Notice is hereby given that the above governmental body will hold a Regular Meeting on **Wednesday, December 5, 2018 5:30 P.M.** in City Hall, Town Hall Meeting Room, 2nd Floor, Harlingen, Texas.

City of Harlingen meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary's Office at (956) 216-5003 or write Post Office Box 2207, Harlingen, Texas 78550 at least 48 hours in advance of the meeting.

The Harlingen City Commission reserves the right, pursuant to Texas Government Code Chapter 551, Subchapter D, to enter into closed executive session on any item posted on the agenda if a matter is raised that is appropriate for closed discussion.

Invocation/Michael Mezmar, Mayor Pro-Tem

Pledge of Allegiance/Welcome

1) Special Recognition to the Rio Grande Valley Hispanic Genealogical Society.

2) Approval of Minutes

   a) Regular Meeting of October 3, 2018

---

**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 Items withdrawn from the Consent Agenda for individual consideration in their normal sequence will be heard after the remainder of the Consent Agenda has been acted upon.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) Consideration and possible action to approve the final plat of the proposed Dominguez Subdivision, bearing a legal description of 9.11 acres consisting all of Lot 13, Block 10, Park Meadows Section III and 8.95 acres out of Block 35, Petersburg Syndicate Subdivision, located on the east side of Park Lane East north of Spur 54. Applicant: Dustin Moore of Moore Land Surveying, LLC, c/o Daniel Dominguez. Attachment (*Planning & Zoning*)

b) Second and final reading to approve and adopt an ordinance amending Ordinance No. 2017-10, Section 1, to allow the sale and consumption of alcoholic beverages at Lozano Plaza for
sponsored or co-sponsored City events. Attachment (Gabriel Gonzalez, Asst. City Manager)

c) Second and final reading to approve and adopt an ordinance to amend the City of Harlingen's Budget for Fiscal Year 2018-2019. Attachment (Finance)

d) Consideration to ratify and authorize the City Manager to sign for the renewal of the Lease Document N62467-87-RP-00006 for 15.0 acres of land located near Fair Park Blvd., Harlingen, TX, currently used by the Navy Operational Support Center (NOSC) for a term beginning January 1, 2019 and ending December 31, 2019. Attachment (City Manager)

4) Public hearing to consider an ordinance on first reading for the renewal of the specific use permit issued to Tomas Diaz to allow a bar/lounge in a Light Industry ("LI") District located at 1510 N. Commerce Street, bearing a legal description of Lot 1, Block 1, Casa Blanca Subdivision. Applicant: Tomas Diaz. Attachment (Planning & Zoning)

a) Public Hearing

b) Consideration and possible action to approve an ordinance on first reading for the renewal of the specific use permit to allow a bar/lounge in a Light Industry ("LI") District at the above described property.

5) Public hearing to consider an ordinance on first reading for a specific use permit to allow an adult business (microblading studio) in a General Retail (GR) District located at 1046 N. 77 Sunshine Strip, bearing a legal description of Lot 15, Block 4, Crown Heights Subdivision. Applicant: Maricela Mendiola. Attachment (Planning and Zoning)

a) Public Hearing

b) Consideration and possible action to approve an ordinance on first reading for a specific use permit to allow an adult business (microblading studio) in a General Retail (GR) District at the above described property.

6) Public hearing to consider an ordinance on first reading to rezone from Heavy Industry ("HI") District to Light Industry ("LI") District for 17.74 acres out of Lot 1, Block 1, Texas Pipe Bending Subdivision, located at 5129 E. Harrison. Applicant: Omar Villarreal. Attachment (Planning and Zoning)

a) Public Hearing

b) Consideration and possible action to approve an ordinance on first reading to rezone from Heavy Industry ("HI") District to Light Industry ("LI") District for 17.74 acres for the above described property.

7) Public Hearing to receive comments regarding the proposed voluntary annexation and to establish the initial zoning to General Retail ("GR") District for a 1.0± acre of land being the North 50 feet of a 2.766 acre tract of land out of Block 54, David and Stephenson Subdivision,
located on the west side of Briggs Coleman Road north of Loop 499. Applicant: John W. Drennan, c/o Troy Investment Company No. 7, L.P. Attachment (Planning & Zoning)

8) Public hearing to consider an ordinance on first reading to rezone from Not Designated ("N") District to Residential, Single Family ("R-1") District for 3.12 acres out of Block 103, 2.94 acres out of Block 118, and 8.79 acres out of Block 119, Harlingen Land and Water Company Subdivision; 0.5 acres out of Block 23, Briggs and Coleman Subdivision Survey 49; and Lot 1, Block 1, Galvez Subdivision; rezone from Not Designated ("N") District to Residential, Multi-Family ("M-2") District for 3.79 acres out of Block 62, David and Stephenson Subdivision; and 13.98 acres out of Block 119, Harlingen Land and Water Company Subdivision; rezone from Not Designated ("N") District to General Retail ("GR") District for 10.60 acres out of Block 23, 6.2 acres out of Block 24, 3.73 acres out of Block 25, 3.30 acres out of Block 26, 3.35 acres out of Blocks 26 and 27, 8.12 acres out of Block 27, and 4.3 acres out of Block 28, Briggs and Coleman Subdivision Survey 49; 13.11 acres out of Block 58, and 6.67 acres out of Block 59, David and Stephenson Subdivision; and 12.91 acres out of Block 121, Harlingen Land and Water Company Subdivision; and rezone from Not Designated ("N") District to Light Industry ("LI") District for 9.83 acres out of Block 19, Cunningham Subdivision, all properties generally located between Expressway 77, and 25th Street, north of Phoenix Avenue. Applicant: City of Harlingen. Attachment (Planning and Zoning)

a) Public Hearing

b) Consideration and possible action to approve an ordinance on first reading to rezone all the above mentioned properties to the different designation zones described above.

9) Public hearing and presentation regarding the FY 17/18 Consolidated Annual Performance and Evaluation Report (CAPER). Attachment (Community Development)

10) Discussion and possible action on options regarding the operation of the Tony Butler Golf Course. Attachment (Parks & Recreation)

11) Consideration and possible action on selecting the HEB Tennis Center Pro-Shop or Hugh Ramsey Nature Park Welcome Center as priority and use Combination Tax and Revenue Certificates of Obligation, Series 2001 Funding. Attachment (Parks & Recreation)

12) Consideration and possible action to approve the Fire Protection Contract between the City of Harlingen and Cameron County Emergency Services District No. 1 to provide fire protection services for $212,985.55 to be paid in quarterly installments of $53,246.39 on December 31st, 2018; March 31st, June 30th, and Sept. 30th, 2019 and authorize the Mayor to sign the contract. Attachment (Fire Dept.)

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

a) Airport Board (0)
b) Animal Shelter Advisory Committee (1)
c) Audit Committee (Terms expire annually in June) (4)
d) Civil Service Commission
e) Community Development Advisory Board (2)
f) Construction Board of Adjustments (5)
Specifically, appointment or discussion and possible action to include appointment and/or removal of any position subject to appointment or removal by statute, ordinance, or bylaws.

Executive/Closed Session to discuss the following items:

a) pursuant to Chapter 551, Sections 551.087, 551.071 and 551.072 of the Gov't Code regarding commercial and financial information from a business prospect with which the City is conducting economic development negotiations and/or to discuss or deliberate financial or other incentives with the business prospect known as Project Development and to seek legal advice from the City Attorney regarding the subject matter. (City Manager)

b) pursuant to Section 551.071, Texas Gov't Code to consult with the City Attorney regarding the Firemen Pension.

Citizen Communication

I, the undersigned authority, do hereby certify that the above notice of meeting is a true and correct copy of said notice posted on the City's bulletin board, City Hall, 118 E. Tyler Avenue, a place convenient and readily accessible to the general public at all times and said notice was posted on Wednesday, November 21st, 2018 at 11:00 a.m. at least 72 hours preceding the scheduled time of said meeting.

Dated this 21st day of November, 2018

Amanda C. Elizondo, City Secretary
REGULAR MEETING

CITY COMMISSION

October 3, 2018

HARLINGEN, TEXAS

A Regular Meeting of the Harlingen Elective Commission was held, Wednesday, October 3, 2018 at 5:30 p.m., City Hall, Town Hall Meeting Room, 2nd Floor, 118 E. Tyler Street, Harlingen, Texas.

Those in attendance were:

**Mayor and Commissioners**

Chris Boswell, Mayor  
Michael Mezmar, Mayor Pro-Tem, District 3  
Richard Uribe, City Commissioner, District 1  
Tudor Uhlhorn, City Commissioner, District 2  
Ruben de la Rosa, City Commissioner, District 4  
Victor Leal, City Commissioner, District 5

**Staff Present**

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

Mayor Boswell called the meeting to order and announced the meeting was duly posted according to State Law. The following proceedings were held:

**Invocation/Commissioner Victor Leal**

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

1) **Board Recognition**

Mayor Boswell presented certificates to the following individuals and expressed his appreciation for volunteering in the following boards: Michael Garza, Audit Committee; Eva Chipps, Keep Harlingen Beautiful; and Leonel Zamora, Veterans Advisory Board.

2) **Presentation by Sergio Mujica, MIS Director, on the City’s Mobile App Activity Report**

Sergio Mujica, MIS Director, made a power point presentation and reported the following information on the City’s Mobile App Activity Report:

- City Mobile App was launched on February 21, 2018
- Apple iTunes Store downloads: 478
- Android Play Store downloads: 291
- Monthly Online Requests from March to Sept:
  
<table>
<thead>
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<th>Online Requests</th>
<th>City Depts. Request</th>
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<td>March</td>
<td>19</td>
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<tr>
<td>April</td>
<td>36</td>
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<td>July</td>
<td>58</td>
<td>474</td>
</tr>
<tr>
<td>August</td>
<td>54</td>
<td>287</td>
</tr>
<tr>
<td>Sept.</td>
<td>54</td>
<td>220</td>
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</tbody>
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- Top 8 Online Categories Requested
  - Mosquito Complaints 10
  - Code Compliance Requests 20
  - Asked General Questions 7
  - Environmental Services 8
  - Restaurant Complaints 6

Top 9 Categories Entered by Depts.

- Mosquito Complaints 10
- Code Compliance Requests 20
- Asked General Questions 7
- Environmental Services 8
- Restaurant Complaints 6
- General Complaints 53
- Public Works Requests 44
- Code Compliance Requests 25
- General Complaints 27

Mr. Mujica stated first responses to complaints were addressed within 6 to 10 hours from submission date, and resolved on an average of nine (9) days. Most of the complaints were regarding weedy lots and junk cars. Residents could download the App through Google play store, through use of Androids and iPhones and send photos of their complaints. The system provides alerts for requests that have not been addressed within a certain time.

Discussion was held regarding the use of the City’s App and Mayor Boswell stated the App was another great tool for the public to use to communicate with City staff.

3) Approval of Minutes

a) Special Joint Meeting City Commission & Harlingen Community Improvement Board –
   August 23rd, 2018
b) Regular Meeting – September 5th, 2018

Motion was made by Commissioner Uhlhorn and seconded by Commissioner De La Rosa to approve the minutes of August 23rd, and September 5th, 2018. Motion carried unanimously.

CONSENT AGENDA

4a) Second and final reading to approve and adopt an ordinance amending the City of Harlingen Code of Ordinances, Article XVI, Section 111-142 to reduce the composition of the Zoning Board of Adjustments from six (6) to five (5) regular members, and from six (6) to five (5) alternate members; Article XVI, Section 111-143, to clarify the authority of the Zoning Board of Adjustment; and Article, Section 111-444, to clarify the appeal of decisions by the Zoning Board of Adjustment. Applicant: City of Harlingen.

b) Second and final reading to approve and adopt an ordinance to rezone from Not Designated (“ND”) District to General Retail (“GR”) District for 10.54 acres out of Block 54, David and Stephenson Subdivision, located at the southwest corner of Loop 499 and Briggs Coleman Road. Applicant: Christine Vargas.

c) Second and final reading to approve and adopt an ordinance amending the Planned Development (“PD”) Site Plan from Commercial to Multi-Family Residential for Lot 1, Block 3, Adams Landing Subdivision, located at 1402 E. Loop 499. Applicant: Armando Elizarde.

d) Second and final reading to approve and adopt an ordinance to rezone from Planned Development (“PD”) District to Light Industry (“LI”) District for Lot 1, Block 1, Dollar Thrifty Subdivision, located at 3410 E. Grimes Avenue. Applicant: William Robert Sullivan.

e) Second and final reading to approve and adopt an ordinance to create an “All-Way Stop Sign” condition at the intersection of Dixieland Street and Garrett Road.

f) Consideration and possible action to approve Resolution R18-43 accepting the anticipated Federal Aviation Administration (FAA) – Airport Improvement Program (AIP) Grant Offer No. 3-48-0101-062-2018 in the amount of $7,700,000.00 for the reconstruction of Northwest...
and Southwest Aprons and Taxiway H Projects at Valley International Airport contingent upon the receipt of the FAA Grant, and rescinding Resolutions R18-29 and R18-30.

g) Consideration and possible action to approve a refund of property taxes paid to Lereta on behalf of Tommy Jones, Acct. #17-4080-0010-0010-00 for $1,358.55 due to a veteran’s change for Years 2016-2017.

h) Consideration and possible action to approve a refund of property taxes paid by Loancare on behalf of The Secretary of Housing and Urban, Acct. #84-0764-0040-0304-00 for $880.79 due to an exemption for Years 2016-2017.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve the Consent Agenda Item 4 (a) through (h). Motion carried unanimously.

The captions of the ordinances read as follow:

ORDINANCE NO. 2018-37
AN ORDINANCE AMENDING THE CITY OF HARLINGEN CODE OF ORDINANCE ARTICLE XVI, SECTION 111-142, ORGANIZATION, BY REDUCING THE COMPOSITION OF THE ZONING BOARD OF ADJUSTMENT FROM SIX TO FIVE REGULAR MEMBERS, AND FROM SIX TO FIVE ALTERNATE MEMBERS; ARTICLE XVI, SECTION 111-143, TO CLARIFY THE AUTHORITY OF THE BOARD; AND ARTICLE XVI, SECTION 111-444, TO CLARIFY THE APPEAL PROCESS OF THE ZONING BOARD OF ADJUSTMENT; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 2018-38
AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: REZONING FROM NOT DESIGNATED ("N") DISTRICT TO GENERAL RETAIL ("GR") DISTRICT FOR 10.54 ACRES OUT OF BLOCK 54, DAVID AND STEPHENSON SUBDIVISION, LOCATED AT THE SOUTHWEST CORNER OF LOOP 499 AND BRIGGS COLEMAN ROAD; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 2018-39
AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: AMENDING THE PLANNED DEVELOPMENT ("PD") SITE PLAN FROM COMMERCIAL TO MULTI-FAMILY RESIDENTIAL FOR LOT 1, BLOCK 3, ADAMS LANDING SUBDIVISION, LOCATED AT 1402 E. LOOP 499; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 2018-40
AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: REZONING FROM PLANNED DEVELOPMENT ("PD") DISTRICT TO LIGHT INDUSTRY ("LI") DISTRICT FOR LOT 1, BLOCK 1, DOLLAR THRIFTY SUBDIVISION, LOCATED AT 3410 E. GRIMES AVENUE; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

ORDINANCE NO. 2018-41
AN ORDINANCE AUTHORIZING THE PLACEMENT OF TWO STOP SIGNS ON GARRETT ROAD IN EACH DIRECTION OF TRAFFIC AT ITS INTERSECTION WITH DIXIELAND STREET CREATING AN "ALL-WAY STOP" CONDITION; ESTABLISHING A FINE NOT TO EXCEED $200.00 DOLLARS FOR THE DRIVER OF ANY MOTOR VEHICLE WHO FAILS TO STOP AND YIELD THE RIGHT-OF-WAY IN OBEEDIENCE TO THE STOP SIGNS HEREIN AUTHORIZED; AMENDING OR REPEALING CONFLICTING ORDINANCES; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

PASSED AND APPROVED on first reading this 19th day of September, 2018.
PASSED AND APPROVED on second reading this 3rd day of October, 2018.
5) Consideration and possible action to approve a resolution creating a Complete Count Committee for the 2020 Census.

Gabriel Gonzalez, Asst. City Manager, stated the beginning date of the Census is April 1\textsuperscript{st}, 2020. The proposed resolution is to create a Complete Count Committee. The committee would assist in speaking with the public and civic groups to bring awareness of the importance of the Census. Initially the committee will be comprised of ten members. The City Commissioners will appoint one (1) member each, and the Mayor will appoint five (5) members. At the Mayor’s discretion, he may appoint an additional five (5) members. It is requested that some of the members come from certain groups of the community, such as: businesses, faith-based, education, media technology organizations and the technology industry to get the word out about the importance of the census.

Mayor Boswell stated this is one of the most important things that the cities can do for the next couple of years to try to get everyone in our city counted properly. The City was grossly under counted in the last census. We have to work hard together as a community, and we need to get the word out that everyone counts.

Mr. Gonzalez stated for every one person that is not counted, we lose $1,578.00 in federal assistance.

Commissioner Uhlhorn asked if a press release could be done asking people to submit their names for consideration to serve in the committee. There may be some very qualified people that are unaware of the census.

Mr. Gonzalez responded the press release could be done, but the committee would automatically increase to 15 members due to the responses.

Mayor Boswell suggested looking at people who have large constituencies: employers who have large base of employees, the school district, churches, and people that have a method of reaching out to people that can communicate this message. This also includes social service workers who communicate or have contact with people who might think it is not important to be counted. They should be most concerned about being counted.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve the resolution creating a Complete Count Committee for the 2020 Census. Motion carried unanimously.

6) Consideration and possible action to approve an Industrial District Agreement between the City of Harlingen and Penn Aluminum International, LLC, and authorize the Mayor to sign the agreement.

Mr. Gonzalez stated this agreement is identical to the other three agreements that were brought before the City Commission. Staff recommends approval of the contract.

Motion was made by Commissioner Mezmar and seconded by Commissioner Leal to approve the Industrial District Agreement between the City of Harlingen and Penn Aluminum International, LLC, and authorize the Mayor to sign the agreement. Motion carried unanimously.
7) Consideration and possible action to approve a resolution amending the 401(C) Plan to add the Harlingen Waterworks System Employees hired on or after October 1, 2018 to the plan and add a member to the Plan Trustees.

Mr. Gonzalez stated the proposed resolution will establish that all new employees hired by the Harlingen Water Works System on or after Oct. 1, 2018 will automatically enrolled in the City's 401(A) Retirement Plan. The resolution provides for an additional member to the board to be filled by Mr. Tim Skoglund, Harlingen Waterworks System General Manager. Staff recommends approval of the resolution.

Motion was made by Commissioner De La Rosa and seconded by Commissioner Uhlhorn to approve the resolution amending the 401(C) Plan to add the Harlingen Waterworks System Employees hired on or after October 1, 2018 to the plan and add Mr. Tim Skoglund, General Manager as the additional member to the Board of Trustees. Motion carried unanimously.

8) Public Hearing to receive comments regarding the proposed voluntary annexation and to establish the initial zoning to Residential, Single Family ("R-1") District for 8.95 acres out of Block 35, Petersburg Syndicate Subdivision, located on the east side of Park Lane East, north of Spur 54. Applicant: Dustin Moore of Moore Land Surveying, LLC, c/o Daniel Davila, Planning & Development Director, stated the voluntary annexation is part of the proposal to subdivide the subject property into one (1) residential subdivision under the name of Davila Subdivision. Currently, 0.16 acres of the existing subdivision is inside the city limits, and the east 8.95 acres is located outside the city limits and is landlocked. This is the last public hearing and this item will be placed on the next City Commission meeting to consider the annexation process.

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

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

9) Consideration and possible action to adopt a resolution directing staff to prepare a service plan and initiate proceeding for the voluntary annexation of a 1.0+ acre tract of land being the North 50 feet of a 2.766 acre tract of land out of Block 54, David Stephenson Subdivision, located on the west side of Briggs Coleman Road north of Loop 499. Applicant: John W. Drennan, c/o Troy Investment Company No. 7, L.P.

Mr. Davila stated John W. Drennan, c/o Troy Investment Company No. 7, L.P., is proposing to subdivide the subject property into three (3) lots as a commercial subdivision to allow for the expansion of an existing storage. The proposed subdivision will consist of an existing recorded lot that has frontage on Loop 499, and a 2.76 acre tract of land adjacent to the north of said lot. Part of the proposed subdivision, 2.73 acres, is currently inside the city limits and the north 1.0 acre is located outside the city limits. The developer will be responsible for all infrastructure provisions, including street development, street lights, water and wastewater services, storm sewer, and other requirements as specified under the subdivision regulations. The developer has requested general retail for district zoning for the subject property. Three public hearings are required for the annexation and the ordinance will require two (2) readings to annex the property. The residential neighbors were notified and staff did not receive any comments. The first step is the voluntary annexation, and then the subdivision. The developer is closing out the property and once the property is closed, they will subdivide it to expand their business to allow for more storage units to the east.
Motion was made by Commissioner Uhlhorn and seconded by Commissioner Uribe to adopt a
resolution directing staff to prepare a service plan and initiate proceedings for the voluntary
annexation of a 1.0+ acre tract of land being the North 50 feet of a 2.766 acre tract of land out of
Block 54, David Stephenson Subdivision, located on the west side of Briggs Coleman Road north of
Loop 499. Motion carried unanimously.

10) Consideration and possible action to postpone the Harlingen Regular City Commission
Meeting of October 17, 2018 to another date.

Mayor Boswell stated there is an event that conflicts with the City Commission Meeting of
Wednesday, October 17, 2018 and proposed Tuesday, October 16, 2018.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to change the
Harlingen Regular City Commission Meeting of Wednesday, October 17, 2018 to Tuesday, October
16, 2018. Motion carried unanimously.

11) Board Appointments

Mayor Boswell
Appointed Bobby Farris to the Airport Advisory Board

Commissioner Uribe
Appointed Charles Cecconi to the Veteran’s Advisory Board

Commissioner Uhlhorn
Appointed Teresita Garcia to the Veteran’s Advisory Board

Commissioner Leal
Re-appointed Martin Borjas to the Veteran’s Advisory Board

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to
approve the appointment of Bobby Farris, to the Airport Advisory Board; Charles Cecconi, to the
Veteran’s Advisory Board; Teresita Garcia, to the Veteran’s Advisory Board; and the re-appointment
of Martin Borjas, to the Veteran’s Advisory Board. Motion carried unanimously.

12) Executive/Closed Session on the following items:

a) pursuant to Chapter 551, Sections 551.087, 551.071 and 551.072 of the Gov’t Code
regarding commercial and financial information from a business prospect with which
the City is conducting economic development negotiations and/or to discuss or deliberate
financial or other incentives with the business prospect known as Project Development
and to seek legal advice from the City Attorney regarding the subject matter.

b) pursuant to Section 551.071, Texas Gov’t. Code to consult with the City Attorney in
connection with the MPO Merger.

c) pursuant to Chapter 551, Subchapter D, V.T.C.A. Government Code, Sections 551.087
and 551.071 regarding commercial and financial information from a business prospect with
which the is conducting economic development negotiations and to seek legal advice
regarding an air service development incentive program.

At 5:54 p.m., Mayor Boswell announced the City Commission would convene into executive
session to discuss Item 12 (a), (b) and (c).
Motion was made by Commissioner De La Rosa and seconded by Commissioner Leal to convene into executive session to discuss Item 12 (a), (b), and (c). Motion carried unanimously.

At 6:26 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

13) Consideration and possible action regarding Executive Session Item (c).

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to approve Item 12 (c) as discussed in executive session. Motion carried unanimously.

14) Citizen Communication

None

ATTEST:

Amanda C. Elizondo, City Secretary

Chris Boswell, Mayor
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: December 5, 2018

Agenda Item:
Consider take action to approve the final plat of the proposed Dominguez Subdivision, bearing a legal description of 9.11 acres consisting of all of Lot 13, Block 10, Park Meadows Section III and 8.95 acres out of Block 35, Petersburg Syndicate Subdivision, located on the east side of Park Lane East north of Spur 54. Applicant: Dustin Moore of Moore Land Surveying, LLC, c/o Daniel Dominguez.

Prepared By: Rodrigo Davila, CPM
Title: Planning and Development Director
Signature:

Brief Summary:

Project Timeline
- July 15, 2018 – Original preliminary plat application and Voluntary Annexation Request submitted to the City; application deemed complete (ATTACHMENT I).
- July 18, 2018 – Subdivision reviewed by the Subdivision Review Committee.
- July 19, 2018 – Letter sent to applicant outlining deficiencies; application deemed incomplete.
- July 25, 2018 – Preliminary and final plat resubmitted based on deficiency letter; application deemed complete.
- August 15, 2018 – The City Commission approved a resolution directing staff to prepare a service plan for the annexation and to initiate proceedings.
- September 1, 2018 – In accordance with Statute and local law, notice of required public hearings (for the zoning and first public hearing for the annexation) published in the Valley Morning Star.
- September 12, 2018 – Public hearing was conducted by the Planning and Zoning Commission (P&Z). The P&Z Commission recommended approval to rezone the property to R-1 District upon annexation by 5 to 0 vote.
- September 19, 2018 – First Public Hearing was conducted by the City Commission.
- September 22, 2018 – In accordance with Statute and local law, notice of second public hearing published in the Valley Morning Star.
- October 3, 2018 – Second Public Hearing was conducted by the City Commission.
- October 16, 2018 – City Commission approved annexation via First Ordinance Reading.
- November 7, 2018 – City Commission approved annexation via Second Ordinance Reading.
- November 14, 2018 – Approval of the preliminary plat by the Planning and Zoning Commission.
- December 5, 2018 – Consideration of the preliminary plat by the City Commission.

Summary
- The proposed subdivision consists of one residential lot (ATTACHMENT II). It is located inside the City Limits, on the east side of Park Lane East north of Spur 54.
- The intended use is allowed based on the existing zoning designation of Single Family Residential ("R-1").
- Water and sanitary sewer services will be provided by HWWS.
- All items on the final plat checklist have been addressed. (ATTACHMENT III).
<table>
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<tr>
<th><strong>Staff Recommendation:</strong></th>
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<tbody>
<tr>
<td>Staff recommends approval of the final plat.</td>
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<tr>
<th><strong>Funding (if applicable):</strong></th>
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<tr>
<td>Are funds specifically designated in the current budget for the <strong>full amount for this purpose?</strong></td>
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<tr>
<td><em>If no, specify source of funding and amount requested:</em></td>
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<td>Finance Director’s approval:</td>
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<td>City Manager’s approval:</td>
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<th><strong>Comments:</strong></th>
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<td>City Attorney’s approval:</td>
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**Attachment I—Application**

**CITY OF HARLINGEN PLANNING AND ZONING DIVISION**
**MASTER APPLICATION**

**PROPERTY INFORMATION:** (Please PRINT or TYPE)
- Project Address: __________________________
- Nearest Intersection: ____________ ____________
- (Proposed) Subdivision Name: Dominquez Subdivision
- Lot: ____________
- Block: ____________
- Existing Zoning Designation: UNDESIGNATED
- Future Land Use Plan Designation: SINGLE FAMILY

**OWNER/APPLICANT INFORMATION:** (Please PRINT or TYPE)
- Applicant/Authorized Agent: __________________________
  - Phone: ____________
  - Email Address: __________________________
- Mailing Address: ____________
- Property Owner: __________________________
  - Phone: ____________
  - Mailing Address: ____________

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

Please provide a basic description of the proposed project:
- ____________

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

Applicant's Signature: __________________________
Date: ____________

Property Owner(s) Signature: __________________________
Date: ____________

Accepted by: __________________________
Date: ____________
AFFIDAVIT
AUTHORIZATION TO SUBMIT AND REVISE
SUBDIVISION APPLICATION

I (we), the undersigned, DANIEL DOMINGUEZ, do hereby authorize Moore Land Surveying, LLC to act as my (our) agent in the submittal and revision of the Subdivision application for the property described as DOMINGUEZ SUBDIVISION, and do hereby grant Moore Land Surveying, LLC the power to act in my (our) behalf by signing and submitting all necessary “Subdivision Application Forms”.

Date: 7/15/18
Name Printed: DANIEL DOMINGUEZ
Title: Owner

STATE OF TEXAS
COUNTY OF CAMERON
This instrument was acknowledged before me on the 15th day of July 2018, by Daniel Dominguez.
Date: 7/15/18
Name Printed: Roxanna Schaffino Moore
Notary Public, State of Texas
My Commission Expires: 4-1-2020

RECEIVED
JUL 6 2018
October 29, 2018

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

RE: Review of Dominguez Subdivision (Preliminary and Final Plat Re-Submittal)

Dear Mr. Molina:

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

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

Sincerely,

Olivia Gil

cc: Ponciano N. Longoria, P.E. CFM, Assistant Public Work Director/City Engineer
ORDINANCE NO. 18-
AN ORDINANCE OF THE CITY OF HARLINGEN
AMENDING ORDINANCE NO. 2017-10,
AMENDING CHAPTER 97.03(B)(5) OF THE
HARLINGEN CODE OF ORDINANCES TO
ALLOW FOR THE SALE AND CONSUMPTION
OF ALCOHOLIC BEVERAGES IN LOZANO
PLAZA, BY A CHARITABLE AND TEXAS
ALCOHOLIC BEVERAGE COMMISSION
PERMITTED VENDOR, WHICH MEETS CITY
INSURANCE REQUIREMENTS IN
CONJUNCTION WITH ACTIVITIES WHICH ARE
SPONSORED OR CO-SPONSORED BY THE
CITY OF HARLINGEN; PROVIDING FOR
PUBLICATION; AND ORDAINING OTHER
MATTERS PERTAINING TO THE FOREGOING.

BE IT ORDAINED BY THE CITY OF HARLINGEN:

Section 1: That Chapter 97.03(B)(5) of the Code of Ordinances of the City of
Harlingen is hereby amended to include the following language:

"The sale and consumption of alcoholic beverages in Lozano Plaza shall be allowed in
conjunction with an activity sponsored or co-sponsored by the City of Harlingen provided
the alcohol vendor is a charitable nonprofit Internal Revenue Code 501 (c)(3); (c)(4); or
other legally-certified non-profit entity that has been approved by the City, has met City
insurance requirements, and has provided the City with a Texas Alcoholic Beverage
Commission permit for the activity."

FINALLY, ENACTED THIS _______ DAY OF ____________, 2018 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 TEXS GOVERNMENT
CODE, TITLE 5, SUBTITLE A, CHAPTER 551.
CITY OF HARLINGEN

BY: __________________________
Chris Boswell, Mayor

ATTEST:

__________________________
Amanda Elizondo, City Secretary
ORDINANCE NO. 19—_____

AN ORDINANCE AMENDING THE REVENUE AND EXPENDITURE BUDGET FOR THE CITY OF HARLINGEN, TEXAS, FOR FISCAL YEAR OCTOBER 1, 2018 THROUGH SEPTEMBER 30, 2019. TOTAL BUDGET REVENUES WILL INCREASE TO $75,720,985 AND TOTAL BUDGET EXPENDITURES WILL INCREASE TO $82,589,277 RESPECTIVELY; PROVIDING FOR PUBLICATION OF THE CAPTION OF THIS ORDINANCE AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

WHEREAS, the City Manager of the City of Harlingen has prepared and presented to the City Commission budget amendment #1 for fiscal year October 1, 2018 through September 30, 2019; and

WHEREAS, amending the current fiscal year budget is desirable for clarity and is required by law; now therefore

BE IT ORDAINED BY THE CITY OF HARLINGEN:

SECTION I. That an amendment to the budget of the City of Harlingen, Texas for the fiscal year October 1, 2018 and ending September 30, 2019 (exclusive of the revenues and expenditures of the Harlingen Waterworks System, Valley International Airport, Harlingen Downtown Fund, Community Development Block Grant Fund, and Development Corporation Fund) in the total amount of Seventy-Five Million, Seven Hundred Twenty Thousand, Nine Hundred Eighty-Five Dollars ($75,720,985) in revenues and Eighty-Two Million, Five Hundred Eighty-Nine Thousand, Two Hundred Seventy-Seven Dollars ($82,589,277) in expenditures is hereby adopted. A summary of the budget adopted is hereby attached to this Ordinance and incorporated herein as Exhibit A and the complete detail budget adopted by this Ordinance is incorporated herein by reference and shall be made available for public inspection at the office of the City Secretary during regular business hours.

SECTION II. That the City Manager of the City of Harlingen,
Texas, is hereby authorized to increase the budget by the amount of purchase orders outstanding as of September 30, 2019.

SECTION III. That the City Manager of the City of Harlingen, Texas, is hereby authorized to increase the budget by the amount of funds recovered for repair or replacement of property or equipment damaged by others.

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

FINALLY ENACTED THIS ______ day of __________, 2018 at a regular meeting of the Elective Commission of the City of Harlingen, Texas at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, TITLE 5, SUBTITLE A., CHAPTER 551.

CITY OF HARLINGEN

ATTEST:

Chris Boswell, Mayor

Amanda C. Elizondo, City Secretary
## EXHIBIT "A"
### CITY OF HARLINGEN
#### BUDGET AMENDMENT NO. 1
##### FISCAL YEAR 2018-2019

<table>
<thead>
<tr>
<th>Fund Balance</th>
<th>Revenues</th>
<th>Expenditures</th>
<th>Fund Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>09/30/2018</td>
<td>09/30/2019</td>
<td>09/30/2019</td>
<td>09/30/2019</td>
</tr>
<tr>
<td>General Fund</td>
<td>$20,476,080</td>
<td>$43,940,274</td>
<td>$47,001,734</td>
</tr>
<tr>
<td>Metropolitan Planning Organization</td>
<td>154</td>
<td>423,985</td>
<td>423,985</td>
</tr>
<tr>
<td>Tennis Court</td>
<td>12,121</td>
<td>7,500</td>
<td>38,147</td>
</tr>
<tr>
<td>Hotel / Motel</td>
<td>299,837</td>
<td>865,000</td>
<td>859,492</td>
</tr>
<tr>
<td>Catastrophic Emergency</td>
<td>819,382</td>
<td>4,700</td>
<td>25,000</td>
</tr>
<tr>
<td>Free Trade Bridge</td>
<td>930,773</td>
<td>325,200</td>
<td>325,200</td>
</tr>
<tr>
<td>Air Services Development Program</td>
<td>-</td>
<td>1,550,000</td>
<td>1,550,000</td>
</tr>
<tr>
<td>Communication Center</td>
<td>11,636</td>
<td>12,776</td>
<td>1,258</td>
</tr>
<tr>
<td>COPS / UHP Grant</td>
<td>-</td>
<td>35,000</td>
<td>35,000</td>
</tr>
<tr>
<td>Convention &amp; Visitors Bureau</td>
<td>246,771</td>
<td>426,800</td>
<td>509,177</td>
</tr>
<tr>
<td>Awards - Restricted</td>
<td>-</td>
<td>898,874</td>
<td>1,385,639</td>
</tr>
<tr>
<td>PEG Programming</td>
<td>583,030</td>
<td>85,000</td>
<td>-</td>
</tr>
<tr>
<td>Federal Forfeitures</td>
<td>61,811</td>
<td>124,000</td>
<td>196,128</td>
</tr>
<tr>
<td>State Forfeitures</td>
<td>269,168</td>
<td>80,000</td>
<td>223,170</td>
</tr>
<tr>
<td>Tax Increment Financing # 1</td>
<td>373,348</td>
<td>114,625</td>
<td>-</td>
</tr>
<tr>
<td>Tax Increment Financing # 2</td>
<td>336,718</td>
<td>245,456</td>
<td>-</td>
</tr>
<tr>
<td>Tax Increment Financing # 3</td>
<td>516,638</td>
<td>293,400</td>
<td>523,396</td>
</tr>
<tr>
<td>Debt Service</td>
<td>454,319</td>
<td>4,908,483</td>
<td>4,694,895</td>
</tr>
<tr>
<td>Capital Improvement</td>
<td>41,265</td>
<td>-</td>
<td>41,265</td>
</tr>
<tr>
<td>Infrastructure</td>
<td>1,575,817</td>
<td>1,403,500</td>
<td>2,979,317</td>
</tr>
<tr>
<td>Municipal Auditorium (Note 1)</td>
<td>113,888</td>
<td>349,426</td>
<td>341,791</td>
</tr>
<tr>
<td>Sanitation/Sanitary Landfill (Note 1)</td>
<td>8,340,152</td>
<td>9,402,900</td>
<td>10,318,508</td>
</tr>
<tr>
<td>Harlingen Arts &amp; Heritage Museum (Note 1)</td>
<td>40,248</td>
<td>100,100</td>
<td>125,107</td>
</tr>
<tr>
<td>Municipal Golf Course (Note 1)</td>
<td>(679,794)</td>
<td>1,293,289</td>
<td>1,386,732</td>
</tr>
<tr>
<td>Motor Vehicle / Warehouse (Note 1)</td>
<td>872,935</td>
<td>1,871,500</td>
<td>2,411,588</td>
</tr>
<tr>
<td>Motor Vehicle / Replacement</td>
<td>3,070,338</td>
<td>1,339,943</td>
<td>1,583,895</td>
</tr>
<tr>
<td>Health Insurance (Note 1)</td>
<td>662,237</td>
<td>5,618,452</td>
<td>5,608,853</td>
</tr>
</tbody>
</table>

Total | $39,437,912 | $75,720,985 | $82,589,277 | $32,569,620 |

*Note 1 - Working capital is the fund balance amount.*
**EXHIBIT “B”**

**CITY OF HARLINGEN**

**BUDGET AMENDMENT NO. 1**

**FISCAL YEAR 2018-2019**

### GENERAL LEDGER ACCOUNT NUMBER

<table>
<thead>
<tr>
<th>REVENUES</th>
<th>BUDGET REQUESTS</th>
<th>PRIOR YEAR ENCUMBRANCES</th>
<th>AWARDS &amp; GRANTS</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Library / Interlibrary Loan Reimbursement</td>
<td>001-0400-322-30-01</td>
<td>2,360</td>
<td>2,940</td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL GENERAL FUND REVENUES**

$ 2,380

### GENERAL FUND EXPENDITURES

#### Prior Year Encumbrances

| Services & Charges - General / Technical Services (P.O. # 070998) | 001-1101-411-30-11 | 18,500 | 18,500 |
| Services & Charges - General / Professional Services (P.O. # 067243) | 001-1399-413-30-13 | 7,067 | 7,067 |
| Services & Charges - General / Professional Services (P.O. # 070544, 070551) | 001-2201-422-30-10 | 29,980 | 29,980 |
| Services & Charges - General / Audit Fees (P.O. # 070045) | 001-2201-422-30-14 | 9,331 | 9,331 |
| Services & Charges - Main / Maintenance - Software (P.O. # 070066) | 001-2201-422-31-41 | 4,020 | 4,020 |
| Services & Charges - Miscellaneous / Miscellaneous (P.O. # 070339) | 001-2201-422-39-99 | 2,152 | 2,152 |
| Supplies - General / Uniform & Safety Supplies (P.O. # 069949) | 001-3010-501-20-20-20 | 2,841 | 2,841 |
| Services & Charges - General / Regis., Travel & Training (P.O. # 069715) | 001-3010-501-30-31 | 1,720 | 1,720 |
| Services & Charges - General / Laundry & Uniform Services (P.O. # 070442) | 001-3510-511-30-20 | 342 | 342 |
| Services & Charges - General / Professional Services (P.O. # 070271) | 001-9005-802-30-10 | 19,800 | 19,800 |
| Supplies - General / Equipment Non-Capital (P.O. # 070648) | 001-5010-612-20-80 | 30,118 | 30,118 |
| Capital Outlay / Improvements Other Than Buildings (P.O. # 069419) | 001-5010-903-80-21 | 37,852 | 37,852 |
| Capital Outlay / Motor Vehicles & Heavy Equipment (P.O. # 070999) | 001-5010-904-80-32 | 319,811 | 319,811 |
| Supplies - General / Maintenance Supplies (P.O. # 070071, 070909) | 001-6010-802-20-40 | 6,737 | 6,737 |
| Services & Charges - Maintenance / Buildings (P.O. # 070907) | 001-6030-804-31-11 | 316 | 316 |
| Services & Charges - General / Professional Services (P.O. # 069986, 069987) | 001-7220-723-30-10 | 3,500 | 3,500 |
| Services & Charges - Maintenance / Buildings (P.O. # 069986, 070085, 070095, 070907) | 001-7220-723-31-11 | 3,372 | 3,372 |
| Services & Charges - Miscellaneous / Miscellaneous (P.O. # 070037) | 001-7220-723-39-99 | 888 | 888 |
| Capital Outlay / Improvements (P.O. # 071013, 071014) | 001-7220-802-80-21 | 114,505 | 114,505 |

**Subtotal**: $611,551

#### Requests

| Other Financing Uses - Transfer / Municipal Golf Courses (Golf Cart) | 001-9995-991-40-40 | 181,789 | 181,789 |
| Other Financing Uses - Transfer / Air Service Development Program | 001-9999-991-91-10 | 1,550,000 | 1,550,000 |
| Other Financing Uses - Transfer / To Harlingen Downtown (Transfer) | 001-9999-991-91-17 | (1,300) | (1,300) |

**Subtotal**: $1,728,789

**TOTAL GENERAL FUND EXPENDITURES**

$ 1,728,789

$ 611,551

$ -

$ 2,340,340
## Air Service Development Program

### Revenues

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Requests</th>
<th>Encumbrances</th>
<th>Grants</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>110-0000-391-01-00</td>
<td>1,550,000</td>
<td>0</td>
<td>0</td>
<td>1,550,000</td>
</tr>
</tbody>
</table>

**Total Air Service Development Program Fund Revenues**: $1,550,000

### Expenditures

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Requests</th>
<th>Encumbrances</th>
<th>Grants</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>110-7096-440-63-07</td>
<td>1,550,000</td>
<td>0</td>
<td>0</td>
<td>1,550,000</td>
</tr>
</tbody>
</table>

**Total Air Service Development Program Fund Expenditures**: $1,550,000

## Award Programs - Restricted Fund

### Expenditures

<table>
<thead>
<tr>
<th>Description</th>
<th>Account Number</th>
<th>Requests</th>
<th>Encumbrances</th>
<th>Grants</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supplies - General / Uniforms &amp; Safety</td>
<td>130-3010-501-20-20</td>
<td>5,073</td>
<td>0</td>
<td>5,073</td>
<td></td>
</tr>
<tr>
<td>Capital Outlay / LRGWDC Sidewalk Project</td>
<td>133-3018-903-80-21</td>
<td>11,295</td>
<td>0</td>
<td>11,295</td>
<td></td>
</tr>
<tr>
<td>Capital Outlay / Improvements Other Than Buildings</td>
<td>130-3016-904-80-31</td>
<td>4,053</td>
<td>0</td>
<td>4,053</td>
<td></td>
</tr>
<tr>
<td>Capital Outlay / Office Furniture &amp; Equipment</td>
<td>130-3012-501-20-80</td>
<td>4,073</td>
<td>0</td>
<td>4,073</td>
<td></td>
</tr>
</tbody>
</table>

**Total Award Programs - Restricted Fund Expenditures**: $12,128

## Federal Forfeitures Fund

### Expenditures

<table>
<thead>
<tr>
<th>Description</th>
<th>Account Number</th>
<th>Requests</th>
<th>Encumbrances</th>
<th>Grants</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supplies - General / Uniforms &amp; Safety</td>
<td>130-3010-501-20-20</td>
<td>9,073</td>
<td>0</td>
<td>9,073</td>
<td></td>
</tr>
<tr>
<td>Supplies - General / Equipment Non-Capital</td>
<td>130-3012-501-20-80</td>
<td>4,055</td>
<td>0</td>
<td>4,055</td>
<td></td>
</tr>
</tbody>
</table>

**Total Federal Forfeitures Fund Expenditures**: $12,128

## State Forfeitures Fund

### Expenditures

<table>
<thead>
<tr>
<th>Description</th>
<th>Account Number</th>
<th>Requests</th>
<th>Encumbrances</th>
<th>Grants</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital Outlay / Improvements Other Than Buildings</td>
<td>133-3016-904-80-32</td>
<td>88,876</td>
<td>0</td>
<td>88,876</td>
<td></td>
</tr>
</tbody>
</table>

**Total State Forfeitures Fund Expenditures**: $88,876

## Capital Improvement Fund

### Expenditures

<table>
<thead>
<tr>
<th>Description</th>
<th>Account Number</th>
<th>Requests</th>
<th>Encumbrances</th>
<th>Grants</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital Outlay / Buildings</td>
<td>393-8010-902-80-11</td>
<td>31,088</td>
<td>0</td>
<td>31,088</td>
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</tr>
<tr>
<td>Capital Outlay / Improvements</td>
<td>393-7220-902-80-21</td>
<td>4,177</td>
<td>0</td>
<td>4,177</td>
<td></td>
</tr>
</tbody>
</table>

**Total Capital Improvement Fund Expenditures**: $41,265
### Infrastructure Fund

**Expenditures**
- Services & Charges - General (P.O. # 070277): 397-6015-612-30-10 37,770
- Street Improvements - Ravel & Overlay (P.O. # 070033): 397-6015-612-70-01 941,547

**Total Infrastructure Fund Expenditures**: $979,317

### Municipal Auditorium Fund

**Revenues**
- Transfer From General Fund (Transfer): 401-0000-391-20-00 10,000

**Total Municipal Auditorium Fund Revenues**: $10,000

### Sanitation Fund

**Expenditures**
- Supplies - General (P.O. # 069419): 402-0020-604-20-70 58

**Total Sanitation Fund Expenditures**: $9,133

### Harlingen Arts/Heritage Museum Fund

**Revenues**
- Transfer From Hotel/Motel Fund (Transfer): 403-0000-391-15-00 10,000

**Total Harlingen Arts/Heritage Museum Fund Revenues**: $10,000

### Harlingen Arts/Heritage Museum Fund

**Expenditures**
- Supplies - General (P.O. # 070901): 403-6301-825-20-02 8,750

**Total Harlingen Arts/Heritage Museum Fund Expenditures**: $8,750

### Municipal Golf Course Fund

**Revenues**
- Transfer From General Fund (Golf Carts): 404-0000-391-01-00 181,789

**Total Municipal Golf Course Fund Revenues**: $181,789

### Municipal Golf Course Fund

**Expenditures**
- Capital Outlay - Motor Vehicles & Heavy Equipment (Golf Carts): 404-6052-904-80-32 181,789

**Total Municipal Golf Course Fund Expenditures**: $181,789

### Motor Vehicle/Warehouse Fund

**Expenditures**
- Capital Outlay - Motor Vehicles & Heavy Equipment (P.O. # 070696) (Golf Carts): 451-5645-904-80-32 29,002 135,680 165,287

**Total Motor Vehicle/Warehouse Fund Expenditures**: $165,287

**Grand Total**: $5,201,969 $2,392,964 $2,380 $7,587,213
**AGENDA ITEM**

**EXECUTIVE SUMMARY**

**Meeting Date:** December 5, 2018

**Agenda Item:** Consideration to ratify and authorize the City Manager to sign for the renewal of the Lease Document N62467-87-RP-0006 for 15.0 acres of land located near Fair Park Blvd., Harlingen, TX, currently used by the Navy Operational Support Center (NOSC) for a term beginning January 1, 2019 and ending December 31, 2019.

**Prepared By (Print Name):** Dan Serna  
**Title:** City Manager

**Brief Summary:**  
The Department of the Navy has a lease for approximately 15 acres of land located near Fair Park Blvd. that is owned by the City of Harlingen. This facility operates as a Reserve Center. The lease for the land runs through December 31, 2086. The Government is required to give notice to the City annually of their desire to renew this lease from year to year. Attached is the Notice from the Department of the Navy giving the City notice to renew the lease from January 1, 2019 to December 31, 2019. Staff recommends approval.

**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:

N/A

**Finance Director’s approval:**

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

**Staff Recommendation:**

**For Street Closures ONLY, Fire Chief’s approval:**

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

**City Manager’s approval:**

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

**Comments:**

**City Attorney’s approval:**

- [ ] Yes
- [ ] No
- [ ] N/A
Mr. Dan Serna  
City Manager  
City of Harlingen, Texas  
P.O. Box 2207  
Harlingen, TX 78551  

Dear Sir / Madam,  

DEPARTMENT OF THE NAVY  
Naval Facilities Engineering Command Southeast  
Jacksonville, FL 32212-0030  

SUBJ: RENEWAL OF LEASE DOCUMENT N62467-87-RP-00006, FOR USE OF APPROXIMATELY 15.0 ACRES OF LAND LOCATED IN HARLINGEN, TEXAS.

1. Notice is hereby given that the Government desires to renew the subject lease for use of approximately 15.0 acres of land located near Fair Park Blvd., Harlingen, Texas, currently used by the Navy Operational Support Center (NOSC) in Harlingen, Texas for the term beginning 1 January, 2019 and ending 31 December, 2019.

2. If you have questions, our point of contact is Mr. Ferdinand Salomon at (904) 542-6820 or via e-mail at ferdinand.salomon@navy.mil.

Sincerely,

MICHAEL A. BROOKS  
Real Estate Contracting Officer

Copy to:  
NAS Corpus Christi, TX  

No Funds Required
NOTICE OF RENEWAL OF GOVERNMENT LEASE
NAVFAC 7-11011/5(3-69)
Superseded NAVDOCKS 211
S/N 51UP-602-9800

1. FROM (Activity and Address)
COMMANDER, NAVFAC SOUTHEAST
BOX 30, BLDG. 903 AM11
JACKSONVILLE, FL 32212-0030

2. Lease No.
N62467-87-RP-00006
File# LI-12222
MWO# 209603

3. TO
City of Harlingen Texas
P.O. Box 2207
Harlingen, TX 78551

4. You are hereby notified that under the provisions of the Government Lease described below, the United States of America elects to renew the said lease as the same may have been amended, and by these presents does renew, extend, and adopt the said lease and all the terms, conditions, and general provisions thereof for the period beginning January 1, 2019 and ending December 31, 2019.

5. REQUIRING ACTIVITY
Commanding Officer
Navy Operational Support Center, Harlingen
1300 Teege Avenue
Harlingen, TX 77034

6. DESCRIPTION OF LEASE (NUMBER, DATE, ACREAGE, LOCATION BY STREET NUMBER, CITY, COUNTY, AND STATE AS APPLICABLE)

Lease contract N62467-87-RP-00006, dated December 15, 1986, for the Government's use of approximately 15.0 +/- acres of land located near Fair Park Blvd., Harlingen, Texas.

7. NAME, POSITION AND TITLE
MICHAEL BROOKS
Real Estate Contracting Officer
Naval Facilities Engineering Command
Southeast

8. NAVY ACCOUNTING DATA

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<tr>
<th>DOCUMENT NO.</th>
<th>APPROPRIATION SYMBOL &amp; SUBHEAD</th>
<th>OBJECT CLASS</th>
<th>BUREAU/CONTROL OR LCC</th>
<th>AUTH ACTIVITY</th>
<th>TYPE</th>
<th>PROPERTY ACCTG ACTY</th>
<th>COST CODE</th>
<th>AMOUNT</th>
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No funds required. Annual Rent of $1.00 receipt hereby acknowledged.

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<th>AMOUNT</th>
<th>0.00</th>
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THIS LEASE, made and entered into this date by and between
City of Harlingen Texas
P.O. Box 2207
Harlingen, TX 78551

whose address is

and whose interest in the property hereinafter described is that of PEP STMDLP
hereinafter called the Lessor, and the UNITED STATES OF AMERICA, hereinafter called the Government:

WITNESSETH: The parties hereto for the considerations hereinafter mentioned, covenant and agree as follows:

1. The Lessor hereby leases to the Government the following described premises:

Approximately fifteen (15) acres of land located near Fair Park Blvd., Harlingen, Texas described in Exhibit "A" (survey) and shown on Exhibit "B" attached to and made a part hereof.

2. TO HAVE AND TO HOLD the said premises with their appurtenances for the term beginning on

1 January 1987 through 31 December 1987 subject to termination and renewal rights as may be hereinafter set forth.

3. The Government shall pay the Lessor annual rent of $1.00 receipt of which is acknowledged

at the rate of $........................................ per .......................................... in arrears.
Rent for a lesser period shall be prorated. Rent checks shall be made payable to:

4. The Government may terminate this lease at any time by giving at least 30 days' notice in writing to the Lessor and no rental shall accrue after the effective date of termination. Said notice shall be computed commencing with the day after the date of mailing.

5. This Lease may be renewed at the option of the Government, for the following terms and at the following rentals:

From year to year at the rental of $1.00 per annum receipt of which is acknowledged; provided that no renewal thereof will extend the period of occupancy beyond 31 December 2086; and further

provided notice be given in writing to the Lessor at least 30 days before the end of the original lease term or any renewal term; all other terms and conditions of this lease shall remain the same during any renewal term.

Said notice shall be computed commencing with the day after the date of mailing.
GENERAL PROVISIONS, CERTIFICATION AND INSTRUCTIONS
U.S. Government Lease for Real Property

GENERAL PROVISIONS

1. Subletting the Premises.

The Government may sublet any part of the premises but shall not be relieved from any obligations under this lease by reason of any such subletting.


The Lessor shall maintain the demised premises, including the building and any and all equipment, fixtures, and appurtenances, furnished by the Lessor under this lease in good repair and tenantable condition, except in case of damage arising from the act or negligence of the Government's agents or employees. For the purpose of so maintaining said premises and property, the Lessor may at reasonable times, and with the approval of the authorized Government representative in charge, enter and inspect the same and make any necessary repairs thereto.

3. Damage by Fire or Other Casualty.

If the said premises be destroyed by fire or other casualty this lease shall immediately terminate. In case of partial destruction or damage, so as to render the premises untenable, as determined by the Government, the Government may terminate the lease by giving written notice to the Lessor within fifteen (15) days thereafter; if so terminated no rent shall accrue to the Lessor after such partial destruction or damage; and if not so terminated the rent shall be reduced proportionately by supplemental agreement hereto effective from the date of such partial destruction or damage.

4. Alterations.

The Government shall have the right during the existence of this lease to make alterations, attach fixtures and erect additions, structures or signs in or upon the premises hereby leased, which fixtures, additions or structures so placed in, upon or attached to the said premises shall be and remain the property of the Government and may be removed or otherwise disposed of by the Government.


A joint physical survey and inspection report of the demised premises shall be made as of the effective date of this lease, reflecting the then present condition, and will be signed on behalf of the parties hereto.

6. Covenant Against Contingent Fees.

The Lessor warrants that no person or selling agency has been employed or retained to solicit or secure this lease upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Lessor for the purpose of securing business. For breach or violation of this warranty the Government shall have the right to annul this lease without liability or in its discretion to deduct from the rental price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee. (Licensed real estate agents or brokers having listings on property for rent, in accordance with general business practice, and who have not obtained such licenses for the sole purpose of effecting this lease, may be considered as bona fide employees or agencies within the exception contained in this clause.)

7. Officials not to Benefit.

No Member of or Delegate to Congress, or Resident Commissioner shall be admitted to any share or part of this lease contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this lease contract if made with a corporation for its general benefit.

8. Assignment of Claims.

Pursuant to the provisions of the Assignment of Claims Act of 1940, as amended (31 U.S.C. 208, 41 U.S.C. 15), if this lease provides for payments aggregating $1,000 or more, claims for monies due or to become due the Lessor from the Government under this contract may be assigned to a bank, trust company, or other financing institution, including any Federal lending agency, and may thereafter be further assigned or reassigned to any such institution. Any such assignment or reassignment shall cover all amounts payable under this contract and not already paid, and shall not be made to more than one party, except that any such assignment or reassignment may be made to one party as agent or trustee for two or more parties participating in such financing. Notwithstanding any provisions of this contract, payments to an assignee of any monies due or to become due under this contract shall not, to the extent provided in said Act, as amended, be subject to reduction or set-off.


The following clause is applicable unless this contract is exempt under the rules, regulations, and relevant orders of the Secretary of Labor (41 CFR, ch. 60.)

In the performance of this contract, the Contractor agrees to:
(a) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Selection action shall include, but not be limited to, the following: Employment, upgrading, demotion or other change of conditions of employment; layoff or referral; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post notices setting forth the provisions of this Equal Opportunity clause.
(b) The Contractor will, in all solicitations or advertisements for employees placed by it or on behalf of the Contractor, state that all qualified applicants will be considered for employment without regard to race, color, religion, sex, or national origin.
(c) The Contractor will include in all contracts, subcontracts, or purchase orders under this contract, a clause identical to the following:

The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin.

(d) The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(e) The Contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting officer setting forth the provisions of this Equal Opportunity clause.
agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the Contractor's noncompliance with the Equal Opportunity clause of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended, in whole or in part, and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(g) The Contractor will include the provisions of paragraphs (a) through (g) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, That in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

10. FACILITIES NONDISCRIMINATION.

(a) As used in this section, the term "facility" means stores, shops, restaurants, cafeterias, restrooms, and any other facility of a public nature in the building in which the space covered by this lease is located.

(b) The Lessor agrees that he will not discriminate by segregation or otherwise against any person or persons because of race, color, religion, sex, or national origin in furnishing, or by refusing to furnish, to such person or persons the use of any facility, including any and all services, privileges, accommodations, and activities provided thereby. Nothing herein shall require the furnishing of the public use of any facility customarily furnished by the Lessor solely to tenants, their employees, customers, patients, clients, guests and invitees.

(c) It is agreed that the Lessor's noncompliance with the provisions of this section shall constitute a material breach of this lease. In the event of such noncompliance, the Government may take appropriate action to enforce compliance, may terminate this lease, or may pursue such other remedies as may be provided by law. In the event of termination, the Lessor shall be liable for all excess costs of the Government in acquiring substitute space, including but not limited to the cost of moving to such space. Substitute space shall be obtained in as close proximity to the Lessor's building as is feasible and moving costs will be limited to the actual expenses thereof as incurred.

(d) It is further agreed that from and after the date hereof the Lessor will, at such time as any agreement is to be entered into or a concession is to be permitted to operate, include or require the inclusion of the foregoing provisions of this section in every such agreement or concession pursuant to which any person other than the Lessor operates or has the right to operate any facility. Nothing herein contained, however, shall be deemed to require the Lessor to include or require the inclusion of the foregoing provisions of this section in any existing agreement or concession arrangement or one in which the contracting party other than the Lessor has the unilateral right to renew or extend the agreement or arrangement, or agreement or arrangement and the unilateral right to renew or extend. The Lessor also agrees that it will take any and all lawful actions as expeditiously as possible, with respect to any such agreement as the contracting agency may direct, as a means of enforcing the intent of this section, including, but not limited to, termination of the agreement or concession and institution of court action.

11. EXAMINATION OF RECORDS.

(Note.—This provision is applicable if this lease was negotiated without advertising.)

(a) The Lessor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of 3 years after final payment under this lease, have access to and the right to examine any books, documents, papers, and records of the Lessor involving transactions related to this lease.

(b) The Lessor further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States or his representatives shall, until the expiration of 3 years after final payment under this lease with the Government, have access to and the right to examine any books, documents, papers, and records of such subcontractor involving transactions related to the subcontract.

12. APPLICABLE CODES AND ORDINANCES

The Lessor, as part of the rental consideration, agrees to comply with all codes and ordinances applicable to the ownership and operation of the building in which the leased space is situated and, as his own expense, to obtain all necessary permits and related items.

13. INSPECTION.

At all times after receipt of Bids, prior to or after acceptance of any Bid or during any construction, remodeling or renovation work, the premises and the building or any part thereof, upon reasonable and proper notice, shall be accessible for inspection by the Contracting Officer, or by architects, engineers, or other technicians representing him, to determine whether the essential requirements of the solicitation or the lease requirements are met.

14. ECONOMY ACT LIMITATION.

If the rental specified in this lease exceeds $2,000 per annum, the limitation of Section 322 of the Economy Act of 1932, as amended (40 U.S.C. 276a), shall apply.

15. FAILURE IN PERFORMANCE.

In the event of failure by the Lessor to provide any service, utility, maintenance or repairs required under this lease, the Government shall have the right to secure said services, utilities, maintenance or repairs and to deduct the cost thereof from rental payments.

16. LESSOR'S SUCCESSORS.

The terms and provisions of this lease and the conditions herein shall bind the Lessor, and the Lessor's heirs, executors, administrators, successors, and assigns.

CERTIFICATION

1. CERTIFICATION OF NONSEGREGATED FACILITIES.

(Applicable to (1) contracts, (2) subcontracts, and (3) agreements with applicants who are themselves performing federally assisted construction contracts, exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause.)
ther that he will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he will not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The bidder, offeror, applicant, or subcontractor agrees that a breach of this certification is a violation of the Equal Opportunity clause in this contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, or national origin, because of habit, local custom, or otherwise. He further agrees that (except where he has obtained identical certifications from proposed subcontractors for specific time periods) he will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause; that he will retain such certifications in his files; and that he will forward the following notice to such proposed subcontractors (except where the proposed subcontractors have submitted identical certifications for specific time periods):

NOTICE TO PROSPECTIVE SUBCONTRACTORS OF REQUIREMENT FOR CERTIFICATIONS OF NONSEGREGATED FACILITIES

A Certification of Nonsegregated Facilities must be submitted prior to the award of a subcontract exceeding $10,000 which is not exempt from the provisions of the Equal Opportunity clause. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e., quarterly, semiannually, or annually).

Note: The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.

INSTRUCTIONS

1. Whenever the lease is executed by an attorney, agent, or trustee on behalf of the Lessor, two authenticated copies of his power of attorney, or other evidence to act on behalf of the Lessor, shall accompany the lease.

2. When the Lessor is a partnership, the names of the partners composing the firm shall be stated in the body of the lease. The lease shall be signed with the partnership name, followed by the name of the partner signing the same.

3. Where the Lessor is a corporation, the lease shall be signed with the corporate name, followed by the signature and title of the officer or other person signing the lease on its behalf, duly attested, and, if requested by the Government evidence of this authority so to act shall be furnished.

4. When deletions or other alterations are made specific notation thereof shall be entered under clause 8 of the lease before signing.

5. If the property leased is located in a State requiring the recording of leases, the Lessor shall comply with all such statutory requirements at Lessor's expense.
17. Gratuities: The Government may, by written notice to the Lessor, terminate the rights of the Lessor under this Lease if it is found after notice and hearing by the Secretary of the Navy or his duly authorized representative, that gratuities (in the form of entertainment, gifts, or otherwise) were offered or given by the Lessor, or any agent or representative of the Lessor, to any officer or employee of the Government with a view toward securing a Lease or securing favorable treatment with respect to the awarding or amendment, or making of any determination with respect to the performing of such Lease; provided, that the existence of the facts upon which the Secretary or his duly authorized representative makes such findings shall be in issue and may be reviewed in any competent court. In the event this Lease is so terminated, the Government shall be entitled (1) to pursue the same remedies against the Lessor as it could pursue in the event of a breach of the contract by the Lessor and (2) as a penalty in addition to any other damages to which it may be entitled by law, to exemplary damages in an amount (as determined by the Secretary or his duly authorized representative) which shall be not less than three nor more than ten times the cost incurred by the Lessor in providing such gratuities to any such officer or employee. The rights and remedies of the Government provided in this clause shall be exclusive and are in addition to any other rights and remedies provided by law or under this Lease.

18. This Lease is entered into as a result of negotiations pursuant to the authority of 10 U.S.C. 2304(c) (1) as implemented by FAR 6.302-1(b)(1) and any necessary determinations and findings or other supporting statement of justification, prescribed by the applicable act have been made.

19. EQUAL OPPORTUNITY (1972 Aug)

(The following clause is applicable unless this contract is exempt under the rules, regulations, and relevant orders of the Secretary of Labor (41 CFR, Ch 60)).

During the performance of this contract, the Contractor agrees as follows:

(a) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include but not be limited to the following: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this nondiscrimination clause.

(b) The Contractor will in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.
(c) The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency Contracting Officer, advising the labor union or workers' representative of the Contractor's commitments under this Equal Opportunity clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The Contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 of October 13, 1967, and by the rules, regulations, and orders of the Secretary of Labor.

(e) The Contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 of October 13, 1967, and by the rules, regulations, and orders of the Secretary of Labor or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.

(f) In the event of the Contractor’s noncompliance with the Equal Opportunity clause of this contract or with any of said rules, regulations, or orders, this contract may be cancelled, terminated or suspended in whole or in part, and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 of October 13, 1967, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 of October 13, 1967, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(g) The Contractor will include the provisions of Paragraphs (a) through (g) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 of October 13, 1967, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for non-compliance: provided, however, that in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

20. The Government agrees that if construction of a Reserve Center is not commenced prior to January 1, 1992, this Lease shall terminate. Notice of termination by the Lessor shall be delivered via certified mail return receipt requested to: The Department of the Navy, Southern Division, Naval Facilities Engineering Command, 2155 Eagle Drive, P.O. Box 10068, Charleston, SC 29411-0068.
21. During the existence of this Lease, the Government shall have the right to make alterations, to attach fixtures or signs, and to erect additions or structures upon the premises hereby Leased; such alterations, fixtures, signs, additions or structures shall be and remain the property of the Government and may be removed therefrom, in whole or in part, prior to the termination of this Lease or within a reasonable time thereafter, or, at its election, the Government may abandon any or all of them. In the event the Government elects to remove any of such alterations, fixtures, signs, additions or structures, and only in such event, it shall restore that part of the premises affected by such removal to the same condition as that existing at the time of entering upon the premises under this Lease; provided that the Government shall be obliged to so restore the premises only if the Lessor requires it to do so by giving written notice thereof to the Government within twenty (20) days after receiving written notice from a duly authorized representative of the Government that the Government has elected to remove its alterations, fixtures, signs, additions or structures, or any of them.

22. The Government agrees that if the leased premises are not used as a Reserve Center by the Government and if such non use shall continue for a period of ninety (90) consecutive days, the Lessor may terminate this Lease upon delivery of written notice to the Government by certified mail return receipt requested at the address stated in paragraph 20 above.

23. The Government agrees that the Lessor shall be permitted to retain possession of the leased premises for recreational purposes and any other lawful purpose until such time as the Government notifies the Lessor of the commencement of construction by the Government of a Reserve Center on said premises.
Being a 15.00 acre or 653,401.10 square foot tract of land comprised of
14.1092 acres or 614,596.63 square feet of land situated in and a part
of Block 9 and 0.8908 of an acre or 38,804.47 square feet of land situated
in and a part of Block 13, Paul Hill Farm Subdivision, Harlingen, Cameron
County, Texas as recorded in Volume 5, Page 28, Map Records of Cameron
County, Texas, said 15.00 acre tract being more particularly described by
metes and bounds as follows:

COMMENCING at a 1/2" iron pin found at the north corner of Block
9, Paul Hill Farm Subdivision, Harlingen, Cameron County, Texas
as recorded in Volume 5, Page 28, Map Records of Cameron County,
Texas, said corner being on the northwest line of a 200.00 foot
wide canal R.O.W.:

THENCE along the northeast line of said Block 9 and northwest line
of said canal R.O.W., S. 26° 54' 44" E. a distance of 1,507.25
feet to a 1/2" iron pin set for the northeast corner and POINT
OF BEGINNING of the tract herein described;

THENCE continuing along the northeast line of said Block 9 and
northwest line of said canal R.O.W. for the northeast line of this
tract, S. 26° 54' 44" E. a distance of 665.06 feet to a 1/2"
iron pin set at a corner of said Block 9 for a corner of this tract;

THENCE along the southeast line of said Block 9 and northwest
line of said canal R.O.W. for the southeast line of this tract,
S. 41° 07' 23" W. a distance of 232.02 feet to a 1/2" iron pin
set in the northwest R.O.W. line of Fair Park Boulevard at a point
of curvature for a corner of this tract;

THENCE with the northwest R.O.W. line of Fair Park Boulevard
and the southeast line of this tract, along a curve to the left
having a radius of 358.30 feet and a chord bearing of S. 60° 38' 32" W.
at an arc distance of 110.54 feet the south line of said Block
9 and north line of Block 13 of said subdivision and in all a
total arc distance of 244.13 feet to a 1/2" iron pin set at the
point of tangency of said curve for a corner of this tract;

THENCE continuing along the northwest R.O.W. line of Fair Park
Boulevard and southeast line of this tract, S. 41° 07' 23" W.
a distance of 168.76 feet to a 1/2" iron pin set at the point
of intersection of the northwest R.O.W. line of Fair Park Boulevard
and northeast R.O.W. line of Teege Ave. for a corner of this
tract;

THENCE along the northeast R.O.W. line of Teege Ave. for the
southwest line of this tract, N. 38° 30' 37" W. a distance of
59.42 feet to a 1/2" iron set, the point of tangency of a curve
to the left for a corner of this tract;
THENCE continuing with the northeast R.O.W. line of Teege Ave. and southwest line of this tract, along said curve to the left having a radius of 992.95 feet and a chord bearing of N. 53° 37' 42" W., at an arc distance of 229.30 feet the north line of said Block 13 and south line of said Block 9 and in all a total arc distance of 524.00 feet to a 1/2" iron pin set at a point of curvature for a corner of this tract, said point being 50.00 feet at right angle from the west line of said Block 9;

THENCE parallel with and 50.00 feet at right angle from the west line of said Block 9 for the west line of this tract, N. 00° 11' W. a distance of 657.26 feet to a 1/2" iron pin set for the northwest corner of this tract;

THENCE parallel with the south line of said Block 9 for the north line of this tract, N. 89° 49' E. a distance of 627.92 feet to the POINT OF BEGINNING and containing 15.00 acres or 653,401.10 square feet of land, more or less.

LOUIS J. duBOIS, JR. R.P.S. 
Martin Engineering & Surveying
Harlingen, Texas
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: 12/5/2018

Agenda Item:
Public hearing and take action consider an Ordinance on First Reading for the renewal of the specific use permit issued to Tomas Diaz to allow a bar/lounge in a Light Industry (LI) District located at 1510 N. Commerce Street, bearing a legal description of Lot 1, Block 1, Casa Blanca Subdivision. Applicant: Tomas Diaz

Prepared By: Rodrigo Davila, CPM
Title: Planning and Development Director

Signature:

Brief Summary:

Project Timeline

- October 5, 2018 – Application for rezoning submitted to the City. (ATTACHMENT I & II).
- November 3, 2018 – In accordance with Statute and local law, notice of required public hearings published in the Valley Morning Star and mailed to all property owners within 200 feet of subject tract.
- November 14, 2018 – Public hearing and consideration of requested Specific Use Permit by the Planning and Zoning Commission.
- December 5, 2018 – Public hearing and consideration of requested Specific Use Permit via 1st ordinance reading scheduled before the City Commission.
- December 19, 2018 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- The subject property is located on the west side of N. Commerce Street, approximately 510 feet south of Orange Heights Drive. Adjacent zoning is Light Industry District in all directions. Surrounding land uses include general commercial, apartments, and single family residences. (ATTACHMENT III & IV)

- On June 7, 2017, City Commission approved an SUP (Ord. 2017-17) for a bar/lounge to operate on the subject property subject to 6 month renewal, parking lot maintenance and upkeep, security cameras and personnel, and adequate lighting. (ATTACHMENT V - VII)

- Subsequently on April 3, 2018, a Certificate of Occupancy was issued by the Building Inspections Department as requirements were met.

- The applicant is renewing the SUP as required by Ordinance 2017-17. Currently the bar operates Monday – Sunday from 5pm – 2am by the name of “La Malquerida”.


- The City of Harlingen Building Inspections and Fire Prevention Departments reviewed the SUP application and reported no objection for SUP renewal. (ATTACHMENT VIII & IX)

- The Harlingen Police Department reviewed the SUP application and approved renewal of SUP. (ATTACHMENT X)

- To the present, the Planning and Zoning Department has not received any phone calls in objection to the request from surrounding property owners.

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

### Funding (if applicable):

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

Finance Director’s approval:

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### Staff Recommendation:

Staff recommends approval of the request subject to the following:

1. Occupancy limited to 120 persons;
2. Parking lot upkeep and maintenance and adequate lighting throughout establishment;
3. Continual provision of security guard during peak hours of operation;
4. Continual provision of 30 day video retention surveillance system;
5. Continual compliance Code of Ordinance Chapter 22, Article 3, Sections 22-54 to 22-66 Smoking Regulations; and
6. Compliance with the requirements administered by the Planning & Zoning Commission, Building Inspections Departments, Environmental Health, Fire Prevention, and Police Departments.

City Manager’s approval:

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City Attorney’s approval:

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<th></th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
</table>
CITY OF HARLINGEN PLANNING AND ZONING DIVISION
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address: 1510 N Commerce
Nearest Intersection: Orange Heights & Commerce

(Proposed) Subdivision Name: CASA BLANCA
Lot: 4 Block: 1

Existing Zoning Designation: LT
Future Land Use Plan Designation: LT

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent: Tomas Diaz
Phone: (956) 526-1361
FAX: 

Email Address (for project correspondence only): tomasdiaz2@hotmail.com

Mailing Address: 1510 N Commerce, Ste A
City: Harlingen
State: TX
Zip: 78550

Property Owner: Dona Truvino
Phone: (956) 535-1291
FAX: 

Email Address (for project correspondence only): tomasdiaz2@hotmail.com

Mailing Address: 1510 N Commerce, City: Harlingen
State: TX
Zip: 78550

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

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

Please provide a basic description of the proposed project: Renew S.U.P for a bar

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

Applicant’s Signature: [Signature]
Date: 10-8-18

Property Owner(s) Signature: [Signature]
Date: 10-8-18

Accepted by: [Signature]
Date: [Date]

RECEIVED
OCT 05 2018
By: [Signature]
ATTACHMENT II

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

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

Complete

City and School Tax Certificates

Ten (10) copies of a comprehensive site plan showing the proposed development of the property. The site plan shall consist of the following items, as applicable:

- Existing/proposed building footprints and building heights (or buildable areas for single and two-family residential); and
- Locations of proposed uses; and
- Ingress and egress to/from property;
- Existing/proposed streets in compliance with the City of Harlingen Long Range Thoroughfare Plan; and
- Existing/proposed sidewalks; and
- Existing/proposed utilities; and
- Existing/proposed drainage; and
- Existing/proposed parking spaces.

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

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

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

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

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

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

Owner: Dora Truett Date 10-8-18
Owner Address: 1510 N Commerce
Phone/Fax: 956-531-1347
Signature: Dora Truett 10-8-18

RECEIVED OCT 05 2018
BY: AJP 04-41
PARKING LOT LAYOUT

PARKING SPACES: 61
AVAILABLE: 58
ADA SPACES: 3
TOTAL: 64

SCALE: 1/32" = 1'
Request for the renewal of the specific use permit issued to Tomas Diaz to allow a bar/lounge in a Light Industry ("LI") District located at 1510 N. Commerce Street, bearing a legal description of Lot 1, Block 1, Casa Blanca Subdivision. Applicant: Tomas Diaz
June 15, 2017

Mr. Tomas Diaz
1320 White Oak Drive West
Harlingen, TX 78552

RE: SUP Approval for 1510 N. Commerce Street, Suite “A”

Dear Mr. Diaz:

Enclosed for your records is Ordinance No. 2017-17 adopted by the City of Harlingen Elective Commission on June 7, 2017 pertaining to the above referenced matter, located at 1510 N. Commerce, Suite “A.” If I can be of further assistance, please contact me at (956) 216-5260 or by email at jolivo@myharlingen.us.

Sincerely,

Joel Olivo
Planning and Zoning Manager

Encl: Ordinance
ORDINANCE NO. 2017-17

An ordinance amending the code of ordinances of the City of Harlingen; to issue a specific use permit ("SUP") to Tomas Dias to allow a bar/lounge in a light industry (LI) district located at 1510 North Commerce Street, Suite "A", bearing a legal description of Lot 3, Block 1, Casa Blanca Subdivision, subject to complying with the following: (1) This specific use permit will be limited to six months, and the applicant will be required to apply for renewal of the specific use permit with no application fee to continue the operation of the establishment; (2) The occupancy of the establishment will be limited to 120 persons; (3) Providing and maintaining the required parking in accordance with City regulations; (4) Providing adequate lighting on the premises; (5) Providing a licensed security guard during peak hours of operation; (6) Providing video surveillance with a thirty day retention of the video; (7) Comply with Code of Ordinances, Chapter 21, Article 1, Sections 22-34 to 22-66, smoking regulations; and (8) Comply with the requirements administered by the Planning and Zoning, building inspections, engineering, environmental health, fire prevention, and police departments, providing for publication and ordaining other matters related to the foregoing.

WHEREAS, the Planning and Zoning Commission of the City of Harlingen pursuant to Harlingen's Code of Ordinances Chapter 11-Zoning procedure, has recommended a specific use permit for certain described real property in the City of Harlingen; and it is deemed to be in the best interest of the City of Harlingen in accordance with said recommendation of the Planning and Zoning Commission of the City, being the recommendation as herein-after set forth; and public notice of such proposed specific use permit having been fully made and complied with as required by said Code of Ordinances and applicable laws of the State of Texas; and the City Commission of the City of Harlingen having held public hearings with reference thereto, being duly and thoroughly heard; and after consideration of the evidence presented, said City Commission is of the opinion that it is in the best interest of the City of Harlingen that said Code of Ordinances be amended as indicated, now, therefore,

BE IT ORDAINED BY THE CITY OF HARLINGEN

That the Code of Ordinances of the City of Harlingen, Chapter 11-Zoning be and the same is hereby amended by the following described property being issued a specific use permit as indicated:
To issue a Specific Use Permit ("SUP") to Tomas Diaz to allow a karaoke lounge in a Light Industry ("LI") District, located at 1510 North Commerce Drive, Suite "A", bearing a legal description of Lot 1, Block 1, Casa Blanca Subdivision, subject to complying with the following conditions: (1) this specific use permit will be limited to six months and the applicant will be required to apply for renewal of the specific use permit with an application fee; to continue the operation of the establishment; (2) the occupancy of the establishment will be limited to 120 persons; (3) providing and maintaining the required parking in accordance with city regulations; (4) providing adequate lighting on the premises; (5) providing a licensed security guard during peak hours of operation; (6) providing video surveillance with a thirty-day retention of the video; (7) comply with the Code of Ordinances, Chapter 22, Article 3, Sections 22-54 to 22-65; Smoking Regulations; and (8) comply with the requirements administered by the Planning and Zoning, Building Inspections, Environmental Health, Fire Prevention, and Police Departments.

The provisions prohibiting the violation of the Code of Ordinances of the City of Harlingen, Chapter 111-Zoning shall continue in full force and effect and apply to this amendment.

The specific use permit is made contingent upon a site plan, a true and correct copy of which is attached hereto and incorporated hereto by reference as Exhibits "A" and "B".

The provisions of this ordinance shall become operative from and after the final and lawful passage hereof and publication of the caption hereof as provided for and required in the Zoning Ordinance and applicable state statues.

FINALLY ENACTED this 7th day of June, 2017, at a regular meeting of the Elected 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 Brown, Mayor

ATTEST:

Amanda Belando, City Secretary
### Specific Use Permit ("SUP") Routing Slip

**Applicant:** TOMAS DIAZ  
**Phone No.:** (956) 536-1768  
**Location:** 1510 N. COMMERCE STE. A  
**Project Description:** SUP request for Bar

**Department:** Building Inspections Department  
**Approval:** YES  
**NO**

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

---

Emael Ortega Jr.  
11/6/18  
**Signature**  
**Date**
Specific Use Permit ("SUP") Routing Slip

Applicant: Tomas Diaz
Phone No.: (956) 536-1768
Location: 1510 N. Commerce Ste. A
Project Description: SUP request for a bar / lounge

Department: Fire Prevention Bureau

Approval: _X_ YES _ NO

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

Fire Marshal Juan Sauced Jr.

Date: October 19, 2018
**Specific Use Permit ("SUP") Routing Slip**

<table>
<thead>
<tr>
<th>Applicant</th>
<th>TOMAS DIAZ</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phone No.:</td>
<td>(956) 536-1768</td>
</tr>
<tr>
<td>Location:</td>
<td>1510 N COMMERCE STE. A</td>
</tr>
<tr>
<td>Project Description:</td>
<td>SUP FOR BAR</td>
</tr>
<tr>
<td>Department:</td>
<td>HARLINGEN POLICE DEPARTMENT</td>
</tr>
<tr>
<td>Approval:</td>
<td>☑ YES ☐ NO</td>
</tr>
<tr>
<td>Comments:</td>
<td>Complying with SUP</td>
</tr>
</tbody>
</table>

Signature: [Signature]  
Date: 10-26-18
ORDINANCE NO. 18-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: TO ISSUE THE RENEWAL OF THE SPECIFIC USE PERMIT TO TOMAS DIAZ TO ALLOW A BAR / LOUNGE IN A LIGHT INDUSTRY ("LI") DISTRICT LOCATED AT 1510 N. COMMERCE, BEARING A LEGAL DESCRIPTION OF LOT 1 BLOCK 1, CASA BLANCA SUBDIVISION. SUBJECT TO: (1) OCCUPANCY LIMITED TO 120 PERSONS (2) PARKING LOT UPKEEP AND MAINTENANCE AND ADEQUATE LIGHTING THROUGHOUT ESTABLISHMENT (3) CONTINUAL PROVISION OF SECURITY GUARD DURING PEAK HOURS OF OPERATION (4) CONTINUAL PROVISION OF 30 DAY VIDEO RETENTION SURVEILLANCE SYSTEM (5) CONTINUAL COMPLIANCE CODE OF ORDINANCE CHAPTER 22, ARTICLE 3, SECTIONS 22-54 TO 22-66 SMOKING REGULATIONS (7) COMPLIANCE WITH REQUIREMENTS ADMINISTERED BY THE PLANNING, BUILDING INSPECTIONS, HEALTH, FIRE AND POLICE DEPARTMENTS PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.

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

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

To issue the renewal of the Specific Use Permit to Tomas Diaz to allow a bar/lounge in a Light Industry (LI) District located at 1510 N. Commerce, bearing a legal description of Lot 1 Block 1, Casa Blanca Subdivision. Subject to: (1) Occupancy limited to 120 persons (2) Parking lot upkeep and maintenance and adequate lighting throughout establishment (3) Continual provision of security guard during peak hours of operation (4) Continual provision of 30 day video retention surveillance system (5) Continual compliance Code Of Ordinance Chapter 22, Article 3, Sections 22-54 to 22-66 Smoking Regulations (7) Compliance with requirements administered by the Planning, Building Inspections, Health, Fire and Police Departments prior to the issuance of a Certificate Of Occupancy.

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

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

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

FINALLY ENACTED this ____ day of __________, 2018, 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
ATTEST:

Amanda C. Elizondo, City Secretary
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: 12/5/2018

Agenda Item:
Public Hearing and take action to consider and Ordinance on First Reading for a specific use permit to allow an adult business (microblading studio) in a General Retail (GR) District located at 1046 N. 77 Sunshine Strip, bearing a legal description of Lot 15, Block 4, Crown Heights Subdivision. Applicant: Maricela Mendiola

Prepared By: Rodrigo Davila, CPM
Title: Planning and Development Director
Signature:

Project Timeline

• October 5, 2018 – Application for rezoning submitted to the City. (ATTACHMENT I & II).
• November 3, 2018 – In accordance with Statute and local law, notice of required public hearings published in the Valley Morning Star and mailed to all property owners within 200 feet of subject tract.
• November 14, 2018 – Public hearing and consideration of requested Specific Use Permit by the Planning and Zoning Commission.
• December 5, 2018 – Public hearing and consideration of requested Specific Use Permit via 1st ordinance reading scheduled before the City Commission.
• December 19, 2018 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

• The applicant is requesting a Specific Use Permit to allow microblading services to a beauty salon suite measuring 543 square feet within Encantada Square Plaza.

• Microblading is a process similar to tattooing, an artist draws semi-permanent make up on the clients eyebrows. The process is performed on adults and the State of Texas regulates the business as tattooing. The applicant will operate “Beauty Inc. by Mari” out of Suite #5 and would like to offer the microblading services.

• The beauty salon will operate Tuesday through Thursday from 9AM to 3PM and Friday and Saturday from 10AM to 7PM. Based on the size of the suite, two parking spaces are required and are provided in the common parking area at this time.

• The subject property has 150 feet from frontage along N. 77 Sunshine Strip and 70 feet of frontage along E. Crockett Avenue. Adjacent zoning is General Retail (GR) District to the north, east, and west, and Office (O) District to the south. Surrounding land uses include offices, auto sales, apartments, and single family...
Subsequently on October 31, 2018, a Certificate of Occupancy was issued by the Building Inspections Department to operate a beauty salon without microblading.

Harlingen Police Department, Building Inspections, and Fire Prevention Departments reviewed the SUP application and recommend approval of the SUP. (ATTACHMENT V - VII)

The City of Harlingen Health Department reviewed the SUP application and reported no objection for SUP approval. (ATTACHMENT VIII)

To the present, the Planning and Zoning Department has not received any phone calls in objection to the request from surrounding property owners.

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

### Funding (if applicable):

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

- [ ] Yes  
- [ ] No*  

Finance Director’s approval:

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

### Staff Recommendation:

Staff recommends approval of the request subject to the following:

1. Restripe common parking area
2. Obtain and maintain proper state permits and
3. Compliance with the requirements administered by the Planning & Zoning Commission, Building Inspections Departments, Environmental Health, Fire Prevention, and Police Departments prior to the issuance of Certificate of Occupancy.

City Manager’s approval:

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

Comments:

City Attorney’s approval:

- [ ] Yes  
- [ ] No  
- [ ] N/A
CITY OF HARLINGEN PLANNING AND ZONING DIVISION
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE) ENCANTADA SQUARE
Project Address 1046 N. 77 SUNSHINE ST
Nearest Intersection 13TH & N 77 SSS
(Proposed) Subdivision Name CROWN HEIGHTS SUBDIVISION Lot #15 Block #4
Existing Zoning Designation COMMERCIAL Future Land Use Plan Designation

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)
Applicant/Authorized Agent MARICELA MENDIOLA 956-200-3892 Phone
Email Address (for project correspondence only): lashedbymari@gmail.com
Mailing Address 16678 W. WILSON RD. #9 City HARLINGEN State TEXAS Zip 78552
Property Owner ANDRES CHAVEZ Phone 956-423-7333 FAX N/A
Email Address (for project correspondence only): sheilamay10@icloud.com
Mailing Address 218 1/2 W. TYLER AVE City HARLINGEN State TEXAS Zip 78550

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

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

Please provide a basic description of the proposed project: I want to get a tattoo license
to do microblading, micropigmentation, permanent
make up; etc. Added services to my clients.

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

Applicant’s Signature: ___________________________ Date: 10/3/18

Property Owner(s) Signature: ___________________________ Date: 10-03-2018

Accepted by: ___________________________ Date: ___________________________
ATTACHMENT II

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

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

Complete

City and School Tax Certificates

Ten (10) copies of a comprehensive site plan showing the proposed development of the property. The site plan shall consist of the following items, as applicable:

- Existing/proposed building footprints and building heights (or buildable areas for single and two-family residential); and
- Locations of proposed uses; and
- Ingress and egress to/from property;
- Existing/proposed streets in compliance with the City of Harlingen Long Range Thoroughfare Plan; and
- Existing/proposed sidewalks; and
- Existing/proposed utilities; and
- Existing/proposed drainage; and
- Existing/proposed parking spaces.

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

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

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

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

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

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

Owner: CHAVEZ PROPERTY MANAGEMENT, LLC
ANDRES CHAVEZ
Owner Address: 216 W. TYLER AVE. HARLINGEN, TEXAS 78550
Phone/Fax: 956-423-7333
Date: OCTOBER 03, 2018
Signature: [Signature]
Request for a specific use permit to allow an adult business (microblading studio) in a General Retail ("GR") District located at 1046 N. 77 Sunshine Strip, bearing a legal description of Lot 15, Block 4, Crown Heights Subdivision. Applicant: Maricela Mendiola.
**Specific Use Permit ("SUP") Routing Slip**

<table>
<thead>
<tr>
<th>Applicant</th>
<th>MARICELA MENDIOLA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phone No.</td>
<td>(956) 200-3892</td>
</tr>
<tr>
<td>Location</td>
<td>1046 N 77 SUNSHINE STRIP</td>
</tr>
<tr>
<td>Project Description</td>
<td>SUP FOR MICROBLADING AND MAKEUP</td>
</tr>
<tr>
<td>Department</td>
<td>HARLINGEN POLICE DEPARTMENT</td>
</tr>
<tr>
<td>Approval</td>
<td>☑ YES  ☐ NO</td>
</tr>
<tr>
<td>Comments</td>
<td></td>
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</tbody>
</table>

**Signature**

[Signature]

**Date**

10-20-18
Specific Use Permit ("SUP") Routing Slip

Applicant: MARICELA MENDIOLA

Phone No.: (956) 200-3892

Location: 1046 N. 77 SUNSHINE STRIP

Project Description: SUP request for Micro-blading and Makeup

Department: Building Inspections Department

Approval: YES NO

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

Emanuel Ortega Jr. 11/6/18

Signature Date
### Specific Use Permit ("SUP") Routing Slip

<table>
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<th>Maricela Mendiola</th>
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<td>1046 N. 77 Sunshine Strip</td>
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<td><strong>Project Description:</strong></td>
<td>SUP request to allow a microblading shop</td>
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<th><strong>Department:</strong></th>
<th>Fire Prevention Bureau</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Approval:</strong></td>
<td><em>X</em> YES _ NO</td>
</tr>
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</table>

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

---

Fire Marshal Juan Sauced Jr.

Date: October 19, 2018
Garces, Allan E.

From: Harvill, Shannon
Sent: Tuesday, November 06, 2018 11:19 AM
To: Garces, Allan E.
Subject: RE: SPECIFIC USE PERMIT FOR REVIEW

The micro blading we do not address the State Health Department might but we do not. As for the bar I will follow up with that and get back to you.

Have a Great Day!
Shannon

From: Garces, Allan E.
Sent: Tuesday, November 06, 2018 11:10 AM
To: Harvill, Shannon
Cc: Cortez, Melisa
Subject: FW: SPECIFIC USE PERMIT FOR REVIEW
Importance: High

Hi Shannon,

Do you know if the Health Dept. approved the SUPs?

Allan

From: Harvill, Shannon
Sent: Wednesday, October 17, 2018 2:13 PM
To: Garces, Allan E.
Subject: FW: SPECIFIC USE PERMIT FOR REVIEW
Importance: High

Good Afternoon Allen,

Welcome to the City of Harlingen!

Please copy me on the SUPs that you send for Health Department. Just in case Melisa is out I can get them completed and we won’t delay the process.

Thanks!

Respectfully,
Shannon Harvill
City of Harlingen
Environmental Health Coordinator
956/216-5220
956/216-5228
sharvill@myharlingen.us
<table>
<thead>
<tr>
<th>Garces, Allan E.</th>
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<tbody>
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</tr>
<tr>
<td><strong>To:</strong> Garces, Allen E.</td>
</tr>
<tr>
<td><strong>Subject:</strong> FW: SPECIFIC USE PERMIT FOR REVIEW</td>
</tr>
<tr>
<td><strong>Importance:</strong> High</td>
</tr>
</tbody>
</table>

Good Afternoon Allen,

Welcome to the City of Harlingen!

Please copy me on the SUPs that you send for Health Department. Just in case Melisa is out I can get them completed and we won't delay the process.

Thanks!

Respectfully,
Shannon Harvill
City of Harlingen
Environmental Health Coordinator
956/216-5220
956/216-5228
sharvill@myharlingen.us
ORDINANCE NO. 18-_____ 

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT MARICELA MENDIOLA TO ALLOW AN ADULT BUSINESS (MICROBLADING STUDIO) IN A GENERAL RETAIL (GR) DISTRICT LOCATED AT 1046 N. 77 SUNSHINE STRIP, BEARING A LEGAL DESCRIPTION OF LOT 15, BLOCK 4, CROWN HEIGHTS SUBDIVISION, SUBJECT TO: (1) RESTRIPING COMMON PARKING AREA (2) OBTAINING AND MAINTAINING PROPER STATE PERMITS AND (3) COMPLYING WITH REQUIREMENTS ADMINISTERED BY THE PLANNING, BUILDING INSPECTIONS, ENVIRONMENTAL HEALTH, FIRE PREVENTION, AND POLICE DEPARTMENTS; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING

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

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

To issue a Specific Use Permit to Maricela Mendiola to allow an adult business (microblading studio) in a General Retail (GR) district located at 1046 N. 77 Sunshine Strip, bearing a legal description of Lot 15, Block 4, Crown Heights Subdivision, subject to: (1) Restriping common parking area (2) Obtaining and maintaining proper state permits and (3) complying with requirements administered by the Planning, Building Inspections, Environmental Health, Fire Prevention, and Police Departments; providing for publication and ordaining other matters related to the foregoing

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

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

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

FINALLY ENACTED this _____ day of __________, 2018, 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
ATTEST:

Amanda C. Elizondo, City Secretary
EXHIBIT "A"
Site Plan
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: December 5, 2018

Agenda Item:
Public hearing and take action to consider an Ordinance on First Reading to rezone from Heavy Industry ("HI") District to Light Industry ("LI") District for 17.74 acres out of Lot 1, Block 1, Texas Pipe Bending Subdivision, located at 5129 E. Harrison. Applicant: Omar Villarreal

Prepared By: Rodrigo Davila, CPM
Title: Planning and Development Director
Signature:

Brief Summary:

Project Timeline

- October 8, 2018 – Application for re zoning submitted to the City (ATTACHMENT I).
- November 3, 2018 – In accordance with Statute and local law, notice of required public hearings published in the Valley Morning Star and mailed to all property owners within 200 feet of subject tract.
- November 14, 2018 – Public hearing and consideration of requested rezoning by the Planning and Zoning Commission (P&Z).
- November 24, 2018 – In accordance with Statute and local law, notice of required public hearing published in the Valley Morning Star and mailed to all property owners within 200 feet of subject tract.
- December 5, 2018 – Public hearing and consideration of requested rezoning via 1st ordinance reading scheduled before the City Commission.
- December 19, 2018 – Pending approval of 1st ordinance reading, considera tion of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- The applicant is requesting to rezone the subject property from Heavy Industry ("HI") District to Light Industry ("LI") District to allow for a church on the property (ATTACHMENT II).
- There is an existing 5,691 square ft. building on the subject property which the applicant is proposing to use for office suites. The future plans are as mentioned above to construct a church on the property. The property has 345 feet of frontage on East Harrison Avenue and a depth of 1,171 feet at its longest point (ATTACHMENT III-V).
- The surrounding properties are zoned Heavy Industry ("HI") District to the east and Light Industry to the west. North and south of the subject property is located outside the city limits. (ATTACHMENT II). The surrounding land use consists of light industrial uses. (ATTACHMENT VI).
- The Future Land Use Plan (FLUP) component of the City of Harlingen Comprehensive One Vision One Harlingen shows this area as industrial use. The request is
consistent with the Future Land Use Plan, and consistent with the surrounding zoning and land use in the area (ATTACHMENT VII).

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

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

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

Staff Recommendation:
Staff recommends approval of the request.

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

Comments:  

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

**PROPERTY INFORMATION:** (Please PRINT or TYPE)
- **Project Address:** 5129 E. Harrison
- **Nearest Intersection:** 499 Loop
- **(Proposed) Subdivision Name:** Texas Pipe Bending Subd.
- **Lot/City Block:** 1/4 West
- **Existing Zoning Designation:** HT
- **Future Land Use Plan Designation:** LT

**OWNER/APPLICANT INFORMATION:** (Please PRINT or TYPE)
- **Applicant/Authorized Agent:** Omar Villarreal
  - **Phone:** (956) 357-6925
  - **Email:** omarvillareal7@gmail.com
- **Mailing Address:** 28449 S. Melchior Dr. City Harlingen State: TX Zip: 78552
- **Phone:** (956) 355-0389
- **Email:** davidorchurchonmicrosoft.com
- **Mailing Address:** PO Box 530341, City Harlingen State: TX Zip: 78552

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

<table>
<thead>
<tr>
<th>Process</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annexion Request</td>
<td>No Fee</td>
</tr>
<tr>
<td>Administrative Appeal (ZBA)</td>
<td>$125.00</td>
</tr>
<tr>
<td>Comp. Plan Amendment Request</td>
<td>$250.00</td>
</tr>
<tr>
<td>Re-zoning Request</td>
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</tr>
<tr>
<td>SUP Request/Renewal</td>
<td>$250.00</td>
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<tr>
<td>Zoning Variance Request (ZBA)</td>
<td>$250.00</td>
</tr>
<tr>
<td>PDD Request</td>
<td>$250.00</td>
</tr>
<tr>
<td>License to Encroach</td>
<td>$250.00</td>
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<tr>
<td>Preliminary Plat.</td>
<td>$100.00</td>
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<tr>
<td>Final Plat.</td>
<td>$60.00</td>
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<tr>
<td>Minor Plat.</td>
<td>$100.00</td>
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<tr>
<td>Re-plat.</td>
<td>$250.00</td>
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<tr>
<td>Vacating Plat.</td>
<td>$50.00</td>
</tr>
<tr>
<td>Development Plat.</td>
<td>$100.00</td>
</tr>
<tr>
<td>Subdivision Variance Request</td>
<td>$25.00 (each)</td>
</tr>
</tbody>
</table>

Please provide a basic description of the proposed project:

*On the premises there is an existing building. We plan to build a chapel in the future on this property.*

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

**Applicant’s Signature:** [Signature]
**Date:** 11-8-18

**Property Owner(s) Signature:** [Signature]
**Date:** 11-8-18

**Accepted by:**
**Date:**
**RE-ZONING REQUEST**

**SUBMITTAL CHECKLIST**

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

Complete:
- A metes and bounds description or survey plat of the tract(s) in which the re-zoning is requested.
- City and School Tax Certificates.
- A written statement describing the proposed use(s) of the subject property (can be provided on Master Application).
- Any other information (elevation drawings, pictures, etc.) in support of the subject request.

- I understand that I am requesting an amendment to the City’s Zoning Ordinance and it will not be scheduled for Planning and Zoning Commission review unless all items on this list are completed.
- I understand that in accordance State law and the Zoning Ordinance, no later than ten (10) days prior to consideration by the Planning and Zoning Commission:
  - A notice will be published in the Valley Morning Star describing the request and the date, time, and location of the public hearing; and
  - Notices will be mailed to all property owners within 200 feet of the tract describing the request and the date, time, and location of the public hearing.
- I understand that while all requirements for the submittal of a re-zoning request may be complete, the City Commission is the sole authority for the consideration and approval or denial of the request.

<table>
<thead>
<tr>
<th>Owner:</th>
<th>David Villereal</th>
<th>Date: 11-8-18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner Address:</td>
<td>P.O. Box 538346 Harlingen, TX 78553</td>
<td></td>
</tr>
<tr>
<td>Phone/Fax:</td>
<td>(450) 397-6425</td>
<td></td>
</tr>
<tr>
<td>Signature:</td>
<td>David Villereal</td>
<td></td>
</tr>
</tbody>
</table>
Request of Omar Villarreal to rezone from Heavy Industry ("HI") District to Light Industry ("LI") District for 17.74 acres out of Lot 1, Block 1, Texas Pipe Bending Subdivision, located at 5129 E Harrison.
Attachment III

View from the South on Harrison Avenue
Attachment IV

View from the East on Harrison Avenue
Attachment V

View from the West on Harrison Avenue
Future Land Use Map

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

This map has been produced by the City of Harlingen for the sole purpose of locating jurisdictional boundaries and is not intended for any other. The map data is compiled from various sources including orthophoto imagery, engineer plans and plats, survey field notes, and other sources. This map is intended for graphic representation only. No warranty is made by the City regarding its accuracy or completeness. Before relying on any information on the map, check with the Planning Department. Date of map 10.3.18.
ORDINANCE NO. 18

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: REZONING FROM HEAVY INDUSTRY ("HI") DISTRICT TO LIGHT INDUSTRY ("LI") DISTRICT FOR 17.74 ACRES OUT OF LOT 1, BLOCK 1, TEXAS PIPE BENDING SUBDIVISION, LOCATED AT 5129 E. HARRISON AVENUE; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING

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

BE IT ORDAINED BY THE CITY OF HARLINGEN

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

Rezoning from Heavy Industry ("HI") District to Light Industry ("LI") District for 17.74 acres out of Lot 1, Block 1, Texas Pipe Bending Subdivision, located at 5129 E. Harrison Avenue.
A copy of the Zoning Map constituting a part and parcel of the Code of Ordinances, as filed with the Building Inspection Inspector and for the joint use and information of the Planning and Zoning Commission shall, upon final enactment hereof, be and the same is herewith amended and revised to reflect that the above described property is zoned for land use purposes as above indicated by the boundaries thereof being outlined in pronounced heavy line markings and such heavy line marking boundary enclosure being indicated within by the appropriate initials for that portion herewith zoned for particular land uses; with the Planning and Development Director being herewith instructed and authorized to document such Zoning Map changes and revisions.

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

FINALLY ENACTED this _____ day of __________, 2018 at a regular meeting of the Elective Commission of the City of Harlingen, Texas at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, CHAPTER 551.

CITY OF HARLINGEN

Chris Boswell, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary
Request of Omar Villarreal to rezone from Heavy Industry ("HI") District to Light Industry ("LI") District for 17.74 acres out of Lot 1, Block 1, Texas Pipe Bending Subdivision, located at 5129 E Harrison.

This map has been produced by the City of Harlingen for the sole purpose of locating jurisdictional boundaries and is not intended for any other. The map data is compiled from various sources including orthophoto imagery, engineer plans and plats, survey field notes, and other sources. This map is intended for graphic representation only. No warranty is made by the City regarding its accuracy or completeness. Before relying on any information on the map, check with the Planning Department. Date of map: 10/17/18.
AGENDA ITEM  
EXECUTIVE SUMMARY

Meeting Date: December 5, 2018  

Agenda Item:  
Public Hearing to receive comments regarding the proposed voluntary annexation and to establish the initial zoning to General Retail ("GR") District for a 1.0± acre of land being the North 50 feet of a 2.766 acre tract of land out of Block 54, David and Stephenson Subdivision, located on the west side of Briggs Coleman Road north of Loop 499. Applicant: John W. Drennan, c/o Troy Investment Co mpany No. 7, L.P.

Prepared By: Rodrigo Davila, CPM  
Title: Planning and Development Director

Brief Summary:

Project Timeline

- September 12, 2018 – Voluntary Annexation Request submitted to the City; application deemed incomplete (ATTACHMENT I AND II).
- September 20, 2018 – Metes and bounds description of annexation submitted; application deemed complete.
- October 3, 2018 – The City Commission approved a resolution directing staff to prepare a service plan for the annexation and to initiate proceedings.
- November 3, 2018 – In accordance with Statute and local law, notice of required public hearings (for the zoning and first public hearing for the annexation) published in the Valley Morning Star.
- November 14, 2018 – Public hearing to recommend a zoning designation of tract upon annexation by the Planning and Zoning Commission.
- November 24, 2018 – In accordance with Statute and local law, notice of required public hearings (for the zoning and first public hearing for the annexation) published in the Valley Morning Star.
- December 5, 2018 – First Public Hearing before the City Commission
- December 8, 2018 – In accordance with Statute and local law, notice of second public hearing published in the Valley Morning Star.
- December 19, 2018 – Second Public Hearing before the City Commission
- January 2, 2019 – Consideration of annexation by the City Commission via First Ordinance Reading.
- January 16, 2019 – Pending approval of 1st ordinance reading, consideration of annexation by the City Commission via Second Ordinance Reading.

Summary

- In accordance with the Texas Local Government Code and the City Code of Ordinances, three public hearings are required as related to the voluntary annexation request. One public hearing is required before the Planning and Zoning Commission and two public hearings are required before the City Commission. This represents the first of two public hearings required before the City Commission.
- John W. Drennan, the applicant on behalf of Troy Investment Company No. 7, L.P has
requested the voluntary annexation of 1.0± acre of land. All of the subject property is outside, but adjacent to, the current city limits (ATTACHMENT II and III).

- The applicant is proposing to subdivide the subject property into a four lot commercial subdivision under the name of Storage Depot Subdivision. The applicant is proposing an expansion of their existing storage unit business. The proposed subdivision will consist of an existing recorded lot that has frontage on Loop 499, and a 2.76 acre tract of land adjacent to the north of the said lot. Within the said 2.76 acre tract is an existing 1,500 square ft. building. Part of the proposed subdivision (2.73 acres) is currently inside the city limits and the north 1.0 acre is located outside the city limits. The proposed subdivision will have frontage on Loop 499 and Briggs Coleman Road (ATTACHMENT IV and V).

- The developer will be responsible for all infrastructure provisions, including street development, street lights, water and wastewater services, storm sewer, and other requirements as specified under the subdivision regulations.

- Water and wastewater disposal for this subdivision is proposed to be provided through HWWS.

- Concurrent with the annexation, the subject property will be zoned to General Retail ("GR") District. The requested zoning is generally consistent with the Future Land Use Plan component of the City of Harlingen Comprehensive Plan One Vision One Harlingen, and consistent with the GR zoning pattern along Loop 499 (ATTACHMENT VI).

- The Draft Service Plan outlines the services to be provided within sixty (60) days after the effective date of annexation and the capital improvements that will begin construction within two and one-half (2-1/2) years of the effective date of the annexation (ATTACHMENT VII).

- The subject annexation will require three public hearings and two reading of the ordinance to annex the property. The above timeline delineates the annexation process.

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

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

<table>
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<tr>
<th>Staff Recommendation:</th>
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<tbody>
<tr>
<td>Staff recommends conducting the public hearing. No action is required.</td>
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</table>

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

Comments:
**CITY OF HARLINGEN PLANNING AND ZONING DIVISION**

**MASTER APPLICATION**

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

- **Project Address:** 20058 Briggs Coleman
- **Nearest Intersection:** Briggs Coleman & Loop 499
- **(Proposed) Subdivision Name:** not platted
- **Lot Block:**
- **Existing Zoning Designation:** not zoned
- **Future Land Use Plan Designation:** general retail

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

- **Applicant/Authorized Agent:** Stephen M. Gano
  - **Phone:** 956-838-1133
  - **FAX:** 956-838-1766
- **Email Address:** sgano@oakcrestmgmt.com
- **Mailing Address:** P.O. Box 3817
  - City: Brownsville
  - State: TX
  - Zip: 78523-3817

- **Property Owner:** Troy Investment Company No. 7, L.P.
  - **Phone:** 956-838-1133
  - **FAX:** 956-838-1766
  - **Email Address:**
  - **Mailing Address:** P.O. Box 3817
    - City: Brownsville
    - State: TX
    - Zip: 78523-3817

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

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

Please provide a basic description of the proposed project: The North approximately 50 feet of our property is outside the city limits. The entire tract needs to be inside the city limits for development purposes.

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

- **Applicant’s Signature:**
  - **Date:** 9/12/18
- **Property Owner(s) Signature:**
  - **Date:** 9/12/18

Accepted by: Date:

---

*form revised 04/29/09*
PETITION REQUESTING ANNEXATION BY AREA LANDOWNERS
TO THE MAYOR OF THE GOVERNING BODY OF CAMERON, TEXAS:

The undersigned owners of the hereinafter described tract of land, which is vacant and without residents, or on which fewer than three qualified voters reside, hereby [if applicable: waive the requirement to be offered a development agreement pursuant to Section 43.035, and] petition your honorable Body to extend the present city limits so as to include as part of the City of Harlingen, Texas, the following described territory, to wit:

Described on Exhibit “A”

We certify that the above described tract of land is contiguous and adjacent to the City of Harlingen, Texas, is not more than one-half mile in width [only limited by Local Government Code Section 43.028], and that this petition is signed and duly acknowledged by each and every person having an interest in said land.

Troy Investment Company No. 7, L.P.
By: Parkwood Enterprises, Inc., General Partner

By: [Signature]
John W. Drennan, President

THE STATE OF TEXAS
COUNTY OF CAMERON

BEFORE ME, the undersigned authority, on this day personally appeared John W. Drennan, President, of Parkwood Enterprises, Inc., General Partner of Troy Investment Company No. 7, L.P., known to me to be the persons whose names are subscribed to the foregoing instrument and each acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 13th day of September, 2018.

[Seal]
Olivia Rodriguez
My Notary ID # 12821223
Expires August 24, 2021
Notary Public in and for Cameron County, Texas.
The Northernmost 50' of a 2.766 acre tract of land, more or less, out Block Fifty Four (54), DAVID AND STEPHENSON SUBDIVISION, Cameron County, Texas as recorded in Volume 1, Page 2 of the Cameron County Map Records, said 2.766 acre tract of land being more particularly described as follows:

Commencing at the Northwest corner of said Block 54, said corner being on the Northwest corner of Montezuma Estates Subdivision as recorded in Cabinet 1, Slot 2438-B of the Cameron County Map Records;

Thence, South 00 degrees 03 minutes 00 seconds West, with the contiguous West line of said Block 54, and West line of said Montezuma Estates Subdivision, a distance of 490.79 feet to the Southwest corner of said Montezuma Estates Subdivision;

Thence, South 89 degrees 57 minutes 00 seconds East, with the South line of said Montezuma Estates Subdivision, a distance of 489.35 feet to a ½ inch steel rod previously set for the Northwest corner and Point of Beginning of the tract of land herein described;

Thence, continuing South 89 degrees 57 minutes 00 seconds East, with the South line of said Montezuma Estates Subdivision, at a distance of 860.21 feet passing a ½ inch steel rod set on the apparent West right of way line of Briggs-Coleman Road, a total distance of 876.61 feet to a point on the East line of said Block 54 for the Northeast corner of this tract;

Thence, South 00 degrees 15 minutes 45 seconds East, with the East line of said Block 54, a distance of 137.39 feet to a point for the Southeast corner of this tract;

Thence, North 89 degrees 57 minutes 00 seconds West, parallel to the North line of said Block 54, at a distance of 16.40 feet passing a ½ inch steel rod set on the apparent West right of way line of said Briggs-Coleman Road, a total distance of 877.36 feet to a ½ inch steel rod previously set for the Southwest corner of this tract, said corner being on the Northwest corner of Lot 2, Block 1, Replat of Lots 1, 2 and 4 Stone Subdivision Phase II as recorded in Cabinet 1, Slot 2897-B of the Cameron County map Records;

Thence, North 00 degrees 03 minutes 00 seconds East, parallel to the West line of said Block 54, a distance of 137.39 feet to the Point of Beginning and containing 2.766 acres of land, more or less.
Attachment III

Request for the voluntary annexation and establish the initial zoning to General Retail ("GR") District for a 1.0+/- acre of land being the North 50 feet of a 2.766 acre tract of land out of Block 54, David and Stephenson Subdivision, located on the west side of Briggs Coleman Road north of Loop 499. Applicant: John W. Drennan, c/o Troy Investment Company No. 7, L.P.

This map has been produced by the City of Harlingen for the sole purpose of locating jurisdictional boundaries and is not intended for any other. The map data is compiled from various sources including orthophoto imagery, engineer plans and plats, survey field notes, and other sources. This map is intended for graphic representation only. No warranty is made by the City regarding its accuracy or completeness. Before relying on any information on the map, check with the Planning Department. Date of map 08/23/18.
Future Land Use Map

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

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See attached service plan
ORDINANCE NO. 18-——

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF HARLINGEN THROUGH ANNEXATION AND ESTABLISHING THE INITIAL ZONING TO GENERAL RETAIL ("GR") DISTRICT CONSISTING OF 1.0± ACRE TRACT OF LAND BEING THE NORTH 50 FEET OF A 2.755 ACRE TRACT OF LAND OUT OF BLOCK 54, DAVID AND STEPHENSON SUBDIVISION, LOCATED ON THE WEST SIDE OF BRIGGS COLEMAND ROAD NORTH OF LOOP 499; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

WHEREAS, it is deemed to be in the best interest of the City of Harlingen, Texas to consider the annexation and zoning of certain land area hereinafter described; and

WHEREAS, said land area is adjacent to and abutting upon the present city limits of the City of Harlingen, and is within the exclusive extra-territorial jurisdiction of the City of Harlingen; and

WHEREAS, the Elective Commission has heretofore held two public hearings at a meeting of the Elective Commission at the City Commission Room at City Hall, 118 E. Tyler Avenue, Harlingen, Texas on December 5, 2018 and December 19, 2018 pursuant to the provisions of Chapter 43, Texas Local Government Code, as amended; and

WHEREAS, at such hearings all interested persons were heard concerning the advisability of annexing and zoning such tracts of land; and

WHEREAS, such public hearing was duly conducted at the time and public place indicated above,

WHEREAS, the Elective Commission of the City of Harlingen, finds that the inclusion of such additional area will be of benefit to the City of Harlingen; now therefore
BE IT ORDAINED BY THE CITY OF HARLINGEN

That the corporate boundary limits of the City of Harlingen, Texas are hereby extended and as shown on Exhibit “A” pursuant to the provisions of Chapter 43, Texas Local Government Code to include the areas described as:

A 1.0± acre of land being the North 50 feet of a 2.766 acre tract of land out of Block 54, David and Stephenson Subdivision, located on the west side of Briggs Coleman Road north of Loop 499.

All of which property is located in Cameron County, Texas and said property lying adjacent to and abutting upon the current boundaries of the City of Harlingen, Texas and within the exclusive extraterritorial jurisdiction of the City of Harlingen; and

That the territory hereinabove described from shall be zoned upon annexation to General Retail (“GR”) and after the date hereof shall be subject to all the acts, ordinances, resolutions and regulations of the City of Harlingen, Texas and all ad valorem and other applicable taxes to the area.

A service plan prepared pursuant to Section 43.056 of Chapter 43, Texas Local Government Code providing for the extension of municipal services into the area hereby annexed is attached hereto as Exhibit “A”, and said service plan is hereby in all things approved and adopted. The area identified by the property description compromises a total of approximately 1.0± acres and is identified on the map attached to the service plan.

FINALLY ENACTED this _____day of __________, 2018 such date being the date of the second presentation of said Ordinance to the said Elective Commission. This Ordinance was finally enacted at a regular meeting of the Elective Commission of the City of Harlingen, Texas on
November 7, 2018 at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, CHAPTER 551, as amended.

CITY OF HARLINGEN

Chris Boswell, Mayor

ATTEST:

Amanda Elizondo, City Secretary
DESCRIPTION OF TRACT:

A 1.0± acre of land being the North 50 feet of a 2.766 acre tract of land out of Block 54, David and Stephenson Subdivision, located on the west side of Briggs Coleman Road north of Loop 499.
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- **Services to be Provided within 60 days** ............... 4
- **Services to be Provided within 2-1/2 years** .......... 5
INTRODUCTION

In accordance with Chapter 43, Section 43.056, Texas Local Government Code, “governing body of the City proposing the annexation shall direct its planning or other appropriate department to prepare a service plan that provides for extension of municipal services into each area to be annexed”. It is for this reason that this plan has been prepared.

Texas Local Government Code Section 43.056(f), requires that a service plan may not: 1) require the creation of another political subdivision; 2) require a landowner in the area to fund the capital improvement necessary to provide municipal services in a manner inconsistent with Chapter 395 unless otherwise agreed to by the landowner; or 3) provide services in the area in a manner that would have the effect of reducing by more than a negligible amount the level of the fire and police protection and emergency services provided within the corporate boundaries of the municipality before annexation.

The plan is divided into three sections that will illustrate the area proposed for annexation and explain the quality and quantity of services to be delivered to the proposed annexed area. The first section is a map of the area(s) to be annexed. The second and third sections consist of description of services that will be delivered within sixty (60) days after the effective date of annexation and the capital improvements that will begin construction within two and one-half (2 ½) years of the effective date of annexation.
Annexation Area Map

Annexation of 1.0 +/- acre of land being the north 50 feet of a 2.766 acres tract of land out of Block 54, David and Stephenson Subdivision.

Boundary lines
- Proposed Annexation
- Harlingen City Limits

This map has been produced by the City of Harlingen for the sole purpose of locating jurisdictional boundaries and is not intended for any other. The map data is compiled from various sources including orthophoto imagery, engineer plans and plats, survey field notes, and other sources. This map is intended for graphic representation only. No warranty is made by the City regarding its accuracy or completeness. Before relying on any information on the map, check with the Planning Department. Date of map 07/26/18.
Services to be Provided within 60 days of Annexation

Fire:
The Harlingen Fire Department will provide fire protection immediately upon annexation utilizing present staff and equipment. Additional facilities, fire apparatus, and personnel will be requested as population and geographic size warrants.

Police:
Patrolling and on-call police protection available on effective date of annexation using present personnel and equipment. Patrol positions will be added when population warrants.

Solid Waste Collection:
City provided garbage collection services will be provided to all residential and commercial customers within the annexed areas in accordance with adopted city ordinances.

Brush and Debris collections services will be made available to all residential and commercial customers in accordance with adopted city ordinances within the annexed area. Within two years from the date of annexation, solid waste services provided by the City will become mandatory for all customers.

As per Texas Local Government Code Section 43.056, before the second anniversary of the date an area is included within the corporate boundaries of a municipality by annexation, the municipality may not prohibit the collection of solid waste in the area by a privately owned solid waste management service provider. After that time period, solid waste services provided by the City becomes mandatory.

Water and Wastewater:
Routine maintenance of city-owned water and wastewater facilities, if any, in the annexed area.

Water and wastewater facilities for domestic and commercial uses will be available at City rates according to policies of the Harlingen Waterworks Department from existing lines not within the service area of another water or wastewater utility on the effective date of annexation.

Streets and Street Lighting:
Public streets within the annexed area will be included into the street improvement program for routine maintenance on the same basis as presently occurs in the city. Maintenance of streets including the repair of hazardous potholes and measures necessary for traffic flow will begin within 60 days of the effective date of annexation. Unpaved streets will be graded as necessary on the same basis as presently occurs in the city.

Maintenance of traffic control devices will begin within 60 days of the effective date of annexation.
Operation and Maintenance of Parks, Playgrounds & Swimming Pools:
Access to all public parks, playgrounds, and swimming pools, immediately upon annexation.

Operation and Maintenance of Publicly Owned Facilities & Buildings:
Maintenance of any publicly owned facilities, buildings, or services will begin within 60 days of the effective date of annexation.

Capital Improvements to be Completed within 2 ½ Years of Annexation

Fire:
No capital improvement funds or equipment requested at this time. Additional facilities, fire apparatus, and personnel will be requested as population and geographic size warrants.

Police:
None at this time. Additional personnel and equipment will be requested as population and geographic size warrants.

Solid Waste Collection:
City provided garbage collection services will be provided to all residential and commercial customers within the annexed areas in accordance with adopted city ordinances. Brush and Debris collection services will be provided to all residential and commercial customers in accordance with adopted city ordinances within the annexed area.

As per the Texas Local Government Code Section 43.056, before the second anniversary of the date an area is included within the corporate boundaries of a municipality by annexation, the municipality may not prohibit the collection of solid waste in the area by privately owned solid waste management service provider. After that time period, solid waste collections service provided by the City becomes mandatory.

Water and Wastewater:
New water and wastewater lines of the Harlingen Waterworks will be extended to areas not within the service area of another water or wastewater utility by developers as land becomes subdivided in accordance with City and Waterworks ordinances and policies. Pursuant to V.T.C.A., Local Government Code Section 43.056(F)(2), landowners in the area are not required to fund capital improvements necessary to provide municipal services in a manner inconsistent with Chapter 395 unless otherwise agreed to by the landowner.

Streets and Street Lighting:
Reconstruction and resurfacing of streets, installation of storm drainage facilities, construction of curbs and gutters, and other major improvements will be accomplished under the established policies of the city as need determines and upon development and subdivision of said areas.

Provision of additional street lighting as needed to be spaced similar to other similarly populated areas of Harlingen.
Traffic signals, street markings and other traffic control devices will be installed as need is established by appropriate study and traffic standards.

Street lighting is to be installed by developers according to city policies when land is subdivided.

Landowners in the area are not required to fund street and drainage capital improvements necessary to provide full municipal services that are inconsistent with V.T.C.A. Local Government Code Chapter 395 unless otherwise agreed to by the landowner.

Parks, Playgrounds & Swimming Pools:
None

Publicly Owned Facilities & Buildings:
None
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: December 5, 2018

Agenda Item:
Public hearing and take action to consider an Ordinance on First Reading to rezone from Not Designated ("N") District To Residential, Single Family ("R-1") District for 3.12 acres out of Block 103, 2.94 acres out of Block 118, and 8.79 acres out of Block 119, Harlingen Land and Water Company Subdivision; 0.5 acres out of Block 23, Briggs and Coleman Subdivision Survey 49; and Lot 1, Block 1, Galvez Subdivision; rezone from Not Designated ("N") District to Residential, Multi-Family ("M-2") District for 3.79 acres out of Block 62, David and Stephenson Subdivision; and 13.98 acres out of Block 119 Harlingen Land and Water Company Subdivision; rezone from Not Designated ("N") District to General Retail ("GR") District for 10.80 acres out of Block 23, 6.21 acres out of Block 24, 3.73 acres out of Block 25, 3.30 acres out of Block 26, 3.35 acres out of Blocks 26 and 27, 8.12 acres out of Block 27, and 4.3 acres out of Block 28, Briggs and Coleman Subdivision Survey 49; 13.11 acres out of Block 58, and 6.67 acres out of Block 59, David and Stephenson Subdivision; and 12.91 acres out of Block 121, Harlingen Land and Water Company Subdivision; and rezone from Not Designated ("N") District to Light Industry ("LI") District for 9.83 acres out of Block 19, Cunningham Subdivision, all properties generally located between Expressway 77 and 25th Street, north of Phoenix Avenue.

Applicant: City of Harlingen

Prepared By: Rodrigo Davila, CPM
Title: Planning and Development Director

Signature:

Brief Summary:

Project Timeline

- November 3, 2018 – In accordance with Statute and local law, notice of required public hearings published in the Valley Morning Star and mailed to all property owners within 200 feet of subject tract.
- November 14, 2018 – Public hearing and consideration of requested rezoning by the Planning and Zoning Commission (P&Z).
- November 24, 2018 – In accordance with Statute and local law, notice of required public hearings published in the Valley Morning Star and mailed to all property owners within 200 feet of subject tract.
- December 5, 2018 – Public hearing and consideration of requested rezoning via 1st ordinance reading scheduled before the City Commission.
- December 19, 2018 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- This is a City initiated rezoning to rezone the Not Designated ("N") District properties in the city. Most of the subject properties were annexed into the city limits and zoned Not Designated ("N") District in 1979, with the exception of the property along Expressway 77 which was annexed in 1985, and properties along the northeast side of the Loop annexed.
in 2001 and 2007. This City initiated rezoning is consistent with the goals of the Harlingen Comprehensive Plan, One Vision, One Harlingen, which is to zone all the Not Designated properties in the City. (ATTACHMENT I-III).

- The subject properties proposed for Residential, Single Family ("R-1") District are mostly developed with single family residential use or are vacant. The properties proposed for Residential, Multi-Family ("M-2") District are developed with multi-family use, a church, or a single family residential use. A church and single family residential uses are permitted in a M-2 District. The properties proposed for General Retail ("GR") District, are vacant and consistent with GR District zoning pattern along Loop 499. The property proposed for Light Industry ("LI") District is vacant; however, it is consistent with the LI District zoning pattern along Expressway 77. The proposed rezonings are generally consistent with how the properties are currently developed (ATTACHMENT III-V).

- The surrounding properties for the area along 25th Street proposed for Residential, Single Family ("R-1") District are zoned Residential, Single Family ("R-1") District to the north, Residential, Multi-Family to south, Planned Development to the east, and General Retail ("GR") District to the west. For the area along Montezuma Road proposed for Residential, Single Family ("R-1") District, the surrounding zonings are Planned Development ("PD") District and Not Designated ("N") District to the north, General Retail ("GR") District to the south, and Planned Development ("PD") District to the west. For area along New Combes Road proposed for Residential, Multi-Family ("M-2") District, the surrounding zonings area Residential, Multi-Family ("M-2") District in all directions. For the area along Vinson Avenue proposed for Residential, Multi-Family ("M-2") District, the surrounding zonings are Not Designated ("N") District to the north, Residential, Single Family ("R-1") District to the south, Light Industry ("LI") District to the east, and General Retail ("GR") District to the west. For the area proposed for General Retail ("GR") District, the surrounding zonings are Not Designated ("N") District and Planned Development ("PD") District to the north, Residential, Single Family ("R-1") District to the south, Multi-Family ("M-2") District and General Retail ("GR") District to the east, and General Retail ("GR") District to the west. The surrounding zonings for the property proposed for Light Industry ("LI") District are General Retail ("GR") District to the north and east, Light Industry ("LI") District to the south, and Not Designated ("N") District to the west (ATTACHMENT III). Surrounding land uses are generally consistent with the proposed rezonings (ATTACHMENT IV-VII).

- The Future Land Use Plan (FLUP) component of the City of Harlingen Comprehensive Plan - One Vision, One Harlingen shows the properties proposed for Residential, Single Family ("R-1") District as mixed use; the request is generally consistent with the Future Land Use Plan, and existing and surrounding land use. The properties proposed for Residential, Multi-Family ("M-2") District are shown as medium density residential on the Future Land Use Plan; the request is generally consistent with the Future Land Use Plan and consistent with the surrounding land use. The properties proposed for General Retail ("GR") District are shown on the Future Land Use Plan as mixed use; the request is generally consistent with the Future Land Use Plan, and consistent with the surrounding land use and general retail zoning pattern on Loop 499. The property proposed for Light Industry ("LI") District is shown as industrial on the Future Land Use Plan; the request is consistent with the Future Land Use Plan and the surrounding land use and LI zoning pattern Long Expressway 77 (ATTACHMENT VIII).
Prior to initiating the city initiated rezoning process, property owners within a 200 ft. radius of the subject property received notification concerning the city initiated zoning study and were given two weeks to provide comments. Staff received no objection. In addition, the said affected property owners also received notification concerning the public hearings for the subject city initiated rezoning request. To the present, Staff has received no objection.

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### Property Information:

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### Owner/Applicant Information:

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<tr>
<td>Applicant/Authorized Agent</td>
<td>City of Harlingen</td>
</tr>
<tr>
<td>Email Address</td>
<td>Phone (956) 216-5101 FAX 216-5265</td>
</tr>
<tr>
<td>Mailing Address</td>
<td>SO 2G Tyler City Harlingen State TX zip 78550</td>
</tr>
<tr>
<td>Property Owner</td>
<td>City of Harlingen</td>
</tr>
<tr>
<td>Email Address</td>
<td>Mailing Address City State Zip</td>
</tr>
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### Select appropriate process for which approval is sought. Attach completed checklists with this application.

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

### Please provide a basic description of the proposed project:

City Initiated Rezoning of the described Not Designated properties.

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

Applicant's Signature: Date:

Property Owner(s) Signature: Date:

Accepted by: Date:
Attachment II

Legal Description

Public hearing and take action to consider a request to rezone from Not Designated (“N”) District To Residential, Single Family (“R-1”) District for 3.12 acres out of Block 103, 2.94 acres out of Block 118, and 8.79 acres out of Block 119, Harlingen Land and Water Company Subdivision; 0.5 acres out of Block 23, Briggs and Coleman Subdivision Survey 49; and Lot 1, Block 1, Galvez Subdivision; rezone from Not Designated (“N”) District to Residential, Multi-Family (“M-2”) District for 3.79 acres out of Block 62, David and Stephenson Subdivision; and 13.98 acres out of Block 119 Harlingen Land and Water Company Subdivision; rezone from Not Designated (“N”) District to General Retail (“GR”) District for 10.80 acres out of Block 23, 6.21 acres out of Block 24, 3.73 acres out of Block 25, 3.30 acres out of Block 26, 3.35 acres out of Blocks 26 and 27, 8.12 acres out of Block 27, and 4.3 acres out of Block 28, Briggs and Coleman Subdivision Survey 49; 13.11 acres out of Block 58, and 6.67 acres out of Block 59, David and Stephenson Subdivision; and 12.91 acres out of Block 121, Harlingen Land and Water Company Subdivision; and rezone from Not Designated (“N”) District to Light Industry (“LI”) District for 9.83 acres out of Block 19, Cunningham Subdivision, all properties generally located between Expressway 77 and 25th Street, north of Phoenix Avenue. Applicant: City of Harlingen
Request to rezone from Not Designated ("N") District to Residential, Single Family ("R-1") District for 3.12 acres out of Block 103, 2.94 acres out of Block 118, and 8.79 acres out of Block 119, Harlingen Land and Water Company Subdivision; 0.5 acres out of Block 23, Briggs and Coleman Subdivision Survey 49; and Lot 1, Block 1, Galvez Subdivision; rezone from Not Designated ("N") District to Residential, Multi-Family ("M-2") District for 3.79 acres out of Block 62, David and Stephenson Subdivision; and 1.34 acres out of Block 62, Harlingen Land and Water Company Subdivision; rezone from Not Designated ("N") District to General Retail ("GR") District for 1.11 acres out of Block 121, Harlingen Land and Water Company Subdivision; and rezone from Not Designated ("N") District to Light Industry ("LI") District for 9.83 acres out of Block 10, Cunningham Subdivision, all properties generally located between Expressway 77 and 25th Street, north of Phoenix Avenue. Applicant: City of Harlingen.
Request to rezone from Not Designated ("N") District to Residential, Single Family ("R-1") District for 3.12 acres out of Block 103, 2.94 acres out of Block 118, and 8.79 acres out of Block 119, Harlingen Land and Water Company Subdivision; 0.5 acres out of Block 23, Briggs and Coleman Subdivision Survey 49; and Lot 1, Block 1, Galvez Subdivision; rezone from Not Designated ("N") District to Residential, Multi-Family ("M-2") District for 3.79 acres out of Block 62, David and Stephenson Subdivision; and 13.98 acres out of Block 119, Harlingen Land and Water Company Subdivision; rezone from Not Designated ("N") District to General Retail ("GR") District for 10.80 acres out of Block 23, 6.21 acres out of Block 24, 3.73 acres out of Block 25, 3.30 acres out of Block 26, 3.36 acres out of Block 26 and 27, 8.12 acres out of Block 27, and 4.3 acres out of Block 28, Briggs and Coleman Subdivision Survey 49; 13.11 acres out of Block 58, and 6.67 acres out of Block 59, David and Stephenson Subdivision, and 12.91 acres out of Block 121, Harlingen Land and Water Company Subdivision; and rezone from Not Designated ("N") District to Light Industry ("LI") District for 9.83 acres out of Block 19, Cunningham Subdivision, all properties generally located between Expressway 77 and 25th Street, north of Phoenix Avenue. Applicant: City of Harlingen
Request to rezone from Not Designated ("N") District to Residential, Single Family ("R-1") District for 3.12 acres out of Block 103, 2.94 acres out of Block 116, and 8.79 acres out of Block 119, Harlingen Land and Water Company Subdivision; 0.5 acres out of Block 23, Briggs and Coleman Subdivision Survey 49; and Lot 1, Block 1, Galvez Subdivision; rezone from Not Designated ("N") District to Residential, Multi-Family ("M-2") District for 3.79 acres out of Block 62, David and Stephenson Subdivision; and 13.98 acres out of Block 119, Harlingen Land and Water Company Subdivision; rezone from Not Designated ("N") District to General Retail ("GR") District for 10.80 acres out of Block 23, 6.21 acres out of Block 24, 3.73 acres out of Block 25, 3.30 acres out of Block 26, 3.35 acres out of Block 26 and 27, 8.12 acres out of Block 27, and 4.3 acres out of Block 28, Briggs and Coleman Subdivision Survey 49; 13.11 acres out of Block 58, and 6.67 acres out of Block 59, David and Stephenson Subdivision, and 12.91 acres out of Block 121, Harlingen Land and Water Company Subdivision; and rezone from Not Designated ("N") District to Light Industry ("LI") District for 9.83 acres out Block 19, Cunningham Subdivision, all properties generally located between Expressway 77 and 25th Street, north of Phoenix Avenue. Applicant: City of Harlingen.

Zoning Designations:
- General Retail (GR)
- Multi Family Residential (M2)
- Office (O)
- Heavy Industry (HI)
- Mobile Home Residential (MH)
- Planned Development (PD)
- Light Industry (LI)
- Single Family Residential (R1)
- Not Designated (N)
- Duplex Residential (R2)
- Neighborhood Services (NS)
- Residential Patio Home (RPH)

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Attachment IV

View from the East of the Property Proposed for R-1 District

East side of 25th Street (FM 507) north of Phoenix Ave.

View from the South of the Property Proposed for R-1 District
Vinson Avenue west of 13th Street
Attachment V

View from the South of the Property proposed for M-2 District

Vinson Avenue between 7th and 13th Streets
Attachment VI

View from the West of the Properties proposed for GR District

Loop 499 and 13th Street
Attachment III

View from the West of the Property Proposed for LI District
A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.
Future Land Use Map

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

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ORDINANCE NO. 18

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: REZONING FROM HEAVY INDUSTRY ("HI") DISTRICT TO LIGHT INDUSTRY ("LI") DISTRICT FOR 3.12 ACRES OUT OF BLOCK 103, 2.94 ACRES OUT OF BLOCK 118, AND 8.79 ACRES OUT OF BLOCK 119, HARLINGEN LAND AND WATER COMPANY SUBDIVISION; 0.5 ACRES OUT OF BLOCK 23, BRIGGS AND COLEMAN SUBDIVISION SURVEY 49; AND LOT 1, BLOCK 1, GLAVEZ SUBDIVISION; REZONE FROM NOT DESIGNATED ("N") DISTRICT TO RESIDENTIAL, MULTI-FAMILY ("M-2") DISTRICT FOR 3.79 ACRES OUT OF BLOCK 62, DAVID AND STEPHENSON SUBDIVISION; AND 13.98 ACRES OUT OF BLOCK 119 HARLINGEN LAND AND WATER COMPANY SUBDIVISION; REZONE FROM NOT DESIGNATED ("N") DISTRICT TO GENERAL RETAIL ("GR") DISTRICT FOR 10.80 ACRES OUT OF BLOCK 23, 6.21 ACRES OUT OF BLOCK 24, 3.73 ACRES OUT OF BLOCK 25, 3.30 ACRES OUT OF BLOCK 26, 3.35 ACRES OUT OF BLOCKS 26 AND 27, 8.12 ACRES OUT OF BLOCK 27, AND 4.3 ACRES OUT OF BLOCK 28, BRIGGS AND COLEMAN SUBDIVISION SURVEY 49; 13.11 ACRES OUT OF BLOCK 58, AND 6.67 ACRES OUT OF BLOCK 59, DAVID AND STEPHENSON SUBDIVISION, AND 12.91 ACRES OUT OF BLOCK 121, HARLINGEN LAND AND WATER COMPANY SUBDIVISION; AND REZONE FROM NOT DESIGNATED ("N") DISTRICT TO LIGHT INDUSTRY ("LI") DISTRICT FOR 9.83 ACRES OUT OF BLOCK 19, CUNNINGHAM SUBDIVISION, ALL PROPERTIES GENERALLY LOCATED BETWEEN EXPRESSWAY 77 AND 25TH STREET, NORTH OF PHOENIX AVENUE; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING

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

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

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

- **Rezoning from Not Designated ("N") District to Residential, Single Family ("R-1") District for 3.12 acres out of Block 103, 2.94 acres out of Block 118, and 8.79 acres out of Block 119, Harlingen Land and Water Company Subdivision; 0.5 acres out of Block 23, Briggs and Coleman Subdivision Survey 49; and Lot 1, Block 1, Galvez Subdivision; rezone from Not Designated ("N") District to Residential, Multi-Family ("M-2") District for 3.79 acres out of Block 62, David and Stephenson Subdivision; and 13.98 acre out of Block 119, Harlingen Land and Water Company Subdivision; rezone from Not Designated ("N") District to General Retail ("GR") District for 10.80 acres out of Block 23, 6.21 acres out of Block 24, 3.73 acres out of Block 25, 3.30 acres out of Block 26, 3.35 acres out of Blocks 26 and 27, 8.12 acres out of Block 27, and 4.3 acres out of Block 28, Briggs and Coleman Subdivision Survey 49; 13.11 acres out of Block 58, and 6.67 acres out of Block 59, David and Stephenson Subdivision; and 12.91 acres out of Block 121, Harlingen Land and Water Company Subdivision; and rezone from Not Designated ("N") District to Light Industry ("LI") District for 9.83 acres out of Block 19, Cunningham Subdivision, all properties generally located between Expressway 77 and 25th Street, north of Phoenix Avenue.

A copy of the Zoning Map constituting a part and parcel of the Code of Ordinances, as filed with the Building Inspection Inspector and for the joint use and information of the Planning and Zoning Commission shall, upon final enactment hereof, be and the same is hereby amended and
revised to reflect that the above described property is zoned for land use purposes as above indicated by the boundaries thereof being outlined in pronounced heavy line markings and such heavy line marking boundary enclosure being indicated within by the appropriate initials for that portion herewith zoned for particular land uses; with the Planning and Development Director being herewith instructed and authorized to document such Zoning Map changes and revisions.

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

FINALLY ENACTED this _____ day of __________, 2018 at a regular meeting of the Elective Commission of the City of Harlingen, Texas at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, CHAPTER 551.

CITY OF HARLINGEN

Chris Boswell, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary
Request to rezone from Not Designated ('N') District to Residential, Single Family ('R-1') District for 3.12 acres out of Block 103, 2.94 acres out of Block 118, and 8.79 acres out of Block 119, Harlingen Land and Water Company Subdivision; 0.5 acres out of Block 23, Briggs and Coleman Subdivision Survey 49; and Lot 1, Block 1, Galvez Subdivision; rezone from Not Designated ('N') District to Residential, Multi-Family ('M-2') District for 3.79 acres out of Block 62, David and Stephenson Subdivision; and 13.98 acres out of Block 119, Harlingen Land and Water Company Subdivision; rezone from Not Designated ('N') District to General Retail ('GR') District for 10.80 acres out of Block 23, 6.21 acres out of Block 24, 3.73 acres out of Block 25, 3.30 acres out of Block 26, 3.35 acres out of Block 26 and 27, 8.12 acres out of Block 27, and 4.3 acres out of Block 28, Briggs and Coleman Subdivision Survey 49; 13.11 acres out of Block 58, and 6.67 acres out of Block 59, David and Stephenson Subdivision, and 12.91 acres out of Block 121, Harlingen Land and Water Company Subdivision; and rezone from Not Designated ('N') District to Light Industry ('LI') District for 9.83 acres out Block 19, Cunningham Subdivision, all properties generally located between Expressway 77 and 25th Street, north of Phoenix Avenue. Applicant: City of Harlingen.
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Zoning Designations

- General Retail (GR)
- Multi Family Residential (M2)
- Office (O)
- Heavy Industry (HI)
- Mobile Home Residential (MH)
- Planned Development (PD)
- Single Family Residential (R1)
- Not-Designated (N)
- Duplex Residential (R2)
- Neighborhood Services (NS)
- Residential Patio Home (RPH)

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AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: December 5, 2018

<table>
<thead>
<tr>
<th>Agenda Item:</th>
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</thead>
<tbody>
<tr>
<td>Public Hearing and presentation regarding the FY 17-18 Consolidated Annual Performance and Evaluation Report (CAPER).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Prepared By (Print Name):</th>
<th>Tammy Jackson</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title:</td>
<td>Community Development Director</td>
</tr>
<tr>
<td>Signature:</td>
<td>[Signature]</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Brief Summary:</th>
</tr>
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<tbody>
<tr>
<td>As required by the City of Harlingen’s Citizen Participation Plan, a public hearing will be held during the City Commission Meeting to receive comments from the citizens prior to the submission of the Consolidated Performance and Evaluation Report (CAPER) to HUD (December 29, 2018). This CAPER is an accounting for each activity (summary of resources and accomplishments) during the FY 2017-2018 program year (October 1, 2017 through September 30, 2018). These expenses were in accordance with the approved One-Year Action Plan.</td>
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</tbody>
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<table>
<thead>
<tr>
<th>Funding (if applicable):</th>
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<tbody>
<tr>
<td>Are funds specifically designated in the current budget for the full amount? Yes No*</td>
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<tr>
<td>*If no, specify source of funding and amount requested:</td>
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<thead>
<tr>
<th>Finance Director’s approval:</th>
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<tbody>
<tr>
<td>Yes No N/A</td>
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<table>
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<tr>
<th>Staff Recommendation:</th>
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</thead>
<tbody>
<tr>
<td>Not applicable, item is a presentation.</td>
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<table>
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<tr>
<th>City Manager’s approval:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes No N/A</td>
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</table>

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

<table>
<thead>
<tr>
<th>City Attorney’s approval:</th>
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</thead>
<tbody>
<tr>
<td>Yes No N/A</td>
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</tbody>
</table>
COMMUNITY DEVELOPMENT DEPARTMENT

Building Better Neighborhoods

CDBG

CITY OF HARLINGEN, TEXAS

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

EQUAL HOUSING OPPORTUNITY
COMMUNITY DEVELOPMENT
DEPARTMENT

OUR MISSION

To assist in the creation and development of a viable community through superb customer service, community outreach, partnerships in economic development, affordable housing, and social service agencies.

OUR VISION

To improve the quality of life of Harlingen's low and moderate income citizens through actions which promote affordable housing, a clean environment, the efficient delivery of human service programs and the encouragement of citizen participation within neighborhoods.
## COMMUNITY DEVELOPMENT FUNDING

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>CDBG Funds</th>
<th>HOME Funds</th>
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<tbody>
<tr>
<td>FY 2002-2003</td>
<td>$1,350,000.00</td>
<td>$445,000.00</td>
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<tr>
<td>FY 2003-2004</td>
<td>$1,175,000.00</td>
<td>$427,655.00</td>
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<tr>
<td>FY 2004-2005</td>
<td>$1,149,000.00</td>
<td>$424,177.00</td>
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<tr>
<td>FY 2005-2006</td>
<td>$1,089,929.00</td>
<td>$405,965.00</td>
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<tr>
<td>FY 2006-2007</td>
<td>$980,704.00</td>
<td>$381,572.00</td>
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<td>FY 2007-2008</td>
<td>$978,848.00</td>
<td>$378,927.00</td>
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<td>FY 2008-2009</td>
<td>$946,817.00</td>
<td>$367,421.00</td>
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<tr>
<td>FY 2008-2009 CDBG-R</td>
<td>$257,148.00</td>
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<tr>
<td>FY 2009-2010</td>
<td>$956,980.00</td>
<td>$408,376.00</td>
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<tr>
<td>FY 2010-2011</td>
<td>$1,035,538.00</td>
<td>$406,692.00</td>
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<tr>
<td>FY 2011-2012</td>
<td>$864,079.00</td>
<td>$358,797.00</td>
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<tr>
<td>FY 2012-2013</td>
<td>$807,310.00</td>
<td>$250,119.00</td>
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<tr>
<td>FY 2013-2014</td>
<td>$828,799.00</td>
<td>$225,375.00</td>
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<tr>
<td>FY 2014-2015</td>
<td>$801,930.00</td>
<td>$234,912.00</td>
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<td>FY 2015-2016</td>
<td>$801,812.00</td>
<td>$212,635.00</td>
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<td>FY 2016-2017</td>
<td>$796,099.00</td>
<td>$216,573.00</td>
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<tr>
<td>FY 2017-2018</td>
<td>$796,414.00</td>
<td>$214,157.00</td>
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<tr>
<td>FY 2018-2019</td>
<td>$834,188.00</td>
<td>$318,128.00</td>
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## FINANCIAL SUMMARY FOR PROGRAM YEAR (IDIS PR26)
### CDBG FUNDS

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Unexpended Balance from last year (10/1/17)</td>
<td>$720,210.55</td>
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<tr>
<td>FY 17-18 Entitlement Grant</td>
<td>$796,414.00</td>
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<tr>
<td>Housing Rehab Program Income</td>
<td>$59,129.53</td>
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<tr>
<td>Funds Returned to the Line-Of-Credit</td>
<td></td>
</tr>
<tr>
<td>Sub Total</td>
<td>$1,575,754.08</td>
</tr>
<tr>
<td>Current Year Expenditures (CDBG)</td>
<td>$438,262.73</td>
</tr>
<tr>
<td>Unexpended Project Balances</td>
<td>$1,137,491.35</td>
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EXPENDITURES
CDBG & HOME EXPENDITURES
October 1, 2017 - September 30, 2018

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Street Improvements</td>
<td>$17,954.54</td>
</tr>
<tr>
<td>Park Improvements</td>
<td>$88,886.00</td>
</tr>
<tr>
<td>Housing Rehabilitation &amp; Clearance &amp; Demolition</td>
<td>$48,995.01</td>
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<tr>
<td>Public Services</td>
<td>$59,953.00</td>
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<tr>
<td>CD Administration</td>
<td>$135,981.48</td>
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<td>TOTAL CDBG EXPENDED</td>
<td>$438,262.73</td>
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<tr>
<td>HOME-Program Income</td>
<td>$122,557.25</td>
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<tr>
<td>HOME-Administrative Support</td>
<td>$17,688.72</td>
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<tr>
<td>HOME-Affordable Housing Program</td>
<td>$192,623.22</td>
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<tr>
<td>TOTAL HOME EXPENDED</td>
<td>$332,869.19</td>
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<tr>
<td>CDBG &amp; HOME EXPENDED</td>
<td>$771,131.92</td>
</tr>
</tbody>
</table>
A total of $17,954.54 was expended on Buchanan Avenue Street improvements. The project is currently underway.

Project benefits 620 persons, of which 335 are of low and moderate income.
$88,886.00 in CDBG funds was used for improvements to Victor Pool which included new filters and pumps. Improvements were undertaken by KIKO Construction and South Texas Pools.

Project benefits 3,510 persons of which 56.27% are low to moderate income.
A total of $46,492.70 was expended on clearance & demolition activities. The majority of CDBG funds were expended for the cost of dumping fees for the structures demolished by the National Guard in August. A total of 24 unsafe structures on 16 properties were demolished.
Three applicants were processed to determine eligibility for the housing reconstruction program. During the year, the environmental, lead testing, partnering with TSTC to draft the construction plans, drafting of the specifications, windstorm design, and preparing the bid packet were completed. The program was on hold due to lack of staffing however, a consultant was procured to perform construction management services.

Construction of 3 homes should be underway before the end of the year.

Staff has provided monthly loan processing and escrow services to 52 homeowners, including annual verifications, insurance quotes and renewal, processing payment of property taxes, and warranty issues.

For an expenditure of $46,295.01 in CDBG Treasury Funds and $2,700.00 in Revolving Loan Funds.

$59,129.23 was received in Program Income generated by repayment of loans provided to those previously assisted!

Expenditures include Lead Based Paint Testing and lead hazard reduction, engineered plans to comply with Windstorm requirements, construction, personnel, and other associated costs.
Since 1965 the Boys and Girls Clubs of Harlingen has had countless kids walk through their doors who have found a path to greatness.
Amigos Del Valle, Inc., (ADV) was officially chartered on October 4, 1974. ADV is a consortium of county and city governmental entities that was created to provide nutrition, transportation, and housing services to seniors of Cameron, Hidalgo, and Willacy Counties of South Texas to assist such population to continue to live as healthy, productive, independent, and self-sufficient lives as possible.
Family Crisis Center, Inc. is a domestic violence and rape crisis center that provides services to victims and their families. The Center offers a 24 hour hotline, provides 24 hour emergency shelter, crisis intervention, hospital accompaniment and advocacy. Intervention and prevention services are also provided.
PUBLIC SERVICE ACTIVITIES-CASA

$20,000.00

92 Abused Children were served this year!

"To give a child a CASA is to give them a voice. To give them a voice is to give them hope. And to give them hope is to give them the world. I believe that with all my heart."

- Pamela Butler, former foster youth
PUBLIC SERVICE ACTIVITIES

$99,953.00 Expended for
4 Public Service Activities
886 low to moderate income persons served
Over $1.4 million dollars leveraged to provide services in Harlingen.

GREAT FUTURES START HERE.

BOYS & GIRLS CLUBS
OF HARLINGEN

Family Crisis Center
of the Rio Grande Valley
Breaking the Cycle of Violence
3510 Park Lane North
$110,699.00 – Sales Price (3 bedroom/2 bath)
$89,742.00 Local Lender Loan- $3,973.00 Owner’s Contribution
$25,000.00 - HOME INVESTMENT – Homebuyer Assistance
(Required to meet affordability requirements.)
1722 Reagan
$103,500.00 - Sales Price (3 bedroom/2 bath)
$82,800.00 Local Lender Loan- $2,306.98 Owner’s Contribution
$22,727.58 – Homebuyer Assistance
(Required to meet affordability requirements.)
2702 Bamboo Palm– Acquisition
$95,000.00 - Sales
$68,000.00 Local Lender Loan- $2,000.00 Owner’s Contribution-$2,500 Seller Credit
$25,000.00 – Homebuyer Assistance
(Required to meet affordability requirements.)
HOME FUNDS – Affordable Housing Programs

<table>
<thead>
<tr>
<th>Activity</th>
<th>Amount Expended</th>
</tr>
</thead>
<tbody>
<tr>
<td>HOME-Affordable Housing Program</td>
<td>$192,623.22</td>
</tr>
<tr>
<td>HOME-Administrative Support</td>
<td>$17,688.72</td>
</tr>
<tr>
<td>HOME-Program Income</td>
<td>$122,557.25</td>
</tr>
<tr>
<td>HOME EXPENDED</td>
<td>$332,869.19</td>
</tr>
</tbody>
</table>

2 homes constructed by Community Development Corporation of Brownsville were converted to rental units; 10 first time homebuyers were able to purchase a home with HOME down payment, closing costs & gap financing. 2 homes constructed by Community Development Corporation of Brownsville are currently for sale to eligible homebuyers.

A total of $6,371.68 was generated in program income; $19,584.43 was recaptured for a total of $25,956.11.
PROJECT FUNDS AVAILABLE-PROJECT BALANCES

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Project Category</th>
<th>Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 17-18</td>
<td>Street Improvements</td>
<td>$385,389.21</td>
</tr>
<tr>
<td>FY 15-16</td>
<td>Rehabilitation Administration</td>
<td>$28,699.23</td>
</tr>
<tr>
<td>FY 16-17</td>
<td>Rehabilitation Administration</td>
<td>$75,000.00</td>
</tr>
<tr>
<td>FY 17-18</td>
<td>Rehabilitation Administration</td>
<td>$65,000.00</td>
</tr>
<tr>
<td>FY 16-17</td>
<td>Victor Park</td>
<td>$15,109.48</td>
</tr>
<tr>
<td>FY 13-14</td>
<td>Housing Rehabilitation Treasury</td>
<td>$7,726.59</td>
</tr>
<tr>
<td>FY 14-15</td>
<td>Housing Rehabilitation Treasury</td>
<td>$243,930.00</td>
</tr>
<tr>
<td>FY 15-16</td>
<td>Housing Rehabilitation Treasury</td>
<td>$16,135.89</td>
</tr>
<tr>
<td>FY 16-17</td>
<td>Housing Rehabilitation Treasury</td>
<td>$32,893.90</td>
</tr>
<tr>
<td>FY 17-18</td>
<td>Housing Rehabilitation Revolving</td>
<td>$59,129.53</td>
</tr>
<tr>
<td>FY 16-17</td>
<td>General Administration</td>
<td>$4,803.56</td>
</tr>
<tr>
<td>FY 17-18</td>
<td>General Administration</td>
<td>$139,880.30</td>
</tr>
<tr>
<td></td>
<td>Total CDBG Unexpended Balance (PR26, Part II, Line 16)</td>
<td>$1,137,491.35</td>
</tr>
<tr>
<td>FY 16-17</td>
<td>HOME-Affordable Housing</td>
<td>$70,161.82</td>
</tr>
<tr>
<td>FY 17-18</td>
<td>HOME-Affordable Housing</td>
<td>$139,880.30</td>
</tr>
<tr>
<td>FY 17-18</td>
<td>HOME-Affordable Housing</td>
<td>$139,880.30</td>
</tr>
<tr>
<td></td>
<td>TOTAL HOME Affordable Housing</td>
<td>$401,587.15</td>
</tr>
<tr>
<td>FY 16-17</td>
<td>HOME Administration</td>
<td>$10,640.82</td>
</tr>
<tr>
<td>FY 17-18</td>
<td>HOME Administration</td>
<td>$21,400.00</td>
</tr>
<tr>
<td></td>
<td>Total HOME Unexpended Balance</td>
<td>$433,827.97</td>
</tr>
</tbody>
</table>
Building Better Neighborhoods

The End

Questions?
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: December 5, 2018

Agenda Item:
Discussion and possible action on options regarding the operation of the Tony Butler Golf Course.

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

Brief Summary:
Staff is proposing some options for the improvement and efficiency of the Tony Butler Golf Course operation and to re-organize some of the activities such as:

- food and beverage and pro-shop activities;
- cross training of staff;
- modify the ordinance to allow the flexibility for seasonal specials;
- improve the marketing of the golf course to offer tournaments and plays for other organizational groups; and
- conduct an assessment of the golf course to determine possible opportunities.

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

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

Staff Recommendation:
Staff is prepared to proceed on the recommendations considered by the City Commission or hold a workshop to further discuss this item.

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

Comments:

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

**Meeting Date:** December 5, 2018

**Agenda Item:**
Discussion and possible action on selecting the HEB Tennis Center Pro Shop or Hugh Ramsey Nature Park Welcome Center as priority and use Combination Tax and Revenue Certificates of Obligation, Series 2001 funding.

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

---

### Brief Summary:

**Summary**  
On April 6, 2016, the City Commission unanimously approved One Vision, One Harlingen Comprehensive Plan. Certain key catalyst projects were identified in the implementation section of the plan and the promotion and expansion of city amenities is one of those targeted actions. On July 19, 2018 the Parks and Recreation Advisory Board recommended to add the Welcome Center at Hugh Ramsey Nature Park, Pro Shop at the HEB Tennis Center and a Kayak Trail to the list of projects to select from.

---

### Funding (if applicable):

Are funds specifically designated in the current budget for the full amount for this purpose?  
Yes [ ]  
No [ ]  

*If no, specify source of funding and amount requested: Parks and Recreation Department.*

**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
AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: December 5, 2018

<table>
<thead>
<tr>
<th>Agenda Item:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consideration and possible action to approve the Fire Protection Contract with Cameron County Emergency Services District No. 1 for Fiscal Year 2018/2019 and authorize the Mayor to sign the contract.</td>
</tr>
</tbody>
</table>

| Prepared By (Print Name): | Rogelio Rubio |
|----------------------------|
| Title: Fire Chief |
| Signature: |

<table>
<thead>
<tr>
<th>Brief Summary:</th>
</tr>
</thead>
<tbody>
<tr>
<td>This is the annual renewal of Fire Protection Contract between the City of Harlingen and Cameron County ESD No.1. The proposed FY 2019 Fire Contract amount is $212,985.55 to be paid in quarterly installments of $53,246.39 on or about the following dates: December 31st, March 31st, June 30th and Sept. 30th.</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Staff Recommendation:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff has reviewed the contract and recommends approval of the Proposed FY 18/19 ESD No. 1 Fire Service Contract with Cameron County Fire District No. 1.</td>
</tr>
</tbody>
</table>

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

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

| City Attorney’s approval: [ ] Yes [ ] No [ ] N/A |
November 6, 2018

Dear Fire and or EMS Service Provider:

We are pleased to inform you that your contract has been approved by the CCESD Board on October 31, 2018. Enclosed for approval and signatures are two (2) copies of the following document(s):

- FY 2018-2019 Fire Contract with attachments
  (Exhibits, Reporting Forms & Maps)
- FY 2018-2019 EMS Contract with attachments
  (Exhibits, Reporting Forms & Maps)

Please return one (1) original signed copy of your contract(s) to my office. The other original signed copy is for your files. It is important that you have this contract executed and send to our office as soon as possible.

Should you have any questions or require additional information, please call me at 550-1355.

Sincerely,

Graciela Salinas
CCESD Administrator/Planner, MPA
Cameron County Program Development & Management

Enclosures

XC: CCESD Board Members
  Brian Janis, CCESD Legal Counsel
This agreement is made and entered into pursuant to Chapter 775 of the Texas Health & Safety Code, by and between the Cameron County Emergency Services District No. 1, hereinafter referred to as "DISTRICT," acting by and through its undersigned President, and the City of Harlingen, located in Cameron County, Texas, hereinafter referred to as "PROVIDER," acting by and through its undersigned Mayor, both signatories having been authorized to execute this agreement upon an affirmative majority vote of their respective governing boards.

In consideration of the mutual covenants, agreements and benefits to both parties, it is AGREED as follows:

I. PROVISION OF SERVICES

A. During the term of this agreement, PROVIDER agrees to furnish "firefighting" services - defined as "the use of personnel and equipment to fight, extinguish and suppress fires," and what has been (historically) understood to be part of the duties of a fire department, including the handling of "hazardous material incidents" or the provision of "rescue services," but this does not include the prevention or investigation of fires, or related training, education, maintenance, communications or administration - to the unincorporated area of Cameron County designated as Zone Number 2 on the Official Fire Protection Service Zone Map of the DISTRICT, which is incorporated by reference herein as if fully copied and set forth at length; a complete "definition" of these terms, and what is (or is not) included in those terms (above) are set forth in the "Exhibit A" to this Contract, which is incorporated by reference herein as if fully copied and set forth at length.
B.

While the purpose of this map is to define generally the PROVIDER's main area of responsibility, such a designation does not limit the PROVIDER's duty to respond to other areas within the DISTRICT should the need arise;

therefore, it is expressly agreed that when, in the judgment of the PROVIDER's Fire Chief, an emergency demands the response of the PROVIDER's firefighting services outside of Zone Number 2, the PROVIDER shall be obligated to respond.

C.

PROVIDER will conduct itself in conformity with the requirements and standards of emergency services (i.e., firefighting) provided in this State, in accordance with any applicable state standards; to this extent, the PROVIDER will perform all acts necessary to successfully fulfill the purpose of this Agreement and shall, at all times, faithfully, industriously and to the best of its abilities, experience and talents, perform all the duties that may be required of and from it pursuant to the express and implicit terms hereof and to the reasonable satisfaction of the DISTRICT.

D.

To confirm the ability of the PROVIDER to perform services required under this Agreement and to otherwise confirm compliance with the performance anticipated and required under this Agreement by the said PROVIDER, the DISTRICT reserves the right to have its consultant or any other authorized agent or employee (at the appropriate time) contact the PROVIDER and inspect the PROVIDER's facilities, equipment and personnel to confirm the provision of same and the adequacy of same (as regards the status of such equipment and facilities or the training of such personnel, as appropriate), in contemplation of reporting same to the Board Of Emergency Services Commissioners of the DISTRICT.

II.

COMPENSATION

A.

DISTRICT agrees to pay, subject to the availability of funds, the sum of $212,985.55 per year to the PROVIDER for firefighting services in the said unincorporated areas, generally designated in Paragraph I of this agreement; the DISTRICT agrees said sum is to be paid to the PROVIDER in quarterly installments of $53,246.39 on or about the following dates: December 31st, March 31st, June 30th and September 30th.
B.

It is agreed that as a condition precedent to payment, the PROVIDER shall provide to the DISTRICT a written report summarizing the services rendered to the DISTRICT during the term of this Contract, with all such reports (for each "fire call") describing the particular incident, in accordance with a standardized Fire Call Reporting Form, a copy of which is attached to this Contract (after the said "Exhibit B"), and all such reports shall be due by 2:00 p.m. on the tenth day of the next month after the date of the incident reported on that Form.

C.

However, notwithstanding the foregoing, PROVIDER shall not, in any event, be required to provide to the DISTRICT, or include in any such report, any privileged, confidential or private information regarding any patient or person for whom ambulance or emergency medical services have been provided, including but not limited to name, address, medical condition or treatment information, or any other information determined by PROVIDER to be protected from disclosure under any applicable federal or state law or regulation.

D.

It is, therefore, agreed that no payment (for the relevant quarter) of the foregoing compensation will be made, unless and until the said (required) report is tendered to the DISTRICT, in a timely manner (no later than the due date referred to above in paragraph B.), and in the event of a late tender of such report, the foregoing compensation will not be paid to the said PROVIDER for that quarter.

III.

TERM OF AGREEMENT

The term of the Agreement shall be one year, beginning October 1, 2018 and ending September 30, 2019, but the provisions of this Agreement shall survive the termination and/or expiration of this Agreement.

IV.

TERMINATION/RENEWAL

A.

This contract may be terminated at will by either party sixty days after the other party is sent written notice from the party desiring termination.

B.
If the PROVIDER does not intend to renew this Contract after the fiscal year covered by this Contract, the PROVIDER shall provide the DISTRICT with written notice of its intent to terminate, by United States Mail, return receipt requested, not later than January 1, 2019; this 120 day notice is required to allow the DISTRICT to have sufficient time to secure alternate firefighting services in such event.

C.

In the event the PROVIDER fails to notify the DISTRICT of its intention not to renew this Contract, the DISTRICT may assume and rely upon such assumption that the PROVIDER will renew this Contract upon the same terms and conditions set forth in this instrument.

D.

Should the PROVIDER intend to renegotiate this Contract, the DISTRICT shall be notified in writing of same by United States Mail, return receipt requested, not later than January 1, 2019; if such negotiations have not been completed on or before October 1, 2018, both the PROVIDER and the DISTRICT expressly agree to act in accordance with the terms and conditions of this Contract for a period of thirty days thereafter. If, during such time, both parties fail to negotiate a new contract, the said negotiation period shall terminate on the thirtieth (30th) day of said period; however, the contract obligations of both parties shall be extended for an additional thirty days beyond the end of the said negotiation period to allow the DISTRICT time to secure alternate firefighting services. At the end of this second negotiation period, this Contract shall terminate.

V.

ENTIRE AGREEMENT

This Contract shall comprise the entire agreement between the parties hereto and any amendment shall be enforceable only after being reduced to writing, executed by the parties hereto and attached hereto.

VI.

LAW GOVERNING/VENUE

This Contract shall be governed by the laws of The State of Texas and shall be performable in Cameron County, Texas.

VII.

ACT OF GOD EXCUSES PERFORMANCE
In the event that either party shall be prevented from completing performance of their respective obligations hereunder by an "act of God" or any other occurrence whatsoever which is beyond the control of the parties hereto, then such party shall be excused from any further performance of its obligations and undertakings hereunder, but only for the period of time after such occurrence that is necessary.

VIII.

EXCLUSIVITY

Pursuant to the authority vested in the Board Of Emergency Service Commissioners, the governing board (body) of the DISTRICT, the said PROVIDER is granted the exclusive right to and the exclusive responsibility for, during the term of this Agreement, the provision of all firefighting services, as defined above and as contemplated by this Contract, originating or occurring in the said Zone (Number 2) of the DISTRICT, regardless of the manner and method in which any request for such service is conveyed.

IX.

DISPUTE RESOLUTION

A.

ANY DISPUTE, CONTROVERSY OR CLAIM ARISING UNDER OR RELATING TO THIS AGREEMENT, WHETHER SOUNDING IN TORT OR UNDER CONTRACT OR STATUTE, OR THE BREACH, TERMINATION OR INVALIDITY THEREOF, SHALL BE RESOLVED (EXCEPT WHERE THE PARTIES HERETO RESOLVE ANY SUCH DISPUTE, CONTROVERSY OR CLAIM BY AGREEMENT) BY ARBITRATION ONLY (I.E., ANY SUCH DISPUTE, CONTROVERSY OR CLAIM WILL NOT BE RESOLVED BY OR THROUGH ANY COURT OR JUDICIAL PROCEEDING, AND FURTHER, THERE SHALL BE NO PRE-HEARING DISCOVERY, OR ANY APPEAL, EXCEPT [AS REGARDS THE APPEAL] AS PERMITTED UNDER THE RULES GOVERNING THE ARBITRATION), IN ACCORDANCE WITH THE FEDERAL ARBITRATION ACT, 9 U.S.C. § 1, et seq., AND THE COMMERCIAL ARBITRATION RULES OF THE AMERICAN ARBITRATION ASSOCIATION (THIS DOES NOT REQUIRE THE USE OF SUCH ASSOCIATION, AND SUCH RULES ARE ONLY PROCEDURES FOR THE ARBITRATION, BUT THIS PROVISION DOES NOT AUTHORIZE ANY PRE-HEARING DISCOVERY OR ANY APPEAL WHATSOEVER, EXCEPT AS INDICATED ABOVE), USING ONE ARBITRATOR, TO BE SELECTED BY AGREEMENT OF THE PARTIES - SUCH ARBITRATION TO BE CONDUCTED IN BROWNSVILLE, CAMERON COUNTY, TEXAS, IN THE ENGLISH LANGUAGE - AND A JUDGMENT UPON THE AWARD RENDERED BY THE ARBITRATOR MAY BE ENTERED IN ANY COURT HAVING JURISDICTION THEREOF.
IF ANY PROCEEDING IS INITIATED TO RESOLVE A DISPUTE ARISING UNDER OR RELATING TO THIS AGREEMENT BY EITHER OF THE PARTIES HERETO, IT IS EXPRESSLY AGREED THAT THE "PREVAILING PARTY" (i.e., "that one of the parties to a suit who successfully prosecutes the action or successfully defends against it, prevailing on the main issue, even though not to the extent of his original contention. . . . . . . . " See Black's Law Dictionary 1325 [Rev. 4th ed. 1968] [Prevailing Party]) SHALL BE ENTITLED TO RECOVER FROM THE OTHER PARTY REASONABLE ATTORNEY FEES, COSTS AND EXPENSES, IN ADDITION TO ANY OTHER (INCLUDING BUT NOT LIMITED TO DECLARATORY, INJUNCTIVE OR MONETARY) RELIEF THAT MAY BE AWARDED.

X.

INSURANCE

The aforesaid PROVIDER is required to notify, in writing, the DISTRICT if it (the PROVIDER) has any liability insurance whatsoever, in the unlikely event of any claim arising against the PROVIDER, in connection with the PROVIDER's provision of emergency services in the pertinent Fire Protection/Ambulance Service Zone.

XI.

WARRANTIES OR REPRESENTATIONS

THE PARTIES TO THIS AGREEMENT SPECIFICALLY ACKNOWLEDGE THAT NO WARRANTY OR REPRESENTATION OF ANY KIND WHATSOEVER IS BEING MADE BY EITHER PARTY IN CONNECTION WITH THE EXECUTION OR PERFORMANCE OF THIS AGREEMENT, except as is set forth in this instrument.

XII.

MUTUAL AID

A.

This Agreement includes this paragraph regarding, under this CCESD No. 1 Fire Service Provider Contract, the use of mutual aid to assist in funding the relevant PROVIDERS, to provide additional revenues for the said PROVIDERS, based on the PROVIDERS' bills (i.e., compensation), to enable the said Providers to have appropriate payments for the same.

B.

Upon the request to the PROVIDERS by the DISTRICT or by a pre-arranged response procedure on file at the appropriate dispatch agency, firefighting, rescue, and personnel will be
dispatched to any point within the jurisdiction of the DISTRICT, designated by either the PROVIDER or by pre-arranged response procedures.

C.

It is agreed that the PROVIDER and the DISTRICT, that the PROVIDER will respond for firefighting and rescue services extend only to the area served by the PROVIDER, and likewise the PROVIDER will extend services only to the area served by the PROVIDER.

D.

Any dispatch of firefighting or rescue, and personnel pursuant to this Agreement is subject to the foregoing conditions:

1. Any request for mutual aid hereunder shall include a statement of the amount and type of equipment and the number of personnel requested, and shall specify the location to which the equipment and personnel are to be dispatched, however, the amount and the type of equipment and number of personnel that are to be dispatched or furnished, if any, shall be determined by the responding Agency. Pre-determined response protocols can supersede the above.

2. The responding agency shall report to the Incident Commander or his/her designee of the requesting agency, at the location to which the equipment and personnel are dispatched, and shall be subject to the orders of the Incident Commander or his/her designee. Provided however, that the Officer in Charge of the equipment and personnel of the responding agency shall be responsible for operating within the established policies and procedures of the responding agency.

3. The mutual aid rendered under the terms of this Agreement shall include firefighting services and rescue services.

4. The responding agency shall be released as soon as feasible by the requesting agency when the services of the responding agency are no longer required.

5. The agency shall have a statement in their policy manual [SOG's] to indicate a standing order to all members of the agency, ordering them to take appropriate action, consistent with the exposure to loss, until such time as dispatch is accomplished. For example, a member discovers a fire and takes immediate action and is injured. (This particular clause is a requirement for the Federal Public Safety Officers Benefit Program, and must be in written SOG's to qualify for the program.)
E. The level of performance under this Agreement has been addressed as mentioned above.

F. The matter of compensation to the PROVIDERS by the DISTRICT has been addressed as mentioned above.

G. The matter of equipment and personnel is to be handled and performed under this Agreement as mentioned above.

H. The matter of liability is to be handled and performed under this Agreement as mentioned above.

I. The matter of immunity and/or defense is to be handled and performed under this Agreement as mentioned above.

J. The matter of termination of this Agreement is to be handled and performed under this Agreement.

K. The matter of severability of this Agreement is to be handled and performed under this Agreement.

L. The matter of the Effective Date of this Agreement is to be handled and performed under this Agreement.

XIII. Distribution of Funds

A. Funds available at the end of the fiscal year shall be allocated as part of the budget for the next fiscal year, or distributed as authorized by the Board of Emergency Services Commissioners, to be used as stated in the "Exhibit C - Performance Statement", which
requires improving and maintaining standards of adequate fire-fighting training, insurance, adequate fully equipped and operational vehicles and equipment, supporting fire-fighting equipment, building maintenance, compliance with NFPA standards, fire prevention education, and others, as stated.

B.
As authorized under the Texas Constitution, at Tex. Const. art. III, §52(a), which requires that any such disbursement can only occur if there is consideration (i.e., a quid pro quo), to effect the approval of those distributions of funds.

* * *
Executed in duplicate by the President of the Cameron County Emergency Services District No. 1 and the Mayor of the City of Harlingen, who are duly authorized to represent and bind said DISTRICT and PROVIDER, respectively, to the terms and conditions of this Contract, as set forth above, on this 29th day of September, 2018.

CAMERON COUNTY EMERGENCY SERVICES DISTRICT NO. 1

Oscar Tapia, CCESD Board President

ATTEST:

Brian Janis, CCESD Legal Counsel

CITY OF HARLINGEN

Chris Boswell
Mayor

ATTEST:

Amanda Elizondo
City Secretary
Exhibit A
(To CCESD Firefighter Contracts)

The following items or categories, pursuant to the preceding CCESD- PROVIDER Contract (for "firefighting services"), are considered to be a "covered" and compensable "fire call" that is to be undertaken, as appropriate (based on the zone of coverage at issue and within the discretion of PROVIDER), by PROVIDER, which shall parallel the Fire Department Call Report that, along with this Appendix and the foregoing Contract, is approved by CCESD:

A. FIRES

1. Structure Fire
2. Grass Fire
3. Vehicle Fire
4. Utility Pole Fire
5. Tree Fire
6. Trash Fire
7. Brush Fire

B. RESCUES

1. Aircraft Crash/Down
2. Drowning
3. Bee attack (rescue only)
4. Water Rescue (flood or beach)
5. Heavy Rescue (building collapse, farm or industrial equipment)
6. Motor Vehicle Accident Extrication/Scene Safety

C. ENVIRONMENTAL RESPONSES

1. Motor Vehicle Accident "Spill Clean-up"
2. Gas leak/odor
3. Power lines down
4. Haz-Mat Response
5. Removal of trees on roadway

D. MISCELLANEOUS

1. Automatic Alarm Response

* In the event of any questions about the terms in this Appendix, the County Fire Marshal will attempt to "rule" on the propriety of the claimed "fire call," administratively, in accordance with the terms of this Appendix and the Contract (between CCESD and PROVIDER), in consultation with the CCESD Administrator and the CCESD Counsel, it being anticipated that only emergency situations are to be addressed under the said Contract and this Appendix, involving (for example) injury to people or property, loss of life or property, or disasters, accidents, storms, explosions and so forth.
Exhibit B
CAMERON COUNTY EMERGENCY SERVICES DISTRICT NO. 1
CCESD FIRE CALL REPORTING FORM (Effective October 1, 2009, revised 3/14/17)

Date: ____________________ Time: ____________________

Fire Department Name: ___________________________________________

CCESD Fire Zone Assigned (By Contract) To That Fire Department:  

Type of Call (in accordance with the Appendix to the respective CCESD Firefighting Contract, a copy of the Appendix being attached to this Form):
Category: Fires/Rescues/Environmental Responses/Miscellaneous, Mutual Aid Request (Circle one)
Number (e.g., B 6, A 2): ____________________

MUTUAL AID REQUESTED BY: REQUESTING AGENCY'S ID #: ____________________
MUTUAL AID REQUESTED FROM: REQUESTING AGENCY'S ID #: ____________________

Location of Fire/Rescue/Environmental Response/Etc. (Giving Street or similar address and CCESD Fire Zone #):
___________________________________________________________________________

Nature of Incident:
___________________________________________________________________________

Number of Apparatus/Trucks Responding (of the said Fire Department):
Number of Personnel Responding (of the said Fire Department):
Amount of Time On The Scene (of the said Fire Department):
Call Description/Narrative:
___________________________________________________________________________

Notification of Incident By (e.g., 9-1-1 or municipal dispatcher, sheriff, police, state law enforcement, federal law enforcement, EMS service, or other sources):
___________________________________________________________________________

I hereby certify, under penalties of perjury, that (1) the information set forth in this Form is true and correct, to the best of my knowledge and belief, in all particulars, (2) this form is accompanied by the Department's standard and legally required "fire incident" report, (3) CCESD is entitled to audit and review this report (as required by CCESD), and (4) the above (i.e., claimed) fire call was within the appropriate CCESD Fire Zone for this Fire Department (which is the appropriate Fire Department to respond to that fire call).

Fire Chief Signature: ____________________ (Printed Name): ____________________ Dated: ____________________

Approved □ Denied □ (Reason for denial follows) ____________________

Reviewed by: ____________________ Date: ____________________

(This Fire Call Reporting Form is confirmed and augmented by the "fire incident" report required by law that is to be submitted with this Form). (If more space is required, use additional sheets of paper and attach the same to this Form).
Cameron County Emergency Services District No. 1
Monthly Summary FIRE Runs Report

Month ______ Year ______

For Office Use Only

Adjusted No. of Fire Runs:

Fire Service Provider Name

Date ___________ Fire Zone ___________ Total No. of FIRE Runs ________

<table>
<thead>
<tr>
<th>Call No.</th>
<th>Date</th>
<th>Time</th>
<th>Location</th>
<th>FIRE Nature of Incident</th>
<th>No. of Units</th>
<th>No. of Personnel</th>
<th>Total Time On</th>
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ESD FIRE PROTECTION
EMERGENCY SERVICE DISTRICT ZONES
FIRE STATIONS in CAMERON COUNTY, TX 2014

E 9-1-1
County Road Map

CAMERON COUNTY, TEXAS
Approved Date: 04/19/2013
Exhibit C
Performance Statement

Service Provider shall, in connection with firefighting, and if applicable, emergency medical services within the Cameron County Emergency Services District No. 1:

1. Assure fire prevention, firefighting and medical assistance personnel are properly trained and qualified for the levels of service required herein.
2. Assure that adequate qualified personnel are available in order to respond to fire and medical assist calls.
3. Assure that the fire and/or EMS department has adequate liability insurance as required by the State and provide a copy of same.
4. Provide adequate fully equipped and operational firefighting vehicles and equipment to respond to each fire call with a minimum response time.
5. Provide a departmental fiscal year operating budget that shows financial responsibility so as to adequately fund the personnel and equipment needs of the fire and/or EMS department.
6. Prepare and submit such financial, administrative and narrative reports and other information as required, including but not limited to: A monthly narrative report of fire call activities, as of each month.
7. Provide routine (minor) maintenance of facilities, buildings and grounds, within their capabilities and to keep buildings and grounds clean and neat at all times.
8. Provide a sufficient number of volunteer and/or paid firefighters to adequately provide fire protection to the District; the firefighters shall be trained in accordance with the minimum standards of the State Fireman's and Fire Marshal's Association of Texas, or the Texas Commission on Fire Protection.
9. Establish criteria and conduct a background check to preclude persons who have criminal histories that may be detrimental to the mission of the Department;
10. Maintain written standard operating procedures for the operation of the Department;
11. Maintain job descriptions outlining the responsibilities of members and employees;
12. Comply with the National Fire Protection Association Standards, insofar as possible, and all applicable state and federal statutes and rules;
13. Firefighters operating at hazardous material incidents are qualified, in accordance with the Occupational Safety and Health Administration (OSHA) 1901.120;
14. Keep records and reports of all emergency calls as they pertain to the designated Zone and provide a summary of the same;
15. The City Manager of a City Fire and/or EMS Department or his designee shall be the liaison with the District and attend the CCESD Monthly meetings.
16. The Fire Chief or EMS Director and/or the President of a 501 (c) (3) Volunteer Fire Department, or his designee, shall be the liaison with the District and attend the CCESD Monthly meetings.
17. Participate in fire and/or EMS Injury and Illness prevention education and training program activities such as CPR, AED, etc., when possible.
18. Preferred when possible your participation in the State Association Fire & Emergency Services District (SAFE-D) Annual Conference.
19. Provide additional protection coverage in the District by responding to a mutual aid call as part of a mutual aid agreement.
20. Participate with the Cameron County Fire Marshal’s Office and provide documentation when applicable for monitoring or conducting a site review.