounting principles; 2) The City
complied with the applicable requirements on all major federal programs.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to
accept the presentation by Car, Riggs & Ingram CPA(s) and Advisors, regarding the City of
Harlingen Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2017-2018. Motion
carried unanimously.

Mayor Boswell stated he appreciated the work that has been done to ensure that the
City is moving in the right direction. He thanked City Staff for their work.

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-national mosquito education and surveillance.

Josh Ramirez, Environmental Health Director, stated the City of Harlingen, City of
Reynosa and Centro Biotecnologia Genomica del Instituto Politecnico Nacional Campus
Reynosa, represent a region at high risk for mosquito borne disease outbreaks, and will conduct
bi-national mosquito education and surveillance. The cities share the same environmental
challenges and a well-established coordination between the cities is essential to safe guard our
region. They will establish regular communications thru official channels and coordinated
mosquito surveillance must be part of the plans.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa 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. Motion carried unanimously.

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 Gosselink
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.

Gabriel Gonzalez, Asst. City Manager, stated AEP filed a statement of intent to change
its rates. AEP intends to increase their system-wide distribution rates by $36.3 million per year,
an increase of 4.2% for customers in the Central Division. 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 $4.75 for customers in the Central Division (our area) and a decrease of $5.01
for customers in the North Division. The resolution allows the City to hire Thomas Brocato with
Lloyd Gosselink, Rochelle, & Townsend, P.C. and three (3) other consultants to review the rate
filing and negotiate on behalf of the cities impacted by this filing. There is no cost to the City of
Harlingen. All reasonable expenses will be reimbursed by AEP. The City of Harlingen is
collaborating with other cities on this issue. The City of McAllen has already hired Thomas
Brocato with Lloyd, Gosselink, Rochelle, & Townsend Law Firm.

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner Leal to
adopt the resolution suspending the June 5, 2019 Effective Date of AEP Texas Inc’s requested
rate change, and the hiring of Lloyd Gosselink, Rochelle, & Townsend, P.C. Attorneys and
Consulting Services to negotiate with the AEP and direct any necessary litigation and appeals
and requiring reimbursement of the City’s Rate Case expenses. Motion carried unanimously.

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.

Mr. Gonzalez, stated Jesus A. Pena, Applicant was requesting a specific use permit to open a lounge under the name of Sir’s Martini Lounge at 309 W. Van Buren. This request was presented to the Downtown Improvement District Board and recommended approval to operate the lounge from Monday to Sunday from 11 am to 12 midnight. Mr. Pena is requesting to modify the hours of operation to Thursday thru Saturday from 3 pm – 2 am to apply for a Mixed Beverage Late Hours Permit through the Texas Alcoholic Beverage Commission. There will be no DJ or loud music and security personnel will be provided. Mr. Pena will be required to obtain a building permit to secure a certificate of occupancy and operate the bar/lounge. The Building Inspections, Health, and Fire Prevention Bureau reviewed the application and recommend approval of the SUP. The Harlingen Police Dept. 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. The Planning and Zoning Staff received a letter at the Planning Dept. in opposition from a property owner in the surrounding area.

a) Public Hearing

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

Jesus Pena, applicant and resident of 1201 Cresent Dr., San Benito, TX stated the bar/lounge would be an upscale lounge and build a patio for customers to relax. There will be adequate lighting, cameras surveillance and off duty officers for the patrons peace of mind.

Comments were heard from the following individuals in favor of the request: Yolanda Schoffett, 258 Altas Palmas, Raymond Reyes, 706 Nantucket Drive, and Michael Feckner, 2701 Lou Ann Lane.

Lars Keim, 109 N. “A” Street, Vice Chair of the Downtown Improvement District, opposed the after hour permitting. The Sir’s Martini Bar would be an upscale place and welcomed to the downtown district.

Felix Rodriguez, 2425 ED Carey Drive, stated he knew Mr. Pena for ten (10) years, sees the positive attraction he receives, and is a good person who care for the community.

Bill De Brooke, resident of 306 East Jackson St. Harlingen, TX stated he was not for or against the request. His opinion was more on how the City wants to see the downtown area in the future since there are locations that are allowing residents to live in the downtown district.

There being no other comments, Mayor Boswell closed the 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.

Mr. Brooke stated that within a block there were eleven (11) bars when La Placita Program started. The ambulance used to park at the corner of “D” Street and Van Buren on the weekends due to the necessity of an ambulance. On the corner of “C” Street and Van Buren Street there were four (4) bars, further eastward on Van Buren Street there were two more bars. On “C” Street to the north there were three (3) bars. The goal of La Placita Program was to clean up the neighborhood and make it an important part of the downtown district. The program
has been successful; new restaurants and businesses have opened. There is no problem with
the Sir's Martini Bar. The question is whether it is appropriate for the district in regards to what
they are trying to accomplish. The late hours did not seem to fit with the future of the downtown
district.

Rebecca Hayward, Asst. City Attorney read the caption of the ordinance.

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner Uribe to
approve the 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.

Commissioner Leal recommended a six (6) month review due to the 2 am o'clock closing
time. If everything goes well with this business, then the renewal could be for 12 months at no
cost to the owner.

Mayor Pro-Tem Mezmar and Commissioner Uribe withdrew their first motion.

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner Uribe to
adopt the 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 subject to a six (6) month review and if no complaints
were received the 12 months renewal would be at no cost to the owner. Motion carried
unanimously.

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.

Mr. Gonzalez stated 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
property for commercial use. The property is currently vacant. The 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. Mr. Gonzalez highlighted the different zoning districts and land use of
the surrounding areas to the north, east, west, and south. The Future Land Use Plan (FLUP) of
the Harlingen Comprehensive Plan shows this area as mixed use. To the present, the Planning
and Zoning Department no opposition has been received from the surrounding property owners
on the proposed rezone request.

a) Public Hearing

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

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

b) Consideration and possible action to approve an ordinance on first reading to rezone
from Residential 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.

Ms. Hayward, Asst. City Attorney read the caption of the ordinance.
Reg. CC Mtg.
5/15/19

Motion was made Commissioner Leal and seconded by Commissioner De La Rosa 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. Motion carried unanimously.

(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.

Mr. Gonzalez, stated House Bill 852 changed the process on how cities use to assess the building permits fees for residential structures. The bill prohibits cities from assessing a the fee based on the value of the dwelling or the cost of the improvements being made. Staff can assess a fee based on the square footage of the structure. The attached ordinance allows us to do this. The fee structure that staff is 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 with the proposed fee structure.

A short discussion was held in regards to the revenue comparison from last year to the projection of revenues for this year. The fee on the square foot is based on new state and the fees will be affecting the residents as well as remodeling of building a structure.

Ms. Hayward, City Attorney read the caption of the ordinance.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa 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. Motion carried unanimously.

(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.

Amanda C. Elizondo, City Secretary stated approval from the City Commission is required to proceed with the preparations for the Special Run-Off Election to elect a City Commissioner for District No. 1. Preparations for ordering all supplies, machines and programming for the Special Run-Off Election will be done in accordance with the Texas Election Code. Early Voting will start June 10 to June 18th 2019 in the Town Hall Meeting Room from 8 a.m. to 5 p.m. with the exception of two (2) days extended hours from 8 am to 8 pm. Approval from the School District has been obtained to use Long Elementary as the polling place.

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner De La Rosa 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 and ordaining and any other matters related to the foregoing. Motion carried unanimously.

(13) Board Appointments

Commissioner De La Rosa appointed John Sledge to the Veterans Board.
Motion was made by Commissioner Leal and seconded by Commissioner Uribe to approve the board appointment of John Sledge to the Veterans Board. Motion carried unanimously.

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.

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.

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.

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.

At 6:51 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item 14 (a, b, c & d).

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to convene into executive session to discuss Item No. 14 (a, b, c & d). Motion carried unanimously.

At 7:21 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

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

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner Leal to approve Item No. 14 (a) as discussed in executive session. Motion carried unanimously.

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

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to authorize the City Manager to sign any and all related documents pertaining to Item No. 14 (b) as discussed in executive session. Motion carried unanimously.

17) Consideration and possible action on Item No. 14 (c).
Motion was made by Commissioner Puente and seconded by Commissioner Leal to approve Item No. 14 (c) as discussed in executive session. Motion carried unanimously.

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

Motion was made by Commissioner De La Rosa and seconded by Commissioner Leal to approve the Industrial Development Agreement between the City of Harlingen and Project Melt. Motion carried unanimously.

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

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve Item No. 14 (d) as discussed in executive session. Motion carried unanimously.

20) Citizen Communication

None

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

CITY OF HARLINGEN

Chris Boswell, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary
SPECIAL MEETING
CITY COMMISSION
July 2nd, 2019
HARLINGEN, TEXAS

A Special Meeting of the Harlingen Elective Commission was held July 2nd, 2019 at 5:30 p.m., City Hall, Town Hall Meeting Room, 2nd Floor, 118 E. Tyler Street, Harlingen, Texas. Those in attendance were:

MAYOR and COMMISSIONERS
Chris Boswell, Mayor
Michael Mezmar, Mayor Pro-Tem, District 3
Richard Uribe, City Commissioner, District 1
Frank Puente, District 2
Ruben De La Rosa, District 4
Victor Leal, City Commissioner, District 5

STAFF PRESENT
Dan Serna, City Manager
Amanda C. Elizondo, City Secretary
Timothy Sampeck, 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/Richard Uribe

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

1) Appointment of a Canvass Committee to canvass the results of the City of Harlingen June 22nd, 2019 Special Runoff Election, City Commissioner, District.

Mayor Boswell appointed Commissioners: Leal, De La Rosa, and Amanda C. Elizondo, City Secretary as the Canvass Committee to canvass the results of the June 22nd, 2019 Special Runoff Election.

2) Consideration and possible action to approve the resolution declaring the Special Runoff Election Results of June 22, 2019 for City Commissioner, District 1.

Commissioner Leal stated the election paperwork and voting machine tape results of the early voting by personal appearance, mail-in(s) and Election Day votes cast at the June 22nd, 2019 Special Run-Off Election are correct. He recommended approval of the resolution declaring the officials results of the Special Run-Off Election.

For the record, the resolution read as follow:

RESOLUTION NO. R-2019-20

STATE OF TEXAS
COUNTY OF CAMERON

WHEREAS, a Special Runoff Election was held on June 22nd, 2019 in the City of Harlingen to elect one (1) Commissioner for District 1; and
WHEREAS, a canvass of the returns of said Special Runoff Election was duly made by the Official Canvassing Committee and the results of the canvass were received by the Harlingen City Commission on July 2\textsuperscript{nd}, 2019 in accordance with Chapter 67, Section 67.001 of the Texas Election Code.

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

That a Special Runoff Election was held June 22\textsuperscript{nd}, 2019 to elect one (1) City Commissioner for District 1 and the following candidates received the following votes.

FOR Commissioner, District 1

Richard Uribe 268
J.J. Gonzalez 171

AND BE IT FURTHER RESOLVED pursuant to the City of Harlingen Charter that: Richard Uribe is herewith declared duly elected City Commissioner for District 1.

READ, CONSIDERED, AND ADOPTED THIS 2\textsuperscript{nd} day of July, 2019 at a Special Meeting of the Harlingen City Commission at which a quorum was present and was held in accordance with Chapter 551 of the Local Government Code as amended.

CITY OF HARLINGEN
BY: /s/ Chris Boswell, Mayor

ATTEST: /s/ Amanda C. Elizondo, City Secretary

<table>
<thead>
<tr>
<th>Commissioner District 1</th>
<th>Early Vote</th>
<th>Mail Ins</th>
<th>Curb Side</th>
<th>Long</th>
<th>Total Votes</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>J.J. Gonzalez</td>
<td>107</td>
<td>1</td>
<td>64</td>
<td></td>
<td>171</td>
<td>38.85%</td>
</tr>
<tr>
<td>Richard Uribe</td>
<td>173</td>
<td>1</td>
<td>94</td>
<td></td>
<td>268</td>
<td>61.05%</td>
</tr>
</tbody>
</table>

*Mailing-Ins (inclusive in Early Vote Count) = 48

Richard Uribe - 28
J.J. Gonzalez - 20

Motion was made by Commissioner Puente and seconded by Mayor Pro-Tem Mezmar to approve the resolution declaring the Special Runoff Election Results of June 22, 2019 for City Commissioner, District 1. Motion carried unanimously.

3) Swearing-In and Oath of Office to elected official.

Judge Migdalia Lopez conducted the oath to Richard Uribe, re-elected City Commissioner for District 1.

4) Approval of Minutes

a) Regular Meeting of April 17, 2019
b) Special Meeting of May 15, 2019
c) Regular Meeting of June 19, 2019

Motion was made by Commissioner De La Rosa and seconded by Commissioner Leal to approve the minutes of April 17\textsuperscript{th}, May 15\textsuperscript{th}, and June 19\textsuperscript{th}, 2019. Motion carried unanimously.

5a) Second and final reading to approve and adopt an ordinance for a Specific Use Permit (SUP) to allow an open air vehicle storage business in a General Retail (GR) District
located at 5959 W. Business 83, bearing a legal description of Lot 1, Block 1 of Madero Subdivision. Applicant: Arulfo Rodriguez.

b) Second and final reading to approve and adopt an ordinance for a Specific Use Permit (SUP) to allow a storage container in a Light Industry ("LI") District located at 1106 Markowsky Avenue, bearing a legal description of 6.174 acres out of Block 143, Harlingen Land & Water Co. Subdivision. Applicant: Lilia Jones on behalf of The Humane Society of Harlingen.

c) Consideration and possible action to approve a request from City Church Harlingen to close Adams Avenue and "B" Street from Adams Ave. to the alleyway in front of City Church, Friday, August 2, 2019 from 4:00 p.m. to 10:00 p.m. to hold a Vacation Bible School Outdoor Event for the community.

d) Consideration and possible action to approve a request from Dave’s BBQ to close Orange Heights off Commerce Street up to railroad tracks by Pittman Street from 4:00 p.m. to 12:00 a.m., Friday, July 12th, and Saturday, July 13th, 2019 for its 3rd Anniversary Celebration.

e) Consideration and possible action to approve a request from Luis Solorio, Harlingen Consolidated Independent School District Interim Athletic Director, to close the Intersection of 12th Street & East Monroe Ave., Intersection of 12th Street and East Van Buren Ave., any and all alleyways leading to North 13th Street on the following dates: August 30th, Sept. 5th, 20th, and 28th, Oct. 2nd (Band Night), Oct. 11th, 18th, & 25th, Nov. 1st, & 8th, 2019 and date to be announced (TBA-possible playoff games) for the 2019 Football Games and Band Night.

f) Consideration and possible action to declare the itemized list of non-real estate personal property as surplus as recommended by staff, and authorize city personnel to conduct a public auction on August 3rd, 2019.

g) Consideration and possible action to approve a refund of property taxes paid by Wells Fargo Home Mortgage on behalf of Burke Bryan, Acct. #17-8100-0010-0040-00 for $3,106.73 due to an over payment.

h) Consideration and possible action to approve and accept the anticipated Federal Aviation Administration (FAA)-Airport Improvement Program (AIP) Grant 3-48-0101-062-2019, contingent upon the receipt of the FAA Grant.

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner Uribe to approve the Consent Agenda Items (5 (a) thru (h)). Motion carried unanimously.

6) Consideration and possible action to approve the Harlingen Economic Development Corporation (HEDC) Budget Amendments for Fiscal Year 2018-2019.

Raul Garza, Manager/Chief Executive Officer of the Harlingen Economic Development Corporation, Inc. highlighted Exhibit "A" which reflected Fiscal Year 2018 Approved Budget and Approved vs. Amended Budget. The EDC Board Members approve the Fiscal Year Budget Amendments for Fiscal Year 2018-2019 at their regular meeting of June 18, 2019.

<table>
<thead>
<tr>
<th>FY 2018-19 Approved Budget</th>
<th>Approved vs. Amended</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Revenues</td>
<td>$6,276,845</td>
</tr>
<tr>
<td>Total Expenditures</td>
<td>$5,276,846</td>
</tr>
<tr>
<td>Excess Revenues over Expenditures</td>
<td>$1</td>
</tr>
</tbody>
</table>
Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve the Harlingen Economic Development Corporation (HEDC) Budget Amendments for Fiscal Year 2018-2019. Motion carried unanimously.

7) Consideration and possible action to accept or (reject) bids and award the contract for Vestal Park Sports Lighting Project under Bid No. 2019-10 to the lowest responsible bidder and authorize the City Manager to execute any related documents.

Mr. Mendez stated nine (9) bids were received for the purchase and installation of four (4) light poles with sports lighting fixtures on each pole for one (1) soccer field at Vestal Park. Funding for this project will from the Community Development Block Grant, Harlingen Wellness Coalition Grant and the Parks and Recreation Department General Fund. Mr. Mendez recommended awarding the bid to the lowest responsible bidder, Bright Star Electric.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to award the contract to Bright Star Electric, Option No. 2 not to exceed $168,000 for the Vestal Park Sports Lighting Project and authorize the City Manager to execute any related documents. Motion carried unanimously.

8) Consideration and possible action to accept or (reject) bids and award the contract for the Victor Pool ADA Ramp Project under Bid No. 2019-11 to the lowest responsible bidder and authorize the City Manager to execute any related documents.

Mr. Mendez state the City received a total of eight (8) bids for the construction of an ADA ramp for Victor Pool on June 25, 2019. This project will be funded by a Community Development Block Grant, Harlingen Wellness Coalition Grant Funds, and the Parks and Recreation Department, General Fund. He recommended awarding the bid to the lowest responsible bidder, South Texas Pools not to exceed $42,665.

Motion was made by Commissioner Puente and seconded by Commissioner Leal to award the contract for the Victor Pool ADA Ramp Project under Bid No. 2019-11 to South Texas Pools for $42,665 and authorize the City Manager to execute any related documents. Motion carried unanimously.

9) Consideration and possible action to declare seventeen (17) motor vehicles and one (1) trailer as surplus property and authorize the Harlingen Police Department to auction off the vehicles and trailer through GovDeals.com Auction Website.

Michael Kester, Chief of Police stated the Harlingen Police Department is requesting permission to auction seventeen (17) motor vehicles and one (1) trailer using the GovDeals.com auction website. These vehicles and trailer were removed from service and the Police Department has no use for them. The vehicles are a mixture of seized vehicles and general patrol units.

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner Leal to declare seventeen (17) motor vehicles and one (1) trailer as surplus property and authorize the Harlingen Police Department to auction off the vehicles and trailer through GovDeals.com Auction Website. Motion carried unanimously.

10) Consideration and possible action to approve a resolution in support of the United States-Mexico-Canada Agreement (USMCA) amending the North American Free Trade Agreement (NAFTA).
Dan Serna, City Manager, stated this resolution is in support of the United States-Mexico-Canada Agreement (NAFTA). The free trade and open trade with Canada and Mexico is beneficial to the American economic and social interests. It impacts industries important to Harlingen, including agriculture, logistics and retail providing for the creation of jobs. He recommended approval of the resolution.

Motion was made by Commissioner Leal and seconded by Commissioner Puente to approve the resolution in support of the United States-Mexico-Canada Agreement (USMCA) amending the North American Free Trade Agreement (NAFTA). Motion carried unanimously.

11) Board Appointments
   None

12) Executive/Closed Session pursuant to Section 551.071, Texas Gov't. Code to consult with the City Attorney in regards to the MPO By-Laws.

At 5:55 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item 12.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to convene into executive session to discuss Item No. 12. Motion carried unanimously.

At 6:12 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

13) Consideration and possible action to approve and ratify the adoption of MPO By-Laws by the Rio Grande Valley Metropolitan Planning Organization Transportation Policy Board as discussed in executive session.

Motion was made by Commissioner Puente and seconded by Commissioner De La Rosa to approve and ratify the adoption of the MPO By-Laws by the Rio Grande Valley Metropolitan Planning Organization Transportation Policy Board as discussed in executive session. Motion carried unanimously.

14) Consideration and possible action to appoint Mayor Chris Boswell as the primary member of the Transportation Policy Board (TPB) with City Manager Dan Serna appointed as the primary alternate member to said Board retroactive effective June 25, 2019.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to appoint Mayor Chris Boswell as the primary member from the City of Harlingen to the Rio Grande Valley Metropolitan Planning Organization (RGVMPO) Transportation Policy Board (TPB) and appoint Dan Serna, City Manager as the primary alternate member to said board retroactive effective June 25, 2019. Motion carried unanimously.

15) Consideration and possible action to appoint a primary member and alternate from the City of Harlingen to the Technical Advisory Committee (TAC) of the Rio Grande Valley Metropolitan Planning Organization (RGVMPO).

Motion was made by Commissioner Puente and seconded by Commissioner Leal to appoint Gabriel Gonzalez, Asst. City Manager as the primary member and Carlos A. Sanchez, Asst. City Manager as the alternate member to the Technical Advisory Committee (TAC) of the Rio Grande Valley Metropolitan Planning Organization (RGVMPO). Motion carried unanimously.
Mayor Boswell changed the order of the agenda to discuss Item No. 17.

**ADDENDUM ITEM**

17.) Consideration and possible action to approve a request from Family Crisis Center, Inc. to declare their center as an emergency shelter for survivors of domestic violence and their children who are in danger in their own home.

Mr. Serna stated the Family Crisis Center, Inc. was requesting to declare their center as an emergency shelter to continue providing emergency shelter for families experiencing domestic violence and sexual abuse. They have been providing these services since 1981 to survivors along with their children who find themselves in danger in their own home and seek a safe and confidential location to break the cycle of violence. The Center's mission is to empower adults and children experiencing domestic violence and/or sexual assault, and increase community awareness and responsiveness in Cameron and Willacy Counties through prevention, education, outreach, and advocacy. The Family Crisis Emergency Shelter is located in Harlingen and is seeking approval to conduct emergency solutions grant activities. Approval was previously granted in 2016 for their mutual application with Loaves and Fishes of the RGV and La Posada Providencia.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to approve request from Family Crisis Center, Inc. to declare their center as an emergency shelter for survivors of domestic violence and their children who are in danger in their own home. Motion carried unanimously.

Mayor Boswell returned to the regular order of the agenda and proceeded with Item No. 16.

16) **Citizen Communication**

Christy Tovar, resident of the 3005 Jacaranda spoke against the development of the pipeline construction in the Port Brownsville. There is a possibility of rail transport of liquid natural gas and ultra light Shell oil passing through our town related to the new fossil fuel development. As of now, the gas and oil are being transported by rail with other cargo, but that is planning to change. There are companies from West Texas that are going to be coming down here to start the work on the pipeline and will be working here in the valley. She asked the City to research the legal side of this and create an emergency response plan that can be use in case of a derailment accident or hold a town hall meeting for the companies to explain the benefits and risks with these trains.

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

**CITY OF HARLINGEN**

Chris Boswell, Mayor

ATTEST:

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

AN ORDINANCE TO ESTABLISH A “NO PARKING ZONE” ON BRIAR AVENUE ON THE SOUTH SIDE OF THE STREET 100 FEET FROM THE INTERSECTION WITH 25TH STREET; AUTHORIZING THE TOWING OF VEHICLES PARKED IN SAID “NO PARKING ZONE”; ESTABLISHING A PENALTY NOT TO EXCEED $200.00 FOR VIOLATION OF THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

BE IT ORDAINED BY THE CITY OF HARLINGEN:

SECTION I: That establishes an ordinance to designate a “No Parking Zone” on Briar Avenue on the south side of the street 100 feet from the intersection with 25th Street;

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

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

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

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

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

FINALLY ENACTED THIS _____ day of ____________, 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
ORDINANCE NO. 19-

AN ORDINANCE TO ESTABLISH A "NO PARKING ZONE" ON RANGERVILLE ROAD ON THE SOUTH SIDE OF THE STREET 100 FEET ON EITHER SIDE OF THE INTERSECTION OF KNOX AVENUE; AUTHORIZING THE TOWING OF VEHICLES PARKED IN SAID "NO PARKING ZONE"; ESTABLISHING A PENALTY NOT TO EXCEED $200.00 FOR VIOLATION OF THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

BE IT ORDAINED BY THE CITY OF HARLINGEN:

SECTION I: That establishes an ordinance to designate a "No Parking Zone" on Rangerville Road on the south side of the street 100 feet on either side of the intersection of Knox Avenue;

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

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

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

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

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

FINALLY ENACTED THIS _____ day of ___________, 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
ORDINANCE NO. 19—______

AN ORDINANCE AMENDING THE CODE OF ORDINANCES (ORDINANCE NO. 16-8) OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT TO MARIO A CARDENAS, JR. TO ALLOW AN ADULT BUSINESS (VAPE SHOP) IN A GENERAL RETAIL (GR) DISTRICT LOCATED AT 616 ED CAREY DRIVE, BEARING A LEGAL DESCRIPTION OF LOT 8, SOUTH POINT SUBDIVISION, SUBJECT TO: 1) OBTAINING AND MAINTAINING THE PROPER STATE AND CITY PERMITS; 2) MAINTAINING THE REQUIRED PARKING IN ACCORDANCE WITH CITY REGULATIONS; (3) PROVIDING VIDEO SURVEILLANCE WITH A THIRTY DAY RETENTION OF THE VIDEO; AND (4) COMPLYING WITH THE REQUIREMENTS ADMINISTERED BY THE PLANNING & ZONING, BUILDING INSPECTIONS, ENVIRONMENTAL HEALTH, FIRE PREVENTION, AND POLICE DEPARTMENTS PRIOR TO THE ISSUANCE OF A 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:

To issue a Specific Use Permit to Mario A. Cardenas, Jr. to allow an adult business (vape shop) in a General Retail (GR) District located at 616 Ed Carey Drive, bearing a legal description of Lot 8, Southpoint Subdivision No. 1, subject to: 1) Obtaining and maintaining the proper State and City permits; 2) Maintaining the required parking in accordance with city regulations; 3) Providing video surveillance with a thirty day retention; and 4) Complying with the requirements administered by the Planning & Zoning, Building Inspections, Environmental Health, Fire Prevention, and Police Departments prior to the issuance of a 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
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: **August 7, 2019**

**Agenda Item:**
Consideration and possible action to approve an Industrial District Agreement between the City and Peterson Jay Trustee of the Jay Peterson Irrevocable Trust.

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

**Signature:**

**Brief Summary:**
This Industrial Development Agreement is between the City and Peterson Jay Trustee of the Jay Peterson Irrevocable Trust. Payments will be paid on the current value of the facility. As part of the Agreement, the following conditions will apply:

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

Staff recommends approval of the Agreement.

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

**Finance Director’s approval:**

**Staff Recommendation:**
Approval

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

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

**Comments:**

City Attorney’s approval: **☐ Yes ☐ No ☐ N/A**
INDUSTRIAL DISTRICT AGREEMENT

STATE OF TEXAS
COUNTY OF CAMERON  §

THIS INDUSTRIAL DISTRICT AGREEMENT ("Agreement") is made and entered into on the date hereinafter written by and between the CITY OF HARLINGEN, TEXAS, a home-rule municipal corporation of Cameron County, Texas 78550, acting through its Mayor as authorized by its Elective Commission, (hereinafter referred to as "CITY") and PETERSON JAY TRUSTEE OF THE JAY PETERSON IRREV TR DTD MAY 2, 2012 a corporation organized and doing business under the laws of the State of Texas at 109 N FM 509 Harlingen, Texas 78550. (hereinafter collectively referred to as "COMPANY").

WHEREAS, it is the intention of CITY and COMPANY to enter this Agreement which shall constitute a non-annexation agreement for the property designated as a 7.4244 acre tract of land being HARLINGEN INDUSTRIAL PARK NO 2 LOT 5 BLK 2 SAVE & EXCEPT A 0.189 ACRE TR ACRES and

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

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

WHEREAS, the City Commission of the City of Harlingen adopted Resolution No. 81R-36 dated October 21, 1981 designating a part of its extraterritorial jurisdiction as an industrial district; and
WHEREAS, it is to the mutual advantage of industries and municipalities to cooperate whenever possible for the general advancement of the affected population because orderly economic growth raises the standard of living and otherwise improves the quality of life for the community as a whole; and

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

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

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

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

3) COMPANY agrees to pay CITY on or before April 1 of each year during the Term of this Agreement, in lieu of taxes, the first of such payments ("PILOT") to be made on September 1, 2019 an amount calculated on the basis of the following formula:
a) Calculate 100% of the fair market value of all property real and personal, and improvements owned by COMPANY constituting or located on the "Subject Property" as established by the Certified Cameron Appraisal District tax rolls as of July 20th of the year prior to each payment year, and reduce said fair market value by 100% of all exemptions and exclusions available under applicable law (such as the Freeport tax exemption). This is the "ADJUSTED VALUE".

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

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

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

6) If Company is involved in a contest concerning the accuracy of the appraisal of the real and personal property located on the "Subject Property", COMPANY will make the payment in lieu of taxes required under this Agreement for the amount of the Appraisal not contested.
7) CITY AND COMPANY hereby mutually agree that venue for any suit arising under this Agreement shall be in a court of appropriate jurisdiction in Cameron County, Texas.

8) Subject to all of the provisions hereof, CITY agrees that it will not annex the “Subject Property” described in this Agreement for the period of seven (7) years from the date written below herein.

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

[Remainder of page left intentionally blank]
WITNESS OUR HAND IN DUPLICATE ORIGINALS THIS 19th day of July, 2019.

PETRONE JAY TRUSTEE OF THE JAY PETERSON IRREV TR DTD MAY 2, 2012

BY: [Signature]

ITS TRUSTEE

ATTEST:

[Signature]

ITS:

CITY OF HARLINGEN

BY:

Chris Boswell, Mayor

ATTEST:

Elena Garza, Asst. City Secretary
CORPORATE ACKNOWLEDGEMENT

STATE OF TEXAS
COUNTY OF CAMERON §

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

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

____________________________________________________________________________

Notary Public, State of Texas
My Commission Expires: ______________________

CORPORATE ACKNOWLEDGEMENT

STATE OF TEXAS
COUNTY OF CAMERON §

BEFORE ME, the undersigned authority on this day personally appeared _________________________, _________________________ of HARLINGEN INDUSTRIAL PARK NO 2 LOT 5 BLK 2 SAVE & EXCEPT A 0.189 ACRE TR a Texas corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein expressed, in the capacity herein stated and as the act and deed of said corporation.

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

____________________________________________________________________________

Notary Public, State of Texas
My Commission Expires: ______________________
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: 08/07/2019

<table>
<thead>
<tr>
<th>Agenda Item:</th>
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<tr>
<td>Consideration and possible action to approve a refund of property taxes paid by Lereta on behalf of Cantu Danny &amp; Criselda on account #98-1045-0010-0170-00</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Brief Summary:</th>
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</thead>
<tbody>
<tr>
<td>This refund request in the amount of $537.43 for account # 98-1045-0010-0170-00 is due to a prorated disaled veteran’s exemption for year “2018”.</td>
</tr>
<tr>
<td>Total amount of refund requested is $537.43</td>
</tr>
<tr>
<td>Refunds over $500.00 require Commission approval.</td>
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</tbody>
</table>

<table>
<thead>
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</tr>
</thead>
<tbody>
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<td>*If no, specify source of funding and amount requested:</td>
</tr>
<tr>
<td>Finance Director’s approval:</td>
</tr>
<tr>
<td>Yes</td>
</tr>
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<table>
<thead>
<tr>
<th>Staff Recommendation:</th>
</tr>
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<tbody>
<tr>
<td>Staff recommends approval of refund.</td>
</tr>
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</table>

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</thead>
<tbody>
<tr>
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</table>

<table>
<thead>
<tr>
<th>Comments:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>City Attorney’s approval:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
</tr>
</tbody>
</table>
MEMORANDUM

TO: Elvia Trevino
City of Harlingen
Harlingen, Texas 78550

FROM: Aurora Lozano
TAX OFFICE
Harlingen, Texas 78550

DATE: July 19, 2019

RE: Account #98-1045-0010-0170-00, Cantu Danny & Criselda(Lereta)

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 adjustment is due to a homestead and prorated disabled veteran's exemption for year "2018".

Therefore the amount of $537.43 to be refunded to:

Lereta
1123 S Parkview Drive
Covina, CA 91724

Should you have any questions regarding this matter, please contact me at (956)428-7999
# 2018 SUPPLEMENT ROLL 38
Supp Group: 320

## Current Property Data as of Supp 38

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<tr>
<th>Prop ID</th>
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<th>Values</th>
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<tbody>
<tr>
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<td>100.00</td>
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<td>Imp HS: 148,179</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>SURVEY-NUCEES PARK SUBD LOT 17 BLK 1</td>
<td>Imp NHS: 0</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Prod Loss: 0</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Appraiser: ROMAN Y</td>
<td>Land HS: 92,000</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Operator: Kneyer</td>
<td>Apraised: 240,179</td>
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<tr>
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<td></td>
<td>State Codes: A</td>
<td>Cap: 0</td>
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<td></td>
<td>Map ID: 05-07-00</td>
<td>Assessed: 240,179</td>
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<td></td>
<td></td>
<td>Situs: 148 S NUECES PARK LN HARLINGEN, TX</td>
<td>Mgr Cd:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Ref ID1: R202828</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Ref ID2:</td>
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**Change Desc:**
6/25/19-KW UPDATED HS & DV4 FOR 2019 & PRORATED ON DVHS AS OF 8/8/18 FOR 2018 FOR DANNY CANTU AND WIFE CRISELDA CANTU WHO APPLIED ON 6/24/19 & HAVE LIVED THERE SINCE 12/24/15. NO OTHER PROPERTY OWNED. RATING IS 100%, EFFECTIVE DATE 8/8/18. TOTALLY & PERMANENTLY DISABLED DUE TO SERVICE CONNECTED DISABILITIES.

## Previous Property Data as of Supp: 0

<table>
<thead>
<tr>
<th>Prop ID</th>
<th>Owner</th>
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<th>Legal Description</th>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>Prod Loss: 0</td>
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<td>Ref ID2:</td>
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</table>

**Change Desc:**

## Gain or Loss of Value for:

| Property: 206493 Geo: 98-1045-0010-0170-00 |

<table>
<thead>
<tr>
<th>Entity</th>
<th>Assessed</th>
<th>Taxable</th>
<th>Tax</th>
<th>Assessed</th>
<th>Taxable</th>
<th>Tax</th>
<th>Gain / Loss</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>240,179</td>
<td>136,907</td>
<td>0.00</td>
<td>240,179</td>
<td>228,179</td>
<td>0.00</td>
<td>-91,272</td>
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<tr>
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<td>240,179</td>
<td>203,179</td>
<td>0.00</td>
<td>-81,272</td>
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</table>
AGENDA ITEM  
EXECUTIVE SUMMARY  

Meeting Date: 08/07/2019  

<table>
<thead>
<tr>
<th>Agenda Item:</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Consideration and possible action to approve a refund of property taxes paid by Little Robert A &amp; Linda on account #88-1923-0020-0160-00.</td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Brief Summary:</th>
<th></th>
</tr>
</thead>
</table>
| This refund request in the amount of $1,019.51 for account # 88-1923-0020-0160-00 is due to a prorated disabled veteran’s exemption for year “2018”.  
Total amount of refund requested is $1,019.51  
Refunds over $500.00 require Commission approval. |  |

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

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

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

<table>
<thead>
<tr>
<th>Comments:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

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

TO:       Elvia Trevino
          City of Harlingen
          Harlingen, Texas 78550

FROM:     Aurora Lozano
          TAX OFFICE
          Harlingen, Texas 78550

DATE:     July 16, 2019

RE:       Account #88-1923-0020-0160-00, Little Robert A & Linda

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 adjustment is due to a prorated homestead and disabled veteran's exemptions for year "2018".

Therefore the amount of $1,019.51 to be refunded to:

          Little Robert A & Linda
          4306 Water Edge
          Harlingen, Texas 78552

Should you have any questions regarding this matter, please contact me at (956)428-7999
Current Property Data as of Supp 38

<table>
<thead>
<tr>
<th>Prop ID</th>
<th>Owner</th>
<th>%</th>
<th>Legal Description</th>
<th>Values</th>
</tr>
</thead>
<tbody>
<tr>
<td>187483</td>
<td>641352</td>
<td>100.00 R</td>
<td>Geo: 88-1923-0020-0160-00 LOT 16 BLK B WATER'S EDGE PHASE I</td>
<td>Assessed: 314,580 Taxable: 292,580 Gain: -173,143</td>
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</table>


Previous Property Data as of Supp: 0

Gain or Loss of Value for: Property: 187483 Geo: 88-1923-0020-0160-00

<table>
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<tr>
<th>Entity</th>
<th>Assessed</th>
<th>Taxable</th>
<th>Gain/Loss</th>
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</thead>
<tbody>
<tr>
<td>CHG</td>
<td>314,580</td>
<td>118,437</td>
<td>-173,143</td>
</tr>
<tr>
<td>IHG</td>
<td>314,580</td>
<td>108,231</td>
<td>-158,349</td>
</tr>
<tr>
<td>Prop ID</td>
<td>Owner</td>
<td>%</td>
<td>Legal Description</td>
</tr>
<tr>
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<tr>
<td>187483</td>
<td>641352</td>
<td>100.00</td>
<td>Effective Acres: 0.0000</td>
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<tr>
<td>LOT 16 BLK B WATER'S EDGE PHASE I</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appraiser: ROBERT T</td>
<td>Operator: Vamoreno</td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Codes: A</td>
<td></td>
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<td>Situs: 4306 WATER'S EDGE HARLINGEN, TX 78552</td>
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<td></td>
<td>Imp N-HS: 0</td>
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<td>Land NHS: 0</td>
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<td></td>
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<td></td>
<td>Prod Use: 0</td>
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<tr>
<td></td>
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<td>Late Ag: F</td>
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Change Desc:

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<th>Exemptions</th>
<th>Entity</th>
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<th>Assessed</th>
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<th>Freeze</th>
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<tr>
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<td>641352</td>
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<td>0.00</td>
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<tr>
<td>4306 Water Edge</td>
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<td>DV3</td>
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<td>Appraiser: ROBERT T</td>
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<td>Situs: 4306 WATER'S EDGE HARLINGEN, TX 78552</td>
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Gain or Loss of Value for:

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<th></th>
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</thead>
<tbody>
<tr>
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</tr>
<tr>
<td>CHG</td>
<td>314,580</td>
<td>109,231</td>
</tr>
</tbody>
</table>
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date:  August 7, 2019

Agenda Item:
Consider and take action to approve the preliminary and final replat of the proposed Replat of Pelican's Peak Re-Subdivision, being 1.230 acres of land out of Lots 1-2, Block 1, Pelican's Peak Re-Subdivision, located on the west side of Ed Carey Drive, south of Sesame Drive. Applicant: Michael Wood of Southpoint Texas Surveying, LLC, c/o VIA Real Estate.

Prepared By:  Xavier Cervantes, AICP
Title:  Planning and Development Director
Signature:  

Brief Summary:

<table>
<thead>
<tr>
<th>Project Timeline</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>May 2, 2019</td>
<td>Original preliminary and final plat application submitted to the City (ATTACHMENT I).</td>
</tr>
<tr>
<td>May 15, 2019</td>
<td>Subdivision reviewed by the Subdivision Review Committee.</td>
</tr>
<tr>
<td>May 21, 2019</td>
<td>Letter sent to applicant outlining deficiencies; application deemed incomplete.</td>
</tr>
<tr>
<td>May 28, 2019</td>
<td>Preliminary and final plat resubmitted based on deficiency letter; application deemed complete. Final plat pending mylar.</td>
</tr>
<tr>
<td>June 20, 2019</td>
<td>The applicant submitted a variance; application deemed incomplete pending variance approval. Final plat pending mylar.</td>
</tr>
<tr>
<td>July 10, 2019</td>
<td>The Planning and Zoning Commission recommend approval of the variance.</td>
</tr>
<tr>
<td>July 17, 2019</td>
<td>The City Commission approved the variance request.</td>
</tr>
<tr>
<td>August 7, 2019</td>
<td>Consideration of the preliminary and final replat by the City Commission.</td>
</tr>
</tbody>
</table>

Summary

- The proposed subdivision consists of two commercial lots being replatted into one larger commercial lot (ATTACHMENT II). It is located inside the City Limits, on the west side of Ed Carey Drive, south of Sesame Drive. The intended use is allowed based on the existing zoning designation of General Retail ("GR").
- Water and sanitary sewer services will be provided by HWWS.
- All items on the preliminary and final replat checklist have been addressed (ATTACHMENT III).

Staff Recommendation:

Staff recommends approval of the preliminary and final replat.
<table>
<thead>
<tr>
<th><strong>Funding (if applicable):</strong></th>
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</thead>
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<tr>
<td>Are funds specifically designated in the current budget for the full amount for this purpose?</td>
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</tr>
<tr>
<td>City Manager’s approval:</td>
</tr>
</tbody>
</table>

**Comments:**

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

PROPERTY INFORMATION: (Please PRINT or TYPE)
Project Address_505 Ed Carey Drive nearest Intersection_Ed Carey Drive & Hale St
(Proposed) Subdivision Name_Pelicans Peak Re-Subdivision Lot_1 Block_1
Existing Zoning Designation "GR" General Retail Future Land Use Plan Designation Car Wash

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)
Applicant/Authorized Agent VIA Real Estate (Derrick Merchant) Phone_806.368.7843 FAX
Email Address (for project correspondence only)_Derrick@7bdev.com
Mailing Address_13105 Dover Avenue City_Lubbock State TX Zip_79424
Property Owner_Amy Hui Mei Yang Phone_956.821.7604 FAX
Email Address (for project correspondence only)_yang956@gmail.com
Mailing Address_316 Wichita Avenue City_McAllen State TX Zip_78503

Select appropriate process for which approval is sought. Attach completed checklists with this application.
[ ] Annexation Request..........................No Fee [ ] Preliminary Plat.........................$100.00
[ ] Administrative Appeal (ZBA).............$125.00 [ ] Final Plat..................................$50.00
[ ] Comp. Plan Amendment Request.............$250.00 [ ] Minor Plat..............................$100.00
[ ] Re-zoning Request..........................$250.00 [ ] Re-plat....................................$250.00
[ ] SUA Request/Renewal........................$250.00 [ ] Vacating Plat............................$50.00
[ ] Zoning Variance Request (ZBA)...........$250.00 [ ] Development Plat ....................$100.00
[ ] PDO Request................................$250.00 [ ] Subdivision Variance Request........$25.00 (each)
[ ] License to Encroach.........................$250.00

Please provide a basic description of the proposed project:
Replat to combine lots 1&2, and vacate 10’ utility easement.

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

Applicant’s Signature: ______________________________________________________________________ Date: 4-2-19
Property Owner(s) Signature: __________________________________________________________________ Date: 04/02/2019
Accepted by: ____________________________________________________________________________ Date: ________________________________
PRELIMINARY PLAT SUBMITTAL CHECKLIST

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

Complete

- Fifteen (15) copies of the plat drawn to a scale of one (1) inch to one hundred (100) feet on sheets no larger than 24" X 36". (Section 3.4.3)
- An 8 1/2" X 11" reduced copy of the submitted preliminary plat drawing. (Section 3.4.4.D)
- Three (3) copies of the engineering construction drawings for the required development improvements and cost estimates (may be submitted after preliminary plat approval). (Section 3.1.1.7)
- Preliminary drainage system, flood control, and erosion prevention plans. (Section 3.4.4.A-B)
- Variance requests, if any, shall be submitted at the time the preliminary plat is submitted and on a separate form provided by the City. Approval of variance requests requires a finding of a non-monetary hardship and a 4/5-majority vote of the City Commission. (Section 7.1)
- The existing zoning designation of the subject tract allows for the proposed use(s). (Section 3.1.3)
- Note: The applicant shall submit the preliminary plat to the appropriate drainage/irrigation district, if applicable. (Section 3.4.4.A-B)
- Warranty deed verifying ownership of subject tract.

Plat drawing to include:

- Proposed name of subdivision printed across the lots and blocks. (Section 3.4.3.A)
- Names of adjoining subdivisions and notation as to whether adjoining properties are platted. (Section 3.4.3.B)
- Subdivision boundary lines (indicated by heavy lines) and computed acreage of subdivision. (Section 3.4.3.C)
- Primary control points with description and location of said points with ties to original block corners. (Section 3.4.3.D)
- Existing and proposed site information: (Section 3.4.3.E)
  1. Location, dimensions, and names of all existing and proposed roads, easements, reservations, alleys, or other public right-of-ways within and/or contiguous to the proposed subdivision.
  2. Location and dimensions of all existing and proposed lots, parks, public areas, permanent structures, water courses, irrigation canals, and drainage structures within and/or contiguous to the proposed subdivision.
  3. All existing utilities within and/or contiguous to the proposed subdivision.
  4. Cross section(s) of any existing ditches and canals within the proposed subdivision with ties to the subdivision boundary.
  5. Regulatory flood elevations and boundaries of flood prone areas, including floodways, if known.
  6. Location of City limits, extraterritorial jurisdiction (ETJ), and zoning district boundaries if within or contiguous to the proposed subdivision.
- Date of preparation, north arrow, and scale of plat. (Section 3.4.3.G)
- Topographic data: (Section 3.4.3.H)
  1. High and low elevations within the proposed subdivision.
  2. Benchmark and elevations on 100-foot centers based on USGS datum.
Attachment I—Application

X A number or letter to identify each lot, tract, and block. (Section 3.4.3.I)
X Building setback lines (if different from Zoning Ordinance). (Section 3.4.3.J)
X Existing and proposed fire hydrants providing for the appropriate coverage. (Section 3.4.3.K)
X Existing and proposed street lighting providing for the appropriate coverage. (Section 3.4.3.L)
X Vicinity map of not more than 1:2,000 showing existing streets, and city limit and/or ETJ boundary. (Section 3.4.3.K)
X Street system in compliance with the City of Harlingen’s Long Range Thoroughfare Plan. (Section 4.1.3.A)

Plots shall not be scheduled for the Planning and Zoning Commission review unless items on this list are completed. I have read and understand in its entirety the City of Harlingen’s Subdivision Ordinance and understand that the requirements of a preliminary plat are subject to the terms and conditions therein. This preliminary plat checklist is used to insure compliance with the Ordinance and in some instances the City may require additional information for approval. An endorsement of this application checklist by the applicant shall be acknowledgment that all of the items on the above list have been reviewed and complied with or variances have been requested. I also understand that, pursuant to Section 5 of the City of Harlingen Zoning Ordinance, no building permit will be issued until a final plat has been approved by the Planning and Zoning Commission and filed in the office of the County Clerk.

Project Name: Dale Shine Xpress Carwash

Owner: 7B Building & Development
Owner Address: 13105 CR 1820, Lubbock, TX 79424 Phone/Fax: 806-368-7843
Date 5/2/19

Signature:

Engineer/Surveyor: Michael Wood, RPLS
Engineer/Surveyor Address: Harlingen, TX 78550 Phone/Fax: 956-245-1937
Date 5/2/19

Signature:
Attachment II—Reduced Original Plat

PLAT OF PELICAN'S PEAK RE-SUBDIVISION

BEING AND SITUATING a portion of the land in Cameron County, Texas, more particularly described as follows:

LOT 1

Gross AC.

(Lot 1: Plat C-1

Flood Insurance Rate Map of Cameron County, Map Record #1, Page 1-2, 1980, City of Harlingen, Cameron County, Texas.

STATE OF TEXAS

COUNTY OF CAMERON

The undersigned, having been duly sworn, do depose and say:

That the undersigned, or such other persons as may be authorized by law, do appear and are personally known to me and are the persons described in the foregoing plat, and that the plat has been made by me in the manner and form required by law, and that I do hereby certify that the plat is correct and true and that the same has been correctly made.

This 27th day of October, 1992.


dated, by the authorized person.

WE, THE UNDERSIGNED, DO HEREBY CERTIFY that the plat described in the foregoing plat is correct and true and that the same has been made in accordance with the provisions of the laws of the State of Texas.

This 27th day of October, 1992.


dated, by the authorized person.

JGH SURVEYING CO.

423-1792
July 07, 2019

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

RE: Review of Re-plat Pelican’s Peak Re-Subdivision (Preliminary and Final Plat Re-Submittal)

Dear Mr. Molina:

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

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

Sincerely,

Olivia Gil

cc: Carlos A. Sanchez, P.E. CFM CPM, Assistant City Manager
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: August 7, 2019

Agenda Item:
Consider and take action to approve a request from the Harlingen Convention and Visitors Bureau for street closures from 10:00 a.m. to 11:00 p.m. on Saturday, August 24, 2019 for their Blues on the Hill Back to School event.

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

Brief Summary:
Yohana Sanchez, Convention and Visitors Bureau Executive Secretary and Special Events, is requesting the closure of the following streets for their Blues on the Hill Back to School event on Saturday, August 24, 2019 from 10:00 a.m. to 11:00 p.m.:

- Fair Park Blvd., in between North “J” Street and North “L” Street; and,
- North “L” Street to West Adams Avenue.

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

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

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

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

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

Staff Recommendation:
Staff recommends approval.

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

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

Comments:

City Attorney’s approval: [ ] Yes [ ] No [ ] N/A
TO: Chief of Police

FROM: District Representative

RE: Street Closure Request

REQUESTOR: Cassandra Cuellar Consiglio, Convention and Visitors Bureau Director, 956.873.0391 or 956.622.5053

EVENT NAME: Blues on the Hill

DATES AND TIMES: August 24th, 2019

LOCATION: Lon C Hill Park, Harlingen, TX 78550

DESCRIPTION: Cassandra Cuellar Consiglio is requesting the Lon C Hill Park, Harlingen, TX 78550 to be closed on the date listed above in preparation of their Blues on the hill event. They have requested the street closure early so that there will be no automobiles parked in the area so that they may begin set up for the event.

1) Fair Park Blvd. in between N. J St. and N. L St.
2) N. L St. to W. Adams Ave.

COMMENTS/NOTES: The streets will be closed for the safety of the public in attendance.

RECOMMENDATION: Approve

<table>
<thead>
<tr>
<th>SIGNATURE</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>OFFICER/EMPLOYEE</td>
<td>7-31-19</td>
</tr>
<tr>
<td>SERGEANT/SUPERVISOR</td>
<td>7-30/2019</td>
</tr>
<tr>
<td>COMMANDER/MANAGER</td>
<td></td>
</tr>
<tr>
<td>DEPUTY CHIEF</td>
<td>7-30/19</td>
</tr>
<tr>
<td>ASSISTANT CHIEF</td>
<td>7-30/19</td>
</tr>
<tr>
<td>CHIEF OF POLICE</td>
<td>7-30/19</td>
</tr>
</tbody>
</table>
Good Morning,

Convention and Visitors Bureau would like to request a street closure for our Back to School Blues on the Hill August 24, 2019. The event will be from 7:00 p.m. to 10:00 p.m.

Please help us by closing the street in front of Lon C. Hill Park

Fair Park Blvd (Front of Lon C. Hill Park)
L ½

Street closure at 10:00 a.m.

If you have any questions please do not hesitate to contact our office.

Yohana Sanchez | Executive Secretary and Special Events
City of Harlingen-Convention and Visitors Bureau | 311 E. Tyler Ave. | Harlingen, Texas 78550 |
T. 956-622-5053 | C. 956-202-7884 | yohana@myharlingen.us www.myharlingen.us
1601 Haverford Boulevard Harlingen, TX

712 North 77 :Sunshine Strip Harlingen, TX
HFD has no issues with these road closures.

Thanks,

Eduardo Alvarez  
Assistant Fire Chief  
Harlingen Fire Department  
24200 N. FM 509  
Harlingen, TX 78550  
956-897-1131

Good Afternoon Asst. Fire Chief Alvarez:

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

Thank you!
Frances Peña, Executive Admin. Assistant  
Office of the Chief of Police Michael Kester  
HARLINGEN POLICE DEPT.  
1018 Fair Park Blvd., Harlingen, TX 78550  
(956) 216-5403 office / (956) 216-5407 fax  
email: francispena2@harlingenpolice.com

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AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: August 8, 2019

Agenda Item:
Consideration and possible action to authorize the City Manager to accept the Texas Division of Emergency Management (TDEM) sub-grant for the Hazard Mitigation Grant Program under award identification number 4266-014 and provide the matching funds for Phase II of the 9th & 13th Street Drainage Improvement Project (System 005).

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

Brief Summary:
The City of Harlingen of is a sub-grant award recipient under the Hazard Mitigation Grant Program with the Federal Emergency Management Agency (FEMA) for the 9th and 13th Street Drainage Improvement Project (System 005). The grant is administered by the Texas Department of Emergency Management (TDEM). On June 18, 2018, Phase I was approved for the engineering (100% design), survey, geotechnical analysis, and hydraulic/hydrology study to determine if the project would be eligible for Phase II construction funding. The award for Phase I was for a total amount would be $123,937 with a Federal cost share of 75% ($92,963) and a Local cost share of 25% for $30,984. The terms and conditions of the award, limit FEMA’s funding up to $1,204,715 for the entire project.
The engineering analysis has been completed and determined that the benefit cost ratio meets FEMA’s criteria to move forward to Phase 2, construction. However, the engineer’s cost estimate has been determined to be $2,734,948.50. Based on FEMA’s funding limitation, the City would be required to fund the difference which is estimated to be at $1,656,087.50. Any additional costs incurred during the construction phase would be the city’s responsibility.

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

Staff Recommendation:
Staff recommends approval.

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

Comments:

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

Form revised 01/26/09
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: **August 7, 2019**

**Agenda Item:**
Consideration and possible action to approve a three party interlocal agreement between the City of Harlingen, Harlingen Irrigation District No. 1, and the Cameron County Drainage District No. 5 to collaborate in a project to improve the conveyance of storm water along the 13th Street Drain.

<table>
<thead>
<tr>
<th>Prepared By (Print Name):</th>
<th>Carlos A. Sanchez, P.E.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title:</td>
<td>Assistant City Manager</td>
</tr>
<tr>
<td>Signature:</td>
<td>[Signature]</td>
</tr>
</tbody>
</table>

**Brief Summary:**
The proposed project will provide for the excavation and widening of the drain ditch that runs parallel to 13th Street. Project limits are from Matz Road north to the North Main Drain outfall point. The city’s cost share is for the portion between Matz Rd north to Montezuma Road, for an amount up to $100,550. The Drainage District No. 5 would be responsible for the portion north of Montezuma up to the outfall point, $56,824. The Harlingen Irrigation District No. will provide the labor and material. Attached is a copy of the Interlocal agreement with location maps.

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

**Staff Recommendation:**
Staff recommends approval of the interlocal agreement.

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

**Comments:**

<table>
<thead>
<tr>
<th>City Attorney’s approval:</th>
</tr>
</thead>
</table>
[ ] Yes [ ] No [ ] N/A
EXHIBIT C
Maintenance Responsibilities – 13th Street Drain

Section 1 - CCDD #5
1,685 LF
8,487 cyd.

Section 2 - CCDD #5
3,836 LF
19,925 cyd.

Section 3 - City of Harlingen
4,300 LF
21,659 cyd.
Exhibit A
13th Street Drain
EXHIBIT B

13th Street Drain - PROJECT COST SCHEDULE

SECTION 1 and 2 - North Main Drain to Montezuma Road
Responsible Party - Cameron County Drainage District No. 5

<table>
<thead>
<tr>
<th>Description</th>
<th>Quantity</th>
<th>Unit</th>
<th>Unit Cost</th>
<th>Item Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Excavate to reprofile Cross Section (widening)</td>
<td>28,412</td>
<td>CY</td>
<td>$2.00</td>
<td>$56,824.00</td>
</tr>
<tr>
<td>Sub Total Cost to CCDD No. 5</td>
<td></td>
<td></td>
<td></td>
<td>$56,824.00</td>
</tr>
</tbody>
</table>

SECTION 3 - Montezuma Road to South of Matz Road
Responsible Party - City of Harlingen

<table>
<thead>
<tr>
<th>Description</th>
<th>Quantity</th>
<th>Unit</th>
<th>Unit Cost</th>
<th>Item Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Excavate to reprofile Cross Section (widening)</td>
<td>21,659</td>
<td>CY</td>
<td>$2.00</td>
<td>$43,318.00</td>
</tr>
<tr>
<td>Install 7' X 7' Reinforce Concrete Box at Matz Rd</td>
<td>73</td>
<td>LF</td>
<td>$784.00</td>
<td>$57,232.00</td>
</tr>
<tr>
<td>Sub Total Cost to City</td>
<td></td>
<td></td>
<td></td>
<td>$100,550.00</td>
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</table>
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: August 7, 2019

Agenda Item:
Consideration and possible action to approve a three party interlocal agreement between the City of Harlingen, Harlingen Irrigation District No. 1, and the Cameron County Drainage District No. 5 to collaborate in a project to improve the conveyance of storm water along the Dixieland Drain.

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

Brief Summary:
The proposed project will provide for the excavation and widening of the drain ditch and upgrades at the street crossings. Project limits are from Lincoln Street south past Dixieland Road and ultimately to its discharge point at the Arroyo Colorado. Location map is attached for your review. The city’s cost share is for the portion between Lincoln St. to the west side of Dixieland Road for an amount up to $342,194. The Drainage District No. 5 would be responsible for the portion from Dixieland Road south to the Arroyo Colorado, $152,390. The Harlingen Irrigation District No. will provide the labor and material. Attached is a copy of the Interlocal agreement with location maps.

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

Staff Recommendation:
Staff recommends approval of the interlocal agreement.

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

Comments:

City Attorney’s approval: ☐ Yes ☐ No ☐ N/A
EXHIBIT C
Maintenance Responsibilities – Dixieland Drain
Exhibit A

Dixieland Drain

Legend
- Existing Structure
- Proposed Structure
- Existing Ditch - COIL & TxDOT
- Existing Ditch - CCDD5
- Proposed Ditch Improvement
- Drainage Area
## EXHIBIT B

**Dixieland Drain - PROJECT COST SCHEDULE**

**SECTION 1 - Arroyo Colorado to Dixieland Road (west side)**  
**Responsible Party - Cameron County Drainage District No. 5**

<table>
<thead>
<tr>
<th>Description</th>
<th>Quantity</th>
<th>Unit</th>
<th>Unit Cost</th>
<th>Item Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Excavate to reprofile Cross Section (widening)</td>
<td>26,541</td>
<td>CY</td>
<td>$2.00</td>
<td>$53,082.00</td>
</tr>
<tr>
<td>Install 8' X 6' Reinforce Concrete Box - at Dixieland Rd.</td>
<td>122</td>
<td>LF</td>
<td>$814.00</td>
<td>$99,308.00</td>
</tr>
</tbody>
</table>

**Sub Total Cost to CCDD No. 5** $53,082.00

**SECTION 2 - Dixieland Road (west side) to Lincoln Street**  
**Responsible Party - City of Harlingen**

<table>
<thead>
<tr>
<th>Description</th>
<th>Quantity</th>
<th>Unit</th>
<th>Unit Cost</th>
<th>Item Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Excavate to reprofile Cross Section (widening)</td>
<td>28,412</td>
<td>CY</td>
<td>$2.00</td>
<td>$56,824.00</td>
</tr>
<tr>
<td>Install 8' X 6' Reinforce Concrete Box at Bothwell Rd</td>
<td>120</td>
<td>LF</td>
<td>$814.00</td>
<td>$97,680.00</td>
</tr>
<tr>
<td>Install 2 - 6' X 6' Reinforce Concrete Box at Gomez Rd</td>
<td>130</td>
<td>LF</td>
<td>$755.00</td>
<td>$98,150.00</td>
</tr>
<tr>
<td>Install 8' X 6' Reinforce Concrete Box at Garrett Rd</td>
<td>110</td>
<td>LF</td>
<td>$814.00</td>
<td>$89,540.00</td>
</tr>
</tbody>
</table>

**Sub Total Cost to City** $342,194.00
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: August 07, 2019

Agenda Item:
Public hearing to solicit comments from the public for or against the adoption of the City of Harlingen’s annual budget for fiscal year 2019-2020.

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

Brief Summary:
A public hearing is required to hear comments for or against the City’s proposed budget for fiscal year 2019-2020. This gives the citizens an opportunity to voice their comments on the proposed budget. State law requires that the proposed budget be filed with the City Secretary’s Office thirty days prior to the adoption of the budget for public inspection. The proposed budget was filed with the City Secretary in addition an electronic version has been posted on the City’s webpage under the “Financial Information and Reports” tab.

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:
No action is necessary for a public hearing.

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

Comments:

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

Meeting Date: August 07, 2019

Agenda Item:
First public hearing to hear comments for or against the proposed tax rate of $0.630000 per $100 in value for fiscal year 2019-2020.

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

Brief Summary:
The tax rate being proposed is $0.630000. This would be the first tax rate increase in fourteen years. Current tax rate is $0.588827. This tax rate has been factored into the proposed 2019-2020 budget, as presented to the City Commission. The Tax Code requires taxing units to hold two public hearings to adopt a tax rate that exceeds the effective tax rate. This is the first public hearing. A second public hearing will be scheduled for a Regular City Commission Meeting on Wednesday, August 21, 2019. After the public hearings, an ordinance adopting a tax rate will be drawn up and voted on in two readings. The first reading will be scheduled for a Regular City Commission Meeting on September 04, 2019 and a second reading will be scheduled for a Regular City Commission Meeting on September 18, 2019.

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:
No action is necessary for a public hearing.

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

Comments:

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

Meeting Date:  August 7, 2019

Agenda Item:
Consider and possible action on approving a reimbursement resolution expressing official intent to reimburse costs of drainage improvements from obligations to be issued by the City of Harlingen.

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

Brief Summary:
The city is contemplating issuing debt for drainage improvements in an aggregate maximum principal amount currently estimated not to exceed $4,700,000. This Resolution would allow the city to reimburse itself for any costs incurred for those drainage improvements prior to the time that the debt is issued. This Resolution is not an authorization to issue any debt and does not bind the city to issue debt in the future. Our financial advisor is looking at the city’s financials and will provide information at a later date to the city regarding the possibility of issuing any debt.

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
RESOLUTION NO. R: 2019-

RESOLUTION EXPRESSING OFFICIAL INTENT TO REIMBURSE COSTS OF PROJECT FROM OBLIGATIONS TO BE ISSUED BY THE CITY OF HARLINGEN AND OTHER MATTERS RELATED THERETO

THE STATE OF TEXAS
COUNTY OF CAMERON
CITY OF HARLINGEN

WHEREAS, the City Commission of the City of Harlingen, Texas (the "City") hereby determines that it is necessary and desirable to (a) construct drainage improvements within the City; and (b) pay fiscal, design and engineering fees in connection with such project (collectively, the "Project"); and

WHEREAS, the City expects that it will pay expenditures in connection with the Project prior to the issuance of obligations to finance the Project; and

WHEREAS, the City finds, considers, and declares that the reimbursement of the City for the payment of such expenditures will be appropriate and consistent with the lawful objectives of the City and, as such, chooses to declare its intention, in accordance with the provisions of Section 1.150-2 of the Treasury Regulations, to reimburse itself for such payments at such time as it issues obligations to finance the Project;

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

SECTION 1. EXPECTATION TO INCUR DEBT. The City reasonably expects to incur debt, as one or more series of obligations, with an aggregate maximum principal amount currently estimated not to exceed $4,700,000, to be used for the purpose of paying the costs of the Project.

SECTION 2. REIMBURSEMENT OF PRIOR EXPENDITURES. All costs to be reimbursed pursuant hereto will be capital expenditures within the meaning of Section 1.150-2 of the Treasury Regulations. No tax-exempt obligations will be issued by the City in furtherance of this Resolution after a date which is later than 18 months after the later of (1) the date the expenditures are paid or (2) the date on which the property, with respect to which such expenditures were made, is placed in service.

SECTION 3. THREE-YEAR LIMITATION FOR REIMBURSEMENT. The foregoing notwithstanding, no tax-exempt obligation will be issued pursuant to this Resolution more than three years after the date any expenditure which is to be reimbursed is paid.

SECTION 4. PUBLIC RECORD. The City Commission directs that this Resolution shall be maintained as a public record available for inspection by all persons in accordance with the provisions of Chapter 552, Texas Government Code, and that no later than 30 days after this date, this Resolution will be made available for inspection by all members of the general public at the offices of the City.
PASSED AND APPROVED BY THE CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS AT A REGULAR MEETING HELD ON THE 7th DAY OF AUGUST, AT WHICH MEETING A QUORUM WAS PRESENT.

Mayor, City of Harlingen, Texas

ATTEST:

City Secretary
City of Harlingen, Texas

(City Seal)

**  **  **  **  **
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: August 7, 2019

Agenda Item:
Consider and TAKE ACTION to adopt resolution to approve One Year Action Plan (Budget) for Fiscal Year 2019-2020 (Year 45) of the Community Development Block Grant (CDBG) Program and Fiscal Year 2019-2020 (Year 25) of the Home Investment Partnership Program (HOME).

Prepared By (Print Name): Tammy Jackson
Title: Community Development Director
Signature: [Signature]

Brief Summary:
In compliance with HUD regulations, the City Commission of the City of Harlingen approved the Proposed Budget for the One Year Action Plan on June 24, 2019. During the 30 day comment period, a Public Hearing was held on July 11, 2019, before the Community Development Advisory Board at which time they were available to listen to the various comments related to the One-Year Action Plan. A Public Comment Form was released to obtain comments; all comments will be included in the One Year Action Plan. Upon approval of the Resolution, the One Year Action Plan will be forwarded to the Department of Housing and Urban Development, at which time they will review the One Year Action Plan and if it is deemed acceptable, HUD will authorize the funding to begin on October 1, 2019.

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

- C.D.B.G. Allocation: $ 903,660.00
- HOME Allocation: $ 297,943.00
- Anticipated CDBG Program Income (from Rehabilitation Assistance Loans to City): $ 35,912.14
- Anticipated CDBG Program Income (loans paid to HCDC): $ 12,145.23
- Combined Total Allocation: $1,249,660.37

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 R2019-__

STATE OF TEXAS
COUNTY OF CAMERON

WHEREAS, pursuant to the laws of the United States of America, the United States Government has allocated to the City of Harlingen, Texas, the sum of $903,660.00 in Community Development Block Grant funds (CDBG) for the 2019-20 Entitlement year and the City has identified an amount of $35,912.14 received by the City in CDBG revolving loan funds; $12,145.23 in CDBG funds to be received by Harlingen Community Development Corporation; for a total CDBG funds in the amount of $951,717.37; and

WHEREAS, the United States Government has additionally allocated the sum of $297,943.00 in Home Investment Partnership Program funds (HOME) to the City as a Participating Jurisdiction for the Entitlement Year; said funds constituting CDBG Funds and HOME Funds from the U. S. Department of Housing and Urban Development to the City of Harlingen; to be used by the City in the implementation and completion of Community Development Programs as specified in the application for said funds; and

WHEREAS, pursuant to the provisions attendant with such grant funds, the City Manager of Harlingen budgeted and programmed the expenditures of such funds for various approved projects and public works for the City of Harlingen, including public services and planning and management development; all to be funded from the aforesaid CDBG and HOME Grants, as being funds surplus and wholly in addition to all other revenues and sources of funds of the City of Harlingen for Fiscal Year 2019-20; said City Manager having submitted such budget and proposed expenditures of such funds to the Mayor and Elective Commission of the City of Harlingen; and

WHEREAS, the Community Development Advisory Board through public hearings, and the Mayor and Elective Commission having reviewed and considered such proposed budget and expenditures for the 2019-20 period as submitted, in the form of a budget to the public on June 24, 2019, (through a public hearing); and

WHEREAS, the public hearing was held on the 24th day of June, 2019, at a special City Commission meeting at 5:30 p.m. as posted, and said budget was discussed and all interested persons were given an opportunity to be heard on any matter relative thereto, and all interested persons were heard; and there being no other persons seeking to be heard with reference to any matter concerning said public hearing was closed on the 24th day of June, 2019; and

WHEREAS, prior to final adoption of the One Year Action Plan by the City Commission, an additional public hearing was held July 11, 2019, in the Conference Room of the Lon C. Hill Building at 5:30 p.m. by the Community Development Advisory Board during the required 30 day comment period to obtain citizen comments; and

WHEREAS, upon receipt of the Request For Release of Funds and Removal of Grant Conditions from the U.S. Department of Housing and Urban Development, the City Manager of the City of Harlingen is authorized to execute agreements for subrecipients approved in the 2018-19 One Year Action Plan as required by HUD; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF HARLINGEN:
That the Community Development Block Grant and HOME Funds Budget for the City of Harlingen, appropriating funds only for the programs set forth in the "CDBG and HOME Funds---2019-2020 Budget", in the total amount of $1,249,660.37; a copy of said budget being attached as Exhibit "A" and more clearly identified within the CITY OF HARLINGEN ONE YEAR ACTION PLAN and the same is hereby adopted as the funds and expenditures listed under the 2019-2020 budget in connection with the receipt of the aforesaid CDBG and HOME funds, and the regulatory required budgeting and disposition thereof; all being separate and apart from the regular fiscal year budget of the City of Harlingen.

CONSIDERED AND ADOPTED this __7th___ day of August ___, 2019, at a regular meeting of the Elective Commission of the City of Harlingen at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, TITLE 5, SUBTITLE A., CHAPTER 551, enacted by Acts 1993, 73rd Leg., ch. 268, S 1, effective September 1, 1993.

CITY OF HARLINGEN

BY: ___________________________

Chris Boswell, MAYOR

ATTEST

______________________________
Amanda Elizondo, City Secretary
EXHIBIT "A"

C.D.B.G. AND HOME FUNDS
PROPOSED 2019-2020 ONE YEAR ACTION PLAN BUDGET

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>C.D.B.G. Allocation</td>
<td>$903,660.00</td>
</tr>
<tr>
<td>HOME Allocation</td>
<td>$297,943.00</td>
</tr>
<tr>
<td>Anticipated Program Income (from Housing Assistance Loans to City)</td>
<td>$35,912.14</td>
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<tr>
<td>Anticipated Program Income (to HCDC)</td>
<td>$12,145.23</td>
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<td><strong>Combined Total Allocations</strong></td>
<td><strong>$1,249,660.37</strong></td>
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<tr>
<td>03F - Parks, Recreation Facilities – Hunter Park Improvements</td>
<td>$150,929.00</td>
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<tr>
<td>03K - Public Facilities – Street Improvements (Los Vecinos Area)</td>
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<td>04 - Clearance &amp; Demolition</td>
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<tr>
<td>05A - Public Services (Seniors) Amigos del Valle</td>
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<tr>
<td>05A - Public Services (Seniors) Area Agency on Aging</td>
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<tr>
<td>05D - Public Services (Youth) Boys &amp; Girls Club</td>
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<tr>
<td>05N - Public Services (Abused Children) CASA</td>
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<tr>
<td>05N - Public Services (Abused Children) Family Crisis Center</td>
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<td>05M - Public Services (Health) Sunshine Haven</td>
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<tr>
<td>14A - Housing Rehabilitation Program</td>
<td>$214,500.00</td>
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<tr>
<td>14H - Housing Rehabilitation Administration</td>
<td>$42,000.00</td>
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<tr>
<td>21A - General Administration</td>
<td>$180,732.00</td>
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<td><strong>Total CDBG Funding</strong></td>
<td><strong>$903,660.00</strong></td>
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<tr>
<td>12 - HOME-Affordable Housing Programs (Habitat for Humanity)</td>
<td>$90,000.00</td>
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<tr>
<td>12 - HOME-Affordable Housing Programs -CITY</td>
<td>$133,543.00</td>
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<tr>
<td>12 - HOME - CHDO Set-Aside</td>
<td>$44,700.00</td>
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<tr>
<td>21H - HOME-Administrative Support</td>
<td>$29,700.00</td>
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<tr>
<td><strong>Total HOME Funding</strong></td>
<td><strong>$297,943.00</strong></td>
</tr>
<tr>
<td>14A - Housing Rehabilitation (anticipated RL program income)</td>
<td>$35,912.14</td>
</tr>
<tr>
<td>12 - Construction of Housing (anticipated AHP-RL Program Income)</td>
<td>$12,145.23</td>
</tr>
<tr>
<td><strong>Total Anticipated Program Income</strong></td>
<td><strong>$48,057.37</strong></td>
</tr>
<tr>
<td><strong>Total Funding Requests</strong></td>
<td><strong>$1,249,660.37</strong></td>
</tr>
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</table>
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: **August 7, 2019**

**Agenda Item:** Consideration and possible action to award a loan utilizing Community Development Block Grant funds to provide for the home reconstruction for Mr. and Mrs. Ramirez for their home located at 1126 N. Sunset Drive.

**Prepared By (Print Name):** Tammy Jackson  
**Title:** Community Development Director  
**Signature:** [Signature]

**Brief Summary:**
The Community Development Department provides Housing Reconstruction financial assistance in the form of loans utilizing HUD funding. This program is designed to execute the demolition of dilapidated or substandard owner occupied housing units that are unsuitable for rehabilitation through the Community Development’s Housing Rehabilitation/Reconstruction program, and construct new homes on the same footprint.

On behalf of the homeowners, Community Development Staff established housing reconstruction bid specifications. A Notice to Bidders was published in the Valley Morning Star and posted on our web site to receive bids for the cost to build a 2 bedroom, 2 bath home. The notice was sent via email to over 50 companies on our bid list (in addition to the publications and postings), 6 companies either picked up or requested a bid packet be emailed, of which 3 companies responded to the call for bids.

The Community Development Department requests authorization to provide assistance to the homeowners for the reconstruction of this home. Attached is the bid tabulation sheet established during the bid opening.

For elderly head of household applicants over the age of 71, the first $25,000.00 is forgiven annually at a rate of 1/5th and the rate of 1/10th for any remaining balance.

For disabled head of households, the first $18,000.00 is forgiven annually at a rate of 1/10th and the remaining balance will be in the form of a loan to be paid monthly.

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

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

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

**Staff Recommendation:**
Approve assistance to Mr. and Mrs. Ramirez to the lowest responsible bidder, Border Construction.

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

**Comments:**

City Attorney’s approval: [ ] Yes [ ] No [ ] N/A
HOUSING RECONSTRUCTION APPLICANT INFORMATION

Home constructed will be a 2 bedroom brick home with two bath, ceramic flooring, and central air and heat. In addition to the construction and demolition costs, homeowners will receive a grant for all soft costs such as recording fees, environmental documents, recording fees, inspections, and property insurance (first year only).

Applicant: Mr. Ranulfo Ramirez and Mrs. Elizabeth Ramirez, elderly head of household
Address: 1126 N. Sunset, Harlingen, TX

Family size: 2

Assistance Type: Gran, Deferred Loan, and Reconstruction Loan (1% interest)

<table>
<thead>
<tr>
<th>Low Bid Amount</th>
<th>$58,500.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Demolition of existing structure</td>
<td>$ 3,500.00</td>
</tr>
<tr>
<td>Total Construction Costs</td>
<td>$62,000.00</td>
</tr>
</tbody>
</table>

Form of assistance:
- Demolition Grant $3,500.00
- Deferred Loan (5 years) (forgiven @ $5,000.00 per year) $25,000.00
- Low Interest Loan (1%) for 20 years $33,500.00
  $62,000.00

Applicant must reside in the home for 5 years at a minimum or until the low interest loan is paid in full (20 years), whichever is later. Taxes and insurance will be escrowed through the Community Development Department.

COMMUNITY DEVELOPMENT DEPARTMENT
502 E. TYLER, HARLINGEN, TX 78550

HOUSING REHABILITATION/RECONSTRUCTION PROGRAM
BID OPENING – July 16, 2019 @ 2:00 PM

<table>
<thead>
<tr>
<th>Lowest Responsible Bidder</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>G &amp; G Contractors</th>
<th>Border Construction</th>
<th>Reill Transport LLC</th>
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</thead>
<tbody>
<tr>
<td><strong>Project</strong></td>
<td><strong>Bid Amount</strong></td>
<td><strong>Bid Amount</strong></td>
</tr>
<tr>
<td>1126 N. Sunset Drive</td>
<td>$6,000.00</td>
<td>$3,500.00</td>
</tr>
<tr>
<td>970 square foot brick home</td>
<td>$65,600.00</td>
<td>$58,500.00</td>
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<tr>
<td><strong>Demolition</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Reconstruction</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Construction/Demolition Costs</td>
<td>$71,600.00</td>
<td>$62,000.00</td>
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</tbody>
</table>
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: August 7, 2019

Agenda Item:
Consideration and possible action on adopting an ordinance approving the negotiated resolution between the City of Harlingen and Texas Gas Service regarding the company's April 30, 2019 Cost of Service Adjustment filing, declaring existing rates to be unreasonable, adopting new tariffs that reflect rate adjustments consistent with the negotiated settlement and providing for the recovery of the City's reasonable and necessary rate case expenses.

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

Brief Summary:
On April 30, 2019 Texas Gas Service (TGS) Company filed a rate increase pursuant to the Cost of Service Adjustment (COSA) tariff adopted by the Rio Grande Valley Service Area Cities. TGS claimed an entitlement to rate relief under the tariff in the amount of $2,161,343 on a system-wide basis. Attorney, Thomas Brocato, and consultant, Karl Nalepa, were able to secure a reduced tariff of $2,087,516 on a system wide basis. This represents a reduction of $73,827. Staff recommends approval of the ordinance.

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

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
ORDINANCE NO. 2019--

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HARLINGEN, TEXAS, HARLINGEN APPROVING A NEGOTIATED RESOLUTION BETWEEN THE CITY AND TEXAS GAS SERVICE ("TGS" OR "THE COMPANY") REGARDING THE COMPANY’S APRIL 30, 2019 COST OF SERVICE ADJUSTMENT ("COSA") FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING NEW TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; PROVIDING FOR THE RECOVERY OF THE CITY’S AND TGS’ REASONABLE AND NECESSARY RATE CASE EXPENSES; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; REPEALING ANY PRIOR ORDINANCES INCONSISTENT WITH THIS ORDINANCE AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY’S AND THE CITY’S LEGAL COUNSEL.WHEREAS, THE CITY OF HARLINGEN, TEXAS ("CITY") IS A GAS UTILITY CUSTOMER OF TEXAS GAS SERVICE ("TGS" OR "THE COMPANY"), AND A REGULATORY AUTHORITY WITH AN INTEREST IN THE RATES AND CHARGES OF TGS; AND

WHEREAS, pursuant to the terms of the agreement settling TGS’ 2017 Statement of Intent to increase rates, to which City was a signatory, the City and other municipalities within the Rio Grande Valley Service Area and TGS worked collaboratively to develop the Cost of Service Adjustment ("COSA") tariff that allows for an expedited comprehensive rate review process; and

WHEREAS, on or about April 30, 2019, TGS filed with the City a COSA tariff seeking to increase natural gas rates to all customers residing in the City; and

WHEREAS, the Company has requested a system-wide increase of $2,161,343; and

WHEREAS, the City coordinated a review of TGS’ COSA filing and designated attorneys and consultants to resolve issues in the Company’s COSA filing; and

WHEREAS, the Company has filed evidence that existing rates are unreasonable and should be changed; and

WHEREAS, independent analysis by the City’s rate expert concluded that TGS is able to justify an increase over current rates; and

WHEREAS, the City’s attorney and consultant recommend that the City approve the Settlement Agreement reflecting increased revenues of $2,087,516 on a system-wide basis; and

WHEREAS, the attached tariffs implementing new rates are consistent with the negotiated resolution reached by the City and are just, reasonable, and in the public interest; and

WHEREAS, the negotiated resolution of the Company’s COSA filing and the resulting rates are, as a whole, in the public interest; and
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
HARLINGEN, TEXAS:

Section 1. That the City Council finds that the existing rates for natural gas service
provided by TGS are unreasonable and the new tariffs implementing this Ordinance, which are
attached hereto and incorporated herein as Attachment A, are just and reasonable and are
hereby adopted.

Section 2. That a rate increase of $2,087,516 on a system-wide basis is reasonable.

Section 3. That TGS shall reimburse the reasonable ratemaking expenses of the City in
processing the Company’s rate application.

Section 4. That to the extent any resolution or ordinance previously adopted by the
Council is inconsistent with this Ordinance, it is hereby repealed.

Section 5. That the meeting at which this Ordinance was approved was in all things
conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code,
Chapter 551.

Section 6. That if any one or more sections or clauses of this Ordinance is adjudged to
be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining
provisions of this Ordinance and the remaining provisions of the Ordinance shall be interpreted
as if the offending section or clause never existed.

Section 7. That the tariffs attached as Attachment A to this Ordinance shall become
effective for meters read on and after July 29, 2019 consistent with the COSA tariff.

Section 8. That a copy of this Ordinance shall be sent to TGS, care of Stephanie Houle,
1301 South Mopac, Suite 400, Austin, Texas 78746, and to Thomas L. Brocato, Special
Counsel to the City, at Lloyd Gosselin Rochelle & Townsend, P.C., 816 Congress Avenue,
Suite 1900, Austin, Texas 78701.

PASSED AND APPROVED this 7TH day of August 2019.

CITY OF HARLINGEN

ATTEST: ___________________________________________  Chris Boswell, Mayor

Amanda C. Elizondo, City Secretary

APPROVED AS TO FORM:

______________________________
Ric Navarro, City Attorney
RIO GRANDE VALLEY SERVICE AREA COST OF SERVICE ADJUSTMENT
FILED BY TEXAS GAS SERVICE COMPANY ON APRIL 30, 2019

SETTLEMENT AGREEMENT

This Settlement Agreement is entered into by and between Texas Gas Service Company ("TGS" or the "Company") and the cities of TGS’s Rio Grande Valley Service Area ("RGVSA"), which includes the Cities of Alamo, Alton, Brownsville, Combes, Donna, Edcouch, Edinburg, Elsa, Harlingen, Hidalgo, La Feria, La Joya, La Villa, Laguna Vista, Los Fresnos, Lyford, McAllen, Mercedes, Mission, Palm Valley, Palmhurst, Palmview, Penitas, Pharr, Port Isabel, Primera, Progreso, Rancho Viejo, Raymondville, Rio Hondo, San Benito, San Juan, Santa Rosa, and Weslaco, Texas (collectively, "RGVSA Cities").

WHEREAS, this Settlement Agreement resolves all issues relating to the Cost of Service Adjustment ("COSA") filed with the RGVSA Cities on April 30, 2019, in a manner that TGS and the RGVSA Cities (collectively, the "Signatories") believe is consistent with the public interest, and the Signatories represent diverse interests;

WHEREAS, the Signatories believe that an appeal from municipal action on the filed COSA adjustment would be time-consuming and entail substantial additional expense for all parties and that the public interest will be served by adoption of an ordinance consistent with this Settlement Agreement;

NOW, THEREFORE, in consideration of the mutual agreements and covenants established herein, the Signatories, through their undersigned representatives, agree to and recommend for approval by the RGVSA Cities the following Settlement Terms as a means of fully resolving all issues raised in the April 30, 2019 COSA Adjustment filed by TGS with the RGVSA Cities:

Settlement Terms

1. The Signatories agree that the system-wide $2,087,516 revenue increase, of which $1,921,708 is attributable to the RGVSA incorporated, is a "black box" figure and is not tied to any specific expense in TGS’s underlying cost of service. The Signatories agree to the rates, terms and conditions reflected in the tariffs attached to this Settlement Agreement as Exhibit A. Said tariffs should allow TGS an additional $1,921,708 in annual revenue as illustrated in the proof of revenues attached as part of Exhibit B to the Settlement Agreement. The Signatories further agree that the rates, terms and conditions reflected in Exhibit A to this Settlement Agreement comply with the rate-setting requirements of Chapter 104 of the Texas Utilities Code. The rates, terms and conditions established by this Settlement Agreement shall take effect with the first billing cycle of August 2019, meters read on or after July 29, 2019.

2. The Signatories agree that the revenue increase shall result in the following rate increase, rates and bill impacts per customer class:
<table>
<thead>
<tr>
<th>Customer Class</th>
<th>Current Monthly Customer Charge</th>
<th>Settlement Monthly Customer Charge</th>
<th>Monthly Customer Charge Increase</th>
<th>Current Volumetric (per Ccf) Rate</th>
<th>Settlement Volumetric (per Ccf) Rate</th>
<th>Volumetric (per Ccf) Increase</th>
<th>RGVSA Average Monthly Customer Bill Increase</th>
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<td>- FIRST 5,000 Ccf</td>
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<td>- OVER 5,000 Ccf</td>
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<td>- OVER 5,000 Ccf</td>
<td>$408.40</td>
<td>$423.84</td>
<td>$15.44</td>
<td>$0.02</td>
<td>$0.02</td>
<td>$0.00</td>
<td>$15.44</td>
</tr>
<tr>
<td>INDUSTRIAL</td>
<td>$218.74</td>
<td>$338.83</td>
<td>$120.09</td>
<td>$0.30</td>
<td>$0.30</td>
<td>$0.00</td>
<td>$120.09</td>
</tr>
<tr>
<td>INDUSTRIAL STANDARD</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TRANSPORT - FIRST 5,000 Ccf</td>
<td>$468.74</td>
<td>$588.83</td>
<td>$120.09</td>
<td>$0.30</td>
<td>$0.30</td>
<td>$0.00</td>
<td>$120.09</td>
</tr>
<tr>
<td>INDUSTRIAL STANDARD</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TRANSPORT - OVER 5,000 Ccf</td>
<td>$468.74</td>
<td>$588.83</td>
<td>$120.09</td>
<td>$0.03</td>
<td>$0.03</td>
<td>$0.00</td>
<td>$120.09</td>
</tr>
</tbody>
</table>

3. The Signatories agree to defer determination of the reasonableness and necessity of establishing a captive insurance provider and related costs to the next comprehensive base rate case proceeding in which base rates for the RGVSA are determined.

4. The Signatories agree that TGS will address excess accumulated deferred income tax ("EDIT") resulting from the reduction to the federal income tax rate due to the Tax Cuts and Jobs Act of 2017 in a filing with the RGVSA Cities by or before TGS’s next COSA filing.

5. TGS agrees to reimburse the RGVSA Cities for their previously-incurred reasonable and necessary legal and consultant expenses associated with TGS’s 2019 COSA Adjustment filed with the RGVSA Cities on April 30, 2019. Such reimbursement shall be made on or before thirty (30) days from rate implementation and upon the Company receiving legal invoices or other documentation reflecting the City’s incurred costs. The Signatories agree that TGS is entitled to recover its reasonable expenses associated with the 2019 COSA filing with the RGVSA Cities, as well as those expenses reimbursed to the RGVSA Cities in connection with this filing, through a volumetric surcharge, and that such amount shall not be included in the calculation of the 5% cap limiting the amount of any future COSA Adjustment.

6. The Signatories agree that all negotiations, discussion, conferences and drafts related to the Settlement Agreement are confidential, inadmissible, and not relevant to prove any
issues associated with the 2019 COSA Adjustment filed by TGS with the RGVSA Cities pursuant to Texas law.

7. The Signatories agree that neither this Settlement Agreement nor any oral or written statements made during the course of settlement negotiations may be used for any purpose other than as necessary to support the entry by the RGVSA Cities of an ordinance or resolution implementing this Settlement Agreement.

8. The Signatories agree that this Settlement Agreement is binding on each Signatory only for the purpose of settling the issues set forth herein and for no other purposes, and except to the extent the Settlement Agreement governs a Signatory’s rights and obligations for future periods, this Settlement Agreement shall not be binding or precedential upon any Signatory outside this proceeding.

9. The Signatories agree that this Settlement Agreement may be executed in multiple counterparts and may be filed with facsimile signatures.

Agreed to this 14th day of July 2019.

TEXAS GAS SERVICE COMPANY

By: ____________________
Stephanie G. Houle
Attorney for Texas Gas Service Company

RIO GRANDE VALLEY SERVICE AREA CITIES

By: ____________________
Thomas Brocato
Attorney for the City of McAllen and certain other Rio Grande Valley Service Area Cities
RESIDENTIAL SERVICE RATE

APPLICABILITY

Applicable to a residential customer in a single dwelling, or in a dwelling unit of a multiple dwelling or residential apartment, for domestic purposes. A residential consumer includes an individually-metered residential unit or dwelling that is operated by a public housing agency acting as an administrator of public housing programs under the direction of the U.S. Department of Housing and Urban Development. This rate is only available to full requirements customers of Texas Gas Service Company, a Division of ONE Gas, Inc.

TERRITORY

The Rio Grande Valley Service Area includes the incorporated areas of Alamo, Alton, Brownsville, Combes, Donna, Edcouch, Edinburg, Elsa, Harlingen, Hidalgo, La Feria, La Joya, La Villa, Laguna Vista, Los Fresnos, Lyford, McAllen, Mercedes, Mission, Palm Valley, Palmhurst, Palmview, Penitas, Pharr, Port Isabel, Primera, Progreso, Rancho Viejo, Raymondville, Rio Hondo, San Benito, San Juan, Santa Rosa, and Weslaco, Texas.

COST OF SERVICE RATE

During each monthly billing period:

A Customer Charge per meter per month of $16.52 plus

\[ \text{All Ccf @} \quad \text{0.45777 per Ccf} \]

OTHER ADJUSTMENTS

Cost of Gas Component: The basic rates for cost of service set forth above shall be increased by the amount of the Cost of Gas Component for the billing month computed in accordance with the provisions of Rate Schedule 1-INC.

Weather Normalization Adjustment: The billing shall reflect adjustments in accordance with the provisions of the Weather Normalization Adjustment Clause, Rate Schedule WNA.

Energy Efficiency Program: Adjustments in accordance with the provisions of the Energy Efficiency Program, Rate Schedule 1EE, if applicable.

Pipeline Integrity Testing Rider: The billing shall reflect adjustments in accordance with provisions of the Pipeline Integrity Testing Rider, Rate Schedule PIT.

Rate Schedule RCE: Adjustments in accordance with provisions of the Rate Case Expense Surcharge Rider.

Taxes: Plus applicable taxes and fees (including franchises fees) related to above.

CONDITIONS

Subject to all applicable laws and orders, and the Company’s rules and regulations on file with the regulatory authority

Supersedes Same Sheet Dated
July 26, 2018

Meters Read On and After
July 29, 2019
COMMERCIAL SERVICE RATE

APPLICABILITY

Applicable to commercial consumers and to consumers not otherwise specifically provided for under any other rate schedule. This rate is only available to full requirements customers of Texas Gas Service Company, a Division of ONE Gas, Inc.

TERRITORY

The Rio Grande Valley Service Area includes the incorporated areas of Alamo, Alton, Brownsville, Combes, Donna, Edcouch, Edinburg, Elsa, Harlingen, Hidalgo, La Feria, La Joya, La Villa, Laguna Vista, Los Fresnos, Lyford, McAllen, Mercedes, Mission, Palm Valley, Palmhurst, Palmview, Penitas, Pharr, Port Isabel, Primera, Progreso, Rancho Viejo, Raymondville, Rio Hondo, San Benito, San Juan, Santa Rosa, and Weslaco, Texas.

COST OF SERVICE RATE

During each monthly billing period:

A Customer Charge per meter per month of

- $81.35 plus (For Commercial Service)
- $63.35 plus (For Church Service)

All Ccf @

- $0.31650 per Ccf

OTHER ADJUSTMENTS

Cost of Gas Component: The basic rates for cost of service set forth above shall be increased by the amount of the Cost of Gas Component for the billing month computed in accordance with the provisions of Rate Schedule 1-INC.

Weather Normalization Adjustment: The billing shall reflect adjustments in accordance with the provisions of the Weather Normalization Adjustment Clause, Rate Schedule WNA.

Energy Efficiency Program: Adjustments in accordance with the provisions of the Energy Efficiency Program, Rate Schedule 1EE, if applicable.

Pipeline Integrity Testing Rider: The billing shall reflect adjustments in accordance with provisions of the Pipeline Integrity Testing Rider, Rate Schedule PIT.

Rate Schedule RCE: Adjustments in accordance with provisions of the Rate Case Expense Surcharge Rider.

Taxes: Plus applicable taxes and fees (including franchises fees) related to above.

CONDITIONS

Subject to all applicable laws and orders, and the Company’s rules and regulations on file with the regulatory authority.

Supersedes Same Sheet Dated
July 26, 2018

Meters Read On and After
July 29, 2019
INDUSTRIAL SERVICE RATE

APPLICABILITY

Applicable to any qualifying industrial customer whose primary business activity at the location served is included in one of the following classifications of the Standard Industrial Classification Manual of the U.S. Government.

Division B - Mining - all Major Groups
Division D - Manufacturing - all Major Groups
Divisions E and J - Utility and Government - facilities generating power for resale only

TERRITORY

The Rio Grande Valley Service Area includes the incorporated areas of Alamo, Alton, Brownsville, Combes, Donna, Edcouch, Edinburg, Elsa, Harlingen, Hidalgo, La Feria, La Joya, La Villa, Laguna Vista, Los Fresnos, Lyford, McAllen, Mercedes, Mission, Palm Valley, Palmhurst, Palmview, Peñitas, Pharr, Port Isabel, Primera, Progreso, Rancho Viejo, Raymondville, Rio Hondo, San Benito, San Juan, Santa Rosa, and Weslaco, Texas.

COST OF SERVICE RATE

During each monthly billing period:

A Customer Charge per meter per month of $338.83 plus

All Ccf @ $0.30336 per Ccf

OTHER ADJUSTMENTS

Cost of Gas Component: The basic rates for cost of service set forth above shall be increased by the amount of the Cost of Gas Component for the billing month computed in accordance with the provisions of Rate Schedule 1-INC.

Pipeline Integrity Testing Rider: The billing shall reflect adjustments in accordance with provisions of the Pipeline Integrity Testing Rider, Rate Schedule PIT.

Rate Schedule RCE: Adjustments in accordance with provisions of the Rate Case Expense Surcharge Rider.

Taxes: Plus applicable taxes and fees (including franchises fees) related to above.

CONDITIONS

Subject to all applicable laws and orders, and the Company’s rules and regulations on file with the regulatory authority.
PUBLIC AUTHORITY SERVICE RATE

APPLICABILITY

Applicable to any qualifying public authority, public and parochial schools and colleges, and to all facilities operated by Governmental agencies not specifically provided for in other rate schedules or special contracts. This rate is only available to full requirements customers of Texas Gas Service Company, a Division of ONE Gas, Inc.

TERRITORY

The Rio Grande Valley Service Area includes the incorporated areas of Alamo, Alton, Brownsville, Combes, Donna, Edcouch, Edinburg, Elsa, Harlingen, Hidalgo, La Feria, La Joya, La Villa, Laguna Vista, Los Fresnos, Lyford, McAllen, Mercedes, Mission, Palm Valley, Palmhurst, Palmview, Penitas, Pharr, Port Isabel, Primera, Progreso, Rancho Viejo, Raymondville, Rio Hondo, San Benito, San Juan, Santa Rosa, and Weslaco, Texas.

COST OF SERVICE RATE

During each monthly billing period:

A Customer Charge per meter per month of $68.84 plus

All Ccf @ $0.38068 per Ccf

OTHER ADJUSTMENTS

Cost of Gas Component: The basic rates for cost of service set forth above shall be increased by the amount of the Cost of Gas Component for the billing month computed in accordance with the provisions of Rate Schedule 1-INC.

Weather Normalization Adjustment: The billing shall reflect adjustments in accordance with the provisions of the Weather Normalization Adjustment Clause, Rate Schedule WNA.

Pipeline Integrity Testing Rider: The billing shall reflect adjustments in accordance with provisions of the Pipeline Integrity Testing Rider, Rate Schedule PIT.

Rate Schedule RCE: Adjustments in accordance with provisions of the Rate Case Expense Surcharge Rider.

Taxes: Plus applicable taxes and fees (including franchises fees) related to above.

CONDITIONS

Subject to all applicable laws and orders, and the Company’s rules and regulations on file with the regulatory authority.
TRANSPORTATION SERVICE RATE

APPLICABILITY

Applicable to customers who have elected Transportation Service not otherwise specifically provided for under any other rate schedule.

Service under this rate schedule is available for the transportation of customer-owned natural gas through Texas Gas Service Company, a Division of ONE Gas, Inc.’s (the “Company”) distribution system. The customer must arrange with its gas supplier to have the customer’s gas delivered to one of the Company’s existing receipt points for transportation by the Company to the customer’s facilities at the customer’s delivery point. The receipt points shall be specified by the Company at its reasonable discretion, taking into consideration available capacity, operational constraints, and integrity of the distribution system.

AVAILABILITY

Natural gas service under this rate schedule is available to any individually metered, non-residential customer for the transportation of customer owned natural gas through the Company’s Rio Grande Valley distribution system which includes the incorporated areas of Alamo, Alton, Brownsville, Combes, Donna, Edcouch, Edinburg, Elsa, Harlingen, Hidalgo, La Feria, La Joya, La Villa, Laguna Vista, Los Fresnos, Lyford, McAllen, Mercedes, Mission, Palm Valley, Palmhurst, Palmview, Penitas, Pharr, Port Isabel, Primera, Progreso, Rancho Viejo, Raymondville, Rio Hondo, San Benito, San Juan, Santa Rosa, and Weslaco, Texas. Such service shall be provided at any point on the Company’s System where adequate capacity and gas supply exists, or where such capacity and gas supply can be provided in accordance with the applicable rules and regulations and at a reasonable cost as determined by the Company in its sole opinion.

COST OF SERVICE RATE

During each monthly billing period, a customer charge per meter per month listed by customer class as follows:

<table>
<thead>
<tr>
<th>Class</th>
<th>Charge</th>
<th>per month</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial</td>
<td>$423.35</td>
<td></td>
</tr>
<tr>
<td>Industrial</td>
<td>$588.83</td>
<td></td>
</tr>
<tr>
<td>Public Authority</td>
<td>$423.84</td>
<td></td>
</tr>
</tbody>
</table>

Plus – All Ccf per monthly billing period listed by customer class as follows:

<table>
<thead>
<tr>
<th>Class</th>
<th>Rate</th>
<th>per Ccf</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial</td>
<td>The First 5000 Ccf @</td>
<td>$0.31650 per Ccf</td>
</tr>
<tr>
<td></td>
<td>All Over 5000 Ccf @</td>
<td>$0.01777 per Ccf</td>
</tr>
</tbody>
</table>

Supersedes Same Schedule Dated
July 26, 2018

Meters Read On and After
July 29, 2019
TRANSPORTATION SERVICE RATE
(Continued)

Industrial
The First 5000 Ccf @ $0.30336 per Ccf
All Over 5000 Ccf @ $0.03453 per Ccf

Public Authority
The First 5000 Ccf @ $0.38068 per Ccf
All Over 5000 Ccf @ $0.01595 per Ccf

ADDITIONAL CHARGES

1) A charge will be made each month to recover the cost of taxes paid to the State of Texas pursuant to Texas Utilities Code, Chapter 122 as such may be amended from time to time which are attributable to the transportation service performed hereunder.

2) A charge will be made each month to recover the cost of any applicable franchise fees paid to the cities.

3) In the event the Company incurs a demand or reservation charge from its gas supplier(s) or transportation providers in the unincorporated areas of the Rio Grande Valley Service Area, the customer may be charged its proportionate share of the demand or reservation charge based on benefit received by the customer.

4) Adjustments in accordance with provisions of the Rate Case Expense Surcharge Rider RCE.

5) The billing shall reflect adjustments in accordance with provisions of the Pipeline Integrity Testing Rider, Rate Schedule PIT.

SUBJECT TO

1) Tariff T-TERMS, General Terms and Conditions for Transportation.

2) Transportation of natural gas hereunder may be interrupted or curtailed at the discretion of the Company in case of shortage or threatened shortage of gas supply from any cause whatsoever, to conserve gas for residential and other higher priority customers served. The curtailment priority of any customer served under this schedule shall be the same as the curtailment priority established for other customers served pursuant to the Company’s rate schedule which would otherwise be available to such customer.

3) Subject to all applicable laws and orders, and the Company’s rules and regulations on file with the regulatory authority.

Supersedes Same Schedule Dated
July 26, 2018

Meters Read On and After
July 29, 2019
### Exhibit B - Proof of Revenues

<table>
<thead>
<tr>
<th>LINE NO.</th>
<th>CUSTOMER CLASS</th>
<th>PERCENT OF REVENUES PER RG/S Agreement</th>
<th>ANNUAL REV REG INCREASE</th>
<th>ANNUAL BILLS CHARGE INCREASE</th>
<th>Monthly Customer Charge Increase</th>
<th>Total Customer Charge Increase</th>
<th>ANNUAL VOLUMES</th>
<th>VOLUMETRIC INCREASE/DECREASE</th>
<th>Total Increase/Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Residential</td>
<td>55.71%</td>
<td>$1,162,955</td>
<td>733,088</td>
<td>0.50</td>
<td>$366,544</td>
<td>9,078,107</td>
<td>0.08772</td>
<td>$796,411</td>
</tr>
<tr>
<td>2</td>
<td>Commercial and Commercial</td>
<td>33.42%</td>
<td>997,668</td>
<td>463,821</td>
<td>15.04</td>
<td>697,668</td>
<td>20,934,616</td>
<td></td>
<td>$697,668</td>
</tr>
<tr>
<td>3</td>
<td>Standard Transport</td>
<td>4.68%</td>
<td>97,096</td>
<td>6,326</td>
<td>15.44</td>
<td>97,096</td>
<td>3,108,418</td>
<td></td>
<td>$97,096</td>
</tr>
<tr>
<td>4</td>
<td>Authority Standard Transport</td>
<td>6.19%</td>
<td>139,317</td>
<td>1,076</td>
<td>1.00</td>
<td>129,317</td>
<td>9,049,023</td>
<td></td>
<td>$129,317</td>
</tr>
<tr>
<td>5</td>
<td>Grand Total</td>
<td>100.00%</td>
<td>$2,087,516</td>
<td>786,872</td>
<td>151</td>
<td>$1,191,655</td>
<td>47,779,565</td>
<td></td>
<td>$796,411</td>
</tr>
<tr>
<td>6</td>
<td>Annual Revenue Requirement Increase</td>
<td></td>
<td>$2,087,516</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Total Base Revenues</td>
<td></td>
<td>20,738,327</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Revenue Requirement plus Gross up for</td>
<td></td>
<td>$50,875,843</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note 1: Cost of Service Adjustment Clause: Rate Schedule 1-1 Section C states: "The first $0.50 of the residential rate adjustment shall be included in the residential monthly Customer Charge of the applicable rate schedules with the excess of that amount applied to the Commodity Charge. The rate adjustment shall be included in the monthly Customer Charge of all other applicable rate schedules."

<table>
<thead>
<tr>
<th>Line No.</th>
<th>Customer Class</th>
<th>Total AnnualRG/S Agreement</th>
<th>Incorporated Area</th>
<th>Area Average</th>
<th>Environments Annual Bill Count</th>
<th>Bill Count CY 2018</th>
<th>2018</th>
<th>Total Required Increase</th>
<th>Incorporated Area Required Increase</th>
<th>Environments Required Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Residential</td>
<td>733,088</td>
<td>692,243</td>
<td>40,845</td>
<td></td>
<td></td>
<td></td>
<td>1,163,955</td>
<td>1,097,721</td>
<td>65,234</td>
</tr>
<tr>
<td>2</td>
<td>Commercial and Commercial</td>
<td>46,382</td>
<td>44,298</td>
<td>1,984</td>
<td></td>
<td></td>
<td></td>
<td>697,648</td>
<td>667,806</td>
<td>29,842</td>
</tr>
<tr>
<td>3</td>
<td>Standard Transport</td>
<td>6,326</td>
<td>5,634</td>
<td>692</td>
<td></td>
<td></td>
<td></td>
<td>97,696</td>
<td>87,009</td>
<td>10,687</td>
</tr>
<tr>
<td>4</td>
<td>Authority Standard Transport</td>
<td>1,076</td>
<td>538</td>
<td>500</td>
<td></td>
<td></td>
<td></td>
<td>129,317</td>
<td>69,372</td>
<td>60,045</td>
</tr>
<tr>
<td>5</td>
<td>Standard Transport</td>
<td>786,872</td>
<td>747,851</td>
<td>44,021</td>
<td></td>
<td></td>
<td></td>
<td>2,087,536</td>
<td>1,921,708</td>
<td>165,808</td>
</tr>
</tbody>
</table>
PUBLIC NOTICE OF PROPOSED RATE INCREASE
TEXAS GAS SERVICE COMPANY, A DIVISION OF ONE GAS, INC.
RGVSA INCORPORATED COSA FILED APRIL 30, 2019

Pursuant to Rio Grande Valley Service Area ("RGVSA") Rate Schedule No. 1-1, Texas Gas Service Company, a Division of ONE Gas, Inc. ("Company") filed a 2019 Cost of Service Adjustment ("COSA") with the RGVSA municipal regulatory authorities which includes the Cities of Alamo, Alton, Brownsville, Combes, Donna, Edcouch, Edinburg, Elsa, Harlingen, Hidalgo, La Feria, La Joya, La Villa, Laguna Vista, Los Fresnos, Lyford, McAllen, Mercedes, Mission, Palm Valley, Palmhurst, Palmview, Penitas, Pharr, Port Isabel, Primera, Progreso, Rancho Viejo, Raymondville, Rio Hondo, San Benito, San Juan, Santa Rosa, and Weslaco, Texas on April 30, 2019.

The Company proposes to increase rates in the incorporated areas of the RGVSA by the amounts listed below. Pursuant to Rate Schedule No. 1-1, proposed rates will become effective with meters read on and after July 29, 2019. The change in rates will affect approximately 57,687 residential, 3,681 commercial, 465 public authority, 31 industrial, 19 commercial standard transportation, 5 public authority standard transportation and 18 industrial standard transportation customers in the RGVSA incorporated areas. The proposed change constitutes a “major change” as that term is defined by Section 104.101 of the Texas Utilities Code.

<table>
<thead>
<tr>
<th>Customer Class</th>
<th>Current Monthly Customer Charge</th>
<th>Proposed Monthly Customer Charge</th>
<th>Monthly Customer Charge Increase</th>
<th>Volumetric (per Ccf) Increase</th>
<th>Average Monthly Customer Bill Increase</th>
<th>% Increase without Cost of Gas</th>
<th>% Increase with Cost of Gas</th>
<th>Average Monthly Usage per Ccf for Bill Impacts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>16.02</td>
<td>16.52</td>
<td>0.50</td>
<td>0.09226</td>
<td>1.65</td>
<td>6.01%</td>
<td>6.53%</td>
<td>12</td>
</tr>
<tr>
<td>Commercial</td>
<td>66.31</td>
<td>81.88</td>
<td>15.57</td>
<td>0.00000</td>
<td>15.57</td>
<td>7.52%</td>
<td>4.15%</td>
<td>445</td>
</tr>
<tr>
<td>Commercial - Church</td>
<td>48.31</td>
<td>63.86</td>
<td>15.57</td>
<td>0.00000</td>
<td>15.57</td>
<td>24.92%</td>
<td>19.60%</td>
<td>45</td>
</tr>
<tr>
<td>Commercial Standard Transport</td>
<td>408.31</td>
<td>423.88</td>
<td>15.57</td>
<td>0.00000</td>
<td>15.57</td>
<td>1.73%</td>
<td>N/A</td>
<td>27.783</td>
</tr>
<tr>
<td>Public Authority</td>
<td>53.40</td>
<td>69.39</td>
<td>15.99</td>
<td>0.00000</td>
<td>15.99</td>
<td>9.34%</td>
<td>5.55%</td>
<td>309</td>
</tr>
<tr>
<td>Public Authority Standard Transport</td>
<td>408.40</td>
<td>424.39</td>
<td>15.99</td>
<td>0.00000</td>
<td>15.99</td>
<td>2.65%</td>
<td>N/A</td>
<td>12.296</td>
</tr>
<tr>
<td>Industrial</td>
<td>218.74</td>
<td>343.08</td>
<td>124.34</td>
<td>0.00000</td>
<td>124.34</td>
<td>9.99%</td>
<td>4.93%</td>
<td>3.382</td>
</tr>
<tr>
<td>Industrial Standard Transport</td>
<td>468.74</td>
<td>593.08</td>
<td>124.34</td>
<td>0.00000</td>
<td>124.34</td>
<td>13.36%</td>
<td>N/A</td>
<td>13.327</td>
</tr>
</tbody>
</table>

2018 Cost of Gas was $0.3782/Ccf excluding revenue related taxes.

The adjustment to rates was calculated on the Company’s total revenue requirement for service in the RGVSA which includes customers residing in both the incorporated areas and the surrounding environs. The incorporated areas’ share of the service area-wide increase of $2,161,343 is approximately $1,989,664. If approved, the proposed rates will increase the Company’s RGVSA revenues by 5.29 percent when gas cost revenues are included or by 7.52 percent when gas cost revenues are excluded.

Persons with questions or who want more information about this filing may contact the Company at 1-800-700-2443. A copy of the filing will be available for inspection during normal business hours at the Company's office at 5602 E. Grimes Rd., Harlingen, Texas 78550 or on the Company's website at https://www.texasgasservice.com/newsletters-and-notices/rate-notices. Any affected person within an incorporated area may contact his or her city council.

De conformidad con la Clase de Tarifa número 1-1 del Área de Servicio del Río Grande (de aquí en adelante, "RGVSA", por sus siglas en inglés), la compañía Texas Gas Service, una división de ONE Gas, Inc. (de aquí en adelante, la "Compañía"), presentó el 30 de abril del 2019 una solicitud para implementar un Ajuste por el Costo del Servicio (de aquí en adelante, "COSA", por sus siglas en inglés) para el 2019 ante las autoridades regulatorias municipales del RGVSA, que incluye las Ciudades de Alamo, Alton, Brownsville, Combes, Donna, Edcouch, Edinburg, Elsa, Harlingen,
Hidalgo, La Feria, La Joya, La Villa, Laguna Vista, Los Fresnos, Lyford, McAllen, Mercedes, Mission, Palm Valley, Palmhurst, Palmview, Penitas, Pharr, Port Isabel, Primera, Progreso, Rancho Viejo, Raymondville, Rio Hondo, San Benito, San Juan, Santa Rosa, y Weslaco, Texas. La Compañía propone aumentar las tarifas en las áreas incorporadas del RGVSA. De conformidad con la Clase de Tarifa número 1-1, la fecha propuesta para la entrada en vigor de las tarifas propuestas es para los contadores leídos a partir del 29 de julio del 2019.

Cualquier persona que tenga una pregunta específica o que desee obtener información adicional acerca de este asunto, puede contactar a la Compañía al teléfono 1-800-700-2443. Si desea revisar la tarifa COSA presentada por la Compañía, puede encontrar una copia completa durante el horario normal de trabajo en las oficinas de la Compañía localizadas en 5602 East Grimes, Harlingen, Texas 78550, o visitando la página de internet de la Compañía en https://www.texasgasservice.com/newsletters-and-notices/rate-notices. Cualquier persona que se vea afectada dentro de las áreas incorporadas puede contactar a su consejo municipal.
AFFIDAVIT

STATE OF TEXAS §
COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority, on this day personally appeared Marie Masson-Michels, who being by me duly sworn, deposed as follows:

1. My name is Marie Masson-Michels. I am over twenty-one (21) years of age, of sound mind, capable of making this affidavit, and have personal knowledge of the facts herein stated, and I hereby swear and affirm that those facts are true and correct.

2. I am employed as a Manager of Rates for Texas Gas Service Company, a division of ONE Gas, Inc. ("TGS" or the "Company").

3. TGS is a provider of natural gas utility service to incorporated customers located within the Rio Grande Valley Service Area of Alamo, Alton, Brownsville, Combes, Donna, Edcouch, Edinburg, Elsa, Harlingen, Hidalgo, La Feria, La Joya, La Villa, Laguna Vista, Los Fresnos, Lyford, McAllen, Mercedes, Mission, Palm Valley, Palmhurst, Palmview, Penitas, Pharr, Port Isabel, Primera, Progreso, Rancho Viejo, Raymondville, Rio Hondo, San Benito, San Juan, Santa Rosa, and Weslaco, Texas ("RGVSA Cities").

4. A copy of the notice attached hereto was provided to each TGS customer within the RGVSA Cities by direct mail, completed on June 21, 2019, and bill insert which was completed on June 24, 2019, fulfilling the requirement of the Rio Grande Valley COSA tariff.

Marie Masson-Michels

SUBSCRIBED AND SWORN to before me on the 27th day of June 2019.

Christine Bell
Notary Public in and for the State of Texas
My commission expires: 2/19/2020
Model Staff Report in Support of TGS
COSA Settlement Ordinance

Background

On April 30, 2019, Texas Gas Service Company ("TGS" or "Company") filed for a rate increase pursuant to the Cost of Service Adjustment ("COSA") tariff adopted by the Rio Grande Valley Service Area ("RGVSA") Cities. TGS claimed an entitlement to rate relief under the tariff in the amount of $2,161,343 on a system-wide basis. Attorney, Thomas Brocato, and consultant, Karl Nalepa, relied upon by the City to review the TGS filing and negotiate a settlement, agreed to recommend a settlement of $2,087,516 on a system-wide basis. Of this amount, $1,921,708 is attributable to the RGVSA incorporated areas.

Purpose of the COSA

The Texas Legislature allows gas utilities to annually adjust rates based on changes to invested capital. That statutory provision is referred to as the Gas Reliability Infrastructure Program ("GRIP"). In a GRIP proceeding, cities are not allowed to intervene at the Railroad Commission, cannot challenge the reasonableness of any investment, and may not recover rate case expenses. In 2009, RGVSA Cities negotiated a COSA tariff as a three year experimental substitute for the GRIP process. Finding the COSA process to be mutually beneficial, the COSA process was renewed at the end of the experiment. In 2012, Cities and TGS agreed to a revised COSA tariff. In 2017, Cities and TGS agreed to revise the existing COSA tariff. This is the second filing under the revised tariff.

Resolution of the 2018 Filing

Cities’ consultant Karl Nalepa found that TGS’s cost of service calculations were consistent with the terms of the COSA tariff and the costs reflected in the COSA filing were reasonable with two exceptions.

First, Mr. Nalepa found that TGS’ proposed increase in costs attributable to the change in insurance provider should be denied, and determination of the reasonableness of establishing a captive insurance provider be deferred to TGS RGVGCSA’s next comprehensive base rate proceeding. The impact of this recommendation was to reduce the Company’s requested O&M expenses by $146,546. The parties agreed to deter determination of the reasonableness and necessity of establishing a captive insurance provider and related costs to the next comprehensive base rate case proceeding in which base rates for the GCSA are determined.

Additionally, Mr. Nalepa determined that TGS has yet to present a proposal to amortize and return to customers the regulatory liability for excess accumulated deferred income tax ("ADIT") of approximately $5.9 million. While customers are not immediately harmed if the excess deferred taxes are not promptly refunded because the taxes continue to serve to reduce rate base and thus rates, prompt refunds will ensure that the refunds are matched to customers that contributed the tax revenues in the first place. As such, Mr. Nalepa recommended that TGS RGVSA commit to establishing an appropriate amortization process in its next COSA filing to refund the excess ADIT to customers.
In order to resolve this issue, TGS agreed to address ADIT resulting from the reduction to the federal income tax rate due to the Tax Cuts and Jobs Act of 2017 in a filing with the City by or before TGS’s next COSA filing.

**EXPLANATION OF “BE IT ORDAINED” PARAGRAPHS IN THE ORDINANCE**

**Section 1.** When rates change, it is critical for the regulatory authority to find existing rates to be unreasonable and for the new rates to be just and reasonable. This section finds that the new rates reflected in tariffs for each customer class attached to the Ordinance are reasonable.

**Section 2.** This paragraph authorizes TGS to collect an additional $2,087,516 in revenue on a system-wide basis.

**Section 3.** This paragraph requires the Company to reimburse the City for consulting and legal costs associated with the requested increase.

**Section 4.** This paragraph repeals any prior City action that might be inconsistent with the new tariffs adopted by the Council.

**Section 5.** This paragraph recites compliance with the Open Meetings Act.

**Section 6.** This paragraph is a typical savings clause, preserving the remaining provisions of the Ordinance should any one provision be determined to be invalid.

**Section 7.** Pursuant to the COSA tariff, the new rates are to become effective on or after the first billing cycle of August each year. This paragraph allows the Company to implement the new rates on meter reads that occur on or after July 29, 2019.

**Section 8.** This paragraph requires that an adopted and signed copy of the Ordinance be sent to the Company and special counsel to the City.

**RECOMMENDATION**

The City staff recommends adoption of the Ordinance and tariffs establishing new rates.
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: August 7, 2019

Agenda Item:
Consideration and possible action on adopting a Resolution finding that AEP Texas Inc.'s requested increase to its electric transmission and distribution rates and charges within the City should be denied and finding that the City's reasonable rate case expenses shall be reimbursed by the company.

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

Brief Summary:
On May 1, 2019 AEP Texas Inc. filed an application with cities retaining original jurisdiction seeking to increase system-wide **distribution** rates by $38.3 million per year and decrease system-wide **transmission** rates by $3.16 million per year. Customers in our region would see an increase of about $4.75 per month. AEP customers in the north region will see a decrease of $5.01 per month. The City took action to suspend the rate increase for 90 days while the proposed rate increases were reviewed by our consultants. Our experts are recommending the rate increase be denied.

AEP will appeal the denials and a rate case appeal hearing will be held at the Public Utilities Commission (PUC) from August 20-23, 2019. The PUC will review all the material presented and make a determination between September and October of this year with the final approved rates going into effect December 20, 2019.

Staff recommends approval of the Resolution.

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

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<th>Staff Recommendation:</th>
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<td>For Street Closures ONLY, Fire Chief's approval:</td>
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City Manager's approval: | Yes | No | N/A |

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<th>Comments:</th>
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City Attorney's approval: | Yes | No | N/A |
RESOLUTION NO. 2019-__

A RESOLUTION OF THE CITY OF HARLINGEN, TEXAS FINDING THAT AEP TEXAS INC.'S REQUESTED INCREASE TO ITS ELECTRIC TRANSMISSION AND DISTRIBUTION RATES AND CHARGES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; 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 ("PURA") §§ 33.001 and 36.001 filed with the City of Harlingen ("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 exclusive original jurisdiction] over the rates and charges of AEP Texas within the City; and

WHEREAS, the City is a member of the Cities Served by AEP Texas ("Cities"), a membership of similarly situated cities served by AEP Texas 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, Cities is an intervenor in the parallel proceeding at the Public Utility Commission of Texas to review AEP Texas' filing; and

WHEREAS, pursuant to its exclusive original jurisdiction over AEP Texas' rates and operations within city limits, the City previously suspended the effective date of the Company's requested rate increase; 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 attorneys and consultants recommend that the City deny the application.

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

SECTION 1. That the rates proposed by AEP Texas in an application submitted to the City by the Company on or about May 1, 2019, are hereby found to be unreasonable, and are denied.
SECTION 2. That the Company shall continue to charge its existing rates for transmission and distribution service to customers with the City.

SECTION 3. That Cities' reasonable rate case expenses shall be reimbursed by AEP Texas within 30 days of presentation of an invoice to AEP Texas.

SECTION 4. 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 that the public notice was given of the time, place, and purpose of said meeting, 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 7TH day of AUGUST, 2019.

CITY OF HARLINGEN

Attest:

Chris Boswell, Mayor

Amanda C. Elizondo, City Secretary

APPROVED AS TO FORM:

Ric Navarro, City Attorney
MODEL STAFF REPORT REGARDING
AEP TEXAS’ REQUESTED RATE CHANGE

PURPOSE:

On May 1, 2019, AEP Texas Inc. ("AEP Texas" or "Company") filed an application 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%). 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.

In a prior City action, AEP Texas’ rate request was suspended from taking effect for 90 days, the fullest extent permissible under the law. This time period has permitted the City, through its participation with Cities Served by AEP Texas ("Cities"), to determine that the proposed rate increase is unreasonable. Consistent with the recommendations of experts engaged by Cities, AEP Texas’ request for a rate increase should be denied.

Accordingly, the purpose of the Resolution is to deny the rate change application proposed by AEP Texas.

Explanation of “Be It Resolved” Sections:

1. This paragraph finds that the Company’s application is unreasonable and should be denied.

2. This section requires AEP Texas to maintain its existing rates within the City.

3. This section states that Cities’ reasonable rate case expenses shall be reimbursed by AEP Texas within 30 days of presentation of an invoice to AEP Texas.

4. This section 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.

5. This section provides that the City will notify counsel for AEP Texas and counsel for Cities of the City’s action by sending a copy of the approved and signed Resolution to each counsel.
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: August 7, 2019

Agenda Item:

Consider and take action on a request from the City of Hidalgo to enter into a Sale and Purchase Agreement of brush collection equipment, declare the equipment as surplus property and authorize the City Manager to prepare and execute all necessary documents.

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

Brief Summary:

City of Hidalgo recently visited the City of Harlingen’s Landfill to witness our solid waste management practices. City of Hidalgo staff took interest in a stand-up grapple truck and a case loader Model 321E. The City of Hidalgo has expressed interest in growing its brush management program. The City of Harlingen Public Works Sanitation Department recently replaced this equipment was set to be disposed of through the auction process. The two pieces of equipment being considered are described as follows:

42-067 - 2007 Ford Hydraulic Stand-up Brush Truck VIN#3FRXF75S77V507353 – Sale Price $5,600
42-185 - 2009 Case Loader Model 321E - Serial #N8GP01193 – Sale Price $4,800

Funding (if applicable):

Are funds specifically designated in the current budget for the full amount for this purpose? N/A
*If no, specify source of funding and amount requested:

Finance Director’s approval:

[ ] Yes [ ] No [ ] N/A

Staff Recommendation:

Staff recommends declaring the 2007 Ford Hydraulic Stand-up Brush Truck and the 2009 Case Loader Model 321E surplus property and authorize City Manager to execute documents transferring ownership of the unit to the City of Hidalgo for a total sale price of $10,400.

City Manager’s approval:

[ ] Yes [ ] No [ ] N/A

Comments:

City Attorney’s approval:

[ ] Yes [ ] No [ ] N/A

form revised 04/29/09
PURCHASE AND SALE AGREEMENT OF SURPLUS PROPERTY
CITY OF HARLINGEN, TEXAS AND THE CITY OF HIDALGO, TEXAS

WHEREAS, The City of Harlingen, Texas (hereinafter "Harlingen") and the City of Hidalgo, Texas (hereinafter "Hidalgo") perform certain governmental functions including providing services for the public health and welfare; and

WHEREAS, Harlingen and Hidalgo desire to enter into this Agreement for the purpose of fulfilling and implementing their respective public and governmental purposes, needs, objectives, programs and services; and

WHEREAS, Harlingen is the owner of brush collection equipment ("equipment") used for the purpose of brush and debris collection and thus providing a waste management service to the community. Harlingen desires to declare said equipment as surplus, and further convey said equipment to Hidalgo to be used for a public purpose; and

WHEREAS, Hidalgo has determined that the purchase of said equipment will further the objectives to provide services that affect the public health and welfare of the citizens of Hidalgo.

NOW THEREFORE, the parties hereto, in consideration of the mutual covenants and conditions contained herein, promise and agree as follows:

1. Harlingen warrants that it is the legal owner of said equipment, specifically identified as follows:

   42-067 - 2007 Ford Hydraulic Stand-up Brush Truck VIN#3FRXF75S77V507353
   42-185 - 2009 Case Loader Model 321E - Serial #N8GP01193

2. Harlingen agrees to declare said equipment surplus. Upon declaration of surplus, Harlingen agrees to sell and convey said equipment to Hidalgo.

3. Hidalgo agrees to pay Harlingen the total purchase price of Ten Thousand Four Hundred and 00/100 ($10,400.00) for the purchase of the equipment.

4. Harlingen and Hidalgo agree that said equipment will be sold "as is," in its present condition.

5. Hidalgo agrees to arrange and pay for the costs of transporting the equipment from its current location, to a location designated by Hidalgo. Hidalgo agrees to act prudently with regards to transporting in a timely manner.

6. Harlingen agrees to store the equipment at its current location, until Hidalgo is able to transport to its new location. Harlingen agrees to give Hidalgo, and any hired third party, access to the location of the equipment for purposes of completing the transport.

7. Effective Date. This Agreement shall be effective upon the final execution this Agreement.
8. Modification. The terms and conditions of this Agreement may be modified upon the mutual consent of all parties. Mutual consent will be demonstrated by approval of each governing body of each party hereto. No modification to this Agreement shall be effective and binding unless and until it is reduced to writing and signed by duly authorized representatives of all parties.

9. Invalidity. If any provision of this Agreement shall be held to be invalid, illegal, or unenforceable by a court or other tribunal of competent jurisdiction, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby. The parties shall use their best efforts to replace the respective provision or provisions of this Agreement with legal terms and conditions approximating the original intent of the parties.

10. Notice. Any notice required or permitted under this Agreement must be in writing. Any notice required by this Agreement will be deemed to be delivered (whether actually received or not) when deposited with the United States Postal Service, postage prepaid, certified mail, return receipt requested, and addressed to the intended recipient at the address shown in this Agreement. Notice may also be given by regular mail, personal delivery, courier delivery, facsimile transmission, or other commercially reasonable means and will be effective when actually received. Any address for notice may be changed by written notice delivered as provided herein.

Notice may be provided to City of Harlingen at the following address:

City of Harlingen  
Attn: Dan Serna, CPM, City Manager  
118 E. Tyler Ave.  
Harlingen, Texas 78550

Notice may be provided to the City of Hidalgo at the following address:

City of Hidalgo  
Attn: Julian Gonzalez, City Manager  
704 E. Ramon Ayala Dr.  
Hidalgo, Texas 78557

11. Texas Law. This Agreement has been made under and shall be governed by the laws of the State of Texas.

12. Authority to Enter Contract. Each party has the full power and authority to enter into and perform this Agreement and the person signing this Agreement on behalf of each party has been properly authorized and empowered to enter into this Agreement. The persons executing this Agreement hereby represent that they have authorization to sign on behalf of their respective entities.

13. Waiver. Failure of any party, at any time, to enforce a provision of this Agreement, shall in no way constitute a waiver of that provision, nor in anyway affect the validity of this Agreement, any part hereof, or the right of either party thereafter to enforce each and every provision hereof. No term of this Agreement shall be deemed waived or breach excuses unless the waiver shall be in writing and signed by the party claimed to have waived. Furthermore, any consent to or waiver of a breach will not constitute consent to or waiver of or excuse of any other different or subsequent breach.
14. Assignment. This Agreement and the rights and obligations contained herein may not be assigned by any party without the prior written approval of the other parties to this Agreement.

15. Multiple Originals. It is understood and agreed that this Agreement may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes.

BY THE SIGNATURES BELOW, all parties acknowledge their commitments to effectively accommodate the conditions of the Agreement as stated above.

Signatures:

City of Harlingen

By: ______________________

Name: Dan Serna

Title: City Manager

Date: ______________________

City of Hidalgo

By: ______________________

Name: ______________________

Title: ______________________

Date: ______________________
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: August 7, 2019

Agenda Item:
Consider and take action on a request from the City of Primera to enter into a Sale and Purchase Agreement of brush collection equipment and authorize the City Manager to prepare and execute all necessary documents.

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

Brief Summary:
The City of Primera is in urgent need of a knuckleboom truck to help with debris removal from the recent storm and on an ongoing basis. The City of Primera learned about the equipment that was set to be auction by the City of Harlingen on August 4th. As a result, the City of Primera made a request to purchase the equipment directly from the city. The subject knuckleboom truck is a piece of equipment that has been fully depreciated and recently replaced through our Public Works – Sanitation Department. The recommended sell price is $5,000.00

42-240 - 2010 Freightliner Knuckleboom Truck 1FVHCYBS4ADAN4359 – Sell Price $5,000

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

Staff Recommendation:
Staff recommends authorizing the City Manager to execute documents transferring ownership of the 2010 Freightliner Knuckleboom Truck surplus property to the City of Primera for a total sale price of $5,000.

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

Comments:

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

form revised 04/29/09
PURCHASE AND SALE AGREEMENT OF SURPLUS PROPERTY
CITY OF HARPEN, TEXAS AND THE CITY OF PRIMERA, TEXAS

WHEREAS, The City of Harlingen, Texas (hereinafter “Harlingen”) and the City of Primera, Texas (hereinafter “Primera”) perform certain governmental functions including providing services for the public health and welfare; and

WHEREAS, Harlingen and Primera desire to enter into this Agreement for the purpose of fulfilling and implementing their respective public and governmental purposes, needs, objectives, programs and services; and

WHEREAS, Harlingen is the owner of brush collection equipment (“equipment”) used for the purpose of brush and debris collection and thus providing a waste management service to the community. Harlingen desires to declare said equipment surplus, and further convey said equipment to Primera to be used for a public purpose; and

WHEREAS, Primera has determined that the purchase of said equipment will further the objectives to provide services that affect the public health and welfare of the citizens of Primera.

NOW THEREFORE, the parties hereto, in consideration of the mutual covenants and conditions contained herein, promise and agree as follows:

1. Harlingen warrants that it is the legal owner of equipment, specifically identified as follows:

   42-240 - 2010 Freightliner Knuckleboom Truck 1FVHCYBS4ADAN4359

2. Harlingen agrees to declare said equipment surplus. Upon declaration of surplus, Harlingen agrees to sell and convey said equipment to Primera.

3. Primera agrees to pay Harlingen the total purchase price of Five Thousand and 00/100 ($5,000.00) for the purchase of the equipment.

4. Harlingen and Primera agree that said equipment will be sold in its present condition.

5. Primera agrees to arrange and pay for the costs of transporting the equipment from its current location, to a location designated by Primera. Primera agrees to act prudently with regards to transporting in a timely manner.

6. Harlingen agrees to store the equipment at its current location, until Primera is able to transport to its new location. Harlingen agrees to give Primera, and any hired third party, access to the location of the equipment for purposes of completing the transport.

7. Effective Date. This Agreement shall be effective upon the final execution this Agreement.

8. Modification. The terms and conditions of this Agreement may be modified upon the mutual consent of all parties. Mutual consent will be demonstrated by approval of each governing body
of each party hereto. No modification to this Agreement shall be effective and binding unless and until it is reduced to writing and signed by duly authorized representatives of all parties.

9. Invalidity. If any provision of this Agreement shall be held to be invalid, illegal, or unenforceable by a court or other tribunal of competent jurisdiction, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby. The parties shall use their best efforts to replace the respective provision or provisions of this Agreement with legal terms and conditions approximating the original intent of the parties.

10. Notice. Any notice required or permitted under this Agreement must be in writing. Any notice required by this Agreement will be deemed to be delivered (whether actually received or not) when deposited with the United States Postal Service, postage prepaid, certified mail, return receipt requested, and addressed to the intended recipient at the address shown in this Agreement. Notice may also be given by regular mail, personal delivery, courier delivery, facsimile transmission, or other commercially reasonable means and will be effective when actually received. Any address for notice may be changed by written notice delivered as provided herein.

Notice may be provided to City of Harlingen at the following address:

    City of Harlingen
    Attn: Dan Serna, CPM, City Manager
    118 E. Tyler Ave.
    Harlingen, Texas 78550

Notice may be provided to the City of Primera at the following address:

    City of Primera
    Attn: Celina Gonzales, City Manager
    22893 N. Stuart Place Rd.
    Primera, Texas 78552

11. Texas Law. This Agreement has been made under and shall be governed by the laws of the State of Texas.

12. Authority to Enter Contract. Each party has the full power and authority to enter into and perform this Agreement and the person signing this Agreement on behalf of each party has been properly authorized and empowered to enter into this Agreement. The persons executing this Agreement hereby represent that they have authorization to sign on behalf of their respective entities.

13. Waiver. Failure of any party, at any time, to enforce a provision of this Agreement, shall in no way constitute a waiver of that provision, nor in any way affect the validity of this Agreement, any part hereof, or the right of either party thereafter to enforce each and every provision hereof. No term of this Agreement shall be deemed waived or breach excused unless the waiver shall be in writing and signed by the party claimed to have waived. Furthermore, any consent to or waiver of a breach will not constitute consent to or waiver of or excuse of any other different or subsequent breach.

14. Assignment. This Agreement and the rights and obligations contained herein may not be assigned by any party without the prior written approval of the other parties to this Agreement.
15. Multiple Originals. It is understood and agreed that this Agreement may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes.

**BY THE SIGNATURES BELOW, all parties acknowledge their commitments to effectively accommodate the conditions of the Agreement as stated above.**

Signatures:

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<tr>
<th>City of Harlingen</th>
<th>City of Primera</th>
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<tr>
<td>By: _____________________________</td>
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AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: August 7, 2019

Agenda Item:
Consideration and possible action to amend the list of streets for the 2018-2019 Street Improvement Program to exclude Haine Street and add Beckham Road to 2018-2019 list.

Prepared By (Print Name): Rodrigo Davila
Title: Public Works Director
Signature: [Signature]

Brief Summary:
The attached exhibit shows the roads approved by the City Commission on August 15, 2018 for the Fiscal Year 2018-2019 Street Repaving program. In order to accommodate the schedule for a Harlingen Water Works waterline improvement project on Haine Road, staff is recommending that Haine Road not be improved until after HWWS has completed their improvements. The delay may be past December 2019. The current lists of streets Fiscal Year 2018-2019 is under contract with Earthworks Contractors and they set to complete by October 2019. Therefore, staff recommends that Haine Road be substituted with the improvements to Beckham Road (Expressway Frontage south to Business 83). Haine Road will then be included in the proposed Fiscal Year 2019-2020 Street Improvement program listing.

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

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

Staff Recommendation:
Staff is recommending approval to swap Haine Road with Beckham Road.

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

Comments:

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

[Signature] 8/14/19
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: August 7, 2019

Agenda Item:
Consider and possible action to approve the proposed list of streets for 2019-2020 Street Improvement Program.

Prepared By (Print Name): Rodrigo Davila
Title: Public Works Director
Signature: [Signature]

Brief Summary:
Each year the City of Harlingen selects streets which are in need of repairs and overlays them with new asphalt. The repairs typically consist of overlaying the street with 1.5 to 2.0 inches of asphalt on the existing street to repair surface failures thus extending the life of the street. Those streets which have developed more severe failures are addressed with reconstruction of the base material and then overlaid.

Staff recommends that the streets shown on the attached list and map be overlaid and, if needed, reconstructed. The proposed list of street overlay projects totals approximately 3.54 miles or 9.8 lane miles. An engineer’s estimate and map of the proposed streets are attached for your consideration.

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

Staff Recommendation:
Staff is recommending that the attached list of streets be overlaid and reconstructed for the Street Improvement Program for fiscal year 2019-2020.

City Manager’s approval: Yes No N/A

Comments:

City Attorney’s approval: Yes No N/A
## STREET IMPROVEMENT PROGRAM 2019-2020

**ROADWAY CANDIDATES (PRELIMINARY)**

<table>
<thead>
<tr>
<th>Rank</th>
<th>District</th>
<th>STREET NAME</th>
<th>PROJECT LIMITS</th>
<th>LENGTH</th>
<th>Lane</th>
<th>WIDTH</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>1</td>
<td>Granada Street</td>
<td>Loop 499 La Paloma Ave</td>
<td>1,320</td>
<td>2,640</td>
<td>33.5</td>
<td>$56,060.28</td>
</tr>
<tr>
<td>8</td>
<td>2</td>
<td>Markowsky</td>
<td>Commerce Bus 77</td>
<td>2,725</td>
<td>5,450</td>
<td>33.5</td>
<td>$94,888.61</td>
</tr>
<tr>
<td>8</td>
<td>3</td>
<td>Treasure Hills Blvd</td>
<td>Haine Business 77</td>
<td>2,646</td>
<td>13,230</td>
<td>56.5</td>
<td>$208,008.93</td>
</tr>
<tr>
<td>6</td>
<td>4</td>
<td>Fairpark/Jefferson</td>
<td>T Street L Street</td>
<td>3,300</td>
<td>13,200</td>
<td>57.5</td>
<td>$208,616.50</td>
</tr>
<tr>
<td>6</td>
<td>4</td>
<td>Fairpark/Jefferson</td>
<td>L Street J Street</td>
<td>955</td>
<td>1,910</td>
<td>60 to 93</td>
<td>$72,390.61</td>
</tr>
<tr>
<td>6</td>
<td>4</td>
<td>Fairpark/Jefferson</td>
<td>J Street Railroad @ H Street</td>
<td>925</td>
<td>1,850</td>
<td>50</td>
<td>$41,193.21</td>
</tr>
<tr>
<td>5.5</td>
<td>5</td>
<td>Country Side</td>
<td>Alta Palmas End</td>
<td>600</td>
<td>1,200</td>
<td>22</td>
<td>$12,519.30</td>
</tr>
<tr>
<td>6.5</td>
<td>5</td>
<td>Sunny Side</td>
<td>Alta Palmas End</td>
<td>670</td>
<td>1,340</td>
<td>24</td>
<td>$15,043.92</td>
</tr>
<tr>
<td>10</td>
<td>5</td>
<td>Traxler Way Road</td>
<td>Frontage Rd Drain Ditch</td>
<td>990</td>
<td>1,980</td>
<td>20</td>
<td>$58,088.95</td>
</tr>
<tr>
<td>8</td>
<td>3</td>
<td>Haine Drive</td>
<td>Ed Carey Drive Treasure Hills</td>
<td>1,700</td>
<td>3,400</td>
<td>33.5</td>
<td>$89,479.10</td>
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<tr>
<td>8</td>
<td>3</td>
<td>Haine Drive</td>
<td>Treasure Hills Whalen Road</td>
<td>2,840</td>
<td>5,680</td>
<td>33.5 to 46</td>
<td>$150,397.10</td>
</tr>
</tbody>
</table>

**Totals:** 18671 feet 51,880 L.F. $1,006,666.50

### Unit Cost

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
<th>Quantity</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barricades, Signs, Traffic Handling</td>
<td>$20,000</td>
<td>1</td>
<td>$20,000.00</td>
</tr>
<tr>
<td>Mobilization @ 3%</td>
<td>$20,000.00</td>
<td>1</td>
<td>$20,000.00</td>
</tr>
<tr>
<td>Surveying</td>
<td>$0.00</td>
<td>1</td>
<td>$0.00</td>
</tr>
<tr>
<td>Sidewalk</td>
<td>$370,000.00</td>
<td>1</td>
<td>$370,000.00</td>
</tr>
<tr>
<td>Geotech Testing</td>
<td>$30,000.00</td>
<td>1</td>
<td>$30,000.00</td>
</tr>
</tbody>
</table>

**SUB-TOTAL:** $1,026,666.50

**GRAND TOTAL:** $1,446,666.50
## AGENDA ITEM
**EXECUTIVE SUMMARY**

<table>
<thead>
<tr>
<th>Meeting Date:</th>
<th>August 7, 2019</th>
</tr>
</thead>
</table>

**Agenda Item:**
Consideration and possible action to approve a resolution accepting the disbursement of funds from the Harlingen Economic Development Corporation, Inc. (HEDC) to the Harlingen Community Improvement Board (HCIB) in the amount of $492,500 as part of the gain on the sale of the University Center to Texas State Technical College (TSTC) recognizing HCIB's financial contribution to the University Center.

**Prepared By (Print Name):**

<table>
<thead>
<tr>
<th>Title:</th>
<th>Dan Serna, City Manager</th>
</tr>
</thead>
</table>

**Signature:**

[Brief Summary:]
The (HEDC) Board of Directors approved a resolution for the disbursement of funds in the amount of $492,500 to HCIB as part of the gain on the sale of HEDC's interest in the University Center to TSTC recognizing HCIB's financial contribution to the University Center on July 30, 2019. Attached is a copy of the HEDC's resolution.

**Funding (if applicable):**

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

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

**Finance Director's approval:**

| Yes | No | X | N/A |

**Staff Recommendation:**
Staff recommends approval of the resolution.

**City Manager's approval:**

| X | Yes | No | N/A |

**Comments:**

[Handwritten Comment:]

[XA38h149]

**City Attorney's approval:**

| Yes | No | N/A |
Resolution No. 2019 -__

A Resolution of the City of Harlingen, Texas accepting the disbursement of funds from the Harlingen Economic Development Corporation, Inc. (HEDC) to the Harlingen Community Improvement Board (HCIB) in the amount of $492,500 as part of the gain on the sale of the University Center to Texas State Technical College (TSTC), recognizing HCIB’s financial contribution to the University Center

WHEREAS, the City of Harlingen is empowered by State law to supervise certain programs and expenditures of its economic development corporations; and

WHEREAS, the City Commission of the City of Harlingen finds that the actions authorized by this Resolution promote the welfare and prosperity of its citizens;

BE IT HEREBY RESOLVED BY THE CITY OF HARLINGEN:

1. The City accepts and approves the disbursement of proceeds from the sale of the University Articulation and Career Center, as described by Exhibit “A” to this Resolution.

CONSIDERED AND ADOPTED this 7th day of August, 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
Resolution R# 2019-01

A RESOLUTION OF THE HARLINGEN ECONOMIC DEVELOPMENT CORPORATION AUTHORIZING THE MANAGER/CEO TO REIMBURSE $492,500 TO THE HARLINGEN COMMUNITY IMPROVEMENT BOARD FOR ITS CONTRIBUTIONS TO IMPROVEMENTS TO THE UNIVERSITY ARTICULATION AND CAREER CENTER.

WHEREAS, in 2011, the Harlingen Community Improvement Board (HCIB), a corporation organized pursuant to Chapters 501 and 505 of the Texas Local Government Code, contributed $995,000 to the improvement of the University Articulation and Career Center (the Center), a building owned in part by the Harlingen Economic Development Corporation; and

WHEREAS, pursuant to a Letter of Intent between the Harlingen Economic Development Corporation and the Texas State Technical College at Harlingen (TSTC), the Harlingen Economic Development Corporation negotiated an enhancement to the sales price of its interest in the Center in the amount of $492,500 above market value, in recognition by the parties of the HCIB’s contribution; and,

WHEREAS, on June 21, 2019, by duly authorized action, the Harlingen Economic Development Corporation sold its interest in the Center to TSTC for an amount including the enhancement; and,

WHEREAS, the Board of Directors desires to authorize the reimbursement of the enhancement to the HCIB from the proceeds of sale;

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE HARLINGEN ECONOMIC DEVELOPMENT CORPORATION:

That the Manager and Chief Executive Officer is authorized to reimburse the HCIB from the proceeds of the sale in the amount of $492,500 and to execute any and all processes and documentation in furtherance of the reimbursement.

CONSIDERED and APPROVED this 30th day of July 2019, at a meeting of the Board of Directors of the at which a quorum was present, and which was held in accordance with Chapter 551 of the Texas Government Code.

SIGNED on this the 30 day of July 2019.

Harlingen Economic Development Corporation

By: Mickey Boland, President

ATTEST:

By: Dr. Linda T. Burke, Secretary

APPROVED AS TO FORM:

Alan T. Ozuna, General Counsel