

**CITY COMMISSION
AGENDA
REGULAR MEETING
JUNE 18, 2025
@ 5:30 PM
CITY HALL, TOWN HALL MEETING ROOM
2ND FLOOR, 118 E. TYLER AVENUE
HARLINGEN, TEXAS**

Notice is hereby given that the City Commission of the City of Harlingen, Texas will hold a Regular Meeting on **WEDNESDAY, JUNE 18, 2025 at 5:30 P.M.** at City Hall, Town Hall Meeting Room, 118 E. Tyler Avenue, Harlingen, Texas and provide the public the ability to view the meeting via internet live-streaming at www.harlingentx.gov and the City of Harlingen YouTube Page.

The public will be permitted to offer citizen communication or participate in items listed as public hearings as provided by the agenda and as permitted by the presiding officer during the meeting.

To offer citizen communication or participate in scheduled public hearings, go to www.harlingentx.gov and click on "PUBLIC HEARING AND CITIZEN COMMUNICATION FORM." Fill out the form and indicate the item you wish to address, and submit the form.

Please indicate (1) the agenda item on which you wish to speak, (2) whether you prefer to speak on the item during citizen communication or at the time the agenda item is brought for consideration before the City Commission.

To submit written comments requesting an item for City Secretary, go to www.harlingentx.gov and click on "PUBLIC HEARING AND CITIZEN COMMUNICATION FORM" write your comments (limited to 400 words or less) and submit the form.

PLEASE SUBMIT WRITTEN COMMENTS BEFORE 3:00 P.M. THE DAY OF THE MEETING.

A recording of the meeting will be made and will be available to the public in accordance with the Texas Open Meetings Act.

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

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

- 1) **Call Meeting to Order**
 - a) Invocation - Mayor Pro-Tem Ford Kinsley
 - b) Pledge of Allegiance
 - c) Welcome Citizens
- 2) **Conflict of Interest**

"Under State Law, a conflict of interest exists if a commission member, or certain members of that person's family, has a qualifying financial interest in an agenda item. Members with a conflict of interest cannot participate in the discussion nor vote on the agenda item. Are there any known conflicts of interest to disclose at the time?" **(City Attorney)**
- 3) **Announcements:** *With respect to items not listed elsewhere on this agenda, the City Commission may report on items of community interest, including announcing community events, announcing employee or community recognitions.*
 - a) Mayor's Announcements
 - b) City Manager's Announcements
 - c) City Commission Member Announcements
- 4) **Proclamation/Presentation of Awards:**
 - a) Harlingen Animal Shelter - "Pet of the Week"
 - b) Recognition Award - Mariana Donnelly
 - c) Mayor's Business of the Month - Chyann's Specialty Café
 - d) Proclamation - Proclaiming the Week of June 15-21, 2025 as "National Mosquito Control Awareness Week"
- 5) **Citizen Communication:** *At this time, the public is invited to address the City Commission and speak on any matter not specifically listed for public hearing elsewhere in this agenda. Please note that the City Commission members may not respond to comments or deliberate on topics addressed.*
- 6) **Approval of Minutes:**
 - a) Regular Meeting of March 19, 2025
- 7) **Consent Agenda:** *No discussion is anticipated on any of the items in this section because they are routine business, were included in the budget adoption process, or have been previously discussed as a staff report or discussion item. These items will be considered collectively by a single vote, unless a commission member requests an item be removed from the consent agenda.*
 - a) Consideration and possible action to approve a request from Ernestina Waggoner to close the following streets, Saturday, July 19, 2025, from 8:00 a.m. to 11:00 a.m. for the National Downtown Prayer Walk Event. Attachment **(Police)**

West, North and South side intersections of Jackson Avenue and First Street;
North and South side intersections of Jackson Avenue and 2nd Street;
North and South side intersections of Jackson Avenue and 3rd Street; and,
West side intersections of Jackson Avenue and 4th Street.
 - b) Consideration and possible action to approve a request from Triumphant in Christ Church to close the following streets, Friday, July 11, 2025, from 8:00 a.m. to 5:00 p.m. for their Vacation Bible School End of Week Celebration Event. Attachment **(Police)**

Northside Intersection of 2nd Street and East Adams Avenue;
Southside intersection of 500 Block of 2nd Street and alleyway.

- c) Consideration and possible action to approve an ordinance on second and final reading for a Special Use Permit (SUP) request to allow a Community Residential Facility in a General Retail (GR) District on a property bearing a legal description of 5.9236 acres out of 8.6170 acres out of Block 55, David & Stephenson Subdivision, located on the southeast corner of Breedlove Street and North Loop 499. Applicant: Alan Ozuna. Attachment (**Planning & Development**)
- d) Consideration and possible action to approve an ordinance on second and final reading for a Special Use Permit (SUP) request to allow an adult business (Tattoo Studio) in a General Retail ("GR") District located at 1706 E. Tyler Avenue, Suites 8 & 9, bearing a legal description of Lot 2, Tyler Place Subdivision. Applicant: Dimas Rivas. Attachment (**Planning & Development**)
- e) Consideration and possible action to approve an ordinance on second and final reading amending the City of Harlingen Code of Ordinances Chapter 105, Article II, Section 16, Definitions, by adding definitions pertaining to repetitive loss and increased cost compliance, modifying the substantial damage and substantial improvement definitions and adding Section 105-64 pertaining to repetitive losses, of the Harlingen Code of Ordinances. Applicant: City of Harlingen. Attachment (**Planning & Development**)
- f) Consideration and possible action to approve a resolution accepting the Federal Aviation Administration (FAA) anticipated Grant offer No. 3-48-0101-082-2025, in the amount of Two Million, Two Hundred Fifty Thousand Dollars and no 100s (\$2,250,000.00) for the Air Traffic Control Tower project at Valley International Airport. Attachment (**Airport**)
- g) Consideration and possible action to approve a resolution accepting the Federal Aviation Administration (FAA) anticipated Grant offer No. 3-48-0101-083-2025, in the amount of One Million, Two Hundred Eighty-Nine Thousand Dollars and no 100s (\$1,289,000.00) for Valley International Airport's Master Plan Update. Attachment (**Airport**)
- h) Consideration and possible action to approve a request from Jaques Royal to close the following streets, Saturday, July 19, 2025, from 4:00 p.m. to 11:59 p.m. for their Sage Touch, Inc. Non-Profit Concert Event. Attachment (**Police**).

Eastside Intersection of West Jackson Avenue and "D" Street;
Southside Intersection of the 100 Block of North "C" Street and alleyway;
Northside Intersection of the 100 Block of South "C" Street and alleyway; and,
Westside Intersection of West Jackson Avenue and West Street.

- i) Consideration and possible action to approve a SECOND AMENDED request from Harlingen Downtown District to close the following streets for their Downtown at Sundown Events, every 3rd Saturday of the month from 7:00 p.m. to 10:00 p.m. since vendors will now be setting up on the 100th and 200th Blocks of West Jackson Avenue. Attachment (**Police**).

Eastside Intersections of Commerce Street and Jackson Avenue;
Northside Intersection of "A" Street and Jackson Avenue;
Northside Intersection of "A" Street and Van Buren Avenue;
Westside Intersection of First Street and Jackson Avenue; and,
Eastside and Westside Intersections of the 100 Block of South "A" Street and alleyway

- j) Consideration and possible action to approve a request from Jacqueline Munguia to close the following streets, Thursday, July 3, 2025, from 5:00 p.m. to 11:00 p.m. for an early 4th of July Block Party. Attachment (**Police**).

Eastside Intersection of Mangrove Palm Drive and Lazy Palm Drive South;
Northside Intersection of Foxtail Drive and Lazy Palm Drive South; and,
Westside Intersection of Sabel Palm Drive and Lazy Palm Drive South.

- 8) **Staff Reports and Other Discussion Items:** *Items in this section are not expected to require action by the City Commission and are generally for information only. However, any item listed in this section may become an action item at a future meeting with the request of the Mayor, or after the request of any two Commission members, or the City Manager.*

- a) City Manager's Report
- b) Staff Reports
- c) Presentation by South Texas Emergency Care Foundation (STEC)
- d) Presentation by Cesar Merla, Director of Public Safety, regarding the LRGVDC LISTO Annual Conference.

- 9) **Public Hearings:** *At this time, the Mayor will invite members of the public who have filled out the Public Hearing and the Citizen Communication Form to address each item listed in this section. Please limit your comments to the topic of that public hearing. If more than one public hearing is being held, you will be allowed to speak during each topic, provided you have filled out the Public Hearing and Citizen Communication Form for the appropriate topic. If you have signed up for two (2) or more Public Hearings, you will be limited to 5 minutes for all topics.*

- a) Public hearing for a rezoning request from Residential Single Family (R-1) District to Neighborhood Services (NS) District for 1.73 acres of land out of Block 6, Section 297, Stuart Place Resubdivision, located on the southeast corner of Stuart Place and Brennaman Roads. Applicant: Moore Land Surveying, LLC c/o Zarate Home Designs, LLC. Attachment (**Planning & Development**)
- b) Public hearing for a Special Use Permit (SUP) request to allow an assisted living facility in a Residential Single-Family (R-1) District located at 1901 E. Mesquite Drive, bearing a legal description of Lot 20, Block 2, Parkwood Subdivision. Applicant: Veronica Gutierrez Attachment (**Planning & Development**)
- c) Public hearing for a rezoning request from Not designated ("N") District to General Retail (GR) District for 4.5 acres of land out of Lots 1-9, Block 4, Midway Subdivision, located at the Southeast corner of Grace and Gayle Avenues. Applicant: Chris Hamby c/o LMB Properties, LTD ET AL. Attachment (**Planning & Development**)

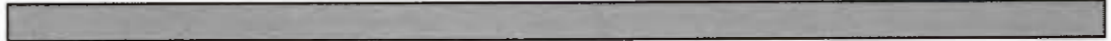
- 10) **Action Items:** *City Commission will discuss, consider, and take any action deemed necessary on items listed in this section, including the adoption of a resolution or an ordinance.*

Ordinances:

- a) Consideration of possible action to approve an ordinance on first reading authorizing the issuance and delivery of the City of Harlingen, Texas Waterworks and Sewer System Revenue Bonds, Series 2025 (LSL); authorizing the execution of a paying agent/registrar agreement and an escrow agreement relating to such bonds; and pledging the revenues of the city's waterworks and sewer system to the payment of the principal and interest on said bonds; and ordaining other matters relating thereto. Attachment (**HWWS**)
- b) Consideration and possible action to approve an ordinance on first reading for a rezoning request from Residential Single Family (R-1) District to Neighborhood Services (NS) District for 1.73 acres of land out of Block 6, Section 297, Stuart Place Resubdivision, located on the Southeast corner of Stuart Place and Brennaman Roads. Applicant: Moore Land Surveying, LLC c/o Zarate Home Designs, LLC. Attachment (**Planning & Development**)
- c) Consideration and possible action to approve an ordinance on first reading for a Special Use

Permit (SUP) request to allow an assisted living facility in a Residential Single Family (R-1) District located at 1901 E. Mesquite Drive, bearing a legal description of Lot 20, Block 2, Parkwood Subdivision. Applicant: Veronica Gutierrez. Attachment (**Planning & Development**)

- d) Consideration and possible action to approve an ordinance on first reading for a request to rezone from Not designated ("N") District to General Retail (GR) District for 4.5 acres of land out of Lots 1-9, Block 4, Midway Subdivision, located at the Southeast corner of Grace and Gayle Avenues. Applicant: Chris Hamby c/o LMB Properties, LTD ET AL. Attachment (**Planning & Development**)



- e) Consideration and possible action on a presentation by McGriff on the City of Harlingen's Analysis for Employee Health Insurance and Ancillary Policies for FY 2026. (**City Manager**)
- f) Consideration and possible action to approve the preliminary construction plans and final plat with conditions of the proposed Tuscany Hills Subdivision, bearing a legal description of a 73.69-acre tract of land, more or less, out of and forming a part of Blocks 28, 36, and 37 of the Palmetal Subdivision, located south of Grimes Avenue and west of Bob Youker Road. Attachment (**Planning & Development**)
- g) Consideration and possible action to approve the One-Year Action Plan (Budget) for Fiscal Year 2025-2026 (Year 51) of the Community Development Block Grant (CDBG) and the Home Investment Partnership (HOME) Programs as recommended by the Community Development Advisory Board. Attachment (**Community Development**)
- h) Consideration and possible action to approve the conversion of one (1) part-time position to (1) full-time position for the Tony Butler Golf Course Snack Bar. Attachment (**Golf**)
- i) Consideration and possible action to authorize the City Manager to re-allocate the \$50,000.00 in City Funds originally allocated for the Immigrant Assistance Program to the Loaves & Fishes Open Arms Emergency Shelter Program to support the continued operation of the Shelter. (**City Manager**).
- j) Consideration and possible action to award a contract to Go Underground LLC., pursuant to Bid No. 2025-06 for the 5th and 7th Storm Sewer Improvements. Attachment (**Engineering Dept.**)
- k) Consideration and possible action on Phase II of the Jefferson Street Storm Sewer Improvement Project. (**Special Projects Department**).
- l) Consideration and possible action on Phase I and Phase II of the 21st Street Storm Sewer Improvement Project. (**Special Projects Department**).

11) **Board Appointments:**

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.

Airport
Animal Shelter Advisory Committee
Audit Committee (Terms expire in June)
Charter Review Committee (Ad Hoc)
Civil Service Commission
Community Development Advisory Board
Construction Board of Adjustments (4)
Convention & Visitors Bureau
Development Corporation of Harlingen, Inc.
Downtown Improvement Board
Golf Course Advisory Board

Harlingen Community Improvement Board
Harlingen Housing Authority Board
Harlingen Finance Corporation (6)
Harlingen Teen and Young Adult Advisory Board (2)
Healthy Harlingen Advisory Board
Keep Harlingen Beautiful Board
Library Advisory Board
Mayor Wellness Council
Museum Advisory Board (1)
Parks Advisory Board
Planning & Zoning Advisory Board
Senior Citizens Advisory Board (1)
Small Business Committee
Tax Increment Finance Board
Utility Board of Trustees
Veterans Advisory Board
Zoning Board of Adjustment

- 12) **Executive Session:** *All items listed in this section will be deliberated in a closed session. Members of the public are not generally permitted to attend a closed session. Executive Session items may be considered as an action item at the discretion of the Mayor. However, City Commission will not take any action in closed session.*

a) Pursuant to Texas Government Code Section 551.071 - attorney consultation and contemplated litigation; Section 551.072 - deliberation regarding real estate; and Section 551.087 - economic development relating to the following projects:

- 1) Project Fit
- 2) Project Smoke Signals
- 3) Project Sandberg
- 4) Project DC
- 5) Project Turbine
- 6) Project Tyler
- 7) Project Tech
- 8) Project Emerald Green

b) Pursuant to Texas Government Code 551.07(a) to discuss the hiring of personnel Chief of Police. **(City Attorney)**

- 13) **Action on Executive Session Items:** *The City Commission will reconvene in open session and may take action on any item listed in the Executive Session Section of this agenda.*

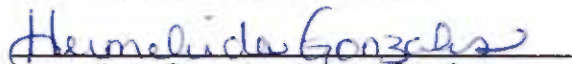
a) Consideration and possible action on Item 12(a) 1-8 as discussed in executive session.

b) Consideration and possible action on Item 12(b) as discussed in executive session.

- 14) **Adjournment:**

I, the undersigned authority, do hereby certify that the above Notice of the Regular Meeting of the Harlingen City Commission is a true and correct copy of said notice posted on the bulletin board at City Hall of said City of Harlingen, Texas in a place convenient and readily accessible to the general public at all times and on the City's Internet Website and said Notice was posted on **FRIDAY, JUNE 13, 2025**, at or before 4:00 p.m. and remained so posted for at least 72 hours preceding the time of said meeting.

Dated this 13th day of JUNE, 2025


Hermelinda Gonzales, Interim City Secretary

SPECIAL/REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

March 19, 2025

A Regular Meeting of the Harlingen City Commission was held March 19, 2025 at 5:30 pm at City Hall, Town Hall Meeting Room, 118 E. Tyler, Harlingen, Texas and providing the public the ability to view the meeting via internet, live streaming and permitting the public to offer citizen communication or participate in items listed on the agenda via videoconferencing or telephonically via www.myharlingen.us Those in attendance were:

Mayor and Commissioners

Mayor Pro-Tem Ford Kinsley

Daniel N. Lopez, Commissioner District 2

Frank Morales, Commissioner District 4

Rene Perez, Commissioner District 5

Via Zoom

Michael Mezmar, Commissioner District 3

Absent

Mayor Norma Sepulveda

City Staff

Gabriel Gonzalez, City Manager

Hermelinda Gonzales, Interim City Secretary

Mark Sossi, City Attorney

1. Call Meeting to Order

- a) Invocation – Commissioner Michael Mezmar
- b) Pledge of Allegiance – Mayor Pro-Tem Ford Kinsley
- c) Welcome Citizens – Mayor Pro-Tem Ford Kinsley

2. Conflict of Interest

"Under State Law, a conflict of interest exists if a council member, or certain members of that person's family, has a qualifying financial interest in an agenda item. Members with a conflict of interest cannot participate in the discussion nor vote on the agenda item. Are there any known conflicts of interest to disclose at this time?"

Commissioner Lopez abstained from Agenda items 10(h) &10(j)

Mayor Pro-Tem Kinsley, and Commissioners: Mezmar, Morales, and Perez declared none.

3. Announcements –

a) Mayor's Announcements –

Mayor Pro-Tem Kinsley sent condolences and prayers to Chief of police Mike Kester and his family on the passing of his mother.

b) City Manager's Announcements-

Mr. Gonzalez announced that the city, in collaboration with the Harlingen Economic Development Community (EDC), will host another "Let's Get Down to Business" event" on Saturday, March 29th, 2025 from 10:00 a.m. to 2:00 p.m. at the Harlingen Convention Center. He encouraged members of the public who are looking to expand or start a new business to attend.

c) City Commission Member Announcements –

Commissioner Morales echoed on condolences to Chief Kester's Family and also extended condolences to the family of former commissioner Gerald Prepejchal on his passing.

Commissioner Perez gave recognition to the Vela Middle School Band for presenting a great performance and representing the city of Harlingen in Indianapolis.

4. Proclamation/Presentation of Awards:

3-19-2025

a) Harlingen Animal Shelter - "Pet of the Week"

Angela McNeill, Animal Adoption Coordinator, introduced Sugar, a six-month-old golden retriever mix who is fully vetted and neutered. Ms. McNeill also announced that Harlingen Animal Shelter will be hosting a free adoption event on March 22, 2025, at PetSmart Harlingen from 12 PM to 3 PM and at the Animal Shelter from 1 PM to 6 PM. Additionally, they will host a Microchip Clinic on March 29, 2025, from 9 AM to 11 AM. Those interested in attending must present a current utility bill and ID. Harlingen Animal Shelter is open Tuesday to Saturday from 1 PM to 6 PM for anyone interested in adopting.

b) Recognition Award- HHSS-Adam Hernandez-TMEA- All State Jazz Band

Adam Hernandez, Harlingen High School South Student was recognized for being selected to perform and earning a chair with the TMEA Allstate Jazz.

Adam Hernandez expressed his gratitude to the city for the honor and recognition.

c) Recognition Award- HHSS "Lady Hawks" Basketball Team

HHSS "Lady Hawks" Basketball Team was recognized for an exceptional season and outstanding accomplishments, securing the District 325A championship for the first time in 14 years.

Coach Rebecca Littleton thanked the City of Harlingen and the community for their recognition and unwavering support.

d) Presentation of Award -Rebecca Littleton-Coach of the Year

Rebecca Littleton HHSS "Lady Hawks" Basketball Coach in appreciation for her exceptional hard work and dedication.

Ms. Littleton expressed her appreciation for the Coach of the Year Award, acknowledging that her success is a direct result of the support of her staff. She emphasized that the reason she is receiving this award is because her players are truly amazing.

e) Proclamation- "World Social Work Day"

March 3rd, 2025, declared "World Social Work Day". in recognition of the vital contributions of social workers. The city highlights Social Workers in promoting social justice, human rights, and the visibility of social services.

Mr. Josue Garza accepted the proclamation and thanked the city of Harlingen for Recognizing the contributions social workers make to the community.

5. **Citizen Communication:**

- Dawn Rae Sealy-Leonard – Public Comment Video
- Raymond Reyes – Responsibility and Accountability
- Robert Leftwich – Taxpayer abuse

6. **Approval of Minutes:**

a) Regular Meeting of December 18, 2024

Motion to approve was made by Commissioner Lopez and seconded by Commissioner Perez to approve the minutes for Regular Meeting of December 18, 2024. Motion carried unanimously.

7. **Consent Agenda:**

a) Consideration and possible action to approve a request from the Junior League of Harlingen for street closures listed below on Saturday, April 5, 2025 from 7:30a.m. to 10:00 a.m. for their KidFit Festival and Fun Run.

- Fair Park Boulevard between North "L" Street and North "J" Street
- No thru traffic to include all entries and exits from Harlingen Performing Arts and Municipal Auditorium parking lots
- Northside Intersection of Fair Park Boulevard and Teege Avenue (northbound lanes only)

b) Consideration and possible action to approve a request from Alexis Riojas, Downtown Director, to close the following streets, Saturday, April 12, 2025, from 1:00 p.m. to 10:00 p.m. for the Save the Station Event.

- Eastside Intersection of West Jackson Avenue and "D" Street
- Southside Intersection of the 100 Block of North "C" Street and alleyway
- Northside intersection of the 100 Block of South "C" Street and alleyway
- Westside Intersection of West Jackson Avenue and West Street

- c) Consideration and possible action to approve a request to close the following streets for the Downtown at Sundown Event, every 3rd Saturday of the month from 7:00 p.m. to 10:00 p.m.

- Alleyway at 100 Block of North Commerce Street
- Southside Intersections of "A" Street I Monroe Avenue
- Eastside alleyway at 100 Block of North "A" Street
- North and Southside intersections of "A" Street I Jackson Avenue
- Northside Intersection of South "A" Street I Van Buren Avenue

- d) Consideration and possible action to approve an ordinance on second and final reading for a rezoning request from Not Designated ("N") District to Light Industry ("LI") District for 12.45 acres of land out of Block 68, Palmetal Company Subdivision, located along the north side of FM 106, approximately 1,295 feet east of FM 509. Applicant Chris Hamby c/o Whiting Investments, Ltd.

ORDINANCE NO. 25-11

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: REZONING FROM NOT DESIGNATED ("N") DISTRICT TO LIGHT INDUSTRY ("LI") DISTRICT FOR 12.45 ACRES OF LAND OUT OF BLOCK 68, PALMETAL COMPANY SUBDIVISION, LOCATED ALONG THE NORTH SIDE OF FM 106, APPROXIMATELY 1,295 FEET EAST OF FM 509.

PASSED AND APPROVED on first reading this the 19th day of February 2025
PASSED AND APPROVED on the second and final reading this the 19th day of March 2025.

ATTEST:
/s/ Hermelinda Gonzales, Interim City Secretary

CITY OF HARLINGEN
/s/Norma Sepulveda, Mayor

- e) Consideration and possible action to approve an ordinance on second and final reading for a Special Use Permit ("SUP") to allow a bar/lounge in a General Retail ("GR") District located at 712 North 77 Sunshine Strip, Suite 34, bearing a legal description of Lots 1-2 & North Part of Lot 3, Coronado Acres Subdivision 3. Applicant Karlos Esquivel.

ORDINANCE NO. 25-12

AN ORDINANCE AMENDING THE CODE OF ORDINANCES (ORDINANCE NO. 16-8) OF THE CITY OF HARLINGEN: TO ISSUE A SPECIAL USE PERMIT (SUP) TO KARLOS ESQUIVEL TO ALLOW A BAR/LOUNGE IN A GENERAL RETAIL ("GR") DISTRICT LOCATED AT 712 NORTH 77 SUNSHINE STRIP, SUITE 34, BEARING A LEGAL DESCRIPTION OF LOTS 1-2 & NORTH PART OF LOT 3, CORONADO ACRES SUBDIVISION 3.

PASSED AND APPROVED on first reading this the 19th day of February 2025
PASSED AND APPROVED on the second and final reading this the 19th day of March 2025.

ATTEST:
/s/ Hermelinda Gonzales, Interim City Secretary

CITY OF HARLINGEN
/s/Norma Sepulveda, Mayor

- f) Consideration and possible action to approve an ordinance on second and final reading amending the City of Harlingen's Budget for Fiscal Year 2025.

ORDINANCE NO. 2025-13

AN ORDINANCE AMENDING THE REVENUE AND EXPENDITURE BUDGET FOR THE CITY OF HARLINGEN, TEXAS, FOR FISCAL YEAR OCTOBER 1, 2024 THROUGH SEPTEMBER 30, 2025. PROVIDING FOR PUBLICATION OF THE CAPTION OF THIS ORDINANCE, AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

PASSED AND APPROVED on first reading this the 19th day of February 2025
PASSED AND APPROVED on the second and final reading this the 19th day of March 2025.

ATTEST:
/s/ Hermelinda Gonzales, Interim City Secretary

CITY OF HARLINGEN
/s/Norma Sepulveda, Mayor

- g) Consideration and possible action to approve a resolution designating the Special Projects Director as the Authorized Official, on Office of the Governor's grant applications submitted through eGrants.
- h) Consideration and possible action to approve a resolution authorizing the City Manager to submit a grant application to the Office of the Governor, Operation Lone Star Grant Program (OLS), FY 2026.

- 1
2 i) Consideration and possible action to approve a resolution authorizing the City Manager to accept a grant
3 award from the Texas Office of the Governor Fiscal Year 2025 Border Zone Fire Departments Grant.
4
5 j) Consideration and possible action to approve the installation of speed humps in the following locations:
6 (This item was requested by Commissioner Daniel N. Lopez and Commissioner Rene Perez)
7 • 1400 Block of Barton Avenue
8 • Drury Lane between Altas Palmas and Beckham Rd.

9 Commissioner Morales requested to add 2200 Block of South G Street to Item 7(j).

10 Commissioner Perez requested to add Sunny Side Lane and Altas Palmas to Item 7(j).

11 Commissioner Lopez requested that Item 7(b) be removed from the consent agenda.

12 Motion was made by Commissioner Lopez and seconded by Commissioner Perez to approve consent
13 agenda Items 7 (a, c, d, and f through j). Motion carried unanimously.

14 Commissioner Lopez advised that the Save the Station event requested a stage.

15 Mr. Gonzalez stated normally, for-profit events are not allowed free use of the stage. Recently, it was
16 clarified that this event is nonprofit. He advised application will be updated to reflect this information. Once
17 completed, the stage will be added for the event.

18 Motion was made by Commissioner Lopez and seconded by Commissioner Morales to approve consent
19 agenda Items 7 (b). Motion carried unanimously.

20 **8. Staff Reports and Other Discussion Items:**

21 a) City Manager's Report – None

22 b) Staff Reports – Presentation by Robert Rodriguez (Finance Director) on the City of Harlingen Investment
23 Report for the quarter ending December 31, 2024.

24 Finance Director Robert Rodriguez provided an overview of the city's investment report for the quarter
25 ending December 31, 2024. As of December 31, the book value stood at \$85.13 million, up from \$74.04 million
26 on September 30. The quarter's net income totaled \$956,894.33, with a yield to maturity of 4.468%, down from
27 5.134% at the prior fiscal year's end.

28 The city's investments included 5.65% in bank deposits, 70.92% in the Local Government Investment Pool
29 (LGIP), and 23.43% in U.S. Treasury bonds.

30 Mr. Gonzalez inquired about funds held in Tex Pool.

31 Mr. Rodriguez clarified that \$4.8 million was in bank deposits at Plains Capital, \$60.375 million in LGIP, and
32 nearly \$20 million in U.S. Treasuries.

33 Interest rates were 4.7% in December 2024, declining from 5.7% in August 2023. Commissioner Lopez
34 asked why the city does not allocate all funds into Tex Pool, given its stronger performance.

35 Mr. Rodriguez explained that while most investments were there, the city locks in Treasury bonds during
36 declining markets to stabilize returns.

37 Mr. Gonzalez noted State financial recommendations suggest limiting investment durations to one year to
38 accommodate potential interest rate fluctuations.

39 Mr. Rodriguez added that the city's Plains Capital sweep account earns 4.8%, nearly matching Tex Pool's
40 rate.

41 Commissioner Mezmar referenced the Federal Reserve's decision to keep interest rates steady,
42 highlighting that the city's maturities increased from 21 days to 107 days, concluding that, based on current
43 conditions, the city's investment strategy is performing well.

44 c) Presentation by Schneider Electric on potential future energy savings. (This item was requested by
45 Commissioner Rene Perez and Commissioner Ford Kinsley)
46

Erin Garcia, an Account Executive, and Ryan Wonder, a Project Development Engineer, presented Schneider Electric's proposal to address deferred city maintenance using utility savings. They highlighted funding strategies, existing challenges, project opportunities, and financial projections, aiming to modernize buildings, cut costs, and improve residents' quality of life.

Mr. Wonder stressed the urgent need for HVAC upgrades, especially air conditioning, due to aging equipment and noted the last HVAC project was over 15 years ago.

Mr. Wonder reported nonfunctional solar panels and aging electrical equipment at the Lon C. Hill building, along with a deteriorating roof.

Commissioner Mezmar asked about the panels' inactivity.

Mr. Wonder confirmed they had been offline for approximately a year.

Commissioner Lopez asked whether the solar panels could power the entire building.

Mr. Wonder estimated they would cover about 50% of energy needs.

Mr. Gonzalez explained the city's electric provider is TXU and clarified that the panels were never intended to power the whole building. A backup generator was installed last year but has yet to be used.

Mr. Wonder pointed out that multiple city buildings still rely on fluorescent lighting and require roofing and window improvements. Schneider Electric proposed Capital Asset Planning (CAP) software to manage HVAC equipment and a Resource Advisor tool to track utility usage, ensuring savings visibility.

Mr. Wonder outlined the city's utility spending. The project aims to redirect \$100,000 in annual energy savings—23% of utility expenditures—toward funding improvements.

Commissioner Perez asked whether outdated AC units caused high police department energy use.

Mr. Wonder explained the issue was more complex, with disconnected HVAC controls and long operational hours increasing consumption.

Mr. Wonder presented a \$3 million budget funded by energy savings, covering lighting upgrades, HVAC controls, and limited AC equipment replacement.

Mr. Garcia reassured officials that similar projects in Harlingen had saved \$128,000 annually. If the city moves forward, a \$57,000 initial design fee would apply.

Commissioner Lopez sought clarification on covered upgrades, and Mr. Wonder reaffirmed spending priorities.

Commissioner Mezmar praised Schneider Electric's professionalism.

Mr. Garcia emphasized the company's global presence in 110 countries and extensive work across the Rio Grande Valley.

d) Presentation by Roxanna Moore (JLH President) and Amanda Lucio (JLH Ex-Officio) on the 2025 Kid Fit Event.

Ms. Roxanne Moore provided an overview of the Junior League of Harlingen, an organization dedicated to advancing women's leadership and creating meaningful community impact through volunteer action and collaboration.

Ms. Amanda Lusso highlighted the League's history, noting its establishment in 1947 as the Junior Service League of Harlingen, later becoming the Junior League of Harlingen in 1985. The organization is well known for hosting Kid Fit and Rio Fest, events that promote health, engagement, and community involvement.

Ms. Moore outlined several key initiatives, including mentoring youth, awarding scholarships to deserving women, providing civic engagement training, renovating the children's space at the Harlingen Public Library, and supporting the community through donation drives, wheelchair ramp construction, and volunteering at Loaves and Fishes.

Ms. Lusso announced that this year, Dr. Christina Bolton and Mrs. Cassie Schneider are leading the Kid Fit Event, a free, award-winning initiative that received the 2024 Community Impact Award. In partnership with the City of Harlingen, the Harlingen School District, and other nonprofits, the event continues to grow each year, with last year's attendance exceeding 500 children and families.

Ms. Moore expressed gratitude to the City of Harlingen for its ongoing support.

Commissioners thanked the Junior League of Harlingen for its invaluable contributions to the community.

9. Public Hearings:

Mayor Pro-Tem Kinsley announced that Items (9 a through e) are public hearings, and anyone wishing to speak for or against them could do so.

- a) Public hearing for a rezoning request from Residential, Single-Family ("R-1") District to Residential, Duplex ("R-2") District for a property located at 101 W. Pierce Avenue, bearing a legal description of Lot 6, Block 139, Harlingen Original Townsite. Applicant: Reynaldo Del Toro c/o Anacahuita Development.

Item 9 (a) - None.

- b) Public hearing for a Special Use Permit (SUP) to allow alcoholic beverages for onsite consumption at an event center in a General Retail ("GR") District for a tract of land bearing a legal description of 5.57 acres out of 15.57 acres out of Block 185, San Benito Land and Water Company Subdivision, located on the east side of South Ed Carey Drive, approximately 974 feet south of South Expressway 83 Frontage Road. Applicant: RGV Wine Country c/o Rodrigo Rubiano.

Item 9 (b) - None.

- c) Public hearing for a Special Use Permit (SUP) to allow the sale of alcoholic beverages for on-site consumption, in a General Retail District ("GR") located at 1301 N. 77 Sunshine Strip, bearing a legal description of Block 5 and the North Part of Block 6, Brown Subdivision. Applicant: Tim Ilaoa c/o 7-Eleven Inc.

Item 9 (c) - None.

- d) Public hearing for a Special Use Permit (SUP) to allow a storage building greater than 144 square feet in a Residential, Single-Family ("R-1") District located at 2220 E. Crockett Street, bearing a legal description of Lot 9, Block 2, Pendleton Subdivision. Applicant: James Petty.

- James Petty, the applicant, provided justification in support of approval.

- e) Public hearing for a rezoning request from Residential, Single-Family ("R-1") District to Residential, Duplex ("R-2") District for a property located at 2013 W. La Salle Avenue, bearing a legal description of Lot 40, Block 1, Wallace's Home Lawn Subdivision. Applicant: Claudio Cordova c/o Maria Guadalupe Chavez.

Item 9 (e) - None.

There being no further comments from the public, Mayor Pro-Tem Kinsley closed public hearings 9 (a-e).

10. Action Items:

Ordinances:

- a) Consideration and possible action to adopt an ordinance on first reading for a rezoning request from Residential, Single-Family ("R-1") District to Residential, Duplex ("R-2") District for a property located at 101 W. Pierce Avenue, bearing a legal description of Lot 6, Block 139, Harlingen Original Townsite. Applicant: Reynaldo Del Toro c/o Anacahuita Development.

Motion was made by Motion was made by Commissioner Lopez and Seconded by Commissioner Perez to adopt an ordinance on first reading for a rezoning request from Residential, Single-Family ("R-1") District to Residential, Duplex ("R-2") District for a property located at 101 W. Pierce Avenue, bearing a legal description of Lot 6, Block 139, Harlingen Original Townsite. Motion carried unanimously.

3-19- 2025

- b) Consideration and possible action to adopt an ordinance on first reading for a Special Use Permit (SUP) to allow alcoholic beverages for onsite consumption at an event center in a General Retail ("GR") District for a tract of land bearing a legal description of 5.57 acres out of 15.57 acres out of Block 185, San Benito Land and Water Company Subdivision, located on the east side of South Ed Carey Drive, approximately 974 feet south of South Expressway 83 Frontage Road. Applicant: RGV Wine Country c/o Rodrigo Rubiano.

Commissioner Mezmar inquired whether an existing building is currently located on the site.

Soledad Nunez, City Planner, stated that the property is vacant. She explained that this is the first step in the applicant's process. If approved tonight and on final reading, the applicant must subdivide the property before proceeding with any construction.

Commissioner Mezmar asked whether commission approval would require TABC authorization.

Ms. Nunez confirmed that this is correct, noting that the applicant is in the process of securing all necessary approvals. She clarified that one of the conditions of the Special Use Permit approval is obtaining and maintaining all required state and city permits.

Motion was made by Commissioner Lopez and Seconded by Commissioner Perez to adopt an ordinance on first reading for a Special Use Permit (SUP) to allow alcoholic beverages for onsite consumption at an event center in a General Retail ("GR") District for a tract of land bearing a legal description of 5.57 acres out of 15.57 acres out of Block 185, San Benito Land and Water Company Subdivision, located on the east side of South Ed Carey Drive, approximately 974 feet south of South Expressway 83 Frontage Road. Motion carried unanimously.

- c) Consideration and possible action to adopt an ordinance on first reading for a Special Use Permit (SUP) to allow the sale of alcoholic beverages for on-site consumption, in a General Retail District ("GR") located at 1301 N. 77 Sunshine Strip, bearing a legal description of Block 5 and the North Part of Block 6, Brown Subdivision. Applicant: Tim Ilaoa c/o 7-Eleven Inc.

Motion was made by Commissioner Lopez and Seconded by Commissioner Perez action to adopt an ordinance on first reading for a Special Use Permit (SUP) to allow the sale of alcoholic beverages for on-site consumption, in a General Retail District ("GR") located at 1301 N. 77 Sunshine Strip, bearing a legal description of Block 5 and the North Part of Block 6, Brown Subdivision. Motion carried unanimously.

- d) Consideration and possible action to adopt an ordinance on first reading for a Special Use Permit (SUP) to allow a storage building greater than 144 square feet in a Residential, Single-Family ("R-1") District located at 2220 E. Crockett Street, bearing a legal description of Lot 9, Block 2, Pendleton Subdivision. Applicant: James Petty.

Commissioner Mezmar inquired about the dimensions of the storage unit and whether it would be a permanent structure.

Ms. Nunez stated that the storage unit will be 16 feet by 4 feet and confirmed that it will be permanent. She explained that the matter is being brought to public hearings because Planning and Zoning received one written opposition within 10 days of the notice.

Commissioner Morales asked whether the building would have any impact on flooding issues.

Ms. Nunez clarified that the applicant must submit a building permit that includes Windstorm engineering and other requirements. The project will be reviewed to ensure the storage building complies with City codes and ordinances.

Motion was made by Commissioner Lopez and seconded by Commissioner Perez to adopt an ordinance on first reading for a Special Use Permit (SUP) to allow a storage building greater than 144 square feet in a Residential, Single-Family ("R-1") District located at 2220 E. Crockett Street, bearing a legal description of Lot 9, Block 2, Pendleton Subdivision. Motion carried unanimously.

- e) Consideration and possible action to adopt an ordinance on first reading for a rezoning from Residential, Single-Family ("R-1") District to Residential, Duplex ("R-2") District for a property located at 2013 W. La Salle Avenue, bearing a legal description of Lot 40, Block 1, Wallace's Home Lawn Subdivision. Applicant: Claudio Cordova c/o Maria Guadalupe Chavez.

Ms. Nunez noted that Planning and Zoning received opposition to the rezoning request. The percentage of opposition is 39.94%, which necessitates a supermajority vote. She noted that there is a 400-square-foot structure on the property, but the applicant is uncertain whether they will convert the property into a duplex.

Claudio Cordova, the applicant, explained that the rezoning request was submitted to explore the possibility of constructing an additional unit on the property.

Commissioner Morales emphasized the need to consider those who opposed the rezoning. Given Mr. Cordova's uncertainty regarding his plans for the property, Commissioner Morales stated that he must oppose the request.

Motion was made by Commissioner Perez to adopt an ordinance on first reading for a rezoning from Residential, Single-Family ("R-1") District to Residential, Duplex ("R-2") District for a property located at 2013 W. La Salle Avenue, bearing a legal description of Lot 40, Block 1, Wallace's Home Lawn Subdivision. Having no second, motion dies.

f) Consideration and possible action to approve an ordinance on first reading, amending the Harlingen Code of Ordinances, Chapter 111 (Zoning), Article XVII (Downtown District Overlay), Section 111-505, regarding the issuance of Special Use Permits.

Commissioner Perez explained that businesses and developers must currently go through the Downtown Improvement District (DID), an area that has historically struggled with development. He expressed concerns that this requirement adds unnecessary complexity and aims to remove it, allowing all businesses to follow the same approval process.

Ms. Nunez clarified that this requirement is part of ordinance section 111-505, which would need to be amended.

Commissioner Perez asked how the DID might respond, given the reduction in its authority.

Ms. Nunez explained that the DID would provide a recommendation to the Planning and Zoning Board, which would then advise the City Commission, the final decision-maker.

Mr. Gonzalez suggested voting to direct staff to present the matter to the DID for consideration.

Commissioner Mezmar voiced concerns about diminishing the DID's role.

Commissioner Perez stated that the intent is to create a fair process for all businesses rather than granting special status to downtown. He noted that DID approval adds additional time to the timeline, increasing costs for businesses. He emphasized that the proposed ordinance amendment would streamline the special use permit process.

Commissioner Mezmar asked Mr. Gonzalez to clarify the DID's purpose.

Mr. Gonzalez explained that the DID administers fees for grants related to security, signage, and storefront improvements while ensuring uniformity in downtown properties, including color schemes and bar permits.

Commissioner Perez reassured officials that downtown property owners would still have a voice in the process. He noted that special use permit applications require notices, ensuring downtown residents retain the same rights as all city residents.

Commissioner Mezmar expressed concerns about interfering with existing DID procedures.

Ms. Nunez added that all businesses entering the downtown area must go through the DID office, which typically sends an approval letter to Planning and Zoning regarding signage and other matters.

Motion was made by Commissioner Lopez and seconded by Commissioner Perez to approve an ordinance on first reading, amending the Harlingen Code of Ordinances, Chapter 111 (Zoning), Article XVII (Downtown District Overlay), Section 111-505, regarding the issuance of Special Use Permits. Motion carried as follows: FOR: Mayor Pro-Tem Ford Kinsley, Commissioners: Lopez and Perez; AGAINST: Commissioners: Mezmar and Morales; ABSTAINED: None (Vote: 3-2-0).

g) Consideration and possible action to select one or multiple projects for consideration under the Outdoor Recreation Legacy Partnership Grants Program.

Ana Hernandez, Special Projects Director, stated that this item has been brought to the Commission in order to select a preferred location for an Outdoor Recreation Legacy Grant—a 50% matching grant with a maximum city request of \$15 million. The state submits the application to the U.S. Fish and Wildlife.

Ms. Hernandez provided location options and requests the commission's recommendation.

Commissioner Morales inquired if funds could be allocated to multiple parks.

Ms. Hernandez clarified that the grant is limited to one site and can support land acquisition and recreational amenities. The Harlingen Soccer Complex was proposed as the primary location due to ongoing complaints about its condition.

Public Works Director, Chris Torres, noted the complex has nine fields, and the Championship Field could be converted to turf if the grant is awarded.

Commissioner Lopez questioned whether the city should commit \$7.5 million to secure the full grant or opt for a lower amount.

Commissioner Morales preferred a \$1.5-\$2 million investment, supporting the soccer complex while considering other parks.

Mr. Torres estimated \$2.5 million would be needed based on past assessments.

Commissioner Perez favored the soccer complex to attract tournaments and boost economic benefits.

Commissioner Mezmar asked about funding sources.

Mr. Gonzalez confirmed it would come from the 4B, Harlingen Community Improvement Board (HCIB).

Commissioner Mezmar agreed that the soccer complex would yield the greatest return, attracting visitors from Cameron County and beyond.

Ms. Hernandez must meet with Texas Parks and Wildlife by April 1, 2025, to present the project and gather feedback. She requested narrowing down three top locations for consideration.

Commissioner Lopez requested a rendering of the Harlingen Soccer Complex for the next City Commission meeting.

Commissioner Perez suggested adding Wilson Sports Complex as another potential site, citing economic benefits.

Mayor Pro-Tem Kinsley noted a consensus for a \$3 million city contribution.

Motion was made by Commissioner Lopez and Seconded by Commissioner Perez to direct Special Projects Director to provide renderings and full buildout prices for 1) Harlingen Soccer Complex; 2) Hugh Ramsey Nature Center, and 3) Wilson Sports Complex for consideration under the Outdoor Recreation Legacy Partnership Grants Program. Motion carried unanimously.

h) Consideration and possible action to approve a request to repair damages sustained to the Parking Lot located at 1116 S. Commerce St., Harlingen, TX 78550, (Richard's Restaurant), caused by the city's refuse units while servicing the garbage containers. This is considered private property, with a total estimated cost of \$1,465.00, which includes cost of repairs, equipment, materials, and labor. (This item was tabled at the Regular City Commission Meeting of February 19, 2025).

Motion was made by Commissioner Rene Perez and Seconded by Commissioner Michael Mezmar to remove from tabled item. Motion passed unanimously.

Christopher Torres, Public Works Director, stated that in the last meeting, the repair estimate was \$1,000.00, but that did not account for all necessary repairs. The revised total is \$1,465.00.

Mr. Gonzalez inquired about the cost for curb repairs only. Mr. Torres estimated it would be between \$600-\$700.

Mr. Gonzalez recommended proceeding with just the curb repairs.

Commissioner Mezmar asked whether the city is legally obligated to repair private property affected by city garbage vehicles.

Mark Sossi, City Attorney, clarified that such repairs would address a potential claim against the city for damage caused by a city vehicle.

Commissioner Mezmar asked if measures were in place to prevent recurrence in the next two to four years.

Mr. Torres stated he discussed relocating the garbage container due to access issues, as parked vehicles frequently obstruct collection. He explained that moving the container to a more accessible location would require property approval, as restaurants often prefer containers behind or beside their buildings.

Commissioner Morales inquired whether complaints had been made regarding garbage trucks damaging the property.

Mr. Torres confirmed he had previously reported incidents and provided photos of city vehicle tires close to the island curb.

Mayor Pro-Tem Kinsley recommended approving repairs up to \$700.

Motion was made by Commissioner Mezmar and seconded by Commissioner Perez to approve a request to repair damages sustained with a total cost of \$700.00 to the Parking Lot located at 1116 S. Commerce St., Harlingen, TX 78550, (Richard's Restaurant), caused by the city's refuse units while servicing the garbage containers. Motion carried as follows: FOR: Commissioners: Mezmar and Perez; AGAINST: Commissioner Morales; ABSTAINED: Commissioner Lopez (Vote: 2-1-1).

i) Consideration and possible action to authorize the City Manager to enter into a Memorandum of Understanding (MOU) with the City of Donna for the sale of three refuse vehicles.

Mr. Torres stated that the city has three refuse vehicles—two residential trucks and one commercial truck—which are no longer part of the frontline fleet. These vehicles, having exceeded their service life, and are no longer in use. He noted the City of Donna has expressed interest in purchasing the three vehicles and are willing to provide funding for its purchase to support their routing needs.

Commissioner Morales inquired whether the funds from the sale of these vehicles could also be used to purchase a street sweeper.

Mr. Gonzalez clarified that the cost of a street sweeper would need to be purchased from general funds. The Enterprise Fund is assigned for revenue-generating items, such as garbage trucks used for waste collection, as the city charges for trash pickup and generates revenue through this service.

Motion was made by Commissioner Lopez and seconded by Commissioner Perez to authorize the City Manager to enter into a Memorandum of Understanding (MOU) with the City of Donna for the sale of three refuse vehicles. Motion carried unanimously.

j) Consideration and possible action to approve a request from Remi Garza, Cameron County Elections Administrator, to use the Harlingen Cultural Arts Center, 575 "76" Dr., as a polling place for the May 3, 2025, General and Special Elections Early Voting and Election Day site on the dates and times below.

Early Voting:

<u>Tuesday–Friday, April 22nd-25th from</u>	<u>9:00 a.m. to 7:00 p.m.</u>
<u>Saturday, April 26th from</u>	<u>10:00 a.m. to 5:00 p.m.</u>
<u>Monday–Tuesday, April 28th-29th from</u>	<u>9:00 a.m. to 7:00 p.m.</u>
<u>Election Day:</u>	
<u>Saturday, May 3rd from</u>	<u>7:00 a.m. to 7:00 p.m.</u>

Motion was made by Commissioner Perez and seconded by Commissioner Morales to approve a request from Remi Garza, Cameron County Elections Administrator, to use the Harlingen Cultural Arts Center, 575 "76" Dr., as a polling place for the May 3, 2025, General and Special Elections Early Voting and Election Day site on the dates and times below. Motion carried as follows: FOR: Commissioners: Mezmar, Perez, Morales; ABSTAINED: Commissioner Lopez (Vote: 4-0-1).

Early Voting:

Tuesday–Friday, April 22nd-25th from	9:00 a.m. to 7:00 p.m.
Saturday, April 26th from	10:00 a.m. to 5:00 p.m.
Monday–Tuesday, April 28th-29th from	9:00 a.m. to 7:00 p.m.

Election Day:

Saturday, May 3rd from	7:00 a.m. to 7:00 p.m.
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- 1 k) Consideration and possible action to re-schedule the City Commission Meeting of April 2, 2025, to a future
2 date.

3 Mr. Gonzalez noted that a majority of Commissioners typically attend an event scheduled for April 2nd
4 and requested rescheduling the meeting to April 7, 2025.

5 After discussion, the Commission scheduled a Special City Commission meeting for March 25, 2025.

6 Motion was made by Commissioner Perez and Seconded by Commissioner Lopez to re-schedule the City
7 Commission Meeting of April 2, 2025, to April 7, 2025 at 5:30 pm.

8 **11. Board Appointments:**

9 Commissioner Perez- Re-appointed Jim Young to Community Advisory Board;
10 Re-appointed Omar Villarreal to the Library Advisory Board.

11 Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Kinsley to approve the re-
12 appointments of Jim Young to the Community Development Advisory Board and Omar Villarreal to the Library
13 Advisory Board. Motion carried unanimously.

14 **12. Executive Session:**

15 No Executive Session.

16 **13. Action on Executive Session Items:**

17 No Action on Executive Session.

18 **14. Adjournment:**

19 There being no other business to discuss, Mayor Pro-Tem Kinsley adjourned the meeting.

20 City of Harlingen

21
22
23 ATTEST:

Norma Sepulveda, Mayor

24
25
26 _____
Hermelinda Gonzales, Interim City Secretary

AGENDA ITEM EXECUTIVE SUMMARY

Meeting Date: **June 18, 2025**

Agenda Item:

Consideration and possible action to approve a request from the Harlingen Downtown Board to close the street closures, listed below, beginning at 8:00 a.m. on Saturday, July 19, 2025, through 11:00 a.m. for the National Downtown Prayer Walk event. Attachment (**Police**)

- West, North and South side of intersections of Jackson Avenue and First Street;
- North and South side intersections of Jackson Avenue and 2nd Street;
- North and South side intersections of Jackson Avenue and 3rd Street; and,
- West side intersections of Jackson Avenue and 4th Street.

Prepared By (Print Name): Alfredo Alvear

Title: Interim Chief of Police

Signature: 

Brief Summary:

Alexis Riojas, Downtown Director, on behalf of the Harlingen Downtown Board is requesting street closures, listed below, beginning at 8:00 a.m. on Saturday, July 19, 2025 through 11:00 a.m. for the National Downtown Prayer Walk event:

- West, North and South side of intersections of Jackson Avenue and First Street;
- North and South side intersections of Jackson Avenue and 2nd Street;
- North and South side intersections of Jackson Avenue and 3rd Street; and,
- West side intersections of Jackson Avenue and 4th Street.

The street closures will help to ensure the safety of the participants and visitors attending this event.

The Asst. Fire Chief has reviewed the request and provided his approval.

Funding (if applicable):

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

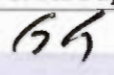
*If no, specify source of funding and amount requested: N/A

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

Staff Recommendation:

Staff recommends approval.

For Street Closures ONLY, Fire Chief's approval: ☒ Yes ☐ No ☐ N/A

City Manager's approval:  ☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval: ☐ Yes ☐ No ☐ N/A



HARLINGEN POLICE DEPARTMENT
1018 FAIR PARK BLVD., HARLINGEN, TX 78550

INTER-DEPARTMENTAL COMMUNICATION
FRONT DESK: (956) 216-5401 ADMINISTRATION: (956) 216-5403

TO: Chief of Police

DATE: 5/19/25

FROM: District Representative Benito Bravo #3412

RE: Street Closure for National Downtown Prayer Walk

Requestor: Alexis Riojas / Downtown Director

Event Date: July 19, 2025

Time: 8:00 a.m. to 11:00 a.m.

Location: 300 East Jackson Avenue, Harlingen, Texas

Mrs. Riojas is requesting a street closure on behalf of the Harlingen Downtown Board for their National Downtown Prayer Walk event. The event will consist of a prayer group of about 100 participants that will walk and pray in the east side portion of downtown Harlingen. The event will be open to the public. The street closure being requested is from 8:00 a.m. to 11:00 a.m. on July 19, 2025. The closing of the streets will ensure the safety of the public attending the event.

If approved, barricades are to be delivered by the City of Harlingen Streets Department prior to 4:00 P.M. on Friday, July 18, 2025, and removed from the roadway on July 19, 2025, at 11:00 a.m. A copy of the map is attached to this IDC.

- Close the west, north and south side intersections of Jackson Ave. and First Street.
- Close the north and south side intersections of Jackson Ave. and 2nd Street.
- Close the north and south side intersections of Jackson Ave. and 3rd Street.
- Close the west side intersection of Jackson Ave. and 4th Street.

	SIGNATURE	ID#	DATE
OFFICER / EMPLOYEE		3412	05/20/2025
SERGEANT / SUPERVISOR			
COMMANDER / MANAGER			
DEPUTY CHIEF			
ASSISTANT CHIEF			
CHIEF OF POLICE		2743	5/20/25

Benito Bravo - HPD

From: Angela Anderson
Sent: Wednesday, May 14, 2025 10:06 AM
To: Benito Bravo - HPD; Jose J. Lopez - HPD; Frances Pena - HPD; Alfredo Alvear - HPD
Cc: Alexis Riojas; Norma L. Gonzalez
Subject: 2025 National Prayer Walk Street Closures
Attachments: Prayor walk Street Closure 2025 map-approval.pdf

Good morning.

Please see the attached street closure approval and map for the upcoming National Prayer Walk, scheduled for Saturday July 19th, from 8am-11am.

Thank you,

Angie Anderson

Promotion & Events Manager

☎ 956 216 4910 EXT 4911

✉ aanderson@harlingen.tx.gov

🌐 www.harlingen.tx.gov

📍 209 W Jackson Ave | Harlingen TX 78550





Downtown Harlingen

P.O. Box 2207, Harlingen, TX 78551-2207
(Office at 209 W. Jackson)
Phone: (956) 216-4910 Fax: (956) 216-8037
www.downtownharlingen.com

05/14/2025

Ms. Ernestina Waggoner,

On behalf of the Downtown Improvement District Office, our D.I.D. Board approved the following on May 13, 2025:

- **Consideration and possible action to approve the proposed street closures for the "National Downtown Prayer Walk" event, scheduled for Saturday, July 19, 2025, from 8:00 a.m. – 11:00 a.m. - *The D.I.D. Board has approved the submitted street closures.***

We appreciate your patience and cooperation. Please contact the office for any additional information at 956-216-4910.

Best regards,

Alexis Riojas
Downtown Director



4th National Downtown Prayer Walk

From Ernestina waggoner <ernestinawaggoner@gmail.com>

Date Mon 3/31/2025 3:39 PM

To Alexis Riojas <ariojas@harlingentx.gov>

Good afternoon Mrs Alexis,

Hope you are having a great day! Below please find event details for the America Needs Fatima, National Prayer Walk. I would like to request permission from the City of Harlingen to have a downtown street closure for Saturday, July 19, 2025 from 9:00am-10:30am.

The Walk will begin on Jackson and Fourth St, (by the arch), and conclude on First St. In the past, we have had three events, May 2019, October 2023 and October 2024 which had about 70-75 participants. It was a wonderful and peaceful walk with the community.

The previous events went very well with the services provided by the Police Dept. Last year Officer Bravo organized a safe walk environment for all participants and we were very grateful for his help and attentiveness.

The event is being organized by me, with the assistance and collaboration from The Harlingen Nursing Home Ministry from St Anthony's Parish and from the local parishioners from Queen of Peace, Our Lady of Assumption and Immaculate Heart of Mary Churches in Harlingen.

Thank you so much for your consideration and time. Please feel free to contact me for more information. Have a blessed day!

Sincerely,

Tina Waggoner,

Carmelite Secular

(956)-412-4088

Ernestinawaggoner@gmail.com

Frances Pena - HPD

From: Ruben Balboa - HFD
Sent: Tuesday, May 20, 2025 4:34 PM
To: Frances Pena - HPD; Rafael Balderas - HFD; Donna Henderson - HFD
Subject: RE: STREET CLOSURE REQUEST - NATIONAL DOWNTOWN PRAYER WALK

Good afternoon,

HFD has no issues with the street closures.

From: Frances Pena - HPD <fpena@harlingentx.gov>
Sent: Tuesday, May 20, 2025 4:11 PM
To: Ruben Balboa - HFD <rbalboa@harlingentx.gov>; Rafael Balderas - HFD <rbalderas@harlingentx.gov>; Donna Henderson - HFD <dhenderson@harlingentx.gov>
Subject: STREET CLOSURE REQUEST - NATIONAL DOWNTOWN PRAYER WALK

Good Afternoon Asst. Fire Chief Balboa:

I would ask if you could please review the attached street closure request for the following event:

1. NATIONAL DOWNTOWN PRAYER WALK

Please provide your recommendation so that I can include as an agenda item at the next City Commission meeting.

Thank You!

Frances Peña
Executive Admin. Asst.
Office of the Chief of Police
1018 Fair Park Blvd.
Harlingen, TX 78550
956-216-5403
fpena@harlingentx.gov

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7(b)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **June 18, 2025**

Agenda Item:

Consideration and possible action to approve a request from the Triumphant in Christ Church to close the street closures, listed below, beginning at 8:00 a.m. on Friday, July 11, 2025, through 5:00 p.m. for their Vacation Bible School End of Week Celebration event. Attachment (**Police**)

- Northside intersection of 2nd Street and East Adams Avenue; and,
- Southside intersection of 500 Block of 2nd Street and alleyway.

Prepared By (Print Name): Alfredo Alvear

Title: Interim Chief of Police

Signature: 

Brief Summary:

Maryanne Ortiz, on behalf of the Triumphant in Christ Church is requesting street closures, listed below, beginning at 8:00 a.m. on Friday, July 11, 2025 through 5:00 p.m. for their Vacation Bible School End of Week Celebration event:

- Northside intersection of 2nd Street and East Adams Avenue; and,
- Southside intersection of 500 Block of 2nd Street and alleyway.

The street closures will help to ensure the safety of the participants and visitors attending this event.

The Asst. Fire Chief has reviewed the request and provided his approval.

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: N/A

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

Staff Recommendation:

Staff recommends approval.

For Street Closures ONLY, Fire Chief's approval: ☒ Yes ☐ No ☐ N/A

City Manager's approval:  ☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval: ☐ Yes ☐ No ☐ N/A



HARLINGEN POLICE DEPARTMENT
1018 FAIR PARK BLVD., HARLINGEN, TX 78550

INTER-DEPARTMENTAL COMMUNICATION
FRONT DESK: (956) 216-5401 ADMINISTRATION: (956) 216-5403

TO: Chief of Police

DATE: 6/5/25

FROM: District Representative Sandra Moreno #3997

RE: Street Closure Request for Vacation Bible School End of Week Celebration at 121 East Adams Ave.

Requestor: Pastor Julian (Jay) Garza/ Citizen Harlingen Texas

Event Date: Friday July 11, 2025

Time: 8:00 A.M.- 5:00 P.M.

Location: 121 East Adams Avenue, Harlingen, TX.

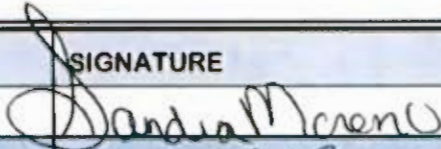
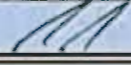
Triumphant in Christ Church Pastor Julian (Jay) Garza is requesting a street closure for a Vacation Bible School End of Week Celebration Event for the children. The Triumphant in Christ Church is hosting the event at 121 East Adams Avenue in Harlingen Texas. During the event, there will be a bouncer for the children to play on, outdoor games, and other activities to include face painting. All the activities will be outdoors.

Pastor Julian (Jay) Garza stated he is requesting the street closure to ensure that the children will be safe and kept within the area that will be blocked off. The street closure being requested is from 8:00 A.M. to 5:00 P.M. on July 11, 2025. The closing of the streets will ensure the safety of the public and participants attending the event.

If approved, barricades are to be delivered by the City of Harlingen Streets Department prior to 4:00 P.M. on Thursday, July 10, 2025, and removed from the roadway on July 11, 2025, at 5:00 P.M. A copy of the map is attached to this IDC.

The following streets are requested to be temporarily closed throughout the duration of the event.

- Close the North side intersection of 2nd Street and East Adams Avenue.
- Close the South Side intersection of 500 Block of 2nd Street and alley way.

	SIGNATURE	ID#	DATE
OFFICER / EMPLOYEE		3997	6/5/2025
SERGEANT / SUPERVISOR		2885	6/5/2025
COMMANDER / MANAGER		4829	6/5/2025
DEPUTY CHIEF		1933	6-05-25
ASSISTANT CHIEF			
CHIEF OF POLICE		2743	6/5/25

Triumphant in Christ Church 121 E Adams Ave, Harlingen, Texas



Frances Pena - HPD

From: Maryanne Ortiz <ortiz.ma04@gmail.com>
Sent: Tuesday, June 3, 2025 9:22 PM
To: Frances Pena - HPD
Cc: PastorGarza@gmail.com
Subject: Road Barricade Request
Attachments: IMG_0012.jpeg

Good afternoon,

On behalf of Triumphant in Christ Church, we would like to request a road to be barricaded and closed on July 11th from 8:00AM-5:00PM.

Our church will be hosting a Vacation Bible School End of Week Celebration for children that have attended throughout the week. The request for the road being barricaded will be due to taking safety measures for the celebration activities taking place outdoors.

During this time, we will have a bouncer for the children to play on, in addition to face painting and other games and activities that will be outdoors. With the help of the city allowing the barricading, we could ensure that the children will be safe and kept within the area that will be blocked off.

This event will be taking place at 121 E Adams Ave, Harlingen, Texas and the request for the road closure will be on N 2nd Street, Harlingen, Texas, right along the side of the previous address, as shown in the map attached.

For any inquires or concerns, please feel free to use the contact information provided below of our Head Pastor:

Name: Julian (Jay) Garza
Phone Number: (956) 970-0913
Email: pastorgarza@gmail.com

Blessings,

Triumphant in Christ Church

**AGENDA ITEM
EXECUTIVE SUMMARY**

7(c)

Meeting Date: **June 18, 2025**

Agenda Item:

Consideration and possible action to approve an ordinance on second and final reading for a Special Use Permit ("SUP") request to allow a Community Residential Facility in a General Retail ("GR") District on a property bearing a legal description of 5.9236 acres out of 8.6170 acres out of Block 55, David & Stephenson Subdivision, located on the southeast corner of Breedlove Street and North Loop 499. Applicant: Alan Ozuna. Attachment (***Planning & Development***)

Prepared By: Soledad A. Núñez, CNU-A
Title: Interim Planning & Development Director
Signature: *Soledad A. Núñez*

Brief Summary:

Project Timeline

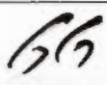
- April 14, 2025 – Application for Special Use Permit ("SUP") submitted to the City. (**ATTACHMENT I**)
- April 23, 2025 – In accordance with State and local law, notice of required public hearings mailed to all property owners within 200 feet of subject tract.
- April 26, 2025 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- May 14, 2025 – Public hearing and consideration of requested Special Use Permit by the Planning and Zoning Commission (P&Z).
- May 21, 2025 – Public hearing and consideration of requested SUP via 1st ordinance reading scheduled before the City Commission.
- June 4, 2025 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- Per the Code of Ordinances, a Community Residential Facility in a General Retail ("GR") District requires the approval of a Special Use Permit (SUP) by the City Commission.
- Alan Ozuna, the applicant, is requesting a special use permit to allow a Community Residential Facility, as part of the Tropical Texas Behavioral Health system. (**ATTACHMENT II AND III**)
- Based on the site plan and information submitted by the applicant, the applicant is proposing to operate Sunday through Saturday and hours are varied depending on the type of services being offered. The facility will be multiple home-like buildings and services being offered will be Support Services, Substance Use Services, Diversion Center, and Veteran's Services for Tropical Texas Behavioral Health. 125 parking spaces would be required, the current site plan shows 131 parking spaces. (**ATTACHMENT II – IV**)
- The Veteran Services proposed are for current and past defenders of our country and their families. Provided by Veterans to Veterans, it is a place to meet and socialize, share in group support, take part in recreational and social activities for

service members and their families. Military Peers teach healthy mental health habits, employment skills and independent living. They also provide links to emergency assistance with utilities, rental support, food and other community resources. Services are to enhance the quality of life of those who serve/served our country and their first line of support, their families.

- The Diversion/Respite Services provides programs for linkage to care for eligible individuals who are not appropriate for jail, the emergency room, or psychiatric hospitalization - but who need help connecting to services. They receive appropriate treatment and support services needed to prevent deterioration. Individuals receive immediate mental health assessments; crisis support and connections to ongoing treatment and support services. Respite services provide individuals experiencing a behavioral health crisis to receive short term support in a home-like environment. These services also support the family caregiver by providing a temporary break to attend to their own well-being. Individuals would be in Diversion services for less than 24 hours in duration, and Respite services will vary upon individual needs but typically will be residential in nature and last less than two weeks.
- The Substance Use Services are for Adolescent or adult (funding dependent) comprehensive residential substance abuse services provided. The program offers a range of services, including individual, group, and family counseling sessions, as well as community-integrated services such as support from Alcoholics Anonymous and Narcotics Anonymous groups following a daily structured schedule. Services are provided by a multidisciplinary team consisting of Licensed Chemical Dependency Counselors (LCDCs), Certified Medical Assistant, Residential Advisors. The program length is 90 days or less. Based on the services being provided, a maximum of three rooms in the diversion/respite services facility would be allowed for overnight stay.
- Support Services are for office support activities such as Utilization Management, Quality Assurance, Human Resources, etc.
- Surrounding properties are zoned General Retail ("GR") District to the south, east, and west, and to the north is County. The surrounding land uses are multi-family dwellings to the north, a Dollar General to the east, vacant land to the west and Tropical Texas Behavioral Health, Kingdom Hall of Jehovah's Witnesses, and Harlingen Fire Station No. 3 to the south. **(ATTACHMENTS V-VII).**
- The City of Harlingen Building Inspections Division, Fire Prevention Bureau, Health and Police Departments reviewed the SUP application. The departments reported no objection to the proposed request subject to adhering to the Harlingen Code of Ordinances and procedures administered by each department **(ATTACHMENTS VIII-XI).**
- The applicant must obtain and maintain the proper State and City permits.
- Currently, no opposition to the requested Special Use Permit has been received by the Planning & Zoning Department.
- In accordance with the zoning ordinance, the P&Z and City Commission may impose requirements and conditions of approval as are needed to ensure that a use requested by a SUP is compatible and complementary to adjacent properties.

Funding (if applicable):			
Are funds specifically designated in the current budget for the full amount for this purpose?	☐	Yes	☐
No*			
*If no, specify source of funding and amount requested:			
Finance Director's approval:	☐	Yes	☐
	☐	No	☐
			N/A
Staff Recommendation:			
Staff recommends approval of the Special Use Permit subject to the following conditions:			
1. Complying with the requirements administered by Planning and Zoning, Building Inspections and Fire Prevention Departments. 2. Providing and maintaining the required parking in accordance with City Regulations. 3. Only three rooms within the diversion/respice services facility would be allowed for overnight stay; and 4. The applicant must obtain and maintain the proper State and City permits.			
City Manager's approval:		☒	Yes
		☐	No
		☐	N/A
Comments:			
City Attorney's approval:	☐	Yes	☐
	☐	No	☐
			N/A

Attachment I

CITY OF HARLINGEN PLANNING AND DEVELOPMENT DEPARTMENT MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address _____ Nearest Intersection Loop 499 and Breedlove Street
(Proposed) Subdivision Name David & Stephenson Subdivision, 5.9236 ac out of 8.617 ac Lot _____ Block 55
Existing Zoning Designation GR Future Land Use Plan Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

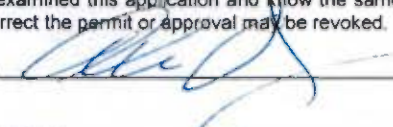
Applicant/Authorized Agent Alan Ozuna Phone 210 317-4308 FAX 956 622-3534
Email Address (for project correspondence only): atozunalaw@gmail.com
Mailing Address 27837 McLelland Dr City Harlingen State TX Zip 78552
Property Owner Ray Gonzalez Homes LLC Phone 956 373-2320 FAX _____
Email Address (for project correspondence only): _____
Mailing Address 23923 Hillcrest Circle City Harlingen State TX Zip 78552

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

- | | |
|--|---|
| ☐ Annexation Request..... <u>No Fee</u> | ☐ Preliminary Construction Plans and Final Plat..... <u>\$150.00</u> |
| ☐ Administrative Appeal (ZBA)..... <u>\$125.00</u> | ☐ Minor Plat..... <u>\$100.00</u> |
| ☐ Comp. Plan Amendment Request... <u>\$250.00</u> | ☐ Re-Plat..... <u>\$250.00</u> |
| ☐ Re-zoning Request..... <u>\$250.00</u> | ☐ Vacating Plat..... <u>\$250.00</u> |
| ☒ SUP Request/Renewal..... <u>\$250.00</u> | ☐ Development Plat..... <u>\$50.00</u> |
| ☐ Zoning Variance Request (ZBA)..... <u>\$250.00</u> | ☐ Subdivision Variance Request..... <u>\$25.00 (each)</u> |
| ☐ PDD Request..... <u>\$250.00</u> | ☐ Right-of-Way / Utility Easement Abandonment..... <u>No Fee</u> |
| ☐ License to Encroach..... <u>\$250.00</u> | |

Please provide a basic description of the proposed project: Project will be multiple home-like buildings to include youth and family support services, a drop-in center, veterans services, transitional/supportive housing, adult respite center, residential substance use disorder services, related administrative/staff support offices

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: 4-14-2025

Property Owner(s) Signature: _____ Date: _____

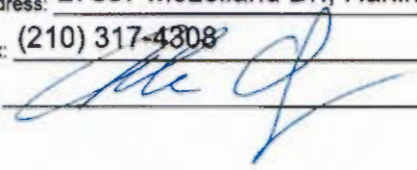
Accepted by: _____ Date: _____

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

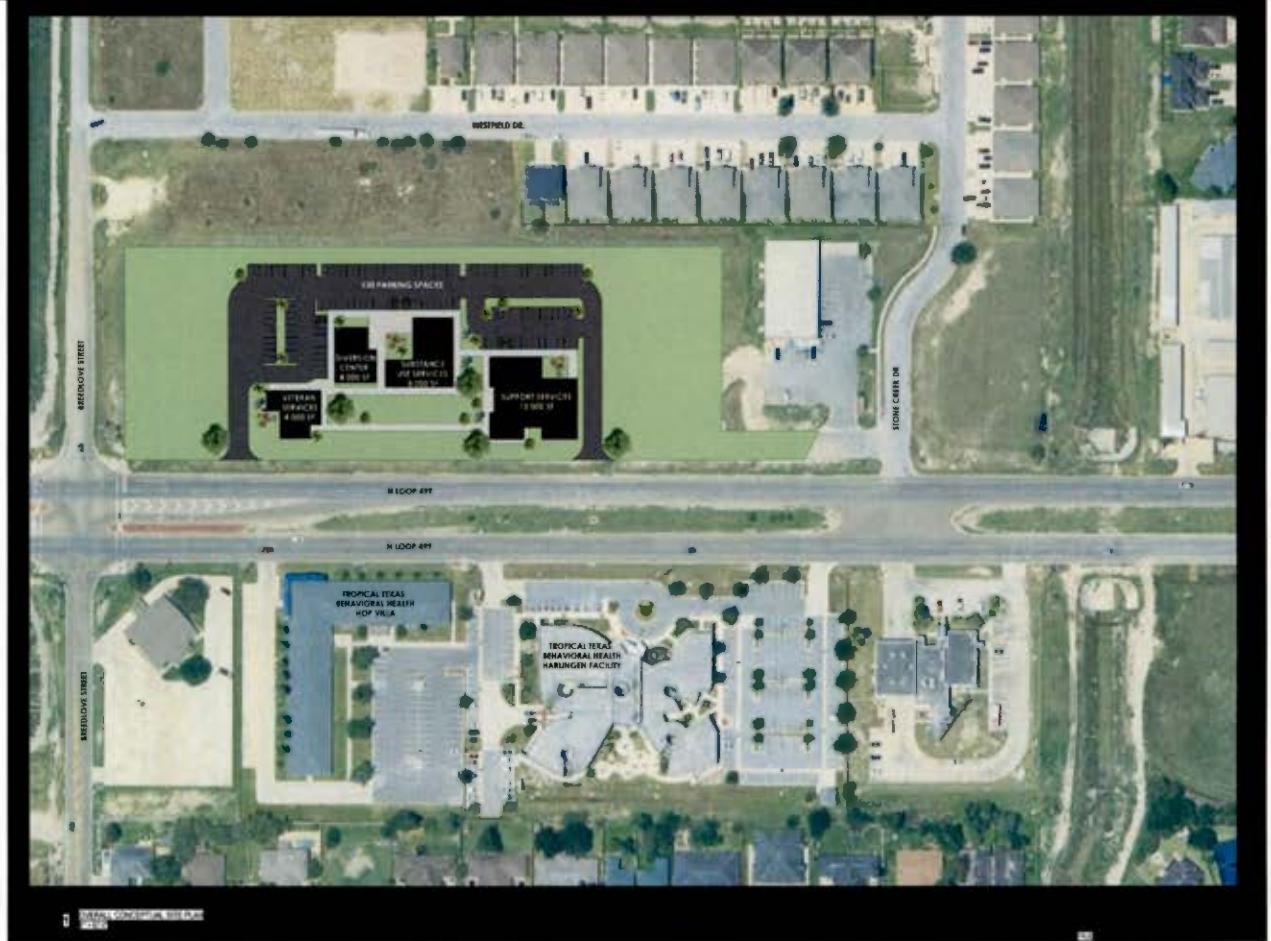
Please submit the following items along with the completed master application and appropriate fees. The project cannot be scheduled for consideration unless all items are marked complete. Citations come from the Zoning Ordinance.

Complete

- ☐ One (1) copy of a comprehensive site plan showing the proposed development of the property. The site plan shall consist of the following items, as applicable:
 - o Existing/proposed building footprints and building heights (or buildable areas for single and two-family residential); and
 - o Locations of proposed uses; and
 - o Ingress and egress to/from property;
 - o Existing/proposed streets in compliance with the City of Harlingen Long Range Thoroughfare Plan; and
 - o Existing/proposed sidewalks; and
 - o Existing/proposed utilities; and
 - o Existing/proposed drainage; and
 - o Existing/proposed parking spaces.
 - ☐ A written statement describing the proposed use(s) of the subject property.
 - ☐ Any other information (elevation drawings, pictures, etc.) in support of the subject request.
-
- I understand that I am requesting an amendment to the City's Zoning Ordinance and it will not be scheduled for Planning and Zoning Commission review unless all items on this list are completed.
 - I understand that in accordance State law and the Zoning Ordinance, no later than ten (10) days prior to consideration by the Planning and Zoning Commission:
 - o A notice will be published in the Valley Morning Star describing the request and the date, time, and location of the public hearing; and
 - o Notices will be mailed to all property owners within 200 feet of the tract describing the request and the date, time, and location of the public hearing.
 - I understand that while all requirements for the submittal of a PDD or SUP request may be complete, the City Commission is the sole authority for the consideration and approval or denial of the request.
 - I understand that the purpose of a PDD or SUP is to allow for development not otherwise authorized in the Zoning Ordinance. Hence, the Planning and Zoning Commission and/or City Commission may impose development standards important to the health, safety, welfare, and protection of the proposed development and the adjacent property and its occupants.

Owner: Alan T. Ozuna Date 4-14-2025
Owner Address: 27837 McLelland Dr., Harlingen, Texas 78552
Phone/Fax: (210) 317-4308
Signature: 

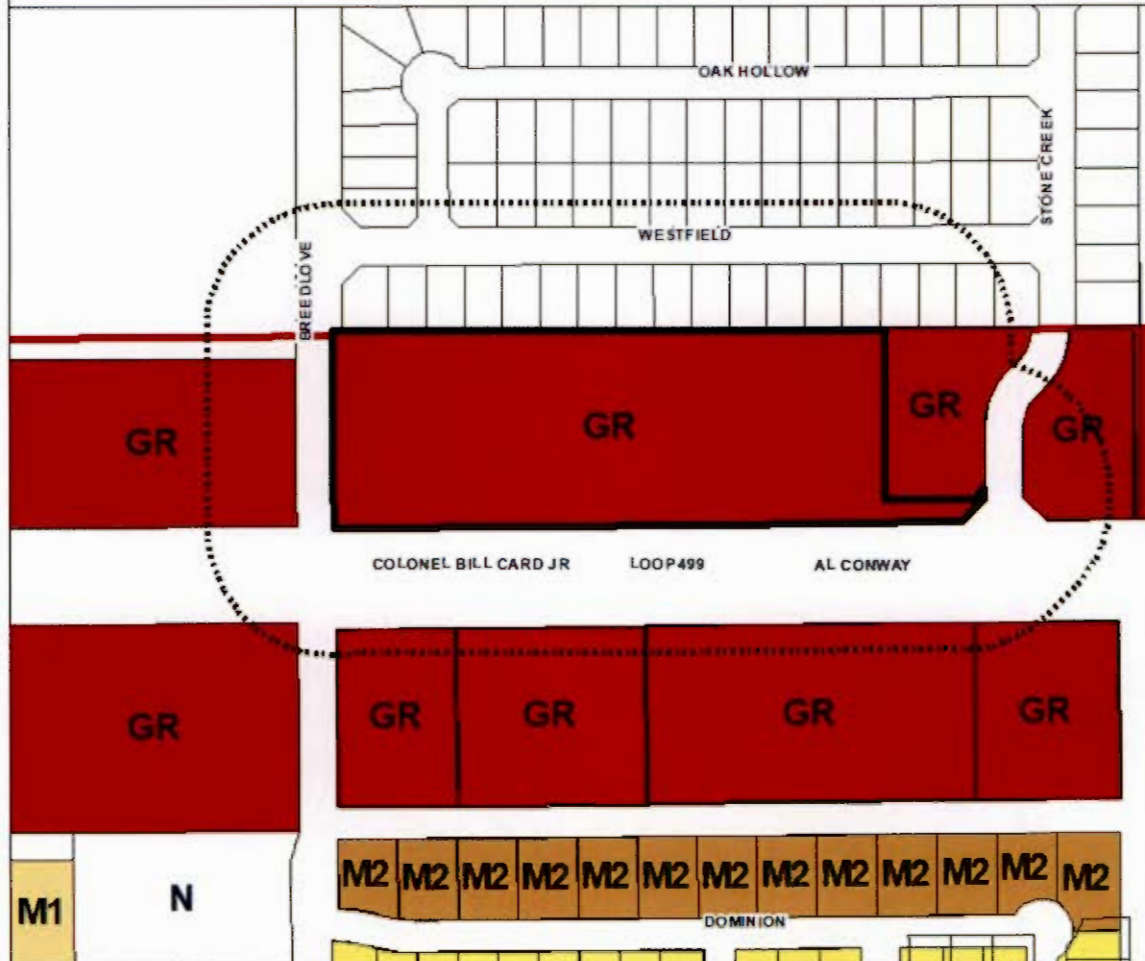
Attachment II



Attachment III



Request for a Special Use Permit (SUP) to allow a Community Residential Facility in a General Retail ("GR") District located at on a property bearing a legal description of 5.9236 acres out of 8.6170 acres out of Block 55, David & Stephenson Subdivision, located on the northeast corner of Breedlove Street and North Loop 499. Applicant: Alan Ozuna



Boundary lines

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

Zoning Designations

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

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 04.15.2025

Attachment IV



Attachment V



Attachment VI



Specific Use Permit ("SUP") Routing Slip

Applicant: Alan Ozuna

Phone No.: (210) 317-4308

Location: Northeast corner of Breedlove Street and Loop 499

Project Description: Request for a Special Use Permit ("SUP") to allow a Community Residential Facility in a General Retail ("GR") District located on a property bearing a legal description 5.9236 acres out of 8.6170 acres out of Block 55, David & Stephenson Subdivision.

Department: Fire Prevention Bureau

Approval: X YES NO

Comments: Applicant will have to meet any code, regulation, ordinance, and standard required for a permit.

Fire Marshal Juan Saucedo Jr.

Juan Saucedo Jr.

Date: April 30, 2025



Specific Use Permit ("SUP") Routing Slip

Applicant: Alan Ozuna

Phone No.: (210) 317-4308

Location: Northeast corner of Breedlove Street and Loop 499

Project Description: Request for a Special Use Permit (SUP) to allow a Community Residential facility in a General Retail ("GR") District located on a property bearing a legal description of 5.9236 acres out of 8.6170 acres out of Block 55, David & Stephenson Subdivision.

Department: Health

Approval: ☒ YES ☐ NO

Approval granted, however, when site plans are submitted for our review, they must show all kitchen equipment and their locations. Including 3 compartment sinks, hand wash sinks, mop sink, hot water heater and the location of the grease trap.

James Padilla

Signature

5-9-2025

Date

Attachment VIII



Specific Use Permit ("SUP") Routing Slip

Applicant: Alan Ozuna

Phone No.: (210) 317-4308

Location: Northeast corner of Breedlove Street and Loop 499

Project Description: Request for a Special Use Permit (SUP) to allow a Community Residential facility in a General Retail ("GR") District located on a property bearing a legal description of 5.9236 acres out of 8.6170 acres out of Block 55, David & Stephenson Subdivision.

Department: Building Permits and Inspections Department

Approval: ☒ YES ☐ NO

Comments: If request is approved by the Planning Department, A Building Permit application and complete set of construction documents (Architectural and Engineering Plans) for the proposed use must be submitted to the Building Department. The construction documents must comply with the 2018 International Building Code and Family of Codes. Windstorm Engineered plans are required with min. 140 mph wind speeds. The city commission adopted the new 2024 family of codes which will take effect on October 1, 2025. Any building permit applications received after that date will have to follow the new codes.

Raul Rodriguez

Signature

05/08/2025

Date

Attachment IX



Specific Use Permit ("SUP") Routing Slip

Applicant: Alan Ozuna

Phone No.: (210) 317-4308

Location: Northeast corner of Breedlove Street and Loop 499

Project Description: Request for a Special Use Permit (SUP) to allow a Community Residential facility in a General Retail ("GR") District located on a property bearing a legal description of 5.9236 acres out of 8.6170 acres out of Block 55, David & Stephenson Subdivision.

Department: HARLINGEN POLICE DEPARTMENT

Approval: ☒ YES ☐ NO

*APPROVED WITH THE UNDERSTANDING THAT
INSPECTIONS WILL BE CONDUCTED EITHER DURING
THE BUILD OR AT COMPLETION OF BUILD.*


Alfredo Alvear, BSCJ, CPM
Interim Chief of Police

5/6/25
Date

Attachment X – Applicant Rendering



Attachment X – Applicant Rendering



AN ORDINANCE AMENDING THE CODE OF ORDINANCES (ORDINANCE NO. 16-8) OF THE CITY OF HARLINGEN: TO ISSUE A SPECIAL USE PERMIT (SUP) TO ALLOW A COMMUNITY RESIDENTIAL FACILITY IN A GENERAL RETAIL ("GR") DISTRICT ON A PROPERTY BEARING A LEGAL DESCRIPTION OF 5.9236 ACRES OF LAND OUT OF 8.1670 ACRES OUT OF BLOCK 55, DAVID & STEPHENSON SUBDIVISION, LOCATED AT THE SOUTHEAST CORNER OF BREEDLOVE STREET AND NORTH LOOP 499. APPLICANT: ALAN OZUNA

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

BE IT ORDAINED BY THE CITY OF HARLINGEN

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

Special Use Permit (SUP) to allow an unmanned battery storage facility in a General Retail ("GR") District allow a Community Residential Facility in a General Retail ("GR") District on a property bearing a legal description of 5.9236 acres out of 8.6170 acres out of Block 55, David & Stephenson Subdivision, located on the southeast corner of Breedlove Street and North Loop 499, as shown in Exhibit A, subject to:

1. Complying with the requirements administered by Planning and Zoning, Building Inspections and Fire Prevention Departments.
2. Providing and maintaining the required parking in accordance with City Regulations.
3. Only three rooms within the diversion/respite services facility would be allowed for overnight stay; and
4. The applicant must obtain and maintain the proper State and City permits.

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 _____, 2025 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

Norma Sepulveda, Mayor

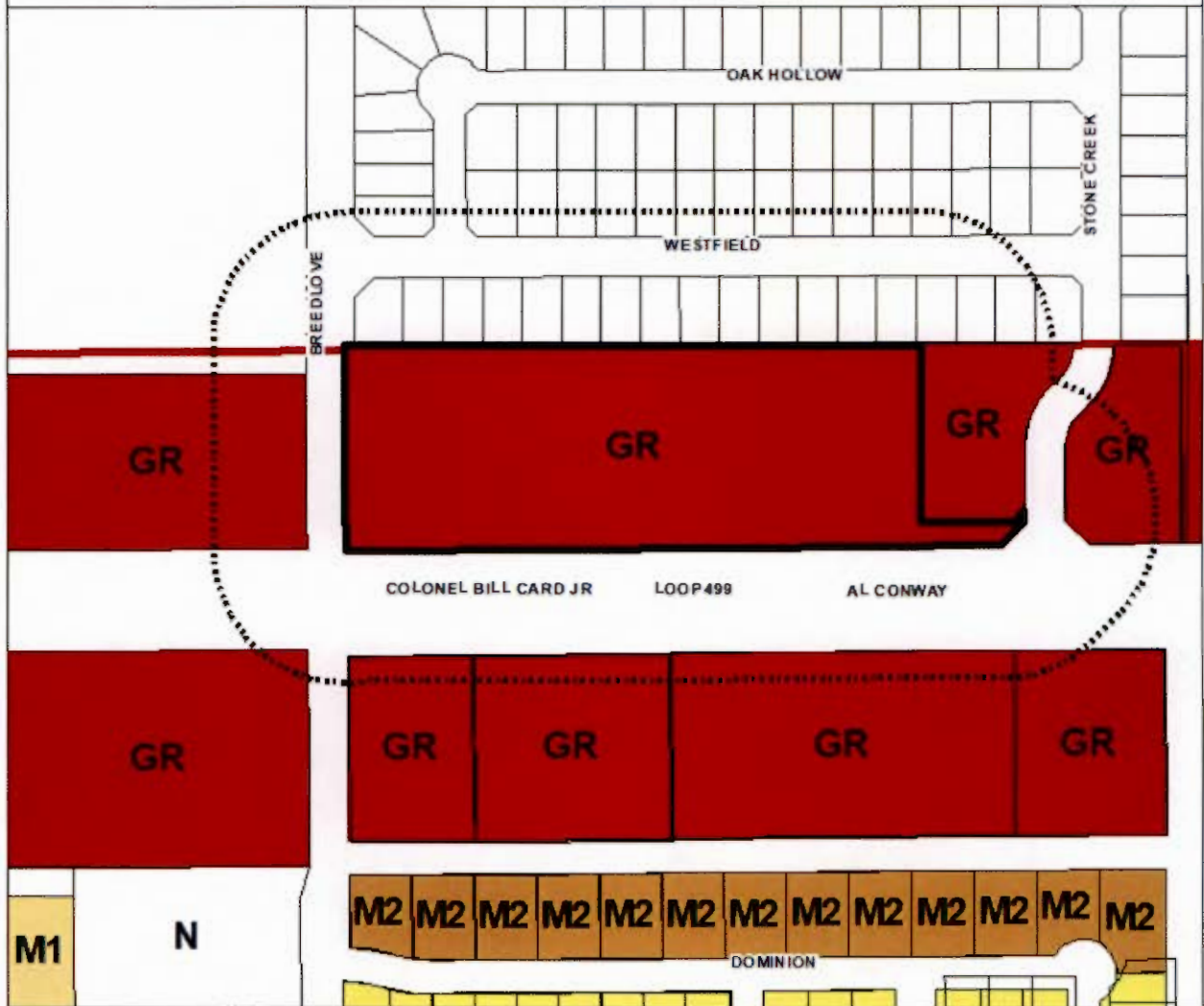
ATTEST:

Hermelinda Gonzales, Interim City Secretary

Exhibit "A"



Request for a Special Use Permit (SUP) to allow a Community Residential Facility in a General Retail ("GR") District located at on a property bearing a legal description of 5.9236 acres out of 8.6170 acres out of Block 55, David & Stephenson Subdivision, located on the northeast corner of Breedlove Street and North Loop 499. Applicant: Alan Ozuna



Boundary lines

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

Zoning Designations

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

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 04.15.2025

Exhibit "B"



**AGENDA ITEM
EXECUTIVE SUMMARY**

7(d)

Meeting Date:

June 18, 2025

Agenda Item:

Consideration and possible action to approve an ordinance on second and final reading for a Special Use Permit (SUP) request to allow an adult business (Tattoo Studio) in a General Retail ("GR") District located at 1706 E. Tyler Avenue, Suites 8 & 9, bearing a legal description of Lot 2, Tyler Place Subdivision. Applicant: Dimas Rivas. Attachment **(Planning & Development)**

Prepared By: Soledad A. Núñez, CNU-A

Title: Interim Planning and Development Director

Signature: *Soledad A. Núñez*

Brief Summary:

Project Timeline

- May 12, 2025 – Application for Special Use Permit ("SUP") submitted to the City. **(ATTACHMENT I)**
- May 13, 2025 – In accordance with State and local law, notice of required public hearings mailed to all property owners within 200 feet of subject tract.
- May 17, 2025 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- May 28, 2025 - Public hearing and consideration of requested Special use permit by the Planning and Zoning Commission (P&Z).
- June 4, 2025 – Public hearing and consideration of requested SUP via 1st ordinance reading scheduled before the City Commission.
- June 18, 2025 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- Pursuant to the Code of Ordinances, an "adult business" (tattoo studio) use in a General Retail "GR" District requires the approval of a Special Use Permit (SUP) by the City Commission.
- Dimas Rivas, the applicant, is requesting a special use permit to allow a tattoo studio out of suites 8 and 9, with a combined square footage of 1,100 square feet, located at the existing Workstation Plaza at 1706 E. Tyler Avenue. **(ATTACHMENT II AND III).**
- Based on the site plan and the information submitted by the applicant, the proposed business will operate under the name of "Blood Money Ink." The hours of operation will be from Monday through Saturday from 9:00 a.m. to 12:00 a.m. Three parking spaces are required and provided in the common parking area for the plaza which includes a computer business. **(ATTACHMENT III & IV).**
- Surrounding properties are zoned General Retail ("GR") District to the north, east, and west, and Residential, Multi-Family ("M-2") District to the south. The surrounding land uses consist of a parking lot for the Rudy Garza Funeral Home and Tops the Outdoor Power Store to the north, Central Plumbing and Electric to the east, commercial businesses to the west, and a multi-family subdivision to the south. **(ATTACHMENTS V & VI).**

- The City of Harlingen Building Inspections, Health Department, Fire Prevention, and Police Departments reviewed the SUP application. The Building Inspection, Fire Prevention, and Police Departments reported no objection to the proposed request subject to adhering to the Harlingen Code of Ordinances and procedures administered by each department. (ATTACHMENTS VII-IX).
- The applicant must obtain and maintain the proper State permits.
- Presently, the Planning and Zoning Department has not received any objections to the request from surrounding property owners.
- In accordance with the zoning ordinance, the P&Z and City Commission may impose requirements and conditions of approval as are needed to ensure that a use requested by a SUP is compatible and complementary to adjacent properties.

Funding (if applicable):

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

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

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

Staff Recommendation:

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

1. Obtaining and maintaining the proper State and City permits;
2. Maintaining the required parking in accordance with city regulations;
3. Providing video surveillance with a thirty-day video retention; and
4. Hours of operation are Sunday – Saturday 9am – 12am; and
5. Complying with the requirements administered by Planning and Zoning, Building Inspections, Fire Prevention, and Police Departments.

City Manager's approval:

MB

☒ 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 1706 E Tyler Suite 8+9 Nearest Intersection ETyler and S. 17th St.
(Proposed) Subdivision Name _____ Lot _____ Block _____
Existing Zoning Designation Commercial Future Land Use Plan Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Dimas Rivas Phone 956-970-2702 FAX _____
Email Address (for project correspondence only): dimas.jr1212@gmail.com
Mailing Address 22151 Hand Rd. City Harlingen State Tx. Zip 78552
Property Owner Tennyr Thomas Inc / Mitch Thomas Phone 956-535-0942 FAX _____
Email Address (for project correspondence only): thomasra@gte.net
Mailing Address PO Box 595 City Raymondville State TX Zip 78580

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

- | | |
|--|---|
| ☐ Annexation Request..... <u>No Fee</u> | ☐ Preliminary Construction Plans/Final Plat..... <u>\$150.00</u> |
| ☐ Administrative Appeal (ZBA)..... <u>\$125.00</u> | ☐ Subdivision Variance Request..... <u>\$25.00 (each)</u> |
| ☐ Comp. Plan Amendment Request..... <u>\$250.00</u> | ☐ Re-plat..... <u>\$250.00</u> |
| ☐ Re-zoning Request..... <u>\$250.00</u> | ☐ Vacating Plat..... <u>\$50.00</u> |
| ☒ SUP Request/Renewal..... <u>\$250.00</u> | ☐ License to Encroach..... <u>\$250.00</u> |
| ☐ Zoning Variance Request (ZBA)..... <u>\$250.00</u> | ☐ Right-of-Way/Utility Easement Abandonment... <u>No Fee</u> |
| ☐ PDD Request..... <u>\$250.00</u> | |

Please provide a basic description of the proposed project: Tattoo Studio
"Blood Money Ink" open 1pm-9pm

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: Dick Rivas Date 5/09/25

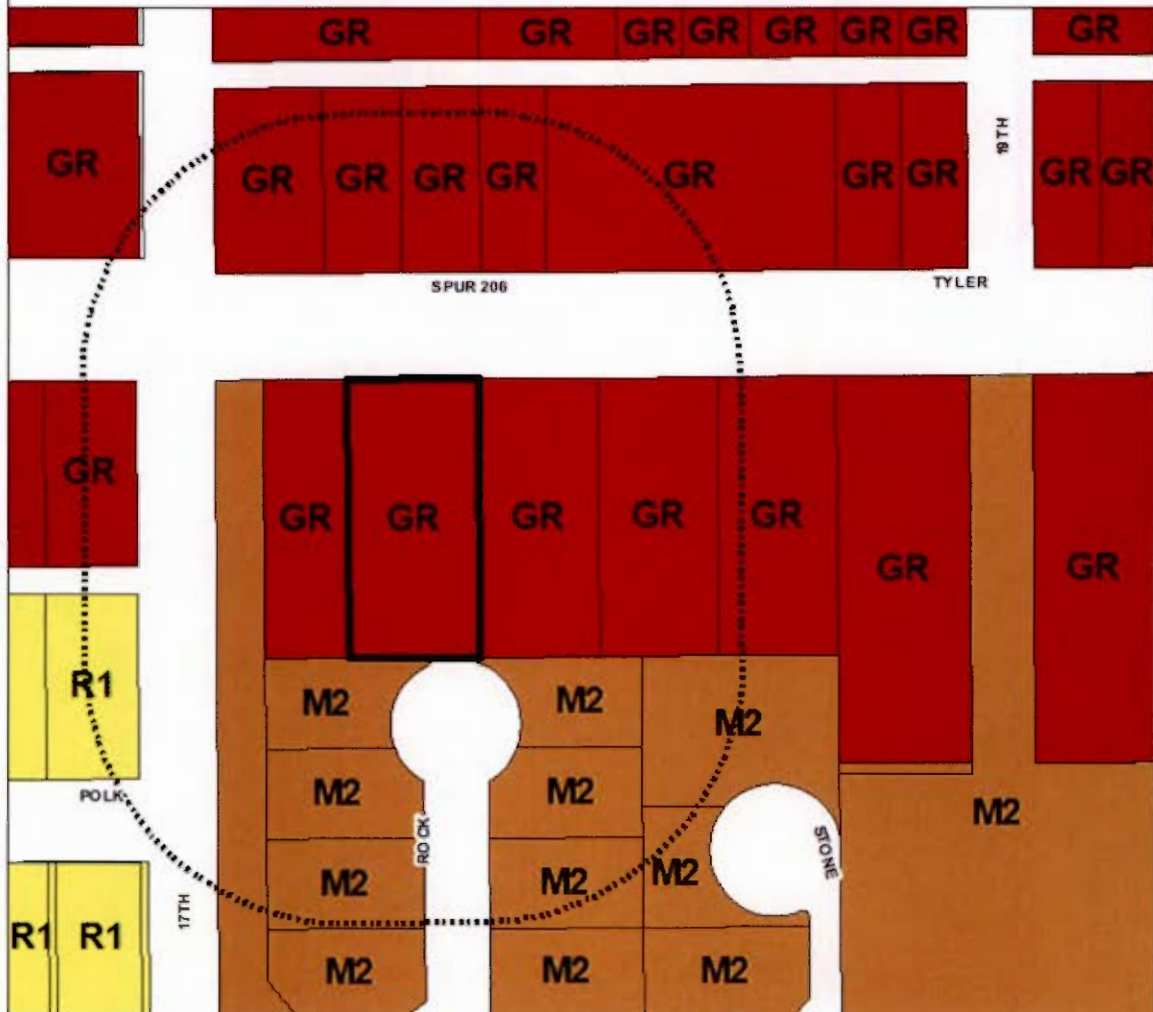
Property Owner(s) Signature: Mee Date 5/9/25

Accepted by: _____ Date _____

Attachment II



Request for a Special Use Permit (SUP) to allow an adult business (Tattoo Studio) in a General Retail ("GR") District located at 1706 E. Tyler Avenue, bearing a legal description of Lot 2, Tyler Place Subdivision. Applicant: Dimas Rivas



Boundary lines

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

Zoning Designations

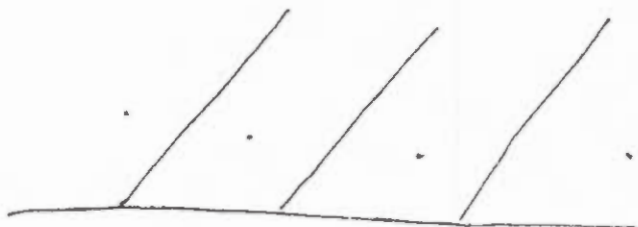
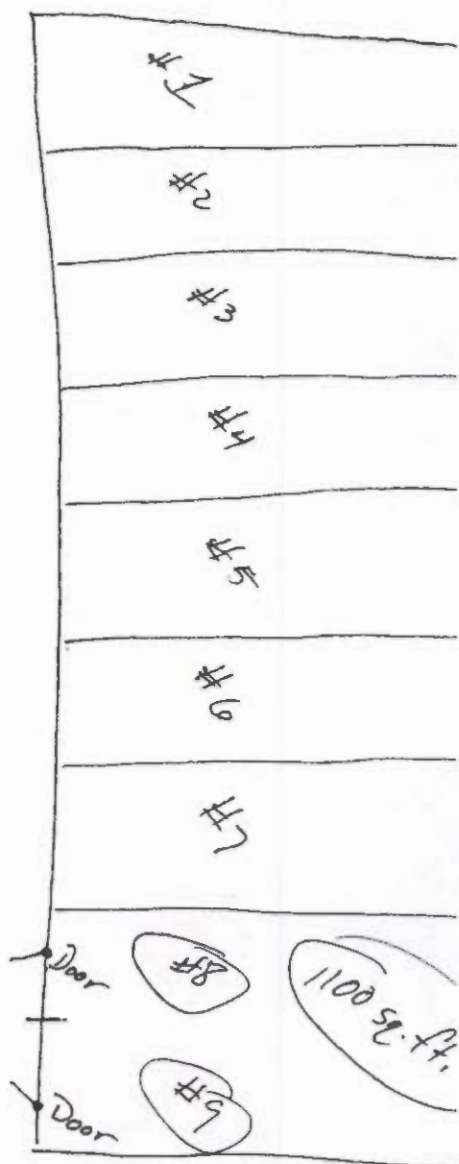
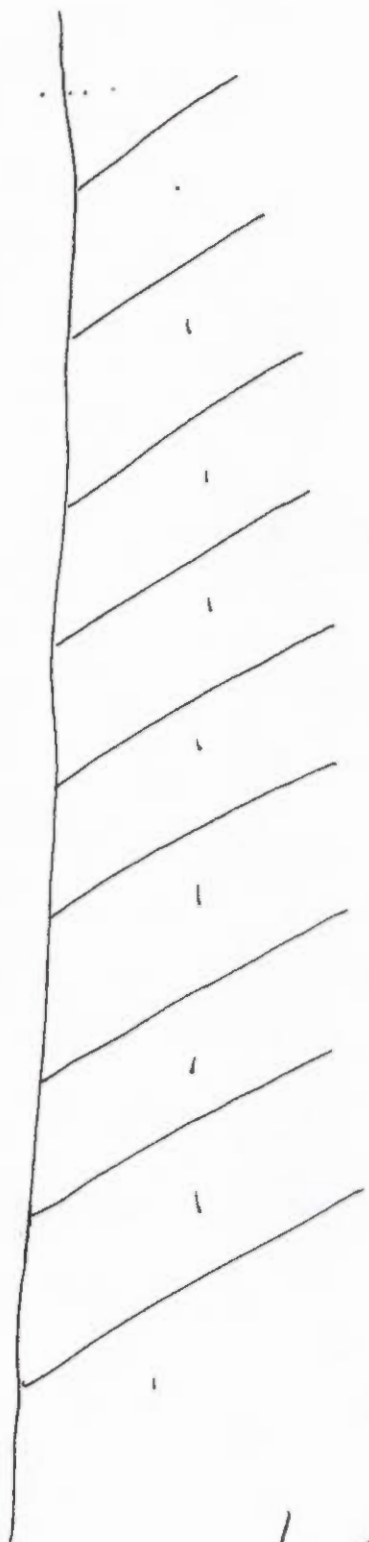
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|---|---|--|
| General Retail (GR) | Multi Family Residential (M2) | Office (O) |
| Heavy Industry (HI) | Mobile Home Residential (MH) | Planned Development (PD) |
| Light Industry (LI) | Not-Designated (N) | Single Family Residential (R1) |
| 3/4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

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 05.12.2025

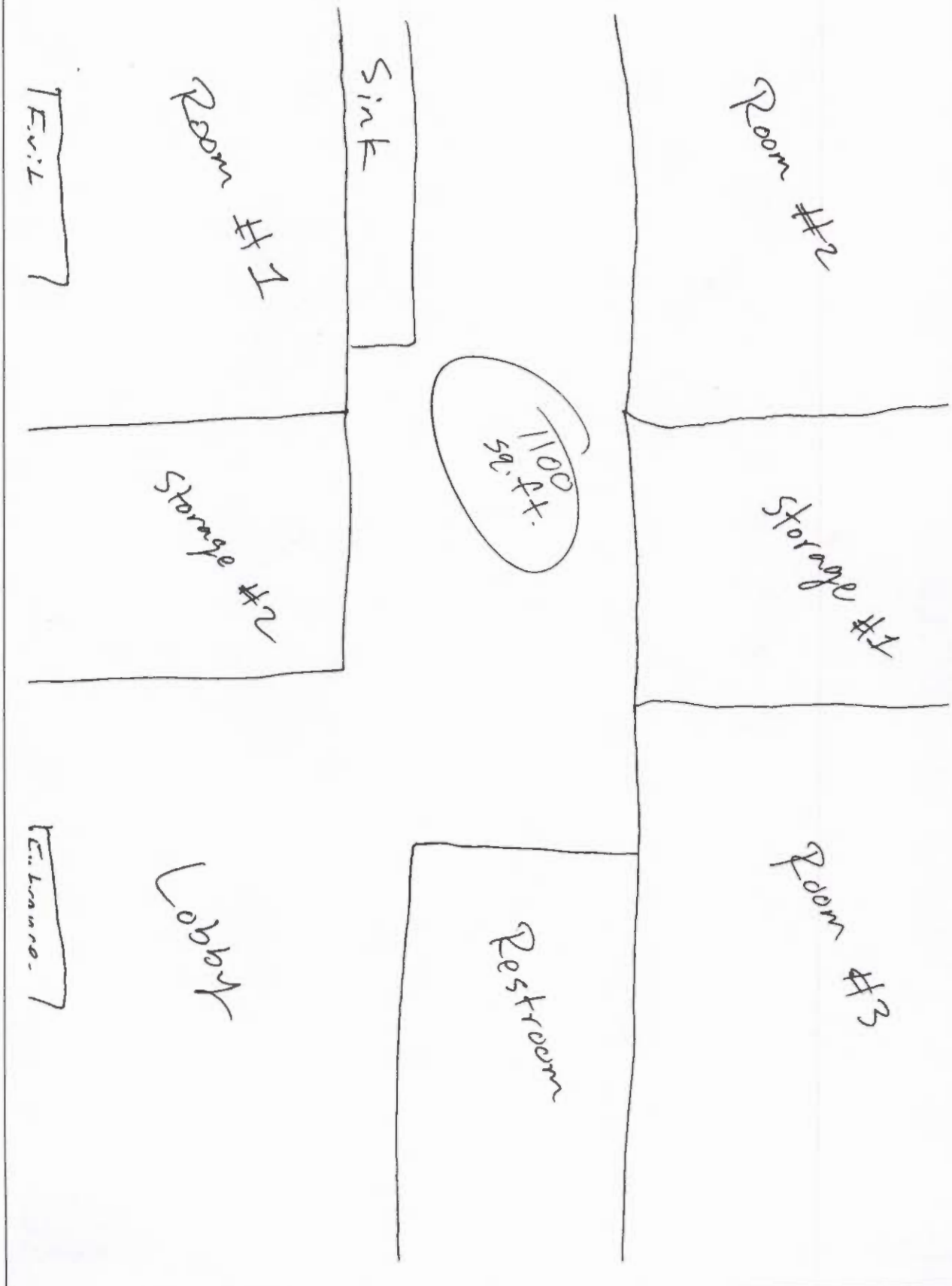
Attachment III



Attachment IV



Attachment IV



Attachment V





Specific Use Permit ("SUP") Routing Slip

Applicant: Dimas Rivas

Phone No.: (956) 970-2702

Location: 1706 E. Tyler Avenue, Suites 8-9

Project Description: Request for a Special Use Permit (SUP) to allow an adult business (Tattoo Studio) in a General Retail ("GR") District located at 1706 E. Tyler Avenue, Suites 8-9, bearing a legal description of Lot 2, Tyler Place Subdivision. Applicant: Dimas Rivas

Department: Building Permits and Inspections Department

Approval: ☐ YES ☐ NO ☒ PENDING

Comments:

If request is approved by the Planning Department, A Building Permit application, a site plan, existing floor plan and proposed floor plan with a code analysis for the proposed use must be submitted to the Building Department. The construction documents must comply with the 2018 International Building Code and Family of Codes. The city commission adopted the new 2024 family of codes which will take effect on October 1, 2025. Any building permit applications received after that date will have to follow the new codes.

Raul Rodriguez

Signature

05/21/2025

Date



Specific Use Permit ("SUP") Routing Slip

Applicant: Dimas Rivas

Phone No.: (956) 970-2702

Location: 1706 E Tyler Ave, Suites 8-9

Project Description: Request for a Special Use Permit (SUP) to allow an adult business (Tattoo Studio) in a General Retail ("GR") District located at 1706 E Tyler Ave, Suites 8-9, bearing a legal description of Lot 2, Tyler Place Subdivision, Applicant: Dimas Rivas

Department: Fire Prevention Bureau

Approval: X YES NO

Comments: Applicant will have to meet any code, regulation, ordinance, and standard required for permit.

Fire Marshal Juan Saucedo Jr.

Juan Saucedo Jr

Date: May 20, 2025

Attachment VIII



Specific Use Permit ("SUP") Routing Slip

Applicant: Dimas Rivas

Phone No.: (956) 970-2702

Location: 1706 E. Tyler Avenue, Suites 8-9

Project Description: Request for a Special Use Permit (SUP) to allow an adult business (Tattoo Studio) in a General Retail ("GR") District located at 1706 E. Tyler Avenue, Suites 8-9, bearing a legal description of Lot 2, Tyler Place Subdivision. Applicant: Dimas Rivas

Department: HARLINGEN POLICE DEPT.

Approval: ☒ YES ☐ NO

Comments: APPROVAL
& PENDING CONTACT WITH APPLICANT.
RECOMMEND A FUNCTIONAL CAMERA SYSTEM.


Alfredo Alvear, BSCJ, CPM
Interim Chief of Police

5/21/2025
Date

AN ORDINANCE AMENDING THE CODE OF ORDINANCES (ORDINANCE NO. 16-8) OF THE CITY OF HARLINGEN: TO ISSUE A SPECIAL USE PERMIT (SUP) TO ALLOW AN ADULT BUSINESS (TATTOO STUDIO) IN A GENERAL RETAIL ("GR") DISTRICT LOCATED AT 1706 E. TYLER AVENUE, SUITES 8 & 9, BEARING A LEGAL DESCRIPTION OF LOT 2, TYLER PLACE SUBDIVISION.

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

BE IT ORDAINED BY THE CITY OF HARLINGEN

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

Special Use Permit (SUP) to allow a tattoo store in a General Retail ("GR") District located at 1706 E. Tyler Avenue, Suites 8 & 9, bearing a legal description of Lot 2, Tyler Place Subdivision as shown in Exhibits "A," & "B" subject to:

1. Obtaining and maintaining the proper State and City permits;
2. Maintaining the required parking in accordance with city regulations;
3. Provide video surveillance with a thirty-day video retention; and
4. Hours of operation are Sunday – Saturday 9am – 12am; and
5. Complying with the requirements administered by Planning and Zoning, Building Inspections, Fire Prevention, and Police Departments

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 _____, 2025 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

Norma Sepulveda, Mayor

ATTEST:

Hermelinda Gonzales, Interim City Secretary

Exhibit "A"

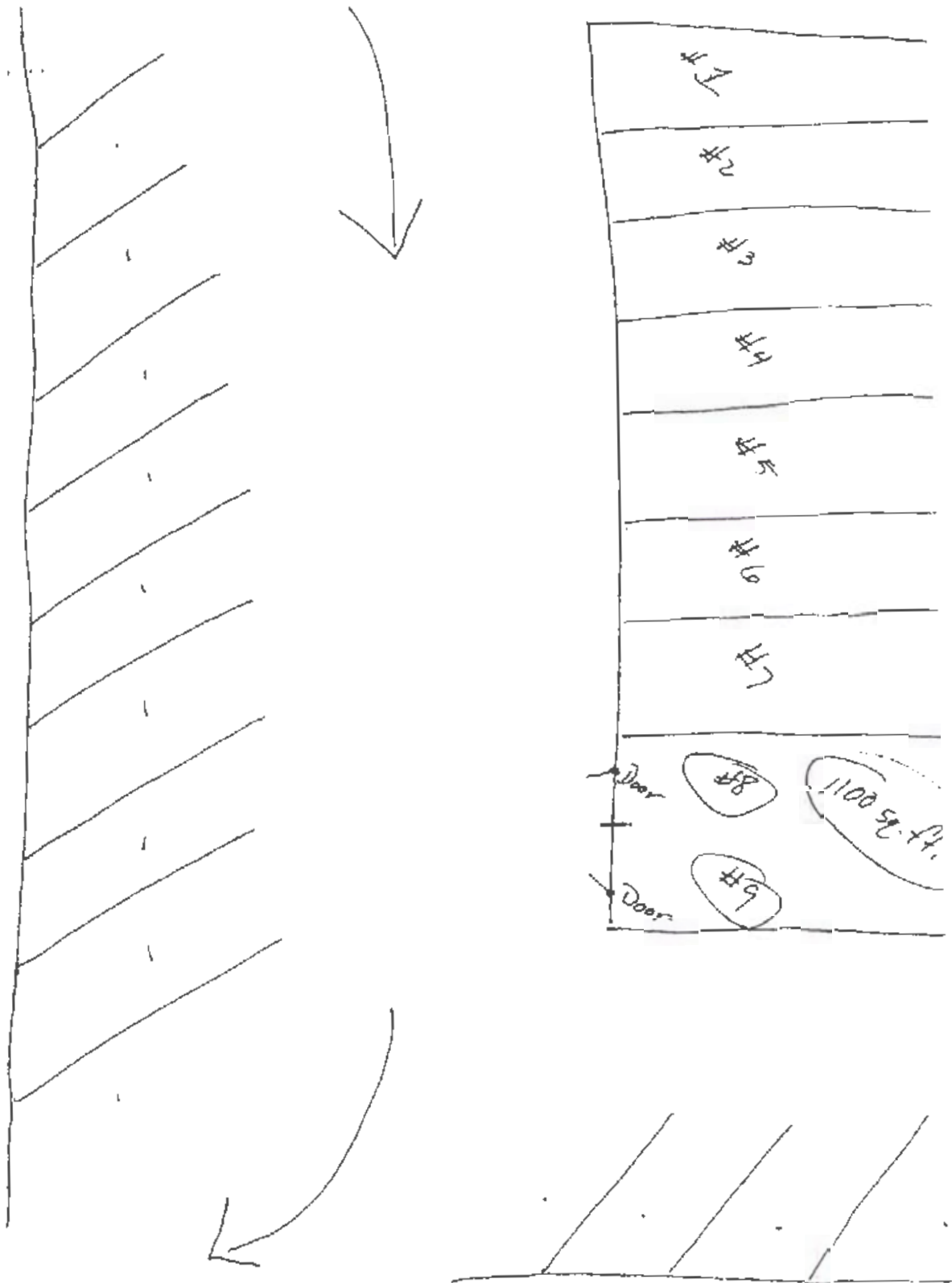
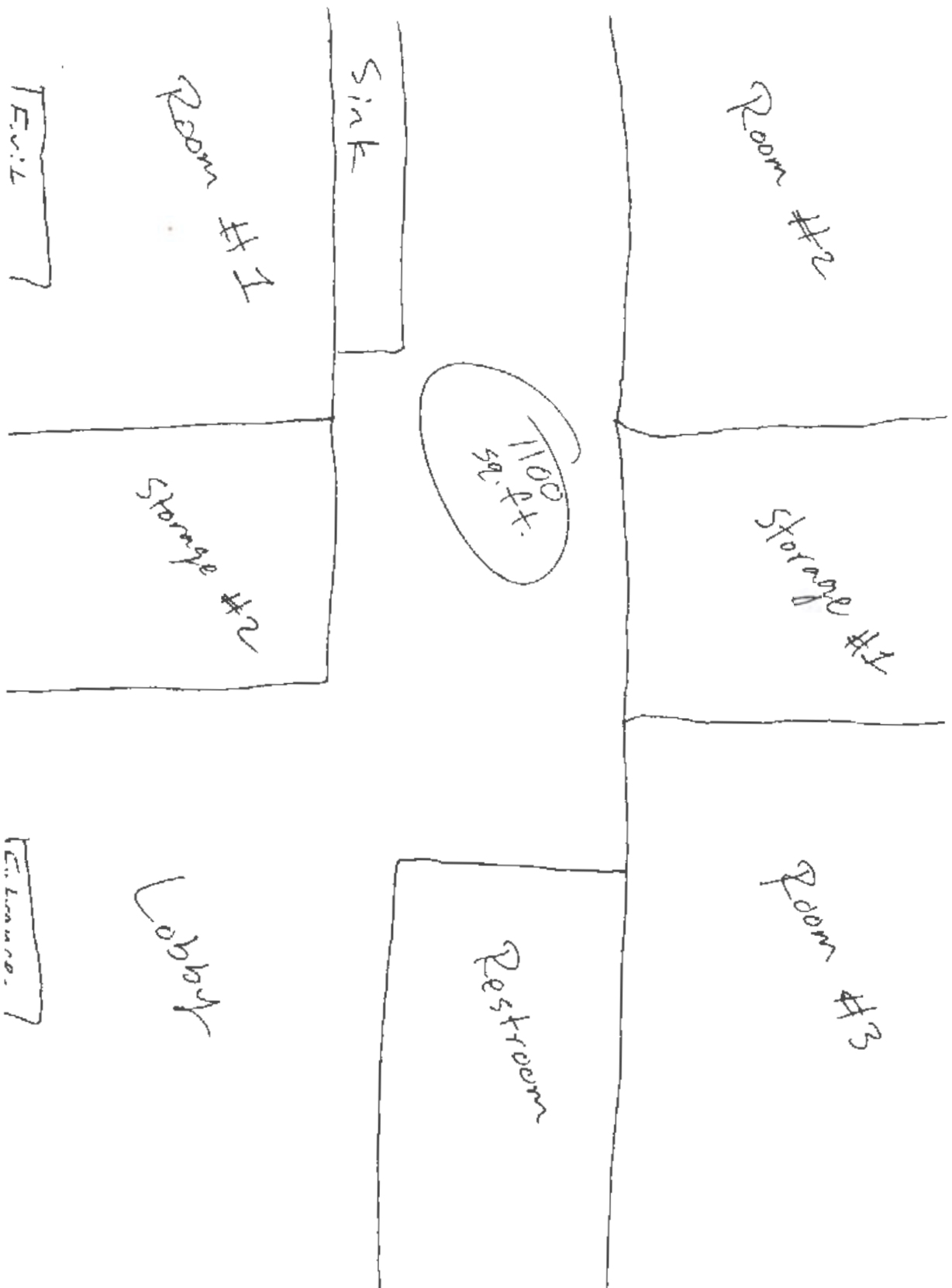


Exhibit "B"



**AGENDA ITEM
EXECUTIVE SUMMARY**

7(c)

Meeting Date: **June 18, 2025**

Agenda Item:

Consideration and possible action to approve an ordinance on second and final reading amending the City of Harlingen Code of Ordinances Chapter 105, Article II, Section 16, Definitions, by adding definitions pertaining to repetitive loss and increased cost compliance, modifying the substantial damage and substantial improvement definitions and adding Section 105-64 pertaining to repetitive losses, of the Harlingen Code of Ordinances. Applicant: City of Harlingen. Attachment (**Planning & Development**)

Prepared By: Soledad A. Núñez, CNU-A

Title: Interim Planning and Development Director

Signature: *Soledad A. Núñez*

Brief Summary:

Project Timeline

- May 17, 2025 – In accordance with State and local law, notice of the required public hearing was published in the Valley Morning Star.
- May 28, 2025 – Public hearing and consideration of the requested ordinance amendments by the Planning and Zoning Commission (P&Z)
- June 4, 2025 – Public hearing and consideration of requested ordinance amendments via 1st ordinance reading scheduled before the City Commission.
- June 18, 2025 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- Ordinance Section 105, Flood Damage Prevention, requires updating to better assist individuals who were impacted by the storms/flooding of March 2025.
- A summary of the recommended changes are shown in **ATTACHMENT I**.

Funding (if applicable):

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

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

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

Staff Recommendation:

Staff recommends approval to the proposed amendments to Chapter 105 of the City of Harlingen Code of Ordinances.

City Manager's approval: *SS* ☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval: ☐ Yes ☐ No ☐ N/A

Attachment I

Functionally dependent use means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term "functionally dependent use" includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior or;
 - b. Directly by the Secretary of the Interior in states without approved programs.

Increased cost of Compliance (ICC) is a benefit under the National Flood Insurance Program (NFIP) that helps cover the costs of complying with building codes and regulations after a flood, particularly if a structure is deemed "substantially damaged" or a "repetitive loss." ICC can provide up to \$30,000 to offset expenses like elevating, relocating, demolishing, or floodproofing a building.

Levee means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee system means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

Manufactured home means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

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(Supp. No. 14)

Attachment I

Moderate flood hazard areas are areas between the limits of the base flood and the 0.2-percent-annual-chance (or 500-year) flood. They are shown on flood maps as zones labeled with the letters B or X (shaded).

New construction means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

No adverse impact floodplain management means providing appropriate regulatory oversight that the action of one property owner or community does not adversely affect the flood risks for other properties or communities as measured by increased flood stages, increased flood velocity, increased flows, or the increased potential for erosion and sedimentation, or any other impact deemed important by the City of Harlingen, unless the impact is mitigated as provided for in a community or watershed-based plan.

Recreational vehicle means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The floodway is congruent with the regulatory 1% annual chance floodplain in the city.

Repetitive Loss means flood-related damage sustained by a structure on two separate occasions during a 10-year period, for which the cost of repairs at the time of each flood event equals or exceeds 25 percent of structure's market value before the damage occurred.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special flood hazard area, see area of special flood hazard.

Start of construction means, for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. The start of construction period is valid for 180 days, provided, however, that the duly designated building official may extend the start of construction period of an additional 180-day period pursuant to the city's Code.

Attachment I

Structure means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The term includes buildings that are determined to be Repetitive Loss (see definition).

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the damage occurred. For the purposes of this definition, an improvement occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. This term includes structures, which have incurred "repetitive loss" or "substantial damage", regardless of the actual repair work done. The term does not apply to:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local Code Enforcement Official and which are the minimum necessary to assure safe living conditions or
- (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Variance means a grant of relief from the requirements of chapter 105 when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this chapter. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR Section 60.3 (Flood plain management criteria for flood-prone areas) is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Ord. No. 2023-24, § 11, 7-5-2023)

Secs. 105-17—105-20. Reserved.

Sec. 105-61. Severability.

If any section, clause, sentence, or phrase of this chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this chapter.

(Ord. No. 2023-24, § II, 7-5-2023)

Sec. 105-62. Penalties for non compliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. No. 2023-24, § II, 7-5-2023)

Sec. 105-63. Stop work order, emergencies.

Upon notice from the floodplain administrator that work on any building, structure, dike, bridge or any improvement which would affect water drainage is being done contrary to the provisions of this chapter, or in a dangerous or unsafe manner, such work shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of the property or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, no written notice shall be required to be given by the floodplain administrator; provided however, written notice shall follow within 24 hours from the time oral notice to stop was issued.

(Ord. No. 2023-24, § II, 7-5-2023)

Sec. 105-64. Repetitive Losses

A building (home or business), if insured through the National Flood Insurance Program, is eligible for an ICC payment when the City's Floodplain Administrator determines that the building is repetitively damaged as a result of floods within a 10-year period (see *Repetitive Loss* definition). To make this determination, there must be two claims filed in a 10-year period and the claims' average must equal or exceed 25% of the building's market value.

ORDINANCE 25 -

AN ORDINANCE OF THE CITY OF HARLINGEN AMENDING THE CODE OF ORDINANCES, CHAPTER 105, "FLOOD DAMAGE PREVENTION" BY ADDING DEFINITIONS PERTAINING TO REPETITIVE LOSS AND INCREASED COST COMPLIANCE, MODIFYING THE SUBSTANTIAL DAMAGE AND SUBSTANTIAL IMPROVEMENT DEFINITIONS AND ADDING SECTION 106-64 PERTAINING TO REPETITIVE LOSSES, PROVIDING FOR A REPEALER AND SEVERABILITY CLAUSES.

WHEREAS, the City of Harlingen, a home-rule city of the State of Texas, may adopt and enforce ordinances necessary to protect health, life, property and the general welfare of the City and its residents and visitors; and

WHEREAS, the City Commission of the City of Harlingen finds it in the City's best interest to amend the flood damage prevention standards for all new residential, commercial and industrial development proposed for development within the city limits or extraterritorial jurisdiction of the City of Harlingen; and

WHEREAS, having updated flood damage prevention standards will help ensure the City only accepts development less likely to be affected by a major storm event; and

WHEREAS, amending these standards will further promote the aims of the City in protecting and maintaining a safe, healthy quality of life for its residents and visitors;

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

SECTION I: The City of Harlingen Code of Ordinances, Chapter 105, Flood Damage Prevention, Article II, Definitions, Section 105-16 Definitions, is hereby amended and Chapter 105, Article V, Provisions for Flood Hazard Reduction, Section 105-64 is created by adding the language underlined (added) to read in full as follows:

SECTION II

Chapter 105, Flood Damage Prevention, of the Code of Ordinances of the City of Harlingen, Texas is hereby amended.

ARTICLE II. DEFINITIONS

Sec. 105-16. Definitions

Unless specifically defined below, words or phrases used in this chapter shall be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application.

1% annual chance floodplain (also known as a *100-year floodplain*) is the land within a community subject to a one percent or greater chance of flooding in any given

year. These areas are typically designated as a Federal Emergency Management Agency (FEMA) Zone A, AE, AH, or AO on FEMA flood insurance rate maps (FIRM Panels). This area includes inundated areas shown in base level engineering analyses for the 1% annual chance storm event.

Alluvial fan flooding means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

Apex means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Appeal means a request for a review of the floodplain administrator's interpretation of any provision of this chapter or a request for a variance.

Appurtenant structure means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure

Area of future conditions flood hazard (area of future flood conditions) means the land area that would be inundated by the one-percent annual chance (100-year) flood based on future conditions hydrology.

Area of shallow flooding means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's flood insurance rate map (FIRM), or inundated areas shown in base level engineering assessments, with a one-percent (1%) or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard is the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, zone A usually is refined into zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V. The area may also include inundated areas shown in base level engineering analyses for the 1% annual chance storm event.

Base flood means the flood having a one-percent (1%) chance of being equaled or exceeded in any given year.

Base flood elevation (BFE) means the elevation shown on the flood insurance rate map (FIRM) and found in the accompanying flood insurance study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a one-percent (1%) chance of equaling or exceeding that level in any given year - also called the "base flood."

Base level engineering (BLE) means an automated riverine hydrologic and hydraulic modeling approach that provides flood risk data that meet the technical mapping standards outlined in federal insurance and Mitigation Administration Policy 204-078-1 Standards for Flood Risk Analysis and Mapping. Base level engineering includes estimated floodplain extents (10%, 1%, and 0.2% annual chance storm events), water surface elevation grids (1% and 0.2% annual chance storm events), and

flood depth grids (1%, and 0.2% annual chance storm events). Base level engineering reference can be accessed at <https://webapps.usgs.gov/infrm/estBFE/>.

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Critical feature means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Critical facilities means facilities that materially affect the public health and welfare. Such facilities include, but are not limited to:

- (1) Hospitals, nursing homes, blood banks, health care facilities including those storing vital medical records, and housing likely to contain occupants who may not be sufficiently mobile to avoid death or injury during a flood;
- (2) Police stations, fire stations, vehicle and equipment storage facilities, and emergency operations centers that are needed for flood response activities before, during, and after a flood;
- (3) Public and private utility facilities that are vital to maintaining or restoring normal services to flooded areas before, during and after a flood;
- (4) Structures or facilities that produce, use, treat, store or dispose highly volatile, flammable, explosive, toxic, and/or water-reactive materials; and
- (5) Drinking water plants and facilities, and wastewater treatment plants and facilities.

Compensatory storage or floodplain mitigation means an artificially excavated, hydraulically equivalent volume of storage within the special or moderate flood hazard area used to balance the loss of natural flood storage capacity when artificial fill or structures are placed within the area of flood hazard.

Development means any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Elevated building means, for insurance purposes, a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Existing construction means for the purposes of determining rates, structures for which the start of construction commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Extra-territorial jurisdiction (not limited-purpose annexation) means the area extending five miles outside the City of Harlingen corporate limits. All development in the ETJ within an area of special flood hazard is subject to this article.

FEMA means the Federal Emergency Management Agency.

Fill means the placement of earth or other solid material above the natural ground surface elevation prior to or during construction.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood elevation study means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood insurance rate map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood insurance study (FIS) is an official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation or the base flood, as well as the flood boundary map. Also see flood elevation study.

Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source (see definition of flooding). The 1% annual chance floodplain is also known as the area of special flood hazard. Also see regulatory floodplain.

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood-prone area means any land area susceptible to being inundated by water from any source (see definition of flooding).

Flood protection system means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs,

levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodproofing means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway, see "regulatory floodway."

Freeboard, see "elevated building."

Functionally dependent use means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term "functionally dependent use" includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior or;
 - b. Directly by the Secretary of the Interior in states without approved programs.

Increased cost of Compliance (ICC) is a benefit under the National Flood Insurance Program (NFIP) that helps cover the costs of complying with building codes and regulations after a flood, particularly if a structure is deemed "substantially damaged" or a "repetitive loss." ICC can provide up to \$30,000 to offset expenses like elevating, relocating, demolishing, or floodproofing a building.

Levee means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee system means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

Manufactured home means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

Moderate flood hazard areas are areas between the limits of the base flood and the 0.2-percent-annual-chance (or 500-year) flood. They are shown on flood maps as zones labeled with the letters B or X (shaded).

New construction means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

No adverse impact floodplain management means providing appropriate regulatory oversight that the action of one property owner or community does not adversely affect the flood risks for other properties or communities as measured by increased flood stages, increased flood velocity, increased flows, or the increased potential for erosion and sedimentation, or any other impact deemed important by the City of Harlingen, unless the impact is mitigated as provided for in a community or watershed-based plan.

Recreational vehicle means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The floodway is congruent with the regulatory 1% annual chance floodplain in the city.

Repetitive Loss means flood-related damage sustained by a structure on two separate occasions during a 10-year period, for which the cost of repairs at the time of each flood event equals or exceeds 25 percent of structure's market value before the damage occurred.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special flood hazard area, see area of special flood hazard.

Start of construction means, for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. The start of construction period is valid for 180 days, provided, however, that the duly designated building official may extend the start of construction period of an additional 180-day period pursuant to the city's Code.

Structure means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

The term includes buildings that are determined to be Repetitive Loss (see definition).

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the damage occurred. For the purposes of this definition, an improvement occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. This term includes structures, which have incurred "repetitive loss" or "substantial damage", regardless of the actual repair work done. The term does not apply to:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been

identified by the local Code Enforcement Official and which are the minimum necessary to assure safe living conditions or

- (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Variance means a grant of relief from the requirements of chapter 105 when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this chapter. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR Section 60.3 (Flood plain management criteria for flood-prone areas) is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Ord. No. 2023-24, § II, 7-5-2023)

ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 105-64. Repetitive Losses

A building (home or business), if insured through the National Flood Insurance Program, is eligible for an ICC payment when the City's Floodplain Administrator determines that the building is repetitively damaged as a result of floods within a 10-year period (see Repetitive Loss definition). To make this determination, there must be two claims filed in a 10-year period and the claims' average must equal or exceed 25% of the building's market value.

SECTION III: CUMULATIVE/REPEALER CLAUSE

This ordinance shall be cumulative of all provisions of state or federal law and other ordinances of the City of Harlingen, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION IV: SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Commission that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by a valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Commission without the incorporation of this Ordinance of any such unconstitutionality phrase, clause, sentence, paragraph or section.

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

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

FINALLY ENACTED this ____ day of _____, 2025, 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, TEXAS

Norma Sepulveda, Mayor

Hermelinda Gonzales, Interim City Secretary

**AGENDA ITEM
EXECUTIVE SUMMARY**

76)

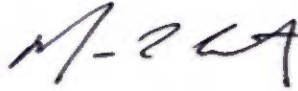
Meeting Date: **June 18, 2025**

Agenda Item:

Consideration and possible action to approve a resolution accepting the Federal Aviation Administration (FAA) anticipated Grant offer No. 3-48-0101-082-2025, in the amount of Two Million, Two Hundred Fifty Thousand Dollars and no 100s (\$2,250,000.00) for the Air Traffic Control Tower project at Valley International Airport. Attachment (**Airport**)

Prepared By (Print Name): Marv R. Esterly
Title: Director of Aviation

Signature:



Brief Summary:

This grant is for Valley International Airport's Air Traffic Control Tower project.

Funding (if applicable):

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

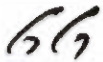
*If no, specify the source of funding and amount requested:

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

Staff Recommendation:

Staff recommends acceptance of the anticipated Federal Aviation Administration (FAA) Grant offer No. 3-48-0101-082-2025, in the amount of Two Million, Two Hundred Fifty Thousand Dollars and no 100s (\$2,250,000.00) for the Air Traffic Control Tower project at Valley International Airport.

City Manager's approval:



☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:

☐ Yes ☐ No ☐ N/A

RESOLUTION NO. NO. _____

STATE OF TEXAS §

COUNTY OF CAMERON §

WHEREAS, the United States Department of Transportation, Federal Aviation Administration, is expected to submit an anticipated grant offer, Grant No. 3-48-0101-082-2025; and

WHEREAS, the intended purpose of the anticipated Grant No. 3-48-0101-082-2025 is for the Air Traffic Control Tower project at Valley International Airport in the amount of Two Million, Two Hundred Fifty Thousand Dollars and no 100s (\$2,250,000.00); and

WHEREAS, the anticipated Grant No. 3-48-0101-082-2025 for the Valley International Airport was approved by the Harlingen Airport Board during its regular meeting of May 20, 2025; and

WHEREAS, the Elective Commission of the City of Harlingen, Texas, deems it necessary and desirable to accept the execution of the anticipated FAA Grant No. 3-48-0101-082-2025, in the amount of Two Million, Two Hundred Fifty Thousand Dollars and no 100s (\$2,250,000.00) for the Air Traffic Control Tower project at Valley International Airport; now, therefore,

BE IT RESOLVED BY THE CITY OF HARLINGEN:

The Mayor of the City of Harlingen, Norma Sepulveda, is hereby authorized to execute on behalf of the City of Harlingen the anticipated Grant Offer No. 3-48-0101-082-2025 for the Air Traffic Control Tower project at Valley International Airport in the amount of Two Million, Two Hundred Fifty Thousand Dollars and no 100s (\$2,250,000.00);

When so executed by the Mayor of the City of Harlingen, the City of Harlingen shall be bound to all of the conditions and requirements as stated in said anticipated grant offer if and when it is received.

CONSIDERED AND ADOPTED this 18th day of June 2025, at a Regular Meeting of the Elective Commission of the City of Harlingen, Texas, at which a quorum was present and which was held in accordance with Texas Government Code, Title 5, Subtitle A, Chapter 551.

CITY OF HARLINGEN

BY: _____
Norma Sepulveda, Mayor

ATTEST:

Hermelinda Gonzales, Interim City Secretary

**AGENDA ITEM
EXECUTIVE SUMMARY**

7(9)

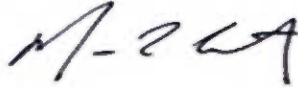
Meeting Date: **June 18, 2025**

Agenda Item:

Consideration and possible action to approve a resolution accepting the Federal Aviation Administration (FAA) anticipated Grant offer No. 3-48-0101-083-2025, in the amount of One Million, Two Hundred Eighty-Nine Thousand Dollars and no 100s (\$1,289,000.00) for Valley International Airport's Master Plan Update. Attachment (**Airport**)

Prepared By (Print Name): Marv R. Esterly
Title: Director of Aviation

Signature:



Brief Summary:

This grant is for Valley International Airport's Master Plan Update

Funding (if applicable):

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

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

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

Staff Recommendation:

Staff recommends acceptance of the anticipated Federal Aviation Administration (FAA) Grant offer No. 3-48-0101-083-2025, in the amount of One Million, Two Hundred Eighty-Nine Thousand Dollars and no 100s (\$1,289,000.00) for Valley International Airport's Master Plan Update.

City Manager's approval:



☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:

☐ Yes ☐ No ☐ N/A

RESOLUTION NO. NO. _____

STATE OF TEXAS §

COUNTY OF CAMERON §

WHEREAS, the United States Department of Transportation, Federal Aviation Administration, is expected to submit an anticipated grant offer, Grant No. 3-48-0101-083-2025; and

WHEREAS, the intended purpose of the anticipated Grant No. 3-48-0101-083-2025 is for Valley International Airport's Master Plan Update in the amount of One Million, Two Hundred Eighty-Nine Thousand Dollars and no 100s (\$1,289,000.00); and

WHEREAS, the anticipated Grant No. 3-48-0101-083-2025 for the Valley International Airport was approved by the Harlingen Airport Board during its regular meeting of May 20, 2025; and

WHEREAS, the Elective Commission of the City of Harlingen, Texas, deems it necessary and desirable to accept the execution of the anticipated FAA Grant No. 3-48-0101-083-2025, in the amount of One Million, Two Hundred Eighty-Nine Thousand Dollars and no 100s (\$1,289,000.00) for Valley International Airport's Master Plan Update; now, therefore,

BE IT RESOLVED BY THE CITY OF HARLINGEN:

The Mayor of the City of Harlingen, Norma Sepulveda, is hereby authorized to execute on behalf of the City of Harlingen the anticipated Grant Offer No. 3-48-0101-083-2025 for Valley International Airport's Master Plan Update in the amount of One Million, Two Hundred Eighty-Nine Thousand Dollars and no 100s (\$1,289,000.00);

When so executed by the Mayor of the City of Harlingen, the City of Harlingen shall be bound to all of the conditions and requirements as stated in said anticipated grant offer if and when it is received.

CONSIDERED AND ADOPTED this 18th day of June 2025, at a Regular Meeting of the Elective Commission of the City of Harlingen, Texas, at which a quorum was present and which was held in accordance with Texas Government Code, Title 5, Subtitle A, Chapter 551.

CITY OF HARLINGEN

BY: _____
Norma Sepulveda, Mayor

ATTEST:

Hermelinda Gonzales, Interim City Secretary

**AGENDA ITEM
EXECUTIVE SUMMARY**

7(b)

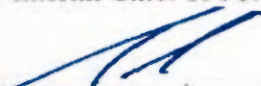
Meeting Date: **June 18, 2025**

Agenda Item:

Consideration and possible action to approve a request from the Harlingen Downtown Improvement District Office to close the streets listed below, on Saturday, July 19, 2025, from 4:00 p.m. to 11:59 p.m. for their Sage Touch, Inc. Non-Profit Concert event. Attachment (**Police**).

- Eastside intersection of West Jackson Avenue and "D" Street;
- Southside intersection of the 100 Block of North "C" Street and alleyway;
- Northside intersection of the 100 Block of South "C" Street and alleyway; and,
- Westside intersection of West Jackson Avenue and West Street.

Prepared By (Print Name): Alfredo Alvear
Title: Interim Chief of Police

Signature: 

Brief Summary:

Alexis Riojas, Downtown Director of the Harlingen Downtown Improvement District Office is requesting the closure of the streets listed below, on Saturday, July 19, 2025, from 4:00 p.m. to 11:59 p.m. for their Sage Touch, Inc. Non-Profit Concert event:

- Eastside intersection of West Jackson Avenue and "D" Street;
- Southside intersection of the 100 Block of North "C" Street and alleyway;
- Northside intersection of the 100 Block of South "C" Street and alleyway; and,
- Westside intersection of West Jackson Avenue and West Street.

The street closures will help to ensure the safety of the visitors attending this event.

The Asst. Fire Chief has reviewed this request and provided his approval.

Funding (if applicable):

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

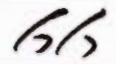
*If no, specify source of funding and amount requested: N/A

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

Staff Recommendation:

Staff recommends approval.

For Street Closures ONLY, Fire Chief's approval: ☒ Yes ☐ No ☐ N/A

City Manager's approval:  ☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval: ☐ Yes ☐ No ☐ N/A



HARLINGEN POLICE DEPARTMENT
1018 FAIR PARK BLVD., HARLINGEN, TX 78550

INTER-DEPARTMENTAL COMMUNICATION
FRONT DESK: (956) 216-5401 ADMINISTRATION: (956) 216-5403

TO: Chief of Police

DATE: 6/9/25

FROM: District Representative Benito Bravo #3412

RE: Street Closure for Sage Touch Inc. Non-Profit Music Concert

Requestor: Alexis Riojas / Downtown Director

Event Date: Saturday, July 19, 2025

Time: 4:00 p.m. to 12:00 a.m. (midnight)

Location: West Jackson Avenue/ South C Street, Harlingen, Texas

Mrs. Riojas is requesting a street closure on behalf of the Harlingen Downtown Board for their Sage Touch Inc. Non-Profit Music Concert event. The event will feature a vendor market, food vendors and much more. The street closure being requested is from 4:00 p.m. to 12:00 a.m. (midnight) on July 19, 2025. The closing of the streets will ensure the safety of the public attending the event.

If approved, barricades are to be delivered by the City of Harlingen Streets Department prior to 4:00 p.m. on Friday, July 18, 2025, and removed from the roadway on July 20, 2025, at 1:00 a.m. A copy of the map is attached to this IDC.

- Close the east side intersection of West Jackson Ave. and D Street.
- Close the south side intersection of the 100 Block of North C Street and alleyway.
- Close the north side intersection of the 100 Block of South C Street and alleyway.
- Close the west side intersection of West Jackson Ave. and West Street.

	SIGNATURE	ID#	DATE
OFFICER / EMPLOYEE	<i>Benito Bravo</i>	3412	06/09/2025
SERGEANT / SUPERVISOR	<i>Sgt. Nelson</i>	2885	06/09/2025
COMMANDER / MANAGER	<i>CAH</i>	4829	6/9/25
DEPUTY CHIEF	OUT - VACATION	_____	_____
ASSISTANT CHIEF	OUT - conference	_____	_____
CHIEF OF POLICE	<i>///</i>	2743	6/9/25

STREET CLOSURE SAGE TOUCH INC. CONCERT



 Barricade



Downtown Harlingen

P.O. Box 2207, Harlingen, TX 78551-2207

(Office at 209 W. Jackson)

Phone: (956) 216-4910 Fax: (956) 216-8037

www.downtownharlingen.com

06/04/2024

Raymond Reyes
Sage Touch Inc.
Harlingen, Texas 78550

On behalf of the Downtown Improvement District Office, our D.I.D. Board approved the following on June 3, 2025:

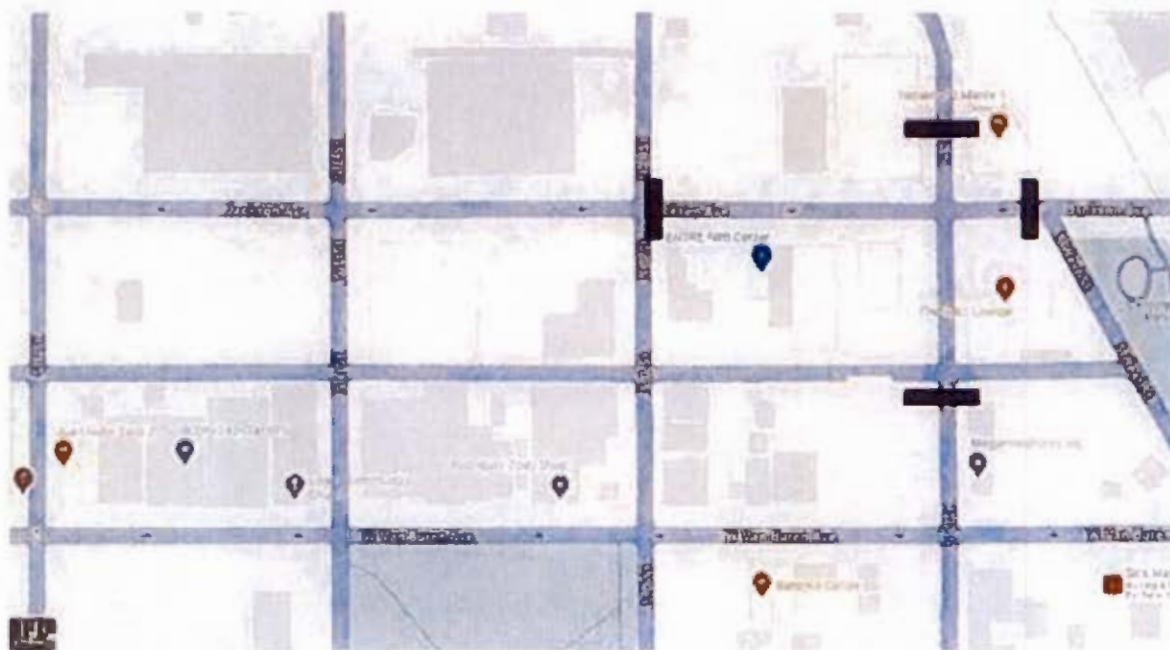
- **Consideration and possible action to approve the proposed street closures for the "Sage Touch Inc. Non-Profit Music Concert" event, scheduled for Saturday, July 19, 2025, from 4:00 p.m. to 12:00 a.m. -**
The D.I.D. Board has approved the submitted street closure requests.

We appreciate your patience and cooperation. Please contact the office for any additional information at 956-216-4910.

Best regards,

Alexis Riojas
Downtown Director

Event Non-Profit Music Concert for Sage Touch Inc. July 19th from 7pm - 1145pm



Street Closure requested

Benito Bravo - HPD

From: Angela Anderson
Sent: Wednesday, June 4, 2025 11:45 AM
To: Benito Bravo - HPD; Jose J. Lopez - HPD; Frances Pena - HPD; Alfredo Alvear - HPD
Cc: Alexis Riojas; Norma L. Gonzalez
Subject: Street Closure-
Attachments: Street Closure Notice-Sage Touch 7.19.25.pdf

Good morning.

Please see the attached street closure approval and map for the upcoming Sage Touch Inc. Non-Profit Music Concert event scheduled for Saturday, July 19th, 2025, from 4:00 PM-12:00AM.
Thank you,

Angie Anderson

Promotion & Events Manager

📞 956 216 4910 EXT. 4911

✉️ aanderson@harlingentx.gov

🌐 www.harlingentx.gov

📍 209 W. Jackson Ave | Harlingen, TX 78550





SAGE TOUCH INC.

19514 Rio Rancho Rd, Harlingen, TX 78552

[Charitable ID# 33-3427087]

www.sagetouchinc.org

info@sagetouchinc.org

Date: _____

On behalf of the entire team at Sage Touch Inc., I want to extend our heartfelt thanks for your support and encouragement as we continue building a stronger, more resilient Rio Grande Valley.

Your belief in our mission—to empower underserved communities through affordable housing, youth development, financial literacy, and holistic care—helps make this vision possible. Every voice of support strengthens our case for sustainable funding, deeper partnerships, and expanded services for the people who need them most. Thank you for being part of this movement. Whether through advocacy, connection, or encouragement, your support is helping Sage Touch Inc. bring real opportunity and hope to South Texas.

With deep gratitude,
Jacques Royal
Founder & President
Sage Touch Inc.

Frances Pena - HPD

From: Ruben Balboa - HFD
Sent: Monday, June 9, 2025 4:30 PM
To: Frances Pena - HPD; Rafael Balderas - HFD; Donna Henderson - HFD
Subject: Re: STREET CLOSURE REQUEST - SAGE TOUCH, INC. CONCERT

Good afternoon,

HFD has no issues with the street closures.

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From: Frances Pena - HPD <fpena@harlingentx.gov>
Sent: Monday, June 9, 2025 4:08:12 PM
To: Ruben Balboa - HFD <rbalboa@harlingentx.gov>; Rafael Balderas - HFD <rbalderas@harlingentx.gov>; Donna Henderson - HFD <dhenderson@harlingentx.gov>
Subject: STREET CLOSURE REQUEST - SAGE TOUCH, INC. CONCERT

Good Afternoon Asst. Fire Chief Balboa:

I would ask if you could please review the attached street closure request for the following event:

1. SAGE TOUCH, INC. NON-PROFIT CONCERT event

Please provide your recommendation so that I can include as an agenda item at the next City Commission meeting.

Thank You!

Frances Peña
Executive Admin. Asst.
Office of the Chief of Police
1018 Fair Park Blvd.
Harlingen, TX 78550
956-216-5403
fpena@harlingentx.gov

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**AGENDA ITEM
EXECUTIVE SUMMARY**

7(i)

Meeting Date: **June 18, 2025**

Agenda Item:

Consideration and possible action to approve a SECOND AMENDED request from Harlingen Downtown District to close the streets listed below for their Downtown at Sundown events being held on every 3rd Saturday of the month from 7:00 p.m. to 10:00 p.m. since vendors will now be setting up on the 100th and 200th Blocks of West Jackson Avenue. Attachment (Police).

- Eastside intersections of Commerce Street and Jackson Avenue;
- Northside intersection of "A" Street and Jackson Avenue;
- Northside intersection of "A" Street and Van Buren Avenue;
- Westside intersection of First Street and Jackson Avenue; and,
- Eastside and Westside intersections of the 100 Block of South "A" Street and alleyway

Prepared By (Print Name): **Alfredo Alvear**
Title: **Interim Chief of Police**

Signature: 

Brief Summary:

Alexis Riojas, Downtown Director, is requesting a second amendment to the street closures for the Downtown at Sundown events being held on every 3rd Saturday of the month from 7:00 p.m. to 10:00 p.m. since vendors will be setting up on the 100th and 200th Block of West Jackson Avenue:

- Eastside intersections of Commerce Street and Jackson Avenue;
- Northside intersection of "A" Street and Jackson Avenue;
- Northside intersection of "A" Street and Van Buren Avenue;
- Westside intersection of First Street and Jackson Avenue; and,
- Eastside and Westside intersections of the 100 Block of South "A" Street and alleyway

The barricades are to be delivered by the City's Streets Department prior to 3:00 p.m. on the day before each event and barricades will be removed by 11:00 p.m. on the day of each event.

Events will be on every 3rd Saturday of the month from 7:00 p.m. to 10:00 p.m. on the following days:

June 21, 2025	July 19, 2025
August 16, 2025	September 20, 2025

The street closures will help to ensure the safety of the visitors attending this event.

The Asst. Fire Chief has reviewed this request and provided his approval.

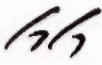
Funding (if applicable):

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

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

Finance Director's approval:

☐ Yes ☐ No ☐ N/A

Staff Recommendation:			
Staff recommends approval.			
For Street Closures ONLY, Fire Chief's approval:	☒ Yes	☐ No	☐ N/A
City Manager's approval:		☒ Yes	☐ No ☐ N/A
Comments:			
City Attorney's approval:	☐ Yes	☐ No	☐ N/A



HARLINGEN POLICE DEPARTMENT
1018 FAIR PARK BLVD., HARLINGEN, TX 78550

INTER-DEPARTMENTAL COMMUNICATION
FRONT DESK: (956) 216-5401 ADMINISTRATION: (956) 216-5403

TO: Chief of Police

DATE: 6/10/25

FROM: District Representative Sandra Moreno #3997

RE: Street Closure Amendment Request for Downtown at Sundown 2025 Calendar Year

Requestor: Harlingen Downtown Director Alexis Alaniz Riojas

This IDC is in reference to amendment requests for the Street Closures of the 2025 Downtown at Sundown calendar year that will run until September 2025. Downtown at Sundown is a family and pet friendly event that includes a market, beer garden and concert. The vendor booths will now be set up at 100 Block and 200 Block of West Jackson Avenue. Several downtown merchants will be open late so that event attendees can shop at night. These events are hosted by the Harlingen Downtown Board and held every third Saturday of the month from 7:00 P.M. to 10:00 P.M.

The following dates are the scheduled events for the remaining 2025 Downtown at Sundown calendar year:

June 21,2025 August 16,2025
July 19, 2025 September 20,2025

Mrs. Riojas the Harlingen Downtown Director is requesting on behalf of the Harlingen Downtown Board the closure amendment of the following streets, for the safety of the public in attendance, on each of the events:

- Close the east side intersection of Commerce and Jackson Avenue.
- Close the North side intersection of A Street and Jackson Avenue.

	SIGNATURE	ID#	DATE
OFFICER / EMPLOYEE	<i>Sandra Moreno</i>	3997	6/10/2025
SERGEANT / SUPERVISOR	<i>Sgt. M. B. H.</i>	2885	6/10/2025
COMMANDER / MANAGER	<i>Ch. N. W.</i>	4829	6/10/25
DEPUTY CHIEF	Out - VACATION	_____	_____
ASSISTANT CHIEF	Out - conference	_____	_____
CHIEF OF POLICE			



HARLINGEN POLICE DEPARTMENT
1018 FAIR PARK BLVD., HARLINGEN, TX 78550

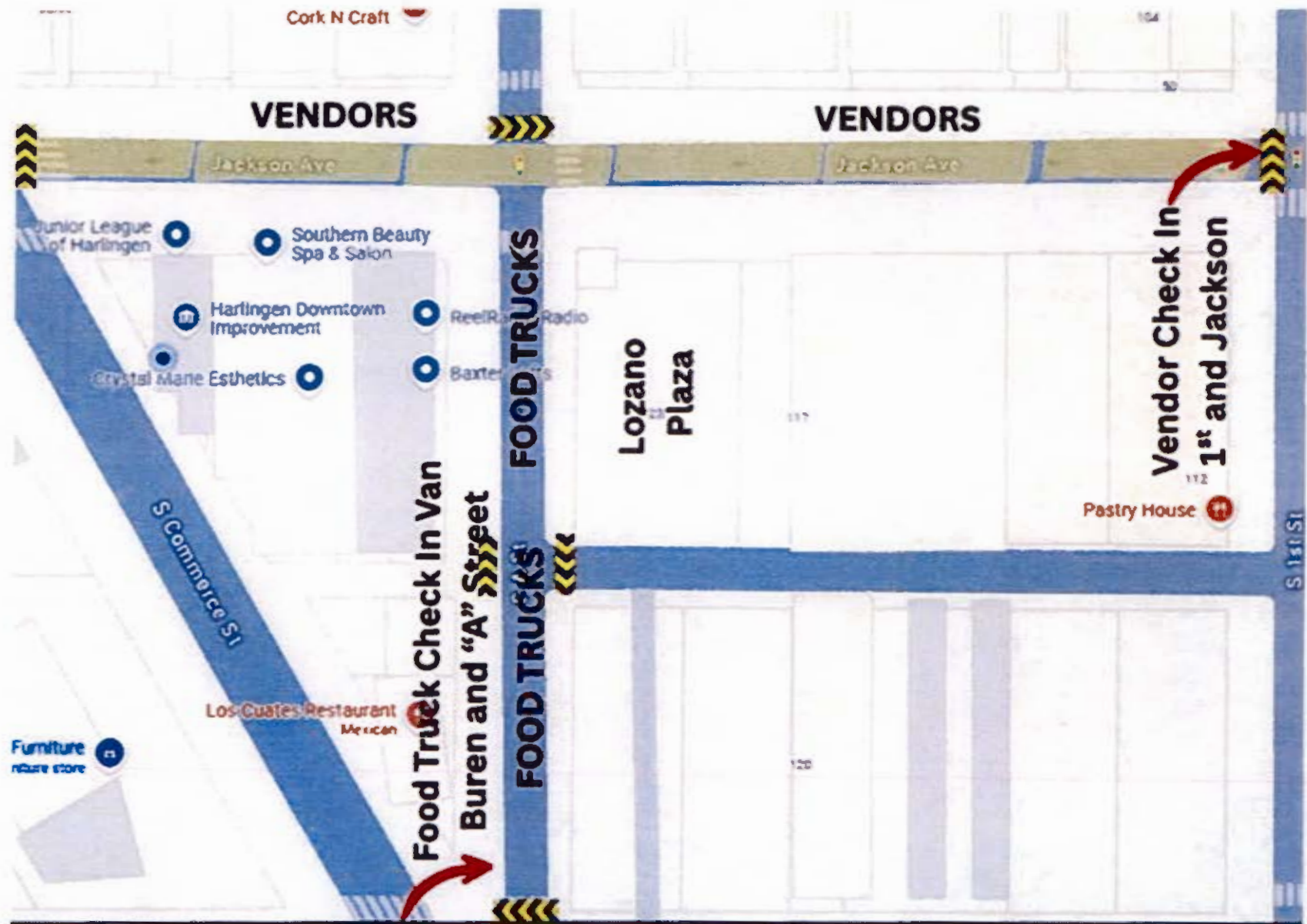
INTER-DEPARTMENTAL COMMUNICATION
FRONT DESK: (956) 216-5401 ADMINISTRATION: (956) 216-5403

- Close the North side intersection of South A Street and Van Buren Avenue.
- Close the West side intersection of 1st and Jackson Avenue
- Close the East side and West side intersection of the 100 block of South A Street and alleyway

If approved, barricades are to be delivered by the City of Harlingen Streets Department prior to 3:00 P.M. on Friday, the day before each event. The barricades are to be set up on the street at 2:00 P.M. and removed from the street at 11:00 P.M. on the day of each event. A copy of the map is attached to this IDC.

	SIGNATURE	ID#	DATE
OFFICER / EMPLOYEE	<i>Daniel Maen</i>	3997	6/10/2025
SERGEANT / SUPERVISOR			
COMMANDER / MANAGER			
DEPUTY CHIEF			
ASSISTANT CHIEF			
CHIEF OF POLICE			

Downtown at Sundown



Barricades 

Sandra Moreno - HPD

From: Benito Bravo - HPD
Sent: Monday, June 9, 2025 10:34 AM
To: Sandra Moreno - HPD
Subject: FW: Meeting Recap Notes: Downtown at Sundown
Attachments: NEW LAYOUT FOR DOWNTOWN AT SUNDOWN Effective June 2025.png

From: Alexis Riojas <ariojas@harlingentx.gov>
Sent: Thursday, June 5, 2025 3:40 PM
To: Robert Posada <rposada@harlingentx.gov>; Guillermo Rodriguez <grodriguez@harlingentx.gov>; Arnold Campos <acampos@harlingentx.gov>; Benito Bravo - HPD <bbravo@harlingentx.gov>; Charles Fechner - HPD <cfechner@harlingentx.gov>; Frances Pena - HPD <fpena@harlingentx.gov>; Hector Leal <hleal@harlingenpolice.com>; Jose Lopez <jjlopez@harlingenpolice.com>; Manuel Tovar - HPD <mtovar@harlingentx.gov>; Orlando Gonzales <ogonzales@harlingenpolice.com>
Cc: Ruth Trevino <rtrevino@harlingentx.gov>; Christopher Torres <ctorres@harlingentx.gov>; Dr. Josh Ramirez <jramirez@harlingentx.gov>; Angela Anderson <aanderson@harlingentx.gov>
Subject: Meeting Recap Notes: Downtown at Sundown

Hello everyone,

Thank you so much for attending the Sundown meeting today to discuss traffic control and pedestrian safety. Based on our conversation, we will begin implementing the following measures:

- **Vendor Access:** Vendors must enter at **2nd and Jackson** to proceed directly to the check-in station at **1st and Jackson**.
- **Traffic Lights:** Traffic lights at **Commerce, "A" Street, and 1st Street** will be set to blinking from **2:00 p.m. to 10:00 p.m.** on the day of the event.
- **Traffic Signage:** Lighted signage will be placed starting Thursday to remind the community about street closures on Saturday.
- **HPD Staffing:** HPD will assign overtime staff for the entire duration of the event from **4:00 p.m. to 10:00 p.m.**

For those working the event, please share their contact information and the supervisor's contact information as well.

I've attached a copy of the event layout map for your records. If you have any questions, please feel free to contact Angie or myself—we'll be happy to assist you.

Thank you again for your support!

Thank you,

**AGENDA ITEM
EXECUTIVE SUMMARY**

7(j)

Meeting Date: **June 18, 2025**

Agenda Item:

Consideration and possible action to approve a request from citizen Jacqueline Munguia for street closures, listed below, from 5:00 p.m. to 11:00 p.m. on Thursday, July 3, 2025, for an early 4th of July Block Party. Attachment (**Police**).

- Eastside intersection of Mangrove Palm Drive and Lazy Palm Drive South;
- Northside intersection of Foxtail Drive and Lazy Palm Drive South; and,
- Westside intersection of Sabel Palm Drive and Lazy Palm Drive South.

Prepared By (Print Name): Alfredo Alvear
Title: Interim Chief of Police

Signature: 

Brief Summary:

Jacqueline Munguia, citizen of Harlingen, is requesting street closures, listed below, from 5:00 p.m. to 11:00 p.m. on Thursday, July 3, 2025, for an early 4th of July Block Party:

- Eastside intersection of Mangrove Palm Drive and Lazy Palm Drive South;
- Northside intersection of Foxtail Drive and Lazy Palm Drive South; and,
- Westside intersection of Sabel Palm Drive and Lazy Palm Drive South.

Ms. Munguia has obtained the signatures of the residents on that section of the streets and have no objections. The street closure will help to ensure the safety of the visitors attending this event.

The Asst. Fire Chief has reviewed this request and provided his approval.

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: N/A

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

Staff Recommendation:

Staff recommends approval.

For Street Closures ONLY, Asst. Fire Chief's approval: ☒ Yes ☐ No ☐ N/A

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

Comments:

City Attorney's approval: ☐ Yes ☐ No ☐ N/A



HARLINGEN POLICE DEPARTMENT
1018 FAIR PARK BLVD., HARLINGEN, TX 78550

INTER-DEPARTMENTAL COMMUNICATION
FRONT DESK: (956) 216-5401 ADMINISTRATION: (956) 216-5403

TO: Chief of Police

DATE: 6/10/25

FROM: District Representative Benito Bravo #3412

RE: Street Closure Request for Block Party at 3200 Lazy Palm Dr. South

Requestor: Jacqueline Munguia/ Citizen Harlingen Texas

Event Date: Thursday, July 3rd, 2025

Time: 5:00 P.M.- 11:00 P.M.

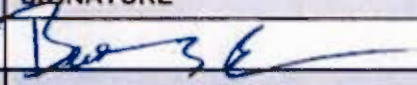
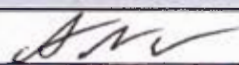
Location: 3200 Lazy Palm Dr. South, Harlingen, TX.

Ms. Munguia is requesting a street closure for an early 4th of July Block Party Celebration she and her neighbors would like to host at the 3200 block of Lazy Palm Dr. South in Harlingen Texas. All the residents of the occupied lots within the 3200 block of Lazy Palm Dr. South have provided their signature giving their approval for this street closure request. Ms. Munguia stated the party would include food, music and games for anyone who would like to attend. Ms. Munguia stated the street closure will provide additional open space so the attending people can safely socialize during the celebration. The street closure being requested is from 5:00 P.M. and 11:00 P.M. on Thursday July 3rd, 2025. The closing of the streets will ensure the safety of the people attending the event and the public. The street closure will have little to no effect on vehicle traffic during the event.

If approved, barricades are to be delivered by the City of Harlingen Streets Department prior to 12:00 P.M. on July 3rd, 2025, and removed from the roadway on July 3rd, 2025, at 11:00 P.M. The list of signatures mentioned above and a copy of the map is attached to this IDC.

The following streets are requested to be temporarily closed throughout the duration of the event.

- Close the east side intersection of Mangrove Palm Dr. and Lazy Palm Drive South.
- Close the north side intersection of Foxtail Palm Dr. and Lazy Palm Drive South.
- Close the west side intersection of Sable Palm Dr. and Lazy Palm Drive South.

	SIGNATURE	ID#	DATE
OFFICER / EMPLOYEE		3412	06/10/2025
SERGEANT / SUPERVISOR			
COMMANDER / MANAGER		4829	6/10/25
DEPUTY CHIEF	OUT- VACATION	_____	
ASSISTANT CHIEF	OUT- conference	_____	
CHIEF OF POLICE			

STREET CLOSURE BLOCK PARTY 3200 LAZY PALM DR. SOUTH



 Barricade

Jacqueline Munguia

June 9, 2025

3229 Lazy Palm Dr South, Harlingen, TX 78552

My neighbors and I have decided that we'd like to host a 4th of July Celebration in our neighborhood so that we can get to know each other and have a good time. We'd like to have a street closure of Lazy Palm Dr South on Thursday, July 3rd from 6-10pm so that we can have a BBQ potluck, music and pop fireworks for the kids. We will have tables and chairs set up in the street along with a bouncy house for the kids to be able to run around and play together safely. I am providing a list of our neighbors affected by the closure along with their consent to participate. I have also discussed the details with our neighbors at the corners of Foxtail Palm Dr and Sabal Palm Dr so that they are aware of the closure and event.

If you have any questions you can contact me, Jacqueline Munguia, at 956-792-8736.

Mis vecinos y yo hemos decidido que nos gustaría organizar una celebración del 4 de julio en nuestro vecindario para que podamos conocernos mejor y pasar un buen rato. Nos gustaría cerrar la calle Lazy Palm Dr South el jueves 3 de julio de 6 a 10 p.m. para poder tener una parrillada con platillos compartidos, música y fuegos artificiales para los niños. Tendremos mesas y sillas colocadas en la calle junto con una casa de salto para que los niños puedan correr y jugar juntos de manera segura. Estoy proporcionando una lista de nuestros vecinos afectados por el cierre junto con su consentimiento para participar. También he discutido los detalles con nuestros vecinos en las esquinas de Foxtail Palm Dr y Sabal Palm Dr para que estén al tanto del cierre y del evento.

Si tienes alguna pregunta, puedes contactarme, Jacqueline Munguia, al 956-792-8736.

3301 Lazy Pam Dr South Dania Zavala
3241 Lazy Palm Dr South [Signature]
3233 Lazy Palm Dr South [Signature]
3229 Lazy Palm Dr South [Signature] Drinks
3225 Lazy Palm Dr South [Signature]
3217 Lazy Palm Dr South Eleazar Zavala
3213 Lazy Palm Dr South [Signature]
3209 Lazy Palm Dr South Sandra Gomez 956-200-9464
3205 Lazy Palm Dr South [Signature]
3201 Lazy Palm Dr South [Signature]
2701 Foxtail Palm [Signature]
2702 Foxtail Palm [Signature]
2701 Sabal Palm [Signature]
2702 Sabal Palm [Signature]

Microsoft Bing

Mark

Lazy Palm Dr

Lazy Palm Dr S

Lazy Palm Dr S

United States TX Cameron Co Har r

Handwritten signatures and initials at the bottom of the page, including "MA", "F2", and several stylized signatures.

Benito Bravo - HPD

From: Jacqueline Munguia <JMunguia2@centerwell.com>
Sent: Tuesday, June 10, 2025 2:13 PM
To: Frances Pena - HPD; Benito Bravo - HPD
Subject: Fw: July 3rd Street Closure
Attachments: July 3rd Street Closure.pdf

Good afternoon,

I am Jacqueline Munguia from South Lazy Palm in Harlingen. I was able to go around the neighborhood yesterday and this morning to get everyone to sign off on the block party idea that we (my next door neighbor and I) had. Everyone is very excited and can't wait to join in.

Attached you will find 2 pages. Page 1 is my request with all of the residents signing off. The 2nd page is the request for the road closure.

Please let me know if you have any questions.

Please note: my neighbor at 2702 Foxtail Palm forgot to initial but did sign. The resident at 2701 Foxtail also initialled on the wrong house (the house behind them)

Thank you,
Jacqueline Munguia
956-792-8736

Get [Outlook for Android](#)

From: JMunguia2@centerwell.com <JMunguia2@centerwell.com>
Sent: Tuesday, June 10, 2025 10:04:10 AM
To: Jacqueline Munguia <JMunguia2@centerwell.com>
Subject: July 3rd Street Closure

Please open the attached document. It was sent to you using a Xerox multifunction printer.

Attachment File Type: pdf, Multi-Page

Multifunction Printer Location: B06659 - 1201 E Business Hwy 83, McAllen, TX 78501
Multifunction Printer Name: B06659MFD01

For more information on Xerox products and solutions, please visit <https://link.edgepilot.com/s/67f86a0a/c3-2ZKaDIEGjWnZKSyOE9A?u=http://www.xerox.com/>

8(d)

SAVE THE DATE

HOSTED AT THE MARGARITAVILLE HOTEL
AT SOUTH PADRE ISLAND



*TCOLE CREDIT PROVIDED BY THE LRGV ACADEMY

*BEHAVIORAL HEALTH HOURS PROVIDED BY
BEHAVIORAL HEALTH SOLUTIONS

FOR REGISTRATION INFORMATION PLEASE EMAIL:



LISTO.RGV@LRGVDC.ORG



SCAN FOR
HOTEL
REGISTRATION



Mark your calendars for an event that promises to energize, educate, and connect! We are thrilled to extend a warm invitation to the annual **LRGVDC LISTO RGV Conference** an essential gathering for professionals like you and members of the community, where you can recharge and acquire the knowledge, resources, and build the crucial relationships preparing, responding and recovering to all type of emergencies! The conference will cater to individuals across all levels of government and public service, volunteer organizations and elected officials, first responders, emergency managers, and decision-makers from the entire region. This event provides an opportunity to collaboration during National Preparedness Month and enjoy the beach at the same time !

Who and why Attend?

- The LRGVDC LISTO RGV Conference is tailor-made for individuals working at all levels of government (federal, state, and local), emergency management, volunteer organizations, healthcare, cybersecurity, academia and behavioral/mental health

Here's why you can't afford to miss it:

- **Reenergize:** Take a break to revitalize yourself while immersing yourself in discussions on community resilience.
- **Build Connections:** Network with peers, experts, and industry leaders, fostering partnerships that make a difference.
- **Share Best Practices:** Contribute and learn best practices in public health emergency preparedness, enriching your expertise.
- **Advance Skills:** Engage in workshops designed to elevate your skillset and empower you for effective response efforts.
- **Innovative Solutions:** Discover cutting-edge solutions and practical strategies to address vulnerabilities unique to our region.

Save the Date:

- **Date:** September 24-26, 2025
- **Location:** Margaritaville South Padre Island TX Hotel Room Reservation Link- [Margaritaville South Padre Island Resort - Reservations - Room Availability](#)
- [Want to Register?](#)

One step: Fill out the Individual or Group Registration Packet and send back to us with your preferred method of payment.

To Pay by check, purchase order or money order: Please mail or drop off at the following Address: Attn LISTO RGV Event at LRGVDC 301 W. Railroad, Weslaco, TX 78596. If dropping off a check, purchase order or money order call 956-405-2924 so that a staff member can be available to receive your payment.

Want to pay with a Credit or Debit Card? Send us the registration form and email it to listo.rgv@lrvc.org and a representative will be in Contact with you with your confirmation number!

Want to pay with cash on the day of the conference? Fill out the packet and let us know you will pay on the day so we can make sure we have your conference badge ready!



September 24-26, 2025

Early Bird Registration:
March 3-April 18, 2025

Payment is due no later than
August 30, 2025.

Please make checks payable to:
Lower Rio Grande Valley Development
Council

Attn: Finance Dept /Accounts Payable
Listo RGV

Lower Rio Grande Valley
Development Council 301
W. Railroad St.
Weslaco TX 78596
501(c)(3)

For all payment questions, please contact:
listo.rgv@lrgvdc.org

Lower Rio Grande
Valley Development
Council 301 W.
Railroad St.
Weslaco, TX 78596
(956) 682-3481 exts
411, 195, 177, 157
listo.rgv@lrgvdc.org

Special Accommodations available
upon request. Please email
listo.rgv@lrgvdc.org on
accommodations needed

LRGVDC Listo RGV Individual Registration Sign Up

MARGARITAVILLE BEACH RESORT
SOUTH PADRE ISLAND
310 PADRE BLVD,
SOUTH PADRE ISLAND, TX 78597

Name:		
Address:		
City:	State:	Zip:
Contact Person:		
Office Phone:	Cell Phone:	
Contact Email:		

*TCOLE hours provided during conference hours, please have PID
information available during the conference

*Mental health CEUs provided during conference hours, please have
license number or registered email available during the conference

For registration total, please include the number of passes
need:

_____ \$75 – Early Bird Registration Pass

_____ \$100 – Standard Registration Pass

Example: 2 Early Bird Passes x \$75 = \$150

Example: 3 Standard Passes x \$100 = \$300

One form per individual/group. Please send completed
form to listo.rgv@lrgvdc.org

If paying for a group, please send this form along with a
memo with first and last name of all attendees to
listo.rgv@lrgvdc.org for confirmation.

☐ Please Invoice

☐ Check included in the amount of \$ _____

Book you stay today at the Margaritaville Hotel
and Resort at South Padre Island !

Click [Here](#) to book your stay!
Or Scan the QR Code with your mobile device !





Lower Rio Grande Valley Development Council
LISTO (Ready) RGV Conference 2025
Payment Authorization Form



Please complete all fields.

One form per individual/group, send completed form to
listo.rgv@lrgvdc.org

If paying for a group, please send this form along with a memo
with first and last name of all attendees to listo.rgv@lrgvdc.org

Credit Card - Payment Information

Payment Type: ☐ MasterCard ☐ VISA ☐ Discover ☐ AMEX
☐ Check ☐ Cash

Cardholder Name (as shown on card): _____

Card Number: _____ CVV _____

Expiration Date (mm/yy): _____

Cardholder ZIP Code (from credit card billing address): _____

Cardholder Email Address: _____

Payment Amount: _____ \$75 – Early Bird Registration Fee Per Person

_____ \$100 – Standard Registration Fee Per Person

Example: 2 Early Bird Passes x \$75 = \$150

Example: 3 Standard Passes x \$100 = \$300

I _____ acknowledge that all credit card transactions will incur an additional 3% charge.

Cardholder Initial: _____

I, _____, authorize Lower Rio Grande Valley Development Council, Inc. to charge my credit card above for agreed upon purchases. I understand that my information will be saved to file for future transactions on my account.

For any questions or concerns kindly reach out to us via email at listo.rgv@lrgvdc.org for more information.

Attendee/Group Name: _____

Point of Contact Email: _____

Authorizing Person's Signature for Credit Card

Date



CONFERENCE ARRIVAL DAY

WEDNESDAY, SEPTEMBER 24, 2025

2:30 PM TO 6 PM

REGISTRATION, EXHIBITOR SET UP AND PREVIEW

- Details: September 24, 2025 Margaritaville Resort 1st Floor Lobby and Second Floor For Exhibitors



CONFERENCE DAY ONE

THURSDAY, SEPTEMBER 25, 2025

7:30 AM TO 12 PM

REGISTRATION

- Details: September 25, 2025 Margaritaville Resort 1st Floor Lobby

8:30 AM TO 9:15 AM

OPENING CEREMONIES-COMPASS ROSE BALL ROOM

- Welcoming by Master of Ceremonies: Tim Smith, Channel 5 News
- Presentation of Colors by the UTRGV Reserve Officer Training Corps and the National Anthem by: Pending
- Special Guest Speaker: Cameron County Judge Eddie Trevino
- Special Guest Speaker: Hidalgo County Judge Richard Cortez
- Special Guest Speaker: LRGVDC Board of Directors President
- A Word from the SPI Convention and Visitors Bureau:
- A Word from our Executive Director: Manuel Cruz
- A Word from the Event Coordinator: Cesar Merla

9:30AM TO 10:30 AM

KEYNOTE SESSIONS

- Rosa Martinez, CA DVT-Domestic Violence Expert-Trauma Informed Care in the Aftermath of a Mass Casualty Incident [TCOLE: 2035, BH CEU] COMPASS BALL ROOM

10:30AM TO 11:00AM

EXHIBITORS SHOWCASE-2ND FLOOR

11:00 AM TO 12:00 PM

BREAKOUT SESSIONS A

Session A1: Margarita Lopez, Director-LRGVDC Health and Human Services: Safe, Secure and Supported: Post-Disaster Strategies for Aging and Disability Communities [TCOLE: 3908, BH CEU]

- Room: A

Session A2: Rosa Martinez, CA DVT, Domestic Violence Expert-Advanced Safety Planning for Victims of Family Violence [TCOLE: 2035, BH CEU]

- Room: CD

Session A3: Roxanne Ramirez LCSW-S, Hilda Salinas, Ass't Chief of Staff, Mental Health Coalition Office of the Hidalgo County Judge-Weathering the Storm: Managing stress and feeding the family during challenging times. [TCOLE: 3871, BH CEU]

- Room: Flns

Session A4: Stephanie Champlon LPC, CTP, C-DBT, Director-Sage counselling Service Edinburg: Healing After a Crisis-The Role of Therapy and Self-Care [TCOLE: 3844, BH CEU]

- Room: Hemisphere

12:00 PM TO 1:30 PM

LUNCH BREAK-INDIVIDUAL



2025 2ND ANNUAL LRGVDC LISTO RGV CONFERENCE
THURSDAY, SEPTEMBER 25TH & FRIDAY, SEPTEMBER 26TH, 2025 AT SOUTH PADRE ISLAND MARGARITAVILLE





CONFERENCE DAY ONE

THURSDAY, SEPTEMBER 25, 2025

1:30 PM TO 2:30 PM

BREAKOUT SESSIONS B

Session B1: Jayni Saenz-Texas Division of Emergency Management: Continuity of Operations Planning (TCOLE: 3881)

- Room: A

Session B2: Fire Chief Gus Ramirez, Alton Fire Department: Signs of Human Trafficking in Healthcare Settings (TCOLE: 6050, BH CEU)

- Room: CD

Session B3: Barry Goldsmith, National Oceanic and Atmospheric Association-The Storm May be Over, but the Readiness Remains: National Weather Service Decision Support During Recovery (TCOLE: 3881)

- Room: HEMISPHERE

Session B4: Cassandra Bravo, DHR Injury Prevention-Injury Prevention During Emergencies and Disasters (TCOLE: 3881)

- Room: FINS

2:30PM TO 3:00 PM

EXHIBITORS SHOWCASE-2ND FLOOR

3:00 PM TO 4:00 PM

BREAKOUT SESSIONS C

Session C1: Melisa Gonzales-Rosas, LRGVDC Economic and Community Development: Overview of the Economic and Resiliency Plan

- Room: A

Session C2: Dennis Moreno, RGV911: Preparedness & Recovery-The Power of 911 & Mobile Medical Information (TCOLE: 3852)

- Room: CD

Session C3: Dr. Norma Villanueva, Nueva Luz Foundation-Mental Health Lifeline After a Critical Incident (TCOLE: 8882, BH CEU)

- Room: HEMISPHERE

Session C4: Amy Bayona, Chief of the Domestic Violence Unit, Office of the Criminal District Attorney Hidalgo County: Protective Orders After an Incident (TCOLE: 3108)

- Room: FINS

A BIG THANK YOU TO OUR SPEAKERS!



BEHAVIORAL
HEALTH
SOLUTIONS



2025 2ND ANNUAL LRGVDC LISTO RGV CONFERENCE
THURSDAY, SEPTEMBER 25TH & FRIDAY, SEPTEMBER 26TH, 2025 AT SOUTH PADRE ISLAND MARGARITAVILLE



CONFERENCE DAY ONE

THURSDAY, SEPTEMBER 25, 2025

7:00 PM TO 8:30 PM

NETWORKING SOCIAL



2025 2ND ANNUAL IRLGVC LISTO RGV CONFERENCE
THURSDAY, SEPTEMBER 25TH & FRIDAY, SEPTEMBER 26TH, 2025 AT SOUTH PADRE ISLAND MARGARITAVILLE





CONFERENCE DAY TWO

FRIDAY, SEPTEMBER 26, 2025

8:30 AM TO 9:30 AM

SPECIAL SESSION-DEAF AND HARD OF HEARING CENTER

Special Session: Allza Long and Felicia Cuellar-South Texas Deaf and Hard of Hearing Joint Taskforce Overview

- Room: A

10:00 AM TO 11:00 AM

BREAKOUT SESSIONS D

Session D1: Monica H. Sanchez, LCSW-S, ACPS, PSS, Behavioral Health Solutions- Overdose Prevention: It takes More than Naloxone [TCOLE: 2085, BH CEU]

- Room: A

Session D2: Leslie Sanchez-Seaton, Texas Division of Emergency Management-Bridging the Gap: Coordinating Recovery from the Ground Up [TCOLE: 3881]

- Room: CD

Session D3: Fire Chief Antonio Lopez, Weslaco Fire Department-Recovery, Lessons learned over the years [TCOLE: 3881]

- Room: HEMISPHERE

Session D4: Mayra Reyes Psychotherapist, MLR Therapy & Consulting Services PLLC-Mental Health Awareness & Resources for Essential Workers [TCOLE: 8882]

- Room: FINS

11:30 AM TO 12:30 PM

BREAKOUT SESSIONS E

Session E1: Jorge Rodriguez, Director Hope Center at Buckner Children and Family Service and Ivan Morales, Family Coach-Mobilizing Fathers in Disaster Preparedness [TCOLE: 3881]

- Room: A

Session E2: Lidia Fonseca PhD, Executive Director Valley Association of Independent Living-Empowering Resilience: CMIST Framework for Disability Self-Determination in Emergency Management.

- Room: CD

Session E3: Ruben Pequeno, Investigator Office of the Hidalgo County District Attorney-Trauma Informed Sexual Assault Investigation [TCOLE: 1735]

- Room: HEMISPHERE

Session E4: Derek Rivera, Owner of Mission Pawssible-Emergency Pet Preparedness and Recovery [TCOLE: 3881]

- Room: FINS

12:45 PM TO 1:15 PM

CLOSING CEREMONY-COMPASS ROSE BALL ROOM

A BIG THANK YOU TO OUR SPEAKERS!



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THURSDAY, SEPTEMBER 25TH & FRIDAY, SEPTEMBER 26TH, 2025 AT SOUTH PADRE ISLAND MARGARITAVILLE



**AGENDA ITEM
EXECUTIVE SUMMARY**

9(a)

Meeting Date: **June 18, 2025**

Agenda Item:

Public hearing for a rezoning request from Residential, Single Family ("R-1") District to Neighborhood Services ("NS") District for 1.73 acres of land out of Block 6, Section 297, Stuart Place Re-subdivision, located on the southeast corner of Stuart Place and Brennaman Roads. Applicant: Moore Land Surveying, LLC c/o Zarate Home Designs, LLC. Attachment (**Planning & Development**)

Prepared By: Soledad A. Núñez, CNU-A
Title: Interim Planning & Development Director

Signature: *Soledad A. Núñez*

Brief Summary:

Project Timeline

- May 12, 2025 – Application for rezoning submitted to the City. (**ATTACHMENT I**).
- May 13, 2025 – In accordance with State and local law, notice of the required public hearing was mailed to all property owners within a 200 feet radius of subject tract.
- May 17, 2025 – In accordance with State and local law, notice of the required public hearing was published in the Valley Morning Star.
- May 28, 2025 - Public hearing and consideration of the requested rezoning by the Planning and Zoning Commission (P&Z).
- June 4, 2025 – Public hearing and consideration of requested rezoning via 1st ordinance reading scheduled before the City Commission.
- June 18, 2025 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- The applicant is requesting to rezone the subject property from Residential, Single Family, ("R-1") District to Neighborhood Services ("NS") District to allow for a business or businesses to serve the surrounding residential areas. (**ATTACHMENT I**).
- The subject property is located at the southeast corner of Stuart Place and Brennaman Roads. The property is currently vacant. (**ATTACHMENT III**). The land has approximately 344.42 feet of frontage along Brennaman Road and approximately 147.91 feet of frontage along Stuart Place Road. Stuart Place Road is a four-lane road with 47 feet of pavement from the back of curb to back of curb. Brennaman Road is a 20-foot-wide paved two-lane road without curb and gutter.
- The surrounding properties are zoned Residential, Single-Family ("R-1") to the south, east, and west, and Residential, Multi-Family ("M-2") to the north. Surrounding land uses include single family residences to the south and east, the Harlingen Fire Department Station 2 to the west, and vacant land to the north.

(ATTACHMENT IV)

- An exhibit has been prepared, showing what is allowed by right, what is allowed with a Special Use Permit, and what is prohibited in this zoning category. Neighborhood Services is an area designated to serve the domestic needs of the immediate neighborhood and with specific additional uses as indicated in section 111.62 of the City of Harlingen Code of Ordinances. **(ATTACHMENT VI)**
- The Future Land Use Plan component of the City of Harlingen's Vision 2020 Comprehensive Plan shows this area as low density residential. While the request is not consistent with the Future Land Use Plan or the surrounding land uses, Planning staff believes the area is going through a transition and therefore recommends approval of the rezoning request. In addition, Stuart Place is a four-lane roadway, that makes it conducive to commercial development. **(ATTACHMENT VII)**
- The proposed Trinity Heights Phase I Subdivision preliminary construction plans and final plat was approved by the Planning and Zoning Commission on March 22, 2023, subject to a list of conditions from the different City departments. **(ATTACHMENT V)**
- To the present, the Planning and Zoning Department has received one phone call from a citizen inquiring about the rezoning, and one phone call in opposition from the surrounding property owners regarding the proposed request. Staff mailed out 15 notices to surrounding property owners.
- On May 28th, 2025, staff received written opposition to the rezoning request. There are 13 signatures from 9 addresses. The signatures in the petition reflect 28.05 of the 200 ft. notification area of property owners in opposition. A super majority vote of the City Commission would be needed for the rezoning request to pass. **(ATTACHMENTS X-XII)**

Funding (if applicable):

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

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

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

Staff Recommendation:

Staff recommends approval of the rezoning request.

City Manager's approval: *GH* ☐ Yes ☐ No ☒ N/A

Comments:

City Attorney's approval: ☐ Yes ☐ No ☐ N/A

PLANNING AND ZONING COMMISSION

May 28, 2025

- 2. Public hearing and take action to consider a request to rezone from Residential, Single-Family ("R-1") District to Neighborhood Services ("NS") District for 1.73 acres of land out of Lot 6, Section 297, Stuart Place Resubdivision, located at the southeast corner of Stuart Place and Brennaman Roads. Applicant: Moore Land Surveying, LLC c/o Zarate Home Designs, LLC**

Assistant Planning and Development Director, Joel Olivo, presented the following information related to the Request to Rezone, as follows:

- Mr. Olivo explained that the request to rezone to Neighborhood Services was to allow for a light Commercial-type business to serve the surrounding neighborhood area.
- The Legal Notice Map was presented. Mr. Olivo indicated that the Subject Property is on the southeast corner of Brennaman and Dixieland Road.
- An Aerial View was presented, showing that the Subject Property is currently vacant and not subdivided.
- The Subject Property has approximately three hundred and forty-four (344) feet of frontage on Brennaman Road and about one hundred and forty-seven (147) feet of frontage on Stuart Place Road.
- Mr. Olivo explained that as seen on the Aerial View, the area is developed with a currently under construction multifamily development to the north side, there is single-family residential to the east and south. He said that directly to the west is a fire station and of course, further north, closer to the Expressway, there is commercial use in that area and a Mobile Home Park as you get closer to the frontage road.
- A Street View from Brennaman Road was presented. Mr. Olivo again pointed out that the Subject Property is currently vacant.
- A Street View from Stuart Place Road was presented. Mr. Olivo explained that this view was a little bit closer to the southeast corner of Stuart Place and Brennaman Road and was again showing the Subject Property. He pointed out the Fire Station.
- Mr. Olivo provided a brief on Neighborhood Services (NS). The Neighborhood Services (NS) District is designed to serve the domestic needs of the surrounding neighborhood areas. Some uses allowed in NS would be all residential uses with the exception of mobile homes. Another use that is permitted would be light office use or professional office use or a bakery, flower shop or candy shop. He said that it was basically a light commercial-type district.
- Uses not permitted in general in NS would be something like a bar/lounge, an adult business or a bank with a drive-thru would not be permitted. Other uses not permitted that were mentioned were any industrial-type use and warehouses.
- The Future Land Use Map was presented. Mr. Olivo explained that the map shows this area as low density residential. He stated that although this request is not consistent with the Future Land Use Plan, Staff feel that this area may be in transition being that you have a multi-family development to the north side as well as a fire station there, directly to the west.

- Mr. Olivo said that it should be kept in mind that this is also a state highway, which is a four (4) lane road that is conducive to commercial use.
- Staff is recommending approval of the request.
- Mr. Olivo presented a video of the project submitted by the applicant
- Mr. Olivo stated that Staff did receive a petition which the Board members had before them. Mr. Olivo said he thought it was about eight (8) or nine (9) signatures from property owners who are against rezoning request.
- Mr. Olivo made himself available for any questions. He stated that applicant was also present.

The Chairman thanked Mr. Olivo. He asked if there were any questions for him.

Cmr. Perez asked Mr. Olivo to remind the Board about this request, recalling that it had been denied a few months ago. Mr. Olivo said it was closer to a year ago. Cmr. Perez acknowledged the information and then asked what the difference was in the rezoning type. Mr. Olivo said it was the same rezoning type and that he [the applicant] was going for the same thing – Neighborhood Services. He said it was the same request as this. Cmr. Perez stated that the Board denied it and then asked if it had gone before the City Commission. Mr. Olivo stated that it didn't.

Chairman Consiglio asked if there were any questions for Staff. Upon hearing none, he then asked if there were any questions for the applicant. Upon hearing none, the Chairman indicated he would proceed to the Public Hearing.

The Public Hearing was opened. Chairman Consiglio asked if there was anyone that would like to speak on this item, to please approach the podium and state your name and address for the record. The Chairman stated that we would start off with two (2) minutes per person and asked that Staff keep time. The Chairman stated that the Board also had the petition before them as well.

Alan Crockett, 825 Crockett Road

Mr. Alan Crockett greeted the Board and thanked them for their time. He said he wanted to reiterate, with all due respect to Mr. Zarate and the Zoning Commission, that the problem he had with NS (Neighborhood Services) is that NS has a long list of what is allowed and a very small list of what is not allowed. He said that the first item on the allowed list, which is what they would like, is single-family. He said that the second and third items are two (2) and three (3) family dwellings. He asked why this is going to be a commercial venture and why it is an application for commercial. The Chairman stated that it was for Neighborhood Services. Mr. Crockett continued finishing his question, why for this property.

Mr. Crockett's second point was about Stuart Place Road. He explained the expansion that had taken place and said they disregarded the drainage that came off Brenneman Road that used to flow onto Stuart [Place Road] into the bar ditches along Stuart Place Road and then go north to the drain ditch that is north of his [Mr. Zarate's] current multi-family development, just north of Liz and Merlin Cook's house just south of the bank. Mr. Crockett continued and said that when he had the last flood, it was a disaster.

The next item "of several" that Mr. Crockett spoke about was about the [Stuart Place] road. He said they made it a four (4) lane and that there are no shoulders and no turning lane. He referred to the one hundred and forty-four (144) duplexes being built on his development just to the north of the property in question and that this was one hundred and forty-four (144) residents. He asked how they are going

to turn in and out on Stuart, saying that Stuart Place Road is the main artery that goes to Old 83 to the school. (The 2-minute alarm set-off at this point.) Mr. Crockett described that in the mornings, it is a fairly congested road and at different school times. He said that as it is now, with no shoulders, it is really hard and difficult to drive anything other than a small car and make the turn on Brenneman Road either east or west, coming north or south. He said it was already an issue without shoulders and a turn lane. Mr. Crockett acknowledged that he was past his time at this point. The Chairman indicated he could continue.

Another point from Mr. Crockett made was that this was a single-family resident property owned by an engineer named David Day until he had the house torn down within the last year (1) or two (2) and then prior to that, Mr. Crockett said he had a great uncle that built that house before everyone was born, and it was single-family from then until David Day sold it to Mr. Zarate.

Mr. Crockett also stated that the City has a landscape ordinance, saying that when you go to develop property or redevelop or do demolition, it is required to do a tree survey and submit that with City and that the Zoning Department knows this and nothing. He said he hadn't seen any paperwork on it and most of the trees were demoed on the property in question. He said that as far as he knows, the landscape ordinance has been totally ignored and that they are getting ready to have one hundred and forty-four duplexes and said he didn't know if the landscape ordinance is going to be followed or not. He again referred to the last rain. He said that the water overwhelmed Stuart Place [Road] and came up on the West side. He said he owns about one thousand (1,000) feet and it came up into his property for the first time, on the property that he owns there. He said that it doesn't appear to him that anything has been done to Brenneman or Dilworth Roads, which is going to be severely congested once these homes get built and there are several businesses up and down Stuart Place Road to the north and they have four (4) lanes, two (2) lanes each north and south, a turn lane and shoulders and he said they don't have that width. He also added that most of the retail space is occupied but that there is at least twenty-five percent (25%) of the retail space on Stuart that is yet to be rented. He said it just sits empty and said he doesn't understand why the City would go against their own 2020 plan that showed that we are all going to be residential in the property in question and now they say Neighborhood Services. He said that as far as he can see in the City rules, Neighborhood Services means multi-family and that his concern is, saying that maybe he [Mr. Zarate] didn't have that intention, but what if he sells it and it is zoned Neighborhood Services, we could have a laundry list of possibilities and just a very few small items that are excluded. Mr. Crockett thanked the Board for their time. The Chairman had him state his name for the record.

Chairman Consiglio asked if there was anyone else that would like to speak on this item, to please approach the podium.

Jack Chapman, 905 Stuart Place Road

Mr. Jack Chapman introduced himself and said he lives right south of the proposed site. He pointed out his home on the image and said that it looks like there is going to be a driveway right beside his bedroom and a parking lot, all up and down that property, all the way from Stuart Place, the three hundred and sixty (360) whatever feet it is, all the way from west to east there along the property. Mr. Chapman said he kind of liked the video of the overhead siding of that homes but said that it doesn't really show what's really there. He said he wished he could project some photographs he had of the actual homes on the street. He asked to share them with the Board and proceeded to identify the photographs for the Board members of the homes on Stuart Road Place and Brenneman Road. He commented that these were all a bunch of nice residential areas and beautiful homes.

Mr. Chapman said that traditionally, this area has been RI (Single Family Residential) and has been promoted that way. He said he has been there twenty-five (25) years and that it was promoted as being R1 residential then.

Mr. Chapman said he understood that they were saying it [Stuart Place Road] was a thoroughfare but asked why it was presented as residential property with the most restrictions for a household – no extra traffic, no big trucks or excess people and excess traffic. He said that this is what was promised being in a R1 residential area and it remains a residential area even as far as you can go a couple of blocks either direction, back to the west and east. He said it was all homes, saying that there were some vacant lots here and there and that like Mr. Crockett had pointed out, the property they wanted to change has always been residential. He said that this was the reason he bought there when he could have bought somewhere else. He said that he was willing to pay more to be in a protected residential area and this would just kill the whole effect, having a parking lot next door to his house. He said all he could say was to say a resounding no to the proposal.

Chairman Consiglio thanked Mr. Chapman. He asked if there was anyone else that would like to speak on this item.

Anna Aguilar, 6613 Brenneman Road

Ms. Anna Aguilar introduced herself before the Board. She said she lives right behind on Brenneman Road. She pointed out her property on the legal notice map with assistance from Ms. Núñez. Ms. Aguilar continued and stated that they are against this because nothing has changed since the last time, they were here back in September to now. She said she believed they had spoken about extending Brenneman Road on their side maybe five (5) feet on each side and nothing has changed. She said that if anything, the street has gotten worse both on Brenneman Road and Dilworth Road and it looks like the development is pretty much done she thought, or getting there. Ms. Aguilar said they were concerned that the traffic around there is going to get worse with no extension on Brenneman [Road] and Dilworth [Road] yet. She asked that this get taken into consideration with approving this corner lot because traffic is already bad there right now on Stuart Place [Road] during the school year. She added that they can imagine once the residents do start staying there and building there. Ms. Aguilar expressed her thanks. The Chairman thanked her.

Mr. Chapman asked to say one other thing. The Chairman told him yes. Mr. Chapman said that he, himself, would never build next to a commercial property and said he was sure that anyone present would not purposely build their home and have their family next door to a commercial property. He said it made sense to him, and asked why would you do that. He then asked why we were allowing a commercial property to elbow their way into an established residential community. He said it seemed like not a real thing that you would do. He said he wouldn't do it and so it seems like this is being forced upon them and that like most, they really don't care for that.

Chairman Consiglio thanked Mr. Chapman and asked if there was anyone else. Upon seeing and hearing none, the Public Hearing was closed.

Chairman Consiglio asked Mr. Zarate if there was anything else he would like to add or anything maybe to address.

Oscar Zarate, applicant and developer

Mr. Zarate introduced himself before the Board. He commented that the last time he was there, they showed a video with a gas station and that he thought that was the concern of the video or the photos.

He said he knew everyone was concerned about, adding that it seemed that everyone was looking at another property and not this subject property, and that everyone is concerned about the development for the multi-family. He said they are going to have one hundred and forty-six (146) units there and that there is going to be tremendous traffic, so he said they truly believe that corner is going to go hand in hand with that development for Neighborhood Services just like an office they have at 1212 Stuart [Place] Road. He said that this is what they want to build there. He said it was just basically Neighborhood Services for Office, Retail Office which is Professional Offices and that this is what they are proposing to zone it. He added that it is right off the expressway, so everything coexists with that development. He said he didn't think it was going to make a huge issue as far as having another one hundred and forty-four (144) plus residents that would probably utilize that area. He said he thought it would coexist with both the commercial front and the development itself.

Chairman Consiglio asked about the type of business that will be there and asked if it was going to be two (2) suites in there or one (1) suite. Mr. Zarate said they are going to do an eight (8) suite office which is just four hundred (400) square feet professional offices to Stuart [Place] Road. He said Stuart [Place] Road is a professional office professional area where business people are utilizing that area. He said his office is one hundred percent (100%) occupied by True Capital Title of Texas, EXP Realty, mortgage companies and lawyers. He said they were trying to use the same concept to implement there at the commercial area. He repeated that he thought it would work hand in hand.

Chairman Consiglio brought up the landscaping ordinances and all. Mr. Zarate said they will follow the ordinances as when they propose something for the City as for plans, etc. and go from there, just like any other commercial building that they bring to the City.

Chairman Consiglio asked if there were any other questions for Mr. Zarate.

Cmr. Perez indicated he had a comment. He said he lives in District five (5). He said that just north of the Expressway there was all that development for commercial offices, to which Mr. Zarate said correct, and then Cmr. Perez said this is more a neighborhood area, to which Mr. Zarate asked, "is it?" Cmr. Perez said he understood what he was saying but asked if there was a lack of space or commercial space just north of the freeway floor. Mr. Zarate responded by saying one hundred percent (100%); that there was a lack of new construction space. He said there was old construction and there were new construction offices and said there is a huge demand for it. He said that they see a lot of people wanting to start. He said they like residing in the Stuart [Place] Road area because it is growing quickly and everybody knows it.

Chairman Consiglio asked if there were any other questions for Mr. Zarate.

Cmr. Cantu addressed Mr. Zarate, saying that she was personally all about new construction and developments but that she also thought it was very important to keep our community. She said she heard them mention the school, adding that she personally has experienced the traffic at Stuart Place Elementary. She said she thought it was important. She also said she understood the one hundred and forty-six (146) duplexes being built, which was great. She said it was a great opportunity for our citizens. She remarked that she was not sure what exactly or how this is going to cater to those one hundred and forty-six (146) duplexes or if it is going to bring more traffic aside from the one hundred and forty-six (146) duplexes and that these were just some of the questions that she had. Mr. Zarate responded that it probably won't cater as much as it would blend in with the development. He said that what he thought it would cater to would be all the residents and all the businesses that people will get

out of the services that they are offering, one hundred percent (100%). Mr. Zarate said this was a great area right off the expressway and added that he thought it was good advertising for them anyway. He also said that he thought that the small, little commercial that they are going to build is not going to really affect the one hundred and forty-four (144) units that they are putting there in the front. He asked if they knew what he was saying. He said that traffic is going to be there anyway.

Chairman Consiglio followed up to the questions about Brennaman Road, addressing the Staff. He asked if it was a County Road or a City Road. Ms. Núñez said it was City road. The Chairman then asked what plan the City has for it, if any. The Chairman was told there wasn't any and that there currently weren't any plans by Ms. Núñez and Mr. Robert Hernandez, with the Engineering Department.

Robert Hernandez Assistant City Engineer

Mr. Hernandez presented himself before the Board. Mr. Hernandez stated that at the moment, they didn't have any widening efforts planned for Brennaman [Road].

The Chairman addressed Mr. Zarate. He asked him to help the Board remember where it [the traffic] all goes. He asked if it all went to Brennaman [Road]. Mr. Zarate said two (2) exits come out of Stuart [Place Road] and one (1) on Brennaman. Mr. Hernandez indicated that you can kind of see the caliche roads on the Aerial View and that the accesses were primarily on Stuart Place Road. The Chairman acknowledged the response.

Cmr. Cantu asked for clarification. She asked if where there was no shoulder and no turn was on Brennaman. She was told this was correct. The Chairman commented that his road didn't have a shoulder. He said it was a busy road. Cmr. Flores commented about the width. Mr. Hernandez said it was a rural road at the moment and confirmed that it was only about twenty-four (24) to twenty-six (26) feet of asphalt with roadside ditches.

The Chairman asked if there were any other questions for the applicant. Mr. Crockett indicated he would like to speak. The Chairman stated that the Public Hearing had been closed and asked if it was quick comment. Mr. Crockett said it would be quick.

Mr. Crockett said he understood Mr. Zarate's position and mentioned some developments on Stuart [Place Road] and Wilson [Road]. He addressed the City, stating that they have yet to build new parks or any type of recreation for the residents, he asked if this would be or not be in the plans. He again remarked that they were getting ready to have one hundred and forty-six (146) residential areas that are going to overwhelm Stuart Place [Road]. He said Stuart Place was already at capacity, the school, and said he didn't know how they were going to deal with that.

He added that he would quickly reiterate on the traffic. He said that Brennaman [Road] is a car and a half wide and that so was Dilworth [Road] and it hasn't been paved or maintained in years. He stated that Old 83 to the south has numerous commercial properties that are vacant. He said there wasn't a person there. He mentioned the old RV place, several buildings to the west of Stuart [Place Road] on Old 83, all vacant and said that there was plenty of opportunity there to build whatever they wanted. The Chairman made the remark of the old adage, "Location, location, location". The Chairman also addressed the comment about the parks. He explained that there is a whole City Ordinance to help fund park by the zone and that these types of developments actually fund those. He said that Mr. Zarate is going to write a nice check to the City for several thousand dollars (\$1000) for parks. He addressed the Staff and asked if this was a fair statement. He received acknowledgment from Staff.

Chairman Consiglio restated that the item was to rezone from Single-Family Residential (R1) to Neighborhood Services (NS). He asked if there was a motion. Cmr. Flores made the motion to deny. Cmr. Perez seconded the motion. The Chairman asked if there was any further discussion and upon hearing none, move the motion to a vote. The motion was denied unanimously.

**AGENDA ITEM
EXECUTIVE SUMMARY**

9(b)

Meeting Date: **June 18, 2025**

Agenda Item:

Public hearing for a Special Use Permit (SUP) request to allow an assisted living facility in a residential, single family ("R-1") District located at 1901 E. Mesquite Drive, bearing a legal description of Lot 20, Block 2, Parkwood Subdivision. Applicant: Veronica Gutierrez. Attachment (**Planning & Development**)

Prepared By: Soledad A. Núñez, CNU-A

Title: Interim Planning and Development Director

Signature: *Soledad A. Núñez*

Brief Summary:

Project Timeline

- May 19, 2025 – Application for Special Use Permit (SUP) submitted to the City. (**ATTACHMENT I and II**)
- May 30, 2025 – In accordance with State and local law, notice of required public hearings mailed to all property owners within 200 feet of subject tract.
- May 31, 2025 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- June 11, 2025– Public hearing and consideration of requested Special Use Permit by the Planning and Zoning Commission.
- June 18, 2025 – Public hearing and consideration of requested Special Use Permit via 1st ordinance reading scheduled before the City Commission.
- July 2, 2025 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- Veronica Gutierrez, the applicant, is requesting a Special Use Permit to allow an assisted living facility out of an existing single family residential structure located at 1901 E. Mesquite Drive. (**ATTACHMENT III**)
- There is an existing 3,522 single family residential structure on the property. The Irregular shaped property has 89 feet of frontage on Mesquite Drive and a depth of 217 feet at its longest point.
- According to the site plan and the information submitted, the applicant is applying for a Type B Residential Assisted Living license with the Texas Department of Health and Human Services for a twelve-bed facility within eight bedrooms for senior care. The applicant is proposing to remodel the existing residential structure. The residential facility will allow its residents to live as independently as possible, and 24-hour care and supervision will be provided for seniors who need assistance with activities of daily living. A total of three employees will be on site per shift. Five parking spaces are required and provided. (**ATTACHMENT IV AND VII**)
- Surrounding properties are zoned Residential, Single Family ("R-1") District in all directions. Surrounding land uses consist of single-family residential homes. (**ATTACHMENT VI and VII**)
- The Building Inspections Department, Fire Prevention Bureau, and Health

Departments have reviewed the application and have reported no objection to the requested Special Use Permit subject to complying with all applicable codes and regulations. **(ATTACHMENT VIII-X)**

- In accordance with the Zoning Chapter of the Code of Ordinances, the P&Z Commission and City Commission may impose requirements and conditions of approval as are needed to ensure that a use requested by a SUP is compatible and complementary to adjacent properties.
- To present, the Planning and Development Department has not received any calls opposition to the requested special use permit.

Funding (if applicable):

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

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

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

Staff Recommendation:

Staff recommends approval of the special use permit subject to complying with the following conditions:

1. Must obtain and maintain the proper State and City permits;
2. Must provide and maintain the required parking spaces in accordance with City regulations; and
3. Complying with the requirements administered by Planning and Zoning, Building Inspections, Fire Prevention, and Health Departments.

City Manager's approval: *GL* ☐ Yes ☐ No ☒ N/A

Comments:

City Attorney's approval: ☐ Yes ☐ No ☐ N/A

Public bearing and take action to consider a request for a Special Use Permit (SUP) to allow an assisted living facility in a Residential, Single-Family ("R-1") District, located at 1901 Mesquite Drive, bearing a legal description Lot 20, Block 2, Parkwood Subdivision. Applicant: Veronica Gutierrez

Assistant Planning and Development Director, Joel Olivo, presented the following information related to the Request for a Special Use Permit, as follows:

- The Legal Notice Map was presented.
- Mr. Olivo stated that the applicant is requesting a Special Use Permit to allow an assisted living facility out of an existing residential facility that is located on Mesquite Drive. He identified that the Subject Property was towards the end of the cul-du-sac.
- An Aerial View of the Subject Property was presented. He pointed out that most of the area is surrounded by residential use.
- There is an existing thirty-five hundred (3,500) [square foot] single family residential structure on the property. It has about eighty-nine (89) feet of frontage on Mesquite Drive and a depth of two hundred and seventeen (217) feet at its longest point.
- The Site Plan submitted by the applicant was presented. Mr. Olivo stated that according to the applicant, they are proposing to apply for a small, Type B Residential Assisted Living facility license, for twelve (12) beds within ten (10) bedrooms. He further explained that the applicant is proposing to remodel the facility to code.
- The facility will allow their residents to live as independently as possible. They will provide twenty-four (24) hour assistance and care for those residents that need assistance with activities for their daily living.
- The applicant is proposing to provide three (3) staff members on-site, per shift and there are going to be two (2) shifts.
- Five (5) parking spaces are required and are provided on site.
- The Floor Plan submitted, showing the proposed ten (10) bedrooms, was presented.
- A Street View of the Subject Property was presented.
- Building, Fire and Health reviewed the request and reported no objections subject to submitting the required engineered plans and compliance with the requirements and regulations.
- Properties owners within a two hundred (200) foot radius were notified. Twelve (12) property owners received notification. Staff received no objections.
- Staff is recommending approval subject to the applicant obtaining their City and State permits, providing the required parking, and complying with the requirements from the appropriate departments.
- Mr. Olivo made himself available for any questions. He stated that the applicant was all present for questions and stated that they had a short presentation which they would like to present.

Chairman Consiglio stated that since the applicant had a presentation, they would go into that first.

Veronica Gutierrez, applicant

Ms. Gutierrez bid the Board a good evening and introduced herself. She referred to the PowerPoint presentation for "This is My Home Assisted Living".

Ms. Gutierrez stated that their goal here is to provide senior care to keep everyone at home. She cited general fear and concern about being in a big box type facility which can be impersonal. She said this was a smaller resident to care giver ratio and a little more personal care. Ms.

Gutierrez next referred to the floor plan. She explained that they have ten (10) bedrooms, eight (8) will be private and two (2) will be shared. She said that as per state law, shared bedrooms must be at least one hundred and sixty (160) square feet, which the bigger bedrooms will have. She confirmed that they are applying for a Type B and trying to get licensed for twelve (12) beds. Regarding the Traffic Impact, Ms. Gutierrez said they didn't think there would be any. She said they will have a small [staff], two to three (2-3) caregivers on shift, with one (1) administrator. She said that families, on average, visit their loved ones for maybe one to two (1-2) hours and mostly on the weekends so she said it would be mostly an even flow of traffic, coming and going and nobody really staying. She explained that in the events that there are holidays or something like that, she said the cul-de-sac is pretty forgiving for parking and stuff like that. She stated that they had spoken to the property owner and that he owns a back corner in the area and an empty lot already and was on board and agreed with the idea. Ms. Gutierrez brought up ambulances. She said that they didn't think it [it would be a concern]. She cited their twenty-four (24) hour care and said that their caregiver's get ahead of everything. She said they monitor their residents every day and that if they see anything out of the ordinary, they will call either their health care provider or family to come take a look at them or take them to the doctor if needed.

Regarding Community Impact, again, Ms. Gutierrez indicated that they didn't see very much. She said that their residents would be assimilated into the neighborhood. She said they will be doing trick-or-treating, Christmas decorating and stuff like that, walks if they are able, with or without assistance around in the cul-de-sac. She said they want them to be as free and independent as possible and to be citizens of the neighborhood. She likened them to being the grandparents of the neighborhood that they can come visit or do volunteer work with as well. She further stated that they will be good neighbors, saying that they are quiet and not loud and noisy and up partying until the middle of the night. She said the exterior will look exactly like a home and not like a big box facility on the outside and that they would be completely invisible unless they put up a big sign. She said that no one would really know they were there.

Ms. Gutierrez stated that services will be tailored per resident. She said they will get feedback from the resident and their family to come up with an individual care plan with what they would like and how independent they want to be as well as what they would need assistance with. She said they will provide a safe and comfortable environment, cooking meals for them and providing enrichment programs. She said they would bring in music people, painting, some chair aerobics and stuff like that to keep them moving and mobile. They will help them with their bathing and grooming, dressing and eating, bathroom assistance and mobility transfers, managing medications and of course, doing their housekeeping while they are there.

Ms. Gutierrez said this completed her presentation.

Chairman Consiglio thanked Ms. Gutierrez and asked the Board if there were any questions for the applicant.

Cmr. Perez asked if they had any other facilities like this in the area. Ms. Gutierrez said they did not. She said there was one in Treasure Hills on Clifford – Angel Care Homes, a sixteen (16) bed care home. Ms. Gutierrez said there was not one in this particular neighborhood.

The Chairman asked if she would be the owner/operator. Ms. Gutierrez said yes, her and her partner Micha, Ms. Gibbs.

Micha Gibbs, applicant partner

Ms. Gibbs introduced herself before the Board. She said she owns Comfort Care Home Care and is a registered nurse. She indicated they are partnering fifty-fifty (50-50) and that this was their first. Ms. Gibbs approached the podium. She clarified that she was the other owner/operator and was a registered nurse. She said she repeated that she owned Comfort Care Home Care here in Harlingen. She said it is independently owned and operated and serves Veterans and private pay throughout the Valley for the past four and half (4.5) years. She said that this was the reason why they came up with this. She said she knows she has quality caregivers and that they would be running those caregivers through her payroll to staff the facility with quality care. She said this makes the most sense for those that can no longer stay in their home.

Chairman Consiglio asked if there were any more questions for the applicants.

Cmr. Cantu said she didn't really get to see the back of the facility. She asked if there was a fence. Ms. Gutierrez said that currently there was no fence but that they would be putting one up. She said they have to as per HHS (Health and Human Services).

Cmr. Cruz-Velázquez indicated she had a question. She complimented the applicant on her presentation and said that she really loved this model. Cmr. Cruz-Velázquez referred to the stated comments about ambulance access. She said that it was still a necessity and asked to be shown how it would work. Ms. Gutierrez said that they currently have a pretty good driveway but indicated they would be extending it a little further out as well. She said the ambulance should be able to pull up right to the door. Cmr. Cruz-Velázquez asked if the doors would be ADA (Americans with Disabilities Act) compliant. Ms. Gutierrez said yes and added that they have to for State licensing. Cmr. Cruz-Velázquez added that she had awareness taking care of elderly parents. Mr. Gutierrez said they would be widening the hallways and doorways and would all be ADA compliant.

Cmr. Cruz-Velázquez asked about the residents – whether most of them would be mainly there and didn't drive. Ms. Gutierrez said that most of them don't drive. She said that what they were seeing across the board was that most of them can no longer drive themselves and they usually depend on their family members to do all their driving to and from. She added that their long-term goal is to get a van to transport them eventually to their appointments and stuff like that. Cmr. Cruz-Velázquez thanked her for the information.

Chairman Consiglio asked if they would eventually become the property owners. He was told yes. He then asked if the residence or lot had already been purchased. Ms. Gutierrez said it was not yet purchased at this time. She said they were in negotiation with the property owner but that he had wanted to see if they would get approved first. The Chairman agreed and said that was not uncommon.

The Chairman asked if there were any other questions for the applicants. Upon hearing none, he thanked the applicants for their presence and presentation. The Chairman addressed Mr. Olivo expressing surprise that there were no neighbors present for this. He said it was unusual.

Cmr. Sanchez indicated he had a question for Staff. He asked if Staff foresaw the applicants needing some sort of exemption since they will be expanding the parking lot. He said that they would be more than fifty percent (50%) on impervious cover for the front part of the property. He asked if they would need some sort of permit for this. Mr. Olivo said they will need a permit to widen it but that it would still comply with the required impervious coverage. He said they would still meet the requirements for the landscaping of the property. Mr. Sanchez said he was just asking to also include it with this permit but that they didn't need it. Mr. Olivo confirmed they would meet the requirements.

Chairman Consiglio asked if the Special Use Permit would be tied to the applicant or the property. Mr. Olivo said it would be to the applicant.

The Chairman proceeded to the Public Hearing. The Public Hearing was opened. The Chairman asked if there was anyone that would like to speak for or against this item. Upon seeing none, the Chairman closed the Public Hearing and asked if there was a motion.

Cmr. Cruz-Velázquez made the motion to approve. Cmr. Cantu seconded the motion. The Chairman asked if there was any further discussion and upon hearing none moved the motion to a vote. The motion passed unanimously. The Chairman congratulated the applicants.

9(c)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **June 18, 2025**

Agenda Item:

Public hearing for a rezoning request from Not designated ("N") District to General Retail ("GR") District for 4.5 acres of land out of Lots 1-9, Block 4, Midway Subdivision, located at the southeast corner of Grace and Gayle Avenues. Applicant: Chris Hamby c/o LMB Properties, LTD ET AL. Attachment (***Planning & Development***)

Prepared By: Soledad A. Núñez, CNU-A

Title: Interim Planning & Development Director

Signature: *Soledad A. Núñez*

Brief Summary:

Project Timeline

- May 22, 2025 – Application for rezoning submitted to the City. (**ATTACHMENT I**).
- May 28, 2025 – In accordance with State and local law, notice of the required public hearing was mailed to all property owners within a 200 feet radius of subject tract.
- May 31, 2025 – In accordance with State and local law, notice of the required public hearing was published in the Valley Morning Star.
- June 11, 2025 - Public hearing and consideration of the requested rezoning by the Planning and Zoning Commission (P&Z).
- June 18, 2025 – Public hearing and consideration of requested rezoning via 1st ordinance reading scheduled before the City Commission.
- July 3, 2025 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- The applicant is requesting to rezone the subject property from Not designated, ("N") District to General Retail ("GR") District to allow for the development of a new facility for the South Texas Career Institute school. (**ATTACHMENT I**).
- The subject property is located at the southeast corner of N. 77 Sunshine Strip and Grave Avenue. The property is currently vacant. (**ATTACHMENT III**). The land has approximately 653.40 feet of frontage along Grace Avenue and approximately 300 feet of frontage along U.S. Expressway 77 Frontage Road.
- The surrounding properties are zoned Planned Development ("PD") district to the north and east, General Retail ("GR") District to the south, and to the west is County. Surrounding land uses include the Encore Sunshine RV Park to the north and east and La Sierra Event Center to the south. (**ATTACHMENT IV**)
- The Future Land Use Plan component of the City of Harlingen's Vision 2020 Comprehensive Plan shows this area as Retail/Commercial/Office. The request is consistent with the Future Land Use Plan. (**ATTACHMENT VII**).

Funding (if applicable):

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

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

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

Staff Recommendation:

Staff recommends approval of the rezoning request.

City Manager's approval: *MS* ☐ Yes ☐ No ☒ N/A

Comments:

City Attorney's approval: ☐ Yes ☐ No ☐ N/A

Consideration and possible action to approve the preliminary construction plans and final plat with conditions of the proposed Tuscany Hills Subdivision, bearing a legal description of a 73.69-acre tract of land, more or less, out of and forming a part of Blocks 28, 36, and 37 of the Palmetal Subdivision, located south of Grimes Avenue and west of Bob Youker Road

Interim Planning and Development Director, Soledad Núñez, presented the following information related to the approval of the subdivision, as follows:

- An Aerial View of the subject property highlighted in red was presented.
- The Tuscany Hills Subdivision is proposed to have three hundred and ninety-three (393) single family residential lots. Located south of Grimes Avenue and west of Bob Youker Street.
- The Final Plat of the proposed subdivision was presented.
- The proposed development is consistent with the Planned Development zoning.
- Ms. Núñez recalled that the rezoning had come before the Board a couple of months ago.
- A Street View of the property from Grimes Avenue was presented.
- Drainage requirements meet the current fifty (50) year storm standard.
- Water and wastewater will be by Harlingen Water Works.
- Park fees must be paid for the subdivision. Park fees are \$450 per dwelling unit, for a total of one hundred, seventy-six thousand, eight hundred and fifty dollars (\$176,850) that must be paid to go to Park Zone 3, which is the northeast zone.
- Staff is recommending approval of the preliminary construction plans and final plat with the conditions being that the meet all requirements from Engineering, Harlingen Water Works, Fire and Planning prior to the recording of the subdivision.

Chairman Consiglio thanked Ms. Núñez. He asked if there were any questions for Staff. Cmr. Sanchez mentioned that they typically get a copy of the drainage report and said that he didn't think they got one this time around. He asked about the outfall for this subdivision and where does it go.

Roberto Hernandez, Assistant City Engineer

Mr. Hernandez introduced himself before the Board to answer the question. Mr. Hernandez stated that this area is outfalling east towards the irrigation ditch. He said they already got an approved permit. He said they already got approval from the drainage district. He pointed out the area where they have the detention pond and explained that that within that vicinity, they are doing an outfall towards the ditch canal that is existing in that area.

The Chairman asked Mr. Hernandez to display the overlay image to show Cmr. Sanchez the irrigation canal. Cmr. Sanchez asked if there was a drain ditch next to it. Mr. Hernandez said they were ablating to this system with, he believed, a twenty-four (24) inch of pipe but that they were only discharging the pre-existing ten (10) year floating. Cmr. Sanchez acknowledged this information.

The Chairman stated that, in full disclosure, this piece of property was annexed by Cameron County Irrigation District No. 5 for them to be able to put water into the ditch. He then specified that geographically, this piece of land is by the airport. Mr. Hernandez confirmed this. The Chairman explained that Drainage District No. 5 is kind of the west and north of Harlingen and that then over to that area, they annexed this piece of property to include this to the drainage so that they could discharge into the ditch. He said this is what he could recall. Mr. Hernandez confirmed this information for him. Cmr. Sanchez thanked Mr. Hernandez.

Chairman Consiglio asked if there were any other questions for Staff or the Engineer. Upon hearing none, he proceeded.

There was no Public Hearing for this item. The Chairman asked if there was a motion. Cmr. Cruz-Velázquez made the motion to approve. Cmr. Perez seconded the motion. The Chairman asked if there was any further discussion and upon hearing none, moved the motion to a vote. The motion passed unanimously.

**AGENDA ITEM
EXECUTIVE SUMMARY**

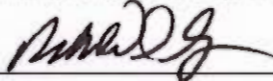
10(2)

Meeting Date: **June 18, 2025**

Agenda Item:

Consideration of possible action to approve an Ordinance authorizing the issuance and delivery of the City of Harlingen, Texas Waterworks and Sewer System Revenue Bonds, Series 2025 (LSL); authorizing the execution of a paying agent/registrar agreement and an escrow agreement relating to such bonds; and pledging the revenues of the city's waterworks and sewer system to the payment of the principal and interest on said bonds; and ordaining other matters relating thereto

Prepared By (Print Name): Ronald De La Garza, M.B.A.
Title: Finance and Revenue Director

Signature: 

Brief Summary:

In 2021, the Environmental Protection Agency created the Lead Service Line replacement initiative to actively replace lead pipe within residential water systems. HWWS submitted a preliminary application requesting funds for such projects through the Texas Water Development Board's (TWDB) Drinking Water State Revolving (DWSRF) fund program. August 2024, TWDB approved funding HWWS Inventory Principal Forgiveness of \$874,286 and an Inventory Loan in the amount of \$840,000 through the Drinking Water State Revolving Fund-Lead Service Line Replacement program. On June 11th, 2025, HWWS Board of Trustees adopted a resolution for issuance of the Bonds and pursuant to TWDB procedures, it is necessary for the City Commission to approve the financing agreement and issuance of the Waterworks and Sewer System Revenue Bonds, Series 2025 (LSL).

Funding (if applicable):

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

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

Finance Director's approval: ☒ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approving the resolution authorizing the issuance of the bonds.

City Manager's approval:  ☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval: ☐ Yes ☐ No ☐ N/A

THE STATE OF TEXAS :
COUNTY OF CAMERON :
CITY OF HARLINGEN :

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

Section 1. AUTHORIZATION, AMOUNT, PURPOSE, AND REDEMPTION PROVISIONS OF THE BONDS. (a) The Issuer's Bonds to be designated "CITY OF HARLINGEN, TEXAS WATERWORKS AND SEWER SYSTEM REVENUE BONDS, TAXABLE SERIES 2025 (LSL)" (the "*Series 2025 Bonds*" or "*Bonds*") are hereby authorized to be issued and delivered in the aggregate principal amount of ***\$840,000 FOR THE PURPOSE OF ACQUIRING, PURCHASING, CONSTRUCTING, IMPROVING, ENLARGING, OR EQUIPPING THE SYSTEM AND TO PAY COSTS OF ISSUANCE***, issued in accordance with the Constitution and laws of the State of Texas, particularly Chapter 1502, Texas Government Code, as amended, pursuant to this Ordinance.

(b) The terms "*Series 2025 Bonds*" and "*Bonds*" as used in this Ordinance shall mean and include, the Series 2025 Bonds initially issued and delivered pursuant to this Ordinance and all substitute bonds exchanged therefor, as well as all other substitute bonds and replacement bonds issued pursuant hereto.

(c) Optional Redemption. The Bonds having Stated Maturities on and after November 1, 2036 shall be subject to redemption prior to Stated Maturity, at the option of the Issuer, on November 1, 2035, or on any date thereafter, as a whole or in part, in principal amounts of \$5,000 or any integral multiple thereof (and if within a Stated Maturity selected at random and by lot by the Paying Agent/Registrar), at the redemption price of par plus accrued interest to the date of redemption.

(d) Exercise of Redemption Option. At least forty-five (45) days prior to a date set for the redemption of Bonds (unless a shorter notification period shall be satisfactory to the Paying Agent/Registrar), the Issuer shall notify the Paying Agent/Registrar of its decision to exercise the right to redeem Bonds, the principal amount of each Stated Maturity to be redeemed, and the date set for the redemption thereof. The decision of the Issuer to exercise the right to redeem Bonds shall be entered in the minutes of the governing body of the Issuer.

(e) Selection of Bonds for Redemption. If less than all Outstanding Bonds of the same Stated Maturity are to be redeemed on a redemption date, the Paying Agent/Registrar shall select at random and by lot the Bonds to be redeemed, provided that if less than the entire principal amount of a Bond is to be redeemed, the Paying Agent/Registrar shall treat such Bond then subject to redemption as representing the number of Bonds Outstanding which is obtained by dividing the principal amount of such Bond by \$5,000.

(f) Notice of Redemption. Not less than thirty (30) days prior to a redemption date for the Bonds, a notice of redemption shall be sent by United States Mail, first class postage prepaid, in the name of the Issuer and at the Issuer's expense, by the Paying Agent/Registrar to each Owner of a Bond to be redeemed in whole or in part at the address of the Owner appearing on the Security Register at the close of business on the business day next preceding the date of mailing such notice, and any notice of redemption so mailed shall be conclusively presumed to have been duly given irrespective of whether received by the Owner.

All notices of redemption shall (i) specify the date of redemption for the Bonds, (ii) identify the Bonds to be redeemed and, in the case of a portion of the principal amount to be redeemed, the

principal amount thereof to be redeemed, (iii) state the redemption price, (iv) state that the Bonds, or the portion of the principal amount thereof to be redeemed, shall become due and payable on the redemption date specified, and the interest thereon, or on the portion of the principal amount thereof to be redeemed, shall cease to accrue from and after the redemption date, and (v) specify that payment of the redemption price for the Bonds, or the principal amount thereof to be redeemed, shall be made at the corporate trust office of the Paying Agent/Registrar only upon presentation and surrender thereof by the Owner.

Subject, in the case of an optional redemption pursuant to Section 1(c), to any conditions or rights reserved by the Issuer in the notice, if a Bond is subject by its terms to redemption and has been called for redemption and notice of redemption thereof has been duly given or waived as herein provided, such Bond (or the principal amount thereof to be redeemed) so called for redemption shall become due and payable, and if money sufficient for the payment of such Bonds (or of the principal amount thereof to be redeemed) at the then applicable redemption price is held for the purpose of such payment by the Paying Agent/Registrar, then on the redemption date designated in such notice, interest on the Bonds (or the principal amount thereof to be redeemed) called for redemption shall cease to accrue, and such Bonds shall not be deemed to be Outstanding in accordance with the provisions of this Ordinance.

(g) Conditional Notice of Redemption. The Issuer reserves the right to give notice of its election or direction to redeem Bonds conditioned upon the occurrence of subsequent events. Such notice may state that (i) the redemption is conditioned upon the deposit of moneys and/or authorized securities, in an amount equal to the amount necessary to effect the redemption, with the Paying Agent/Registrar, or such other entity as may be authorized by law, no later than the redemption date, or (ii) the Issuer retains the right to rescind such notice at any time prior to and including the scheduled redemption date upon delivery of written instructions to the Paying Agent/Registrar instructing the Paying Agent/Registrar to rescind the redemption notice. Upon such rescission, the notice and redemption shall be of no effect. The Paying Agent/Registrar shall give prompt notice of any such rescission of a conditional notice of redemption to the affected Owners. Any Bonds called for redemption subject to a conditional notice of redemption and such redemption has been rescinded shall remain Outstanding, and the rescission shall not constitute a default under this Ordinance. Further, in the case of a redemption for which a conditional notice of redemption has been given, the failure of the Issuer to make moneys and or authorized securities available in part or in whole on or before the redemption date shall not constitute a default under this Ordinance.

(h) Transfer/Exchange of Bonds. Neither the Issuer nor the Paying Agent/Registrar shall be required (1) to transfer or exchange any Bond during a period beginning forty-five (45) days prior to the date fixed for redemption of the Bonds or (2) to transfer or exchange any Bond selected for redemption, provided, however, such limitation of transfer shall not be applicable to an exchange by the Owner of the unredeemed balance of a Bond which is subject to redemption in part.

Section 2. DESIGNATION AND DATE OF BONDS. Each bond issued pursuant to this Ordinance shall be designated: “**CITY OF HARLINGEN, TEXAS WATERWORKS AND SEWER SYSTEM REVENUE BONDS, TAXABLE SERIES 2025 (LSL)**,” shall be dated July 1, 2025 and initially there shall be issued, sold, and delivered hereunder fully registered Bonds, without interest coupons, payable to the respective owners thereof or to the registered

assignee or assignees of said bonds or any portion or portions thereof (in each case, the “*Owner*”). The Bonds shall be in the respective denominations and principal amounts, shall be numbered, shall mature and be payable on the date or dates in each of the years and in the principal amounts or amounts due at maturity, as applicable, and shall bear interest to their respective dates of maturity or redemption prior to maturity at the rates per annum, as set forth in Section 3(b) of this Ordinance.

Section 3. DATE, DENOMINATION, NUMBERS, MATURITIES. (a) The Bonds shall be dated July 1, 2025, in the denominations of \$5,000 or in any integral multiple thereof, and shall be numbered separately from R-1 upward, except the Initial Bond, which shall be numbered T-1.

(b) The Bonds shall mature in the principal amounts at the per annum rates and shall mature on November 1 in each of the years set forth below:

<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2025	\$ 55,000	0.000%	2033	\$ 50,000	0.000%
2026	55,000	0.000%	2034	50,000	0.000%
2027	55,000	0.000%	2035	50,000	0.000%
2028	55,000	0.000%	2036	50,000	0.000%
2029	55,000	0.000%	2037	50,000	0.000%
2030	55,000	0.000%	2038	50,000	0.000%
2031	55,000	0.000%	2039	50,000	0.000%
2032	55,000	0.000%	2040	50,000	0.000%

(c) The Bond (i) may be prepaid or redeemed prior to the respective scheduled due dates of installments of principal thereof, (ii) may be assigned and transferred, (iii) may be converted and exchanged for other Bonds, (iv) shall have the characteristics, and (v) shall be signed and sealed, and the principal of and interest on the Bond shall be payable, all as provided, and in the manner required or indicated, in the FORM OF BOND set forth in this Ordinance.

Section 4. INTEREST. The Bonds shall not bear interest nor contain any interest payments.

Section 5. FORM OF BOND. The form of the Bond, including the form of Registration Certificate of the Comptroller of Public Accounts of the State of Texas to accompany the Initial Bond, the form of Certificate of the Paying Agent/Registrar and the form of Assignment appearing on the Bonds, shall be substantially as follows:

(a) Form of Bond:

REGISTERED

No. _____

REGISTERED

\$ _____

**UNITED STATES OF AMERICA
STATE OF TEXAS
COUNTY OF CAMERON
CITY OF HARLINGEN, TEXAS
WATERWORKS AND SEWER SYSTEM
REVENUE BONDS, TAXABLE SERIES 2025 (LSL)**

INTEREST RATE	MATURITY DATE	ISSUANCE DATE	DATED DATE	CUSIP NUMBER
_____ %	November 1, 20__	_____	_____, 2025	_____

THE CITY OF HARLINGEN, IN CAMERON COUNTY, TEXAS (the “*Issuer*”),
being a political subdivision of the State of Texas, hereby promises to pay to

or registered assigns, on the Maturity Date specified above, the sum of

_____ DOLLARS

provided, however, that for so long as the Texas Water Development Board (“TWDB”) is the Owner of the Bonds, all payments of principal and interest will be made in wire transfer form at no cost to TWDB.

THE PRINCIPAL OF this Bond are payable without exchange or collection charges in lawful money of the United States of America. Principal of this Bond (or so much thereof as shall not have been paid or deemed to have been paid upon prior redemption) shall be payable on the Maturity Date specified above (unless redeemed prior thereto as provided in this Bonds) upon presentation and surrender of this Bond at the corporate trust office in Dallas, Texas (the “Designated Payment/Transfer Office”) of BOKF, NA (the “Paying Agent/Registrar”), as initial Paying Agent Registrar, or with respect to a successor Paying Agent/Registrar, at the Designated Payment/Transfer Office of such successor. The Issuer covenants with the Owner of this Bond that on or before each principal payment date for this Bond it will make available to the Paying Agent/Registrar, from the “Interest and Sinking Fund” created by the Ordinance, the amounts required to provide for the payment, in immediately available funds, of all principal of this Bond, when due.

THIS BOND is dated July 1, 2025 and is one of a series of fully registered bonds specified in the title hereof issued in the aggregate principal amount of \$840,000 (herein referred to as the “Bonds”), for the purpose of evidencing the indebtedness of the Issuer for all or any part of the costs associated with the improvements to the Issuer’s waterworks and sewer system, and the costs

of professional services related thereto, issued in accordance with the Constitution and laws of the State of Texas, particularly Chapter 1502, Texas Government Code, as amended, pursuant to an ordinance duly adopted by the City Commission of the Issuer (the "Ordinance") which Ordinance is of record in the official minutes of the City Commission.

IF THE DATE for the payment of the principal of this Bond shall be a Saturday, Sunday, a legal holiday, or a day on which banking institutions in the city where the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

THIS BOND has been authorized in accordance with the Constitution and laws of the State of Texas, in the principal amount of ***\$840,000 FOR THE PURPOSE OF ACQUIRING, PURCHASING, CONSTRUCTING, IMPROVING, ENLARGING OR EQUIPPING THE ISSUER'S WATERWORKS AND SEWER SYSTEM (THE "SYSTEM") AND TO PAY COSTS OF ISSUANCE.***

THE ISSUER HAS RESERVED THE OPTION to redeem the Bonds maturing on or after November 1, 2036, in whole or in part, before their respective scheduled maturity dates, on November 1, 2035, or on any date thereafter, at a price equal to the principal amount of the Bonds so called for redemption. If less than all of the Bonds are to be redeemed, the Issuer shall determine the maturity or maturities and the amounts thereof to be redeemed and shall direct the Paying Agent/Registrar to call by lot the Bonds, or portions thereof, within such maturity and in such principal amounts, for redemption.

NOT LESS THAN THIRTY (30) DAYS prior to a redemption date for the Bonds, the Issuer shall cause a notice of redemption to be sent by United States mail, first class, postage prepaid, to the Owner of the Bonds to be redeemed at the address of the Owner appearing on the registration books of the Paying Agent/Registrar at the close of business on the business day next preceding the date of mailing such notice.

IN THE ORDINANCE, THE ISSUER RESERVES THE RIGHT, in the case of an optional redemption, to give notice of its election or direction to redeem Bonds conditioned upon the occurrence of subsequent events. Such notice may state (i) that the redemption is conditioned upon the deposit of moneys and/or authorized securities, in an amount equal to the amount necessary to effect the redemption, with the Paying Agent/Registrar, or such other entity as may be authorized by law, no later than the redemption date, or (ii) that the Issuer retains the right to rescind such notice at any time on or prior to the scheduled redemption date if the Issuer delivers a certificate of the Issuer to the Paying Agent/Registrar instructing the Paying Agent/Registrar to rescind the redemption notice, and such notice and redemption shall be of no effect if such moneys and/or authorized securities are not so deposited or if the notice is rescinded. The Paying Agent/Registrar shall give prompt notice of any such rescission of a conditional notice of redemption to the affected Owner. Any Bonds subject to conditional redemption and such redemption has been rescinded shall remain Outstanding, and the rescission of such redemption shall not constitute an Event of Default. Further, in the case of a conditional redemption, the failure of the Issuer to make moneys and/or authorized securities available in part or in whole on or before

the redemption date shall not constitute an Event of Default. Any notice so mailed shall be conclusively presumed to have been duly given, whether or not the Owner receives such notice. Notice having been so given and subject, in the case of an optional redemption, to any rights or conditions reserved by the Issuer in the notice, the Bonds called for redemption shall become due and payable on the specified redemption date, and notwithstanding that any obligation or portion thereof has not been surrendered for payment, interest on such obligation or portion thereof shall cease to accrue.

THIS BOND OR ANY PORTION OR PORTIONS HEREOF IN ANY INTEGRAL MULTIPLE OF \$5,000, may be assigned by the Owner hereof and shall be transferred only in the Registration Books of the Issuer kept by the Paying Agent/Registrar acting in the capacity of registrar for the Bonds, upon the terms and conditions set forth in the Ordinance. Among other requirements for such transfer, this Bond must be presented and surrendered to the Paying Agent/Registrar for cancellation, together with proper instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment by the Owner of this Bond, or any portion or portions hereof in any integral multiple of \$5,000, to the assignee or assignees in whose name or names this Bond or any such portion or portions hereof is or are to be transferred and registered. Any instrument or instruments of assignment satisfactory to the Paying Agent/Registrar may be used to evidence the assignment of this Bond or any such portion or portions hereof by the Owner hereof. A new bond or bonds payable to such assignee or assignees (which then will be the new Owner or Owners of such new Bond or Bonds) or to the Owner as to any portion of this Bond which is not being assigned and transferred by the Owner, shall be delivered by the Paying Agent/Registrar in conversion of and exchange for this Bond or any portion or portions hereof, but solely in the form and manner as provided in the next paragraph hereof for the conversion and exchange of this Bond or any portion hereof. The Owner of this Bond shall be deemed and treated by the Issuer and the Paying Agent/Registrar as the absolute Owner hereof for all purposes, including payment and discharge of liability upon this Bond to the extent of such payment, and the Issuer and the Paying Agent/Registrar shall not be affected by any notice to the contrary.

AS PROVIDED above and in the Ordinance, this Bond, to the extent of the unpaid or unredeemed principal balance hereof, may be converted into and exchanged for a like aggregate principal amount of fully registered bonds, without interest coupons, payable to the assignee or assignees duly designated in writing by the Owner hereof, or to the Owner as to any portion of this Bond which is not being assigned and transferred by the Owner, in any denomination or denominations in any integral multiple of \$5,000 (subject to the requirement hereinafter stated that each substitute bond issued in exchange for any portion of this Bond shall have a single stated principal maturity date), upon surrender of this Bond to the Paying Agent/Registrar for cancellation, all in accordance with the form and procedures set forth in the Ordinance. If this Bond or any portion hereof is assigned and transferred or converted each bond issued in exchange for any portion hereof shall have a single stated principal maturity date corresponding to the due date of the installment of principal of this Bond or portion hereof for which the substitute bond is being exchanged, and shall bear interest at the rate applicable to and borne by such installment of principal or portion thereof. Such bonds, respectively, shall be subject to redemption prior to maturity on the same dates and for the same prices as the corresponding installment of principal of this Bond or portion hereof for which they are being exchanged. No such bond shall be payable in installments, but shall have only one stated principal maturity date. **AS PROVIDED IN THE**

ORDINANCE, THIS BOND IN ITS PRESENT FORM MAY BE ASSIGNED AND TRANSFERRED OR CONVERTED ONCE ONLY, and to one or more assignees, but the bonds issued and delivered in exchange for this Bond or any portion hereof may be assigned and transferred, and converted, subsequently, as provided in the Ordinance. The Issuer shall pay the Paying Agent/Registrar's standard or customary fees and charges for transferring, converting, and exchanging this Bond or any portion thereof, but the one requesting such transfer, conversion, and exchange shall pay any taxes or governmental charges required to be paid with respect thereto. The Paying Agent/Registrar shall not be required to make any such assignment, conversion, or exchange (i) during the period commencing with the close of business on any Record Date and ending with the opening of business on the next following principal or interest payment date, or, (ii) with respect to any Bond or portion thereof called for prepayment or redemption prior to maturity, within 45 days prior to its prepayment or redemption date.

IN THE EVENT any Paying Agent/Registrar for this Bond is changed by the Issuer, resigns, or otherwise ceases to act as such, the Issuer has covenanted in the Ordinance that it promptly will appoint a competent and legally qualified substitute therefor, and promptly will cause written notice thereof to be mailed to the Owner of this Bond.

IT IS HEREBY certified, recited, and covenanted that this Bond has been duly and validly authorized, issued, sold, and delivered; that all acts, conditions, and things required or proper to be performed, exist, and be done precedent to or in the authorization, issuance, and delivery of this Bond have been performed, existed, and been done in accordance with law, that this Bond is a special obligation; and that the principal of this Bond, together with other outstanding revenue bonds (as defined in the Ordinance), are payable from, and secured by a first lien on and pledge of the Net Revenues of said Issuer's combined Waterworks System and Sewer System.

THE ISSUER has reserved the right, subject to the restrictions stated and adopted by reference in the Ordinance authorizing this Bond, to issue additional parity revenue bonds which also may be made payable from, and secured by a lien on and pledge of the aforesaid Net Revenues.

THE OWNER HEREOF shall never have the right to demand payment of this obligation out of any funds raised or to be raised by taxation, or from any source whatsoever other than the aforesaid Net Revenues.

BY BECOMING the Owner of this Bond, the Owner thereby acknowledges all of the terms and provisions of the Ordinance, agrees to be bound by such terms and provisions, acknowledges that the Ordinance is duly recorded and available for inspection in the official minutes and records of the governing body of the Issuer, and agrees that the terms and provisions of this Bond and the Ordinance constitute a contract between the Owner hereof and the Issuer.

IN WITNESS WHEREOF, the Issuer has caused this Bond to be signed with the manual signature of the Mayor of the Issuer and countersigned with the manual signature of the [Deputy] City Secretary of the Issuer, has caused the official seal of the Issuer to be duly impressed on this Bond.

[Deputy] City Secretary

Mayor

(CITY SEAL)

(b) Form of Comptroller's Registration Certificate.

The following Comptroller's Registration Certificate may be deleted from the definitive Bonds if such certificate on the Initial Bond is fully executed.

REGISTRATION CERTIFICATE OF
COMPTROLLER OF PUBLIC ACCOUNTS

OFFICE OF THE COMPTROLLER §
OF PUBLIC ACCOUNTS §
OF THE STATE OF TEXAS §

REGISTER NO. _____

I hereby certify that this Bond has been examined, certified as to validity, and approved by the Attorney General of the State of Texas and that this Bond has been registered by the Comptroller of Public Accounts of the State of Texas.

Witness my hand and seal of office at Austin, Texas, _____.

Comptroller of Public Accounts
of the State of Texas

(c) Form of Certificate of Paying Agent/Registrar:

The following Certificate of Paying Agent/Registrar may be deleted from the Initial Bond if the executed Comptroller's Registration Certificate appears thereon.

CERTIFICATE OF PAYING AGENT/REGISTRAR

The records of the Paying Agent/Registrar show that the Initial Bond of this series of Bonds was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas, and that this is one of the Bonds referred to in the within-mentioned Ordinance.

BOKF, NA,
as Paying Agent/Registrar

Dated: _____
Authorized Signatory

By: _____

(d) Form of Assignment:

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto (Print or typewrite name, address and zip code of transferee): _____

(Social Security or other identifying number: (_____))
the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____ attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____
Signature Guaranteed By:

Authorized Signatory

NOTICE: The signature on this Assignment must correspond with the name of the registered owner as it appears on the face of the within Bond in every particular and must be guaranteed in a manner acceptable to the Paying Agent/Registrar.

(e) The Initial Bond shall be in the form set forth in paragraphs (a), (b), and (d) of this Section, except for the following alterations:

(i) immediately under the name of the Bond, the headings "INTEREST RATE" and "MATURITY DATE" shall both be completed with the words "As Shown Below" and the words "CUSIP NUMBER" deleted; and

(ii) in the first paragraph of the Bond, the words "on the Maturity Date specified above, the sum of _____ DOLLARS" shall be deleted and the following will be inserted: "on November 1 in each of the years, in the principal installments and bearing interest at the per annum rates set forth with the following schedule:

<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
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(iii) (Information to be inserted from schedule in Section 3(b) of this Ordinance)

Section 6. GENERAL TERMS AND PROVISIONS REGARDING THE BONDS.

(a) Medium, Method and Place of Payment.

(i) The principal of and interest on the Bonds shall be paid in lawful money of the United States of America. The interest on each Bond shall be payable by check mailed by the Paying Agent/Registrar on or before each interest payment date to the Owner of record as of the Record Date, to the address of such Owner as shown on the Register; provided, however, that for so long as the TWDB is the Owner of the Bonds, all payments of principal and interest will be made in wire transfer form at no cost to the TWDB

(ii) Interest on the Bonds shall be paid by check, dated as of the interest payment date, and sent United States mail, first class, postage prepaid, by the Paying Agent/Registrar to each Owner as shown in the Register at the close of business on the Record Date, at the address of each such Owner as such appears in the Register, or by such other customary banking arrangements acceptable to the Paying Agent/Registrar and the Owner; provided, however, that the Owner shall bear all risk and expense of such other banking arrangements.

(iii) The principal of each Bond shall be paid to the Owner thereof on the Maturity date thereof at Maturity upon presentation and surrender of such Bond at the Designated Payment/Transfer Office.

(iv) If the date for the payment of the principal of or interest on the Bonds is not a Business Day, then the date for such payment shall be the next succeeding Business Day, and payment on such date shall have the same force and effect as if made on the original date payment was due and no additional interest shall be due by reason of nonpayment on the date on which such payment is otherwise stated to be due and payable.

(v) In the event of a nonpayment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the Issuer. Notice of the Special Record Date and of the special payment date of the past due interest (the "Special Payment Date,"

which shall be 15 days after the Special Record Date) shall be sent at least five (5) Business Days prior to the Special Record Date by United States mail, first class, postage prepaid, to the address of each Owner of a Bond appearing on the books of the Paying Agent/Registrar at the close of business on the last Business Day next preceding the date of mailing of such notice.

(vi) Unclaimed Payments shall be segregated in a special account and held in trust, uninvested by the Paying Agent/Registrar, for the account of the Owners of the Bonds to which such Unclaimed Payments pertain. Subject to Title 6, Texas Property Code, Unclaimed Payments remaining unclaimed by the Owners entitled thereto for three (3) years after the applicable payment or redemption date shall be applied to the next payment or payments on the Bonds thereafter coming due and, to the extent any such money remains three (3) years after the retirement of all outstanding Bonds, such money shall be paid to the Issuer to be used for any lawful purpose. Thereafter, neither the Issuer, the Paying Agent/Registrar nor any other person shall be liable or responsible to any Owners of such Bonds for any further payment of such unclaimed moneys or on account of any such Bonds, subject to Title 6, Texas Property Code.

(b) Execution and Registration of Bonds.

(i) The Bonds shall be executed on behalf of the Issuer by the Mayor and the City Secretary or Deputy City Secretary, by their manual or facsimile signatures, and the official seal of the Issuer shall be impressed or placed in facsimile thereon. Such facsimile signatures on the Bonds shall have the same effect as if each of the Bonds had been signed manually and in person by each of said officers, and such facsimile seal on the Bonds shall have the same effect as if the official seal of the Issuer had been manually impressed upon each of the Bonds.

(ii) In the event that any officer of the Issuer whose manual or facsimile signature appears on the Bonds ceases to be such officer before the authentication of such Bonds or before the delivery thereof, such signature nevertheless shall be valid and sufficient for all purposes as if such officer had remained in such office.

(iii) Except as provided below, no Bond shall be valid or obligatory for any purpose or be entitled to any security or benefit of this Ordinance unless and until there appears thereon the Certificate of Paying Agent/Registrar substantially in the form provided herein, duly authenticated by manual execution by an officer or duly authorized signatory of the Paying Agent/Registrar. It shall not be required that the same officer or authorized signatory of the Paying Agent/Registrar sign the certificate of Paying Agent/Registrar on all of the Bonds. In lieu of the executed certificate of Paying Agent/Registrar described above, the Initial Bond delivered at the Closing Date shall have attached thereto the Comptroller's Registration Certificate substantially in the form provided herein, manually executed by the Comptroller of Public Accounts of the State, or by her duly authorized agent, which certificate shall be evidence that the Bond has been duly approved by the Attorney General of the State, and that it is a valid and binding obligation of the Issuer, and that it has been registered by the Comptroller of Public Accounts of the State.

(iv) On the Issuance Date, one Initial Bond representing the entire principal amount of the Bonds payable in stated installments to TWDB or its designee, executed by the manual or facsimile signatures of the Mayor and the City Secretary or Deputy City Secretary, approved by the Attorney General of the State, and registered and manually signed by the Comptroller of Public Accounts of the State, will be delivered to TWDB or its designee. Upon payment for the Initial Bond, the Paying Agent/Registrar shall cancel the Initial Bond and deliver registered definitive Bonds to DTC in accordance with (g) hereof. To the extent the Paying Agent/Registrar is eligible to participate in DTC's FAST System, as evidenced by an agreement between the Paying Agent/Registrar and DTC, the Paying Agent/Registrar shall hold the definitive Bonds in safekeeping for DTC.

(c) Ownership.

(i) The Issuer, the Paying Agent/Registrar and any other person may treat the Owner as the absolute owner of such Bond for the purpose of making and receiving payment of the principal thereof for the further purpose of making and receiving payment of the interest thereon (subject to the provisions herein that the interest on the Bonds is to be paid to the person in whose name the Bond is registered on the Record Date or Special Record Date, as applicable), and for all other purposes, whether or not such Bond is overdue, and neither the Issuer nor the Paying Agent/Registrar shall be bound by any notice or knowledge to the contrary.

(ii) All payments made to the Owner of a Bond shall be valid and effectual and shall discharge the liability of the Issuer and the Paying Agent/Registrar upon such Bond to the extent of the sums paid.

(d) Registration, Transfer and Exchange.

(i) So long as any Bonds remain outstanding, the Issuer shall cause the Paying Agent/Registrar to keep at its Designated Payment/Transfer Office a bond register (the "Register") in which, subject to such reasonable regulations as it may prescribe, the Paying Agent/Registrar shall provide for the registration and transfer of Bonds in accordance with this Ordinance. The Issuance Date of each Bond originally delivered to and paid for by TWDB shall be recorded in the Register.

(ii) The ownership of a Bond may be transferred only upon the presentation and surrender of the Bond to the Paying Agent/Registrar at the Designated Payment/Transfer Office with such endorsement or other evidence of transfer acceptable to the Paying Agent/Registrar. No transfer of any Bond shall be effective until entered in the Register.

(iii) The Bonds shall be exchangeable upon the presentation and surrender thereof at the Designated Payment/Transfer Office for a Bond or Bonds of the same maturity and interest rate and in any denomination or denominations of any integral multiple of \$5,000 and in an aggregate principal amount equal to the unpaid principal amount of the Bonds presented for exchange.

(iv) The Paying Agent/Registrar is hereby authorized to authenticate and deliver Bonds transferred or exchanged in accordance with this Section. A new Bond or Bonds will be

delivered by the Paying Agent/Registrar, in lieu of the Bond being transferred or exchanged, at the Designated Payment/Transfer, or sent by United States mail, first class, postage prepaid, to the Owner or his designee. Each Bond delivered by the Paying Agent/Registrar in accordance with this Section shall constitute an original contractual obligation of the Issuer and shall be entitled to the benefits and security of this Ordinance to the same extent as the Bond or Bonds in lieu of which such Bond is delivered.

(v) No service charge shall be made to the Owner for the initial registration, any subsequent transfer, or exchange for a different denomination of any of the Bonds. The Paying Agent/Registrar, however, may require the Owner to pay a sum sufficient to cover any tax or other governmental charge that is authorized to be imposed in connection with the registration, transfer or exchange of a Bond.

(vi) Neither the Issuer nor the Paying Agent/Registrar shall be required to issue, transfer or exchange any Bond called for redemption, in whole or in part, within forty-five (45) days prior to the date fixed for redemption; provided, however, such limitation of transfer shall not be applicable to an exchange by the Owner of the uncalled principal balance of a Bond.

(e) Cancellation. All Bonds paid or redeemed before the Stated Maturity in accordance with this Ordinance, and all Bonds in lieu of which exchange Bonds or replacement Bonds are authenticated and delivered in accordance with this Ordinance, shall be cancelled upon the making of proper records regarding such payment, redemption, exchange or replacement. The Paying Agent/Registrar shall dispose of such cancelled Bonds in the manner required by the Securities Exchange Act of 1934, as amended.

(f) Replacement Bonds.

(i) Upon the presentation and surrender to the Paying Agent/Registrar of a mutilated Bond, the Paying Agent/Registrar shall authenticate and deliver in exchange therefor a replacement Bond of like maturity, interest rate and principal amount, bearing a number not contemporaneously outstanding. The Issuer or the Paying Agent/Registrar may require the Owner of such Bond to pay a sum sufficient to cover any tax or other governmental charge that is authorized to be imposed in connection therewith and any other expenses connected therewith.

(ii) In the event that any Bond is lost, apparently destroyed or wrongfully taken, the Paying Agent/Registrar, pursuant to the applicable laws of the State and in the absence of notice or knowledge that such Bond has been acquired by a bona fide purchaser, shall authenticate and deliver a replacement Bond of like maturity, interest rate and principal amount, bearing a number not contemporaneously outstanding, provided that the Owner first complies with the following requirements:

- (1) furnishes to the Paying Agent/Registrar satisfactory evidence of his or her ownership of and the circumstances of the loss, destruction or theft of such Bond;
- (2) furnishes such security or indemnity as may be required by the Paying Agent/Registrar and the Issuer to save them harmless;

(3) pays all expenses and charges in connection therewith, including, but not limited to, printing costs, legal fees, fees of the Paying Agent/Registrar, and any tax or other governmental charge that is authorized to be imposed; and

(4) satisfies any other reasonable requirements imposed by the Issuer and the Paying Agent/Registrar.

(iii) If, after the delivery of such replacement Bond, a bona fide purchaser of the original Bond in lieu of which such replacement Bond was issued presents for payment such original Bond, the Issuer and the Paying Agent/Registrar shall be entitled to recover such replacement Bond from the person to whom it was delivered or any person taking therefrom, except a bona fide purchaser, and shall be entitled to recover upon the security or indemnity provided therefor to the extent of any loss, damage, cost, or expense incurred by the Issuer or the Paying Agent/Registrar in connection therewith.

(iv) In the event that any such mutilated, lost, apparently destroyed, or wrongfully taken Bond has become or is about to become due and payable, the Paying Agent/Registrar, in its discretion, instead of issuing a replacement Bond, may pay such Bond if it has become due and payable or may pay such Bond when it becomes due and payable.

(v) Each replacement Bond delivered in accordance with this Section shall constitute an original additional contractual obligation of the Issuer and shall be entitled to the benefits and security of this Ordinance to the same extent as the Bond or Bonds in lieu of which such replacement Bond is delivered.

(g) Book-Entry Only System.

(i) The Initial Bond shall be delivered against payment to the TWDB. The TWDB shall be required to promptly surrender the Initial Bond to the Paying Agent/Registrar for exchange. Bonds issued in exchange shall be registered in the name of Cede & Co., as nominee of DTC, as Owner of the Bonds, and held in the custody of DTC. Unless otherwise requested by DTC, a single bond will be issued and delivered to DTC for each maturity of the Bonds. Beneficial owners of Bonds will not receive physical delivery of Bonds except as provided hereinafter. For so long as DTC shall continue to serve as securities depository for the Bonds as provided herein, all transfers of beneficial ownership interest will be made by book-entry only, and no investor or other party purchasing, selling or otherwise transferring beneficial ownership of Bonds is to receive, hold or deliver any Bond.

(ii) With respect to Bonds registered in the name of Cede & Co., as nominee of DTC, the Issuer and the Paying Agent/Registrar shall have no responsibility or obligation to any DTC Participant or to any person on behalf of whom such a DTC Participant holds an interest in the Bonds, except as provided in this Ordinance. Without limiting the immediately preceding sentence, the Issuer and the Paying Agent/Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any DTC Participant with respect to any ownership interest in the Bonds, (ii) the delivery to any DTC Participant or any other person, other than an Owner of any notice

with respect to the Bonds, or (iii) the payment to any DTC Participant or any other person, other than an Owner of any amount with respect to principal of or interest on the Bonds. Notwithstanding any other provision of this Ordinance to the contrary, the Issuer and the Paying Agent/Registrar shall be entitled to treat and consider the person in whose name each Bond is registered in the Register as the absolute owner of such Bond for the purpose of payment of principal of, premium, if any, and interest on the Bonds for the purpose of giving notices with respect to such Bond, and other matters with respect to such Bond, for the purpose of registering transfer with respect to such Bond, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of and interest on the Bonds only to or upon the order of the respective Owners, as shown in the Register, as provided in this Ordinance, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the Issuer's obligations with respect to payment of premium, if any, principal and interest on the Bonds to the extent of the sum or sums so paid. No person other than an Owner, as shown in the Register, shall receive a Bond evidencing the obligation of the Issuer to make payments of amounts due pursuant to this Ordinance. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions of this Ordinance with respect to interest payments being mailed to the Owner as shown on the Register on the Record Date, the word "Cede & Co." in this Ordinance shall refer to such new nominee of DTC.

(iii) The Representation Letter previously executed and delivered by the Issuer, and applicable to the Issuer's obligations delivered in book-entry-only form to DTC as securities depository, is hereby ratified and approved for the Bonds.

(iv) Before the Issuer can discontinue the book-entry-only system of registration through DTC, notice must be given to the TWDB and prior written consent of the TWDB must be received by the Issuer.

(h) Successor Securities Depository; Transfer Outside Book-Entry Only System. In the event that the Issuer determines that it is in the best interest of the Issuer and of the beneficial owners of the Bonds that they be able to obtain certificated Bonds, or in the event DTC discontinues the services described herein, the Issuer or the Paying Agent/Registrar shall (i) appoint a successor securities depository, qualified to act as such under Section 17(a) of the Securities Exchange Act of 1934, as amended, notify DTC and DTC Participants of the appointment of such successor securities depository and transfer one or more separate Bonds to such successor securities depository; or (ii) notify DTC and DTC Participants of the availability through DTC of certificated Bonds and cause the Paying Agent/Registrar to transfer one or more separate registered Bonds to DTC Participants having Bonds credited to their DTC accounts. In such event, the Bonds shall no longer be restricted to being registered in the Register in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names Owners transferring or exchanging Bonds shall designate, in accordance with the provisions of this Ordinance.

(i) Payments to Cede & Co. Notwithstanding any other provision of this Ordinance to the contrary, so long as any Bonds are registered in the name of Cede & Co., as nominee of DTC, all

payments with respect to principal of, premium, if any, and interest on such Bonds, and all notices with respect to such Bonds, shall be made and given, respectively, in the manner provided in the Representation Letter of the Issuer to DTC.

Section 7. PAYING AGENT/REGISTRAR. (a) Appointment of Initial Paying Agent/Registrar; Paying Agent Registrar Agreement. BOKF, NA, is hereby appointed as the initial Paying Agent/Registrar for the Bonds.

(i) The Paying Agent/Registrar shall keep such books or records and make such transfers and registrations under such reasonable regulations as the Issuer and the Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such transfer and registrations as herein provided. It shall be the duty of the Paying Agent/Registrar to obtain from the Owners and record in the Register the address of such Owner of each Bond to which payments with respect to the Bonds shall be mailed, as provided herein. The Issuer or its designee shall have the right to inspect the Register during regular business hours of the Paying Agent/Registrar, but otherwise the Paying Agent/Registrar shall keep the Register confidential and, unless otherwise required by law, shall not permit their inspection by any other entity.

(ii) The Issuer hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of and interest, on the Bonds. The Paying Agent/Registrar shall keep proper records of all payments made by the Issuer and the Paying Agent/Registrar with respect to the Bonds, and of all conversions, exchanges and replacements of such Bonds, as provided in the Ordinance.

(iii) The form of Paying Agent/Registrar Agreement setting forth the duties of the Paying Agent/Registrar is hereby approved, and the appropriate officials of the Issuer are hereby authorized to execute such agreement for and on behalf of the Issuer.

(b) Maintenance, Termination and Replacement of Paying Agent/Registrar.

(i) At all times while any Bonds are outstanding, the Issuer will maintain a Paying Agent/Registrar that is qualified under this Section 7 of the Ordinance.

(ii) If the Paying Agent/Registrar resigns or otherwise ceases to serve as such, the Issuer will promptly appoint a replacement, provided no such resignation shall be effective until a successor Paying Agent/Registrar has accepted the duties of Paying Agent/Registrar for the Bonds.

(iii) Each Paying Agent/Registrar shall be a commercial bank or trust company organized under the laws of the State, or any other entity duly qualified and legally authorized to serve as and perform the duties and services of paying agent and registrar for the Bonds.

(iv) The Issuer reserves the right to terminate the appointment of any Paying Agent/Registrar by (i) delivering to the entity whose appointment is to be terminated forty-five (45) days written notice of the termination of the appointment and of the Paying Agent/Registrar Agreement, stating the effective date of such termination, and (ii)

appointing a successor Paying Agent/Registrar; provided, that, no such termination shall be effective until a successor Paying Agent/Registrar has assumed the duties of Paying Agent/Registrar for the Bonds.

(v) Promptly upon each change in the entity serving as Paying Agent/Registrar, the Issuer will cause notice of the change to be sent to each Owner by United States mail, first class, postage prepaid, at the address in the Register, stating the effective date of the change and the name and mailing address of the replacement Paying Agent/Registrar.

(vi) By accepting the appointment as Paying Agent/Registrar, the Paying Agent/Registrar is deemed to have agreed to the provisions of this Ordinance and that it will perform the duties and functions of Paying Agent/Registrar prescribed hereby and under the Paying Agent/Registrar Agreement.

(vii) If a Paying Agent/Registrar is replaced, such Paying Agent/Registrar, promptly upon the appointment of the successor, will deliver the Register (or a copy thereof) and all other pertinent books and records relating to the Bonds to the successor Paying Agent/Registrar.

Section 8. DEFINITIONS. (a)(i) The term “*Additional Bonds*” as used in this Ordinance shall mean the additional parity revenue bonds which the Issuer reserves the right to issue and deliver in the future, as provided by Section 18 of this Ordinance.

(ii) The term “*Additional TWDB Bonds*” as used in this Ordinance shall mean the additional parity revenue bonds which the Issuer reserves the right to issue and deliver in the future, as provided by Section 31(q) of this Ordinance.

(b) The term “*Bonds*” shall mean the Series 2025 Bonds authorized to be issued and delivered by this Ordinance.

(c) The term “*Board of Utility Trustees*” shall mean the Board of Utility Trustees as established by the Issuer’s charter.

(d) The term “*Business Day*” shall mean a day that is not a Saturday, Sunday, legal holiday or other day on which banking institutions in the city where the Designated Payment/Transfer Office is located are required or authorized by law or executive order to close.

(e) The term “*Closing Date*” shall mean the date of the initial delivery of and payment for the Bonds.

(f) The term “*Code*” shall mean the Internal Revenue Code of 1986, as amended, and, with respect to a specific section thereof, such reference shall be deemed to include (a) the Regulations promulgated under such section, (b) any successor provision of similar import hereafter enacted, (c) any corresponding provision of any subsequent Internal Revenue Code and (d) the regulations promulgated under the provisions described in (b) and (c).

- (g) The term “**Credit Facility**” shall mean a policy of municipal bond insurance, a surety bond or a letter or line of credit issued by a Credit Facility Provider in support of any Bonds or Additional Bonds.
- (h) The term “**Credit Facility Provider**” shall mean (i) with respect to any Credit Facility consisting of a policy of municipal bond insurance or a surety bond, an issuer of policies of insurance insuring the timely payment of debt service on governmental obligations such as the Bonds or Additional Bonds, provided that a Rating Agency having an outstanding rating on the Bonds or Additional Bonds would rate the Bonds or Additional Bonds fully insured by a standard policy issued by the issuer in its highest generic rating category for such obligations; and (ii) with respect to any Credit Facility consisting of a letter or line of credit, any financial institution, provided that a Rating Agency having an outstanding rating on the Bonds or Additional Bonds would rate the Bonds or Additional Bonds in its two highest generic rating categories for such obligations if the letter or line of credit proposed to be issued by such financial institution secured the timely payment of the entire principal amount of the series of Bonds or Additional Bonds and the interest thereon.
- (i) The term “**Designated Payment/Transfer Office**” shall mean (i) with respect to the initial Paying Agent/Registrar, the Designated Payment/Transfer Office as designated in the Paying Agent/Registrar Agreement, or at such other location designated by the Paying Agent/Registrar, and (ii) with respect to any successor Paying Agent/Registrar, the office of such successor designated and located as may be agreed upon by the Issuer and such successor.
- (j) The term “**DTC**” shall mean The Depository Trust Company of New York, New York, or any successor securities depository.
- (k) The term “**DTC Participant**” shall mean brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC Participants.
- (l) The term “**Escrow Agent**” shall mean BOKF, NA and its successors and assigns, or such other escrow agent as may be approved by the Mayor or Mayor Pro Tem and acceptable to the TWDB.
- (m) The term “**Escrow Agreement**” shall mean the escrow agreement by and between the Issuer and the Escrow Agent pertaining to the deposit of the proceeds of the Bonds.
- (n) The Term “**Financial Obligation**” means a (i) debt obligation, (ii) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation, or (iii) guarantee of a debt obligation or any such derivative instrument; provided that “financial obligation” shall not include municipal securities as to which a final official statement (as defined in the Rule) has been provided to the MSRB consistent with the Rule.
- (o) The term “**Fiscal Year**” shall mean the twelve month period ending September 30 of each year, unless otherwise designated by the Issuer.

(p) The term “**Investment**” shall mean cash, investments, any Credit Facility, or any combination of the foregoing.

(q) The term “**Issuance Date**” with respect to the Bonds initially delivered to the TWDB, shall mean the date on which each such Bond is authenticated by the Paying Agent/Registrar and delivered to and paid for by the TWDB. Bonds delivered on transfer of or in exchange for other Bonds shall bear the same Issuance Date as the Bond or Bonds in lieu of or in exchange for which the new Bond is delivered.

(r) The term “**MSRB**” shall mean the Municipal Securities Rulemaking Board.

(s) The term “**Net Revenues**,” as used in this Ordinance, shall mean all gross revenues of the System, after deducting the expenses of operation and maintenance of the System, including all salaries, labor, materials, repairs, and extensions necessary to render efficient service, provided, however, that only such repairs and extensions, as in the judgment of the City Commission of the Issuer, reasonably and fairly exercised by the passage of appropriate ordinances, are necessary to keep the System in operation and render adequate service to the Issuer and the inhabitants thereof, or such as might be necessary to meet some physical accident or condition which would otherwise impair the Bonds and any Additional Bonds, shall be deducted in determining the “Net Revenues.” Depreciation and payments into and out of the Interest and Sinking Fund and the Reserve Fund, the existence and maintenance of which are hereinafter reaffirmed, shall never be considered as expenses of operation and maintenance.

(t) (i) The term “**Outstanding Bonds**” shall mean the outstanding Series 2015A Bonds, the Series 2015B Bonds, the Series 2019 Bonds, and the Series 2024A Bonds, and any other bonds that have been authorized and are secured and on parity with the bonds authorized pursuant to this Ordinance.

(ii) The term “**Outstanding TWDB Bonds**” shall mean the outstanding Bonds and any other bonds that have been authorized and are secured and on parity with the bonds authorized pursuant to this Ordinance and are additionally secured on parity with the Bonds by the funds on deposit in the TWDB Reserve Fund.

(u) The term “**Owner**” shall mean the person who is the registered owner of a Bond or Bonds, as shown in the Register.

(v) The term “**Rating Agency**” shall mean any nationally recognized municipal securities rating service.

(w) The term “**Register**” shall mean the books of registration kept by the Paying Agent/Registrar in which are maintained the names and addresses of and the principal amounts registered to each Owner.

(x) The term “**Regulations**” shall mean the applicable, proposed, temporary or final Treasury Regulations promulgated under the Code, or, to the extent applicable to the Code, under the Internal Revenue Code of 1954, as such regulations may be amended or supplemented from time to time.

- (y) The term "**Rule**" shall mean SEC Rule 15c2-12, as amended from time to time.
- (z) The term "**SEC**" shall mean the United States Securities and Exchange Commission.
- (aa) The term "**System**" as used in this Ordinance, shall mean the Issuer's entire Waterworks System and Sewer System, together with all future improvements, extensions, enlargements, and additions thereto, and replacement thereof.
- (bb) The term "**Subordinate Debt**" shall mean any obligation of the Issuer heretofore or hereafter issued which is payable (i) in whole or in part from the Net Revenues and (ii) secured by a lien on and pledge of Net Revenues which is not, by its terms, a first lien on and pledge of such Net Revenues, or on parity with these Bonds.
- (cc) The term "**TWDB**" means the Texas Water Development Board.

Section 9. PLEDGE. (a) The Bonds authorized hereby are payable from and secured by a first lien on and pledge of the Net Revenues of the System on parity with the Outstanding Bonds.

(b) The Bonds, and any Additional Bonds which may be issued in accordance with this Ordinance, and the interest thereon, are and shall be payable from and secured by a first lien on and pledge of the Net Revenues of the System and said Net Revenues are further pledged irrevocably to the establishment and maintenance of the Funds created by this Ordinance.

Section 10. RATES. The Issuer covenants and agrees with the Owners of the Bonds and all Additional Bonds, as follows:

(a) That it will at all times fix, maintain, charge and collect for services rendered by the System, rates and charges which will produce gross revenues at least sufficient to pay all expenses of operation and maintenance, and to provide Net Revenues adequate to pay promptly all of the principal of and interest on the Bonds, the Outstanding Bonds and all Additional Bonds, being an amount at least equal to 1.25 times the annual principal and interest on the Bonds, the Outstanding Bonds and Additional Bonds, and to make all deposits now or hereafter required to be made into the Funds created by the ordinances authorizing the Outstanding Bonds, which Funds are reaffirmed hereby.

(b) If the System should become legally liable for any other obligations or indebtedness, the Issuer shall fix, maintain, charge, and collect additional rates and charges for services rendered by the System sufficient to establish and maintain funds for the payment thereof.

Section 11. FUNDS. All revenues of the System shall be kept separate and apart from all other funds of the Issuer, and the following special Funds have been created and maintained in an official depository bank of the Issuer, so long as any of the Bonds, the Outstanding Bonds or Additional Bonds, or the interest thereon, are outstanding and unpaid:

(a) City of Harlingen Waterworks and Sewer System Revenue Fund, hereinafter called the "Revenue Fund"; and

(b) City of Harlingen Waterworks and Sewer System Revenue Bonds Interest and Sinking Fund, hereinafter called the "Interest and Sinking Fund";

(c) City of Harlingen Waterworks and Sewer System Revenue Bonds Reserve Fund, hereinafter called the "Reserve Fund"; and

(d) City of Harlingen Waterworks and Sewer System Revenue Bonds Taxable Series 2025 Reserve Fund, hereinafter called the "TWDB Reserve Fund".

Section 12. REVENUE FUND. All gross revenues of every nature received from the operation and ownership of the System shall be deposited from day to day as collected into the Revenue Fund, and the reasonable, necessary, and proper expenses of operation and maintenance of the System shall be paid from the Revenue Fund. The revenues of the System not actually required to pay said expenses shall be deposited from the Revenue Fund into the other Funds, the existence of which are reaffirmed by this Ordinance, in the manner and amounts hereinafter provided, and each of such Funds shall have priority as to such deposits in the order in which they are treated in the following sections.

Section 13. INTEREST AND SINKING FUND. There shall be deposited into the Interest and Sinking Fund the following:

(i) Reserved; and

(ii) such amounts, made on or before each principal payment date, as will be sufficient to pay the next maturing or mandatorily redeemed principal of the Bonds.

The Interest and Sinking Fund shall be used to pay the principal of and interest on the Bonds and all Additional Bonds, as such principal matures and such interest comes due.

Chapter 1208, Government Code, applies to the issuance of the Bonds and the pledge of the revenues granted by the Issuer under this Section, and is therefore valid, effective, and perfected. Should Texas law be amended at any time while the Bonds are outstanding and unpaid, the result of such amendment being that the pledge of the revenues granted by the Issuer under this Section is to be subject to the filing requirements of Chapter 9, Business & Commerce Code, in order to preserve to the Owners of the Bonds a security interest in said pledge, the Issuer agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Business & Commerce Code and enable a filing of a security interest in said pledge to occur.

Section 14. RESERVE FUND. (a) There is currently on deposit in the Reserve Fund \$0. In accordance with Section 14(g) herein, the Net Revenues for each Fiscal Year are equal to at least 1.35 times the average annual principal and interest requirements for the Bonds and all Outstanding Bonds and, therefore, the "**Required Reserve**" is \$0; provided, however, that if and whenever the Net Revenues for any Fiscal Year are less than 1.35 times the average annual principal and interest requirements for the Bonds and all Outstanding Bonds, the Issuer will be required to (1) obtain a Credit Facility, as permitted in subsection (b) below, in the amount of the Required Reserve; or (2) commence making monthly deposits in the Reserve Fund in an amount equal to 1/60 of the full amount then required to be on deposit in the Reserve Fund and such monthly deposits shall be

continued until such time as the Reserve Fund has been restored to the average annual principal and interest requirements for the Bonds and all Outstanding Bonds. The Reserve Fund shall be used to pay the principal of and interest on the Bonds (with the exception of the Series 2025 Bonds as provided in Section 31(p) of this Ordinance), the Outstanding Bonds, and all Additional Bonds (with the exception of the Series 2025 Bonds as provided in Section 31(p) of this Ordinance), at any time when there is not sufficient money available in the Interest and Sinking Fund for such purpose. Money in the Reserve Fund may, upon authorization by the City Commission of the Issuer, be invested in direct obligations of, or obligations, the principal of and interest on which are guaranteed by the United States of America, or invested in direct obligations of the Federal Intermediate Credit Banks, Federal Land Banks, Banks for Cooperatives, Federal National Mortgage Association, Federal Home Loan Banks or Banks for Cooperatives, provided that each of the aforesaid obligations must mature, or be subject to redemption at the option of the holder thereof, within not more than ten years from the date of the making of such investment. Any obligation in which money in the Reserve Fund is so invested shall be kept and held in an official depository bank of the Issuer in escrow and in trust for the benefit of the holders of the Bonds, the outstanding Bonds and all Additional Bonds, and shall be promptly sold and the proceeds of sale applied to the making of all payments required to be made from the Reserve Fund.

(b) The Issuer may replace or substitute a Credit Facility for cash or investments in the Reserve Fund.

Upon such replacement or substitution, cash or investments on deposit in the Reserve Fund which, taken together with the face amount of any existing Credit Facilities, are in excess of the Required Reserve may be withdrawn by the Issuer, at its option, and transferred to the Revenue Fund; provided that the face amount of any Credit Facility may be reduced at the option of the Issuer in lieu of such transfer.

(c) If the Issuer is required to make a withdrawal from the Reserve Fund for any of the purposes described in this Section, the Issuer shall promptly notify any applicable Credit Facility Provider of the necessity for a withdrawal from the Reserve Fund for any such purposes, and shall make such withdrawal FIRST from available moneys or investments then on deposit in the Reserve Fund, and NEXT from a drawing under any Credit Facility to the extent of such deficiency.

(d) In the event of a deficiency in the Reserve Fund, or in the event that on the date of termination or expiration of any Credit Facility there is not on deposit in the Reserve Fund sufficient amounts, all in an aggregate amount at least equal to the Required Reserve, then the Issuer shall satisfy the Required Reserve by depositing into the Reserve Fund in monthly installments of not less than 1/60 of the Required Reserve made on or before the 10th day of each month following such termination or expiration.

(e) In the event of the redemption or defeasance of any Bonds, any amounts on deposit in the Reserve Fund in excess of the Required Reserve may be withdrawn and transferred, at the option of the Issuer, to the Revenue Fund, as a result of (i) the redemption of any Bonds, or (ii) funds for the payment of any Bonds having been deposited irrevocably with the paying agent or place of payment therefor in the manner described in any ordinance authorizing the issuance of Bonds, the result of such deposit being that such Bonds no longer are deemed to be outstanding under the terms of any such ordinance.

(f) In the event there is a draw upon the Credit Facility, the Issuer shall reimburse the Credit Facility Provider for such draw, in accordance with the terms of any agreement pursuant to which the Credit Facility is issued, from Net Revenues, however, such reimbursement from Net Revenues shall be subordinate and junior in right of payment to the payment of principal of and premium, if any, and interest on the Bonds or Additional Bonds.

(g) Notwithstanding anything to the contrary contained herein, the requirement set forth in subsection (a) above to maintain the Required Reserve in the Reserve Fund shall be suspended for such time as the Net Revenues for each Fiscal Year are equal to at least 1.35 times the average annual principal and interest requirements for the Bonds and all Outstanding Bonds. In the event that the Net Revenues for any Fiscal Year are less than 1.35 times the average annual principal and interest requirements for the Bonds and all Outstanding Bonds, the Issuer will be required to (1) obtain a Credit Facility, as permitted in subsection (b) above, in the amount of the Required Reserve; or (2) commence making monthly deposits in the Reserve Fund, as provided in subsection (a) above, and to continue such monthly deposits until the earlier of (i) such time as the Reserve Fund contains the Required Reserve or (ii) the Net Revenues in each of two consecutive years have been equal to not less than 1.35 times the average annual principal and interest requirements for the Bonds and all Outstanding Bonds.

(h) The Issuer may create and establish a reserve fund pursuant to the provisions of any ordinance authorizing the issuance of Additional Bonds for the purpose of securing that particular issue or series of Additional Bonds or any specific group of issues or series of Additional Bonds and the amounts once deposited or credited to said reserve funds shall no longer constitute Net Revenues and shall be held solely for the benefit of the Holders of the particular Additional Bonds for which such reserve fund was established. Each such reserve fund shall be designated in such manner as is necessary to identify the Additional Bonds it secures and to distinguish such reserve fund from the Reserve Fund and the reserve funds created for the benefit of other Additional Bonds.

Section 15. DEFICIENCIES IN FUNDS. If in any month the Issuer shall fail to deposit into any Fund, the existence of which is reaffirmed by this Ordinance, the full amounts required, amounts equivalent to such deficiencies shall be set apart and paid into said Funds from the first available and unallocated Net Revenues of the System for the following month or months, and such payments shall be in addition to the amounts otherwise required to be paid into said Funds during such month or months. To the extent necessary, the Issuer shall increase the rates and charges for services of the System to make up for any such deficiencies.

Section 16. EXCESS REVENUES. The Net Revenues of the System, in excess of those necessary to maintain the Funds as required in this Ordinance, or as hereafter may be required in connection with the issuance of Additional Bonds, may be used for any lawful purpose.

Section 17. SECURITY FOR FUNDS. All Funds, the existence of which are reaffirmed by this Ordinance, shall be secured in the manner and to the fullest extent permitted or required by law for the security of public funds, and such Funds shall be used only for the purposes and in the manner permitted or required by this Ordinance.

Section 18. ADDITIONAL BONDS. The Issuer reserves the right to issue additional parity revenue bonds, to be known as Additional Bonds, which when issued and delivered, shall be payable from and secured by a lien on and pledge of the Net Revenues of the System, in the same manner and to the same extent as the Outstanding Bonds, the Bonds, and all Additional Bonds shall in all respects be on a parity and equal dignity. The Additional Bonds may be issued in one or more installments or series, provided, however, that no installment or series of Additional Bonds shall be issued unless:

(a) A certificate is executed by the Mayor and City Secretary or Deputy City Secretary of the Issuer to the effect that no default exists in connection with any of the covenants or requirements of the ordinance or ordinances authorizing the issuance of all Outstanding Bonds, Bonds and Additional Bonds then outstanding.

(b) A certificate is executed by the Mayor and City Secretary or Deputy City Secretary of the Issuer to the effect that the Interest and Sinking Fund and the Reserve Fund each contains the amount then required to be on deposit therein.

(c) A certificate is executed by an independent certified public accountant, or independent firm of certified public accountants, acting by and through a certified public accountant, signs a written certificate to the effect that, in his or her opinion, during either the next preceding fiscal year, or any twelve consecutive calendar month period ending not more than ninety days prior to the passage of the ordinance authorizing the issuance of the proposed Additional Bonds is passed, the Net Revenues were at least 1.25 times an amount equal to the average annual principal and interest requirements on such Outstanding Bonds and such proposed Additional Bonds as are on parity of Lien with the Bonds or any Additional Bonds. It is specifically provided, however, that in calculating the amount of Net Revenues for the purpose of this subsection (c), if there has been any increase in the rates or charges for services of the System which is then in effect, but which was not in effect during all or any part of the entire period for which the Net Revenues are being calculated (hereinafter referred to as the "entire period"), then the certified public accountant, or in lieu of the certified public accountant, a firm of consulting engineers, shall determine and certify the amount of Net Revenues as being the total of (i) the actual Net Revenues for the entire period, plus (ii) a sum equal to the aggregate amount by which the actual billings to customers of the System during the entire period would have been increased if such increased rates or charges had been in effect during the entire period.

At such time that all of the Series 2015A Bonds, the Series 2015B Bonds, and the Series 2019 Bonds are either defeased or no longer outstanding, then sub-section (c-1) shall be added to this Section 18 as shown below in italicized language:

(c-1) Notwithstanding anything to the contrary contained herein, the requirement set forth in subsection (c) above to obtain a certificate executed by either the Director of Finance of, or the financial advisor to, the System, to the effect that, in his or her opinion, during either the next preceding fiscal year, or any twelve consecutive calendar month period ending not more than ninety days prior to the passage of the ordinance authorizing the issuance of the proposed Additional Bonds is passed, the Net Revenues were at least 1.25 times an amount equal to the average annual principal and interest requirements on such Outstanding Bonds and such proposed Additional Bonds as are on parity of Lien with the Bonds or any Additional Bonds. It is

specifically provided, however, that in calculating the amount of Net Revenues for the purpose of this subsection (c-1), if there has been any increase in the rates or charges for services of the System which is then in effect, but which was not in effect during all or any part of the entire period for which the Net Revenues are being calculated (hereinafter referred to as the "entire period"), then in lieu of the Director of Finance of, or the financial advisor to, the System, a firm of consulting engineers, shall determine and certify the amount of Net Revenues as being the total of (i) the actual Net Revenues for the entire period, plus (ii) a sum equal to the aggregate amount by which the actual billings to customers of the System during the entire period would have been increased if such increased rates or charges had been in effect during the entire period.

(d) The Additional Bonds are scheduled to mature only on November 1, and the interest thereon is scheduled to be paid only on November 1 and May 1.

(e) The ordinance authorizing the issuance of such installment or series of Additional Bonds provides that the aggregate amount to be accumulated and maintained in the Reserve Fund shall be increased by an additional amount not less than the average annual principal and interest requirements for said Additional Bonds; and that such additional amount shall be so accumulated within 61 months from the date of the Additional Bonds, by the deposit in the Reserve Fund of the necessary sums in equal monthly installments; provided, however, that the aggregate of all or any part of said required additional amount in cash immediately after the aggregate amount to be accumulated in the Reserve Fund shall never be required to exceed the average annual principal and interest requirements for all Outstanding Bonds, Bonds and Additional Bonds then outstanding, and for the installment or series of Additional Bonds the proposed to be issued.

(f) All calculations of average annual principal and interest requirements made pursuant to this Section are made as of and from the date of the Additional Bonds then proposed to be issued.

Section 19. MAINTENANCE AND OPERATION; INSURANCE. The Board of Utility Trustees of the Issuer shall have managing control of the System while any of the Bonds or Additional Bonds are outstanding, the Issuer covenants and agrees to cause the Board of Utility Trustees to maintain the System in good condition and operate the same in an efficient manner and at reasonable expense, and to maintain insurance on the System, for the benefit of the holder or holders of the Bonds and Additional Bonds, of a kind and in an amount which usually would be carried by private companies engaged in a similar type of business. Nothing in this Ordinance shall be construed as requiring the Issuer to expend any funds which are derived from sources other than the System, but nothing herein shall be construed as preventing the Issuer from doing so.

Section 20. ACCOUNTS AND FISCAL YEAR. The Issuer shall cause the Board of Utilities Trustees to keep proper books of records and accounts, separate from all other records and accounts of the Issuer in which complete and correct entries shall be made of all transactions relating to the System, and shall have said books audited once each fiscal year by a certified public accountant. The Issuer agrees to operate the System and keep its books of records and accounts pertaining thereto on the basis of its current fiscal year; provided, however, that the City Commission of the Issuer may change such fiscal year by ordinance duly passed, if such change is deemed necessary by the City Commission of the Issuer.

Section 21. ACCOUNTING REPORTS. Within 90 days after the close of each fiscal year hereafter, the Issuer will furnish, without cost, to any holder of any Bonds, the Outstanding Bonds or Additional Bonds who may so request, a signed or certified copy of a report by a certified public accountant, covering the next preceding fiscal year, showing the following information:

- (a) A detailed statement of all gross revenues of the System and all expenses of operation and maintenance thereof for said fiscal year.
- (b) A balance sheet as of the end of said fiscal year.
- (c) The accountant's comment regarding the manner in which the Issuer has complied with the requirements of this Ordinance and his recommendations, if any, for changes or improvements in the operation and maintenance of the System.
- (d) A list of insurance policies in force at the end of said fiscal year, showing, as to each policy, the risk covered, the amount of the policy, the name of the insurer, and the expiration date.
- (e) The number of properties connected with the System, and the gross revenues from each of said System for said fiscal year.
- (f) The number of unmetered customers of the Waterworks System at the end of said fiscal year.
- (g) The approximate number of gallons of water registered through the Issuer meters, and the number of gallons sold during said fiscal year.

Section 22. INSPECTION. Any holder or holders of any Bonds or Additional Bonds shall have the right at all reasonable times to inspect the System and all records, accounts, and data of the Issuer relating thereto.

Section 23. SPECIAL COVENANTS. The Issuer further covenants as follows:

- (a) That other than for the payment of the Bonds herein authorized, the revenues and income of the System have not in any manner been pledged to the payment of any debt or obligation of the Issuer or of the System.
- (b) That while any of the Bonds or Additional Bonds are outstanding, the Issuer will not sell or encumber the System or any substantial part thereof, and that, with the exception of the Additional Bonds expressly permitted by this Ordinance to be issued, it will not encumber the revenues and income of the System, unless such encumbrance is made junior and subordinate in all respects to the Bonds and Additional Bonds and all liens and pledges in connection therewith.
- (c) That no free service of the System shall be allowed, and should the Issuer or any of its agencies or instrumentalities make use of the services and facilities of the System, payment of the reasonable value thereof shall be made by the Issuer out of funds from sources other than the revenues and income of the System.

(d) That to the extent it legally may, the Issuer further covenants and agrees that while any of the Bonds or Additional Bonds are outstanding, no franchise shall be granted for the installation or operation of any competing waterworks system or sewer system; and that the Issuer will prohibit the operation of any such competing system; and the operation of any competing system is hereby prohibited.

(e) That in addition to all of the rights and remedies provided by the laws of the State of Texas, the Issuer covenants and agrees that in the event of default in payment of principal or interest on any of the Bonds or Additional Bonds when due, or, in the event it fails to make the payments required to be made into the Interest and Sinking Fund or Reserve Fund or defaults in the observance of performance of any other of the contracts, covenants, conditions or obligations set forth in this Ordinance or in the Bonds or Additional Bonds, the following remedies shall be available:

(i) the Owners shall be entitled to a writ of mandamus issued by a court of competent jurisdiction compelling and requiring the Issuer and the officials thereof to observe and perform the contracts, covenants, obligations or conditions prescribed in this Ordinance; and

(ii) any delay or omission to exercise any right or power accruing upon any default shall not impair any such right or power nor be construed to be a waiver of any such default or acquiescence therein, and every such right and power may be exercised from time to time and as often as may be deemed expedient.

The specific remedy herein provided shall be cumulative of all other existing remedies and the specification of such remedy shall not be deemed to be exclusive.

Section 24. BONDS ARE SPECIAL OBLIGATIONS. The Bonds and Additional Bonds shall be special obligations of the Issuer, payable solely from the pledged Net Revenues, and the holder or holders thereof shall never have the right to demand payment thereof out of funds raised or to be raised by taxation.

Section 25. DEFEASANCE OF BONDS. The Bonds may be refunded, defeased or discharged in any manner permitted by applicable law.

Section 26. CUSTODY, APPROVAL, AND REGISTRATION OF BONDS; BOND COUNSEL'S OPINION; CUSIP NUMBERS AND CONTINGENT INSURANCE PROVISION, IF OBTAINED. The Mayor of the Issuer is hereby authorized to have control of the Initial Bond issued hereunder and all necessary records and proceedings pertaining to the Initial Bond pending its delivery and its investigation, examination, and approval by the Attorney General of the State of Texas, and its registration by the Comptroller of Public Accounts of the State of Texas. Upon registration of the Initial Bond said Comptroller of Public Accounts (or a deputy designated in writing to act for said Comptroller) shall manually sign the Comptroller's Registration Certificate on the Initial Bond, and the seal of said Comptroller shall be impressed, or placed in facsimile, on the Initial Bond. The approving legal opinion of the Issuer's Bond Counsel and the assigned CUSIP numbers may, at the option of the Issuer, be printed on the Initial Bond or on any Bonds issued and delivered in conversion of and exchange or replacement of any

Bond, but neither shall have any legal effect, and shall be solely for the convenience and information of the Owners of the Bonds. In addition, if bond insurance is obtained, the Bonds may bear an appropriate legend as provided by the insurer.

Section 27. PROVISIONS CONCERNING FEDERAL INCOME TAX MATTERS. The Bonds will not constitute obligations described in section 103(a) of the Code.

Section 28. CONTINUING DISCLOSURE.

(a) Annual Reports. The Issuer shall provide annually to the MSRB, (1) within six months after the end of each fiscal year of the Issuer, financial information and operating data with respect to the Issuer of the general type included in the final Private Placement Memorandum, being information described in Tables 1 through 13, including financial statements of the Issuer if audited financial statements of the Issuer are then available, and (2) if not provided as part such financial information and operating data, audited financial statements of the Issuer, when and if available. Any financial statements so to be provided shall be (i) prepared in accordance with generally accepted government accounting principles prescribed or such other accounting principles as the Issuer may be required to employ, from time to time, by State law or regulation, and (ii) audited, if the Issuer commissions an audit of such statements and the audit is completed within the period during which they must be provided. If the audit of such financial statements is not complete within 12 months after any such fiscal year end, then the Issuer shall file unaudited financial statements within such 12-month period and audited financial statements for the applicable fiscal year, when and if the audit report on such statements becomes available.

(b) If the Issuer changes its fiscal year, it will notify the MSRB of the change (and of the date of the new fiscal year end) prior to the next date by which the Issuer otherwise would be required to provide financial information and operating data pursuant to this Section.

(c) If the Issuer changes its fiscal year, it will notify the MSRB of the change (and of the date of the new fiscal year end) prior to the next date by which the Issuer otherwise would be required to provide financial information and operating data pursuant to this Section.

(d) The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document (including an official statement or other offering document, if it is available from the MSRB) that theretofore has been provided to the MSRB or filed with the SEC.

(e) Event Notices. (a)The Issuer shall provide notice of any of the following events with respect to the Bonds to the MSRB in a timely manner and not more than 10 business days after the occurrence of the event:

- (i) principal and interest payment delinquencies;
- (ii) nonpayment related defaults, if material;
- (iii) unscheduled draws on debt service reserves reflecting financial difficulties;
- (iv) unscheduled draws on credit enhancements reflecting financial difficulties;

- (v) substitution of credit or liquidity providers, or their failure to perform;
- (vi) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
- (vii) modifications to rights of Owners, if material;
- (viii) bond calls, if material and tender offers;
- (ix) defeasance;
- (x) release, substitution, or sale of property securing repayment of the Bonds, if material;
- (xi) rating changes;
- (xii) bankruptcy, insolvency, receivership, or similar event of the Issuer, which shall occur as described below;

Note to paragraph (xii): For the purposes of the event identified in paragraph xii of this section, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the Issuer in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the Issuer, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the Issuer.

- (xiii) the consummation of a merger, consolidation, or acquisition involving the Issuer or the sale of all or substantially all of its assets, other than in the ordinary course of business, the entry into of a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (xiv) appointment of a successor or additional trustee or the change of name of a trustee, if material;
- (xv) Incurrence of a Financial Obligation of the Issuer, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the City, any of which affect security holders, if material; and
- (xvi) Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the Issuer, any of which reflect financial difficulties.

Note to paragraphs (xv) and (xvi): For purposes of the events identified in paragraphs (xv) and (xvi) of this section and in the definition of Financial Obligation in Section 2, the City intends the words used in such paragraphs to have the meanings ascribed to them in SEC Release No. 34-83885 dated August 20, 2018 (the "2018 Release") and any further amendments or written guidance provided by the SEC or its staff with respect with respect to the amendments to the Rule effected by the 2018 Release.

(f) The Issuer shall notify the MSRB, in an electronic format as prescribed by the MSRB, in a timely manner, of any failure by the Issuer to provide financial information or operating data in accordance with Section 28 of this Ordinance by the time required by such Section.

(g) Limitations, Disclaimers and Amendments. (a) The Issuer shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the Issuer remains an "obligated person" with respect to the Bonds within the meaning of the Rule, except that the Issuer in any event will give notice of any redemption calls and any defeasances that cause the Issuer to be no longer an "obligated person."

(i) The provisions of this Section are for the sole benefit of the Owner and beneficial owners of the Bonds, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The Issuer undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the Issuer's financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The Issuer does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Bonds at any future date.

UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE REGISTERED OWNER OR BENEFICIAL OWNER OF ANY BOND OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

(ii) No default by the Issuer in observing or performing its obligations under this Section shall comprise a breach of or default under the Ordinance for purposes of any other provisions of this Ordinance.

(iii) Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the Issuer under federal and state securities laws.

(iv) The provisions of this Section may be amended by the Issuer from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change

in law, or a change in the identity, nature, status, or type of operations of the Issuer, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule to the date of such amendment, as well as such changed circumstances, and (2) either (a) the Owners of a majority in aggregate principal amount (or any greater amount required by any other provisions of this Ordinance that authorizes such an amendment) of the Outstanding Bonds consent to such amendment or (b) a person that is unaffiliated with the Issuer (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interests of the Owner and beneficial owners of the Bonds. The provisions of this Section may also be amended from time to time or repealed by the Issuer if the SEC amends or repeals the applicable provisions of the Rule or a court of final jurisdiction determines that such provisions are invalid, but only if and to the extent that reservation of the Issuer's right to do so would not prevent underwriters of the initial public offering of the Bonds from lawfully purchasing or selling Bonds in such offering. If the Issuer so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with Section 29 an explanation, in narrative form, of the reasons for the amendment and of the impact of any change in the type of financial information or operating data so provided.

Section 29. SALE OF BONDS AND APPROVAL OF PRIVATE PLACEMENT MEMORANDUM; FURTHER PROCEDURES. (a) The Bonds are hereby initially sold and shall be delivered to **TWDB**, as the initial purchasers of the Bonds (the "**Purchasers**"), at a price of par at \$840,000 subject to the approval of the Attorney General and Bond Counsel. At the time the Bonds are delivered to the TWDB, the Issuer shall pay an origination fee to the TWDB equal to 2.00% (\$16,471.00) of the Project costs, in accordance with the rules of the TWDB. The Mayor or Mayor Pro Tem and other appropriate officers, agents and representatives of the Issuer are hereby authorized to do any and all things necessary or desirable to provide for the issuance and delivery of the Bonds. The Bonds shall initially be registered in the name of **Texas Water Development Board**. The pricing and terms of the sale of the Bonds are hereby found and determined to be the most advantageous reasonably obtainable by the Issuer.

(b) The Issuer hereby approves the form and content of the Private Placement Memorandum relating to the Bonds and any addenda, supplement or amendment thereto, and approves the distribution of such Private Placement Memorandum in the reoffering of the Bonds by the Purchaser in final form, with such changes therein or additions thereto as the officer executing the same may deem advisable, such determination to be conclusively evidenced by his execution thereof. The distribution and use of the Preliminary Private Placement Memorandum dated _____, 2025, prior to the date hereof is hereby ratified and confirmed.

(c) The Mayor and Mayor Pro Tem, the City Manager and City Secretary or Deputy City Secretary and all other officers, employees and agents of the Issuer, and each of them, shall be and they are hereby expressly authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and under the corporate seal and on behalf of the Issuer a Paying Agent/Registrar Agreement with the Paying Agent/Registrar and all other instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, the Bonds,

the sale of the Bonds and the Private Placement Memorandum. In case any officer whose signature shall appear on any Bond shall cease to be such officer before the delivery of such Bond, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

Section 30. DEPOSIT OF SALE PROCEEDS INTO PROJECT FUND. Concurrently with the initial delivery of the Series 2025 Bonds, the Issuer shall deposit proceeds received by the Issuer from the sale of the Series 2025 Bonds (excluding accrued interest, if any, which shall be deposited into the Interest and Sinking Fund) which are not required to pay costs of issuance related to the Series 2025 Bonds into a project fund to be used to acquire, purchase, construct, improve, enlarge, or equip the System.

Section 31. TWDB PROVISIONS.

(a) TWDB Resolution. The Issuer agrees to comply with the applicable provisions of TWDB Resolution No. 24-104, which authorized the financial assistance evidenced by the Bonds.

(b) Escrow Agreement. To facilitate the delivery of and payment for the Bonds pending completion of review of plans and specifications, the City Commission hereby authorizes an Escrow Agreement to be entered into by and between the Issuer and the Escrow Agent, the terms and conditions of which are hereby approved, subject to such insertions, additions, and modifications as shall be necessary to comply with all applicable laws, regulations, and procedures and to carry out the intent and purposes of this Ordinance. The Mayor or Mayor Pro Tem and the City Secretary or Deputy City Secretary are authorized to execute and deliver such Escrow Agreement in multiple counterparts on behalf of the Issuer.

(c) Project Fund. There is hereby created and established a special fund of the Issuer, to be known as the "City of Harlingen, Texas Waterworks and Sewer System Revenue Bonds, Taxable Series 2025 (LSL) Project Fund," which shall be established at an official depository of the Issuer and kept separate and apart from other funds of the Issuer. The proceeds of the Bonds shall be deposited in the escrow account for the Bonds that is maintained by the Escrow Agent for the benefit of the Issuer and TWDB under and as more specifically provided in the Escrow Agreement. Upon release from the escrow account, such proceeds shall be deposited and held in the Project Fund until used for authorized purposes. The proceeds of the Bonds, as received, shall be deposited in the Project Fund. Money on deposit in the Project Fund and all interest, and income derived therefrom shall be used only for the purposes set forth in Section 1 of this Ordinance and to pay costs of issuance. Money on deposit in the Project Fund, may, at the option of the Issuer, be invested as permitted by State law including, particularly, the Public Funds Investment Act, Texas Government Code, Chapter 2256, and the Public Funds Collateral Act, Texas Government Code, Chapter 2257; provided that all such deposits and investments shall be made in such manner that the money required to be expended from the Project Fund will be available at the proper time or times. Bond proceeds deposited in the Project Fund shall be timely and expeditiously used, as required by 40 CFR § 35.3135(d) and in accordance with the schedule for the Project approved by the TWDB, as may be amended from time to time. The Issuer agreed to comply with 33 U.S.C. § 1382 *et seq.* related to maintaining project accounts containing financial assistance for planning, design, acquisition, or construction, as applicable, in accordance with generally accepted

government accounting principles, including standards related to the reporting of infrastructure assets.

(d) TWDB Rules. In compliance with the published rules and regulations of the TWDB, the Issuer covenants and agrees that upon final completion of the Project to be financed with the proceeds of the Bonds, and if all or any portion of the Bonds shall be held by or on account of the TWDB or the State, the proper officials of the Issuer shall render due and final accounting of the total cost of the Project and provide a copy of as-built plans for the Project to the TWDB. If, following completion of the Project, funds remain on hand in the Project Fund, or if the TWDB Executive Administrator (the "Executive Administrator") disapproves construction of any portion of the Project as not being in accordance with the plans and specifications, the Issuer shall use any remaining funds for enhancements to the Project that are approved by the Executive Administrator, or, if no enhancements are authorized by the Executive Administrator, the Issuer shall submit to the TWDB a final accounting and describe the proposed disposition of the any unused funds. If any funds are determined to be surplus funds remaining after the completion of the Project and the completion of a final accounting, such surplus funds shall be used for purposes approved by the Executive Administrator. Unless otherwise stated in the loan commitment of the TWDB with respect to the purchase of the Bonds, in determining the amount of available funds for constructing the Project to be financed, the Issuer shall account for all monies in the Project Fund, including all loan funds extended by the TWDB, all other funds available from the Project as described in the Project engineer's sufficiency of funds statement required for closing the TWDB's loan and all interest, earned by the Issuer on money in the Project Fund. This requirement shall not be interpreted as prohibiting the TWDB from enforcing such other rights as it may have under law.

(e) Outlay Reports. The Issuer agrees to submit outlay reports with sufficient documentation on costs on a quarterly or monthly basis in accordance with TWDB outlay report guidelines.

(f) Environmental Indemnification. The Issuer shall not use proceeds from the sale of the Bonds for sampling, testing, removing or disposing of contaminated soils and/or media at the Project site. To the extent permitted by law, the Issuer agrees to indemnify, hold harmless, and protect the TWDB from any and all claims, causes of action, or damages to the person or property of third parties arising from the sampling, analysis, transport, storage, treatment, recycling and disposition of any contaminated sewage sludge, contaminated sediments, and/or contaminated media that may be generated by the Issuer, its contractors, consultants, agents, officials, and employees as a result of activities relating to the Project.

(g) Insurance. The Issuer covenants that the Project will be kept continually insured against such perils in an amount sufficient to protect the TWDB's interest in the Project, to the extent that insurance is customarily carried by cities operating similar facilities in similar locations; provided, however, that the Issuer shall not be required to maintain such insurance so long as builders risk insurance covering such facilities during the period of construction is in effect.

(h) Compliance with Rules and Statutes. The Issuer covenants that it will comply with TWDB's rules and relevant state statutes in connection with the sale of the Bonds to TWDB and the use of the proceeds in connection with the Project approved by TWDB.

- (i) Compliance with Environmental Findings of Executive Administrator. The Issuer covenants that it will comply with the conditions specified in the final environmental finding of the Executive Administrator when issued, including the standing emergency discovery conditions for threatened and endangered species and cultural resources.
- (j) Audited Financial Statements. The Issuer shall annually submit to the TWDB a copy of its audited financial statements, which shall be prepared by a certified public accountant in accordance with the accounting principles the Issuer may be required to employ from time to time pursuant to State law or regulation.
- (k) Compliance with Davis-Bacon and Federal Disadvantaged Business Enterprises Program. Laborers and mechanics employed by contractors and subcontractors for the Project shall be paid wages at rates not less than those prevailing on projects of a similar character in the locality in accordance with the Davis-Bacon Act, and the U.S. Department of Labor's implementing regulations. The Issuer, all contractors, and all sub-contractors shall ensure that all Project contracts mandate compliance with the Davis-Bacon Act. All contracts and subcontracts for the construction of the Project carried out in whole or in part with Bond proceeds shall insert in full in any contract in excess of \$2,000 the contracts clauses as provided by the TWDB. The Issuer covenants to comply with all applicable State and federal procurement requirements, including the federal procurement requirements under the Disadvantaged Business Enterprises program.
- (l) Federal Funding Accountability and Transparency Act. The Issuer shall provide the TWDB with all information required to be reported in accordance with the Federal Funding Accountability and Transparency Act of 2006, Pub. L. 109-282, as amended by Pub. L. 110-252. The Issuer shall obtain a Data Universal Numbering System (DUNS) Number and shall register with System for Award Management (SAM), and maintain current registration at all times during which the Bonds are outstanding.
- (m) Use of Iron and Steel Products. The Issuer covenants that it will abide by all applicable construction contract requirements related to the use of iron and steel products produced in the United States, as required by 31 TAC § 375.3, 33 U.S.C. § 1388, and related State Revolving Fund Policy Guidelines.
- (n) Maintenance of Project Fund. The Issuer covenants that it will maintain the Project Fund in accordance with generally accepted government accounting principles.
- (o) Remedies. TWDB shall have all remedies available at law or in equity with respect to the Bonds, and any provision of the Bonds that restricts or limits TWDB's exercise of such remedies shall be of no force and effect.
- (p) TWDB Reserve Fund. (i) Upon the issuance of the Bonds, the Bonds shall be additionally secured by the TWDB Reserve Fund. The Bonds shall not be additionally secured by any funds on deposit, if any, in the Reserve Fund created in Section 11(c) and described in Section 14 of this Ordinance, and TWDB shall not be entitled to demand payment of principal of or interest on the Bonds from any such funds on deposit, if any, in such Reserve Fund. There is currently on deposit in the Reserve Fund \$0. There is currently on deposit in the TWDB Reserve Fund \$0. To accommodate and maintain a reserve as additional security for the payment of the Bonds equal to

the average annual principal and interest requirements of the Bonds (the "TWDB Required Reserve Amount"), the Issuer will be required on or before the 10th day of each month, commencing with the month immediately following the issuance of the Bonds, to begin making deposits into the TWDB Reserve Fund in an amount equal to 1/60th of the full amount of the TWDB Required Reserve Amount. The TWDB Reserve Fund shall be used to pay the principal of and interest on the Bonds, at any time when there is not sufficient money available in the Interest and Sinking Fund for such purpose. Money in the TWDB Reserve Fund may, upon authorization by the City Commission of the Issuer, be invested in direct obligations of, or obligations, the principal of and interest on which are guaranteed by the United States of America, or invested in direct obligations of the Federal Intermediate Credit Banks, Federal Land Banks, Banks for Cooperatives, Federal National Mortgage Association, Federal Home Loan Banks or Banks for Cooperatives, provided that each of the aforesaid obligations must mature, or be subject to redemption at the option of the holder thereof, within not more than ten years from the date of the making of such investment. Any obligation in which money in the TWDB Reserve Fund is so invested shall be kept and held in an official depository bank of the Issuer in escrow and in trust for the benefit of the holders of the Bonds and all Additional TWDB Bonds and shall be promptly sold and the proceeds of sale applied to the making of all payments required to be made from the TWDB Reserve Fund.

(ii) If the Issuer is required to make a withdrawal from the TWDB Reserve Fund for any of the purposes described in this Section, the Issuer shall be required to begin making monthly deposits to the TWDB Reserve Fund in the amounts and at the times described below to the extent of such deficiency in the TWDB Required Reserve Amount.

(iii) In the event of a deficiency in the TWDB Reserve Fund, then the Issuer shall satisfy the TWDB Required Reserve Amount by depositing into the TWDB Reserve Fund in monthly installments of not less than 1/60th of the TWDB Required Reserve Amount made on or before the 10th day of each following month.

(iv) In the event of the redemption or defeasance of any Bonds, any amounts on deposit in the TWDB Reserve Fund in excess of the TWDB Required Reserve Amount may be withdrawn and transferred, at the option of the Issuer, to the Revenue Fund, as a result of (i) the redemption of any Bonds, or (ii) funds for the payment of any Bonds having been deposited irrevocably with the paying agent or place of payment therefor in the manner described in any ordinance authorizing the issuance of Bonds, the result of such deposit being that such Bonds no longer are deemed to be outstanding under the terms of any such ordinance.

(q) Additional TWDB Bonds. The Issuer reserves the right to issue additional parity revenue bonds, to be known as Additional TWDB Bonds, which when issued and delivered, shall be payable from and secured by a lien on and pledge of the Net Revenues of the System, in the same manner and to the same extent as the Outstanding Bonds, the Bonds, Additional Bonds and all Additional TWDB shall in all respects be on a parity and equal dignity. The Additional TWDB Bonds may be issued in one or more installments or series, provided, however, that no installment or series of Additional TWDB Bonds shall be issued unless:

(i) A certificate is executed by the Mayor and City Secretary or Deputy City Secretary of the Issuer to the effect that no default exists in connection with any of the covenants or

requirements of the ordinance or ordinances authorizing the issuance of all Outstanding Bonds, Bonds, Additional Bonds, and Additional TWDB Bonds then outstanding.

(ii) A certificate is executed by the Mayor and City Secretary of the Issuer to the effect that the Interest and Sinking Fund, the Reserve Fund, and the TWDB Reserve Fund each contains the amount then required to be on deposit therein.

(iii) In addition to the certificate required by section 18(c) of this Ordinance, a certificate is executed by an independent certified public accountant, or independent firm of certified public accountants, acting by and through a certified public accountant, signs a written certificate to the effect that, in his or her opinion, during either the next preceding fiscal year, or any twelve consecutive calendar month period ending not more than ninety days prior to the passage of the ordinance authorizing the issuance of the proposed Additional TWDB Bonds is passed, the Net Revenues were at least 1.25 times an amount equal to the average annual principal and interest requirements on such Outstanding TWDB Bonds and such proposed Additional TWDB Bonds as are on parity of Lien with the Bonds or any Additional TWDB Bonds. It is specifically provided, however, that in calculating the amount of Net Revenues for the purpose of this subsection (c), if there has been any increase in the rates or charges for services of the System which is then in effect, but which was not in effect during all or any part of the entire period for which the Net Revenues are being calculated (hereinafter referred to as the "entire period"), then the certified public accountant, or in lieu of the certified public accountant, a firm of consulting engineers, shall determine and certify the amount of Net Revenues as being the total of (i) the actual Net Revenues for the entire period, plus (ii) a sum equal to the aggregate amount by which the actual billings to customers of the System during the entire period would have been increased if such increased rates or charges had been in effect during the entire period.

(iv) The Additional TWDB Bonds are scheduled to mature only on November 1, and the interest thereon is scheduled to be paid only on November 1 and May 1.

(v) The ordinance authorizing the issuance of such installment or series of Additional TWDB Bonds provides that the aggregate amount to be accumulated and maintained in the Reserve Fund shall be increased by an additional amount not less than the average annual principal and interest requirements for said Additional TWDB Bonds; and that such additional amount shall be so accumulated within 61 months from the date of the Additional TWDB Bonds, by the deposit in the TWDB Reserve Fund of the necessary sums in equal monthly installments; provided, however, that the aggregate of all or any part of said required additional amount in cash immediately after the aggregate amount to be accumulated in the TWDB Reserve Fund shall never be required to exceed the average annual principal and interest requirements for all Outstanding TWDB Bonds and Additional TWDB Bonds then outstanding, and for the installment or series of Additional TWDB Bonds the proposed to be issued.

(vi) All calculations of average annual principal and interest requirements made pursuant to this Section are made as of and from the date of the Additional TWDB then proposed to be issued.

(r) Enforcement of Certain Federal Laws Regulating Firearms, Firearm Accessories, and Firearm Ammunition. The Issuer shall immediately notify TWDB, in writing, of any suit against it by the Attorney General of Texas under Texas Penal Code § 1.10(f) (related to federal laws regulating firearms, firearm accessories, and firearm ammunition).

(s) Compliance with Public Law 117-58. The Issuer agrees to abide by all applicable requirements related to the Build America, Buy America Act, Public Law 117-58.

(t) Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment. The Issuer agrees to abide by the prohibition on certain telecommunications and video surveillance services or equipment as required by 2 CFR § 200.216.

Section 32. AMENDMENTS. The Issuer hereby reserves the right to amend this Ordinance subject to the following terms and conditions, to-wit:

(a) The Issuer may from time to time, without the consent of any Owner, except as otherwise required by paragraph (b) below, amend or supplement this Ordinance to (i) cure any ambiguity, defect or omission in this Ordinance that does not materially adversely affect the interests of the Owners, (ii) grant additional rights or security for the benefit of the Owners, (iii) add events of default as shall not be inconsistent with the provisions of this Ordinance and that shall not materially adversely affect the interests of the Owners, (iv) qualify this Ordinance under the Trust Indenture Act of 1939, as amended, or corresponding provisions of federal laws from time to time in effect, or (v) make such other provisions in regard to matters or questions arising under this Ordinance as shall not be materially inconsistent with the provisions of this Ordinance and that shall not, in the opinion of nationally-recognized bond counsel, materially adversely affect the interests of the Owners.

(b) Except as provided in paragraph (a) above, a majority of the Owners of Bonds then outstanding that are the subject of a proposed amendment shall have the right from time to time to approve any amendment hereto that may be deemed necessary or desirable by the Issuer; provided, however, that without the consent of 100% of the Owners in aggregate principal amount of the then outstanding Bonds, nothing herein contained shall permit or be construed to permit amendment of the terms and conditions of this Ordinance or in any of the Bonds so as to:

- (i) Make any change in the maturity of any of the outstanding Bonds;
- (ii) Reduce the rate of interest borne by any of the outstanding Bonds;
- (iii) Reduce the amount of the principal of, or redemption premium, if any, payable on any outstanding Bonds;
- (iv) Modify the terms of payment of principal or of interest or redemption premium on outstanding Bonds or any of them or impose any condition with respect to such payment; or
- (v) Change the minimum percentage of the principal amount of the Bonds necessary for consent to such amendment.

(c) If at any time the Issuer shall desire to amend this Ordinance under this Section, the Issuer shall send by U.S. mail to each Owner of the affected Bonds a copy of the proposed amendment.

(d) Whenever at any time within one year from the date of mailing of such notice the Issuer shall receive an instrument or instruments executed by the Owners of at least a majority in aggregate principal amount of all of the Bonds then outstanding that are required for the amendment (or 100% if such amendment is made in accordance with paragraph (b)), which instrument or instruments shall refer to the proposed amendment and which shall specifically consent to and approve such amendment, the Issuer may adopt the amendment in substantially the same form.

(e) Upon the adoption of any amendatory Ordinance pursuant to the provisions of this Section, this Ordinance shall be deemed to be modified and amended in accordance with such amendatory Ordinance, and the respective rights, duties, and obligations of the Issuer and all Owners of such affected Bonds shall thereafter be determined, exercised, and enforced, subject in all respects to such amendment.

(f) Any consent given by the Owner of a Bond pursuant to the provisions of this Section shall be irrevocable for a period of six months from the date of the consent and shall be conclusive and binding upon all future Owners of the same Bond during such period. Such consent may be revoked at any time after six months from the date of said consent by the Owner who gave such consent, or by a successor in title, by filing notice with the Issuer, but such revocation shall not be effective if the Owners the required amount of the affected Bonds then outstanding, have, prior to the attempted revocation, consented to and approved the amendment.

(g) For the purposes of establishing ownership of the Bonds, the Issuer shall rely solely upon the registration of the ownership of such Bonds on the Registration Books kept by the Paying Agent/Registrar.

Section 33. INCORPORATION OF RECITALS. The Issuer hereby finds that the statements set forth in the recitals of this Ordinance are true and correct, and the Issuer hereby incorporates such recitals as a part of this Ordinance.

PASSED, APPROVED AND EFFECTIVE THIS June 18, 2025.

CITY OF HARLINGEN, TEXAS

Mayor

ATTEST

Deputy City Secretary

(CITY SEAL)

EXHIBIT A

DESCRIPTION OF ANNUAL FINANCIAL INFORMATION

The following information is referred to in Section 28 of this Ordinance.

I. Annual Financial Statements and Operating Data

The financial information and operating data with respect to the Issuer to be provided annually in accordance with such Section are as specified (and included in the Appendix or under the headings of the Private Placement Memorandum and Tables for the Waterworks and Sewer System Revenue Bonds, Series 2024B (LSL) referred to below:

1 through 13 and in Appendix B

Accounting Principles

The accounting principles referred to in such Section are the accounting principles described in the notes to the financial statements referred to in paragraph I above.

Agreement Execution Resolution

A RESOLUTION by the City Commission of the City of Harlingen, Texas (the "City") authorizing the City's Mayor, Norma Sepulveda, as the Designated Representative of the City, to execute an agreement with the Texas Water Development Board for funding in the amount of \$1,714,286.

WHEREAS, the Texas Water Development Board made a commitment to provide financial assistance in the form of a grant/loan/principal forgiveness in the amount of \$874,286 to the City to finance a project upon execution of a loan/grant/principal forgiveness agreement; therefore

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS:

SECTION 1. Approval of Agreement. The agreement setting out the terms and conditions of the financial assistance between the Texas Water Development Board and the City is approved and the City's Designated Representative is authorized to execute the agreement on behalf of the City.

SECTION 2. Effective Date. This Resolution shall become effectively immediately after its adoption.

PASSED AND APPROVED, this the 18th day of June 2025.

CITY OF HARLINGEN, TEXAS

Mayor

ATTEST

Deputy City Secretary

(CITY SEAL)

**AGENDA ITEM
EXECUTIVE SUMMARY**

10(b)

Meeting Date: **June 18, 2025**

Agenda Item:

Consideration and possible action to approve an ordinance on first reading for a rezoning request from Residential, Single Family ("R-1") District to Neighborhood Services ("NS") District for 1.73 acres of land out of Block 6, Section 297, Stuart Place Re-subdivision, located on the southeast corner of Stuart Place and Brennaman Roads. Applicant: Moore Land Surveying, LLC c/o Zarate Home Designs, LLC. Attachment (**Planning & Development**)

Prepared By: Soledad A. Núñez, CNU-A
Title: Interim Planning & Development Director

Signature: *Soledad A. Núñez*

Brief Summary:

Project Timeline

- May 12, 2025 – Application for rezoning submitted to the City. (**ATTACHMENT I**).
- May 13, 2025 – In accordance with State and local law, notice of the required public hearing was mailed to all property owners within a 200 foot radius of subject tract.
- May 17, 2025 – In accordance with State and local law, notice of the required public hearing was published in the Valley Morning Star.
- May 28, 2025 - Public hearing and consideration of the requested rezoning by the Planning and Zoning Commission (P&Z).
- June 4, 2025 – Public hearing and consideration of requested rezoning via 1st ordinance reading scheduled before the City Commission.
- June 18, 2025 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- The applicant is requesting to rezone the subject property from Residential, Single Family, ("R-1") District to Neighborhood Services ("NS") District to allow for a business or businesses to serve the surrounding residential areas. (**ATTACHMENT I**).
- The subject property is located at the southeast corner of Stuart Place and Brennaman Roads. The property is currently vacant. (**ATTACHMENT III**). The land has approximately 344.42 feet of frontage along Brennaman Road and approximately 147.91 feet of frontage along Stuart Place Road. Stuart Place Road is a four-lane road with 47 feet of pavement from the back of curb to back of curb. Brennaman Road is a 20-foot-wide paved two-lane road without curb and gutter.
- The surrounding properties are zoned Residential, Single-Family ("R-1") to the south, east, and west, and Residential, Multi-Family ("M-2") to the north. Surrounding land uses include single family residences to the south and east, the

Harlingen Fire Department Station 2 to the west, and vacant land to the north.
(ATTACHMENT IV)

- An exhibit has been prepared, showing what is allowed by right, what is allowed with a Special Use Permit, and what is prohibited in this zoning category. Neighborhood Services is an area designated to serve the domestic needs of the immediate neighborhood and with specific additional uses as indicated in section 111.62 of the City of Harlingen Code of Ordinances. **(ATTACHMENT VI)**
- The Future Land Use Plan component of the City of Harlingen's Vision 2020 Comprehensive Plan shows this area as low density residential. While the request is not consistent with the Future Land Use Plan or the surrounding land uses, Planning staff believes the area is going through a transition and therefore recommends approval of the rezoning request. In addition, Stuart Place is a four-lane roadway, that makes it conducive to commercial development. **(ATTACHMENT VII).**
- The proposed Trinity Heights Phase I Subdivision preliminary construction plans and final plat was approved by the Planning and Zoning Commission on March 22, 2023, subject to a list of conditions from the different City departments. **(ATTACHMENT V)**
- To the present, the Planning and Zoning Department has received one phone call from a citizen inquiring about the rezoning, and one phone call in opposition from the surrounding property owners regarding the proposed request. Staff mailed out 15 notices to surrounding property owners.
- On May 28th, 2025, staff received written opposition to the rezoning request. There are 13 signatures from 9 addresses. The signatures in the petition reflect 28.05 of the 200 ft. notification area of property owners in opposition. A super majority vote of the City Commission would be needed for the rezoning request to pass. **(ATTACHMENTS X-XII)**

Funding (if applicable):

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

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

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

Staff Recommendation:

Staff recommends approval of the rezoning request.

City Manager's approval:  ☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval: ☐ Yes ☐ No ☐ N/A

Attachment I - Application

CITY OF HARLINGEN PLANNING AND DEVELOPMENT DEPARTMENT MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address BRENNAMAN RD. Nearest Intersection STUART PLACE RD. & BRENNAMAN RD.
(Proposed) Subdivision Name TRINITY HEIGHTS PHASE I Lot _____ Block _____
Existing Zoning Designation SF Future Land Use Plan Designation NEIGHBORHOOD SERVICES

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent MOORE LAND SURVEYING Phone 956-245-4651 FAX _____
Email Address (for project correspondence only): D.MOORELANDSURVEYING@GMAIL.COM
Mailing Address 14216 PALIS DR City LA FERIA State TX Zip 78559
Property Owner ZARATE HOME DESIGNS, LLC Phone 956-561-9587 FAX _____
Email Address (for project correspondence only): oscar@zaratehomedesigns.com
Mailing Address 1992 DATE PALM DR. City MERCEDES State TX Zip 78570

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

- | | |
|---|---|
| ☐ Annexation Request..... <u>No Fee</u> | ☐ Preliminary Construction Plans and Final Plat..... <u>\$150.00</u> |
| ☐ Administrative Appeal (ZBA)..... <u>\$125.00</u> | ☐ Minor Plat..... <u>\$100.00</u> |
| ☐ Comp. Plan Amendment Request... <u>\$250.00</u> | ☐ Re-Plat..... <u>\$250.00</u> |
| ☒ Re-zoning Request..... <u>\$250.00</u> | ☐ Vacating Plat..... <u>\$250.00</u> |
| ☐ SUP Request/Renewal..... <u>\$250.00</u> | ☐ Development Plat..... <u>\$50.00</u> |
| ☐ Zoning Variance Request (ZBA)..... <u>\$250.00</u> | ☐ Subdivision Variance Request..... <u>\$25.00 (each)</u> |
| ☐ PDD Request..... <u>\$250.00</u> | ☐ Right-of-Way / Utility Easement Abandonment... <u>No Fee</u> |
| ☐ License to Encroach..... <u>\$250.00</u> | |

Please provide a basic description of the proposed project: RE-ZONE EXISTING 1.73 AC. TRACT FROM
SINGLE FAMILY TO NEIGHBORHOOD SERVICES

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: DUSTIN MOORE DUSTIN MOORE
2025.05.12 11:16:43 -05'00' Date: 5/12/25

Property Owner(s) Signature: DUSTIN MOORE DUSTIN MOORE
2025.05.12 11:16:56 -05'00' Date: 5/12/25

Accepted by: _____ Date: _____

Attachment I - Application

RE-ZONING REQUEST SUBMITTAL CHECKLIST

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

Complete

- ☐ A metes and bounds description or survey plat of the tract(s) in which the re-zoning is requested.
 - ☐ A written statement describing the proposed use(s) of the subject property (can be provided on Master Application).
 - ☐ Any other information (elevation drawings, pictures, etc.) in support of the subject request.
-
- I understand that I am requesting an amendment to the City's Zoning Ordinance and it will not be scheduled for Planning and Zoning Commission review unless all items on this list are completed.
 - I understand that in accordance State law and the Zoning Ordinance, no later than ten (10) days prior to consideration by the Planning and Zoning Commission:
 - A notice will be published in the Valley Morning Star describing the request and the date, time, and location of the public hearing; and
 - Notices will be mailed to all property owners within 200 feet of the tract describing the request and the date, time, and location of the public hearing.
 - I understand that while all requirements for the submittal of a re-zoning request may be complete, the City Commission is the sole authority for the consideration and approval or denial of the request.

Owner: ZARATE HOME DESIGNS, LLC Date 5/12/25

Owner Address: 1992 DATE PALM DR. MERCEDES, TX 78570

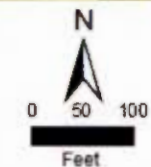
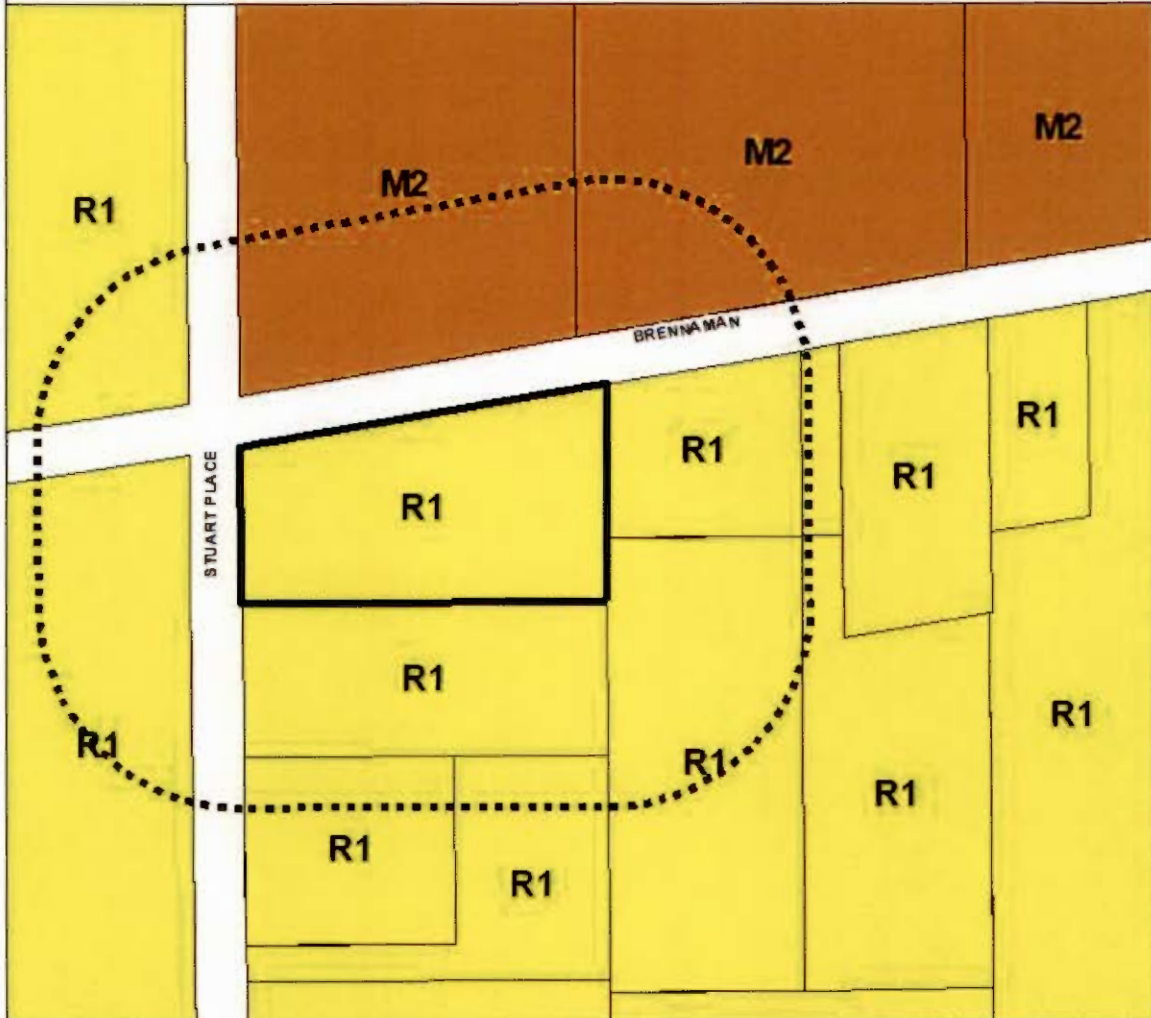
Phone/Fax: 956-561-9587

Signature: DUSTIN MOORE DUSTIN MOORE
2025.05.12 11:17:20 -05'00'

Attachment II



Request to rezone from Residential, Single Family ("R-1") District to Neighborhood Services ("NS") District for 1.73 acres of land out of Block 6, Section 297, Stuart Place Resubdivision, located at the southeast corner of Stuart Place and Brennaman Roads. Applicant: Moore Land Surveying, LLC c/o Zarate Home Designs, LLC



Boundary lines

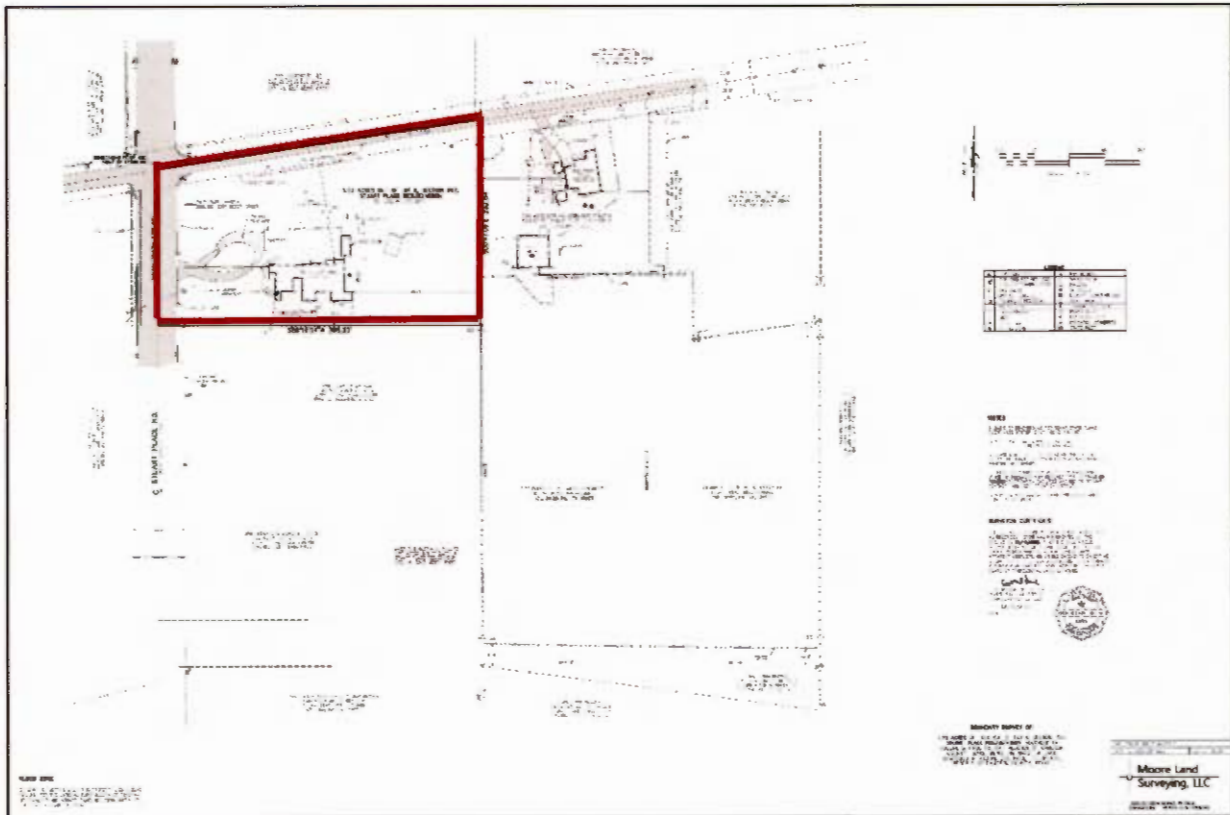
- Harlingen city limits.shp
- 200' Notification Boundary
- Subject Property

Zoning Designations

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

This map has been produced by the City of Harlingen for the sole purpose of locating jurisdictional boundaries and is not intended for any other. The map data is compiled from various sources including orthophoto imagery, engineer plans and plats, survey field notes, and other sources. This map is intended for graphic representation only. No warranty is made by the City regarding its accuracy or completeness. Before relying on any information on the map, check with the Planning Department. Date of map 08/26/2024

Attachment III – Survey



Attachment III – Metes & Bounds Description

Moore Land Surveying, LLC

14216 Palis Drive, La Feria, TX 78559

(956)245-0988

TBPLS Firm No. 10194186

August 20, 2024

METES AND BOUNDS 1.73 ACRES OF LAND

BEING 1.73 ACRES OF LAND OUT OF LOT 6, SECTION 297, STUART PLACE RESUBDIVISION, RECORDED IN VOLUME 5, PAGE 43, MAP RECORDS OF CAMERON COUNTY, TEXAS, BEING THE TRACT OF LAND DESCRIBED IN VOLUME 273, PAGE 131, OFFICIAL RECORDS OF CAMERON COUNTY, TEXAS; SAID 1.73 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 6, BEING ON THE INTERSECTION OF STUART PLACE ROAD (HAVING 60 FEET OF APPARENT RIGHT OF WAY) AND BRENNAMAN ROAD (HAVING 40 FEET OF RIGHT OF WAY), FOR THE NORTHWEST CORNER AND POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED;

1) THENCE ALONG THE NORTH BOUNDARY OF LOT 6 AND THE CENTERLINE OF BRENNAMAN ROAD, NORTH 80 DEG. 43 MIN. 54 SEC. EAST A DISTANCE OF 372.40 FEET TO A NAIL FOUND FOR THE NORTHEAST CORNER OF LOT 6, FOR THE NORTHEAST CORNER OF THE TRACT HEREIN DESCRIBED;

2) THENCE ALONG THE EAST BOUNDARY OF LOT 6, SOUTH 00 DEG. 41 MIN. 06 SEC. EAST, AT A DISTANCE OF 20.23 FEET PASS THE SOUTH RIGHT OF WAY OF BRENNAMAN ROAD, A TOTAL DISTANCE OF 232.64 FEET TO AN IRON ROD FOUND FOR THE NORTHEAST CORNER OF A 1.27 ACRE TRACT OF LAND DESCRIBED IN DOCUMENT NO. 2000-24040, OFFICIAL RECORDS OF CAMERON COUNTY, TEXAS, FOR THE SOUTHEAST CORNER OF THE TRACT HEREIN DESCRIBED;

3) THENCE LEAVING THE EAST BOUNDARY OF LOT 6, ALONG THE NORTH BOUNDARY OF SAID 1.27 ACRE TRACT, SOUTH 89 DEG. 18 MIN. 54 SEC. WEST, AT A DISTANCE OF 338.23 FEET PASS AN IRON ROD FOUND ON THE EAST RIGHT OF WAY OF STUART PLACE ROAD, A TOTAL DISTANCE OF 368.23 FEET TO A POINT ON THE WEST BOUNDARY OF LOT 6, BEING ON THE CENTERLINE OF STUART PLACE ROAD, FOR THE SOUTHWEST CORNER OF THE TRACT HEREIN DESCRIBED;

4) THENCE ALONG THE WEST BOUNDARY OF LOT 6 AND THE CENTERLINE OF STUART PLACE ROAD, NORTH 00 DEG. 41 MIN. 06 SEC. WEST A DISTANCE OF 177.06 FEET TO THE POINT OF BEGINNING; CONTAINING 1.73 ACRES OF LAND WITHIN THESE METES AND BOUNDS.

BASIS OF BEARINGS ARE AS PER THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD 83.

Attachment IV - Aerial



[illegible]

Attachment VI – Neighborhood Services District

Uses Permitted by right

- One-family dwelling
- Two-family dwelling/duplex
- Three-family dwelling/triplex
- Four-family dwelling/fourplex
- Multifamily and apartments
- Garden home/patio homes
- Townhouses
- Condominium
- Assisted living facility/group home
- Church
- Community Center
- Convent
- Kindergarten School
- Farm/ranch/orchard/garden
- Florist/Garden Shop
- Fraternity/sorority/civic lodge
- Hospital
- Nursing home
- Park/playground/golf course
- School, public, private or parochial
- Tennis and/or swim club
- Electrical substation
- Fire station/police station
- Sewage pump station
- Telephone line exchange building
- Accessory buildings
- Field Offices, temporary
- Home Occupations
- Signs/general
- Signs, business and pole signs
- Swimming pool
- Auto parking lot
- Gasoline station
- Antique shop
- Bakery, retail sales
- Candy or cake
- Custom personal service shop
- Day nursery/day care center (adult or child)
- Drapery shop
- Household appliance service/repair
- Pharmacy
- Neighborhood club
- Offices, professional/administrative
- Stationary/letter/office supplies shop

Attachment VI – Neighborhood Services District

Uses permitted with a Special Use Permit

- Airport
- Call center
- Fairgrounds/exhibition area
- Food Truck Park
- Sober living house
- Radio/TV, or microwave tower
- Railroad tracks and R.O.W.
- Bank, office only
- Beds and breakfast
- Retail shops and stores
- Photography/art/music studio
- Tortilla factory

Prohibited Uses

- Bulk storage in the open of scrap or used materials
- Distribution center
- Light Industry manufacturing
- Welding shop
- Vet, clinics and kennels
- Radio/TV studio
- Storage warehouse
- Sexually oriented business
- Scientific and research lab
- Restaurant with drive-in service
- Restaurant without drive-in
- Recycling center, non-ferrous
- Recycling center, ferrous
- RR team track/passenger station
- Outdoor music establishment
- Newspaper printing
- Mortuary
- Pet shop
- Mini storage units
- Laundry plant
- Job printing
- Hotel/motel
- Handicraft shop
- Greenhouse or nursery, retail
- Furniture/appliance storage, repair and/or sale (used, outside)
- Feed store
- Farmer's Market
- Engine/motor repair
- Drive-in theater
- Dance/reception hall (alcohol permitted)
- Dance/reception

Attachment VI – Neighborhood Services District

Prohibited Uses

- Contractor shop and storage yard
- Contractor, shop plumbing
- Contractor, electric
- Commercial amusements, outdoor
- Commercial amusements, indoor
- Cleaning, dyeing and pick up shop
- Cleaning, dyeing plant, commercial
- Carpet cleaning business
- Cafeteria
- Cabinet or upholstery shop
- Building material sales
- Bowling alley
- Beauty shop/barbershop
- Bars/lounges
- Bank, with drive-through window
- Auction house, outside
- Auction house, inside
- Air condition contractor
- Adult business
- Wrecking salvage yard
- Used auto parts
- Towing, wrecked vehicle storage
- Truck parking lot
- Trailer rental/sales
- Taxi stand
- New auto parts
- New and used car lot
- Mobile home repairs
- Mobile home sales
- Heavy machinery, sales and storage
- Farm equipment sales
- Drag strip or commercial racing
- Carwash
- Auto sales and repair
- Auto paint and rebuild
- Storage building greater than 144 square feet
- Storage building less than 144 square feet
- Signs, billboards
- Portable building greater than 144 square feet
- Portable building less than 144 square feet
- Solar Farm
- Schools, trade and commercial
- Open air business
- Halfway house

Attachment VI – Neighborhood Services District

Prohibited Uses

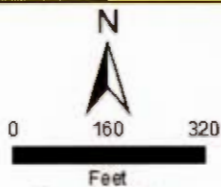
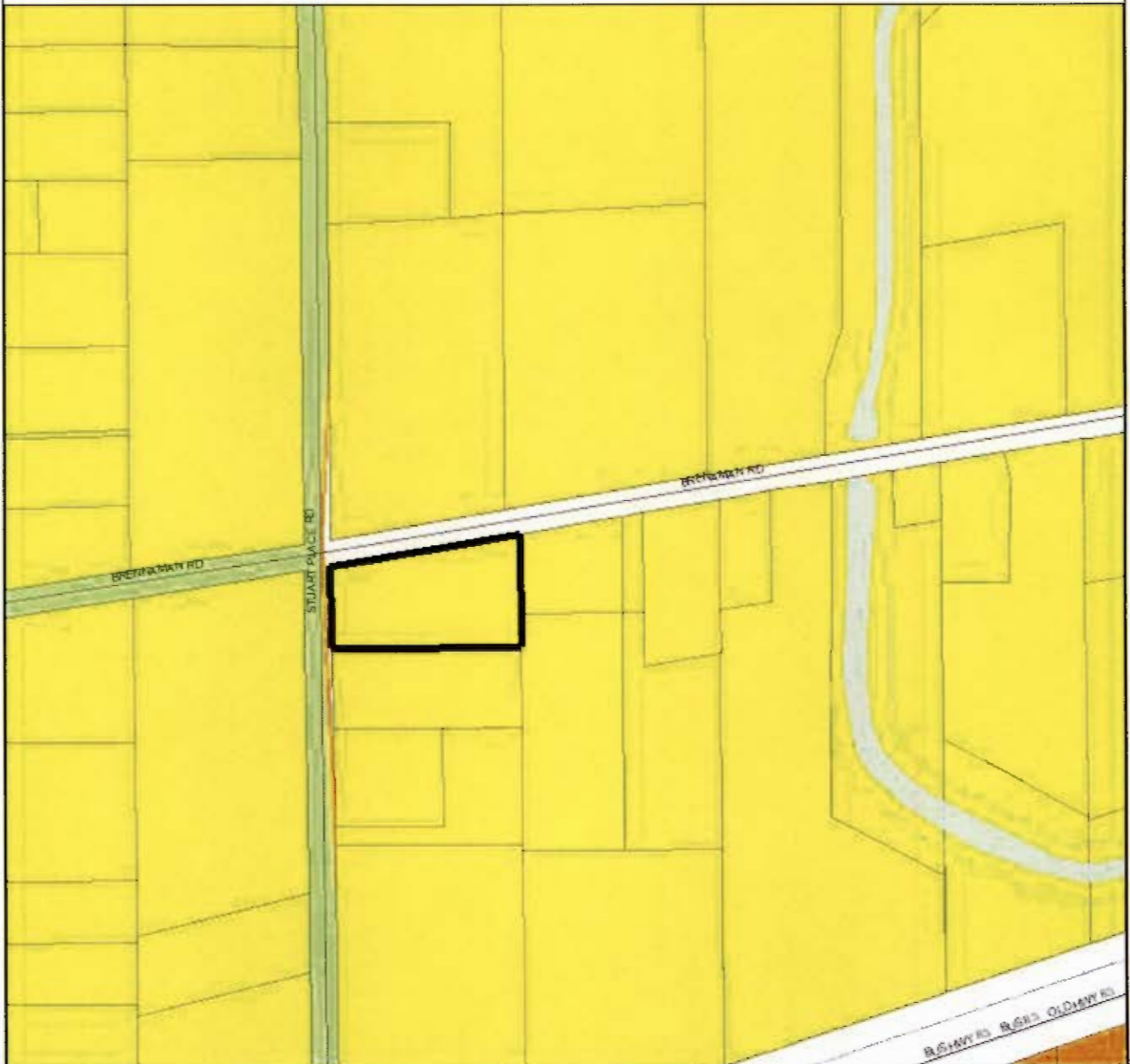
- Aboveground petroleum storage tank
- Golf driving range
- Community residential facility

Attachment VII – Future Land Use Map



Future Land Use Map

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



Boundary Lines

- Harlingen City Limits
- 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 | |

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 PURPOSE. THE MAP DATA IS COMPILED FROM VARIOUS SOURCES INCLUDING ORTHOPHOTO IMAGERY, ENGINEERING PLANS AND PLATS, SURVEY FIELD NOTES AND OTHER SOURCES. THIS MAP IS INTENDED FOR GRAPHIC REPRESENTATION ONLY. NO WARRANTY IS MADE BY THE CITY OF HARLINGEN REGARDING ITS ACCURACY OR COMPLETENESS. BEFORE RELYING ON ANY INFORMATION ON THE MAP, CHECK WITH THE PLANNING DEPARTMENT.

Attachment VIII – Street View

Street View from Brennaman



Attachment VIII – Street View

Street View from Stuart Place



Attachment IX – Applicant Appeal Letter



ZARATE
HOME'S & DESIGNS

Oscar Zarate
(956) 561-9587
Zarate Home and Designs
1212 Stuart Road
Harlingen, Texas 78552
oscar@zaratehomedesigns.com

June 2, 2025

Subject: Rezoning Appeal – Trinity Heights at Stuart Rd & Breenaman

Dear City Commissioners and Planning Officials,

I am writing to respectfully appeal the recent denial of our rezoning request for the property located at Stuart Road and Breenaman, directly across from Fire Station #2 and less than a quarter mile from the expressway. This property is part of our proposed Trinity Heights development.

I attended the Planning & Zoning meeting on May 28th, and while I appreciate the opportunity to present, I left with serious concerns about the outcome and process. The meeting barely reached quorum, and the discussion was largely focused on an unrelated multifamily project located across the street, rather than the subject property in question.

The public comments made during that meeting centered around concerns such as traffic and multifamily development, which are not applicable to this specific rezoning request. Our request is simply to rezone the corner lot to Neighborhood Services, not for multifamily use.

Why This Rezoning Request Should Be Reconsidered:

1. Misfocused Opposition

The opposition voiced at the May 28th meeting seemed to stem from confusion. The subject of this rezoning is not multifamily—it is for Neighborhood Services, intended to allow low-impact professional offices and commercial use compatible with the area.

2. Strategic Location

The property sits on Stuart Road, a five-lane major corridor and is less than a quarter mile from the expressway, making it a prime location for light commercial activity. It is also directly across from Fire Station #2, further validating the site's non-residential character.

3. Real-World Practicality

We are developers. We understand the challenges of placing residential homes on busy corners like this. The traffic intensity, emergency activity, and visibility make this site unsuitable for single-family living. Neighborhood Services zoning is a logical, balanced alternative that supports the area's growth trajectory.

4. Existing Professional Use in the Corridor

We currently operate an office at 1212 Stuart Road, which houses several real estate professionals. Stuart Road is clearly evolving into a commercial corridor, and rezoning this parcel would be a continuation of that momentum.

5. Community & Economic Value

Approving this rezoning would enable the development of attractive, professional-use buildings that contribute to job creation, economic activity, and a more cohesive corridor design. It avoids the higher traffic demands of multifamily while putting the property to effective and community-serving use.

In conclusion, we respectfully ask the City Commission and Planning Department to reconsider this request with the correct context in mind. This is not a request for dense housing or high-traffic development—but for a clean, professional, and fitting use of a corner parcel that is no longer suitable for residential.

Thank you for your time, your service to our city, and your thoughtful reconsideration of this appeal. I remain available to meet in person or provide additional documentation as needed.

Sincerely,
Oscar Zarate

Stuart Place Road Property Owners

May 28, 2025

To: Planning and Zoning Commission

Subject: Notice of Public Hearing for Rezoning

This letter serves to officially notify the Planning and Zoning Commission of the collective opposition of the property owners on Stuart Place Road and vicinity to the request to rezone Residential, Single Family (R-1) District to Neighborhood Services (NS) for 1.73 acres of land out of Lot 6, Section 297, Stuart Place Resubdivision, located at the Southeast corner of Stuart Place and Brennaman Roads.

Signed Petition attached.

Respectfully submitted,

Allan Crockett Terrie Crockett

Allan & Terrie Crockett
825 Crockett Rd Harlingen, TX 78552

Attachment X – Petition in Opposition

**PETITION SUBMITTED TO
Harlingen Planning and Zoning Commission**

May 28, 2025

Subject Matter: The property owners on Stuart Place Road and vicinity respectively petition the Harlingen Planning and Zoning Commission to **DENY** the Rezoning request as submitted.

Request to rezone from Residential, Single Family (R-1) District to Residential, Neighborhood Services (NS) District for 1.73 acres of land out of Lot 6, Section 297, Stuart Place Resubdivision and 4.59 acres of land out of Lot 8, Section 297, Stuart Place Resubdivision, located at the Southeast corner of Stuart Place and Brennaman Road.

Name: Allan Crockett
Address: 825 Crockett Rd. Hgt TX 78532
Signature: [Signature]

Name: Terrie Crockett
Address: 825 Crockett Rd
Signature: [Signature]

Name: Joan Mathes
Address: 16296 Crockett Rd.
Signature: [Signature]

Name: Rick Mathes
Address: 16296 Crockett Rd
Signature: [Signature]

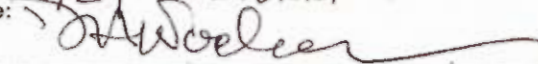
Attachment X – Petition in Opposition

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Name: DAVID & JEANINE WOOLWEAVER
Address: 429 S STUART PLACE RD, HARL 78552
Signature: 

PETITION SUBMITTED TO
Harlingen Planning and Zoning Commission

May 28, 2025

Subject Matter: The property owners on Stuart Place Road and vicinity respectively petition the Harlingen Planning and Zoning Commission to **DENY** the Rezoning request as submitted.

Request to rezone from Residential, Single Family (R-1) District to Residential, Neighborhood Service (NS) District for 1.73 acres of land out of Lot 6, Section 297, Stuart Place Resubdivision and 4.59 acres of land out of Lot 8, Section 297, Stuart Place Resubdivision, located at the Southeast corner of Stuart Place and Brennaman Road.

Name: Jesus Aguilar Jr
Address: 6613 Brennaman Rd.
Signature: 

Name:
Address:

Attachment X – Petition in Opposition

**PETITION SUBMITTED TO
Harlingen Planning and Zoning Commission**

May 28, 2025

Subject Matter: The property owners on Stuart Place Road and vicinity respectively petition the Harlingen Planning and Zoning Commission to **DENY** the Rezoning request as submitted.

Request to rezone from Residential, Single Family (R-1) District to Residential, Multi-family District (M-2) District for 1.73 acres of land out of Lot 6, Section 297, Stuart Place Resubdivision and 4.59 acres of land out of Lot 8, Section 297, Stuart Place Resubdivision, located at the Southeast corner of Stuart Place and Brennaman Road.

Name: *Lori Rodgers*

Address: *821 Crockett Rd. Hgn Tx 78552*

Signature: _____

Name: *Brent Rodgers*

Address: *821 Crockett Rd. Hgn 78552*

Signature: _____

Attachment X – Petition in Opposition

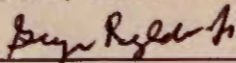
PETITION SUBMITTED TO

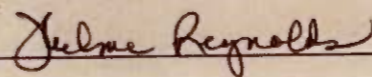
Harlingen Planning and Zoning Commission

May 28, 2025

Subject Matter: The property owners on Stuart Place Road and vicinity respectively petition the Harlingen Planning and Zoning Commission to **DENY** the Rezoning request as submitted.

Request to rezone from Residential, Single Family (R-1) District to Residential, Neighborhood Services (NS) District for 1.73 acres of land out of Lot 6, Section 297, Stuart Place Resubdivision and 4.59 acres of land out of Lot 8, Section 297, Stuart Place Resubdivision, located at the Southeast corner of Stuart Place and Brennaman Road.

Name: George Reynolds, Jr.
Address: 16421 Road 684, Harlingen, TX 78552
Signature: 

Name: Thelma Reynolds
Address: 16421 Road 684, Harlingen, TX 78552
Signature: 

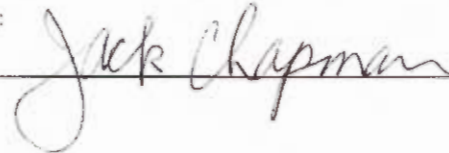
PETITION SUBMITTED TO

Harlingen Planning and Zoning Commission

May 28, 2025

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Request to rezone from Residential, Single Family (R-1) District to Residential, Multi-family District (M-2) District for 1.73 acres of land out of Lot 6, Section 297, Stuart Place Resubdivision and 4.59 acres of land out of Lot 8, Section 297, Stuart Place Resubdivision, located at the Southeast corner of Stuart Place and Brennaman Road.

Name: Jack Chapman
Address: 905 Stuart Place Rd. —
Signature: 

Name:
Address:

Attachment X – Petition in Opposition

PETITION SUBMITTED TO

Harlingen Planning and Zoning Commission

May 28, 2025

Subject Matter: The property owners on Stuart Place Road and vicinity respectively petition the Harlingen Planning and Zoning Commission to **DENY** the Rezoning request as submitted.

Request to rezone from Residential, Single Family (R-1) District to Residential, Neighborhood Services (NS) District for 1.73 acres of land out of Lot 6, Section 297, Stuart Place Resubdivision and 4.59 acres of land out of Lot 8, Section 297, Stuart Place Resubdivision, located at the Southeast corner of Stuart Place and Brennaman Road.

Name: Rebecca Rangel

Address: 6619 Brennan Rd

Signature: Harlingen, TX 76532

Rebecca Rangel

PETITION SUBMITTED TO

Harlingen Planning and Zoning Commission

May 28, 2025

Subject Matter: The property owners on Stuart Place Road and vicinity respectively petition the Harlingen Planning and Zoning Commission to **DENY** the Rezoning request as submitted.

Request to rezone from Residential, Single Family (R-1) District to Residential, Neighborhood Services (NS) District for 1.73 acres of land out of Lot 6, Section 297, Stuart Place Resubdivision and 4.59 acres of land out of Lot 8, Section 297, Stuart Place Resubdivision, located at the Southeast corner of Stuart Place and Brennaman Road.

Name:

John E. Yempell

Address:

921 S STUART Place Rd - Harlingen, TX 78532

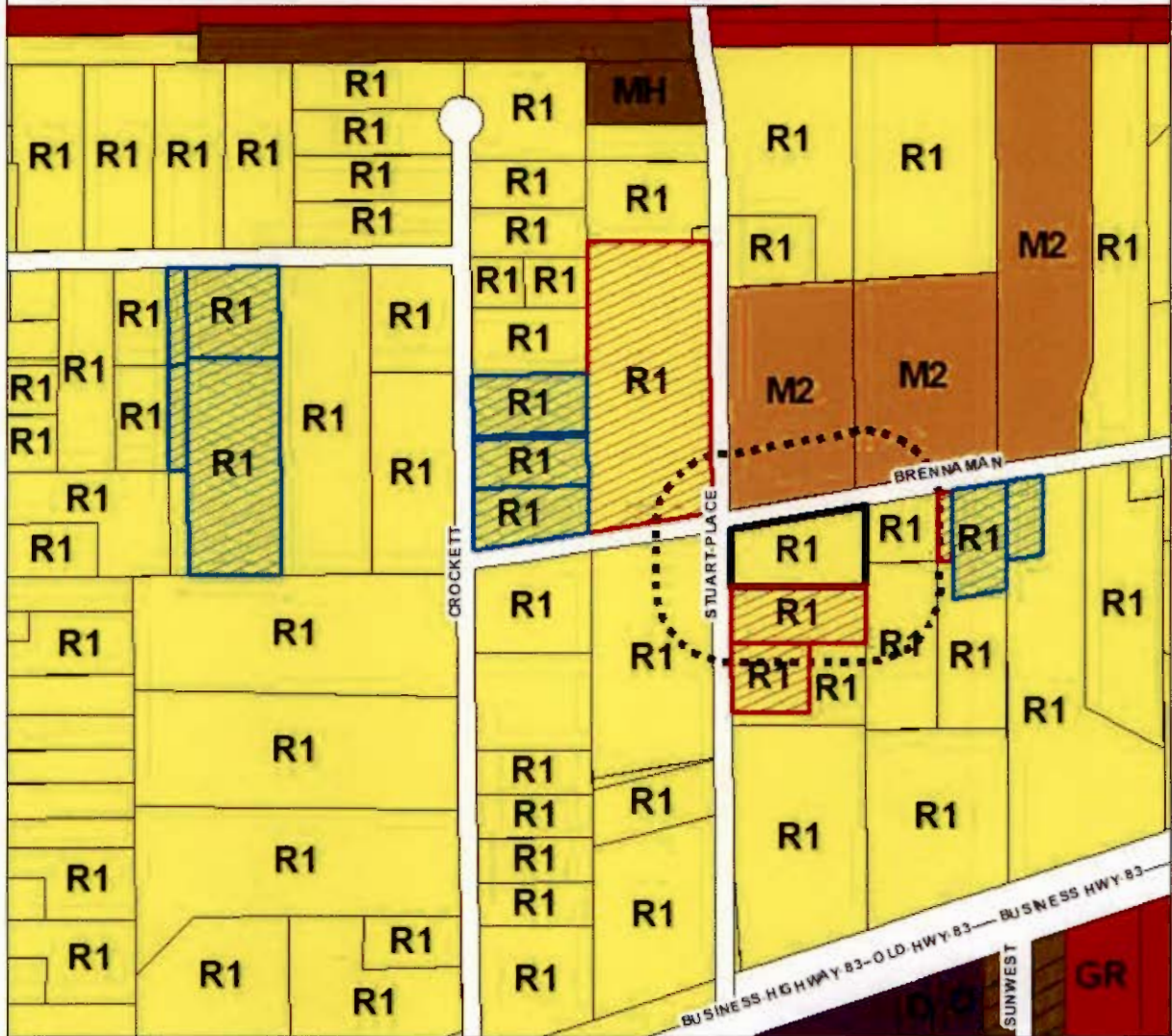
Signature:

John E. Yempell

Attachment XI – Opposition Map



Request to rezone from Residential, Single Family ("R-1") District to Neighborhood Services ("NS") District for 1.73 acres of land out of Block 6, Section 297, Stuart Place Resubdivision, located at the southeast corner of Stuart Place and Brennaman Roads. Applicant: Moore Land Surveying, LLC c/o Zarate Home Designs, LLC



Boundary lines

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

Zoning Designations

- | | | |
|---|---|--|
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| Heavy Industry (HI) | Mobile Home Residential (MH) | Planned Development (PD) |
| Light Industry (LI) | Not-Designated (N) | Single Family Residential (R1) |
| 3/4 Plex Residential (M1) | Neighborhood Services (NS) | Duplex Residential (R2) |
| | | Residential Patio Home (RPH) |

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Attachment XII – Opposition Calculation



Planning and Development
Department
502 E. Tyler Avenue
Harlingen, TX 78550
(956) 216-5101

PETITION IN OPPOSITION

Request to rezone from Residential, Single Family ("R-1") District to Neighborhood Services ("NS") District for 1.73 acres of land out of Block 6, Section 297, Stuart Place Resubdivision, located on the southeast corner of Stuart Place and Brennaman Roads. Applicant: Moore Land Surveying, LLC c/o Zarate Home Designs, LLC

Subject Property and Area of 200 ft. Radius:	10.476 acres
Area of Subject Property:	1.476 acres
Area of Opposition:	2.228 acres

Area of 200 Ft. Radius - Area of Subject Property = *Total Adjusted Area*

Area of Opposition / Total Adjusted Area = **Percentage of Opposition**

9.4193 acres – 1.4759 acres = 7.9434

2.2278 acres / 7.9434 = 0.2805 = **28.05%**

ORDINANCE NO. 25-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: REZONING FROM RESIDENTIAL, SINGLE FAMILY ("R-1") DISTRICT TO NEIGHBORHOOD SERVICES ("NS") DISTRICT FOR 1.73 ACRES OUT OF BLOCK 6, SECTION 297, STUART PLACE RESUBDIVISION, LOCATED ON THE SOUTHEAST CORNER OF BRENNAMAN AND STUART PLACE ROADS.

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 Residential, Single-Family ("R-1") District to Neighborhood Services ("NS") District for 1.73 acres out of Block 6, Section 297, Stuart Place Resubdivision, located on the southeast corner of Brennaman and Stuart Place Roads as shown in Exhibit "A".

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 _____, 2025 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.

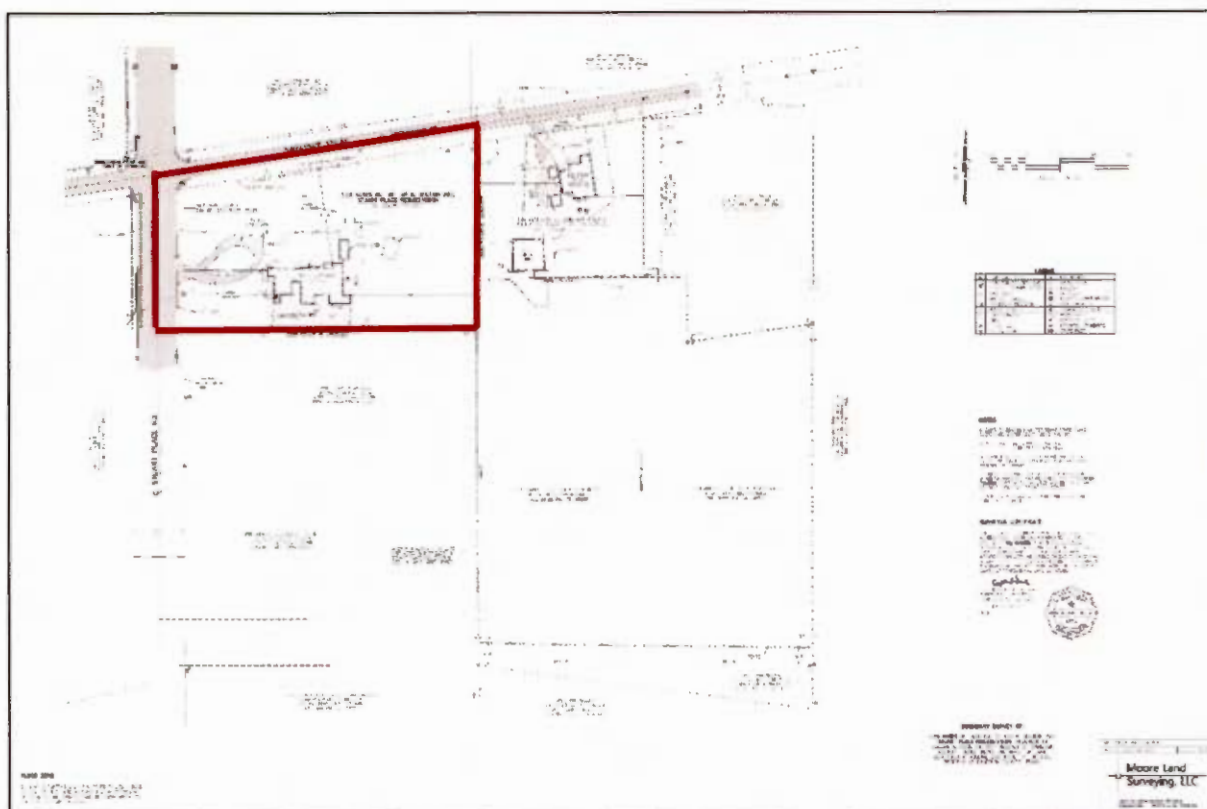
CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Hermelinda Gonzales, Interim City Secretary

Exhibit "A"



**AGENDA ITEM
EXECUTIVE SUMMARY**

10(c)

Meeting Date: **June 18, 2025**

Agenda Item:

Consideration and possible action to approve an ordinance on first reading for a Special Use Permit (SUP) request to allow an assisted living facility in a residential, single family ("R-1") District located at 1901 E. Mesquite Drive, bearing a legal description of Lot 20, Block 2, Parkwood Subdivision. Applicant: Veronica Gutierrez. Attachment (**Planning & Development**)

Prepared By: Soledad A. Núñez, CNU-A

Title: Interim Planning and Development Director

Signature: *Soledad A. Núñez*

Brief Summary:

Project Timeline

- May 19, 2025 – Application for Special Use Permit (SUP) submitted to the City. (**ATTACHMENT I and II**)
- May 30, 2025 – In accordance with State and local law, notice of required public hearings mailed to all property owners within 200 feet of subject tract.
- May 31, 2025 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- June 11, 2025 – Public hearing and consideration of requested Special Use Permit by the Planning and Zoning Commission.
- June 18, 2025 – Public hearing and consideration of requested Special Use Permit via 1st ordinance reading scheduled before the City Commission.
- July 2, 2025 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- Veronica Gutierrez, the applicant, is requesting a Special Use Permit to allow an assisted living facility out of an existing single family residential structure located at 1901 E. Mesquite Drive. (**ATTACHMENT III**)
- There is an existing 3,522 single family residential structure on the property. The Irregular shaped property has 89 feet of frontage on Mesquite Drive and a depth of 217 feet at its longest point.
- According to the site plan and the information submitted, the applicant is applying for a Type B Residential Assisted Living license with the Texas Department of Health and Human Services for a twelve-bed facility within eight bedrooms for senior care. The applicant is proposing to remodel the existing residential structure. The residential facility will allow its residents to live as independently as possible, and 24-hour care and supervision will be provided for seniors who need assistance with activities of daily living. A total of three employees will be on site per shift. Five parking spaces are required and provided. (**ATTACHMENT IV AND VII**)
- Surrounding properties are zoned Residential, Single Family ("R-1") District in all directions. Surrounding land uses consist of single-family residential homes. (**ATTACHMENT VI and VII**)

- The Building Inspections Department, Fire Prevention Bureau, and Health Departments have reviewed the application and have reported no objection to the requested Special Use Permit subject to complying with all applicable codes and regulations. **(ATTACHMENT VIII-X)**
- In accordance with the Zoning Chapter of the Code of Ordinances, the P&Z Commission and City Commission may impose requirements and conditions of approval as are needed to ensure that a use requested by a SUP is compatible and complementary to adjacent properties.
- To present, the Planning and Development Department has not received any calls opposition to the requested special use permit.

Funding (if applicable):

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

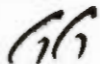
*If no, specify source of funding and amount requested:

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

Staff Recommendation:

Staff recommends approval of the special use permit subject to complying with the following conditions:

1. Must obtain and maintain the proper State and City permits;
2. Must provide and maintain the required parking spaces in accordance with City regulations; and
3. Complying with the requirements administered by Planning and Zoning, Building Inspections, Fire Prevention, and Health Departments.

City Manager's approval:  ☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval: ☐ Yes ☐ No ☐ N/A

ATTACHMENT I

CITY OF HARLINGEN PLANNING AND DEVELOPMENT DEPARTMENT MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 1901 E. Mesquite Dr Nearest Intersection S. Parkwood Dr & Mesquite
 (Proposed) Subdivision Name Parkwood Lot 20 Block 2
 Existing Zoning Designation R1 Future Land Use Plan Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Veronica Gutierrez Phone 956-281-4959 FAX _____
 Email Address (for project correspondence only): vgutierrez@comforcare.com
 Mailing Address 2017 E. Tyler Ste B City Harlingen State TX Zip 78550
 Property Owner Stephen Brewer Phone _____ FAX _____
 Email Address (for project correspondence only): vgutierrez@comforcare.com
 Mailing Address 956-536-7746 City Harlingen State TX Zip 78550

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

- | | |
|--|---|
| ☐ Annexation Request..... <u>No Fee</u> | ☐ Preliminary Construction Plans and Final Plat..... <u>\$150.00</u> |
| ☐ Administrative Appeal (ZBA)..... <u>\$125.00</u> | ☐ Minor Plat..... <u>\$100.00</u> |
| ☐ Comp. Plan Amendment Request... <u>\$250.00</u> | ☐ Re-Plat..... <u>\$250.00</u> |
| ☐ Re-zoning Request..... <u>\$250.00</u> | ☐ Vacating Plat..... <u>\$250.00</u> |
| ☒ SUP Request/Renewal..... <u>\$250.00</u> | ☐ Development Plat..... <u>\$50.00</u> |
| ☐ Zoning Variance Request (ZBA)..... <u>\$250.00</u> | ☐ Subdivision Variance Request..... <u>\$25.00 (each)</u> |
| ☐ PDD Request..... <u>\$250.00</u> | ☐ Right-of-Way / Utility Easement Abandonment..... <u>No Fee</u> |
| ☐ License to Encroach..... <u>\$250.00</u> | |

Please provide a basic description of the proposed project: Residential home will be remodeled to accommodate 12 licensed beds for a Type B Residential Assisted Living. Home will provide 24 hour care to its residents and assist with all activities of daily living, physical activities and social events for residents and family. Helping our seniors age in a place that feels comfortable like home.

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: Veronica Gutierrez Date: 5-6-2025

Property Owner(s) Signature: Stephen Brewer Date: 5-1-2025

Accepted by: _____ Date: _____

ATTACHMENT II



Special Use Permit for 1901 Mesquite to be used as a residential senior care home.

The home will apply for a license with Health and Human Services for 12 beds.

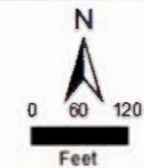
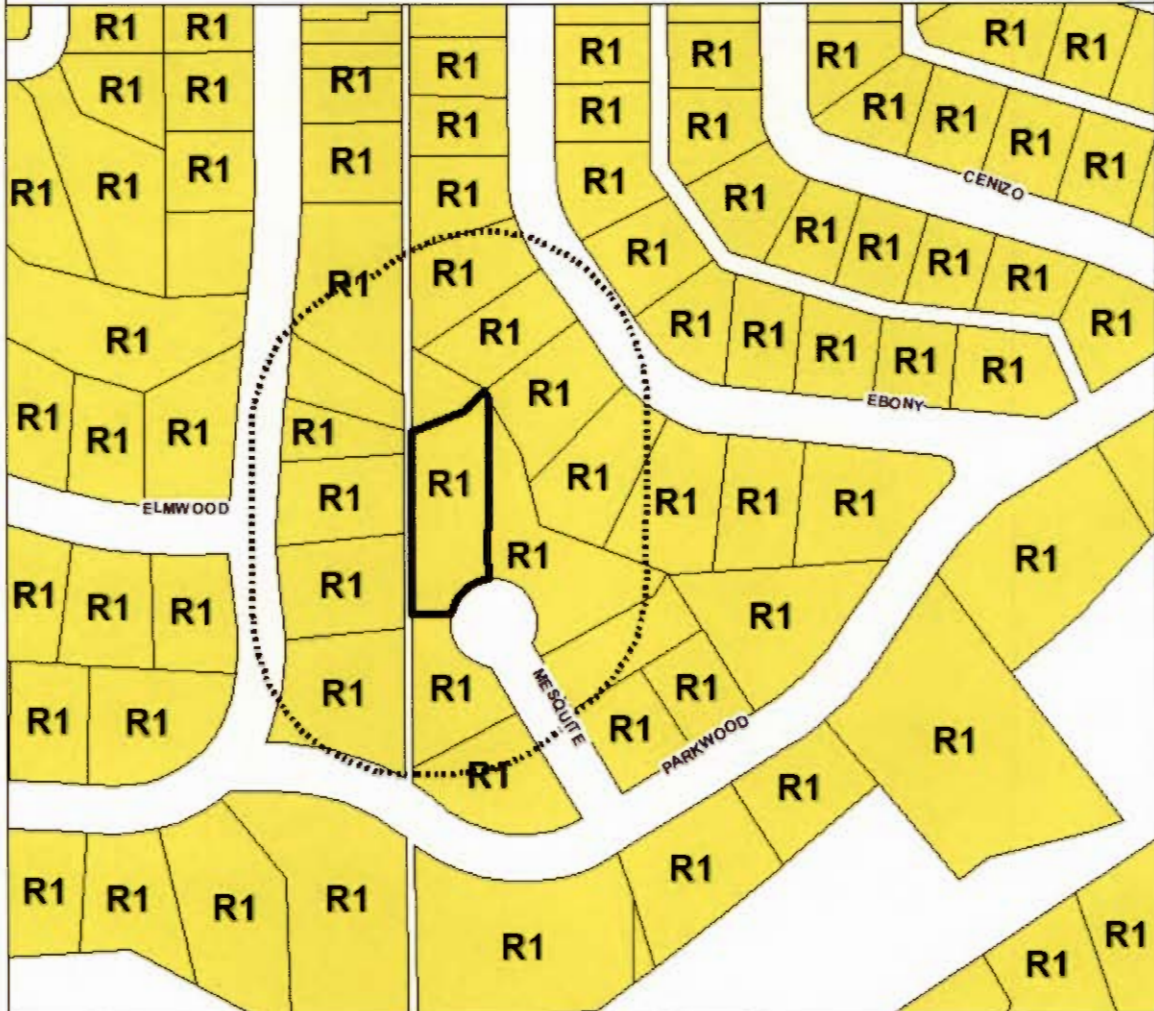
The home will allow all its residents to live as independently as possible, and 24-hour care and supervision will be provided to seniors who need assistance with activities of daily living. Our residents will be part of the community, sitting outside enjoying coffee, chatting with neighbors, taking walks (if able), and participating in holiday decorations and activities. We'd love for our residents to be known as the neighborhood Grandparents.

The City of Harlingen currently has two licensed homes that offer the same care: one at 2509 Clifford St, Harlingen, TX 78550, and the other at 27927 Palm Blvd, Harlingen, TX 78552. Both are licensed for 16 beds.

ATTACHMENT III



Request for a Special Use Permit (SUP) to allow an assisted living facility in a Residential, Single-Family ("R-1") District, located at 1901 Mesquite, bearing a legal description Lot 20, Block 2, Parkwood Subdivision. Applicant: Veronica Gutierrez



Boundary lines

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

Zoning Designations

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

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 05.22.2025

ATTACHMENT IV



PROJECT 2010
HARLINGEN ASSISTANT LIVING
HARLINGEN, TX



A100

ATTACHMENT V



SITE PLAN
DATE: 1/1/11

REVISION	DATE	DESCRIPTION
1	1/1/11	INITIAL DESIGN
2	1/1/11	REVISED DESIGN
3	1/1/11	FINAL DESIGN



PROJECT: 2011-11
HARLINGEN ASSISTANT LIVING
HARLINGEN, TX

NO.	DATE	DESCRIPTION
1	1/1/11	INITIAL DESIGN
2	1/1/11	REVISED DESIGN
3	1/1/11	FINAL DESIGN

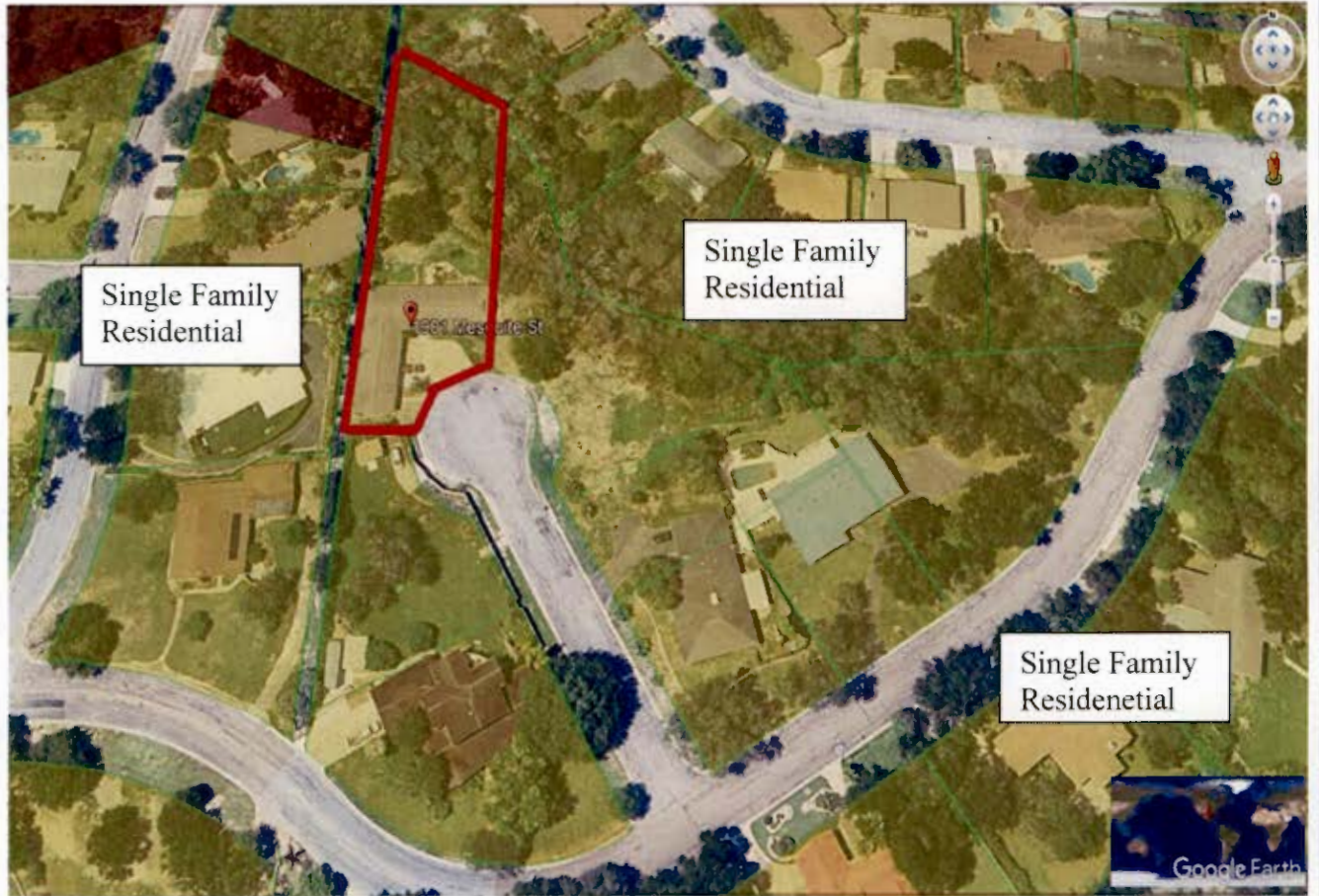
A000

ATTACHMENT VI

View from the South on
Mesquite Drive



ATTACHMENT VII





Specific Use Permit ("SUP") Routing Slip

Applicant: Veronica Gutierrez

Phone No.: (956)281-4959

Location: 1901 E. Mesquite Drive

Project Description: Request for a Special Use Permit (SUP) to allow an Assisted Living Facility

Department: Building Permits and Inspections Department

Approval: ☐ YES ☐ NO ☒ PENDING

Comments: If request is approved by the Planning Department, A Building Permit application and complete set of construction documents (Architectural and Engineering Plans) for the proposed use must be submitted to the Building Department. The construction documents must comply with the 2018 International Building Code and Family of Codes. Windstorm Engineered plans are required with min. 140 mph wind speeds. The city commission adopted the new 2024 family of codes which will take effect on October 1, 2025. Any building permit applications received after that date will have to follow the new codes.

Raul Rodriguez

Signature

06/06/2025

Date



Specific Use Permit ("SUP") Routing Slip

Applicant: Veronica Gutierrez

Phone No.: (956) 281-4959

Location: 1901 E Mesquite Street

Project Description: Request for a Special Use Permit ("SUP") to allow an Assisted Living Facility.

Department: Fire Prevention Bureau

Approval: X YES NO

Comments: Applicant will have to meet any code, regulation, ordinance, and standard required for a permit.

Fire Marshal Juan Saucedo Jr.

Juan Saucedo Jr.

Date: May 28, 2025



Specific Use Permit ("SUP") Routing Slip

Applicant: Veronica Gutierrez

Phone No.: (956)281-4959

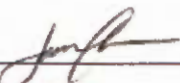
Location: 1901 E. Mesquite Drive

Project Description: Request for a Special Use Permit (SUP) to allow an Assisted Living Facility

Department: Health

Approval: ☒ YES ☐ NO

Comments: SUP approved with the conditions that the site plans submitted show proper cooking equipment, 3 compartment sinks, hand wash sink, mop sink, refrigeration equipment and grease trap or grease interceptor location. If establishment plans on having two kitchens, site plans will need to show both kitchens with cooking equipment for both.



Signature

6-5-2025

Date

ORDINANCE NO. 25-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: A SPECIAL USE PERMIT ISSUED TO VERONICA GUTIERREZ TO ALLOW AN ASSISTED LIVING FACILITY IN A RESIDENTIAL, SINGLE FAMILY ("R-1") DISTRICT LOCATED AT 1901 E. MESQUITE DRIVE, BEARING A LEGAL DESCRIPTION OF LOT 20, BLOCK 2, PARKWOOD SUBDIVISION, 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 in Exhibits "A" and "B":

Special Use Permit (SUP) issued to Veronica Gutierrez to allow an assisted living facility in a residential, single family ("R-1") District located at 1901 E. Mesquite Drive, bearing a legal description of Lot 20, Block 2, Parkwood Subdivision.

A copy of the Zoning Map constituting a part and parcel of the Code of Ordinances, as filed with the Chief Building Official 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 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 Special Use Permit is made contingent upon construction being complied in accordance with the site plan, a true and correct copy of which is attached hereto and

incorporated herein by reference as Exhibit "A" and shall comply with the conditions as listed below:

1. Must obtain and maintain the proper State and City permits;
2. Must provide and maintain the required parking spaces in accordance with city regulations; and
3. Comply with the requirements administered by the Planning and Zoning, Building Inspections and Fire Prevention Departments.

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 _____, 2025 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

Norma Sepulveda, Mayor

ATTEST:

Hermelinda Gonzalez, Interim City Secretary

Exhibit "A"



PROJECT 2004-01
HARLINGEN ASSISTANT LIVING
HARLINGEN, TX

DATE: 01/10/04
DRAWN BY: J. LANEY
CHECKED BY: J. LANEY
APPROVED BY: J. LANEY

A100

Exhibit "B"



REVISIONS	
NO. 1	ISSUED FOR PERMITTING
NO. 2	ISSUED FOR CONSTRUCTION
NO. 3	ISSUED FOR CONSTRUCTION
NO. 4	ISSUED FOR CONSTRUCTION
NO. 5	ISSUED FOR CONSTRUCTION
NO. 6	ISSUED FOR CONSTRUCTION
NO. 7	ISSUED FOR CONSTRUCTION
NO. 8	ISSUED FOR CONSTRUCTION
NO. 9	ISSUED FOR CONSTRUCTION
NO. 10	ISSUED FOR CONSTRUCTION



PROJECT 2021-001
HARRINGTON ASSISTANT LIVING
HARRINGTON, TX

A000

10(d)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **June 18, 2025**

Agenda Item:

Consideration and possible action to approve an ordinance on first reading for a request to rezone from Not designated ("N") District to General Retail ("GR") District for 4.5 acres of land out of Lots 1-9, Block 4, Midway Subdivision, located at the southeast corner of Grace and Gayle Avenues. Applicant: Chris Hamby c/o LMB Properties, LTD ET AL. Attachment (***Planning & Development***)

Prepared By: Soledad A. Núñez, CNU-A
Title: Interim Planning & Development Director

Signature: *Soledad A. Núñez*

Brief Summary:

Project Timeline

- May 22, 2025 – Application for rezoning submitted to the City. (**ATTACHMENT I**).
- May 28, 2025 – In accordance with State and local law, notice of the required public hearing was mailed to all property owners within a 200 feet radius of subject tract.
- May 31, 2025 – In accordance with State and local law, notice of the required public hearing was published in the Valley Morning Star.
- June 11, 2025 – Public hearing and consideration of the requested rezoning by the Planning and Zoning Commission (P&Z).
- June 18, 2025 – Public hearing and consideration of requested rezoning via 1st ordinance reading scheduled before the City Commission.
- July 3, 2025 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- The applicant is requesting to rezone the subject property from Not designated, ("N") District to General Retail ("GR") District to allow for the development of a new facility for the South Texas Career Institute school. (**ATTACHMENT I**).
- The subject property is located at the southeast corner of N. 77 Sunshine Strip and Grave Avenue. The property is currently vacant. (**ATTACHMENT III**). The land has approximately 653.40 feet of frontage along Grace Avenue and approximately 300 feet of frontage along U.S. Expressway 77 Frontage Road.
- The surrounding properties are zoned Planned Development ("PD") district to the north and east, General Retail ("GR") District to the south, and to the west is County. Surrounding land uses include the Encore Sunshine RV Park to the north and east and La Sierra Event Center to the south. (**ATTACHMENT IV**)

- The Future Land Use Plan component of the City of Harlingen's Vision 2020 Comprehensive Plan shows this area as Retail/Commercial/Office. The request is consistent with the Future Land Use Plan. **(ATTACHMENT VII).**

Funding (if applicable):

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

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

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

Staff Recommendation:

Staff recommends approval of the rezoning request.

City Manager's approval: *GH* ☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval: ☐ Yes ☐ No ☐ N/A

Attachment I - Application

CITY OF HARLINGEN PLANNING AND DEVELOPMENT DEPARTMENT MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 45-?? Frontage Rd TX Nearest Intersection Geo ID: 206317 Loop 499 & Hwy 77
(Proposed) Subdivision Name Midway Subdivision Lot 1-9 Block 5
Existing Zoning Designation Non-designated Future Land Use Plan Designation Light Industrial

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Chris Hardy Phone (956) 425-6953 FAX _____
Email Address (for project correspondence only): chashby2136@xol.com
Mailing Address P.O. Box 532845 City Hm State TX Zip 78553
Property Owner LMB Partnership LTD ET AL Phone _____ FAX _____
Email Address (for project correspondence only): 21
Mailing Address _____ City _____ State _____ Zip _____

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

- | | |
|---|---|
| ☐ Annexation Request..... <u>No Fee</u> | ☐ Preliminary Construction Plans and Final Plat..... <u>\$150.00</u> |
| ☐ Administrative Appeal (ZBA)..... <u>\$125.00</u> | ☐ Minor Plat..... <u>\$100.00</u> |
| ☐ Comp. Plan Amendment Request..... <u>\$250.00</u> | ☐ Re-Plat..... <u>\$250.00</u> |
| ☒ Re-zoning Request..... <u>\$250.00</u> | ☐ Vacating Plat..... <u>\$250.00</u> |
| ☐ SUP Request/Renewal..... <u>\$250.00</u> | ☐ Development Plat..... <u>\$50.00</u> |
| ☐ Zoning Variance Request (ZBA)..... <u>\$250.00</u> | ☐ Subdivision Variance Request..... <u>\$25.00 (each)</u> |
| ☐ PDD Request..... <u>\$250.00</u> | ☐ Right-of-Way / Utility Easement Abandonment..... <u>No Fee</u> |
| ☐ License to Encroach..... <u>\$250.00</u> | |

Please provide a basic description of the proposed project: 4.17 acres

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

Applicant's Signature: [Signature] Date: 5/20/25
Property Owner(s) Signature: [Signature] Date: May 20, 2025
Accepted by: _____ Date: _____

RE-ZONING REQUEST SUBMITTAL CHECKLIST

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

Complete

A metes and bounds description or survey plat of the tract(s) in which the re-zoning is requested.

A written statement describing the proposed use(s) of the subject property (can be provided on Master Application).

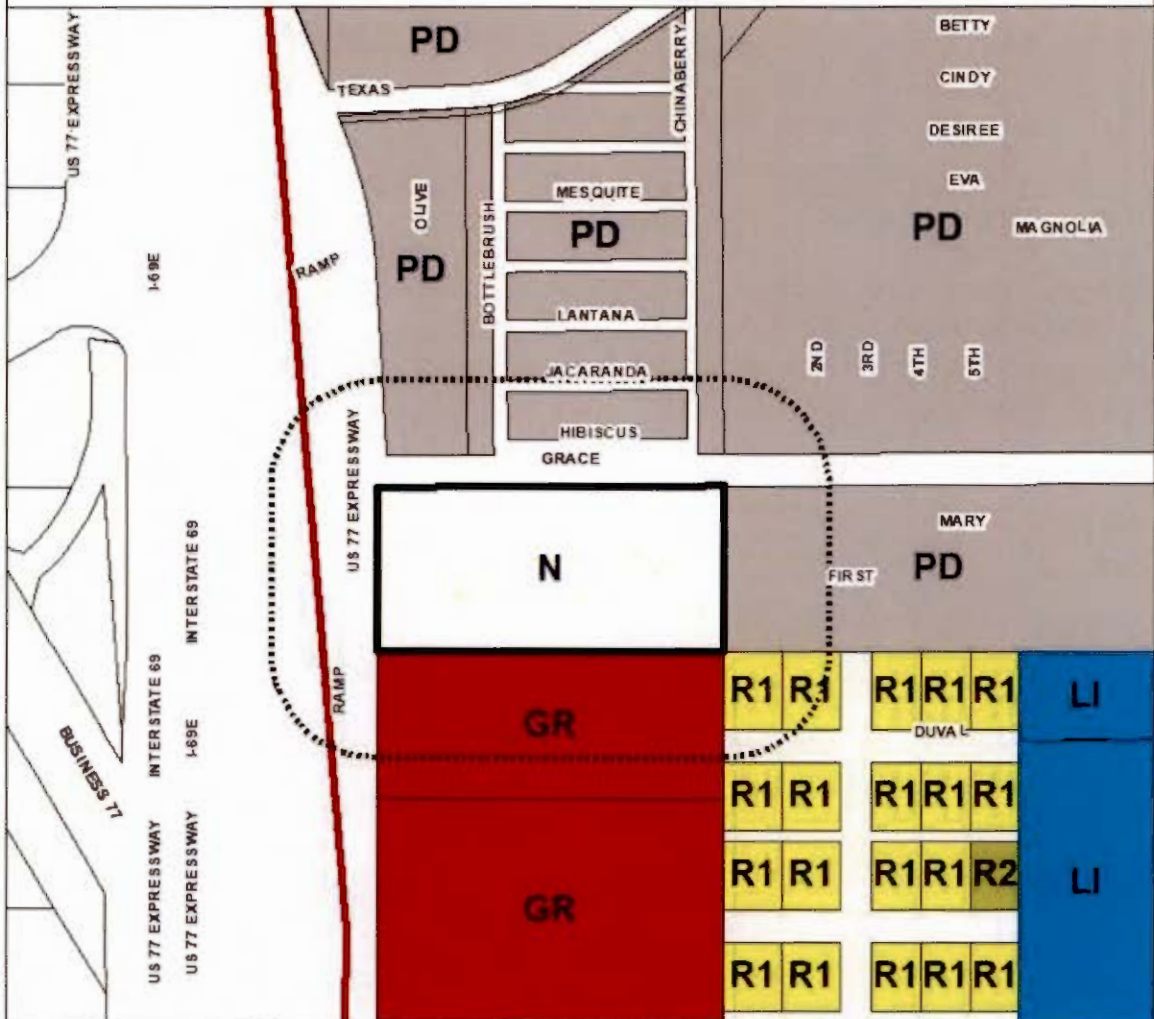
Any other information (elevation drawings, pictures, etc.) in support of the subject request.

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

Owner: LMB Partnership LTD ETAL Date: 5/20/25
Owner Address: P.O. Box 593 Mission, TX 78537
Phone/Fax: (956) 778-3255
Signature: [Signature]



Request to rezone from Not-designated ("N") District to General Retail ("GR") District for 4.5 acres of land out of Lots 1-9, Block 4, Midway Survey, located at the southeast corner of Grace and Gayle Avenues. Applicant: Chris Hamby c/o LMB Properties, LTD ET AL



North Arrow

0 90 180 Feet

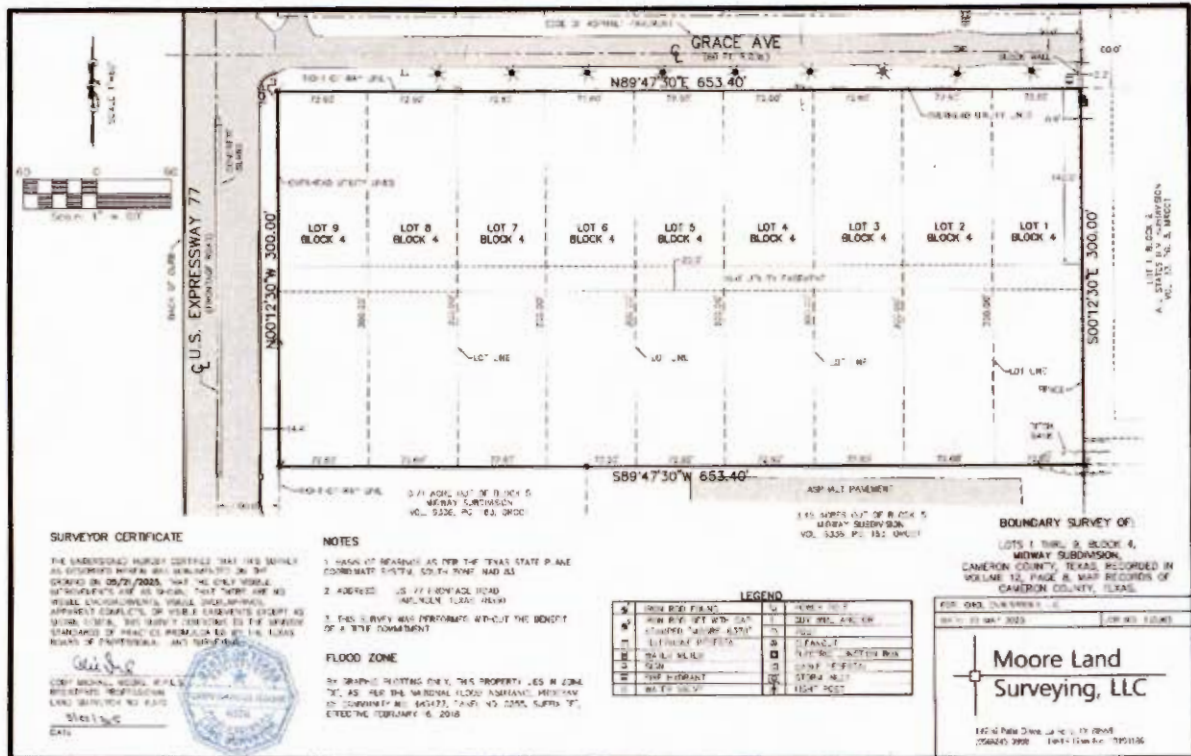
Boundary lines

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

Zoning Designations

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

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 05.20.2025

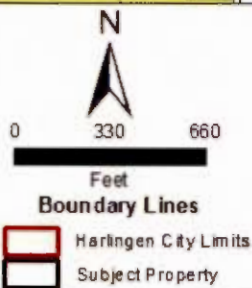
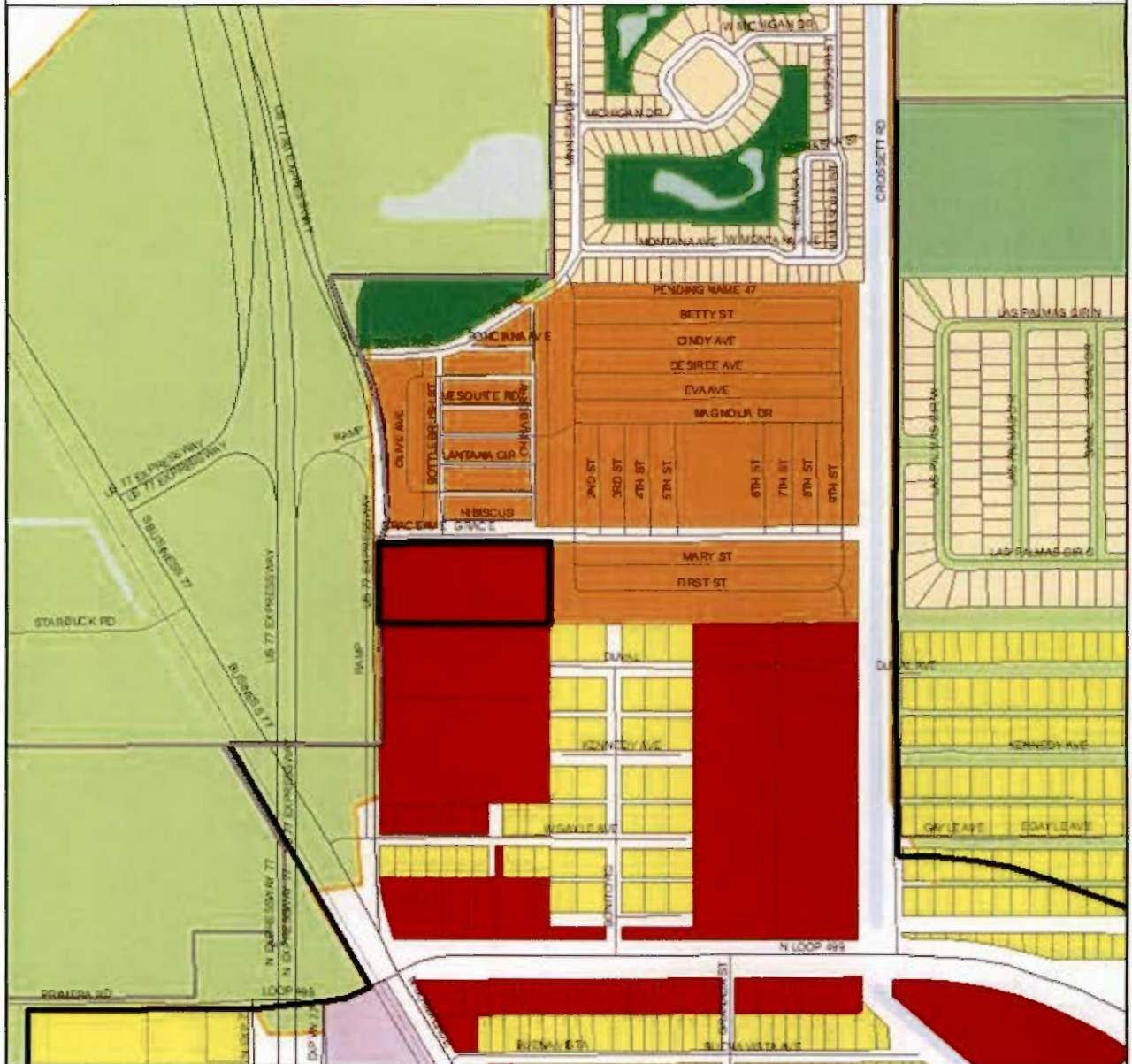






Future Land Use Map

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



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	

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 PURPOSE. THE MAP DATA IS COMPILED FROM VARIOUS SOURCES INCLUDING ORTHOPHO TO IMAGERY, ENGINEERING PLANS AND PLATS, SURVEY FIELD NOTES AND OTHER SOURCES. THIS MAP IS INTENDED FOR GRAPHIC REPRESENTATION ONLY. NO WARRANTY IS MADE BY THE CITY OF HARLINGEN REGARDING ITS ACCURACY OR COMPLETENESS. BEFORE RELYING ON ANY INFORMATION ON THE MAP, CHECK WITH THE PLANNING DEPARTMENT.

**Street View from US 77 Frontage
Road**



Street View from Grace Avenue



AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: REZONING FROM NOT DESIGNATED ("N") DISTRICT TO GENERAL RETAIL ("GR") DISTRICT FOR 4.5 ACRES OUT OF LOTS 1-9, BLOCK 4, MIDWAY SUBDIVISION, LOCATED ON THE SOUTHEAST CORNER OF U.S. 77 FRONTAGE ROAD AND GRACE AVENUE. APPLICANT: CHRIS HAMBY C/O LMB PARTNERSHIP LTD ET AL

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 General Retail ("GR") District for 4.5 acres out of Lots 1- 9, Block 4, Midway Subdivision, located on the southeast corner of U.S. 77 Frontage Road and Grace Avenue as shown in Exhibit "A".

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 _____, 2025 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.

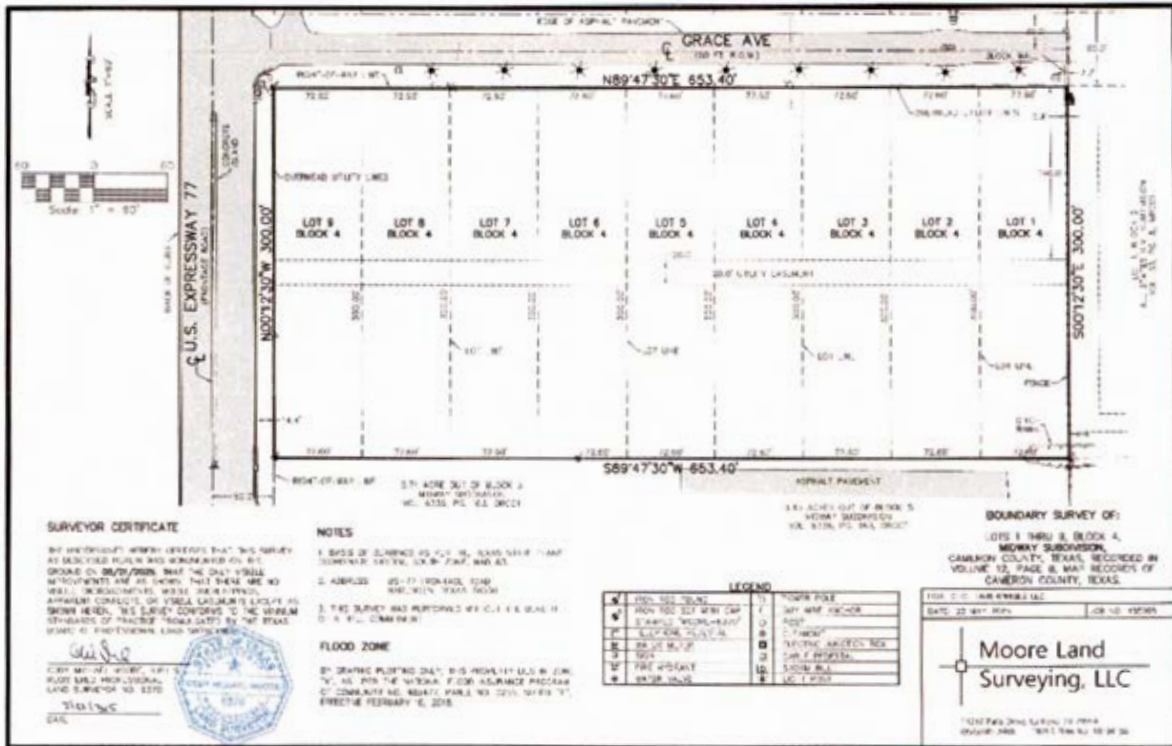
CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Hermelinda Gonzales, Interim City Secretary

Exhibit "A"



SURVEYOR CERTIFICATE

I, the undersigned, hereby certify that this survey was conducted in accordance with the provisions of the Texas Surveying Act, Chapter 81, Texas Occupations Code, and that the survey was completed on 02/15/2016. I am a duly licensed Professional Land Surveyor in the State of Texas, License No. 6370.

DATE: 02/15/2016

BY: [Signature]

NOTES

1. BASIS OF SURVEY: AS PER THE SURVEYOR'S FIELD BOOK, THE SURVEY WAS CONDUCTED ON 02/15/2016, AND THE SURVEY WAS COMPLETED ON 02/15/2016.
2. ADDRESS: 11202 FAY DRIVE, SUITE 100, FAYETTEVILLE, TEXAS 75455.
3. THIS SURVEY WAS PERFORMED FOR THE CLIENT, MOORE LAND SURVEYING, LLC, AND THE CLIENT'S REPRESENTATIVE, MOORE LAND SURVEYING, LLC.

FLOOD ZONE

1. THE FLOOD ZONE IS SHOWN ON THE MAP, AND THE FLOOD ZONE IS SHOWN ON THE MAP.
2. THE FLOOD ZONE IS SHOWN ON THE MAP, AND THE FLOOD ZONE IS SHOWN ON THE MAP.
3. THE FLOOD ZONE IS SHOWN ON THE MAP, AND THE FLOOD ZONE IS SHOWN ON THE MAP.

LEGEND	
1	IRON PIPE
2	WOOD PIPE
3	CONCRETE PIPE
4	STEEL PIPE
5	ALUMINUM PIPE
6	PLASTIC PIPE
7	GLASS PIPE
8	OTHER PIPE

BOUNDARY SURVEY OF:

LOTS 1 THROUGH 8, BLOCK 4, **MIDWAY SUBDIVISION**, **CAMERON COUNTY, TEXAS**, RECORDED IN **VOLUME 12, PAGE 8, MAP** RECORDS OF **CAMERON COUNTY, TEXAS**.

DATE: 02/15/2016

BY: [Signature]

Moore Land Surveying, LLC

11202 FAY DRIVE, SUITE 100, FAYETTEVILLE, TEXAS 75455

Public hearing and take action to consider a request to rezone from Not designated (“N”) District to General Retail (“GR”) District for 4.5 acres of land out of Lots 1-9, Block 4, Midway Survey, located at the southeast corner of Grace and Gayle Avenues. Applicant: Chris Hamby c/o LMB Properties, LTD ET AL

Interim Planning and Development Director, Soledad Núñez, presented the following information related to the request to rezone, as follows:

- The Legal Notice Map with the Subject Property highlighted was presented.
- They are proposing to develop into a new facility for the South Texas Career Institute school.
- The Subject Property is located on the southeast corner of US Frontage Road 77 and Grace Avenue. It has 653.40 feet of frontage on Grace Avenue and 300 feet along U.S. 77 Frontage.
- Surrounding properties are zoned Planned Development (PD) to the north and east, to the south is Commercial (General Retail, GR) and to the west is County.
- An Aerial View of the property was presented. The Encore Sunshine RV Park to the north and east, Single Family Residential homes to the east and south as well, and La Sierra Event Center directly south of that property and then the Frontage Road.
- A Street View from US 77 Frontage Road was presented.
- A Street View from Grace Avenue was presented.
- The Future Plan Use component of the City of Harlingen’s Vision 2020 Comprehensive Plan shows this area as Retail, so it is in line with the Future Land Use Plan Z shown on the map.
- Staff did not receive any calls regarding this Rezoning Request. Staff did mail out about ten (10) notices.
- Staff is recommending approval of the Rezoning Request.

Chairman Consiglio asked if there were any questions for Ms. Núñez. Upon hearing none, he proceeded to the Public Hearing.

The Public Hearing was opened. The Chairman asked if anyone would like to speak on this item, asking that they please approach the podium. Upon seeing none, the Chairman closed the Public Hearing. The Chairman asked if there was a motion.

Cmr. Perez made the motion to approve. Cmr. Flores seconded the motion. The Chairman asked if there was any further discussion and upon hearing none moved the motion to a vote. The motion passed unanimously.

**AGENDA ITEM
EXECUTIVE SUMMARY**

10(e)

Meeting Date: **June 18, 2025**

Agenda Item:

Consideration and possible action on a presentation by McGriff on the City of Harlingen Analysis for Employee Health Insurance and Ancillary Policies for FY 2026. (**City Manager**)

Prepared By (Print Name): **Gabriel Gonzalez**

Title: **City Manager**

Signature:



Brief Summary:

Scott Gibbs, representative from McGriff will provide a presentation to the City Commission regarding the analysis and evaluation of the City of Harlingen's employee health insurance and ancillary policies for Fiscal Year 2026. The presentation will include an overview of current coverage, claims trends, cost projections, and plan performance, as well as potential options or recommendations for the upcoming fiscal year. This item is intended to provide the Commission with the necessary information to consider potential changes or enhancements to employee benefit offerings.

Funding (if applicable):

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

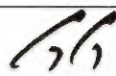
*If no, specify source of funding and amount requested:

Finance Director's approval:

☐ Yes ☐ No ☐ N/A

Staff Recommendation:

City Manager's approval:



☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:

☐ Yes ☐ No ☐ N/A



Claims Update & Health Insurance FY 2026 Renewal – City Commission

Presented by: Scott Gibbs, Executive Vice President

Contents

Claims Update

RFP# 2025-05: Employee Health Insurance
FY 2026- Timeline

RFP# 2025-05: Employee Health Insurance
FY 2026- Bid List

RFP# 2025-05: Employee Health Insurance
FY 2026 Results

Partially Self-Funded Analysis

Ancillary Coverage Renewals

Recommendations



Active & Retiree Breakdown - Rolling 12 City of Harlingen

Oct 1, 2024 - Apr 30, 2025

Active/COBRA

	Subs	Mbrs	Medical	Pharmacy	Premium
May	789	1,289	\$ 412,342.04	\$ 157,113.22	\$ 678,673.63
June	793	1,300	436,672.68	151,107.76	680,251.48
July	793	1,297	279,425.49	157,544.65	682,316.74
August	787	1,288	327,230.02	163,377.51	677,910.77
September	785	1,290	573,491.05	165,063.95	677,746.41
October	782	1,281	531,769.24	184,870.47	704,894.80
November	785	1,287	529,499.18	158,472.38	706,143.29
December	785	1,285	699,561.40	150,136.87	702,375.12
January	785	1,284	209,784.52	159,067.41	706,282.28
February	792	1,289	320,972.69	130,860.37	707,270.76
March	797	1,294	325,717.12	148,917.99	712,289.29
April	818	1,316	499,791.91	122,863.60	726,469.38
Total	9,491	15,500	\$ 5,146,257.34	\$ 1,849,396.18	\$ 8,362,623.95

Retiree

Subs	Mbrs	Medical	Pharmacy	Premium
39	42	\$ 4,340.69	\$ 15,571.06	\$ 24,810.69
38	41	(752.49)	20,469.53	24,210.77
38	41	7,207.95	14,083.01	24,210.77
37	40	4,779.30	23,355.06	23,610.85
35	38	12,258.07	12,162.03	22,411.01
35	38	15,441.96	21,966.82	23,531.71
34	36	9,451.31	14,194.31	22,115.72
34	36	5,989.72	9,038.01	22,115.72
33	35	3,075.93	14,121.30	21,485.80
34	38	4,647.14	15,567.14	23,512.60
34	36	6,040.20	27,551.92	22,115.72
34	36	50,562.84	17,455.24	22,115.72
425	457	\$ 123,042.62	\$ 205,535.43	\$ 276,247.08

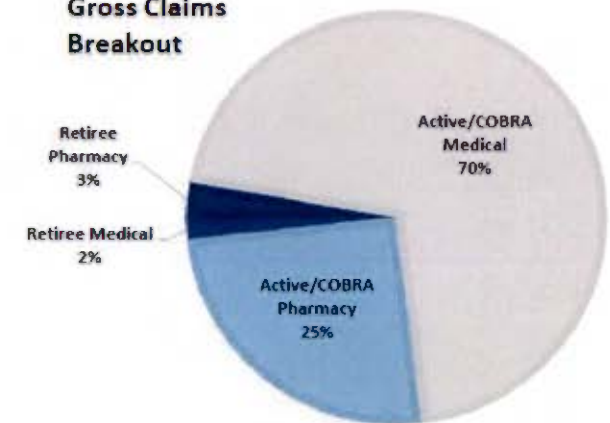
Gross Claims	\$6,995,653.52
Premium	\$8,362,623.95
Loss Ratio	83.65%
Avg Members Per EE	1.63
Avg Employees Per Month	791
Total Net Claims PEPM	\$737.08
Avg Members Per Month	1292
Total Net Claims PMPM	\$451.33

\$328,578.05
\$276,247.08
118.94%
1.08
35
\$773.12
38
\$718.99

All Plans

Gross Claims	\$7,324,231.57
Premium	\$8,638,871.03
Loss Ratio	84.78%
Avg Members Per EE	1.61
Avg Employees Per Month	826
Total Net Claims PEPM	\$738.63
Avg Members Per Month	1330
Total Net Claims PMPM	\$459.00

Gross Claims Breakout



Medical & Pharmacy 5-Year Review City of Harlingen

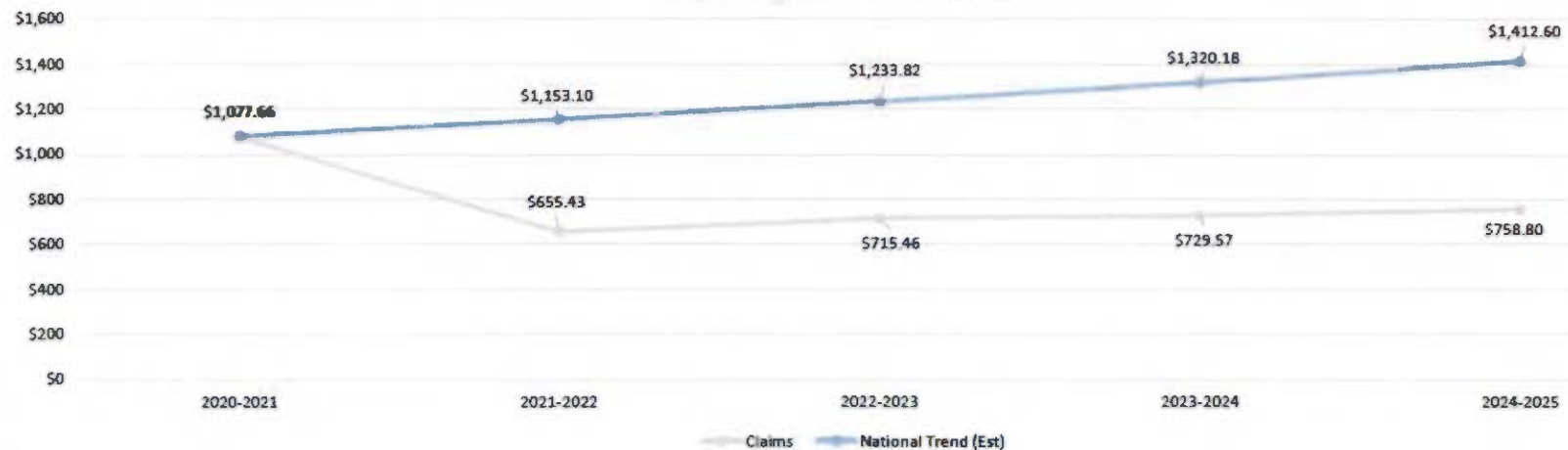
Oct 1, 2024 - Apr 30, 2025

	2020-2021		2021-2022		2022-2023		2023-2024		2024-2025	
	BCBS		BCBS		UHC		UHC		UHC	
	Fully Insured		Fully Insured		Fully Insured		Fully Insured		Fully Insured	
	Med/Rx	Premium	Med/Rx	Premium	Med/Rx	Premium	Med/Rx	Premium	Med/Rx	Premium
October	\$ 427,973	\$ 578,320	\$ 81,464	\$ 649,664	\$ 989,628	\$ 656,840	\$ 462,215	\$ 691,709	\$ 754,048	\$ 728,427
November	1,228,323	571,641	475,346	653,303	697,864	672,980	692,555	697,086	711,617	728,259
December	786,225	571,650	652,732	649,952	669,418	671,822	669,841	695,157	864,726	724,491
January	746,449	568,528	633,661	650,416	356,074	667,593	566,356	694,342	386,049	727,768
February	678,421	572,573	767,318	643,491	404,854	656,361	519,667	689,309	472,047	730,783
March	1,790,725	567,259	541,446	637,598	567,053	651,159	746,429	696,501	508,227	734,405
April	666,254	565,076	625,230	635,595	378,896	648,933	538,399	703,561	690,674	748,585
May	424,092	563,186	633,673	636,987	496,068	653,354	589,367	703,484	-	-
June	777,784	563,875	467,110	628,388	647,054	656,152	607,497	704,462	-	-
July	839,735	556,901	479,489	622,701	392,551	658,794	458,261	706,528	-	-
August	847,671	560,944	314,074	618,069	546,020	659,034	518,742	701,522	-	-
September	1,087,741	559,862	419,999	618,306	582,836	651,426	762,975	700,157	-	-
Total	\$ 10,301,392	\$ 6,801,816	\$ 6,091,542	\$ 7,644,470	\$ 6,730,315	\$ 7,904,450	\$ 7,132,305	\$ 8,383,819	\$ 4,387,389	\$ 5,122,718
Gross Claims	\$10,301,391.87		\$6,091,542.36		\$6,730,315.16		\$7,132,305.15		\$4,387,388.99	
Premium	\$6,801,816.26		\$7,644,469.72		\$7,904,449.70		\$8,383,818.68		\$5,122,717.91	
Loss Ratio	151.45%		79.69%		85.15%		85.07%		85.65%	
Avg Members Per EE	1.80		1.77		1.69		1.63		1.61	
Total Net Claims PEPM	\$1,077.66		\$655.43		\$715.46		\$729.57		\$758.80	
Percent Over Prior	N/A		39.2% ▼		9.2% ▲*		2.0% ▲*		4.0% ▲*	
Average Mbrs Per Month	1432		1367		1323		1327		1327	
Total Net Claims PMPM	\$599.30		\$371.34		\$424.09		\$447.95		\$472.22	
Percent Over Prior	N/A		38.0% ▼		14.2% ▲*		5.6% ▲*		5.4% ▲*	

* Over the past 5 years, City of Harlingen's Medical and Pharmacy PEPM has decreased -29.59%.

* According to National Trend, Medical and Pharmacy claims should expect to see a 28% to 35% increase over 5 years.

Actual Claims vs. National Trend



RFP# 2025-05: Employee Health Insurance FY 2026 Timeline

RFP Timeline-

- March 31, 2025, RFP Release date
- April 10, 2025, Deadline to submit requests for interpretations/questions
- April 14, 2025, Deadline to respond with interpretations to questions
- April 22, 2025, Sealed proposals due at 2:00 pm at the Purchasing Office
- April 22, 2025, Sealed proposals will be publicly opened at 3:00 pm
- May 21, 2025, BAFO Requested
- May 28, 2025, BAFO Due
- June 18, 2025, Presentation to City Commission

RFP# 2025-05: Employee Health Insurance FY 2026 Bid List

Carrier	AM Best	Financial Size	Negotiated Credits
BlueCross BlueShield	A+ (Superior)	XV (Greater than or equal to \$2 Billion)	<i>*Fully Insured: One -Time Transition Credit \$325K</i> <i>*Wellness Coordinator Program Included in pricing</i>
Curative	A-(Excellent)	VII (Less than \$250 Million)	
Frontier Direct Care	NR	NR	
Texas Health Benefit Pool	NR	NR	
United Healthcare	A+ (Superior)	XV (Greater than or equal to \$2 Billion)	<i>*Fully Insured:</i> <i>* 2026 renewal guarantee based on the loss ratio - chart provided</i> <i>*UHC Reward Core Scorecard increase from \$300 to \$1K per covered subscriber and covered spouse</i>

Disclaimer:

The rates and benefits shown in this proposal are for an illustrative comparison only. Please refer to the carrier's certificate of coverage or policy for a complete description of benefits, exclusions, and limitations. In the event of a discrepancy, the carrier's contract will always govern. Rates shown are not final until final underwriting is approved by the carrier.

RFP # 2025-05: Employee Health Insurance FY 2026 Results

Benefits	United Healthcare		BlueCross BlueShield		
	CURRENT UHC - Plan II (DQ5G MOD w/ 010S RX)	Best and Final RENEWAL EYR MOD (EPO Premier) (DQ5G MOD w/ 010S RX)	Best and Final PROPOSED BCBS PPO		Best and Final PROPOSED BCBS HMO
	Choice EPO In Network Only	Choice EPO In Network Only	Blue Choice PPO		Blue Essentials In Network Only
			In Network	Out-of- Network	
Coinsurance	80%	80%	70%	50%	70%
Individual Deductible	\$1,750	\$1,750	\$1,750	\$7,000	\$1,750
Family Deductible	\$3,500	\$3,500	\$3,500	\$14,000	\$3,500
Individual Coinsurance Maximum	\$4,250	\$4,250	\$4,250	\$17,000	\$4,250
Family Coinsurance Maximum	\$8,500	\$8,500	\$8,500	\$34,000	\$8,500
Physician Office Copay	\$25 copay >age 19: \$0 copay	\$25 copay >age 19: \$0 copay	\$25 copay	\$0 copay	\$25 copay
Specialist Office Copay	\$25/\$35 copay*	\$25/\$35 copay*	\$25 copay	\$0 copay	\$25 copay
Urgent Care Copay	\$75 copay	\$75 copay			
Emergency Room Copay	\$500 copay, then 80%	\$500 copay, then 80%	\$500 copay, then 70%		\$500 copay, then 70%
Prescription Drugs					
Retail - (30 day supply)	No deductible	No deductible	No deductible	No deductible	No deductible
Generic	\$10 copay	\$10 copay	\$10 copay	\$10 copay	\$10 copay
Brand Name	\$35 copay	\$35 copay	\$35 copay	\$35 copay	\$35 copay
Non-Formulary	\$70 copay	\$70 copay	\$70 copay	\$70 copay	\$70 copay
Specialty	\$10/\$150/\$500	\$10/\$150/\$500	\$150/\$500	\$150/\$500	\$150/\$500
Mail Order - (90 day supply)	2.5 X Retail	2.5 X Retail	2.5 X Retail		2.5 X Retail
Rates	Current Rates	BAFO Renewal Rates	BAFO Proposed Rates		BAFO Proposed Rates
Employee Only	\$629.92	\$886.61	\$826.77		\$582.39
Employee + Spouse	\$1,415.99	\$1,543.42	\$1,408.91		\$1,309.16
Employee + Child	\$1,328.36	\$1,447.91	\$1,321.72		\$1,228.14
Employee + Family	\$2,190.71	\$2,387.86	\$2,179.78		\$2,025.43
Monthly Total	\$731,421.11	\$797,247.96	\$727,764.19		\$676,235.34
Annual Total	\$8,777,053.32	\$9,566,975.54	\$8,733,170.28		\$8,114,824.08
\$ Over Current		\$789,922.22	-\$43,883.04		-\$662,229.24
% Over Current		9.0%	-0.5%		-7.5%
Notes	*Designated / In-Network Major Diagnostic: Ded. +Coins.		Renewal cap not to exceed 11%		
Wellness	Real Appeal, Quit for Life, Rewards Core, One Pass Select		2026 renewal guarantee based on the loss ratio - chart provided Wellness Consultant for the next 3 years is included in the price.		



The rates and benefits shown in this proposal are for an illustrative comparison only. Please refer to the carrier's certificate of coverage or policy for a complete description of benefits, exclusions, and limitations. In the event of a discrepancy, the carrier's contract will always govern. Rates shown are not final until final underwriting is approved by the carrier.

Assumes a -0.5% BCBS Renewal Moving to BCBS Self-Funding

Group Information

Effective Date: 10/01/2025
Current Premium: \$8,983,021
Renewal Premium: \$8,938,106
Renewal Increase: -0.50%
Subscribers: 852
Members: 1

Self Funded Assumptions

Specific Deductible: \$175,000
Aggregate Corridor: 125%
Aggregating Specific Corridor: \$0
Stop Loss Contract Basis: 12/24

Self Funded vs Fully Insured

\$9,153,737

\$8,938,106

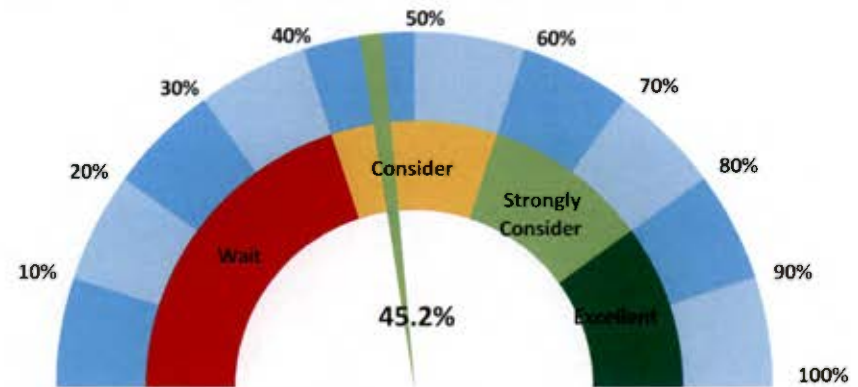
Self Funding

Fully Insured

\$215,631 Loss

Expected SF Liability \$9,153,737
High Claim Year (10% Chance) \$10,047,765
SF Maximum Cost (Agg Hit) \$11,247,237
Fully Insured Premium \$8,938,106

Likelihood of Self Funding Beating Fully Insured Renewal



Self Funded Expense Breakdown

	PEPM	Total
Claims		
Claims < Specific Deductible	\$794.03	\$8,118,117
Claims in Aggregating Specific	\$0.00	\$0
Stop Loss Contract Risk	\$2.11	\$21,526
Aggregate Reimbursement	-\$0.03	-\$331
Total Claims	\$796.10	\$8,139,312
Fixed Expenses		
Administration	\$39.71	\$405,995
Stop Loss Contract Risk	\$146.77	\$1,500,576
Rx Rebates (if applicable)	-\$87.26	-\$892,146
Total Fixed Expenses	\$99.22	\$1,014,425
Expected Self Funded Liability	\$895.32	\$9,153,737

Notes:

This analysis is assuming a mature self funded plan and comparing to fully insured for an apples-to-apples comparison.

Disclaimer: This is an estimate based on actuarial models. This is not a guaranteed outcome. Rather, it is actuarially sound estimate based on historical claims.

Ancillary Coverage Renewals

Dental- Aetna

- Employee Paid
- 8.1% Increase

Vision- Davis Vision

- Employee Paid
- Rates Guaranteed through September 30, 2028



Recommendations

- Remain Fully-Insured
 - Award Contract to BlueCross BlueShield of Texas
 - PPO Network -.5%
 - HMO Network -7.5% (Employee Must Select PCP)
 - 11% Year-2 Rate Cap
 - \$325,000 One-Time Transition Credit
 - Wellness Coordinator Program Included
- Aetna Dental- Approve Renewal at 8.1%

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- This presentation may provide information concerning relevant statutes, rules or regulations and is available for internal use only and under appropriate circumstances, for external use.
- The presentation is representative of the services provided by McGriff or any affiliates.
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- Compliance decisions are the sole responsibility and obligation of the client.

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5080 Spectrum Drive, Suite 900E
Addison, TX 75001
McGriff.com

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**AGENDA ITEM
EXECUTIVE SUMMARY**

10(P)

Meeting Date: **June 18, 2025**

Agenda Item:

Consideration and possible action to approve the preliminary construction plans and final plat with conditions of the proposed Tuscany Hills Subdivision, bearing a legal description of a 73.69-acre tract of land, more or less, out of and forming a part of Blocks 28, 36, and 37 of the Palmetal Subdivision, located south of Grimes Avenue and west of Bob Youker Road. Attachment **(Planning & Development)**

Prepared By: Soledad A., Núñez, CNU-A

Title: Interim Planning & Development Director

Signature: *Soledad A. Núñez*

Brief Summary:

Project Timeline

- September 11, 2024 – Original Preliminary Construction Plans and Final Plat application submitted to the City. **(ATTACHMENT I)**
- September 26th, 2024 – Comments outlining deficiencies sent to Engineer.
- November 1, 2024 – Original Preliminary Construction Plans and Final Plat application resubmitted.
- November 18, 2024 – Comments outlining deficiencies sent to Engineer.
- November 26, 2024 – Original Preliminary Construction Plans and Final Plat application resubmitted.
- December 20, 2024 – Comments outlining deficiencies sent to Engineer.
- January 15, 2025 – Original Preliminary Construction Plans and Final Plat application resubmitted.
- February 4, 2025 – Comments outlining deficiencies sent to Engineer.
- February 12, 2025 – Planned Development rezoning was approved on second and final reading by the City Commission.
- April 21, 2025 – Original Preliminary Construction Plans and Final Plat application resubmitted.
- May 19, 2025 – Comments outlining deficiencies sent to Engineer.
- May 22, 2025 – Original Preliminary Construction Plans and Final Plat application resubmitted.
- May 28, 2025 – Preliminary construction plans and final plat deemed complete.
- June 11, 2025 – Consideration of the preliminary construction plans and final plat with conditions by the Planning and Zoning Commission.
- June 18, 2025 – Consideration of the preliminary construction plans and final plat with conditions by the City Commission.

Summary:

- The proposed Tuscany Hills Subdivision consists of 393 single family residential lots. It is located south of Grimes Avenue and west of Bob Youker Street.

- The proposed development is consistent with the Planned Development zoning.
- Drainage requirements meet the current standard for a 50-year storm.
- Water and wastewater services will be provided by HWWWS.
- Park fees must be paid for the subdivision. Park fees are \$450 per dwelling unit. A total of \$176,850 must be paid in park fees prior to subdivision recording. The fees will go to Park Zone 3 (the northeast zone). **(ATTACHMENT V)**
- All items on the preliminary and final plat checklist will be addressed prior to the recording of the final plat.

Staff Recommendation:

Staff recommends approval of the preliminary construction plans and final plat subject to the following conditions:

1. Compliance with the requirements from the Engineering, HWWWS, Fire Department, and Planning Department please see attached comments **(ATTACHMENT VI-IX)**.

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

City Manager's approval:

GG

☒

Yes

☐

No

☐

N/A

Comments:

City Attorney's approval:

☐

Yes

☐

No

☐

N/A

Attachment I—Subdivision Application

CITY OF HARLINGEN PLANNING AND ZONING DIVISION MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address GRIMES RD. ** see below Nearest Intersection S.E. INTERSECTION OF GRIMES & BOB YOUKER, HARLIGNEN
(Proposed) Subdivision Name TUSCANY HILLS SUBDIVISION Lot _____ Block _____
Existing Zoning Designation LIGHT INDUSTRIAL Future Land Use Plan Designation SINGLE FAMILY RESIDENTIAL
RE-ZONING IN PROGRESS

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent FRANCISCO ARRIAGA Phone 956-410-4399 FAX _____
Email Address (for project correspondence only): frank.arriaga@solidstructures.org
Mailing Address 4200 JAIME J. ZAPATA STE 117 City BROWNSVILLE State TX Zip 78521
Property Owner SOLID DEVELOPMENT INC. Phone 956-410-4399 FAX _____
Email Address (for project correspondence only): frank.arriaga@solidstructures.org
Mailing Address _____ City _____ State _____ Zip _____
PLEASE COPY MY ENGINEER MARIO SALINAS : msalinas6973@att.net IN ALL CORRESPONDANCE

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

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

Please provide a basic description of the proposed project: DEVELOP LAND INTO SINGLE FAMILY RESIDENTIAL SUBDIVISION. ** PROP. ID No. 207046 18.69 AC.

ID No. 207673 40AC.,

ID No. 207071 15AC.,

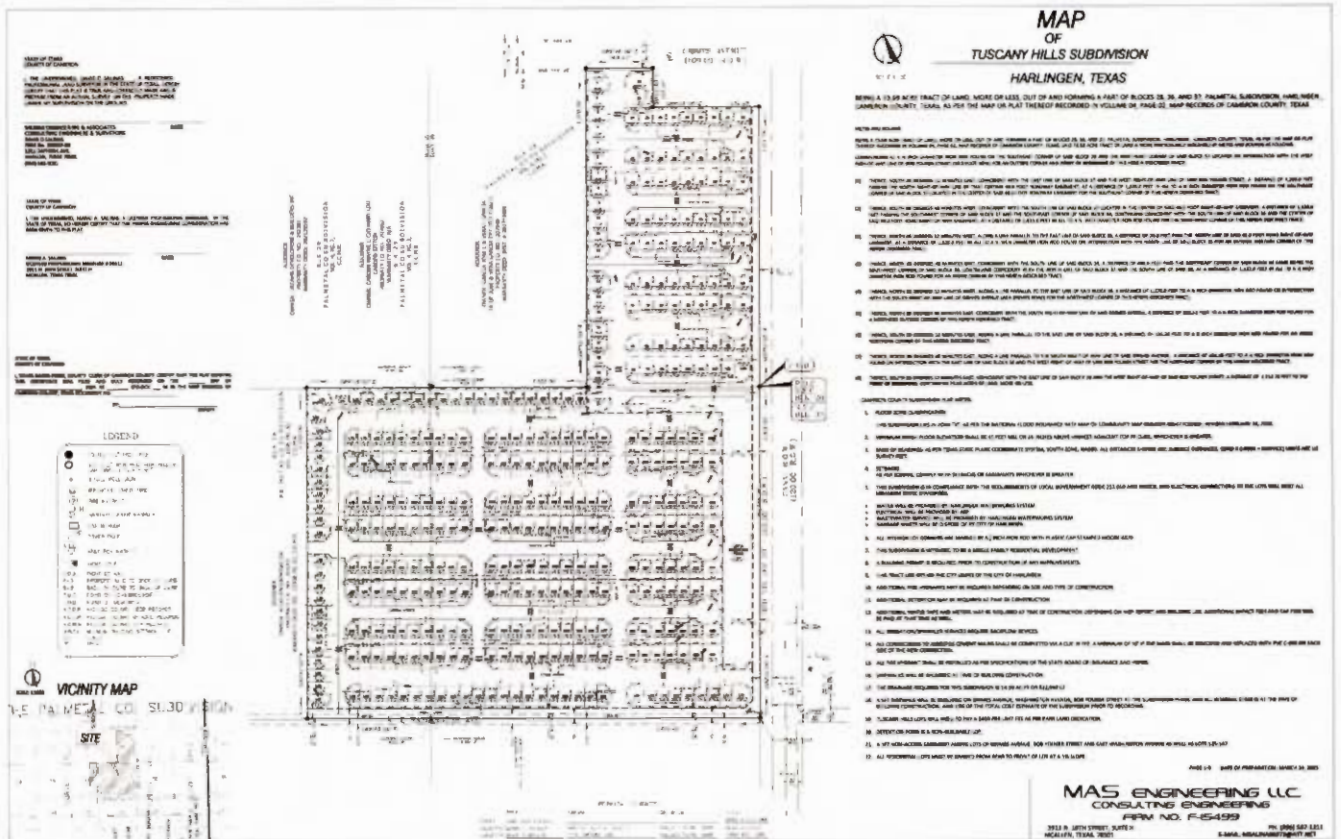
I hereby certify that I am the owner and/or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit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

Applicant's Signature: Frank Arriaga Date: 9/11/2024

Property Owner(s) Signature: Frank Arriaga Date: 9/11/2024

Accepted by: _____ Date: _____

Attachment II —Final Plat



Attachment III — Aerial View

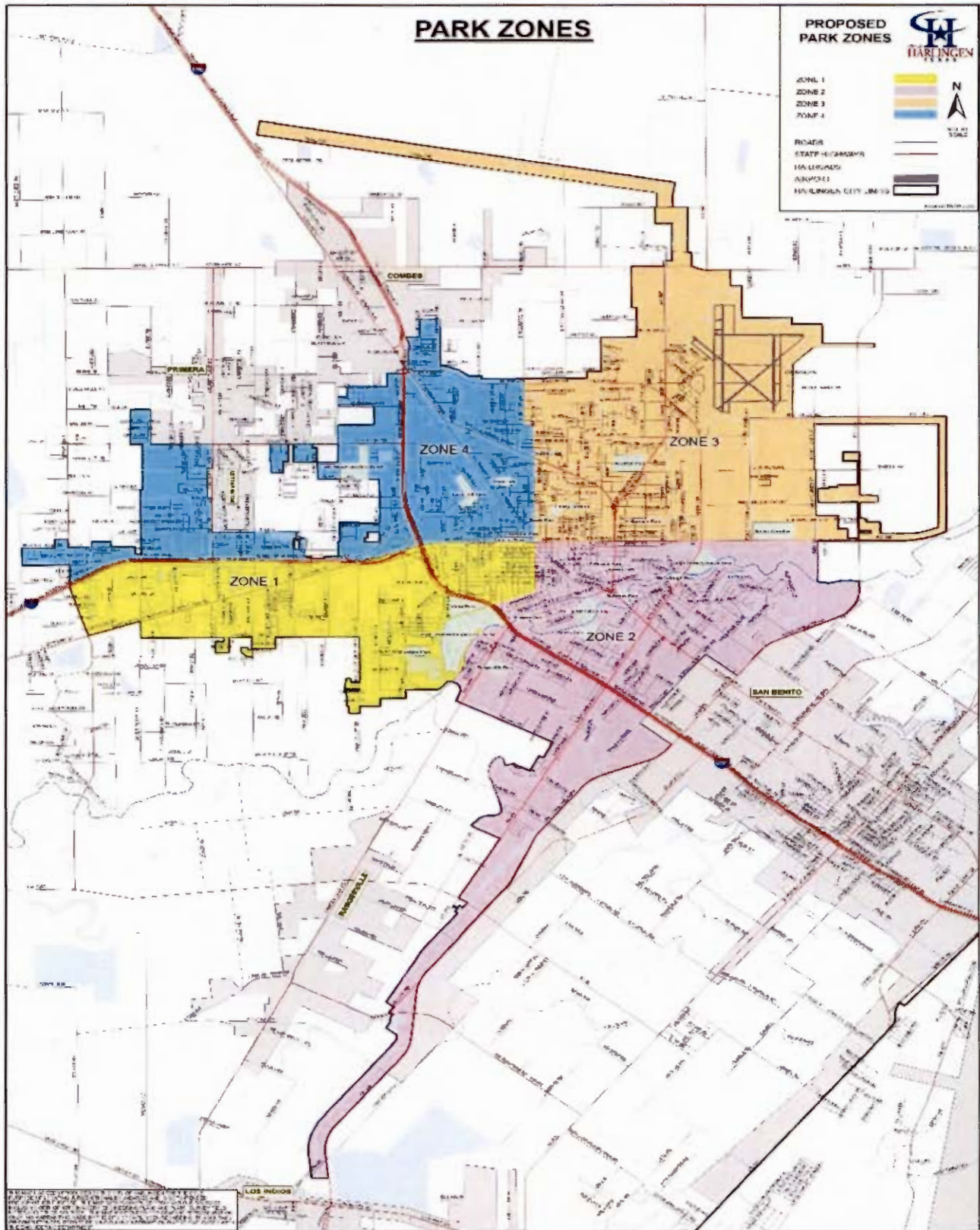


Attachment IV – Street View

View Grimes Avenue



Attachment V



Attachment VI– Planning



Planning and Development Department
502 E. Tyler Avenue
Harlingen, TX 78550
(956) 216-5101

06/05/2025

Mario Salinas, P.E.
MAS Engineering LLC
3911 North 10th Street
McAllen, Texas 78501

Re: Tuscan Hills Subdivision

Dear Mr. Salinas,

City staff reviewed the preliminary plans and final plat of the proposed “**Tuscan Hills Subdivision**” submitted on May 22, 2025. The application is considered complete, subject to a list of conditions from different city departments. If you are in agreement with the listed conditions, please visit the Planning and Development office to pay the \$150.00 subdivision application fee. Once the payment is received, the proposed subdivision will be considered “filed” and staff will place the subdivision in the next scheduled meeting of the Planning and Zoning Commission.

Preliminary and Final:

1. Pursuant to Sec. 109.91 – (c)(3)(a) of the Code of Ordinances Chapter 109 – Subdivisions proposed name of the subdivision printed across the lots and blocks, which shall not have the same name and spelling or be pronounced similar to the name of any other subdivision within the city or within its extraterritorial jurisdiction.
2. Pursuant to Sec. 109.91 – (c)(3)(e) of the Code of Ordinances Chapter 109 – Subdivisions, all new monuments set at subdivision corners shall be set to a sufficient depth to retain a stable and distinctive location, encased in concrete where location permits, shall be marked in a way that is traceable to the responsible surveyor, and shall conform to the appropriate state statutes.
 - a. Please provide elevations for these points.
3. Pursuant to Sec. 109.124-(c)(12) the developer shall improve or pay escrows for 10 feet of additional pavement with curb and gutters and a 5 – foot sidewalk along the Grimes Avenue Boundary.
4. Pursuant to Sec. 109.189 – (c)(1) of the Code of Ordinances Chapter 109 – Subdivisions, provide 24-feet of pavement width; this width has been determined by the city to be the minimum width that will allow for safe and orderly two-way vehicular travel regardless of the level of traffic impact the proposed subdivision has on the perimeter streets. Such streets shall not be allowed to having parking on the side of the street.
 - a. This will apply to Bob Youker and Washington Avenue.
5. Please submit a street sign plan with existing and proposed signage.
6. Please include a street light plan with existing and proposed street lighting.
7. Please coordinate the cluster mailbox with the USPS.
8. Please clarify who is going to own and maintain the detention pond and add a plat note.
9. Please label the centerline for Washington Street.

Attachment VI- Planning

10. Washington Street is a major collector, please provide the required ROW.
11. Please include the signature block for the following:
 - a. Planning & Zoning Chair
12. All other applicable fees must be paid prior to recording of the final plat.

Thank you,

A handwritten signature in blue ink that reads "Soledad A. Núñez". The signature is written in a cursive, flowing style.

Soledad A. Núñez, CNU-A
City Planner



Engineering Department | 24200 FM 509, Harlingen, Texas 78550

June 5, 2025

Roberto Hernandez, PE, CFM
Assistant City Engineer

Mr. Joel Olivo
Assistant Director for Planning and Development
502 E. Tyler Ave., Harlingen, Texas 78550

RE: REVIEW OF TUSCANY HILLS SUBDIVISION PRELIM/FINAL - 6TH SUBMITTAL

Dear Mr. Olivo,

Please find comments below regarding the preliminary construction documents for the above-mentioned subdivision per Section 109-128.(a) of the City of Harlingen City Ordinances.

- ☐ Approved
- ☒ Approved with Conditions
- ☐ Disapproved

Please review and address the following comments:

Construction Plans

- Sizing of storm pipes will be verified during the construction stage review. Provide vertical profiles and show the clearance at the pipe crossings.
- Ensure the proposed subdivision interior streets are not significantly lower than Grimes Road. This will avoid having a "bowl" low spot effect.
- Show the proposed paving improvements for Bob Youker. As per city standards, the minimum running slope of the streets shall be 0.30%.
- Provide the Traffic Impact Analysis if it has been completed or provide a status update to engineering.

Please note that this review shall be for conformance to subdivision regulations and the responsibility and liability for the adequacy of the design shall remain with the Engineer sealing the documents. If you have any questions, please feel free to contact me at (956) 216-5284 or via email at rhernandez@harlingentx.gov.

Sincerely,

Roberto Hernandez

Roberto Hernandez, PE, CFM



Subdivision Review

Subdivision Name: Tuscan Hills – 6th Submittal

Proposed Use: 379 Lot Residential, Single-Family Use
Phase 1: 104 Lots
Phase 2: 118 Lots
Phase 3: 157 Lots

Location: Grimes Ave and Bob Youker St.

Developer: Francisco Arriaga

Engineer: Mas Engineering LLC / (956) 537-1311
msalinas6973@att.net

Approval: ☐ Yes ☒ Yes with Comments ☐ No

- Comments:
1. As per Sec. 109-91 (d) (5) a fire hydrant plan which includes location of existing and proposed fire hydrants. Fire hydrants must be shown to create a coverage network of not more than 500-foot intervals measured along streets or other public access right-of-way for single-family residential subdivisions. Please show a 250-foot radius circle for all hydrants. In all other subdivisions, this distance must be 150-foot radius.
 2. As per Sec. 109-124(c)(9) access points. Any residential subdivision with 30 or more lots must have a minimum of two points of access entrances. Where two entrances are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses. Additional entrances may be required as recommended by a traffic impact analysis. Access points for proposed streets must adhere to TxDOT's Access Management Manual.

Juan Saucedo Jr. Fire Marshal
Departmental Official Signature

(956) 216-5790
Contact Number

Fire Prevention
Department

jsauceda@harlingentx.gov
Contact E-mail

May 28, 2025
Date

Juan Saucedo Jr
Signature



HARLINGEN
WATERWORKS
SYSTEM

**TUSCANY HILLS SUBDIVISION
PLAN SUBMITTAL #6**

May 28, 2025

To: Soledad A. Nunez, Interim Director
Planning & Zoning Dept.
City of Harlingen

From: Joseph A. Lunn, E.I.T., Assistant Utility Engineer
Engineering Dept.
Harlingen Waterworks System

Response:

APPROVED

Joseph A. Lunn

Digitally signed by Joseph A. Lunn
DN: cn=US
E=JALUNN@HWWS.COM,
ou=Harlingen Waterworks Systems,
ou=Engineering Department,
cn=Joseph A. Lunn
Reason: I am the author of this
document.
Date: 2025.05.28 08:30:53 -05'00'

ADDITIONAL COMMENTS:

- All improvements must comply with the HWWS Approved Materials List and latest version of the Standard Details.
- HWWS comments subject to modification based on additional information of future comments issued by the City of Harlingen, changes made to the plans after approval has been given, or if new information is uncovered through field discovery.

NEXT STEPS:

- The awarded bid must be submitted to the HWWS Engineering department for calculation of inspection and pro-rata fees.
- Contractor must submit all material submittals to Rudy Gonzalez of HWWS for review and approval. Please see the attached 'Required Submittals' Form
- Upon receipt of approval from all departments, the final set of plans must be routed to City Engineer (CoH) and Utility Engineer (HWWS) for approval stamps. Construction sets without these stamps will not be permitted for use during construction.
- Once all submittals have been approved, fees have been paid, and plans have been stamped, a Mandatory Pre-Construction Conference may be scheduled with the City and HWWS.

10(9)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **June 18, 2025**

Agenda Item:
Consideration and possible action to approve the One-Year Action Plan (Budget) for Fiscal Year 2025-2026 (Year 51) of the Community Development Block Grant (CDBG) and the Home Investment Partnership (HOME) Programs as recommended by the Community Development Advisory Board. Attachment (<i>Community Development</i>)
Prepared By: Sandee Alvarez-Ybarra, Director
Brief Summary:
Funding (if applicable):
Are funds specifically designated in the current budget for the full amount (Yes/No): YES *If no, specify source of funding and amount requested:
Finance Director's approval (Yes/No/NA):
Staff Recommendation:
Staff recommends approval 
City Manager approval:
Comments:
City Attorney's approval:

**2025-2026 C.D.B.G. AND HOME FUNDS
APPLICATIONS RECEIVED AND AMOUNTS RECOMMENDED**

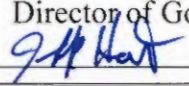
<i>APPLICANT</i>	<i>Amount Requested</i>	<i>Amount Recommended</i>
Boys and Girls Club	\$ 35,000.00	\$ 29,681.00
Amigos Del Valle	\$ 25,000.00	\$ 10,053.00
CACCWC- Maggie's House	\$ 20,000.00	\$ 16,000.00
CASA	\$ 30,000.00	\$ 16,000.00
Family Crisis Center	\$ 25,000.00	\$ 17,500.00
Aging & Disability Resource Ctr (LRGVDC)	\$ 30,000.00	\$ 7,500.00
Area Agency on Aging (LRGVDC)	\$ 30,000.00	\$ 7,500.00
Sunshine Haven	\$ 30,000.00	\$ 15,000.00
Loaves and Fishes of the RGV	\$ 23,687.00	\$ 23,687.00
Make – A – Wish RGV	\$ 15,000.00	\$ 0.00
Literacy Center of Harlingen	\$ 68,008.55	\$ 0.00
Harlingen Rotary Club	\$ 58,000.00	\$ 0.00
HWWWS- Fire Hydrant Improvements Phase II (Dist 4)	\$ 282,990.16	\$ 0.00
CITY- Code- Clearance and Demolition	\$ 50,000.00	\$ 11,157.00
CITY- Parks- Arroyo Park Improvements	\$ 240,000.00	\$ 10,000.00
CITY- Parks– Rangeville Park Improvements	\$ 315,000.00	\$ 230,000.00
CITY- Parks– Wilson Sports Complex	\$ 110,000.00	\$ 110,000.00
CITY- Parks– Hunter Park Improvements	\$ 175,000.00	\$ 25,000.00
CITY- Public Works- Solar Light	\$ 156,168.00	\$ 156,168.00
CITY- Public Works- Retrofit of Streetlights	\$ 35,000.00	\$ 35,000.00
Housing Rehabilitation Administration	\$ 42,000.00	\$ 42,000.00
General Administration	\$ 190,561.00	\$ 190,561.00
Total CDBG Funding	\$ 1,753,853.71	\$ 962,807.00
HOME-Affordable Housing Programs -CITY	\$ 245,524.73	\$ 245,524.73
HOME-Administrative Support	\$ 32,736.63	\$ 32,736.63
HOME – CHDO Set-Aside	\$ 49,104.95	\$ 49,104.95
HOME – Harlingen Rotary Club (DNQ)	\$ 20,000.00	\$ 0.00
Total HOME Funding	\$ 347,366.31	\$ 327,366.31
Total Funding Requested/Available	\$ 2,101,220.02	\$1,290,173.31

10(b)

**AGENDA ITEM
EXECUTIVE SUMMARY**

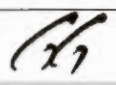
Meeting Date: **June 18, 2025**

Agenda Item:
Consideration and possible action to approve the conversion of one (1) part-time position to (1) full-time position for the Tony Butler Golf Course Snack Bar. Attachment **(Golf)**

Prepared By: Jeff Hart
Title: Director of Golf
Signature: 

Summary:
Summary
Tony Butler Golf Course is asking to change 1 part-time position to 1 full-time position in the snack bar. The golf course has a projected surplus of \$14,680.48 for the remaining fiscal year. The short fall for a part time employee to be converted into a full-time employee for the remainder of the fiscal year is -\$2,520.88.

Staff Recommendation:
The advisory staff and golf course director recommend the hiring of these staff members to increase sales at the Tony Butler Golf Course beginning immediately.

City Manager's approval:  ☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval: ☐ Yes ☐ No ☐ N/A

**AGENDA ITEM
EXECUTIVE SUMMARY**

1011

Meeting Date: **June 18, 2025**

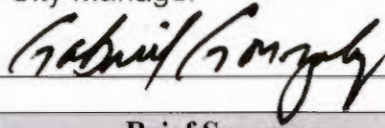
Agenda Item:

Consideration and possible action to authorize the City Manager to re-allocate \$50,000.00 in city funds originally allocated for the Immigrant Assistance Program to the Loaves & Fishes Open Arms Emergency Shelter Program to support continued operation of the Shelter. **(City Manager)**

Prepared By (Print Name): Gabriel Gonzalez

Title: City Manager

Signature:



Brief Summary:

The Loaves & Fishes Open Arms Emergency Shelter Program is facing an urgent funding crisis due to the loss of ESG grant funding for the upcoming fiscal year. Without immediate financial support, the Shelter Program is at risk of closure. This facility serves as a vital refuge for individuals and families experiencing homelessness and is a key component of our community's compassionate response to those in need.

To prevent closure and ensure continuity of essential services, Loaves & Fishes is requesting that the City re-allocate \$50,000 in funds originally designated for the Immigrant Assistance Program to support the shelter's operations. This reallocation would enable the Shelter Program to remain open, retain its staff, and continue its mission of providing safety, stability, and hope to our most vulnerable residents.

Funding (if applicable):

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

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

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

Staff Recommendation:

Staff recommends approval of this request in recognition of the shelter's critical role in supporting community well-being and addressing homelessness.

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

Comments:

City Attorney's approval: ☐ Yes ☐ No ☐ N/A

**AGENDA ITEM
EXECUTIVE SUMMARY**

10/5

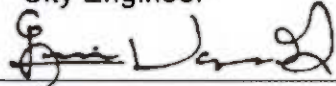
Meeting Date: **June 18th, 2025**

Agenda Item:

Consideration and possible action to award a contract to Go Underground LLC for the 5th and 7th Storm Sewer Improvements pursuant to Bid No. 2025-06.

Prepared By: Luis Vargas, PE, CFM, CPM

Title: City Engineer

Signature: 

Brief Summary:

1. This project will replace and upsize approximately 5,000 linear feet of storm sewer underground pipes along 5th Street from Commerce St. to Van Buren Ave. and 7th Street from Commerce St. to Polk Ave, capturing and enhancing the drainage of approximately 80 acres. See attached Location Map.
2. These improvements are the first phase of a large drainage area that includes Commerce as the main collector for drainage towards the Arroyo Colorado. The proposed improvements have been coordinated with the Commerce Street project, which is at the 60% design stage, and will not have downstream impacts.
3. The project is partially funded through the FY2024 Community Project Funding under the Legislative Pre-Disaster Mitigation (LPDM) Program. The federal share will cover 47.55% (\$1,383,069) of the total project cost, while the remaining 52.45% (\$1,525,807.14) will be covered by local funding.
4. The City received two bids for the construction project:
 - a. Go Underground LLC - \$2,664,905.67
 - b. Saenz Utility Contractors - \$3,230,726.00
5. Bid amount discrepancies were found in submitted bids, which have been corrected by Staff and are highlighted in the attached bid tabulation.
6. Staff recommends the selection and award of a construction contract to Go Underground LLC.

Funding (if applicable):

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

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

Finance Director's approval:

☒ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval.

City Manager's approval:

☒

Yes

☐

No

☐

N/A

Comments:

City Attorney's approval:

26

☒

Yes

☐

No

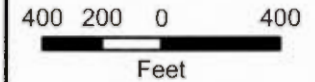
☐

N/A



5th and 7th Storm Sewer Drainage Improvements Project

Bid 2025-06



Scale: 1:7,500



Bid No. 2025-06 5th & 7th Drainage Improvements

[illegible]

10(K)

**AGENDA ITEM
EXECUTIVE SUMMARY**

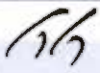
Meeting Date: **June 18, 2025**

Agenda Item:	
Consideration and possible action on Phase II of the Jefferson Street Storm Sewer Improvement Project. <i>(Special Projects Department)</i> .	
Prepared By: Ana Hernandez, Mobility & Special Projects Director	
Brief Summary:	
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/NA):	
Staff Recommendation:	
City Manager approval:	
Comments:	
City Attorney's approval:	

10(L)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **June 18, 2025**

Agenda Item:	
Consideration and possible action on Phase I and Phase II of the 21st Street Storm Sewer Improvement Project. <i>(Special Projects Department)</i> .	
Prepared By: Ana Hernandez, Mobility & Special Projects Director	
Brief Summary:	
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/NA):	
Staff Recommendation:	
City Manager approval:	
	Comments:
City Attorney's approval:	