

REGULAR  
CITY COMMISSION  
AGENDA  
**October 3, 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 **Monday, October 3, 2016 at 5:30 P.M.** in City Hall, Town Hall, 2<sup>nd</sup> 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/Commissioner Richard Uribe

Pledge of Allegiance/Welcome

- 1) Proclamation – proclaiming October 9-15, 2016 as “Fire Prevention Week Throughout the City of Harlingen”
- 2) Approval of Minutes
  - a) Regular Meeting of August 17, 2016

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 Items withdrawn from the Consent Agenda for individual consideration in their normal sequence will be heard after the remainder of the Consent Agenda has been acted upon.**

- 3a) Second and final reading to approve and adopt an ordinance to rezone from Not Designated ("N") District to Light Industry ("LI") District for 11.91± acres out of Block 67, and 16.1± acres out of Block 68, Palmetal Company Subdivision, located on the north side of FM 106 east of FM 509. Applicant: Whiting Investments LLC, c/o Chris Hamby, and the City of Harlingen. Attachment **(Planning & Zoning)**
- b) Second and final reading to approve and adopt an ordinance for the renewal of the Specific Use Permit ("SUP") to allow the continuance of a Bar/Lounge in a General Retail ("GR") District located at 204 W. Jackson, bearing a legal description of Lots 13 & 14, Block 45 Harlingen Original Townsite. Applicant: Luis C. Betancourt. Attachment **(Planning & Zoning)**
- c) Second and final reading to approve and adopt an ordinance to rezone from Not Designated ("N") District to Residential, Single Family ("R-1") District for the South 0.75± acre out of 1.3 acre tract of Block 8, the South 1.0± acre out of a 1.97 acre tract of Block 9, the South 0.4± acre out of Block 9, the South 0.5± acre out of the Western Part of Blocks 9 and 10, and 2.97 acres out of Block 10, Stuart Place Subdivision Survey 298; Lots 1-3, Block 1, Naranjo-Lopez Subdivision; and Lots 1-3, Block 1, Esteban-Celina Subdivision; rezone from Not Designated ("N") District to Residential, Mobile Home ("MH") District for 2.4± acres out of a 4.0 acre tract of Block 8, Stuart Place Subdivision Survey 298; and rezone from Not Designated ("N") District to General Retail ("GR") District for the North 200 ft. (1.6± acres) out of a 4.0 acre tract of Block 8, the North 300 ft. (0.3± acre) of a 1.3 acre tract of Block 9, the North 300 ft. (0.9± acre) out of a 1.977 acre tract of Block 9; the North 300 ft. (0.34± acre) out of Block 9, the North 300 ft. (0.5± acre) out of the Western part of Blocks 9 and 10; and 1.83 acres out of Block 10, Stuart Place Subdivision Survey 298; all properties located on the south side of Business 83 between Beckham Road and Altas Palmas Road. Applicant: City of Harlingen. Attachment **(Planning & Zoning)**
- d) Second and final reading to approve and adopt an ordinance to designate a "No Parking Zone" along the east side of Morgan Boulevard from the intersection of Washington Avenue extending north 218 feet to the driveway of Saint Paul Lutheran Church. Attachment **(Engineering)**
- 

- 4) Presentation by International Boundary Water Commission representatives regarding Phase Two of the Arroyo Colorado Flood Control Project. Attachment **(Parks & Recreation)**

- 5) Second public hearing to receive comments regarding the proposed voluntary annexation and to establish the initial zoning to Light Industry ("LI") District for a 25.970 acre tract of land, more or less, being 2.145 acres out of Block 41, and 23.825 acres out of Block 67, Palmetal Company Subdivision, located on the east side of FM 509 north of FM 106. Applicant: Whiting Investments, LLC, c/o Chris Hamby. Attachment (**Planning & Zoning**)
- 6) Consider and take action to approve new Harlingen Public Library operating hours. Attachment (**Library**)
- 7) Consider and take action to approve an ordinance on first reading amending Chapter 10, Community Development, Article II, Public Improvements Districts, Section 10-19 regarding the accountability and employment of the downtown manager. Attachment (**City Attorney**)
- 8) Consider and take action to approve a resolution adopting the Lower Rio Grande Valley Active Transportation and Active Tourism Plan, "The Active Plan." Attachment (**MPO**)
- 9) Consider and take action to approve a resolution to endorse and support the development of a Hike & Bike Trail through the Bahia Grande Unit of the U.S. Fish & Wildlife Service, Laguna Atascosa National Wildlife Refuge. Attachment (**MPO**)
- 10) Consider and take action to approve a resolution authorizing the Mayor to accept grant funding in the amount of \$12,800 from the Office of the Governor for a project titled "National Incident-Based Reporting System." Attachment (**Police Dept.**)
- 11) Consider and take action to approve a resolution authorizing the Mayor to accept grant funding in the amount of \$54,120.22 from the Texas Department of Transportation acting on behalf of the Office of the Governor. Attachment (**Police Dept.**)
- 12) Consider and take action to approve a resolution authorizing the Mayor to accept grant funding in the amount of \$65,000 from the Texas Criminal Justice Division for a project titled "Local Border Security Program." Attachment (**Police Dept.**)
- 13) Consider and take action to approve a resolution authorizing the Mayor to accept grant funding in the amount of \$11,711.41 from the Texas Department of Transportation acting on behalf of the Office of the Governor for funding overtime costs and operating expenses to the City of Harlingen, Texas to provide additional manpower to enhance and improve community and highway safety. Attachment (**Police Dept.**)

14) Consider and take action to approve the Fire Protection Service Contract between the City of Harlingen, Texas and the City of Palm Valley, Texas to provide fire protection services for a cost of \$115,956.20 payable in quarterly installments of \$28,989.05 and authorize the Mayor to sign the contract. Attachment (**Fire Dept.**)

15) Board Appointments

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

- a. Airport Board (1)
- b. Animal Shelter Advisory Committee (2)
- c. Audit Committee (Terms expire annually in June)
- d. Civil Service Commission
- e. Community Development Advisory Board (3)
- f. Construction Board of Adjustments (6)
- g. Convention & Visitors Bureau (4)
- h. Development Corporation of Harlingen, Inc.
- i. Downtown Improvement District Board (2)
- j. Golf Course Advisory Board (2)
- k. Harlingen Community Improvement Board (1)
- l. Harlingen Housing Authority Board
- m. Harlingen Finance Corporation
- n. Harlingen Proud Advisory Board (5)
- o. Library Advisory Board (1)
- p. Mayor Wellness Council
- q. Museum Advisory Board (1)
- r. Parks Advisory Board (1)
- s. Planning & Zoning Advisory Board
- t. Senior Citizens Advisory Board (2)
- u. Tax Increment Finance Board (1)
- v. Tennis Advisory Board (2)
- x. Utility Board of Trustees
- y. Veterans Advisory Board (5)
- z. Zoning Board of Adjustments (6)

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.

16) Executive/Closed Session pursuant to Chapter 551, Subchapter D., V.T.C.A. Government Code (Sections 551.072 and 551.087) regarding the purchase,

lease, or value of real estate with which the Economic Development Corporation of Harlingen, Inc is conducting economic development negotiations and/or to discuss or deliberate financial or other incentives with the following business prospects known as:

- a) Project Liberty
  - b) Project Wilson
  - c) Project Lodging 2
  - d) Project Antelope
- 17) Executive/Closed Session pursuant to Chapter 551, Subchapter D, V.T.C.A., Texas Government Code Sections 551.071, and 551.072 regarding the purchase, exchange, lease or value of real property and to possibly seek legal advice from the City Attorney regarding this matter. **(City Manager)**
- 18) Consider and take action to authorize City Manager to proceed as discussed in executive session. **(City Manager)**
- 19) 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, September 30<sup>th</sup>, 2016 at 3:00 p.m. at least 72 hours preceding the scheduled time of said meeting.

Dated this 30<sup>th</sup> day of September, 2016

  
Amanda C. Elizondo, City Secretary

# Proclamation



## Office of the Mayor

WHEREAS, the City of Harlingen, TX is committed to ensuring the safety and security of all those living in and visiting Harlingen; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are where people are at greatest risk from fire; and

WHEREAS, three out of five home fire deaths result from fires in properties without smoke alarms (38 percent) or with no working smoke alarms (21 percent); and

WHEREAS, working smoke alarms cut the risk of dying in reported home fires in half; and

WHEREAS, many Americans don't know how old the smoke alarms in their homes are, or how often they need to be replaced; and

WHEREAS, all smoke alarms should be replaced at least once every ten years; and

WHEREAS, the age of a smoke alarm can be determined by the date of its manufacture, which is marked on the back of the smoke alarm; and

WHEREAS, Harlingen first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, Harlingen residents are responsive to public education measures and are able to take personal steps to increase their safety from fire, especially in their homes; and

WHEREAS, the 2016 Fire Prevention Week theme: "Don't Wait – Check the Date! Replace Smoke Alarms Every 10 Years" effectively serves to educate the public about the vital importance of replacing the smoke alarms in their homes at least every ten years, and to determine the age of their smoke alarms by checking the date of manufacture on the back of the alarms,

THEREFORE, I Chris Boswell, Mayor of Harlingen do hereby proclaim October 9-15, 2016,

### **"FIRE PREVENTION WEEK THROUGHOUT THE CITY"**

And urge all the people of Harlingen to find out how old the smoke alarms in their homes are, to replace them if they're more than 10 years old, and to participate in the many public safety activities and efforts of Harlingen fire and emergency services during Fire Prevention Week 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Harlingen, Texas, to be affixed on this 3<sup>rd</sup> day of October, 2016.



Handwritten signature of Chris Boswell in black ink.

Chris Boswell, Mayor

Attest:

Handwritten signature of Amanda C. Elizondo in black ink.

Amanda C. Elizondo, City Secretary



1 were collected by the volunteers. Mr. Leal thanked Commissioner Uhlhorn, the Delua Family.  
2 Officer Carmona, Sgt. Parrish, Commander Anderson and all the other volunteers.  
3

4 Mayor Boswell presented certificates of appreciation to the volunteers for their  
5 participation in the Neighborhood Clean-Sweep.  
6

7 3) Approval of Minutes

8  
9 a) August 3, 2016

10  
11 Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to  
12 approve the minutes of August 3, 2016. Motion carried unanimously.  
13

14 **CONSENT AGENDA**

15  
16 4a) Second and final reading to approve and adopt an ordinance to extend an  
17 existing "No Parking Zone" along the east side of Tennessee Avenue.  
18

19 b) Consider and take action to approve a request from Randy Cretors, Harlingen  
20 Consolidated Independent School District Athletic Director to close East Jefferson  
21 Avenue and 13<sup>th</sup> Street to Harrison Avenue; 13<sup>th</sup> and 12<sup>th</sup> Streets and any other streets  
22 that lead to 13<sup>th</sup> Street; all alleyways in between 12<sup>th</sup> and 13<sup>th</sup> Streets on the following  
23 dates: August 25 and 26, September 1, 2, 23 and 30, October 7, 14, 21 and 28,  
24 November 4, 2016 (TBA Possible Playoff Game) for their 2016 Football Games from  
25 4:00 p.m. to 11:00 p.m. to ensure the safety of all those attending the games.  
26

27 Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner Uhlhorn  
28 to approve the consent agenda. Motion carried unanimously.  
29

30 For the record, the caption of the ordinance read as follows:  
31

32 **ORDINANCE NO. 2016-37**

33  
34 AN ORDINANCE TO ESTABLISH A "NO PARKING ZONE" ON THE  
35 EAST SIDE OF TENNESSEE AVENUE FOR A LENGTH OF 180  
36 LINEAR FEET COMMENCING 315 LINEAR FEET NORTH OF  
37 SOUTH 77 SUNSHINE STRIP, AUTHORIZING THE TOWING OF  
38 VEHICLES PARKED IN SAID "NO PARKING ZONE";  
39 ESTABLISHING A PENALTY NOT TO EXCEED \$200.00 FOR  
40 VIOLATION OF THE PROVISIONS OF THIS ORDINANCE;  
41 PROVIDING FOR PUBLICATION AND ORDAINING OTHER  
42 MATTERS RELATED TO THE FOREGOING.  
43

44 PASSED AND APPROVED on first reading this 3rd day of August, 2016.

45 PASSED AND APPROVED on second and final reading this 17th day of August, 2016.  
46

47 CITY OF HARLINGEN  
48 /s/ Chris Boswell, Mayor

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

1  
2 5) Public hearing to solicit comments from the public on the Proposed City of Harlingen  
3 Annual Budget for Fiscal Year 2016-2017.  
4

5 Dan Serna, City Manager highlighted the City of Harlingen Proposed Budget for 2016-  
6 2017. Projected General Fund Revenues were \$41,107,130 and expenditures were the same;  
7 Estimated Fund Balance at the end of next fiscal year - \$15,163,000 which was equivalent to  
8 130 days). General Fund (Expenditures) are for personnel services, the majority is for public  
9 safety (Police & Fire) of approximately 68%.

10  
11 2017 Budget Highlights  
12

- 13 › No Increase to the Property Tax Rate;  
14 › Two all Inclusive Playground - \$461,500, partnering with the Harlingen School District;  
15 › Street Improvements - \$830,000;  
16 › Library Furniture upgrade - \$90,000;  
17 › Two Dump Trucks for the Street Department - \$37,000;  
18 › Personnel Changes:  
19 • MIS - Combine 2 part-time Computer Specialist into one full time position  
20 • Human Resources - Combine 2 part-time Office Assistants into one fulltime  
21 Secretary  
22

23 He briefly highlighted the transfer of funds from the Sanitation Fund to the Enterprise  
24 Funds such as the Auditorium and Museum; Internal Service Funds, Vehicle Replacement  
25 (\$320,373) and for purchase of sanitation trucks; Special Revenue Funds such as the MPO and  
26 Tennis Court; and summarized the projected expenditures and revenues; General Fund -  
27 \$63,000,000 and expenditures of \$64,000,000; utilizing 1.5 million dollars of fund balance from  
28 the Sanitation Fund. A budget workshop would be scheduled soon to continue discussing the  
29 budget.  
30

31 Mayor Boswell announced this was a public hearing for the adoption of the annual  
32 budget and anyone wishing to speak for or against could do so.  
33

34 Yolanda Shoffiet, 285 Altas Palmas, opposed the proposed budget.  
35

36 There being no other comments, Mayor Boswell declared the public hearing closed.  
37

38 6) Second public hearing to solicit comments from the public on the Proposed Tax Rate of  
39 \$.0588827 per \$100 in value for Fiscal Year 2016-2017.  
40

41 Sergio Villasana, Assistant Finance Director stated the proposed tax rate is \$.0588827.  
42 This has been the tax rate for the past seven years. Prior to this rate, the rate was \$0.59. The  
43 proposed tax rate was factored into the Proposed Budget for Fiscal Year 2016-2017.  
44

45 Mayor Boswell stated this is a public hearing anyone wishing to speak for or against the  
46 tax rate could do so. The rate being proposed was the same as the previous year. There is no  
47 proposed increase on the tax rate.  
48

49 Yolanda Shoffiet, 285 Altas Palmas, opposed any tax rate increase.  
50

1           There being no other comments, Mayor Boswell declared the public hearing closed and  
2 thanked the staff for the preparation of the budget.

3  
4           No action was taken.

- 5  
6 7)       Consider and take action to adopt a resolution directing staff to prepare a service plan  
7 and initiate proceedings for the voluntary annexation of a 25.970 acre tract of land, more  
8 or less, being 2.135 acres out of Block 41, and 23.825 acres out of Block 67, Palmetal  
9 Subdivision, located on the east side of FM 509 north of FM 106. Applicant: Whiting  
10 Investments, LLC, c/o Chris Hamby.

11  
12           Rodrigo Davila, Planning and Development Director stated Chris Hamby with Whiting  
13 Investments, LLC is requesting voluntary annexation. The acreage tract of land is 25.970 of  
14 which (7) lots were under review. The proposed subdivision submitted to the Planning and  
15 Zoning Department consisted of five lots which was the same amount of acres. Even though, it  
16 read seven (7) lots it would be 5 lots, but it could be subject change after it went through the  
17 subdivision process. The developer would be responsible for all the infrastructure provisions,  
18 including any streets development, street lights, water, wastewater and storm sewer services  
19 and all other requirements specified in the subdivision regulations. Three lots will be facing FM  
20 106 and two lots will face FM 509. Harlingen Waterworks System already provided the water  
21 and wastewater services. The developer is requesting Light Industry ("LI") which is consistent  
22 with the zoning in that particular area. The subject annexation will require three public hearings  
23 and two readings of the ordinance to annex the property. The existing structure is a concrete  
24 slab and the square area is in the County. He recommended approval of the request.

25  
26           Dan Serna, City Manager stated FM 509 is inside the City limits. Once it was connected  
27 to the City it will not be an island. The applicant wished to receive City services and is looking  
28 into developing the area.

29  
30           Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to  
31 adopt a resolution directing staff to prepare a service plan and initiate proceedings for the  
32 voluntary annexation of a 25.970 acre tract of land, more or less, being 2.135 acres out of  
33 Block 41, and 23.825 acres out of Block 67, Palmetal Subdivision, located on the east side of  
34 FM 509 north of FM 106. Motion carried unanimously.

- 35  
36 8)       Public hearing to consider an ordinance on first reading to rezone from Not Designated  
37 ("N") District to Residential, Single Family ("R-1") District for 4.99 acres out of Block 1,  
38 5.0 acres out of Block 4, 2.51 acres out of Block 5, the South 223 feet of Lot 5 and all of  
39 Lot 25, Block 26 and the North ½ of Block 27, and Blocks 28-56, Stuart Place Townsite  
40 Acreage; Blocks 1-5, Egan Subdivision; 2.0 acres comprised of Part of Block 6 and all  
41 of Block 15, Fitzgerald Subdivision; 2.0 acres comprised of Blocks 7 and 14, Fitzgerald  
42 Subdivision; Lots 1-4, Crockett Villa Subdivision; 10.09 acres out of Block 4, and 2.47  
43 acres out of Block 6, Stuart Place Subdivision Survey 42/137/297; and rezone from Not  
44 Designated ("N") District to Residential, Mobile Home ("MH") District for 1.0 acre out of  
45 Block 30, Stuart Place Subdivision Survey 139/297; all properties generally located north  
46 of Business 83 between Beckham Road and Stuart Place Road. Applicant: City of  
47 Harlingen.

1 Mr. Davila stated this was another City initiated rezone request and highlighted a map  
2 indicating the location of the properties. The triangle in the slide presentation represented an  
3 area that was left behind from a previous request, but was now being included in this request.  
4 The subject properties were being proposed as Residential, Single Family ("R-1") and were  
5 mostly developed with single family residential use. There are some lots with mobile homes  
6 which are grandfathered in, vacant lots, lots with single family residential use and livestock on  
7 the property, a fire station that is under construction. The Planning & Zoning (P&Z) Commission  
8 along with the Staff recommends approval of the request.

9 a) Public hearing

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

12 Yolanda Shoffiet, 285 Altas Palmas, opposed the rezone request.

13 Cisco Castro, North Altas Palmas, opposed the rezone due no sewer services.

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

15 b) Consider and take action to approve an ordinance on first reading to rezone the  
16 above described properties.

17 Mr. Richard Bilbie, City Attorney read the caption of the ordinance.

18 Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner Leal to  
19 approve an ordinance on first reading to rezone from Not Designated ("N") District to  
20 Residential, Single Family ("R-1") District for 4.99 acres out of Block 1, 5.0 acres out of Block 4,  
21 2.51 acres out of Block 5, the South 223 feet of Lot 5 and all of Lot 25, Block 26 and the North  
22 ½ of Block 27, and Blocks 28-56, Stuart Place Townsite Acreage; Blocks 1-5, Egan Subdivision;  
23 2.0 acres comprised of Part of Block 6 and all of Block 15, Fitzgerald Subdivision; 2.0 acres  
24 comprised of Blocks 7 and 14, Fitzgerald Subdivision; Lots 1-4, Crockett Villa Subdivision; 10.09  
25 acres out of Block 4, and 2.47 acres out of Block 6, Stuart Place Subdivision Survey  
26 42/137/297; and rezone from Not Designated ("N") District to Residential, Mobile Home ("MH")  
27 District for 1.0 acre out of Block 30, Stuart Place Subdivision Survey 139/297; all properties  
28 generally located north of Business 83 between Beckham Road and Stuart Place Road.  
29 Motion carried unanimously.

30 9) Public hearing to consider an ordinance on first reading to rezone from Office ("O")  
31 District to General Retail ("GR") District for 6.45+ acres out of the East Part of Lot  
32 1, Block 1, Apollo Subdivision, located at 3701 W. Business 83. Applicant: Omar  
33 Villasana-Cortez.

34 Mr. Davila stated the applicant is requesting to rezone from Office ("O") District to  
35 General Retail ("GR") District to allow for an outdoor commercial amusement (sports  
36 facility/soccer field) on the proposed property which is permitted in a GR District. The subject  
37 property is next to a medical business and there is access from that building and Paloma Lane.  
38 Mr. Davila stated the P&Z Commission along with the Staff is recommending approval of the  
39 rezone request.

40 a) Public hearing

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

3  
4 Yolanda Shoffiet, 285 Altas Palmas, stated she was against the rezone due to the  
5 existing location of the medical building and was spot zoning. This was against the law.  
6

- 7 b) Consider and take action to approve an ordinance on first reading to rezone the  
8 above described property.  
9

10 Mr. Richard Bilbie, City Attorney read the caption of the ordinance.  
11

12 Motion was made by Commissioner Leal and seconded by Commissioner Uhlhorn to  
13 approve the ordinance on first reading to rezone from Office ("O") District to General Retail  
14 ("GR") District for 6.45+ acres out of the East Part of Lot 1, Block 1, Apollo Subdivision, located  
15 at 3701 W. Business 83. Motion carried unanimously.  
16

- 17 10) Consider and take action to authorize the City Manager, on behalf of the City of  
18 Harlingen, Texas, to enter into a State Plan of Operations (SPO) between the State  
19 of Texas and the City of Harlingen (Police Department) which will be binding on the  
20 parties with respect to excess Department of Defense (DOD) personal property  
21 transferred, pursuant to 10 USC §2576a in order to promote the efficient and  
22 expeditious transfer of property to ensure accountability of the same.  
23

24 Jeffrey A. Adickes, Chief of Police stated this agreement was the same as the previous  
25 years. The Police Department was updating the request to procure one of the tactical vehicles  
26 as a rescue vehicle for the Police Department, but that request expired before they got on the  
27 list. There are over one-hundred forty requests and we are number fourteen in Texas. We are  
28 requesting to renew the request to obtain the vehicle this year or early 2017. The City would  
29 provide maintenance to the vehicle and the cost to maintain it would be from \$1,500 to \$2,000  
30 per year. These vehicles are valued at \$500,000. The Police Department does not have any  
31 armored vehicles for tactical rescue or any operations within the City. This vehicle would be  
32 used for rescue and swat operations.  
33

34 Motion was made by Commissioner Uribe and seconded by Commissioner Uhlhorn to  
35 authorize the City Manager, on behalf of the City of Harlingen, to enter into a State Plan of  
36 Operations (SPO) between the State of Texas and the City of Harlingen (Police Department)  
37 which will be binding on the parties with respect to excess Department of Defense (DOD)  
38 personal property transferred, pursuant to 10 USC §2576a in order to promote the efficient and  
39 expeditious transfer of property to ensure accountability of the same. Motion carried  
40 unanimously.  
41

- 42 11) Consider and take action to approve a resolution in support of reinstating the  
43 Operations and Maintenance (O&M) Tax for the Port of Harlingen.  
44

45 Mr. Allan Johnson, Chairman of The Port of Harlingen requested approval of a resolution  
46 in support of reinstating the Operations and Maintenance (O&M) Tax for the Port of Harlingen.  
47 If the City Commission approved the resolution, it would be presented to the Cameron County  
48 Commissioners Court to reinstate a tax that has not been in effect for twenty years. This  
49 resolution will allow the Port of Harlingen to do operations and maintenance on the port and use  
50 the revenue for infrastructure development.

1  
2 Commissioner Uhlhorn stated if the County approves the request, it would grant  
3 authority to the Port of Harlingen to impose the tax. The City would only be passing a resolution  
4 supporting the Port of Harlingen's justification of the request.  
5

6 Mr. Johnson stated an operation and maintenance tax was reinstated in 1989 and was  
7 discontinued in 1996 after the fund balance was raised and after building the infrastructure.  
8 They have a responsibility to maintain the port. There are some issues that need to be  
9 addressed. They did not have the money to do the improvements. This same request was  
10 presented to the Economic Development Corporation and was approved unanimously. They  
11 would be presenting the same request to the Harlingen Chamber of Commerce. Mr. Johnson  
12 stated the Core of Engineers has notified them that in the future they will have to partner with  
13 them to dredge the channel. They pay approximately \$250,000 a year to dredge the turning  
14 basin. We currently have three employees who operate the Port and are very efficient and three  
15 board members.  
16

17 Mayor Boswell stated the Port of Harlingen is an important economic generator for the  
18 Harlingen community. This is a small levy that the navigation district has always had the power  
19 to exercise and they have been judicious not to exercise it.  
20

21 Motion was made by Commissioner Uhlhorn and seconded by Commissioner Uribe to  
22 approve the resolution in support of reinstating the Operations and Maintenance (O&M) Tax for  
23 the Port of Harlingen. Motion carried unanimously.  
24

25 12) Consider and take action to authorize the City Manager to enter into an Advanced  
26 Funding Agreement with the Texas Department of Transportation (TXDOT) for  
27 maintenance of the landscaped areas along the US 77/83 Interchange, Expressway 77  
28 and Spur 54.  
29

30 Javier M. Zamora, City Engineer stated the agreement with TXDOT for landscaping  
31 maintenance around the Expressway Interchange, Spur 54 and Expressway 77 right-of-ways  
32 would expire soon. The City's cost to maintain these areas is \$168,615.00 for a 24 month  
33 period, (\$84,307.50 per year). The agreement includes monthly mowing; twice a month litter  
34 pick-up; pruning trees and shrubs once a month; sweeping the curb and sidewalks once a  
35 month; application of herbicide as needed for maintenance Area #1; once a month mowing, litter  
36 pick-up and application of herbicide as needed for Maintenance Areas 2 and 3 along the I-69E  
37 (Expressway 77) and Spur 54. TXDOT will be responsible for administrating the agreement.  
38 The cost of the maintenance increased about \$4,000 from last year's cost. He recommended  
39 approval of the agreement.  
40

41 Motion was made by Commissioner Leal and seconded by Commissioner Uhlhorn to  
42 authorize the City Manager to enter into an Advanced Funding Agreement with the Texas  
43 Department of Transportation (TXDOT) for maintenance of the landscaped areas along the US  
44 77/83 Interchange, Expressway 77 and Spur 54. Motion carried unanimously.  
45

46 13) Consider and take action to accept bids and award the contract for the  
47 Hughes Road Improvement Project under Bid 2016-10.  
48

49 Mr. Zamora stated the City received eight bids on August 2, 2016 for the Hughes Road  
50 Improvements Project. The project consisted of improving Hughes Road from Tamm Lane to

1 Bass Boulevard, approximately 2,455 linear feet of lime stabilization of subgrade, adding and  
2 reworking the caliche base and treating lime, prime coats, asphaltic concrete pavement and  
3 pavement markings. He highlighted the bids tabulation received from RGV Asphalt, LLC, Five  
4 Star Galaxy Construction and G&T Paving, LLC and recommended awarding the bid to the third  
5 lowest bidder, G&T Paving, LLC. for \$153,019.43.

6  
7 Mr. Serna recommended including an apron on Drury Road across the street from  
8 Hughes Road as part of the bid package.

9  
10 Mr. Zamora stated there would be about \$28,000 left over.

11  
12 Mr. Bilbie stated this could be done because it was less than 25% of the total cost of the  
13 project.

14  
15 Motion was made by Commissioner Leal and seconded by Commissioner Uhlhorn to  
16 accept the bid and award a contract to G&T Paving, LLC in the amount of \$153,019.43 for the  
17 Hughes Road Improvement Project. Motion carried unanimously.

18  
19 14) Consider and take action to approve an ordinance on first reading approving a  
20 negotiated resolution between the City of Harlingen and Texas Gas Service  
21 regarding the company's April 28, 2016 Cost of Service Adjustment filing.

22  
23 Mr. Gabriel Gonzalez, Asst. City Manager stated on June 8, 2016 the City Commission  
24 authorized the Rio Grande Valley Development Council to hire Geoffrey Gay, Attorney and Karl  
25 Nalepa, Consultant to negotiate with Texas Gas Service the cost of service adjustment. They  
26 were able to negotiate a \$300,000 reduction in the cost of service adjustment (COSA). The final  
27 cost of service adjustment (COSA) tariff is \$1,491,783 and recommended approval of the  
28 ordinance.

29  
30 Mr. Bilbie read the caption of the ordinance.

31  
32 Motion was made by Commissioner Uribe and seconded by Mayor Pro-Tem Mezmar to  
33 approve an ordinance on first reading approving a negotiated resolution between the City of  
34 Harlingen and Texas Gas Service regarding the company's April 28, 2016 Cost of Service  
35 Adjustment Filing. Motion carried unanimously.

36  
37 15) Consider and take action to appoint a representative as the official member and an  
38 alternate member to the Amigos Del Valle, Inc. Board of Directors for Fiscal Year 2016-  
39 2017.

40  
41 Motion was made by Commissioner Uhlhorn and seconded by Commissioner Uribe to  
42 appoint Commissioner Leal as the official representative and Gabriel Gonzalez, Asst. City  
43 Manager as the alternate member to the Amigos Del Valle, Inc. Board of Directors for Fiscal  
44 Year 2016-2017. Motion carried unanimously.

45  
46 16) Citizen request to discuss Landscaping Project on Frontage Road between  
47 Harrison and Tyler Avenue funded by the Governor's Community Achievement Award.

48  
49 Mrs. Kathleen Sheldon 1609 E. Van Buren, referred to a newspaper article that she had  
50 read in regards to improving the landscaping at the beginning of the intersection, entering the

1 mall. The article read that the landscaping improvements would include brilliant colors, native  
2 vegetation, and orchid trees. She stated she was a member of the Native Plan Project and  
3 growing up in the Valley she did not have an appreciation for native plants as a kid. When  
4 returning to the Valley she developed awareness and appreciation for the native vegetation.  
5 She read a book by Douglas W. Tallamy - Bringing Nature Home, who spoke about the value of  
6 local native valley plants, a necessary eco system from the bugs and critters. She would like for  
7 the City Commission to be more aware of the importance the native vegetation and to feel free  
8 to call the members of the Native Plant Project and other people who have knowledge about the  
9 native vegetation for their assistance.

10  
11 Mayor Boswell appreciated Mrs. Sheldon's the comments and for bringing it forward to  
12 the City Commission. It would be appropriate to discuss this matter with TXDOT because this  
13 would not be the only landscape project in Harlingen.

14  
15 Mr. Serna stated staff was working closely with TXDOT in putting the plans together and  
16 deciding what plants will be planted. TXDOT's architect will oversee the project. Javier Mendez,  
17 Parks Director is working with TXDOT on this project. TXDOT will choose the plants, some  
18 plants may not be native and some maybe colorful. For this particular location, TXDOT is  
19 looking into some color to make it attractive because it is the gateway into the City of Harlingen.  
20 He stated staff work with TXDOT and review some of the plants.

21  
22 17) Board Appointments

23  
24 Mayor Boswell

25  
26 Danny Villarreal - Harlingen Community Improvement Board (re-appointment)

27  
28 Motion was made by Commissioner Leal and seconded by Commissioner Uhlhorn to  
29 approve the re-appointment of Danny Villarreal to The Harlingen Community Improvement  
30 Board. Motion carried unanimously.

31  
32 18) Executive Session - Attorney consultation pursuant to Section 551.071, Texas Gov't.  
33 Code to provide legal advice and counsel in connection with certain collective bargaining  
34 issues contained in the Notice of Intent to Bargain by the duly recognized majority  
35 bargaining agent for the City's law enforcement officer, the Harlingen Police Officer and  
36 Law Enforcement Association (HPOLEA) and the Harlingen Professional Fire Fighters  
37 Association."

38  
39 19) Executive Session pursuant to Chapter 551, Subchapter D, V.T.C.A., Texas  
40 Government Code Sections 551.071, and 551.072 regarding the purchase, exchange,  
41 lease, or value of real property and to possibly seek legal advice from the City Attorney  
42 regarding this matter.

43  
44 At 6:30 p.m., Mayor Boswell announced the City Commission would convene into  
45 executive session to discuss Item No. 18 and 19.

46  
47 Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to go  
48 into executive session to discuss Item No. 18 and 19. Motion carried unanimously.

1 At 7:35 p.m., Mayor Boswell announced the City Commission had completed its  
2 executive session and declared the meeting open to the public.

3  
4 20) Citizen Communication

5  
6 Mr. Alvaro Torres, Representative with RGV Asphalt LLC, introduced himself and stated  
7 they were not awarded the project on Hughes Road. He hoped that the City Commission would  
8 consider their bids for future street improvements. Mr. Zamora called them and explained the  
9 reasons why their bid was not accepted. They have 20 years of experience in road construction,  
10 paving etc., have the equipment and manpower, but did not have many references. Mr. Torres  
11 thanked the City Commission for the opportunity to speak and to present himself and Mr.  
12 Zamora for the explanation of the requirements.

13  
14 Mrs. Kathleen Sheldon, 1609 E. Van Buren, stated public comment is at the end of the  
15 agenda. She asked that this be considered in the beginning of the agenda. If there are special  
16 issues find solutions. Citizens had a right to speak if they wished to.

17  
18 Mr. Cisco Castro, 2526 Altas Palmas, stated he was opposed to the annexation and a lot  
19 of work needs to be done in that area due to the problems with the sewer, drainage ditches and  
20 roads. This area was supposed to be de-annexed.

21  
22 There being no further business, Mayor Boswell adjourned the meeting.

23  
24 CITY OF HARLINGEN

25  
26  
27 Chris Boswell, Mayor

28  
29 ATTEST:

30  
31  
32 Amanda C. Elizondo, City Secretary

**ORDINANCE NO. 16 \_\_\_\_\_**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: REZONING FROM NOT DESIGNATED ("N") DISTRICT TO LIGHT INDUSTRY ("LI") DISTRICT FOR 11.91± ACRES OUT OF BLOCK 67, AND 16.1± ACRES OUT OF BLOCK 68, PALMETAL COMPANY SUBDIVISION, LOCATED ON THE NORTH SIDE OF FM 106 EAST OF FM 509; 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 Light Industry ("LI") District for 11.91± acres out of Block 67, and 16.1± acres

out of Block 68, Palmetal Company Subdivision, located on the north side of FM 106 east of FM 509.

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**

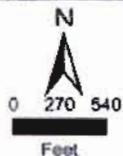
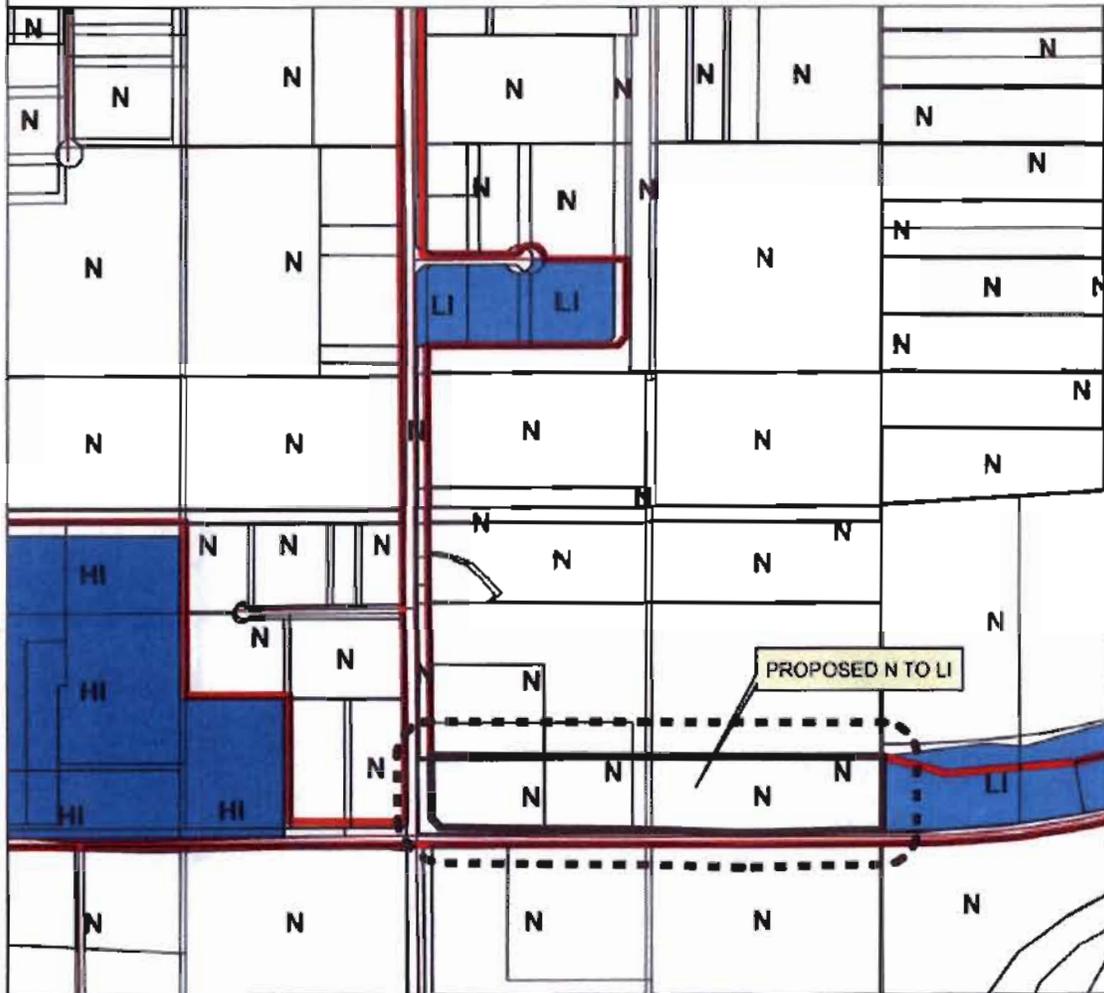
\_\_\_\_\_  
Chris Boswell, Mayor

**ATTEST:**

\_\_\_\_\_  
Amanda C. Elizondo, City Secretary



Request to rezone from Not Designated ("N") District to Light Industry ("LI") District for 11.91 +/- acres out of Block 67, and 16.1 +/- acres out of Block 68, Palmetal Company Subdivision, located on the north side of FM 106 east of FM 509. Applicant: Whiting Investments LLC, c/o Chris Hamby, and the 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)        |

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 082216.

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: TO ISSUE A SPECIFIC USE PERMIT TO LUIS C. BETANCOURT TO ALLOW A BAR/LOUNGE IN A GENERAL RETAIL ("GR") DISTRICT LOCATED AT 204 W JACKSON, BEARING A LEGAL DESCRIPTION OF LOTS 13 & 14, BLOCK 45, HARLINGEN ORIGINAL TOWNSITE, SUBJECT TO: (1) MAINTAINING THE PROPER STATE AND TABC PERMITS (2) CONTINUING TO PROVIDE SURVEILLANCE VIDEO AND MAINTAIN A 30 DAY RETENTION OF THE VIDEO, (3) CONTINUING TO PROVIDE ADEQUATE LIGHTING ON THE PREMISES, (4) CONTINUING TO PROVIDE A LICENSED SECURITY GUARD DURING PEAK HOURS OF OPERATION, THURSDAY THROUGH SATURDAY FROM 9 PM TO 12 AM AND; (5) AND CONTINUE TO COMPLY WITH REQUIREMENTS ADMINISTERED BY THE PLANNING, BUILDING INSPECTIONS, FIRE PREVENTION, HEALTH, 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 Luis C. Betancourt to allow a Bar/Lounge in a General Retail ("GR") District located at 204 W. Jackson, bearing a legal description of Harlingen Original Townsite, Lots 13 & 14, Block 45. Subject to: (1) maintaining the proper state and TABC permits (2) continuing to provide surveillance video and maintain a 30 day retention of the video (3) continuing to provide adequate lighting on the premises (4) continuing to provide a licensed security guard during peak hours of operation, Thursday through Saturday from 9 pm to 12 am and: (5) continuing to comply with the requirements administered by the Planning, Building Inspections, Fire Prevention, Health and Police Departments.

The provisions prohibiting the violation of the Code of Ordinances 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



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 THE SOUTH 0.75± ACRE OUT OF 1.3 ACRE TRACT OF BLOCK 8, THE SOUTH 1.0± ACRE OUT OF A 1.97 ACRE TRACT OF BLOCK 9, THE SOUTH 0.4± ACRE OUT OF BLOCK 9, THE SOUTH 0.5± ACRE OUT OF THE WESTERN PART OF BLOCKS 9 AND 10, AND 2.97 ACRES OUT OF BLOCK 10, STUART PLACE SUBDIVISION SURVEY 298; LOTS 1-3, BLOCK 1, NARANJO-LOPEZ SUBDIVISION; AND LOTS 1-3, BLOCK 1, ESTEBAN-CELINA SUBDIVISION; REZONE FROM NOT DESIGNATED ("N") DISTRICT TO RESIDENTIAL, MOBILE HOME ("MH") DISTRICT FOR 2.4± ACRES OUT OF A 4.0 ACRE TRACT OF BLOCK 8, STUART PLACE SUBDIVISION SURVEY 298; AND REZONE FROM NOT DESIGNATED ("N") DISTRICT TO GENERAL RETAIL ("GR") DISTRICT FOR THE NORTH 200 FT. (1.6± ACRES) OUT OF A 4.0 ACRE TRACT OF BLOCK 8, THE NORTH 300 FEET (0.3± ACRE) OF A 1.3 ACRE TRACT OF BLOCK 9, THE NORTH 300 FEET (0.9± ACRE) OUT OF A 1.977 ACRE TRACT OF BLOCK 9; THE NORTH 300 FEET (0.34± ACRE) OUT OF BLOCK 9, THE NORTH 300 FEET (0.5± ACRE) OUT OF THE WESTERN PART OF BLOCKS 9 AND 10; AND 1.83 ACRES OUT OF BLOCK 10, STUART PLACE SUBDIVISION SURVEY 298; ALL PROPERTIES LOCATED ON THE SOUTH SIDE OF BUSINESS 83 BETWEEN BECKHAM ROAD AND ALTAS PALMAS ROAD; 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 the South 0.75± acre out of 1.3 acre tract of Block 8, the South 1.0± acre out of a 1.97 acre tract of Blocks 9, the South 0.4± acre out of Block 9, the South 0.5± acre out of the Western Part of Blocks 9 and 10, and 2.97 acre out of Block 10, Stuart Place Subdivision Survey 298; Lots 1-3, Block 1, Naranjo-Lopez Subdivision; and Lots 1-3, Block 1, Esteban-Celina Subdivision; rezone from Not Designated ("N") District to Residential, Mobile Home ("MH") District for 2.4± acres out of a 4.0 acre tract of Block 8, Stuart Place Subdivision Survey 298; and rezone from Not Designated ("N") District to General Retail ("GR") for the North 200 feet (1.6± acres) out of a 4.0 acre tract of Block 8, the North 300 feet (0.3± acre) of a 1.3 acre tract of Block 9, the North 300 feet (0.9± acre) out of a 1.977 acre tract of Block 9; the North 300 feet (0.34± acre) out of Block 9, the North 300 feet (0.5± acre) out of the Western Part of Blocks 9 and 10; and 1.83 acres out of Block 10, Stuart Place Subdivision Survey 298; all properties located on the south side of Business 83 between Beckham Road and Altas Palmas Road.

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**

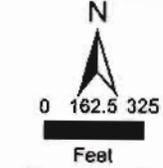
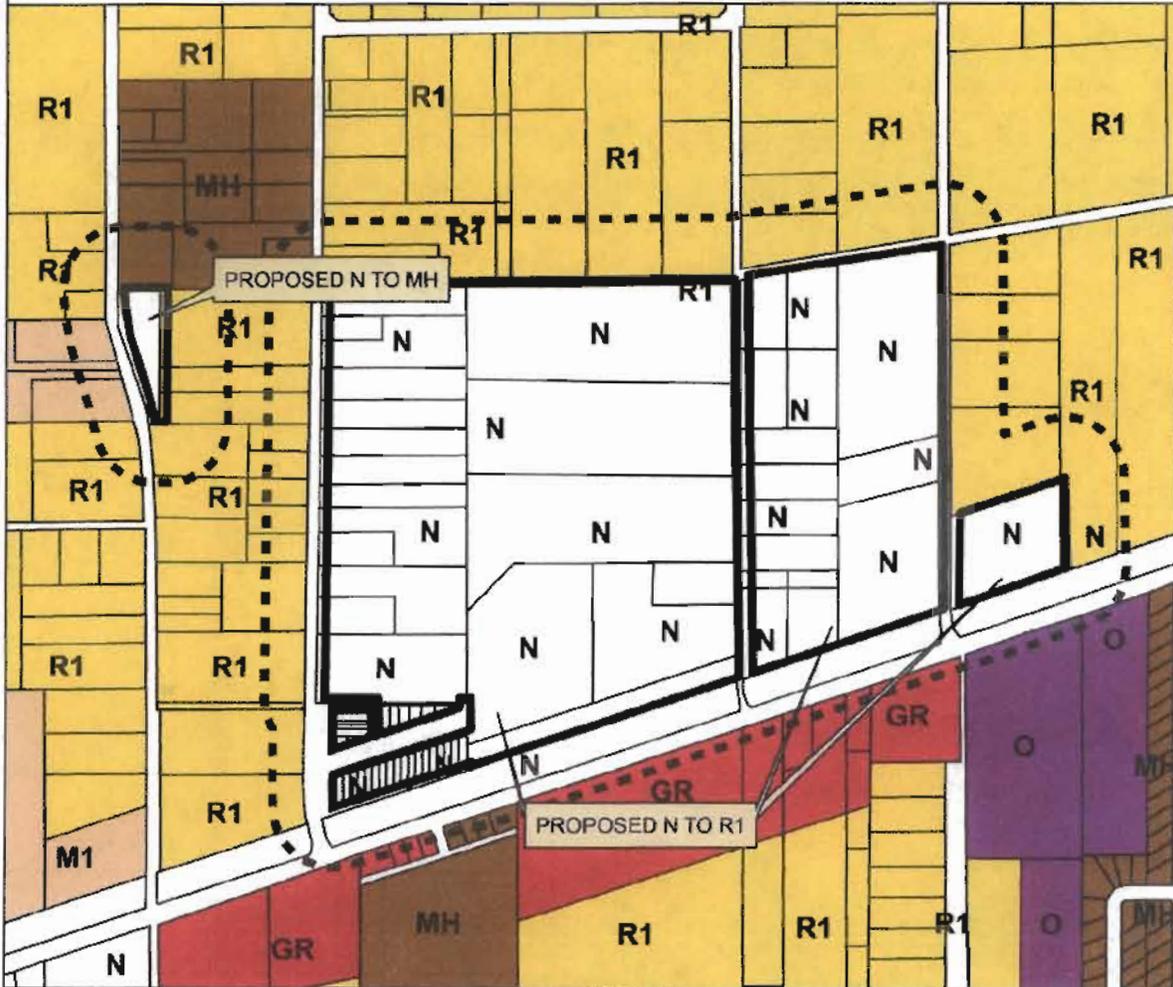
\_\_\_\_\_  
Chris Boswell, Mayor

**ATTEST:**

\_\_\_\_\_  
Amanda C. Elizondo, City Secretary



Request to rezone from Not Designated ("N") District to Residential, Single Family ("R-1") District for 4.99 acres out of Block 1, 5.0 acres out of Block 4, 2.51 acres out of Block 5, the South 223 feet of Lot 5 and all of Lot 25, Block 26 and the North 1/2 of Block 27, and Blocks 28-56, Stuart Place Townsite Acreage; Blocks 1-5, Egan Subdivision; 2.0 acres comprised of Part of Block 6 and all of Block 15, Fitzgerald Subdivision; 2.0 acres comprised of Blocks 7 and 14, Fitzgerald Subdivision; Lots 1-4, Crockett Villa Subdivision; 10.09 acres out of Block 4, and 2.47 acres out of Block 6, Stuart Place Subdivision Survey 42/137/297; and rezone from Not Designated ("N") District to Residential, Mobile Home ("MH") District for 1.0 acre out of Block 30, Stuart Place Subdivision Survey 139/297; all properties generally located north of Business 83 between Beckham Road and Stuart Place Road. Applicant: City of Harlingen



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

**Zoning Designations**

<span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; background-color: white; margin-right: 5px;"></span> Not-Designated (N)	<span style="display: inline-block; width: 15px; height: 10px; background-color: #f4a460; margin-right: 5px;"></span> Multi-Family Residential (M2)	<span style="display: inline-block; width: 15px; height: 10px; background-color: #e69d9d; margin-right: 5px;"></span> Neighborhood Services (NS)
<span style="display: inline-block; width: 15px; height: 10px; background-color: #fff2cc; margin-right: 5px;"></span> Single Family Residential (R1)	<span style="display: inline-block; width: 15px; height: 10px; background-color: #8b4513; margin-right: 5px;"></span> Mobile Home Residential (MH)	<span style="display: inline-block; width: 15px; height: 10px; background-color: #d62728; margin-right: 5px;"></span> General Retail (GR)
<span style="display: inline-block; width: 15px; height: 10px; background-color: #c4c48b; margin-right: 5px;"></span> Duplex Residential (R2)	<span style="display: inline-block; width: 15px; height: 10px; background-color: #cccccc; margin-right: 5px;"></span> Planned Development (PD)	<span style="display: inline-block; width: 15px; height: 10px; background-color: #1f77b4; margin-right: 5px;"></span> Light Industry (LI)
<span style="display: inline-block; width: 15px; height: 10px; background-color: #fce4d6; margin-right: 5px;"></span> 3/4-Plex Residential (M1)	<span style="display: inline-block; width: 15px; height: 10px; background-color: #800080; margin-right: 5px;"></span> Office (O)	<span style="display: inline-block; width: 15px; height: 10px; background-color: #1f77b4; margin-right: 5px;"></span> 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 050416.

3d)

ORDINANCE NO. 16-\_\_\_\_\_

AN ORDINANCE TO ESTABLISH A "NO PARKING ZONE" ON THE EAST SIDE OF MORGAN BOULEVARD BEGINNING AT ITS INTERSECTION WITH WASHINGTON AVENUE EXTENDING NORTH, FOR A DISTANCE OF APPROXIMATELY 218 LINEAR FEET IN LENGTH; AUTHORIZING THE TOWING OF VEHICLES PARKED IN SAID "NO PARKING ZONE"; ESTABLISHING A PENALTY NOT TO EXCEED \$200.00 FOR VIOLATION OF THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

BE IT ORDAINED BY THE CITY OF HARLINGEN:

SECTION I: That a "No Parking Zone" be established on the east side of Morgan Boulevard beginning at its intersection with Washington Avenue extending north, for a distance of approximately 218 linear feet for the "No Parking Zone".

SECTION II: The Chief of Police of the City of Harlingen, Texas is hereby authorized and directed to place the traffic control devices authorized by this ordinance.

SECTION III: It shall be unlawful for any person to stop or park a vehicle in the "No Parking Zone" designated by this ordinance.

SECTION IV: That the Police Department of the City of Harlingen is authorized to cause vehicles parked in violation of this ordinance to be towed at the expense of the owners or operators of such vehicles.

SECTION V: That a person who stops or parks a vehicle in the "No Parking Zone" established by this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine not to exceed \$200.00.

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

FINALLY ENACTED THIS \_\_\_\_ day of \_\_\_\_\_, 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

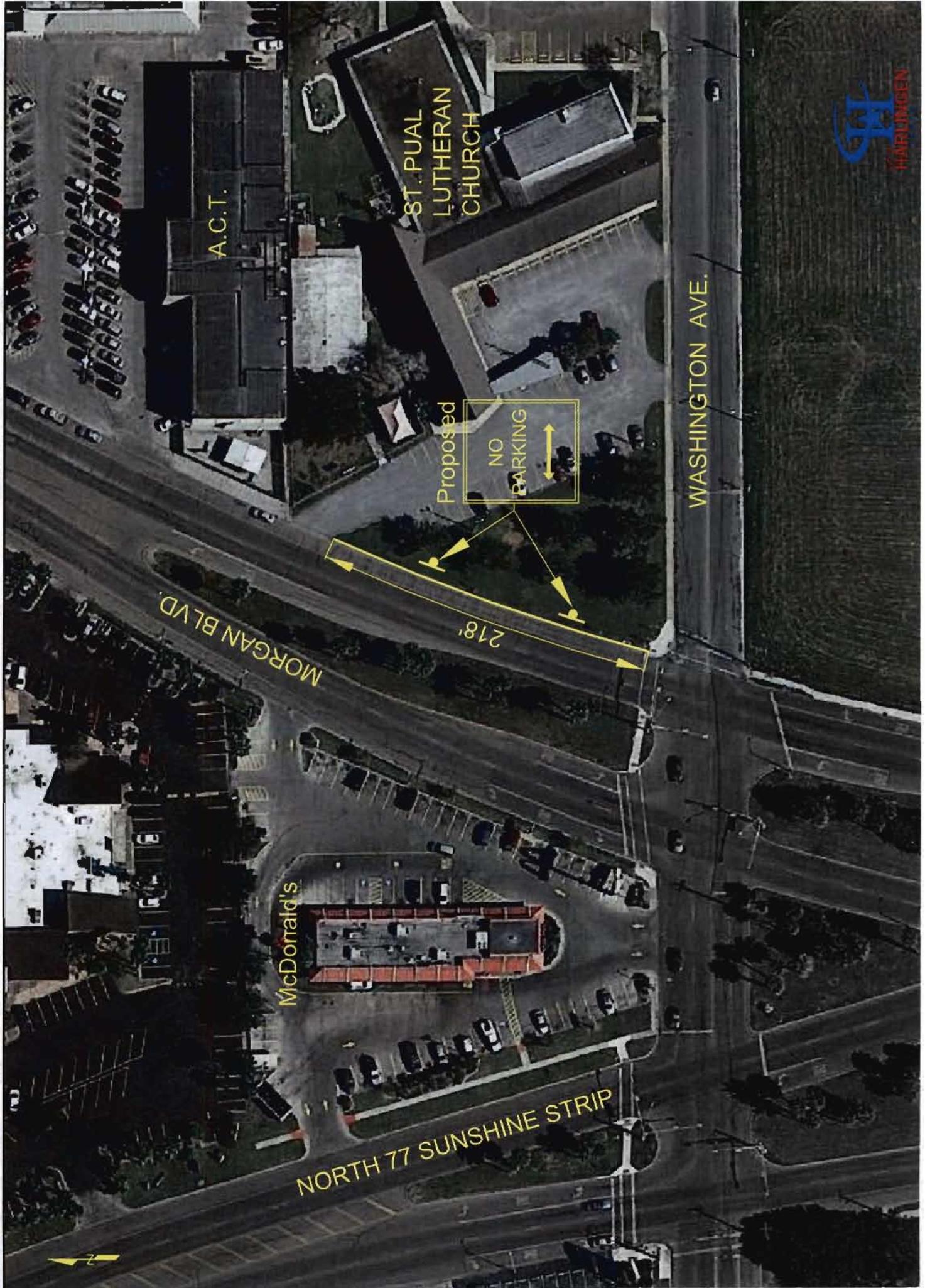
CITY OF HARLINGEN

\_\_\_\_\_  
Chris Boswell, Mayor

ATTEST:

\_\_\_\_\_  
Amanda C. Elizondo, City Secretary

# Proposed No Parking Zone on Morgan Blvd.



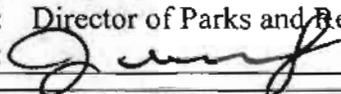
4)

**AGENDA ITEM  
EXECUTIVE SUMMARY**

Meeting Date: **October 3, 2016**

**Agenda Item:**

Presentation by International Boundary Water Commission representatives on Phase Two of the Arroyo Colorado Flood Control project.

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

**Brief Summary:**

IBWC representatives and selected contractor will be available to discuss and inform the City Commission and the public on the project history, current status, and project limits. February 2015 the first phase began and involved clearing many of the non-native trees, mowed a swath parallel to the Arroyo Colorado, and leaving a wildlife habit corridor along the water's edge or banks of the Arroyo Colorado. It was recommended by IBWC that before the second phase commences, a Threatened and Endangered Plant Specie Survey must be conducted. The Survey and a Vegetation Management Plan started on September 14, 2015 and has now been completed.

**Funding (if applicable):**

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

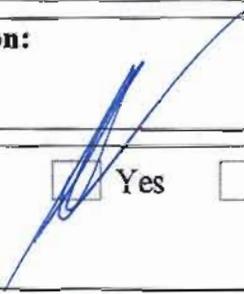
\*If no, specify source of funding and amount requested:

Finance Director's approval:  Yes  No  N/A

**Staff Recommendation:**

No action is required.

City Manager's approval:  Yes  No  N/A

Comments: 

City Attorney's approval:  Yes  No  N/A

5)

**AGENDA ITEM  
EXECUTIVE SUMMARY**

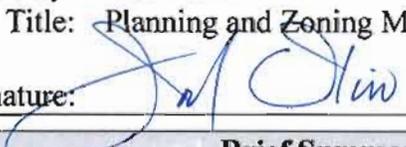
Meeting Date: **October 5, 2016**

**Agenda Item:**

Public Hearing to receive comments regarding the proposed voluntary annexation and to establish the initial zoning to Light Industry ("LI") District for a 25.970 acre tract of land, more or less, being 2.145 acres out of Block 41, and 23.825 acres out of Block 67, Palmetal Company Subdivision, located on the east side of FM 509 north of FM 106. Applicant: Whiting Investments, LLC, c/o Chris Hamby

Prepared By: Joel Olivo

Title: Planning and Zoning Manager

Signature: 

**Brief Summary:**

Project Timeline

- August 3, 2016 – Voluntary Annexation Request submitted to the City; application deemed incomplete.
- August 8, 2016 – Applicant submits pending document for annexation request; application deemed complete (**ATTACHMENT I**).
- August 17, 2016 – City Commission approved a resolution directing staff to prepare a service plan for the annexation and to initiate proceedings.
- September 3, 2016 – In accordance with Statute and local law, notice of required public hearings (for the zoning and first public hearing for the annexation) published in the Valley Morning Star.
- September 14, 2016 – Public hearing was conducted by the Planning and Zoning Commission (P&Z). **The P&Z Commission recommended approval of the annexation and the zoning designation of the tract upon annexation by a 3 to 0 vote.**
- September 21, 2016 – The first public hearing was conducted by the City Commission
- September 24, 2016 – In accordance with Statute and local law, notice of second public hearing published in the Valley Morning Star.
- October 5, 2016 – Second public hearing before the City Commission
- October 19, 2016 – Consideration of annexation by the City Commission via First Ordinance Reading.
- November 2, 2016 – Pending approval of 1<sup>st</sup> ordinance reading, consideration of annexation by the City Commission via Second Ordinance Reading.

Summary

- In accordance with the Texas Local Government Code and the City Code of Ordinances, three public hearings are required as related to the voluntary annexation request. One public hearing is required before the Planning and Zoning Commission and two public hearings are required before the City Commission. This represents the second of two public hearings required before the City Commission.
- Chris Hamby, the applicant and property owner has requested the voluntary annexation of 25.970 acres of land. All of the subject property is outside, but adjacent to, the current city limits.

- The applicant is proposing to subdivide the subject property into a five lot commercial subdivision under the name of Arroyo View Subdivision. Part of the proposed subdivision (4.82 acres) is currently inside the city limits and the north 25.970 acres is located outside the city limits. Two lots will have frontage on FM 509 and three lots will have frontage on FM 106 through a proposed private street (**ATTACHMENT II AND III**).
- The developer will be responsible for all infrastructure provisions, including street development, street lights, water and wastewater services, storm sewer, and other requirements as specified under the subdivision regulations.
- Water and wastewater disposal for this subdivision is being provided through HWWS.
- Concurrent with the annexation, the subject property will be zoned to Light Industry ("LI") District, which is consistent with the Future Land Use Plan (**ATTACHMENT IV AND V**).
- The Draft Service Plan outlines the services to be provided within sixty (60) days after the effective date of annexation and the capital improvements that will begin construction within two and one-half (2-1/2) years of the effective date of the annexation (**ATTACHMENT VI**).
- At the First Public Hearing before the City Commission on September 21, 2016, there was no concerns addressed pertaining to the annexation of the subject property.
- In addition to the required public hearings mentioned above, two readings of the ordinance are required to annex the property. The above timeline delineates the annexation process.

**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 conducting the public hearing. No action is required.

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 FM 509 & FM 106  
 (Proposed) Subdivision Name Airway View Subdivision Lot \_\_\_\_\_ Block \_\_\_\_\_  
 Existing Zoning Designation Industrial Future Land Use Plan Designation Commercial

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

Applicant/Authorized Agent Whiting Investments Phone (956) 495-6953 FAX \_\_\_\_\_  
 Email Address (for project correspondence only): chamby2136@aol.com  
 Mailing Address P.O. Box 532845 City Han State TX Zip 78553  
 Property Owner Whiting Investments 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 checked="" 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: Subdivide 31 acres into 7 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: \_\_\_\_\_ Date: 8/3/16

Property Owner(s) Signature: \_\_\_\_\_ Date: 8/3/16

Accepted by: \_\_\_\_\_ Date: \_\_\_\_\_

**Attachment I**

**PETITION REQUESTING ANNEXATION BY AREA LANDOWNERS**

TO THE MAYOR OF THE GOVERNING BODY OF Harlingen, TEXAS:

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

*See attached maps & boards by Catherine Screeving*

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

Signed: \_\_\_\_\_

Signed: \_\_\_\_\_

Signed: \_\_\_\_\_

THE STATE OF TEXAS

COUNTY OF Cameron

BEFORE ME, the undersigned authority, on this day personally appeared Chris Hambly, and \_\_\_\_\_, known to me to be the persons whose names are subscribed to the foregoing instrument and each acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 3<sup>rd</sup> day of August, 2016.



8-3-16

**Attachment I**

WHITING INVESTMENTS, LLC  
PO BOX 532845  
HARLINGEN, TEXAS 78553

July 15, 2016

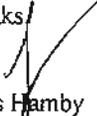
Mr. Joel Olivo  
Planning and Zoning Manager  
City of Harlingen  
118 E Tyler  
Harlingen, Texas 78550

Re:

Mr. Olivo:

Whiting Investments would like to do a voluntary annex the above referenced properties into the city limits of Harlingen. Please rezone the properties to light industrial district. Please let me know if you need anything else.

Thanks

  
Chris Hamby  
President

## Attachment II



### **CENTERLINE SURVEYING**

Victor Banuelos, R.P.L.S.  
915 Morgan Blvd, Suite B  
P.O. Box 1148  
Harlingen, Tx 78551  
(956)425-3902 or (956)778-9391

#### **METES AND BOUNDS:**

A 25.970 acre tract of land, more or less, being 2.145 acres out of Block Forty One (41), and 23.825 acres out of Block Sixty Seven (67), Palmetal Subdivision, Cameron County, Texas as recorded in Volume 4, Page 2 of the Cameron County Map Records, said 25.970 acre tract of land being more particularly described as follows:

COMMENCING at a ½ Inch steel rod previously set on the Northeast corner of Block 67 for the Northeast corner and POINT OF BEGINNING of the tract of land herein described, said corner also being the Southeast corner of Block 41;

THENCE, South 00 degrees 12 minutes 00 seconds East, with the East line of Block 67, a distance of 954.80 feet to a point for the Southeast corner of this tract;

THENCE, South 89 degrees 58 minutes 17 seconds West, a distance of 600.00 feet to a point for the Southwest corner of this tract;

THENCE, North 00 degrees 12 minutes 00 seconds West, parallel to the East line of Block 67, a distance of 253.00 feet to a ½ inch steel rod previously set for a corner of this tract;

THENCE, South 89 degrees 48 minutes 00 seconds West, parallel to the North line of Block 67, a distance of 665.00 feet to a ½ inch steel rod found for a corner of this tract, said corner being on the East right of way line of State Highway F.M. 509 (150.00 Ft. R.O.W.);

THENCE, North 00 degrees 12 minutes 00 seconds West, with the East right of way line of State Highway F.M. 509, at a distance of 700.00 feet passing a ½ inch steel rod previously set on the North line of Block 67, and South line of Block 41, a total distance of 966.00 feet to a ½ inch steel rod previously set for the Northwest corner of this tract;

THENCE, North 89 degrees 48 minutes 00 seconds East, parallel to the South line of Block 41, a distance of 70.00 feet to a ½ inch steel rod previously set for a corner of this tract;

THENCE, North 00 degrees 12 minutes 00 seconds West, parallel to the West line of Block 41, a distance of 17.00 feet to a point for a corner of this tract;

**Attachment II cont.**

THENCE, South 78 degrees 23 minutes 23 seconds East, a distance of 116.88 feet to a point for a corner of this tract;

THENCE, South 67 degrees 08 minutes 13 seconds East, a distance of 101.43 feet to a point for a corner of this tract;

THENCE, South 48 degrees 23 minutes 55 seconds East, a distance of 101.27 feet to a point for a corner of this tract;

THENCE, South 40 degrees 56 minutes 22 seconds East, a distance of 137.49 feet to a point for a corner of this tract;

THENCE, South 52 degrees 40 minutes 20 seconds West, at a distance of 38.97 feet passing a ¼ inch steel rod set, a total distance of 78.97 feet to a ½ inch steel rod previously set for a corner of this tract, said corner being on the South line of Block 41, and North line of Block 67;

THENCE, North 89 degrees 48 minutes 00 seconds East, with the contiguous North line of Block 67, and South line of Block 41, a distance of 885.00 feet to the POINT OF BEGINNING and containing 25.970 acres of land, more or less.



Victor Banuelos, R.P.L.S.

2015

Reg. No. 3880

Job No. 2943-16

July 27, 2016,





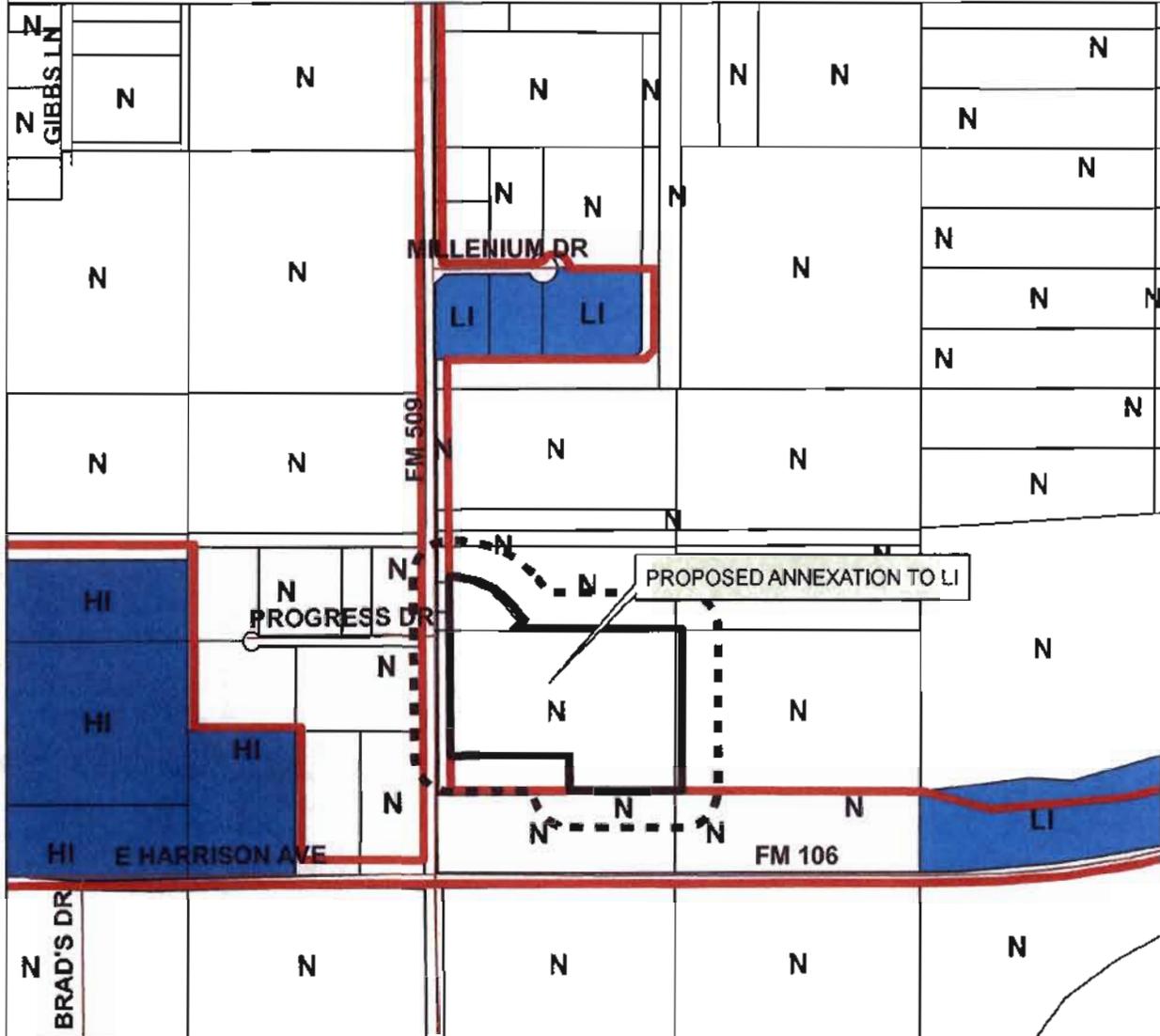
**Attachment III**



## Attachment IV



Request of Whiting Investments, LLC, c/o Chris Hamby for the voluntary annexation and to establish the initial zoning upon annexation to Light Industry ("LI") District for a 25.970 acre tract of land, more or less, being 2.145 acres out of Block 41, and 23.825 acres out of Block 67, Palmeta Company Subdivision, located on the east side of FM 509 north of FM 106.



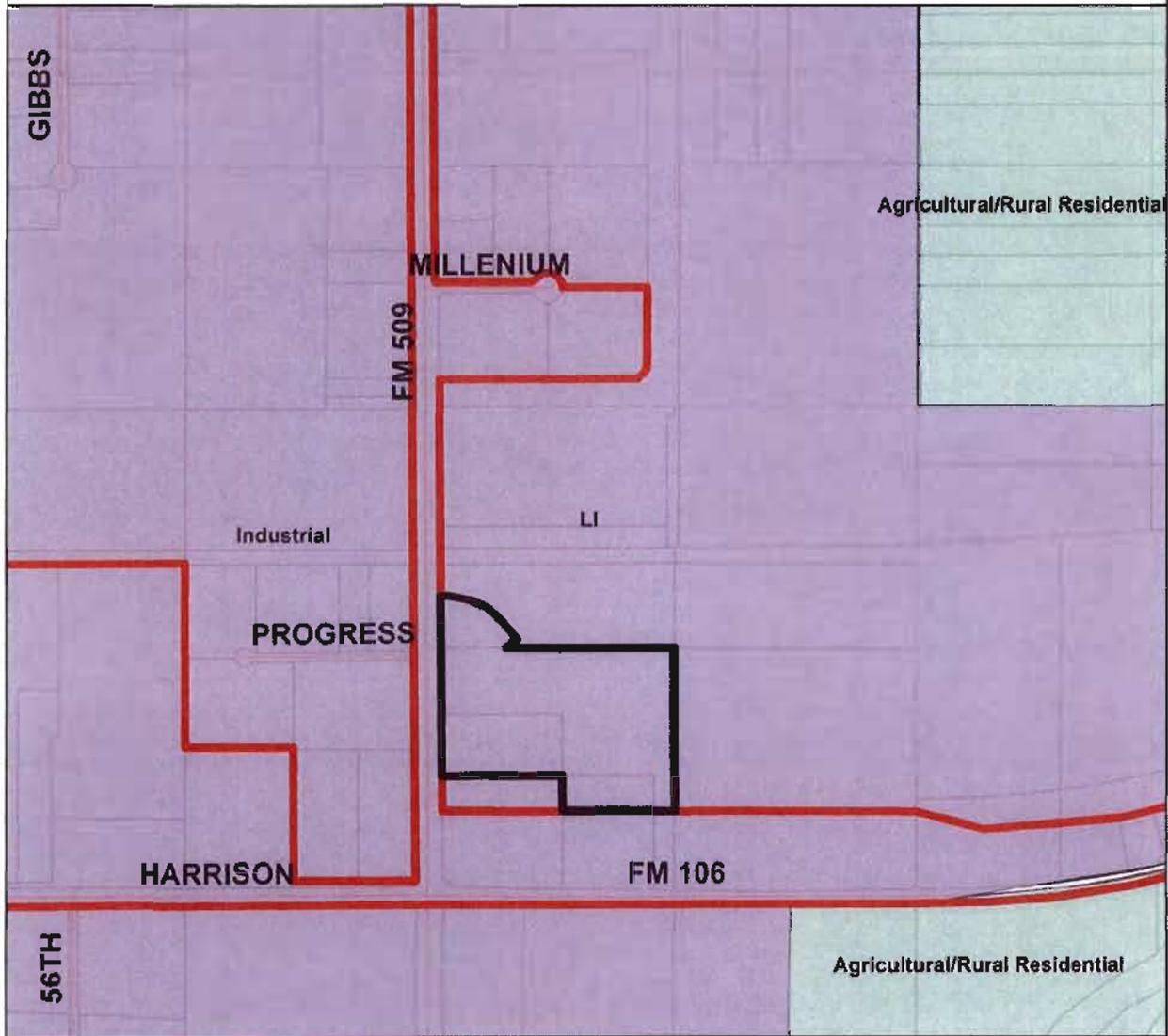
<p><b>Boundary Lines</b></p> <ul style="list-style-type: none"> <li><span style="border: 1px solid red; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Harlingen city limits.shp</li> <li><span style="border: 1px dashed black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> 200' Notification Boundary</li> <li><span style="border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Subject Property</li> </ul>	<b>Zoning Designations</b>		
	<ul style="list-style-type: none"> <li><span style="background-color: white; border: 1px solid black; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> Not-Designated (N)</li> <li><span style="background-color: yellow; border: 1px solid black; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> Single Family Residential (R1)</li> <li><span style="background-color: #d2b48c; border: 1px solid black; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> Duplex Residential (R2)</li> <li><span style="background-color: #c0c0c0; border: 1px solid black; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> 3/4-Plex Residential (M1)</li> </ul>	<ul style="list-style-type: none"> <li><span style="background-color: #808080; border: 1px solid black; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> Multi-Family Residential (M2)</li> <li><span style="background-color: #404040; border: 1px solid black; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> Mobile Home Residential (MH)</li> <li><span style="background-color: #696969; border: 1px solid black; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> Planned Development (PD)</li> <li><span style="background-color: #4b0082; border: 1px solid black; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> Office (O)</li> </ul>	<ul style="list-style-type: none"> <li><span style="background-color: #f08080; border: 1px solid black; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> Neighborhood Services (NS)</li> <li><span style="background-color: #ff0000; border: 1px solid black; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> General Retail (GR)</li> <li><span style="background-color: #0000ff; border: 1px solid black; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> Light Industry (LI)</li> <li><span style="background-color: #000080; border: 1px solid black; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> Heavy Industry (HI)</li> </ul>

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 082216



# Future Land Use Map

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



**Boundary lines**

- Harlingen city limits.shp
- 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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**Attachment IV**

**SEE ATTACHED SERVICE PLAN**

ORDINANCE NO. 16-\_\_\_\_\_

**AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF HARLINGEN THROUGH ANNEXATION AND ESTABLISHING THE INTIAL ZONING TO LIGHT INDUSTRY (“LI”) DISTRICT CONSISTING OF THE FOLLOWING: A 25.970 ACRE TRACT OF LAND, MORE OR LESS, BEING 2.145 ACRES OUT OF BLOCK 41, AND 23.825 ACRES OUT OF BLOCK 67, PALMETAL COMPANY SUBDIVISION, LOCATED ON THE EAST SIDE OF FM 509 NORTH OF FM 106; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.**

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

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

**WHEREAS**, the Elective Commission has heretofore held public hearings at a meeting of the Elective Commission at the City Commission Room at City Hall, 118 E. Tyler Avenue, Harlingen, Texas on September 21, 2016 and October 5, 2016 pursuant to the provisions of Chapter 43, Texas Local Government Code, as amended; and

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

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

**WHEREAS**, the Elective Commission of the City of Harlingen, finds that the inclusion of such additional area will be of benefit to the City of Harlingen; now therefore

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

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

A 25.970 acre tract of land, more or less, being a 2.145 acres out of Block 41, and 23.825 acres out of Block 67, Palmetal Company Subdivision, located on the east side of FM 509 north of FM 106.

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

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

A service plan prepared pursuant to Section 43.056 of Chapter 43, Texas Local Government Code providing for the extension of municipal services into the area hereby annexed is attached hereto as Exhibit "A", and said service plan is hereby in all things approved and adopted. The area identified by the property description comprises a total of 25.970 acres and is identified on the map attached to the service plan.

**FINALLY ENACTED** this \_\_\_\_ day of \_\_\_\_\_, 2016 such date being the date of the second presentation of said Ordinance to the said Elective Commission. This Ordinance was finally enacted at a regular meeting of the Elective Commission of the City of Harlingen, Texas on November 2, 2016 at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, CHAPTER 551, as amended.

**CITY OF HARLINGEN**

Chris Boswell, Mayor

**ATTEST:**

Amanda Elizondo, City Secretary

**Exhibit "A"**



**SERVICE PLAN  
FOR  
PROPOSED ANNEXED AREA**

**DESCRIPTION OF TRACT:**

A 25.970 acre tract of land, more or less, being 2.145 acres out of Block 41, and 23.825 acres out of Block 67, Palmetal Company Subdivision, located on the east side of FM 509 north of FM 106.

**PREPARED BY  
CITY OF HARLINGEN PLANNING AND ZONING DEPARTMENT**

**DATE COMPLETED: August 24, 2016**

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Introduction.....	2
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Services to be Provided within 2-1/2 years .....	5

## INTRODUCTION

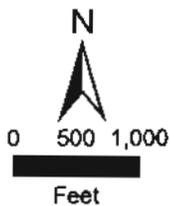
**In accordance with Chapter 43, Section 43.056, Texas Local Government Code, “governing body of the City proposing the annexation shall direct its planning or other appropriate department to prepare a service plan that provides for extension of municipal services into each area to be annexed”. It is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

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

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



Annexation of 25.97 acres of land comprised of 2.145 acre tract out of Block 41, and a 23.825 acre tract out of Block 67, in Palmetal Subdivision



**Boundary lines**

-  Proposed Annexation
-  Harlingen City Limits

This map has been produced by the City of Harlingen for the sole purpose of locating jurisdictional boundaries and is not intended for any other. The map data is compiled from various sources including orthophoto imagery, engineer plans and plats, survey field notes, and other sources. This map is intended for graphic representation only. No warranty is made by the City regarding its accuracy or completeness. Before relying on any information on the map, check with the Planning Department. Date of map 081916.

## **Services to be Provided within 60 days of Annexation**

### **Fire:**

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

### **Police:**

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

### **Solid Waste Collection:**

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

### **Water and Wastewater:**

Routine maintenance of water and wastewater facilities, if any, in the annexed area.

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

### **Streets and Street Lighting:**

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

Maintenance of traffic control devices will begin within 60 days of the effective date of annexation.

### **Operation and Maintenance of Parks, Playgrounds & Swimming Pools:**

Access to all public parks, playgrounds, and swimming pools, immediately upon annexation.

### **Operation and Maintenance of Publicly Owned Facilities & Buildings:**

Maintenance of any publicly owned facilities, buildings, or services will begin within 60 days of the effective date of annexation.

## **Capital Improvements to be Completed within 2 ½ Years of Annexation**

### **Fire:**

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

### **Police:**

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

### **Solid Waste Collection:**

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

### **Water and Wastewater:**

New water and wastewater lines of the Harlingen Waterworks will be extended to areas not within the service area of another water or wastewater utility by developers as land becomes subdivided in accordance with City and Waterworks ordinances and policies. Landowners in the area are not required to fund water and wastewater capital improvements necessary to provide full municipal services that are inconsistent with Texas Local Government Code Chapter 395 unless otherwise agreed to by the landowner.

### **Streets and Street Lighting:**

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

Provision of additional street lighting as needed to be spaced similar to other similarly populated areas of Harlingen.

Traffic signals, street markings and other traffic control devices will be installed as need is established by appropriate study and traffic standards.

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

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

### **Parks, Playgrounds & Swimming Pools:**

None

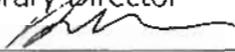
### **Publicly Owned Facilities & Buildings:**

None

**AGENDA ITEM  
EXECUTIVE SUMMARY**

Meeting Date: 10/03/16

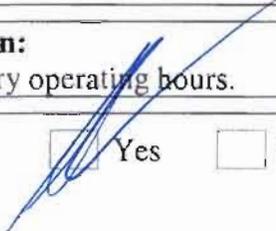
**Agenda Item:**  
Consider and take action to approve new Harlingen Public Library operating hours.

Prepared By (Print Name): Dauna Campbell  
Title: Library Director  
Signature: 

**Brief Summary:**  
In order to improve accessibility to the Harlingen Public Library, it is requested that the Library hours be adjusted to the hours outlined in Exhibit A. The following were taken into consideration when selecting the new hours: utility and operating costs, public usage and demand, and staffing needs. The new hours will go into effect November 1st, 2016. The Library Board approved the new hours at their September 19<sup>th</sup> meeting.

**Funding (if applicable):**  
 Yes  No  
Finance Director's approval:  Yes  No  N/A

**Staff Recommendation:**  
It is recommended that Commission approve the new Library operating hours.

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

City Attorney's approval:  Yes  No  N/A  


**EXHIBIT "A"**

**HARLINGEN PUBLIC LIBRARY  
LIBRARY HOURSCHART**

	<b>CURRENT HOURS</b>	<b>PROPOSED HOURS</b>
Monday	10am-9pm	10am-8pm
Tuesday	10am-9pm	10am-8pm
Wednesday	10am-9pm	10am-8pm
Thursday	10am-9pm	10am-8pm
Friday	1pm-5pm	10am-5pm
Saturday	1pm-5pm	10am-5pm
Sunday	1pm-5pm	1pm-5pm
Total Hours Per Week	56	58

7)

**AGENDA ITEM  
EXECUTIVE SUMMARY**

Meeting Date: October 3, 2016

**Agenda Item:**

Consider and take action to adopt an ordinance on first reading amending Chapter 10, Community Development, Article II Public Improvement Districts, Section 10-19 regarding the accountability and employment of the downtown manager.

Prepared By: Richard Bilbie

Title: City Attorney

Signature:



**Brief Summary:**

In reviewing this ordinance it was apparent that it needed to be amended to bring it in line with the city charter as to accountability and employment of the downtown manager. The proposed changes in this ordinance correct those flaws in the existing ordinance.

**Funding (if applicable):**

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

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

Finance Director's approval:

Yes  No  N/A

**Staff Recommendation:**

Staff recommends approval to clarify that our ordinance is aligned with our charter and the manager-council form of government.

City Manager's approval:

Yes  No  N/A

**Comments:**

City Attorney's approval:

Yes  No  N/A

ORDINANCE NO. 16 - \_\_\_\_\_

**AN ORDINANCE AMENDING THE CITY OF HARLINGEN CODE OF ORDINANCES, AS AMENDED, CHAPTER 10 COMMUNITY DEVELOPMENT, ARTICLE II PUBLIC IMPROVEMENT DISTRICTS, SECTION 10-19 PUBLIC IMPROVEMENT DISTRICT BOARD OF DIRECTORS, PART (g) MANAGEMENT (1) BY MAKING THE DOWNTOWN MANAGER ACCOUNTABLE TO THE CITY MANAGER ONLY, AND (3) BY MAKING THE APPOINTMENT OF THE DOWNTOWN MANAGER THE RESPONSIBILITY OF THE CITY MANAGER ONLY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER MATTERS PERTAINING TO THE FOREGOING.**

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

**SECTION I:** That Chapter 10, Article II, Section 10-19(g)(1) of the Code of Ordinances of the City of Harlingen is hereby repealed and replaced by the following language:

**“SECTION 10-19(g)(1) The Harlingen Downtown Improvement District is a department of the city with the downtown manager accountable to the city manager.”**

**SECTION II:** That Chapter 10, Article II, Section 10-19(g)(3) of the Code of Ordinances of the City of Harlingen is hereby repealed and replaced by the following language:

**“SECTION 10-19(g)(3) The downtown manager is an at-will city employee who shall be employed, suspended, and dismissed by the city manager pursuant to the procedures set out in the City of Harlingen personnel policies.”**

**SECTION III:** That all ordinances or parts of ordinances inconsistent or in conflict herewith, to the extent of such inconsistency or conflict, are hereby repealed.

**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:** 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 \_\_\_\_\_, 2016, 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**

8)

**EXECUTIVE SUMMARY**

Meeting Date: **October 3, 2016**

**Agenda Item:**  
Consider and take action to approve a Resolution to adopt the Lower Rio Grande Valley Active Transportation and Active Tourism Plan.

Prepared By: Joel Garza  
Title: HSBMPO Director  
Signature: 

**Brief Summary:**  
Summary  
The City of Harlingen, through the City Commission, committed to partner with 8 other municipalities in Cameron County to create a regional tourism and transportation plan. The City committed \$10,000 towards a matching grant from the Valley Baptist Legacy Foundation that the City of Brownsville successfully received. The City of Harlingen, together with other stakeholders, met on several occasions to discuss each community's own needs. The consultant held several public hearings around the County and solicited public comment and suggestions. The end result was the Lower Rio Grande Valley Active Transportation and Active Tourism Plan, which each participating community is being asked to adopt through a resolution. The recommendations being presented in the plan have taken the City's 2010 Trail Master Plan and the Harlingen/San Benito MPO's Bicycle & Pedestrian Master Plan into account. The ultimate goal of the funding entity and other communities was to develop and promote active transportation.

**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 the City Commission approve the resolution.

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

City Attorney's approval:  Yes  No  N/A

**RESOLUTION NO. 2016-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING ADOPTION OF THE LOWER RIO GRANDE VALLEY ACTIVE TRANSPORTATION AND ACTIVE TOURISM PLAN, "THE ACTIVE PLAN."**

**WHEREAS**, the Lower Rio Grande Valley Active Transportation and Active Tourism Plan, "the Active Plan," is a collaboration of nine municipalities in Cameron County to develop and promote active transportation; and

**WHEREAS**, the Active Plan consists of organizational strategies and opportunities for the development of the region; and

**WHEREAS**, the implementation of this plan will attract visitors to the County and provide amenities to permanent residents through area-wide active transportation investments;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF HARLINGEN, TEXAS:**

**Section One.** That the City of Harlingen accepts the Lower Rio Grande Valley Active Transportation and Active Tourism Plan, here attached as Exhibit "A".

**Section Two.** That the City of Harlingen use the Plan as a resource of guidance.

This Resolution shall be in full force and effect from and after its passage and approval as provided by law.

**PASSED AND APPROVED BY THE CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS AT A REGULAR MEETING ON THE 3RD DAY OF OCTOBER, 2016.**

City of Harlingen

By: \_\_\_\_\_  
Chris Boswell, Mayor

ATTEST:

\_\_\_\_\_  
Amanda C. Elizondo, City Secretary  
City of Harlingen, Texas

**EXECUTIVE SUMMARY**

Meeting Date: **October 3, 2016**

**Agenda Item:**

Consider and take action to approve a Resolution to endorse and support the development of a Hike & Bike Trail through the Bahia Grande Unit of the U.S. Fish & Wildlife Service's Laguna Atascosa National Wildlife Refuge.

Prepared By: Joel Garza  
Title: HSBMPO Director

Signature: 

**Brief Summary:**

Summary

The City of Harlingen, through the City Commission, committed to partnering with 8 other municipalities in Cameron County to create a regional tourism and transportation plan. The end result was the Lower Rio Grande Valley Active Transportation and Active Tourism Plan. This plan includes six "catalyst projects," one of which is the Bahia Grande Segment of the multi-use trail system. This trail will provide a scenic connection between the Bahia Grande Unit of the Laguna Atascosa National Wildlife Refuge and the Palo Alto Battlefield National Historic Park. In addition, it will link the cities of Port Isabel, Laguna Heights, and Laguna Vista to Brownsville and Los Fresnos and establish an important alternative transportation connection between bay-side communities and Port Isabel High School.

**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 the City Commission approve the resolution.

City Manager's approval:  Yes  No  N/A

**Comments:**

City Attorney's approval:  Yes  No  N/A

**RESOLUTION NO. 2016-**

**A RESOLUTION AUTHORIZING ENDORSEMENT AND SUPPORT OF THE DEVELOPMENT OF A HIKE AND BIKE TRAIL THROUGH THE BAHIA GRANDE UNIT OF THE UNITED STATES FISH AND WILDLIFE SERVICE'S LAGUNA ATASCOSA NATIONAL WILDLIFE REFUGE.**

**WHEREAS**, the Lower Rio Grande Valley Active Transportation and Active Tourism Plan, "the Active Plan," was recently adopted; and

**WHEREAS**, the Active Plan recommends a multi-use trail to connect the Bahia Grande Unit of the Laguna Atascosa National Wildlife Refuge to the Palo Alto National Historical Battlefield Park; and

**WHEREAS**, this trail route will also link the cities of Port Isabel, Laguna Heights, and Laguna Vista to Brownsville and Los Fresnos through an extension of the City of Brownsville's existing Historic Battlefield Trail, providing a safe passageway for bicycle riders, walkers, and runners; and

**WHEREAS**, the project connects people to parks and green space, expands outdoor education opportunities for health and well-being, and improves access to close-to-home recreation; and

**WHEREAS**, the project supports several national efforts and programs such as the *America's Great Outdoors* initiative, the *Let's Move* program, and the National Park Service's *Call to Action*;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF HARLINGEN, TEXAS:**

**Section One.** That the City of Harlingen hereby supports the development of a hike and bike trail through the Bahia Grande Unit of the Laguna Atascosa National Wildlife Refuge.

This Resolution shall be in full force and effect from and after its passage and approval as provided by law.

**PASSED AND APPROVED BY THE CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS AT A REGULAR MEETING ON THE 3RD DAY OF OCTOBER, 2016.**

CITY OF HARLINGEN

By: \_\_\_\_\_  
Chris Boswell, Mayor

ATTEST:

\_\_\_\_\_  
Amanda C. Elizondo, City Secretary  
City of Harlingen, Texas

10)

**AGENDA ITEM  
EXECUTIVE SUMMARY**

Meeting Date: **October 3, 2016**

**Agenda Item:**  
Consider and take action on a resolution authorizing the Mayor to accept grant funding in the amount of \$12,800.00 from the Office of the Governor for a project titled "National Incident-Based Reporting System"

Prepared By (Print Name): **Jeffrey A. Adickes**  
Title: **Chief of Police**  
Signature: 

**Brief Summary:**  
The Harlingen Police Department has the opportunity to receive funding from the Office of the Governor for the purchase and installation of Software that will transition the City of Harlingen from Universal Crime Reporting to National Incident-Based Reporting System (NIBRS). This transition will put the City of Harlingen in Compliance with HB-11 that calls for all Texas Law Enforcement Agencies implement the NIBRS program. This grant cycle is from October 1<sup>st</sup>, 2016 to August 31<sup>st</sup>, 2017.

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

**Staff Recommendation:**  
Staff recommends approval to seek available funds.  
 Yes  No  N/A

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

City Attorney's approval:  Yes  No  N/A

RESOLUTION NO. 16-\_\_\_\_\_

**A RESOLUTION OF THE CITY OF HARLINGEN, TEXAS  
AUTHORIZING A GRANT AWARD FROM THE OFFICE OF THE  
GOVERNOR FOR FUNDING TO THE CITY OF HARLINGEN, TEXAS  
FOR SPECIAL SOFTWARE AND THE INSTALLATION COSTS FOR  
THE NATIONAL INCIDENT-BASED REPORTING SYSTEM.**

**WHEREAS**, the City of Harlingen finds it in the best interest of the citizens of Harlingen and the region, that the City of Harlingen to transition to the National Incident-Based Reporting System from Universal Crime Reporting; and

**WHEREAS**, the City of Harlingen has considered the proposed grant funding under the FY 2016-2017 NB-National Incident-Based Reporting System Grant in the amount of **\$12,800.00** to be received from the Office of the Governor.

**WHEREAS**, the Governing Body of the City of Harlingen, Texas understanding the financial limitations and obligations related to such funding, including the full return of grant funds in the event of a loss or misuse of the grant program funds, endorses the acceptance of the award for funding to the Harlingen Police Department; and

**WHEREAS**, the City Commission of the City of Harlingen designates Mayor Chris Boswell as the authorized official to sign and accept funding of said grant.

**NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HARLINGEN, TEXAS:** That the City Commission approves the acceptance of the grant awarded by the Office of the Governor for the funding made available under the NB-National Incident-Based Reporting System Program in the amount of **\$12,800.00**.

CONSIDERED AND ADOPTED this 3rd day of October 2016 at a special 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

Grant#: 3196301

111)

**AGENDA ITEM  
EXECUTIVE SUMMARY**

Meeting Date: **October 3<sup>rd</sup>, 2016**

**Agenda Item:**

Consider and take action on a resolution authorizing the Mayor to accept grant funding in the amount of **\$54,120.22** from the Texas Department of Transportation, acting on behalf of the Office of the Governor

Prepared By (Print Name): Jeffrey A. Adickes

Title: Chief of Police

Signature:



**Brief Summary:**

The Harlingen Police Department has the opportunity to receive funding under the Texas Department of Transportation, Grant Program that will allow The Police Department to be reimbursed for overtime salaries/benefits of Officers working under the **STEP Comprehensive Grant**. This is a recurring grant. The City of Harlingen will have to match the grant funding in the amount of \$22,190.22. The amount will be matched in paid man hours. This grant cycle is from October 1<sup>st</sup>, 2016 to September 30, 2017. The law enforcement officers will be working this program on an overtime basis. They will be specifically enforcing DWI, Distracted Driving, Seat belt, intersection violations and Speeding laws.

**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:

N/A

Finance Director's approval:

Yes  No  N/A

**Staff Recommendation:**

Staff recommends approval to seek available funds.

Yes  No  N/A

City Manager's approval:

Yes  No  N/A

**Comments:**

City Attorney's approval:

Yes  No  N/A

RESOLUTION NO. 16-\_\_\_\_

**A RESOLUTION OF THE CITY OF HARLINGEN, TEXAS AUTHORIZING A GRANT AWARD FROM THE TEXAS DEPARTMENT OF TRANSPORTATION – OFFICE OF THE GOVERNOR FOR FUNDING OVERTIME COSTS AND OPERATING EXPENSES TO THE CITY OF HARLINGEN, TEXAS FOR PROVIDING ADDITIONAL MANPOWER TO ENHANCE AND IMPROVE COMMUNITY AND HIGHWAY SAFETY.**

**WHEREAS**, the City of Harlingen finds it in the best interest of the citizens of Harlingen and the region, that the City of Harlingen utilize its local law enforcement personnel in a state-led and unified strategy to respond to the need for safer streets and highways with in the State of Texas and City of Harlingen.

**WHEREAS**, the City of Harlingen has considered the proposed grant funding under the STATE AND COMMUNITY HIGHWAY SAFETY GRANT PROGRAM, “**STEP Comprehensive Grant**” in the amount of **\$54,120.93** to be reimbursed from the Texas Department of Transportation, acting on behalf of the Office of the Governor.

**WHEREAS**, the City of Harlingen agrees to match the grant funding provided by The Texas Department of Transportation in the amount of **\$22,190.22**. (**in paid Man Hours**)

**WHEREAS**, the Governing Body of the City of Harlingen, Texas understanding the financial limitations and obligations related to such funding, including the full return of grant funds in the event of a loss or misuse of the STATE AND COMMUNITY HIGHWAY SAFETY GRANT PROGRAM Funds, endorses the acceptance of the award for funding to the Harlingen Police Department; and

**WHEREAS**, the City Commission of the City of Harlingen designates Mayor Chris Boswell as the authorized official to sign and accept funding of said grant.

**NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HARLINGEN, TEXAS:** That the City Commission approves the acceptance of the grant awarded by the Texas Department of Transportation, of the Office of the Governor for the funding made available under the STATE AND COMMUNITY HIGHWAY SAFETY GRANT PROGRAM in the amount of **\$54,120.93**.

CONSIDERED AND ADOPTED this 5th day of October, 2016 at a special 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

Grant#: 2017-Harlingen-S-1YG-0070  
“STEP Comprehensive Grant”

12)

**AGENDA ITEM  
EXECUTIVE SUMMARY**

Meeting Date: **October 3, 2016**

**Agenda Item:**  
Consider and take action on a resolution authorizing the Mayor to accept grant funding in the amount of \$65,000.00 from the Texas Criminal Justice Division for a project titled "Local Border Security Program".

Prepared By (Print Name): Jeffrey A. Adickes  
Title: Chief of Police  
Signature: 

**Brief Summary:**  
The Harlingen Police Department has the opportunity to receive funding under the Local Border Security Program that will allow officers to work to secure the borders in close proximity to the City of Harlingen. This grant cycle is from October 1<sup>st</sup>, 2016 to August 31<sup>st</sup>, 2017. The law enforcement officers will concentrate on their crime prevention efforts on the city's business district, public transportation centers, shopping centers, railways and roads leading to and from the Los Indios Trade Bridge.

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

**Staff Recommendation:**  
Staff recommends approval to seek available funds.  
 Yes  No  N/A

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

City Attorney's approval:  Yes  No  N/A

RESOLUTION NO. 16-\_\_\_\_

**A RESOLUTION OF THE CITY OF HARLINGEN, TEXAS AUTHORIZING A GRANT AWARD FROM THE TEXAS CRIMINAL JUSTICE DIVISION – OFFICE OF THE GOVERNOR FOR FUNDING OVERTIME COSTS AND OPERATING EXPENSES TO THE CITY OF HARLINGEN, TEXAS FOR PROVIDING ADDITIONAL MANPOWER TO ENHANCE AND IMPROVE BORDER SECURITY.**

**WHEREAS**, the City of Harlingen finds it in the best interest of the citizens of Harlingen and the region, that the City of Harlingen utilize its local law enforcement personnel in a state-led and unified strategy to respond to the increased presence and threat of organized crime, terrorism and violent crimes within our borders; and

**WHEREAS**, the City of Harlingen has considered the proposed grant funding under the FY 2016-2017 Local Border Security Program in the amount of \$65,000.00 to be received from the Texas Criminal Justice Division, acting on behalf of the Office of the Governor.

**WHEREAS**, the Governing Body of the City of Harlingen, Texas understanding the financial limitations and obligations related to such funding, including the full return of grant funds in the event of a loss or misuse of the Local Border Security Program Funds, endorses the acceptance of the award for funding to the Harlingen Police Department; and

**WHEREAS**, the City Commission of the City of Harlingen designates Mayor Chris Boswell as the authorized official to sign and accept funding of said grant.

**NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HARLINGEN, TEXAS:** That the City Commission approves the acceptance of the grant awarded by the Texas Criminal Justice Division, of the Office of the Governor for the funding made available under the Local Border Security Program in the amount of \$65,000.00.

CONSIDERED AND ADOPTED this 3rd day of October 2016 at a special 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

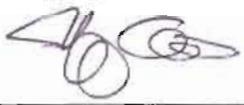
**ATTEST:**

\_\_\_\_\_  
Amanda C. Elizondo, City Secretary  
Grant#: 2995502

**AGENDA ITEM  
EXECUTIVE SUMMARY**

Meeting Date: **October 3<sup>rd</sup>, 2016**

**Agenda Item:**  
Consider and take action on a resolution authorizing the Mayor to accept grant funding in the amount of **\$11,711.41** from the Texas Department of Transportation, acting on behalf of the Office of the Governor,

Prepared By (Print Name): **Jeffrey A. Adickes**  
Title: **Chief of Police**  
Signature: 

**Brief Summary:**  
The Harlingen Police Department has the opportunity to receive funding under the Texas Department of Transportation, Grant Program that will allow The Police Department to be reimbursed for overtime salaries/benefits of Officers working under the **STEP CMV Grant**. The City of Harlingen will have to match the grant funding in the amount of \$5,321.71. The amount will be matched in paid man hours. This grant cycle is from October 1<sup>st</sup>, 2016 to September 30, 2017. The law enforcement officers will be working this program on an overtime basis. They will be specifically enforcing Commercial Motor Vehicle laws such as hazardous movements, speeding, stop signs and seatbelts.

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

**Staff Recommendation:**  
Staff recommends approval to seek available funds.  
 Yes  No  N/A

City Manager's approval:  Yes  No  N/A

**Comments:**

City Attorney's approval:  Yes  No  N/A

RESOLUTION NO. 16-\_\_\_\_

**A RESOLUTION OF THE CITY OF HARLINGEN, TEXAS AUTHORIZING A GRANT AWARD FROM THE TEXAS DEPARTMENT OF TRANSPORTATION – OFFICE OF THE GOVERNOR FOR FUNDING OVERTIME COSTS AND OPERATING EXPENSES TO THE CITY OF HARLINGEN, TEXAS FOR PROVIDING ADDITIONAL MANPOWER TO ENHANCE AND IMPROVE COMMUNITY AND HIGHWAY SAFETY.**

**WHEREAS**, the City of Harlingen finds it in the best interest of the citizens of Harlingen and the region, that the City of Harlingen utilize its local law enforcement personnel in a state-led and unified strategy to respond to the need for safer streets and highways with in the State of Texas and City of Harlingen.

**WHEREAS**, the City of Harlingen has considered the proposed grant funding under the STATE AND COMMUNITY HIGHWAY SAFETY GRANT PROGRAM, “2017 STEP CMV GRANT” in the amount of \$11,711.41 to be reimbursed from the Texas Department of Transportation, acting on behalf of the Office of the Governor.

**WHEREAS**, the City of Harlingen agrees to match the grant funding provided by The Texas Department of Transportation in the amount of \$5321.71. (in paid Man Hours)

**WHEREAS**, the Governing Body of the City of Harlingen, Texas understanding the financial limitations and obligations related to such funding, including the full return of grant funds in the event of a loss or misuse of the STATE AND COMMUNITY HIGHWAY SAFETY GRANT PROGRAM Funds, endorses the acceptance of the award for funding to the Harlingen Police Department; and

**WHEREAS**, the City Commission of the City of Harlingen designates Mayor Chris Boswell as the authorized official to sign and accept funding of said grant.

**NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HARLINGEN, TEXAS:** That the City Commission approves the acceptance of the grant awarded by the Texas Department of Transportation, of the Office of the Governor for the funding made available under the STATE AND COMMUNITY HIGHWAY SAFETY GRANT PROGRAM in the amount of \$11,711.41.

CONSIDERED AND ADOPTED this 5th day of October, 2016 at a special meeting of the Elective Commission of the City of Harlingen, Texas, at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, CHAPTER 551.

**CITY OF HARLINGEN:**

**ATTEST:**

\_\_\_\_\_  
Chris Boswell, Mayor

\_\_\_\_\_  
Amanda C. Elizondo  
City Secretary

Grant#: 2017-Harlingen-S-IYG-0091  
“STEP CMV GRANT”

**AGENDA ITEM  
EXECUTIVE SUMMARY**

14)

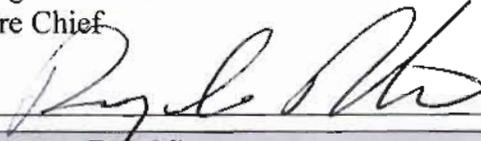
Meeting Date: **October 3, 2016**

**Agenda Item:**

*Consider and take action to approve the Fire Protection Service Contract with the City of Palm Valley, as authorized by signature of the Mayor of the City of Harlingen.*

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

Signature:



**Brief Summary:**

*The rate for Fire Protection Services for the City of Palm Valley is .10 cents per \$100.00 valuation based on the City's 2016 Certified Net Taxable Value. The City of Palm Valley has reviewed their contract, and has signed in agreement with the stated provisions. Approval of this contract will ensure fire protection services to this community for the agreed upon compensation of \$115,956.20 payable in quarterly installments of \$28,989.05 on the following dates: Dec. 31<sup>st</sup> 2016, Mar. 31<sup>st</sup> 2017, Jun 30<sup>th</sup> 2017 and Sept. 30<sup>th</sup> 2017.*

**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

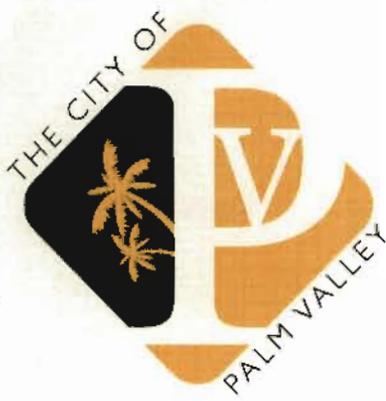
**Staff Recommendation:**

*Recommend that the City of Harlingen approve the FY 2015/2016 Fire Protection Service Contract with the City of Palm Valley as agreed upon.*

City Manager's approval:  Yes  No  N/A

**Comments:**

City Attorney's approval:  Yes  No  N/A



# City of Palm Valley

*"Home of The Harlingen Country Club"*

September 13, 2016

Harlingen Fire Department  
Attention: Donna Henderson  
24200 North FM 509  
Harlingen TX 78550-1756

RE: Fire Service Contract

Dear Ms. Henderson:

Enclosed you will find the (2) original fire service contracts between the City of Harlingen and the City of Palm Valley.

The City Council voted unanimously to approve the contract(s) at their Special Meeting of September 8, 2016.

Upon execution by your parties, please send a copy for my files.

Thank you for your attention to this matter.

Sincerely,

Sylvia R. Trevino  
City Secretary

Encl.

FIRE PROTECTION SERVICE CONTRACT

This is a contract and agreement made and entered into on the date hereinafter set forth preceding the signatures of the parties herein and the parties herein mutually agree as follows:

I.  
CONTRACT

The parties to this contract are the City of Harlingen, Texas, a home-ruled municipal corporation located in Cameron County, Texas, and the City of Palm Valley, a municipal corporation located in Cameron County, Texas. Both of said entities are acting by and through their duly authorized elected representatives in authorizing the execution of this contract under the provisions of the Interlocal Cooperation Act (Section 791.001 et. seq, Government Code) as amended or re-codified. The City of Harlingen, Texas is hereinafter referred to as HARLINGEN, and the City of Palm Valley, Texas is hereinafter referred to as Palm Valley.

II.  
PROVISIONS OF CONTRACT

During the terms of this agreement, The City of Harlingen through its Fire Department agrees to furnish fire-fighting services defined as the use of personnel and equipment to extinguish and suppress fires or to handle "hazardous material incidents" or "confined space rescue", but not the prevention of fires. The Harlingen Fire Department agrees to respond to all calls referred to it by its agents or representatives of Palm Valley or any resident or tenant of Palm Valley who may be in need of fire fighting services which Harlingen undertakes to provide by this agreement.

III.  
COMPENSATION

The rate for fire fighting services is determined from the total appraised taxable value of all property within the City of Palm Valley at the rate of .10 cents per \$100.00 valuation. Palm Valley agrees to pay Harlingen the sum of \$115,956.20 for fiscal year 16/17 based on the current appraised taxable value, in quarterly installments of \$28,989.05 on the following dates: December 31st, March 31st, June 30th, and September 30<sup>th</sup> for fire fighting services. Palm Valley agrees to indemnify and hold harmless the City of Harlingen and all of its employees or officers pursuant to the provisions of Section 791.001, et. seq., Gov't Code, throughout the term of this contract. Any failure of Palm Valley to pay such sums billed by HARLINGEN or any additional breach of the terms hereof shall be considered a breach of the contract and this contract may be terminated immediately at HARLINGEN'S option, and HARLINGEN may sue for any unpaid sums due under the contract in a Court of appropriate jurisdiction in Cameron County, Texas.

It is agreed that Harlingen as a condition shall provide a written report summarizing the fire fighting services rendered to Palm Valley during that payment period, with said report listing all calls by date, location, and nature of call. This report shall be due (15) days after the pertinent payment period (set forth in the paragraph above) ends.

IV.  
OBLIGATION TO RESPOND

Palm Valley acknowledges that HARLINGEN is not obligated to respond to fire calls in the vicinity of but outside the city limits of Palm Valley.

V.  
TERMS OF AGREEMENT

The terms of the agreement shall be one year, beginning October 1, 2016, and ending September 30, 2017.

VI.  
TERMINATION OF RENEWAL

Either party may terminate this contract sixty days after the other party is sent written notice from the party desiring termination by United States Mail, return receipt requested. If Palm Valley does not intend to renew this agreement after the final year covered by this contract, Palm Valley shall provide Harlingen written notice of its intent to terminate by United States Mail, return receipt requested, not later than the first of July, 2017.

In the event Palm Valley fails to notify Harlingen of its intention not to renew this contract, Harlingen may assume that Palm Valley will renew this contract upon the same terms and conditions as presently agreed upon in this contract.

Should Palm Valley intend to renegotiate this contract, Harlingen shall be notified in writing by United States Mail, return receipt requested, not later than the first of July prior to the fiscal year, which begins on October 1, 2017. If such negotiations have not been completed on or before the beginning of that fiscal year, both Harlingen and Palm Valley expressly agree to act in accordance with the terms and conditions of this contract for a period of thirty days. If during such time both parties fail to negotiate a new contract, the negotiation period shall terminate at the end of the thirtieth (30th) day of said period. However, the contract obligations of both parties shall be extended an additional thirty-day period beyond the end of the negotiation period to allow Palm Valley time to secure alternate fire fighting services. At the end of this second period, this contract shall terminate. During these extensions beyond the Contract period, Palm Valley shall pay Harlingen at the rate set out in this contract.

VII.  
ENTIRE AGREEMENT

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

VIII.  
"ACT OF GOD EXCUSES PERFORMANCE"

In the event that either party shall be prevented from completing performance of their respective obligations hereunder by an act of god or any other occurrence whatsoever which is beyond the control of the parties hereto, then they shall be excused from any further performance of their obligations and undertakings hereunder for the period of such occurrence.

Executed in duplicate by the Mayor of Palm Valley and the Mayor of the City of Harlingen, duly authorized to represent and bind said cities to the terms and conditions of the contract, as set forth below, on the 8th day of September 2016.

CITY OF HARLINGEN, TEXAS

BY \_\_\_\_\_  
Chris Boswell, Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

CITY OF PALM VALLEY

BY \_\_\_\_\_  
George Rivera, Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

7/27/2016

