Notice is hereby given that the City Commission of the City of Harlingen, Texas will hold a Regular Meeting on Wednesday, August 5, 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 Chris Boswell

Pledge of Allegiance/Welcome

Call Meeting to Order

Citizen Communication/Input

1) Board Recognition

2) Approval of Minutes
   a) Regular Meeting of July 1, 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.

3a) Second and final reading to approve and adopt an ordinance for a Special Use Permit (SUP) to allow a group home facility in a Residential Single-Family (R-1) District located at 221 McGregor Street, bearing a legal description of the North Part of Lot 9 and the South 66.4 ft. of Lot 9, Block D, Hunter No. 2 Subdivision. Applicant: Lolly Burns. Attachment (Planning & Zoning)

b) Second and final reading to approve and adopt an ordinance for a Special Use Permit (SUP) to allow a school in a Single Family Residential (R-1) District located at 401 N. 21st Street, bearing a legal description of 1.54 acres, part of Block 64, Harlingen Land & Water Co. Subdivision. Applicant: Daniel Ybarra. Attachment (Planning & Zoning)

c) Second and final reading to adopt an ordinance approving the negotiated resolution between the City of Harlingen and Texas Gas Service regarding the company’s April 30, 2020 Cost of Service Adjustment filing; declaring existing rates to be unreasonable; adopting new tariffs that reflect rate adjustments consistent with the negotiated settlement; and finding the rates to be set by the attached tariffs to be just and reasonable. Attachment (Gabriel Gonzalez, Asst. City Manager)

d) Consideration and possible action to authorize the City Manager on behalf of the City of Harlingen to accept funding in reference to a grant application submitted by the Harlingen Police Department to the Coronavirus Emergency Supplemental Funding
Program FY 20 formula grant solicitation from the Office of the Governor, Public Safety Office – Criminal Justice Division. Attachment (Police Dept.)

e) Consideration and possible action to authorize the City Manager, on behalf of the City of Harlingen, to submit a grant application to the Department of Justice – Bureau of Justice Assistance FY 2020 JAG Local Formula Solicitation. Attachment (Police Dept.)

4) Consideration and possible action to propose a desired Tax Rate for Fiscal Year 2020-2021, schedule a public hearing to be held Wednesday, September 16, 2020, at 5:30 p.m. and authorize the publishing of the required notice for said public hearing. Attachment (Finance)

5) Consideration and possible action to approve the Harlingen Helps Site Improvement Grant Agreement authorizing the disbursement of site improvements grants funds of $1,500 to El Vaquero Adult Daycare. Attachment (Development Corporation of Harlingen, Inc.)

6) Consideration and possible action to approve a proposal from the Boy Scout, Modesto Abers, who will fund and construct improvements to Hugh Ramsey Nature Park as part of his Eagle Scout Project. Attachment (Parks and Recreation)

7) Consideration and possible action to authorize staff to contract LED Electric and Lighting Contractors, LLC utilizing the Buy Board Cooperative Purchasing Program in lieu of bids or RFP's for the electrical repairs to Town Hall and to include the replacement of the emergency generator. Attachment (Parks & Recreation)

8) Consideration and possible action to accept or reject the recommended logo change for the Tony Butler Golf Course. Attachment (Parks & Recreation)

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

10) Presentation by the Planning and Development Director on Storm Water Pollution Awareness and Prevention. Attachment (Planning and Zoning)

11) Public hearing and 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. Attachment (Planning & Zoning)

a) Public Hearing
b) 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.

12) Public hearing and possible 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. Attachment (Planning and Zoning)

a) Public Hearing

b) 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.

13) Board Appointments

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

- a. Airport Board (2)
- b. Animal Shelter Advisory Committee (4)
- c. Audit Committee (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. (1)
- i. Downtown Improvement District Board (1)
- j. Golf Course Advisory Board
- k. Harlingen Community Improvement Board
- l. Harlingen Housing Authority Board (2)
- m. Harlingen Finance Corporation (4)
- n. Keep Harlingen Beautiful Board (4)
- o. Library Advisory Board (1)
- p. Mayor Wellness Council
- q. Museum Advisory Board (2)
- r. Parks Advisory Board
- s. Planning & Zoning Advisory Board
- t. Senior Citizens Advisory Board (1)
- u. Tax Increment Finance Board (7)
- v. Utility Board of Trustees
- w. Veterans Advisory Board
- x. Zoning Board of Adjustments (4)
- y. Complete Census Committee

Specifically, appointment or discussion and possible action to include appointment bylaws and/or removal of any position subject to appointment or removal by statute, ordinance or bylaws.
14) Executive/Closed Session on the following items:

a) Attorney consultation pursuant to Section §551.071(2), of the Texas Government Code, to receive legal advice and counsel in connection with the City’s rights, duties, privileges, and obligations under Chapters 143 and 174 of the Texas Local Government Code and related to the collective bargaining labor agreement between the City and the duly recognized bargaining agent for the City’s law enforcement personnel, the Harlingen Police Officers Law Enforcement Association (HPOLEA). (City Manager)

b) Attorney consultation pursuant to Section 551.071(2), Texas Government Code to receive legal advice and counsel in connection with the City’s rights, duties, privileges, obligations, possible resolution, and related legal issues arising out of acceptable expenditures for temporary hazard pay for police and fire personnel under the CARES Act. (City Manager)

15) Discussion and possible action to provide a temporary Covid-19 hazard pay stipend to the Fire and/or Police Department civil service employees. (City Manager)

Adjournment

I, the undersigned authority, do hereby certify that the above Notice of the Regular Meeting of the Harlingen City Commission is a true and correct copy of said notice posted on the bulletin board at City Hall of said City of Harlingen, Texas in a place convenient and readily accessible to the general public at all times and on the Corporation’s Internet Website and said Notice was posted on Friday, July 31, 2020, at or before 4:25 p.m. and remained so posted for at least 72 hours preceding the time of said meeting.

Dated this 31st day of July, 2020

Amanda C. Elizondo, City Secretary
A Regular Meeting of the Harlingen City Commission was held July 1, 2020 via videoconference, providing the public the ability to view the meeting via internet, live streaming and permitting the public to offer citizen communication or participate in items listed on the agenda via videoconferencing or telephonically via www.myharlingen.us. 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 Rodriguez-Bastian, Asst. City Attorney

**Invocation – Richard Uribe, City Commissioner**

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

**Call Meeting to Order**

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

**Citizen Communication/Input**

The following Harlingen citizens submitted a citizen communication form online in support of not closing the recycling center:

- Michael Hendrick – 818 E. Bowie Ave., thanked the Mayor, Commissioners, City Manager and staff for all the work they do during this difficult time.

1) **Approval of Minutes**

a) Regular Meeting of May 20, 2020
b) Regular Meeting of June 03, 2020
Motion was made by Commissioner De La Rosa and seconded by Mayor Pro-Tem Mezmar to approve the minutes of May 20th and June 3rd, 2020. Motion carried unanimously.

CONSENT AGENDA

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

2b) Second and final reading to approve and adopt an ordinance amending the City of Harlingen's Budget for Fiscal Year 2019-2020.

2c) Second and final reading to approve an ordinance adopting the 2018 International Codes and the 2017 National Electrical Codes.

2d) Consideration and possible action to authorize the City Manager, on behalf of the City of Harlingen Police Department, to enter into a State Plan of Operations (SPO) between the State of Texas and the City of Harlingen (Police Department), which will be binding on the parties with respect to excess Department of Defense (DOD) personal property transferred, pursuant to 10 USC §2576a in order to promote the efficient and expeditious transfer of property to ensure accountability of the same.

2e) Consideration and possible action to approve a resolution amending Resolution No. 2020-16 authorizing the Harlingen Police Department to submit a grant application in reference to the Coronavirus Emergency Supplemental Funding (CESF) Program FY 20 from the Office of the Governor, Public Safety Office – Criminal Justice Division to include additional language “that in event of loss or misuse funds, the City agrees to return the fund in full to the Office of the Governor, Public Safety Office – Criminal Justice Division.

Motion was made by Commissioner Uribe and seconded Commissioner Leal to approve the Consent Agenda Items 2 (a thru e). Motion carried unanimously.

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

ORDINANCE NO. 2020-19

An Ordinance repealing Ordinance No. 08-36 in its entirety and repealing and replacing Chapter 46, Article III, Division 2 of the Code of Ordinances of the City of Harlingen, Texas by adding a new Division 2, "Wreckers;" Amending Chapter 18, "FEES," of the Code of Ordinances as it provides for fees and charges related to Wreckers; providing for penalties for failure to comply with such ordinances; providing a severability clause; repealing all ordinances in conflict therewith; providing for publication; and providing for an effective date.

ORDINANCE NO. 2020-20

An Ordinance to approve and adopt an ordinance amending the City of Harlingen's Budget for Fiscal Year 2019-2020.

ORDINANCE 2020-21
An Ordinance to approve and adopt the 2018 International Codes and the 2017 National Electrical Codes

PASSED AND APPROVED on first reading this 17th day of June, 2020
PASSED AND APPROVED on second and final reading on this 1st day of July, 2020

ATTEST:

/s/Amanda C. Elizondo, City Secretary
/s/ Mayor Chris Boswell

3) Consideration and possible action to adopt a resolution to approve the One Year Action Plan (Budget) for Fiscal Year 2020-2021 (Year 46) of the Community Development Block Grant (CDBG) Program and Fiscal Year 2020-2021 (Year 26) of the Home Investment Partnership Program (HOME).

Sandee Woellhof, Compliance Coordinator, stated the Harlingen City Commission approved the Proposed Budget for the One Year Action Plan on June 3, 2020. Due to the COVID-19 Pandemic, the 30 day comment period was extended to June 16, 2020 until midnight. A public hearing was held on June 16, 2020, before the Community Development Advisory Board (CDAB). The comments mentioned at the CDAB Meeting will be included as part of the One Year Action Plan. Upon approval of the resolution, the plan will be forwarded to HUD and if it meets their approval, funds may be spent beginning October 1, 2020.

Motion was made by Commissioner Uribe and seconded by Commissioner De La Rosa to adopt the resolution approving the One Year Action Plan (Budget) for Fiscal Year 2020-2021 (Year 46) of the Community Development Block Grant (CDBG) Program and Fiscal Year 2020-2021 (Year 26) of the Home Investment Partnership Program (HOME). Motion carried unanimously.

4) Consideration and possible action to dedicate an easement and right-of-way to AEP Texas Inc, a Delaware Corporation, for the relocation of 3 phase electrical service to Lon C. Hill Park as part of the improvements for the Destination Park located at 1217 Fair Park Blvd. and authorize the City Manager to execute any related documents.

Javier Mendez, Parks and Recreation Director, stated as part of the improvements to the Lon C. Hill Destination Park, the electrical service lines to the portion of the improvements behind the Health Clinic needs to be relocated. The existing power lines are routed through the new portion of Parking Lot A. The existing power lines need to be relocated outside of the new parking lot construction. The easement and right-of-way will allow AEP to install new poles and service the clinic, park restrooms and street lighting.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to adopt the resolution to dedicate an easement and right-of-way to AEP Texas Inc, a Delaware Corporation, for the relocation of 3 phase electrical service to Lon C. Hill Park as part of the improvements for the Destination Park located at 1217 Fair Park Blvd. and authorize the City Manager to execute any related documents. Motion carried unanimously.

5) Consideration and possible action to approve a License with the US International Boundary and Water Commission to allow the construction, operation and maintenance of the Hike and Bike Trail extension along the Arroyo Colorado and authorize the City Manager to sign any related documents.

Mr. Mendez stated the City obtained $1.2 million from Valley Baptist Legacy Foundation for the design and construction of the Arroyo Colorado Trail Extension, approximately two (2) miles of multi-purpose asphalt trail, including three (3) bridge crossings. The trail will connect at the end of the existing trail north of Boggus Ford and will continue west towards Dixieland Road along the
banks of the Arroyo Colorado. The environmental clearances were approved; construction
drawings and specifications are complete. Staff is proposing to solicit bids for this project.

Motion was made by Commissioner Uribe and seconded by Commissioner De La Rosa to
approve a License with the US International Boundary and Water Commission to allow the
construction, operation and maintenance of the Hike and Bike Trail Extension along the Arroyo
Colorado and authorize the City Manager to sign any related documents. Motion carried
unanimously.

6) Consideration and possible action to approve a resolution to include the Deputy Finance
Director as a designated authorized representative for the City of Harlingen’s Tex-pool
investments accounts.

Robert Rodriguez, Finance Director, recommended approval of the resolution to include the
Deputy Finance Director, Kareem Abdullah, as one of the signors in the Tex-pool. Current signors
are Gabriel Gonzalez, Assistant City Manager and I.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to
approve a resolution to include the Deputy Finance Director, as a designated authorized
representative for the City of Harlingen’s Tex-pool investments accounts. Motion carried
unanimously.

7) Consideration and possible action to approve an action plan for the Recycling Center
operations.

Carlos A. Sanchez, Asst. City Manager stated staff made a presentation at the June 16,
2020 City Commission Workshop regarding the impact of the COVID-19 pandemic and economic
market conditions on the status of the Harlingen Recycling Center. He highlighted the following options.

- Option 1- Re-establish operations similar to pre-COVID-19 with proper personal protective
equipments and introduce a Recycling Fee of $1.50 to offset operational costs.

- Option 2- Modify the Recycling Center operations by establishing two (2) self-service – Citizen
Recycling Drop off Container stations. The containers would be transported to an MRF
and eliminate the need for city staff to manually handle the recyclables.

- Option 3- Close (cease) the operations of the Recycling Center and utilize a portion of the operating
cost savings to fund on-the-ground beautification projects through KHB.

- Option 4- Seek privatization of the recycling services. Residential curbside recycling is estimated to
cost $16 per business and household to be provided by private contractor. Staff is also
preparing a Request for Proposals (RFP) to solicit proposals from private contractors to
take over the operation of the recycling center.

Commissioner Uribe stated he spoke with the City Manager regarding a discussion with
County Commissioner, Gus Ruiz, who had expressed an interest in participating in the recycling
program and assisting with the cost of the containers. Citizens from the surrounding cities used the
recycling center and asked if staff reached out to the Cities of Brownsville, La Feria and other
surrounding cities to form a coalition. This would alleviate some of the cost. He recommended
delaying a commitment to Keep Harlingen Beautiful (KHB) until the City receives a more definite
idea of the true cost. Commissioner Uribe referred to the proposed administrative fee for the tons
quoted in the presentation.
Mr. Sanchez responded the administrative fee is $5.00 x 750 tons, a total of $3,750. The rate is approximately $14 to dispose the recycled items, $400 per ton; and $16 to transport the items.

Commissioner Leal stated he was in favor of other cities participating with the City of Harlingen, but was not in favor of shutting down the recycling center. He recommended looking into other options to eliminate the $400 cost per ton.

Mr. Serna stated staff could continue the conversation with the County Commissioner to create a county wide program, but for now staff is focusing on starting the recycling program. He requested approval to solicit proposals to secure the self monitor drop off containers. Hopefully, there will be a private company interested in operating the City's recycling center. About a year ago, the City Commission approved a resolution to allocate 100% of the recycling center revenues to KHB for beautification projects. Over the years, the recycling center revenues have declined because of the market condition and now due to COVID-19. KHB has not been able to obtain projects of a magnitude such as redoing the traffic islands in front of the Valley Morning Star and City's gateways. He suggested amending the resolution to allocate a certain amount of funding on annually to KHB for specific beautification projects as approve by the Commission. These would be only for in-ground beautification projects funded from the recycling center previous allocations.

Mayor Boswell stated the City has invested millions of dollars worth of landscaping throughout the community. This investment needs to last for as long as possible and not see it deteriorate or maintained. The City could hire a part-time arborist.

Commissioner Uribe asked if the Commission needs approve the solicitation of bids and award of the contracts.

Mr. Serna stated this could be done in-house and the budgeting part would be presented to the City Commission for approval. The resolution is not on the agenda and will be place on a future agenda.

Mayor Boswell stated staff's recommendation is to proceed with purchasing the containers; enter into an agreement with McAllen Morph; and solicit request for proposals from private companies for recycling services. It does not necessarily need to be McAllen; it can be the County or the Rio Grande Valley Development Council. The City needs to continue the efforts on a regional basis and determine the cost and fiscal impact. This is about a change in industry. It is making sure that what is being proposed is the right thing to do for the environment. This is the first step based on my view to return to recycling in a smarter way. We need to pull our resources with the City of McAllen for the meantime for an opportunity to explore other options. This month is plastic free month and the Rio Grande Valley Development Council is urging everyone to make a commitment not to use plastic for a day, a week or a month.

Commissioner Puente agreed with Mayor Boswell's comments. Closing the current recycling center, does not mean the City is closing the process. The City needs to convey to the protestors and citizens and that the City is working on other options.

Commissioner Leal asked how long it will take to complete the process of the proposals.

Mr. Serna replied at least 60 days or longer to prepare the notice, proposal, advertisement period and ranking of the proposals.
Mayor Boswell recommended continuing the discussion with the County and County Commissioner, Gus Ruiz on the possibility of partnering with them. The City is not trying to do away with the recycling completely. The City closed the recycling center due to the COVID-19 Pandemic.

Motion was made by Commissioner Uribe and seconded by Commissioner Leal to approve an action plan for the Recycling Center operations. Motion carried unanimously.

8) Consideration and possible action to authorize staff to amend the listing of authorized properties for sale.

Mr. Sanchez stated on November 20, 2019, the City Commission approved a listing of thirteen (13) city owned land parcels and disposition of these properties through a seal bid process. Staff is proposing to include an additional property to the list identified as Tract ID-64881, located at 300 Block W. Polk Avenue. According to the deed, the City owns the property. The Immaculate Heart of Mary Catholic Church improved the property and has been maintaining it to use as a parking lot. There is no record or agreement on file between the City and the church for the use of the property. The church has not challenged ownership of the property. If approved, staff obtain an appraisal of the property; prepare notice to solicit seal bids; and present the bids to the City Commission for approval.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to authorize staff to amend the listing of authorized properties for sale. Motion carried unanimously.

9) Consideration and possible action to approve two (2) amendments to the Harlingen Economic Development Corporation’s Harlingen Emergency Loan Program (HELP) for Small Businesses.

Raudel Garza, CEO and Manager of the Economic Development Corporation, Inc. stated the Economic Development Board of Directors met on June 23, 2020 to consider the following amendments to the Harlingen Emergency Loan Program (HELP) and voted unanimously to approve the amendments. All other terms of this program remain the same.

1. Change the requirements for a business to have suffered a 25% decrease in revenues during the months of March and April (pandemic shutdown) versus same period last year to 10%.

2. Allow for a business with no more than 50 full-time equivalent employees versus the current 25 FTEs as an eligibility factor.

Motion was made by Commissioner Uribe and seconded by Commissioner Leal to approve the two (2) amendments to the Harlingen Economic Development Corporation’s Harlingen Emergency Loan Program (HELP) for Small Businesses. Motion carried unanimously.

10) Board Appointments

Commissioner De La Rosa appointed Enrique Del Angel to the Utility Board of Trustees.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to approve the appointment of Enrique Del Angel to the Utility Board of Trustees. Motion carried unanimously.

11) Executive/Closed Session on the following items:
a) Pursuant to Section 551.071(2), Texas Gov't Code, Attorney consultation to receive legal advice related to the City’s rights, duties, privileges, and obligations in connection with the appointment of a presiding municipal court judge for the City of Harlingen, Texas and related legal questions pertaining to such appointments.

b) Pursuant to Section 551.074, Texas Gov't Code, closed session to deliberate the appointment, employment, evaluation, and duties of qualified applicants for the position of Presiding Judge for the City of Harlingen Municipal Court.

At 6:29 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item 11 (a & b).

Motion was made by Commissioner Leal and seconded by Mayor Pro-Tem Mezmar to convene into executive session to discuss Item No. 11 (a & b). Motion carried unanimously.

At 6:49 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

12) Consideration and appropriate action to appoint a qualified applicant to the position of Presiding Judge for the City of Harlingen Municipal Court for a new two year term as contemplated by Section 29.005, Texas Gov't Code.

Mr. Serna stated the City received 15 applications for the position of municipal judge from very qualified individuals. Staff interviewed four (4) applicants and recommended to offer the position to Robert Leonardo Garcia from Corpus Christi, Texas. He requested authorization to negotiate a salary with Mr. Garcia.

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner De La Rosa to appoint Mr. Garcia for the position of Presiding Judge for the City of Harlingen Municipal Court for a (2) two year term as contemplated by Section 29.005, Texas Gov't Code. Motion carried as follow: FOR: Mayor Pro-Tem Mezmar and Commissioners: De La Rosa, Leal and Puente AGAINST: Commissioner Uribe. (3-1)

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
ORDINANCE NO. 20-____

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

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

BE IT ORDAINED BY THE CITY OF HARRlingen

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

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

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

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

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

FINALLY ENACTED this ________ day of ____________, 2020, at a regular meeting of the Elective Commission of the City of Harlingen, Texas at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, CHAPTER 551.

CITY OF HARLINGEN

__________________________
Chris Boswell, Mayor

ATTEST:

__________________________
Amanda C. Elizondo, City Secretary
ORDINANCE NO. 20-____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: TO ISSUE A SPECIAL USE PERMIT TO DANIEL YBARRA, TO ALLOW A SCHOOL IN A SINGLE FAMILY (R1) DISTRICT LOCATED AT 401 N. 21ST STREET, BEARING A LEGAL DESCRIPTION OF 1.54 ACRES, PART OF BLOCK 64, HARLINGEN LAND AND WATER COMPANY SUBDIVISION, SUBJECT TO: (1) COMPLIANCE WITH ALL CITY ORDINANCES, CODES AND STANDARDS; AND (2) SUBMITTAL OF A BUILDING PERMIT APPLICATION AND CONSTRUCTION DOCUMENTS PREPARED BY A TEXAS LICENSED ARCHITECT FOR AN OFFICIAL PLAN REVIEW; AND (3) PROVIDE AND MAINTAIN THE REQUIRED PARKING SPACES AND EXISTING LANDSCAPING ACCORDANCE WITH CITY REGULATIONS; AND (4) PROVIDE DOCUMENTATION OF THE RAILROAD GRANTING PERMISSION TO ENCROACH INTO THE RIGHT-OF-WAY; AND (5) COMPLIANCE WITH THE REQUIREMENTS ADMINISTERED BY THE BUILDING INSPECTIONS DEPARTMENT, ENGINEERING DEPARTMENT, FIRE PREVENTION DEPARTMENT, HEALTH DEPARTMENT, AND PLANNING & DEVELOPMENT.

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

BE IT ORDAINED BY THE CITY OF HARLINGEN

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

To Issue a Special Use Permit to Daniel Ybarra to allow a school in a Single Family (R1) District located at 401 N. 21st Street, bearing a legal description of 1.54 acres, Part of Block 64, Harlingen Land and Water Company Subdivision, subject to: (1) Compliance with all city ordinances, codes and standards; and (2) Submittal of a building permit application and construction documents prepared by a Texas Licensed Architect for an official plan review; and (3) Provide and maintain the required parking
spaces and existing landscaping accordance with city regulations; and (4) Provide documentation of the railroad granting permission to encroach into the right-of-way; and (5) Compliance with the requirements administered by the Building Inspections Department, Engineering Department, Fire Prevention Department, Health Department, And Planning & Development.

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

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

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

FINALLY ENACTED this ______ day of ____________, 2020, at a regular meeting of the Elective Commission of the City of Harlingen, Texas at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, CHAPTER 551.

CITY OF HARLINGEN

____________________________
Chris Boswell, Mayor

ATTEST:

____________________________
Amanda C. Elizondo, City Secretary
ORDINANCE NO. 2020-______

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF Harlingen, Texas, ("CITY") APPROVING A NEGOTIATED RESOLUTION BETWEEN THE CITY AND TEXAS GAS SERVICE ("TGS" OR "THE COMPANY") REGARDING THE COMPANY’S APRIL 30, 2020 COST OF SERVICE ADJUSTMENT ("COSA") FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING NEW TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; PROVIDING FOR THE RECOVERY OF THE CITY’S AND TGS’ REASONABLE AND NECESSARY RATE CASE EXPENSES; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; REPEALING ANY PRIOR ORDINANCES INCONSISTENT WITH THIS ORDINANCE AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY’S AND THE CITY’S LEGAL COUNSEL.

WHEREAS, the City of Harlingen, Texas ("City") is a gas utility customer of Texas Gas Service ("TGS" or "the Company"), and a regulatory authority with an interest in the rates and charges of TGS; and

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

WHEREAS, on or about April 30, 2020, TGS filed with the City a COSA tariff seeking to increase natural gas rates to all customers residing in the City; and

WHEREAS, the Company has requested a system-wide increase of $1,924,585; and
WHEREAS, the Company’s COSA filing proposes an approximately $5.9 million refund to customers for funds over-collected in past rates related to the excess accumulated deferred income tax ("EDIT");

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

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

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

WHEREAS, the City’s attorney and consultant recommend that the City approve the Settlement Agreement reflecting increased revenues of $1,893,252 on a system-wide basis and approve TGS’ proposed tax refund of approximately $5.9 million; and

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

WHEREAS, the negotiated resolution of the Company’s COSA filing and the resulting rates are, as a whole, in the public interest; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF Harlingen, TEXAS:

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

Section 2. That a rate increase of $1,893,252 on a system-wide basis is reasonable.
Section 3. That a tax refund of approximately $5.9 million is reasonable.

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

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

Section 6. That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 7. That if any one or more sections or clauses of this Ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.

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

Section 9. That a copy of this Ordinance shall be sent to TGS, care of Stephanie Houle, 1301 South Mopac, Suite 400, Austin, Texas 78746, and to Thomas L. Brocato, Special Counsel to the City, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

PASSED AND APPROVED this 5th day of August, 2020.

Mayor

ATTEST:

City Secretary
APPROVED AS TO FORM:

__________________________________________
City Attorney
**AGENDA ITEM**
**EXECUTIVE SUMMARY**

**Meeting Date:** August 05, 2020

**Agenda Item:** Consider and take action to authorize the city manager on behalf of the City of Harlingen to accept funding in reference to a grant application submitted by the Harlingen Police Department to the Coronavirus Emergency Supplemental Funding Program FY20 formula grant solicitation from the Office of the Governor, Public Safety Office – Criminal Justice Division.

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

**Brief Summary:**  
The Harlingen Police Department applied to the Coronavirus Emergency Supplemental Funding Program for FY20 and was awarded $29,305.90 on July 15th 2020.

**Funding (if applicable):**  
Are funds specifically designated in the current budget for the full amount [ ] Yes [X] No*  
*If no, specify source of funding and amount requested: The source of funding will be the Office of the Governor, Public Safety Office – Criminal Justice Division.

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

**Staff Recommendation:**  
Staff recommends that we accept the funding allocated to prevent, prepare for, and respond to the coronavirus pandemic.

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

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

*form revised 01/26/09*
RESOLUTION NO. 2020

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS AUTHORIZING THE HARLINGEN POLICE DEPARTMENT TO ACCEPT FUNDING IN REFERENCE TO THE CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING PROGRAM FY 20 FORMULA GRANT SOLICITATION FROM THE OFFICE OF THE GOVERNOR, PUBLIC SAFETY OFFICE – CRIMINAL JUSTICE DIVISION.

WHEREAS, in conjunction with the National Emergency Declaration issued by President Trump and Governor Abbott’s Declaration of Disaster on March 13, 2020, and out of an abundance of caution to limit or reduce the spread of COVID-19 in Cameron County.

WHEREAS, the County of Cameron Judge, Eddie Trevino Jr. has issued a proclamation declaring a state of disaster for Cameron County on March 16, 2020 resulting from the coronavirus – COVID-19 health emergency.

WHEREAS, the Harlingen Police Department applied for funding from the Office of the Governor, Public Safety Office – Criminal Justice Division and was awarded $29,305.90 in funding on July 15th, 2020.

WHEREAS, the City of Harlingen finds it in the best interest of the citizens of Harlingen, Texas, and the region, that the City of Harlingen will allow its local police department to accept the funding allocated to prevent it prepare for, and respond to the coronavirus pandemic.

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

NOW, THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS: that the City Commission approves the acceptance of funding regarding the Coronavirus Emergency Supplemental Funding Program FY 20 formula grant solicitation from the Office of the Governor, Public Safety Office – Criminal Justice Division.

CONSIDERED AND ADOPTED this ___ day of ____, 2020, at a regular meeting of the Elective Commission of the City of Harlingen, Texas, at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, CHAPTER 551.

CITY OF HARLINGEN:

____________________
Chris Boswell, Mayor

ATTEST:

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

Meeting Date: August 5, 2020

Agenda Item:
Consider and take action to authorize the City Manager, on behalf of the City of Harlingen, to submit a grant application to the Department of Justice – Bureau of Justice Assistance FY 2020 JAG Local Formula Solicitation

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

Brief Summary:
The Harlingen Police Department will be utilizing the FY 2020 JAG Local Formula Solicitation funds to enhance officer safety at the Harlingen Police Department.

Funding (if applicable):
Are funds specifically designated in the current budget for the full amount [ ] Yes [ ] No*
*If no, specify source of funding and amount requested: The source of funding will be the Office of the Department of Justice – Bureau of Justice Assistance. The amount allocated to HPD is $17,288.00

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

Staff Recommendation:
Staff recommends that we submit an application to secure funding in the amount of $17,288.00.

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

Comments:

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

form revised 01/26/09
RESOLUTION NO. 2020 -

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS AUTHORIZING THE HARLINGEN POLICE DEPARTMENT TO SUBMIT GRANT APPLICATION IN REFERENCE TO THE EDWARD BYRNE JAG PROGRAM FY 2020 LOCAL FORMULA SOLICITATION.

WHEREAS, the City of Harlingen finds it in the best interest of the citizens of Harlingen, Texas to seek funding from the Department of Justice – Bureau of Justice Assistance

WHEREAS, the governing body of the City of Harlingen has considered the proposed FY 2020 JAG Local Formula Solicitation funding in which the Harlingen Police Department has been allocated $17,288.00 by the Department of Justice – Bureau of Justice Assistance at a regular City Commission meeting; and

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

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

NOW, THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS: that the City Commission approves the submission of the grant application to the Department of Justice – Bureau of Justice Assistance FY 2020 JAG Local Formula Solicitation.

CONSIDERED AND ADOPTED this ___ day of ___, 2020, at a regular meeting of the Elective Commission of the City of Harlingen, Texas, at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, CHAPTER 551.

CITY OF HARLINGEN:

______________________________
Chris Boswell, Mayor

ATTEST:

______________________________
Amanda Elizondo, City Secretary
AGENDA ITEM  
EXECUTIVE SUMMARY  

Meeting Date: August 5, 2020  

Agenda Item:  
Consider and possible action to propose a desired Tax Rate for Fiscal Year 2020-2021, schedule a public hearing to be held on Wednesday, September 16, 2020, at 5:30 p.m., and authorize the publishing of the required notice for said public hearing. 

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

Brief Summary:  
The Texas Tax Code requires that when a proposed tax rate exceeds the no-new-revenue tax rate, the taxing unit must vote on the proposed rate, record the vote and schedule one public hearing on the proposal before the tax rate can be adopted. 

The tax rate being proposed is .619849 and does exceed the no-new-revenue tax rate of .601434. The proposed tax rate is lower than the rate that was adopted in the previous year. This rate has been used to calculate the property tax revenues in the proposed FY 2020-2021 budget. A one cent change in the tax rate equals $316,936. Texas Tax Code Section 26.06 requires the City to publish notice and hold a public hearing before adopting a tax rate. The advertisement will be published notifying the public of the hearing in accordance with the Texas Tax Code. 

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

Staff Recommendation:  
Staff recommends approval to publish required notice and to schedule the public hearing for the desired tax rate. 

City Manager’s approval: Yes No N/A 

City Attorney’s approval: Yes No N/A 

form revised 01/26/09
2020 Notice of Tax Rates in CITY OF HARLINGEN

Property Tax Rates in CITY OF HARLINGEN. This notice concerns the 2020 property tax rates for CITY OF HARLINGEN. This notice provides information about two tax rates. The no-new-revenue tax rate would impose the same amount of taxes as last year if you compare properties taxed in both years. The voter-approval tax rate is the highest tax rate a taxing unit can adopt without holding an election. In each case, these rates are calculated by dividing the total amount of taxes by the current taxable value with adjustments as required by state law. The rates are given per $100 of property value.

This year's no-new-revenue tax rate:

Last year's adjusted taxes
(after subtracting taxes on lost property)
This year's adjusted taxable value
(after subtracting value of new property)
=This year's no-new-revenue tax rate
+This year's adjustments to the no-new-revenue tax rate
=This year's adjusted no-new-revenue tax rate

This year's voter-approval tax rate:

Last year's adjusted operating taxes
(after adjusting as required by law)
This year's adjusted taxable value
(after subtracting value of new property)
(This year's voter-approval operating tax rate
× (1.035 or 1.08, as applicable) = this
year's maximum operating rate
+This year's debt rate
+The unused increment rate, if applicable
=This year's total voter-approval tax rate

This is the maximum rate the taxing unit can propose unless it publishes notice and holds a public hearing as provided by the Texas Tax Code.

Unencumbered Fund Balances:
The following estimated balances will be left in the taxing unit's accounts at the end of the fiscal year. These balances are not encumbered by a corresponding debt obligation.

<table>
<thead>
<tr>
<th>Type of Fund</th>
<th>Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maintenance and Operations</td>
<td>$17,605,363</td>
</tr>
<tr>
<td>Interest and Sinking</td>
<td>$306,976</td>
</tr>
</tbody>
</table>

2020 Debt Service:
The taxing unit plans to pay the following amounts for long-term debts that are secured by property taxes. These amounts will be paid from property tax revenues (or additional sales tax revenues, if applicable).

<table>
<thead>
<tr>
<th>Description of Debt</th>
<th>Principal or Contract Payment to be</th>
<th>Interest to be Paid from Property Taxes</th>
<th>Other Amounts to be Paid</th>
<th>Total Payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bond Type</td>
<td>Paid from Property Taxes</td>
<td>Amount (if any) paid from funds listed in unencumbered funds</td>
<td>Amount (if any) paid from other resources</td>
<td>Excess collections last year</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>--------------------------</td>
<td>-------------------------------------------------------------</td>
<td>------------------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>2011 General Obligation Refunding Bonds</td>
<td>$265,000</td>
<td>$23,243</td>
<td>$0</td>
<td></td>
</tr>
<tr>
<td>2012 Certificate of Obligation</td>
<td>$145,000</td>
<td>$39,488</td>
<td>$0</td>
<td></td>
</tr>
<tr>
<td>2013 Certificate of Obligation</td>
<td>$160,000</td>
<td>$69,675</td>
<td>$0</td>
<td></td>
</tr>
<tr>
<td>2011 General Obligation Bond</td>
<td>$200,000</td>
<td>$25,125</td>
<td>$0</td>
<td></td>
</tr>
<tr>
<td>2016 Certificate of Obligation</td>
<td>$390,000</td>
<td>$447,031</td>
<td>$0</td>
<td></td>
</tr>
<tr>
<td>2016 General Obligation Bond</td>
<td>$2,185,000</td>
<td>$620,125</td>
<td>$0</td>
<td></td>
</tr>
<tr>
<td>2019 General Obligation Bond</td>
<td>$120,000</td>
<td>$76,900</td>
<td>$0</td>
<td></td>
</tr>
</tbody>
</table>

Total required for 2020 debt service $4,766,587

No-New-Revenue Tax Rate Adjustments

Eligible County Hospital Expenditures (Cities and Counties)
The CITY OF HARLINGEN spent $0 from July 1, 2019 to June 30, 2020 on expenditures to maintain and operate an eligible county hospital. For the current tax year, the amount of increase above last year's eligible county hospital expenditures is 0. This increased the no-new-revenue tax rate by 0.000000/$100.

This notice contains a summary of the no-new-revenue and voter-approval calculations as certified by
Name of person preparing this notice: Robert Rodriguez
Position: Finance Director
Date prepared: July 31, 2020

You can inspect a copy of the full calculations on the taxing unit's website at:
http://myharingen.us/.
AGENDA ITEM  
EXECUTIVE SUMMARY

Meeting Date: August 5, 2020

<table>
<thead>
<tr>
<th>Agenda Item: Consider approval of Harlingen Helps site improvement GRANT AGREEMENT authorizing the disbursement of site improvement grant funds of $1,500 to EL VAQUERO ADULT DAYCARE.</th>
</tr>
</thead>
</table>

Prepared By (Print Name): Beverly Ticer Loftus  
Title: Commercial Development Manager

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

<table>
<thead>
<tr>
<th>Brief Summary: El Vaquero Adult Day Care is requesting grant funds of $1500 for site improvements that were completed in May 2020.</th>
</tr>
</thead>
</table>

On January 28, 2020, the Harlingen EDC Board of Directors reviewed and approved Harlingen Helps, a small business site improvement and job retention program offered by the Harlingen EDC. The program provides, in the form of an incentive grant, up to $1500 for site and property improvements that occurred between June 2019 – May 31, 2020.

Harlingen City Commission approved the Harlingen Helps program, and guidelines on February 5, 2020.

Although the program expired, this application was being worked on prior to expiration. Funding was purposely set aside to fund a few more applications.

<table>
<thead>
<tr>
<th>Funding (if applicable): Are funds specifically designated in the current budget for the full amount for this purpose? HEDC Budget FY 19-20</th>
</tr>
</thead>
</table>

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

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

<table>
<thead>
<tr>
<th>Staff Recommendation: HEDC Staff recommends approval.</th>
</tr>
</thead>
</table>

Staff Member: Raudel Garza  
Title: CEO  
Signature: [Signature]

<table>
<thead>
<tr>
<th>City Manager’s approval:</th>
</tr>
</thead>
</table>

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

<table>
<thead>
<tr>
<th>City Attorney’s approval:</th>
</tr>
</thead>
</table>
EL VAQUERO ADULT DAYCARE
NEW APPLICATION

- Replaced ceiling tiles inside facility
- Total project costs – $1,511
- Total Requested - $1,500
- Total jobs retained – 15
EXECUTIVE SUMMARY

Meeting Date: August 5, 2020

Agenda Item:
Consider and take action on proposal from Boy Scout Modesto Abers, who will fund and construct improvements at Hugh Ramsey Nature Park as part of his Eagle Scout Project.

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

Brief Summary:
Modesto Abers is currently a Boy Scout in Troop 142, and is applying for his Eagle Scout ranking. His project consists of fundraising and constructing a bird blind at Hugh Ramsey Nature Park. Mr. Abers will be coordinating the design and location of his proposed project with the Arroyo Colorado Audubon Society and the Master Naturalist. Boy Scout Abers will be presenting a power point presentation to the City Commission and public. The Parks and Recreation Advisory Board met on July 10, 2020 to consider Mr. Abers proposal and has recommended approval.

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

Staff Recommendation:
Parks and Recreation Advisory Board and staff recommend approval of the project and to accept the improvements as a donation to the City.

City Manager’s approval:

Comments:

City Attorney’s approval: [X] N/A

form revised 04/29/09
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: August 5, 2020

Agenda Item:
Consider and take action to authorize staff to contract LED Electric and Lighting Contractors, LLC utilizing the Buy Board Cooperative Purchasing Program in lieu of bids or RFP’s for the electrical repairs to Town Hall and to include the replacement of the emergency generator.

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

Brief Summary:
Public Buildings has been working on obtaining pricing for the engineering, electrical service repairs, and the installation of an Emergency Generator and new automatic transfer switch for the Town Hall building. Staff has reached out to two other contractors, both belonging to cooperative purchasing programs and one provided pricing well over the recommended contractor’s pricing and the other never responded. LED Electric and Lighting Contractors is a Harlingen established business.

Staff is recommending to contract LED Electric and Lighting Contractor to repair the electrical service entrance equipment and install a new emergency generator for Town Hall using Buy Board Cooperative Purchasing Program instead of requesting bids or RFP’s. The scope of work will include replacing electrical panels, wire, conduit and service disconnects. Replace the existing generator with a larger capacity emergency generator (GENERAC 175 kW) together with a new EATON automatic Transfer Switch and consolidate the multiple service entrances and weatherheads coming into the building.

The proposal we are considering is $157,250.00 for equipment, parts and labor. Funding to repair and replace the emergency generator was approved in the FY 2020 budget.

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

Finance Director’s approval:  

Staff Recommendation:
Staff recommends contracting LED Electric and Lighting Contractors to repair the electrical service entrance and install a new emergency generator at Town Hall using Buy Board Cooperative Purchasing.

City Manager’s approval:  

Comments:  

City Attorney’s approval:  

form revised 04/29/09
ELECTRIC LIGHTING QUOTE
CONTRACTORS

QUOTE NO. 8-0015
DATE July 9, 2020
Purchase Order TBD
EXPIRATION DATE Friday, July 24, 2020

Chris Harwood
956.466.6131
chris.harwood@ledelectric.us.com

City of Harlingen
118 E. Tyler Ave.
Harlingen, TX 78550

BuyBoardNumber: 602-20
Line Item: 17

DESCRIPTION
CITY HALL - Replace existing electrical panels, wire, conduit and disconnects. Replace existing transfer switch with new EATON ATS. Replace existing generator with new GENERAC 175kW generator. Consolidate the multiple service entrances and weatherheads coming into building. Material: $113,250.00 Labor: 600 hrs. @ $70 / hr. for a total of $42,000.00. Will coordinate building being without power coming from utility during installation.

Material: 113,250.00
Labor: 42,000.00
Crane: 2,000.00

Cost $157,250.00
EST. SHIPPING N/A
SALES TAX N/A
SUBTOTAL $157,250.00

THANK YOU FOR THE OPPORTUNITY TO EARN YOUR BUSINESS!
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: August 5, 2020

Agenda Item:
Consideration and possible action to accept or reject the recommended logo change for the Tony Butler Golf Course. Attachment (Parks & Recreation)

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

Summary:
A logo is a visual representation of a business being marketed, it would help promote tourism and business. The Tony Butler Golf Course’s old logo (pictured) dates back to the 1990’s, and while it represents a large part of the courses and valleys landscaping, we felt that the logo should identify more of our product and services. The City hired a local marketing and design agency RS Branding to help with logo ideas. RS Branding designed a few different logo options using the history of the golf course and some input from staff. The different design concept options were presented to staff and the Golf Advisory Board at a meeting held on July 7, 2020.

A few points of interest according to marketing and branding studies:
1. Make sure you have a good quality, well thought out logo. A logo can give consumers an idea of the personality of your business and make your brand instantly recognizable without the use of words or the company name. Ideally, a logo should represent a company or organization accurately enough that the viewer needs nothing else to identify your brand.
2. A majority of successful marketing logo designs are the ones which are amazingly simple.
3. The simplicity of the design is the key ingredient of all such global majors’ logos. Such simple designs can communicate well with viewers and target customers. It also helps in building a brand’s personality.
4. A business logo is one of the core aspects of promoting your company as it gives you something to build your brand around.
5. The logo is one thing people notice first about a business and a brand.
6. A good logo will draw the eye, and help you stand out amongst your competition. With only a few seconds to catch a person’s interest, an eye-catching logo is required to draw them in.
7. Once you have secured their interest, then you can rely on your superior products and services to close your deals.
8. Getting your brand out there is another way of ensuring an impression of reliability and longevity.
9. Studies have shown that consistency across all media platforms can increase revenue by up to 23%. A logo is an important part of this, as it helps you set a common style baseline across different forms of media.

Staff Recommendation:
The Golf Advisory Board is recommending Sample E.

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

Comments:
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Form revised 04/29/09
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: August 5, 2020

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

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

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

Funding (if applicable):
Are funds specifically designated in the current budget for the full amount □ Yes □ No*
*If no, specify source of funding and amount requested:
The insurance is paid 100% by the employees via payroll deductions

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

Staff Recommendation:
Staff recommends approval of the consultant’s recommendation.

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

Comments:

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

form revised 04/29/09
**AGENDA ITEM**
**EXECUTIVE SUMMARY**

Meeting Date: **August 05, 2020**

**Agenda Item:**
Storm Water Pollution Awareness and Prevention presentation by the Planning and Development Director.

**Prepared By (Print Name):** Xavier Cervantes, AICP
**Title:** Director of Planning & Development

**Signature:**

**Brief Summary:**
The storm water presentation covers the basics of storm water pollution prevention and best management practices for maintaining the city’s storm drains clean.

This presentation is a requirement of our MS4 Permit with TCEQ regarding stormwater pollution prevention.

**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:**

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

**Comments:**

City Attorney’s approval:
- **Yes**    - **No**    - **N/A**
Stormwater Pollution Awareness and Prevention Training

STORMWATER TASK FORCE
What is Storm Water?

- Storm water is untreated water created from rain that does not soak into the ground, but runs into nearby waterways.

- Storm water does not flow into a wastewater treatment system, it flows directly into our surface waters.

- What we do on the land affects the water quality and the habitat of our creeks and rivers. It also affects our quality of life, our fisheries, and our recreation.
Why Clean Water is Important

Plants and Smaller Organisms  Fish  Waterfowl
Wildlife  Livestock  People

All these life forms depend on clean water for their existence.
What is an Illicit Discharge?

- **Illicit Discharge** is any discharge of pollutants or non-storm water materials allowed to enter the storm drainage systems from overland flows or direct dumping of materials into a catch basin.

- Examples of Illicit Discharge: Sand and Dirt from construction sites washing into drains, Dumping Toxic Chemicals into drains, Chemical and Fuel Spills, overuse of Fertilizers and Pesticides, and Trash allowed to go into the storm drains.
Grass and Tree Care

- Do not over water grass surfaces. Use only the amount of water needed. Over watering is wasteful and could lead to erosion of the soil into our drains.

- Ensure sprinklers are properly adjusted to only water grass and other vegetation. Water the sidewalks and streets can lead to sediments and or chemicals flowing into storm drains.

- Pickup grass clippings. Do not sweep them into a storm drain or allow them to be washed into one after a storm.

- Clean fallen leaves from gutters and around storm drains before they are allowed to enter the storm drainage system.
Good Housekeeping

- Make sure that there are no discharges from the building to storm water through doorways or other pathways.
- Make sure that spill response equipment is readily available in areas where a spill or leak is more likely to occur.
- Report spills.
- Promptly clean up any spills.
- Clean the floors and do not allow the wash water to discharge outside.
- Use biodegradable cleaning solvents whenever practical.
If you have stormwater pollution concerns for any areas within the City of Harlingen contact the Code Compliance Division of the Planning and Development Department at (956) 216-5200.

If you see illegal dumping within the City of Harlingen please call (956) 216-5200 and give a description of what is being dumped. A picture of the vehicle with a license plate showing can really help the Division to issue citations.

Stormwater pollution is everybody's problem so please do your part and help us keep our City free of debris and trash.
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: August 5, 2020

Agenda Item:
Public hearing and action to consider 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

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 and consideration of requested amendment via 1st ordinance reading scheduled before the City Commission.
- **August 19, 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 2012 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).

- 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. (ATTACHMENT VI).

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

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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  
Commissioners  
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.

R. D. Youker, Mayor  
Jean Nesmith, City Secretary
Attachment IV

Regular Meeting - page 5
5/19/79

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 #79-35
AN ORDINANCE AMENDING ARTICLE II, 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

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 #79-36, AN ORDINANCE AMENDING ORDINANCE #74-36, THE ZONING ORDINANCE OF THE CITY OF HAILINGEN BY ADJUDICTING SECTION 8, SUBPARAGRAPH 11, 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.

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

ORDINANCE ADOPTED ON FINAL READING AMENDING CHARGED FOR DEATH CERTIFICATES

The caption of the ordinance was read.

ORDINANCE #79-45
AN ORDINANCE AMENDING CHAPTER 18, ARTICLE 11, SECTION 15-20 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 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's 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.

Tom Curtis said the ordinance requires the payment of parks fees or dedication of the land. Mr. Savio 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. Mrs. De La Rosa seconded the motion and it carried unanimously.

Mr. Davis made a motion that the City Commission concerning the requirement of park fees? Mr. Curtis replied the Park Board had
ORDINANCE NO. 74-36

AN ORDINANCE AMENDING ORDINANCE NO. 74-36, THE ZONING ORDINANCE OF THE CITY OF HARLINGEN BY ADDING THERETO SECTION 8, SUBPARAGRAPHS 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 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 ORDERED 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, gas 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 administrative 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 purpose 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: [Signature]

Wayne Potter, Mayor Pro Tem

ATTEST:

[Signature]

JEAN NEMITH, 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.
November 20, 2019

To: The Catholic Diocese of Brownsville

From: Circle K Stores, Incorporated

Re: 905 E. Harrison Road, Harlingen, Texas

Most Rev. Bishop Flores,

Thank you for your kind assistance in this matter. Please let this letter serve as notice that Circle K Stores, Incorporated currently has plans to open a Store at 905 E. Harrison Road in Harlingen, Texas, in proximity to Saint Anthony's Catholic School. This location, under the strict guidelines of The Texas Alcoholic Beverage Commission, will be selling alcohol and tobacco products inside its Store.

Should you have any questions or concerns beyond those already addressed, please do not hesitate to contact our Real Estate Broker, Daniel Galvan at 956-451-2983.

We again would like to sincerely thank you for your cooperation in this matter.

Respectfully,

Zachary Wiedower

Real Estate Director – South Texas
Circle K Stores, Inc.

Received By:

[Signature]

Most. Rev. Daniel E. Flores

25 November 19

Date
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.
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: August 5, 2020

Agenda Item:
Public Hearing and 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: [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 2012 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).

- 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 (ATTACHMENT VI).

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

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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  
Commissioners  
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

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.
Angular Meeting - page 3 9/19/79

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

Mr. Curtis said this had been discussed on another 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 475-79
AN ORDINANCE AMENDING ARTICLE 12 OF CHAPTER 29 OF THE CODE OF ORDINANCES OF THE CITY OF HARBINSON BY PROVIDING FOR LICENSING AMBULANCES PROVIDING TRANSFER SERVICES WITHIN THE LIMITS OF THE CITY OF HARBINSON.

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 477-79
AN ORDINANCE AMENDING ORDINANCE 774-79, THE ZONING ORDINANCE OF THE CITY OF HARBINSON BY ADDING SECTION 8, SUBPARAGRAPH 11. 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.

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 479-79
AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 12, SECTION 15-2O OF THE CODE OF ORDINANCES OF THE CITY OF HARBINSON 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.

Tom Curtis said the ordinance requires the payment of parks fees or dedication of the land. Mr. Sallis said in the past, these fees have been placed in escrow. There is a need to be...
Mr. Davis explained this plat has been revised to meet the single-family residential requirements. Mr. Martin also explained there were to be 45':6" setbacks (25,53 & 54) that the dimension would have to be changed to meet the City's specifications on set backs. Mr. Starrett explained these lots would be deed restricted to what will be multiplex and single-family residential.

Upon a brief discussion, Mr. Davis made a motion to grant preliminary and final approval of the above subdivision plat subject to the revisions of the three lots stated above. Mrs. Czeschin seconded the motion and it carried unanimously.

**CONSIDER A MANDATORY WAITING PERIOD FOR AN ITEM TO BE RESUBMITTED FOR CONSIDERATION BY THE PLANNING AND ZONING COMMISSION:**

Mr. Davis stated he would hesitate to require a mandatory waiting period for items to be brought before the commission since they only meet once a month. Mr. Davis also pointed out there had been times when the Planning and Zoning Commission had requested an item be resubmitted in a different form. This was discussed further and it was decided to take no action on a mandatory waiting period.

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 file 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 previously.

Mr. Davis 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 SUBPARAGRAPH (b) OF SECTION 8, SUBPARAGRAPH (11), PROHIBITING THE CONSTRUCTION OR INSTALLATION OF FACILITIES FOR THE MATERIALS 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 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 8 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 administrative 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 purpose 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 7 day of October, 1979.

CITY OF HARLINGEN, TEXAS

BY: WAYNE POTTER, MAJOR 770 TEM

ATTEST:

JEAN 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.
November 20, 2019
To: The Catholic Diocese of Brownsville
From: Circle K Stores, Incorporated
Re: 905 E. Harrison Road, Harlingen, Texas

Most Rev. Bishop Flores,

Thank you for your kind assistance in this matter. Please let this letter serve as notice that Circle K Stores, Incorporated currently has plans to open a store at 905 E. Harrison Road in Harlingen, Texas, in proximity to Saint Anthony’s Catholic School. This location, under the strict guidelines of The Texas Alcoholic Beverage Commission, will be selling alcohol and tobacco products inside its store.

Should you have any questions or concerns beyond those already addressed, please do not hesitate to contact our Real Estate Broker, Daniel Galvan at 956-451-2983.

We again would like to sincerely thank you for your cooperation in this matter.

Respectfully,

Zachary Wiedower
Real Estate Director – South Texas
Circle K Stores, Inc.

Received By:

[Signature]
Most. Rev. Daniel E. Flores
25 November 19
Date
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, erection, 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