

**CITY COMMISSION
AGENDA
REGULAR MEETING
AUGUST 5, 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, AUGUST 05, 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 requesting an item for City Secretary, go to www.harlingentx.gov and click on "PUBLIC HEARING AND CITIZEN COMMUNICATION FORM" write your comments (limited to 400 words or less) and submit the form.

PLEASE SUBMIT WRITTEN COMMENTS BEFORE 12:00 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 Delia Cavazos-Gamez
- 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) Certificate of Recognition - Friends of the Library

5) **Citizen Communication:** *At this time, the public is invited to address the City Commission and speak on any matter not specifically listed for public hearing elsewhere in this agenda. Please note that the City Commission members may not respond to comments or deliberate on topics addressed.*

6) **Approval of Minutes:**

- a) Regular Meeting of May 20, 2026
- b) Regular Meeting of June 17, 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 authorize the Harlingen Police Department to enter into a Memorandum of Understanding (MOU) between Valley International Airport (VIA) and the Harlingen Police Department (HPD) to establish protocols for the efficient investigation and prosecution of crimes occurring on the premises of the VIA and to ensure safety and security of the community and traveling public. Attachment **(Police)**.
- b) Consideration and possible action to approve Mayor Norma Sepulveda, on behalf of the City of Harlingen, Texas, to enter into a Master Mutual Aid Agreement between the Lower Rio Grande Valley Development Council, as further set out in the attached Agreement. Attachment **(Police)**.
- c) Consideration and possible action to approve a resolution authorizing the submission of a grant to the Office of the Governor under the Fiscal Year 2027 State and Local Cybersecurity Grant Program (SLCGP) – Mitigation Projects for Windows 11 upgrades, new monitors, and mounting accessories. Attachment **(Special Projects Department)**.

- d) Consideration and possible action to approve a resolution authorizing the submission of a grant to the Office of the Governor under the Fiscal Year 2027 State and Local Cybersecurity Grant Program (SLCGP) – Mitigation Projects for a secure, robust enterprise level data backup and recovery system. Attachment (**Special Projects Department**).
 - e) Consideration and possible action to approve a resolution authorizing the acceptance of a grant from the Office of the Governor for the FY 2025 State Homeland Security Grant Program. Attachment (**Special Projects Department**)
 - f) Consideration and possible action to approve a resolution authorizing the City Manager and the Special Projects Director as authorized signatories for contractual documents related to the Texas General Land Office Local Hazard Mitigation Plans Program. Attachment (**Special Projects Department**)
 - g) Consideration and possible action to approve an ordinance on second and final reading amending Chapter 48 Division 4: Industrial Water Subdivision I Sections 48-255 thru 48-270 to amend Technically Based Local Limits (TBLLs) as part of the approved pretreatment program; and ordaining other matters relating thereto. Attachment (**HWWS**).
 - h) Consideration and possible action to approve the Investment Report for the City of Harlingen for the quarter ending June 30, 2026. Attachment (**Finance**)
 - i) Consideration and possible action to approve the testing and potential installation of speed humps in the following location(s): (**This item was requested by Commissioner Delia Cavazos-Gamez and Commissioner Rene Perez**)
 - 1. Camelot Drive
 - 2. 21st Street between Bowie and Crockett
- 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 request for a Special Use Permit (SUP) to allow an adult business (bar) in a General Retail ("GR") District located at 112 E. Jackson Street, bearing a legal description of Lot 6, Block 58, Harlingen Original Townsite. Applicant: Veronica Rosas. Attachment (**Planning & Development**)
 - b) Public hearing for a request to rezone from Not Designated ("N") District to Neighborhood Services ("NS") District for a 0.05-acre tract of land located between Lot 27, Block 2, L and L Subdivision and Lot D, Block 4, Southwest Harlingen Addition Subdivision, located on the west side of K Street, approximately 48 feet north of Filmore Avenue. Applicant: James De Leon Attachment (**Planning and Development**)
 - c) Public hearing for a request to rezone from Residential, Single Family ("R-1") District to Planned Development ("PD") District to allow for a Residential, Single-Family development with smaller lot sizes for a 5.06-acre tract of land, more or less, out of Block 16, Survey 42,

Stuart Place Subdivision located west of Paloma Lane, approximately 1,069.84 feet south of U.S. Business 83. Applicant: M2 Engineering c/o Mobeen Ahmed. Attachment **(Planning and Development)**.

- d) Public hearing for a request for the voluntary annexation of 35.32 acres, more or less, tract of land situated in and being 7.40 acres of land out of Block 39, 8.08 acres of land out of Block 52, 17.68 acres of land out of Block 53, 1.45 acres of land out of Block 54, 0.39 acres of land out of Block 55, 0.171 acres of Montezuma Road right-of-way and 0.170 acres of Breedlove Road right-of-way, all of the David and Stephenson Subdivision and request for the voluntary annexation and establishment of initial zoning as Residential, Multi-Family ("M-2) District upon annexation for approximately 3.536 acres, more or less, being and part of a 25.24-acre tract located in Block 53, David and Stephenson Subdivision, said 3.56 acres being 2.912 acres of said Block 53 and 0.624 acres of existing Montezuma Road right-of-way lying south of and adjacent to said 2.912 acres, located on Montezuma Road approximately 684 feet west of Briggs Coleman Road. Applicants: Cameron County Drainage District #5 and Luis H. Villarreal. Attachment - *Minutes Pending*. **(Planning and Development)**
- e) Public hearing on an ordinance of the City Commission of the City of Harlingen, Texas, amending Chapter 105, "Flood Damage Prevention", of the Code of Ordinances; amending definitions; updating flood hazard data and floodplain management standards; clarifying the authority, duties, and administration of floodplain regulations; revising floodplain development permit, review, and variance procedures; establishing compensatory storage requirements and no-adverse-impact floodplain management standards; revising flood hazard reduction requirements for residential, nonresidential, critical facility, manufactured home, recreational vehicle, and subdivision development; establishing additional elevation, foundation, floodproofing, and floodplain encroachment standards, establishing additional regulations for development within flood hazard areas; providing for severability; providing for codification; providing for conflicts; and providing an effective date. Applicant: City of Harlingen. Attachment **(Planning & Development)**
- f) Public hearing for a request for a Special Use Permit (SUP) to allow a storage container in a General Retail ("GR") District located at 602 and 606 W. Van Buren Avenue, bearing a legal description of Lots 13 through 16, Block 64, Harlingen Original Townsite Subdivision. Applicant: Javier Rodriguez c/o Logos Community Church. Attachment - *Minutes Pending*. **(Planning and Development)**
- g) Public hearing for a request for a Special Use Permit (SUP) to allow a food truck park in a General Retail ("GR") District, located at 215 E. Monroe Avenue, bearing a legal description of Lot 9, Block 35, Harlingen Original Townsite Subdivision. Applicant: Candid Montiel. Attachment - *Minutes Pending*. **(Planning and Development)**
- h) Public hearing for an Ordinance on First Reading for the release from the City of Harlingen Extraterritorial Jurisdiction (ETJ), consisting of all of Block 54 (9.92 acre tract), McLeod Hood Properties No. 1, located on the south side of FM 508 approximately 4,000 feet east of FM 509. Applicant: Ezekiel Robles on behalf of Sandra Robles. **(Planning and Development)**
- i) Public hearing for a request an ordinance of the City Commission of the City of Harlingen, Texas amending the Harlingen Horizon – A City on the Rise Comprehensive Plan, Chapter 2, Land Use and Development, Map 5, Future Land Use Map, by changing the designation of the Future Land Use Map from Not Designated to Low-Density Residential for the following parcels: Parcels located from FM 509 near the intersection of Hanson Road; parcels located near the intersection of South Dilworth Road and Country Lane; parcels located near South Palm Court Drive; parcels within the Subdivision located near Park Lane West and Lexington Avenue; area around the intersection of West Lafayette Street and Chester Park Road; and area near Wilson Road and Stonegate Drive, and changing the designation from Not Designated to Medium Density Residential for a property located near the intersection of Wilson Road and Ramsey Road; and updating properties located along Wilson Road near its

intersection with Interstate 69E to reflect institutional, medium density residential, and recreational/open space future land uses; and additional future land use designation revisions throughout the map reflecting data updates. Applicant: City of Harlingen. Attachment ***(Planning and Development)***

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

Ordinances:

- a) Consideration and possible action to approve an ordinance on first reading for a request for a Special Use Permit (SUP) to allow an adult business (bar) in a General Retail ("GR") District located at 112 E. Jackson Street, bearing a legal description of Lot 6, Block 58, Harlingen Original Townsite. Applicant: Veronica Rosas. Attachment ***(Planning and Development)***
- b) Consideration and possible action to approve an ordinance on first reading for a request to rezone from Not Designated ("N") District to Neighborhood Services ("NS") District for a 0.05-acre tract of land located between Lot 27, Block 2, L and L Subdivision and Lot D, Block 4, Southwest Harlingen Addition Subdivision, located on the west side of K Street, approximately 48 feet north of Filmore Avenue. Applicant: James De Leon. Attachment ***(Planning and Development)***
- c) Consideration and possible action to approve an ordinance on first reading for a request to rezone from Residential, Single Family ("R-1") District to Planned Development ("PD") District to allow for a Residential, Single-Family development with smaller lot sizes for a 5.06-acre tract of land, more or less, out of Block 16, Survey 42, Stuart Place Subdivision located west of Paloma Lane, approximately 1,069.84 feet south of U.S. Business 83. Applicant: M2 Engineering c/o Mobeen Ahmed. Attachment ***(Planning and Development)***
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- j) Consideration and possible action to approve the preliminary construction plans and final plat with conditions of the proposed Altas Palmas Subdivision Phase II, bearing a legal description of 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 & 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 and Development)**
- k) Consideration and possible action to approve the preliminary construction plans and final plat with conditions of the proposed Dixieland Crossing Subdivision Replat, bearing a legal description of 1.62 acres of land out of, Dixieland Crossing Subdivision, located south of Garrett Road, approximately 752.11 feet west of Dixieland Road. Applicant: Moore Land Surveying, LLC c/o CJE Construction. Attachment. **(Planning and Development)**
- l) Consideration and possible action to approve an ordinance on first reading for a request for a variance to Chapter 109, Section 109-124(c)(9) of the City of Harlingen Code of Ordinances, to allow a reduced separation distance between two proposed access points for Paso Real Coves Subdivision, Phases IV and V, located north of East Treasure Hills Boulevard, approximately 839.52 feet west of FM 509. Applicant: Melden & Hunt, Inc., on behalf of Noblemen Investments, LLC. Attachment. **(Planning and Development)**
- m) Consideration and possible action to approve an ordinance on first reading to adopt

regulations that ensure that meetings of the City Commission are conducted in a way that allows the business of the City to be undertaken effectively and efficiently; providing savings, repealing and severability clauses and providing an effective date. **(City Manager) (This item was tabled on the Regular City Commission Meeting of July 15, 2026)**

- n) Consideration and possible action to appoint Juan Antonio Nevarez as the Director of Aviation for the Valley International Airport. **(City Manager)**
- o) Presentation and possible action by Scott Gibbs on Health Insurance. **(City Manager)**
- p) Consideration and possible action to authorize the City Manager to exercise the one-year renewal terms under RFP No. 2023-20 for Professional Auditing Services with Cascos & Associates, P.C., for Fiscal Year 2026 and 2027. Attachment **(Finance)**
- q) Consideration and possible action to authorize the City Manager to exercise the one-year renewal terms under RFP No. 2023-18 for Depository Banking Services with PlainsCapital Bank. Attachment **(Finance)**
- r) Consideration and possible action to approve the removal of the existing mural at Downtown Lozano Plaza and authorize the installation of a new mural, as recommended by the Keep Harlingen Beautiful Board, with all project cost funded by the Keep Harlingen Beautiful Board. Attachment **(Public Works) (This item was tabled on the Regular City Commission Meeting of July 15, 2026)**
- s) Consideration and possible action to approve a contract between the City of Harlingen and Dr. Shelly Mitchell, DVM to provide services for the Spay/Neuter Program as needed. Attachment **(Health)**
- t) Consider and take action to adopt a resolution approving the One-Year Action Plan (Budget) for Fiscal Year 2026-2027 (Year 52), of the Community Development Block Grant (CDBG) Program and Fiscal Year 2026-2027 (Year 32) of the Home Investment Partnerships Program (HOME), both being included in Year One of the Five-Year Consolidated Plan and Strategy for Fiscal Years 2026-2030. Attachment **(CDBG)**
- u) Consideration and possible action to approve funding recommendations as established by the Community Development Advisory Board for the HOME-ARP Tenant Based Rental Assistance Attachment **(CDBG)**
- v) Consideration and possible action to approve the funding recommendation as established by the Community Development Advisory Board for the HOME-ARP Affordable Rental Housing Attachment **(CDBG)**
- w) Consideration and possible action to approve an additional General Fund appropriation for the Lozano Plaza Improvements Project and authorize the corresponding budget amendment. Attachment **(Engineer)**
- x) Consideration and possible action to authorize the City Manager to execute the Advance Funding Agreement (AFA) for the Loop 499 Shared Use Path Project with the Texas Department of Transportation (TxDOT) and approve payment of the required Direct State Costs to TxDOT. Attachment **(Engineer)**
- y) Consideration and possible action to authorize the City Manager to approve a change order to Purchase Order FY 2025 for the Street Improvement Program Material Supply Contract with CAPA Texas, authorize payment for additional asphalt materials, and adjust the FY 2026 Material Supply Contract. Attachment **(Engineer)**
- z) Consideration and possible action to review and amend the City's policy regarding TikTok on City-issued devices, including consideration of authorizing designated Communications

Department personnel to use TikTok on approved City devices for official public information, community engagement, and education outreach purposes. ***(This item was requested by Commissioner Rene Perez and Commissioner Delia Cavazos-Gamez)***

- aa) Discussion and possible action to null and void HWWs agreement with RGV Property Group, LLC. ***(This item was requested by Commissioner Frank Morales and Commissioner Delia Cavazos-Gamez)***

11)

Board Appointments:

Appointment, discussion and possible action of any board position subject to appointment or removal by statute, ordinance, or bylaws:

Airport

Animal Shelter Advisory Committee (2)

Audit Committee (Terms expire in June)

Blind & Visually Impaired Advisory Committee

Civil Service Commission

Community Development Advisory Board (CDBG) (1)

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 TX Govt. Code Section 551.071 — attorney consultation and contemplated litigation; Section 551.072 — deliberation regarding real estate; and Section 551.087 - economic development relating to the following projects:

1. Project Blade (Retail)
2. Project Its Thyme (Retail)
3. Project Addition (Manufacturing)
4. Project Candle (Entertainment)
5. Project Organic (Mixed Use Development)

6. Project Tyler (Office)

- b) Consultation with legal counsel pursuant to Texas Government Code Section 551.071 regarding pending litigation. **(City Attorney)**
- c) Deliberation regarding the potential purchase of real property pursuant to Texas Government Code Section 551.072. **(Asst. City Manager)**
- d) Consultation with Legal Counsel pursuant to TX Government Code Section 551.071 (2) regarding an update on the Collective Bargaining Agreement with Harlingen Police Officers. **(City Attorney)**

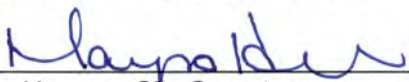
13) **Action on Executive Session Items:** *The City Commission will reconvene in open session and may take action on any item listed in the Executive Session Section of this agenda.*

- a) Consideration and possible action on item 12 (a) as discussed in executive session.
- b) Consideration and possible action on item 12(b) as discussed in executive session.
- c) Consideration and possible action regarding the potential purchase of real property as discussed in the executive session.
- d) Consideration and possible action to approve item 12 (d) as discussed in the 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, JULY 30, 2026**, at or before 11:30 a.m. and remained so posted for at least three (3) business days preceding the time of said meeting.

Dated this **30th** day of **JULY, 2026**



Mayra Herrera, City Secretary

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

May 20, 2026

A Regular Meeting of the Harlingen City Commission was held May 20, 2026 at 5:30 PM, at City Hall, Town Hall Meeting Room, 118 E. Tyler, Harlingen, Texas and providing the public the ability to view the meeting via internet, live streaming and permitting the public to offer citizen communication or participate in items listed on the agenda via videoconferencing or telephonically via www.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

Mayra Herrera, City Secretary

Mark Sossi, City Attorney

1. Call Meeting to Order

- a) Invocation – Mayor Norma Sepulveda
- b) Pledge of Allegiance
- c) Welcome Citizens

2. Conflict of Interest

"Under State Law, a conflict of interest exists if a 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.

Mayor Pro-Tem Lopez abstained from items 7(b), 9(d), and 10(d).

Commissioner Perez abstained from item 10(h).

3. Announcements –

a) Mayor's Announcements –

Mayor Sepulveda thanked the community for attending the State of the City event and highlighted this year's new "State of the Districts" format, where commissioners shared updates from their respective areas. She expressed appreciation to the commissioners and city staff and encouraged residents to attend the upcoming RGV Red Crowns games. She also mentioned the team's schedule, with games in Brownsville this weekend and in Harlingen next weekend.

b) City Manager's Announcements-

City Manager Gabriel Gonzalez reminded everyone that City Hall will be closed on Monday, May 25th for Memorial Day and will reopen on Tuesday.

c) City Commission Member Announcements –

Mayor Pro-Tem Lopez shared Memorial Day reminders, encouraging the community to stay safe, avoid impaired driving, and use designated drivers or ride services.

Commissioner Perez congratulated Harlingen South's one-act play team for winning back-to-back state championships, with special recognition for Avery Jansen, Javier Corona, and George Gutierrez for their individual awards.

Commissioner Morales highlighted the upcoming flag ceremonies on May 26 at F Street Cemetery and Pendleton Park.

Mayor Sepulveda expressed appreciation for all who have served, including Commissioners Perez and Mezmar.

4. Proclamation/Presentation of Awards:

a) Harlingen Animal Shelter "Pet of the Week"

Shannon Harvill, Health Director, introduced Gemma, a six-year-old husky surrendered to the Harlingen Animal Shelter after a family's child developed allergies. She's housebroken, knows basic commands, and has been waiting about a month. Staff adore her for her sweet, cuddly personality. Those interested can visit the shelter at 1106 Markowsky or call 956-216-5250. Adoptions will also be held at PetSmart in Harlingen this Saturday from 10am–2pm and at the shelter from 1pm–6pm.

b) Presentation of Proclamation - "Historic Preservation Month"

City of Harlingen proclaimed May 2026 as Historic Preservation Month, recognizing national efforts to protect historic places that strengthen community identity and celebrate the full American story ahead of the nation's 250th anniversary. The proclamation highlighted Harlingen's recent work, including adopting a historic preservation ordinance, establishing a preservation program and council, conducting resource surveys, and pursuing Certified Local Government status.

Mayor Sepulveda thanked staff and noted Mayor Pro-Tem Lopez's strong advocacy for preservation, especially for the downtown district.

Mayor Pro-Tem Lopez emphasized preservation's economic and cultural impact, thanked the new board members for their commitment, and expressed enthusiasm for future projects, including expanding grant opportunities to support local property improvements and beautification efforts.

c) Presentation of Proclamation — "National Public Works Week"

The City of Harlingen presented a proclamation recognizing May 18–22, 2026, as National Public Works Week, honoring the essential services that support residents' daily lives, such as drainage, streets, public buildings, and solid waste. The proclamation emphasized the importance of skilled public works professionals and the community's support for their work. Public Works Director Ruth Trevino addressed the commission, praising her dedicated team for their professionalism, resilience, and commitment, especially during emergencies.

Mayor Sepulveda and commissioners expressed deep appreciation for the department, calling public works the backbone of the community and recognizing individual staff members for their hard work, reliability, and impact on city improvements.

d) Mayor's Business of the Month – "Cookies for College"

Cookies for College were recognized as the Mayor's Business of the Month. Owner Madelynn Birdwell shared that her bakery began as a way to help pay for college and has since grown into a brick-and-mortar shop offering rotating cookie flavors, sourdough, goat milk soap, and merchandise. Madelynn thanked her supportive "cookie community," her family, and her husband. She also expressed gratitude to Mayor Sepulveda for her continued support at Market Days, noting how meaningful the recognition is and how her younger self would be amazed by this moment.

Mayor Sepulveda praised Madelynn for bringing joy to residents and highlighted her inspiring journey, community impact, and commitment to helping college students. She commended Madelynn's success as encouragement for other local entrepreneurs.

5. Citizen Communication:

- Dawn Rae Leonard – Data Center

- Raymond Reyes – Responsibility and Accountability
- Isaac Newman – Transparency & Accountability
- Jon Villegas – Respect & Prosperity for Citizens of Harlingen
- Angela Valdespino – Data Centers
- Desi Martinez – Funding for 2 root cutters for storm drainage by Public Works
- Robert Leftwich – Public Corruption
- Gregory Davis – Data Center (Experience working with/around)

6. Approval of Minutes:

a) Regular Meeting of January 21, 2026

Motion was made by Commissioner Perez and seconded by Mayor Pro-Tem Lopez to approve minutes for Regular Meeting of January 21, 2026. Motion carried unanimously.

7. Consent Agenda:

a) Consideration and possible action to approve funding to purchase two root cutters for storm drainage system maintenance. Attachment (Public Works)

b) Consideration and possible action to approve a request from Remi Garza, Cameron County Elections Department, to use the Harlingen Cultural Arts Center, located at 575 "76" Dr., as a voting site for the Democratic and Republican Primary Runoff Elections: Monday, May 18th through Friday, May 22nd from 8:00 a.m. to 8:00 p.m. for Early Voting and Tuesday, May 26, 2026, from 7:00 a.m. to 7:00 p.m. on election Day. Attachment (City Secretary)

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

Mayor Pro-Tem Lopez abstained from the vote.

A motion to approve was made by Commissioner Perez and seconded by Commissioner Mezmar.

Commissioner Morales asked whether the dates listed (18th–20th) could be amended since those dates had already passed. City Manager, Gabriel Gonzalez, explained that the dates needed to remain as requested because the commission was providing retroactive approval. Staff had already allowed access earlier due to receiving the request late. Mayor Sepulveda emphasized that the authorization was still required and could not be amended. After clarification, the motion and second were confirmed. The commission then voted, and the motion carried unanimously.

Motion was made by Commissioner Perez and seconded by Commissioner Mezmar to approve item 7(b). Motion carried as follows: FOR: Commissioners: Cavazos-Gamez, Mezmar, Morales, Perez; AGAINST: None; ABSTAINED: Mayor Pro-Tem Lopez (Vote: 5-0-1).

8. Staff Reports and Other Discussion Items:

a) City Manager's Report

None.

b) Staff Reports

None

c) Presentation by East Point Energy on the battery storage project and a presentation of a community benefit contribution check to the Development Corporation of Harlingen & City of Harlingen.

Maggie Howe from East Point Energy presented an overview of the project, explicitly clarifying that it is a standalone grid-scale battery storage facility and not a data center. She explained that the system stabilizes the local electrical grid by storing surplus energy—particularly from nearby wind farms during off-peak hours—and discharging it during peak demand. Over its 20-to-30-year lifecycle, the project is estimated to contribute \$19 million to the local tax base. The 6-acre site features a 100-megawatt, 2-hour duration capacity (capable of powering up to 80,000 homes at max output). She announced an upcoming call for local artists to paint a mural on the front wall along Loop 499.

During the question-and-answer period, Ms. Howe confirmed that physical construction is finished and the project is in the ERCOT testing and commissioning phase, with full commercial operation anticipated as early as next month. In response to commissioner questions, Ms. Howe explained that the facility prioritizes Harlingen's power needs before expanding outward, power stays strictly within Texas via the ERCOT grid, and the \$175,000 contribution for the Harlingen Soccer Complex (which complements a \$100,000 Rotary Club donation and grant efforts) would process the following week. She added that the system averages 1 to 3 daily charging cycles and that the site frontage will include both tree landscaping and the artist mural.

In response to questions about emergency safety protocols, Ms. Howe noted that the company completed pre- and post-energization training with the Harlingen Fire Department, with annual three-to-four-hour classroom and site visits continuing for all shifts.

9. **Public Hearings:**

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

a) Public hearing to amend the previously approved Special Use Permit (SUP) to allow a Civic Lodge in a Multi-Family Residential ("M-2") District, located at 2006 Whalen Road, bearing a legal description of 2.5420 acres out of the South 5 acres and 0.62 acres out of 2.1550 acres, also out of the South 5 acres, Lot 14, Block 147, San Benito Land and Water Company Subdivision. Applicant: Narciso Vilella III (Commander), c/o Veterans of Foreign Wars Post 2410. **Attachment (Planning & Development).**

- Item 9(a)- None

b) Public hearing for a Special Use Permit (SUP) to allow a bar in a Light Industry ("LI") District located at 1510 N. Commerce Street, Suite A, bearing a legal description of Lot 3, Block 1, Replat of Casa Blanca Subdivision. Applicant: Tomas Diaz. **Attachment (Planning & Development).**

- Item 9(b)- None

c) Public hearing for the voluntary annexation and establishment of initial zoning of Light Industry ("LI") District upon annexation for approximately 7.401 acres, more or less, out of Lot 5, Block 2, Harlingen Industrial Park No. 2 Subdivision, located at 109 FM 509, Cameron County, Texas, together with any adjacent county road right-of-way required to be annexed by Texas Local Government Code Section 43.106. Applicant: JMP Holdings, LLC. **Attachment (Planning & Development).**

- Item 9(c)- Desi Martinez

d) Public hearing for the voluntary annexation and establishment of initial zoning of Residential, Single Family ("R-1") District upon annexation for a 1.15 acre tract of land out of Block 47, Lon C. Hill Subdivision, located on the south side of Morris Road approximately 2,630 feet east of Rangeville Road, together with a 0.16 acre tract out of Morris Road (a 60-foot right-of-way) out of Block 47, Lon C. Hill Subdivision. Applicant: Roberto Lopez. **Attachment (Planning & Development).**

- Item 9(d)- Desi Martinez

e) 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).**

- Item 9(e):

1. Desi Martinez
2. Luis Valdespino
3. Angela Valdespino

There being no 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 the previously approved Special Use Permit (SUP) to allow a Civic Lodge in a Multi-Family Residential ("M-2") District, located at 2006 Whalen Road, bearing a legal description of 2.5420 acres out of the South 5 acres and 0.62 acres out of 2.1550 acres, also out of the South 5 acres, Lot 14, Block 147, San Benito Land and Water Company Subdivision. Applicant: Narciso Villela III (Commander), c/o Veterans of Foreign Wars Post 2410. Attachment (Planning & Development).

A motion was made by Commissioner Mezmar to approve. However, Mayor Pro-Tem Lopez interjected and moved that the approval be subject to four specific conditions recommended by City staff. To ensure proper procedure, Mayor Sepulveda asked Commissioner Mezmar if he would like to withdraw his original motion, which he did.

Motion was made by Mayor Pro-Tem Lopez and seconded by Commissioner Mezmar to approve an ordinance on first reading amending the previously approved Special Use Permit (SUP) to allow a Civic Lodge in a Multi-Family Residential ("M-2") District, located at 2006 Whalen Road, bearing a legal description of 2.5420 acres out of the South 5 acres and 0.62 acres out of 2.1550 acres, also out of the South 5 acres, Lot 14, Block 147, San Benito Land and Water Company Subdivision. Subject to the four staff conditions: obtaining and maintaining proper state and city permits, providing video surveillance with a minimum 30-day retention period, complying with all planning and zoning, building inspection, fire prevention, health, and police requirements, and adhering to operational hours of 4:00 p.m. to 2:00 a.m., seven days a week. Motion carried unanimously.

- b) Consideration and possible action to approve an ordinance on first reading for a Special Use Permit (SUP) to allow a bar in a Light Industry ("LI") District located at 1510 N. Commerce Street, Suite A, bearing a legal description of Lot 3, Block 1, Replat of Casa Blanca Subdivision. Applicant: Tomas Diaz. Attachment (Planning & Development).

Motion was made by Mayor Pro-Tem Lopez and seconded by Commissioner Morales to approve an ordinance on first reading for a Special Use Permit (SUP) to allow a bar in a Light Industry ("LI") District located at 1510 N. Commerce Street, Suite A, bearing a legal description of Lot 3, Block 1, Replat of Casa Blanca Subdivision. Motion carried unanimously.

- c) Consideration and possible action to approve an ordinance on second and final reading for the voluntary annexation and establishment of initial zoning of Light Industry ("LI") District upon annexation for approximately 7.401 acres, more or less, out of Lot 5, Block 2, Harlingen Industrial Park No. 2 Subdivision, located at 109 FM 509, Cameron County, Texas, together with any adjacent county road right-of-way required to be annexed by Texas Local Government Code Section 43.106. Applicant: JMP Holdings LLC. Attachment (Planning & Development).

Ana Hernandez, Planning and Zoning Director, clarified for the record that only the tract was scheduled to be annexed. When asked who would maintain the unannexed road, Ms. Hernandez explained that although the road lies in Cameron County, county officials confirmed in writing that it is not included in their road inventory. She further noted that staff had uncovered a 1980s City resolution in which the former Planning Director committed the City to maintaining Progress Drive for this specific site. Staff also pointed out that because the public notice was advertised both ways, the Commission had the option to annex the adjacent road right-of-way along with the property.

During Commission discussion, questions arose regarding county road maintenance responsibilities and whether other non-inventory county roads fall to the City. Mayor Sepulveda directed staff to research the issue and provide a report at a future meeting.

Motion was made by Mayor Pro-Tem Lopez and seconded by Commissioner Cavazos-Gamez to approve an ordinance on second and final reading for the voluntary annexation and establishment of initial zoning of Light Industry ("LI") District upon annexation for approximately 7.401 acres, more or less, out of Lot 5, Block 2, Harlingen Industrial Park No. 2 Subdivision, located at 109 FM 509, Cameron County, Texas, together with any adjacent county road right-of-way required to be annexed by Texas Local Government Code Section 43.106, with the amendment to annex both the 7.401-acre tract and

the adjacent Progress Drive right-of-way that the city was already obligated to maintain. Motion carried unanimously.

ORDINANCE NO. 26-18

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF HARLINGEN BY ANNEXING, FOR FULL PURPOSE, 7.401 ACRES, MORE OR LESS, OUT OF LOT 5, BLOCK 2, HARLINGEN INDUSTRIAL PARK NO. 2 SUBDIVISION, LOCATED AT 109 FM 509, CAMERON COUNTY, TEXAS TOGETHER WITH ANY ADJACENT COUNTY ROAD RIGHT-OF-WAY REQUIRED TO BE ANNEXED BY TEXAS LOCAL GOVERNMENT CODE SECTION 43.106, AND THE ESTABLISHMENT OF THE INITIAL ZONING OF LIGHT INDUSTRY ("LI") DISTRICT UPON ANNEXATION; BINDING THE LAND TO ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF THE CITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

PASSED AND APPROVED on first reading this the 6th day of May 2026.

PASSED AND APPROVED on the second and final reading this the 20th day of May 2026.

ATTEST:
/s/ Mayra Herrera, City Secretary

CITY OF HARLINGEN
/s/Norma Sepulveda, Mayor

- d) Consideration and possible action to approve an ordinance on second and final reading for the voluntary annexation and establishment of initial zoning of Residential, Single Family ("R-1") District upon annexation for a 1.15 acre tract of land out of Block 47, Lon C. Hill Subdivision, located on the south side of Morris Road approximately 2,630 feet east of Rangeville Road, together with a 0.16 acre tract out of Morris Road (a 60-foot right-of-way) out of Block 47, Lon C. Hill Subdivision. Applicant: Roberto Lopez. Attachment (Planning & Development).

Motion made by Commissioner Perez and seconded by Commissioner Morales to approve an ordinance on second and final reading for the voluntary annexation and establishment of initial zoning of Residential, Single Family ("R-1") District upon annexation for a 1.15 acre tract of land out of Block 47, Lon C. Hill Subdivision, located on the south side of Morris Road approximately 2,630 feet east of Rangeville Road, together with a 0.16 acre tract out of Morris Road (a 60-foot right-of-way) out of Block 47, Lon C. Hill Subdivision. Motion carried as follows: FOR: Commissioners: Cavazos-Gamez, Mezmar, Morales, Perez; AGAINST: None; ABSTAINED: Mayor Pro-Tem Lopez (Vote: 4 - 0 - 1).

ORDINANCE NO. 26-19

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF HARLINGEN BY ANNEXING, FOR FULL PURPOSE, A 1.15 ACRE TRACT OF LAND OUT OF BLOCK 47, LON C. HILL SUBDIVISION, LOCATED ON THE SOUTH SIDE OF MORRIS ROAD, APPROXIMATELY 2,630 FEET EAST OF RANGERVILLE ROAD, TOGETHER WITH A 0.16 ACRE TRACT OUT OF MORRIS ROAD (A 60-FOOT RIGHT-OF-WAY) OUT OF BLOCK 47, LON C. HILL SUBDIVISION; BINDING THE LAND TO ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF THE CITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

PASSED AND APPROVED on first reading this the 6th day of May 2026.

PASSED AND APPROVED on the second and final reading this the 20th day of May 2026.

ATTEST:
/s/ Mayra Herrera, City Secretary

CITY OF HARLINGEN
/s/Norma Sepulveda, Mayor

- e) Consideration and possible action to approve an ordinance on first 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).

Commissioner Mezmar spoke in opposition, pointing out that the proposed data center site is outside city limits and therefore a county matter. He stated that Harlingen lacks the 200–800 acres such facilities typically require and that utilities such as the Airport, EDC, and Waterworks operate independently of the City. He noted Waterworks could earn approximately \$1.3 million annually by

1 selling wastewater to the facility and argued that public fears surrounding environmental issues often
2 stem from emotion rather than logic. He dismissed allegations of secret meetings or improper influence
3 and contended that data centers are part of an "electrical revolution," posing far fewer safety risks than
4 heavy industries. He concluded that the moratorium is legally moot and sends an anti-development
5 message, stating he would vote against it.

6 Mayor Pro-Tem Lopez expressed support for the moratorium and requested that staff include an
7 environmental impact review as part of their due diligence.

8 Commissioner Morales also supported the measure but urged expanding the evaluation team to
9 include community members. He raised concerns about oversight of effluent water usage, potential
10 shifts to potable water during drought conditions, long-term water and electricity rate impacts, and
11 broader effects on future generations. He cited national examples where data center electricity
12 demands increased regional rates and warned that, without safeguards, major industries could receive
13 priority access to water over local families. He emphasized the need for thorough research, legislative
14 coordination, and transparency throughout the 120-day period.

15 Mayor Sepulveda acknowledged jurisdictional limits but explained that Harlingen's evening meeting
16 schedule allows greater public participation than the County's noon meetings. She described her
17 efforts, alongside staff and legal counsel, to prepare the moratorium, noting required procedural steps
18 and public hearings. She emphasized that data centers are expanding statewide and that a developer
19 might someday seek voluntary annexation. Because Harlingen currently lacks appropriate zoning, she
20 stressed the importance of conducting due diligence now to avoid future delays. She clarified that the
21 moratorium does not attempt to direct County decisions on tax abatements and is solely intended to
22 ensure municipal readiness.

23 Commissioner Morales reiterated the need to monitor the legislative session and suggested
24 seeking an extension near day 90 if needed.

25 Mayor Sepulveda noted that she and Mayor Pro-Tem Lopez had spoken with the Speaker of the
26 House and that the state legislature is actively evaluating data center regulations. She emphasized that
27 the City must align with state law and encouraged residents to communicate with their state
28 representatives.

29 Commissioner Cavazos-Gamez voiced support for the 120-day moratorium, stating that the
30 timeframe allows her to conduct research, speak with legislators and county officials, and gather broad
31 community feedback ahead of the next public hearing. She stressed that although the project is outside
32 city limits, Harlingen residents will be affected, and the moratorium gives her the exact amount of time
33 needed without requiring an extension.

34 Commissioner Perez stated for the record that he supports the moratorium as an act of responsible
35 governance.

36 City Attorney Mark Sossi clarified that the legal basis for the moratorium is evaluating land-use
37 compatibility due to extraordinary infrastructure demands, and that environmental review could be
38 directed separately without altering the ordinance's language.

39 City Manager Gabriel Gonzalez noted that additional funding would later be required to hire an
40 environmental expert.

41 Motion made by Commissioner Perez and seconded by Mayor Pro-Tem Lopez to approve an
42 ordinance on first reading imposing a temporary moratorium on the acceptance, processing, and
43 approval of applications for the High-Intensity Data Processing Facilities within the City of Harlingen
44 and its extraterritorial jurisdiction. Motion carried as follows: FOR: Mayor Pro-Tem Lopez,
45 Commissioners: Cavazos-Gamez, Morales, Perez; AGAINST: Mezmar; ABSTAINED: None.(Vote: 4 -
46 1 - 0). Direction was given to staff for an environmental review.

47 f) Consideration and possible action to recommend to the City Commission the preliminary
48 construction plans and final plat with conditions of the proposed replant of Lots 19&20, Parkwood
49 Addition Subdivision, located North of Mesquite Drive and consideration of variances to the

1 required park fees for Lot 20. Applicant: Scheibe Consulting, Inc. c/o Brry W. Jackson. **Attachment**
2 **(Planning & Development).**

3 Motion was made by Commissioner Perez and seconded by Mayor Pro-Tem Lopez to recommend
4 to the City Commission the preliminary construction plans and final plat with conditions of the proposed
5 replat of Lots 19&20, Parkwood Addition Subdivision, located North of Mesquite Drive and
6 consideration of variances to the required park fees for Lot 20. Motion carried unanimously.

7 g) Consideration and possible action to renew the MarshMcLennan Agency (McGriff) Employee
8 Benefits Broker Agreement for the City of Harlingen Fiscal Year 2026-2027 and to authorize the
9 City Manager to sign the contract. **Attachment (Human Resources)**

10 Motion was made by Mayor Pro-Tem Lopez and seconded by Commissioner Mezmar to renew the
11 MarshMcLennan Agency (McGriff) Employee Benefits Broker Agreement for the City of Harlingen
12 Fiscal Year 2026-2027 and to authorize the City Manager to sign the contract subject to legal review
13 on paragraph 4.1 and 6.2, along with Exhibit C, paragraph 11. Motion carried unanimously.

14 h) Consideration and possible action to approve Interlocal Agreements between the City of Harlingen
15 and HCISD for transportation and facility use related to the City of Harlingen Summer Playground
16 Program and the City of Harlingen Summer Track Program from May 26, 2026, through July 16,
17 2026. Attachment (Parks & Recreation).

18 Motion was made by Mayor Pro-Tem Lopez seconded by Commissioner Cavazos-Gamez to
19 approve Interlocal Agreements between the City of Harlingen and HCISD for transportation and facility
20 use related to the City of Harlingen Summer Playground Program and the City of Harlingen Summer
21 Track Program from May 26, 2026, through July 16, 2026. While allowing the City Manager flexibility
22 to expand participation if feasible. Motion carried as follows: FOR: Mayor Pro-Tem Lopez
23 Commissioners: Cavazos-Gamez, Mezmar, Morales; AGAINST: None; ABSTAINED: Commissioner
24 Perez (Vote: 4 - 0 - 1).

25 i) Presentation and possible action to approve the final report for the Windshield Historic Resource
26 Survey prepared by Integrated Environmental Solutions, LLC. Attachment (DID).

27 Architectural historian Morgan Granger delivered a brief presentation summarizing the two-year
28 project, funded partially by the National Trust for Historic Preservation. She introduced her
29 qualifications, explained the hybrid windshield/reconnaissance survey approach, and outlined the four
30 survey areas: the former Army Air Base (including the Marine Military Academy, TSTC, and the Arts &
31 Heritage Museum), the Sunshine Strip neighborhood, the Parkwood subdivision (Laurel Park), and
32 Downtown Harlingen. She provided a short history of Harlingen's development, explained the criteria
33 and integrity requirements used to evaluate buildings for National Register eligibility, and noted that 55
34 resources were documented at the reconnaissance level.

35 Granger reported that Downtown Harlingen and the Parkwood subdivision have strong potential for
36 eligible historic districts due to their density of historic-age buildings and good overall integrity. The
37 Army Air Base/MMA area had limited historic resources, many with alterations, and TSTC had none
38 that met the historic age threshold. The Arts & Heritage Museum included few historic-age buildings,
39 most relocated, diminishing their integrity. The Sunshine Strip contained historic-age structures but had
40 too many alterations to warrant further district consideration.

41 She stated that three buildings appear individually eligible for the National Register which are the
42 Bert Ogden building, the Planter State Bank building, and the Sinclair Station. Five others including the
43 Mopac Station, City Hall, Casa del Sol, the Grande Theater, and the Tanaguchi House, require
44 additional research before eligibility determinations can be made. She recommended focusing future
45 efforts on Downtown and Parkwood, considering local or state listings for individually eligible properties,
46 and conducting deeper research on the undetermined buildings.

47 Motion was made by Mayor Pro-Tem Lopez seconded by Commissioner Perez to approve the final
48 report for the Windshield Historic Resource Survey prepared by Integrated Environmental Solutions,
49 LLC. Motion carried unanimously.

- 1 j) Consideration and possible action to authorize the City Manager to award RFQ No. 2026-07 for
2 Professional Services for the Historic Resources Survey funded through the Texas Preservation
3 Trust Fund (TPTF) grant. Attachment (DID).

4 Motion was made by Mayor Pro-Tem Lopez seconded by Commissioner Perez to authorize the
5 city manager to negotiate and execute an agreement with the highest ranked firm or with the
6 second-highest firm if deemed financially appropriate, for RFQ No. 2026-07 for Professional Services
7 for the Historic Resources Survey funded through the Texas Preservation Trust Fund (TPTF) grant.
8 Motion carried unanimously.

- 9 k) Consideration and possible action to authorize the Mayor to sign and submit the Request for
10 Certified Local Government (CLG) Status application to the Texas Historical Commission for the
11 City of Harlingen. Attachment. (DID)

12 Motion was made by Mayor Pro-Tem Lopez and seconded by Commissioner Cavazos-Gamez to
13 sign and submit the Request for Certified Local Government (CLG) Status application to the Texas
14 Historical Commission for the City of Harlingen. Motion carried unanimously.

- 15 l) Consideration and possible action to authorize the City Manager to award Bid No. 2026-06 for a
16 Supply Contract for Drainage Materials. Attachment (Engineering).

17 Mayor Pro-Tem Lopez asked staff to explain why some vendors showed prices while others listed
18 "no bid." Robert Hernandez City Engineer clarified that the bid included multiple drainage items and
19 that not all vendors supply every material. Prices were evaluated by item category, and the lowest unit
20 price per category was selected to lock in pricing for the next 12 months.

21 Staff noted these materials would support ongoing drainage improvement projects, including
22 Spanish Acres and Hickory Hill, and that selected items are durable and repairable as needed in the
23 future.

24 Motion was made by Mayor Pro-Tem Lopez seconded by Commissioner Perez to authorize the
25 City Manager to award Bid No. 2026-06 for a Supply Contract for Drainage Materials. Motion carried
26 unanimously.

- 27 m) Consideration and possible action to authorize the City Manager to award RFQ No. 2026-10 for
28 Professional Consulting Services for the Harlingen Mobility Master Plan. Attachment (Engineering).

29 Motion was made by Mayor Pro-Tem Lopez seconded by Commissioner Perez to authorize the
30 city manager to negotiate execute an agreement with the highest-ranking consultant and then move
31 forward as financially feasible and responsible for RFQ No. 2026-10 for Professional Consulting
32 Services for the Harlingen Mobility Master Plan. Motion carried unanimously.

- 33 n) Consideration and possible action to show constituents' faces on video when they are addressing
34 the Commission during the Citizen Communication. (This item was requested by Commissioner
35 Delia Cavazos-Gamez and Commissioner Frank Morales).

36 Commissioner Cavazos Gamez explained that several residents—and she herself—had
37 questioned why speakers are filmed only from behind during citizen communication, while individuals
38 giving presentations or receiving proclamations have their faces shown. She noted that at least ten
39 people had asked her why citizen speakers' faces are not shown and said viewers at home would prefer
40 to see what they would see in person. She asked whether the practice could be changed and, if not,
41 why.

42 Mayor Sepulveda said that upon seeing the agenda item, she researched practices in other Rio
43 Grande Valley cities and found most record citizen communication the same way Harlingen does—
44 showing speakers from behind—because that mirrors what the live audience sees. She clarified that
45 citizen communication is legally required but not part of the city's formal business, unlike presentations
46 or agenda items, which involve direct interaction with the Commission. She said Harlingen should adopt
47 a standardized citizen communication policy and provided background on past changes, noting that
48 she successfully advocated to increase speaking time from two to three minutes. She added that some
49 Valley cities do not record citizen communication at all and others impose strict time limits. She
50 emphasized that Harlingen is uniquely accessible because commissioners publicly share their personal

1 phone numbers and emails. Mayor Sepulveda stressed that filming faces during citizen communication
2 could discourage participation, especially from first time speakers who may feel intimidated or fear their
3 comments being shared or manipulated on social media. The discussion then turned to recent incidents
4 where individuals placed personal cameras on the podium to record speakers without consent—
5 including minors. She noted this was inappropriate and potentially harmful.

6 Commissioner Cavazos Gamez raised concerns about consistency, asking whether proclamation
7 recipients who did not want to be recorded should also have the option to decline.

8 Mayor Sepulveda responded that most people receiving proclamations seek public recognition but
9 said private presentations are available when needed. For example, at nursing facilities or outside
10 events.

11 Mayor Sepulveda added that placing a camera on the podium to record speakers without
12 permission is wrong and said she had not known it was happening.

13 Commissioner Cavazos Gamez stated that recordings had occurred during the last three meetings,
14 prompting her to bring the issue forward.

15 Mayor Pro-Tem Lopez asked if she had known people were being recorded without consent, and
16 she confirmed she had, noting that a small device had been visible on the podium. Commissioner
17 Mezmar said he noticed it at the previous meeting and questioned whether individuals could legally
18 record close-ups of speakers without consent, pointing out such footage could be manipulated.

19 City Attorney Sossi said he learned of the issue at that same meeting.

20 Mayor Sepulveda reiterated the risk of intimidating participants and said she would have intervened
21 had she known. She encouraged Commissioner Cavazos Gamez to alert staff immediately when
22 inappropriate behavior occurs so action can be taken.

23 Commissioner Cavazos Gamez responded that she thought podium recording had been
24 acceptable and referenced a prior conversation with City Manager Gabriel Gonzalez. Mr. Gonzalez
25 clarified that their earlier discussion concerned official city recording, not individuals recording others,
26 and said he had only observed people recording themselves or recording from their seats.
27 Commissioner Cavazos Gamez said this differed from her recollection. After she restated their
28 conversation, Gonzalez reiterated he had been referring to city recording. Mayor Sepulveda concluded
29 the issue appeared to be a miscommunication.

30 Commissioners agreed that clear, consistent rules were needed regarding citizen communication
31 and recording practices. Mayor Sepulveda said Harlingen's current approach aligns with regional
32 standards and emphasized that showing faces during public comment would likely reduce participation.
33 Commissioner Morales noted that the city previously filmed speakers' faces before practices changed,
34 prompting some residents to begin recording on their own. The Commission agreed that staff, including
35 the City Manager and City Attorney, should work together to draft a formal policy to ensure consistency
36 moving forward.

37 Motion was made by Mayor Sepulveda and seconded by Commissioner Mezmar to deny the
38 request to show constituents' faces on video when they are addressing the Commission during the
39 Citizen Communication. Motion carried as follows: FOR: Mayor Sepulveda, Mayor Pro-Tem Lopez,
40 Commissioners: Mezmar, Perez; AGAINST: Commissioners: Cavazos-Gamez, Morales. ABSTAINED:
41 None. (4-2-0)

42 **11. Board Appointments:**

43 No appointments made by Mayor or Commissioners.

44 **12. Executive Session:**

- 45 a) Consultation with legal counsel pursuant to Texas Government Code 551.071 (1)(a) regarding
46 pending litigation. (City Attorney). N/A

05-20-2026

b) 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:

- 1) Project Tyler
- 2) Project Its Thyme

Motion was made by Commissioner Perez and seconded by Mayor Pro-Tem Lopez to go into executive session. Motion carried unanimously.

At 8:28 Pm 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 9:10 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 on item 12b (1–2) as discussed in executive session.

Motion was made by Mayor Pro-Tem Lopez and seconded by Commissioner Perez on Item 13(a) to proceed as discussed in executive session. Motion carried unanimously.

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

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

June 17th, 2026

A Regular Meeting of the Harlingen City Commission was held June 17th 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
Delia Cavazos-Gamez, Commissioner District 1
Mayor Pro-Tem Daniel N. Lopez, 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 – Pastor Daniel Rodriguez on behalf of Commissioner Frank Morales
- b) Pledge of Allegiance – Norma Sepulveda
- c) Welcome Citizens – Norma Sepulveda

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

3. Announcements –

- a) Mayor's Announcements – Thanked the Public Works Teams; City Management; Media Team for keeping the community aware of the weather.
- b) City Manager's Announcements- Total of 8,454 sandbags were given out over a 3-day period also gave Thanks to Javier Segura for opening the Harlingen Convention Center as a possible Shelter; Police Dept CPA State BBQ Championship June 19-20th at Bass Bro shop
- c) City Commission Member Announcements – Commissioner Cavazos-Gamez-wished all fathers a Happy Father's Day; Mayor Pro-Tem Lopez thanked Public Works Crews for the help in Secluded Acres Subdivision and getting the pumps ready for the potential weather threat. Commissioner Morales gave a Happy Father's Day, well wishes to all fathers as well; Commissioner Perez thanked everyone who attended his Town Hall Meeting.

4. Proclamation/Presentation of Awards:

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

Shannon Harvill, Health & Environmental Director introduced "Winston" a 7-month-old Terrier Mix male dog. She extended the invitation for citizens of Harlingen to visit the Harlingen Animal Shelter located at 1106 Markowsky Ave. for half off adoptions.

b) Presentation of Proclamation —

Director of Media, Rachel Saldana, presented the proclamation "Celebrating Fathers and Father Figures Month" – Pastor Daniel Rodriguez accepted the proclamation and gave a few words to give appreciation for the recognition of the vital roles that fathers and father figures provide. Mayor Sepulveda gave her thanks in regard to being able to outwardly give the support for this acknowledgement.

d) Mayor's Business of the Month —

Presented by Rachel Saldana. Las Vegas Café- Lori Davila-co-owner and Anthony Posada-Manager, thanked the city commission and the citizens of Harlingen for 62 years of business and support. Mayor Sepulveda thanked Las Vegas Café for their decades of continued service for the community.

5. **Citizen Communication:**

1. Robert Leftwich – Waste-Not Present
2. Luis Valdespino – HWWS agreement with RGV Property Group
3. Enzo Racca – CDBG Community Block Grant
4. Isaac Newman – Accountability
5. Angela Valdespino – Data Center

6. **Approval of Minutes:**

- a) Special Joint Meeting of the Harlingen City Commission and HWWS — January 21, 2026
- b) Regular Meeting of February 18, 2026
- c) Regular Meeting of March 04, 2026
- d) Regular Meeting of March 18, 2026

Motion was made by Mayor Pro-Tem Lopez and seconded by Commissioner Perez to approve items 6 a-d with amendments as discussed by Mayor Pro-Tem Lopez. Motion Carried Unanimously.

7. **Consent Agenda:**

Item 7(d) were 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. (**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. (**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)**

ORDINANCE NO. 26-22

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.

PASSED AND APPROVED on first reading this the 3rd day of June 2026.
PASSED AND APPROVED on the second and final reading this the 17th day of June 2026.

ATTEST:
Mayra Herrera, City Secretary

CITY OF HARLINGEN
Norma Sepulveda, Mayor

- 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)**

ORDINANCE NO. 26-23

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, AP PRO XI MA TEL Y 1,411.16 FEET WEST OF US 77 FRONT AGE ROAD.

PASSED AND APPROVED on first reading this the 3rd day of June 2026.
PASSED AND APPROVED on the second and final reading this the 17th day of June 2026.

ATTEST:
Mayra Herrera, City Secretary

CITY OF HARLINGEN
Norma Sepulveda, Mayor

- 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 Puth. Attachment. **(Planning & Development)**

ORDINANCE NO. 26-24

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.

PASSED AND APPROVED on first reading this the 3rd day of June 2026.
PASSED AND APPROVED on the second and final reading this the 17th day of June 2026.

ATTEST:
Mayra Herrera, City Secretary

CITY OF HARLINGEN
Norma Sepulveda, Mayor

- 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)

ORDINANCE NO. 26-25
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

PASSED AND APPROVED on first reading this the 3rd day of June 2026.
PASSED AND APPROVED on the second and final reading this the 17th day of June 2026.

ATTEST:
Mayra Herrera, City Secretary

CITY OF HARLINGEN
Norma Sepulveda, Mayor

Motion was made by Commissioner Perez seconded by Mayor Pro-Tem Lopez to approve all items for consent agenda, minus 7d. Motion carried unanimously

Item 7d was pulled by Mayor Pro-Tem Lopez to be able to discuss his concern about the amount/cost being asked for pertaining to the item.

Chief Alvear confirmed that majority of the money is coming from or will be coming from the forfeiture account.

Mayor Pro-Tem asked if there was a better process, a cheaper process, to be able to get the updates on policies done in house or updated by a third party that can help with updating codes and rules.

Chief Alvear advised that there are other things that are in the software that could help and be beneficial to HPD

Discussion was continued on the pros and cons of this item.

Motion was made by Mayor Pro-Tem Lopez seconded by Commissioner Cavazos-Gamez to approve item 7d. 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 Items 9 (a through c) 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 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. - NONE
- 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.
 1. Herman X. Montemayor Jr. – 2501 Garrett Rd.
 2. Luis Valdespino – 420 East Austin Ave. (2-Min)
- 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.
 1. Robert Leftwich- 909 E. Parkwood-Not Present
 2. Luis Valdespino – 420 East Austin Ave. (3 Min)
 3. Isaac Amani Newman – District 3

There being no more 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 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. (Planning & Development)

Mayor Pro-Tem Lopez asked about the recommendation of the hours of operation allowed for the applicant to make sure that the business owner is able to have flexibility.

The applicant, Ms. Nieto, approached the podium to ask to have the hours altered to 5am – 8pm for the hours of operation.

Motion was made by Mayor Pro-Tem Lopez seconded by Commissioner Cavazos-Gamez 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. Motion carried unanimously

- 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. (Planning & Development).

Commissioner Mezmar asked Mr. Dustin Moore, from Moore Land Surveying, what the size of the lots would be being developed in this area.

Mr. Moore stated that each lot would be a little bit over about 4,000 sq ft each. Mr. Moore gave an example in of the Harlingen Terrace town homes.

Mayor asked to make sure that these are for patio homes and not single-family homes.

Ana Hernandez, Director of Planning and Zoning, confirmed that the development is in fact for patio homes.

1
2 A discussion was held in reference to the examples given of the different developments
3 around Harlingen that resemble what it is that is being asked of for development.
4

5 Mayor asked to have Mr. Montemayor, developer from CJE construction, approach to give
6 further explanation in reference to the green space for each plot.
7

8 Developer, Mr. Montemayor, provided more information regarding the plans and the
9 expectations of each plot that is in the plan currently being reviewed.
10

11 Commissioner Cavazos-Gamez asked why the change from commercial district to
12 residential.
13

14 Mr. Montemayor stated that the change happened due to affordability and a discussion
15 was held referencing the zoning change.
16

17 Mayor Sepulveda asked for Mr. Montemayor to give more explanation on how much green
18 space each unit would have.
19

20 Mr. Montemayor and Mr. Moore gave ore information in reference to each plot having
21 smaller green space due to the lack of want in greenery for today's consumer.
22

23 Mayor Sepulveda asked Mrs. Hernandez if this item aligns with the comprehensive plan
24 that the city has been working on.
25

26 Mrs. Hernandez confirmed that it would go along with the comprehensive plan.
27

28 Motion was made by Commissioner Perez seconded by Commissioner Morale to approve an
29 ordinance on first reading for a rezoning request from Neighborhood Services ("NS") District to
30 Residential, Patio Home ("RPH") District for Lot C-1, Block 1, Dixieland Crossing Subdivision,
31 located on the south side of Garrett Road, approximately 795.17 feet west of Dixieland Road.
32 Applicant: Moore Land Surveying, LLC c/o CJE Construction. Motion carried. 5-1
33

- 34 c) Consideration and possible action to approve an ordinance on second and final reading imposing
35 a temporary moratorium on the acceptance, processing, and approval of applications for the High-
36 Intensity Data Processing facilities within the City of Harlingen and its extraterritorial jurisdiction.
37 (City Manager)
38

39 Mayor Sepulveda asked City Manager, Gabriel Gonzalez, to provide a copy of the contract
40 from HWWWS and distributed it to the entire commission for them to be able to review.
41

42 Mr. Gonzalez confirmed he would be able to get that done as soon as possible.
43

44 Mayor Pro-Tem Lopez asked if the City Attorney, Mark Sossi, could potentially get the
45 ordinance from San Marcos banning Data Centers.
46

47 Discussion was held on the other municipalities attempting to block data centers from being
48 developed.
49

50 Mayor Sepulveda asked Mr. Sossi if it's possible to look into the availability to have it come
51 to a vote from the community in regard to projects coming into the ETJ.
52

53 Mr. Sossi agreed to look into this possibility.
54

55 Motion was made by Commissioner Perez and seconded by Commissioner Cavazos-
56 Gamez approve an ordinance on second and final reading imposing a temporary moratorium on

1 the acceptance, processing, and approval of applications for the High-Intensity Data Processing
2 facilities within the City of Harlingen and its extraterritorial jurisdiction. Motion carried unanimously
3

4 d) Consideration and possible action authorizing the City Manager to submit a grant application to the
5 Texas Parks and Wildlife Local Parks Non-Urban Indoor Grant Program. (Special Projects)
6

7 Ana Hernandez, Director of Special Projects, introduced herself for the record and began
8 her explanation on the different projects being brought to the commission, under this item.
9

10 Mayor Sepulveda asked if there was enough time to try to see if there is other ways to
11 obtain money to match the \$1.5 million dollars being given.
12

13 Mrs. Hernandez stated that there is not enough time to submit requests before submitting
14 potential plan to Texas Parks and Wildlife.
15

16 Discussion was had to discuss the different projects and the different points of each project.
17

18 Commissioner Cavazos-Gamez asked Mrs. Hernandez if Pendleton Park will be getting all
19 the same things the new Recreation Center at Wilson Park will be receiving.
20

21 Mrs. Hernandez confirmed that Pendleton Park will be getting upgrades and additions that
22 are equivalent or more than the new recreation center.
23

24 Commissioner Morales asked if the \$1.5 million dollar grant had a match.
25

26 Mrs. Hernandez confirmed that the grant is \$1.5 million dollars with a \$1.5 million dollar
27 match from the city.
28

29 Commissioner Morales stated his opposition in reference to this item specifically, due to
30 new projects being made and completed instead of renovations on the parks already existing within
31 the city.
32

33 Further discussion was had about the parks and recreation opportunities throughout the
34 city of Harlingen.
35

36 Mayor asked for clarification about the work that's been done by the staff to complete the
37 research and work to be able to confidently submit the application to Parks and Wildlife.
38

39 Mayor Pro-Tem Lopez asked Parks and Recreation Director, Juan Mendiola, about the
40 status of the renovation for Pendleton Park Pool.
41

42 Mr. Mendiola explained that there is already funding for the new roof and boiler
43 replacement. There are at least 5 quotes being looked at for the renovation of the roof of the pool.
44

45 Mayor Pro-Tem Lopez asked about what other improvements can be made with the
46 funding available.
47

48 Mr. Mendiola advised there is a plan in motion to renovate any and all possible facility
49 upgrades.
50

51 City Commission continued having discussion about the item and the developments or
52 these park projects.
53

54 Motion was made by Commissioner Perez seconded by Mayor Pro-Tem Lopez authorizing the City
55 Manager to submit a grant application to the Texas Parks and Wildlife Local Parks Non-Urban
56 Indoor Grant Program. Motion carried. 4-2 For: Mayor Sepulveda, Mayor Pro-Tem Lopez,

Commissioner Cvazos-Gamez, Commissioner Rene Perez; Against: Commissioner Mezmar, Commissioner Morales

- 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. (Health Dept.)

Commissioner Mezmar asked if there was a change in hours and money

Mrs. Harvill confirmed the only change is the dates on the new contract.

Commissioner Cavazos-Gamez asked if this would be replacing Dr. Mitchell or be along side her contract.

Mrs. Harvill confirmed that this is along side the contract with Dr. Mitchell. She explained the different services provided by Dr. Kellogg and Dr. Mitchell.

Motion was made by Mayor Pro-Tem Lopez and seconded by Commissioner Perez, to approve an extension of the contract between the City of Harlingen and Dr. Robert Kellogg, DVM to continue providing services to the Harlingen Animal Shelter as needed. Motion carried unanimously.

- f) Consideration and possible action to authorize the City Manager to award Bid No. 2026-05 for the Harlingen Smart Corridors Project. (Engineering Dept.)

Commissioner Morales asked for clarification regarding the Project, in regard to the longevity of the function.

Mr. Hernandez explained the function of the project and what it entails for the future for Harlingen streets.

Motion was made by Mayor Pro-Tem Lopez and seconded by Commissioner Perez to authorize the City Manager to award Bid No. 2026-05 for the Harlingen Smart Corridors Project. Motion carried unanimously.

- 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. (Engineering Dept.)

Motion was made by Mayor Pro-Tem Lopez and seconded by Commissioner Morales 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. Motion carried unanimously.

- 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. (Engineering Dept.)

Motion was made by Mayor Pro-Tem Lopez and seconded by Commissioner Perez 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. Motion carried unanimously.

- 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).

Commissioner Perez asked for clarification of what the percentage of discount would be.

Jeff Hart, Golf Operations Manager, stating that himself and Assistant City Manager Christopher D. Torres, had discussed a possibility of 25%.

Mr. Gonzalez, agreed on the initial percentage submitted of 20%, being the discount allowed.

Commissioner Cavazos-Gamez asked the specifications on teachers, first responders, and others that would be offered the discount.

A discussion was held in reference to who is covered under the specification of what is considered a first responder, and the specifications for the HCISD teachers and having to live within the city limits.

Motion was made by Mayor Pro-Tem Lopez and seconded by Commissioner Perez 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 with discount of 20%. Motion carried unanimously.

11. Board Appointments:

Commissioner Delia Cavazos-Gamez – Appointed Kristin Luckey to Museum Advisory Board

Commissioner Frank Morales – Appointed Hayden Painter to the Harlingen Teen & Young Adult Advisory Board replacing Christopher Perez; Appointed Luis Valdespino to the Veterans Advisory Board replacing Steven L. Ritter; Re-appointed Saarang Jay Rama to the Harlingen Economic Development 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) 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.

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.

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

At 7:41pm, Mayor Pro-Tem Lopez announced the City Commission would convene into Executive Session to discuss Items 12b and 12c.

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

At 8:33pm, 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 12a (1–3) as discussed in executive session.
No action was taken because the item 12a (1-3) was passed.
- b) Consideration and possible action regarding the potential purchase of real property as discussed in executive session.

Motion was made by Commissioner Perez and seconded by Commissioner Morales to proceed as discussed in executive session. Motion carried unanimously.

- c) Consideration and possible action regarding the potential purchase of real property as discussed in executive session.

Motion was made by Mayor Pro-Tem Lopez and seconded by Commissioner Morales to proceed as discussed in executive session. Motion carried unanimously.

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

Meeting Date: **August 5, 2026**

Agenda Item:

Consideration and possible action to authorize the Harlingen Police Department to enter into a Memorandum of Understanding (MOU) between Valley International Airport (VIA) and the Harlingen Police Department (HPD) to establish protocols for the efficient investigation and prosecution of crimes occurring on the premises of the VIA and to ensure safety and security of the community and travelling public. Attachment (Police).

Prepared By (Print Name): Alfredo Alvear

Title: Chief of Police

Signature: 

Brief Summary:

The Harlingen Police Department would like to enter into a Memorandum of Understanding (MOU) with the Valley International Airport (VIA) to establish protocols for the efficient investigation and prosecution of crimes occurring on the premises of the VIA and to ensure safety and security of the community and travelling public and as further set out in the attached MOU. This would be a renewal of a 2022 MOU.

Funding (if applicable):

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

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

Finance Director's approval:

☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval.

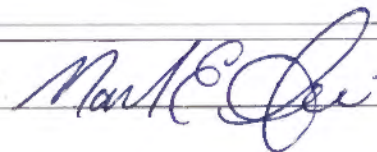
City Manager's approval:



☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:



☒ Yes ☐ No ☐ N/A



A MEMORANDUM OF UNDERSTANDING (MOU) Between

**Valley International Airport Police Department & Harlingen Police
Department**

_____, 2026

This document is a memorandum of understanding (MOU) between the Valley International Airport (VIA) Police Department (VIA PD) and the City of Harlingen Police Department (HPD). The purpose of this MOU is to establish protocols for the efficient investigation and prosecution of crimes occurring on the premises of VIA and to ensure the safety and security of the Harlingen Community and the traveling public.

WHEREAS, the Valley International Airport desires to set out respective duties and obligations with regard to the coordination of law enforcement efforts between the Valley International Airport Police Department (VIA PD) and the City of Harlingen Police Department (HPD) on the VIA property with the city limits of the City of Harlingen; WHEREAS, the VIA is under the Airport Board and entity; and WHEREAS, the VIA has employed and commissioned said Peace Officers; and WHEREAS, the VIA has facilities located at 3002 Heritage Way, Harlingen Texas and other properties acquired, owned, leased, or otherwise under the control of the VIA.

NOW THEREFORE:

The parties of this Memorandum of Understanding hereby agree as follows:

1. The VIA PD has primary law enforcement jurisdiction, and responsibility, on all property owned, leased, or under control of VIA and shall provide all police services on said property, except as otherwise specified in this Memorandum of Understanding.
2. The VIA PD shall notify the HPD of any incident or situation on any property within the City limits of the City of Harlingen that may affect the safety of the residents or persons of the City of Harlingen.



3. The HPD shall notify VIA PD of any incident or situation on any property within the City Limits of Harlingen that may affect the safety of any residents or persons of the City of Harlingen on any property owned, leased, or under the control of the VIA.
4. In the event that a crime, as defined by the Texas Penal Code, occurs on VIA property, VIA PD will assess the situation and notify HPD as necessary. Depending on the nature of the reported crime, an Incident Command structure may be established to enable VIA PD and HPD to coordinate effectively and respond in a unified manner. Criminal offense reports will be completed by responding HPD officers. VIA PD officers will assist by securing the scene and providing support to HPD personnel during the investigation and resolution of the incident.
5. In cases where suspected narcotics are discovered on VIA premises, VIA PD will notify HPD for assistance as needed. Such assistance may include the deployment of a narcotics detection K-9, possibly sourced from neighboring jurisdictions based on time urgency, to help confirm an officer's suspicions and support the ongoing investigative process.

To enhance response effectiveness and interagency coordination, VIA PD and HPD will engage in K-9 Unit-level joint training exercises at VIA facilities at least twice annually. These training sessions will provide emphasis on airport-specific situations where K-9 involvement has shown to be the most effective manner with which to provide Public Safety and Officer Safety, while also leveraging local K-9 Units into a greater situational awareness and familiarity of VIA property layouts and federally mandated aviation security routines. The K-9 Units may be drawn and engaged from any local participating law enforcement agency, to include the encouraged participation of Texas Department of Public Safety, Customs & Border Patrol, the Federal Bureau of Investigations, the Transportation Security Administration, and the Federal Bureau of Alcohol, Firearms, and Tobacco, among others, to engender the growth of perpetual interoperability to continuously grow the continuous protection of the VIA airport risk population.

6. VIA and VIA PD will partner with HPD and the City of Harlingen to the greatest extent practicable, including physical and technological systems integration and deployment, to promote the safety and protection of pedestrian and vehicular traffic on airport property. To that end, in the event of a traffic collision occurring on VIA premises that results in injury, death, or property and/or vehicle damage exceeding \$1,000, VIA PD shall notify HPD for assistance. HPD will be responsible for conducting the traffic crash investigation, gathering the necessary information, and completing all required reports. When practical, VIA PD officers will assist by providing traffic control, securing the scene, and supporting the collection of investigative information as requested or necessary.
7. If an arrest is made by VIA PD and a request for assistance is made to HPD, the responding officer must review the facts and circumstances of the arrest and approve the arrest prior



to taking custody of the person arrested. If the HPD officer does not approve the arrest, an HPD supervisor will be called to review the arrest and approve or not approve the arrest.

8. All approved arrests by HPD will be transported and processed (e.g. booking, photographs, fingerprinting, etc) by HPD personnel. The VIA PD officer responsible for the initial contact and detention (if not taken by HPD) will ensure all proper VIA reports and supporting documentation are completed and relinquished to HPD at the time the detainee is transported to HPD's municipal jail and booking center whenever possible. In the event the report process is not completed prior to transport of the detainee, all paperwork will be completed in a timely basis by the VIA officer responsible and remitted to HPD before the end of their assigned shift.
9. In the event of a law enforcement emergency occurring on VIA property, including but not limited to an active shooter incident, hostage situation, barricaded subject, aggravated assault, human trafficking, drug trafficking, federal emergency event or homicide, VIA PD will maintain primary jurisdiction and establish incident command unless circumstances dictate, or as is otherwise determined through Unified Command.

An Incident Command structure shall be established to enable VIA PD and HPD to coordinate effectively and operate under a Unified Command model. This structure will facilitate the efficient management of resources, communications, and operational objectives throughout the incident. Upon resolution of the incident, HPD will assume primary investigative responsibility. VIA PD will continue to provide support and assistance as needed to facilitate the investigation and any related follow-up actions.

10. HPD will assist VIAPD personnel with Texas Law Enforcement Telecommunications System (TLETS) function after midnight when VIA Communication's personnel are off duty and with approval of the on-duty HPD Communications supervisor. In the event TLETS access ceases to function, or are interrupted during normal duty hours, VIAPDs and/or communications personnel will have the option to contact HPD's communications center to request aide with National and Texas Crime Information Center (NICI/TCIC) checks.
11. HPD communications personnel will monitor the VIAPD emergency channel to assist VIAPD officers after midnight or during emergency situations for officer safety purposes.
12. This Memorandum of Understanding (MOU) shall be reviewed annually and may be revised as operational needs, ordinances, regulations, or applicable laws require. The Chief of VIA PD and the Chief of HPD, may meet periodically to discuss proposed revisions to this MOU, address emerging operational issues, and discuss matters of mutual interest and concern. Any amendments to this MOU shall be made in writing and approved by both parties.



The intent of this MOU is to facilitate the free exchange of ideas and information, as well as fostering a homogenous and symbiotic working relationship between Harlingen's two law enforcement agencies, while continuing to establish a closer working relationship between the personnel of both departments.

Nothing in this agreement shall be construed as a limitation on the authority of either agency to investigate and/or prosecute any criminal activities occurring within the premises of VIA. It is the intention of the VIA PD to support and assist in all legal criminal investigative efforts, regardless of the agency involved. The procedures established in this document will be continually reviewed by the Chiefs of both agencies in order to ensure all endeavors towards the enforcement of Federal and State Laws, as well as city ordinances, and federal aviation security regulations are addressed with due diligence as new laws are passed. The end result(s) being the effective prosecution of violators and the safety and security of the Harlingen Community and the traveling public.

This agreement is executed in duplicate originals, each of which shall be deemed an original for each party.

Pablo Lopez, Chief of Police
Valley International Airport
Police Department

Alfredo Alvear, Chief of Police
Harlingen Police Department

Paul Widish
Interim Director of Aviation
Valley International Airport



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**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **August 5, 2026**

Agenda Item:

Consideration and possible action to approve Mayor Norma Sepulveda, on behalf of the City of Harlingen, Texas, to enter into a Master Mutual Aid Agreement between the Lower Rio Grande Valley Development Council, as further set out in the attached Agreement. Attachment (**Police**).

Prepared By (Print Name): Alfredo Alvear

Title: Chief of Police

Signature: 

Brief Summary:

The City of Harlingen, Texas would like to enter into a Master Aid Agreement with the Lower Rio Grande Valley Development Council. This Agreement's purpose is authorizing the Parties Aid and Assistance, due to September 11, 2001 attacks, to heighten our awareness that emergency planning is essential for the public health, safety, and welfare to effectively respond to disasters and provide disaster assistance upon request from another Party and as further set out in the attached Agreement.

Funding (if applicable):

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

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

Finance Director's approval:

☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval.

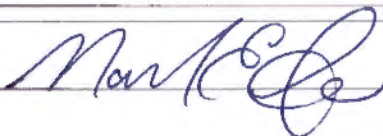
City Manager's approval:



☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:



☐ Yes ☐ No ☐ N/A

MASTER MUTUAL AID AGREEMENT
LOWER RIO GRANDE VALLEY
DEVELOPMENT COUNCIL

This Master Agreement For Mutual Aid (this "Agreement") is by and between participating members of the Lower Rio Grande Valley Development Council (the "LRGVDC"). WHEREAS, the attacks of September 11, 2001, have heightened our awareness that emergency planning is essential for the public health, safety, and welfare, and have fortified our resolve to effectively respond to disasters. NOW, THEREFORE, in consideration of the mutual covenants herein, the participating local governments (the "Parties"), authorized by appropriate actions of their governing bodies, hereby agree as follows:

1. **Legal Authority.** This Agreement is made pursuant to the authority of Chapters 418,433 and 791 of the Texas Government Code, Chapter 362 of the Texas Local Government Code, and all other constitutional and statutory provisions which may provide authority for any of the Parties.

2. **Scope of Agreement.**

- (a) Each Party will endeavor to provide Disaster Assistance upon request from another Party. (The requesting Party is hereafter referred to as the "Requesting Party"; the requested Party as the "Responding Party.")

"Disaster Assistance" means provision of emergency management, police, fire, emergency medical, utility, street, debris removal, and other services, without limitation, during a Disaster.

"Disaster", consistent with the definition in Section 418.004 of the Texas Government Code, means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or manmade cause, including fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination, volcanic activity, epidemic, air contamination, blight, drought, infestation, explosion, riot, hostile military or paramilitary action, other public calamity requiring emergency action, or energy emergency (as that term is defined in Chapter 418 of the Texas Government Code), within the jurisdiction of any of the Parties.

The Parties agree that an act of terrorism is contemplated within the definition of "disaster" as that word is defined in Section 418.004 of the Texas Government Code. "Disaster" may include ordinary emergencies, such as, hazardous material spills, which have historically been handled in the normal course of government operations by the Parties.

- (b) In accordance with Section 362.002, Texas Local Government Code, law enforcement assistance may be provided only when the mayor or other officer authorized to declare a state of civil emergency in the requesting county, municipality, or joint airport considers additional law enforcement officers necessary to protect health, life, and property in the county, municipality, or joint airport because of disaster, riot, threat of concealed explosives, or unlawful assembly characterized by force and violence or the threat of force and violence by three or more persons acting together or without lawful authority.

3. **Request for Assistance.** The request for assistance will:

- (a) be made only after a Declaration of a state of Local Civil Emergency or Declaration of Disaster by a Requesting Party pursuant to Section 418.108, Texas Government Code, or after a proclamation of a State of Emergency under Section 433.001, Texas Government Code,
- (b) be made by the highest ranking authority of Requesting Party available at the time of need,
- (c) be made to the highest ranking authority of the Responding Party available at the time of need, and
- (d) specify to the greatest extent possible the nature of the problem requiring assistance and the resources requested.

Notwithstanding anything in this Agreement, the decision whether to respond in any particular situation or the level of response to be provided is at the sole discretion of the representative of the Responding Party making the decision. The Responding Party's representative will make a discretionary decision at the time of the request, considering the nature and magnitude of the request, whether and the extent to which the Responding Party's resources are available and should be provided.

4. **Incident Command.**

- (a) The Requesting Party will designate an Incident Commander. Resources provided by the Responding Party will be subject to the direction of the Incident Commander, unless the Incident Commander, based on all the facts and circumstances at the scene of operation, requests that the Responding Party take charge of the operation based on superior resources, expertise, or other reason. In order to realize maximum effectiveness, it is the intention of the Parties that the response be under unified command with the highest degree of coordination possible under the circumstances.
- (b) Any Request for Assistance hereunder shall include a statement of the amount and type of equipment and number of personnel requested, shall specify the location to which the equipment and personnel are to be dispatched, and shall state the time period for which such equipment and personnel are requested. The Responding Party shall, in its sole discretion, determine what equipment and personnel are available to furnish the requested assistance.
- (c) The Responding Party shall report to the Incident Commander at the location to which the equipment and personnel are dispatched.
- (d) A Responding Party shall be released by the Requesting Party when the services of the Responding Entity are no longer required or when the officer in charge of the Responding party's forces determines, in the officer's sole discretion, that further assistance should not be provided.

5. **Training Exercises.** The Parties will endeavor to participate in joint training exercises and drills for emergency response situations which may result in a request under this Agreement.

6. **Other Mutual Aid Agreements, Supplementary Agreements and Protocols.** The Parties are encouraged, all or some, to enter into additional agreements and protocols governing response to particular situations and circumstances. Operating departments of the Parties (for example, fire and police) are authorized and encouraged to enter into specific emergency protocols with their counterparts to enhance coordination in Disaster response situations. Notwithstanding Section 23 below, it is understood and agreed that certain signatory Parties may have heretofore contracted or may hereafter contract with each other for mutual aid in disaster situations, and it is agreed that this Agreement shall be subordinate to any such individual contract. To assist each other in the process of mutual aid response planning, each Party agrees to inform the other Parties of all mutual aid agreements that each Party has with other municipalities, entities, counties, and state or federal agencies.

Specifically, the existence of this Agreement shall not prevent a municipality, county, rural fire prevention district, emergency services district, fire protection agency, organized volunteer group, or other emergency services entity from providing mutual aid assistance on request from another municipality, county, rural fire prevention district, emergency services district, fire protection agency, organized volunteer group, or other emergency services entity, in accordance with the provisions in Section 418.109 (d) of the Texas Government Code. Additionally, the existence of this Agreement shall not prevent any Local Government which is a Party hereto from providing emergency assistance to another Local Government which is not a party hereto, in accordance with the provisions in Section 791.027 of the Texas Government Code.

7. **Responsibility for Response Costs.** A Responding Party is authorized to request reimbursement from the Requesting Party for reasonable costs incurred pursuant to this Agreement in furnishing disaster assistance. The Requesting Party will make reimbursement when it is reasonably, fiscally able, but no later than 90 days after receipt of a claim for reimbursement, subject to paragraph 21. Current FEMA Guidelines will determine what costs are reasonable in the event of a dispute regarding a request for reimbursement. Personnel who are assigned, designated or ordered by their governing body to perform duties pursuant to this Agreement shall continue to receive from the Responding Party the same wages, salary, pension, and other compensation and benefits for the performance of such duties, including injury or death benefits, disability payments, and worker's compensation benefits, as though the service had been rendered within the limits of the jurisdiction where the personnel are regularly employed. This will be referenced and processed through Texas Government Code Sec 418.1181 Reimbursement of Costs: Request by Local Government Entity. This is dependent on State and/or Federal reimbursement are formally available.
8. **Participation Notice.** Each Party shall notify the LRGVDC Executive Director of its participation in this Agreement by furnishing an executed original of the attached Participation Notice.
9. **Administrative Services.** The LRGVDC agrees to provide administrative services necessary to coordinate this Agreement, including notifying Parties of new participants and withdrawals and timely providing Parties with a current list of contact information for each Party.
10. **Federal and State Participation.** Federal and state entities may participate in this Agreement, to the extent of any limitations of their authority, by furnishing an executed original of the attached Participation Notice to the LRGVDC Executive Director.

11. **Inventory and Database.** A current inventory and database of resources available to each Party for response under this Agreement shall be maintained by the LRGVDC and disbursed to the Parties, on a timely basis, at least every six months. The LRGVDC will develop a form to facilitate Parties entry and updating of inventory and resource information, send reminders to parties to update information, place inventory and resource information on its website, and take other actions reasonably necessary for the Parties to access current information. This will be maintained yearly by the agreeing entity and sent to the LRGVDC to maintain a rolling data base every October 1 of the calendar year.
12. **Withdrawal.** A Party may withdraw from this Agreement at any time by written notice to the LRGVDC Executive Director, transmitting a copy of the action of the Party's governing body. The Party withdrawing from this Agreement will still be responsible for any outstanding claims for reimbursement.
13. **Not for Benefit of Third Parties.** This Agreement and all activities hereunder are solely for the benefit of the Parties and not the benefit of any third party.
14. **Exercise of Police Power.** This Agreement and all activities hereunder are undertaken solely as an exercise of the police power of the Parties, exercised for the health, safety, and welfare of the public generally, and not for the benefit of any particular person or persons and the Parties shall not have nor be deemed to have any duty to any particular person or persons.
15. **Immunity not Waived.** Nothing in this Agreement is intended, nor may it be deemed, to waive any governmental, official, or other immunity or defense of any of the Parties or their officers, employees, representatives, and agents as a result of the execution of this Agreement and the performance of the covenants contained herein.
16. **Civil Liability to Third Parties.** Each Responding Party will be responsible for any civil liability for its own actions in responding to a request for assistance, and will determine what level, if any, of insurance or self-insurance it should maintain for such situations.
17. **No Liability of Parties to One Another.** One Party may not be responsible and shall not be civilly liable to another for not responding, or for responding at a particular level of resources or in a particular manner. Each Party hereto waives all claims against the other Parties hereto for compensation for any loss, damage, personal injury, or death occurring as a consequence of the performance of this Agreement, except those caused in whole or in part by the negligence of an officer, employee, or agent of another Party.
18. **Amendments to Agreement.** This Agreement may not be amended without the lawful action of the governing bodies of the Parties. No officer or employee of any of the Parties shall have authority to waive or otherwise modify the limitations in this Agreement, without the express action of the governing body of the Party.
19. **Captions.** Captions to provisions of this Agreement are for convenience and shall not be considered in the interpretation of the provisions.

20. **Equipment and Personnel.** During the time mutual aid is being furnished, all equipment used by the Party rendering aid shall continue to be owned, leased, or rented by the Party rendering aid. At all times while equipment and personnel of a Party rendering aid are traveling to, from, or within the geographical limits of the requesting Party in accordance with the terms of this Agreement, such personnel and equipment shall be deemed to be employed or used, as the case may be, in the full line and cause of duty of the Party rendering aid. In addition, such personnel shall be deemed to be engaged in a governmental function of their entity.
21. **Term.** This Agreement shall become effective as to each Party when approved and executed by that Party. This Agreement shall continue in force and remain binding on each and every Party until such time as the governing body of a Party terminates its participation in this Agreement pursuant to Section 12 of this Agreement. Termination of participation in this Agreement by a Party(ies) shall not affect the continued operation of this Agreement between and among the remaining Parties and this Agreement shall continue in force and remain binding on the remaining Parties.
22. **Entirety.** This Agreement contains all commitments and agreements of the Parties with respect to the mutual aid to be rendered hereunder during or in connection with a disaster. No other oral or written commitments of the Parties with respect to mutual aid under this Agreement shall have any force or effect if not contained herein, except as provided in Section 6 above.
23. **Interlocal Cooperation Act.** The Parties agree that mutual aid in the context contemplated herein is a "governmental function and service" and that the Parties are "local governments" as that term is defined herein and in the Interlocal Cooperation Act.
24. **Severability.** If a provision contained in this Agreement is held invalid for any reason, the invalidity does not affect other provisions of the Agreement that can be given effect without the invalid provision, and to this end the provisions of this Agreement are severable.
25. **Validity and Enforceability.** If any current or future legal limitations affect the validity or enforceability of a provision of this Agreement, then the legal limitations are made a part of this Agreement and shall operate to amend this Agreement to the minimum extent necessary to bring this Agreement into conformity with the requirements of the limitations, and so modified, this Agreement shall continue in full force and effect.
26. **Warranty.** The Agreement has been officially authorized by the governing body of each Party hereto and each signatory to this Agreement guarantees and warrants that the signatory has full authority to execute this Agreement and to legally bind the respective Party to this Agreement.
27. **Governing Law and Venue.** This Agreement shall be governed by the laws of the State of Texas. Venue for an action arising under this Agreement shall be in accordance with the Texas Rules of Civil Procedure.

PARTICIPATION NOTICE

I hereby notify the Lower Rio Grande Valley Development Council, for its notification to its members, that City of Harlingen has approved participation in the Master Mutual Aid Agreement of the Lower Rio Grande Valley Development Council, by lawful action of its governing body, a true copy of which is attached and incorporated herein.

Signature

Date

Printed or Typed Name

Position

**AGENDA ITEM
EXECUTIVE SUMMARY**

7c

Meeting Date: **August 5th 2026**

Agenda Item:

Consideration and possible action to approve a resolution authorizing the submission of a grant to the Office of the Governor under the Fiscal Year 2027 State and Local Cybersecurity Grant Program (SLCGP) – Mitigation Projects for Windows 11 upgrades, new monitors, and mounting accessories. Attachment (***Special Projects Department***).

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

Signature: *Ana Hernandez*

Brief Summary:

****This is an amendment to item 7B from the February 4, 2026, agenda, which was previously approved. The Office of the Governor has requested that the resolution be revised to include language specific to this grant project, rather than using a single resolution that covers multiple projects within the same grant program.****

The State and Local Cybersecurity Grant Program (SLCGP) supports cybersecurity efforts to address imminent cybersecurity threats to local information systems, including implementing investments that support local governments with managing and reducing systemic cyber risk associated with the SLGCP objective 3 – Mitigation.

The Management Information Systems Department is requesting funding to upgrade 64 desktop computers to Windows 11, 64 new monitors, and their mounting brackets.

Funding Request:

OOG Funds: \$52,021.76

Cash Match (30%): \$22,295.04

Total Project: \$74,316.80

The grant project period is from 09/01/2026 to 08/31/2027.

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 this Resolution.

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

Comments:

City Attorney's approval:

☒

Yes

☐

No

☐

N/A

Mark E. Sch...

RESOLUTION NO. 2026 - _____

A RESOLUTION OF THE HARLINGEN CITY COMMISSION AUTHORIZING THE SUBMISSION OF A GRANT TO THE OFFICE OF THE GOVERNOR FOR THE FY 2027 STATE AND LOCAL CYBERSECURITY GRANT PROGRAM (SLCGP) – MITIGATION PROJECTS FOR WINDOWS 11 UPGRADES AND NEW MONITORS AND THEIR MOUNTING BRACKETS

WHEREAS, grant program funding is authorized under Section 2220A of the Homeland Security Act of 2002, as amended (Pub. L. No. 107-296) (6 U.S.C. § 665g); and

WHEREAS, the City of Harlingen finds it in the best interest of the citizens of Harlingen, Texas, and the region to apply for funding from the Office of the Governor to upgrade 64 desktop computers to Windows 11, along with 64 monitors, and 64 mounting brackets; and

WHEREAS, the Harlingen City Commission agrees to provide any applicable matching funds for the said project as required by the FY 27 State and Local Cybersecurity Grant Program (SLCGP); 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 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 submission of the grant application to the Office of the Governor to fund Windows 11 Upgrades, monitors, and brackets.

CONSIDERED AND ADOPTED this **5th day of August 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: 5871201

Norma Sepulveda, Mayor

Mayra Herrera, City Secretary

7d

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **August 5th 2026**

Agenda Item:

Consideration and possible action to approve a resolution authorizing the submission of a grant to the Office of the Governor under the Fiscal Year 2027 State and Local Cybersecurity Grant Program (SLCGP) – Mitigation Projects for a secure, robust enterprise level data backup and recovery system. Attachment (***Special Projects Department***).

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

Signature: *Ana Hernandez*

Brief Summary:

****This is an amendment to item 7B from the February 4, 2026, agenda, which was previously approved. The Office of the Governor has requested that the resolution be revised to include language specific to this grant project, rather than using a single resolution that covers multiple projects within the same grant program.****

The State and Local Cybersecurity Grant Program (SLCGP) supports cybersecurity efforts to address imminent cybersecurity threats to local information systems, including implementing investments that support local governments with managing and reducing systemic cyber risk associated with the SLGCP objective 3 – Mitigation.

The Management Information Systems Department is requesting funding for a secure, robust enterprise level data backup and recovery system to strengthen the city's cybersecurity resilience and ensure continuity of critical government services. The funding will allow the city to work with a vendor to provide a centralized all-in-one solution (all hardware, software, installation, and maintenance). The MIS department is responsible for all costs after the grant has ended.

Funding Request:

OOG Funds: \$59,137.41

Cash Match (30%): \$25,344.61

Total Project: \$84,482.02

The grant project period is from 09/01/2026 to 08/31/2027.

Funding (if applicable):

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

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

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

Staff Recommendation:

Staff recommends approval of this Resolution.

City Manager's approval:

GG

☒ Yes

☐ No

☐ N/A

Comments:

City Attorney's approval:

Mark E. L.

☒ Yes

☐ No

☐ N/A

RESOLUTION No. 2026 - ____

A RESOLUTION OF THE HARLINGEN CITY COMMISSION AUTHORIZING THE SUBMISSION OF A GRANT TO THE OFFICE OF THE GOVERNOR FOR THE FY 2027 STATE AND LOCAL CYBERSECURITY GRANT PROGRAM (SLCGP) – MITIGATION PROJECTS FOR A SECURE, ROBUST ENTERPRISE LEVEL DATA BACKUP AND RECOVERY SYSTEM

WHEREAS, grant program funding is authorized under Section 2220A of the Homeland Security Act of 2002, as amended (Pub. L. No. 107-296) (6 U.S.C. § 665g); and

WHEREAS, the City of Harlingen finds it in the best interest of the citizens of Harlingen, Texas, and the region to apply for funding from the Office of the Governor for a secure, robust enterprise level data backup and recovery system; and

WHEREAS, the Harlingen City Commission agrees to provide any applicable matching funds for the said project as required by the FY 27 State and Local Cybersecurity Grant Program (SLCGP); 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 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 submission of the grant application to the Office of the Governor to fund a secure, robust enterprise level data backup and recovery system.

CONSIDERED AND ADOPTED this **5th day of August 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: 5831301

Norma Sepulveda, Mayor

Mayra Herrera, City Secretary

**AGENDA ITEM
EXECUTIVE SUMMARY**

7e

Meeting Date: **August 5th 2026**

Agenda Item:

Consideration and possible action to approve a resolution authorizing the acceptance of a grant from the Office of the Governor for the FY 2025 State Homeland Security Grant Program. Attachment (***Special Projects Department***)

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

Signature: *Ana Hernandez*

Brief Summary:

The FY25 State Homeland Security Program (SHSP) grant award was delayed by approximately 10 to 11 months due to federal funding delays involving the U.S. Department of Homeland Security. The City of Harlingen was officially notified of the award on July 21, 2026. The City Commission previously approved submitting the grant application at its May 7, 2025, meeting.

Through this award, the Harlingen Police Department will receive \$25,000.00 to purchase new ballistic helmets and compatible radio communication accessories for its SWAT Team. The new equipment will replace outdated and obsolete helmets, enhancing officer safety, communications, and operational effectiveness during high-risk tactical incidents.

Award Amount: \$25,000.00

The grant cycle is from 10/01/2025 – 09/30/2026.

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 this Resolution.

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

Comments:

City Attorney's approval: *Mar McEl...* ☒ Yes ☐ No ☐ N/A

RESOLUTION NO. 2026 - ____

A RESOLUTION OF THE HARLINGEN CITY COMMISSION AUTHORIZING THE ACCEPTANCE OF A GRANT AWARD FROM THE OFFICE OF THE GOVERNOR REGARDING FY 2025 STATE HOMELAND SECURITY GRANT PROGRAM – LETPA PROJECTS TO FUND BALLISTIC HELMETS FOR THE HARLINGEN POLICE DEPARTMENT SWAT TEAM

WHEREAS, the grant program's Federal funds are authorized under Section 2002 of the Homeland Security Act of 2002, as amended (Pub. L. No. 107-296), (6 U.S.C. 603).

WHEREAS, the City of Harlingen finds it in the best interest of the citizens of Harlingen, Texas, and the region to accept funding from the Office of the Governor, which will be used to fund ballistic helmets for the Harlingen Police Department SWAT team; and

WHEREAS, the Harlingen City Commission agrees to provide any applicable matching funds for the said project as required by the FY 27 State Homeland Security Grant Program; 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 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 accepts the grant award of \$25,000.00 from the Office of the Governor for the FY 25 State Homeland Security Grant Program.

CONSIDERED AND ADOPTED this **5th Day of August 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: 5366201

Norma Sepulveda, Mayor

Mayra Herrera, City Secretary

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **August 5, 2026**

Agenda Item:

Consideration and possible action to approve a resolution authorizing the City Manager and the Special Projects Director as authorized signatories for contractual documents; the Finance Director and the Deputy Finance Director as the authorized signatories for financial documents related to the Texas General Land Office Local Hazard Mitigation Plans Program.

Attachment (***Special Projects Department***).

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

Brief Summary:

The Texas General Land Office (TX GLO) awarded the City of Harlingen \$100,000 to develop a multijurisdictional Hazard Mitigation Plan with Cameron County Drainage District #3 and Cameron County Drainage District #5. The City Commission of Harlingen accepted the award during the City Commission of July 1, 2026. Per TX GLO guidelines a minimum of two (2) signatories are required for contractual documents with the TX GLO. In addition to the authorized signatories, a minimum of two (2) authorized signatories are required for financial documents.

The Special Projects Department is requesting City Commission approval of the City Manager, Mr. Gabriel Gonzalez, and Special Projects Director, Ms. Ana Hernandez as the authorized signatories for contractual documents; the Finance Director, Mr. Robert Rodriguez, and the Deputy Finance Director, Mr. Edgar Valles, as the authorized signatories for financial documents for the period of performance for the Local Hazard Mitigation Plans Program grant award.

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:

GG

Comments:

City Attorney's approval:

Marcelo

RESOLUTION NO. 2026 - ____

A RESOLUTION OF THE HARLINGEN CITY COMMISSION APPROVING THE LIST OF AUTHORIZED SIGNATORIES LISTED IN THE TEXAS GENERAL LAND OFFICE DESPOSITORY/AUTHORIZED SIGNATORIES FORM FOR THE LOCAL HAZARD MITIGATION PLAN PROGRAM

WHEREAS, the purpose of the Texas General Land Office (TX GLO) Local Hazard Mitigation Plan Program is to allow eligible applicants to develop a local Hazard Mitigation Plan (HMP) that will identify, assess, and reduce long term risks to life and property from hazard events for the target area specified of the applicant; and,

WHEREAS, the TX GLO awarded the City of Harlingen \$100,000 to develop a multijurisdictional Hazard Mitigation Plan with Cameron County Drainage District #3 and Cameron County Drainage District #5; the City Commission of Harlingen accepted the award during the City Commission of July 1, 2026; and,

WHEREAS, the TX GLO requires awarded applicants to approve via resolution authorized signatories for contractual documents and financial documents. Per TX GLO guidelines a minimum of two (2) signatories are required for contractual and financial documents; and,

WHEREAS, the City Commission authorizes the City Manager, and the Special Projects Director, as the authorized signatories for the TX GLO Local Hazard Mitigation Plans Program (LHMPP) for contractual documents; the Finance Director, and the Deputy Finance Director, as the authorized signatories for financial documents on behalf of the City of Harlingen.

NOW, THEREFORE, BE IT RESOLVED that the Harlingen City Commission approves the submission of the City Manager, Mr. Gabriel Gonzalez, the Special Projects Director, Ms. Ana Hernandez, the Finance Director, Mr. Robert Rodriguez, and the Deputy Finance Director, Mr. Edgar Valles, as authorized signatories for the awarded LHMPP grant award during the period of performance.

CONSIDERED AND ADOPTED this **5th day of August 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.

Norma Sepulveda, Mayor

Mayra Herrera, City Secretary



COMMUNITY DEVELOPMENT & REVITALIZATION
The Texas General Land Office
Depository/Authorized Signatories Designation Form

Subrecipient:	City of Harlingen	Contract Number:	22-130-109-F749
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The individuals below are designated by resolution as authorized signatories for contractual documents. At least two signatories required.

Gabriel Gonzalez	Ana Hernandez
Name	Name
City Manager	Planning & Development/Special Projects Director
Title	Title
Signature	Signature
Name	Name
Title	Title
Signature	Signature

The financial lending institution listed here will serve as the depository for the Texas General Land Office-Disaster Recovery Program Community Development Block Grant (CDBG) funds:

Name of Lending Institution	
Address	
City, State, Zip Code	
Fund Account Number:	

The individuals below are designated by resolution as authorized signatories for financial documents. At least two signatories required.

Name	Name
Title	Title
Signature	Signature



COMMUNITY DEVELOPMENT & REVITALIZATION
The Texas General Land Office
Depository/Authorized Signatories Designation Form

Gabriel Gonzalez	Ana Hernandez
Name	Name
City Manager	Planning and Development/Special Projects Director
Title	Title
Signature	Signature

NOTE: A copy of a Resolution passed by the city council or county commissioner's court authorizing the signatories must be submitted along with this form.

***Disclaimer:** The Texas General Land Office has made every effort to ensure the information contained on this form is accurate and in compliance with the most up-to-date CDBG-DR and/or CDBG-MIT federal rules and regulations, as applicable. It should be noted that the Texas General Land Office assumes no liability or responsibility for any error or omission on this form that may result from the interim period between the publication of amended and/or revised federal rules and regulations and the Texas General Land Office's standard review and update schedule.*

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**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **August 5, 2026**

Agenda Item:

Consideration of possible action to approve an ordinance on second and final reading authorizing the amendment Chapter 48 Division 4: Industrial Water Subdivision I sections 48-255 thru 48-270 to amend Technically Based Local Limits (TBLLs) as part of the approved pretreatment program; and ordaining other matters relating thereto. Attachment **(HWWS)**

Prepared By (Print Name): Francisco Diaz
Title: Compliance Manager
Signature: *Francisco Diaz*

Brief Summary:

In August 2018, TCEQ requested that HWWS redevelop its Technically Based Local Limits (TBLLs). During the most recent TCEQ audit on March 3, 2025, TCEQ requested an update on the TBLLs study subsequently provided by Ambiotec Environmental on March 11, 2025. June 19, 2025 TCEQ reviewed and provided recommendations on the TBLLs identified and must now be included in the City ordinance section 48-255 thru 48-270

Funding (if applicable):

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

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

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

Staff Recommendation:

Staff recommends approving the ordinance authorizing the amendment of section 48-255 thru 48-270 to include the updated TBLLs.

City Manager's approval: *(Signature)* ☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval: *(Signature)* ☒ Yes ☐ No ☐ N/A

ORDINANCE NO. 26-XX

AN ORDINANCE OF THE CITY OF HARLINGEN, TEXAS
AMENDING CHAPTER 48 DIVISION 4: INDUSTRIAL WASTE
SUBDIVISION 1 INDUSTRIAL PRETREATMENT SECTIONS 48-255-
THRU 48-270 OF THE HARLINGEN CITY CODE AS AMENDED TO
AMEND TECHNICALLY BASED LOCAL LIMITS AS PART OF THE
APPROVED PRETREATMENT PROGRAM, ESTABLISHING AN
EFFECTIVE DATE, AND PROVIDING FOR PUBLICATION AND
ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

DIVISION 4: INDUSTRIAL WASTE

SUBDIVISION 1. - Industrial Pretreatment

Sec. 48-255 – Purpose; General Provisions

(a) *Purpose and Policy*

This subdivision sets forth uniform requirements for Users of the Publicly Owned Treatment Works (POTW) for the City of Harlingen (City) and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations [CFR] Part 403). The objectives of this subdivision are:

- (1) To prevent the introduction of pollutants into the POTW that will interfere with its operation or contaminate the resulting sludge;
 - (2) To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;
 - (3) To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
 - (4) To promote and improve the opportunity to reuse and recycle industrial wastewater and sludge from the POTW;
 - (5) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW;
 - (6) To enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject;
 - (7) To monitor and regulate the generation, transportation, and disposal of industrial and hazardous wastes that could enter the wastewater collection and treatment system;
 - (8) To protect the health and welfare of the general public and of employees who maintain and operate the POTW;
 - (9) To create a permit system to regulate Industrial Users of the POTW;
 - (10) To enforce the provisions of this Ordinance through inspections and monitoring of the Industrial Users;
 - (11) To provide penalties for violations of the regulations established herein; and,
 - (12) To ensure quality of sludge to allow its use and disposal in compliance with statutes and regulations
- (b) This subdivision shall apply to all Users of the POTW. The subdivision authorizes the issuance of individual wastewater discharge permits, provides for monitoring, compliance, and enforcement activities, establishes administrative review procedures, requires User reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.
- (c) All categorical pretreatment standards, lists of Toxic Pollutants, Industrial Categories and other standards and categories promulgated by the Environmental Protection Agency (EPA) and/or the Texas Commission on Environmental Quality (TCEQ), as well as any regulations regarding sewage pretreatment pursuant to the Clean Water Act shall be incorporated as a part of this Chapter. An amendment of this subdivision to incorporate said changes shall not be required.

Sec. 48-256 – Administration

- (a) Except as otherwise provided herein, the General Manager of the City of Harlingen Waterworks System, pursuant to the authority of the HWWS utility board of trustees provided in Article X, Section 7 of the City of Harlingen City Charter, shall administer, implement, and enforce the provisions of this subdivision. Any powers granted to or duties imposed upon the General Manager may be delegated by the General Manager to a duly authorized employee of HWWS.

Sec. 48-257- Abbreviations

- (a) The following abbreviations, when used in this subdivision, shall have the designated meanings:

BOD Biochemical Oxygen Demand

BMP – Best Management Practice
BMR – Baseline Monitoring Report
CFR – Code of Federal Regulations
CII – Categorical Industrial User
COD – Chemical Oxygen Demand
EPA – U.S. Environmental Protection Agency
gpd – gallons per day
HWWS – The City of Harlingen Waterworks System (the Control Authority)
IU – Industrial User
mg/l – milligrams per liter
NPDES – National Pollutant Discharge Elimination System
NSCIU – Non-Significant Categorical Industrial User
POTW – Publicly Owned Treatment Works
RCRA – Resource Conservation and Recovery Act
SIC – Standard Industrial Classification Code
SIU – Significant Industrial User
SNC – Significant Noncompliance
TCEQ – Texas Commission on Environmental Quality
TPDES – Texas Pollutant Discharge Elimination System
TSS – Total Suspended Solids
U.S.C. – United States Code
WWTP – Wastewater Treatment Plant

Sec. 48-258 - Definitions

- (a) Unless a provision explicitly states otherwise, the following terms and phrases, as used in this division, shall have the meanings hereinafter designated:
- (1) *Abnormal Sewage*. Any industrial waste having a TSS or BOD content in excess of that found in normal domestic wastewater and which is otherwise acceptable for discharge into a sanitary sewer under the terms of this division.
 - (2) *Abnormal Sewage Surcharge*. The charge levied against any person or business for services rendered during treatment of abnormal sewage. This charge shall be in addition to the usual monthly charge for sewer service.
 - (3) *Act or "the Act"*. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.
 - (4) *Approval Authority*. The Executive Director of TCEQ or other duly authorized official of said agency.
 - (5) *Authorized or Duly Authorized Representative of the User*.
 - a. If the User is a corporation
 1. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or,
 2. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements, and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - b. If the User is a partnership or sole proprietorship, a general partner or proprietor, respectively.
 - c. If the User is a Federal, State, or local governmental facility, a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
 - d. The individuals described in paragraphs (a)(5)a. through c., above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to HWWS.
 - (6) *Biochemical Oxygen Demand or BOD*. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).
 - (7) *Best Management Practices or BMPs*. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 48-259(a) and (b) [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
 - (8) *Carbonaceous Biochemical Oxygen Demand or CBOD*. A subset of BOD. BOD analytical results are based on Dissolved Oxygen (DO) depletion from both carbonaceous and nitrogenous actors in a wastewater sample. CBOD is a measure of Dissolved Oxygen (DO) depletion from carbonaceous sources only.
 - (9) *Categorical Pretreatment Standard or Categorical Standard*. Any regulation containing pollutant

discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

- (10) *Categorical Industrial User* An Industrial User subject to a Categorical Pretreatment Standard or categorical Standard
- (11) *City* The City of Harlingen as governed by the City Commission of the City of Harlingen
- (12) *City of Harlingen Waterworks System or HWWS* The department of the City of Harlingen acting as the Control Authority responsible for the operation of the POTW and its wastewater collection system, under the managing control of the Utility Board of Trustees appointed by the City of Harlingen City Commission
- (13) *Chemical Oxygen Demand or COD* A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water
- (14) *Composite Sample* The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time
- (15) *Control Authority* The City of Harlingen Waterworks System (HWWS), or its duly authorized representative
- (16) *Daily Maximum Limit & Daily Discharge* The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- (17) *Direct Discharge* The discharge of treated or untreated wastewater directly to the waters of the State of Texas
- (18) *Domestic Holding Tank Waste* Any waste from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks, and/or vacuum pump tank trucks, generated from a domestic source
- (19) *Environmental Protection Agency or EPA* The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency
- (20) *Existing Source* Any source of discharge that is not a "New Source"
- (21) *General Manager* The General Manager of the City of Harlingen Waterworks System (HWWS) who is designated by HWWS to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this division and by the City of Harlingen City Charter. The term also means a Duly Authorized Representative of the General Manager.
- (22) *Generator* A person who causes, creates, generates, or otherwise produces waste
- (23) *Grab Sample* A sample that is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.
- (24) *Grease* Fatty acids, soaps, fats, waxes, oils, and any other material extracted by solvent from acidified samples and not volatilized during evaporation of the solvent as specified in "Standard Methods"
- (25) *Indirect Discharge or Discharge* The introduction of pollutants into the POTW from any nondomestic source
- (26) *Instantaneous Limit* The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event
- (27) *Industrial Holding Tank Waste* Any waste from holding tanks such as vessels, septic tanks, and/or vacuum pump tank trucks, generated from an Industrial User
- (28) *Industrial User* A source of indirect discharge
- (29) *Industrial Waste* Waste resulting from any process of industry, manufacturing, trade, or business, or any mixture of the waste with water or normal wastewater, or any waste which is distinct from normal domestic wastewater
- (30) *Interference* A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal, and therefore, is a cause of a violation of the POTW's TPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or Local regulations: section 405 of the Act, the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA), any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research, and Sanctuaries Act
- (31) *Liquid Waste* All waste (and wastewater) removed from traps and tanks including, but not limited to, grease trap waste, sand and grit trap waste, and septage
- (32) *Liquid Waste Generator* A person who causes, creates, generates, or otherwise produces liquid waste
- (33) *Liquid Waste Transporter* A person who operates a vehicle or fleet of vehicles for the purpose of transporting liquid waste

- (34) *Local Limit* Specific discharge limits developed and enforced by the POTW upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b)
- (35) *Medical Waste* Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes
- (36) *Monthly Average* The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month
- (37) *Monthly Average Limit* The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month
- (38) *National Pollutant Discharge Elimination System or NPDES Permit* A permit issued to Section 402 of the Act (33 U.S.C. 1342)
- (39) *New Source*.
 - a. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act, which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section, provided that:
 - 1. The building, structure, facility or installation is constructed at a site at which no other source is located, or
 - 2. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source, or
 - 3. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
 - b. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (a)(39)a.2. or (a)(39)a.3. above but otherwise alters, replaces, or adds to existing process or production equipment
 - c. Construction of a new source as defined under this paragraph has commenced if the owner or operator has
 - 1. Begun, or caused to begin as part of a continuous onsite construction program
 - (i) Any placement, assembly, or installation of facilities or equipment, or
 - (ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment, or
 - 2. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph
- (40) *Noncontact Cooling Water* Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product
- (41) *Pass Through* A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit, including an increase in the magnitude or duration of a violation
- (42) *Person* Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities
- (43) *pH* A measure of the acidity or alkalinity of a solution, expressed in standard units
- (44) *Pollutant* Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- (45) *Pretreatment* The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes, by process changes, or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard
- (46) *Pretreatment Coordinator* An employee of HWWS designated by the General Manager to coordinate the pretreatment program
- (47) *Pretreatment Requirements* Any substantive or procedural requirements related to pretreatment imposed

on a User, other than a Pretreatment Standard

- (48) *Pretreatment Standards or Standards* Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits
- (49) *Process Wastewater* Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product
- (50) *Prohibited Discharge Standards or Prohibited Discharges* Absolute prohibitions against the discharge of certain substances, these prohibitions appear in Section 48-259 of this subdivision
- (51) *Publicly Owned Treatment Works or POTW* A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by HWWWS. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant
- (52) *Septic Tank Waste* Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks
- (53) *Sewage* Human excrement and gray water (household showers, dishwashing operations, etc.)
- (54) *Significant Industrial User (SIU)* Except as provided in paragraphs (a)(54)c. and (a)(54)d. of this Section, a Significant Industrial User is:
- a. All Industrial Users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N, or
 - b. An Industrial User that:
 1. Discharges an average of twenty-five thousand (25,000) gallons per day (gpd) or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater),
 2. Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant, or
 3. Is designated as such by HWWWS on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement
 - c. HWWWS may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of measured total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
 1. The Industrial User, prior to HWWWS finding, has consistently, for at least the previous two (2) years at a minimum, complied with all applicable categorical Pretreatment Standards and Requirements and met the flow requirements consistent with the NSCUI classification,
 2. The Industrial User annually submits the certification statement required in Section 48-263, together with any additional information necessary to support the certification statement, and
 3. The Industrial User never discharges any untreated concentrated wastewaterIf categorical and non-categorical wastewaters cannot be reliably distinguished, the combined flow is measured against the 100 gpd daily maximum exemption. If the facility is a batch discharger, HWWWS may require the facility to install a form of flow restrictor that will ensure that its discharge will never exceed 100 gallons on any single day
 - d. Upon a finding that a User meeting the criteria in subsection (54)b. of this Section has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, HWWWS may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User
- (55) *Significant Noncompliance* See Section 48-266

- (56) *Slug Load or Slug Discharge* Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 48-259 of this subdivision. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.
- (57) *Storm Water* Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- (58) *Texas Pollutant Discharge Elimination System* A permit issued under 30 TAC Chapter 305.
- (59) *Total Suspended Solids (TSS) or Suspended Solids* The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.
- (60) *Toxic Pollutant* Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of the Act Section 307(a) or other Acts.
- (61) *Trap* A device designed to skim, settle, or otherwise remove grease, oil, sand, flammable wastes or other harmful substances from wastewater.
- (62) *User or Industrial User* A source of indirect discharge.
- (63) *Wastewater* Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- (64) *Wastewater Treatment Plant or Treatment Plant* That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

Sec. 48-259 – General Sewer Use Requirements

(a) Prohibited Discharge Standards

- (1) *General Prohibitions* No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.
- (2) *Specific Prohibitions* No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
 - a. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21.
 - b. Wastewater having a pH less than 5.5 or greater than 10.5, or otherwise causing corrosive structural damage to the POTW or equipment;
 - c. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference.
 - d. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW.
 - e. Wastewater having a temperature greater than one hundred forty degrees F (sixty (60) degrees C), or which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C).
 - f. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;
 - g. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
 - h. Trucked or hauled pollutants, except at discharge points designated by the General Manager in accordance with Section 48-260(d) of this subdivision.
 - i. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, or sludge, to be unsuitable for reclamation and reuse, and any substance which would interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, or State criteria applicable to the sludge management method being used.
 - j. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair.

- k. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating HWWS's TPDES permit.
 - l. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations.
 - m. Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by the General Manager.
 - n. Sludges, screenings, or other residues from the pretreatment of industrial wastes.
 - o. Medical Wastes, except as specifically authorized by the General Manager in an individual wastewater discharge permit.
 - p. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test.
 - q. Detergents, surface-active agents, or other substances which might cause excessive foaming in the POTW.
 - r. Any free or emulsified fats, waxes, greases, or oils containing substances which may solidify or become discernably viscous at any temperature between thirty two (32) degrees F (0 degrees C) and one hundred and fifty (150) degrees F (66 degrees C)
 - s. Any wastewater which causes a hazard to human life or creates a public nuisance.
 - t. Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent (5%) or any single reading over ten percent (10%) of the Lower Explosive Limit of the meter
- (3) Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW

(b) *National Categorical Pretreatment Standards*

- (1) Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471
 - a. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the General Manager may impose equivalent concentration or mass limits in accordance with this Section.
 - b. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the General Manager may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users
 - c. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the General Manager shall impose an alternate limit in accordance with 40 CFR 403.6(e)
 - d. A CIU may obtain a net/gross adjustment to a categorical Pretreatment Standard in accordance with the following paragraphs of this Section
 - 1. Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the Industrial User's intake water in accordance with this Section. Any Industrial User wishing to obtain credit for intake pollutants must make application to HWWS. Upon request of the Industrial User, the applicable Standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of this Section are met

(2) *Criteria*

- a. Either (i) The applicable categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis, or (ii) The Industrial User demonstrates that the control system it proposes or uses to meet applicable categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters
- b. Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere
- c. Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this Section

- d. Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. HWWS may waive this requirement if it finds that no environmental degradation will result.

(c) *State Pretreatment Standards*

Users must comply with TCEQ Pretreatment Standards codified in Texas Administrative Code (TAC) Title 30 Part 1 Chapter 315.

(d) *Local Limits*

- (1) The General Manager is authorized to establish Local Limits, upon approval by HWWS and City, and pursuant to 40 CFR 403.5(c).
- (2) The following pollutant limits are established to protect against Pass Through and Interference. No person and/or User shall discharge wastewater containing concentrations in excess of the following:

<u>Parameter</u>	<u>Daily Average Concentration</u>	<u>Units</u>
Arsenic	1.4	mg/l
Barium	38	mg/l
Cadmium	0.09	mg/l
Chromium (Total)	13.42	mg/l
Copper	5.5	mg/l
Lead	1.1	mg/l
Mercury	0.00585	mg/l
Molybdenum	2.1	mg/l
Nickel	13	mg/l
Selenium	0.35	mg/l
Silver	4.6	mg/l
Zinc	13	mg/l
Cyanide	0.34	mg/l
Temperature	140	° F

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The General Manager may impose mass limitation in addition to the concentration-based limitations above.

- (3) The General Manager may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement Local Limits and the requirements of Section 48-259. BMPs are applicable when they are required by a categorical pretreatment standard per 40 CFR 403.6 and shall be fully enforceable. It may be appropriate for HWWS to require certain IUs to comply with both BMPs and numeric local limits. In these cases HWWS shall include the following conditions in the control mechanism: effluent limits, including BMPs, based on applicable general pretreatment standards, local limits, and State and local law; requirements for the installation of treatment; requirements for or prohibitions on certain practices, activities, or discharges; requirements for operation and maintenance of treatment units; reporting requirements; IU records retention timeframe; any other requirements as determined by HWWS and specified in writing; timeframes associated with key activities; compliance certification; and, provision for re-opening or revoking the BMP conditions.
- (4) *HWWS's Right of Revision*
HWWS reserves the right to establish, by ordinance or in individual wastewater discharge permits, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this subdivision.
- (5) *Dilution*
No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The General Manager may impose mass limitation on Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

Sec. 48-260 - Pretreatment of Wastewater

(a) *Pretreatment Facilities*

Users shall provide wastewater treatment as necessary to comply with this subdivision and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 48-259 of this subdivision within the time limitations specified by EPA, the State, or the General Manager, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the General Manager for review and shall be acceptable to the General Manager before such

facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to HWWs under the provisions of this subdivision.

(b) *Additional Pretreatment Measures*

- (1) Whenever deemed necessary to achieve the purposes of this division, the General Manager may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this subdivision.
- (2) The General Manager may, in order to provide for compliance with the objectives of this subdivision, require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.
- (3) Grease, oil, and sand interceptors shall be provided when, in the opinion of the General Manager, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand, except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the General Manager and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired by the User at their expense.
- (4) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(c) *Accidental Discharge/Slug Discharge Control Plans*

- (1) The General Manager shall evaluate and document whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges within one (1) year of being designated as a SIU. Records associated with these activities shall be maintained by HWWs and made available to the Approval Authority upon request. The General Manager may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the General Manager may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:
 - a. Description of discharge practices, including nonroutine batch discharges.
 - b. Description of stored chemicals.
 - c. Procedures for immediately notifying the General Manager of any accidental or Slug Discharge, as required by Section 48-263(f) of this subdivision, and,
 - d. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

(d) *Hauled Wastewater*

- (1) Septic tank waste may be introduced into the POTW only at locations designated by the General Manager, and at such times as are established by the General Manager. Such waste shall not violate Section 48-259 or any other requirements established by HWWs. The General Manager may require septic tank waste haulers to obtain individual wastewater discharge permits.
- (2) The General Manager may require haulers of industrial waste to obtain individual discharge permits. The General Manager may require generators of hauled industrial waste to obtain individual wastewater discharge permits. The General Manager also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this subdivision.
- (3) Industrial waste haulers may discharge loads only at locations designated by the General Manager. No load may be discharged without prior consent of the General Manager. The General Manager may collect samples of each hauled load to ensure compliance with applicable Standards. The General Manager may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- (4) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

Sec. 48-261 – Individual Wastewater Discharge Permits

(a) *Wastewater Analysis*

When requested by the General Manager, a User must submit information on the nature and characteristics of its wastewater within 30 Days of the request. The General Manager is authorized to prepare a form for this purpose and may periodically require Users to update this information.

(b) *Individual Wastewater Discharge Permit Requirements*

- (1) No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the General Manager, except a Significant Industrial User that has filed a timely application pursuant to Section 48-263(f) may continue to discharge for the time period specified therein.
- (2) The General Manager may require other Users to obtain individual wastewater discharge permits as necessary to carry out the purposes of this subdivision.
- (3) Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this subdivision and subjects the wastewater discharge permittee to the sanctions set out in Sections 48-267, 48-268, and 48-269 of this subdivision. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

(c) *Individual Wastewater Discharge Permitting: Existing Connections*

Any User required to obtain an individual wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this subdivision and who wishes to continue such discharges in the future, shall, within 90 days after said date, apply to the General Manager for an individual wastewater discharge permit in accordance with Subsection (e), below, and shall not cause or allow discharges to the POTW to continue after 120 days of the effective date of this subdivision except in accordance with an individual wastewater discharge permit issued by the General Manager.

(d) *Individual Wastewater Discharge Permitting: New Connections*

Any User required to obtain an individual wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit, in accordance with Subsection (e), below, of this subdivision, must be filed at least 90 days prior to the date upon which any discharge will begin or recommence.

(e) *Individual Wastewater Discharge Permit Application Contents*

- (1) All Users required to obtain an individual wastewater discharge permit must submit a permit application. As necessary to carry out the purposes of this subdivision, the General Manager may require Users to submit all or some of the following information as part of a permit application:
 - a. Identifying Information
 1. The name and address of the facility, including the name of the operator and owner.
 2. Contact information, description of activities, facilities, and plant production processes on the premises.
 - b. Environmental Permits. A list of any environmental control permits held by or for the facility.
 - c. Description of Operations
 1. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
 2. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW.
 3. Number and type of employees, hours of operation, and proposed or actual hours of operation.
 4. Type and amount of raw materials processed (average and maximum per day).
 5. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.
 - d. Time and duration of discharges.
 - e. The location for monitoring all wastes covered by the permit.
 - f. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in Section 48-259 (40 CFR 403.6(e)).
 - g. Measurement of Pollutants.

1. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources
 2. The results of sampling and analysis identifying the nature and concentration and/or mass, where required by the Standard and by the General Manager of regulated pollutants in the discharge from each regulated process
 3. Instantaneous Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported
 4. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 48-263(j) of this subdivision. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the General Manager and the applicable Standards to determine compliance with the Standard
 5. Sampling must be performed in accordance with procedures set out in Section 48-263(k) of this subdivision
 - h. Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 48-263(d) [40 CFR 403.12(e)(2)]
 - i. Any other information as may be deemed necessary by the General Manager to evaluate the permit application
- (2) Incomplete or inaccurate applications will not be processed and will be returned to the User for revision
- (f) *Application Signatories and Certifications*
- (1) All wastewater discharge permit applications, User reports, and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 48-263
 - (2) If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the General Manager prior to or together with any reports to be signed by an Authorized Representative
 - (3) A facility determined to be a Non-Significant Categorical Industrial User by the General Manager pursuant to Section 48-258(a)(5)(c) must annually submit the signed certification statement in Section 48-263

(g) *Individual Wastewater Discharge Permit Decisions*

The General Manager will evaluate the data furnished by the User and may require additional information. Within 30 days of receipt of a complete permit application, the General Manager will determine whether to issue an individual wastewater discharge permit. The General Manager may deny or condition new or increased contributions, or changes in the nature of pollutants, on any application for an individual wastewater discharge permit

Sec. 48-262 – Individual Wastewater Discharge Permit Issuance

(a) *Individual Wastewater Discharge Permit Duration*

An individual wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the General Manager. Each individual wastewater discharge permit will indicate a specific date upon which it will expire

(b) *Individual Wastewater Discharge Permit Contents*

- (1) An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the General Manager to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW
- (2) Individual wastewater discharge permits must contain
 - a. A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date.
 - b. A statement that the wastewater discharge permit is nontransferable without prior notification to HWS in accordance with Section 48-262(e) of this subdivision, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.
 - c. Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards in 40 CFR Part 403, categorical pretreatment standards, local limits, and State and local law.
 - d. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be

- monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local.
 - e. The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with Section 48-263(d).
 - f. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
 - g. Requirements to control Slug Discharge, if determined by the General Manager to be necessary including requirements to notify HWWs immediately of facility changes affecting potential slug discharges.
 - h. Any grant of the monitoring waiver by the General Manager (Section 48-263(d)) must be included as a condition in the User's permit.
- (3) Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:
- a. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 - b. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.
 - c. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges.
 - d. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.
 - e. The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW.
 - f. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices.
 - g. A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit, and,
 - h. Other conditions as deemed appropriate by the General Manager to ensure compliance with this subdivision, and State and Federal laws, rules, and regulations.

(c) *Permit Modification*

- (1) The General Manager may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:
- a. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements.
 - b. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance.
 - c. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
 - d. Information indicating that the permitted discharge poses a threat to HWWs's POTW, personnel, or the receiving waters.
 - e. Violation of any terms or conditions of the individual wastewater discharge permit.
 - f. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting.
 - g. Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13.
 - h. To correct typographical or other errors in the individual wastewater discharge permit.
 - i. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Subsection (d) below.
 - j. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements.
 - k. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
 - l. To correct typographical or other errors in the individual wastewater discharge permit, or

- m. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 48-262(d)

(d) *Individual Wastewater Discharge Permit Transfer*

- (1) Individual wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 30 days advance notice to the General Manager and the General Manager approves the individual wastewater discharge permit transfer. The notice to the General Manager must include a written certification by the new owner or operator which
 - a. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes,
 - b. Identifies the specific date on which the transfer is to occur, and,
 - c. Acknowledges full responsibility for complying with the existing individual wastewater discharge permit
- (2) Failure to provide advance notice of a transfer renders the individual wastewater discharge permit void as of the date of facility transfer

(e) *Individual Wastewater Discharge Permit Revocation*

- (1) The General Manager may revoke an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:
 - a. Failure to notify the General Manager of significant changes to the wastewater prior to the changed discharge,
 - b. Failure to provide prior notification to the General Manager of changed conditions pursuant to Section 48-263(e) of this subdivision,
 - c. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application,
 - d. Falsifying self-monitoring reports and certification statements,
 - e. Tampering with monitoring equipment,
 - f. Refusing to allow the General Manager timely access to the facility premises and records,
 - g. Failure to meet effluent limitations,
 - h. Failure to pay fines,
 - i. Failure to pay sewer charges,
 - j. Failure to meet compliance schedules,
 - k. Failure to complete a wastewater survey or the wastewater discharge permit application,
 - l. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
 - m. Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or this division
 - n. Individual wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits issued to a User are void upon the issuance of a new individual wastewater discharge permit to that User

(f) *Individual Wastewater Discharge Permit Reissuance*

A User with an expiring individual wastewater discharge permit shall apply for individual wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 48-261(e) of this subdivision, a minimum of 90 days prior to the expiration of the User's existing individual wastewater discharge permit

(g) *Regulation of Waste Received from Other Jurisdictions*

- (1) If another municipality, or User located within another municipality, contributes wastewater to the POTW, HWS shall enter into an intermunicipal agreement with the contributing municipality
- (2) Prior to entering into an agreement required by Paragraph (1) above, the General Manager shall request the following information from the contributing municipality:
 - a. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
 - b. An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
 - c. Such other information as the General Manager may deem necessary
- (3) An intermunicipal agreement, as required by paragraph (1), above, shall contain the following conditions:
 - a. A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this subdivision and Local Limits, including required Baseline Monitoring Reports (BMRs)

which are at least as stringent as those set out in Section 48-259(d) of this subdivision. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to HWWS's ordinance and Local Limits;

- b. A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis.
- c. A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality, which of these activities will be conducted by HWWS, and which of these activities will be conducted jointly by the contributing municipality and HWWS,
- d. A requirement for the contributing municipality to provide the General Manager with access to all information that the contributing municipality obtains as part of its pretreatment activities.
- e. Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW.
- f. Requirements for monitoring the contributing municipality's discharge,
- g. A provision ensuring the General Manager access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the General Manager; and
- h. A provision specifying remedies available for breach of the terms of the intermunicipal agreement

Sec. 48-263 - Reporting Requirements

(a) *Baseline Monitoring Reports*

- (1) Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the General Manager a report which contains the information listed in paragraph (2), below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the General Manager a report which contains the information listed in paragraph (2), below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the General Manager or the Pretreatment Standard necessary to determine the compliance status of the User.
- (2) Users described above shall submit the information set forth below:
 - a. All information required in Section 48-261(e)(1)(a) 1., Section 48-261(e)(1)(b) 1., Section 48-261(e)(1)(c) 1., and Section 48-261(e)(1)(f)
 - b. *Measurement of pollutants*
 - 1. The User shall provide the information required in Section 48-261(e).
 - 2. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
 - 3. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined waste stream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to HWWS.
 - 4. Sampling and analysis shall be performed in accordance with Section 48-263(j);
 - 5. The General Manager may allow the submission of a baseline report which utilizes only historical data so long as the data provides sufficient information to determine the need for industrial pretreatment measures.
 - 6. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW
 - c. *Compliance Certification* A statement, reviewed by the User's Authorized Representative as defined in this subdivision, and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements

- d. *Compliance Schedule* If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 48-263(b) of this subdivision.
 - e. *Signature and Report Certification* All baseline monitoring reports must be certified in accordance with Section 48-263(n) of this subdivision and signed by an Authorized Representative as defined in this subdivision.
- (b) *Compliance Schedule Progress Reports*
- (1) The following conditions shall apply to the compliance schedule required by Section 48-263(a) of this subdivision.
 - (2) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation).
 - (3) No increment referred to above shall exceed nine (9) months.
 - (4) The User shall submit a progress report to the General Manager no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule, and
 - (5) In no event shall more than nine (9) months elapse between such progress reports to the General Manager.
- (c) *Reports on Compliance with Categorical Pretreatment Standard Deadline*
- Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the General Manager a report containing the information described in Section 48-261(e) and 48-263(a) of this subdivision. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 48-259(b), this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the General Manager or the Pretreatment Standard necessary to determine the compliance status of the User. All compliance reports must be signed and certified in accordance with Section 48-263(n) of this subdivision. All sampling will be done in conformance with Section 48-263(k).
- (d) *Periodic Compliance Reports*
- (1) All SIUs are required to submit periodic compliance reports even if they have been designated a Non-Significant Categorical Industrial User under the provisions of Subsection (d)(2), below.
 - a. Except as specified in Subsection (d)(2) below, all Users must, at a frequency determined by the General Manager submit no less than twice per year during the months of June and December reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the General Manager or the Pretreatment Standard necessary to determine the compliance status of the User.
 - b. HWWs may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. HWWs has the discretion to determine that the IU must monitor for a pollutant despite the IU having demonstrated that the pollutant is not present. In such circumstances, HWWs may determine the appropriate frequency of monitoring, including frequencies that are less than twice per year. HWWs may also reduce its monitoring for the pollutant to once during the term of the CIU's permit. If a waiver is authorized it applies only to the semiannual monitoring required under 40 CFR 403.12(e), and does not apply to monitoring required for the baseline monitoring report or the 90-day compliance report. This authorization is subject to the following conditions:

1. The waiver may be authorized where a pollutant is determined to present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater. A waiver may only be authorized when it can be demonstrated that the levels in the untreated wastewater do not exceed levels in the intake water based on sampling and other technical factors. In cases where waste stream concentrations exceed that of the intake water, a waiver may only be authorized if the IU can demonstrate through its technical evaluation that a specific pollutant is not added during any process and can demonstrate through a mass balance that any increases in the waste stream concentration are due solely to evaporative losses or other similar reductions in the volume of wastewater discharged (provided all other required criteria are met).
 2. The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than 5 years. HWWs must monitor for the waived pollutants at least once during the effective period of the IU's permit. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See Section 48-261(e).
 3. In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility, based on a facility-wide evaluation that produces data that is representative of all wastewater from all processes as well as any seasonal or other variability in the discharge. Additionally, accurate flow measurements are required to successfully demonstrate that a pollutant is not present.
 4. The request for a monitoring waiver must be signed in accordance with this subdivision, and include the certification statement in Section 48-263(n) (40 CFR 403.6(a)(2)(ii)).
 5. Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
 6. Any grant of the monitoring waiver by the General Manager must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver and any information submitted by the User in its request for the waiver must be maintained by the General Manager for three (3) years after expiration of the waiver. The IU must continue to conduct monitoring until the waiver is granted by HWWs and incorporated in the IU's permit.
 7. Upon approval of the monitoring waiver and revision of the User's permit by the General Manager, the Industrial User must certify on each report with the statement in Section 48-263(n), below, that there has been no increase in the pollutant in its waste stream due to activities of the Industrial User. The IU permit must still include all applicable categorical standards, even those standards for which monitoring has been waived.
 8. In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately, comply with the monitoring requirements of Section 48-263(d), or other more frequent monitoring requirements imposed by the General Manager, and notify the General Manager.
 9. This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.
- (2) HWWs may reduce the requirement for periodic compliance reports (see Section 48-263(d) [40 CFR 403.12e(1)]) to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the TCFQ where the Industrial User's total categorical wastewater flow does not exceed any of the following:
- a. 0.01 percent of the POTW's design dry-weather hydraulic capacity of the POTW, or five thousand (5,000) gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the Industrial User discharges in batches.
 - b. 0.01 percent of the design dry-weather organic treatment capacity of the POTW, and
 - c. 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical Pretreatment Standard for which approved Local Limits were developed in accordance with Section 48-259(d) of this subdivision.
- (3) All periodic compliance reports must be signed and certified in accordance with Section 48-263(n) of this subdivision.
- (4) All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

- (5) If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the General Manager, using the procedures prescribed in Section 48-263(k) of this subdivision, the results of this monitoring shall be included in the report.

(e) *Reports of Changed Conditions*

- (1) Each User must notify the General Manager of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least 30 days before the change.
 - a. The General Manager may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 48-261(d) of this subdivision.
 - b. The General Manager may issue an individual wastewater discharge permit under Section 48-262(g) of this subdivision or modify an existing wastewater discharge permit under Section 48-262(d) of this subdivision in response to changed conditions or anticipated changed conditions.

(f) *Reports of Potential Problems*

- (1) In the case of any discharge, including, but not limited to, accidental discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the General Manager of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
- (2) Within five (5) days following such discharge, the User shall, unless waived by the General Manager, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property, nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this division.
- (3) A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph (1), above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
- (4) Significant Industrial Users are required to notify the General Manager immediately of any changes at its facility affecting the potential for a Slug Discharge.

(g) *Reports from Unpermitted Users*

All Users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the General Manager as the General Manager may require.

(h) *Notice of Violation Repeat Sampling and Reporting*

If sampling performed by a User indicates a violation, the User must notify the General Manager within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the General Manager within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if HWWWS performs sampling at the User's facility at least once a month, or if HWWWS performs sampling at the User between the time when the initial sampling was conducted and the time when the User or HWWWS receives the results of this sampling, or if HWWWS has performed the sampling and analysis in lieu of the Industrial User unless HWWWS notifies the Industrial User to perform repeat sampling and analysis and submit the results within the 30 day time frame. If HWWWS performs the sampling in lieu of SUU self-monitoring, then HWWWS is required to perform any required repeat sampling and analysis.

(i) *Notification of the Discharge of Hazardous Waste*

- (1) Any User who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 48-263(e) of this subdivision. The notification requirement in this Section does not apply to pollutants already reported by Users subject to categorical Pretreatment Standards under the self-monitoring requirements of Sections 48-263(a), (c), and (d) of this subdivision.

- (2) Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.
- (3) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the General Manager, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- (4) In the case of any notification made under this Section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- (5) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this subdivision, a permit issued thereunder, or any applicable Federal or State law.

(j) *Analytical Requirements*

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the General Manager or other parties approved by EPA.

(k) *Sample Collection*

- (1) Samples collected to satisfy reporting requirements, including BMRs, 90-Day reports, reports on continued compliance, and noncategorical SII reports, must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period. Sampling should consider all operation conditions and the physical configuration of the Industrial User facility. In any case where alternate sampling procedures are authorized, in writing, by HWWS as described in Subsections (k)(1)a through c below, they shall be documented by HWWS in the control mechanism (IUPERM).
 - a. Except as indicated in Subsections (k)(1)b and (k)(1)c below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized, in writing, by the General Manager. For sampling facilities that discharge less than 24-hours per day, the sampling must be representative of the Industrial User's wastewater discharge and must be taken within a 24-hour period but only during the portion of the 24-hour period that the Industrial User is discharging from the regulated process and/or the pretreatment unit as applicable. During parts of the day when there is no discharge of process wastewater, standing water should not be disproportionately sampled and analyzed as it is not representative of the discharge. Where time-proportional composite sampling or grab sampling is authorized by HWWS, the Industrial User must demonstrate, in writing, that the samples are representative of the discharge before HWWS allows the Industrial User to submit such samples and the decision must be documented in the Industrial User file. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by HWWS, in writing, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits. Total residual chlorine, pH, and temperature samples cannot be composited under any circumstances.
 - b. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
 - c. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 48-263(a) and 48-263(c) [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for new Industrial Users, existing Industrial Users that make changes or install new treatment, or existing Industrial Users for which historical sampling data do not exist. HWWS may require more than four grab samples be taken and separately analyzed to ensure that sampling is representative. For facilities for which historical sampling data are available, the General Manager may authorize, in writing, a lower minimum provided that the information is sufficient for HWWS to determine the need for industrial pretreatment measures and that there have not been changes that would cause the discharge to be no longer representative (for example, the addition of treatment).

There are some cases where a single grab sample may be reasonably expected to be representative of an Industrial User's discharge. For the reports required by paragraphs Section 48-263(d) (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

(l) *Date of Receipt of Reports*

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

(m) *Recordkeeping*

Users subject to the reporting requirements of this subdivision shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this subdivision (including documentation associated with BMPs), any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed, who performed the analyses, the analytical techniques or methods used, the results of such analyses, chain of custody information, sample preservation techniques; and associated QA/QC control data. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or HWWs, or where the User has been specifically notified of a longer retention period by the General Manager.

(n) *Certification Statements*

- (1) *Certification of Permit Applications, User Reports and Initial Monitoring Waiver* – The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 48-261(g), Users submitting baseline monitoring reports under Section 48-263(a)(2), Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 48-263(c), Users submitting periodic compliance reports required by Section 48-263(d), and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 48-263(d)(1)(b). The following certification statement must be signed by an Authorized Representative as defined by this subdivision:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

- (2) *Annual Certification for Non-Significant Categorical Industrial Users* – A facility determined to be a Non-Significant Categorical Industrial User by the General Manager or a designated representative pursuant to Section 48-258(a)(5)(c) and Section 48-261. The following certification must be signed and accompany an alternative report required by the General Manager:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR _____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief that during the period from _____ to _____ [months, days, year]:

(a) The facility described as _____ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in Section 48-258(a)(5)(c).

(b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and,

(c) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information

- (3) *Certification of Pollutants Not Present* – Users that have an approved monitoring waiver based on Section 6-4-B must certify on each report with the following statement that there has been no increase in the pollutant in its waste stream due to activities of the User:

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____ [specify applicable National Pretreatment Standard

part(s)]. I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 48-263(d).

Sec. 48-264 - Compliance Monitoring

(a) Right of Entry: Inspection and Sampling

- (1) The General Manager shall, at any time, have the right to enter the premises of any User to determine whether the User is complying with all requirements of this division and any individual wastewater discharge permit or order issued hereunder. Users shall allow the General Manager, or designated representative, ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.
 - a. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the General Manager shall be permitted to enter without delay for the purposes of performing specific responsibilities.
 - b. The General Manager shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
 - c. The General Manager may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at a minimum of one time per calendar year to ensure their accuracy.
 - d. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the General Manager and shall not be replaced. The costs of clearing such access shall be borne by the User.
 - e. Unreasonable delays in allowing the General Manager access to the User's premises shall be a violation of this division.

(b) Search Warrants

If the General Manager has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this subdivision, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of HWWS designed to verify compliance with this subdivision or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the General Manager may seek issuance of a search warrant from the Municipal Magistrate of the City of Harlingen or the County Judge of Cameron County, or any judge of appropriate jurisdiction.

(c) Compliance Inspection Frequency

HWWS shall inspect all Categorical Users at least semi-annually. HWWS may, however, inspect its CUIs as frequently as deemed necessary. SUIs and any Industrial User meeting the criteria for classification as a Non-Significant Categorical Industrial User (NSCIU), as described in Section 48-258(a)(54)c., shall be inspected at least annually but may be inspected and/or sampled more frequently as deemed necessary by HWWS. If HWWS determines that an existing NSCIU no longer meets the definition of an NSCIU as defined in Section 48-258(a)(54)c., then the IU reverts to a SUI or CUI as applicable, and a permit will be issued. NSCIUs may be inspected and sampled annually.

Sec. 48-265 - Confidential Information

- (a) Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from the General Manager's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the General Manager, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

Sec. 48-266 - Publication of Users in Significant Noncompliance

- (a) The General Manager shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by HWWS, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (3), (4), or (8) of this Section) and shall mean:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 48-259;
- (2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 48-259 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- (3) Any other violation of a Pretreatment Standard or Requirement as defined by Section 48-259 (Daily Maximum, long-term average, Instantaneous Limit, narrative standard – including operational standards, narrative limits, and BMPs, or other numeric limits) that the General Manager determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;
- (4) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the General Manager's exercise of his/her emergency authority to halt or prevent such discharge;
- (5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance; or
- (8) Any other violation(s), which may include a violation of Best Management Practices, which the General Manager determines will adversely affect the operation or implementation of the local pretreatment program

Sec. 48-267 - Administrative Enforcement Remedies

(a) *Notification of Violations*

When the General Manager finds that a User has violated, or continues to violate, any provision of this division, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the General Manager may serve upon that User a written Notice of Violation. Within thirty (30) days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the General Manager. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the General Manager to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

(b) *Consent Orders*

The General Manager may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 48-267(d) and (e) of this subdivision and shall be judicially enforceable.

(c) *Show Cause Hearings*

The General Manager may order a User which has violated, or continues to violate, any provision of this division, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the General Manager and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in by this subdivision and required by Section 48-261(d). A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

(d) *Compliance Orders*

When the General Manager finds that a User has violated, or continues to violate, any provision of this division, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the General Manager may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend

the deadline for compliance established for a Pretreatment Standard or Requirement nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

(e) *Cease and Desist Orders*

- (1) When the General Manager finds that a User has violated, or continues to violate, any provision of this division, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the General Manager may issue an order to the User directing it to cease and desist all such violations and directing the User to
 - a. Immediately comply with all requirements, and
 - b. Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

(f) *Administrative Fines*

- (1) When the General Manager finds that a User has violated, or continues to violate, any provision of this division, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the General Manager may fine such User in an amount not to exceed one thousand dollars (\$1,000). Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation. Such assessments may be added to the User's next scheduled sewer service charge, and HWWs shall have such other collection remedies as available to it under law to collect other service charges. Unpaid charges, fines, and penalties shall constitute a lien against the individual User's property.
- (2) Users desiring to dispute such fines must file a written request for the General Manager to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the General Manager may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The General Manager may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- (3) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

(g) *Emergency Suspensions*

- (1) The General Manager may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The General Manager may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.
 - a. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the General Manager may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The General Manager may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the General Manager that the period of endangerment has passed, unless the termination proceedings in Section 48-267(h) of this subdivision are initiated against the User.
 - b. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the General Manager prior to the date of any show cause or termination hearing under Sections 48-267(c) or 48-267(h) of this subdivision.

Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

(h) *Termination of Discharge*

- (1) In addition to the provisions in Section 48-262(f) of this subdivision, any User who violates the following conditions is subject to discharge termination.
 - a. Violation of individual wastewater discharge permit conditions;
 - b. Failure to accurately report the wastewater constituents and characteristics of its discharge;
 - c. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;

- d. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling, or
 - e. Violation of the Pretreatment Standards in Section 48-259 of this subdivision
- (2) Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 48-267(c) of this subdivision why the proposed action should not be taken. Exercise of this option by the General Manager shall not be a bar to, or a prerequisite for, taking any other action against the User

Sec. 48-268 - Judicial Enforcement Remedies

(a) *Injunctive Relief*

When the General Manager finds that a User has violated, or continues to violate, any provision of this division, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the General Manager may petition a court of competent jurisdiction through the HWWS Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, order, or other requirement imposed by this division on activities of the User. The General Manager may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

(b) *Civil Penalties*

- (1) A User who has violated, or continues to violate, any provision of this division, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to HWWS for a maximum civil penalty of one thousand dollars (\$1,000) per violation per day, plus actual damages incurred by the POTW.
- (2) The General Manager may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by HWWS.
- (3) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
- (4) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

(c) *Criminal Prosecution*

- (1) A User who willfully or negligently violates any provision of this division, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not less than one thousand (\$1,000), but not more than two thousand dollars (\$2,000) per violation, per day, or be subject to imprisonment, or both.
- (2) A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least one thousand (\$1,000), but not more than two thousand (\$2,000) per violation, per day, or be subject to imprisonment, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
- (3) A User who knowingly makes any false statements, representation, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this division, individual wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this division shall, upon conviction, be punished by a fine of not more than two thousand (\$2,000) per violation, per day, or be subject to imprisonment, or both.

(d) *Remedies Nonexclusive*

The remedies provided for in this division are not exclusive. The General Manager may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with HWWS's enforcement response plan which will guide the appropriate response and use Significant Noncompliance (SNC) criteria to assess the facility. However, the General Manager may take other action against any User when the circumstances warrant. Further, the General Manager is empowered to take more than one enforcement action against any noncompliant User.

Sec. 48-269 - Supplemental Enforcement Action

(a) *Performance Bonds*

The General Manager may decline to issue or reissue an individual wastewater discharge permit to any User who has failed to comply with any provision of this division, a previous individual wastewater discharge permit,

or order issued hereunder, or any other Pretreatment Standard or Requirement, unless such User first files a satisfactory bond, payable to HWWS, in a sum not to exceed a value determined by the General Manager to be necessary to achieve consistent compliance.

(b) *Liability Insurance*

The General Manager may decline to issue or reissue an individual wastewater discharge permit to any User who has failed to comply with any provision of this division, a previous individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

(c) *Payment of Outstanding Fees and Penalties*

The General Manager may decline to issue or reissue an individual wastewater discharge permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this division, a previous individual wastewater discharge permit, or order issued hereunder.

(d) *Water Supply Severance*

Whenever a User has violated or continues to violate any provision of this division, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, water service to the User may be severed. Service will recommence, at the User's expense, only after the User has satisfactorily demonstrated its ability to comply.

(e) *Public Nuisances*

A violation of any provision of this division, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the General Manager. Any person(s) creating a public nuisance shall be subject to the provisions of Chapter 32 of the City of Harlingen Code of Ordinances governing such nuisances, including reimbursing the City of Harlingen or HWWS for any costs incurred in removing, abating, or remedying said nuisance.

(f) *Contractor Listing*

Users which have not achieved compliance with applicable Pretreatment Standards and Requirements are not eligible to receive a contractual award for the sale of goods or services to the City of Harlingen or HWWS. Existing contracts for the sale of goods or services to the City of Harlingen or HWWS held by a User found to be in Significant Noncompliance with Pretreatment Standards or Requirements may be terminated at the discretion of the General Manager.

Sec. 48-270 - Affirmative Defenses to Discharge Violations

(a) *Prohibited Discharge Standards*

(1) A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 48-259(a) of this subdivision or the specific prohibitions of Section 48-259(a)(2)c through t of this subdivision if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:

- a. A Local Limit exists for each pollutant discharged and that the User was in compliance with each limit directly prior to, and during, the Pass Through or Interference, or
- b. No Local Limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when HWWS was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

(b) *Bypass*

(1) For the purposes of this Section,

- a. Bypass means the intentional diversion of waste streams from any portion of a User's treatment facility.
- b. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(2) A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (b)(3) and (b)(4) of this Section.

(3) *Bypass Notifications*

- a. If a User knows in advance of the need for a bypass, it shall submit prior notice to the General Manager, at least ten (10) days before the date of the bypass, if possible.
- b. A User shall submit oral notice to the General Manager of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of

the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause, the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue, and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The General Manager may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(4) *Bypass*

- a. Bypass is prohibited, and the General Manager may take an enforcement action against a User for a bypass, unless
 1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.
 2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance, and
 3. The User submitted notices as required under paragraph (b)(3) of this section.
- b. The General Manager may approve an anticipated bypass, after considering its adverse effects, if the General Manager establishes that it will meet the three conditions listed in paragraph (b)(4) of this Section.

FINALLY ENACTED THIS 15th day of July, 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, TITLE 5, SUBTITLE A, CHAPTER 5511.

Norma Sepulveda, Mayor

ATTEST:

Carrera, City Secretary

AGENDA ITEM
EXECUTIVE SUMMARY

7h

Meeting Date: August 5, 2026

Agenda Item:

Consideration and possible action to approve the Investment Report for the City of Harlingen for *the quarter* ending June 30, 2026.

Prepared By (Print Name): Robert Rodriguez

Title: Finance Director

Signature: 

Brief Summary:

The investment report shows the total amount of cash and investments in summary and detail. The report includes types of investments, interest rates, maturity dates and portfolio composition.

Highlights:

\$68,124,527 Total Book Value of all City funds on June 30, 2026
\$ 673,639 Interest earned during *quarter*
\$ 2,147,284 Net Income (October 1, 2025 to June 30, 2026) *Cumulative*
3.746% Weighted Average

The graphical summary of the City's portfolio is displayed on pages 5 - 9. The City of Harlingen manages and invests funds with three objectives, listed in order of priority: Preservation and Safety of Principal, Liquidity, and Yield. All investments comply with the Public Funds Investments Act (PIFA).

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: No Funds Required.

Finance Director's approval:

☒

Yes

☐

No

☐

N/A

Staff Recommendation:

Staff recommends approval.

City Manager's approval:



☒

Yes

☐

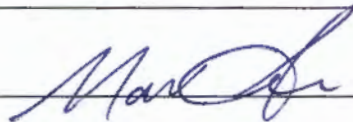
No

☐

N/A

Comments:

City Attorney's approval:



☒

Yes

☐

No

☐

N/A

INVESTMENT REPORT

FOR THE QUARTER
APRIL 1, 2026 TO JUNE 30, 2026

August 5, 2026

Presented by:
Robert Rodriguez
Finance Director



Portfolio Overview

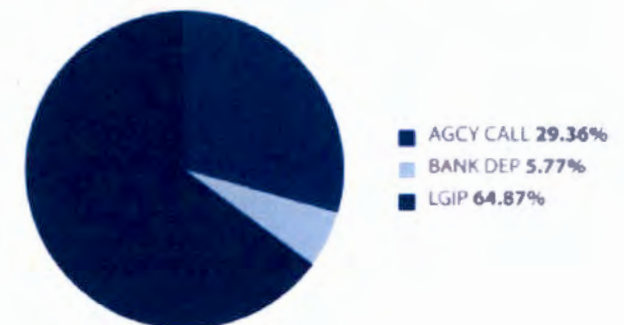
Portfolio Summary

	Prior 31 Mar-26	Current 30 Jun-26
Par Value	75,013,730.58	68,124,527.05
Original Cost	75,013,730.58	68,124,527.05
Book Value	75,013,730.58	68,124,527.05
Market Value	74,968,370.58	68,056,887.05
Accrued Interest	27,500.00	233,750.00
Book Value Plus Accrued	75,041,230.58	68,358,277.05
Market Value Plus Accrued	74,995,870.58	68,290,637.05
Net Unrealized Gain/(Loss)	(45,360.00)	(67,640.00)

Income Summary

Current Period	1 Apr-26 to 30 Jun-26
Interest Income	673,639.90
Net Amortization/Accretion	0.00
Realized Gain/(Loss)	0.00
Net Income	673,639.90
Fiscal Year-to-Date	1 Oct-25 to 30 Jun-26
Net Income	2,147,284.45

Asset Allocation

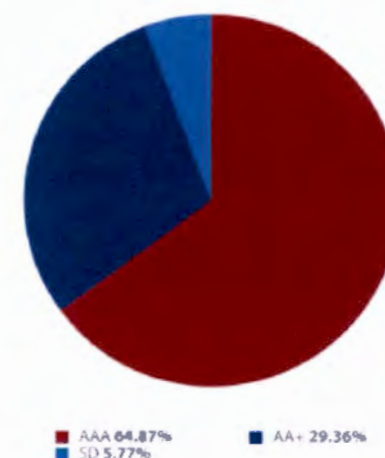


Credit Rating Summary

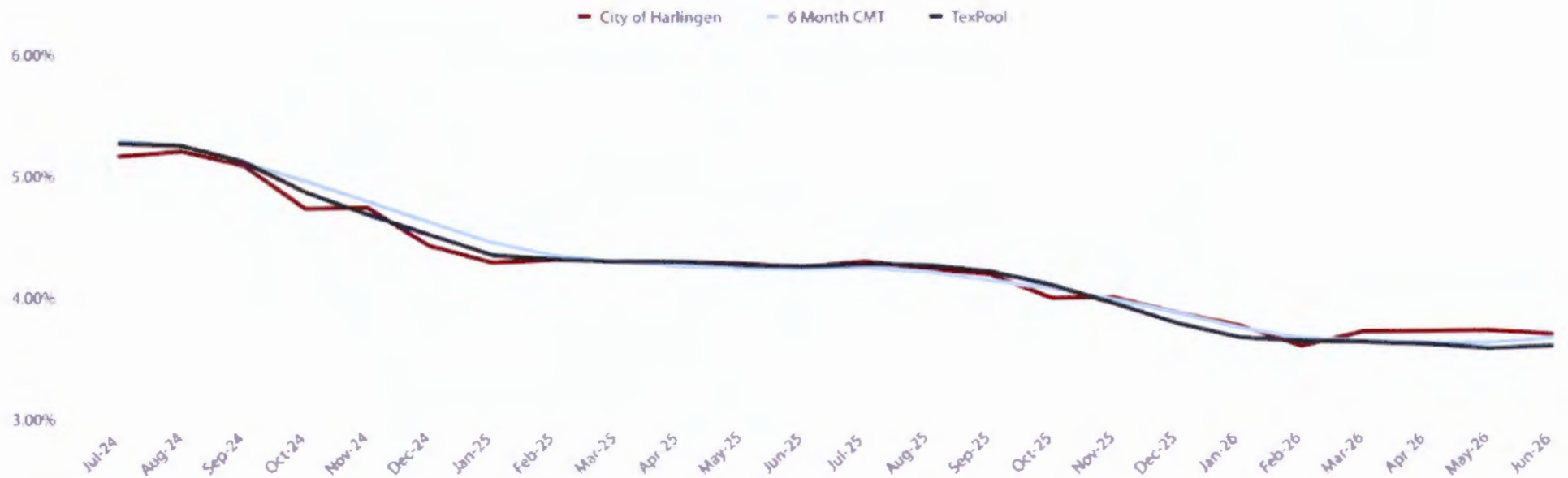
Rating Distribution

	Book Value	Portfolio Allocation
Secured Deposits (Insured or Collateralized)		
Demand Deposits	3,932,136.65	5.77%
Total Secured Deposits	3,932,136.65	5.77%
Local Government Investment Pools & Money Market Funds		
AAA	44,192,390.40	64.87%
Total Local Government Investment Pools & Money Market Funds	44,192,390.40	64.87%
Long Term Rating Distribution		
AA+	20,000,000.00	29.36%
Total Long Term Rating Distribution	20,000,000.00	29.36%
Portfolio Total	68,124,527.05	100.00%

Allocation by Rating



Benchmark Comparison



Yield Overview

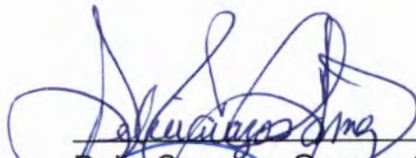
	Jul-24	Aug-24	Sep-24	Oct-24	Nov-24	Dec-24	Jan-25	Feb-25	Mar-25	Apr-25	May-25	Jun-25	Jul-25	Aug-25	Sep-25	Oct-25	Nov-25	Dec-25	Jan-26	Feb-26	Mar-26	Apr-26	May-26	Jun-26
City of Harlingen	5.21	5.25	5.13	4.78	4.79	4.47	4.33	4.35	4.34	4.34	4.32	4.29	4.34	4.28	4.23	4.04	4.04	3.91	3.81	3.64	3.76	3.77	3.77	3.75
6 Month CMT	5.34	5.29	5.16	5.00	4.84	4.66	4.50	4.39	4.34	4.30	4.28	4.27	4.28	4.25	4.18	4.11	4.02	3.91	3.79	3.71	3.68	3.67	3.67	3.71
TexPool	5.32	5.30	5.16	4.91	4.73	4.56	4.39	4.36	4.33	4.34	4.31	4.30	4.31	4.31	4.25	4.14	3.99	3.83	3.71	3.68	3.67	3.66	3.62	3.65

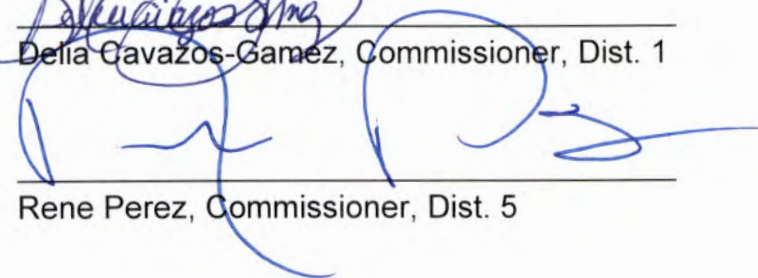
City of Harlingen
Agenda Item Request Form

We hereby request the following item to be added to August 05, 2026, City Commission Agenda:

Consideration and possible action to approve the testing and potential installation of speed humps in the following location(s):

1. Camelot Drive
2. 21st Street between Bowie and Crockett



Delia Cavazos-Gamez, Commissioner, Dist. 1


Rene Perez, Commissioner, Dist. 5

9a

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **August 5, 2026**

Agenda Item:

Public hearing to approve an Ordinance on First Reading for a request for a Special Use Permit (SUP) to allow an adult business (bar) in a General Retail ("GR") District located at 112 E. Jackson Street, bearing a legal description of Lot 6, Block 58, Harlingen Original Townsite. Applicant: Veronica Rosas

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

Signature: *Ana Hernandez*

Brief Summary:

Project Timeline

- June 08, 2026 – Application for Special Use Permit (SUP) submitted to the city. **(ATTACHMENT I)**
- June 27, 2026 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- June 26, 2026 – In accordance with State and local law, notice of required public hearings mailed to all property owners within 200 feet of subject tract.
- July 14, 2026 - Public hearing and consideration of requested Special Use Permit by the Planning and Zoning Commission (P&Z).
- August 05, 2026 – Public hearing and consideration of requested SUP via 1st ordinance reading scheduled before the City Commission.
- August 19, 2026 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- Pursuant to Section 111-62 of the City of Harlingen Code of Ordinances, a bar/lounge in a General Retail ("GR") District requires the approval of a Special Use Permit by the City Commission.
- The subject property was previously the location for Quelle Boutique. The applicant is requesting a Special Use Permit (SUP) to operate a bar/lounge as the business owner at 112 E. Jackson Street. The proposed bar will operate under the name, "Sleepwalkers". The subject property is in the Downtown Improvement District. There is no requirement for off-street parking in the Downtown Improvement District for new uses which occupy existing buildings. The proposed hours of operation will be seven days a week from 3 PM to 2 AM. The applicant intends to have live musical performances on Friday and Saturday. They will have recorded music on Monday through Thursday. **(ATTACHMENT II)**
- Surrounding properties are zoned General Retail ("GR") District in all directions. Surrounding land uses include Chyann's Specialty Cafe, The Salvation Army family store, Armando's Tuxedos, The Antique Emporium, Paul Gonzales Insurance, and other commercial establishments. **(ATTACHMENTS III)**
- The City of Harlingen Downtown Improvement District office, Building Inspections

Division, Fire Prevention Bureau, Health and Police Departments reviewed the SUP application. The departments reported no objection to the proposed request subject to adhering to the Harlingen Code of Ordinances and procedures administered by each department. The Downtown Improvement District staff met with the applicant to review district overlay guidelines. **(ATTACHMENTS IV-VIII).**

- The applicant must obtain and maintain the proper State and City permits.
- At present, staff have not received any phone calls, letters or e-mails with concerns regarding this business. Staff had sent out seventeen (17) legal notices to surrounding property owners.
- In accordance with the zoning ordinance, the P&Z and City Commission may impose requirements and conditions of approval as are needed to ensure that a use requested by a SUP is compatible and complementary to adjacent properties.

Funding (if applicable):

Are funds specifically designated in the current budget for the full ☐ 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. The Special Use Permit, if approved, will be limited to one year. Subsequent approval is required to continue operation of the establishment.
2. Obtaining and maintaining the proper State and City permits; and,
3. Providing video surveillance with a minimum 30-day retention; and,
4. Complying with the requirements administered by Downtown Improvement District, Planning and Zoning, Building Inspections, Fire Prevention, Health and Police Departments.
5. Hours of operation are 3 p.m. to 2 a.m. seven days a week.
6. Provide a licensed security guard during peak hours of operation, from 9 PM to 2 AM.

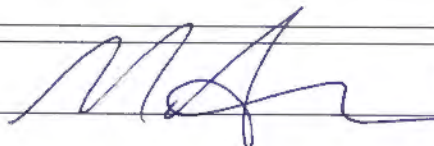
City Manager's approval:



☒ Yes ☐ No ☒ N/A

Comments:

City Attorney's approval:



☒ Yes ☐ No ☐ N/A

PLANNING AND ZONING COMMISSION

July 14, 2026

ACTION ITEMS/PUBLIC HEARINGS

- 7) Public hearing and take action to consider a request for a Special Use Permit (SUP) to allow an adult business (bar) in a General Retail (“GR”) District, located at 112 E. Jackson Street, bearing a legal description of Lot 6, Block 58, Harlingen Original Townsite Subdivision. Applicant: Veronica Rosas**

City Planner Rodrigo Sanchez presented the request for a Special Use Permit as follows:

- The applicant is requesting a Special Use Permit (SUP) on a property that was previously the location for a business under the name of Quelle Boutique at 112 E. Jackson. The request is being made in order to operate a bar/lounge.
- The bar/lounge will operate under the name “Sleepwalkers”, which used to be on Commerce [Street] previous to this.
- The Subject Property is in the Downtown District.
- There is no requirement for on-street parking in the Downtown District. This is for new uses when you occupy existing buildings.
- The proposed hours of operation, according to the applicant, will be seven (7) days a week, from 3:00 p.m. to 2:00 a.m. The applicant also intends to have live musical performances on Friday and Saturday nights. They will have recorded music Monday through Friday.
- The zoning for surrounding properties is General Retail (GR) in all directions. These businesses include Chyann’s Specialty Café, The Salvation Army family store, Armando’s Tuxedos, The Antique Emporium, Paul Gonzales Insurance and other commercial establishments.
- The City of Harlingen’s Downtown Improvement District Office, Building Inspections Division, Fire Prevention Bureau, Health and Police Departments reviewed the request and they reported no objections. This is subject to the applicant adhering to the Code of Ordinances and procedures that each department requires.
- The Downtown Improvement Staff meet with the applicant. Their comment is that the project is consistent with the Downtown Business Overlay.
- The applicant must obtain and maintain the proper State and City permits.
- As of the writing and this meeting, Staff had not received any phone calls or letters or emails with concerns about the proposed business. Staff sent seventeen (17) letters to surrounding property owners. At this meeting though, there are residents and public that will be making comments regarding this request.
- In accordance with the Zoning Ordinance, Planning and Zoning [Department/Commission] and the City Commission may impose requirements/conditions of approval that are needed in order to ensure that the request for a Special Use Permit is compatible; that it is complimentary to adjacent properties.
- Staff recommends approval of the request subject to compliance with the following conditions:

- That the Special Use Permit, if approved, will be limited to one (1) year. [He said that] subsequent approval is required in order to continue the operation of the establishment;
- That they must also obtain and maintain all the proper State and City Permits;
- That they must provide video surveillance with minimum thirty (30) day retention, and
- That they comply with the requirements that were administered by the Downtown Improvement District, Planning and Zoning, Building Inspections, Fire Prevention, Health and Police Departments.
- As stated by the applicant, the hours of operations will be 3:00 p.m. to 2:00 a.m., seven (7) days a week. If approved that will be their operating schedule.
- [The applicant] must also provide a licensed security guard during the peak hours of operation, from 9:00 p.m. to 2:00 a.m.
- Mr. Sanchez reported that the applicant was present as well as interested residents and property owners.

Chairman Consiglio thanked Mr. Sanchez. He asked that the applicant please come up [top the podium] and state their name for the record.

Veronica Rosas, applicant

Ms. Rosas introduced herself before the Board. She stated that she was the owner of Sleepwalkers.

The Chairman welcomed Ms. Rosas. He recalled that the Board had approved a SUP for her other location on North Commerce. He asked her why she was moving to Downtown. Ms. Rosas explained that they were leasing the building and that [the owner] did not want to renew the lease. The Chairman asked if there was a particular reason why. Ms. Rosas stated that [the owner] wanted to reopen it himself. The Chairman acknowledged her response, understanding that they she was relocating due to lack of lease. The Chairman asked if they bought the building Downtown and if they were the owners. Ms. Rosas stated that her husband bought the building and that she owns the business.

Chairman Consiglio asked what the operation was like when it was on North Commerce, asking if there were any calls to the police or fights. Ms. Rosas explained that her husband was [in] law enforcement and cannot own the bar. She said that they have been very strict from the beginning and said she had no issue kicking people out. She said she did and had. She said that they just want to run a nice, clean place where people can feel safe and have a good time.

Chairman Consiglio asked what the theme or vibe of the bar that they were going for. Ms. Rosas mentioned Sir's Martini Lounge. She said it was the same capacity. She said that they cater to an older crowd. The Chairman confirmed the lounge she had referenced. Ms. Rosas said that this was the direction they were going.

Cmr. Thomas asked where Sleepwalkers was before. The Chairman told her they were on North Commerce. Ms. Rosas asked her if she knew where Dave's was. She said they were like a block and a half away, so further south.

Chairman Consiglio asked if there were any fights or things like that happen at the establishment. Ms. Rosas said no. She said she was always quick, if she saw something going on, they would ask them to leave. She said there was one outside. She said the cops were called and security was out there. She said the cops went to talk to them but that it was a couple arguing before they had even entered the establishment.

The Chairman asked if they planned to have any gambling machines or any “maquinas”. Ms. Rosas said they had them at the other location but said that she didn’t think there would be any room for them at this [proposed] location. The Chairman asked if this was something they could add to the SUP that they are not going to allow any machines like that. Ms. Rosas said okay and said that was not an issue.

Chairman Consiglio asked Ms. Rosas if she always had security over at the previous location. Ms. Rosas said yes; on Fridays and Saturdays starting at 7:00 p.m.

Chairman Consiglio asked what kind of live music she was planning to have. Ms. Rosas said they do 80s (eighties) rock, 70s (seventies) and 80s (eighties). The Chairman asked if it was like a rock band in there. Ms. Rosas clarified that it was classic rock. The Chairman clarified that he was asking if it was like a full drum kit. Ms. Rosas said that some were and that some were just acoustic and duos. Ms. Rosas said that she didn’t know now that they would have enough room. She said that she didn’t know that they would have room now and indicated that they would be looking more towards duos.

The Chairmans remarked that it was a shotgun type of building and that it was narrow. Ms. Rosas agreed. She said that before they had a full stage and had full bands. She said they are going to have to rethink [the live music]. Chairman Consiglio noted that this [location] was a lot smaller than the previous location. Ms. Rosas said yes. The Chairman asked her what the occupancy will be approximately. He asked what it was realistically. The Chairman referred to a bar that opened on Morgan – Roadhouse Blues. He said that they can only have twelve (12) people at a time. The Chairman asked if she had looked into this and make sure that the square footage is going to jibe. Ms. Rosas remarked that it was pretty big. The Chairman acknowledged that the buildings Downtown go deep. Ms. Rosas shared that they just got the keys on Monday and stated that she would have somebody go in to let them know. The Chairman addressed the Staff asking what the ratio was. Director Hernandez said it was based on the size but said she couldn’t tell how big it is. She also said it depends on the building materials of the building. The Chairman expressed surprise going back to the applicant that had an occupancy of twelve (12). Director Hernandez also stated that if they have a fire sprinkler, they could potentially accommodate more. Ms. Rosas stated that Mr. Olivo had explained this to her.

Chairman Consiglio asked if she got the keys on Monday or was going to get the keys on Monday. Ms. Rosas said they got the keys already. The Chairman congratulated her.

Chairman Consiglio asked if she was going to have beer, wine and/or liquor. Ms. Rosas indicated she had all the licenses. The Chairman stated she would have a full bar.

Chairman Consiglio commented he had another question in mind but couldn't think of it. He asked if there were any questions for the Board.

Cmr. Peña referred back to the question about occupancy. He asked what number she presented to the Fire Department that they would have on a full night. Ms. Rosas stated that she didn't present that. Director Hernandez stated that she didn't think that conversation had happened. The Director stated that any recommendations at this time was only on the use. She said the Fire Department has not gone and done an inspection or anything. She stated they are not commenting on the building side of things and that it was just on the use. She said she wanted to make sure she was clear on that. Cmr. Peña said his concern was on the sanitation facilities. He said that he hoped she fills the place if it were up to him but said he thought the building may have one (1) men's and one (1) women's bathroom. Ms. Rosas stated that it has one (1) restroom. She said that they need to gut the building and rebuild inside. She agreed that you can't have a bar with one (1) restroom, especially [for] the girls. Chairman Consiglio remarked that she had a pretty significant investment ahead of her. Ms. Rosas acknowledged this. The Chairman then asked why she decided Downtown versus... [anywhere else]. Ms. Rosas shared that they weren't able to really find anything and referred to parking and how that is a big thing. She said a friend sent them something when the building came up for sale. She said they went to look at it, liked it and said they liked the area. She said they were excited. The Chairman commented that they liked the angled entrance. Ms. Rosas laughed.

Chairman Consiglio asked if there were any questions for the applicant. Upon hearing none, the Chairman presented that they did have a large petition, addressing the applicant. He said the Board would go through that and explained his course of action to take a pulse to see who was here against the item. He stated that comments should maybe be specific to the bar and operation, saying that those were certain things that the Board could address. She said that the applicant could also address those things and see if there were things she could accommodate or look at. He said they would see how the hearing goes. The Chairman told Ms. Rosas not to go too far.

Chairman Consiglio indicated he would open the Public Hearing. He started to ask if someone would like to speak on this item. He asked those opposed to the item to raise their hand. He remarked that it was everyone basically there. The Chairman provided instruction about how they would proceed. He said he would give everyone the opportunity to speak but said that is someone covered another's points, they should just raise their hand and he will acknowledge this. He said to keep it concise and said they would work together to make sure everyone felt that they had been heard and that their opposition had been pointed out. He asked for an opportunity to maybe address certain concerns. The Public Hearing was opened. He asked anyone wanting to speak to approach the podium. He called on Miss LaBerge.

Cheryl LaBerge

Ms. LaBerge thanked the Chairman and the members of the Board.

First, Ms. LaBerge wanted to correct the record. She stated that she had gone to the Planning Department and visited with Mr. Olivo because she did have concerns when she heard that there was a "dive bar" coming in downtown. She indicated that she wanted to correct Mr. Sanchez's

comment that no one had come in. She said that she wanted to make sure this was captured. Ms. LaBerge stated [the Chairman] did a great job in covering a lot of the concerns she had. She said that hopefully everyone in the room in this room is interested in having a safe and vibrant community – a good place to live, and work and play. She said she was not against bars Downtown and said that there have always been bars Downtown, saying that there should be a healthy mix. She expressed concern that a dive bar would come in because that is what they were told it was going to be. She said there were a lot of connotations about that. She said she did a small poll today at lunch time with her friends. She said the first thing one (1) of them said was that this was not a place any of them would go to. The next two (2) said things that involve knives and guns, pointing out there are concern about what the activity would be at this location. She said she thought that some of the property owners were concerned that things may spill to the outside and create windows being bashed in or beer bottles on the street and that kind of thing. Ms. LaBerge said they have had some of that in the past. She said that a lot of them work really hard to get rid of “dive” bars Downtown.

Ms. LaBerge stated that she personally did a little bit of research in addition to contacting PD (the Police Department) to try to get a report of calls at the previous locations. Ms. La Berge said she got a couple of different reports. She said the first was kind of alarming but was later told that it probably included or did include the other business that were on that address which is kind of a compound, so she said she didn’t think they had incidents, referencing the Chairman asking about fights.

Ms. LaBerge stated that she wanted to ask, just based on past experiences with bars in the Downtown vicinity whether there’s been any stabbings, any shootings, any drug use and drug dealing inside or outside of the establishment at the previous location. She said she was asking to put all the bad stuff on the table. Chairman Consiglio asked to pause and asked Ms. Rosas if she could address that.

Veronica Rosas, applicant

Ms. Rosas said that when they opened the bar, they were on a six (6) month probation because previously there was “La Malquerida” and there were a lot of issues there. She stressed that this was with them and said that they completely changes the entire bar itself. She said people would come in thinking it was the same place, but it wasn’t. She said they just don’t have any stabbings, no shootings, no guns, no knives, and no drugs or drug sales in the bar. She indicated a separation from anything going on outside. She referenced some apartments and said she knows the police get called [there]. She also mentioned the Texas Café and issues going on outside. She said it was usually at the apartments.

Chairman Consiglio confirmed with Ms. Rosas that she herself had not had to break up a fight on any regular... [night]. Ms. Rosas said no and commented that you could see it right away and said she would ask people to leave. She said that people would say they were okay, but she would still ask them to leave. She stressed that it just needs to get stopped. She said people will argue and it happens. The Chairman confirmed that she also had security. Ms. Rosas confirmed this and said that she believed it was the same company that American Legion uses and that they have their security guards. The Chairman acknowledged the response. He asked her to hang tight right there.

Chairman Consiglio addressed Ms. LaBerge and started to ask if she had anything else to say. Ms. LaBerge said she would let others speak. The Chairman thanked her. He asked if anyone else would like to speak or to raise their hands if they felt like Ms. LaBerge's addressed their concerns. Several individuals raised their hands. He asked if people knew what happens there.

Alex Comminos

Mr. Comminos offered to speak. He asked for the map with surrounding properties to be put up. He said he would point something out. Mr. Comminos pointed out a railroad crossing area and said that this was Sunny Glen. He asked if others know what happens there. He went on to explain that when kids age out, they live upstairs and so you have people that have needed help that are basically there to be safe and not be exposed to potential things. He clarified that he didn't know there was anything. He said that the map needs to be updated and a good look taken at what is actually there. He said this was one of the bigger things we should be paying attention to. The Chairman started to ask about the Sunny Glen location. Cmr. Thomas stated that they were leaving. Mr. Comminos acknowledged this information and said there was no problem there. The Chairman told him that he appreciated him bringing this up. Mr. Comminos spoke over the Chairman and stated that the City did not have a proper City Manager. He commented about the growth of Harlingen and that he thought there needs to be a better plan, referencing Cmr. Lopez' strategic plan. At this point the Chairman asked the speaker to approach the podium.

Mr. Comminos indicated he would go back to the problem. He said his big concerns were the hours of operation and the lack of parking. He also said it was also not comforting to say that when somethings starts there, they are removed. He said they would be putting them out on Jackson Street and onto 1st and "A" Street and who knew elsewhere. He shared that, on any given day, he can open up the garage door, and he will see sober people going in the wrong direction and almost hitting each other. He said that going back to the idea of actually having a proper city planner, he said that "we" want to keep it historic; we want to keep it beautiful; we want to keep it Harlingen but that it might be a good time to actually sit down and [ask] what this is actually going to look like. He said that as [the bar] comes in, commenting that he has friends that do restaurants and bars. He said he did not necessarily have an issue with it. He said the issue was of course safety. He said it was the other owners, that it was the property, and that it was the absolute idea of Harlingen in the downtown. He shared seeing a plastic bottle sitting in the parking lot and seeing about ten (10) people walking by. He commented that this was trash in front of our City Hall and no one was picking it up. He said this was neither here nor there. He said that he thought actually talking a real look and not just saying we contacted seventeen (17) businesses. He said differentiated between new business and people that are already owners or staked into it. He said there had to be a way to open up the conversation or figure out a way that people are happy. Mr. Comminos thanked the Board. Chairman thanked him and asked if there was anyone else that would like it speak. He asked them to please approach the podium.

Frank Hale

Mr. Hale introduced himself before the Board. He indicated that he owns a property just outside of the required notification loop. He said he was at 206 East Jackson [Street]. He said it was a real fine store where his wife had a scarf business for many years. Mr. Hale stated that his feeling about having the bar on Jackson Street was really subjective. He said he was fond of

Downtown and shared that he had previously been on the Board for a number of years [with the] Downtown Improvement District. He said that they consistently made an effort to avoid any kind of traffic that might be considered less than family friendly. Subjectively, he said that he just wanted and would like to have no bars on Downtown Jackson Street. He said that he didn't need to repeat the things that Ms. LaBerge and the gentleman [Mr. Comminos] had mentioned. He said that objectively these were just his good feeling and that he would like to have them recognized and considered. The Chairman thanked Mr. Hale and called upon the next speaker.

Griselda Nuñez

Ms. Nuñez introduced herself before the Board. She said that she was concerned about the new business around Downtown because she said that personally she works late [and has done so] for sixteen (16) years in Downtown working hard on her products. She said that what she has noticed was that the three (3) times that here windows were broken, they were broken by people that are on drugs, alcohol or something like that. She said that she felt sad because her worst season is going to start next fall. She said she is going to have to close her doors at 6:00 or 6:30 p.m. because at 8:00 o'clock people knock on the door. She said that people are out of control, they want something and they will break your business windows or windshields on your car. She said she was kind of afraid of what it is going to be like with a bar downtown when there is a very nice, beautiful downtown, with a nice family atmosphere. She said they have beautiful events that raise their businesses like Art Night or Sundown and that it is a family atmosphere. She said they feel free to work and that they will probably not see homeless people asking for something. She said that this is either going to be a Downtown raise up or they will lose the peace and family atmosphere that they have. She said that right now they are working and fighting with those details. The bar is going to help build it up or be bad and that this was her concern. She said she prefers to keep peace in their beautiful downtown Harlingen, and [that] it be a nice family atmosphere. Chairman Consiglio thanked Ms. Nuñez. He welcomed the next speaker.

Stephnie Sokalosky

Ms. Sokalosky introduced herself before the Board. She said she lives at 6320 Guinevere and owns a building at 315 Jackson [Street] and has a business in that building along with other people that they rent offices to. She stated that she was the one that did the petition. She said she decided to go to businesses all up and down the street, indicating that she did not remain just within that narrow area because they are all concerned about it. She said that this does not only impact the businesses that were within that area and said that the businesses she went to had not been contacted by the [Planning] organization. She said she invited signatures and said that twenty (20) signed the petition that said they do not want a bar, seven (7) signed that they need more information and are concerned. She said there was another petition for customers. She offered the Board the information in support of that number of people who live and work Downtown. She added that every day they have got a vested interest and that this is where they do their business. She stated that they do not want an additional bar in that area of Jackson Street. Ms. Sokalosky asked if the Board had any questions. The Chairman confirmed that there were none and thanked her.

Sue DeBrooke

Ms. DeBrooke introduced herself before the Board. She stated that she lives and owns property Downtown and said that she also does a lot of volunteering, one (1) of them being at Art Night. She said that at the last Art Night, she was taken by the number of young people they had. She said that it was almost like the group that used to be entertained by going to the mall are now entertained by Downtown and especially Art Night. She said it was a wonderful venue. She also said they have places like the Bazaar that carry kids' things, mentioning Pokémon cards, sports cards and comic books. She said that there was a lot of entertainment for kids downtown and said that she would hate to see that disturbed along with the exposure. She said that people feel comfortable as it is now. The Chairman thanked Ms. DeBrooke. He asked if there was anyone else.

Beth Fuqua

Ms. Fuqua shared that she has been Downtown for twenty-six (26) years with two (2) different businesses. She said she can remember when there was nothing and said they have built it up over the years and said it has become a beautiful place [with] lots of wonderful restaurants, stores and dress shops. She acknowledged that there was Jackson Cork and Craft but said they only stayed until 11:00 o'clock at night. She said they have another wine bar on Commerce [Street] and said it was the same thing and that they were very low key. She said that as her dad said, *anything after midnight is not good*. She remarked that a bar staying open Downtown at 2:00 in the morning was not a good thing. Ms. Fuqua addressed the applicant Ms. Rosas, saying that she'd have security Friday and Saturday whatever. Ms. Rosas indicated that she would have security as recommended by the City. Ms. Fuqua said that security would need to be there seven (7) days a week if she is going to be open seven (7) days. Ms. Fuqua said they have worked really hard to make the Downtown be what it is. She said she has nothing against [the applicant], saying she doesn't know her, but said she did have a problem with the bar that's going to be open till two (2) in the morning and whatever type of people that might bring. She said she was not trying to be ugly but said she cares about the Downtown. She thanked the Board. Chairman Consiglio acknowledged the next speaker.

Jacklyn Medrano

Ms. Medrano introduced herself before the Board and said she owns Fashion Archive Texas. She stated that she thought she was the closest one to the location where the bar is being opened. She said she was at 108 East Jackson [Street] and described that it was a faith-based boutique. She prefaced by saying this was not personal. She said that this was them being precautions and them definitely being aware of the difference of change in the surroundings of their businesses. She said that, as many had said, they work extremely hard to keep their businesses running, to beautify downtown and [that], if they have lived through the years as Harlingen's downtown has developed, they are excited to see what's to come because they can see the change is going into a positive place. She said that especially it being family-oriented, as many have said, they are concerned about their children's wealth and well-being, especially being late night hours for this bar being open. She stated that this does alarm them and said that she thought that most of them are having that fear of what's to come. Ms. Medrano made a reference to dangers that have happened already, she said, that have probably most of them have been traumatized through. She said that her store did get broken into the very first year they opened and that was due to somebody under the influence. She said that she thought that this is where their precaution comes [from]. She said that if there will be alcohol that is served that causes impairment, not

just in driving as other have said, and seeing vehicles driving the opposite way, but that they have also seen where it can take people to do unlawful things. She said that her stores have really large windows in the front and said that she can already imagine those being broken if there is any type of fighting or impairment to decisions that are being made. Ms. Medrano also stated that she thought that most of all, they are more or less concerned about their safety and their well-being. She said that many times she is in the store late at night. She said that just last night, she was there until 12 (midnight)/12:30 a.m. moving around her store. She stated that she has a full-time job and so the majority of her time is spent there in the evenings. She said that being two (2) blocks and two (2) doors down from where that bar is going to be open, she said that it did give her a precaution that she can't even walk out by herself anymore now. She summarized that those were just some things that alarm them, that are going through their minds and that they are wanting to prevent – the safety of their well-being, of their family members, as well as those youth that are going through there late at night. She said it was just a consideration for the Board to consider placing themselves in their position as well. She said that when you work so hard to keep something going, to beautify as mentioned, and also just in case there are any of those incidents that do happen, what then? She said what comes out of that [when] it could have been prevented. She said she appreciated the Board's time and said that she really just wanted to voice that. She thanked the Board. The Chairman thanked Ms. Medrano and asked if there was anyone else that would like to speak or if everything had been said, he could end the Public Hearing.

Upon hearing and seeing none, the Public Hearing was closed.

Chairman Consiglio addressed Ms. Rosas. He told her that the hours [of operation] seem to be a hanging point and asked if she considered other hours besides 2:00 a.m. Ms. Rosas said she did. She said that she normally closes at midnight and sometimes earlier during the week but said that when she spoke with Mr. Sanchez, he let her know that if she ever wanted to extend her hours, she would need to go through this process again. She said this was why she put them later. The Chairman acknowledged that this was correct as she spoke. Ms. Rosas said that her normal hours are 5:00 p.m. to midnight, [and] sometimes earlier during the week. And on the weekend, [closing] is 2:00 o'clock, stating they will close early if it is slow. Ms. Rosas again said that this was the reason why she put those hours. The Chairman agreed and said that they have that a lot for hours for bars. Director Hernandez stated that she was actually more concerned with the opening hours at 3:00 p.m. based on the comments that they are closing businesses. Ms. Rosas repeated her normal hours and explained that she was told that if she ever wanted to open earlier, she would have to go through this process again and that this was why she put those hours. The Chairman distinguished that she would put the hours of operation on her door as Sunday-Thursday, 5:00 p.m. to midnight and Friday and Saturday, from 5:00 p.m. to 2:00 a.m. Ms. Rosas confirmed that these were the hours at the previous location and also said that for the later hours, they have bands that start a little later because they would get a later crowd. She said that changed and they started getting earlier times.

The Chairman addressed the Staff to confirm that for the previous location, she didn't have any police reports or anything like that. The Chairman commented that the data is not pulled anymore, saying that [the Board] used to get this date but that this had changed. Director Hernandez stated that Staff did not have that information. Ms. Rosas said that she googled before they were there and said that she could find all the previous issues that happened there. She said there was a lot and commented that they really changed and turned it around. The Chairman acknowledged this information indicating he believed this had been mentioned.

The Chairman asked if there were any other questions for the applicant.

Cmr. Thomas recalled her mention that she would be remodeling and doing extensive work inside the building. She asked if she could describe the vibe and the look she was going for. Ms. Rosas said that she had a few photos if she wanted to see. The Cmr. said she would. The photos were shared.

Cmr. Cantu asked the applicant if she would have any type of food or appetizers. Ms. Rosas identified that they won't really have a kitchen for food. Cmr. Cantu brought up some of the offerings at Cork and Craft. Ms. Rosas said that they would have to have refrigeration and explained they wouldn't have that set-up. Cmr. Thomas commented that the pictures seen were lovely. The Chairman asked if she had theme digitally. She said that her husband is the one that would have everything but that he was in San Antonio on assignment due to the recent flooding. Cmr. Flores provided some advice about having enough exits on account of the depth of the building. Ms. Rosas indicated she thought towards the end was an add-on. She said she didn't think it was original. He commented that it was a pretty big size but said that there were double doors and it should be enough. He said he wasn't sure what the occupancy would be. Cmr. Flores said the floor plan had been his concern.

Cmr. Peña indicated he had a question. He said he owned a building in Downtown for many years, specifying that it was directly across the street. He said that the issue they had, acknowledging that it had gotten better, were homeless people setting up camp in the alcove. He said this brought him back to what was stated, about nothing good after midnight. He said that there are still homeless people seeking refuge outside the buildings. He said his thought was how this was going to affect her customers. Ms. Rosas stated that they had this issue at their other location because of the apartments that were there and that this was why they hired security. Cmr. Peña said that this would be on the weekend. Ms. Rosas said that they can also call Harlingen PD to do a walk around anytime also. Cmr. Cantu asked if she ever noticed when they moved into the place that the homeless maybe stayed away. Ms. Rosas said that they would have maybe one (1) person come are every once in a while. She said that once they were told they couldn't come there, they stayed away. Ms. Rosas said that it was not a very good area but said that she thought they made a difference even though they were there less than two (2) years. Ms. Rosas added that she knew that in the back of the building, from speaking to the woman who own's Chyann's next door, that they would need to fence it saying that they were planning to do so because there is an area in the back where there is quite a bit of trash back there.

Chairman Consiglio brought in Mr. Sanchez into the discussion. He commented on the Staff recommendation that the SUP be for one year. The Chairman said that they could be back here a year from now to renew on that renewal based on disturbance of the peace and etc. He said that they could either approve [or deny it]. He asked the applicant if she understood that. Ms. Rosas said she understood. The Chairman said it was imperative that she did. Ms. Rosas stated that it was their intention... She said that they hold their customers to high standards and that they know how they are and that they don't want any issues. She said she has worked very hard also. The Chairman said he was going to go out on a limb and started to comment on the name "Sleepwalkers". Ms. Rosas jumped in saying she thought it scares people. She explained that it comes from La Bamba. She said there is an instrumental at the end by Santo & Johnny called "Sleepwalkers". She said that was the reason for their name and said that at the end of the night they play the instrumental and that this is their last call. The Chairman said that he didn't know that and commented that this was part of the "dive bar" maybe. Ms. Rosas said she thought it was more of a "lounge" She said she know there are many different versions of different types of

bars but said that theirs they tended to be classy and upscale. The Chairman offered to share the “renderings” shared with the Board. He asked if anyone would care to see those. The photos were shared among those present for the Public Hearing.

Mr. Comminos indicated he had a question. He posed the scenario in which a church would move into the Sunny Glen building, stating that you can’t have a bar within three hundred (300) feet from a church. Mr. Olivo stated that it would only apply if the church was already there. Mr. Comminos said that this was for the sake of conversation. He said he was looking up legal precedence and found the requirement for Harlingen. He referred back to his point about not foresight into planning and asked what would happen if [the bar] is approved and within the year a church moves in. He asked if [the bar] would be covered. He was told yes by Staff. Attorney Sossi stated that [the church] would need to have been there already. Mr. Comminos said that was fine and provided insight that the place right behind GOAT (Girl of All Trades) had technically been a church for a long running period. He said he was just looking at the scope. The Chairman added that it was also about the distance from [the bar] and said that he thought there was a school, that the school district owns, that is outside of [the distance] as well. Mr. Comminos brought up that the “Salon”. He said he didn’t know if it was three hundred (300) feet. Mr. Comminos was told it was [measured] door to door. Mr. Comminos acknowledged this information and said he was just looking. The Chairman told him that this was what they were there for. He said that [the Board] wants to make sure the deliberate and understand it. Mr. Comminos thanked the Board and said he appreciated it.

Cmr. Thomas said she had one (1) more question for the applicant. She said she looked up photos from what they had on Commerce and said she wouldn’t say it matches was she showed them. Ms. Rosas agreed. Cmr. Thomas described that she was elevating. Ms. Rosas said they did more military saying they had their military flags and said that they did what they could with the space. She said it was turnkey and not what they wanted but it was just how they started.

Cmr. Thomas indicated she understood and appreciated her response.

Chairman Consiglio asked Ms. Rosas if they lived in Harlingen. Ms. Rosas said they lived in Lyford. The Chairman then confirmed that this wasn’t her full-time gig. She said it was. The Chairman acknowledged that this was what she did and that it was her full-time job. Cmr. Thomas asked if this was her only business. Ms. Rosas confirmed that.

Ms. Fuqua indicated she had a one (1) other question. The Chairman asked if she would mind approaching the podium. Director Hernandez asked the Chairman to re-open the Public Hearing.

The Public Hearing was opened.

Beth Fuqua

Ms. Fuqua asked about the applicant’s comment about having to fence the back. She said she didn’t understand that and said there was no requirement to fence the back. Ms. Fuqua asked if she was talking about using the back for a patio. Ms. Rosas said she was. Ms. Fuqua acknowledged this information. Ms. Rosas added that this would need to get approved through Downtown. Ms. Fuqua stated that this could potentially be activity in the backyard area. Ms. Rosas indicated this would be for people wanting to go outside and smoke. Ms. Fuqua describes that some of the buildings did not go all the way to the alley. Ms. Rosas said that she had just spoken with Alexis Riojas, Director for the Downtown Improvement District, yesterday, and that they would discuss if this was even possible and that if not, they will give it up.

Ms. Fuqua said that her only other question would be what she was going to do to provide for people smoking. She asked if they were going to go outside, if she was going to have ashtrays out there or build some so that we don't throw cigarette butts. Ms. Rosas responded by saying "of course". Ms. Rosas said they were not there to make a mess. Ms. Fuqua remarked that drinking and smoking go together and said she was concerned. Ms. Rosas confirmed that it would not be allowed to leave the premises with their drink.

Chairman Consiglio asked if there were any other questions or comments and indicated that he would close the Public Hearing again. He said he wanted to make sure everyone spoke.

The Public Hearing was closed.

Chairman Consiglio asked if there was a motion.

Cmr. Thomas indicated she had a question. She asked if anyone was present from Chyann's, which was right next door. The Chairman said he didn't think so. A gentleman from the public stated they owned the building. Cmr. Thomas said that she just wanted to know if they were present. The gentleman asked what she wanted to know. Cmr. Thomas said she was just curious. The man stated that she was supposed to attend. Cmr. Thomas asked if she signed the petition. [Possible] Ms. Sokalosky stated the owner was not at work when she took it by. Cmr. Thomas acknowledged that she hadn't seen it yet. A man's voice was heard in the audience stating that she opposed it, stating that he had talked to her. The Chairman acknowledged the statement. He asked if there were any other questions. Upon hearing and seeing none, he asked if there was a motion.

Cmr. Cantu made the motion to approve. Cmr. Thomas seconded the motion. The Chairman asked if there was any further discussion. The vote was two (2) in favor and (2) against. The Chairman broke the tie. He voted in favor.

Director Hernandez confirmed that the Board was not making any changes to the conditions. Cmr. Cantu confirmed that this will be revisited in a year. Cmr. Thomas said it would come back to them. She was told yes.

Cmr. Peña asked if a whole year had to go by before they could make some changes. He said that the 2:00 a.m. closing time was excessive in his opinion. Cmr. Peña asked if they had to let the year go by. Attorney Sossi said yes. The Chairman confirmed that Cmr. Peña had voted against the item.

Chairman Consiglio asked Cmr. Cantu if she had any consideration on the hours in her motion. Cmr. Cantu said that from what it seems, the type of establishment – the ambience, décor and design that they were going for, it didn't seem to her that the clientele would need to or probably stay there until 2:00 a.m. She said it gives her the vibe of a Cork and Craft. The Chairman acknowledged the Commissioner's response. He said that on other bars that have given them different hours, the Board has guided them to saying you might want to have these hours so that you're not boxed in. He said that was part of the comment and that this is what they were seeing

in the hours. He said she will run her operation and that she may decide to close at midnight because everyone else closes around 11:00 p.m. [and] midnight. The Chairman pointed out some of the locations. He said that maybe organically, she will make that decision. He said that was the business owner's property.

At this point the Chairman acknowledged someone else who wanted to speak. The Chairman said he wanted to give everyone the opportunity.

Jose Medrano

Mr. Medrano introduced himself before the Board, He said his wife is the owner of Fashion Archive Texas. He said he had a quick question. He pointed out that this Saturday is Sundown. He asked if [the Board] had thought about how that will accommodate her. He said that the streets close down until 10 p.m. He said there will be a lot of issues by the time everyone packs up, maybe in an hour and said that afterwards there would be a lot of commotion. He acknowledged that the Board knew he agrees with a lot the folks [present] and acknowledged that they have been there the least time as the owners. He said he has seen a lot of stuff happening with the homeless people and people that are out there. He said that just the other day they were [at the store] until about 1 o'clock in the morning and that a guy pulls [behind] their vehicle out of nowhere to stop behind their vehicle and that he was questioning what was going on. He said there are a lot of kids that go out there at two (2) or three (3) in the morning and that they just stop randomly to take pictures of their vehicles. He said this is what he has seen, acknowledging that the other folk are not out there like he is. He said he just wanted to express more concern.

Chairman Consiglio thanked Mr. Medrano. He referred to the comment about events, and he said that there are others like Cork and Craft that have to deal with that too. He said it might actually hurt her business.

The Chairman regrouped and stated that they had a vote and that it passed three (3) to two (2). He explained that this will go to City Commission and said that will be an opportunity to voice concern there. The Chairman thanked those present. Director Hernandez added that she just wanted to let the public know that Staff would process their petition. The Chairman thanked her and proceeded to the next agenda item.

Prior to the reading of the next agenda item, the Chairman announced that he would be recusing himself. He disclosed that he is a member of the Cameron County Drainage District Number 5 (#5). He stated that he would run the meeting but would not deliberate or talk or discuss anything.

**AGENDA ITEM
EXECUTIVE SUMMARY**

9b

Meeting Date: **August 5, 2026**

Agenda Item:

Public hearing to approve an Ordinance on First Reading for a request to rezone from Not Designated ("N") District to Neighborhood Services ("NS") District for a 0.05-acre tract of land located between Lot 27, Block 2, L and L Subdivision and Lot D, Block 4, Southwest Harlingen Addition Subdivision, located on the west side of K Street, approximately 48 feet north of Filmore Avenue. Applicant: James De Leon

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

Signature: *Ana Hernandez*

Brief Summary:

Project Timeline

- May 27, 2026 – Application for rezoning submitted to the City. **(ATTACHMENT I).**
- June 26, 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.
- June 27, 2026 – In accordance with State and local law, notice of the required public hearings was published in the Valley Morning Star.
- July 14, 2026 - Public hearing and consideration of the requested rezoning by the Planning and Zoning Commission (P&Z).
- August 5, 2026 – Public hearing and consideration of requested rezoning via 1st ordinance reading scheduled before the City Commission.
- August 19, 2026 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- James DeLeon, the applicant and property is requesting to rezone the subject property from Not Designated ("N") District to Neighborhood Services, ("NS") District to allow for additional off-street parking spaces and a detached residential dwelling unit. **(ATTACHMENT II)**
- The subject property is currently vacant. The property has 16.18 feet of frontage on South "K" Street and a depth of 125 feet at its longest point. The said property is combined with a larger lot through the Cameron Appraisal District. Combined with the larger lot to the south of the subject property, the property has 65 feet of frontage on "K" Street and a depth of 130 feet at its longest point. The said larger lot to the south is developed with an existing 1,210 sq. ft. commercial building.
- The surrounding properties are zoned Residential, Single Family ("R-1") to the north and east, and Neighborhood Services ("NS") to the south and west. The surrounding land uses consist of single family residential use to the north and

east, a commercial building to the south and a duplex to the west. **(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 low density residential. Although the request is not consistent with the Future Land Use Plan, it is consistent with the Neighborhood Services ("NS") zoning to the south and west of the subject property. **(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:

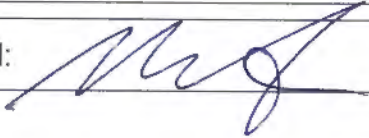
Finance Director's approval: ☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval.

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

Comments:

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

PLANNING AND ZONING COMMISSION
July 14, 2026

ACTION ITEMS/PUBLIC HEARINGS

- 5) Public hearing and take action to consider a request to rezone from Not Designated (“N”) District to Neighborhood Services (“NS”) District for a 0.05-acre tract of land, bearing a legal description of 16.80 foot by 125-foot alley adjacent to Lot D, Block 4, Southwest Harlingen Subdivision. Applicant: James De Leon**

Joel Olivo, Assistant Planning and Development Director. presented the request to rezone as follows:

- The Legal Notice Map for the Subject Property was used to present the item. Mr. Olivo described that as the Board could see, the Subject Property is on the west side of “K” Street, just north of Filmore Avenue.
- An Aerial View of the Subject Property was presented. Mr. Olivo said the property was currently vacant and shared that it was actually right-of-way that the applicant purchased from the City about two (2) years ago.
- The Subject Property has about sixteen (16) feet of frontage on “K” Street and a dept of about one hundred and twenty-five (125) at its longest point.
- The property to the south is actually also owned by the same property owner and its actually combined through the appraisal district under one (1) account. He said that if you combined both properties, there would be frontage of sixty-five (65) feet and depth of about one hundred and thirty (130) feet.
- The property to the south has an existing commercial building that is about twelve hundred (1,200) square feet. Mr. Olivo said it used to be a tortilleria/convenience store.
- Mr. Olivo stated that the applicant would like to add additional parking with this property and possibly a detached residential unit.
- The Survey of the Subject Property was presented. Mr. Olivo reiterated that it was sixteen (16) [feet] by one hundred and twenty-five (125) feet.
- A Street View of the Subject Property was presented. The property – the fenced area- is the portion that he is trying to rezone. This property is also owned by the same property owner, so he is trying to add a little bit more parking and possible a residential unit in the back of the property.
- The Future Land Use Map was shown. The map shows this [area] as low-density residential. Mr. Olivo said that although it was not consistent with the Future Land Use Plan, it is consistent with the Neighborhood Services that you have to the south of it, as well as down to the west of it.
- Staff did notify property owners within a two hundred (200) foot radius. Thirty-four (34) property owners received notification and Staff did not receive any objection.
- Staff is recommending approval of the request and said he would take any questions from the board.

Chairman Consiglio thanked Mr. Olivo and proceeded to ask the first question. He asked if the alley would stay an alley and if the strip would become a parking lot for maybe some intended commercial use on that store. Mr. Olivo said that was correct. The Chairman added that they

would also maybe have a single residential house. Mr. Olivo said yes and said maybe a small apartment in the back of the property. The Chairman acknowledged his response.

Chairman Consiglio asked if all of this falls within the Neighborhood Services Zoning. Mr. Olivo said yes and added that actually to the west, there were duplexes to the west and that to the south you have residential use. The Chairman asked that if he puts residential and there are parking requirements for a commercial property... The Chairman said he wants to make sure the applicant is aware of those things and he doesn't get himself into a pickle. Mr. Olivo acknowledged the Chairman's feedback and said that the applicant does have existing parking on the current vacant commercial building to the west of it and was just trying to add more to the north of it. The Chairman acknowledged this information. He confirmed that street parking didn't count. Mr. Olivo confirmed it didn't.

Chairman Consiglio asked if the applicant was present. He was told no. The Chairman acknowledged the response and proceeded.

The Chairman asked if there were any other questions for Mr. Olivo. He was told no. The Chairman indicated there was a Public Hearing on the item and said he would proceed.

The Public Hearing was opened. He asked if there was anyone that would like to speak on this item, for or against, asking that they please approach the podium and state a name and address for the record. The Chairman stated that this was the Public Hearing for Item Number Five (#5), having to do with a rezone. Upon hearing and seeing none, he closed the Public Hearing.

Chairman Consiglio asked if there was a motion. Cmr. Thomas made the motion to approve. Cmr. Peña seconded the motion. The Chairman asked if there was any further discussion and upon hearing and seeing none, moved the motion to a vote. The motion passed unanimously.

**AGENDA ITEM
EXECUTIVE SUMMARY**

9c

Meeting Date: **August 5, 2026**

Agenda Item:

Public hearing to approve an ordinance on first reading for a request to rezone from Residential, Single Family ("R-1") District to Planned Development ("PD") District to allow for a Residential, Single-Family development with smaller lot sizes for a 5.06-acre tract of land, more or less, out of Block 16, Survey 42, Stuart Place Subdivision located west of Paloma Lane, approximately 1,069.84 feet south of U.S. Business 83. Applicant: M2 Engineering c/o Mobeen Ahmed

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

Signature: *Ana Hernandez*

Brief Summary:

Project Timeline

- May 11, 2026 – Application for a rezoning submitted to the City. **(ATTACHMENT I)**
- May 28, 2026- Drainage report approved by the Engineering Department.
- June 26, 2026- In accordance with State and local law, notice of required public hearings mailed to all property owners within 200 feet of subject tract.
- June 27, 2026 – In accordance with State 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.
- July 14, 2026- Public hearing and consideration of requested rezoning by the Planning and Zoning Commission (P&Z).
- August 5, 2026– Public hearing and consideration of requested rezoning via 1st ordinance reading scheduled before the City Commission.
- August 19, 2026 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- M2 Engineering, PLLC, on behalf of Elite Properties 5, LLC (Mobeen Ahmed), is requesting to rezone the subject property from the Residential Single-Family ("R-1") District to a Planned Development ("PD") District to allow the development of a single-family residential subdivision with reduced lot sizes. **(ATTACHMENT III)**.
- The subject property is currently vacant and the property is being subdivided under the name of Gems Village Subdivision. It has approximately 315.00 feet of frontage along Paloma Lane and a maximum depth of 700.10 feet. Paloma Lane is currently a two-lane paved street without curb and gutter. **(ATTACHMENT III)**
- According to the Planned Development (PD) site plan, the developer is proposing a 26-lot single-family residential subdivision featuring reduced lot sizes to accommodate drainage requirements. The development will include a 60-foot-wide public right-of-way with a 37-foot-wide paved streets with curb and gutter. All residential lots will front an interior public street.
- The proposed lot sizes range from 4,424 square feet to 6,888.75 square feet. The

development will provide minimum building setbacks of 20 feet from the front property line, 5 feet from interior side property lines, 10 feet from corner side property lines, and 10 feet from the rear property line **(ATTACHMENT IV)**.

- The surrounding properties are zoned General Retail ("GR") District to the north and west, Residential, Single-Family ("R-1") District to the south and east, and Residential, Multi-Family ("M-2") District to the east. Surrounding land uses include vacant land to the south, single-family residences to the east, a wellness spa to the north, and vacant commercial property to the west. **(ATTACHMENT VI)**.
- The Planned Development request was reviewed by the Engineering Department, the Fire Marshal's Office (Fire Department), and the Building Inspections Division. If the Planned Development request is approved, the Building Inspections Division will require construction plans prepared in accordance with the 2024 IBC (International Building Code) Family of Codes once home construction begins. The Fire Marshal's Office (Fire Department) recommends approval of the Planned Development request, subject to the applicant's compliance with all applicable codes, regulations, ordinances, and standards required through the subdivision and/or construction permitting processes. The Engineering Department recommends approval of the proposed Planned Development request, subject to the conditions outlined herein. **(ATTACHMENT VII - IX)**
- The Future Land Use Plan (FLUP) component of the Harlingen Horizon – A City on the Rise Comprehensive Plan designates the subject property as Low Density Residential. The proposed Planned Development is consistent with the Future Land Use Plan designation and is compatible with the existing land uses to the south and east. **(ATTACHMENT X)**.
- To date, one inquiry has been received regarding the request; however, no opposition has been received from surrounding property owners. Staff mailed thirteen notices to surrounding property owners.

Funding (if applicable):

Are funds specifically designated in the current budget for the full amount for this purpose?

☐ Yes ☐ No*

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

Finance Director's approval:

☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval of the request.

City Manager's approval:

MB

☐ Yes

☐ No

☒ N/A

Comments:

City Attorney's approval:

[Signature]

☒ Yes

☐ No

☐ N/A

PLANNING AND ZONING COMMISSION

July 14, 2026

ACTION ITEMS/PUBLIC HEARINGS

- 6) [Public Hearing and take action to consider a] request to rezone from Residential, Single Family (“R-1”) District to Planned Development (“PD”) District to allow for a Residential, Single-Family development with smaller lot sizes for a 5.06-acre tract of land, more or less, out of Block 16, Survey 42, Stuart Place Subdivision located on the west side of Paloma Lane, approximately 1,069.84 feet south of U.S. Business 83. Applicant: M2 Engineering c/o Mobeen Ahmed**

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

- The Legal Notice Map for the Subject Property was used to present the item.
- The Developer is proposing to build a twenty-six (26) lot single-family residential subdivision. The request for the Planned Development is because he is requesting smaller lot sizes to accommodate the required drainage requirements.
- The property is being subdivided under the name of Gems Village Subdivision.
- The Subject Property is currently vacant as seen in the Aerial presented.
- The Subject Property has approximately three hundred and fifteen (315) feet of frontage along Paloma Lane and a maximum depth of seven hundred point ten (700.10) feet.
- Paloma Lane is currently a two (2) lane paved street without curb and gutter.
- Surrounding land uses include a commercial property to the west, a wellness spa to the north, single-family homes to the east and to the south is vacant land.
- The developer is currently subdividing the property. He is proposing a twenty-six (26) lot subdivision. Some of the lots are smaller than the six thousand (6,000) square foot required lots and this is to accommodate the sixty (60) foot right-of-way.
- Ms. Núñez identified a drainage easement where the Developer will need to put in a detention pond to accommodate drainage to comply with the fifty (50) year storm requirement.
- Ms. Núñez pointed out that he is proposing the sixty (60) foot right-of-way and thirty-seven (37) foot wide paved streets and that he was not reducing the right-of-way in that aspect. She said he was just having to accommodate the lot sizes.
- The lot sizes range in size from four thousand four hundred and twenty-four (4,424) square feet to six thousand, eight hundred and eighty point seventy-five (6,880.75) square feet and then the development is proposing the regular setbacks [of] twenty (20) feet in the front, ten (10) feet in the rear, five (5) feet on the sides, and ten (10) feet on the corner sides.
- The Engineering Department. All recommended approval subject to the developer complying with all the requirements from the different City departments.
- A Street View from Paloma Lane was presented. Ms. Núñez again pointed out that the Subject Property was currently vacant.
- The Future Land Use Map shows this property as low-density residential and is in line with the Future Land Use Plan.
- Staff is recommending approval of [the request to rezone to] Planned Development.

Chairman Consiglio thanked Ms. Núñez. He confirmed that these would be smaller lots but that the street would remain standard. Ms. Núñez said this was correct. He remarked that it wouldn't be narrow lots and narrow streets. Ms. Núñez said that was correct and said that the only reason for the narrow lots was to accommodate the regular size streets and the drainage requirements.

Chairman Consiglio asked if he was paying Park Fees as well. Ms. Núñez said this was correct. She said the Developer would be paying Parking Fees once the Subdivision receives approval. She said the Board would be seeing [the subdivision] before them as well. The Chairman thanked Ms. Núñez for this information. He noted that the item was simply about rezoning at this time.

Chairman Consiglio asked if there were any more questions for Ms. Núñez. Upon hearing and seeing none, he indicated the item had a Public Hearing and indicated he would proceed.

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

Chairman Consiglio asked if there was a motion. Cmr. Cantu made the motion to approve. Cmr. Flores seconded the motion. The Chairman asked if there was any further discussion and upon seeing and hearing none, moved the motion to a vote. The motion passed unanimously.

**AGENDA ITEM
EXECUTIVE SUMMARY**

9d

Meeting Date: **August 5, 2026**

Agenda Item:

Public hearing for a request for the voluntary annexation of 35.32 acres, more or less, tract of land situated in and being 7.40 acres of land out of Block 39, 8.08 acres of land out of Block 52, 17.68 acres of land out of Block 53, 1.45 acres of land out of Block 54, 0.39 acres of land out of Block 55, 0.171 acres of Montezuma Road right-of-way and 0.170 acres of Breedlove Road right-of-way, all of the David and Stephenson Subdivision and request for the voluntary annexation and establishment of initial zoning as Residential, Multi-Family ("M-2) District upon annexation for approximately 3.536 acres, more or less, being and part of a 25.24-acre tract located in Block 53, David and Stephenson Subdivision, said 3.56 acres being 2.912 acres of said Block 53 and 0.624 acres of existing Montezuma Road right-of-way lying south of and adjacent to said 2.912 acres, located on Montezuma Road approximately 684 feet west of Briggs Coleman Road. Applicants: Cameron County Drainage District #5 and Luis H. Villarreal

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

Signature: *Ana Hernandez*

Brief Summary:

Project Timeline

- April 21, 2026 – Application for annexation of Cameron County Drainage District No. 5 property submitted to the City. Application deemed incomplete pending submittal of survey and metes and bounds description. **(ATTACHMENT I-III)**
- June 9, 2026– Application for annexation and establishment of zoning for Luis Villarreal property submitted to the City. Application deemed incomplete pending submittal of survey and metes and bounds description. **(ATTACHMENT IV-VI)**
- June 23, 2026 – Metes and bounds description and survey for the Luis Villarreal property submitted to the City. Application deemed complete.
- June 26, 2026 – In accordance with State and local law, notice of required public hearings mailed to property owners within 200 feet of subject tract.
- June 27, 2026 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- June 29, 2026 – Metes and bounds description and survey for the Cameron County Drainage District No. 5 property submitted to the City. Application deemed complete.
- July 10, 2026 – Posting of the public notice on the city's website.
- July 14, 2026 – Public hearing to recommend the annexation and the rezoning by the Planning and Zoning Commission.
- August 5, 2026 – Public hearing and consideration of annexation and rezoning by the City Commission via First Ordinance Reading.
- August 19, 2026 – Public hearing and consideration of annexation ordinance by the City Commission via Second and final reading.

Summary

- Luis Villarreal, the property owner, has requested the voluntary annexation of 3.536 acres of land, and Cameron County Drainage District No. 5, the property owner, has requested the voluntary annexation of 35.32 acres of land. The subject properties are contiguous to the City limits via the current boundary line located 300 ft. north of the right-of-way line on Loop 499 between Breedlove and Briggs Coleman Roads. **(Attachment I-VI)**
- Pursuant to Section 43.106 of the Texas Local Government Code, the entire width of a county road fronting the subject property must also be included in the annexation request if the road is owned or maintained by county. According to the Cameron County road inventory file, Breedlove and Montezuma Road located along the subject properties are currently maintained by the County. Therefore, the subject roads right-of-way are included in the annexation request.
- The subject 3.536 acres of land is currently vacant and unsubdivided. The property has 603 feet of frontage on Montezuma Road and depth of 255 feet at its longest point. The property owner is proposing to subdivide the property into an eight lot multi-family subdivision under the name of Herbey Subdivision. The requested annexation for the 35.32 acres of land which consists of the 3rd Street drain and the associated detention pond will facilitate the annexation of the proposed Herbey Subdivision with the required drainage improvements. **(ATTACHMENT II-VIII)**
- Water services for this property will be provided by East Rio Hondo Water Supply Corporation. Sewer services will be provided by Harlingen Waterworks System.
- Upon annexation, the said 3.536 acres of land will be zoned to Residential, Multi-Family ("M-2") District. The property owner is proposing to develop the subject property with two duplexes on each of the above-described lots. **(ATTACHMENT IX)**
- 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 requested initial zoning is not consistent with the Future Land Use Plan, it is consistent with the multi-family land use to the south and southwest of the subject property. **(ATTACHMENT X)**
- To the present, staff has not received any calls in objection to the requested annexation and establishment of initial zoning.
- The subject annexation will require three public hearings and two readings of the ordinance. The above timeline delineates the annexation and rezoning process.
- In 2026 the city has annexed 43.1550 acres of land thus far. In 2025 the city annexed a total of 585.37 acres. In 2024 the city annexed a total of 103.94 acres. In 2023, the city annexed 19.94 acres. In 2022, the city annexed 71.1 acres. In 2021, the city annexed 1.47 acres.

Funding (if applicable):

Are funds specifically designated in the current budget for the full ☐ 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 annexation and initial zoning request.

City Manager's approval: *6/6* ☐ Yes ☐ No ☒ N/A

Comments:

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

PLANNING AND ZONING COMMISSION

July 14, 2026

ACTION ITEMS/PUBLIC HEARINGS

- 8) [Public Hearing and take action to consider a request for the voluntary annexation of 35.32 acres, more or less, tract of land situated in and being 7.40 acres of land out of Block 39, 8.08 acres of land out of Block 52, 17.68 acres of land out of Block 53, 1.45 acres of land out of Block 54, 0.39 acres of land out of Block 55, 0.171 acres of Montezuma Road right-of-way and 0.170 acres of Breedlove Road right-of-way, all of the David and Stephenson Subdivision and request for the voluntary annexation and establishment of initial zoning as Residential, Multi-Family ("M-2) District upon annexation for approximately 3.536 acres, more or less, being and part of a 25.24-acre tract located in Block 53, David and Stephenson Subdivision, said 3.56 acres being 2.912 acres of said Block 53 and 0.624 acres of existing Montezuma Road right-of-way lying south of and adjacent to said 2.912 acres, located on Montezuma Road approximately 684 feet west of Briggs Coleman Road. Applicants: Cameron County Drainage District #5 and Luis Villarreal

Joel Olivo, Assistant Planning and Development Director. presented the request for voluntary annexation as follows:

- The Legal Notice Map for the Subject Properties was presented. Mr. Olivo described the Subject Area as being just right north of Montezuma Road and that it was contiguous to the City boundaries via the current boundary line, which is actually three hundred (300) feet north of the right-of-way line along Loop 499, just between Briggs-Coleman Road and Breedlove Road.
- An Aerial View of the Subject Properties was presented. Mr. Olivo identified that the area in green is owned by Mr. Villarreal and that he is proposing to subdivide this property into an eight (8) lot multi-family subdivision. Mr. Olivo stated that the property highlighted in yellow is owned by Drainage District Number (#5).
- A Survey of the Subject Property from Drainage District Number (#5) was presented.
- A Survey of the property of the property owned by Mr. Villarreal was presented. The property has six hundred (600) feet of frontage on Montezuma Road and a depth of about two hundred and ten (210) feet.
- A Street View of the Subject Properties was presented. Mr. Olivo noted that it was currently vacant. He specified the property owned by Mr. Villarreal.
- Mr. Olivo stated that upon annexation the property would be zoned to a Multi-Family (M 2) Zoning District which is not consistent with the Future Land Use Plan. It is [however] consistent with the multi-family land use to the south of this property as well as to the west of this property.
- Mr. Olivo reported that Staff did notify the property owners that were inside the city limits. He stated that Staff did not receive any objections.
- Staff is recommending approval of the request.
- Mr. Olivo identified that the applicant was also present.

Chairman Consiglio thanked Mr. Olivo and proceeded to the Public Hearing.

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

Chairman Consiglio asked if there were any questions for Staff and/or the applicant. Upon hearing and seeing none, he asked if there was a motion. Cmr. Peña made the motion to approve. Cmr. Cantu seconded the motion. The Chairman asked if there was any further discussion and upon hearing none, move the motion to a vote. The motion passed by an affirmative vote of four (4), with the Chairman abstaining from the vote.

**AGENDA ITEM
EXECUTIVE SUMMARY**

9e

Meeting Date: **August 5, 2026**

Agenda Item:

Public hearing on an ordinance of the City Commission of the City of Harlingen, Texas, amending Chapter 105, "Flood Damage Prevention", of the Code of Ordinances; amending definitions; updating flood hazard data and floodplain management standards; clarifying the authority, duties, and administration of floodplain regulations; revising floodplain development permit, review, and variance procedures; establishing compensatory storage requirements and no-adverse-impact floodplain management standards; revising flood hazard reduction requirements for residential, nonresidential, critical facility, manufactured home, recreational vehicle, and subdivision development; establishing additional elevation, foundation, floodproofing, and floodplain encroachment standards, establishing additional regulations for development within flood hazard areas; providing for severability; providing for codification; providing for conflicts; and providing an effective date. Applicant: City of Harlingen.

Attachment *(Planning & Development)*

Prepared By:

Brief Summary:

Funding (if applicable):

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

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

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

Staff Recommendation:

City Manager approval:

176

Comments:

City Attorney's approval:

[Signature]

PLANNING AND ZONING COMMISSION
July 28, 2026

ACTION ITEMS/PUBLIC HEARINGS

- 5) Public hearing and take action to consider an ordinance of the City Commission of the City of Harlingen, Texas, amending Chapter 105, "Flood Damage Prevention", of the Code of Ordinances; amending definitions; updating flood hazard data and floodplain management standards; clarifying the authority, duties, and administration of floodplain regulations; revising floodplain development permit, review, and variance procedures; establishing compensatory storage requirements and no-adverse-impact floodplain management standards; revising flood hazard reduction requirements for residential, nonresidential, critical facility, manufactured home, recreational vehicle, and subdivision development; establishing additional elevation, foundation, floodproofing, and floodplain encroachment standards, establishing additional regulations for development within flood hazard areas; providing for severability; providing for codification; providing for conflicts; and providing an effective date. Applicant: City of Harlingen**

Cmr. Cruz-Velázquez stated that this item had been tables at the last meeting from July 14. She asked for a motion from her colleagues to untable [the item]. Cmr. Thomas made the motion to un-table. Cmr. Peña seconded the motion. The motion to un-table was taken to a vote and approved. Cmr. Cruz-Velázquez proceeded read the item.

Cmr. Cruz-Velázquez again stated that this item had been tabled at the July 14th meeting. She stated that she could go directly to ask for a motion at this point, unless there were any questions.

Cmr. Flores indicated he had a question – a bunch of them actually. The Commissioner asked what was wrong for what was now in the Ordinance, that give the City problems. Director Hernandez told him that she couldn't speak to the specific issues that may be problematic. She said that as far as language, she noted that the Assistant City Engineer was present who could provide additional or specific examples, if any. Director Hernandez stated that the purpose of [the amendment] was not necessarily to fix something that was broken. She said it was done to improve [it] and make sure it aligned between the zoning and flood prevention as part of the resiliency requirements by the GLO (General Land Office) Grant that the City obtained. The Director shared that the grant actually covered the cost of the Comprehensive Plan. She said that in addition to that, as part of the scope, was to look at the Flood Prevention Ordinance and the Zoning Ordinance. Director Hernandez deferred to the Assistant City Engineer, asking her if she wanted to speak. Ms. Nadia Lopez indicated that she did not have anything to add; that there were no major items.

For context, Director Hernandez shared that the Flood Prevention Ordinance had been recently revised. She said that at the time, probably about two (2) or three (3) years ago, it was still the other city engineer. Director Hernandez said that while he was still on board they hired or

engaged the services from some non-profit, which was their expertise. She said she was pretty sure this was the reason why, when they did this review, it did not elicit that many changes.

Cmr. Flores recalled that the way it was done back in the day, if there was no curb and gutter, they needed to supply the City with an elevation certificate from a registered engineer. He said that if there was no curb and gutter, they had to go to the crown of the street and shoot an elevation all the way across to where the property is going to start being built. He explained that the reason they asked for that, saying that a lot of these houses that have been here forever like the Downtown Original Townsite Subdivision, all of them are below the street. He asked what we do with them. He said they were under the requirement of the eighteen (18) inches, and now twenty-four (24). Director Hernandez said that regardless of the location within the city, if new development comes through, they need to follow these standards and even for downtown properties or properties in townsite. Cmr. Flores said that all these properties were already filled there. Cmr. Thomas said that they met the standards at the time. Director Hernandez indicated that was correct and said that anything new coming in or any re-development will need to meet the new standards. Cmr. Flores asked if they could just get an elevation certificate to present. He acknowledged that it will cost money but he said it was their choice if they wanted to pay for that. Director Hernandez said it was not only about the cost but also safety because a lot of the areas in the original townsite are actually flood-prone. She said that she thought that following the new standard will benefit them by not flooding anymore. Cmr. Flores used his house on Taft as an example. He said that when the flood happened last April or March, there were like fifteen (15) cars floating in water and going up to the top of their yards. He shared that his house sits high by design, saying that that they had improved the drainage as well. He said that this was just something that needs to be looked at too because as homeowners, they pay taxes. He asked that if they had to elevate their houses, who would help them pay for that. He said that this is what he was getting to, about existing houses. Cmr. Thomas responded that she didn't think there was anything they could do about that. Cmr. Flores said that this is why they have insurance. Cmr. Cruz-Velázquez said that was correct.

Director Hernandez summarized for Cmr. Cruz-Velázquez who was not present for the last meeting, that there was a presentation by the Freese and Nichols consultant. She said that a very brief summary was included in the [meeting] packet summarizing the changes. She said that she hoped the Board had a chance to look at that. She reiterated that none of the changes were major such as changes to the development standards or anything like that. She said that if anything, it was clearing the language and things like that. Director Hernandez stated that Staff was recommending approval. Cmr. Thomas added that it was a lot of grammar and stuff like that, spelling, among other things and made the motion to approve. Cmr. Peña seconded the motion. The motion was moved to a vote. The motion passed by a vote of two (2) affirmative vote and one (1) vote against.

**AGENDA ITEM
EXECUTIVE SUMMARY**

9f

Meeting Date: **August 5, 2026**

Agenda Item:

Public hearing to approve an ordinance on first reading for a request for a Special Use Permit (SUP) to allow a storage container in a General Retail ("GR") District located at 602 and 606 W. Van Buren Avenue, bearing a legal description of Lots 13 through 16, Block 64, Harlingen Original Townsite Subdivision. Applicant: Javier Rodriguez c/o Logos Community Church.

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

Signature: *Ana Hernandez*

Brief Summary:

Project Timeline

- May 21, 2026 – Application for Special Use Permit (SUP) submitted to the City. **(ATTACHMENT I)**
- July 17, 2026 – In accordance with State and local law, notice of required public hearings mailed to all property owners within 200 feet of subject tract.
- July 18, 2026 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- July 28, 2026– Public hearing and consideration of requested Special Use Permit by the Planning and Zoning Commission.
- August 5, 2026 – Public hearing and consideration of requested Special Use Permit via 1st ordinance reading scheduled before the City Commission.
- August 19, 2026 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- Per the Code of Ordinances, a storage container in a General Retail ("GR") District requires the approval by the City Commission.
- The applicant is requesting a Special Use Permit to allow a storage container on the subject property to store tables, chairs, and flood prevention equipment. **(ATTACHMENT II)**
- There is an existing 13,000 sq. ft. commercial building on the property. The east part of the building comprises church office and classroom space. The west part of the building is the church service location. The four Lots that comprise the subject property have 100 feet of frontage along W. Van Buren Avenue and a depth of 140 feet for a total area of 14,000 sq. ft. **(ATTACHMENT III-VI)**
- According to the site plan submitted, the applicant is proposing a 20 ft. long x 8 ft. wide x 8 ft. height storage container to be located on the northwest corner of the property. **(ATTACHMENT II,VI)**
- Surrounding properties are zoned General Retail ("GR") District in all directions. **(ATTACHMENT III)**. Surrounding land uses consist of a parking lot to the north, vacant buildings to the east and south, Gutierrez Park to the southeast, Magic Valley Motors to the southwest, and World Impact Now N2NCU to the west. **(ATTACHMENT VII)**

- The Building Inspections Department, and the Fire Prevention Bureau have reviewed the application and have reported no objection to the requested Special Use Permit subject to complying with all applicable codes and regulations. **(ATTACHMENT VIII and IX)**
- In accordance with the Zoning Chapter of the Code of Ordinances, the P&Z Commission and City Commission may impose requirements and conditions of approval as are needed to ensure that a use requested by a SUP is compatible and complementary to adjacent properties.
- To present, the Planning and Development Department has not received any calls in opposition to the requested special use permit.

Funding (if applicable):

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

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

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

Staff Recommendation:

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

1. The Special Use Permit will be limited to ninety days;
2. The container must be located in the rear of the property and screened from public view; and
3. Complying with the requirements administered by Planning and Zoning, Building Inspections, and Fire Prevention Departments.

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

Comments:

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

PLANNING AND ZONING COMMISSION
July 28, 2026

ACTION ITEMS/PUBLIC HEARINGS

- 3) Public hearing and take action to consider a request for a Special Use Permit (SUP) to allow a storage container in a General Retail ("GR") District located at 602 and 606 W. Van Buren Avenue, bearing a legal description of Lots 13 through 16, Block 64, Harlingen Original Townsite Subdivision. Applicant: Javier Rodriguez c/o Logos Community Church**

City Planner Rodrigo Sanchez presented the request for a Special Use Permit (SUP) as follows:

- The Legal Notice Map for the Subject Property was used to present the item.
- Mr. Sanchez noted the timeline for the processing of the application as well as the requirements for approval of the SUP.
- Mr. Sanchez reported that the storage container is in a General Retail (GR) District, as seen on the map.
- The applicant requested the SUP to allow the storage container on the property to store tables, chairs, and other "flood prevention equipment" that belongs to and is used by the Logo Community Church.
- According to the Cameron County Appraisal District page, there is an existing thirteen thousand (13,000) square foot building on the four (4) properties now. The east part of the building is used as the church office and classroom space; the west part of the building is where they hold the worship services.
- There are four (4) lots that make up this property and together they have one hundred (100) feet of frontage along west Van Buren Avenue and a depth of these properties is one hundred and forty (140) feet so the total area is fourteen thousand (14,000) square feet.
- According to the Site Plan that was submitted by the applicant, they are proposing a twenty (20) foot by eight (8) foot wide container to be located at the northwest corner of this property.
- Mr. Sanchez identified that as seen on the site plan, there is a recess in the configuration of the building. Nestled in that space is the storage container.
- Surrounding Properties include a parking lot to the north which is used for their church operations. Other buildings to the east and south are vacant buildings. Gutierrez Park is located to the southeast; Magic Valley Motors is to the southwest and then right next door there's another ministry that is called the World Impact Now N2NCU (Nation-2-Nation Christian University) that is adjacent to the West.
- Mr. Sanchez identified that the storage container, as seen on the site plan, is basically surrounded by buildings and that it did not have a lot of visibility. One of the requirements for these types of containers is that they be screened. Staff feels that it is adequately screened by the buildings themselves. He said that if you look from Jackson to the South, there is a vacant building along Jackson and then the [Subject] Property. He reiterated that it did not have a lot of visibility.
- The Fire Department and the Building Inspections Division reviewed this application and reported no objections to the issuance of the Special Use Permit.

- Mr. Sanchez identified that the Planning and Zoning Commission and the City Commission may impose requirements and conditions that they feel are warranted in order to ensure that they use that is being requested by the Special Use Permit it compatible and complementary to adjacent properties.
- Staff has not received any calls in opposition to this request to date. Mr. Sanchez stated he didn't think Staff got any calls at all.
- Staff recommends approval of this Special Use permit request subject to complying with the following conditions seen on the screen. The Special Use Permit, if approved, will be limited to ninety (90) days. The container must be located at the rear of the property, and it must be screened from public view. Mr. Sanchez repeated that Staff felt it was sufficiently screened from Public View by buildings, as discussed.
- Mr. Sanchez added that [the applicant] must comply with the requirements administered by Planning and Zoning Division, the Building Inspections Division, and the Fire Prevention Department.
- Staff recommends approval.
- Mr. Sanchez stated that the applicant was not able to attend today's meeting, sharing that the Church was holding a special conference.

Cmr. Cruz-Velázquez thanked Mr. Sanchez. She asked the Board if they had any questions for Staff.

Cmr. Thomas stated that there was already an existing storage building. Mr. Sanchez clarified that they were requesting [the SUP} for the container; that was already there. Director Hernandez prompted Mr. Sanchez to share background information about the item.

Mr. Sanchez explained that there was an initiative on the part of Code Enforcement to visit locations that have existing containers to try to bring them into compliance. He said that this was one (1) of the reasons why [the item] was before them. He said that was the goal.

Cmr. Flores asked why only ninety (90) days. Cmr. Cruz-Velázquez indicated her agreement to this question. Mr. Sanchez said that he thought this was a limit. He said that those containers were not wanted to be there all the time. He said that their main intention is to be used on a temporary basis [for] people moving in and out. He said that at this point in time, this has been the policy of the City to limit the time.

Cmr. Thomas noted that in the letter submitted by the applicant, he is asking for the permit until they can find a permanent solution. She said that she supposed that because he got a citation or whatever from Code Enforcement, he was doing it the right way but needed some time to figure something else.

Cmr. Flores stated that he liked the idea of them using a unit like that for storage. He said that he would have something to say if it was in a storage portable building like a storage shed but that it being in a container like that, he said he had less concern. He said that they wouldn't have to leave it there for ninety (90) days and that they could just leave it there until they got out. He said this was his opinion.

Cmr. Cruz-Velázquez stated that he had a good point. She asked if there was a reason for the ninety (90) days. She said that she missed that if it was explained. Mr. Sanchez said he thought the idea of those containers was to allow them on a limited time basis. Cmr. Cruz-Velázquez acknowledged that it was not permanent. He said that usually it was because people use them when they are moving in or moving out and they store their supplies there. He said that he thought this was the main idea behind that. Mr. Sanchez said that he believed and that the Planning and Development Director could elaborate, that some of the proposed changes in the ordinance may allow one (1) container in on an indefinite basis to be used for such an operation. Director Hernandez said that as far as the ninety (90) days, that this was just how the ordinance was written. She provided insight sharing that a couple of years ago, and maybe even a decade ago, there was the issue of having containers at the Stripes and Walmart, etc. She said this was a big issue and so this was what was done to correct that. She said that with the proposed changes to the Zoning Ordinance that were brought before the Board, this was one (1) of those areas that maybe some commercial areas do get to have one (1) of those on a permanent basis, as long as it is in the rear, that it is properly screened and that it is not an eyesore. She said that this was what our City Planner Mr. Sanchez was alluding to.

Cmr. Fores said that the only other thing he would like to mention is that since it is made out of metal, and he didn't see any anchors to it, if we get a flood, he said that three (3) inches of water can lift a car off the pavement. He asked if we could imagine something that small. He said it will be floating out of there and going somewhere else. He said they didn't have to but that it would be a good idea to anchor it.

Cmr. Peña said that he read on the application that that they themselves were saying this was temporary and that they were looking for something else. Cmr. Cruz-Velázquez said it might take more than three (3) months. Cmr. Peña agreed and said that this was going to be his question. He asked if [the applicant] felt confident that they can do it within the ninety (90) days? Mr. Sanchez said yes and explained that that Staff takes applicants at their word. He said that [the applicant] did feel like this would allow them enough time to find a different location. He said that he did believe they were being sincere. Cmr. Peña said he agreed with Mr. Sanchez but asked, if the ninety (90) days pass, and [the applicant] has not found a place, he asked if he would have to come back and reapply. Director Hernandez said no and said that after the ninety (90) days – and that this would be one (1) of the issues with... Cmr. Cruz-Velázquez said they would be non-compliant. Director Hernandez agreed and said they would need to remove it immediately. She said that this went back to adding flexibility with the proposed changes. Mr. Olivo added that applicants could only apply for this once per year. Cmr. Cruz-Velázquez acknowledged the information.

Cmr. Cruz-Velázquez indicated that the item required a Public Hearing. The Public Hearing was opened. She asked if there was anyone present that would like to speak in favor or against this item, to please come to the podium now. Upon seeing and hearing none, the Public Hearing was closed.

Cmr. Cruz-Velázquez asked if the Board can add [conditions] or take out the ninety (90) days if they... Director Hernandez said that they can add as many conditions but not remove the ninety (90) days because that was by Ordinance.

Cmr. Cruz-Velázquez asked if there was a motion for this item. Cmr. Thomas made the motion to approve. Cmr. Flores seconded the motion. The motion was moved to a vote. The motion was passed [unanimously].

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**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **August 5, 2026**

Agenda Item:

Public hearing to approve an Ordinance on First Reading for a request for a Special Use Permit (SUP) to allow a food truck park in a General Retail ("GR") District, located at 215 E. Monroe Avenue, bearing a legal description of Lot 9, Block 35, Harlingen Original Townsite Subdivision. Applicant: Candid Montiel

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

Signature: *Ana Hernandez*

Brief Summary:

Project Timeline

- June 1, 2026 – Application for Special Use Permit (SUP) submitted to the City. **(ATTACHMENT I)**
- July 16, 2026 – In accordance with State and local law, notice of required public hearings mailed to all property owners within 1000 feet of subject tract.
- July 18, 2026 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- July 28, 2026 - Public hearing and consideration of requested Special use permit by the Planning and Zoning Commission (P&Z).
- August 5, 2026 – Public hearing and consideration of requested SUP via 1st ordinance reading scheduled before the City Commission.
- August 19, 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 General Retail ("GR") District requires the approval of a Special Use Permit (SUP) by the City Commission.
- Candid Montiel, the applicant, is requesting a special use permit to allow a Food Truck Park with a maximum of 6 food trucks to be located at 215 E. Monroe Avenue. **(ATTACHMENTS II AND III).**
- There is an existing 4,200 square foot carport on the property. The subject property has 50.00 feet of frontage on East Monroe Avenue and a depth of 140.00 feet 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 underneath the existing carport. The proposed days and hours of operation are every day from 6am – 2am. The applicant proposes to lease a total of six food truck spaces, with three spaces located on the west side of the property and three spaces located on the east side. Additionally, the applicant is proposing a centralized dining area between the food truck spaces, which will include tables and chairs for customer seating. A total of 29 parking spaces are required for the proposed development. Eight on-

street parking spaces are provided along East Monroe Avenue. The rest of the required parking will be accommodated through shared parking agreements with surrounding property owners. **(ATTACHMENT V)**

- Adjacent zoning is General Retail ("GR") District in all directions. Surrounding land uses include the Bushcreek Pain Management Center to the west; retail businesses, a barbershop, the RGV Chapter of IEC, and the Eric Flores campaign office to the east; a parking lot serving the Harlingen Housing Authority and vacant property to the south; and the Girl Scouts of Greater South Texas, vacant lots, and apartments to the north. **(ATTACHMENT VI)**
- The City of Harlingen Building Inspections Division, Fire Prevention Bureau, Downtown District, Health, and Police Departments reviewed the Special Use Permit application. These departments indicated no objection to the proposed request, subject to the applicant submitting a complete set of construction plans for review and compliance with all applicable City of Harlingen and State of Texas codes and ordinances. **(ATTACHMENTS VII-XI)**
- 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 Mixed Use. **(ATTACHMENT XII)**
- 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 Saturday 6am – 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, Downtown District, Health, and Police Departments.

City Manager's approval:

GH

☐

Yes

☐

No

☒

N/A

Comments:

City Attorney's approval:



☒

Yes

☐

No

☐

N/A

PLANNING AND ZONING COMMISSION
July 28, 2026

ACTION ITEMS/PUBLIC HEARINGS

- 4) Public hearing and take action to consider a request for a Special Use Permit (SUP) to allow a food truck park in a General Retail (“GR”) District, located at 215 E. Monroe Avenue, bearing a legal description of Lot 9, Block 35, Harlingen Original Townsite Subdivision. Applicant: Candid Montiel**

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

- The Legal Notice Map for the Subject Property was used to present the item. Ms. Núñez noted that the location was where the old VTC (Valley Transit Company) Bus Station used to be located.
- Ms. Núñez stated that the applicant was proposing six (6) food trucks at any given time.
- The applicant is proposing to be open, not the entire time, but from 6:00 AM to 2:00 AM. Ms. Núñez shared that [the applicant] put those hours of operation to give herself flexibility and said that she will more than likely cut off at midnight if approved. Again, Ms. Núñez stated that this gave added flexibility, maybe when there are events Downtown or on the weekends, things of that sort.
- The Site Plan provided by the applicant was presented and was also included in the meeting packet. It shows three (3) food truck on the west side, three (3) on the east side and then a dining common area in the middle.
- The applicant will be required twenty-nine (29) parking spaces. There are eight (8) parking spaces along Monroe Avenue. Ms. Núñez stated that the applicant is speaking to some of the adjacent property owners. Ms. Núñez provided the example that to the south side, there is a public garage right there.
- Adjacent zoning is General Retail (GR) in all directions. Bush Creek Pain Management Center is to the west, retail businesses and a barber shop, the RGV Chapter of IEC and the Eric Flores Campaign to the east, a parking lot that belongs to the Harlingen Housing Authority and vacant property to the south, and then the Girl Scouts, vacant lots and apartments to the north.
- A Street Vior of the property was presented. The is currently an existing four thousand, two hundred (4,200) square foot carport.
- The Future Land Use Map shows this area as mixed-use [and] so it does fall in line with the Future Land Use Plan.
- Staff has not received any calls regarding this notice.
- [The request] was reviewed by the Health Department, the Downtown District, the Building Inspections Division, and Fire Prevention Bureau, as well as the Police Department. All of them did recommend approval of the request subject to the applicants meeting any requirements through the state or the city.
- Staff is recommending approval of the Special Use Permit request subject to:
 - the applicant obtaining all their permits,
 - providing the required parking,
 - the hours of operation are from 6:00 AM to 2:00 AM every day,
 - providing video surveillance, and

- complying with all of the requirements set forth by each of the departments.
- Ms. Núñez stated that the applicant was not present. She made herself available to answer any questions.

Cmr. Cruz-Velázquez thanked Ms. Núñez. She asked if the Board had any questions and indicated that she did.

Cmr. Cruz-Velázquez indicated that she was trying to situate the food trucks inside the carport. Ms. Núñez said that as part of the process, the applicant will have to turn in permits for whatever she is wanting to do – electrical and things like that. Ms. Núñez said it will have to meet all the codes for the food trucks to go in there. Cmr. Cruz-Velázquez stated that her concern at the time was the food trucks have exhaust and tanks of gas and stuff like that. She said she didn't see a lot of area for flow of air and that if tables were going to be place in the middle, she said she thought some walls would have to come down. Ms. Núñez assured her that if [the applicant] did get approval, she would have to turn in a buildings construction plan for review and she will have to meet all the building and fire codes.

Cmr. Cruz-Velázquez asked if the walls were to residences. She was told it was in between two (2) businesses. Ms. Núñez recalled that if they were familiar with the old VTC [bus] set-up, that this was where the bused used to go in and people would wait there. She said the restroom/office was further in the back. Ms. Núñez said the lot is open and then it has the carport on top.

Cmr. Thomas indicated that was an exact concern of hers. She said she was hoping they will provide electricity to the food trucks instead of loud generators. Cmr. Flores added that he was also going to add that. Ms. Núñez shared that some of the regulations have changed. She said the State has now taken over those inspections and that this was why [the applicant] will also have to comply with not only City regulations, but state requirements [as well]. Cmr. Flores asked if [the State] will also be doing the annual inspections too. Ms. Núñez remarked that it will be however it works for the State. Cmr. Flores remarked whether they just wanted the money.

Cmr. Cruz-Velázquez asked if Staff felt comfortable with parking situation. Ms. Núñez indicated that she did have the eight (8) parking space in the front, on Monroe. She also mentioned that there was that public parking [nearby] and added that [the public] would not be crossing a major thoroughfare. She stated that [there is an effort] to redo Downtown to make it a little more walkable.

Cmr. Peña asked about the sanitation facilities, saying he couldn't recall what was in the packet. He asked what they will do about that. Ms. Núñez stated that they have pick-up in the alley so the service would through the alley and that it was typical residential. Ms. Núñez shared that the applicant did have a meeting with the development team and each department did go through the requirements for her particular business. Ms. Núñez stated that the applicant was aware what she will need to comply with if [the request] goes through.

Cmr. Cruz-Velázquez indicated that the item required a Public Hearing. The Public Hearing was opened. She said it was open to hear anyone who has any comments, either positive or against

this item. Hearing none, the Public Hearing was closed. Cmr. Cruz-Velázquez indicated that the item required a Public Hearing. The Public Hearing was opened. She asked if there was anyone present that would like to speak in favor or against this item, to please come to the podium now. Upon seeing and hearing none, the Public Hearing was closed. Cmr. Cruz-Velázquez stated that she would entertain a motion.

Cmr. Flores made the motion to approve. Cmr. Thomas seconded the motion. The motion was moved to a vote. The motion passed [unanimously].

9h

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **August 5, 2026**

Agenda Item:

Public hearing on an Ordinance on First Reading for the release from the City of Harlingen Extraterritorial Jurisdiction (ETJ), consisting of all of Block 54 (9.92 acre tract), McLeod Hood Properties No. 1, located on the south side of FM 508 approximately 4,000 feet east of FM 509. Applicant: Ezekiel Robles on behalf of Sandra Robles

Prepared By: Ana Hernandez, AICP, CNU-A, CPM

Title: Planning and Development Director/Special Projects Director

Signature: *Ana Hernandez*

Brief Summary:

Project Timeline

- June 30, 2026 – Application for the release from the ETJ submitted to the City. Application deemed incomplete pending submittal of warranty deed and letter of authorization. **(ATTACHMENT I)**.
- July 1, 2026– Warranty deed and letter of authorization submitted. Application deemed complete.
- August 5, 2026 – Public hearing and consideration of requested release from the ETJ via 1st ordinance reading scheduled before the City Commission.
- August 19, 2026 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- Pursuant to Section 42.101-105, of the Texas Local Government Code, a resident of an area in a municipality's extraterritorial jurisdiction may file a petition with the municipality in accordance with this subchapter for the area to be released from the extraterritorial jurisdiction. The owner or owners of the majority in value of an area consisting of one or more parcels of land in a municipality's extraterritorial jurisdiction may file a petition with the municipality in accordance with this subchapter for the area to be released from the extraterritorial jurisdiction.
- Ezekiel Robles on behalf of Sandra Robles Abby Lopez, the property owner is requesting for the subject property to be removed from the City Extraterritorial Jurisdiction (ETJ).
- There is an existing 1,428 residential structure on the property. It is located within the City 3.5 mile ETJ. The property has 450 feet of frontage on FM 508 and depth of 960 feet. The developer is proposing to subdivide the property through the County. **(ATTACHMENT II-V)**
- The subject release from the City ETJ will require one public hearing and two

ordinance readings of the ordinance. The above timeline delineates the release from the ETJ process.

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:

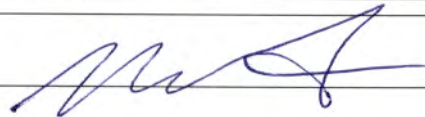
Finance Director's approval: ☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval.

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

Comments:

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

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**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **August 5, 2026**

Agenda Item:

Public hearing to approve an Ordinance on First Reading for a request an ordinance of the City Commission of the City of Harlingen, Texas amending the Harlingen Horizon – A City on the Rise Comprehensive Plan, Chapter 2, Land Use and Development, Map 5, Future Land Use Map, by changing the designation of the Future Land Use Map from Not Designated to Low-Density Residential for the following parcels: Parcels located from FM 509 near the intersection of Hanson Road; parcels located near the intersection of South Dilworth Road and Country Lane; parcels located near South Palm Court Drive; parcels within the Subdivision located near Park Lane West and Lexington Avenue; area around the intersection of West Lafayette Street and Chester Park Road; and area near Wilson Road and Stonegate Drive, and changing the designation from Not Designated to Medium Density Residential for a property located near the intersection of Wilson Road and Ramsey Road; and updating properties located along Wilson Road near its intersection with Interstate 69E to reflect institutional, medium density residential, and recreational/open space future land uses; and additional future land use designation revisions throughout the map reflecting data updates. Applicant: City of Harlingen

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

Signature: *Ana Hernandez*

Brief Summary:

Project Timeline

- June 6, 2026 – In accordance with State and local law, notice of the required public hearings was published in the Valley Morning Star.
- June 23, 2026 - Public hearing and consideration of the requested amendment by the Planning and Zoning Commission (P&Z). Meeting cancelled due to lack of quorum.
- June 27, 2026 – In accordance with State and local law, notice of the required public hearings was published in the Valley Morning Star.
- July 14, 2026 - Public hearing and consideration of the requested amendment by the Planning and Zoning Commission (P&Z).
- August 5, 2026 – Public hearing and consideration of requested amendment via 1st ordinance reading scheduled before the City Commission.
- August 19, 2026 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- The City of Harlingen is requesting to amend the Harlingen Horizon- A City on the Rise Comprehensive Plan, Future Land Use Map, as a FLUM update for “clean up” of things that have been discovered since the plans adoption last year. In

general, the FLUM update consists of general map adjustments, future land use designation updates, and existing land use designation updates.

- The attached technical memorandum and map delineate the updates to the Future Land Use Map.

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:

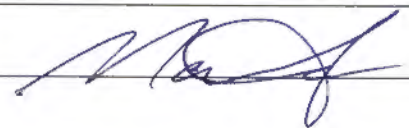
Finance Director's approval: ☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval.

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

Comments:

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

PLANNING AND ZONING COMMISSION
July 14, 2026

ACTION ITEMS/PUBLIC HEARINGS

- 9) **Public hearing and take action to consider an ordinance of the City Commission of the City of Harlingen, Texas amending the Harlingen Horizon – A City on the Rise Comprehensive Plan, Chapter 2, Land Use and Development, Map 5, Future Land Use Map, by changing the designation of the Future Land Use Map from Not Designated to Low-Density Residential for the following parcels: Parcels located from FM 509 near the intersection of Hanson Road; parcels located near the intersection of South Dilworth Road and Country Lane; parcels located near South Palm Court Drive; parcels within the Subdivision located near Park Lane West and Lexington Avenue; area around the intersection of West Lafayette Street and Chester Park Road; and area near Wilson Road and Stonegate Drive, and changing the designation from Not Designated to Medium Density Residential for a property located near the intersection of Wilson Road and Ramsey Road; and updating the properties located along Wilson Road near its intersection with Interstate 69E to reflect institutional, medium density residential, and recreational/open space future land uses; and additional future land use designation revisions throughout the map reflecting data updates. Applicant: City of Harlingen**

Joel Olivo, Assistant Planning and Development Director. presented the request to consider an ordinance to amend as follows:

- The Map highlighting the amendment was presented.
- Mr. Olivo stated that the City [of Harlingen] is requesting to amend the Harlingen Horizon – A City on the Rise Comprehensive Plan, Future Land Use Map, as a FLUM update to “clean up of things that have been discovered since the plan’s adoption last year. In general, the FLUM update consists of general map adjustments, Future Land Use of the designation updates, and existing land use designation updates
- Mr. Olivo stated, in reference to map adjustments, inset maps were added to the Future Land Use Map to depict the northern and southern boundary extents within the City Limits.
- Mr. Olivo also highlighted some of the Future Land Use Designation updates on the map. He noted that most of the updates were for properties that did not include a future land use designation and most of these properties were designated to low-density residential. He noted that some of the properties were located along FM 509 and Hansen Road, Palm Court Drive, South Dilworth Road and along Chester Park Road. There were also properties along Wilson Road that were updated to include Institutional, Multi-Family and Recreational Use.
- Mr. Olivo further added that there was one property on Grimes Street which had actually had an Industrial Use but it was changed to low-density residential.
- Mr. Olivo summarized that most of the adjustments to the FLUM were updates to low-density residential.
- Staff is recommending approval of the request.

Chairman Consiglio thanked Mr. Olivo. He asked if the main objective is just to simply align. Cmr. Thomas voiced that it was a clean-up. Mr. Olivo agreed that it was a clean-up. He said some things were discovered after they got adopted. The Chairman acknowledged this response.

Chairman Consiglio asked if there were any questions for Staff. Upon hearing and seeing none, he proceeded to the Public Hearing.

The Public Hearing was opened. He asked if there was anyone on this item. Upon seeing and hearing from none, the Chairman closed the Public Hearing.

Chairman Consiglio asked once again if there were any questions for Mr. Olivo or if there was a motion. Cmr. Thomas 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**

10a

Meeting Date: **August 5, 2026**

Agenda Item:

Consideration and possible action to approve an Ordinance on First Reading for a request for a Special Use Permit (SUP) to allow an adult business (bar) in a General Retail ("GR") District located at 112 E. Jackson Street, bearing a legal description of Lot 6, Block 58, Harlingen Original Townsite. Applicant: Veronica Rosas

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

Signature: *Ana Hernandez*

Brief Summary:

Project Timeline

- June 08, 2026 – Application for Special Use Permit (SUP) submitted to the city. **(ATTACHMENT I)**
- June 27, 2026 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- June 26, 2026 – In accordance with State and local law, notice of required public hearings mailed to all property owners within 200 feet of subject tract.
- July 14, 2026 - Public hearing and consideration of requested Special Use Permit by the Planning and Zoning Commission (P&Z).
- August 05, 2026 – Public hearing and consideration of requested SUP via 1st ordinance reading scheduled before the City Commission.
- August 19, 2026 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- Pursuant to Section 111-62 of the City of Harlingen Code of Ordinances, a bar/lounge in a General Retail ("GR") District requires the approval of a Special Use Permit by the City Commission.
- The subject property was previously the location for Quelle Boutique. The applicant is requesting a Special Use Permit (SUP) to operate a bar/lounge as the business owner at 112 E. Jackson Street. The proposed bar will operate under the name, "Sleepwalkers". The subject property is in the Downtown Improvement District. There is no requirement for off-street parking in the Downtown Improvement District for new uses which occupy existing buildings. The proposed hours of operation will be seven days a week from 3 PM to 2 AM. The applicant intends to have live musical performances on Friday and Saturday. They will have recorded music on Monday through Thursday. **(ATTACHMENT II)**
- Surrounding properties are zoned General Retail ("GR") District in all directions. Surrounding land uses include Chyann's Specialty Cafe, The Salvation Army family store, Armando's Tuxedos, The Antique Emporium, Paul Gonzales Insurance, and other commercial establishments. **(ATTACHMENTS III)**
- The City of Harlingen Downtown Improvement District office, Building Inspections

Division, Fire Prevention Bureau, Health and Police Departments reviewed the SUP application. The departments reported no objection to the proposed request subject to adhering to the Harlingen Code of Ordinances and procedures administered by each department. The Downtown Improvement District staff met with the applicant to review district overlay guidelines. **(ATTACHMENTS IV-VIII).**

- The applicant must obtain and maintain the proper State and City permits.
- At present, staff have not received any phone calls, letters or e-mails with concerns regarding this business. Staff had sent out seventeen (17) legal notices to surrounding property owners.
- In accordance with the zoning ordinance, the P&Z and City Commission may impose requirements and conditions of approval as are needed to ensure that a use requested by a SUP is compatible and complementary to adjacent properties.

Funding (if applicable):

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

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

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

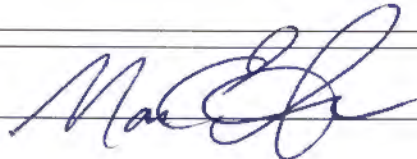
Staff Recommendation:

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

1. The Special Use Permit, if approved, will be limited to one year. Subsequent approval is required to continue operation of the establishment.
2. Obtaining and maintaining the proper State and City permits; and,
3. Providing video surveillance with a minimum 30-day retention; and,
4. Complying with the requirements administered by Downtown Improvement District, Planning and Zoning, Building Inspections, Fire Prevention, Health and Police Departments.
5. Hours of operation are 3 p.m. to 2 a.m. seven days a week.
6. Provide a licensed security guard during peak hours of operation, from 9 PM to 2 AM.

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

Comments:

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

Attachment I

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): Jackson Valley LLC

Property Owner Phone: 956-792-6845 Property Owner Email: sophiekcaycampbell@gmail.com

Property Owner Address: 760 CREST CIRCLE DR, SAN MARCOS, TX 78666

APPLICANT/AUTHORIZED REPRESENTATIVE INFORMATION (If different from owner)

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

Applicant Name: Veronica Rosas Applicant Phone: 956-789-2892

Applicant Email: sleepwalkersharlingen@gmail.com

Applicant Address: 11860 Mesquite Road, Lyford, TX 78569

PROPERTY INFORMATION

Project Address: 112 E Jackson, Harlingen Texas 78550

Property/GEO ID: 64550 (If unknown, look up ID at [Campan County Aerials & Districts](#))

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

HARLINGEN ORIGINAL TOWNSITE LOT 6 BLK 58

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

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

Current Land Use: Retail Store

DESCRIPTION OF REQUEST

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

This location is currently a retail store. We previously had an operating bar downtown - Sleepwalkers at 1510 N Commerce and lost our lease at that location. We would be opening the same bar in this new building that we are purchasing.

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 - \$60
- ☐ 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

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.)

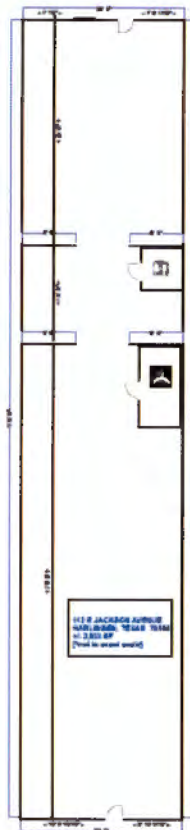
Property Owner Name & Signature: Cindy Hopkins Date: June 8, 2026

Authorized Representative Name & Signature: _____ Date: _____

OFFICE USE ONLY

Date Submitted: _____ Date Received: _____ Application Fee Paid: _____
Case # _____ Request # _____ Signature By (name): _____

Attachment II



Attachment II

Street View from Jackson Street



Attachment II

Street View from East Jackson Street



Attachment II

East Jackson Street

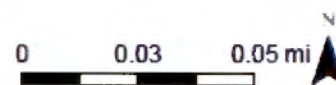


Attachment III



Legend

- | | | | |
|---|------------------------------------|---|----------------|
|  | Subject Property: 112 E Jackson St |  | General Retail |
|  | 200 ft Buffer |  | Light Industry |
|  | City Limits | | |
|  | Property Parcels | | |



Attachment III





Specific Use Permit ("SUP") Routing Slip

Applicant: Veronica Rosas

Phone No.: (956) 789-2892

Location: 112 E Jackson Avenue

Project Description: Request for a Special Use Permit (SUP) to allow an adult business (bar) in a General Retail ("GR") District located at 112 E Jackson Avenue, bearing a legal description of Lot 6, Block 58, Harlingen Original Townsite Subdivision.

Department: Fire Prevention Bureau

Approval: X YES NO

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

Fire Marshal Juan Saucedo Jr.

Juan Saucedo Jr.

Date: July 6, 2026

Attachment V



Special Use Permit ("SUP") Routing Slip

Applicant: Veronica Rosas

Phone No.: (956) 789-2892

Location: 112 East Jackson Avenue

Project Description: Request for a Special Use Permit (SUP) to allow an adult business (bar) in a General Retail ("GR") District located at 112 E. Jackson Avenue, bearing a legal description of Lot 6, Block 58, Harlingen Original Townsite Subdivision.

Department: Building Permits and Inspections Division

Approval: ☐ YES ☐ NO ☒ PENDING

Comments: If request is approved by the Planning Department, A plan review will be required. A Building Permit application, a code analysis, a site plan, existing floor plan and proposed floor plan with dimensions to scale identifying all areas to be used to calculate occupant load, determine required plumbing fixtures and means of egress 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

06/29/2026
Date

Attachment VI



Special Use Permit ("SUP") Routing Slip

Applicant: Veronica Flores

Phone No.: (956) 789-2892

Location: 112 East Jackson Avenue

Project Description: Request for a Special Use Permit (SUP) to allow an adult business (bar) in a General Retail ("GR") District located at 112 E. Jackson Avenue, bearing a legal description of Lot 6, Block 58, Harlingen Original Townsite Subdivision.

Department: HARLINGEN POLICE DEPT.

Approval: / YES NO

Comments: NEED TO REINSPECT WITHIN
BUILDING IS UP.

A handwritten signature in blue ink, appearing to be 'AA'.

Alfredo Alvear, BSCJ, CPM
Chief of Police

7/6/26

Date

Attachment VII



Special Use Permit ("SUP") Routing Slip

Applicant: Veronica Rosas

Phone No.: (956) 789-2892

Location: 112 East Jackson Avenue

Project Description: Request for a Special Use Permit (SUP) to allow an adult business (bar) in a General Retail ("GR") District located at 112 E. Jackson Avenue, bearing a legal description of Lot 6, Block 58, Harlingen Original Townsite Subdivision.

Department: Health

Approval: ☒ YES ☐ NO

Comments: Plans for this location will need to be submitted, showing what equipment will be used. If it's a bar only with no wine or liquor. If liquor is served, then there will need to be a 3 compartment sink in the bar area. If food is cooked and served, then kitchen equipment will need to be shown on the plans. 3 compartment sink, hand wash sink, mop sink, hot water heater and grease interceptor. Approved with the condition of proper plans submitted.



Signature

7-6-24

Date



Special Use Permit ("SUP") Routing Slip

Applicant: Veronica Rosas

Phone No.: (956) 789-2892

Location: 112 East Jackson Avenue

Project Description: Request for a Special Use Permit (SUP) to allow an adult business (bar) in a General Retail ("GR") District located at 112 E. Jackson Avenue, bearing a legal description of Lot 6, Block 58, Harlingen Original Townsite Subdivision.

Department: Downtown Improvement District

Approval: ☒ YES ☐ NO

Comments: As of this afternoon, July 13, I have met with Mr. and Mrs. Rosas to review the Downtown District Overlay requirements. Based on our discussion, I have no comments regarding the SUP permit request. The proposed project is consistent with the Downtown District Overlay guidelines and is approved from our department's standpoint.

Alexis Riojas

Signature

07/13/26

Date

ORDINANCE NO. 26-_____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES (ORDINANCE NO. 16-8) OF THE CITY OF HARLINGEN: TO ISSUE A SPECIAL USE PERMIT (SUP) TO VERONICA ROSAS TO ALLOW A BAR/LOUNGE IN A GENERAL RETAIL ("GR") DISTRICT LOCATED AT 112 EAST JACKSON STREET, BEARING A LEGAL DESCRIPTION OF LOT 6, BLOCK 58, HARLINGEN ORIGINAL TOWNSITE.

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

BE IT ORDAINED BY THE CITY OF HARLINGEN

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

Special Use Permit (SUP) to Veronica Rosas to allow a bar/lounge in a General Retail ("GR") District located at 112 East Jackson Street, bearing a legal description of Lot 6, Block 58, Harlingen Original Townsite.

A copy of the Zoning Map constituting a part and parcel of the Code of Ordinances, as filed with the Chief Building Official and for the joint use and information of the Planning and Zoning Commission shall, upon final enactment hereof, be and the same is herewith amended and revised to reflect that the above described property is zoned for land use purposes as above indicated by the boundaries thereof being outlined in pronounced heavy line markings and such heavy line marking boundary enclosure being indicated within the appropriate initials for that portion herewith zoned for particular land uses; with the Planning and Development Director being herewith instructed and authorized to document such Zoning Map changes and revisions.

The Special Use Permit is made contingent upon construction being complied in accordance with the site plan, a true and correct copy of which is attached hereto and incorporated herein by reference as Exhibits "A" and "B" and shall comply with the conditions as listed below:

1. The Special Use Permit, if approved, will be limited to one year. Subsequent approval is required to continue operation of the establishment.
2. Obtaining and maintaining the proper State and City permits; and,
3. Providing video surveillance with a minimum 30-day retention; and,
4. Complying with the requirements administered by Planning and Zoning, Building Inspections, Fire Prevention, Health, Downtown Improvement District, and Police Departments.
5. Hours of operation are 3 p.m. to 2 a.m. seven days a week.
6. Provide a licensed security guard during peak hours of operation, from 9 PM to 2 AM.

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"

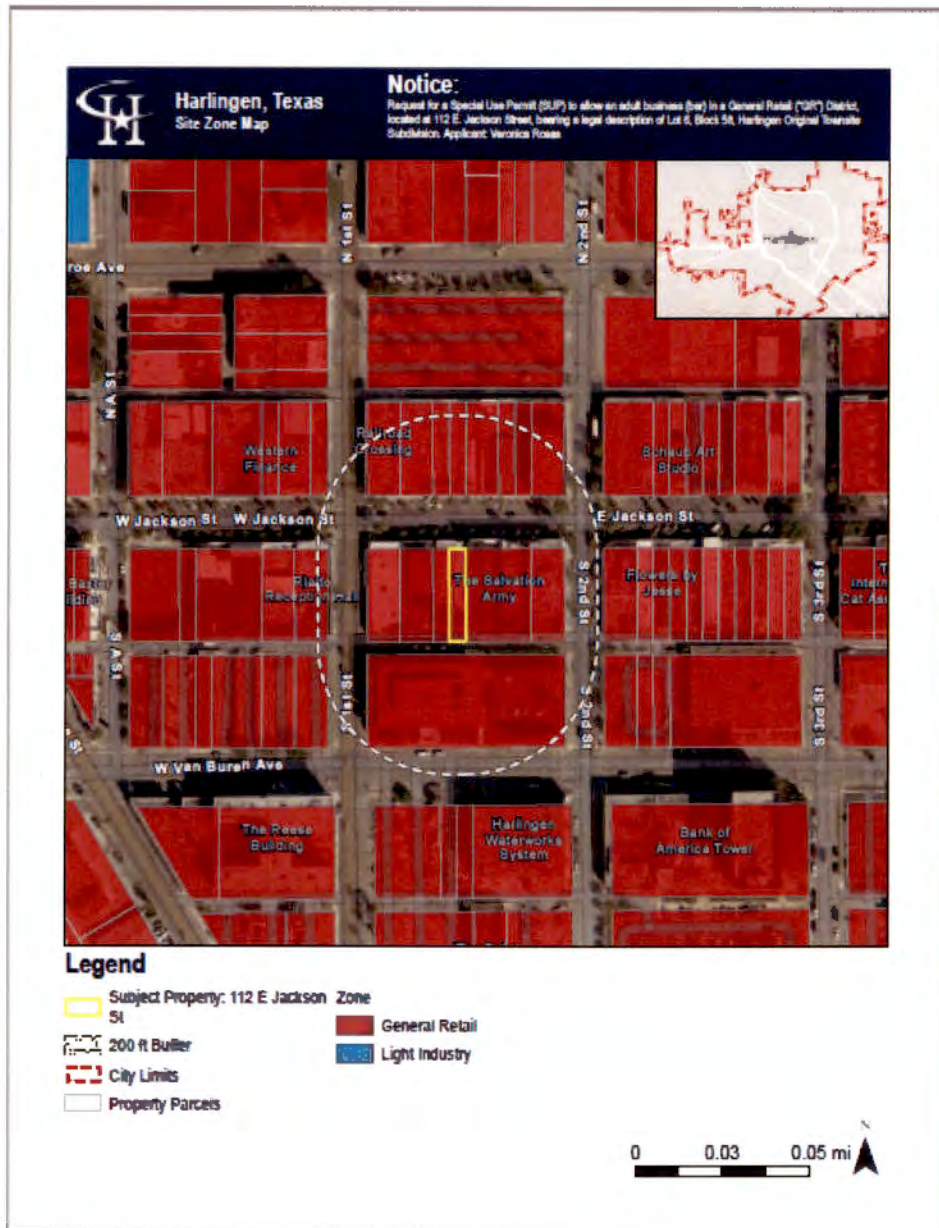
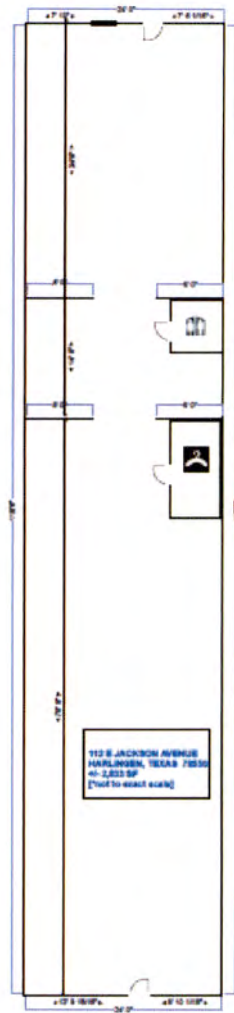


EXHIBIT "B"



**AGENDA ITEM
EXECUTIVE SUMMARY**

10b

Meeting Date: **August 5, 2026**

Agenda Item:

Consideration and possible action to approve an Ordinance on First Reading for a request to rezone from Not Designated ("N") District to Neighborhood Services ("NS") District for a 0.05-acre tract of land located between Lot 27, Block 2, L and L Subdivision and Lot D, Block 4, Southwest Harlingen Addition Subdivision, located on the west side of K Street, approximately 48 feet north of Filmore Avenue. Applicant: James De Leon

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

Signature: *Ana Hernandez*

Brief Summary:

Project Timeline

- May 27, 2026 – Application for rezoning submitted to the City. **(ATTACHMENT I)**.
- June 26, 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.
- June 27, 2026 – In accordance with State and local law, notice of the required public hearings was published in the Valley Morning Star.
- July 14, 2026 - Public hearing and consideration of the requested rezoning by the Planning and Zoning Commission (P&Z).
- August 5, 2026 – Public hearing and consideration of requested rezoning via 1st ordinance reading scheduled before the City Commission.
- August 19, 2026 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- James DeLeon, the applicant and property is requesting to rezone the subject property from Not Designated ("N") District to Neighborhood Services, ("NS") District to allow for additional off-street parking spaces and a detached residential dwelling unit. **(ATTACHMENT II)**
- The subject property is currently vacant. The property has 16.18 feet of frontage on South "K" Street and a depth of 125 feet at its longest point. The said property is combined with a larger lot through the Cameron Appraisal District. Combined with the larger lot to the south of the subject property, the property has 65 feet of frontage on "K" Street and a depth of 130 feet at its longest point. The said larger lot to the south is developed with an existing 1,210 sq. ft. commercial building.
- The surrounding properties are zoned Residential, Single Family ("R-1") to the north and east, and Neighborhood Services ("NS") to the south and west. The surrounding land uses consist of single family residential use to the north and

east, a commercial building to the south and a duplex to the west. **(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 low density residential. Although the request is not consistent with the Future Land Use Plan, it is consistent with the Neighborhood Services ("NS") zoning to the south and west of the subject property. **(ATTACHMENT IX).**
- To the present, the Planning and Zoning Department has not received any opposition to the requested rezoning.

Funding (if applicable):

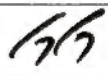
Are funds specifically designated in the current budget for the full ☐ Yes ☐ No*

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

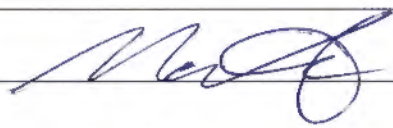
Finance Director's approval: ☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval.

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

Comments:

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

Attachment I

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):

James DeLeon

Property Owner Phone: (956) 226 6904

Property Owner Email: James.DeLeon030377@gmail.com

Property Owner Address: 711 West Tyler Harlingen Tx 78550

APPLICANT/AUTHORIZED REPRESENTATIVE INFORMATION (If different from owner)

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

Applicant Name: James DeLeon

Applicant Phone: 956 226 6904

Applicant Email: James.DeLeon030377@gmail.com

Applicant Address: 711 West Tyler Harlingen Tx 78550

PROPERTY INFORMATION

Project Address: 16.80' X 125' Alley Adj to Lot D of ~~the~~ South West Harli

Property/GEO ID: 80309 (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: N/D (If unknown, check our Interactive Zoning Map or have staff verify your zoning)

Proposed Zoning: N/S (If unknown, visit or call the Planning Division staff)

Current Land Use: NONE

DESCRIPTION OF REQUEST

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

Parking lot for customers & Rental Home

Select Application Type (Select all that apply)

Land Use Changes

- ☒ Rezoning Request - \$250 cc
- ☐ 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

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: James DeLeon JD Date: 5/27/20

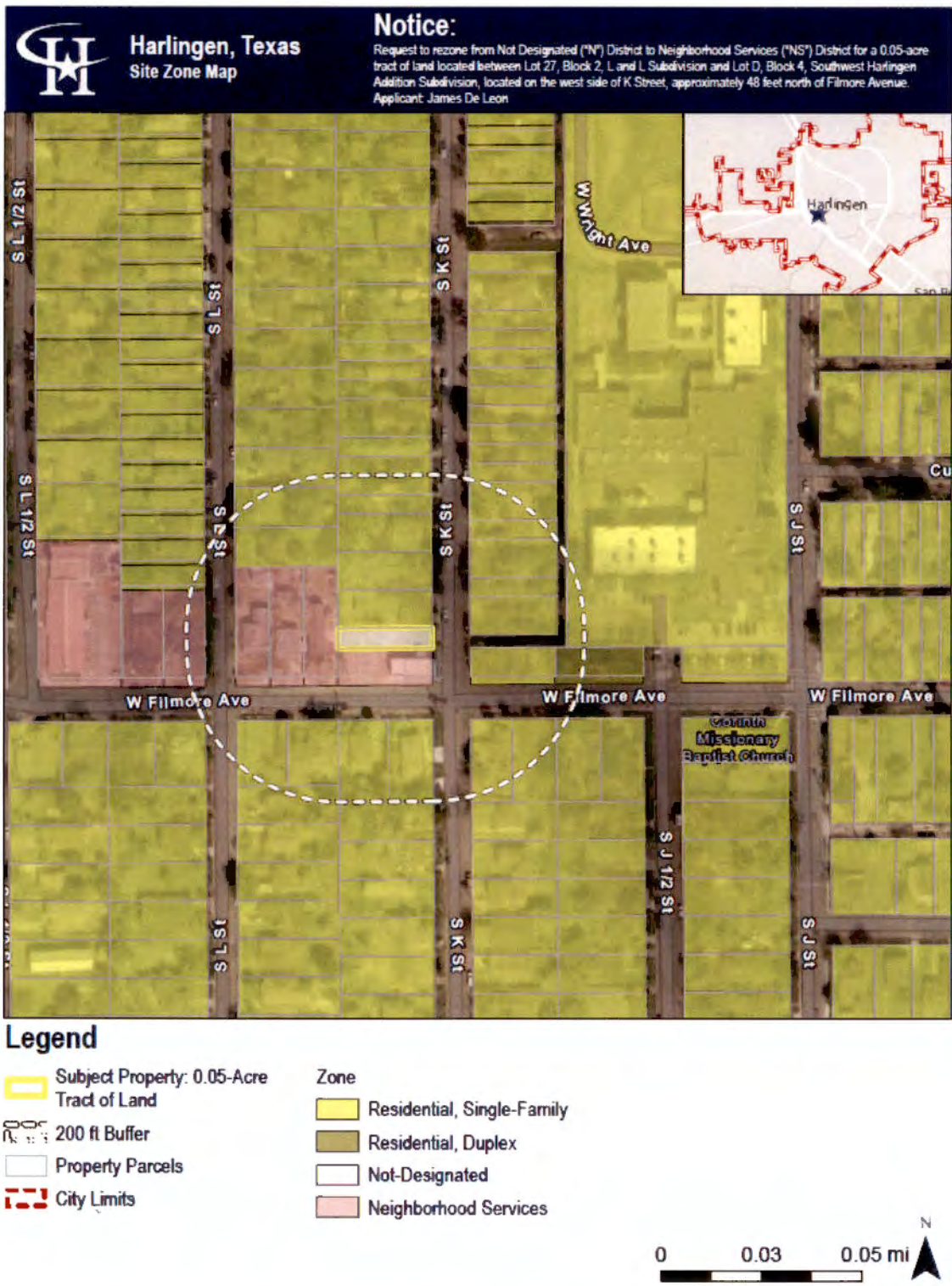
Authorized Representative Name & Signature: _____ Date: _____

OFFICE USE ONLY

Date Submitted: _____ Date Deemed Complete: _____ Application Fee Paid: \$ 250 + 7.50

Case #: _____ Receipt #: 10740 Received By (initials): JD

Attachment II



Attachment III

View from the East of
"K" Street



Subject Property

Attachment IV



Harlingen, Texas Site Aerial Map

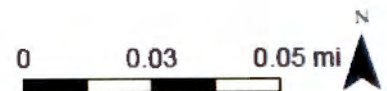
Notice:

Request to rezone from Not Designated ("N") District to Neighborhood Services ("NS") District for a 0.05-acre tract of land located between Lot 27, Block 2, L and L Subdivision and Lot D, Block 4, Southwest Harlingen Addition Subdivision, located on the west side of K Street, approximately 48 feet north of Filmore Avenue.
Applicant: James De Leon



Legend

- Subject Property: 0.05-Acre Tract of Land
- 200 ft Buffer
- Property Parcels
- City Limits



Attachment II



ORDINANCE NO. 26-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: REZONING FROM NOT DESIGNATED ("N") DISTRICT TO NEIGHBORHOOD SERVICE ("NS") FOR A 0.05 ACRE TRACT OF LAND LOCATED BETWEEN LOT 27, BLOCK 2, L AND L SUBDIVISION AND LOT D, BLOCK 4, SOUTHWEST HARLINGEN ADDITION, LOCATED ON THE WEST SIDE OF K STREET, APPROXIMATELY 48 FEET NORTH OF FILMORE AVENUE.

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 Neighborhood Services ("NS") District for 0.05 acre tract of land located between Lot 27, Block 2, L and L Subdivision and Lot D, Block 4, Southwest Harlingen Addition, located on the west side of K Street, approximately 48 feet north of Filmore Avenue, as shown in Exhibit "A".

A copy of the Zoning Map constituting a part and parcel of the Code of Ordinances, as filed with the Building Inspection Inspector and for the joint use and information of the Planning and Zoning Commission shall, upon final enactment hereof, be and the same is herewith amended and revised to reflect that the above described property is zoned for land use purposes as above indicated by the boundaries thereof being outlined in pronounced heavy line markings and such heavy line marking boundary enclosure being indicated within by the appropriate initials for that portion herewith zoned for particular land uses; with the Planning and Development Director being herewith instructed and authorized to document such Zoning Map changes and revisions.

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

FINALLY ENACTED this day of _____, 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**

10c

Meeting Date: **August 5, 2026**

Agenda Item:

Consideration and possible action to approve an ordinance on first reading for a request to rezone from Residential, Single Family ("R-1") District to Planned Development ("PD") District to allow for a Residential, Single-Family development with smaller lot sizes for a 5.06-acre tract of land, more or less, out of Block 16, Survey 42, Stuart Place Subdivision located west of Paloma Lane, approximately 1,069.84 feet south of U.S. Business 83. Applicant: M2 Engineering c/o Mobeen Ahmed

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

Signature: *Ana Hernandez*

Brief Summary:

Project Timeline

- May 11, 2026 – Application for a rezoning submitted to the City. **(ATTACHMENT I)**
- May 28, 2026- Drainage report approved by the Engineering Department.
- June 26, 2026- In accordance with State and local law, notice of required public hearings mailed to all property owners within 200 feet of subject tract.
- June 27, 2026 – In accordance with State 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.
- July 14, 2026- Public hearing and consideration of requested rezoning by the Planning and Zoning Commission (P&Z).
- August 5, 2026– Public hearing and consideration of requested rezoning via 1st ordinance reading scheduled before the City Commission.
- August 19, 2026 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- M2 Engineering, PLLC, on behalf of Elite Properties 5, LLC (Mobeen Ahmed), is requesting to rezone the subject property from the Residential Single-Family ("R-1") District to a Planned Development ("PD") District to allow the development of a single-family residential subdivision with reduced lot sizes. **(ATTACHMENT III)**.
- The subject property is currently vacant and the property is being subdivided under the name of Gems Village Subdivision. It has approximately 315.00 feet of frontage along Paloma Lane and a maximum depth of 700.10 feet. Paloma Lane is currently a two-lane paved street without curb and gutter. **(ATTACHMENT III)**
- According to the Planned Development (PD) site plan, the developer is proposing a 26-lot single-family residential subdivision featuring reduced lot sizes to accommodate drainage requirements. The development will include a 60-foot-wide public right-of-way with a 37-foot-wide paved streets with curb and gutter. All residential lots will front an interior public street.
- The proposed lot sizes range from 4,424 square feet to 6,888.75 square feet. The

development will provide minimum building setbacks of 20 feet from the front property line, 5 feet from interior side property lines, 10 feet from corner side property lines, and 10 feet from the rear property line **(ATTACHMENT IV)**.

- The surrounding properties are zoned General Retail ("GR") District to the north and west, Residential, Single-Family ("R-1") District to the south and east, and Residential, Multi-Family ("M-2") District to the east. Surrounding land uses include vacant land to the south, single-family residences to the east, a wellness spa to the north, and vacant commercial property to the west. **(ATTACHMENT VI)**.
- The Planned Development request was reviewed by the Engineering Department, the Fire Marshal's Office (Fire Department), and the Building Inspections Division. If the Planned Development request is approved, the Building Inspections Division will require construction plans prepared in accordance with the 2024 IBC (International Building Code) Family of Codes once home construction begins. The Fire Marshal's Office (Fire Department) recommends approval of the Planned Development request, subject to the applicant's compliance with all applicable codes, regulations, ordinances, and standards required through the subdivision and/or construction permitting processes. The Engineering Department recommends approval of the proposed Planned Development request, subject to the conditions outlined herein. **(ATTACHMENT VII - IX)**
- The Future Land Use Plan (FLUP) component of the Harlingen Horizon – A City on the Rise Comprehensive Plan designates the subject property as Low Density Residential. The proposed Planned Development is consistent with the Future Land Use Plan designation and is compatible with the existing land uses to the south and east. **(ATTACHMENT X)**.
- To date, one inquiry has been received regarding the request; however, no opposition has been received from surrounding property owners. Staff mailed thirteen notices to surrounding property owners.

Funding (if applicable):

Are funds specifically designated in the current budget for the full amount for this purpose?

☐

Yes

☐

No*

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

Finance Director's approval:

☐

Yes

☐

No

☐

N/A

Staff Recommendation:

Staff recommends approval of the request.

City Manager's approval:

h/h

☒

Yes

☐

No

☐

N/A

Comments:

City Attorney's approval:

[Signature]

☒

Yes

☐

No

☐

N/A

Attachment I

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): Elite Properties 5, LLC

Property Owner Phone: 845-283-7474

Property Owner Email: elite developments786@gmail.com

Property Owner Address: 2833 Frankfurt St., Brownsville, Texas 78520

APPLICANT/AUTHORIZED REPRESENTATIVE INFORMATION (If different from owner)

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

Applicant Name: M2 Engineering, PLLC

Applicant Phone: 956-600-8628

Applicant Email: milo@m2-engineers.com

Applicant Address: 1810 E. Griffin Parkway, Mission, Texas 78572

PROPERTY INFORMATION

Project Address: Paloma Lane, Harlingen, Texas

Property/GEO ID: 208367 (If unknown, look up ID at [Cameron County Appraisal District](#))

Legal Description of Property (Lot, Block, Subdivision, as shown on deed or survey): Being 5.06 acres of land out of Block 16, Stuart Place Subdivision, survey 42, Cameron County, Texas, recorded in Volume 5, Page 6, Map Records of Cameron County, Texas.

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

Proposed Zoning: Residential, Single-family (PDD) (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?):

Requesting Planned Development District (PDD) for the proposed Gems Village Subdivision, a residential single-family development. Request is being made due to the property size; lot sizes do not meet the minimum requirement. PDD will allow the current layout & development standards to be considered.

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

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.)

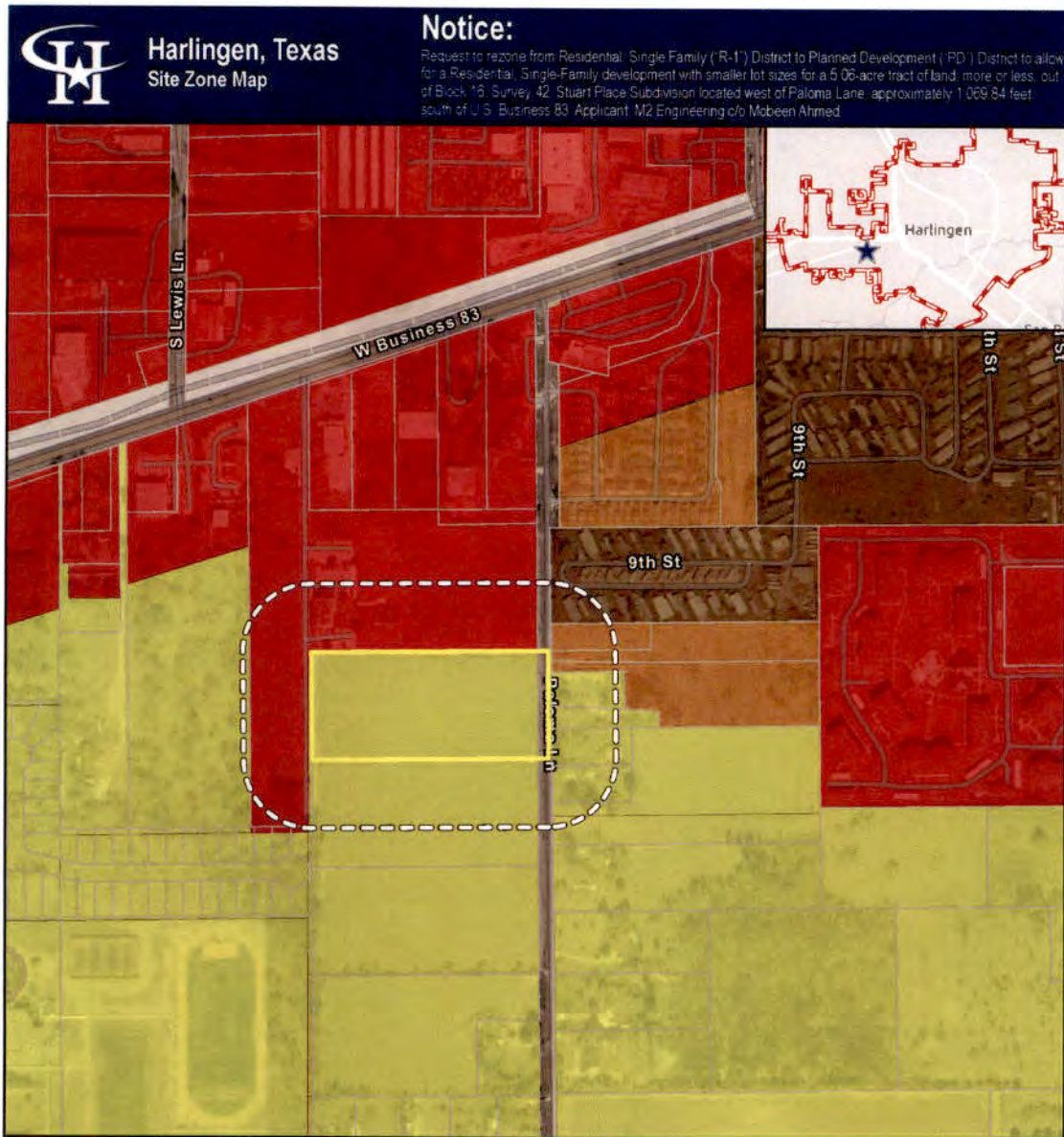
Property Owner Name & Signature: _____ Date: 5-11-2026

Authorized Representative Name & Signature: _____ Date: 5-11-2026

OFFICE USE ONLY:

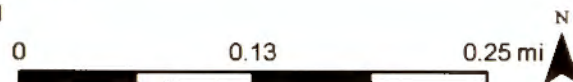
Date Submitted: 05/11/2026 Date Deemed Complete: 05/11/2026 Application Fee Paid: \$ Pending Subdivision;
Case #: 2026 SUB-01; Receipt #: Pending - Subdivision Received By (initials): SAN PD \$250.00
PD-2026-0009 PD - 15794

Attachment II – Zone Map



Legend

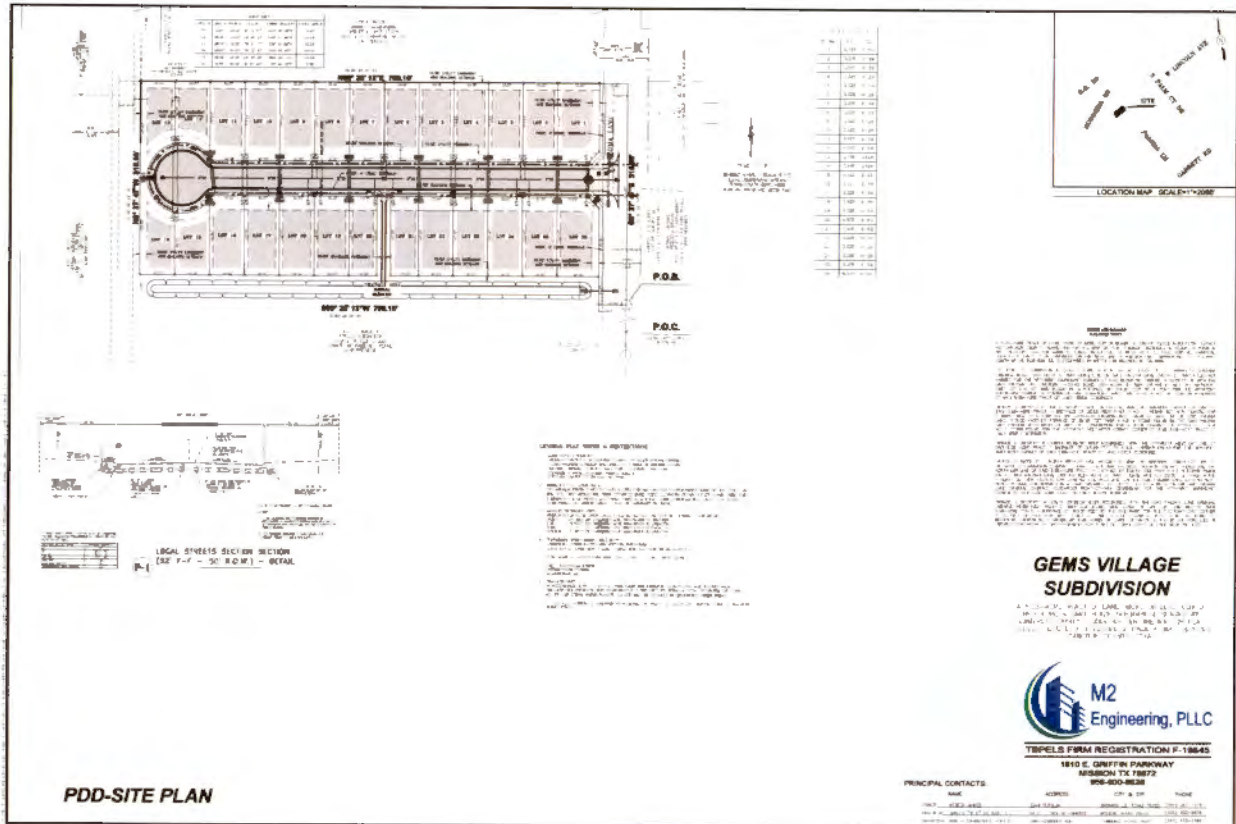
- | | |
|--|----------------------------|
| Subject Property: Gems Village Subdivision | Zone |
| 200 ft Buffer | General Retail |
| Property Parcels | Residential, Single-Family |
| City Limits | Residential, Multi-Family |
| | Residential, Mobile Home |
| | Not-Designated |



Attachment III – Aerial View



Attachment IV – Site Plan



Attachment V – Street View



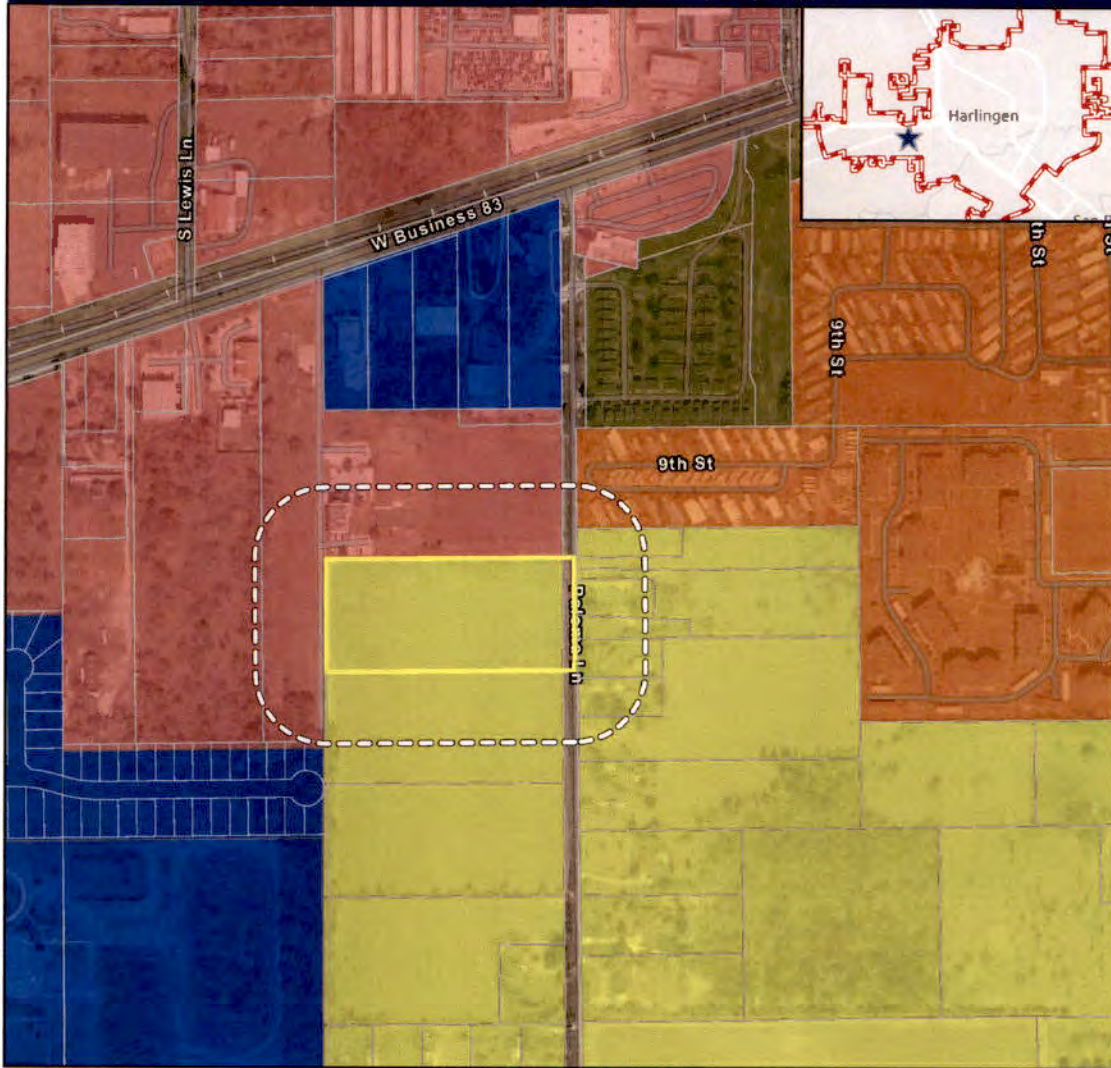
Attachment VI – Future Land Use Map



Harlingen, Texas Site Future Land Use Map

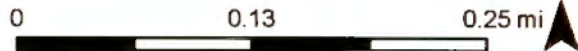
Notice:

Request to rezone from Residential, Single Family (R-1) District to Planned Development (PD) District to allow for a Residential, Single-Family development with smaller lot sizes for a 5.06-acre tract of land, more or less, out of Block 16, Survey 42, Stuart Place Subdivision located west of Paloma Lane, approximately 1,069.84 feet south of U.S. Business 83. Applicant: M2 Engineering c/o Mobeen Ahmed



Legend

- | | |
|--|-------------------------------------|
| Subject Property: Gems Village Subdivision | Future Land Use Designation: Retail |
| 200 ft Buffer | Institutional |
| Property Parcels | Lower Density Residential |
| City Limits | Medium Density Residential |
| | Higher Density Residential |



Attachment VII - Engineering



Planned Development (PD) Request Routing Slip

Applicant: M2 Engineering c/o Mobeen Ahmed

Phone No.: (956) 600-8628

Location: Located on the west side of Paloma Lane, approximately 1,069.84 feet south of U.S. Business 83

Project Description: Request to rezone from Residential, Single Family ("R-1") District to Planned Development ("PD") District to allow for a Residential, Single-Family development with smaller lot sized for a 5.06-acre tract of land, more or less, out of Block 16, Survey 42, Stuart Place Subdivision.

Department:

Approval: ☒ YES ☐ NO

Comments: A public Right-of-Way dedication stub-out to the west of the proposed roadway cul-de-sac will be required as per City Ordinance 109-124(c)(3). However, the street stub-out will not be required to be constructed with this development.

The storage volume calculations will need to be revised using TxDOT's latest rainfall IDF coefficients

Nadia J. Lopez PE

7/8/26

Signature

Date



Planned Development (PD) Request Routing Slip

Applicant: M2 Engineering c/o Mobeen Ahmed

Phone No.: (956) 600-8628

Location: West side of Paloma Lane, approximately 1,069.84 feet south of U.S. Business 83

Project Description: Request to rezone from Residential, Single-Family ("R-1") District to Planned Development ("PD") District to allow for a Residential, Single-Family development with smaller lot sized for a 5.06-acre tract of land, more or less, out of Block 16, Survey 42, Stuart Place Subdivision.

Department: Fire Prevention Bureau

Approval: X YES NO

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

Fire Marshal Juan Saucedo Jr.

Juan Saucedo Jr

Date: June 29, 2026

Attachment IX - Buildings



Planned Development (PD) Request Routing Slip

Applicant: M2 Engineering c/o Mobeen Ahmed

Phone No.: (956) 600-8628

Location: Located on the south side of Primera Road and Southbound Frontage Road of Expressway 77

Project Description: Request to rezone from Residential, Single Family ("R-1") District to Planned Development ("PD") District to allow for a Residential, Single-Family development with smaller lot sized for a 5.06-acre tract of land, more or less, out of Block 16, Survey 42, Stuart Place Subdivision, located on the west side of Paloma Lane, approximately 1,069.84 feet south of U.S. Business 83.

Department: Building Permits and Inspections Division

Approval: ☐ YES ☐ NO ☒ PENDING

Comments: **If request is approved by the Planning Department, A Building Permit application and complete set of construction documents for the proposed use must be submitted to the Building Department. The construction documents must comply with the 2024 International Residential Code and Family of Codes. Windstorm Engineered plans are required with min. 140 mph wind speeds.**

Raul Rodriguez

Signature

07/07/2026

Date

ORDINANCE NO. 26_____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: REZONING FROM RESIDENTIAL, SINGLE-FAMILY ("R-1") DISTRICT TO PLANNED DEVELOPMENT ("PD") DISTRICT TO SMALLER LOT SIZES FOR A 5.06 ACRE TRACT OF LAND, MORE OR LESS, OUT OF BLOCK 16, SURVEY 42, STUART PALCE SUBDIVISION, LOCATED ON THE WEST SIDE OF PALOMA LANE, APPROXIMATELY 1,069.84 FEET SOUTH OF U.S. BUSINESS 83 ; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING

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

BE IT ORDAINED BY THE CITY OF HARLINGEN

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

Rezoning from Residential, Single Family ("R1") District to Planned Development ("PD") District to allow for a Residential, Single-Family development with smaller lot sizes for a 5.06-

acre tract of land, more or less, out of Block 16, Survey 42, Stuart Place Subdivision located west of Paloma Lane, approximately 1,069.84 feet south of U.S. Business 83 as shown on Exhibit "A".

The provisions prohibiting the violation of the Code of Ordinances shall continue in full force and effect and apply to this ordinance.

The provisions amendment is made contingent upon construction being complied in accordance with the site plan, a true and correct copy of which is attached hereto and incorporated herein by reference as Exhibit "A" and "B".

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.

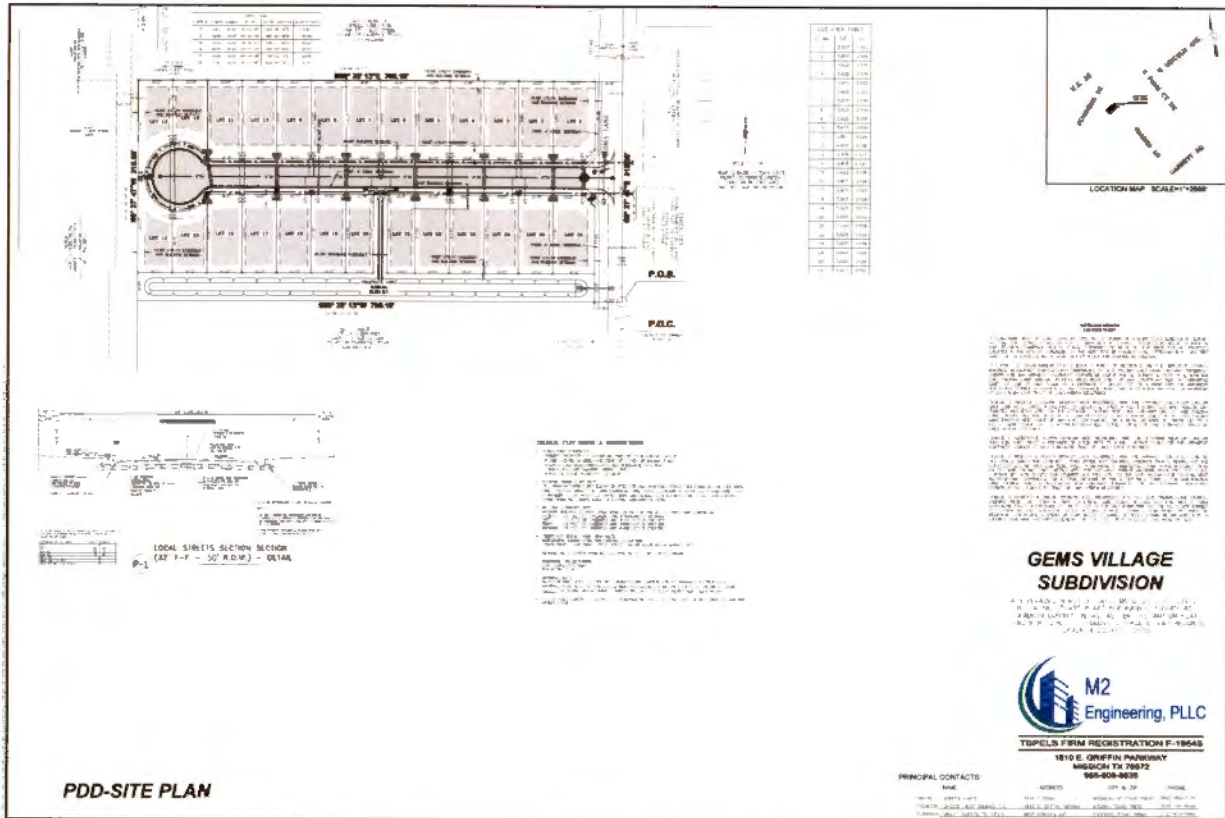
CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Mayra Herrera, City Secretary

EXHIBIT "A"



**AGENDA ITEM
EXECUTIVE SUMMARY**

10d

Meeting Date: **August 5, 2026**

Agenda Item:

Consideration and possible action to approve an Ordinance on First Reading for a request for the voluntary annexation of 35.32 acres, more or less, tract of land situated in and being 7.40 acres of land out of Block 39, 8.08 acres of land out of Block 52, 17.68 acres of land out of Block 53, 1.45 acres of land out of Block 54, 0.39 acres of land out of Block 55, 0.171 acres of Montezuma Road right-of-way and 0.170 acres of Breedlove Road right-of-way, all of the David and Stephenson Subdivision and request for the voluntary annexation and establishment of initial zoning as Residential, Multi-Family ("M-2) District upon annexation for approximately 3.536 acres, more or less, being and part of a 25.24-acre tract located in Block 53, David and Stephenson Subdivision, said 3.56 acres being 2.912 acres of said Block 53 and 0.624 acres of existing Montezuma Road right-of-way lying south of and adjacent to said 2.912 acres, located on Montezuma Road approximately 684 feet west of Briggs Coleman Road. Applicants: Cameron County Drainage District #5 and Luis H. Villarreal

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

Brief Summary:

Project Timeline

- April 21, 2026 – Application for annexation of Cameron County Drainage District No. 5 property submitted to the City. Application deemed incomplete pending submittal of survey and metes and bounds description. **(ATTACHMENT I-III)**
- June 9, 2026– Application for annexation and establishment of zoning for Luis Villarreal property submitted to the City. Application deemed incomplete pending submittal of survey and metes and bounds description. **(ATTACHMENT IV-VI)**
- June 23, 2026 – Metes and bounds description and survey for the Luis Villarreal property submitted to the City. Application deemed complete.
- June 26, 2026 – In accordance with State and local law, notice of required public hearings mailed to property owners within 200 feet of subject tract.
- June 27, 2026 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- June 29, 2026 – Metes and bounds description and survey for the Cameron County Drainage District No. 5 property submitted to the City. Application deemed complete.
- July 10, 2026 – Posting of the public notice on the city's website.
- July 14, 2026 – Public hearing to recommend the annexation and the rezoning by the Planning and Zoning Commission.
- August 5, 2026 – Public hearing and consideration of annexation and rezoning by the City Commission via First Ordinance Reading.
- August 19, 2026 – Public hearing and consideration of annexation ordinance by the City Commission via Second and final reading.

Summary

- Luis Villarreal, the property owner, has requested the voluntary annexation of 3.536 acres of land, and Cameron County Drainage District No. 5, the property owner, has requested the voluntary annexation of 35.32 acres of land. The subject properties are contiguous to the City limits via the current boundary line located 300 ft. north of the right-of-way line on Loop 499 between Breedlove and Briggs Coleman Roads. **(Attachment I-VI)**
- Pursuant to Section 43.106 of the Texas Local Government Code, the entire width of a county road fronting the subject property must also be included in the annexation request if the road is owned or maintained by county. According to the Cameron County road inventory file, Breedlove and Montezuma Road located along the subject properties are currently maintained by the County. Therefore, the subject roads right-of-way are included in the annexation request.
- The subject 3.536 acres of land is currently vacant and unsubdivided. The property has 603 feet of frontage on Montezuma Road and depth of 255 feet at its longest point. The property owner is proposing to subdivide the property into an eight lot multi-family subdivision under the name of Herbey Subdivision. The requested annexation for the 35.32 acres of land which consists of the 3rd Street drain and the associated detention pond will facilitate the annexation of the proposed Herbey Subdivision with the required drainage improvements. **(ATTACHMENT II-VIII)**
- Water services for this property will be provided by East Rio Hondo Water Supply Corporation. Sewer services will be provided by Harlingen Waterworks System.
- Upon annexation, the said 3.536 acres of land will be zoned to Residential, Multi-Family ("M-2") District. The property owner is proposing to develop the subject property with two duplexes on each of the above-described lots. **(ATTACHMENT IX)**
- 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 requested initial zoning is not consistent with the Future Land Use Plan, it is consistent is the multi-family land use to the south and southwest of the subject property. **(ATTACHMENT X)**
- To the present, staff has not received any calls in objection to the requested annexation and establishment of initial zoning.
- The subject annexation will require three public hearings and two readings of the ordinance. The above timeline delineates the annexation and rezoning process.
- In 2026 the city has annexed 43.1550 acres of land thus far. In 2025 the city annexed a total of 585.37 acres. In 2024 the city annexed a total of 103.94 acres. In 2023, the city annexed 19.94 acres. In 2022, the city annexed 71.1 acres. In 2021, the city annexed 1.47 acres.

Funding (if applicable):

Are funds specifically designated in the current budget for the full ☐ 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 annexation and initial zoning request.

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

Comments:

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

Attachment I- Petition

Board of Directors

President

Steve Jennings

Secretary

Jerome Wade

Vice-President

Nicholas Canalello

Cameron County Drainage District # 5

221 E. Van Buren Ave, Suite 4

Harlingen, Texas 78550

956-423-6411

www.cedd5.org

General Manager

Rolando Vela

Assistant General Manager

Veronica Larraga

Engineer

Jack L. Brown

Agency

Buddy R. Dumott

April 21, 2026

Ana Hernandez, AICP, CNU-A
Planning and Development Director /
Special Projects Director
City of Harlingen
502 E. Tyler
Harlingen, Texas 78550

RE: Petition for Voluntary Annexation

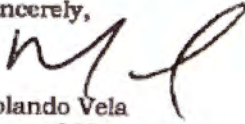
Ms. Hernandez,

At a previous meeting, the Board of Cameron County Drainage District No. 5 approved submitting a petition to the City of Harlingen for the voluntary annexation of the areas shown in red on the attached map.

- The area shown in lime represents an existing detention pond.
- The area shown in red represents a proposed detention pond.

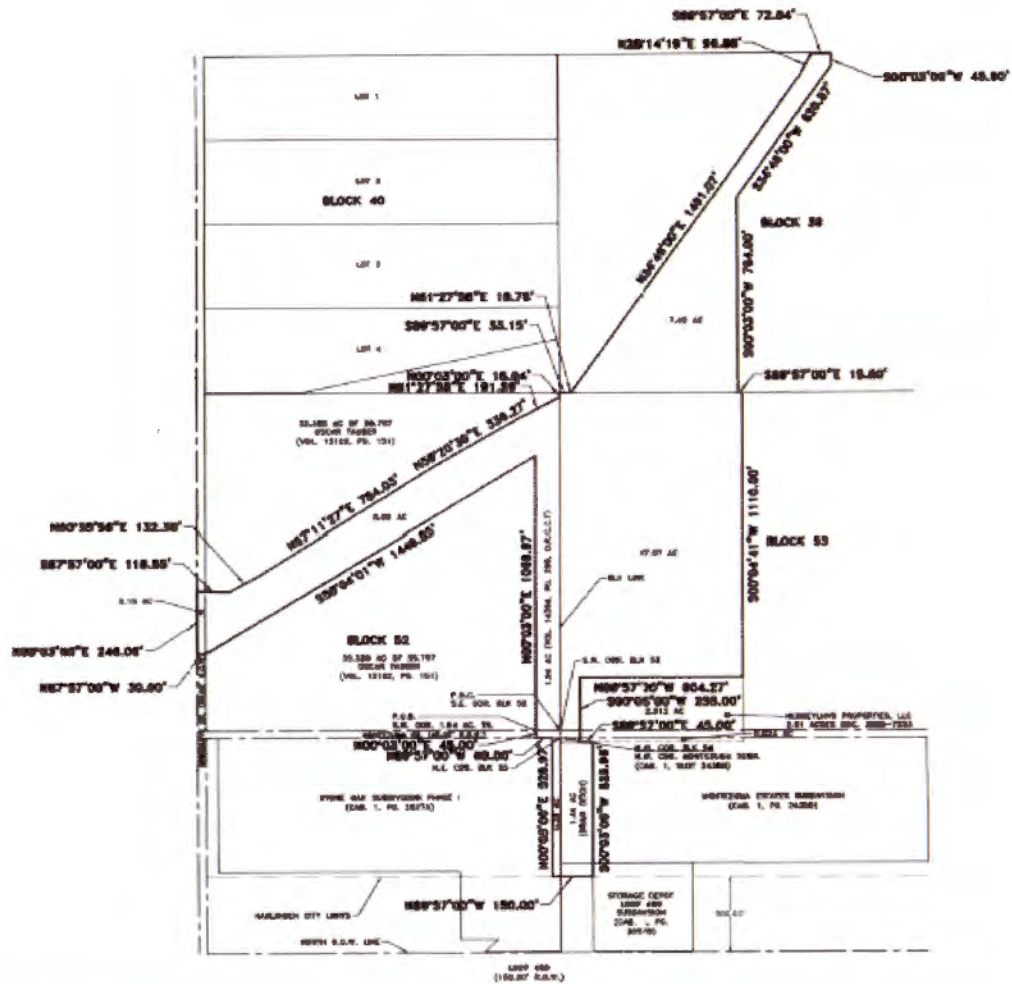
Please let me know what information or documentation is needed to proceed with this petition.

Sincerely,



Rolando Vela
General Manager

Attachment II- Survey



NOTE: NOT AN ON THE GROUND SURVEY. THIS MAP WAS PREPARED FROM RECORDED DOCUMENTS RECORDED AT THE COUNTY CLERK'S OFFICE IN CAMERON COUNTY.

LEGAL DESCRIPTION
COMPOSITE MAP OF A 35.23 ACRE, MORE OR LESS, TRACT OF LAND SITUATED IN AND BEING 7.40 ACRES OUT OF BLOCK 39, 6.00 ACRES OUT OF BLOCK 52, 17.67 ACRES OUT OF BLOCK 53, 1.44 ACRES OUT OF BLOCK 54, 0.39 ACRES OUT OF BLOCK 55, 0.17 ACRES OF MONTEZUMA ROAD RIGHT OF WAY, AND 0.160 ACRES OF BREEDLOVE ROAD RIGHT OF WAY, ALL OUT OF THE DAVID AND STEPHENSON SUBDIVISION AS RECORDED IN VOLUME 1, PAGE 2 OF THE CAMERON COUNTY, TEXAS MAP RECORDS.



00253- DD5 ANNEXATION



1295 W Jackson St. P.O. Box 1308 Harlingen, Tx. 78551 (956) 428-4014

Attachment III- Metes and Bounds



June 24, 2026

Metes and bounds description of a 35.23 acre tract of land of land situated in and being comprised of 7.40 acres out of Block 39, 8.00 acres out of Block 52, 17.67 acres out of Block 53, 1.44 acres out of Block 54, 0.39 acre out of Block 55, 0.170 acres of Montezuma Road right-of-way and 0.160 acre of Breedlove Road Right-of-way all out of the David and Stephenson Subdivision, according to the map thereof recorded in Volume 1, Page 2, of the Map Records of Cameron County, Texas and said 35.23 acre tract being more particularly located and described as follows;

Commencing at the southeast corner of said Block 52, same being the southwest corner of said Block 53, said point lying on the original north right-of-way of Montezuma Road (30 R.O.W.), and point being the southeast corner of a 1.940 acre tract of land as described by instrument of record in Volume 14364, Page 266 of Cameron County Texas Official Records;

Thence, along the original northerly line of Montezuma Rd., the south line of said Block 52, and the south line of said 1.94 acre tract, North 89 degrees 57 minutes 00 seconds West, a distance of 90.00 feet to a point on the southwest corner of said 1.940 acre tract being an interior corner and the Point of Beginning of the tract herein described;

Thence, along the west boundary line of said 1.940 acre tract, North 00 degrees 03 minutes 00 seconds East, a distance of 1069.97 feet to a point, for a corner of this tract;

Thence, South 58 degrees 04 minutes 01 seconds West, a distance of 1449.85 feet to a point on the east right-of-way line of Breedlove Road, for a corner of this tract;

Thence, North 87 degrees 57 minutes 00 seconds West, a distance of 30.00 feet to a point on the original west right-of-way line of Breedlove Road, for a corner of this tract;

Thence, along the west right-of-way line of Breedlove Road, North 00 degrees 03 minutes 00 seconds East, a distance of 246.06 feet to a point, for a corner of this tract;

Thence, South 87 degrees 57 minutes 00 seconds East, a distance of 118.55 feet to a point, for a corner of this tract;

Thence, North 60 degrees 35 minutes 56 seconds East, a distance of 132.38 feet to a point, for a corner of this tract;

Attachment III- Metes and Bounds

Thence, North 57 degrees 11 minutes 27 seconds East, a distance of 784.03 feet to a point, for a corner of this tract;

Thence, North 59 degrees 20 minutes 30 seconds East, a distance of 336.27 feet to a point, for a corner of this tract;

Thence, North 61 degrees 27 minutes 58 seconds East, a distance of 191.59 feet to a point on the east boundary line of Block 52 and the west boundary line of Block 53, for a corner of this tract;

Thence, along the east boundary line of Block 52 and the west boundary line of Block 53, North 00 degrees 03 minutes 00 seconds East, a distance of 18.04 feet to a point on the common corner of Blocks 39, 40, 52, and 53, for a corner of this tract;

Thence, along the north boundary of said Block 53, South 89 degrees 57 minutes 00 seconds East, a distance of 33.15 feet to a point on the north boundary line of said Block 53, for a corner of this tract;

Thence, North 61 degrees 27 minutes 58 seconds East, a distance of 18.78 feet to a point, for a corner of this tract;

Thence, North 34 degrees 46 minutes 00 seconds East, a distance of 1491.07 feet to a point, for a corner of this tract;

Thence, North 28 degrees 14 minutes 19 seconds East, a distance of 96.88 feet to a point, for a corner of this tract;

Thence, South 89 degrees 57 minutes 00 seconds East, a distance of 72.84 feet to a point, for a corner of this tract;

Thence, South 00 degrees 03 minutes 00 seconds West, a distance of 45.90 feet to a point, for a corner of this tract;

Thence, South 34 degrees 46 minutes 00 seconds West, a distance of 620.57 feet to a point, for a corner of this tract;

Thence, South 00 degrees 03 minutes 00 seconds West, a distance of 764.00 feet to a point on the north boundary line of said Block 53, for a corner of this tract;

Thence, along the north boundary line of said Block 53, South 89 degrees 57 minutes 00 seconds East, a distance of 15.80 feet to a point, for a corner of this tract;

Thence, South 00 degrees 04 minutes 41 seconds West, a distance of 1110.00 feet to a point, for a corner of this tract;

Job No. 00253

Attachment III- Metes and Bounds

Thence, North 89 degrees 57 minutes 00 seconds West, a distance of 604.27 feet to a point, for a corner of this tract;

Thence, South 00 degrees 03 minutes 00 seconds West, a distance of 255.00 feet to a point, for a corner of this tract;

Thence, South 89 degrees 57 minutes 00 seconds East, a distance of 45.00 feet to a point, for a corner of this tract;

Thence, South 00 degrees 03 minutes 00 seconds West, a distance of 525.96 feet to a point, for a corner of this tract;

Thence, North 89 degrees 57 minutes 00 seconds West, a distance of 150.00 feet to a point, for a corner of this tract;

Thence, North 00 degrees 03 minutes 00 seconds East, a distance of 528.97 feet to a point, for a corner of this tract;

Thence, North 89 degrees 57 minutes 00 seconds West, a distance of 60.00 feet to a point, for a corner of this tract;

Thence, North 00 degrees 03 minutes 00 seconds East, a distance of 45.00 feet to the place of beginning, containing 35.23 acres of land more or less, inclusive any and all easements, restrictions, exceptions or dedications that may be of record.


Juan Garcia, Jr., R. P. L. S.
Reg. No. 4203



Job No. 00253

Attachment IV- Petition

June 09, 2026

City of Harlingen
Planning & Development Department
118 E. Tyler Ave
Harlingen, TX 78550

Re: Request for Annexation

To Whom It May Concern:

I, Luis H. Villarreal, Managing Member for HerbeyLHVB Properties, LLC submit this request for annexation. I hereby request that the City of Harlingen consider the voluntary annexation of the following described property into the corporate limits of the City:

Property Owner:

HerbeyLHVB Properties, LLC
Managing Member: Luis H. Villarreal

Property Address:

Montezuma Road, Harlingen, Texas

Legal Description:

Being a 3.536 acre, more or less, tract of land, being out of and a part of a 25.24 acre tract of land in Block 53 of the David and Stephenson Subdivision as shown by map or plat of record in Volume 1, Page 2 of the Cameron County, Texas Map Records, said 25.24 acre tract being described by instrument of record in Volume 21413, Page 255 of the Official Records of Cameron County, Texas, said 3.536 acres being 2.912 acres of said Block 53 and 0.624 acres of existing Montezuma Road right of way lying south of and adjacent to said 2.912 acres.

This request is made voluntarily and in accordance with the applicable provisions of the Texas Local Government Code. We respectfully ask that this matter be scheduled for review and consideration by the appropriate City departments and commissions.

Please do not hesitate to contact our office should you require any additional information or documentation to process this request.

Respectfully submitted,



Luis H. Villarreal
Managing Member
Herbey LHVB Properties, LLC
956-346-6902
luis@soginter.com

Attachment IV- Petition

NOTARY ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF CAMERON

Before me, the undersigned notary public, on this day personally appeared Luis H. Villarreal, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

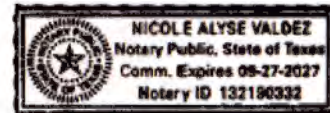
Given under my hand and seal of office this 9 day of JUNE,
20 24.

Nicole Alyse Valdez

Notary Public, State of Texas

Printed Name: NICOLE ALYSE VALDEZ

My Commission Expires: 09-27-2027



Attachment V- Petition

Joel Olivo

From: Nicole Valdez <Nicole@soginter.com>
Sent: Monday, June 15, 2026 4:09 PM
To: Joel Olivo
Cc: Luis Villarreal; Jack Brown; Ana Hernandez
Subject: Re: HERBEYLHVB Properties Subdivision

Good afternoon,

The requested zoning is multi family.

Jack, the city is requesting that y'all sign and seal the metes and bounds. Can you please take care of that?

Best regards,

Nicole Valdez
HERBEYLHVB PROPERTIES
Project Manager
956-535-3583

From: Joel Olivo <jolivo@harlingentx.gov>
Date: Thursday, June 11, 2026 at 9:43 AM
To: Nicole Valdez <Nicole@soginter.com>
Cc: Luis Villarreal <Luis@soginter.com>; Jack Brown <jbrown@scheibeconsulting.com>; Ana Hernandez <ahernandez@harlingentx.gov>
Subject: RE: HERBEYLHVB Properties Subdivision

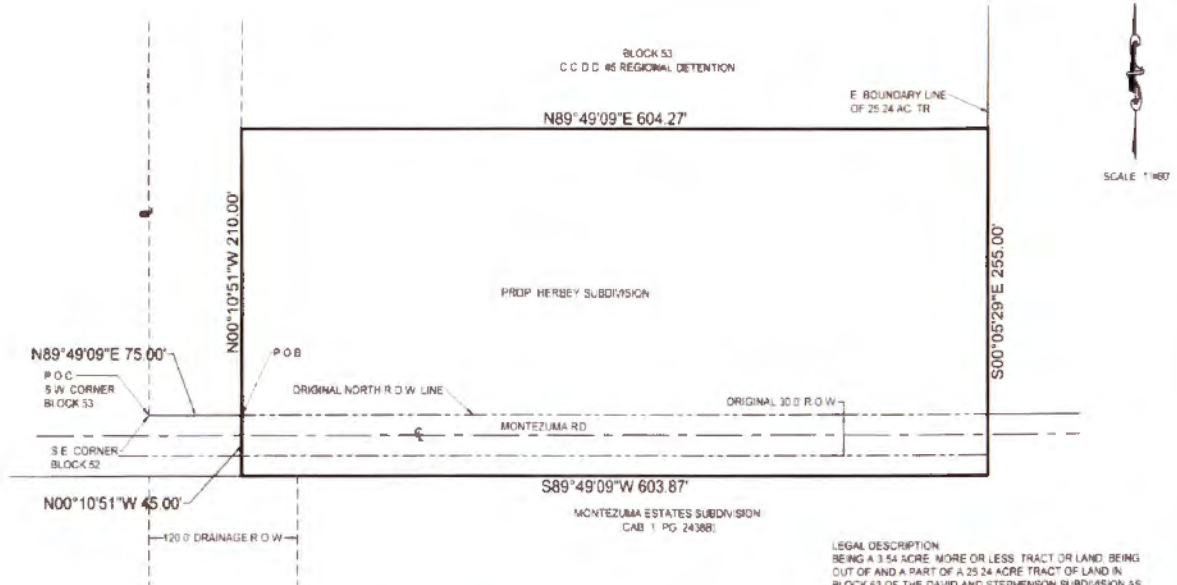
Ms. Valdez,

For the annexation of Herbey Subdivision, please advise on the requested zoning for the subject property. Also, to process the annexation, pending is still the metes and bounds for the requested annexation of the Cameron County DD NO. 5 property along with the road right-of-way fronting the subject property.

If you have any questions, please contact me at (956)216-5260 or by email.

Joel Olivo
Assistant Planning and Development Director
City of Harlingen

Attachment V- Survey



NOTE: NOT AN ON THE GROUND SURVEY. THIS MAP WAS PREPARED FROM RECORDED DOCUMENTS RECORDED AT THE COUNTY CLERK'S OFFICE IN CAMERON COUNTY.



LEGAL DESCRIPTION
BEING A 3.54 ACRE, MORE OR LESS, TRACT OR LAND, BEING OUT OF AND A PART OF A 25.24 ACRE TRACT OF LAND IN BLOCK 53 OF THE DAVID AND STEPHENSON SUBDIVISION AS SHOWN BY MAP OR PLAT RECORDED IN VOLUME 1, PAGE 2 OF THE MAP RECORDS OF CAMERON COUNTY, SAID 25.24 ACRE TRACT BEING DESCRIBED BY INSTRUMENT OF RECORD IN VOLUME 21413, PAGE 255 OF THE OFFICIAL RECORDS OF CAMERON COUNTY, TEXAS, SAID 3.54 ACRES BEING 2.912 ACRES OF SAID BLOCK 53 AND 0.624 ACRES OF EXISTING MONTEZUMA ROAD RIGHT OF WAY LYING SOUTH OF AND ADJACENT TO SAID 2.912 ACRES.

SCHEIBE
CONSULTING LLC

1225 C. TULIP AVE., STE. A | P.O. Box 1306 Harlingen, Tx. 79531 (956) 426-4214

Attachment VI- Metes and Bounds



June 23, 2026

Metes and bounds description of a 3.54 acre tract of land out of a certain 25.24 acre tract (Volume 21413, Page 255, Official Records of Cameron County, Texas) in Block 53, David and Stephenson Subdivision, Cameron County, Texas, Cameron County School League No. 26, according to the map thereof recorded in Volume 1, Pag 2, of the Map Records of Cameron County, Texas and said 3.54 acre tract being more particularly located and described as follows;

Commencing at a 1/2" iron pin found on the southwest corner of Block 53, said iron pin being on the north right-of-way line of Montezuma Rd. (45' R.O.W).

Thence, along the south boundary line of said Block 53, and the north right-of-way line of Montezuma Rd., North 89 degrees 49 minutes 09 seconds East, a distance of 75.00 feet to a 1/2" iron pin found, for the point of beginning of the tract herein described;

Thence, parallel to and 75 feet east of the west boundary line of said Block 53, North 00 degrees 10 minutes 51 seconds West, a distance of 210.00 feet to a 1/2" iron pin found, for the northwest corner of this tract;

Thence, North 89 degrees 49 minutes 09 seconds East, a distance of 604.27 feet to a 1/2" iron pin found on the east boundary line of a said 25.24 acre tract, for the northeast corner of this tract;

Thence, along the east boundary line of said 25.24 acre tract, South 00 degrees 05 minutes 29 seconds East, a distance of 255.00 feet to a point on the south right-of-way line of Montezuma Rd. and the north boundary line of Montezuma Estates (recorded in Cabinet 1, Page 2438B Cameron County Map Records), for the southeast corner of this tract;

Thence, along the south right of way line of Montezuma Rd. and the said north boundary line of Montezuma Estates, South 89 degrees 49 minutes 09 seconds West, a distance of 603.87 feet to a point for the southwest corner of this tract;

Thence, leaving the south right-of-way line of Montezuma Rd., North 00 degrees 10 minutes 51 seconds West, a distance of 45.00 feet to the place of beginning, containing 3.54 acres of land more or less, inclusive any and all easements, restrictions, exceptions or dedications that may be of record.


JUAN GARCIA, JR., R. P. L. S.

Reg. No. 4203



Attachment VII- Street View



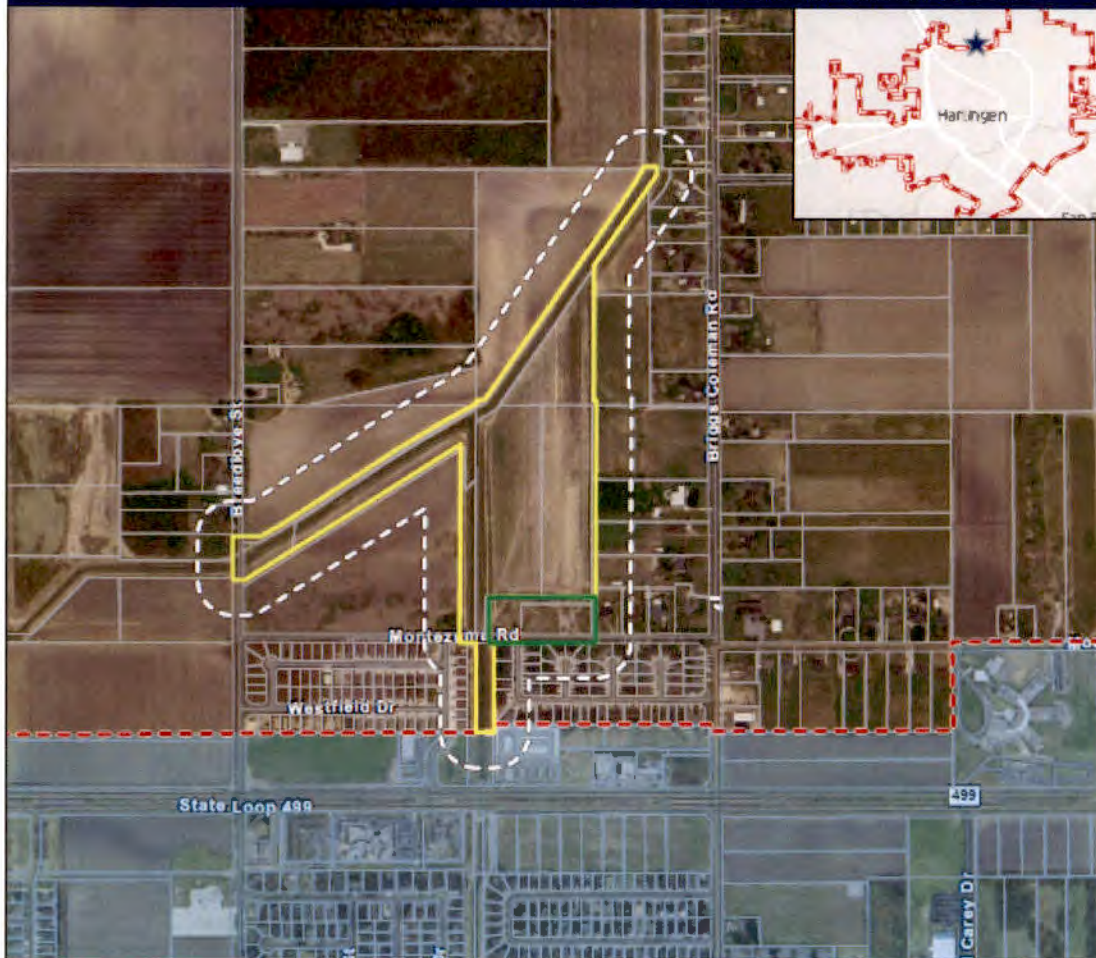
Attachment VIII- Aerial Map



Harlingen, Texas Site Aerial Map

Notice:

Request for the voluntary annexation of 35.32 acres, more or less, tract of land situated in and being 7.40 acres of land out of Block 39, 8.06 acres of land out of Block 52, 17.38 acres of land out of Block 53, 1.45 acres of land out of Block 54, 0.39 acres of land out of Block 55, 0.171 acres of Montezuma Road right-of-way and 0.170 acres of Breedlove Road right-of-way, all of the David and Stephenson Subdivision and request for the voluntary annexation and establishment of initial zoning as Residential, Multi-Family ("M-2") District upon annexation for approximately 3.536 acres, more or less, being and part of a 25.24-acre tract located in Block 53, David and Stephenson Subdivision, said 3.56 acres being 2.912 acres of said Block 53 and 0.624 acres of existing Montezuma Road right-of-way lying south of and adjacent to said 2.912 acres, located approximately 684 feet west of Briggs Coleman Road. Applicants: Cameron County Drainage District #5 and Luis Villarreal



Legend

-  Subject Property: Cameron County Drainage District No. 5 Portion
-  Subject Property: Herbey Subdivision Portion
-  200 ft Buffer
-  Property Parcels
-  City Limits

0 0.13 0.25 mi



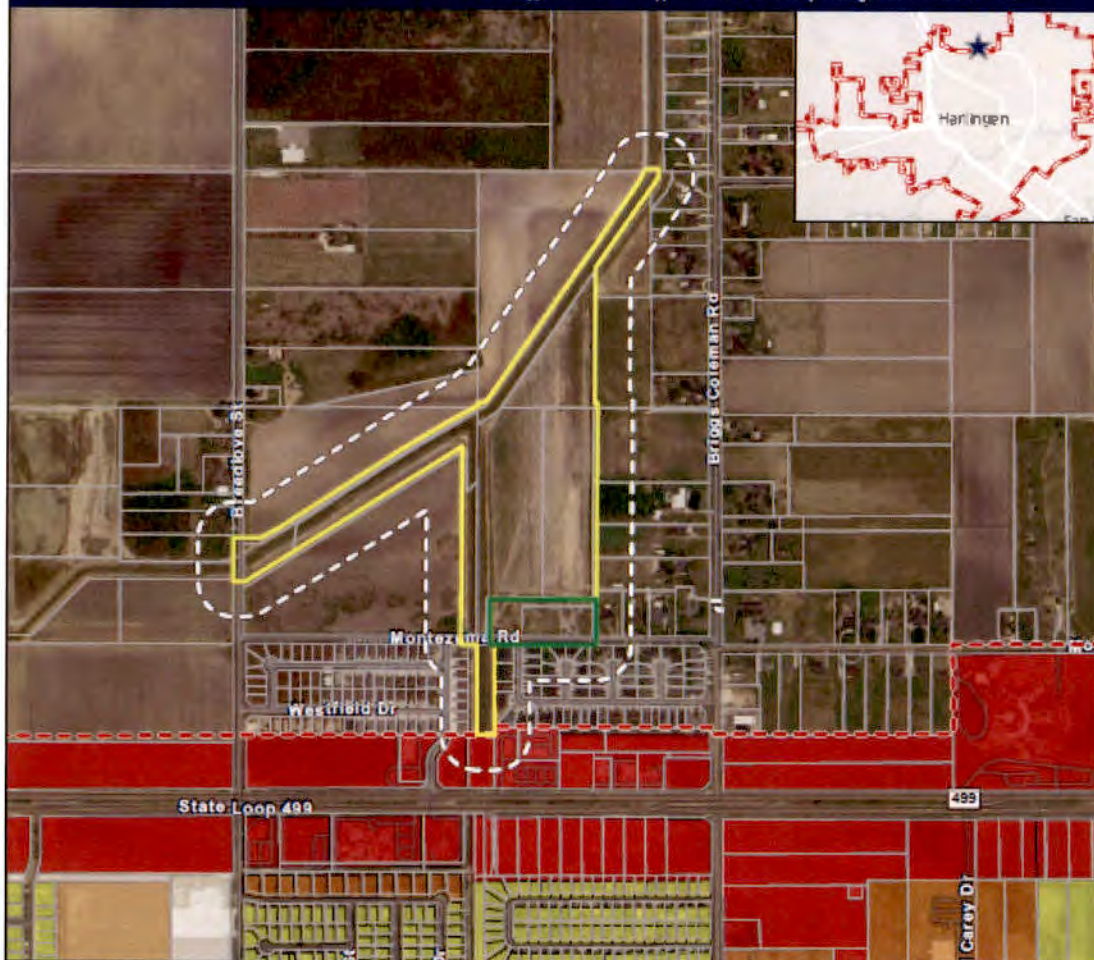
Attachment IX- Zone Map



Harlingen, Texas Site Zone Map

Notice:

Request for the voluntary annexation of 35.32 acres, more or less, tract of land situated in and being 7.40 acres of land out of Block 39, 8.00 acres of land out of Block 52, 17.38 acres of land out of Block 53, 1.45 acres of land out of Block 54, 0.39 acres of land out of Block 55, 0.171 acres of Montezuma Road right-of-way and 0.170 acres of Breedlove Road right-of-way, all of the David and Stephenson Subdivision and request for the voluntary annexation and establishment of initial zoning as Residential, Multi-Family ("M-2") District upon annexation for approximately 3.536 acres, more or less, being and part of a 25.24-acre tract located in Block 53, David and Stephenson Subdivision, said 3.56 acres being 2.912 acres of said Block 53 and 0.624 acres of existing Montezuma Road right-of-way lying south of and adjacent to said 2.912 acres, located approximately 684 feet west of Briggs Coleman Road. Applicants: Cameron County Drainage District #5 and Luis Villarreal



Legend

	Subject Property: Cameron County Drainage District No. 5 Portion		General Retail
	Subject Property: Herbey Subdivision Portion		Residential, Single-Family
	200 ft Buffer		Residential, Triplex and Quadruplex
	Property Parcels		Residential, Multi-Family
	City Limits		Not-Designated
			Planned Development



Attachment X- Future Land Use Map



Harlingen, Texas Site Future Land Use Map

Notice:

Request for the voluntary annexation of 35.32 acres, more or less, tract of land situated in and being 7.40 acres of land out of Block 39, 8.08 acres of land out of Block 52, 17.38 acres of land out of Block 53, 1.45 acres of land out of Block 54, 0.39 acres of land out of Block 55, 0.171 acres of Montezuma Road right-of-way and 0.170 acres of Breedlove Road right-of-way, all of the David and Stephenson Subdivision and request for the voluntary annexation and establishment of initial zoning as Residential, Multi-Family ("M-2") District upon annexation for approximately 3.536 acres, more or less, being part of a 25.24-acre tract located in Block 53, David and Stephenson Subdivision, said 3.56 acres being 2.912 acres of said Block 53 and 0.624 acres of existing Montezuma Road right-of-way lying south of and adjacent to said 2.912 acres, located approximately 684 feet west of Briggs Coleman Road. Applicants: Cameron County Drainage District #5 and Luis Villarreal



Legend

	Subject Property: Cameron County Drainage District No. 5 Portion		Future Land Use Designation
	Subject Property: Hervey Subdivision Portion		Agricultural
	200 ft Buffer		Retail
	Property Parcels		Mixed Use
	City Limits		Institutional
			Lower Density Residential
			Medium Density Residential

0 0.13 0.25 mi



ORDINANCE NO. 26-_____

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF HARLINGEN BY ANNEXING, FOR FULL PURPOSE, 35.32 ACRES, MORE OR LESS, TRACT OF LAND SITUATED IN AND BEING 7.40 ACRES OF LAND OUT OF BLOCK 39; 8.08 ACRES OF LAND OUT OF BLOCK 52, 17.68 ACRES OF LAND OUT OF BLOCK 53, 1.45 ACRES OF LAND OUT OF BLOCK 54, 0.39 ACRES OF LAND OUT OF BLOCK 55, 0.171 OF MONTEZUMA ROAD RIGHT-OF-WAY AND 0.170 ACRES OF BREEDLOVE ROAD RIGHT-OF-WAY, ALL OF THE DAVID AND STEPHENSON SUBDIVISION, AND REQUEST FOR THE VOLUNTARY ANNEXATION AND ESTABLISHMENT OF INITIAL ZONING AS RESIDENTIAL, MULTI-FAMILY ("M-2") DISTRICT UPON ANNEXATION FOR APPROXIMATELY 3.536 ACRES, MORE OR LESS, BEING PART OF A 25.24 ACRE TRACT LOCATED IN BLOCK 53, DAVID AND STEPHENSON SUBDIVISION, SAID 3.56 ACRES BEING 2.912 ACRES OF SAID BLOCK 53 AND 0.624 ACRES OF EXISTING MONTEZUMA ROAD RIGHT-OF-WAY LYING SOUTH OF AND ADJACENT SAID 2.912 ACRES, LOCATED ON MONTEZUMA ROAD APPROXIMATELY 684 FEET WEST OF BRIGGS COLEMAN ROAD; BINDING THE LAND TO ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF THE CITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Harlingen, Texas (the "City") desires to annex 35.32 acres, more or less, tract of land situated in and being 7.40 acres of land out of Block 39, 8.08 acres of land out of Block 52, 17.68 acres of land out of Block 53, 1.45 acres of land out of Block 54, 0.39 acres of land out of Block 55, 0.171 acres of Montezuma Road right-of-way and 0.170 acre of Breedlove Road right-of-way, all of the David and Stephenson Subdivision, and to annex and establish initial zoning of Residential, Multi-Family ("M-2") District upon annexation for 3.56 acres being 2.912 acres of said Block 53 and 0.624 acres of existing Montezuma Road right-of-way lying south of and adjacent to said 2.912 acres as shown in Exhibit "A", and

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

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

WHEREAS, in accordance with Texas Local Government Code, Chapter 43, Subchapter C-3, Section 43.0672, the City has negotiated and entered into a written agreement with the owner of the Property regarding the provision of services to the Property upon annexation, of which the applicable annexation services agreement and schedule is attached hereto and incorporated herein as Exhibit "B," and

WHEREAS, the City Commission provided public notice and held public hearings on July 14, August 5, and August 19, 2026, for all interested persons to attend and be heard in accordance with Texas Local Government Code, Chapter 43, Subchapter C-3, § 43.0673; and

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

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

BE IT ORDAINED BY THE CITY OF HARLINGEN:

Section 1. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Commission and made a part hereof for all purposes as findings of fact.

Section 2. The Property, lying outside of, but adjacent to and adjoining the City and located within the City's ETJ, is hereby annexed into the City, and the

boundaries of the City are extended to include the Property within the corporate limits of the City. From and after the date of this ordinance, the Property shall be entitled to all the rights and privileges of the City and shall be bound by all the acts, ordinances, resolutions, and regulations of the City.

Section 3. The City finds annexation of the Property to be in the public interest due the Property promoting economic growth of the City.

Section 4. The City Manager is hereby authorized and directed to take appropriate action to have the official map of the City revised to reflect the addition to the City's Corporate Limits and the City Secretary is directed to file a certified copy of this Ordinance in the office of the County Clerk of Cameron County, Texas, and in the official records of the City.

Section 5. If for any reason any section, paragraph, subdivision, clause, phrase, word, or other provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance, for it is the definite intent of this Commission that every section, paragraph, subdivision, clause phrase, word, or provision hereof shall be given full force and effect for its purpose.

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

APPROVED ON FIRST READING on this ____ day of ____ 2026

APPROVED, PASSED, AND ADOPTED ON SECOND AND FINAL READING on this
day of _____ 2026

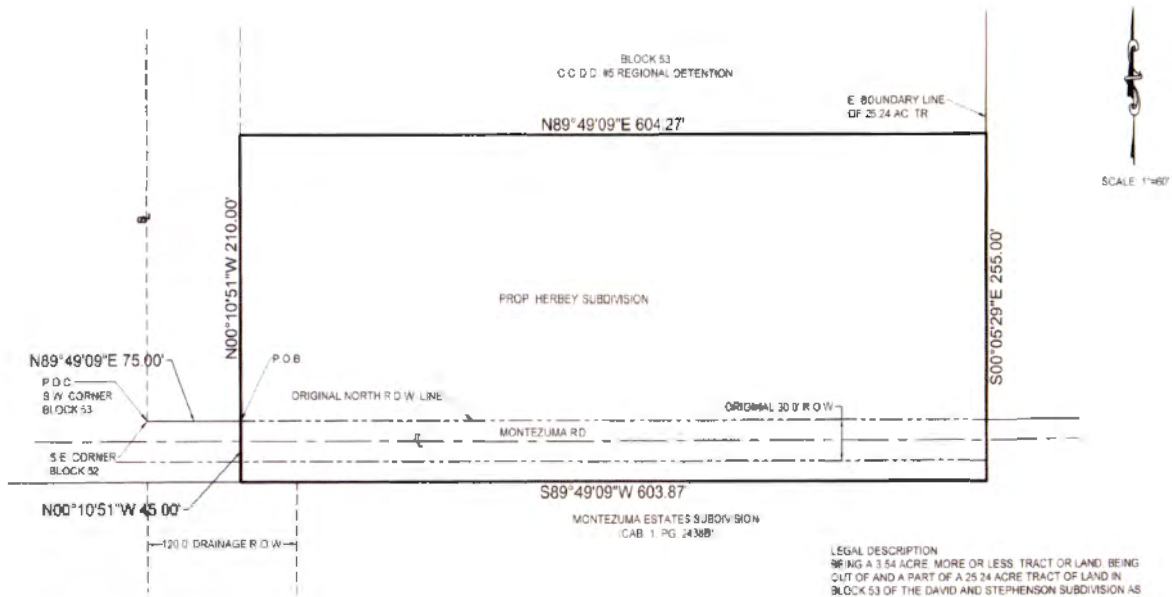
CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Mayra Herrera, City Secretary

EXHIBIT "A"



NOTE: NOT AN ON THE GROUND SURVEY. THIS MAP WAS PREPARED FROM RECORDED DOCUMENTS RECORDED AT THE COUNTY CLERK'S OFFICE IN CAMERON COUNTY.



LEGAL DESCRIPTION
BEING A 3.54 ACRE, MORE OR LESS, TRACT OR LAND, BEING
OUT OF AND A PART OF A 25.24 ACRE TRACT OF LAND IN
BLOCK 53 OF THE DAVID AND STEPHENSON SUBDIVISION AS
SHOWN BY MAP OR PLAT RECORDED IN VOLUME 1, PAGE 2
OF THE MAP RECORDS OF CAMERON COUNTY, SAID 25.24
ACRE TRACT BEING DESCRIBED BY INSTRUMENT OF RECORD
IN VOLUME 21413, PAGE 255 OF THE OFFICIAL RECORDS OF
CAMERON COUNTY, TEXAS, SAID 3.54 ACRES BEING 2.912
ACRES OF SAID BLOCK 53 AND 0.624 ACRES OF EXISTING
MONTEZUMA ROAD RIGHT OF WAY LYING SOUTH OF AND
ADJACENT TO SAID 2.912 ACRES.



EXHIBIT "A"



June 23, 2026

Metes and bounds description of a 3.54 acre tract of land out of a certain 25.24 acre tract (Volume 21413, Page 255, Official Records of Cameron County, Texas) in Block 53, David and Stephenson Subdivision, Cameron County, Texas, Cameron County School League No. 26, according to the map thereof recorded in Volume 1, Page 2, of the Map Records of Cameron County, Texas and said 3.54 acre tract being more particularly located and described as follows;

Commencing at a 1/4" iron pin found on the southwest corner of Block 53, said iron pin being on the north right-of-way line of Montezuma Rd. (45' R.O.W).

Thence, along the south boundary line of said Block 53, and the north right-of-way line of Montezuma Rd., North 89 degrees 49 minutes 09 seconds East, a distance of 75.00 feet to a 1/4" iron pin found, for the point of beginning of the tract herein described;

Thence, parallel to and 75 feet east of the west boundary line of said Block 53, North 00 degrees 10 minutes 51 seconds West, a distance of 210.00 feet to a 1/4" iron pin found, for the northwest corner of this tract;

Thence, North 89 degrees 49 minutes 09 seconds East, a distance of 604.27 feet to a 1/4" iron pin found on the east boundary line of a said 25.24 acre tract, for the northeast corner of this tract;

Thence, along the east boundary line of said 25.24 acre tract, South 00 degrees 05 minutes 29 seconds East, a distance of 255.00 feet to a point on the south right-of-way line of Montezuma Rd. and the north boundary line of Montezuma Estates (recorded in Cabinet 1, Page 2438B Cameron County Map Records), for the southeast corner of this tract;

Thence, along the south right of way line of Montezuma Rd. and the said north boundary line of Montezuma Estates, South 89 degrees 49 minutes 09 seconds West, a distance of 603.87 feet to a point for the southwest corner of this tract;

Thence, leaving the south right-of-way line of Montezuma Rd., North 00 degrees 10 minutes 51 seconds West, a distance of 45.00 feet to the place of beginning, containing 3.54 acres of land more or less, inclusive any and all easements, restrictions, exceptions or dedications that may be of record.


JUAN GARCIA, JR., R. P. L. S.

Reg. No. 4203





LEGAL DESCRIPTION
COMPOSITE MAP OF A 35.23 ACRE, MORE OR LESS, TRACT OF
LAND SITUATED IN AND BEING 7.40 ACRES OUT OF BLOCK 39,
5.00 ACRES OUT OF BLOCK 52, 17.67 ACRES OUT OF BLOCK
53, 1.44 ACRES OUT OF BLOCK 54, 0.39 ACRES OUT OF BLOCK
55, 0.70 ACRES OF MONTEZUMA ROAD RIGHT OF WAY, AND
0.180 ACRES OF BREEDLOVE ROAD RIGHT OF WAY, ALL OUT
OF THE DAVID AND STEPHENSON SUBDIVISION AS
RECORDED IN VOLUME 1, PAGE 2 OF THE CAMERON COUNTY
TEXAS MAP RECORDS

00253- DD5 ANNEXATION



SCHEIBE
CONSULTING LLC

1205 W. Jackson St., P.O. Box 1308 Harlingen, Tx. 78551 (956) 428-4014



EXHIBIT "A"



June 24, 2026

Meters and bounds description of a 35.23 acre tract of land of land situated in and being comprised of 7.40 acres out of Block 39, 8.00 acres out of Block 52, 17.67 acres out of Block 53, 1.44 acres out of Block 54, 0.39 acre out of Block 55, 0.170 acres of Montezuma Road right-of-way and 0.160 acre of Breedlove Road Right-of-way all out of the David and Stephenson Subdivision, according to the map thereof recorded in Volume 1, Pag 2, of the Map Records of Cameron County, Texas and said 35.23 acre tract being more particularly located and described as follows;

Commencing at the southeast corner of said Block 52, same being the southwest corner of said Block 53, said point lying on the original north right-of-way of Montezuma Road (30 R.O.W.), and point being the southeast corner of a 1.940 acre tract of land as described by instrument of record in Volume 14364, Page 266 of Cameron County Texas Official Records;

Thence, along the original northerly line of Montezuma Rd., the south line of said Block 52, and the south line of said 1.94 acre tract, North 89 degrees 57 minutes 00 seconds West, a distance of 90.00 feet to a point on the southwest corner of said 1.940 acre tract being an interior corner and the Point of Beginning of the tract herein described,

Thence, along the west boundary line of said 1.940 acre tract, North 00 degrees 03 minutes 00 seconds East, a distance of 1069.97 feet to a point, for a corner of this tract;

Thence, South 58 degrees 04 minutes 01 seconds West, a distance of 1449.85 feet to a point on the east right-of-way line of Breedlove Road, for a corner of this tract;

Thence, North 87 degrees 57 minutes 00 seconds West, a distance of 30.00 feet to a point on the original west right-of-way line of Breedlove Road, for a corner of this tract;

Thence, along the west right-of-way line of Breedlove Road, North 00 degrees 03 minutes 00 seconds East, a distance of 246.06 feet to a point, for a corner of this tract;

Thence, South 87 degrees 57 minutes 00 seconds East, a distance of 118.55 feet to a point, for a corner of this tract;

Thence, North 60 degrees 35 minutes 56 seconds East, a distance of 132.38 feet to a point, for a corner of this tract;

"EXHIBIT A"

Thence, North 57 degrees 11 minutes 27 seconds East, a distance of 784.03 feet to a point, for a corner of this tract;

Thence, North 59 degrees 20 minutes 30 seconds East, a distance of 336.27 feet to a point, for a corner of this tract;

Thence, North 61 degrees 27 minutes 58 seconds East, a distance of 191.59 feet to a point on the east boundary line of Block 52 and the west boundary line of Block 53, for a corner of this tract;

Thence, along the east boundary line of Block 52 and the west boundary line of Block 53, North 00 degrees 03 minutes 00 seconds East, a distance of 18.04 feet to a point on the common corner of Blocks 39, 40, 52, and 53, for a corner of this tract;

Thence, along the north boundary of said Block 53, South 89 degrees 57 minutes 00 seconds East, a distance of 33.15 feet to a point on the north boundary line of said Block 53, for a corner of this tract;

Thence, North 61 degrees 27 minutes 58 seconds East, a distance of 18.78 feet to a point, for a corner of this tract;

Thence, North 34 degrees 46 minutes 00 seconds East, a distance of 1491.07 feet to a point, for a corner of this tract;

Thence, North 28 degrees 14 minutes 19 seconds East, a distance of 96.88 feet to a point, for a corner of this tract;

Thence, South 89 degrees 57 minutes 00 seconds East, a distance of 72.84 feet to a point, for a corner of this tract;

Thence, South 00 degrees 03 minutes 00 seconds West, a distance of 45.90 feet to a point, for a corner of this tract;

Thence, South 34 degrees 46 minutes 00 seconds West, a distance of 620.57 feet to a point, for a corner of this tract;

Thence, South 00 degrees 03 minutes 00 seconds West, a distance of 764.00 feet to a point on the north boundary line of said Block 53, for a corner of this tract;

Thence, along the north boundary line of said Block 53, South 89 degrees 57 minutes 00 seconds East, a distance of 15.80 feet to a point, for a corner of this tract;

Thence, South 00 degrees 04 minutes 41 seconds West, a distance of 1110.00 feet to a point, for a corner of this tract;

EXHIBIT "A"

Thence, North 57 degrees 11 minutes 27 seconds East, a distance of 784.03 feet to a point, for a corner of this tract;

Thence, North 59 degrees 20 minutes 30 seconds East, a distance of 336.27 feet to a point, for a corner of this tract;

Thence, North 61 degrees 27 minutes 58 seconds East, a distance of 191.59 feet to a point on the east boundary line of Block 52 and the west boundary line of Block 53, for a corner of this tract;

Thence, along the east boundary line of Block 52 and the west boundary line of Block 53, North 00 degrees 03 minutes 00 seconds East, a distance of 18.04 feet to a point on the common corner of Blocks 39, 40, 52, and 53, for a corner of this tract;

Thence, along the north boundary of said Block 53, South 89 degrees 57 minutes 00 seconds East, a distance of 33.15 feet to a point on the north boundary line of said Block 53, for a corner of this tract;

Thence, North 61 degrees 27 minutes 58 seconds East, a distance of 18.78 feet to a point, for a corner of this tract;

Thence, North 34 degrees 46 minutes 00 seconds East, a distance of 1491.07 feet to a point, for a corner of this tract;

Thence, North 28 degrees 14 minutes 19 seconds East, a distance of 96.88 feet to a point, for a corner of this tract;

Thence, South 89 degrees 57 minutes 00 seconds East, a distance of 72.84 feet to a point, for a corner of this tract;

Thence, South 00 degrees 03 minutes 00 seconds West, a distance of 45.90 feet to a point, for a corner of this tract;

Thence, South 34 degrees 46 minutes 00 seconds West, a distance of 620.57 feet to a point, for a corner of this tract;

Thence, South 00 degrees 03 minutes 00 seconds West, a distance of 764.00 feet to a point on the north boundary line of said Block 53, for a corner of this tract;

Thence, along the north boundary line of said Block 53, South 89 degrees 57 minutes 00 seconds East, a distance of 15.80 feet to a point, for a corner of this tract;

Thence, South 00 degrees 04 minutes 41 seconds West, a distance of 1110.00 feet to a point, for a corner of this tract;

Job No. 00253

EXHIBIT "B"

ANNEXATION SERVICE AGREEMENT

SECTION 1. Pursuant to the provisions of V.T.C.A., Local Government Code Section 43.0672, in connection to the voluntary annexation of 35.32 acres, more or less, tract of land situated in and being 7.40 acres of land out of Block 39, 8.08 acres of land out of Block 52, 17.68 acres of land out of Block 53, 1.45 acres of land out of Block 54, 0.39 acres of land out of Block 55, 0.171 acres of Montezuma Road right-of-way and 0.170 acres of Breedlove Road right-of-way, all of the David and Stephenson Subdivision, and the voluntary annexation of 3.536 acres, more or less, being and part of a 25.24 acre tract located in Block 53, David and Stephenson Subdivision, said 3.56 acres being 2.912 acres of said Block 53 and 0.624 acres of existing Montezuma Road right-of-way lying south of and adjacent to 2.912 acres, Cameron County, Texas, the owners(s) of the land in the area and the City of Harlingen ("City"), collectively referred to herein as the "Parties", hereby enter into this written Annexation Service Agreement as follows:

- A. Services to be provided on the effective date of annexation unless otherwise specified.
1. Police Protection
Patrolling, radio response to calls and other routine police services using present personnel and equipment will be provided on the effective date of annexation. Patrol positions will be added when population warrants.
 2. Fire Protection
Fire protection by the present personnel and equipment of the fire fighting force within the limitations of available water will be provided on the effective date of annexation.
 3. Emergency Medical Services
Emergency medical services will be provided through contract services on the effective date of annexation.
 4. Environmental Health and Code Compliance
Health protection including the elimination of weedy lots, illegal dumping, unsanitary septic systems, sources of standing water and other public nuisances will be provided on the effective date of annexation.

Regulation of animal and fowl density will be provided on the effective date of annexation.
 5. Solid Waste Collection
Pick up will begin on the effective date of annexation at the same level of service and cost provided to other similar areas presently found within the City of Harlingen.

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

6. Operation and maintenance of public water and wastewater facilities
Routine maintenance of existing water and wastewater facilities owned by Harlingen Waterworks System that are not within the service area of another water or wastewater utility will begin on the effective date of annexation.
7. Operation and maintenance of public roads and streets
Routine maintenance of public roads and streets will begin on the effective date of annexation on the same basis as presently occurs in the city.

SIGNED this ____ day of _____, 2026.

CITY OF HARLINGEN

By: _____
Gabriel Gonzalez, CPM, City Manager

PROPERTY OWNER(S) OF THE PROPERTY DESCRIBED ABOVE

By: _____
Luis H. Villarreal

By: _____
Cameron County Drainage District No. 5

AGENDA ITEM EXECUTIVE SUMMARY

Meeting Date: **August 5, 2026**

Agenda Item:

Consideration and possible action to approve an ordinance of the City Commission of the City of Harlingen, Texas, amending Chapter 105, "Flood Damage Prevention", of the Code of Ordinances; amending definitions; updating flood hazard data and floodplain management standards; clarifying the authority, duties, and administration of floodplain regulations; revising floodplain development permit, review, and variance procedures; establishing compensatory storage requirements and no-adverse-impact floodplain management standards; revising flood hazard reduction requirements for residential, nonresidential, critical facility, manufactured home, recreational vehicle, and subdivision development; establishing additional elevation, foundation, floodproofing, and floodplain encroachment standards, establishing additional regulations for development within flood hazard areas; providing for severability; providing for codification; providing for conflicts; and providing an effective date. Applicant: City of Harlingen

Prepared By: Ana Hernandez, AICP-CNU-A

Title: Planning and Development Director/
Special Projects Director

Signature: *Ana Hernandez*

Brief Summary:

Project Timeline

- June 6, 2026 – In accordance with State and local law, notice of the required public hearings was published in the Valley Morning Star.
- June 23, 2026 - Public hearing and consideration of the requested amendment by the Planning and Zoning Commission. Tabled.
- July 28, 2026 – Public hearing and consideration of the requested amendment by the Planning and Zoning Commission.
- August 5, 2026 – Public hearing and consideration of requested amendment via 1st ordinance reading scheduled before the City Commission.
- August 19, 2026 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading is scheduled before the City Commission.

Summary

- The proposed ordinance amends Chapter 105, Flood Damage Prevention, of the City of Harlingen Code of Ordinances to update and strengthen the City's floodplain management regulations.
- Freese and Nichols prepared the proposed ordinance amendments and supporting technical memorandum as part of the City's Resilient Communities Program Grant requirements (**ATTACHMENTS I AND II**).

Funding (if applicable):

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

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

Finance Director's approval:

☐

Yes

☐

No

☐

N/A

Staff Recommendation:

Staff recommends approval of the amendments to Chapter 105, Flood Damage Prevention.

City Manager's approval:

GG

☒

Yes

☐

No

☐

N/A

Comments:

City Attorney's approval:

Marj

☒

Yes

☐

No

☐

N/A

Attachment I

MEMORANDUM



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www.freese.com

TO: Ana Hernandez, Planning and Development Director
FROM: Caitlin Admire, FNI Project Manager
SUBJECT: HAR24531 Flood Damage Prevention and Associated Ordinance Updates
DATE: 6/2/2026
PROJECT: Harlingen Comprehensive Plan

The purpose of this memorandum is to summarize the proposed updates to the City of Harlingen's (City) Flood Damage Prevention ordinance (Chapter 105 of the Code of Ordinances) and some sections in Chapter 111 (Zoning). This summary is presented to streamline the approval process, as a copy of the updated Code of Ordinances is due with the 100% submittal to the GLO.

Updates to the Code of Ordinances relevant to the GLO criteria are limited to Chapter 105. Chapter 111 satisfies the GLO criteria as-is. However, FNI provided comments on Chapter 111 focused on readability improvements and legal best practices. The Chapter 105 edits are required to meet the minimum standards included in the General Land Office's Resilient Communities Program Deliverable Review Checklist. These updates address the checklist items located in the "Adopted Zoning Ordinance or Equivalent" section of Milestone 4, due at the Adopted Comprehensive Plan (100%) stage. The change tables below record the major proposed changes by chapter; additional changes for clarification and formatting are included but not noted. The GLO checklist table below demonstrates the connection between the amendments to the Codes and GLO criteria addressed.

Supporting documents for these amendments are enclosed with this memorandum. The enclosed are:

- Redlines of Chapters 105 and 111; and
- Clean copies of Chapters 105 and 111.

These amendments are provided as whole chapters so a concise ordinance that repeals the existing chapters and replaces them with the proposed language may be written. The redlines are provided to aid staff and stakeholders in their review of the proposed changes. The clean copies of the amended chapters are provided to aid preparation of the adoption ordinances and submission of the amended chapters for online codification.

The Freese and Nichols (FNI) team is prepared to coordinate the ordinance writing and approval processes with the City's staff and legal team. FNI recommends coordinating with the legal team early in the amendment process to ensure the amendments meet the formal and procedural standards customary to the City.

Change Table for Chapter 105: Flood Damage Prevention

Section	Change/Warrant
§105 Chapter-wide Edits	Edited to clarify numbers (e.g. one (1)), make capitalization of titles and hyphenation consistent, and correct/create references between sections.
§105-1 Statutory Authorization	Change “which results in loss of life...” to “which may result in”.
§105-3(5) Statement of Purpose	Remove “located in floodplains” at the end of the sentence to broaden applicability.
§105-4 Methods of Reducing Flood Losses	Edited for specificity in grammar.
§105-22 Basis for Establishing the Areas of Special Flood Hazard	Ensure that the community FIRM and any updates are understood as the standard for flood hazard area determination
§105-23 Establishment of Development Permit	Enable the City to charge a fee for the processing of a floodplain development permit.
§105-27 Warning and Disclaimer of Liability	Strengthen the disclaimer language based on best practices.
§105-41 Designation of the Floodplain Administrator	Enable the Floodplain Administrator’s designees to share review duties of the Floodplain Administrator role
§105-43 Permit Procedures	(b)(1): Add “or threat” to “danger to life and property”. (b)(11): Enable the City Engineer or a third-party engineer to review permit applications.
§105-44 Variance Procedures	(a): Specify that the Floodplain Administrator and City Engineer make a recommendation to the appeal board for variances. (e): Consolidate provisions (e) and (i) relating to historic structures. (i)(2): Clarify the definition of “hardship” as relevant to variances. (k): Add language supporting conditions attached to variances.
§105-56 General Standards	Strengthen building standards in areas of special flood hazard related to utilities, drainage, foundations, and construction materials

	• Add reference to IBC flood load standards • Add criteria defining substantial improvements and applicable restrictions
§105-57 Specific Standards	• Clarify and add additional elevation standards for manufactured home uses in different areas • (3) Add provisions for critical facilities construction, hazardous materials, and requirements for elevation certificates • (7) Create restrictions to floodplain development permits within areas of special flood hazard, including maximum structure size, maximum building coverage, and fill material quality
§105-61 (New Section) Improved Open Drainage Courses and Enclosed Drainage Structures	• Set standards for open drainage courses/enclosed drainage structures, including engineer review and regular maintenance requirements
§105-61 Severability	• Section number updated to Section 105-62
§105-62 Penalties for Noncompliance	• Section number updated to Section 105-63
§105-63 Stop Work Order, Emergencies	• Section number updated to Section 105-64

Change Table for Chapter 111: Zoning

Section	Change/Warrant
Chapter 111	• Minor spelling and enumeration edits throughout. • Updated notice and ZBOA language included.

GLO Checklist Table

Requirement	Response
Did the subrecipient provide a copy of the adopted Zoning Ordinance?	Comprehensive Plan team must provide a copy of the updated codes addressed here at 100% submittal.
Does the Ordinance include a Definition Section?	Yes, included in ordinances as written. • Flood Damage Prevention – 105-16 Definitions • Zoning – 111-1 Definitions
Does the Ordinance include a Use Chart?	Yes, existing in 111-62 Use Chart
Does the Ordinance include a section discussing the requirements that apply in each Zoning District?	Yes, included in ordinances as written at 111-62 Use Chart and 111-118 Area Regulations
Does the Ordinance include a Procedure for Amending the Zoning Ordinance and/or Map?	Yes, included in ordinances as written. • 111-31 Amendments
Does the Ordinance include a section about how to handle Nonconforming Uses/Structures?	Yes, included in ordinances as written at Ch. 111, Article XIII: Nonconforming Uses and Structures
Does the Ordinance include a section about the roles and responsibilities of the Zoning Board of Adjustment?	Yes, included in ordinances as written at Ch. 111, Article XVI: Zoning Board of Adjustment
Integration of hazard mitigation / resiliency measures into Zoning (or Equivalent)	Yes, Chapter 105 Flood Damage Prevention, included in Code of Ordinances as written. Updates to Chapter 105 made as detailed below.
Are hazard areas referenced in the zoning ordinance (or equivalent)?	Yes, included in Chapter 105 as written at 105-22. Other chapters reference the Flood Damage Prevention regulations.
Does the zoning (or equivalent) allow only certain land uses within hazard areas? (for example, open space)	Yes, the standards exist and are updated in • 105-23 Establishment of Development Permit • 105-59 Standards for Areas of Shallow Flooding sets standards for development in areas of shallow flooding • 105-60 Floodways prohibits development in floodways unless highest requirements are met
Does the zoning (or equivalent) allow only certain densities within hazard areas? (for example, single family residential)	Yes, 105-57(7) Specific Standards, Prohibited Uses limits density and building coverage to 50% of the

	by-right density or building coverage if built within areas of special flood hazard.
Does the zoning (or equivalent) establish parcel development requirements within hazard areas (for example, requiring setbacks, certain impervious cover %, clustering)?	Yes, • 105-45 Compensatory Storage or Floodplain Mitigation Required applies to development within areas of moderate or special flood hazard • 105-56 General standards includes higher requirements for utilities and construction in hazard zones
Does the zoning (or equivalent) establish infrastructure requirements within hazard areas (like fire-resistant/underground powerlines, high drainage performances, etc.)?	Yes, • 105-56 General Standards requires utilities to be constructed to minimize or eliminate floodwater contamination/infiltration. • 105-57 Specific Standards requires placement of utilities, especially for critical facilities, above base flood elevation.
Does the zoning (or equivalent) establish building construction requirements within hazard areas (like floor elevation, fire resistant material, wind-resistant roofs, etc.)?	Yes, 105-56 General Standards and 105-57 Specific Standards set standards for foundations and water- and flow-resistant construction and references relevant IBC material.
Does the zoning (or equivalent) regulate hazard areas through overlay zoning?	Chapter 105 regulates development throughout areas of special flood hazard. Inclusion of a flood hazard overlay district would be redundant to Chapter 105 regulations.

Attachment II

DRAFT

ORDINANCE NUMBER 2026 -

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS, AMENDING CHAPTER 105, "FLOOD DAMAGE PREVENTION", OF THE CODE OF ORDINANCES; AMENDING DEFINITIONS; UPDATING FLOOD HAZARD DATA AND FLOODPLAIN MANAGEMENT STANDARDS; CLARIFYING THE AUTHORITY, DUTIES, AND ADMINISTRATION OF FLOODPLAIN REGULATIONS; REVISING FLOODPLAIN DEVELOPMENT PERMIT, REVIEW, AND VARIANCE PROCEDURES; ESTABLISHING COMPENSATORY STORAGE REQUIREMENTS AND NO-ADVERSE-IMPACT FLOODPLAIN MANAGEMENT STANDARDS; REVISING FLOOD HAZARD REDUCTION REQUIREMENTS FOR RESIDENTIAL, NONRESIDENTIAL, CRITICAL FACILITY, MANUFACTURED HOME, RECREATIONAL VEHICLE, AND SUBDIVISION DEVELOPMENT; ESTABLISHING ADDITIONAL ELEVATION, FOUNDATION, FLOODPROOFING, AND FLOODPLAIN ENCROACHMENT STANDARDS, ESTABLISHING ADDITIONAL REGULATIONS FOR DEVELOPMENT WITHIN FLOOD HAZARD AREAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Harlingen, Texas, is a home-rule municipality authorized under the Constitution and laws of the State of Texas to adopt regulations necessary to protect the public health, safety, and welfare of its residents; and

WHEREAS, the City Commission finds that portions of the City of Harlingen and its extraterritorial jurisdiction are subject to periodic flooding, resulting in threats to life and property, disruption of commerce and governmental services, damage to public infrastructure, and increased public expenditures for emergency response and recovery; and

WHEREAS, the City participates in the National Flood Insurance Program (NFIP) and is required to adopt and enforce floodplain management regulations that meet or exceed the minimum standards established by the Federal Emergency Management Agency (FEMA); and

WHEREAS, the City Commission recognizes that flood hazards are dynamic and that additional flood risk information, including Base Level Engineering (BLE) data and other best available flood hazard information, provides valuable tools for reducing future flood losses and improving community resilience; and

WHEREAS, the City Commission finds that prudent floodplain management practices, including compensatory storage requirements, enhanced development standards, protection of critical facilities, and improved drainage infrastructure standards, promote the public health, safety, and welfare by reducing the risk of flood damage to persons and property; and

WHEREAS, the City has participated in the Texas General Land Office Resilient Communities Program and has undertaken a comprehensive review of its development regulations to identify opportunities to strengthen local resilience to flooding and other natural hazards; and

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WHEREAS, the proposed amendments to Chapter 105, Flood Damage Prevention, are intended to improve the City's ability to manage development in flood-prone areas, protect public and private investments, preserve floodplain functions, and reduce future flood-related losses; and

WHEREAS, the City Commission further finds that adoption of these amendments is in the best interest of the public and will promote the orderly development of land while safeguarding the health, safety, and welfare of current and future residents of the City of Harlingen.

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

SECTION I. Amendment.

Chapter 105, "Flood Damage Prevention," of the Code of Ordinances of the City of Harlingen, Texas, is hereby amended as follows:

Chapter 105

FLOOD DAMAGE PREVENTION

ARTICLE I

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

§ 105-1. Statutory authorization.

The Legislature of the State of Texas has in the Flood Control Insurance Act, Texas V.T.C.A., Water Code § 16.315, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Elective Commission of Harlingen, Texas does ordain as follows:

(Ordinance 2023-24, § II, adopted 7/5/2023)

§ 105-2. Findings of fact.

- (a) The flood hazard areas of the city are subject to periodic inundation, which may results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
- (b) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

(Ordinance 2023-24, § II, adopted 7/5/2023)

§ 105-3. Statement of purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

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- (1) Protect human life and health;
 - (2) Minimize expenditure of public money for costly flood control projects;
 - (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - (4) Minimize prolonged business interruptions;
 - (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges ~~located in floodplains~~;
 - (6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
 - (7) Provide information to potential buyers to determine if property is in a flood area, as defined by FEMA;
 - (8) Avoid increasing flood levels or flood hazards or creating new flood hazard areas;
 - (9) Minimize public and private property losses due to flooding; and
 - (10) Preserve the natural floodplains where at all possible.
- (Ordinance 2023-24, § II, adopted 7/5/2023)

§ 105-4. Methods of reducing flood losses.

In order to accomplish reduction of flood loss, this chapter uses the following methods:

- (1) Restrict or prohibit uses that ~~threaten~~ are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
 - (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 - (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
 - (4) Control filling, grading, dredging and other development which may increase flood damage;
 - (5) Prevent or control the construction of flood barriers by grading, dredging, excavation and filling which will unnaturally divert flood waters or which may increase flood hazards to other lands.
- (Ordinance 2023-24, § II, adopted 7/5/2023)

§ 105-5. through § 105-15. (Reserved)

ARTICLE II DEFINITIONS

§ 105-16. Definitions.

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

1% annual chance floodplain (also known as a 100-year floodplain) Is the land within a community subject to a one (1) percent or greater chance of flooding in any given year. These areas are typically designated as a Federal Emergency Management Agency (FEMA) zone A, AE, AH, or AO on FEMA flood insurance rate maps (FIRM Panels). This area includes inundated areas shown in base level engineering analyses for the 1% annual chance storm event.

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

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

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

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

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

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

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

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

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

Base level engineering (BLE) Means an automated riverine hydrologic and hydraulic modeling approach that provides flood risk data that meet the technical mapping standards outlined in federal insurance and Mitigation Administration Policy 204-078-1 Standards for Flood Risk Analysis and Mapping. Base level engineering includes estimated floodplain extents (10%, 1%, and 0.2% annual chance storm events), water surface elevation grids (1% and 0.2% annual chance storm events), and flood depth grids (1%, and 0.2% annual chance storm events). Base level engineering reference can be accessed at <https://webapps.usgs.gov/infrm/estBFE/>.

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

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

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

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

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

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

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

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

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

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

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

Extra-territorial jurisdiction (not limited-purpose annexation) Means the area extending three and one-half (3 ½) miles outside the City of Harlingen corporate limits. All development in the ETJ within an area of special flood hazard is subject to this article.

FEMA Means the Federal Emergency Management Agency.

Commented [E01]: Updated to match 105-21

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

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

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

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

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

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

Flood protection system Means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

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

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

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

Floodprone area Means any land area susceptible to being inundated by water from any source (see definition of flooding).

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

Freeboard. See "elevated building."

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

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

Historic structure Means any structure that is:

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

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

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

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

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

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

Manufactured home park or subdivision Means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

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

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

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

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

No adverse impact floodplain management Means providing appropriate regulatory oversight that the action of one (1) property owner or community does not adversely affect the flood risks for other properties or communities as measured by increased flood stages, increased flood velocity, increased flows, or the increased potential for erosion and sedimentation, or any other impact deemed important by the city, unless the impact is mitigated as provided for in a community or watershed-based plan.

Commented [E02]: Very broad, suggest City Attorney to give insight.

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

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

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

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

Special flood hazard area See area of special flood hazard.

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

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

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

Substantial improvement Means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the damage occurred. For the purposes of this definition, an improvement occurs when the first alteration

of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. This term includes structures, which have incurred "repetitive loss" or "substantial damage," regardless of the actual repair work done. The term does not apply to:

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

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

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

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

(Ordinance 2023-24, § II, adopted 7/5/2023; Ordinance 2025-35 adopted 6/18/2025)

§ 105-17. through § 105-20. (Reserved)

ARTICLE III GENERAL PROVISIONS

§ 105-21. Lands to which this chapter applies.

The article shall apply to all duly designated FEMA flood zones ("areas of special flood hazard") within the jurisdiction of the city to include the areas within the city limits and the extra territorial jurisdiction (ETJ) extending 3.5 miles from the city limits.
(Ordinance 2023-24, § II, adopted 7/5/2023)

§ 105-22. Basis for establishing the areas of special flood hazard.

The area of special flood hazard shall be any areas classified as special flood hazard areas in the scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Cameron County, Texas and Incorporated Areas," dated February 16, 2018, with accompanying flood insurance rate maps and/or flood boundary-floodway maps (FIRM and/or FBFM) dated February 16, 2018 issued by the Federal Emergency Management Agency, or the most recent version thereof, including all digital supporting data. Any revisions or amendments to the FIRM and/or FBFM are hereby adopted by reference and declared to be part of this chapter. The area of special flood hazard shall also include those areas determined to be flood prone by the City of Harlingen and through the reasonable and prudent use of other flood hazard information, including the results of the South Laguna Madre Watershed Base Level Engineering Assessment dated October 2021, to ensure conformance with the provisions of this chapter. The studies and map detailed above shall serve as the minimum basis for establishing areas of special flood hazard within the city limits and ETJ of the City of Harlingen.
(Ordinance 2023-24, § II, adopted 7/5/2023)

§ 105-23. Establishment of development permit.

A floodplain development permit shall be required to ensure conformance with the provisions of this chapter. The City shall charge a fee for the issuance of the permit, which shall be set from time to time by the City Commission. The fee shall be payable at the time the application is submitted.
(Ordinance 2023-24, § II, adopted 7/5/2023)

§ 105-24. Compliance.

No structure or land shall hereafter be located, altered, or have its use changed, or otherwise be developed unless a floodplain development permit has been issued, pursuant to the terms of this chapter. Where construction of structures in a floodplain is allowed by the floodplain administrator, a floodplain development permit shall be required to ensure conformance with the provisions of this chapter. In addition, all land development in any area of special flood hazard shall be required to have a floodplain development permit. Proposed work must be started within six (6) months of the date of approval of a floodplain development permit, otherwise the permit will become null and void. The floodplain development permit will be in effect for 12 months following the start of construction unless otherwise approved on the permit by the floodplain administrator.
(Ordinance 2023-24, § II, adopted 7/5/2023)

§ 105-25. Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
(Ordinance 2023-24, § II, adopted 7/5/2023)

§ 105-26. Interpretation.

In the interpretation and application of this chapter, all provisions shall be; (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under state statutes.
(Ordinance 2023-24, § II, adopted 7/5/2023)

§ 105-27. Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On occasion, greater floods can and will occur and flood heights may be increased by human-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder. This chapter shall not create a cause of action or basis for liability from any flood damages that result from reliance on this chapter or any administrative decisions lawfully made thereunder.
(Ordinance 2023-24, § II, adopted 7/5/2023)

§ 105-28. through § 105-40. (Reserved)

ARTICLE IV ADMINISTRATION

§ 105-41. Designation of the floodplain administrator.

The Ceity Engineer or their designee is hereby appointed the floodplain administrator to administer and implement the provisions of this chapter and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) pertaining to floodplain management. (Ordinance 2023-24, § II, adopted 7/5/2023)

§ 105-42. Duties and responsibilities of the floodplain administrator.

Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this chapter.
- (2) Review permit application to determine whether ~~to ensure that~~ the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.
- (3) Review, approve or deny all applications for development permits required by adoption of this chapter.
- (4) Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1334) from which prior approval is required.
- (5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain administrator shall make the necessary interpretation.
- (6) Notify, in riverine situations, adjacent communities and the state coordinating agency which is the Texas Water Development Board (TWDB) and also the Texas Commission on Environmental Quality (TCEQ), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (7) Assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (8) When base flood elevation data has not been provided in accordance with article III, section 105-22, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of article V.
- (9) When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.
- (10) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one (1) foot, provided that the community first completes all of the provisions required by Section 65.12.

- (11) Coordinate all change requests to the FIS and FIRM or FHB, or both, with the requestor, state, and FEMA;
- (12) Enforcing the city's "No Adverse Impact" Floodplain Management requirement based on the historical knowledge related to street and structural flooding of the area and require additional conditions for the approval which may include limit dirt placement by implementing a pier and beam construction requirement, improving drainage systems, etc.
- (13) Where base level engineering is available:
- Base level engineering data shall be reviewed and reasonably used in FEMA-identified special flood hazard areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified special flood hazard areas.
 - Base flood elevations and designated floodway boundaries on FIRMs and in flood insurance studies shall take precedence over base flood elevations and floodway boundaries delineated by base level engineering if such source shows reduced floodway widths and/or lower base flood elevations.
 - Base level engineering data shall be reasonably used if such source shows increased base flood elevations and/or larger floodway areas than are shown on FIRMs and in flood insurance studies.
- (Ordinance 2023-24, § II, adopted 7/5/2023)

Commented [EO3]: Recommend having the City Attorney review to provide input.

§ 105-43. Permit procedures.

- (a) Application for a floodplain development permit shall be presented to and must be approved by the floodplain administrator on forms furnished by the floodplain administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Application for a floodplain development permit for a proposed subdivision may be presented prior to or in conjunction with other data required for the platting process. For platting purposes, a floodplain development permit shall serve only as an approval of the floodplain ordinance requirements. No cut or fill, building, or other site alterations shall proceed until the permit is approved. Additionally, the following information shall accompany the permit application:
- (1) An elevation certificate for buildings on property located in or abutting the floodplain;
 - (2) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
 - (3) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of article V, section ~~105-57(2)(b)(2)~~;
 - (4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
 - (5) Maintain a record of all such information in accordance with article IV, section ~~105-42(1)(b)(4)~~;
 - (6) An existing structure may be improved (remodeled) without conforming to requirements of this chapter when the improvement does not constitute a substantial improvement. In the event that the work is considered a substantial improvement then the structure must be brought into compliance with this chapter.
 - (7) If required by section 105-45, a certification of no adverse impact. A registered professional

engineer shall certify that the proposed development will not create adverse impacts on other properties as measured by:

- a. No increase in flood stage;
- b. No increase in flood velocity
- c. No increase in flows;
- d. No increased potential for erosion and sedimentation;
- e. Any other impact deemed important or as specified by the city.

The certification shall employ accepted engineering standards for hydraulic and hydrological analysis and all data shall be provided in hard copy and digitally for review and corroboration by the Floodplain Administrator, City Engineer, or any governmental review agency acceptable to the city.

Commented [EO4]: Recommend City Attorney provide insight for this broad discretion.

- (b) Approval or denial of a floodplain development permit by the floodplain administrator shall be based on all of the provisions of this chapter and the following relevant factors:

- (1) The danger or threat to life and property due to flooding or erosion damage;
- (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (3) The danger that materials may be swept onto other lands to the injury of others;
- (4) The compatibility of the proposed use with existing and anticipated development;
- (5) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
- (7) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
- (8) The necessity to the facility of a waterfront location, where applicable;
- (9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

(10) The relationship of the proposed use to the comprehensive plan for that area,

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(11) Technical review of a permit application for sound engineering practices may be performed by either the City Engineer or by an appointed Professional Engineer.

- (c) If a development permit application is disapproved, the floodplain administrator shall notify the applicant in writing of the section and specific requirement of this chapter with which the proposed development does not comply and the nature of such noncompliance.

(Ordinance 2023-24, § II, adopted 7/5/2023)

§ 105-44. Variance procedures.

- (a) Following recommendation from the Floodplain Administrator and City Engineer or appointed Professional Engineer, The appeal board, as established by the community, shall hear and render judgment on requests for variances from the requirements of this chapter. The issuance of a variance pursuant to this chapter is for flood plain management purposes only.
- (b) The appeal board shall hear and render judgment on an appeal only when it is alleged there is an

error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this chapter. The appeal board, after a public hearing and examining the applicant's hardships, shall approve or disapprove a request for variance.

- (c) Any person or persons aggrieved by the decision of the appeal board may appeal such decision in the courts of competent jurisdiction.
 - (d) The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
 - (e) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this chapter. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
 - (f) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in section ~~105-43(b)(e)(2)~~ of this article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
 - (g) Upon consideration of the factors noted above and the intent of this chapter, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this chapter (article I, section ~~105-3(e)~~).
 - (h) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - ~~(i) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.~~
- ~~(i)~~ Prerequisites for granting variances:
- (1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (2) Variances shall only be issued upon: (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant due to the physical characteristics of the land that render the lot undevelopable; inconvenience and/or increased costs to satisfy the requirements do not constitute hardship; and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - (3) Any application to whom ~~a~~ variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- ~~(j)~~ Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in article IV, section ~~105-44(a) through (j)(4)(1)-(9)~~ are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

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- (k) Enforcement of Conditions and Violation. Any variance granted under this ordinance shall be subject to the conditions and safeguards established at the time of approval. Failure to comply with such conditions, or misuse of the variance, shall be considered a violation of this ordinance and may result in revocation of the variance and any other lawful remedy as determined appropriate by the City.

(Ordinance 2023-24, § II, adopted 7/5/2023)

§ 105-45. Compensatory storage or floodplain mitigation required.

- (a) Compensatory storage or floodplain mitigation required. If a development, re-development, or substantial improvement project of or greater than 50 lots or five (5) acres proposes encroachment upon, by placing fill, storing stormwater detention, or placing a structure within, a moderate or special flood hazard area, the project must provide compensatory storage.
- (1) Compensatory storage for special flood hazard area encroachments shall be provided in the same type of special flood hazard area.
 - (2) Compensatory storage for moderate flood hazard area encroachments may be provided in either special or moderate flood hazard areas.
 - (3) The volume of an encroachment shall be calculated as the volume of space occupied by the encroachment from natural ground up to the base flood elevation.
 - (4) If the compensatory storage is provided on the same property as the proposed development, the required compensatory storage shall be equivalent to the volume of encroachment.
 - (5) If it is infeasible to provide compensatory storage on the same property as the proposed development, the applicant may request to provide the compensatory storage offsite, provided that:
 - a. The compensatory storage is doubled;
 - b. The applicant provides proof that the offsite compensatory storage cannot be reduced in any way; and
 - c. The location of the offsite compensatory storage is within a one-half mile radius of the proposed development's continuous property boundary.
 - (6) The compensatory storage volume shall not be negatively impacted by groundwater.

(Ordinance 2023-24, § II, adopted 7/5/2023)

§ 105-46. through § 105-55. (Reserved)

**ARTICLE V
PROVISIONS FOR FLOOD HAZARD REDUCTION**

§ 105-56. General standards.

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

- (1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage and will be reasonably safe from flooding;
- (3) All new construction or substantial improvements shall be constructed with materials, methods, and practices that minimize flood damage, as required by the International Building Code, § 1612 FLOOD LOADS; and utility-resistant to flood damage;
- (4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (6) All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems) and on-site waste disposal systems shall be designed to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into floodwaters, and impairment of the facilities and systems; systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters, and;
- (7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding;
- (8) All public utilities and facilities such as sewer, gas, electrical, communications, and water systems shall be located and constructed to minimize or eliminate flood damage;
- (9) Adequate drainage shall be provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures;
- (10) All new construction or substantial improvements within Special Flood Hazard Areas shall be elevated using foundation systems that meet or exceed the flood-resistance requirements of this ordinance. Acceptable foundation types include:
 - a. A stem wall foundation with an elevated slab and enclosed crawlspace, constructed using flood-damage-resistant materials. Any enclosed area below the Base Flood Elevation (BFE) shall be used solely for parking, building access, or storage, and shall include compliant flood openings in accordance with FEMA Technical Bulletin 1.
 - b. An open foundation system consisting of posts, piers, piles, or columns, provided the space below the lowest floor is either not enclosed or is enclosed only with compliant flood venting.
 - c. Other foundation systems approved by the Floodplain Administrator, provided they meet or exceed the performance standards of this ordinance and conform to ASCE 24-

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14 or successor standards.

~~(8)(11)~~ New construction and substantial improvements, when located in multiple flood zones with varying base flood elevations or in the same flood zone with multiple base flood elevations must meet the requirements for the flood zone with the most stringent requirements and the highest base flood elevation.

(Ordinance 2023-24, § II, adopted 7/5/2023)

§ 105-57. Specific standards.

In all areas of moderate or special flood hazards where base flood elevation data has been provided as set forth in (i) article III, section ~~105-22(b)~~, (ii) article 4, section ~~105-42(8)(b)(8)~~, or (iii) article V, section ~~105-58(c)(e)(3)~~, the following provisions are required:

(1) Residential construction.

- a. Within an area of special flood hazard, new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, and all components of the mechanical, electrical, and plumbing system and any other service facility elevated to at least 18 inches above the base flood elevation or 24 inches above the top of the curb, whichever is higher.
- b. Within a moderate flood hazard area, new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, and all components of the mechanical, electrical, and plumbing systems and any other facility elevated to at least 12 inches above the base flood elevation or 18 inches above the top of the curb, whichever is higher.

(2) Nonresidential construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to 18 inches above the base flood elevation or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.

(3) Critical facilities. ~~New construction and substantial improvement of any critical facilities shall have the lowest floor (including basement and all essential plumbing and utilities, including duct work), elevated or floodproofed to a minimum of 24 inches above the base flood elevation.~~ Construction and substantial improvement of any critical facility, such as EMS, fire department, and police department, shall have the lowest floor (including basement and all essential plumbing and utilities, including duct work), elevated to or above the regulatory flood datum or the 500-year floodplain elevation, whichever is higher in elevation. A registered Professional Engineer, Architect, or Land Surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in section 105-43(a) is satisfied.

(4) Enclosures. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- a. A minimum of two openings on separate walls having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
- b. The bottom of all openings shall be no higher than one (1) foot above grade.
- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(5) Manufactured homes.

- a. ~~AllRequire that~~ all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
- b. ~~AllRequire that~~ manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - 1. If located in a flood hazard area, the lowest floor (including basement) will be one (1) foot above the peak water surface elevation established by the FIRM;
 - 2. One (1) foot above the top of the curb (or top of crown) of the nearest adjacent street;
or
 - 3. One (1) foot above the 500-year 24-hour base floor elevation; whichever is greatest.
- c. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:
 - 1. The lowest floor of the manufactured home is at or above the base flood elevation, or
 - 2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

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- (6) Recreational vehicles. ~~AllRequire that~~ recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM shall either (i) be on the site for fewer than 180 consecutive days, or (ii) be fully licensed and ready for highway use, or (iii) elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

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(7) Prohibited uses. The following uses are prohibited within a designated floodplain:

- a. Storage or processing of materials that are hazardous, flammable, or explosive in the identified special flood hazard area.
- b. Storage of material or equipment that, in times of flooding, could become buoyant and pose an obstruction to flow in identified floodway areas.
- c. No floodplain development permit shall be approved for any structure or parking area that encroaches on an area of special flood hazard unless:
 1. The parking area is smaller than 5,000 square feet, or
 2. The structure is unoccupied and has an area of less than 1,000 square feet,
 3. The lowest finished floor elevation of the structure is elevated to or above the regulatory flood datum.
 4. The maximum proposed density and building coverage are half of the amount otherwise allowed in the property's base zoning district.
- d. No fill material shall be used to elevated any structure in Zones A, A1-30, AE, AO, AH, AR, or A99, unless:
 1. The fill material is compacted to not less than 95 percent of the maximum dry density* conforming to Texas Department of Transportation Test Method TEX-114-E, "Laboratory Compaction Characteristics and Moisture-Density Relationship of Subgrade and Embankment Soil";
 2. The fill material is comprised of fine grained soils of low permeability, such as those classified as CH, CL, SC, or ML according to ASTM Standard D-2487, "Standard Practice for Classification of Soils for Engineering Purposes (Unified Soil Classification System)"; and
 3. The fill material is homogeneous and isotropic (specifically, that the soil is all of one material and the engineering properties are the same in all directions).

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b.(8) Elevation Certificate. An Elevation Certificate is required for all new development and substantial improvements regulated by this ordinance. All elevation requirements noted in this ordinance shall be documented using the NFIP Elevation Certificate, FEMA Form 086-0-33, as amended, which shall be certified by a registered Professional Engineer, Architect, or Land Surveyor, and submitted to the Floodplain Administrator.

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(Ordinance 2023-24, § II, adopted 7/5/2023)

§ 105-58. Standards for subdivision proposals.

- (a) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with article I, sections 105-2, 105-3 and 105-4(b), (c), and (d) of this chapter.
- (b) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet floodplain development permit requirements of article III, section 105-23(e); article IV, section 105-43(e); and the provisions of article V of this chapter.
- (c) Base flood elevation data shall be provided for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or five (5) acres, whichever is lesser, if not otherwise provided pursuant to article III, section 105-22(b) or article 4, section 105-42(b)(8) of this article.
- (d) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

- (e) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(Ordinance 2023-24, § II, adopted 7/5/2023)

§ 105-59. Standards for areas of shallow flooding (including AO/AH zones).

Located within the areas of special flood hazard established in section 105-22 are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- (1) All new construction and substantial improvements of residential structures, including manufactured homes, have the lowest floor (including basement) elevated 18 inches above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM or base level engineering assessment (at least 24 inches if no depth number is specified).
- (2) All new construction and substantial improvements of non-residential structures;
 - a. Have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet or inches on the community's FIRM or base level engineering assessment (at least 24 inches if no depth number is specified), or
 - b. Together with attendant utility and sanitary facilities be designed so that below the base specified flood depth in an AO Zone, or below the base flood elevation in an AH Zone, or estimated flood depth in a base level engineering assessment, level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
- (3) A registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this section, as proposed in article IV, section ~~105-43(e)~~ are satisfied.
- (4) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

(Ordinance 2023-24, § II, adopted 7/5/2023)

§ 105-60. Floodways.

Floodways—Located within areas of special flood hazard established in article III, section ~~105-22(b)~~, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- (1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice and certification by a registered professional engineer is provided demonstrating that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (2) If article V, section ~~105-58(a)(e)(1)~~ above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of article V

- (3) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first completes all of the provisions required by Section 65.12.
(Ordinance 2023-24, § II, adopted 7/5/2023)

§ 105-61. Improved open drainage courses and enclosed drainage structures.

- (1) All improvements to open drainage courses and enclosed drainage structures in areas of special flood hazard shall be designed by a registered Professional Engineer in accordance with the City's Drainage Design Criteria, as amended, and constructed to accommodate the base flood event.
- a. Upon completion, a registered Professional Engineer shall certify in writing that the improvements made comply with those designed.
- b. Improved drainage courses and structures in areas of special flood hazard may be of earthen channel or concrete-lined channel, provided the type of channel used satisfies all applicable design criteria (velocity/type of soil, etc.).
- c. The design and construction of improved drainage courses and structures shall provide for adequate access to such drainage courses for the performance of necessary maintenance.
- (2) All improved drainage courses and structures in areas of special flood hazard meeting the requirements of this ordinance shall be dedicated to the City and accepted for maintenance by the City.
- (3) The City shall maintain all improved open drainage courses and enclosed drainage structures in areas of special flood hazard provided that the requirements of this subsection are satisfied. The areas of special flood hazard shall be inspected on an annual basis under the supervision of the City Engineer to determine if required maintenance is being performed. Maintenance shall be performed as often as necessary to keep the area free of debris and any rank growth above the height of 18 inches above the finished grade of the improved drainage course. Inspection for sedimentation shall be conducted as determined by the City Engineer. Maintenance will be performed as often as necessary to keep the sedimentation from exceeding 12 inches in depth above the finished grade of the improved drainage courses. All bottom profile inspections to determine the depth of sedimentation will be coordinated and reviewed by the City Engineer.

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§ 105-62. Severability.

If any section, clause, sentence, or phrase of this chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this chapter.
(Ordinance 2023-24, § II, adopted 7/5/2023)

§ 105-63. Penalties for non compliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.
(Ordinance 2023-24, § II, adopted 7/5/2023)

§ 105-643. Stop work order, emergencies.

Upon notice from the floodplain administrator that work on any building, structure, dike, bridge or any improvement which would affect water drainage is being done contrary to the provisions of this chapter, or in a dangerous or unsafe manner, such work shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of the property or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, no written notice shall be required to be given by the floodplain administrator; provided however, written notice shall follow within 24 hours from the time oral notice to stop was issued.
(Ordinance 2023-24, § II, adopted 7/5/2023)

§ 105-654. Repetitive losses.

A building (home or business), if insured through the National Flood Insurance Program, is eligible for an ICC payment when the city's floodplain administrator determines that the building is repetitively damaged as a result of floods within a 10-year period (see repetitive loss definition). To make this determination, there must be two claims filed in a 10-year period and the claims' average must equal or exceed 25 percent% of the building's market value.
(Ordinance 2025-35 adopted 6/18/2025)

Section II. Severability.

If any section, subsection, sentence, clause, phrase, word, provision, or application of this Ordinance is held invalid, illegal, or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions or applications of this Ordinance, and the City Commission declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, word, provision, or application regardless of the invalid portion.

SECTION III. Codification.

The City Secretary and codifier are authorized to codify the amendments adopted by this Ordinance in Chapter 105 of the Code of Ordinances of the City of Harlingen and to make nonsubstantive formatting, numbering, punctuation, and style changes necessary for codification.

SECTION IV. Conflicts and Repealer.

All ordinances, resolutions, orders, or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict only. Whenever the requirements of this Ordinance conflict with or differ from the requirements of any other lawfully adopted ordinance, regulation, easement, covenant, deed restriction, or other legal requirement, the provision imposing the more stringent restriction or higher standard shall control.

SECTION V. Effective Date.

This Ordinance shall take effect immediately upon its passage, approval, and publication as required by law.

PASSED and APPROVED on First Reading this day of 2026.

PASSED, APPROVED, AND ADOPTED on Second and Final Reading this day of 2026.

Norma Sepulveda, Mayor

Attest:

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Mayra Herrera, City Secretary

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Approved as to form:

Mark Sossi, City Attorney

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**AGENDA ITEM
EXECUTIVE SUMMARY**

108

Meeting Date: **August 5, 2026**

Agenda Item:

Consideration and possible action to approve an ordinance on first reading for a request for a Special Use Permit (SUP) to allow a storage container in a General Retail ("GR") District located at 602 and 606 W. Van Buren Avenue, bearing a legal description of Lots 13 through 16, Block 64, Harlingen Original Townsite Subdivision. Applicant: Javier Rodriguez c/o Logos Community Church.

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

Signature: *Ana Hernandez*

Brief Summary:

Project Timeline

- May 21, 2026 – Application for Special Use Permit (SUP) submitted to the City. **(ATTACHMENT I)**
- July 17, 2026 – In accordance with State and local law, notice of required public hearings mailed to all property owners within 200 feet of subject tract.
- July 18, 2026 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- July 28, 2026 – Public hearing and consideration of requested Special Use Permit by the Planning and Zoning Commission.
- August 5, 2026 – Public hearing and consideration of requested Special Use Permit via 1st ordinance reading scheduled before the City Commission.
- August 19, 2026 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- Per the Code of Ordinances, a storage container in a General Retail ("GR") District requires the approval by the City Commission.
- The applicant is requesting a Special Use Permit to allow a storage container on the subject property to store tables, chairs, and flood prevention equipment. **(ATTACHMENT II)**
- There is an existing 13,000 sq. ft. commercial building on the property. The east part of the building comprises church office and classroom space. The west part of the building is the church service location. The four Lots that comprise the subject property have 100 feet of frontage along W. Van Buren Avenue and a depth of 140 feet for a total area of 14,000 sq. ft. **(ATTACHMENT III-VI)**
- According to the site plan submitted, the applicant is proposing a 20 ft. long x 8 ft. wide x 8 ft. height storage container to be located on the northwest corner of the property. **(ATTACHMENT II,VI)**
- Surrounding properties are zoned General Retail ("GR") District in all directions. **(ATTACHMENT III)**. Surrounding land uses consist of a parking lot to the north, vacant buildings to the east and south, Gutierrez Park to the southeast, Magic Valley Motors to the southwest, and World Impact Now N2NCU to the west. **(ATTACHMENT VII)**

- The Building Inspections Department, and the Fire Prevention Bureau have reviewed the application and have reported no objection to the requested Special Use Permit subject to complying with all applicable codes and regulations. **(ATTACHMENT VIII and IX)**
- In accordance with the Zoning Chapter of the Code of Ordinances, the P&Z Commission and City Commission may impose requirements and conditions of approval as are needed to ensure that a use requested by a SUP is compatible and complementary to adjacent properties.
- To present, the Planning and Development Department has not received any calls in opposition to the requested special use permit.

Funding (if applicable):

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

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

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

Staff Recommendation:

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

1. The Special Use Permit will be limited to ninety days;
2. The container must be located in the rear of the property and screened from public view; and
3. Complying with the requirements administered by Planning and Zoning, Building Inspections, and Fire Prevention Departments.

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

Comments:

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

ATTACHMENT I

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@harlingentr.gov; Questions? Call (956) 216-5101.



PROPERTY OWNER INFORMATION

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

Property Owner Phone: (956) 368-5036 Property Owner Email: Alfred@lagoscommunitychurch.org

Property Owner Address: 602 W Van Buren Ave, Harlingen, TX 78550

APPLICANT/AUTHORIZED REPRESENTATIVE INFORMATION (If different from owner)

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

Applicant Name: Javier Rodriguez Applicant Phone: (956) 274-6185

Applicant Email: javier@lagoscommunitychurch.org

Applicant Address: 602 W Van Buren Ave, Harlingen, TX 78550

PROPERTY INFORMATION

Project Address: 602 W Van Buren Ave, Harlingen, TX 78550

Property/GEO ID: 60215-0000-000-000-00 (If unknown, look up ID at [Cameron County Appraisal District](#))

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

Lot 13-14-15-16 Block 64, Cameron County, Texas

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

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

Current Land Use: Church

DESCRIPTION OF REQUEST

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

I am requesting a special use permit for a temporary storage container behind our building. This will allow us to find a new storage location and relocate the container currently on our property.

Select Application Type (Select all that apply):

Land Use Changes

- ☐ Rezoning Request - \$250
- ☒ Special Use Permit - \$250 CC-DEED AT VISA
- ☐ 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:

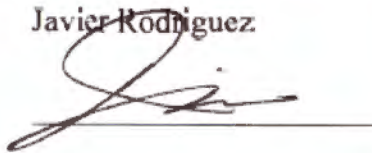
- A. Application Fee (Check or card only. No cash accepted)
- B. Valid Photo ID

ATTACHMENT II

I am applying for a special use permit for a temporary storage container located behind our building (Logos Community Church). This permit will provide me time to relocate the storage container off of the property and find a permanent storage solution. The container is used for storing items such as tables, chairs, and flood prevention equipment, and has enabled us to keep our hallways and exits clear. The container is eight feet tall, eight feet wide, twenty feet deep, and is not obscuring any sidewalks, utilities, drainage, or parking. The storage container is ten and a half feet from the church building and three and a half feet from the neighboring property.

Thank you for your time and consideration. I hope this request is approved and affords us the time we need to adequately comply with Harlingen zoning regulations.

Javier Rodriguez

A handwritten signature in dark ink, appearing to read 'Javier Rodriguez', is written over a horizontal line.



Harlingen, Texas Site Zone Map

Notice:

Request for a Special Use Permit (SUP) to allow a storage container in a General Retail ("GR") District located at 602 and 606 W. Van Buren Avenue, bearing a legal description of Lots 13 through 16, Block 64, Harlingen Original Townsite Subdivision. Applicant: Javier Rodriguez c/o Logos Community Church



Legend

- | | |
|---|----------------|
| Subject Property: 602 and 606 W Van Buren Ave | Zone |
| 200 ft Buffer | General Retail |
| City Limits | Light Industry |
| Property Parcels | |



ATTACHMENT IV

Alley

20 ft

8 ft

3.5 ft

1

2

1: 3.5ft from neighboring property
2: 10.5ft from church building
Storage Container Dimensions: 8x8x20ft
Approximately 3 feet from alley

-2- Nation University

Logos Community Church

E Street

Van Buren Ave

-2- Nation
University

Logos Community Church

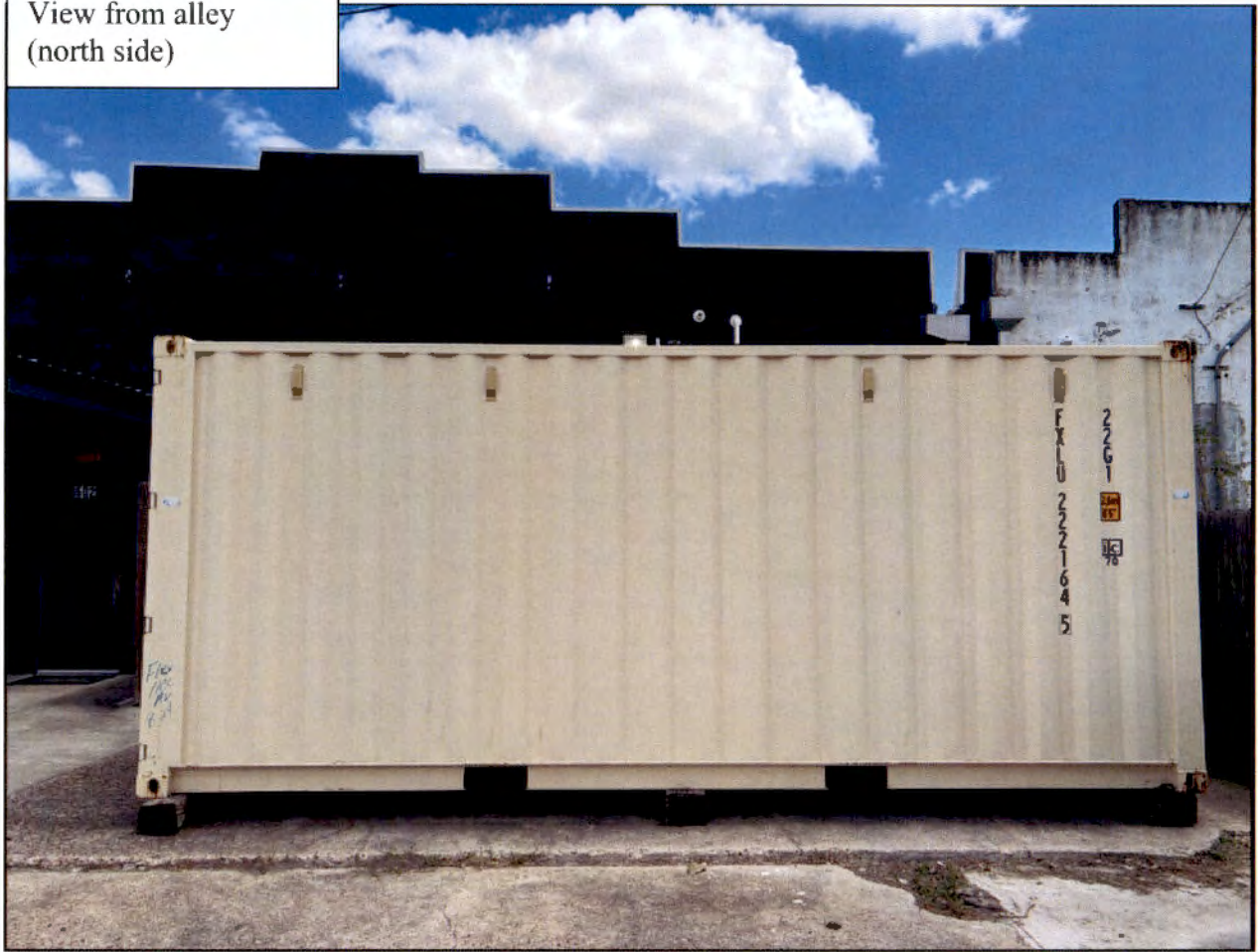
ATTACHMENT V

View from W. Van Buren Avenue



ATTACHMENT VI

View from alley
(north side)



ATTACHMENT VII



Harlingen, Texas
Site Aerial Map

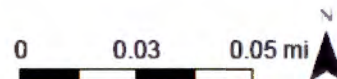
Notice:

Request for a Special Use Permit (SUP) to allow a storage container in a General Retail ("GR") District located at 602 and 606 W. Van Buren Avenue, bearing a legal description of Lots 13 through 16, Block 64, Harlingen Original Townsite Subdivision. Applicant: Javier Rodriguez c/o Logos Community Church



Legend

- Subject Property: 602 and 606 W Van Buren Ave
- 200 ft Buffer
- City Limits
- Property Parcels





Specific Use Permit ("SUP") Routing Slip

Applicant: Javier Rodriguez c/o Logos Community Church

Phone No.: (956) 274-6125

Location: 602 W. Van Buren Avenue

Project Description: Request for a Special Use Permit (SUP) to allow a storage container in a General Retail ("GR") District located at 602 W. Van Buren, bearing a legal description of Lots 13-16, Block 64, Harlingen Original Townsite.

Department: Building Permits and Inspections Division

Approval: ☐ YES ☐ NO ☒ PENDING

Comments: If request is approved by the Planning Department, 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. Building, Electrical and Plumbing Permits along with inspections are required. A site survey of the area will be required for any safety hazards.

Raul Rodriguez

Signature

06/09/2026

Date



Specific Use Permit ("SUP") Routing Slip

Applicant: Javier Rodriguez c/o Logos Community Church

Phone No.: (956) 274-6125

Location: 602 W Van Buren Avenue

Project Description: Request for a Special Use Permit (SUP) to allow a storage container in a General Retail ("GR") District located at 602 W Van Buren Avenue, bearing a legal description of Lots 13-16, Block 64, Harlingen Original Townsite Subdivision.

Department: Fire Prevention Bureau

Approval: X YES NO

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

Fire Marshal Juan Saucedo Jr.

Juan Saucedo Jr.

Date: June 4, 2026

ORDINANCE NO. 26-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: A SPECIAL USE PERMIT ISSUED TO JAVIER RODRIGUEZ C/O LOGOS COMMUNITY CHURCH TO ALLOW A STORAGE CONTAINER IN A GENERAL RETAIL ("GR") DISTRICT LOCATED AT 602 AND 606 W. VAN BUREN AVENUE, BEARING A LEGAL DESCRIPTION OF LOTS 13 THROUGH 16, BLOCK 64, HARLINGEN ORIGINAL TOWNSITE SUBDIVISION, PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

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

BE IT ORDAINED BY THE CITY OF HARLINGEN

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

Special Use Permit (SUP) issued to Javier Rodriguez C/O Logos Community Church to allow a storage container in a General Retail ("GR") District located at 602 and 606 W. Van Buren Avenue, bearing a legal description of Lots 13 through 16, Harlingen Original Townsite Subdivision.

A copy of the Zoning Map constituting a part and parcel of the Code of Ordinances, as filed with the Chief Building Official and for the joint use and information of the Planning and Zoning Commission shall, upon final enactment hereof, be and the same is herewith amended and revised to reflect that the above described property is zoned for land use purposes as above indicated by the boundaries thereof being outlined in pronounced heavy line markings and such heavy line marking boundary enclosure being indicated within the appropriate initials for that portion herewith zoned for particular land uses; with the Planning and Development Director being herewith instructed and authorized to document such Zoning Map changes and revisions.

The Special Use Permit is made contingent upon construction being complied in accordance with the site plan, a true and correct copy of which is attached hereto and

incorporated herein by reference as Exhibit "A" and shall comply with the conditions as listed below:

1. The Special Use Permit will be limited to ninety (90) days;
2. The storage container must be located in the rear of the property and screened from public view; and
3. Comply with the requirements administered by the Planning and Zoning, Building Inspections and Fire Prevention Departments.

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

FINALLY ENACTED this ____ day of _____, 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**

109

Meeting Date: **August 5, 2026**

Agenda Item:

Consideration and possible action to approve an Ordinance on First Reading for a request for a Special Use Permit (SUP) to allow a food truck park in a General Retail ("GR") District, located at 215 E. Monroe Avenue, bearing a legal description of Lot 9, Block 35, Harlingen Original Townsite Subdivision. Applicant: Candid Montiel

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

Signature: *Ana Hernandez*

Brief Summary:

Project Timeline

- June 1, 2026 – Application for Special Use Permit (SUP) submitted to the City. **(ATTACHMENT I)**
- July 16, 2026 – In accordance with State and local law, notice of required public hearings mailed to all property owners within 1000 feet of subject tract.
- July 18, 2026 – In accordance with State and local law, notice of required public hearings published in the Valley Morning Star.
- July 28, 2026 - Public hearing and consideration of requested Special use permit by the Planning and Zoning Commission (P&Z).
- August 5, 2026 – Public hearing and consideration of requested SUP via 1st ordinance reading scheduled before the City Commission.
- August 19, 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 General Retail ("GR") District requires the approval of a Special Use Permit (SUP) by the City Commission.
- Candid Montiel, the applicant, is requesting a special use permit to allow a Food Truck Park with a maximum of 6 food trucks to be located at 215 E. Monroe Avenue. **(ATTACHMENTS II AND III).**
- There is an existing 4,200 square foot carport on the property. The subject property has 50.00 feet of frontage on East Monroe Avenue and a depth of 140.00 feet 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 underneath the existing carport. The proposed days and hours of operation are every day from 6am – 2am. The applicant proposes to lease a total of six food truck spaces, with three spaces located on the west side of the property and three spaces located on the east side. Additionally, the applicant is proposing a centralized dining area between the food truck spaces, which will include tables and chairs for customer seating. A total of 29 parking spaces are required for the proposed development. Eight on-

street parking spaces are provided along East Monroe Avenue. The rest of the required parking will be accommodated through shared parking agreements with surrounding property owners. **(ATTACHMENT V)**

- Adjacent zoning is General Retail ("GR") District in all directions. Surrounding land uses include the Bushcreek Pain Management Center to the west; retail businesses, a barbershop, the RGV Chapter of IEC, and the Eric Flores campaign office to the east; a parking lot serving the Harlingen Housing Authority and vacant property to the south; and the Girl Scouts of Greater South Texas, vacant lots, and apartments to the north. **(ATTACHMENT VI)**
- The City of Harlingen Building Inspections Division, Fire Prevention Bureau, Downtown District, Health, and Police Departments reviewed the Special Use Permit application. These departments indicated no objection to the proposed request, subject to the applicant submitting a complete set of construction plans for review and compliance with all applicable City of Harlingen and State of Texas codes and ordinances. **(ATTACHMENTS VII-XI)**
- 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 Mixed Use. **(ATTACHMENT XII)**
- 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 amount for this purpose? ☐ Yes ☐ No*

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

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

Staff Recommendation:

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

1. 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 Saturday 6am – 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, Downtown District, Health, and Police Departments.

City Manager's approval:	<i>5/3</i>	☒ Yes	☐ No	☐ N/A
Comments:				
City Attorney's approval:	<i>Md</i>	☐ 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): Mr. Donny Cuevas

Property Owner Phone: 956 561 5311

Property Owner Email: donnycuevas@icloud.com

Property Owner Address: 200 West Expressway 83 San Benito 78586

APPLICANT/AUTHORIZED REPRESENTATIVE INFORMATION (if different from owner)

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

Applicant Name: Candid Montiel

Applicant Phone: 956-532-4198

Applicant Email: montielcandid@gmail.com

Applicant Address: 215 E Monroe Ave Harlingen, TX 78550

PROPERTY INFORMATION

Project Address: 517 E Monroe Ave Harlingen, TX 78550

Property/GEO ID: 217575 / 00 0100 0094 6920 89 (If unknown, look up ID at [Cameron County Appraisal District](#))

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

INV, FURN, FIXT, EQPT, VEH AT 215 E MONROE A HARLINGEN, TX

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?):

I am requesting permission to convert the existing covered garage space into a food truck park. No structural modifications or construction will be made to the property at this time. The space will be used to rent designated parking areas to food truck vendors. Each food truck vendor will be responsible for its own equipment, operations, and required permits.

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: _____

Authorized Representative Name & Signature: _____ Date: _____

OFFICE USE ONLY

Date Submitted: 6/1/2026 Date Deemed Complete: 6/1/2026 Application Fee Paid \$ 250.00

Case # 2026-SUP-03

Receipt # 17026

Received By (initials) SM

Grub Station

Candid M Montiel
956-532-4198
montielcandid@gmail.com
May 28, 2026

City of Harlingen
Planning & Development Department
Harlingen, Texas

Re: Grub Station - Proposal for Use of Covered Garage Space as Food Truck Park

To Whom It May Concern,

I am respectfully submitting this proposal to request approval to use the existing covered garage space as a small food truck park "Grub Station". The proposed use would allow space rental for up to six food trucks, creating an organized location where local food vendors can operate while serving the surrounding community.

At this time, no structural modifications, construction, or major changes are being requested for the property. The existing covered and paved space will be used as-is for designated food truck parking and customer seating. Each leased food truck space will include a designated 12' x 20' paved pad, access to tables and chairs for customer seating, unlimited ice, trash service, free Wi-Fi, and free advertisement to help promote participating vendors.

The proposed operating hours for the "Grub Station" food truck park will be from 6:00 AM to 2:00 PM. The property will also provide accessible public restroom facilities for customers and vendors, including a handicap-accessible restroom. This will help ensure the food truck park remains safe, convenient, and welcoming for families, visitors, and the general public.

Each food truck vendor will be responsible for operating as a self-sufficient unit, including their own equipment, power source if required, water needs, permits, licenses, health department requirements, and proper waste disposal. Vendors will also be expected to follow all applicable city, health, fire, and safety requirements.

Attachment II – Applicant Statement

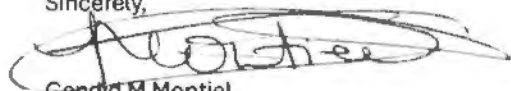
The purpose of this request is to support local small businesses by providing an affordable and accessible location for food truck vendors to serve the public. This project would also create a safe, family-friendly eating spot where residents, workers, and visitors can enjoy a variety of food options in one convenient area.

The "Grub Station" food truck park will be managed in a clean, organized, and professional manner. The goal is to create a welcoming family environment that may include light music, family games, and occasional live entertainment such as a comedian or local performer, while maintaining a respectful and organized atmosphere for customers, vendors, and surrounding businesses.

This concept is designed to encourage small business growth, provide a positive community gathering space, and make productive use of the existing covered space without altering the property.

Thank you for your time and consideration. I appreciate the opportunity to present this request and look forward to working with the City of Harlingen to ensure all requirements are met.

Sincerely,



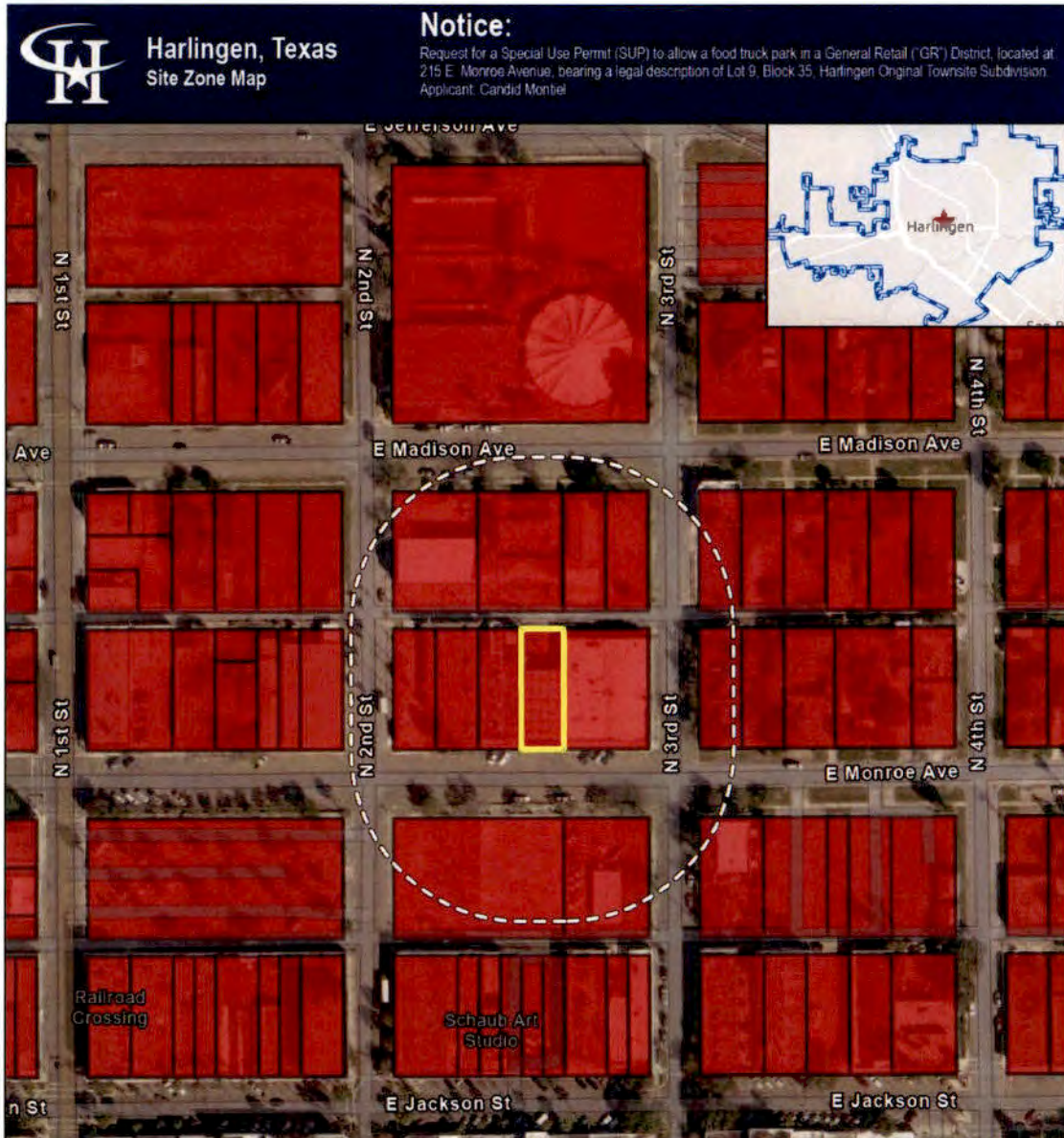
Candid M Montiel

Grub Station

956-532-4198

montielcandid@gmail.com

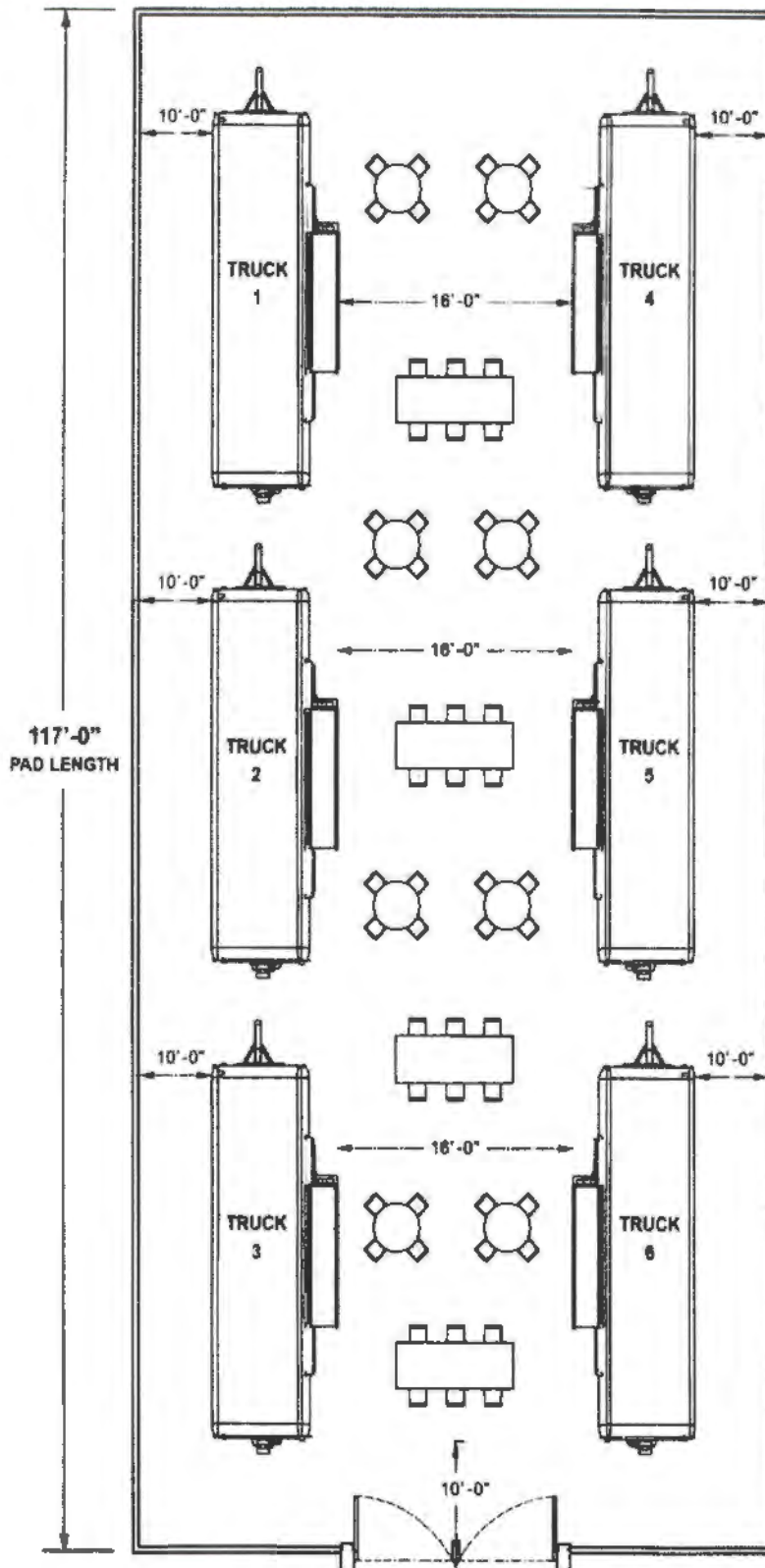
Attachment III – Zoning Map



Attachment IV – Street View



Attachment V – Site Plan



(6 FOOD TRUCKS)

PAD SIZE:

50'-0" WIDE
x
117'-0" LONG

FOOD TRUCK (TYP):

- 20'-0" LONG
- 8'-0" WIDE

LAYOUT REQUIREMENTS:

- 10'-0" FROM EACH SIDE (LEFT & RIGHT)
- 10'-0" FROM FRONT (GATE)
- 10'-0" BETWEEN TRUCKS (FRONT TO BACK)
- 16'-0" CENTER AISLE (BETWEEN LEFT & RIGHT ROWS)

LEGEND:

-  FOOD TRUCK
-  RECTANGLE TABLE (8 SEATS)
-  ROUND TABLE (4 SEATS)
-  GATE

NOTES:

- ALL DIMENSIONS ARE TO FACE OF TRUCK / GATE / PROPERTY LINE
- DRAWING NOT TO SCALE

Attachment VI – Aerial View





Specific Use Permit ("SUP") Routing Slip

Applicant: Candid Montiel

Phone No.: (956) 532-4198

Location: 215 E Monroe Avenue

Project Description: Request for a Special Use Permit (SUP) to allow a food truck park in a General Retail ("GR") District, located at 215 E Monroe Avenue, bearing a legal description of Lot 9, Block 35, Harlingen Original Townsite 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: June 4, 2026



Specific Use Permit ("SUP") Routing Slip

Applicant: Candid Montiel

Phone No.: (956) 532-4198

Location: 215 E. Monroe Avenue

Project Description: Request for a Special Use Permit (SUP) to allow a food truck park in a General Retail ("GR") District, located at 215 E. Monroe Avenue, bearing a legal description of Lot 9, Block 35, Harlingen Original Townsite Subdivision.

Department: HARLINGEN POLICE DEPT.

Approval: / YES NO

Comments:


Alfredo Alvear, BSCJ, CPM
Chief of Police

Date 6/12/26

Attachment IX – Building Inspections



Specific Use Permit ("SUP") Routing Slip

Applicant: Candid Montiel

Phone No.: (956) 532-4198

Location: 215 E. Monroe Avenue

Project Description: Request for a Special Use Permit (SUP) to allow a food truck park in a General Retail ("GR") District, located at 215 E. Monroe Avenue, bearing a legal description of Lot 9, Block 35, Harlingen Original Townsite Subdivision.

Department: Building Permits and Inspections Division

Approval: ☐ YES ☐ NO ☒ PENDING

Comments: If request is approved by the Planning Department, 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

06/09/2026
Date



Specific Use Permit ("SUP") Routing Slip

Applicant: Candid Montiel

Phone No.: (956) 532-4198

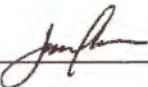
Location: 215 E. Monroe Avenue

Project Description: Request for a Special Use Permit (SUP) to allow a food truck park in a General Retail ("GR") District, located at 215 E. Monroe Avenue, bearing a legal description of Lot 9, Block 35, Harlingen Original Townsite Subdivision.

Department: Health

Approval: ☒ YES ☐ NO

Comments: According to the plans provided, the Food Truck Park will have to provide access to restrooms, Food Trailers/Trucks cannot be directly connected to electrical, power or drain lines, will need to operate from generators only, Food Trailers/Trucks will need to be moved by the end of the night when the food park closes. July 1, 2026, all food trailers/trucks will be the responsibility of the state and not the health department.



Signature

6-12-26

Date



Specific Use Permit ("SUP") Routing Slip

Applicant: Candid Montiel

Phone No.: (956) 532-4198

Location: 215 E. Monroe Avenue

Project Description: Request for a Special Use Permit (SUP) to allow a food truck park in a General Retail ("GR") District, located at 215 E. Monroe Avenue, bearing a legal description of Lot 9, Block 35, Harlingen Original Townsite Subdivision.

Department: Downtown Improvement District

Approval: ☒ YES ☐ NO

Comments:

Alexis Rojas

Signature

6/17/20

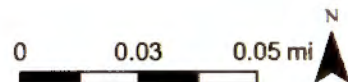
Date

Attachment XII – Future Land Use Map



Legend

	Subject Property: 215 E Monroe Ave		Retail
	200 ft Buffer		Mixed Use
	Property Parcels		Medium Density Residential
	City Limits		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 CANDID MONTIEL TO ALLOW A FOOD TRUCK PARK IN A GENERAL RETAIL ("GR") DISTRICT, LOCATED AT 215 E. MONROE AVENUE, BEARING A LEGAL DESCRIPTION OF LOT 9, BLOCK 35, HARLINGEN ORIGINAL TOWNSITE 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 allow a Food Truck Park in a General Retail ("GR") District located at 215 E. Monroe Avenue, bearing a legal description of Lot 9, Block 35, Harlingen Original Townsite 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 Saturday, 6am – 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, Downtown District, Health, and Police Departments.

A copy of the Zoning Map constituting a part and parcel of the Code of Ordinances, as filed with the Building Inspection Inspector and for the joint use and information of the Planning and Zoning Commission shall, upon final enactment hereof, be and the same is herewith amended and revised to reflect that the above described property is zoned for land use purposes as above indicated by the boundaries thereof being outlined in pronounced heavy line markings and such heavy line marking boundary enclosure being indicated within by the appropriate initials for that portion

herewith zoned for particular land uses; with the Planning and Development Director being herewith instructed and authorized to document such Zoning Map changes and revisions.

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

FINALLY ENACTED this ____ day of _____, 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.

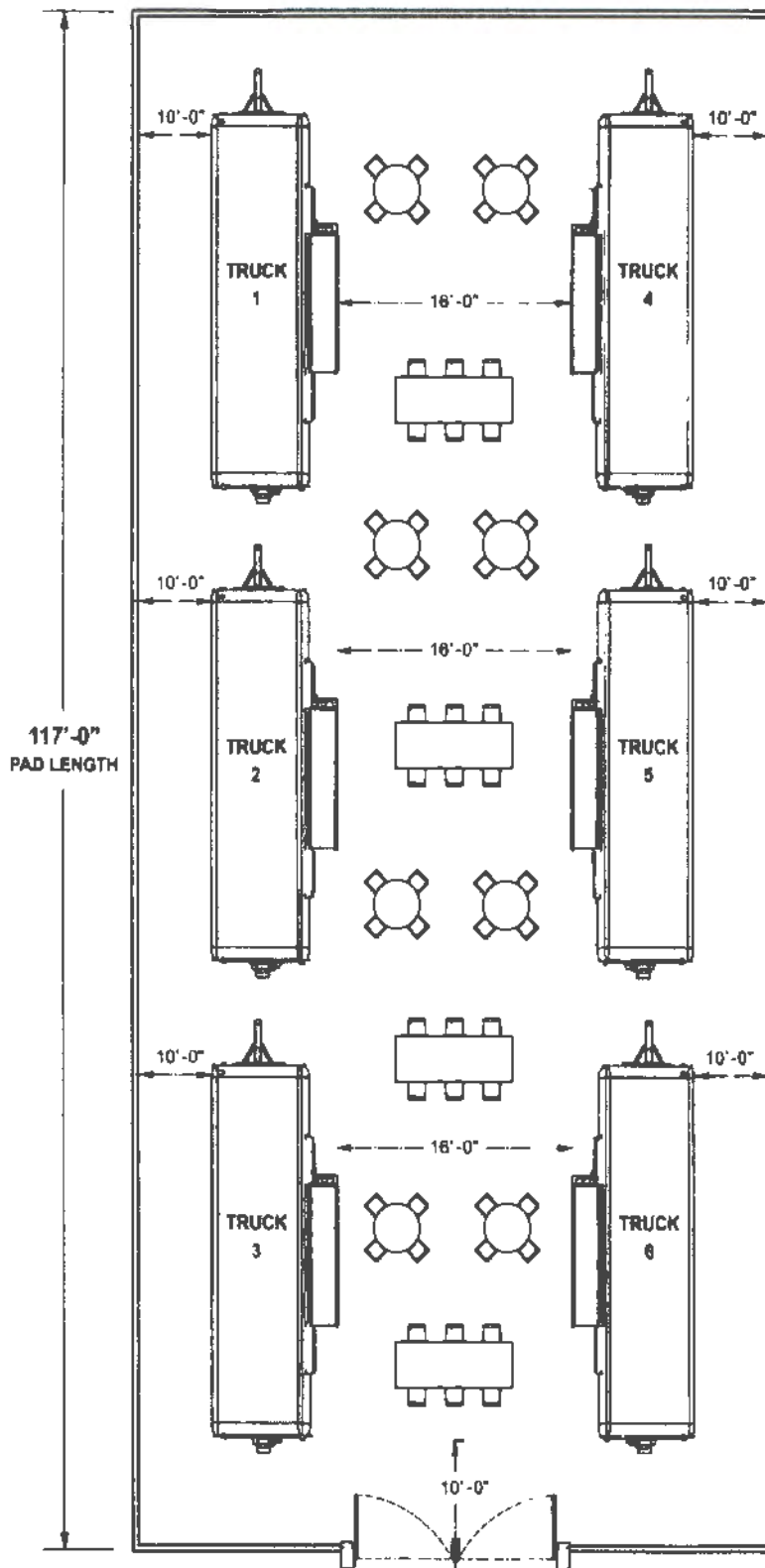
CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Mayra Herrera, City Secretary

Exhibit "A"



(8 FOOD TRUCKS)

PAD SIZE:

50'-0" WIDE
x
117'-0" LONG

FOOD TRUCK (TYP):

- 20'-0" LONG
- 8'-0" WIDE

LAYOUT REQUIREMENTS:

- 10'-0" FROM EACH SIDE (LEFT & RIGHT)
- 10'-0" FROM FRONT (GATE)
- 10'-0" BETWEEN TRUCKS (FRONT TO BACK)
- 16'-0" CENTER AISLE (BETWEEN LEFT & RIGHT ROWS)

LEGEND:

-  FOOD TRUCK
-  RECTANGLE TABLE (8 SEATS)
-  ROUND TABLE (4 SEATS)
-  GATE

NOTES:

- ALL DIMENSIONS ARE TO FACE OF TRUCK / GATE / PROPERTY LINE
- DRAWING NOT TO SCALE

**AGENDA ITEM
EXECUTIVE SUMMARY**



Meeting Date: **August 5, 2026**

Agenda Item:

Consideration and possible action to approve an Ordinance on First Reading for the release from the City of Harlingen Extraterritorial Jurisdiction (ETJ), consisting of all of Block 54 (9.92 acre tract), McLeod Hood Properties No. 1, located on the south side of FM 508 approximately 4,000 feet east of FM 509. Applicant: Ezekiel Robles on behalf of Sandra Robles

Prepared By: Ana Hernandez, AICP, CNU-A, CPM

Title: Planning and Development Director/Special Projects Director

Signature: *Ana Hernandez*

Brief Summary:

Project Timeline

- June 30, 2026 – Application for the release from the ETJ submitted to the City. Application deemed incomplete pending submittal of warranty deed and letter of authorization. **(ATTACHMENT I)**.
- July 1, 2026- Warranty deed and letter of authorization submitted. Application deemed complete.
- August 5, 2026 – Public hearing and consideration of requested release from the ETJ via 1st ordinance reading scheduled before the City Commission.
- August 19, 2026 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- Pursuant to Section 42.101-105, of the Texas Local Government Code, a resident of an area in a municipality's extraterritorial jurisdiction may file a petition with the municipality in accordance with this subchapter for the area to be released from the extraterritorial jurisdiction. The owner or owners of the majority in value of an area consisting of one or more parcels of land in a municipality's extraterritorial jurisdiction may file a petition with the municipality in accordance with this subchapter for the area to be released from the extraterritorial jurisdiction.
- Ezekiel Robles on behalf of Sandra Robles Abby Lopez, the property owner is requesting for the subject property to be removed from the City Extraterritorial Jurisdiction (ETJ).
- There is an existing 1,428 residential structure on the property. It is located within the City 3.5 mile ETJ. The property has 450 feet of frontage on FM 508 and depth of 960 feet. The developer is proposing to subdivide the property through the County. **(ATTACHMENT II-V)**

- The subject release from the City ETJ will require one public hearing and two ordinance readings of the ordinance. The above timeline delineates the release from the ETJ process.

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:

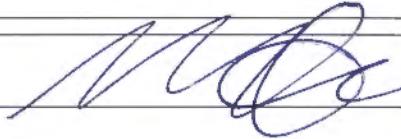
Finance Director's approval: ☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval.

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

Comments:

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

Attachment I

Sandra Robles
P.O. Box 104
Holualoa, HI 96725
Tel. 916-474-1129

May 13, 2026

Gabriel Gonzalez
CPM, City Manager
City of Harlingen
118 E. Tyler Ave.
Harlingen, Texas 78550
Tel. 956-216-5002
ggonzalez@harlingentx.gov

Subject: Release of Area by Petition of Landowner from Extraterritorial Jurisdiction
[Local Government Code Section 1 Chapter 42]

Property: 9.92 acres of the Mcleod-Hood Properties No. One (1) Block 54 recorded in subdivision map records of Cameron County, Parcel ID# 980030054000000 (8.92 acres) – 9800300540000010 (1.03 acres)

Dear Mr. Gonzalez,

Whereas, as required by §42.103:

I, Ezekiel Robles, authorized agent for Sandra Robles, owner of the subject property, respectfully request the immediate release of the property from your extraterritorial jurisdiction in accordance with §42.104

I'm enclosing a map of the property, being a 9.92 acres of the Mcleod-Hood Properties No. One (1) Block 54 recorded in subdivision map records of Cameron County, Parcel ID# 980030054000000 (8.92 acres) – 9800300540000010 (1.03 acres)

Thank you,

Sincerely,

Sandra Robles
Ezekiel Robles Attorney-in-Fact
Ezekiel Robles

cc: Scheibe Consulting LLC



RECEIVED
JUL 1 2026

6-30-26

Attachment II

June 17, 2024

Sandra Robles
P.O. Box 104
Hohualoa, HI 96725
916-474-1129
sandsr247@gmail.com

E.T. SUBDIVISION

I, SANDRA ROBLES, owner of (E.T. SUBDIVISION) hereby authorize Ezekiel Robles, to act on my behalf in any dealings and/or negotiations with reference to the property for the proposed E.T. Subdivision

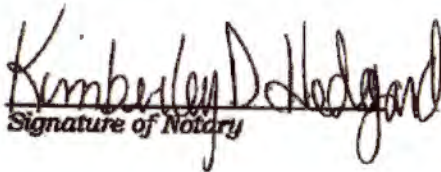


SANDRA ROBLES

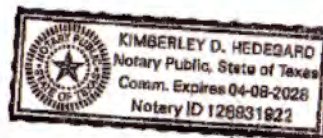
June 21, 2024

Date

Subscribed and sworn before me on this 21st day of June, 2024.



Signature of Notary

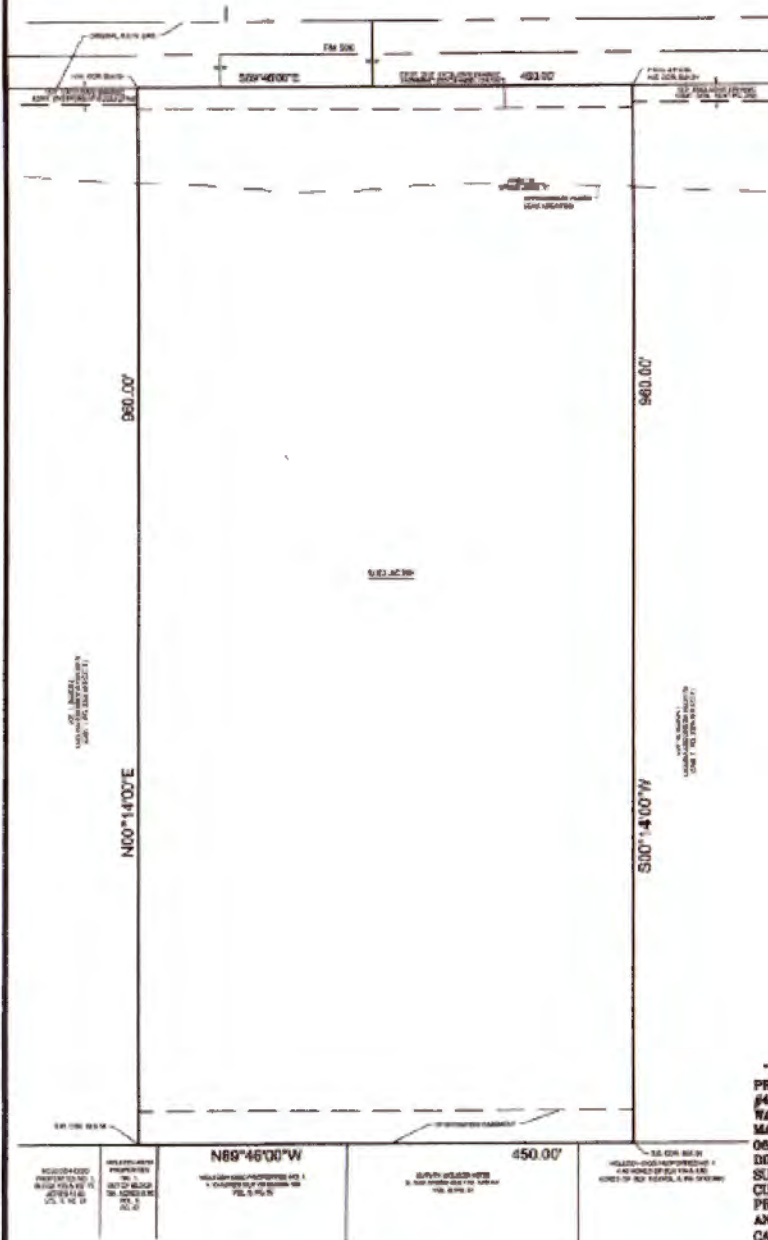


 RECEIVED
7-1-2026

Attachment II

NOTE: THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO ANY AND ALL EASEMENTS, RESTRICTIONS, DEDICATIONS OR EXCEPTIONS THAT MAY BE OF RECORD.

FLOOD INSURANCE RATE MAP OF
COMMUNITY PANEL NO. 48081C 01507 &
48081C 03307
EFFECTIVE DATE: 2/16/2018
ZONE: FLOOD ZONE "X" & OTHER ZONE "X"
WITH 0.2% ANNUAL CHANCE FLOOD
HAZARD. AREAS OF 1% ANNUAL
CHANCE FLOOD WITH AVERAGE DEPTH
LESS THAN ONE FOOT WITH DRAINAGE
AREAS OF LESS THAN ONE SQUARE
MILE
ADDRESS: 23253 CAMBERS WIDEN ROAD
HARLINGEN, TX 78550



MERIDIAN OF MCLEOD
HOOD PROPERTIES

I, JUAN GARCIA JR., REGISTERED
PROFESSIONAL LAND SURVEYOR
#4203, DO CERTIFY THAT THIS PLAT
WAS MADE FROM AN ACTUAL SURVEY
MADE ON THE GROUND ON
06/28/2024 BY ME OR UNDER MY
DIRECTION. THIS SURVEY
SUBSTANTIALLY CONFORMS TO THE
CURRENT TEXAS SOCIETY OF
PROFESSIONAL SURVEYORS STANDARDS
AND SPECIFICATIONS FOR A
CATEGORY 1A, CONDITION 2 SURVEY.

BOUNDARY OF SURVEY

ALL OF BLOCK 54 (9.92 ACRE TRACT),
MCLEOD HOOD PROPERTIES NO. 1,
CAMERON COUNTY, TEXAS, ACCORDING TO
THE MAP OR PLAT THEREOF RECORDED IN
VOLUME 8, PAGE 57, MAP RECORDS OF
CAMERON COUNTY, TEXAS.

SURVEYED FOR: EZEQUIEL ROBLES
SCALE: 1" = 100'

THIS SURVEY IS DONE FOR THE EXCLUSIVE
USE OF THE OWNER AND IS NOT VALID AFTER
6 MONTHS WITHOUT AN ORIGINAL SEAL AND
SIGNATURE.

JUAN GARCIA JR. P.L.S. #4203



(956) 423-1702
FIRM# 10194886

JOB NO.: 24-033



May 1, 2025

Metes and bounds description of all of Block 54 (9.92 acre tract), McLeod Hood Properties, No. 1, Cameron County Texas, according to the map or plat thereof recorded in Volume 8, Page 57, of the Map Records of Cameron County, Texas and said 9.92 acre tract being more particularly located and described as follows:

Beginning at a point on the northeast of Block 54, said point being the northeast corner of the tract herein described:

Thence, leaving the north boundary line and along the east boundary line of said Block 54, South 00 degrees 14 minutes 00 seconds West, a distance of 960.00 feet to the southeast corner of said Block 54, for the southeast corner of this tract;

Thence, along the south boundary line of said Block 54, North 89 degrees 46 minutes 00 seconds West, a distance of 450.00 feet to a point on the southwest corner of said Block 54, for the southwest corner of this tract;

Thence, along the west boundary line of said Block 54, North 00 degrees 14 minutes 00 seconds East, a distance of 960.00 feet to a point on the northwest corner of Block 54, for the northwest corner of this tract;

Thence, along the north boundary line of said Block 54, South 89 degrees 46 minutes 00 seconds East, a distance of 450.00 feet to the place of beginning, containing 9.92 acres of land more or less, inclusive of any and all easements, restrictions, exceptions or dedications that may be of record.


Juan Garcia, Jr., R. P. L. S.

Reg. No. 4203



Attachment III



Harlingen, Texas Site Aerial Map

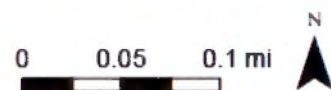
Notice:

Request for the release from the City of Harlingen Extraterritorial Jurisdiction (ETJ), consisting of all of Block 54 (9.92 acre tract), McLeod Hood Properties, located on the south side of FM 508 approximately 4,000 feet east of FM 509. Applicant: Ezekiel Robles on behalf of Sandra Robles



Legend

-  Subject Property: Requested ETJ Release
-  Property Parcels
-  Harlingen Extraterritorial Jurisdiction (ETJ)
-  City Limits

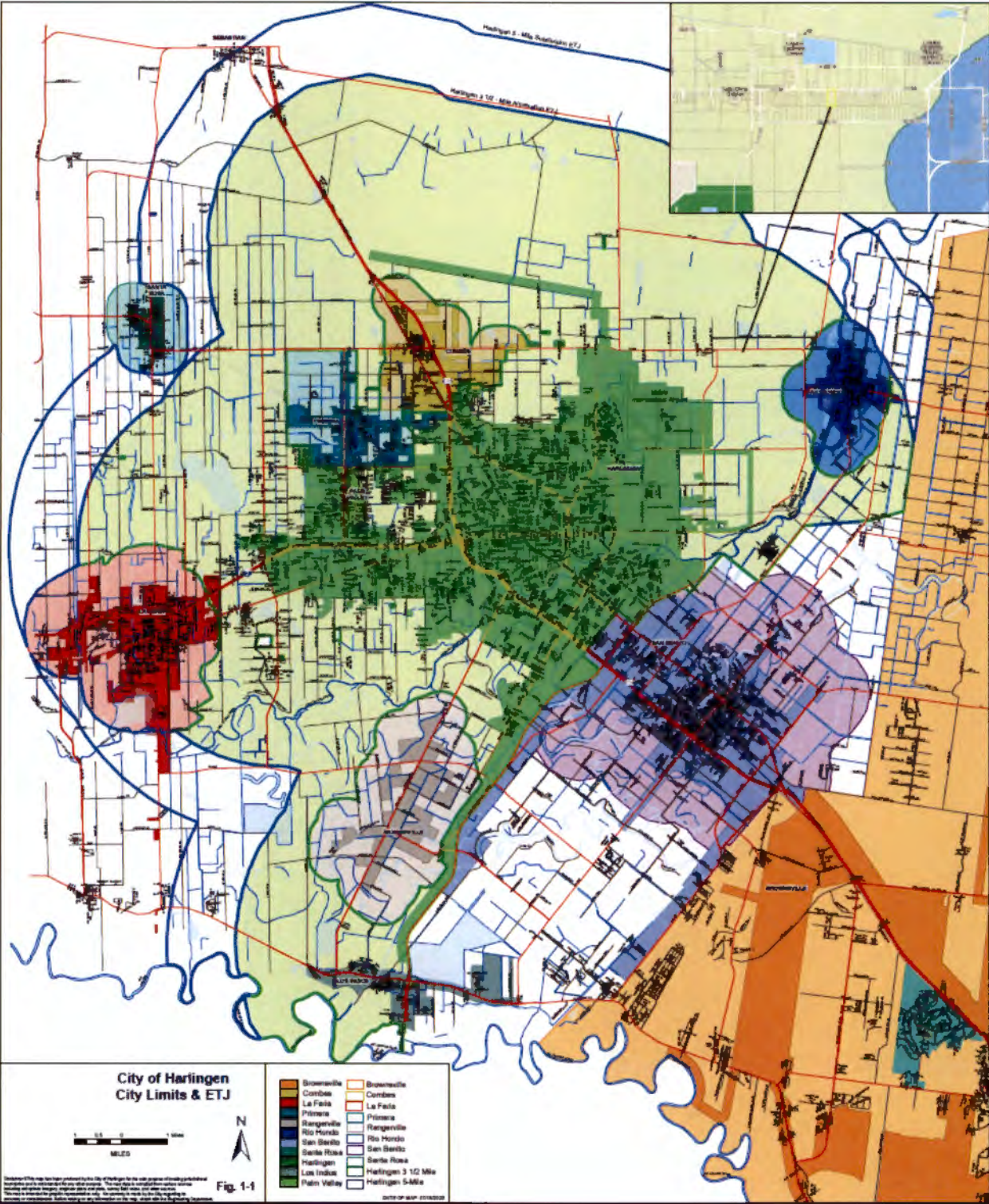


Attachment IV

View from the North
on FM 508



Attachment V



ORDINANCE NO. 26_____

**AN ORDINANCE OF THE CITY OF HARLINGEN
PROVIDING FOR THE RELEASE OF CERTAIN REAL
PROPERTY FROM THE CITY OF HARLINGEN
EXTRATERRITORIAL JURSDICTION (ETJ) CONSISTING
OF ALL OF BLOCK 54 (9.92 ACRE TRACT), MCLEOD
HOOD PROPERTIES NO. 1, LOCATED ON THE SOUTH
SIDE OF FM 508 APPROXIMATELY 4,000 FEET EAST OF
FM 509; PROVIDING FOR PUBLICATION AND
ORDAINING OTHER MATTERS RELATED TO THE
FOREGOING**

WHEREAS pursuant to Texas Seante Bill 2028 passed by the Texas State Legislature in the 88th Legislative Session, Texas Local Government Code Chapter 42 allows for the release of an area from the City's extraterritorial jurisdiction ("ETJ") by petition of landowners or by election; and

WHEREAS pursuant to Texas Local Government Code Section 42.102, a resident of an area or the owners of the majority in value of an area in the City's ETJ may file a petition with the City Secretary for the area to be released from the ETJ; and

WHEREAS a request has been submitted for the release of certain real property from the City's Extraterritorial Jurisdiction ("ETJ"); and

WHEREAS, the City Commission has reviewed the request and finds that releasing the property from the ETJ is permitted by law and is in the best interest of the City;

NOW, THEREFORE

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

SECTION 1. The real property described in Exhibit "A," attached hereto and incorporated herein, is hereby released and removed from the City of Harlingen's Extraterritorial Jurisdiction.

SECTION 2. The City Commission finds that:

1. All applicable statutory requirements for the ETJ release have been satisfied; and
2. The release of the property from the ETJ will not adversely affect the public health, safety, or welfare of the City.

SECTION 3. This Ordinance shall take effect immediately upon its adoption, unless otherwise provided by law.

SECTION 4. The City Secretary is hereby directed to file a certified copy of this Ordinance and the legal description of the property in the official public records of Cameron County and to update the City's ETJ boundary records accordingly.

APPROVED ON FIRST READING on this ____ day of _____, 2026.

APPROVED, PASSED AND ADOPTED ON SECOND AND FINAL READING on this ____ day of _____, 2026.

CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Mayra Herrera City Secretary

[illegible]

**AGENDA ITEM
EXECUTIVE SUMMARY**

101

Meeting Date: **August 5, 2026**

Agenda Item:

Consideration and possible action to approve an Ordinance on First Reading for a request an ordinance of the City Commission of the City of Harlingen, Texas amending the Harlingen Horizon – A City on the Rise Comprehensive Plan, Chapter 2, Land Use and Development, Map 5, Future Land Use Map, by changing the designation of the Future Land Use Map from Not Designated to Low-Density Residential for the following parcels: Parcels located from FM 509 near the intersection of Hanson Road; parcels located near the intersection of South Dilworth Road and Country Lane; parcels located near South Palm Court Drive; parcels within the Subdivision located near Park Lane West and Lexington Avenue; area around the intersection of West Lafayette Street and Chester Park Road; and area near Wilson Road and Stonegate Drive, and changing the designation from Not Designated to Medium Density Residential for a property located near the intersection of Wilson Road and Ramsey Road; and updating properties located along Wilson Road near its intersection with Interstate 69E to reflect institutional, medium density residential, and recreational/open space future land uses; and additional future land use designation revisions throughout the map reflecting data updates. Applicant: City of Harlingen

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

Brief Summary:

Project Timeline

- June 6, 2026 – In accordance with State and local law, notice of the required public hearings was published in the Valley Morning Star.
- June 23, 2026 - Public hearing and consideration of the requested amendment by the Planning and Zoning Commission (P&Z). Meeting cancelled due to lack of quorum.
- June 27, 2026 – In accordance with State and local law, notice of the required public hearings was published in the Valley Morning Star.
- July 14, 2026 - Public hearing and consideration of the requested amendment by the Planning and Zoning Commission (P&Z).
- August 5, 2026 – Public hearing and consideration of requested amendment via 1st ordinance reading scheduled before the City Commission.
- August 19, 2026 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- The City of Harlingen is requesting to amend the Harlingen Horizon- A City on the Rise Comprehensive Plan, Future Land Use Map, as a FLUM update for “clean

up" of things that have been discovered since the plans adoption last year. In general, the FLUM update consists of general map adjustments, future land use designation updates, and existing land use designation updates.

- The attached technical memorandum and map delineate the updates to the Future Land Use Map.

Funding (if applicable):

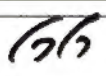
Are funds specifically designated in the current budget for the full ☐ Yes ☐ No*

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

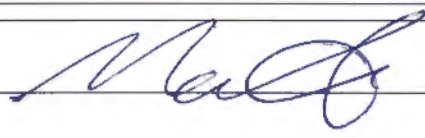
Finance Director's approval: ☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval.

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

Comments:

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

Attachment I

TECHNICAL MEMORANDUM



Innovative approaches
Practical results
Outstanding service

1251 Sadler Drive, Building 1, Suite 1150 + San Marcos, Texas 78666 + 512-213-3200 + FAX 817-735-7491 www.freese.com

TO:	Ana Hernandez, Planning and Development Director City of Harlingen, Texas
FROM:	Caitlin Admire, Project Manager Freese and Nichols, Inc.
SUBJECT:	Comprehensive Plan Amendments
PROJECT:	HAR24531
DATE:	April 8, 2026

1.00 FUTURE LAND USE MAP

1.01 GENERAL MAP ADJUSTMENTS

- A. Added additional inset maps to the future land use map to depict northern and southern boundary extents within the City Limits.
- B. City boundaries have been updated to reflect changes made through November 2025.
- C. Parcel boundaries used to designate land use have been updated to reflect changes to the dataset maintained by Cameron Appraisal District through 4/6/2026.

1.02 FUTURE LAND USE DESIGNATION UPDATES

- A. ETJ future land use designations have been removed from the map.
 - 1. This includes the large employment designation that was previously located in the northeastern quadrant of the map as well as industrial and agricultural designations that were located near the Port of Harlingen.
- B. Undesignated parcels have been provided with a future land use designation.
 - 1. Parcels located at FM 509 near the intersection of Hanson Rd. have been designated as lower density residential.
 - 2. Parcels located near the intersection of S. Dilworth Rd. and Country Ln are designated as lower density residential.
 - 3. Parcels near S. Palm Court Drive are designated as lower density residential.
 - 4. Parcels within the subdivision located near Park Lane W. and Lexington Ave. have been designated as lower density residential.
 - 5. Area around the intersection of W Lafayette St and Chester Park Rd. has been denoted as lower density residential.
 - 6. Area near Wilson Rd. and Stonegate Dr. has been designated as lower density residential
 - 7. Property located near the intersection of Wilson Rd. and Ramsey Rd. has been denoted as medium density residential.

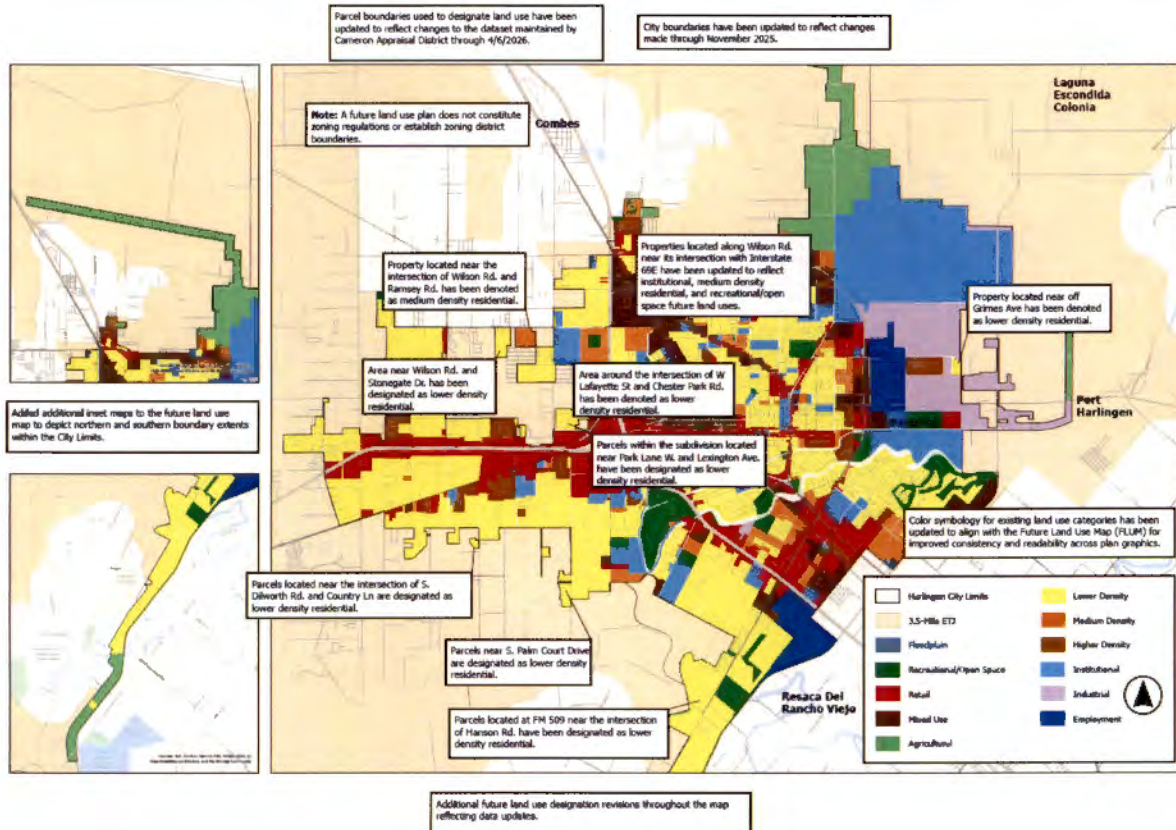
Attachment I cont.

8. Properties located along Wilson Rd. near its intersection with Interstate 69E have been updated to reflect institutional, medium density residential, and recreational/open space future land uses.
9. Additional future land use designation revisions throughout the map reflecting data updates.

1.03 EXISTING LAND USE DESIGNATION UPDATES

1. Color symbology for existing land use categories has been updated to align with the Future Land Use Map (FLUM) for improved consistency and readability across plan graphics.
2. The vacant land category has been refined with a more distinct color to enhance visibility and better differentiate it from other land use classifications.

Attachment II



ORDINANCE NO. 26-_____

AN ORDINANCE AMENDING THE HARLINGEN HORIZON- A CITY ON THE RISE COMPREHENSIVE PLAN, CHAPTER 2 LAND USE AND DEVELOPMENT, MAP 5 FUTURE LAND USE MAP, BY CHANGING THE DESIGNATION OF THE FUTURE LAND USE MAP FROM NOT DESIGNATED TO LOW-DENSITY RESIDENTIAL FOR THE FOLLOWING PARCELS: PARCELS LOCATED AT FM 509 NEAR THE INTERSECTION OF HANSON ROAD; A PARCELS LOCATED NEAR THE INTERSECTION OF SOUTH DILWORTH ROAD AND COUNTRY LANE; PARCELS LOCATED NEAR S. PALM COURT DRIVE; PARCELS WITHIN THE SUBDIVISION LOCATED NEAR PARK LANE WEST AND LEXINGTON AVENUE; AREA AROUND THE INTERSECTION OF W. LAFAYETTE STREET AND CHESTER PARK ROAD; AND AREA NEAR WILSON ROAD AND STONEGATE DRIVE; AND CHANGING THE DESIGNATION FROM NOT DESIGNATED TO MEDIUM DENSITY RESIDENTIAL FOR A PROPERTY LOCATED NEAR THE INTERSECTION OF WILSON ROAD AND RAMSEY ROAD; AND UPDATING PARCELS TO REFLECT INSTITUTIONAL, MEDIUM DENSITY RESIDENTIAL, AND RECREATIONAL/OPEN SPACE FUTURE LAND USES; AND ADDITIONAL FUTURE LAND USE DESIGNATION REVISIONS THROUGHOUT THE MAP REFLECTING DATA UPDATES; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING

WHEREAS, the Harlingen Horizon – A City on the Rise Comprehensive Plan, Chapter 2, Land Use and Development, Map 5, Future Land Use Map has been updated to provide a future land use designation of the parcels described herein, and additional future land use designation revisions have been made throughout the map reflecting data updates; and

WHEREAS, The Planning and Zoning Commission has reviewed the proposed amendments and has recommended approval; and

WHEREAS, The City of Harlingen has complied with all notices and public hearings as required by law; and

WHEREAS, The City Commission of the City of Harlingen desires to amend the City's Future Land Use Plan and finds that it is in the best interests of the citizens of Harlingen to amend the Future Land Use Map as set forth below;

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

SECTION I: The Harlingen Horizon – A City on the Rise Comprehensive Plan, Chapter 2 Land Use and Development, Map 5, Future Land Use Map is hereby amended by changing the designation of the Future Land Use Map from not designated to low-density residential for the following parcels: parcels located at FM 509 near the intersection of Hanson Road; a parcel located near the intersection of South Dilworth Road and Country Lane; Parcels located near S. Palm Court Drive; parcels within the subdivision located near Park Lane West and Lexington Avenue; area around the intersection of W. Lafayette Street and Chester Park Road; and changing the designation from not designated to medium density residential for a property located near the intersection of Wilson Road and Ramsey Road; and updating properties located along Wilson Road near its intersection with Interstate 69E to reflect institutional, medium density residential, and recreational/open space future land uses; and additional future land use designation revisions throughout the map reflecting data updates; as described in Exhibit “A”.

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

FINALLY ENACTED this _____ day of _____, 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.

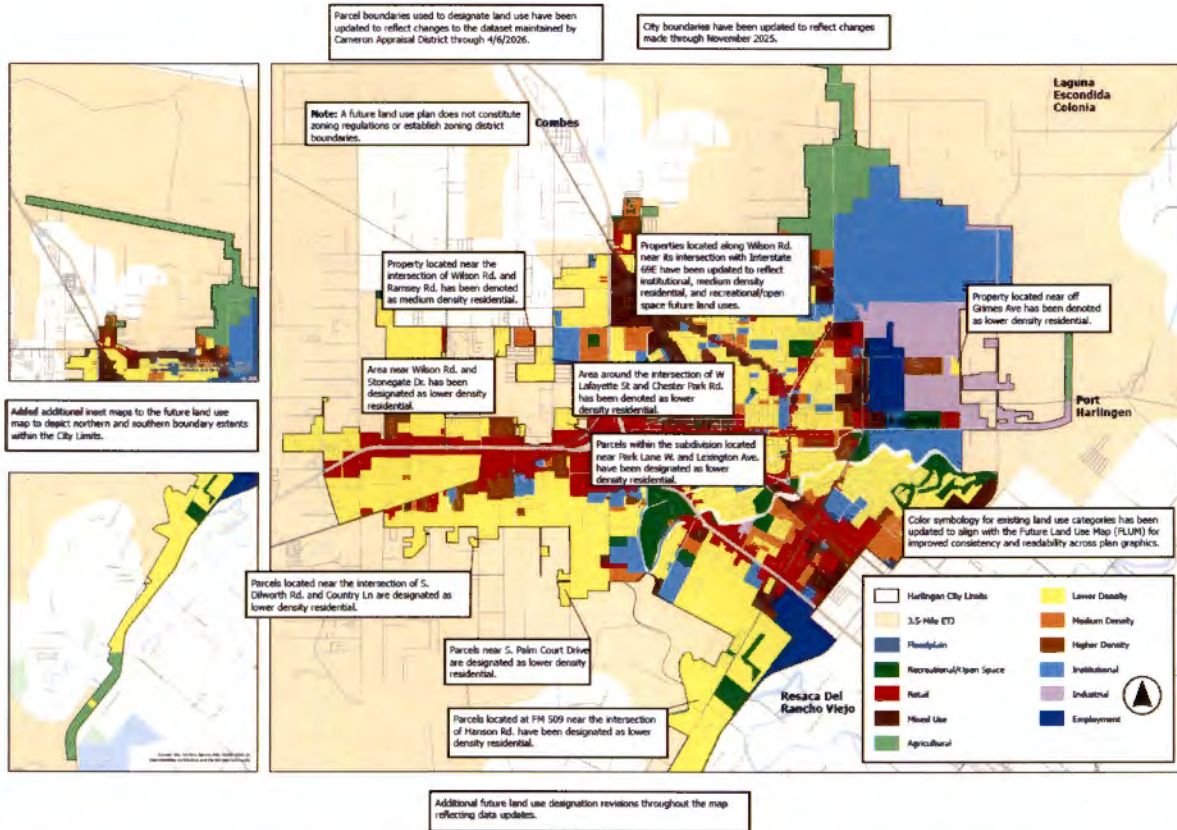
CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Mayra Herrera, City Secretary

EXHIBIT "A"



**AGENDA ITEM
EXECUTIVE SUMMARY**

103

Meeting Date: **August 5, 2026**

Agenda Item:

Consideration and possible action to approve the preliminary construction plans and final plat with conditions of the proposed Altas Palmas Subdivision Phase II, bearing a legal description of 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 & 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

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

Brief Summary:

Project Timeline

- January 22, 2026 – Original Preliminary Construction Plans and Final Plat application submitted to the City. **(ATTACHMENT I)**
- February 10, 2026 – Comments outlining deficiencies sent to Engineer.
- February 11, 2026 – Original Preliminary Construction Plans and Final Plat resubmitted to the City.
- February 28, 2026 – Preliminary construction plans and final plat deemed complete.
- June 17, 2026 – Zoning of property to Residential, Single-Family was approved on second and final reading by the City Commission.
- July 14, 2026 – Consideration of the preliminary construction plans and final plat with conditions by the Planning and Zoning Commission.
- August 5, 2026 – Consideration of the preliminary construction plans and final plat with conditions by the City Commission.

Summary:

- The proposed Altas Palmas Subdivision Phase II consists of 154 single family residential lots. The subdivision is inside City Limits, located north of Beckham Road and is the second portion of a multi-phase development.
- The proposed development is consistent with the Residential Single-Family zoning designation.
- All drainage improvements will be designed in accordance with the City's current standards, including compliance with the 50-year storm event requirement.
- Water and wastewater services for the proposed development will be provided by the Harlingen Waterworks System (HWWWS).
- Park fees will be assessed for the subdivision at a rate of \$500 per dwelling unit. Based on the proposed lot count, the total park fees due will be \$77,000.
-

- These funds will be allocated to Park Zone 4, the northwest zone, in accordance with the City's parkland dedication requirements.
- All items identified on the preliminary and final plat checklist will be addressed prior to the recording of the final plat.

Staff Recommendation:

Staff recommends approval of the preliminary construction plans and final plat, with the following conditions:

1. Requirements from the Engineering Department, HWWS, Fire Prevention Bureau, and Planning Division, as outlined in the attached comments. **(ATTACHMENT V – IX).**

Funding (if applicable):

Are funds specifically designated in the current budget for the full amount for this purpose?

Yes

No*

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

Finance Director's approval:

☐

Yes

☐

No

☐

N/A

City Manager's approval:

GH

☒

Yes

☐

No

☐

N/A

Comments:

City Attorney's approval:

[Signature]

☐

Yes

☐

No

☐

N/A

Attachment I—Subdivision 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 1Existing Zoning Designation SF-1 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.COMMailing Address 14216 PALIS DR. City LA FERIA State TX Zip 78552Property Owner ZARATE MANAGEMENT, LLC Phone 956-561-9587 FAX _____

Email Address (for project correspondence only): _____

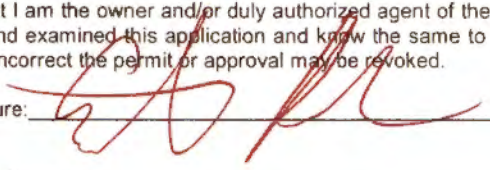
Mailing Address 1992 DATE PALM DR. City MERCEDES State TX Zip 78570

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

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

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

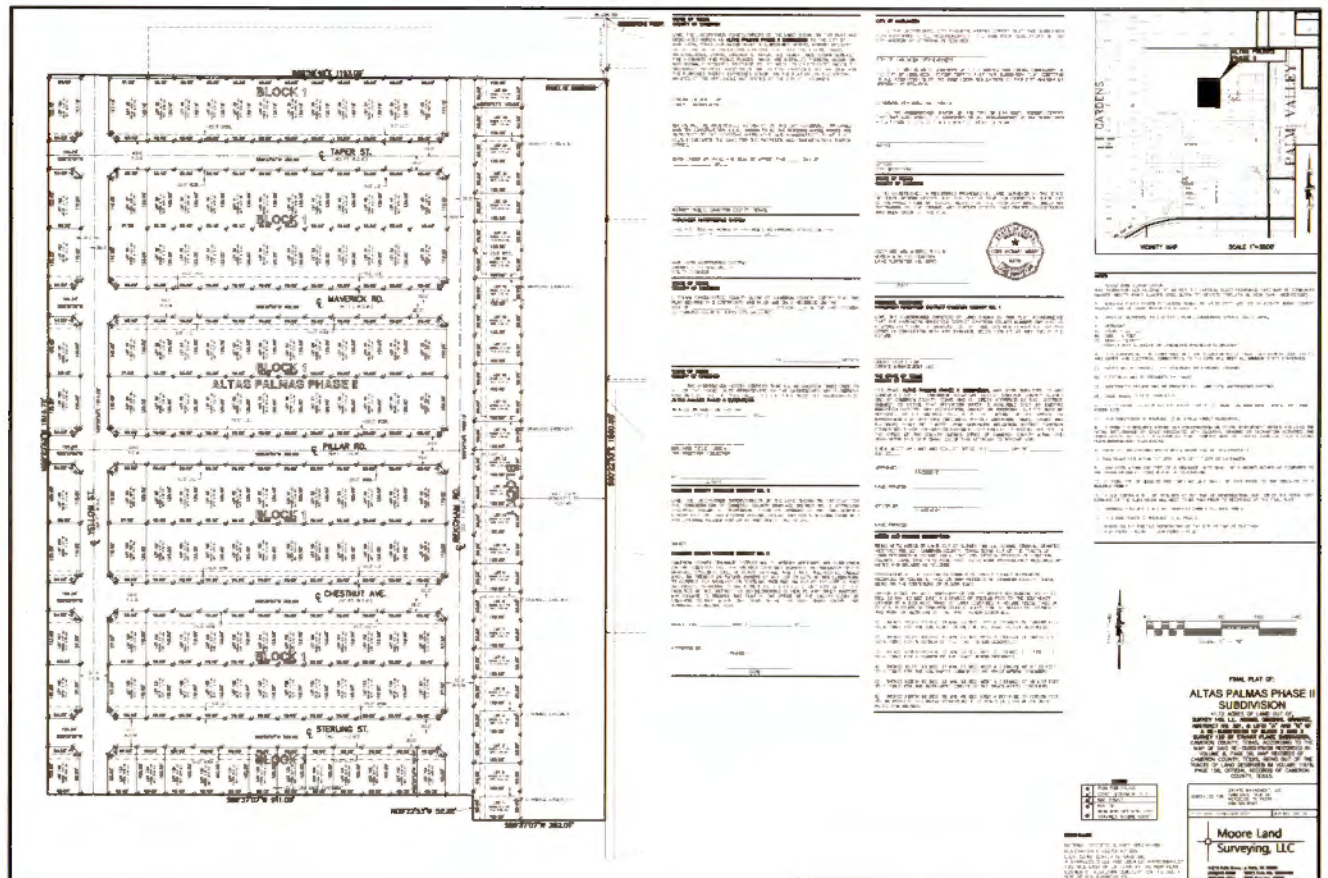
I hereby certify that I am the owner and/or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit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

Applicant's Signature:  Date: 01/20/06

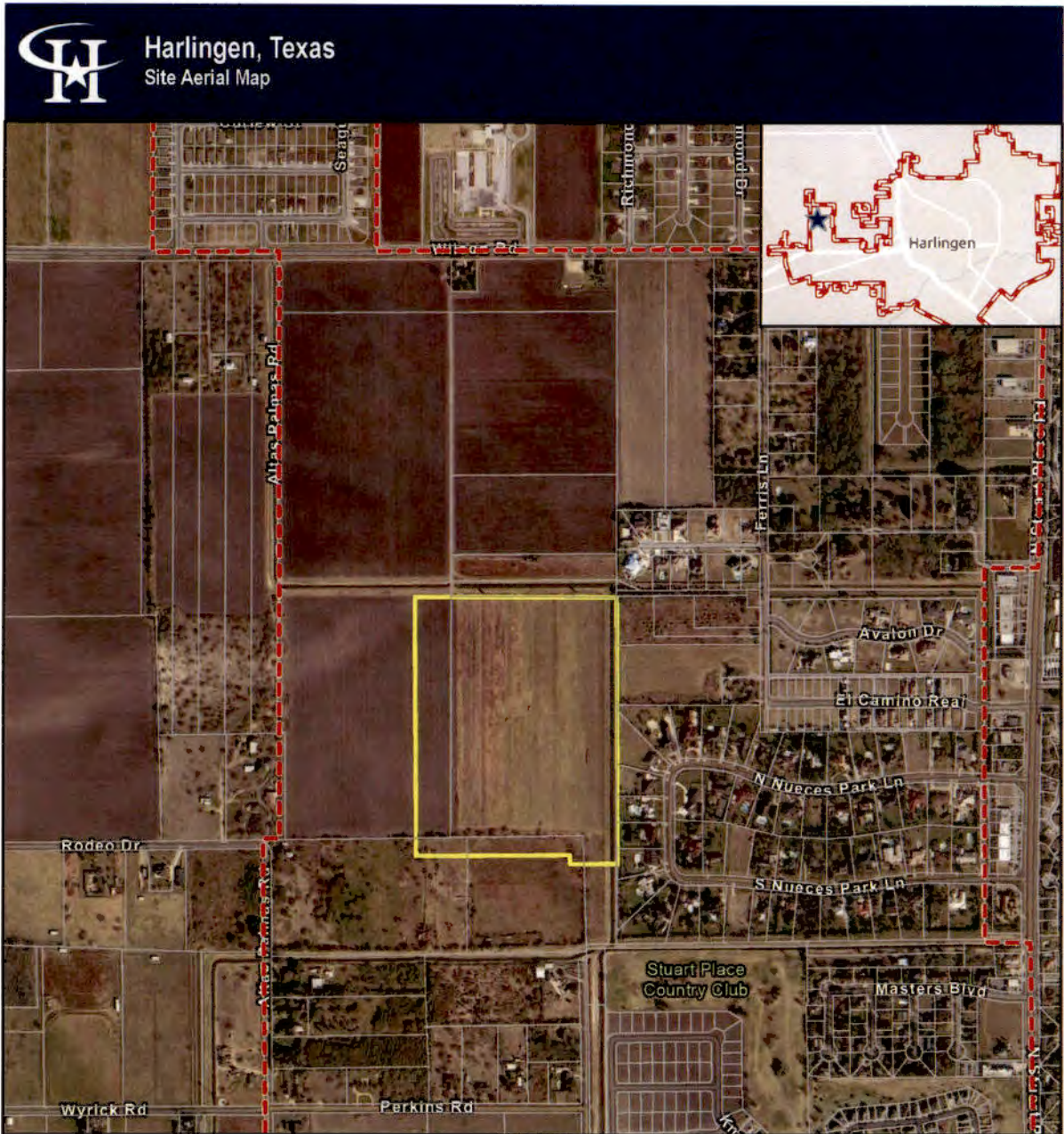
Property Owner(s) Signature: _____ Date: _____

Accepted by: _____ Date: _____

Attachment II —Final Plat

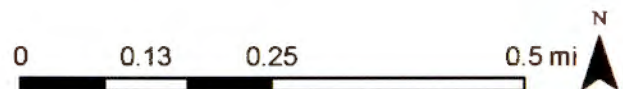


Attachment III — Aerial View



Legend

-  Subject Property: Altas Palmas Ph. II
-  Property Parcels
-  City Limits



Attachment IV — Street View

Street View





Planning and Development Department
502 E. Tyler Avenue
Harlingen, TX 78550
(956) 216-5101

7/1/2026

Emiliano Rosel, P.E.
Moore Land Surveying, LLC
14216 Palis Drive
La Feria, Texas 78559

Re: Altas Palmas Subdivision Phase II

Dear Mr. Rosel,

City staff reviewed the preliminary plans and final plat of the proposed “**Altas Palmas Subdivision Phase II**” submitted on February 11, 2026. The application is considered complete, subject to a list of conditions from different city departments. If you agree with the listed conditions, please visit the Planning and Development office to pay the \$150.00 subdivision application fee. Once the payment is received, the proposed subdivision will be considered “filed” and staff will place the subdivision in the next scheduled meeting of the Planning and Zoning Commission.

Preliminary and Final:

1. Pursuant to Sec. 109.91 – (c)(3)(c) of the Code of Ordinances Chapter 109 – Subdivisions, all new monuments set at subdivision corners shall be set to a sufficient depth to retain a stable and distinctive location, encased in concrete where location permits, shall be marked in a way that is traceable to the responsible surveyor, and shall conform to the appropriate state statutes.
 - a. Please provide elevations for these points.
2. Pursuant to Sec. 109.124-(c)(12) the developer shall improve or pay escrows for 10 feet of additional pavement with curb and gutter and a 5 – foot sidewalk along the Beckham Road boundary.
3. Please update plat note 5 to reflect Section 212, instead of Section 232.
4. Please provide a traffic impact analysis for the entire subdivision.
5. Please submit a rezoning application for the property. The property is currently not designated under any zoning classification.
 - a. Residential, Single-Family zoning was approved on final reading June 17, 2026.
6. Update the blocks on the final plat, all the blocks reflect Block 1.
7. All other applicable fees must be paid prior to recording the final plat.

Thank you,

Soledad A. Núñez, CNU-A
City Planner



Engineering Department | 24200 FM 509, Harlingen, Texas 78550

February 27, 2026

Nadia Lopez, PE

Assistant City Engineer

Mr. Joel Olivo

Assistant Director for Planning and Development

502 E. Tyler Ave., Harlingen, Texas 78550

RE: REVIEW OF ALTAS PALMAS SUBDIVISION PHASE II PRELIM/FINAL - 1ST SUBMITTAL

Dear Mr. Olivo,

Please find comments below regarding the preliminary construction documents for the above-mentioned subdivision per Section 109-128.(a) of the City of Harlingen City Ordinances.

- ☐ Approved
- ☒ Approved with Conditions
- ☐ Disapproved

Please review and address the following comments:

Plat

- A traffic impact analysis for the overall development of Altas Palmas subdivision will need to be submitted for review prior to final acceptance of plat.

Drainage Report

- The storm drainage configuration shown on the drainage area map within the report (last sheet) does not match the proposed grading plat. Please update map to match the grading plat.
- To progress the preliminary submittal, there are no additional comments regarding the site narrative and detention calculations. The comments below may be addressed during the construction plan submittal review:
 - Consider providing separate TCs for each drainage area so that the overall TC is not used for each drainage area calculation. The calculations provided on this submittal appear to be the same from the previous report.
 - The Tc calculations indicate a 0.40% slope for residential flow. This value should correspond with the proposed lot grading slopes which have a minimum 1% slope. Please revise the Tc calculations accordingly.
 - The rainfall intensity used in the post-developed drainage calculations for each area is based on an overall Tc of 31 mins. Runoff for each drainage area should be calculated using only the Tc for the lot and gutter path to get to the inlets. The storm drain Tc should not be included in these calculations.

-
- The HGLs appear to remain above the top of curb. For clarity on reviewing the HGLs, please show them on the storm profiles at the time of the construction plan submittal to ensure they are below the top of curb.
 - The cover of the storm pipes will be further evaluated when a full set of construction plans are submitted to determine concurrence with design.

Please note that this review shall be for conformance to subdivision regulations and the responsibility and liability for the adequacy of the design shall remain with the Engineer sealing the documents.

If you have any questions, please feel free to contact me at (956) 216-5223 or via email at nlopez@harlingentx.gov.

Sincerely,



Nadia M. Lopez, PE



Subdivision Review

Subdivision Name: Altas Palmas Phase II – 2nd Submittal

Proposed Use: 154 Lot Residential, Single-Family Use

Location: Northeast corner of the intersection of Rodeo Drive and Altas Palmas Road, north of Altas Palmas Subdivision Phase I

Developer: Zarate Home Designs, LLC

Engineer: Moore Land Surveying / (956) 929-1615
Erosl.mls@gmail.com

Approval: ☒ Yes ☐ Yes with Comments ☐ No

Comments: 1. No Comments

Juan Saucedo Jr. Fire Marshal
Departmental Official Signature

(956) 216-5790
Contact Number

Fire Prevention
Department

jsauceda@harlingentx.gov
Contact E-mail

February 11, 2026
Date

Juan Saucedo Jr
Signature



HARLINGEN
WATERWORKS
SYSTEM

**ALTAS PALMAS PH.II SUBD.
PLAT SUBMITTAL #2**

February 25, 2026

To: Soledad A. Nunez
Planning & Zoning Dept.
City of Harlingen

From: David Vasquez, Engineering Technician
Engineering Dept.
Harlingen Waterworks System

Response:

APPROVED

David Vasquez

Digitally signed by David Vasquez
DN: C=US,
E=dvasquez@hwws.com,
O=Harlingen Waterworks System,
OU=Engineering Dept., CN=David
Vasquez
Date: 2026.02.25 17:13:55-06'00'

ADDITIONAL COMMENTS:

- If the developer requests HWWWS to execute the plat prior to completion of the modifications to the existing water & sewer facilities, a Letter of Credit (LOC) or a Check in an amount equal to the developer's estimated costs of construction must be submitted to HWWWS. The developer's engineer is to submit a cost estimate for this work for review and approval by HWWWS prior to submission of the LOC or check.
- A full set of water and sewer construction plans must be submitted to Harlingen Waterworks System for review and approval prior to commencement of construction.
- HWWWS comments subject to modification based on additional information of future comments issued by the City of Harlingen, changes made to the plans after approval has been given, or if new information is uncovered through field discovery.

Attachment IX – Public Works (Traffic)

From: [Arnold Campos](#)
To: [Sol Nunez](#)
Cc: [Ruth Trevino](#)
Subject: RE: Altas Palmas Subdivision Phase II
Date: Tuesday, March 31, 2026 12:27:59 PM
Attachments: [image001.png](#)
[image002.png](#)

Sol,

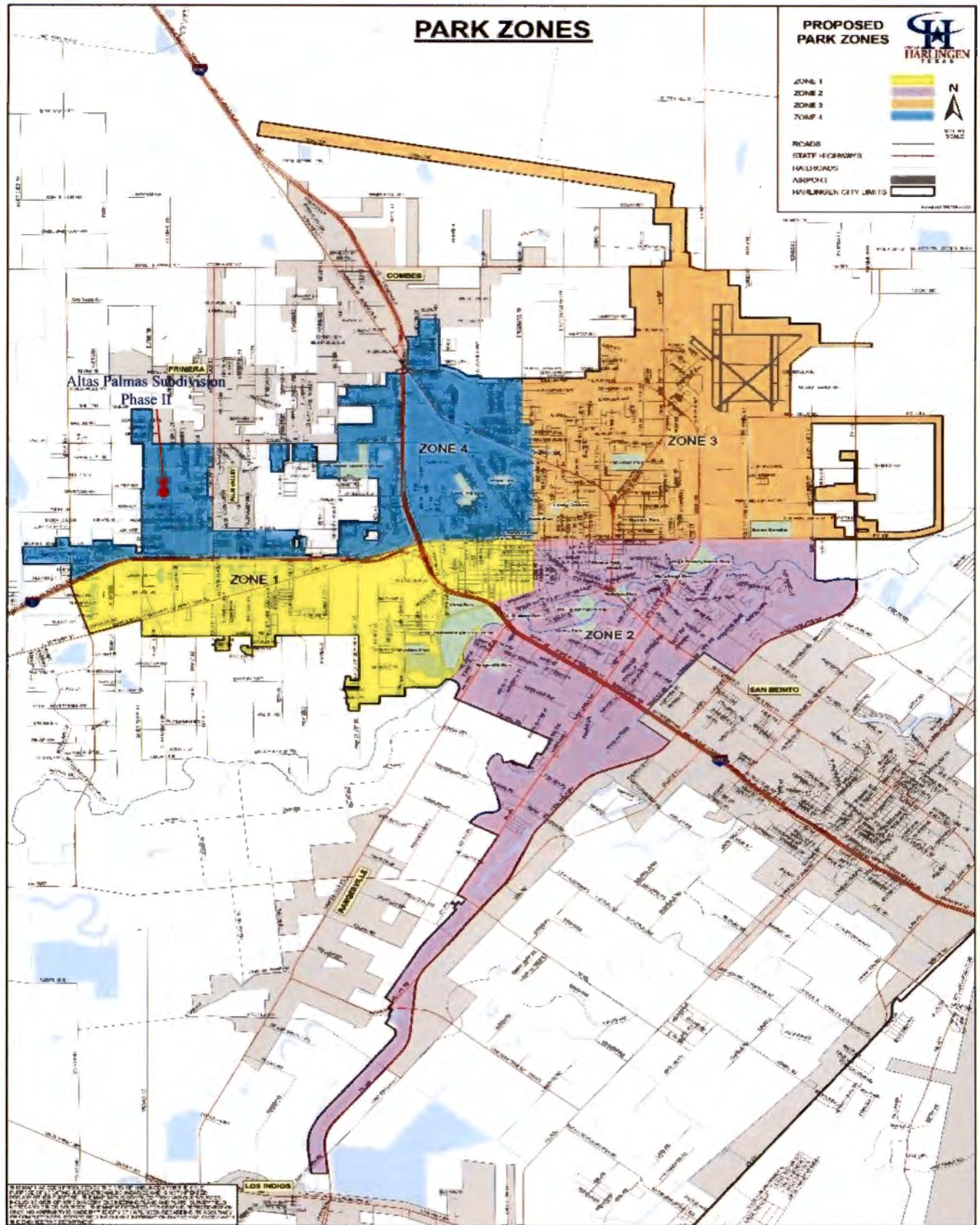
Clear as well..

Thanks again,



Arnold Campos Jr.
Public Works- Traffic Signal Maintenance Supervisor
City of Harlingen
404 S 54th Street Harlingen, TX 78550
Office (956) 216-5324 Cell (956) 245-6023

Attachment X – Park Zones Map



**AGENDA ITEM
EXECUTIVE SUMMARY**

10K

Meeting Date: **August 5, 2026**

Agenda Item:

Consideration and possible action to approve the preliminary construction plans and final plat with conditions of the proposed Dixieland Crossing Subdivision Replat, bearing a legal description of 1.62 acres of land out of, Dixieland Crossing Subdivision, located south of Garrett Road, approximately 752.11 feet west of Dixieland Road. Applicant: Moore Land Surveying, LLC c/o CJE Construction

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

Brief Summary:

Project Timeline

- February 22, 2026 – Original Preliminary Construction Plans and Final Plat application submitted to the City. **(ATTACHMENT I)**
- March 12, 2026 – Comments outlining deficiencies sent to Engineer.
- July 1, 2026 – Rezoning request from Neighborhood Services (“NS”) District to Residential, Patio Home (“RPH”) District approved on Second and Final Reading.
- July 2, 2026 – Preliminary construction plans and final plat deemed complete.
- July 14, 2026 – Consideration of the preliminary construction plans and final plat with conditions by the Planning and Zoning Commission.
- August 5, 2026 – Consideration of the preliminary construction plans and final plat with conditions by the City Commission.

Summary:

- The proposed Dixieland Crossing Subdivision Replat consists of 10 residential patio-home lots intended for single-family development. The subdivision is located within the city limits, south of Garrett Road.
- The proposed development is consistent with the Residential Patio Home zoning designation.
- All drainage improvements will be designed in accordance with the City's current standards, including compliance with the 50-year storm event requirement.
- Water and wastewater services for the proposed development will be provided by the Harlingen Waterworks System (HWWWS).
- Park fees will be assessed for the subdivision at a rate of \$500 per dwelling unit. Based on the proposed lot count, the total park fees due will be \$5,000.
- These funds will be allocated to Park Zone 1, the northwest zone, in accordance with the City's parkland dedication requirements.

- All items identified on the preliminary and final plat checklist will be addressed prior to the recording of the final plat.

Staff Recommendation:

Staff recommends approval of the preliminary construction plans and final plat, with the following conditions:

1. Requirements from the Engineering Department, HWWS, Fire Prevention Bureau, and Planning Division, as outlined in the attached comments. **(ATTACHMENT V – IX).**

Funding (if applicable):

Are funds specifically designated in the current budget for the full amount for this purpose?

☐ Yes

☐ No*

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

Finance Director's approval:

☐ Yes

☐ No

☐ N/A

City Manager's approval:

66

☒ Yes

☐ No

☐ N/A

Comments:

City Attorney's approval:

[Signature]

☒ Yes

☐ No

☐ N/A

Attachment I—Subdivision Application

CITY OF HARLINGEN PLANNING AND DEVELOPMENT DEPARTMENT MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address GARRETT RD. Nearest Intersection DIXIELAND RD. & GARRETT RD.
(Proposed) Subdivision Name RE-PLAT C-1, DIXIELAND CROSSING Lot 1 Block 1
Existing Zoning Designation COMMERICAL Future Land Use Plan Designation COMMERCIAL

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

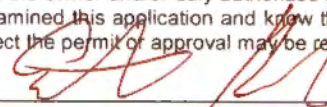
Applicant/Authorized Agent EMILIANO ROSEL Phone 956-929-1615 FAX _____
Email Address (for project correspondence only): EROSL.MLS@GMAIL.COM
Mailing Address 14216 PALIS DR. City LA FERIA State TX Zip 78552
Property Owner CJE CONSTRUCTION Phone 956-207-0987 FAX _____
Email Address (for project correspondence only): _____
Mailing Address 4119 CROSSPOINT BLVD. City EDINBURG State TX Zip 78539

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

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

Please provide a basic description of the proposed project: PROPOSED 10 LOTS OF TOWNHOMES

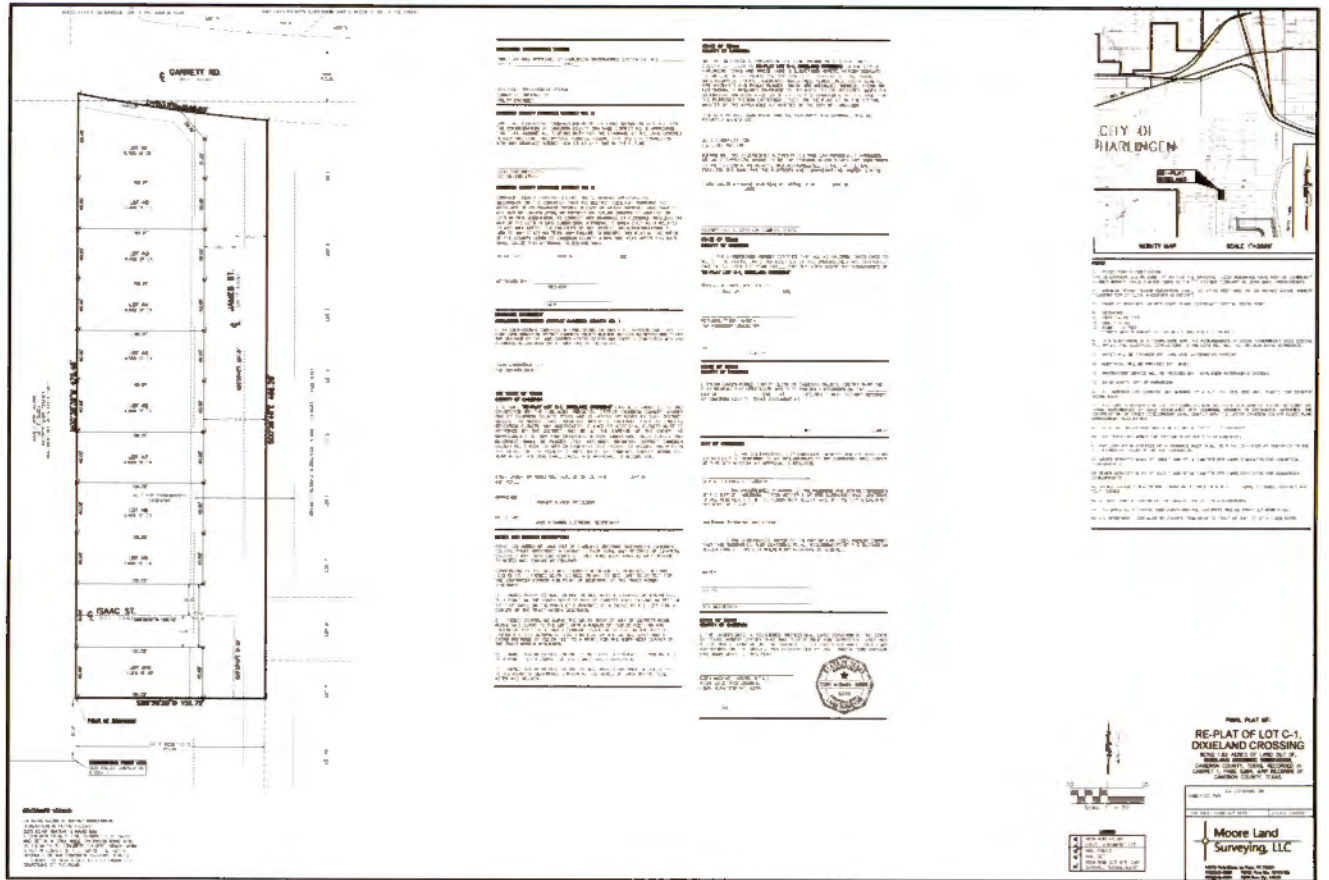
I hereby certify that I am the owner and/or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit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

Applicant's Signature:  Date: 02/20/26

Property Owner(s) Signature: _____ Date: _____

Accepted by: _____ Date: _____

Attachment II —Final Plat



Attachment III — Aerial View



Attachment IV — Street View

Street View from James Street





Planning and Development Department
502 E. Tyler Avenue
Harlingen, TX 78550
(956) 216-5101

7/2/2026

Dustin Moore, P.E.
Moore Land Surveying, LLC
14216 Palis Drive
La Feria, Texas 78559

Re: Dixieland Crossing Subdivision Replat

Dear Mr. Moore,

City staff reviewed the preliminary plans and final plat of the proposed **"Dixieland Crossing Subdivision Replat"** submitted on February 20, 2026. The application is considered complete, subject to a list of conditions from different city departments. If you agree with the listed conditions, please visit the Planning and Development office to pay the \$250.00 replat application fee. Once the payment is received, the proposed subdivision will be considered "filed" and staff will place the subdivision in the next scheduled meeting of the Planning and Zoning Commission.

Preliminary and Final:

1. Pursuant to Sec. 109.91 – (c)(3)(e) of the Code of Ordinances Chapter 109 – Subdivisions, all new monuments set at subdivision corners shall be set to a sufficient depth to retain a stable and distinctive location, encased in concrete where location permits, shall be marked in a way that is traceable to the responsible surveyor, and shall conform to the appropriate state statutes.
 - a. Please provide elevations for these points.
2. Please review Sec. 111.118(1)(a) of the Code of Ordinances Chapter 111 – Zoning for minimum lot area regulations.
 - a. The current Neighborhood Services zoning would require a minimum area of 6,000 square feet per lot.
 - b. The Residential Patio Home Zoning was approved on final reading July 1, 2026.
3. Pursuant to Sec. 109-124 (c)(11)(c) of the Code of Ordinances Chapter 109 – Subdivisions Collector streets shall have a right-of-way of 80 feet and a pavement width of a minimum of 42 feet from the back of the curb to the back of the curb.
 - a. Garrett Road is listed as a Major Collector with 80 feet of ROW. Ensure the proper right-of-way is dedicated on the final plat.
4. Pursuant to Sec. 109.124-(c)(12) the developer shall improve or pay escrows for 10 feet of additional pavement with curb and gutter and a 5 – foot sidewalk along the Garrett Road boundary.
5. Pursuant to Sec. 109.124 – (f)(7) of the Code of Ordinances Chapter 109 – Subdivisions, a 5' sidewalk will be required at the time of construction, and 15% of the total cost estimate of the subdivision will need to be paid.
6. Pursuant to Sec. 109-193 (a)(1)(c) of the Code of Ordinances Chapter 109 – Subdivisions, please note that there is a Park Land Dedication fee of \$500 per unit/lot in a new subdivision.

Attachment V – Planning

- a. Please change plat note 16.
1. Please include "resubdivision" on the legal description.
2. Please include the required corner clip on Lots A9 and A10.
3. Please submit a street sign plan with existing and proposed signage.
4. Please include a street light plan with existing and proposed street lighting.
5. Please coordinate the cluster mailbox with the USPS.
6. Please include a section under plat note 4, to include a 10-foot side setback on corner lots.
7. On Plat Note 4, the front yard setback is 20 feet unless otherwise stipulated.
8. Please include a one-foot non-access easement on Lot A1.
9. Please correct the street jog offset, as it appears to be less than 125-feet.
10. Correct the plot date, the current final plat has February 2024. The subdivision replat was submitted February 22, 2026.
11. Label Garrett Road and Dixieland Road on the vicinity map.
12. All other applicable fees must be paid prior to recording the final plat.

Thank you,



Soledad A. Núñez, CNU-A
City Planner



Engineering Department | 24200 FM 509, Harlingen, Texas 78550

March 6, 2026
Nadia Lopez, PE,
Assistant City Engineer

Mr. Joel Olivo
Assistant Director for Planning and Development
502 E. Tyler Ave., Harlingen, Texas 78550

**RE: REVIEW OF DIXIELAND CROSSING LOT C-1 REPLAT, PRELIM PLAT DOCUMENTS – 1ST
SUBMITTAL**

Dear Mr. Olivo,

Please find comments below regarding the preliminary construction documents for the above-mentioned subdivision per Section 109-128.(a) of the City of Harlingen City Ordinances.

- ☐ Approved
- ☒ Approved with Conditions
- ☐ Disapproved

Please review and address the following comments:

Plat

- Recorded plat shows a corner clip on Lot 1 by Garrett Rd. Please verify
- Provide 15'x15' corner clips at Isaac St. intersection
- Metes & bounds description states property boundary along Garrett Rd. is has a radius of 1530.00 ft., however, radius on plan view is shown as 1540.00 ft. Please clarify
- The scale shown states 1"=50' however, the plan view appears to be 1"=30'. Please verify.

Drainage Report

- No comments

Prelim Grading Plan

- The stub-out to the west is not required by Engineering. A cul-de-sac at the end of the road is an option to consider if fire department requires a turnaround method.
- Provide a curb along the south end of the road and ensure it is at a low spot on the pavement section. The inlet may take on more sediment from the south and will be a driving hazard without a curb.
- A barricade at the end of the road will be required

Please note that this review shall be for conformance to subdivision regulations and the responsibility and liability for the adequacy of the design shall remain with the Engineer sealing the documents.

If you have any questions, please feel free to contact me at (956) 216-5223 or via email at nlopez@harlingentx.gov.

Sincerely,

A handwritten signature in blue ink that reads "Nadia J. Lopez, P.E.".

Nadia Lopez, PE



Subdivision Review

Subdivision Name: Dixieland Crossing Replat
Proposed Use: 10 Townhome Lots
Location: Southwest corner of the intersection of Dixieland and Garrett Road
Developer: CJE Construction, LLC
Engineer: Moore Land Surveying, LLC / (956) 929-1615
Erosl.mls@gmail.com

Approval: ☒ Yes ☐ Yes with Comments ☐ No

Comments: 1. No Comments

Juan Saucedo Jr. Fire Marshal
Departmental Official Signature

(956) 216-5790
Contact Number

Fire Prevention
Department

jsauceda@harlingentx.gov
Contact E-mail

February 23, 2026
Date

Juan Saucedo Jr.
Signature



HARLINGEN
WATERWORKS
SYSTEM

**REPLAT OF DIXIELAND CROSSING SUB.
PLAT SUBMITTAL #1**

March 6, 2026

To: Soledad A. Nunez
Planning & Zoning Dept.
City of Harlingen

From: David Vasquez, Engineering Technician
Engineering Dept.
Harlingen Waterworks System

Response:

APPROVED with CONDITIONS

David Vasquez

Digitally signed by David Vasquez
DN: C=US,
E=dvasquez@hwws.com,
O=Harlingen Waterworks System,
OU=Engineering Dept., CN=David
Vasquez
Date: 2026.03.06 16:42:20-06'00'

UTILITY PLAN COMMENTS:

No.	Comment/Revision	Addressed
1	Show water and sewer services.	

FINAL PLAT COMMENTS:

No.	Comment/Revision	Addressed
1	Add Jr to Gabriels name.	

ADDITIONAL COMMENTS:

- Response to Conditions of Approval are required prior to Signing of a Plat. Submitter must mark Yes or No in the Addressed column. Mylars missing response to Conditions for Approval will not be Signed.
- HWWWS comments subject to modification based on additional information of future comments issued by the City of Harlingen, changes made to the plans after approval has been given, or if new information is uncovered through field discovery.

Attachment IX – Public Works (Traffic)

From: [Arnold Campos](#)
To: [Sol Nunez](#)
Cc: [Ruth Trevino](#)
Subject: RE: Dixieland Crossing Replat
Date: Thursday, March 12, 2026 4:32:13 PM
Attachments: [image001.png](#)
[image002.png](#)

Good afternoon Sol,

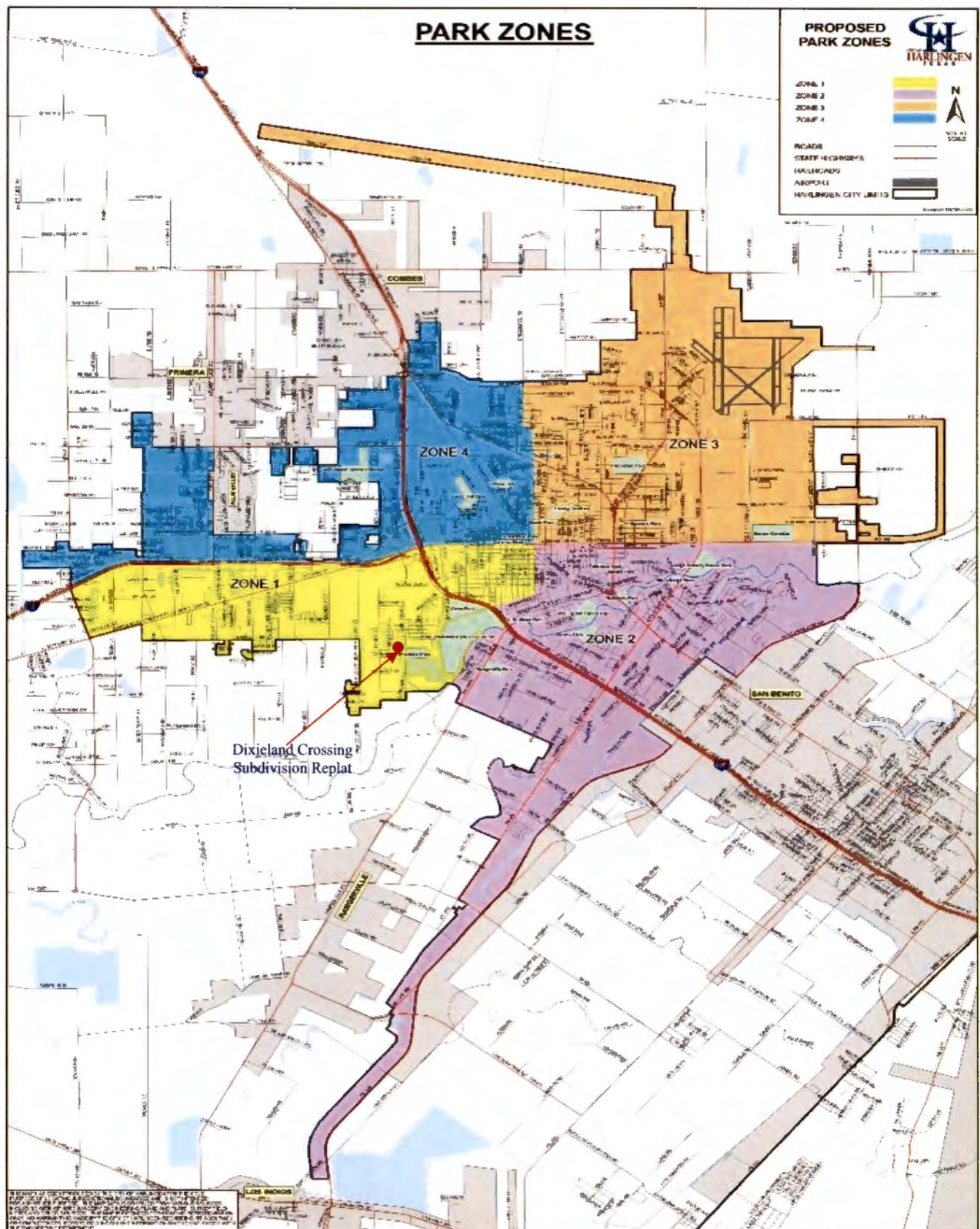
Yes all clear, SLs were approved in March...

Thank you,



Arnold Campos Jr.
Public Works- Traffic Signal Maintenance Supervisor
City of Harlingen
404 S 54th Street Harlingen, TX 78550
Office (956) 216-5324 Cell (956) 245-6023

Attachment X – Park Zones Map



**AGENDA ITEM
EXECUTIVE SUMMARY**

10L

Meeting Date: **August 5, 2026**

Agenda Item:

Consideration and possible action to approve an Ordinance on First Reading for a request for a variance to Chapter 109, Section 109-124(c)(9) of the City of Harlingen Code of Ordinances, to allow a reduced separation distance between two proposed access points for Paso Real Coves Subdivision, Phases IV and V, located north of East Treasure Hills Boulevard, approximately 839.52 feet west of FM 509. Applicant: Melden & Hunt, Inc., on behalf of Noblemen Investments, LLC

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

Brief Summary:

Project Summary

- June 11, 2026 – Preliminary Construction Plans and Final Plat application submitted to the City. **(ATTACHMENT I)**
- June 25, 2026 – Variance request submitted to the City for the distance between the two access points submitted.
- June 26, 2026 – Comments outlining deficiencies sent to engineer.
- July 14, 2026 – Consideration of the variance request by the Planning and Zoning Commission.
- August 5, 2026 – Consideration of the variance request by the City Commission.

Summary:

- The developer is requesting a variance to the required separation distance between the two proposed access points for the subdivision. Pursuant to the City of Harlingen Code of Ordinances, Chapter 109, Subdivisions, Section 109-124(c)(9), *Access Points*, residential subdivisions containing 30 or more lots are required to provide a minimum of two points of access. When two access points are required, they must be separated by a distance equal to no less than one-half of the maximum overall diagonal dimension of the property to be served, measured in a straight line between the access points.
- The property has approximately 1,230 feet of frontage along East Treasure Hills Boulevard and a maximum depth of approximately 1,320 feet. The developer is proposing a 139-lot single-family residential subdivision with common areas, to be known as Paso Real Coves Subdivision, Phases IV & V, to be developed in two phases. Two access points are proposed along East Treasure Hills Boulevard, with a centerline-to-centerline separation of approximately 729 feet. Based on the subdivision's maximum diagonal dimension of 1,804 feet, the required minimum separation between access points is 902 feet (one-half of the maximum diagonal).
- Approval of the requested variance is required before the subdivision can proceed through the subdivision approval process. The proposed subdivision is currently under review and must satisfy all applicable requirements of the City of Harlingen and Harlingen Waterworks System prior to final approval.
- The property is surrounded by a golf course to the north, East Treasure Hills Boulevard to the south, an existing drainage ditch to the east, and the Las Colinas at Treasure Hills development to the west. Given these existing surrounding conditions, there is no reasonable opportunity for a street connection or stub-out other than to East Treasure Hills Boulevard.

- The variance request was reviewed by the Engineering Department, the Fire Marshal's Office (Fire Department), and the Building Inspections Division. If the variance is approved, the Building Inspections Division will require construction plans prepared in accordance with the 2024 IBC (International Building Code) Family of Codes once home construction begins. The Fire Marshal's Office and the Engineering Department recommend approval of the requested variance.
- In accordance with Section 109-27 of the City of Harlingen Code of Ordinances, no variance shall be recommended unless the planning and zoning commission finds:
 - (1) There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of the land;
 - The adjacent properties are not currently for sale, thus preventing the developer from purchasing additional property to meet the required distance between the two access points.
 - The property is surrounded by a golf course to the north, East Treasure Hills Boulevard to the south, an existing drainage ditch to the east, and the Las Colinas at Treasure Hills development to the west.
 - The subject property is located adjacent to a Major Collector roadway, Treasure Hills Boulevard, which provides connectivity to a State roadway, FM 509.
 - (2) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;
 - The requested variance preserves the applicant's ability to reasonably use and develop the property in a manner consistent with the surrounding development patterns.
 - Granting the variance ensures the applicant can realize the reasonable economic and functional use of the property.
 - (3) The granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area;
 - The proposed subdivision will comply with all applicable subdivision regulations, except for the minimum separation distance between the two access points. The variance is necessitated by the property's unique physical constraints and surrounding development, which limit feasible access locations. The proposed access points will provide safe and efficient ingress and egress to the subdivision, and the reduced separation distance is not expected to adversely affect traffic operations, emergency access, or neighboring properties.
 - (4) The granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this chapter;
 - The request is based on the unique physical characteristics and existing development surrounding the property, including a golf course to the north, an existing drainage ditch to the east, the Las Colinas at Treasure Hills development to the west, and East Treasure Hills Boulevard to the south.
 - These existing conditions limit opportunities for alternative street connections, making East Treasure Hills Boulevard the only practical point of access. As a

result, approval of this variance is specific to the circumstances of this property and will not adversely affect the future subdivision or development of other land in the area.

- Granting the variance will not interfere with the orderly subdivision of other land or encourage nonconforming development practices, as this request is specific to the subject property and only.
- (5) The granting of the variance will not have the effect of allowing subdivision of land that is inconsistent with chapter 48 of this code pertaining to utility extension policy or with the city's comprehensive plan or master plans for water and sewer infrastructure.
 - The proposed variance is consistent with the City's Comprehensive Plan, HWWS Water and Wastewater Master plans, and utility extension consistent with Chapter 48 of Harlingen's Code of Ordinances.
- In addition, the Code of Ordinances states "Financial hardship to the subdivider standing alone, shall not be deemed to constitute "undue hardship".
- A majority vote of the City Commission shall be required to override a recommendation for or against the variance from the Planning & Zoning Commission.

Staff Recommendation:

Staff recommends **approval** of the variance as:

1. The requested variance complies with the findings outlined in Section 109-27 of the Code of Ordinances.
2. The developer shall comply with all applicable subdivision requirements, including those related to water and sewer infrastructure, drainage improvements, and all other City of Harlingen subdivision regulations.
3. The Fire Marshal's Office and the Engineering Department recommend approval of the requested variance.

Funding (if applicable):

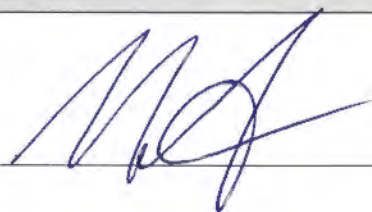
Are funds specifically designated in the current budget for the full amount for this purpose?	☐	Y	☐	No*
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*If no, specify source of funding and amount requested:

Finance Director's approval:	☐	Y	☐	N	☐	N/A
------------------------------	--------------------------	---	--------------------------	---	--------------------------	-----

City Manager's approval:		☒	Y	☐	N	☐	N/A
--------------------------	---	-------------------------------------	---	--------------------------	---	--------------------------	-----

Comments:

City Attorney's approval:		☒	Y	☐	N	☐	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): Noblemen Investments LLC

Property Owner Phone: c/o (956) 381-0981

Property Owner Email: _____

Property Owner Address: 1701 Jonquil Avenue, McAllen TX 78501

APPLICANT/AUTHORIZED REPRESENTATIVE INFORMATION (If different from owner)

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

Applicant Name: Melden & Hunt, Inc.

Applicant Phone: (956) 381-0981

Applicant Email: mario@meldenandhunt.com/beto@meldenandhunt.com/wendy@meldenandhunt.com

Applicant Address: 115 W. McIntyre Street Edinburg, TX 78541

PROPERTY INFORMATION

Project Address: Sweeny Lane

Property/GEO ID: 190204;190205;190206;190214;190216;190215
(If unknown, look up ID at [Cameron County Appraisal District](#))

Legal Description of Property (Lot, Block, Subdivision, as shown on deed or survey): 37.803 Lots 1,2,7 and 8 Block 145 San Benito Land and Water Company Subdivision

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

Proposed Zoning: Residential, Single Family (If unknown, visit or call the Planning Division staff)

Current Land Use: Vacant Land

DESCRIPTION OF REQUEST

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

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: _____

Authorized Representative Name & Signature:  _____ Date: 6-25-26

OFFICE USE ONLY:

Date Submitted: 06/25/2026

Case #: VAR-2026-0011

Date Deemed Complete: 06/25/2026

Receipt #: 18885

Application Fee Paid: \$ 25.00

Received By (initials): SAN



TBPELS Firm # F-1435
TBPELS # 10096900

MELDEN & HUNT INC.

CONSULTANTS • ENGINEERS • SURVEYORS

MARIO A. REYNA • ALLAN F. BOOE • ROBERTO N. TAMEZ • RUBEN JAMES DE JESUS • MICHAEL HERNANDEZ

Ana Hernandez, Director of Planning
City of Harlingen
502 E. Tyler Ave.
Harlingen, Texas 78550

Re: Paso Real Coves Phase 4 & 5

Dear Ms. Hernandez:

As engineers of record of Paso Real Phase 4 & 5, Melden and Hunt is respectfully requesting the following variance for the subdivision:

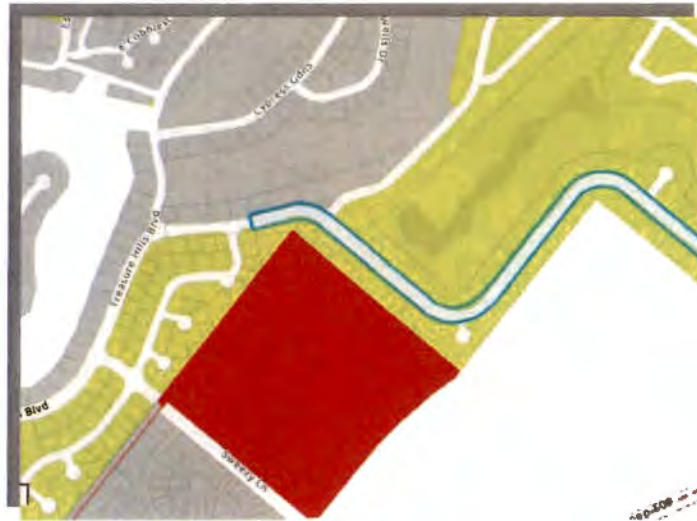
HCO Sec. 109-124 (c) (9) — Any residential subdivision with 30 or more lots must have a minimum of two points of access entrances

Paso Real Coves Phase 4 & 5 is a master planned development consisting of a total of 139 lots and 4 common areas. We are proposing 2 entry points to the subdivision from East Treasure Hills Blvd. These driveways are separated approximately 729 ft. apart. The property only has frontage to East Treasure Hills Blvd.

The property is currently surrounded by the following:

- **West:** Las Colinas of Treasure Hills subdivision
- **East:** an existing drain ditch owned by Cameron County Drainage District No. 3
- **South:** East Treasure Hills Blvd.
- **North:** Golf course and some apparent ROW as shown on the following exhibit from Harlingen GIS

Attachment II—Request Letter



We are proposing to full entrances along East Treasue Hills Blvd. that should suffice for providing full circulation withing this single-family residential development. Both accesses are placed on strategic locations of the development to provide for uninterrupted entry/exit shall one of the accesses be blocked. The development will also provide a full internal loop that will make the ensure the internal uninterrupted traffic flow.

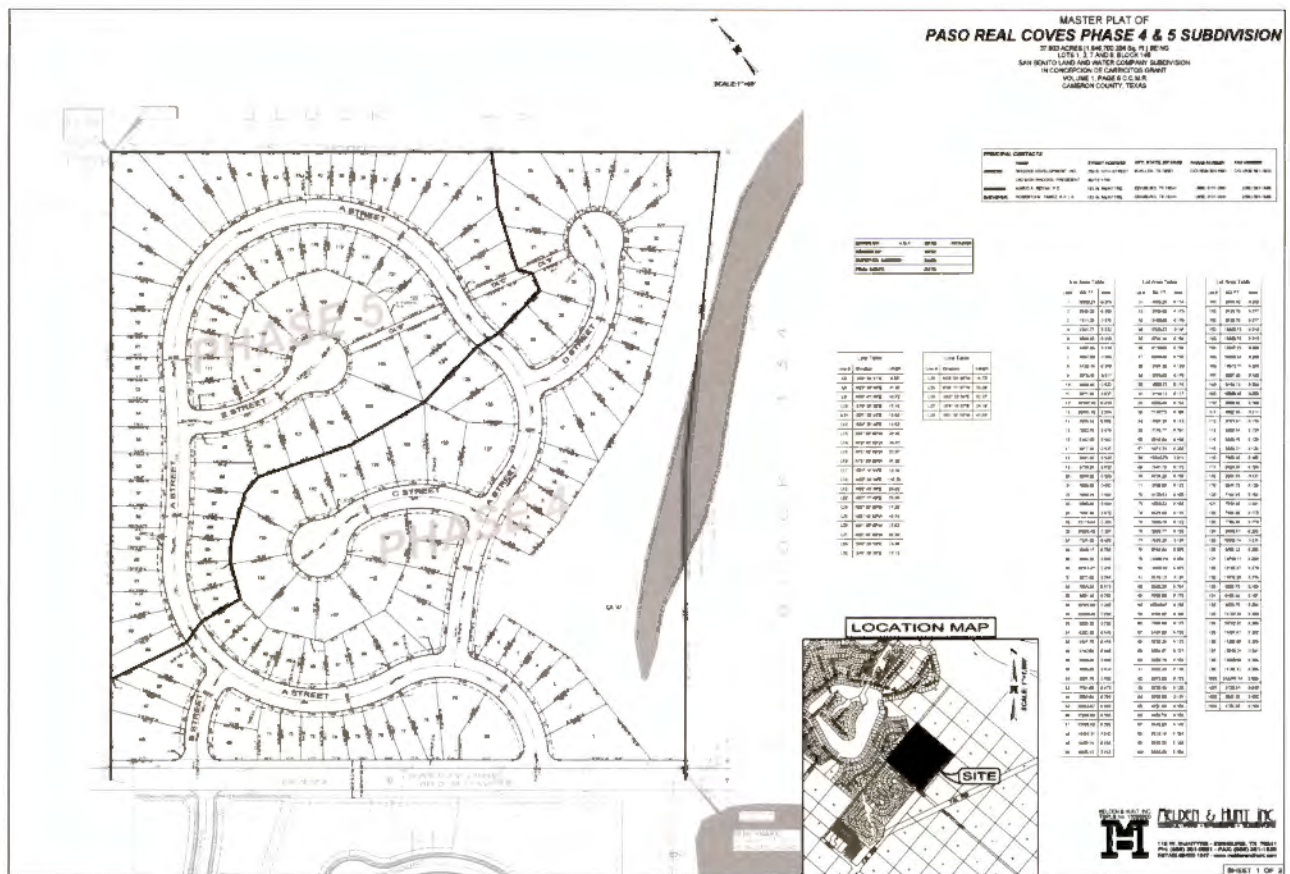
Based on the surroundings of this property, there is no reasonable connection or stub-out point other than East Treasure Hills Blvd.

If you have any questions, please do not hesitate to contact our office.

Sincerely,

Mario Reyna P. President
Melden & Hunt, Inc.

Attachment III —Final Plat



[illegible]

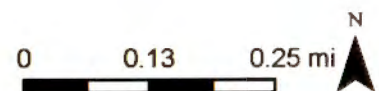
Year	Population	Change
2000	10,120	-1,172
1990	11,292	-2,247
1980	13,539	-2,247
1970	15,786	-2,247
1960	18,033	-2,247

Attachment V — Aerial View



Legend

-  Subject Property: Paso Real Coves Ph IV & V
-  200 ft Buffer
-  Property Parcels
-  City Limits



Attachment VI — Street View

Street View from East Treasure
Hills Blvd.





SUBDIVISION VARIANCE REQUEST ROUTING SLIP

Applicant: Melden and Hunt, Inc. c/o Noblemen Investments, LLCPhone No.: 956-381-0981

Variance Request: Melden & Hunt, on behalf of Noblemen Investments, LLC, is requesting a variance from the access point separation requirements for the proposed Paso Real Coves Subdivision, Phases IV and V.

Pursuant to Section 109-124(c)(9) of the City of Harlingen Code of Ordinances, Subdivisions, Access Points, any residential subdivision with 30 or more lots must have a minimum of two points of access entrances. Where two entrances are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses. Additional entrances may be required as recommended by a traffic impact analysis. Access points for proposed streets must adhere to TxDOT's access management manual. The applicant is requesting a variance from the minimum separation distance requirement between the two subdivision entrances for Paso Real Coves Subdivision, Phases IV and V.

The proposed entrance configuration does not meet the minimum separation distance prescribed by Section 109-124(c)(9). The variance request seeks approval of the proposed entrance locations while maintaining the required two points of access for the subdivision.

Location: North of East Treasure Hills Blvd., approximately 839.52 feet west of FM 509

Department: _____

Approval: ☒ YES ☐ NO

Comments: _____
 _____ No objections to driveway spacing. However, these proposed access
 _____ points do not eliminate the requirement to provide a street connectivity
 _____ point to the north in accordance with City Ordinance Ch. 109-124(c)(3) _____

Nadia J. Lopez P.E. _____

Signature

7/10/26

Date



SUBDIVISION VARIANCE REQUEST ROUTING SLIP

Applicant: Melden and Hunt, Inc. c/o Noblemen Investments, LLC

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The proposed entrance configuration does not meet the minimum separation distance prescribed by Section 109-124(c)(9). The variance request seeks approval of the proposed entrance locations while maintaining the required two points of access for the subdivision.

Location: North of East Treasure Hills Blvd., approximately 839.52 feet west of FM 509

Department: Fire Prevention Bureau

Approval: X YES NO

Comments: Section 109-124 (c) (3) provides guidance on projection of streets.

Juan Saucedo Jr
Signature

July 9, 2026

Date

Attachment IX – Building Inspections



SUBDIVISION VARIANCE REQUEST ROUTING SLIP

Applicant: Melden and Hunt, Inc. c/o Noblemen Investments, LLC

Phone No.: 956-381-0981

Variance Request: Melden & Hunt, on behalf of Noblemen Investments, LLC, is requesting a variance from the access point separation requirements for the proposed Paso Real Coves Subdivision, Phases IV and V.

Pursuant to Section 109-124(c)(9) of the City of Harlingen Code of Ordinances, Subdivisions, Access Points, any residential subdivision with 30 or more lots must have a minimum of two points of access entrances. Where two entrances are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses. Additional entrances may be required as recommended by a traffic impact analysis. Access points for proposed streets must adhere to TxDOT's access management manual. The applicant is requesting a variance from the minimum separation distance requirement between the two subdivision entrances for Paso Real Coves Subdivision, Phases IV and V.

The proposed entrance configuration does not meet the minimum separation distance prescribed by Section 109-124(c)(9). The variance request seeks approval of the proposed entrance locations while maintaining the required two points of access for the subdivision.

Location: North of East Treasure Hills Blvd., approximately 839.52 feet west of FM 509

Department: Building Permits and Inspections Division

Approval: YES NO X PENDING

Comments: If request is approved by the Planning Department, A Building Permit application and complete set of construction documents for the proposed use must be submitted to the Building Department. The construction documents must comply with the 2024 International Residential Code and Family of Codes. Windstorm Engineered plans are required with min. 140 mph wind speeds.

Raul Rodriguez

Signature

07/07/2026

Date

10m

AGENDA ITEM EXECUTIVE SUMMARY

Meeting Date: **August 05, 2026**

Agenda Item:

Consideration and possible action to approve an ordinance on first reading to adopt regulations that ensure that meetings of the City Commission are conducted in a way that allows the business of the City to be undertaken effectively and efficiently; providing savings, repealing and severability clauses and providing an effective date.

Prepared By (Print Name): Gabriel Gonzalez

Title: City Manager

Signature:

Brief Summary:

The proposed ordinance provides guidelines regarding public participation and the orderly conduct at the City Commission Meetings, providing for implementation and severability while conducting City Business.

Funding (if applicable):

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

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

Finance Director's approval:

☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval of the resolution.

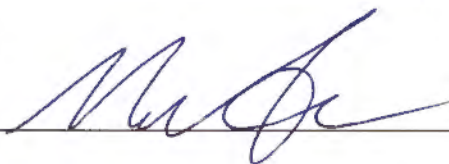
City Manager's approval:



☐ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:



☒ Yes ☐ No ☐ N/A

CITY OF HARLINGEN
ORDINANCE NO. 2026-__

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS, AMENDING PART II, SUBPART A, CHAPTER 2, "ADMINISTRATION," ARTICLE II, "CITY COMMISSION," OF THE CODE OF ORDINANCES, CITY OF HARLINGEN, TEXAS, BY ADDING A NEW SECTION 2-24, "MEETINGS, AGENDAS, AND PUBLIC PARTICIPATION," TO ADOPT REGULATIONS THAT ENSURE THAT MEETINGS OF THE CITY COMMISSION ARE CONDUCTED IN A WAY THAT ALLOWS THE BUSINESS OF THE CITY TO BE UNDERTAKEN EFFECTIVELY AND EFFICIENTLY WHILE PROTECTING THE PUBLIC'S RIGHT TO ADDRESS THE CITY COMMISSION; PROVIDING SAVINGS, REPEALING, AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Harlingen, Texas (the "City") is a Home Rule Municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, the City is authorized by Texas Local Government Code § 51.001 to adopt or amend any ordinance that is for the good government, peace, or order of the municipality or for the trade and commerce of the municipality; and

WHEREAS, Article V, Section 1 of the City Charter provides that the City Commission shall determine its own rules and agenda and shall establish by ordinance how an item may be placed on the agenda; and

WHEREAS, Section 551.007(b) of the Texas Government Code requires the City Commission to allow each member of the public who desires to address the City Commission regarding an item on the agenda for an open meeting to address the City Commission regarding that item before or during the City Commission's consideration of the item; and

WHEREAS, Section 551.007(c) of the Texas Government Code authorizes the City Commission to adopt reasonable rules regarding the public's right to address the City Commission under Section 551.007, including rules that limit the total amount of time that a member of the public may address the City Commission on a given item; and

WHEREAS, Section 551.007(d) of the Texas Government Code requires that a member of the public who addresses the City Commission through a translator be given at least twice the amount of time as a member of the public who does not require the assistance of a translator, to ensure that non-English speakers receive the same opportunity to address the City Commission; and

WHEREAS, Section 551.007(e) of the Texas Government Code provides that the City Commission may not prohibit public criticism of the City Commission, including criticism of any

act, omission, policy, procedure, program, or service, and nothing in this ordinance shall be construed to prohibit such criticism; and

WHEREAS, consistent with *Stratta v. Roe*, 961 F.3d 340 (5th Cir. 2020), members of the City Commission are not “members of the public” for purposes of the public comment period provided for herein; and

WHEREAS, the City Commission recognizes the importance of maintaining open meetings that encourage meaningful public participation while ensuring order and efficiency in the conduct of city business; and

WHEREAS, the regulations adopted herein are content-neutral and viewpoint-neutral rules of order and decorum directed exclusively at conduct that disrupts, disturbs, or impedes the orderly conduct of City Commission meetings, and not at the message, ideas, subject matter, or viewpoint of any speaker; and

WHEREAS, the City Commission finds that the regulations adopted herein are reasonable considering the purpose served by the limited public forum created for public comment at City Commission meetings, and that the regulations are reasonable time, place, and manner regulations; and

WHEREAS, was considered on _____ and _____ City Commission meetings, where the public was given an opportunity to speak on these regulations; and

WHEREAS, the City Commission finds, determines, and declares that the meeting at which this Ordinance was adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given as required by Chapter 551 of the Texas Government Code; and

WHEREAS, the City Commission now deems it necessary, expedient, and in the best interest of the City, and to promote good governance, to adopt the below revisions.

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

Section 1. Incorporation of Premises. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes as the legislative findings of the City Commission.

Section 2. Amendments. Part II, Subpart A, Chapter 2, “Administration,” Article II, “City Commission,” of the Code of Ordinances, City of Harlingen, Texas, is hereby amended by adding a new Section 2-24, “Meetings, agendas, and public participation,” to read entirely as shown in Exhibit “A,” attached hereto and incorporated herein. Sections 2-25 through 2-45 of Article II remain reserved. Nothing in this Ordinance amends or repeals Section 2-21 of the Code of Ordinances, and in the event of any conflict between new Section 2-24 and Section 2-21 concerning the placement of items on an agenda, Section 2-21 controls.

Section 3. Code of Ordinances Revisions. The publisher of the City’s Code of Ordinances is hereby authorized to revise the Code of Ordinances to reflect the changes provided for in this

Ordinance; to correct typographical errors where necessary; and to format and number paragraphs to conform to the existing Code of Ordinances.

Section 4. Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

Section 5. Severability. Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that remaining portions of this Ordinance shall remain in full force and effect. The City of Harlingen hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

Section 6. Effective Date. Pursuant to Article V of the City Charter, this Ordinance shall become effective upon its introduction and approval at two separate meetings of the City Commission, on its second and final reading and passage.

Section 7. Open Meetings. It is hereby found, determined, and declared as a matter of legislative finding that the meeting at which this Ordinance was passed was open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given, all as required by Chapter 551 of the Texas Government Code, including Section 551.041.

INTRODUCED and PASSED at FIRST READING on the ____ day of _____, 2026.

APPROVED and PASSED at the SECOND and FINAL READING on the ____ day of _____, 2026.

City of Harlingen

Mayor

ATTEST:

City Secretary

EXHIBIT “A”
PART II—THE CODE
SUBPART A—GENERAL ORDINANCES
Chapter 2—ADMINISTRATION
ARTICLE II. CITY COMMISSION

§ 2-24. Meetings, agendas, and public participation.

(a) Definitions.

Agenda packets means supporting information for agenda items.

Regular sessions means business meetings held according to a schedule established by city commission resolution or by the city charter. The date or time of a regular session may be changed by majority vote of the city commission or by the mayor due to conflict or scheduling necessity. Regular sessions are the commission's recurring scheduled business meetings, as distinguished from special sessions or work sessions.

Routine business means items of normal city business, including: canvassing an election, authorizing a contract, zoning which has previously been discussed at a public hearing, approval of minutes, deeds, easements, final reading and adoption of ordinances, auditor's reports as to cash count, standard subdivision agreements, calls for bids, reports of administrative actions and proposals, leases, and agreements previously approved in principle or any other business within the city's legal authority.

Special sessions means business meetings which are not regular sessions.

Work sessions means meetings called for the exchange of information only.

(b) Agenda preparation.

- (1) The placement of items on the agenda of a city commission meeting, the preparation and posting of the agenda, and the deadlines for submission of agenda items are governed by Section 2-21 of this article. Regular city commission meeting agendas shall be posted as required by Section 551.043 of the Texas Open Meetings Act.
- (2) All new ordinances (except those dealing with bonds) shall be brought before the city commission twice, once for public hearing and first reading, and the second time for second and final reading, as required by Article V of the City Charter.
- (1) (3) An item titled “public comment” shall be included as a numbered item on the regular or special agenda, in such place as may be determined by city commission

resolution. The purpose of public comment shall be to provide a limited public forum to allow members of the public to bring issues to the attention of the city commission, and to make the city commission aware of the public's concerns and views, regarding items on the posted agenda or any other matter within the jurisdiction of the city commission, as defined in subsection (f)(1) of this section. In accordance with the Texas Open Meetings Act, the city commission cannot take action on or deliberate any subject brought up during public comment that is not on the posted agenda. However, the mayor or any member of the city commission may, pursuant to Section 551.042 of the Texas Government Code : (i) make a statement of factual information given in response to the inquiry; (ii) recite existing policy in response to the inquiry or (iii) propose that the item be placed on a future agenda or refer it to the proper city department for action.

(c) Voting matters

(1) Matters voted on by the city commission which end in a tie vote will not pass.

(d) Consent agenda. Routine business that is brought before the city commission may be considered under an agenda item called "consent agenda." All items appearing under "consent agenda" shall be approved, adopted, accepted, etc., by one motion of the city commission. If an agenda item relates to accuracy of minutes of a meeting which one or more city commission members did not attend, an abstention will be recorded for those members. Specific consent agenda items may be set aside from the consent agenda by the mayor, a city commission member, for separate discussion and action.

(e) Reserved.

(f) Public input during meetings.

(1) Limited public forum established; scope.

a. The public comment period and the public hearing portions of a city commission meeting constitute a limited public forum, opened by the city commission solely to allow members of the public to bring to the attention of the city commission any matter involving city business that is within the jurisdiction of the city commission. A matter is within the jurisdiction of the city commission if the city commission has legal authority to take binding governmental action concerning the matter through the exercise of its legislative, regulatory, budgetary, contractual, proprietary, or appointment powers under the City Charter or the laws of the State of Texas. The authority of the city commission to adopt a nonbinding resolution expressing an opinion or position does not, standing alone, bring a matter within the jurisdiction of the city commission for purposes of this subsection; provided, however, that any matter actually posted on the agenda for a meeting, including a

proposed nonbinding resolution, is within the scope of the forum and may be addressed during public comment.

- b. A person wishing to address an item that is the subject of a public hearing at the same meeting may address that item during either the public comment period or the public hearing on that item.
- c. The forum is not opened for matters that are neither on the posted agenda nor within the jurisdiction of the city commission, including matters concerning property, activities, or governmental services provided by a different governmental entity which may be located or provided wholly outside the corporate limits of the city, and matters committed exclusively to the federal or state government upon which the city commission has no authority to act or deliberate. This limitation is a subject-matter boundary defining the purpose of the forum and shall be applied without regard to the speaker's viewpoint. Nothing in this subsection prohibits public criticism of the city commission, including criticism of any act, omission, policy, procedure, program, or service, as provided by Section 551.007(e) of the Texas Government Code.

(2) Conduct.

- a. Conversations between or among audience members should be conducted outside the meeting room. Attendees should refrain from conversations while the city commission is in session.
- b. Cell phones. Attendees must refrain from the operation and use of cellular telephones, pagers, or any mechanical or electronic devices in a manner that disrupts city commission proceedings.
- c. Signs, placards, banners, and expressive attire. Attendees may wear clothing, buttons, armbands, hats, or other attire expressing a sentiment or message, and may display signs or placards held silently at or below shoulder height, provided that no sign, placard, or banner may: (i) be attached to a stick, pole, or other rigid object; (ii) obstruct the view of other attendees, the aisles, or the exits; or (iii) be waved, thrust, or otherwise displayed in a manner that actually disrupts the proceedings. This rule shall be enforced without regard to the content or viewpoint of any message displayed.
- d. Exhibits, displays, letters, reports, and visual aids used in connection with presentations to the city commission are permitted, but must be provided to the City Secretary before the commencement of the meeting. The presenter shall provide **eight (8) copies** of any written materials or visual aids for distribution to the Mayor, each City Commissioner, the City Manager, the City Attorney, and the City Secretary for the official record.

- e. Only city commission members and city staff may approach the dais.
- f. Attendees shall not engage in conduct that disrupts, disturbs, or impedes the orderly conduct of the meeting, including conduct of the kind described in Sections 42.01 and 42.05 of the Texas Penal Code. These rules are civil rules of order and decorum, not penal provisions; accordingly, a finding of noncompliance does not require proof of the culpable mental state, or satisfaction of the standard of proof, required for a criminal conviction. A finding of noncompliance requires only a determination that the conduct, viewed objectively, disrupted, disturbed, or impeded the meeting. Speech or expression shall not be deemed disruptive because of the viewpoint it expresses, because it is critical of the city commission or of any member thereof, or because it criticizes any act, omission, policy, procedure, program, or service of the city, consistent with Section 551.007(e) of the Texas Government Code.
- g. Violation of these rules shall not be a municipal offense; however, any police officer or other person assigned to provide security for the city commission meeting shall advise any person who fails to comply with these rules of his or her noncompliance. Any person who, after being advised of his or her noncompliance, continues to engage in conduct that actually disrupts, disturbs, or impedes the meeting shall be ejected from the commission chambers by security personnel for the remainder of that meeting only. The operation of these rules shall not be construed to preclude any person from prosecution for violation of any applicable penal law, nor shall ejection under these rules extend to any future meeting of the city commission absent separate process authorized by law.

(3) Citizens Participation / Public comment.

- a. Registration of public comment speakers.
 - 1. Any person who wishes to address the city commission must register with the city secretary before the start of the scheduled city commission meeting. Each speaker must identify which city commission agenda item, or which matter within the city commission's jurisdiction not on the agenda, he or she intends to speak about.
 - 2. The city secretary shall prepare a speaker list of all individuals who have registered. Every registered speaker shall be permitted to speak, and speakers shall be called upon the mayor or presiding chair. In accordance with Section 551.007(b) of the Texas Government Code, each member of the public who desires to address the city commission regarding an item on the agenda shall be permitted to address the city commission regarding that item before or during the city commission's public hearing of the item.

- 3 Speakers will be allowed three minutes on posted agenda items and 2 minutes on non-agenda items. The mayor may allow a speaker an additional fifteen seconds to wrap up comments. The Mayor may adjust the per-speaker time limit for a meeting or for a particular item based solely on content-neutral factors, such as the length of the agenda, the number of registered speakers, or the need for an interpreter. Any adjustment shall apply equally to all speakers on the same item or matter. An electronic timer shall be placed in the front of every public meeting within eyesight of the speaking member of the public to notify them of how much time they have left to speak. The City Secretary or their designated representative shall notify the speaker when the clock starts.
4. No speaker may yield his or her time to another speaker. For matters that are not on the posted agenda, the total public comment period shall be limited to five (5) speakers. This limitation shall not apply to comments regarding posted agenda items. Nothing in this subsection shall be construed to deny any member of the public the right to address the City Commission regarding a posted agenda item as provided by Section 551.007(b) of the Texas Government Code.
5. Once acknowledged by the Mayor, the speaker shall come to the designated microphone, state his or her name and, and the address or district in which he or she resides before engaging in public comment. Public comments shall be directed to the Mayor and the City Commission. Speakers shall remain at the designated microphone and direct their remarks toward the dais while addressing the City Commission.
6. Each speaker who requires the assistance of a translator to address the city commission shall be given at least twice the amount of time given to a member of the public who does not require a translator, as required by Section 551.007(d) of the Texas Government Code.
- b. If a speaker's comments are longer than the allotted time, the speaker may submit written remarks by providing 8 copies to the city secretary prior to the meeting for distribution to the commission.
- c. The mayor has the responsibility and duty to rule a speaker out of order if the speaker violates the following guidelines for public comment. These rules shall be enforced fairly and without regard to the speaker's viewpoint:
 1. No speaker may use public comment to address matters outside the scope of the limited public forum established by subsection (f)(1) of this section.
 2. Speakers must stay within their allotted time. A speaker may not continue speaking past the expiration of his or her allotted time in a manner that impairs

the rights of other would-be public comment participants. A speaker may use his or her allotted time as the speaker chooses, including by remaining silent.

3. Speakers may not engage in speech or conduct that disrupts, disturbs, or impedes the orderly conduct of the meeting, as provided in subsection (f)(2)g. of this section, and may not engage in speech that is unprotected by the First Amendment, such as true threats, incitement to imminent lawless action, or obscenity. Criticism of the city commission, of any member thereof, or of any act, omission, policy, procedure, program, or service of the city does not violate these rules and shall not be a basis for ruling a speaker out of order. Tex. Gov't Code § 551.007(e).
4. Speakers shall direct all comments to the mayor and city commission as a whole, and not to individual city commission members, the city manager, or members of city staff, as provided in subsection (f)(2)f. of this section. This rule governs only to whom remarks are addressed; it does not limit the content of any speaker's remarks, including criticism protected by Section 551.007(e) of the Texas Government Code.
5. If the mayor does not act promptly, any member of the city commission may require the mayor to immediately rule the speaker out of order if, after being recognized and making a motion that is seconded, a majority of the city commission votes affirmatively to find the offending speaker to be out of order under these rules.
6. If a speaker continues to violate these rules after one warning, the chair may terminate the speaker's remaining time and, if the speaker's continued conduct disrupts, disturbs, or impedes the meeting, may remove, or cause to be removed by security personnel, the individual from the commission chambers. Any individual so removed shall be excluded from the remainder of that meeting only, and such removal shall not extend to any future meeting of the city commission absent separate process authorized by law.

(4) Public comment form. A Spanish and English version of a public comment form shall be available online on the home page for the city secretary. The public comment form may be amended from time to time as deemed necessary.

(5) Public hearing(s).

- a Each person addressing the city commission shall give his or her name and address or District in an audible tone of voice for the record, state whom he or she is representing if he or she represents an organization or other persons, and, unless further time is granted by majority vote of the city commission on equal terms for all speakers on the item, shall limit his or her remarks to three minutes.

No person, other than members of the city commission, the city manager, and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the city commission, without the permission of the chair. No question may be asked of a city commission member or a member of the city staff without the permission of the Mayor or President Chair.

- b. After a motion has been made or a public hearing has been closed, no member of the public shall be recognized to address the City Commission further on the matter under consideration unless the public hearing is reopened by a majority vote of the City Commission. Nothing in this subsection shall be construed to deny any member of the public the right to address the City Commission on an agenda item before or during the City Commission's consideration of that item, as provided by Section 551.007(b) of the Texas Government Code.
- c. If a speaker's comments will be longer than the allotted time, the speaker may submit written remarks by providing them to each member of the city commission through the city secretary, with one copy made available to the city secretary for his or her official record.
- d. The mayor has the responsibility and duty to rule a speaker out of order if the speaker violates the following guidelines for public hearings. These rules shall be enforced fairly and without regard to the speaker's viewpoint:
 - 1. No speaker may use the public hearing to address issues that are unrelated to the item called before the city commission or which fall outside the subject matter for which the limited purpose public forum has been created.
 - 2. Speakers must stay within their allotted time. A speaker may not continue speaking past the expiration of his or her allotted time in a manner that impairs the rights of other would-be public hearing participants. A speaker may use his or her allotted time as the speaker chooses, including by remaining silent.
 - 3. Speakers may not engage in speech or conduct that disrupts, disturbs, or impedes the orderly conduct of the meeting, as provided in subsection (f)(2)g. of this section, and may not engage in speech that is unprotected by the First Amendment, such as true threats, incitement to imminent lawless action, or obscenity. Criticism of the city commission, of any member thereof, or of any act, omission, policy, procedure, program, or service of the city does not violate these rules and shall not be a basis for ruling a speaker out of order. Tex. Gov't Code § 551.007(e).
 - 4. Speakers shall direct all comments to the city commission as a whole, and not the city manager, or members of city staff, as provided in subsection (f)(2)f. of this section. This rule governs only to whom remarks are addressed; it does

not limit the content of any speaker's remarks, including criticism protected by Section 551.007(e) of the Texas Government Code.

5. If the mayor does not act promptly, any member of the city commission may require the mayor to immediately rule the speaker out of order if, after being recognized and making a motion that is seconded, a majority of the city commission votes affirmatively to find the offending speaker to be out of order under these rules.
6. If a speaker continues to violate these rules after one warning, the chair may terminate the speaker's remaining time and, if the speaker's continued conduct actually disrupts, disturbs, or impedes the meeting, may remove, or cause to be removed by security personnel, the individual from the commission chambers. Any individual so removed shall be excluded from the remainder of that meeting only, and such removal shall not extend to any future meeting of the city commission absent separate process authorized by law.

(g) Use of cameras and recorders.

- (1) Consistent with Section 551.023(a) of the Texas Government Code, any person in attendance may record all or any part of an open meeting of the city commission by means of a camera, video camera, cellular telephone, tape recorder, or any other means of audio or visual reproduction.
- (2) Pursuant to Section 551.023(b) of the Texas Government Code, the following reasonable rules governing the location of recording equipment and the manner in which recording is conducted are adopted to maintain order at meetings and to provide for the security of the commission chambers:
 - a. A person may record from his or her seat using a handheld personal device, such as a cellular telephone, provided the person remains seated while recording and the device is not used in a manner that obstructs the view of other attendees or disrupts the proceedings.
 - b. Recording with a tripod, monopod, stand, or other mounting equipment, and recording while standing, shall be conducted only from the designated recording area at the back corner of the commission chambers which is closest to the elevator.
 - c. A speaker addressing the city commission may use a cellular telephone or other personal recording device to record from the podium, provided the speaker removes the device from the podium when the speaker concludes his or her remarks and leaves the podium.

- d. As a matter of security, no recording device or other item may be left unattended or abandoned anywhere in the commission chambers. Any item left unattended may be removed by security personnel.
- e. These rules regulate only the location of recording equipment and the manner in which recording is conducted. They shall not be applied so as to prevent any person from recording an open meeting, and they shall be enforced without regard to the identity or viewpoint of the person recording.

§ 2-25 through § 2-45. (Reserved)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **August 05, 2026**

Agenda Item:

Consideration and possible action to appoint Juan Antonio Nevarez as the Director of Aviation for the Valley International Airport.

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*
for this purpose?

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

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

Staff Recommendation:

Staff recommends approval of the resolution.

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

Comments:

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

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **August 05, 2026**

Agenda Item:

Presentation and possible action by Scott Gibbs on Health Insurance.

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*
for this purpose?

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

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

Staff Recommendation:

Staff recommends approval of the resolution.

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

Comments:

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

AGENDA ITEM
EXECUTIVE SUMMARY

10p

Meeting Date: August 5, 2026

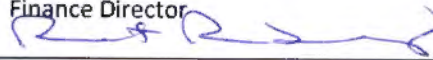
Agenda Item:

Consideration and possible action to authorize the City Manager to exercise the one-year renewal terms under RFP No. 2023-20 for Professional Auditing Services with Cascos & Associates, P.C., for Fiscal Years 2026 and 2027.

Prepared By (Print Name): Robert Rodriguez

Title: Finance Director

Signature:



Brief Summary:

On September 6, 2023, the City Commission awarded RFP No. 2023-20 for Professional Auditing Services to Cascos & Associates, P.C. The agreement provided for an initial three-year term with two additional one-year renewal options at the City's discretion. The firm's cost proposal established a fixed annual fee of \$98,900 for each fiscal year through FY2027.

Staff recommends exercising the two optional renewal terms for Fiscal Years 2026 and 2027. Since the award of the contract, Cascos & Associates has provided professional auditing services that have enabled the City to successfully complete and submit its Annual Comprehensive Financial Report (ACFR) and related audit reports in a timely manner. The firm has demonstrated a thorough understanding of the City's operations, accounting systems, and reporting requirements, resulting in an efficient audit process.

Additionally, the firm has agreed to continue providing these services with no increase in the annual audit fee, maintaining the contract price of \$98,900 per year for both FY2026 and FY2027. Exercising the renewal option provides cost stability and continuity of service while avoiding the time and expense associated with conducting a new procurement during the extension period.

Upon completion of the FY2027 audit, staff intends to issue a new Request for Qualifications (RFQ) to procure auditing services for subsequent fiscal years.

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: No Funds Required.

Finance Director's approval:

☒ Yes

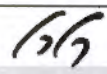
☐ No

☐ N/A

Staff Recommendation:

Approve the exercise of the two optional one-year renewal terms with Cascos & Associates, P.C., for Fiscal Years 2026 and 2027 in accordance with the terms of RFP No. 2023-20.

City Manager's approval:



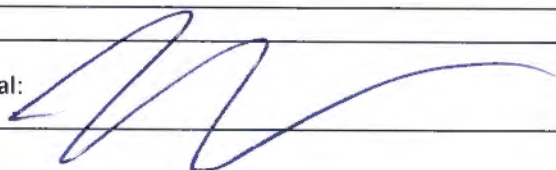
☒ Yes

☐ No

☐ N/A

Comments:

City Attorney's approval:



☐ Yes

☐ No

☐ N/A

SECTION 10: COST PROPOSAL

RFP No. 2023-20 Auditing Services

Due: Tuesday, August 15, 2023 @ 2:00 p.m.

Opening: Tuesday, August 15, 2023 @ 2:30 p.m.

Below state the estimated minimum and maximum fee for the annual audit for the fiscal years ending September 30, 2023 through September 30, 2027.

1.	FY2023	\$ 98,900	to	\$ 98,900
2.	FY2024	\$ 98,900	to	\$ 98,900
3.	FY2025	\$ 98,900	to	\$ 98,900
4.	FY2026	\$ 98,900	to	\$ 98,900
5.	FY2027	\$ 98,900	to	\$ 98,900

TOTAL: \$ 494,500

THE UNDERSIGNED AFFIRMS THAT IT IS DULY AUTHORIZED TO SUBMIT THIS PROPOSAL, THAT THIS PROPOSAL HAS NOT BEEN PREPARED IN COLLUSION WITH ANY OTHER PROPONENT, AND THAT THE CONTENT OF THIS PROPOSAL HAS NOT BEEN COMMUNICATED TO ANY OTHER PROPONENT PRIOR TO THE OFFICIAL OPENING OF THIS PROPOSAL. THE CONTRACT WILL BE AWARDED TO THE RESPONSIBLE PROPONENT WHOSE PROPOSAL IS MOST ADVANTAGEOUS TO THE CITY. THE CITY OF HARLINGEN RESERVES THE RIGHT TO REJECT ANY AND ALL PROPOSALS.

PROPONENT NAME: Cascos & Associates, PC

AUTHORIZED REPRESENTATIVE'S NAME: Carlos H. Cascos

REPRESENTATIVE'S TITLE: Principal

MAILING ADDRESS: 765 E. 7th Street, Brownsville, Texas 78520

PHONE NUMBER: (956) 544-7778

E-MAIL ADDRESS: ccascos@cascoscpa.com

AGENDA ITEM
EXECUTIVE SUMMARY

109

Meeting Date: August 5, 2026

Agenda Item:

Consideration and possible action to authorize the City Manager to exercise the one-year renewal terms under RFP No. 2023-18 for Depository Banking Services with PlainsCapital Bank.

Prepared By (Print Name): Robert Rodriguez

Title: Finance Director

Signature:



Brief Summary:

On September 6, 2023, the City Commission awarded RFP No. 2023-18 for Depository Banking Services to PlainsCapital Bank. The agreement provided for an initial three-year term ending September 30, 2026, with two optional one-year renewal terms that may be exercised at the City's discretion.

Staff recommends exercising the two optional one-year renewal terms. Since the beginning of the agreement, PlainsCapital Bank has provided reliable and responsive depository banking services, including cash management, account administration, collateralization of public funds, ACH and wire transfer services, and other banking services essential to the City's daily financial operations.

In addition to providing dependable banking services, PlainsCapital Bank has enabled the City to maximize earnings on operating cash balances through the use of **Insured Cash Sweep (ICS®)** accounts. The utilization of ICS accounts has generated substantial interest earnings on City funds while maintaining full FDIC insurance coverage on eligible deposits, enhancing the City's investment returns without compromising the safety or liquidity of public funds.

The bank has also provided exceptional fraud prevention services through its Positive Pay with Payee Validation program, which has significantly strengthened the City's internal controls by helping prevent fraudulent or altered checks from clearing the City's accounts.

Unlike many organizations that process payroll one or more weeks in arrears, the City processes payroll using current pay period information. As a result, payroll processing is compressed into a shorter timeframe and is one of the City's most time-sensitive financial operations. PlainsCapital Bank has been an exceptional partner by accommodating the City's processing deadlines, remaining available when additional processing time is necessary, and working directly with Finance staff to ensure payroll is processed accurately and employees are paid on time. The City's Finance staff also has direct access to key bank personnel, including after-hours cell phone numbers, providing immediate assistance whenever critical banking issues arise.

PlainsCapital Bank has agreed to continue providing these services under the existing contract terms and fee structure with no increase in fees during the renewal period. Exercising the renewal options will provide continuity of service, avoid the time and expense associated with transitioning the City's banking operations, and allow the City to continue benefiting from the favorable earnings generated through its current banking relationship.

Upon completion of the renewal terms, staff intends to issue a new Request for Proposals (RFP) to competitively procure depository banking services for the subsequent contract period.

Funding (if applicable):

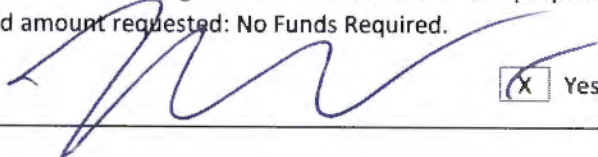
Are funds specifically designated in the current budget for the full amount for this purpose?

☐ Yes

☐ No*

*If no, specify source of funding and amount requested: No Funds Required.

Finance Director's approval:



☒ Yes

☐ No

☐ N/A

**AGENDA ITEM
EXECUTIVE SUMMARY**

Staff Recommendation:

Approve the exercise of the two optional one-year renewal terms with PlainsCapital Bank under RFP No. 2023-18 for Depository Banking Services.

City Manager's approval:

6/6



Yes



No



N/A

Comments:

City Attorney's approval:



Yes



No



N/A

Executive Summary

PlainsCapital Bank currently provides the City of Harlingen depository banking and treasury management services under the existing depository contract. The Bank currently supports the City's operational needs through a comprehensive suite of services, including online treasury reporting, ACH origination, wire transfers, remote deposit capture, positive pay and payee verification, ACH fraud controls, account reconciliation, imaging, account analysis, statements, collateral support, and liquidity options such as Insured Cash Sweep. Current public financial information for Hilltop Holdings Inc., the holding company for PlainsCapital Bank, reflects strong capital levels, solid liquidity, and continued banking segment profitability.

Financial Strength of PlainsCapital Bank and Hilltop Holding

Hilltop Holdings Inc. is the holding company for PlainsCapital Bank. The Bank's proposal materials identify Hilltop as investment-grade rated by three national credit rating agencies, with a diverse business mix across commercial banking, mortgage origination, and municipal investment banking. Recent public results further demonstrate strong capital levels and continued banking segment profitability.

Current Public Financial Highlights — Quarter Ended June 30, 2026

Metric	Current Result
Hilltop net income attributable to common stockholders	\$36.5 million, or \$0.63 diluted EPS
Hilltop annualized return on average assets	0.99%
Hilltop annualized return on average stockholders' equity	6.89%
Hilltop total assets	\$16.0 billion
Loans, net of allowance for credit losses	\$8.2 billion
Total deposits	\$10.5 billion
Non-accrual loans / total loans	\$54.8 million / 0.57%
Tier 1 Leverage Ratio	12.73%
Common Equity Tier 1 Capital Ratio	18.34%
Consolidated net interest margin	3.21%
PlainsCapital Bank segment performance	1.3% return on average assets and \$51 million of pre-tax income

Source: Hilltop Holdings Inc. second quarter 2026 financial results press release dated July 23, 2026. Amounts and ratios are presented as reported by Hilltop.

Current Credit Rating Support

Agency	Rating Summary
Fitch Ratings	Hilltop Holdings Inc. Long-Term Issuer Default Rating: BBB+; Short-Term IDR: F2; Viability Rating: bbb+; affirmed April 24, 2026; Stable outlook.
KBRA	Hilltop Holdings Inc. senior unsecured debt: A-; subordinated debt: BBB+; short-term debt: K2. PlainsCapital Bank deposit and senior unsecured debt: A; subordinated debt: A-; short-term deposit and debt: K1. Long-term outlooks Stable.
Moody's Ratings	Hilltop Holdings Inc. issuer rating: Baa2; PlainsCapital Bank deposits: A2/P-1; baseline credit assessment: baa1; Stable outlook per January 2026 credit opinion materials.

10r

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **August 05, 2026**

Agenda Item:

Consideration and possible action to approve the removal of the existing mural at Downtown Lozano Plaza and authorize the installation of a new mural, as recommended by the Keep Harlingen Beautiful Board, with all project cost funded by the Keep Harlingen Beautiful Board.

Prepared By (Print Name): Ruth Trevino
Title: Public Works Director

Signature:

Brief Summary:

The Keep Harlingen Beautiful Board recommends approval to replace the existing mural at Downtown Lozano Plaza with a new mural that reflects the vision and priorities of the Harlingen community. This recommendation is based on the results of a public survey in which residents expressed a desire for artwork that celebrates Harlingen's history, culture, music and arts, natural environment, wildlife, and the unique identity of the Rio Grande Valley.

Following review of the survey results, the Board voted to recommend replacing the current mural with a new community-inspired design. During its discussion, Board members also expressed that a mural recognizing Mr. Herb Kelleher may be more appropriately located at Valley International Airport, given his significant connection to aviation and the airport. Should the City Commission wish to pursue that concept, it would be presented as a separate future project.

Prior to returning this item to the City Commission, staff confirmed that the City of Harlingen retains ownership of the existing mural under the executed artist agreement. The agreement provides that all visual artwork created under the contract is the property of the City, thereby authorizing the City to determine the future of the mural, including its replacement.

If approved, all costs associated with painting over the existing mural and installing the new mural will be funded by the Keep Harlingen Beautiful Board, with no additional financial impact to the City's General Fund.

Funding (if applicable):

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

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

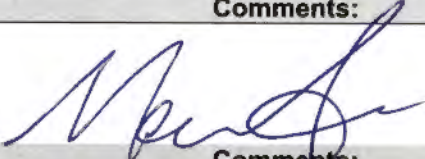
Finance Director's approval: ☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval of Mr. Remi Garza's request.

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

Comments:

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

Comments:

**PROPOSED
MURAL
LOCATION**
ON RIGHT SIDE OF
SHORTER WALL,
NEAR THE EDGE

**CURRENT MURAL
LOCATION**





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**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: August 5, 2026

Agenda Item:

Consideration and possible action to approve a contract between the City of Harlingen and Dr. Shelly Mitchell, DVM to provide services for the Spay/Neuter Program as needed.

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

Signature: 

Brief Summary:

The City of Harlingen Health Department is requesting approval for a contract with Dr. Shelly Mitchell, DVM to provide spay and neuter services as specified in the Zoonosis Control Grant. The length of the contract is for 6 months starting on October 1, 2026 thru March 31st, 2027. Rates for payment will be paid as listed on contract.

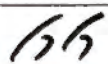
Funding (if applicable):

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

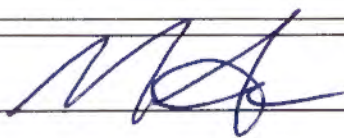
*If no, specify source of funding and amount requested:

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

GENERAL SERVICES CONTRACT

Between the City of Harlingen and Dr. Shelly Mitchell, DVM

I. PARTIES

This General Services Contract ("Contract") is entered into by and between the **City of Harlingen, Texas** ("City"), and **Dr. Shelly Mitchell, DVM** ("Veterinarian").

II. PURPOSE

The purpose of this Contract is to provide spay and neuter services for cats and dogs on behalf of the City of Harlingen Animal Shelter and Health Department.

III. SCOPE OF SERVICES

The Veterinarian agrees to provide spay and neuter services at the following rates:

- **Cats**
 - Male: \$93.60
 - Female: \$160.00
- **Dogs (Neuter – Male)**
 - 0–25 lbs: \$156.00
 - 26–50 lbs: \$164.00
 - 51–75 lbs: \$192.00
 - 76–100 lbs: \$208.00
- **Dogs (Spay – Female)**
 - 0–25 lbs: \$176.00
 - 26–50 lbs: \$204.00
 - 51–75 lbs: \$220.00
 - 76–100 lbs: \$248.00

Heat/Pregnant Charge \$37.50

IV. PAYMENT

1. The City agrees to pay the Veterinarian the rates listed above for services performed.
 2. Payments shall be made upon submission of an invoice, subject to City approval and processing procedures.
-

V. TERM

This Contract shall commence on **October 1st, 2026** and shall remain in effect until **March 31st, 2027** unless terminated earlier as provided herein.

VI. TERMINATION

- (1) *City Termination for Convenience.* Under this paragraph, the City may terminate this Contract during its term at any time for the City's own convenience where the Contractor is not in default by giving written notice to Contractor. If the City terminates this Contract under this paragraph, the City will pay the Contractor for all services rendered in accordance with this Contract to the date of termination.
 - (2) *Termination for Default.* Either party to this Contract may terminate this Contract as provided in this paragraph if the other party fails to comply with its terms. The party alleging the default shall give the other party written notice of the default citing the terms of the Contract that have been breached and what action the defaulting party must take to cure the default. If the party in default fails to cure the default as specified in the notice, the party giving the notice of default may terminate this Contract by written notice to the other party, specifying the date of termination. Termination of this Contract under this paragraph does not affect the right of either party to seek remedies for breach of the Contract as allowed by law, including any damages or costs suffered by either party. However, this provision is not intended to and does not act as a waiver of the City's sovereign immunity.
-

VII. INDEPENDENT CONTRACTOR

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.

VIII. LIABILITY & INSURANCE

Liability and Indemnity. Contractor shall indemnify, hold harmless and defend the City, its officers, agents, and employees from and against any and all suits, actions, legal proceedings, claims, demands, damages, costs, expenses, attorneys' fees and any and all other costs or fees (whether resulting from constitutional law, tort, contract, or property law, or raised pursuant to local, state or federal statutory provision), arising out of the performance of the Contract and/or arising out of a willful or negligent act or omission of the Contractor, its officers, agents, and employees. It is understood and agreed that the Contractor and any employee or subcontractor of the Contractor shall not be considered an employee of the City. The Contractor shall not be within the protection or

coverage of the City's workers' compensation insurance, health insurance, liability insurance or any other insurance that the City from time to time may have in force and effect. The City specifically reserves the right to reject any and all of Contractor's employees, representatives or subcontractors and/or their employees for any cause, should the presence of any such person on City property or their interaction with City employees be found not to be in the best interest of the City, be found to be harassing to any City employee or third person, or is found to interfere with the effective and efficient operation of the City or the City's workplace.

IX. GOVERNING LAW

This Contract shall be governed by and construed in accordance with the laws of the State of Texas. Venue shall lie in Cameron County, Texas.

X. ENTIRE AGREEMENT

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.

XI. AUTHORIZATION

City of Harlingen

By: _____
Name: _____
Title: _____
Date: _____

Veterinarian

By: _____
Dr. Shelly Mitchell, DVM
Date: _____

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **August 5th, 2026**

Agenda Item:

Consider and take action to adopt a resolution approving the One-Year Action Plan (Budget) for Fiscal Year 2026-2027 (Year 52), of the Community Development Block Grant (CDBG) Program and Fiscal Year 2026-2027 (Year 32) of the Home Investment Partnerships Program (HOME), included in Year One of the Five-Year Consolidated Plan and Strategy for Fiscal Years 2026-2030. Attachment (CDBG)

Prepared By (Print Name): Sandee Alvarez
Title: Community Development Director
Signature: *Sandee Alvarez*

Brief Summary:

As a condition of receiving Community Development Block Grant (CDBG) and HOME funds in FY 2026-2027, the City is required to prepare a One-Year Action Plan outlining objectives, outcomes and indicators for each activity that receives funding. The funding recommendations established are not only based on meeting the required national objectives and other HUD requirements but also with consideration given to HUD's priorities of:

(1. Increasing homeownership and improving existing housing for extremely low income persons; 2. Ending homelessness; 3. Promoting economic development through the creation of jobs and/or businesses)

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

This year's CDBG allocation is estimated to be \$930,320.00 and the HOME program allocation is 306,512.09. The required 30-day comment period began on July 5th, 2026 the day after the approved recommendations were published in the Valley Morning Star. The comment period will end on August 5th, 2026.

The attached budget was presented by the CDAB board chair and approved by the City Commission on July 1st, 2026. A public Hearing was held on July 14th, 2026 before the Community Development Advisory Board at which time they were available to listen to the various comments related to the One-Year Action Plan and Consolidated Plan and Strategy for FY 2026-2030. Upon approval of the Resolution, the Consolidated Plan and Strategy and One Year Action Plan and will be forwarded to the Department of Housing and Urban Development. The Department of Housing and Urban Development will review the One Year Action Plan and if it is deemed acceptable, HUD will authorize the funding to begin on October 1, 2026.

Funding (if applicable):

Are funds specifically designated in the current budget for the full amount ☒ Yes ☐ No*
for this purpose? ☐ Yes ☐ No ☒ N/A
Finance Director's approval:

Staff Recommendation:

Staff recommends approval of the One Year Action Plan (Budget for FY 2026-27) and the Consolidated Plan and Strategy for FY 2026-2030 as recommended by the Community Development Advisory Board.

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

Comments:

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

RESOLUTION R2026-____

STATE OF TEXAS

COUNTY OF CAMERON

WHEREAS, pursuant to the laws of the United States of America, the United States Government has allocated to the City of Harlingen, Texas, the sum of \$930,320.00 in Community Development Block Grant (CDBG) funds for the 2026-2027 Entitlement year and the City has identified an amount of \$16,718.97 received in CDBG revolving loan funds for a total amount of \$947,038.97 in CDBG funds; and

WHEREAS, the United States Government has additionally allocated the sum of \$306,320.00 in Home Investment Partnership Program (HOME) funds to the City as a Participating Jurisdiction for the Entitlement Year; said funds constituting CDBG Funds and HOME Funds from the U. S. Department of Housing and Urban Development to the City of Harlingen; to be used by the City in the implementation and completion of Community Development Programs as specified in the application for said funds; and

WHEREAS, pursuant to the provisions attendant with such grant funds, with the approval of the City Commission, the City Manager of Harlingen budgeted and programmed the expenditures of such funds for various approved projects for the City of Harlingen, including public services, planning and development; all to be funded from the aforesaid CDBG and HOME Grants, as being funds surplus and wholly in addition to all other revenues and sources of funds of the City of Harlingen for Fiscal Year 2026-2027; said City Manager having submitted such budget and proposed expenditures of such funds to the Mayor and Elective Commission of the City of Harlingen; and

WHEREAS, the Community Development Advisory Board through public hearings, and the Mayor and Elective Commission having reviewed and considered such proposed budget and expenditures for the 2026-2027 period as submitted, in the form of a budget to the public on July 1st, 2026; and

WHEREAS, the meeting was held on the 1st day of July, 2026 at a City Commission Regular meeting at 5:30 p.m. as posted, and said budget was discussed and all interested persons were given an opportunity to be heard on any matter relative thereto, and all interested persons were heard; and there being no other persons seeking to be heard with reference to any matter concerning said funding; and

WHEREAS, prior to final adoption of the One Year Action Plan by the City Commission, an additional public hearing was held on July 14th, 2026 by the Community Development Advisory Board during the required comment period to obtain citizen comments; and

WHEREAS, upon receipt of the Request For Release of Funds and Removal of Grant Conditions from the U.S. Department of Housing and Urban Development, the City Manager of the City of Harlingen is authorized to execute agreements for subrecipients approved in the 2026-2027 One Year Action Plan as required by HUD; and

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

That the Community Development Block Grant and HOME Funds Budget for the City of Harlingen, appropriating funds only for the programs set forth in the "CDBG and HOME Funds---2026-2027 Budget", in the total amount of \$1,253,551.06; a copy of said budget being attached as Exhibit "A" and more clearly identified within the CITY OF HARLINGEN ONE YEAR ACTION PLAN and the same is hereby adopted as the funds and expenditures listed under the 2026-2027 budget in connection with the receipt of the aforesaid CDBG and HOME funds, and the regulatory required budgeting and disposition thereof; all being separate and apart from the regular fiscal year budget of the City of Harlingen.

CONSIDERED AND ADOPTED this 5th day of August, 2026, at a regular meeting of the Elective Commission of the City of Harlingen at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, TITLE 5, SUBTITLE A., CHAPTER 551, enacted by Acts 1993, 73rd Leg., ch. 268, S 1, effective September 1, 1993.

CITY OF HARLINGEN

BY: _____

Norma Sepulveda, Mayor

ATTEST

Mayra Herrera, City Secretary

EXHIBIT "A"

GOALS FOR 5 YEAR CONSOLIDATED PLAN & STRATEGY

1. Improve Public Infrastructure
2. Enhance Public Facilities
3. 3. Provide Essential Services to Low-Moderate and Vulnerable Populations
4. 4. Invest in Neighborhood Revitalization
5. Increase Affordable Housing Opportunities

C.D.B.G. AND HOME FUNDS

PROPOSED 2026–2027 ONE YEAR ACTION PLAN BUDGET

C.D.B.G. Allocation	\$ 930,320.00
HOME Allocation	\$ 306,512.09
Combined Total Allocations	\$1,236,832.09

PROPOSED PROJECTS

05D – Public Services (Youth) Boys and Girls Club	\$ 30,000.00
03T – Public Services (Homeless) Loaves and Fishes of the RGV	\$ 24,161.00
05M - Public Services (Health) Sunshine Haven	\$ 20,000.00
03Q – Public Services (Children) Sunny Glen children's Home	\$ 25,155.00
05A – Public Services (Seniors) Love Thy Neighbor	\$ 5,232.00
03B – Public Services (Disabilities) M.I. Academy	\$ 15,000.00
05A – Public Services (Seniors/Disabled) Aging & Disability (LRGVDC)	\$ 10,000.00
05A – Public Services (Seniors) Area Agency on Aging (LRGVDC)	\$ 10,000.00
03K – Street Improvements – Solar Lights	\$ 157,789.00
03K – Street Improvements – Retrofit of Streetlights	\$ 35,000.00
03F – Parks, Recreation Facilities – Rangerville Park Improvements	\$ 55,000.00
03I – Flood Drainage Improvements – 21 st St Drainage Outfall Improv Ph 1A	\$ 304,919.00
14H - Housing Rehabilitation Administration	\$ 52,000.00
21A - General Administration	\$ 186,064.00

Total CDBG Funding	\$ 930,320.00
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12 & 13B - HOME-Affordable Housing Programs -CITY	\$ 229,884.08
21H - HOME-Administrative Support	\$ 30,651.20
12 – HOME – CHDO Set-Aside	\$ 45,976.81

Total HOME Funding	\$ 306,512.09
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14A – Housing Rehabilitation (anticipated RL Program Income)	\$ 16,718.97
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Total Anticipated Program Income	\$ 16,718.97
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Total Funding	\$1,253,551.06
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**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **August 5, 2026**

Agenda Item:

Consideration and possible action to approve funding recommendations as established by the Community Development Advisory Board for the HOME-ARP Tenant Based Rental Assistance Attachment (CDBG)

Prepared By: Sandee Alvarez, Director



Brief Summary:

Participating local governments received a special round of funding called "HOME-ARP". The City of Harlingen was awarded \$1,212,199.00. Per the approved HOME American Rescue Plan dated September 11, 2023; \$345,837.00 is available for Tenant Based Rental Assistance for Qualifying Populations (as defined in HUD Notice CPD-21-10).

Notice of Funding Availability was published June 6, 2026.
The following Agencies submitted applications by the deadline (June 30, 2026) and presented the eligible projects to the Community Development Advisory Board on July 14, 2026.

Organization	Amount Requested	Amount Recommended
Sunny Glen Children's Home	\$ 45,400.00	\$ 45,400.00
Friendship of Women, Inc.	\$ 145,056.56	\$145,056.56
Loaves and Fishes of the RGV	\$ 39,600.00	\$ 39,600.00
Total TBRA Request	\$ 231,056.56	\$231,056.56

The Community Development Advisory Board deliberated on July 14, 2026 and recommends to fully fund the above also allowing the above agencies in compliance to requests additional funds as needed as while funding is available.

Funding (if applicable):

Are funds specifically designated in the current budget for the full amount (Yes/No): Yes
*If no, specify source of funding and amount requested:

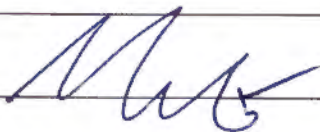
Finance Director's approval (Yes/No/NA):

Staff Recommendation:

Staff recommends approval.

City Manager's approval: 

Comments:

City Attorney's approval: 

HOME ARP TENANT BASED RENTAL ASSISTANCE APPLICANTS

Loaves and Fishes of the Rio Grande Valley, Inc. Requested Amount: \$39,600.00	Project Name: Loaves and Fishes Homeless Prevention Funds will be used for: Part-time Housing Stability Case Manager will assist 12+ households to locate, obtain and retain suitable housing This will include one part-time employee, Rent, utilities and security deposits
Sunny Glen Children's Home Requested Amount: \$45,400.00	Project Name: Bridge to Stability Funds will be used for Rent, Deposits and Utilities for 4 households that have aged out of DFPS (foster) and supported independent housing
Friendship of Women, Inc. Requested Amount: \$145,056.56	Project Name: Pathways to Stability and Change Funds will be used for the Full Time Case Manager to assist 8+ households with Rent, Security Deposits and Utilities

Qualifying Populations - Citations and Definitions

Qualifying Populations 1: HOMELESS

CITATION	Definition
24 CFR 91.5 (1) "Literally Homeless"	An Individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning: (i) A Primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, but or train station, airport, or camping ground; or (ii) Living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or (iii) Exiting an institution where the person resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.
24 CFR 91.5 (2) "Imminent Risk of Homelessness"	Individual or family who will imminently lose their primary nighttime residence, provided that all three of the following criteria are met (i) The residence will be lost within 14 days of the date of application for HOME-ARP assistance and (ii) No subsequent residence has been identified; and (iii) The individual or family lacks the resources or support networks needed to obtain other permanent housing.
24 CFR 91.5 (3) "Homeless under other Federal Statutes"	Unaccompanied youth under 25 years of age or families with children and youth who do not otherwise qualify as homeless (i) Are defined as homeless under other federal statutes, and (ii) Have not had a lease, ownership interest, or occupancy agreement during the prior 60 days, and (iii) Have experienced persistent instability as measured by two moves or more during the preceding 60 days; and (iv) Can be expected to continue in this status due to health, disability, trauma history, or two or more barriers to employment

Qualifying Populations 2: AT-Risk of Homelessness

CITATION	Definition
24 CFR 91.5 (1) "Individuals and Families"	An individual or family who: (i) Has income below 30% of AMI, and (ii) Lacks sufficient resources to prevent immediate homelessness (as described in QP1 above), and (iii) Meets one of the following conditions: (A) Has moved because of economic reasons two or more times during the 60 days immediately preceding the (B) Is living in the home of another because of economic hardship; (C) Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance; (D) Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by federal, State, or local government programs for low-income individuals; (E) Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons or lives in a larger housing unit in which there reside more than 1.5 people per room, as defined by the U.S. Census Bureau; (F) Is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution); or (G) Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the approved consolidated plan.
24 CFR 91.5 (2) "Unaccompanied Children and Youth"	A child or youth who does not qualify as "homeless" under this section but qualifies as homeless under another Federal statute.
24 CFR 91.5 (3) "Families with Children and Youth"	An unaccompanied youth who does not qualify as homeless under the homeless definition but qualifies as homeless under section 725(2) of the McKinney-Vento Homeless Assistance Act, and the parent(s) or guardian(s) of that child or youth if living with them.

Qualifying Populations - Citations and Definitions - Continued

Qualifying Populations 3: Fleeing, or Attempting to Flee, Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking	
CITATION	Definition
24 CFR 5.2003 Domestic Violence	Domestic violence includes felony or misdemeanor crimes of violence committed by one of the following: 1) A current or former spouse or intimate partner; 2) A person with whom the victim shares a child; 3) A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; 4) A person who is considered a spouse according to the laws of the participating jurisdiction where HOME-ARP services are being provided; 5) Any other person committing violence against a person who is protected under the domestic or family violence laws in that PJ.
24 CFR 5.2003 Dating Violence	Dating violence means violence committed by a person: 1) Who is or has been in a social relationship of a romantic or intimate nature with the victim, AND 2) The existence of such a relationship is determined based on a consideration of the following factors: a. The length of the relationship; b. The type of relationship; and c. The frequency of interaction between the persons involved.
24 CFR 5.2003 Sexual Assault	Sexual assault means any nonconsensual sexual act proscribed by Federal, Tribal, or State law, including when the victim lacks capacity to consent.
24 CFR 5.2003 Stalking	Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) Fear for their safety or the safety of others; or (2) suffer emotional distress.
22 U.S.C. 7102 Human Trafficking	• Sex trafficking means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion, or to a minor under 18 years of age • Labor trafficking means the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

Qualifying Populations 4: Other Populations	
CITATION	Definition
CPD-21-10 IV A. 4.(1) "Other families requiring services or housing assistance to prevent homelessness"	Other Families Required Services or Housing Assistance to Prevent Homelessness who previously met criteria "homeless" as defined in 24 CFR 91.5 and received time-limited assistance to become housed and are now in need of additional housing assistance or supportive services to avoid becoming "homeless" (as defined in 24 CFR 91.5) again.
CPD-21-10 IV A. 4.(2) "Other populations with the greatest risk of housing instability"	i. Households annual income is below 30% AMI and they are experiencing severe cost burden (i.e., paying more than 50% of monthly household income toward housing costs), OR ii. Households has an annual income that is less than or equal to 50% of the area median income and they meet one of the following conditions: (A) Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance; (B) Is living in the home of another because of economic hardship; (C) Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance; (D) Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by federal, State, or local government programs for low-income individuals; (E) Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons or lives in a larger housing unit in which there reside more than 1.5 people per room; (F) Is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution); or (G) Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient's approved consolidated plan.

Brownsville-Harlingen MSA - Cameron County, Texas Effective June 1, 2026									
FY 2026 Income Limit Area	FY 2026 Income Limit Category	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
Brownsville- Harlingen, TX MSA	Extremel y Low (30%) Income Limits	\$17,600	\$20,100	\$22,600	\$25,100	\$27,150	\$29,150	\$31,150	\$33,150
	Very Low (50%) Income Limits	\$29,300	\$33,500	\$37,700	\$41,850	\$45,200	\$48,550	\$51,900	\$55,250
	60% Limits	\$35,160	\$40,200	\$45,240	\$50,220	\$54,240	\$58,260	\$62,280	\$66,300
	Low (80%) Income Limits	\$46,900	\$53,600	\$60,300	\$66,950	\$72,350	\$77,700	\$83,050	\$88,400

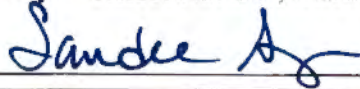
**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **August 5, 2026**

Agenda Item:

Consideration and possible action to approve the funding recommendation as established by the Community Development Advisory Board for the HOME-ARP Affordable Rental Housing Attachment (CDBG)

Prepared By: Sandee Alvarez, Director



Brief Summary:

Participating local governments received a special round of funding called "HOME-ARP". The City of Harlingen was awarded \$1,212,199.00. Per the approved HOME American Rescue Plan dated September 11, 2023; \$396,862.00 is available for Affordable Rental Housing for Qualifying Populations (as defined in HUD Notice CPD-21-10).

Notice of Funding Availability was published June 6, 2026.

Sunny Glen Children's Home turned in an application by the deadline (June 30, 2026) and presented the eligible project to the Community Development Advisory Board on July 14, 2026.

This project will be a one-of-a-kind requiring 15 years compliance period (per the HUD Notice).

The Community Development Advisory Board deliberated on July 14, 2026 and recommends the Sunny Glen Children's Home eligible project the award of \$389,862.00.

Funding (if applicable):

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

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

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

Staff Recommendation:

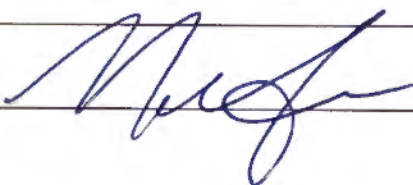
Staff recommends approval.

City Manager's approval:



Comments:

City Attorney's approval:



HOME ARP AFFORDABLE RENTAL HOUSING

Sunny Glen Children's Home Requested Amount: \$396,862.00	This Project will place young adults into single unit apartments while still providing case management, mental health and vocational/educational to build lasting independent living during their transition.
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Qualifying Populations - Citations and Definitions - Continued

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	60% Limits	\$35,160	\$40,200	\$45,240	\$50,220	\$54,240	\$58,260	\$62,280	\$66,300
	Low (80%) Income Limits	\$46,900	\$53,600	\$60,300	\$66,950	\$72,350	\$77,700	\$83,050	\$88,400

Sunny Glen Children's Home

Providing a Place of Hope for Every Child

Sunny Glen Children's Home | Since 1936





PART 1 • AFFORDABLE RENTAL HOUSING

Who is Sunny Glen?

Our mission: Providing a place of hope for every child.

Since 1936

More than 25,000 children served across nearly 90 years. State foster care has been our primary passion since 1973.



Youth we serve



The Sunny Glen campus



PART 1 • AFFORDABLE RENTAL HOUSING

The Monte & Amy Allen House

Our Supervised Independent Living home in downtown Harlingen—where the pathway out of foster care already lives.



What it is

Supervised Independent Living (SIL) for foster youth—launched in 2020

Where it stands

Downtown Harlingen—independence with support close by

Who calls it home

Young adults preparing for adult life after campus foster care

Why it matters

Youth exit SIL into Bridge Housing—the four units complete the pathway

Already at work in Harlingen: the Allen House is the front door. This project gives its residents a stable place to land.



The pathway out of foster care

*Young people need a clear next step—not a cliff—when foster care ends. **Nationally, 30% of youth who age out experience homelessness within four years.***

1

Foster Care

Campus residential care with safety, structure, and healing

2

Supervised Independent Living

Monte & Amy Allen House—
independence with support nearby

3

Affordable units so the exit from SIL
is stable, not a crisis

This pathway is the backbone of a Rio Grande Valley pilot—starting in Harlingen—that Texas can look to as a better way to transition youth out of state foster care.

PART 1 ASK · AFFORDABLE RENTAL HOUSING

\$396,862

***Launch**

***A model for Texas**

***Leverage & expand**

We are asking the City of Harlingen to lead.

C.D.B.G. Public Services

Agency: **Boys and Girls Club of Harlingen**
Program: Expanded Services/Outreach
Provide Services for \$235 per child (128 children)
Approved: \$30,000.00

Agency: **Loaves and Fishes of the Rio Grande Valley Inc.**
Program: Bread of Life Dining Hall
Pay Kitchen Staff-salary
Approved: \$24,161.00

Agency: **Sunshine Haven, Inc.**
Program: Patient Care Services
Caregive Support Staff-partial salary
Approved: \$20,000.00

Agency: **Sunny Glen Children's Home**
Program: Supervised Independent Living
Resident Assistant-partial salary
Approved: \$25,155.00

Agency: **Love They Neighbor, Inc.**
Program: Restore Senior Home Safety & Clean Up
Service Fee for Restoring Elderly's Home
Approved: \$5,232.00

Agency: **MI Academy, Inc.**
Program: Empowering Young Adults w/Disabilities
through Vocational Training & Community
Involvement
Job Training with Material, Coordinator/Curriculum
Approved: \$15,000.00

Agency: **LRGVDC Aging & Disability Resource Center**
Program: Independence for All
Homemaker Health Services \$1,000.00 per client (10
beneficiaries)
Approved: \$10,000.00

Agency: **LRGVDC Area Agency on Aging**
Program: Promoting Independence for Seniors
Homemaker Services \$1,000.00 per client (10
beneficiaries)
Approved: \$10,000.00

C.D.B.G. Projects

Department: **Public Works**
Project: Solar Lights
Various Locations
Approved: \$157,789.00

Department: **Public Works**
Project: Retrofit of Streetlights
Various Locations
Approved: \$35,000.00

Department: **Parks & Recreation**
Project: Rangerville Park Improvements
Restrooms
Approved: \$55,000.00

Department: **Engineering**
Project: 21st Drainage Outfall Improvement
Phase 1A
Approved: \$304,949.00

AGENDA ITEM EXECUTIVE SUMMARY

Meeting Date: **August 5th 2026**

Agenda Item:

Consideration and possible action to approve an additional General Fund appropriation for the Lozano Plaza Improvements Project and authorize the corresponding budget amendment.

Prepared By: Roberto Hernandez, PE, CFM, MS
Title: City Engineer

Signature: 

Brief Summary:

On May 6, 2026, the City Commission approved the award of Bid No. 2026-08 – Lozano Plaza Improvements to RGV Asphalt for specialized construction work associated with the Lozano Plaza restroom facility and outdoor amphitheater project. The contract award included electrical work, interior plumbing and utility service connections, brick veneer installation, and roof sheathing, while City staff completed the remaining portions of the project in-house.

Since contract award, additional work was required to successfully complete the restroom facility and meet the scheduled ribbon-cutting date. The additional work included installation of electrical fixtures, assistance with plumbing-related items, and other miscellaneous construction activities necessary to finalize the project. These items resulted in a change order of \$10,000, increasing the total contract amount from \$77,720 to approximately \$87,720.

Although the original agenda item identified the General Fund as the funding source, it did not specifically request Commission approval to appropriate the additional General Fund contribution necessary to cover the final project costs. Staff is therefore requesting approval of a budget amendment to appropriate the funds required to complete the project and reconcile the project budget.

The proposed budget amendment, attached for Commission review, will provide sufficient funding to cover the original contract award and the approved change order, allowing final payment to be processed and the Lozano Plaza restroom facility project to be formally completed.

Staff recommends approval of the budget amendment.

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:

GL

☒

Yes

☐

No

☐

N/A

Comments:

City Attorney's approval:

MB

☒

Yes

☐

No

☐

N/A



CITY OF HARLINGEN BUDGET AMENDMENT REQUEST FORM

INSTRUCTIONS: Complete all items. Submit original signed form to the Finance Department.

This form should ONLY be used to amend original budget. Do not use this form for budget adjustments.

Fiscal Year 2026 Department Engineering

Revenues

Account Number	Account Description	Current Budget	Adjustment Amount (+) or (-)	Revised Budget
	Other Fin Source / from General Fund	0	138,886	138,886
				0
				0
				0
				0
				0
				0
				0
Total		\$ 0	\$ 138,886	\$ 138,886

Expenditures

Account Number	Account Description	Current Budget	Adjustment Amount (+) or (-)	Revised Budget
	Cap Outlay / Buildings	184,781	63,413	248,194
	Other Fin Use / Transf To Award Prog fund	0	138,886	138,886
				0
				0
				0
				0
				0
				0
Total		\$ 184,781	\$ 202,299	\$ 387,080

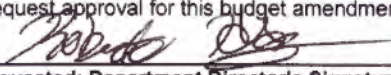
Rollover Purchase Order Numbers

--

Detailed Justification/Reason for Adjustment

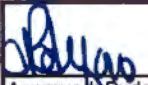
Funds requested to cover additional cost for materials, labor, and electrical work for the construction of the Lozano Plaza Restrooms approved by City Commission on May 6th, 2026

I request approval for this budget amendment and certify that the information provided on this form is true and correct.

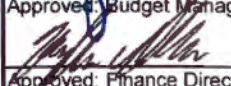

Requested: Department Director's Signature

07-16-26
Date Requested

ADMINISTRATION / FINANCE USE ONLY


Approved: Budget Manager's Signature

7-16-26
Date Approved


Approved: Finance Director's Signature

7/16/26
Date Approved

Approved: City Manager's Signature

Date Approved

Document No. _____ Count 3 Entered By _____ Date Entered _____

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **May 6, 2026**

Agenda Item:

Consideration and possible action to authorize the City Manager to award a construction contract for Bid No. 2026-08 Lozano Plaza

Prepared By: Roberto Hernandez, PE, CFM, MS
Title: City Engineer

Signature: *Roberto Hernandez*

Brief Summary:

The Lozano Plaza Improvements Project includes construction of a new restroom facility and an outdoor amphitheater stage intended to enhance community gathering space and recreational amenities within Lozano Plaza. A significant portion of the project will be completed in-house by City staff, including concrete work, erection of the prefabricated structure, and installation of lighting, plumbing fixtures, sinks, and restroom components.

The bid solicitation was limited to specialized construction items that could not be performed by City staff. These items included electrical work, interior plumbing and utility service connections, brick veneer installation, and roof sheathing installation. Due to pre-bid quotations exceeding \$50,000, the City was required to publicly advertise the work and comply with applicable state procurement requirements.

Five bids were received and reviewed for completeness and responsiveness to the project specifications. Staff recommends awarding the contract to RGV Asphalt as the lowest responsive and responsible bidder. Approval of this item will authorize the City Manager to execute the construction contract and proceed with the Lozano Plaza Improvements Project.

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:

General Fund

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



BID NUMBER: 2026-08

**CONTRACT DOCUMENTS AND SPECIFICATIONS FOR
LOZANO PLAZA RESTROOM IMPROVEMENTS**

BID SUBMISSION DEADLINE: Tuesday, April 21, 2026, at 2:00 p.m.

BID OPENING: Tuesday, April 21, 2026, at 3:00 p.m.

April 2026

PREPARED BY:

City of Harlingen
Engineering Department
24200 FM 509
Harlingen, Texas 78550

**All inquiries regarding this project should be submitted via email to
Procurement Supervisor, Mari Leal 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. 2026-08 Lozano Plaza Restroom Improvements

Interested Bidders must register with the Purchasing Office to request a bid packet including construction specifications and plans at Purchase@harlingen.gov. Packets will be emailed upon registration.

Sealed bids must be submitted on or before **2:00 p.m., Tuesday, April 21, 2026** at the Purchasing Office. Bids will be publicly opened and read aloud via video and telephone conferencing at **3:00 p.m., on Tuesday, April 21, 2026**.

A bid bond in the amount equal to five percent (5%) of the bid issued by an acceptable surety shall be submitted with each bid. A certified check or bank draft payable to the City of Harlingen or negotiable U.S. government Bonds (as par value) may be submitted in lieu of the Bid Bond.

The City of Harlingen reserves the right to reject any or all bids or to waive any formalities or informalities in the bidding and to award the contract to the Bidder which it considers has submitted the best and most advantageous bid. Bids may be held by the City of Harlingen for a period not to exceed **sixty (60) calendar days** from the date of the bid opening. These days shall be utilized for the purpose of reviewing the bids and investigating the Bidders qualifications prior to the contract award. All contractors/subcontractors that are debarred, suspended or otherwise excluded from or ineligible for participation on federal assistance programs may not undertake any activity in part or in full under this project. The City of Harlingen is an Affirmative Action and Equal Opportunity Employer. Small (SBE), minority (MBE), and women-owned businesses (WBE) are encouraged to submit bids for this project.

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.

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It is agreed that all work proposed to be done shall be accepted when fully completed and finished in accordance with the plans and specifications, to the satisfaction of the Owner.

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: 

Title:

President - Alvaro Torres

Company:

RGV Asphalt, LLC

Street Address:

722 E Anderson Rd

City and State:

Donna, Tx 78537

Phone:

956-975-5320

Fax:

Email Address:

rgvasphalt@outlook.com

FEDERAL TAX ID:

81-1719346

STATE TAX ID:

DUNS #:

Subscribed and sworn to me this 27 day of April, 2026.

Notary Public

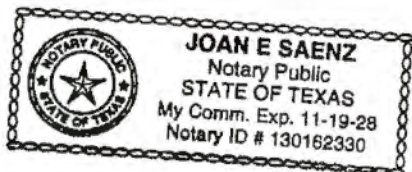


BY:

Joan E Saenz

My commission expires

11/19/2028



STATEMENT OF BIDDER'S QUALIFICATIONS

All questions must be answered and the data given must be clear and comprehensive. This statement must be notarized. If necessary, questions may be answered on separate attached sheets. The Bidder may submit any additional information he desires.

Name of Bidder: RGV Asphalt, LLC Date Organized: 2016

Address: 722 E Anderson Rd Donna, Tx 78537 Date Incorporated: _____

Number of Years in contracting business under present name: 10

CONTRACTS ON HAND:

Contract	Amount \$	Completion Date
_____	_____	<u>2026</u>
_____	_____	_____
_____	_____	_____

Type of work performed by your company: Construction

Have you ever failed to complete any work awarded to you? (Y/N) N/A

Have you ever defaulted on a contract? (Y/N) N/A

List the projects most recently completed by your firm (include project of similar importance):

Project	Amount \$	Mo/Yr Completed
<u>LOZANO PLAZA RESTROOM IMPROVEMENTS</u>	_____	_____
_____	_____	_____
_____	_____	_____

Major equipment available for this contract: All as needed

Attach resume(s) for the principal member(s) of your organization, including the officers as well as the proposed superintendent for the project.

Credit available: \$ _____ Bank reference: PNC BANK Weslaco - David Alonso

The undersigned hereby authorizes and requests any person, firm, or corporation to furnish any information requested by the City of Harlingen in verification of the recitals comprising this Statement of Bidder's Qualifications.

Executed this 1 day of _____, 2024

By: _____ Title: Owner - President

(signature)

Alvaro Torres

(print name)



BID REFERENCE FORM

The following information shall be required to accompany all bid submittals.

1. Local company's business name and business information.

Company name: RGV ASPHALT, LLC
Address: 722 E Anderson Rd Donna, TX 78537
Contact Person: Alvaro Torres
Office Phone #: _____ Mobile #: 956-975-5320
Email Address: rgvasphalt@outlook.com

2. Your Corporate Company's name and business information.

Corporate name: _____
Address: _____
Office Phone #: _____ Mobile #: _____
Email Address: _____

3. Does your company participate in Cooperative Contract Pricing? YES / (NO) (select below)

____ BuyBoard (TASB) ____ H-GAC ____ Choice Partners ____ GSA ____ ASC
____ OMNIA Partners ____ TXMAS ____ Sourcewell ____ TIPS ____ TCI
____ TXSmartBuy ____ TXDIR ____ Other: _____

CO-OP Contract #: _____ Effective Dates: _____ to _____

4. A minimum of 3 references (local preferred).

Company Name	Contact Name	Phone	Email
1. <u>Rio Grande Steel</u>	<u>Gene</u>	<u>956-402-3646</u>	
2. <u>J-III Concrete</u>	<u>AC Cuellar III</u>	<u>956-227-1405</u>	
3. <u>CAPA - Steve Boyd</u>		<u>956-364-5252</u>	

5. Municipal projects (local preferred):

Municipality Name	Project Name	Amount	Completion Date
1. <u>City of Harlingen</u>			
Contact Name, Phone, Email:	<u>Bob Canberry</u>	<u>956-342-4885</u>	
2. <u>Hidalgo Co</u>			
Contact Name, Phone, Email:	<u>Ramon</u>	<u>956-219-6270</u>	
3. <u>City of Sullivan</u>			
Contact Name, Phone, Email:	<u>Veronica</u>	<u>956-638-3319</u>	
4. <u>City of La Joya</u>			
Contact Name, Phone, Email:	<u>Rudy</u>	<u>956-600-5425</u>	
5. _____			
Contact Name, Phone, Email:	_____		

BID SCHEDULE

Bid No. 2026-08 Lozano Plaza Restroom Improvements

NOTE: This bid package constitutes only a portion of the overall project and is limited to specific components as identified herein. All bidders and contractors are hereby advised that the **attached final construction documents**, including MEP, architectural, and structural plans, shall govern and must be referenced in their entirety for verification of quantities, coordination requirements, and full scope of work.

The scope of work under this package includes: electrical work in accordance with **MEP Plan E4.01**, limited to installation of a new overhead electrical service line from the existing power pole, with all fixtures to be furnished by others; interior plumbing and connection to main services in accordance with **MEP Plan MP2.01**; installation of brick veneer in accordance with **Architectural Plans A2.01 through A5.1**; and installation of roof sheathing in accordance with the structural plans.

Any omissions, discrepancies, or misunderstandings resulting from failure to review the complete set of plans shall be the responsibility of the contractor.

BASE BID

Item No.	Description	Quantity	Unit of Measure	Unit Price	Total Price
1	ELECTRICAL WORK (per MEP Plan E4.01, excluding fixtures) For the price of <u>sixteen Thousand</u> Dollars <u>0</u> Cents	1	LS		16,000.00
2	INTERIOR PLUMBING AND SERVICE CONNECTIONS (per MEP Plan MP2.01) For the price of <u>Seven Thousand nine Hundred</u> Dollars <u>0</u> Cents	1	LS		7,900.00
3	BRICK VENEER INSTALLATION (per Architectural Plans A2.01 – A5.1) For the price of <u>Forty Two Thousand Three Hundred</u> Dollars <u>20</u> Cents	1	LS		42,320.00

BASE BID TOTAL

\$ 66,220

ALTERNATE BID

Item No.	Description	Quantity	Unit of Measure	Unit Price	Total Price
A1	ROOF SHEATHING INSTALLATION (per Structural Plans) For the price of <u>Eleven Thousand Five Hundred</u> Dollars <u>0</u> Cents	1	LS		11,500

ALTERNATE BID TOTAL

\$

11,500

BID FORM

We, the undersigned, have completely read the specifications for:

Bid No. 2026-08 Lozano Plaza Restroom Improvements

TOTAL BASE BID PRICE: \$ 66,220

In Writing Sixty six Thousand Two Hundred and Twenty Dollars $\frac{00}{100}$

This bid price includes all equipment, labor, supervision and material as set forth in the attached specification packet and instructions. I have read and agree to comply with all of these requirements.

FIRM REPRESENTATIVE

PRINTED NAME/TITLE Alvaro Torres - President (Signature)

NAME OF FIRM RGV Asphalt, LLC

MAILING ADDRESS 722 E Anderson Rd.

PHONE NUMBER 956-975-5320

FAX NUMBER _____

EMAIL ADDRESS: rgvasphalt@outlook.com

FEDERAL TAX ID: 81-1719346

STATE TAX ID: _____

DUNS #: _____

DATE: _____

NOTES: Bidders are to use plans and specifications to determine exact bid quantities, materials, equipment, styles, and design. Descriptions on bid schedules are provided for reference only.

The above unit prices shall include all necessary labor, materials, well pointing, bailing shoring, removal, overhead, profit, insurance, etc., to cover the finished work of the several kinds called for.

The bidder agrees that the bid shall be good and may not be withdrawn for a period of sixty (60) calendar days.

Unit prices are shown in both words and figures. In cases of discrepancy, the amount shown in words shall govern.

No payments shall be made to contractor and sub-contractor for materials on hand.

Total Base Bid Amount: \$ 66,220

Base Bid Amount in Words: Sixty six Thousand Two Hundred and Twenty Dollars ⁰⁰/₁₀₀

Total Alternate Bid Amount: \$ 11,500

Base Bid Amount in Words: Eleven Thousand Five Hundred Dollars ⁰⁰/₁₀₀

Contractor Name: RGV Asphalt, LLC

Contractor's Representative: Alvaro Torres

Title: Owner - President Date: 4-17-2026

Certification B: Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Certification (B)

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of these regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph (5) of these instructions, if a participant in a lower tier covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Applicant:

Alvaro Torres

Date:

4-17-2026

Signature of Authorized Certifying Official

Title

Owner - President

Bidder acknowledges receipt of the following addendum or addenda.

- 1) _____
- 2.) _____
- 3.) _____
- 4.) _____
- 5.) _____

Accompanying this bid is a certified or cashier's check or bid bond payable to the City of Harlingen in an amount indicated below:

Dollar (\$ 3,886), Percent (5 %) of the Contract Price Submitted.

It is understood and agreed that the work is to be completed within **sixty (60) working days** after the date on which the work is to commence. Penalties will amount to **\$1,000.00** per **working** day for failure to complete the project in the specified time.

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.

In the event of the award of the contract to the undersigned, the undersigned will furnish a performance bond and a payment bond for the full amount of the contract to insure initiation and completion of the contract until final acceptance, and to guarantee payment of all lawful claims for labor performed and materials furnished in the fulfillment of the contract. In addition the contractor shall furnish insurance with limits as shown on **Page 11** of these Specifications.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

04/09/2026

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Olympia Insurance Services, LLC 800 S Cage Blvd Ste E Parr, TX 78577	CONTACT NAME: Oscar Alvarado	FAX (A/C, No): 956-948-9321	
	PHONE (A/C, No, Ext): 956-884-4912	E-MAIL ADDRESS: oscar@olympiainsurance.us	
INSURED RGV Asphalt LLC 722 E Anderson RD Donna, TX 78537	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A: Clear Blue Insurance Company		38920
	INSURER B: Progressive Insurance		24260
	INSURER C:		
	INSURER D:		
	INSURER E:		
INSURER F:			

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR	☒ ☒	BGTX9011171400	10/16/2025	10/16/2026	EACH OCCURRENCE \$ 1,000,000
	DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000					
	MED EXP (Any one person) \$ 10,000					
	PERSONAL & ADV INJURY \$ 1,000,000					
GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:						GENERAL AGGREGATE \$ 2,000,000
						PRODUCTS - COMP/OP AGG \$ 2,000,000
						\$
B	AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ ALL OWNED AUTOS ☐ HIRED AUTOS ☐ SCHEDULED AUTOS ☐ NON-OWNED AUTOS	☒ ☒	06259366	07/05/2025	07/05/2026	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	BODILY INJURY (Per person) \$					
	BODILY INJURY (Per accident) \$					
	PROPERTY DAMAGE (Per accident) \$					
						\$
A	UMBRELLA LIAB ☒ EXCESS LIAB ☐ DED ☐ RETENTION \$	☒ ☒	BXTX9000930200	10/16/2025	10/16/2026	EACH OCCURRENCE \$ 3,000,000
	AGGREGATE \$ 3,000,000					
	\$					
	\$					
WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? ☐ Y/N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						PER STATUTE ☐ OTH-ER ☐
						E.L. EACH ACCIDENT \$
						E.L. DISEASE - EA EMPLOYEE \$
						E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Policy is endorsed with Blanket Waiver of Subrogation, Blanket Primary Wording, Blanket Additional Insured.

CERTIFICATE HOLDERCity of Harlingen,
118 E. Tyler Ave,
Harlingen, TX 78550**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

 Verified by pdfFiller
04/09/2026

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CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

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 CERTIFICATION OF FILING

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

RGV Asphalt ,LLC
Donna, TX United States

Certificate Number:
2026-1445499

Date Filed:
04/09/2026

Date Acknowledged:

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 Texas

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.

2026-08
Construction

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.



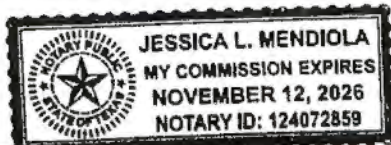
6 UNSWORN DECLARATION

My name is Alvaro Torres, and my date of birth is October 11, 1977

My address is 722 E. Anderson Rd, Donna, Tx, 78537, USA
(city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Hidalgo County, State of Texas, on the 17th day of April, 2026.
(month) (year)



Jessica L. Mendiola
Signature of authorized agent of contracting business entity
(Declarant)

INVOICE

RGV Asphalt, LLC
722 E Anderson Rd
Donna, TX 78537-9791

rgvasphalt@outlook.com
+1 (956) 975-5320

Bill to

City Of Harlingen
P.O Box 2207
Harlingen, Tx 78551

Ship to

City Of Harlingen
P.O Box 2207
Harlingen, Tx 78551

Invoice details

Invoice no.: 1018
Terms: Net 30
Invoice date: 05/11/2026
Due date: 06/25/2026

#	Product or service	Description	Qty	Rate	Amount
1.	Constnution	Lozano Plaza Electrical light fixtures turn key component last phase this is a dictional from the rough end component	1	\$5,000.00	\$5,000.00

Ways to pay

BANK

Check Only

View and pay



**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **August 5th 2026**

Agenda Item:

Consideration and possible action to authorize the City Manager to execute the Advance Funding Agreement (AFA) for the Loop 499 Shared Use Path 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 Loop 499 Shared use path project, a \$5,906,000 Construction grant project funded on an 100 match basis (City match \$0). TxDOT has determined the Direct State Costs for this project to be \$88,000 which will be covered by Transportation Development Credits (TDC). Execution of the Advance Funding Agreement (AFA) is required to establish project responsibilities and funding participation. See attached Draft AFA.

The City of Harlingen proposes the construction of a 5.5-mile extension of the Loop 499 Multimodal Hike and Bike Trail, extending from FM 106 to North 77 Sunshine Strip. This project will create a 12-foot-wide concrete trail, providing a safe and accessible route for pedestrians, cyclists, and other non-motorized users. The proposed extension is categorized as a very high priority trail in the Harlingen Trails Master Plan, reflecting its importance to the community's transportation and recreational network.

The project will include the installation of 285 solar-powered lights to ensure visibility and safety during nighttime use. Additionally, the project will address critical intersections by installing two new street signals and implementing comprehensive ADA-compliant upgrades, such as high-visibility pavement markings, ADA ramps with detectable warnings (truncated domes), pedestrian push buttons with audible locator tones, and lighted crosswalk signals with audible beaconing.

Approval of this item and resolution authorizes the City Manager to execute the AFA with TxDOT and issue the required Direct State Costs, allowing the planning effort to proceed.

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

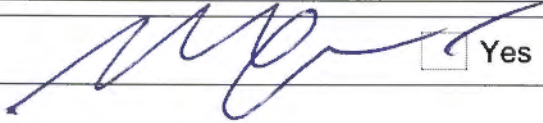
Finance Director's approval: ☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval.

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

Comments:

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

RESOLUTION AUTHORIZING EXECUTION OF AN
ADVANCE FUNDING AGREEMENT (AFA) WITH THE
TEXAS DEPARTMENT OF TRANSPORTATION FOR TRANSPORTATION
ALTERNATIVES SET-ASIDE (TASA) PROJECT

WHEREAS, November 13, 2025, via Minute Order 117073, the Texas Transportation Commission authorized Loop 499 Shared Use Path project (the "Project") to receive Category 9 Transportation Alternative Set-Aside Program (TASA) funds for project construction and Texas Department of Transportation (TxDOT) oversight; and

WHEREAS, the TASA funds require a local match, the City of Harlingen commits to provide the match. The local match is comprised of Transportation Development Credits (TDCs); 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 THAT THE HARLINGEN CITY COMMISSION hereby authorizes the City Manager enter into an AFA with TxDOT for this Project.

PASSED AND APPROVED on the 5th day of August, 2026.

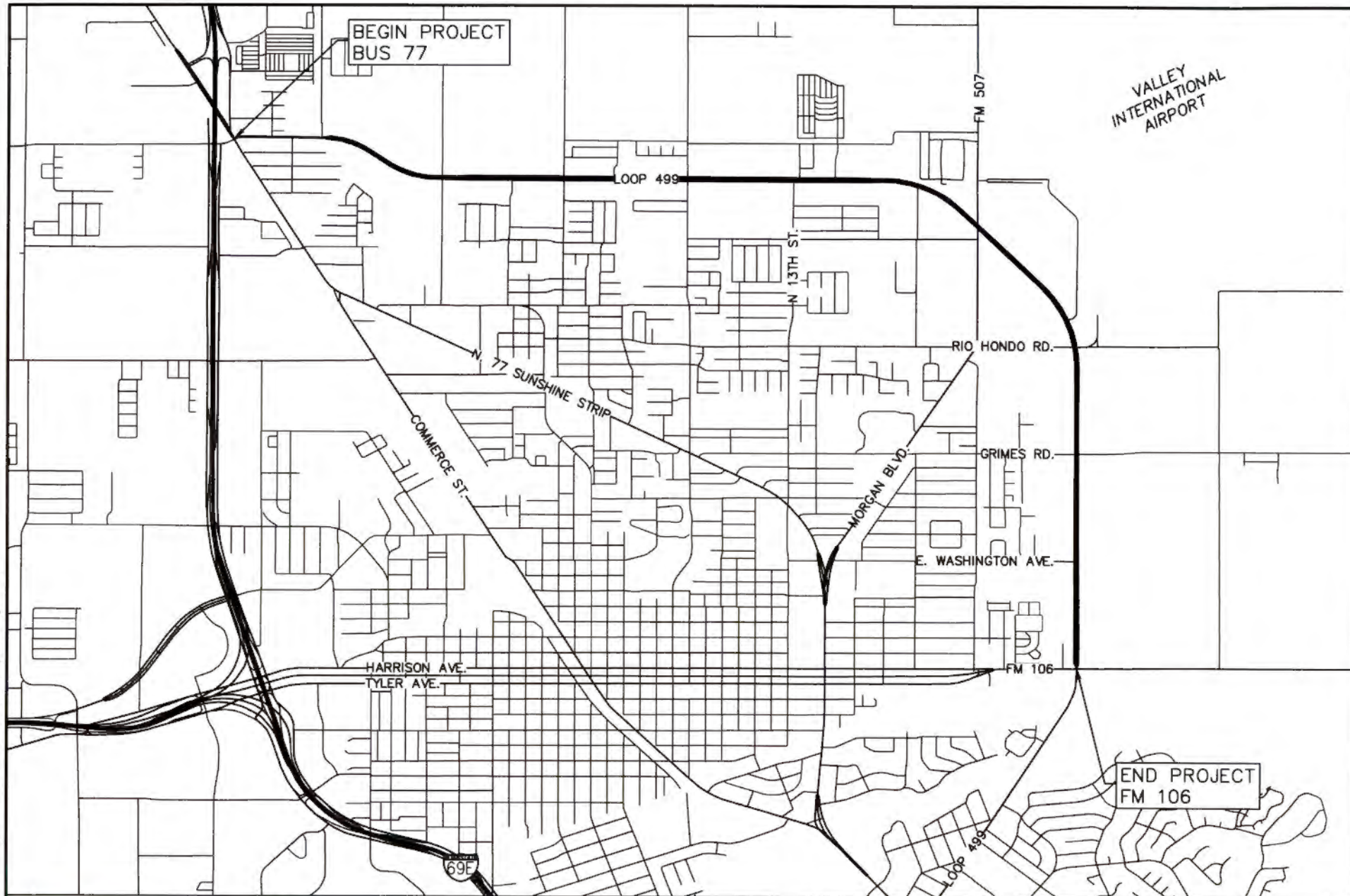
CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Mayra Herrera, City Secretary

C:\USERS\BSANTILLAN\DESKTOP\LOOP 499 SUP CSJ 1137-02-047\GENERAL G-101.DWG



City of Harlingen
Engineering Department
24200 FM 509
HARLINGEN, TEXAS 78550
(956) 216-5280

LOOP 499 SHARED USE PATH AND TRAFFIC SIGNAL AT 13TH STREET

0 1500' 3000' 6000'

SCALE 1" = 3000'

EXHIBIT NUMBER:

SHEET 1 OF 1

PROJ. NO:	NA
DATE:	06-11-2020
DRAWN BY:	BGS
CHECK BY:	RH
ISSUED FOR:	NA



TxDOT:				Federal Highway Administration:	
CCSJ #	1137-02-047	AFA ID	Z00013186	CFDA No.	20.205
AFA CSJs				CFDA Title	Highway Planning and Construction
District #	21	Code Chart 64#	18200		
Project Name	Loop 499 Shared Use Path			AFA Not Used For Research & Development	

STATE OF TEXAS §

COUNTY OF TRAVIS §

**ADVANCE FUNDING AGREEMENT
FOR A TRANSPORTATION ALTERNATIVES
SET-ASIDE (TASA) PROGRAM PROJECT
Utilizing State Transportation Development Credits
TxDOT-Selected On-System**

This Advance Funding Agreement for a Transportation Alternatives Set-Aside (TASA) Program Project ("Agreement") is made between the State of Texas (State), acting through the Texas Department of Transportation, and the City of Harlingen (Local Government), acting through its duly authorized officials.

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 law, 23 USC §134 and 49 USC §5303, requires that State and Metropolitan Planning Organizations (MPOs) develop transportation plans and programs for urbanized areas of Texas, 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 rules and procedures for the Transportation Alternatives Set-Aside Program (TASA) are established in 23 USC §133(h), and 43 Texas Administrative Code, Part 1, Chapter 11, Subchapter G, §§11.400 – 11.418, and

WHEREAS, the Local Government prepared and submitted to the State or Metropolitan Planning Organization (MPO) a project nomination package for TASA funding consideration, which is briefly described as Loop 499 Shared Use Path (Project), and

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WHEREAS, the Texas Transportation Commission (Commission) passed Minute Order Number 117073 (MO) dated **11/13/2025** awarding funding for TASA projects in the TASA Program Call of the State, including Project, and

WHEREAS, the governing body of the Local Government has approved entering into this Agreement by resolution or ordinance **dated {enter date of resolution}**, which is attached to and made a part of this Agreement as Attachment C, Resolution or Ordinance. A map showing the Project location appears in Attachment A, Project Location Map, which is attached to and made a part of this Agreement, and

NOW, THEREFORE, the State and the Local Government agree as follows:

AGREEMENT

1. Period of Agreement and Performance

- A. Period of 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 terminated as provided below.
- B. Period of Performance.
 1. The Performance Period for each phase of work begins on the date specified in the Federal Project Authorization and Agreement (FPAA) for that phase of work. Local Government may not begin work until issued the State Letter of Authority (SLOA) for that phase of work.
 2. The Performance Period for each phase of work ends on the date specified in the FPAA for that phase of work.

2. Scope of Work and Use of Project

- A. The scope of work for Project consists of the construction of shared use path along SL 499 from FM 106 to BUS 77 and the installation of a traffic signal at SL 499 and North 13th Street. The shared use path will be constructed new between BUS 77 and Rio Hondo Road, and existing sidewalk will be widened for shared use path from FM 106 to Rio Hondo Road. The project includes ADA curb ramps, a pedestrian hybrid beacon, pedestrian lighting, rest stops with shade canopies, emergency call stations, and traffic signals.
- B. Any project changes proposed must be submitted in writing by Local Government to State. Substantive changes may also require an amendment to this Agreement and the approval of the FHWA, State, MPO, or the Commission. Any changes undertaken without written approval and amendment of this Agreement may jeopardize not only the federal funding for the changes, but the federal funding of the entire Project.

3. Project Sources and Uses of Funds

The total estimated development cost of the Project is shown in Attachment B, Project Budget Estimate and Source of Funds (Attachment B).

- A. If Local Government will perform any work under this Agreement for which reimbursement will be provided by or through the State, the Local Government must

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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 procedures. Upon request, Local Government shall provide the certificate of qualification to State. The individual who receives the training certificate may be an employee of Local Government or an employee of a firm that has been contracted by Local Government to perform oversight of the Project. State in its discretion may deny reimbursement if Local Government has not continuously designated in writing a qualified individual to work actively on or to directly oversee the Project.

- B. The total estimated project cost as shown in Attachment B includes the Local Government's estimated itemized cost of real property, utilities, environmental assessments, construction, and other construction related costs. To be eligible for reimbursement or as in-kind contribution, costs must have been included in the nomination form approved by the Texas Transportation Commission or MPO in consultation with State. Local Government must submit to State evidence of payment for eligible in-kind costs at least once per calendar quarter using the State's In-Kind Match Reporting form.
- C. State and the Federal Government will not reimburse Local Government for any work performed outside the Performance Period. After federal funds have been obligated, State will send to Local Government a copy of the formal documentation showing the obligation of funds including federal award information. Local Government is responsible for 100 percent of the cost of any work performed under its direction or control before the federal spending authority is formally obligated.
- D. The Project budget and source of funds estimate based on the budget provided in the application is included in Attachment B. Attachment B shows the percentage and estimated dollar amounts to be contributed to Project by state and local sources, as well as the maximum amount in federal TASA funds assigned by the Commission or MPO in consultation with State. This Agreement may be amended from time to time as required to meet the funding commitments based on revisions to the TASA, FPAA, or other federal documents.
- E. State will be responsible for securing the federal share of funding required for the development and construction of Project, in an amount not to exceed 80 percent of the actual cost of the work up to the amount of funds approved for Project by the Texas Transportation Commission or MPO in consultation with State. Federal funds will be reimbursed on a cost basis. Project costs incurred prior to issuance of the SLOA are not eligible for reimbursement.
- F. 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. If the Project was State-

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selected, the State may apply a portion of any excess program funds to cover all or a portion of any overrun based on criteria provided by 43 Tex. Admin. Code §11.411(d).

- G. 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.
- 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 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. Following execution of this Agreement, but prior to the performance of any plan review work by State, Local Government will pay to State the amount specified in Attachment B for plan review. At least 60 days prior to the date set for receipt of the construction bids, Local Government shall remit its remaining local match as specified in Attachment B for State's estimated construction oversight and construction cost.
- J. In the event State determines that additional funding is required by Local Government at any time during Project, State will notify Local Government in writing. Local Government is responsible for the percentage of the authorized Project cost shown in Attachment B and 100 percent of any overruns above the federally authorized amount. Local Government will make payment to State within 30 days from receipt of State's written notification.
- K. Whenever funds are paid by Local Government to State under this Agreement, Local Government will remit a warrant made payable to the "Texas Department of Transportation". The warrant will be deposited by State and managed by State. Funds may only be applied by State to Project.
- L. Upon completion of Project, State will perform a final accounting of Project costs. Any funds due to Local Government, State, or the Federal Government will be promptly paid by the owing party.
- M. In the event Project is not completed, State may seek reimbursement from Local Government of the expended federal funds. Local Government will remit the required funds to State within 60 days from receipt of State's notification.
- N. If any existing or future local ordinances, commissioners court orders, rules, policies, or other directives, including but not limited to outdoor advertising billboards and storm water drainage facility requirements, are more restrictive than state or federal regulations, or if any other locally proposed changes, including but not limited to plats or re-plats, result in increased costs, then any increased costs associated with the ordinances or changes will be paid by Local Government. The cost of providing right of way acquired by State shall mean the total expenses in acquiring the property interests through negotiations, including, but not limited to, expenses related to relocation, removal, and adjustment of eligible utilities.
- O. The state auditor may conduct an audit or investigation of any entity receiving funds from the State directly under the Agreement or indirectly through a contract or subcontract under the Agreement. Acceptance of funds directly under the Agreement or indirectly through a contract or subcontract under this Agreement acts as acceptance of

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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 the state auditor

with access to any information the state auditor considers relevant to the investigation or audit.

- P. State will not pay interest on any funds provided by Local Government.
- Q. State will not execute the contract for the construction of Project until the required funding has been made available by Local Government in accordance with this Agreement.
- R. 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 State no more frequently than monthly, and no later than 90 days after costs are incurred. If Local Government submits invoices more than 90 days after the costs are incurred, and if federal funding is reduced as a result, State shall have no responsibility to reimburse Local Government for those costs.
- S. If Local Government is an Economically Disadvantaged County (EDC) or the State or MPO selected project meets the State's or MPO's criteria to receive Transportation Development Credits in lieu of providing a cash local match, and the State has approved adjustments to the standard financing arrangement, this agreement reflects those adjustments.

4. Termination of the Agreement

- A. This Agreement may be terminated by any of the following conditions:
 - 1. By mutual written consent and agreement of all parties;
 - 2. By any party with 90 days written notice; or
 - 3. By either party, upon the failure of the other party to fulfill the obligations as set forth in this Agreement. Any cost incurred due to such breach of contract shall be paid by the breaching party.
- B. If the potential termination of this Agreement is due to the failure of Local Government to fulfill its contractual obligations, State will notify Local Government that possible breach of contract has occurred. Local Government should make every effort to remedy the breach within a period mutually agreed upon by both parties.
- C. The Agreement may be 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;
- D. If Local Government withdraws from Project after this Agreement is executed, Local Government shall be responsible for all direct and indirect Project costs as identified by the State's cost accounting system and with 2 CFR Part 200 recapture requirements.
- E. A project may be eliminated from the program as outlined below. If Project is eliminated for any of these reasons, this Agreement will be appropriately terminated. A project may be eliminated from the program, and this Agreement terminated, if:

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1. Local Government fails to satisfy any requirements of the program rules cited in 43 Texas Administrative Code, Part 1, Chapter 11, Subchapter G, §§11.400 – 11.418.
 2. The implementation of Project would involve significant deviation from the activities proposed in the nomination form and approved by the Texas Transportation Commission or MPO in consultation with State.
 3. Local Government withdraws from participation in Project.
 4. State determines that federal funding may be lost due to Project not being implemented and completed.
 5. Funds are not appropriated, in which case this Agreement shall be terminated immediately with no liability to either party. Payment under this Agreement beyond the current fiscal biennium is subject to availability of appropriated funds.
 6. A construction contract has not been awarded or construction has not been initiated within three years after the date that the Commission or MPO selected the project or by a letting date determined by the state and agreed to by the Local Government.
 7. Local Government fails to attend progress meetings at least twice yearly, as scheduled by State.
- F. State, at its sole discretion, may terminate this Agreement if State does not receive project invoice from Local Government within 270 days of FPAA.

5. Amendments

This Agreement may be amended due to changes in the work, the amount of funding required to complete Project, or the responsibilities of the parties. Such amendment must be made through a mutually agreed upon, written amendment that is executed by the parties.

6. 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.

7. Utilities

Local Government shall be responsible for the adjustment, removal, or relocation of utilities or utility facilities in accordance with applicable State laws, regulations, rules, policies, and procedures, including any cost to State of a delay resulting from Local Government's failure to ensure that utilities or utility facilities are adjusted, removed, or relocated before the scheduled beginning of construction. At the State's discretion, State may reimburse Local Government for minor, incidental utility adjustments that are identified during the preliminary engineering phase if they are eligible for federal reimbursement. Local Government must obtain advance approval for any variance from established procedures. Before a construction contract is let, Local Government shall provide, at State's request, a certification stating that Local Government has completed the adjustment of all utilities that must be adjusted before construction begins. Additional utility work may be required due to unknown conditions discovered during construction. These costs may be eligible for TASA participation if the following conditions are met: (1) the activity is required to complete Project; (2) the cost is incidental to Project; and (3)

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TASA funding is available. Any change orders must be approved by State prior to incurring any cost for which reimbursement is sought.

8. Environmental Assessment and Mitigation

Development of 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.

- A. The **Local Government** is responsible for the identification and assessment of any environmental problems associated with the development of Project.
- B. Local Government is responsible for the cost of any environmental problem's mitigation and remediation. These costs will not be reimbursed or credited towards Local Government's financial share of Project unless specified in the nomination form and approved by State or MPO in consultation with State.
- C. Local Government is responsible for providing any public meetings or public hearings required for development of the environmental assessment, including any public hearing requirements that may be necessary when adding a bike lane.
- D. Before the advertisement for bids, Local Government shall provide to State written documentation from the appropriate regulatory agency or agencies that all environmental clearances have been obtained.

9. 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).

10. Architectural and Engineering Services

- A. Architectural and engineering services for preliminary engineering will be provided by the **Local Government**. In procuring professional services, the parties to this Agreement must comply with federal requirements cited in 23 CFR Part 172 if Project is federally funded and Local Government will be seeking reimbursement for these services or if these services will be used as in-kind contributions; and with Texas Government Code Subchapter 2254.A., in all cases. Professional services contracts for federally funded projects must conform to federal requirements. Variety
- B. The architectural contract documents shall be developed in accordance with the standards of the American Institute of Architects, the U.S. Secretary of the Interior's Standards for Historic Preservation Projects, Standards and Guidelines for Archeology and Historic Preservation, the National Register Bulletin Number 36: Guidelines for Evaluating and Registering Historical Archeological Sites and in consultation with the State Historic Preservation Officer, as applicable. The engineering plans shall be developed in accordance with State's applicable Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges and the two American Association of State Highway and Transportation Officials' ("AASHTO") publications, "A Policy on Geometric Design of Highways and Streets" and "Guide for the Development of Bicycle Facilities," as applicable. All design criteria for bicycle and pedestrian bridges must comply with TxDOT's Bridge Design Manual and AASHTO's Load and Resistance Factor Design (LRFD) Guide Specifications for the Design of Pedestrian Bridges (latest

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edition) as applicable. All contract procurement procedures and documents must adhere to the applicable requirements established in the Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges. The use of other systems of specifications shall be approved by State in writing in advance.

- C. When architectural and engineering services are provided by or through Local Government, Local Government shall submit any plans it has completed to State for review and approval on an agreed upon schedule. Local Government may also submit

the plans to State for review any time prior to completion. Local Government shall make the necessary revisions determined by State. Local Government will not let the construction contract until all required plans have received State approval.

- D. When architectural and engineering services are provided by or through State, then the State is responsible for the delivery and performance of any required architectural or preliminary engineering work. Local Government may review and comment on the work, including any proposed changes to the scope of work, as required to accomplish Project purposes. State will cooperate with Local Government in accomplishing these Project purposes to the degree permitted by state and federal law.

11. Construction Responsibilities

- A. The **Local Government** shall advertise for construction bids, issue bid proposals, receive and tabulate the bids, and award and administer the contract for construction of 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. To ensure federal funding eligibility, projects must be authorized by State prior to advertising for construction.
- B. All contract letting and award procedures must be approved by State prior to letting and award of the construction contract, whether the construction contract is awarded by State or by Local Government.
- C. All contract change order review and approval procedures must be approved by State prior to start of construction.
- D. If the Local Government is the responsible party, the State must review and approve change orders.
- E. Upon completion of Project, the party constructing Project will issue and sign a "Notification of Completion" acknowledging Project's construction completion.
- F. For federally funded contracts, the parties to this Agreement will comply with federal construction requirements provided in 23 CFR Parts 633 and 635, 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 Subpart 635.B.
- G. Any field changes, supplemental agreements, or revisions to the design plans that may occur after the construction contract is awarded will be mutually agreed to by State and Local Government prior to authorizing the contractor to perform the work. Prior to completion of Project, the party responsible for construction will notify the other party to this Agreement of the anticipated completion date. All parties will be afforded the opportunity to assist in the final review of the construction services performed by the contractor.

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12. Project Maintenance

- A. Upon completion of Project, Local Government will be responsible for maintaining the completed facility for public use. The property shall be maintained and operated for the purpose for which it was approved and funded for a period commensurate with the federal investment or State rules, whichever is greater. Should Local Government at any time after Project completion decide it can no longer maintain and operate Project

for its intended purpose, Local Government shall consult with State and the FHWA as to the disposal or alternate uses, consistent with Project's original intent. State may require Local Government to return the federal funds in accordance with 2 CFR Part 200 federal recapture requirements. Should Local Government consider conveying the property, State and FHWA must be notified prior to the sale, transfer, or disposal of any property that received federal funds. Written concurrence of approval for the transaction, detailing any required recapture, must be obtained from FHWA prior to the transaction. Advance notice from Local Government of their intended action must be submitted to State for an FHWA review a minimum of 90 days prior to any action being taken by Local Government. Local Government shall be held responsible for reimbursement of all federal funds used or a portion of those funds based on a pro-rata amount, considering the original percentage of federal funds provided and the time elapsed from Project completion date. This same percentage of reimbursement also applies to any amount of profit that may be derived from the conveyance of the property, as applicable.

- B. Any manufacturer warranties extended to Local Government as a result of Project shall remain in the name of Local Government. State shall not be responsible for honoring any warranties under this Agreement.
- C. Should Local Government derive any income from the development and operation of Project, a portion of the proceeds sufficient for the maintenance and upkeep of the property shall be set aside for future maintenance. A project income report shall be submitted to State on a quarterly basis. Monies set aside according to this provision shall be expended using accounting procedures and with the property management standards established in 2 CFR Part 200.
- D. Should any historic properties be included in or affected by this federally funded Project, the historic integrity of the property and any contributing features must continue to be preserved regardless of any approved changes that may occur throughout the life of Project.

13. Right of Way and Real Property Acquisition

- A. Right of way and real property acquisition shall be the **responsibility of Local Government**. Title to right of way and other related real property must be acceptable to State before funds may be expended for the improvement of the right of way or real property.
- B. If Local Government is the owner of any part of Project site under this Agreement, Local Government shall permit State or its authorized representative access to occupy the site to perform all activities required to execute the work.
- C. Local Government 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, 42 USC §4601 et seq., including those

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provisions relating to incidental expenses incurred by the property owners in conveying the real property to Local Government, and benefits applicable to the relocation of any displaced person as defined in 49 CFR §24.2(g). Documentation to support such compliance must be maintained and made available to State and its representatives for review and inspection.

- D. Local Government shall assume all costs and perform all work necessary to obtain needed evidence of title or right of use to the real property required for development of Project. Evidence of title or right of use shall be acquired in the name of (1) State, if the real property is to be made part of the State Highway System, or (2) Local Government, if the real property is not to be made part of the State Highway System. The evidence of title or rights shall be acceptable to State, and be free and clear of all encroachments. Local Government shall secure and provide easements and any needed rights of entry over any other land needed to develop Project according to the approved Project plans. Local Government shall be responsible for securing any additional real property required for completion of Project.
- E. Local Government shall prepare real property maps, property descriptions, and other data as needed to properly describe the real property and submit them to State for approval prior to Local Government acquiring the real property. Tracings of the maps shall be retained by Local Government for a permanent record.
- F. Local Government shall determine property values for each real property parcel to be purchased with federal funds using methods acceptable to State and shall submit to State a tabulation of the values so determined, signed by the appropriate Local Government representative. The tabulations must list the parcel numbers, ownership, acreage, and recommended compensation. The tabulation must be accompanied by an explanation to support the estimated values, together with a copy of the documentation and reports used in calculating each parcel's value. Expenses incurred by Local Government in performing this work may be eligible for reimbursement after Local Government has received written authorization by State to proceed with determination of real property values. State will review the data submitted and will base its reimbursement for parcel acquisitions on these in determining the fair market values. Local Government will not be reimbursed for right-of-way costs on state-selected projects.
- G. For State-selected TASA projects, Local Government shall not use eminent domain or condemnation to acquire real property for this TASA Project.
- H. Reimbursement for real property costs will be made to Local Government for real property purchased in an amount not to exceed 80 percent 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 80 percent of State's predetermined fair market value of each parcel, or the net cost thereof, whichever is less. In addition, reimbursement will be made to Local Government for necessary payments to appraisers for expenses incurred in order to assure good title. Local Government will not be reimbursed for right-of-way costs on state-selected projects.
- I. Local Government and current property owner are responsible for any costs associated with the relocation of displaced persons and personal property as well as incidental expenses incurred in acquiring property to implement Project. State will not pay any of these costs.
- J. If Project requires the use of real property to which Local Government will not hold title, a separate agreement between the owners of the real property and Local Government

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must be executed prior to execution of this Agreement. The separate agreement between Local Government and the current property owner must establish that Project will be dedicated for public use for a period of time not less than ten years after project completion and commensurate with the federal investment. For State-selected projects, this is outlined in 43 Tex. Admin. Code §11.417. The separate agreement

must define the responsibilities of the parties as to the use of the real property and operation and maintenance of Project after completion. The separate agreement must be approved by State prior to its execution and a copy of the executed separate agreement shall be provided to State.

- K. Local Government shall execute individually or produce a legal document as necessary to provide for Project's continued use from the date of completion, and agrees to cause the same to be recorded in the land records of the appropriate jurisdiction.
- L. Local governments receiving federal funds must comply with 23 CFR Part 710 and 49 CFR Part 24, and with the procedures provided in Chapter 6 of the State's Local Government Project Policy Manual. Local Government agrees to monitor Project to ensure: (1) continued use of the property for approved activities, and (2) the repayment of the Federal funds, as appropriate. Local Government agrees to the review of their Project accounts and site visits by State during the development of Project at any time. Upon Project completion, State will continue to perform periodic visits to confirm Project's continued use and upkeep.
- M. Before the advertisement for bids, Local Government shall provide a certification to State that all real property has been acquired.

14. Insurance

- A. Should this Agreement authorize Local Government or its contractor to perform any work on State right of way, before beginning work, the entity performing the work shall provide State with a fully executed copy of 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 State right of way is complete. If coverage is not maintained, all work on State right of way shall cease immediately, and State may recover damages and all costs of completing the work.
- B. For projects including buildings, Local Government agrees to insure the building according to Department specifications and further agrees to name the Federal Government as a "Loss Payee" should the building be destroyed.

15. Notices, Invoices, Payments, and Project Inquiries

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:

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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.

Invoicing, payment, and project inquiries must be sent to the following address, which the State may change by sending written notice of the change to the Local Government:

Texas Department of Transportation
ATTN: District Engineer
600 W. Interstate 2
Pharr Texas, 78577

All invoicing, payment, and project inquiries must include the following information:

County: Cameron
Local Government: City of Harlingen
CSJ No.: 1137-02-047
Project Name: Loop 499 shared use path
Highway or Roadway: SL 499

16. Legal Construction

In case 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.

17. Responsibilities of the Parties

Neither party is an agent, servant, or employee of the other party and each party is responsible for its individual acts and deeds as well as the acts and deeds of its contractors, employees, representatives, and agents.

18. Ownership of Documents

Upon completion or termination of this Agreement, all documents prepared by State shall remain the property of State. All data prepared under this Agreement shall be made available to State without restriction or limitation on their further use. All documents produced or approved or otherwise created by Local Government shall be transmitted to State in the form of photocopy reproduction on a monthly basis as required by State. The originals shall remain the property of Local Government.

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19. Document and Information Exchange

Local Government agrees to electronically deliver to State all general notes, specifications, contract provision requirements, and related documentation in a Microsoft Word or similar format. If requested by State, Local Government will use State's document template. Local Government shall also provide a detailed construction time estimate, including types of activities and month in which the activity will be completed, in the format required by State. This requirement applies whether Local Government creates the documents with its own forces or by hiring a consultant or professional provider. At the request of State, Local Government shall submit any information required by State in the format directed by State.

20. Compliance with Laws

The parties 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, Local Government shall furnish 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.

22. Cost Principles

In order to be reimbursed with federal funds, the parties shall comply with the Cost Principles established in 2 CFR Part 200 that specify that all reimbursed costs are allowable, reasonable, and allocable to 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.

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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.
- 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

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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).
- 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.).

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27. Disadvantaged Business Enterprise Program Requirements

- A. The parties shall comply with the Disadvantaged Business Enterprise ("DBE") Program requirements established in 49 CFR Part 26.
- B. Local Government shall adopt, in its totality, State's federally approved DBE program.
- C. Local Government shall set an appropriate DBE goal consistent with State's DBE guidelines and in consideration of Local market, project size, and nature of the goods or services to be acquired. Local Government shall have final decision-making authority regarding the DBE goal and shall be responsible for documenting its actions.
- D. Local Government shall follow all other parts of State's DBE program referenced in TxDOT Form 2395, Memorandum of Understanding Regarding the 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. Local Government shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. 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. 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 Local Government of its failure to carry out its approved program, State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 USC 1001 and the Program Fraud Civil Remedies Act of 1986 (31 USC § 3801 et seq.).
- F. Each contract Local Government signs with a contractor (and each subcontract the prime contractor signs with a subcontractor) 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

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, 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 contract, subcontract, or purchase order awarded under this

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Agreement to certify its eligibility to receive federal funds and, when requested by 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.

29. Lobbying Certification

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 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 be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and all sub-recipients shall certify and disclose accordingly. Submission of this certification is a prerequisite imposed by 31 USC §1352 for making or entering into this transaction. 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

- 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. Local Government agrees that it shall:
 1. Obtain and provide to State a System for Award Management (SAM) number (Federal Acquisition Regulation (FAR) Subpart 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://sam.gov/SAM/pages/public/index.jsf>
 2. Obtain and provide to State a Data Universal Numbering System (DUNS) number, a unique nine-character number that allows the federal government to track the distribution of federal money. The DUNS number may be requested

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free of charge for all businesses and entities required to do so by visiting the Dun & Bradstreet on-line registration website <http://fedgov.dnb.com/webform>; and

3. Report the total compensation and names of its top five executives to State if:
 - a. More than 80 percent of annual gross revenues are from the Federal government, and those revenues are greater than \$25,000,000; and
 - b. The compensation information is not already available through reporting to the U.S. Securities and Exchange Commission.

31. Single Audit Report

- A. The parties shall comply with the requirements of the Single Audit Act of 1984, P.L. 98-502, ensuring that the single audit report includes the coverage stipulated in 2 CFR Part 200.
- 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 at singleaudits@txdot.gov.
- C. If expenditures are less than the threshold during Local Government's fiscal year, 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 Project remains open for federal funding expenditures, 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 Project has been formally closed out and no charges have been incurred within the current fiscal year.

32. Signatory Warranty

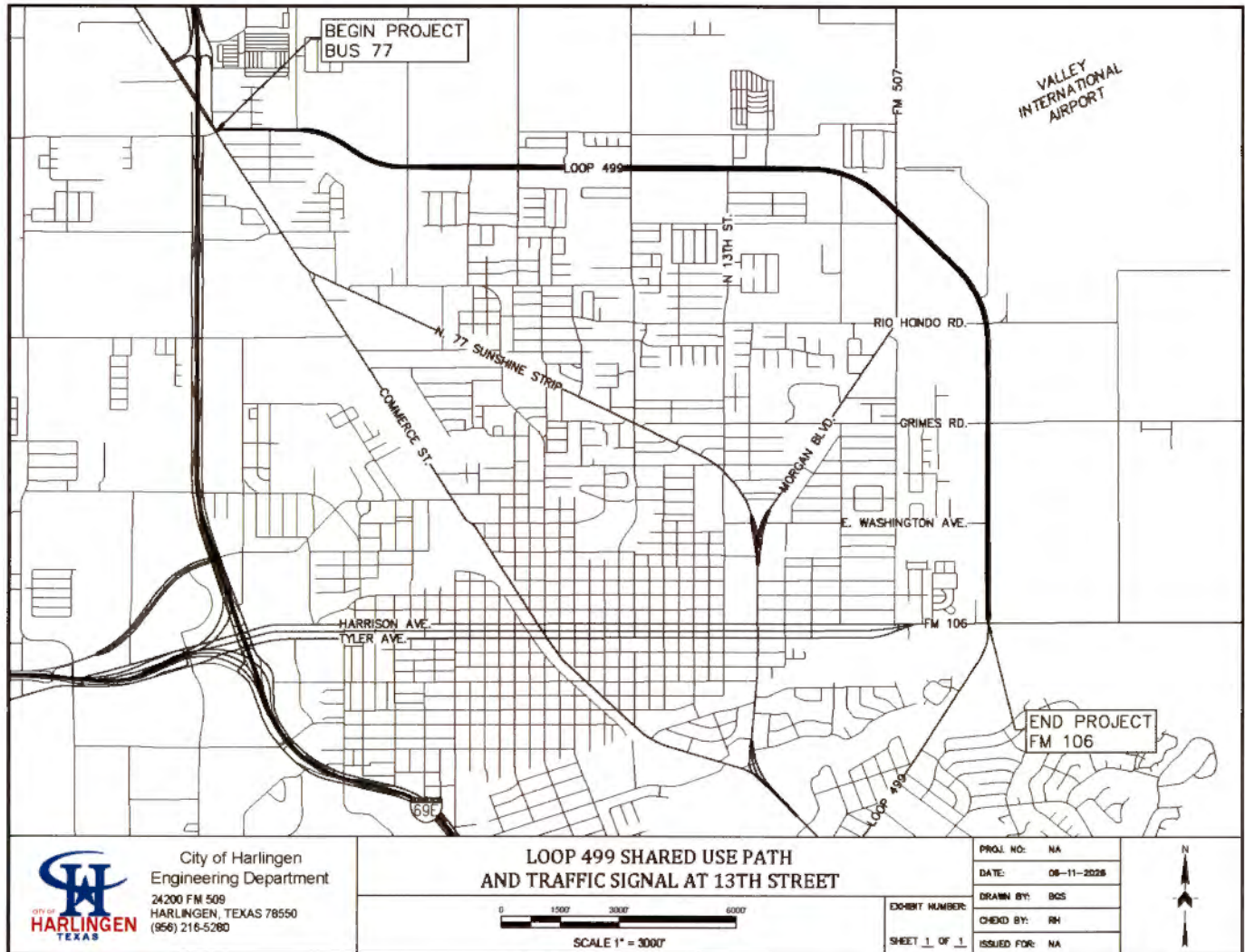
Each signatory warrants that the signatory has necessary authority to execute this agreement on behalf of the entity represented.

Each party is signing this agreement on the date stated under that party's signature.

THE STATE OF TEXAS	THE LOCAL GOVERNMENT
_____ Signature	_____ Signature
_____ Typed or Printed Name	_____ Typed or Printed Name
_____ Typed or Printed Title	_____ Typed or Printed Title
_____ Date	_____ Date

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ATTACHMENT A PROJECT LOCATION MAP



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ATTACHMENT B
PROJECT ESTIMATE AND SOURCE OF FUNDS
 LG Performs PE Work or Hires Consultant / LG Lets Project for Construction

Work Performed by Local Government ("LG")								
Description of Project Costs to be Incurred		Total Project Cost Estimate	Federal Participation Includes percentage for TDC apportionment on projects where applicable		State Participation Includes authorized EDC amounts		Local Government Participation Includes authorized TDC reduction	
			%	Cost	%	Cost	%	Cost
Planning/Maps/Education/Non-CST		\$0	0%	\$0	0%	\$0	0%	\$0
Preliminary Engineering		\$278,420	0%	\$0	0%	\$0	100%	\$278,420
Environmental Cost		\$135,000	0%	\$0	0%	\$0	100%	\$135,000
Right of Way		\$0	0%	\$0	0%	\$0	0%	\$0
Utilities		\$0	0%	\$0	0%	\$0	0%	\$0
Construction Cost	\$ 5,466,000	\$5,466,000	100%	\$5,466,000	0%	\$ 0	0%	TDCs 1,093,200
Construction Engineering Cost	\$							
Eligible In-Kind Contribution Value	\$							
Total Construction Value (sum of construction cost and in-kind value)								
Work by LG Subtotal		\$5,879,420		\$5,466,000		\$0		TDC 1,093,200 \$413,420
Work Performed by the State (Local Participation paid up front by LG to TxDOT)								
Preliminary Engineering ¹		\$0	0%	\$0	0%	\$0	0%	\$0
Environmental Cost ¹		\$0	0%	\$0	0%	\$0	0%	\$0
Right of Way ³		\$0	0%	\$0	0%	\$0	0%	\$0
Utilities ²		\$0	0%	\$0	0%	\$0	0%	\$0
Construction Cost ²	\$	\$0	0%	\$0	0%	\$0	0%	\$0
Eligible In-Kind Contribution Value	\$							

TxDOT:				Federal Highway Administration:	
CCSJ #	1137-02-047	AFA ID	Z00013186	CFDA No.	20.205
AFA CSJs					Highway Planning and Construction
District #	21	Code Chart 64#	18200		
Project Name	Loop 499 Shared Use Path			AFA Not Used For Research & Development	

Total Construction Value (sum of construction cost and in-kind value)							
Work by State Subtotal	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Direct and Indirect State Costs Incurred for Review, Inspection, Administration & Oversight							
Description of Project Costs to be Incurred	Total Project Cost Estimate	Federal Participation Includes percentage for TDC apportionment on projects where applicable		State Participation Includes authorized EDC amount		Local Government (LG) Participation Includes authorized TDC reduction	
		%	Cost	%	Cost	%	Cost
Preliminary Engineering ¹	\$66,000	100%	\$66,000	0%	\$0	0%	TDC 13,200
Environmental Cost ¹	\$44,000	100%	\$44,000	0%	\$0	0%	TDC 8,800
Right of Way ¹	\$13,200	100%	\$13,200	0%	\$0	0%	TDC 2,640
Utilities ¹	\$8,800	100%	\$8,800	0%	\$0	0%	TDC 1,760
Construction ²	\$308,000	100%	\$308,000	0%	\$0	0%	TDC 61,600
Direct State Costs Subtotal	\$440,000	100%	\$440,000	0%	\$0	0%	TDC 88,000
Indirect State Cost	\$24,244	0%	\$0	100%	\$24,244	0%	\$0
TOTAL PARTICIPATION	\$6,343,664		\$5,906,000		\$24,244		TDC 1,181,200 \$413,420
In-kind Contribution Credit Applied						0%	\$0
TOTAL REMAINING PARTICIPATION AFTER IN-KIND CONTRIBUTION							TDCs 1,181,200 \$413,420

- The estimated total participation by Local Government is \$413,420.
- The **Local Government** is responsible for 100% of overruns.
- Total estimated payment by Local Government to State is \$0.
- ¹Local Government's first payment of \$0 is due to State within 30 days from execution of this contract.
- ²Local Government's second payment of \$0 is due to State within 60 days prior to the Construction contract being advertised for bids.
- ³If ROW is to be acquired by State, Local Government's share of property cost will be due prior to acquisition.

TxDOT:				Federal Highway Administration:	
CCSJ #	1137-02-047	AFA ID	Z00013186	CFDA No.	20.205
AFA CSJs					Highway Planning and Construction
District #	21	Code Chart 64#	18200		
Project Name	Loop 499 Shared Use Path			<i>AFA Not Used For Research & Development</i>	

- The local match must be 20% or greater and may include State contributions, eligible in-kind contributions, EDC adjustments, or TDCs if authorized as part of project selection.
- Transportation Development Credits (TDC) are being utilized in place of the Local Government's participation in the amount of **1,181,200**.
- This is an estimate; the final amount of Local Government participation will be based on actual costs.
- Maximum federal TASA funds available for Project are \$5,906,000

TxDOT:				Federal Highway Administration:	
CCSJ #	1137-02-047	AFA ID	Z00013186	CFDA No.	20.205
AFA CSJs					Highway Planning and Construction
District #	21	Code Chart 64#	18200		
Project Name	Loop 499 Shared Use Path			<i>AFA Not Used For Research & Development</i>	

**ATTACHMENT C
RESOLUTION OF LOCAL GOVERNMENT**

DRAFT



**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: August 5th, 2026

Agenda Item:

Consideration and possible action to authorize the City Manager to approve a Change Order to Purchase Order FY 2025 for the Street Improvement Program Material Supply Contract with CAPA Texas, authorize payment for additional asphalt materials, and adjust the FY 2026 Material Supply Contract.

Prepared By: Roberto Hernandez, PE, CFM, MS

Title: City Engineer

Signature:

Brief Summary:

The City of Harlingen previously awarded a material supply contract to CAPA Texas for the FY 2025 Street Improvement Program to furnish Hot Mix Asphalt utilized by the City's in-house paving operations.

Following the award of the FY 2026 Material Supply Contract, City staff initiated the procurement process with CAPA Texas under the newly awarded contract. During this period, CAPA Texas notified the City that it would not honor the unit prices submitted in its FY 2026 bid proposal and requested an increase in pricing. Because the requested price increase exceeded the awarded bid price and could not be approved without further Commission action, the City and CAPA Texas were unable to reach an agreement. CAPA Texas subsequently withdrew its FY 2026 bid on June 2, 2026.

To avoid delaying critical paving operations already underway on Austin Avenue, 13th Street, and other FY 2026 Street Improvement Program projects, City staff continued ordering asphalt under the existing FY 2025 Purchase Order while the FY 2026 procurement issue was being resolved. The City Commission subsequently awarded the FY 2026 asphalt supply contract to Materiales La Frontera at the July 1, 2026, Commission meeting after the company agreed to honor its original bid pricing.

As a result of the additional asphalt quantities furnished under the FY 2025 Purchase Order, staff is requesting approval of a Purchase Order Change Order exceeding twenty-five percent (25%), in an amount not to exceed \$319,717.80, to authorize final payment to CAPA Texas for materials delivered and utilized on the FY 2026 Street Improvement Program. Outstanding statement provided by CAPA is attached to this item.

Staff is also requesting authorization to reduce the corresponding quantities and contract amount under the FY 2026 Material Supply Contract to reflect the asphalt materials already purchased through the FY 2025 Purchase Order. This adjustment will ensure that both contracts accurately reflect the quantities supplied, prevent duplicate

procurement, and maintain accurate accounting of Street Improvement Program expenditures.

Staff recommends approval of the proposed Purchase Order Change Order and corresponding FY 2026 contract adjustment to reconcile the procurement records and allow the City to complete payment for materials received and incorporated into the Street Improvement Program.

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:

Street Improvement Program Account

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

Statement

CAPA

3609 W. Palma Vista Dr.
Palmview, TX 78572
sales@capatexas.com
(956) 580-2502

**Bill To**

CITY OF HARLINGEN
24200 FM 509
Harlingen TX 78550
United States

Amount Due
\$319,717.80

Date	Description	Project	Charge	Payment	Balance
01/01/2020	Balance Forward				\$0.00
12/11/2024	Invoice #FC 17590		\$1.00		\$1.00
01/11/2025	Invoice #FC 17836		\$1.00		\$2.00
02/11/2025	Invoice #FC 18100		\$1.00		\$3.00
03/11/2025	Invoice #FC 18386		\$1.00		\$4.00
04/11/2025	Invoice #FC 18679		\$1.00		\$5.00
05/12/2025	Invoice #FC 19066		\$1.00		\$6.00
05/01/2026	Finance Charge Invoice #FCU00026		\$1,090.17		\$1,096.17
05/19/2026	Invoice #INVU12492	2025-04 SUPPLY CONTRACT (PO#093938)	\$15,000.00		\$16,096.17
05/19/2026	Invoice #INVU12478	2025-04 SUPPLY CONTRACT (PO#093938)	\$31,727.58		\$47,823.75
05/20/2026	Invoice #INVU12501	2025-04 SUPPLY CONTRACT (PO#093938)	\$5,007.39		\$52,831.14
05/21/2026	Invoice #INVU12518	2025-04 SUPPLY CONTRACT (PO#093938)	\$43,388.25		\$96,219.39
06/01/2026	Finance Charge Invoice #FCU00075		\$3,011.59		\$99,230.98
06/03/2026	Invoice #INVU12697	2025-04 SUPPLY CONTRACT (PO#093938)	\$60,953.06		\$160,184.04
06/04/2026	Invoice #INVU12734	2025-04 SUPPLY CONTRACT (PO#093938)	\$45,779.78		\$205,963.82
06/05/2026	Invoice #INVU12748	2025-04 SUPPLY CONTRACT (PO#093938)	\$1,476.00		\$207,439.82
06/09/2026	Invoice #INVU12772	2025-04 SUPPLY CONTRACT (PO#093938)	\$3,288.20		\$210,728.02
06/10/2026	Invoice #INVU12797	2025-04 SUPPLY CONTRACT (PO#093938)	\$105,954.66		\$316,682.68

Statement

CAPA

3609 W. Palma Vista Dr.
Palmview, TX 78572
sales@capatexas.com
(956) 580-2502



Date	Description	Project	Charge	Payment	Balance
06/15/2026	Invoice #INVU12855	2025-04 SUPPLY CONTRACT (PO#093938)	\$2,050.00		\$318,732.68
07/01/2026	Finance Charge Invoice #FCU00131		\$985.12		\$319,717.80

Current	1-30 Days	31-60 Days	61-90 Days	Over 90 Days	Amount Due
\$223,498.41	\$96,213.39	\$0.00	\$0.00	\$6.00	\$319,717.80



PURCHASE ORDER

PO#

093938

THE PO NUMBER MUST APPEAR ON ALL PACKAGES, DOCUMENTS
AND CORRESPONDENCE REGARDING THIS ORDER.

INVOICE ADDRESS: CITY OF HARLINGEN
ATTN: ACCOUNTS PAYABLE
P.O. BOX 2207, HARLINGEN, TX 78551
PHONE: (956) 216-5050
EMAIL: INVOICES@HARLINGENTX.GOV

No substitutions or additions will be accepted unless approved by the Purchasing Department. Prices shown on this P.O. are not subject to change by vendor unless specifically stated on proposal and approved by an authorized representative. Do not ship freight collect, if terms of this order are other than F.O.B. destination, prepay said charges and add to invoice with copy of freight bill attached.

VENDOR: 2262 UPPER VALLEY MATERIALS LLC 3609 W. PALMA VIEW DR PALMVIEW, TX 78572 TEL# (956) 580-2502 FAX# (956) 583-2086	P.O. DATE: 04/16/25	DELIVERY DATE: 04/14/26
	SHIP TO: CITY OF HARLINGEN ENGINEERING DEPT. 502 EAST TYLER HARLINGEN, TX 78550	

397-5015-612.70-01

1 1125000.00 DL HOT MIX ASPHALT TYPE D HMAP 1.0000 1125000.00
SAC-B PG 64-22
*BID ITEM #1 (MATERIAL ONLY)
QTY: 15,000 TONS X \$75.00/TON
TOTAL = \$1,125,000.00
TO BE PICKED UP AT SUPPLIERS
LOCATION: PROGRESSO PLANT
BID# 2025-04 SUPPLY CONTRACT
- MATERIALS FOR STREET
IMPROVEMENTS - FY2025
APPROVED BY CITY COMMISSION
ON 3/25/25
FORM OF AGREEMENT: 4/09/25
FORM 1295 CERT# 2025-1282440
ACKNOWLEDGED: 4/16/25

SUB-TOTAL 1125000.00

TOTAL 1125000.00

REMARKS:
BID NO. 2025-04 SUPPLY CONTRACT - MATERIALS FOR
STREET IMPROVEMENT PROJECT 2025
APPROVED BY CITY COMMISSION ON 3/25/25.
FORM OF AGREEMENT SIGNED: 4/09/25
FORM 1295 CERT. # 2025-1282440 ACKNOWLEDGED 4/16/25

Authorized By: _____

Mari Lualaba

PURCHASING AGENT

CITY OF HARLINGEN PURCHASING DEPT, (956) 216-5316, FAX# (956) 427-8711, EMAIL: PURCHASING@HARLINGENTX.GOV
*SEND INVOICES TO: INVOICES@HARLINGENTX.GOV *BILLING INQUIRIES CONTACT FINANCE PAYABLES: (956) 216-5050

FORM OF AGREEMENT

STATE OF TX
COUNTY OF CAMERON

THIS AGREEMENT, made and entered into this 9th day of April 2025 by and between the City of Harlingen, TX, acting through its City Manager, Mr. Gabriel Gonzalez, thereunto duly authorized so to do, Party of the First Part, hereinafter termed Owner and CAPA of the City of Palmview County of Hidalgo and State of TX, Party of the Second Part, hereinafter termed CONTRACTOR.

WITNESSETH: That for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the Party of the First Part (OWNER), and under the conditions expressed in the bond bearing even date herewith, the Party of the Second Part (CONTRACTOR), hereby agrees with the said Party of the First Part (OWNER) to supply the construction materials described in: Bid No. 2024-04 Supply Contract – Materials for Street Improvement Project 2025 for Bid Item No. 1, only, Hot Mix Asphalt Type D HMAP SAC-B PG 64-22 for an estimated quantity of 15,000 tons at cost of \$75.00 per ton for a total of \$1,125,000.00 in connection therewith, under the terms as stated in the Instructions to Bidders, Notice to Bidders, Bid Proposal and Bid Form of the Agreement.

THE OWNER agrees to pay the CONTRACTOR in current funds for the performance of the Contract in accordance with the proposal submitted therefore, and to make payment on account there of as provided therein.

IN WITNESS WHEREOF, the parties to these presents have executed this Agreement in the year and day first above written.

City of Harlingen
PARTY OF THE FIRST PART (Owner)

Address City of Harlingen
Po Box 2207 Harlingen, TX 78551

By: Gabriel Gonzalez

Date: 4/9/2025

ATTEST: _____

Contractor
PARTY OF THE SECOND PART

Address 3609 W Palma Vista Dr.
Palmview, Texas 7572

By: [Signature]

Date: 4/11/2025

ATTEST: _____



Public Works Department | 404 S. 54th St. Harlingen TX 78550 | (956) 216-5300

Date: April 16, 2025

NOTICE OF AWARD

TO: Isaac Jimenez
Upper Valley Materials, LLC. dba CAPA
3609 West Palma Vista Dr.
Palmview, TX 78572

Project: Bid No. 2025-04 Supply Contract – Materials for Street Improvements – FY2025

This is to inform you that the City of Harlingen has considered bids submitted on Tuesday, March 18, 2024, for the above-mentioned project and your Base **Bid Item No. 1, only, at the cost of \$75.00 per ton** is the lowest and most advantageous to the City of Harlingen. The City of Harlingen, with City Commission approval, has awarded the project in the amount of **\$1,125,000.00** on March 25, 2025.

BASE BID ITEM #1

Item No.	Description	Estimated Quantity	Unit of Measure	Unit Price	Total Price
1	HOT MIX ASPHALT TYPE D HMAP SAC-B PG 64-22 (PICKED UP AT VENDOR LOCATION*)	15,000	TON	\$75.00	\$1,125,000.00

Materials will be picked up from your location on an as-needed basis throughout the duration of our Street Improvement project. Please reference the following PO# on all invoices related to this bid.

Purchase Order #: 93938

PO Date: April 16, 2025

PO Amount: \$1,125,000.00

Please send all invoices to:
Attention: City of Harlingen – Finance Dept.
Accounts Payables
P.O. Box Address: P.O. Box 2207, Harlingen, TX 78551
Physical Address: 118 E. Tyler Avenue, Harlingen TX 78550
Contact by Phone#: (956) 216-5050
Or, Email Invoices to: Invoices@harlingentx.gov

ACCEPTANCE OF NOTICE

Receipt of the above NOTICE OF AWARD is hereby acknowledged

By _____, this the _____ day of _____, 2025.

By _____ Title _____

Bid No. 2025-04 Supply Contract - Materials for Street Improvement Project 2025

BID PROPOSAL / NONCOLLUSION AFFIDAVIT OF PRIME BIDDER

State of Texas {}
County of Cameron {}

Isaac Jimenez, being first duly sworn, deposes and says that:

(1) He/She is Territory Sales Manager of Upper Valley Materials, LLC,
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;

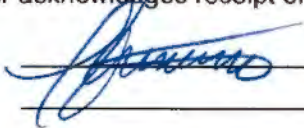
(3) Such Bid is genuine and is not a collusive or sham Bid;

(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.) 
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.

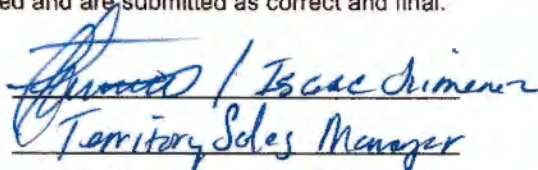
It is the responsibility of the Supplier to verify that the materials meet specifications. Failure to do so or failure of the product itself will be a reason for cancelling all existing or pending orders. The City of Harlingen reserves the right to test the materials and/or request demonstrations and 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:

 Isaac Jimenez

Title:

Territory Sales Manager

Date:

March 13, 2025

Company:

Upper Valley Materials, LLC

Street Address:

3609 West Palma Vista Drive

City and State:

Palmview, Texas 78572

Phone:

956-580-2502

Fax:

956-582-8675

BID FORM

Bid No. 2025-04 Supply Contract - Materials for Street Improvement Project 2025

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.

BASE BID ITEMS

Item No.	Description	Estimated Quantity	Unit of Measure	Unit Price	Total Price
1	HOT MIX ASPHALT TYPE D HMAP SAC-B PG 64-22 (AT LOCATION*)	15,000	TON	\$75.00 per TON	\$1,125,000.00
2	FLEXIBLE BASE TYPE A (AT LOCATION*)	5,700	TON	\$10.00 per TON	\$57,000.00
3	EMULSIFIED ASPHALT SS-1 (60% BINDER, 1:1 DILUTION) (AT LOCATION*)	24,000	GALLON	Ø	Ø
4	GEOGRID – TENSAR BIAxIAL GEOGRID (DELIVERED)	35,700	SY	Ø	Ø
5	PORTLAND CEMENT CONCRETE (DELIVERED)	90	CY	Ø	Ø

***BID ITEM FOR MATERIAL ONLY, THE CITY WILL PICK UP THE MATERIAL AT THE SUPPLIER'S LOCATION.**

UPPER VALLEY MATERIALS, LLC dba CAPA
 hereby submits this quote for consideration on the aforementioned Project

CUSTOMER	
CITY OF HARLINGEN P.O. BOX 2207 HARLINGEN, TX 78551 (956) 216-5523 - PHONE (956) 430-8113 - FAX	
Attention:	ESTIMATING DEPARTMENT
Engineer	
Sales Rep	IJ
Prepared By	Jaime Gonzalez

Quote No. U-60939

EFFECTIVE DATE: 3/12/2025

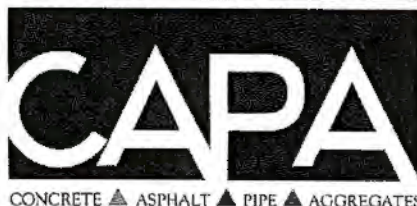
PROJECT
No. 2025-04 Supply Contract - Materials f 404 S. 54th Street Harlingen, Texas 78550
Bid Date & Time:
Owner:

QTY	U/M	ITEM	PRODUCT DESCRIPTION	UNIT PRICE	EXTENDED
15,000	TN	ASPTY...	HOT MIX (HMAC) TYPE D W/LIMESTONE - F.O.B. PROGRESO PLANT	75.00	1,125,000.00
5,700	TN	FLEXBASE	FLEXIBLE BASE - CALICHE - F.O.B. SULLIVAN PIT	10.00	57,000.00
			Subtotal		1,182,000.00
		N100	Quote is Valid for a period of 30 Days from Effective Date or Bid Date, which ever is greater. Other Terms/Conditions apply as specified or detailed below.		0.00
		N101	"All Bidding Contractors" quote is valid for bidding purposes only. When ready to purchase, Do Not sign and/or generate a PO from this quote. Request a quote made out in your name.		0.00

ESTIMATED TOTAL:

QUOTE, TERMS & CONDITIONS ACCEPTED BY: _____	DATE: _____
P.O.#: _____	JOB # _____ TAX _____ NONTAXABLE _____

TERMS AND CONDITIONS, UNLESS OTHERWISE SPECIFIED
1) Sales are COD, or Net 10th of the following month with approved Credit. Additional Terms/Conditions apply 2) 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. 3) Prices are subject to change without notice. 4) We reserve the right to modify this quote and match prices provided by any competitor. 5) 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. 6) 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. 7) Quote is Valid for 30 days from issue date or bid date, whichever is greater. 8) Quote pricing is non-transferable to other project(s).



DBA: UPPER VALLEY MATERIALS, LLC
 3609 W Palma Vista Dr | Palmview, TX 78572
 Main (956) 432-0600 | Sales Fax (956) 583-2086
 Email: sales@capatexas.com | Web: www.capatexas.com

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 13th day of March, 2025.

Authorized Representative: Isaac Jimenez
Title: Territory Sales Manager
Company: Upper Valley Materials, LLC
Mailing Address City/State/Zip: 3609 W. Palma Vista Drive
Phone / Fax Number: Palmview, Texas 78572
Email Address: Salos@Capatexas.com
1Jimenez@Capatexas.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: Isaac Jimenez
Telephone: 956-580-2562 Ext. 1108
Email Address: 1Jimenez@Capatexas.com

2. Include a quote or proposal on company letterhead with the unit pricing per the estimated quantities to match the bid items.

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.

Upper Valley Materials, LLC

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.

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.

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.

U/A

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

3/12/2025
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.

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

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 CERTIFICATION OF FILING

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

Upper Valley Materials LLC DBA CAPA
Palmview, TX United States

Certificate Number:
2025-1281138

Date Filed:
03/13/2025

Date Acknowledged:

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 Engineering Department

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.

Bid No. 2025-04

Bid No. 2025-04 Supply Contract- Materials for Street Improvement Project 2025

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 Baas Jimenez, and my date of birth is 2-20-1972.

My address is 325 E. San Antonio (street), Armon (city), TX (state), 78577 (zip code), Hidalgo (country).

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Hidalgo County, State of Texas, on the 13th day of March, 2025.
(month) (year)

[Signature]
Signature of authorized agent of contracting business entity
(Declarant)

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

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 CERTIFICATION OF FILING

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

Upper Valley Materials LLC DBA CAPA
Palmview, TX United States

Certificate Number:
2025-1281138

Date Filed:
03/13/2025

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 Engineering Department

Date Acknowledged:
04/16/2025

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.

Bid No. 2025-04
Bid No. 2025-04 Supply Contract- Materials for Street Improvement Project 2025

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 _____, and my date of birth is _____.

My address is _____
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in _____ County, State of _____, on the _____ day of _____, 20____.
(month) (year)

Signature of authorized agent of contracting business entity
(Declarant)

MATERIAL SPECIFICATIONS, TERMS AND CONDITIONS

Bid No. 2025-04 Supply Contract - Materials for Street Improvement Project 2025

DELIVERY REQUIREMENTS

Item 4- TENSAR BIAXIAL GEOGRID shall be delivered to 404 S. 54th St. Harlingen, TX 78550 (City of Harlingen Public Works). The delivery date of Item 4 shall not exceed 20 calendar days after the contract award date.

Item 5 PORTLAND CEMENT CONCRETE shall be delivered to the project site on an as needed basis to the streets shown in the table below, within Harlingen's city limits. There will be approximately 106 truckloads (10 CY/truckload) to complete the project. A 24-to-36-hour notice will be given to schedule each delivery.

STREET NO.	DISTRICT	STREET NAME	PROJECT LIMITS	
1	1	ANNETTE DR	MORGAN BLVD	25TH ST
2	1	NEW COMBES HWY	LOOP 499	NORTH CITY LIMIT
3	1	MATZ AVENUE	NEW COMBES HWY	BUSINESS 77
4	1	WINDDRIFT	E MATZ AVE	END CUL-DE-SAC
5	2	ORANGE HEIGHTS DR	COMMERCE ST	NEW COMBES HWY
6	2	NORTH E STREET	RAILROAD TRACKS	NORTH END
7	2	WEST ONA STREET	COMMERCE ST	NORTH D ST
8	2	NORTH H STREET	W VAN BUREN AVE	NORTH END
9	2	S 10TH STREET	HARRISON AVE	JACKSON AVE
10	2	S 12TH STREET	HARRISON AVE	JEFFERSON AVE
11	2	Crockett Elem. West side Street	W JEFFERSON AVE	NORTH END
12	2 and 3	E TAYLOR-17TH STREET	BUSINESS 77	TYLER AVE
13	3	STONE DRIVE	S 17TH STREET	END CUL-DE-SAC
14	3	ROCK DRIVE	STONE DR	END CUL-DE-SAC
15	3	S 16TH STREET	E TAYLOR ST	SOUTH END
16	3	BECKY LANE	S 25TH ST	EMERALD LAKE DR
17	3	S PARKWOOD DRIVE	BUSINESS 77	EAST END
18	4	WEST LINCOLN	SOUTH M STREET	SOUTH F STREET
19	4	WEST GRANT AVE	SOUTH M STREET	SOUTH F STREET
20	4	SOUTH J STREET	W FILMORE AVE	EXPRESSWAY 77
21	5	GRAHAM RD	DILWORTH RD	NESMITH (EAST CL)
22	5	DILWORTH ROAD	I-2 FRONTAGE RD	BUSINESS 83
23	5	SOUTH PALM BOULEVARD	BUSINESS 83	GARRETT RD

All delivery fees, fuel surcharges, and miscellaneous costs are required to be included with the unit pricing for Item 4 and Item 5.

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	20	—	
	Tex-117-E	1.0	1.1-2.3	—	As directed by City Engineer
Min. compressive strength ³ , psi					As directed by City Engineer
lateral pressure 0 psi					
lateral pressure 15 psi		45	35	—	

1. Determine plastic index in accordance with Tex-107-E (linear shrinkage) when liquid limit is unattainable as defined in Tex-104-E.
2. When a soundness value is required, test material in accordance with Tex-411-A.
3. 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	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	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 BIAXIAL GEOGRID

Product Specification: Biaxial Geogrid BXSQ3030.

Product Type: Integrally Formed Biaxial Geogrid

Polymer: Polypropylene

Product Properties

Index Properties	Units	MD Values ¹	XMD Values ¹
▪ Aperture Dimensions ²	mm (in)	38 (1.5)	38 (1.5)
▪ Minimum Rib Thickness ²	mm (in)	2.2 (0.09)	1.5 (0.06)
▪ Tensile Strength @ 2% Strain ³	kN/m (lb/ft)	10.5 (720)	10.5 (720)
▪ Tensile Strength @ 5% Strain ³	kN/m (lb/ft)	21 (1440)	21 (1440)
▪ Ultimate Tensile Strength ³	kN/m (lb/ft)	30 (2055)	30 (2055)
Structural Integrity			
▪ Junction Efficiency ⁴	%	93	
▪ Overall Flexural Rigidity ⁵	mg-cm	2,000,000	
▪ Aperture Stability ⁶	m-N/deg	0.75	
Durability			
▪ 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 4.0 meters (13.1 feet) in width and 50.0 meters (164 feet) in length.			

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/D7748M-14.
6. Resistance to in-plane rotational movement measured 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 D6637.
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.

ITEM 5 PORTLAND CEMENT CONCRETE DELIVERED

Material Specifications. Follow TXDOT Item 421 Hydraulic Cement Concrete. Use materials from prequalified sources listed in the TXDOT Department website. Provide coarse and fine aggregates from sources listed in the Department's Concrete Rater Source Quality Catalog (CRSQC). Do not combine approved material with unapproved material.

Cement. Furnish cement conforming to TXDOT DMS-4600, "Hydraulic Cement."

Supplementary Cementing Materials (SCM).

- **Fly Ash.** Furnish fly ash, ultra-fine fly ash (UFFA), and modified Class F fly ash (MFFA) conforming to [DMS-4610](#), "Fly Ash."
- **Slag Cement.** Furnish Slag Cement conforming to [DMS-4620](#), "Slag Cement."
- **Silica Fume.** Furnish silica fume conforming to [DMS-4630](#), "Silica Fume."
- **Metakaolin.** Furnish metakaolin conforming to [DMS-4635](#), "Metakaolin."

Cementitious Material. Cementitious materials are the cement and supplementary cementing materials used in concrete.

Chemical Admixtures. Furnish admixtures conforming to [DMS-4640](#), "Chemical Admixtures for Concrete."

Water. Furnish mixing and curing water that is free from oils, acids, organic matter, or other deleterious substances. Water from municipal supplies approved by the Texas Department of Health will not require testing. Provide test reports showing compliance with Table 1 before use when using water from other sources.

Water that is a blend of concrete wash water and other acceptable water sources, certified by the concrete producer as complying with the requirements of both Table 1 and Table 2, may be used as mix water. Test the blended water weekly for 4 weeks for compliance with Table 1 and Table 2 or provide previous test results. Then test every month for compliance. Provide water test results upon request.

Coarse Aggregate. Provide coarse aggregate consisting of durable particles of gravel, crushed blast furnace slag, recycled crushed hydraulic cement concrete, crushed stone, or combinations which are free from frozen material and from injurious amounts of salt, alkali, vegetable matter, or other objectionable material, either free or as an adherent coating. Provide coarse aggregate of uniform quality throughout.

Provide coarse aggregate with the requirements listed in Table 3 unless otherwise shown on the plans.

Table 3

Coarse Aggregate Requirements

Description	Test Method	Limit
Weight of Clay Lumps, % Max		0.25
Weight of Shale, % Max		1.0
Weight of Laminated and Friable Particle, % Max	Tex-413-A	5.0
L.A. Abrasion Wear, % Max	Tex-410-A	40
5-Cycle Magnesium Sulfate Soundness, ^{1,2} non-air-entrained concrete, %	Tex-411-A	25
5-Cycle Magnesium Sulfate Soundness, ^{1,3} air-entrained concrete, % Max		18
Loss by Decantation, % Max	Tex-406-A	1.5

1. Recycled crushed hydraulic cement concrete is not subject to 5-cycle magnesium sulfate soundness requirements.
2. Allowed when air-entrained concrete is used at the Contractor's option.

3. Only when air-entrained concrete is required by the plans.

Increase the loss by decantation limit to 3.0% for all classes of concrete and 5.0% for Class A, B, and P if the material finer than the No. 200 sieve is determined to be at least 85% calcium carbonate in accordance with Tex-406-A, Part III, in the case of coarse aggregates made primarily from crushing stone unless otherwise shown on the plans. Provide test results upon request.

Provide coarse aggregate or combination of aggregates conforming to the gradation requirements shown in Table 4 when tested in accordance with Tex-401-A unless otherwise specified.

Coarse Aggregate Gradation Chart

Aggregate Grade No.1	Maximum Nominal Size	Percent Passing on Each Sieve							
		2-1/2"	2"	1-1/2"	1"	3/4"	1/2"	3/8"	#4 #8
1	2"	100	80-100	50-85		20-40			0-10
2	1-1/2"		100	95-100		35-70		10-30	0-10
3	1-1/2"		100	95-100		60-90	25-60		0-10
4 (57)	1"			100	95-100		25-60		0-10 0-5
5 (67)	3/4"				100	90-100		20-55	0-10 0-5
6 (7)	1/2"					100	90-100	40-70	0-15 0-5
7	3/8"						100	70-95	0-25
8	3/8"						100	95-100	20-65 0-10

1. Corresponding ASTM C33 gradation shown in parentheses.

Fine Aggregate. Provide fine aggregate consisting of clean, hard, durable particles of natural, manufactured sand, recycled crushed hydraulic cement concrete, slag, lightweight aggregate, or a combination thereof. Provide fine aggregate free from frozen material and from injurious amounts of salt, alkali, vegetable matter, or other objectionable material.

Provide fine aggregates with the requirements in Table 5 unless otherwise shown on the plans.

Table 5

Fine Aggregate Requirements

Description	Test Method	Limit
Weight of Clay Lumps, % Max	Tex-413-A	0.50
Organic Impurities ¹	Tex-408-A	Color not darker than standard
Sand Equivalent	Tex-203-F	80
Stiffness Modulus	Tex-402-A	2.3 to 3.1

4. Only when air-entrained concrete is specified.

Provide fine aggregate or combinations of aggregates conforming to the gradation requirements shown in Table 6 when tested in accordance with Tex-401-A unless otherwise specified.

Table 6

Fine Aggregate Gradation Chart (Grade 1)

Sieve Size	Percent Passing
3/8"	100
#4	95-100
#8	80-100
#16	50-85
#30	25-65
#50	10-35
#100	0-10
#200	0-32

- 6-35 when sand equivalent value is greater than 85.
- 0-6 for manufactured sand.

Intermediate Aggregate. Provide intermediate aggregate consisting of clean, hard, durable particles of natural, manufactured sand, slag, recycled crushed hydraulic cement concrete, lightweight aggregate, or a combination thereof when optimized aggregate gradation (OAG) concrete is specified or when used at the Contractor's option. Provide intermediate aggregate free from frozen material and injurious amounts of salt, alkali, vegetable matter, or other objectionable material.

Provide intermediate aggregate with the requirements in Table 7.

Table 7
Intermediate Aggregate Requirements

Description	Test Method	Limit
Weight of Clay Lumps, % Max	Tex-413-A	0.50
L.A. Abrasion Wear, ¹ % Max	Tex-410-A	40
5-Cycle Magnesium Sulfate Soundness, ^{1,2,3} non-air-entrained concrete, % Max	Tex-411-A	25
5-Cycle Magnesium Sulfate Soundness, ^{1,2,4} air-entrained concrete, % Max		18
Organic Impurities ⁵	Tex-408-A	Color not darker than standard
Loss by Decantation, ¹ % Max	Tex-406-A	1.5

5. Only applies to the portion retained on the No. 4 sieve, if more than 30% of the intermediate aggregate is retained on the No. 4 sieve.
6. Recycled crushed hydraulic cement concrete is not subject to 5-cycle magnesium sulfate soundness requirements.
7. Allowed when air-entrained concrete is used at the Contractor's option.
8. Only when air-entrained concrete is required by the plans.
9. Only applies to the portion passing the 3/8 in. sieve, if more than 30% of the intermediate aggregate is passing the 3/8 in. sieve.

For the portion retained on the No. 4 sieve, if more than 30% of the intermediate aggregate is retained on the No. 4 sieve, and in the case of aggregates made primarily from crushing stone, unless otherwise shown on the plans, the loss by decantation may be increased to 3.0% for all classes of concrete and 5.0% for Class A, B, and P if the material finer than the No. 200 sieve is determined to be at least 85% calcium carbonate in accordance with [Tex-406-A](#), Part III. Provide test results upon request.

Mortar and Grout. Furnish pre-packaged grouts conforming to [DMS-4675](#), "Cementitious Grouts and Mortars for Miscellaneous Applications," when specified for applications other than post-tension grouting.

Section 421.4.2.6., "Mix Design Options," does not apply for mortar and grout.

Storage of Materials.

Cement and Supplementary Cementing Materials. Store all cement and supplementary cementing materials in weatherproof enclosures that will protect them from dampness or absorption of moisture.

When permitted, small quantities of packaged cementitious material may be stored in the open, on a raised platform, and under waterproof covering for up to 48 hr.

Aggregates. Handle and store concrete aggregates in a manner that prevents contamination with foreign materials. Clear and level the sites for the stockpiles of all vegetation if the aggregates are stored on the ground and do not use the bottom 6-in. layer of aggregate without cleaning the aggregate before use.

Maintain separate stockpiles and prevent intermixing when conditions require the use of 2 or more grades of coarse aggregates. Separate the stockpiles using physical barriers where space is limited. Store aggregates from

different sources in different stockpiles unless the Engineer authorizes pre-blending of the aggregates. Minimize segregation in stockpiles. Remix and test stockpiles when segregation is apparent.

Sprinkle stockpiles to control moisture and temperature as necessary. Maintain reasonably uniform moisture content in aggregate stockpiles.

Chemical Admixtures. Store admixtures in accordance with manufacturer's recommendations and prevent admixtures from freezing.

EQUIPMENT

Concrete Plants and Mixing Equipment. Except for volumetric stationary plant or truck (auger) mixers, each plant and truck mixer must be currently certified by the National Ready Mixed Concrete Association (NRMCA) or have an inspection report signed and sealed by a licensed professional engineer showing concrete measuring, mixing, and delivery equipment meets all requirements of ASTM C94. A new certification or signed and sealed report is required every time a plant is moved. Plants with a licensed professional engineer's inspection require re-inspection every 2 yr. Provide a copy of the certification or the signed and sealed inspection report to the Engineer. Remove equipment or facilities from service until corrected when they fail to meet specification requirements.

When allowed on the plans or by the Engineer, for concrete classes not identified as structural concrete in Table 8 or for Class C concrete not used for bridge-class structures, the Engineer may inspect and approve all plants and trucks instead of the NRMCA or non-Department engineer-sealed certifications. The criteria and frequency of Engineer approval of plants and trucks is the same used for NRMCA certification.

Inspect and furnish inspection reports on the condition of blades and fins and their percent wear from the original manufacturer's design for truck mixers and agitators annually. Repair mixing equipment exhibiting 10% or more wear before use. If an inspection within 12 mo. is not practical, a 2-mo. grace period (for a maximum of 14 mo. between inspections) is permitted.

Scales. Check all scales before beginning of operations, after each move, or whenever their accuracy or adequacy is questioned, and at least once every 6 mo. Immediately correct deficiencies, and recalibrate. Provide a record of calibration showing scales in compliance with ASTM C94 requirements. Check batching accuracy of volumetric water batching devices at least every 90 days. Check batching accuracy of chemical admixture dispensing devices at least every 6 mo. Perform daily checks as necessary to ensure measuring accuracy.

Volumetric Mixers. Provide volumetric mixers with rating plates defining the capacity and the performance of the mixer in accordance with the Volumetric Mixer Manufacturers Bureau or equivalent. Provide volumetric mixers that comply with ASTM C685. Provide test data showing mixers meet the uniformity test requirements of [Tex-472-A](#).

Unless allowed on the plans or by the Engineer, volumetric truck (auger) mixers may not supply classes of concrete identified as structural concrete in Table 8.

Agitators and Truck and Stationary Mixers. Provide stationary and truck mixers capable of combining the ingredients of the concrete into a thoroughly mixed and uniform mass and capable of discharging the concrete so at least 5 of the 6 requirements of [Tex-472-A](#) are met.

Perform concrete uniformity tests on mixers or agitators in accordance with [Tex-472-A](#) as directed, to resolve issues of mix uniformity and mixer performance.

Perform the mixer or agitator uniformity test at the full rated capacity of the equipment. Remove all equipment that fails the uniformity test from service.

Inspect and maintain mixers and agitators. Keep them free of concrete buildup, and repair or replace worn or damaged blades or fins.

Ensure all mixers have a plate affixed showing manufacturer's recommended operating speed and rated capacity for mixing and agitating.

Hauling Equipment. Provide hauling equipment capable of maintaining the mixed concrete in a thoroughly mixed and uniform mass, and discharging the concrete with a satisfactory degree of uniformity.

Provide equipment with smooth, mortar-tight metal containers equipped with gates that prevent accidental discharge of the concrete when using non-agitating equipment for transporting concrete.

Maintain hauling equipment clean and free of built-up concrete.

Testing Equipment. Furnish and maintain the following in accordance with the pertinent test procedure unless otherwise shown on the plans or specified:

- sieves necessary to perform aggregate gradation analysis when optimized aggregate gradation is specified,
- equipment necessary to perform [Tex-415-A](#) and [Tex-422-A](#),
- equipment necessary to perform [Tex-409-A](#) or [Tex-425-A](#),
- test molds,
- curing facilities,
- maturity meters if used, and
- wheelbarrow or other container acceptable for the sampling of the concrete.

Provide strength-testing equipment when required in accordance with the Contract-controlling test unless shown otherwise.

CONSTRUCTION

Classification of Concrete Mix Designs. Provide classes of concrete meeting the requirements shown in Table 8.

A higher-strength class of concrete with equal or lower water-to-cementitious material (w/cm) ratio may be substituted for the specified class of concrete when approved.

Mix Design Proportioning. Furnish mix designs using ACI 211, [Tex-470-A](#), or other approved procedures for the classes of concrete listed in Table 8 unless a design method is indicated on the plans. Perform mix design proportioning by absolute volume method unless otherwise approved. Perform cement replacement using equivalent weight method unless otherwise approved.

Do not exceed the maximum w/cm ratio listed in Table 8 when designing the mixture.

Cementitious Materials. Do not exceed 700 lb. of cementitious material per cubic yard of concrete unless otherwise specified or approved.

- Use cement of the same type and from the same source for monolithic placements.

- Do not use supplementary cementing materials when white hydraulic cement is specified.

Table 8 Concrete Classes

Class of Concrete	Design Strength, ¹ Min f'c (psi)	Max w/cm Ratio	Coarse Aggregate Grades ^{2,3,4}	Cement Types	Mix Design Options	Exceptions to Mix Design Options	General Usage ⁵
A	3,000	0.60	1-4, 8	I, II, I/II, IL, IP, IS, IT, V	1, 2, 4, & 7	When the cementitious material content does not exceed 520 lb/cu. yd., Class C fly ash may be used instead of Class F fly ash.	Curb, gutter, curb & gutter, conc. retards, sidewalks, driveways, back-up walls, anchors, non-reinforced drilled shafts
B	2,000	0.60	2-7				Riprap, traffic signal controller foundations, small roadside signs, and anchors
C6	3,600	0.45	1-6	I, II, I/II, IP, IS, IT, 7 V	1-8		Drilled shafts, bridge substructure, bridge railing, culverts except top slab of direct traffic culverts, headwalls, wing walls, inlets, manholes, concrete traffic barrier (cast-in-place)
E	3,000	0.50	2-5	I, II, I/II, IL, IP, IS, IT, 7 V	1-8	When the cementitious material content does not exceed 520 lb/cu. yd., Class C fly ash may be used instead of Class F fly ash.	Seal concrete
F6	Note 8	0.45	2-5	I, II, I/II, IP, IS, IT, 7V			Railroad structures; occasionally for bridge piers, columns, or bents
H6	Note 8	0.45	3-6	I, II, I/II, III, IP, IS, IT, 7 V	1-5	Do not use Type III cement in mass placement concrete. Up to 20% of blended cement may be replaced with listed SCMs when Option 4 is used for precast concrete.	Precast concrete, post-tension members
S6	4,000	0.45	2-5	I, II, I/II, IP, IS, IT, 7V	1-8		Bridge slabs, top slabs of direct traffic culverts, approach slabs

Table 8 (continued)

Class of Concrete	Design Strength, ¹ Min f'c (psi)	Max w/cm Ratio	Coarse Aggregate Grades ^{2,3,4}	Cement Types	Mix Design Options	Exceptions to Mix Design Options	General Usage ⁵
P	See Item 360, "Concrete Pavement."	0.50	2-3	I, II, I/II, IL, IP, IS, IT, V	1-8	When the cementitious material content does not exceed 520 lb./cu. yd., Class C fly ash may be used instead of Class F fly ash.	Concrete pavement
CO6	4,600	0.40	6	I, II, I/II, IP, IS, IT, 7 V	1-8		Bridge deck concrete overlay
LMC6	4,000	0.40	6-8		1-8		Latex-modified concrete overlay
SS6	3,600	0.45	4-6			Use a minimum cementitious material content of 658 lb./cu. yd. of concrete.	Slurry displacement shafts, underwater drilled shafts
K6	Note 8	0.40	Note 8	I, II, I/II, III IP, IS, IT, 7 V			Note 8
HES	Note 8	0.45	Note 8	IL, II, I/II, III		Mix design options do not apply 700 lb. of cementitious material per cubic yard limit does not apply.	Concrete pavement, concrete pavement repair
"X" (HPC) 6,9,10	Note 11	0.45	Note 11	I, II, I/II, III IP, IS, IT, 7 V	1-5, & 8	Maximum fly ash replacement for Options 1 and 3 may be increased to 45%. Up to 20% of a blended cement may be replaced with listed SCM for Option 4. Do not use Option 8 for precast concrete.	
"X" (SRC) 6,9,10	Note 11	0.45	Note 11	I, II, I/II, III IP, IS, IT, 7 V	1-4, & 7	Do not use Class C Fly Ash Type III-MS may be used where allowed. Type I and Type III cements may be used with Options 1-3, with a maximum w/cm of 0.40. Up to 20% of blended cement may be replaced with listed SCMs when Option 4 is used for precast concrete. Do not use Option 7 for precast concrete.	

3. Design strength must be attained within 56 days.
4. Do not use Grade 1 coarse aggregate except in massive foundations with 4 in. minimum clear spacing between reinforcing steel bars, unless otherwise permitted. Do not use Grade 1 aggregate in drilled shafts.
5. Use Grade 8 aggregate in extruded curbs unless otherwise approved.
6. Other grades of coarse aggregate maybe used in non-structural concrete classes when allowed by the Engineer.
7. For information only.
8. Structural concrete classes.
9. Do not use Type IT cements containing > 5% limestone.
10. As shown on the plans or specified.
11. "X" denotes class of concrete shown on the plans or specified.
12. (HPC): High Performance Concrete, (SRC): Sulfate Resistant Concrete.
13. Same as class of concrete shown on the plans.

Aggregates. Recycled crushed hydraulic cement concrete may be used as a coarse or fine aggregate in Class A, B, E, and P concrete. Limit recycled crushed concrete fine aggregate to a maximum of 20% of the fine aggregate.

Use light-colored aggregates when white hydraulic cement is specified.

Use fine aggregate with an acid insoluble residue of at least 60% by weight when tested in accordance with Tex-612-J in all concrete subject to direct traffic.

Chemical Admixtures. Do not use Type C, Type E, Type F, or Type G admixtures in Class S bridge deck concrete. Do not use chemical admixtures containing calcium chloride in any concrete.

Use a 30% calcium nitrite solution when a corrosion-inhibiting admixture is required. The corrosion-inhibiting admixture must be set neutral unless otherwise approved. Dose the admixture at the rate of gallons of admixture per cubic yard of concrete shown on the plans.

Air Entrainment. Use an approved air-entraining admixture when air-entrained concrete is specified, or when an air-entraining admixture is used at the Contractor's option, and do not exceed the manufacturer's recommended dosage. Ensure the minimum entrained air content is at least 3.0% for all classes of concrete except Class P when air-entrained concrete is specified, during trial batch, or when providing previous field data.

Slump. Provide concrete with a slump in accordance with Table 9 unless otherwise specified. When approved, the slump of a given concrete mix may be increased above the values shown in Table 9 using chemical admixtures, provided the admixture-treated concrete has the same or lower water-to-cementitious material ratio and does not exhibit segregation or excessive bleeding. Request approval to exceed the slump limits in Table 9 sufficiently in advance for proper evaluation by the Engineer.

Perform job-control testing of slump in accordance with Section 421.4.8.3.1., "Job-Control Testing."

Table 9
Placement Slump Requirements

General Usage ¹	Placement Slump Range, ² in.
Walls (over 9 in. thick), caps, columns, piers, approach slabs, concrete overlays	3 to 5
Bridge slabs, top slabs of direct traffic culverts, latex-modified concrete for bridge deck overlays	3 to 5-1/2
Inlets, manholes, walls (less than 9 in. thick), bridge railing, culverts, concrete traffic barrier, concrete pavement (formed), seal concrete	4 to 5-1/2
Precast concrete	4 to 9
Underwater concrete placements	6 to 8-1/2
Drilled shafts, slurry displaced and underwater drilled shafts	See Item 416, "Drilled Shaft Foundations."
Curb, gutter, curb and gutter, concrete retards, sidewalk, driveways, anchors, riprap, small roadside sign foundations, concrete pavement repair, concrete repair	As approved

1. For information only.
2. For fiber reinforced concrete, perform slump before addition of fibers.

Mix Design Options.

Option 1. Replace 20% to 35% of the cement with Class F fly ash.

Option 2. Replace 35% to 50% of the cement with slag cement or MFFA.

Option 3. Replace 35% to 50% of the cement with a combination of Class F fly ash, slag cement, MFFA, UFFA, metakaolin, or silica fume; however, no more than 35% may be fly ash, and no more than 10% may be silica fume.

Option 4. Use Type IP, Type IS, or Type IT cement as allowed in Table 5 for each class of concrete. Up to 10% of a Type IP, Type IS, or Type IT cement may be replaced with Class F fly ash, slag cement, or silica fume. Use no more than 10% silica fume in the final cementitious material mixture if the Type IT cement contains silica fume, and silica fume is used to replace the cement.

Option 5. Replace 35% to 50% of the cement with a combination of Class C fly ash and at least 6% of silica fume, UFFA, or metakaolin. However, no more than 35% may be Class C fly ash, and no more than 10% may be silica fume.

Option 6. Use a lithium nitrate admixture at a minimum dosage determined by testing conducted in accordance with Tex-471-A. Before use of the mix, provide an annual certified test report signed and sealed by a licensed professional engineer, from a laboratory on the Department's MPL, certified by the Construction Division as being capable of testing according to Tex-471-A.

Option 7. Ensure the total alkali contribution from the cement in the concrete does not exceed 3.5 lb. per cubic yard of concrete when using hydraulic cement not containing SCMs calculated, use the maximum cement alkali content reported on the cement mill certificate.

Option 8. Perform annual testing as required for any deviations from Options 1–5 or use mix design options listed in Table 10. Laboratories performing ASTM C1260, ASTM C1567, and ASTM C1293 testing must be listed on the Department's MPL. Before use of the mix, provide a certified test report signed and sealed by a licensed professional engineer demonstrating the proposed mixture conforms to the requirements of

Table 10.

Provide a certified test report signed and sealed by a licensed professional engineer, when HPC is required, and less than 20% of the cement is replaced with SCMs, demonstrating ASTM C1202 test results indicate the permeability of the concrete is less than 1,500 coulombs tested immediately after either of the following curing schedules:

- Moisture cure specimens 56 days at 73°F.
- Moisture cure specimens 7 days at 73°F followed by 21 days at 100°F.

Table 10
Option 8 Testing and Mix Design Requirements

Scenario	ASTM C1260 Result		Testing Requirements for Mix Design Materials or Prescriptive Mix Design Options ¹
	Mix Design Fine Aggregate	Mix Design Coarse Aggregate	
A	> 0.10%	> 0.10%	Determine the dosage of SCMs needed to limit the 14-day expansion of each aggregate ² to 0.08% when tested individually in accordance with ASTM C1567; or Use a minimum of 40% Class C fly ash with a maximum CaO ³ content of 25%.
B	≤ 0.10%	≤ 0.10%	Use a minimum of 40% Class C fly ash with a maximum CaO ³ content of 25%; or Use any ternary combination which replaces 35% to 50% of cement.
	≤ 0.10%	ASTM C1293 1 yr. Expansion ≤ 0.04%	Use a minimum of 20% of any Class C fly ash; or Use any ternary combination which replaces 35% to 50% of cement.
C	≤ 0.10%	> 0.10%	Determine the dosage of SCMs needed to limit the 14-day expansion of coarse and intermediate ² aggregate to 0.08% when tested individually in accordance with ASTM C1567; or Use a minimum of 40% Class C fly ash with a maximum CaO ³ content of 25%.
D	> 0.10%	≤ 0.10%	Use a minimum of 40% Class C fly ash with a maximum CaO ³ content of 25%; or Use any ternary combination which replaces 35% to 50% of cement.
	> 0.10%	ASTM C1293 1 yr. Expansion ≤ 0.04%	Determine the dosage of SCMs needed to limit the 14-day expansion of fine aggregate to 0.08% when tested in accordance with ASTM C1567.

1. Do not use Class C fly ash if the ASTM C1260 value of the fine, intermediate, or coarse aggregate is 0.30% or greater, unless the fly ash is used as part of a ternary system.
2. Intermediate size aggregates will fall under the requirements of mix design coarse aggregate.
3. Average the CaO content from the previous ten values as listed on the mill certificate.

Optimized Aggregate Gradation (OAG) Concrete. The gradation requirements in Table 3 and Table 4 do not apply when OAG concrete is specified or used by the Contractor unless otherwise shown on the plans. Use Tex-470-A to establish the optimized aggregate gradation. Use at least 420 lb. per cubic yard of cementitious material when OAG concrete is used unless otherwise approved. Use a coarse aggregate with a maximum nominal size of

1-1/2 in. for Class P concrete. Use a coarse aggregate for all other classes of concrete with a maximum nominal size not larger than:

- 1/5 the narrowest dimension between sides of forms, or
- 1/3 the depth of slabs, or
- 3/4 the minimum clear spacing between individual reinforcing bars or wires, bundles of bars, individual tendons, bundled tendons, or ducts.

Make necessary adjustments to individual aggregate stockpile proportions during OAG concrete production when the gradation deviates from the optimized gradation requirements.

Self-Consolidating Concrete (SCC). Provide SCC meeting the following requirements shown in Table 11 when approved for use in precast concrete. Use concrete with a slump flow that can be placed without vibration and will not segregate or excessively bleed.

Request approval to exceed the slump flow limits sufficiently in advance for proper evaluation by the Engineer.

Table 11
Mix Design Requirements for SCC

Tests	Test Method	Acceptable Limits
Slump Flow for Precast Concrete	ASTM C1611	22 to 27 ¹
T50, sec	ASTM C1611	2 to 7
VSI Rating	ASTM C1611	0 or 1
Passing Ability, in.	ASTM C1621	≤ 2
Segregation Column, %	ASTM C1610	≤ 10
Bleeding, %	ASTM C232	≤ 2.5

1. These slump flow limits are generally acceptable for most applications. However, slump flow limits may be adjusted during mix design approval process and when approved by the Engineer.

Concrete Trial Batches. Perform preliminary and final trial batches when required by the plans, or when previous satisfactory field data is not available. Submit previous satisfactory field data to the Engineer showing the proposed mix design conforms to specification requirements when trial batches are not required and before concrete is placed.

Perform preliminary and final trial batches for all self-consolidating concrete mix designs.

Preliminary Trial Batches. Perform all necessary preliminary trial batch testing when required, and provide documentation including mix design, material proportions, and test results substantiating the mix design conforms to specification requirements.

Final Trial batches. Make all final trial batches using the proposed ingredients in a mixer that is representative of the mixers to be used on the job when required. Make the batch size at least 50% of the mixer's rated capacity. Perform fresh concrete tests for air content and slump, and make, cure, and test strength specimens for compliance with specification requirements. Test at least one set of design strength specimens, consisting of 2 specimens per set, at 7-day, 28-day, and at least one additional age unless otherwise directed. Before placing, provide the Engineer the option of witnessing final trial batches, including the testing of the concrete. If not provided this option, the Engineer may require additional trial batches, including testing, before the concrete is placed.

Conduct all testing listed in Table 11 when performing trial batches for self-consolidating concrete. Make an additional mixture with 3% more water than the preliminary trial batch. Make necessary adjustments to the mix design if this additional mixture does not meet requirements of Table 11. Cast and evaluate mock-ups for precast

concrete that are representative of the actual product as directed. Provide the Engineer the option of witnessing final trial batches, including the testing of the concrete and the casting of the mock-ups before placement. If not provided this option, the Engineer may require additional trial batches, including testing and mock-ups, before the concrete is placed.

Establish 7-day compressive strength target values using the following formula for each Class A, B, and E concrete mix designs to be used:

Target Value = Minimum design strength x (7 day avg trialbatchstrength / 28 dayavg trialbatchstrength)

Submit previous satisfactory field data, data from a new trial batch, or other evidence showing the change will not adversely affect the relevant properties of the concrete when changes are made to the type, brand, or source of aggregates, cement, SCM, water, or chemical admixtures. Submit the data for approval before making changes to the mix design. A change in vendor does not necessarily constitute a change in materials or source. The Engineer may waive new trial batches when there is a prior record of satisfactory performance with the ingredients. During concrete production, dosage changes of chemical admixtures used in the trial batches will not require a re-evaluation of the mix design.

The Contractor has the option of performing trial batches in conjunction with concrete placements except for SCC mixtures, when new trial batches are required during the course of the project. If the concrete fails to meet any requirement, the Engineer will determine acceptability and payment adjustments.

Establish the strength-maturity relationship in accordance with [Tex-426-A](#) when the maturity method is specified or permitted. When using the maturity method, any changes in any of the ingredients, including changes in proportions, will require the development of a new strength-maturity relationship for the mix.

Mix Design of Record. Once a trial batch or previously satisfactory field data substantiates the mix design, the proportions and mixing methods used become the mix design of record. Do not exceed mix design water- to-cementitious material ratio.

Production Testing.

Aggregate Moisture Testing. Determine moisture content per [Tex-409-A](#) or [Tex-425-A](#) for coarse, intermediate, and fine aggregates at least twice a week, when there is an apparent change, or for new shipments of aggregate. When aggregate hoppers or storage bins are equipped with properly maintained electronic moisture probes for continuous moisture determination, moisture tests per [Tex-409-A](#) or [Tex-425-A](#) are not required. Electronic moisture probes, however, must be verified at least every 90 days against [Tex-409-A](#) and be accurate to within 1.0% of the actual moisture content.

When producing SCC, and when aggregate hoppers or storage bins are not equipped with electric moisture probes, determine the moisture content of the aggregates before producing the first concrete batch each day. Thereafter, determine the moisture content every 4 hr. or when there is an apparent change while SCC is being produced.

Aggregate Gradation Testing. Perform a sieve analysis in accordance with [Tex-401-A](#) on each stockpile used in the blend at least one day before producing OAG concrete when producing optimized aggregate gradation concrete. Perform sieve analysis on each stockpile after every 10,000 cubic yards of OAG concrete produced. Provide sieve analysis data to the Engineer.

Measurement of Materials.

Non-Volumetric Mixers. Measure aggregates by weight. Correct batch weight measurements for aggregate moisture content. Measure mixing water, consisting of water added to the batch, ice added to the batch, water occurring as surface moisture on the aggregates, and water introduced in the form of admixtures, by volume or weight. Measure ice by weight. Measure cement and supplementary cementing materials in a hopper and on a separate scale from those used for other materials. Measure the cement first when measuring the cumulative weight. Measure concrete chemical admixtures by weight or volume. Measure batch materials within the tolerances of Table 12.

Table 12
Mix Design Batching Tolerances—Non-Volumetric Mixers

Material	Tolerance (%)
Cement, wt.	-1 to +3
SCM, wt.	-1 to +3
Cement + SCM (cumulative weighing), wt.	-1 to +3
Water, wt. or volume	±3
Fine aggregate, wt.	±2
Coarse aggregate, wt.	±2
Fine + coarse aggregate (cumulative weighing), wt.	±1
Chemical admixtures, wt. or volume	±3

1. Allowable deviation from target weight not including water withheld or moisture in the aggregate. The Engineer will verify the water-to-cementitious material ratio is within specified limits.

Ensure the quantity measured, when measuring cementitious materials at less than 30% of scale capacity, is accurate to not less than the required amount and not more than 4% in excess. Ensure the cumulative quantity, when measuring aggregates in a cumulative weigh batcher at less than 30% of the scale capacity, is measured accurate to ±0.3% of scale capacity or ±3% of the required cumulative weight, whichever is less.

Measure cement in number of bags under special circumstances when approved. Use the weights listed on the packaging. Weighing bags of cement is not required. Ensure fractional bags are not used except for small hand-mixed batches of approximately 5 cu. ft. or less and when an approved method of volumetric or weight measurement is used.

Volumetric Mixers. Provide an accurate method of measuring all ingredients by volume, and calibrate equipment to assure correct measurement of materials within the specified tolerances. Base tolerances on volume-weight relationship established by calibration, and measure the various ingredients within the tolerances of Table 13. Correct batch measurements for aggregate moisture content.

Table 13
Mix Design Batching Tolerances—Volumetric Mixers

Material	Tolerance
Cement, wt. %	0 to +4
SCM, wt. %	0 to +4
Fine aggregate, wt. %	±2
Coarse aggregate, wt. %	±2
Admixtures, wt. or volume %	±3
Water, wt. or volume %	±1

Mixing and Delivering Concrete.

Mixing Concrete. Operate mixers and agitators within the limits of the rated capacity and speed of rotation for mixing and agitation as designated by the manufacturer of the equipment. Provide concrete in a thoroughly mixed and uniform mass with a satisfactory degree of uniformity when tested in accordance with Tex-472-A.

Do not top-load new concrete onto returned concrete.

Adjust mixing times and batching operations as necessary when the concrete contains silica fume to ensure the material is completely and uniformly dispersed in the mix. The dispersion of the silica fume within the mix will be verified by the Construction Division, Materials and Pavements Section, using cylinders made from trial batches. Make necessary changes to the batching operations, if uniform dispersion is not achieved, until uniform and complete dispersion of the silica fume is achieved.

Mix concrete by hand methods or in a small motor-driven mixer when permitted, for small placements of less than 2 cu. yd. For such placements, proportion the mix by volume or weight.

Delivering Concrete. Deliver concrete to the project in a thoroughly mixed and uniform mass, and discharge the concrete with a satisfactory degree of uniformity. Conduct testing in accordance with Tex-472-A when there is a reason to suspect the uniformity of concrete and as directed.

Maintain concrete delivery and placement rates sufficient to prevent cold joints.

Adding chemical admixtures or the portion of water withheld is only permitted at the jobsite, under the supervision of the Engineer, to adjust the slump or slump flow of the concrete. Do not add water or chemical admixtures to the batch after more than an amount needed to conduct slump testing has been discharged. Turn the drum or blades at least 30 additional revolutions at mixing speed to ensure thorough and uniform mixing of the concrete. When this water is added, do not exceed the approved mix design water-to-cementitious material ratio.

Before unloading, furnish the delivery ticket for the batch of concrete containing the information required on Department Form 596, "Concrete Batch Ticket." The Engineer will verify all required information is provided on the delivery tickets. The Engineer may suspend concrete operations until the corrective actions are implemented if delivery tickets do not provide the required information. The Engineer will verify the design water-to-cementitious material ratio is not exceeded.

Begin the discharge of concrete delivered in truck mixers within the times listed in Table 14. Concrete may be discharged after these times provided the concrete temperature and slump meet the requirements listed in this item and other pertinent Items. Perform these tests with certified testing personnel per Section 421.4.8.1., "Certification of Testing Personnel." Provide the Engineer the option of witnessing testing of the concrete. If not provided this option, the Engineer may require additional testing before the concrete is placed.

Table 14 Concrete Discharge Times

Fresh Concrete Temperature, °F	Max Time After Batching for Concrete Not Containing Type B or D Admixtures, min.	Max Time After Batching for Concrete Containing Type B or D Admixtures, ¹ min.
90 and above	45	75
75 ≤ T < 90	60	90
T < 75	90	120

1. Concrete must contain at least the minimum manufacturer's recommended dosage of Type B or D admixture.

Placing, Finishing, and Curing Concrete. Place, finish, and cure concrete in accordance with the pertinent Items.

Sampling and Testing of Concrete. Unless otherwise specified, all fresh and hardened concrete is subject to testing as follows:

Certification of Testing Personnel. Contractor personnel performing testing must be either ACI-certified or qualified by a Department-recognized equivalent written and performance testing program for the tests being performed. Personnel performing these tests are subject to Department approval. Use of a commercial laboratory is permitted at the Contractor's option. All personnel performing testing using the maturity method must be qualified by a training program recognized by the Department before using this method on the job.

Fresh Concrete. Provide safe access and assistance to the Engineer during sampling. Fresh concrete will be sampled for testing at the discharge end if using belt conveyors or pumps. When it is impractical to sample at the discharge end, a sample will be taken at the time of discharge from the delivery equipment and correlation testing will be performed and documented to ensure specification requirements are met at the discharge end.

Testing of Fresh Concrete. Test for the fresh properties listed in Table 15.

Table 15
Fresh Concrete Tests

Tests	Test Methods
Slump ¹	Tex-415-A
Temperature ¹	Tex-422-A
Air Content ^{1,2}	Tex-414-A, Tex-416-A, or ASTM C457

1. Job-control testing performed by the Contractor.

2. Only required when air-entrained concrete is specified on the plans.

Concrete with a slump lower than the minimum placement slump in Table 9 after the addition of all water withheld, or concrete exhibiting segregation and excessive bleeding will be rejected.

Job-Control Testing. Perform job-control testing as specified in Table 16 unless otherwise specified. Provide the Engineer the opportunity to witness the testing. The Engineer may require a retest if not given the opportunity to witness. Immediately notify the Engineer of any nonconformity issues. Furnish a copy of all test results to the Engineer daily.

Table 16
Job-Control Testing Frequencies

Concrete Placements	Frequency
Bridge Deck Placements	Test the first few loads, then every 60 cu. yd. fraction thereof.
All other Structural Class Concrete Placements	One test every 60 cu. yd. or fraction thereof per class per day.
Non-Structural Class Concrete Placements	One test every 180 cu. yd. or fraction thereof.

Immediately resample and retest the concrete slump when the concrete exceeds the slump range at time of placement. If the concrete exceeds the slump range after the retest, and is used at the Contractor's option, the Engineer will make strength specimens as specified in Article 421.5., "Acceptance of Concrete."

Strength Specimen Handling. Remove specimens from their molds and deliver Department test specimens to curing facilities within 24 to 48 hr. after molding, in accordance with pertinent test procedures unless otherwise shown on the plans or directed. Clean and prepare molds for reuse if necessary.

ACCEPTANCE OF CONCRETE

The Engineer will sample and test the fresh and hardened concrete for acceptance. The test results will be reported to the Contractor and the concrete supplier. Investigate the quality of the materials, the concrete production

operations, and other possible problem areas to determine the cause for any concrete that fails to meet the required strengths as outlined below. Take necessary actions to correct the problem including redesign of the concrete mix. The Engineer may suspend all concrete operations under the pertinent Items if the Contractor is unable to identify, document, and correct the cause of the low strengths in a timely manner. Resume concrete operations only after obtaining approval for any proposed corrective actions. Concrete failing to meet the required strength as outlined below will be evaluated using the procedures listed in Article 421.6., "Measurement and Payment."

Structural Class of Concrete. For concrete classes identified as structural concrete in Table 8, the Engineer will make and test 7-day and 28-day specimens. Acceptance will be based on attaining the design strength given in Table 8.

Class P and Class HES. The Engineer will base acceptance in accordance with Item 360, "Concrete Pavement," and Item 361, "Repair of Concrete Pavement."

All Other Classes of Concrete. For concrete classes not identified as structural concrete in Table 8, the Engineer will make and test 7-day specimens. The Engineer will base acceptance on the 7-day target value established in accordance with Section 421.4.3., "Concrete Trial Batches."

CITY COMMISSION
AGENDA
SPECIAL MEETING
MARCH 25, 2025
@ 5:30 PM
CITY HALL, TOWN HALL MEETING ROOM
2ND FLOOR, 118 E. TYLER AVENUE
HARLINGEN, TEXAS

Notice is hereby given that the City Commission of the City of Harlingen, Texas will hold a Special Meeting on **TUESDAY, MARCH 25, 2025, at 5:30 P.M.** at City Hall, Town Hall Meeting Room, 118 E. Tyler Avenue, Harlingen, Texas and provide the public the ability to view the meeting via internet live-streaming at www.harlingentx.gov and the City of Harlingen YouTube Page.

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

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

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

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

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

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

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

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

1) **Call Meeting to Order**

- a) Invocation - 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) **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*

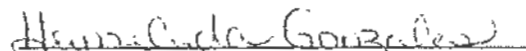
4) **Action Items:** *City Commission will discuss, consider, and take any action deemed necessary on items listed in this section, including the adoption of a resolution or an ordinance.*

- a) Consideration and possible action to select a project for the Outdoor Recreation Legacy Partnership Grants Program. Attachment (*Special Projects Department*)
- b) Consideration and possible action to purchase (1) one tractor, (1) one shredder, and (1) one pick-up truck for Code Enforcement. Attachment (*Planning & Development*)
- c) Consideration and possible action to authorize the City Manager to award a construction contract with Trimad Consultants, LLC, for the Colorado and Liberty Drainage Improvement Project, designed in-house by the City's Engineering Department. Attachment (*Engineering Dept.*)
- d) Consideration and possible action to authorize the City Manager to award a material supply Contract for the Street Improvement Project of 2025 to CAPA Texas and Frontera Material, Inc Attachment (*Engineering Dept.*)

5) **Adjournment:**

I, the undersigned authority, do hereby certify that the above Notice of the Special Meeting of the Harlingen City Commission is a true and correct copy of said notice posted on the bulletin board at City Hall of said City of Harlingen, Texas in a place convenient and readily accessible to the general public at all times and on the City's Internet Website and said Notice was posted on FRIDAY, MARCH 21, 2025 at or before 1:15 a.m.(p.m.) and remained so posted for at least 72 hours preceding the time of said meeting.

Dated this 21st day of MARCH 2025


Hermelinda Gonzales, Interim City Secretary

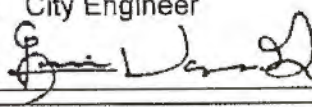
**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **March 25, 2025**

Agenda Item:

Consideration and possible action to authorize the City Manager to award a material supply contract for the Street Improvement Project of 2025 to CAPA Texas and Frontera Materials, Inc.

Prepared By: Luis Vargas, PE, CFM
Title: City Engineer

Signature: 

Brief Summary:

1. The City advertised a request for bid for the materials for the street improvement project of 2025, which will be done by the City's new paving crew.
2. The request for bid included estimated quantities for five materials: 1) hot mix asphalt, 2) flexible base, 3) prime and tack coat (SS-1), 4) geogrid for base reinforcement and 5) cement concrete. Contract terms were included in the bid to allow multiple awards per material source.
3. The City received bids from four vendors. 1) Capa Texas, 2) Frontera Materials, Inc. 3) Synolo Materials, LLC, and 4) Terra Firma Materials, LLC. See attached bid tabulation.
4. The City recommends the selection and award of a supply contract to Capa Texas, as the lowest bidder at \$1,125,000 for 15,000 tons of hot mix asphalt to be used for the approved 2025 street list.
5. The City recommends the selection and award of a supply contract to Frontera Materials, Inc., as the lowest bidder at \$42,750 for 5,700 tons of flexible base to be used for the approved 2025 street list.
6. No bid prices were received for the following materials: prime and tack coat (SS-1), geogrid for base reinforcement and cement concrete. The City will readvertise a request for bid for these materials and recommend an award in the next Commission meetings.

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
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PURCHASE ORDER

PO#

099775

THE PO NUMBER MUST APPEAR ON ALL PACKAGES, DOCUMENTS
AND CORRESPONDENCE REGARDING THIS ORDER.

INVOICE ADDRESS: CITY OF HARLINGEN
ATTN: ACCOUNTS PAYABLE
P.O. BOX 2207, HARLINGEN, TX 78551
PHONE: (956) 216-5050
EMAIL: INVOICES@HARLINGENTX.GOV

No substitutions or additions will be accepted unless approved by the Purchasing Department. Prices shown on this P.O. are not subject to change by vendor unless specifically stated on proposal and approved by an authorized representative. Do not ship freight collect, if terms of this order are other than F.O.B. destination, prepay said charges and add to invoice with copy of freight bill attached.

VENDOR: 3824 FRONTERA MATERIALS, INC. PO BOX 1917 BRANDON. HENRY@FMI TEX. COM BARRY@FMI TEX. COM WESLACO, TX 78599 FAX# (956) 316-8905	P.O. DATE: 06/30/26	DELIVERY DATE: 09/30/26
	SHIP TO: CITY OF HARLINGEN LOCATIONS AND QUANTITIES SPECIFIED FOLLOWING ITEM	

397-5015-612.70-01

1	2009600.00	DL	HOT MIX ASPHALT TYPE D PICKED UP AT VENDOR LOCATION BID# 2026-03 SUPPLY CONTRACT - MATERIALS FOR STREET IMPROVEMENT PROJECT 2026 * BID ITEM #1 (MATERIAL ONLY) QTY: 25,600 TON X \$78.50/TON TOTAL = \$2,009,600.00 PICKED UP AT VENDOR LOCATION	1.0000	2009600.00
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*** SHIPPING INSTRUCTIONS ***

TO: ENGINEERING DEPT.
502 EAST TYLER
(956) 216-5280
HARLINGEN, TX 78550

SUB-TOTAL	2009600.00
TOTAL	2009600.00

REMARKS:
THIS BID WAS ORIGINALLY PRESENTED TO CITY
COMMISSION ON 3/18/26 AND WAS AWARDED TO THE LOW
BIDDER UPPER VALLEY MATERIALS DBA CAPA. CAPA DID
NOT WANT TO HONOR THEIR BID PRICE AND DID NOT
SIGN THE FORM OF AGREEMENT AND FORMALLY WITHDREW
THEIR BID ON 6/02/26.
THE BID WAS THEN RE-PRESENTED TO CITY COMMISSION
FOR A RE-AWARD TO THE SECOND LOW BID RECEIVED ON
6/17/26 AND WAS AWARDED TO MATERIALES LAS FRONTERA
WHO WAS ACQUIRED BY FRONTERA MATERIALS ON 6/01/26.

Authorized By: Mari Leal
PURCHASING AGENT

CITY OF HARLINGEN PURCHASING DEPT, (956) 216-5316, FAX# (956) 427-8711, EMAIL: PURCHASING@HARLINGENTX.GOV
*SEND INVOICES TO: INVOICES@HARLINGENTX.GOV *BILLING INQUIRIES CONTACT FINANCE PAYABLES: (956) 216-5050

FORM OF AGREEMENT

STATE OF TX
COUNTY OF CAMERON

THIS AGREEMENT, made and entered into this 18 day of June 2026 by and between the City of Harlingen, TX, acting through its City Manager, Mr. Gabriel Gonzalez, thereunto duly authorized so to do, Party of the First Part, hereinafter termed Owner and Frontera Materials of the City of Palmhurst County of Hidalgo and State of TX, Party of the Second Part, hereinafter termed CONTRACTOR.

WITNESSETH: That for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the Party of the First Part (OWNER), and under the conditions expressed in the bond bearing even date herewith, the Party of the Second Part (CONTRACTOR), hereby agrees with the said Party of the First Part (OWNER) to supply the construction materials described in: **Bid No. 2026-03 Supply Contract – Materials for Street Improvement Project 2026 for Bid Item No. 1, only, Hot Mix Asphalt Type D (Pick Up at Location) for an estimated quantity of 25,600 tons at the cost of \$78.50 per ton for a total of \$2,009,600.00** in connection therewith, under the terms as stated in the Instructions to Bidders, Notice to Bidders, Bid Proposal and Bid Form of the Agreement.

THE OWNER agrees to pay the CONTRACTOR in current funds for the performance of the Contract in accordance with the proposal submitted therefore, and to make payment on account there of as provided therein.

IN WITNESS WHEREOF, the parties to these presents have executed this Agreement in the year and day first above written.

City of Harlingen
PARTY OF THE FIRST PART (Owner)

Address 118 E. Tyler Ave.

Harlingen, Texas 78550

By: Christopher D. Torres

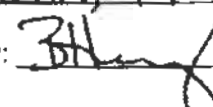
Date: 6/29/26

ATTEST: 

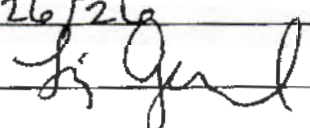
Contractor
PARTY OF THE SECOND PART

Address P.O Box 1449

Elsa, TX. 78543

By:  "Brandon Henry"

Date: 6/26/26

ATTEST: 



M A T E R I A L S

FRONTERA MATERIALS INC.

P.O BOX 1449
ELSA, TX 78543
956-316-8954

Date: June 30, 2026

NOTICE OF MERGER

To Whom It May Concern,

This letter serves as formal notification that, effective **June 1, 2026**, **Materiales Las Frontera** has officially merged with **Frontera Materials Inc.**

As of the effective date, **Materiales Las Frontera** has ceased operating under that name. All business operations, assets, services, contracts, rights, responsibilities, and project management have been transferred to and are now conducted exclusively by **Frontera Materials Inc.**

Accordingly, **all current and future projects, agreements, purchase orders, invoices, communications, and business transactions previously associated with Materiales Las Frontera are now the responsibility of Frontera Materials Inc.**

This merger has been completed to streamline operations and provide continued service under a single corporate entity. We kindly request that all future correspondence, payments, contracts, and business communications be directed to **Frontera Materials Inc.**

We appreciate your continued trust and look forward to serving you under our new corporate structure. If you have any questions regarding this transition, please contact our office using the information provided above.

Sincerely,

**Authorized Representative
Frontera Materials Inc.**

Name: Eddie Forshage III
Title: OWNER/CEO
Phone: 956-316-8954

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 Materials 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:

Title:

Date:

Company:

Street Address:

City and State:

Phone:

Fax:

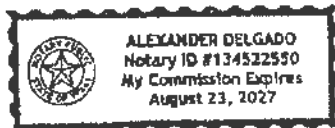
State of Texas, County of Hidalgo

This instrument was acknowledged before me on

23 day of February, 2026

by Steven Boyd

[Signature]
Notary Public State of Texas



BID 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:

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>FOB Progress plant</i>	25,600	TON	<i>\$18.50</i>	<i>\$2,009,600</i>
2	FLEXIBLE BASE TYPE A (PICK UP AT LOCATION) <i>FOB Progress 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:

Title:

Company:

Mailing Address City/State/Zip:

Phone / Fax Number:

Email Address:

Steven Boyd
Sales Manager
Materiales Las Fronteras
4203 Palmetto Palm Drive, PalmHurst TX
78573
956-877-4074
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:

Telephone:

Email Address:

Steven Boyd
956-877-4074
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.

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

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 CERTIFICATION OF FILING

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

Frontera Materials, Inc.
elisa, TX United States

Certificate Number:
2026-1483322

Date Filed:
06/29/2026

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

Date Acknowledged:
06/29/2026

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.

2026-03
HOT MIX ASPHALT TYPE D

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 _____, and my date of birth is _____.

My address is _____ (city) _____ (state) _____ (zip code) _____ (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in _____ County, State of _____, on the _____ day of _____, 20_____.
(month) (year)

Signature of authorized agent of contracting business entity
(Declarant)

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

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 CERTIFICATION OF FILING

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

Frontera Materials, Inc.
elsa, TX United States

Certificate Number:

2026-1483322

Date Filed:

06/29/2026

Date Acknowledged:

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.

2026-03

HOT MIX ASPHALT TYPE D

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	N/A			

5 Check only if there is NO Interested Party.



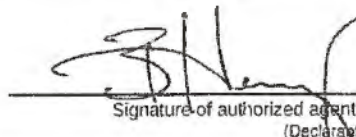
6 UNSWORN DECLARATION

My name is Brandon Henry and my date of birth is 9/8/79

My address is P.O. Box 1449 Elsa TX 78543 U.S.A.
(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 the 29 day of June, 20 26.
(month) (year)


Signature of authorized agent of contracting business entity
(Declarant)

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 & 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. ☒

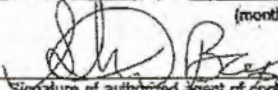
6 UNSWORN DECLARATION

My name is Steven Boyd, and my date of birth is 7-30-63

My address mile 16 N 9628, El Paso, 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 the 23rd day of Feb, 2026
(month) (year)


Signature of authorized agent of contracting business entity
(Declarant)

ADD ADDITIONAL PAGES AS NECESSARY



M A T E R I A L S

FRONTERA MATERIALS INC.

P.O BOX 1449
ELSA, TX 78543
956-316-8954

Date: June 30, 2026

NOTICE OF MERGER

To Whom It May Concern,

This letter serves as formal notification that, effective **June 1, 2026**, **Materiales Las Frontera** has officially merged with **Frontera Materials Inc.**

As of the effective date, **Materiales Las Frontera** has ceased operating under that name. All business operations, assets, services, contracts, rights, responsibilities, and project management have been transferred to and are now conducted exclusively by **Frontera Materials Inc.**

Accordingly, all current and future projects, agreements, purchase orders, invoices, communications, and business transactions previously associated with **Materiales Las Frontera** are now the responsibility of **Frontera Materials Inc.**

This merger has been completed to streamline operations and provide continued service under a single corporate entity. We kindly request that all future correspondence, payments, contracts, and business communications be directed to **Frontera Materials Inc.**

We appreciate your continued trust and look forward to serving you under our new corporate structure. If you have any questions regarding this transition, please contact our office using the information provided above.

Sincerely,

**Authorized Representative
Frontera Materials Inc.**

Name: Eddie Forshage III
Title: OWNER/CEO
Phone: 956-316-8954

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 this 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-E, Part I	1:5
Decantation, %, max	Tex-217-E	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)					
2-1/2 in.	Tex-110-E	—	0	0	As directed by City Engineer
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		20	20	—	
Classification ³		1.0	1.1-2.3	—	As directed by City Engineer
Min. compressive strength ³ , psi	Tex-117-E				As directed by City Engineer
lateral pressure 0 psi					
lateral pressure 15 psi		45	35	—	

1. Determine plastic index in accordance with Tex-107-E (linear shrinkage) when liquid limit is unattainable as defined in Tex-104-E.
2. When a soundness value is required, test material in accordance with Tex-411-A.
3. 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			
		HERS-2		MS-2		SS-1		SS-1H	
		Min	Max	Min	Max	Min	Max	Min	Max
Viscosity, Saybolt-Furoi	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	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	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 ³	%	93
Flexural Stiffness ⁵	mg-cm	700,000
Aperture Stability ⁵	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 D6637.
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.

ADS "Terms and Conditions of Sale" can be found on the ADS website, adspipe.com.
The ADS logo is a registered trademark of Advanced Drainage Systems, Inc.
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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, E.
 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.

13-Nov-2025



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@harlingen.tx.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.

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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 Indemnitee for the Indemnitee'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.

**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 HWWS — 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:**

10(9)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: ~~March 18th~~, 2026 June 17, 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:

Roberto 7/13

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 budget to be funded from the Street Improvement Program budget.

City Manager's approval:

GG

☒ Yes

☐ No

☐ N/A

Comments:

City Attorney's approval:

mf

☒ Yes

☐ No

☐ N/A

Date: Feb. 24, 2026

Bid No. 2026-03 Supply Contract - Materials for Street Improvement

Deadline: 2:00 pm Bid Opening: 3:00 pm	HUB (Y/N)	Respond (Y/N)	CIQ Form (Y/N)	Addendum (Y/N)	BID ITEMS	Est. Qty	UOM	Unit Price	BID AMOUNT P/U at Location
Aguaworks Pipe & Supply	NO	YES	YES	YES	1 Hot Mix Asphalt Type D	25,600	Ton		\$ -
					2 Flex Base Type A	12,800	Ton		\$ -
					3 Emulsified Asphalt SS1	26,200	GL		\$ -
					4 Geogrid Tensar	78	Roll		\$ -
					5 Geogrid ADS	78	Roll	\$ 335.56	\$ 26,173.68
					6 Geogrid Baselok	109	Roll	\$ 645.46	\$ 70,355.14
					Alternate Items			Delivered to Harlingen	
					7 Hot Mix Asphalt Type D	25,600	Ton		\$ -
					8 Flex Base Type A	12,800	Ton		\$ -
					9 Emulsified Asphalt SS1	26,200	GL		\$ -
					10 Geogrid Tensar	78	Roll		\$ -
					11 Geogrid ADS	78	Roll	\$ 335.56	\$ 26,173.68
					12 Geogrid Baselok	109	Roll	\$ 645.46	\$ 70,355.14
Ferguson Waterworks	NO	YES	YES	YES	1 Hot Mix Asphalt Type D	25,600	Ton		\$ -
					2 Flex Base Type A	12,800	Ton		\$ -
					3 Emulsified Asphalt SS1	26,200	Gallon		\$ -
					4 Geogrid Tensar	78	Roll	\$ 1,449.35	\$ 113,049.30
					5 Geogrid ADS	78	Roll	\$ 330.44	\$ 25,774.32
					6 Geogrid Baselok	109	Roll		\$ -
					Alternate Items			Delivered to Harlingen	
					7 Hot Mix Asphalt Type D	25,600	Ton		\$ -
					8 Flex Base Type A	12,800	Ton		\$ -
					9 Emulsified Asphalt SS1	26,200	Gallon		\$ -
					10 Geogrid Tensar	78	Roll	\$ 1,449.35	\$ 113,049.30
					11 Geogrid ADS	78	Roll	\$ 330.44	\$ 25,774.32
					12 Geogrid Baselok	109	Roll		\$ -
★ Materiales Las Fronteras / Frontera Materials *** 2nd Low Bidder was awarded on 6/17/26 after Low Bidder (CAPA) formally withdrew their bid on 6/02/26.	NO	YES	YES	YES	1 Hot Mix Asphalt Type D	25,600	Ton	\$ 78.50	\$ 2,009,600.00
					2 Flex Base Type A	12,800	Ton	\$ 42.00	\$ 537,600.00
					3 Emulsified Asphalt SS1	26,200	Gallon		\$ -
					4 Geogrid Tensar	78	Roll		\$ -
					5 Geogrid ADS	78	Roll		\$ -
					6 Geogrid Baselok	109	Roll		\$ -
					Alternate Items			Delivered to Harlingen	
					7 Hot Mix Asphalt Type D	25,600	Ton	\$ 88.25	\$ 2,259,200.00
					8 Flex Base Type A	12,800	Ton	\$ 51.75	\$ 662,400.00
					9 Emulsified Asphalt SS1	26,200	Gallon		\$ -
					10 Geogrid Tensar	78	Roll		\$ -
					11 Geogrid ADS	78	Roll		\$ -
					12 Geogrid Baselok	109	Roll		\$ -
Upper Valley Materials dba CAPA *** CAPA formally withdrew their bid on 6/02/26.***	NO				1 Hot Mix Asphalt Type D	25,600	Ton	\$ 74.50	\$ 1,907,200.00
					2 Flex Base Type A	12,800	Ton	\$ 10.00	\$ 128,000.00
					3 Emulsified Asphalt SS1	26,200	Gallon		\$ -
					4 Geogrid Tensar	78	Roll		\$ -
					5 Geogrid ADS	78	Roll		\$ -
					6 Geogrid Baselok	109	Roll		\$ -
					Alternate Items			Delivered to Harlingen	
					7 Hot Mix Asphalt Type D	25,600	Ton		\$ -
					8 Flex Base Type A	12,800	Ton		\$ -
					9 Emulsified Asphalt SS1	26,200	Gallon		\$ -
					10 Geogrid Tensar	78	Roll		\$ -
					11 Geogrid ADS	78	Roll		\$ -
					12 Geogrid Baselok	109	Roll		\$ -

Deadline: 2:00 pm Bid Opening: 2:30 pm	HUB (Y/N)	Respond (Y/N)	CIQ Form (Y/N)	Addendum (Y/N)	BID ITEMS	Est. Qty	UOM	Unit Price	BID AMOUNT P/U at Location
Vulcan Materials Company	NO	YES	YES	YES	1 Hot Mix Asphalt Type D	25,600	Ton		\$ -
					2 Flex Base Type A	12,800	Ton	\$ 38.00	\$ 486,400.00
					3 Emulsified Asphalt SS1	26,200	Gallon		\$ -
					4 Geogrid Tensar	78	Roll		\$ -
					5 Geogrid ADS	78	Roll		\$ -
					6 Geogrid Baselok	109	Roll		\$ -
					Alternate Items			Delivered to Harlingen	
					7 Hot Mix Asphalt Type D	25,600	Ton		\$ -
					8 Flex Base Type A	12,800	Ton	\$ 44.00	\$ 563,200.00
					9 Emulsified Asphalt SS1	26,200	Gallon		\$ -
					10 Geogrid Tensar	78	Roll		\$ -
					11 Geogrid ADS	78	Roll		\$ -
					12 Geogrid Baselok	109	Roll		\$ -
Central Ready Mix Concrete	NO				1 Hot Mix Asphalt Type D	25,600	Ton		\$ -
					2 Flex Base Type A	12,800	Ton		\$ -
					3 Emulsified Asphalt SS1	26,200	Gallon		\$ -
					4 Geogrid Tensar	78	Roll		\$ -
					5 Geogrid ADS	78	Roll		\$ -
					6 Geogrid Baselok	109	Roll		\$ -
J-III Concrete Co.	NO				1 Hot Mix Asphalt Type D	25,600	Ton		\$ -
					2 Flex Base Type A	12,800	Ton		\$ -
					3 Emulsified Asphalt SS1	26,200	Gallon		\$ -
					4 Geogrid Tensar	78	Roll		\$ -
					5 Geogrid ADS	78	Roll		\$ -
					6 Geogrid Baselok	109	Roll		\$ -
Posillico, Inc.	NO				1 Hot Mix Asphalt Type D	25,600	Ton		\$ -
					2 Flex Base Type A	12,800	Ton		\$ -
					3 Emulsified Asphalt SS1	26,200	Gallon		\$ -
					4 Geogrid Tensar	78	Roll		\$ -
					5 Geogrid ADS	78	Roll		\$ -
					6 Geogrid Baselok	109	Roll		\$ -
S&S Pit Materials	NO				1 Hot Mix Asphalt Type D	25,600	Ton		\$ -
					2 Flex Base Type A	12,800	Ton		\$ -
					3 Emulsified Asphalt SS1	26,200	Gallon		\$ -
					4 Geogrid Tensar	78	Roll		\$ -
					5 Geogrid ADS	78	Roll		\$ -
					6 Geogrid Baselok	109	Roll		\$ -
Terra Firma Materials	NO				1 Hot Mix Asphalt Type D	25,600	Ton		\$ -
					2 Flex Base Type A	12,800	Ton		\$ -
					3 Emulsified Asphalt SS1	26,200	Gallon		\$ -
					4 Geogrid Tensar	78	Roll		\$ -
					5 Geogrid ADS	78	Roll		\$ -
					6 Geogrid Baselok	109	Roll		\$ -
Texas Elite Hauling Services	NO				1 Hot Mix Asphalt Type D	25,600	Ton		\$ -
					2 Flex Base Type A	12,800	Ton		\$ -
					3 Emulsified Asphalt SS1	26,200	Gallon		\$ -
					4 Geogrid Tensar	78	Roll		\$ -
					5 Geogrid ADS	78	Roll		\$ -
					6 Geogrid Baselok	109	Roll		\$ -
Registered Bidders: 11 HUB certified: 0 Responded: 5 HUBs Responded: 0									



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

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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@harlingen.gov>; Oscar Garcia <ogarcia@harlingen.gov>; Christopher Torres <ctorres@harlingen.gov>; Isaac Ramirez <iramir@harlingen.gov>; Tanya Lugo <tlugo@harlingen.gov>; Robert Rodriguez <rrodriguez@harlingen.gov>; Mark Sossi <mark.sossi@cityofh.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 <ijimenez@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 <ijimenez@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

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From: Isaac Jimenez <ijimenez@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 <eruvvm@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

isjimenez@capatexas.com

www.capatexas.com

3609 West Palma Vista Drive, Palmview, TX 78572

Cell-956-862-6517

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From: Isaac Jimenez <isjimenez@capatexas.com>

Sent: Tuesday, May 26, 2026 2:39 PM

To: Isac Ramirez <isac@tharlpentx.gov>

Cc: Alberto Martinez IJVM OC <albertolaj@capatexas.com>; Isaac Jimenez <isjimenez@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

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From: Isac Ramirez <isacr@thulugentia.com>

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) 216-6283

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From: Isac Ramirez

Sent: Tuesday, April 21, 2026 10:59 AM

To: capa@uppervalleymaterials.com

Cc: isacr@harlingentx.gov

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 Ramírez, PE, CFM

Project Engineer

24200 FM 509

Harlingen, Texas 78550

p (956) 216-5283

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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.

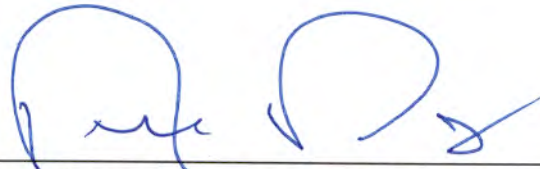
Quote pricing is non-transferable to other project(s).

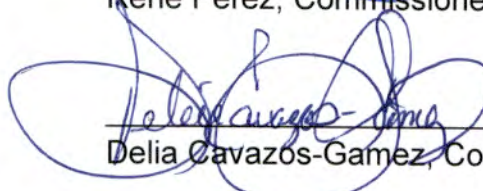
NOT APPROVED

City of Harlingen
Agenda Item Request Form

We hereby request the following item to be added to August 05, 2026, City Commission Agenda:

Consideration and possible action to review and amend the City's policy regarding TikTok on City-issued devices, including consideration of authorizing designated Communications Department personnel to use TikTok on approved City devices for official public information, community engagement, and educational outreach purposes.



Rene Perez, Commissioner Dist. 5

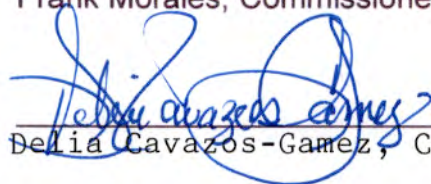
Delia Cavazos-Gamez, Commissioner, Dist. 1

City of Harlingen
Agenda Item Request Form

We hereby request the following item to be added to August 05, 2026, City Commission Agenda:

DISCUSSION AND POSSIBLE ACTION TO
NULL AND VOID HWWS AGREEMENT WITH
RGV PROPERTY GROUP, LLC?


Frank Morales, Commissioner, Dist. 4


Delia Cavazos-Gamez, Commissioner Dist. 1

WATER SUPPLY AGREEMENT

THE STATE OF TEXAS

*
*
*

KNOW ALL MEN BY THESE PRESENTS:

PREAMBLE

THIS WATER SUPPLY AGREEMENT (this "Agreement") is made and entered into this 23rd day of September, 2025 ("Effective Date") by and between HARLINGEN WATERWORKS SYSTEM, a department of the City of Harlingen, Texas, a home-rule municipality, ("Waterworks"), and RGV PROPERTY GROUP, LLC, a Delaware limited liability company ("RGVPG").

PARTIES

The Parties to this AGREEMENT are:

- | | |
|--|---|
| (a) Harlingen Waterworks System,
a department of the City of Harlingen, Texas,
a home-rule municipal corporation | |
| 121 East Harrison Avenue
Harlingen, Texas 78550-6828
956-430-6100 | Address mail to:
P.O. Box 1950
Harlingen, Texas 78551-1950 |
| (b) Waterworks' Authorized
Representative: | Roel Rodriguez P.E.
Interim General Manager
Telephone: 956-430-6157 |
| (c) RGV PROPERTY GROUP, LLC
a Delaware Limited Liability
Company
913-340-2532 | 7300 College Blvd, Suite 625
Overland Park, KS 66210 |
| (d) Authorized
Representative: | Roberto Serrano
CEO
Telephone: 913-340-2532 |

RECITALS

(1) RGVPG plans to develop, construct, own, and operate a Data Center Campus and industrial systems and related equipment to be located at the Southeast and Southwest quadrants of the FM 508 and FM 509 intersection in Cameron County, Texas (the "Facility").

(2) Waterworks has the right to market Reclaimed Water and Potable Water within the area defined by its Certificate of Convenience and Necessity ("CCN").

(3) RGVPG wishes to purchase from Waterworks, and Waterworks wishes to sell to RGVPG, Reclaimed Water, and, as a backup, Potable Water in amounts sufficient to deliver at the applicable Supply Delivery Point a Reliable Supply of up to the Contract Quantity of Water on a Reliable Supply Basis for the operation of the Facility, subject to the terms of this Agreement.

(4) This Agreement applies to Reclaimed Water and Potable Water (as a backup if Reclaimed Water not available) to be provided for the operation of the Facility. It does not apply to potable water and wastewater collection facilities used for the operation of the facility, such as hand washing, office cleaning, and wastewater, which will be handled according to the applicable City Ordinance.

NOW, THEREFORE, in consideration of the foregoing, the mutual covenants contained herein and other good and valuable considerations, the receipt, adequacy, and sufficiency of which are hereby acknowledged, RGVPG and Waterworks (the "Parties") agree as follows:

ARTICLE I **DEFINED TERMS**

As used in this Agreement each term with its initial letter capitalized and not otherwise defined will have the meaning assigned to such term as set forth below:

"Above-Ground Storage Tank" means the storage tank on Waterworks' premises located at 4736 East Harrison and/or the storage tank located at 6101 Rio Hondo Rd. The Above-Ground Storage Tanks are capable of holding approximately 7.5 and 10 million gallons of Reclaimed Water.

"Approval" means any and all permits, appropriations, clearances, licenses, easements, authorizations, consents, filings, exemptions or approvals of any Person or any federal, state, city, county, local, or regional authorities, departments, bodies, commission, corporations, branches, agencies, courts, tribunals, judicial authorities, legislative bodies, administrative bodies or regulatory bodies.

"Clear Well" means the underground storage tank on Waterworks' premises located at 4736 East Harrison, Harlingen, Texas, adjacent to the Above-Ground Storage Tank. The Clear Well is capable of holding approximately 250,000 gallons of Reclaimed Water.

"City" means the City of Harlingen, Texas, a home-rule municipality located in Cameron County, Texas.

"Commence Construction" or "Commencement of Construction" means initiation of a continuous program of actual on-site construction of the Facility.

"Commercial Operations Date" means the first date RGVPG begins receiving Reclaimed Water and/or Potable Water for the construction and/or operations of the Facility.

"Contract Quantity of Water" means the amount of total Reclaimed Water or, if applicable, Potable Water, per day designated by RGVPG pursuant to Sections 2.1 and/or 3.1.5 of this Agreement, not to exceed volumes listed in Exhibit "A", which amount will be determined by RGVPG in its sole discretion and will constitute the amount of total Reclaimed Water and Potable Water that Waterworks will be required to furnish on a Reliable Supply basis under and subject to the terms of this Agreement. Waterworks agrees and acknowledges that RGVPG shall have the right, at its sole discretion, to adjust the amounts of the Contract Quantity of Water from time to time, as RGVPG deems necessary for the operation of the Facilities and any changes to such quantities shall be set forth in an amended Exhibit "A" to this Agreement.

"Contract Year" means a year commencing on the Commercial Operations Date and each anniversary thereafter.

"Day" means a twenty-four (24) hour period commencing at 12:00 midnight, Harlingen, Texas time.

"Delivery Systems" means the Reclaimed and Potable Water Delivery Systems

"Domestic and Commercial Wastewater" means waste and wastewater from humans or household and commercial operations that is discharged to a wastewater collection system or otherwise enters a treatment facility. This includes waterborne human waste and waste from domestic activities such as washing, bathing, and food preparation.

"Effective Date" means the date of this Agreement as written in the Preamble.

"Facility" will have the meaning given to it in the Recitals.

"Financing Party" means the lenders, security holders, investors, export credit agencies, multilateral institutions, equity providers and others providing financing or refinancing to or on behalf of RGVPG, for the development, construction, ownership, operation, and/or maintenance of the Facility or any portion thereof, or any trustee or agent acting on behalf of any of the foregoing.

"Force Majeure Events" means all events and occurrences which:

(i) arise after the Effective Date;

- (ii) are beyond the reasonable control of the Party claiming Force Majeure; and
- (iii) delay or prevent total or partial performance by any Party to this Agreement.

Such events will include, without limitation, acts of God, war, acts of terrorism, sabotage, acts of civil disobedience, political disturbances, drought, fire or other casualty, shortage of materials, adverse weather conditions (such as, by the way of illustration and not of limitation, floods or severe rain storms, prolonged below freezing temperatures, hurricanes, or tornadoes), earthquakes, labor action, strikes or similar acts, action or non-action of any agency not within the reasonable control of either Party, moratoriums or regulations or actions by governmental agencies accepted as Force Majeure Events in commercial practice.

“Industrial Use” means the use of water in processes designed to convert materials of a lower order of value into forms having greater usability and commercial value, including the development of power by means other than hydroelectric, or such other meaning given it by state law including 30 Texas Administrative Code (“TAC”) Section 297.1, as may be amended from time to time.

“Meters” means the meters installed as part of the Reclaimed Water Delivery System and the Potable Water Delivery System for measurement of the volume of Reclaimed Water and Potable Water to be delivered at the applicable Reclaimed Water and Potable Water Delivery Points.

“MGD” means million gallons per day.

“Party” means either Waterworks or RGVPG and their successors and permitted assigns.

“Person” has the meaning defined in § 311.005(2), Texas Gov't. Code.

“Producer” means, as defined in 30 TAC Section 210.3, the person or entity that produces reclaimed water by treating domestic wastewater or municipal wastewater, in accordance with a permit or other authorization of the Agency, to meet the quality criteria established by TCEQ. For the purposes of this Agreement, Waterworks will be considered the Producer.

“Provider” means, as defined in 30 TAC Section 210.3, the person or entity that distributes reclaimed water to a user of reclaimed water. For the purposes of this Agreement, Waterworks will be considered the Provider.

“Potable Water” means domestic or municipal water that has been treated by Waterworks treatment facilities and is sold for human consumption meeting all applicable Regulatory Requirements applicable to Waterworks. Pursuant to the terms of this Agreement, Potable Water shall be the backup supply of water for the Facility.

"Potable Water Delivery Point" means the 10 MG Above Ground Storage Tank upstream of the enclosed pumps located on Rio Hondo Rd. Connection must be equipped with appropriate backflow device.

"Reclaimed Water" means domestic or municipal wastewater that has been treated to a quality suitable for a beneficial use as Type II effluent, pursuant to the provisions of Title 30, TAC, Part 1, Chapter 210. Pursuant to the terms of this Agreement, Reclaimed Water shall be the primary supply of water for the Facility.

"Reclaimed Water Delivery System" means the Above-Ground Storage Tanks, the Clear Well, and all structures, pipelines, pumps, instruments, meters, appurtenances, permits, regulatory approvals, real properties and easements or licenses, necessary to store and directly convey Reclaimed Water from the Reclaimed Water Delivery Point to the Facility as shown in Exhibit B.

"Reclaimed Water Delivery Point" means the 10 MG Above Ground Storage Tank and downstream enclosed pumps located on Rio Hondo Rd.

"Regulatory Requirements" means all applicable requirements and provisions of federal, state, city, county and local constitutions, laws, statutes, rules, regulations, and ordinances enacted or issued from time to time, including all applicable sections of the Texas Water Code and the rules and regulations of the Texas Commission on Environmental Quality ("TCEQ" or "Commission") and all judicial and administrative orders, judgments, decrees, permits, approvals, and authorizations of any governmental authority having jurisdiction concerning the matters contained herein issued from time to time applicable to the operation of Waterworks.

"Reliable Supply or Reliable Supply Basis" means the consistent and timely delivery by Waterworks of up to the Contract Quantity of Water (either by providing Reclaimed Water and/or, if required, Potable Water) per day, at expected levels of quality set forth in this Agreement, at the Clear Well or the Above Ground Storage Tank located on Rio Hondo Rd.

"TPDES" means Texas Pollutant Discharge Elimination System.

"Transfer Facilities" means the infrastructure necessary to transfer Reclaimed Water from the Supply Delivery Point to the Facility.

"TAC" means the Texas Administrative Code as now in effect or as may be amended from time to time.

"Term" will have the meaning given to it in Section 11.17.

"TCEQ" means the Texas Commission on Environmental Quality or such governmental authority as may succeed to TCEQ's jurisdiction over the allocation of available supplies of state water.

"Waterworks" means the Harlingen Waterworks System, a Department of the City of Harlingen, Texas.

"WWTP2" means Wastewater Treatment Plant No. 2 owned and operated by Waterworks.

ARTICLE 2

QUANTITY, SOURCE AND PRIORITY

2.1 Quantity.

(i) As of the Commercial Operations Date, Waterworks agrees to sell and cause to be delivered to RGVPG at the Reclaimed Water Delivery Point and/or Potable Water Delivery Point the Contract Quantity of Water, not to exceed volumes listed in Exhibit "A", of Reclaimed and/or Potable Water on a Reliable Supply basis in the amounts determined by RGVPG; provided, however, that, at RGVPG's sole option, RGVPG shall have the right to adjust the amounts of the Contract Quantity of Water listed in Exhibit "A", as RGVPG deems necessary from time to time for the operation of the Facilities and any changes to such volumes and/or quantities shall be set forth in an amended Exhibit "A" to this Agreement.

(ii) In the event Waterworks is unable to supply to RGVPG the Contract Quantity of Water, then Waterworks shall notify RGVPG within 48 hours of any anticipated shortage of such supplies and provide an estimated duration of such shortage along with alternative options that are available.

(iii) In addition, notwithstanding anything herein to the contrary, in the event RGVPG requests additional Reclaimed Water and/or Potable Water in excess of the Contract Quantity of Water, then to the extent such additional Reclaimed Water and/or Potable Water is available for sale by Waterworks, Waterworks agrees to sell, and cause to be delivered to RGVPG, such additional amounts of water on the same terms and conditions as set forth herein, but any such additional water shall not be guaranteed.
The availability of Reclaimed Water and Potable Water beyond the Contract Quantity of Water may be limited by drought conditions, agreements to provide Reclaimed Water to other users and by the obligation of the Waterworks to provide Potable Water to its customers.

2.2 Source.

(i) Notwithstanding anything stated herein to the contrary, the Parties agree that the Contract Quantity of Water will be sourced first from Reclaimed Water.

(ii) In the event and to the extent that:

(a) the quality of the Reclaimed Water fails to meet the requirements specified in this Agreement, or

(b) Waterworks is prevented from providing Reclaimed Water due to the failure to satisfy any Regulatory Requirement applicable to Waterworks, then Waterworks will make available to RGVPG such sufficient quantities of Potable Water to meet RGVPG's requirements up to but not exceeding the Contract Quantity of Water.

2.3 Priority. As of the Effective Date, Waterworks represents and warrants that it has not granted to any third party any rights to Reclaimed Water that are superior to those rights of RGVPG hereunder to acquire the Contract Quantity of Water. In addition, during the Term of this Agreement, Waterworks agrees that any contract to sell Reclaimed Water to any third party executed or approved by Waterworks after the Effective Date will include a provision making the third party's right to receive Reclaimed Water under such contract junior to RGVPG's rights under this Agreement up to the Contract Quantity of Water.

2.4 Delivery of Potable Water. In order for RGVPG to have delivery of Potable Water, RGVPG must comply with the applicable ordinances and rules of Waterworks including the following:

- (a) completion of an application for commercial use;
- (b) payment of a deposit;
- (c) payment of a tap fee;
- (d) payment of a water impact fee in effect at the time application for service is requested.
- (e) RGVPG acknowledges that the following fees are subject to change from time to time pursuant to a city ordinance applicable to all users of Potable Water:
 - (1)
 - (5) commodity rate – Inside City Limits Commercial rate established by City Ordinance

ARTICLE 3

PROVISIONS SPECIFIC TO RECLAIMED WATER

3.1 Reservation of Reclaimed Water

3.1.1 Waterwork's plant produces approximately five (5) MGD of Reclaimed Water and in consideration of RGVPG's payment of the Reservation Fees as set forth in Section 3.1.2 below, Waterworks agrees, as of the Effective Date of this Agreement, to reserve and provide to RGVPG as of the Commercial Operations Date, Reclaimed Water

as outlined in Exhibit "A", to the extent Reclaimed Water is available, the Contract Quantity of Water for direct use by RGVPG.

3.1.2 In consideration for the reservation of Reclaimed Water to be provided to RGVPG pursuant to Section 3.1.1 above, RGVPG agrees to pay Waterworks an annual reservation fee of fifty thousand dollars (\$50,000.00) ("Reservation Fee") until the earlier of (i) the Commercial Operations Date, or (ii) the date this Agreement is terminated. The first payment of the Reservation Fee shall be made within forty-five (45) days after the Effective Date. Reservation Fees for future years shall be payable annually within thirty (30) days after the applicable anniversary of the Effective Date. All Reservation Fees paid to Waterworks shall be non-refundable but shall be credited towards RGVPG's monthly fees (as set forth in Section 3.2.2 below) to be paid for any Reclaimed Water sold and delivered to RGVPG.

3.1.3 Prior to the Commencement of Construction, RGVPG, in its sole discretion, may elect to terminate development of the Facility. In such event, RGVPG will notify Waterworks of its desire to terminate this Agreement, and Waterworks will be entitled to retain any Reservation Fees received and, subject to Section 9.5 of this Agreement, neither Party will have any further obligations to the other under this Agreement.

3.1.4 RGVPG agrees that, if it elects to construct the Facility, then during the remaining Term of this Agreement and for as long as the Facility is in operation, RGVPG will obtain exclusively from Waterworks all quantities, up to the Contract Quantity of Water, of Reclaimed Water and/or Potable Water to be used at the Facility for purposes for which Type II Reclaimed Water and/or Potable Water would be suitable.

3.1.5 In the event RGVPG notifies Waterworks of its intent to Commence Construction, then Waterworks shall provide such quantity of Reclaimed Water as may be designated in the notice up to the amount of the Contract Quantity of Water, for RGVPG's use during the remaining Term of this Agreement.

3.1.6 The Parties acknowledge that nothing contained herein will require or obligate RGVPG to actually Commence Construction of the Facilities.

3.2 Quantity, Rates, Charges, and Payments for Reclaimed Water

3.2.1 Quantity of Reclaimed Water. Upon the earlier of RGVPG's notice to Waterworks of their intent to purchase or take water or the Commercial Operations Date, Waterworks, on a Reliable Supply basis, agrees to sell and cause to be delivered as outlined in Exhibit "A" to RGVPG, at the Reclaimed Water Delivery Point, all of RGVPG's requirements for Reclaimed Water up to but not exceeding the Contract Quantity of Water (and, if requested by RGVPG and available, any additional Reclaimed Water above the Contract Quantity of Water as set forth in Section 2.1 above).

3.2.2 Rates for Reclaimed Water

- (a) In consideration for the actual sale and delivery of Reclaimed Water by Waterworks to RGVPG, RGVPG agrees to pay Waterworks \$0.75 per one thousand (1,000) gallons of the contracted amount of Reclaimed Water (the “Reclaimed Water Rate”) actually delivered to RGVPG at the Reclaimed Water Delivery Point, subject to increase as set forth in Section 3.2.2.(b) below.
- (b) Upon Waterwork’s request and the delivery of sufficient evidence of a demonstrable increase in the cost of operations and maintenance of the Reclaimed Water Delivery System by Waterworks to RGVPG, the Reclaimed Water Rate described above in the preceding paragraph (a) may be increased, subject to RGVPG’s prior written approval, to an amount that does not exceed the greater of (i) three percent (3%), or (ii) the then current Consumer Price Index (CPI), increase in the prior year’s cost of operations and maintenance, unless mutually agreed for extraordinary costs. Waterworks shall provide RGVPG a written request with sufficient cost justification and documentation for any rate increase at least 90 days prior to the requested rate increase date.
- (c) The Parties acknowledge that nothing contained herein will require or obligate RGVPG to accept delivery of Reclaimed Water if RGVPG deems it not able to accept the volumes supplied by Waterworks.

3.2.3 Commencement Date. RGVPG will notify Waterworks of its intent to commence commercial operations of the Facility. Such notice will be furnished as provided in Section 11.5 and will include a designation by RGVPG of the Commercial Operations Date.

3.2.4 Invoicing and Payment. Waterworks will deliver a monthly invoice to RGVPG for the Reclaimed Water charges for the previous month. RGVPG will pay the amounts due pursuant to each invoice in accordance with payment instructions contained therein within twenty (20) days after receipt. In the event RGVPG reasonably disputes any amounts specified in an invoice, the Parties will proceed according to Section 11.18, Dispute Resolution.

3.3 Quality of Reclaimed Water; RGVPG’s Right to Reject.

3.3.1 Quality

(a) Waterworks agrees and warrants that the Reclaimed Water supplied to RGVPG will comply with: (i) concentrations and conditions no less stringent than those contained in Waterworks’ TPDES Permit No. WQ0010490003 issued on December 8, 2020 , attached hereto as Exhibit C; (ii) all applicable Regulatory Requirements

applicable to Waterworks; and (iii) the requirements of 30 TAC Chapter 210 applicable to Type II effluent.

(b) The Reclaimed Water delivered to RGVPG at the Reclaimed Water Delivery Point will be within the range of characteristics indicated in Exhibit C. If variations occur from the maximum parameters in Exhibit C, Waterworks shall supplement with Potable Water until the Reclaimed Water is under the maximum limits shown in Exhibit C.

(C) REGARDLESS OF THE REASON FOR THE WATERWORKS NOT PROVIDING SUFFICIENT RECLAIMED WATER TO MEET RGV PROPERTY GROUP, LLC 'S REQUIREMENTS AND NOTWITHSTANDING ANYTHING HEREIN TO THE CONTRARY, THE CHARGE FOR POTABLE WATER WILL BE THE COMMODITY RATE FOR INSIDE CITY LIMITS COMMERCIAL POTABLE WATER ACCOUNTS ESTABLISHED BY THE HARLINGEN CITY COMMISSION.

(D) SUBJECT TO ANY FORCE MAJEURE EVENT, THE INABILITY OF WATERWORKS TO PROVIDE WATER THAT MEETS THE FACILITY DESIGN, OPERATIONAL NEEDS, AND REGULATORY REQUIREMENTS APPLICABLE TO WATERWORKS WILL NOT BE DEEMED A BREACH OF THIS AGREEMENT BY WATERWORKS, [PROVIDED THAT SUCH INABILITY TO PROVIDE WATER PURSUANT TO THIS SUBSECTION IS NOT CURED BY WATERWORKS WITHIN FORTY-EIGHT (48) HOURS OF NOTICE BEING PROVIDED TO WATERWORKS BY RGVPG].

(d) Waterworks will provide RGVPG with copies of all records, reports, and analyses required to be made or kept by Producer or Provider pursuant to 30 TAC Chapter 210 as now in effect or hereafter amended, including but not limited to all records, reports, and analyses required by 30 TAC Sections 210.4 and 210.36.

(E) EXCEPT AS EXPRESSLY SET FORTH HEREIN, THERE IS NO EXPRESS WARRANTY BY AFFIRMATION, PROMISE, DESCRIPTION, OR SAMPLE, NO IMPLIED WARRANTY, OF MERCHANTABILITY, NOR OTHER WARRANTY THAT MIGHT OTHERWISE ARISE FROM ANY COURSE OF DEALING OR USAGE OF TRADE, AND NO WARRANTY THAT THE RECLAIMED WATER PROVIDED IS FIT FOR ANY PARTICULAR PURPOSE INCLUDING BUT NOT LIMITED TO HUMAN CONSUMPTION. ANY SUCH WARRANTY IS EXPRESSLY EXCLUDED.

3.3.2 Right to Monitor. RGVPG will have the right to collect samples and analyze the quality of Reclaimed Water to be delivered to the Facility. RGVPG will have reasonable access to the Reclaimed Water Delivery Point and the Delivery System, as needed, to allow RGVPG's monitoring.

3.3.3 RGVPG's Right to Reject. RGVPG will have the right to reject any Reclaimed Water that fails to meet the quality specified in Section 3.3.1(a). If rejected WaterWorks shall supply Potable Water until the Reclaimed Water is back to the quality defined in Exhibit C.

3.3.4 Waterworks Process Changes.

(i) Waterworks will notify RGVPG of any modification to the treatment process at Waterworks that could reasonably be anticipated to result in a change in the character of the Reclaimed Water.

(ii) Waterworks will use reasonable efforts in consultation with RGVPG to minimize impacts on RGVPG.

(iii) Waterworks' obligation under this section will apply even in the event such modification is in compliance with the TPDES permit for Waterworks.

(iv) Nothing contained in this paragraph 3.3.4 will obligate Waterworks to modify or add to a treatment process provided that the Reclaimed Water meets the applicable requirements for Type II effluent. Waterworks' obligation is to notify and consult with RGVPG with regard to the changes.

3.4 Use of Reclaimed Water; Waterworks' Right to Stop Delivery

3.4.1 Use of Reclaimed Water. RGVPG will comply with all Regulatory Requirements applicable to Reclaimed Water including, but not limited to, the requirements of 30 TAC Chapter 210 that are applicable to RGVPG.

3.4.2 Waterworks' Right to Stop Delivery. Upon 24 hours' notice to RGVPG, Waterworks will have the right to stop delivery of Reclaimed Water to RGVPG if use of Reclaimed Water by RGVPG fails to comply with 30 TAC Chapter 210 and the maximum values in Exhibit C, as determined by Waterworks. If Waterworks stops delivery of Reclaimed Water under this section, Waterworks will be obligated to provide Potable Water to RGVPG unless and until Waterworks suspends services under Section 9.4.1 for an Event of Default.

3.5 Acquisition, Design, Construction, and Operation of the Delivery Systems

3.5.1 Delivery Systems

(a) The Reclaimed Water Delivery System will be designed, sized, and constructed by RGVPG to store, convey, and supply at least the Contract Quantity of Water from the WWTP2 facility site to the Facility. Waterworks reserves the right to review and accept all plans and designs of the Reclaimed Water Delivery System. If Waterworks requires oversizing of any component of the Reclaimed Water Delivery System beyond what is necessary to meet the Contract Quantity of Water for the Facility,

then the cost of any such oversizing shall be funded entirely by Waterworks unless otherwise agreed in writing by the Parties.

(b) The Delivery Systems, including the capability of remote operation, will be constructed by RGVPG, but shall be owned and operated by Waterworks. Waterworks shall allow RGVPG to incorporate the following facilities into the design of the Delivery System: (i) the clear well at the Wastewater Treatment Facility located on East Harrison (ii) the Above Ground Storage Tank located on Rio Hondo Rd, and the enclosed pumps located on Rio Hondo Rd . Any facility improvements constructed to convey Reclaimed Water to RGVPG's Facility shall be at RGVPGs expense.

(c) The Delivery Systems, pumps, piping, valving, electrical including the capability of remote operation, will be constructed by RGVPG at RGVPG's expense. Upon completion of construction of the Delivery System, RGVPG shall assign, transfer, convey and deliver such Delivery System to Waterworks at no cost, whereupon the Delivery System shall then be considered part of the Waterwork's system of delivery for all purposes.

3.5.2 Access to Waterworks Facility Site: Licenses.

(i) Waterworks understands that access to the WWTP2 facility site is essential to the project and RGVPG and Waterworks each agree to use its best efforts, subject to applicable laws, to obtain access for RGVPG to the WWTP2 facility site, in a form mutually agreeable to the Parties, to construct and commission the Delivery Systems, and to perform all obligations imposed and to exercise all rights granted under this Agreement.

(ii) Furthermore, Waterworks will grant a recordable license (which will run with the land) to RGVPG for the placement of the pipelines and related equipment on property owned by Waterworks. The license will remain in effect throughout the Term hereof.

(iii) RGVPG will be responsible to acquire and obtain any and all land and/or utility easements or rights-of-way necessary for the construction, operation and maintenance of the Delivery Systems as contemplated by this Agreement and all such easements or rights-of-way. Waterworks will provide RGVPG any assistance and exercise the needed authority to perform such acquisitions. Any consideration to be paid to the grantor of an easement will be borne by RGVPG.

3.5.3 Permits.

(i) RGVPG will obtain all federal, state, and local permits, licenses, consents and approvals necessary for the design and construction of the Delivery Systems. Waterworks agrees to cooperate with and assist RGVPG as necessary in procuring such permits, licenses, consents, and approvals. RGVPG will provide Waterworks with a copy of each such permit, license, consent, and approval.

(ii) Any reasonable expense incurred by Waterworks for the acquisition of the permits, licenses, consents, and approvals, beyond the expense required of Waterworks to acquire and/or maintain such permits, licenses, consents, and approvals for the normal operation of Waterworks not related to this Agreement will be borne by RGVPG.

3.5.4 Operation and Maintenance

(a) Waterworks will prepare and implement an operations and maintenance plan for the Delivery Systems that satisfies applicable Regulatory Requirements applicable to RGVPG including 30 TAC Section 210.4. The Waterworks will not be required to deliver Reclaimed Water to RGVPG under this Agreement until Waterworks satisfies TCEQ requirements under 30 TAC Section 210.4(a)(4). Waterworks will thereafter operate and maintain the Delivery Systems in accordance with Regulatory Requirements and the operations and maintenance plan to be prepared by Waterworks. Waterworks agrees to maintain and operate the portion of the Delivery System defined in Exhibit "B" upon RGVPG conveyance of ownership of the Delivery System after construction and approval of the system by Waterworks.

(b) The Parties agree that the operations and maintenance plan will contain as a minimum (i) the requirements of 30 TAC Section 210.4(a)(4); and (ii) a requirement that Waterworks will perform operations and maintenance activities on the components of the Delivery Systems in accordance with prudent industry practices and manufacturers' recommendations.

(c) With regard to emergency maintenance or repair of the Delivery System, Waterworks will promptly and expeditiously undertake to complete such activities. The portion of the Delivery System deemed to be RGVPG's in Exhibit "B" shall be repaired and maintained by RGVPG's at its expense.

(d) Waterworks will have access at reasonable times and upon advance notice to inspect and monitor operations and maintenance work with respect to the Delivery Systems. Waterworks will comply with and be ultimately responsible and accountable to TCEQ for compliance with Regulatory Requirements applicable to the delivery systems downstream of the Reclaimed Water Delivery Point, including but not limited to the requirements of 30 TAC Chapter 210.

(e) Waterworks will notify RGVPG with as much advance notice as reasonably possible, of any regularly scheduled maintenance or repair activities that are likely to affect Waterworks' ability to perform any of its obligations under this Agreement. Such notice will include, but be limited to, the anticipated duration of any outage and/or change in Waterworks' ability to provide Reclaimed Water to RGVPG and any such outage and/or change affecting Waterworks' ability to provide Potable Water to RGVPG.

(f) Waterworks will use reasonable efforts to coordinate the regularly scheduled maintenance or repair activities of the WWTP2 facility site with RGVPG's regularly scheduled maintenance or repair activities at the Facility. In the event Waterworks becomes aware of an emergency repair or unscheduled maintenance activity at the WWTP2 facility site that has resulted in, or is likely to result in, Waterworks' inability to perform its obligations under this Agreement or an impact on the quality of Reclaimed Water or quantity of Reclaimed Water that Waterworks will be able to provide under this Agreement, Waterworks will notify RGVPG as soon as practicable upon becoming aware of the event, and provide Potable Water until Reclaimed Water is available again.

3.5.5 Operations and Maintenance Costs. Once the delivery system is approved, completed and assumed by Waterworks it will own, operate and maintain that portion of the Delivery System from the WWTP to the AGST on Rio Hondo Rd as illustrated in Exhibit "B" at Waterworks's cost and expense. RGVPG will own, operate and maintain a portion of the delivery system from the AGST on Rio Hondo Rd. to RGVPG's facility as illustrated in Exhibit "B" at RGVPG's cost and expense. Waterworks will maintain up to the discharge side of the pumps located in the pumping station located at the AGST on Rio Hondo Rd. and RGVPG shall maintain the portion of line after the discharge side of the pumps to their facility.

ARTICLE 4

PROVISIONS SPECIFIC TO POTABLE WATER

4.1 Quantity of Potable Water. Subject to the terms and provisions of this Agreement, Waterworks will supply Potable Water to RGVPG in an amount up to the Contract Quantity of Water during the time that Reclaimed Water is not available. Waterworks will supply the Potable Water at the Potable Water Delivery Point.

4.2 Sufficient Rights. Waterworks agrees at all times to maintain sufficient water rights to meet the obligations of this Agreement.

4.3 Rates. The rates charged by Waterworks for any Potable Water supplied to RGVPG to supplement the lack or shortage of will be the then current applicable commodity charge for Inside City Limits Commercial accounts as adopted by the governing body of the City for all users, multiplied by the actual quantity of Potable Water taken (the "Potable Water Charges").

4.4 Invoicing and Payment. Waterworks will deliver a monthly invoice to RGVPG for the Potable Water Charges for the previous month. RGVPG will pay the amounts due pursuant to each invoice in accordance with payment instructions contained therein within twenty (20) days after receipt. In the event RGVPG reasonably disputes any amounts specified in an invoice, the Parties will proceed according to Section 11.18, Dispute Resolution.

ARTICLE 5
CUSTODY AND METERING

5.1 Transfer of Title and Custody of Water.

(a) The Parties agree that title to all Reclaimed Water and Potable Water delivered hereunder will transfer to RGVPG at the Reclaimed/Potable Water Delivery Point.

(b) Waterworks will be deemed to be in exclusive control and possession of Reclaimed Water and Potable Water until the same is delivered to RGVPG at the Reclaimed/Potable Water Delivery Point.

(c) RGVPG will be deemed to be in exclusive control and possession thereof after receipt of same at the Reclaimed/Potable Water Delivery Point.

(d) The risk of loss of Reclaimed Water or Potable Water delivered hereunder will be and remain with the Party having control and possession of the water as provided herein.

(e) Title or ownership of water provided by Waterworks does not include use of the water other than for the purpose of operating the Facility.

5.2 Metering

5.2.1 Installation and Testing.

(a) To calculate the Reclaimed Water Charges or, if applicable, the Potable Water Charges due from RGVPG, RGVPG agrees at RGVPG's expense to install flow meters and recording devices (the "Meters") at the Reclaimed/Potable Water Delivery Point, such meters to permit, within five percent (5%) accuracy, determination of the separate quantities of Reclaimed Water and Potable Water purchased hereunder in units of 1,000 gallons. Meters shall not be positive displacement (PD) type and shall be magnetic or ultrasonic flow meters with capabilities of being read remotely by Waterworks automatic meter reading system.

(b) RGVPG agrees that the Meters will be tested for accuracy by personnel and at intervals of approximately every twelve (12) months.

(c) RGVPG will furnish to Waterworks a report of such test results. Readings within five percent (5%) accuracy will be considered correct.

(d) RGVPG will be required to take necessary steps, as soon as practicable, to correct any meter inaccuracy discovered during any test.

5.2.2 Reading Meters. Waterworks will be responsible for reading the Meters and/or periodic inspections. Waterworks will maintain all logs, charts, and records for a period of not less than five (5) years following generation thereof.

5.2.3 Inaccuracies.

(a) In the event any question arises at any time as to the accuracy of any Meter, such Meter will be tested by RGVPG promptly upon the demand of Waterworks, the expense of such test to the borne by Waterworks if the applicable Meter is found to be correct and by RGVPG if it is found to be incorrect.

(b) RGVPG at RGVPG's expense, may test any Meter upon reasonable notice to Waterworks.

(c) If, as a result of any test, any Meter is found to be registering inaccurately (i.e., in excess of five percent ($\pm 0.5\%$ accuracy for Mag and $\pm 1\%$ for Ultrasonic), the readings of such Meter will be corrected, and the records of readings will be adjusted accordingly, at the rate of its inaccuracy, for any period which is definitely known and agreed upon or, if no such period is known and agreed upon the shorter of the following periods:

(1) A period extended back either sixty (60) days from the date of demand for the test; or

(2) If no demand for the test was made, sixty (60) days from the date of the test; or

(3) A period extending back half of the time elapsed since the last previous test.

ARTICLE 6

ADDITIONAL OBLIGATIONS AND COVENANTS

6.1 Contractors. The Parties acknowledge that each may retain contractors and consultants necessary to perform the work required and to satisfy its obligations. The Parties will in no way be relieved from any of their duties and obligations under this Agreement by reason of employment of such contractors and consultants.

6.2 Approvals.

(i) Waterworks agrees to acquire and maintain in full force and effect throughout the relevant term, all approvals necessary to fulfill its obligations hereunder, and to comply with all Regulatory Requirements applicable to Waterworks, including compliance in all respects with 30 TAC Chapter 210 entitled, "Use of Reclaimed Water," in the performance of its obligations hereunder.

(ii) The Parties agree to secure all modifications to Approvals as necessary and to maintain compliance with all Approvals as necessary to fulfill their obligations hereunder in compliance with the Regulatory Requirements applicable to Waterworks.

(iii) Waterworks agrees to issue or cause to be issued to RGVPG all Approvals that are within its jurisdiction that are necessary for RGVPG to obtain and use the Reclaimed Water and Potable Water as contemplated herein.

(iv) Waterworks agrees to give reasonable assistance to RGVPG as requested, in connection with obtaining Approvals that are necessary for RGVPG to obtain and use the Reclaimed Water and Potable Water as contemplated herein and perform other operations of the Facility relating to the subject matter of this Agreement.

6.3 Notice of Changes. The Parties will promptly notify each other of any proposed or enacted legislation or regulations (either federal, state, city, county, or local level), permit amendments, or agreement, which comes to their attention and which could adversely affect the ability of either Party to perform any of their obligations hereunder. Upon the occurrence of such event, the Parties agree to modify the Agreement to the extent possible in order to maintain in effect the substantive obligations contained in this Agreement.

ARTICLE 7

REPRESENTATIONS AND WARRANTIES

7.1 Representations and Warranties of Waterworks. Waterworks represents and warrants to RGVPG that the following are true, legal, and correct:

7.1.1 Valid Existence. The City is a home-rule municipality validly existing and in good standing under the laws of the State of Texas. Waterworks has all requisite power and authority to conduct its business, own its properties and execute and deliver this Agreement and perform its obligations hereunder in accordance with the terms hereof. The Reclaimed Water Rate and the Potable Water Rate have been previously approved by the City Commission.

7.1.2 Duly Executed and Enforceable. This Agreement has been duly executed and delivered on behalf of Waterworks and constitutes the legal, valid and binding obligations of Waterworks, enforceable against Waterworks in accordance with its terms, except as the enforceability thereof may be limited by bankruptcy, insolvency, reorganization, moratorium, force majeure (as set forth herein), or other similar laws affecting the enforcement of creditor' rights generally and general equitable principles.

7.1.3 No Violation of Law. The execution and delivery of this Agreement and its performance by Waterworks will not violate, result in a breach of or conflict with any law, rule, regulations, order or decree applicable to it, its organizational documents or the terms of any other agreement binding on it.

7.1.4 Sufficient Rights to Reclaimed Water. Waterworks maintains sufficient rights to, and supply of, the quantity of Reclaimed Water to fully deliver the Contract Quantity of Water as Reclaimed Water.

7.1.5 Chapter 210 Responsibilities. Waterworks represents and warrants that it is aware of its responsibilities as Provider, and, if necessary, as Producer under 30 TAC Chapter 210.

7.1.6 Sufficient Rights to Potable Water. Waterworks maintains sufficient rights to and supply of the quantity of Potable Water to fully deliver the Potable Water that Waterworks commits to deliver under this Agreement.

7.2 Representation and Warranties of RGVPG. RGVPG represents and warrants to Waterworks that the following are true, legal, and correct as of the Effective Date:

7.2.1 Valid Existence. RGVPG is an entity validly existing and in good standing under the laws of Delaware and is qualified to do business in all jurisdictions where it is required to be qualified in order to perform its obligations under this Agreement; and that it has all requisite power and authority to conduct its business, own its properties and execute and deliver this Agreement and perform its obligations hereunder in accordance with the terms hereof.

7.2.2 Duly Executed and Enforceable. This Agreement is duly executed and delivered on behalf of RGVPG and constitutes the legal, valid and binding obligations of it, enforceable against it in accordance with its terms, except as the enforceability thereof may be limited by bankruptcy, insolvency, reorganization, moratorium, force majeure (as set forth herein), or other similar laws affecting the enforcement of creditors' rights generally and general equitable principles.

7.2.3 No Violation of Law. The execution and delivery of this Agreement and its performance by RGVPG will not violate, result in a breach of or conflict with any law, rule, regulation, order or decree applicable to it, its organizational documents or the terms of any other agreement binding on it.

7.2.4 Chapter 210 Responsibilities. RGVPG represents and warrants it is aware of its responsibilities under 30 TAC Chapter 210.

ARTICLE 8

FORCE MAJEURE

8.1 Notification Obligations.

(a) In the event a Party claims a Force Majeure Event hereunder, such Party will promptly, but in no event more than twenty-four (24) hours after it knows or should have known

of the occurrence of the Force Majeure Event, give the other Party a brief written notice of the Force Majeure Event.

(b) Not later than three (3) days after such notice, the Party claiming Force Majeure Event will provide to the other Party a second, more detailed notice describing the details of the occurrence and the anticipated length of delay due to the Force Majeure Event.

(c) The Party claiming the Force Majeure Event will give notice to the other Party of (i) the cessation of the relevant Force Majeure Event; and (ii) the cessation of the effects of such Force Majeure Event on the performance by it of its obligations under this Agreement as soon as practicable after becoming aware of each of (i) and (ii) above.

8.2 Duty to Mitigate.

(a) The Parties will use their reasonable efforts to mitigate the effects of such Force Majeure Event and to cooperate to develop and implement a plan of remedial and reasonable alternative measures to remove the Force Majeure Event.

(b) In addition, a Party will not be excused under this Article from timely performance of its obligations hereunder to the extent that the claimed Force Majeure event was caused by any negligence or intentional acts or by any breach or default of this Agreement by such Party.

8.3 Failure; Delay Caused by Force Majeure Event. To the extent provided in this Section 8.3 and subject to Section 8.2, neither Party will be responsible or liable for or deemed in breach of this Agreement because of any failure or delay in complying with its obligations under or pursuant to this Agreement to the extent that such failure has been caused, or contributed to, by one or more Force Majeure events or its effects or by any combination thereof.

ARTICLE 9 EVENTS OF DEFAULT; TERMINATION

9.1 RGVPG Event of Default. Each of the following events or conditions will constitute an "Event of Default" by RGVPG:

9.1.1 Failure to Pay. RGVPG fails to make a payment of monies due hereunder within twenty (20) days of the due date, and such failure is not cured within ten (10) days after notice from Waterworks.

9.1.2 Failure to Perform. RGVPG fails to observe or perform any of its covenants or material duties or obligations contemplated by this Agreement (exclusive of its obligation to pay, which will be governed by Section 9.1.1 above), and such failure is not cured within thirty (30) days after notice from Waterworks, provided that no Event of Default will be deemed to have occurred if such cure cannot be completed within such thirty (30) day period, and RGVPG has commenced such cure within such thirty (30) day

period, and diligently proceeds and subsequently complete such cure within a reasonable time;

9.1.3 Failure to Comply. RGVPG fails to comply with the requirements of 30 TAC Chapter 210 applicable to RGVPG, and such failure is not cured within thirty (30) days after notice thereof from Waterworks, provided that no Event of Default will be deemed to have occurred if the cure cannot be completed within such thirty (30) day period, and RGVPG has commenced such cure within such thirty (30) day period and diligently proceeds and subsequently completes such cure within a reasonable time;

9.1.4 Bankruptcy. RGVPG (i) files a petition or otherwise commences, authorizes or acquiesces in the commencement of a proceeding or cause under any bankruptcy or similar law for the protection of creditors, or have such petition filed against it, and such proceeding remains uncontested for sixty (60) days; or (ii) otherwise becomes bankrupt or insolvent (however evidenced); or

9.1.5 False Representation. Any representation or warranty furnished by RGVPG is false or misleading in material respect when made.

9.2 Waterworks Event of Default. Each of the following events or conditions will constitute an “Event of Default” by Waterworks:

9.2.1 Failure to Perform. Waterworks fails to observe or perform any of its covenants or material duties or obligations contemplated by this Agreement and such failure is not cured within thirty (30) days after notice thereof from RGVPG; provided that no Event of Default will be deemed to have occurred if such cure cannot be completed within such thirty (30) day period, and Waterworks has commenced such cure within such thirty (30) day period and diligently proceeds and subsequently completes such cure within a reasonable time;

9.2.2 Failure to Comply. Waterworks fails to comply with any Regulatory Requirements, including but not limited to, the requirements of 30 TAC Chapter 210 applicable to Waterworks and such failure is not cured within thirty (30) days after notice thereof from RGVPG, provided that no Event of Default will be deemed to have occurred if such cure cannot be completed within such thirty (30) day period, and Waterworks of the Authority has commenced such cure within such thirty (30) day period and diligently proceeds and subsequently completes such cure within a reasonable time;

9.2.3 Bankruptcy. The City (i) files a petition or otherwise commences, authorizes or acquiesces in the commencement of a proceeding or cause under any bankruptcy or similar law for the protection of creditors, or have such petition filed against it, and such proceeding remains uncontested for one hundred twenty (120) days; or (ii) otherwise becomes bankrupt or insolvent (however evidenced);

9.2.4 False Representation. Any representation furnished by Waterworks if false or misleading in any material respect when made or, with respect to representations that survive the Effective Date, becomes false or misleading after the Effective Date.

9.3 Financing Party Cure Rights.

9.3.1 Waterworks will send a notice of Event of Default to the Financing Party (which notice will include the name, address, telephone number of the Financing Party and identifying information of the financing agreement so long as RGVPG has provided such information to Waterworks), simultaneously upon sending such notice to RGVPG.

9.3.2 Any payment Event of Default by RGVPG may be cured by a Financing Party within an additional thirty (30) days after the expiration of any applicable cure period for RGVPG. Any non-payment Event of Default by RGVPG may be cured by a Financing Party within an additional sixty (60) days after the expiration of any applicable cure period for RGVPG.

9.3.3 Waterworks will accept any conforming cure of a default or an Event of Default tendered by any Financing Party on behalf of RGVPG.

9.4 Remedies. Upon the occurrence of an Event of Default, the non-defaulting Party will have the right to one or more of the following remedies, which remedies will be the sole and exclusive remedies:

9.4.1 Suspension. Suspend services until the defaulting Party has cured such Event of Default;

9.4.2 Withhold Payments. Withhold any payments due until the defaulting Party has cured such Event of Default;

9.4.3 Legal and Equitable Remedies. In the event of an Event of Default, exercise all remedies available at law or at equity, including but not limited to the right of specific performance and the right of injunctive relief;

9.4.4 Specific Performance. The Parties recognize that Waterworks' undertaking to supply Reclaimed Water and Potable Water to RGVPG is an obligation on Waterworks, the failure in the performance of which cannot be adequately compensated in money damages alone. Waterworks agrees, in the event of any default on its part, that RGVPG will have available to it the remedy of specific performance in addition to all legal and equitable remedies that may also be available in addition to all other remedies set forth in this Section 9.4.

9.5 Additional RGVPG Termination Rights. In addition to the early termination provisions in Section 3.1.3, RGVPG will have the right to terminate this Agreement, without charge or penalty, upon the occurrence of any of the following events:

9.5.1 Force Majeure. An event of Force Majeure that continues for more than one hundred eighty (180) days;

9.5.2 Decision Not to Proceed. If RGVPG elects not to construct the Facility for any of the reasons listed in subsections (a) or (b) below, upon giving (10) days prior written notice and by paying to Waterworks all reasonable third-party costs incurred by Waterworks (not to exceed \$5,000.00) in obtaining any Approvals necessary for it to comply with its obligations hereunder:

(a) RGVPG's inability to obtain all Approvals necessary to transport, use or discharge Reclaimed Water or Potable Water, or return Returned Water (whether such Returned Water is Reclaimed Water or Potable Water) to, at, or from the Facility; and

(b) RGVPG's inability to obtain all Approvals necessary to construct or operate the Facility.

9.5.3 Following the Commercial Operations Date. After the Commercial Operations Date, if RGVPG permanently ceases to operate the Facility for any reason, upon giving one hundred eighty (180) days prior written notice and by paying to Waterworks all amounts due under this Agreement for the period prior to and including the date of termination.

ARTICLE 10

INSURANCE REQUIREMENTS

10.1 Insurance Requirements. RGVPG is responsible for procuring and maintaining insurance coverage for the following:

(a) Claims for workers' compensation in the amount required by the laws of the State of Texas;

(b) Claims by RGVPG's employees for bodily injury, sickness, disease, or death;

(c) Claims by any person other than RGVPG's employees for bodily injury, sickness, disease, or death;

(d) Claims for personal injury sustained by any person as a direct or indirect result of RGVPG's employment of the person or sustained by any other person;

(e) Claims for damage to property because of injury to or destruction of tangible property, including loss of use;

(f) Claims for damages for personal injury, death, or property damage resulting from RGVPG's use and/or maintenance of any motor vehicle; and

(g) Claims for contractual liability arising from RGVPG's obligations under this Agreement.

10.2 Operations Coverage. RGVPG will, at its expense, purchase and maintain insurance on all of its operations including the following:

(a) Comprehensive General Liability:

\$1,000,000 each occurrence, \$1,000,000 aggregate coverage

\$1,000,000 for products and completed operations

(b) Commercial Automobile Liability

\$500,000 each occurrence, \$500,000 aggregate coverage

10.3 Occurrence Coverage; Insurer Rating. All insurance coverage will be occurrence coverage and will be with an insurance carrier rated A-1 or better in the most current edition of A.M. Best's ratings guides.

10.4 Additional Insured Endorsement

(a) RGVPG will name Waterworks and the City of Harlingen as additional insureds under the general liability and automobile liability policies.

(b) RGVPG will provide a policy endorsement, in addition to Certificates of Insurance, naming Waterworks and the City of Harlingen as additional insureds.

10.5 Certificates of Insurance

(a) RGVPG will provide Waterworks with Certificates of Insurance before work is commenced on the Transfer Facilities and/or any lease area.

(b) The Certificates will provide that no coverage will be canceled, renewal refused or materially changed for the Term of this Agreement unless at least thirty days prior written notice is given to Waterworks.

10.6 Delay. RGVPG will be responsible for any delay caused by failure to provide the required insurance.

10.7 Waiver of Subrogation. Waterworks and RGVPG waive all rights against each other for damages caused by perils to the extent such perils are covered by insurance, except

such rights as they may have to the insurance proceeds. RGVPG will require similar waivers from all contractors and subcontractors.

10.8 Waiver of Subrogation Endorsement. RGVPG will require the insurance policies provided pursuant to this Agreement to contain a provision waiving subrogation, whether in the policy or by endorsement.

10.9 Bonds and Other Performance Security. For any contractor or subcontractor retained by RGVPG and performing work on any lease area or any part of the Transfer Facilities located on Waterworks property, RGVPG will require the contractor and subcontractor to provide:

- (a) The same insurance required for RGVPG as set forth in paragraphs 10.1 through 10.8; and
- (b) 100% payment bond; and
- (c) 100% performance bond.

ARTICLE 11

MISCELLANEOUS

11.1 Assignment

11.1.1 Binding Effect. This Agreement will be binding and inure to the benefit of the respective Parties, including their successors and assigns. No Party will assign this Agreement to a third party without the prior written consent of the other Party, which consent will not be unreasonably withheld or delayed; provided, however, that RGVPG will have the right to assign this Agreement to an Affiliate or to any person or entity obtaining an ownership interest in the Facility or to which the Facility is transferred, leased, or conveyed without the consent of Waterworks. Upon such assignment, RGVPG will be fully released from any and all liabilities and obligations, whenever arising hereunder, provided that such assignee agrees to be bound by all the terms and conditions of this Agreement and agrees to assume all obligations of RGVPG hereunder.

11.1.2 Financing Party. Notwithstanding the foregoing Section 11.1.1, Waterworks agrees that:

- (a) At any time and from time to time, RGVPG may assign, mortgage, hypothecate, pledge or otherwise encumber all or any portion of RGVPG's interest in and to this Agreement in favor of any institutions (including any trustee or agent on behalf of such institutions) providing financing or refinancing to RGVPG and its successors and assigns (collectively, a "Financing Party");

(b) Any such Financing Party may assign such interest in and to this Agreement to any subsequent assignee in connection with the sale, transfer or exchange of its rights under this Agreement or for the purpose of operating the Facility pursuant to such assignment upon and after the exercise of its rights and enforcement of its remedies against the Facility under any deed of trust or other security instrument creating a mortgage, lien, lease, or security interest or encumbrance of any kind (a "Lien") in its favor;

(c) Each of the Parties agrees, at RGVPG's cost and expense, to execute such documents and provide such legal opinions as reasonably may be requested by any such Financing Party or subsequent assignee to evidence and acknowledge its consent and the effectiveness of any such assignment or Lien. Each Party agrees to give any notices required under this Agreement to both the assignor and the assignee of an assignment permitted under Section 11.1 after receipt notice as to the address thereof; and

(d) Waterworks agrees to cooperate with any reasonable request of the Financing Party or its consultants with respect to the Financing Party's due diligence review of this Agreement, the Delivery Systems, and Waterworks' rights to obtain and provide water under this Agreement.

11.2 Recordkeeping. The Parties will maintain records on site for a period of five years as required by 30 TAC Section 210.36, or as otherwise required by Regulatory Requirements.

11.3 Confidentiality.

(a) The Parties agree that certain of the contents of the Agreement and certain of RGVPG's information with respect to the negotiation or performance of this Agreement may, if marked confidential by Waterworks or RGVPG constitute trade secret or be of a proprietary business, technical, engineering, or economic nature (the "Confidential Information") and will be treated as confidential and withheld from disclosure to the extent authorized by law, including the Texas Public Information Act.

(b) Nothing in this Section 11.3 will prevent any party from disclosing such information to its consultants, partners, affiliates, and Financing Parties.

(c) To the extent that disclosure of information relating to this Agreement by the disclosing Party is necessary pursuant to law, including the Texas Public Information Act, the disclosing Party will in disclosing such information seek to preserve the Confidential Information.

(d) Notwithstanding the foregoing, this Section will not prevent the disclosing Party from disclosing any information relating to this Agreement, including any Confidential Information, if and to the extent: (i) required to do so by applicable law or any court, governmental or regulatory authority, provided that the disclosing Party will give prior notice to the non-disclosing Party of such required disclosure and, if so requested by the non-disclosing Party, will use all reasonable efforts to oppose (and/or provide the non-disclosing Party an opportunity at the non-disclosing Party's expense to oppose) the requested disclosure of any Confidential Information, appropriate under the circumstances (except that nothing in this Agreement will require the disclosing Party to engage or participate in litigation or a contested case hearing to oppose such disclosure); (ii) Confidential Information is already known to the disclosing Party, if the disclosing Party provides evidence of such prior knowledge; (iii) Confidential Information has come into the public domain (except as a result of a breach of this Section); (iv) Confidential Information is disclosed by a third party not in violation of any obligation of non-disclosure; or (v) Confidential Information is approved for release by the non-disclosing Party pursuant to prior written authorization.

11.4 Severability.

(a) The Provisions of this Agreement are severable and if, for any reason, any one or more of the provisions contained in this Agreement will be held to be invalid, illegal, or unenforceable in any respect, the invalidity, illegality or unenforceability will not affect any other provision of this Agreement and this Agreement will remain in effect and be construed as if the invalid, illegal or unenforceable provision had never been contained in the Agreement.

(b) In the event any provision of this Agreement is declared invalid, illegal, or unenforceable, the Parties will, upon the request of a Party, promptly renegotiate in good faith a new provision to eliminate the invalidity and to restore this Agreement as nearly as possible to its original intent and effect.

(c) In the event agreement cannot be reached in such renegotiation, this agreement will continue in force and effect as if it had been executed without the invalid provision.

11.5 Notices. Any and all notices and other communications required or permitted to be given pursuant to this Agreement will be in writing and will be deemed given (i) upon personal delivery; or (ii) upon the sender's receipt of electronic confirmation of transmission, if sent by telex or facsimile; or (iii) upon receipt if sent by U.S. mail or courier. The Parties designate the following addresses for purposes of the foregoing (unless a Party elects to amend its address in a signed writing to the other Party setting forth such change):

If to Waterworks:

P.O. Box 1950
Harlingen, Texas 78551-1950
956-430-6100

If to RGVPG:

RGV PROPERTY GROUP, LLC
Attn: Roberto Serrano
Overland Park,
KS, 66210
913-340-2532

11.6 No Third-Party Beneficiary. Except with respect to the rights of any Financing Party, (i) nothing in this Agreement nor any action taken hereunder will be construed to create any duty, liability or standard of care to any Person that is not a Party; (ii) no person that is not a Party will have any rights or interest, direct or indirect, in this Agreement or the services to be provided hereunder; (iii) this Agreement is intended solely for the benefit of the Parties; and (iv) the Parties expressly disclaim any intent to create any rights in any third party as a third-party beneficiary to this Agreement or the services to be provided hereunder.

11.7 Further Assurances.

(a) In furtherance of the terms and conditions of this Agreement, each of the Parties will collaborate in good faith with each other in order to achieve the performance of their respective obligations hereunder. Each Party will promptly execute and deliver all further instruments and documents, and take all further action, that may be necessary or desirable, or that the other Party may reasonably request, for carrying out the intention of or facilitating the performance of this Agreement, in order to protect any right or interest granted by the provisions of this Agreement or to enable the other Party to exercise and enforce its rights and remedies hereunder.

(b) Without limiting the foregoing, in the event it is necessary or useful in order for RGVPG to obtain financing in relation to the Facility, the Parties agree to negotiate in good faith in an effort to make reasonable changes to this Agreement or to execute such additional documents or assurances that may be requested of the Parties or of RGVPG by financial institutions or other financing parties, provided that such additional documents or assurances do not (i) render the basic purpose of this Agreement illegal, invalid or unenforceable; or (ii) otherwise materially and adversely affect the utility or financial parameters of this Agreement to either Party.

(c) Waterworks and RGVPG agree to execute and deliver such instruments, properly authorized and in recordable form, as are necessary to conform, and record the licenses, permits, covenants and restrictions granted or imposed in Section 3.5.

11.8 Entire Agreement. This Agreement, together with its attachments, constitutes the entire agreement between the Parties respecting the subject matter hereof and supersedes any prior understanding or written or oral agreement concerning it, including without limitation the Original Agreement.

11.9 Governing Law. This Agreement, and the rights and obligations of the Parties under or pursuant to this Agreement, will be governed by the laws of the State of Texas and all obligations of the Parties created hereunder are performable in Cameron County, Texas.

11.10 Counterparts. This Agreement may be executed in multiple counterparts, each of which will be deemed an original, and all of which together will constitute one and the same instrument. The Parties may execute this Agreement by signing any such counterpart.

11.11 Amendments. This Agreement may not be amended, supplemented or otherwise modified unless done so in writing signed by the Parties, and no provision hereof will be deemed waived unless such waiver is in writing and signed by the waiving Party.

11.12 Joint Preparation. This Agreement will be considered for all purposes as having been prepared through the joint efforts of the Parties and will not be construed against one Party or the other as a result of the preparation, substitution, submission or other event of the negotiation, drafting or execution hereof.

11.13 Relationship of the Parties. Waterworks and RGVPG will not be deemed in a relationship of partners or joint ventures by reason of the Agreement or the activities taken pursuant hereto. This Agreement is intended to secure and provide for the services of each Party as an independent contractor.

11.14 No Consequential Damages. Notwithstanding any other provision of this Agreement, in no event will the Parties or any of their Affiliates, by reason of any of their respective acts or omissions relating to the development, negotiation, design, or financing of the Facility or relating to any of their obligations under this Agreement, be liable, whether in contract, tort, misrepresentation, warranty, negligence, strict liability or otherwise, for any special indirect, incidental or consequential damages arising out of or in connection with this Agreement, or the performance or breach thereof.

11.15 INDEMNIFICATION. RGVPG WILL INDEMNIFY AND HOLD WATERWORKS HARMLESS FROM ANY AND ALL CLAIMS OR DEMANDS WHATSOEVER TO WHICH THEY IT BE SUBJECTED TO BY REASON OF ANY INJURY TO ANY PERSON OR DAMAGE TO ANY PROPERTY RESULTING FROM ANY AND ALL ACTIONS (OR FAILURES TO ACT) OF RGVPG UNDER THIS AGREEMENT, REGARDLESS OF THE THEORY UNDER WHICH SUCH ACTIONS MAY ARISE, WHETHER UNDER COMMON LAW OR STATUTE OR UNDER STRICT LIABILITY, NEGLIGENCE, OR TRESPASS, EXCEPT TO THE EXTENT CAUSED BY WATERWORKS' OWN NEGLIGENCE OR WILLFUL MISCONDUCT.

11.16 Non-Recourse. Each Party acknowledges and agrees that in no event will any affiliate of a Party or any partner, shareholder, owner, officer, director, trustee, agent, or employee of a Party or an affiliate of a Party be personally liable to another Party or any third party for any payments, obligations or performance due under this Agreement, or any breach or failure of performance of such Party hereunder, and the sole recourse for payment or performance of the obligations under this Agreement will be only against a Party and its assets.

Any provision herein to the contrary notwithstanding, the liability, if any, of Waterworks is subject to and limited by the Texas Tort Claims Act, Chapter 101, Texas Civil Practice & Remedies Code.

11.17 Term. The term of this Agreement will commence as of the Effective Date and will continue until twenty (20) years from the Commercial Operations Date and, unless otherwise terminated in accordance with the terms of this Agreement, shall automatically be extended for two (2) additional terms of fifteen (15) years each (collectively, the "Term"). The maximum aggregate term of this Agreement if fully extended shall not exceed 50 years.

11.18 Dispute Resolution. The Parties agree that they will use good faith and reasonable efforts to resolve any dispute by agreement, which may include engaging in non-binding mediation, before initiating any lawsuit or legal proceeding to enforce their respective rights under this Agreement.

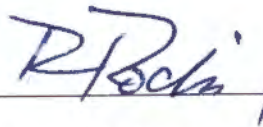
11.19 Execution of Other Instruments - The Parties hereto agree that they will execute such other and further instruments and documents as are or may become necessary or convenient to effectuate this Agreement.

11.20 Paragraph Headings - The paragraph headings used in this Agreement are for convenience only and are not to be considered in construing its terms.

[Signature Page to Follow]

IN WITNESS WHEREOF, the Parties have caused this Agreement to be duly executed as of the Effective Date.

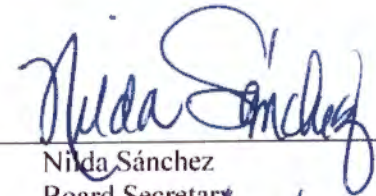
HARLINGEN WATERWORKS SYSTEM,
a Department of the CITY OF HARLINGEN, TEXAS

BY: 

Interim General Manager

Date Signed: 9/23/25

ATTEST:


Nilda Sánchez
Board Secretary

Date Signed: 9/23/25

**THIS AGREEMENT CONTAINS
AN INDEMNIFICATION PROVISION.**

RGV PROPERTY GROUP, LLC,
a Delaware limited liability company

BY: Roberto Serrano
Roberto Serrano (Sep 12, 2025 13:29:06 CDT)
Roberto Serrano, CEO

Date Signed: 2025-09-12

Exhibit "A"
Agreement Quantities and Schedules

Potable Water Quantity and Schedule (Backup Supply)

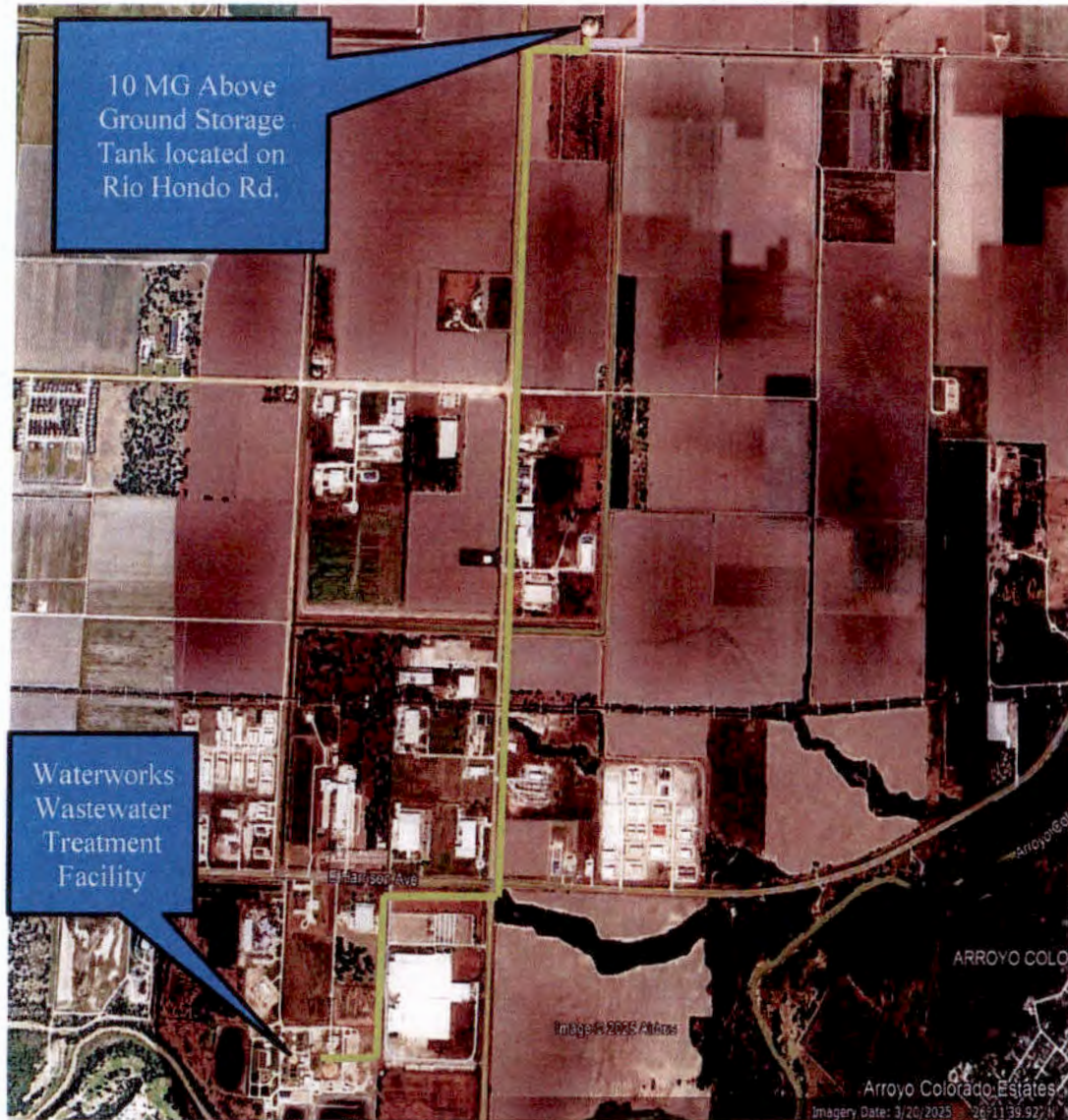
Date	Added Quantity	Cumulative Quantity
Q4 2026	.5 MGD	.5 MGD
Q4 2027	.8 MGD	1.3 MGD
Q4 2028	1.4 MGD	2.7 MGD
Q4 2029	1.4 MGD	4.1 MGD
Q4 2030	.5 MGD	4.6 MGD

Reclaimed Water Quantity and Schedule (Primary Supply)

Date	Added Quantity	Cumulative Quantity
Q4 2026	.5 MGD	.5 MGD
Q4 2027	.8 MGD	1.3 MGD
Q4 2028	1.4 MGD	2.7 MGD
Q4 2029	1.4 MGD	4.1 MGD
Q4 2030	.5 MGD	4.6 MGD

Exhibit "B"
Reclaimed Water Delivery System

Reclaimed Water Delivery System



Portion of Delivery System owned and maintained by RGVPG
Portion of the Delivery System financed and installed by RGVPG
and owned, operated, and maintained by Waterworks.

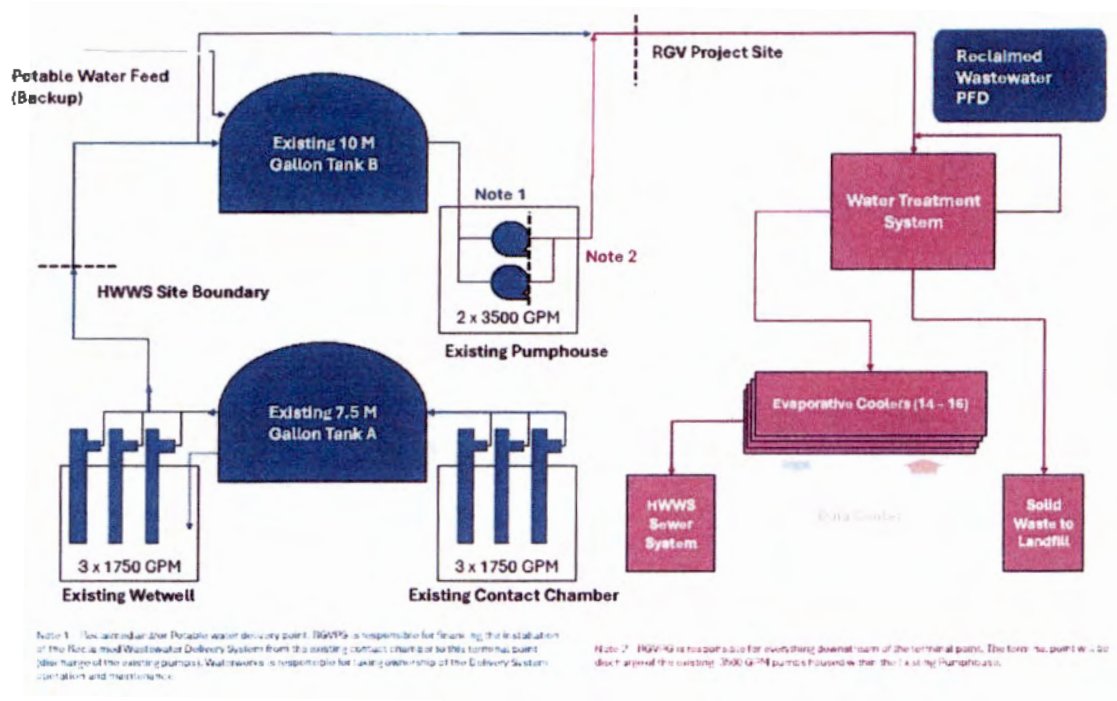


Exhibit "C"
TPDES Permit No. WQ0010490003

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**Outfall Number 001**

1. During the period beginning upon the date of issuance and lasting through the date of expiration, the permittee is authorized to discharge subject to the following effluent limitations:

The annual average flow of effluent shall not exceed 10.0 million gallons per day (MGD), nor shall the average discharge during any two-hour period (2-hour peak) exceed 20,833 gallons per minute (gpm).

Effluent Characteristic	Discharge Limitations				Min. Self-Monitoring Requirements	
	Daily Avg mg/l (lbs/day)	7-day Avg mg/l	Daily Max mg/l	Single Grab mg/l	Report Daily Avg. & Daily Max. Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Continuous	Totalizing Meter
Carbonaceous Biochemical Oxygen Demand (5-day)	10 (834)	15	25	35	One/day	Composite
Total Suspended Solids	15 (1251)	25	40	60	One/day	Composite
Ammonia Nitrogen	3 (250)	6	10	15	One/day	Composite
<i>E. coli</i> , colony-forming units or most probable number per 100 ml	126	N/A	309	N/A	Three/week	Grab

- The effluent shall contain a chlorine residual of at least 1.0 mg/l after a detention time of at least 20 minutes (based on peak flow) and shall be monitored daily by grab sample at each chlorine contact chamber. The permittee shall dechlorinate the chlorinated effluent to less than 0.1 mg/l chlorine residual and shall monitor chlorine residual daily by grab sample after the dechlorination process. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.
- The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per day by grab sample.
- There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
- Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.
- The effluent shall contain a minimum dissolved oxygen of 4.0 mg/l and shall be monitored once per day by grab sample.
- The annual average flow and maximum 2-hour peak flow shall be reported monthly.

HWWS-RGV Property Group- Water Agrmnt Final (09-11-25)

Final Audit Report

2025-09-12

Created:	2025-09-11
By:	Christopher Nelson (christopher.nelson.eneusenergy@gmail.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAA554IWQ-rNPiA_vKYliYOhNjLdRvfqJa

"HWWS-RGV Property Group- Water Agrmnt Final (09-11-25)" History

-  Document created by Christopher Nelson (christopher.nelson.eneusenergy@gmail.com)
2025-09-11 - 11:26:12 PM GMT
-  Document emailed to roberto.serrano@eneusenergy.com for signature
2025-09-11 - 11:26:18 PM GMT
-  Email viewed by roberto.serrano@eneusenergy.com
2025-09-12 - 6:28:20 PM GMT
-  Signer roberto.serrano@eneusenergy.com entered name at signing as Roberto Serrano
2025-09-12 - 6:29:04 PM GMT
-  Document e-signed by Roberto Serrano (roberto.serrano@eneusenergy.com)
Signature Date: 2025-09-12 - 6:29:06 PM GMT - Time Source: server
-  Agreement completed.
2025-09-12 - 6:29:06 PM GMT



Adobe Acrobat Sign