

**CITY COMMISSION
AGENDA
REGULAR MEETING
JUNE 17, 2026
@ 5:30 PM
CITY HALL, TOWN HALL MEETING ROOM
2ND FLOOR, 118 E. TYLER AVENUE
HARLINGEN, TEXAS**

Notice is hereby given that the City Commission of the City of Harlingen, Texas will hold a Regular Meeting on **WEDNESDAY, JUNE 17, 2026, 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.

To submit written comments regarding 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 - Commissioner Frank Morales
 - 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 Proclamation — "Celebrating Fathers and Father Figures Month"
 - c) Mayor's Business of the Month — "Las Vegas Cafe"
- 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 Joint Meeting of the Harlingen City Commission and HWWWS — January 21, 2026
 - b) Regular Meeting of February 18, 2026
 - c) Regular Meeting of March 04, 2026
 - d) Regular Meeting of March 18, 2026
- 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 resolution authorizing the acceptance of a grant award from the Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA), FY 2025 Patrick Leahy Bulletproof Vest Partnership (BVP) program. Attachment (**Special Projects Department**).
 - b) Consideration and possible action authorizing the Special Projects Director to accept a grant award from the Office of the Governor Fiscal Year 2025 State Homeland Security Grant Program in the amount of \$44,976.20. Attachment (**Special Projects Department**).
 - c) Consideration and possible action to approve a Memorandum of Understanding (MOU) between the City of Harlingen and Texas State Technical College for the efficient and effective use of

resources regarding the coordination of law enforcement services and authorize the City Manager to sign agreement. Attachment **(Police)**.

- d) Consideration and possible action to authorize Police Chief Alfredo Alvear to utilize \$86,759.92 from the Federal Justice Forfeiture funds for the purchase of Lexipol Policy Software (12-month term). Attachment **(Police)**.
 - e) Consideration and possible action to approve an ordinance on second and final reading to rezone from Not Designated ("N") District to Residential, Single Family ("R-1") District for 41.72 acres of land comprised of 39.59 acres out of Survey 140, L.L. Adams Subdivision, 1.58 acres out of Lot "A" and 0.55 acres out of Lot "B" of a Re-subdivision of Blocks 2 and 3, Survey 139 of Stuart Place Subdivision, located north of Beckham Road, approximately 882 feet east of Rodeo Drive. Applicant: Moore Land Surveying, LLC c/o Zarate Management, LLC. Attachment. **(Planning & Development)**.
 - f) Consideration and possible action to approve an ordinance on second and final reading to rezone from Not Designated ("N") District to Light Industry ("LI") District for 7.899 acres of land, more or less, out of Lot 16, Cunningham's Subdivision, located on the south side of Primera Road approximately 1,411.16 feet west of US 77 Frontage Road. Applicant: Orlando Campos, c/o Development Corporation of Harlingen. Attachment **(Planning & Development)**.
 - g) Consideration and possible action to approve an ordinance on second and final reading for a request for a Special Use Permit (SUP) to allow a food truck park in Light Industry ("LI") District, located at 6121 FM 106, bearing a legal description of Lot 3, Block 2, Arroyo View Subdivision. Applicant: Tim Pust. Attachment. **(Planning & Development)**.
 - h) Consideration and possible action to approve an ordinance on second and final reading to rezone from Not Designated ("N") District to Residential, Mobile Home ("MH") District for 6.143 acres of land out of Block 18, R.A. Cunningham's Subdivision, located on the south-east corner of Primera Road and US-77 Frontage Road. Applicant: Joleigh Ares. Attachment. **(Planning & Development)**.
- 8) **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 Staff Commission members, or the City Manager.*
- a) City Manager's Report
 - b) Staff Reports
- 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 (microblading studio) in a General Retail ("GR") District, located at 310 S. Eye Street, bearing a legal description of Lots 6 and 7, Block 1, Benoist Subdivision. Applicant: Daisy Nieto. Attachment - *Minutes Pending*; **(Planning & Development)**.
 - b) Public Hearing for a rezoning request from Neighborhood Services ("NS") District to Residential, Patio Home ("RPH") District for Lot C-1, Block 1, Dixieland Crossing Subdivision, located on the south side of Garrett Road, approximately 795.17 feet west of Dixieland Road. Applicant: Moore Land Surveying, LLC c/o CJE Construction. Attachment - *Minutes Pending*. **(Planning & Development)**.

- c) Public hearing imposing a temporary moratorium on the acceptance, processing, and approval of applications for High-Intensity Data Processing Facilities with the City of Harlingen and its extraterritorial jurisdiction. **(City Manager).**

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 approve an ordinance on first reading for a Special Use Permit (SUP) to allow an adult business (microblading studio) in a General Retail ("GR") District, located at 310 S. Eye Street, bearing a legal description of Lots 6 and 7, Block 1, Benoist Subdivision. Applicant: Daisy Nieto. Attachment. **(Planning & Development).**
- b) Consideration and possible action to approve an ordinance on first reading for a rezoning request from Neighborhood Services ("NS") District to Residential, Patio Home ("RPH") District for Lot C-1, Block 1, Dixieland Crossing Subdivision, located on the south side of Garrett Road, approximately 795.17 feet west of Dixieland Road. Applicant: Moore Land Surveying, LLC c/o CJE Construction. Attachment. **(Planning & Development).**
- c) Consideration and possible action to approve an ordinance on second and final reading imposing a temporary moratorium on the acceptance, processing, and approval of applications for the High-Intensity Data Processing facilities within the City of Harlingen and its extraterritorial jurisdiction. Attachment **(City Manager).**



- d) Consideration and possible action authorizing the City Manager to submit a grant application to the Texas Parks and Wildlife Local Parks Non-Urban Indoor Grant Program. Attachment **(Special Projects).**
- 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 Dept.).**
- f) Consideration and possible action to authorize the City Manager to award Bid No. 2026-05 for the Harlingen Smart Corridors Project. Attachment **(Engineering Dept.)**
- g) Consideration and possible action to authorize the City Manager to award Item No. 1 – Hot Mix Asphalt Type D under Bid No. 2026-03, Supply Contract – Materials for the Street Improvement Project 2026, to the second-lowest responsive bidder and approve the associated budget adjustment. Attachment **(Engineering Dept.)**
- h) Consideration and possible action to authorize the City Manager to execute the Advance Funding Agreement (AFA) for the PHR SL499 FY24 Traffic Signal Project with the Texas Department of Transportation (TxDOT) and approve payment of the required Direct State Costs to TxDOT. Attachment **(Engineering Dept.)**
- i) Consideration and possible action to establish discounted green fees at Tony Butler Golf Course for City of Harlingen Employees, Veterans, Active-Duty Military Personnel, First Responders, and Harlingen Resident Teachers. **(This item was requested by Commissioner Rene Perez and Mayor Pro-Tem Daniel N. Lopez).**

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)
Civil Service Commission
Community Development Advisory Board (CDBG)
Construction Board of Adjustments (4)
Convention & Visitors Bureau
Development Corporation of Harlingen, Inc.(HEDC)
Golf Course Advisory Board
Harlingen Community Improvement Board(4B)
Harlingen Housing Authority Board
Harlingen Finance Corporation (6)
Harlingen Teen and Young Adult Advisory Board (2)
Healthy Harlingen Advisory Board
Historic Preservation Committee
Keep Harlingen Beautiful Board (1)
Library Advisory Board (1)
Mayor Wellness Council
Museum Advisory Board (1)
Parks Advisory Board
Planning & Zoning Advisory Board
Senior Citizens Advisory Board (1)
Tax Increment Finance Board 1, 2 & 3
The Blind and Visually Impaired Advisory Committee (7)
Utility Board of Trustees
Veterans Advisory Board
Zoning Board of Adjustment

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

- a) Pursuant to 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: **(HEDC)**
 - 1) Project Its Thyme-Retail
 - 2) Project Organic-Mixed use development
 - 3) Project Tyler-Professional back-office operation
- b) Deliberation regarding the potential purchase of real property pursuant to Texas Government Code Section 551.072. **(City Manager)**
- c) Consultation with city attorney regarding legal issues related to the procurement of need property pursuant to Texas Government Code Section 551.071 and 551.072. **(City Manager)**

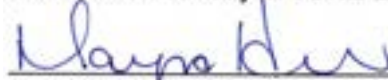
- 13) **Action on Executive Session Items:** *The City Commission will reconvene in open session and may take action on any item listed in the Executive Session Section of this agenda.*

- a) Consideration and possible action regarding item 12a (1–3) as discussed in executive session.
- b) Consideration and possible action regarding the potential purchase of real property as discussed in executive session.
- c) Consideration and possible action regarding the potential purchase of real property 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 THURSDAY, June 11, 2026, at or before 4:00 p.m. and remained so posted for at least 3 business days preceding the time of said meeting.

Dated this 11th day of JUNE 2026



Mayra Herrera, City Secretary

SPECIAL JOINT MEETING
OF THE HARLINGEN CITY COMMISSION
AND HARLINGEN WATERWORKS

CITY COMMISSION

HARLINGEN, TEXAS

January 21, 2026

A special joint meeting of the Harlingen City Commission And Harlingen Waterworks was held January 21, 2026 at 5:33 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
Delia Cavazos-Gamez, Commissioner District 1
Daniel N. Lopez, Mayor Pro-Tem
Michael Mezmar, Commissioner District 3
Frank Morales, Commissioner District 4
Rene Perez, Commissioner District 5

City Staff

Gabriel Gonzalez, City Manager
Andrea Cruz, Administrative Assistant III
Mark Sossi, City Attorney

HWWS Board Members

Michael Garza, Chairman
Michael Murphy, Vice Chairman
Scott Allex, Trustee
Steven Ritter, Trustee
Wayne Lowry, Trustee
Jessica Gonzalez, Trustee

HWWS Staff

Roy Rodriguez, Interim General Manager
Gene McCullough, System Attorney
Ron De La Garza, Director of Finances

1. Call Meeting to Order

a) 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 of Harlingen City Attorney), (HWWS Attorney)

Mark Sossi, 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!

"On behalf of Waterworks, 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 in the agenda item. Are there any known conflicts of interest to disclose by the waterworks board at this time?"

Harlingen Water Works (HWWS) staff read the conflict of Interest and asked voting members whether they had any conflicts related to items on the agenda.

None declared!

3. Citizen Communication:

- Desi Martinez – Commenting on the HWWS water and sewer construction bonds

4. Action Items

Ordinances:

- a) Consideration and possible action by the Harlingen Waterworks System and the Harlingen City Commission to approve an ordinance authorizing the issuance and delivery of the City of Harlingen, Texas Waterworks and Sewer System Revenue Bonds, Series 2026 (WLAF); in the amount of \$2,480,000 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. (HWWS), (City Manager)

The City reviewed three proposed bond issues from the Texas Water Development Board: two Water Loan Assistance Fund packages and one Economically Distressed Areas Program package. The first bond totals \$8.26 million, including a \$5.78 million grant and a \$2.48 million loan at a subsidized 2.78% interest rate over 30 years. The second bond totals \$8.305 million, with a \$5.81 million grant and a \$2.495 million loan at the same rate and term. The third and largest bond provides \$25.116 million, split between a \$12.555 million grant and a \$12.56 million loan at 3.94% interest over 20 years. In total, the City will receive nearly \$42 million in funding, 58% of which is grant funding, with the remaining portion financed at below-market interest rates averaging 3.61%. All bonds include a 10-year call date, allowing early repayment beginning May 1, 2036. Officials emphasized the urgency of approval because two funding commitments expire at the end of February, requiring a February 21 closing to secure the grant dollars.

HWWS explained that the first project is the expansion of the City's only wastewater treatment plant, specifically the headworks—the entry point for all sanitary sewer flow. Without this upgrade, the plant cannot support additional capacity, which is essential as Harlingen continues to grow. The facility, located near the Harlingen soccer complex, is a key component of the City's long-term wastewater infrastructure plan.

HWWS also noted that the Jefferson raw water line must be replaced because it is the City's only transmission line feeding the water plant, and its age makes eventual failure unavoidable. While the project would have been necessary regardless, the grant and low-interest loan funding significantly reduce the financial burden.

HWWS further clarified that all three funding packages are being combined because even \$42 million is not enough to cover the major projects individually—one project alone is estimated at \$35 million. Each project includes both grant and loan components. The Jefferson raw water line is already under design, and all three projects are progressing: the Jefferson line is the simplest, while the Little Creek Interceptor and the wastewater plant expansion are each approximately 60% designed. Officials expect the designs for both major sewer projects to be completed between June and August, with construction anticipated to begin by the end of the year. The wastewater plant design is also on track to be completed this summer, allowing both major projects to move into construction simultaneously.

HWWS Vote:

A motion was made to approve Texas Waterworks and Sewer System Revenue Bonds. Serres 2026 (WLAF); in the amount of \$2,480,000

Motion: Michael Murphy

Second: Michael Garza

Motion to approve was carried by a vote of the HWWS Board (6-0).

Harlingen City Commission Vote:

Motion was made by Commissioner Mezmar and seconded by Commissioner Perez to to approve an ordinance authorizing the issuance and delivery of the City of Harlingen, Texas Waterworks and Sewer System Revenue Bonds, Series 2026 (WLAF); in the amount of \$2,480,000 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. Motion carried unanimously.

- b) Consideration and possible action by the Harlingen Waterworks System and the Harlingen City Commission to approve an Agreement Executive Resolution authorizing the agreement with the Texas Water Development Board (TWDB) and the City of Harlingen, Texas for funding in the amount of \$5,780,000 in reference to Series 2026 (WLAF). (HWWS), (City Manager)

HWWS Vote:

A motion was made to approve Texas for funding in the amount of \$5,780,000 in reference to Series 2026 (WLAF)

Motion: Michael Murphy

Second: Michael Garza

Motion to approve was carried by a vote of the Board (6-0).

Harlingen City Commission Vote:

Motion was made by Commissioner Morales and seconded by Commissioner Mezmar to approve an Agreement Executive Resolution authorizing the agreement with the Texas Water Development Board (TWDB) and the City of Harlingen, Texas for funding in the amount of \$5,780,000 in reference to Series 2026 (WLAF). Motion carried unanimously.

- c) Consideration and possible action by the Harlingen Waterworks System and the Harlingen City Commission to approve an ordinance authorizing the issuance and delivery of the City of Harlingen, Texas Waterworks and Sewer System Revenue Bonds, Series 2026A (WLAF); in the amount of \$2,495,000 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 principle and interest on said bonds; and ordaining other matters relating thereto. (HWWS), (City Manager)

HWWS Vote:

A motion was made to approve Texas Waterworks and Sewer System Revenue Bonds, Series 2026A (WLAF); in the amount of \$2,495,000

Motion: Michael Murphy

Second: Michael Garza

Motion to approve was carried by a vote of the Board (6-0).

Harlingen City Commission Vote:

Motion was made by Commissioner Perez seconded by Commissioner Morales to approve an ordinance authorizing the issuance and delivery of the City of Harlingen, Texas Waterworks and Sewer System Revenue Bonds, Series 2026A (WLAF); in the amount of \$2,495,000 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 principle and interest on said bonds; and ordaining other matters relating thereto. Motion carried unanimously.

- d) Consideration and possible action by the Harlingen Waterworks System and the Harlingen City Commission to approve an Agreement Execution Resolution authorizing the agreement with the Texas Water Development Board (TWDB) and the City of Harlingen, Texas for funding in the amount of \$5,810,000 in reference to Series 2026A (WLAF). (HWWS), (City Manager)

HWWS Vote:

A motion was made to approve Texas for funding in the amount of \$5,810,000 in reference to Series 2026A (WLAF)

Motion: Michael Murphy

Second: Michael Garza

Motion to approve was carried by a vote of the Board (6-0).

Harlingen City Commission Vote:

Motion was made by Commissioner Cavazos-Gamez seconded by Commissioner Morales to approve an Agreement Execution Resolution authorizing the agreement with the Texas Water Development Board (TWDB) and the City of Harlingen, Texas for funding in the amount of \$5,810,000 in reference to Series 2026A (WLAF). Motion carried unanimously.

- e) Consideration and possible action by the Harlingen Waterworks System and the Harlingen City Commission to approve an ordinance authorizing the issuance and delivery of the City of Harlingen, Texas Waterworks and Sewer System Revenue Bonds, Series 2026B (EDAP); in the amount of \$12,560,000 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 principle and interest on said bonds; and ordaining other matters relating thereto. (HWWS), (City Manager)

HWWS Vote:

A motion was made to approve Revenue Bonds, Series 2026B (EDAP); in the amount of \$12,560,000

Motion: Michael Murphy

Second: Michael Garza

Motion to approve was carried by a vote of the Board (6-0).

Harlingen City Commission Vote:

Motion was made by Commissioner Perez seconded by Commissioner Morales to approve an ordinance authorizing the issuance and delivery of the City of Harlingen, Texas Waterworks and Sewer System Revenue Bonds, Series 2026B (EDAP); in the amount of \$12,560,000 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 principle and interest on said bonds; and ordaining other matters relating thereto. Motion carried unanimously.

- f) Consideration and possible action by the Harlingen Waterworks System and the Harlingen City Commission to approve an Agreement Execution Resolution authorizing the agreement with the Texas Waterworks Development Board (TWDB) and the City of Harlingen, Texas for funding in the amount of \$12,556,404 in reference to Series 2026B (EDAP) (HWWS), (City Manager)

HWWS Vote:

A motion was made to approve, Texas for funding in the amount of \$12,556,404 in reference to Series 2026B (EDAP).

Motion: Michael Murphy

Second: Michael Garza

Motion to approve was carried by a vote of the Board (6-0).

Harlingen City Commission Vote:

Motion was made by Commissioner Morales seconded by Commissioner Mezmar to approve an Agreement Execution Resolution authorizing the agreement with the Texas Waterworks Development Board (TWDB) and the City of Harlingen, Texas for funding in the amount of \$12,556,404 in reference to Series 2026B (EDAP). Motion carried unanimously.

5. Adjournment:

There being no other business to discuss, Mayor Sepulveda adjourned the meeting.

City of Harlingen

ATTEST:

Norma Sepulveda, Mayor

Mayra Herrera, City Secretary

DRAFT

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

February 18, 2026

A Regular Meeting of the Harlingen City Commission was held February 18, 2026 at 5:33pm, 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
Delia Cavazos-Gamez District 1
Michael Mezmar, Commissioner District 3
Frank Morales, Commissioner District 4
Rene Perez, Commissioner District 5
Mayor Pro-Tem Daniel N. Lopez, District 2, joined via Zoom.

City Staff

Gabriel Gonzalez, City Manager
Mayra Herrera, City Secretary
Mark Sossi, City Attorney

1. Call Meeting to Order

- a) Invocation – Commissioner Cavazos-Gamez
- 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, 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. Announcements:

- a) Mayor's Announcements – Wished City Manager Mr. Gonzalez Happy Birthday.
- b) City Manager's Announcements- None.
- c) City Commission Member Announcements
Commissioner Perez congratulated the Harlingen South Lady Hawks Basketball team and the Harlingen Cardinals boys' team and looks forward to recognizing their accomplishments at City Hall.
Commissioner Cavazos-Gamez also congratulated the Harlingen Hish School South and Harlingen Cardinals

4. Proclamation/Presentation of Awards:

- a. Harlingen Animal Shelter - "Pet of the Week"-
Shannon Harvill presented "Tito" a 2 year old Terrier and Basset mix. Ms. Harvill advised anyone interested in adopting Tito or any other animal to go to the Harlingen Animal Shelter or call 956-216-5250 and they are located at 1106 Markowsky Ave.

b. Presentation of Proclamation — "Spay/Neuter Awareness Month"

Shannon Harvill and her team accepted the proclamation. Mayor thanked Shannon and staff for all their hard work. As well as Ana and special projects for applying for the grants to help this program.

c. Presentation of Proclamation - "Engineers Week"

Robert Hernandez, City Engineer and team accepted Proclamation thanking City commission and staff for the recognition. Mr. Hernandez welcomed all to join some of the events going on, such as the 5k.

d. Mayor's Business of the Month "Chikas Boutique"

Cynthia Carrillo, Owner, accepted the certificate for her business. Mayor thanked Ms. Carrillo for her inspiration and infectious energy she brings to the community through her business.

e. Certificate of Recognition — Ruth Trevino for winning the John German Award —

Ruth Trevino accepted the certificate and thanked the commission and city staff.

f. Certificate of Recognition — Tanya Lugo for winning Administrative Manager of the Year Award-

Tanya Lugo accepted the award and thanked everyone for this amazing recognition.

g. Certificate of Recognition — Public Works for In-House Project of the Year Award

Ruth Trevino and Tany Lugo accepted the certificate on behalf of the Public Works Team and thanked everyone for this award. Mayor Sepulveda thanked Ruth, Tanya, and the public work team for all the hard work they give day in and day out.

5. **Citizen Communication:**

- Raymond Reyes – Progress and Oversight with a Dash of Transparency
- Kay Polt- Agenda item 10.c. Horseshoe Point annexation and variances
- Joshua Moroles- Data Centers
- Isaac Newman- Addressing Establishment Political Influence
- Luis Valdespino- Benefits of being annexed by Harlingen, advocating for Harlingen, Leading - not following
- Alexis Bay- AI Data Centers in Harlingen
- Desi Martinez – CDBG & HEDC
- Angela Valdespino - Data Center
- Cesar Perez - Horseshoe point

6. **Approval of Minutes:**

- a) Regular Meeting of November 5, 2025

Motion was made by Commissioner Perez and seconded by Commissioner Morales to approve minutes for Regular Meeting of November 5, 2025. Motion carried unanimously.

7. **Consent Agenda:**

- a) Consideration and possible action to approve a resolution authorizing the Special Projects Director to submit a grant application to the Fiscal Year 2027 Border Zone Fire Departments Grant Program. Attachment. **(Special Projects Department)**.
- b) Consideration and possible action to approve a resolution authorizing the Special Projects Director to submit a grant application to the Selective Traffic Enforcement Program FY 26 Click It or Ticket Grant Program from the Texas Department of Transportation to fund overtime costs

for additional manpower to increase occupant restraint use in vehicles during the enforcement period. Attachment (*Special Projects Department*).

c) Consideration and possible action to approve a one-year subscription agreement between the City of Harlingen and EUNA (formerly eCivis) Solutions Attachment (*Special Projects Department*).

d) Consideration and possible action to approve a resolution authorizing the Special Projects Director to submit a grant application to the Office of the Governor Operation Lonestar Grant Program (OLS) FY 2027. Attachment (*Special Projects Department*).

e) Consideration and possible action to approve a resolution authorizing the Special Projects Director to submit a grant application to the Office of the Governor Operation Stonegarden Solicitation – FY 25. Attachment (*Special Projects Department*).

f) Consideration and possible action to approve a resolution authorizing the Special Projects Director to submit a grant application to the FY26 Texas Department of Transportation – Operation Slowdown Program. Attachment (*Special Projects Department*).

g) Consideration and possible action to approve a resolution authorizing the City Manager to submit an application to the AARP Community Challenge Grant Program Flagship Grant. Attachment (*Special Projects Department*).

Item 7(c) were removed from the consent agenda.

Motion made by Commissioner Perez and seconded by Commissioner Mezmar to approve remaining items 7(a,b,d, e, f,g). Motion carried unanimously.

Commissioner Morales asks who is going to have access to the information that is going to be going through the system being asked for.

Ms. Ana Hernandez, Director of Special Projects, confirmed that it will be 4 users in the special projects department.

Motion made by Commissioner Perez and seconded by Commissioner Morales to approve item 7(c). Motion carried unanimously.

8. Staff Reports and Other Discussion Items:

a) City Manager's Report - None

b) Staff Reports - Presentation of STEC Report - Rene Perez, Nurse paramedic with South Texas Emergency Care Foundation.

9. Public Hearings:

Mayor Sepulveda announced that Item 9a is a public hearing, and anyone wishing to speak for or against this item may do so.

a) Public hearing to participate in the Texas Enterprise Zone Program and nominate Harlingen Medical Center, Limited Partnership, 5501 South Expressway 77, Harlingen, Texas 78550 to the Office of the Governor as an Enterprise Project. (*HEDC*)

Desi Martinez - Annexation & HEDC Compliance hearings.

There being no further comments from the public, Mayor Sepulveda closed the public Hearings.

10. Action Items
Ordinances:

- a) Consideration and possible action to approve an ordinance on first reading, amending Ordinance No. 2025-10 to ensure the full compliance with Chapter 2303 of the Texas Government Code. (HEDC).

Motion was made by Mayor Pro-Tem Lopez seconded by Commissioner Mezmar to approve an ordinance on first reading, amending Ordinance No. 2025-10 to ensure the full compliance with Chapter 2303 of the Texas Government Code. Motion carried unanimously.

- b) Consideration and possible action to approve an ordinance on first reading, amending the City of Harlingen's budget for Fiscal Year 2026. (Finance).

Motion was made by Commissioner Perez seconded by Commissioner Perez to approve an ordinance on first reading, amending the City of Harlingen's budget for Fiscal Year 2026 Motion carried unanimously.

- c) Consideration and possible action to approve an ordinance on Second and Final Reading for the voluntary annexation and to establish the initial zoning of Planned Development ("PD") District to allow internal streets to have 50 feet R-O-W, with 32 foot wide paved roads, and for 135 out of 358 Residential, Single Family lots to be less than the required 6,000 square feet, for a property bearing a legal description of 35.754 acres out of a Part or Portion of Blocks 65, 66, and 72, and out of Reserved Horseshoe Lake, Lon C. Hill Subdivision, located south of Morris Road, approximately 2,095.97 feet southwest of South Ed Carey Drive. Applicant: Melden & Hunt, Inc. c/o Leonard P. Simmons III & Mary Beth Simmon. (Planning & Development).

Mayor Sepulveda motioned to go into executive session to receive legal advice from counsel regarding a potential litigation concern. Second by Commissioner Mezmar. Motion carried unanimously.

Mayor and City Commission entered executive session at 7:03 p.m.

Mayor and City Commission returned to open session at 7:21 p.m.

Commissioner Mezmar expressed his concern about the construction of the subdivision, and the density of the houses. He also asked about the inputting of a road connecting to exit to other surrounding properties.

Ms. Hernandez, advised that whoever purchases the surrounding properties must continue the stub outs leading into Morris Rd.

Discussion was held pertaining to confirm that the variance was already passed last meeting and the annexation happening at this time.

Commissioner Perez reminded all that this development is beneficial for the City of Harlingen as far as the drainage and other developments coming in for this subdivision.

Further discussion was had in reference to the benefits and the conditions of the variance and annexation of the subdivision in question.

Commissioner Morales stated that our engineers need to make sure that the engineers need to make sure that the drainage ditch or irrigation ditch along white oak gets fully cleaned out.

1
2 Motion was made by Commissioner Perez seconded by Commissioner Morales to approve an
3 ordinance on Second and Final Reading for the voluntary annexation and to establish the initial zoning
4 of Planned Development ("PD") District to allow internal streets to have 50 feet R-O-W, with 32 foot
5 wide paved roads, and for 135 out of 358 Residential, Single Family lots to be less than the required
6 6,000 square feet, for a property bearing a legal description of 35.754 acres out of a Part or Portion of
7 Blocks 65, 66, and 72, and out of Reserved Horseshoe Lake, Lon C. Hill Subdivision, located south of
8 Morris Road, approximately 2,095.97 feet southwest of South Ed Carey Drive. Applicant: Melden &
9 Hunt, Inc. c/o Leonard P. Simmons III & Mary Beth Simmon. Vote was as follows: Approved: Mayor
10 Sepulveda, Mayor Pro-Tem Lopez, Commissioners Morales and Perez. Opposed: Commissioners
11 Cavazos-Gamez and Mezmar. Motion carried (4-2)
12

- 13 d) Consideration and possible action to abandon a utility easement located at 3744 Expressway
14 77, bearing a legal description of Midway Subdivision Blocks 6 and 7 & MIDWAY
15 Resubdivision, Block 1, Lots 3 thru 7. Applicant: Chris Hamby/H2O Construction.
16 Attachment. (Planning & Development).
17

18 Item was passed no action taken.
19

- 20 e) Consideration and possible action to approve a resolution updating authorized signatory
21 designations and authorized investment officers for the City of Harlingen's bank accounts,
22 external investment pools, and safekeeping agreements. (Finance).
23

24 Motion was made by Mayor Pro-Tem Lopez seconded by Commissioner Perez to approve a
25 resolution updating authorized signatory designations and authorized investment officers for the City of
26 Harlingen's bank accounts, external investment pools, and safekeeping agreements Motion carried
27 unanimously.
28

- 29 f) Consideration and possible action to approve an amendment to the Heat and Pregnancy
30 charge being increased from \$30.00 to \$37.50 per animal when necessary on the contract
31 between the City of Harlingen and Dr. Shelly Mitchell, DVM. (Health)
32

33 Commissioner Cavazos-Gamez asked why the increase,
34

35 Shannon Harvill, confirmed that this reflected what Dr. Mitchell's rate is regarding her fees for
36 animals that are in a state of heat or pregnant.
37

38 Commissioner Cavazos-Gamez asked if this would go into effect immediately.
39

40 Ms. Harvill confirmed that it would reflect immediately on the costs for spay and neutered services.
41

42 Mayor Sepulveda asked if this cost is covered still under the funding of the grant for the services.
43

44 Ms. Harvill confirmed that the costs would be covered through the various grants that have been
45 awarded for these services.
46

47 Motion was made by Commissioner Perez seconded by Mayor Pro-Tem Lopez to approve an
48 amendment to the Heat and Pregnancy charge being increased from \$30.00 to \$37.50 per animal when
49 necessary on the contract between the City of Harlingen and Dr. Shelly Mitchell, DVM. Motion carried
50 unanimously.
51

- 52 g) Consideration and possible action to approve a resolution appointing Carolina Garcia as the
53 Local Registrar for the City of Harlingen Vital Statistics Office. Attachment (Health)
54

1 Motion was made by Mayor Pro-Tem Lopez seconded by Commissioner Perez to approve a
2 resolution appointing Carolina Garcia as the Local Registrar for the City of Harlingen Vital Statistics
3 Office. Motion carried unanimously.
4

- 5 h) Consideration and possible action to approve a contract agreement for consultant services with
6 TDA Consulting, Inc., for the development of a Regional 5-year Consolidated Plan and
7 Strategic Plan (2026-2030) in collaboration with the Cities of Brownsville and San Benito.
8 (CDBG)
9

10 Motion was made by Mayor Pro-Tem Lopez seconded by Commissioner Perez to approve a
11 contract agreement for consultant services with TDA Consulting, Inc., for the development of a Regional
12 5-year Consolidated Plan and Strategic Plan (2026-2030) in collaboration with the Cities of Brownsville
13 and San Benito. Motion carried unanimously.
14

- 15 i) Consideration and possible action to approve a request to assign the Community
16 Development's Program Manager for the HOME Investment Partnership Program American
17 Rescue Plan (HOME-ARP) to negotiate then authorize the City Manager to finalize the
18 purchase of property within the city limits of Harlingen to convert and/or rehabilitate into
19 affordable rental housing for qualifying populations as approved by HUD in the HOME-ARP
20 Allocation Plan dated September 11, 2023. Attachment (CDBG).
21

22 Motion was made by Commissioner Perez seconded by Mayor Pro-Tem Lopez to approve a
23 request to assign the Community Development's Program Manager for the HOME Investment
24 Partnership Program American Rescue Plan (HOME-ARP) to negotiate then authorize the City
25 Manager to finalize the purchase of property within the city limits of Harlingen to convert and/or
26 rehabilitate into affordable rental housing for qualifying populations as approved by HUD in the HOME-
27 ARP Allocation Plan dated September 11, 2023. Motion carried unanimously.
28

- 29 j) Consideration and possible action to amend the 2026 Streets Improvement Program (SIP)
30 Project to add South "J" Street from Filmore Avenue to Tyler Avenue. Attachment
31 (Engineering)
32

33 Motion was made by Commissioner Perez seconded by Mayor Pro-Tem Lopez to amend the 2026
34 Streets Improvement Program (SIP) Project to add South "J" Street from Filmore Avenue to Tyler
35 Avenue. Motion carried unanimously.
36

- 37 k) Consideration and possible action to authorize staff to commission a new mural, designed in
38 alignment with public input, at Lozano Plaza, as previously approved by the Keep Harlingen
39 Beautiful Advisory Board. (This item was requested by Mayor Pro-Tem Daniel N. Lopez
40 and Commissioner Rene Perez).
41

42 Commissioner Morales stated that he is opposed due to drainage not being part of this project.
43

44 Commissioner Perez stated that the project is being funded by the Keep Harlingen Beautiful
45 Advisory board and they do not cover drainage.
46

47 Mayor Pro-Tem Lopez did give a summary of what the project entails and thanked the Keep
48 Harlingen Beautiful Advisory board for their support.
49

50 Motion was made by Commissioner Cavazos-Gamez seconded by Commissioner Perez to
51 authorize staff to commission a new mural, designed in alignment with public input, at Lozano Plaza,
52 as previously approved by the Keep Harlingen Beautiful Advisory Board. Motion carried unanimously.
53

54 **11. Board Appointments:**
55

- 56 • Mayor Sepulveda appointed Ford H. Kinsley to the Tax Increment Finance Board 1, 2 & 3

- Commissioner Mezmar appointed Eileen Mattei to the Historic Preservation Council
- Commissioner Morales appointed Steven L. Ritter to the Tax Increment Finance Board 1, 2 & 3, Commissioner Morales appointed Raul Flores to the Construction Board of Adjustments
- Commissioner Cavazos-Gamez appointed Raymond Reyes to the Tax Increment Finance Board 1, 2 & 3

Motion was made by Commissioner Morales and seconded by Commissioner Perez to approve all the re-appointments and appointments. Motion carried unanimously.

12. Executive Session:

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

1. Project Go Sam
2. Project Organic
3. Project Garden

- b) Consultation pursuant to Texas Government Code § 551.074 regarding personnel matters and pursuant to Texas Government Code §551.071 to receive legal advice regarding an audit. (City Manager).

Motion was made by Commissioner Perez and seconded by Commissioner Mezmar to go into executive session. Motion carried unanimously.

At 7:52pm., Mayor Sepulveda announced the City Commission would convene into Executive Session to discuss Item 12 (a and b).

13. Action on Executive Session Items:

At 10:03, Mayor Sepulveda announced the City Commission had completed its executive session and declared the meeting open to the public.

- a) Consideration and possible action to approve item 12 (a) as discussed in executive session.

Motion was made by Commissioner Perez and seconded by Commissioner Cavazos-Gamez on Item 12a (1) to proceed as discussed in executive session. Motion carried unanimously.

Motion was made by Commissioner Perez and seconded by Commissioner Cavazos-Gamez on Item 12a (2) to proceed as discussed in executive session. Motion carried. Abstained: Mayor Pro-Tem Lopez

No Action taken on item 12a (3)

No Action taken on item 12b.

14. Adjournment:

There being no other business to discuss, Mayor Sepulveda adjourned the meeting.

City of Harlingen

ATTEST:

Norma Sepulveda, Mayor

1
2
3 Mayra Herrera, City Secretary

DRAFT



REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

March 4, 2026

A Regular Meeting of the Harlingen City Commission was held March 4, 2026 at 5:30pm, 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
Michael Mezmar, Commissioner District 3
Frank Morales, Commissioner District 4
Rene Perez, Commissioner District 5

City Staff

Gabriel Gonzalez, City Manager
Mayra Herrera, City Secretary
Mark Sossi, City Attorney

1. Call Meeting to Order

- a) Invocation –Mayor Sepulveda
- 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, 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. Announcements –

a) Mayor's Announcements –

Mayor thanked the staff for the preparation of the Women's Empowerment Luncheon.

b) City Manager's Announcements-

Mr. Gonzalez stated the City currently has nine (9) women directors.

c) City Commission Member Announcements –

Comm. Lopez thanked all staff who attended Saturday's Comprehensive Plan Meeting
Comm. Perez congratulated the Harlingen South Boys Basketball team ending the year as District Champs and also recognizing the Girls Basketball team and Cardinal Boys & Girls Teams.

4. Proclamation/Presentation of Awards:

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

Shannon Harvill, Director of Health, introduced Rex 4-month-old Male Lab Mix who is very energetic and does well with kids. Ms. Harvill advised anyone interested in adopting Rex or any other animal to go to the Harlingen Animal Shelter or call 956-216-5250 and they are located at 1106 Markowsky Ave.

b) Presentation of Proclamation – 35th Annual Henry Roberts Memorial – Jalapeno 100

Mayor Sepulveda presented a proclamation to Bicycle World RGV for their 35th Annual Henry Roberts Memorial – Jalapeno 100. Bicycle World RGV thanked everyone for acknowledging this event. It means a lot to us, and we hope it means a lot to the city as well. We could have not been able to do this without the City's support.

5. **Citizen Communication:**

- Joseph Harn – 1815 W. Chapin St. Edinburg, TX was not present to speak
- Robert Leftwich – 909 E. Parkwood Dr. stated he would speak in person
- Isaac Newman – 1717 Hickory Court spoke on accountability with our local government
- Ron Lozano – 218 E. Austin Ave spoke on TX. Gov't Code 551.007
- Diana Laura Morales – 4124 S. Las Nubes was not present to speak

6. **Approval of Minutes:**

a) Regular Meeting of November 19, 2025

Motion was made by Commissioner Perez and seconded by Commissioner Mezmar to approve minutes for Regular Meeting of November 19, 2025. Motion Carried Unanimously.

7. **Consent Agenda:**

- a) Consideration and possible action to approve a resolution authorizing the Special Projects Director to submit a grant application to the office of the governor under the State Homeland Security Program – LETPA Projects (SHSP-L) Federal Fiscal Year 2026. Attachment (*Special Projects Department*)
- b) Consideration and possible action to approve a resolution authorizing the Special Projects Director to submit a grant application to the Office of the Governor under the State Homeland Security Grant Program - Regular Projects (SHSP-R) Federal Fiscal Year 2026 for the Harlingen Police Department. Attachment (*Special Projects Department*)
- c) Consideration and possible action to approve a resolution authorizing the City Manager to submit a grant application to the Institute of Museum and Library Services Inspire Grants for Small Museums Program. Attachment (*Special Projects Department*)
- d) Consideration and possible action to approve a resolution authorizing the City Manager to submit a grant application to the 2026 Fire Authority Digital Equipment Grant Program. Attachment (*Special Projects Department*)
- e) Consideration and possible action to approve a resolution authorizing the Special Projects Director to submit a grant application to the Office of the Governor under the State Homeland Security Grant Program - Regular Projects (SHSP-R) Federal Fiscal Year 2026 for the Harlingen Fire Department. Attachment (*Special Projects Department*)
- f) Consideration and possible action to approve an ordinance on second and final reading amending the City of Harlingen's budget for Fiscal Year 2026. Attachment (*Finance*)

ORDINANCE NO. 2026-09
AN ORDINANCE AMENDING THE REVENUE AND
EXPENDITURE BUDGET FOR THE CITY OF HARLINGEN,
TEXAS, FOR FISCAL YEAR OCTOBER 1, 2025, THROUGH
SEPTEMBER 30, 2026. PROVIDING FOR PUBLICATION OF
THE CAPTION OF THIS ORDINANCE, AND ORDAINING
OTHER MATTERS RELATED TO THE FOREGOING.

PASSED AND APPROVED on first reading this the 18th day of February 2026.
PASSED AND APPROVED on the second and final reading this the 4th day of March
2026.

ATTEST:
Mayra Herrera, City Secretary

CITY OF HARLINGEN
Norma Sepulveda, Mayor

g) Consideration and possible action to approve a resolution for the acceptance of the Federal Aviation Administration (FAA) anticipated Grant offer No. 3-48-011-084-2026 in the approximate amount of \$3,010,748.00 for the upgrade Airfield Electrical project at Valley International Airport. Attachment (*Airport*)

h) Consideration and possible action to approve the testing and potential installation of speed humps in the following location(s): (*This item was requested by Mayor Pro-Tem Daniel N. Lopez and Commissioner Rene Perez*)

1. 1416 S. 1st. Street
2. Lazy Palm Dr. North
3. 200 W. Washington Ave.

Item 7(h) was removed from the consent agenda.

Motion made by Commissioner Perez and seconded by Commissioner Morales to approve remaining items 7(a-g). Motion carried unanimously.

Commissioner Perez added Greenjay between Hackberry and Mulberry.
Commissioner Cavazos-Gamez added Davis Street between 3rd and 7th street.

Motion made by Commissioner Perez and seconded by Commissioner Cavazos-Gamez to approve item 7(h) with the amendments as discussed. Motion carried unanimously.

8. Staff Reports and Other Discussion Items:

- a) City Manager's Report - None
- b) Staff Reports - None

9. Public Hearings:

Mayor Sepulveda announced that there are no Public Hearings items at this time.

**10. Action Items
Ordinances:**

- a) Consideration and possible action to approve an Ordinance on First Reading to abandon and vacate an existing 20-foot utility easement located within Midway Subdivision, being a 0.30 acre out of Lots 1-9, Block 4, Midway Subdivision, located at 3744 N. Expressway 77. Applicant: Emiliano Rosel of Moore Land Surveying, LLC, c/o Harlingen Oak LLC Attachment (*Planning and Development*)

Motion was made by Commissioner Perez and seconded by Commissioner Morales to approve an Ordinance on First Reading to abandon and vacate an existing 20-foot utility easement located within Midway Subdivision, being a 0.30 acre out of Lots 1-9, Block 4, Midway Subdivision, located at 3744 N. Expressway 77. Motion carried unanimously.

- b) Consideration and possible action to approve an ordinance on first reading to create an advisory committee to advise the City Commission regarding the needs of the Blind and Visually impaired (*Mayor*)

Mayor Sepulveda stated she had created this item because staff and I met with the blind and visually impaired group and they had expressed some concerns regarding mobility in our community. I think it would be wise for us to seek input and ask staff to get their input moving forward with the mobility

1 plan. So, I will come before your next meeting and change it from an ordinance to a resolution. For
2 now, I will pass on this item.

- 3
4 c) Consideration and possible action to approve a Participation Agreement with the Texas Treasury
5 Safekeeping Trust Company to authorize the City of Harlingen's participation in TexPool Prime.
6 Attachment (Finance)
7

8 Commissioner Mezmar asked Robert Rodriguez, Finance Director to defined what TexPool Prime
9 is.

10
11 Mr. Rodriguez stated that TexPool Prime is just a separate investment option within the TexPool
12 investment structure. It is designed to provide diversification of City investment portfolio while
13 continuing to comply with the public fund's investment act. It's very similar to TexPool except it also has
14 commercial paper.

15
16 Mr. Gonzalez asked if this fund is within TexPool.

17
18 Mr. Rodriguez replied with a yes, they are equally liquid, you can move the money in and out.

19
20 Mr. Gonzalez stated the only reason this is coming before the commission is because we do not
21 have the authorization to use this particular fund, but it does pay a higher yield to have your funds there.

22
23 Commissioner Morales asked what the fees were and if we received a copy of them and is this a
24 little bit riskier? Also, who makes the ultimate decision and how often can they move funds in and out.

25
26 Mr. Rodriguez replied that it is slightly riskier, that's why the rates are a bit higher. The only reason
27 it's riskier is because it has commercial paper and they do invest in high-grade commercial paper.
28 Robert also stated that the decision is made by them and that is a reason why the Plains Capital has
29 the regular deposit account and an ICs account which earns interest. So, we do have to keep a certain
30 amount in the bank because we process payroll accounts and different payable payments. We keep
31 amounts in the ICS account and our bank account is always zero. Whenever we process payments
32 and the accounts payable that money automatically goes into paying those obligations and at midnight,
33 they sweep back into the ICS and it earns the interest. Every Monday we do a cash requirements
34 analysis to see how much is required to be in those accounts so that we don't keep excess there and
35 lose out on some earnings at Texpool and we can access the most we can in interest.

36
37 Commissioner Morales asked who is the one in charge of monitoring the amounts on these
38 accounts.

39
40 Mr. Rodriguez stated that Hilltop Securities is our investment financial advisor and so on a regular
41 basis they will suggest either treasuries or FHMLA investments in this particular case we asked them
42 for their opinion on Texpool Prime and they said they would recommend it.

43
44 Motion was made by Commissioner Perez and seconded by Commissioner Mezmar to approve a
45 Participation Agreement with the Texas Treasury Safekeeping Trust Company to authorize the City of
46 Harlingen's participation in TexPool Prime.

- 47
48 d) Consideration and possible action to approve a resolution adopting the Harlingen Community
49 Improvement Board's Fiscal Year 2025-2026 Budget. Attachment (Finance)
50

51 Commissioner Morales asked how much we had already spent on the Casa del Sol on this budget.

52
53 Mr. Rodriguez replied that there was \$500,000 dollars allocated to Casa del Sol and the only thing
54 that we have done is remediation for \$120,000 dollars.
55

1 Motion was made by Commissioner Mezmar and seconded by Mayor Pro-Tem Lopez to approve
2 a resolution adopting the Harlingen Community Improvement Board's Fiscal Year 2025-2026 Budget.
3 Motion carried unanimously.
4

5 e) Discussion and possible action to participate in the Blue Zones with the Valley Baptist Legacy
6 Foundation. Attachment (*City Manager*)
7

8 Mr. Gonzalez stated the Valley Baptist Legacy Foundation has been introducing Blue Zones
9 throughout the valley. About 30 days ago there was an unveiling of four (4) cities in Hidalgo County
10 that are going to be participating in the blue zones. They are McAllen, Mission, Edinburg and Pharr.
11 So, she is asking for Cameron County cities to look at it and Brownsville has already agreed to
12 participate. So now they are asking the City of Harlingen to be part of it and the blue zones will start by
13 conducting a readiness assessment and that is valued at \$150,000. The Valley Baptist Legacy
14 Foundation is asking us to provide 15% of that or \$22,500 and they would provide the rest and that
15 would be to assess the city that would take about seven (7) months to complete and that deals with
16 improving people's lives to live longer, healthier and better. They do assessments on diets, physical
17 activity, improve social connections to have people interact with each other. They will conduct the
18 assessments and provide a report to the Commission once completed. I do believe this is good
19 program. They are asking for \$22,500, which is 15% of the 150,000 for this project.
20

21 Mayor Sepulveda stated this aligns well with our comprehensive plan in promoting health and
22 wellness throughout our community. I think it is a great partnership and Legacy Foundation has done
23 wonderful things for the community and participating in parks and other projects that we have in the
24 community.
25

26 Mayor Pro-Tem Lopez stated there is a great documentary on Blue Zones on Netflix and he
27 recommends everyone to watch it.
28

29 Motion was made by Mayor Pro-Tem Lopez and seconded by Commissioner Perez to participate
30 in the Blue Zones with the Valley Baptist Legacy Foundation.
31

32 f) Discussion and possible action regarding the City's and/or City Manager's practice, police,
33 procedures governing city elected officials' attendance to local City events and/or out of town trips
34 and/or conferences paid by either the city and/or the EDC. (*This item was requested by*
35 *Commissioner Delia Cavazos-Gamez and Commissioner Frank Morales*)
36

37 Commissioner Cavazos-Gamez asked that when the Commission gets invited to go out of town on
38 conferences and things of that sort, how do we know who is able to participate? I would like to be able
39 to be told so that we and when we do happen to go out of town, we do not meet quorum and if we are
40 to meet quorum at what point do we put out an agenda that we are possibly to meet the quorum? Gabe
41 can you explain that?
42

43 Mayor Sepulveda stated that the Commission is wanting just to understand the policy of how
44 commissioners attend events that they have been invited to and what is the procedure.
45

46 Mr. Gonzalez replied that normally he gets certain announcements of trainings, usually TML,
47 sometimes there's some for National League of Cities. So, I give that to City Secretary and ask her to
48 send it out to the mayor and commissioners. Everyone gets an invitation and then we just wait to hear
49 back from whomever responds and then City Secretary's Office makes the travel arrangements, hotel,
50 flights and per-diem. That is how we handled, and in the event, there is an instance that sometimes
51 goes directly to the commissioners individually and they are the ones to let us know they would like to
52 attend. When a commissioner sends me an invite of a conference they are wanting to attend, I normally
53 do not send it out to anyone else. When we go to a town to look at a particular industry or any type of
54 issue the commission has discussed, here at the council level that is different because that is something
55 we bring back to the commission and we can't send everyone because it becomes a TOMA violation.

1 So generally, the Commission will decide who is going to attend this particular conference and keep it
2 from having a quorum.

3
4 Commissioner Cavazos-Games asked if Commissioners were to get invited and then another
5 commissioner finds out about it and they want to attend but their presence would actually violate TOMA
6 then they just do not get to go?

7
8 Mr. Gonzalez replied that he wouldn't recommend that we send them. So, there wouldn't be a
9 chance to violate TOMA at any time.

10
11 Commissioner Cavazos-Games asked if all the Commissioners are advised of the travel
12 opportunities all at the same time for the same opportunity to show interest or to respond with wanting
13 to participate in that said travel.

14
15 Mayor Sepulveda responded by giving examples of travel possibilities for the commission
16 collectively or individually. Mayor does reiterate what Mr. Gonzalez said about TOMA guidelines.

17
18 Commissioner Cavazos-Gamez states she still does not have a clear answer is regard to her
19 concern. Commissioner asks who gets to decide who gets to travel to if all the commission gets the
20 same invitation, if all the commission were to show interest in attending,

21
22 Mayor did ask to refer to the item that is listed on the agenda and at hand stay on topic.

23
24 Commissioner Cavazos-Gamez re-read the item, then continued forward with providing an
25 example of what it is she is asking, which would be if all the commission received the same invitation,
26 and all show interest, who decides who gets to attend?

27
28 Mayor does explain that each time the commission receives an opportunity to travel or to attend an
29 event, the City Manager provides a notice to the entire Commission. Mayor states that any invitation or
30 opportunity that is presented by the EDC is at their discretion, they are their own corporation, therefore
31 there is no policy in place from the City of Harlingen for the EDC.

32
33 Commissioner Cavazos-Gamez asks if the EDC would ever invite all 5 commissioners to the same
34 opportunity?

35
36 Mayor Sepulveda stated that the inquiry is something the Commissioner could speak with the EDC
37 due to the City commission not having the authority to enforce a policy of ensuring all commission is
38 contacted.

39
40 Commissioner Cavazos-Gamez asked who the city manager reports to.

41
42 Mayor Sepulveda confirmed that the city manager reports to the entire commission.

43
44 Commissioner Cavazos-Gamez asks about the possibility of all the commission to travel to the
45 same event or opportunity at the same time

46
47 Mr. Gonzalez responds with saying that there are different opportunities that present themselves
48 throughout the year where the commission does in fact get to travel all at the same time, such as TML
49 for one example. These are events that are of educational purposes that would be exempt from TOMA
50 statute. He also states that the commission typically decides, by putting an item on the agenda to figure
51 out who's going to go. Furthermore, the city attorney will advise Mr. Gonzalez how to proceed to avoid
52 any violation.

53
54 Commissioner Morales interjects with concern about some of the Commission does not get notified
55 about the opportunities until it is too late. With that in mind, he asks how the commission would address
56 that concern.

1
2 Mayor Sepulveda states that the City of Harlingen is responsible for the City of Harlingen, not for
3 other parties or entities. Therefore, not something the city has any control over who gets invited.

4 Commissioner Morales gives another example of another instance of when another party put on a
5 different event and was not advised or given ample notice.
6

7 Mayor Sepulveda did state, again, that is not an event that was hosted and organized by the City
8 of Harlingen then that is not something that the city can control.
9

10 Commissioner Morales attempted to make a motion that the city manager makes a new policy,
11 effective immediately, that all the commission receive notification of all opportunities at the same time,
12 and in the event that all commission want to attend, turning it into a possibility of a quorum, that it be
13 posted or a disclaimer be given.
14

15 Mayor Sepulveda asked if Commissioner Morales could explain how this policy would work.

16 Commissioner Morales provided what he would see as an action through the policy
17

18 Mayor Sepulveda asks the City Attorney, Mark Sossi, if the motion is proper.
19

20 Mr. Sossi confirms that the motion is not proper with no written policy to make a motion on.
21

22 Mayor Sepulveda states the motion fails due to not being proper.
23

24 Commissioner Cavazos-Gamez asks why the motion is not proper.
25

26 Mr. Sossi does state that the motion is not proper due to no written policy being available to take a
27 motion on. There is no language to review to be able to take motion on, it is simply a concept. He did
28 advise that a motion could be taken to have legal counsel draft a proposed policy to bring back to be
29 able take action on.
30

31 Commissioner Morales withdraws his motion for the time being.
32

33 No motion was made for this item. Discussion closed.
34
35

36 **11. Board Appointments:**
37

38 Comm. Cavazos-Gamez – Re-appointed Brianna Garcia to Convention & Visitors Bureau

39 Comm. Mezmar – Appointed Greg Mar to Airport Board replacing Julie Ezell-Perez

40 Comm. Morales – Re-appointed Alejandro Gallaga to the Airport Board
41

42 Motion was made by Commissioner Perez and seconded by Commissioner Cavazos-Gamez to
43 approve all the re-appointments and appointments. Motion carried unanimously.
44

45 **12. Executive Session:**
46

- 47 a) Pursuant to Texas Government Code Section 551.071 – attorney consultation and contemplated
48 litigation; Section 551.072 – deliberation regarding real estate; and Section 551.087 – economic
49 development relating to the following projects.
50

51 1. Project Roosevelt

52 2. Project Organic
53

- 54 b) Consultation with the City Attorney pursuant to Texas Government Code 551.071 to receive a
55 confidential briefing protected by the attorney-client communications privilege regarding city legal
56 obligations and responsibilities. **(City Attorney)**

1
2 Motion was made by Commissioner Mezmar and seconded by Commissioner Perez to go into
3 executive session. Motion carried unanimously.
4

5 At 6:29pm, Mayor Sepulveda announced the City Commission would convene into Executive Session
6 to discuss Item 12a(1-2).
7

8 **13. Action on Executive Session Items:**
9

10 At 6:49pm, Mayor Sepulveda announced the City Commission had completed its Executive Session
11 and declared the meeting open to the public.
12

13 a) Consideration and possible action to approve item 12a (1-2) as discussed in executive session.
14

15 Motion was made by Mayor Pro-Tem Lopez and seconded by Commissioner Perez on Item 12a(1-2)
16 to Proceed as discussed in executive session. Motion carried unanimously.
17

18 **14. Adjournment:**
19

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

22 City of Harlingen
23

24
25 ATTEST:

Norma Sepulveda, Mayor
26
27

Mayra Herrera, City Secretary
28
29

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

March 18, 2026

A Regular Meeting of the Harlingen City Commission was held March 18, 2026 at 5:32pm, 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 Daniel N. Lopez

Delia Cavazos-Gamez, Commissioner District 1

Michael Mezmar, Commissioner District 3

Frank Morales, Commissioner District 4

Rene Perez, Commissioner District 5

City Staff

Gabriel Gonzalez, City Manager

Mayra Herrera, City Secretary

Mark Sossi, City Attorney

1. **Call Meeting to Order**

- a) Invocation – Commissioner Michael Mezmar
- 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?"

None declared.

3. **Announcements –**

- a) Mayor's Announcements –
None

- b) City Manager's Announcements-

I would like to remind the public that this Saturday is the beginning of Downtown at Sundown, and it will start at 7:00 pm, it should be a great event.

- c) City Commission Member Announcements –

Mayor Pro-Tem Lopez congratulated everyone that participated in the Golf Tournament and thanked everyone for coming out to the Pickleball Ribbon Cutting. I would like to also thank staff for the outstanding work they did.

Commissioner Mezmar reminded the public of the Rotaries Annual Shrimp Festival at Casa de Amistad this coming Saturday.

Commissioner Morales stated that he will be doing his first podcast and just maybe a star will be born.

4. **Proclamation/Presentation of Awards:**

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

Shannon Harvill, Health Director, introduced "Radar", a 2-year-old Terrier mix who is fully grown and is current with his rabies vaccine and is already scheduled to be neutered. He has been at the Harlingen Animal Shelter for quite a while and came in as a stray, but he does seem housebroken. Radar is currently waiting to find her forever home. Ms. Harvill encouraged anyone interested in adopting Radar or any of the other animals at the shelter to contact 956-216-5250 or visit the Harlingen Animal Shelter located at 1106 Markowski.

b) Mayor's Business of the Month – Bull rider Western Wear

Bull Rider Western Wear, located at 1606 S. 77 Sunshine Strip in Harlingen, has been selected as the Mayor's Business of the Month. Western Wear is a family owned and operated business since 1979. Seeing customers smiling and being happy every time they come into the store brings great joy to us.

c) Certificate of Recognition – "Cute Pediatrics and Dr. Syed K. Shah"

Dr. Shah thanked the Mayor and Commissioners for the recognition and stated the clinic has been open for 2 years and is going strong here in the community. Without my staff I would not be able to provide services to everyone here in the community.

5. **Citizen Communication:**

- Victor Zepeda – Harlingen Texas Bronco Baseball/Softball League-Victor Park
- Raymond Reyes – Continued progress and Transparency
- Dawn Rae Leonard – Airport
- Isaac Newman – Catching up/Briefing History
- Carol Coronado – Victor Parks Improvements
- Nayelli Salas – Citizen communications
- Robert Leftwich – Open discussion (Not present)
- Diana Laura Morales – Project "Organic" (Not present)
- Ernesto Hacienda – AI Data Center (Not present- Read only)
- Robert Castillo – letter to Commission-Read Only)

6. **Approval of Minutes:**

a) Regular Meeting of December 3, 2025

Motion was made by Mayor Pro-Tem Lopez and seconded by Commissioner Perez to approve minutes for Regular Meeting of December 3, 2025 with the amendments suggested by Mayor Pro-Tem Lopez. Motion Carried Unanimously.

7. **Consent Agenda:**

- a) Consideration and possible action to approve a resolution authorizing the acceptance of a grant award from the Office of the Governor FY 2026 Bullet-Resistant Components for Law Enforcement Vehicles Grant Program. Attachment (*Special Projects Department*).
- b) Consideration and possible action authorizing the City Manager to execute Flock Safety Mobile Security Trailer Agreement between the City of Harlingen and Flock Safety. Attachment (*Police Department*).
- c) Consideration and possible action to approve a Facility Use Agreement between the City of Harlingen and the Harlingen United Futbol Club for use of fields Soccer Fields 1,2,3,4,5,6,7,8,9 and 10 at Harlingen Soccer Complex and authorize the City Manager to execute the agreement. Attachment (*Parks & Recreation*)
- d) Consideration and possible action to approve a Facility Use Agreement between the City of Harlingen and the Harlingen National Baseball League Arroyo at Arroyo Park and authorize the City Manager to execute the agreement. Attachment (*Parks & Recreation*)

- 1 e) Consideration and possible action to approve a Facility Use Agreement between the City of
2 Harlingen and the Harlingen National Baseball and Softball League for use of the fields at Tom
3 Wilson Youth Sports Complex and authorize the City Manager to execute the agreement.
4 Attachment (Parks & Recreation)
5
6 f) Consideration and possible action to approve a Facility Use Agreement between the City of
7 Harlingen and the Harlingen National Youth Football League for use of sports/football fields at
8 Victor Park and authorize the City Manager to execute the agreement. Attachment (Parks &
9 Recreation)
10
11 g) Consideration and possible action to approve a Facility Use Agreement between the City of
12 Harlingen and the Harlingen Soccer League for use of the fields 7 and 8 at Harlingen Soccer
13 Complex and authorize the City Manager to execute the agreement. Attachment (Parks &
14 Recreation)
15
16 h) Consideration and possible action to approve a Facility Use Agreement between the City of
17 Harlingen and the Rio Valley Amateur Soccer League for use of fields 1,2,3, at Vestal Park and
18 authorize the City Manager to execute the agreement. Attachment (Parks & Recreation).
19
20 i) Consideration and possible action to approve a Facility Use Agreement between the City of
21 Harlingen and the South Texas Little League for use of fields 1,2,3, 4, 5, and 6 at Pendleton Park
22 and authorize the City Manager to execute the agreement. Attachment (Parks & Recreation).
23
24 j) Consideration and possible action to approve a Facility Use Agreement between the City of
25 Harlingen and TYFA Harlingen Wolfpack for use of the lighted open space at Wilson Sports
26 Complex and authorize the City Manager to execute the agreement. Attachment (Parks &
27 Recreation).
28
29 k) Consideration and possible action to approve a Facility Use Agreement between the City of
30 Harlingen and the HC Athletics-HASL for use of fields at Vestal Park and authorize the City
31 Manager to execute the agreement. Attachment (Parks & Recreation).
32
33 l) Consideration and possible action to approve a Facility Use Agreement between the City of
34 Harlingen and the Harlingen Texas Bronco/Pony League for use of fields Bronco, Mustang and
35 Pony Fields at Victor Park and authorize the City Manager to execute the agreement.
36 Attachment (Parks & Recreation).
37

38 Item 7(b-l) was removed from the consent agenda.
39

40 Motion made by Mayor Pro-Tem Lopez and seconded by Commissioner Perez to approve remaining
41 item 7(a). Motion carried unanimously.
42

43 Mayor Pro-Tem Lopez stated that on Item 7b the numbers did not add up.
44

45 Motion made by Commissioner Morales and seconded by Commissioner Cavazos-Gamez to table item
46 7(b). Motion carried unanimously.
47

48 A discussion was held in reference to the wording on the contracts and the Commission would like for
49 them to give the City the ability to get out of contracts if needed.
50

51 Motion was made by Mayor Pro-Tem Lopez and seconded by Commissioner Perez to approve items
52 7(c-l) with legal exceptions. Motion carried unanimously.
53

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

- 55 a) City Manager's Report - None
56

b) Staff Reports – None

c) Presentation by Roland Vela-Drainage District #5 (DD5)

Rolando Vela, General Manager for Cameron County Drainage District #5 shared an update on the projects that we are working in our district and also with the City of Harlingen. Mr. Vela explained the challenges everyone along the coastal has is that the area is flat and to have water moved we need to have drainage channels and build detention ponds. We are currently working on grants and we have about \$70 million dollars that we are working on obtaining. These grants will be to widen the channels and the building of detention ponds. We continue to work with all cities, and we plan to work on some plans on legislation and hopefully have something done by October.

9. **Public Hearings:**

Mayor Sepulveda announced that Items 9 (a through f) are public hearings, and anyone wishing to speak for or against these items may do so.

a) Public hearing for a Special Use Permit ("SUP") to allow a recycling center, ferrous in a Light Industry ("LI") District located at 1318 N. Commerce Street, bearing a legal description of 3.40 acres out of Block 1, Harlingen Land and Water Company Subdivision. Applicant: Nicole Ortiz. Attachment (**Planning & Development**).

- Item 9(a) – None

b) Public hearing for a rezoning request from Not designated ("N") District to General Retail ("GR") District located at 33470 FM 509, bearing a legal description of 1.75 acres out of Block 167, San Benito Land and Water Company Subdivision. Applicant: Raul Viramontes. Attachment (**Planning & Development**).

- Item 9(b) – None

c) Public hearing for a Special Use Permit (SUP) to allow an event center with alcohol in a General Retail ("GR") District located at 350 N. Loop 499, bearing a legal description 2.72 acres out of 21.7986 acres out of Block 67, Harlingen Land and Water Company Subdivision. Applicant: Eduardo Peña. Attachment (**Planning & Development**).

- Item 9(c) – None

d) Public hearing for a rezoning request from General Retail ("GR") District to Planned Development ("PD") District to allow a mixed-use development (commercial and multifamily) for properties bearing a legal description of 30.52-acre tract of land, more or less, out of Block 182, San Benito Land and Water Company Subdivision, Concepcion De Carricitos Grant, located northeast of Camelot Drive and Victoria Lane. Applicant: Berenice Chapa (Halff Associates) c/o Economic Development Corporation of Harlingen, Inc. Attachment (**Planning & Development**).

- Item 9(d) – None

e) Public hearing for a Special Use Permit (SUP) to allow the sale of alcoholic beverages for on-site consumption, in a General Retail ("GR") District, located at 211 N. Ed Carey Drive, bearing a legal description of Lot 3, Block 1, Dorris Subdivision Unit 1. Applicant: Richard Rivas c/o Panthers Petroleum III, LLC. Attachment (**Planning & Development**).

- Item 9(e) – None

- 1
2 f) Public hearing for a Special Use Permit (SUP) to allow the loading/unloading of bulk liquid (ethanol)
3 in a Light Industry ("LI") District located at 2201 N. Commerce Street, bearing a legal description of
4 23.4100 acres out of Block G, Survey 26, Boyce Tract. Applicant: Frank Cunningham c/o Saint
5 Claire Group, Inc. Attachment (*Planning & Development*).

- 6 • Item 9(f) – None
7

8 There being no comments from the public, Mayor Sepulveda closed the public Hearings.
9

10 **10. Action Items**
11 **Ordinances:**
12

- 13 a. Consideration and possible action to approve an ordinance on first reading for a Special Use Permit
14 ("SUP") to allow a recycling center, ferrous in a Light Industry ("LI") District located at 1318 N.
15 Commerce Street, bearing a legal description of 3.40 acres out of Block 1, Harlingen Land and
16 Water Company Subdivision. Applicant: Nicole Ortiz. Attachment (*Planning & Development*).
17

18 Commissioner Mezmar asked if this property was were the old recycling center was decades ago
19 and this place would accept Ferris material or just aluminum.
20

21 Ana Hernandez, Planning and Development Director replied with a yes to the place being the old
22 recycling center and I believe it will be all steal material.
23

24 Motion was made by Commissioner Perez seconded by Commissioner Mezmar to approve an
25 ordinance on first reading for a Special Use Permit ("SUP") to allow a recycling center, ferrous in a Light
26 Industry ("LI") District located at 1318 N. Commerce Street, bearing a legal description of 3.40 acres
27 out of Block 1, Harlingen Land and Water Company Subdivision. Motion carried unanimously.
28

- 29 b) Consideration and possible action to approve an ordinance on first reading for a rezoning request
30 from Not designated ("N") District to General Retail ("GR") District located at 33470 FM 509, bearing
31 a legal description of 1.75 acres out of Block 167, San Benito Land and Water Company
32 Subdivision. Applicant: Raul Viramontes. Attachment (*Planning & Development*).
33

34 Motion was made by Commissioner Morales and seconded by Commissioner Mezmar to approve
35 an ordinance on first reading for a rezoning request from Not designated ("N") District to General Retail
36 ("GR") District located at 33470 FM 509, bearing a legal description of 1.75 acres out of Block 167, San
37 Benito Land and Water Company Subdivision. Motion carried unanimously.
38

- 39 c) Consideration and possible action to approve an ordinance on first reading for a Special Use Permit
40 (SUP) to allow an event center with alcohol in a General Retail ("GR") District located at 350 N.
41 Loop 499, bearing a legal description 2.72 acres out of 21.7986 acres out of Block 67, Harlingen
42 Land and Water Company Subdivision. Applicant: Eduardo Peña. Attachment (*Planning &*
43 *Development*).
44

45 Commissioner Mezmar asked if this building was an exiting building or was a new building being
46 built.
47

48 Ms. Hernandez replied that this lot was going to be subdivided into two lots and then the event
49 center will be built on one of the lots.
50

51 Commissioner Cavazos-Gamez asked if there were any concerns regarding the turnaround on
52 loop 499.
53

54 Ms. Hernandez stated the applicant is still going through the planning process and the fire
55 department needs to look into that as well as engineering department.

Motion was made by Commissioner Morales and seconded by Commissioner Perez to approve an ordinance on first reading for a Special Use Permit (SUP) to allow an event center with alcohol in a General Retail ("GR") District located at 350 N. Loop 499, bearing a legal description 2.72 acres out of 21.7986 acres out of Block 67, Harlingen Land and Water Company Subdivision. Motion carried unanimously.

- d) Consideration and possible action to approve an ordinance on first reading for a rezoning request from General Retail ("GR") District to Planned Development ("PD") District to allow a mixed-use development (commercial and multifamily) for properties bearing a legal description of 30.52 acre tract of land, more or less, out of Block 182, San Benito Land and Water Company Subdivision, Concepción De Carricitos Grant, located northeast of Camelot Drive and Victoria Lane. Applicant: Berenice Chapa (Halff Associates) c/o Economic Development Corporation of Harlingen, Inc. Attachment: (Planning & Development).

Motion was made by Commissioner Mezmar and seconded by Commissioner Morales to approve an ordinance on first reading for a rezoning request from General Retail ("GR") District to Planned Development ("PD") District to allow a mixed-use development (commercial and multifamily) for properties bearing a legal description of 30.52 acre tract of land, more or less, out of Block 182, San Benito Land and Water Company Subdivision, Concepción De Carricitos Grant, located northeast of Camelot Drive and Victoria Lane. Motion carried unanimously.

- e) Consideration and possible action to approve an ordinance on first reading for a Special Use Permit (SUP) to allow the sale of alcoholic beverages for on-site consumption, in a General Retail ("GR") District, located at 211 N. Ed Carey Drive, bearing a legal description of Lot 3, Block 1, Dorris Subdivision Unit 1. Applicant: Richard Rivas c/o Panthers Petroleum III, LLC. Attachment: (Planning & Development).

Commissioner Mezmar asked if the existing gas station was going to be replaced.

Ms. Hernandez replied that the applicant is only asking for an SUP to be able to sell alcohol in their premises.

Motion was made by Commissioner Morales and seconded by Commissioner Perez to approve an ordinance on first reading for a Special Use Permit (SUP) to allow the sale of alcoholic beverages for on-site consumption, in a General Retail ("GR") District, located at 211 N. Ed Carey Drive, bearing a legal description of Lot 3, Block 1, Dorris Subdivision Unit 1. Motion carried unanimously.

- f) Consideration and possible action to approve an ordinance on first reading for a request for a Special Use Permit (SUP) to allow the loading/unloading of bulk liquid (ethanol) in a Light Industry ("LI") District located at 2201 N. Commerce Street, bearing a legal description of 23.4100 acres out of Block G, Survey 26, Boyce Tract. Applicant: Frank Cunningham c/o Saint Claire Group, Inc. Attachment: (Planning & Development).

Commissioner Mezmar asked if there is a building there or are they planning to build one.

Ms. Hernandez replied with a no there isn't a building and they do not plan to building one. They are just going to use that space to load and unload. They will be transferring from the rail tracks to the semi-trucks and exiting the site.

Commissioner Mezmar how much ethanol are they going to be transporting.

Ms. Hernandez replied that they had stated there would be about six trucks operating per day.

Mayor Pro-Tem Lopez stated they have seen similar operations but it's usually from the port and its fuel, which ethanol can be considered a fuel for race cars, all that type of stuff. Originally, they wanted

1 to do it behind the old Olympus gym in that neighborhood which then they moved it to this area which is
2 better since it's industrial. The issue I have is the overfill of these trucks and they are being moved to
3 Mexico is I am correct. So what was happening was that they would load up at the port of Harlingen,
4 then moved them to a different location and then load a truck and half into one truck and overfill them
5 and then those trucks were carrying more weight. That was the issue making sure it was done correctly
6 and then making sure that those trucks were not on Texas roads because they can seriously damage
7 the roads. So I presume all this has gone through TCQ and they have all their stuff in order.

8
9 Ms. Hernandez stated that one of the conditions for issuing the SUP was for them to have the TCQ
10 permits and we want to make sure they can comply with all the necessary requirements.

11
12 Commissioner Morales asked what days and times would they be doing the transfers.

13
14 Ms. Hernandez stated it would be Monday through Saturday 8:00 – 6:00 pm and they are planning
15 on using Wilson Rd and the frontage road but do not know if they will be going north or south once they
16 arrive at the expressway.

17
18 Commissioner Cavazos-Gamez asked if the City has any ordinance or any regulations on the
19 weight of the trucks while they are on the city roads.

20
21 Mr. Gonzalez stated we have over eight corridors that are approved by TxDOT and so the trucks
22 would have to stay on those roads and get a permit which is not free. Just like Commissioner said they
23 are probably going into Mexico.

24
25 Commissioner Cavazos-Gamez asked how we make them stay on those roads and how do we
26 monitor it.

27
28 Mr. Gonzalez replied that DPS would have to monitor that.

29
30 Ms. Hernandez also stated that Wilson Road is not necessarily designated as an oversized
31 overweight corridor. So, these are just regular trucks, and they wouldn't necessarily meet the criteria
32 other than the wear and tear of the street.

33
34 Mayor Sepulveda stated that there had been some issues and there had been calls of other
35 businesses or companies doing this type of work without an SUP. I like the fact that they are coming to
36 the city and going through the proper procedure to get it done. It is something that needs to be
37 regulated, but I think that's more of a state issue.

38
39 Mayor Pro-Tem Lopez stated that normally DPS is seen in the area between San Benito and
40 Olmito, that is a designated weight checking site by TxDOT. He agrees that there's not really a way to
41 ensure that we can make sure they stick to the route they are advising they will use. He follows by
42 asking the City Attorney if municipalities have the authority to create a division of law enforcement that
43 enforces weight control for the city streets.

44
45 Representative from HPD approached the mic to confirm that Chief Alvear has been meeting with
46 DPS to create a unit for what Mayor Pro-Tem is inquiring for.

47
48 Commissioner Morales asks how many gallons will be transported since it is based on "regular
49 trucks".

50
51 Ms. Hernandez stated she didn't have an exact number, that the applicant would have that number
52 and they were not present.

53
54 Commissioner Morales did advise that maybe a maximum or minimum would be better to ensure
55 rules are being followed.
56

1
2 Motion was made by Commissioner Mezmar and seconded by Commissioner Morales to approve
3 an ordinance on first reading for a request for a Special Use Permit (SUP) to allow the loading/unloading
4 of bulk liquid (ethanol) in a Light Industry ("LI") District located at 2201 N. Commerce Street, bearing a
5 legal description of 23.4100 acres out of Block G, Survey 26, Boyce Tract. Motion carried as follows:
6 FOR: Commissioner Mezmar, Morales, Perez and Mayor Sepulveda AGAINST: List Mayor Pro-Tem
7 Lopez and Commissioner Cavazos-Gamez;(Vote: 4 - 2)
8

- 9 g) Consideration and possible action to approve an ordinance on second and final reading to abandon
10 and vacate an existing 20-foot utility easement located within Midway Subdivision, being a 0.30
11 acre out of Lots 1-9, Block 4, Midway Subdivision, located at 3744 N. Expressway 77. Applicant:
12 Emiliano Rosel of Moore Land Surveying, LLC, c/o Harlingen Oak LLC. Attachment (**Planning &**
13 **Development**).
14

15 Motion was made by Commissioner Perez and seconded by Commissioner Morales to approve an
16 ordinance on second and final reading to abandon and vacate an existing 20-foot utility easement
17 located within Midway Subdivision, being a 0.30 acre out of Lots 1-9, Block 4, Midway Subdivision,
18 located at 3744 N. Expressway 77. Motion carried unanimously.
19

- 20 h) Consideration and possible action to approve the preliminary construction plans and final plat with
21 conditions of the proposed Aloch II Subdivision, bearing a legal description of 1.959 acres of land
22 out of 8.53 acres out of the South half of Block 23, of the amended Lon C. Hill Subdivision, located
23 east of Rangerville Road, approximately 2,578.94 feet south of South Expressway 83. Applicant:
24 Southpoint Surveying c/o Aloch Properties. Attachment (**Planning & Development**)
25

26 Motion was made by Commissioner Mezmar and seconded by Commissioner Morales to approve
27 the preliminary construction plans and final plat with conditions of the proposed Aloch II Subdivision,
28 bearing a legal description of 1.959 acres of land out of 8.53 acres out of the South half of Block 23, of
29 the amended Lon C. Hill Subdivision, located east of Rangerville Road, approximately 2,578.94 feet
30 south of South Expressway 83. Motion carried unanimously.
31

- 32 i) Consideration and possible action to approve the preliminary construction plans and final plat with
33 conditions of the proposed Pelican's Landing Subdivision Phase IV, bearing a legal description of
34 8.65 acres of land out of Block 99, Wilson Tract Subdivision, located approximately 2,271.50 feet
35 north of Wilson Road. Applicant: Moore Land Surveying, LLC c/o Har-Tex Construction, LLC.
36 Attachment (**Planning & Development**).
37

38 Commissioner Perez asked what is going to be done to help the area now that there is more
39 construction going on because last year that area flooded.
40

41 Dustin Moore with Moor Land Surveying stated that the drainage ditch is getting expanded and
42 there are 40 acres of land north of Pelican's Landing will be a detention pond and there will be another
43 entrance through Wilson Rd and that will help the flooding issues that area had last year.
44

45 Commissioner Perez asked if the improvements that he said DD5 has them already scheduled or
46 when will they be completed.
47

48 Mr. Moore stated his phase will take six to nine months and DD5's project is one of the FIF where
49 it's been 5 years in the making and we are expecting notice to proceed any day.
50

51 Commissioner Perez replied and asked Rolando Vela with DD5 what they plan to do to that area
52 because he had previously driven through that area and it was not being maintained by DD5 very well
53 and it felt that had contribute to the flooding.
54

1 Mr. Vela stated that is actually the first FIF project that is going to be under construction and
2 hopefully in the next few weeks. Those three or four detention ponds that FIF are going to be done this
3 year. So, we are going to start launching those projects in the next few weeks.
4

5 Motion was made by Commissioner Morales and seconded by Commissioner Perez to approve
6 the preliminary construction plans and final plat with conditions of the proposed Pelican's Landing
7 Subdivision Phase IV, bearing a legal description of 8.65 acres of land out of Block 99, Wilson Tract
8 Subdivision, located approximately 2,271.50 feet north of Wilson Road. Motion carried unanimously.
9

- 10 j) Consideration and possible action to approve the preliminary construction plans and final plat with
11 conditions of the proposed Tesoro Village Subdivision, bearing a legal description of a 20.00-acre
12 tract of land, more or less, being the west 20.00 acres of Block Twenty-Nine (29), Palmetal
13 Company Subdivision, located south of Grimes Road, approximately 5,138.57 feet west of FM 509.
14 Applicant: Scheibe Consulting, LLC c/o Paul Daniec. Attachment (**Planning & Development**).
15

16 Commissioner Morales asked if this area is on the East side of Grimes because there are
17 discussions of a potential data center coming up which it's up in the air and does the developer realize
18 that can be a pro or con.
19

20 Ms. Hernandez replied that she is not sure if they are aware about a data center but it's not
21 extremely close to this subject property.
22

23 Motion was made by Commissioner Cavazos-Gamez and seconded by Commissioner Perez to
24 approve the preliminary construction plans and final plat with conditions of the proposed Tesoro Village
25 Subdivision, bearing a legal description of a 20.00-acre tract of land, more or less, being the west 20.00
26 acres of Block Twenty-Nine (29), Palmetal Company Subdivision, located south of Grimes Road,
27 approximately 5,138.57 feet west of FM 509. Motion carried as follows: FOR: List Commissioners
28 Cavazos-Gamez, Perez, Mezmar and Mayor Pro-Tem Lopez AGAINST: List Commissioner Morales
29 (Vote: 4 - 1).
30

- 31 l) Consideration and possible action to approve the Filming Guidelines for the City of Harlingen,
32 authorizing the City Manager to enter into agreements with entities seeking to film in Harlingen,
33 Texas in support of the City's efforts to obtain Film Friendly Certification. Attachment (**CVB**).
34

35 Motion was made by Commissioner Perez and seconded by Commissioner Cavazos-Gamez to
36 approve the Filming Guidelines for the City of Harlingen, authorizing the City Manager to enter into
37 agreements with entities seeking to film in Harlingen, Texas in support of the City's efforts to obtain
38 Film Friendly Certification. Motion carried unanimously.
39

- 40 m) Consideration and possible action to authorize the City Manager to execute an agreement with
41 Cameron County Drainage District No. 6 (CCDD6) for the coordination and disposal of excavated
42 material from the Hickory Hill Detention Pond Project. Attachment (**Engineering**).
43

44 Motion was made by Commissioner Mezmar and seconded by Commissioner Morales to authorize
45 the City Manager to execute an agreement with Cameron County Drainage District No. 6 (CCDD6) for
46 the coordination and disposal of excavated material from the Hickory Hill Detention Pond Project. Motin
47 carried unanimously.
48

- 49 n) Consideration and possible action to authorize the City Manager to award a construction contract
50 for Bid No. 2026-02 for the Victor Park Improvements Project. Attachment (**Engineering**).
51

52 Mayor Sepulveda asked for a breakdown of the plan because from my understanding park of the
53 grant was a shade structures and also the concession stands and they are not on the packet.
54

55 Isaac Ramirez, Project Engineer stated there are other project components that include sports
56 lighting, picnic shelters, concession stands and perimeter fencing, walkway improvements and

landscaping that are part of a package put together for this grant. We, however, put together the main components for Victor Park Improvements which consists of pool improvements, parking lot improvements, swimming pool renovations and basketball court construction and a splash pad construction which are being presented to you today.

Mayor Sepulveda stated she appreciates the hard work going into this and the recommendations from staff to get these awards. It has been a while since we were awarded these funds from the Texas Parks and Wildlife to make these improvements. Do you have a timeline on when we will go out for the remainder?

Mr. Ramirez stated that the improvements should start in May and the contract is for 120 calendar days to be executed. We will go ahead and formalize the completion of the rest of the project components and repeat the same process and our fulfill by August.

A short discussion continued on the timeline of completion.

Motion was made by Commissioner Perez and seconded by Commissioner Mezmar to authorize the City Manager to award a construction contract for Bid No. 2026-02 for the Victor Park Improvements Project. Motion carried unanimously.

- o) Consideration and possible action to authorize the City Manager to award Bid No. 2026-03 for a Supply Contract – Materials for the Street Improvement Project 2026. Attachment (Engineering).

Ms. Lopez stated they had gone out for Bids for this project for the construction material for street improvements. Bids were received and reviewed and the purpose of this contract is to secure material pricing and availability necessary to support paving operations and related street reconstruction activities. The material will be used by the City to complete roadway improvements, including base preparation, asphalt paving, and pavement reinforcement. The bid includes the material items : Hot Mix Asphalt Type D – 25,600 tons: Vendor- Upper Valley Materials dba CAPA - \$1,907,200.00, Flexible Base Type A – 12,800 tons; Vendor – Vulcan Materials Company - \$486,400.00 and Geogrid Baselok – 109 Rolls: Vendor – Aguaworks Pipe & Supply - \$70,355.14. There are 32 streets on the list to be worked on.

Mayor Pro-Tem Lopez asked Oscar Garcia, Deputy City Manager if this list is for projects 2025 thru 2026, why wasn't the material purchased back in 2025 rather than now.

Mr. Garcia replied that a conversation with the engineer was being held and the first thing he has to do is identify the streets so he can make a list and present it to the Commission. Once the Commission approves the list then we would go out for bids and have everything approved by the end of September, beginning of October.

Commissioner Morales asked if we were going to work on 12 miles this time around why not buy material for 15 to 18 miles instead of 12.

Mr. Garcia replied that last year they paved 8 miles of street and this year is 12 miles. We are hoping to pave 15 miles by next year. This year we are having to do a lot of curb and gutter repairs, so it would be ideal to include it in this list as well.

Motion was made by Commissioner Mezmar and seconded by Commissioner Perez to authorize the City Manager to award Bid No. 2026-03 for a Supply Contract – Materials for the Street Improvement Project 2026. Motion carried unanimously.

11. Board Appointments:

Mayor Sepulveda appointed Amanda Lucio to the Historic Preservation Committee
Commissioner Morales appointed Norma Pieta to the Historic Preservation Committee

Commissioner Perez re-appointed Jeremiah Davila to the TIRZ Board

Motion was made by Commissioner Perez and seconded by Commissioner Cavazos-Gamez to approve all the re-appointments and appointments. Motion carried unanimously.

12. Executive Session:

- a) Discussion regarding potential economic development opportunities, redevelopment strategies, and possible negotiations relating to Project DMV property and surrounding commercial area, pursuant to Texas Government Code §551.087, and also consultation with the City Attorney regarding legal issues relating to Project DMV property and associated economic development matters, pursuant to Texas Government Code §551.071. (City Manager).

Motion was made by Commissioner Perez and seconded by Commissioner Cavazos-Gamez to go into executive session. Motion carried unanimously.

At 7:41pm., Mayor Sepulveda announced the City Commission would convene into Executive Session to discuss Item 12 (a).

13. Action on Executive Session Items:

At 9:08 pm, Mayor Sepulveda announced the City Commission had completed its Executive Session and declared the meeting open to the public.

- a) Consideration and possible action regarding Item #12(a) as discussed in Executive Session.

No action taken.

14. Adjournment:

There being no other business to discuss, Mayor Sepulveda adjourned the meeting.

City of Harlingen

ATTEST:

Norma Sepulveda, Mayor

Mayra Herrera, City Secretary

**AGENDA ITEM
EXECUTIVE SUMMARY**

7(2)

Meeting Date: **June 17, 2026**

Agenda Item:

Consideration and possible action to approve a resolution authorizing the acceptance of a grant award from the Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA), FY 2025 Patrick Leahy Bulletproof Vest Partnership (BVP) program. Attachment (*Special Projects Department*).

Prepared By: **Ana Hernandez**, AICP, CNU-A
Planning and Development Director/
Special Projects Director

Brief Summary:

The Harlingen Police Department has been awarded \$25,959.54 in matching funds to equip 40 officers with bulletproof vests. There is a match of \$30,300.46.

Federal funds for this project are authorized by the Bulletproof Vest Partnership Grant of 1998.

Funding Breakdown:

Award - \$25,959.54

Match - \$30,300.46

Total Project Cost - \$56,260.00

Funding (if applicable):

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

*If no, specify source of funding and amount requested: Reimbursement request(s) to the Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA)

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

Staff Recommendation:

Staff recommends approval.

City Manager approval:

GLG

Comments:

City Attorney's approval:

[Signature]

RESOLUTION NO. 2026 -
A RESOLUTION AUTHORIZING THE SPECIAL PROJECTS
DIRECTOR TO ACCEPT A GRANT AWARD FROM THE OFFICE OF
JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE FY 2025
PATRICK LEAHY BULLETPROOF VEST PARTNERSHIP.

WHEREAS, the Patrick Leahy Bulletproof Vest Partnership (BVP) program, created by the Bulletproof Vest Partnership Grant of 1998, is a unique U.S. Department of Justice initiative administered by the Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA) that is designed to provide a critical resource to state and local law enforcement,

WHEREAS, the Harlingen Police Department (HPD) has been awarded \$25,959.54 in matching funds to equip 40 officers with bulletproof vests, with HPD being responsible for a match of \$30,300.46,

WHEREAS, the Harlingen City Commission finds it in the best interest of the residents of Harlingen, Texas, to accept a grant award of \$25,959.54 to equip officers with bulletproof vests,

WHEREAS, the Harlingen City Commission agrees that in the event of loss or the misuse of funds, the Harlingen City Commission assures that the funds will be returned to the Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA) in full; and,

WHEREAS, the City Commission designates the Mobility & Special Projects Director as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter, or terminate the grant on behalf of the City of Harlingen,

WHEREAS, the City Commission designates the Finance Director as the grantee's financial officer. The financial officer is given the power to submit financial and/or programmatic reports or alter a grant on behalf of the applicant agency.

NOW, THEREFORE, BE IT RESOLVED, that the Harlingen City Commission approves the acceptance of a grant award from the FY 2025 Patrick Leahy Bulletproof Vest Partnership (BVP) program.

CONSIDERED AND ADOPTED this 17th day of June 2026 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**

7(b)

Meeting Date: **June 17, 2026**

Agenda Item:

Consideration and possible action authorizing the Special Projects Director to accept a grant award from the Office of the Governor Fiscal Year 2025 State Homeland Security Grant Program in the amount of \$44,976.20. Attachment (***Special Projects Department***).

Prepared By: *Ana Hernandez*, AICP, CNU-A
Planning and Development Director/
Special Projects Director

Brief Summary:

The Office of the Governor's State Homeland Security Program – Regular Projects, Fiscal Year 2025, has awarded the City of Harlingen \$44,976.20 to purchase hazmat equipment for the Hazmat Equipment Enhancement Project. The hazmat equipment will be purchased to enhance the Harlingen Fire Department's response capabilities during events involving chemical hazards. The project period will start on October 1, 2025, and end on September 30, 2026.

The purpose of the HSGP is to support state and local efforts to prevent terrorism and other catastrophic events and to prepare the Nation for the threats and hazards that pose the greatest risk to the security of the United States.

Grant Number: 5498801

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.

City Manager approval:

GB

Comments:

City Attorney's approval:

MB

RESOLUTION No. 2026 - ____

**A RESOLUTION OF THE CITY OF HARLINGEN, TEXAS, AUTHORIZING THE
ACCEPTANCE OF A GRANT AWARD IN THE AMOUNT OF \$44,976.20 FROM
THE TEXAS OFFICE OF THE GOVERNOR'S STATE HOMELAND SECURITY
GRANT PROGRAM – REGULAR PROJECTS, FISCAL YEAR 2025**

WHEREAS, the purpose of the Homeland Security Grant Program is to support state and local efforts to prevent terrorism and other catastrophic events and to prepare the Nation for the threats and hazards that pose the greatest risk to the security of the United States and;

WHEREAS, the Harlingen City Commission agrees that in the event of loss or the misuse of the Texas Office of the Governor funds, the Harlingen City Commission assures that the funds will be returned to the Office of the Governor in full; and,

WHEREAS, the City Commission designates the Special Projects Director as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter, or terminate the grant on behalf of the City of Harlingen.

WHEREAS, the City Commission designates the Finance Director as the grantee's financial officer. The financial officer is given the power to submit financial and/or programmatic reports or alter a grant on behalf of the applicant agency.

NOW, THEREFORE, BE IT RESOLVED that the Harlingen City Commission approves the acceptance of the grant award in the amount of \$44,976.20 for the purpose of enhancing the Harlingen Fire Department's hazmat response capabilities.

CONSIDERED AND ADOPTED this **17th day of June 2026** 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.

Grant Number: 5498801

Norma Sepulveda, Mayor

Mayra Herrera, City Secretary

**AGENDA ITEM
EXECUTIVE SUMMARY**

7(c)

Meeting Date: **June 17, 2026**

Agenda Item:

Consideration and possible action to authorize the City Manager, Gabriel Gonzalez, on behalf of the City of Harlingen, to approve and sign the Memorandum of Understanding between the City of Harlingen and Texas State Technical College for the efficient and effective use of resources regarding the coordination of law enforcement services. Attachment (**Police**)

Prepared By (Print Name): **Alfredo Alvear**

Title: **Chief of Police**

Signature: 

Brief Summary:

The agreement, recently in place, will be expiring on August 31, 2026. This new MOU will terminate only if either party provides thirty (30) days' written notice to the other party.

Funding (if applicable):

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

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

Finance Director's approval:

☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval.

City Manager's approval:



☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:



☐ Yes ☐ No ☐ N/A

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU") is entered into by and between **Texas State Technical College**, an institution of higher education and an agency of the State of Texas (hereinafter referred to as "TSTC"), acting through its Police Department, and the **City of Harlingen** (hereinafter referred to as the "Agency"), acting through its law enforcement department. TSTC and Agency may individually be referred to as a "Party" or collectively as "Parties" to this MOU.

WHEREAS, Section 51.203 of the Texas Education Code provides for the governing boards of each state institution of higher education to employ and commission peace officers for the purpose of providing police services on all property owned, leased, rented or otherwise under the control of the institution of higher education that employs the peace officer; and

WHEREAS, TSTC has employed and commissioned said peace officers; and

WHEREAS, TSTC has facilities located at 1902 N. Loop 499, Harlingen, TX 78550 and 2424 Boxwood, Harlingen, TX 78550; and other properties acquired, owned, leased, or under its control that are within the jurisdiction ("Jurisdiction") of the Agency or adjacent to the Jurisdiction; and

WHEREAS, the Parties desire to set out the respective duties and obligations with regard to the coordination of law enforcement efforts between TSTC and the Agency.

For purposes of this MOU and the TSTC facilities listed herein, the TSTC Police Department located at the TSTC campus in Harlingen, TX, shall serve as the central point of contact for incidents involving TSTC property within the Jurisdiction.

NOW, THEREFORE, the Parties agree as follows:

1. TSTC has primary law enforcement jurisdiction on all property owned, leased, or under the control of TSTC and shall provide police services on said property, unless otherwise specified in writing.
2. TSTC shall notify the Agency of any incident or situation on any property owned, leased, or under the control of TSTC that may affect the safety of the residents of the Jurisdiction not residing on said property.
3. The Agency shall notify TSTC of any incident or situation within the jurisdictional boundaries of the Agency that may affect the safety of the residents on any property owned, leased, or under the control of TSTC.
4. Should TSTC request the assistance of the Agency for the purpose of collecting and preserving evidence, the Agency shall be granted control of the crime scene, and TSTC will support and assist the Agency as directed by the ranking Agency officer at the scene. The Agency shall involve and coordinate the processing of the crime scene with TSTC. TSTC shall be responsible for the storage, preservation, and processing of all physical evidence, unless TSTC requests, and the Agency agrees, to assume the responsibility for the investigation and case management of the incident.
5. When it is necessary for the Agency to execute a warrant or conduct an investigation on any property owned, leased, or under the control of TSTC, all Agency law enforcement personnel shall make TSTC the point of contact. In the event of "fresh" or "hot" pursuit, the Agency communications unit shall notify TSTC as soon as possible and the Agency officer will proceed as necessary.
6. When it is necessary for TSTC to execute a warrant or conduct an investigation within the Jurisdiction, excluding any property owned, leased, or under the control of TSTC, TSTC shall contact the Agency and request an Agency officer accompany the TSTC officer. In the event of "fresh" or "hot" pursuit, the TSTC communications unit shall notify the Agency as soon as possible and the TSTC officer will proceed as necessary.
7. TSTC shall be responsible for responding to all requests for police services originating from any property owned, leased, or under the control of TSTC. The Agency shall transfer voice and data communication for all requests for police services originating on any property owned, leased, or under the control of TSTC to the TSTC communications center.

8. Pursuant to the Federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"), TSTC is required to annually compile and publish crime statistics of specified crimes reported to local police agencies that occurred on or near campus and on college controlled or affiliated property.

To comply with this federal law, TSTC must report these crimes separately for a number of geographic locations, including the main campus, on-campus student residential facilities, off-campus buildings or property that is owned or controlled by TSTC, or recognized student organizations such as fraternities, and public property immediately adjacent to the TSTC campus.

To meet this requirement, TSTC will annually provide the Agency with a written request for specific crime statistics under the Act for the previous year, and the Agency will provide the requested statistics no later than August 1 of each year.

9. From time to time, special or major events are planned on the TSTC campus that may affect the larger town community. Timely planning and coordination by TSTC with the Agency is important to ensure that the event is adequately staffed and the public safety is ensured. The TSTC Chief of Police or the Chief's designee will contact the Agency as early as practical to include the Agency in the planning process and coordination process as necessary.
10. The TSTC Chief of Police and the Agency Chief may enter into more specific and detailed operational procedures and guidelines necessary.
11. Either Party may terminate this MOU by providing thirty (30) days' written notice to the other Party.
12. This MOU supersedes any prior agreements, written or oral, between TSTC and the Agency that relate specifically to law enforcement coordination and responsibilities as outlined herein, and constitutes the entire agreement and understanding between the Parties with respect to the subject matter hereof. This MOU and each of its provisions shall be binding upon the Parties and may not be waived, modified, amended, or altered except in writing signed by both TSTC and the Agency and memorialized in an amendment to this MOU.
13. This MOU is executed in duplicate originals, each of which shall be deemed an original for each Party.

IN WITNESS WHEREOF, the Parties hereto have executed this MOU by their duly authorized officers or representatives as of the dates set forth below.

TSTC
TEXAS STATE TECHNICAL COLLEGE

AGENCY
CITY OF HARLINGEN

Authorized Signature

Authorized Signature

Name

Name

Title

Title

Date

Date

**AGENDA ITEM
EXECUTIVE SUMMARY**

7/d

Meeting Date: **June 17, 2026**

Agenda Item:

Consideration and possible action to allow Police Chief Alfredo Alvear to utilize \$86,759.92 from the Federal Justice Forfeiture funds for the purchase of Lexipol Policy Software (12-month term). Attachment (**Police**).

Prepared By (Print Name): **Alfredo Alvear**

Title: **Chief of Police**

Signature: 

Brief Summary:

Chief Alfredo Alvear is requesting to use \$86,759.92 from the Federal Justice Forfeiture account funds for the purchase of Lexipol Policy Software (12-month term) to maintain legally vetted, up-to-date policies ensuring improved compliance, accountability, training and risk management across the department.

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: **Federal Justice Forfeiture Account 130-3010-501-31-41 / \$86,759.92**

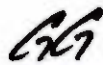
Finance Director's approval:

☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval.

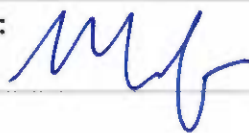
City Manager's approval:



☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:



☐ Yes ☐ No ☐ N/A



MASTER SERVICE AGREEMENT

Created Date: 05/28/2025

Initial Term Start Date: 07/01/2026

Initial Term End Date: 09/30/2027

Account Executive Information

Markus Felix
Senior Account Executive
mfelix@lexipol.com
(281) 957-1933

Lexipol LLC
2611 Internet Blvd., Ste. 120
Frisco, Texas 75034

Agency Information

Alfredo Alvear
Chief
aalvear@harlingentx.gov
(956) 793-6642

Harlingen Police Department
Sourcewell #: 32349
1018 Fair Park Blvd
Harlingen, Texas 78550

This Master Service Agreement (the "Agreement") is entered into by and between Lexipol, LLC, a Delaware limited liability company ("Lexipol"), and the department, entity, or organization referenced above ("Agency").

This Agreement consists of:

- (a) this Cover Sheet
- (b) Exhibit A Selected Services and Associated Fees
- (c) Exhibit B Description of Services
- (d) Exhibit C Terms and Conditions of Service

This Agreement is entered into subject to the terms and conditions contained in **Sourcewell Contract Number 102325-LXP (the Sourcewell Contract)**. In the event of any conflict between the terms and conditions of this Agreement and the terms and conditions set forth in the Sourcewell Contract, the terms and conditions of the Sourcewell Contract shall control.

Each individual signing below represents and warrants that they have full and complete authority to bind the party on whose behalf they are signing to all terms and conditions contained in this Agreement.

Harlingen Police Department

Lexipol, LLC

Signature: _____

Signature: _____

Print Name: _____

Print Name: _____

Title: _____

Title: _____

Date Signed: _____

Date Signed: _____

Exhibit A

SELECTED SERVICES AND ASSOCIATED FEES

Agency is purchasing the following:

Order Summary

001 LE Policy - Annual Subscription (recurring) (2026-10-01 to 2027-09-30)						
Qty	Description	Unit Price	Disc (%)	Disc Amount	Tax Amount	Extended
149	Annual Law Enforcement Supplemental Manual(s)	\$2,595.00	27%	\$700.65	\$0.00	\$1,894.35
149	Annual Law Enforcement Policy Manual & Daily Training Bulletins	\$31,806.00	27%	\$8,587.62	\$0.00	\$23,218.38
149	Law Enforcement Accreditation Workbench Premium	\$3,078.00	27%	\$831.06	\$0.00	\$2,246.94
Discount:				\$10,119.33	Subtotal:	\$27,359.67

002 LE Policy Implementation - one-time fee						
Qty	Description	Unit Price	Disc (%)	Disc Amount	Tax Amount	Extended
1	Law Enforcement Full Implementation	\$38,295.00	45%	\$17,232.75	\$0.00	\$21,062.25
1	Law Enforcement Agency-Specific Content Extraction	\$3,145.00	20%	\$629.00	\$0.00	\$2,516.00
Discount:				\$17,861.75	Subtotal:	\$23,578.25

003 FTO+TT+PR - annual subscription (2026-10-01 to 2027-09-30)						
Qty	Description	Unit Price	Disc (%)	Disc Amount	Tax Amount	Extended
188	Lexipol Training Tracking	\$10,500.00	20%	\$2,100.00	\$0.00	\$8,400.00
149	Lexipol Field Training	\$7,875.00	20%	\$1,575.00	\$0.00	\$6,300.00
149	Lexipol Performance Reporting	\$16,100.00	20%	\$3,220.00	\$0.00	\$12,880.00
Discount:				\$6,895.00	Subtotal:	\$27,580.00

004 FTO+TT+PR - one time implementation						
Qty	Description	Unit Price	Disc (%)	Disc Amount	Tax Amount	Extended
149	Lexipol Performance Reporting Historical Records Upload	\$2,500.00	50%	\$1,250.00	\$0.00	\$1,250.00
1	Lexipol Field Training Implementation Service	\$840.00	20%	\$168.00	\$0.00	\$672.00
188	Training Tracking Implementation 2026	\$2,100.00	20%	\$420.00	\$0.00	\$1,680.00
1	Performance Reporting Tier 2 Implementation Service	\$5,800.00	20%	\$1,160.00	\$0.00	\$4,640.00
188	Law Enforcement Training Tracking and PoliceOne Academy Integration	\$0.00	0%	\$0.00	\$0.00	\$0.00
Discount:				\$2,998.00	Subtotal:	\$8,242.00

Discount:	\$37,874.08
Subtotal:	\$86,759.92
Tax:	
Total Due:	\$86,759.92

Notes

5% Sourcewell discount + 15% multiple product bundle discount on Subscription, 50% on historical data upload and a total of 45% on Full Policy Implementation.

15 months of service for the price of 12, when the agency signs the agreement by June 22, 2026.

Service and implementation can begin as early as July 1, 2026, and will run through September 30th, 2027. All subsequent terms will follow a 12-month period beginning October 1, 2027.

Content extraction of up to 200 pages.

Access for 149 Sworn + 39 Civilian users.

Exhibit B Description of Services

If Professional Services solutions are included in your purchase, the following additional terms apply:

Cancellation and Rescheduling of Meetings

Both the Customer and Vendor recognize that the nature of professional services engagements may necessitate changes to scheduled meetings due to unforeseen circumstances. In the event that either party needs to cancel or reschedule a planned meeting, the following terms shall apply:

1. **Notice of Change:** The party requesting the change must provide email notice to the other party as soon as reasonably possible. A minimum notice period of one (1) business day prior to the scheduled meeting time is required, except in cases of emergency.
2. **Rescheduling Efforts:** Upon receiving a notice of change, both parties agree to make a good faith effort to reschedule the meeting at a mutually convenient time. The party initiating the change shall propose at least two alternative dates and/or times within 5 business days of the original meeting date.
3. **Emergency Cancellations:** Recognizing that emergencies can arise, a shorter notice period may be acceptable at the discretion of the non-initiating party. In such cases, both parties agree to work collaboratively to reschedule the meeting as soon as possible.
4. **Repeated Cancellations:** If either party cancels or requests to reschedule meetings on more than three (3) occasions without adequate notice or justification, it may be considered a breach of the terms of this engagement, subject to review and discussion between the parties to address the impact on the project timelines and deliverables.
5. **Communication:** All notifications regarding meeting cancellations or rescheduling should be communicated through the designated points of contact for each party, using the agreed-upon methods of communication (e.g., email, project management software).

Time is of the essence:

The parties agree that time is of the essence in the performance of the obligations under this Statement of Work (SOW). Lexipol Professional Service shall adhere to the project schedule, milestones, and delivery dates specified herein, recognizing that timely completion is a critical component of the services being provided. Lexipol will recommend a project schedule that has been successful in allowing agencies to complete their policy work within the prescribed timelines. These can be adjusted to fit the needs of the agency/staff availability, but any request by the agency to extend time for performance beyond timeline end dates must be mutually agreed upon by both parties. If Lexipol Professional Services observes that the project is at risk of exceeding the planned duration, an escalation email and conversation will take place with the agency CEO to notify of the schedule concern and discuss a remediation plan to address.

Personnel Changes

Lexipol acknowledges the importance of consistency and continuity in the resources allocated to this project to ensure its successful completion. While we endeavor to maintain the same personnel on the project throughout its duration, we reserve the right to change assigned resources as necessary. Changes in personnel may occur due to unforeseen circumstances such as illness, resignation, or other reasons that may prevent the originally assigned resources from continuing the project. In the event of a change in personnel, Lexipol guarantees that any new resources assigned will possess equivalent qualifications, experience, and expertise necessary to meet or exceed the project's requirements. We are committed to ensuring a seamless transition, minimizing any potential impact on the project timeline and quality of deliverables. Lexipol will provide timely notice to the Customer of any changes in project personnel, along with details of the replacement resource's qualifications and the plan for transition to maintain project continuity.

If personnel changes happen on the Agency side of the project, Lexipol requests that the agency notify the Professional Services Specialist assigned to the project. The Specialist will then work with the agency contacts to determine if there will be a schedule delay while new resources are identified. Once the new resources are onboard, the Specialist will provide a project status overview, training on the KMS Platform, and review of how to view and make any revisions to policies already covered by the project. The project effort will not reset and begin from the beginning, however, to redo any policy decisions that were previously made. The project will resume at the point left off and cover the remaining policies and system functionality.

All services listed in this SOW are services provided in conjunction with other Lexipol subscription services and cannot be ordered as a standalone offering.

Policy Manual

Constitutionally sound, up-to-date policies are the foundation for consistent, safe public safety operations and are key to reducing risk and enhancing personnel and community safety. Lexipol's comprehensive policy manual covers all aspects of your agency's operations.

- More than 155 policies researched and written by public safety attorneys and subject matter experts
- Policies based on State and federal laws and regulations as well as nationwide best practices
- Content customized to reflect your agency's terminology and structure

Daily Training Bulletins (DTBs)

Even the best policy manual lacks effectiveness if it's not backed by training. Lexipol's Daily Training Bulletins are designed to help your personnel learn and apply your agency's policy content through 2-minute training exercises.

- Scenario-based training ties policy to real-world applications
- Understanding and retention of policy content is improved via a singular focus on one distinct aspect of the policy
- Each Daily Training Bulletin concludes with a question that confirms the user understood the training objective
- Daily Training Bulletins can be completed via computers or from smartphones, tablets or other mobile devices
- Reports show completion of Daily Training Bulletins by agency member and topic

Policy Updates

Lexipol's legal and content development teams continuously review state and federal laws and regulations, court decisions and evolving best practices. When needed, we create new and updated policies and provide them to your agency, making it simple and efficient to keep your policy content up to date.

- Updates delivered to you through Lexipol's web-based content delivery platform
- Changes presented in side-by-side comparison against existing policy so you can easily identify modifications/improvements
- Your agency can accept, reject or customize each update

Web-Based Delivery Platform and Mobile App (Knowledge Management System)

Lexipol's online content delivery platform, called KMS, provides secure storage and easy access to all your policy and training content, and our KMS mobile app facilitates staff use of policies and training completion

- Ability to edit and customize content to reflect your agency's mission and philosophy
- Efficient distribution of policies, updates and training to staff
- Archival and easy retrieval of all versions of your agency's policy manual
- Mobile app provides in-the-field access to policy and training materials

Reports

Lexipol's Knowledge Management System provides intuitive reporting capabilities and easy-to-read reports that enhance command staff meetings and strategic planning.

- Track and report when your personnel have acknowledged policies and policy updates
- Produce reports showing completion of Daily Training Bulletins
- Sort reports by agency member, topic and other subgroups (e.g., shift, assignment)
- Reduce the time your supervisors spend verifying policy acknowledgement and training completion

Lexipol Performance Reporting

Lexipol's performance reporting solution is designed for public safety agencies to streamline operations, ensure compliance with reporting requirements and enhance community engagement. It includes six integrated applications: Use of Force, Internal Affairs, Vehicle Pursuits, Encounters, Community Engagement, and Vehicle Damage. All applications feed data into the Command Center providing intelligence capabilities and an advanced early intervention system using a customizable risk score rather than frequency of events.

Use of Force

Monitor and document use of force incidents to ensure compliance with reporting requirements.

- Monitor your agency's use of force trends
- Comply with use of force reporting requirements
- Attach body camera footage, reports and pictures related to an incident
- Integrate the system with existing applications like CAD
- Monitor multiple relevant data points to identify liability issues

Internal Affairs

Track and automate all internal affairs cases.

- Automate your reports using the custom-built document library
- Monitor multiple data points to identify liability issues
- Create customizable statistical reports
- Access detailed audit capabilities for accountability and transparency

Vehicle Pursuits

Track data related to high-liability pursuits.

- Capture detailed data for pursuit incidents
- Perform statistical analyses to help determine whether pursuits were within your agency policy
- Track suspect charges and violations, reason for pursuit, how it was terminated, outcomes and weather/traffic patterns

Encounters

Track data to ensure compliance with legal requirements related to encounters with community members.

- Document and analyze encounters with community members to support your agency's commitment to bias-free policing
- Produce documentation to comply with anti-bias and profiling laws
- Document the demographics of your jurisdiction to help interpret collected data correctly

Community Engagement

Automate and track perceived employee conduct based on community member complaints and compliments.

- Automated the tracking and management of community member complaints and compliments
- Use workflows to route complaints based on seriousness
- Support outreach in multiple languages

Vehicle Damage

Document incidents involving department owned/issued vehicles

- Document damage to vehicles in your fleet
- Track employee vehicular incidents and identify causes of crashes

Command Center

Custom-built command staff dashboard and behavior-based early intervention system

- Interactive and custom-built dashboards from data aggregated across all six applications
- Advanced analytics tools for visualizing high liability statistics
- Behavior-based early intervention system to identify and address potential issues
- Access to public-facing dashboards to share data with the public

Lexipol Field Training

Lexipol's Field Training, modeled after the San Jose FTO model, is a web-based software solution providing law enforcement agencies and academies with the ability to monitor on-the-job performance during the field training curriculum and probationary period. Features of Field Training include:

- Platform to track required FTO documentation with ability to customize for all departments, including Patrol, Corrections Dispatch, and Community Service Officer (additional purchase required for each FTO instance)
- Daily Observation Reports based on San Jose model
- Web-based system easily accessible through CAD systems
- Tracking of health of FTO program across departments
- Automated workflows based on Daily Observation Reports

Performance Reporting Historical Records Upload

This add-on service allows agencies to upload their historical records and attachments for the following modules from IAPRO-Blue Team applications into the corresponding modules within the Lexipol Performance Reporting solution:

- Internal Affairs
- Use of Force
- Vehicle Pursuits
- Employee Complaints/Compliments

Supplemental Publication Service

Lexipol's Supplemental Publication Service (SPS) streamlines the storage of your agency's content, giving you one place to access procedures, guidelines, general orders, training guides or secondary policy manuals.

- Electronically links department-specific procedural or supplemental content to your policy manual
- Provides electronic issuance and tracking for your agency's procedural or supplemental content
- Allows you to create Daily Training Bulletins against your procedural content
- Designed for standard operating guidelines, procedures, general orders or field guides

Accreditation Workbench - Premium

Managing the agency accreditation process is a complex task that requires intimate knowledge of policy and extreme attention to detail. Lexipol's Accreditation Workbench Premium provides your agency's Accreditation Manager access to content and tools that significantly reduce the time and effort required to successfully prepare for and execute an accreditation assessment

- Current standards for supported accreditation programs are preloaded and viewable
- Lexipol policies are pre-tagged to many applicable standards and your Accreditation Manager can easily add or modify tagging to meet your specific program needs

- Compliance checklists are preloaded for each standard clearly detailing required written directives and proofs of compliance (Accreditation Manager can also customize the checklists)
- Upload, store and organize proofs of compliance (e.g. documents, videos) in a preformatted electronic folder system that is based on how the accrediting body organizes standards and its accreditation review cycle
- Complete self-assessments by using analysis tools to identify gaps in required proofs of compliance
- Streamline assessment process by generating printed reports or showing the assessor compliance items stored in the online system

Lexipol Field Training Implementation Service

Lexipol's Field Training Standard Implementation Service provides subscribers with a basic introduction to the Field Training platform and its key features. The service includes essential setup and configuration, with customization limited to 10 hours or 90 days, whichever is completed first. The 90-day timeline begins on the date of the initial kickoff meeting. Standard packages for all customers will include the following:

- Configuration for two instances of FTO
- Configuration for 2 Daily Observation Report Templates
- Configuration of standard forms
 - Supervisor report
 - Field Training Manual
 - Field Training Checklist
- Configuration for PoliceOne Academy (platform only) testing functionality to support FTO testing

Training Tracking

Lexipol's Training Tracking solution, formerly known as METR, is a web-based application designed to assist law enforcement agencies in the tracking of employee training across in-person and virtual training events.

Features include:

- Employee training tracking
- Firearms training tracking
- Inventory tracking and management
- Training plan creation

Lexipol Performance Reporting Tier 2 Implementation Service

Lexipol's Performance Reporting Tier 2 Implementation Service provides your agency with the most comprehensive introduction to the platform and all its applications. This implementation service provides extensive setup and configuration within each of the applications within the Performance Reporting solution, limited to 50 hours or 120 days, whichever is completed first. The 120-day timeline begins on the date of the initial kickoff meeting. The Tier 2 service includes:

- Configuration changes against the standard forms in each module
- Configuration changes on the Command Center dashboards
- Training on the application
- Additional activities as required such as onboarding assistance, user setup, and testing

Exhibit C

Terms and Conditions of Service

These Terms and Conditions of Service (the "Terms") govern the rights and obligations of Lexipol, LLC ("Lexipol") and Agency under this Agreement. Lexipol and Agency may each be referred to herein as a "Party" and collectively as the "Parties."

1. Definitions. Each of the following capitalized terms will have the meaning included in this Section. Other capitalized terms are defined within their respective sections, below.

1.1 "Agency" means the department, agency, office, organization, company, or other entity purchasing and/or subscribing to Lexipol Services, as may be further denoted on the cover sheet to which these Terms are attached.

1.2 "Agency Data" means all data, information, and content owned by Agency for purposes of identifying authorized users, confirming departmental information, or which are ancillary to receipt of Lexipol Services.

1.3 "Agreement" means the combination of the cover sheet; Exhibit A ("Selected Services and Associated Fees"); Exhibit B (Description of Services); this Exhibit C ("Terms and Conditions of Service"); and any other documents attached hereto and expressly incorporated herein by reference.

1.4 "Custom Agreement Terms" refers to any contractual terms contained within Exhibit A to this Agreement. Custom Agreement Terms override and supersede the Terms contained in this Exhibit C.

1.5 "Initial Term" means the period beginning on the Initial Term Start Date and ending on the Initial Term End Date.

1.6 "Initial Term Start Date" is specified on the cover sheet and represents the first day of the Initial Term.

1.7 "Initial Term End Date" is specified on the cover sheet and represents the last day of the Initial Term.

1.8 "Lexipol Content" means all content in any format including but not limited to written content, images, videos, data, information, and software multimedia provided by Lexipol and/or its licensors via the Services.

1.9 "Services" means all products and services, including but not limited to all online services, software subscriptions, content licensing, professional services, and ancillary support services as may be offered by Lexipol and/or its affiliates.

1.10 "Sponsor Organization" means a governmental or quasi-governmental risk pool, joint powers authority, intergovernmental risk-sharing organization, or similar entity that provides risk management, insurance, claims administration, training, accreditation, policy, loss-control, financial sponsorship or related services to Agency.

2. Term; Renewals; Termination. This Agreement becomes enforceable upon signature by Agency's authorized representative(s), and effective as of the Initial Term Start Date. Unless Agency provides written notice of non-renewal to Lexipol as set forth below or as modified in Exhibit A, following the Initial Term, this Agreement will automatically renew in successive one-year periods (each, a "Renewal Term"). The Initial Term and all Renewal Terms collectively comprise the "Term" of this Agreement.

2.1 Non-Renewal. To avoid renewal of this Agreement or a specific Service, Agency must issue written notice to Lexipol at least sixty (60) days before the end of the then-current Term by emailing customersupport@lexipol.com. If a non-renewal notice is not timely received as required herein, Agency will be obligated to pay all Service fees for the applicable Renewal Term in accordance with this Agreement, regardless of whether Agency later provides notice of non-renewal or notice of termination.

2.2 Renewal Service Updates. At renewal, Agency may add and/or remove one or more Services (a "Service Update"). Any Service Update will be documented in an updated Exhibit A (Selected Services and Associated Fees) or other written confirmation issued by Lexipol and accepted by Agency, and the fees for the applicable Renewal Term will be adjusted accordingly. If Agency does not timely provide notice of a Service Update, the Services and fees in effect for the then-current Term will carry forward into the next Renewal Term. For clarity, a Service Update is not a termination of this Agreement.

2.3 Termination. Either Party may terminate this Agreement if (a) the other party materially breaches this Agreement and does not cure the breach within thirty (30) calendar days after receiving written notice, or (b) the other party makes an assignment for the benefit of creditors or becomes the subject of any bankruptcy, insolvency, or reorganization proceeding. For the avoidance of doubt, non-payment of fees owed under this Agreement constitutes a material breach hereof.

2.4 Effect of Expiration or Termination. Upon the expiration or termination of this Agreement for any reason, Lexipol may allow for limited ongoing access to the Services or suspend Agency's access if payments for Service fees remain outstanding. Termination or expiration of this Agreement shall not relieve either party from any obligation or liability that has accrued under this Agreement prior to the date of such termination or expiration, including payment obligations. For clarity, fees for any Renewal Term that begins due to Agency's failure to deliver timely notice of non-renewal are deemed fully earned and payable for that Renewal Term, subject only to any express refund or proration rights stated in this Agreement.

3. Fees; Invoicing. Lexipol will invoice Agency at the commencement of the Initial Term and thirty (30) days prior to the commencement of each Renewal Term, if applicable. Agency agrees to remit payment within thirty (30) calendar days of receipt of Lexipol's invoice. Payments may be made electronically through Lexipol's online customer portal or by mailing a check to Lexipol LLC at PO Box 676232 Dallas, TX 75267-6232 (Attn: Accounts Receivable). Agency is responsible for all third-party fees (e.g., wire fees, bank fees, credit card processing fees) incurred when paying electronically, and such fees are in addition to those listed on Exhibit A. Lexipol reserves the right to increase fees for Renewal Terms following notice to Agency. All fee amounts stated in Exhibit A are exclusive of taxes. Unless otherwise exempt, Agency is responsible for and will pay in full all taxes related to receipt of Lexipol's Services. If Agency is exempt, it must send its exemption certificate(s) to taxes@lexipol.com.

4. Terms of Service. The following provisions govern access to and use of specific Lexipol's Services:

4.1 Online Services. Lexipol's Online Services include all online services offered by Lexipol and its partners, affiliates, and licensors. Online Services include, without limitation, Lexipol's Policy Knowledge Management System ("KMS"), Learning Management System ("LMS"), Cordico wellness application(s), GrantFinder, Virtual Instructor-Led Training, and the LEFTA Systems suite of solutions (collectively, the "Online Services"). Note LMS Services include, but are not limited to, PoliceOne Academy, FireRescue1 Academy, EMS1 Academy, Corrections1 Academy, and LocalGovU.

4.2 Professional Services. Lexipol's Professional Services include those Services that are not part of Lexipol's Online Services and which require the direct, hands-on professional expertise of Lexipol personnel and/or contractors, including implementation support for policy manuals and software, technical support for online learning, accreditation consulting, grant writing, and projects requiring regular input from Lexipol's subject matter experts (collectively, "Professional Services"). Professional Services may also be referred to as "One-Time" Services on Exhibit A and may also include the provision of supplemental documentation from Lexipol's Professional Services team either with this Agreement or during the provision of Service. NOTE: Agency is responsible for submitting all information reasonably required by Lexipol's grant writing team in a timely manner and always at least five (5) days prior to each grant application submission date. Agency is responsible for submissions of final grant applications by grant deadlines. Failure to timely submit required materials to Lexipol's grant writing team will result in rollover of project fees to next grant application cycle, not a refund of fees. Requests for cancellation of grant writing services which have already begun will result in a 50% fee of the total value of the service.

4.3 Account Security. Access to Lexipol's Services is personal and unique to Agency. Agency shall not assign, transfer, or provide access to Lexipol Services to any third party without Lexipol's prior written consent. Agency is responsible for maintaining the security and confidentiality of Agency's usernames and passwords and the security of Agency's accounts. Agency will immediately notify Lexipol if Agency becomes aware that any person or entity other than authorized Agency personnel has used Agency's account or Agency's usernames and/or passwords. Any violation of this Section may be considered a material breach resulting in suspension of Service or termination of this Agreement by Lexipol.

4.4 Agency Data. Lexipol's use of Agency Data is limited to providing and improving the Services and Lexipol's offerings, retaining records in the regular course of business, and complying with applicable legal obligations. Without limiting the foregoing, Agency acknowledges and agrees that Lexipol may (a) share Agency Data among and between the Services (including across different Lexipol products, modules, and offerings) to enable provisioning, administration, support, analytics, reporting, interoperability, and product improvements; and (b) disclose Agency Data to Agency's Sponsor Organization(s) (if applicable) and their administrators, brokers, consultants, and service providers, solely to support Agency's participation in risk management, training, accreditation, policy, loss-control, claims, or related programs, and for reporting and benchmarking purposes, in each case to the extent permitted by applicable law. Lexipol will use commercially reasonable efforts to ensure the security of all Agency Data, including technical and organizational measures to protect Agency Data against unauthorized or unlawful processing and against accidental loss, destruction, damage, theft, alteration or disclosure. Lexipol will implement and maintain an information security program reasonably designed to protect Agency Data and consistent with prevailing industry standards for similarly situated service providers. Lexipol will notify Agency without undue delay, and in any event within three (3) days, after Lexipol confirms any unauthorized access to or acquisition of Agency Data in Lexipol's possession or control. For information related to Lexipol's information security programs, Agency may contact Lexipol's compliance team.

4.5 Intellectual Property. Lexipol's Services, and all Lexipol Content underlying such Services, are proprietary and, where applicable, protected under U.S. copyright, trademark, patent, and/or other applicable laws. When subscribing to Lexipol's Online Services, Agency and its authorized personnel receive a personal, limited, non-sublicensable and non-assignable license to access and use the Services in conformity with these Terms. Nothing contained in this Agreement, and no course of dealing,

shall be construed as conferring any right of ownership to Lexipol's Services or Lexipol Content. Lexipol Content may be incorporated into Agency's final policy manuals, including beyond the Term of this Agreement, but Agency may not otherwise share Lexipol Content with private, for-profit, or commercial third parties, or commercialize Lexipol Content in any way. Agency acknowledges and agrees that Lexipol shall have no responsibility to update the Lexipol Content used by Agency beyond the Term of this Agreement and that Lexipol hereby disclaims and shall have no liability whatsoever for Agency's reliance on or use of modified or derivative forms of Lexipol Content including, without limitation, any revision, abridgement, condensation, expansion, compilation, or any other form in which Lexipol Content, or any portion thereof, is recast, transformed, adapted, or modified from its original form. NOTE: AGENCY ACKNOWLEDGES AND AGREES THAT, PRIOR TO USE AND FINAL PUBLICATION, ALL AGENCY POLICIES AND DAILY TRAINING BULLETINS (DTBs) HAVE BEEN INDIVIDUALLY REVIEWED AND ADOPTED BY AGENCY. AGENCY ACKNOWLEDGES AND AGREES THAT IT, AND NOT LEXIPOL, IS CONSIDERED THE "POLICY MAKER" WITH REGARD TO EACH AND EVERY SUCH POLICY AND DTB.

4.6 Restrictions on Use of Third-Party Platforms (including AI) Agency will not upload, input, transmit, or otherwise provide any Lexipol Content (including any Agency policy manuals, drafts, DTBs, templates, or other materials that incorporate or are derived from Lexipol Content) to any third-party website, application, platform, or service (including any generative AI or machine learning model, tool, or service), except (a) as expressly permitted herein or separately in writing by Lexipol, or (b) to the extent required to publish Agency's final adopted policies for Agency's internal governmental use or public posting in the ordinary course, provided that such posting does not disclose Lexipol Confidential Information or trade secrets beyond what is embodied in Agency's final adopted policies. Without limiting the foregoing, Agency will not use any third-party platform in a manner that (i) trains, fine-tunes, or improves a third party's models on Lexipol Content, (ii) makes Lexipol Content available to other customers or users of that third party platform, or (iii) enables extraction of Lexipol Content except as part of Agency's final adopted policies. For clarity, this Section does not prohibit Agency from using generally available document storage, email, or collaboration platforms solely for internal operations, provided Agency does not authorize those platforms to train or improve models on Lexipol Content and restricts access to authorized users.

5. Confidentiality. Each Party may disclose information to the other Party that would be reasonably considered confidential including Agency Data (collectively, "Confidential Information"). Upon receiving such Confidential Information, each Party will: (a) limit disclosure of such Confidential Information to authorized representatives only; (b) advise its personnel and agents of the confidential nature of such Confidential Information and of the obligations set forth in this Agreement; and (c) not disclose any Confidential Information to any third party unless expressly authorized by the disclosing Party. Notwithstanding the foregoing, this section shall not operate to limit Agency's disclosure authority pursuant to a valid governmental, judicial, or administrative order, subpoena, regulatory request, Freedom of Information Act request, Public Records Act request, or equivalent, provided that Agency notifies Lexipol of such disclosure, to the extent practicable, such that Lexipol may seek to make such disclosure subject to a protective order or other appropriate remedy to preserve the confidentiality of Lexipol's Confidential Information and trade secrets.

6. Warranty. LEXIPOL WARRANTS THAT IT SHALL NOT KNOWINGLY INFRINGE THE INTELLECTUAL PROPERTY RIGHTS OF OTHERS; THAT ITS SERVICES ARE PROVIDED IN A PROFESSIONAL AND WORKMANLIKE MANNER IN ACCORDANCE WITH PREVAILING INDUSTRY STANDARDS; AND THAT THEY WILL MATERIALLY CONFORM TO THE APPLICABLE DESCRIPTION OF SERVICES IN EXHIBIT B DURING THE TERM. BEYOND THE FOREGOING, LEXIPOL'S SERVICES ARE PROVIDED "AS-IS" AND LEXIPOL DISCLAIMS ALL OTHER WARRANTIES, EXPRESS, IMPLIED, OR OTHERWISE.

7. Indemnification. Lexipol will indemnify, defend, and hold harmless Agency from and against any and all third-party claims, demands, suits, or proceedings and associated losses, liabilities, damages, judgments, settlements, penalties, fines, and reasonable attorneys' fees arising directly and solely out of Lexipol's acts or omissions in providing the Services. Agency must (a) promptly notify Lexipol in writing of any indemnified claim, (b) allow Lexipol to control the defense and settlement of the claim, and (c) reasonably cooperate with Lexipol. Lexipol will not settle any claim in a manner that imposes any admission of fault or ongoing obligation on Agency without Agency's prior written consent (not to be unreasonably withheld or delayed).

8. Limitation of Liability. Each Party's cumulative liability resulting from any claims, demands, or actions arising out of or relating to this Agreement shall not exceed the aggregate amount of fees paid by Agency to Lexipol during the twelve-month period immediately prior to the assertion of such claim, demand, or action. In no event shall either Party be liable for indirect, incidental, consequential, special, exemplary damages, or lost profits. Nothing in this Section limits a Party's obligation to pay amounts properly due and owing under this Agreement.

9. General Terms.

9.1 Entire Agreement. This Agreement embodies the entire agreement between the Parties and supersedes all prior agreements with respect to the subject matter hereof. No representation, promise, or statement of intention has been made

by either party that is not embodied herein. Terms and conditions set forth in any purchase order or other document that are inconsistent with or in addition to the terms and conditions set forth in this Agreement are rejected in their entirety and void regardless of when received, without further action. No amendment, modification, or supplement to this Agreement shall be binding unless it is made in writing and signed by both parties.

9.2 General Interpretation. The terms of this Agreement have been chosen by the parties hereto to express their mutual intent. This Agreement shall be construed equally against each party without regard to any presumption or rule requiring construction against the party who drafted this Agreement or any portion thereof.

9.3 Invalidity of Provisions. Each provision contained in this Agreement is distinct and severable. A declaration of invalidity or unenforceability of any provision or portion thereof shall not affect the validity or enforceability of any other provision. Should any provision or portion thereof be held to be invalid or unenforceable, the parties agree that the reviewing authority should endeavor to give effect to the parties' intention as reflected in such provision to the maximum extent possible.

9.4 Governing Law. Each party shall maintain compliance with all applicable laws, rules, regulations, and orders relating to its obligations pursuant to this Agreement. This Agreement shall be construed in accordance with, and governed by, the laws of the state in which Agency is located, without giving effect to any choice of law doctrine that would cause the law of any other jurisdiction to apply.

9.5 Assignment. This Agreement may not be assigned by either party without the prior written consent of the other. Notwithstanding the foregoing, this Agreement may be assumed by a party's successor in interest through merger, acquisition, or consolidation without additional notice or consent.

9.6 Waiver. Either party's failure to exercise, or delay in exercising, any right or remedy under any provision of this Agreement shall not constitute a waiver of such right or remedy.

9.7 Notices. Any notice required hereunder shall be in writing and shall be made by certified mail (postage prepaid) to known, authorized recipients at such address as each party may indicate from time to time. In addition, electronic mail (email) to established and authorized recipients is acceptable when acknowledged by the receiving party.



Lexipol Solutions Proposal
for Harlingen Police Department

Prepared for:

Lexipol LLC

Prepared by:

Markus Felix
mfelix@lexipol.com
(281) 957-1933

Lexipol LLC
2611 Internet Blvd., Ste. 120
Frisco, Texas 75034
www.lexipol.com

**AGENDA ITEM
EXECUTIVE SUMMARY**

7(c)

Meeting Date: **June 17, 2026**

Agenda Item:

Consideration and possible action to approve an ordinance on second and final reading to rezone from Not Designated ("N") District to Residential, Single Family ("R-1") District for 41.72 acres of land comprised of 39.59 acres out of Survey 140, L.L. Adams Subdivision, 1.58 acres out of Lot "A" and 0.55 acres out of Lot "B" of a Re-subdivision of Blocks 2 and 3, Survey 139 of Stuart Place Subdivision, located north of Beckham Road, approximately 882 feet east of Rodeo Drive. Applicant: Moore Land Surveying, LLC c/o Zarate Management, LLC. Attachment (**Planning & Development**).

Prepared By: Ana Hernandez, AICP, CNU-A
Title: Planning and Development Director/
Special Projects Director

Signature: *Ana Hernandez*

Brief Summary:

Project Timeline

- March 19, 2026 – Application for rezoning submitted (**ATTACHMENT I**).
- April 10, 2026 – 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.
- April 11, 2026 – In accordance with Statute and local law, notice of required public hearings published in the Valley Morning Star and mailed to all property owners within 200 feet of subject tract
- April 28, 2026 – Public hearing and consideration of requested rezoning by the Planning and Zoning Commission (P&Z).
- June 3, 2026 – Public hearing and consideration of requested rezoning via 1st ordinance reading scheduled before the City Commission.
- June 17, 2026 – 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 properties from Not Designated ("N") District to Residential, Single Family ("R-1") District to allow for the development of a single-family residential subdivision on the subject property.
- The subject property was annexed into the city limits in November 2008 and is currently vacant. The property has depth of 1,560 feet at its longest point and a width of 1193.09 feet comprising 41.72 acres of land. (**ATTACHMENT II-VII**).
- The surrounding properties are zoned Not Designated ("N") District to the north and west, and Residential, Single Family ("R-1") District to the east and south. (**ATTACHMENT II**). Surrounding land uses consist of vacant land, agriculture to the north and west and residential single-family use to the east. (**ATTACHMENT VI**).

- The Future Land Use Plan component of the Harlingen Horizon – A City on the Rise Comprehensive Plan designates this area as low density residential. The request is consistent with the Future Land Use Plan and consistent with the surrounding zoning and land use. (**ATTACHMENT VII**).
- To the present, the Planning and Development Department has not received any calls in opposition to the requested rezoning from surrounding property owners.

Funding (if applicable):

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

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

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

Staff Recommendation:

Staff recommends approval.

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

Comments:

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

Attachment I—Application

CITY OF HARLINGEN PLANNING AND DEVELOPMENT DEPARTMENT MASTER APPLICATION

PROPERTY INFORMATION (Please PRINT or TYPE)

Project Address BECKHAM RD Nearest Intersection ALTAS PALMAS & RODEO DR
 (Proposed) Subdivision Name ALTAS PALMAS PHASE II Lot 154 Block 1
 Existing Zoning Designation ND Future Land Use Plan Designation SF-1

OWNER/APPLICANT INFORMATION (Please PRINT or TYPE)

Applicant/Authorized Agent EMILIANO ROSEL Phone 956-929-1615 FAX _____
 Email Address (for project correspondence only) EROSL MLS@GMAIL.COM
 Mailing Address 14216 PALIS DR City LA FERIA State TX Zip 78552
 Property Owner ZARATE MANAGEMENT, LLC Phone 956-561-9587 FAX _____
 Email Address (for project correspondence only) _____
 Mailing Address 1992 DATE PALM DR City MERCEDES State TX Zip 78570

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

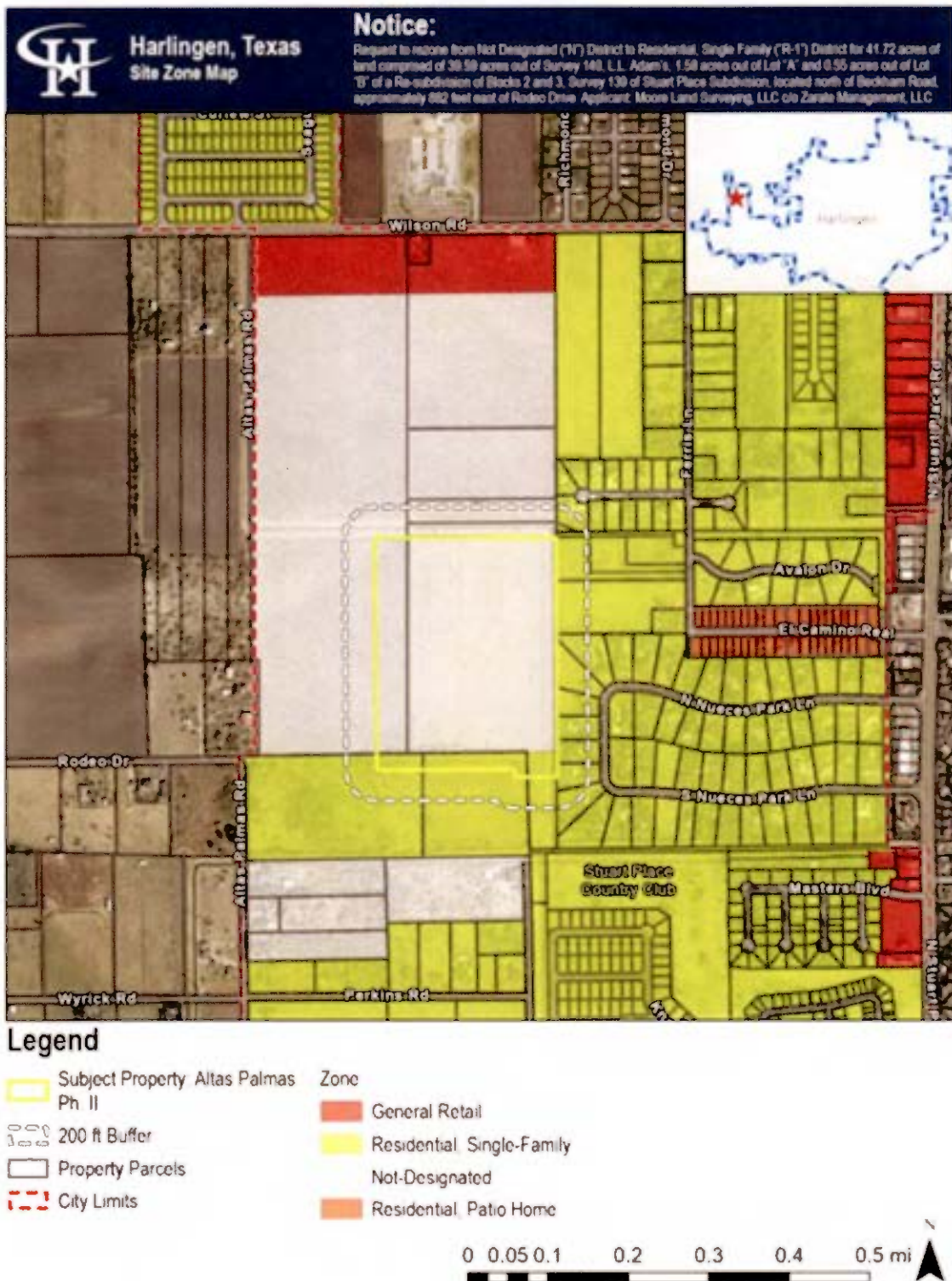
☐ Annexation Request	No Fee	☐ Preliminary Construction Plans and Final Plat	\$150.00
☐ Administrative Appeal (ZBA)	\$125.00	☐ Minor Plat	\$100.00
☐ Comp. Plan Amendment Request	\$250.00	☐ Re-Plat	\$250.00
☒ Re-Zoning Request	\$250.00	☐ Varying Plat	\$250.00
☐ Sub. Request/Extension	\$250.00	☐ Development Plat	\$50.00
☐ Zoning Variance Request (ZBA)	\$250.00	☐ Subdivision Variance Request	\$25.00 (each)
☐ POD Request	\$250.00	☐ Right of Way / Utility Easement Abandonment	No Fee
☐ License to Encroach	\$250.00		

Please provide a basic description of the proposed project PROPOSED 154 LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION

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

Applicant's Signature [Signature] Date 03/14/20
 Property Owner(s) Signature _____ Date _____
 Accepted by / Date _____

Attachment II—Legal Notice



[illegible]

Attachment IV

View to North from
Beckham Road vicinity

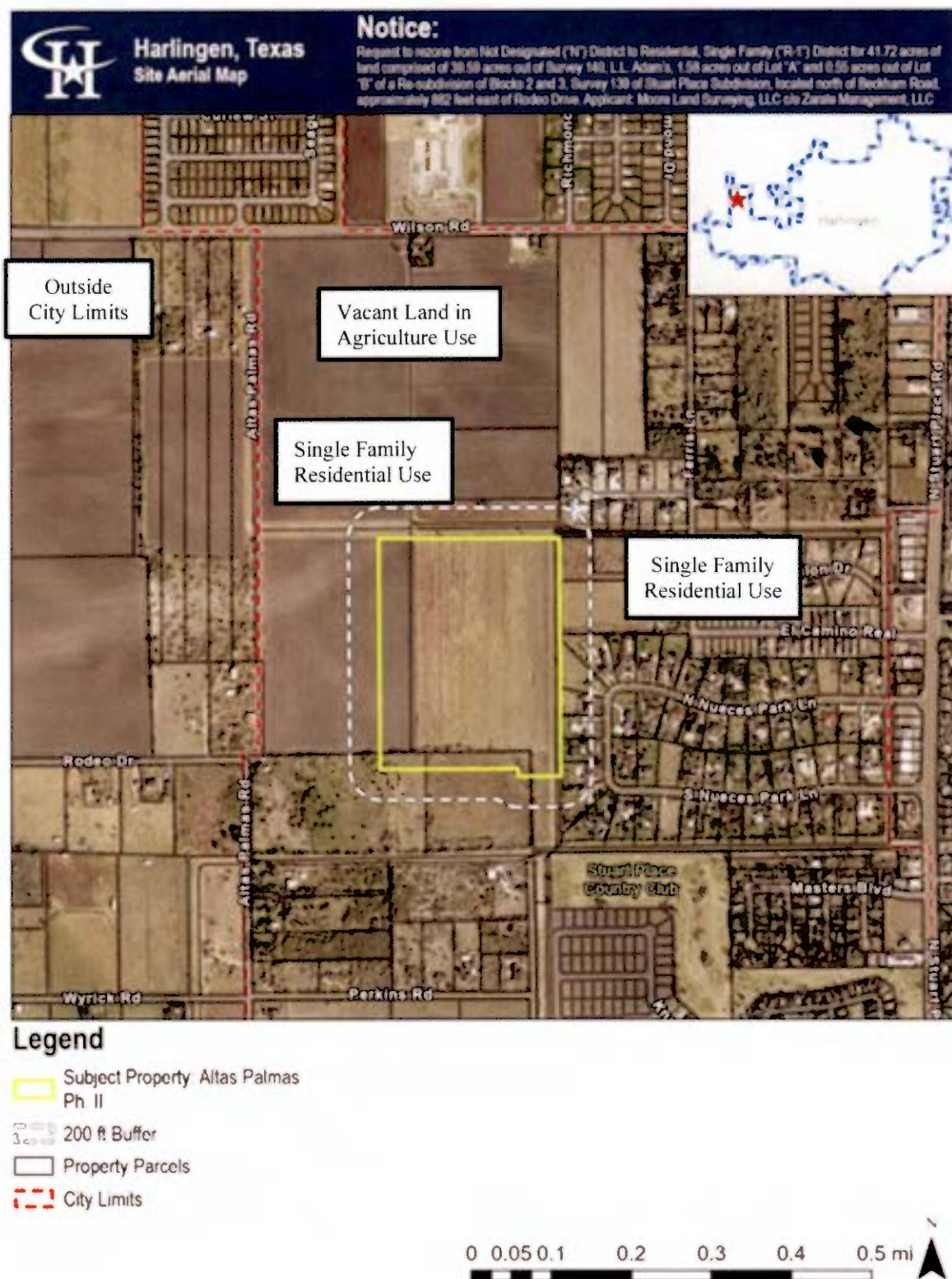


Attachment V-

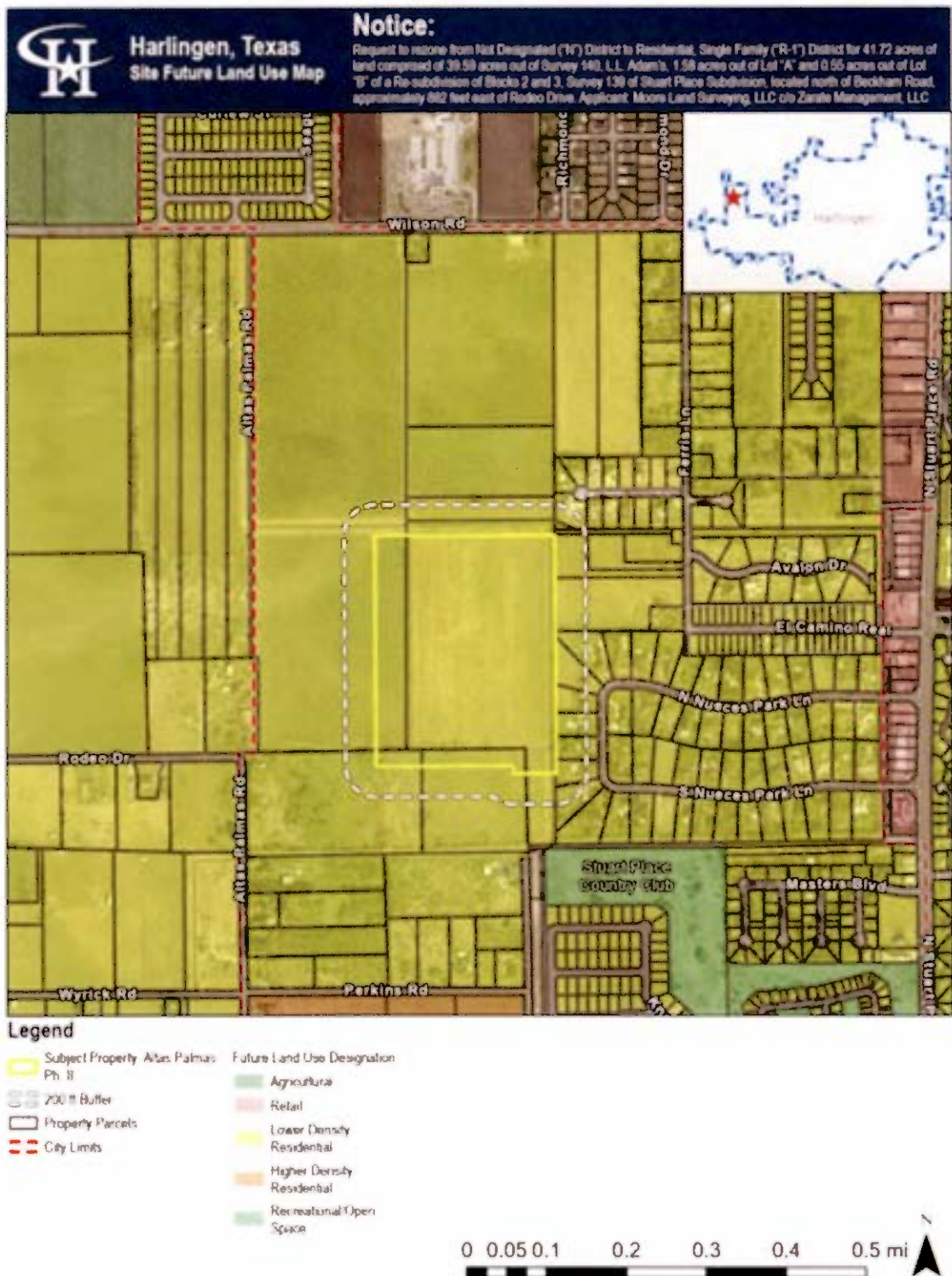
View east toward Nueces
Park Subdivision



Attachment VI—Aerial



Attachment VII—Future Land Use Map



ORDINANCE NO. 26-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: REZONING FROM NOT DESIGNATED ("N") DISTRICT TO RESIDENTIAL, SINGLE FAMILY ("R-1") DISTRICT FOR 41.72 ACRES OF LAND COMPRISED OF 39.59 ACRES OUT OF SURVEY 140, L.L. ADAMS, 1.58 ACRES OUT OF LOT "A" AND 0.55 ACRES OUT OF LOT "B" OF A RESUBDIVISION OF BLOCKS 2 AND 3, SURVEY 139 OF STUART PLACE SUBDIVISION, LOCATED NORTH OF BECKHAM ROAD, APPROXIMATELY 882 FEET EAST OF RODEO DRIVE.

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

BE IT ORDAINED BY THE CITY OF HARLINGEN

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

Rezoning from Not Designated ("N") District to Residential, Single Family ("R-1") District for 41.72 acres of land comprised of 39.59 acres out of Survey 140, L.L. Adams, 1.58 acres out of Lot "A" and 0.55 acres out of Lot "B" of a resubdivision of Blocks 2 and 3, Survey 139 of Stuart Place Subdivision, located north of Beckham Road, approximately 882 feet east of Rodeo Drive 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 _____, 2026 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.

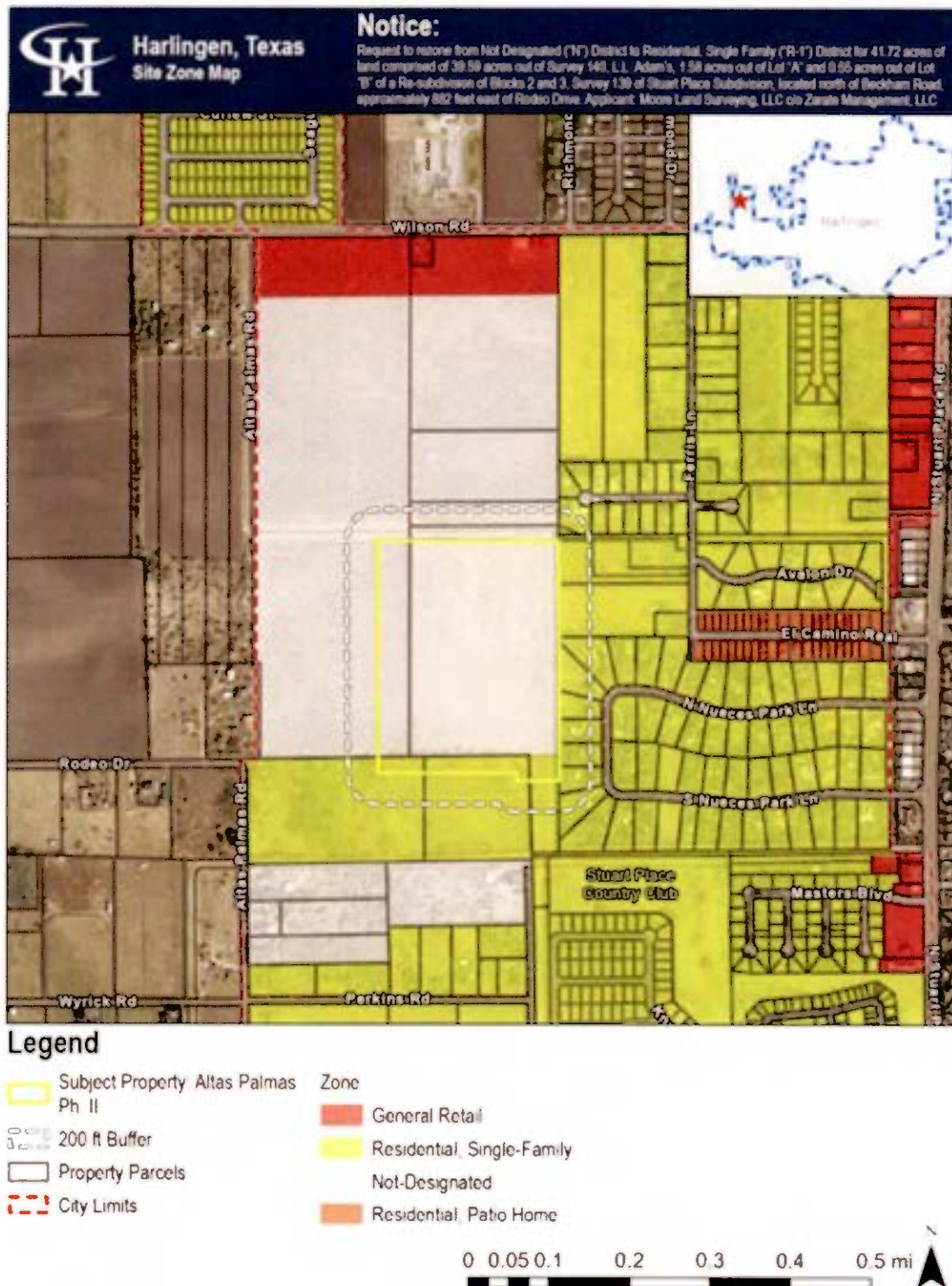
CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Mayra Herrera, City Secretary

EXHIBIT "A"



**AGENDA ITEM
EXECUTIVE SUMMARY**

7(f)

Meeting Date: **June 17, 2026**

Agenda Item:

Consideration and possible action to approve an ordinance on second and final reading to rezone from Not Designated ("N") District to Light Industry ("LI") District for 7.899 acres of land, more or less, out of Lot 16, Cunningham's Subdivision, located on the south side of Primera Road approximately 1,411.16 feet west of US 77 Frontage Road. Applicant: Orlando Campos, c/o Development Corporation of Harlingen. Attachment (**Planning & Development**).

Prepared By: Ana Hernandez, AICP, CNU-A
Title: Planning and Development Director/
Special Projects Director

Signature: *Ana Hernandez*

Brief Summary:

Project Timeline

- March 23, 2026 – Application for rezoning submitted to the City. (**ATTACHMENT I**).
- April 10, 2026 – In accordance with State and local law, notice of the required public hearing mailed to all property owners within a 200 feet radius of subject tract.
- April 11, 2026 – In accordance with State and local law, notice of the required public hearings was published in the Valley Morning Star.
- April 28, 2026 - Public hearing and consideration of the requested rezoning by the Planning and Zoning Commission (P&Z).
- June 3, 2026 – Public hearing and consideration of requested rezoning via 1st ordinance reading scheduled before the City Commission.
- June 17, 2026 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- The Development Corporation of Harlingen, the applicant and property owner, is requesting to rezone the subject property from Not Designated ("N") District to Light Industry ("LI") District to allow for light industrial use on the subject property as part of the Industrial Park at Roosevelt. (**ATTACHMENT II**).
- This property was annexed into the city limits of Harlingen on July 3, 2024.
- The irregular shaped property is currently vacant and not subdivided. The property has 247.90 feet of frontage on Primera Road and depth of 954.50 feet at its longest point. Primera Road is a four lane with a center turning lane 56-foot-wide paved street.

- The surrounding properties are zoned Light Industry ("LI") District to the south, and Planned Development ("PD") District for residential use to the east. North, northeast and west properties are located in Primera city limits. The surrounding land uses consist of residential use to the north and west, a church and a proposed residential subdivision to the east, and the proposed Industrial Park and Roosevelt to the south. **(ATTACHMENT II and V).**
- The Future Land Use Plan (FLUP) component of the Harlingen Horizon – A City on the Rise Comprehensive Plan shows this area as institutional use. Although the request is not consistent with the Future Land Use Plan, it is consistent with the proposed industrial use to the south. It also has frontage on a 56-foot wide four lane (with a center turning lane) paved street, with direct access to Interstate 69 E. **(ATTACHMENT IX).**
- To the present, the Planning and Zoning Department has not received any opposition to the requested rezoning.

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.

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

Comments:

City Attorney's approval: *[Signature]* ☒ Yes ☐ No ☐ N/A

Attachment I

CITY OF HARLINGEN PLANNING AND ZONING DIVISION MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address Lot 16 Cunningham's Subd Nearest Intersection Primera Rd + US 70 Frontage Rd
(Proposed) Subdivision Name INDUSTRIAL PARK AT ROOSEVELT Lot _____ Block _____
Existing Zoning Designation NONE Future Land Use Plan Designation LIGHT INDUSTRIAL

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent ORLANDO CAMPOS Phone 956-216-5081 FAX NONE
Email Address (for project correspondence only): OCAMPOS@HARLINGENEDC.COM
Mailing Address 2424 BOWWOOD ST. City HARLINGEN State TX Zip 78550
Property Owner DEV. CORP. OF HARLINGEN Phone 956-216-5081 FAX NONE
Email Address (for project correspondence only): OCAMPOS@HARLINGENEDC.COM
Mailing Address 2424 BOWWOOD ST. 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:

PROPERTY WAS ANNEXED INTO CITY BUT NEVER ZONED.
FUTURE USE WILL BE LIGHT INDUSTRIAL

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

Applicant's Signature [Signature] Date 3/10/26

Property Owner(s) Signature [Signature] Date 3/10/26

Accepted by _____ Date _____

Attachment I cont.

RE-ZONING REQUEST
SUBMITTAL CHECKLIST

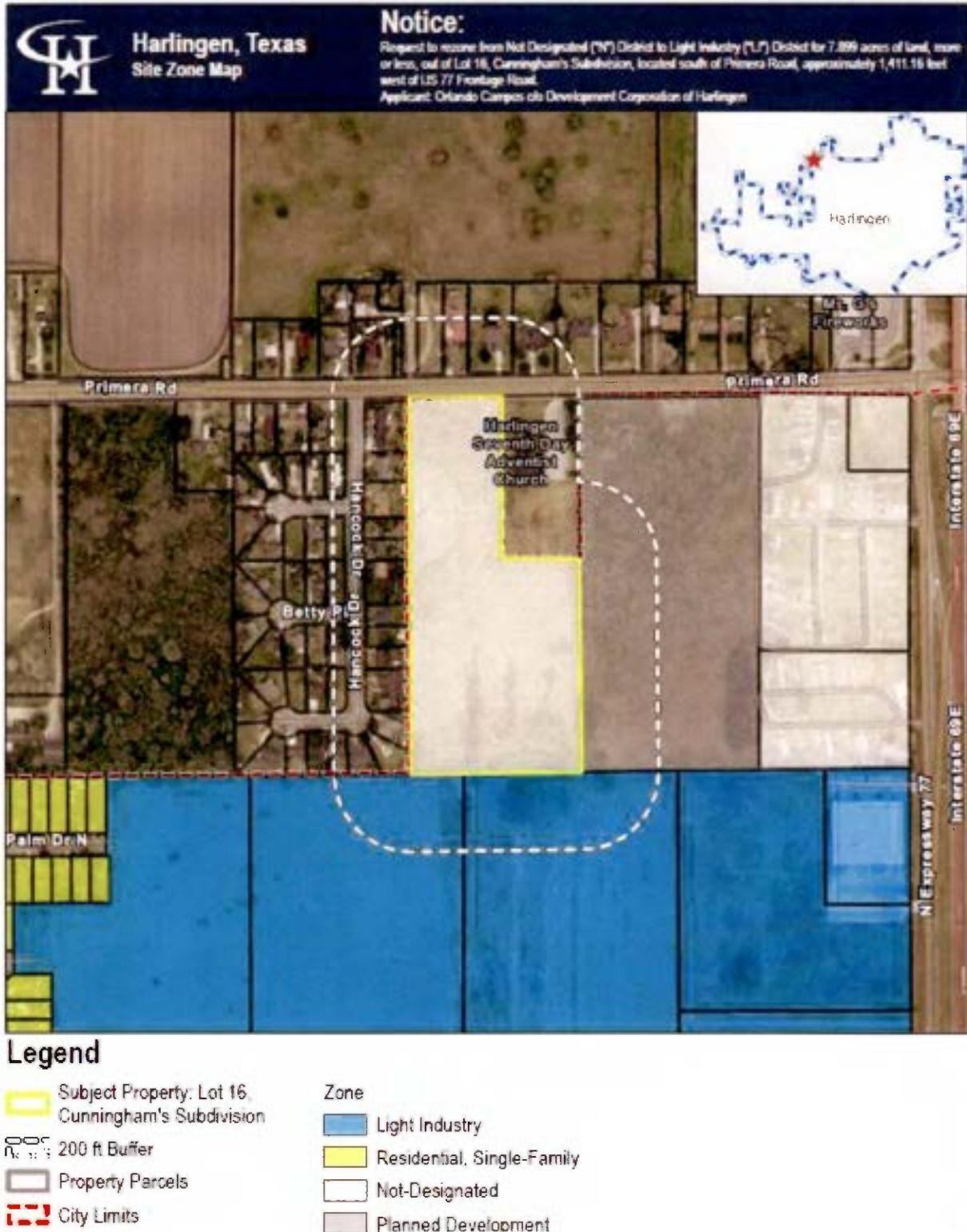
Please submit the following items along with the completed master application and appropriate fees. The project cannot be scheduled for consideration unless all items are marked complete. Citations come from the Zoning Ordinance.

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:
 - o A notice will be published in the Valley Morning Star describing the request and the date, time, and location of the public hearing; and
 - o Notices will be mailed to all property owners within 200 feet of the tract describing the request and the date, time, and location of the public hearing.
 - I understand that while all requirements for the submittal of a re-zoning request may be complete, the City Commission is the sole authority for the consideration and approval or denial of the request.

Owner: DEVELOPMENT CORP. OF HARLINGEN Date: 3/10/26
Owner Address: 2424 BOXWOOD ST.; SUITE 125; HARLINGEN, TX 77550
Phone/Fax: (956) 216-5081
Signature: 

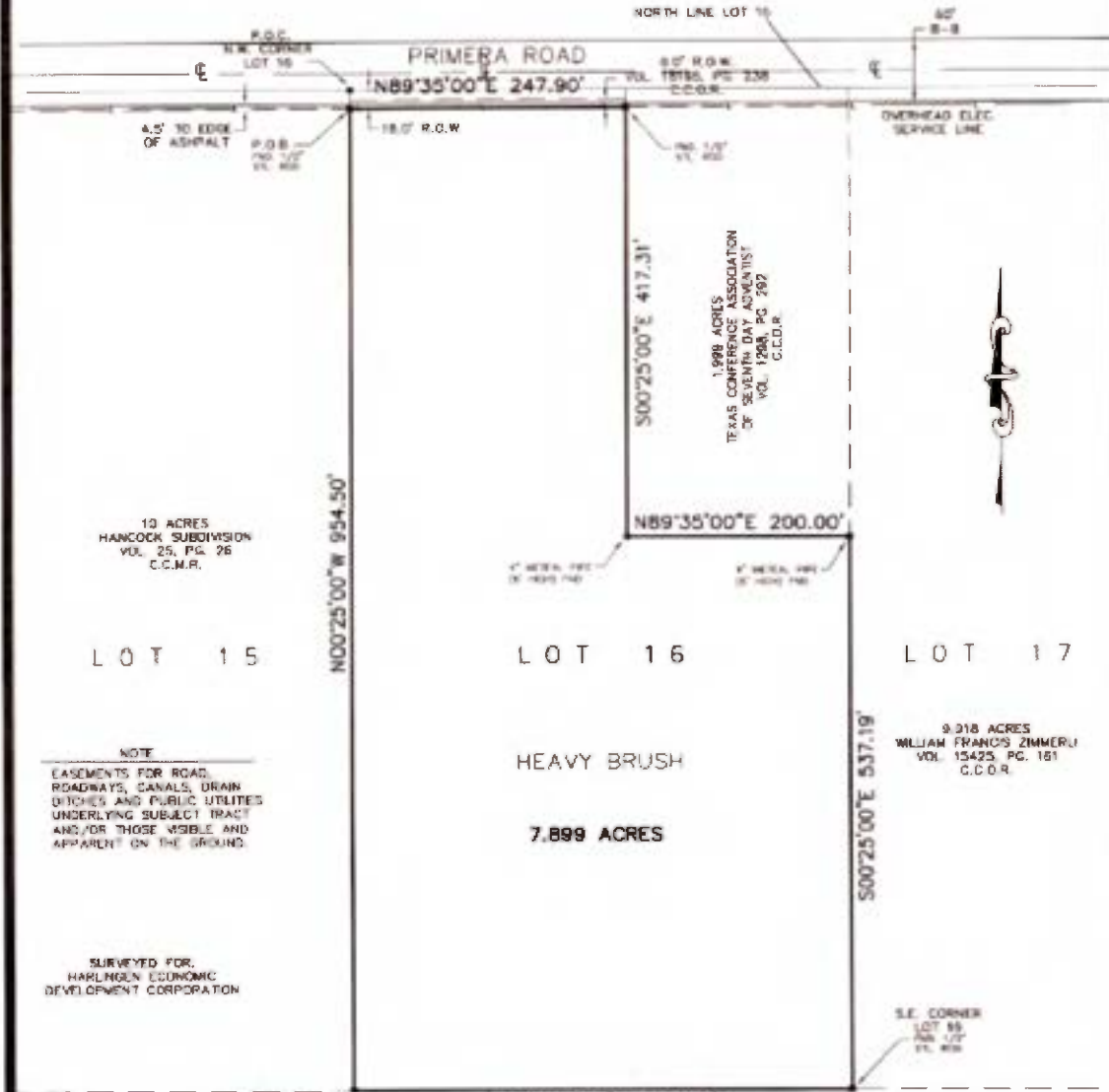
Attachment II



Attachment III

BASIS OF BEARINGS:
CUNNINGHAM'S SUBDIVISION
A FLOOD MAP FOR THE COMMUNITY
HAS NOT BEEN PUBLISHED.

SEE ATTACHED METES & BOUNDS FOR
A MORE PARTICULAR DESCRIPTION OF
THIS 7.899 ACRE TRACT OF LAND.



SURVEY PLAT OF
A 7.899 ACRE TRACT OF LAND, MORE OR LESS,
OUT OF LOT SIXTEEN (16), CUNNINGHAM'S
SUBDIVISION, CITY OF PRIMERA, CAMERON
COUNTY, TEXAS AS RECORDED IN VOLUME 2,
PAGE 35 OF THE CAMERON COUNTY MAP
RECORDS.

SCALE 1"=100' **APRIL 21, 2016**

CENTERLINE SURVEYING
Victor Baniuelos, R.P.L.S.
1205 W. Jackson, Suite B
P.O. Box 1148
Harlingen, Tx 78551
(956) 778-9391 (956) 428-4014

18.56 ACRES
UNN MATERIALS LLC
VOL. 5907, PG. 152
C.C.O.R.

20 ACRES
ABEL & LIDIA LONGORIA
VOL. 15534, PG. 289
C.C.O.R.

VICTOR BANIUELOS
REGISTERED PROFESSIONAL LAND
SURVEYOR IN THE STATE OF TEXAS. DO HEREBY CERTIFY
THAT THIS SURVEY PLAT WAS PREPARED FROM RESEARCH
INFORMATION, AND FROM AN ACTUAL SURVEY OF THE PROPERTY
MADE ON THE GROUND, UNDER MY SUPERVISION, AND THAT
PROPER SURVEYING CONSIDERATION HAS BEEN GIVEN TO
THIS PLAT. ALL DISTANCES ARE IN FEET.

Victor Baniuelos
VICTOR BANIUELOS R.P.L.S., #3889

DATE: 4-21-16 **JOB NO.:** 2893-18

Attachment IV

View from the North
on Primera Road



Attachment V

View from the East
on Primera Road



View from the West
on Primera Road



Attachment VI



Legend

- Subject Property: Lot 16, Cunningham's Subdivision
- 200 ft Buffer
- Property Parcels
- City Limits

Attachment VII



Harlingen, Texas Site Future Land Use Map

Notice:

Request to rezone from Not Designated (ND) District to Light Industry (LI) District for 7,000 acres of land, more or less, out of Lot 16, Cunningham's Subdivision, located south of Primera Road, approximately 1,411.16 feet west of US 77 Frontage Road.
Applicant: Orlando Campos aka Development Corporation of Harlingen



Legend

- | | |
|--|---|
| Subject Property: Lot 16, Cunningham's Subdivision | Future Land Use Designation: Agricultural |
| 200 ft Buffer | Retail |
| Property Parcels | Institutional |
| City Limits | Lower Density Residential |
| | Higher Density Residential |

ORDINANCE NO. 26-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: REZONING FROM NOT DESIGNATED ("N") DISTRICT TO LIGHT INDUSTRY ("LI") DISTRICT FOR 7.899 ACRES OF LAND, MORE OR LESS, OUT OF LOT 16, CUNNINGHAM'S SUBDIVISION, LOCATED ON THE SOUTH SIDE OF PRIMERA ROAD, APPROXIMATELY 1,411.16 FEET WEST OF US 77 FRONTAGE ROAD.

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

BE IT ORDAINED BY THE CITY OF HARLINGEN

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

Rezoning from Not Designated ("N") District to Light Industry ("LI") District for 7.899 acres of land, more or less, out of Lot 16, Cunningham's Subdivision, located on the south side of Primera Road, approximately 1,411.16 feet west of US 77 Frontage Road, 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 _____, 2026 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:

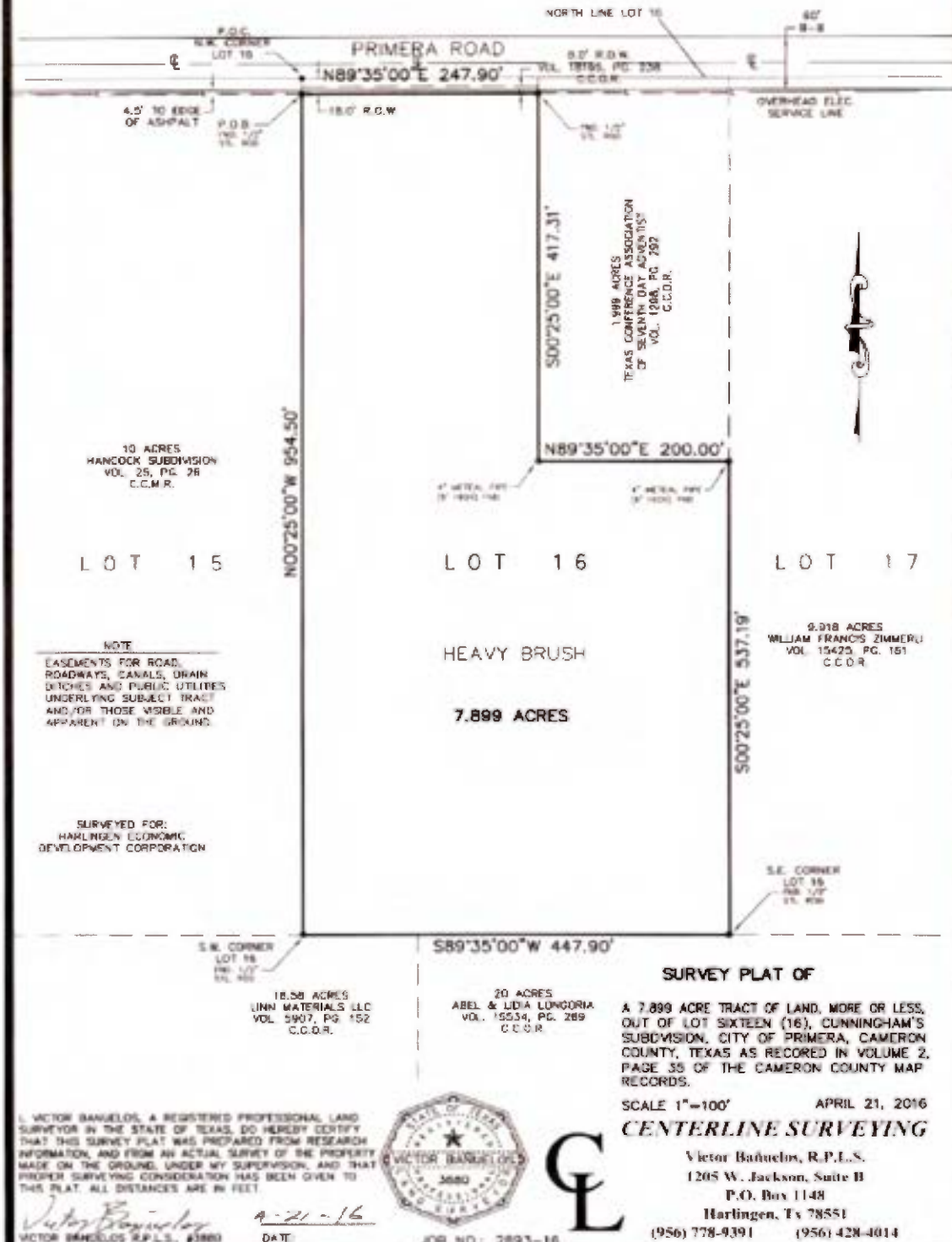
Mayra Herrera, City Secretary

EXHIBIT "A"

BASIS OF BEARINGS:
CUNNINGHAM'S SUBDIVISION

A FLOOD MAP FOR THE COMMUNITY
HAS NOT BEEN PUBLISHED

SEE ATTACHED METES & BOUNDS FOR
A MORE PARTICULAR DESCRIPTION OF
THIS 7.899 ACRE TRACT OF LAND.



**AGENDA ITEM
EXECUTIVE SUMMARY**

7(9)

Meeting Date: **June 17, 2026**

Agenda Item:

Consideration and possible action to approve an ordinance on second and final reading for a request for a Special Use Permit (SUP) to allow a food truck park in Light Industry ("LI") District, located at 6121 FM 106, bearing a legal description of Lot 3, Block 2, Arroyo View Subdivision. Applicant: Tim Pust. Attachment (**Planning & Development**).

Prepared By: Ana Hernandez, AICP, CNU-A
Title: Planning and Development Director/
Special Projects Director

Signature: *Ana Hernandez*

Brief Summary:

Project Timeline

- April 22, 2026 – Application for Special Use Permit (SUP) submitted to the City. (**ATTACHMENT I**)
- May 8, 2026 – In accordance with State and local law, notice of required public hearings mailed to all property owners within 1000 feet of subject tract.
- May 16, 2026 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- May 26, 2026 - Public hearing and consideration of requested Special use permit by the Planning and Zoning Commission (P&Z).
- June 3, 2026 – Public hearing and consideration of requested SUP via 1st ordinance reading scheduled before the City Commission.
- June 17, 2026 – 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, a Food Truck Park in a Light Industry ("LI") District requires the approval of a Special Use Permit (SUP) by the City Commission.
- Tim Puth, the applicant, is requesting a special use permit to allow a Food Truck Park with a maximum of 12 food trucks to be located at 6121 FM 106. (**ATTACHMENT II AND III**).
- There is an existing 2,400 square foot warehouse on the property with a commissary. The subject property has 250.00 feet of frontage on FM 106 and a depth of 604.81 at its longest point.
- Based on the site plan and the information submitted by the applicant, the proposed food truck park is to be located at Broosters on the northern section of the property. The proposed days and hours of operation are Sunday through Thursday from 5pm – 10pm and Friday and Saturday 3pm – 2am. A total of 286 parking spaces are required for the proposed development. Approximately 66 parking spaces are shown on the submitted site plan. The remaining 220 parking spaces required would be accommodated on the adjacent property to the east through a shared parking agreement with the property owner. The warehouse on the property houses the commercial kitchen operations for Broosters. (**ATTACHMENT III and IV**).

- Adjacent zoning is Light Industry (LI) District in all directions. The surrounding land uses consist of Trailboss Enterprises to the north, warehouses to the east and west and to the south is vacant land in the County. **(ATTACHMENTS V and VI).**
- The City of Harlingen Building Inspections Division, Fire Prevention Bureau, Health Department, and Police Department reviewed the Special Use Permit application. These departments reported no objection to the proposed request, subject to the applicant submitting a complete set of construction plans for review and complying with all applicable City of Harlingen codes and ordinances. **(ATTACHMENTS VII-IX).**
- The applicant shall obtain and maintain all required State and City permits applicable to the proposed use.
- At this time, the Planning and Zoning Department has not received any objections to the request from surrounding property owners.
- The Future Land Use Component of the Harlingen Horizon – A City on the Rise, Comprehensive Plan, designates this area as Industrial.
- In accordance with the zoning ordinance, the Planning and Zoning Commission and City Commission may impose additional requirements or conditions of approval, as deemed necessary, to ensure that the use requested through the Special Use Permit (SUP) is compatible with and complementary to adjacent properties.

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

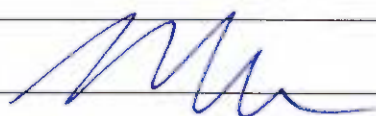
Staff Recommendation:

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

1. Obtaining and maintaining all required State and City permits;
2. Providing and maintaining the required parking in accordance with City regulations;
3. Hours of operation shall be Sunday through Thursday 5pm – 10pm and Friday and Saturday 3pm – 2am;
4. Providing video surveillance with a minimum thirty-day video retention period; and
5. Complying with all applicable requirements administered by the Planning and Zoning Division, Building Inspections Division, Fire Prevention Bureau, Health Department, and Police Department.

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

Comments:

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

Attachment I – Application

CITY OF HARLINGEN PLANNING & DEVELOPMENT DEPARTMENT | PLANNING DIVISION

MASTER APPLICATION FORM

Submit applications:

In person: Planning and Development Department, 502 E. Tyler Avenue, Harlingen, Texas 78550

Email: Planning@harlingentx.gov. Questions? Call (956) 216-5101.



PROPERTY OWNER INFORMATION

Property Owner Name (If entity, attach supporting documentation): Tim Rust & ~~Harriet~~ Rose

Property Owner Phone: (956) 536-9190 Property Owner Email: perla.2435@gmail.com

Property Owner Address: 6121 FM 1016 Harlingen TX 78550

APPLICANT/AUTHORIZED REPRESENTATIVE INFORMATION (If different from owner)

☒ Applicant is the same as Property Owner (skip section below)

Applicant Name: _____ Applicant Phone: _____

Applicant Email: _____

Applicant Address: _____

PROPERTY INFORMATION

Project Address: 6121 FM 1016 Harlingen TX 78550

Property/GEO ID: _____ (If unknown, look up ID at [Cameron County Appraisal District](#))

Legal Description of Property (Lot, Block, Subdivision, as shown on deed or survey): _____

Current Zoning: _____ (If unknown, check our [Interactive Zoning Map](#) or have staff verify your zoning)

Proposed Zoning: _____ (If unknown, visit or call the Planning Division staff)

Current Land Use: _____

DESCRIPTION OF REQUEST

Provide a brief description (What are you requesting? What will be built or changed? Why is this request needed?):

Food Truck Park

Select Application Type (Select all that apply):

Land Use Changes

- ☐ Rezoning Request - \$250
- ☒ Special Use Permit - \$250
- ☐ Planned Development District - \$250
- ☐ Voluntary Annexation Request/Initial Zoning - \$0
- ☐ Comprehensive Plan Amendment Request - \$250

Zoning Board of Adjustment (ZBA)

- ☐ Zoning Variance Request (ZBA) - \$250
- ☐ Zoning Special Exception (ZBA) - \$250
- ☐ Administrative Appeal (ZBA) - \$125

Subdivision/Platting:

- ☐ Preliminary Construction Plans/Final Plat - \$150
- ☐ Replat - \$250
- ☐ Vacating Plat - \$50
- ☐ Subdivision Variance - \$25 (each)

Other Requests:

- ☐ License to Encroach - \$250
- ☐ Right-of-Way/Utility Easement Abandonment - \$0

REQUIRED ATTACHMENTS

Note: Incomplete applications will not be accepted or scheduled for review.

Required for ALL Applications:

- A. Application Fee (Check or card only. No cash accepted)
- B. Valid Photo ID

Attachment I – Application

CITY OF HARLINGEN PLANNING & DEVELOPMENT DEPARTMENT | PLANNING DIVISION

- C. Warranty Deed
- D. Authorization Letter from Owner (if applicant is not the owner)
- E. Entity documents

Rezoning:

- A. Written statement describing the proposed use(s) of the subject property
- B. Survey/Survey Plat
- C. Metes & Bounds description of the tract(s) in which the rezoning is requested

Special Use Permit/PDD:

- A. Written statement describing the proposed use(s) of the subject property
- B. Site plan showing the proposed development of the property, including existing and proposed: building footprints and building heights (or buildable areas for single and two-family residential), locations of proposed uses, ingress and egress to/from property, streets in compliance with the City's Long Range Thoroughfare Plan, sidewalks, utilities, drainage, and parking spaces, etc.
- C. Any other information (elevation drawings/pictures) in support of the request

Zoning Variance Request (ZBA)/Special Exception/ Administrative Appeals:

- A. Written statement describing the requested variance and an explanation of the special conditions that result in the unnecessary hardship for which the variance or special exception is requested.
- B. Written statement describing the purpose of the request (For Administrative Appeals Only).
- C. Site Plan showing existing and proposed development of the property in question.

Preliminary Construction Plans/Final Plat/Replat:

- A. Please contact the Planning Division for the full checklist compliant with Chapter 109 - Subdivisions and the Subdivision Development Guide (SDG) referenced in Sec. 109-127(1) and Sec. 109-128(b)
- B. Plats must be submitted simultaneously to Texas Gas, AEP, AT&T, Charter Spectrum, Magic Valley Electric, Cameron County (CC) Appraisal District, CC Transportation Department, Harlingen Irrigation District, HCISD Operations, CC Drainage District, CC Irrigation District, and the U.S. Post Office.

Right-of-Way/Utility Easement Abandonment/License to Encroach:

- A. Written statement describing the purpose of the request
- B. Survey
- C. Metes & Bounds description
- D. Letter of Clearance from utility companies, including Harlingen WaterWorks System, Texas Gas, AEP, AT&T, Charter Spectrum, Magic Valley Electric, Harlingen Irrigation District, CC Drainage District, and CC Irrigation District.
- E. Appraisal Report (Appraiser must be approved by City) (For ROW abandonment only).

Voluntary Annexation:

- A. Written petition by owner(s) requesting annexation
- B. Survey
- C. Metes & Bounds description

CERTIFICATION

- ☒ I certify that I am the property owner or the duly authorized agent of the owner for the purposes of this application.
- ☒ I further certify that I have read this application and that all information provided is true, correct, and complete. I understand that any false or incorrect information may result in the revocation of any permit or approval issued by the City of Harlingen.
- ☒ I understand that meeting all application requirements does not guarantee approval, and that the City Commission is the sole authority responsible for the approval or denial of this request.
- ☒ I acknowledge that additional information may be requested by the City to process this application.

(Both signatures are required if the applicant is not the owner.)

Property Owner Name & Signature: _____

Date: 04/22/2026

Authorized Representative Name & Signature: _____

Date: 04/22/2026

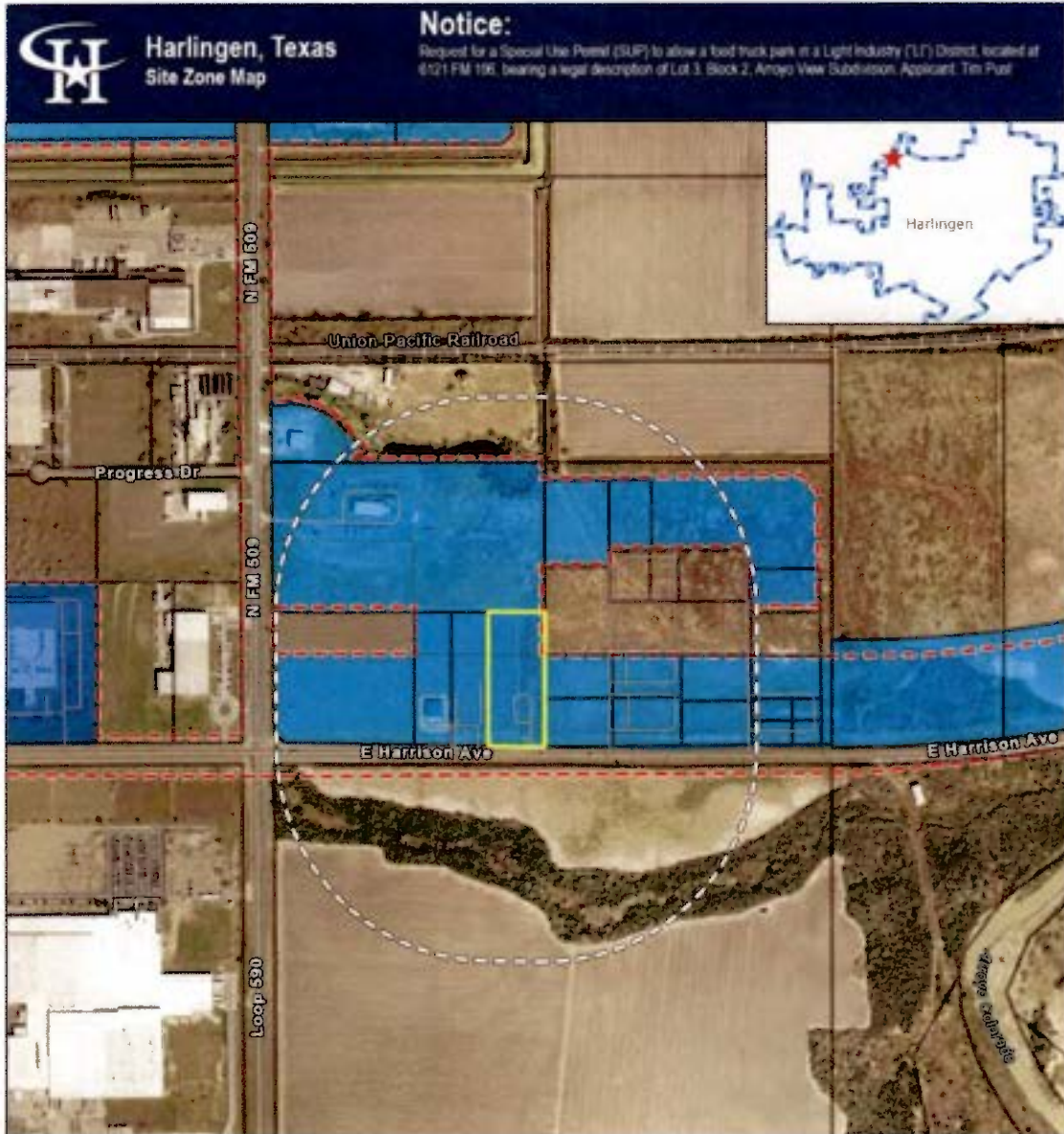
OFFICE USE ONLY

Date Submitted: 4/22/24
Case #: Sup-2026-01

Date Deemed Complete: 4/28/24
Receipt #: 14340

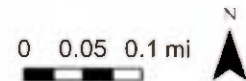
Application Fee Paid: \$2501.50
Received By (initials): [signature]

Attachment II – Zoning Map



Legend

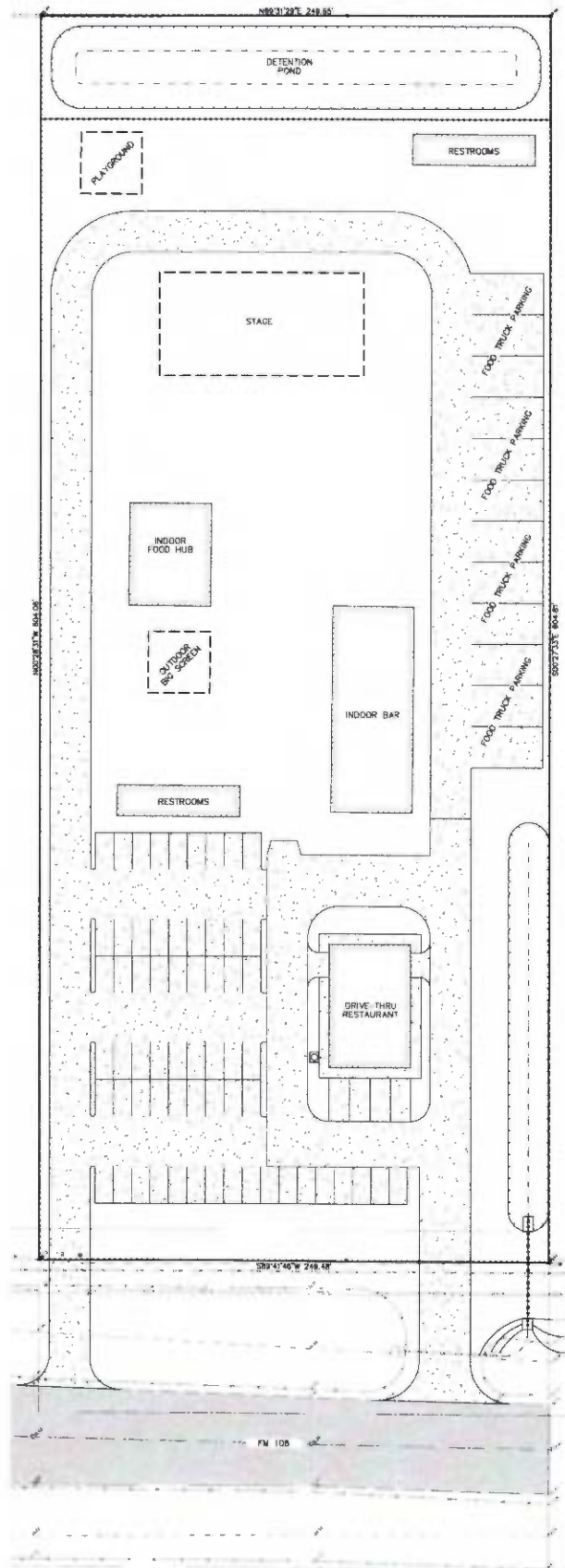
- | | |
|-------------------------------|----------------|
| Subject Property: 6121 FM 106 | Zone |
| 1000 ft Buffer | Heavy Industry |
| City Limits | Light Industry |
| Property Parcels | |



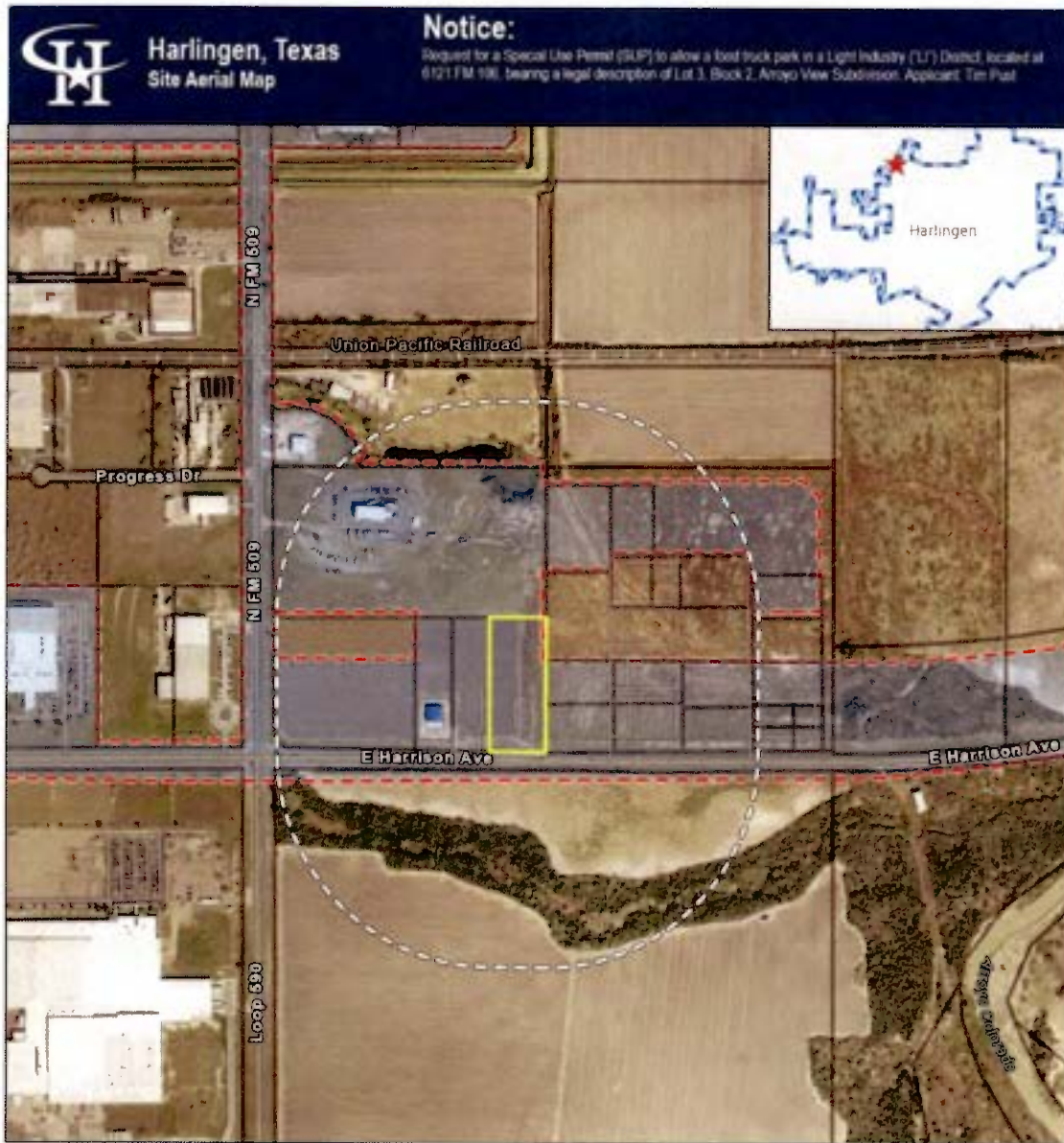
Attachment III – Street View



Attachment IV – Site Plan

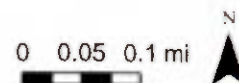


Attachment V – Aerial View



Legend

- Subject Property: 6121 FM 106
- 1000 ft Buffer
- City Limits
- Property Parcels





Specific Use Permit ("SUP") Routing Slip

Applicant: Tim Pust

Phone No.: (956) 536-9190

Location: 6121 FM 106 (Broosters)

Project Description: Request for a Special Use Permit (SUP) to allow a food truck park in a Light Industry ("LI") District, located at 6121 FM 106, bearing a legal description of Lot 3, Block 2, Arroyo View Subdivision.

Department: Building Permits and Inspections Division

Approval: ☐ YES ☐ NO ☒ PENDING

Comments: If request is approved by the Planning Department, A Building Permit application, a site plan and construction documents must be submitted to the Building Department for review. The construction documents must comply with the 2024 International Building Code and Family of Codes.

Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of the 2024 International Building Code and family of Codes as necessary to ensure public health, safety and general welfare. Any use of electrical equipment, extension cords, wires or such shall be installed and or placed in accordance with 2023 NEC or Manufacture Installation Instructions. A site survey of the area will be required for any safety hazards.

Raul Rodriguez
Signature

05/18/2026
Date



Specific Use Permit ("SUP") Routing Slip

Applicant: Tim Pust

Phone No.: (956) 536-9190

Location: 6121 FM 106 (Broosters)

Project Description: Request for a Special Use Permit (SUP) to allow a food truck park in a Light Industry ("LI") District, located at 6121 FM 106, bearing a legal description of Lot 3, Block 2, Arroyo View Subdivision.

Department: HARLINGEN POLICE DEPT.

Approval: / YES NO

Comments:


Alfredo Alvarado BSCJ, CPM
Chief of Police

5/15/26
Date

Attachment VIII – Building Inspections



Specific Use Permit ("SUP") Routing Slip

Applicant: Tim Pust

Phone No.: (956) 536-9190

Location: 6121 FM 106 (Broosters)

Project Description: Request for a Special Use Permit (SUP) to allow a food truck park in a Light Industry ("LI") District, located at 6121 FM 106, bearing a legal description of Lot 3, Block 2, Arroyo View Subdivision.

Department: Fire Prevention Bureau

Approval: X YES NO

Comments: **The site plan needs updating for the project. Applicant will have to meet any code, regulation, ordinance, and standard required for permit.**

Fire Marshal Juan Saucedo Jr.

Juan Saucedo Jr.

Date: May 15, 2026



Specific Use Permit ("SUP") Routing Slip

Applicant: Tim Pust

Phone No.: (956) 536-9190

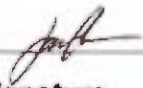
Location: 6121 FM 106 (Broosters)

Project Description: Request for a Special Use Permit (SUP) to allow a food truck park in a Light Industry ("LI") District, located at 6121 FM 106, bearing a legal description of Lot 3, Block 2, Arroyo View Subdivision.

Department: Health

Approval: ☒ YES ☐ NO

Comments: Will review plans when they are submitted and add my comments at that time.



Signature

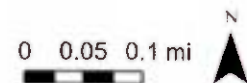
5-15-2026 _____
Date

Attachment X – Future Land Use Map



Legend

- | | |
|-------------------------------|---|
| Subject Property: 6121 FM 106 | Future Land Use Designation: Agricultural |
| 1000 ft Buffer | Industrial |
| City Limits | Lower Density Residential |
| Property Parcels | Recreational/Open Space |



AN ORDINANCE AMENDING THE CODE OF ORDINANCES (ORDINANCE NO. 16-8) OF THE CITY OF HARLINGEN: TO ISSUE A SPECIAL USE PERMIT (SUP) TO TIM PUTH TO ALLOW A FOOD TRUCK PARK IN A LIGHT INDUSTRY (LI) DISTRICT LOCATED AT 6121 FM 106, BEARING A LEGAL DESCRIPTION LOT 3, BLOCK 2, ARROYO VIEW SUBDIVISION.

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

BE IT ORDAINED BY THE CITY OF HARLINGEN

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

To issue a Special Use Permit (SUP) to Tim Puth to allow a Food Truck Park in a Light Industry (LI) District located at 6121 FM 106, bearing a legal description of Lot 3, Block 2, Arroyo View Subdivision as shown in Exhibit "A" subject to:

1. Obtaining and maintaining all required State and City permits;
2. Providing and maintaining the required parking in accordance with City regulations;
3. Hours of operation shall be Sunday through Thursday 5pm – 10pm and Friday and Saturday 3pm – 2am;
4. Providing video surveillance with a minimum thirty-day video retention period; and
5. Complying with all applicable requirements administered by the Planning and Zoning Division, Building Inspections Division, Fire Prevention Bureau, Health Department, and Police Department.

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 _____, 2026 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

Site plan of the proposed outdoor event space at the intersection of FM 106 and Highway 281. The plan shows a large paved area with various facilities:

- DETENTION POND** (top center)
- PLAYGROUND** (top left)
- RESTROOMS** (top right)
- STAGE** (center top)
- INDOOR FOOD HUB** (center left)
- OUTDOOR BBQ SCREEN** (center left, below food hub)
- INDOOR BAR** (center right)
- RESTROOMS** (center left, below food hub)
- DRIVE-THRU RESTAURANT** (bottom center)
- TRUCK PARKING** (multiple areas on the right side)

Dimensions and coordinates are provided for the site boundaries:

- Top boundary: $N89^{\circ}31'29''E$ 249.65'
- Left boundary: $S92^{\circ}28'31''W$ 854.50'
- Right boundary: $S92^{\circ}27'33''E$ 854.81'
- Bottom boundary: $S89^{\circ}41'45''W$ 249.48'

FM 106 is labeled at the bottom of the plan.

**AGENDA ITEM
EXECUTIVE SUMMARY**

7(h)

Meeting Date: **June 17, 2026**

Agenda Item:

Consideration and possible action to approve an ordinance on second and final reading to rezone from Not Designated ("N") District to Residential, Mobile Home ("MH") District for 6.143 acres of land out of Block 18, R.A. Cunningham's Subdivision, located on the southeast corner of Primera Road and US-77 Frontage Road. Applicant: Joleigh Ares. Attachment (***Planning & Development***).

Prepared By: Ana Hernandez, AICP, CNU-A
Title: Planning and Development Director/
Special Projects Director

Signature: *Ana Hernandez*

Brief Summary:

Project Timeline

- May 1, 2026 – Application for rezoning submitted to the City. (**ATTACHMENT I**).
- May 7, 2026 – In accordance with State and local law, notice of the required public hearing mailed to all property owners within a 200 feet radius of subject tract.
- May 9, 2026 – In accordance with State and local law, notice of the required public hearings was published in the Valley Morning Star.
- May 26, 2026 - Public hearing and consideration of the requested rezoning by the Planning and Zoning Commission (P&Z).
- June 3, 2026 – Public hearing and consideration of requested rezoning via 1st ordinance reading scheduled before the City Commission.
- June 17, 2026 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- Joleigh Aries, the applicant, is requesting to rezone the subject property from Not Designated ("N") District to Residential, Mobile Home ("MH") District to establish the zoning of the property consistent with the current mobile home and recreational vehicle land use. (**ATTACHMENT II**).
- This property was annexed into the city limits of Harlingen in 1985.
- There is an existing mobile home park on the subject property under the name of Big Sky Mobile Home Park. The property has 405 feet of frontage on Primera Road and depth of 670 feet at its longest point. Primera Road is a four lane 48-foot wide paved street. (**ATTACHMENT III-VI**).
- The surrounding properties are zoned Not Designated ("N") and Light Industry ("LI") District to the south, and Planned Development ("PD") District for residential use to the west. North of the subject property is located in Primera city limits. The

surrounding land uses consist of Mr. G's Fireworks Factory Outlet to the north, a mobile home and recreational vehicle park to the south, and a proposed residential subdivision to the west. **(ATTACHMENT VII)**.

- The Future Land Use Plan (FLUP) component of the Harlingen Horizon – A City on the Rise Comprehensive Plan shows this area as low density residential. Although the request is not consistent with the Future Land Use Plan, it is consistent with the mobile home and recreational vehicle land use to the south of the subject property. **(ATTACHMENT VIII)**.
- To the present, the Planning and Zoning Department has not received any opposition to the requested rezoning.

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:

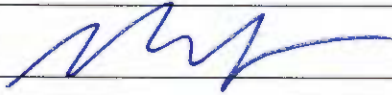
Finance Director's approval: ☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval.

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

Comments:

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

Attachment I

MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address 18506 Primera Nearest Intersection Primera and Frastage
 (Proposed) Subdivision Name Survey - Cunningham . 714 Acres Lot Block 13
 Existing Zoning Designation NO Future Land Use Plan Designation Mobile home park

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Joleigh Ares Phone 208-352-3779 FAX
 Email Address (for project correspondence only): joleighares@yahoo.com
 Mailing Address PO Box 654 City Llano State TX Zip 78663
 Property Owner Phone FAX
 Email Address (for project correspondence only): joleighares@yahoo.com
 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/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> |
| ☒ <u>Pre-zoning Request</u> <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:

rezone property for mobile home park usage
currently zone no

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: Joleigh Ares Date: 4/9/26
 Property Owner(s) Signature: [Signature] Date: APRIL 30th, 2026
 Accepted by: Date:



Attachment IV

View from the Northeast on
Expressway 77 and Primera
Road



Attachment V

View from the East
on Expressway 77



Attachment VI

Current Aerial View of
Mobile Home Park

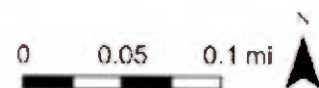


Attachment VII

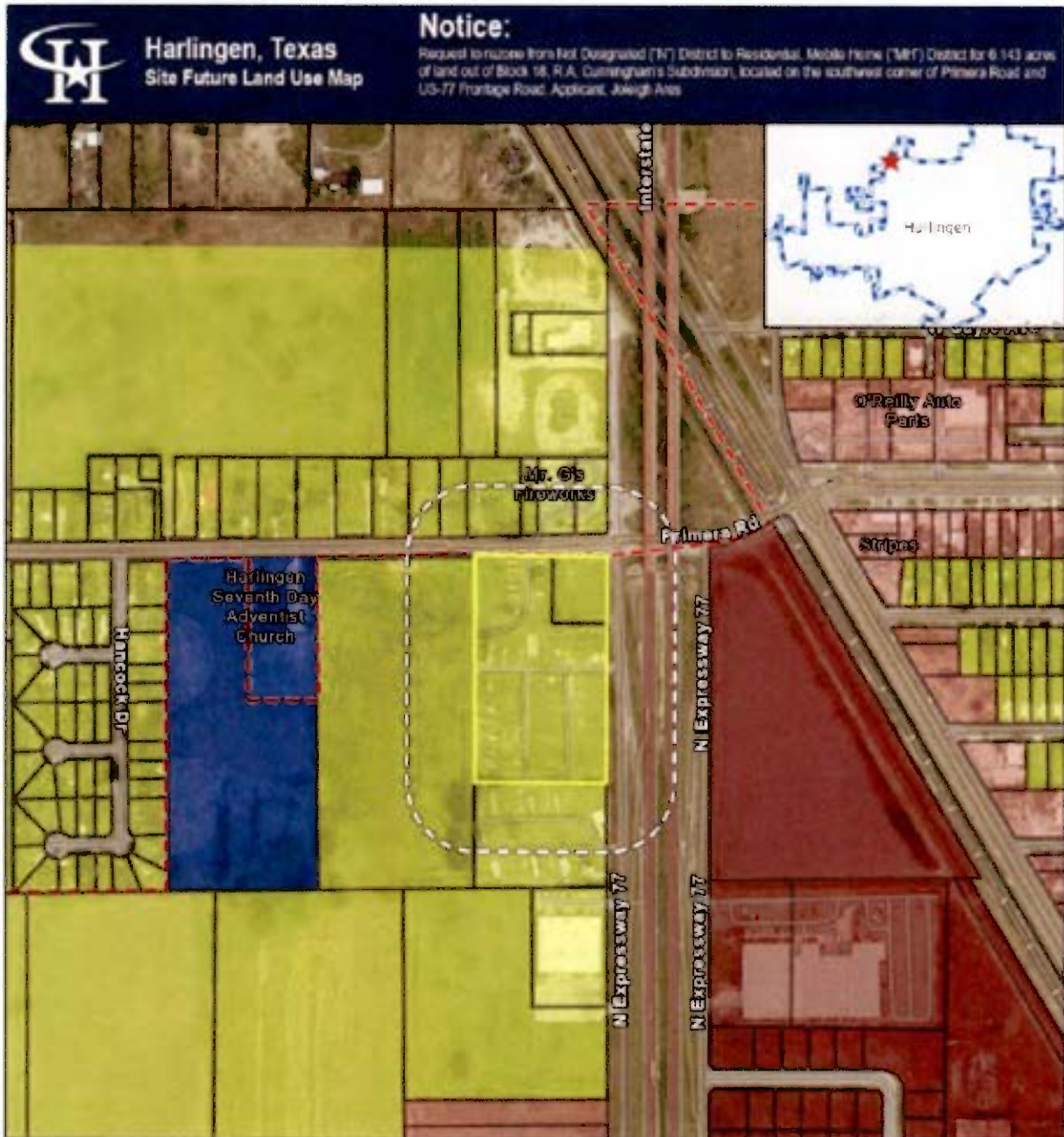


Legend

- Subject Property: 6.143 acres of Block 18, R.A. Cunningham's Subdivision
- 200 ft Buffer
- City Limits
- Property Parcels

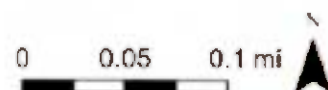


Attachment VIII



Legend

- | | |
|---|---|
| <p>Subject Property: 6.143 acres of Block 18, R.A. Cunningham's Subdivision</p> <p>200 ft Buffer</p> <p>City Limits</p> <p>Property Parcels</p> | <p>Future Land Use Designation</p> <p>Agricultural</p> <p>Retail</p> <p>Mixed Use</p> <p>Institutional</p> <p>Lower Density Residential</p> |
|---|---|



ORDINANCE NO. 26-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: REZONING FROM NOT DESIGNATED ("N") DISTRICT TO RESIDENTIAL, MOBILE HOME ("MH") DISTRICT FOR 6.143 ACRES OF LAND OUT OF BLOCK 18, R.A. CUNNINGHAM'S SUBDIVISION, LOCATED ON THE SOUTHWEST CORNER OF PRIMERA ROAD AND US-77 FRONTAGE ROAD

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

BE IT ORDAINED BY THE CITY OF HARLINGEN

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

Rezoning from Not Designated ("N") District to Residential, Mobile Home ("MH") District for 6.143 acres of land out of Block 18, R.A. Cunningham's Subdivision, located on the southwest corner of Primera Road and US 77 Frontage Road, 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 _____, 2026 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"



**AGENDA ITEM
EXECUTIVE SUMMARY**

9 (2)

Meeting Date: **June 17, 2026**

Agenda Item:

Public hearing for a Special Use Permit (SUP) to allow an adult business (microblading studio) in a General Retail ("GR") District, located at 310 S. Eye Street, bearing a legal description of Lots 6 and 7, Block 1, Benoist Subdivision. Applicant: Daisy Nieto. Attachment (***Planning & Development***)

Prepared By: Ana Hernandez, AICP, CNU-A
Title: Planning and Development Director/
Special Projects Director

Signature: *Ana Hernandez*

Brief Summary:

Project Timeline

- May 14, 2026 – Application for Special Use Permit (SUP) submitted to the City. (**ATTACHMENT I**)
- May 21, 2026 – In accordance with State and local law, notice of required public hearings mailed to all property owners within 200 feet of subject tract.
- May 23, 2026 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- June 9, 2026 - Public hearing and consideration of requested Special use permit by the Planning and Zoning Commission (P&Z).
- June 17, 2026 – Public hearing and consideration of requested SUP via 1st ordinance reading scheduled before the City Commission.
- July 1, 2026 – 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 (microblading studio) in a General Retail ("GR") District requires the approval of a Special Use Permit (SUP) by the City Commission.
- Daisy Nieto, the applicant, is requesting a special use permit to allow a microblading studio in an existing 480 square foot suite located at 310 S. Eye Street. (**ATTACHMENT II AND III**).
- Based on the site plan and information submitted, the applicant is proposing to operate Monday – Saturday from 8am – 6pm, under the name of Brows by Daisy. The intended use is for a microblading/brow studio. Two (2) parking spaces are required, and twenty-seven (27) spaces are provided in the common parking area to the south of the property. (**ATTACHMENT III and IV**).
- Adjacent zoning is General Retail ("GR") District in all directions. The surrounding land uses consist of commercial suites to the west, vacant commercial land to the east, a parking lot and Rental World to the south, and to the north is vacant commercial land. (**ATTACHMENTS V and VI**).
- The City of Harlingen Building Inspections Division, Fire Prevention Bureau,

Health Department, and Police Department reviewed the Special Use Permit application. These departments reported no objection to the proposed request, subject to the applicant submitting a complete set of construction plans for review and complying with all applicable City of Harlingen codes and ordinances. **(ATTACHMENTS VII-IX).**

- The applicant shall obtain and maintain all required State and City permits applicable to the proposed use.
- At this time, the Planning and Zoning Department has not received any objections to the request from surrounding property owners.
- The Future Land Use Component of the Harlingen Horizon – A City on the Rise, Comprehensive Plan, designates this area as retail. The proposed use is consistent with the Future Land Use Plan.
- In accordance with the zoning ordinance, the Planning and Zoning Commission and City Commission may impose additional requirements or conditions of approval, as deemed necessary, to ensure that the use requested through the Special Use Permit (SUP) is compatible with and complementary to adjacent properties.

Funding (if applicable):

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

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

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

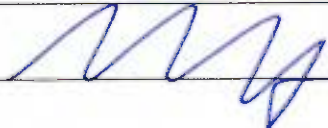
Staff Recommendation:

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

1. Obtaining and maintaining all required State and City permits;
2. Providing and maintaining the required parking in accordance with City regulations;
3. Hours of operation shall be Monday through Saturday 8am – 6pm; and
4. Complying with all applicable requirements administered by the Planning and Zoning Division, Building Inspections Division, Fire Prevention Bureau, Health Department, and Police Department.

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

Comments:

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

PLANNING AND ZONING COMMISSION
June 9, 2026

ACTION ITEMS/PUBLIC HEARINGS

- 1) Public hearing and take action to consider a request for a Special Use Permit (SUP) to allow an adult business (microblading studio) in a General Retail (“GR”) District located at 310 S. Eye Street, bearing a legal description of Lots 6 and 7, Block 1 Benoist Subdivision. Applicant: Daisy Nieto.**

City Planner Soledad Núñez presented the request for a Special Use Permit as follows:

- The Legal Notice Map with the Subject Property highlighted was used to present the item.
- An Aerial View of the Subject Property was presented.
 - Ms. Núñez stated that the applicant is proposing to operate a microblading studio out of a four hundred and eighty (480) square foot suite located at 310 S. Eye Street.
 - Based on the Site Plan provided [and] in the [meeting] packet, Ms. Nieto is proposing to operate Monday through Saturday, 8:00 a.m. to 6:00 p.m. under the business name “Brows by Daisy”.
 - The service being offered are microblading - tattoo eyebrows, dip brows, [and] everything having to do with eyebrows.
 - Ms. Núñez referred to the Aerial View, pointing out what used to be Johnny’s True Value, which is now vacant, to east is the common parking area lot, [there are] parking lots to the south, Rental World to the west, commercial properties to the west as well, and vacant property to the south.
 - Based on the Site Plan provided, two (2) parking spaces are required and there are twenty-seven (27) parking spaces in the common parking area to the south of the property.
 - As mentioned, the adjacent zoning is General Retail (GR) in all directions.
 - The City of Harlingen’s Building Division, Fire Prevention Bureau, Police Department and Health Department all reviewed the application and the request
- An Aerial View of the Common Parking Area [Behind 310 S. Eye [St]] to the south was presented.
 - The parking area will accommodate parking for the business.
 - Ms. Núñez stated that all departments recommended approval subject to the applicant obtaining all her state and city permits.
 - Staff did not receive any calls of inquiry and no calls in opposition from the surrounding properties owners.
 - The Future Land Use Plan of the Harlingen Horizon: A City on the Rise comprehensive plan designates this area as mixed-use so it does fall within that category.
- The Site Plan provided by the applicant was presented. Ms. Núñez stated that the Site Plan was included in the meeting packet.
- A Street View from South Eye Street was presented. Ms. Núñez pointed out the middle suite that the applicant intends to occupy.

- The Future Land Use Map was presented.
- Staff is recommending approval of the Special Use Permit request subject to the conditions that the applicant -
 - Obtain and maintain all her State and City permits;
 - Provide all the required parking in accordance with City regulations;
 - [Keep to the] Hours of Operation, Monday through Saturday, 8 a.m. to 6 p.m.; and
 - Complies with all the requirements set forth by the different division departments.
- Ms. Núñez asked if there were any questions. She informed the Board that the applicant was also present.

Vice Chairman Sanchez asked if there were any questions for Staff. The Board indicated they had no questions. The Vice Chairman stated that the item has a Public Hearing and proceeded.

The Public Hearing was opened. The Vice Chairman asked if there was anybody present that would like to speak in favor or against this application. Vice Chairman Sanchez paused for a response and upon hearing and seeing none, the Public Hearing was closed.

Vice Chairman Sanchez stated that he would entertain a motion. Cmr. Cantu made the motion to approve. Cmr. Peña seconded the motion. The motion was moved to a vote. The motion passed [unanimously].

**AGENDA ITEM
EXECUTIVE SUMMARY**

9(b)

Meeting Date: **June 17, 2026**

Agenda Item:

Public hearing for a rezoning request from Neighborhood Services ("NS") District to Residential, Patio Home ("RPH") District for Lot C-1, Block 1, Dixieland Crossing Subdivision, located on the south side of Garrett Road, approximately 795.17 feet west of Dixieland Road. Applicant: Moore Land Surveying, LLC c/o CJE Construction. Attachment **(Planning & Development)**.

Prepared By: Ana Hernandez, AICP, CNU-A
Title: Planning and Development Director/
Special Projects Director

Signature: *Ana Hernandez*

Brief Summary:

Project Timeline

- May 7, 2026 – Application for rezoning submitted (**ATTACHMENT I**).
- May 21, 2026 – 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 23, 2026 – In accordance with Statute and local law, notice of required public hearings published in the Valley Morning Star and mailed to all property owners within 200 feet of subject tract
- June 9, 2026 – Public hearing and consideration of requested rezoning by the Planning and Zoning Commission (P&Z).
- June 17, 2026 – Public hearing and consideration of requested rezoning via 1st ordinance reading scheduled before the City Commission.
- July 1, 2026 – 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 Neighborhood Services ("NS") District to Residential, Patio Home ("RPH") District to allow for the development garden homes/patio homes on the subject property.
- The subject property is currently vacant and has approximately 1,540 feet of frontage along Garrett Road with a depth of 456.26 feet. The property was originally platted as a single lot within the larger Dixieland Crossing Subdivision and is now proposed to be replatted into ten (10) lots to accommodate the development of garden homes/patio homes. (**ATTACHMENT II-VII**).
- Patio home zoning is intended to accommodate the development of single-family and duplex-family units on lots no smaller than 4,000 square feet. In the case of the Dixieland Crossing Replat, the developer is proposing single-family lots only.

- The surrounding properties are zoned Planned Development ("PD") District to the north and Residential, Single-Family ("R-1") District to the east, west, and south (**ATTACHMENT II**). Surrounding land uses consist of vacant land to the south and east, and single-family residential uses to the north and west (**ATTACHMENT VI**)
- The Future Land Use Plan component of the Harlingen Horizon – A City on the Rise Comprehensive Plan designates this area as low density residential. The request is consistent with the Future Land Use Plan and consistent with the surrounding zoning and land use. (**ATTACHMENT VII**).
- To date, the Planning and Development Department has received inquiries from two citizens regarding the requested rezoning; however, no calls or correspondence in opposition to the rezoning request have been received from surrounding property owners.

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.

City Manager's approval:

CLG

☐ Yes ☐ No ☒ N/A

Comments:

City Attorney's approval:

[Signature]

☐ Yes ☐ No ☐ N/A

PLANNING AND ZONING COMMISSION
June 9, 2026

ACTION ITEMS/PUBLIC HEARINGS

- 2) Public hearing and take action to consider a request to rezone from Neighborhood Services (“NS”) District to Residential, Patio Home (“RPH”) District for Lot C-1, Block 1, Dixieland Crossing Subdivision, located on the south side of Garrett Road, approximately 795.17 feet west of Dixieland Road. Applicant: Moore Land Surveying, LLC c/o CJE Construction.**

City Planner Soledad Núñez presented the request to rezone as follows:

- The Legal Notice Map with the Subject Property highlighted was used to present the item.
 - Ms. Núñez shared the request was to allow for the development of ten (10) patio homes.
 - The property was subdivided under the name of Dixieland Crossing and is currently undergoing the replat process for the Subject Area.
 - The property has approximately a thousand, five hundred and forty feet of frontage on Garret Road.
 - The [Subject Property] is being replatted into ten (10) individual lots for patio homes.
- An Aerial View of the Subject Property was presented.
 - The entire tract was Dixieland Crossing Portion. The portion that is being replatted was identified. There is vacant land to the east and the south and then residential subdivisions to the west and to the north.
- The Final Plat of the proposed replat was presented. Ms. Núñez pointed out the ten (10) lots with a cross street.
 - Ms. Núñez stated that the description/definition of a patio home is in their summaries. She told them that if they needed further explanation to please let her know. She summarized that it is a smaller lot size. She said that the developer is proposing four thousand (4,000) square feet instead of the minimum square footage for single family homes of six thousand (6,000).
 - Ms. Núñez confirmed that it would still be single-family but that it is just a smaller reduced footprint on the actual home itself.
- A Street View from James Street was present. Ms. Núñez said that the street is part of Dixieland Crossing and pointed out the portion of the property that is being replatted.
- The Future Land Use Map component of the Harlingen Horizon: A City on the Rise comprehensive plan component designated this area as low density residential so the proposed request is in-line with the Future Land Use Plan.
- Staff is recommending approval of the rezoning request.
- Ms. Núñez made herself available to answer any questions and stated that the applicant was present as well.

Vice Chairman Sanchez asked if there were any questions for Staff.

Cmr. Thomas asked if the [Subject Property] had already been developed into single-family lots [but] were just bigger. Ms. Núñez said that originally it was one (1) big lot for commercial use and that the developer had decided to change it into residential use.

Cmr. Thomas confirmed that the reason for the rezoning request was to make smaller lots, from six thousand (6,000) to four thousand (4,000) minimum. Ms. Núñez told her that was correct.

Vice Chairman Sanchez asked Ms. Núñez to go back to Isaac St. which he supposed was on the south side. He asked what it connected to. Ms. Núñez said that it does not connect to anything. She explained that it was requested by the Fire Marshall's Office for turn around for the fire truck in case of emergencies.

Cmr. Cantu asked if there was already an entrance. She said she couldn't remember if there was one (1) already. Ms. Núñez told her that there was an entrance off Dixieland [Road] and that there was an entrance off Garrett Road, clarifying that this was just for Garrett [Road]. Ms. Núñez stated that the original Dixieland Crossing [Subdivision] has an entrance off Dixieland [Road].

Vice Chairman Sanchez indicated he may not have heard correctly. He asked who requested that Isaac Street be laid out like that. Ms. Núñez said that it had been the Fire Marshall. She explained that if you look at the Aerial, there are already single-family homes developed. She pointed out the area she was referring to. She said that in a sense, [Isaac Street] dead ends into that but turnaround purpose for emergency service vehicles. This was their request.

Cmr. Thomas asked if there was a rear setback for the lots. Ms. Núñez stated that all the setbacks would be the same. She said that the only difference is the lot size.

Vice Chairman Sanchez asked if the smaller lot size did not require or trigger a variance requirement. Ms. Núñez stated that it didn't with the zoning. She said that Patio Homes allows four thousand (4,000) square feet so they wouldn't need a variance.

Cmr. Cantu asked if there was a minimum size of house. She said that this was just for her. She asked if there was a requirement to be met for the four thousand (4,000) square foot lot. Ms. Núñez stated that there are certain requirements for master bedrooms, bathrooms, and kitchens. She said she didn't know those but that they are in the building code.

Cmr. Thomas confirmed that there was nothing from the neighbors. Ms. Núñez shared that Staff did get a couple of individuals that came in to ask questions but that none of them opposed.

Upon not hearing anymore questions, the Vice Chairman stated that if there were not other questions, that there is a Public Hearing [for the item] and that he would proceed.

The Public Hearing was opened. He asked if there was anybody present that would like to speak in favor or against this request, to please do so. He asked that they [come] up to the podium and identify themselves.

Julio Carranza, builder developer

Mr. Carranza introduced and identified himself before the Board. He said that he was open to any questions that the Board may have, that was not answered or [out of] curiosity.

Cmr. Cantu asked if he remembered the size of the homes. She said she was just wondering. She asked about the size, asking what his plan was. Mr. Carranza responded that he was going to... affordability... and that he was going to make it real nice. He said that since it is not going to be gated, that it will be as nice as Harlingen Terrace [and] build quality, nice entry level homes, pretty much under that price. He referenced the lots at Harlingen Terrace being around sixty-seven. He said that these will be twenty (20) or thirty (30) less. He said that affordability has been a big issue and that a lot of it has to do with land, the cost of the lot and so he said to do something affordable but nice [and] very luxury. He said that he has been building a couple of homes there and developments around the area and said that if [the Board] was familiar, [they would know it is] clean, nice and well built. Vice Chairman Sanchez acknowledged this response.

Cmr. Thomas asked if the subdivision has any kind of HOA (Homeowner's Association). Mr. Carranza said yes and stated that all of his subdivision have a HOA. Cmr. Thomas confirmed that they would and then asked what the purpose of the HOA would be. Mr. Carranza said that it was just to maintain cleanliness and the entrance to always have lights and the small landscape, to make it look pretty, a very lush landscape. Cmr. Thomas acknowledged this response.

Mr. Carranza asked if there were any other questions and upon hearing none, thanked the Board for their time. Vice Chairman Sanchez thanked Mr. Carranza.

Vice Chairman Sanchez asked if there was anybody else that would like to speak in favor, or against.

Luis Valdespino, District 3 [420 E. Austin Avenue]

Mr. Valdespino stated that he had a couple of questions and concerns. He said that when we start talking about smaller lots, that are under six thousand (6,000) square feet, - that as he's driving around town and where he sees that we have those homes, that he tends to notice that you get more cars parking on the street. He said it is a lot tighter there. He said he was wondering, one (1), what does that do for the other homes that are nearby. He said he understood that there was nothing brought up or no opposition from the neighbors but wondered if they knew it was going to be smaller. He said that he imagined they didn't then they might have some concerns. He said this was one (1) thing. The other thing is [that] after hearing some things [that came] up recently with the fire hydrants in different areas, that he did have and was wondering if that's a requirement that is set-up in that area for that neighborhood to be supported in the event that they need it for fires and emergencies. He said these were a couple of his concerns [and that] just these smaller homes, these tighter homes, that really concern him with what it ends up doing for the whole neighborhood.

Vice Chairman Sanchez asked if Staff wanted to address [the concerns] please.

Ms. Núñez stated that all new subdivisions are required to install fire hydrants or show if there is already fire hydrants, the coverage. She stated that Staff does review this during the subdivision

phase, saying that they are very on top of all those requirements - sidewalks, parking spaces, [and] things of that nature.

Vice Chairman Sanchez asked about the roadway itself. He asked if it was standard width [and] meets City code and specifications. Ms. Núñez indicated yes. Vice Chairman Sanchez acknowledged the response. Mr. Olivo, Assistant Planning and Development Director, added that they are required to provide two (2) parking spaces just like any other single-family house which they are. Ms. Núñez added that this was a typical single-family development [and] that it was just that the lot size is smaller, kind of like a starter home versus your larger home. She said that the homes in the area are a little larger but that as the developer mentioned, they do intend to do nice homes, a little bit smaller [and] maybe a little more affordable for someone just starting out.

Mr. Thomas asked if there would be garages or no garages on the patio homes. Ms. Núñez said this would be at the discretion of the developer. Mr. Thomas said she was asking for parking. Mr. Carranza responded that on these, it will be carports just like Harlingen Terrace. He said he would leave it open.

Director Hernandez added that just for context, the average lot size in most cities here in the valley is five thousand (5,000) square feet so four thousand (4,000) [square feet] is really not deviating that much from the standard. She said that Harlingen has a bigger lot size, which is six thousand (6,000) [square feet] but again, the only thing that is changing is [that] the lot size to be smaller. A little bit smaller but everything else meets the subdivision requirements as well as the zoning standards. Director Hernandez stated that they are in compliance with the zoning standard by rezoning to this category. Ms. Núñez stated that they will still have to comply with all the requirements. Vice Chairman acknowledged the response. He asked if anybody else would like to speak in favor or against this item. Upon hearing and seeing none, the Public Hearing was closed.

Vice Chairman Sanchez asked to entertain a motion. Mr. Cantu made the motion to approve. Mr. Thomas seconded the motion. The motion was moved to a vote. The motion passed [unanimously].

**AGENDA ITEM
EXECUTIVE SUMMARY**

9(c)

Meeting Date: **June 17, 2026**

Agenda Item:

Public hearing imposing a temporary moratorium on the acceptance, processing, and approval of applications for High-Intensity Data Processing Facilities; providing legislative findings regarding public necessity, infrastructure capacity, water supply, electrical demand, and land-use compatibility, providing for a limited duration; providing severability; and establishing an effective date. **(City Manager)**

Prepared By (Print Name): Gabriel Gonzalez

Title: City Manager

Signature:

Gabriel Gonzalez

Brief Summary:

Funding (if applicable):

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

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

Finance Director's approval:

☐ Yes ☐ No ☐ N/A

Staff Recommendation:

City Manager's approval:

GG

☐ Yes ☐ No ☒ N/A

Comments:

City Attorney's approval:

MA

☐ Yes ☐ No ☐ N/A

**AGENDA ITEM
EXECUTIVE SUMMARY**

10(2)

Meeting Date: **June 17, 2026**

Agenda Item:

Consideration and possible action to approve an ordinance on first reading for a Special Use Permit (SUP) to allow an adult business (microblading studio) in a General Retail ("GR") District, located at 310 S. Eye Street, bearing a legal description of Lots 6 and 7, Block 1, Benoist Subdivision. Applicant: Daisy Nieto. Attachment **(Planning & Development)**

Prepared By: Ana Hernandez, AICP, CNU-A
Title: Planning and Development Director/
Special Projects Director

Signature: *Ana Hernandez*

Brief Summary:

Project Timeline

- May 14, 2026 – Application for Special Use Permit (SUP) submitted to the City. **(ATTACHMENT I)**
- May 21, 2026 – In accordance with State and local law, notice of required public hearings mailed to all property owners within 200 feet of subject tract.
- May 23, 2026 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- June 9, 2026 - Public hearing and consideration of requested Special use permit by the Planning and Zoning Commission (P&Z).
- June 17, 2026 – Public hearing and consideration of requested SUP via 1st ordinance reading scheduled before the City Commission.
- July 1, 2026 – 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 (microblading studio) in a General Retail ("GR") District requires the approval of a Special Use Permit (SUP) by the City Commission.
- Daisy Nieto, the applicant, is requesting a special use permit to allow a microblading studio in an existing 480 square foot suite located at 310 S. Eye Street. **(ATTACHMENT II AND III).**
- Based on the site plan and information submitted, the applicant is proposing to operate Monday – Saturday from 8am – 6pm, under the name of Brows by Daisy. The intended use is for a microblading/brow studio. Two (2) parking spaces are required, and twenty-seven (27) spaces are provided in the common parking area to the south of the property. **(ATTACHMENT III and IV).**
- Adjacent zoning is General Retail ("GR") District in all directions. The surrounding land uses consist of commercial suites to the west, vacant commercial land to the east, a parking lot and Rental World to the south, and to the north is vacant commercial land. **(ATTACHMENTS V and VI).**

- The City of Harlingen Building Inspections Division, Fire Prevention Bureau, Health Department, and Police Department reviewed the Special Use Permit application. These departments reported no objection to the proposed request, subject to the applicant submitting a complete set of construction plans for review and complying with all applicable City of Harlingen codes and ordinances. **(ATTACHMENTS VII-IX).**
- The applicant shall obtain and maintain all required State and City permits applicable to the proposed use.
- At this time, the Planning and Zoning Department has not received any objections to the request from surrounding property owners.
- The Future Land Use Component of the Harlingen Horizon – A City on the Rise, Comprehensive Plan, designates this area as retail. The proposed use is consistent with the Future Land Use Plan.
- In accordance with the zoning ordinance, the Planning and Zoning Commission and City Commission may impose additional requirements or conditions of approval, as deemed necessary, to ensure that the use requested through the Special Use Permit (SUP) is compatible with and complementary to adjacent properties.

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

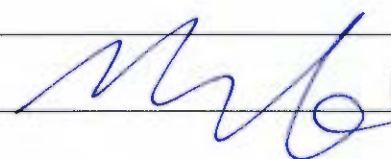
Staff Recommendation:

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

1. Obtaining and maintaining all required State and City permits;
2. Providing and maintaining the required parking in accordance with City regulations;
3. Hours of operation shall be Monday through Saturday 8am – 6pm; and
4. Complying with all applicable requirements administered by the Planning and Zoning Division, Building Inspections Division, Fire Prevention Bureau, Health Department, and Police Department.

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

Comments:

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

Attachment I – Application

CITY OF HARLINGEN PLANNING & DEVELOPMENT DEPARTMENT (PLANNING DIVISION)

MASTER APPLICATION FORM

Submit applications:

In person: Planning and Development Department, 502 E. Tyler Avenue, Harlingen, Texas 78550

Email: Planning@harlingen.tx.gov. Questions? Call (956) 216-5101.



PROPERTY OWNER INFORMATION

Property Owner Name (If entity, attach supporting documentation):

CMHP Holdings II

Property Owner Phone:

956 5865863

Property Owner Email:

Julie@cmhpholdings2.com

Property Owner Address:

1423 E Houston St San Antonio TX

APPLICANT/AUTHORIZED REPRESENTATIVE INFORMATION (If different from owner)

☐ Applicant is the same as Property Owner (skip section below)

Applicant Name:

Daisy Nieto

Applicant Phone:

956 4561782

Applicant Email:

daisynieto11@gmail.com

Applicant Address:

524 Didna St San Benito TX 78550

PROPERTY INFORMATION

Project Address:

310 S. Eye St Harlingen TX 78550

Property/GEO ID:

15-200-0010-0060-80

(If unknown, look up ID at [Cameron County Appraisal District](#))

Legal Description of Property (Lot, Block, Subdivision, as shown on deed or survey):

Current Zoning:

(If unknown, check our [Interactive Zoning Map](#) or have staff verify your zoning.)

Proposed Zoning:

(If unknown, visit or call the Planning Division staff)

Current Land Use:

DESCRIPTION OF REQUEST

Provide a brief description (What are you requesting? What will be built or changed? Why is this request needed?):

microblading / tattoo / Airbrush Brow

Select Application Type (Select all that apply):

Land Use Changes

☐ Rezoning Request - \$250

☒ Special Use Permit - \$250

PAID BY CREDIT

☐ Planned Development District - \$250

☐ Voluntary Annexation Request/Initial Zoning - \$0

☐ Comprehensive Plan Amendment Request - \$250

Zoning Board of Adjustment (ZBA)

☐ Zoning Variance Request (ZBA) - \$250

☐ Zoning Special Exception (ZBA) - \$250

☐ Administrative Appeal (ZBA) - \$125

Subdivision/Platting:

☐ Preliminary Construction Plans/Final Plat - \$150

☐ Replat - \$250

☐ Vacating Plat - \$50

☐ Subdivision Variance - \$25 (each)

Other Requests:

☐ License to Encroach - \$250

☐ Right-of-Way/Utility Easement Abandonment - \$0

REQUIRED ATTACHMENTS

Note: Incomplete applications will not be accepted or scheduled for review.

Required for ALL Applications:

A. Application Fee (Check or card only. No cash accepted)

B. Valid Photo ID

Attachment I – Application

CITY OF HARLINGEN PLANNING & DEVELOPMENT DEPARTMENT | PLANNING DIVISION

- C. Warranty Deed
- D. Authorization Letter from Owner (if applicant is not the owner)
- E. Entity documents

Rezoning:

- A. Written statement describing the proposed use(s) of the subject property
- B. Survey/Survey Plat
- C. Metes & Bounds description of the tract(s) in which the rezoning is requested

Special Use Permit/PDD:

- A. Written statement describing the proposed use(s) of the subject property
- B. Site plan showing the proposed development of the property, including existing and proposed: building footprints and building heights (or buildable areas for single and two-family residential), locations of proposed uses, ingress and egress to/from property, streets in compliance with the City's Long Range Thoroughfare Plan, sidewalks, utilities, drainage, and parking spaces, etc.
- C. Any other information (elevation drawings/pictures) in support of the request

Zoning Variance Request (ZBA)/Special Exception/ Administrative Appeals:

- A. Written statement describing the requested variance and an explanation of the special conditions that result in the unnecessary hardship for which the variance or special exception is requested.
- B. Written statement describing the purpose of the request (For Administrative Appeals Only).
- C. Site Plan showing existing and proposed development of the property in question.

Preliminary Construction Plans/Final Plat/Replat:

- A. Please contact the Planning Division for the full checklist compliant with Chapter 109 - Subdivisions and the Subdivision Development Guide (SDG) referenced in Sec. 109-127(1) and Sec. 109-128(b)
- B. Plats must be submitted simultaneously to Texas Gas, AEP, AT&T, Charter Spectrum, Magic Valley Electric, Cameron County (CC) Appraisal District, CC Transportation Department, Harlingen Irrigation District, HCISD Operations, CC Drainage District, CC Irrigation District, and the U.S. Post Office.

Right-of-Way/Utility Easement Abandonment/License to Encroach:

- A. Written statement describing the purpose of the request
- B. Survey
- C. Metes & Bounds description
- D. Letter of Clearance from utility companies, including Harlingen WaterWorks System, Texas Gas, AEP, AT&T, Charter Spectrum, Magic Valley Electric, Harlingen Irrigation District, CC Drainage District, and CC Irrigation District.
- E. Appraisal Report (Appraiser must be approved by City) (For ROW abandonment only).

Voluntary Annexation:

- A. Written petition by owner(s) requesting annexation
- B. Survey
- C. Metes & Bounds description

CERTIFICATION

- ☐ I certify that I am the property owner or the duly authorized agent of the owner for the purposes of this application.
- ☐ I further certify that I have read this application and that all information provided is true, correct, and complete. I understand that any false or incorrect information may result in the revocation of any permit or approval issued by the City of Harlingen.
- ☐ I understand that meeting all application requirements does not guarantee approval, and that the City Commission is the sole authority responsible for the approval or denial of this request.
- ☐ I acknowledge that additional information may be requested by the City to process this application.

(Both signatures are required if the applicant is not the owner.)

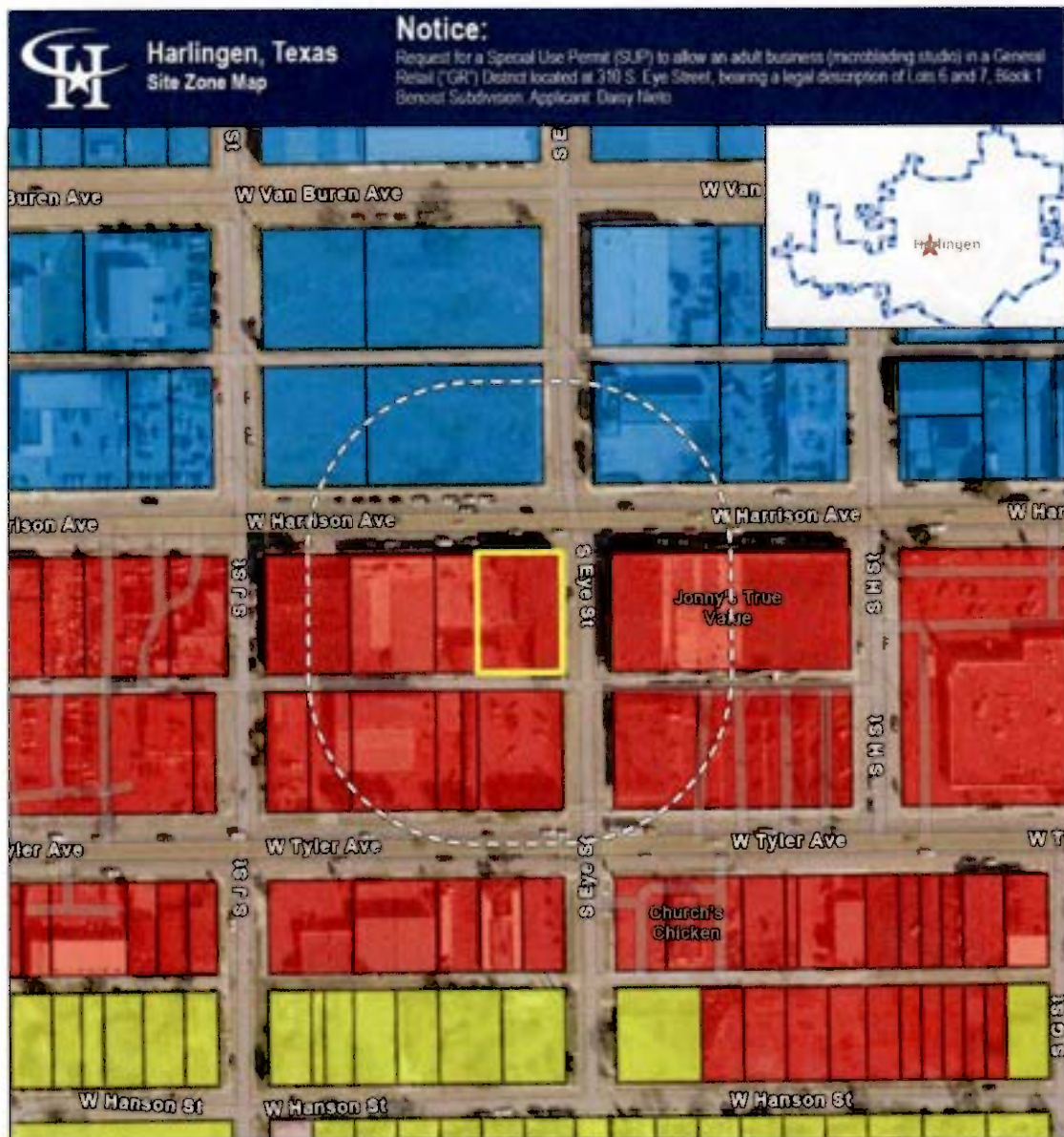
Property Owner Name & Signature: _____ Date: _____

Authorized Representative Name & Signature: Julie Betancourt Julie Date: 5/13/26

OFFICE USE ONLY

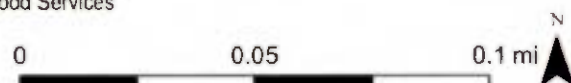
Date Submitted _____ Date Deemed Complete _____ Application Fee Paid \$ _____
Case #: _____ Receipt # _____ Received By (Initials): _____

Attachment II – Zoning Map



Legend

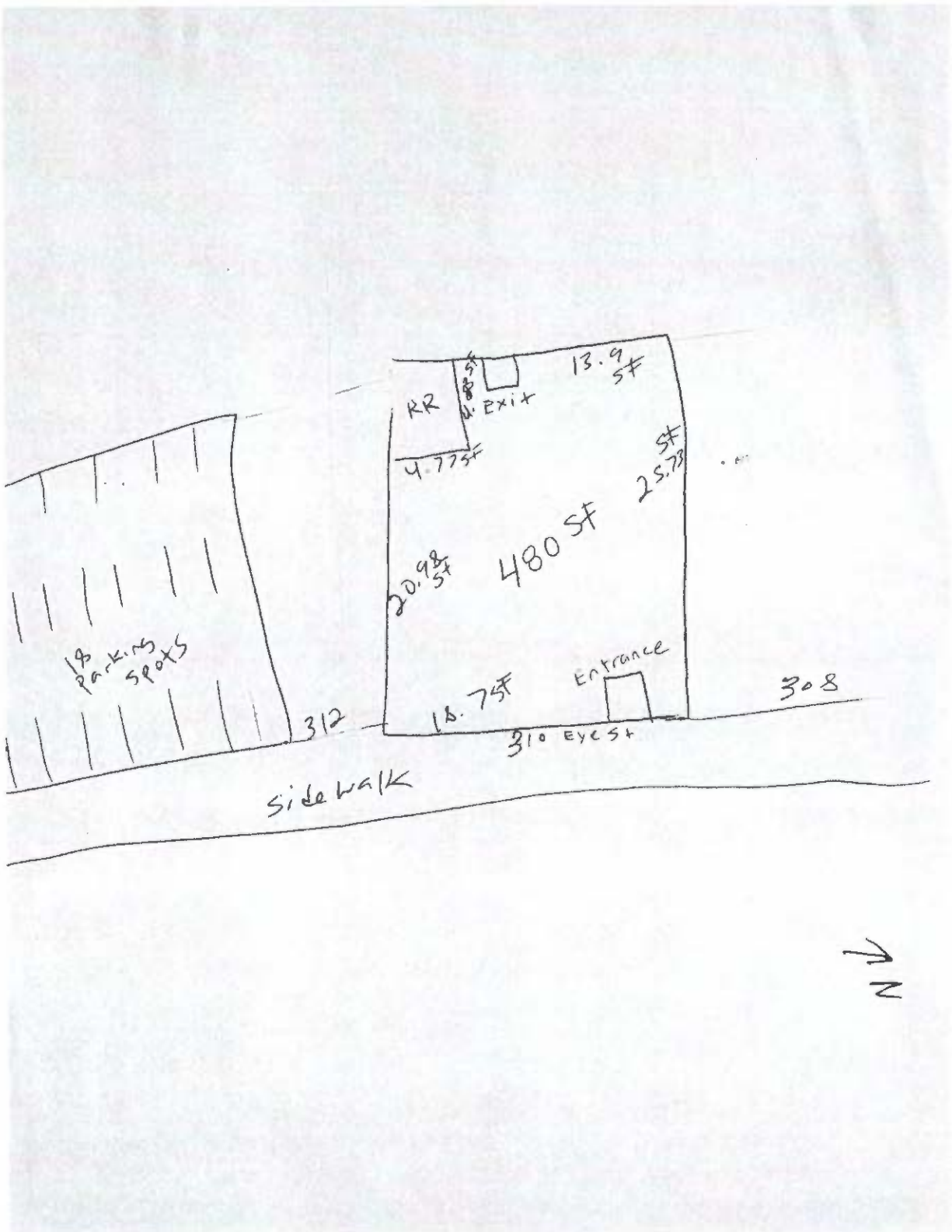
- Subject Property: 310 S. Eye St
- 200 ft Buffer
- Property Parcels
- General Retail
- Light Industry
- Residential, Single-Family
- Neighborhood Services



Attachment III – Street View



Attachment IV – Site Plan



Attachment V – Aerial View



Legend

- Subject Property: 310 S. Eye St
- 200 ft Buffer
- Property Parcels





Specific Use Permit ("SUP") Routing Slip

Applicant: Daisy Nieto

Phone No.: (956) 456-1782

Location: 310 S. Eye Street

Project Description: Request for a Special Use Permit (SUP) to allow an adult business (microblading studio) in a General Retail ("GR") District located at 310 S. Eye Street, bearing a legal description of Lots 6 & 7, Block 1, Benoist Subdivision.

Department: Fire Prevention Bureau

Approval: X YES NO

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

Fire Marshal Juan Saucedo Jr.

Juan Saucedo Jr

Date: May 27, 2026



Specific Use Permit ("SUP") Routing Slip

Applicant: Daisy Nieto

Phone No.: (956) 456-1782

Location: 310 S. Eye Street

Project Description: Request for a Special Use Permit (SUP) to allow an adult business (microblading studio) in a General Retail ("GR") District located at 310 S. Eye Street, bearing a legal description of Lots 6 & 7, Block 1, Benoist Subdivision.

Department: HARLINGEN POLICE DEPT.

Approval: / YES NO

Comments:


Alfredo Alvear, BSCJ, CPM
Chief of Police

4/8/26
Date

Attachment VIII – Building Inspections



Specific Use Permit ("SUP") Routing Slip

Applicant: Daisy Nieto

Phone No.: (956) 456-1782

Location: 310 S. Eye Street

Project Description: Request for a Special Use Permit (SUP) to allow an adult business (microblading studio) in a General Retail ("GR") District located at 310 S. Eye Street, bearing a legal description of Lots 6 & 7, Block 1, Benoist Subdivision.

Department: Building Permits and Inspections Division

Approval: ☐ YES ☐ NO ☒ PENDING

Comments:

If request is approved by the Planning Department, A Building Permit application, a site plan, existing floor plan and proposed floor plan with a code analysis for the proposed use must be submitted to the Building Department. The construction documents must comply with the 2024 International Building Code and Family of Codes.

Raul Rodriguez

Signature

06/02/2026

Date



Specific Use Permit ("SUP") Routing Slip

Applicant: Daisy Nieto

Phone No.: (956) 456-1782

Location: 310 S. Eye Street

Project Description: Request for a Special Use Permit (SUP) to allow an adult business (microblading studio) in a General Retail ("GR") District located at 310 S. Eye Street, bearing a legal description of Lots 6 & 7, Block 1, Benoist Subdivision.

Department: Health

Approval: YES NO

Comments: **Health Department doesn't regulate microblading/tattoo businesses. No health requirements needed, regulated by Texas Department of Licensing and Regulations.**


Signature

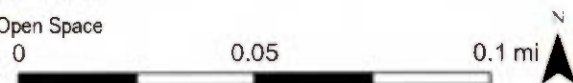
5-27-24
Date

Attachment X – Future Land Use Map



Legend

- Subject Property: 310 S. Eye St
- 200 ft Buffer
- Property Parcels
- Retail
- Mixed Use
- Institutional
- Lower Density Residential
- Recreational/Open Space



AN ORDINANCE AMENDING THE CODE OF ORDINANCES (ORDINANCE NO. 16-8) OF THE CITY OF HARLINGEN: TO ISSUE A SPECIAL USE PERMIT (SUP) TO DAISY NIETO TO ALLOW AN ADULT BUSINESS (MICROBLADING STUDIO) IN A GENERAL RETAIL ("GR") DISTRICT, LOCATED AT 310 S. EYE STREET, BEARING A LEGAL DESCRIPTION OF LOTS 6 & 7, BLOCK 1, BENOIST SUBDIVISION.

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

BE IT ORDAINED BY THE CITY OF HARLINGEN

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

To issue a Special Use Permit (SUP) to Daisy Nieto, to allow an adult business (microblading studio) in a General Retail ("GR") District, located at 310 S. Eye Street, bearing a legal description of Lots 6 & 7, Block 1, Benoist Subdivision, as shown in Exhibit "A" subject to:

1. Obtaining and maintaining all required State and City permits;
2. Providing and maintaining the required parking in accordance with City regulations;
3. Hours of operation shall be Monday – Saturday 8am – 6pm; and
4. Complying with all applicable requirements administered by the Planning and Zoning Division, Building Inspections Division, Fire Prevention Bureau, Health Department, and Police Department.

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 _____, 2026 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.

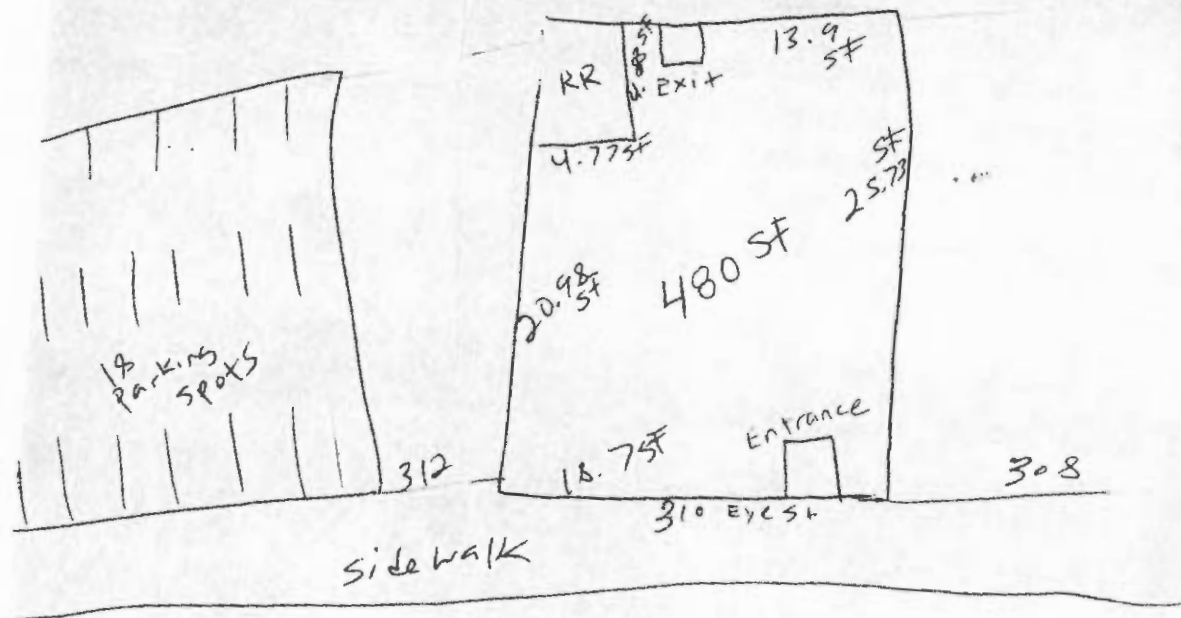
CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Mayra Herrera, City Secretary

Exhibit "A"



**AGENDA ITEM
EXECUTIVE SUMMARY**

10(b)

Meeting Date: **June 17, 2026**

Agenda Item:

Consideration and possible action to approve an ordinance on first reading for a rezoning request from Neighborhood Services ("NS") District to Residential, Patio Home ("RPH") District for Lot C-1, Block 1, Dixieland Crossing Subdivision, located on the south side of Garrett Road, approximately 795.17 feet west of Dixieland Road. Applicant: Moore Land Surveying, LLC c/o CJE Construction. Attachment (**Planning & Development**).

Prepared By: Ana Hernandez, AICP, CNU-A
Title: Planning and Development Director/
Special Projects Director

Signature: *Ana Hernandez*

Brief Summary:

Project Timeline

- May 7, 2026 – Application for rezoning submitted (**ATTACHMENT I**).
- May 21, 2026 – In accordance with State and local law, notice of the required public hearing was mailed to all property owners within a 200 foot radius of subject tract.
- May 23, 2026 – In accordance with Statute and local law, notice of required public hearings published in the Valley Morning Star and mailed to all property owners within 200 feet of subject tract
- June 9, 2026 – Public hearing and consideration of requested rezoning by the Planning and Zoning Commission (P&Z).
- June 17, 2026 – Public hearing and consideration of requested rezoning via 1st ordinance reading scheduled before the City Commission.
- July 1, 2026 – 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 Neighborhood Services ("NS") District to Residential, Patio Home ("RPH") District to allow for the development garden homes/patio homes on the subject property.
- The subject property is currently vacant and has approximately 1,540 feet of frontage along Garrett Road with a depth of 456.26 feet. The property was originally platted as a single lot within the larger Dixieland Crossing Subdivision and is now proposed to be replatted into ten (10) lots to accommodate the development of garden homes/patio homes. (**ATTACHMENT II-VII**).
- Patio home zoning is intended to accommodate the development of single-family and duplex-family units on lots no smaller than 4,000 square feet. In the case of the Dixieland Crossing Replat, the developer is proposing single-family lots only.

- The surrounding properties are zoned Planned Development ("PD") District to the north and Residential, Single-Family ("R-1") District to the east, west, and south (**ATTACHMENT II**). Surrounding land uses consist of vacant land to the south and east, and single-family residential uses to the north and west (**ATTACHMENT VI**)
- The Future Land Use Plan component of the Harlingen Horizon – A City on the Rise Comprehensive Plan designates this area as low density residential. The request is consistent with the Future Land Use Plan and consistent with the surrounding zoning and land use. (**ATTACHMENT VII**).
- To date, the Planning and Development Department has received inquiries from two citizens regarding the requested rezoning; however, no calls or correspondence in opposition to the rezoning request have been received from surrounding property owners.

Funding (if applicable):

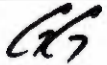
Are funds specifically designated in the current budget for the full ☐ Yes ☐ No*

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

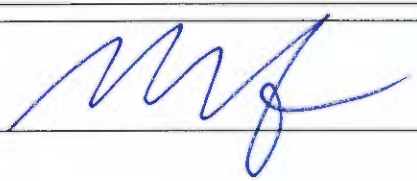
Finance Director's approval: ☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval.

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

Comments:

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

Attachment I—Application

CITY OF HARLINGEN PLANNING & DEVELOPMENT DEPARTMENT | PLANNING DIVISION

MASTER APPLICATION FORM

Submit applications

In person: Planning and Development Department, 502 E. Tyler Avenue, Harlingen, Texas 78550

Email: Planning@harlingentx.gov. Questions? Call (956) 216-5101.



PROPERTY OWNER INFORMATION

Property Owner Name (If entity, attach supporting documentation): DIXIELAND CROSSING, LLC

Property Owner Phone: 956-627-4348 Property Owner Email: ADMIN@MYCJEHOME.COM

Property Owner Address: 4119 CROSSPOINT BLVD. EDINBURG, TX 78539

APPLICANT/AUTHORIZED REPRESENTATIVE INFORMATION (If different from owner)

☐ Applicant is the same as Property Owner (skip section below)

Applicant Name: EMILIANO ROSEL Applicant Phone: 956-929-1615

Applicant Email: EROSL.MLS@GMAIL.COM

Applicant Address: 14216 PALIS DR. LA FERIA, TX 78559

PROPERTY INFORMATION

Project Address: GARRETT RD.

Property GEO ID: 204993 (If unknown, look up ID at [Cameron County Appraisal District](#))

Legal Description of Property (Lot, Block, Subdivision, as shown on deed or survey):

BEING ALL OF LOT C-1, DIXIELAND CROSSING SUBDIVISION, RECORDED IN CABINET 1, PAGE 5294, MRCCT

Current Zoning: NEIGHBORHOOD SERVICES (If unknown, check our [Interactive Zoning Map](#) or have staff verify your zoning)

Proposed Zoning: PATIO HOMES (If unknown, visit or call the Planning Division staff)

Current Land Use: VACANT

DESCRIPTION OF REQUEST

Provide a brief description (What are you requesting? What will be built or changed? Why is this request needed?):

WE ARE REQUESTING A RE-ZONING OF LOT C-1 IN DIXIELAND CROSSING SUBDIVISION FROM
NEIGHBORHOOD SERVICES TO PATIO HOMES

Select Application Type (Select all that apply)

Land Use Changes

- ☒ Rezoning Request - \$250 **CK#4722**
- ☐ Special Use Permit - \$250
- ☐ Planned Development District - \$250
- ☐ Voluntary Annexation Request/Initial Zoning - \$0
- ☐ Comprehensive Plan Amendment Request - \$250

Zoning Board of Adjustment (ZBA)

- ☐ Zoning Variance Request (ZBA) - \$250
- ☐ Zoning Special Exception (ZBA) - \$250
- ☐ Administrative Appeal (ZBA) - \$125

Subdivision/Platting:

- ☐ Preliminary Construction Plans/Final Plat - \$150
- ☐ Replat - \$250
- ☐ Vacating Plat - \$50
- ☐ Subdivision Variance - \$25 (each)

Other Requests:

- ☐ License to Encroach - \$250
- ☐ Right-of-Way/Utility Easement Abandonment - \$0

REQUIRED ATTACHMENTS

Note: Incomplete applications will not be accepted or scheduled for review.

Required for ALL Applications:

- A. Application Fee (Check or card only. No cash accepted)
- B. Valid Photo ID

Attachment I—Application

CITY OF HARLINGEN PLANNING & DEVELOPMENT DEPARTMENT | PLANNING DIVISION

- C. Warranty Deed
- D. Authorization Letter from Owner (if applicant is not the owner)
- E. Entity documents

Rezoning:

- A. Written statement describing the proposed use(s) of the subject property
- B. Survey/Survey Plat
- C. Metes & Bounds description of the tract(s) in which the rezoning is requested

Special Use Permit/PDD:

- A. Written statement describing the proposed use(s) of the subject property
- B. Site plan showing the proposed development of the property, including existing and proposed: building footprints and building heights (or buildable areas for single and two-family residential), locations of proposed uses, ingress and egress to/from property, streets in compliance with the City's Long Range Thoroughfare Plan, sidewalks, utilities, drainage, and parking spaces, etc.
- C. Any other information (elevation drawings/pictures) in support of the request

Zoning Variance Request (ZBA)/Special Exception/ Administrative Appeals:

- A. Written statement describing the requested variance and an explanation of the special conditions that result in the unnecessary hardship for which the variance or special exception is requested
- B. Written statement describing the purpose of the request (For Administrative Appeals Only).
- C. Site Plan showing existing and proposed development of the property in question

Preliminary Construction Plans/Final Plat/Replat:

- A. Please contact the Planning Division for the full checklist compliant with Chapter 109 - Subdivisions and the Subdivision Development Guide (SDG) referenced in Sec. 109-127(1) and Sec. 109-128(b)
- B. Plats must be submitted simultaneously to Texas Gas, AEP, AT&T, Charter Spectrum, Magic Valley Electric, Cameron County (CC) Appraisal District, CC Transportation Department, Harlingen Irrigation District, HCISD Operations, CC Drainage District, CC Irrigation District, and the U.S. Post Office.

Right-of-Way/Utility Easement Abandonment/License to Encroach:

- A. Written statement describing the purpose of the request
- B. Survey
- C. Metes & Bounds description
- D. Letter of Clearance from utility companies, including Harlingen WaterWorks System, Texas Gas, AEP, AT&T, Charter Spectrum, Magic Valley Electric, Harlingen Irrigation District, CC Drainage District, and CC Irrigation District.
- E. Appraisal Report (Appraiser must be approved by City) (For ROW abandonment only).

Voluntary Annexation:

- A. Written petition by owner(s) requesting annexation
- B. Survey
- C. Metes & Bounds description

CERTIFICATION

- ☐ I certify that I am the property owner or the duly authorized agent of the owner for the purposes of this application.
- ☐ I further certify that I have read this application and that all information provided is true, correct, and complete. I understand that any false or incorrect information may result in the revocation of any permit or approval issued by the City of Harlingen.
- ☐ I understand that meeting all application requirements does not guarantee approval, and that the City Commission is the sole authority responsible for the approval or denial of this request.
- ☐ I acknowledge that additional information may be requested by the City to process this application.

(Both signatures are required if the applicant is not the owner.)

Property Owner Name & Signature: _____ Date: _____

Authorized Representative Name & Signature: Emiliano Rosel / [Signature] Date: 05/09/24

OFFICE USE ONLY

Date Submitted: 5/7/24 Date Deemed Complete: 5/7/24 Application Fee Paid: \$50.00
Case # 2024 - R201 Receipt # 15427 Received By (initials): [Signature]

Attachment I—Application

**AFFIDAVIT
AUTHORIZATION TO SUBMIT AND REVISE
SUBDIVISION APPLICATION**

I (we), the undersigned, JULIO CARRANZA FOR DIXIELAND CROSSING, LLC, do hereby authorize Moore Land Surveying, LLC to act as my (our) agent in the submittal and revision of the Subdivision application for the property described as "RE-PLAT C-1 DIXIELAND CROSSING SUBDIVISION" ; and do hereby grant Moore Land Surveying, LLC the power to act in my (our) behalf by signing and submitting all necessary "Subdivision Application Forms"

Date: 1/16/25

By: [Signature]

Name Printed: JULIO CARRANZA

Title: Owner

**STATE OF TEXAS
COUNTY OF CAMERON**

This instrument was acknowledged before me on the 16TH day of JANUARY 2025, by JULIO CARRANZA

Date: 1/16/25

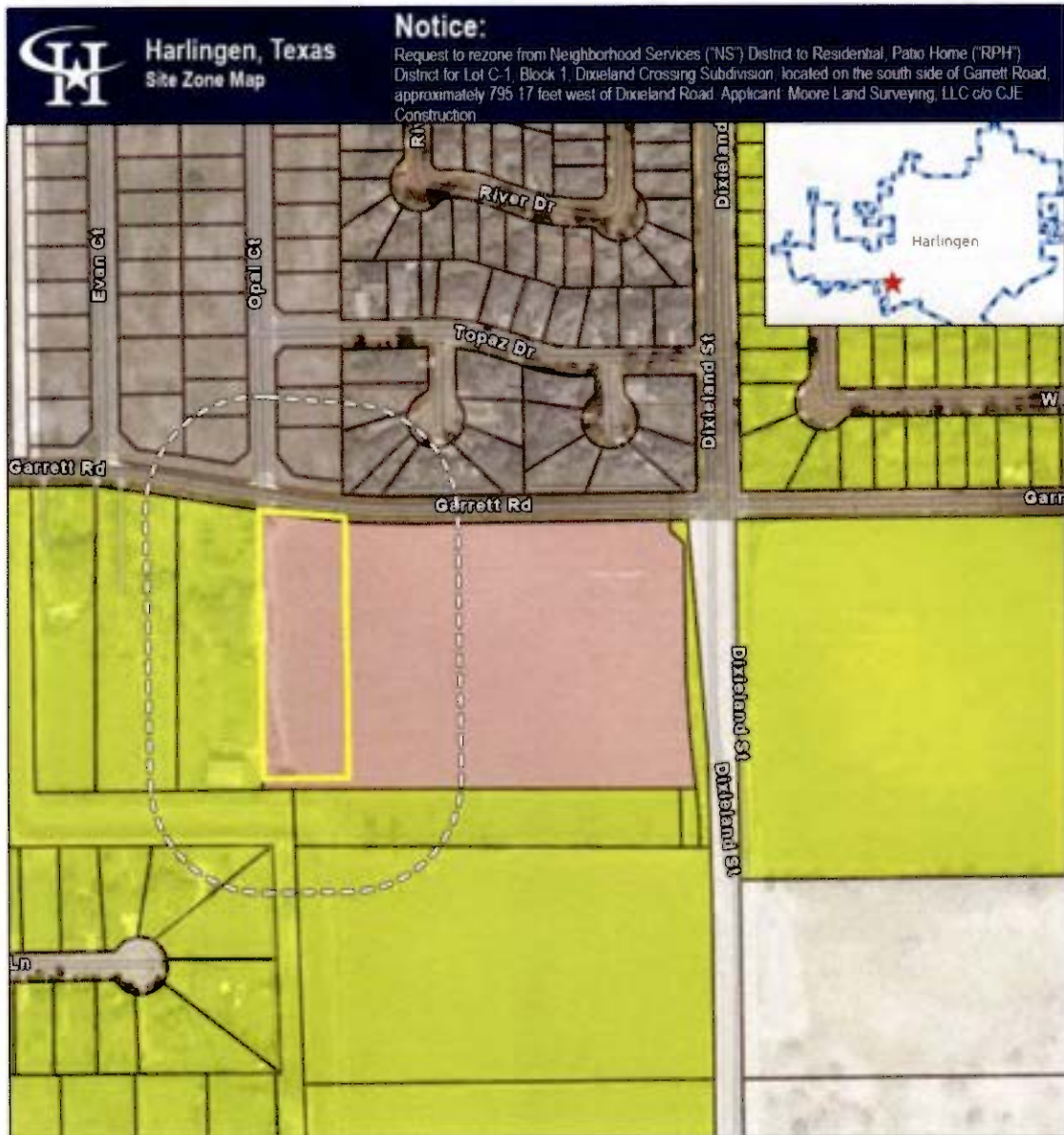
[Signature]
Notary Public, State of Texas

Name Printed: [Signature]

My Commission Expires: SEP 01, 2027

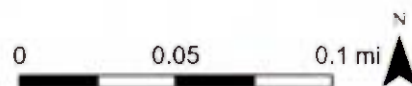


Attachment II—Legal Notice

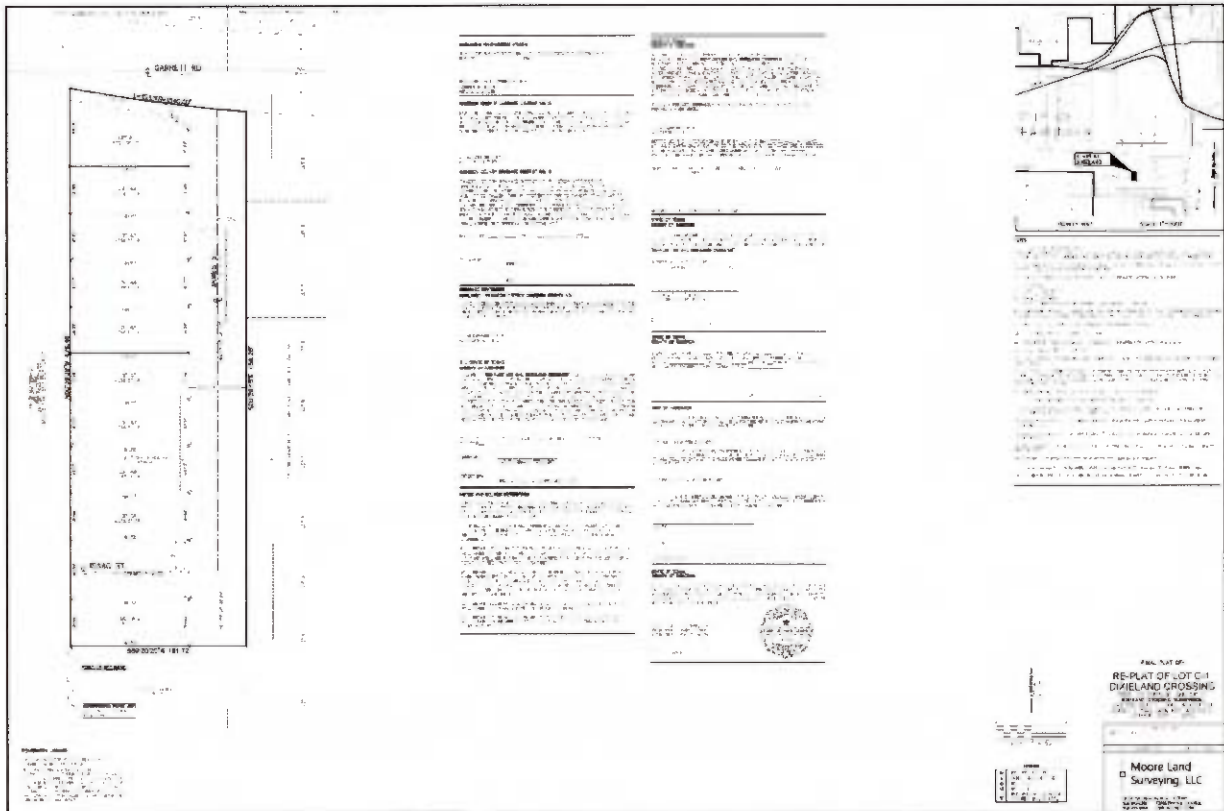


Legend

Subject Property: 1.62 Acres of	Zone
Land out of Dixieland Crossing Subdivision	Residential, Single-Family
200 ft Buffer	Not-Designated
Property Parcels	Neighborhood Services
	Planned Development



Attachment III—Final Plat



Attachment IV – Street View

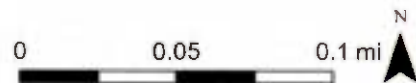
View from James Street



Attachment VI—Aerial



Attachment VII—Future Land Use Map



ORDINANCE NO. 26-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: REZONING FROM NEIGHBORHOOD SERVICES ("NS") DISTRICT TO RESIDENTIAL, PATIO HOME ("RPH") DISTRICT FOR LOT C-1, BLOCK 1, DIXIELAND CROSSING SUBDIVISION, LOCATED ON THE SOUTH SIDE OF GARRETT ROAD, APPROXIMATELY 795.17 FEET WEST OF DIXIELAND ROAD.

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 Neighborhood Services ("NS") District to Residential, Patio Home ("RPH") District for Lot C-1, Block 1, Dixieland Crossing Subdivision, located south of Garrett Road, approximately 795.17 feet west of Dixieland Road 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 _____, 2026 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.

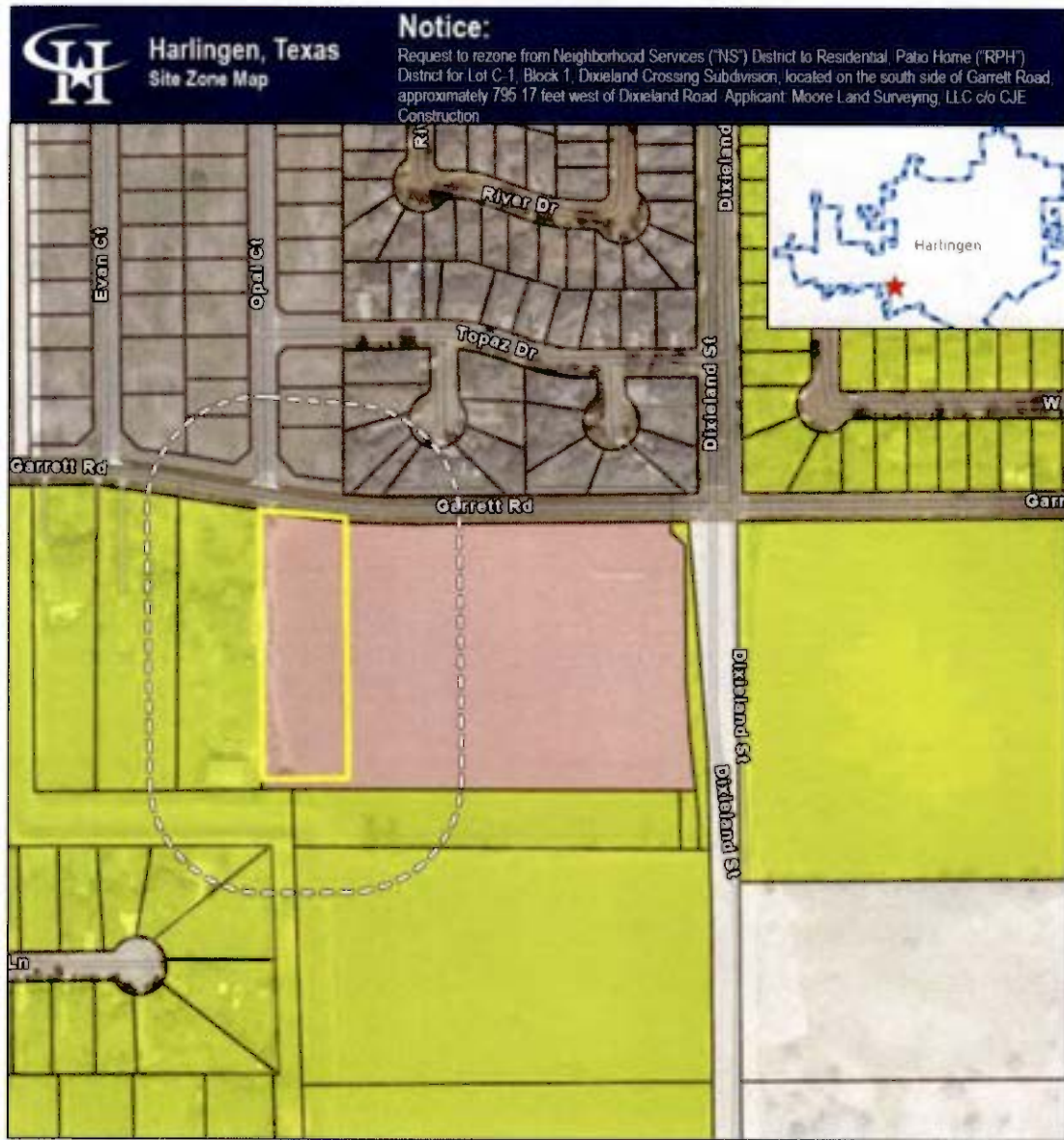
CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

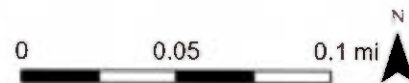
Mayra Herrera, City Secretary

EXHIBIT "A"



Legend

Subject Property: 1.62 Acres of	Zone
Land out of Dixieland Crossing Subdivision	Residential, Single-Family
200 ft Buffer	Not-Designated
Property Parcels	Neighborhood Services
	Planned Development



**AGENDA ITEM
EXECUTIVE SUMMARY**

10(C)

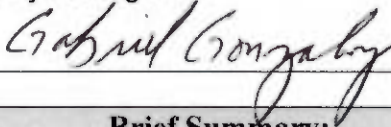
Meeting Date: **June 17, 2026**

Agenda Item:

Consideration and possible action to approve an ordinance on second and final reading imposing a temporary moratorium on the acceptance, processing, and approval of applications for High-Intensity Data Processing Facilities; providing legislative findings regarding public necessity, infrastructure capacity, water supply, electrical demand, and land-use compatibility, providing for a limited duration; providing severability; and establishing an effective date. Attachment (**City Manager**)

Prepared By (Print Name): Gabriel Gonzalez

Title: City Manager

Signature: 

Brief Summary:

Funding (if applicable):

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

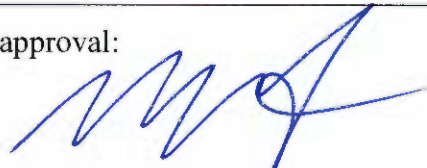
*If no, specify source of funding and amount requested:

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

Staff Recommendation:

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

Comments:

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS ESTABLISHING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, PROCESSING, OR APPROVAL OF APPLICATIONS FOR HIGH-INTENSITY DATA PROCESSING FACILITIES; PROVIDING LEGISLATIVE FINDINGS REGARDING PUBLIC NECESSITY, INFRASTRUCTURE CAPACITY, WATER SUPPLY, ELECTRICAL DEMAND, AND LAND-USE COMPATIBILITY; PROVIDING FOR A LIMITED DURATION; PROVIDING SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

LEGISLATIVE FINDINGS AND PUBLIC NECESSITY

WHEREAS the City of Harlingen is a home-rule municipality with authority to regulate land use, zoning, and development in order to protect the public health, safety, and welfare pursuant to the Texas Constitution and Texas Local Government Code Chapters 211 and 212; and

WHEREAS, the City Commission has received information and expressions of interest indicating that High-Intensity Data Processing Facilities (commonly referred to as data centers) may be proposed within the City and its extraterritorial jurisdiction; and

WHEREAS, based on reasonably available information, including but not limited to preliminary development inquiries, industry-standard operational characteristics of data centers, and existing municipal infrastructure planning data, the City Commission finds that such facilities are characterized by:"

- (1) extraordinarily high and concentrated electrical load demands.
- (2) significant and continuous mechanical cooling requirements.
- (3) large-scale building footprints and specialized infrastructure; and
- (4) long-term operational characteristics that differ materially from traditional commercial or industrial uses; and

WHEREAS, the City Commission further finds that the development of such facilities, if not properly regulated, has the potential to create substantial impacts on municipal systems, including:

- (1) potable water supply and long-term water availability.
- (2) wastewater collection and treatment capacity.
- (3) coordination with regional electric utility providers and associated infrastructure.

(4) emergency services and public safety infrastructure; and

(5) compatibility with surrounding land uses and the City's Comprehensive Plan; and

WHEREAS, the City Commission finds, based on reasonably available information, that existing zoning and development regulations are inadequate to address the impacts of High-Intensity Data Processing Facilities because:

(1) the City's current zoning ordinance does not contain use-specific standards governing the siting, review, or approval of such facilities.

(2) existing regulations do not require comprehensive evaluation of cumulative infrastructure impacts, including water demand, wastewater generation, and electrical load coordination.

(3) current development processes do not require phased infrastructure analysis or capacity verification tied to large-scale, high intensity uses; and

(4) the absence of such standards creates a material risk that development approvals could be granted without adequate evaluation of long-term infrastructure commitments and impacts.

WHEREAS, the City Commission further finds that, absent a temporary moratorium, the City may be required to accept, process, and act upon applications for High-Intensity Data Processing Facilities under existing regulations, which the City Commission further finds would likely result in:

(1) approval of development that places unanticipated or unmitigated demands on municipal infrastructure.

(2) commitment or allocation of limited public resources, including potable water supply, in a manner inconsistent with long-term planning objectives.

(3) land-use patterns and infrastructure decisions that are difficult or impossible to reverse once approved; and

(4) material harm to the public health, safety, and welfare, including impacts to existing residents and businesses dependent on reliable municipal services and

(5) and the City Commission further finds that such impacts would occur as a direct result of permitting such development to proceed under existing regulatory standards.

WHEREAS the City Commission finds that existing regulatory mechanisms and alternative approaches are inadequate to address these concerns because:

(1) case-by-case review under existing ordinances does not provide sufficient authority to impose uniform infrastructure standards or mitigation requirements.

(2) existing development regulations cannot be applied or amended quickly enough to address imminent development proposals.

(3) reliance on discretionary permitting alone would not ensure consistent evaluation of cumulative infrastructure impacts; and

(4) immediate regulatory action is necessary to prevent approvals under an incomplete and inadequate regulatory framework.

(5) no less restrictive alternative is presently available that would adequately prevent the identified harm while allowing development to proceed under existing regulations.

WHEREAS the City Commission finds that this moratorium is narrowly tailored and applies only to High-Intensity Data Processing Facilities, and does not affect other commercial, industrial, or residential development; and

WHEREAS the City Commission further finds that the moratorium is limited in duration to one hundred twenty (120) days and is intended solely to allow the City to complete a focused planning and regulatory process.

WHEREAS, the City Commission has directed City staff to undertake a defined planning process during the moratorium period, including:

(1) evaluation of water supply impacts and long-term water availability in coordination with Harlingen Water Works System.

(2) analysis of wastewater capacity and treatment impacts.

(3) coordination with electric utility providers regarding load demand and infrastructure requirements.

(4) evaluation of land-use compatibility and development standards; and

(5) preparation of proposed zoning regulations, including potential Planned Unit Development Requirements and other zoning mechanisms necessary to regulate the siting and approval of such facilities.

WHEREAS, the City Commission expressly finds, pursuant to Texas Local Government Code § 212.1352, that this moratorium is not based on a demonstrated shortage of essential public facilities, but is justified by a significant need to prevent development that would be detrimental to the public health, safety, and welfare, and that application of existing commercial development regulations is inadequate to prevent such harm;

WHEREAS, the City Commission finds that this temporary moratorium is a reasonable and necessary exercise of the City's police powers and zoning authority, is supported by reasonably available information, and is required to prevent development that could be detrimental to the public health, safety, and welfare of the residents of the City of Harlingen.

WHEREAS, The City Commission further finds that this moratorium is not adopted to prohibit lawful development, but solely to allow the City to adopt constitutionally and statutorily compliant regulations governing such development."

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

SECTION 1. TEMPORARY MORATORIUM

This ordinance is adopted pursuant to the authority granted to municipalities under Texas Local Government Code §§ 212.131–212.137.

For a period of one hundred twenty (120) days from the effective date of this ordinance, the City of Harlingen shall not accept, deem complete, process, review, approve, or issue any application, permit, authorization, or municipal approval that would allow the siting, construction, expansion, or operation of a High-Intensity Data Processing Facility within the City of Harlingen or as part of any proposed voluntary annexation into the City. During the moratorium period, the City shall suspend the acceptance and processing of all zoning requests, Planned Unit Development applications, building permits, site plans, subdivision plats, development agreements, utility service agreements, annexation applications, and any other form of municipal approval or authorization that would permit or facilitate the development or operation of such a facility.

This temporary moratorium applies to any municipal action that would allow the development, construction, or operational establishment of a High-Intensity Data Processing Facility and shall remain in effect regardless of whether such authorization would otherwise occur through administrative approval, permitting, zoning action, contractual agreement, or any other municipal process. No application shall be deemed filed, accepted, or complete during the moratorium period unless the City determines that a fully complete application for such development was submitted prior to the effective date of this ordinance. The purpose of this temporary suspension is to preserve the existing regulatory status quo while the City undertakes the planning, infrastructure evaluation, and regulatory review described in this ordinance, and the moratorium shall remain in effect for the full period stated unless earlier repealed by ordinance of the City Commission.

SECTION 2 DEFINITION

High-Intensity Data Processing Facility (Data Center) means a facility or portion of a facility primarily devoted to the housing of computer systems, servers, networking equipment, power distribution equipment, or related mechanical and electrical systems used for data storage, processing, or transmission and characterized by high electrical load demand, specialized cooling systems, and minimal on-site staffing.

SECTION 3 PURPOSE OF MORATORIUM

During the moratorium period, the City Commission, in coordination with the Planning Department and the City Attorney, shall undertake a comprehensive evaluation of the potential impacts associated with High-Intensity Data Processing Facilities within the City of Harlingen. This review shall include a detailed assessment of the potential demands such facilities may place on municipal infrastructure, including the City's potable water supply, wastewater collection and treatment systems, electrical service coordination with regional utility providers, and other critical public infrastructure necessary to support municipal services and long-term community needs. The City shall also evaluate the land-use compatibility of such facilities, including their building scale, mechanical and electrical infrastructure, noise and operational characteristics, and their relationship to surrounding land uses and the City's adopted Comprehensive Plan.

The City Commission further intends during this period to study the appropriate regulatory framework necessary to ensure that any future development of High-Intensity Data Processing Facilities occurs in a manner consistent with the protection of public health, safety, and welfare and the orderly development of the City. Such review shall include consideration of appropriate zoning mechanisms, including but not limited to the requirement that such facilities be authorized only through a Planned Unit Development adopted by ordinance, as well as the development of standards addressing infrastructure capacity, utility coordination, mitigation of impacts on municipal water and wastewater systems, development phasing tied to available infrastructure, and other land-use regulations necessary to ensure that such facilities do not create material adverse impacts on existing residents, businesses, or municipal services.

SECTION 4 APPLICATION COMPLETENESS

No application shall be deemed accepted or filed during the moratorium period unless the City determines that a complete application was submitted prior to the effective date of this ordinance. Incomplete applications shall not vest rights and shall be subject to this moratorium.

SECTION 5 LIMITED SCOPE

This moratorium applies only to High-Intensity Data Processing Facilities and does not affect other industrial, warehouse, manufacturing, office, or commercial uses.

SECTION 6. STATUS QUO PRESERVATION FINDING

The City Commission further finds that preservation of the existing regulatory and development status quo is necessary during the limited moratorium period.

If development applications for High-Intensity Data Processing Facilities were accepted or approved prior to adoption of appropriate regulatory standards, the City could be compelled to evaluate or act upon proposals that may create substantial and irreversible infrastructure commitments, including extraordinary electrical demand, water supply impacts, and land-use patterns that could constrain future municipal planning decisions.

SECTION 7. INFRASTRUCTURE PROTECTION FINDING

The City Commission further finds that High-Intensity Data Processing Facilities may create extraordinary and concentrated demands on municipal infrastructure, including electrical load coordination, water supply capacity, wastewater systems, and emergency service infrastructure.

The Commission determines that approval of such facilities prior to completion of appropriate regulatory standards could require the City to commit or expand public infrastructure in a manner inconsistent with responsible municipal planning and the protection of essential services to existing residents and businesses.

Accordingly, the City Commission finds that this temporary moratorium is necessary to ensure that municipal infrastructure resources — including potable water supply, wastewater capacity, and coordinated electrical infrastructure — remain available to serve existing residents, businesses, and essential municipal functions while the City completes its planning review and adopts appropriate land-use regulations governing such facilities. The Commission further finds that this ordinance constitutes a reasonable exercise of the City's police powers and zoning authority under Texas law, adopted for the protection of public health, safety, and welfare and not for the purpose of prohibiting lawful development.

Maintaining the status quo during the moratorium period is therefore necessary to ensure that the City retains the ability to conduct responsible planning, evaluate infrastructure capacity, and adopt appropriate land-use regulations before such development occurs.

SECTION 8. PLANNING STUDY AUTHORIZATION

The City Commission hereby directs the City Manager, Planning Department, and City Attorney to undertake an expedited planning and regulatory review regarding High-Intensity Data Processing Facilities during the moratorium period.

Such review shall include:

1. Coordination with Harlingen Water Works System for purpose of valuation of municipal water supply impacts and long-term water availability
2. Evaluation of wastewater capacity and treatment impacts
3. Coordination with regional electric utility providers regarding anticipated electrical load demands
4. Evaluation of land-use compatibility, building scale, and mechanical infrastructure associated with such facilities
5. Development of proposed zoning and regulatory standards governing the siting and approval of such facilities.

The City Manager shall present recommendations to the City Commission prior to expiration of the moratorium period.

SECTION 9. NO VESTED RIGHTS CREATED

Nothing in this ordinance shall be construed to grant or recognize vested development rights, to approve any development application, or impair the City's authority to adopt zoning regulations pursuant to Texas law.

SECTION 10. EXPIRATION

This moratorium shall automatically expire one hundred and twenty (120) days after the effective date of this ordinance, unless extended or repealed by ordinance of the City Commission.

SECTION 11 SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this ordinance is held invalid, such invalidity shall not affect the remaining portions of this ordinance.

SECTION 12. EMERGENCY AND IMMEDIATE NECESSITY

The City Commission finds and declares that an immediate necessity exists to protect the public health, safety, and welfare.

The Commission further finds that the City has received inquiries and expressions of interest indicating that applications for such facilities may be submitted in the immediate future and that acceptance or approval of such proposals prior to completion of the City's planning review could result in development inconsistent with municipal infrastructure capacity and planning objectives. Accordingly, this ordinance shall take effect immediately upon adoption in order to preserve the status quo while the City completes its planning review.

APPROVED BY THE CITY COMMISSION OF HARLINGEN ON THIS, THE ____ DAY OF MARCH 2026

Mayor Norma Sepulveda

Mayra Herrera

City Secretary

AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: June 17, 2026

Agenda Item:
Consideration and possible action authorizing the City Manager to submit a grant application to the Texas Parks and Wildlife Local Parks Non-Urban Indoor Grant Program. Attachment *(Special Projects Department)*.

Prepared By: *Ana Hernandez*, AICP, CNU-A
Planning and Development Director/
Special Projects Director

Brief Summary:
The Texas Parks and Wildlife Department's (TPWD) Local Parks Non-Urban Indoor Recreation Grant Program opened on May 1, 2026. Applications are due on August 3, 2026, at 5:00 PM. The Local Parks Non-Urban Indoor grant is a one-to-one matching grant consisting of a \$1.5 million grant award and \$1.5 million local match for a total project cost of \$3 million. Staff are seeking approval from City Commission to select the Pendleton Pool as the project for the Non-Urban Indoor Grant Program. The project will entail renovation of the facility and recreational improvements. If funded the facility must be maintained for a minimum period of 40 years.

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.

City Manager approval: *GL*
Comments:

City Attorney's approval: *[Signature]*



**Resolution No. 2026 -
Local Park Non-Urban Indoor 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 _____ 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 6th day of May, 2026.

Signature of Local Government Official

Norma Sepulveda, Mayor

Typed Name and Title

ATTEST:

Signature

Mayra Herrera, City Secretary

Typed Name and Title



**Project Priority Scoring System
Texas Recreation & Parks Account
Non-Urban Indoor and Outdoor Grant Programs
(Effective 9-1-2019)**

Applicant Eligibility

All previously completed Recreation Grant Projects must be compliant with all program guidelines and all terms of the Project Agreement under which they received assistance. For active grants, all required project documentation must be complete and have been received on schedule.

1. Goals and Objectives

Total Range: 0-10 points

The project proposal identifies specific, well-defined goals and objectives that both clearly explain the local priorities to be addressed by the proposed project and illustrate how the proposed project, if funded, will support the department's Land and Water Resources Conservation and Recreation Plan, Texas Outdoor Recreation Plan, and Local Park Grant program objectives, as applicable. Project goals are specific, measurable, attainable, relevant, and timely (SMART).

2. Project Timeline and Cost

Total Range: 0-5 points

The project proposal includes a detailed timeline and budget that are both feasible and credible in terms of land acquisition and/or construction. Information provided should be consistent with the project scope, narrative and site plan.

3. Site Design

Total Range: 0-10 points

Proposed site plan and boundary map are clear, easy-to-read and contain all information requested in the application. Proposed development prioritizes direct recreational opportunities. Acquisition-only projects include conceptual plans and schedule for future development.

- Site design takes into consideration the character and special features of the site, includes street names, acreage, and true north arrow, identifies utilities, easements and special features, and

clearly defines boundaries of existing parkland and acquisition tracts. (0-5 points)

- Project maximizes the use of funds for acquisition, recreation and conservation opportunities determined by dividing the direct acquisition, recreational, and conservation costs by the total project costs and multiplying the result by 5. (0-5 points)

4. Organizational Capacity

Total Range: 0-5 points

The applicant has the capacity to manage and implement the grant project and operate and maintain all facilities once the project has been completed.

- The applying entity has qualified staff and resources in place to manage the grant from inception to completion. If the entity lacks these resources, the applicant has effectively described partnerships in place to secure these resources.
- The applying entity has the resources in place to properly operate and maintain grant supported facilities into the future. If resources are not currently in place, the applicant has demonstrated a detailed plan to secure the needed resources.

5. Past Performance

Total Range: 0-10 points

Applicant is in full compliance with previously-funded & active TPWD Recreation Grant projects.

- Applicant is a full-time applicant. (10 points); or
- Applicant is in full compliance with the conditions of previously-funded and active recreation grants awarded by the department. (10 points); or
- Applicant is not in compliance with the conditions of previously-funded and active TPWD Recreation Grants but provides a credible and feasible action plan and timeline for achieving compliance. (0-10 points).

6. Community Need

Total Range: 0-10 points

Community need for the project has been clearly demonstrated.

- Applicant has a current Park, Recreation, and Open Space Master Plan or other comparable plan on file with the department at the time of application. (5 points)
- Applicant has described the needs assessment process used for this project, explained the influence of community need on the site design, and provided details on the public input process including timing, methods, and results; or
- Identified other methods of needs assessment such as staff recommendations or threat of a lost opportunity. (0-5 points)

7. Geographic Distribution

Total Range: 0-5 points

The project will improve the geographic distribution of park and recreation lands and facilities in the project's service area or within the applicant's jurisdiction.

- Project provides the first public park in the applicant's jurisdiction or intended service area (5 points); or
- Project:
 - fills a critical parks and recreation gap as identified through research, public input, or other means. (0-3 points).
 - is safely accessible to the public via multiple methods of transportation (example: walking, biking, public transportation). (0-2 points)

8. Under-served Populations

Total Range: 0-10 points

The proposed project increases opportunity and improves access to parks and recreation facilities for under-served populations.

- Project improves opportunities for low-income citizens, defined as the percent of households making less than \$35,000 per year, based on economic and demographic data for the service area from the most recent federal census data; Determined by multiplying the percentage of population qualifying as low-income by 5. (0-5 points)
- Project improves opportunities for ethnic minority citizens, defined as the percent of a population that does not select "white alone" on the US Census, based on economic and demographic data for the service

area from the most recent census data; Determined by multiplying the percentage of population qualifying as minority by 5. (0-5 points).

9. Accessibility

Total Range: 0-5 points

The proposed project provides park and recreation opportunities for physically/mentally challenged citizens, which exceed the federal and state required accessibility standards.

10. Conservation

Total Range: 0-10 points

The proposed project actively protects or restores critical ecosystems and incorporates elements that cultivate support for and awareness of natural and cultural resources.

11. Sustainable Park Design

Total Range: 0-10 points

The applicant has successfully demonstrated the integration of sustainable design features and practices.

12. Coordination with Subject Matter Experts (SME's)

Total Range: 0-5 points

- The applicant demonstrates meaningful input to the proposed project by subject matter experts in natural and cultural resource protection, acquisition, planning, design, and construction.
- The proposed project reflects consideration and inclusion of best practices in all phases of project development.

13. Outside Partnerships

Total Range: 0-5 points

Project involves the contribution of resources from sources other than the applicant which serves as all or part of the applicant's matching share of funds. Include current and signed letters of commitment that include detailed information regarding what is being contributed, the value of the contribution, and how this value was determined.

- Points shall be awarded on a percentage basis, determined by dividing the total outside contribution value by the total match and

multiplying the result by 3. (0-3 points); **and/or**

- Project demonstrates outside support above and beyond the required match; this can include overmatch and/or documented community mobilization. (0-2 points)

**AGENDA ITEM
EXECUTIVE SUMMARY**

10(e)

Meeting Date: **June 17, 2026**

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 providing veterinary expertise. The length of the contract is for one (1) year starting July 22, 2026, to July 21, 2027 for \$600.00 monthly charge totaling \$7,200.

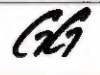
Funding (if applicable):

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

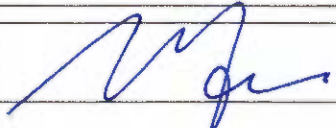
*If no, specify source of funding and amount requested:

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, 2026, and enacted by City of Harlingen and Contractor's signature.

Effective Date: July 22, 2026,

Expiration Date: July 21, 2027

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



Texas State Board of Veterinary Medical Examiners

License Verification

Robert R. Kellogg

Profession	License Type	License Number	License Status	Issued Date	Expiration Date	Reinstatement Date	Disciplinary Action	Practice Address
Doctor of Veterinary Medicine (DVM)	Regular	4542	Active	08/24/1979	02/28/2027		No	Isabel Y. Garcia Animal Shelter 262 Woodys Ln, Port Isabel, TX 78578

License Status Definitions:

Active: License is current and good standing.

Canceled: Licensee does not have an active License and may not practice.

Expired: License is delinquent and License may not practice.

Inactive: License is not active and License may not practice.

Probated Suspension: License is authorized to work but is on probation for the duration of the disciplinary order.

Retired: Voluntary and permanent conclusion of licensee's practice or veterinary medicine.

Revoked: License is not authorized to practice. Board has withdrawn licensee's authority to practice.

Suspended: License is not authorized to practice for the duration of the active suspension.

Surrendered: License is not authorized to practice. License has relinquished license voluntarily.

Report generated on 06/02/2026 14:33:09 (TimeZone: America/Chicago)

**AGENDA ITEM
EXECUTIVE SUMMARY**

10(f)

Meeting Date: **June 17th 2026**

Agenda Item:

Consideration and possible action to authorize the City Manager to award Bid No. 2026-05 for the Harlingen Smart Corridors Project.

Prepared By: Roberto Hernandez, PE, CFM, MS

Title: City Engineer

Signature:



Brief Summary:

The City of Harlingen publicly advertised Bid No. 2026-05 Harlingen Smart Corridors Project for construction of traffic signal and intelligent transportation system improvements throughout the City. Bids were received on May 27, 2026, and a total of four (4) bids were submitted. The bid tabulation is attached for reference.

The Harlingen Smart Corridors Project is a \$1,136,000 transportation improvement project developed in-house by the City's Engineering Department and funded through a partnership with the Texas Department of Transportation (TxDOT) under an 80/20 funding match. The project includes upgrades to 16 traffic signal intersections, replacement of associated signal hardware, and deployment of AI-based detection technology to support real-time traffic monitoring and adaptive signal control.

Improvements will occur along key corridors including South Sunshine Strip, South Ed Carey Drive, Business 77, Harrison Avenue, Tyler Avenue, Dixieland Road, and Morgan Boulevard. These improvements support Transportation Systems Management and Operations (TSMO) objectives and are intended to improve traffic flow, enhance safety, and reduce vehicle emissions throughout the corridor network.

Following review of the submitted bids, The Levy Company was determined to be the lowest responsive and responsible bidder with a bid amount of \$853,070.00. The bid is within the project budget, and staff recommends award of the construction contract.

Approval of this item will authorize the City Manager to execute a construction contract with The Levy Company for the Harlingen Smart Corridors Project and proceed with construction.

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:
General Fund

Finance Director's approval:

☐

Yes

☐

No

☐

N/A

Staff Recommendation:

Staff recommends approval.

City Manager's approval:

CG

☒

Yes

☐

No

☐

N/A

Comments:

City Attorney's approval:

[Signature]

☒

Yes

☐

No

☐

N/A



Harlingen Smart Corridors Project
Bid No. 2026-05
Bid Tabulation

			Engineer's Estimate			Austin Traffic Signal Construction, LLC			Econolite			The Levy Company			Traf- Tex, Inc		
Item No.	Description	Unit	Qty	Unit Cost	Total Cost	Qty	Unit Cost	Total Cost	Qty	Unit Cost	Total Cost	Qty	Unit Cost	Total Cost	Qty	Unit Cost	Total Cost
A1	MOBILIZATION	LS	1	\$75,000.00	\$75,000	1	\$25,500.00	\$25,500	1	\$37,915.44	\$37,915	1	\$37,100.00	\$37,100	1	\$80,213.00	\$80,213
A2	BARRICADES, SIGNS, AND TRAFFIC HANDLING	MO	5	\$8,000.00	\$40,000	9	\$1,400.00	\$12,600	9	\$300.37	\$2,703	9	\$450.00	\$4,050	9	\$6,636.00	\$59,724
A3	TMA (STATIONARY)	DA	32	\$350.00	\$11,200	32	\$275.00	\$8,800	32	\$789.94	\$25,278	32	\$50.00	\$1,600	32	\$478.50	\$15,312
A4	INSTALL HWY TRF SIG (UPGRADE)	EA	16	\$23,000.00	\$368,000	16	\$26,220.00	\$419,520	16	\$26,880.02	\$430,080	16	\$22,760.00	\$364,160	16	\$23,983.00	\$383,728
A5	FEDS PROCESSOR UNIT	EA	16	\$21,000.00	\$336,000	16	\$18,950.00	\$303,200	16	\$19,479.95	\$311,679	16	\$26,500.00	\$424,000	16	\$16,404.00	\$262,464
A6	FEDS FISH EYE CAMERA ASSEMBLY	EA	21	\$6,600.00	\$138,600	21	\$4,000.00	\$84,000	21	\$5,154.68	\$108,248	21	\$560.00	\$11,760	21	\$7,129.00	\$149,709
A7	LIFETIME FEDS DATA COLLECTION & REPORTING	EA	16	\$7,200.00	\$115,200	16	\$14,150.00	\$226,400	16	\$1,900.88	\$30,414	16	\$290.00	\$4,640	16	\$5,725.00	\$91,600
A8	FEDS COMM CABLE (ETHERNET - CAT5E)	LF	3600	\$3.00	\$10,800	3600	\$9.00	\$32,400	3600	\$3.74	\$13,464	3600	\$1.60	\$5,760	3600	\$8.40	\$30,240
TOTAL:				\$1,094,800.00			\$1,112,420.00			\$959,782.73			\$853,070.00			\$1,072,990.00	

**AGENDA ITEM
EXECUTIVE SUMMARY**

10(9)

Meeting Date: **March 18th, 2026**

Agenda Item:

Consideration and possible action to authorize the City Manager to award Item No. 1 – Hot Mix Asphalt Type D under Bid No. 2026-03, Supply Contract – Materials for the Street Improvement Project 2026, to the second lowest responsive bidder and approve the associated budget adjustment.

Prepared By: Roberto Hernandez, PE, CFM, MS

Title: City Engineer

Signature:



Brief Summary:

On March 18, 2026, the City Commission approved Bid No. 2026-03 for the procurement of materials associated with the Street Improvement Project 2026. As part of that award, **Upper Valley Materials dba CAPA** was selected as the lowest responsive bidder for the supply of **25,600 tons of Hot Mix Asphalt Type D** at a unit price of **\$74.50 per ton**, for a total contract amount of **\$1,907,200.00**.

Subsequent to the award, Upper Valley Materials dba CAPA notified the City that it would not honor the bid price submitted and requested an increase in the unit price from **\$74.50 per ton to \$82.50 per ton**. Staff advised the vendor that the City could not approve a modification to the awarded bid price. Following discussions, the City and CAPA were unable to reach an agreement, and on **June 2, 2026**, the vendor formally withdrew its bid.

Following the withdrawal, staff contacted the second-lowest bidder, **Materiales La Frontera**, to determine its willingness to honor the pricing submitted during the original bid process. Materiales La Frontera confirmed its ability to provide the material at its originally submitted bid price of **\$78.50 per ton**, resulting in a total contract amount of **\$2,009,600.00** for the required 25,600 tons of asphalt.

The additional cost associated with awarding the contract to Materiales La Frontera is **\$102,400.00** above the original award amount. Staff recommends funding this increase through the Street Improvement Program budget and proceeding with the award to avoid delays to the 2026 Street Improvement Project.

Copies of the vendor correspondence, original bid tabulation, and supporting documentation are attached for reference.

Approval of this item will authorize the City Manager to award the Hot Mix Asphalt Type D contract to Materiales La Frontera in the amount of **\$2,009,600.00** and approve the additional funding necessary to proceed with the Street Improvement Project 2026.

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:

Street Improvement Program Fund

Finance Director's approval:

☐

Yes

☐

No

☐

N/A

Staff Recommendation:

Staff recommends re-awarding Item No. 1 – Hot Mix Asphalt Type D to Materiales La Frontera at a unit price of \$78.50 per ton for a total contract amount of \$2,009,600.00, and authorizing the additional required bduget to be funded from the Street Improvement Program budget.

City Manager's approval:

GG

☒

Yes

☐

No

☐

N/A

Comments:

City Attorney's approval:

[Signature]

☒

Yes

☐

Now

☐

N/A

RE: EXTERNALRe: EXTERNALFW: Bid No. 2026-03: Supply Contract for 2SIPP 026 - Award Notice

From Isaac Jimenez <ijimenez@capatexas.com>

Date Tue 6/2/2026 4:42 PM

To Roberto Hernandez <rhernandez@harlingentx.gov>; Alberto Martinez UVM QC <albertolab@capatexas.com>; Rufino Garza <rgarza@capatexas.com>

Cc Ruth Trevino <rtrevino@harlingentx.gov>; Oscar Garcia <oscarg@harlingentx.gov>; Christopher Torres <ctorres@harlingentx.gov>; Isac Ramirez <isacr@harlingentx.gov>; Tanya Lugo <tlugo@harlingentx.gov>; Robert Rodriguez <robertr@harlingentx.gov>; mark Sossi <marksossi84@icloud.com>; Gabriel Gonzalez <ggonzalez@harlingentx.gov>; Elizabeth Silva UVM AR Clerk <aruvvm@capatexas.com>

Dear Mr. Hernandez,

While we were excited to be considered for Bid No. 2026-03 Supply Contract – Materials for Street Improvement Project 2026, we regret to inform you that we cannot accept the contract award at this time. Due to recent market volatility and sharply rising material costs, we have been forced to make a necessary adjustment to our asphalt pricing. We remain fully committed to providing you with the highest quality products and services. Please be assured that this decision will not disrupt any of your future orders should you wish to continue partnering with CAPA for your street projects. Your understanding and continued support during this transition are invaluable to us. We remain dedicated to providing excellent customer service while offering the most competitive pricing possible in this changing market.

Respectfully,



Isaac Jimenez
Territory Sales Manager
CAPA Texas

ijimenez@capatexas.com

www.capatexas.com

3609 West Palma Vista Drive, Palmview, TX 78572
Cell-956-862-6517

This e-mail and any files transmitted with it are legally privileged, confidential and intended solely for the use of the individual or entity to which they are addressed. If you have received this e-mail in error, please notify the sender and do not further disseminate, discuss, distribute or forward this message. Any views or opinions presented in this e-mail are solely those of the author and do not necessarily represent those of the Company. The recipient should check this e-mail and any attachments for the presence of viruses and the Company accepts no liability for any damage caused by any virus transmitted by this e-mail.

From: Roberto Hernandez <rhernandez@harlingentx.gov>

Sent: Tuesday, June 2, 2026 2:45 PM

To: Isaac Jimenez <ijimenez@capatexas.com>; Alberto Martinez UVM QC <albertolab@capatexas.com>; Rufino Garza <rgarza@capatexas.com>

Cc: Ruth Trevino <rtrevino@harlingentx.gov>; Oscar Garcia <oscarg@harlingentx.gov>; Christopher Torres <ctorres@harlingentx.gov>; Isac Ramirez <isacr@harlingentx.gov>; Tanya Lugo <tlugo@harlingentx.gov>; Robert Rodriguez <robertr@harlingentx.gov>; mark Sossi <marksossi84@icloud.com>; Gabriel Gonzalez <ggonzalez@harlingentx.gov>

Subject: EXTERNALRe: EXTERNALFW: Bid No. 2026-03: Supply Contract for 2SIPP 026 - Award Notice
Importance: High

Hello CAPA Team,

Thank you for taking the time to meet with me and discuss the City's asphalt supply needs and the status of Bid No. 2026-03. I appreciate CAPA's willingness to work with the City as we move forward with our Street Improvement Program.

I would also like to thank CAPA for agreeing to continue supplying the asphalt needed for the streets that have already been prepared for paving under the FY25 purchase order. Based on our discussions, the City anticipates utilizing approximately 3,560 tons of Hot Mix Asphalt under the FY25 PO, and we appreciate your cooperation in helping us complete these streets.

With respect to the FY26 Asphalt Supply Contract that was awarded by the City Commission, I am requesting formal written confirmation regarding CAPA's position on the awarded bid. Based on our discussions, it is my understanding that CAPA is unable to proceed under the unit pricing submitted as part of Bid No. 2026-03 for the remaining asphalt quantities contemplated under the contract.

For the City's procurement records and to allow us to proceed accordingly, please provide written confirmation as to whether CAPA is unable to proceed under the pricing submitted in its bid proposal and therefore wishes to formally withdraw its bid for Bid No. 2026-03: Supply Contract – Materials for Street Improvement Project 2026.

Once we receive CAPA's written determination, the City will evaluate the appropriate next steps in accordance with applicable procurement requirements and City policies.

We appreciate CAPA's partnership and assistance with completing the paving work currently underway and look forward to receiving your response.

Best regards,

Roberto Hernandez, PE, CFM, MS

City Engineer

City of Harlingen

24200 FM 509, Harlingen, TX 78550

Office: (956) 216-5280



From: Roberto Hernandez <rhernandez@harlingentx.gov>

Sent: Friday, May 29, 2026 2:53 PM

To: Isaac Jimenez <ijimenez@capatexas.com>; Alberto Martinez UVM QC <albertolab@capatexas.com>

Cc: Ruth Trevino <rtrevino@harlingentx.gov>; Oscar Garcia <oscarg@harlingentx.gov>; Christopher Torres <ctorres@harlingentx.gov>; Isac Ramirez <isacr@harlingentx.gov>; Tanya Lugo <tlugo@harlingentx.gov>; Robert Rodriguez <robertr@harlingentx.gov>; mark Sossi <marksossi84@icloud.com>

Subject: Re: EXTERNALFW: Bid No. 2026-03: Supply Contract for 2SIPP 026 - Award Notice

Hello CAPA Team,

Thank you for your email and for the information provided regarding the proposed asphalt price adjustment.

At this moment, the City is requesting formal confirmation from Upper Valley Materials dba CAPA as to whether the company intends to honor the bid pricing submitted under Bid No. 2026-03: Supply Contract – Materials for Street Improvement Project 2026, which was publicly opened on February 24, 2026, and subsequently awarded by the City Commission on March 18, 2026.

Please note that the City Commission approved the award based on the unit pricing submitted in CAPA's bid proposal for 25,600 tons of Hot Mix Asphalt Type D, for a total awarded amount of \$1,907,200.00 (unit price of \$74.50/ton). The award was specifically for Bid Item No. 1 – Hot Mix Asphalt Type D (Pick Up at Location) only, and did not include flexbase or any additional materials outside the awarded bid item. This is reflected on the form of agreement Mr. Ramirez provided.

As outlined in the bid documents, the solicitation specifically states that:

“Prices agreed and quoted shall prevail for a period of one year with purchases as needed, starting on the day of City Commission award date.”

Additionally, the bid documents state that no changes or alterations to the bid specifications or submitted pricing shall be allowed unless formally modified through an addendum issued prior to bid opening.

While we understand market conditions may fluctuate, the City must ensure compliance with the procurement requirements, bid documents, and the terms under which the award was approved by the City Commission.

If CAPA is unable to honor the submitted bid pricing, the City will have to evaluate all available options, including withdrawal of the bid award and seeking an alternate supplier for the material in accordance with applicable procurement requirements and City policies.

Please provide written confirmation at your earliest convenience regarding whether CAPA intends to proceed under the originally submitted bid pricing and terms.

I am attaching a copy of the submitted bid to this email.

We appreciate your prompt attention to this matter and look forward to your response.

Best regards,

Roberto Hernandez, PE, CFM, MS

City Engineer
City of Harlingen
24200 FM 509, Harlingen, TX 78550
Office: (956) 216-5280



From: Isaac Jimenez <jjimenez@capatexas.com>
Sent: Friday, May 29, 2026 11:47 AM
To: Roberto Hernandez <rhernandez@harlingentx.gov>
Cc: Alberto Martinez UVM QC <albertolab@capatexas.com>; Isaac Jimenez <jjimenez@capatexas.com>
Subject: Fw: EXTERNALFW: Bid No. 2026-03: Supply Contract for 2SIPP 026 - Award Notice

Hello Mr. Hernandez- Please the email communication below regarding the subject matter.
Please let me know if you any questions or concerns.

Thanks

Isaac Jimenez

Get [Outlook for iOS](#)

From: Isaac Jimenez <jjimenez@capatexas.com>
Sent: Wednesday, May 27, 2026 10:44 AM
To: Isac Ramirez <isacr@harlingentx.gov>
Cc: Alberto Martinez UVM QC <albertolab@capatexas.com>; Rufino Garza <rgarza@capatexas.com>; David Martinez <dmartinez@capatexas.com>; CAPA Sales <sales@capatexas.com>; Elizabeth Silva UVM AR Clerk <aruvm@capatexas.com>
Subject: RE: EXTERNALFW: Bid No. 2026-03: Supply Contract for 2SIPP 026 - Award Notice

Subject: Important Update on Asphalt Pricing

Dear Mr. Ramirez,

We are excited and pleased to be awarded the Bid No. 2026-03 Supply Contract – Materials for Street Improvement Project 2026. However, we want to inform you that due to recent market volatility and rising material costs, we have made a necessary adjustment to our asphalt pricing. We are still committed to providing you with the highest quality products and services, and this change will help us continue to do so. Your understanding and support during this transition are invaluable to us. In addition, we are dedicated to remaining competitive in the market while ensuring that we deliver excellent customer service. Please see attached the quote for the asphalt reflecting the price increase.

At the same time, we would appreciate it if you could confirm your acceptance of the pricing for the asphalt material. If you agree, please update the agreement form at your earliest convenience so we can formally accept your bid for the project. We are excited about the opportunity to collaborate and are dedicated to delivering exceptional service to meet all the obligations and conditions specified in the project contract.

Thank you for your continued partnership.



Isaac Jimenez

Territory Sales Manager

CAPA Texas

ijimenez@capatexas.com

www.capatexas.com

3609 West Palma Vista Drive, Palmview, TX 78572

Cell-956-862-6517

This e-mail and any files transmitted with it are legally privileged, confidential and intended solely for the use of the individual or entity to which they are addressed. If you have received this e-mail in error, please notify the sender and do not further disseminate, discuss, distribute or forward this message. Any views or opinions presented in this e-mail are solely those of the author and do not necessarily represent those of the Company. The recipient should check this e-mail and any attachments for the presence of viruses and the Company accepts no liability for any damage caused by any virus transmitted by this e-mail.

From: Isaac Jimenez <ijimenez@capatexas.com>

Sent: Tuesday, May 26, 2026 2:39 PM

To: Isac Ramirez <isacr@harlingentx.gov>

Cc: Alberto Martinez UVM QC <albertolab@capatexas.com>; Isaac Jimenez <ijimenez@capatexas.com>

Subject: Re: EXTERNALFW: Bid No. 2026-03: Supply Contract for 2026 SIPP - Award Notice

Hello Isac - It was a pleasure speaking with you. I will review the agreement and execute it once I get a chance to review it.

Thanks

Isaac Jimenez



Isaac Jimenez

Territory Sales Manager

CAPA Texas

ijimenez@capatexas.com

www.capatexas.com

3609 West Palma Vista Drive, Palmview, TX 78572

Cell-956-862-6517

This e-mail and any files transmitted with it are legally privileged, confidential and intended solely for the use of the individual or entity to which they are addressed. If you have received this e-mail in error, please notify the sender and do not further disseminate, discuss, distribute or forward this message. Any views or opinions presented in this e-mail are solely those of the author and do

Get [Outlook for iOS](#)

From: Isac Ramirez <isacr@harlingentx.gov>

Sent: Tuesday, May 26, 2026 2:32 PM

To: Isaac Jimenez <ijimenez@capatexas.com>

Subject: EXTERNALFW: Bid No. 2026-03: Supply Contract for 2026 SIPP - Award Notice

Good afternoon,

As per our phone conversation, please see attachments.

Respectfully,



Isac Ramirez, PE, CFM

Project Engineer

24200 FM 509

Harlingen, Texas 78550

p: [\(956\) 216-5283](tel:9562165283)

NOTE: This email message and any attachments are for the sole use of the intended recipient(s) and may contain confidential and/or privileged information. Any unauthorized review, use, disclosure or distribution, is prohibited. If you are not the intended recipient, please contact the sender by replying to this email, and destroy all copies of the original message.

From: Isac Ramirez

Sent: Tuesday, April 21, 2026 10:59 AM

To: jjimenez@capatexas.com

Cc: sales@capatexas.com

Subject: Bid No. 2026-03: Supply Contract for 2026 SIPP - Award Notice

Good afternoon CAPA Sales Team,

Congratulations! The City of Harlingen City Commission has awarded Upper Valley Materials, LLC (dba CAPA) a supply contract for Bid Item No. 1 – Hot Mix Asphalt Type D (Pick Up at Location) from Bid No. 2026-03 Supply Contract – Materials for Street Improvement Project 2026. Attached you will find a copy of the supply contract and a Form of Agreement. Please sign and return the Form of Agreement at your earliest convenience.

If you have any questions regarding this notice, please contact me at (956) 244-2785, or via email to isacr@harlingentx.gov.

Thank you,



Isac Ramirez, PE, CFM

Project Engineer

24200 FM 509

Harlingen, Texas 78550

p: (956) 216-5283

NOTE: This email message and any attachments are for the sole use of the intended recipient(s) and may contain confidential and/or privileged information. Any unauthorized review, use, disclosure or distribution, is prohibited. If you are not the intended recipient, please contact the sender by replying to this email, and destroy all copies of the original message.

Quote

Upper Valley Materials, LLC
3609 W. Palma Vista Dr.
Palmview, TX 78572
sales@capatexas.com
(956) 580-2502

**Bill To**

CITY OF HARLINGEN.
404 S 54TH ST
Harlingen TX 78550
United States

Ship To

Bid No.(2026-03) Supply Contract-
Materials Street Improvement
Project 2026.

Date

02/19/2026

Sales Rep

Isaac Jimenez

Shipping**Terms**

Net 10th Prox

Due Date

03/21/2026

Status

Proposal

Project: BID NO. 2026-03 SUPPLY
CONTRACT- MATERIALS STREET
IMPROVEMENTS PROJECT 2026

Quote QUOU581

Due Date: 03/21/2026

Item / Description	Quantity	UM	Price	Extended Price
CAPA-LIMECOMM-2026-PR	25,600	Tons (1)	\$82.50	\$2,112,000.00
CAPA-LIMECOMM-2026-PR				
TD-CA	12,800	Tons (1)	\$10.00	\$128,000.00
FLEXBASE CALICHE				

Subtotal	\$2,240,000.00
Shipping Cost	\$0.00
Tax	\$184,800.00
Total	\$2,424,800.00

Signature & Date:

PO# _____

Tax Exempt: Yes / No

Terms and Conditions:

Sales are COD, or Net 10th of the following month with approved Credit. Additional Terms/Conditions apply
In order to provide a complete materials quotation, do not rely solely on the quantities and descriptions as provided on this quotation but compare our data to yours and notify us of any discrepancies and we will promptly revise our quotation. Prices are subject to change without notice.
We reserve the right to modify this quote and match prices provided by any competitor.
The pricing herein is offered based on servicing the complete project. We reserve the rights to adjust the quoted prices should our quote not be accepted in full.
If the customer is in delinquency and decides to purchase material somewhere else, the Customer will still be responsible for purchasing all pending materials left for delivery.
Quote is Valid for 30 days from issue date or bid date, whichever is greater.
Quote pricing is non-transferable to other project(s).

NOT APPROVED

Bid No. 2026-03 Supply Contract - Materials for Street Improvement Project 2026

BID PROPOSAL / NONCOLLUSION AFFIDAVIT OF PRIME BIDDER

State of Texas }
County of Cameron }

Steven Boyd, being first duly sworn, deposes and says that:

(1) He/She is Sales Manager of Materkiles Las Fronteras
Title (Owner/Manager, etc.) Company Name
the Bidder that has submitted the attached Bid;

(2) He/She is fully informed respecting the preparation and contents of the attached Bid and of all pertinent circumstances respecting such Bid;

(3) Such Bid is genuine and is not a collusive or sham Bid;

(4) Neither the said Bidder nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant, has in any way colluded, conspired, connived or agreed, directly or indirectly with another Bidder, firm or person to submit a collusive or sham Bid in connection with the Contract for which the attached Bid has been submitted or to refrain from bidding in connection with such Contract, or has in any manner, directly or indirectly, sought by agreement or collusion or communication or conference with any other Bidder, firm or person to fix the price or prices in the attached Bid or of any other Bidder, or to fix an overhead, profit or cost element of the Bid price or the Bid price of any other Bidder, or to secure through any collusion, conspiracy, connivance or unlawful agreement any advantage against the City of Harlingen or any person interested in the proposed Contract; and

(5) The price or prices quoted in the attached Bid are fair and proper and are not tainted by any collusion, conspiracy, connivance or unlawful agreement on the part of the Bidder or any of its agents, representatives, owners, employees, or parties in interest, including this affiant.

The undersigned, as bidder, declares that the person or parties interested in this bid as principals are those named herein; that this bid is made without collusion with any other person, firm, or corporation; that he has carefully examined the form of contract, Notice to Bidders, Specifications & the Plans therein referred to, and agrees that he will provide all the necessary labor, machinery, tool, apparatus, and other items.

Bidder acknowledges receipt of the following addendum or addenda.

- 1.) Addendum No. 1 Questions & Answers
2.) _____
3.) _____

It is understood and agreed that the owner may delay awarding the contract and hold the bids for a period not to exceed sixty (60) days.

Quantities shown on BID SCHEDULE are approximate based on project usage. It is specifically understood that these quantities may change without adjustment to the unit price. Prices agreed and quoted shall prevail for a period of one year with purchases as needed, starting on the day of City Commission award date.

It is the responsibility of the Supplier to verify that the materials meet specifications. Failure to do so or failure of the product itself will be a reason for cancelling all existing or pending orders. The City of Harlingen reserves the right to test the materials and/or request demonstrations and samples of the materials at the City's discretion to confirm materials specifications. All materials under these specifications shall be new and unused.

It is understood that, during the period of the contract, should the successful bidder be unable to supply the product, the City reserves the right to obtain the product from available sources.

Bids shall be analyzed on a total dollar value and what is most advantageous to the City.

The undersigned certifies that the bid prices contained in the Bid Form and in the Bid Schedule have been carefully checked and are submitted as correct and final.

Signed:

[Signature]

Title:

Sales Manager

Date:

2-23-2026

Company:

Materiales Las Tiguas

Street Address:

4203 PALMETTO PALM DRIVE

City and State:

Palmhurst, TX 78573

Phone:

956-877-4074

Fax:

State of Texas, County of Hidalgo

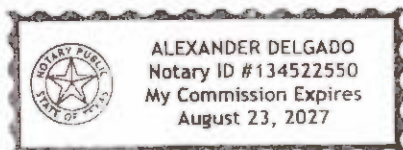
This instrument was acknowledged before me on

23 day of February, 2026

by Steven Boyd

[Signature]

Notary Public State of Texas



BID FORM

Bid No. 2026-03 Supply Contract - Materials for Street Improvement Project 2026

This bid price includes all material as set forth in the attached specification packet and instructions. I have read and agree to comply with these requirements. It is understood and agreed that the owner may delay awarding the contract and hold the bids for a period not to exceed sixty (60) calendar days.

***All delivery fees, fuel surcharges, and miscellaneous costs are required to be included with the unit pricing for this bid.** The bid price quoted must include all items requested and remain firm throughout the duration of the contract. Deliveries to Harlingen will be made to the Public Works Facilities located at 404 54th St., Harlingen, Texas 78550.

Bidders are allowed to submit a Bid Price for a single project component or multiple. The City of Harlingen reserves the right to award separate contracts for each project component (Hot Mix Asphalt, Flexible Base, SS-1 Binder, and Geogrid) or one contract for multiple components based on the most advantageous pricing.

BASE BID ITEM

Item No.	Description	Estimated Quantity	Unit of Measure	Unit Price	Total Price
1	HOT MIX ASPHALT TYPE D HMAP SAC-B PG 64-22 (PICK UP AT LOCATION) <i>FAB Progreso plant</i>	25,600	TON	<i>\$18.50</i>	<i>\$2,009,600</i>
2	FLEXIBLE BASE TYPE A (PICK UP AT LOCATION) <i>FAB Progreso plant</i>	12,800	TON	<i>\$42.00</i>	<i>\$537,600</i>
3	EMULSIFIED ASPHALT SS-1 (60% BINDER, 1:1 DILUTION) (PICK UP AT LOCATION)	26,200	GALLON	<i>NO Bid</i>	
4	GEOGRID – TENSAR H-SERIES HX5.5 (PICK UP AT LOCATION) ROLL SIZE 12.5' X 328'	78	ROLL	<i>NO Bid</i>	
5	GEOGRID – ADS BIAXIAL SERIES BX224 (PICK UP AT LOCATION) ROLL SIZE 12.5' X 328'	78	ROLL	<i>NO Bid</i>	
6	GEOGRID – BASELOK BT-50 SERIES (PICK UP AT LOCATION) ROLL SIZE 12.5' X 246'	109	ROLL	<i>NO Bid</i>	

ALTERNATE BID ITEMS

Item No.	Description	Estimated Quantity	Unit of Measure	Unit Price	Total Price
6	HOT MIX ASPHALT TYPE D HMAP SAC-B PG 64-22 (DELIVERED TO HARLINGEN*) <i>Progreso Plant</i>	25,600	TON	<i>\$88.25</i>	<i>\$2,259,200</i>
7	FLEXIBLE BASE TYPE A (DELIVERED TO HARLINGEN*) <i>Progreso Plant</i>	12,800	TON	<i>\$51.75</i>	<i>\$662,400</i>
8	EMULSIFIED ASPHALT SS-1 (60% BINDER, 1:1 DILUTION) (DELIVERED TO HARLINGEN*)	26,200	GALLON	<i>NO Bid</i>	
9	GEOGRID – TENSAR H-SERIES HX5.5 (DELIVERED TO HARLINGEN*) ROLL SIZE 12.5' X 328'	78	ROLL	<i>NO Bid</i>	
10	GEOGRID – ADS BIAXIAL SERIES BX224 (DELIVERED TO HARLINGEN*) ROLL SIZE 12.5' X 328'	78	ROLL	<i>NO Bid</i>	
11	GEOGRID – BASELOK BT-50 SERIES (DELIVERED TO HARLINGEN*) ROLL SIZE 12.5' X 246'	109	ROLL	<i>NO Bid</i>	

IN COMPLIANCE WITH THIS SOLICITATION, THE UNDERSIGNED BIDDER HAVING EXAMINED THE INVITATION TO BID AND SPECIFICATIONS, AND BEING FAMILIAR WITH THE CONDITIONS TO BE MET, HEREBY SUBMITS THE FOLLOWING BID TO PROVIDE THE PRODUCTS LISTED ON THE ATTACHED BID FORM AND AGREES TO DELIVER SAID PRODUCTS AT THE LOCATIONS AND FOR THE PRICES SET FORTH ON THE BID FORM. AN INDIVIDUAL AUTHORIZED TO BIND THE COMPANY MUST SIGN THE FOLLOWING SECTION. FAILURE TO EXECUTE AND SIGN THIS PORTION MAY RESULT IN BID REJECTION. FAX RESPONSES WILL NOT BE ACCEPTED.

Respectfully submitted this 24th day of Feb, 2026.

Authorized Representative: Steven Boyd

Title: Sales Manager

Company: Materiales Las Fronteras

Mailing Address City/State/Zip: 4203 Palmetto Palm Drive, Palm Ht, TX 78573

Phone / Fax Number: 956-877-4074

Email Address: sboyd@mifronteras.com

Please include the following documents with your bid.

1. Enter the name, telephone number, and email address of contact personnel to request deliveries.

Name: Steven Boyd
Telephone: 956-877-4074
Email Address: sboyd@mifronteras.com

2. Include a quote or proposal on company letterhead with the unit pricing per the estimated quantities to match the bid items.

BID NO 2026-03

4203 Palmetto Palm Dr
Palmhurst, Texas 78573
Phone: (956) 340-3519

DATE _____

February 23, 2026

CUSTOMER

City of Harlingen Texas

BILL TO

QUOTATION VALID UNTIL

February 23, 2027

DESCRIPTION	Quantity	Unit Of M	Unit Price	Delivered Total
Hot Mix Asphalt Type D HMAPSAC-B PG 64-22 (PICK UP AT LOCATION)	25,600	TON	\$78.50	\$ 2,009,600.00
Flexible Base Type A (PICK UP AT LOCATION)	12,800	TON	\$42.00	\$ 537,600.00
Hot Mix Asphalt Type D HMAPSAC-B PG 64-22 (DELIVERED TO THE CITY OF HARLINGEN)	25,600	TON	\$88.25	\$ 2,259,200.00
Flexible Base Type A (DELIVERED TO THE CITY OF HARLINGEN)	12,800	TON	\$51.75	\$ 662,400.00

If you have any questions concerning this quotation, please reach out to
Steven Boyd - Sales Manager at (956) 877-4074

THANK YOU FOR YOUR BUSINESS!

By:

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

OFFICE USE ONLY

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

Materials Lps Fronteras

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

City of Harlingen

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

HMAC 2 Limestone Road

4 Name of Interested Party	City, State, Country (place of business)	Nature of Interest (check applicable)	
		Controlling	Intermediary

5 Check only if there is no interested party.



6 UNSWORN DECLARATION

My name is Steven Boyd and my date of birth is 7-30-63

My address mile 16 N 9628 ELSA TX 78543 Hidalgo
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Hidalgo County, State of TX, on this 23rd day of Feb, 20 26
(month) (year)

[Signature]
Signature of authorized agent of contracting business entity
(Declarant)

ADD ADDITIONAL PAGES AS NECESSARY

CONFLICT OF INTEREST QUESTIONNAIRE
For vendor doing business with local governmental entity

FORM CIQ

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY

Date Received

1 Name of vendor who has a business relationship with local governmental entity.

None

2 ☐ Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information is being disclosed.

None

Name of Officer

4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

None

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

☐ Yes

☒ No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

☐ Yes

☒ No

5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.

None

6 ☐ Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7

[Signature]
Signature of vendor doing business with the governmental entity

2-24-2026
Date

CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local governmental entity

A complete copy of Chapter 176 of the Local Government Code may be found at <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm>. For easy reference, below are some of the sections cited on this form.

Local Government Code § 176.001(1-a): "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

- (A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
- (B) a transaction conducted at a price and subject to terms available to the public; or
- (C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

Local Government Code § 176.003(a)(2)(A) and (B):

- (a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that:

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor.

Local Government Code § 176.006(a) and (a-1)

- (a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

- (1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);
- (2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or
- (3) has a family relationship with a local government officer of that local governmental entity.

(a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

- (1) the date that the vendor:

- (A) begins discussions or negotiations to enter into a contract with the local governmental entity; or
- (B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

- (2) the date the vendor becomes aware:

- (A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);
- (B) that the vendor has given one or more gifts described by Subsection (a); or
- (C) of a family relationship with a local government officer.

ITEM 1 HOT MIX ASPHALT AT LOCATION – TY D HMAP SAC-B PG 64-22

DENSE-GRADED HOT-MIX ASPHALT (METHOD)

Description. Construct a pavement layer composed of a compacted, dense-graded mixture of aggregate and asphalt binder mixed hot in a mixing plant.

Materials. Furnish uncontaminated materials of uniform quality that meet the requirements of the specifications.

Notify the City Engineer of all material sources. Notify the Engineer before changing any material source or formulation. When the Contractor makes a source or formulation change, the Engineer will verify that the requirements of this Item are met and may require a new laboratory mixture design, trial batch, or both. The Engineer may sample and test project materials at any time during the project to verify compliance.

A. **Aggregate.** Furnish aggregates from sources that conform to the requirements shown in Table 1, and as specified in this Section, unless otherwise shown on the plans. Provide aggregate stockpiles that meet the definition in this Section for either coarse aggregate or fine aggregate. When reclaimed asphalt pavement (RAP) is allowed by plan note, provide RAP stockpiles in accordance with this Section. Aggregate from RAP is not required to meet Table 1 requirements unless otherwise shown on the plans. Supply mechanically crushed gravel or stone aggregates that meet the definitions in

Tex-100-E. The Engineer will designate the plant or the quarry as the sampling location. Samples must be from materials produced for the project. The Engineer will establish the surface aggregate classification (SAC) and perform Los Angeles abrasion, magnesium sulfate soundness, and Micro- Deval tests. Perform all other aggregate quality tests listed in Table 1. Document all test results on the mixture design report. The Engineer may perform tests on independent or split samples to verify Contractor test results. Stockpile aggregates for each source and type separately. Determine aggregate gradations for mixture design and production testing based on the washed sieve analysis given in

Tex-200-F, Part II. Do not add material to an approved stockpile from sources that do not meet the aggregate quality requirements of the Texas Department of Transportation's *Bituminous Rated Source Quality Catalog* (BRSQC) unless otherwise approved.

1. **Coarse Aggregate.** Coarse aggregate stockpiles must have no more than 20% material passing the No. 8 sieve. Provide aggregates from sources listed in the BRSQC. Provide aggregate from nonlisted sources only when tested by the Engineer and approved before use. Allow 30 calendar days for the Engineer to sample, test, and report results for nonlisted sources.

Provide coarse aggregate with at least the minimum SAC shown on the plans. SAC requirements apply only to aggregates used on the surface of travel lanes, unless otherwise shown on the plans. The SAC for sources on the Texas Department of Transportation's AQMP is listed in the BRSQC. Class B aggregate meeting all other requirements in Table 1 may be blended with a Class A aggregate in order to meet requirements for Class A materials. When blending Class A and B aggregates to meet a Class A requirement, ensure that at least 50% by weight of the material retained on the No. 4 sieve comes from the Class A aggregate source. Blend by volume if the bulk specific gravities of the Class A and B aggregates differ by more than 0.300. When blending, do not use Class C or D aggregates. For blending purposes, coarse aggregate from RAP will be considered as Class B aggregate.

2. **RAP.** RAP is salvaged, milled, pulverized, broken, or crushed asphalt pavement. Crush or break RAP so that 100% of the particles pass the 2-in. sieve.

RAP from either Contractor- or Department-owned sources, including RAP generated during the project, is permitted only when shown on the plans. Department-owned RAP, if allowed for use, will be available at the location shown on the plans. When RAP is used, determine asphalt content and gradation for mixture design purposes. Perform other tests on RAP when shown on the plans.

When RAP is allowed by plan note, use no more than 30% RAP in Type A or B mixtures unless otherwise shown on the plans. For all other mixtures, use no more than 20% RAP unless otherwise shown on the plans.

Do not use RAP contaminated with dirt or other objectionable materials. Do not use the RAP if the decantation value exceeds 5% and the plasticity index is greater than 8. Test the stockpiled RAP for decantation in accordance with the laboratory method given in Tex-406-A, Part I. Determine the plasticity index using Tex-106-E if the decantation value exceeds 5%. The decantation and plasticity index requirements do not apply to RAP samples with asphalt removed by extraction.

1. **Fine Aggregate.** Fine aggregates consist of manufactured sands, screenings, and field sands. Fine aggregate stockpiles must meet the gradation requirements in Table 2. Supply fine aggregates that are free from organic impurities. The Engineer may test the fine aggregate in accordance with

Tex-408-A to verify the material is free from organic impurities. At most 15% of the total aggregate may be field sand or other uncrushed fine aggregate. With the exception of field sand, use fine aggregate from coarse aggregate sources that meet the requirements shown in Table 1, unless otherwise approved.

If 10% or more of the stockpile is retained on the No. 4 sieve, test the stockpile and verify that it meets the requirements in Table 1 for coarse aggregate angularity (Tex-460-A) and flat and elongated particles (Tex-280-F).

Table 1

Aggregate Quality Requirements

Property	Test Method	Requirement
Coarse Aggregate		
SAC	AQMP	As directed by City Engineer
Deleterious material, %, max	Tex-217-F, Part I	1.5
Decantation, %, max	Tex-217-F,	1.5
Micro-Deval abrasion, %, max	Tex-461-A	Note 1
Los Angeles abrasion, %, max	Tex-410-A	40
Magnesium sulfate soundness, 5 cycles, %, max	Tex-411-A	30 ²
Coarse aggregate angularity, 2 crushed faces, %, min	Tex 460-A, Part I	85 ³
Flat and elongated particles @ 5:1, %, max	Tex-280-F	10
Fine Aggregate		
Linear shrinkage, %, max	Tex-107-E	3
Combined Aggregate⁴		
Sand equivalent, %, min	Tex-203-F	45

1. Not used for acceptance purposes. Used by the Engineer as an indicator of the need for further investigation.
2. Unless otherwise shown on the plans.
3. Unless otherwise shown on the plans. Only applies to crushed gravel.
4. Aggregates, without mineral filler, RAP, or additives, combined as used in the job-mix formula (JMF).

Table 2

Gradation Requirements for Fine Aggregate

Sieve Size	% Passing by Weight or Volume
3/8"	100
#8	70-100
#200	0-30

B. Mineral Filler. Mineral filler consists of finely divided mineral matter such as agricultural lime, crusher fines, hydrated lime, cement, or fly ash. Mineral filler is allowed unless otherwise shown on the plans. Do not use more than 2% hydrated lime or cement, unless otherwise shown on the plans. The plans may require or disallow specific mineral fillers. When used, provide mineral filler that:

- is sufficiently dry, free-flowing, and free from clumps and foreign matter;
- does not exceed 3% linear shrinkage when tested in accordance with Tex-107-E; and
- meets the gradation requirements in Table 3.

Table 3

Gradation Requirements for Mineral Filler

Sieve Size	% Passing by Weight or Volume
#8	100
#200	55–100

C. **Baghouse Fines.** Fines collected by the baghouse or other dust-collecting equipment may be reintroduced into the mixing drum.

D. **Asphalt Binder.** Furnish the type and grade of performance-graded (PG) asphalt binder specified on the plans in accordance with TXDOT Item 300, Section 2.10 "Performance-Graded Binders."

E. **Tack Coat.** Unless otherwise shown on the plans or approved, furnish CSS-1H, SS-1H, or a PG binder with a minimum high-temperature grade of PG 58 for tack coat binder in accordance with TXDOT Item 300, "Asphalts, Oils, and Emulsions."

Do not dilute emulsified asphalts at the terminal, in the field, or at any other location before use. If required, verify that emulsified asphalt proposed for use meets the minimum residual asphalt percentage specified in Item 300, "Asphalts, Oils, and Emulsions."

The Engineer will obtain at least 1 sample of the tack coat binder per project and test it to verify compliance with TXDOT Item 300. The Engineer will obtain the sample from the asphalt distributor immediately before use.

F. **Additives.** When shown on the plans, use the type and rate of additive specified. Other additives that facilitate mixing or improve the quality of the mixture may be allowed when approved.

If lime or a liquid antistripping agent is used, add in accordance with TXDOT Item 301, "Asphalt Antistripping Agents." Do not add lime directly into the mixing drum of any plant where lime is removed through the exhaust stream unless the plant has a baghouse or dust collection system that reintroduces the lime back into the drum.

ITEM 2 FLEXIBLE BASE TYPE A

FLEXIBLE BASE

Materials. Furnish Type A Grade 1 or 2 flexible base with uncontaminated materials of uniform quality that meet the requirements. Notify the City Engineer of the proposed material sources and of changes to material sources. The Engineer may sample and test project materials at any time to assure specification compliance. Use Tex-100-E material definitions.

A. **Aggregate.** Furnish aggregate of the type and grade conforming to the requirements of Table 1. Each source must meet Table 1 requirements for liquid limit, plasticity index, and wet ball mill for the grade specified. Do not use additives such as but not limited to lime, cement, or fly ash to modify aggregates to meet the requirements of Table 1.

Table 1 Material Requirements

Property	Test Method	Grade 1	Grade 2	Grade 3	Grade 4
Master gradation sieve size (% retained)	Tex-110-E				As directed by City Engineer
2-1/2 in.		—	0	0	
1-3/4 in.		0	0-10	0-10	
7/8 in.		10-35	—	—	
3/8 in.		30-50	—	—	
No. 4		45-65	45-75	45-75	
No. 40		70-85	60-85	50-85	
Liquid limit, % max. ¹	Tex-104-E	35	40	40	As directed by City Engineer
Plasticity index, max. ¹	Tex-106-E	10	12	12	As directed by City Engineer
Plasticity index, min. ¹		As directed by City Engineer			
Wet ball mill, % max. ²	Tex-116-E	40	45	—	As directed by City Engineer
Wet ball mill, % max.					
Increase passing the No. 40 sieve Classification ³		20 1.0	20 1.1-2.3	— —	
Min. compressive strength ³ , psi	Tex-117-E				As directed by City Engineer
lateral pressure 0 psi					
lateral pressure 15 psi		45	35	—	

- Determine plastic index in accordance with Tex-107-E (linear shrinkage) when liquid limit is unattainable as defined in Tex-104-E.
- When a soundness value is required, test material in accordance with Tex-411-A.
- Meet both the classification and the minimum compressive strength, unless otherwise requested.

1. **Material Tolerances.** The Engineer may accept material if no more than 1 of the 5 most recent gradation tests has an individual sieve outside the specified limits of the gradation.

The Engineer may accept material if no more than 1 of the 5 most recent plasticity index tests is outside the specified limit. No single failing test may exceed the allowable limit by more than 2 points.

2. **Material Types.** Do not use fillers or binders unless approved. Furnish the type specified on the plans in accordance with the following.

- a. **Type A.** Crushed stone produced and graded from oversize quarried aggregate that originates from a single, naturally occurring source. Do not use gravel or multiple sources.
- b. **Type B.** Crushed or uncrushed gravel. Blending of 2 or more sources is allowed.
- c. **Type C.** Crushed gravel with a minimum of 60% of the particles retained on a No. 4 sieve with 2 or more crushed faces as determined by Tex-460-A, Part I. Blending of 2 or more sources is allowed.
- d. **Type D.** Type A material or crushed concrete. Crushed concrete containing gravel will be considered Type D material.

ITEM 3 EMULSIFIED ASPHALT SS-1 (60% BINDER, 1:1 DILUTION)

Description and Physical Properties. SS-1 is an anionic slow setting asphalt emulsion designed for use as a tack coat, in fine-graded mixes, dust control, fog seal and specialty applications. Physical properties:

- C.A.S. Number: 8052-42-4
- Boiling Point (F): 212°F
- Specific Gravity (H₂O=1): 1.01
- Percent Volatile: 0
- Solubility in Water: Soluble
- Appearance and Odor: Brown Liquid, Faint Petroleum Odor
- Flammability: Non-flammable in water-based state

Specifications. Conforms to Texas Department of Transportation Specifications-Item 300 Asphalts, Oils, and Emulsions.

TXDOT Item-300, Table 7 Emulsified Asphalt

Property	Test Procedure	Type-Grade							
		Rapid-Setting		Medium-Setting		Slow-Setting			
		HFRS-2		MS-2		SS-1		SS-1H	
		Min	Max	Min	Max	Min	Max	Min	Max
Viscosity, Saybolt Furol	T 72								
77°F, sec.		-	-	-	-	20	100	20	100
122°F, sec.		150	400	100	300	-	-	-	-
Sieve test, %	T 59	-	0.1	-	0.1	-	0.1	-	0.1
Miscibility	T 59	-		-		Pass		Pass	
Cement mixing, %	T 59	-	-	-	-	-	2.0	-	2.0
Demulsibility, 35 mL of 0.02 N CaCl ₂ , %	T 59	50	-	-	30	-	-	-	-
Storage stability, 1 day, %	T 59	-	1	-	1	-	1	-	1
Freezing test, 3 cycles ¹	T 59	-		Pass		Pass		Pass	
Distillation test:	T 59								
Residue by distillation, % by wt.		65	-	65	-	60	-	60	-
Oil distillate, % by volume of emulsion		-	0.5	-	0.5	-	0.5	-	0.5
Tests on residue from distillation:									
Penetration, 77°F, 100 g, 5 sec.	T 49	100	140	90	160	90	160	40	100
Solubility, %	T 44	97.5	-	97.5	-	97.5	-	97.5	-
Ductility, 77°F, 5 cm/min., cm	T 51	100	-	100	-	100	-	80	-
Float test, 140°F, sec.	T 50	1,200	-	-	-	-	-	-	-

1. Applies only when the Engineer designates material for winter use.

ITEM 4 GEOGRID – TENSAR H-SERIES HX5.5 GEOGRID

Product Specification. H-Series Geogrid

Product Properties

GENERAL

1. The geogrid is manufactured from a polypropylene sheet, which is then punched and oriented. The resulting structure consists of continuous and non-continuous ribs forming three aperture geometries (hexagon, trapezoid, and triangle) and an unimpeded suspended hexagon.
2. The following properties are intended for product identification:

Identification Properties ¹	General
Aperture Shape - A	Hexagonal, Trapezoidal, & Triangular
Rib Shape - B	Rectangular
Continuous Parallel Rib Pitch ² - C, in (mm)	3.2 (80)
Rib Aspect Ratio ³ - D	> 1.0
Node Thickness ² - E, in (mm)	0.12 (3)
Color Identification	Black
Product EPD Certification ⁴	EN 15804 +A2:2019
Durability Properties	
Resistance to Chemical Degradation ⁵	100%
Resistance to Ultra-Violet Light and Weathering ⁶	90%

DIMENSIONS AND DELIVERY

1. The geogrid shall be delivered to the jobsite in roll form, each clearly labeled, as shown below:

Property	Standard Width Roll		Wide Width Roll	
Roll Width ² , ft (m)	12.5	(3.8)	15.5	(4.7)
Roll Length ² , ft (m)	328	(100)	328	(100)
Approx. Roll Area ² , SY (m ²)	456	(381)	565	(472)
Approx. Roll Diameter ⁷ , in. (mm)	20.5	(521)	21.5	(546)
Approx. Roll Weight ⁷ , Lbs. (Kgs)	209	(95)	260	(118)
Approx. Rolls per Full-Truck	Min: 96	Max: 100	Min: 75	Max: 75

Notes:

1. Unless indicated otherwise, values are minimum average roll values in accordance with ASTM D4759.02
2. Nominal dimensions
3. Ratio of the mid-rib height to the mid-rib height
4. Independently verified in accordance with ISO 14025:2006, ISO 14044:2006, and EN 15804:2019+A2
5. Resistance to loss of load capacity or structural integrity when subjected to chemically aggressive environments in accordance with EPA 9090 immersion testing
6. Resistance to loss of load capacity or structural integrity when subjected to 500 hours of ultraviolet light and aggressive weathering in accordance with ASTM D4355
7. Maximum Average Roll Value (MaxARV)



Reinforcement

ADS BX224 BIAXIAL GEOGRID SPECIFICATION

Product Type:	Integrally Formed Biaxial Geogrid
Polymer:	Polypropylene
Load Transfer Mechanism:	Positive Mechanical Interlock
Primary Applications:	Base Reinforcement, Subgrade Improvement

Product Properties

Index Properties	Unit	MD Values ¹	XMD Values ¹
Aperture Dimensions ²	in (mm)	1.5 (38)	1.5 (38)
Minimum Rib Thickness ²	in (mm)	0.04 (1.1)	0.03 (0.8)
Tensile Strength @ 2% Strain ³	lb/ft (kN/m)	450 (6.5)	450 (6.5)
Tensile Strength @ 5% Strain ³	lb/ft (kN/m)	890 (13)	890 (13)
Ultimate Tensile Strength ³	lb/ft (kN/m)	1370 (20)	1370 (20)

Structural Integrity

Index Properties	Unit	MD Values ¹
Junction Efficiency ⁴	%	93
Flexural Stiffness ⁵	mg-cm	700,000
Aperture Stability ⁶	m-N/deg	0.45

Durability

Index Properties	Unit	MD Values ¹
Resistance to Installation Damage ⁷	%SC / %SW / %GP	95 / 93 / 90
Resistance to Long Term Degradation ⁸	%	100
Resistance to UV Degradation ⁹	%	100

Dimensions and Delivery

The biaxial geogrid shall be delivered to the jobsite in roll form with each roll individually identified and nominally measuring 12.5' (3.8 m) in width and 328' (100 m) in length. A typical truckload quantity is 168 rolls.

Notes:

1. Unless indicated otherwise, values shown are minimum average roll values determined in accordance with ASTM D4759-02. Brief descriptions of test procedures are given in the following notes.
2. Nominal dimensions.
3. Determined in accordance with ASTM D6637-10 Method A.
4. Load transfer capability determined in accordance with ASTM D7737-11.
5. Resistance to bending force determined in accordance with ASTM D7748-12, using specimens of width two ribs wide, with transverse ribs cut flush with exterior edges of longitudinal ribs, and of length sufficiently long to enable measurement of the overhang dimension.
6. Resistance to in-plane rotational movement in accordance with ASTM D7864/D7864M-15.
7. Resistance to loss of load capacity or structural integrity when subjected to mechanical installation stress in clayey sand (SC), well graded sand (SW), and crushed stone classified as poorly graded gravel (GP). The geogrid shall be sampled in accordance with ASTM D5818 and load capacity shall be determined in accordance with ASTM D5637.
8. Resistance to loss of load capacity or structural integrity when subjected to chemically aggressive environments in accordance with EPA 9090 immersion testing.
9. Resistance to loss of load capacity or structural integrity when subjected to 500 hours of ultraviolet light and aggressive weathering in accordance with ASTM D4355-05.

MD (Machine Direction) refers to the direction the polymer moves through the extruder, typically aligned with the production of the roll.

XMD (Cross-Machine Direction) refers to the direction perpendicular (90 degrees) to the machine direction, also known as CMD.



Product Name: BTri-50
Product Type: Integrally Formed Triaxial Geogrid
Polymer: Polypropylene
Load Transfer Mechanism: Positive Mechanical Interlock
Primary Applications: Base Reinforcement, Subgrade Stabilization

PRODUCT PROPERTIES¹

Index Properties	Test Method	Units	Values ¹
» Aperture Shape			TRIANGULAR
» Rib Shape			RECTANGULAR
» Rib Pitch ²	MEASURED	in (mm)	1.6 (40.0)
» Mid Rib Thickness ²	MEASURED	in (mm)	0.05 (1.3)
» Mid Rib Width ²	MEASURED	in (mm)	0.08 (2.0)
» Radial Stiffness @ 0.5% Strain ³	ASTM D6637	lb/ft (kN/m)	19,500 (285)

Durability

» Resistance to Long Term Degradation	EPA 9090	%	100
» Resistance to UV Degradation	ASTM D4355	%	100

Dimensions

	Length ft (m)	Width ft (m)
» Standard Roll Sizes	246 (75)	12.5 (3.81)
	246 (75)	16 (4.88)

Dimensions & Delivery

The Triaxial geogrid shall be delivered to the job site in roll form with each roll individually identified. **Roll sizes depend on availability at time of order.**

Notes:

1. Unless indicated otherwise, values shown are Minimum Average Roll Values (MARV) in accordance with ASTM D4759.
2. Nominal Dimensions.
3. Determined in accordance with ASTM D6637 Method B



Industrial Fabrics, Inc.
 510 O'Neal Lane Ext
 Baton Rouge LA 70819
 800 848 4500
www.baselok.com

Customer should verify with the product manufacturer that customer has the most current BASELOK® GEOGRID specifications for the product ordered or purchased. The BASELOK® GEOGRID system can be used in the application described in our literature and on our website, provided proper installation and engineering principles are followed. Professional engineering should be consulted before installation of BASELOK® GEOGRID units to assure appropriate design and use. ALL EXPRESSED OR IMPLIED WARRANTIES, INCLUDING THOSE OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE ARE DISCLAIMED. BASELOK® is a trademark of Industrial Fabrics, Inc.



SPECIFICATIONS FOR

**Bid No. 2026-03 Supply Contract - Materials for Street
Improvement Project 2026**

BID DEADLINE: Tuesday, February 24, 2026 @ 2:00 P.M.

BID OPENING: Tuesday, February 24, 2026 @ 3:00 P.M.

PREPARED BY:

City of Harlingen
Engineering Department
404 S. 54th St.
Harlingen, Texas 78550

All inquiries regarding this project should be submitted via email to Mari Leal,
Procurement Supervisor at purchasing@harlingentx.gov.



INVITATION TO BID

Notice is hereby given that the City of Harlingen, Texas will receive competitive, sealed bids for:

Bid No. 2026-03 Supply Contract - Materials for Street Improvement Project 2026

The City of Harlingen, TX is accepting competitive sealed bids for the supply of construction materials for the Street Improvement Project. Bids will be received in the Purchasing Office, 404 S. 54th. St., Harlingen, TX 78550, until 2:00 p.m. on **Tuesday, February 24, 2026**. All bids will be publicly opened and read aloud at 3:00 p.m. on **Tuesday, February 24, 2026**, at Town Hall (2nd Floor) located at 118 E. Tyler Ave., Harlingen TX 78550.

The City of Harlingen reserves the right to reject any or all bids, to waive defects and formalities in such bids, to award the contract to the bidder which it considers has submitted the best and most advantageous bid, and to hold all bids for a period of sixty (60) calendar days without taking any action thereon.

We request that you read carefully the Instructions to Bidders that are enclosed. For further information please contact the Purchasing Department at (956) 216-5316.

Sincerely,

City of Harlingen,
Purchasing Department
404 S. 54th St.
Harlingen, TX 78550
Phone: (956) 216-5316
Email: purchasing@harlingentx.gov



City of Harlingen, Purchasing Dept.
404 S. 54th St.
Harlingen, TX 78550
(956) 216-5316 / Fax (956) 427-8711
Email: Purchasing@harlingentx.gov

Bid No. 2026-03

Addendum No. 1 – Questions & Answers

Notice is hereby given to all respondents that the following is a list of clarifications regarding questions submitted for this project:

Questions and Answers

1. Is the price to include delivery of the Material from the plant to the job site location or is it to be quoted FOB from the plant.

Response: Schedule of unit prices has been updated to include one section for the City to pick up the material from the plant and another section in which the vendor delivers at the Public Works Facility located at 404 S 54th street, Harlingen Texas 78550. See attached

2. I am reaching out for clarification, I cannot find a delivery address for where the material should be quoted delivered to. Can you please specify where the material would be delivered to?

Response: We are updating the Schedule of Unit prices to include the Public Works

3. Will you accept alternative submittals for the purpose of adding equivalent products to the Tensar Triaxial Geogrid.

Response: We will accept alternative material for review. Please see the attached revised schedule of unit prices that includes the ADS Biaxial Series BX 224 and Baselok BT-50 Series as alternative material with supporting specifications. The city reserves the right to select one or multiple geogrids.

4. Can I bid on only a few items or does it need to be for the entire material list bid?

Response: Bidders are allowed to submit a Bid Price for a single project component or multiple. The city will do a bid tabulation analysis and determine which vendor should be awarded the material being requested. The City of Harlingen reserves the right to award separate contracts for each project component or one contract for multiple components based on the most advantageous pricing.

Roberto Hernandez, City Engineer

February 19, 2026
Date

This addendum forms a part of the contract documents and modifies the original RFQ documents issued on Monday, February 2, 2026 to the extent noted herein. Careful note of this addendum shall be taken by all parties of interest so that all trades affected are fully advised in the performance of work that will be required by them. This Addendum supersedes all previous specifications and instructions pertaining to the items listed above.

TABLE OF CONTENTS

I.	INVITATION TO BID.....	2
II.	INSTRUCTIONS TO BIDDERS.....	4-9
III.	NOTICE TO BIDDERS.....	10-11
V.	BID PROPOSAL & NON-COLLUSION AFFADAVIT.....	12-13
VI.	BID FORM	14-15
VII.	CONFLICT OF INTEREST QUESTIONNAIRE.....	16-17
VIII.	FORM 1295 CERTIFICATE OF INTERESTED PARTIES.....	18
IX.	MATERIALS SPECIFICATIONS	19-28

INSTRUCTIONS TO BIDDERS

Bid No. 2026-03 Supply Contract - Materials for Street Improvement Project 2026

1.0 THE BID:

The City of Harlingen, TX is accepting competitive sealed bids for the supply of construction materials for the Street Improvement Project. Bids will be received in the Purchasing Office, 404 S. 54th. St., Harlingen, TX 78550, until 2:00 p.m. on **Tuesday, February 24, 2026**. All bids will be publicly opened and read aloud at 3:00 p.m. on **Tuesday, February 24, 2026**, at Town Hall (2nd Floor) located at 118 E. Tyler Ave., Harlingen TX 78550.

By submission of a bid, the offeror agrees, if the bid is accepted, to enter into a contract with the City of Harlingen in the form included in the solicitation documents, to complete all work as specified or indicated in the contract documents for the contract price and within the time parameters indicated in the attached bid documents. The offeror further accepts all of the terms and conditions of the bid.

2.0 BIDDERS RESPONSIBILITIES:

Bids must be submitted on the attached "Bid Form". All the requested information blanks must be filled in clearly and completely to avoid possible disqualification of the bid submitted.

The bid price quoted must include all items requested and remain firm until payment. Price shall include all incidentals required to complete the project. **Partial bids will be accepted for this contract.**

All bids submitted must include the following items: **Bid Form, Bid Reference Form, and Conflict of Interest Questionnaire Form. FAILURE TO COMPLY WITH THESE BID REQUIREMENTS MAY DISQUALIFY BIDDER.**

The quoted date of delivery is an important part of the bid. It, in many cases, may be the deciding factor in the award of bid.

3.0 EXCEPTIONS OR CHANGES:

No bid may be changed after the bid date, although any bid may be withdrawn and resubmitted before that date. Any bids received after the bid date and time specified in the bid packet will be returned unopened.

No changes or alterations will be allowed to the bidders instructions and specifications unless specifically changed by an addendum sent out to all vendors from the Purchasing Department and no changes will be made within **five (5) days** of the bid opening date.

4.0 THE CITY'S RESERVATIONS:

The City reserves the right to hold all bids for a period of sixty (60) days without taking any action. The City of Harlingen reserves the right to reject any or all bids, to waive defects and formalities in such bids, and to award the contract to the bidder which it considers has submitted the best and most advantageous bid. In the event that there is a conflict in the statement of a price within the bid, the Owner reserves the right to select the amount most advantageous to the Owner.

The City also reserves the right to reject the Bid of any Bidder if City believes that it would not be in the best interest of the Project to make an award to that Bidder, whether because the Bid is not responsive or the Bidder is unqualified or of doubtful financial ability or the Bidder's safety record is

unsatisfactory in the City's opinion or if the City has had problems with the bidder's performance on prior contracts which, in the City's opinion, makes the bidder unsatisfactory.

The contract must be awarded to the lowest responsible bidder or to the bidder who provides goods or services at the best value for the municipality.

In determining the best value for the municipality, the municipality may consider:

- (1) the purchase price;
- (2) the reputation of the bidder and of the bidder's goods or services;
- (3) the quality of the bidder's goods or services;
- (4) the extent to which the goods or services meet the municipality's needs;
- (5) the bidder's past relationship with the municipality;
- (6) the impact on the ability of the municipality to comply with laws and rules relating to contracting with historically underutilized businesses and non-profit organizations employing persons with disabilities;
- (7) the total long-term cost to the municipality to acquire the bidder's goods or services; and
- (8) any relevant criteria specifically listed in the request for bids or proposals.

5.0 SUBMITTING OF BID:

Respondents shall submit three (3) copies of their response, one (1) original marked "**ORIGINAL**," and two (2) copies marked "**COPY**" individually. Bids must be delivered or mailed to the **City of Harlingen, Purchasing Office, 404 S. 54th St., Harlingen, Texas 78550** in a sealed envelope on or before the bid opening date and time.

The exterior of the package or sealed bid must clearly identify the following:

Respondent's Company Information; and

SEALED BID:

Bid No. 2026-03 Supply Contract - Materials for Street Improvement Project 2026

Due Date & Time: Tuesday, February 24, 2026 @ 2:00 p.m.

Opening Date & Time: Tuesday, February 24, 2026 @ 3:00 p.m.

6.0 MINIMUM REQUIREMENTS:

These are the minimum requirements that will be acceptable to the City of Harlingen. Any bid that does not meet the minimum requirements specified may be rejected.

Quantities shown on BID SCHEDULE are approximate based on project usage. It is specifically understood that these quantities may change without adjustment to the unit price. Prices agreed and quoted shall prevail for a period of one year with purchases as needed, starting on the day of City Commission award date.

It is the responsibility of the Supplier to verify that the materials meet specifications. Failure to do so or failure of the product itself will be a reason for cancelling all existing or pending orders. The City of Harlingen reserves the right to test the materials and/or request demonstrations and samples of the materials at the City's discretion to confirm materials specifications. All materials under these specifications shall be new and unused.

It is understood that, during the period of the contract, should the successful bidder be unable to supply the product, the City reserves the right to obtain the product from available sources.

Bids shall be analyzed on a total dollar value and what is most advantageous to the City.

Bidders shall carefully examine the bid packet. Should bidders find discrepancies or omissions, bidders must notify the City of Harlingen, Purchasing Office in writing via email at: Purchasing@harlingentx.gov.

7.0 SPECIAL NOTE TO BIDDER:

Whenever an article or material is defined by describing a proprietary product or by using the name of a manufacturer, the term "or equal," if not inserted shall be implied. The specified article or material shall be understood as descriptive, not restrictive; it is intended to indicate type and quality desired. THE CITY OF HARLINGEN RESERVES THE RIGHT TO JUDGE THE QUALITY OF ANY substitution. Bids on brand of like nature and quality will be considered. If bidding on other than referenced specifications, bid must show manufacturer, brand, model, etc., of article covered.

8.0 TITLE VI – NONDISCRIMINATION PLAN:

The City of Harlingen, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

Complaints:

If any individual believes that he/she or any other program beneficiaries have been the object of unequal treatment or discrimination as to the receipt of benefits and/or service, or on the grounds of race, color, national origin (including Limited English Proficiency), sex, age or disability, he/she may exercise his/her right to file a complaint with the City's Title VI/Nondiscrimination Coordinator. Every effort will be made to resolve complaints informally and at the lowest level first.

Title VI Coordinator Contact Information:

Title VI/Nondiscrimination Coordinator
118 East Tyler Avenue
Harlingen, TX 78550
Phone: (956) 216-5262

9.0 DISCLOSURE OF BUSINESS RELATIONSHIPS/AFFILIATIONS; CONFLICT OF INTEREST QUESTIONNAIRE: Contractor represents that it is in compliance with the applicable filing and disclosure requirements of Section 176.006, Conflict of Interest Questionnaire, of the TX Local Government Code and Section 2252.908, Disclosure of Interested Parties, of the TX Government Code, if applicable.

9.1 CONFLICT OF INTEREST QUESTIONNAIRE:

The City of Harlingen requires entities seeking to contract and/or contracting with the City of Harlingen for the sale of goods or services, and their agents, to complete, sign and file a Conflict of Interest Questionnaire (Form CIQ) with the City of Harlingen as per Chapter 176 of the TX Local Government Code. If the bidder or a principal of the bidder has a business relationship with the City or with a City Official, the name of the City contact or City Official must be disclosed on the enclosed CIQ form. If the bidder or a principal of the bidder has no business relationship with the City or a City Official, write/type in "none" in the form and write/type in the name of the bidder and person acting for the bidder and sign the CIQ form. A blank CIQ form is enclosed and should be completed,

signed and submitted with your bid. If you are not sure how to fill in the CIQ form, contact your attorney for advice.

*A sample CIQ Form, to be used ONLY if there is NO business relationship with the City or with a City Official, is included in this packet.

10.0 CERTIFICATE OF INTERESTED PARTIES (FORM 1295):

For contracts needing City Commission approval, the City may not accept or enter into a contract until it has received from the Provider a completed, signed, and notarized TEC Form 1295 complete with a certificate number assigned by the Texas Ethics Commission ("TEC"), pursuant to Texas Government Code § 2252.908 and the rules promulgated thereunder by the TEC. The Provider understands that failure to provide said form complete with a certificate number assigned by the TEC may prohibit the City from entering the Contract.

Pursuant to the rules prescribed by the TEC, the TEC Form 1295 must be completed online through the TEC's website, assigned a certificate number, printed, signed and notarized, and provided to the City. The TEC Form 1295 may accompany the proposal or may be submitted separately but must be provided to the City prior to the award of the contract. Neither the City nor its consultants have the ability to verify the information included in a TEC Form 1295, and neither have an obligation nor undertake responsibility for advising any proposer with respect to the proper completion of the TEC Form 1295.

Additional Information: <http://www.legis.state.tx.us/tlodocs/84R/billtext/html/HB01295F.htm>

11.0 BOYCOTT ISRAEL:

The City may not enter into a contract with a company for goods and services unless the contract contains a written verification from the company that; (i) it does not Boycott Israel; and (ii) will not Boycott Israel during the term of the contract. (TX Government Code Chapter 2270) by entering this agreement, Contractor verifies that it does not Boycott Israel, and agrees that during the term of this agreement will not Boycott Israel as that term is defined in the TX Government Code Section 808.001, as amended.

12.0 NOTICES:

Any notice required or desired to be given from one party to the other party to this Agreement shall be in writing. Neither party shall have the right to assign that party's interest in this Agreement without the prior written consent of the other party.

13.0 SEVERABILITY:

If any term or provision of this Agreement is held to be illegal, invalid or unenforceable, the legality, validity or enforceability of the remaining terms or provisions of this Agreement shall not be affected thereby, and in lieu of each such illegal, invalid or unenforceable term or provision, there shall be added automatically to this Agreement a legal, valid or enforceable term or provision as similar as possible to the term or provision declared illegal, invalid or unenforceable.

14.0 PARAGRAPH HEADINGS; CONSTRUCTION:

The paragraph headings contained in this Agreement are for convenience only and shall in no way enlarge or limit the scope or meaning of the various and several paragraphs hereof. Both parties have participated in the negotiation and preparation of this Agreement and this Agreement shall not be construed either more or less strongly against or for either party.

15.0 BINDING EFFECT:

Except as limited herein, the terms and provisions of this Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, devisees, personal and legal representatives, successors and assigns.

16.0 GENDER:

Within this Agreement, words of any gender shall be held and construed to include any other gender, and words in the singular number shall be held and construed to include the plural, unless the context otherwise requires.

17.0 COUNTERPARTS:

This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, and all of which shall constitute but one and the same instrument.

18.0 EXHIBITS:

All exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.

19.0 RELATIONSHIP OF PARTIES:

Nothing contained in this Agreement shall be deemed or construed by the parties hereto or by any third party to create the relationship of principal and agent or of partnership or of joint venture or of any association whatsoever between the parties, it being expressly understood and agreed that no provision contained in this Agreement nor any act or acts of the parties hereto shall be deemed to create any relationship between the parties other than the relationship of independent parties contracting with each other solely for the purpose of effecting the provisions of this Agreement.

20.0 ENTIRE AGREEMENT:

It is understood and agreed that this Agreement along with any incorporated attachments, contains the entire agreement between the parties and supersedes any and all prior agreements, arrangements or understandings between the parties relating to the subject matter. No oral understandings, statements, promises or inducements contrary to the terms of this Agreement exist. This Agreement cannot be changed or terminated orally.

21.0 GOVERNING LAW; VENUE:

This Agreement and all of the transactions contemplated herein shall be governed by and construed in accordance with the laws of the State of TX. The provisions and obligations of this Agreement are performable in Cameron County, TX such that exclusive venue for any action arising out of this Agreement shall be in Cameron County, TX.

22.0 LEGAL:

All parties submitting proposals are expected to comply with federal, state and local insurance laws and regulations relative to the preparation and submissions of insurance proposals. Specifically, the services to be provided are expected to be in compliance with the Americans with Disabilities Act (ADA), Family Medical Leave Act (FMLA), Health Insurance Portability and Accountability Act (HIPAA), insurance laws and insurance regulations. All proposals that are submitted will be presumed to be in compliance with all applicable laws.

23.0 INDEMNIFICATION:

Contractor shall indemnify, defend and hold harmless the City of Harlingen, TX and its officials, employees and agents (collectively referred to as "Indemnitees") and each of them from and against

all loss, costs, penalties, fines, damages, claims, expenses (including reasonable attorney's fees) or liabilities (collectively referred to as "Liabilities") by reason of any injury to or death of any person or damage to or destruction or loss of any property arising out of, resulting from, or in connection with (i) the performance or non-performance of Services contemplated by this Agreement but only to the extent caused by the negligent acts, errors or omissions, intentional torts, intellectual property infringement, or a failure to pay a sub-contractor or supplier committed by Contractor or Contractor's agent, consultant under contract, or another entity over which Contractor exercises control (whether active or passive) of Contractor or its employees, agents or sub-contractors (collectively referred to as "Contractor") (ii) the failure of Contractor to comply with any of the paragraphs herein or the failure of Contractor to conform to statutes, ordinances, or other regulations or requirements of any governmental authority, federal, state or local, in connection with the performance of this Agreement. Contractor expressly agrees to indemnify and hold harmless the Indemnitees, or any one of them, from and against all liabilities which may be asserted by an employee or former employee of Contractor, or any of its sub-contractors, as provided above, for which Contractor's liability to such employee or former employee would otherwise be limited to payments under State Workers' Compensation or similar laws. Nothing herein shall require Contractor to indemnify, defend, or hold harmless any Indemnatee for the Indemnatee's own negligence or willful misconduct. Any and all indemnity provided for in this Agreement shall survive the expiration of this Agreement and the discharge of all other obligations owed by the parties to each other hereunder and shall apply prospectively not only during the term of this Agreement but thereafter so long as any liability could be asserted in regard to any acts or omissions of Contractor in performing Services under this Agreement.

26.0 DEBARMENT POLICY:

The City of Harlingen makes all purchases in compliance with Federal Executive Order 12549, 44FR 13.35, the Texas Uniform Grant Management System and Texas Department of Public Safety SAA Information Bulletin No. 12-003 dated June 29, 2012. Prior to the City placing orders for goods or services which will utilize Federal funds, the City is required to verify debarment status of the awarded contractor or vendor for each awarded contract. The City is required to use the EPLS system (WWW.EPLS.Gov) to make the verification.

The City of Harlingen shall not do business with any vendor that has been debarred. Further, the restriction on purchasing goods or services with appropriated funds "from companies which have been found, in a judicial or state agency administrative proceeding, to be guilty of unfair business practices" remains in effect for one year from the date of the determination of guilt.

NOTICE TO BIDDERS

1. Use of Separate Bid Forms: These Contract Documents include a complete set of bid and contract forms, which are for the convenience of the bidders and are not to be detached from the contract document, completed or executed.
2. Interpretations or Addenda: No oral interpretations will be made to any bidder. Each request for an interpretation shall be made in writing to the Purchasing Department no less than seven (7) days prior to the bid opening. Questions must be submitted via e-mail the attention of Mari Leal, Procurement Supervisor at Purchasing@harlingentx.gov. Each interpretation made will be in the form of an Addendum to the contract documents no less than five (5) days prior to the bid opening and will be distributed to all parties who registered with the Purchasing Office. It is, however, the bidder's responsibility to make inquiry as to any addenda issued. All such addenda shall become part of the contract documents and all bidders shall be bound by such addenda, whether or not received by the bidders.
3. Alternate bid items: No alternate bids or bid items will be considered unless they are specifically requested by the technical specifications.
4. Bids:
 - a. All bids must be submitted on the forms provided and are subject to all requirements of the Contract Documents, and Technical Specifications.
 - b. All bids must be regular in every respect and no interlineations; excisions or special conditions may be made or included by the bidder.
 - c. Bid documents, including the bid form shall be sealed in an envelope and clearly labeled with the words "Bid Documents", the project number, name of bidder and the date and time of bid opening.
 - d. The City may consider as irregular any bid on which there is an alteration of or departure from the bid form and, at its option, may reject any irregular bid.
 - e. If a contract is awarded, it will be awarded to a responsible bidder on the basis of the lowest/best bid and the selected alternate bid items, if any. The contract will require the completion of the work in accordance with the contract documents.
5. Bid Bond: A bid bond is not required for this bid.
6. Statement of Bidders Qualifications: Each bidder shall submit on the form furnished for that purpose a statement of the bidder's qualifications. The City shall have the right to take such steps as it deems necessary to determine the ability of the bidder to perform his obligations under the contract, and the bidder shall furnish the City all such information and data for this purpose as it may request. The right is reserved to reject any bid where an investigation of the available data does not satisfy the locality that the bidder is qualified to carry out properly the terms of the contract.
7. Unit Price: The Unit Price for each of the items in the bid shall include its pro rata share of overhead so that the sum of the products obtained by multiplying the quantity shown for each item by the unit price bid represents the total bid. Any bid not conforming to this requirement may be rejected as informal. Special attention is drawn to this condition, as the unit prices will be used to determine the amount of any change orders resulting from an increase or decrease in quantities.
8. Corrections: Erasures or other corrections in the bid must be noted over the signature of the bidder.

9. Time for Receiving Bids: Bids received prior to the advertised hour of opening shall be securely sealed. The officer appointed to open the bids shall decide when the specified time has arrived and no bid received thereafter will be considered; except that when a bid arrives by mail after the time fixed for opening, but before the reading of all other bids is completed, and it is shown to the satisfaction of the locality that the late arrival of the bid was solely due to delay in the mail for which the bidder was not responsible, such bid will be received and considered.

10. Opening of Bids: The City shall, at the time and place fixed for the opening of bids, open each bid and publicly read it aloud, irrespective of any irregularities therein. Bidders and other interested individuals may be present.

11. Withdrawal of Bids: Bids may be withdrawn by written request dispatched for delivery in the normal course of business prior to the bid opening.

12. Award of Contract/Rejection of Bids:

- a. The contract will be awarded to the responsive, responsible Bidder submitting the lowest/best bid. The bidder selected will be notified at the earliest possible date. The locality reserves the right to reject any or all bids and waive any informality in bids received where such rejection or waiver is in its interest.
- b. The City reserves the right to consider as unqualified to do the work any bidder who does not habitually perform with his own forces the major portions of the work involved in construction of the improvements embraced in this contract.

The contract must be awarded to the lowest responsible bidder or to the bidder who provides goods or services at the best value for the municipality.

In determining the best value for the municipality, the municipality may consider:

- (1) the purchase price;
- (2) the reputation of the bidder and of the bidder's goods or services;
- (3) the quality of the bidder's goods or services;
- (4) the extent to which the goods or services meet the municipality's needs;
- (5) the bidder's past relationship with the municipality;
- (6) the impact on the ability of the municipality to comply with laws and rules relating to contracting with historically underutilized businesses and non-profit organizations employing persons with disabilities;
- (7) the total long-term cost to the municipality to acquire the bidder's goods or services; and
- (8) any relevant criteria specifically listed in the request for bids or proposals.

14. Execution of Agreement/Performance and Bonds

- a. Performance and Payment Bonds will not be required for this project.

**AGENDA ITEM
EXECUTIVE SUMMARY**

10(h)

Meeting Date: **January 21st, 2026**

Agenda Item:

Consideration and possible action to authorize the City Manager to execute the Advance Funding Agreement (AFA) for the PHR SL499 FY24 Traffic Signal Project with the Texas Department of Transportation (TxDOT) and approve payment of the required Direct State Costs to TxDOT.

Prepared By: Roberto Hernandez, PE, CFM, MS
Title: City Engineer

Signature:



Brief Summary:

The Texas Department of Transportation (TxDOT) is partnering with the City of Harlingen on the PHR SL499 FY24 Traffic Signal Project, a transportation safety improvement project intended to enhance roadway and pedestrian safety at key locations within the City. TxDOT has determined the Direct State Costs for this project to be \$8,416. Execution of the Advance Funding Agreement (AFA) is required to define project responsibilities and authorize payment of Direct State Costs, allowing the project to proceed. Please see the attached draft AFA and proposed ordinance.

The project includes the installation of Metal Beam Guard Fence (MBGF) near the Rio Hondo Road and Morgan Boulevard intersection to improve roadside safety and reduce the severity of potential roadway departure crashes. The project also includes pedestrian accessibility and traffic signal upgrades at the Peace Street and Loop 499 (Ed Carey Drive) intersection, including the installation of Accessible Pedestrian Signals (APS), new pedestrian signal heads, additional pedestrian push buttons, and upgraded signal indications to improve pedestrian mobility and compliance with current accessibility standards.

The estimated construction cost for the project includes approximately \$101,055 for pedestrian and traffic signal improvements and \$29,450 for the guard fence installation. Construction funding will be provided through a combination of 90 percent federal funds and 10 percent state funds. The City's participation is limited to payment of the Direct State Costs; however, the City will be responsible for 100 percent of any project cost overruns, if incurred.

Approval of this item will authorize the City Manager to execute the Advance Funding Agreement with TxDOT, approve payment of the required Direct State Costs, and allow the project to proceed toward construction.

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:

General Fund

Finance Director's approval:

☐

Yes

☐

No

☐

N/A

Staff Recommendation:

Staff recommends approval.

City Manager's approval:

GG

☒

Yes

☐

No

☐

N/A

Comments:

City Attorney's approval:

[Signature]

☒

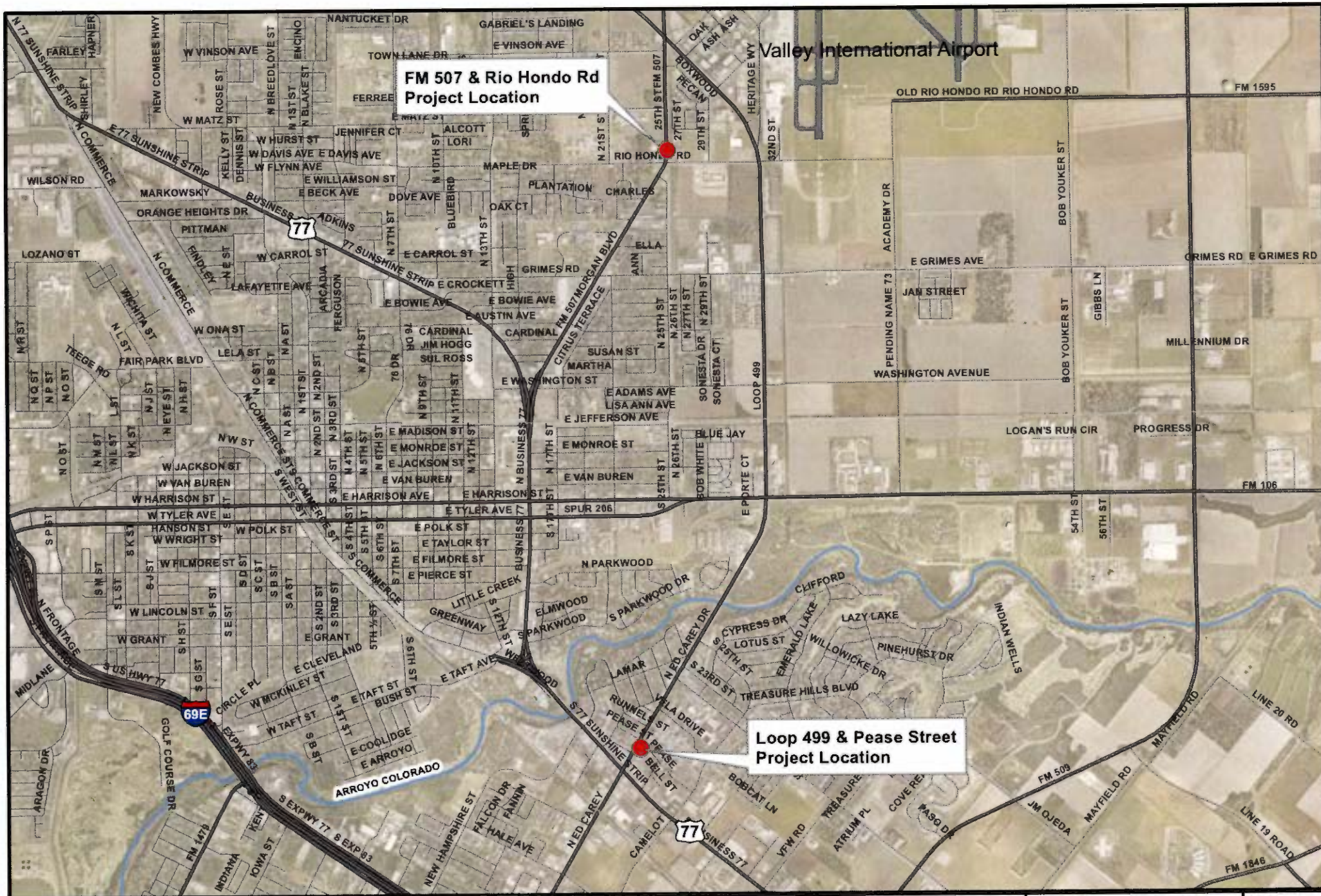
Yes

☐

No

☐

N/A



Highway Safety Improvement Program
Loop 499 & Pease Street Project (CSJ:1137-02-044)
FM 507 & Rio Hondo Road Project (CSJ:0873-01-030)

0 1,750 3,500
 Feet



TxDOT:				Federal Highway Administration:	
CCSJ #	1137-02-044	AFA ID	Z00013071	CFDA No.	20.205
AFA CSJs	1137-02-044, 0873-01-030			CFDA Title	Highway Planning and Construction
District #	21	Code Chart 64#	18200		
Project Name	PHR_SL499_FY24 Traffic Signal			AFA Not Used For Research & Development	

STATE OF TEXAS §

COUNTY OF TRAVIS §

ADVANCE FUNDING AGREEMENT
For
Highway Safety Improvement Program
On-System

THIS AGREEMENT (Agreement) is made by and between the State of Texas, acting by and through the **Texas Department of Transportation** called the "State", and the **City of Harlingen**, acting by and through its duly authorized officials, called the "Local Government". The State and Local Government shall be collectively referred to as "the parties" hereinafter.

WITNESSETH

WHEREAS, federal law establishes federally funded programs for transportation improvements to implement its public purposes, and

WHEREAS, the Texas Transportation Code, Section 201.103 establishes that the State shall design, construct and operate a system of highways in cooperation with local governments, and Section 222.052 authorizes the Texas Transportation Commission to accept contributions from political subdivisions for development and construction of public roads and the state highway system within the political subdivision, and

WHEREAS, federal and state laws require local governments to meet certain contract standards relating to the management and administration of State and federal funds, and

WHEREAS, the Texas Transportation Commission has codified 43 TAC, Rules 15.50-15.56 that describe federal, state, and local responsibilities for cost participation in highway improvement and other transportation projects, and

WHEREAS, the Texas Transportation Commission passed Minute Order Number **116752** authorizing the State to undertake and complete a highway improvement or other transportation project generally described as **Improve Traffic Signals & Improve Pedestrian Signals and Safety Treating Fixed Objects**. The portion of the project work covered by this Agreement is identified in the Agreement, Article 3, Scope of Work (Project), and

WHEREAS, the Governing Body of the Local Government has approved entering into this Agreement by resolution, ordinance, or commissioners court order dated **{Enter Date of Resolution}**, which is attached to and made a part of this Agreement as Attachment C, Resolution, Ordinance, or Commissioners Court Order (Attachment C). A map showing the Project location appears in Attachment A, Location Map Showing Project (Attachment A), which is attached to and made a part of this Agreement.

TxDOT:				Federal Highway Administration:	
CCSJ #	1137-02-044	AFA ID	Z00013071	CFDA No.	20.205
AFA CSJs	1137-02-044, 0873-01-030			CFDA Title	Highway Planning and Construction
District #	21	Code Chart 64#	18200		
Project Name	PHR_SL499_FY24 Traffic Signal			<i>AFA Not Used For Research & Development</i>	

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties, to be by them respectively kept and performed as set forth in this Agreement, it is agreed as follows:

AGREEMENT

1. Responsible Parties:

For the Project covered by this Agreement, the parties shall be responsible for the following work as stated in the article of the Agreement referenced in the table below:

1	Local Government	Utilities	Article 8
2.	Local Government	Environmental Assessment and Mitigation	Article 9
3.	Local Government	Architectural and Engineering Services	Article 11
4.	State	Construction Responsibilities	Article 12
5.	Local Government*	Right of Way and Real Property	Article 14

An asterisk next to the party responsible for specific work in the above table indicates that the associated specific work is not anticipated as part of the Project and is therefore not included in the budget; however, the party indicated will be responsible for that specific work if that work is not the subject of another agreement and the State determines that the specific work has become necessary to successful completion of the Project.

2. Period of the Agreement

This Agreement becomes effective when signed by the last party whose signing makes the Agreement fully executed. This Agreement shall remain in effect until the Project is completed or unless terminated as provided below.

3. Scope of Work

The scope of work for the Project consists of the installation of traffic signal and pedestrian signal at SL 499 at the intersection of Pease St.(CSJ 1137-2-044), and safety treating fixed objects on FM 507 at the intersection of Rio Hondo Rd. (0873-01-030) as shown on attachment A.

4. Project Sources and Uses of Funds

The total estimated cost of the Project is shown in Attachment B, Project Budget (Attachment B) which is attached to and made a part of this Agreement.

- A. If the Local Government will perform any work under this Agreement for which reimbursement will be provided by or through the State, the Local Government must complete training. If federal funds are being used, the training must be completed before federal spending authority is obligated. Training is complete when at least one individual who is working actively and directly on the Project successfully completes and receives a certificate for the course entitled "Local Government Project Procedures and Qualification for the Texas Department of Transportation" and retains qualification in accordance with applicable TxDOT

TxDOT:				Federal Highway Administration:	
CCSJ #	1137-02-044	AFA ID	Z00013071	CFDA No.	20.205
AFA CSJs	1137-02-044, 0873-01-030			CFDA Title	Highway Planning and Construction
District #	21	Code Chart 64#	18200		
Project Name	PHR_SL499_FY24 Traffic Signal			AFA Not Used For Research & Development	

procedures. Upon request, the Local Government shall provide the certificate of qualification to the State. The individual who receives the training certificate may be an employee of the Local Government or an employee of a firm that has been contracted by the Local Government to perform oversight of the Project. The State in its discretion may deny reimbursement if the Local Government has not continuously designated in writing a qualified individual to work actively on or to directly oversee the Project.

- B. The expected cash contributions from the federal government, the State, the Local Government, or other parties are shown in Attachment B. The State will pay for only those Project costs that have been approved by the Texas Transportation Commission. For projects with federal funds, the State and the federal government will not reimburse the Local Government for any work performed before the federal spending authority is formally obligated to the Project by the Federal Highway Administration (FHWA). After federal funds have been obligated, the State will send to the Local Government a copy of the formal documentation showing the obligation of funds including federal award information. The Local Government is responsible for 100% of the cost of any work performed under its direction or control before the federal spending authority is formally obligated.
- C. Attachment B shows, by major cost categories, the cost estimates and the party responsible for performing the work for each category. These categories may include but are not limited to: (1) costs of real property; (2) costs of utility work; (3) costs of environmental assessment and remediation; (4) cost of preliminary engineering and design; (5) cost of construction and construction management; and (6) any other local project costs.
- D. The State will be responsible for securing the federal and State share of the funding required for the development and construction of the local Project. If the Local Government is due funds for expenses incurred, these funds will be reimbursed to the Local Government on a cost basis.
- E. The Local Government will be responsible for all non-federal or non-State participation costs associated with the Project, unless otherwise provided for in this Agreement or approved otherwise in an amendment to this Agreement. For items of work subject to specified percentage funding, the Local Government shall only in those instances be responsible for all Project costs that are greater than the maximum State and federal participation specified in Attachment B and for overruns in excess of the amount specified in Attachment B to be paid by the Local Government.
- F. The budget in Attachment B will clearly state all items subject to fixed price funding, specified percentage funding, and the periodic payment schedule, when periodic payments have been approved by the State.
- G. When the Local Government bears the responsibility for paying cost overruns, the Local Government shall make payment to the State within thirty (30) days from the receipt of the State's written notification of additional funds being due.
- H. When fixed price funding is used, the Local Government is responsible for the fixed price amount specified in Attachment B. Fixed prices are not subject to adjustment unless (1) differing site conditions are encountered; (2) further definition of the Local Government's requested scope of work identifies greatly

TxDOT:				Federal Highway Administration:	
CCSJ #	1137-02-044	AFA ID	Z00013071	CFDA No.	20.205
AFA CSJs	1137-02-044, 0873-01-030			CFDA Title	Highway Planning and Construction
District #	21	Code Chart 64#	18200		
Project Name	PHR_SL499_FY24 Traffic Signal			AFA Not Used For Research & Development	

- differing costs from those estimated; (3) work requested by the Local Government is determined to be ineligible for federal participation; or (4) the adjustment is mutually agreed to by the State and the Local Government.
- I. Prior to the performance of any engineering review work by the State, the Local Government will pay to the State the amount specified in Attachment B. At a minimum, this amount shall equal the Local Government's funding share for the estimated cost of preliminary engineering performed or reviewed by the State for the Project. At least sixty (60) days prior to the date set for receipt of the construction bids, the Local Government shall remit its remaining financial share for the State's estimated construction oversight and construction cost.
 - J. The State will not execute the contract for the construction of the Project until the required funding has been made available by the Local Government in accordance with this Agreement.
 - K. Whenever funds are paid by the Local Government to the State under this Agreement, the Local Government shall remit a check or warrant made payable to the "Texas Department of Transportation" or may use the State's Automated Clearing House (ACH) system for electronic transfer of funds in accordance with instructions provided by TxDOT's Finance Division. The funds shall be deposited and managed by the State and may only be applied by the State to the Project.
 - L. The State will not pay interest on any funds provided by the Local Government.
 - M. If a waiver for the collection of indirect costs for a service project has been granted under 43 TAC §15.56, the State will not charge the Local Government for the indirect costs the State incurs on the Project, unless this Agreement is terminated at the request of the Local Government prior to completion of the Project.
 - N. If the Local Government is an Economically Disadvantaged County (EDC) and if the State has approved adjustments to the standard financing arrangement, this Agreement reflects those adjustments.
 - O. Where the Local Government is authorized to perform services under this Agreement and be reimbursed by the State, the Local Government is authorized to submit requests for reimbursement by submitting the original of an itemized invoice, in a form and containing all items required by the State, no more frequently than monthly and no later than ninety (90) days after costs are incurred. If the Local Government submits invoices more than ninety (90) days after the costs are incurred and if federal funding is reduced as a result, the State shall have no responsibility to reimburse the Local Government for those costs.
 - P. Upon completion of the Project, the State will perform a final accounting of the Project costs for all items of work with specified percentage funding. Any funds due by the Local Government, the State, or the federal government for these work items will be promptly paid by the owing party.
 - Q. The state auditor may conduct an audit or investigation of any entity receiving funds from the State directly under this Agreement or indirectly through a subcontract under this Agreement. Acceptance of funds directly under this Agreement or indirectly through a subcontract under this Agreement acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide

TxDOT:				Federal Highway Administration:	
CCSJ #	1137-02-044	AFA ID	Z00013071	CFDA No.	20.205
AFA CSJs	1137-02-044, 0873-01-030			CFDA Title	Highway Planning and Construction
District #	21	Code Chart 64#	18200		
Project Name	PHR_SL499_FY24 Traffic Signal			<i>AFA Not Used For Research & Development</i>	

the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

- R. Payment under this Agreement beyond the end of the current fiscal biennium is subject to availability of appropriated funds. If funds are not appropriated, this Agreement shall be terminated immediately with no liability to either party.

5. Termination of This Agreement

This Agreement shall remain in effect until the Project is completed and accepted by all parties, unless:

- A. The Agreement is terminated in writing with the mutual consent of the parties;
- B. The Agreement is terminated by one party because of a breach, in which case any costs incurred because of the breach shall be paid by the breaching party;
- C. The Local Government elects not to provide funding after the completion of preliminary engineering, specifications, and estimates (PS&E) and the Project does not proceed because of insufficient funds, in which case the Local Government agrees to reimburse the State for its reasonable actual costs incurred during the Project; or
- D. The Agreement is terminated by the State because the parties are not able to execute a mutually agreeable amendment when the costs for Local Government requested items increase significantly due to differing site conditions, determination that Local government requested work is ineligible for federal or state cost participation, or a more thorough definition of the Local Government's proposed work scope identifies greatly differing costs from those estimated. The State will reimburse Local Government remaining funds to the Local Government within ninety (90) days of termination; or
- E. The Project is inactive for thirty-six (36) consecutive months or longer and no expenditures have been charged against federal funds, in which case the State may in its discretion terminate this Agreement.

6. Amendments

Amendments to this Agreement due to changes in the character of the work, terms of the Agreement, or responsibilities of the parties relating to the Project may be enacted through a mutually agreed upon, written amendment.

7. Remedies

This Agreement shall not be considered as specifying the exclusive remedy for any agreement default, but all remedies existing at law and in equity may be availed of by either party to this Agreement and shall be cumulative.

8. Utilities

The party named in Article 1, Responsible Parties, under AGREEMENT shall be responsible for the adjustment, removal, or relocation of utility facilities in accordance with applicable state laws, regulations, rules, policies, and procedures, including any cost to the State of a delay resulting from the Local Government's failure to ensure that utility facilities are adjusted, removed, or relocated before the scheduled beginning of construction. The Local Government will not be reimbursed with federal or State funds for the cost of required utility work. The Local Government must obtain advance

TxDOT:				Federal Highway Administration:	
CCSJ #	1137-02-044	AFA ID	Z00013071	CFDA No.	20.205
AFA CSJs	1137-02-044, 0873-01-030			CFDA Title	Highway Planning and Construction
District #	21	Code Chart 64#	18200		
Project Name	PHR_SL499_FY24 Traffic Signal			AFA Not Used For Research & Development	

approval for any variance from established procedures. Before a construction contract is let, the Local Government shall provide, at the State's request, a certification stating that the Local Government has completed the adjustment of all utilities that must be adjusted before construction is commenced.

9. Environmental Assessment and Mitigation

Development of a transportation project must comply with the National Environmental Policy Act and the National Historic Preservation Act of 1966, which require environmental clearance of federal-aid projects. The party named in Article 1, Responsible Parties, under AGREEMENT is responsible for the following:

- A. The identification and assessment of any environmental problems associated with the development of a local project governed by this Agreement.
- B. The cost of any environmental problem's mitigation and remediation.
- C. Providing any public meetings or public hearings required for the environmental assessment process. Public hearings will not be held prior to the approval of the Project schematic.
- D. The preparation of the NEPA documents required for the environmental clearance of this Project.

If the Local Government is responsible for the environmental assessment and mitigation, before the advertisement for bids, the Local Government shall provide to the State written documentation from the appropriate regulatory agency or agencies that all environmental clearances have been obtained.

10. Compliance with Accessibility Standards

All parties to this Agreement shall ensure that the plans for and the construction of all projects subject to this Agreement are in compliance with standards issued or approved by the Texas Department of Licensing and Regulation (TDLR) as meeting or consistent with minimum accessibility requirements of the Americans with Disabilities Act (P.L. 101-336) (ADA).

11. Architectural and Engineering Services

The party named in Article 1, Responsible Parties, under AGREEMENT has responsibility for the performance of architectural and engineering services. The engineering plans shall be developed in accordance with the applicable State's *Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges* and the special specifications and special provisions related to it. For projects on the State highway system, the design shall, at a minimum conform to applicable State manuals. For projects not on the State highway system, the design shall, at a minimum, conform to applicable American Association of State Highway and Transportation Officials (AASHTO) design standards.

In procuring professional services, the parties to this Agreement must comply with federal requirements cited in 23 CFR Part 172 if the Project is federally funded and with Texas Government Code 2254, Subchapter A, in all cases. Professional contracts for federally funded projects must conform to federal requirements, specifically including the provision for participation by Disadvantaged Business Enterprises (DBEs), ADA, and

TxDOT:				Federal Highway Administration:	
CCSJ #	1137-02-044	AFA ID	Z00013071	CFDA No.	20.205
AFA CSJs	1137-02-044, 0873-01-030			CFDA Title	Highway Planning and Construction
District #	21	Code Chart 64#	18200		
Project Name	PHR_SL499_FY24 Traffic Signal			<i>AFA Not Used For Research & Development</i>	

environmental matters. If the Local Government is the responsible party, the Local Government shall submit its procurement selection process for prior approval by the State. All professional services contracts must be reviewed and approved by the State prior to execution by the Local Government.

12. Construction Responsibilities

The party named in Article 1, Responsible Parties, under AGREEMENT is responsible for the following:

- A. Advertise for construction bids, issue bid proposals, receive and tabulate the bids, and award and administer the contract for construction of the Project. Administration of the contract includes the responsibility for construction engineering and for issuance of any change orders, supplemental agreements, amendments, or additional work orders that may become necessary subsequent to the award of the construction contract. In order to ensure federal funding eligibility, projects must be authorized by the State prior to advertising for construction.
- B. If the State is the responsible party, the State will use its approved contract letting and award procedures to let and award the construction contract.
- C. If the Local Government is the responsible party, the Local Government shall submit its contract letting and award procedures to the State for review and approval prior to letting.
- D. If the Local Government is the responsible party, the State must concur with the low bidder selection before the Local Government can enter into a contract with the vendor.
- E. If the Local Government is the responsible party, the State must review and approve change orders.
- F. Upon completion of the Project, the party responsible for constructing the Project will issue and sign a "Notification of Completion" acknowledging the Project's construction completion and submit certification(s) sealed by a professional engineer(s) licensed in the State of Texas.
- G. For federally funded contracts, the parties to this Agreement will comply with federal construction requirements cited in 23 CFR Part 635 and with requirements cited in 23 CFR Part 633, and shall include the latest version of Form "FHWA-1273" in the contract bidding documents. If force account work will be performed, a finding of cost effectiveness shall be made in compliance with 23 CFR 635, Subpart B.

13. Project Maintenance

The Local Government shall be responsible for maintenance of locally owned roads and locally owned facilities after completion of the work. The State shall be responsible for maintenance of the State highway system after completion of the work if the work was on the State highway system, unless otherwise provided for in existing maintenance agreements with the Local Government.

TxDOT:				Federal Highway Administration:	
CCSJ #	1137-02-044	AFA ID	Z00013071	CFDA No.	20.205
AFA CSJs	1137-02-044, 0873-01-030			CFDA Title	Highway Planning and Construction
District #	21	Code Chart 64#	18200		
Project Name	PHR_SL499_FY24 Traffic Signal			<i>AFA Not Used For Research & Development</i>	

14. Right of Way and Real Property

The party named in Article 1, Responsible Parties, under AGREEMENT is responsible for the provision and acquisition of any needed right of way or real property.

The Local Government shall be responsible for the following:

- A. Right of way and real property acquisition shall be the responsibility of the Local Government. Title to right of way and other related real property must be acceptable to the State before funds may be expended for the improvement of the right of way or real property.
- B. If the Local Government is the owner of any part of the Project site under this Agreement, the Local Government shall permit the State or its authorized representative access to occupy the site to perform all activities required to execute the work.
- C. All parties to this Agreement will comply with and assume the costs for compliance with all the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Title 42 U.S.C.A. Section 4601 et seq., including those provisions relating to incidental expenses incurred by the property owners in conveying the real property to the Local Government and benefits applicable to the relocation of any displaced person as defined in 49 CFR Section 24.2(g). Documentation to support such compliance must be maintained and made available to the State and its representatives for review and inspection.
- D. The Local Government shall assume all costs and perform necessary requirements to provide any necessary evidence of title or right of use in the name of the Local Government to the real property required for development of the Project. The evidence of title or rights shall be acceptable to the State, and be free and clear of all encroachments. The Local Government shall secure and provide easements and any needed rights of entry over any other land needed to develop the Project according to the approved Project plans. The Local Government shall be responsible for securing any additional real property required for completion of the Project.
- E. In the event real property is donated to the Local Government after the date of the State's authorization, the Local Government will provide all documentation to the State regarding fair market value of the acquired property. The State will review the Local Government's appraisal, determine the fair market value and credit that amount towards the Local Government's financial share. If donated property is to be used as a funding match, it may not be provided by the Local Government. The State will not reimburse the Local Government for any real property acquired before execution of this Agreement and the obligation of federal spending authority.
- F. The Local Government shall prepare real property maps, property descriptions, and other data as needed to properly describe the real property and submit them to the State for approval prior to the Local Government acquiring the real property. Tracings of the maps shall be retained by the Local Government for a permanent record.
- G. The Local Government agrees to make a determination of property values for each real property parcel by methods acceptable to the State and to submit to

TxDOT:				Federal Highway Administration:	
CCSJ #	1137-02-044	AFA ID	Z00013071	CFDA No.	20.205
AFA CSJs	1137-02-044, 0873-01-030			CFDA Title	Highway Planning and Construction
District #	21	Code Chart 64#	18200		
Project Name	PHR_SL499_FY24 Traffic Signal			AFA Not Used For Research & Development	

the State a tabulation of the values so determined, signed by the appropriate Local Government representative. The tabulations shall list the parcel numbers, ownership, acreage and recommended compensation. Compensation shall be shown in the component parts of land acquired, itemization of improvements acquired, damages (if any) and the amounts by which the total compensation will be reduced if the owner retains improvements. This tabulation shall be accompanied by an explanation to support the determined values, together with a copy of information or reports used in calculating all determined values. Expenses incurred by the Local Government in performing this work may be eligible for reimbursement after the Local Government has received written authorization by the State to proceed with determination of real property values. The State will review the data submitted and may base its reimbursement for parcel acquisitions on these values.

- H. Reimbursement for real property costs will be made to the Local Government for real property purchased in an amount not to exceed eighty percent (80%) of the cost of the real property purchased in accordance with the terms and provisions of this Agreement. Reimbursement will be in an amount not to exceed eighty percent (80%) of the State's predetermined value of each parcel, or the net cost of the parcel, whichever is less. In addition, reimbursement will be made to the Local Government for necessary payments to appraisers, expenses incurred in order to assure good title, and costs associated with the relocation of displaced persons and personal property as well as incidental expenses.
- I. If the Project requires the use of real property to which the Local Government will not hold title, a separate agreement between the owners of the real property and the Local Government must be executed prior to execution of this Agreement. The separate agreement must establish that the Project will be dedicated for public use for a period of not less than 10 (ten) years after completion. The separate agreement must define the responsibilities of the parties as to the use of the real property and operation and maintenance of the Project after completion. The separate agreement must be approved by the State prior to its execution. A copy of the executed agreement shall be provided to the State.

15. Insurance

If this Agreement authorizes the Local Government or its contractor to perform any work on State right of way, before beginning work, the entity performing the work shall provide the State with a fully executed copy of the State's Form 1560 Certificate of Insurance verifying the existence of coverage in the amounts and types specified on the Certificate of Insurance for all persons and entities working on State right of way. This coverage shall be maintained until all work on the State right of way is complete. If coverage is not maintained, all work on State right of way shall cease immediately, and the State may recover damages and all costs of completing the work.

16. Notices

All notices to either party shall be delivered personally or sent by certified or U.S. mail, postage prepaid, addressed to that party at the following address:

TxDOT:				Federal Highway Administration:	
CCSJ #	1137-02-044	AFA ID	Z00013071	CFDA No.	20.205
AFA CSJs	1137-02-044, 0873-01-030			CFDA Title	Highway Planning and Construction
District #	21	Code Chart 64#	18200		
Project Name	PHR_SL499_FY24 Traffic Signal			<i>AFA Not Used For Research & Development</i>	

Local Government:	State:
City of Harlingen ATTN: City Manager 118 E. Tyler Ave.. Harlingen, TX. 78550	Texas Department of Transportation ATTN: Director of Contract Services 125 E. 11 th Street Austin, TX 78701

All notices shall be deemed given on the date delivered in person or deposited in the mail, unless otherwise provided by this Agreement. Either party may change the above address by sending written notice of the change to the other party. Either party may request in writing that notices shall be delivered personally or by certified U.S. mail, and that request shall be carried out by the other party.

17. Legal Construction

If one or more of the provisions contained in this Agreement shall for any reason be held invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions and this Agreement shall be construed as if it did not contain the invalid, illegal, or unenforceable provision.

18. Responsibilities of the Parties

The State and the Local Government agree that neither party is an agent, servant, or employee of the other party, and each party agrees it is responsible for its individual acts and deeds as well as the acts and deeds of its contractors, employees, representatives, and agents.

19. Ownership of Documents

Upon completion or termination of this Agreement, all documents prepared by the State shall remain the property of the State. All data and information prepared under this Agreement shall be made available to the State without restriction or limitation on their further use. All documents produced or approved or otherwise created by the Local Government shall be transmitted to the State, in the format directed by the State, on a monthly basis or as required by the State. The originals shall remain the property of the Local Government.

20. Compliance with Laws

The parties to this Agreement shall comply with all federal, state, and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts or administrative bodies or tribunals in any manner affecting the performance of this Agreement. When required, the Local Government shall furnish the State with satisfactory proof of this compliance.

21. Sole Agreement

This Agreement constitutes the sole and only agreement between the parties and supersedes any prior understandings or written or oral agreements respecting the Agreement's subject matter.

TxDOT:				Federal Highway Administration:	
CCSJ #	1137-02-044	AFA ID	Z00013071	CFDA No.	20.205
AFA CSJs	1137-02-044, 0873-01-030			CFDA Title	Highway Planning and Construction
District #	21	Code Chart 64#	18200		
Project Name	PHR_SL499_FY24 Traffic Signal			AFA Not Used For Research & Development	

22. Cost Principles

In order to be reimbursed with federal funds, the parties shall comply with the cost principles established in 2 CFR 200 that specify that all reimbursed costs are allowable, reasonable, and allocable to the Project.

23. Procurement and Property Management Standards

The parties to this Agreement shall adhere to the procurement and property management standards established in 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, and to the Texas Uniform Grant Management Standards. The State must pre-approve the Local Government's procurement procedures for purchases to be eligible for state or federal funds.

24. Inspection of Books and Records

The parties to this Agreement shall maintain all books, documents, papers, accounting records, and other documentation relating to costs incurred under this Agreement and shall make such materials available to the State, the Local Government, and, if federally funded, the FHWA and the U.S. Office of the Inspector General or their duly authorized representatives for review and inspection at its office during the Agreement period and for seven (7) years from the date of final reimbursement by FHWA under this Agreement or until any impending litigation or claims are resolved. Additionally, the State, the Local Government, and the FHWA and their duly authorized representatives shall have access to all the governmental records that are directly applicable to this Agreement for the purpose of making audits, examinations, excerpts, and transcriptions.

25. Civil Rights Compliance

The parties to this Agreement are responsible for the following:

- A. Compliance with Regulations: Both parties will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (USDOT), the Federal Highway Administration (FHWA), as they may be amended from time to time, which are herein incorporated by reference and made part of this Agreement.
- B. Nondiscrimination: The Local Government, with regard to the work performed by it during the Agreement, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Local Government will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the Agreement covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
- C. Solicitations for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the Local Government for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier will be notified by the Local Government of the Local Government's obligations under this Agreement and the Acts and Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.

TxDOT:				Federal Highway Administration:	
CCSJ #	1137-02-044	AFA ID	Z00013071	CFDA No.	20.205
AFA CSJs	1137-02-044, 0873-01-030			CFDA Title	Highway Planning and Construction
District #	21	Code Chart 64#	18200		
Project Name	PHR_SL499_FY24 Traffic Signal			<i>AFA Not Used For Research & Development</i>	

- D. Information and Reports: The Local Government will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and facilities as may be determined by the State or the FHWA to be pertinent to ascertain compliance with such Acts, Regulations or directives. Where any information required of the Local Government is in the exclusive possession of another who fails or refuses to furnish this information, the Local Government will so certify to the State or the FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.
- E. Sanctions for Noncompliance: In the event of the Local Government's noncompliance with the Nondiscrimination provisions of this Agreement, the State will impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
1. withholding of payments to the Local Government under the Agreement until the Local Government complies and/or
 2. cancelling, terminating, or suspending of the Agreement, in whole or in part.
- F. Incorporation of Provisions: The Local Government will include the provisions of paragraphs (A) through (F) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The Local Government will take such action with respect to any subcontract or procurement as the State or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Local Government becomes involved in, or is threatened with, litigation with a subcontractor or supplier because of such direction, the Local Government may request the State to enter into such litigation to protect the interests of the State. In addition, the Local Government may request the United States to enter into such litigation to protect the interests of the United States.

26. **Pertinent Non-Discrimination Authorities**

During the performance of this Agreement, each party, for itself, its assignees, and successors in interest agree to comply with the following nondiscrimination statutes and authorities; including but not limited to:

- A. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- B. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of federal or federal-aid programs and projects).
- C. Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), as amended, (prohibits discrimination on the basis of sex).
- D. Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.) as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27.
- E. The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age).

TxDOT:				Federal Highway Administration:	
CCSJ #	1137-02-044	AFA ID	Z00013071	CFDA No.	20.205
AFA CSJs	1137-02-044, 0873-01-030			CFDA Title	Highway Planning and Construction
District #	21	Code Chart 64#	18200		
Project Name	PHR_SL499_FY24 Traffic Signal			<i>AFA Not Used For Research & Development</i>	

- F. Airport and Airway Improvement Act of 1982, (49 U.S.C. Chapter 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex).
- G. The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the federal-aid recipients, subrecipients and contractors, whether such programs or activities are federally funded or not).
- H. Titles II and III of the Americans with Disabilities Act, which prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38.
- I. The Federal Aviation Administration's Nondiscrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex).
- J. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations.
- K. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, the parties must take reasonable steps to ensure that LEP persons have meaningful access to the programs (70 Fed. Reg. at 74087 to 74100).
- L. Title IX of the Education Amendments of 1972, as amended, which prohibits the parties from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq.).

27. Disadvantaged Business Enterprise (DBE) Program Requirements

If federal funds are used:

- A. The parties shall comply with the Disadvantaged Business Enterprise Program requirements established in 49 CFR Part 26.
- B. The Local Government shall adopt, in its totality, the State's federally approved DBE program.
- C. The Local Government shall incorporate into its contracts with subproviders an appropriate DBE goal consistent with the State's DBE guidelines and in consideration of the local market, project size, and nature of the goods or services to be acquired. The Local Government shall submit its proposed scope of services and quantity estimates to the State to allow the State to establish a DBE goal for each Local Government contract with a subprovider. The Local Government shall be responsible for documenting its actions.
- D. The Local Government shall follow all other parts of the State's DBE program referenced in TxDOT Form 2395, Memorandum of Understanding Regarding the

TxDOT:				Federal Highway Administration:	
CCSJ #	1137-02-044	AFA ID	Z00013071	CFDA No.	20.205
AFA CSJs	1137-02-044, 0873-01-030			CFDA Title	Highway Planning and Construction
District #	21	Code Chart 64#	18200		
Project Name	PHR_SL499_FY24 Traffic Signal			AFA Not Used For Research & Development	

Adoption of the Texas Department of Transportation's Federally-Approved Disadvantaged Business Enterprise by Entity, and attachments found at web address http://ftp.dot.state.tx.us/pub/txdot-info/bop/dbe/mou/mou_attachments.pdf.

- E. The Local Government shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any U.S. Department of Transportation (DOT)-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Local Government shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non-discrimination in award and administration of DOT-assisted contracts. The State's DBE program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this Agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the Local Government of its failure to carry out its approved program, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).
- F. Each contract the Local Government signs with a contractor (and each subcontract the prime contractor signs with a sub-contractor) must include the following assurance: *The contractor, sub-recipient, or sub-contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this Agreement, which may result in the termination of this Agreement or such other remedy as the recipient deems appropriate.*

28. Debarment Certifications

If federal funds are used, the parties are prohibited from making any award at any tier to any party that is debarred or suspended or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549, "Debarment and Suspension." By executing this Agreement, the Local Government certifies that it and its principals are not currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549 and further certifies that it will not do business with any party, to include principals, that is currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549. The parties to this Agreement shall require any party to a subcontract or purchase order awarded under this Agreement to certify its eligibility to receive federal funds and, when requested by the State, to furnish a copy of the certification.

If state funds are used, the parties are prohibited from making any award to any party that is debarred under the Texas Administrative Code, Title 34, Part 1, Chapter 20, Subchapter G, Rule §20.585 and the Texas Administrative Code, Title 43, Part 1, Chapter 9, Subchapter G.

TxDOT:				Federal Highway Administration:	
CCSJ #	1137-02-044	AFA ID	Z00013071	CFDA No.	20.205
AFA CSJs	1137-02-044, 0873-01-030			CFDA Title	Highway Planning and Construction
District #	21	Code Chart 64#	18200		
Project Name	PHR_SL499_FY24 Traffic Signal			<i>AFA Not Used For Research & Development</i>	

29. Lobbying Certification

If federal funds are used, in executing this Agreement, each signatory certifies to the best of that signatory's knowledge and belief, that:

- A. No federal appropriated funds have been paid or will be paid by or on behalf of the parties to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with federal contracts, grants, loans, or cooperative agreements, the signatory for the Local Government shall complete and submit the Federal Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- C. The parties shall require that the language of this certification shall be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and all sub-recipients shall certify and disclose accordingly. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Title 31 U.S.C. §1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

30. Federal Funding Accountability and Transparency Act Requirements

If federal funds are used, the following requirements apply:

- A. Any recipient of funds under this Agreement agrees to comply with the Federal Funding Accountability and Transparency Act (FFATA) and implementing regulations at 2 CFR Part 170, including Appendix A. This Agreement is subject to the following award terms: <http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22705.pdf> and <http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22706.pdf>.
- B. The Local Government agrees that it shall:
 1. Obtain and provide to the State a System for Award Management (SAM) number (Federal Acquisition Regulation, Part 4, Sub-part 4.11) if this award provides more than \$25,000 in federal funding. The SAM number may be obtained by visiting the SAM website whose address is: <https://www.sam.gov/portal/public/SAM/>
 2. Obtain and provide to the State a Data Universal Numbering System (DUNS) number, a unique nine-character number that allows federal government to track the distribution of federal money. The DUNS may be requested free of charge for all businesses and entities required to do so by visiting the Dun & Bradstreet (D&B) on-line registration website <http://fedgov.dnb.com/webform>; and

TxDOT:				Federal Highway Administration:	
CCSJ #	1137-02-044	AFA ID	Z00013071	CFDA No.	20.205
AFA CSJs	1137-02-044, 0873-01-030			CFDA Title	Highway Planning and Construction
District #	21	Code Chart 64#	18200		
Project Name	PHR_SL499_FY24 Traffic Signal			<i>AFA Not Used For Research & Development</i>	

3. Report the total compensation and names of its top five executives to the State if:
 - i. More than 80% of annual gross revenues are from the federal government, and those revenues are greater than \$25,000,000; and
 - ii. The compensation information is not already available through reporting to the U.S. Securities and Exchange Commission.

31. Single Audit Report

If federal funds are used:

- A. The parties shall comply with the single audit report requirements stipulated in 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.
- B. If threshold expenditures of **\$1,000,000** or more are met during the fiscal year, the Local Government must submit a Single Audit Report and Management Letter (if applicable) to TxDOT's Compliance Division, 125 East 11th Street, Austin, TX 78701 or contact TxDOT's Compliance Division by email at singleaudits@txdot.gov.
- C. If expenditures are less than the threshold during the Local Government's fiscal year, the Local Government must submit a statement to TxDOT's Compliance Division as follows: "We did not meet the \$_____ expenditure threshold and therefore, are not required to have a single audit performed for FY _____."
- D. For each year the Project remains open for federal funding expenditures, the Local Government will be responsible for filing a report or statement as described above. The required annual filing shall extend throughout the life of the Agreement, unless otherwise amended or the Project has been formally closed out and no charges have been incurred within the current fiscal year.

TxDOT:				Federal Highway Administration:	
CCSJ #	1137-02-044	AFA ID	Z00013071	CFDA No.	20.205
AFA CSJs	1137-02-044, 0873-01-030			CFDA Title	Highway Planning and Construction
District #	21	Code Chart 64#	18200		
Project Name	PHR_SL499_FY24 Traffic Signal			<i>AFA Not Used For Research & Development</i>	

32. Signatory Warranty

Each signatory warrants that the signatory has necessary authority to execute this Agreement on behalf of the entity represented.

Each party is signing this Agreement on the date stated under that party's signature.

THE STATE OF TEXAS

THE LOCAL GOVERNMENT

Signature

Typed or Printed Name

Typed or Printed Title

Date

Signature

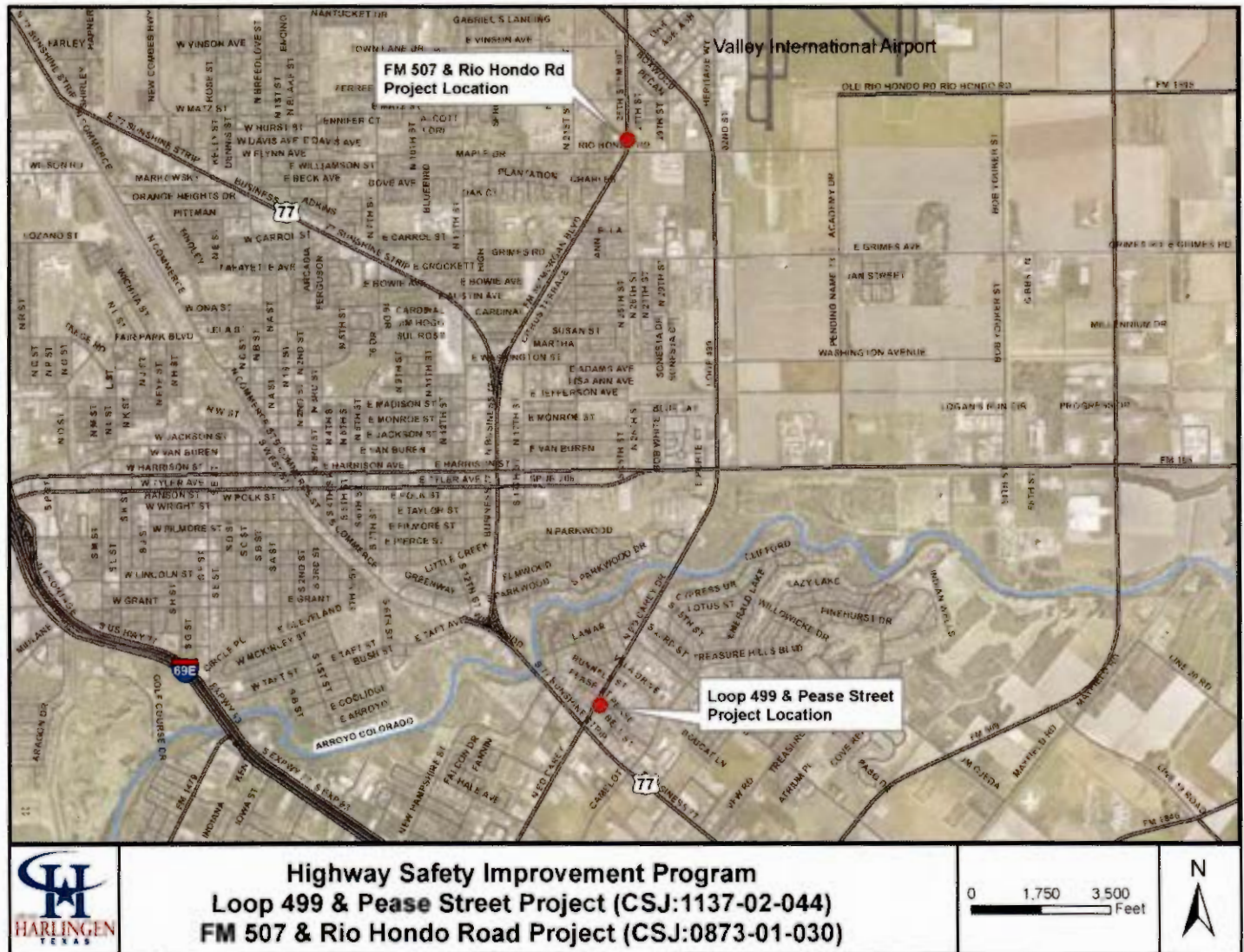
Typed or Printed Name

Typed or Printed Title

Date

TxDOT:				Federal Highway Administration:	
CCSJ #	1137-02-044	AFA ID	Z00013071	CFDA No.	20.205
AFA CSJs	1137-02-044, 0873-01-030			CFDA Title	Highway Planning and Construction
District #	21	Code Chart 64#	18200		
Project Name	PHR_SL499_FY24 Traffic Signal			AFA Not Used For Research & Development	

ATTACHMENT A LOCATION MAP SHOWING PROJECT



TxDOT:				Federal Highway Administration:	
CCSJ #	1137-02-044	AFA ID	Z00013071	CFDA No.	20.205
AFA CSJs	1137-02-044, 0873-01-030			CFDA Title	Highway Planning and Construction
District #	21	Code Chart 64#	18200		
Project Name	PHR_SL499_FY24 Traffic Signal			<i>AFA Not Used For Research & Development</i>	

ATTACHMENT B PROJECT BUDGET

Construction costs will be allocated based on 90% Federal funding and 10% State funding until the Federal funding reaches the maximum obligated amount. The Local Government will then be responsible for 100% of the Construction cost overruns.

Description	Total Estimated Cost	Federal Participation		State Participation		Local Participation	
		%	Cost	%	Cost	%	Cost
Environmental (by LG) CSJ 1137-02-044	\$3,850	0%	\$0	0%	\$0	100%	\$3,850
Engineering (by LG) CSJ 1137-02-044	\$19,250	0%	\$0	0%	\$0	100%	\$19,250
Environmental (by LG) CSJ 0873-01-030	\$5,750	0%	\$0	0%	\$0	100%	\$5,750
Engineering (by LG) CSJ 0873-01-030	\$1,150	0%	\$0	0%	\$0	100%	\$1,150
Construction (by State) CSJ 1137-02-044 CAT 8	\$101,055	90%	\$90,950	10%	\$10,105		\$0
Construction (by State) CSJ 0873-01-030 CAT 8	\$29,450	90%	\$26,505	10%	\$2,945		\$0
Subtotal	\$160,505		\$117,455		\$13,050		\$30,000
Environmental Direct State Costs CSJ 1137-02-044	\$347	0%	\$0	0%	\$0	100%	\$347
Engineering Direct State Costs CSJ 1137-02-044	\$2,772	0%	\$0	0%	\$0	100%	\$2,772
Right of Way Direct State Costs CSJ 1137-02-044	\$173	0%	\$0	0%	\$0	100%	\$173
Utility Direct State Costs CSJ 1137-02-044	\$173	0%	\$0	0%	\$0	100%	\$173
Construction Direct State Costs CSJ 1137-02-044	\$3,015	0%	\$0	0%	\$0	100%	\$3,015
Environmental Direct State Costs CSJ 0873-01-030	\$104	0%	\$0	0%	\$0	100%	\$104
Engineering Direct State Costs CSJ 0873-01-030	\$828	0%	\$0	0%	\$0	100%	\$828
Right of Way Direct State Costs CSJ 0873-01-030	\$52	0%	\$0	0%	\$0	100%	\$52

TxDOT:				Federal Highway Administration:	
CCSJ #	1137-02-044	AFA ID	Z00013071	CFDA No.	20.205
AFA CSJs	1137-02-044, 0873-01-030			CFDA Title	Highway Planning and Construction
District #	21	Code Chart 64#	18200		
Project Name	PHR_SL499_FY24 Traffic Signal			<i>AFA Not Used For Research & Development</i>	

Utility Direct State Costs CSJ 0873-01-030	\$52	0%	\$0	0%	\$0	100%	\$52
Construction Direct State Costs CSJ 0873-01-030	\$900	0%	\$0	0%	\$0	100%	\$900
Subtotal	\$8,416		\$0		\$0		\$8,416
Indirect State Costs (5.51%) CSJ 1137-02-044	\$357	0%	\$0	100%	\$357	0%	\$0
Indirect State Costs (5.51%) CSJ 0873-01-030	\$107	0%	\$0	100%	\$107	0%	\$0
TOTAL	\$169,028		\$117,455		\$13,157		\$38,416

Initial payment by the Local Government to the State \$4,501
Payment by the Local Government to the State prior to the receipt of construction bids: \$3,915
Estimated total payment by the Local Government to the State: \$8,416

This is an estimate. The final amount of Local Government participation will be based on actual costs.

TxDOT:				Federal Highway Administration:	
CCSJ #	1137-02-044	AFA ID	Z00013071	CFDA No.	20.205
AFA CSJs	1137-02-044, 0873-01-030			CFDA Title	Highway Planning and Construction
District #	21	Code Chart 64#	18200		
Project Name	PHR_SL499_FY24 Traffic Signal			<i>AFA Not Used For Research & Development</i>	

ATTACHMENT C
RESOLUTION, ORDINANCE, OR COMMISSIONERS COURT ORDER

DRAFT

RESOLUTION AUTHORIZING EXECUTION OF AN
ADVANCE FUNDING AGREEMENT (AFA) WITH THE
TEXAS DEPARTMENT OF TRANSPORTATION FOR SL 499 TRAFFIC AND
PEDESTRIAN SIGNAL IMPROVEMENTS AND FM 509 SAFETY TREATING FIXED
OBJECTS PROJECTS

WHEREAS, on August 22, 2024 via Minute Order 116752, the Texas Transportation Commission authorized PHR_SL499_FY24 SL 499 traffic and pedestrian signal improvements and FM 509 safety treating fixed objects project (the "Project") to receive Category 8 Highway Safety Improvement Program (HSIP) funds for project construction and Texas Department of Transportation (TxDOT) oversight; and

WHEREAS, the City of Harlingen is responsible for all nonreimbursable costs and 100% of overruns, if any; and

WHEREAS, the Governing Body of City of Harlingen desires to reaffirm its support of the Project, approve and authorize the execution of an Advance Funding Agreement (AFA) with TxDOT for the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF HARLINGEN THAT the (governing body position with Signature Authority) is authorized to enter into an AFA with TxDOT for this Project.

PASSED AND APPROVED on the 18th day of June, 2026.

CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Mayra Herrera, City Secretary

City of Harlingen
Agenda Item Request Form

We hereby request the following item to be added to the June 17, 2026, City Commission Agenda:

Consideration and possible action to establish discounted green fees at Tony Butler Golf Course for City of Harlingen Employees, Veterans, Active-Duty Military Personnel, First Responders, and Harlingen Resident Teachers.



Rene Perez, Commissioner, Dist. 5



Daniel N. Lopez, Mayor Pro-Tem/Comm. Dist. 2