Notice is hereby given that the City Commission of the City of Harlingen, Texas will hold a Regular Meeting on Wednesday, August 19th, 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 – Mayor Pro-Tem, Michael Mezmar

Pledge of Allegiance/Welcome

Call Meeting to Order

Citizen Communication/Input

1) Approval of Minutes
   a) Regular Meeting of July 15, 2020

CONSENT AGENDA

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 Items withdrawn from the Consent Agenda for individual consideration in their normal sequence will be heard after the remainder of the Consent Agenda has been acted upon.

2a) Consideration and possible action to approve a refund of property taxes paid by Coca-Cola Southwest Beverage, Acct. #00-0100-2018-1874-00 for $1,378.38 due to a change of value of Year “2019” per ARB settled after certification. Attachment (Finance Dept.)

b) Consideration and possible action to approve a refund of property taxes paid by Rene Daza, Acct. #23-0694-0010-0010-00 for $9,374.40 due to an adjustment of change of value for Year “2019” per agreed judgment. Attachment (Finance Dept.)

c) Investment Report for the City of Harlingen for the quarter ending June 30, 2020. Attachment (Finance Dept.)

d) Consideration and possible action to approve the acceptance of the Texas State Library and Archives Commission (TSLAC) Cares Grant in the amount of $25,000. Attachment (Library)

3) Consideration and possible action to award the Windstorm, Hurricane and Hail Insurance for Fiscal Year 2020-2021 and authorize the City Manager to sign the contract. Attachment (Human Resources)

4) Public hearing to consider an ordinance on first reading for a Special Use Permit (“SUP”) to allow an adult business (vape shop) in a General Retail (“GR”) District located at 1338 N. Ed Carey Drive, bearing a legal description of Lot 5, Harlingen Towne Center Subdivision. Applicant: Ali Sheikhani. Attachment (Planning and Zoning)
a) Public Hearing

b) Consideration and possible action to approve an ordinance on first reading for a Special Use Permit ("SUP") to allow an adult business (vape shop) in a General Retail ("GR") District located at the above described location.

5) Consideration and possible action to approve project update on the Boys and Girls Club – Gym and Shade Structure Projects. Attachment (Carlos Sanchez, Asst. City Manager)

6) Consideration and possible action to accept or reject bids and award a contract for the 9th & 13th Drainage Improvement Project under Bid Number 2020-01. Attachment (Engineering)

7) Consideration and possible action to approve an ordinance on first reading to amend the City of Harlingen Code of Ordinances Chapter 111, Zoning, Article XII, Section 111-329 Gasoline Stations, by deleting this section in its entirety. Applicant: City of Harlingen. Attachment (Planning & Zoning)

8) Consideration and possible action to approve an ordinance on first reading to amend the City of Harlingen Code of Ordinances Chapter 103-Buildings and Building Regulations, Article I, Section 103-2: Restrictions on Permits for Storage or Dispensation Facilities, by deleting this section in its entirety. Attachment (Planning and Zoning)

9) 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 (1 - 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.
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)
p. Mayor Wellness Council
q. Museum Advisory Board (2)
r. Parks Advisory Board
s. Senior Citizens Advisory Board (1)
t. Tax Increment Finance Board (7)
u. Utility Board of Trustees
v. Veterans Advisory Board
w. Zoning Board of Adjustments (4)
x. 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.

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, August 14th, 2020, at or before 3:30 p.m. and remained so posted for at least 72 hours preceding the time of said meeting.

Dated this 14th day of August, 2020

Amanda C. Elizondo, City Secretary
REGULAR MEETING

CITY COMMISSION

July 15, 2020

HARLINGEN, TEXAS

A Regular Meeting of the Harlingen City Commission was held July 15th, 2020 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. Those in attendance were:

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

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

Invocation – Frank Puente

Pledge of Allegiance/Welcome

Mayor Boswell recited the Pledge of Allegiance.

Call Meeting to Order

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

Citizen Communication/Input

- Deanna Murphy, 1102 Ferguson Dr., Harlingen, Tx, spoke in support of Agenda Item #5, Special Use Permit (SUP) to allow a group home in a Residential Single-Family (R-1) District, 221 McGregor Street.

1) Approval of Minutes

a) Regular Meeting of June 17, 2020

Motion was made by Commissioner Uribe and seconded by Mayor Pro-Tem Mezmar to approve the minutes of June 17, 2020. Motion carried unanimously.

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.

Efren Fernandez, Human Resources and Risk Management Director, stated staff solicited proposals for the City’s Health Insurance Plan and received proposals from Blue Cross Blue Shield, Aetna, United Health, and SA Benefit Services.
Mr. Scott Gibbs, Health Insurance Consultant, highlighted the following information: City Health Plan History; Medical/RX Marketing Analysis Best and Final Offer effective October 1\textsuperscript{st}, 2020 for Blue Cross Blue Shield, Aetna, and United Health Care. He stated different plans were provided by each of the healthcare providers.

- Current Carrier: Blue Cross Blue Shield
- Loss Ratio October 1, 2019 through May 31, 2020 was 76.10%  
  - Total Paid Claims - $3,306,871  
  - Total Paid Premium - $4,345,330
- Loss Ratio October 1, 2018 through September 30, 2019 was 89.28%  
  - Total Paid Claims - $5,629,645  
  - Total Paid Premium - $6,054,935
- Carrier desired loss ratio is 85%
- Original Renewal at 9.4% increase over current

A brief discussion was held in regards to the proposals and the plans offered by the healthcare providers and Commissioner Uribe asked for how long was the contract.

Mr. Gibbs replied the contract is for one (1) year and with an option to renew the contract.

Motion was made by Commissioner Uribe and seconded by Commissioner Leal to award the Employee Health & Group Insurance for Fiscal Year 2020-2021 to Blue Cross Blue Shield, naming Aaron Thorburn, Shepard & Walton Employee Benefits and Albert Salinas, Texas Insurance Service Center, Inc. as the agents and authorize the City Manager to sign the contract as recommended by Scott Gibbs, City’s Insurance Consultant. Motion carried unanimously.

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.

Mr. Fernandez stated staff is recommending renewing the UNUM Life Insurance at no additional cost; the Vision Insurance at an increase of 18.58% with Vision Insurance; and the Aetna Dental Insurance at a 5% increase. The offers were reviewed by Mr. Gibbs and there is no cost to the City.

Mr. Gibbs highlighted the following information.

- Current Dental Carrier is Aetna  
  - Initial renewal was 9.5% Aetna lowered to 4.49%  
  - 1-year Rate Guarantee & 2\textsuperscript{nd} Year rate cap of 5%
- Current Vision Carrier is Davis Vision  
  - Renewal at 18.58%  
  - 4 Year rate Guarantee – until 10/1/2023  
  - Renewal rates are lower than Superior Vision in 2016
- Current Life/AD&D/Disability Carrier is UNUM  
  - 0% Increase  
  - City Paid Life/AD&D Rate - $.115 per $1,000  
  - Voluntary Life/AD&D/LTD – Employee Paid  
  - 2 Year Rate Guarantee – Until 10/1/2022

Motion was made by Commissioner De La Rosa and seconded by Commissioner Uribe to renew the Voluntary Life/Accidental Death and Dismemberment, Vision and Dental Insurance Plans for the City of Harlingen Fiscal Year 2020-2021 naming Aaron Thorburn, Shepard & Walton.
Employee Benefits and Albert Salinas, Texas Insurance Service Center Inc. as the agents and authorize the City Manager to sign the contracts as recommended by Scott Gibbs, City's Insurance Consultant. Motion carried unanimously.

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.

Mayor Boswell postponed Item #4 to a future meeting at the request of the Human Resources Director.

For the record, Commissioner Leal muted himself from the Zoom Meeting in order to avoid "an appearance of impropriety" and signed an affidavit on abstention form from voting on Item No. 5. He submitted the form to the City Secretary for proper filing.

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.

Xavier Cervantes, Planning and Zoning Manager, stated Lolly Burns, representative of Harlingen Hope House, Inc. is requesting a Specific Use Permit to operate a living facility in a Residential Single-Family (R-1) District from an existing duplex located at 221 McGregor Street. This is a private agency that provides specialized services in a home-like atmosphere for 2 to 3 mothers and their children. The property is located on a corner lot and has 78 ft. of frontage along McGregor Avenue and 120 ft. of frontage along N. Third Street. The property consists of 1,973 sq. ft. Ms. Burns is proposing to remodel the duplex into a one group home facility. It will consist of five (5) bedrooms, two (2) restrooms, laundry facilities, with living/dining rooms and study area. The zoning for the surrounding areas are residential Single-Family (R-1) District to the north, east, south and west. Building Inspections, Environmental Health, and Fire Prevention Departments reviewed the SUP application and had no objections to the request subject to adhering to the Harlingen Code of Ordinances and procedures administered by each department. No opposition was received from the surrounding areas.

a) Public Hearing

Mayor Boswell announced this is a public hearing and anyone wishing to speak for or against may do so.

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

b) Consideration and possible action to approve an ordinance on first reading for a Special Use Permit (SUP) to allow a group home in a Residential Single-Family (R-1) District, at the above described property.

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

Motion was made by Commissioner Uribe and seconded by Commissioner Puente to approve the 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. Motion carried unanimously.
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.

Mr. Cervantes stated Mr. Daniel Ybarra, applicant, is proposing to remodel a non-existing church into a school. The building consists of 6,000 sq. ft. with seven (7) classrooms to provide an At-Risk School Program after school hours. This program would target at-risk children and support them in educational growth. The initial capacity would be from 25 to 50 students up to 12th grade with an expected enrollment of 100 students per day. The property consists of 1.54 acres and is located on 21st Street. The entrance of the building encroaches into the railroad right-of-way. There is a sidewalk along 21st Street. The required parking is 24 spaces and 27 spaces will be provided. Hours of operation are Monday through Friday from 4:00 p.m. to 8:00 p.m.

Building Inspections, Engineering, Fire Prevention, and Health Departments reviewed the SUP application. The Building Inspections Department reported no objections, but requested review of a construction plan prepared by a Texas Licensed architect prior to the issuance of any City permits, (building, electrical, plumbing, & mechanical) by means of field inspections before a final certificate of occupancy is issued. Engineering, Fire Prevention Bureau, and Health Departments had no objections subject to complying with applicable codes and regulations. The Planning Staff received one call from a surrounding property owner in opposition of the request.

a) Public Hearing

Mayor Boswell announced this is a public hearing and anyone wishing to speak for or against may do so.

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

b) Consideration and possible action to approve an ordinance on first reading for a Special Use Permit (SUP) to allow a school in a Single Family Residential (R-1) District at the above described property.

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 for a Special Use Permit (SUP) to allow a school in a Single Family Residential (R-1) District located at 401 N. 21st Street. Motion carried unanimously.

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 Rural Law Enforcement Assistance Program from the Department of Justice – Bureau of Justice Assistance.

Michael Kester, Chief of Police, requested approval to submit a grant application to the Southwest Border Rural Law Enforcement Assistance Program from the Department of Justice – Bureau of Justice Assistance in the amount of $65,000. If the grant is approved, the funds will be utilized for K-9 equipment, training, surveillance and automatic license plate recognition equipment. No matching funds are required from the City.

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner De La Rosa 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 Rural Law Enforcement Assistance
Program from the Department of Justice – Bureau of Justice Assistance. Motion carried unanimously.

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).

Chief Kester stated the Police Department will provide one (1) sergeant, three (3) full-time officers and five (5) part-time officers as SRO(s) to HCISD for the School Police Program. HCISD will reimburse the City for assigned staff salaries and benefits and equipment costs for police vehicles while on duty and the five (5) part-time officers at the prevailing overtime rate of $45 per hour.

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

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.

Javier Mendez, Parks and Recreation Director, stated on June 30, 2020, staff received five (5) proposals for the Hunter Park Improvement Project. Staff reviewed the proposals based on qualifications, technical and design. He recommended awarding the contract to Park Place Recreation Designs, Design Option #2. The Park Crew removed the existing playground equipment at Hunter Park. The project includes the purchase and installation of a new playground structure, a two bay swing, combination of artificial turf, engineered wood fiber fall material and installation of a 5 ft. wide sidewalk all around the playground area which will link to the parking lot. The playground will be all inclusive and is funded through the 2019-2020 Community Development Block Grant Program.

A short discussion was held regarding the options that were presented by staff and the City Commission recommended Option #1 would be the best design.

Motion was made by Commissioner Uribe and seconded by Commissioner Leal to award the proposal to Park Place Recreation Designs, (Design Option #1) for the Hunter Park Improvement Project under Proposal No. 2020-1. Motion carried unanimously.

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.

Andy Vigstol, City Engineer, stated the HCISD Construction Project Manager, Victor Gonzalez, is requesting a temporary crosswalk across Haine Drive adjacent to Treasure Hills Elementary. The crosswalk will serve as a temporary parking lot located on the south side of Haine Drive while the school undergoes the renovations on the property. The crosswalk will be utilized by HCISD employees. They will provide crossing guards at the crosswalk during peak hours. HCISD will provide the materials and the City will install them. This crosswalk will comply with TMUTCD
Motion was made by Commissioner Uribe and seconded by Commissioner Leal to permit the Harlingen Consolidated Independent School District to install a temporary crosswalk across Haine Drive, adjacent to Treasure Hills Elementary School. Motion carried unanimously.

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 the 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 Arroyo Colorado Floodway.

Carlos Sanchez, Asst. City Manager, stated 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. If approved, two letters will be prepared and mailed to Javier Guerrero, E.I.T. M.S., Chief Project Development Officer, with Research Applied Technology, Education and Services, Inc. One letter for Projects #1 and #2 and a second letter for Project #3 as a confirmation that the City agrees leveraging up to 40% in non-federal matching funds and/or in-kind services should these projects are awarded. The City reserves the right to nullify this commitment, if circumstances warrant such action in the future. He highlighted the following projects.

1. City Hall Parking Lot Improvements – provide for permeable pavement and landscape areas that reduce storm water surface runoff.
2. Traffic Island(s) Storm water runoff Detention Improvements – provides for subsurface detention improvements within traffic islands and resurfacing the surfaces 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.

Motion was made by Commissioner Puente and seconded by Commissioner Uribe to authorize the City Manager to submit the letters of commitment for the TCEQ on-Point Source Program FY 2020 Clean Water Act Section 319(h) Grant Program for the 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. Motion carried unanimously.

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.

Gabriel Gonzalez, Asst. City Manager, stated 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 for $1,924,585 on a system-wide basis. Thomas Borcato, Attorney and Karl Nalepa, Consultant, were able to secure a reduced tariff of $1,893,252. This amount represents a reduction of $31,333. The ordinance effectuates the City’s approval of the negotiated resolution and its terms.
Motion was made by Commissioner Uribe and seconded by Commissioner De La Rosa to approve the ordinance on first reading 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. Motion carried unanimously.

13) Board Appointments

Mayor Boswell appointed Fabian Borrego to the Audit Committee.

Motion was made by Commissioner Uribe and seconded by Commissioner Leal to approve the appointment of Fabian Borrego by Mayor Boswell to the Audit Committee. Motion carried unanimously.

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 & Operation Agreement and the Working Capital Fund contemplated therein, and related legal issues.

At 6:13 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item #14.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to convene into executive session to discuss Item No. 14. Motion carried unanimously.

At 6:57 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 regarding the direction to be taken pursuant to the Convention Center Lease and Operation Agreement and Working Capital Fund.

Mr. Serna recommended paying Convention Services $165,863.00 out of the Working Capital Fund as per the Convention Center Lease and Operation Agreement.

Motion was made by Commissioner Uribe and seconded by Commissioner De La Rosa to approve the payment of $165,863.00 from Working Capital Fund pursuant to the Convention Center Lease and Operation Agreement. 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: 08/19/2020

Agenda Item:
Consideration and possible action to approve a refund of property taxes paid by Coca-Cola Southwest Beverage on account #00-0100-2018-1874-00.

Prepared By (Print Name): Robert Rodriguez
Title: Finance Director
Signature: [Signature]

Brief Summary:
This refund request in the amount of 1,378.38 for account #00-0100-2018-1874-00 is due to an adjustment. The adjustment is due to a change of value for year “2019” per ARB settled after certification.

Total amount of refund requested is $1,378.38.
Refunds over $500.00 require Commission approval.

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

Finance Director’s approval: Yes No N/A

Staff Recommendation:
Staff recommends approval of refund.

City Manager’s approval: Yes No N/A

Comments:

City Attorney’s approval:

[Signature]
8/13/2020
MEMORANDUM

TO: Robert Rodriguez
   City of Harlingen

FROM: Aurora Lozano
       TAX OFFICE
       Harlingen, Texas 78550

DATE: July 14, 2020

RE: Account #00-0100-2018-1874-00, Coca-Cola Southwest Beverage

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

The enclosed refund request is due to an adjustment. The adjustment is due to a change of value for year “2019” per ARB settled after certification.

Therefore the amount of $1,378.35 needs to be refunded to:

   Coca-Cola Southwest Beverage
   14185 Dallas Pkwy Ste 1300
   Dallas, Texas 75254

Should you have any questions regarding this matter, please contact me at (956)428-7999
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### Change Description:

ARB PROTEST SETTLED AFTER CERTIFICATION FOR 2019. CHANGE AS PER TEXAS PROPERTY TAX CODE. –HER

### Gain or Loss of Value for:

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AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: 08/19/2020

Agenda Item:
Consideration and possible action to approve a refund of property taxes paid by Rene Daza on account #23-0694-0010-0010-00.

Prepared By (Print Name): Robert Rodriguez
Title: Finance Director
Signature:

Brief Summary:
This refund request in the amount of 9,374.40 for account #23-0694-0010-0010-00 is due to an adjustment. The adjustment is due to change of value for year “2019” per agreed judgement.

Total amount of refund requested is $9,374.40.

Refunds over $500.00 require Commission approval.

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

Staff Recommendation:
Staff recommends approval of refund.

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

Comments:

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

TO: Robert Rodriguez
    City of Harlingen

FROM: Aurora Lozano
    TAX OFFICE
    Harlingen, Texas 78550

DATE: July 15, 2020

RE: Account #23-0694-0010-0010-00, HMC Realty LLC

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

The enclosed refund request is due to an adjustment. The adjustment is due to a change of value for year "2019" per agreed judgement. (see attached)

Therefore the amount of $9,374.40 needs to be refunded to:

    Rene Daza
    Prime Healthcare
    3480 E Guasti Road
    Ontario, Canada 91761

Should you have any questions regarding this matter, please contact me at (956)428-7999
### Current Property Data as of Supp 36

<table>
<thead>
<tr>
<th>Prop ID</th>
<th>Owner</th>
<th>%</th>
<th>Legal Description</th>
<th>Values</th>
</tr>
</thead>
<tbody>
<tr>
<td>79640</td>
<td>504331</td>
<td>100.00</td>
<td>Geo: 23-0694-0010-0010-00 HARLINGEN MEDICAL CENTER LOT 1 BLK 1 (CAB 1 SLOT)</td>
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</tr>
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</table>

<table>
<thead>
<tr>
<th>Assessor/Operator</th>
<th>Map ID: 05-17-00</th>
<th>Prod Use: 0</th>
<th>Assessed: 25,968,000</th>
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<tbody>
<tr>
<td>ROBERT T</td>
<td></td>
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### Previous Property Data as of Supp 0

<table>
<thead>
<tr>
<th>Prop ID</th>
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<th>Legal Description</th>
<th>Values</th>
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<tbody>
<tr>
<td>ROBERT T</td>
<td></td>
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<td>25,968,000</td>
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### Gain or Loss of Value for:

<table>
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<th>Property: 79640 Geo: 23-0694-0010-0010-00</th>
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<table>
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<th>Taxable</th>
<th>Tax</th>
<th>Assessed</th>
<th>Taxable</th>
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<th>Assessed</th>
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<td>24,460,000</td>
<td>24,460,000</td>
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<td>25,968,000</td>
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<td>-1,488,000</td>
<td>-1,488,000</td>
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<tr>
<td>CHG</td>
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<td>0.00</td>
<td>-1,488,000</td>
<td>-1,488,000</td>
<td>0.00</td>
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</tbody>
</table>
CAUSE NO. 2019-DCL-5317

HMC REALTY, LLC

IN THE DISTRICT COURT

CAMERON APPRAISAL DISTRICT

357th JUDICIAL DISTRICT

Cameron County, Texas

AGREED JUDGMENT

Came on to be heard HMC Realty, LLC, Plaintiff herein, and the Cameron Appraisal District, Defendant herein, appearing by and through their respective attorneys of record, and announced to the Court that the parties herein desired to resolve and settle the matters in controversy, and avoid the trouble, expense and uncertainty of litigation, and have reached an agreement to that effect. Having heard these announcements and reviewed the evidence and arguments of counsel, the Court is of the opinion that such terms and conditions are well taken and should form the basis of judgment.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the following stipulations are agreed by the parties and entered by the Court as its judgment:

1. The undersigned parties agree and stipulate that bona fide disputes and controversies exist between the parties concerning the market or appraised value of the subject property. These stipulations are entered into by the parties solely for the purpose of compromising and settling their various claims, each as to the other. No other use of this Stipulation may be made by the parties hereto as concerns the claim of either party as to the other, whether having arisen in the past, now pending, or to arise in the future, including, without limitation, subsequent disputes as to the market or appraised value of the subject property within Defendant's appraisal jurisdiction in any subsequent years. This agreement is not intended by either party as an
admission of the market value of the subject property, nor shall same be represented by either party as to the other, as an admission. Further, the existence, terms, and contents of this Agreed Judgment shall not be admissible in any judicial or administrative proceeding as against either party except as may be necessary to enforce the terms and conditions of said judgment, either party as to the other.

2. Pursuant to § 42.41 of the Texas Property Tax Code Defendant Cameron Appraisal District shall revise the 2019 appraisal roll to reflect the following appraised value for the property described in Plaintiff's pleadings:

<table>
<thead>
<tr>
<th>Property ID</th>
<th>Address</th>
<th>2019 Appraised Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>79560</td>
<td>5501 S Expressway 77/83</td>
<td>$24,680,000</td>
</tr>
</tbody>
</table>

3. The undersigned parties shall, as soon as possible following execution of this agreement, do, or cause their attorneys to do, whatever is reasonably necessary to effect this agreement, including compliance with the provisions of §§ 42.41 through 42.43 of the Texas Property Tax Code.

4. The parties herein acknowledge that § 42.43, Texas Property Tax Code, provides for payment of interest on any refund made as a result of a final determination of an appeal which decreases a property owner's tax liability; however, Plaintiff and any refund designee hereby agree to waive any such applicable right to receive interest on any such refund.

5. Texas Property Tax Code § 42.43(f) provides that the final judgment in an appeal may designate to whom and where a refund is to be sent. Accordingly, the refund shall be sent to the following person at the following address:

PDF created with pdfFactory Pro trial version www.pdffactory.com
6. All costs and attorney fees are to be borne by the party incurring same.

7. All other relief not specifically granted herein is denied.

8. This judgment finally disposes of all claims and all parties.

Signed this ___ day of ________________, 2020

JUL 2 2020

JUDGE PRESIDING

APPROVED AS TO FORM AND SUBSTANCT:

PRESTON DUGAS LAW FIRM, PLLC
Oil & Gas Building
309 W. 7th Street, Suite 1100
Fort Worth, Texas 76102
Telephone: (817) 945-3061
Facsimile: (682) 219-0761

By: Lyndsey Cheek
PRESTON J. DUGAS III
State Bar No. 24093127
lyndsey@pjdlawfirm.com

JUL 2 2020

ATTORNEYS FOR PLAINTIFFS
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: August 19, 2020

Agenda Item:

Prepared By (Print Name): Robert Rodriguez
Title: Finance Director
Signature: [Signature]

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

Highlights:
$53,199,916.37 Total Book Value of all City funds at June 30, 2020
$41,237.93 Interest earned during quarter
0.237% Weighted Average
96% Cash and investments maturing within 0-3 months
4% Investments maturing with 6-12 months

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

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: X Yes □ No □ N/A

Staff Recommendation:
Staff recommends approval.

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

Comments:

City Attorney's approval:
[Signature] 8/13/2020
**AGENDA ITEM**  
**EXECUTIVE SUMMARY**

**Meeting Date:** 08/19/20  

<table>
<thead>
<tr>
<th>Agenda Item:</th>
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<tbody>
<tr>
<td>Consider and take action to approve the acceptance of the Texas State Library and Archives Commission (TSLAC) CARES Grant in the amount of $25,000.</td>
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</tr>
</tbody>
</table>

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

**Brief Summary:**
The Texas State Library and Archives Commission (TSLAC) has awarded the Harlingen Public Library a grant in the amount of $25,000. Through the CARES Grant, the Library will purchase two RFID self-checkout machines. The total cost of the two machines is $30,614.62. Although there are no matching funds are required for this grant, the City will be responsible for the amount over $25,000. The Library will use funds from their donations account to cover the overage amount of $5,614.62.

<table>
<thead>
<tr>
<th>Funding (if applicable):</th>
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<tbody>
<tr>
<td>Yes</td>
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</table>

<table>
<thead>
<tr>
<th>Finance Director’s approval:</th>
<th></th>
<th></th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
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</table>

**Staff Recommendation:**
It is recommended that Commission approve the acceptance of the TSLAC CARES Grant.

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

**Comments:**

<table>
<thead>
<tr>
<th>City Attorney’s approval:</th>
<th></th>
<th></th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>
Official Award Notification for Competitive Grants

State Fiscal Year 2020

Subrecipient Information

City of Harlingen, Harlingen Public Library
410 76 Dr
Harlingen, TX 78550-5072
DUNS No.: 069448124

Project Manager: Molly Walter, mwalter@harlingenlibrary.com
Library Director: Dauna Campbell, dcampbell@harlingenlibrary.com

<table>
<thead>
<tr>
<th>Basic Award Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Awarding Agency: Texas State Library &amp; Archives Commission</td>
</tr>
<tr>
<td>Grant Program: Competitive — TSLAC Cares - Cycle 1</td>
</tr>
<tr>
<td>State Award Date: July 20, 2020</td>
</tr>
<tr>
<td>Grant Number: CAR1-21012</td>
</tr>
<tr>
<td>Grant Period Start Date: April 21, 2020</td>
</tr>
<tr>
<td>Grant Period End Date: August 31, 2021</td>
</tr>
<tr>
<td>Source of funds: Federal — Institute of Museum and Library Services (IMLS)</td>
</tr>
<tr>
<td>CFDA No. &amp; Name: 45.310 — Grants to States</td>
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<tr>
<td>Federal Award Identification Number (FAIN): LS-246561-OLS-20</td>
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<tr>
<td>Federal Award Date: April 21, 2020</td>
</tr>
<tr>
<td>Amount of Federal Funds Obligated by this Action: $25,000.00</td>
</tr>
<tr>
<td>Total Amount of Federal Funds Obligated: $25,000.00</td>
</tr>
<tr>
<td>Total Amount of Award: $25,000.00</td>
</tr>
<tr>
<td>Indirect Cost Rate: 0.000</td>
</tr>
<tr>
<td>Funding Type: Reimbursement</td>
</tr>
</tbody>
</table>
Basic Award Information

1. This grant award is governed by the approved grant application and signed grant contract. Subrecipient shall provide services as outlined in the approved grant application (TSLAC CARES Grant Program – Cycle 1) as approved by TSLAC. Grant funds must be used to meet TSLAC and Federal goals. The Subrecipient must report information relating to best practices and performance outcomes as designated in the TSLAC grant contract. The approved grant application submitted by Subrecipient is incorporated into the contract as if fully set forth therein. In the event of any conflict between the grant application and the contract, the contract shall prevail.

2. Grant support is provided under the following state and federal rules as applicable:
   a. TSLAC CARES Grant Program Guidelines – Cycle 1;
   b. General Grant Guidelines, Texas Administrative Code, Title 13, Part 1, Chapter 2, Subchapter C, Division 1, Rules 2.110–2.119;
   c. Texas Uniform Grants Management Standards (UGMS) ([https://comptroller.texas.gov/purchasing/docs/ugms.pdf](https://comptroller.texas.gov/purchasing/docs/ugms.pdf)); and
   d. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR §200 and §3187 (Supercircular)) ([https://federalregister.gov/a/2013-30465](https://federalregister.gov/a/2013-30465)).

3. The Subrecipient’s grant-related staff must attend all TSLAC grant management training as applicable to their grant duties.

4. The Subrecipient’s authorizing official must sign and return the required grant contract to indicate acceptance of the award and compliance with the statutory and regulatory requirements before any funds will be reimbursed.

Performance Goals:
Subrecipient is to report on grant performance as designated and scheduled in the TSLAC grant contract.

TSLAC Contact Information
Questions or concerns about programmatic issues, budget and/or program revisions, performance reports, and equipment/property should be directed to:

Bethany Wilson, Grants Administrator
E-mail: grants@tsl.texas.gov

Questions or documentation relating to requests for funds, payments, and financial status should be directed to:

Arturo Villarreal, Grants Accountant
E-mail: grants.accounting@tsl.texas.gov

TSLAC Authorized Official
Signature

Jennifer Peters, Division Director
Library Development and Networking
August 3, 2020
Section

Program Partners:

There are no program partners.

Program Abstract:

The library will implement a self-checkout system to help decrease contact between library staff and patrons, thereby reducing the risk of spreading the coronavirus. The self-checkout system will also enable the library to inform community members of important local resources and adapted library services.

Section

Criterion 01:

Needs Assessment (50 points): Describe identified community needs arising from or highlighted by the COVID-19 emergency. (5,000 characters)

Answer:

The Harlingen Public Library serves Harlingen and the surrounding communities in Cameron County, which has experienced the highest rate of coronavirus infections in the RGV (Stanford_Journalism, 2020). The Cameron County Public Health Department shares the results of local testing, and as of May 27, there were 711 confirmed cases with 33 fatalities (Cameron County Public Health, 2020). Looking ahead to the fall, the COVID-19 pandemic colliding with flu season could result in an even worse crisis (Grady, 2020).

As we grapple with the risk and uncertainty, we also realize the library is an invaluable resource to the community, especially during a crisis. The Harlingen Public Library connects people with important and reliable information, access to job and financial resources, and educational and enrichment opportunities for all ages. These are resources critical for building the resiliency of our community and are especially necessary during times of threat and uncertainty (IMLS, 2020). Concerns about preventing the spread of disease will remain with us, and the economic and social effects of school and business closures will linger. As a result, we expect the community's need for library services will increase. We also realize the need to modify how those services are delivered to keep our employees and patrons safe. One way the Harlingen Public Library will be able to better promote public health and continue providing essential services is by implementing a self-checkout service.

Our library has a strong commitment to serving families, and during the pandemic, we know families need us more than ever. Experts demonstrate that children from low-income families frequently experience increased losses in learning during the summer months compared to their more affluent peers (Kuhfeld and Tarasawa, 2020). Cameron County has an overall poverty rate of 34.5 percent, and a childhood poverty rate of 47 percent, which is the highest in
the state (Ura, 2016). Due to the prolonged stretch of school closures, the youth of Harlingen are at high risk of losing educational gains from the previous school year. Researchers recommend that communities provide resources for students and families while school is disrupted to help prevent learning loss (Kuhfeld and Tarasawa, 2020). The Harlingen Public Library is committed to filling this need, but we need to modify our methods for delivering these necessary services to families. Implementing self-checkout kiosks will be an effective way for the library to help families safely access its resources.

Social distancing is crucial for containing the spread of COVID-19, but there are also negative mental health impacts of social isolation. The library can serve to offset some of these problems. Sociologist Eric Klinenberg states “libraries and their social infrastructure are essential not only for a neighborhood’s vitality but also for buffering all kinds of personal problems – including isolation and loneliness” (Klinenberg, 2018). With a self-checkout system, the library can remain available for people to find a little more normalcy while still significantly limiting physical interaction.

The library’s top priority is protecting the health of the library staff and our community. Along with physical distancing, hand hygiene, wearing face masks, and disinfecting the library and materials, sharing information and community resources also helps promote public health. The library has been using social media to share posts from the City of Harlingen regarding local COVID-19 testing sites and City of Harlingen food distribution events. A self-checkout kiosk will enable library staff to customize an interface that would inform library patrons of local services that would be especially helpful to them.

The COVID-19 pandemic reveals the limits of our capacity to anticipate the future, but there are risks we can foresee and act now to mitigate. A self-checkout system will allow library staff and community members to continue practicing safe physical distancing. It will also give patrons the access they need to promote their own physical and mental health, their children’s academic development, and the community’s awareness of vitally important resources. The health and resiliency of our community depend on it.


Criterion 02:

Program Purpose (25 points): Describe how your program or service can meet identified community need arising from or highlighted by the COVID-19 emergency. (5,000 characters)

Answer:

A self-checkout service is designed to allow community members to safely borrow materials, pay fines, and learn about library resources and local services. It also protects library staff by reducing the need for them to closely interact with library patrons. Broadly, the purpose of the self-checkout system is to help community members access library resources and local information while protecting the health and safety of patrons and library staff.

Community members who need resources will be able to borrow books and DVDs independently. They might borrow items to help them search for a job, find creative ways for their businesses to adapt and keep afloat, or choose resources to support their children’s home learning.

Self-checkout kiosks have a customizable interface, and the library will be able to use this interface to advertise important information. At a kiosk, patrons may learn about adaptations to library services and operations, library resources, and programs through local organizations. For example, we could promote our e-resources, helping people learn they can check out items digitally from the safety of their home. We could share information about the library’s virtual programs for children, teens, and adults. We could also show information about how to access food banks, where to get tested for COVID-19, how to contact local organizations assisting people seeking employment, and much more.

Criterion 03:

Budget (15 points): Please indicate what items the library will purchase, as well as a cost per unit, where indicated. If exact quantity and/or cost information is unavailable, please provide an estimate. (5,000 characters)

Answer:

The library has spent considerable time comparing different self-checkout systems and vendors. We have selected the Bibliotheca selfCheck 1000 for its reliability, quality of service and support, aesthetics, and ease of use for staff and patrons. We selected the vendor SHI Government Solutions, a distributor of Bibliotheca. The City of Harlingen has worked with SHI in the past, and their experience with the company has been positive.

The products included in the self-checkout system include the following:

2 selfCheck 1000 freestanding kiosks ($11,594.68 each; total for two: $23,189.36)
2 selfCheck 1000 mounting panels for Comprise devices ($105.32 each; total for two: $210.64)

2 Comprise SmartPay credit card payment terminals for selfChecks ($2,009.57 each; total for two: $4,019.14)

1-year subscription for 1-5 LibraryConnect devices ($1,062.77)

Shipping and administration ($2,132.71)

The project costs a total of $30,614.62. Grant funds will cover $25,000 of the project. The library funds will cover the remaining $5,614.62. The Budget Table in the Additional Documentation explains how the costs will be split.

Criterion 04:

Sustainability (10 points): Describe the resources that will be used to support the program or service developed through the grant in the future. (5,000 characters)

Answer 04:

The cost of the annual software subscription is $1,062.77. It will be included in the library’s annual budget. The City of Harlingen Administration, which approves the library’s annual budget, is supportive of our efforts to promote health and safety and advance technology in the library.

Section

Salaries/Wages/Benefits Other Funds:

Section

Total Salaries/Wages/Benefits:

Section

Salaries/Wages/Benefits Description:

Section

Consultant Fees Other Funds:

Section

Consultant Fees Description:

Section

Supplies/Materials Other Funds:
Total Supplies/Materials:

Supplies/Material Description:

Equipment Description:

The cost of the Bibliotheca SelfCheck 1000 freestanding kiosk is $11,594.68. The library will use grant funds to purchase 2 at a cost of $23,189.36. Additional equipment costs will be covered by library funds. They include 2 mounting panels for Comprise Devices ($105.32 each, total $210.64) and 2 Comprise credit card payment terminals ($2,009.57 each, total $4,019.14).

Services Description:

The cost of Shipping and Administration is $2,132.71. The cost of Shipping and Administration will be split between grant funds ($1,810.64) and library funds ($322.07). Library funding will also cover the cost of a 1-year subscription for LibraryConnect devices ($1,062.77).

Total Direct Other Funds:

Total Direct Total Costs:

Indirect Costs Total Cost:

Indirect Costs Description:
crafted with purpose

We listened to the needs of our customers and crafted a self-service kiosk that would simplify the lives of both library staff and its users. Offering the most ergonomic, user-friendly experience, the selfCheck 1000 was designed to maximize the day-to-day activities of a library, while promoting the activities and programs available within your community or academic setting.

**mix and match to fit your specific needs**
Numerous integrated options have been aesthetically considered from the very beginning to fit perfectly into this all-in-one self-service tool. Libraries can create their ideal kiosk with a range of mix-and-match features.

**natural placement creates convenience**
The placement of each feature ensures a workflow that is natural for the user. Whether placing extra items on the extended glass shelf or making a contactless payment, the location and workflow of each add-on option has been carefully considered to maximize convenience and be easy-to-use.

**helpful guidance to assist library users**
By combining screen animations with LED guidance, the selfCheck 1000 navigates users effortlessly through the entire self-service process. The ease and simplicity of the entire transaction ensure they have a pleasant experience during their library visit and are happy to return in the future.

**engaging experience with quickConnect®**
By combining the selfCheck 1000 with our intuitive self-service software, library users receive a wonderful self-service experience. With the ability to promote your upcoming library events and programs, suggest relevant recommendations, and integrate cloudlibrary® digital titles, quickConnect delivers a seamless experience that goes beyond just lending materials.
many benefits of the selfCheck 1000

Increase your marketing efforts
With our 27" portrait screen, we've dedicated more real estate for library promotions and recommendations which allow you to create and share more valuable information with your users.

Quick and easy access to user accounts
Users can quickly log in and get started without the need for staff assistance. Ways to log in include scanning a physical or virtual barcode card, typing the account number on-screen or tapping a RFID or MFD library card.

Large surface for users to place items
Our illuminated glass shelf is an extension of the standard surface, allowing users plenty of space to place items and keep their hands up to perform the transaction.

Matching desktop versions for any space
For libraries who like to mix and match throughout their space, we have designed a desktop model to fit perfectly on any counter top area within your library.

Users can conveniently process secured media
Keep your valuable media item secured with locking cases and give your user the power to unlock the same cases right from the selfCheck 1000 within one simple and guided transaction.

Guide users through the entire process
We incorporated haptic, audio, and visual feedback to guide users through the process without needing staff assistance and leave your library with an overall positive experience.

View warnings from across the room
We incorporated haptic, audio, and visual feedback to guide users through the process without needing staff assistance and leave your library with an overall positive experience.

Swap the reserved paper in seconds
Free valuable staff time with the ability to quickly change the reserve paper. Our simple-to-access front panel allows staff to quickly unlock and replace the reserve paper in seconds, revolutionizing obfuscation for users.
accept all forms of payment

We set out to design the selfCheck 1000 so it could handle every form of payment integrated without the need for extra hardware mounted to the side. In addition to credit and debit cards, we integrated an ATM grade bill handling system. When library users pay fines with large bills, they will receive $1, $5, and $10 bills as change, instead of a pocket full of coins.

We also added the capability to accept the increasingly popular contactless payments. With millions of people now equipped with contactless-enabled debit cards, credit cards and other payment devices, contactless payments are incredibly fast and can increase your payment collection as well as provide a better user experience.
elegant and convenient returns

Ideal for libraries with confined spaces, we incorporated return bins to fit perfectly underneath and to the side of the selfCheck 1000. Integrated bins make returns of the look quick and easy for users, allowing them to clear their account and continue borrowing additional items. With automatic sensors to alert staff when they are full, over 50 items can be returned in each bin before needing to be emptied.

the greatest level of accommodation

With our unique height-adjustable feature, libraries can give users the flexibility to adjust the entire kiosk at any point during the self-service transaction. This feature allows every user to define a suitable operational height, ensuring the experience meets their exact needs.

*Integrated return bins can be expanded with a height adjustable base
quickConnect: the ultimate self-service user experience

Our intuitive self-service software has been designed from the ground up, specifically for library users. quickConnect delivers an engaging experience for users of all ages and abilities—making borrowing and returning library items a breeze.

Read more...

In our dedicated quickConnect brochure.

promote your value-added services:
Make a lasting impression on users and ensure they know about all your library has to offer. With an ever-growing set of catchy templates to choose from, we ensure that you can easily edit and create visually appealing promotions in minutes. Go one step further and schedule promotions to change throughout the day to target users effectively.

drive attendance to your programs:
quickConnect allows you to promote your library's programs and services on the self-service home screen. By helping you build awareness of all your educational opportunities through this key touch point, your library can increase its marketing efforts and drive more traffic to programs and events.

offer digital titles at the selfCheck:
quickConnect and cloudLibrary deliver your entire digital collection to users right at the selfCheck. Suggested reads are presented in a clear and unobtrusive way, allowing eBooks and audiobooks to be immediately added to the user's digital shelf. This seamless integration feels magical to users, with titles ready and waiting for them the next time they use cloudLibrary!

help readers find more books they will love:
We partner with industry-leading providers to display relevant recommendations that librarians and readers trust. Each user coming back for titles that match their reading preferences. Allow users to discover hidden gems already in your collection and take these recommendations home with them, either by printed receipt or email.
grab users' attention with colors & wraps

By customizing your selfCheck 1000, you can match your library brand, attract users' eyes to your self-service area or integrate with existing interior designs. With over 200 custom colors to choose from and the ability to apply graphic wraps, you can make the selfCheck 1000 a perfect match for your library.
### selfCheck 1000 features & options

Build your perfect full height or desktop kiosk with all the features that matter to your library and users. Integrated options along with standard features help create a unique experience tailored to your user's needs.

<table>
<thead>
<tr>
<th>Feature</th>
<th>Full Height</th>
<th>Desktop</th>
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<tbody>
<tr>
<td>25&quot; panel spacing</td>
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<tr>
<td>1D/2D bar code reader</td>
<td>✔</td>
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<tr>
<td>Front-facing member panel for use</td>
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<td>Media player use card scanner</td>
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<td>LED throw mode lighting for stall</td>
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<tr>
<td>Large illuminated glass shelf</td>
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<tr>
<td>Wireless connection</td>
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<tr>
<td>Additional return bin on right side with base tray</td>
<td>✔</td>
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<tr>
<td>Height adjustable base***</td>
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<td>User login</td>
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<td>Credit / debit / chip &amp; pin placement option</td>
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<tr>
<td>quickConnect software</td>
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<tr>
<td>SiteConnect</td>
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* *Add on feature = additional charge applied
** *Add on feature = free with quickConnect License
*** Support options are come standard with a height adjustable base

### specifications

- **Freestanding**:
  - W 640mm / 25.2" x D 617mm / 24.3" x H 1,318mm / 51.8"
  - Height Adjust: 570mm / 22.5" x D 617mm / 24.3" x H 1,318mm / 51.8"
  - Weight: 105 kg / 233 lbs
  - Height Adjust: 100 kg / 220 lbs
  - Height Adjust: 90 kg / 198 lbs
  - Desktop: 100 kg / 220 lbs

- **Input C13 compliant**
  - 240 VAC, 130 Volts, 60 Hz
  - 240 VAC for European countries, 110 VAC for North American market
  - S A F E

- **Data**
  - 10/100 Ethernet

- **Touchscreen**
  - Large 27" portrait oriented touchscreen
  - Brightness: 320 nits
  - Resolution: 1920 x 1080

- **Standard PC**
  - Windows 10 IoT Enterprise 2016 LTSB 64-bit | 4GB RAM | 128GB SSD

- **Disposal & Compliance**
  - DOE, ADA, UL, FCC, C-UL
  - WEEE: WEEE (Waste Electrical and Electronic Equipment) directive 2012/19/EU, the implementation of the Waste Electrical and Electronic Equipment (WEEE) directive 2012/19/EU, and other relevant national legislation is in line with the requirements of the Waste Electrical and Electronic Equipment (WEEE) directive 2012/19/EU.

- **Power & Architecture**
  - Configuration and reporting is available in real-time via our optional LibraryConnect center management software.
  - quickConnect 1000 comes pre-loaded with our quickConnect self-service software, which supports the kiosk with the full range of loan return actions and account functions.
  - The software is configured for connection to the library’s EDS/ILS through OPAC Access to the Library, network via Ethernet connection.

- **Options**
  - PC: Windows 7 Embedded Operating System | 4GB RAM | 128GB SSD

### Colors

- quickConnect 1000 is available in a variety of custom colors to match any library atmosphere. Visit our website to view the options.

Although we make every effort to ensure information's accuracy at the time of release, it is possible that applications and features may vary or change over time. If you have any questions or need assistance, please contact us at the information provided in the reference material contained within this document.
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: August 19, 2020

Agenda Item:
Consider and take action to award the Windstorm, Hurricane & Hail Insurance 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 solicited requests for proposals for Windstorm, Hurricane & Hail Insurance on July 12, 2020; proposals were received from Lloyd's of London/Ventus Risk Management, Inc. (Victor Insurance Managers Inc.), and Amrisk Insurance Co./Acrisure LLC, DBA Carlisle Insurance. Insurance Consultant Susan Golla from McGriff, Seibels, Williams of Texas, Inc., reviewed the proposals and will present her analysis and recommendation to the Commission.

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

Finance Director’s approval: Yes No N/A

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

Comments:

City Attorney’s approval: Yes No N/A

form revised 04/29/09
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: August 19, 2020

Agenda Item:
Public hearing and take action to consider an Ordinance on First Reading for a Special Use Permit ("SUP") to allow an adult business (vape shop) in a General Retail ("GR") District located at 1338 N. Ed Carey Drive, bearing a legal description of Lot 5, Harlingen Towne Center Subdivision. Applicant: Ali Sheikhani

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

Project Timeline
- July 10, 2020 - Application for Special Use Permit ("SUP") submitted to the City. (ATTACHMENT I)
- August 1, 2020 - In accordance with Statute and local law, notice of required public hearings published in the Valley Morning Star and mailed to all property owners within 200 feet of subject tract.
- August 12, 2020 - Public hearing was conducted by the Planning and Zoning Commission ("P&Z"). The P&Z Commission recommended approval of the request by a 6 to 0 vote.
- August 19, 2020 - Public hearing and consideration of requested SUP via 1st Ordinance reading scheduled before the City Commission.
- September 2, 2020 - Pending approval of 1st Ordinance reading, consideration of approval of 2nd Ordinance reading scheduled before the City Commission.

Summary
- Pursuant to Section 111-62 of the City of Harlingen Code of Ordinances, an adult business (vape shop) in a General Retail ("GR") District requires the approval of an SUP by the City Commission.
- Ali Sheikhani, the applicant, is requesting a special use permit to allow a vape shop out of the existing 1,480 square-foot suite, located at 1338 N. Ed Carey Drive. The proposed name of the business will be “Vape City” (ATTACHMENT II).
- According to the applicant, the store will carry electronic vape products, e-juice liquid, coils, which are accessories for electronic vape products. Four parking spaces are required for the establishment and one hundred one parking spaces are provided in the common parking area of the commercial plaza, which includes “Wing Barn,” “Happy Nails,” “Footy Rooty,” in the suites to the north of the proposed vape shop, and “Marble Slab,” “T-Mobile,” “Sun Loan,” “Cash Advance,” “Lucky Sushi Bar,” “Just A Cut,” “Sylvan Learning,” and “Pena Eye Institute” to the south of the said suite (ATTACHMENT III).
- The surrounding properties are zoned General Retail ("GR") in all directions. (ATTACHMENT IV). The surrounding land uses include “Security Services Bank” to
the north, “Uhaul to the south, a commercial plaza to the east and Wendy’s and vacant land to the west of the subject property (ATTACHMENT V).

- The special use permit request was routed to the Building Inspections Department, Health Department, Fire Prevention Department, and Police Department for review. The Building Inspections Department and Fire Prevention Department reported no objection to the request subject to applying for all applicable permits and compliance with all city ordinances, codes and standards. The Health Department and the Police Department also reported no objection to the requested special use permit (ATTACHMENT VI).

- To the present, the Planning and Development Department has not received any objections to the request from surrounding property owners.

- In accordance with the Code of Ordinances, the P&Z and City Commissions 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

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

Finance Director’s approval:

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

### Staff Recommendation:

Staff recommends approval subject to complying with the following conditions:

1. Obtain and maintain the proper state permits;
2. Maintain the required parking in accordance with city regulations;
3. Comply with the Code of Ordinances, Chapter 34, Article VI, Section 34-142, Unlawful Substances;
4. Comply with the Code of Ordinances, Chapter 22, Article 3, Sections 22-54 to 22-66, Smoking Regulations;
5. Provide video surveillance with at least a 30 day retention of the video; and
6. Comply with the requirements administered by Planning and Development, Building Inspections, Environmental Health, Fire Prevention, and Police Departments.

City Manager’s approval:

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

Comments:

City Attorney’s approval:

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

8/13/2020
Adina Forman
CITY OF HARLINGEN PLANNING AND ZONING DIVISION
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)
Project Address: 1338 N. E. Cory Dr. Nearest Intersection: S. 77 SUNSHINE STRIP (Proposed) Subdivision Name: HARLINGEN TOWNE CENTER Lot # Block:
Existing Zoning Designation Future Land Use Plan Designation:

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)
Applicant/Authorized Agent: Ali Sheikham Phone: 333-750-6565 FAX:
Email Address (for project correspondence only): Billing@vapecity.us
Mailing Address: 13201 Northwest Fwy., City: Houston State: TX Zip: 77040
Property Owner: HOUSTON VALLEY REAL ESTATE, LLC. Phone: 713-822-4646 FAX: 713-822-4410
Email Address (for project correspondence only): KAVLA@MOREHOUStON.COM
Mailing Address: 4309 CENTER ST., City: HOUSTON State: TX Zip: 77007

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: This will be a brick & mortar retail store for a Vape Shop.

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

Applicant's Signature: [Signature] Date: 6/14/2020

Property Owner(s) Signature: [Signature] Date: 06/03/2020

Accepted by: [Signature] Date: [Signature] Date: 7-10-20
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 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: ____________________________  Date: 06/16/2020
Owner Address: ______________________
Phone/Fax: ________________________
Signature: _________________________
Request for a Special Use Permit (SUP) to allow an adult business (vape shop) in a General Retail (GR) District located at 1338 N Ed Carey Drive, bearing a legal description of Lot 5, Harlingen Towne Center Subdivision. Applicant: Ali Sheikhani
Temporary Amusement Routing Slip

Applicant: Ali Sheikhani
Phone No.: (832) 790-6565
Location: 1342 N. Ed Carey Drive
Project Description: SUP request to allow an Adult Business (Smoke Shop) in a General Retail (GR) District.

Department: Building Inspections Department

Approval: YES NO

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

Esmail Ortega Jr. 8/5/2020
Signature Date
Applicant: Ali Sheikhani
Phone No.: (832) 790-6565
Location: 1342 N. Ed Carey Drive
Project Description: SUP request to allow an Adult Business (Smoke Shop) in a General Retail (GR) District.

Department: Police
Approval: □ YES □ NO

Comments:

Signature Date

8-7-2020
Specific Use Permit ("SUP") Routing Slip

Applicant: Ali Sheikhani  
Phone No.: (956) 790-6565  
Location: 1342 N Ed Carey Drive  
Project Description: SUP request to allow an Adult Business (Smoke Shop) in a General Retail (GR) District.

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: July 23, 2020
### SUP Request Routing Slip

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Ali Sheikhani</th>
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</thead>
<tbody>
<tr>
<td>Phone No.:</td>
<td>(832) 790-6565</td>
</tr>
<tr>
<td>Location:</td>
<td>1342 N. Ed Carey Drive</td>
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<tr>
<td>Project Description:</td>
<td>SUP request to allow an Adult Business (Smoke Shop) in a General Retail (GR) District.</td>
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</table>

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<tr>
<th>Department:</th>
<th>Health Department</th>
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<tbody>
<tr>
<td>Approval:</td>
<td>X YES ___NO</td>
</tr>
<tr>
<td>Comments:</td>
<td>Business will not be selling any food or prepackaged food products from this establishment and will not need any health requirements at this time.</td>
</tr>
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</table>

Signature: [Signature]  
Date: 8-6-20
Public hearing and take action to consider a request for a Special Use Permit ("SUP") to allow an adult business (vape shop) in a General Retail ("GR") District located at 1338 N. Ed Carey Drive, bearing a legal description of Lot 5, Harlingen Towne Center Subdivision. Applicant: Ali Sheikhani

Mr. Johanna Maldonado summarized the following:

• Per the Code of Ordinances, Section 111-62 of the City of Harlingen Code of Ordinances, an adult business (vape shop) in a General Retail ("GR") District requires the approval of an SUP by the City Commission.

• The applicant is proposing a vape shop out of the existing 1,480 square-foot suite, located at 1338 N. Ed Carey Drive. The proposed name of the business will be "Vape City" (ATTACHMENT II).

• The subject property will carry electronic vape products, e-juice liquid, coils, which are accessories for electronic vape products. Four parking spaces are required for the establishment and one hundred one parking spaces are provided in the common parking area of the commercial plaza, which includes "Wing Barn," "Happy Nails," "Footy Rooty," in the suites to the north of the proposed vape shop, and "Marble Slab," T-Mobile," "Sun Loan," "Cash Advance," "Lucky Sushi Bar," "Just A Cut," "Sylvan Learning," and "Pena Eye Institute" to the south of the said suite.

• Adjacent zoning is General Retail ("GR") in all directions. The surrounding land uses include "Security Services Bank" to the north, "U-Haul to the south, a commercial plaza to the east and Wendy's and vacant land to the west of the subject property.

• 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.

• The Planning and Development Department has not received any objections to the request from surrounding property owners.

• 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. Obtain and maintain the proper state permits;
2. Maintain the required parking in accordance with city regulations;
3. Comply with the Code of Ordinances, Chapter 34, Article VI, Section 34-142, Unlawful Substances;
4. Comply with the Code of Ordinances, Chapter 22, Article 3, Sections 22-54 to 22-66, Smoking Regulations;
5. Provide video surveillance with at least a 30 day retention of the video; and
6. Comply with the requirements administered by Planning and Development, Building Inspections, Environmental Health, Fire Prevention, and Police Departments.

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

Cmr. States that Ed is Missing from Ed Carry Drive and questioned the application the address states 1342 N Ed Carry Drive a different address from what is stated on the agenda item.

Mr. Joel Olivo responded that the applicant had submitted the paperwork with the wrong address so staff called the applicant and he submitted a corrected application.

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

Cmr. Wolf asked that if this plaza was maxed-out on signage, He was under the impression that any other businesses coming in would need to apply for a variance due to other businesses using bigger signage then they were allowed.

Mr. Olivo responded that the business is allowed at least 36 sq. ft. of signage and that one of the business did receive a variance in order to allow more square footage, however they should still be able to maintain the 36 sq. ft.

Cmr. Wolf stated that he understood that there is one owner for the whole building and that they were allowed to divided the square footage of the building as they see fit and two of the businesses took up more sign square footage than was allowed and any more businesses coming in would require a variance.

Mr. Olivo responded that they are allowed 36 sq. ft. and the pylon sign is existing.

Cmr. Perez asked if there was sufficient parking.

Mr. Olivo responded that there are 101 parking spaces and there is additional parking in the rear and they are only required 4 parking spaces for their business.

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

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. Perez seconded. The motion passed unanimously.
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: August 19, 2020

Agenda Item:
Consideration and possible action to approve project update on the Boys and Girls Club - Gym and Shade Structure Projects.

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

Brief Summary:

On March 4, 2020, the City Commission approved a funding request of $200,000 for two projects at the Boys & Girls Club facility. This included $100,000 for the proposed gym which has a total cost estimate of $1.35 million dollars and $100,000 for a shade structures at the outdoor basketball courts.

Staff will provide a status report on the progression of these two projects. This will include the proposed site placement of the new gym location. As shown on the attached site plan, the gym is now proposed to be built on the site of the existing skate park. (See attached site plan)

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

Comments:

City Attorney’s approval: Yes No N/A

Form revised 01/26/09
Provide (1) Boring at 20'-0" depth.
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: August 19, 2020
Agenda Item:
CONSIDER AND TAKE ACTION to accept or reject bids and award a contract for the 9th & 13th Drainage Improvement Project under bid number 2020-01.

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

Brief Summary:

- This project is part of a FEMA grant with an estimated construction value of $2.88M
- The project includes over 5,600 linear feet of storm sewer improvements and upgrades to the 9th and 13th Street system (between Tyler Ave. and Pierce Ave.).
- 5 sealed bids were received and opened on Tuesday July 28, 2020. The apparent lowest bidder was G & G Contractors with a bid of $2,591,644.70.
- In review of the apparent lowest responsive bidder’s packet, G & G Contractors, the bidder was determined by staff to not be the most advantageous bid for selection for the following reasons:
  - This contractor appears to lack sufficient experience with drainage projects. The bid packet indicated 4 drainage projects for experience (past and current).
  - Three of these projects are currently underway. In discussion with the municipal project managers of these project, the contractor is behind schedule on all of these projects.
  - Only one of these projects includes large underground pipes.
  - The equipment list provided did not indicate sufficient machinery to complete this project. The only excavating machinery listed is a backhoe & Mini Excavator.
  - In speaking with their references, this contractor has issues in completing required paperwork in a timely fashion. As this is a FEMA grant project, paperwork from the contractor will be required on time.
  - This contractor does not have sufficient forces or machinery to complete the work. It is assumed they will subcontract the work. A list of subcontractors was not provided.
  - In past experience with the City of Harlingen on the Vestal Park project, the contractor was rarely on-site and left the City to manage his subcontractors.
  - This contractor is currently working on the Treasure Hills Waterline Project and has had many complaints about keeping the work area clean.
- Staff recommends the apparent second lowest bidder, GO Underground, with a contract amount of $2,650,965.25 as the most advantageous bid for the City.
- Staff believes the difference of $59,318.55 will be saved through a reduction of change orders, scheduling delays, and overall project execution.

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 second lowest bid submitted by GO Underground, LLC.
City Manager’s approval: Yes No N/A
City Attorney’s approval: Yes □ No □ N/A

8/14/2020
Attachment 1
Project Limits
STORM SEWER DRAINAGE IMPROVEMENTS
9TH ST AND 13TH ST
CITY OF HARLINGEN

INDEX OF SHEETS

1. TITLE SHEET
2. SUMMARY OF QUANTITIES
3. PROJECT LAYOUT
4. - 6. GENERAL NOTES
7. TCP CONSTRUCTION PHASES
8. TCP SEQUENCE OF CONSTRUCTION
9. TCP ADVANCED WARNING SIGNS
10 - 12. TCP TYPICAL DETAILS
13. HORIZONTAL CONTROL DATA
14. REMOVAL LAYOUT
14A - 14D. HYDROLOGY AND HYDRAULICS
15 - 23. PLAN AND PROFILE
24. SITE DETAILS
25. STORM WATER POLLUTION PREVENTION PLAN
26 - 44. STANDARDS

CITY COUNCIL

CHRIS BOSWELL ............................... MAYOR
RICHARD URIBE ............................... COMMISSIONER, DISTRICT 1
FRANK PUENTE ............................... COMMISSIONER, DISTRICT 2
MICHAEL MEZMAR ............................. COMMISSIONER, DISTRICT 3
RUBEN DE LA ROSA ........................... COMMISSIONER, DISTRICT 4
VICTOR LEAL ................................. COMMISSIONER, DISTRICT 5
Attachment 2
Bid Tab
Date: July 28, 2020

**Bid No. 2020-01 9th & 13th Street Drainage Improvement Project**

**Bid Deadline:** 2:00 P.M.

<table>
<thead>
<tr>
<th>Company Name</th>
<th>HUB (Y/N)</th>
<th>HUB Expire</th>
<th>Responded (Y/N)</th>
<th>Bid Bond (Y/N)</th>
<th>Reference Form (Y/N)</th>
<th>CIQ Form (Y/N)</th>
<th>Addendum Acknowledge</th>
<th>Bid Amount</th>
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<tbody>
<tr>
<td>Advanced Drainage Systems, Inc.</td>
<td>NO</td>
<td></td>
<td>NO</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>AM Utilities &amp; Construction</td>
<td>YES</td>
<td>4/4/23</td>
<td>NO</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$2,740,000.00</td>
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<tr>
<td>Artillery LLC.</td>
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<tr>
<td>Castle Enterprises, LLC.</td>
<td>YES</td>
<td>3/27/21</td>
<td>NO</td>
<td></td>
<td></td>
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<td>Cornett Construction Company</td>
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<td>GD Construction - Gonzalez de la Garza</td>
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<td>YES</td>
<td>YES</td>
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<td>G &amp; G Contractors</td>
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<td>YES</td>
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<td>YES</td>
<td>YES</td>
<td>$2,591,644.70</td>
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<td>G &amp; T Paving</td>
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<tr>
<td>Go Underground LLC</td>
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<td>5/31/21</td>
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<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>$3,252,978.00</td>
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<td>Jimmy Closner &amp; Sons</td>
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<td>YES</td>
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<td>McAllen Multi-Service</td>
<td>YES</td>
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<td>NO</td>
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<td>PESA Enterprises, Inc.</td>
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<td>R.M. Walsdorf, Inc.</td>
<td>YES</td>
<td>5/10/23</td>
<td>NO</td>
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<td>SAL Construction</td>
<td>YES</td>
<td>10/6/20</td>
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<td>Texas Cordia Construction</td>
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<tr>
<td>The 5125 Company</td>
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<td>Villarreal Construction, LLC.</td>
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</tbody>
</table>

Companies Contacted: 37  Picked up packets: 17  HUB Certified: 7  Responded: 5  HUBs Responded: 2
<table>
<thead>
<tr>
<th>Itemized Bid Tabulation Original Quantities</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Base Bid</strong> Total: 3,509,055.20</td>
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**Geoscience/Geology (Base Bid)**

<table>
<thead>
<tr>
<th>Description</th>
<th>Unit Cost</th>
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</thead>
<tbody>
<tr>
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</tr>
<tr>
<td><strong>SUB CONTRACT</strong></td>
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<td>$1,500</td>
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<tr>
<td><strong>Geotechnical Services</strong></td>
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<td>$3,000</td>
</tr>
<tr>
<td><strong>Survey Services</strong></td>
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<td>$2,000</td>
</tr>
<tr>
<td><strong>Environmental Monitoring</strong></td>
<td>$1,200</td>
<td>$1,200</td>
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<tr>
<td><strong>Cultural Resource Management</strong></td>
<td>$1,500</td>
<td>$1,500</td>
</tr>
<tr>
<td><strong>Base Bid</strong> Total</td>
<td>$10,860</td>
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**Additional Quantities**

<table>
<thead>
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<th>Item Description</th>
<th>Unit Cost</th>
<th>Total Cost</th>
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</thead>
<tbody>
<tr>
<td><strong>Geoscience/Geology</strong></td>
<td>$3,000</td>
<td>$3,000</td>
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<tr>
<td><strong>Survey Services</strong></td>
<td>$2,000</td>
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<td><strong>Environmental Monitoring</strong></td>
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<td><strong>Cultural Resource Management</strong></td>
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<td>$1,500</td>
</tr>
<tr>
<td><strong>Base Bid</strong> Total**</td>
<td>$10,860</td>
<td>$10,860</td>
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</tbody>
</table>

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**Note:** All prices are in USD and subject to change.
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: August 19, 2020

Agenda Item:
Consider and take action to amend the City of Harlingen Code of Ordinances Chapter 111, Zoning, Article XII, Section 111-329 Gasoline Stations, by deleting this section in its entirety.
Applicant: City of Harlingen

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

Brief Summary:

Project Timeline
• July 11, 2020 – In accordance with Statute and local law, notice of required public hearings published in the Valley Morning Star and mailed to all property owners within 200 feet of the subject tract.
• July 22, 2020– Public hearing was conducted by the Planning and Zoning Commission (P&Z). The P&Z Commission recommended approval of the amendment by a 6 to 0 vote.
• August 5, 2020– Public hearing was conducted by the City Commission. The City Commission tabled action on the item.
• August 19, 2020 – Consider and take action to approve the Ordinance on First Reading.
• September 2, 2020– Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary
• The City of Harlingen is requesting to amend the City of Harlingen Code of Ordinances, Chapter 111, Zoning, Article XII, Section 111-329, by deleting this section in its entirety. This would eliminate distance requirements for gasoline stations when located near a school. This amendment was drafted after the City received an application for a proposed convenience store with gas pumps located near a school and the Zoning Board of Adjustments denied a variance pertaining to the distance requirement of the underground tanks from a school for the said convenience store. The proposed convenience store with gas tanks is proposed along East side of 9th Street between Tyler and Harrison Avenues in a property currently belonging to the Harlingen School District (ATTACHMENT I-III).

• Pursuant to Chapter 111, Article XII, Section 111-329, gasoline stations, gasoline pumps, underground tanks, and other storage and dispensation facilities are prohibited within 500 feet of any building in which public or private school classes are conducted. This measurement shall be taken in a straight line measurement from the nearest property line of a property developed with a gasoline station to the nearest property line of any building in which public or private school classes are conducted.

• The ordinance was originally adopted on October 3, 1979 apparently based on concerns of
increased vehicular traffic which these establishments created and the belief at the time that it endangers school children walking to and from school (ATTACHMENT IV).

- There is currently a provision in the 2018 International Fire Code, Section 5706.6.2.1, which states that tank vehicles shall not be left unattended at any time on residential streets, or within 500 feet of a residential area, apartment or hotel complex, educational facility, hospital or care facility. Tank vehicles shall not be left unattended at any other place that would in the opinion of the fire chief, pose an extreme life hazard (ATTACHMENT V).

- The Building Inspections, Fire Prevention Department, and Legal Department have reviewed and approved the requested amendment.

- The installation of underground storage tanks is also regulated by the Texas Commission on Environmental Quality (TCEQ) and the Environmental Protection Agency (EPA) (ATTACHMENT VI).

- Staff also conducted a survey of the cities in the Rio Grande Valley, Corpus Christi and Laredo to determine if the said cities have a similar regulation. Based on the survey, Harlingen is the only city that had a distance requirement for underground storage tanks when located near a school.

- Staff received a letter of support from a professional engineer who has many years of experience in civil site design, design and permitting of convenience stores, and all types of petroleum storage and distribution systems (ATTACHMENT VII).

- The attached ordinance reflects the proposed change to 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:

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

**Staff Recommendation:**

Staff recommends approval subject to the ordinance.

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

Comments:

City Attorney’s approval: [ ] Yes [ ] No [ ] N/A
A special emergency meeting of the Harlingen City Commission was held at 5:30 p.m., Tuesday, September 4, 1979 in City Hall with the following present:

R. D. Youker
Jim Werner
Wayne Potter
Don Lee
Tony Gutierrez
Harry Savio
Tom Curtis
Jean Nesmith

ORDINANCE ADOPTED ON FINAL READING PROHIBITING THE SALE OF GASOLINE, DIESEL, OR LIQUID PETROLEUM WITHIN 500 FEET OF A PUBLIC SCHOOL

Mayor Youker said the reason for the meeting is that the City Commission is increasingly concerned with the amount of traffic in and around public schools and this necessitates action concerning the prohibition of the installation of services of gasoline, diesel and liquid petroleum fuels near public schools. The close proximity to classrooms, the school children and other pedestrian traffic, with school already started, constitutes the emergency for final passage of the ordinance.

The caption of the ordinance was read. Commissioner Potter presented the ordinance and moved its adoption on final reading. Commissioner Werner seconded the motion and it carried by the following vote:

AYE: Commissioner Potter, Werner, Lee, Gutierrez
NAY: None

AN ORDINANCE AMENDING ARTICLE I OF CHAPTER 8 OF THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN BY ADDING THERETO A NEW SECTION REGULATING THE ISSUANCE OF PERMITS ALLOWING THE CONSTRUCTION OR INSTALLATION OF FACILITIES FOR THE WHOLESALE OR RETAIL SALE OF GASOLINE, DIESEL AND GASIFIED PETROLEUM PRODUCTS WITHIN 500 FEET OF A PUBLIC OR PRIVATE SCHOOL

Mr. Savio requested an executive session to discuss personnel and possible litigation on the enforcement of the ordinance just adopted. The meeting was recessed to go into executive session.

The meeting was reconvened and adjourned at 6:33 p.m. upon motion by Commissioner Werner and second by Commissioner Lee.

R. D. Youker, Mayor
Jean Nesmith, City Secretary
Regu1er llectlng •

Attachment IV

Ordinance ADOPTED ON FIRST READING AMENDING CODE TO PROVIDE FOR AMBULANCE TRANSFER SERVICE

Mr. Curtis said this had been discussed on one other occasion. Dr. Fox said Dr. Klein would submit the standards for equipping a transfer ambulance. There must be advance airway care equipment for patients picked up in the City. The caption of the ordinance was read.

ORDINANCE #79-35
AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 29 OF THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN BY PROVIDING FOR LICENSING AMBULANCES PROVIDING TRANSFER SERVICES WITHIN THE LIMITS OF THE CITY OF HARLINGEN.

Commissioner Gutierrez presented the ordinance and moved its adoption on first reading.

Commissioner Lee seconded the motion and it carried by the following vote:

AYE: Commissioner Gutierrez, Lee, Lozano, Potter

NAY: None

Ordinance ADOPTED AMENDING ZONING ORDINANCE TO PROHIBIT THE SALE OF GASOLINE PRODUCTS WITHIN 500 FEET OF SCHOOLS

The caption of the ordinance was read.

ORDINANCE #79-36
AN ORDINANCE AMENDING ORDNANCE #74-36, THE ZONING ORDINANCE OF THE CITY OF HARLINGEN BY ADDING THERETO SECTION 8, SUBPARAGRAPH (1), PROHIBITING THE CONSTRUCTION OR INSTALLATION OF FACILITIES FOR THE WHOLESALE OR RETAIL SALE OF GASOLINE, DIESEL, OR HYDRAULIC FLUIDS WITHIN 500 FEET OF A PUBLIC OR PRIVATE SCHOOL.

Commissioner Potter presented the ordinance and moved its adoption on first reading.

Commissioner Lozano seconded the motion and it carried by the following vote:

AYE: Commissioner Potter, Lozano, Lee, Gutierrez

NAY: None

Ordinance ADOPTED ON FINAL READING AMENDING CHARGES FOR DEATH CERTIFICATES

The caption of the ordinance was read.

ORDINANCE #79-37
AN ORDINANCE AMENDING CHAPTER 15, ARTICLE II, SECTION 15-20 OF THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN BY RAISING THE FEE FOR A CERTIFIED COPY OF A BIRTH OR DEATH CERTIFICATE TO $3.00

Commissioner Lee presented the ordinance and moved its adoption on final reading. Commissioner Lozano seconded the motion and it carried by the following vote:

AYE: Commissioner Lee, Lozano, Potter, Gutierrez

NAY: None

(Commissioner Gutierrez stepped out of the meeting at this point)

Subdivision Plats Approved

The Phillips Subdivision plat was reviewed and discussed. The tract is being subdivided in order to get a building permit to expand. The parks fee had been waived by Planning and Zoning. Commissioner Lozano moved approval of the subdivision plat as recommended by Planning and Zoning. Commissioner Potter seconded the motion and it carried by unanimous vote of those present.

Treasure Hills Unit #7 Subdivision plat was reviewed. Commissioner Lozano said they would have to move on the parks dedication provision. Commissioner Gutierrez re-entered the meeting at this point. Mr. Starrett asked for a variance on the parks fee until the City Commission can come up with a decision. He asked the Commission to approve the plat subject to the decision of the committee. He has submitted a letter saying he would be responsible for the parks fee, but asked this be held in abeyance.

Mr. Curtis said the ordinance requires the payment of parks fees or dedication of the land. Mr. Davis said in the past, these fees have been placed in escrow. There is a need to be
Mr. Curtis brought to the attention of the Planning and Zoning Commission, at the last meeting of the City Commission they passed an ordinance on the 1st reading, regulating the issuance of permits allowing the construction or installation of facilities for the wholesale or retail sale of gasoline, diesel, and gasified petroleum within 500 feet of any private or public school. Mr. Curtis explained this was done because of the increasingly concern of the increased vehicular traffic which endangers school children walking to and from school. Mr. Curtis also recommended this be incorporated into the zoning ordinance.

Mr. Davis made a motion recommending the provision for regulating the issuance of permits for the wholesale or retail sale of gasoline, diesel, and gasified petroleum within 500 feet of any public or private school be incorporated into the zoning ordinance. Mrs. De La Rosa seconded the motion and it carried unanimously.

Mr. Key asked what was the disposition of the City Commission concerning the requirement of park fees? Mr. Curtis replied the Park Board had
ORDINANCE NO. 79-36

AN ORDINANCE AMENDING ORDINANCE NO. 74-36, THE ZONING ORDINANCE OF THE CITY OF HARLINGEN BY ADDING PARAGRAPH II, SUBPARA. "OF PARAGRAPH I, PROHIBITING THE CONSTRUCTION OR INSTALLATION OF FACILITIES FOR THE WHOLESALE OR RETAIL SALE OF GASOLINE, DIESEL, OR GASIFIED PETROLEUM WITHIN 500 FEET OF A PUBLIC OR PRIVATE SCHOOL.

WHEREAS the Building Code within the Code of Ordinances of the City of Harlingen has been amended to prohibit the construction or installation of facilities for the wholesale or retail sale of gasoline, diesel and gasified petroleum within 500 feet of a public or private school; and

WHEREAS the Planning and Zoning Commission has recommended that the Zoning Ordinance be amended to correspond to the Building Code to regulate the establishment and maintenance of gasoline, butane or diesel filling stations, underground storage facilities and retail dispensation facilities for such petroleum products due to the increased traffic near and around public and private schools, the concentration of pedestrian traffic in and around such public and private schools, the explosive and inflammable nature of petroleum fuels dispensed by gasoline stations; and

WHEREAS gasoline stations and access to their pumps divert public vehicular traffic from streets and cross sidewalks to allow access to and from such pumps and such diversion of vehicular traffic across sidewalk entryways have direct impact upon pedestrian traffic and to a great extent, the pedestrian school children going to and from their classes held within public and private schools within the limits of the City of Harlingen, now therefore,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HARLINGEN:

That Paragraph II, Subparagraph II of Ordinance No. 74-36, the Zoning Ordinance of the City of Harlingen, be and is hereby amended by adding thereto a new section numbered 28 to read as follows:

(28) Gasoline stations are permitted as hereinabove set forth under Subparagraph 6 of this section, however such gasoline stations, gasoline pumps, underground tanks, and other storage and dispensation facilities are prohibited within 500 feet of any building in which public or private school classes are conducted. This measurement shall be a straight line measurement. The prohibitions shall not apply to the installation of such facilities within 500 feet of buildings used exclusively and solely as offices for appraisers or elective school officials in which no classes are conducted. Should any dispute arise as to the definition of "classes" as used herein, a class shall mean the gathering of five or more public or private school students for the purposes of receiving instruction from a teacher or instructor as designated by the Harlingen Consolidated Independent School District.
The provisions for penalties for violations of Zoning Ordinance of the City of Harlingen shall fully and completely apply to the above amendment.

FINALLY ENACTED this the 2 day of October, 1979.

CITY OF HARLINGEN, TEXAS

BY:
Wayne Potter, Mayor Pro Tem

ATTEST:

JERI NESMITH, CITY SECRETARY
5706.6.2.1 Parking near residential, educational and institutional occupancies and other high-risk areas. Tank vehicles shall not be left unattended at any time on residential streets, or within 500 feet (152 m) of a residential area, apartment or hotel complex, educational facility, hospital or care facility. Tank vehicles shall not be left unattended at any other place that would, in the opinion of the fire chief, pose an extreme life hazard.
From: Monica Galvan [mailto:monica.galvan@tceq.texas.gov]
Sent: Tuesday, August 4, 2020 5:01 PM
To: Cervantes, Xavier
Subject: Underground Storage Tanks - distance requirements

CAUTION: This email originated outside of the network. Do not click links or open attachments unless you recognize the sender and know the content is safe. If you believe this email is suspicious, forward this email to the M.I.S. Dept.

Mr. Cervantes,

According to 30 Texas Administrative Code 334.46(a)(4)(A)-(B) referencing Installation Standards for New Underground Storage Tank Systems (Excavations) -

There is a three foot distance requirement annotated in the Petroleum Storage Tank rules. The wording is as follows -

(B) Tank excavation shall be performed in a manner that will avoid the undermining of foundations and other existing structures, and shall be constructed not less than three feet from the base of adjacent structures (unless specifically approved by a licensed professional engineer) and not less than three feet from any underground utility easements and property lines.

Let me know if I can be of further assistance.

Thank you,
Monica A. Galvan
Work Leader
956.425.6010 m
956.430.6032 d
TCEQ Harlingen Region Office
monica.galvan@tceq.texas.gov

CONFIDENTIALITY: This e-mail (including any attachments) is confidential and may contain proprietary information. If you are not the intended recipient, be advised that you have received this e-mail in error. Any use, disclosure, dissemination, printing or copying of this e-mail is strictly prohibited. If you have received this e-mail in error, please immediately contact the sender by return e-mail and then irretrievably delete it from your system.
William K. Morris, P.E., LEED A.P. BD+C
President, Morris and Associates

Years of experience with Morris and Associates: 38

Years with other firms: 2

Education: BS in Civil Engineering, Texas A&M University, 1979

Professional Registrations:

Mr. Morris is registered as a Professional Engineer in multiple states. He is also a LEED Accredited Professional (BD+C).

Professional and Association Affiliations:

Affiliate Member of Petroleum Equipment Institute (PEI), Nominated for PEI Board of Directors, 2008, National Fire Protection Association (NFPA), National Society of Professional Engineers (NSPE), American Society of Civil Engineers (ASCE), Society of American Military Engineers (SAME), USGBC.

Publications and Awards:

Mr. Morris has been the President of Morris & Associates (M&A) since 1994. Prior to that, he served as Vice-President.

Mr. Morris' expertise focuses in the area of civil site design, design and permitting of convenience stores, all types of petroleum storage and distribution systems, fuel system prototype design, alternative fuel facilities, natural gas fuel stations, vehicle washes, automotive dealerships and repair facilities, quick lube, hypermarket fuel facilities, marinas, aircraft fueling facilities, fleet fueling facilities, bulk plants and pipeline terminals, dielectric oil handling facilities, along with other Fortune 500 retail projects. Typical clients are the United States Government, The Department of Defense, The State of Texas, cities and other municipal governments, school districts, CenterPoint Energy, major oil companies and retail clients such as Circle K, Speedway, Chevron/Texaco, Texaco International, ExxonMobil, Shell, Valero, CST Brands, Inc., Circle K, Ryder, UPS, Jiffy Lube/Pennzoil, Trammell Crow, Kroger, McDonald's, Safeway, Randall's, Tom Thumb, Group 1, Walgreens and Eckerd's.

As President, Mr. Morris oversees the daily operations of the Company. In addition to management duties, Mr. Morris does certain project management work on special projects, construction administration, expert witness within his area of expertise, and forensic studies related to fuel system failures.

He is licensed in 14 states. Those include:

Texas, Alabama, Arkansas, Arizona, Florida, Georgia, Hawaii, Louisiana, New Mexico, Nevada, Oklahoma, Tennessee, Colorado, Minnesota
City of Harlingen
118 E Tyler Avenue
Harlingen, TX 78550

August 4, 2020

RE: Expert Statement Regarding Proximity of Underground Petroleum Storage Tanks to Schools & Churches

To Whom it May Concern,

It is our understanding that the City of Harlingen has an ordinance in place that prohibits underground storage tanks from being constructed/installed within 500' of schools or churches. In our 40+ year experience of engineering and permitting thousands of fuel stations spanning across multiple jurisdictions in Texas and other states, we have never run into such an ordinance. The Texas Commission on Environmental Quality (TCEQ) is Texas's reigning authority over of Petroleum Storage Tanks (PSTs) and has no ordinance in place that prohibits Petroleum Storage Tanks within a certain proximity of schools or churches. We ask that the City remove this ordinance so that it may align with TCEQ requirements and applicable codes.

Typically, fuel system drawings go through the following review process with Authorities Having Jurisdiction (AHJs) and the TCEQ:

1) Engineered drawings of the fuel system are submitted to the City Building Department and City Fire Marshal's office for code compliance with NFPA 30A, IFC, and any other applicable codes adopted by the City.
2) The project is granted a permit by the City and City's Fire Marshal Office once confirmed to be compliant with Adopted Building Codes.
3) The owner issues a 30-day notification to the TCEQ prior to start of construction. This will signal to the State when they can come for their observations of the installation of the project.
4) The project construction is completed.
5) The fuel system/tanks are registered with the TCEQ. The registration forms bear information regarding Tanks, Piping, Monitoring system, etc. to confirm compliance with State Regulations and are Signed/Certified by Owner and Installation Contractor.
6) The system is deemed compliant with the TCEQ and is fully operational. Periodic testing is performed as required by State regulations.

Please feel free to call or email with any questions.

Sincerely,

William K. Morris, P.E., LEED AP BD+C
ORDINANCE NO. 20-

AN ORDINANCE AMENDING THE CITY OF HARLINGEN CODE OF ORDINANCES CHAPTER 111, ZONING, ARTICLE XII, SECTION 111-329, GASOLINE STATIONS, BY DELETING THIS SECTION IN ITS ENTIRETY, PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING

WHEREAS, Section 211.014 of the Texas Local Government Code requires that zoning provisions be adopted in accordance with a comprehensive plan;

WHEREAS, the proposed zoning code amendment is consistent with the goals of the Harlingen Comprehensive Plan-One Vision One Harlingen of streamlining development policies and to promote Harlingen as an attractive investment and development option;

WHEREAS, the proposed amendment is consistent with the goals of the Harlingen Comprehensive Plan-One Vision One Harlingen of ensuring that development policies and standards are comparable to other area communities;

WHEREAS, the installation of gas tanks is regulated by the Texas Commission of Environmental Quality;

WHEREAS, the City Commission of the City of Harlingen desires to amend the zoning ordinance to be in accordance and consistent with the goals of the Comprehensive Plan;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF HARLINGEN, TEXAS, THAT:

SECTION I: That the City of Harlingen Code of Ordinances, Chapter 111, Zoning, Article XII, Section 111-329, is hereby amended deleting the language that is stricken through (stricken) as follows.

Section 111-329—Gasoline Stations

(a) Gasoline stations, gasoline pumps, underground tanks, and other storage and dispensation facilities are prohibited within 500 feet of any building in which public or private school classes are conducted. This measurement shall be taken in a
straight line measurement from the nearest property line of a property developed with gasoline station to the nearest property line of any building in which public or private school classes are conducted. The prohibition shall not apply to the installation of such facilities within 500 feet of buildings used exclusively and solely as offices for appointive or elective school officials in which no classes are conducted. Should any dispute arise as to the definition of the term "classes", as used herein, a "class shall mean the gathering of five or more public or private school students for the purpose of receiving instruction from a teacher or instructor as designated by the Harlingen Consolidated Independent School District.

(b) Gasoline service station pump islands may not be located nearer than 18 feet to the front property line.

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

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 to amend the City of Harlingen Code of Ordinances Chapter 111, Zoning, Article XII, Section 111-329 Gasoline Stations, by deleting this section in its entirety

Mr. Joel Olivo summarized the following:

- The City of Harlingen is requesting to amend the City of Harlingen Code of Ordinances, Chapter 111, Zoning, Article XII, Section 111-329, by deleting this section in its entirety. This would eliminate distance requirements for gasoline stations when located near a school. This amendment was drafted after the City received an application for a proposed convenience store with gas pumps located near a school and the Zoning Board of Adjustments denied a variance pertaining to the distance requirement of the underground tanks from a school for the said convenience store. The proposed convenience store with gas tanks is proposed along East side of 9th Street between Tyler and Harrison Avenues in a property currently belonging to the Harlingen School District.

- Pursuant to Chapter 111, Article XII, Section 111-329, gasoline stations, gasoline pumps, underground tanks, and other storage and dispensation facilities are prohibited within 500 feet of any building in which public or private school classes are conducted. This measurement shall be taken in a straight line measurement from the nearest property line of a property developed with a gasoline station to the nearest property line of any building in which public or private school classes are conducted.

- The ordinance was originally adopted on October 3, 1979 apparently based on concerns of increased vehicular traffic which these establishments created and the belief at the time that it endangers school children walking to and from school.

- The Building Inspections, Fire Prevention Department, and Legal Department have reviewed and approved the requested amendment.

- The installation of underground storage tanks is also regulated by the Texas Commission on Environmental Quality (TCEQ). TCEQ has no objection to the installation of gas tanks at the site.

- Mr. Cervantes explained the economic benefits of the project and that this language in the ordinance is keeping the project from happening.

- Staff also conducted a survey of the cities in the Rio Grande Valley, Corpus Christi and Laredo to determine if the said cities have a similar regulation. Based on the survey, Harlingen is the only city that had a distance requirement for underground storage tanks when located near a school.

- Staff received a letter of support from the owner of the school for the project.

**Staff recommends approval subject to the ordinance**

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

Chrm. Peacock opened this item up for public hearing. There being none the public hearing was closed.
Cmr. Wolf motioned to approve the amendment request as per staff’s recommendations. Cmr. Keim seconded. The motion passed unanimously.

Board members present were Tre Peacock, Chair, Nick Consiglio, Vice chair, David Wolf, Daniel Martinez, Wayne Lowry, Cesar Perez and Lars Kiem.
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: August 19, 2020

Agenda Item:
Consider and take action to amend the City of Harlingen Code of Ordinances Chapter 103-
Buildings and Building Regulations, Article I, Section 103-2: Restrictions on Permits for Storage
or Dispensation Facilities, by deleting this section in its entirety. Applicant: City of Harlingen

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

Signature:

Brief Summary:

Summary

- The City of Harlingen is requesting to amend the City of Harlingen Code of Ordinances, Chapter 103, Buildings and Building Regulations, Article XI, Section 103-2, by deleting this section in its entirety. This would eliminate distance requirements for gasoline stations when located near a school. This amendment was drafted after the City received an application for a proposed convenience store with gas pumps located near a school and the Zoning Board of Adjustments denied a variance pertaining to the distance requirement of the underground tanks from a school for the said convenience store. The proposed convenience store with gas tanks is proposed along East side of 9th Street between Tyler and Harrison Avenues in a property currently belonging to the Harlingen School District (ATTACHMENT I-III).

- Pursuant to Chapter 103, Article XI, Section 103-2, the Chief Building Official shall not issue any type of permit for the construction, erection, or installation of underground storage tanks, above ground pumps or other dispensation facilities for the dispensing of gasoline, butane or diesel fuel, within 500 feet of any building in which public or private school classes are conducted. Such measurement shall be a straight line measurement.

- The ordinance was originally adopted on October 3, 1979 apparently based on concerns of increased vehicular traffic which these establishments created and the belief at the time that it endangers school children walking to and from school (ATTACHMENT IV).

- There is currently a provision in the 2018 International Fire Code, Section 5706.6.2.1, which states that tank vehicles shall not be left unattended at any time on residential streets, or within 500 feet of a residential area, apartment or hotel complex, educational facility, hospital or care facility. Tank vehicles shall not be left unattended at any other place that would in the opinion of the fire chief, pose an extreme life hazard (ATTACHMENT V).

- The Building Inspections, Fire Prevention Department, and Legal Department have reviewed and approved the requested amendment.

- The installation of underground storage tanks is also regulated by the Texas Commission
on Environmental Quality (TCEQ) and the Environmental Protection Agency (EPA) (ATTACHMENT VI).

- Staff also conducted a survey of the cities in the Rio Grande Valley, Corpus Christi and Laredo to determine if the said cities have a similar regulation. Based on the survey, Harlingen is the only city that had a distance requirement for underground storage tanks when located near a school.

- Staff received a letter of support from a professional engineer who has many years of experience in civil site design, design and permitting of convenience stores and all types of petroleum storage and distribution systems (ATTACHMENT VII).

- The attached ordinance reflects the proposed change to the ordinance.

### Funding (If applicable):

<table>
<thead>
<tr>
<th>Are funds specifically designated in the current budget for the full amount for this purpose?</th>
<th>Yes</th>
<th>No*</th>
</tr>
</thead>
</table>

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

<table>
<thead>
<tr>
<th>Finance Director’s approval:</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
</table>

### Staff Recommendation:

Staff recommends approval subject to the ordinance.

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

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

8/14/2020

2
A special emergency meeting of the Harlingen City Commission was held at 5:30 p.m., Tuesday, September 4, 1979 in City Hall with the following present:

R. D. Youker
Jim Werner
Wayne Potter
Don Lee
Tony Gutierrez
Harry Savio
Tom Curtis
Jean Nesmith

Mayor
Commissioner
City Manager
Assistant to City Attorney
City Secretary

ORDINANCE ADOPTED ON FINAL READING PROHIBITING THE SALE OF GASOLINE, DIESEL, OR LIQUID PETROLEUM WITHIN 500 FEET OF A PUBLIC SCHOOL

Mayor Youker said the reason for the meeting is that the City Commission is increasingly concerned with the amount of traffic in and around public schools and this necessitates action concerning the prohibition of the installation of services of gasoline, diesel and liquid petroleum fuels near public schools. The close proximity to classrooms, the school children and other pedestrian traffic, with school already started, constitutes the emergency for final passage of the ordinance.

The caption of the ordinance was read. Commissioner Potter presented the ordinance and moved its adoption on final reading. Commissioner Werner seconded the motion and it carried by the following vote:

AYE: Commissioner Potter, Werner, Lee, Gutierrez
NAY: None

AN ORDINANCE AMENDING ARTICLE I OF CHAPTER 8 OF THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN BY ADDING THERETO A NEW SECTION REGULATING THE ISSUANCE OF PERMITS ALLOWING THE CONSTRUCTION OR INSTALLATION OF FACILITIES FOR THE WHOLESALE OR RETAIL SALE OF GASOLINE, DIESEL AND GASIFIED PETROLEUM PRODUCTS WITHIN 500 FEET OF A PUBLIC OR PRIVATE SCHOOL

Mr. Savio requested an executive session to discuss personnel and possible litigation on the enforcement of the ordinance just adopted. The meeting was recessed to go into executive session.

The meeting was reconvened and adjourned at 6:33 p.m. upon motion by Commissioner Werner and second by Commissioner Lee.
Regular Meeting - page 5
9/19/79

ORDINANCE ADOPTED ON FIRST READING AMENDING CODE TO PROVIDE FOR AMBULANCE TRANSFER SERVICE

Mr. Curtis said this had been discussed on one other occasion. Dr. Fox said Dr. Klein would submit the standards for equipping a transfer ambulance. There must be advance airway care equipment for patients picked up in the City. The caption of the ordinance was read.

ORDINANCE 79-17
AN ORDINANCE AMENDING ARTICLE 11 OF CHAPTER 29 OF THE CODE OF ORDINANCES OF THE CITY OF HAILINGEN BY PROVIDING FOR LICENSING AMBULANCES PROVIDING TRANSFER SERVICES WITHIN THE LIMITS OF THE CITY OF HAILINGEN.

Commissioner Gutierrez presented the ordinance and moved its adoption on first reading. Commissioner Lee seconded the motion and it carried by the following vote:

AYE: Commissioner Gutierrez, Lee, Lozano, Potter
NAY: None

ORDINANCE ADOPTED AMENDING THE ZONING ORDINANCE TO PROHIBIT THE SALE OF GASOLINE PRODUCTS WITHIN 500 FEET OF SCHOOLS

The caption of the ordinance was read.

ORDINANCE 79-45
AN ORDINANCE AMENDING ORDINANCE 77-36, THE ZONING ORDINANCE OF THE CITY OF HAILINGEN BY ADDING THERETO SECTION 8, SUBPARAGRAPH I, PROHIBITING THE CONSTRUCTION ON INSTALLATION OF FACILITIES FOR THE WHOLESALE OR RETAIL SALE OF GASOLINE, DIESEL, OR GASIFIED PROPANE WITHIN 500 FEET OF A PUBLIC OR PRIVATE SCHOOL.

Commissioner Potter presented the ordinance and moved its adoption on first reading. Commissioner Lozano seconded the motion and it carried by the following vote:

AYE: Commissioner Potter, Lozano, Lee, Gutierrez
NAY: None

ORDINANCE ADOPTED ON FINAL READING AMENDING CHARGED FOR DEATH CERTIFICATES

The caption of the ordinance was read.

ORDINANCE 79-46
AN ORDINANCE AMENDING CHAPTER 15, ARTICLE II, OF THE CODE OF ORDINANCES OF THE CITY OF HAILINGEN BY RAISING THE FEE FOR A CERTIFIED COPY OF A BIRTH OR DEATH CERTIFICATE TO $3.00

Commissioner Lee presented the ordinance and moved its adoption on final reading. Commissioner Lozano seconded the motion and it carried by the following vote:

AYE: Commissioner Lee, Lozano, Potter, Gutierrez
NAY: None

(Commissioner Gutierrez stepped out of the meeting at this point)

SUBDIVISION PLATS APPROVED

The Phillips Subdivision plat was reviewed and discussed. The tract is being subdivided in order to get a building permit to expand. The park's fee had been waived by Planning and Zoning. Commissioner Lozano moved approval of the subdivision plat as recommended by Planning and Zoning. Commissioner Potter seconded the motion and it carried by unanimous vote of those present.

Treasure Hills Unit 7 Subdivision plat was reviewed. Commissioner Lozano said they would have to move on the parks dedication provision. Commissioner Gutierrez re-entered the meeting at this point. Mr. Stan Starrett asked for a variance on the parks fee until the City Commission can come up with a decision. He asked the Commission to approve the plat subject to the decision of the committee. He has submitted a letter saying he would be responsible for the parks fee, but asked this be held in abeyance.

Mr. Curtis said the ordinance requires the payment of parks fees or dedication of the land. Mr. Savlo said in the past, these fees have been placed in escrow. There is a need to be
Mr. Davis made a motion recommending the provision for regulating the issuance of permits for the wholesale or retail sale of gasoline, diesel, and gasified petroleum within 500 feet of any public or private school be incorporated into the zoning ordinance. Mrs. De La Rosa seconded the motion and it carried unanimously.

Mr. Kay asked what was the disposition of the City Commission concerning the requirement of park fees? Mr. Curtis replied the Park Board had
ORDINANCE NO. 79-36

AN ORDINANCE AMENDING ORDINANCE NO. 74-36, THE EXISTING ORDINANCE OF THE CITY OF HARLINGEN, BY ADDING PARAPHRASED SUBPARAGRAPH 11, PROHIBITING THE CONSTRUCTION OR INSTALLATION OF FACILITIES FOR THE WHOLESALE OR RETAIL SALE OF GASOLINE, DIESEL, OR GASEIFIED PETROLEUM WITHIN 500 FEET OF A PUBLIC OR PRIVATE SCHOOL.

WHEREAS the Building Code within the Code of Ordinances of the City of Harlingen has been amended to prohibit the construction or installation of facilities for the wholesale or retail sale of gasoline, diesel and gaseified petroleum within 500 feet of a public or private school; and

WHEREAS the Planning and Zoning Commission has recommended that the Zoning Ordinance be amended to correspond to the Building Code to regulate the establishment and maintenance of gasoline, butane or diesel filling stations, underground storage facilities and retail dispensation facilities for such petroleum products due to the increased traffic near and around public and private schools, the concentration of pedestrian traffic in and around such public and private schools, the explosive and inflammable nature of petroleum fuels dispensed by gasoline stations; and

WHEREAS gasoline stations and access to their pumps divert public vehicular traffic from streets and cross sidewalks to allow access to and from such pumps and such diversion of vehicular traffic across sidewalk entryways have direct impact upon pedestrian traffic and to a great extent the pedestrian school children going to and from their classes held within public and private schools within the limits of the City of Harlingen, now therefore,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HARLINGEN:

That Section 8, Subparagraph 11 of Ordinance No. 74-36, the Zoning Ordinance of the City of Harlingen, be and is hereby amended by adding thereto a new section numbered 28 to read as follows:

(28) Gasoline stations are permitted as hereinabove set forth under Subparagraph 6 of this section, however such gasoline stations, gasoline pumps, underground tanks, and other storage and dispensation facilities are prohibited within 500 feet of any building in which public or private school classes are conducted. This measurement shall be a straight line measurement. The prohibition shall not apply to the installation of such facilities within 500 feet of buildings used exclusively and solely as offices for appointive or elective school officials in which no classes are conducted. Should any disputes arise as to the definition of "classes" as used herein, a class shall mean the gathering of five or more public or private school students for the purposes of receiving instruction from a teacher or instructor as designated by the Harlingen Consolidated Independent School District.
The provisions for penalties for violations of Zoning Ordinance of the City of Harlingen shall fully and completely apply to the above amendment.

FINALLY ENACTED this the 7th day of October, 1979.

CITY OF HARLINGEN, TEXAS

By: [Signature]

Wayne Potter, Mayor Pro Tem

ATTTEST:

[Signature]

JEAN SMITH, CITY SECRETARY
5706.6.2.1 Parking near residential, educational and institutional occupancies and other high-risk areas. Tank vehicles shall not be left unattended at any time on residential streets, or within 500 feet (152 m) of a residential area, apartment or hotel complex, educational facility, hospital or care facility. Tank vehicles shall not be left unattended at any other place that would, in the opinion of the fire chief, pose an extreme life hazard.
From: Monica Galvan [mailto:monica_galvan@tceq.texas.gov]
Sent: Tuesday, August 4, 2020 5:01 PM
To: Cervantes, Xavier
Subject: Underground Storage Tanks - distance requirements

CAUTION: This email originated outside of the network. Do not click links or open attachments unless you recognize the sender and know the content is safe. If you believe this email is suspicious, forward this email to the M.I.S. Dept.

Mr. Cervantes,

According to 30 Texas Administrative Code 334.46(a)(4)(A)-(B) referencing Installation Standards for New Underground Storage Tank Systems (Excavations) -

There is a three foot distance requirement annotated in the Petroleum Storage Tank rules. The wording is as follows -

(A) Tank excavation shall be performed in a manner that will avoid the undermining of foundations and other existing structures, and shall be constructed not less than three feet from the base of adjacent structures (unless specifically approved by a licensed professional engineer) and not less than three feet from any underground utility easements and property lines.

Let me know if I can be of further assistance.

Thank you,
Monica A. Galvan
Work Leader
956.425.6010 M
956.430.6032 D
TCEQ Harlingen Region Office
monica_galvan@tceq.texas.gov

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William K. Morris, P.E., LEED A.P. BD+C
President, Morris and Associates

Years of experience with Morris and Associates: 38
Years with other firms: 2

Education: BS in Civil Engineering, Texas A&M University, 1979

Professional Registrations:

Mr. Morris is registered as a Professional Engineer in multiple states. He is also a LEED Accredited Professional (BD+C).

Professional and Association Affiliations:

Affiliate Member of Petroleum Equipment Institute (PEI), Nominated for PEI Board of Directors, 2008, National Fire Protection Association (NFPA), National Society of Professional Engineers (NSPE), American Society of Civil Engineers (ASCE), Society of American Military Engineers (SAME), USGBC.

Publications and Awards:

Mr. Morris has been the President of Morris & Associates (M&A) since 1994. Prior to that, he served as Vice-President.

Mr. Morris' expertise focuses in the area of civil site design, design and permitting of convenience stores, all types of petroleum storage and distribution systems, fuel system
City of Harlingen  
118 E Tyler Avenue  
Harlingen, TX 78550

August 4, 2020

RE: Expert Statement Regarding Proximity of Underground Petroleum Storage Tanks to Schools & Churches

To Whom it May Concern,

It is our understanding that the City of Harlingen has an ordinance in place that prohibits underground storage tanks from being constructed/installled within 500' of schools or churches. In our 40+ year experience of engineering and permitting thousands of fuel stations spanning across multiple jurisdictions in Texas and other states, we have never run into such an ordinance. The Texas Commission on Environmental Quality (TCEQ) is Texas's reigning authority over of Petroleum Storage Tanks (PSTs) and has no ordinance in place that prohibits Petroleum Storage Tanks within a certain proximity of schools or churches. We ask that the City remove this ordinance so that it may align with TCEQ requirements and applicable codes.

Typically, fuel system drawings go through the following review process with Authorities Having Jurisdiction (AHJs) and the TCEQ:

1) Engineered drawings of the fuel system are submitted to the City Building Department and City Fire Marshal's office for code compliance with NFPA 30A, IFC, and any other applicable codes adopted by the City.

2) The project is granted a permit by the City and City's Fire Marshal Office once confirmed to be compliant with Adopted Building Codes.

3) The owner issues a 30-day notification to the TCEQ prior to start of construction. This will signal to the State when they can come for their observations of the installation of the project.

4) The project construction is completed.

5) The fuel system/tanks are registered with the TCEQ. The registration forms bear information regarding Tanks, Piping, Monitoring system, etc. to confirm compliance with State Regulations and are Signed/Certified by Owner and Installation Contractor.

6) The system is deemed compliant with the TCEQ and is fully operational. Periodic testing is performed as required by State regulations.

Please feel free to call or email with any questions.

Sincerely,

William K. Morris, P.E., LEED AP BD+C
ORDINANCE NO. 20-_____

AN ORDINANCE AMENDING THE CITY OF HARLINGEN
CODE OF ORDINANCES CHAPTER 103, BUILDINGS
AND BUILDING REGULATIONS, ARTICLE I, SECTION
103-2, RESTRICTIONS ON PERMITS FOR STORAGE OR
DISPENSATION FACILITIES FOR CERTAIN FUELS, BY
DELETING THIS SECTION IN ITS ENTIRETY, PROVIDING
FOR PUBLICATION AND ORDAINING OTHER MATTERS
RELATED TO THE FOREGOING

WHEREAS, The proposed building code amendment is consistent with the goals of
the Harlingen Comprehensive Plan-One Vision One Harlingen of streamlining development
policies and to promote Harlingen as an attractive investment and development option;

WHEREAS, The proposed amendment is consistent with the goals of the Harlingen
Comprehensive Plan-One Vision One Harlingen of ensuring that development policies and
standards are comparable to other area communities;

WHEREAS, The City Commission of the City of Harlingen desires to amend the
building code of ordinances to be consistent with the goals of the Comprehensive Plan;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS
OF THE CITY OF HARLINGEN, TEXAS, THAT:

SECTION I: That the City of Harlingen Code of Ordinances, Chapter 103, Buildings
and Building Code Regulations, Article I, Section 103-2, is hereby amended deleting the
language that is stricken through (stricken) as follows.

Section 103-2—Restriction on permits for storage or dispensation facilities for certain fuels

(a) The chief building official shall not issue any type of permit for the construction,
errection, alteration, or installation of underground storage tanks, above-ground
pumps or other dispensation facilities for the dispensing of gasoline, butane or
diesel fuel, within 500 feet of any building in which public or private school
classes are conducted. Such measurement shall be a straight line
measurement.
(b) This shall not apply to buildings used exclusively and solely as offices for appointive or elective school officials in which no classes are conducted.

(c) Should any dispute arise as to the definition of "classes" as used herein, a "class" shall mean the gathering of five or more public or private school students for the purposes of receiving instruction from a teacher or instructor as designated by the Harlingen Consolidated Independent School District.

(d) All remedies available to the city to prevent the construction of improvements without proper permit shall be applicable to this section.

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

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