Notice is hereby given that the City Commission of the City of Harlingen, Texas will hold a Regular Meeting on Wednesday, July 15, 2020 at 5:30 P.M. via videoconference, while providing the public the ability to view the meeting via internet live streaming at www.myharlingen.us and the City of Harlingen YouTube Page.

In accordance with the order of the Office of the Governor issued March 16, 2020, the City of Harlingen, Texas will conduct the meeting via videoconference and provide viewing for the public using live stream in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19). To view the City Commission meeting live, go to www.myharlingen.us and click on “CITY COMMISSION LIVE.”

The public will be permitted to offer citizen communication or participate in items listed as public hearings telephonically as provided by the agenda and as permitted by the presiding officer during the meeting. Written comments may also be submitted for City staff to read aloud during the meeting.

To offer citizen communication or participate in scheduled public hearings telephonically, go to www.myharlingen.us and click on “PUBLIC HEARING AND CITIZEN COMMUNICATION FORM.” Fill out the form and indicate the item you wish to address, and submit the form.

Please indicate (1) the agenda item on which you wish to speak, (2) whether you prefer to speak on the item during citizen communication or at the time the agenda item is brought for consideration before the City Commission, and (3) a working telephone number at which you may be reached to submit your comments. The City will then call you when the item you wish to address is being considered. You will then address the City Commission through speakerphone, and your call will be made audible to the City Commission and to the public through the live stream. Please submit this request before 4 p.m. on the day of the meeting.

To submit written comments for City staff to read aloud during the meeting, go to www.myharlingen.us and click on “PUBLIC HEARING AND CITIZEN COMMUNICATION FORM” write your comments (limited to 400 words or less) and submit the form.

Please submit written comments before 4 p.m. the day of the meeting.

A recording of the meeting will be made and will be available to the public in accordance with the Texas Open Meetings Act.

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 – Commissioner Frank Puente

Pledge of Allegiance/Welcome

Call Meeting to Order

Citizen Communication/Input

1) Approval of Minutes
   a) Regular Meeting of June 17, 2020

2) Consideration and possible action to award the Employee Health & Group Insurance for Fiscal Year 2020-2021, naming the insurance agents and authorize the City Manager to sign the contract as recommended by Scott Gibbs, City's Insurance Consultant. Attachment (Human Resources)

3) Consideration and possible action to renew the Voluntary Life/Accidental Death and Dismemberment Insurance, Voluntary Vision Insurance, and Voluntary Dental Insurance Plans for the City of Harlingen Fiscal Year 2020-2021 and authorize the City Manager to sign the contract. Attachment (Human Resources)

4) Consideration and possible action to award the Voluntary Whole Life Insurance for Fiscal Year 2020-2021, naming the insurance agents and authorize the City Manager to sign the contract as recommended by Scott Gibbs, City's Insurance Consultant. Attachment (Human Resources)

5) Public hearing to consider an ordinance on first reading for a Special Use Permit (SUP) to allow a group home in a Residential Single-Family (R-1) District located at 221 McGregor Street, bearing a legal description of the North Part of Lot 9 and the South 66.4 ft. of Lot 9, Block D, Hunter No. 2 Subdivision. Applicant: Lolly Burns. Attachment (Planning & Zoning)
   a) Public Hearing
   b) Consideration and possible action to approve an ordinance on first reading for a Special Use Permit (SUP) to allow a group home in a Residential Single-Family (R-1) District at the above described property.

6) Public hearing to consider an ordinance on first reading for a Special Use Permit (SUP) to allow a school in a Single Family Residential (R-1) District located at 401 N. 21st Street, bearing a legal description of 1.54 Acres, part of Block 64, Harlingen Land & Water Co. Subdivision. Applicant: Daniel Ybarra. Attachment (Planning & Zoning)
   a) Public Hearing
   b) Consideration and possible action to approve an ordinance on first reading for a Special Use Permit (SUP) to allow a school in a Single Family Residential (R-1) District at the above described property.

7) Consideration and possible action to authorize the City Manager on behalf of the City of Harlingen Police Department to submit a grant application in reference to the Southwest Border
Regular City Commission Meeting
7/15/20

Rural Law Enforcement Assistance Program from the Department of Justice – Bureau of Justice Assistance. Attachment (Police Dept.)

8) Consideration and possible action to authorize the Mayor, on behalf of the City of Harlingen, to sign the Interlocal Agreement between the Harlingen Consolidated Independent School District (HCISD) and the Harlingen Police Department to staff Police Officers as School Resource Officers (SRO). Attachment (Police Dept.)

9) Consideration and possible action to accept or reject proposals and award the contract for the Hunter Park Improvement Project under Proposal No. 2020-11 to the most responsible respondent submitting the most advantageous design, product and to waive any informalities. Attachment (Parks & Recreation Dept.)

10) Consideration and possible action to permit the Harlingen Consolidated Independent School District to install a temporary crosswalk across Haine Drive, adjacent to Treasure Hills Elementary School. Attachment (Engineering)

11) Consideration and possible action to authorize the City Manager to submit a letter of commitment for the TCEQ on-Point Source Program FY 2020 Clean Water Act Section 319(h) Grant Program for Design and Construction of the City Hall Parking Lot and Traffic Medians Using Low Impact Development Methods; and Development of Feasibility Study for the Dredging of the Llano Grande Lake located along the Arroyo Colorado Floodway. Attachment (Carlos A. Sanchez, Asst. City Manager)

12) 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, 2020 Cost of Service Adjustment 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. Attachment (Gabriel Gonzalez, Asst. City Manager)

13) Board Appointments

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

a. Airport Board (2)
b. Animal Shelter Advisory Committee (4)
c. Audit Committee (2 - vacancy) (terms expired June, 2019)
d. Civil Service Commission (2)
e. Community Development Advisory Board (1)
f. Construction Board of Adjustments (5)
g. Convention & Visitors Bureau (1)
h. Development Corporation of Harlingen, Inc. (1)
i. Downtown Improvement District Board (1)
j. Golf Course Advisory Board
k. Harlingen Community Improvement Board
l. Harlingen Housing Authority Board (2)
m. Harlingen Finance Corporation (4)
n. Keep Harlingen Beautiful Board (4)
o. Library Advisory Board (1)
Regular City Commission Meeting
7/15/20

p. Mayor Wellness Council
q. Museum Advisory Board (2)
r. Parks Advisory Board
s. Planning & Zoning Advisory Board
t. Senior Citizens Advisory Board (1)
u. Tax Increment Finance Board (7)
v. Utility Board of Trustees
w. Veterans Advisory Board
x. Zoning Board of Adjustments (4)
y. Complete Census Committee

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

14) Executive/Closed Session - a) Attorney consultation pursuant to Section 551.071(2), Texas Gov't. Code to receive legal advice pertaining to the City's rights, duties, privileges, and obligations under the Convention Center Lease and Operation Agreement and the Working Capital Fund contemplated therein, and related legal issues. (City Manager)

15) Consideration and possible action regarding the direction to be taken pursuant to the Convention Center Lease and Operation Agreement and Working Capital Fund. (City Manager)

Adjournment

I, the undersigned authority, do hereby certify that the above Notice of the Regular Meeting of the Harlingen City Commission is a true and correct copy of said notice posted on the bulletin board at City Hall of said City of Harlingen, Texas in a place convenient and readily accessible to the general public at all times and on the Corporation's Internet Website and said Notice was posted on Friday, July 10, 2020, at or before 4:15 p.m. and remained so posted for at least 72 hours preceding the time of said meeting.

Dated this 10th day of July, 2020

Amanda C. Elizondo, City Secretary
REGULAR MEETING

CITY COMMISSION                      HARLINGEN, TEXAS

June 17, 2020

A Regular Meeting of the Harlingen City Commission was held June 17, 2020 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
Victor Leal, Commissioner District 5

Absent
Ruben de la Rosa, Commissioner District 4

City Staff
Dan Serna, City Manager
Amanda C. Elizondo, City Secretary
Allison Rodriguez-Bastian, Asst. City Attorney
Nacer Aounallah, Asst. City Attorney

Invocation – City Commissioner – Victor Leal

Pledge of Allegiance/Welcome

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

Call Meeting to Order

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

Citizen Communication/Input - None

1) Presentation by the Finance Director regarding the City of Harlingen’s Finances for Fiscal Year 2019-2020.

Robert Rodriguez, Finance Director, gave a presentation of the City of Harlingen’s Finances as of May 31, 2020. He highlighted the following information.

<table>
<thead>
<tr>
<th>REVENUE PROJECTIONS AND PLANNED EXPENDITURE REDUCTIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Budgeted Revenues</td>
</tr>
<tr>
<td>Projected Revenues</td>
</tr>
<tr>
<td>Balance/(Deficit)</td>
</tr>
<tr>
<td>Budgeted Revenues</td>
</tr>
<tr>
<td>Projected Revenues</td>
</tr>
<tr>
<td>Balance/(Deficit)</td>
</tr>
<tr>
<td>Capital Expenditures</td>
</tr>
<tr>
<td>Projected Salary Savings</td>
</tr>
<tr>
<td>Estimated Reimbursable Leave</td>
</tr>
</tbody>
</table>
Mayor Pro-Tem Mezmar asked Mr. Rodriguez if he was planning for the worse with these numbers.

Dan Serna, City Manager stated that for the month of April, the City was projecting a 30% decline in sales tax and the actual percentage was a negative 5% and for the month of May, it was projected at a negative 40% and the actual percentage was a negative 13.73%. Staff was being very conservative with their projections.

Commissioner Uribe asked if at the end of the year the City came up with a negative number, would staff be proposing to tap into the reserve fund.

Mr. Serna responded staff is utilizing the salary savings and the Cares Act funds which would end with approximately $700,000 in the positive side. One of the considerations is to install a generator for City Hall based on the sales tax projection for next month.

Mr. Rodriguez stated the City spent $243,000 in expenditures related to Coronavirus. These expenses will be reimbursed to the City from the Coronavirus Relief Funds. The City received $751,000 and there is three (3) million dollars from the Cares Fund that the City can tap into. Fifty thousand dollars were moved from the Coronavirus for testing and would be covered under the Cares Fund.

Mayor Boswell thanked the staff for the presentation and proceeded with the following item.

2) Approval of Minutes
   a) Special City Commission Meeting of April 28, 2020
   b) Regular City Commission Meeting of May 6, 2020

Motion was made by Commissioner Puente and seconded by Commissioner Leal to approve the minutes of the Special Meeting of April 28, 2020 and the Regular Meeting of May 6, 2020. Motion carried unanimously.

CONSENT AGENDA

3a) Second and final reading to approve and adopt an ordinance to rezone from General Retail ("GR") District to Planned Development ("PD") District to allow for a single family residential and multi-family residential use for a 14.64 acre tract, out of Lots15-16, Block 146, San
Benito Land and Water Company Subdivision, located on the north side of Haine Dr., east of Treasure Haven Dr. Applicant: Armando Elizardo.

b) Second and final reading to approve and adopt an ordinance for a Special Use Permit (SUP) to allow an Adult Business (Microblading Studio) in a General Retail (GR) District located at 5505 S Expressway 77 Suite 204, bearing a legal description of Lot 1, Block 1, Harlingen Medical Center Subdivision. Applicant: Diana Lozano, MD.

c) 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.

d) Consideration and possible action to accept the donation of a 5500 Watt Briggs and Stratton Storm Responder Generator from the American Red Cross of South Texas, a non-profit organization to the City of Harlingen.

e) Consideration and possible action to approve a request from Cameron County Election Department to use the Cultural Art Center, Studio A & B located on 576 “76” Drive, Harlingen, Texas, June 29th thru July 10, 2020 as an Early Voting site for the 2020 Democratic and Republican Runoff Election.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to approve the Consent Agenda, Item 3 (a thru e). Motion carried unanimously.

For the record the caption of the ordinances read as follow:

ORDINANCE NO. 2020-17
Second and final reading to approve and adopt an ordinance to rezone from General Retail (GR) District to Planned Development (PD) District to allow for a single family residential and multi-family residential use for a 14.64 acre tract, out of Lots 15-16, Block 146, San Benito Land and Water Company Subdivision, located on the north side of Haine Dr., east of Treasure Haven.

ORDINANCE NO. 2020-18
Second and final reading to approve and adopt an ordinance for a Special Use Permit (SUP) to allow an Adult Business (Microblading Studio) in a General Retail (GR) District located at 5505 S Expressway 77 Suite 204, bearing a legal description of Lot 1, Block 1, Harlingen Medical Center Subdivision.

PASSED AND APPROVED on first reading this 3rd day of June, 2020
PASSED AND APPROVED on second and final reading on this 17th day of June, 2020

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

/s/ Mayor Chris Boswell

4) Consideration and possible action to approve an ordinance on first reading repealing Ordinance NO. 08-36 in its entirety and repealing and replacing Chapter 46, Article III, Division 2 of the Code of Ordinances of the City of Harlingen, Texas by adding a new division 2, "Wreckers;" Amending Chapter 18, "FEES," of the Code of Ordinances as it provides for FEES and charges related to Wreckers; providing for penalties for failure to comply with such ordinances; providing a severability clause; repealing all ordinances in conflict therewith; providing for publication; and providing for an effective date.

Hector Leal, Deputy Chief with the Police Dept., stated staff is proposing to repeal Ordinance No. 08-36 in its entirety to better manage the operation and disposition of some businesses such as truck operators and companies, or “wreckers” conducting business in the City of Harlingen with
respect to licensing, insurance, fees and other requirements; and improve the provisions of such services to the public.

A short discussion was held regarding the recommended changes. The City Commission asked if this was just a simple housekeeping item.

Deputy Leal responded yes, and to have a more structured ordinance. The public has the option to choose the towing company that they would like to use.

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

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to approve the ordinance on first reading repealing Ordinance No. 08-36 in its entirety and repealing and replacing Chapter 46, Article III, Division 2 of the Code of Ordinances of the City of Harlingen, Texas by adding a new Division 2, “Wreckers;” Amending Chapter 18, “FEES,” of the Code of Ordinances as it provides for fees and charges related to wreckers; providing for penalties for failure to comply with such ordinances; providing a severability clause; repealing all ordinances in conflict therewith; providing for publication; and providing for an effective date. Motion carried unanimously.

5) Consideration and possible action to authorize the Mayor, on behalf of the City of Harlingen Police Department, to accept a grant award from the Coronavirus Emergency Supplemental Funding Program for FY-20 from the Department of Justice – Bureau of Justice Assistance in the amount of $55,218.00.

Miryam Anderson, Asst. Chief of Police stated the Harlingen Police Department (HPD) applied for the Coronavirus Emergency Supplemental Funding Program for FY20 on May 28, 2020. On June 1st, 2020, HPD was awarded $55,218.

Motion was made by Commissioner Puente and seconded by Commissioner Leal to authorize the Mayor, on behalf of the City of Harlingen Police Department, to accept a grant award from the Coronavirus Emergency Supplemental Funding Program for FY-20 from the Department of Justice – Bureau of Justice Assistance in the amount of $55,218.00. Motion carried unanimously.

6) Consideration and possible action to approve a resolution authorizing the Mayor, on behalf of the City of Harlingen, to submit a grant application for $18,405.80 to the Department of Justice – Bulletproof Vest Partnership (BVP) to purchase and replace twenty (20) bulletproof vests.

Asst. Chief Anderson stated the Harlingen Police Department will be utilizing the FY 20 BVP funds to purchase and replace twenty expiring bulletproof vests with a 50% City match of $9,202.90.

Motion was made by Commissioner Leal and seconded by Mayor Pro-Tem Mezmar to approve a resolution authorizing the Mayor, on behalf of the City of Harlingen, to submit a grant application for $18,405.80 to the Department of Justice – Bulletproof Vest Partnership (BVP) to purchase and replace twenty bulletproof vests. Motion carried unanimously.

7) Consideration and possible action to approve an ordinance on first reading for the adoption of the 2018 International Codes and the 2017 National Electrical Codes.

Xavier Cervantes, Director of Planning and Development, stated adoption of the current codes and standards is a very efficient and effective method of creating safe environments that protect and improve public health, safety, general welfare and the economic interest of the community. This provides the opportunity for cost savings based on the usage of the latest technology and practices
(i.e. plastic pipe for plumbing, trusses vs. dimensional lumber, engineered wood products, etc.) and assures that products and materials are available in the market and comply with specifications and testing standards referenced in the codes. According to the Insurance Service Office (ISO) communities with well-enforced, up-to-date codes generally do better in the face of hazards. The current codes are in excess of 6 years which result in a lower classification by the Insurance Service Office, Inc. (ISO). Failure to adopt the new codes would inevitable result in higher insurance premiums for the local property owners. A list with the major changes was submitted to local contractors, developers and architects on April 21st with a deadline to respond by May 1st, 2020. Staff received positive comments in regards to the changes. In the best interest of the public health, safety, and general welfare, staff is recommending approval to adopt the 2018 International Codes and the 2017 National Electrical Code.

Esmael Ortega, Building Inspector, highlighted the sections of the International Code and National Electrical Code as it related to the recommended changes.

Allison Bastian-Rodriguez, 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 adopting the 2018 International Codes and 2017 National Electrical Codes. Motion carried unanimously.

8) Consideration and possible action to authorize the City Manager to enter into an agreement with South Texas Emergency Care Foundation (STEC) to administer and perform COVID-19 testing for persons identified and referred by or at the direction of the City’s Health Authority or Health Department.

Josh Ramirez, Environmental Health Director stated during the worldwide COVID-19 health crisis and pandemic, the City seek additional resources and assistance to protect residents of Harlingen, particularly the elderly and lower-income or indigent residents, from the spread of the disease and infection to the extent possible. The Community Health Paramedicine Program from South Texas Emergency Care, (STEC) will administer and perform COVID-19 testing of persons and deliver test materials to CPL for testing services at no cost to the City.

Discussion was held in regards to the difference of this contract verse the other contracts that the City had with STEC and will the insurance companies require for the residents to go to the doctor and get a referral.

Mr. Ramirez stated STEC will test Harlingen residents at home and at no cost. The City will cover the cost of the COVID-19 test, but STEC will evaluate the patient at home instead of saturating the hospital capacity.

Commissioner Uribe stated when the agreement was made with STEC, he asked if they would be testing upon the person’s request and Mr. Rene Perez, Executive Director with STEC respond no. The person requesting to be tested would have to see a doctor and show symptoms. The doctor would recommend if the person needs to be tested.

Mr. Ramirez stated this situation is different in that Dr. Michael Mohun and STEC will take care of the testing and cost.

Motion was made by Commissioner Leal and seconded by Mayor Pro-Tem Mezmar to authorize the City Manager to enter into an agreement with South Texas Emergency Care Foundation (STEC) to administer and perform COVID-19 testing for persons identified and referred by or at the direction of the City’s Health Authority or Health Department. Motion carried unanimously.
9) Consideration and possible action to approve a resolution designating the Deputy Finance Director as an authorized signatory on the City of Harlingen's bank accounts.

Robert Rodriguez, Finance Director recommended approval the resolution to include the Deputy Finance Director, Kareem Abdullah, as a signatory to the City's bank accounts. The current authorized signers for the City are Dan Serna, City Manager, Gabriel Gonzalez, Assst. City Manager, and Robert Rodriguez, Finance Director. The City Manager's and Finance Director's signatures will remain the same for facsimile for all computer generated checks. A resolution is needed to add the Deputy Finance Director as a signatory to the City's bank account.

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner Leal to approve a resolution designating the Deputy Finance Director as an authorized signatory on the City of Harlingen's bank accounts. Motion carried unanimously.

10) Consideration and possible action to declare the itemized list of non-real estate personal property as surplus personal property, as recommended by staff, and authorize city personnel to conduct a public auction of said property on Saturday, July 25, 2020.

Mr. Rodriguez stated once a year City departments prepare a list of unsalvageable surplus materials, vehicles, and heavy equipment for consideration to sale through an auction. Staff is recommending approval to declare the items as surplus and schedule the Auction for July 25, 2020. If approve, the auction will be conducted by Bond & Bond Auctioneers and Realty, a professional auctioneer. The Harlingen Housing Authority and Valley International Airport are included in the City's auction and proceeds from the auction will go into the respective funds.

Motion was made by Commissioner Puente and seconded by Mayor Pro-Tem Mezmar to declare the itemized list of non-real estate personal property as surplus personal property, as recommended by staff, and authorize city personnel to conduct a public auction of said property on Saturday, July 25, 2020. Motion carried unanimously.

11) Consideration and possible action to approve an ordinance on first reading to amend the City of Harlingen's Budget for Fiscal Year 2019-2020.

Mr. Rodriguez stated approval of an ordinance was required to amend the Harlingen's Budget for Fiscal Year 2019-2020. He highlighted the following information and stated the budget amendment allocates funds for awards, grants and other revenues and expenditures not included in the current fiscal year approved budget.

- General Fund - Revenues increase by $1,295,280 -
  Expenditures increase by $1,750,935
- Air Services Development Fund - Revenues increase by $6,857
  Expenditures increase by $650,830
- Expenditures increase by $880,240
- Tax Increment Financing No. 1 Fund - Revenue increase by $26,000
- Tax Increment Financing No. 2 Fund - Revenue increase by $95,000
- Tax Increment Financing No. 3 Funding - Revenues increase by $179,000
- Debt Service Fund - Revenues increase by $1,970,521
  Expenditures increase by $1,970,521
- Capital Improvement Fund - Expenditures decreased by $9,174
- Infrastructure Fund - Revenues increase by $165,935
  Expenditures increase by $84,404
Motion was made by Commissioner Uribe and seconded by Mayor Pro-Tem Mezmar to approve an ordinance on first reading to amend the City of Harlingen's Budget for Fiscal Year 2019-2020. Motion carried unanimously.

12) Consideration and possible action to authorize the City Manager to enter into a supplemental agreement with the Texas Department of Transportation (TxDOT) for the installation and reimbursement for the operation and maintenance of traffic signals within a municipality.

Rodrigo Davila, Public Works Director stated that on January 7, 1968, the City Commission and TxDOT entered into an agreement for the installation and reimbursement for the operation and maintenance of traffic signals within the city limits of Harlingen. Supplemental agreements are renewed every two (2) years. This agreement specifies the amount of compensation and locations of said traffic signals and the annual amount of revenue generated is $49,800.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to authorize the City Manager to enter into a supplemental agreement with the Texas Department of Transportation (TxDOT) for the installation and reimbursement for the operation and maintenance of traffic signals within a municipality. Motion carried unanimously.

13) Board Appointments - None

14) Executive/Closed Session on the following items:

14a) Attorney consultation pursuant to Sec. 551.071(2), Texas Gov't. Code to receive legal advice regarding the City's legal responsibilities, obligations, and options for the disposition of the Tony Butler Golf Course Property.

14b) Attorney consultation pursuant to Section 551.071(2), Texas Gov't Code to provide legal advice and counsel in connection with the City's rights, duties, privileges, and obligations in connection with Federal Aviation Administration correspondence pertaining to ARFF performance issues and related legal matters.

At 6:26 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item 14 (a & b).

Motion was made by Commissioner Leal and seconded by Commissioner Puente to convene into executive session to discuss Item No. 14 (a & b). Motion carried unanimously.

At 6:36 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 to approve a Memorandum of Understanding (MOU) between the City of Harlingen and Valley International Airport relating to the Airport Rescue and Fire Fighting (ARFF) Services and authorize the Mayor and City Manager to sign the MOU.

Dan Serna, City Manager stated the proposed MOU stipulates the expectations and responsibilities of the ARFF personnel and training requirements to comply with FAA regulations. It also provides for improved oversight of the ARFF operations through quarterly audits. The term of the MOU is the date of execution through the end of December 31, 2025. The MOU shall automatically...
regular MTG
6/17/20

renew for successive two-year terms unless either party gives notice of non-renewal by August 1st of
the second year of the current term.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to approve
the Memorandum of Understanding (MOU) between the City of Harlingen and Valley International
Airport relating to the Airport Rescue and Fire Fighting (ARFF) Services and authorize the Mayor and
City Manager to sign the MOU. Motion carried unanimously.

ADJOURNMENT

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

CITY OF HARLINGEN

ATTEST:

Chris Boswell, Mayor

Amanda C. Elizondo, City Secretary
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: July 15, 2020

Agenda Item:
Consider and take action to award the Employee Health & Group Insurance for Fiscal year 2020-2021, naming the insurance agents and authorize the City Manager to sign the contract as recommended by Scott Gibbs, City's Insurance Consultant.

Prepared By (Print Name): Efren Fernandez
Title: Director of Human Resources and Risk Management
Signature:  

Brief Summary:
Staff solicited requests for proposals for the City’s Health Insurance Plan; proposals were received from Blue Cross, Aetna, United Heath, and SA Benefit Services. Mr. Gibbs reviewed the submittals and will present his analysis and recommendation to the City Commission.

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

The cost of insurance is proportionally paid The City of Harlingen, Harlingen Waterworks, Valley International Airport, and the Harlingen Housing Authority

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

Staff Recommendation:
Staff recommends approval of recommendation made by the City’s Insurance Consultant.

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

Comments:

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

Meeting Date: July 15, 2020

Agenda Item:
Consider and possible action to renew the Voluntary Life/Accidental Death and Dismemberment Insurance, Voluntary Vision Insurance, and Voluntary Dental Insurance Plans for the City of Harlingen for Fiscal Year 2020-2021 and authorize the City Manager to sign the contract.

Prepared By (Print Name): Efren Fernandez
Title: Director of Human Resources and Risk Management
Signature: 

Brief Summary:
The City has received a renewal from UNUM Life Insurance for with no increase. The City has received a renewal from Davis Vision Insurance for Fiscal Year 2020-2021 with an average 18.58% increase. The City has received a renewal offer from Aetna Dental Insurance with a 5% increase. Mr. Gibbs has reviewed the renewal offers and will present his recommendations to the City Commission.

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:
Coverages are paid by the employees via payroll deduction

Finance Director’s approval: 
Staff Recommendation:
Staff recommends approval of the Consultant’s recommendation.

For Street Closures ONLY, Fire Chief’s approval: 

City Manager’s approval: 

City Attorney’s approval: 

form revised 04/29/09
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: July 15, 2020

Agenda Item:
Consider and take action to award the Voluntary Whole Life Insurance for Fiscal year 2020-2021, naming the insurance agents and authorize the City Manager to sign the contract as recommended by Scott Gibbs, City’s Insurance Consultant.

Prepared By (Print Name): Efren Fernandez
Title: Director of Human Resources and Risk Management
Signature:

Brief Summary:
The City solicited requests for proposals for Voluntary Whole Life; proposals were received from Trustmark Insurance, AFLAC (Continental America Ins.), Texas Life Insurance, Colonial Life Insurance, UNUM Life Insurance Group, Transamerica Life Insurance Group, Massachusetts Mutual Life Insurance, New York Life Insurance, Assurity Group Whole Life Insurance. Mr. Gibbs reviewed the submittals and will present his analysis and recommendation to the City Commission.

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:
This insurance is paid by 100% by the employees via payroll deductions

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

Staff Recommendation:
Staff recommends the approval of the Consultant’s recommendation

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

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

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

form revised 04/29/09
Meeting Date: 

July 15, 2020

Agenda Item:

Public hearing and take action to consider an Ordinance on First Reading for a Special Use Permit (SUP) to allow a group home in a Residential Single-Family (R1) District located at 221 McGregor Street, bearing a legal description of The North Part of Lot 9, and the South 66.4 ft. of Lot 9, Block D, Hunter No. 2 Subdivision. Applicant: Lolly Burns

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

Brief Summary:

Project Timeline

- June 02, 2020 – Application for Special Use Permit (SUP) was submitted to the Planning Department. (ATTACHMENT I)
- June 27, 2020 – In accordance with State Statute and local law, notice of the required public hearings was published in the Valley Morning Star and mailed to all property owners within 200 feet of the subject tract.
- July 8, 2020 – Public hearing was conducted by the Planning and Zoning Commission (P&Z). The P&Z Commission recommended approval based on staff’s recommendation by a 4 to 0 vote.
- July 15, 2020 – Public hearing and consideration of requested Special Use Permit (SUP) via 1st ordinance reading scheduled before the City Commission.
- August 5, 2020 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission

Summary

- Per the Code of Ordinances, a living facility, such as a group home use, in a Residential Single-Family (R1) District requires the approval of an SUP by the City Commission.

- Harlingen Hope House, INC is requesting a SUP to allow a group home out of an existing duplex located at 227 McGregor Street (ATTACHMENT III).

- Based on the information provided, Hands of Harlingen Hope House, INC is a private agency that provides structure and specialized services in a home-like atmosphere for 2 to 3 mothers and their children (ATTACHMENT IV).

- The subject property sits on a corner lot and has 78 feet of frontage along McGregor Avenue and 120 feet of frontage along N. Third Street. The subject property currently has a 1,973 sq. ft. duplex that the applicant is proposing to remodel into one group home facility. The proposed facilities will consist of a 5 bedrooms, 2 restrooms, laundry facilities, and with living, dining and study areas. (ATTACHMENT V)
- The surrounding zoning is Residential Single-Family (R1) District to the north, east, south and west. *(ATTACHMENT II)*

- The City of Harlingen Building Inspections, Environmental Health, and Fire Prevention Departments reviewed the SUP application. The departments reported no objection to the proposed request subject to adhering to the Harlingen Code of Ordinances and procedures administered by each department. *(ATTACHMENT VI-VII)*

- The Planning and Development Department has not received any opposition to the SUP request.

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

### Funding (if applicable):  

Are funds specifically designated in the current budget for the full amount 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 SUP request with the following conditions:

1. Maintain the required parking in accordance with city regulations;
2. Maintaining the existing Landscaping in accordance with city regulations;
3. Obtaining and maintaining the proper City permits;
4. Obtaining and maintaining and applicable State permits;
5. The occupant load shall not exceed 16 at any time;
6. Must comply with all city ordinances, codes and standards by means of field inspections before a final certificate of occupancy is issued; and
7. Complying with the requirements administered by Planning and Development, Building Inspections, Environmental Health, and Fire Prevention Departments.

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

### Comments:

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

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

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)
Applicant/Authorized Agent Laura Burns Phone 956-273-2556 FAX_________________________
Email Address (for project correspondence only): loline@harlingen.org
Mailing Address 327 E. Third Ave. City Harlingen State TX Zip 78550
Property Owner Hope Burns Harris Phone 956-273-2556 FAX_________________________
Email Address (for project correspondence only): same
Mailing Address same City same State same Zip_________________________

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

☐ Annexation Request....................... No Fee ☐ Preliminary Plat................................. $100.00
☐ Administrative Appeal (ZBA).................. $125.00 ☐ Final Plat........................................... $50.00
☐ Comp. Plan Amendment Request.......... $250.00 ☐ Minor Plat........................................... $100.00
☐ Re-zoning Request........................ $250.00 ☐ Re-plat............................................ $250.00
☐ SUP 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:

PROJECT WILL BE A HOME FOR OLDER ADULTS............
WILL BE LOCATED AT 4800 WATERFRONT DRIVE.

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

Applicant’s Signature: ___________________ Date: ___________________

Property Owner(s) Signature: ___________________ Date: ___________________

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

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

Complete

☐ City and School Tax Certificates

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

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

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

- I understand that I am requesting an amendment to the City’s Zoning Ordinance and it will not be scheduled for Planning and Zoning Commission review unless all items on this list are completed.
- I understand that in accordance with State law and the Zoning Ordinance, no later than ten (10) days prior to consideration by the Planning and Zoning Commission:
  - A notice will be published in the Valley Morning Star describing the request and the date, time, and location of the public hearing; and
  - Notices will be mailed to all property owners within 200 feet of the tract describing the request and the date, time, and location of the public hearing.
- I understand that while all requirements for the submittal of a PDD or SUP request may be complete, the City Commission is the sole authority for the consideration and approval or denial of the request.
- I understand that the purpose of a PDD or SUP is to allow for development not otherwise authorized in the Zoning Ordinance. Hence, the Planning and Zoning Commission and/or City Commission may impose development standards important to the health, safety, welfare, and protection of the proposed development and the adjacent property and its occupants.
- I understand that a Special Use Permit for a storage or portable building will require engineered designed plans as part of the building permit process.

[Owner Information]

Owner: [Signature]

Owner Address: [Phone/Fax:]

Date: [Signature]
Request for a Special Use Permit (SUP) to allow a Group Home facility in a Residential Single-Family (R1) District located at 221 McGregor Street, bearing a legal description of North part of Lot 9, and the South 66.4' of Lot 9 Block D, Hunter No. 2 Subdivision.

Applicant: Lolly Burns

This map has been produced by the City of Harlingen for the sole purpose of locating jurisdictional boundaries and is not intended for any other. The map data is compiled from various sources including orthophoto imagery, engineer plans and plats, survey field notes, and other sources. This map is intended for graphic representation only. No warranty is made by the City regarding its accuracy or completeness. Before relying on any information on the map, check with the Planning Department. Date of map 1.25.19.
### Specific Use Permit ("SUP") Routing Slip

<table>
<thead>
<tr>
<th><strong>Applicant:</strong></th>
<th>Lolly Burns</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Phone No.:</strong></td>
<td>(956) 873-2686</td>
</tr>
<tr>
<td><strong>Location:</strong></td>
<td>221 McGregor St.</td>
</tr>
<tr>
<td><strong>Project Description:</strong></td>
<td>SUP request to allow a privately funded Group Home in a Single Family Residential (R1) District.</td>
</tr>
</tbody>
</table>

**Department:** Fire Prevention Bureau  
**Approval:** _X_ YES _NO_  
**Comments:** Applicant will have to meet any codes, regulations, ordinances, and standards required for permit.

**Fire Marshal Juan Saucedo Jr.**  
**Date:** June 19, 2020
### SUP Request Routing Slip

**Applicant:** Lolly Burns  
**Phone No.:** (956) 873-2686  
**Location:** 221 McGregor st  
**Project Description:** SUP request to allow a privately funded Group Home in a Single Family Residential (R1) District.

**Department:** Building Inspections

**Approval:**  
- **X** YES  
- NO

**Comments:**  
1. Required to apply for any and all applicable permits. (Building, Electrical, Plumbing, & Mechanical)  
2. To remain as single family dwelling status occupant load shall not exceed 16.  
3. Must comply with all applicable city ordinances, codes and standards by means of field inspections before a final Certificate of Occupancy is issued.

**Signature**  
**Date**
<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Lolly Burns</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phone No.:</td>
<td>(956) 873-2686</td>
</tr>
<tr>
<td>Location:</td>
<td>221 McGregor st</td>
</tr>
<tr>
<td>Project Description:</td>
<td>SUP request to allow a privately funded Group Home in a Single Family Residential (R1) District.</td>
</tr>
</tbody>
</table>

**Department:** Environmental Health

**Approval:** [ ] YES  [ ] NO

**Comments:** Health Department minimum requirements will be that staff/supervisors have a certified food manager present at all times and that the group home obtain a annual health permit for the Harlingen Health Department.

Signature: ___________________________ Date: 2-8-20
ORDINANCE NO. 20-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: TO ISSUE A SPECIAL USE PERMIT TO LOLLY BURNS TO ALLOW A GROUP HOME FACILITY IN A RESIDENTIAL SINGLE-FAMILY (R1) DISTRICT LOCATED AT 221 MCGREGOR STREET, BEARING A LEGAL DESCRIPTION OF THE NORTH PART OF LOT 9, AND THE SOUTH 66.4' OF LOT 9, BLOCK D, HUNTER NO. 2 SUBDIVISION SUBJECT TO: (1) MAINTAIN THE REQUIRED PARKING IN ACCORDANCE WITH CITY REGULATIONS.; (2) MAINTAIN THE EXISTING LANDSCAPING IN ACCORDANCE WITH CITY REGULATIONS; (3) OBTAINING AND MAINTAINING THE PROPER CITY PERMITS; (4) OBTAINING AND MAINTAINING ANY APPLICABLE STATE PERMITS; (5) TO REMAIN AS A SINGLE FAMILY DWELLING STATUS OCCUPANT LOAD SHALL NOT EXCEED 16; (6) MUST COMPLY WITH ALL CITY ORDINANCES, CODES AND STANDARDS BY MEANS OF FIELD INSPECTIONS BEFORE A FINAL CERTIFICATE OF OCCUPANCY IS ISSUED; AND (7) COMPLIANCE WITH THE REQUIREMENTS ADMINISTERED BY THE PLANNING & DEVELOPMENT DEPARTMENT, BUILDING INSPECTIONS DEPARTMENT, FIRE PREVENTION DEPARTMENT, AND ENVIRONMENTAL HEALTH DEPARTMENT.

WHEREAS, the Planning and Zoning Commission of the City of Harlingen pursuant to Harlingen's Zoning Ordinance procedure, has recommended a special 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 special 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 special use permit as indicated:

To Issue a Special Use Permit to Lolly Burns to allow a group home facility in a Residential Single-Family (R1) District located at 221 McGregor street, bearing a legal description of North part of Lot 9, and the South 66.4' of Lot 9, Block D, Hunter No. 2 Subdivision. Subject to: (1) Maintain the required parking in accordance with city regulations.; (2) Maintaining the existing landscaping in accordance with city regulations; (3) Obtaining and maintaining the proper city permits; (4) Obtaining and maintaining any applicable state permits; (5) To remain as a single family dwelling status occupant load shall not exceed 16; (6) Must comply with all city ordinances, codes and standards by means of field inspections before a final Certificate of Occupancy is issued; and (7) Compliance with the requirements administered by the Planning &
Development Department, Building Inspections Department, Fire Prevention Department, and Environmental Health Department.

The provisions prohibiting the violation of the Zoning Ordinance shall continue in full force and effect and apply to this amendment.

The special 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 ______________, 2020, at a regular meeting of the Elective Commission of the City of Harlingen, Texas at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, CHAPTER 551.

CITY OF HARLINGEN

__________________________
Chris Boswell, Mayor

ATTEST:

__________________________
Amanda C. Elizondo, City Secretary
Public hearing and take action to consider a request for a Special Use Permit (SUP) to allow a group home in a Residential Single-Family (R1) District located at 221 McGregor Street, bearing a legal description of Lots 4 Block D, Hunter No. 2 Subdivision. Applicant: Lolly Burns

Mr. Joel Olivo summarized the following:

- Per the Code of Ordinances, a living facility, such as a group home use, in a Residential Single-Family (R1) District requires the approval of an SUP by the City Commission.
- Harlingen Hope House, INC is requesting a SUP to allow a group home out of an existing duplex located at 227 McGregor Street (ATTACHMENT III).
- Based on the information provided, Hands of Harlingen Hope House, INC is a private agency that provides structure and specialized services in a home-like atmosphere for 2 to 3 mothers and their children (ATTACHMENT IV).
- The Subject property sits on a corner lot and has 78 feet of frontage along McGregor Avenue and 120 feet of frontage along N. Third Street. The subject property currently has a 1,973 sq. ft. duplex that the applicant is proposing to remodel into one group home facility. The proposed facilities will consist of a 5 bedroom, 2 restrooms, laundry facilities, and with living, dining and study areas. (ATTACHMENT V)
- The surrounding zoning is Residential Single-Family (R1) District to the north, east, south and west. (ATTACHMENT II)
- The City of Harlingen Building Inspections, and Fire Prevention Departments reviewed the SUP application. The departments reported no objection to the proposed request subject to adhering to the Harlingen Code of Ordinances and procedures administered by each department. (ATTACHMENT VI-VII)
- The Planning and Development Department has not received any opposition to the SUP request.
- In accordance with the zoning ordinance, the Planning and Zoning Commission and City Commission may impose requirements and conditions of approval as are needed to ensure that a use requested by a SUP is compatible and complementary to adjacent properties.

Staff recommends approval of the SUP request with the following conditions:

1. Maintain the required parking in accordance with city regulations.
2. Maintaining the existing Landscaping in accordance with city regulations.
3. Obtaining and maintaining the proper City permits.
4. Obtaining and maintaining and applicable State permits.
5. The occupant load shall not exceed 16 at any time.
6. Must comply with all city ordinances, codes and standards by means of field inspections before a final certificate of occupancy is issued.
7. Complying with the requirements administered by Planning and Development, Building Inspections, Environmental Health, and Fire Prevention Departments.

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

Cmr. Wolf asked if this request does not require a re-zoning?

Mr. Olivo responded no and that only an SUP is required. He further stated that the property is zoned Residential, Single Family. A group home is permitted in a Residential, Single Family District with an approved special use permit.

Chrm. Peacock opened this item up for public hearing. There being none the public hearing was closed.

Cmr. Wolf made a motion to approve the SUP as per staff's recommendations. Cmr. Perez seconded. The motion passed unanimously.
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: July 15, 2020

Agenda Item:
Public hearing and take action to consider an Ordinance on First Reading for a Special
Use Permit (SUP) to allow a school in a Single Family Residential (R1) District located at
401 N. 21st Street, bearing a legal description of 1.54 acres, part of Block 64, Harlingen

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

Project Timeline
• June 4, 2020 – Application for Special Use Permit (SUP) was submitted to the Planning Department. (ATTACHMENT I)
• June 13, 2020 – In accordance with State Statute and local law, notice of the required public hearings was published in the Valley Morning Star and mailed to all property owners within 200 feet of the subject tract.
• June 24, 2020 – Public hearing and consideration of requested Special Use Permit (SUP) by the Planning and Zoning Commission (P&Z). P&Z Commission meeting cancelled due to lack of quorum.
• June 27, 2020 – In accordance with State Statute and local law, notice of the required public hearings was published in the Valley Morning Star and mailed to all property owners within 200 feet of the subject tract.
• July 8, 2020 – Public hearing was conducted by the Planning and Zoning Commission (P&Z). The P&Z recommended approval based on staff's recommendation by a 4 to 0 vote.
• July 15, 2020 – Public hearing and consideration of requested Special Use Permit (SUP) via 1st ordinance reading scheduled before the City Commission.
• August 5, 2020 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission

Summary
• Per the Code of Ordinances, Chapter 111-Zoning, Section 111-62, a school in a Single Family (R1) District requires the approval of an SUP by the City Commission.

• The applicant is proposing to remodel a church into a school. The building is 6,000 square feet with 7 classrooms. The applicant would like to start an At-Risk after school program that targets at-risk children and supports them in educational growth. According to the applicant the initial capacity would be 25-50 students through the 12th grade, with the goal to have an enrollment of up to 100 students per day, with an estimated 20 students being in high school (ATTACHMENT II).

• The subject property was previously used as a church located on 1.54 acres (67,082 square feet). The school will be accessible via 21st Street which is a 48
wide paved street. The entrance is encroaching into the railroad right-of-way. There is a sidewalk along 21st Street. Twenty-four parking spaces are required and twenty-seven parking spaces are provided. The expected hours of operation are Monday through Friday from 4:00 p.m. to 8:00 p.m.

- Adjacent zoning is Planned Development (PD) District for residential use to the north, and Single Family Residential (R1) District to the east, south, and west. Surrounding land uses are single family homes, the Harlingen CISD STEMS2 Preparatory Academy to the west, Railroad Tracks immediately to the south, and Bonham Park further south. (ATTACHMENT III-IV)

- The City of Harlingen Building Inspections Departments, Engineering Department, Fire Prevention, and Health Department have reviewed the SUP application. The Building Inspections Department reported no objection and requested for construction documents prepared by a Texas Licensed Architect for the "Change in Use" will be required to be submitted for review prior to issuance of permits. The new building use may require a fire sprinkler system based on proposed design and the applicant is required to apply for any and all applicable permits (Building, Electrical, Plumbing, & Mechanical) The applicant must comply with all applicable city ordinances, codes and standards by means of field inspections before a final Certificate of Occupancy is issued. The Engineering Department, Fire Prevention Bureau, and Health Department also reported no objection subject to complying with applicable codes and regulations. (ATTACHMENT V)

- The Planning and Development Department received one call from a surrounding property owner in opposition to the requested special use permit.

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

### Funding (if applicable):

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:

Staff recommends approval of the request subject to the following:

1. Compliance with all city ordinances, codes and standards;
2. Submittal of a building permit application and construction documents prepared by a Texas Licensed Architect for an official plan review;
3. Provide and maintain the required parking spaces and existing landscaping in accordance with city regulations;
4. Provide documentation of the railroad granting permission to encroach into the railroad right-of-way.
right-of-way, and
5. Compliance with the requirements administered by the Building Inspections Department, Engineering Department, Fire Prevention Department, Health Department, and Planning & Development.

<table>
<thead>
<tr>
<th>City Manager's approval:</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Comments:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City Attorney's approval:</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>7/4/20</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
# CITY OF HARLINGEN PLANNING AND ZONING DIVISION
## MASTER APPLICATION

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

<table>
<thead>
<tr>
<th>Project Address</th>
<th>401 North 21st St</th>
<th>Nearest Intersection</th>
<th>Loop 499</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>(Proposed) Subdivision Name</th>
<th>Harlingen Land &amp; Water Co Sublot</th>
<th>Block</th>
<th>64</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Existing Zoning Designation</th>
<th>Future Land Use Plan Designation</th>
</tr>
</thead>
</table>

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

<table>
<thead>
<tr>
<th>Applicant/Authorized Agent</th>
<th>Daniel Ybarra</th>
<th>Phone (956) 459-9317</th>
<th>FAX</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Email Address (for project correspondence only)</th>
<th>duc notepad.com</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Mailing Address</th>
<th>8340 Camino Delatierra</th>
<th>City</th>
<th>Brownsville</th>
<th>State</th>
<th>Texas</th>
<th>Zip</th>
<th>78526</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Property Owner</th>
<th>Daniel Ybarra</th>
<th>Phone (956) 459-9317</th>
<th>FAX</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Email Address (for project correspondence only)</th>
<th>duc notepad.com</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Mailing Address</th>
<th>Same as above</th>
<th>City</th>
<th>Brownsville</th>
<th>State</th>
<th>Texas</th>
<th>Zip</th>
<th>78526</th>
</tr>
</thead>
</table>

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

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

Please provide a basic description of the proposed project:

See attached form

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: Daniel Ybarra
Date: 5/29/10

Property Owner(s) Signature: Daniel Ybarra
Date: 5/29/10

Accepted by: Date:
ATTACHMENT I

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

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

Complete

☐ City and School Tax Certificates

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

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

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

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

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

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

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

Owner: Daniel Zavala  Date: 5/6/20
Owner Address: 5540 Camino de la Tierra, Brownsville, TX 78526
Phone/Fax: 956-454-9317 / djz@st@yahoo.com
Signature: Daniel Zavala
Please provide a basic description of the proposed project: The building is a 6,000 square feet building with multiple classrooms. We would like to start a program that targets at risk children and support them in educational growth. It is called At Risk after school program that would be educational in nature. We feel it would benefit students that need educational support in small settings that would steer them in a higher educational course. Please feel free to call Mr. Norberto Ponce 956 592-2097 as he would be heading this program for further clarifications.
Request for a Special Use Permit (SUP) to allow a School in a Single Family Residential (R1) District located at 401 N. 21st Street, bearing a legal description of 1.54 Acres, PT Block 64, Harlingen Land & Water Co. Subdivision. Applicant: Daniel Ybarra.
SUP Request Routing Slip

Applicant: Daniel Ybarra
Phone No.: (956) 459-9317
Location: 401 N. 21st Street
Project Description: SUP request to allow a School in a Single Family Residential (R1) District.

Department: Building Inspections Department

Approval: X YES  NO

Comments: 1. Construction documents prepared by a Texas Licensed Architect for the “Change in Use” will be required to be submitted for review prior to issuance of permits. 2. The new Building Use may require a fire sprinkler system based on proposed design. 3. Required to apply for any and all applicable permits. (Building, Electrical, Plumbing, & Mechanical). 4. Must comply with all applicable city ordinances, codes and standards by means of field inspections before a final Certificate of Occupancy is issued.

Signature  6/16/2020  Date
SUP Request Routing Slip

Applicant: Daniel Ybarra
Phone No.: (956) 459-9317
Location: 401 N. 21st Street
Project Description: SUP request to allow a School in a Single Family Residential (R1) District.

Department: Engineering Department
Approval: X YES __NO

Comments: The Engineering Department has reviewed the request and does not have any objection to allow a school in a single-family residential district (R1). The reviewer's comment does not relieve the Developer's team from complying with the Federal, State, and Local Rules and Regulations.

Kimberly Salinas
Signature
06/18/2020
Date
Specific Use Permit ("SUP") Routing Slip

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Daniel Ybarra</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phone No.</td>
<td>(956) 459-9317</td>
</tr>
<tr>
<td>Location</td>
<td>401 N 21st Street</td>
</tr>
<tr>
<td>Project Description</td>
<td>SUP request to allow a School in a Single Family Residential (R1)</td>
</tr>
<tr>
<td>Department</td>
<td>Fire Prevention Bureau</td>
</tr>
<tr>
<td>Approval</td>
<td><em>X</em> YES ___ NO</td>
</tr>
<tr>
<td>Comments</td>
<td>Applicant will have to meet any codes, regulations, ordinances, and standards required for permit.</td>
</tr>
</tbody>
</table>

Fire Marshal Juan Saucedá Jr.  

Date: June 16, 2020
SUP Request Routing Slip

Applicant: Daniel Ybarra
Phone No.: (956) 459-9317
Location: 401 N. 21st Street

Project Description: SUP request to allow a School in a Single Family Residential (R1) District.

Department: Health Department

Approval:  √YES  ___NO

Comments: The site plan provided in the email does not indicate where the kitchen equipment will be placed. Such as, the 3 compartment sink, hand wash station, hood oven system, grease trap location and hot water heater location. That information needs to be provided.
AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: TO ISSUE A SPECIAL USE PERMIT TO DANIEL YBARRA, TO ALLOW A SCHOOL IN A SINGLE FAMILY (R1) DISTRICT LOCATED AT 401 N. 21ST STREET, SUBJECT TO: (1) COMPLIANCE WITH ALL CITY ORDINANCES, CODES AND STANDARDS; AND (2) SUBMITTAL OF A BUILDING PERMIT APPLICATION AND CONSTRUCTION DOCUMENTS PREPARED BY A TEXAS LICENSED ARCHITECT FOR AN OFFICIAL PLAN REVIEW; AND (3) PROVIDE AND MAINTAIN THE REQUIRED PARKING SPACES AND EXISTING LANDSCAPING ACCORDANCE WITH CITY REGULATIONS; AND (4) PROVIDE DOCUMENTATION OF THE RAILROAD GRANTING PERMISSION TO ENCROACH INTO THE RIGHT-OF-WAY; AND (5) COMPLIANCE WITH THE REQUIREMENTS ADMINISTERED BY THE BUILDING INSPECTIONS DEPARTMENT, ENGINEERING DEPARTMENT, FIRE PREVENTION DEPARTMENT, HEALTH DEPARTMENT, AND PLANNING & DEVELOPMENT.

WHEREAS, the Planning and Zoning Commission of the City of Harlingen pursuant to Harlingen’s Zoning Ordinance procedure, has recommended a special 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 special 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 special use permit as indicated:

To Issue a Special Use Permit to Daniel Ybarra to allow a school in a Single Family (R1) District located at 401 N. 21st Street 204, subject to: (1) Compliance with all city ordinances, codes and standards; and (2) Submittal of a building permit application and construction documents prepared by a Texas Licensed Architect for an official plan review; and (3) Provide and maintain the required parking spaces and existing landscaping accordance with city regulations; and (4) Provide documentation of the railroad granting permission to encroach into the right-of-way; and (5) Compliance with the requirements administered by the Building
Inspections Department, Engineering Department, Fire Prevention Department, Health Department, And Planning & Development.

The provisions prohibiting the violation of the Zoning Ordinance shall continue in full force and effect and apply to this amendment.

The special 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 ______________, 2020, at a regular meeting of the Elective Commission of the City of Harlingen, Texas at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, CHAPTER 551.

CITY OF HARLINGEN

______________________________
Chris Boswell, Mayor

ATTEST:

______________________________
Amanda C. Elizondo, City Secretary
Public hearing and take action to consider a request for a Special Use Permit (SUP) to allow a school in a Single Family Residential (R1) District located at 401 N. 21st Street, bearing a legal description of 1.54 Acres, part of Block 64, Harlingen Land & Water Co. Subdivision. Applicant: Daniel Ybarra.

Mr. Albert Molina summarized the following:

• Per the Code of Ordinances, Chapter 111-Zoning, Section 111-62, a school in a Single Family (R1) District requires the approval of an SUP by the City Commission.
  • The applicant is proposing to remodel a church into a school. The building is 6,000 square feet with 7 classrooms. The applicant would like to start an At-Risk after school program that targets at-risk children and supports them in educational growth. According to the applicant the initial capacity would be 25-50 students through the 12th grade, with the goal to have an enrollment of up to 100 students per day, with an estimated 20 students being in high school (ATTACHMENT II).
  • The subject property was previously used as a church located on 1.54 acres (67,082 square feet). The school will be accessible via 21st Street which is a 48 wide paved street. The entrance is encroaching into the railroad right-of-way. There is a sidewalk along 21st Street. Twenty-four parking spaces are required and twenty-seven parking spaces are provided. The expected hours of operation are Monday through Friday from 4:00 p.m. to 8:00 p.m.
  • Adjacent zoning is Planned Development (PD) District for residential use to the north, and Single Family Residential (R1) District to the east, south, and west. Surrounding land uses are single family homes, the Harlingen CISD STEMS2 Preparatory Academy to the west, Railroad Tracks immediately to the south, and Bonham Park further south. (ATTACHMENT III-IV)
  • The City of Harlingen Building Inspections Departments, Engineering Department, Fire Prevention, and Health Department have reviewed the SUP application. The Building Inspections Department reported no objection and requested for construction documents prepared by a Texas Licensed Architect for the "Change in Use" will be required to be submitted for review prior to issuance of permits. The new building use may require a fire sprinkler system based on proposed design and the applicant is required to apply for any and all applicable permits (Building, Electrical, Plumbing, & Mechanical) The applicant must comply with all applicable city ordinances, codes and standards by means of field inspections before a final Certificate of Occupancy is issued. The Engineering Department, Fire Prevention Bureau, and Health Department also reported no objection subject to complying with applicable codes and regulations. (ATTACHMENT V)
  • The Planning and Development Department received one call from a surrounding property owner in opposition to the requested special use permit.
  • In accordance with the zoning ordinance, the Planning and Zoning Commission and City Commission may impose requirements and conditions of approval as are needed to ensure that a use requested by a SUP is compatible and complementary to adjacent properties.

Staff recommends approval of the request subject to the following:
1. Compliance with all city ordinances, codes and standards; and
2. Submittal of a building permit application and construction documents prepared by a Texas Licensed Architect for an official plan review; and
3. Provide and maintain the required parking spaces and existing landscaping accordance with city regulations; and
4. Provide documentation of the railroad granting permission to encroach into the right-of-way; and
5. Compliance with the requirements administered by the Building Inspections Department, Engineering Department, Fire Prevention Department, Health Department, and Planning & Development.

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

Cmr. Keim asked what was the reason for the phone call made to staff regarding this item.

Mr. Albert Molina responded that they just wanted to know how many kids would be attending this school.

Cmr. Lowry asked if they would be installing a sprinkler system

Mr. Molina responded that’s a possibility; he further stated that the current building was previously used as a church. It now will be used as a school. There will be things that need to be updated and remodeled for school use and the applicant is aware of that.

Cmr. Perez asked more info on the encroachment at the railroad right-of-way.

Mr. Molina responded that to the south side of the building there is a railroad right of way and that the applicant has the option to make a new entrance for the parking lot or apply for a license to encroach.

Chrm. Peacock opened this item up for public hearing. There being none the public hearing was closed.

Cmr. Wolf motioned to approve the SUP request as per staff’s recommendations. Cmr. Keim seconded. The motion passed unanimously.
## AGENDA ITEM

### EXECUTIVE SUMMARY

**Meeting Date:** July 15, 2020

### Agenda Item:

Consider and take action to authorize the Commission to approve City Manager Dan Serna, on behalf of the City of Harlingen Police Department, to submit a grant application in reference to the Southwest Border Rural Law Enforcement Assistance Program from the Department of Justice – Bureau of Justice Assistance.

### Prepared By (Print Name):

Michael Kester

**Title:** Chief of Police

**Signature:**

---

### Brief Summary:

The Harlingen Police Department will be utilizing the requested funds for K9s, K9 equipment and training, surveillance equipment and automatic license plate recognition equipment. This is a 100% funded grant, no matching funds. Total amount requested for the grant is approximately $65,000.00.

### Funding (if applicable):

Are funds specifically designated in the current budget for the full amount?  

- [ ] Yes  
- [X] No*  

*If no, specify source of funding and amount requested: The source of funding will be the Department of Justice – Bureau of Justice Assistance

**Finance Director’s approval:**  

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

### Staff Recommendation:

Staff has conducted research and recommends that we submit an application to secure funding.

**City Manager’s approval:**  

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

### Comments:

---

**City Attorney’s approval:**  

- [ ] Yes  
- [ ] No  
- [ ] N/A
RESOLUTION NO. ______

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS AUTHORIZING THE HARLINGEN POLICE DEPARTMENT TO SUBMIT A GRANT APPLICATION IN REFERENCE TO THE SOUTHWEST BORDER RURAL LAW ENFORCEMENT ASSISTANCE PROGRAM VIA THE DEPARTMENT OF JUSTICE – BUREAU OF JUSTICE ASSISTANCE.

WHEREAS, the City of Harlingen finds it in the best interest of the citizens of Harlingen, Texas to allow the Harlingen Police Department to seek funding from the Southwest Border Rural Law Enforcement Assistance Program, which is a new and innovative program designed to assist agencies along or near the Southwestern Border of the United States. The program’s purpose is to improve the agency’s investigative, intelligence and interdiction capabilities, enhance information sharing and assist in project/initiatives unique to an agency or its region.

WHEREAS, the Harlingen Police Department plans to request approximately $65,000.00 for K9 equipment, surveillance equipment and automatic license plate recognition equipment.

WHEREAS, the governing body of the City of Harlingen has considered the proposed funding application at a regular City Commission meeting for said project, with an estimated amount of $65,000.00, which requires no match, and prior to its final submittal to the Department of Justice – Bureau of Justice Assistance.

WHEREAS, the City Commission of the City of Harlingen understanding the financial limitations and obligations related to the Southwest Border Rural Law Enforcement Assistance Program, including the full return of grant funds back to the Department of Justice – Bureau of Justice Assistance in the event of a loss or misuse, endorses the application for funding on behalf of the Harlingen Police Department; and,

WHEREAS, the City Commission of the City of Harlingen designates City Manager Dan Serna as the authorized official to apply for, accept, reject, alter or terminate funding of said grant.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS: that the City Commission approves the submission of an application in reference to the Southwest Border Rural Law Enforcement Assistance Program from the Department of Justice – Bureau of Justice Assistance.

CONSIDERED AND ADOPTED this ______ day of __________, 2020, 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 Elizondo, City Secretary
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: July 15, 2020

Agenda Item:
Consider and take action to authorize the Mayor, on behalf of the City of Harlingen, to approve and sign the Interlocal Agreement with the Harlingen Consolidated Independent School District (HCISD) for the Harlingen Police Department to staff Police Officers as School Resource Officers (SRO).

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

Brief Summary:
The Harlingen Police Department will provide one (1) Sergeant, three (3) full-time officers and five (5) part-time officers as SROs to HCISD for the School Police Program. HCISD will reimburse the City of Harlingen for salaries and benefits of the one (1) Sergeant and three (3) full-time officers, as well as equipment costs for police vehicles while they are dedicated to HCISD related work. The five (5) part-time officers will be compensated by HCISD at the prevailing overtime rate, currently $45 per hour.

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

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

Staff Recommendation:
Staff recommends that we accept the HCISD/HPD MOU for the FY 20/21.

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

Comments:

City Attorney’s approval: ☐ Yes ☐ No ☐ N/A
SCHOOL RESOURCE OFFICER PROGRAM
INTERLOCAL AGREEMENT

This Interlocal Agreement between the City of Harlingen and the Harlingen Consolidated Independent School District Board of Education replaces any and all prior agreements and understandings between the City of Harlingen, Texas (hereinafter referred to as the “CITY”) and the Harlingen Consolidated Independent School District (hereinafter referred as “HCISD”) on the subject of school resource officers.

The agreement is in accordance with the State of Texas Inter-local Cooperation Act Chapter 791-Texas Government Code, and is made and entered into between the identified parties with an effective beginning date of July 01, 2020:

- Harlingen Consolidated Independent School District (hereinafter “HCISD”)
  C/O HCISD Board of Education
  407 North 77 Sunshine Strip
  Harlingen, Texas 78550

- City of Harlingen (hereinafter “CITY”)
  c/o City Mayor
  118 East Tyler Ave.
  Harlingen, Texas 78550

Article 1. PURPOSE OF THE INTERLOCAL AGREEMENT

1.01 Purpose. This Inter-local agreement delineates the mission, and organizational structure of provided police services as well as the school resource officer program (hereinafter the “SRO” Program) as a joint cooperative effort between HCISD, and the City of Harlingen Police Department (hereinafter the “HPD”).

Article 2. MISSION, GOALS, AND OBJECTIVES

2.01 Mission. The mission is the reduction and prevention of school-related violence and crime committed by juveniles and young adults that threatens the safety of the students, faculty, administrative personnel and the security of public property.

2.02 Goals. Although authorized to do so under Section 37.081 of the Texas Education Code, HCISD does not have the resources to employ, train, commission, and equip its own police department, and in concurrence with the Elective Commission of the City of Harlingen finds that, in the best interest for all parties, the CITY furnish police protection services by assigning the number of police officers agreed to by the CITY’s Chief of Police and HCISD to provide police services and as funded by HCISD.

2.03 Objectives. The formation of the provided police services reflects a community partnership between the CITY and the HCISD. The program aims to create and maintain a safe, secure and orderly learning environment for students, teachers and staff. The accomplishment of
this objective is facilitated by assigning law enforcement officers employed by HPD to HCISD school facilities for an agreed upon term and reimbursement.

**Article 3. POLICE SERVICES PROVIDED**

3.01 HPD agrees to provide police services to HCISD as set out in this agreement. HPD agrees to develop and administer a school police program department policy and standard operating procedure in partnership with HCISD setting out detailed guidance of personnel and program direction.

3.02 In the event of a catastrophic event (including but not limited to a hurricane, flood, or terrorist act) the HPD Chief of Police may recall some or all of the SRO staff to assist. If this is implemented the HPD Chief with notify the HCISD Superintendent in writing of the start date and anticipated end date. Once recalled all salaries and benefits become the responsibility of HPD until such time the School Resource Officers (SROs) are reassigned back to HCISD.

**Article 4. ORGANIZATIONAL STRUCTURE**

4.01 Composition. The Harlingen Police Department (hereinafter “HPD”) shall assign full-time law enforcement officers to provide police services. Selected officers must be certified by the State of Texas and meet all requirements as set forth by the Texas Commission of Law Enforcement related to work standards and in-service training requirements. HCISD authorizes the officers to carry the HPD assigned weapons in all property that is owned, leased or rented or otherwise under the control of HCISD and its Board of Trustees.

4.02 Supervision. The day-to-day administrative duties of the police officers are the responsibility of both HPD and HCISD. Responsibility for police services and the conduct of the assigned officers shall remain with HPD’s assigned sergeant. HCISD shall refer any disciplinary matters involving misconduct of any officer during duty hours to the HPD Supervisor overseeing the police program. HPD employees are employed and retained by the providing HPD, and in no event shall any employee of HPD be considered an employee of HCISD under this Agreement.

4.03 Command and Executive Staff. All management, program development, and administration of provided police services shall be the responsibility of the assigned commander, deputy chief.

4.04 Staffing. To effectively provide professional police services, staffing levels at the supervisor and officer level for the Harlingen Police Department’s school police program will be set as mutually agreed upon by the HPD Chief of Police and the HCISD Superintendent.

**School Crossing Guards – School Police Program (9)** Nine school crossing guards will be assigned to the school police program. The school crossing guards primary function will be to provide safe crossing of students and their parents at their assigned school, intersection, or public or private roadway.
Police Officer Positions - School Resource Officers (3) Three full-time police officer positions will be assigned as SROs. One police officer will be assigned to each of the two current High Schools and Cano Freshman Academy. The School District and SRO Sergeant may reassign officers to other district campuses as mutually agreed upon.

Sergeant Position – SRO (1). One sergeant position will be assigned to supervise the three SROs, any part-time SROs and the SRO program. The SRO Sergeant may perform the duties of the SRO if needed but primarily supervises the SROs. The SRO Sergeant reports to the HPD Commander and Deputy Chief under the CID Bureau from the Police Department and the HCISD Superintendent or designee.

Part-time School Resource Officer - Individual Officers requested by HCISD to either fill vacancies of regular assigned SROs (due to illness, training requirements or other approved reasons) or as needed to provide additional SRO services to other campuses. HCISD requests five (5) part-time SROs for assignment to each High School; and will request SROs for the 9th Grade Academy and the Middle schools as needed and directed by HCISD, and as agreed by HPD. HCISD may reduce or request additional part-time SROs depending on current events, school cancelations or critical incidents. HPD will fill these positions depending on officer availability. All officers must have completed an SRO orientation training (provided by the SRO Sergeant) and all TCOLE training requirements prior to being eligible to work school assignments. These officers are compensated by HCISD at the prevailing overtime rate (currently $45/hr).

Article 5. PROCEDURES

5.01 Selection. Available officer positions are selected through a process approved by HPD’s Chief of Police and HCISD’s Superintendent. The selection of the officers is to be mutually agreed upon, and these officers shall adhere to the school policies and providing agency’s department directives while incorporating the principles of community policing. Selection of SRO Sergeant shall remain fully with the Chief of Police.

5.02 Qualifications. Officers must obtain and maintain the following qualifications:

- City of Harlingen Police Department Police Officer in good standing with at least 2 years of service,
- Familiarity with and ability to make references to community agencies which offer assistance to delinquency-prone youths and their families, such as mental health clinics and drug treatment centers.

5.03 Duty Hours. The duty hours for officers shall be subject to the limitations contained in Chapter 142, Texas Government Code and will be as agreed by the Chief of Police and the Superintendent.

5.04 Specialized/Required Training. Officers are recommended to receive the following training as well as TCOLE and HPD required training:
• Basic SRO 40-hour training course for new SROs.
• Advanced 24-hour training course for SROs who have been in the position for one year or more.
• School Law Update course designed to provide attendees 8 hours of instruction on the most up to date information on the law and how it affects their role in the school environment.
• Active Shooter training course designed to teach officers’ tactics specifically in a school environment.
• SRO Management 24-hour training course designed for all levels of management, specifically the supervisor overseeing the SRO Program.

Article 6. COMPENSATION

6.01 Compensation. HCISD shall appropriate from current revenues and pay to CITY one (1) SRO Sergeant Position and three (3) SRO positions for the full HCISD Fiscal calendar year. The total costs are full salaries and benefits to include any authorized leave (e.g., vacation, sick emergency, training, or other authorized reasons) used during the term of this agreement. Additional part-time SRO positions or assignments requested by HCISD are to be compensated at the prevailing HPD overtime rate (currently $45/hr) and a police unit ($10/hr).

6.02 Travel and Training. Travel and training expenses related to any specialized training, HCISD-proposed training, TCOLE, or HPD-required training shall be at the expense of HCISD, including but not limited to conference registration costs, meal per diem, hotel costs, training materials or supplies, incidental and air transportation. The travel per diem rates are set by the General Services Administration (GSA) and the City of Harlingen Travel Policy. Per diem will be paid through the City of Harlingen initially and HCISD will reimburse the City for the per diem costs within thirty (30) days after submission of receipts and required paperwork. All other associate travel costs will be paid directly by HCISD; however, all travel and training documentation must follow CITY procedures and be approved by HPD chain of command prior to attendance.

6.03 On-Duty Injury. In the event an SRO sustains an injury while performing his or her school duties HCISD shall continue to pay to CITY the full salary and other benefits received by the SROs during the term of this Agreement. The CITY shall offset any worker’s compensation or insurance benefits received from the amount due by the HCISD. If necessary and in the best interest of HCISD, HCISD may choose to hire a temporary replacement for the injured officer(s) or officer on approved leave at an additional expense at the current HPD overtime rate.

6.04 Fleet. HCISD shall appropriate from current revenues and pay to CITY the associated cost to equip all the officers under this Agreement with a police vehicle, vehicle equipment, projected maintenance, and fuel. The total cost to equip each full time SRO position with a police marked or unmarked vehicle, as required is agreed at $7,000.00 per school calendar year. Payment shall be due half by December 31 and the other half by June 1 of each school calendar year. HCISD agrees to fund all vehicles in this format.
6.05 Hiring Off-Duty Special Events Officers. HCISD may choose to hire through HPD off-duty police officer(s) at the prevailing rate (currently $45/hr) as set by the Chief of Police. Additionally, HCISD may choose to request officers hired under this section be equipped with a marked police unit at the prevailing additional costs ($10/hr) as set by the Chief of Police and based on availability.

Article 7. MUTUAL NOTIFICATIONS AND INFORMATION SHARING

7.01 Reporting Serious Crimes. State law requires notification of serious nature crimes be made to law enforcement (HPD) by a school principal or school district professional employee. In addition, law enforcement leadership in the school police program will also notify the school district (HCISD).

Notification will be made when the HCISD principal, HCISD professional employee, or member of the Harlingen Police Department school program become aware that an arrest and / or referral of a student of HCISD has been made to the office or an official designated by the juvenile board, or when the child is believed to have engaged or may engage in one of the following offenses:

- Any felony offense
- An offense under Penal Code (PC) Sections 20.02 (Unlawful Restraint), 21.08 (Indecent Exposure), 22.01 (Assault), 22.05 (Deadly Conduct), 22.07 (Terroristic Threat), or 71.02 (Engaging in Organized Criminal Activity).
- The unlawful use, sale or possession of a controlled substance, drug paraphernalia or marijuana as defined by Chapter 481; Health & Safety Code.
- The unlawful possession of any of the weapons or devices listed in Sections 46.01 (1-14 or 16) of the Penal Code or a weapon listed as a prohibited weapon under PC 46.05.
- Conduct that may constitute a criminal offense for which a student may be expelled under Education Code 37.007 (a), (d) or (e).

The school program HPD Sergeant shall comply with TX C.C.P. Article 15.27 and make the notification both orally and in writing to the superintendent of HCISD or his or her designee within 24 hours after the arrest or referral is made or before the next school day; whichever is earlier. The notification shall contain sufficient details of the arrest or referral and the acts allegedly committed by the student to enable the superintendent or their designee to determine whether there is reasonable belief that the student has engaged in conduct defined as a felony offense by the Penal Code or whether it is necessary to conduct a Threat Assessment or prepare a safety plan related to the student.

Oral or written notice required under this article must include all pertinent details of the offense or conduct, including details of any:

1. assaultive behavior or other violence;
2. weapons used in the commission of the offense or conduct; or
3. weapons possessed during the commission of the offense or conduct.
In addition to the information provided under this section, the law enforcement agency shall provide to the superintendent or superintendent's designee information relating to the student that is requested for the purpose of conducting a threat assessment or preparing a safety plan relating to that student.

If an individual is a student, the HCISD superintendent or designee shall immediately notify all instructional and support personnel who have responsibility for the supervision of the student. All personnel shall keep the information received confidential and not disclose it except as specifically authorized by Article 15.27 of Texas C.C.P.

7.02 Information Sharing. To enhance the objective of providing a safe, educational setting, the dissemination of information among the parties involved must be effortlessly distributed. However, as it is as important to obtain information contained in records systems (education and law enforcement records) maintained by the school, it cannot be done indiscriminately as federal laws restrict the release of information contained in a student’s education record.

HCISD shall allow SROs to seek information from student education records found in the school’s databases through assigned user names and passwords. The information obtained shall be strictly monitored by school staff.

HCISD may disclose information from a student’s education record to appropriate authorities in connection with an emergency in order to protect the health or safety of a student or other individual.

Nothing in the Federal Family Educational Rights and Privacy Act (hereinafter “FERPA”) prevents a school official from disclosing to local law enforcement authorities information that is based on that official’s personal knowledge or observation and not from an education record.

7.03 Law Enforcement Units and Law Enforcement Unit Records. A "law enforcement unit" means any individual, office, department, division or other component of the school, such as a unit of commissioned police officers or non-commissioned security guards, that is officially authorized or designated by the school to: enforce any local, State, or Federal law, or refer to appropriate authorities a matter for enforcement of any law against any individual or organization, or to maintain the physical security and safety of the school. The law enforcement unit does not lose its status as a law enforcement unit if it also performs other, non-law enforcement functions for the school, including investigation of incidents or conduct that constitutes or leads to a disciplinary proceeding against a student.

"Law enforcement unit records" (i.e., records created by the law enforcement unit, created for a law enforcement purpose, and maintained by a law enforcement unit) are not "educational records" subject to the privacy protections of FERPA. As such, the law enforcement unit may refuse to provide an eligible student with an opportunity to inspect and review law enforcement unit records, and it may disclose law enforcement unit records to third parties without the eligible student’s prior written consent.
While the law enforcement unit may need to know the results of disciplinary proceedings against students, it is not permitted under FERPA to further release that information. School Officials and SROs shall refrain from releasing or documenting information from student educational records in police incident reports, which may be disclosed under the State’s open record laws.

**Article 8. MATERIALS AND FACILITIES**

*8.01 Materials and facilities. The HCISD shall provide the following materials, facilities, and access, which are deemed necessarily to the performance of the police program duties:

- Private office space that can be secured and acceptable to the participating law enforcement agency. The office shall contain a telephone, desk, chair, computer and filing cabinet.
- Full access and access devices necessary to all HCISD facilities and properties.*

**Article 9. ADDITIONAL TERMS**

*9.01 Cooperation. Nothing in this Agreement should be construed as limiting or impeding the fundamental spirit of cooperation, which exists between the participating entities listed above.*

*9.02 Notice. Any notice, consent or other communication in connection with this Agreement shall be in writing and may be delivered in person, by mail or by facsimile transmission (provided sender confirms notice by written copy). If hand-delivered, the notice shall be effective upon delivery. If by facsimile copy, the notice shall be effective when sent. If served by mail, the notice shall be effective three (3) business days after being deposited in the United States Postal Service by certified mail, return receipt requested, addressed appropriately to the intended recipients as follows:*

**HCISD:**
Dr. Arturo Cavazos, Superintendent of Schools
Harlingen Consolidated Independent School District
407 North 77 Sunshine Strip
Harlingen, TX 78550

**HPD:**
Michael Kester
Chief of Police
Harlingen Police Department
1018 Fair Park Blvd.
Harlingen, TX 78550-2474

*9.03 Term. The term of this Agreement will coincide with the HCISD FY (July 1st-June 30th).*
9.04 **Renewal.** The Interlocal Agreement will automatically renew and continue to be in effect until replaced by a new agreement or termination by either party. Participating parties may modify or make revisions to this Agreement only by separate written agreement.

9.05 **Termination and Continuation of Funding.** Either party may terminate the Agreement anytime without cause upon written notice to the other party.

9.06 Each party to this Interlocal Agreement will be responsible for its own actions in the performance of their governmental functions and shall not be liable for any actions or negligence that may arise from the performance of said functions by the other party.

9.07 By entering into this Agreement, the parties do not intend to create any obligations express or implied other than those set out herein; furthermore, this Agreement shall not create any rights in any party not a signatory hereto.

9.08 The School Resource Officer Program Interlocal Agreement is hereby approved in cooperation with the Harlingen Consolidated Independent School Board of Education and the City of Harlingen.

9.09 The parties and their employees agree to cooperate in good faith in fulfilling the terms of this Interlocal Agreement.

**AS AGREED TO AND PARTNERSHIP WITH:**

By: ________________________          By: ________________________  
Chris Boswell  
Mayor  

Date: ________________________

Eladio Jaimez  
School Board President  

Date: ________________________

**ATTEST:**

By: ________________________          By: ________________________  
Amanda C. Elizondo  
City Secretary  

Date: ________________________

Dr. Bobby Muniz  
Board Secretary  

Date: ________________________
Meeting Date: July 15, 2019

Agenda Item:
Consider and take action to accept (or reject) proposals and award contract for the Hunter Park Improvements Project under Proposal No. 2020-11 to the most responsible respondent submitting the most advantageous design and product and to waive any informalities.

Prepared By (Print Name): Javier Mendez
Title: Parks and Recreation Director

Brief Summary:
The project consists of the installation of playground equipment at Hunter Park located at 1618 N. 3rd Street. The existing playground has been removed by the parks department and will be ready for the installation of the new playground and equipment. The proposed project will include the purchase and installation of a new playground structure, a two bay swing, the combination of artificial turf and engineered wood fiber fall material, and the installation of a 5 foot wide sidewalk all around the playground area with a link to the parking lot. The playground will be all inclusive. This project is funded through the 2019-2020 Community Development Block Grant program.

On Tuesday, June 30, 2020, staff received and opened a total of 5 proposals that were submitted for this project. Attached is the bid tabulation for your review along with a summary of each proposal submitted. The proposals were evaluated based on qualifications, technical and the design. Staff reviewed the proposals and is recommending award of contract to the most responsible respondent, Park Place Recreation Designs and the selection of design Option 2.

Funding (if applicable):
Are funds specifically designated in the current budget for the full amount? 
\[\square \text{Yes} \quad \square \text{No}\]

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

Finance Director’s approval:

\[\square \text{Yes} \quad \square \text{No} \quad \square \text{N/A}\]

Staff Recommendation:
Staff recommends Park Place Recreation Designs be awarded the contract in the amount of $150,000.00 for design option 2 as presented.

City Manager’s approval:

\[\square \text{Yes} \quad \square \text{No} \quad \square \text{N/A}\]

Comments:

City Attorney’s approval:

\[\square \text{Yes} \quad \square \text{No} \quad \square \text{N/A}\]
### Proposal No. 2020-11 CDBG - Hunter Park Improvements

| Bid Opening: 2:30 P.M. | HUB (Y/N) | Bid Bond/Non collusion | Proposal Form | Proposal Bid | Bid Schedule | Statement of Respondent's Qualifications | Department Certification | Reference Form w/3 references of like projects | C1Q Form (Y/N) | Certification Re: lobbying | Certification Re: civil rights | Certification Re: non discrimination | Financial Interest Form | Labor Standards Certification | Certification RE: Wages | FARS/Verif. Clause | # of Copies submitted (4 required) | Section 3 Business | Base Bid | With Alternatives | Number of Incompletes |
|------------------------|-----------|------------------------|---------------|--------------|--------------|------------------------------------------|--------------------------|------------------------------------------------|---------------|----------------------------|----------------------------|--------------------------------|--------------------------|-----------------------------|------------------------|-----------------|-------------------------|-------------------------|
| Exerplay, Inc.         | N Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | N/A                      | 1                           |                           |
| Fun Abounds            | Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | N/A                      | 0                           |                           |
| Park Place Recreation Designs, Inc. | Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | N/A                      | 0                           |                           |
| REFCO Commercial Construction Co. | Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | N/A                      | 8                           |                           |
| Play RGV, LLC.         | Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | Y Y Y Y Y Y Y Y Y Y Y | N/A                      | 0                           |                           |

Companies contacted: 40  Picked up packets: 21  HUB certified: 11  Responded: 5  HUBs Responded: 3
Mega Tower
8’ tall observation deck with two slides

Ground level ramp entrance with access to 3’ high deck. Includes interactive panels and a slide glide.

(4) In-ground anchored benches

Inclusive Swing Set
- 2 Belt Seats
- 1 Generation Seat
- 1 Therapeutic Seat

Alta Glide
Inclusive wheelchair rocker

Surfacing is half Synthetic Turf and half Engineered Wood Fiber
1830 sq ft turf / 1700 sq ft EWF

5’ Wide sidewalk around perimeter with connection to parking lot
Hunter Park
Harlingen, Texas

714-S618 with Swing Set

Date:
06.24.2020

Notes:
Painted Bunting Theme

Represented by:

PARK PLACE RECREATION DESIGNS
Hunter Park
Harlingen, Texas

714-S618 with Swing Set

Date:
06.24.2020

Notes:
Natural Theme

Miracle
In Texas

Represented by:

PARK PLACE
RECREATION DESIGNS
Hunter Park
Harlingen, Texas

714-S618 with Swing Set

Date:
06.24.2020

Notes:
Energy Theme

Represented by:

Miracle in Texas

PARK PLACE RECREATION DESIGNS
Child Capacity: 144

Hunter Park 714-S616W
Harlingen, TX

PlayPower
878 E. Highway 60
Monett, MO
PHONE NO: (417) 354-2677
FAX NO: (417) 235-1713

R0009_44008361084
COMPLIES TO ASTM/CPSC
COMPLIES TO ADA

To promote safe and proper equipment use by children, Miracle recommends the installation of either a Miracle safety sign or other appropriate safety signage near each play system’s main entry point(s) to inform parents and supervisors of the age appropriateness of the play system and general rules for safe play.

THE PLAY COMPONENTS IDENTIFIED IN THIS PLAN ARE IPEMA CERTIFIED. THE USE AND LAYOUT OF THESE COMPONENTS CONFORM TO THE REQUIREMENTS OF ASTM F1487.

AN ENERGY ABSORBING PROTECTIVE SURFACE IS REQUIRED UNDER & AROUND ALL PLAY SYSTEMS.
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: July 15, 2020

Agenda Item:
CONSIDER AND TAKE ACTION to permit HCISD a temporary crosswalk on Haine Drive.

Prepared By (Print Name): Andy Vigstol, P.E.
Title: City Engineer
Signature: [Signature]

Brief Summary:
HCISD Construction Project Manager, Mr. Victor Gonzalez, contacted the Engineering department with the request of a temporary crosswalk across Haine Drive, adjacent to Treasure Hills Elementary. The crosswalk will service a temporary parking lot located on the south side of Haine Drive as the school undergoes renovations on the property. The crosswalk will be utilized by HCISD employees which will see their current parking lot displaced due to the construction. HCISD will provide crossing guards at the crosswalk during peak hours. HCISD will provide the materials, the City will install them. This crosswalk will comply with MUTCD signage recommendations. The crosswalk will be removed within 30 days after the construction of the school improvements is complete.

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

Staff Recommendation:
Staff recommends approval of a temporary crosswalk on Haine Drive during renovations of Treasure Hills Elementary School.

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

Comments: [Comments]

City Attorney's approval:

Form revised 01/26/09
Meeti
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: July 15, 2020

Agenda Item:
Consider and take action to authorize City Manager to submit a letters of commitment for the TCEQ Non-point Source Program FY 2020 Clean Water Act Section 319(h) Grant Program.

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

Brief Summary:

The City of Harlingen, in partnership with the Lower Rio Grande Valley Storm Water Task Force is seeking to submit three (3) projects for possible funding under the TCEQ Non-point Source Program FY 2020 Clean Water Act Section 319(h) Grant Program. The three projects are as follows:

1. City Hall Parking Lot Improvements – provide for permeable pavement and landscape areas that reduce stormwater surface runoff.
2. Traffic island(s) Stormwater Runoff Detention Improvements – provides for subsurface detention improvements within traffic islands and resurfacing the surface area with artificial turf and/or permeable pavers. Areas being considered are Washington & Business 77 and Commerce Street & Business 77 islands.
3. Llano Grande Lake Dredging – provides for a feasibility study to dredge the Llano Grande Lake and provide storm water detention to improve the water quality and flows within the Arroyo Colorado.

If approved, two letters would be drafted. Project 1 and 2 would be in one application and Project 3 would be a separate application. The letters confirm that the City agrees to leverage up to 40% in non-federal matching funds and/or in-kind services to the proposed grant applications should they be selected for award. However, the City reserves the right to nullify this commitment if circumstances warrant such action in the future.

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:

Staff recommends approval as presented.

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

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

Form revised 01/26/09
July 8, 2020

Javier Guerrero, E.I.T, M.S.
Chief Project Development Officer
Research, Applied Technology, Education and Service, Inc. (RATES)
P.O. Box 697
Edinburg, TX 78540

RE: TCEQ 319 FY 20 Grant

Dear Mr. Guerrero:

The City of Harlingen (City), a partner in the Lower Rio Grande Valley Storm Water Task Force is pleased to provide this letter of commitment. Working together, the City understands that one of the region's collective responsibilities is to develop water management strategies for the Lower Rio Grande Valley Region in South Texas.

Through this proposed project the City is readily available to participate in the efforts to bring about positive environmental changes in the region. The City intends to support the project named "Design and Construction of the City Hall Parking Lot and Traffic Medians Using Low Impact Development Methods". We look forward to a continued partnership in the region by participating in the TCEQ Non-point Source Program FY 2020 Clean Water Act Section 319(h) Grant program.

Therefore, this letter confirms that City agrees to leverage up to 40% in non-federal matching funds and/or in-kind services to the proposed grant application. Support will include funding, use of venues, staff and equipment participation, and dissemination of information. Please note that City reserves the right to nullify this commitment if circumstances warrant such action prior to the award of the grant.

Please contact me at 956-216-5002 should you have any questions. Thank you for the opportunity to submit this letter of support.

Sincerely,

Dan Serna
City Manager
July 8, 2020

Javier Guerrero, E.I.T, M.S.
Chief Project Development Officer
Research, Applied Technology, Education and Service, Inc. (RATES)
P.O. Box 697
Edinburg, TX 78540

RE: TCEQ 319 FY 20 Grant

Dear Mr. Guerrero:

The City of Harlingen (City), a partner in the Lower Rio Grande Valley Storm Water Task Force is pleased to provide this letter of commitment. Working together, the City understands that one of the region's collective responsibilities is to develop water management strategies for the Lower Rio Grande Valley Region in South Texas.

Through this proposed project the City is readily available to participate in the efforts to bring about positive environmental changes in the region. The City intends to support the project named "Development of Feasibility Study for the Dredging of the Llano Grande Lake located along the Arroyo Colorado floodway". We look forward to a continued partnership in the region by participating in the TCEQ Non-point Source Program FY 2020 Clean Water Act Section 319(h) Grant program.

Therefore, this letter confirms that City agrees to leverage up to $10,000 in non-federal matching funds and/or in-kind services to the proposed grant application. Support will include funding, use of venues, staff and equipment participation, and dissemination of information. Please note that City reserves the right to nullify this commitment if circumstances warrant such action prior to the award of the grant.

Please contact me at 956-216-5002 should you have any questions. Thank you for the opportunity to submit this letter of support.

Sincerely,

Dan Serna
City Manager
### AGENDA ITEM

**EXECUTIVE SUMMARY**

**Meeting Date:** July 15, 2020

**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, 2020 Cost of Service Adjustment 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.

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

**Brief Summary:**  
On April 30, 2020 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 $1,924,585 on a system-wide basis. Attorney, Thomas Brocato, and consultant, Karl Nalepa, were able to secure a reduced tariff of $1,893,252 on a system-wide basis. This represents a reduction of $31,333. The Ordinance effectuates the City’s approval of the negotiated resolution and its terms. The attached Exhibit A provides more detailed staff summary of this issue, if needed. Staff recommends approval of the ordinance.

**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

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

**Comments:**

*as filed*
ORDINANCE NO. 2020-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF Harlingen, Texas, ("CITY") APPROVING A NEGOTIATED RESOLUTION BETWEEN THE CITY AND TEXAS GAS SERVICE ("TGS" OR "THE COMPANY") REGARDING THE COMPANY'S APRIL 30, 2020 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, 2020, 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 $1,924,585; and
WHEREAS, the Company’s COSA filing proposes an approximately $5.9 million refund to customers for funds over-collected in past rates related to the excess accumulated deferred income tax (“EDIT”);

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 $1,893,252 on a system-wide basis and approve TGS’ proposed tax refund of approximately $5.9 million; 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 $1,893,252 on a system-wide basis is reasonable.
Section 3. That a tax refund of approximately $5.9 million is reasonable.

Section 4. That TGS shall reimburse the reasonable ratemaking expenses of the City in processing the Company’s rate application.

Section 5. That to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Ordinance, it is hereby repealed.

Section 6. 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 7. 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 8. That the tariffs attached as Attachment A to this Ordinance shall become effective for meters read on and after July 29, 2020 consistent with the COSA tariff.

Section 9. 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 Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

PASSED AND APPROVED this 15th day of July, 2020.

________________________________________
Mayor

ATTEST:

________________________________________
City Secretary
APPROVED AS TO FORM:

___________________________
City Attorney
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 per month</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial</td>
<td>$436.84</td>
</tr>
<tr>
<td>Industrial</td>
<td>$707.09</td>
</tr>
<tr>
<td>Public Authority</td>
<td>$437.93</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Class</th>
<th>Charge per Ccf</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial</td>
<td>$0.31650</td>
</tr>
<tr>
<td>All Over 5000 Ccf</td>
<td>$0.01777</td>
</tr>
</tbody>
</table>

Supersedes Same Schedule Dated
July 29, 2019

Meters Read On and After
July 29, 2020
TRANSPORTATION SERVICE RATE

(Continued)

<table>
<thead>
<tr>
<th></th>
<th>The First 5000 Ccf @</th>
<th>All Over 5000 Ccf @</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial</td>
<td>$0.30336 per Ccf</td>
<td>$0.03453 per Ccf</td>
</tr>
<tr>
<td>Public Authority</td>
<td>$0.38068 per Ccf</td>
<td>$0.01595 per Ccf</td>
</tr>
</tbody>
</table>

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.

6) The billing shall reflect adjustments in accordance with provisions of the Excess Deferred Income Taxes Rider, Rate Schedule EDIT-Rider.

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 29, 2019

Meters Read On and After  
July 29, 2020
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 $82.93 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.

Supersedes Same Sheet Dated
July 29, 2019

Meters Read On and After
July 29, 2020
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 $94.84 plus (For Commercial Service) $76.84 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 29, 2019
Meters Read On and After July 29, 2020
EXCESS DEFERRED INCOME TAX CREDIT

A. APPLICABILITY

This Excess Deferred Income Tax Credit applies to all general service rate schedules of Texas Gas Service Company, a Division of ONE Gas, Inc. ("Company") currently in force in the Company's Rio Grande Valley Service Area within 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 including Rate Schedules 10, 20, 30, 40, and T-1.

B. CALCULATION OF CREDIT

The annual amortization of the regulatory liability for excess deferred income taxes resulting from the Tax Cuts and Jobs Act of 2017 and in compliance with GUD No. 10695, will be credited to customers annually on a one-time, per bill basis in February of each year and will show as a separate line item on the customer’s bill until fully amortized. The initial credit will occur in September 2020.

EDIT CREDIT – The total amount, if any, of the credit in a given year will be determined by:
- The average rate assumption method ("ARAM") as required by the Tax Cuts and Jobs Act of 2017 Section 13001(d) for the protected portion of the regulatory liability for excess deferred income taxes; and
- A 4-year amortization for nonprotected property.

TRUE-UP ADJUSTMENT – The Excess Deferred Income Tax credit shall be trued-up annually. The True-Up Adjustment will be the difference between the amount of that year’s EDIT Credit and the amount actually credited to customers.

EDIT CREDIT PER CUSTOMER – The EDIT credit per customer will be determined by allocating that year’s credit, plus/minus any prior year true up adjustment, among the customer classes utilizing the same class revenue allocation as approved in the most recent general rate case, and then by dividing each class’s portion by the number of customers in that class.

C. EDIT CREDIT PER CUSTOMER

<table>
<thead>
<tr>
<th>Class</th>
<th>Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>$ 17.09</td>
</tr>
<tr>
<td>Commercial</td>
<td>$ 158.59</td>
</tr>
<tr>
<td>Industrial</td>
<td>$1,388.38</td>
</tr>
<tr>
<td>Public Authority</td>
<td>$ 162.85</td>
</tr>
</tbody>
</table>

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

D. OTHER ADJUSTMENTS

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

Initial Rate Schedule | Meters Read On and After
August 28, 2020
EXCESS DEFERRED INCOME TAX CREDIT
(Continued)

E. **ANNUAL FILING**

The Company shall make a filing each year no later than December 31, including the following information:

a. the total dollar amount of that year's EDIT Credit;
b. the total dollar amount actually credited to customers;
c. true-up amount, if any, due to the difference between items a. and b., above;
d. the amount of the upcoming year's EDIT Credit; and
e. the amounts of the upcoming year's EDIT Credit per Customer.

F. **CONDITIONS**

Subject to all applicable laws and orders, and the Company's rules and regulations on file with the regulatory authority.
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, 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 $457.99 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.

Supersedes Same Sheet Dated July 29, 2019

Meters Read On and After July 29, 2020
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 $17.02 plus

All Ccf @ $0.53863 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 29, 2019

Meters Read On and After
July 29, 2020
Model Staff Report in Support of TGS
COSA Rate Increase Ordinance

Background

On April 30, 2020, 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 $1,924,585 on a system-wide basis. Attorney, Thomas Brocato, and consultant, Karl Nalepa, relied upon by the city coalition to review the TGS filing and negotiate a settlement, agreed to recommend a settlement of $1,893,252 on a system-wide basis.

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 third filing under the revised tariff.

Resolution of the 2020 Filing

Cities’ consultant found that TGS’ 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. TGS has agreed to remove these costs resulting in a reduction to its requested revenue requirement increase.

In addition, in its 2020 COSA filing, TGS is addressing excess revenues caused by the reduction in the federal income tax rate in 2017 under the Tax Cuts and Jobs Act. TGS proposes to amortize and return to customers approximately $5.9 million over a 4-year period.

TGS estimates a first-year customer refund of $1,854,150. The refund will be made as a one-time bill credit distributed as follows:

<table>
<thead>
<tr>
<th>Class</th>
<th>Per Customer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>$17.09</td>
</tr>
<tr>
<td>Commercial</td>
<td>$158.59</td>
</tr>
<tr>
<td>Public Authority</td>
<td>$162.85</td>
</tr>
<tr>
<td>Industrial</td>
<td>$1,388.38</td>
</tr>
</tbody>
</table>
TGS will make annual filings to calculate subsequent bill credits until the entire amount is refunded.

In summary, these recommendations result in a total revenue requirement adjustment of $31,333 off of the Company’s original request of $1,924,585. The agreed reductions to the revenue requirement results in a total increase of $1,893,252. The first-year refund will essentially offset the increase in rates ($1,854,150 refund vs. $1,893,252 rate increase), however, subsequent year refunds will be lower.

**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 $1,893,252 in revenue.

Section 3. This paragraph authorizes TGS to refund approximately $5.9 million related to excess tax revenues.

Section 4. This paragraph requires the Company to reimburse the City for consulting and legal costs associated with the requested increase.

Section 5. This paragraph repeals any prior City action that might be inconsistent with the new tariffs adopted by the Council.

Section 6. This paragraph recites compliance with the Open Meetings Act.

Section 7. This paragraph is a typical savings clause, preserving the remaining provisions of the Ordinance should any one provision be determined to be invalid.

Section 8. 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, 2020.

Section 9. This paragraph requires that an adopted and signed copy of the Ordinance be sent to the Company and outside counsel to the City.

**RECOMMENDATION**

The City staff recommends adoption of the Ordinance and tariffs establishing new rates.