

**CITY COMMISSION
AGENDA
REGULAR MEETING
JULY 2, 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, JULY 2, 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 Norma Sepulveda
 - 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) Presentation of Certificate of recognition - "Morgana Elizabeth Rodriguez Marin"
 - c) Presentation of Certificate of recognition - "Lupita Muniz"
 - d) Presentation of Certificate of recognition - "Temple Beth Israel"
 - e) Presentation of Certificate of recognition - "The Greater Chamber of Harlingen"
- 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) Special Meeting of March 25, 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 the Harlingen Convention and Visitors Bureau to close the following streets, Friday, July 4, 2025 from 5:00 p.m. to 10:00 p.m. for their Annual Freedom Festival event. Attachment **(Police)**.

Fair Park Boulevard between North "L" and "J" Streets, to include all entries and exits of the Municipal Auditorium, Casa de Amistad parking lots and Harlingen Performing Arts Center; Eastside intersection on "L" Street and the street behind the Municipal Auditorium parking lot. DETOUR Sign at Fair Park Boulevard / "L" Street to route traffic to "L" Street.
 - b) Consideration and possible action to allow Police Chief Alfredo Alvear to use Federal Justice Forfeiture funds to purchase one (1) 2025 Ford F150 from Same's Motor Company for a total cost of \$46,030.10. Attachment **(Police)**.

- c) Consideration and possible action to approve an ordinance on second and final 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)**
- d) Consideration and possible action to approve an ordinance on second and final 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)**
- e) Consideration and possible action to approve an extension on the contract between the City of Harlingen and Dr. Robert Kellogg, DVM to continue providing services to the Harlingen Animal Shelter as needed. Attachment **(Health)**
- f) Consideration and possible action to approve an ordinance on second and final 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 agenda/register 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 principle and interest on said bonds; and ordaining other matters relating thereto. Attachment **(HWWS)**
- g) Consideration and possible action to approve a resolution authorizing the City Manager to submit an application to the Rio Grande Valley Metropolitan Planning Organization (RGVMPO) under the FY 2026 Category 7 and FY 2028 Category 10 Call for Projects. Attachment **(Special Projects Department)**.
- h) Consideration and possible action to approve a resolution authorizing the City Manager to submit a grant application to the U.S. Department of Justice, Office of Community-Oriented Policing Services (COPS Office), FY25 Safer Outcomes: Enhancing De-Escalation and Crisis Response Training for Law Enforcement grant. Attachment **(Special Projects Department)**
- i) Consideration and possible action to approve a resolution authorizing the City Manager to submit an application to the Rio Grande Valley Metropolitan Planning Organization (RGVMPO) under the FY 2026 Category 7 and FY 2028 Category 10 Project Call. Attachment **(Special Projects Dept.)**
- j) Consideration and possible action to approve a resolution authorizing the City Manager to submit a grant application to the Texas Parks and Wildlife's Local Park Grant Program. Attachment **(Special Projects Department)**.
- k) Consideration and possible action to authorize the purchase of a truck and a Big Tex trailer for the Public Works Paving Crew to streamline the mobilization of equipment such as a backhoe, roller, and zipper, utilizing available savings from previously approved equipment purchases. Attachment **(Public Works)**
- l) Consideration and possible action to approve an agreement with Cameron County for their Hazard Mitigation Action Plan Update. Attachment **(Fire Dept)**
- 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 - Presentation by Sergio Mujica (MIS Director) on the New City App.

- 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 are signed up for two (2) or more Public Hearings, you will be limited to 5 minutes for all topics.*
- a) Public hearing for a Special Use Permit ("SUP") to allow an adult business (Tattoo Studio) in a General Retail ("GR") District located at 602 S. "F" Street, Suite D, bearing a legal description of Lots 1-4, West Harlingen Addition. Applicant: Jerry Lopez. Attachment **(Planning & Development)**
 - b) Public hearing for the voluntary annexation of 10.00 acres of land out of Block 3, F.H. Handley Subdivision, located on the east side of Paloma Lane, approximately 2,010.46 ft. south of Garrett Road, including all the right-of-way on the south side of Garrett Road approx. 320.77 ft east of Paloma Lane and all the right-of-way along Paloma Lane south of Garrett Road to and through the property. Applicant: Casa Engineering c/o J.V. & Jessica Garcia. Attachment **(Planning & Development)**
 - c) Public hearing providing for Historic Preservation in the City of Harlingen; providing definitions and terms; creating a Historic Preservation Commission, specifying its membership and tenure; setting forth duties and responsibilities of the Historic Preservation Commission; defining duties and responsibilities of the Historic Preservation Officer; providing designation criteria and procedure for designating historic landmarks and districts; establishing incentive programs for historic preservation; providing criteria and procedure for obtaining certificates of appropriateness; establishing design standards and guidelines; creating minimum maintenance standards; addressing demolition by neglect; providing for a penalty; providing a severability clause; and providing for publication and effective date. Attachment **(This item was requested by Commissioner Lopez and Commissioner Perez)**
 - d) Public hearing amending the Harlingen Code of Ordinances, Article VI, Section 111-142 to add Sections 111-142(e.)(f.) to Regulate Certain On-Street Parking within the City of Harlingen, to prohibit On-Street Parking at Barton Avenue to create exceptions to allow for service of utilizes and providing for severability. Attachment **(This item was requested by Commissioner Lopez and Commissioner Perez)**
- 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 and possible action to adopt an ordinance on first reading for a Special Use Permit (SUP) to allow an adult business (Tattoo Studio) in a General Retail ("GR") District located at 602 S. "F" Street, Suite D, bearing a legal description of Lots 1-4, West Harlingen Addition. Applicant: Jerry Lopez Attachment. **(Planning & Development)**
- b) Consideration and possible action to approve an ordinance on first reading for the voluntary annexation of 10.00 acres of land out of Block 3, F.H. Handley Subdivision, located on the east side of Paloma Lane approximately 2,010.46 ft. south of Garrett Road, including all the right-of-way on the south side of Garrett Road approx. 320.77 ft east of Paloma Lane and all the right-of-way along Paloma Lane south of Garrett Road to and through the property. Applicant: Casa Engineering c/o J.V. & Jessica Garcia. Attachment. **(Planning & Development)**
- c) Consideration and possible action to approve an ordinance on first reading providing for Historic Preservation in the City of Harlingen; providing definitions and terms; creating a Historic Preservation Commission, specifying its membership, tenure; setting forth duties and responsibilities of the Historic Preservation Commission; defining duties and responsibilities of the Historic Preservation Officer; providing designation criteria and procedure for designating

historic landmarks and districts; establishing incentive programs for historic preservation; providing criteria and procedure for obtaining certificates of appropriateness; establishing design standards and guidelines; creating minimum maintenance standards; addressing demolition by neglect; providing for a penalty; providing a severability clause; and providing for publication and effective date. Attachment (*This item was requested by Commissioner Lopez and Commissioner Perez*)

- d) Consideration and possible action to approve an ordinance on first reading amending the Harlingen Code of Ordinances, Article VI, Section 111-142 to add Sections 11-142(e.) (f.) to regulate certain on-street parking within the City of Harlingen, to prohibit on-street parking at Barton Avenue to create exception to allow for service of utilizes and providing for severability. Attachment (*This item was requested by Commissioner Lopez and Commissioner Perez*)



- e) Consideration and possible action to approve two (2) invoices from Cameron County Elections Department for the November 5th, 2024, District 3, 4, and 5 Regular City Elections and the December 14th, 2024 Runoff Elections. Attachment (*City Secretary/Remi Garza*)
- f) Consideration and possible action to approve a resolution approving the One-Year Action Plan (Budget) for Fiscal Year 2025-2026 (Year 51) of the Community Development Block Grant (CDBG) Program and Fiscal Year 2025-2026 (Year 31) of the Home Investment Partnerships Program (HOME). Attachment (*CDBG*)
- g) Consideration and possible action to approve a request for \$21,000 in matching funds from Region One Education Center in support of a Teacher Certification Program for Paraprofessionals. Attachment (*HEDC*).

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.

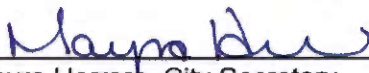
Airport
Animal Shelter Advisory Committee (1)
Audit Committee (Terms expire in June)
Charter Review Committee (Ad Hoc)
Civil Service Commission
Community Development Advisory Board
Construction Board of Adjustments (4)
Convention & Visitors Bureau
Development Corporation of Harlingen, Inc.
Downtown Improvement 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) Consultation with legal counsel pursuant to Texas Government Code 551.071 (2) to receive attorney-client consultation protected by the attorney-client communication privilege. (**City Attorney**)
 - b) 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 Roosevelt
- 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) as discussed in executive session.
 - b) Consideration and possible action on Item 12 (b-1) 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 27, 2025**, at or before 3:08 a.m./p.m. and remained so posted for at least 72 hours preceding the time of said meeting.

Dated this 27th day of JUNE, 2025



Mayra Herrera, City Secretary

SPECIAL MEETING

CITY COMMISSION

HARLINGEN, TEXAS

March 25, 2025

A Regular Meeting of the Harlingen City Commission was held March 25, 2025 at 5:32 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.harlingentx.gov Those in attendance were:

Mayor and Commissioners

Mayor Norma Sepulveda

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

City Staff

Gabriel Gonzalez, City Manager

Hermelinda Gonzales, Interim City Secretary

Mark Sossi, City Attorney

1. Call Meeting to Order

- a) Invocation – Commissioner Frank Morales
- b) Pledge of Allegiance
- c) Welcome Citizens

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?"

Mark Sossi, City Attorney, read the Conflict of Interest and asked the Mayor and City Commissioners if they had a conflict on any item on the agenda. None declared!

3. Citizen Communication: NONE

4. Action Items:

- a) Consideration and possible action to select a project for the Outdoor Recreation Legacy Partnership Grants Program.

1 Luis Vargas, City Engineer, stated that the Special Projects Department, Engineering Department,
2 Public Works Department, and Parks and Recreation Department collaborated to prepare a
3 presentation for the Commission. The presentation includes cost estimates and proposed park
4 amenities. Regarding the Harlingen Soccer Complex, the proposal features shaded bleachers, an
5 expanded parking lot, two additional fields, a new playground, walkways connecting each field, trail
6 improvements, and the addition of a futsal court.

7
8 Mr. Vargas also provided a detailed cost breakdown.

9
10 Mr. Gonzalez noted that only half of the originally designed parking area was constructed. He asked
11 whether Mr. Vargas believes it would be beneficial to complete the unconstructed portion.

12
13 Mr. Vargas responded that he believes additional parking is needed but not to the extent of doubling
14 the original capacity based on his frequent visits, believes the current parking is manageable.

15
16 Mayor Sepulveda raised the question of how many residents within a quarter-mile, half-mile, or
17 one-mile radius would gain new access to the project area upon completion. She expressed concern
18 that the lack of nearby residential areas might negatively impact the project's application.

19
20 Ana Hernandez, Special Projects Director, explained that the justification for improvements at this
21 park is regional in nature. She added that the facility's service radius is technically at least two miles,
22 so including the population within that distance could strengthen the application. She emphasized that
23 eligibility is based on population thresholds, and Harlingen meets the criteria.

24
25 Mayor Sepulveda asked whether the fact that the project involves organized league activities,
26 rather than open outdoor recreation, might weaken the application.

27
28 Ms. Hernandez clarified that it would not, as the facility qualifies as a sports and recreation area,
29 particularly with the addition of the walking trail.

30
31 Mayor Sepulveda then inquired about the inclusion of green infrastructure or permeable trail
32 elements.

33
34 Ms. Hernandez noted that landscaping should be factored into the cost estimate and suggested
35 incorporating low-impact or green infrastructure elements around the existing ponds.

36
37 Mayor Sepulveda also emphasized that one of the goals should be to connect people and
38 communities without relying on cars.

39
40 Ms. Hernandez responded that the soccer complex's popularity could also be highlighted as a
41 benefit.

42
43 Commissioner Mezmar noted that the Rotary Club of Harlingen has raised funds for the third
44 consecutive year and will be donating \$100,000 toward covered bleachers for the park. He emphasized
45 this as a great example of leveraging public-private partnerships.

46
47 Commissioner Perez added that a consultant has reached out regarding a battery project, which is
48 also slated to be donated to the park.

49
50 Mr. Vargas stated that, in his opinion, the \$500,000 estimate for the new restrooms is sufficient.
51 Since restrooms already exist at the center of the complex, it would primarily involve extending the
52 existing utility lines to the new facilities.

1 Commissioner Perez raised concerns about whether the City is prepared to fund the \$3 million
2 match required for the grant and questioned whether such an expense could be justified.

3
4 Mayor Sepulveda responded that simply making improvements to the fields alone may not be
5 sufficient to meet the grant requirements.

6
7 Commissioner Lopez questioned the rationale behind installing artificial turf, citing studies that
8 suggest higher injury rates and greater costs compared to natural grass.

9
10 Mr. Vargas, speaking from personal experience as a soccer player, shared that he prefers natural
11 grass. While it does require some maintenance, he believes artificial turf results in more injuries,
12 including turf burns, and is less forgiving for players.

13
14 Mr. Gonzalez pointed out that different types of soccer cleats are required depending on the
15 surface—natural grass versus artificial turf.

16
17 Mayor Pro-Tem Ford Kinsley inquired about hybrid grass.

18
19 Mr. Vargas explained that hybrid turf involves stitching artificial fibers into natural grass to combine
20 the benefits of both surfaces.

21
22 Mayor Sepulveda shared feedback from parents whose children play soccer, noting that artificial
23 turf facilities in the Upper Valley have successfully drawn tournaments and earned praise. She asked
24 Mr. Vargas, based on his experience, how he would respond to those who advocate for turf from a
25 competitive standpoint.

26
27 Mr. Vargas acknowledged that artificial turf allows for faster gameplay, more consistent ball
28 movement, and no need for post-game field repairs. It also supports aesthetic elements such as logos
29 and color enhancements that are longer lasting. However, he reiterated the downsides: higher surface
30 temperatures, nuisance rubber pellets, injury risks, and ongoing maintenance—though less frequent
31 than with natural grass.

32
33 Mayor Sepulveda concluded that restoring the existing natural grass fields might prove to be the
34 more cost-effective option.

35
36 Mr. Gonzalez inquired about the cost difference between installing natural grass versus artificial
37 turf.

38
39 Mr. Vargas responded that restoring natural grass for a championship field would cost
40 approximately \$90,000 to \$100,000.

41
42 Commissioner Lopez asked why the pond on the right side of the complex has a retaining wall,
43 while the pond on the left side does not.

44
45 Mr. Vargas explained that he assumes there were improvements made along the edge of the right-
46 side pond. At one point, the ponds were empty and were only recently refilled. He added that the
47 retaining wall on the left is in poor condition, which may be why it is not depicted in the plans.

48
49 Commissioner Lopez then proposed that the Commission consider adding illuminated fountains
50 with narrators, similar to those at the golf course, to enhance the visual appeal. He also suggested
51 adding a retaining wall to the left pond, if necessary, and possibly introducing fish into the ponds.

1 Commissioner Lopez then asked Ms. Hernandez if she still preferred that the Commission rank the
2 three proposed projects for submission to Texas Parks and Wildlife, or if she would prefer to focus on
3 selecting just one.
4

5 Ms. Hernandez advised narrowing the selection down to two projects for presentation. She
6 emphasized that the current visuals are preliminary and subject to change, and the main goal is to
7 refine the focus for the upcoming meeting with Texas Parks representatives.
8

9 Mayor Sepulveda suggested that presenting all three projects might be beneficial, as it would allow
10 Texas Parks and Wildlife to provide feedback and help identify which has the strongest potential to
11 result in a successful application.
12

13 Mr. Gonzalez pointed out that all three proposed projects are regional parks rather than
14 neighborhood parks, and he expressed concern that this could be a disadvantage.
15

16 Ms. Hernandez responded that she believes this could actually work in the City's favor, noting that
17 the City can still apply for local park grants during the regular grant cycle.
18

19 Mayor Sepulveda noted that, from her perspective, Arroyo Park would have been an ideal
20 candidate. It is located directly across from a residential area, is considered a regional park, and would
21 serve a larger population while also offering opportunities for connectivity and broader improvements.
22 She asked why Arroyo Park had not been included in the proposal.
23

24 Commissioner Lopez recalled that in prior discussions, the Commission wanted to focus on parks
25 that could help attract tournaments, which is why the Harlingen Soccer Complex and Wilson Sports
26 Park were prioritized. Hugh Ramsey Park was also selected because it hosts the Birding Festival.
27

28 Commissioner Perez suggested the possibility of replacing Ramsey Park with Arroyo Park in the
29 proposal.
30

31 Mayor Sepulveda stated that Gutierrez Park also appears to be a promising option, noting existing
32 interest in making improvements at the park. She mentioned prior discussions about constructing an
33 amphitheater, which could support the City's designation as a Music Friendly Community. She added
34 that the park presents several opportunities to fulfill grant criteria, especially related to green
35 infrastructure. Additionally, in collaboration with the school district, there are existing outdoor musical
36 activities that could complement the project.
37

38 Commissioner Lopez expressed concern, pointing out that the City is currently in the middle of its
39 Downtown Master Plan and Parks Master Plan updates. While there have been conversations about
40 Gutierrez Park, he felt it would be best to focus on the three existing complexes/parks being considered
41 for the grant. He shared the Mayor's vision for Gutierrez Park but emphasized the need for a clear,
42 unified plan and public input before making a substantial investment there.
43

44 Mayor Sepulveda recommended beginning public engagement meetings soon so that, when the
45 time comes to begin improvements on Gutierrez Park, the City already has a strong understanding of
46 community needs and priorities.
47

48 Mayor Pro-Tem Kinsley asked whether Hugh Ramsey Nature Park would qualify for the grant,
49 considering that buildings such as nature centers, community centers, or educational facilities are
50 generally ineligible.
51

52 Ms. Hernandez responded that the park would be categorized as a visitor facility for the purposes
53 of the application.

Mr. Gonzalez noted that the Audubon Society helps maintain Hugh Ramsey Park. He expressed concern that planning a major renovation without their input could be problematic and agreed with Commissioner Perez's suggestion to replace Hugh Ramsey with Arroyo Park in the proposal.

Mayor Sepulveda asked whether all parks across all districts had been considered during the evaluation process.

Mayor Pro-Tem Kinsley shared that he is leaning toward supporting improvements to the Soccer Complex, as many residents have expressed concerns about its deficiencies and how it was not executed properly from the beginning.

Mr. Vargas continued with the presentation on Wilson Sports Park. The proposal includes:

- Renovating adult baseball infields with artificial turf
- Restoring natural grass on adult outfields and eight youth fields
- Installing new shaded structures for existing adult field bleachers
- Constructing a new championship field with shaded bleachers
- Restoring trails and the pier
- Building a new concession stand
- Improving the irrigation system
- Restoring the basketball courts

Mayor Sepulveda asked whether the Soccer Complex already has a concession stand.

Mr. Gonzalez confirmed that it does.

Commissioner Lopez noted that switching from artificial turf to natural grass for the baseball fields could reduce costs from \$1.4 million to approximately \$300,000. He suggested those savings could be redirected to other parts of the park to enhance aesthetics and support family-friendly events.

Commissioner Perez asked whether the fields at Wilson Sports Park could be converted to accommodate multiple sports, such as baseball, softball, soccer, basketball, and others.

Mr. Vargas responded that this was possible and added that all proposed projects are designed to support natural water drainage into the park's ponds.

Mayor Sepulveda advised that if there are any additional suggestions at this point, the Commission should submit them to Ms. Hernandez so they can be taken into consideration. She clarified that there is no specific ranking for the proposed parks; however, the Commission has agreed to replace Hugh Ramsey Park with Arroyo Park. She continued with summarizing the Commission would like to receive recommendations based on the likelihood of success, keeping in mind the \$6 million project cap, with the City committing \$3 million in matching funds.

Motion was made by Commissioner Lopez and seconded by Commissioner Perez to approve the project list, which will include the Harlingen Soccer Complex, Wilson Sports Complex, and Arroyo Park, subject to the oral amendments discussed. Motion carried unanimously.

- b) Consideration and possible action to purchase (1) one tractor, (1) one shredder, and (1) one pick-up truck for Code Enforcement.

Chris Torres, Public Works Director, advised that the Planning Department is in urgent need of a tractor, a shredder, and a pickup truck. The current tractor has reached the end of its life, making it increasingly difficult for staff to keep up with maintaining the properties they are responsible for mowing.

1 While they are doing their best with limited resources, these equipment needs have become critical to
2 continue operations effectively.

3
4 Motion was made by Commissioner Perez and seconded by Commissioner Morales to purchase
5 (1) one tractor, (1) one shredder, and (1) one pick-up truck for Code Enforcement. Motion carried
6 unanimously.

7
8 c) Consideration and possible action to authorize the City Manager to award a construction contract
9 with Trimad Consultants, LLC, for the Colorado and Liberty Drainage Improvement Project,
10 designed in-house by the City's Engineering Department.
11

12 City Engineer Luis Vargas explained that the purpose of the project is to eliminate stormwater
13 ponding at the intersection of Colorado and Liberty. The proposed work includes installing a new drain
14 inlet and approximately 600 feet of 18-inch pipe, which will connect to an existing stormwater system
15 at Colorado and La Vaca Avenue. No adverse impacts are anticipated.

16
17 Mr. Vargas noted that six bids were received for the project, with the lowest submitted by Trimad
18 Consultants. The City recommends awarding the construction contract to Trimad Consultants as the
19 lowest responsible bidder.

20
21 Commissioner Perez asked whether the City had previously contracted with Trimad Consultants.

22
23 Mr. Vargas responded that they have not, but references provided no negative feedback.

24
25 Mayor Sepulveda inquired about the project timeline.

26
27 Mr. Vargas stated that construction is expected to take 60 to 90 working days.

28
29 Mayor Sepulveda emphasized the importance of sharing the start and anticipated completion dates
30 with the community, especially given concerns from nearby residents, and asked that the
31 Communications Department be kept informed.

32
33 Commissioner Morales commented that a two to three month timeline is reasonable and thanked
34 Chris Torres from Public Works for his efforts. He stressed that his main concern is ensuring the work
35 is completed to a high standard.

36
37 Mr. Vargas affirmed that this is a relatively small project that should be completed within two to
38 three months. He indicated the project could begin approximately one month after the City signs the
39 contract and confirmed it would not interfere with the Sabal Palm Project.

40
41 Commissioner Morales also asked how and when contractors are typically paid.

42
43 Mr. Vargas explained that contractors generally submit invoices on a monthly basis and are usually
44 paid within a month, unless there are issues or discrepancies that require clarification, which can delay
45 payment.

46
47 Commissioner Morales asked whether the City has encountered recurring issues with contractors
48 submitting inaccurate invoices.

49
50 Mr. Vargas said this has not been a problem recently.

51
52 Mayor Sepulveda requested that once the contract is awarded and a start date is confirmed, the
53 Commission be notified so they can monitor the project's progress.

1 Motion was made by Commissioner Lopez and seconded by Commissioner Perez to authorize the
2 City Manager to award a construction contract with Trimad Consultants, LLC, for the Colorado and
3 Liberty Drainage Improvement Project, designed in-house by the City's Engineering Department.
4 Motion carried unanimously.

5 d) Consideration and possible action to authorize the City Manager to award a material supply
6 Contract for the Street Improvement Project of 2025 to CAPA Texas and Frontera Material, Inc.

7 City Engineer Luis Vargas explained that this item pertains to awarding a supply contract to two
8 vendors: CAPA Texas and Frontera Materials, Inc. The City solicited bids for materials related to this
9 year's streets project, with provisions allowing for multiple contract awards based on individual bid
10 pricing.

11 It is recommended that a contract be awarded to CAPA Texas in the amount of \$1,125,000 for the
12 supply of 15,000 tons of asphalt. Additionally, Frontera Materials is recommended as the lowest bidder
13 for 5,700 tons of flexible base at a cost of \$42,750. Pricing for the remaining materials is still being
14 finalized.

15 Motion was made by commissioner Morales and seconded by Commissioner Perez to authorize
16 the City Manager to award a material supply Contract for the Street Improvement Project of 2025 to
17 CAPA Texas and Frontera Material, Inc. Motion carried unanimously.

18
19 **5. Adjournment:**

20
21 There being no other business to discuss, Mayor Sepulveda adjourned the meeting.
22
23

24 City of Harlingen

25
26
27 ATTEST:

28
29
30 Norma Sepulveda, Mayor

31 Hermelinda Gonzales, Interim City Secretary
32
33

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: July 2, 2025

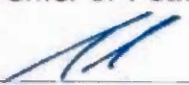
Agenda Item:

Consideration and possible action to approve a request from the Harlingen Convention and Visitors Bureau for street closures, listed below, from 5:00 p.m. to 10:00 p.m. on Friday, July 4, 2025, for their Annual Freedom Festival event.

- Fair Park Boulevard between North "L" Street and "J" Street, to include all entries and exits of the Municipal Auditorium, Casa de Amistad parking lots and Harlingen Performing Arts Center; and,
- Eastside intersection on "L" Street and the street behind the Municipal Auditorium parking lot.
- DETOUR Sign at Fair Park Boulevard / "L" Street to route traffic to "L" Street.

Prepared By (Print Name): Alfredo Alvear

Title: Chief of Police

Signature: 

Brief Summary:

Edgar Serna, Convention and Visitors Bureau Events Manager, is requesting the closure of the following streets from 5:00 p.m. to 10:00 p.m. on Friday, July 4, 2025, for their Annual Freedom Festival event.

- Fair Park Boulevard between North "L" Street and "J" Street, to include all entries and exits of the Municipal Auditorium, Casa de Amistad parking lots and Harlingen Performing Arts Center; and,
- Eastside intersection on "L" Street and the street behind the Municipal Auditorium parking lot.
- DETOUR Sign at Fair Park Boulevard / "L" Street to route traffic to "L" 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 ☐ 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: *1/6* ☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval: *Mar 20* ☒ 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: 6/16/25

FROM: District Representative Benito Bravo #3412

RE: Street Closure Request for Annual Freedom Festival

Requestor: Edgar Serna / Harlingen Convention and Visitors Bureau Event Manager

Event Date: Friday, July 04, 2025

Time: 5:00 P.M. – 10:00 P.M.

Location: Lon C. Hill Park (1217 Fair Park Blvd., Harlingen, TX.)

Edgar Serna is requesting a street closure on behalf of the Harlingen Convention and Visitor Bureau for their Annual Freedom Festival. The festival is a free community event with fun games, food, live entertainment, carnival and a fireworks show. The event is being held at Lon C. Hill Park.

The street closure is to ensure the safety of the attending public and participants. This temporary closure may affect traffic flow in the general area. If approved, barricades are to be delivered and installed by the City of Harlingen Street Department at 12:00 P.M. on Friday July 04, 2025 so the vendors can set up on Fair Park Blvd. Barricades are then to be removed from the roadway at 11:00 P.M. on July 04, 2025 allowing the vendors to have enough time to take down all their equipment.

The Streets closed will be the following:

- Fair Park Blvd. in between N. L Street and J Street to include all entries and exits of the Municipal Auditorium, Casa De Amistad parking lots and Harlingen Performing Arts Center. (Please provide a Detour sign at Fair Park Blvd./ L Street to send traffic northbound on L Street.)
- Close the east side intersection on L Street and the street behind the Municipal Auditorium parking lot.

	SIGNATURE	ID#	DATE
OFFICER / EMPLOYEE	<i>Benito Bravo</i>	3412	06/16/2025
SERGEANT / SUPERVISOR	<i>Sgt. [Signature]</i>	288	06/16/2025
COMMANDER / MANAGER	<i>[Signature]</i>	4821	6/16/25
DEPUTY CHIEF	<i>[Signature]</i>	1933	6/16/25
ASSISTANT CHIEF	Out-Training		
CHIEF OF POLICE	<i>[Signature]</i>	2743	6/16/25



Benito Bravo - HPD

From: Edgar Serna
Sent: Friday, June 13, 2025 1:17 PM
To: Benito Bravo - HPD
Subject: RE: Street Closure - Freedom Fest
Attachments: Freedom Fest Map (1).pdf

Hey Bravo,

I realized I sent last years map for street closures. I have attached the update map to this email.

Sorry for the confusion.

From: Benito Bravo - HPD <bbravo@harlingentx.gov>
Sent: Friday, June 13, 2025 9:10 AM
To: Edgar Serna <eserna@harlingentx.gov>
Subject: Re: Street Closure - Freedom Fest

Good morning Edgar,
I received the street closure request. We will submit it.

Get [Outlook for iOS](#)

From: Edgar Serna <eserna@harlingentx.gov>
Sent: Friday, June 13, 2025 8:43:15 AM
To: Benito Bravo - HPD <bbravo@harlingentx.gov>
Subject: Street Closure - Freedom Fest

Good morning Bravo,

I would like to request a street closure for the upcoming Freedom Fest event happening at Lon C. Hill Park on Friday, July 4th, 2025. Below are the details.

- Event: Freedom Fest hosted by Visit Harlingen
- Date: Friday, July 4th, 2025
- Event Time: 5p-10p
- Street Closure: Fair Park Blvd.
- Street Closure Time: 12p-11p

I have also attached a map of the street which indicates the road closure points and the flyer for the event.

Please let me know if you have any other questions or need anything from me.

Thank you,
Edgar Serna
Event Manager
Harlingen Convention & Visitors Bureau

Frances Pena - HPD

From: Ruben Balboa - HFD
Sent: Monday, June 16, 2025 2:30 PM
To: Frances Pena - HPD; Rafael Balderas - HFD; Donna Henderson - HFD
Subject: RE: STREET CLOSURE REQUEST - FREEDOM FEST

Good afternoon Ms. Pena,

HFD has no issues with the street closures.

From: Frances Pena - HPD <fpena@harlingentx.gov>
Sent: Monday, June 16, 2025 2:16 PM
To: Ruben Balboa - HFD <rbalboa@harlingentx.gov>; Rafael Balderas - HFD <rbalderas@harlingentx.gov>; Donna Henderson - HFD <dhenderson@harlingentx.gov>
Subject: STREET CLOSURE REQUEST - FREEDOM FEST

Good Afternoon Asst. Fire Chief Balboa:

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

1. FREEDOM FESTIVAL

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

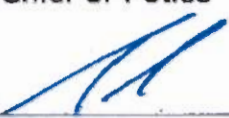
Thank You!

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

This email & the documents that accompany this email may contain information belonging to the sender, which is legally privileged. The information is intended only for the use of the individual or entity stated in this email. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or taking of any action in reliance on the contents of this email information is strictly forbidden and prohibited. If you have received this email in error, please immediately notify us by telephone to arrange for the disposition of the original documents.

AGENDA ITEM EXECUTIVE SUMMARY

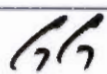
Meeting Date: **July 2, 2025**

Agenda Item:
Consideration and possible action to allow Police Chief Alfredo Alvear to use Federal Justice Forfeiture funds to purchase one (1) 2025 Ford F150 from Same's Motor Company for a total cost of \$46,030.10. Attachment (Police).
Prepared By (Print Name): Alfredo Alvear Title: Chief of Police Signature: 

Brief Summary:
Chief Alfredo Alvear is requesting to use Federal Justice Forfeiture account funds to purchase one (1) 2025 Ford F150 at a total cost \$46,030.00 from Sames Motor Company. This vehicle will be unmarked for use by the Narcotics Unit.

Funding (if applicable):
Are funds specifically designated in the current budget for the ☐ Yes ☒ No* full amount for this purpose? *If no, specify source of funding and amount requested: Federal Justice Forfeiture Account 130-3010-904-8032 / \$46,030.10
Finance Director's approval: ☐ Yes ☐ No ☐ N/A

Staff Recommendation:
Staff recommends approval.

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

Comments:

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

QUOTE

THE ULTIMATE FLEET MANAGEMENT SOLUTION PROVIDER



**Government
Fleet Sales**

QUOTE#: SAG778
DATE: 05/27/2025
EXPIRES: 06/27/2025

QUOTE FROM:

Sames Bastrop Ford
1115 SH 71
Bastrop, TX 78602
QUOTE GENERATED BY: Jorge Fuentes
OUTSIDE SALES MANAGER: JORGE FUENTES | 956-330-1502 |
JFUENTES@SAMES.NET
INSIDE SALES MANAGER: FANNY MATA | FMATA@SAMES.NET
EMAIL: QUOTES@SAMES.NET

QUOTE FOR:

City of Harlingen
1018 Fair Park Blvd.
Harlingen, Texas 78550

VEHICLE INFORMATION:

YEAR MAKE MODEL	CONTRACT#	COLOR	QUANTITY	PRICE	TOTAL
2025 Ford F-150 145 in. Wheelbase, XL 4x2 SCrew 55 5.5 Box	TIPS 240901	WHITE	1	\$45431.10	\$45,431.10

DESCRIPTION:

OPTIONS | UPGRADE

DESCRIPTION	QUANTITY	PRICE	TOTAL
			\$0.00

UPFITTER INFORMATION

QUOTE#	CONTRACT #	QUANTITY	PRICE	TOTAL
				\$0.00

DESCRIPTION:

TRADE-IN INFORMATION

YEAR MAKE MODEL	VIN#	TOTAL
-----------------	------	-------

TRANSPORT	\$599.00
GRAND TOTAL	\$46,030.10

TERMS AND CONDITIONS:

BALANCE ON THE VEHICLE IS DUE 30 DAYS AFTER DELIVERY TO THE UPFITTER OR CUSTOMER. \$500 MONTHLY FLOOR PLAN INTEREST WILL BE ADDED TO ANY UNPAID BALANCE BEYOND THE NET 30 TERMS. PRICES PROVIDED IN THIS QUOTE ARE BASED ON CURRENT MARKET CONDITIONS AND ARE SUBJECT TO CHANGE. PRICES MAY BE AFFECTED BY CHANGES IN TARIFFS, TRADE REGULATIONS, AND OTHER FACTORS BEYOND OUR CONTROL. ANY RESULTING PRICE ADJUSTMENTS WILL BE COMMUNICATED PRIOR TO FINAL PURCHASE.

AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: July 2, 2025

Agenda Item:

Consideration and possible action to approve an ordinance on second and final 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):

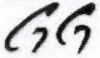
Are funds specifically designated in the current budget for the full ☐ Yes ☐ No*

*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:  ☒ 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 45-77 Frontage Rd TX Nearest Intersection 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 Harby Phone (956) 425-6953 FAX _____
Email Address (for project correspondence only): chaharby2136@xol.com
Mailing Address P.O. Box 532845 City Hra 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: _____

Date: 5/20/25

Property Owner(s) Signature: Lon Barte

Date: May 20, 2025

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.

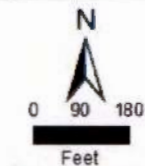
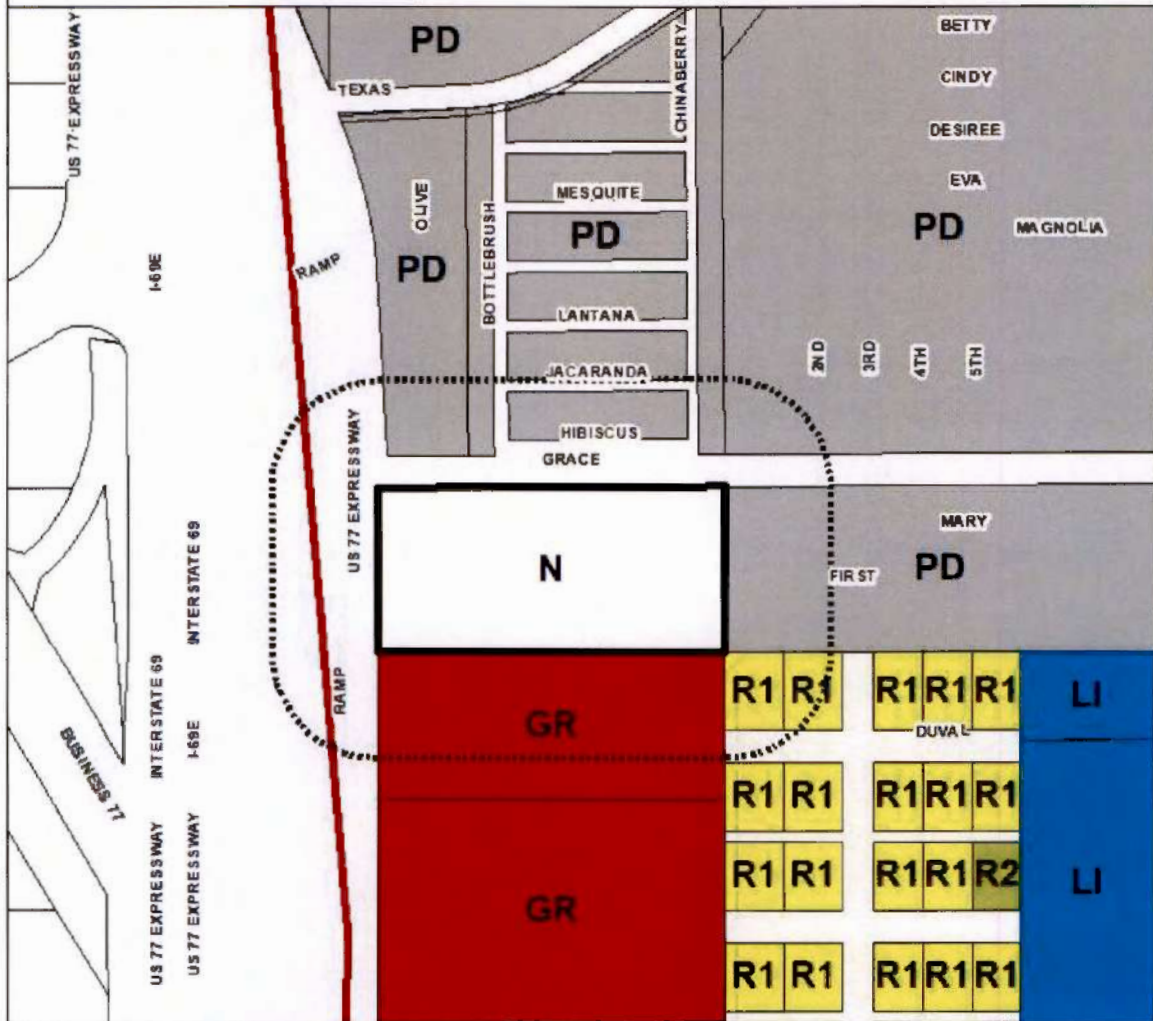
- I understand that I am requesting an amendment to the City's Zoning Ordinance and it will not be scheduled for Planning and Zoning Commission review unless all items on this list are completed.
- I understand that in accordance State law and the Zoning Ordinance, no later than ten (10) days prior to 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: LMB Partnership LTD ETAL Date: 5/20/25
Owner Address: P.O. Box 593 Mission, TX 78537
Phone/Fax: (956) 778-3255
Signature: [Signature]

Attachment II



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



Boundary lines

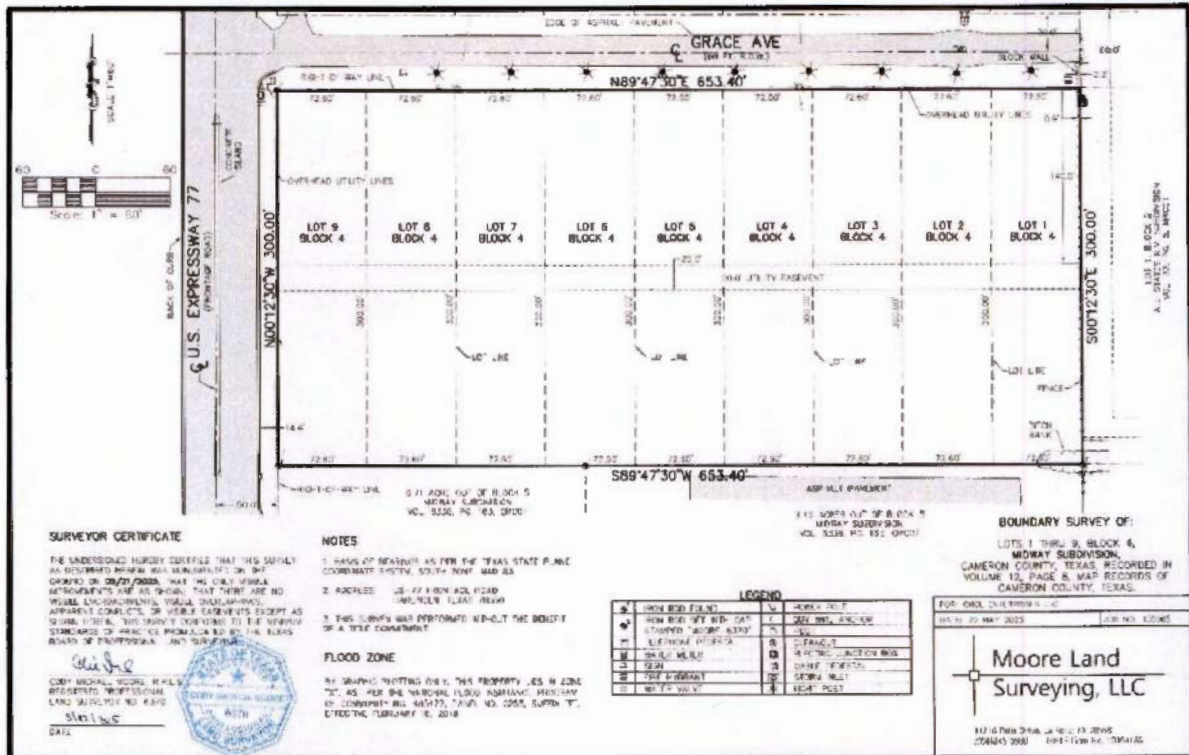
- Harlingen city limits shp
- 200' Notification Boundary
- Subject Property

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

Attachment III – Survey



Attachment IV - Aerial

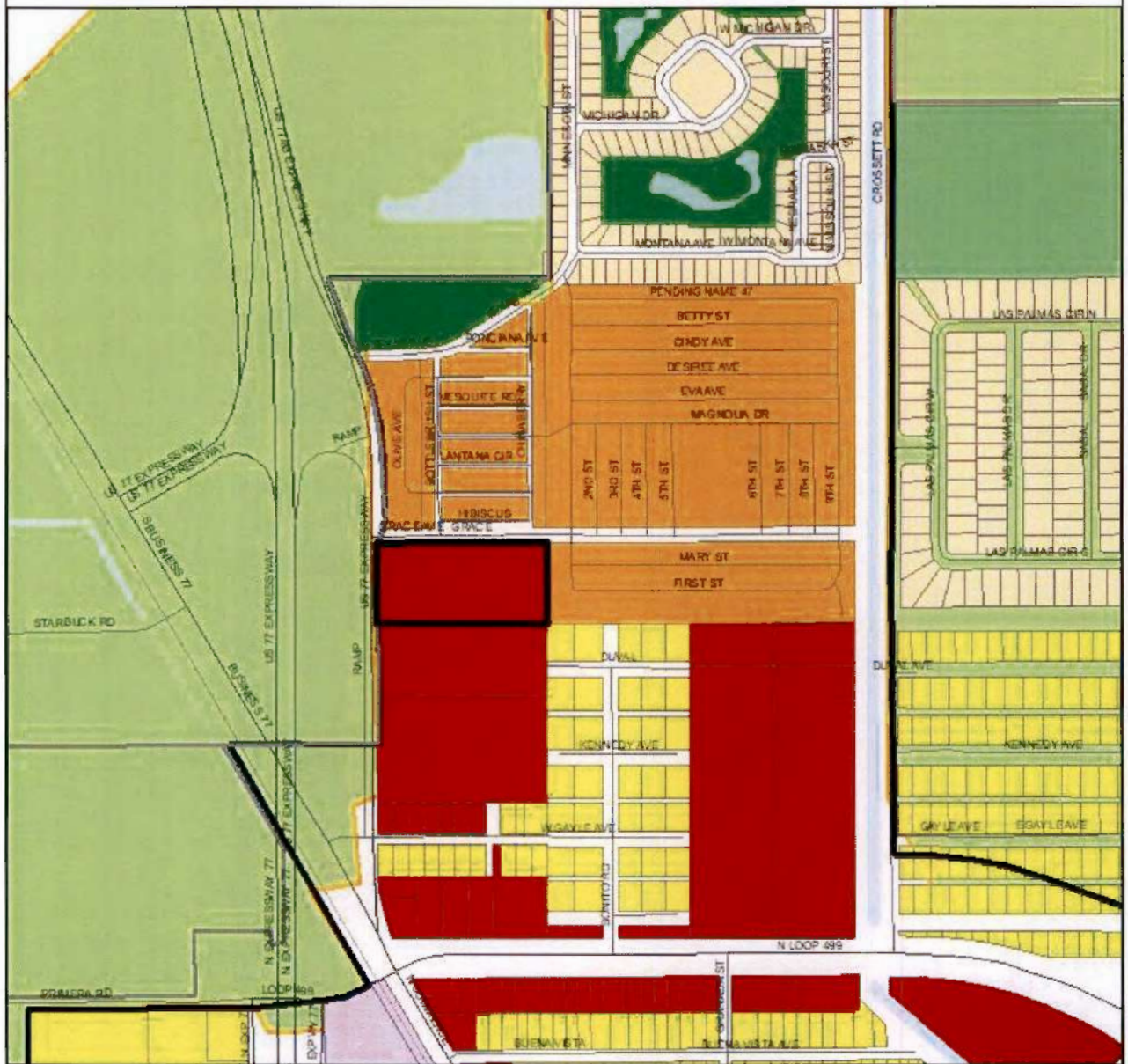


Attachment V – Future Land Use Map



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 VI – Street View

**Street View from US 77 Frontage
Road**



Attachment VI – Street View

Street View from Grace Avenue



ORDINANCE NO. 25-

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

[illegible]

AGENDA ITEM EXECUTIVE SUMMARY

Meeting Date: **July 2, 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 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: *6/6* ☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval: *M. [Signature]* ☒ 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 956-281-4859 FAX _____
 Email Address (for project correspondence only): vgutierrez@comforcare.com
 Mailing Address 2017 E. Tyler Ste 8 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.

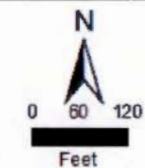
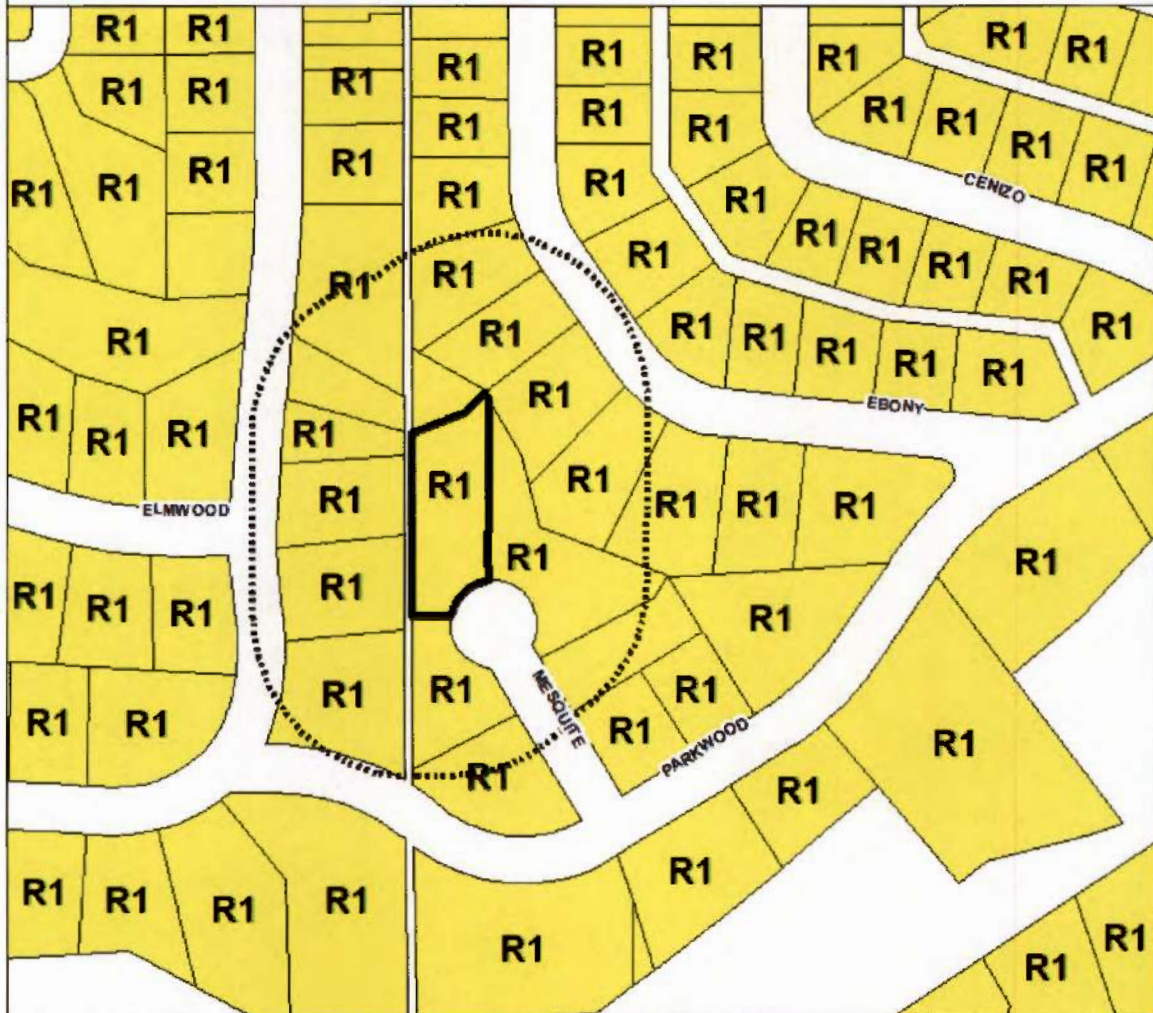
The home will allow all its residents to live as independently as possible, and 24-hour care and supervision will be provided to seniors who need assistance with activities of daily living. Our residents will be part of the community, sitting outside enjoying coffee, chatting with neighbors, taking walks (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

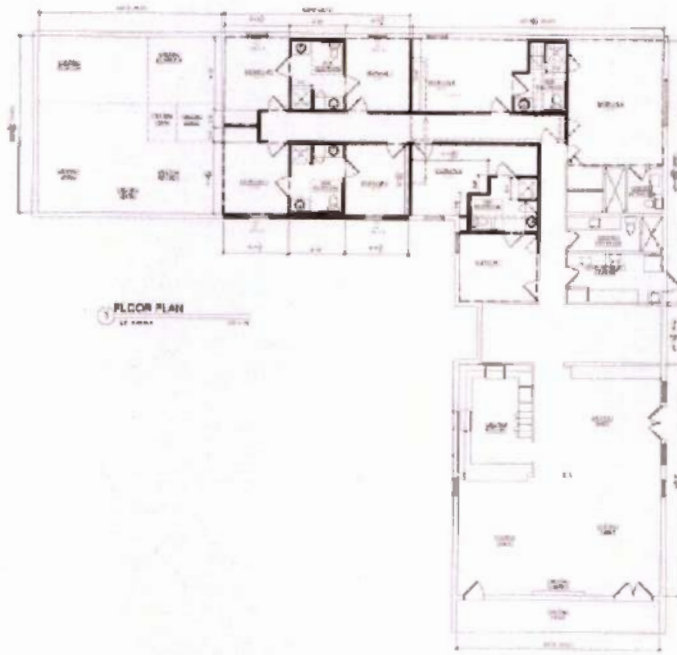
- Harlingen city limits shp
- 200' Notification Boundary
- Subject Property

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



FLOOR PLAN
1/2" = 1'-0"



PROJECT NAME:
HARLINGEN ASSISTANT LIVING
HARLINGEN, TX

DATE: 01/10/2012
DRAWN BY: J. LARNEY
CHECKED BY: J. LARNEY
SCALE: 1/2" = 1'-0"
SHEET NO. 100

A100

100

[illegible]

PROJECT NO. 01
HARLINGEN ASSISTANT LIVING
HARLINGEN, TX

The *Journal of the Philosophy of Education Society of Great Britain* is a peer-reviewed journal of philosophy of education. It is published by the Philosophy of Education Society of Great Britain (PESGB). The journal is a leading international journal in the field of philosophy of education. It covers a wide range of topics, including moral education, social education, and the philosophy of education in general. The journal is published quarterly, and is available in both print and online formats.

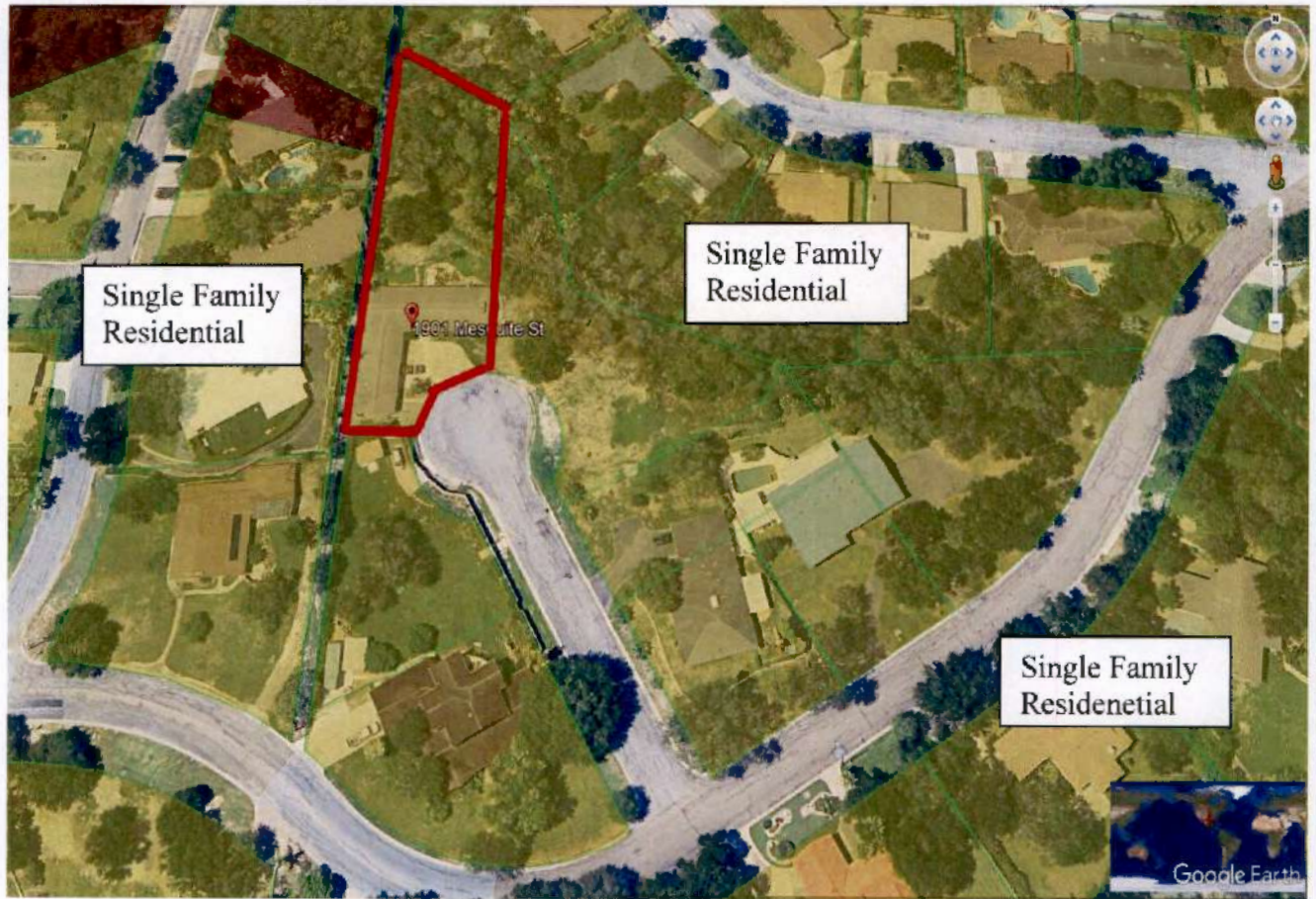
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ATTACHMENT VI

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

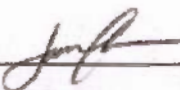
Location: 1901 E. Mesquite Drive

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.

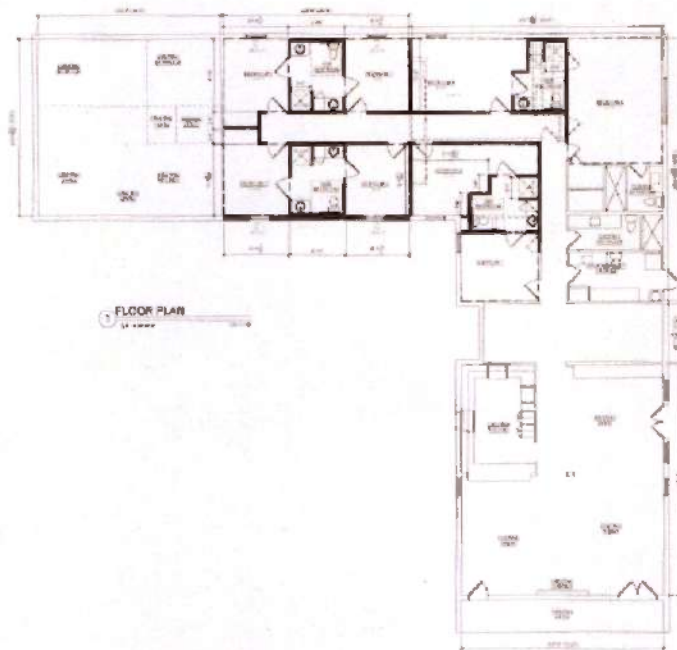
CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Hermelinda Gonzalez, Interim City Secretary

Exhibit "A"



PROJECT #200-
HARLINGEN ASSISTANT LIVING
 HARLINGEN, TX

ARCHITECT
 LANEZ ARCHITECTS
 10000 W. 10TH AVE.
 SUITE 100
 DENVER, CO 80231
 303.733.1111
 DATE: 01/10/00
 DRAWN BY: [illegible]
 CHECKED BY: [illegible]
 APPROVED BY: [illegible]

A100

Exhibit “B”



SITE PLAN

[illegible]

PROJECT 3026-00
HARLINGEN ASSISTANT LIVING
HARLINGEN, TX

1. **Identify the problem.** What is the problem?
 2. **Identify the cause.** What is the cause of the problem?
 3. **Identify the effect.** What is the effect of the problem?
 4. **Identify the solution.** What is the solution to the problem?
 5. **Identify the outcome.** What is the outcome of the solution?
 6. **Identify the feedback.** What is the feedback on the solution?
 7. **Identify the evaluation.** What is the evaluation of the solution?
 8. **Identify the conclusion.** What is the conclusion of the solution?
 9. **Identify the recommendation.** What is the recommendation of the solution?
 10. **Identify the action plan.** What is the action plan for the solution?

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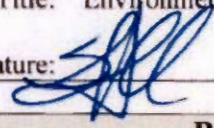
**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **July 02, 2025**

Agenda Item:

Consideration and possible action to approve an extension on the contract between the City of Harlingen and Dr. Robert Kellogg, DVM to continue providing services to the Harlingen Animal Shelter as needed.

Prepared By (Print Name): Shannon Harvill
Title: Environmental Health Director

Signature: 

Brief Summary:

The City of Harlingen Health Department is requesting to extend the contract with Dr. Robert Kellogg, DVM to continue providing services such as developing and implementing vaccine protocols, animal assessment procedures, recommendations on humane outcomes for animals. He would also be monitoring medical advancements of animal protocols related to animals in the shelter and provide veterinary expertise. The length of the contract is for one (1) year starting July 22, 2025, to July 21, 2026, for \$600.00 monthly charge, totaling to \$7,200.

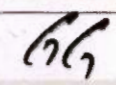
Funding (if applicable):

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

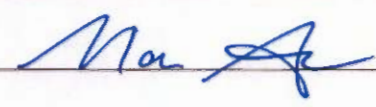
*If no, specify source of funding and amount requested:

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

GENERAL SERVICES CONTRACT

This Contract (Contract) is made between the City of Harlingen, Texas (City), and Dr. Robert Kellogg, DVM ("Contractor"). The City and Contractor agree to the terms and conditions of this Contract, which consists of the following parts:

- I. Summary of Contract Terms
- II. Standard Contractual Provisions
- III. Signatures

I. Summary of Contract Terms

Contractor: Robert Kellogg, DVM

Brief Description of Services: Provide medical assessments and recommendations, administer vaccinations to animals, provide in person and phone consultations as needed to ensure humane care for all animals in the Harlingen Animal Shelter.

Maximum Contract Amount: \$7,200 for 12 months

Develop and Implement vaccine protocols, animal assessment procedures, recommendations on humane outcomes for animals. Monitor medical advancements of animal protocols related to animals in the shelter and provide veterinary expertise - \$600 monthly.

Length of Contract: Twelve (12) months period from date of July 22, 2025, and enacted by City of Harlingen and Contractor's signature.

Effective Date: July 22, 2025.

Expiration Date: July 21, 2026

II. Standard Contractual Provisions

A. Definitions

Contract means this Standard Services Contract.

Premises 1106 Markowsky

Doctor of Veterinary Medicine means the Contractor.

Project Administrator means the person duly designated by the City to manage the services provided for in this Contract.

Services means the services for which the City requested as described in this Contract.

B. Services

Contractor will furnish Services to the City in accordance with the terms and conditions specified below herein and incorporated for all purposes:

1. Routine assessment of animals in the Harlingen Animal Shelter.
2. Make recommendation to the Animal Shelter Manager for vaccination protocols and procedure changes,
3. Serve as an advisor for city staff on veterinary care.

C. Payment

The City shall pay Contractor for the Services specified below. Project Administrator inspection and approval is required before payment is made to Contractor:

1. Routine Office, Lab, Clinical, and Prevention and Control of Animal Disease work - Contractor will bill the city monthly for these services.

D. Conditions

This contract is subject to the following conditions:

1. The Project Administrator will regularly review services for compliance with the terms of this Contract.
2. Contractor is anticipated to spend 8 - 16 hours monthly on average as approved by Health Director due to required medical needs.
3. Contractor, shall prior to execution of this agreement, provide proof of valid state veterinary licensure and shall maintain said license in good standing for the duration of this Agreement.

E. Termination Provisions

1. Either Party can terminate this Agreement at any time and for any reason with a 30-day notice.

F. Confidentiality. Any provision of this Contract that attempts to prevent the City's disclosure of information that is subject to disclosure under federal or Texas law or regulation, court or administrative decision or ruling, regardless of the source is invalid. (Chapter 552, Texas Government Code).

G. Tax Exemption. The City is not liable to Contractor for any federal, state or local taxes for which the City is not liable by law, including state and local sales and use taxes (Section 151.309 and Title 3, Texas Tax Code) and federal excise tax (Subtitle D of the Internal Revenue Code). Accordingly, those taxes may not be added to any item purchased for consumption by the city. Fuel purchased for resale shall include Federal Excise Tax under IRC Section 4081 and Texas Motor Fuel Tax if required under the

Texas Tax Code Chapter 162. Texas limited sales tax exemption certificates will be furnished upon request. Contractor shall not charge for said taxes on purchases for consumption by the City. If billed, the city will remit payment less sales tax.

- H. Assignment. The Contractor shall not assign this Contract without the prior written consent of the City.
- I. Law, Venue and Limitations. This Contract is governed by the laws of the State of Texas and a lawsuit may only be prosecuted on this Contract in a court of competent jurisdiction located in or having jurisdiction in Cameron County, Texas.
- J. Entire Contract. This Contract and the provisions of the Exhibits represent the entire Contract between the City and the Contractor and supersedes all prior negotiations, representations, or contracts, either written or oral. This Contract may be amended only by written instrument signed by both parties.
- K. Independent Contractor. Contractor shall perform the work under this Contract as an independent contractor and not as an employee of the City. The City has no right to supervise, direct, or control the Contractor or Contractor's officers or employees in the means, method, or details of the work to be performed by Contractor under this Contract. The City and Contractor agree that the work performed under this Contract is not inherently dangerous, that Contractor will perform the work in a workmanlike manner, and that Contractor will take proper care and precautions to ensure the safety of Contractor's officers and employees.
- L. Dispute Resolution Procedures. The Contractor and City desire an expeditious means to resolve any disputes that may arise between them regarding this Contract. If either party disputes any matter in relation to this Contract, the parties agree to try in good faith, before bringing any legal action, to settle the dispute by submitting the matter to non-binding mediation before a third party who will be selected by agreement of the parties. The parties will each pay one-half of the mediator's fees.
- M. Severability. If a court finds or rules that any part of this Contract is invalid or unlawful, the remainder of the Contract continues to be binding on the parties.

III. Signatures. By signing below, the parties agree to the terms of this Contract:

CONTRACTOR:

CITY OF HARLINGEN

Dr. Robert Kellogg, DVM

Norma Sepulveda, Mayor

ATTEST:

Mayra Herrera, City Secretary

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Expiration Date: July 21, 2026

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3. Contractor, shall prior to execution of this agreement, provide proof of valid state veterinary licensure and shall maintain said license in good standing for the duration of this Agreement.

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- L. Dispute Resolution Procedures. The Contractor and City desire an expeditious means to resolve any disputes that may arise between them regarding this Contract. If either party disputes any matter in relation to this Contract, the parties agree to try in good faith, before bringing any legal action, to settle the dispute by submitting the matter to non-binding mediation before a third party who will be selected by agreement of the parties. The parties will each pay one-half of the mediator's fees.
- M. Severability. If a court finds or rules that any part of this Contract is invalid or unlawful, the remainder of the Contract continues to be binding on the parties.

III. Signatures. By signing below, the parties agree to the terms of this Contract:

CONTRACTOR:

CITY OF HARLINGEN

Dr. Robert Kellogg, DVM

Norma Sepulveda, Mayor

ATTEST:

Mayra Herrera, City Secretary

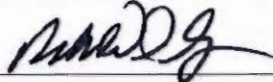
**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **July 2, 2025**

Agenda Item:

Consideration of possible action to approve an Ordinance on the second and final 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

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 (Grant) of \$874,286 and an interest free 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 :

IM-#10242969.7

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

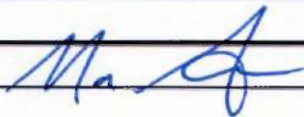
Accounting Principles

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.

Exhibit A

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **July 2, 2025**

Agenda Item:	
Consideration and possible action to approve a resolution authorizing the City Manager to submit an application to the Rio Grande Valley Metropolitan Planning Organization (RGVMPO) under the FY 2026 Category 7 and FY 2028 Category 10 Project Call. Attachment (<i>Special Projects Dept.</i>)	
Prepared By: Ana Hernandez, Mobility & Special Projects Director	
Brief Summary:	
The Rio Grande Valley Metropolitan Planning Organization (RGVMPO) has issued a project call to allocate Category 7 - Surface Transportation Block Grant and Category 10 - Carbon Reduction Program funds. There are approximately \$102 million in Category 7 funds available and \$2.6 million in Category 10. Category 7 funds may be used for roadway rehabilitation, interchange improvements, non-construction transportation activities such as transportation studies, bus shelters, Intelligent Transportation Systems (ITS) installations, Transportation Systems Management and Operations (TSMO), and roadside assistance. Category 10 funds may be used for transportation projects that help reduce carbon emissions, such as bicycle/pedestrian infrastructure, public transit enhancements, traffic signal upgrades, EV charging infrastructure, and Intelligent Transportation Systems (ITS). The city will be applying to one category, Category 7, to obtain a consultant to perform a study of Harlingen's transportation systems into the City of Harlingen's Mobility Master Plan. The Mobility Master Plan will act as a blueprint for the future of transportation in Harlingen, addressing the needs of all users—pedestrians, cyclists, motorists, transit riders, and freight operators—while supporting the city's growth and economic development. The funding request is \$160,000 with a 20% match of \$40,000 for a total project cost of \$200,000. Depending on eligibility, the city may apply to TxDOT's economically disadvantaged county (EDC) program to help reduce the 20% match.	
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:	
Staff recommends approval of this resolution.	
City Manager approval:	
Comments:	
City Attorney's approval:	

RESOLUTION NO. 2025 - ____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS AUTHORIZING THE CITY MANAGER TO SUBMIT A GRANT APPLICATION TO THE RIO GRANDE VALLEY METROPOLITAN PLANNING ORGANIZATION (RGVMPO) UNDER THE FY 2026 CATEGORY 7 AND FY 2028 CATEGORY 10 PROJECT CALL.

WHEREAS, The Rio Grande Valley Metropolitan Planning Organization (RGVMPO) has issued a project call to allocate Category 7 - Surface Transportation Block Grant and Category 10 - Carbon Reduction Program funds. There is approximately \$102 million in Category 7 funds available and \$2.6 million in Category 10 for the purposes of improving mobility within the MPO area, of which Harlingen is a part of; and,

WHEREAS, the City Commission finds it in the best interest of the residents of Harlingen, Texas, for the City of Harlingen to apply for funds to improve 16 existing traffic signals, listed in Attachment "A," under one or both RGVMPO's Category 7 and 10 Project Call; and,

WHEREAS, the City Commission would like to memorialize this Resolution in support of this grant application.

NOW, THEREFORE, BE IT RESOLVED, that the City Manager or designee is authorized to submit a grant application to the RGVMPO's Category 7 and 10 Project Call; and act on behalf of the City of Harlingen in all matters related to the grant application and subsequent grant contract that may result.

IT IS FURTHER RESOLVED that the City Commission agrees to commit at least 20% of the total project cost as its local match requirement.

IT IS FURTHER RESOLVED that the City is authorized to apply for TxDOT's economically disadvantaged county program to reduce its local match, if eligible.

CONSIDERED and **ADOPTED** this 2nd day of July 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 Government Code Chapter 551, as amended.

CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Mayra Herrera, City Secretary

ATTACHMENT “A”

1. Loop 499 and Haine Dr
2. Loop 499 and Pease St
3. Loop 499 and S 77 Sunshine Strip
4. Loop 499 and Hale Ave
5. S 77 Sunshine Strip and Camelot Dr
6. S 77 Sunshine Strip and Sam Houston Rd
7. W Harrison St and Frontage Rd
8. W Tyler Ave and Frontage Rd
9. Dixieland Rd and Lincoln St
10. N Sunshine Strip and New Combes Hwy
11. N Sunshine Strip and N 1st St
12. N Sunshine Strip 77 and N 7th
13. N Sunshine Strip 77 and N 13th
14. Morgan Blvd and Austin Ave
15. Morgan Blvd and Grimes Rd
16. Morgan Blvd and Rio Hondo Rd

1(h)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **July 2, 2025**

Agenda Item:

Consideration and possible action to approve a resolution authorizing the City Manager to submit a grant application to the U.S. Department of Justice, Office of Community-Oriented Policing Services (COPS Office), FY25 Safer Outcomes: Enhancing De-Escalation and Crisis Response Training for Law Enforcement grant. Attachment (*Special Projects Department*)

Prepared By: Ana Hernandez, Mobility & Special Projects Director

Brief Summary:

The FY 25 Safer Outcomes: Enhancing De-Escalation and Crisis Response Training for Law Enforcement program aims to promote safe outcomes during police encounters with individuals in crisis through targeted training. Grants will be awarded to law enforcement agencies that seek to implement this training and related support. The supported training programs must address one or more of the following areas:

1. De-escalation tactics and alternatives to use of force
2. Safely responding to an individual experiencing a mental or behavioral health or suicidal crisis
3. Safe encounters with individuals with disabilities
4. Successfully participating on a crisis intervention team
5. Making referrals to community-based services and support

The City of Harlingen will be applying for the Safer Outcomes grant to expand access to quality training on de-escalation and crisis response strategies for Harlingen Police Department (HPD) officers. As part of the grant request, the city is requesting the following:

AXON Virtual Reality (VR) Training Bundle: \$186,651.84 (149 officer licenses - valid for 4 years)

Personnel Overtime to attend training: \$107,280 (149 officers – 8 hours/year for 2 years = 16 hours per officer at \$45/hr)

Total Request: \$293,931.84

The AXON VR training is an immersive scenario-based simulation that allows officers to train in realistic, high-pressure scenarios. This system is designed to simulate real-world stress, requiring quick decision-making. This VR training is cost and time efficient and will help enhance HPD's tactical proficiency.

The grant performance period is 24 months, beginning on 10/01/2025 and ending on 09/30/2027. There is no match required.

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:

Staff recommends we apply.	
City Manager approval:	<i>66</i>
Comments:	
City Attorney's approval:	<i>M. B.</i>

RESOLUTION No. 2025 - ____

A RESOLUTION OF THE CITY OF HARLINGEN, TEXAS, AUTHORIZING THE CITY MANAGER TO SUBMIT A GRANT APPLICATION TO THE OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS) ~~IN REFERENCE TO THE~~ FY25 SAFER OUTCOMES: ENHANCING DE-ESCALATION AND CRISIS RESPONSE TRAINING FOR LAW ENFORCEMENT – SUPPORT FOR LAW ENFORCEMENT AGENCIES.

WHEREAS, the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS Office), is seeking applications from law enforcement agencies aiming to promote safe outcomes during police encounters with persons in crisis through relevant training; and,

WHEREAS, the City of Harlingen finds it in the best interest of the citizens of Harlingen, Texas, to seek funding for the Harlingen Police Department to purchase a virtual reality training platform and personnel overtime to enhance their training capabilities; and,

WHEREAS, the City of Harlingen City Commission would like to memorialize its support for the City's grant application via this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the City Commission authorizes the City Manager or designee to submit a grant application on behalf of the City of Harlingen, Texas.

CONSIDERED AND ADOPTED this 2nd day of July 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 Government Code Chapter 551, as amended.

Norma Sepulveda, Mayor

ATTEST:

Mayra Herrera, City Secretary

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **July 2, 2025**

Agenda Item:
Consideration and possible action to approve a resolution authorizing the City Manager to submit an application to the Rio Grande Valley Metropolitan Planning Organization (RGVMPO) under the FY 2026 Category 7 and FY 2028 Category 10 Call for Projects. Attachment (*Special Projects Department*).

Prepared By: Ana Hernandez, Mobility & Special Projects Director

Brief Summary:
The Rio Grande Valley Metropolitan Planning Organization (RGVMPO) has issued a project call to allocate Category 7 - Surface Transportation Block Grant and Category 10 -Carbon Reduction Program funds. There are approximately \$102 million in Category 7 funds available and \$2.6 million in Category 10. Category 7 funds may be used for roadway rehabilitation, interchange improvements, bus shelters, Intelligent Transportation Systems (ITS) installations, Transportation Systems Management and Operations (TSMO), and roadside assistance. Category 10 funds may be used for transportation projects that help reduce carbon emissions, such as bicycle/pedestrian infrastructure, public transit enhancements, traffic signal upgrades, EV charging infrastructure, and Intelligent Transportation Systems (ITS).

The city is applying to one or both categories to request funding to replace approximately 16 existing traffic signals and necessary signal hardware components at the intersections listed below. Necessary signal hardware components include traffic signal cabinets, Malfunction Management Units (MMUs), load switches, Bus Interface Units (BIUs), and related infrastructure. The new signals will be equipped with AI-based detection technology, allowing real-time traffic monitoring and adaptive signal control.

- Loop 499 and Haine Dr
- Loop 499 and Pease St
- Loop 499 and S 77 Sunshine Strip
- Loop 499 and Hale Ave
- S 77 Sunshine Strip and Camelot Dr
- S 77 Sunshine Strip and Sam Houston Rd
- W Harrison St and Frontage Rd
- W Tyler Ave and Frontage Rd
- Dixieland Rd and Lincoln St
- N Sunshine Strip and New Combes Hwy
- N Sunshine Strip and N 1st St
- N Sunshine Strip 77 and N 7th
- N Sunshine Strip 77 and N 13th
- Morgan Blvd and Austin Ave
- Morgan Blvd and Grimes Rd
- Morgan Blvd and Rio Hondo Rd

The recommended improvements fully align with Transportation Systems Management and Operations (TSMO) strategies and will significantly improve the corridors' safety, traffic flow, and air quality. The total amount requested is approximately \$446,400. The city's required match is \$111,600, which is 20% of the total project cost. Depending on eligibility, the city may apply to TXDOT's economically disadvantaged county (EDC) program to help reduce the 20% match.

Funding (if applicable):

Are funds specifically designated in the current budget for the full amount (Yes/No):

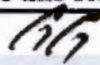
*If no, specify source of funding and amount requested:

Finance Director's approval (Yes/No/NA):

Staff Recommendation:

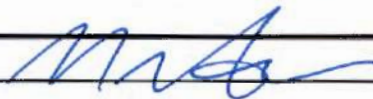
Staff recommends approval of this Resolution.

City Manager approval:



Comments:

City Attorney's approval:



RESOLUTION NO. 2025 - ____

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
HARLINGEN, TEXAS AUTHORIZING THE CITY MANAGER TO SUBMIT
A GRANT APPLICATION TO THE RIO GRANDE VALLEY
METROPOLITAN PLANNING ORGANIZATION (RGVMPO) UNDER THE
FY 2026 CATEGORY 7 AND FY 2028 CATEGORY 10 PROJECT CALL.**

WHEREAS, The Rio Grande Valley Metropolitan Planning Organization (RGVMPO) has issued a project call to allocate Category 7 - Surface Transportation Block Grant and Category 10 - Carbon Reduction Program funds. There is approximately \$102 million in Category 7 funds available and \$2.6 million in Category 10 for the purposes of improving mobility within the MPO area, of which Harlingen is a part of; and,

WHEREAS, the City Commission finds it in the best interest of the residents of Harlingen, Texas, for the City of Harlingen to apply for a planning grant under the RGVMPO's Category 7 Project Call to develop a citywide Mobility Plan that serves as a blueprint for current and future transportation decisions.

WHEREAS, the City Commission would like to memorialize this Resolution in support of this grant application.

NOW, THEREFORE, BE IT RESOLVED, that the City Manager or designee is authorized to submit a grant application to the RGVMPO's Category 7 and 10 Project Call; and act on behalf of the City of Harlingen in all matters related to the grant application and subsequent grant contract that may result.

IT IS FURTHER RESOLVED that the City Commission agrees to commit at least 20% of the total project cost as its local match requirement.

IT IS FURTHER RESOLVED that the City is authorized to apply for TxDOT's economically disadvantaged county program to reduce its local match, if eligible.

CONSIDERED and ADOPTED this 2nd day of July 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 Government Code Chapter 551, as amended.

CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Mayra Herrera, City Secretary

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **July 2, 2025**

Agenda Item:

Consideration and possible action to adopt a resolution authorizing the City Manager to submit a grant application to the Texas Parks and Wildlife's Local Park Grant Program. Attachment (*Special Projects Department*).


Prepared By: Ana Hernandez, Mobility & Special Projects Director

Brief Summary:

The Texas Parks and Wildlife's Local Park Grant Program consists of five individual programs, including the Non-Urban Outdoor Recreation Grant. The purpose of the Non-Urban Outdoor Recreation Grant is to support the acquisition, renovation, and new development of public parkland in cities with a population of 500,000 or less. The maximum grant award is \$750,000 and it requires a 50% match.

The City of Harlingen will be applying to the Texas Parks and Wildlife's Non-Urban Outdoor Grant to fund park improvements at Arroyo Park. The city will request an amount not to exceed \$1,500,000.

A resolution authorizing the submission of the grant application is required by the agency.

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:

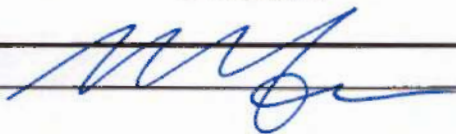
Staff recommends approval of this resolution.

City Manager approval:



Comments:

City Attorney's approval:





Local Park Grant Program Resolution Authorizing Application

A resolution of the City of Harlingen as hereinafter referred to as "Applicant," designating certain officials as being responsible for, acting for, and on behalf of the Applicant in dealing with the Texas Parks & Wildlife Department, hereinafter referred to as "Department," for the purpose of participating in the Local Park Grant Program, hereinafter referred to as the "Program"; certifying that the Applicant is eligible to receive program assistance; certifying that the Applicant matching share is readily available; and dedicating the proposed site for permanent (or for the term of the lease for leased property) public park and recreational uses.

WHEREAS, the Applicant is fully eligible to receive assistance under the Program; and

WHEREAS, the Applicant is desirous of authorizing an official to represent and act for the Applicant in dealing with the Department concerning the Program;

BE IT RESOLVED BY THE APPLICANT:

SECTION 1: That the Applicant hereby certifies that they are eligible to receive assistance under the Program, and that notice of the application has been posted according to local public hearing requirements.

SECTION 2: That the Applicant hereby certifies that the matching share for this application is readily available at this time.

SECTION 3: That the Applicant hereby authorizes and directs the City Manager or designee to act for the Applicant in dealing with the Department for the purposes of the Program, and that Mr. Gabriel Gonzalez is hereby officially designated as the representative in this regard.

SECTION 4: The Applicant hereby specifically authorizes the official to make application to the Department concerning the site to be known as Arroyo Park Improvements in the City of Harlingen for use as a park site and is hereby dedicated (or will be dedicated upon completion of the proposed acquisition) for public park and recreation purposes in perpetuity (or for the lease term, if legal control is through a lease). Projects with federal monies may have differing requirements.

Introduced, read and passed by an affirmative vote of the "Applicant" on this 2nd day of July, 2025.

Signature of Local Government Official

Norma Sepulveda, Mayor

Typed Name and Title

ATTEST:

Signature

Mayra Herrera, City Secretary

Typed Name and Title

AGENDA ITEM EXECUTIVE SUMMARY

Meeting Date: **July 2, 2025**

Agenda Item:	
Consideration and possible action to authorize the purchase of a truck and a Big Tex trailer for the Public Works Paving Crew to streamline the mobilization of equipment such as a backhoe, roller, and zipper, utilizing available savings from previously approved equipment purchases. <i>(Attached Quote)</i>	
Prepared By: Christopher D. Torres, Director	
Brief Summary:	
This item seeks approval for the purchase of a truck and Big Tex trailer for the Public Works Paving Crew to enhance the efficiency of transporting key equipment such as a backhoe, roller, and zipper. The purchase will be funded using savings from prior equipment acquisitions, ensuring no additional budget impact while improving operational capabilities and response time.	
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:	<i>[Signature]</i>
Comments:	
City Attorney's approval:	<i>[Signature]</i>

1401 W.BUSINESS 77
P.O.BOX 1871
SAN BENITO, TX 78586
WWW.BOSWELLAUTO.COM



EMAIL: ROB.GARCIA@BOSWELLAUTO.COM
PHONE: 1-888-233-5721/(956)399-2468
FAX: (956)399-4707

MOTOR VEHICLE PURCHASE ORDER

Purchaser CITY OF HARLINGEN Salesman Robert Garcia Date 6/13/2025
Address _____ Residence Phone _____ Bus. Phone _____
City _____ State TX Zip _____

I hereby offer to purchase from you under the terms and conditions specified, the following:

Delivery is to be made _____ or as soon thereafter as possible. It is agreed, however, that neither you nor the Manufacturer will be liable for failure to effect delivery.

DESCRIPTION OF SALE UNIT					
Quantity	☒ New ☐ Used	Year	Make	Cyl.	Model
1		2024	FORD	7.3L	F350 XL
Body Style		Stock No.	Color		
REG CAB & CHASS		1680	WHITE		
Vehicle Identification No.				License No.	
1FDRF3GN4REF15359					
Inspection		Mileage	Validation No.		
		55			
USED CAR TRADE-IN					
Year		Make	Body Type		
Model		Cyl.	Mileage		
Vehicle Identification No.				License No.	
Inspection		Validation No.			
Appraised Value of Trade-in		FMCC Deal No.			
\$					
TIPS-USA VENDOR #7490					
CONTRACT #240901 TRANSPORTATION VEHICLE					
DOCUMENTARY FEE. A DOCUMENTARY FEE IS NOT AN OFFICIAL FEE. A DOCUMENTARY FEE IS NOT REQUIRED BY LAW, BUT MAY BE CHARGED TO BUYERS FOR HANDLING DOCUMENTS AND PERFORMING SERVICES RELATED TO CLOSING OF A SALE. A DOCUMENTARY FEE MAY NOT EXCEED \$25. THIS NOTICE IS REQUIRED BY LAW. THE DEALER'S INVENTORY TAX CHARGE IS INTENDED TO REIMBURSE THE DEALER FOR AD VALOREM TAXES ON ITS MOTOR VEHICLE INVENTORY. THE CHARGE, WHICH IS PAID BY THE DEALER TO THE COUNTY TAX ASSESSOR/COLLECTOR, IS NOT A TAX IMPOSED ON A CONSUMER BY THE GOVERNMENT, AND IS NOT REQUIRED TO BE CHARGED BY THE DEALER TO THE CONSUMER.					
AVISO EL COBRO DOCUMENTAL NO ES UN COBRO OFICIAL. EL COBRO DOCUMENTAL NO ES REQUISITO BAJO LA LEY, PERO SE LE PUEDE COBRAR AL COMPRADOR POR EL RENDIMIENTO DE LOS SERVICIOS RELACIONADOS CON LA COMPLETACION DE LA VENTA Y POR COMPLETAR LOS DOCUMENTOS. EL COBRO DOCUMENTAL NO PUEDE SOBREPASAR LOS \$25.00 (U.S.) ESTE AVISO ES REQUERIDO BAJO LA LEY. EL COBRO DEL CONCESIONARIO POR IMPUESTOS AL INVENTARIO ES PARA REEMBOLSAR AL CONCESIONARIO POR IMPUESTOS POR EL VALOR DE SU INVENTARIO DE VEHICULOS MOTRICES. ESTE CARGO, QUE HACE EL CONCESIONARIO AL RECOLECTOR-EVALUADOR DE IMPUESTOS DEL CONDADO, NO ES UN IMPUESTO IMPUTADO AL CONSUMIDOR POR EL GOBIERNO, Y NO SE REQUIERE QUE SEA COBRADO AL CONSUMIDOR POR EL CONCESIONARIO.					
DISCLAIMER OF WARRANTIES					
Any warranties on the products sold hereby are those made by the manufacturer. The seller hereby expressly disclaims all warranties, either express or implied, including any implied warranty of merchantability or fitness for a particular purpose, and the Seller neither assumes nor authorizes any other to assume for it any liability in connection with the sale of said products.					

PRICE OF UNIT	\$	
BEF-GP DISC	-2876	00
UNDER BODY BOXES &	3115	77
LIGHTS 2 BK & 2 FRT		
OVERHEAD BEACON		
11'4 CM FLATBED	7550	00
2025 BIG TEX 22GN -40D5A	20390	00
Selling Price	\$ 79719	77
Trade Allowance	\$	
Difference	\$	
Sales Tax	\$	
License and Titles Fees	\$	
State Inspection	\$	
Documentary Fee	\$	
Dealer Inventory Tax	\$	
Subtotal	\$	
Add Balance Owed on Trade	\$	
Subtotal	\$	
Cash on Delivery	\$	
Unpaid Balance Due	\$ 79719	77

I understand and agree to the terms of this order, whether on the front or the reverse side. This order contains the entire agreement proposed for the purchase of the above described vehicle and no other agreement or understanding of any nature concerning this transaction has been made unless attached to this order and signed by the seller and buyer. Seller makes no representations concerning fuel economy of the sale unit and any information posted on the sale unit or contained in literature relating to the same reflect the results of tests performed, required or prescribed by a government agency, upon which seller has relied. If the sale unit is a used motor vehicle: (1) seller will deliver to the buyer an Odometer Disclosure Statement based on written information relating to the sale unit obtained from the previous owner and upon which seller has relied; and (2) seller has obtained from the previous owner a written Certificate of Title prepared by the State Department of Highways and Public Transportation from its official records, all of the information in which seller has relied upon in the Description of Sale Unit in this order.

Seller's Signature Robert Garcia Purchaser's Signature _____ Date _____

IFD KTP-002830 TX 9-NORMAL, RB, 202830, RH272 12025

ULN CERT CERT TRD W RAMP BUMP CAMP BOOK EXFL ROTA

025430 2451/3432 1FDRF3GN4 REF15359 NB GEPL



ford.com

VEHICLE DESCRIPTION

SUPER DUTY

2024 F350 DRW 4X2 REG CHAS
XL 169" WB CHASSIS CAB
7.3L DEVCT NA FRI V6 ENGINE
10-SPEED AUTO TORQSHIFT

EXTERIOR
OXFORD WHITE
INTERIOR
MEDIUM DARK SLATE VINYL

RE F15359

STANDARD EQUIPMENT INCLUDED AT NO EXTRA CHARGE

EXTERIOR

- HEADLAMPS - AUTOLAMP (ON/OFF)
- HEADLAMPS - WIPER ACTIVATED
- MIRRORS - HTD, PWR GLASS/ MANUAL-FOLD/TURN SIGNALS
- ROOF CLEARANCE LIGHTS
- TOW HOOKS
- TRAILER BRAKE CONTROLLER
- TRAILER SWAY CONTROL
- TRAILER TOW WIRE HARNESS
- WIPERS - INTERMITTENT

INTERIOR

- 4.2" PRODUCTIVITY SCREEN
- AIR COND, MANUAL FRONT
- BLACK VINYL FLOOR COVERING
- OUTSIDE TEMP DISPLAY
- PARTICULATE AIR FILTER
- POWER LOCKS AND WINDOWS
- STEERING TILT/TELESCOPE, CRUISE & AUDIO CONTROLS
- UPFITTER SWITCHES

FUNCTIONAL

- 4-WHEEL ANTILOCK BRAKE SYS
- FORDPASS™ CONNECT 5GWI-FI HOTSPOT TELEMATICS MODEM
- HILL START ASSIST
- JEWEL EFFECT HEADLAMPS
- REMOTE KEYLESS ENTRY
- STABILIZER BAR, FRONT/REAR
- SYNC4 W/8" SCREEN

SAFETY/SECURITY

- ADVANCETRAC™ WITH RSC®
- AIRBAGS - SAFETY CANOPY®
- BELT-MINDER CHIME
- DRIVER/PASSENGER AIR BAGS
- SECURILOCK® ANTI-THEFT SYS
- SOS POST-CRASH ALERT SYS™

WARRANTY

- 5YR/60,000 BUMPER / BUMPER
- 5YR/60,000 POWERTRAIN
- 5YR/60,000 ROADSIDE ASSIST
- 5YR/100,000 DIESEL ENGINE

INCLUDED ON THIS VEHICLE

(MSRP)

OPTIONAL EQUIPMENT/OTHER
PREFERRED EQUIPMENT PKG.640A
10-SPEED AUTO TORQSHIFT
3.73 RATIO REGULAR AXLE
FRONT LICENSE PLATE BRACKET
14000# GVWR PACKAGE
50 STATE EMISSIONS
40 GAL AFT OF AXLE FUEL TANK

NO CHARGE
NO CHARGE
NO CHARGE
NO CHARGE
NO CHARGE

PRICE INFORMATION

BASE PRICE
TOTAL OPTIONS/OTHER

(MSRP)

\$49,545.00

TOTAL VEHICLE & OPTIONS/OTHER
DESTINATION & DELIVERY

49,545.00
1,995.00

RAMP ONE

RH80

RAMP TWO

RAIL

ITEM #:

52-F24P Q/T 1

TOTAL MSRP \$51,540.00



Whether you decide to lease or finance your vehicle, you'll find the choices that are right for you. See your dealer for details or visit www.ford.com/finance.

SPECIAL ORDER

RH272 N RB 2X 430 002830 08 27 24

This label is affixed pursuant to the Federal Automobile Information Disclosure Act. Gasoline, License, and Title Fees, State and Local taxes are not included. Dealer installed options or accessories are not included unless listed above.

California Air Resources Board

Gasoline Vehicle

Environmental Performance

These ratings are not directly comparable to the U.S. EPA/DOT light-duty vehicle label ratings. For information on how to compare, please see www.arb.ca.gov/ep_label.

Protect the environment. Choose vehicles with higher ratings:

Greenhouse Gas Rating (tailpipe only)



Smog Rating (tailpipe only)



Vehicle emissions are a primary contributor to climate change and smog. Ratings are determined by the California Air Resources Board based on this vehicle's measured emissions.



The FordPass™ Connect modem is active and sending vehicle data (e.g., diagnostics) to Ford.** See in-vehicle settings for connectivity options.

*Based on 1977-2023 CY total sales.
**FordPass Connect (optional on select vehicles), the FordPass App and complimentary Connected Service are required for remote features (see FordPass Terms for details). Connected service and features depend on compatible AT&T network availability. Evolving technology/cellular networks/vehicle capability may limit functionality and prevent operation of connected features. Connected service excludes Wi-Fi hotspot.

1FDRF3GN4REF15359



WARNING: Operating, servicing and maintaining a passenger vehicle, pickup truck, or vehicle can expose you to chemicals including engine exhaust, carbon monoxide, phthalate, which are known to the State of California to cause cancer and birth defects or other reproductive harm. To minimize exposure, avoid breathing exhaust, do not idle the engine except as necessary, service your vehicle in a well-ventilated area and wear gloves or wash your hands frequently when servicing your vehicle. For more information go to www.P65Warnings.ca.gov/passenger-vehicle.

FOR MORE INFO, VISIT FORD.COM/HELP



www.ford.com/fordpass-connect

ELLIFF MOTORS
1307 West Harrison Ave.
Harlingen TX 78550
(956) 423-3434

CITY OF HARLINGEN

Buyer's Order

Date 06/13/2025
Deal No.
Salesperson Jimmy Degollado
Lienholder None

PO BOX 2207
HARLINGEN, TX 78550

H 9564122660 W 9562664 C Email

I hereby agree to purchase the following unit(s) from you under the terms and conditions specified. Delivery is to be made as soon as possible. It is agreed, however, that neither you nor the manufacturer will be liable for failure to make delivery.

Unit Information

New/U	Year	Make	Model	Serial No.	Stock No.	Price (Incl factory options)
New	2025	Big Tex	22GN-40D5A-MRBK	16V3F4825S6408023	T12657	\$19,995.00

Options:

Dealer Unit Price	\$19,995.00
Factory Options	\$0.00
Added Accessories	\$0.00
Freight	\$395.00
Dealer Prep	\$0.00

Notes:

Trade Information

Cash Price	\$20,390.00
Trade Allowance	\$0.00
Payoff	\$0.00
Net Trade	\$0.00
Net Sale (Cash Price - Net Trade)	\$20,390.00
Sales Tax	\$0.00
Title/License/Registration Fees	\$0.00
Document or Administration Fees	\$0.00
Credit Life Insurance	\$0.00
Accident & Disability	\$0.00
Total Other Charges	\$0.00
Sub Total (Net Sale + Other Charges)	\$20,390.00
Cash Down Payment	\$0.00
Amount to Pay/Finance	\$20,390.00

Monthly Payment of \$0.00 For 0 Months at 0.00% Interest

NOTICE TO BUYER: (1) Do not sign this agreement before you read it or if it contains any blank spaces to be filled in. (2) You are entitled to a completely filled in copy of this agreement. (3) If you default in the performance of your obligations under this agreement, the vehicle may be repossessed and you may be subject to suit and liability for the unpaid indebtedness evidenced by this agreement.

TRADE-IN NOTICE: Customer represents that all trade in units described above are free of all liens and encumbrances except as noted.

*With Approved Credit. Interest rates and monthly payment are approximate and may vary from those determined by the lender.

Customer Signature _____ Dealer Signature _____

Thank You for Your Business!

ELLIFF MOTORS
1307 West Harrison Ave.
Harlingen, TX 78550
Phone: (956) 423-3434

Estimate
Due: \$3,115.77

Doc Number: Estimate
Service Writer: Tom Anderson
Date Printed: 06/13/2025
Date Promised: 06/13/2025

BOSWELL ELLIFF FORD
1401 W. BUS 77
SAN BENITO, TX 78586

Customer Information
Home Phone: 9563992468

Unit 2024 Ford F-350 F-350
VIN/Serial No:

Color:
Plate:

Keyboard:
Odom/Hrs In:0 Out:0

2-UNDERBODY BOXES

Description:

Parts

Part #	Qty	Description	Price	Discount	Total
Misc~	2.00	361818 TOOL BOX	\$516.19	\$0.00	\$1,032.38
Parts Subtotal					\$1,032.38

Labor

Description	Technician	Hours	Total
WELD TOOL BOXES		2	\$220.00
Labor Subtotal			\$220.00

Job Subtotal \$1,252.38

Approve: ☐ Decline: ☐

4-STROBES AND BEACON LIGHT

Description:

Parts

Part #	Qty	Description	Price	Discount	Total
5590CA	1.00	ECCO ELECT LED MINIAR	\$448.59	\$0.00	\$448.59
Misc~	4.00	REFLEX 15"	\$158.70	\$0.00	\$634.80
Misc~	1.00	ED3802 AW	\$125.00	\$0.00	\$125.00
Parts Subtotal					\$1,208.39

Labor

Description	Technician	Hours	Total
STROBES AND BEACON LIGHT		5.5	\$605.00
Labor Subtotal			\$605.00

Job Subtotal \$1,813.39

Approve: ☐ Decline: ☐

All Jobs Subtotal: \$3,065.77
Shop Supplies: \$50.00

Tax:	\$0.00
Total:	\$3,115.77
Less Deposits:	\$0.00
Total Due:	\$3,115.77

Thank You For Your Business! This estimate is only an estimate. All prices are subject to change.

NO RETURNS ON ELECTRICAL PARTS! NO REFUNDS ON SPECIAL ORDERS!

25% Restocking Fee On All Returns! All Returns must include original receipt.

NO REFUNDS on items after 30 days from purchase.

NO RETURNS on helmets.

Customer is responsible for hooking up trailer to their vehicle and securing items to vehicle.

Visit our Online Store at www.elliffmotors.com

Signature: _____

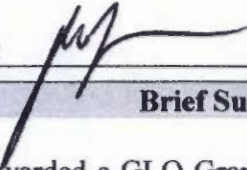
**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **July 2, 2025**

Agenda Item:

Consideration and possible action to authorize the Mayor and the Commission to approve an agreement with Cameron County for their Hazard Mitigation Action Plan update.

Prepared By (Print Name): Rafael Balderas
Title: Fire Chief

Signature: 

Brief Summary:

Cameron County has been awarded a GLO Grant for updating their Hazard Mitigation Plan and are requiring the City's approval since the City of Harlingen is part of the plan. There will be no monetary match required by the City. The City of Harlingen has partnered with Cameron County by means of this agreement for 10 years, renewing it every 5 years. Approving this agreement will continue to allow the city to apply for FEMA grants for mitigation and drainage issues after a storm.

Funding (if applicable):

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

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

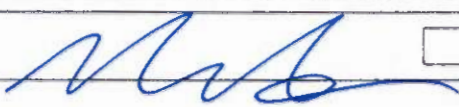
Finance Director's approval: ☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval.

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

Comments:

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

City of Harlingen
118 E. Tyler Ave.
Harlingen, Texas 78550
March 10, 2025

Tom Hushen, Emergency Management Coordinator
Cameron County Office of Emergency Management
964 East Harrison Street (2nd Floor),
Brownsville, TX, United States, Texas

Dear Mr. Hushen,

This letter serves as the City of Harlingen's commitment to participate in the Cameron County Hazard Mitigation Action Plan Update (HMAP).

At a minimum, the City of Harlingen commits to the following to help meet the match on the planning grant:

- Attending all required meetings
- Providing hazard data
- Reviewing and completing surveys and assessments
- Developing mitigation actions
- Providing edits on the HMAP
- Facilitating public meetings if requested

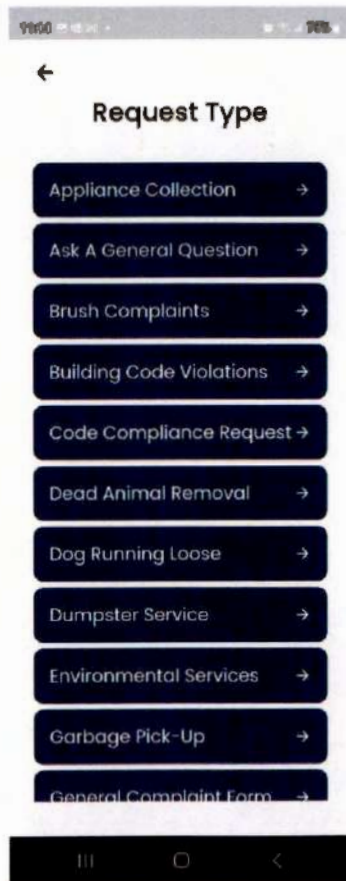
Sincerely,

City of Harlingen

A TOOL FOR BETTER COMMUNICATION
AND LOCAL SERVICES

Introducing Harlingen's New Mobile App: Enhancing Community Connectivity





Purpose and Vision of the App

Enhancing Communication

The app aims to improve communication between residents, making it easier to share information and connect.

Community Engagement

The vision includes actively engaging the community in local events, fostering a sense of belonging and participation.

Citizens Requests

Designed to offer residents a quicker, more convenient way to access city services and communicate with their local government.

Key Features and Functionalities



- **Signup & Sign-in:** Create an account and sign in securely to access a personalized experience.
- **Forgot Password / Reset Password:** Easily recover your account or reset your password if needed.
- **Submit Service Requests:** After signing in, you can quickly submit requests for city services, ranging from maintenance to Complaints.

Key Features and Functionalities



- **Track Requests:** View the details and current status of any requests you've submitted, with real-time updates.
- **GPS Location Updates:** Automatically add your location when submitting a request, ensuring more accurate service delivery.
- **Social Login Options:** Login effortlessly with your Google, Facebook, or Apple account.
- **User Profile:** View your profile, track your request history, and see your citizen score based on the number of requests you've made.
- **Push Notifications:** Stay in the loop with instant notifications about the status of your requests, city news, and important updates.
- **Request History:** Access your previous service requests and track their status at any time.

Quick Access to the Following Sites:



- Citizens Requests
- Harlingen Website
- Harlingen Facebook
- Online Building Permits
- Adopt a Pet
- Online Court Payments
- Convention Center
- Upcoming Events
- Online Events Tickets

Parks & Recreations

Employment Opportunities

Tony Butler Golf Course

Downtown Harlingen

Harlingen Library

Visit Harlingen

Harlingen EDC

News-Events Subscriptions

Harlingen TV

User-Friendly and New Design

Current App

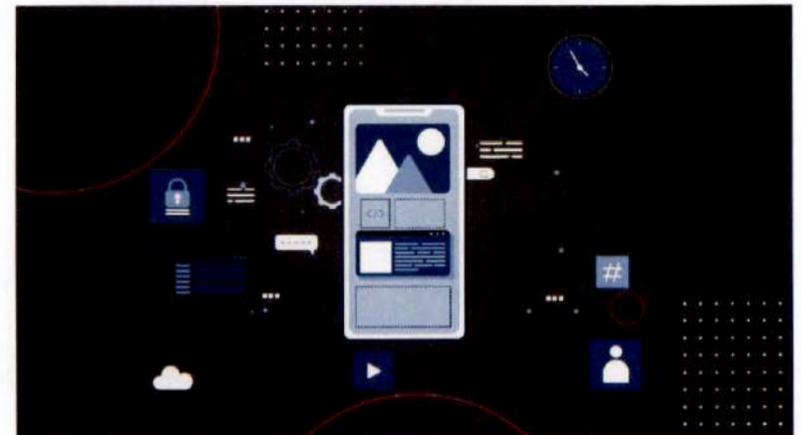


New App



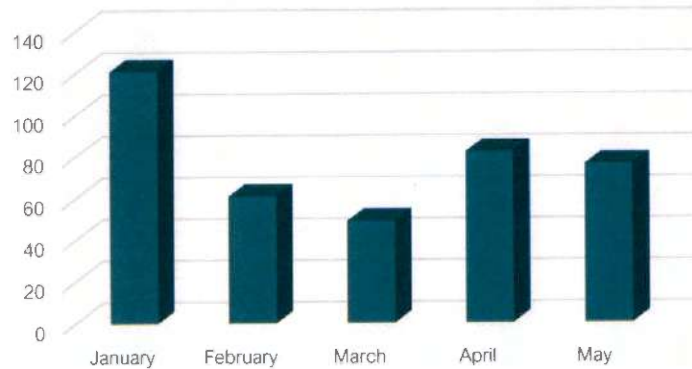
HarlingenTx

Must download and install



2025 Mobile App Requests

January thru May 2025 Mobile App Requests



Top Ten Mobile App Requests in 2024

• Streetlights	123
• Street Potholes	104
• General Complaints	82
• Grass Complaints	74
• Code Compliance	69
• Garbage Pickup	61
• Mosquito Complaints	52
• Brush Complaints	45
• Street Improvements	42
• Dog Running Loose	24



Since August 2024

- User Accounts: 264
- Total User Logins: 2,156

Online Building Permits

- **Objective:** The objective of deploying the new Building Permits online software system is to streamline the permit application and inspection process, making it more efficient and accessible for users.
- **Key Features:**
- **Apply for Permits:** Users can apply for building permits directly through the online portal.
- **Pay Fees:** Pay permit and inspection fees conveniently online.
- **Plan Review Status & Comments:** Access real-time status updates on plan reviews and view comments from reviewers.
- **Request Inspections:** Users can schedule inspections directly through the system.
- **Cancel Inspections:** Easily cancel previously scheduled inspections if needed.
- **Print Permits:** Permits that do not require plan approval can be printed once all fees are paid.
- **Contractor Updates:** Update contractor information, including submitting State License details, to ensure compliance.

The background is a solid dark blue color. It features several overlapping circles of varying shades of blue, creating a layered, abstract effect. The circles are positioned in the upper left and lower left areas, with some extending towards the center.

Questions!

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date:

July 2, 2025

Agenda Item:

Public hearing for a Special Use Permit ("SUP") to allow an adult business (Tattoo Studio) in a General Retail ("GR") District located at 602 S. "F" Street, Suite D, bearing a legal description of Lots 1-4, West Harlingen Addition. Applicant: Jerry Lopez. 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 30, 2025 – Application for Special Use Permit ("SUP") submitted to the City. (**ATTACHMENT I**)
- June 12, 2025 – In accordance with State and local law, notice of required public hearings mailed to all property owners within 200 feet of subject tract.
- June 13, 2025 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- June 25, 2025 - Public hearing and consideration of requested Special use permit by the Planning and Zoning Commission (P&Z).
- July 2, 2025 – Public hearing and consideration of requested SUP via 1st ordinance reading scheduled before the City Commission.
- July 16, 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.
- Jerry Lopez, the applicant, is requesting a special use permit to allow a tattoo studio out of an existing 600 square ft. suite located in the Discount Plaza at 602 S. "F" Street. (**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 "Tinta Eterna." The hours of operation will be from Monday through Saturday from 8a.m. to 12a.m. Two parking spaces are required and provided in the common parking area for the plaza which includes a nail salon, an accessory store, and a daycare. (**ATTACHMENT III and IV**).
- Surrounding properties are zoned General Retail "GR" in all directions. The surrounding land uses consist of a tire shop to the north, a mechanic shop to the south, "United Refrigeration" and a commercial plaza to the east, and single-family residential use to the west. (**ATTACHMENTS V and VI**).
- The City of Harlingen Building Inspections, 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 and City 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 Commissions may impose requirements and conditions of approval as 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*

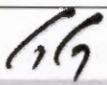
*If no, specify source of funding and amount requested:

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

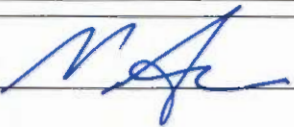
Staff Recommendation:

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. Hours of operation are from 8am – 12am, Sunday through Saturday;
4. Providing video surveillance with a thirty-day video retention; and
5. Complying with the requirements administered by Planning and Zoning, Building Inspections, Fire Prevention, and Police Departments.

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

Comments:

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

Public hearing and take action to consider a request for a Special Use Permit ("SUP") to allow an adult business (Tattoo Studio) in a General Retail ("GR") District located at 602 S. "F" Street, Suite D, bearing a legal description of Lots 1-4, West Harlingen Addition. Applicant: Jerry Lopez

Interim Planning and Development Director, Soledad Núñez, presented the following information related to the request for a Special Use Permit, as follows:

- Ms. Núñez stated that the applicant is Mr. Jerry Lopez and that he is proposing to set up shop in a six hundred (600) square foot suite within an existing Plaza.
- The Legal Notice Map with the property highlighted was presented.
- Based on the site plan provided and the information submitted by the applicant, the proposed business will operate under the name of "Tinta Eterna", from 8:00 a.m. to 12:00 am, Sunday through Saturday.
- An Aerial View of the property was presented.
- Surrounding Land Uses include a tire shop to the north, United Refrigeration and Commercial Plaza to the east, a mechanic shop to the south, and to the west is R1, single-family residential use.
- Two (2) parking spaces are required and provided in the common parking area.
- The Proposed Floor Plan and Site Plan submitted by the applicant was presented. The shop would be in Suite D.
- A Street View presented. Suite D was identified.
- Surrounding properties are zoned General Retail (GR) in all directions.
- The City of Harlingen Building Inspections, Fire Prevention, and Police Department reviewed the Special Use Permit request and all approved subject to the applicant meeting any requirements set forth by each department and that he must obtain all State and City permits.
- Staff did not receive any calls at all regarding this request.
- Staff is recommending approval of the Special Use Permit Request submitted to the following conditions:
 - Obtain and maintain all the proper State and City permits,
 - Maintain the required parking in accordance with City regulations,
 - Adhere to their hours of operation, which are proposed to be 8:00 a.m. to 12:00 a.m., Sunday through Saturday,
 - Provide video surveillance with thirty (30) day video retention, and
 - Comply with all the requirements set forth by all the respective departments.

Chairman Consiglio thanked Ms. Núñez. He asked if there were any questions for Staff.

Cmr. Sanchez asked about the conditions and specifically number four (4). He asked if the video surveillance requirement is part of the ordinance or if it was a recommendation by Staff. Ms. Núñez stated that it was part of the requirements by PD (the Police Department) for Special Use Permits. Cmr. Sanchez acknowledged the response.

Chairman Consiglio asked if there were any other questions for Staff and upon hearing none, proceeded to the Public Hearing on the item.

The Public Hearing was opened. The Chairman asked if there was anyone that would like to speak on this item, to please approach the podium. Upon hearing and seeing none, the Public Hearing was closed.

The Chairman confirmed that it was the applicant who was present in the audience. He was told yes. The Chairman asked if there were any questions for him, or if there was a motion. Cmr. Cruz-Velázquez 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. The Chairman congratulated the applicant.

AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: July 2, 2025

Agenda Item:

Public hearing for the voluntary annexation of 10.00 acres of land out of Block 3, F.H. Handley Subdivision, located on the east side of Paloma Lane approximately 2,010.46 ft. south of Garrett Road, including all the right-of-way on the south side of Garrett Road approx. 320.77 ft east of Paloma Lane and all the right-of-way along Paloma Lane south of Garrett Road to and through the property. Applicant: Casa Engineering c/o J.V. & Jessica Garcia. Attachment (**Planning & Development**)

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

Brief Summary:

Project Timeline

- June 14, 2025 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- June 25, 2025 – Public hearing to recommend the annexation by the Planning and Zoning Commission.
- July 2, 2025 – Public hearing and consideration of annexation by the City Commission via First Ordinance Reading.
- July 16, 2025 – Public hearing and consideration of annexation ordinance by the City Commission via Second and final reading.

Summary

- The property owners are requesting annexation for 10.00 acres. The property has frontage along Paloma Lane.
- The property owner is proposing a Residential subdivision on the property and finds it beneficial for the property to be within the city limits to process building permits.
- Water and sewer services for this property will be provided by the Harlingen Waterworks System.
- The subject annexation will require three public hearings and two readings of the ordinance. The above timeline delineates the annexation process.
- In 2025 the city has annexed 570.87 acres of land thus far. In 2024 the city annexed a total of 103.94 acres. In 2023, the city annexed 19.94 acres. In 2022, the city annexed 71.1 acres. In 2021, the city annexed 1.47 acres.

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:

lll

☒ Yes

☐ No

☐ N/A

Comments:

City Attorney's approval:

[Signature]

☒ Yes

☐ No

☐ N/A

Public hearing and take action to consider a request for the voluntary annexation of 10.00 acres of land out of Block 3, F.H. Handley Subdivision, located on the east side of Paloma Lane approximately 2,010.46 ft. south of Garrett Road, including all the right-of-way on the south side of Garrett Road approx. 320.77 ft east of Paloma Lane and all the right-of-way along Paloma Lane south of Garrett Road to and through the property. Applicant: Casa Engineering c/o J.V. & Jessica Garcia

Interim Planning and Development Director, Soledad Núñez, presented the following information related to the request for voluntary annexation, as follows:

- An Aerial View of the subject property highlighted in red was presented. Ms. Núñez stated the property owners have frontage along Paloma Lane and that as stated, they will need to annex all the adjacent right-of-way from south Garrett Road, all the way to Paloma Lane, to and through their property.
- Ms. Núñez added that upon annexation, the applicants are proposing a residential subdivision but are still not sure how many lots and whether it is going to be single-family (R1) the way it should be, or Planned Development (PD), but that they do know they want to do a residential subdivision.
- Water and sewer services are provided by Harlingen Water Works.
- Ms. Núñez explained that all annexations require three (3) Public Hearings. Today will be the first. The next one would be next week. The Chairman asked for clarification. Ms. Núñez said it would be next week, July 2, at City Commission. The Chairman acknowledged the response.
- The Survey for the Right-of-Way was presented.
- The Survey for the ten (10) acres was presented.
- The Zoning Map from the Zoning website was presented to indicate property in relation to the City Limits Map.
- The Annexation Map for the City was presented.
- Staff is recommending approval of the voluntary annexation request.

The Chairman asked to back to the Zoning Map. He commented that the subject property will kind of be an island of their own. Ms. Núñez acknowledged this and said that they have done similar annexations. She recalled that they did one last year on Bass Boulevard and that it was very similar to this. It was the Dollar General. The Chairman asked whether it didn't have to be connected. Ms. Núñez said that it has to be connected and explained that this is why they have to also annex the Right-of-Way. The Chairman asked about the Right-of-Way. Ms. Núñez pointed out and explained that it would be the south portion of Garrett Road and the area to Paloma Lane and through to their property. The Chairman confirmed that it was not all the same property owners and asked how this was done. Ms. Núñez clarified that the City can no longer do involuntary annexations and that with voluntary annexations, they have to annex the Right-of-Way as well. She explained that the County takes it off their inventory list once they are provided with the paperwork. The Chairman understood that this was an inner government thing. Ms. Núñez said that was correct and stated that she was still pending some paperwork for the County. The Chairman acknowledged the information he was provided and said he was just trying to make sure he understood.

The Chairman asked if there were any questions for Ms. Núñez or Staff.

Cmr. Flores asked if that road (Paloma Lane) is going to be wide enough to handle more traffic than what is taken right now. Ms. Núñez stated that there were no plans to widen Paloma Lane to her knowledge. She added that this would be similar to Brenneman Road with the high density development. She also explained that once the property owners go into the development stage of the subdivision, they will be required to submit a traffic impact analysis so that Staff can see exactly how their subdivision is going to affect the road. Ms. Núñez also clarified that she did not know if it would be developed right away after it is annexed. She said she was not sure how the applicants wanted to proceed, and if it would be within the time frame of a few months. She said that currently they just know that it's proposed to be a residential subdivision. Cmr. Flores then asked if the Board will be contacted if they have to have more street than what is currently there. Ms. Núñez said that she would be contacted. She explained that the Development Team for Subdivision Reviews will look at all of that. Cmr. Flores acknowledged the response.

The Chairman proceeded to the Public Hearing. The Public Hearing was opened. The Chairman asked if there was anyone that would like to speak on this item. Upon seeing and hearing none, the Chairman closed the Public Hearing.

Before proceeding, the Chairman indicated he had a question about the annexation map. He asked whether the center square was the original townsite. He confirmed that the blue and green shaded areas towards San Benito and Los Indios was all part of the City of Harlingen. He was told yes. He then asked again about the central area that is unshaded. Ms. Núñez confirmed that yes, this was all in our City Limits and said she was not sure why that portion was in white. The Chairman said he appreciated map but that it also felt a little incomplete in that regard.

The Chairman asked if there was a motion or questions.

Cmr. Perez asked if this was within the ETJ (Extraterritorial Jurisdiction). Ms. Núñez said that was correct, that it was within the three and a half (3.5) mile ETJ. Cmr. Perez commented on the City's growth in that direction and proceeded to make a motion to approve. Cmr. Cruz-Velázquez 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.

City of Harlingen
Agenda Item Request Form

We hereby request the following item to be added to July 02, 2025, City Commission Agenda:

1. Public Hearing and consideration and possible action to approve an ordinance on first reading regarding the providing for Historic Preservation in the City of Harlingen; providing definitions and terms; creating a Historic Preservation Commission, specifying its membership, tenure; setting forth duties and responsibilities of the Historic Preservation Commission; defining duties and responsibilities of the Historic Preservation Officer; providing designation criteria and procedure for designating historic landmarks and districts; establishing incentive programs for historic preservation; providing criteria and procedure for obtaining certificates of appropriateness; establishing design standards and guidelines; creating minimum maintenance standards; addressing demolition by neglect; providing for a penalty; providing a severability clause; and providing for publication and effective date.

2. Public Hearing and consideration and possible action to approve an ordinance on first reading amending Harlingen Code of Ordinances, Article VI, Section 111-142 to add Sections 11-142(e.) (f.) to regulate certain on street parking within the City of Harlingen, to prohibit on street parking at Barton Avenue to create exception to allow for service of utilizes and providing for severability.



Daniel N. Lopez, Commissioner Dist. 2



Rene Perez, Commissioner Dist. 5

City of Harlingen
Agenda Item Request Form

We hereby request the following item to be added to July 02, 2025, City Commission Agenda:

1. Public Hearing and consideration and possible action to approve an ordinance on first reading regarding the providing for Historic Preservation in the City of Harlingen; providing definitions and terms; creating a Historic Preservation Commission, specifying its membership, tenure; setting forth duties and responsibilities of the Historic Preservation Commission; defining duties and responsibilities of the Historic Preservation Officer; providing designation criteria and procedure for designating historic landmarks and districts; establishing incentive programs for historic preservation; providing criteria and procedure for obtaining certificates of appropriateness; establishing design standards and guidelines; creating minimum maintenance standards; addressing demolition by neglect; providing for a penalty; providing a severability clause; and providing for publication and effective date.
2. Public Hearing and consideration and possible action to approve an ordinance on first reading amending Harlingen Code of Ordinances, Article VI, Section 111-142 to add Sections 11-142(e.)(f.) to regulate certain on street parking within the City of Harlingen, to prohibit on street parking at Barton Avenue to create exception to allow for service of utilizes and providing for severability.



Daniel N. Lopez, Commissioner Dist. 2



Rene Perez, Commissioner Dist. 5

AGENDA ITEM EXECUTIVE SUMMARY

Meeting Date: **July 2, 2025**

Agenda Item:

Consideration and possible action to approve an ordinance on first reading for a Special Use Permit ("SUP") to allow an adult business (Tattoo Studio) in a General Retail ("GR") District located at 602 S. "F" Street, Suite D, bearing a legal description of Lots 1-4, West Harlingen Addition. Applicant: Jerry Lopez. 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 30, 2025 – Application for Special Use Permit ("SUP") submitted to the City. (**ATTACHMENT I**)
- June 12, 2025 – In accordance with State and local law, notice of required public hearings mailed to all property owners within 200 feet of subject tract.
- June 13, 2025 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- June 25, 2025 - Public hearing and consideration of requested Special use permit by the Planning and Zoning Commission (P&Z).
- July 2, 2025 – Public hearing and consideration of requested SUP via 1st ordinance reading scheduled before the City Commission.
- July 16, 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.
- Jerry Lopez, the applicant, is requesting a special use permit to allow a tattoo studio out of an existing 600 square ft. suite located in the Discount Plaza at 602 S. "F" Street. (**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 "Tinta Eterna." The hours of operation will be from Monday through Saturday from 8a.m. to 12a.m. Two parking spaces are required and provided in the common parking area for the plaza which includes a nail salon, an accessory store, and a daycare. (**ATTACHMENT III and IV**).
- Surrounding properties are zoned General Retail "GR" in all directions. The surrounding land uses consist of a tire shop to the north, a mechanic shop to the south, "United Refrigeration" and a commercial plaza to the east, and single-family residential use to the west. (**ATTACHMENTS V and VI**).
- The City of Harlingen Building Inspections, 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 and City 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 Commissions may impose requirements and conditions of approval as 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*

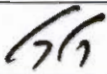
*If no, specify source of funding and amount requested:

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. Hours of operation are from 8am – 12am, Sunday through Saturday;
4. Providing video surveillance with a thirty-day video retention; and
5. Complying with the requirements administered by Planning and Zoning, Building Inspections, Fire Prevention, and Police 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 ZONING DIVISION MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 602 SE street, Suite P Nearest Intersection W Wright Ave & SE ST
(Proposed) Subdivision Name Discount Plaza Lot 1-2-3-4 Block 6
Existing Zoning Designation General Retail Future Land Use Plan Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Jerry Lopez Phone 956-203-3412 FAX _____

Email Address (for project correspondence only): 112190621@gmail.com

Mailing Address 210 Rancho Viejo Av City Brownsville State TX Zip 78526

Property Owner Jesus P Garza Phone (956) 244-7950 FAX _____

Email Address (for project correspondence only): _____

Mailing Address 521 W Tyler Ave 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/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: 8am-12am Tinta Eterna

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 or this application is incorrect the permit or approval may be revoked.

Applicant's Signature: [Signature] Date: 5-30-25

Property Owner(s) Signature: [Signature] Date: 5-30-25

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 602 South F Street, Suite D, bearing a legal description of Lots 1, 2, 3, and 4, Block 6, West Harlingen Addition. Applicant: Jerry Lopez



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) |

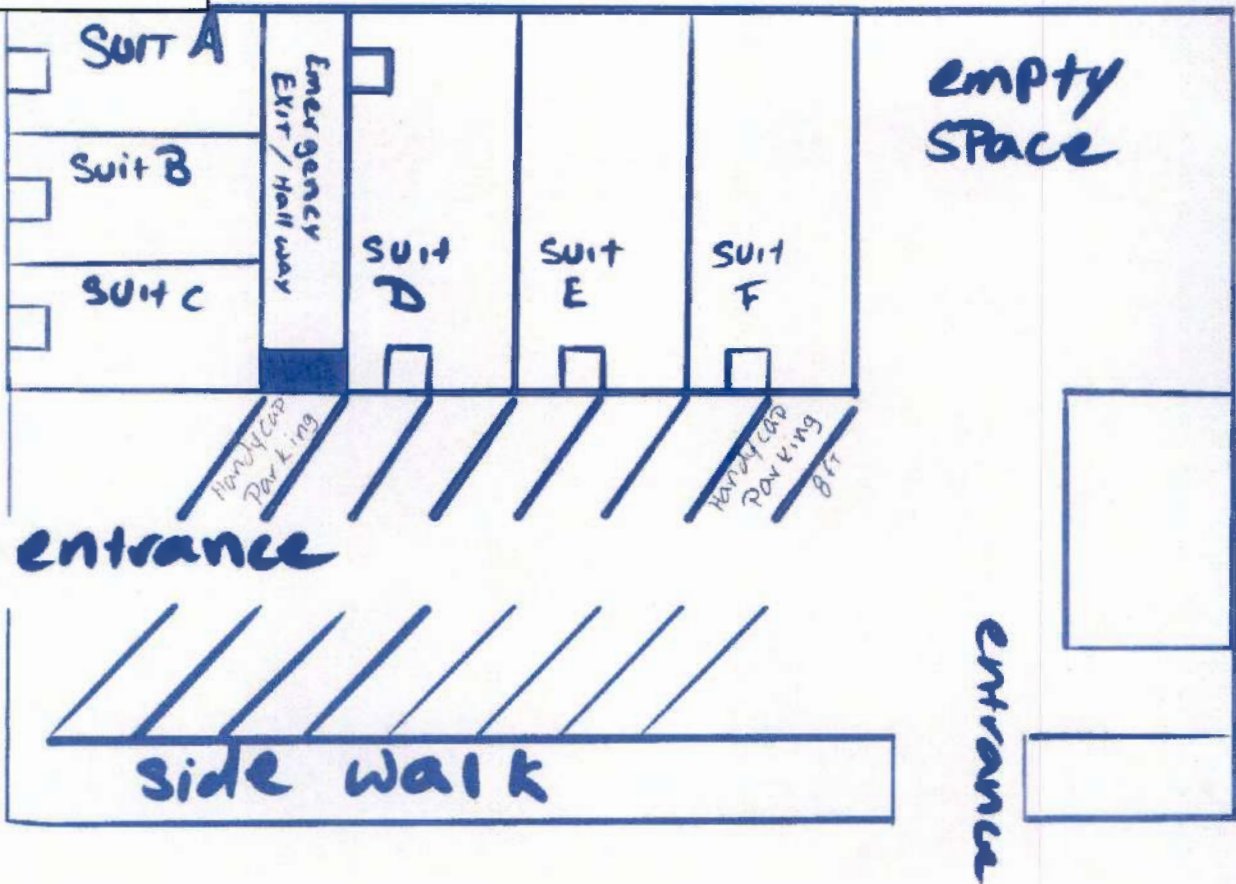
This map has been produced by the City of Harlingen for the sole purpose of locating jurisdictional boundaries and is not intended for any other. The map data is compiled from various sources including orthophoto imagery, engineer plans and plats, survey field notes, and other sources. This map is intended 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 06.10.2025

Attachment III



Attachment IV

SITE PLAN



Attachment V





Specific Use Permit ("SUP") Routing Slip

Applicant: Jerry Lopez

Phone No.: (956) 203-3412

Location: 602 S. F Street, Suite D

Project Description: Request for a Special Use Permit (SUP) to allow an adult business (Tattoo Studio) in a General Retail ("GR") District located at 602 S. F Street, bearing a legal description of Lots 1, 2, 3, and 4, Block 6, West Harlingen Addition. Applicant: Dimas Rivas

Department: Building Permits and Inspections Department

Approval: YES NO X 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

06/17/2025
Date



Specific Use Permit ("SUP") Routing Slip

Applicant: Jerry Lopez

Phone No.: (956) 203-3412

Location: 602 South F Street, Suite D

Project Description: Request for a Special Use Permit (SUP) to allow an adult business (Tattoo Studio) in a General Retail ("GR") District located at 602 South F Street, Suite D, bearing a legal description of Lots 1, 2, 3, and 4, Block 6, West Harlingen Addition. Applicant: Jerry Lopez

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: June 17, 2025

Attachment VIII



Specific Use Permit ("SUP") Routing Slip

Applicant: Jerry Lopez

Phone No.: (956) 203-3412

Location: 602 S. F Street, Suite D

Project Description: Request for a Special Use Permit (SUP) to allow an adult business (Tattoo Studio) in a General Retail ("GR") District located at 602 S. F Street, bearing a legal description of Lots 1, 2, 3, and 4, Block 6, West Harlingen Addition, Applicant: Dimas Rivas

Department: HARLINGEN POLICE DEPT.

Approval: ☒ YES ☐ NO

Comments: *APPROVAL PENDING CONTACT WITH APPLICANT. RECOMMEND MAKING CONTACT WITH APPLICANT AND DISCUSS SUP REQUIREMENTS.*



Alfredo Alvear, BSCJ, CPM
Interim Chief of Police

6/19/25

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 JERRY LOPEZ TO ALLOW AN ADULT BUSINESS (TATTOO STUDIO) IN A GENERAL RETAIL ("GR") DISTRICT LOCATED AT 602 S. "F" STREET, BEARING A LEGAL DESCRIPTION OF LOTS 1-4, WEST HARLINGEN ADDITION.

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 602 S. "F" Street, Suite D, bearing a legal description of parts of Lots 1-4, West Harlingen Addition as shown in Exhibits "A" and "B" subject to:

1. Obtaining and maintaining the proper State and City permits;
2. Maintaining the required parking in accordance with city regulations;
3. Hours of operation are from 8am – 12am, Sunday through Saturday;
4. Provide video surveillance with a thirty-day video retention; 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:

Mayra Herrera, City Secretary

Exhibit "A"

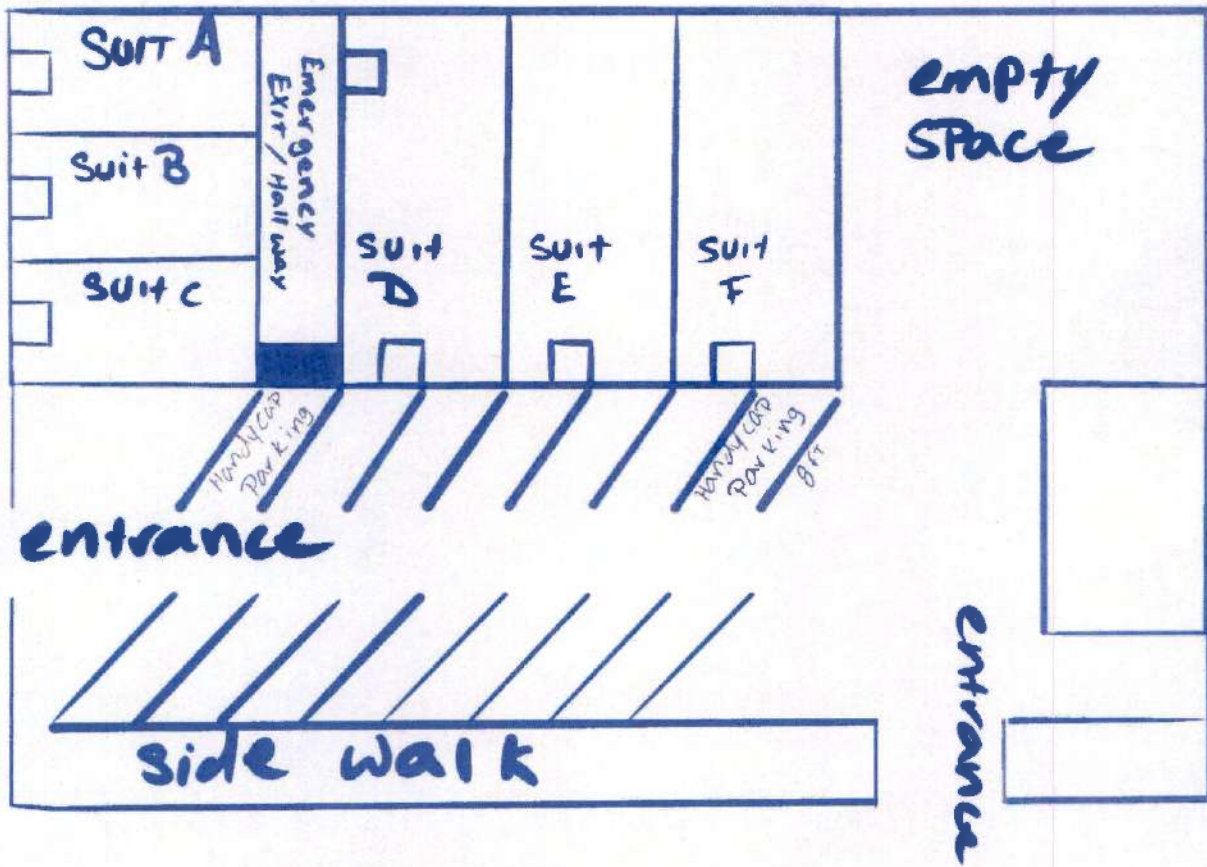
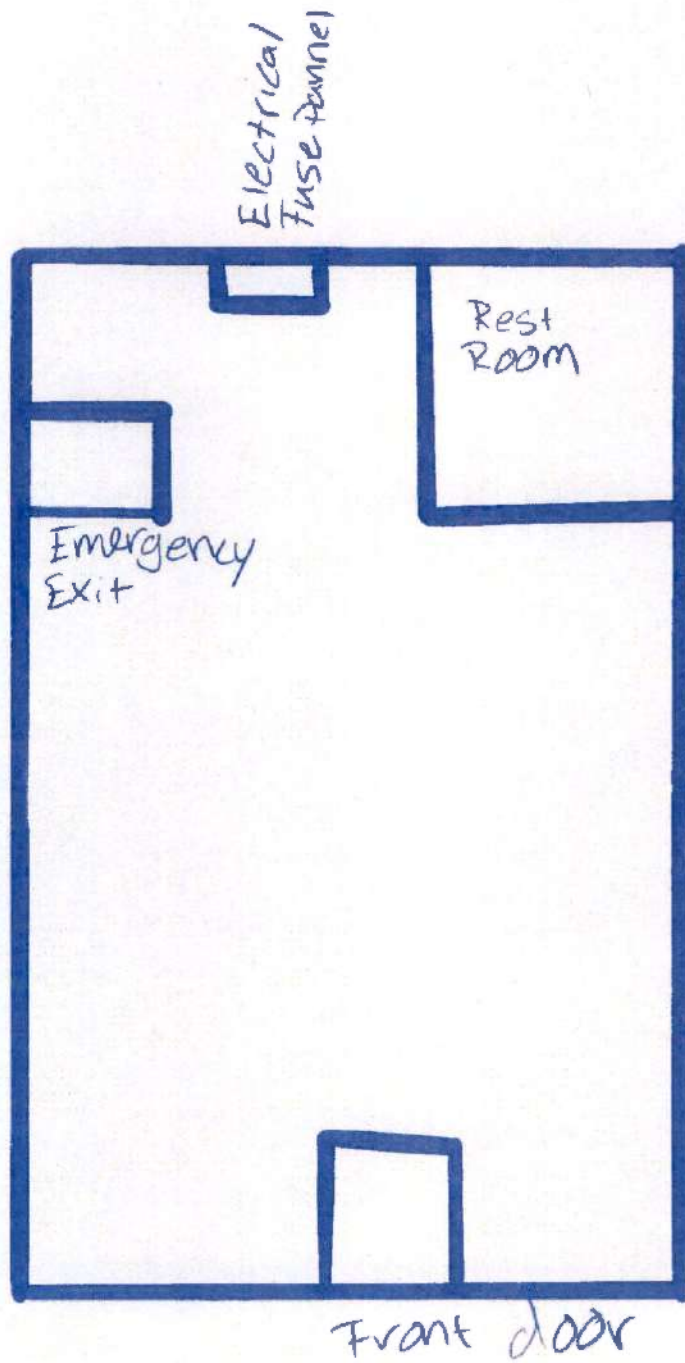


Exhibit "B"



**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **July 2, 2025**

Agenda Item:

Consideration and possible action to approve an ordinance on first reading for the voluntary annexation of 10.00 acres of land out of Block 3, F.H. Handley Subdivision, located on the east side of Paloma Lane approximately 2,010.46 ft. south of Garrett Road, including all the right-of-way on the south side of Garrett Road approx. 320.77 ft east of Paloma Lane and all the right-of-way along Paloma Lane south of Garrett Road to and through the property. Applicant: Casa Engineering c/o J.V. & Jessica Garcia. Attachment **(Planning & Development)**

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

Brief Summary:

Project Timeline

- June 14, 2025 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- June 25, 2025 – Public hearing to recommend the annexation by the Planning and Zoning Commission.
- July 2, 2025 – Public hearing and consideration of annexation by the City Commission via First Ordinance Reading.
- July 16, 2025 – Public hearing and consideration of annexation ordinance by the City Commission via Second and final reading.

Summary

- The property owners are requesting annexation for 10.00 acres. The property has frontage along Paloma Lane.
- The property owner is proposing a Residential subdivision on the property and finds it beneficial for the property to be within the city limits to process building permits.
- Water and sewer services for this property will be provided by the Harlingen Waterworks System.
- The subject annexation will require three public hearings and two readings of the ordinance. The above timeline delineates the annexation process.
- In 2025 the city has annexed 570.87 acres of land thus far. In 2024 the city annexed a total of 103.94 acres. In 2023, the city annexed 19.94 acres. In 2022, the city annexed 71.1 acres. In 2021, the city annexed 1.47 acres.

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:



☒ Yes

☐ No

☐ N/A

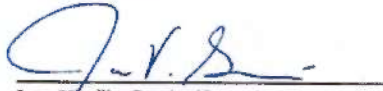
Attachment I- Letter Requesting Annexation



Civil And Surveying Associates, INC

City of Harlingen Annexation Request

We, Juan Virgilio Garcia and Jessica Michelle Garcia, owner(s) of the property described as Being 10.00 Acres Of Land Out of Block 3, F.H. Handley Subdivision, Cameron County, Texas Recorded In Volume 4, Page 64, Map Records Of Cameron County, Texas, formally request a Annexation Request to include the subject property and being part of the Municipal Jurisdiction of the City of Harlingen's City Limits.


Juan Virgilio Garcia, (Owner)

6/2/25
Date:


Jessica Michelle Garcia, (Owner)

6/2/25
Date:

Before me, the undersigned authority, on this day personally appeared Juan Virgilio Garcia & Jessica Michelle Garcia, known to me to be the person(s) whose name is subscribed to the foregoing document, and they acknowledged to me that they executed the same for the purposes and consideration therein expressed and, in the capacity, therein stated.

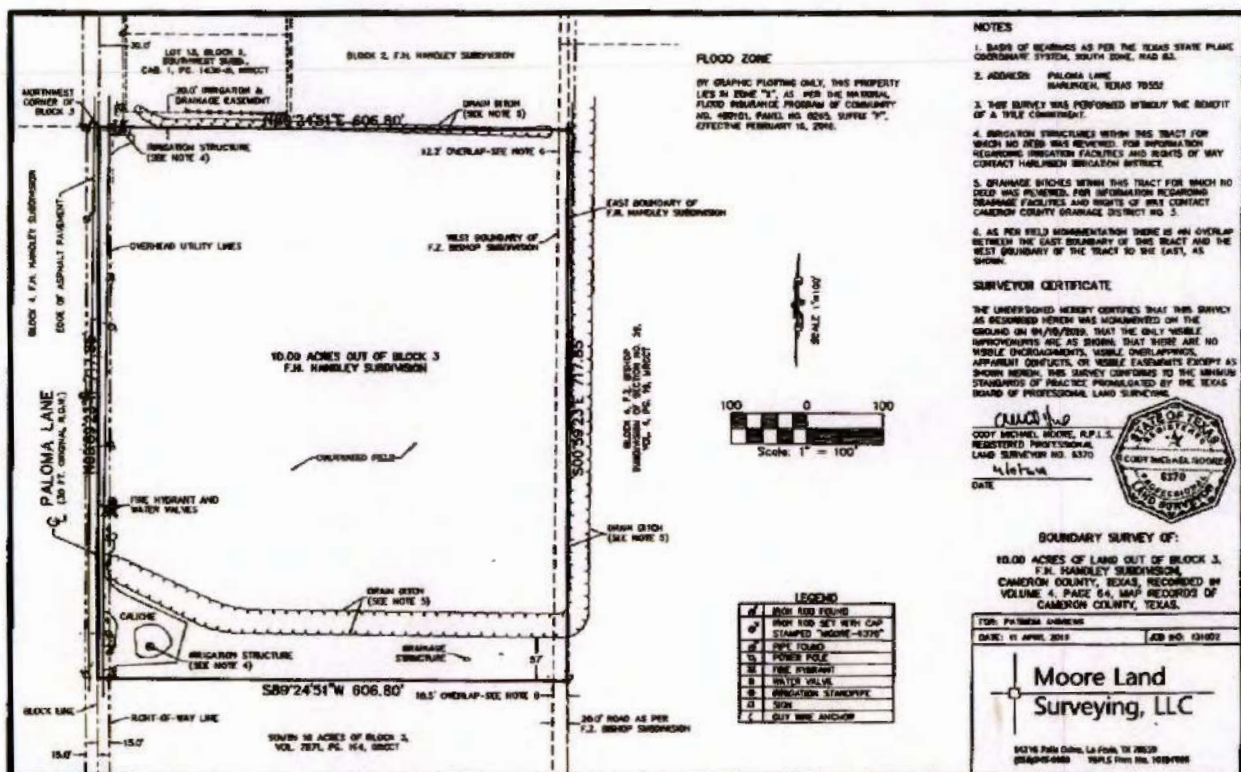
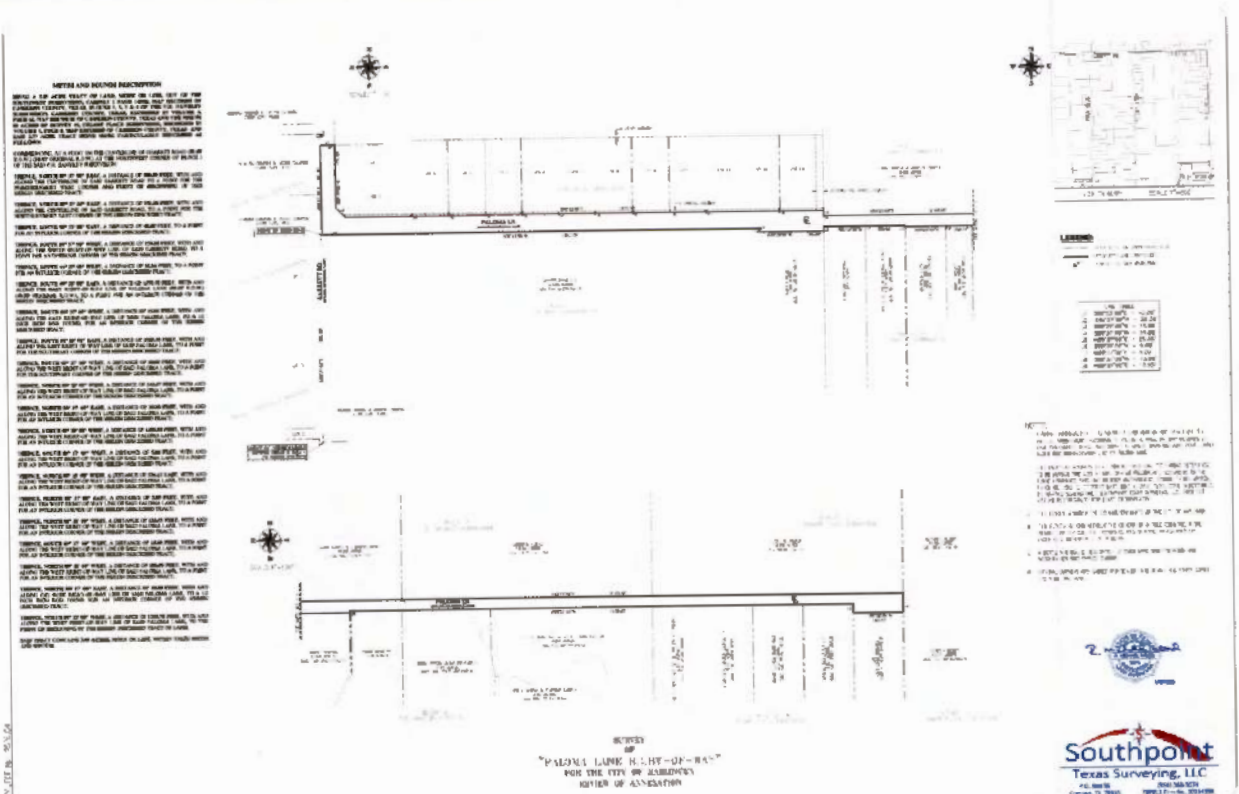
Given under my hand and seal of office, this 2nd day of June A D 2025.


Notary Public Cameron County, Texas
Printed Name:
My commission Expires:



6-2-2025
Date

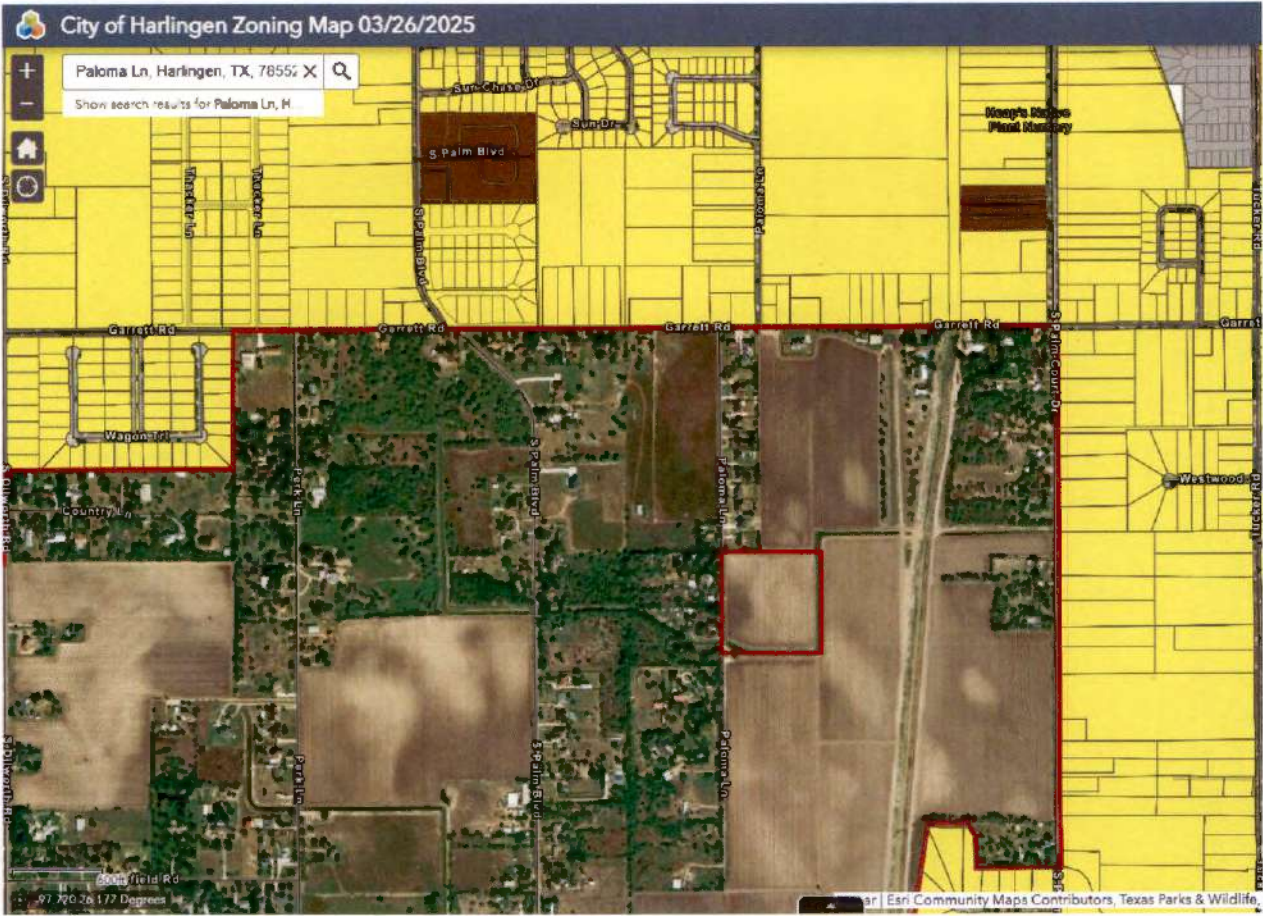
2N, 7T, 8, 2N, 2A



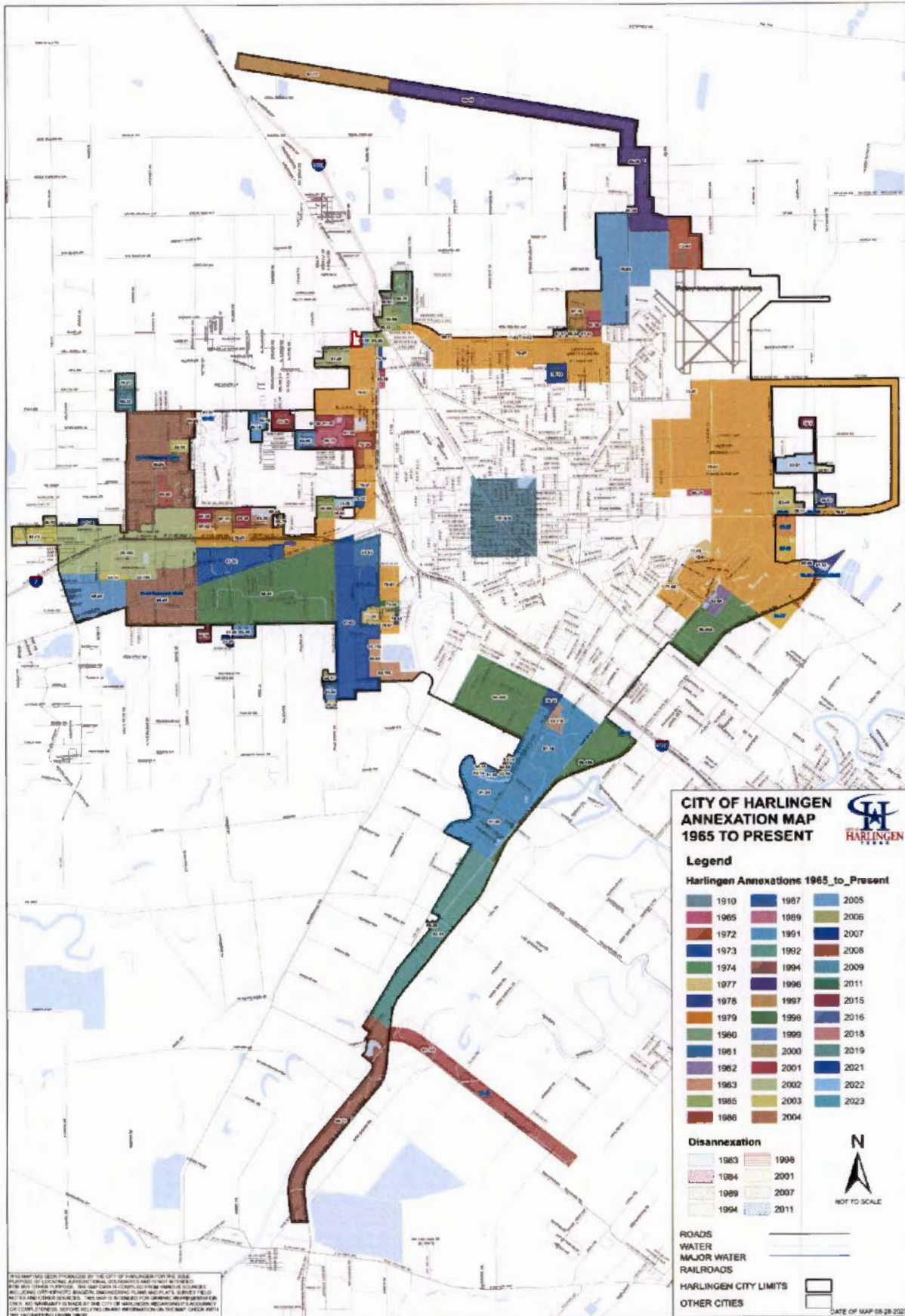
Attachment IV- Aerial with Existing City Limits Line



Attachment V- Zoning Map



Attachment VI- Annexation Map



ORDINANCE NO. 25-_____

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF HARLINGEN BY ANNEXING, FOR FULL PURPOSE, A 10.00 ACRE TRACT OF LAND OUT OF BLOCK 3, F.H.HANDLEY SUBDIVISION, LOCATED ON THE EAST SIDE OF PALOMA LANE APPROXIMATELY 2,010.46 FEET SOUTH OF GARRETT ROAD, INCLUDING ALL OF THE RIGHT-OF-WAY ON THE SOUTH SIDE OF GARRETT ROAD, APPROXIMATELY 320.77 EAST OF PALOMA LANE AND ALL OF THE RIGHT-OF-WAY ALONG PALOMA LANE, SOUTH OF GARRETT ROAD TO AND THROUGH THE PROPERTY; BINDING THE LAND TO ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF THE CITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Harlingen, Texas (the "City") desires to annex approximately 10.00 acres of land out of Block 3, F.H. Handley Subdivision, located on the east side of Paloma Lane approximately 2,010.46 feet south of Garrett Road, including all the right-of-way on the south side of Garrett Road approx. 320.77 feet east of Paloma Lane and all the right-of-way along Paloma Lane south of Garrett Road to and through the property, as shown in Exhibit "A" and "B", and

WHEREAS, pursuant to Chapter 43, Section 43.003, of the Texas Local Government Code, a home-rule municipality may extend the boundaries of the municipality and annex area adjacent to the municipality which are contained in the municipality's extra-territorial jurisdiction (ETJ); and

WHEREAS, Chapter 43, Subchapter C-3 of the Texas Local Government Code authorizes municipalities to annex an area on the request of all property owners in an area; and

WHEREAS, the City Commission provided public notice and held public hearings on June 25, July 2, and July 16, 2025, for all interested persons to attend and be heard in

accordance with Texas Local Government Code, Chapter 43, Subchapter C-3, § 43.0673;
and

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

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

BE IT ORDAINED BY THE CITY OF HARLINGEN:

- Section 1.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Commission and made a part hereof for all purposes as findings of fact.
- Section 2.** The Property, lying outside of, but adjacent to and adjoining the City and located within the City's ETJ, is hereby annexed into the City, and the boundaries of the City are extended to include the Property within the corporate limits of the City. From and after the date of this ordinance, the Property shall be entitled to all the rights and privileges of the City and shall be bound by all the acts, ordinances, resolutions, and regulations of the City.
- Section 3.** The City finds annexation of the Property to be in the public interest due the Property promoting economic growth of the City.
- Section 4.** The City Manager is hereby authorized and directed to take appropriate action to have the official map of the City revised to reflect the addition to the City's Corporate Limits and the City Secretary is directed to file a certified copy of this Ordinance in the office of the County Clerk of Cameron County, Texas, and in the official records of the City.
- Section 5.** If for any reason any section, paragraph, subdivision, clause, phrase, word, or other provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance, for it is the definite intent of this Commission that every section, paragraph, subdivision, clause phrase, word, or provision hereof shall be given full force and effect for its purpose.

Section 6. This Ordinance will take effect upon its adoption by the City Commission in accordance with the provisions of Article V, Section 5 of the City Charter.

APPROVED ON FIRST READING on this 2nd day of July 2025

APPROVED, PASSED, AND ADOPTED ON SECOND AND FINAL READING on this 16th
day of July 2025

CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Mayra Herrera, City Secretary

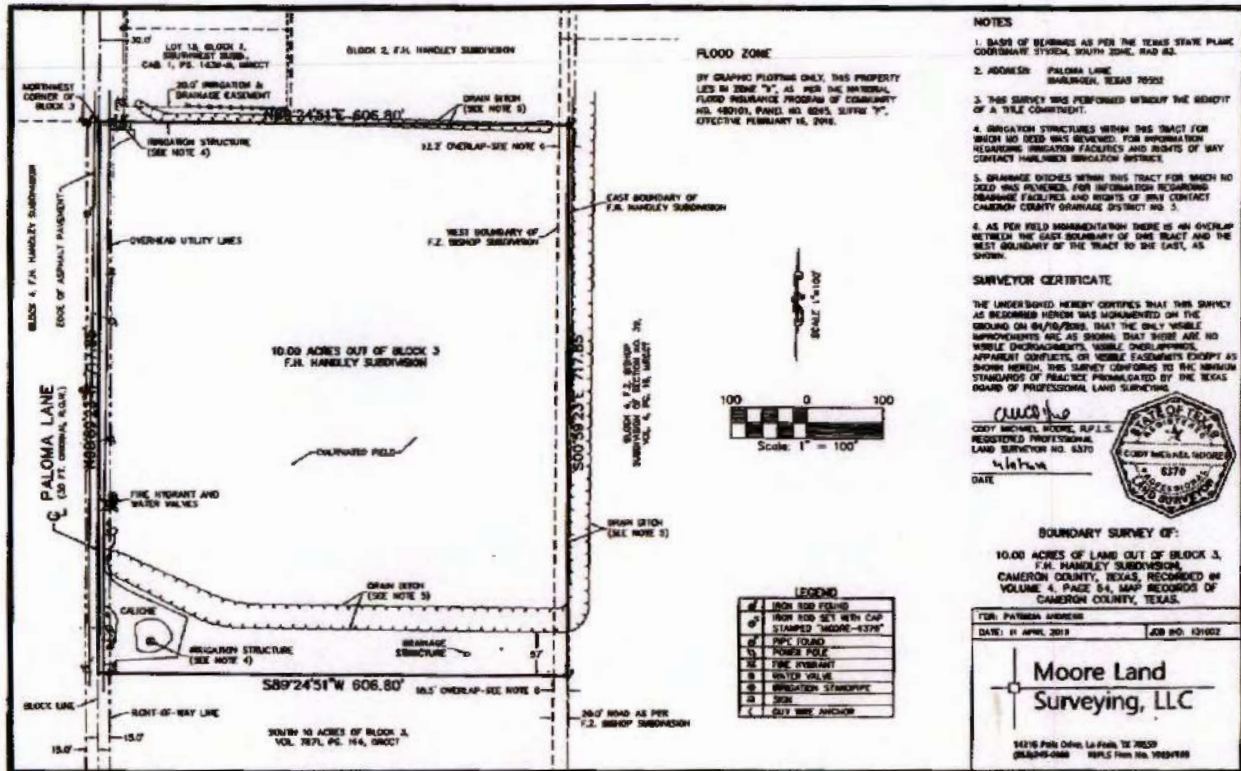
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EXHIBIT "B"

ANNEXATION SERVICE AGREEMENT

SECTION 1. Pursuant to the provisions of V.T.C.A., Local Government Code Section 43.0672, in connection to the voluntary annexation of 10.00 acres of land out of Block 3, F.H. Handley Subdivision, located on the east side of Paloma Lane approximately 2,010.46 ft. south of Garrett Road, including all the right-of-way on the south side of Garrett Road approx. 320.77 ft east of Paloma Lane and all the right-of-way along Paloma Lane south of Garrett Road to and through the property, Cameron County, Texas, the owners(s) of the land in the area and the City of Harlingen ("City"), collectively referred to herein as the "Parties", hereby enter into this written Annexation Service Agreement as follows:

A. Services to be provided on the effective date of annexation unless otherwise specified.

1. Police Protection

Patrolling, radio response to calls and other routine police services using present personnel and equipment will be provided on the effective date of annexation. Patrol positions will be added when population warrants.

2. Fire Protection

Fire protection by the present personnel and equipment of the fire fighting force within the limitations of available water will be provided on the effective date of annexation.

3. Emergency Medical Services

Emergency medical services will be provided through contract services on the effective date of annexation.

4. Environmental Health and Code Compliance

Health protection including the elimination of weedy lots, illegal dumping, unsanitary septic systems, sources of standing water and other public nuisances will be provided on the effective date of annexation.

Regulation of animal and fowl density will be provided on the effective date of annexation.

5. Solid Waste Collection

Pick up will begin on the effective date of annexation at the same level of service and cost provided to other similar areas presently found within the City of Harlingen.

Brush collection will be on a periodic basis as established by the City Sanitation Department with an active utility account.

EXHIBIT "B"

6. Operation and maintenance of public water and wastewater facilities
Routine maintenance of existing water and wastewater facilities owned by Harlingen Waterworks System that are not within the service area of another water or wastewater utility will begin on the effective date of annexation.
 7. Operation and maintenance of public roads and streets
Routine maintenance of public roads and streets will begin on the effective date of annexation on the same basis as presently occurs in the city.
- B. If the city fails to zone the property as Residential, Single-Family District after the rezoning public hearings are held, the city agrees to de-annex the property within three (3) months after the rezoning process is completed.
- C. The city agrees not to require the dedication of any additional right of way and to not require ten (10) feet of additional asphalt, with curb and gutter and sidewalks along the Paloma Lane boundaries during the subdivision process.

SIGNED this 20 day of June, 2025.

CITY OF HARLINGEN

By: _____
Gabriel Gonzalez, CPM, City Manager

PROPERTY OWNER(S) OF THE PROPERTY DESCRIBED ABOVE

By: J.V. & Jessica Garcia
J.V. & Jessica Garcia

City of Harlingen
Agenda Item Request Form

We hereby request the following item to be added to July 02, 2025, City Commission Agenda:

1. Public Hearing and consideration and possible action to approve an ordinance on first reading regarding the providing for Historic Preservation in the City of Harlingen; providing definitions and terms; creating a Historic Preservation Commission, specifying its membership, tenure; setting forth duties and responsibilities of the Historic Preservation Commission; defining duties and responsibilities of the Historic Preservation Officer; providing designation criteria and procedure for designating historic landmarks and districts; establishing incentive programs for historic preservation; providing criteria and procedure for obtaining certificates of appropriateness; establishing design standards and guidelines; creating minimum maintenance standards; addressing demolition by neglect; providing for a penalty; providing a severability clause; and providing for publication and effective date.
2. Public Hearing and consideration and possible action to approve an ordinance on first reading amending Harlingen Code of Ordinances, Article VI, Section 111-142 to add Sections 11-142(e.) (f.) to regulate certain on street parking within the City of Harlingen, to prohibit on street parking at Barton Avenue to create exception to allow for service of utilizes and providing for severability.



Daniel N. Lopez, Commissioner Dist. 2



Rene Perez, Commissioner Dist. 5

ORDINANCE # 2025-__**CITY OF HARLINGEN HISTORIC PRESERVATION ORDINANCE**

AN ORDINANCE REGARDING PROVIDING FOR HISTORIC PRESERVATION IN THE CITY OF HARLINGEN; PROVIDING DEFINITIONS AND TERMS; CREATING A HISTORIC PRESERVATION COMMISSION, SPECIFYING ITS MEMBERSHIP, TENURE; SETTING FORTH DUTIES AND RESPONSIBILITIES OF THE HISTORIC PRESERVATION COMMISSION; DEFINING DUTIES AND RESPONSIBILITIES OF THE HISTORIC PRESERVATION OFFICER; PROVIDING DESIGNATION CRITERIA AND PROCEDURE FOR DESIGNATING HISTORIC LANDMARKS AND DISTRICTS; ESTABLISHING INCENTIVE PROGRAMS FOR HISTORIC PRESERVATION; PROVIDING CRITERIA AND PROCEDURE FOR OBTAINING CERTIFICATES OF APPROPRIATENESS; ESTABLISHING DESIGN STANDARDS AND GUIDELINES; CREATING MINIMUM MAINTENANCE STANDARDS; ADDRESSING DEMOLITION BY NEGLECT; PROVIDING FOR A PENALTY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, CH. 211 TEXAS LOCAL GOVERNMENT CODE, the Municipal Zoning Authority, specifically authorizes zoning functions and procedures for municipalities; and

WHEREAS, CH. 211 TEXAS LOCAL GOVERNMENT CODE, Section 211.005(a) authorizes the governing body of a municipality to divide the municipality into districts, within which the governing body may regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land and within which zoning regulations must be uniform for each class or kind of building in a district; however, zoning regulations may vary from district to district.

WHEREAS, CH. 211 TEXAS LOCAL GOVERNMENT CODE, Section 211.005(b) provides that in the case of designated places and areas of historical, cultural, or architectural importance and significance, the governing body of a municipality may regulate the construction, reconstruction, alteration, or razing of buildings and other structures,

WHEREAS, CH. 214 TEXAS LOCAL GOVERNMENT CODE, Section 214.00111 provides additional authority to preserve substandard buildings as historic property which applies only to a municipality that is designated as a Certified Local Government by the State Historic Preservation Office as provided by 16 U.S.C.A. Section 470, *et seq.*,

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

That the following Historic Preservation Ordinance is hereby adopted as part of the comprehensive zoning plan, pursuant to Chapter 211, Texas Local Government Code.

1. PURPOSE

The City Commission of Harlingen, Texas, hereby declares that as a matter of public policy the protection, enhancement, and perpetuation of landmarks and districts of historical and cultural importance and significance is necessary to promote the economic, cultural, educational, and general welfare of the public. It is recognized that the City of Harlingen represents the unique confluence of time and place that shaped the identity of generations of citizens, collectively and individually, and produced significant historic, architectural, and cultural resources that constitute their heritage. Therefore, the City Commission of Harlingen regards the promotion of the city's cultural heritage, enhancement of the public's knowledge of the city's historical past, and the development of civic pride in the beauty and noble accomplishments in the past, as a public necessity which ought to be preserved, in the interest of the culture, prosperity, education, and welfare of the people.

This ordinance intends to:

1. Protect, preserve, enhance, and perpetuate historic resources and districts which represent distinctive elements of Harlingen's historic, architectural, and cultural heritage;
2. Foster civic pride in the accomplishments of the past;
3. Promote the city's heritage by encouraging the use of historic resources;
4. Promote the city's heritage by attracting and educating tourists and visitors while providing support and stimulus to the economy;
5. Ensure the harmonious, orderly, efficient, and appropriate growth and development of the city by promoting the appropriate use of the city's historic resources;
6. Promote economic prosperity and welfare of the community by encouraging the most appropriate use of historic properties within the city;
7. Encourage stabilization, maintenance, and improvements of such properties and their values by offering incentives for rehabilitation; and
8. Provide input and advice to City Commission regarding matters of historic preservation.

2. DEFINITIONS

Accessory building means a building or use that is clearly subordinate to and functionally related to the primary building or use, which contributes to the comfort, convenience, or necessity of occupants of the primary building or use on the same platted lot. An accessory building does not include a landscape feature.

Alteration means any exterior change, demolition, or modification to a historic property.

Applicant means a person seeking a designation or authorization under this ordinance or the person's designated and duly authorized agent or representative. This term may include the property owner, occupant of the site, the Historic Preservation Commission, or City Commission.

Archeological resource means a site with archeological or paleontological value in that it has produced or can be expected to produce historic or prehistoric interest.

Architectural feature means the architectural elements embodying style, design, general arrangement, and components of the exterior of any building or structure.

Building shall refer to a house, barn, church, hotel, or similar structure created to shelter any form of human activity. The term may also be used to refer to a historically and functionally related unit, such as a courthouse, jailhouse, barn, or other structure. The term also includes mobile homes, manufactured homes, industrial housing, and portable structures.

Certificate of Appropriateness (COA) means a signed and dated document evidencing the approval of the Historic Preservation Commission and/or Historic Preservation Officer for work on a historic resource proposed by an owner or applicant that is subject to this ordinance.

Certified Local Government (CLG) shall mean a local government certified or approved by the State Historic Preservation Office, which has an appointed Historic Preservation Commission to oversee the survey and inventory of historic resources, to review areas for historically significant structures, and to develop and maintain community planning and education programs.

Citation means a notice of violation issued by the Historic Preservation Officer ("HPO") or Harlingen Historical Preservation Commission ("HHPC") against a person, firm, or corporation found violating this ordinance and subject to penalties in municipal court.

City means the City of Harlingen, a duly incorporated municipality in Cameron County, Texas.

City Commission means the governing body of the City of Harlingen.

Compatible buildings or structures means those within a historic district substantially constructed after the district's period of significance, but that fit within the existing character of the district to reflect contributing resources in massing, height, scale, material, roof form, proportions, architectural details, and general appearance, or are built in accordance with an approved Certificate of Appropriateness.

Contributing means buildings, structures, objects or sites within a historic district that are at least fifty (50) years old, were substantially constructed within the district's period of significance, and retain a recognizable degree of integrity.

Cultural landscape means a geographic area (including both cultural and natural resources and the wildlife or domestic animals therein) associated with a historic event, activity, or person exhibiting other cultural or aesthetic values.

Demolition means an act or process (not withstanding acts of God, criminal activity, etc.) which destroys in whole or in part a building, structure, or improvement.

Demolition by neglect means allowing a building or structure, whether intentional or unintentional, to fall into such a state of disrepair that it becomes necessary or desirable to demolish it.

Demolition delay means suspension by the City of Harlingen of an application for removal or demolition of a historic resource.

Design standards means a set of technical regulations adopted by the Harlingen Historic Preservation Commission that follow the Secretary's Standards for treating historic properties.

Design guidelines means a set of discretionary guidelines adopted by the Harlingen Historic Preservation Commission to provide direction in making determinations that proposed actions are in compliance with this ordinance and consistent in maintaining the historic character of the structure, district, and city.

Designation means the process by which landmarks and districts are recognized as “historic” and protected under this ordinance.

Exterior features means features including the architectural style, general design, and general arrangement of the exterior of a building or other structure, including but not limited to the kind and texture of the building material and the type and style of the windows, doors, walls, roofs, light fixtures, signs, and other appurtenant features.

Historic district means an area which includes a grouping of two (2) or more historic properties, together with their accessory buildings, fences, and other appurtenances that are of historical, cultural, archaeological, or architectural importance, and that has received designation from the City of Harlingen as a unified district. A historic district may have within its boundaries contributing, compatible, and non-contributing structures. A historic district is a local historic district under Texas Local Government Code, Sec. 211.0165, as amended.

Historic landmark means a building, structure, object, site, or landmark, together with its accessory buildings, fences, and other appurtenances, of historical, cultural, archaeological, or architectural importance that has received designation from the City of Harlingen on its own and not as part of a historic district. It may or may not also be located within a historic district as part of a separate designation. A historic landmark is a local historic landmark under Texas Local Government Code, Sec. 211.0165, as amended.

Historic preservation means the identification, evaluation, recordation, documentation, protection, management, repairs, rehabilitation, restoration, stabilization, maintenance, and reconstruction of historic structures or property, or any one or more of the foregoing activities.

Historic Preservation Commission means the Harlingen Historic Preservation Commission (HHPC).

Historic Preservation Officer (HPO) means a designated city official, preferably meeting the Secretary of the Interior’s Professional Qualification Standards, entrusted to administer this ordinance and oversee the City of Harlingen’s preservation efforts.

Historic resource means a building, structure, object, or site that is 50 years or with historical, cultural, archaeological, or architectural significance, either as an individual property or as part of a larger district.

Historic Resource Inventory means a comprehensive list of historic properties, maintained by the Historic Preservation Commission, that have been identified by a Historic Resource Survey and evaluated as meeting specified criteria of significance.

Historic Resource Survey means a comprehensive survey involving the identification, research, and documentation of buildings, sites, and structures of any historic, cultural, archaeological, or architectural importance.

Improvement means any building, structure, or object constituting a physical betterment of real property, or any component part of such betterment, including but not limited to streets, alleys, curbs, lighting fixtures, signs, and the like.

Integrity means the authenticity of a property’s historic identity, evidenced by survival of physical characteristics that existed during the property’s historic or prehistoric period.

Landscape feature means an outdoor enhancement for recreational or aesthetic use, including but not limited to gardens, orchards, and parks.

Minor in-kind repairs or replacements means small-scale repairs or replacements to correct minor problems or damage to the exterior of a structure or building, not including a change in design, material, or outward appearance. Examples that satisfy this definition include, but are not limited to touch up painting, spot replacement of shingles, replacement of a windowpane, caulking, and securing loose boards.

Mothballing means the process of closing up a building temporarily to protect it from the weather and the elements, as well as to secure it from vandalism, in order to prevent long-term deterioration while the building is unoccupied.

National Register of Historic Places or *National Register* means the nation's official list of buildings, districts, and sites, including structures and objects, significant in American history and culture, architecture, archeology, and engineering maintained by the National Park Service and administered on a state-wide basis by the Texas Historical Commission.

Natural history resource means a locally designated natural resource of rare, significant, and/or outstanding geological or biological value.

Non-contributing means a building, site, structure, or object within a historic district that was substantially constructed after the district's period of significance and is not an integral part of the historic, archaeological and architectural fabric of the district or the city, or was substantially constructed within the district's period of significance and does not retain a significant portion of its architectural or design integrity.

Object means a material thing of functional, cultural, historical, or scientific value that may be, by nature or design, moveable, yet is related to a specific setting or environment.

Ordinary maintenance means activities relating to a property that would be considered ordinary or common for maintaining the property and which does not exceed the definition of minor in-kind repairs or replacements.

Potential historic resource means a property that is at least 50 years old and which may have historical, cultural, archaeological or architectural significance, either as an individual property or as part of a larger district, but has not yet been designated.

Preservation shall mean the stabilization of a historic structure, its materials and features in their present condition, to prevent future deterioration. Preservation focuses on the maintenance and repair of existing historic materials and retention of a property's form as it has evolved over time.

Preservation plan means a document adopted by the Historic Preservation Commission to provide a current inventory of historic resources, a list of potential historic resources, and to make policy recommendations to guide preservation activities for the City of Harlingen.

Reconstruction means the act or process of reproducing by new construction the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

Recorded Texas Historic Landmark (RTHL) means a state designation for buildings important for their architectural and historical associations, which have retained a high degree of their original historic fabric, are at least fifty (50) years of age, and retain their original exterior appearance.

Rehabilitation means the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features that convey its historical, cultural, or architectural values.

Relocation means any change of the location of a structure, object, or material thing in its present setting to another setting.

Repair means any work to correct deterioration or decay of, or damage to, a structure or property with the least degree of intervention using the same materials or those materials available which are as close as practicable to the original, but which goes beyond the definition of minor in-kind repairs and replacement.

Restoration means the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

Secretary of the Interior's Standards for the Treatment of Historic Properties or *Secretary's Standards* means the standards established by the Secretary of the Interior for advising federal agencies on the preservation and rehabilitation of historic properties listed or eligible for listing on the National Register of Historic Places.

Significance means the historic, architectural, archeological, or cultural value of a site.

Site means the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archeological value regardless of the value of any existing buildings, structures, or objects.

State Historic Preservation Office (SHPO) refers to the government agency responsible for administering each state's preservation laws as outlined in the National Historic Preservation Act. The SHPO for the state of Texas is the Texas Historical Commission.

State Antiquities Landmark (SAL) means a site of archeological or cultural value designated by the Texas Historical Commission which receives legal protection under the Antiquities Code of Texas. For a building to be designated as a state archeological landmark, it must first be listed on the National Register of Historic Places.

Structure means a work made up of interdependent and interrelated parts in a definite pattern of organization constructed by man. The term includes, but is not limited to, buildings, engineering projects, earthworks, and bridges.

3. HISTORIC PRESERVATION COMMISSION

There is hereby created a Historic Preservation Commission to be known as the Harlingen Historic Preservation Commission, hereinafter referred to as the HHPC, or Commission.

(a) *Members, appointments, and qualifications.* The Commission shall be composed of five (5) members appointed, to the extent available among the residents of the community, by the City Commission as follows:

a. At least one member shall be:

- i. An architect, planner, or representative of a design profession;
 - ii. A degreed historian or educator from a related discipline;
 - iii. A licensed real-estate broker;
 - iv. An attorney;
 - v. An owner of a designated historic property; or
 - vi. An archeologist or from another preservation-related profession.
 - b. All Commission members, regardless of background, shall have a known and demonstrated interest, competence, or knowledge in historic preservation.
- (b) *Officers.* The Commission shall elect a Chairman and Vice-Chairman from the appointed members of the Commission annually at the first meeting of each calendar year. No member shall hold the same office for more than two consecutive terms.
- (c) *Terms.* Commission members shall serve for a term of three (3) years. Terms shall run concurrent with the member of the City Commission who appointed them. A member whose term has expired may serve until his or her successor is appointed. Members may serve a total of up to three complete terms. Filling an unexpired term does not apply to the three term maximum.
- (d) *Vacancies* shall be filled by the City Commission for the unexpired term of any member whose term becomes vacant.
- (e) *Resignation.* Any member may resign by submitting a letter of intent to the City Commission and the Historic Preservation Officer. Any member who misses three (3) regular meetings in a year shall be considered to have resigned, and a replacement shall be appointed following the procedure for filling vacancies.
- (f) *Compensation.* Commission members shall serve without compensation for their service.
- (g) *Quorum.* A quorum shall be a simple majority of the Commission's appointed members, not including non-voting or *ex-officio* members. No transaction of business shall be conducted without a quorum present and no decision shall be rendered without the concurring vote of a majority of members when a quorum is present.
- (h) *Regular Meetings.* The HHPC shall meet regularly at least bi-monthly, six (6) times annually, or in accordance with the Texas Historical Commission's regulations for Certified Local Government commissions. A public notice shall be issued at least 72-hours prior to meetings, in accordance with the Texas Open Meetings Act. All regularly scheduled meetings shall be held after 5pm and viewable on the same digit platforms as City Commission meetings.
- (i) *Special Meetings.* Special meetings may be called at any time by the Historic Preservation Officer, the Chairman, or at the request of at least two (2) members of the HHPC. A public notice shall be given at least a 72-hour prior notice for special meetings.
- (j) *Emergency Meetings.* The Commission may call an emergency meeting to discuss a matter of urgent public necessity, as defined by the Texas Open Meetings Act, for which the 72-hour prior notice may be waived. At least one (1) hour public notice is required.

- (k) *Training.* Regardless of profession, background, or experience, members must attend one preservation-related training per year. Initial orientation for new members shall be provided by the HPO and should be completed within two (2) months of appointment, including Texas Open Meetings Act and Texas Open Records Act trainings. The HPO shall keep a record of members' training compliance.
- (l) *Conflict of interest.* No member shall participate in a discussion, deliberation, or vote on any matter coming before the Commission, or take any action where the member has independent approval authority, where the member or his or her family member has a financial, business, or property interest that may be affected by action on the matter. The member is deemed to have a designated interest where the effect on the member's interest is distinguishable from its effect on the general public. In such cases, the member shall recuse himself or herself as a voting member of the Commission for that issue.
- (m) *Compliance with Texas Open Meetings Act.* All meetings shall be held in compliance with the Texas Open Meetings Act, Chapter 552 of the Texas Government Code, as amended.
- (n) *Minutes.* The Historic Preservation Officer shall ensure that minutes of each meeting are recorded, which shall be approved by the Commission and subsequently filed with the City Secretary and with the Texas Historical Commission.
- (o) *Rules of Order.* The Commission shall follow *Robert's Rules of Order, Newly Revised*.

4. POWERS AND DUTIES OF THE COMMISSION

The Historic Preservation Commission shall be empowered to:

1. Adopt or amend parliamentary rules and procedures necessary to carry out the business of the Commission, as needed;
2. Make recommendations to the city for the employment of professional consultants as necessary to carry out the duties of the Commission;
3. Create committees and sub-committees from among its membership and delegate to these committees such responsibilities as necessary to carry out the purposes of this ordinance;
4. Adopt and periodically review criteria used to evaluate the designation of historic resources;
5. Review and take action on the designation of historic landmarks and the delineation of boundaries for historic districts, including the designation of new districts, subject to ratification by the City Commission;
6. Recommend and confer recognition upon the owners of historic landmarks or properties within historic districts by means of certificates, plaques, or markers;
7. Review and recommend to the City Commission and other applicable city boards and Commissions all proposed changes to the zoning ordinance, building code, general plan or other adopted policies of the city that may affect the purpose of this ordinance;
8. Develop, prepare, and adopt specific standards and guidelines for use in the review of all Certificate of Appropriateness applications;

9. Review and take action on Certificate of Appropriateness applications for compliance with adopted design standards and guidelines, including appeals on actions taken by the Historic Preservation Officer via administrative review;
10. Periodically review and update guidelines or standards to be used in determination of whether to grant or deny Certificates of Appropriateness for proposed alterations to the exterior of a historic resource;
11. Review and take action on all city preservation-related incentive program applications involving work on historic resources for compliance with adopted design standards and guidelines pursuant to this ordinance.
12. Implement and maintain a system of survey and inventory of the city's significant historical, architectural, and cultural resources. Such information shall be maintained securely and made accessible to the public and should be updated at least every ten (10) years;
13. Prepare and maintain a citywide preservation plan, which should be updated at least every ten (10) years, following completion of the decennial Historic Resource Survey;
14. Monitor and report to the Texas Historical Commission all actions affecting any Recorded Texas Historical Landmark, State Antiquities Landmark, National Register property, and any other designated property, as deemed necessary;
15. Review and make comments to the Texas Historical Commission concerning the nomination of properties within its jurisdiction to the National Register of Historic Places;
16. Provide comment to the Texas Historical Commission, the Cameron County Historical Commission, and/or any other preservation-related entity on any federal undertakings (projects utilizing federal funds or requiring a federal permit) pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended.
17. Accept on behalf of the city any grants, funds, or donation of preservation easements and/or development rights, as well as any other gift of value for the purpose of historic preservation, subject to the approval of the City Commission;
18. Make recommendations to the City Commission concerning the acquisition of historic properties endangered by demolition and where private preservation is not feasible;
19. Recommend approval of the designation of properties as historic landmarks and the inclusion of properties in a historic district without property owner consent pursuant to Texas Local Government Code, Section 211.0165(a-1);
20. Make recommendations to the City Commission concerning the utilization of state, federal, or private funds to promote the preservation of historic resources within the city;
21. Propose incentive programs for preservation, such as grants and tax exemptions, to the City Commission and administer such programs at the will of the City Commission;
22. Prepare and submit annually to the City Commission a report summarizing expenditures, goals, and objectives, as well as an account of all work completed during the previous year, as well as anticipated budgetary requests;
23. Increase public awareness of the value of historic, architectural, and cultural preservation by developing and participating in public education programs;

24. Perform any task otherwise authorized by this ordinance.

5. HISTORIC PRESERVATION OFFICER

(a) *Creation.* There is hereby created a staff position known as the Historic Preservation Officer who shall be responsible for coordinating the city's preservation activities and administering the city's Certified Local Government program, as well as acting as the city's representative to the public, and to local, state, and federal agencies and non-profit preservation organizations.

(b) *Appointment.* The City Manager, or his or her designee, shall appoint a qualified staff person, preferably as outlined in the Secretary of the Interior's professional qualification standards, to serve as the Historic Preservation Officer.

6. POWERS AND DUTIES OF THE HISTORIC PRESERVATION OFFICER

The Historic Preservation Officer shall be empowered to:

- (a) Administer this ordinance and advise the HHPC on matters submitted to it;
- (b) Maintain and hold open for public inspection all documents and records pertaining to the provisions of this ordinance;
- (c) Set deadlines for submittals to the HHPC in order to assure adequate staff review time and proper notification of the Commission and the general public;
- (d) Receive and review all applications pursuant to this ordinance to ensure their completeness;
- (e) Review and forward with any recommendations all applications for Certificates of Appropriateness subject to review by the HHPC pursuant to this ordinance;
- (f) Administratively review and take action on Certificate of Appropriateness applications subject to administrative review pursuant to this ordinance, and grant or deny the same in accordance with the provisions of this ordinance and for any other action which the Commission has oversight under the delegation of duties or otherwise;
- (g) Ensure proper posting and noticing of all HHPC meetings, schedule applications for HHPC review, create meeting agendas, provide packets to its members prior to meetings, record minute meetings, and facilitate all HHPC meetings.
- (h) Review and help coordinate the city's historic preservation activities with those of local, state, and federal agencies as well as other municipal departments and the general public;
- (i) Manage reporting requirements to monitor and maintain Certified Local Government status;
- (j) Submit to the Texas Historical Commission, county authorities, and any other appropriate local, state, or federal agency a list or inventory of designated historic resources;
- (k) Monitor and report to the Commission all actions affecting any locally designated landmark, Recorded Texas Historic Landmark, State Antiquities Landmark, and National Register property, as deemed necessary;
- (l) Assist in developing community outreach programs to support preservation goals;
- (m) Help maintain and update historic resource inventories, as needed;
- (n) Prepare, amend, and update the city's preservation plan;

- (o) Perform any task otherwise authorized by this ordinance.

7. PRESERVATION PLAN

- (a) *Purpose.* The preservation plan is the guiding policy document for the city's historic preservation efforts and related activities. The plan elaborates upon and works toward the goals and objectives identified in this ordinance. The plan:
 - (1) Incentivize and encourage the community to preserve historic properties in a non-restrictive way-as allowable by state and federal laws and programs.
 - (2) Maintains an inventory of historic resources.
 - (3) Develops a list of potential historic resources that have the potential to become designated with further historic research, restoration, or property owner interest.
 - (4) Develops a strategic framework which includes goals and objectives of the historic preservation program.
 - (5) Seeks and integrates community feedback.
- (b) *Authorship.* The Historic Preservation Officer, his or her designee, and/or a contracted professional, shall author the preservation plan with input from the Commission.
- (c) *Review and recommendation.* The Historic Preservation Commission shall review the preservation plan and make a recommendation to City Commission for approval.
- (d) *Adoption.* The City Commission shall adopt by resolution the preservation plan.
- (e) *Amendment.* The preservation plan may be amended periodically, as needed, and shall undergo a formal review every ten (10) years.

8. HISTORIC RESOURCE SURVEY

- (a) *Purpose.* The purpose of completing a historic resource survey is to identify and gather historic information on buildings, structures, and sites in the city that are at least fifty (50) years or old that may qualify for designation as a historic resource. The Historic Preservation Commission, Historic Preservation Officer, or his or her designees, may conduct surveys for existing and potential historic resources, as needed.
- (b) *Survey data.* Surveys may vary in scope and detail; however, all surveys should include, at a minimum, the following information for all properties within the survey:
 - (1) Location of the property.
 - (2) Photographs of the property (historic and current).
 - (3) Date of construction or approximate date of construction.
 - (4) Architectural style of the structure, including the name of architect or firm, if possible.
 - (5) Defining architectural details, including their materials, color, and condition.
 - (6) Accessory structures and landscape features.
- (c) *Resource category and integrity evaluation.* After information for the historic resource survey is compiled, the Commission shall review the properties surveyed to determine:

- (1) If the resources are “historic” or “non-historic,” based on the age of the structure and its historical, architectural, or cultural significance.
- (2) Whether the properties would be classified as contributing, compatible, or non-contributing to the surveyed area or the overall history and character of the city or other jurisdiction should the area be designated as a historic district.
- (3) To what extent each structure retains its key, character-defining features.

A historic resource survey map showing the location of all potential contributing, compatible, and non-contributing structures should be included with the survey.

- (d) *Approval.* The Commission shall approve the results of a historic resource survey completed by the City. Approval of a survey shall not establish any additional restrictions upon the properties within the survey, nor shall the structure categorization make any property within the survey eligible for any potential historic tax exemptions, unless or until a property or group of properties are designated as historic landmarks or districts.

9. CRITERIA FOR DESIGNATION OF HISTORIC LANDMARKS AND DISTRICTS

- (a) *Purpose.* The purpose of designating a historic landmark or district is to bring it to the attention of the general public and protect it from inappropriate changes or demolition.
- (b) *Criteria for designating historic landmarks.* The Historic Preservation Commission shall use criteria for evaluation of significance of a historic landmark or district below.
 - (A) An individual historic resource may be designated as a historic landmark if it is at least fifty (50) years old, retains a recognizable degree of its historic integrity, and substantially complies with two (2) or more of the following:
 - (1) Possesses significance in history, architecture, archeology, or culture.
 - (2) Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history.
 - (3) Is associated with events that have made a significant impact in the city's past.
 - (4) Represents the work of a master designer, builder, or craftsman.
 - (5) Embodies the distinctive characteristics of a type, period, or method of construction.
 - (6) Represents an established and familiar visual feature of the city.
 - (7) Is identified with a person who significantly contributed to the culture and development of the City of Harlingen, the Rio Grande Valley, or history more broadly.
 - (8) Has archeological value, in the sense that the property has yielded, or may be likely to yield, information important in prehistory or history to the City of Harlingen.
 - (9) Is a cultural landscape associated with a historic event, activity, or person exhibiting other cultural or aesthetic values.
 - (10) Is a natural history resource of rare, significant, and/or outstanding geological or biological value to the city or region.

- (11) The property has a unique location, physical characteristic, or significant feature that contributes to the character, image, or cultural identity of the city, a neighborhood, or other value to the community at large.
- (B) Properties that are listed as a Recorded Texas Historic Landmark (RTHL) or State Antiquities Landmark (SAL), or that are listed on the National Register of Historic Places shall automatically be eligible for designation as historic landmarks and districts pursuant to this ordinance, but will still be required to undergo the public review process needed to designate historic landmarks.
- (c) *Designating historic districts.* A district may be designated as historic if it:
 - (A) Contains two (2) or more properties and an environmental setting that are at least fifty (50) years old and meet two or more of the criteria for designation of a historic landmark, and
 - (B) Constitutes a distinct section of the city; or
 - (C) If a district is already listed on the National Register. The district would still be required to undergo the public review process needed to designate a local historic district.
- (d) *Historic property boundaries.* When designating individual historic landmarks, the entire parcel of land on which the historic resource is situated shall be zoned as "historic" and constitute a single boundary for the property unless otherwise defined during the initial designation process. The Commission can review a change to these boundaries following the procedure for amending or removing a historic designation outlined below.

10. PROCEDURE FOR DESIGNATING HISTORIC LANDMARKS AND DISTRICTS

The provisions pertaining to the designation of historic landmarks constitute a part of the comprehensive zoning plan of the City of Harlingen.

- (a) *Property owner-initiated designation.* Any person or legal entity having a proprietary interest in a property may submit an application to designate the property as a historic landmark or district. Applications, made on forms as prescribed by the city, shall be addressed to the Historic Preservation Officer, who shall review the application and submit it to the Harlingen Historic Preservation Commission for further review and approval.
 - (1) *Signature requirements: Historic landmarks.* Applications for designation of a historic landmark shall require the signatures of all owners of the property, and/or their authorized agents.
 - (2) *Signature requirements: Historic district.* Applications for designation of historic districts must contain the signatures of property owners, or authorized agents, of at least twenty (20) percent of the residents within the proposed district boundaries, as determined by the most recently approved municipal tax roll in which the district is located.
- (b) *City-initiated designation.* The Historic Preservation Officer, of his or her own volition, or at the request of the HHPC or City Commission may initiate an application to designate any property, structure, site, or district within the City of Harlingen as a historic landmark or historic district.

- (c) *Public contributions.* Members of the general public may initiate an application for the designation of a historic landmark or district either by obtaining the signature of the property owner(s) or by submitting the completed application to the HPO for city-initiated designation.
- (d) *Property owner consent requirements.* The city may designate historic landmarks and districts without the property owner's approval. Pursuant to Texas Local Government Code, Section 211.0165, a supermajority (3/4) vote of both City Commission and either the HHPC or Planning & Zoning Commission is needed to designate historic landmarks or districts over a property owner's objections.
- (e) *Application.* The application for designation of a historic landmark or district shall contain:
 - (1) For a proposed historic landmark: the name, address, telephone number and email of the applicant(s) and the physical address of the property.
 - (2) For a proposed historic district: the name, address, telephone number and email of the applicant(s) and a signed petition of at least twenty (20) percent of residents in the proposed district.
 - (3) A site plan of the proposed individual landmark property, or map indicating the geographic boundaries of the proposed district, showing all affected buildings and/or structures.
 - (4) A detailed historic description and background on the proposed landmark or district, including current and, if possible, historic photographs of the overall property or area.
 - (5) Any other information which the HPO or Commission may deem necessary.
- (f) *Commission Hearing.* Upon receipt of a completed application, the HPO shall review the application and forward it to the Historic Preservation Commission and shall schedule a hearing at the next available regularly scheduled HHPC meeting within sixty (60) days from the date the application was received.
- (g) *Protection.* A proposed historic landmark or district for which an application for designation has been received by the HPO shall be protected by, and subject to, all the provisions of this ordinance governing demolition, alterations, minimum maintenance standards, and penalties until a final decision becomes effective, but not to exceed one hundred eighty (180) days.
- (h) *Notification.* Owners of proposed historic properties shall be notified in writing at least fifteen (15) days prior to the HHPC hearing on the recommended designation. The written notice shall include a statement that describes the impact that a historic designation or inclusion in a local historic district of the owner's property may have on the owner and the owner's property, including:
 - i. Regulations that may be applied to any structure on the property after the designation;
 - ii. Procedures for the designation;
 - iii. Tax benefits that may be applied to the property after the designation; and
 - iv. Rehabilitation or repair programs that the municipality offers for a property designated as historic.

A notice sign shall also be posted at the property, visible from the public right of way, at least ten (10) days prior to the hearing. At the Commission's public hearing, owners, interested

parties, and technical experts may present testimony or documentary evidence, which shall become part of a record regarding the historic, architectural, or cultural significance of the proposed historic property.

- (i) *Testimony.* At the hearing, the applicant shall have an opportunity to present testimony and evidence to demonstrate the historical significance, or insignificance, of the subject property or area. Other interested parties and technical experts may also present testimony or documentary evidence which will become part of a record. The burden of proof shall be upon the applicant.
- (j) *Decision by the HHPC.* The Historic Preservation Commission shall vote on whether to deny with explanation, postpone requesting additional information, or approve a recommendation to the City Commission regarding the designation of a historic landmark or district. After approval from the HHPC, the proposed historic landmark or district application shall be submitted to the Planning and Zoning Commission within thirty (30) days. A public hearing shall be scheduled for the next regularly scheduled meeting of the Planning and Zoning Commission. Denials may be appealed directly to the City Commission.
- (k) *Decision by Planning and Zoning.* The Planning and Zoning Commission shall give notice and conduct its hearing upon receipt of the recommendation from the Historic Preservation Commission. Notice for such a hearing shall be in the same manner and the hearing held according to the same procedures as specifically provided in the general zoning ordinance of the City of Harlingen. The matter shall proceed in the same manner as a petition for the amendment of the zoning ordinance. The Planning and Zoning Commission shall consider the criteria for designation specified in the zoning ordinance and shall forward its recommendation to the City Commission within ten (10) days after taking action on the application.
- (l) *Decision by City Commission.* Upon receipt of the joint recommendations on the application from the Historic Preservation Commission and the Planning and Zoning Commission, the City Commission shall schedule a hearing on the application within thirty (30) days. Notice for such hearing shall be in the same manner and the hearing held according to the same procedures as specifically provided in the general zoning ordinance of the City of Harlingen. City Commission shall make the final determination on the application based upon the requisite criteria for designation. Significance shall be considered only on the record made before the Historic Preservation Commission and the Planning and Zoning Commission.
- (m) *Decision recordation.* Upon passage by the City Commission, the HPO and/or City Secretary shall file a copy of the designation, together with a written notice briefly stating the fact of the designation, with the appropriate municipal authorities to be recorded by legal description on the city's official zoning maps, in the records of real property of Cameron County, the tax office, and with the appraisal district. All zoning maps should indicate the designated landmarks with the appropriate mark.

A copy of such notice shall similarly be sent by certified mail to the owner of the affected property, or regular mail to all residents within the historic district. Designated properties, districts, or sites shall be governed by the terms of this ordinance.

- (n) *Appeals.* The applicant or any persons adversely affected by any determination of the HHPC may appeal the decision directly to the City Commission. Appeal requests shall be in writing and filed with the HPO within seven (7) days of the HHPC's decision and scheduled for the

next available regularly scheduled City Commission meeting. Notice for such hearing shall be in the same manner and the hearing held according to the same procedures as specifically provided in the general zoning ordinance of the City of Harlingen. Appeals to the City Commission shall be considered only on the record made before the HHPC and may only allege that the Commission's decision was arbitrary, capricious, or illegal.

- (o) *Amendment.* The HHPC or HPO may initiate amendments to a historic landmark or historic district designation with approval from the City Commission, as needed. The process for an amendment shall follow the same procedure for the creation of a historic landmark or district.
- (p) *Removal.* The removal of historic designation from a local landmark or historic district shall only be initiated if the criteria is met for removing a historic designation and shall follow the procedure outlined for the removal of a historic designation.

11. INCENTIVE PROGRAMS FOR HISTORIC PRESERVATION

- (a) *Purpose.* The City of Harlingen recognizes the importance and value that historic buildings, structures, and objects have for the cultural and economic welfare of the city. In order to lift property values in the city, promote ongoing efforts to designate historic resources, and encourage the proper maintenance, repair, and treatment of historic resources:
- (b) *Authorization.* The City Commission of Harlingen may authorize such incentive programs for historic preservation as it deems necessary to fulfill the goals and objectives of this ordinance, including but not limited to preservation grant programs and tax exemptions or abatements.

12. CRITERIA FOR CERTIFICATES OF APPROPRIATENESS

- (a) *Purpose.* The purpose of a Certificate of Appropriateness (COA) is to ensure that the integrity and character of Harlingen's historic resources are maintained, and to help enhance or return lost or diminished examples of architectural significance to their appropriate historical form.
- (b) *Applicability.* A Certificate of Appropriateness shall be required for any project affecting the exterior or structural stability of a building, structure, or object that is a designated historic landmark or is contributing to a historic district, or for new construction within a historic district.
- (c) *Review criteria.* In considering an application for a Certificate of Appropriateness, the HPO and the HHPC shall review it for compliance with the Secretary of the Interior's Standards and any applicable design guidelines adopted by the City of Harlingen.
- (d) *Review required.* No person or entity shall carry out any activity which affects the exterior appearance or structural stability of any designated building, structure, or object without obtaining a Certificate of Appropriateness issued by the Historic Preservation Officer for the following types of work:
 - (1) Repair (other than ordinary maintenance), reconstruction, alteration, addition, stabilization, restoration, or rehabilitation;
 - (2) New construction on real property excluding public rights-of-way;
 - (3) Material changes in any doors, roofs, windows, masonry work, woodwork, light fixtures, signs, sidewalks, fences, steps, paving, and/or other exterior elements visible

from a public right-of-way which affect the appearance and compatibility of the structure or property; or

- (4) Demolition, removal, or relocation of a historic resource, including any accessory buildings or landscape features.
- (e) *Compatibility exception.* The HPO/HHPC may approve a Certificate of Appropriateness for work that does not strictly comply with the preservation criteria upon a finding that the proposed work is historically compatible and is consistent with the spirit and intent of the preservation criteria, and that the proposed work will not adversely affect the historic character of the property or the integrity of the historic district.
- (f) *Ordinary maintenance and minor in-kind repair and replacements.* Nothing in this ordinance should be construed to prevent ordinary maintenance or minor in-kind repair of any exterior architectural feature of a historic landmark or historic resource located in a historic district. Repairs shall be made in accordance with the design standards established by the city.
- (g) *Emergency repair.* If a historic resource is unexpectedly damaged and the HPO determines that additional deterioration is likely to occur without immediate repair, the HPO may authorize the property owner to take temporary measures to stabilize and protect the structure. In such cases, the property owner shall apply for a Certificate of Appropriateness within seven (7) days of completion of the emergency corrective measures. The corrective measures authorized under this subsection shall not permanently alter the architectural features of the historic resource.
- (h) *Building permit and site plan approval.* Unless where otherwise excepted by this section, a Certificate of Appropriateness must be approved prior to issuance of any building permit or site plan approval. The Certificate of Appropriateness application shall be in addition to, and not in lieu of, any required building permit. Issuance of any necessary permits and approval of any plans from the building inspections, planning, public works, or health departments are required with an approved Certificate of Appropriateness before work can commence.
- (i) *Delay period for potential landmarks.* The HPO, in consultation with the building inspector, may issue a ten (10) day suspension of any work on a potential historic landmark while a review is conducted to determine the resource's designation eligibility. If the resource is determined to be eligible for designation, and the HPO pursues city-initiated designation, a Certificate of Appropriateness shall be required before work can resume.
 - a. *Façade grants and other city-funded programs.* All projects funded by the City of Harlingen that would affect the historical integrity of designated historic landmarks, contributing resources in a historic district, or potential historic landmarks shall require a review from the HPO/HHPC before any work commences to determine if a Certificate of Appropriateness is needed. The City of Harlingen shall seek to treat all city-owned buildings of historic age with the appropriate historic treatment.
 - b. *Section 106 review.* All projects funded through federal programs subject to the National Historic Preservation Act shall submit the proper materials for Section 106 review to the appropriate state and local preservation authorities.

13. CERTIFICATE OF APPROPRIATENESS PROCEDURE

- (a) *Application.* The owner of a historic property wishing to make changes not covered under ordinary maintenance shall apply for a review of the proposed changes and request a Certificate of Appropriateness. Applications, made on forms as prescribed by the city, shall be addressed to the Historic Preservation Officer.

The application for a Certificate of Appropriateness shall contain:

- a. The name, address, telephone number and email of the applicant(s) and the physical address of the property.
 - b. A photograph of the property and adjacent properties, and copies of any historical photographs available as well.
 - c. Elevation drawings or architectural plans of the proposed changes, if available.
 - d. A list and samples of materials to be used.
 - e. Any other information which the HPO or HHPC may deem necessary.
- (b) *Historic Preservation Officer review.* The applicant is encouraged to schedule a meeting with the HPO prior to the submittal of an application to discuss the proposed work and get initial design direction. The HPO may meet with the applicant as needed and review the proposed work against the standards and guidelines set out in this ordinance. The HPO shall have the authority to administratively review all applications where the criteria for Commission review are not met and approve, approve with conditions, or deny with explanation any projects, as appropriate, or refer any application for further review before the Historic Preservation Commission. The HPO shall provide written notice of his or her decision to the applicant within fourteen (14) days from the date the application was received. The HPO shall also notify the members of the HHPC of any decision to approve a COA via administrative review at least three (3) days before issuing the Certificate of Appropriateness to the applicant.
- (c) *Historic Preservation Commission review.* The Historic Preservation Officer shall refer a Certificate of Appropriateness application to the Historic Preservation Commission for review if any of the following criteria are met:
- a. The applicant is requesting demolition of a historic resource.
 - b. The applicant wishes to relocate a historic resource from its original site.
 - c. The applicant is requesting approval to make significant changes to a historic property that would permanently affect its historic or architectural integrity.
 - d. The applicant wishes to erect a new construction of a major sort within a historic district. The HPO shall determine what is considered "major" under this definition.
 - e. The HPO reserves the right to forward any Certificate of Appropriateness application to the Commission for review and approval when direction on design policy is needed or if the HPO is unable to determine compliance with the Secretary's Standards or the Design Guidelines.
 - f. Any request that the HPO deems necessary to bring to the Commission.
 - g. At the request of the Chairman or at least two members of the Commission.

- (d) *Commission hearing.* If the above criteria for Commission review are met, the HPO shall schedule a hearing at the next scheduled HHPC meeting within sixty (60) days from the date the application was received and inform the applicant via mail.
- (e) *Notification.* Notice of the pending administrative action shall be mailed to the applicant.
 - i. The owner, and/or his or her agent, shall have the opportunity to address the Commission and submit any relevant materials for public record on why a COA should be granted. He or she shall have the right to be accompanied or represented by counsel and construction or design professionals at the meeting.
- (f) *Commission decision.* If a hearing is conducted, the HHPC shall vote to determine whether to deny, delay for further review, approve, or approve with conditions, the applicant's request for a COA. The Commission shall issue a ruling within forty-five (45) days of the hearing.
 - i. If the HPO/HHPC finds the proposed work is inconsistent with the Secretary's Standards or the city's adopted design guidelines and issues a denial, they shall state, in writing, the reasons for denying the COA and include recommendations for the applicant to take action upon to secure approval in the future.
 - ii. If the HPO/HHPC has taken no action within ninety (90) days of original receipt by the HPO, the appropriate permit shall be issued.
- (g) *Changes in building or site plans following a decision.* The applicant shall be allowed to work with the HPO to resolve any issues that may arise during the permit review process. No change shall be made in the application for any building permit after issuance of a Certificate of Appropriateness without approval from the HPO, who shall have the authority to amend the COA for all instances covered under administrative review. Any additional projects or major changes in the proposed work shall require the submittal of a new COA application.
- (h) *Appeal.* The applicant may appeal the decision of the HPO and/or the Commission as follows:
 - (1) *Appeal of HPO decision.* The applicant may appeal the decision of the Historic Preservation Officer to the Historic Preservation Commission by filing a written request with the HPO within thirty (30) days of the receipt of a written notice of the action taken by the HPO. The HPO shall schedule the appeal hearing for the next scheduled HHPC meeting, which shall follow procedures outlined for the Commission review process.
 - (2) *Appeal of HHPC decision.* If the Commission has denied the Certificate of Appropriateness, the applicant may file in writing a notice of appeal to the City Commission within thirty (30) days after the date upon which the Commission notified the applicant of its decision.
 - (3) *Notice.* Written notice of any appeal hearing shall be sent to the property owner and shall set forth in clear and concise fashion the basis for the appeal. The City Secretary shall place the appeal on the next practicable City Commission agenda, and the applicant shall be notified of the date of the hearing. The City Commission, utilizing the criteria set forth under this ordinance's design standards and guidelines, shall deny, approve, with or without conditions, or remand the item to the Commission for further proceedings consistent with the City Commission's decision.
- (i) *Expiration.* Every Certificate of Appropriateness issued pursuant to this section shall expire and be void if the authorized work has not commenced within one (1) year from the date of

approval or is suspended or abandoned at any time after the work commenced for a period of one hundred eighty (180) days. Failure to complete the work within the required time, including any extension(s), may result in the revocation of the Certificate of Appropriateness. Following expiration or revocation, approval of a new Certificate of Appropriateness application is required to commence construction.

- (j) *Extensions.* If work has not commenced, or has commenced but a delay greater than one hundred eighty (180) days is anticipated, extensions may be granted by the HHPC for any period up to one (1) year. No combination of extensions shall exceed one (1) year from the original expiration date. Requests for extensions shall be submitted in writing to the HPO prior to the date of expiration and should include the following:
 - (1) The reason for requesting the extension; and
 - (2) A timetable for starting/restarting and completing work.
- (k) *The Certificate.* It shall be the responsibility of the HPO to issue the actual Certificate of Appropriateness following approval of the application, with or without any designated conditions, and maintain a copy of the COA, together with the proposed plans. These shall be public documents for all purposes.
- (l) *Compliance.* Work performed pursuant to the issuance of a COA shall conform to the requirements of such certificate. It shall be the duty of the building inspector to inspect, from time to time, any work performed pursuant to a COA to assure compliance. In the event that such work is not in compliance, the building inspector, in consultation with the HPO and code enforcement officer, shall issue a stop work order and/or citation as prescribed by this ordinance. The HPO/Commission may request that the building inspector inspect the work and take appropriate action.

14. CRITERIA FOR CERTIFICATES OF APPROPRIATENESS FOR DEMOLITION

- (a) *Purpose.* It is the intent of this and succeeding sections to preserve historic and architectural resources of the city through limitations on demolition and removal of historic resources. The demolition or removal of historic landmarks and contributing structures within a historic district diminishes the city's historic character, significance, and authenticity and is discouraged.
- (b) *Review required.* No building or demolition permit shall be issued for the following activities without review by the Historic Preservation Officer and Historic Preservation Commission:
 - (1) *Historic landmarks.* The Commission shall render a decision to delay, deny, or grant a Certificate of Appropriateness for demolition, removal, or relocation.
 - (2) *Contributing structure located within a historic district.* The Commission shall render a decision to delay, deny, or grant a Certificate of Appropriateness for demolition, removal, or relocation.
 - (3) *Non-contributing structure located within a historic district.* The HPO shall render a decision to grant a Certificate of Appropriateness for demolition, removal, or relocation, and shall not render a decision to deny, unless the non-contributing structure is a potential historic resource.

- (c) *Criteria for demolition or removal.* The Commission shall consider valid reasons for demolition or removal of a historic resource based on the following criteria:
- (1) The resource is a non-contributing or compatible structure within a historic district;
 - (2) The historic resource has lost its architectural significance and/or historic integrity; or
 - (3) The structure poses an imminent threat to public health or safety upon determination by the building inspector and agreement by the HPO and Planning Department.
 - (4) The structure poses a threat to public health or safety.
- (d) *Criteria for relocation.* The Commission shall consider valid reasons for relocation of a historic resource based on the following criteria:
- (1) The historic resource is geographically isolated from any remaining structure or feature of historic, architectural, archeological, or cultural significance and where removing the resource shall not diminish the significance of the resource itself.
 - (2) All other preservation options have been exhausted.
- (e) *Criteria for decision.* A decision by the HHPC to approve or deny a Certificate of Appropriateness for demolition, removal, or relocation for one of the above criteria shall be guided by:
- (1) The historic, cultural, or architectural significance of the building, structure, site, or object;
 - (2) The historic, cultural, or architectural significance of the building, structure, site, or object to the character of a district;
 - (3) The difficulty or impossibility of reproducing such a building, structure, site, or object because of its unique design, features, material, detail, or unique location;
 - (4) Whether the building, structure, site, or object is one of the last remaining examples of its kind in the neighborhood, district, or the city;
 - (5) Whether there are definite plans for development of the property if the proposed demolition is carried out, and the potential effect of those plans on the character of the district or surrounding area;
 - (6) Whether the demolition would result in a vacant lot or void in the continuous, historic building facade along the street;
 - (7) Whether reasonable measures can be taken to save the building, structure, site, or object;
 - (8) For relocation, whether the property owner has, in good faith, made efforts to relocate the structure in its entirety with a sense of place and time in the following order:
 - a. On the same site;
 - b. Within a historic district, if applicable;
 - c. Within the City of Harlingen's municipal boundaries;
 - d. Within the boundaries of Cameron County;
 - e. Within adjoining county boundaries; or
 - f. Within the State of Texas.

- (f) *Required documentation.* An applicant seeking to demolish, remove, or relocate a structure described above must provide necessary documentation as proof to establish the necessity of a Certificate of Appropriateness. If the applicant is seeking approval for more than one reason, he or she shall provide all documentation required for each case.

The applicant, private persons, organizations, and city departments may submit relevant evidence in addition to the required documentation. The Commission may also request additional information beyond the required documentation. Documentation requirements are as follows:

- (1) *For a compatible or non-contributing structure in a historic district.* Applicants seeking to demolish, remove, or relocate any non-contributing structure in a historic district shall provide the following with their application:
 - a. Available records depicting the original construction of the existing structure, including drawings, pictures, or written descriptions.
 - b. Photographic documentation demonstrating the existing condition of the structure.
- (2) *For a historic landmark or contributing structure in a historic district.* Applicants for demolition, removal, or relocation of historic landmarks or contributing structures in a historic district shall state one or more of the following reasons for removal, demolition, or relocation, and shall provide the corresponding documentation to substantiate the request.
 - a. *The historic resource has lost its architectural significance and/or historic integrity.* An application for demolition, removal, or relocation of a historic resource that has lost its architectural significance and/or historic integrity shall include the documentation listed below:
 1. Available records depicting the original construction of the existing structure, including drawings, historic photographs, or written descriptions.
 2. Documentation of the current condition of the exterior of the existing structure, including drawings, photographs, or written descriptions. Documentation of the current condition of the interior is not required but may be provided to support the request.
 3. A study regarding both the cost of restoration of the structure and the feasibility (including architectural and engineering analyses) of restoration of the structure, as performed by a licensed architect or engineer.
 4. Definitive plans for the future development of the property. A Certificate of Appropriateness application for the future development of the property is strongly encouraged in concurrence with the demolition request if located within a historic district.
 - b. *The structure poses an immediate threat to public health or safety.* If a historic resource exhibits unsafe and dangerous conditions, poses a fire hazard or other public health or safety risk, and such danger or hazard is so great and so immediate that time normally taken for evaluation of the structure or consideration by the HHPC should be circumvented to prevent immediate and substantial harm to persons or property, the HPO is authorized to approve emergency demolition, or removal of

specific structural features that are the source of danger or hazard, upon finding both of the following by the building inspector in consultation with the Planning Department:

1. The structure to be demolished, or the structural features to be removed, endanger public health or safety due to the risk of immediate:
 - A) Physical damage to adjacent properties or structures from potential structural collapse or from pieces of the structure becoming detached and falling or blowing from the structure due to advanced deterioration or a serious state of disrepair;
 - B) Encroachment into or physical damage within abutting public rights-of-way due to the conditions described in item A. above; or
 - C) Physical damage to public infrastructure, utilities, or other public facilities.
 2. There is no reasonable way, other than demolition or removal of specific structural features, to eliminate the immediate threat.
- c. *The structure poses a threat to public health or safety.* An application for demolition or removal that poses a threat to public health or safety that is not an immediate threat as described immediately above shall include the documentation listed below. The owner must establish the necessary facts to prove demolition is necessary to alleviate a threat to public health and safety. The application must include:
1. Documentation depicting the current condition of the structure, including drawings, photographs, or written descriptions;
 2. A study regarding the nature, imminence, and severity of the threat, as performed by a licensed engineer or architect; and
 3. A study regarding both the cost of restoration of the structure and the feasibility (including architectural and engineering analyses) of restoration of the structure, as performed by a licensed architect or engineer.

15. CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION PROCEDURE

- (a) *Application required.* An owner or his or her designee seeking demolition, removal, or relocation of a structure described in previous sections shall submit an application, on forms prescribed by the city, for a Certificate of Appropriateness for Demolition to the HPO. The application must be signed and sworn to by all the owners of the property or their duly authorized representatives.
- (b) *Historic Preservation Officer review for non-contributing structures.* If the structure proposed for demolition, removal, or relocation is classified as a compatible or non-contributing structure in a historic district, the HPO shall have ten (10) days to approve the application. If the structure is a potential historic landmark, the HPO may initiate demolition delay procedures while a review is conducted to determine designation status or eligibility.
- (c) *Demolition review hearing.* If the resource proposed for demolition, removal, or relocation is a historic landmark or is classified as a contributing resource within a historic district, the HPO shall schedule a public hearing for the next scheduled HHPC meeting. At least fourteen (14)

days prior to the public hearing, the applicant(s) shall be given written notice of the hearing to the address provided in the application and a written courtesy notice of the public hearing shall be sent to all owners of real property within five hundred (500) feet of the property or properties on which the demolition, removal, or relocation is proposed. A public notice shall also be posted on the property, visible from the public right of way, at least fourteen (14) days prior to the hearing. At the hearing, the Commission shall review and consider all submitted documents and testimony of any interested parties.

- (d) *Demolition review decision.* The Commission shall render a decision to approve, delay, or deny the application within sixty (60) days of the receipt of the Certificate of Appropriateness application. The HPO shall notify the applicant within ten (10) days of the final decision. Failure of the Commission to decide or suspend said application within ninety (90) days shall be deemed to be approval of the application and the necessary permits shall be issued to allow the requested demolition, removal, or relocation.
- (e) *Denial of demolition.* If the Commission determines that the structure does not meet the criteria for approval, it shall present the owner of the property with a list of economically viable alternatives, which shall include the following:
 - (1) The potential of the property for renovation and continued use.
 - (2) The possibility of sale of the property, or any part thereof, to a prospective purchaser capable of preserving such property.
 - (3) Donation of a part or whole of the subject structure or site to a public or private non-profit or government agency or to the City of Harlingen, including the conveyance of development rights and facade easement.
- (f) *Demolition delay.* The Commission shall have the authority to enforce a minimum sixty (60) day stay or suspension of demolition for landmarks, or contributing properties located within a historic district, to allow for exploration of options to preserve the structure. The delay period may be extended by the HHPC for a period not to exceed one hundred eighty (180) days.
 - a. The HHPC shall also have the following authority over potential historic landmarks:
 - (1) In the interest of identifying alternatives to save a historic resource that is of historic age but that has not yet been designated, or a group of potential historic resources that do not fall within the boundaries of an established historic district, the HHPC may delay or suspend an application for removal, relocation, or demolition of a potential historic landmark, a group of potential historic resources, or a non-contributing resource within a historic district. The demolition, removal, or relocation of such may be delayed or suspended for a minimum period of sixty (60) days from the date of the demolition review hearing.
 - (2) If the City Commission, after notice to the applicant and a public hearing, determines that there are likely to be reasonable grounds for preservation, the City Commission may extend the suspension period for an additional period not exceeding one hundred eighty (180) days, for a total of not more than three hundred sixty (360) days from the date of the initial demolition review hearing. During the period of suspension of the application, no permit shall be issued for such demolition, relocation, or removal, nor shall any person demolish, remove, or relocate the resource.

- b. During the suspension time of the delay period, the Commission may pursue efforts to save the resource(s) including initiating the designation process for the resources in question, if not yet designated, and/or submitting to the applicant a salvage plan, which may suggest proposals to preserve the site for purposes consistent with this ordinance. The plan may include recommendations for complete or partial tax exemptions, tax credits, preservation grants, or authority for alteration or construction not inconsistent with the purposes of this ordinance, and other actions allowable by law. The plan may also include an architectural salvage plan if the structure cannot be saved. The owner shall conduct in good faith with the local and state preservation organizations and interested parties a diligent effort to seek an alternative to removal or demolition. If a reasonable agreement for salvage cannot be obtained with the applicant, then the permits shall be issued for demolition, removal, or relocation at the end of the delay period.
- (g) *Appeal*. If the Commission has denied or delayed the Certificate of Appropriateness for demolition, removal, or relocation, the applicant may follow the same procedure for appeal set forth for non-demolition Certificates of Appropriateness.
- (h) *Emergency demolition, removal, or relocation*. If any historic resource, regardless of classification, is deemed by the building inspector to pose an immediate threat to public health or safety, a Certificate of Appropriateness for total or partial demolition, removal, or relocation may be approved by the HPO at any time.
- (i) *Demolition revocation*. Notwithstanding any provision of this ordinance, the City Commission reserves the right to prohibit, suspend, or revoke the demolition of any structure with a supermajority vote.

16. CRITERIA AND PROCEDURE FOR REMOVING A HISTORIC DESIGNATION

- (a) *Criteria*. A historic landmark or historic district may be de-designated if it meets one of the following criteria:
 - (1) A historic landmark located outside of a historic district has been involuntarily destroyed beyond repair by fire, explosion, natural disaster, or an otherwise act of God, and on-site new construction would not be feasible or fit within the historic character of the site or the surrounding area.
 - (2) A historic district has lost those physical characteristics which enabled the establishment of the district due to the loss of significant contributing properties that have been involuntarily destroyed by fire, explosion, natural disaster, or an otherwise act of God, and where reconstruction is not tenable as a treatment.
 - (3) A historic landmark or district was established erroneously or was not historically, architecturally, archeologically, or culturally significant as previously claimed.
 - (4) The historic-property owner no longer wishes to participate in the preservation program. Such a decision must be in writing and acknowledge that they will lose any and all rights and privileges associated with the historic preservation program and may be at risk of financial clawbacks.
- (b) *Procedure*. The procedure to remove a historic designation from a historic landmark, historic district, or contributing property within a historic district shall follow the same procedure as

used to designate or amend a historic landmark or district, except that it shall require a supermajority (3/4) vote from the HHPC or a unanimous decision from the City Commission.

- (c) *Petition for removal.* A petition to have a historic designation removed must be submitted, in writing, and received by the Historic Preservation Officer, explaining the reason for requesting to remove the designation and what criteria for removal is being invoked.
- (d) *Recording.* Upon removal of a historic designation, the HPO shall notify the Planning and Zoning Commission of the change in designation status, as well as notify the Cameron County recording office, tax office, and appraisal district.
- (e) *Protection of landmark status.* All designated historic properties shall be fully protected under this ordinance while and until the process for de-designation is approved. Any work undertaken on such properties before the designation is removed shall require a Certificate of Appropriateness from the Historic Preservation Commission. Failure to comply shall be considered a violation of this ordinance and subject to a penalty.

17. DESIGN STANDARDS AND GUIDELINES

- (a) *Design Standards.* In all of its determinations of architectural appropriateness and historical integrity in the design and construction process on all historic properties, the HPO and HHPC shall use the most recent edition of "The Secretary of the Interior's Standards for the Treatment of Historic Properties," referred to simply as the Secretary's Standards.

The Secretary's Standards are summarized in the ten points below:

- (1) Every reasonable effort shall be made to adapt the property in a manner that requires minimal alteration of the building, structure, object, or site and its environment.
- (2) The distinguishing original qualities or character of a building, structure, object, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided when possible.
- (3) All buildings, structures, objects, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
- (4) Changes, which may have taken place in the course of time, are evidence of the history and development of a building, structure, object, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (5) Distinctive stylistic features or examples of skilled craftsmanship, which characterize a building, structure, object, or site, shall be kept where possible.
- (6) Deteriorated architectural features shall be repaired rather than replaced, wherever practicable. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities, where practicable. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

- (7) The surface cleaning of structures shall be undertaken in the gentlest means possible. Sandblasting and other cleaning methods that will damage historic building materials shall not be undertaken.
 - (8) Every reasonable effort shall be made to protect and preserve archeological resources affected by or adjacent to any project.
 - (9) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
 - (10) Whenever possible, new additions or alterations to buildings, structures, objects, or sites shall be done in such a manner that, if additions or alterations were to be removed in the future, the essential form and integrity of the building, structure, object, or site would be unimpaired.
- (b) *Design Guidelines.* The HPO or HHPC may develop such supplemental guidelines as deemed necessary to implement or maintain this ordinance, applicable to designated historic landmarks and historic districts. Such guidelines may include, but are not limited to the following:
- (1) Charts or samples of acceptable materials for siding, foundations, roofs, or other parts of buildings;
 - (2) Illustrations of appropriate architectural details;
 - (3) Specifications of appropriate relationships to streets, sidewalks, other structures, and buildings;
 - (4) Illustrations of appropriate porch treatment entrances; or
 - (5) Illustrations of appropriate signage or street furniture.

18. MINIMUM MAINTENANCE STANDARDS

No owner, defined in this section as a person, entity, association, or corporation with ownership, care, custody, or control over a historic landmark or contributing structure within a historic district, shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any architectural feature which would produce a detrimental effect upon the character of the historic district or the life and character of the property itself.

Owners shall be required to fulfill a minimum level of maintenance on their property in order to keep it from deteriorating. Any of the following are prima facie evidence of a serious state of disrepair:

- (1) Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling.
- (2) Deterioration of external stairs, porches, handrails, window and door frames, cornices, entablatures, wall claddings, chimneys, plaster finishes, surfaces or mortars, and any other exterior architectural details that cause delamination, instability, loss of shape and form, or crumbling.

- (3) Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors.
- (4) Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of other protective covering.
- (5) Rotting, holes, and other forms of material decay.
- (6) Deterioration that causes a detrimental effect upon the special character of the district as a whole or the unique attributes and character of the structure.
- (7) Deterioration of any exterior feature so as to create or permit the creation of any hazardous or unsafe conditions to life, health, or property.

19. DEMOLITION BY NEGLECT

Demolition by neglect refers to the gradual deterioration of a property when ordinary or minimum maintenance is not performed. The Historic Preservation Officer and the Planning Department staff shall work together in an effort to reduce demolition by neglect involving properties designated as historic landmarks, potential historic landmarks, or contributing or compatible structures within a historic district.

Failure to provide the minimum maintenance required by this ordinance may result in a citation for demolition by neglect. If conditions of neglect are present or suspected, the HPO/HHPC, in coordination with the building inspector, is authorized to lawfully investigate in an effort to prevent further deterioration.

1. *Authorization.* The city may preserve a substandard building as permitted under Texas Local Government Code, Sec. 214.00111.
2. *Procedure to address demolition by neglect.*
 - (a) *Identification.* Initial identification is made by visual inspection of the area by the HPO or a HHPC member, or by referral from city staff or a member of the general public. All referrals shall be made in writing and shall be submitted to the HPO.
 - (b) *Documentation of neglect.* The HPO and building inspector shall inspect the property in question and document evidence of disrepair or neglect.
 - (c) *Notification of owner.* The owner shall be notified in writing via certified mail, providing specific information about the alleged deterioration, provided with the standards for rehabilitation adopted by this ordinance, and informed of any incentive programs that may be available for rehabilitation.
 - (d) *Stabilization Proposal.* The owner shall be given thirty (30) days in which to respond to the preliminary determination, mothball the property in question to prevent further deterioration if vacant, and submit a stabilization proposal to the HPO, who shall have the authority to approve, approve with conditions, refer to the HHPC, or return the proposal to the owner with further instruction. The HPO/HHPC shall detail the specific work that is necessary to correct the demolition by neglect conditions and issue a COA (if necessary), as well as a time period to begin and complete the work. If the owner is unable to put together a stabilization proposal either because of a lack of appropriate resources or economic hardship, he or she may request assistance from the HPO and HHPC to create a

plan for stabilization. The owner may appeal the HPO's decision to the Historic Preservation Commission and request a hearing at the next scheduled meeting.

- (e) *Hearing.* If the property owner fails to respond to the letter regarding the preliminary determination, or refuses to work with the HPO or HHPC to create a stabilization plan, the Commission shall conduct a citation hearing. The HPO shall send a notice of the citation via certified mail informing the owner of the hearing, the property shall be posted with a notice of the violation in accordance with the provisions of this ordinance, and a public hearing shall be scheduled before the Commission. The owner may appear before the HHPC in person or by agent.

At the hearing, the owner shall be invited to address the Commission's concerns and show cause why a citation should not be issued. The Commission may take action to defer the matter to give the owner more time to make a stabilization proposal, direct the owner to work with the HPO to create a plan for stabilization, and/or issue a citation to the owner of the property for failure to correct demolition by neglect conditions.

- (f) *Appeal.* The owner of a property cited for demolition by neglect may appeal the Commission's decision to the City Commission.
- (g) *Required action upon finding of demolition by neglect.* If the Commission determines that the deterioration has produced a detrimental effect on the architectural significance and/or historic integrity of the property or district, the owner shall be cited for demolition by neglect and be given thirty (30) days to mothball the property, if vacant, and submit a stabilization proposal to the HPO, sixty (60) days to begin repairs, up to one (1) year to correct the defects in accordance with the Secretary's Standards.

The owner shall provide written progress reports to the HPO every thirty (30) days from the time work commences, documenting the progress on repairs until the rehabilitation is completed.

- (h) If the owner does not respond to the letter regarding the preliminary determination of demolition by neglect, fails to appear at the citation hearing, or fails to comply with any other provision outlined in this section, the HPO and code enforcement officer may refer a demolition by neglect case to the city attorney for enforcement in municipal court.
- (i) The city may create programs, or enter into partnerships with local non-profit organizations, to assist low-income and/or elderly homeowners with maintenance.

20. ENFORCEMENT

All work performed pursuant to a Certificate of Appropriateness issued under this ordinance shall conform to any requirements included therein. It shall be the duty of the Historic Preservation Officer or his or her designee to inspect periodically to assure such compliance. In the event work is not being performed in accordance with a Certificate of Appropriateness, or no Certificate of Appropriateness has been approved, or upon notification of such fact by the Historic Preservation Commission and verification by the HPO, the building inspector shall issue a stop work order and/or citation and all work shall immediately cease. The property owner shall then be required to request a citation hearing before the Commission to explain non-compliance, and/or to apply for a Certificate of Appropriateness and receive approval. No further work shall be undertaken on the project as long as a stop-work order is in effect until a decision is rendered by the HPO or

Commission. All applications, decisions, orders, citations, notices, or violations approved or issued by the City of Harlingen before the effective date of this ordinance shall remain in effect.

All required permits must be issued and plans approved by the building inspections, planning, public works, and health departments before work can commence under an approved Certificate of Appropriateness.

21. PENALTIES

- (a) *Prohibited Acts.* It shall be unlawful to construct, reconstruct, remove, structurally alter, remodel, renovate, restore, demolish, raze, maintain, or fail to maintain any historic resource in violation of the provisions of this ordinance. In addition to other remedies, the City of Harlingen may institute any appropriate action or proceedings to prevent such unlawful construction, restoration, demolition, razing, maintenance, or failure to maintain, to restrain, correct, or abate such violation.
- (b) *Penalty for violation.* Any person, firm, or corporation found violating any provision of this ordinance shall be guilty of a Class C misdemeanor, punishable by a fine of no less than \$200 or more than \$2000 per violation. Each day the violation continues shall be considered a separate offence. Such remedy under this section is in addition to any abatement restitution.
- (c) *Abatement restitution.* Any person, firm, or corporation found violating any provision of this ordinance shall be directed to abate, insofar as possible, the violation including, but not limited to removing unauthorized architectural features, materials, appurtenances, or elements of new construction; repairing the damage done to historic buildings, structures, or objects; and/or making financial restitution to the city in order to pay the expenses necessary to correct the violation.

22. SEVERABILITY CLAUSE

Should any paragraph, phrase, sentence, or clause of this ordinance be determined to be unconstitutional, said determination shall not affect the remaining paragraphs, phrases, sentences, or clauses, which shall remain in full force and effect.

23. EFFECTIVE DATE

This ordinance shall become effective after passage and publication as required by law.

24. PASSED AND APPROVED

At a regular meeting of the City Commission of the City of Harlingen, Texas, this ____ day of _____, 2025, at which meeting a quorum was present, held in accordance with the provisions of the Texas Local Government Code, Section 551, *et. seq.*

Norma Sepulveda, Mayor

Attest:

Approved as to form and substance:

Mayra Herrera, City Secretary

Mark Sossi, City Attorney

City of Harlingen
Agenda Item Request Form

We hereby request the following item to be added to July 02, 2025, City Commission Agenda:

1. Public Hearing and consideration and possible action to approve an ordinance on first reading regarding the providing for Historic Preservation in the City of Harlingen; providing definitions and terms; creating a Historic Preservation Commission, specifying its membership, tenure; setting forth duties and responsibilities of the Historic Preservation Commission; defining duties and responsibilities of the Historic Preservation Officer; providing designation criteria and procedure for designating historic landmarks and districts; establishing incentive programs for historic preservation; providing criteria and procedure for obtaining certificates of appropriateness; establishing design standards and guidelines; creating minimum maintenance standards; addressing demolition by neglect; providing for a penalty; providing a severability clause; and providing for publication and effective date.

2. Public Hearing and consideration and possible action to approve an ordinance on first reading amending Harlingen Code of Ordinances, Article VI, Section 111-142 to add Sections 11-142(e.) (f.) to regulate certain on street parking within the City of Harlingen, to prohibit on street parking at Barton Avenue to create exception to allow for service of utilizes and providing for severability.



Daniel N. Lopez, Commissioner Dist. 2



Rene Perez, Commissioner Dist. 5

ORDINANCE NO. 2025-__

**An Ordinance Amending Harlingen Code of Ordinances,
Article VI, Section 111-142 to add Sections 111-142(e.) (f.) to
Regulate Certain On Street Parking within the City Of
Harlingen, To Prohibit On Street Parking at Barton Avenue
to create exceptions to allow for service of utilizes and providing
for severability**

Whereas, the City of Harlingen has experienced a great deal of growth and commercial development over the past several years, and

Whereas, this increased growth has resulted in increased issues with traffic and parking within the City, and

Whereas, there is clear need for expanded parking regulations which enhance public safety on public streets generally and,

Whereas, the City Commission has also been made aware of concerns raised by residents of Barton Avenue regarding excessive traffic, speeding, and parking on that street,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS

Section 1. That The Harlingen Code of Ordinances at Article VI, Section 111-142 *On Street Parking Regulations* is hereby amended to add Sections 111-142 (e.) (f.) and (g.) as follows;

§ 111-142 On Street Parking Regulations

- e. No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device, in any of the following places:
 - 1.) Any parking place where official signs prohibiting stopping are installed or may be installed by the traffic safety coordinator.
 - 2.) In a fire lane established around or adjacent to any building where such area has prominently displayed thereon a sign on the pavement, a stand or other object adjacent thereto, the words "No Parking – Fire Lane," and the fire lane is clearly delineated by proper markings. No person shall be guilty of a violation of this subsection unless the fire lane is clearly marked and identified
 - 3.) Within 20 feet of a crosswalk at an intersection except momentarily to pick up or discharge a passenger. It is an affirmative defense to prosecution under this subsection, if a parking space is marked within 20 feet of a crosswalk at an intersection.

- 4.) Within 15 feet of a fire hydrant except momentarily to pick up or discharge a passenger.
- 5.) In front of a public or private driveway except momentarily to pick up or discharge a passenger.
- 6.) On all or part of a sidewalk.
- 7.) On the roadway side of a vehicle stopped or parked at the edge or curb of a street.
- 8.) On any of the following locations:
 - a. On Barton Avenue, between the hours of 12 am and 4 am.

f. Section 111-142 will not apply to the following:

- 1.) Street construction, maintenance and repair equipment.
- 2.) Trucks, equipment, trailers and other vehicles used by public service utility companies engaged in repairing or extending public service utilities.
- 3.) Motor buses when taking on or discharging passengers at bus stops;
- 4.) Where it is lawful to park a commercial motor vehicle for the purpose of accepting or delivering transportable goods; or
- 5.) A motor vehicle with a mechanical defect, making it unsafe to proceed further, in which event, it shall be lawful to stand or park the vehicle during the time necessary to make emergency repairs, not to exceed 48 hours.
- 6.) Further, this section will not apply during any public event sponsored by the City of Harlingen , including an hour before and after such an event.

G.) That if any provision of this section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Commission in adopting this ordinance that no portion hereof or provision or regulations contained herein shall become inoperative or fail by any reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Passed, Approved and Effective on this, the _____ day of July, 2025 at a Regular Meeting of the City Commission at which a quorum was present.

City of Harlingen, Texas

Signed by: _____
Mayor Norma Sepulveda
City of Harlingen, Texas

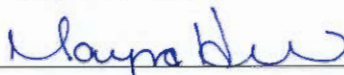
ATTEST:

Mayra Herrera, City Secretary

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **July 2, 2025**

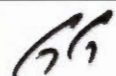
Agenda Item:
Consideration and possible action to approve two (2) invoices from Cameron County Elections Department for the November 5 th , 2024, District 3, 4, and 5 Regular City Elections and the December 14 th , 2024 Runoff Elections.

Prepared By (Print Name): Mayra Herrera Title: City Secretary Signature: 
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Brief Summary:
The City's Secretary's Office is requesting the City of Harlingen Commission's approval for the two (2) invoices from the Cameron County Election Department. The first invoice is for the November 5 th , 2024, Regular City Election for District 3, 4 and 5. The final cost for this election is \$168,623.70. The second invoice is for the Runoff Election held on December 14 th , 2024, for the cost of \$111,834.51. Attached is the breakdown of the charges and staff recommends approval.

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

Staff Recommendation:
Staff recommends approval of the resolution.

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

Comments:

City Attorney's approval: 	☒ Yes ☐ No ☐ N/A
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REMI GARZA, CERA
ELECTIONS ADMINISTRATOR

June 3, 2025

Hermelinda Gonzales
Deputy City Secretary
118 E. Tyler Ave.
Harlingen, Texas 78550

RE: Invoice for the City of Harlingen - General Election

Dear Ms. Gonzales,

Enclosed is a summary of our department's charges for the November 5, 2024, City of Harlingen election, accompanied by supporting documentation.

The total cost of the election was \$168,623.70. Our records show that a deposit has not been received. Due to increased personnel demands during the presidential election cycle, overall expenses were higher than expected. Further, with the introduction of Countywide Voting additional expenses were incurred to ensure that all eventualities were addressed. We also saw an increase in equipment cost with implementation of Ballot on Demand and Precinct Counters during early vote. In response, a 25% discount to personnel costs has been applied in recognition of these circumstances. The remaining balance due is \$168,623.70.

Upon review and acceptance, please remit the remaining balance to:

Cameron County
c/o Office of the Elections Administrator
P.O. Box 3587
Brownsville, Texas 78523

Thank you for giving the Cameron County Elections Office the opportunity to serve the City of Harlingen. We look forward to working with you again in the future.

Respectfully Submitted,

Remi Garza
Elections Administrator

XC: File
County Auditor
County Treasurer

Invoice # 2024-180-7017 City of Harlingen

Bill To:

Hermelinda Gonzales
Deputy City Secretary
118 E. Tyler Ave.
Harlingen, Texas 78550

For:

Cameron County-B2-TAB 8 Election Supplies (6014)

Ship To:

Reni Garza
Election Administrator
for Cameron County
1050 E. Madison
Brownsville, TX 78520
956-544-0809

Make all checks payable to:

Cameron County Elections Dept

If you have any questions concerning this invoice, contact:

Remi Garza

Elections Administrator

remi.garza@co.cameron.tx.us

Item Number	Description	Price	Quantity	%	Amount
6047	Final Cost for the City of Harlingen for the November 5, 2024 Election	\$ 168,623.70	1	100%	\$ 168,623.70
Subtotal	Total items: 2				168,623.70

Sales Tax Rate: ☐ Tax Exempt

Sales Tax

Less Deposit Received

Invoice Total

\$ 168,623.70

Due Upon Receipt

Thank you for your business!

Cameron County Elections Department

Tel 956-544-0809

1050 East Madison St

www.co.cameron.tx.us

Fax 956-550-7298

Brownsville, Texas 78520

remi.garza@co.cameron.tx.us





REPORT OF CONTRACTED EXPENSES FOR THE
COUNTY ELECTIONS SERVICE CONTRACTS

ELECTIONS SERVICES FOR November 5, 2024 ELECTION
COUNTY, CAMERON, TEXAS, CONTRACTING City of Harlingen

ELECTION	RUNOFF	RECOUNT
☐ ESTIMATE	☐ ESTIMATE	☐ ESTIMATE
☒ FINAL COST	☐ FINAL COST	☐ FINAL COST

SECTION A		
A1 TAB 1	Letter from Administrator, Report of Contracted Expenses, Deposit	
A2 TAB 2	Jurisdiction voter turnout	21,078
A3 TAB 3	Number of election day polling places (excluding early voting)	68
A4 TAB 4	Number of early voting stations	24
A5 TAB 5	Number of Ballots (include early voting ballots; do not include sample/test ballots)	360,637
A6 TAB 6	Number of Poll Workers	791

SECTION B

B1 TAB 7	Personnel-Overtime, Extra Help, Additional Extra Help, IT Technical Support, Security, Early Voting, Election Day, Trainings, Delivery, Ballot Boards, Central Count, Phone Banking (6004, 6005, 6006, 6007, 6008, 6011, 6012)	\$ 86,909.62
B2 TAB 8	Election Supplies (6014, 4607)	\$ 16,931.01
B3 TAB 9	Transportation of Voting equipment, supplies and mileage (6016, 6050)	\$ 576.18
B4 TAB 10	Professional Services (6045)	\$ 2,344.04
B5 TAB 11	Network Communications & Mobile Phones (6048, 6047)	\$ 2,697.82
B6 TAB 12	Postage (6049)	\$ 38.06
B7 TAB 13	Advertising (6054)	\$ 2,084.23
B8 TAB 14	Printing & Binding (Ballots Only 6055)	\$ 11,447.41
B9 TAB 15	Real Estate & Equipment Rental (6068, 6069)	\$ 6,127.85
B10 TAB 16	Rental of County owned equipment per unit or electronic voting system equipment installed at the polling locations and central Counting station (DS200, DS450 and Automarks (4607)	\$ 17,810.14
B11 TAB 17	Data Processing (6077)	\$ 3,761.52
B12 TAB 18	Miscellaneous (any expenses legally necessary for the conduct of the election which cannot be reported elsewhere in the report)(6014,6025, 6033)	\$ 2,566.39

SECTION B CONTINUED

Total Cost of Contracted Expenses	\$ 153,294.27
County Election Services Contract Admin Fee (up to the total contracted expenses)	\$ 15,329.43
Total Cost of Contracted Election	\$ 168,623.70
Applied Deposit	\$ _____
Final Amount Due	\$ 168,623.70

I, Remi Garza, Elections Administrator, Hereby Certify that the cost on this invoice are true and correct representation of the actual expenses directly attributable to the election services provided to Cameron County, Texas City of Harlingen contracting entity and the 10% general supervision fee consistent with Section 31.100, Texas Election

Remi Garza
County Elections Administrator

06/03/25

Date



REMI GARZA, CERA
ELECTIONS ADMINISTRATOR

June 13, 2025

Hermelinda Gonzales
Deputy City Secretary
118 E. Tyler Ave.
Harlingen, Texas 78550

RE: Invoice for the City of Harlingen - Runoff Election

Dear Ms. Gonzales,

Please find our department's Summary of Charges for the December 14, 2024 City of Harlingen Runoff Election and supporting information enclosed.

The cost for the December 14, 2024 City of Harlingen Runoff totaled \$111,834.51. Our records do not show a deposit. Therefore, the total amount due is \$111,834.51. Upon review and acceptance, please remit payment to:

Cameron County
c/o Office of the Elections Administrator
P.O. Box 3587
Brownsville, Texas 78523

Thank you for giving the Cameron County Elections Office the opportunity to serve the City of Harlingen. We look forward to working with you again in the future.

Respectfully Submitted,


Remi Garza
Elections Administrator



XC: File
County Auditor
County Treasurer

Bill To:
Amanda C. Elizondo
City Secretary
118 E. Tyler Ave.
Harlingen, Texas 78550

For: **Cameron County-B2-TAB 8 Election Supplies (6014)**

Ship To:
Remi Garza
Election Administrator
for Cameron County
1050 E. Madison
Brownsville, TX 78520
956-544-0809

Make all checks payable to:
Cameron County Elections Dept

**If you have any questions
concerning this invoice,
contact:**
Remi Garza
Elections Administrator
remi.garza@co.cameron.tx.us

Item Number	Description	Price	Quantity	%	Amount
6047	Final Cost for the City of Harlingen Runoff for the December 14, 2024 Election	\$ 111,834.51	1	100%	\$ 111,834.51
Subtotal	Total items: 2				111,834.51

Sales Tax Rate: ☐ Tax Exempt

Sales Tax	
Less Deposit Received	
Invoice Total	

\$ 111,834.51

Due Upon Receipt
Thank you for your business!

Cameron County Elections Department

Tel 956-544-0809

1050 East Madison St

www.co.cameron.tx.us

Fax 956-550-7298

Brownsville, Texas 78520

remi.garza@co.cameron.tx.us





REPORT OF CONTRACTED EXPENSES FOR THE
COUNTY ELECTIONS SERVICE CONTRACTS

ELECTIONS SERVICES FOR December 14, 2024 ELECTION
COUNTY, CAMERON, TEXAS, CONTRACTING City of Harlingen Runoff

ELECTION

RUNOFF

RECOUNT

☐ ESTIMATE

☐ ESTIMATE

☐ ESTIMATE

☒ FINAL COST

☐ FINAL COST

☐ FINAL COST

SECTION A

A1 TAB 1	Letter from Administrator, Report of Contracted Expenses, Deposit	
A2 TAB 2	Jurisdiction voter turnout	1,828
A3 TAB 3	Number of election day polling places (excluding early voting)	4
A4 TAB 4	Number of early voting stations	3
A5 TAB 5	Number of Ballots (include early voting ballots; do not include sample/test ballots)	34,000
A6 TAB 6	Number of Poll Workers	44

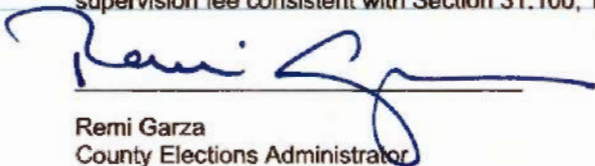
SECTION B

B1 TAB 7	Personnel-Overtime, Extra Help, Additional Extra Help, IT Technical Support, Security, Early Voting, Election Day, Trainings, Delivery, Ballot Boards, Central Count, Phone Banking (6004, 6005, 6006, 6007, 6008, 6011, 6012)	\$ <u>65,711.64</u>
B2 TAB 8	Election Supplies (6014, 4607)	\$ <u>1,436.09</u>
B3 TAB 9	Transportation of Voting equipment, supplies and mileage (6016, 6050)	\$ <u>0.00</u>
B4 TAB 10	Professional Services (6045)	\$ <u>0.00</u>
B5 TAB 11	Network Communications & Mobile Phones (6048, 6047)	\$ <u>345.87</u>
B6 TAB 12	Postage (6049)	\$ <u>38.15</u>
B7 TAB 13	Advertising (6054)	\$ <u>2,088.48</u>
B8 TAB 14	Printing & Binding (Ballots Only 6055)	\$ <u>9,367.55</u>
B9 TAB 15	Real Estate & Equipment Rental (6068, 6069)	\$ <u>6,553.60</u>
B10 TAB 16	Rental of County owned equipment per unit or electronic voting system equipment installed at the polling locations and central Counting station (DS200, DS450 and Automarks (4607)	\$ <u>9,771.00</u>
B11 TAB 17	Data Processing (6077)	\$ <u>4,630.11</u>
B12 TAB 18	Miscellaneous (any expenses legally necessary for the conduct of the election which cannot be reported elsewhere in the report)(6014,6025, 6033)	\$ <u>1,725.25</u>

SECTION B CONTINUED

Total Cost of Contracted Expenses	\$ 101,667.74
County Election Services Contract Admin Fee (up to the total contracted expenses)	\$ 10,166.77
Total Cost of Contracted Election	\$ 111,834.51
Applied Deposit	\$ _____
Final Amount Due	\$ 111,834.51

I, Remi Garza, Elections Administrator, Hereby Certify that the cost on this invoice are true and correct representation of the actual expenses directly attributable to the election services provided to Cameron County, Texas City of Harlingen Runoff contracting entity and the 10% general supervision fee consistent with Section 31.100, Texas Election


Remi Garza
County Elections Administrator

06/13/25

Date

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **July 2, 2025**

Agenda Item:

Consideration and possible action to approve a resolution approving the One-Year Action Plan (Budget) for Fiscal Year 2025-2026 (Year 51) of the Community Development Block Grant (CDBG) Program and Fiscal Year 2025-2026 (Year 31) of the Home Investment Partnerships Program (HOME). Attachment **(CDBG)**

Prepared By: Sandee Alvarez-Ybarra, Director

Brief Summary:

As a condition of receiving Community Development Block Grant (CDBG) and HOME funds in FY 2025-2026, the City is required to prepare a One-Year Action Plan outlining objectives, outcomes and indicators for each activity that receives funding. The funding recommendations established are not only based on meeting the required national objectives and other HUD requirements but also with consideration given to HUD's priorities of:

Increasing homeownership and improving existing housing for extremely low-income persons

1. Ending homelessness
2. Promoting economic development through the creation of jobs and/or businesses

Prior to establishing their funding recommendations the Community Development Advisory Board and staff, reviewed and evaluated applications (prior performance, priority need, submission requirements, project eligibility) held public hearings, workshops, and provided each applicant with the opportunity to give a presentation to the Community Development Advisory Board. All requests for funding are high priorities established in the Consolidated Plan & Strategy.

This year's CDBG allocation is estimated to be \$952,807.00 and the HOME program allocation is \$327,366.31.

The required 30-day comment period began on June 26th, the day after the approved recommendations were published in the Valley Morning Star. The comment period will end on July 28th, 2025.

The attached budget was presented by the CDAB board chair and approved by the City Commission on June 18, 2025.

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:



RESOLUTION R2025-__

STATE OF TEXAS

COUNTY OF CAMERON

WHEREAS, pursuant to the laws of the United States of America, the United States Government has allocated to the City of Harlingen, Texas, the sum of \$952,807 in Community Development Block Grant (CDBG) funds for the 2025-2026 Entitlement year and the City has identified an amount of \$18,419.64 received in CDBG revolving loan funds for a total amount of \$971,226.64 in CDBG funds; and

WHEREAS, the United States Government has additionally allocated the sum of \$327,366.31 in Home Investment Partnership Program (HOME) funds to the City as a Participating Jurisdiction for the Entitlement Year; said funds constituting CDBG Funds and HOME Funds from the U. S. Department of Housing and Urban Development to the City of Harlingen; to be used by the City in the implementation and completion of Community Development Programs as specified in the application for said funds; and

WHEREAS, pursuant to the provisions attendant with such grant funds, with the approval of the City Commission, the City Manager of Harlingen budgeted and programmed the expenditures of such funds for various approved projects for the City of Harlingen, including public services, planning and development; all to be funded from the aforesaid CDBG and HOME Grants, as being funds surplus and wholly in addition to all other revenues and sources of funds of the City of Harlingen for Fiscal Year 2025-2026; said City Manager having submitted such budget and proposed expenditures of such funds to the Mayor and Elective Commission of the City of Harlingen; and

WHEREAS, the Community Development Advisory Board through public hearings, and the Mayor and Elective Commission having reviewed and considered such proposed budget and expenditures for the 2025-2026 period as submitted, in the form of a budget to the public on June 18th, 2025; and

WHEREAS, the meeting was held on the 18th day of June, 2025 at a City Commission Regular meeting at 5:30 p.m. as posted, and said budget was discussed and all interested persons were given an opportunity to be heard on any matter relative thereto, and all interested persons were heard; and there being no other persons seeking to be heard with reference to any matter concerning said funding; and

WHEREAS, prior to final adoption of the One Year Action Plan by the City Commission, an additional public hearing was held on July 1st, 2025 by the Community Development Advisory Board during the required comment period to obtain citizen comments; and

WHEREAS, upon receipt of the Request For Release of Funds and Removal of Grant Conditions from the U.S. Department of Housing and Urban Development, the City Manager of the City of Harlingen is authorized to execute agreements for subrecipients approved in the 2025-2026 One Year Action Plan as required by HUD; and

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

That the Community Development Block Grant and HOME Funds Budget for the City of Harlingen, appropriating funds only for the programs set forth in the "CDBG and HOME Funds---2025-2026 Budget", in the total amount of \$1,298,592.95; a copy of said budget being attached as Exhibit "A" and more clearly identified within the CITY OF HARLINGEN ONE YEAR ACTION PLAN and the same is hereby adopted as the funds and expenditures listed under the 2025-2026 budget in connection with the receipt of the aforesaid CDBG and HOME funds, and the regulatory required budgeting and disposition thereof; all being separate and apart from the regular fiscal year budget of the City of Harlingen.

CONSIDERED AND ADOPTED this 2nd day of July, 2025, at a regular meeting of the Elective Commission of the City of Harlingen at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, TITLE 5, SUBTITLE A., CHAPTER 551, enacted by Acts 1993, 73rd Leg., ch. 268, S 1, effective September 1, 1993.

CITY OF HARLINGEN

BY: _____
Norma Sepulveda, Mayor

ATTEST

Mayra Herrera, City Secretary

EXHIBIT "A"
C.D.B.G. AND HOME FUNDS
2025-2026 ONE YEAR ACTION PLAN BUDGET
C.D.B.G. AND HOME FUNDS

C.D.B.G. Allocation	\$ 952,807.00
Anticipated Program Income (from Housing Assistance Loans to the City)	\$ 18,419.64
HOME Allocation	\$ 327,366.31
Combined Total Allocations	\$1,298,592.95
PROPOSED PROJECTS	
05D – Public Services (Youth) Boys and Girls Club	\$ 29,681.00
05A - Public Services (Seniors) Amigos Del Valle	\$ 10,053.00
05N – Public Services (Abused Children) CACCWC- Maggie's House	\$ 16,000.00
05N - Public Services (Abused Children) CASA	\$ 16,000.00
05N - Public Services (Abused Children) Family Crisis Center	\$ 17,500.00
05A - Public Services (Srs/Dis) Aging & Disability (LRGVDC)	\$ 7,500.00
05A - Public Services (Seniors) Area Agency on Aging (LRGVDC)	\$ 7,500.00
05M - Public Services (Health) Sunshine Haven	\$ 15,000.00
03T – Public Services (Homeless) Loaves and Fishes of the RGV	\$ 23,687.00
04 – Clearance & Demolition	\$ 11,157.00
03F – Parks, Recreation Facilities – Arroyo Park Improvements	\$ 10,000.00
03F – Parks, Recreation Facilities – Rangerville Park Improvements	\$ 240,000.00
03F – Parks, Recreation Facilities – Wilson Park Improvements	\$ 110,000.00
03F – Parks, Recreation Facilities – Hunter Park Improvements	\$ 25,000.00
03Z – Other Public Improvements Not Listed – Solar Lights	\$ 156,168.00
03Z – Other Public Improvements Not Listed – Retrofit of Streetlights	\$ 35,000.00
14H - Housing Rehabilitation Administration	\$ 42,000.00
21A - General Administration	\$ 190,561.00
Total CDBG Funding	\$ 952,807.00
12 & 13B - HOME-Affordable Housing Programs -CITY	\$ 245,524.73
21H - HOME-Administrative Support	\$ 32,736.63
12 – HOME – CHDO Set-Aside	\$ 49,104.95
Total HOME Funding	\$ 327,366.31

14A – Housing Rehabilitation (anticipated RL program income)	\$ 18,419.64
Total Anticipated Program Income	\$ 18,419.64
Total Funding	\$1,298,592.95

**AGENDA ITEM
EXECUTIVE SUMMARY**

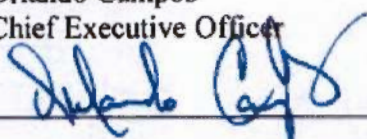
Meeting Date: July 2, 2025

Agenda Item:

Discussion and consideration of a matching fund request for \$21,0000 from Region One Education Center in support of a Teacher Certification program for paraprofessionals.

Prepared By (Print Name): Orlando Campos
Title: Chief Executive Officer

Signature:



Brief Summary:

The Harlingen Economic Development Corporation Board of Directors unanimously approved a formal request from Region One Education Center for a matching grant of \$21,000 in support of a teacher certification scholarship program. This would help provide paraprofessionals and other eligible staff who hold a bachelor's college with a potential scholarship to participate in the program. The program would help upskill eligible candidates, provide candidates with the credentials needed to become teachers, enhance their professional mobility and eliminate financial barriers for their participation. The HEDC approved the funding with three caveats: 1) Candidates be Harlingen Residents; 2) They be hired to work for HCISD; and 3) That the funding be used for candidates interested in working in Career & Technology Education (CTE) programs. HEDC is requesting City Commission 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:

Finance Director's approval:

☐ Yes ☐ No ☐ N/A

Staff Recommendation:

HEDC CEO and Board Members recommend approval.

City Manager's approval:



☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:



☐ Yes ☐ No ☐ N/A



Created for Harlingen EDC

Partnership with Harlingen EDC and Region One in Service to Harlingen Residents and Education.



Economy- Education- Employment

Region One ESC, Educator Preparation and
Development Program, Marissa Faloon

Data for Harlingen ISD

Local Educational Agency



16,763 Students

1,106 Teachers

32 Uncertified
Teachers

10% Turn over rate is
about 100 teachers
and report shows
77 new teachers
recorded last year

24% of teachers
with 1-5 years
experience is about
300 teachers.
303 teachers
reported + 77 new
teachers= 380 Total

52 para-
professional with
degrees. Potential
to attain teaching
certificate.
#upskill and
#upscale



2,539 employees in education the 3rd largest employment group.

This a big portion of the local economy.

Harlingen CISD Data Insights on Workforce Needs

EMPLOYMENT

Occupations

All	
Workforce	Your paragraph text
Value	

29.4k

2023 VALUE
± 1,590

0.905%

1 YEAR GROWTH
± 7.46%

From 2022 to 2023, employment in Harlingen, TX grew at a rate of 0.905%, from 29.2k employees to 29.4k employees.

The most common job groups, by number of people living in Harlingen, TX, are Office & Administrative Support Occupations (3,922 people), Sales & Related Occupations (2,619 people), and Education Instruction, & Library Occupations (2,539 people). This chart illustrates the share breakdown of the primary jobs held by residents of Harlingen, TX.

Data from [the Census Bureau ACS 5-year Estimate](#)





Overview of Harlingen's ISD reported need for qualified teachers

100+ certified teachers needed in next 3-5 years

This statistic highlights a growing educational need.

As Harlingen CISD anticipates a demand for over 100 certified teachers, (data from superintendents survey Jan. 2025) addressing this need is vital for maintaining educational quality and supporting student success in our community and economy.



Difficult Subjects to Recruit/Retain

Focus on Special Education, Bilingual, and High-Demand Areas for Teacher Retention

The hiring challenges faced in high-need subjects like Special Education and Bilingual Education are significant. The district anticipates a growing need for certified teachers, particularly in these areas.

Call to Action



Alternative certification pathways play an essential role in addressing teacher shortages by providing flexible options for aspiring educators to enter the profession and meet local workforce demands.

Given the Data:

- 1) 77 new teachers reported
- 2) 380 teachers with little experience (1-5 years)
- 3) 32 uncertified teachers
- 4) 52 paraprofessional with a degree
- 5) The need for 100 new - certified teachers over the next (3-5 years)

We are asking for :

- 1) Support to certify 5 teachers
- 2) \$21,000 to cover half of certification/tuition cost
- 3) Harlingen residents

Economy- Education- Employment

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