

REGULAR
CITY COMMISSION
AGENDA
June 22, 2016
@ 5:30 P.M.
TOWN HALL, CITY HALL
118 E. Tyler Street
Harlingen, Texas

Notice is hereby given that the above governmental body will hold a Regular Meeting on **Wednesday, June 22, 2016 at 5:30 P.M.** in City Hall, Town Hall, 2nd Floor, Harlingen, Texas.

City of Harlingen meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary's Office at (956) 216-5001 or write Post Office Box 2207, Harlingen, Texas 78550 at least 48 hours in advance of the meeting.

The Harlingen City Commission reserves the right, pursuant to 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/Victor Leal, City Commissioner

Pledge of Allegiance/Welcome

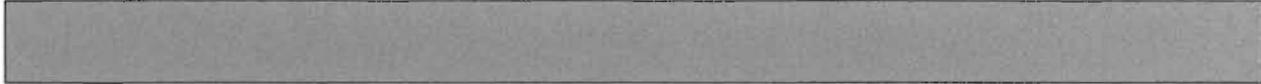
- 1) Board Recognition
- 2) City of Harlingen's Community-Wide Trash-Off Day, held Saturday, June 11, 2016 from 8 a.m. to 12 Noon, Casa De Amistad, Parking Lot, 1204 Fair Park Blvd. Attachment **(Code Enforcement)**
- 3) Approval of Minutes
 - a) Joint Special Meeting of the Harlingen City Commission and Harlingen Community Improvement Board of November 24, 2015
 - b) Regular Meeting of May 18, 2016.

	CONSENT AGENDA	
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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 Items withdrawn from the Consent Agenda for individual consideration in their normal sequence will be heard after the remainder of the Consent Agenda has been acted upon.

- 4a) Second and final reading to approve and adopt an ordinance amending three (3) Sections of Chapter 6-Animals of the City of Harlingen Code of Ordinances. Attachment **(City Attorney)**
- b) Second and final reading to approve and adopt an ordinance to abandon and vacate a ten foot ("10") public utility easement described as a 0.03 acre tract of land out of Lot Ten (10) and Lot Eleven (11), Sam D. Brown Subdivision and finding this abandonment to be in the public interest and serving a public purpose by allowing commerce to proceed in the City of Harlingen. Attachment **(City Attorney)**
- c) Consider and take action to approve the preliminary plat of the proposed King's Village Subdivision, an 11.71 acre tract of land comprised of an 11.01 acres of Blocks 32; 0.12 acre of Block 33; 0.20 acre of Block 34; 0.20 acre of Block 36, Howards Dixieland Heights located on the north side of Garrett Road west of Dixieland Road. Applicant: Ferris, Flinn and Median, c/o Joe Zayas. Attachment **(Planning and Zoning)**
- d) Consider and take action to approve the final plat of the proposed Cuevas Harlingen Subdivision being a 9.466 acres tract of land, Block 13, Stewart Place Subdivision of Survey 138 located on Interstate 2 Frontage Road and Beckham Road. Applicant: Eduardo H. Mejia of Mejia and Rose Engineering, c/o Donicio Cuevas. Attachment **(Planning & Zoning)**

- 
- 5) Consider and take action to approve a contract with Jun Ellorimo to provide adult swimming lessons at Pendleton Park and Victor Park Pools and authorize the City Manager to sign the contract. Applicant: City of Harlingen Attachment **(Parks & Recreation)**
 - 6) Consider and take action to approve Amendment No. 1 to the Facility Use Agreement between the City of Harlingen and the Harlingen National Bronco League for the use of the ball fields at the Tom Wilson Youth Sports Park. Attachment **(Parks & Recreation)**
 - 7) Public hearing and take action to approve the preliminary and final re-plat of the proposed re-plat of Lots 44-49 Cottonwood Creek Subdivision No. 1, being a re-plat of Lots 44-49, Block 1, Cottonwood Creek Subdivision No. 1, located on the north side of Cottonwood Blvd. on the east side of South Ed Carey Drive.

Applicant: Centerline Surveying, c/o Plains Capital Bank. Attachment (***Planning & Zoning***)

- 8) Public hearing to consider an ordinance on first reading for a Specific Use Permit ("SUP") to allow an adult business (tattoo studio) in a General Retail ("GR") District located at 1617 E. Harrison Ste. C, bearing a legal description of Lots 13-16, Block G, East Park Terrace Subdivision. Applicant: Jose Barron. (**This item was tabled at the Regular Meeting of May 18, 2016**) Attachment (***Planning & Zoning***)

a) Public Hearing

b) Consider and take action to approve an ordinance on first reading for a Specific Use Permit to allow an adult business (tattoo studio) at the above described property.

- 9) Public hearing to consider an ordinance on first reading to rezone from Not Designated ("N") District to Residential, Single Family ("R-1") District for Lots 1-9, Block 1, Royal Acres Subdivision; 43.33 acres out of Block 33, Stuart Place Subdivision Survey 139/297/298; 4.65 acres out of Block 27, Stuart Place Subdivision Survey 298; 3.5 acres out of Block 26, Stuart Place Subdivision Survey 298; the East 100 ft. of Lot 1, the West 255 ft. of Lot 1, and 0.1670 acres out of Lot 2, Glenn Subdivision, and Lots 1-26, Countryside Estates; and rezone from Not Designated ("N") District to General Retail ("GR") District for 1.0 acre out of Block 33, Stuart Place Subdivision Survey 139/297/298, all properties generally located west of Altas Palmas Road and north of Business 83, and south of Hughes Road and Drury Lane. Applicant: City of Harlingen. Attachment (***Planning & Zoning***)

a) Public Hearing

b) Consider and take action to approve an ordinance on first reading for a Rezone Request for the above described property.

- 10) Public hearing to consider an ordinance on first reading for a Specific Use Permit ("SUP") to allow a dance/reception hall (where alcohol is permitted) in a General Retail ("GR") District located at 302 North First Street, bearing a legal description of Lots 11 & 12, Block 26, Harlingen Original Townsite. Applicant: Mirna Trevino. Attachment (***Planning & Zoning***)

a) Public Hearing

b) Consider and take action to approve an ordinance on first reading for a Specific Use Permit to allow a dance/reception hall at the above described property.

- 11) Public hearing and take action to approve the preliminary re-plat of the proposed Thomas-Painter Subdivision, being a re-plat of 1.76 acres of land comprised of all of Lot 2, Block 1, Toland-Funk Subdivision; 0.77 acre out of Lot 1, Block 1, Toland Funk Subdivision, Unit No. 2; and all of Lot 1, Block 1, Kiskadee Court Subdivision, located on the south side of East Austin Avenue east of 1st Street. Applicant: Ferris, Flinn & Medina, c/o Tomas Steven. Attachment **(Planning & Zoning)**
- 12) Consider and take action to approve a Street Overlay Project from funds left over from the General Fund Street Overlay Project for Fiscal Year 2015-2016. Attachment **(Engineering)**
- 13) Board Appointments

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

- a. Airport Board (2)
- b. Animal Shelter Advisory Committee (4)
- c. Audit Committee (Terms expire annually in June) (3)
- d. Civil Service Commission (Mayor) (1)
- e. Community Development Advisory Board (6)
- f. Construction Board of Adjustments (10)
- g. Convention & Visitors Bureau (4)
- h. Development Corporation of Harlingen, Inc. (1)
- i. Downtown Improvement District Board (4)
- j. Golf Course Advisory Board (3)
- k. Harlingen Community Improvement Board (1)
- l. Harlingen Housing Authority Board
- m. Harlingen Finance Corporation
- n. Harlingen Proud Advisory Board (3)
- o. Library Advisory Board (3)
- p. Mayor Wellness Council
- q. Museum Advisory Board (4)
- r. Parks Advisory Board (2)
- s. Planning & Zoning Advisory Board (2)
- t. Senior Citizens Advisory Board (5)
- u. Tax Increment Finance Board **(All Bd. Members' Terms have expired)**
- v. Tennis Advisory Board (4)
- x. Utility Board of Trustees (1)
- y. Veterans Advisory Board (6)
- z. Zoning Board of Adjustments (7)

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.

- 14) Executive Session pursuant to Chapter 551, Subchapter D., V.T.C.A., Government Code Sections 551.087 and 551.071 regarding commercial and financial information from business prospects with which the Harlingen City Commission and Economic Development Corporation of Harlingen, Inc. is conducting economic development negotiations and/or to discuss pending negotiations with a business prospect known as **Project Henhouse** and to seek legal advice from the City Attorney regarding this subject. **(City Manager)**
- 15) Discuss and consider approval of a Development Agreement between the Development Corporation of Harlingen Incorporation and Project Henhouse. Attachment **(Development Corporation)**
- 16) Citizen Communication

I, the undersigned authority, do hereby certify that the above Notice of Meeting is a true and correct copy of said Notice and that I posted said notice on the bulletin board in the City Hall of the City of Harlingen, a place convenient and readily accessible to the general public at all times and said notice was posted on Friday, June 17, 2016 at 5:30 p.m. at least 72 hours preceding the scheduled time of said meeting.

Dated this 17th day of June, 2016


Amanda C. Elizondo, City Secretary

Elizondo, Amanda C.

From: James, Monica
Sent: Thursday, June 09, 2016 2:53 PM
To: All City Wide Network Users
Subject: June 11 2016 - Community Wide Trash Off Day
Attachments: Community Trash Off 06-11-16.jpg

**City of Harlingen's
COMMUNITY-WIDE
TRASH-OFF DAY**

**8:00 a.m. to 12:00 a.m.
CASA DE AMISTAD (Parking Lot) — 1204 Fair Park Boulevard**

The Code Enforcement Department is hosting a Community Trash Off event this Saturday June 11, 2016 from 8:00 am to 12:00 pm. The event will be held at the parking lot of the Casa De Amistad at 1204 Fair Park Boulevard. If you would like to volunteer and help come on by. If you have junk and debris that you need to get rid of come on by.

Please contact our office if you have any questions (216-5200)

We hope to see you there!

Monica James
Support Services Aide
City of Harlingen
Code Enforcement Department
502 E. Tyler
Harlingen, TX 78550
Phone: (956) 216-5200
Fax: (956) 216-5265
mjames@myharlingen.us

JOINT SPECIAL MEETING OF
THE HARLINGEN CITY COMMISSION AND
HARLINGEN COMMUNITY IMPROVEMENT BOARD

November 24, 2015

A meeting of the Harlingen Community Improvement Board was held Tuesday, November 24, 2015 at 12:00 noon, City Hall, Town Hall Meeting Room located at 118 E. Tyler, Harlingen, Texas. Those in attendance were:

Harlingen Community Improvement Board

Jesse Robles - President
Danny Villarreal
Daniel Arazia
Paul J. Durant
Deloria Davis

Absent

Gina Cano-Monreal – Secretary
John Guevara

Also Present

Mayor Chris Boswell
Commissioner Uhlhorn
Commissioner Mezmar
Commissioner Leal

Staff Present

Dan Serna, City Manager
Amanda C. Elizondo, City Secretary
Richard Bilbie, City Attorney

Mayor Boswell called the meeting to order and stated the agenda had been duly posted accordingly to State law.

President Jesse Robles called the meeting to order and stated the agenda had been duly posted accordingly to State law.

- 1) Executive/Closed Session on the following items:
 - a) pursuant to Chapter 551, Subchapter D, V.T.C.A., Texas Government Code, Sections 551.071 and 551.072 regarding the negotiations for the purchase and redevelopment of the Baxter Building in downtown Harlingen and possibly seek legal advice from counsel regarding said negotiations with Flint Hills Development Group, LLC.

- b) pursuant to Chapter 551, Subchapter D, V.T.C.A., Texas Government Code Sections 551.071, 551.072 and 551.087 regarding the purchase, exchange, lease, or value of real property regarding deliberations relating to economic development negotiations with respect to Project Vision and possibly seek legal advice from counsel regarding the subject matter.
- c) pursuant to Chapter 551, Subchapter D, V.T.C.A., Texas Government Code, Sections 551.071 and 551.087 regarding deliberations with BC Lynd relating to economic development negotiations with respect to the Hotel/Convention Center Project and/or to discuss or deliberate financial matters and possibly seek legal advice from counsel regarding the subject matter.

At 12:05 p.m., Mayor Boswell announced the Harlingen City Commission would convene into executive session to discuss Item 1 (a), (b) and (c).

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Uhlhorn to convene into executive session to discuss Items 1 (a), (b) and (c).

At 12:06 p.m., President Robles announced the Harlingen Community Improvement Board would convene into executive session to discuss Items 1 (a), (b) and (c).

Motion was made by Mr. Villarreal and seconded by Mr. Durant to convene into executive session to discuss Items 1 (a), (b) and (c).

At 1:30 p.m., Mayor Boswell announced the Harlingen City Commission had completed its executive session and declared the meeting open to the public.

At 1:31 p.m., President Robles announced the Harlingen Community Improvement Board had completed its executive session and declared the meeting open to the public.

- 2. Consider and take action to approve a development agreement between the Harlingen Community Improvement Board and Flint Hills Development Group, LLC and authorize the President of the Harlingen Community Improvement Board to sign the agreement.

Motion was made by Mr. Durant and seconded by Mr. Villarreal not to approve the development agreement between the Harlingen Community Improvement Board and Flint Hills Development Group, LLC. Motion carried unanimously.

- 3. Consider and take action to approve the development agreement between the Harlingen Community Improvement Board and Flint Hills Development Group, LLC.

Mayor Boswell stated there was nothing for the City Commission to approve based on the action of the Harlingen Community Improvement Board. The item was passed.

- 4) Consider and take action to authorize assigned counsel to draft a letter to Flint Hills Development Group, LLC as discussed in executive session.

Motion was made by Mr. Durant, and seconded by Mr. Villarreal to authorize assigned counsel to draft a letter to Flint Hills Development Group, LLC. Motion carried unanimously.

- 5) Consider and take action to approve the agreement between Project Vision and the Harlingen Community Improvement Board discussed in Executive Session and authorize the President of the Harlingen Community Improvement Board to sign the agreement.

Dan Serna, City Manager stated as per discussion held in executive session, the proposed agreement with MRE Capital for development of the Baxter Building would include acquisition of the building for a \$250,000 and a guarantee of investment for a 4.5 million dollars into the building and completion of the proposed improvement was expected to be in (18) months after closing. He recommended approval of the agreement.

Commissioner Uhlhorn stated the agreement was with Interstate Holdings LLC.

Motion was made by Mr. Villarreal and seconded by Mr. Arazia to approve the agreement between Project Vision and the Harlingen Community Improvement Board as discussed in Executive Session and authorize the President of the Harlingen Community Improvement Board to sign the agreement. Motion carried unanimously.

- 6) Consider and take action to approve the agreement between Project Vision and the Harlingen Community Improvement Board as discussed in Executive Session.

Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Mezmar to approve the agreement between Project Vision and the Harlingen Community Improvement Board as discussed in executive Session. Motion carried unanimously.

- 7) Consider and take action to approve a Memorandum of Understanding with BC Lynd Developers for the Hotel/Convention Center Project and authorize the President of the Harlingen Community Improvement Board to sign the Memorandum of Understanding.

- 8) Consider and take action to approve the Memorandum of Understanding between BC Lynd Developers and the Harlingen Community Improvement Board for the Hotel/Convention Center Project.

Mr. Serna pointed out they were not ready to take action on these items.

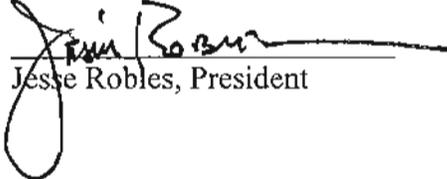
There being no further business to discuss Mayor Boswell and President Robles adjourned the meeting.

Joint Special w/Harlingen City Commission
Harlingen Community Improvement Board
11/24/2015

CITY OF HARLINGEN

Chris Boswell, Mayor

HARLINGEN COMMUNITY
IMPROVEMENT BOARD



Jesse Robles, President

ATTEST:

Amanda C. Elizondo, City Secretary

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

May 18, 2016

A Regular Meeting of the Harlingen Elective Commission was held on May 18, 2016 at 5:30 p.m., City Hall, Town Hall Meeting Room, 118 E. Tyler Street, Harlingen, Texas. Those in attendance were:

Mayor and Commissioners

Mayor Chris Boswell

Mayor Pro-Tem Victor Leal, District 5

Danny Castillo, City Commissioner, District 1

Tudor Uhlhorn, City Commissioner, District 2

Michael Mezmar, City Commissioner, District 3

Ruben de la Rosa, City Commissioner, District 4

Staff Present

Dan Serna, City Manager

Amanda C. Elizondo, City Secretary

Richard Bilbie, 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 Mezmar

Commissioner Mezmar gave the invocation.

Pledge of Allegiance/Welcome

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

1) Presentation of Certificates to the volunteers that participated in the Smoke Alarm Program.

Fire Chief, Roy Rubio stated on April 16, 2016 The Harlingen Fire Department conducted the American Red Cross Smoke Alarm Campaign. They installed 71 smoke alarms on fifty-five homes. H.E.B. and the American Red Cross sponsored this event and thanked the volunteers who participated in this event.

Mayor Boswell presented certificates of appreciation to the recipients who were present and thanked them for volunteering their services. This was a great service to the community.

2) Approval of Minutes

a) Regular Meeting of April 20, 2016.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner de la Rosa to approve the minutes of April 20, 2016. Motion carried unanimously.

1 Tudor Uhlhorn. The result of the recount was actually one vote less to the opposing candidate,
2 Mr. Frank Puente, Jr. Therefore, Commissioner Uhlhorn is declared the winning candidate for
3 District 2. The re-canvassing is necessary to reflect the change in the outcome of the election.
4 The City Commissioners have the report of the Recount Committee Chairman Julio Cavazos
5 signed and verified that all the numbers match, except for the early vote by one less vote for
6 Frank Puente, Jr. Mayor Boswell stated the report was signed by him as the recount supervisor
7 indicating that the numbers were the same for District 2, City Commissioner's Race. This is the
8 report from the Recount Committee presented to the governing body as the officially canvassing
9 committee.

10
11 5) Consider and take action to approve a resolution amending the previous resolution
12 declaring the original results of the City of Harlingen May 7, 2016 General Election in
13 District 2 for the City Commissioner's race if necessary.

14
15 Mayor Boswell stated the amended resolution changed the outcome of District No. 2;
16 with 265 votes for Frank Puente Jr. and 287 votes remained the same for Tudor Uhlhorn.

17
18 Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Castillo to
19 approve the resolution amending the previous resolution declaring the original results of the City
20 of Harlingen May 7, 2016 General Election in District 2 for City Commissioner's Race. Motion
21 carried unanimously.

22
23 For the record, the Resolution read as follows:

24
25 **STATE OF TEXAS**
26 **COUNTY OF CAMERON** **RESOLUTION NO. 16-18**

27
28 **WHEREAS**, a General Election was held on the 7th day of May, 2016 in the City of Harlingen to elect a Mayor, one
29 (1) City Commissioner for District 1 and one (1) City Commissioner for District 2; and,

30
31 **WHEREAS**, a canvass of the elections returns of said General Election was duly made by the canvassing committee
32 and the results of the canvass were received by the Elective Commission of the City of Harlingen at its regular
33 scheduled meeting at 5:30 p.m. on the 18th day of May, 2016 in accordance with Chapter 67, Section 67.001 of the
34 Texas Election Code; and,

35
36 **WHEREAS**, total votes cast for Mayor, City Commissioner, District 1 and City Commissioner Districts 2 were 2823;
37 and,

38
39 **WHEREAS**, a Special City Commission meeting was held at 12 p.m. on May 18, 2016 to canvass the Election
40 Returns of the May 7, 2016 General Election at City Hall, Town Hall Meeting Room, which resulted in changing the
41 total for Commissioner-Elect Richard Uribe; and

42
43 **WHEREAS**, a recount of the votes cast in District 2 was held at 1:00 p.m. on May 18, 2016, Town Hall Meeting
44 Room, which resulted in the total votes for Frank Puente being changed from 166 to 165 and the votes for
45 Commissioner-Elect Tudor Uhlhorn remain the same.

46
47 **NOW, THEREFORE BE IT RESOLVED BY THE CITY OF HARLINGEN THAT:**

48
49 The following candidates received the indicated number of votes in the General Election of the City of Harlingen on
50 May 7, 2016.

51
52 **FOR Mayor**
53 Chris Boswell 1,965
54 Gerald Prepejchal, Jr. 482
55 Kenneth J. Benton 186
56 Jose Rubio, Jr. 190

Regular Meeting
5/18/2016

Commissioner, District 1:

Richard Uribe 476

City Commissioner District 2

Tudor Uhlhorn 287
Frank Puente, Jr. 265

AND BE IT FURTHER RESOLVED pursuant to the Charter of the City of Harlingen that the following elected individuals are hereby declared elected. Chris Boswell, for the position of Mayor, Richard Uribe for City Commissioner, District 1 and Tudor Uhlhorn for City Commissioner, District 2.

READ, CONSIDERED AND ADOPTED THIS 18th day of May 2016 at a Regular Meeting of the Harlingen City Commission at which a quorum was present and was held in accordance with Chapter 551 of the Local Government Code as amended.

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

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

For the record, below is the Official Tabulation Chart for the votes cast at the May 7, 2016 General Election.

May 7, 2016
Official Tabulation Chart

Candidates

Mayor	Early Vote	Mail Ins	Curb Side	Long	Bonham	Zavala	TH	Bowie	Jefferson	Stuart	Milam	Provisional	Total Votes	%
Chris Boswell	1243	62		164	51	52	196	62	14	112	9		1965	69.61%
Gerald Prepejchal, Jr.	307	10	1	36	18	23	19	31	3	33	0	1	482	17.07%
Kenneth J. Benton	112	10		20	9	9	13	6	1	6	0		186	6.59%
Jose Rubio, Jr.	115	12		14	4	4	18	7	3	13	0		190	6.73%
													2823	100%

District 1	Early Vote	Mail Ins	Curb Side	Long	Bonham	Zavala	TH	Bowie	Jefferson	Stuart	Milam	Total Votes	%
Richard Uribe	279	21		176								476	100%
												476	100%

District 2	Early Vote	Mail Ins	Curb Side	Long	Bonham	Zavala	TH	Bowie	Jefferson	Stuart	Milam	Total Votes	%
Tudor Uhlhorn	198	9			43	37						287	51.99%
Frank Puente, Jr.	167	7			38	53						265	48.01%
												552	100%

TOTAL VOTES CAST AT THIS ELECTION OF MAY 7, 2016. 2823

6) Swearing-In and Oath of Office to newly elected and re-elected officials.

Honorable Judge Migdalia Lopez conducted the oath office to the winning candidates, Mayor Chris Boswell, Richard Uribe, Commissioner for District 1 and Commissioner Tudor Uhlhorn, District 2.

1
2 She thanked Mayor Boswell for all the years of service to the Harlingen Community and
3 stated she is proud of all the work accomplished under his leadership.
4

5 Mayor Boswell thanked Mrs. Anita Boswell and his family, the voters, and committee
6 members for their support. He would continue to work on the things that they were doing such
7 as creating good jobs, keeping the City safe and beatify it more including expanding their role
8 with UTRGV. In addition, he thanked the City Commissioners. They are a great team and City
9 staff for their great work.
10

11 Mayor Boswell read and presented a plaque to Commissioner Danny Castillo. He stated
12 Commissioner Castillo has a heart of a servant leader and the best interest in the City. It was a
13 great honor and privilege to work with him. He thanked and congratulated him for his service to
14 the City.
15

16 Commissioner Castillo stated it was important to speak up when you had to. He had the
17 privilege to serve and work with the City Commission and City Manager. They all have a good
18 collective wisdom, not just the elected officials, but also the City staff. He stated he was leaving
19 with a great sense of honor and appreciation for the recognition.
20

21 Commissioner Uhlhorn thanked his wife, family and the campaign team for their support.
22 It takes a real team to win an election. He was grateful to all the citizens of District 2, especially
23 those who voted for him. It was an honor to serve as Commissioner for the City of Harlingen for
24 three more years.
25

26 Commissioner Uribe thanked his mother, sister, family and friends. He stated he would
27 do his best and do what was right for everybody.
28

29 Mayor Boswell recognized and welcomed County Commissioner Gustavo Ruiz.
30

31 7) Consider and take action pursuant to the Harlingen City Charter, Article IV, Section 6, to
32 elect a Mayor Pro-Tempore by a majority vote of the City Commissioners.
33

34 Commissioner Uhlhorn nominated Victor Leal. Mayor Pro-Tem Leal nominated
35 Commissioner Mezmar for Mayor Pro-Tem.
36

37 Commissioner Uhlhorn withdrew his nomination.
38

39 Motion was made by Mayor Pro-Tem Leal and seconded by Commissioner Uhlhorn to
40 elect Michael Mezmar as Mayor Pro-Tem. Motion carried unanimously
41

42 8) Public hearing to consider an ordinance on first reading to rezone from Not
43 Designated ("N") District to Residential, Single Family ("R-1") District for Lots 1-17,
44 Block 1, La Cantera Estates; Lots 1-10, Block 1, La Hara Estates; Lots 1-12, Block 1,
45 and Lots 1-10, Block 2, Plumosa Estates; 2.0 acres out of Block 126, Adams Garden
46 Subdivision "B" and "C"; and the South 4.88 acres out of Block 135, Adams Garden
47 Subdivision "B" and "C", all properties generally located on the east side of Bass
48 Boulevard north of Business 83. Applicant: Curtis Kenon and the City of Harlingen.
49

1 Rodrigo Davila, Planning and Development Director stated the City initiated the rezoning
2 as a result of an applicant requesting to rezone a certain lot within the proposed area from Not
3 Designated ("N") District to Residential, Single Family (R-1) District to construct an accessory
4 building on a developed residential lot. Staff initiated a larger rezoning request for the area that
5 was mostly for single family residential use. The properties were generally being rezoned as
6 they are developed. He highlighted the different land use of the surrounding properties. The
7 properties to the south are located outside the city limits and are developed with commercial
8 and mobile home use. The properties to the west are also located outside the city limits and
9 developed with single family residential and vacant property for agriculture use. The request is
10 in compliance with the Future Land Use Plan and consistent with the existing surrounding land
11 use. The Planning and Zoning Department received one call from a surrounding property owner
12 opposing staff's request. He recommended approval of the rezone request.

13
14 a) Public hearing

15
16 Mayor Boswell announced this was a public hearing and anyone wishing to speak for or
17 against the item could do so.

18
19 There being no comments, Mayor Boswell declared the public hearing closed.

20
21 b) Consider and take action to approve an ordinance on first reading for a rezone
22 request at the above mentioned described property.

23
24 Richard Bilbie, City Attorney read the caption of the ordinance.

25
26 Motion was made by Commissioner Leal and seconded by Commissioner de la Rosa to
27 approve an ordinance on first reading to rezone from Not Designated ("N") District to
28 Residential, Single Family ("R-1") District for Lots 1-17, Block 1, La Cantera Estates; Lots 1-10,
29 Block 1, La Hara Estates; Lots 1-12, Block 1, and Lots 1-10, Block 2, Plumosa Estates; 2.0 acres
30 out of Block 126, Adams Garden Subdivision "B" and "C"; and the South 4.88 acres out of Block
31 135, Adams Garden Subdivision "B" and "C", all properties generally located on the east side of
32 Bass Boulevard north of Business 83. Motion carried unanimously.

33
34 9) Public hearing to consider an ordinance on first reading for a Specific Use Permit
35 ("SUP") to allow an adult business (tattoo studio) in a General Retail ("GR") located at
36 1617 E. Harrison Ste. C, bearing a legal description of Lots 13-16, Block G, East Park
37 Terrace Subdivision. Applicant: Jose Barron.

38
39 a) Public hearing

40
41 b) Consider and take action to approve an ordinance on first reading to
42 approve a Specific Use Permit to allow an adult business (tattoo studio) at the
43 above mentioned described property.

44
45 Dan Serna, City Manager requested to table Item No. 9 for further information from the
46 Police Department.

47
48 Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to
49 table Item No. 9. Motion carried unanimously.

1 10) Consider and take action to grant a variance with regards to the fire hydrant
2 required on Thieme Road on the proposed R.H. Aguilar Subdivision bearing a legal
3 description of 3.736 acre tract, more or less of the 5.0 acres, more or less, out of a larger
4 tract in Block 5, Harlingen Land and Water Company Subdivision "A" located on Thieme
5 Road west of Rangerville Road. Applicant: Uriel Ramirez of Urban Infrastructure Group,
6 c/o of Roberto Aguilar.
7

8 Mr. Davila stated that Urban Infrastructure Group, c/o of Roberto Aguilar, property owner
9 was requesting a variance to the fire hydrant requirement on Thieme Road due to the cost
10 associated with the hydrant for a two lot residential subdivision. There is an existing single
11 family residence on the subject property. The property is located outside the city limits, but
12 within the City's fire district. It has 458 feet of frontage on Thieme Road and a depth of 469 feet
13 at its longest point. There is an existing 2 inch waterline along the frontage of the subject
14 subdivision on Thieme Road, which is not adequate for the required fire hydrant. It would
15 require an eight inch water line to support the fire hydrant. The Fire Marshall reviewed the
16 variance request and recommended denial. Staff is also recommending denial of the variance
17 request because it did not meet the requirements of the Code of Ordinances. The Planning and
18 Zoning Commission (P&Z) overturned staff's recommendation and approved the request. This
19 item would require a 4/5 votes of the City Commission to overturn the P&Z's recommendation.
20

21 Commissioner Uhlhorn stated this was a difficult situation because of the nature it would
22 take to install the fire hydrant, but it would set a precedent for other developments that will
23 require a fire hydrant.
24

25 Discussion was held regarding the installation of the fire hydrant and Ms. Annette
26 Gaytan stated they wanted to build a home next to their parents, but the cost for the fire hydrant
27 was approximately \$77,000. She asked the City Commission to consider installing the fire
28 hydrant. It was unfair for them to pay \$77,000 for a fire hydrant when there were homes on
29 Thieme Road already.
30

31 Mr. Ramirez, Engineer from Urban Infrastructure Group stated the two inch line
32 extended all the way to the other residents.
33

34 Commissioner Uhlhorn stated eventually a fire hydrant would have to be installed and
35 probably the City of Harlingen will have to pay for it. Unless a subdivision with fifty lots is
36 developed, then the cost of \$77,000 is spread over the fifty lots. Until then, it is difficult to
37 overwrite it. Should there be a fire, there would be unlimited water from the canal by the use of
38 a pumper truck.
39

40 Motion was made by Commissioner Uribe and seconded by Commissioner Leal to deny
41 the variance with regards to the fire hydrant required on Thieme Road on the proposed R.H.
42 Aguilar Subdivision. Motion carried unanimously.
43

44 Mayor Boswell stated the decision was based on a safety issue. They needed to
45 enforce the rule. It would be difficult for the Fire Department to put out a fire in this area.
46

47 11) Consider and take action to grant a variance with regards to the 4 to 1 lot length to width
48 ratio on Lot 4 of the proposed Settle Subdivision bearing a legal description of 7.15
49 acres consisting of a 4.52 acre tract referred to as Tract 1, and a 2.83 acre tract referred
50 to as Tract II, lying east of the main canal and out of Block 37 of the La Feria Land and

1 Irrigation Company Subdivision located on Louisiana Road south of Tio Cano Road.
2 Applicant: Darrell and James Settle.
3

4 Mr. Davila stated the developer was proposing to subdivide the subject property into four
5 residential lots to accommodate the existing residential structures and a fourth lot for future
6 residential use. There is an existing mobile home on the proposed Lots 1 and 2, and two single
7 family residential structures, one of which may be removed on the proposed Lot 4; the proposed
8 Lot 3 is vacant. He highlighted the dimensions of the proposed subdivision and the developer
9 has attempted to purchase the additional land in between to try and fit in the ratio, but the owner
10 has no intent of selling. The developer is requesting the variance to be in compliance and to
11 add additional properties. The access point on the structures is through Louisiana and
12 easements not being used as access points. The only thing he could build in the back is a
13 storage room. This area is inside the city limits. The P&Z and along with staff recommended
14 approval of the request.
15

16 Motion was made by Commissioner Leal and seconded by Commissioner Uhlhorn to
17 approve the variance for the 4 to 1 lot length to width ratio on Lot 4 of the proposed Settle
18 Subdivision bearing a legal description of 7.15 acres consisting of a 4.52 acre tract referred to
19 as Tract 1, and a 2.83 acre tract referred to as Tract II, lying east of the main canal and out of
20 Block 37 of the La Feria Land and Irrigation Company Subdivision located on Louisiana Road
21 south of Tio and Cano Road. Motion carried unanimously.
22

23 12) Consider and take action to approve a lease agreement for the rental of parking spaces
24 between the City of Harlingen and Mirna Trevino for the parking lot located at the
25 southeast corner of Jefferson Avenue and 1st Street and bearing a legal description of
26 Lots 1-7, Block 126, Harlingen Original Townsite. Applicant: Mirna Trevino.
27

28 Mr. Gabriel Gonzalez, Assistant City Manager stated the applicant was requesting a
29 specific use permit from the P&Z, but has not present the item to the P&Z because the applicant
30 wanted to address the issue of the parking spaces first. The property is at 302 N. 1st Street, just
31 outside the Downtown Improvement District. The applicant does not meet the parking
32 requirement by thirteen (13) parking spaces. The City Parking Lot is located north of the
33 proposed event center. This could be done by amending the agreement to allow them to use 13
34 parking spaces for 1.00 a year.
35

36 Motion was made by Commissioner Uribe to approve a lease agreement for the rental of
37 the parking spaces between the City of Harlingen and Mirna Trevino for the parking lot located
38 at the southeast corner of Jefferson Avenue and 1st Street and bearing a legal description of
39 Lots 1-7, Block 126, Harlingen Original Townsite, and amend the agreement from 1-10 to 1-13
40 parking spaces. Motion carried unanimously.
41

42 13) Consider and take action to approve the preliminary ranking of the Insurance
43 Consulting Firms for Professional Consultant Services for Insurance to assist in
44 researching, developing and implementing an employee self/fully funded Health
45 Insurance, Life, AD&D, Employee Assistance Program, Vision, Dental Insurance and
46 Cafeteria Plan and Products, and authorize the City Manager to negotiate a contract with
47 the highest ranked firm.
48

49 Belinda Castillo, Risk Manager stated the City solicited requests for qualifications for
50 Professional Consultant Services for Insurance. The City received four responses and staff

1 reviewed and ranked the responses. Staff is requesting approval to negotiate a contract with
2 McGriff, Seibels & Williams of Texas.

3
4 Efren Fernandez, Human Resources Director stated the City had worked with McGriff,
5 Seibels & Williams of Texas in the past.

6
7 Commissioner Leal stated he had viewed the ranking of the firms and found that there
8 was a split on the ranking. Although the total points were for McGriff, Seibel & Williams, he
9 asked if the tallies were viewed correctly.

10
11 Ms. Castillo responded yes.

12
13 Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to
14 approve the preliminary ranking as presented and authorize the City Manager to negotiate a
15 contract. Motion carried unanimously.

- 16
17 14) Consider and take action to approve a resolution authorizing the Mayor to accept grant
18 funding in the amount of \$65,000.00 from the Texas Criminal Justice Division-Local
19 Border Security Program for over time law enforcement initiatives geared at the border
20 security.

21
22 Mr. Luciano Rubio, Deputy Chief stated the City has an opportunity to accept a grant
23 funding for \$65,000 from the Texas Criminal Justice Division. The grant funding would be use to
24 enhance border security and work highway enforcement by law enforcement officers leading to
25 and from the border and City of Harlingen. He recommended approval of the item.

26
27 Motion was made by Commissioner Leal and seconded by Commissioner de la Rosa to
28 approve the resolution authorizing the Mayor to accept \$65,000 as grant funding from the Texas
29 Criminal Justice Division. Motion carried unanimously.

- 30
31 15) Consider and take action to change the Regular City Commission Meetings of June 1st
32 to June 8th and June 15th to June 22nd, 2016.

33
34 Mr. Serna recommended changing the Regular City Commission Meetings of June 1st to
35 June 8th and June 15th to June 22nd, 2016.

36
37 Motion was made by Commissioner Uribe and seconded by Commissioner Leal to
38 change the Regular City Commission Meetings of June 1st to June 8th and June 15th to June
39 22nd, 2016. Motion carried unanimously.

- 40
41 16) Consider and take action to approve an Inter-Local Agreement between the City of
42 Harlingen and the Harlingen Consolidated Independent School District for the use of two
43 school buses during the 2016 Summer Parks & Recreation Track Program and
44 authorize the City Manager to sign the Inter-Local Agreement.

45
46 Mayor Boswell announced Item No. 16 would be discussed later during the meeting.

- 47
48 17) Consider and take action to accept or deny the donation for equipment and
49 improvements to our City Parks from the Harlingen's Wellness Coalition, a non-profit
50 organization.

1
2 Javier Mendez, Parks and Recreation Director stated Harlingen's Wellness Coalition, a
3 non-profit organization, would like to donate lighting for the basketball court at Pendleton Park,
4 purchase and installation of shade shelter, and two water fountains to be located at 25th Street
5 Hike and Bike Trail. He recommended acceptance of the donation from the Harlingen's
6 Wellness Coalition.

7 Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to
8 accept the donation for equipment and improvements for the City Parks from the Harlingen's
9 Wellness Coalition. Motion carried unanimously.

10
11 18) Consider and take action to approve an ordinance on first reading establishing a fee for
12 payment by credit card.
13

14 Mr. Sergio Villasana, Assistant Finance Director stated the City has experienced an
15 increase in fees due to charges made through a credit or debit card. Staff is recommending
16 establishing a processing fee to defray the credit/debit card fees charged to the City by the
17 merchant processors handling electronic payment transactions.

18
19 Mr. Serna recommended implementing a 3% fee to recuperate the cost to the City.

20
21 Mr. Bilbie read the caption of the ordinance.

22
23 Motion was made by Commissioner de la Rosa and seconded by Commissioner Uribe to
24 approve the ordinance on first reading establishing a fee for payment by credit card. Motion
25 carried unanimously.

26
27 19) Consider and take action to approve a resolution in support of the Cameron County
28 Commissioners Court adopting a Freeport tax exemption to help promote economic
29 development.
30

31 For the record, Commissioner Uhlhorn filed a conflict of interest form with Amanda C.
32 Elizondo, City Secretary and relinquished his chair. He excused himself from the meeting room
33 in order to avoid an appearance of impropriety.

34
35 Mr. Raudel Garza, EDC Director stated Cameron County Commissioners Court placed
36 this item on their agenda for consideration of exempting Freeport goods from taxation. Article
37 VIII, Section 1-J of the Texas Constitution and Tax Code Section 11.261 provides for an
38 exemption from ad valorem taxes on Freeport goods. Freeport tax exemption would apply to
39 goods, wares, merchandise and other tangible personal property acquired in Texas or brought
40 into Texas for 175 days or less before shipping out of state. Mr. Garza stated it was up to local
41 entities to decide if they wish to charge the inventory tax. The City of Harlingen and Harlingen
42 CISD decided not to charge the inventory tax, but Cameron County did. By adopting the
43 resolution it would help promote economic development, create more jobs, industrial
44 development, construction of warehouses, and more capital investment. The Harlingen
45 Economic Development Corporation approved a resolution in support of the Cameron County
46 Commissioners Court adopting a Freeport Tax Exemption. Hidalgo County approved a similar
47 resolution. In Harlingen there was a total of 85 million dollars worth of Freeport exempt goods in
48 Year 2015 which represented 881 employees in those companies who benefitted from this tax
49 exemption. Mr. Garza recommended approval of the resolution because of what has been done

1 at the City and School District level. We are encouraging the County Commissioners Court to
2 do the same at the County level.

3
4 Motion was made by Commissioner Leal and seconded by Commissioner de la Rosa to
5 approve a resolution in support of the Cameron County Commissioners Court adopting a
6 Freeport tax exemption to help promote economic development. Motion carried unanimously.

7
8 Commissioner Uhlhorn returned to the meeting.

9
10 20) Board Appointments

11 Commissioner de la Rosa

12 Cesar Morales - Community Development Advisory Board (Re-appointment)

13 Commissioner Uhlhorn

14 Rodolfo Andarza - Harlingen Proud Advisory (New Appointment)

15
16 Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner Leal to
17 approve the appointments of Cesar Morales to the Community Development Board and Rodolfo
18 Andaraz to the Harlingen Proud Advisory Board. Motion carried unanimously.

19
20 21) Executive Session pursuant to Chapter 551, Subchapter D, V.T.C.A., Texas
21 Government Code Sections 551.087, 551.071, and 551.072 regarding the
22 purchase, exchange, lease, or value of real property, including consideration and
23 deliberation concerning the sale of City property, the receipt of donated property,
24 and commercial and financial information from a business known as Project HQ with
25 which the City Commission is negotiating and to possibly seek legal advice from the City
26 Attorney regarding these matters.

27
28 At 6:50 p.m., Mayor Boswell announced the City Commission would convene into
29 executive session to discuss Item No. 21.

30
31 Motion was made by Commissioner de la Rosa and seconded by Commissioner Leal to
32 convene into executive session to discuss Item No. 21. Motion carried unanimously.

33
34 At 7:45 p.m., Mayor Boswell announced the City Commission had completed its
35 executive session and declared the meeting opened to the public.

36
37 22) Consider and take action to approve the sale of City property as discussed in
38 executive session and authorize the Mayor to sign all necessary documents.

39 Mayor Boswell announced that Item No. 22 would be postponed to a future meeting.

40
41 23) Consider and take action to accept the donation of property to the City of
42 Harlingen as discussed in executive session and authorize the City Manager to sign all
43 related to this matter.

1 Motion was made by Commissioner Uhlhorn and seconded by Mayor Pro-Tem Mezmar
2 to accept the donation of property to the City of Harlingen and authorize the City Manager to
3 sign all documents related to this matter. Motion carried unanimously.
4

5 24) Consider and take action to authorize the City Manager to negotiate the terms and
6 conditions related to Project HQ as discussed in executive session.
7

8 Motion was made by Commissioner Leal and seconded by Commissioner de la Rosa to
9 authorize the City Manager to negotiate the terms and conditions related to Project HQ. Motion
10 carried unanimously.
11

12 Mayor Boswell returned to Item No. 16 and stated he had filed a conflict of interest form
13 with Ms. Elizondo. He relinquished his chair to avoid an appearance of impropriety. Mayor
14 Boswell excused himself from the meeting.

15 Mayor Pro-Tem Mezmar presided over the meeting.

16 16) Consider and take action to approve an Inter-Local Agreement between the City of and
17 the Harlingen Consolidated Independent School District for the use of two school during
18 the 2016 Summer Parks & Recreation Track Program and authorize the City Manager to
19 sign the Inter-Local Agreement.
20

21 Mr. Mendez stated the City previously had an agreement with the Harlingen
22 Consolidated Independent School District to transport the kids from the Summer Recreational
23 and Track Program. Two buses would be use from June 6th through August 1st, 2016. The cost
24 to use the buses would be \$19.00 per day. The total cost for the use of the buses last year was
25 \$994.76. This amount was allocated in this year's budget. He recommended approval of the
26 agreement.
27

28 Commissioner Uhlhorn referred to the first paragraph of the agreement and stated the
29 address for the Harlingen Consolidated Independent School District should include the address
30 of their principal administrative office. He asked if the City obtained and maintained an
31 insurance policy and scheduled the serial bus numbers to the city's list.
32

33 Mr. Mendez stated he would include the additional language regarding the address as
34 suggested by Commissioner Uhlhorn in the agreement. The City did carry an insurance policy
35 for the use of the buses.
36

37 Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to
38 approve the Inter-Local Agreement between the City and the Harlingen Consolidated
39 Independent School District for the use of two school buses during the 2016 Summer Parks &
40 Recreation Track Program subject to including the additional language and authorize the City
41 Manager to sign the Inter-Local Agreement. Motion carried unanimously.
42

43 25) Citizen Communication
44

45 None
46

47 There being no further business to discuss, Mayor Pro-Tem Mezmar adjourn the
48 meeting.

CITY OF HARLINGEN

Chris Boswell, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

1
2
3
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9
10

DRAFT

4a)

ORDINANCE NO. 16 - _____

AN ORDINANCE AMENDING THE CITY OF HARLINGEN CODE OF ORDINANCES, AS AMENDED, SECTION 6-146(f)(2) SETTING A MAXIMUM FINE OF FIVE HUNDRED AND NO/100'S (\$500.00) DOLLARS; SECTION 6-150(b) SETTING THE MAXIMUM NUMBER OF DOGS OR CATS AT FIVE; SECTION 6-121 ELIMINATING SUB-SECTION (c) FROM THAT SECTION TO ELIMINATE AN INCONSISTENCY; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS PERTAINING TO THE FOREGOING

WHEREAS, on February 3, 2016 the City Commission of the City of Harlingen passed Ordinance Number 16-13, which was the first major improvement to the City of Harlingen's animal control laws in twelve years by bringing the law in line with recent technological changes and advancements in animal management; and,

WHEREAS, with any significant change in the law there are necessary adjustments to blend the new law with the current law to make the animal control law consistent.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF HARLINGEN:

SECTION I: That Section 6-146(f)(2) of the Code of Harlingen is hereby amended and replaced by the following:

"SECTION 6-146(f)(2): For each citation thereafter issued to the same owner(s) or keeper(s) of any dog or cat as herein described, the minimum fine shall be no less than \$416.00 up to a maximum of \$500.00 as allowed by law."

SECTION II: That Section 6-150(b) of the Code of Harlingen is hereby amended and replaced by the following:

“**SECTION 6-150(b):** A person commits an offense if he harbors more than five dogs or cats, or any combination of dogs and cats, more than eight weeks old on the premises of a dwelling unit that shares a common wall with another dwelling unit or that shares no common wall with another dwelling unit in an area zoned as Non-Designated (N), Residential (R-1 or R-2), Multi-Family (M-1 or M-2), and/or Mobile-Home (MH).”

SECTION III: That Section 6-121 is hereby amended by eliminating sub-section “(c)”.

SECTION IV: That In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Commission of the City of Harlingen, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part that is declared to be invalid or unconstitutional, whether there be one or more parts.

SECTION V. 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 of general circulation in the City of Harlingen, Cameron County, Texas.

SECTION IV: This Ordinance shall be in full force and effect from and after its passage as required by law, and it is so ordained.

FINALLY ENACTED this _____ day of _____, 2015,
at a regular meeting of the Elective Commission of the City of Harlingen, Cameron
County, 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

BY: _____
Chris Boswell, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary
City of Harlingen

4b)

ORDINANCE NO. 16-_____

AN ORDINANCE ABANDONING A TEN FOOT (10') PUBLIC UTILITY EASEMENT DESCRIBED AS A 0.03 ACRE TRACT OF LAND OUT OF LOT TEN (10) AND LOT ELEVEN (11), SAM D. BROWN SUBDIVISION; AND FINDING SAID UTILITY EASEMENT ABANDONMENT IS IN THE PUBLIC INTEREST AND SERVES A PUBLIC PURPOSE.

WHEREAS, at the time that the Sam D. Brown subdivision was platted and recorded in 1951, Mr. Brown dedicated to the City of Harlingen, as part of the subdivision, a utility easement; and,

WHEREAS, since that time there has never been any use of or need for the utility easement; and,

WHEREAS, the current owner of the property, which is the former GCR-Bridgestone Tires property located at 1402 N. 77 Sunshine Strip and 5th Street, is unable to complete the sale of the property without the abandonment of this easement, which lies partially beneath the building at that location; and,

WHEREAS, the easement is not now and has never been used for utility purposes and the involved utility companies have no objection to the abandonment, now, therefore:

BE IT ORDAINED BY THE CITY OF HARLINGEN:

SECTION 1: That the ten foot (10') public utility easement described as a 0.03 acre tract of land out of Lot Ten (10) and Lot (11), San D. Brown Subdivision, as more accurately described in the metes and bounds survey attached hereto and incorporated herein for all purposes as Exhibit "A", is hereby abandoned and vacated.

SECTION 2: That said abandonment and vacation of said utility easement is in the public interest and serves a public purpose by advancing commerce in the community.

FINALLY ENACTED this _____ day of June, 2016 at a special meeting of the 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

By: _____
Chris Boswell, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

FERRIS, FLINN & MEDINA, LLC

E N G I N E E R S S U R V E Y O R S

31 May 2016

METES AND BOUNDS 0.03 ACRE TRACT OF LAND

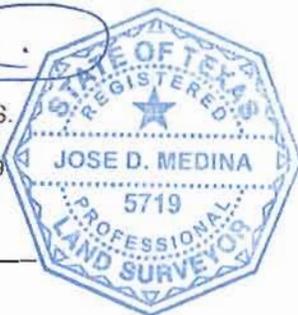
BEING 0.03 Acre Tract of Land out of Lot Ten (10) and Lot Eleven (11), Sam D. Brown Subdivision, Cameron County, Texas, according to the Map or Plat thereof recorded in Volume 14, Page 51, Map Records of Cameron County, Texas and being the 10 ft Utility Easement adjacent to the North boundary of Lots 10 and 11; said 0.03 Acre Tract of land being more particularly described by metes and bounds as follows:

COMMENCING at the Northeast corner of Lot 10, Sam D. Brown Subdivision being the Southeast corner of Lot 9 and being on the West Right of way of 5TH Street (Having 60.00 Feet Right of way), for the Northeast corner and POINT OF BEGINNING of the tract herein described;

- 1) THENCE leaving the common boundary of Lots 9 and 10, along the West Right of way of 5TH Street and along the East boundary of Lot 10, Sam D. Brown Subdivision, South 00 Deg. 28 Min. 02 Sec. East (South 00 Deg 20 Min. 00 Sec. East-Plat) a distance of 10.00 feet to a point on the West Right of way of 5TH Street, for the Southeast corner of the tract herein described,
- 2) THENCE leaving the West Right of way of 5TH Street and leaving the East boundary of Lot 10, Sam D. Brown Subdivision, South 89 Deg. 31 Min. 58 Sec. West (South 89 Deg. 40 Min. 00 Sec. West-Plat) at a distance of 59.48 feet pass the common boundary of Lot 10 and Lot 11, Sam D. Brown Subdivision, a total distance of 118.95 feet to a point on the West boundary of Sam D. Brown Subdivision, and being the East boundary of 77 Subdivision, recorded in Volume 30, Page 30, Map Records of Cameron County, Texas, for the Southwest corner of the tract herein described;
- 3) THENCE along the common boundary of Sam D. Brown Subdivision and of 77 Subdivision, North 00 Deg. 28 Min. 02 Sec. East (North 00 Deg. 20 Min. 00 Sec. West-Plat) a distance of 10.00 feet to a point being the Northwest corner of Lot 11, Sam D. Brown Subdivision and being the Southwest corner of Lot 9, for the Northwest corner of the tract herein described;
- 4) THENCE along the North boundary of Lot 10 and 11, being the South boundary of Lot 9, North 89 Deg. 31 Min. 58 Sec. West (North 89 Deg. 40 Min. 00 Sec. East-plat) at a distance of 59.47 feet pass the common corner of Lot 11 and Lot 10, Sam D. Brown Subdivision, a total distance of 118.95 feet to the POINT OF BEGINNING; Containing 0.03 Acre of land within these metes and bounds.

Basis of bearings as per Russel Subdivision No. 3, recorded in Cabinet 1, Slot 696-B, Map Records of Cameron County, Texas. A plat of survey accompanies this metes and bounds. All dimensions are feet and decimals thereof.

Jose D. Medina, R.P.L.S.
Registered Professional
Land Surveyor No. 5719



31 May 2016
Date

EXHIBIT - A

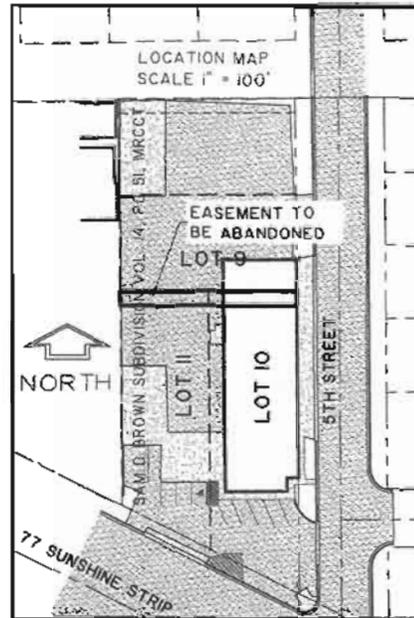
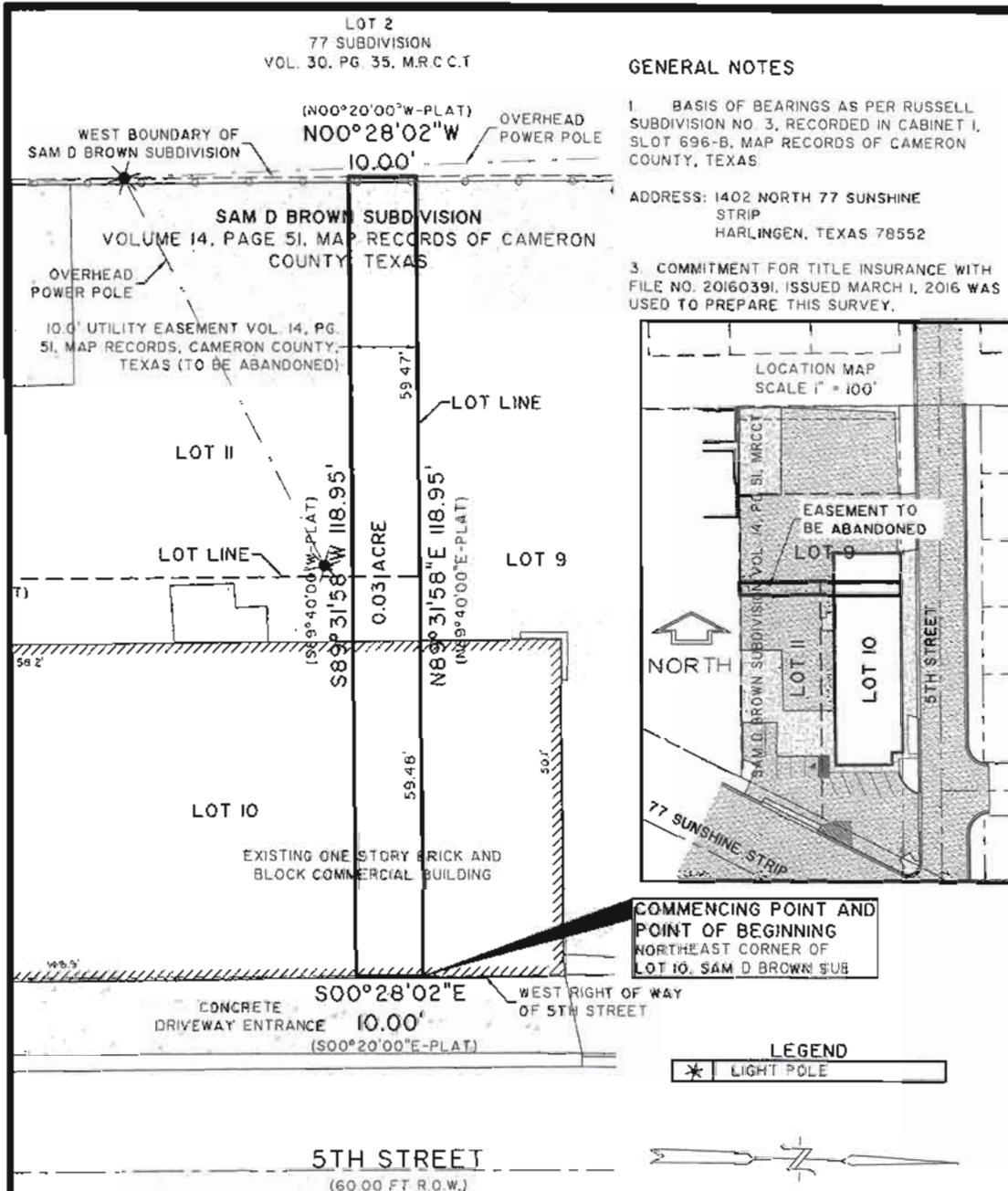
LOT 2
77 SUBDIVISION
VOL. 30, PG. 35, M.R.C.C.T

GENERAL NOTES

1. BASIS OF BEARINGS AS PER RUSSELL SUBDIVISION NO. 3, RECORDED IN CABINET I, SLOT 696-B, MAP RECORDS OF CAMERON COUNTY, TEXAS

ADDRESS: 1402 NORTH 77 SUNSHINE STRIP
HARLINGEN, TEXAS 78552

3. COMMITMENT FOR TITLE INSURANCE WITH FILE NO. 20160391, ISSUED MARCH 1, 2016 WAS USED TO PREPARE THIS SURVEY.



COMMENCING POINT AND POINT OF BEGINNING
NORTHEAST CORNER OF
LOT 10, SAM D BROWN SUB

LEGEND
* LIGHT POLE

BOUNDARY SURVEY OF:

A 0.03 ACRE TRACT OF LAND OUT OF LOT TEN (10) AND LOT ELEVEN (11) SAM D. BROWN SUBDIVISION, CITY OF HARLINGEN, CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 14, PAGE 51, MAP RECORDS, CAMERON COUNTY, TEXAS AND BEING THE 10 FT UTILITY EASEMENT ADJACENT TO THE NORTH BOUNDARY OF LOT 10 AND LOT 11.

I, JOSE D. MEDINA, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR BY MEN UNDER MY SUPERVISION.

JOSE D. MEDINA, R.P.L.S.
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5719

31 May 2016
DATE



FOR: DELTA TEMP SERVICES, LLC

FERRIS, FLINN & MEDINA, LLC
ENGINEERS SURVEYORS

1405 N. STUART PLACE ROAD
PALM VALLEY, TEXAS 79552
PHONE (850) 364-2231 FAX (850) 364-1103

TEXAS BOARD OF PROFESSIONAL LAND SURVEYING REGISTRATION NO. 100370-00 TEXAS BOARD OF PROFESSIONAL ENGINEERS REGISTRATION NO. 64357

1" = 20' DRAWN BY: OCH 31 MAY 2016 JOB NO: 437-002

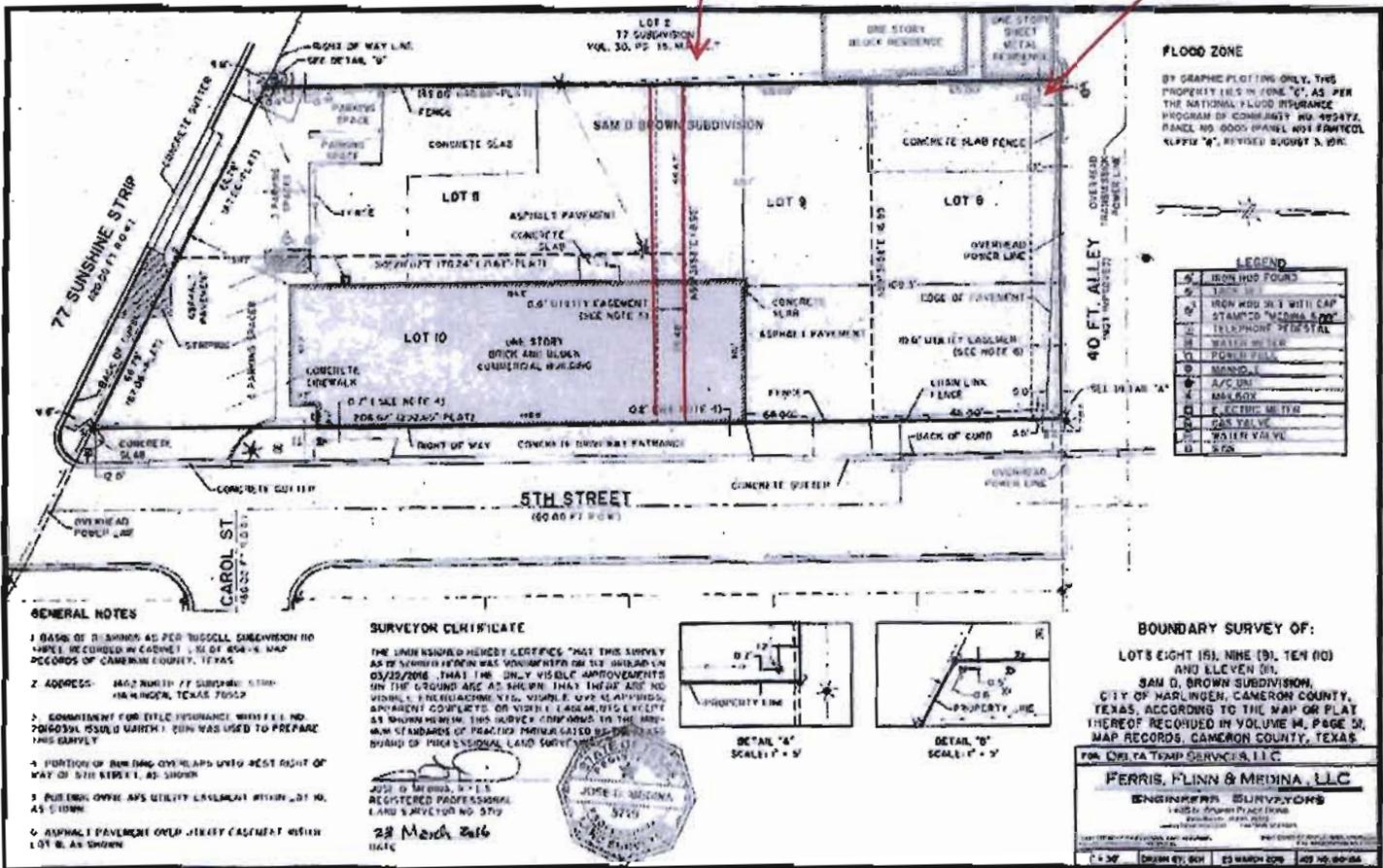
E:\0437 Keller Williams Brownsville\437-002 Lot 8-11 Sam D. Brown\DWG\437-002.dwg, M&B, 5/31/2016 9:53:37 AM

SUPPORTING DOCUMENTS

OWNERS:
M.D. ROUND & FROST BANK
CO-TRUSTEES
ADDRESS:
1402 N. 77 SUNSHINE STRIP
HARLINGEN, TX 78550

WANT TO ABANDON THIS EASEMENT
AS UTILITY EASEMENT IS AT ALLEY
FOR THIS PROPERTY

EASEMENT IN
USE



FLOOD ZONE
 BY GRAPHIC PLOTTING ONLY, THIS PROPERTY LIES IN ZONE "C", AS PER THE NATIONAL FLOOD INSURANCE PROGRAM OF COMMUNITY NO. 49547Z, PANEL NO. 0000. PANEL NO. 540000. APPX "A", REVISED AUGUST 3, 1983.

LEGEND

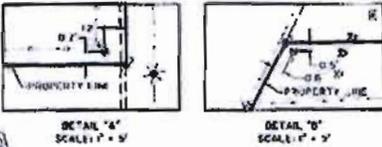
1	IRON ROD FOUND
2	IRON ROD 3/8" WITH CAP
3	STAMPED "FERRIS & MEDINA, L.L.C."
4	1/2" DIAMETER METAL
5	WALSH WIRE
6	POST-HOLE
7	MONUMENT
8	A/C UN
9	MAX BOX
10	ELECTRIC METER
11	2 1/2" TIE
12	WATER VALVE
13	5' CB

- GENERAL NOTES**
1. BASIS OF DIVISION AS PER TUGGELL SUBDIVISION NO. 14912 RECORDED IN COMBINED V. 36 OF 654-8 MAP RECORDS OF CAMERON COUNTY, TEXAS
 2. ADDRESS: 1402 NORTH 77 SUNSHINE STRIP HARLINGEN, TEXAS 78552
 3. COMMITMENT FOR TITLE INSURANCE: SURVEY NO. 70160304 (SULLIVAN) COIN WAS USED TO PREPARE THIS SURVEY
 4. PORTION OF BUILDING OVERLAPS INTO WEST RIGHT OF WAY OF 5TH STREET, AS SHOWN
 5. PUBLIC OVERHEAD UTILITY CABLES AT APPROX. 10' TO 15' ELEVATION
 6. ASPHALT PAVEMENT OVER EXISTING EASEMENT WITH LOT 8, AS SHOWN

SURVEYOR CERTIFICATE

THE UNDERSIGNED HEREBY CERTIFIES THAT THIS SURVEY AS PER SURVEY NO. 70160304 WAS COMPLETED ON THE 28th DAY OF MARCH 2016 THAT THE ONLY VISIBLE IMPROVEMENTS ON THE GROUND ARE AS SHOWN THAT THERE ARE NO VISIBLE ENCROACHMENTS, VIOLATIONS, OR APPROPRIATE COMPLAINTS OR OTHER CLAIMS, EXCEPT AS SHOWN HEREIN. THIS SURVEY COMPLETED IN THE PRESENCE OF SURVEYORS PREPARED BY THE BOARD OF PROFESSIONAL LAND SURVEYORS.

JOSE F. MEDINA, S.P.L.S.
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5729
 28 March 2016
 HATC



BOUNDARY SURVEY OF:
 LOTS EIGHT (8), NINE (9), TEN (10) AND ELEVEN (11), SAM D. BROWN SUBDIVISION, CITY OF HARLINGEN, CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME M, PAGE 50, MAP RECORDS, CAMERON COUNTY, TEXAS

FOR ORCA TRAMP SERVICES, L.L.C.

FERRIS, FLINN & MEDINA, L.L.C.
 ENGINEERS & SURVEYORS
 1402 N. FROST BANK DRIVE
 HARLINGEN, TEXAS 78550
 PHONE: 409.485.1111
 FAX: 409.485.1112
 WWW.FERRISFLINN.COM

P:\2016\Survey\70160304-2016-03-28\160304-105-Arqs_SURVEY_17070465-1-1000.MXD





CITY OF HARLINGEN WATERWORKS SYSTEM

April 19, 2016

Debe Wright
Frost Bank
1519 W. Tyler
Harlingen, TX 78550

Dear Debe:

In reply to your request for the abandonment of a 10 ft utility easement dedication at the north end of lots 10 & 11 of Sam D. Brown Subdivision, The City of Harlingen Waterworks has no objection to the abandonment of this utility easement as shown on the original recorded plat of Sam D. Brown Subdivision as recorded in Volume 14 Page 51 of the Map of Records of Cameron County, Texas.

Sincerely,

A handwritten signature in blue ink that reads "Mark Jasper". The signature is written in a cursive style with a long, sweeping underline.

Mark Jasper
Engineering Department



PAULINE ZUROVEC <paulinez200@gmail.com>

1402 N. 77 SUNSHINE STRIP - ABANDON UTILITY EASEMENT

Alan Moore <alan@hidcc1.org>

Tue, May 17, 2016 at 11:24 AM

To: PAULINE ZUROVEC <pauline@przcommercial.com>

Ms. Zurovec,

Cameron County Drainage District #5 has no facilities within the easement described in this message. We have no objection to the abandonment of the easement.

Alan Moore, PE

General Manager

Cameron County Drainage District #5

301 E. Pierce

Harlingen, Tx 78550

956-423-6411 Phone

956-423-4671 Fax

From: paulinez200@gmail.com [<mailto:paulinez200@gmail.com>] **On Behalf Of** PAULINE ZUROVEC**Sent:** Tuesday, May 17, 2016 10:22 AM**To:** Tom McLemore; Alan Moore**Subject:** 1402 N. 77 SUNSHINE STRIP - ABANDON UTILITY EASEMENT

{Quoted text hidden}



PAULINE ZUROVEC <paulinez200@gmail.com>

1402 N. 77 SUNSHINE STRIP - ABANDON UTILITY EASEMENT

Daniel Villafranco <danielvillafranco@hidcc1.org>

Tue, May 17, 2016 at 3:21 PM

To: Tom McLemore <tmclmore@hidcc1.org>

Cc: "pauline@przcommercial.com" <pauline@przcommercial.com>

Tom,

The Harlingen Irrigation District has no issues with the abandonment or release of the subject utility easement .

Thanks,

Daniel Villafranco

Harlingen Irrigation District C.C.#1

Supervisor

Engineering and Mapping Department

Cell-(956) 535-2689

Office (956) 423-7015

From: Tom McLemore**Sent:** Tuesday, May 17, 2016 10:33 AM**To:** Daniel Villafranco**Subject:** Fwd: 1402 N. 77 SUNSHINE STRIP - ABANDON UTILITY EASEMENT

Tom McLemore



PAULINE ZUROVEC <paulinez200@gmail.com>

Harlingen, Tx

SEGURA, JENNIFER <jc8642@att.com>
To: PAULINE ZUROVEC <pauline@przcommercial.com>

Wed, May 18, 2016 at 1:35 PM

Pauline,

I have reviewed our records and we do not have any cables in the marked utility easement. We are in the alley and we do come up next to the existing building where we previously serviced it. AT&T is willing to release this easement as it is marked on the pdf files you attached.

Jennifer Segura

AT&T

Mgr OSPE

401 E Van Buren Ave 2nd Flr

ofc 956-421-7308

cell 956-286-7131

jc8642@att.com

**AT&T**

This e-mail and any files transmitted with it are AT&T property, are confidential, and are intended solely for the use of the individual or entity to whom this e-mail is addressed. If you are not one of the named recipients or otherwise have reason to believe that you have received this message in error, please notify the sender and delete this message immediately from your computer. Any other use, retention, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited



May 22, 2016

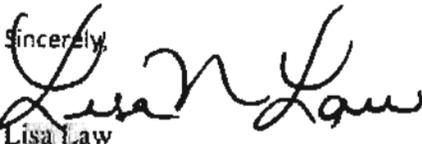
PAULINE ZUROVEC
Keller Williams Realty
2303 Ed Carey DR.
Harlingen, TX 78550

SUBJECT: HARLINGEN 1402

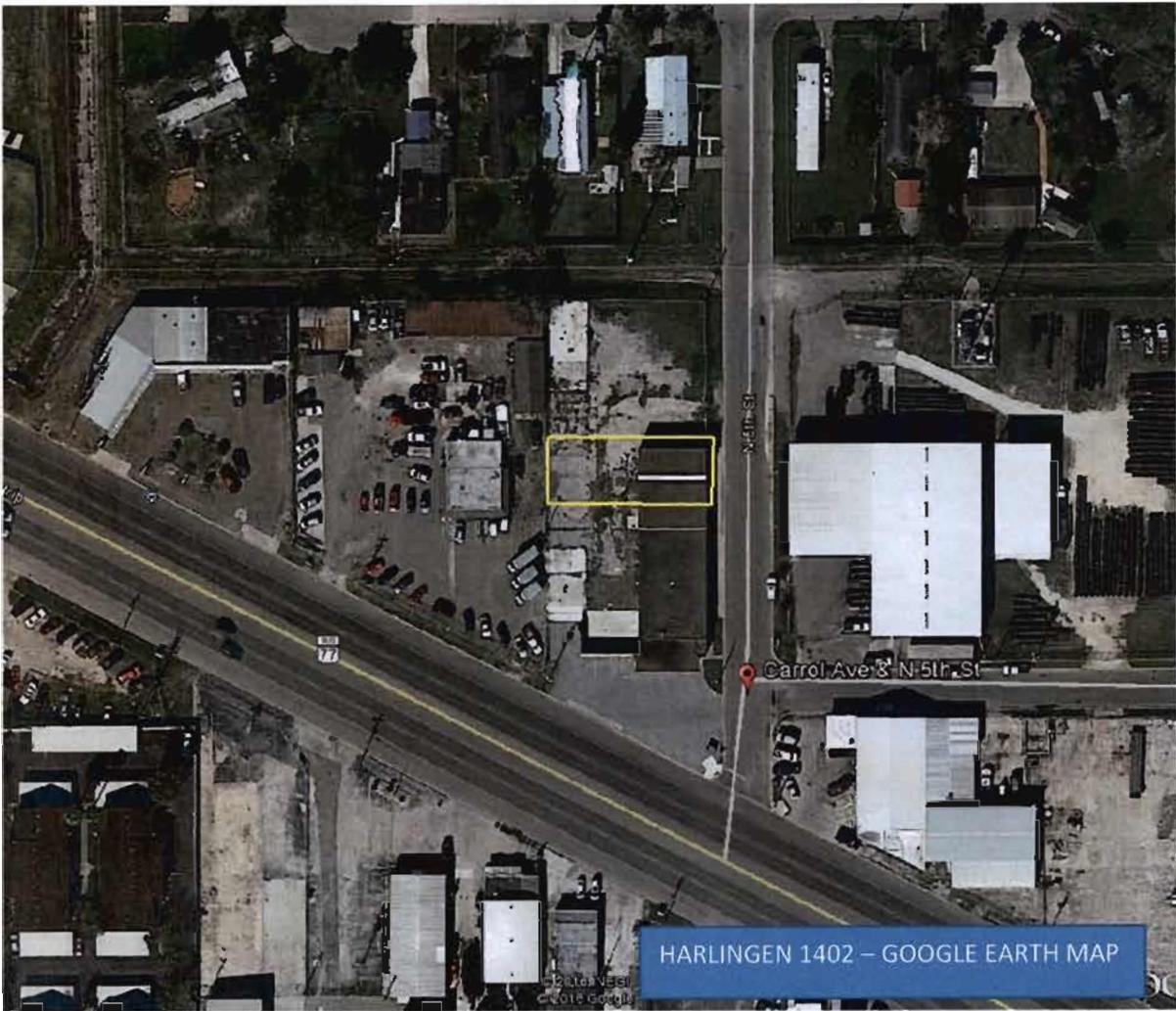
We have reviewed your request for the above referenced Utility Easement, and Time Warner Cable (TWC) hereby grants the abandonment 5th ST & CAROL ST, HARLINGEN, TX.

If applicable, please contact the Texas Excavation Safety System (Texas811) to have facilities marked & located within affected easements before any excavations are started.

For future reference, please send all utility coordination, abandonments, encroachments, plat signatures, or serviceability requests, or notices of relocation to west-engineering-relo@twcable.com. Please share this information with whoever needs these services.

Sincerely,


Lisa Law
Manager of Data Operations
Time Warner Cable
750 Canyon Drive
Coppell, TX 75019
1-972-537-5323



HARLINGEN 1402 - GOOGLE EARTH MAP



PAULINE ZUROVEC <paulinez200@gmail.com>

FW: Ronnie Round Easement Release Request

Helen M Garcia <hmgarcia@aep.com>
To: PAULINE ZUROVEC <pauline@przcommercial.com>

Wed, Apr 20, 2016 at 12:47 PM

Pauline – Please note that AEP does not have an easement at this specific location, therefore, cannot issue a release for something it does not own.

Helen Garcia

Transmission Right of Way

Records Specialist

8-430-5623 (audinet)

361-881-5623 (direct)

361-290-2473 (mobile)

From: paulinez200@gmail.com [mailto:paulinez200@gmail.com] **On Behalf Of** PAULINE ZUROVEC
Sent: Wednesday, April 20, 2016 12:44 PM
To: Helen M Garcia
Subject: Re: FW: Ronnie Round Easement Release Request

This is an EXTERNAL email. STOP. THINK before you CLICK links or OPEN attachments.

[Quoted text hidden]



PAULINE ZUROVEC <paulinez200@gmail.com>

UTILITY EASEMENT - 1402 N. 77 SUNSHINE STRIP, HARLINGEN

Casares, Rene C. <Rene.Casares@onegas.com>

Wed, Apr 27, 2016 at 11:02 AM

To: PAULINE ZUROVEC <pauline@przcommercial.com>, "Dwyer, Susan C." <Susan.Dwyer@onegas.com>

Susan,

Our group looked at this area and we are fine with abandonment. TGS has no gas lines in the UE.

Thanks,

Rene C. Casares, P.E.

Engineering Supervisor

P: 956.444.3967, C: 956.357.2331

Rene.Casares@onegas.com5602 E. Grimes Rd, Harlingen, TX 78550 | texasgasservice.com

4c)

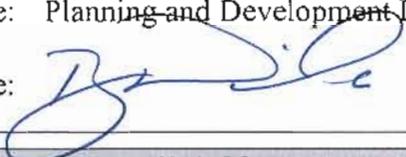
**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **June 22, 2016**

Agenda Item:

Consider and take action to approve the preliminary plat of the proposed King's Village Subdivision being an 11.71 acre tract of land comprised of a 11.01 acres of Blocks 32; 0.12 acre of Block 33; 0.20 acre of Block 34; 0.20 acre of Block 35 and 0.18 acre of Block 36, Howards Dixieland Heights, located on the north side of Garrett Road west of Dixieland Road. Applicant: Ferris, Flinn and Medina, c/o Joe Zayas

Prepared By: Rodrigo Davila
Title: Planning and Development Director

Signature: 

Brief Summary:

Project Timeline

- April 1, 2016 – Original application for preliminary and final plat submitted to the City (**Attachment I and II**).
- April 20, 2016 – Subdivision was reviewed by Subdivision Review Committee.
- April 21, 2016 – Letter sent to applicant outlining deficiencies; application deemed incomplete.
- May 26, 2016 – Plat resubmitted based on deficiency letter; application deemed complete.
- May 27, 2016 – Revised application submitted reflecting new subdivision name.
- June 22, 2016 – Consideration of the Preliminary Plat by the City Commission.

Summary

- The proposed subdivision consists of forty-seven residential lots. It is located inside the city limits of Harlingen on the north side of Garrett Road west of Dixieland Road. (**Attachment III and IV**).
- The proposed development is consistent with the Planned Development ("PD") District for single family residential use.
- Water provision and wastewater disposal will be provided by HWWS.
- The approval of the preliminary plat will allow the developer to continue construction of the required improvements with approved engineering plans.

Funding (if applicable):

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

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

Finance Director's approval: Yes No N/A

Staff Recommendation:

Staff recommends approval of the preliminary plat subject to the following conditions:

1. Submitting a street assessment for Garrett Road;
2. Correcting the dead end easement on lot 36;
3. Labeling the front setback on the lots; and
4. Providing a 10 ft. utility easement for the lots on the east side of Opal Court.

City Manager's approval:

Yes No N/A

Comments:

City Attorney's approval:

Yes No N/A

Attachment I

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

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address _____ Nearest Intersection GARRETT RD / DIXIELAND RD
 (Proposed) Subdivision Name KING'S VILLAGE SUBDIVISION Lot _____ Block _____
 Existing Zoning Designation RESIDENTIAL Future Land Use Plan Designation RESIDENTIAL

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

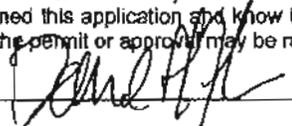
Applicant/Authorized Agent FERRIS FLINN & MEDINA Phone 956 364 2236 FAX 956 364 1023
 Email Address (for project correspondence only): D.FLINN@FERRISANDFLINN.COM
 Mailing Address 1405 N. STUART PLACE RD City PALM VALLEY State TX Zip 78552
 Property Owner JOE ZAYAS Phone 956 572 2910 FAX _____
 Email Address (for project correspondence only): GRANTESORO@ATT.NET
 Mailing Address 3000 CENTRAL BLVD. City BROWNSVILLE State TX Zip 78520

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

<input type="checkbox"/> Annexation Request..... <u>No Fee</u>	<input checked="" type="checkbox"/> Preliminary Plat..... <u>\$100.00</u>
<input type="checkbox"/> Administrative Appeal (ZBA)..... <u>\$125.00</u>	<input type="checkbox"/> Final Plat..... <u>\$50.00</u>
<input type="checkbox"/> Comp. Plan Amendment Request... <u>\$250.00</u>	<input type="checkbox"/> Minor Plat <u>\$100.00</u>
<input type="checkbox"/> Re-zoning Request..... <u>\$250.00</u>	<input type="checkbox"/> Re-plat..... <u>\$250.00</u>
<input type="checkbox"/> SUP Request/Renewal..... <u>\$250.00</u>	<input type="checkbox"/> Vacating Plat..... <u>\$50.00</u>
<input type="checkbox"/> Zoning Variance Request (ZBA)..... <u>\$250.00</u>	<input type="checkbox"/> Development Plat..... <u>\$100.00</u>
<input type="checkbox"/> PDD Request..... <u>\$250.00</u>	<input type="checkbox"/> Subdivision Variance Request..... <u>\$25.00 (each)</u>

Please provide a basic description of the proposed project: BEING A 11.71 ACRE TRACT OF LAND COMPRISED OF A 11.01 ACRES OF BLOCKS 32; 0.12 ACRE OF BLOCK 33; 0.20 ACRE OF BLOCK 34; 0.20 ACRE OF BLOCK 35 AND 0.18 ACRE OF BLOCK 36, HOWARDS DIXIELAND HEIGHTS, RECORDED IN VOLUME 5 PAGE 68, MAP RECORDS OF CAMERON COUNTY, TEXAS BEING THE TRACT OF LAND RECORDED IN VOLUME 6762, PAGE 3007 O.R.C.C.T.

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: 5-26-16

Property Owner(s) Signature: _____ Date: _____

Accepted by: _____ Date: _____

Attachment II

AUTHORIZATION TO SUBMIT AND REVISE
SUBDIVISION APPLICATION

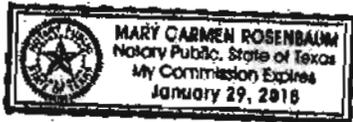
I (we), the undersigned Joe A. Zayas, do hereby authorize David H. Flinn, P.E., of Ferris, Flinn & Medina LLC to act as my (our) agent in the submittal and revision of the Subdivision Application for Dixieland Estates Phase II, and do hereby grant David H. Flinn, P.E. the power to act in my (our) behalf by signing and submitting all necessary "Subdivision Application Forms".

Date: 4/4/16 By: [Signature]
Name: Joe A. Zayas
Title: Owner

STATE OF TEXAS
COUNTY OF CAMERON

This instrument was acknowledged before me on the 14th day of April 2016 by Joe A Zayas

Date: April 14, 2016 Mary Carmen Rosenbaum
Notary Public, State of Texas



Name Printed: Mary Carmen Rosenbaum

My Commission Expires: January 29, 2018

FERRIS, FLINN & MEDINA, LLC

ENGINEERS SURVEYORS

May 26, 2016

678-001

Mr. Joel Olivo
City Planner
City of Harlingen
502 E. Tyler
Harlingen, Tx 78550

Re: King's Village Subdivision (Formerly Dixieland Estates Phase II)

Dear Mr. Olivo:

Enclosed herewith please find fifteen (15) copies of the preliminary plat for the referenced project. The developer has changed the name from "Dixieland Estates Phase II" to "King's Village Subdivision".

Additionally enclosed are the following:

- Reduced 8x11 copy of preliminary plat
- Master Application
- Drainage Statement
- Street Lighting Plan

Please include on the next Planning and Zoning Commission meeting for approval. If you should have any questions or comments, please call.

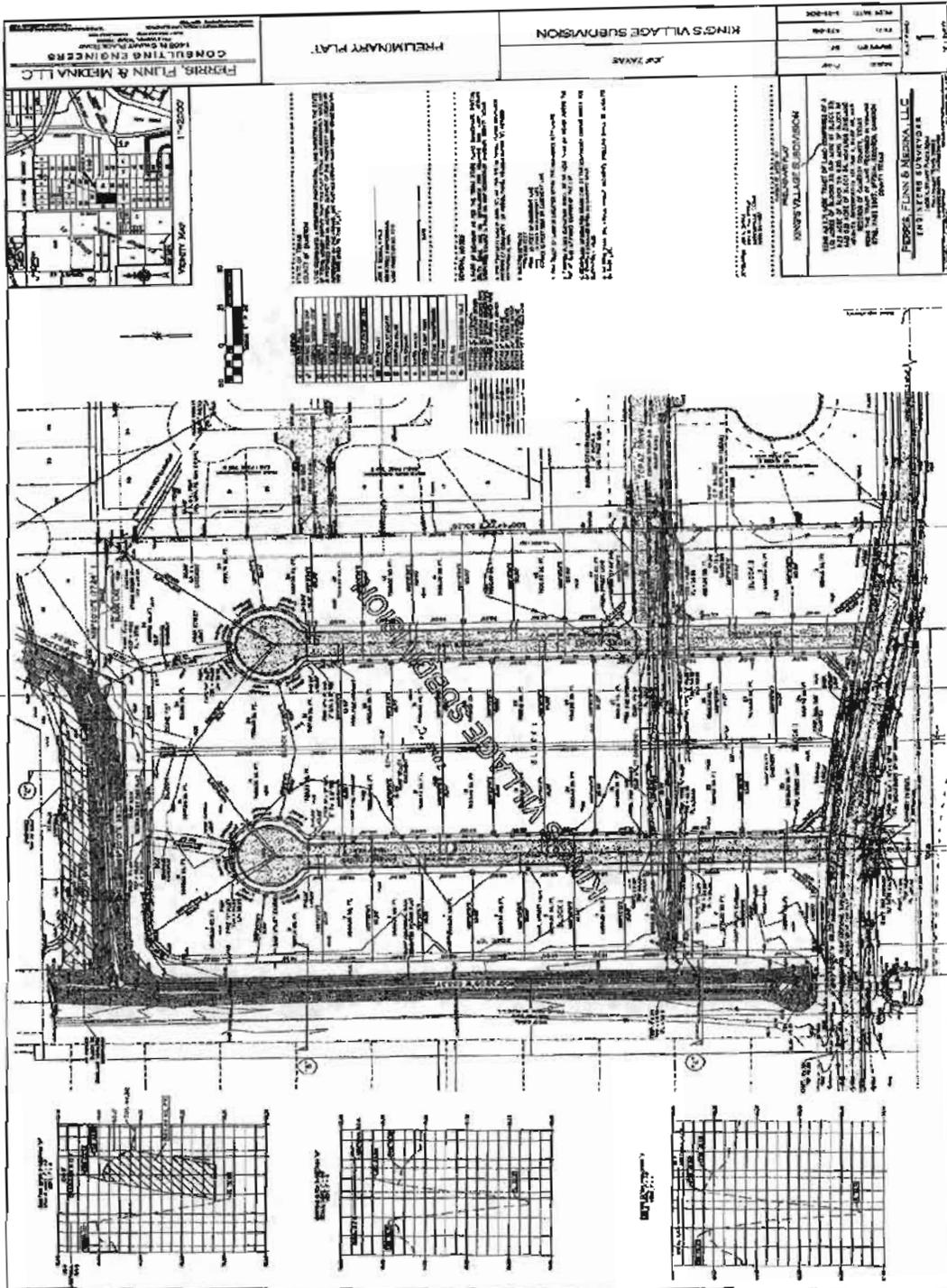
Sincerely,
FERRIS & FLINN, LLC



For:
David H. Flinn, P.E.
Principal

DHF

Attachment II



REVISED
2-27-09

Attachment III



Planning & Zoning Department
502 E. Tyler Avenue
Harlingen, TX 78550
(956) 216-5260
(956) 216-5265 (fax)

April 20, 2016

Ferris, Flinn and Medina
ATTN: David H. Flinn, P.E.
1405 N. Stuart Place Rd.
Palm Valley, TX 78552

RE: Dixieland Estates Phase 2 Subdivision

Dear Mr. Flinn:

The Subdivision Review Committee reviewed the proposed preliminary plat of "Dixieland Estates Phase 2 Subdivision" on April 20, 2016. The following items need to be addressed prior to resubmission:

Preliminary Plat:

1. Subdivision will required centralized box units as form of mail delivery service. Please coordinate with US Post Office
2. Need to formally submit a subdivision application with Harlingen Irrigation District.
3. Garrett Rd. is a major collector and requires 80 feet of right-of-way. Please dedicate an additional 10 ft. of right-of-way.
- ~~4.~~ Thirty (30) ft. corner clips required for lots along Garrett Road
- ~~5.~~ Opal Circle needs to have 60 ft. of right-of-way and paved 37 ft. b/b.
- ~~6.~~ Label the pavement width of Topaz Drive. It requires 37 ft. b/b.
- ~~7.~~ Notes 7 and 9 are not needed.
- ~~8.~~ For your reference, the minimum front setback required by the City is 20 feet. Plat shows 25 feet.
- ~~9.~~ Label the centerline for Garrett Road.
- ~~10.~~ Lot 13 need to have an average of 100 ft. lot length.
11. On General Notes 3, include 10 ft. for the corner side.
- ~~12.~~ Clarify the easement between Lots 3 and 4.
- ~~13.~~ Lots 30-49 should be Block 2.
- ~~14.~~ A 1 ft. non-access easement required for lots along Garrett Road.
15. Street assessment required for Garrett Road. Please provide required report.

Attachment IV

Dixieland Estates Phase 2 Subdivision
Subdivision Review

2

- ~~16.~~ Submit street lighting plan on a 11" x 17" sheet for review by Public Works Department. As per Public Works Department, subdivision will require six street lights.
- ~~17.~~ Need a 10 ft. utility easement on the lots.
- ~~18.~~ Need to submit letter of authorization from property owner.
- ~~19.~~ Clarify the easement between Lots 14 and 15.
- ~~20.~~ Coordinate with HWWWS on location of water and sewer lines.
- ~~21.~~ The drainage ditch right-of-way needs to state dedicated by plat.
- ~~22.~~ On drainage report show existing calculations.
- ~~23.~~ Label the drainage flow on the plat.
- ~~24.~~ Submit an 8.5" x 11" reduced copy of the plat.

Other Comments:

25. The City's Subdivision Ordinance is available online at www.myharlingen.us, Department, Planning and Zoning, Subdivision Ordinance.
26. Please note that re-submittals may subject to additional comments.

Please submit fifteen (15) revised preliminary plats (folded with the name of the subdivision showing) to the Planning and Zoning Department by April 27, 2016 at 12:00 p.m. so that it may be considered for approval at the next available P&Z Commission Meeting.

The above comments do not relieve the Engineer/Developer/Contractor from complying with the City of Harlingen's Subdivision rules and regulations. If you have any questions, please contact me at (956) 216-5260 or by email at jolivo@myharlingen.us.

Sincerely,



Joel Olivo
Planning and Zoning Manager

HCD

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **June 22, 2016**

Agenda Item:

Consider and take action to approve the final plat of the proposed Cuevas Harlingen Subdivision being a 9.466 acre tract of Block 13, Stewart Place Subdivision of Survey 138, located on Interstate 2 Frontage Road and Beckham Road. Applicant: Eduardo H. Mejia of Mejia and Rose Engineering, c/o Donicio Cuevas

Prepared By: Rodrigo Davila
Title: Planning and Development Director

Signature: *Rodrigo Davila*

Brief Summary:

Project Timeline

- October 15, 2015 – Original application for preliminary plat submitted to the City (**Attachment I**).
- October 21, 2015 – Subdivision was reviewed by Subdivision Review Committee.
- October 22, 2015 – Letter sent to applicant outlining deficiencies; application deemed incomplete.
- November 6, 2015 – Application for sidewalk variance submitted to the City.
- December 16, 2015 – City Commission approved variance request.
- February 4, 2016 - Plat resubmitted based on deficiency letter.
- February 15, 2016 - Engineering Department approves preliminary plat; application deemed complete.
- March 2, 2016 – Preliminary plat was approved by the City Commission.
- May 26, 2016- Final plat resubmitted based on deficiency letter. Application deemed incomplete pending letter of clearance from HWWS.
- June 2, 2016 – HWWS approved the improvements and signed the subject subdivision mylar; application deemed complete.
- June 22, 2016 – Consideration of the final plat by the City Commission.

Summary

- The proposed subdivision consists of three commercial lots. It is located inside the city limits of Harlingen on Interstate 2 Frontage Road and Beckham Road (**Attachment II-IV**).
- The proposed subdivision is located within a GR District and is consistent with the said zoning district.
- Water and wastewater provision will be provided by HWWS.
- All items on the final plat checklist have been addressed.

Funding (if applicable):

Are funds specifically designated in the current budget for the full amount Yes No*

for this purpose?
*If no, specify source of funding and amount requested:

Finance Director's approval: Yes No N/A

Staff Recommendation:

Staff recommends approval.

City Manager's approval: Yes No N/A

Comments:

City Attorney's approval: Yes No N/A

Attachment I

CITY OF HARLINGEN PLANNING AND ZONING DIVISION
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address Vacant land Nearest Intersection Beckham and U.S. Expressway 83
(Proposed) Subdivision Name Harlingen Cuevas Lot 1,2,83 Block 1
Existing Zoning Designation General Retail (GR) Future Land Use Plan Designation General Retail (GR)

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Eduardo H. Mejia Phone 956-544-3022 FAX 956-544-3068
Email Address (for project correspondence only): gorive@cngmail.com; mandring@cngmail.com
Mailing Address P.O. Box 3761 City Brownsville State TX Zip 78523
Property Owner Donicio Cuevas Phone 956-561-5311 FAX 956-544-3022
Email Address (for project correspondence only): cvsdonn@aol.com
Mailing Address 200 W. Expressway 77/83 City San Benito State TX Zip 78586

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

- | | |
|---|--|
| <input type="checkbox"/> Annexation Request..... <u>No Fee</u> | <input checked="" type="checkbox"/> Preliminary Plat..... <u>\$100.00</u> |
| <input type="checkbox"/> Administrative Appeal (ZBA)..... <u>\$125.00</u> | <input checked="" type="checkbox"/> Final Plat..... <u>\$50.00</u> |
| <input type="checkbox"/> Comp. Plan Amendment Request... <u>\$250.00</u> | <input type="checkbox"/> Minor Plat..... <u>\$100.00</u> |
| <input type="checkbox"/> Re-zoning Request..... <u>\$250.00</u> | <input type="checkbox"/> Re-plat..... <u>\$250.00</u> |
| <input type="checkbox"/> SUP Request/Renewal..... <u>\$250.00</u> | <input type="checkbox"/> Vacating Plat..... <u>\$50.00</u> |
| <input type="checkbox"/> Zoning Variance Request (ZBA)..... <u>\$250.00</u> | <input type="checkbox"/> Development Plat..... <u>\$100.00</u> |
| <input type="checkbox"/> PDD Request..... <u>\$250.00</u> | <input type="checkbox"/> Subdivision Variance Request..... <u>\$25.00 (each)</u> |

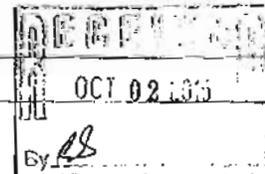
Please provide a basic description of the proposed project: We are subdividing a 9.466 Acre tract into 3 lots.

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.

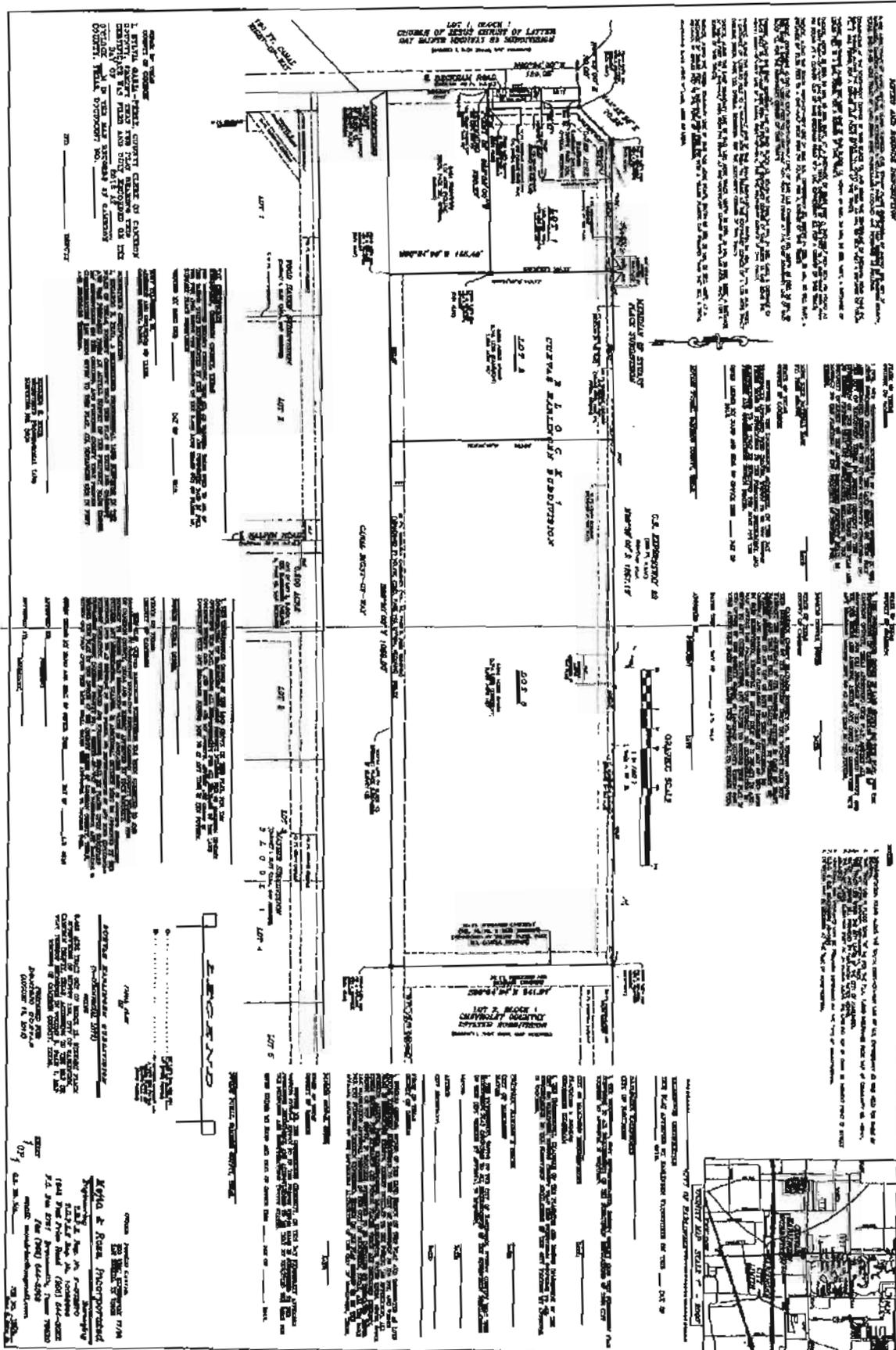
Applicant's Signature: Eduardo H. Mejia Date: 10/02/15

Property Owner(s) Signature: _____ Date: _____

Accepted by: _____ Date: _____



Attachment II





Planning & Zoning Division
Jennifer Muñoz, City Planner
956.216.5261

October 26, 2015

Eduardo H. Mejía, R.P.L.S.
% Mejía & Rose Engineering, Inc.
PO Box 3761
Brownsville, TX 78523

Re: Harlingen Cuevas Subdivision

Dear Mr. Mejía:

On October 21, 2015, city staff reviewed the minor plat of "Harlingen Cuevas Subdivision." The following items need to be addressed prior to resubmission/clearance:

General Comments

- Please note that all referenced sections are of the City of Harlingen Subdivision Ordinance unless stated otherwise.
- The City's Subdivision Ordinance is available online at www.myharlingen.us, Planning and Zoning, left-hand column, Subdivision Ordinance.
- Please note that re-submittals may be subject to additional comments.
- **Remember to submit a revised reduced plat.**
- This is not a minor plat. Please submit ten (10) copies of the revised preliminary and final plats (folded with the name of the subdivision showing) to the Planning & Zoning Department by Wednesday, October 28, 2015 at 12:00 pm., or once all items stated in staff comments have been addressed. You must provide the preliminary and final plat checklists as well. No additional fees are required.
- Address all comments made by the Engineering Department.
- Please submit a street lighting plan on 11" by 17" paper.
- Time Warner services are not available.

Preliminary & Final Plats

1. On the General Notes section, please add the following:
 - a. "Detention may be required at the time of construction."
 - b. "A five-foot sidewalk if required along Frontage Road."
 - i. If you plan to apply for a variance, please submit the paperwork and fee.
2. On the Vicinity Map, please correct the following:
 - a. Label the site.
 - b. Make it to scale (1 to 2000).
 - c. Show the city limits.
 - d. You may increase the size of the map area, if you choose.
3. Consult with HID.

ES Street assessment for Beckham rd.

Attachment III cont.

4. On Frontage Road, provide the pavement type, width, and ROW.
5. Provide TXDOT clearance for driveways/access clearance for all lots on the plat.
6. On Beckham Road, show the full 30' ROW dedication and identify the pavement width.

Preliminary Plat

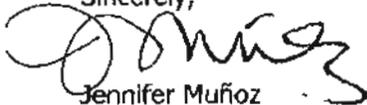
7. You are required to install three streetlights. Please show these on the plat.
8. Show proposed sewer.
9. Show drainage flow arrows.

Final Plat

10. Review the sample Cameron County Clerk's signature block provided.

The above comments do not relieve the Engineer/Developer/Contractor from complying with the City of Harlingen's Subdivision Regulations. If you have any questions, you may contact me via e-mail at jmunoz@myharlingen.us.

Sincerely,



Jennifer Mufioz
City Planner

Attachment IV



Harlingen Engineering Department
502 E. Tyler Avenue
Harlingen, TX 78550
(956) 216-5290
(956) 430-8113 (fax)

February 15, 2016

Mr. Joel Olivo
Planning and Zoning Manager
Planning & Development Department
502 E. Tyler
Harlingen, Texas 78550

RE: Review of Harlingen Cuevas Subdivision (Preliminary and Final Plat)

Dear Mr. Olivo:

We are in receipt of the preliminary and final plat 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) 216-5283 or via email at mviada@myharlingen.us.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Martha E. Viada'.

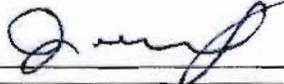
Martha E. Viada, E.I.T., CFM
Engineer in Training

cc: Javier Zamora, P.E. CFM, City Engineer

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **June 22, 2016**

Agenda Item:
Consider and take action to approve contract with Jun Ellorimo to provide adult learn to swim program at Pendleton Park and Victor Park Pool. Applicant: City of Harlingen.

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

Brief Summary:
Timeline
May 17, 2016 – Parks and Recreation Advisory Board recommend agreement to the City Commission
Summary
The contract term is for 1 year with an option to terminate by either party by giving ten days written notice. The compensation will be the same as with other contracts, which 80% of the registration fee would go to the instructor and 20% will go to the City. The monthly class registration fee is \$45.00. The City administers the registration, collects, and deposits the funds. The contractor is paid based on the collection and is paid in accordance with City's payroll dates. This is a new program that is being promoted at our pools and will involve different levels of learn to swim for adults. The levels would include basic, and intermediate for proper swim techniques and endurance for triathlon training.

Staff Recommendation:
Staff and the Parks and Recreation Advisory Board recommends to the City Commission to approve the contract with Jun Ellorimo to provide adult learn to swim instruction at Pendleton and Victor Park Pool.

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

City Attorney's approval: Yes No N/A
ak date form

CONTRACTUAL AGREEMENT

This contract, made this 8th day of June 2016 by and between **CITY OF HARLINGEN**, a Municipal Corporation situated in Cameron County, Texas, and acting herein by and through its duly authorized City Manager, hereinafter designated as "**CITY**", having its principal Administrative offices at 118 E. Tyler Street, Harlingen, Texas 78550, and Jun Ellorimo, hereinafter referred to as "**CONTRACTOR**", an individual(s) residing at 1614 Fairfield Ct., Harlingen, Texas 78550.

NOW, THEREFORE, for and in consideration of the services and mutual promises of the parties and the mutual benefits they will gain by their performance thereof, all in accordance with the provisions hereinafter set forth, **CITY** and **CONTRACTOR**, agree as follows:

I. PROVISIONS OF SERVICES

CONTRACTOR will provide adult swim lesson, and triathlon swim training for the interested pool guests. The adult swim program will be conducted at the City owned pools known as Pendleton Park and Victor Park Pool. **CONTRACTOR** shall be responsible for providing supplies, materials or equipment needed to instruct learn to swim and triathlon training program. **CONTRACTOR** will conduct classes using lanes 1,2,3 and 4 on Monday, Wednesday and Friday from 7:30 p.m. – 8:30 p.m. and 7:00 p.m. – 8:00 p.m. on Tuesday and Thursday at Pendleton Park Pool and may use Victor Park Pool during the Summer (May 1st - August 15th) from 6:30 pm. – 7:30 p.m. **CITY** shall be responsible for the arrangement and maintenance of the activity area in accordance with specifications given by the **CONTRACTOR** at the time of scheduling. Any relevant building or schedule changes must be arranged at least ten days prior to activity date.

II. TERM OF AGREEMENT

The term of this agreement is for one (1) year and will begin on the 22nd day of June, 2016, and end on the 1st day of June, 2017.

III. COMPENSATION

CITY, through the Harlingen Parks and Recreation Department, shall compensate **CONTRACTOR** an amount totaling Eighty Percent (80%) of the monthly class membership/activity fee. The **CONTRACTOR** shall receive payment from funds collected and upon the completion of the class in accordance with the concurrent payroll dates. The established fee for the classes is (\$45) forty five dollars per month per individual and will be collected and reported by Pool Management to the Park and Recreation Administration office. The term of a class in this agreement shall be a period of 30 days. It is specifically understood and agreed that the **CITY** will not withhold any monies for purposes of taxes. Any Federal Income tax obligation shall be paid by **CONTRACTOR** as a self-employed person.

IV.
PROFESSIONAL LIABILITY

In connection with the services provided under this Agreement, **CONTRACTOR** will indemnify and hold **CITY**, the Harlingen Parks and Recreation, its officials, officers, deputies, agents and employees, harmless for any and all claims, lawsuits, legal expenses and other costs related to the performance or non-performance of this Agreement.

V.
ENTIRE AGREEMENT

This instrument contains the entire agreement between the parties. Any oral representations or modifications concerning this agreement will be of no force effect unless a subsequent modification in writing is signed to by the parties. This Agreement may be amended, provided that no amendment, modification or alteration of the terms of this Agreement will be binding unless the same is in writing and duly executed by the parties hereto.

VI.
BREACH OF OBLIGATION

This Agreement is entire as to all of the performances to be rendered under it. Breach of any obligations to be performed by either party will constitute a breach of the entire Agreement and will give the other affected party the right to terminate this Agreement.

VII.
TERMINATION

Either party, by giving ten (10) days written notice to the other party, may terminate this contract at anytime and for no reason.

VIII.
NOTICES

Any notice or writing required or permitted to be given under the terms of this Agreement will be regarded as delivered when a copy of the same has been delivered to the party entitled to receive it by Certified Mail, Return Receipt Requested, or by personal delivery at the address given below or such other address as a party may designate by written notice to the other party.

TO CONTRACTOR: Jun Ellorimo
1614 Fairfield Ct.
Harlingen, Texas 78550

TO CITY: Dan Serna, City Manager
City of Harlingen
118 E. Tyler
Harlingen, TX 78550

IX.
RELATIONSHIP OF PARTIES

CONTRACTOR is acting as an independent contractor and is wholly responsible for the duties as identified in Paragraph I, Provision of Services. No joint venture, partnership, or agency exists between **CITY** and **CONTRACTOR**, nor will one be implied by the terms of this Agreement.

X.
INVALIDITY OF PARTICULAR PROVISIONS

If any section, paragraph, sentence, or phrase hereof is held to be illegal or unenforceable by a court of competent jurisdiction, such illegality or unenforceability shall not affect the remainder of this agreement."

XI.
LAW GOVERNING VENUE

This Agreement shall not be assignable without the express written consent of **CITY**. This Agreement will be governed by and construed in accordance with the laws of the State of Texas, and, the obligations and undertakings of each of the parties to this Agreement will be performable in Cameron County, Texas. The parties agree that Cameron County, Texas shall be the proper place for any litigation between the parties hereto and that Texas law shall govern the interpretation of the provisions hereof.

WITNESS OUR HANDS THIS _____ DAY OF JUNE, 2016

CITY OF HARLINGEN

BY: _____
Dan Serna, City Manager

ATTEST:

BY: _____
Amanda C. Elizondo, City Secretary

CONTRACTOR

BY: _____
Jun Ellorimo

6)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **June 22, 2016**

Agenda Item:

Consider and take action to approve Amendment Number One to the Facility Use Agreement between the City of Harlingen and the Harlingen National Bronco League for the use of the ball fields at the Tom Wilson Youth Sports Park.

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

Signature: 

Summary:

Summary

The League has used the City's fields at the Tom Wilson Sports Complex on Wilson Road for a number of years Pony League Baseball, but would like to expand their program and include Adult Coed Kickball.

- IV (B) The basic use of said facility by CLUB/LEAGUE/TEAM shall be for the purpose of promoting, training and playing baseball/softball and Coed Adult Kickball and the operation of the concessions incidental to such activities.

We would allow the league to operate a Coed Adult Kickball fall program out of the complex. This new program would not interfere with his regular scheduled youth winter season games, since kickball will be on the fields one day a week, which is the day that there are no scheduled baseball games. The size of the fields for both programs are the same size, so we will not need to modify any of the fields.

All required documents from the League pursuant to the contract are current and on file with the City. This includes those items listed in Paragraph "X."

The Parks and Recreation Advisory Board recommended approval on May 17, 2016.

Staff Recommendation:

Staff and the Parks and Recreation Advisory Board recommend approval of the changes to the contract for the 2016-17 season.

City Manager's approval:

Yes No N/A

Comments:

City Attorney's approval:

Yes No N/A
ao to form

STATE OF TEXAS §

CAMERON COUNTY §

FACILITY USE AGREEMENT AMENDMENT No.1

This first amendment will amend the Facility Use Agreement executed on the 6th day of January, 2016 by and between the City of Harlingen, hereinafter referred to as "CITY" and the Harlingen National Bronco League, hereinafter referred to as "CLUB/LEAGUE/TEAM".

WHEREAS, the CITY and the CLUB/LEAGUE/TEAM seek to amend this Facility Use Agreement to include Coed Adult Kickball as part of their league programs.

NOW THEREFORE, and in consideration of the foregoing and in further consideration of the mutual benefits, the parties agree to amend the existing agreement to include the follows:

Section IV (B) the basic use of said facility by CLUB/LEAGUE/TEAM shall be for the purpose of promoting, training and playing baseball/softball and Coed Adult Kickball and the operation of the concessions incidental to such activities.

It is specifically understood and agreed that no other provisions of the Facility Use Agreement dated January 6, 2016, shall be modified in any respect, except as is specifically set forth above. Any provisions not specifically set forth above shall remain a provision and condition set forth in the original Facility Use Agreement.

This First Amendment shall be effective June 22, 2016.

Dan Serna, City Manager

Attested By:

Amanda Elizondo, City Secretary

Jerry Hernandez, League President

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **June 22, 2016**

Agenda Item:

Public hearing and take action to approve the preliminary and final replat of the proposed Replat of Lots 44-49 Cottonwood Creek Subdivision No.1, being a replat of Lots 44-49, Block 1, Cottonwood Creek Subdivision No. 1, located on the north side of Cottonwood Blvd on the east side of South Ed Carey Drive. Applicant: Centerline Surveying, c/o Plains Capital Bank.

Prepared By: Rodrigo Davila
Title: Planning & Development Director
Signature: *Rodrigo Davila*

Brief Summary:

Project Timeline

- April 22, 2016 – Original preliminary and final replat application submitted to the City (**ATTACHMENT I**).
- May 18, 2016 – Subdivision reviewed by the Subdivision Review Committee.
- May 19, 2015 – Letter sent to applicant outlining deficiencies; application deemed incomplete.
- May 27, 2016 – Plat resubmitted based on deficiency letter; application deemed complete.
- June 4, 2016 – 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.
- June 22, 2016 – Public hearing and consideration of the preliminary and final plat by the City Commission.

Summary

- The proposed subdivision consists of a replat of six residential lots into three larger residential lots (**ATTACHMENT II**). It is located inside the city limits, on the north side of Cottonwood Blvd on the east side of South Ed Carey Drive.
- Water and waste water disposal services are provided by HWWS.
- The proposed development is consistent with the current zoning designation of Planned Development District (“PD”) for residential use.
- All items on the preliminary and final replat checklist have been addressed (**ATTACHMENT III and IV**).

Funding (if applicable):

Are funds specifically designated in the current budget for the full amount Yes No*

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

Finance Director’s approval: Yes No N/A

Staff Recommendation:

Staff recommends approval of the preliminary and final replat.

City Manager's approval:

Yes

No

N/A

Comments:

City Attorney's approval:

Yes

No

N/A

Attachment I—Application

CITY OF HARLINGEN PLANNING AND ZONING DIVISION
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address Vancant Lane Nearest Intersection Willow Cir. + Cottonwood Blvd.
(Proposed) Subdivision Name Replat of lots 44-49 Cottonwood Creek Lot Subd No. 1 Block _____
Existing Zoning Designation Residential Future Land Use Plan Designation Residential

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Center Line Surveying Phone (956) 778-9391 FAX (956) 412-1837
Email Address (for project correspondence only): centerlinesurvey@yahoo.com
Mailing Address 1205 W. Jackson City Harlingen State Tx Zip 78551
Property Owner Plains Capital Bank Phone (956) 385-3520 FAX (956) 385-3550
Email Address (for project correspondence only): mike.fennegan@yahoo.com
Mailing Address P.O. Box 810 City Edinburg State Tx Zip 78540

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

- | | |
|---|--|
| <input type="checkbox"/> Annexation Request..... <u>No Fee</u> | <input checked="" type="checkbox"/> Preliminary Plat..... <u>\$100.00</u> |
| <input type="checkbox"/> Administrative Appeal (ZBA) <u>\$125.00</u> | <input checked="" type="checkbox"/> Final Plat..... <u>\$50.00</u> |
| <input type="checkbox"/> Comp. Plan Amendment Request... <u>\$250.00</u> | <input type="checkbox"/> Minor Plat..... <u>\$100.00</u> |
| <input type="checkbox"/> Re-zoning Request. <u>\$250.00</u> | <input type="checkbox"/> Re-plat..... <u>\$250.00</u> |
| <input type="checkbox"/> SUP Request/Renewal..... <u>\$250.00</u> | <input type="checkbox"/> Vacating Plat..... <u>\$50.00</u> |
| <input type="checkbox"/> Zoning Variance Request (ZBA)..... <u>\$250.00</u> | <input type="checkbox"/> Development Plat..... <u>\$100.00</u> |
| <input type="checkbox"/> PDD Request..... <u>\$250.00</u> | <input type="checkbox"/> Subdivision Variance Request..... <u>\$25.00 (each)</u> |

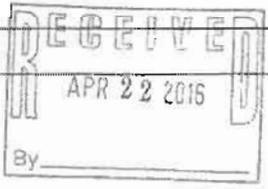
Please provide a basic description of the proposed project: lots 45, 44, 46, 47, 48, + 49,
Block 1, Cottonwood Creek Subd. No. 1, Cameron
County, Texas

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: Kristen Baumbles Date: 4-18-16

Property Owner(s) Signature: [Signature] Date: 4-18-16

Accepted by: _____ Date: _____



PRELIMINARY PLAT SUBMITTAL CHECKLIST

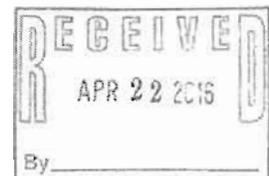
Please submit the following items along with the completed master application and appropriate fees. The project cannot be scheduled for consideration unless all items are marked complete. Citations come from the Subdivision Ordinance.

Complete

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

Plat drawing to include:

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



Attachment I—Application

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

Plats shall not be scheduled for the Planning and Zoning Commission review unless items on this list are completed. I have read and understand in its entirety the City of Harlingen's Subdivision Ordinance and understand that the requirements of a preliminary plat are subject to the terms and conditions therein. This preliminary plat checklist is used to insure compliance with the Ordinance and in some instances the City may require additional information for approval. An endorsement of this application checklist by the applicant shall be acknowledgment that all of the items on the above list have been reviewed and complied with or variances have been requested. I also understand that, pursuant to Section 6 of the City of Harlingen Zoning Ordinance, no building permit will be issued until a final plat has been approved by the Planning and Zoning Commission and filed in the office of the County Clerk.

Project Name: Replat of lots 44-49 Cottonwood Creek Subd. No. 1

Owner: Plain Capital Bank Date 4-18-16

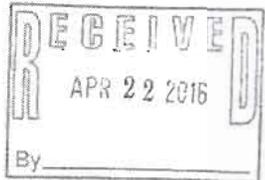
Owner Address: P.O. Box 810 Edinburg, TX Phone/Fax: (956) 385-3520

Signature: [Signature]

Engineer/Surveyor: Victor Bauñales Date 4-18-16

Engineer/Surveyor Address: 1205 W. Jackson ^{Harlingen, TX} Phone/Fax: (956) 778-9391

Signature: Victor Bauñales





Planning and Zoning Department
502 E. Tyler Avenue
Harlingen, TX 78550
(956) 216-5161
(956) 216-5168 (fax)

May 19, 2016

Victor Banuelos, R.P.L.S.
Centerline Surveying
1205 W Jackson St, Suite B
P.O. Box 1148
Harlingen, Texas 78551

Re: Replat Lots 44-49 Cottonwood Creek Subdivision No. 1

Dear Mr. Banuelos:

On May 18, 2016, city staff reviewed the preliminary and final plat of "Replat Lots 44-49 Cottonwood Creek Subdivision No. 1". The following items need to be addressed prior to resubmission. Please submit fifteen (15) copies of the revisions by May 25, 2016 for the Planning and Zoning Commission meeting scheduled on June 8, 2016.

1. Label the adjoiner to the north and east (i.e. recording information and property owner)
2. Label the city limits on the vicinity map.
3. Indicate subdivision name on vicinity map instead of "project location".
4. General notes should reflect that Subdivision is a planned development.
5. General notes should reflect that setbacks will be as per PD ordinance.
6. Set concrete monuments on all corners with elevations
7. Owner's dedication block needs to reflect private streets
8. Label private street by the street name.
9. Show ownership of the ditch and canal located east of the subdivision; the R.O.W. and easement widths should also be indicated
10. Clarify whether or not there is an easement running along the eastern portion of the subdivision that contains the existing 32" wide drainage ditch running through the properties.
11. Minimum finish floor elevation must be 24" or greater above adjacent top of curb in Flood Zone "AH"; a minimum finish floor elevation of 18" is currently being indicated in general notes.
12. Please show a point of beginning/point of commencement on both the preliminary and final plats.
13. Add the metes and bounds description on the final plat.
14. The signature block statement provided for Plains Capital Bank should be rewritten.

The above comments do 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) 216-5161 or via email at amolina@myharlingen.us

Sincerely,

A handwritten signature in black ink, appearing to read 'Albert Molina'.

Albert Molina
City Planner

DRAINAGE REPORT

Replat of Lots 43 - 49
Cottonwood Creek Subdivision No.1

April 22, 2016

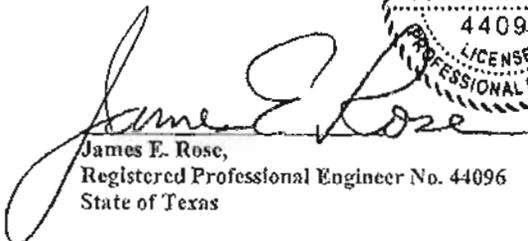
Legal description: Being all of Lots 44 through 49, Cottonwood Creek Subdivision No.1 in Cameron County, Texas, according to the map thereof recorded in Cabinet 1, Slot 479-A of the Map Records of Cameron County, Texas and located East side of Willow Circle at its intersection with Cottonwood Blvd.

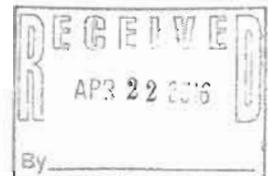
The property is a flat (sloping less than 0.3 percent), previously subdivided grassy area, totaling 0.512 acre in area. Any runoff that occurs appears to drain from East to West toward Willow Circle. The runoff is collected by the gutter on the East side of Willow Street and is conveyed Southward to the

apparently temporary deadend of the street where it is collected by a 12" storm drain pipe and conveyed Eastward approximately 70 feet to a 10 feet deep drain ditch which is located along the rear of the subdivision. That ditch flows Southward a few hundred feet where it discharges into a large ditch system flowing in a generally North and East direction until it eventually empties into the Arroyo Colorado.

The system is currently functioning well and the replat will reduce the intensity of the development by 50% (from six lots to two lots).

Based on these observations, it is my opinion that this replat subdivision will have no impact on the existing drainage system.


James E. Rose,
Registered Professional Engineer No. 44096
State of Texas



8)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **June 22, 2016**

Agenda Item:

Public Hearing and take action to consider an Ordinance on First Reading for a Specific Use Permit ("SUP") to allow an adult business (tattoo studio) in a General Retail ("GR") District located at 1617 E. Harrison Ste. C, bearing a legal description of Lots 13-16, Block G, East Park Terrace Subdivision.

Applicant: Jose Barron

Prepared By: Rodrigo Davila

Title: Planning and Development Director

Signature: *Rodrigo Davila*

Brief Summary:

Project Timeline

- April 11, 2016 – Application for Specific Use Permit ("SUP") submitted to the City. **(ATTACHMENT I)**
- April 30, 2016 – 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.
- May 11, 2016 - Public hearing was conducted by the Planning and Zoning Commission (P & Z). **The P&Z Commission recommended approval of the SUP based on staff recommendation and with the condition that the SUP is limited to one year by a 5 to 1 vote.**
- May 18, 2016– Public hearing and consideration of the requested specific use permit via 1st ordinance reading scheduled before the City Commission. The City Commission tabled the item.
- June 22, 2016 – Public hearing and consideration of the requested specific use permit via 1st ordinance reading scheduled before the City Commission.
- July 6, 2016 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- Per the Code of Ordinances, the "adult business" (tattoo studio) use in the "GR" District requires the approval of an SUP by the City Commission.
- The applicant wishes to operate an adult business (tattoo studio) out of an existing suite. The area to be occupied is approximately 625 square feet in the Harrison Plaza. The commercial plaza is required twenty one spaces and provides forty spaces **(ATTACHMENT II)**.
- Surrounding properties are zoned "GR", "R-1", "M-2", and "NS". Surrounding land uses include commercial, office, single-family residential, and multi-family residential **(ATTACHMENT III and IV)**.
- The City of Harlingen Building Inspections, Health, Fire Prevention, and Police

Departments reviewed the SUP application. The Health, Building Inspection and Fire Prevention Departments reported no objection to the proposed request. The Police Department is recommending denial of the requested specific use permit (ATTACHMENT V).

- The applicant must obtain and maintain the proper State permits.
- To the present, the Planning and Zoning Department has not received any objections 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? Yes No*

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

Finance Director's approval: Yes No N/A

Staff Recommendation:

Staff recommends approval of the request subject to compliance with the following conditions:

1. Must obtain and maintain the proper State permits;
2. Maintain the required off-street parking spaces; and
3. Comply with requirements administered by the Planning, Building Inspections, Health and Fire Prevention and Police Departments prior to the issuance of the Certificate of Occupancy.

City Manager's approval: Yes No N/A

Comments:

City Attorney's approval: Yes No N/A

PUBLIC HEARING AND TAKE ACTION TO CONSIDER A REQUEST FOR A SPECIFIC USE PERMIT ("SUP") TO ALLOW AN ADULT BUSINESS (TATTOO STUDIO) IN A GENERAL RETAIL ("GR") DISTRICT LOCATED AT 1617 E. HARRISON STE. C, BEARING A LEGAL DESCRIPTION OF LOTS 13-16, BLOCK G, EAST PARK TERRACE SUBDIVISION. APPLICANT: JOSE BARRON

Mr. Molina summarized the following:

Per the zoning ordinance, the "adult business" (tattoo studio) use in the "GR" District requires the approval of an SUP by the City Commission.

The applicant wishes to operate an adult business (tattoo studio) out of an existing suite. The area to be occupied is approximately 625 square feet in the Harrison Plaza. The commercial plaza is required twenty one spaces and provides forty spaces.

Surrounding properties are zoned "GR", "R-1", "M-2", and "NS". Surrounding land uses include commercial, office, single-family residential, and multi-family residential.

The City of Harlingen Building Inspections, Health, Fire Prevention, and Police Departments reviewed the SUP application. The Health, Building Inspection, Fire Prevention, and Police Departments reported no objection to the proposed request.

The applicant must obtain and maintain the proper State permits.

To the present, the Planning and Zoning Department has not received any objections 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.

Staff recommends approval of the request subject to compliance with the following conditions:

1. Must obtain and maintain the proper State permits; and
2. Comply with requirements administered by the Planning, Building Inspections, Health and Fire Prevention and Police Departments prior to the issuance of the Certificate of Occupancy.

Mr. Molina stated he and the applicant were available to answer any questions.

Chrm. Peacock asked for the formal recommendation?

Mr. Molina replied the recommendation is for approval.

Chrm. Peacock stated if there were any questions for the staff.

Cmr. Haire asked if there was anyone from the Police Department to explain the report.

Chrm. Peacock stated yes there is.

Chrm. Peacock opened the floor to a public hearing.

Connie De La Garza, Property Manager & Leasing Agent approached when they take a lease application they conduct a credit check and a police check. He had an unfortunate incident with drugs 10 years ago. He has been clean ever since working for about 5 years in the tattoo business. I recommend that you approve this and give him a way to be his own boss now.

There were no further comments. Chrm. Peacock closed the public hearing.

Cmr. Haire asked for some clarification from the Police Department it is hard to look at a 6 line paragraph as to why they made a determination to deny. Is it a public safety concern we need something to go on.

Sergeant Alvear replied it is the history versus one event.

Cmr. Lopez asked is it a case awaiting bond.

Sergeant Alvear replied not anymore we were looking at a record with felonies and crimes against persons.

Chrm. Peacock asked for a timeframe.

Sergeant Alvear stated 9 years ago was the last sentence.

Cmr. Wolf asked has there been any other since then.

Sergeant Alvear replied he did not believe so but they can ask the applicant.

Cmr. Lopez and Cmr. Wise believe in second chances and do not see a reason to deny the request.

Cmr. Lopez motioned to approve the request per staff recommendation only. Cmr. Wise seconded.

Cmr. Wolf is asking for a time frame attached to the request.

The motion to approve is denied with 3 yeas and 4 nays.

Cmr. Jom motioned to approve per staff recommendation with a conditional 1 year and must apply again in one year. Cmr. Wolf seconded.

The motion passes 5 to 1.

Attachment I—Main Application

MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address HARRISON PLA ZIP 1617 E. HARRISON ST "C" Nearest Intersection 17th St & E. HARRISON
 (Proposed) Subdivision Name East Park Terrace Lots 13-16 Block C
 Existing Zoning Designation GR Future Land Use Plan Designation GR

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Jose Barron % Connie de la Cruz Phone 423-3488 FAX _____
 Email Address (for project correspondence only): _____
 Mailing Address 105 E. Davis City Harlingen State TX Zip 78550
 Property Owner Raul Rodriguez % Connie de la Cruz Phone 423-3488 FAX 425-3488
 Email Address (for project correspondence only): % Connie bahrmanrealty.com
 Mailing Address % 503 E. Harrison City Hgn State TX Zip 78550

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

- | | |
|--|--|
| <input type="checkbox"/> Annexation Request..... <u>No Fee</u>
<input type="checkbox"/> Administrative Appeal (ZBA)..... <u>\$125.00</u>
<input type="checkbox"/> Comp. Plan Amendment Request... <u>\$250.00</u>
<input type="checkbox"/> Re-zoning Request..... <u>\$250.00</u>
<input checked="" type="checkbox"/> SUP Request/Renewal..... <u>\$250.00</u>
<input type="checkbox"/> Zoning Variance Request (ZBA)..... <u>\$250.00</u>
<input type="checkbox"/> PDD Request..... <u>\$250.00</u> | <input type="checkbox"/> Preliminary Plat..... <u>\$100.00</u>
<input type="checkbox"/> Final Plat..... <u>\$50.00</u>
<input type="checkbox"/> Minor Plat..... <u>\$100.00</u>
<input type="checkbox"/> Re-plat..... <u>\$250.00</u>
<input type="checkbox"/> Vacating Plat..... <u>\$50.00</u>
<input type="checkbox"/> Development Plat..... <u>\$100.00</u>
<input type="checkbox"/> Subdivision Variance Request..... <u>\$25.00 (each)</u> |
|--|--|

Please provide a basic description of the proposed project: Propose to have a four (4) chair Tattoo Parlor

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: Jose Barron Date: 4-11-16

Property Owner(s) Signature: Raul Rodriguez by Agent Date: 4-11-16

Accepted by: _____ Date: _____

Attachment I—Checklist for SUP

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.

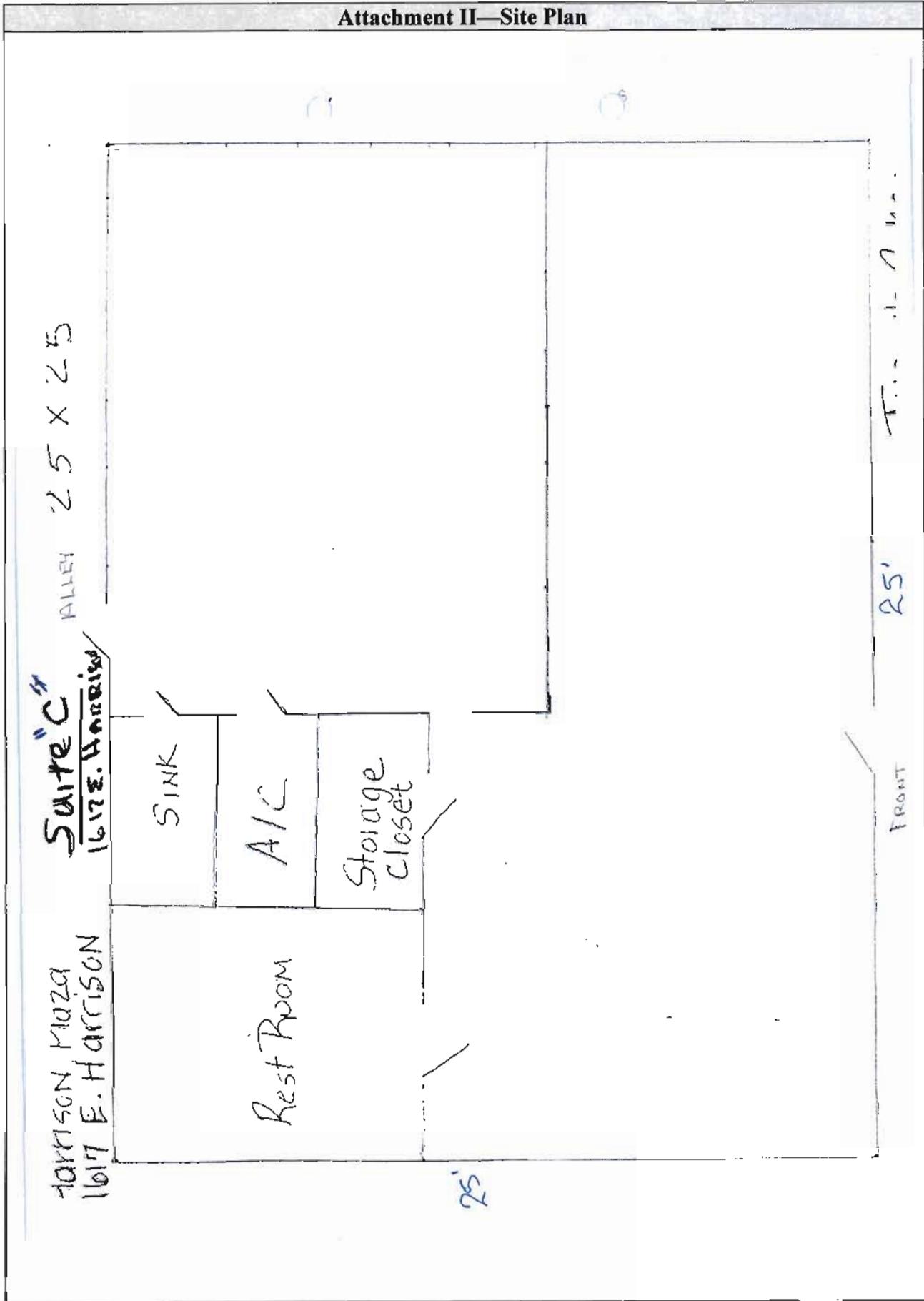
Complete

- 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.

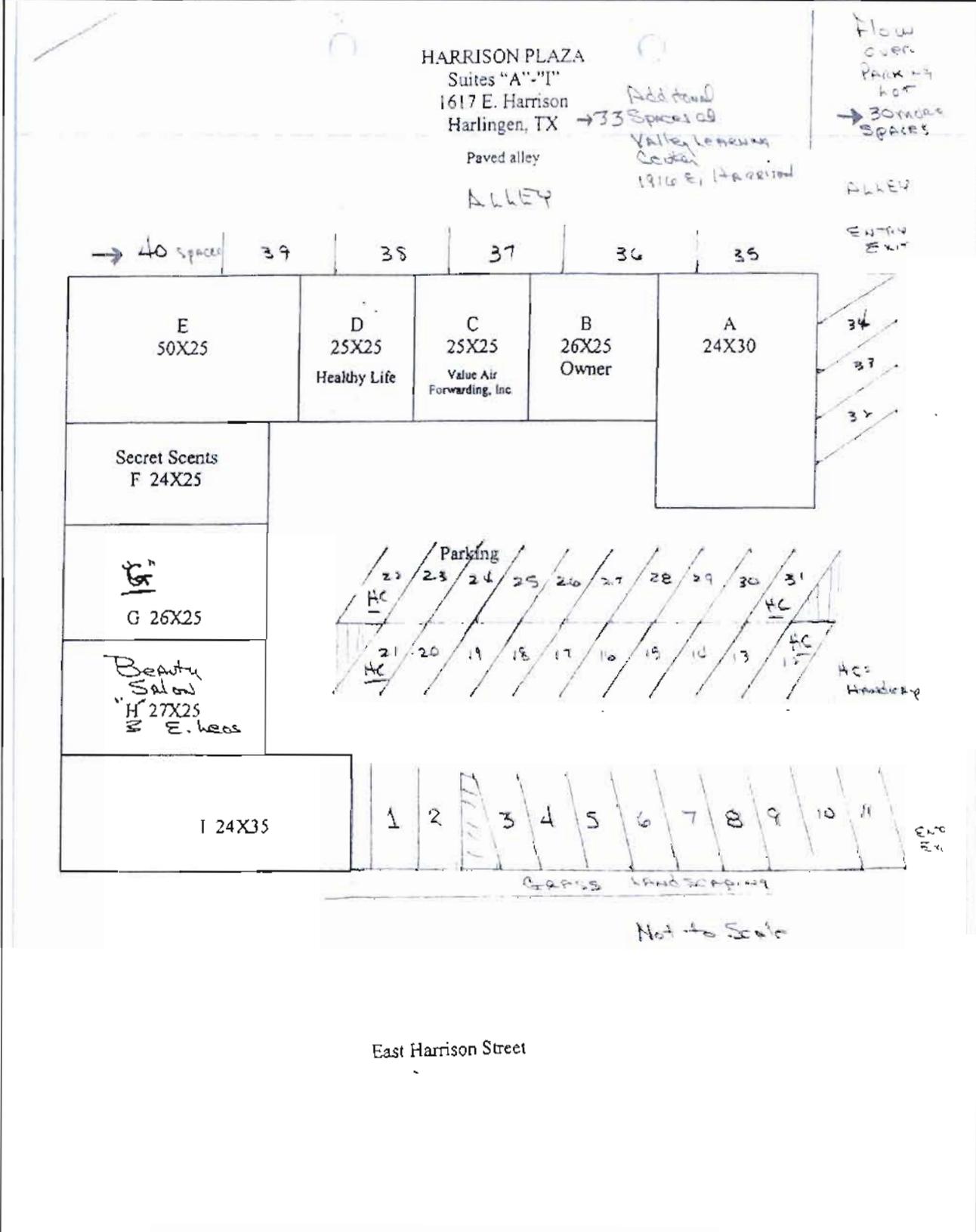
- I understand that I am requesting an amendment to the City's Zoning Ordinance and it will not be scheduled for Planning and Zoning Commission review unless all items on this list are completed.
- I understand that in accordance State law and the Zoning Ordinance, no later than ten (10) days prior to 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: Paul Rodriguez by Conrado Gomez Date 4/11/16
 Owner Address: 76503 E. Harrison, Harlingen, Tx
 Phone/Fax: 956-423-3488 / 425-3488
 Signature: [Signature]
Agent - cell 367-3488

Attachment II—Site Plan



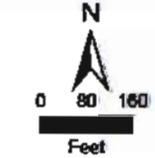
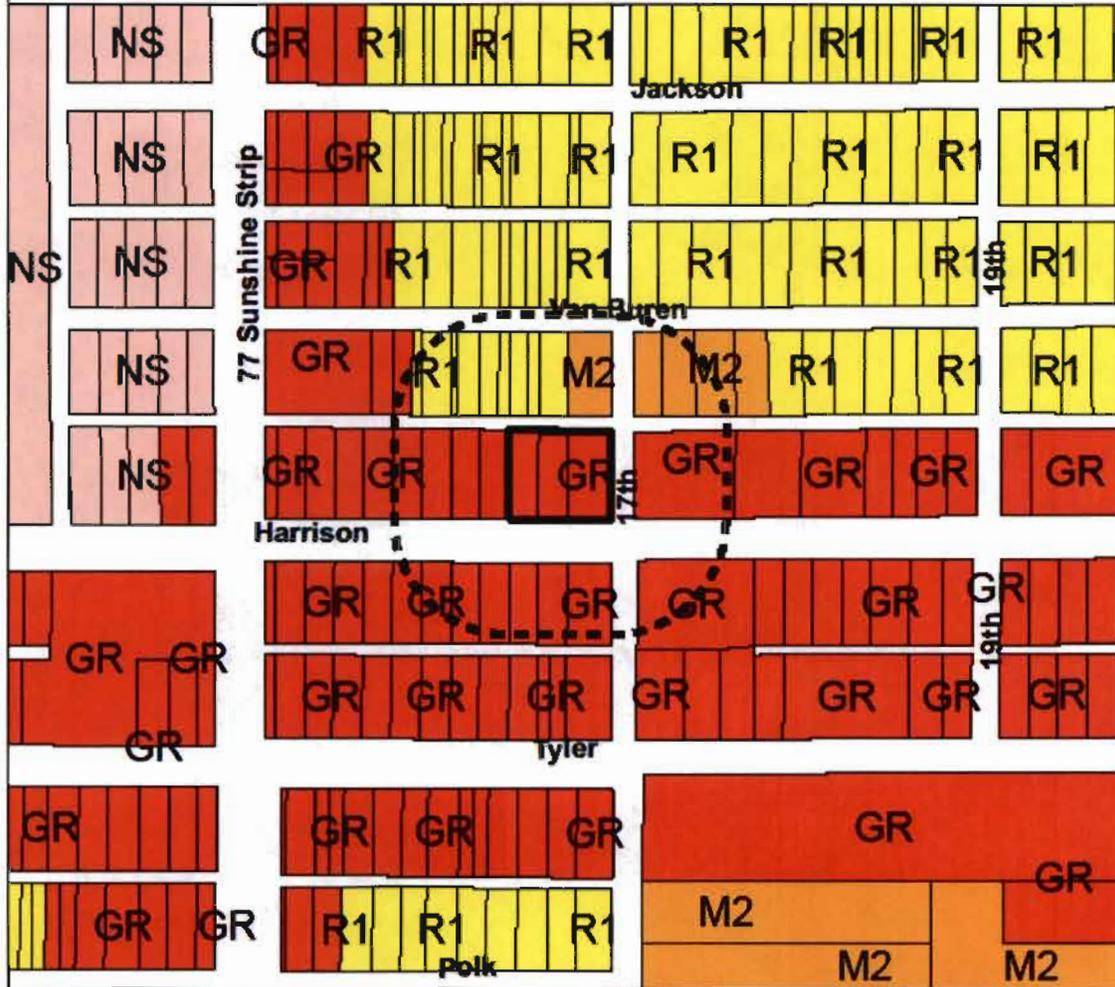
Attachment II—Site Plan



Attachment III—Zoning Map Mailout



Request for a Specific Use Permit ("SUP") to allow an adult business (tattoo shop) in a General Retail ("GR") District located at 1617 E. Harrison Ste. C, bearing a legal description of Lot 13-16, Block G, East Park Terrace Subdivision. Applicant: Jose Barron

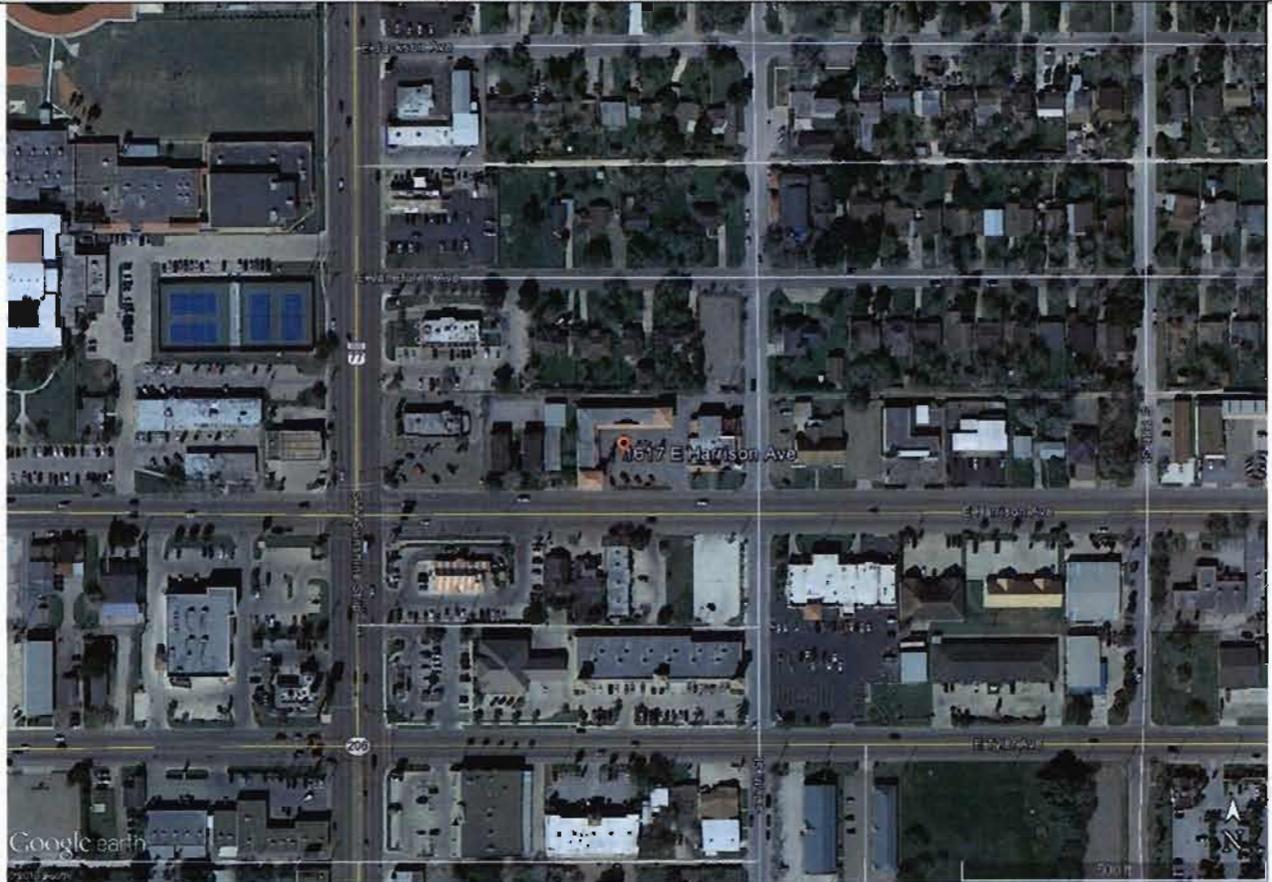


- Boundary lines**
- Harlingen city limits.shp
 - 200' Notification Boundary
 - Subject Property

Zoning Designations		
 Not-Designated (N)	 Multi-Family Residential (M2)	 Neighborhood Services (NS)
 Single Family Residential (R1)	 Mobile Home Residential (MHR)	 General Retail (GR)
 Duplex Residential (R2)	 Planned Development (PD)	 Light Industry (LI)
 3/4-Plex Residential (M1)	 Office (O)	 Heavy Industry (HI)

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 032514.

Attachment IV—Aerial and Street Views



Attachment V—Departmental Approval



Specific Use Permit ("SUP") Routing Slip

Applicant: Jose Barron

Phone No.: (956) 423-3488

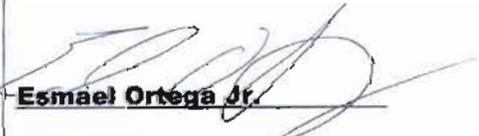
Location: 1617 E. Harrison Ave. Ste. C

Project Description: SUP request to allow a tattoo shop in a GR zone.

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.


Esmael Ortega Jr.

4/22/16

Signature

Date

Attachment V—Departmental Approval



SUP Request Routing Slip

Applicant: Jose Barron

Phone No.: (956) 423-3488

Location: 1617 E. Harrison Ste C

Project Description: SUP request to allow a tattoo shop in a GR zone

Department: Health

Approval: YES NO

Comments: Comply with Texas Dept. of State Health Services statutes as they pertain to Tattoo establishments.

Ramin [Signature]
Signature

4-22-16
Date

Attachment V—Departmental Approval



Specific Use Permit ("SUP") Routing Slip

Applicant: Jose Barron

Phone No.: (956) 423-3488

Location: 1617 E. Harrison Ste. C

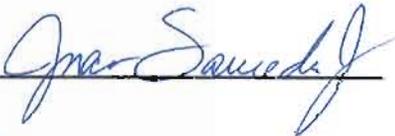
Project Description: SUP request to allow a tattoo shop in a GR zone.

Department: Fire Prevention Bureau

Approval: X YES NO

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

Fire Marshal Juan Saucedo Jr.



Date: April 26, 2016

Attachment V—Departmental Approval



HARLINGEN POLICE DEPARTMENT

Jeffry A. Adickes, Chief of Police
1018 Fair Park Boulevard
Harlingen, Texas 78550
(956) 216-5403 Office
jadickes@harlingenpolice.com

May 19, 2016

City Manager Serna,

Under the Planning and Zoning Code of Ordinance, a person wishing to operate or open an adult business, as defined in Section 2.01 #4 (General definitions), requires that the person goes through a "Specific Use Process" as outlined in Section 17.05. Section 5 of the Zoning Ordinance establishes the allowable use by zone. A tattoo parlor falls under zone of retail and services type uses.

The Harlingen Police Department (HPD) utilizes the following procedures to conduct a background check when an applicant is seeking a "Specific Use Permit" from the Planning and Zoning Department:

- The SUP request application is e-mailed to the Police Department from the Planning and Zoning Department.
- The HPD Crime Fusion Center (CFC) will assign an incident number for the SUP.
 - 1.) A Criminal History check will be conducted on the applicant(s).
 - 2.) The CFC will run a call history in the HPD police data base going back up to 2 years depending on the request for the SUP location / project address to include any previous business addresses.
 - 3.) The CFC will run a criminal associates check.
 - 4.) The CFC will run a criminal street gang membership and association check.
 - 5.) The CFC will submit a report on the findings.
- A Police District Representative (DR) will conduct an onsite inspection of the SUP location. He will then prepare a report on his findings.
- The reports obtained from the Crime Fusion Center and the Police DR will be forwarded with a recommendation through the chain of command to the office of the Chief of Police for his review.
- After the Police Chief reviews the reports an HPD Interdepartmental Routing Slip will be forwarded to the Planning and Zoning Department with a recommendation of approval or denial.

Attachment V—Departmental Approval



HARLINGEN POLICE DEPARTMENT

Jeffrey A. Adickes, Chief of Police
1018 Fair Park Boulevard
Harlingen, Texas 78550
(956) 216-5403 Office
jadickes@harlingenpolice.com

Due to the confidentiality of the information obtained during the research of the application request, only the HPD Interdepartmental Routing slip and the SUP request, will be returned to the Planning and Zoning Department.

It was after this process was followed and I reviewed the five point background results submitted by the CFC that I made the recommendation that the SUP application submitted by Jose Barron not be approved at this time. Information provided to me brought ongoing concern.

It is also of note that in the 17 months since my appointment as chief of police for the City of Harlingen this is the first SUP I believe I have not recommended for approval in the best interest of the public safety of our City. HPD's role here is to only make a recommendation and we will support whatever the Commission's decision is in this matter.

With Respect,

A handwritten signature in blue ink, appearing to read 'Jeffrey A. Adickes'.

Jeffrey A. Adickes
Chief of Police
Harlingen Police Department

ORDINANCE NO. 16-_____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT TO JOSE BARRON TO ALLOW AN ADULT BUSINESS (TATTOO STUDIO) IN A GENERAL RETAIL ("GR") DISTRICT LOCATED AT 1617 E. HARRISON STE. C BEARING A LEGAL DESCRIPTION OF LOTS 13-16, BLOCK G, EAST PARK TERRACE SUBDIVISION SUBJECT TO: (1) THIS SPECIFIC USE PERMIT WOULD BE LIMITED TO ONE YEAR, AND THE APPLICANT WOULD BE REQUIRED TO APPLY FOR RENEWAL; (2) OBTAINING AND MAINTAINING THE PROPER PERMITS FROM THE CITY AND STATE; (3) MAINTAINING THE REQUIRED OFF-STREET PARKING SPACES; AND (4) COMPLYING WITH REQUIREMENTS ADMINISTERED BY THE PLANNING, BUILDING INSPECTIONS, 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 Jose Barron to allow an adult business (tattoo studio) in a general retail ("GR") district located at 1617 E. Harrison Ste. C bearing a legal description of Lots 13-16, Block G, East Park Terrace Subdivision subject to: (1) this specific use permit would be limited to one year, and the applicant would be required to apply for renewal; (2) obtaining and maintaining the proper permits from the City and State; (3) maintain the required off-street parking spaces; and (4) complying with requirements administered by the Planning, Building Inspections, Health, Fire Prevention, and Police Departments;

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 _____, 2016, 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.

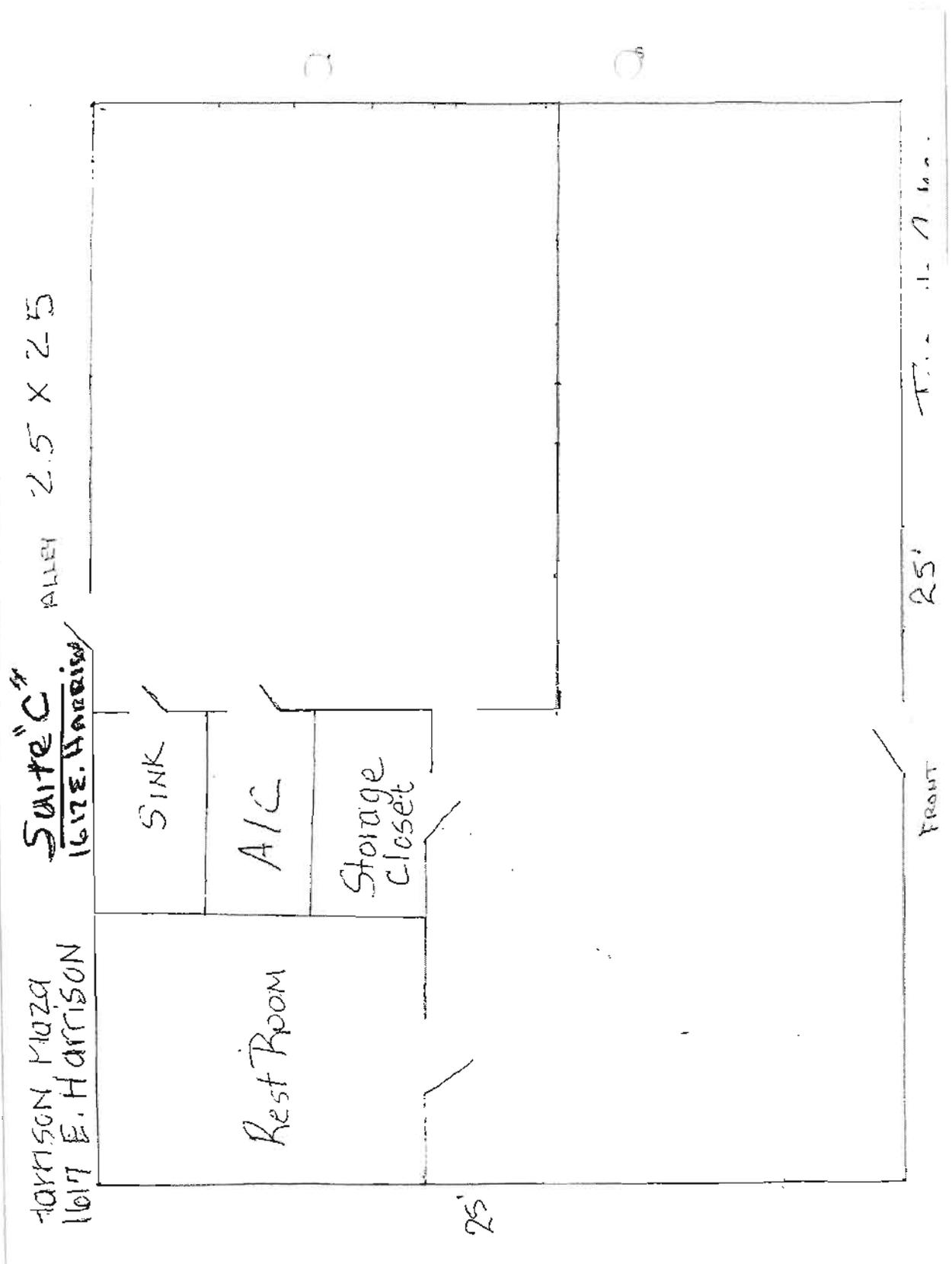
CITY OF HARLINGEN

Chris Boswell, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

EXHIBIT "A"
Site Plan



HARRISON PLAZA
 Suites "A"- "I"
 1617 E. Harrison
 Harlingen, TX

Paved alley

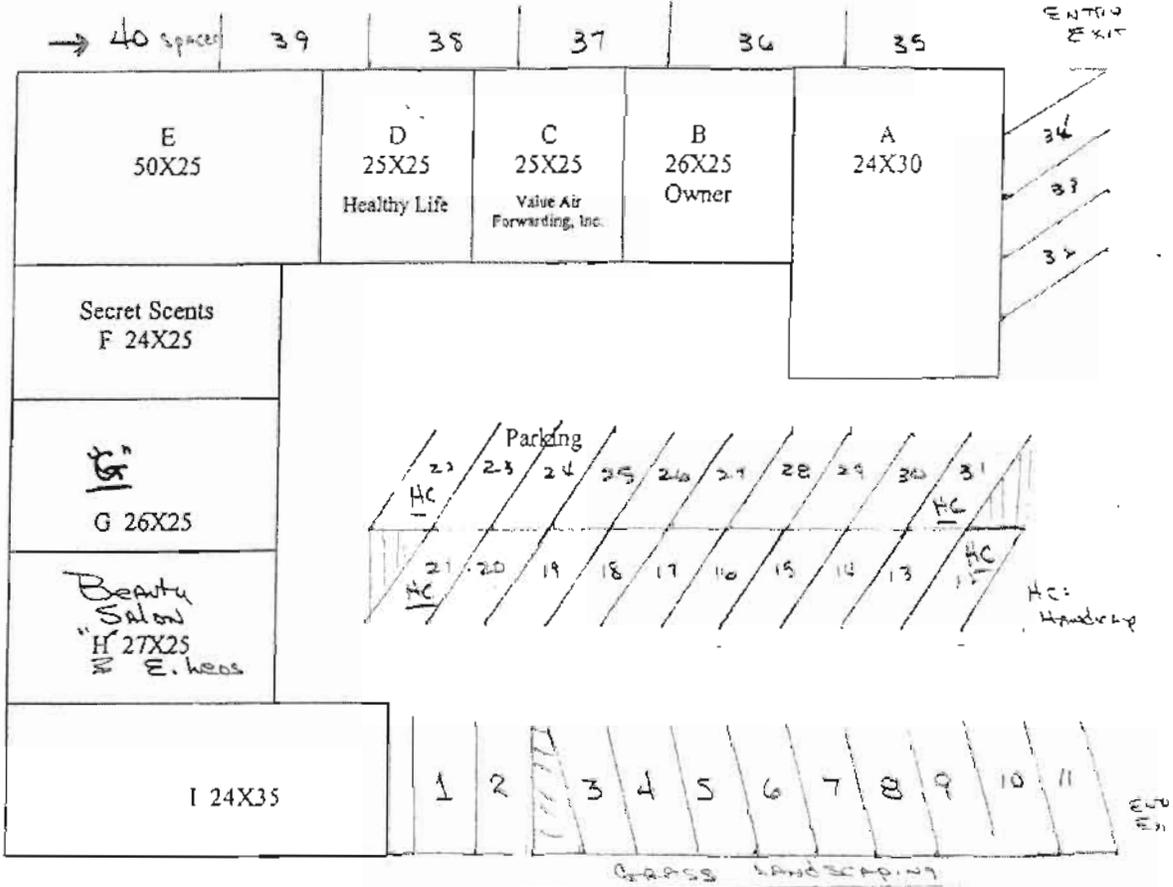
ALLEY

Additional
 Spaces at
 Valley Learning
 Center
 1916 E. Harrison

Flow
 over
 PARKING
 lot
 → 30 more
 spaces

ALLEY

ENTRANCE
 EXIT



East Harrison Street

9)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **June 22, 2016**

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 Lots 1-9, Block 1, Royal Acres Subdivision; 43.33 acres out of Block 33, Stuart Place Subdivision Survey 139/297,298; 4.65 acres out of Block 27, Stuart Place Subdivision Survey 298; 3.5 acres out of Block 26, Stuart Place Subdivision Survey 298; the East 100 ft. of Lot 1, the West 255 ft. of Lot 1, and 0.1670 acres out of Lot 2, Glenn Subdivision, and Lots 1-26, Countryside Estates; and rezone from Not Designated ("N") District to General Retail ("GR") District for 1.0 acre out of Block 33, Stuart Place Subdivision Survey 139/297/298, all properties generally located west of Altas Palmas Road and north of Business 83, and south of Hughes Road and Drury Lane.
Applicant: City of Harlingen

Prepared By: Rodrigo Davila
Title: Planning and Development Director

Signature: *Rodrigo Davila*

Brief Summary:

Project Timeline

- May 9, 2016 – Application for rezoning submitted (**ATTACHMENT I and II**).
- May 30, 2016 – 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
- June 8, 2016 – Public hearing was conducted by the Planning and Zoning Commission (P&Z). **The P&Z Commission recommended approval by 4 to 0 vote.**
- June 22, 2016 – Public hearing and consideration of requested rezoning via 1st ordinance reading scheduled before the City Commission.
- July 6, 2016 – 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 Harlingen Emerging West District. Most of these properties were annexed into the city limits and zoned Not Designated ("N") District on February 2, 2005 and some of the properties were annexed with the said Not Designated ("N") District on November 2008. This City initiated rezoning is consistent with one of the goals of the Harlingen Comprehensive Plan, One Vision, One Harlingen, which is to zone all the Not Designated properties in the City. (**ATTACHMENT III**).
- The subject properties proposed for Residential, Single Family ("R-1") District are mostly developed with single family residential use, some vacant lots in existing residential subdivision, vacant tracts in agriculture use, and a mixed use lot of a primary residential use and accessory commercial use. The property being proposed for General Retail ("GR") District is a vacant lot surrounded by mostly General Retail ("GR") District and a small tract developed with residential use. In essence, the properties are generally being

rezoned as they are developed (ATTACHMENT III-V).

- The surrounding properties are zoned Not Designated ("N") District and Residential, Single Family ("R-1") District to the north, Not Designated ("N") and General Retail ("GR") District to the south, Not Designated ("N") District to the east, and Not Designated ("N") District and Residential, Single Family ("R-1") to the west. The said properties to the west were recently approved to be rezoned to R-1 District on First Ordinance Reading; Second and Final Ordinance Reading is scheduled for consideration before the City Commission on June 8, 2016. Surrounding land use consists of predominately single family residential use, some commercial use along the east side Tamm Lane north of Business 83, and some vacant properties in agriculture use (ATTACHMENT V).
- The Future Land Use Plan (FLUP) component of the City of Harlingen Comprehensive Plan - One Vision, One Harlingen shows the subject properties proposed R-1 District as low density residential, and the property proposed for GR District as such. The request is consistent with the Future Land Use Plan and consistent with the existing and surrounding land use in the area (ATTACHMENT VI).
- To the present, the Planning and Zoning Department has received any objections to the requested city initiated rezoning.

Funding (if applicable):

Are funds specifically designated in the current budget for the full amount Yes No*

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

Finance Director's approval: Yes No N/A

Staff Recommendation:

Staff recommends approval.

City Manager's approval: Yes No N/A

Comments:

City Attorney's approval: Yes No N/A

PUBLIC HEARING AND TAKE ACTION TO CONSIDER A REQUEST TO REZONE FROM NOT DESIGNATED (“N”) DISTRICT TO RESIDENTIAL, SINGLE FAMILY (“R-1”) DISTRICT FOR LOTS 1-9, BLOCK 1, ROYAL ACRES SUBDIVISION; 43.33 ACRES OUT OF BLOCK 33, STUART PLACE SUBDIVISION SURVEY 139/297,298; 4.65 ACRES OUT OF BLOCK 27, STUART PLACE SUBDIVISION SURVEY 298; 3.5 ACRES OUT OF BLOCK 26, STUART PLACE SUBDIVISION SURVEY 298; THE EAST 100 FT. OF LOT 1, THE WEST 255 FT. OF LOT 1, AND 0.1670 ACRES OUT OF LOT 2, GLENN SUBDIVISION, AND LOTS 1-26, COUNTRYSIDE ESTATES; AND REZONE FROM NOT DESIGNATED (“N”) DISTRICT TO GENERAL RETAIL (“GR”) DISTRICT FOR 1.0 ACRE OUT OF BLOCK 33, STUART PLACE SUBDIVISION SURVEY 139/297/298, ALL PROPERTIES GENERALLY LOCATED WEST OF ALTAS PALMAS ROAD AND NORTH OF BUSINESS 83, AND SOUTH OF HUGHES ROAD AND DRURY LANE. APPLICANT: CITY OF HARLINGEN

Mr. Olivo summarized the following:

This is a City initiated rezoning to rezone the Not Designated (“N”) District properties in the Harlingen Emerging West District. Most of these properties were annexed into the city limits and zoned Not Designated (“N”) District on February 2, 2005 and some of the properties were annexed with the said Not Designated (“N”) District on November 2008. This City initiated rezoning is consistent with one of the goals of the Harlingen Comprehensive Plan, One Vision, One Harlingen, which is to zone all the Not Designated properties in the City.

The subject properties proposed for Residential, Single Family (“R-1”) District are mostly developed with single family residential use, some vacant lots in existing residential subdivision, vacant tracts in agriculture use, and a mixed use lot of a primary residential use and accessory commercial use. The property being proposed for General Retail (“GR”) District is a vacant lot surrounded by mostly General Retail (“GR”) District and a small tract developed with residential use. In essence, the properties are generally being rezoned as they are developed.

The surrounding properties are zoned Not Designated (“N”) District and Residential, Single Family (“R-1”) District to the north, Not Designated (“N”) and General Retail (“GR”) District to the south, Not Designated (“N”) District to the east, and Not Designated (“N”) District and Residential, Single Family (“R-1”) to the west. The said properties to the west were recently approved to be rezoned to R-1 District on First Ordinance Reading; Second and Final Ordinance Reading is scheduled for consideration before the City Commission on June 8, 2016. Surrounding land use consists of predominately single family residential use, some commercial use along the east side Tamm Lane north of Business 83, and some vacant properties in agriculture use.

The Future Land Use Plan (FLUP) component of the City of Harlingen Comprehensive Plan - One Vision, One Harlingen shows the subject properties proposed R-1 District as low density residential, and the property proposed for GR District as such. The request is consistent with the Future Land Use Plan and consistent with the existing and surrounding land use in the area.

To the present, the Planning and Zoning Department has not received any objections to the requested city initiated rezoning.

Staff recommends approval.

Mr. Olivo stated he was available to answer any questions.

Cmr. Wolf stated in regards to the business is the R-1, single family going to impact them.

Mr. Olivo replied there is one property that is a mixed use; it will be grandfathered in because it was in existence at the time of annexation and zoning.

Cmr. Wolf stated it will only affect new businesses.

Mr. Olivo replied yes.

Cmr. Haire asked is there any multi-family use that will be impacted.

Mr. Olivo replied that he did not see any, but if there is any existing multi-family use, it will be grandfathered in.

Chrm. Peacock stated if there were any other questions for the staff.

Chrm. Peacock opened the floor to a public hearing.

Roy Sheneman who lives at 26241 S. Tamm Lane approached stating his concern was about the retail business south to his property. He believes it will adversely affect the homes in that area. Why are you bringing in more commercial businesses to the middle of a residential area?

Chrm. Peacock stated it is just the white small piece of land on the map which is about 1 acre that is already surrounded by general retail.

Mr. Sheneman stated he misunderstood the affected area and apologized.

Cmr. Wolf stated this will eliminate the possibility of a new business being established because it will be zoned R-1 for single family use. The way it is now as not designated it would give them the opportunity to bring in a new business.

There were no further comments. Chrm. Peacock closed the public hearing.

Cmr. Wolf motioned to grant the request. Cmr. Haire seconded. The motion passed unanimously.

Attachment I

CITY OF HARLINGEN PLANNING AND ZONING DIVISION MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address _____ Nearest Intersection _____
 (Proposed) Subdivision Name See attached legal desc- Lot _____ Block _____
 Existing Zoning Designation N Future Land Use Plan Designation Low density
 and Retail

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent City of Harlingen Phone 956.216-5101 FAX 956.216-5265
Planning Department
 Email Address (for project correspondence only): _____
 Mailing Address 502 E. Tyler City Harlingen State TX Zip 78550
 Property Owner City of Harlingen Phone 956.216-5001 FAX _____
 Email Address (for project correspondence only): _____
 Mailing Address 118 E. Tyler City Harlingen State TX Zip 78550

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

- | | |
|--|---|
| <input type="checkbox"/> Annexation Request..... No Fee | <input type="checkbox"/> Preliminary Plat..... \$100.00 |
| <input type="checkbox"/> Administrative Appeal (ZBA)..... \$125.00 | <input type="checkbox"/> Final Plat..... \$50.00 |
| <input type="checkbox"/> Comp. Plan Amendment Request... \$250.00 | <input type="checkbox"/> Minor Plat..... \$100.00 |
| <input checked="" type="checkbox"/> Re-zoning Request..... \$250.00 | <input type="checkbox"/> Re-plat..... \$250.00 |
| <input type="checkbox"/> SUP Request/Renewal..... \$250.00 | <input type="checkbox"/> Vacating Plat..... \$50.00 |
| <input type="checkbox"/> Zoning Variance Request (ZBA)..... \$250.00 | <input type="checkbox"/> Development Plat..... \$100.00 |
| <input type="checkbox"/> PDD Request..... \$250.00 | <input type="checkbox"/> Subdivision Variance Request..... \$25.00 (each) |

Please provide a basic description of the proposed project: City Initiated Rezoning of the 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: [Signature] Date: 5/30/2014
 Property Owner(s) Signature: _____ Date: _____
 Accepted by: _____ Date: _____

Attachment II

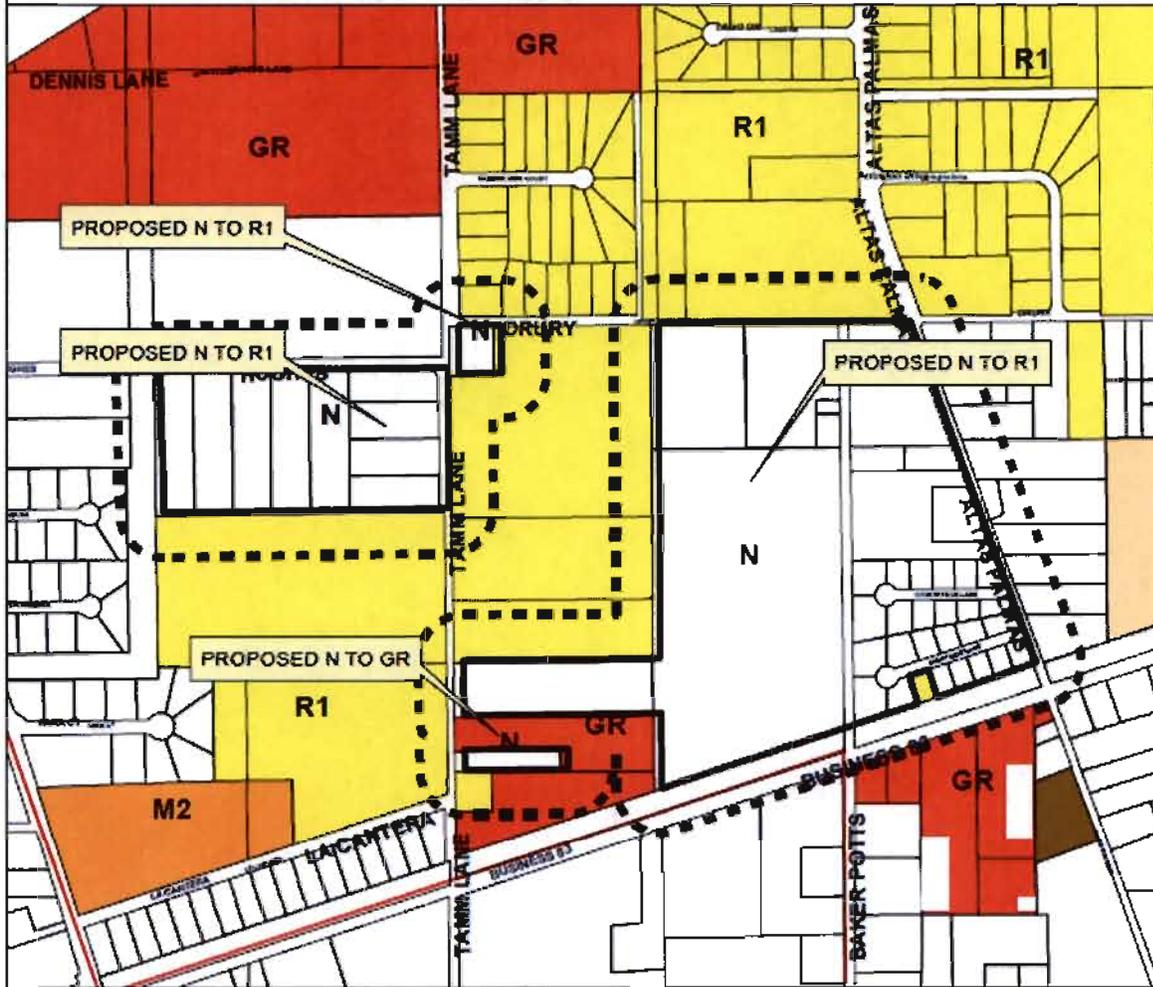
Legal Description

Request to rezone from Not Designated (“N”) District to Residential, Single Family (“R-1”) District for Lots 1-9, Block 1, Royal Acres Subdivision; 43.33 acres out of Block 33, Stuart Place Subdivision Survey 139/297,298; 4.65 acres out of Block 27, Stuart Place Subdivision Survey 298; 3.5 acres out of Block 26, Stuart Place Subdivision Survey 298; the East 100 ft. of Lot 1, the West 255 ft. of Lot 1, and 0.1670 acres out of Lot 2, Glenn Subdivision, and Lots 1-26, Countryside Estates; and rezone from Not Designated (“N”) District to General Retail (“GR”) District for 1.0 acre out of Block 33, Stuart Place Subdivision Survey 139/297/298, all properties generally located west of Altas Palmas Road and north of Business 83, and south of Hughes Road and Drury Lane. Applicant: City of Harlingen

Attachment III



Request to rezone from Not Designated ("N") District to Residential, Single Family ("R-1") District for Lots 1-9, Block 1, Royal Acres Subdivision; 43.33 acres out of Block 33, Stuart Place Subdivision Survey 139, 297, 298; 4.65 acres out of Block 27, Stuart Place Subdivision Survey 298; 3.5 acres out of Block 28, Stuart Place Subdivision Survey 298; the East 100 ft. of Lot 1, the West 255 ft. of Lot 1, and 0.1670 acres out of Lot 2, Glenn Subdivision, and Lots 1-26, Countryside Estates; and rezone from Not Designated (N) District to General Retail (GR) District for 1.0 acre out of Block 33, Stuart Place Subdivision Survey 139/297/298, all properties generally located west of Atlas Palmas Road and north of Business 83, and south of Hughes Road and Drury Lane. Applicant: City of Harlingen



Boundary lines

- Harlingen city limits.shp
- 200' Notification Boundary
- Subject Property

Zoning Designations

<ul style="list-style-type: none"> Not-Designated (N) Single Family Residential (R1) Duplex Residential (R2) 3/4-Plex Residential (M1) 	<ul style="list-style-type: none"> Multi-Family Residential (M2) Mobile Home Residential (MH) Planned Development (PD) Office (O) 	<ul style="list-style-type: none"> Neighborhood Services (NS) General Retail (GR) Light Industry (LI) Heavy Industry (HI)
---	---	---

Scale:
0 215 430 Feet

North Arrow:
N

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Attachment IV

View from the North of Properties within the Requested Rezoning

Drury Rd. and Tamm Lane



Tamm Lane south of La Cantera Avenue



Attachment IV cont.

View from the North of properties within the Requested Rezoning

Baker Potts Road south of Drury Lane



Baker Potts Road north of Business 83



Attachment IV

View from the North of Properties within the Requested Rezoning

Altas Palmas Road south of Drury Lane



Altas Palmas Road south of Countryside Lane



Attachment V

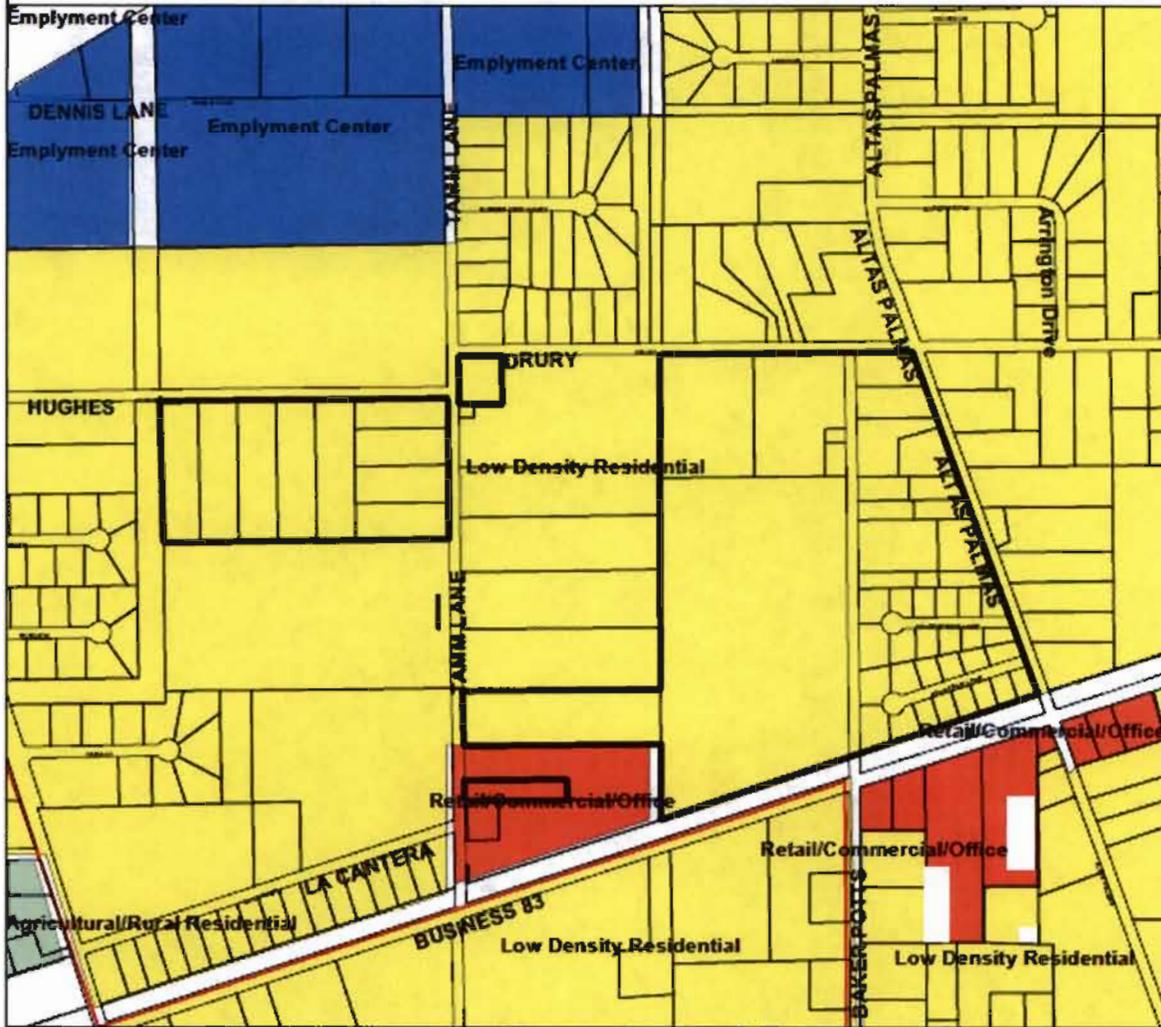


Attachment VI



Future Land Use Map

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



N

0 215 430

Feet

Boundary lines

- Harlingen city limits.snp
- Subject Property

Future Land Use

- | | | |
|--------------------------------|----------------------------|--------------------------|
| Agricultural/Rural Residential | Institutional | Recreational/Open Space |
| Employment Center | Low Density Residential | Retail Regional |
| High Density Residential | Medium Density Residential | Retail/Commercial/Office |
| Industrial | Mixed Use | |

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ORDINANCE NO. 16 _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: REZONING FROM NOT DESIGNATED ("N") DISTRICT TO RESIDENTIAL, SINGLE FAMILY ("R-1") DISTRICT FOR LOTS 1-9, BLOCK 1, ROYAL ACRES SUBDIVISION; 43.33 ACRES OUT OF BLOCK 33, STUART PLACE SUBDIVISION SURVEY 139/297/298; 4.65 ACRES OUT OF BLOCK 27, STUART PLACE SUBDIVISION SURVEY 298; 3.5 ACRES OUT OF BLOCK 26, STUART PLACE SUBDIVISION SURVEY 298; THE EAST 100 FEET OF LOT 1, THE WEST 255 FET OF LOT 1, AND 0.1670 ACRES OUT OF LOT 2, GLENN SUBDIVISION; AND LOTS 1-26, COUNTRYSIDE ESTATES; AND REZONE FROM NOT DESIGNATED ("N") DISTRICT TO GENERAL RETAIL ("GR") DISTRICT FOR 1.0 ACRE OUT OF BLOCK 33, STUART PLACE SUBDIVISION SURVEY 139/297/298, ALL PROPERTIES GENERALLY LOCATED WEST OF ALTAS PALMAS ROAD AND NORTH OF BUSINESS 83, AND SOUTH OF HUGHES RAOD AND DRURY LANE; 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 Not Designated ("N") District to Residential, Single Family District ("R-1") District for Lots 1-9, Block 1, Royal Acres Subdivision; 43.33 acres out of Block 33, Stuart Place Subdivision Survey 139/297/298; 4.65 acres out of Block 27, Stuart Place Subdivision Survey 298; 3.5 acres out of Block 26, Stuart Place Subdivision Survey 298; the East 100 feet of Lot 1, the West 255 feet of Lot 1, and 0.1670 acres out of Lot 2, Glenn Subdivision; and Lots 1-26, Countryside Estates; and rezone from Not Designated ("N") District to General Retail ("GR") District for 1.0 acre out of Block 33, Stuart Place Subdivision Survey 139/297/298; all properties generally located west of Altas Palmas Road and north of Business 83, and south of Hughes Road and Drury Lane..

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 _____, 2016 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

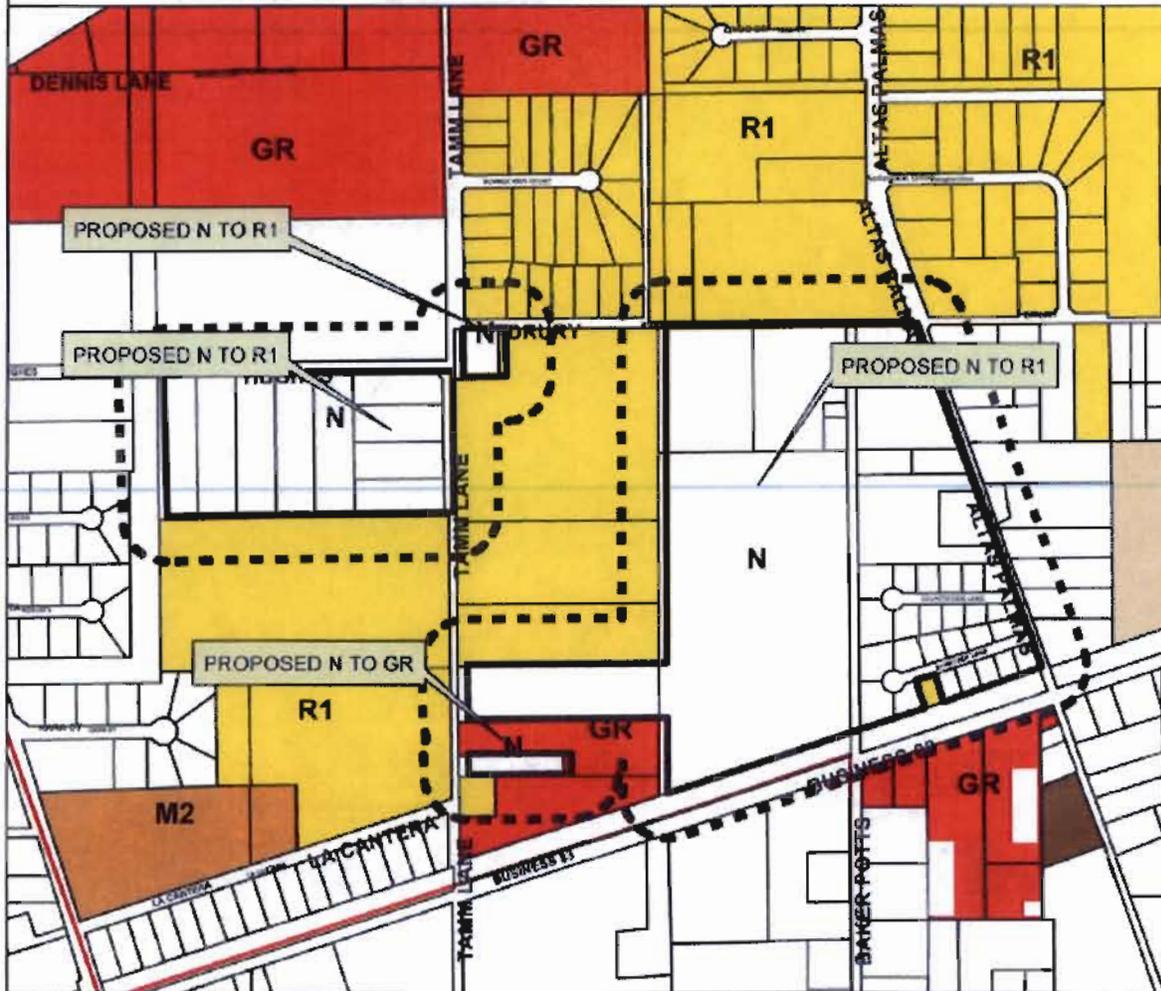
Chris Boswell, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary



Request to rezone from Not Designated ("N") District to Residential, Single Family ("R-1") District for Lots 1-9, Block 1, Royal Acres Subdivision, 43.33 acres out of Block 33, Stuart Place Subdivision Survey 139, 297, 298; 4.65 acres out of Block 27, Stuart Place Subdivision Survey 298; 3.5 acres out of Block 26, Stuart Place Subdivision Survey 298, the East 100 ft. of Lot 1, the West 255 ft. of Lot 1, and 0.1670 acres out of Lot 2, Glenn Subdivision, and Lots 1-26, Countryside Estates; and rezone from Not Designated (N) District to General Retail (GR) District for 1.0 acre out of Block 33, Stuart Place Subdivision Survey 139/297/298, all properties generally located west of Altas Palmas Road and north of Business 83, and south of Hughes Road and Drury Lane. Applicant: City of Harlingen



Boundary lines

- Harlingen city limits.shp
- 200' Notification Boundary
- Subject Property

Zoning Designations

- | | | |
|--------------------------------|-------------------------------|----------------------------|
| Not-Designated (N) | Multi-Family Residential (M2) | Neighborhood Services (NS) |
| Single Family Residential (R1) | Mobile Home Residential (MH) | General Retail (GR) |
| Duplex Residential (R2) | Planned Development (PD) | Light Industry (LI) |
| 3/4-Plex Residential (M1) | Office (O) | Heavy Industry (HI) |

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105

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **June 22, 2016**

Agenda Item:

Public hearing and take action to consider an ordinance on First Reading for a Specific Use Permit ("SUP") to allow a dance/reception hall (where alcohol is permitted) in a General Retail ("GR") District located at 302 North First Street, bearing a legal description of Lots 11& 12, Block 26, Harlingen Original Townsite. Applicant: Mirna Trevino.

Prepared By: Rodrigo Davila

Title: Planning & Development Director

Signature: *Rodrigo Davila*

Brief Summary:

Project Timeline

- April 18, 2016 – Application for Specific Use Permit ("SUP") submitted to the City. **(ATTACHMENT I)**
- May 18, 2016 – A lease agreement to rent 13 parking spaces from the city owned parking lot to the North was approved by the City Commission.
- May 28, 2016 – 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.
- June 8, 2016 - Public hearing was conducted by the Planning and Zoning Commission (P & Z). **The P&Z Commission recommended approval based on staff recommendation by a 3 to 1 vote.**
- June 22, 2016 – Public hearing and consideration of requested SUP via 1st ordinance reading scheduled before the City Commission.
- July 6, 2016 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- Per the Code of Ordinances, a dance/reception hall where alcohol is permitted in the "GR" District requires the approval of an SUP by the City Commission.
- The applicant wishes to operate a dance/reception hall, where guests will be allowed to bring their own alcohol into the 1,260 square foot building. The establishment will not sell or provide alcohol on the premises. The proposed days and hours of operation will be flexible, but mostly open on the weekends, or per special request from the customers. The establishment does not have a set time hours of operation, but will not be open later than 2 am. The intent is to offer the facility for rental for private use for parties, conferences, special events, and other gatherings. **(ATTACHMENT II)**
- The parking requirement for this type of business is one parking space per three and one-half seats. Based on the site plan, the reception hall will provide enough seating for 64 guests and requires 19 parking spaces. Six parking spaces are available in the front of the building, and the establishment has been approved by the City Commission to lease 13 parking spaces from the city-owned parking lot to the North of the property. **(ATTACHMENTS III & IV)**

- Surrounding properties are zoned “GR” General Retail in all directions, and land uses are a gym to the East and a thrift store and Zumba studio to the West, as well as an office to the South (**ATTACHMENT V**)
- The City of Harlingen Building Inspections, Health, Fire Prevention, reviewed the SUP application. The departments reported no objection to the proposed request subject to adhering to the Harlingen Code of Ordinances and procedures administered by each department. (**ATTACHMENT VI**)
- The applicant must obtain and maintain the proper State permits.
- Presently, the Planning and Zoning Department has not received any objections 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 Yes No* for this purpose?

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

Finance Director’s approval: Yes No N/A

Staff Recommendation:

Staff recommends approval of the request subject to compliance with the following conditions:

1. Complying with any applicable state requirements;
2. Maintaining the required parking in accordance with city regulations; and,
3. Complying with the requirements administered by Planning and Zoning, Building Inspections, Environmental Health, Fire Prevention, and Police Departments.

City Manager’s approval: Yes No N/A

Comments:

City Attorney’s approval: Yes No N/A

PUBLIC HEARING AND TAKE ACTION TO CONSIDER A REQUEST FOR A SPECIFIC USE PERMIT ("SUP") TO ALLOW A DANCE/RECEPTION HALL (WHERE ALCOHOL IS PERMITTED) IN A GENERAL RETAIL ("GR") DISTRICT LOCATED AT 302 NORTH FIRST STREET, BEARING A LEGAL DESCRIPTION OF LOTS 11& 12, BLOCK 26, HARLINGEN ORIGINAL TOWNSITE. APPLICANT: MIRNA TREVINO.

Mr. Guerra summarized the following:

Per the Code of Ordinances, a dance/reception hall where alcohol is permitted in the "GR" District requires the approval of an SUP by the City Commission.

The applicant wishes to operate a dance/reception hall, where guests will be allowed to bring their own alcohol into the 1,260 square foot building. The establishment will not sell or provide alcohol on the premises. The proposed days and hours of operation will be flexible, but mostly open on the weekends, or per special request from the customers. The establishment does not have a set time hours of operation, but will not be open later than 2 am. The intent is to offer the facility for rental for private use for parties, conferences, special events, and other gatherings.

The parking requirement for this type of business is one parking space per three and one-half seats. Based on the site plan, the reception hall will provide enough seating for 64 guests and requires 19 parking spaces. Six parking spaces are available in the front of the building, and the establishment has been approved by the City Commission to lease 13 parking spaces from the city-owned parking lot to the North of the property.

Surrounding properties are zoned "GR" General Retail in all directions, and land uses are a gym to the East and a thrift store and Zumba studio to the West, as well as an office to the South.

The City of Harlingen Building Inspections, Health, Fire Prevention, reviewed the SUP application. The departments reported no objection to the proposed request subject to adhering to the Harlingen Code of Ordinances and procedures administered by each department.

The applicant must obtain and maintain the proper State permits.

Presently, the Planning and Zoning Department has not received any objections 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.

Staff recommends approval of the request subject to compliance with the following conditions:

1. Complying with any applicable state requirements;
2. Maintaining the required parking in accordance with city regulations; and,
3. Complying with the requirements administered by Planning and Zoning, Building Inspections, Environmental Health, Fire Prevention and Police Departments.

Mr. Guerra stated he and the applicant were available to answer any questions.

Mr. Guerra stated he and the applicant were available to answer any questions.

Cmr. Wolf asked does it satisfy the handicap space requirement.

Mr. Guerra replied the ratio for the handicap spaces is 1 per every 25 parking spaces. A van accessible parking will be required in the front. There are technically 7 parking spaces and it will be covered in the reoccupancy inspection; it will have to meet all ADA compliance.

Cmr. Lopez asked is there a reason why they are not proposing to increase the parking.

Mr. Guerra replied he is not aware of any plans in the future to expand or provide additional parking. They did reach an agreement that was approved by the City Commission to borrow parking directly north across the alley.

Cmr. Lopez asked how much the agreement was for.

Mr. Guerra replied he believed it was \$1.00 per year for 13 parking spaces.

Cmr. Lopez stated is there any reason why we are providing free parking.

Chrm. Peacock stated technically it is a free parking lot and they can park there anyway.

Cmr. Lopez asked is there a restriction for a number of people based on square footage.

Mr. Guerra replied the Chief Building Official is here and can answer that question.

Mr. Ortega, Chief Building Official replied for any assembly type use with tables and chairs divide it by 15 square ft. per person will get you the occupancy load. Keep in mind that we are here to approve the request. They still have to go through Building Inspections and get reviewed and inspected before they receive a Certificate of Occupancy.

Chrm. Peacock stated if there were any other questions for the staff.

Chrm. Peacock opened the floor to a public hearing.

There were no comments. Chrm. Peacock closed the public hearing.

Cmr. Haire motioned to approve the request. Cmr. Wolf seconded. The motion passed by a 3 to 1 vote.

Attachment I

CITY OF HARLINGEN PLANNING AND ZONING DIVISION
MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 302 N FIRST ST HARLINGEN, TX Nearest Intersection Madison Avenue
 (Proposed) Subdivision Name ORIGINAL TOWNSITE Lot 11, 12 Block 26
 Existing Zoning Designation Commercial Future Land Use Plan Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Mirna Treviño Phone (956) 742-3182 FAX _____
 Email Address (for project correspondence only): mirt9@hotmail.com
 Mailing Address 1901 VISTA VERDE CIR EAST City HARLINGEN State TX Zip 78552
 Property Owner Mirna Treviño Phone (956) 742-3182 FAX _____
 Email Address (for project correspondence only): mirt9@hotmail.com
 Mailing Address 1901 VISTA VERDE CIR EAST City HARLINGEN State TX Zip 78552

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

- | | |
|---|---|
| <input type="checkbox"/> Annexation Request..... No Fee | <input type="checkbox"/> Preliminary Plat..... \$100.00 |
| <input type="checkbox"/> Administrative Appeal (ZBA)..... \$125.00 | <input type="checkbox"/> Final Plat..... \$50.00 |
| <input type="checkbox"/> Comp. Plan Amendment Request... \$250.00 | <input type="checkbox"/> Minor Plat..... \$100.00 |
| <input type="checkbox"/> Re-zoning Request..... \$250.00 | <input type="checkbox"/> Re-plat..... \$250.00 |
| <input checked="" type="checkbox"/> SUP Request/Renewal..... \$250.00 | <input type="checkbox"/> Vacating Plat..... \$50.00 |
| <input type="checkbox"/> Zoning Variance Request (ZBA)..... \$250.00 | <input type="checkbox"/> Development Plat..... \$100.00 |
| <input type="checkbox"/> PDD Request..... \$250.00 | <input type="checkbox"/> Subdivision Variance Request..... \$25.00 (each) |

Please provide a basic description of the proposed project: An Event Center that is designed to host any special occasion up to 64 guests + to allow guests to bring alcoholic beverages.

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: x Mirna Treviño Date: 04/18/2016

Property Owner(s) Signature: x Mirna Treviño Date: 04/18/2016

Accepted by: _____ Date: _____

Attachment I—Checklist for SUP

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.

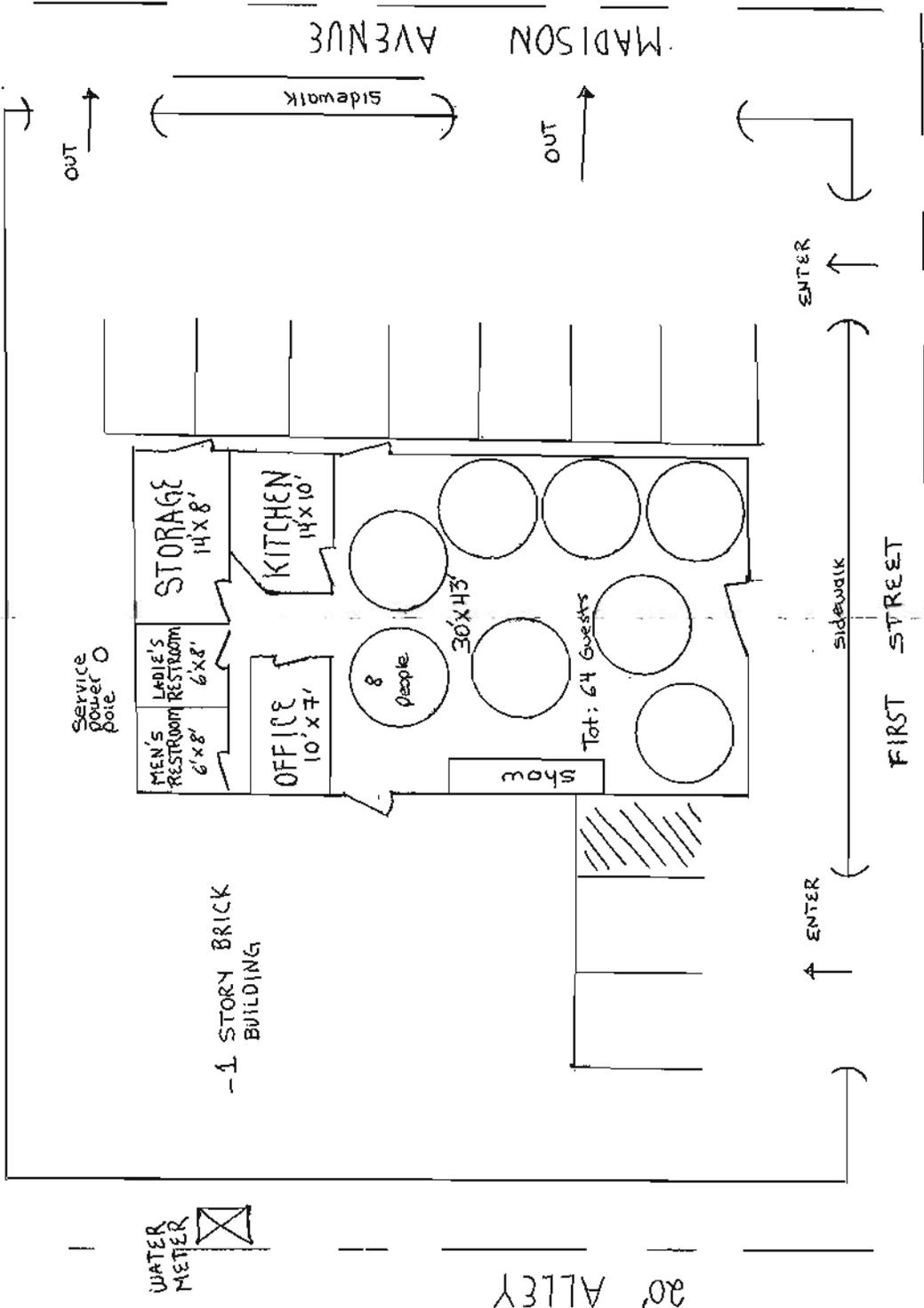
- I understand that I am requesting an amendment to the City's Zoning Ordinance and it will not be scheduled for Planning and Zoning Commission review unless all items on this list are completed.
- I understand that in accordance State law and the Zoning Ordinance, no later than ten (10) days prior to 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: Mirna Treviño Date 04/18/2016
 Owner Address: 1901 VISTA VERDE CIR EAST HARLINGEN, TX. 78552
 Phone/Fax: (956) 742-3182
 Signature: Mirna Treviño

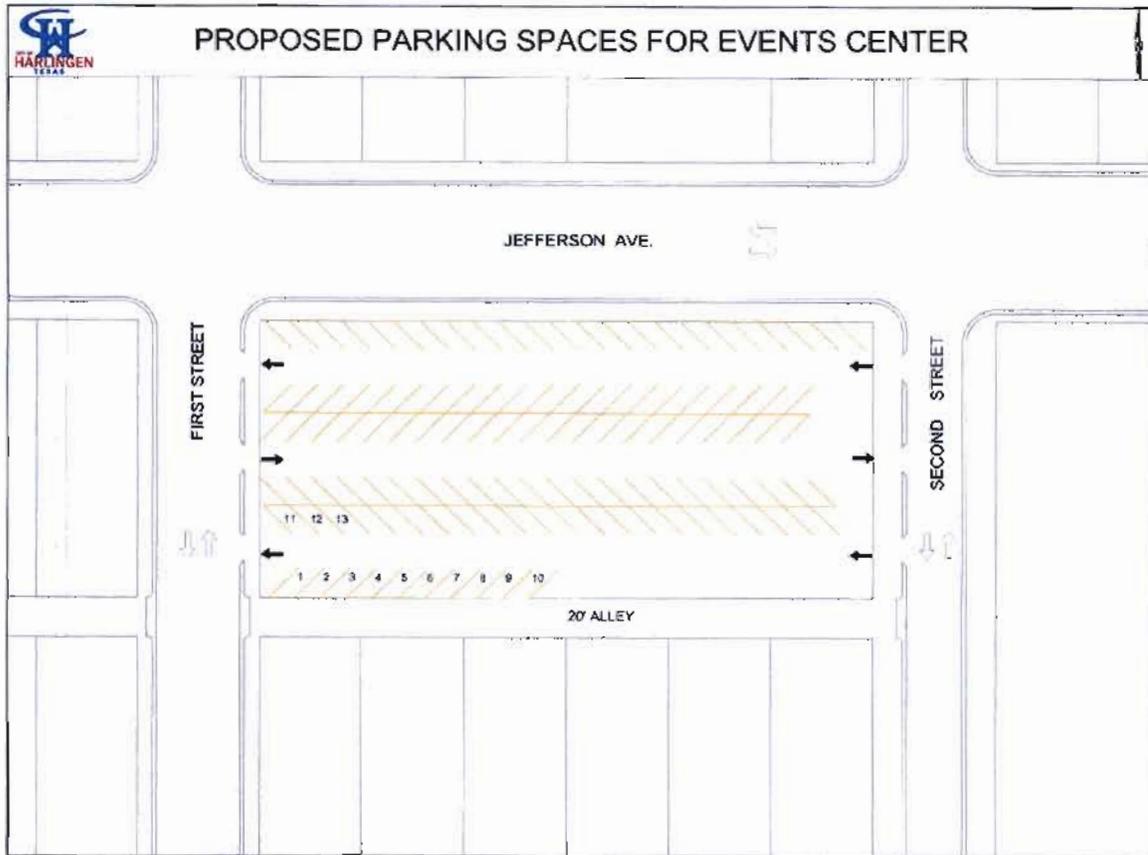
Attachment II

EVENT CENTER

302 N FIRST ST. HARLINGEN, TX 78550



Attachment III



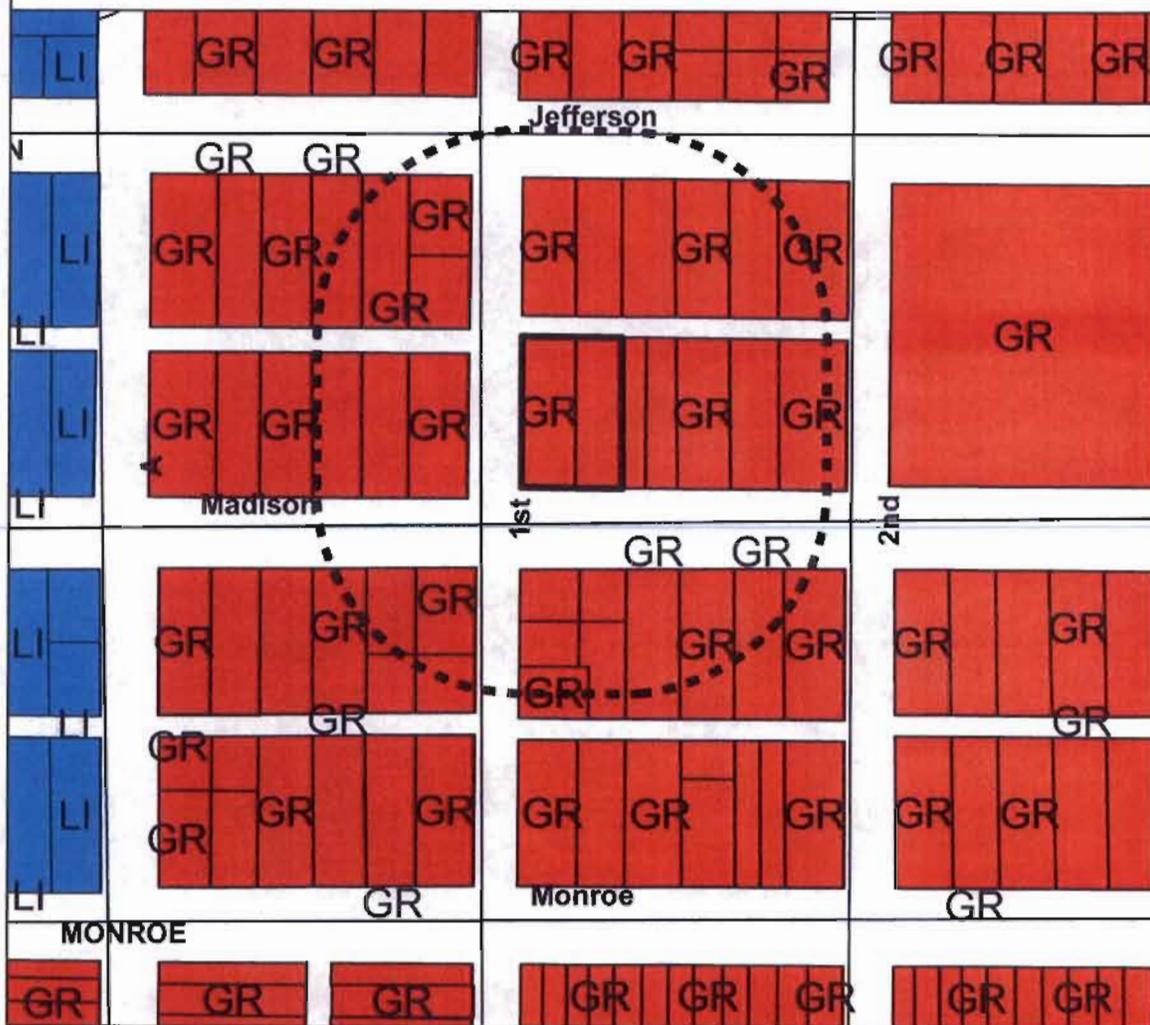
Attachment IV



Attachment V



Request of Mirna Trevino for a Specific Use Permit (SUP) to allow a dance/reception hall where alcohol is permitted in a "General Retail ("GR")" District located at 302 North First Street bearing a legal description of Lots 11 & 12, Block 26, Harlingen Original Townsite.



Boundary lines

- Harlingen city limits.shp
- 200' Notification Boundary
- Subject Property

Zoning Designations

 Not-Designated (N)	 Multi-Family Residential (M2)	 Neighborhood Services (NS)
 Single Family Residential (R1)	 Mobile Home Residential (MH)	 General Retail (GR)
 Duplex Residential (R2)	 Planned Development (PD)	 Light Industry (LI)
 3/4-Plex Residential (M1)	 Office (O)	 Heavy Industry (HI)

0 50 100
Feet

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Attachment VI



Specific Use Permit ("SUP") Routing Slip

Applicant: Mirna Trevino

Phone No.: (956) 742-3182

Location: 302 N. 1st Street

Project Description: SUP request to allow a BYOB Event Center in a GR zone.

Department: Building Inspections Department

Approval: YES NO

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

Esmail Ortega Jr.

5/31/16

Signature

Date

Attachment VI



SUP Request Routing Slip

Applicant: Mirna Trevino

Phone No.: (956) 742-3182

Location: 302 N. 1st Street

Project Description: SUP request to allow a BYOB Event Center in a GR Zone

Department: _____

Approval: YES NO

Comments: Comply with all Health Dept. codes such as the Smoking Code.

Signature: [Handwritten Signature]

Date: 5-25-16



Specific Use Permit ("SUP") Routing Slip

Applicant: Mirna Trevino

Phone No.: (956) 742-3182

Location: 302 N. 1st Street

Project Description: SUP request to allow a BYOB Event Center in a GR Zone.

Department: Fire Prevention Bureau

Approval: YES NO

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

Fire Marshal Juan Saucedo Jr.

Juan Saucedo Jr.

Date: May 25, 2016

ORDINANCE NO. 16-_____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT TO MIRNA TREVINO TO ALLOW A DANCE/RECEPTION HALL, WHERE ALCOHOL IS PERMITTED, IN A GENERAL RETAIL ("GR") DISTRICT LOCATED AT 302 NORTH FIRST STREET BEARING A LEGAL DESCRIPTION OF LOTS 11 & 12, BLOCK 26, HARLINGEN ORIGINAL TOWNSITE, SUBJECT TO: (1) COMPLYING WITH ANY APPLICABLE STATE REQUIRMENTS; (2) MAINTAINING THE REQUIRED OFF-STREET PARKING SPACES; 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 Mirna Trevino to allow a dance/reception hall, where alcohol is permitted, in a general retail ("GR") district located at 302 North First Street, bearing a legal description of Lots 11 & 12, Block 26, Harlingen Original Townsite, subject to: (1) complying with any applicable state requirements (2) maintaining the required off-street parking spaces; and (3) complying with requirements administered by the Planning, Building Inspections, Environmental Health, Fire Prevention, and Police Departments;

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 _____, 2016, 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

11)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **June 22, 2016**

Agenda Item:

Public Hearing and take action to approve the preliminary replat of the proposed Thomas-Painter Subdivision, being a replat of 1.76 acres of land comprised of all of Lot 2, Block 1, Toland-Funk Subdivision; 0.77 acre out of Lot 1, Block 1, Toland-Funk Subdivision Unit No. 2; and all of Lot 1, Block 1, Kiskadee Court Subdivision, located on the south side of East Austin Avenue east of 1st Street. Applicant: Ferris, Flinn & Medina, c/o Thomas Steven.

Prepared By: Rodrigo Davila

Title: Planning & Development Director

Signature: *Rodrigo Davila*

Brief Summary:

Project Timeline

- May 6, 2016 – Original preliminary replat application submitted to the City (**ATTACHMENT I**).
- May 18, 2016 – Subdivision reviewed by the Subdivision Review Committee.
- May 19, 2015 – Letter sent to applicant outlining deficiencies; application deemed incomplete.
- May 26, 2016 – Plat resubmitted based on deficiency letter; application deemed complete.
- June 4, 2016 – 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.
- June 22, 2016 – Public hearing and consideration of the preliminary plat by the City Commission.

Summary

- The proposed subdivision consists of a replat of three residential lots into two larger residential lots (**ATTACHMENT II**). It is located inside the city limits, on the south side of East Austin Avenue east of 1st Street.
- Water and waste water disposal services are provided by HWWS.
- The proposed development is consistent with the current zoning designation of Residential, Single-Family Retail (“R1”).
- The approval of the preliminary replat will allow the developer to begin construction of required improvements with approved plans.
- All items on the preliminary replat checklist have been addressed (**ATTACHMENT III**).

Funding (if applicable):

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

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

Finance Director's approval:

Yes No N/A

Staff Recommendation:

Staff recommends approval of the preliminary replat.

City Manager's approval:

Yes No N/A

Comments:

City Attorney's approval:

Yes No N/A

Attachment I—Application

CITY OF HARLINGEN PLANNING AND ZONING DIVISION MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)
 Project Address 429 WOODLAND DR Nearest Intersection Austin and Ferguson
 (Proposed) Subdivision Name Thomas-Painter Subdivision Lot _____ Block _____
 Existing Zoning Designation Residential Future Land Use Plan Designation Residential

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)
 Applicant/Authorized Agent FERRIS, FLINN & MEDINA, LLC Phone (956) 364-2236 FAX (956) 364-1023
 Email Address (for project correspondence only): j.medina@ferrisandflinn.com
 Mailing Address 1405 N. STUART PLACE RD City PALM VALLEY State TX Zip 78552
 Property Owner Thomas Steven Phone _____ FAX _____
 Email Address (for project correspondence only): _____
 Mailing Address _____ City _____ State _____ Zip _____

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

- | | |
|--|--|
| <input type="checkbox"/> Annexation Request..... <u>No Fee</u>
<input type="checkbox"/> Administrative Appeal (ZBA)..... <u>\$125.00</u>
<input type="checkbox"/> Comp. Plan Amendment Request... <u>\$250.00</u>
<input type="checkbox"/> Re-zoning Request..... <u>\$250.00</u>
<input type="checkbox"/> SUP Request/Renewal .. <u>\$250.00</u>
<input type="checkbox"/> Zoning Variance Request (ZBA)..... <u>\$250.00</u>
<input type="checkbox"/> PDD Request <u>\$250.00</u> | <input type="checkbox"/> Preliminary Plat..... <u>\$100.00</u>
<input type="checkbox"/> Final Plat. <u>\$50.00</u>
<input type="checkbox"/> Minor Plat..... <u>\$100.00</u>
<input checked="" type="checkbox"/> Re-plat..... <u>\$250.00</u>
<input type="checkbox"/> Vacating Plat..... <u>\$50.00</u>
<input type="checkbox"/> Development Plat..... <u>\$100.00</u>
<input type="checkbox"/> Subdivision Variance Request..... <u>\$25.00 (each)</u> |
|--|--|

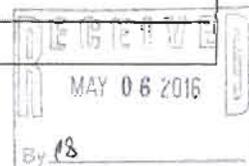
Please provide a basic description of the proposed project: BEING A REPLAT OF A 1.71 ACRE TRACT OF LAND, COMPRISED 0.58 ACRE OF LAND AND BEING AND BEING ALL OF LOT 2, BLOCK 1, TOLAND-FUNK SUBDIVISION, RECORDED IN VOLUME 23, PAGE 36, MAP RECORDS, OF CAMERON COUNTY, TEXAS; 0.71 ACRE TRACT OF LAND RECORDED IN VOLUME 21544, PAGE 198, OFFICIAL RECORDS OF CAMERON COUNTY, TEXAS, OUT OF LOT 1, BLOCK 1, TOLAND-FUNK SUBDIVISION UNIT NO. 2, RECORDED IN CABINET 1, PAGE 265-B, MAP RECORDS, OF CAMERON COUNTY, TEXAS; 0.43 ACRE OF LAND AND BEING ALL LOT 1, BLOCK 1, KISKADEE COURT SUBDIVISION, RECORDED IN CABINET 1, SLOT 2381-A, MAP RECORDS, OF CAMERON COUNTY, TEXAS.

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 I—Application

PRELIMINARY PLAT SUBMITTAL CHECKLIST

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

Complete

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

Plat drawing to include:

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



Attachment I—Application

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

Plats shall not be scheduled for the Planning and Zoning Commission review unless items on this list are completed. I have read and understand in its entirety the City of Harlingen's Subdivision Ordinance and understand that the requirements of a preliminary plat are subject to the terms and conditions therein. This preliminary plat checklist is used to insure compliance with the Ordinance and in some instances the City may require additional information for approval. An endorsement of this application checklist by the applicant shall be acknowledgment that all of the items on the above list have been reviewed and complied with or variances have been requested. I also understand that, pursuant to Section 6 of the City of Harlingen Zoning Ordinance, no building permit will be issued until a final plat has been approved by the Planning and Zoning Commission and filed in the office of the County Clerk.

Project Name: Thomas-Painter Subdivision

Owner: Thomas Steven Date _____

Owner Address: _____ Phone/Fax: _____

Signature: _____

Engineer/Surveyor: Joe D. Medina Date _____

Engineer/Surveyor Address: 1405 N. Stuart Place
Palm Valley, Tx. 78552 Phone/Fax: 956-364-2236

Signature: _____

Attachment III—Subdivision Comments



Planning and Zoning Department
502 E. Tyler Avenue
Harlingen, TX 78550
(956) 216-5161
(956) 216-5168 (fax)

May 19, 2016

David H. Flinn, P.E.
Ferris, Flinn & Medina, LLC
1405 N. Stuard Place Road
Palm Valley, Texas 78552

Re: Thomas-Painter Subdivision

Dear Mr. Flinn:

On May 18, 2016, city staff reviewed the preliminary plat of "Thomas-Painter Subdivision". The following items need to be addressed prior to resubmission. Please submit fifteen (15) copies of the revisions by May 25, 2016 for the Planning and Zoning Commission meeting scheduled on June 8, 2016.

1. E. Austin Avenue is a minor collector and requires 80 feet of right-of-way. Need to dedicate an additional 10 ft. of right-of-way.
2. Clarify why front setback is 25 feet. City minimum requirement is 20 feet.
3. Label existing fire hydrants. Note the symbol in the Legend
4. Note 8 is not needed.
5. Please indicate the point of beginning/point of commencement.
6. Pavement dimensions on existing streets and roads should be provided.
7. Owner information for all adjacent properties should be presented.
8. Please reposition any overlapping text
9. Submit Street Light Plan and show proposed street light on Woodland Drive.

The above comments do 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) 216-5161 or via email at amolina@myharlingen.us

Sincerely,


Albert Molina
City Planner

12)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **June 22, 2016**

Agenda Item:
Consider and take action to approve a Street Overlay Project from funds left over from the General Fund Street Overlay Project for Fiscal Year 2015-2016.

Prepared By (Print Name): Javier M. Zamora P.E.
Title: City Engineer
Signature: *Javier M. Zamora, P.E.*

Brief Summary:
This year the General Fund Street Overlay Project 2015-2016 Allocation came under budget. Staff conducted street onsite inspections to determine which streets were in need of repairs. Repairs typically consist of adding geo-grid, flex-base material, and overlaying the street with 1.5 to 2.0 inches of asphalt. The streets submitted for your consideration are:

1. Hughes Road – FM800 to Tamm Lane;
2. Drury Lane – Tamm Lane to Altas Palmas;
3. Queen Sago – Beckham Rd. To Stuart Place Road; and
4. Beckham Road – to End.

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

Staff Recommendation:
Staff recommends that Hughes Road be selected from the list of streets to be reconstructed.

City Manager's approval: Yes No N/A

Comments:

City Attorney's approval: Yes No N/A

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **June 22, 2016 – 5:30PM**

Agenda Item:

Discuss and Consider approval of Development Agreement between the Development Corporation of Harlingen Incorporation and Project Henhouse.

Prepared By (Print Name): Raudel Garza
Title: Chief Executive Officer, Harlingen EDC

Signature: *Raudel Garza*

Brief Summary:

See Attached

Funding (if applicable):

Are funds specifically designated in the current budget for the full amount Yes No*

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

Finance Director's approval: Yes No N/A

Staff Recommendation:

Staff recommends approval of agreement.

City Manager's approval: Yes No N/A

Comments:

City Attorney's approval: Yes No N/A