

**CITY COMMISSION
AGENDA
REGULAR MEETING
APRIL 17, 2024
@ 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, APRIL 17, 2024 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 regarding an item on the agenda 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 Daniel N. Lopez
 - 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) **Presentation of Awards:**
 - a) Harlingen High School South "Hawks" - Boys Powerlifting Team
 - b) Harlingen High School South "Hawks" - Girls Powerlifting Team
 - c) Proclaiming April 29, 2024, as "World Wish Day"
 - d) Mayor's Business of The Month - Beauty on the GoGo
- 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 February 21, 2024
- 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 adopt an ordinance on second and final reading for a rezoning request from Residential, Single Family ("R-1") District to Residential, Duplex ("R-2") District for a property located at 102 N. 27th Street, bearing a legal description of Lot 8, Block C, Hunter Subdivision No. 1. Applicant: Mark Hallett. Attachment **(Planning & Development)**
 - b) Consideration and possible action to adopt an ordinance on second and final reading for a Special Use Permit (SUP) request to allow the sale of alcoholic beverages for on-premise consumption in a General Retail ("GR") District located at the Stripes Convenience Store located at 1610 S. F Street, bearing a legal description of Block 1, Williams Subdivision. Applicant: Tim Ilaoa c/o 7-Eleven Inc. Attachment **(Planning & Development)**

- c) Consideration and possible action to adopt an ordinance on second and final reading for a Special Use Permit (SUP) request to allow an adult business (microblading studio) in a General Retail ("GR") District located at 2222 S. Expressway 83, Suite 508, bearing a legal description of 1.956 acres of 3.30 acres part west 10.34, Lot AN-1, Block 24, Lon C. Hill Subdivision. Applicant: Daisy Nieto. Attachment (**Planning & Development**)
- d) Consideration and possible action to adopt an ordinance on second and final reading for a rezoning request from Residential, Single-Family ("R-1") District to Planned Development District ("PD") to allow 32 ft. wide streets with 50 ft. of right-of-way, one cul-de-sac to serve 28 lots, and smaller lot sizes for Lots 1, 15-19, 21-33, and 36-48, for a proposed 80-lot single-family development on a property bearing a legal description of 15.76 acres tract of land, being all of Block 4, and a part or portion of Blocks 3, 5, and Block 17, Stuart Place Subdivision, located along the west side of South Palm Boulevard, approximately 480 feet south of Business Highway 83. Applicant: Javier Hinojosa c/o Jason E. Garza. Attachment (**Planning & Development**)
- e) Consideration and possible action to adopt an ordinance on second and final reading to abandon and vacate a 20-foot drainage easement being a 0.115 acre tract of land out of Lot 1, Block 1, Capps Addition, located along the west side of Loop 499 approximately 725 feet north of Harrison Avenue. Applicant: Santiago Espinoza. Attachment (**Planning & Development**)
- f) Consideration and possible action to purchase an additional table and two table covers for the Veterans Advisory Board. (**City Manager**)
- g) Consideration and possible action to approve the installation of speed humps at the following locations: (***This item was requested by Commissioner Daniel N. Lopez and Commissioner Frank Morales***)
 - 1. Arroyo Vista Ct.
 - 2. "L" Street
 - 3. "K" Street
- h) Consideration and possible action to approve an ordinance on second and final reading amending the Harlingen Code of Ordinances, Chapter 6, Animals, Article II, Administration and Enforcement, Division 1, and enacting Section 6-26, establishing a dedicated fund entitled "The Harlingen Animal Shelter Fund" in the City's Financial Management and Reporting System to account for all fines collected by the City resulting from the enforcement of certain animal control ordinances, and dedicating exclusive use of those city funds for the operation of the Harlingen Animal Shelter. Attachment (**City Attorney**)
- i) Consideration and possible action to approve a request from Prince of Peace Church to close the following streets, for "El Dia De Nino" Event, Saturday, April 27, 2024, from 10:00 a.m. to 5:00 p.m. Attachment (**Police**).
 - South 4th Street and East Buchanan Street
 - Alleyway in between East Buchanan Street and East Lincoln Avenue
 - South 4th Street and East Lincoln Avenue
- j) Consideration and possible action to approve an ordinance on second and final reading amending Chapter 18, Master Fee Schedule of the Harlingen Code of Ordinances, establishing fees for certain licenses, permits, and other services provided by the City of Harlingen as they relate to Chapter 36, Article V, Division 2 (Tony Butler Golf Course), providing for publication and ordaining other matters pertaining to the foregoing. Attachment (**Golf**)

- 8) **Staff Reports and Other Discussion Items:** *Items in this section are not expected to require action by the City Commission and are generally for information only. However, any item listed in this section may become an action item with the request of the Mayor, or after the request of any two Commission members, or the City Manager.*
- a) City Manager's Reports
 - b) Staff Reports
 - c) Presentation by Dr. Sudershan Pasupuleti regarding UTRGV "Age Friendly RGV(AF-RGV) Initiative" Program.
- 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 amending the City of Harlingen Code of Ordinances Chapter 111, Zoning, Article XIII, Section 111-62 Use Chart; by requiring a Special Use Permit for a car wash use when located in a General Retail ("GR"), Light Industry ("LI"), or Heavy Industry ("HI") Districts; and Article XII, Special Use Regulations and Restrictions, Section 111-336, Car Wash Regulations, by establishing guidelines for a car wash use, and Section 111-413, Special Use Permit, by clarifying the notification process for a car wash use. Applicant: City of Harlingen. Attachment (**Planning & Development**)
 - b) Public Hearing on water and sewer rate adjustments to provide for forecasted operating expenses, capital asset costs, and funding of Harlingen Waterworks System's Five-Year Capital Improvement Plan. (**HWWS**)
- 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.*
- a) Consideration and possible action to approve an ordinance on first reading amending the City of Harlingen Code of Ordinances Chapter 111, Zoning, Article XIII, Section 111-62 Use Chart; by requiring a Special Use Permit for a car wash use when located in a General Retail ("GR"), Light Industry ("LI"), or Heavy Industry ("HI") Districts; and Article XII, Special Use Regulations and Restrictions, Section 111-336, Car Wash Regulations, by establishing guidelines for a car wash use, and Section 111-413, Special Use Permit, by clarifying the notification process for a car wash use. Applicant: City of Harlingen. Attachment (**Planning & Development**)
 - b) Consideration and possible action to approve the preliminary construction plans and final plat with a variance request regarding the minimum lot depth and lot area for Lots 4-9 and 15 for the proposed Paloma Ranch Subdivision, bearing a legal description of 33.91 acres of land more or less, out of Blocks 1, 2, and 3, F.Z. Bishop Subdivision of the South Half of Survey No. 41, located along the east side of Paloma Lane approximately 370 feet north of Garrett Road. Applicant: Moore Land Surveying, LLC c/o UR Homes Texas, LLC. Attachment (**Planning & Development**)
 - c) Consideration and possible action to approve an ordinance on second and final reading regarding water and sewer rate adjustments to provide for forecaster operating expenses, capital asset costs, and funding of Harlingen Waterworks System's Five-Year Capital Improvement Plan. Attachment (**HWWS**)

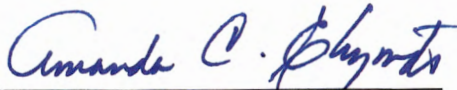
- d) Consideration and possible action to approve a resolution amending the Harlingen Downtown Improvement District Fund 2023-2024 Fiscal Year Budget. Attachment (**Finance**)
 - e) Consideration and possible action to approve a request from Tony Butler Golf Course to post a notice to demolish three private cart shed buildings. (**Golf**)
 - f) Consideration and possible action to accept or reject bids and award a contract for the 2024 Street Improvement Program (SIP) under Bid Number 2024-06. Attachment (**Engineering Dept.**)
 - g) Consideration and possible action to prioritize and select an outdoor recreational grant project and to approve a resolution authorizing the City Manager to submit a grant application to the Texas Parks and Wildlife's Urban Outdoor grant program. Attachment (**Parks & Recreation**)
 - h) Consideration and possible action to approve an ordinance on first reading amending Chapter 36 of the Harlingen Code of Ordinances establishing prohibited activities in City Parks. Attachment (**Parks & Recreation**)
 - i) Consideration and possible action to authorize the City Manager to purchase a 2024 Ford Explorer for Communication and Media Department for transportation of equipment to and from event locations. Attachment (**City Manager**)
 - j) Consideration and possible action to create an Ad Hoc Committee to appoint members to assess the physical and social environment of a Community/City in the Rio Grande Valley Region for adults. Attachment (**Mayor**)
 - k) Discussion and possible action to approve a resolution authorizing city staff to proceed with the filing of Articles of Incorporation of a Non-Profit Animal Welfare Corporation to support the Harlingen Animal Shelter. Attachment (**City Attorney**) (**This item was tabled during the meeting of March 20, 2024**)
 - l) Discussion regarding City Boards. (**City Attorney**)
- 11) **Board Appointments:**
Specifically, appointment or discussion and possible action to include appointment and/or removal of any position subject to appointment or removal by statute, ordinance, or bylaws.
- Airport
Animal Shelter Advisory Committee (1)
Audit Committee (Terms expire in June)
Charter Review Committee (3)
Civil Service Commission
Community Development Advisory Board (2)
Construction Board of Adjustments (4)
Convention & Visitors Bureau
Development Corporation of Harlingen, Inc.
Downtown Improvement Board (1)
Golf Course Advisory Board
Harlingen Community Improvement Board
Harlingen Housing Authority Board
Harlingen Finance Corporation (6)
Harlingen Teen and Young Adult Advisory Board (2)
Healthy Harlingen Advisory Board
Keep Harlingen Beautiful Board (4)
Library Advisory Board
Mayor Wellness Council

Museum Advisory Board
Parks Advisory Board
Planning & Zoning Advisory Board
Senior Citizens Advisory Board (1)
Small Business Committee
Tax Increment Finance Board
Utility Board of Trustees
Veterans Advisory Board
Zoning Board of Adjustment (2)

- 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.*
- 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.*
- 14) **Adjournment:**

I, the undersigned authority, do hereby certify that the above Notice of the Regular Meeting of the Harlingen City Commission is a true and correct copy of said notice posted on the bulletin board at City Hall of said City of Harlingen, Texas in a place convenient and readily accessible to the general public at all times and on the City's Internet Website and said Notice was posted on **FRIDAY APRIL 12, 2024** at or before 4:30 p.m. and remained so posted for at least 72 hours preceding the time of said meeting.

Dated this 12th day of APRIL, 2024


Amanda C. Elizondo, City Secretary

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

A Regular Meeting of the Harlingen City Commission was held February 21, 2024, at 5:30 p.m., at City Hall, Town Hall Meeting Room, 2nd Floor, Harlingen, Texas, and providing the public the ability to view the meeting via the internet, live streaming and permitting the public to offer citizen communication or participate in items listed on the agenda via videoconferencing or telephonically via www.myharlingen.us Those in attendance were:

Mayor and Commissioners

Mayor Norma Sepulveda

Mayor Pro-Tem Rene Perez

Ford Kinsley Commissioner District 1

Daniel N. Lopez, Commissioner District 2

Michael Mezmar, Commissioner District 3

Frank Morales, Commissioner District 4

City Staff

Gabriel Gonzalez, City Manager

Amanda C. Elizondo, City Secretary

Mark Sossi, City Attorney

1) Call Meeting to Order:

Mayor Norma Sepulveda called the meeting to order, announced that a quorum had been established, and stated that the meeting had been duly posted according to state law. The following proceedings were held:

a) Invocation – Mayor Pro-Tem Rene Perez

b) Pledge of Allegiance

c) Welcome Citizens

2) Conflict of Interest:

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

Mark Sossi, City Attorney, read the Conflict of Interest and asked the Mayor and City Commissioners if they were interested in any agenda items.

Mayor Norma Sepulveda – None

Mayor Pro-Tem Perez – Abstained Item 7 (g)

Commissioner Ford Kinsley – None

Commissioner Daniel N. Lopez – None

Commissioner Michael Mezmar - None

Commissioner Frank Morales – None

3) **Announcements:**

a) **Mayor's Announcements**

- Reported on the opening of the Harlingen Animal Shelter.
- The aviation program will start with the HCISD for certification to fly drones and to acquire a pilot's license.
- The City of Harlingen received a \$4.5 million grant from the FAA for a new traffic control tower.
- Recent proclamations presented to Junior Catholic Daughters of America and Black History Month.
- Several City Commissioners, herself, and City Management recently visited Matamoros, Mexico, to speak with the Mayor of Matamoros and business leaders to strengthen the ties between our two cities.
- Boxing Event to be held at the Harlingen Convention Center on Saturday, February 24, 2024.

b) **City Manager's Announcements**

- The new residential trash pickup schedule starts on March 4, 2024.
- 33rd Annual Jalapeno 100, Saturday, February 24, 2024.
- Walk with Commissioner Morales on Saturday, February 24, 2024, at 9:00 a.m. at Arroyo Park.

c) **City Commission Member Announcements:**

- Commissioner Kinsley reminded everyone that early voting is in progress: "Go out and vote."
- Commissioner Morales invited the public to join him on his walk on Saturday, February 24, 2024, at Arroyo Park; everyone is welcome.
- Mayor Pro-Tem Perez announced Mr. Gabriel Gonzalez, the City Manager's birthday was February 17, 2024, and wished him a belated "Happy Birthday."

4) **Presentation of Awards:**

a) **Mayor's Business of the Month Award – Bloomers Boutique & Floral Designs:**

Lisa Human, joined by Katie Hodge (manager), stated they were grateful for the recognition by Mayor Sepulveda and the City of Harlingen for selecting their business as "Business of the Month." They are happy to be part of the community and to continue serving their customers.

Mayor Sepulveda stated it was exciting to learn the history of their business. How it started, and how they achieved the American Dream. An encouragement for other small businesses in the community.

b) **Harlingen High School South Hawks- Girls Water Polo Team Harlingen High School South Hawks – Girls' Swim and Dive Team**

Coach Hector Castaneda thanked the Mayor and City Commission for recognizing his teams and said the girls' team worked hard throughout the year. They placed District Champions for two years in a row. For the first time, the girl's team placed in the District Championship since 2003. They were proud of them and their accomplishments.

5) **Citizen Communication/Input:**

- Domingo Ramirez – 1213 Rio Panuco Ave., Harlingen, TX – Basketball Court Violation Notice
- Evangelio Anaya – 1409 Magnolia Court, Harlingen, TX – Littering/Lower Fee for City Dump. Not present.
- Raymond Reyes- 706 Nantucket Dr., Harlingen, TX – Community Support and Needs. Not present.

6) **Approval of Minutes:**

- a) Joint Special Meeting with the Harlingen City Commission and Harlingen Waterworks System Board of Trustees – December 18, 2023.
- b) Joint Special Meeting of the Harlingen City Commission and Harlingen Waterworks Systems Board of Trustees - January 8, 2024.

Motion was made by Commissioner Lopez and seconded by Commissioner Kinsley to approve the Joint Special Meetings of December 18, 2023, and January 8, 2024. The motion carried unanimously.

7) **Consent Agenda:**

- a) Consideration and possible action to adopt an ordinance on the second and final reading for a rezoning request from Residential, Single-Family ("R-1") District to Residential, Duplex ("R-2") District for a property located at 1402 E. Bowie Avenue, bearing a legal description of Lot 5, Block 3, Clift Addition. Applicant: Ofelia Painter.

ORDINANCE NO. 24-04

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN, REZONING FROM RESIDENTIAL, SINGLE-FAMILY ("R-1") DISTRICT TO RESIDENTIAL, DUPLEX ("R-2") DISTRICT FOR A PROPERTY LOCATED AT 1402 EAST BOWIE AVENUE, BEARING A LEGAL DESCRIPTION OF LOT 5, BLOCK 3, CLIFT ADDITION.

PASSED AND APPROVED on first reading this 7th day of February 2024

PASSED AND APPROVED on the second and final reading on this 21st day of February 2024

ATTEST:

/s/Amanda C. Elizondo, City Secretary

City of Harlingen

/s/Mayor Norma Sepulveda

- b) Consideration and possible action to adopt an ordinance on the second and final reading for a Special Use Permit (SUP) to Cardiac Building, Inc. to allow a parking lot in a Residential, Multi-Family ("M-2") District Located at 2101 S. 23rd Street, bearing a legal description of Lot 6, Block 21, Treasure Hills Subdivision Unit 2.

ORDINANCE NO. 24-05

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN, A SPECIAL USE PERMIT ISSUED TO CARDIAC BUILDING INC. TO ALLOW A PARKING LOT IN A RESIDENTIAL, MULTI-FAMILY (M2) DISTRICT LOCATED AT 2102 SOUTH 23RD STREET, BEARING A LEGAL DESCRIPTION OF LOT 6, BLOCK 21, TREASURE HILLS SUBDIVISION UNIT 2 PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

PASSED AND APPROVED on first reading this 7th day of February 2024

PASSED AND APPROVED on the second and final reading on this 21st day of February 2024

ATTEST:

/s/Amanda C. Elizondo, City Secretary

City of Harlingen

/s/Mayor Norma Sepulveda

- c) Consideration and possible action to approve a request from Paul W. Neff to close the Southside Intersection of Sago Palm Drive and Bamboo Circle North & South from 12:00 p.m. to 7:00 p.m., Saturday, March 9, 2024, for a Block Party.
- d) Consideration and possible action to approve an ordinance on the second and final reading amending Chapter 18, Master Fee schedule of the Harlingen Code of Ordinances.

1 establishing fees for adoption of domestic dogs and cats, owner claims, and other services
2 provided by the City of Harlingen as they relate to Chapter 6 Animals.

3
4
5
6 **ORDINANCE NO. 2024-06**

7
8 **AN ORDINANCE OF THE CITY OF HARLINGEN, TEXAS AMENDING**
9 **CHAPTER 18, MASTER FEE SCHEDULE OF THE HARLINGEN CODE**
10 **OF ORDINANCES ESTABLISHING FEES FOR ADOPTION OF**
11 **DOMESTIC DOGS AND CATS, OWNER CLAIMS AND OTHER**
12 **SERVICES PROVIDED BY THE CITY OF HARLINGEN AS THEY**
13 **RELATE TO CHAPTER 6 ANIMALS: PROVIDING FOR PUBLICATION**
14 **AND ORDAINING OTHER MATTERS PERTAINING TO THE**
15 **FOREGOING.**

16 **PASSED AND APPROVED on first reading this 7th day of February 2024**
17 **PASSED AND APPROVED on the second and final reading on this 21st day of February 2024**

18
19 **ATTEST:** **City of Harlingen**
20 **/s/Amanda C. Elizondo, City Secretary** **/s/Mayor Norma Sepulveda**

- 21
22 e) Consideration and possible action to approve a request for street closures for St. Patrick's
23 Lager Jogger 5K Run Event, Friday, March 15, 2024, from 6:30 p.m. to 7:30 p.m.
24 beginning and ending at the Harlingen Field located at 1216 Fair Park Boulevard.

- 25
26 . Fair Park Blvd. exit of the main entrance to Harlingen Field
27 . West Teege Street / North "O" Street
28 . West Adams Street
29 . North "T" Street
30 . Northbound Frontage to turn around point
31

- 32 f) Consideration and possible action to approve a request from Our Lady of Assumption
33 Catholic Church to close West Lincoln Street between South "L" Street and South "M"
34 Street from 8:00 a.m. to 11:00 p.m., Saturday, April 20, 2024, for their Annual Spring
35 Kermes.

- 36
37 g) Consideration and possible action to approve a request from the Harlingen Consolidated
38 Independent School District (HCISD) for street closures for HCISD's graduation
39 ceremonies being held Friday, May 24, 2024, and Saturday, May 25, 2024, from 5:30 p.m.
40 to 10:30 p.m. or until ceremonies have ended.

- 41
42 . Harrison Avenue / 13th Street
43 . Jefferson Avenue / 13th Street
44 . Monroe Avenue / 12th Street
45 . Van Buren Avenue / 12th Street
46

- 47 h) Consideration and possible action to approve a resolution authorizing the City Manager
48 to submit a grant application to the Texas Office of the Governor Fiscal Year 2025 Border
49 Zone Fire Departments.

- 50
51 i) Consideration and possible action to approve a resolution authorizing the City Manager
52 to submit multiple grant applications to the Texas Office of the Governor Fiscal Year 2025
53 State and Local Cybersecurity Grant Program.

- 54
55 j) Consideration and possible action to approve a resolution authorizing the City Manager
56 to submit a grant application to the Fiscal Year 2023 Assistance to Firefighters Grant
57 Program.
58

1 k) Consideration and possible action to approve the installation of street humps in the
2 following location. This item was requested by Commissioner Frank Morales and Mayor-
3 Pro Tem Rene Perez).

- 4
- 5
- 6 1. Rio Panuco Avenue between Wood Ave., and Marco Ave.
- 7 2. 1300 South "M" Street
- 8 3. 300 / 400 Block of Oregon Street
- 9 4. 300 / 400 Block of Oklahoma Street
- 10 5. 300 / 400 Block of West Filmore
- 11 6. 2300 E. Van Buren Avenue
- 12

13 Mayor Pro-Tem Perez abstained from Item 7 (g).

14 Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez to
15 approve Item 7 (a through f) and Item 7 (j and k). The motion carried unanimously.

16
17 Motion was made by Commissioner Lopez and seconded by Commissioner Mezmar to
18 approve a request from the Harlingen Consolidated Independent School District (HCISD) for
19 street closures to hold the HCISD's Graduation Ceremonies, Friday, May 24, and
20 Saturday, May 25, 2024, from 5:30 p.m. to 10:30 p.m. or until ceremonies end. Motion carried
21 as follows: FOR: Commissioners; Lopez, Mezmar, Kinsley and Morales; AGAINST: None;
22 ABSTAINED: Mayor Pro-Tem Perez. (Vote: 4-0-1)

23 Commissioner Lopez referred to Item 7 (h), Brief Summary, Paragraph 2, regarding a
24 possible match, if applicable. He would like clarification on the percentage required based on
25 the approved grant loan amount.

26 Gabriel Gonzalez, City Manager, stated he would provide him with the information.

27 Motion was made by Commissioner Lopez and seconded by Commissioner Mezmar to
28 approve Item 7 (h). The motion carried unanimously.

29 Commissioner Lopez referred to Item 7 (i) and noted that the grant match percentage was
30 10% of the overall project cost and asked for any information on the cost.

31 Mr. Gonzalez stated he would forward the information to Commissioner Lopez when he
32 received it.

33 Motion was made by Commissioner Lopez and seconded by Commissioner Kinsley
34 to approve Item 7 (i). The motion carried unanimously.

35
36 8) **Staff Reports and Other Discussion Items:**

37 a) City Manager's Reports – None.

38 Commissioner Lopez stated a workshop is necessary to discuss the sports field contracts,
39 possibly in March, and an update on the Keep Harlingen Beautiful Board.

40
41 The City Manager stated that this board will be meeting soon. Funds are available for
42 beautification projects. They will try to schedule a board meeting before the next City
43 Commission meeting.

44
45 b) Staff Report – Finance Dept., Investment Report Review

46 Robert Rodriguez, Finance Director, gave a presentation on the City of Harlingen Portfolio
47 Overview, Credit Rating Summary, and Benchmark Comparison. He highlighted the following
48 information:

1 . \$86,713,534.17 - Total Book Value of all City funds on December 31, 2023
2 . \$939,504.02 Interest earned during the quarter
3 . \$99,559.53 Net Amortization/Accretion during the quarter
4 . \$1,039,063.55 Total Net income from investments
5 . 5.187% Yield to Maturity
6 . 83.2% Cash and Investments maturing within 0-3 months
7 . 5.7% Cash and Investments maturing within 3-6 months
8

9) **Public Hearings:**

Amanda C. Elizondo, City Secretary, announced that no one had signed up to speak under public hearings.

10) **Action Items:**

a) Consideration and possible action to approve an ordinance on first reading amending the City of Harlingen's Budget for Fiscal Year 2024.

Robert Rodriguez highlighted the ordinance amending the budget for Fiscal Year 2024 to allocate funds for prior fiscal year unspent encumbrances, awards, grants, and other revenues and expenditures not included in the current fiscal year approved budget. He highlighted Exhibit "A," which reflects the revenues, expenditures, and estimated fund balances by the fund after the amendment. Exhibit "B" displays detailed changes in revenues and expenditures by account number. He recommended approval of the proposed ordinance.

Discussion was held regarding the increased cost of property & casualty insurance of \$162,835. Mr. Gonzalez stated that the cost increase was in the policies, especially insurance costs for city buildings.

Mr. Rodriguez, Finance Director, stated that some estimates and costs may be higher than expected during the preparation of the budgets.

Commissioner Lopez asked about the Executive Agenda Item Form - Expenditures (increase). Is the sum listed on top of the \$400,000 or a re-allocation of that \$400,000, plus additional increases?

Mr. Rodriguez responded that some of that was already used in the allotment that was initially provided. The rest was for anything related to the animal shelter.

Motion was made by Commissioner Kinsley and seconded by Commissioner Lopez to approve an ordinance on first reading amending the City of Harlingen's Budget for Fiscal Year 2024. The motion carried unanimously.

b) Consideration as possible action to approve an ordinance on first reading amending Chapter 18, Master Fee Schedule of the Harlingen Code of Ordinances, establishing fees for specific licenses, permits, and other services provided by the City of Harlingen as they relate to Chapter 36, Article V, Division 2 (Tony Butler Golf Course) and providing for publication and ordaining other matters pertaining to the foregoing.

Jeff Hart, Golf Course Manager, recommended increasing the price of the range balls and junior membership fees. The Advisory Board voted unanimously on January 30, 2024, to approve the following rates.

TONY BUTLER RATES

<u>Tony Butler Rates</u>	<u>Current Rates</u>	<u>Proposed</u>
Larger Range Ball Basket	\$ 6.00	\$ 9.00

1	Small Range Ball Basket	\$ 4.00	\$ 6.00
2	Monthly Junior Membership (unlimited golf)	\$ 26.00	\$ 55.00

3

4	<u>RATES FOR SCHOOLS</u>	<u>RANGE BALLS</u>
---	--------------------------	--------------------

5	Tony Bulter	\$ 26.00 per student per month	\$4.00 / \$6.00
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6	Treasure Hills	\$ 40.00	\$6.00 / \$9.00
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7	Country Club	\$ 65.00 Max: 10 Students	***
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8 Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez to
9 approve the ordinance on first reading amending Chapter 18, Master Fee Schedule of the
10 Harlingen Code of Ordinances, establishing fees for specific licenses, permits, and other
11 services provided by the City of Harlingen as they relate to Chapter 36, Article V, Division 2,
12 (Tony Butler Golf Course) and providing for publication and ordaining other matters pertaining
13 to the foregoing. The motion carried unanimously.

14

15 11) **Board Appointments:**

16 Commissioner Kinsley asked about the status of inactive boards listed online and what
17 could be done.

18 Mayor Sepulveda stated that after meeting with the advisory board chairpersons, it was
19 discussed that some boards that have not met may need to be dissolved.

20 Commissioner Morales appointed Raul Flores to the Planning and Zoning Commission to
21 replace Jesse Gamez.

22 Motion was made by Mayor Pro-Tem Perez and seconded by Commissioner Mezmar to
23 approve the appointment of Raul Flores to the Planning and Zoning Commission to replace
24 Jesse Gamez. The motion carried unanimously.

25 12) **Executive Session:**

26 None.

27 13) **Action on Executive Session Items:**

28 None.

29 14) **Adjournment:**

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

31

32

33

34

35 ATTEST:

36

37

38 Amanda C. Elizondo, City Secretary

City of Harlingen

Norma Sepulveda, Mayor

7(2)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **April 17, 2024**

Agenda Item:
Consideration and possible action to adopt an ordinance on second and final reading for a rezoning request from Residential, Single Family ("R-1") District to Residential, Duplex ("R-2") District for a property located at 102 N. 27 th Street, bearing a legal description of Lot 8, Block C, Hunter Subdivision No. 1. Applicant; Mark Hallett. Attachment (Planning & Development)

Prepared By: Xavier Cervantes, AICP, CPM Title: Planning and Development Director Signature: <i>Xavier Cervantes</i>
--

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

Staff Recommendation:
Staff recommends approval of the rezoning request.

City Manager's approval: <i>CM</i> ☒ Yes ☐ No ☐ N/A
Comments:

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

ORDINANCE NO. 24-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: REZONING FROM RESIDENTIAL, SINGLE FAMILY ("R-1") DISTRICT TO RESIDENTIAL, DUPLEX ("R-2") DISTRICT FOR A PROPERTY LOCATED AT 102 N. 27TH STREET, BEARING A LEGAL DESCRIPTION OF LOT 8, BLOCK C, HUNTER SUBDIVISION NO. 1. APPLICANT: MARK HALLETT

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

BE IT ORDAINED BY THE CITY OF HARLINGEN

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

Rezoning from Residential, Single-Family ("R-1") District to Residential, Duplex ("R-2") District for a property located at 102 N. 27th Street, bearing a legal description of Lot 8, Block C, Hunter Subdivision No. 1.

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 17th day of April, 2024 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.

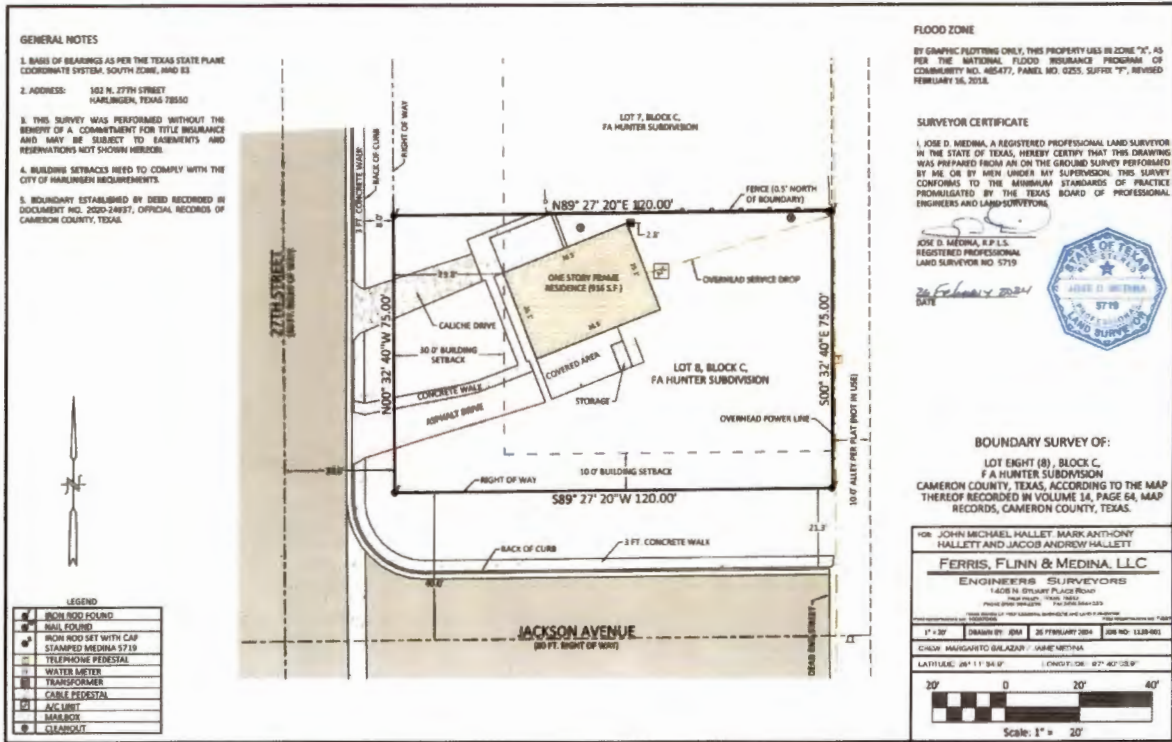
CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

Exhibit "A"



**AGENDA ITEM
EXECUTIVE SUMMARY**

7(b)

Meeting Date: **April 17, 2024**

Agenda Item:

Consideration and possible action to adopt an ordinance on second and final reading for a Special Use Permit (SUP) request to allow the sale of alcoholic beverages for on-premise consumption in a General Retail ("GR") District located at the Stripes Convenience Store located at 1610 S. F Street, bearing a legal description of Block 1, Williams Subdivision. Applicant: Tim Ilaoa c/o 7-Eleven Inc. Attachment (**Planning & Development**).

Prepared By: Xavier Cervantes, AICP, CPM

Title: Planning and Development Director

Signature: *Xavier Cervantes*

Funding (if applicable):

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

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

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

Staff Recommendation:

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

1. Must obtain and maintain the proper State and City permits;
2. Must maintain the required parking in accordance with city regulations;
3. Must provide video surveillance with a minimum 30 day retention; and,
4. Must comply with the requirements administered by Planning and Zoning, Building Inspections, Fire Prevention, Health and Police Departments
5. Hours of operation shall be from 5:00 am to 8:00 pm, everyday.

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

Comments:

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

ORDINANCE NO. 24-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: A SPECIAL USE PERMIT ISSUED TO 7-ELEVEN INC. TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR ON—SITE CONSUMPTION IN A GENEAL RETAIL (“GR”) DISRICT AT THE STRIPES CONVENIENCE STORE LOCATED AT 1610 S. F STREET, BEARING A LEGAL DESCRIPTION OF BLOCK 1, WILIAMS 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 7-Eleven Inc. to allow the sale of alcoholic beverages for on-site consumption in a General Retail (“GR”) District at the Stripes Convenience store located at 1610 S. F Street, bearing a legal description of Block 1, Williams Subdivision.

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

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

1. Must obtain and maintain the proper State and City permits;
2. Must maintain the required parking in accordance with city regulations;
3. Must provide video surveillance with a minimum 30 day retention; and,
4. Must comply with the requirements administered by Planning and Zoning, Building Inspections, Fire Prevention, Health and Police Departments
5. Hours of operation shall be from 5:00 am to 8:00 pm, everyday.

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 17th day of April, 2024 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.

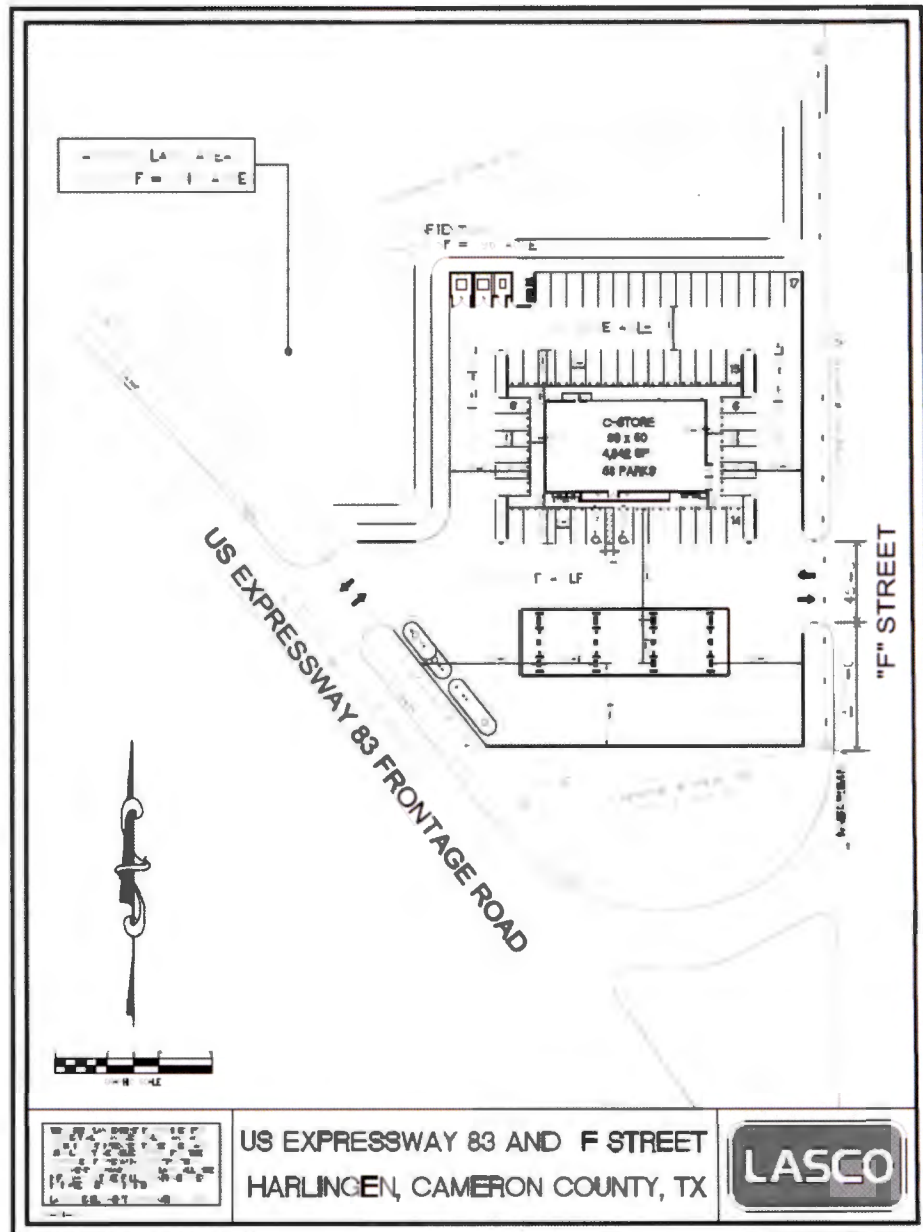
CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

Exhibit "A"



**AGENDA ITEM
EXECUTIVE SUMMARY**

7(c)

Meeting Date: **April 17, 2024**

Agenda Item:

Consideration and possible action to adopt an ordinance on second and final reading for a Special Use Permit (SUP) request to allow an adult business (microblading studio) in a General Retail ("GR") District located at 2222 S. Expressway 83, Suite 508, bearing a legal description of 1.956 acres of 3.30 acres part west 10.34, Lot AN-1, Block 24, Lon C. Hill Subdivision. Applicant: Daisy Nieto. Attachment (***Planning & Development***)

Prepared By: Xavier Cervantes, AICP, CPM

Title: Planning and Development Director

Signature: *Xavier Cervantes*

Funding (if applicable):

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

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

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

Staff Recommendation:

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

1. Must obtain and maintain the proper State and City permits;
2. Must maintain the required parking in accordance with city regulations;
3. Must comply with the requirements administered by the Planning and Zoning, Building Inspections, Fire Prevention, Health and Police Departments
4. Hours of operation for the business shall be Tuesday through Saturday from 6:00 am to 8:00 pm.

City Manager's approval:

GG

☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:

[Signature]

☐ Yes ☐ No ☐ N/A

ORDINANCE NO. 24-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: A SPECIAL USE PERMIT ISSUED TO DAISY NIETO TO ALLOW AN ADULT BUSINESS (MIRCROBLADING STUDIO) IN A GENERAL RETAIL ("GR") DISTRICT LOCATED AT 2222 S. EXPRESSWAY 83, SUITE 508, BEARING A LEGAL DESCRIPTION OF 1.956 ACRES OF 3.30 ACRES PART WEST 10.34, LOT AN-1, BLOCK 24, LON C. HILL SUBDIVISION.

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 Daisy Nieto to allow an adult business (microblading studio) in a General Retail ("GR") District located at 2222 S. Expressway 83, Suite 508, bearing a legal description of 1.956 acres of 3.30 acres part west 10.34, Lot AN-1, Block 24, Lon C. Hill Subdivision.

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

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

1. Must obtain and maintain the proper State and City permits;
2. Must maintain the required parking in accordance with city regulations;
3. Must comply with the requirements administered by the Planning and Zoning, Building Inspections, Fire Prevention, Health and Police Departments
4. Hours of operation for the business shall be Tuesday through Saturday from 6:00 am to 8:00 pm.

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 17th day of April, 2024 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.

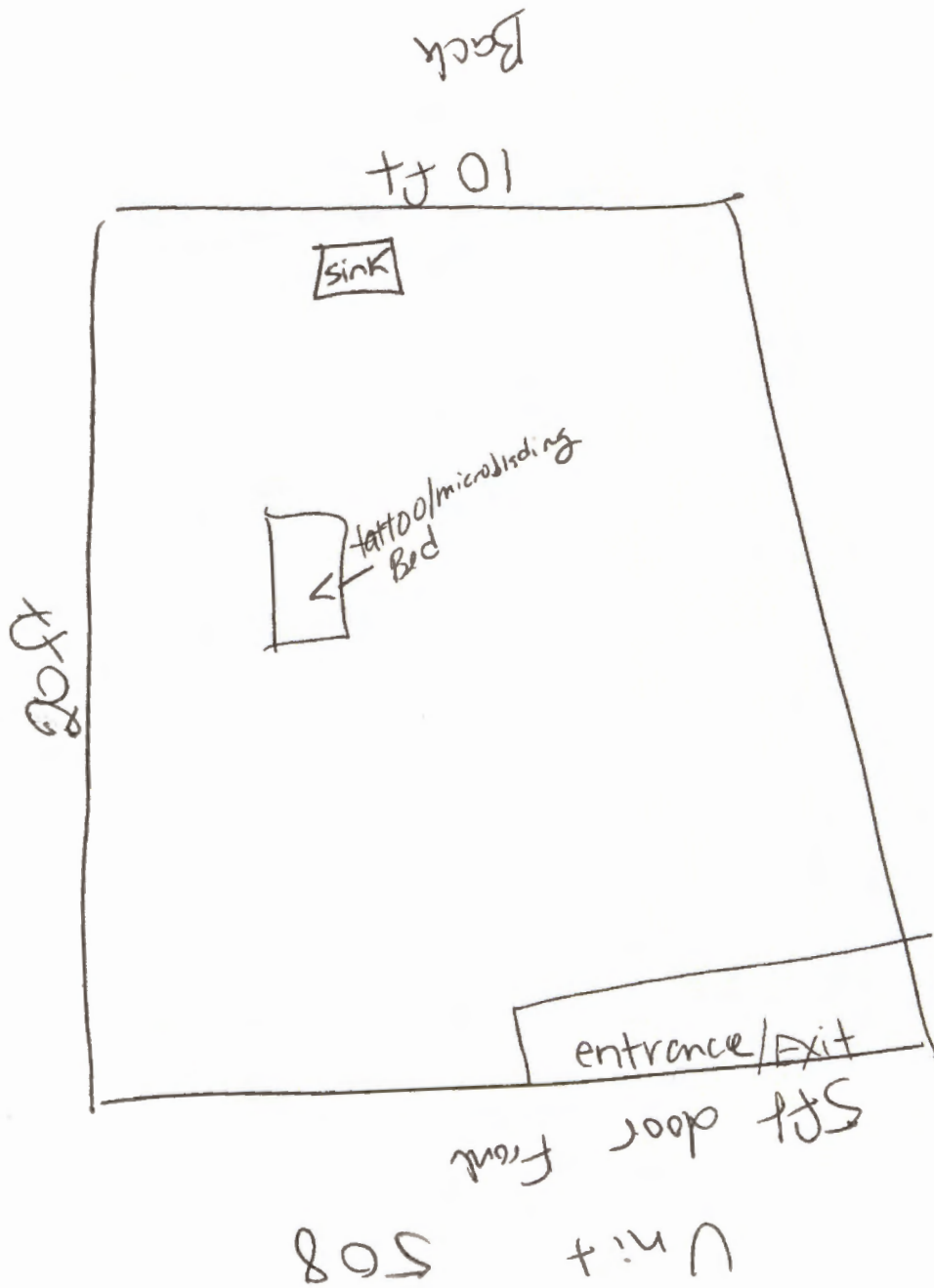
CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

Exhibit "A"



**AGENDA ITEM
EXECUTIVE SUMMARY**

7(d)

Meeting Date:

April 17, 2024

Agenda Item
Consideration and possible action to adopt an ordinance on second and final reading for a rezoning request from Residential, Single-Family ("R-1") District to Planned Development District ("PD") to allow 32 ft. wide streets with 50 ft. of right-of-way, one cul-de-sac to serve 28 lots, and smaller lot sizes for Lots 1, 15-19, 21-33, and 36-48, for a proposed 80-lot single-family development on a property bearing a legal description of 15.76 acres tract of land, being all of Block 4, and a part or portion of Blocks 3, 5, and Block 17, Stuart Place Subdivision, located along the west side of South Palm Boulevard, approximately 480 feet south of Business Highway 83. Applicant: Javier Hinojosa c/o Jason E. Garza. Attachment (Planning & Development)
Prepared By: Xavier Cervantes, AICP, CPM Title: Planning and Development Director Signature: <i>Xavier Cervantes</i>
Funding (if applicable):
Are funds specifically designated in the current budget for the full amount for this purpose? ☐ YES ☐ NO* *If no, specify course of funding and amount requested: ☐ YES ☐ NO ☐ N/A Finance Director's approval:
Staff Recommendation:
Staff recommends approval of the rezoning request.
City Manager's approval: <i>GG</i> ☒ YES ☐ NO ☐ N/A Comments
City Attorney's approval: <i>MAJ</i> ☒ YES ☐ NO ☐ N/A

ORDINANCE NO. 24_____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HARLINGEN: REZONING FROM RESIDENTIAL, SINGLE-FAMILY ("R-1") TO PLANNED DEVELOPED DISTRICT ("PD") TO ALLOW 32 FT. WIDE STREETS WITH 50 FT. OF RIGHT-OF-WAY, ONE CUL-DE-SAC TO SERVE 28 LOTS, AND SMALLER LOT SIZES FOR LOTS 1, 15-19, 21-33, AND 36-48, FOR AN 80-LOT SINGLE-FAMILY DEVELOPMENT ON A PROPERTY BEARING A LEGAL DESCRIPTION OF 15.76 ACRES TRACT OF LAND, BEING ALL OF BLOCK 4, AND A PART OR PORTION OF BLOCKS 3, 5, AND BLOCK 17, STUART PLACE SUBDIVISION, LOCATED ON THE WEST SIDE OF SOUTH PALM BOULEVARD, APPROXIMATELY 480 FEET SOUTH OF BUSINESS HIGHWAY 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 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 changes for permissive zone use as indicated:

Request to rezone from Residential, Single-family ("R-1") to Planned Development District ("PD") to allow 32 ft. wide streets with 50 ft. of Right-of-Way, one cul-de-sac to serve 28 lots, and smaller lot sizes for Lots 1, 15-19, 21-33, and 36-48, for a proposed 80-lot single-family development on a property bearing a legal description of 15.76 acres of land, being all of Block 4, and a part or portion of Blocks 3, 5 and Block 17, Stuart Place Subdivision, located on the west side of South

Palm Boulevard, approximately 480 feet south of Business Highway 83, as shown in Exhibits "A" and "B".

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 marking 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 17th day of April, 2024 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

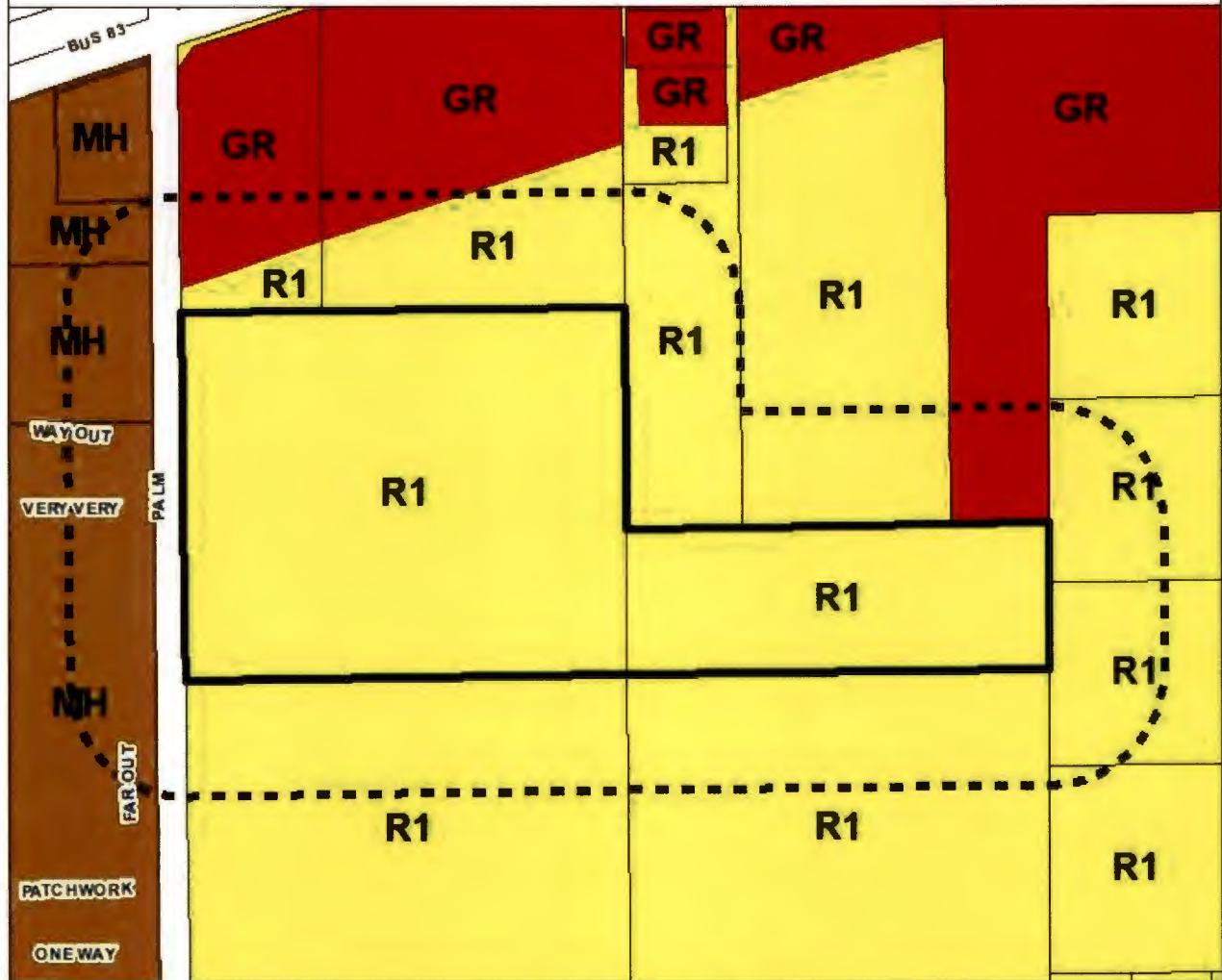
ATTEST:

Amanda C. Elizondo, City Secretary

Exhibit "A"



Request to rezone from Residential, Single-Family ("R-1") District to Planned Development District ("PD") to allow 32 ft. wide streets with 50 ft. of Right-of-Way, one cul-de-sac to serve 28 lots, and smaller lot sizes for an 80-lot single-family development on a property bearing a legal description of 15.76 acres tract of land, being all of Block 4, and a part or portion of Blocks 3, 5, and Block 17, Stuart Place Subdivision, located on the west side of South Palm Boulevard, approximately 480 feet south of Business Highway 83. Applicant: Javier Hinojosa c/o Jason E. Garza.



Boundary lines

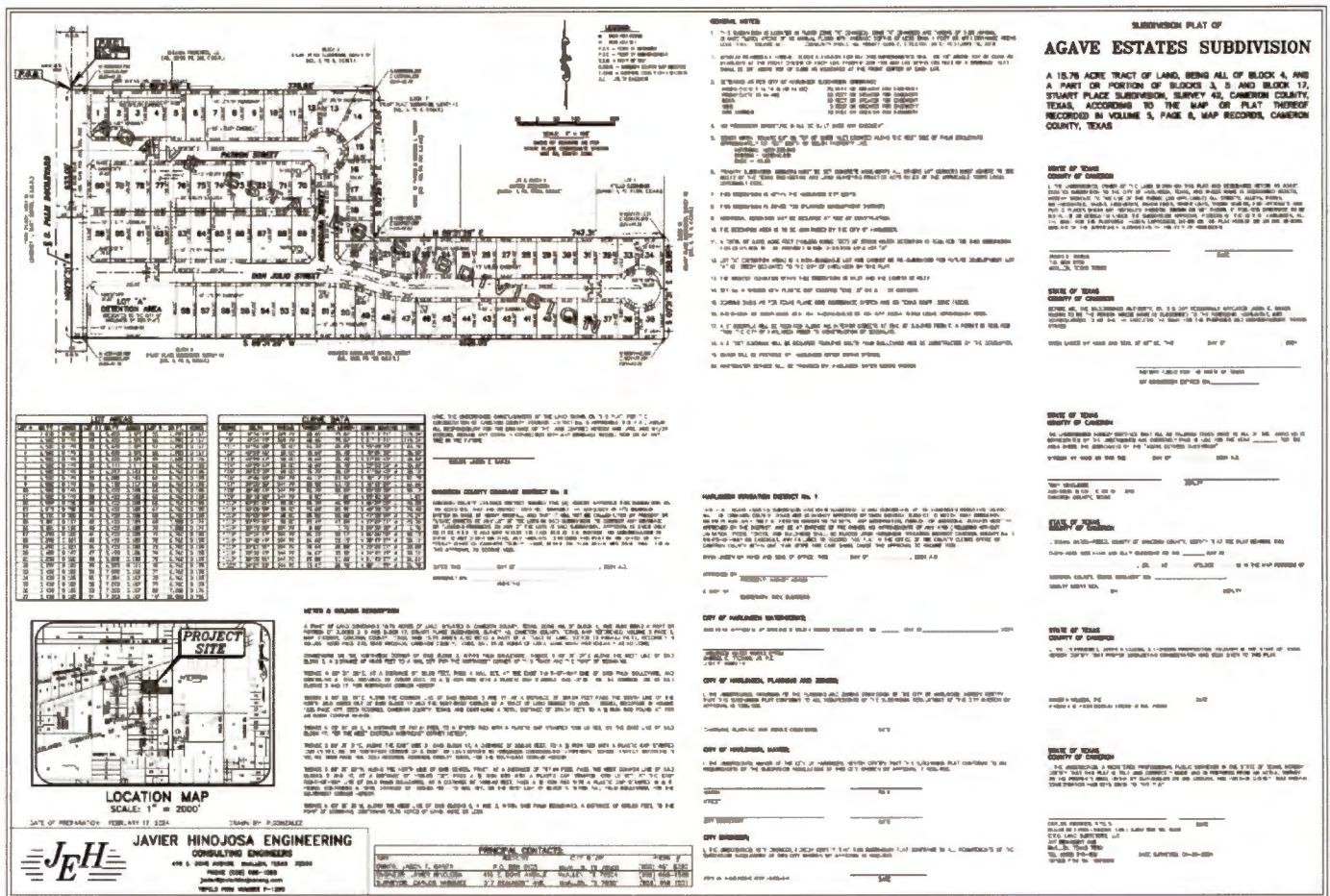
- Harlingen city limits.shp
- 200' Notification Boundary
- Subject Property

Zoning Designations

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

This map has been produced by the City of Harlingen for the sole purpose of locating jurisdictional boundaries and is not intended for any other. The map data is compiled from various sources including orthophoto imagery, engineer plans and plats, survey field notes, and other sources. This map is intended for graphic representation only. No warranty is made by the City regarding its accuracy or completeness. Before relying on any information on the map, check with the Planning Department. Date of map 02.21.2024

Exhibit "B"



**AGENDA ITEM
EXECUTIVE SUMMARY**

7(e)

Meeting Date: **April 17, 2024**

Agenda Item:

Consideration and possible action to adopt an ordinance on second and final reading to abandon and vacate a 20-foot drainage easement being a 0.115 acre tract of land out of Lot 1, Block 1, Capps Addition, located along the west side of Loop 499 approximately 725 feet north of Harrison Avenue. Applicant: Santiago Espinoza. Attachment (**Planning & Development**)

Prepared By: **Xavier Cervantes, AICP, CPM**
Title: **Planning and Development Director**

Signature: *Xavier Cervantes*

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: *GG* ☒ Yes ☐ No ☐ N/A

Comments:

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

ORDINANCE NO. 24-_____

AN ORDINANCE ABANDONING THE 20 FT. DRAINAGE EASEMENT, BEING A 0.115 ACRE OF LOT 1, BLOCK 1, CAPPS ADDITION, LOCATED ON THE WEST SIDE OF LOOP 499 APPROXIMATELY 725 FEET NORTH OF HARRISON AVENUE

WHEREAS, a twenty (20) foot drainage easement being a 0.007 acre of land out of comprised of Lot 1, Block 1, Capps Addition, Cameron County, Texas; and

WHEREAS, a request has been made by Santiago Espinoza, which is the landowner for the subject lot which contains the drainage easement to be abandoned;

WHEREAS, the said drainage easement interferes with the future development of the subject property; and

WHEREAS, the City Commission finds and determines that it is in the interest of economic development to abandon the drainage easement: Now therefore

BE IT ORDAINED BY THE CITY OF HARLINGEN

SECTION I: That the thirty (20) foot drainage easement located near the center of Lot 1, Block ,1 Capps Addition, Harlingen, Cameron County, Texas, according to the map recorded in Cabinet 1, Slot 2761-A of the Records of Cameron County, Texas is hereby abandoned and vacated, as shown on Exhibits A and B.

FINALLY ENACTED this 17th day of April, 2024 at a regular meeting of the 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:

Amanda Elizondo, City Secretary

CENTERLINE DEVELOPMENT LLC

711 W. Tyler Ave.
P.O. Box 1148
Harlingen, Tx. 78551
(956)356-8592

EXHIBIT A

0.115 Acre
Drainage Easement Abandonment

Job No. 2930-23
December 04, 2023

METES AND BOUNDS DESCRIPTION

A 0.115 Acre Tract of land out of Lot 1, Block 1, Capps Addition, City of Harlingen, Cameron County, Texas as recorded in Cabinet 1, Slot 2761-A of the Map Records of Cameron County, Texas, said 0.115 Acre Tract being more particularly described by metes and bounds as follows:

COMMENCING at a point on the West right-of-way of Loop 499 (150' R.O.W.), said point being the Northeast corner of Capps Addition as recorded in Cabinet 1, Slot 2761-A of the Map Records of Cameron County, Texas; **THENCE**, South 00 Deg. 29 Min. 30 Sec. East, along the West right-of-way of Loop 499, a distance of 61.00 feet to a point for the Northeast corner and **POINT OF BEGINNING** of the tract herein described;

THENCE, South 00 Deg. 29 Min. 30 Sec. East, continuing along the West right-of-way of Loop 499, a distance of 20.00 feet to a point, for the Southeast corner of this tract;

THENCE, South 89 Deg. 28 Min. 00 Sec. West, parallel with the North line of Capps Addition, a distance of 250.19 feet to a point on the West line of Capps Addition, for the Southwest corner of this tract;

THENCE, North 00 Deg. 32 Min. 00 Sec. West, with the West line of Capps Addition, a distance of 20.00 feet to a point, for the Northwest corner of this tract;

THENCE, North 89 Deg. 28 Min. 00 Sec. East, parallel with the North line of Capps Addition, a distance of 250.20 feet to the **POINT OF BEGINNING**.

CONTAINING 0.115 acre of land, more or less.

This metes and bounds description is accompanied a map **EXHIBIT B**, and both were prepared from Map Records and have not been recently surveyed on the ground.

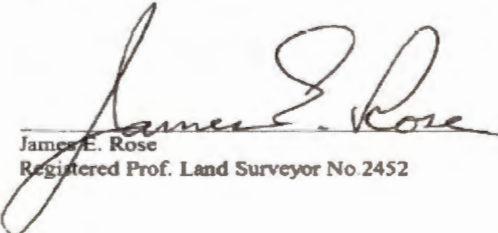
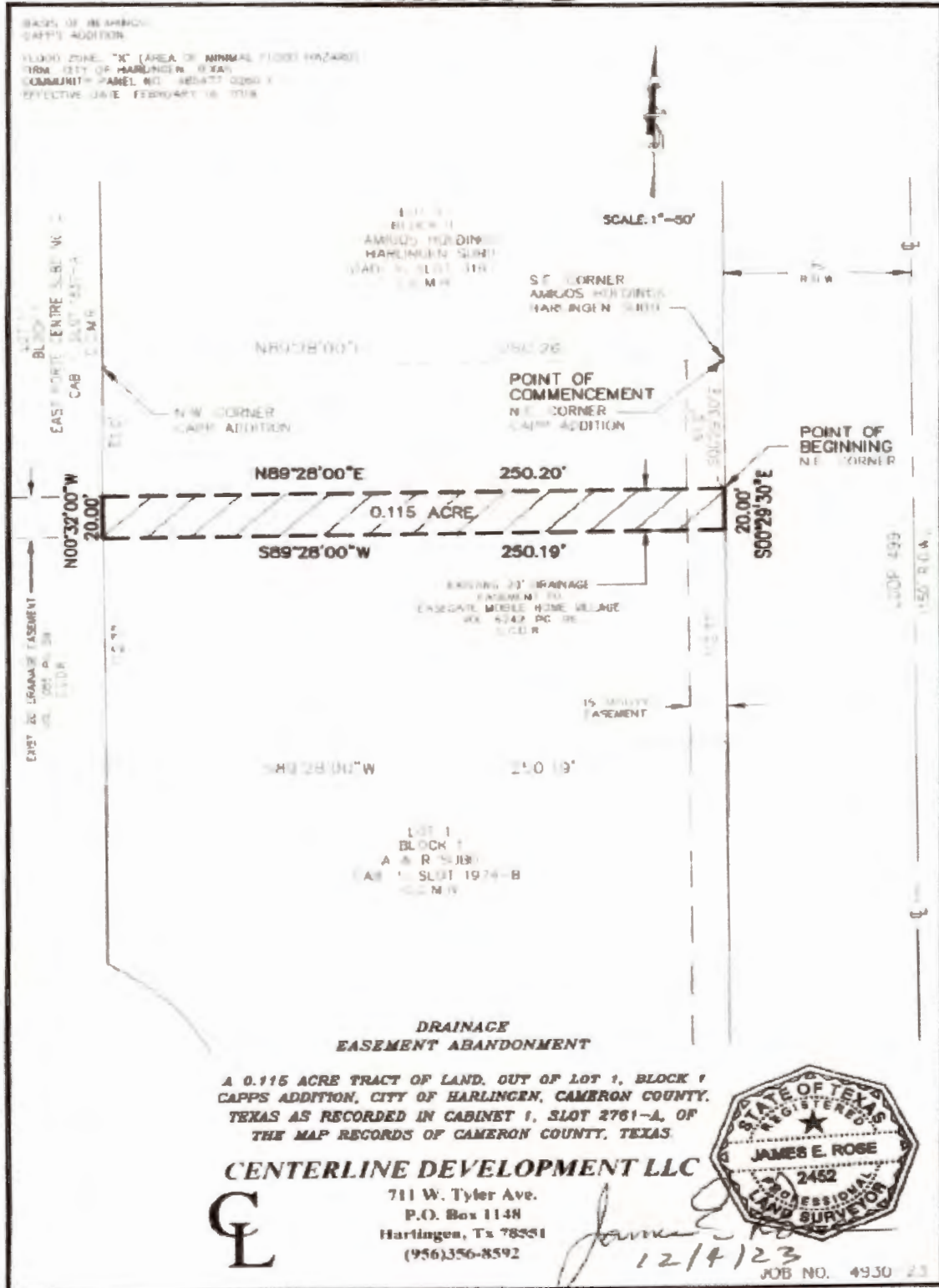

James E. Rose
Registered Prof. Land Surveyor No 2452



EXHIBIT B

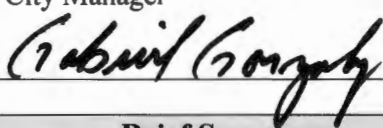


7(4)

AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: April 17, 2024

Agenda Item: Consideration and possible action to purchase an additional table and two table covers for the Veterans Advisory Board.
--

Prepared By (Print Name): Gabriel Gonzalez Title: City Manager Signature: 

Brief Summary: The City Commission approved the purchase of a canopy, table and chairs for the Veterans Advisory Board however, they are in need of an additional table and two table covers. Staff recommends approval.
--

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

Staff Recommendation:

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

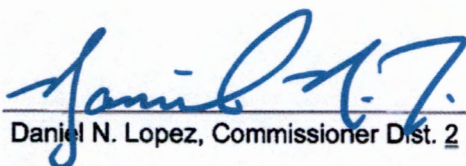
City Attorney's approval: 	☒ Yes ☐ No ☐ N/A
---	--

City of Harlingen
Agenda Item Request Form

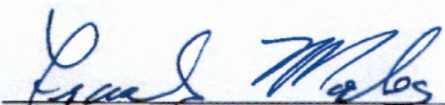
We, hereby request the following item to be added to the April 17, 2024, City Commission Agenda:

Consideration and possible action to approve the installation of speed humps in the following locations:

1. Arroyo Vista Ct.
2. "L" Street
3. "K" Street



Daniel N. Lopez, Commissioner Dist. 2



Frank Morales, Commissioner Dist. 4



Search here



Restaurants



Groceries



Coffee



75°

53 AQI

2



Arroyo Vista Ct

Arroyo

Mississippi St

Arroyo Vista Ct

Arroyo Vista Ct

Mississippi



Explore



Go



Saved



Contribute



Updates

7(h)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **April 17, 2024**

Agenda Item:

Consideration and possible action to approve an ordinance on second and final reading amending the Harlingen Code of Ordinances, Chapter 6, Animals, Article II, Administration and Enforcement, Division 1, and enacting Section 6-26, establishing a dedicated fund entitled "The Harlingen Animal Shelter Fund" in the City's Financial Management and Reporting System to account for all fines collected by the City resulting from the enforcement of certain animal control ordinances, and dedicating exclusive use of those city funds for the operation of the Harlingen Animal Shelter. Attachment (*City Attorney*)

Prepared By: Mark Sossi, City Attorney

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):

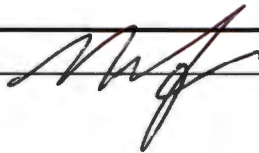
Staff Recommendation:

City Manager approval:

66

Comments:

City Attorney's approval:



ORDINANCE NO. _____

AN ORDINANCE AMENDING HARLINGEN CITY CODE AT CHAPTER 6, ANIMALS, ARTICLE II, ADMINISTRATION AND ENFORCEMENT, DIVISION 1, AND ENACTING SECTION 6-26 ESTABLISHING A DEDICATED FUND ENTITLED "THE HARLINGEN ANIMAL SHELTER FUND" IN THE CITY'S FINANCIAL MANAGEMENT AND REPORTING SYSTEM TO ACCOUNT FOR ALL FINES COLLECTED BY THE CITY RESULTING FROM THE ENFORCEMENT OF CERTAIN ANIMAL CONTROL ORDINANCES, AND DEDICATING EXCLUSIVE USE OF THOSE CITY FUNDS FOR THE OPERATION OF THE HARLINGEN ANIMAL SHELTER.

WHEREAS, the City Commission of the City of Harlingen wishes to ensure that the Harlingen Animal Shelter is operated in a manner which provides for the humane treatment of animals in a manner which meets or exceeds all state standards but also at minimum burden on the Harlingen taxpayer, and

WHEREAS, the violations of Harlingen City Code relating to failure to restrain, vaccinate, microchip and shelter animals is the primary reason for animals ending up in the Harlingen Animal Shelter, and

WHEREAS, it is rational that the fines and fees collected by the city for violations of the Harlingen Animal Control Ordinances , after application of all offsets and charges due the State, be applied for the operation of the Harlingen Animal Shelter, and

WHEREAS, the City Commission wishes to provide a funding mechanism which can ensure that all fines collected by the City for the enforcement of Harlingen's animal control ordinances are accounted for, accumulated in a dedicated fund in the City's financial management and reporting system, and utilized to benefit the Harlingen Animal Shelter, and

WHEREAS, it be therefore prudent to create a dedicated fund which would ensure that all fines and fees collected by the City of Harlingen for enforcement of Harlingen City Code, Chapter 6, Animals, Article IV Animal Control (Division One through Three), (after application of all charges and deductions owed the State) , are utilized for that purpose.

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

Section 1. Findings. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

Section 2. The Harlingen Code of Ordinances is hereby amended to add CHAPTER 6, ANIMALS, ARTICLE II. ADMINISTRATION AND ENFORCEMENT, DIVISION 1, SECTION 6-26 which shall provide as follows:

Section 6-26

A.) Creation of Dedicated Fund, Accounting and Reporting Requirements The Director of Finance shall establish a dedicated fund entitled the “Harlingen Animal Shelter Fund” in the City's financial management system into which, after deductions for all fees and monies owed the State of Texas, shall be deposited all fines and fees collected by the Harlingen Municipal Court arising from the enforcement of Harlingen City Code, Chapter 6, Animals, Article IV Animal Control (Division One through Three) and as to which he will make available a complete accounting of all fines and fees collected.

B.) Disbursement Authorization Requirements. The City Commission shall select and approve all funding for the Harlingen Animal Shelter which come from the Harlingen Animal Shelter Fund based on the list of priorities developed and recommended by the City Manager or his designee each year as part of the annual budget development and adoption process.

C.) Amendment of Conflicting Ordinances. All Ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this Ordinance and any other code or Ordinance of the City, the terms and provisions of this Ordinance shall govern.

Section 5. Savings Clause. All rights and remedies of the City of Harlingen are expressly saved as to any and all violations of the provisions of any Ordinances affecting rates, fees, and charges within the City which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance

but may be prosecuted until final disposition by the courts.

Section 6. Severability. If any section, subsection, sentence, or phrase of this Ordinance is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance shall not be affected. It is the intent of the Harlingen City Commission in adopting this Ordinance, that no provision or regulation contained herein shall become inoperative or fail by reason of the unconstitutionality or invalidity of any other section, subsection, sentence or phrase of this Ordinance.

Section 7. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of Chapter 52 of the Texas Local Government Code.

Section 10. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED on the SECOND READING on this the _____ day of April 2024.

Norma Sepulveda
Mayor, City of Harlingen

Attest

Amanda Elizondo, City Secretary

7(i)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **April 17, 2024**

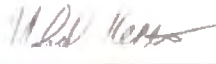
Agenda Item:

Consideration and possible action to approve a request from Prince of Peace Church to close the following streets on Saturday, April 27, 2024 from 10:00 a.m. to 5:00 p.m. for "El Dia De Nino" event. Attachment (Police).

- South 4th Street and East Buchanan Street
- Alleyway in between East Buchanan Street and East Lincoln Avenue
- South 4th Street and East Lincoln Avenue

Prepared By (Print Name): **Michael Kester**

Title: **Chief of Police**

Signature: 

Brief Summary:

Administrative Pastor Imelda Cano for Prince of Peace Church is requesting to close the following streets on Saturday, April 27, 2024 from 10:00 a.m. to 5:00 p.m. for "El Dia De Nino" event.

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

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

Funding (if applicable):

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

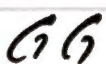
*If no, specify source of funding and amount requested: N/A

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

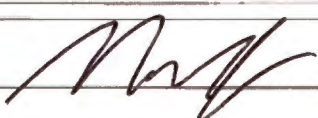
Staff Recommendation:

Staff recommends approval.

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

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

Comments:

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



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

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

TO: Chief of Police

DATE: 4/2/24

FROM: District Representative Jose J. Lopez #4950

RE: Prince of Peace Church "El Dia del Nino"

Requestor: Imelda Cano Administrative Pastor

Event Date: Saturday April 27, 2024

Event Time: 10:00am – 5:00pm

Location: Prince of Peace Church 321 W. Lincoln Harlingen, TX 78550

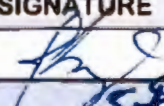
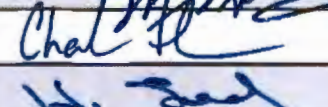
Description:

Prince of Peace Church will be hosting an event on April 27, 2024, from 10:00am to 5:00pm at 321 W. Lincoln Ave. They are celebrating "El Dia del Nino" which will include various outdoor activities. They are planning on having food, games, face painting, moon jumps and music which will all be on S. 4th St in between E. Buchanan and E. Lincoln Ave. They are requesting to have a street closure while the event is being held. They advised that they have been actively passing out flyers throughout the neighborhood informing the citizens of the possible street closure and event.

Barricades are needed at the following locations:

- S. 4th St and E. Buchanan St
- Alleyway in between E. Buchanan St and E. Lincoln Ave
- S. 4th St and E. Lincoln Ave

If approved, barricades are to be delivered on Friday April 26, 2024 prior to 4:00pm. A copy of the map is attached.

	SIGNATURE	ID#	DATE
OFFICER / EMPLOYEE		4950	4/2/24
SERGEANT / SUPERVISOR		3464	4/2/24
COMMANDER / MANAGER		3019	4-4-24
DEPUTY CHIEF		1933	4.4.24
ASSISTANT CHIEF			
CHIEF OF POLICE		2098	4-4-24



March 31, 2024

City of Harlingen

On April 27th, 2024, Prince of Peace Church will be celebrating "El Dia del Niño", from 10am – 5pm. We will have a variety of outdoor activities, including games, food, face painting, jumpy castles, music, etc. We are requesting the closure of 4th Street, between Lincoln and Buchanan Ave. for those hours of community celebration. Thank you in advance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Imelda Cano".

Imelda Cano

Administrative Pastor

☎ 956.536.0905

✉ pastortcano@gmail.com

📍 321 W. Lincoln, Harlingen TX

🌐 Follow us on Facebook



**Te Invita a Celebrar con
nosotros el**

Día del niño



**Tendremos sorpresas, rifas,
juegos, caritas, comida y más**

**SABADO
27 DE ABRIL
10AM - 3PM**

**321 E. LINCOLN
HARLINGEN TX**

(956) 793-1483

“El Dia del Nino” April 27, 2024



BARRICADE 

RE: STREET CLOSURE REQUEST

Ruben Balboa - HFD <rbalboa@harlingentx.gov>

Fri 4/5/2024 10:41 AM

To: Frances Pena - HPD <fpena@harlingentx.gov>; Eduardo Alvarez - HFD <ealvarez@harlingentx.gov>; Rafael Balderas - HFD <rbalderas@harlingentx.gov>; Donna Henderson - HFD <dhenderson@harlingentx.gov>

Good morning Ms. Pena,

HFD has no issues with the closing.

Respectfully,

Ruben C. Balboa
Assistant Fire Chief

Harlingen Fire Dept. / EOC

24200 FM 509

Harlingen, TX 78550

Office 956-230-8056

Cell 956-226-7649



From: Frances Pena - HPD <fpena@harlingentx.gov>

Sent: Thursday, April 4, 2024 5:02 PM

To: Eduardo Alvarez - HFD <ealvarez@harlingentx.gov>; Rafael Balderas - HFD <rbalderas@harlingentx.gov>; Ruben Balboa - HFD <rbalboa@harlingentx.gov>; Donna Henderson - HFD <dhenderson@harlingentx.gov>

Subject: STREET CLOSURE REQUEST

Good Afternoon Asst. Fire Chief Alvarez:

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

1. PRINCE OF PEACE CHURCH "El Dia Del Nino)

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

Thank you!

Frances Pena

Exe. Admin. Asst.

**AGENDA ITEM
EXECUTIVE SUMMARY**

76

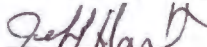
Meeting Date: **February 21, 2024**

Agenda Item:

Consideration and possible action to approve an ordinance on second and final reading amending Chapter 18, Master Fee Schedule of the Harlingen Code of Ordinances, establishing fees for certain licenses, permits, and other services provided by the city of Harlingen as they relate to chapter 36, article V, Division 2 (Tony Butler Golf Course), providing for publication and ordaining other matters pertaining to the foregoing.
Attachment (Golf)

Prepared By: Jeff Hart

Title: Director of Golf

Signature: 

Summary:

Summary

Tony Butler Golf Course staff recommends increasing the pricing of range balls and junior membership fees to pricing closer to standards of area golf courses. The Advisory Board voted unanimously on January 30th, 2024 to approve the new rates.

Tony Butler Rates	
Larger Range Ball Basket	\$9
Small Range Ball Basket	\$6
Monthly Junior Membership(unlimited golf)	\$55

..

Staff Recommendation:

Staff recommends approval to amend Master Fee Schedule of the Code of Ordinances of the City of Harlingen and increasing range ball rates of \$4/\$6 for small and large buckets to \$6/\$9 and to increase junior membership fee for unlimited golf and a daily bucket of range balls from \$26 a month to \$55 a month. .

City Manager's approval:



☒ Yes

☐ No

☐ N/A

Comments:

City Attorney's approval:



☒ Yes

☐ No

☐ N/A

ORDINANCE NO. 2024-XXX

AN ORDINANCE OF THE CITY OF HARLINGEN, TEXAS AMENDING CHAPTER 18, MASTER FEE SCHEDULE OF THE HARLINGEN CODE OF ORDINANCES BY ESTABLISHING FEES FOR CERTAIN LICENSES, PERMITS, AND OTHER SERVICES PROVIDED BY THE CITY OF HARLINGEN AS THEY RELATE TO CHAPTER 36, ARTICLE V, DIVISION 2(TONY BUTLER GOLF COURSE); PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS PERTAINING TO THE FOREGOING.

WHEREAS, the City of Harlingen provides and maintains the Tony Butler Golf Course, to enhance the quality of life and provide opportunities for healthy activities for Harlingen residents and visitors; and

WHEREAS, the City finds that providing for additional resources in the maintenance of the Tony Butler Golf Course furthers these aims and better enables it to provide quality facilities for the enjoyment of the public;

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

Section 1. That Chapter 18, Master Fee Schedule of the Code of Ordinances of the City of Harlingen is hereby amended by adjusting and increasing fees for Tony Butler Golf Course.

Rate	Current	Proposed
Junior/School Monthly	\$26	\$55
Large Range Ball Basket	\$6	\$9
Small Range Ball Basket	\$4	\$6

VOTE AND APPROVAL THIS 17th day of April, 2024 at a regular meeting of the Elective Commission of the City of Harlingen, Texas at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, TITLE 5, SUBTITLE A, CHAPTER 551.

CITY OF HARLINGEN

BY: _____
Norma Sepulveda, Mayor

ATTEST:

Amanda C. Elizondo, City Secretary

**AGENDA ITEM
EXECUTIVE SUMMARY**

9(2)

Meeting Date: **April 17, 2024**

Agenda Item:

Public hearing amending the City of Harlingen Code of Ordinances Chapter 111, Zoning, Article XIII, Section 111-62 Use Chart; by requiring a Special Use Permit for a car wash use when located in a General Retail ("GR"), Light Industry ("LI"), or Heavy Industry ("HI") Districts; and Article XII, Special Use Regulations and Restrictions, Section 111-336, Car Wash Regulations, by establishing guidelines for a car wash use, and Section 111-413, Special Use Permit, by clarifying the notification process for a car wash use. Applicant: City of Harlingen. Attachment (***Planning & Development***)

Prepared By: Xavier Cervantes, AICP, CPM
Title: Planning and Development Director

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- **March 30, 2024** - In accordance with State and local law, notice of the required public hearings published in the Valley Morning Star.
- **April 10, 2024** – Public hearing and consideration of the ordinance amendment by the Planning and Zoning Commission (P&Z).
- **April 17, 2024** – Public hearing and consideration of the ordinance amendment scheduled before the City Commission.
- **May 1, 2024** -- Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- This ordinance would make all future car wash facilities special uses which involve public hearings and notifications to the surrounding property owners. Applicants would have to comply with the guidelines as listed in the ordinance.
- Due to noise concerns the proposed notification area is 1,000 feet instead of the standard 200 feet (**Attachment I & II**). The exhibits in **Attachment I & II** are for a hypothetical case along the north side of Expressway 83 just east of the Cheddar's restaurant.
- A site plan would need to be submitted with the SUP application. The site plan would need to be approved by the Planning and Zoning Commission and the City Commission and would be included in the special use permit ordinance as an exhibit.
- A traffic impact analysis would need to be approved by the city engineer before public hearings are scheduled.
- Examples of different types of car wash facilities are shown in **Attachments III, IV and V**.
- **Attachment VI** shows all the land uses that are permitted in certain zoning designations with a 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:

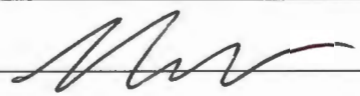
Finance Director's approval: ☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval.

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

Comments:

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

PLANNING AND ZONING COMMISSION

April 10, 2024

Public hearing and take action to consider an ordinance amending the City of Harlingen Code of Ordinances Chapter 111, Article XIII, Section 111-62, Use Chart, by requiring a Special Use Permit for a car wash use when located in a General Retail (“GR”), Light Industry (“LI”), or Heavy Industry (“HI”) Districts; and Article XII, Special Use Regulations and Restrictions, Section 111-336, Car Wash Regulations, by establishing guidelines for a car wash use, and Section 111-413, Special Use Permit, by clarifying the notification process for a car wash use. Applicant: City of Harlingen.

Director Xavier Cervantes presented the proposed ordinance before the Board, as follows:

- He stated that the previous car wash ordinance was disapproved by the City Commission and so now there was an alternative ordinance for the Board’s consideration.
- The proposed ordinance would require a Special Use Permit (S.U.P.) for new car washes, similar to bars and other things that require public hearings and notification to the surrounding property owners. He said there would be more guidelines that new car wash businesses would have to abide by.
- Mr. Cervantes went over the different kinds of car washes – those the cars are washed by hand, the self-wash and the modern, automated car washes that the City has been getting more of recently. He said the various types of car washes would fall under this proposed ordinance.
- Mr. Cervantes referred to a table in the City ordinance that identifies categories that require a Special Use Permit. He said this was included in the packet. He explained that depending on the zoning category, certain things are allowed with a S.U.P. so they have to apply, there is a notification to the surrounding property owners and there are public hearings so that surrounding property owners have an opportunity to object if desired. He scrolled through the list identifying different types of businesses and categories that require a S.U.P.
- Mr. Cervantes said that requiring these businesses to get a S.U.P. means they must also follow specific guidelines as listed in the ordinance. He said these guidelines were also in the meeting packet. He identified the following guidelines –
 - He said that first, they have to have landscaping.
 - They would also have to have screen drive throughs or driving aisles from public right-of-way to minimize the visual impact of reader board signs and directional signs.
 - All car wash tunnels need to be insulated to minimize noise impact on nearby properties.
 - All mechanical equipment and utility boxes shall be screened with landscaping.
 - Vehicular circulation shall be entirely on site.
 - If adjacent to a resident zone or adjoining a public street, the car wash facility shall maintain a minimum front, side, and rear yard setback of ten (10) feet.
 - The car wash facility, including blowers and vacuum motors, shall comply with the noise ordinance.
 - The sides shall be equipped with cap spacings when water drains to prevent water from flowing over any public rights-of-ways.
 - Lighting, including lighting for wash space and canopies, shall be designed and installed to prevent glare or light from being emitted onto adjacent properties.
 - No Gray water shall be discharged into the storm drain

- Car wash facilities shall be designed to utilize water recirculation systems.
- Off-street parking shall be provided on the property in the ratio of not less than three parking spaces for each washing stall, or five parking spaces for each automobile that may be accommodated on the washing line within the facility.
- Hours of operation shall be included in the application form, and
- A traffic impact analysis will need to be submitted for approval by the city engineer before public hearings are scheduled.
- Mr. Cervantes stated that there will also be a site plan that will go before the Board, for review and approval. He explained that the site plan will be presented and the Board may request changes. He said the site plan would be part of the ordinance for the S.U.P. so any major deviations of the site plan would require a new Special Use Permit.
- Mr. Cervantes stated that the standard area for notifications is two hundred (200) feet. He said that he is proposing a one thousand (1000) foot notification area so that a lot more people get notice and they have an opportunity to object or provide feedback.
- Mr. Cervantes stated that Staff recommends approval of the proposed ordinance.

Chairman Consiglio thanked Mr. Cervantes for the presentation. He proceeded to ask regarding the increase on notification area, from two hundred (200) feet to one thousand (1000) feet. He asked if there as a state law that dictates that or is that a city ordinance. Mr. Cervantes stated that the minimum by state law is two hundred (200) feet but that we can go with more if desired in a city ordinance.

Chairman Consiglio stated that questions could be asked of staff now or that they could move into the Public Hearing.

Cmr. Cruz-Velázquez asked about the radius of notification. She asked why one thousand (1,000) and asked what the consideration for that was. Mr. Cervantes stated it was so that more people could have an opportunity to provide feedback or object. Using a hypothetical example that he presented in the power point for the property just east of the Cheddar's restaurant, he said that the standard two hundred (200) foot radius would mean that only five (5) or six (6) residential property owners would get the notice and they may pay attention to the letter or not. He added that with the one thousand (1,000) foot radius, a lot more people from the residential neighborhood would get notice and might provide feedback on the site plan or object. Mr. Cervantes also explained that the radius could be four hundred (400) or five (500) and he said that the number could be the Board's recommendation. Chairman Consiglio commented that addressing the minimum notification radius is something that could be utilized across multiple types of notices. He said that he thought that the two hundred (200) foot radius was too small.

Chairman Consiglio asked if there were any further questions for Staff. Cmr. Perez asked the requirement of a site plan, pointing out some of the issues in the Target area. Mr. Cervantes told him that projects like that don't come before the Planning and Zoning Commission for site plan approval. Mr. Perez said that he would like to see that change. Chairman Consiglio told him this was a good comment. During this discussion, it was discussed that the Special Use Permit could be an opportunity to add requirements such as additional landscaping to other types of projects.

Cmr. Sanchez asked if existing facilities would be grandfathered. Mr. Cervantes said yes. Cmr. Sanchez just asked about an existing facility wanting to modify their business. Again he was told yes. Cmr. Sanchez then asked if this was implied or if this would be written in the ordinance. Mr.

Cervantes said it could be added to the ordinance to be on the safe side so that there is no need for an interpretation. Chairman Consiglio asked if there was a percentage for triggers – that if there is a modification by x percent then it triggers the ordinance. Mr. Cervantes said a building permit would be needed for any major changes to an existing car wash and this would trigger a new permit. He said that adding a storage unit would be a minor change but changing from a hand car wash to something automated then that would be a brand-new project that would trigger the need for a S.U.P.

Chairman Consiglio asked if once this goes into effect if this would eliminate hand wash businesses because now all sorts of systems would be required. Mr. Cervantes said he didn't think this would happen. He said that this would be about checking that these projects are more carefully reviewed to make sure they are following the new guidelines. Chairman Consiglio asked about hand wash business and requirements for disposal of gray water. Cmr. Flores stated it was state law and that it was in the plumbing code and so this should already be addressed.

Chairman Consiglio indicated he would like to proceed to the Public Hearing on this agenda item and said that we could circle back to ask more questions of Staff if needed unless there was a pressing question now. Cmr. Flores spoke up. He shared his observations of the number of car washes in Edinburg and the recent announcement of water shortages in Hidalgo County. He said that Harlingen could end up in the same direction and he asked why we couldn't place restrictions on the hours of operations – to be closed on weekends or one day out of the week to help with water conservation. Mr. Cervantes said that if the ordinance is approved, the hours of operation would be required and would be presented to the Board for the new car wash projects. Chairman Consiglio thanked Cmr. Flores and proceeded to opening the Public Hearing. Chairman Consiglio asked if there was anyone that would like to speak on this item. Upon seeing and hearing none, the Public Meeting was closed.

Chairman Consiglio asked if there was any further discussion or if there was a motion. Cmr. Cruz-Velázquez made the motion to approve. Cmr. Flores seconded the motion. At this point Cmr. Sanchez said he had a question. He asked about fundraisers such as high school car washes and how these would be regulated. He asked if these would fall under this ordinance. Mr. Cervantes deferred to Mr. Joel Olivo, Assistant Planning and Development Director, how these are handled. Mr. Olivo said these are treated separately through a mobile vendor application. Mr. Cervantes stated these types of fundraisers would not be affected by this ordinance and that this is just for established businesses. Chrm. Consiglio returned to the motion for approval on the table. The motion passed unanimously.

9(b)

**AGENDA ITEM
EXECUTIVE SUMMARY**

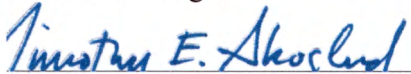
Meeting Date: **April 17, 2024**

Agenda Item:

Public Hearing on water and sewer rate adjustments necessary to provide for forecasted operating expenses, capital asset costs, and funding of Harlingen Waterworks System Five-Year Capital Improvement Plan. (HWWS)

Prepared By (Print Name): Timothy E. Skoglund, P.E.

Title: General Manager

Signature: 

Brief Summary:

The recent rate study analyzed and forecasted the costs of operating and improving Harlingen's water and wastewater infrastructure. Five joint meetings between the Waterworks' Utility Board of Trustees and the City Commission have been held to discuss rate plan design and the capital improvements needed to ensure reliable water and sewer service for customers of the Waterworks. The proposed ordinance has been updated to include adjustments that provide a \$25/month flat discount for Harlingen Housing Authority customers to be fully phased in by the last year of the five-year rate plan. An ordinance adopted by the City Commission is needed for implementation of the new rates and establishing an effective date.

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 adoption of the ordinance to fund the operation of the System, provide for vital infrastructure improvements.

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

Comments:

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

**AGENDA ITEM
EXECUTIVE SUMMARY**

10(2)

Meeting Date: **April 17, 2024**

Agenda Item:

Consideration and possible action to approve an ordinance on first reading amending the City of Harlingen Code of Ordinances Chapter 111, Zoning, Article XIII, Section 111-62 Use Chart; by requiring a Special Use Permit for a car wash use when located in a General Retail ("GR"), Light Industry ("LI"), or Heavy Industry ("HI") Districts; and Article XII, Special Use Regulations and Restrictions, Section 111-336, Car Wash Regulations, by establishing guidelines for a car wash use, and Section 111-413, Special Use Permit, by clarifying the notification process for a car wash use. Applicant: City of Harlingen. Attachment (***Planning & Development***)

Prepared By: **Xavier Cervantes, AICP, CPM**
Title: **Planning and Development Director**

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- March 30, 2024 - In accordance with State and local law, notice of the required public hearings published in the Valley Morning Star.
- April 10, 2024 – Public hearing and consideration of the ordinance amendment by the Planning and Zoning Commission (P&Z).
- April 17, 2024 – Public hearing and consideration of the ordinance amendment scheduled before the City Commission.
- May 1, 2024 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- This ordinance would make all future car wash facilities special uses which involve public hearings and notifications to the surrounding property owners. Applicants would have to comply with the guidelines as listed in the ordinance.
- Due to noise concerns the proposed notification area is 1,000 feet instead of the standard 200 feet (**Attachment I & II**). The exhibits in **Attachment I & II** are for a hypothetical case along the north side of Expressway 83 just east of the Cheddar's restaurant.
- A site plan would need to be submitted with the SUP application. The site plan would need to be approved by the Planning and Zoning Commission and the City Commission and would be included in the special use permit ordinance as an exhibit.
- A traffic impact analysis would need to be approved by the city engineer before public hearings are scheduled.
- Examples of different types of car wash facilities are shown in **Attachments III, IV and V**.
- **Attachment VI** shows all the land uses that are permitted in certain zoning designations with a 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:

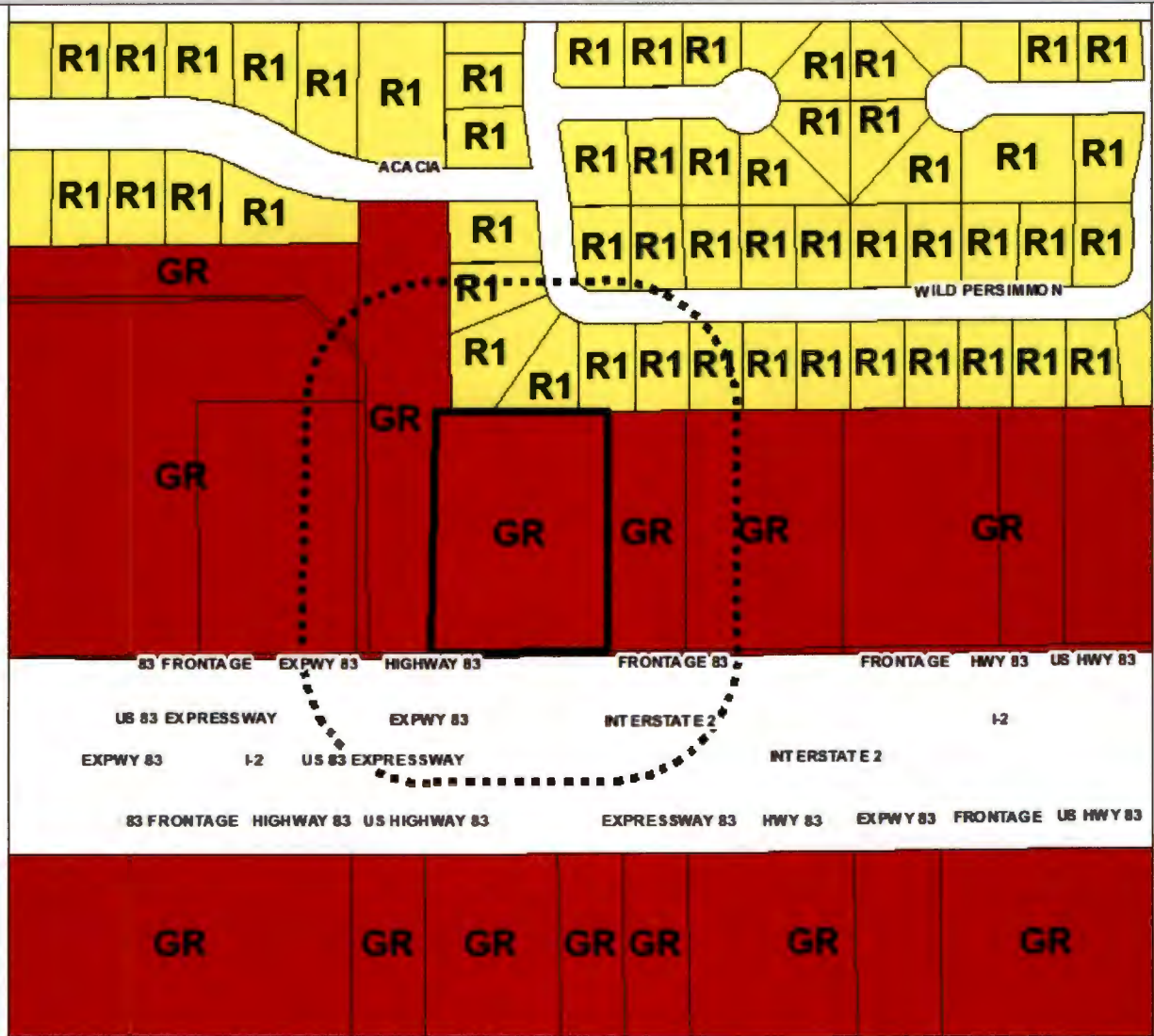
Staff recommends approval.

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

Comments:

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

Attachment I—200 Foot Standard Notification



Boundary lines

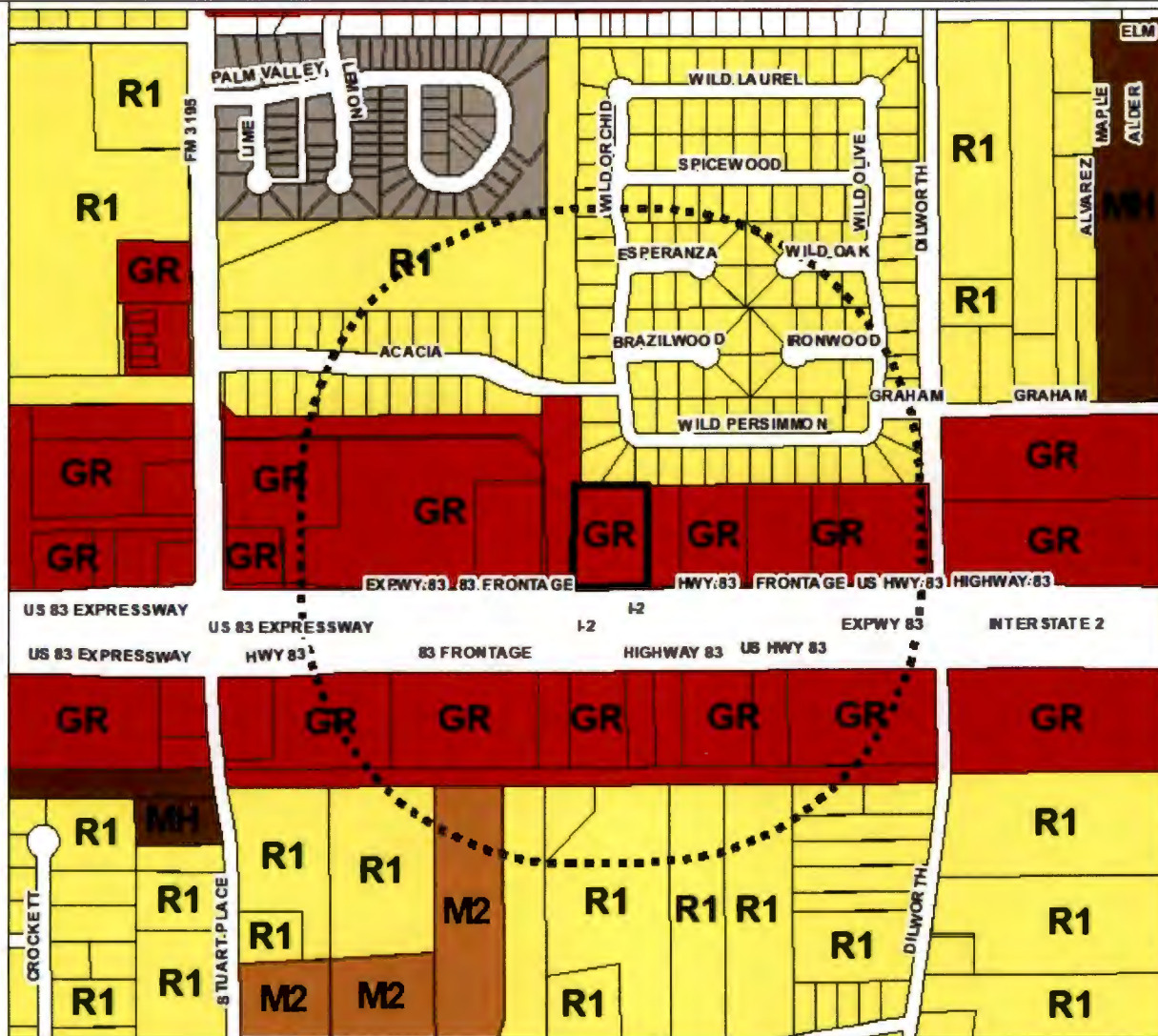
- Harlingen city limits.shp
- 200' Notification Boundary
- Subject Property

Zoning Designations

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

This map has been produced by the City of Harlingen for the sole purpose of locating jurisdictional boundaries and is not intended for any other. The map data is compiled from various sources including orthophoto imagery, engineer plans and plats, survey field notes, and other sources. This map is intended for graphic representation only. No warranty is made by the City regarding its accuracy or completeness. Before relying on any information on the map, check with the Planning Department.
Date of map 03.28.2024

Attachment II—1,000 Foot Notification



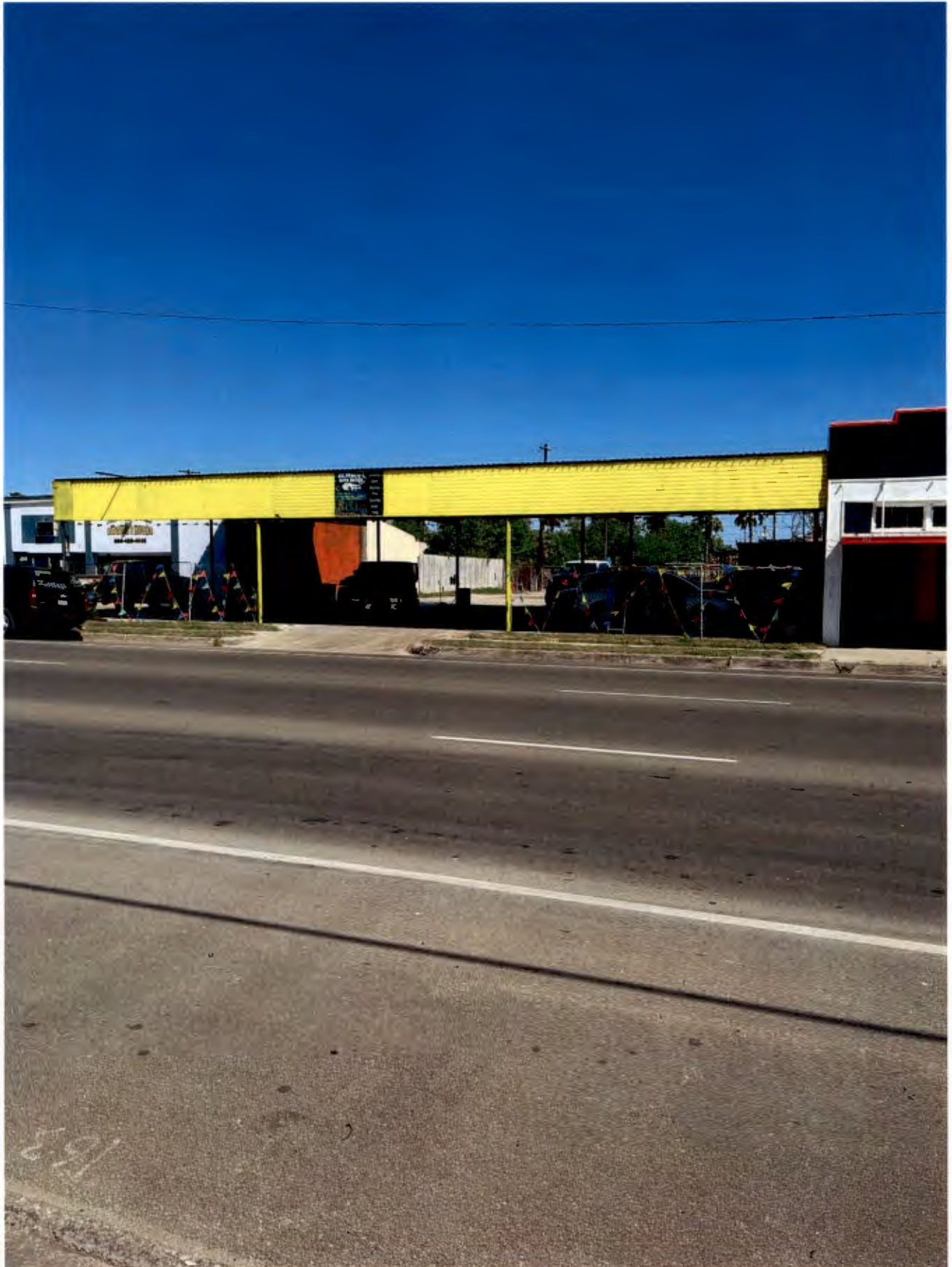
Boundary lines

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

Zoning Designations

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

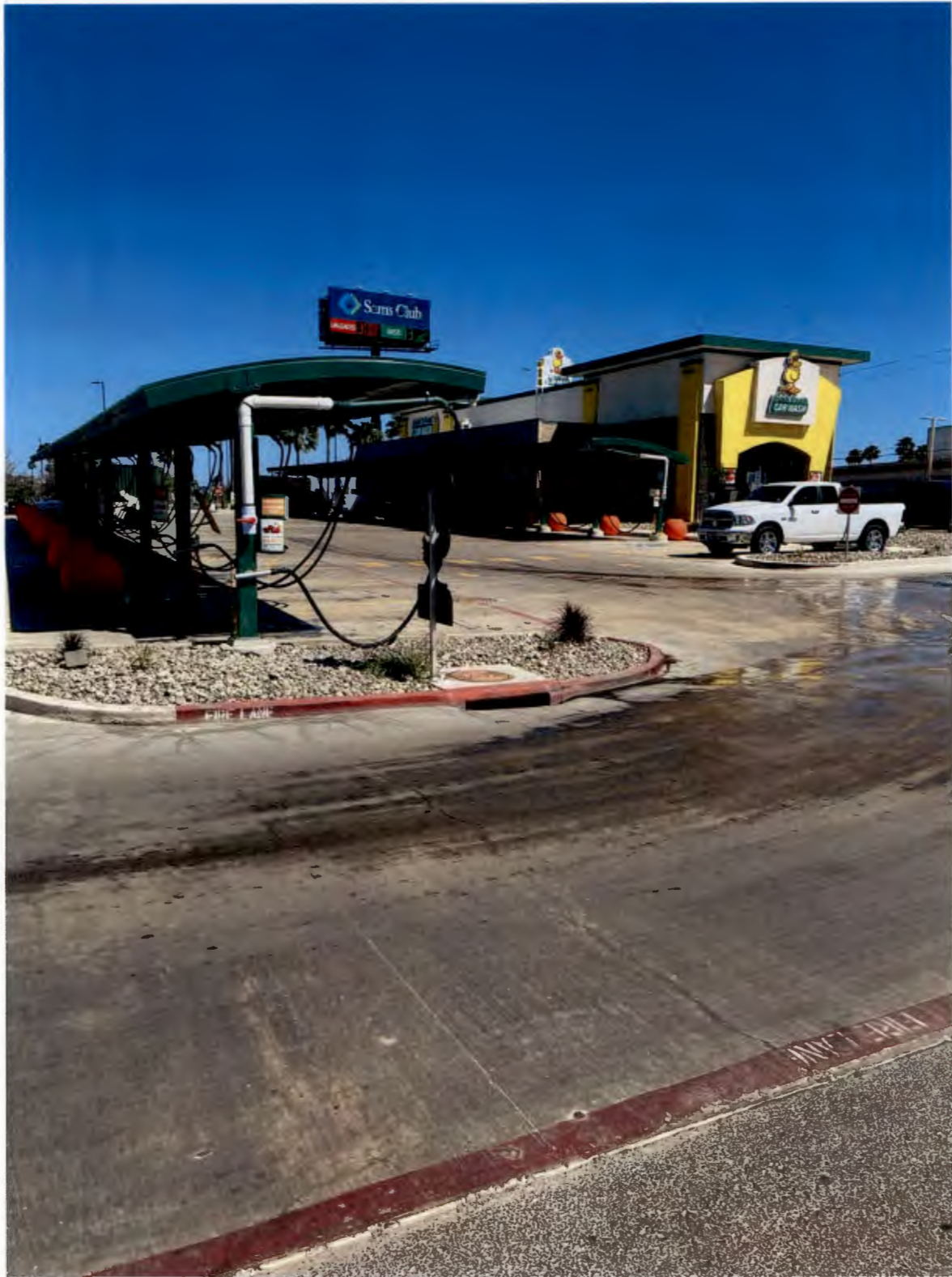
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Attachment IV—Clean it yourself Carwash



Attachment V—Modern Carwash



Attachment VI— Section 111-62 Use Table

	Zoning District												
	N	R1	R2	M1	M2	MH	PD ¹	O	NS	GR	LI	HI	RPH
Residential Uses													
One-family dwelling	^	x	x	x	x	x	x ¹	x	x	x			x
Two-family dwelling/duplex			x	x	x	x	x ¹	x	x	x			x
Three-family dwelling/triplex				x	x	x	x ¹	x	x	x			
Four-family dwelling/quadruplex				x	x	x	x ¹	x	x	x			
Multifamily and apartments					x	x	x ¹	x	x	x			
Mobile home/manufactured homes						x	x ¹						
Recreational vehicles		*	*	*	*	x	x ¹	*	*	*	x	x	*
Garden home/patio homes		s	s	s	x	x	x ¹	x	x	x			x
Townhouses		s	s	s	x	x	x ¹	x	x	x			s
Condominium		s	s	s	x	x	x ¹	x	x	x			s

Attachment VI— Section 111-62 Use Table

Institutional and Open Space Uses													
Airport	S				S	S	X ¹	S	S	S	S	S	
Assisted living facility/group home		S	S	X	X		X ¹	X	X	X	S		S
Church		X	X	X	X	X	X ¹	X	X	X	X	S	X
Community center		S	S	S	S	S	X ¹		X	X	X	X	S
Community residential facility				S	S					S	S		
Convent		S	S	S	X	X	X ¹	X	X	X	X		S
Country club with golf course		X	X	X	X	X	X ¹	X	X	X	X	X	X
Kindergarten school		S	S	S	S	S	X ¹	X	X	X	S		S
Fairgrounds/exhibition area							X ¹	S	S	X	X	X	
Farm/ranch/orchard/garden	X	X	X	X	X	X	X ¹	X	X	X	X	X	X
Fraternity/sorority/civic lodge					S		X ¹	X	X	X	S		
Golf driving range							X ¹			X	X		
Halfway House/residential reentry center				S	S					S	S		
Hospital					S	S	X ¹	X	X	X	S		
Nursing home					S	S	X ¹	X	X	X	S		
Open air business							X ¹			S	S	S	
Park/playground/golf course	X	X	X	X	X	X	X ¹	X	X	X	X	X	
School, college or university		S	S	S	S	S	X ¹	X	X	X	X		S
School, public, private or parochial		S	S	S	S	S	X ¹	X	X	X	X		S
Schools, trade and commercial							X ¹			X	X	X	
Sober living house		S	S	S	S			S	S	S	S		S
Tennis and/or swim club		S	S	S	S	X	X ¹	X	X	X	S		S
Country club with golf course		X	X	X	X	X	X ¹	X	X	X	X	X	X
Kindergarten school		S	S	S	S	S	X ¹	X	X	X	S		S
Fairgrounds/exhibition area							X ¹	S	S	X	X	X	
Farm/ranch/orchard/garden	X	X	X	X	X	X	X ¹	X	X	X	X	X	X
Fraternity/sorority/civic lodge					S		X ¹	X	X	X	S		
Golf driving range							X ¹			X	X		
Halfway House/residential reentry center				S	S					S	S		
Hospital					S	S	X ¹	X	X	X	S		
Nursing home					S	S	X ¹	X	X	X	S		
Zoning District													
	N	R1	R2	M1	M2	MH	PD ¹	O	NS	GR	LI	HI	RPH

Attachment VI— Section 111-62 Use Table

Utility/Service Uses													
Electrical substation	X				S	S	X ¹	X	X	X	X	X	
Fire station/police station	S	S	S	S	S	S	X ¹	X	X	X	X	X	
Radio/TV, or microwave tower					S	S	X ¹	S	S	X	X	X	
Railroad tracks and R.O.W.	S	S	S	S	S	S	X ¹	S	S	S	X	X	S
Sewage pump station	X	S	S	S	S	S	X ¹	X	X	X	X	X	S
Telephone line exchange building					X	X	X ¹	X	X	X	X	X	
Zoning District													
	N	R1	R2	M1	M2	MH	PD ¹	O	NS	GR	LI	HI	RPH

Attachment VI— Section 111-62 Use Table

Accessory and Incidental Uses													
Accessory buildings		X	X	X	X	X	X ¹	X	X	X	X	X	X
Field offices, temporary	X	X	X	X	X	X	X ¹	X	X	X	X	X	X
Home occupations		X	X	X	X	X	X ¹	X	X	X	X	X	X
Portable building less than 144 square feet		X	X	X	X	X	X ¹	S		S	S	S	X
Portable building greater than 144 square feet		S	S	S	S	S	X ¹	S		S	S	S	S
Signs/general		X	X	X	X	X	X ¹	X	X	X	X	X	X
Signs/billboards							X ¹			X	X	X	
Signs, business and pole signs						X	X ¹	X	X	X	X	X	
Storage building less than 144 square feet		X	X	X	X	X	X ¹	S		S	S	S	X
Storage building greater than 144 square feet		S	S	S	S	S	X ¹	S		S	S	S	S
Swimming pool		A	A	A	A	A	X ¹	X	X	A	A	A	A
		Zoning District											
		N	R1	R2	M1	M2	MH	PD ¹	O	NS	GR	LI	HI

Attachment VI— Section 111-62 Use Table

Automobile and Machinery Type Uses

Auto paint and rebuild							x ¹			x	x	x	
Auto parking lot	*				S		x ¹	x	x	x	x	x	
Auto sales and repair							x ¹			x	x	x	
Carwash							x ¹			x	x	x	
Drag strip or commercial racing							x ¹				x	x	
Farm equipment sales							x ¹			x	x	x	
Gasoline station							x ¹	S	x	x	x	x	
Heavy machinery, sales and storage							x ¹			x	x	x	
Mobile home sales							x ¹			x	x	x	
Mobile home repairs							x ¹				x	x	
New and used car lot							x ¹			x	x	x	
New auto parts							x ¹			x	x	x	
Taxi stand							x ¹			x	x	x	
Trailer rental/sales							x ¹			x	x	x	
Truck parking lot							x ¹			x	x	x	
Towing, wrecked vehicle storage							x ¹				x	x	
Used auto parts							x ¹				x	x	
Wrecking and salvage yard							x ¹				S	S	
Zoning District													
	N	R1	R2	M1	M2	MH	PD ¹	O	NS	GR	LI	HI	RPH

Attachment VI— Section 111-62 Use Table

Retail and Service Type Uses														
Adult business							x ¹			S	x	x		
Air condition contractor							x ¹			x	x	x		
Antique shop							x ¹	S	x	x	x	x		
Auction house, inside							x ¹			x	x	x		
Auction house, outside							x ¹				x	x		
Bakery, retail sales							x ¹	x	x	x	x	x		
Bank, office only							x ¹	x	S	x	x	x		
Bank, with drive-through window							x ¹	S		x	x	x		
Bars/lounges							S	S		S	S	S		
Beauty shop/barbershop							x ¹	x		x	x	x		
Bed and breakfast	S	S	S		x		x ¹	S	S	x			S	
Bowling alley							x ¹			x	x	x		
Building material sales							x ¹			x	x	x		
Cabinet or upholstery shop							x ¹			x	x	x		
Cafeteria							x ¹			x	x			
Call center							x ¹	S		x	x	x		
Candy or cake						x ¹		x	x	x	x			
Carpet cleaning business							x ¹			x	x	x		
Cleaning, dyeing plant, commercial							x ¹				x	x		
Cleaning, dyeing and pickup shop							x ¹			x	x	x		
Commercial amusements, indoor							x ¹			x	x	x		
Commercial amusements, outdoor							x ¹			S	x	x		
Contractor, electric							x ¹			x	x	x		
Contractor/shop, plumbing							x ¹			S	x	x		
Contractor shop and storage yard							x ¹				x	x		
Custom personal service shop							x ¹	x	x	x	x			
Dance/reception							x ¹			x	x	x		
Dance/reception hall (alcohol permitted)							x ¹			S	x	x		
Day nursery/day care center (adult or child)							x ¹	x	x	x	S			
Drapery shop							x ¹		x	x	x			
Drive-in theater							x ¹			S	x	x		
Zoning District														
	N	R1	R2	M1	M2	MH	PD ¹	O	NS	GR	LI	HI	RPH	

Attachment VI— Section 111-62 Use Table

Engine/motor repair							x ¹			x	x	x	
Farmers market	S												
Feed store							x ¹			x	x	x	
Florist/garden shop							x ¹	x	x	x	x		
Food truck park										S	S	S	
Furniture/appliance storage, repair and/or sale (used, outside)							x ¹				x	x	
Greenhouse or nursery, retail							x ¹			x	x	x	
Handcraft shop							x ¹			x	x	x	
Hotel/motel						x	x ¹	S		x	x	x	
Household appliance service/repair							x ¹		x	x	x	x	
Job printing							x ¹			x	x	x	
Laundry plant							x ¹			x	x	x	
Mini-storage units							x ¹			x	x	x	
Pet shop							x ¹			x	x		
Pharmacy							x ¹	x	x	x	x		
Mortuary							x ¹			x	x	x	
Neighborhood club	S	S	S	S	S		x ¹	S	x	x	x	x	S
Newspaper printing							x ¹			x	x	x	
Offices, professional/administrative							x ¹	x	x	x	x	x	
Outdoor music establishment							x ¹			S	x	x	
RR team track/passenger station							x ¹			x	x	x	
Recycling center, ferrous							x ¹				S	x	
Recycling center, non-ferrous							x ¹			S	x	x	
Restaurant with drive-in service							x ¹			x	x	x	
Restaurant without drive-in							x ¹	S		x	x	x	
Retail shops and stores							x ¹		S	x	x	x	
Scientific and research lab							x ¹			S	x	x	
Sexually oriented business							S			S	S	S	
Stationery/letter/office supplies shop							x ¹	x	x	x	x	x	
Storage warehouse							x ¹			S	x	x	
Photography/art/music studio							x ¹	x	S	x	x	x	
Radio/TV studio							x ¹			x	x	x	
Tortilla factory							x ¹		S	x	x	x	
Vet. clinics and kennels							x ¹			x	x	x	
Zoning District													
	N	R1	R2	M1	M2	MH	PD ¹	O	NS	GR	LI	HI	RPH

Attachment VI— Section 111-62 Use Table

Industrial uses													
Aboveground petroleum storage tank						x ¹			S	x	x		
Bulk storage in the open of scrap or used materials						x ¹					S		
Distribution center						x ¹			S	x	x		
Light Industry manufacturing						x ¹			S	x	x		
Zoning District													
	N	R1	R2	M1	M2	MH	PD ¹	O	NS	GR	LI	HI	RPH

ORDINANCE NO. 24-_____

AN ORDINANCE AMENDING THE CITY OF HARLINGEN CODE OF ORDINANCES CHAPTER 111, ZONING, ARTICLE XIII, SECTION 111-62 USE CHART; BY REQUIRING A SPECIAL USE PERMIT FOR A CAR WASH USE WHEN LOCATED IN A GENERAL RETAIL ("GR"), LIGHT INDUSTRY ("LI"), OR HEAVY INDUSTRY ("HI") DISTRICTS; AND ARTICLE XII, SPECIAL USE REGULATIONS AND RESTRICTIONS, SECTION 111-336, CAR WASH REGULATIONS, BY ESTABLISHING GUIDELINES FOR A CAR WASH USE, AND SECTION 111-413, SPECIAL USE PERMIT, BY CLARIFYING THE NOTIFICATION PROCESS FOR CAR WASH USE; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING

WHEREAS, The amendments are also consistent with the goals of the One Vision One Harlingen Comprehensive Plan, of streamlining the development policies to promote Harlingen as an attractive and development option; and

WHEREAS, The amendments are also consistent with Chapter 211, Municipal Zoning Authority, Section 211.008; and

WHEREAS, The Planning and Zoning Commission has reviewed the proposed amendment 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 finds that it is in the best interests of the citizens of Harlingen to amend the Code of Ordinances as set forth below;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF HARLINGEN, TEXAS, THAT:

SECTION I: That the City of Harlingen Code of Ordinances, Chapter 111, Zoning, Article XIII, Section 111-62, is hereby amended by adding the language underlined (added) and deleting the language that is stricken through (~~stricken~~) to read in full as follows.

Sec. 111-62. - Use chart; allowable uses by zone

This section contains a chart of permissible land uses by zone. If you want to open a specific type of business look for that use in the uses listed in the left hand column. Once the use is located, follow the line across to the right to determine which zoning designations it is allowed in by right (designated by an "x"), which it is allowed in with a special use permit (designated by an "s"), or if it is not allowed in a zone (no mark present). If you do not find your use listed, check with the department of planning and development, it may be under a general classification category. Similarly, if you own a piece of property and you know what it is zoned, you can determine what uses are allowed by following the column under your zoning category (e.g. R-1, M-2, MH. . .) to determine which uses are allowed by right or with a special use permit.

Legend		
X	Permitted by right	□ Not allowed
S	Special use permit required	* Storage purposes only
1	Requires site plan approval	^ Only on tracts 5 acres or more

Automobile and Machinery Type Uses

[illegible]

Section 111-336 – Car Wash Regulations

A. Zoning and location.

A car wash shall only be permitted to operate in General Retail ("GR"), Light Industrial ("LI"), or Heavy Industrial ("HI") Districts with an approved special use permit as designated in Section 111-62 of the Code of Ordinances.

B. General development standards for all car washes.

1. In addition to the applicable landscaping requirements of Chapter 111, landscaping for all car washes shall screen drive-through or drive-in aisles from public rights-of-way and shall be used to minimize the visual impact of reader-board signs and directional signs.

2. All car wash tunnels shall be insulated to minimize noise impacts on nearby properties.

3. All mechanical equipment and utility boxes shall be screened with landscaping.

4. All vehicular circulation shall be entirely on site.

5. If adjacent to a residential zone or adjoining public street, the car wash facility shall maintain a minimum front, side, and rear yard setback of ten feet.

6. The car wash facility, including the blowers and vacuum motors, shall comply with City noise ordinance.

7. The site shall be equipped with catch basins and water drains to prevent water from flowing over any public right-of-ways.

8. All lighting, including lighting for wash bays and canopies shall be designed and installed to prevent glare or light from being emitted onto adjacent properties.

9. No gray water shall be discharged into the storm drain.

10. Car wash facilities shall be designed to utilize water re-circulation systems.

11. Off-street parking shall be provided on the property in the ratio of not less than three parking spaces for each washing stall, or five parking spaces for each automobile that may be accommodated on the washing line within a facility.

12. Hours of operation shall be included in the special use permit ordinance.

13. A traffic impact analysis approved by the city engineer shall be required prior to the scheduling of public hearings.

Sec. 111-413. - Special use permit process.

The city commission, after public hearing and proper notice to all property owners within 200 feet (1,000 feet if the use is a food truck park or car wash) of the property involved, and after recommendations by the planning and zoning commission, may authorize the issuance of special or qualified use permits. The planning and development director shall waive the public hearing process for a special use permit application for a portable building and/or storage building as indicated in section 111-62 if certain conditions are met. The special use permit application for a portable building and/or storage building shall be administratively approved when no written

complaints have been filed by any person with the planning and development department within ten days from the date of publication of notice in the local newspaper of record and the mailing of the notice to all property owners within 200 feet of the site in question. If a written complaint has been filed with the planning and development department concerning a permit for a portable building and/or storage building, the permit shall be processed as an original application in compliance with this section.

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

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

FINALLY ENACTED this _____ day of _____, 2024, 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:

Amanda C. Elizondo, City Secretary

106)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **April 17, 2024**

Agenda Item:

Consideration and possible action to approve the preliminary construction plans and final plat with a variance request regarding to the minimum lot depth and lot area for Lots 4-9 and 15 for the proposed Paloma Ranch Subdivision, bearing a legal description of 33.91 acres of land more or less, out of Blocks 1, 2, and 3, F.Z. Bishop Subdivision of the South Half of Survey No. 41, located along the east side of Paloma Lane approximately 370 feet north of Garrett Road. Applicant: Moore Land Surveying, LLC c/o UR Homes Texas, LLC. Attachment (***Planning & Development***)

Prepared By: Xavier Cervantes, AICP, CPM
Title: Planning and Development Director
Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- August 25, 2022 – Original preliminary and final plat application and subdivision application submitted to the City (**ATTACHMENT I**).
- September 9, 2022 – Letter sent to applicant outlining deficiencies; application deemed incomplete.
- September 27, 2022 – Preliminary and final plat resubmitted to the City.
- October 11, 2022 – Letter sent to applicant outlining deficiencies; application deemed incomplete.
- December 7, 2022 – Preliminary and final plat deemed complete.
- December 14, 2022 – Consideration of the preliminary construction plans and final plat by the Planning and Zoning Commission.
- March 8, 2024 – Preliminary and final plat resubmitted to the City to show additional lots on the preliminary and final plat.
- March 21, 2024 – Preliminary and final plat deemed complete.
- April 10, 2024 – Consideration of the preliminary construction plans and final plat by the Planning and Zoning Commission.
- April 17, 2024 – Consideration of the preliminary construction plans and final plat by the City Commission.

Summary:

- The developer is requesting approval of the preliminary construction plans and final plat with a variance from the City of Harlingen Code of Ordinances Section 109-124(b) and Section 111-118(1) with regards to the minimum lot area for Lots 4, 5, 6, 7, 8, 9, and 15, due to the Cameron County Drainage District #5 right-of-way boundary.
- The proposed Paloma Ranch Subdivision will consist of 143 Residential, Single-Family Lots, with one park lot and one lift station lot. It is located inside City Limits approximately 370 feet north from the intersection of Paloma Lane and Garrett Road, on the east side of Paloma Lane. All the lots will front an interior public street. Lots 4, 5, 6, 7, 8, 9, and 15

do not meet the required minimum lot area of 6,000 sq. ft. for Residential, Single Family ("R-1") uses.

- The intended use is allowed based on the existing zoning designation of Residential, Single Family ("R-1").
- The variance request was reviewed by the Engineering, Fire Prevention, and Planning Departments. The departments reported no objections to the variance request.
- Drainage requirements meet the current standard for a 50-year storm. The developer is proposing to widen a Cameron County Drainage District #5 adjoining ditch to comply with drainage requirements.
- Water and wastewater services will be provided by Harlingen Water Works System.
- Park fees will not need to be paid for this subdivision, based on the application date of August 26, 2022. The subdivision was submitted prior to the park fee ordinance taking effect.
- All items on the preliminary and final plat checklist will be addressed prior to the recording of the final plat.
- In accordance with Section 109-27(c) of the Harlingen Code of Ordinances, no variance shall be recommended unless the Planning and Zoning Commission finds:
 - There are special circumstances or conditions affecting the land involved such that a strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land; and
 - The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
 - The granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property owners in the area; and
 - The granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with this chapter.
- In addition, Section 109-27(d), 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 P&Z Commission.

Staff Recommendation:

Staff recommends approval of the preliminary construction plans and final plat with conditions, and a variance request:

1. Compliance with the requirements from the Engineering, HWWS, Fire Department, and Planning Departments please see attached comments (ATTACHMENT IV – VIII).

2. There are special circumstances or conditions affecting the land involved such that a strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land; and
3. The subject property is irregularly shaped, due to the Cameron County Drainage District #5 right-of-way boundary, which makes it difficult to accommodate the required depth and area for all the lots; however, they are buildable lots; and
4. The Fire, Planning, and Engineering Departments agree with approval of the variance request.

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:



☒

Yes

☐

No

☐

N/A

City Attorney's approval:



☒

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 NORTH OF THE INTERSECTION OF GARRET RD & PALOMA LN _____ Nearest Intersection GARRETT RD. & PALOMA LANE.
(Proposed) Subdivision Name PALOMA RANCH SUBDIVISION Lot 130 Block 1
Existing Zoning Designation SINGLE FAMILY Future Land Use Plan Designation SINGLE FAMILY

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

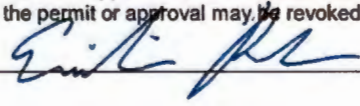
Applicant/Authorized Agent EMILIANO ROSEL Phone 956-929-1615 FAX _____
Email Address (for project correspondence only): EROSL.MLS@GMAIL.COM
Mailing Address 14216 PALIS DR. City LA FERIA State TX Zip 78559
Property Owner U R HOMES TEXAS, LLC Phone _____ FAX _____
Email Address (for project correspondence only): _____
Mailing Address _____ City _____ State _____ Zip _____

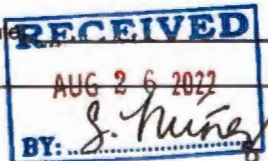
Select appropriate process for which approval is sought. Attach completed checklists with this application.

- | | |
|---|--|
| ☐ 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: DEVELOPING THE PROPERTY INTO 130 SINGLE FAMILY RESIDENTIAL LOTS.

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

Applicant's Signature:  Date: 8/25/22
Property Owner(s) Signature: _____ Date: _____
Accepted by: _____ Date: _____



Attachment I—Subdivision Application

DocuSign Envelope ID: 54E589D6-957E-46D7-ABAD-2C011CEF044F

AFFIDAVIT AUTHORIZATION TO SUBMIT AND REVISE SUBDIVISION APPLICATION

I (we), the undersigned, David Floodman/ U R Home Texas, LLC, do hereby authorize Moore Land Surveying, LLC to act as my (our) agent in the submittal and revision of the Subdivision application for Paloma Ranch; and do hereby grant Moore Land Surveying, LLC the power to act in my (our) behalf by signing and submitting all necessary "Subdivision Application Forms". The property is currently under contract and will be transferred to our name prior to approval of final plat.

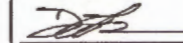
Date: July 27, 2022

By:

Name Printed:

Title:

DocuSigned by:



7518CFD3815544F

David Floodman

Director of Acquisitions & Land Development

STATE OF TEXAS COUNTY OF CAMERON

This instrument was acknowledged before me on the _____ day of _____ 20____,
by _____

Date: _____
Notary Public, State of Texas

Name Printed: _____

My Commission Expires: _____

Attachment I—Variance Application

CITY OF HARLINGEN PLANNING AND DEVELOPMENT DEPARTMENT MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address NORTH OF THE INTERSECTION OF GARRET RD. & PALOMA LN Nearest Intersection GARRETT RD. & PALOMA LANE.
(Proposed) Subdivision Name PALOMA RANCH SUBDIVISION Lot _____ Block 1
Existing Zoning Designation SINGLE FAMILY Future Land Use Plan Designation SINGLE FAMILY

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent DUSTIN MOORE Phone 956-929-1615 FAX _____
Email Address (for project correspondence only): D.MOORELANDSURVEYING@GMAIL.COM
Mailing Address 14216 PALIS DR. City LA FERIA State TX Zip 78559
Property Owner U R HOMES TEXAS, LLC Phone _____ FAX _____
Email Address (for project correspondence only): DFLOODMAN@URHOMETEXAS.COM
Mailing Address _____ City _____ State _____ Zip _____

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

- | | |
|---|---|
| ☐ Annexation Request..... <u>No Fee</u> | ☐ Preliminary Construction Plans 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: VARIANCE REQUEST FOR LOTS 4-9 & 15
LOT AREA FALLS BELOW 6000 SF MINIMUM DUE TO CCDD 5 ROW BOUNDARY.

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

Applicant's Signature: DUSTIN MOORE DUSTIN MOORE
2024.04.01 14:22:13 -05'00' Date: 4/1/24

Property Owner(s) Signature: DUSTIN MOORE DUSTIN MOORE
2024.04.01 14:22:25 -05'00' Date: 4/1/24

Accepted by: _____ Date: _____

**SUBDIVISION VARIANCE REQUEST
SUBMITTAL CHECKLIST**

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

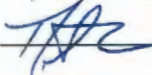
Complete

- ☒ Variance requests must be submitted at the time the preliminary construction plans and final plat are submitted to the City. (Sec. 109-27 of the Harlingen Code of Ordinances)
 - ☒ A written statement describing the requested variance and an explanation of the special conditions that result in the unnecessary hardship for which the variance is requested.
 - ☒ Any other information (drawings, pictures, etc.) the applicant would like to submit in support of the subject request.
-
- I understand that the variance requested will not be scheduled for Planning and Zoning Commission review unless all items on this list are completed.
 - I understand that variances related to paving, curb, and gutter, fire hydrant, or certain construction within the regulatory floodplain for subdivisions located within the City limits or in the ETJ will not be considered.
 - I understand that, in accordance with Sec. 109-27 of the Harlingen Code of Ordinances, variances cannot be granted unless the Planning and Zoning Commission and/or City Commission finds that:
 - There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of the Subdivision Ordinance would deprive the applicant of the reasonable use of his land; and
 - The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
 - The granting of the variance will not be detrimental to the public health, safety, welfare, or injurious to other property in the area; and
 - 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 the Subdivision Ordinance.
 - I understand that financial hardship, standing alone, shall not be deemed an undue hardship for which variance approval can be based.
 - I have read and understand in its entirety the City of Harlingen's Subdivision Ordinance and understand that the requirements of a variance request are subject to the terms and conditions therein.
 - I understand that while all requirements for the submittal of a variance request may be complete, the City Commission is the sole authority for the consideration and approval or denial of the request.
 - I understand that a simple majority vote of the City Commission is required to reverse the decision of the Planning and Zoning Commission.

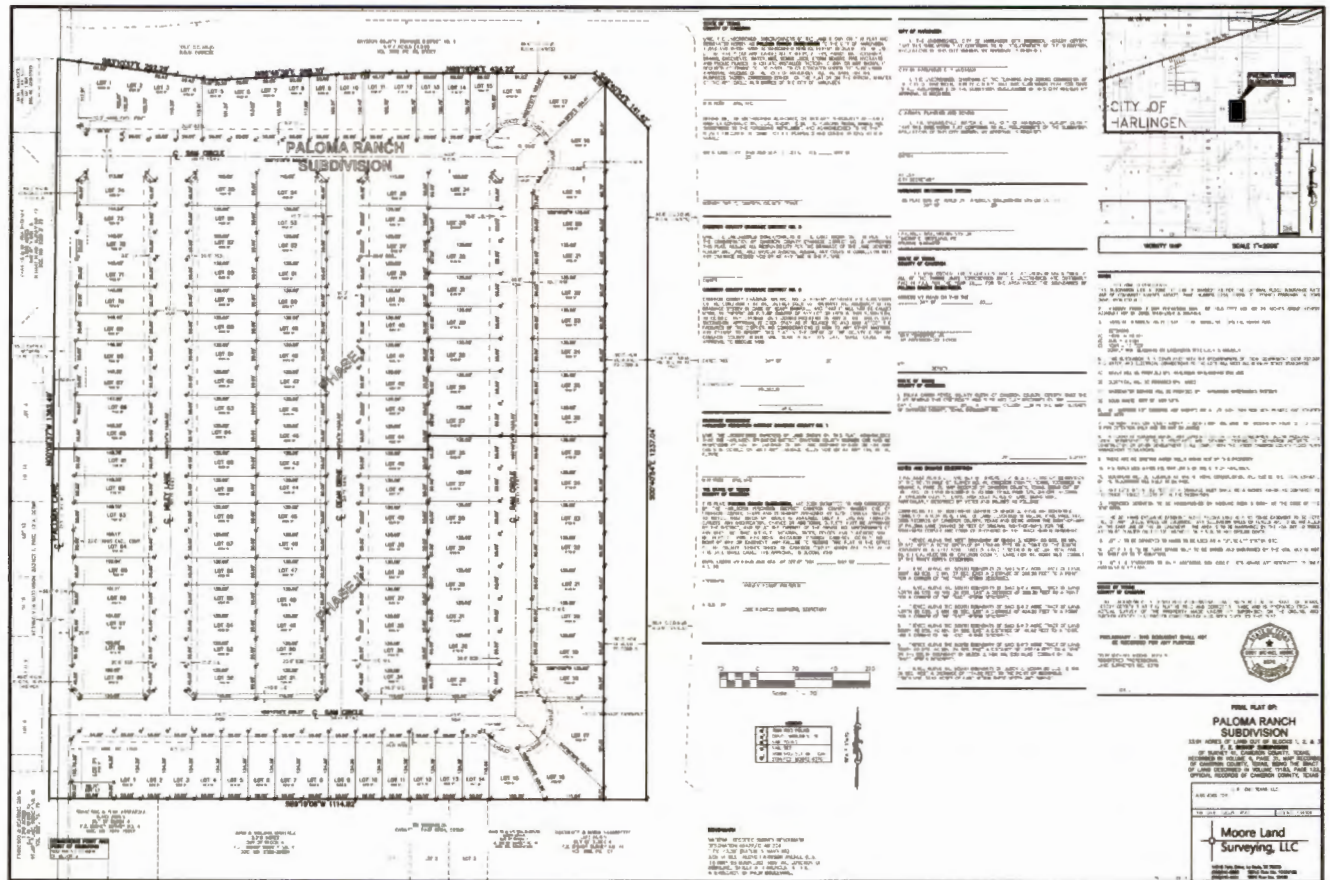
Owner: UR HOME TEXAS Date: 4/11/22

Owner Address: 4847 S JACOBO RD UNIT D EDINBURG, TX 76539

Phone/Fax: 956-739-4570

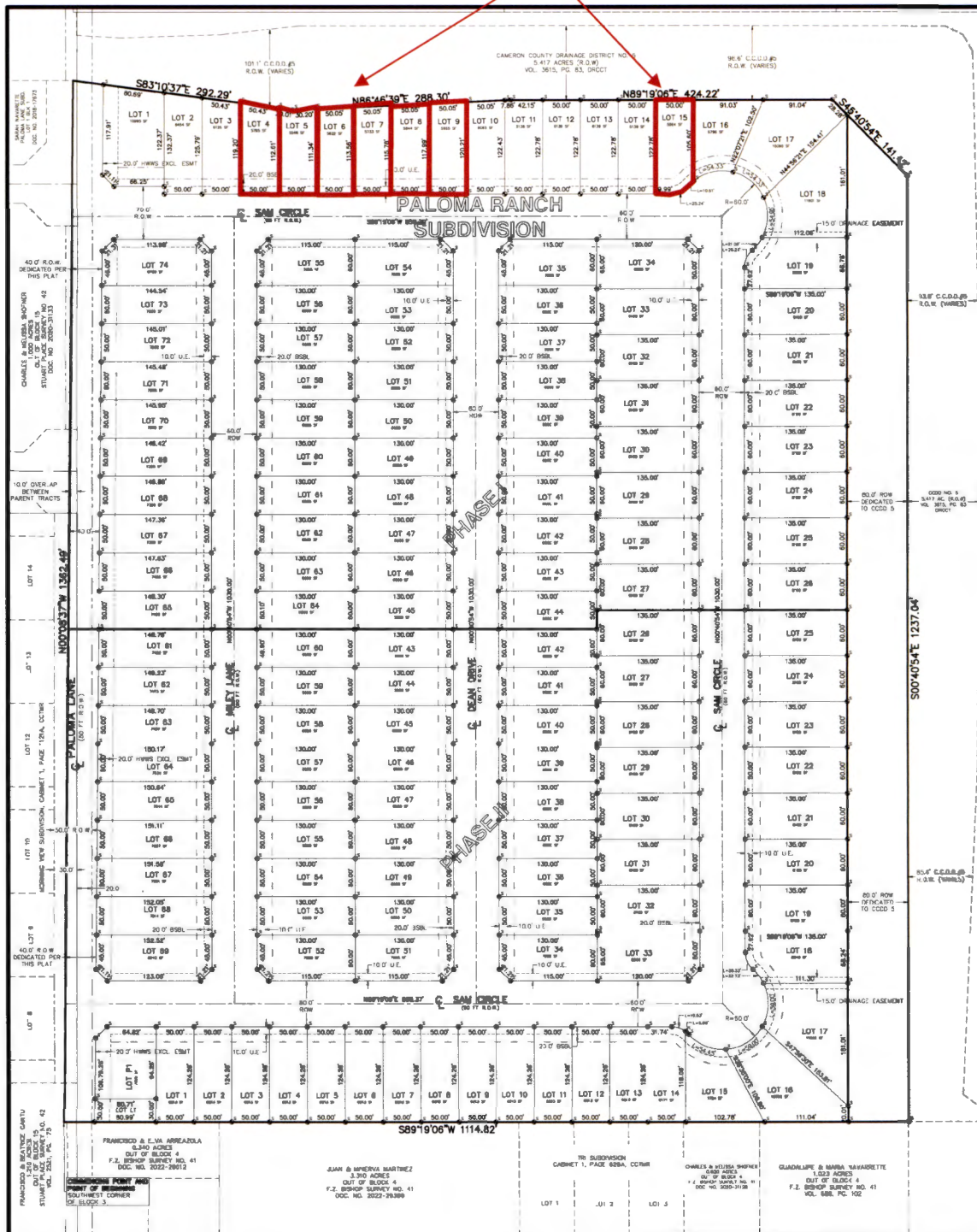
Signature:  FOR UR HOME

Attachment II —Final Plat



Attachment II — REQUESTED VARIANCE

Subject Properties
requesting variance



Attachment III — Aerial View of the Proposed Paloma Ranch Subdivision



Attachment III — Street View



Moore Land Surveying, LLC

14216 Palis Drive
La Feria, TX 78559

(956)245-0988
(956)245-4651

TBPLS Firm No. 10194186
TBPE Firm No. 19190

Mr. Xavier Cervantes, AICP
Planning and Zoning Director
City of Harlingen
502 E. Tyler
Harlingen, Tx 78550

April 1, 2024

Re: PALOMA RANCH SUBDIVISION VARIANCE REQUEST

Dear Mr. Cervantes:

We are submitting a variance request for PALOMA RANCH SUBDIVISION and would like to request a variance of the 6000 SF minimum lot area for Lots 4-9 & 15. The CCDD 5 Ditch ROW behind these properties has an angle to it, and makes the properties be out of compliance by approximately 8'-10' and less than 500 SF. Lot 15 is on the curve of the cul-de-sac which makes it out of compliance by 36 SF.

All the other lots on this street are 50' and the proposed dimensions are more than capable of having a house with sufficient yard space in the back of the property.

Thank you for your consideration. If you have any questions or comments, please call at 956-245-4651.

Respectfully,



Dustin Moore, PE
Moore Land Surveying, LLC



Planning and Development Department
502 E. Tyler Avenue
Harlingen, TX 78550
(956) 216-5101
(956) 216-5168 (fax)

3/21/2024

Dustin Moore, PE
Moore Land Surveying
14216 Palis Dr.
La Feria, Texas 78559

Re: Paloma Ranch Subdivision

Dear Mr. Moore,

City staff reviewed the preliminary plans and final plat of the proposed "Paloma Ranch Subdivision" submitted on March 8th, 2024. The application is considered complete, subject to a list of conditions from different city departments. If you are in agreement with the listed conditions, please visit the Planning and Development office to pay the \$150.00 subdivision application fee. Once the payment is received, the proposed subdivision will be considered "filed" and staff will place the subdivision in the next scheduled meeting of the Planning and Zoning Commission.

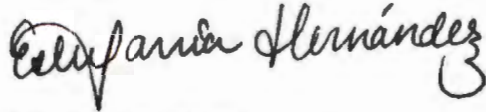
Preliminary and Final:

1. Pursuant to Sec. 109-91 (c)(3)(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. Pursuant to Sec. 109-91 (c)(3)(i) of the Code of Ordinances Chapter 109 – Subdivisions, please provide block numbers for each lot of the subdivision.
3. Pursuant to Sec. 109-124 (b)(3) of the Code of Ordinances Chapter 109 - Subdivisions, Lot sizes, setback lines, rear yards, and side yards shall be in accordance with the zoning ordinance chapter 111 of the city ordinance.
 - a. Please review Sec. 111-118 of the Code of Ordinances Chapter 111 – Zoning for relevant area regulations for this development.
 - b. Lots 4 through 9, and Lot 15 are smaller than the required 6,000 sq. ft. Please bring the proposed lots to compliance or submit a Subdivision Variance application.
4. Pursuant to Sec. 109-124 (c)(12)(c) of the Code of Ordinances Chapter 109 – Subdivisions, please provide pavement widths for proposed roads of this subdivision.
5. Pursuant to Sec. 109-124 (c)(12)(c) of the Code of Ordinances Chapter 109 – Subdivisions, please dedicate an additional 10 ft. of Right-of-Way for Paloma Lane, or place escrow funds with the city based on an approved cost estimate by the city engineer.
6. Please dedicate the necessary R-O-W from the centerline of Paloma Lane. Paloma Lane is listed as a Major Collector Road with 80' of R-O-W on the City of Harlingen Thoroughfare Map.
7. A sidewalk escrow must be submitted and paid for prior to plat recordation.
8. All other applicable fees must be paid prior to recording of the final plat.

Attachment V – Planning

Please see attached comments from city staff and provide a comment response letter. Should you have any questions, please reach out to me at either 956-216-5101 or by email at ehernandez@harlingentx.gov.

Thank you,

A handwritten signature in black ink that reads "Estefanía Hernández". The signature is written in a cursive style with a large, stylized "E" and "H".

Estefanía Hernández
City Planner



Subdivision Variance Routing Slip

Applicant: Moore Land Surveying, LLC c/o U R Home Texas, LLC

Phone No.: (956) 245-4651

Location: East side of Paloma Lane approximately 370 feet north of Garrett Road

Project Description: Variance request with regards to the minimum lot width for Lots 4, 5, 6, 7, 8, 9, and 15 for the proposed Paloma Ranch Subdivision, bearing a legal description of 33.91 acres of land more or less, out of Blocks 1, 2, and 3, F. Z. Bishop Subdivision of the South Half of Survey No. 41.

Department: Fire Prevention Bureau

Approval: X YES NO

Comments: Applicant will have to meet any codes, regulations, ordinances, and standards required for a construction permit.

Fire Marshal Juan Saucedo Jr.

Juan Saucedo Jr

Date: March 28, 2024



Engineering Department | 502 E. Tyler Ave. 78550 | (956) 216-5223

March 11, 2024

Luis Vargas, PE, CFM
City Engineer
24200 FM 509
Harlingen, Texas 78550

Mr. Joel Olivo
Assistant Director for Planning and Development
502 E. Tyler Ave.
Harlingen, Texas 78550

RE: REVIEW OF PALOMA RANCH SUBDIVISION – CONSTRUCTION PLANS

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 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 lvargas@harlingentx.gov.

Sincerely,

Luis Vargas, PE, CFM



HARLINGEN
WATERWORKS
SYSTEM

**PALOMA RANCH SUBDIVISION
CONST. PLAN SUBMITTAL #3**

March 15, 2024

To: Xavier Cervantes, Director
Planning & Zoning Dept.
City of Harlingen

From: David Vasquez, Engineering Technician
Engineering Dept.
Harlingen Waterworks System

Response:

APPROVED with CONDITIONS

CONDITIONS FOR APPROVAL COMMENTS:

No.	Comment/Revision	Addressed
1	Change HWWS block on Final Plat to GABRIEL E. TREVINO JR., PE UTILITY ENGINEER.	
2	Misplaced sewer call out.	

ADDITIONAL COMMENTS:

- All improvements must comply with the HWWS Approved Materials List and latest version of the Standard Details.
- Response to Conditions of Approval is required prior to the final signing of the construction plans. Submitter must mark Yes or No in the Addressed column. Failure to provide this response may delay the scheduling of a Pre-Construction Conference.
- HWWS comments subject to modification based on additional information of future comments issued by the City of Harlingen, changes made to the plans after approval has been given, or if new information is uncovered through field discovery.

NEXT STEPS:

- The awarded bid must be submitted to the HWWS Engineering department for calculation of inspection and pro-rata fees.
- Contractor must submit all material submittals to Rudy Gonzalez of HWWS for review and approval. Please see the attached 'Required Submittals' Form
- Upon receipt of approval from all departments, the final set of plans must be routed to City Engineer (CoH) and Utility Engineer (HWWS) for approval stamps. Construction sets without these stamps will not be permitted for use during construction.
- Once all submittals have been approved, fees have been paid, and plans have been stamped, a Mandatory Pre-Construction Conference may be scheduled with the City and HWWS.

PLANNING AND ZONING COMMISSION

April 10, 2024

Consideration and possible action to recommend to the City Commission the preliminary construction plans and final plat and a variance request with regards to the minimum lot area for Lots 4, 5, 6, 7, 8, 9, and 15 for the proposed Paloma Ranch Subdivision, bearing a legal description of 33.91 acres of land more or less, out of Blocks 1, 2, and 3, F.Z. Bishop Subdivision of the South Half of Survey No. 41, located along the east side of Paloma Lane approximately 370 feet north of Garrett Road. Applicant: Moore Land Surveying, LLC c/o UR Homes Texas, LLC

City Planner, Esteevania Hernández, presented the proposed subdivision before the Board, as follows:

- Ms. Hernández began with an aerial view of the Paloma Ranch subdivision which highlighted the subject area and the drainage ditch which was proposed to be widened.
- Ms. Hernández informed the Board that the subdivision was previously presented back in 2022. She said that the subdivision is being resubmitted to show additional lots.
- Ms. Hernández referred to the final plat which shows the additional thirteen (13) lots. She said the original subdivision was for one hundred and thirty (130) lots.
- She stated that the variance request was for lots four (4) through nine (9) and lot fifteen (15) because they do not meet the 6,000 square foot area minimum for a single-family residential subdivision lot. She explained that the highlighted drainage ditch in the area view was built in a way that the block configuration cannot meet the standards as per our ordinance. For reference, the ordinances are section 109-124, Section B, and Section 111-118, Section 1. She referred to the lots on the plat, indicated that they are butting up against the canal right-of-way.
- Ms. Hernández showed the street view of the subject property from Paloma Lane.
- She then referred to the variance request letter estimated by the engineer of record, who she indicated was present should the Board have any questions.
- Ms. Hernández stated that Staff is recommending approval of the preliminary and final plat with conditions. She indicated the conditions are listed and included in the packet.
- Ms. Hernández made herself available for any questions.
- Before the start of any questions, Ms. Hernández added that the subdivision would not be required to submit park fees since it was originally submitted back in 2022 before the Park Fees Ordinance was codified.

Chairman Consiglio thanked Ms. Hernández for her presentation and the additional clarification. He asked if there were any questions for Staff.

Cmr. Sanchez indicated he had a couple of questions. He asked Ms. Hernández if she had the layouts for the original proposed subdivision. She said she did not. He then asked how they were able to come up with the additional thirteen (13) lots. Ms. Hernández deferred to the Engineer of Record, Mr. Dustin Moore of Moore Land Surveying. Mr. Moore asked to go back to the final plat in the screen. He pointed out some streets that had seventy (70) and sixty (60) foot lots (frontage) that were reduced. He added that based on the interest rates (they went up) and what they felt was marketable right now, the developer felt that the little bit smaller lots would be more affordable and easier to sell at this time.

Cmr. Sanchez asked if the plan was still to do online detention for the subdivision. Mr. Moore responded that nothing has changed regarding drainage and that they will have online detention. He said they are still widening the ditch and that the storm inlets will remain in the same place. He stated the only change from the previous approval is the lot configuration. Mr. Cervantes added that the street layout was the same.

Chairman Consiglio asked if there were any further questions for Staff. Cmr. Flores asked about the lots marked in red saying he was assuming these lots are the ones facing the canals. Ms. Hernández clarified that these are the lots that are requesting the variance because they are below the six thousand (6,000) square foot minimum lot size. Mr. Flores indicated he was out on the site as he referenced the last lot, lot fifteen (15). He mentioned that it was staked out. Ms. Hernández stated this was the lot just before the cul-de-sac. He questioned the size of the lots saying he didn't think they were very long. Chairman Consiglio clarified if he was referring to the depth, from the front to the back. Cmr. Flores asked about the radius of the cul-de-sac, saying he thought it was fifty (50) foot radius. He was told it was sixty (60). Then Cmr. Flores asked about the width of the street. Mr. Moore indicated it was a sixty (60) foot right-of-way with a thirty-seven (37) foot street back-to-back. Cmr. Flores said there was also the easement to tangle with. Mr. Moore referenced the plat and began to explain that the ditch runs along the north and east side of the proposed subdivision and that the drainage district currently has this in right-of-way. He said he wasn't sure who would have staked it out.

The discussion continued regarding the observations made by Cmr. Flores when he was on-site. It was determined that he was at the Paloma Estates subdivision which was a previously-approved subdivision and under construction as opposed to the discussion today regarding the Paloma Ranch Subdivision. Chairman Consiglio redirected the attention to the agenda item and clarified that the variance request is only for the identified lots in red, regarding the area of the lots. Ms. Hernández reiterated the nature of the request and the reason being that the ditch makes it difficult to acquire the necessary six thousand (6,000) minimum square feet. Chairman Consiglio asked about the difference in numbers. Mr. Moore said it was a couple of hundred feet. He stated that the lots were over five thousand five hundred (5,500) square feet, with the lot on the cul-de-sac being slightly larger on account of it being on the curve. Chairman Consiglio translated the lot to be a two (2) foot by ten (10) foot space on that one. Ms. Hernández indicated she believed Mr. Moore had stated that one of the lots was about one hundred and eighteen (118) feet as opposed to the standard one hundred and twenty (120) feet.

Chairman Consiglio asked if there were any further questions for Staff or the engineer. Cmr. Perez asked if they were going to build a spec home already on the referenced lot or whether they are going to let the client build. Mr. Moore said it would be the client. He said that everything they do is spec homes and that they don't do custom homes. He said most would be spec homes but added that lots are sold to other builders as well so that would depend on whether a builder does custom homes on it. Chairman Consiglio asked whether the lots were all for single-family homes. Ms. Hernández said that was correct and stated that the zoning was already in place.

Chairman Consiglio asked if there were any other questions and added that there was no Public Hearing on the item. He asked if there was a motion. Cmr. Perez made the motion to approve. Cmr. Cruz-Velázquez seconded the motion. The Chrm. asked if there was the need for any further discussion and upon hearing none moved the motion to a vote. Cmr. Flores voted against the motion. The motion passed.

AGENDA ITEM EXECUTIVE SUMMARY

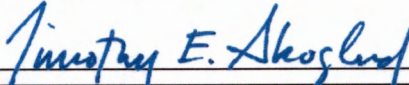
Meeting Date: **April 17, 2024**

Agenda Item:

Consideration and possible action to approve an ordinance on second reading regarding water and sewer rate adjustments necessary to provide for forecasted operating expenses, capital asset costs, and funding of Harlingen Waterworks System's Five-Year Capital Improvement Plan.

Prepared By (Print Name): Timothy E. Skoglund, P.E.

Title: General Manager

Signature: 

Brief Summary:

The recent rate study analyzed and forecasted the costs of operating and improving Harlingen's water and wastewater infrastructure. Five joint meetings between the Waterworks' Utility Board of Trustees and the City Commission have been held to discuss rate plan design and the capital improvements needed to ensure reliable water and sewer service for customers of the Waterworks. The proposed ordinance has been updated to include adjustments that provide a \$25/month flat discount for Harlingen Housing Authority customers to be fully phased in by the last year of the five-year rate plan. An ordinance adopted by the City Commission is needed for implementation of the new rates and establishing an effective date.

Funding (if applicable):

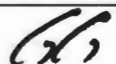
Are funds specifically designated in the current budget for the full amount ☒ Yes ☐ No*

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

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

Staff Recommendation:

Staff recommends adoption of the ordinance to fund the operation of the System, provide for vital infrastructure improvements.

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

Comments:

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

ORDINANCE NO. 24-

**AN ORDINANCE OF THE CITY OF HARLINGEN, TEXAS
AMENDING CHAPTER 18 AND CHAPTER 48 SECTIONS
48-97 AND 48-185 OF THE HARLINGEN CITY CODE AS
AMENDED TO AMEND RATES FOR WATER AND SEWER
SERVICE, ESTABLISHING AN EFFECTIVE DATE, AND
PROVIDING FOR PUBLICATION AND ORDAINING OTHER
MATTERS RELATED TO THE FOREGOING.**

Sec. 48-97. – Standard water rates.

The standard water rates for all water service to each residential and nonresidential metered customer shall be as follows:

- 1) Monthly ready to serve charges and water commodity rates are found in the city fee schedule in chapter 18 and shall be effective on the first billing cycle of the indicated month and year.
- 2) Water commodity billing. The commodity water rate for each metered customer is per 1,000 gallons of water, but shall be charged per 100 gallons of use.

Sec. 48-185. - Standard sewer rates.

The standard sewer rates for all sewer service to each residential and nonresidential metered customer shall be as follows:

- 1) Monthly ready to serve charges and sewer commodity rates are found in the city fee schedule in chapter 18 and shall be effective on the first billing cycle of the indicated month and year.
- 2) Sewer commodity billing. The sewer commodity rate for each metered customer is per 1,000 gallons of sewage, but shall be charged per 100 gallons of use.

Chapter 18 – Fees

Section 48-97 – Standard water rates

Residential and Commercial Inside City Limits – Water Ready to Serve Charges

Meter Size	Effective 24-May	Effective 25-Jan	Effective 26-Jan	Effective 27-Jan	Effective 28-Jan
5/8"	\$ 9.91	\$ 12.39	\$ 15.49	\$ 19.36	\$ 23.23
1"	13.16	17.16	22.34	29.04	34.85
1 1/2"	19.85	26.86	36.15	48.40	58.08
2"	43.35	56.77	74.20	96.80	116.16
3"	65.92	87.98	116.94	154.88	185.86
4"	192.55	305.02	461.68	677.61	813.13
6"	378.39	583.79	868.24	1,258.42	1,510.11
8"	746.45	1,200.27	1,834.35	2,710.45	3,252.54

Residential Inside City Limits – Water Commodity Block Rates per 1,000 Gallons

Gallons	Effective 24-May	Effective 25-Jan	Effective 26-Jan	Effective 27-Jan	Effective 28-Jan
0 to 3,000	\$ 1.30	\$ 1.30	\$ 1.30	\$ 1.30	\$ 1.30
3,001 to 10,000	1.80	1.98	2.18	2.40	2.61
10,001 to 20,000	2.55	2.81	3.09	3.39	3.70
20,001 and Above	3.05	3.36	3.69	4.06	4.42

Commercial Inside City Limits – Water Commodity Rate per 1,000 Gallons

All Gallons	1.83	2.01	2.22	2.44	2.66
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Residential and Commercial Outside City Limits – Water Ready to Serve Charges

Meter Size	Effective 24-May	Effective 25-Jan	Effective 26-Jan	Effective 27-Jan	Effective 28-Jan
5/8"	\$ 14.87	\$ 18.59	\$ 23.23	\$ 29.04	\$ 34.85
1"	19.74	25.74	33.51	43.56	52.27
1 1/2"	29.77	40.29	54.22	72.60	87.12
2"	65.02	85.16	111.31	145.20	174.24
3"	98.88	131.96	175.41	232.32	278.79
4"	288.83	457.52	692.52	1,016.42	1,219.70
6"	567.59	875.68	1,302.36	1,887.63	2,265.16
8"	1,119.68	1,800.41	2,751.53	4,065.67	4,878.81

Residential Outside City Limits – Water Commodity Block Rates per 1,000 Gallons

Gallons	Effective 24-May	Effective 25-Jan	Effective 26-Jan	Effective 27-Jan	Effective 28-Jan
0 to 3,000	\$ 1.95	\$ 1.95	\$ 1.95	\$ 1.95	\$ 1.95
3,001 to 10,000	2.70	2.97	3.27	3.59	3.92
10,001 to 20,000	3.83	4.21	4.63	5.09	5.55
20,001 and Above	4.58	5.03	5.54	6.09	6.64

Commercial Outside City Limits – Water Commodity Rate per 1,000 Gallons

	Effective 24-May	Effective 25-Jan	Effective 26-Jan	Effective 27-Jan	Effective 28-Jan
All Gallons	\$ 2.75	\$ 3.02	\$ 3.32	\$ 3.66	\$ 3.99

Section 48-185 – Standard sewer rates

Residential and Commercial Inside City Limits – Sewer Ready to Serve Charges

Meter Size	Effective 24-May	Effective 25-Jan	Effective 26-Jan	Effective 27-Jan	Effective 28-Jan
5/8"	\$ 7.73	\$ 9.66	\$ 12.07	\$ 15.09	\$ 18.86
1"	11.80	14.75	18.44	23.05	28.81
1 1/2"	26.76	33.45	41.82	52.27	65.34
2"	32.21	40.27	50.33	62.92	78.64
3"	66.21	82.77	103.46	129.32	161.65
4"	168.25	210.31	262.89	328.61	410.77
6"	345.10	431.38	539.22	674.02	842.53
8"	549.16	686.45	858.07	1,072.58	1,340.73

Residential and Commercial Inside City Limits – Sewer Commodity Rate per 1,000 Gallons

	Effective 24-May	Effective 25-Jan	Effective 26-Jan	Effective 27-Jan	Effective 28-Jan
All Gallons	\$ 4.06	\$ 4.51	\$ 5.01	\$ 5.56	\$ 6.06

Residential and Commercial Outside City Limits – Sewer Ready to Serve Charges

Meter Size	Effective 24-May	Effective 25-Jan	Effective 26-Jan	Effective 27-Jan	Effective 28-Jan
5/8"	\$ 20.50	\$ 20.50	\$ 20.50	\$ 22.63	\$ 28.29
1"	20.50	22.13	27.66	34.57	43.21
1 1/2"	40.14	50.18	62.72	78.41	98.01
2"	48.32	60.40	75.50	94.37	117.97
3"	99.32	124.15	155.19	193.98	242.48
4"	252.38	315.47	394.34	492.92	616.15
6"	517.65	647.06	808.83	1,011.04	1,263.79
8"	823.74	1,029.68	1,287.10	1,608.87	2,011.09

Residential and Commercial Outside City Limits – Sewer Commodity Rate per 1,000 Gallons

	Effective 24-May	Effective 25-Jan	Effective 26-Jan	Effective 27-Jan	Effective 28-Jan
All Gallons	\$ 6.09	\$ 6.76	\$ 7.51	\$ 8.33	\$ 9.08

FINALLY ENACTED THIS 17th day of April 2024, 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:

Amanda C. Elizondo. City Secretary

**AGENDA ITEM
EXECUTIVE SUMMARY**

10(d)

Meeting Date: **April 17, 2024**

Agenda Item:

Consideration and possible action to approve Amendment No. 1 amending the Harlingen Downtown Improvement District Fund 2023-2024 Fiscal Year Budget.

Prepared By (Print Name): Robert Rodriguez
Title: Finance Director

Signature:



Brief Summary:

This budget amendment increases expenditures by \$5,060 resulting from new office furniture for Downtown office. Exhibit "A" displays total revenues, expenditures, and estimated fund balance after the amendment.

This item was approved by the Downtown Improvement District Board on Tuesday, April 2nd, 2024.

Revenues: \$ 379,050

Expenditures: \$ 435,527

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.

City Manager's approval:



☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:



☒ Yes ☐ No ☐ N/A

RESOLUTION NO: 2024-____

**STATE OF TEXAS
COUNTY OF CAMERON**

WHEREAS, the Harlingen Downtown Improvement District Fund has prepared and presented budget amendment No. 1 for fiscal year October 1, 2023, through September 30, 2024; and

WHEREAS, the Elective Commission of the City of Harlingen, Texas has reviewed the budget amendment submitted by Downtown Improvement District Fund for its 2023-2024 fiscal year; and

WHEREAS, the amended budget for the Harlingen Downtown Improvement District Fund as submitted shows total projected revenues of Three Hundred Seventy-Nine Thousand, Fifty dollars (\$379,050) and total authorized expenditures of Four Hundred Thirty-Five Thousand, Five Hundred Twenty-Seven dollars (\$435,527) as shown on the attached Exhibit "A",

NOW, THEREFORE, BE IT RESOLVED by the Elective Commission of the City of Harlingen, that the amended budget of the Harlingen Downtown Improvement District Fund as recited hereinabove for the fiscal year commencing October 1, 2023 and ending September 30, 2024, showing total projected revenues of Three Hundred Seventy-Nine Thousand, Fifty dollars (\$379,050) and total authorized expenditures of Four Hundred Thirty-Five Thousand, Five Hundred Twenty-Seven dollars (\$435,527) is hereby adopted and approved.

CONSIDERED AND ADOPTED this 17th day of April 2024 at a regular meeting of the Elective Commission of the City of Harlingen, Texas at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, TITLE 5, SUBTITLE A., CHAPTER 551, as amended.

CITY OF HARLINGEN

Norma Sepulveda, Mayor

ATTEST:

Amanda Elizondo, City Secretary

Board Minutes
Public Improvement Assessment District
Regular Meeting

Tuesday, April 2nd, 2024

MEMBERS PRESENT: Lars Keim, Bill DeBrooke, John Percy, Joe Martinez, Reyes Ruelas Jr, Wayne Lowry, Fidi Guillen.

ABSENT MEMBERS: Jessica Garcia, Raymond Reyes, Jesus Pena, Jo Wagner, Jessica Garcia.

OTHERS PRESENT: Alexis Riojas, Downtown Director; Angela Anderson, Promotion and Events Manager.

Chairman, Lars Keim called the meeting to order at 5:18 p.m., April 2nd, 2024, at 311 E. Tyler, Harlingen Chamber of Commerce, Harlingen, Texas.

Agenda Item No. I WELCOME AND INTRODUCTIONS

Mr. Keim welcomed board members and staff.

Agenda Item No. II 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?

Wayne Lowry- Item no. 6.

Agenda Item No. III CITIZEN COMMUNICATION

No citizen communication.

Agenda Item No. IV MINUTES FOR APPROVAL: REGULAR MEETING OF FEBRUARY 6th, 2024.

Mr. Keim asked members of the board if there was a motion to approve the minutes of the regular meeting on March 5, 2024. Mr. Percy made a motion to approve the minutes. Mr. DeBrooke seconded the motion. Mr. Keim called for a vote. The motion carried unanimously.

Agenda Item No. V FINANCIAL UPDATE: SPECIAL ASSESSMENTS & PUBLIC IMPROVEMENTS

Mr. Keim invited Mrs. Riojas to speak on this item. Mrs. Riojas reported in our Special Assessment Grant for the fiscal year of 2023-2024 that we have a remaining balance of \$9,508.11. Regarding the Public Improvements, there is a remaining balance of \$7,288.00.

Mr. Lowry excused himself from the room at this time and meeting continued with quorum

Agenda Item No. VI CONSIDER AND TAKE ACTION TO APPROVE THE SIGNAGE GRANT FOR THE PROPERTY LOCATED AT 221 E. VAN BUREN (COLDWELL BANKER IMPACT PROPERTIES).

Ms. Guillen made the motion. Mr. DeBrooke seconded. Mr. Keim called for a vote. The motion carried unanimously.

Mr. Lowry returned and meeting continued with quorum.

Agenda Item No. VII CONSIDER AND TAKE ACTION TO APPROVE AN ORDINANCE AMENDING THE CITY OF HARLINGEN CODE OF ORDINANCES CHAPTER 111, ZONING, ARTICLE XVIII, SECTION 111-509(1)(E) DESIGN GUIDELINES, STOREFRONT WINDOWS; BY PROHIBITING AIR CONDITIONER UNITS MOUNTED ON WALLS OF A BUILDING ALONG A PUBLIC STREET WITHIN THE DOWNTOWN DISTRICT OVERLAY; PROVIDING FOR PUBLICATION AND ORDAINING MATTERS RELATED TO THE FOREGOING.

Mr. Percy made the motion. Mr. Ruelas seconded. Mr. Keim called for a vote. The motion carried unanimously.

Agenda Item No. VIII CONSIDER AND TAKE ACTION TO APPROVE THE PURCHASE OF BANNER HARDWARE IN THE AMOUNT OF \$1,500.00 FROM THE PUBLIC IMPROVEMENTS BUDGET.

Mr. Lowry made the motion. Mr. Percy seconded. Mr. Keim called for a vote. The motion carried unanimously.

Agenda Item No. IX CONSIDER AND TAKE ACTION TO APPROVE A BUDGET AMENDMENT FOR FISCAL YEAR 2023-2024.

Mr. Lowry made the motion. Ms. Guillen seconded. Mr. Keim called for a vote. The motion carried unanimously.

Agenda Item No. X MARKETING REPORT- DOWNTOWN EVENTS/SOCIAL MEDIA INSIGHTS.

Ms. Anderson asked if they had any questions about the Marketing Report. A short discussion followed.

Agenda Item No. XI DIRECTORS REPORT – 4 POINT MAIN STREET APPROACH

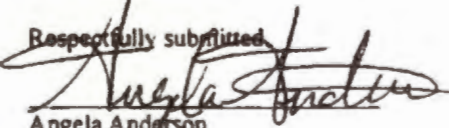
Mrs. Riojas presented on continued Downtown events and public improvement projects. Mrs. Riojas asked if they had any questions about the director's report. No questions were given.

Agenda Item No. XII ADJOURN

With no further items to discuss. Mr. Keim called a motion to adjourn. Mr. Lowry made a motion. Mr. Percy seconded. Mr. Keim adjourned the meeting.

The meeting was adjourned at approximately 5:51 p.m.

Respectfully submitted,


Angela Anderson

107 Downtown Improvement District
Departmental Budget Projections and Requests
Department Request
Fiscal Year 2024

Estimated Beginning Fund Balance	<u>\$ 104,623</u>
Projected Revenues	379,050
Requested Expenditures	<u>435,527</u>
Revenues Over(Under) Expenditures	(56,477)
Estimated Ending Fund Balance	<u><u>\$ 48,146</u></u>

Revenues

Special Assessments	\$ 40,000
Charges for Services	70,000
Interest - Investments	7,050
Transfers In From Other Funds	
General Fund	230,000
Hotel/Motel Fund	<u>32,000</u>

Total Projected Revenues 379,050

Total Revenues \$ 379,050

Expenditures

Personnel Services - Pay	\$ 163,337
Personnel Services - Benefits	84,105
Supplies - General	3,450
Supplies - Miscellaneous	9,500
Services and Charges - General	47,725
Services and Charges - Maintenance	1,950
Services and Charges - Miscellaneous	<u>120,400</u>

Total Requested Expenditures 430,467

Budget Amendment #1 5,060 ✓

Total Expenditures \$ 435,527

Revenues Over(Under) Expenditures \$ (51,417)

**AGENDA ITEM
EXECUTIVE SUMMARY**

10(e)

Meeting Date: **April 17, 2024**

Agenda Item:

Consideration and possible action to approve a request from Tony Butler Golf Course to post Notice to Demolish Three (3) private cart shed buildings. **(Golf)**

Prepared By (Print Name): Jeff Hart

Title: Director of Golf

Signature:



Brief Summary:

The private cart sheds were examined by the Code Compliance Manager and had 21 code violations. They were deemed to be structurally unsound, had infestation of termites, improper electrical lines installation, and security was inadequate.

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 that Public Works demolish the private cart sheds, and no private contractors will be required for the job.

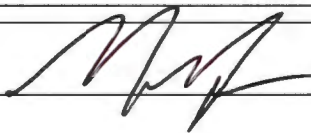
City Manager's approval:



☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:



☒ Yes ☐ No ☐ N/A

10(F)

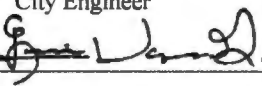
AGENDA ITEM EXECUTIVE SUMMARY

Meeting Date: **April 17, 2024**

Agenda Item:

Consideration and possible action to award a construction contract for the 2024 Street Improvement Program (SIP) under bid number 2024-06. Attachment (*Engineering Dept.*)

Prepared By (Print Name): Luis Vargas
Title: City Engineer

Signature: 

Brief Summary:

In accordance with the Code of Ordinances Chapter 40, Article VII, the City of Harlingen administers a Street Improvement Program (SIP) to provide inspection, maintenance, repair improvements, and reconstruction of the City Street system. The improvements typically consist of repairs to existing curbs and gutters, milling and overlaying streets or reconstruction of the road base and repaving. Street improvements are designed by the Engineering Department and repaved by a construction contractor.

This project includes improvements to the list of streets approved by the City Commission during the October 19, 2022, meeting. See attached map and street list below:

1. 7th Street from East Austin Avenue to Rio Hondo Road
2. Taft Avenue from Commerce Street to 3rd Street
3. Emerald Lake Drive from Treasure Hills Boulevard to End
4. Indiana Avenue from Frontage Road to Kent Street
5. New Hampshire Street from Hale Drive to Frontage Road
6. Los Ranchitos Road from Stuart Place Road to End
7. Perkins Road from Altas Palmas Road to Beckham Road
8. South Palm Court from Garrett Road to city limits south

- A total of 3.92 miles will be improved by either mill and overlay methods or removal and reconstruction of the existing roadway.
- The total budget generated by the Street Maintenance Fee for this project is \$1,748,019.22
- The City received five (5) bids which were opened on April 3, 2024. The bids received are as follows:

- | | |
|---|----------------|
| 1. 2GS, LLC, dba Earthworks Enterprise: | \$1,748,087.60 |
| 2. IOC Company, LLC: | \$1,848,911.22 |
| 3. Foremost Paving, Inc: | \$2,099,650.00 |
| 4. Texas Cordia Construction, LLC: | \$2,241,739.00 |
| 5. G-8 Utilities, LLC: | \$3,364,124.75 |

- The lowest apparent responsive bidder, Earthworks Enterprise, entered a base bid of \$1,748,087.60.
- Staff recommends the selection and award of the construction contract to 2GS Earthworks, as the lowest bidder.

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:

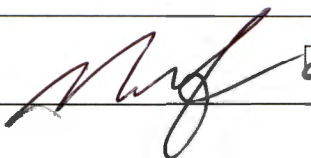
Staff recommends approval.

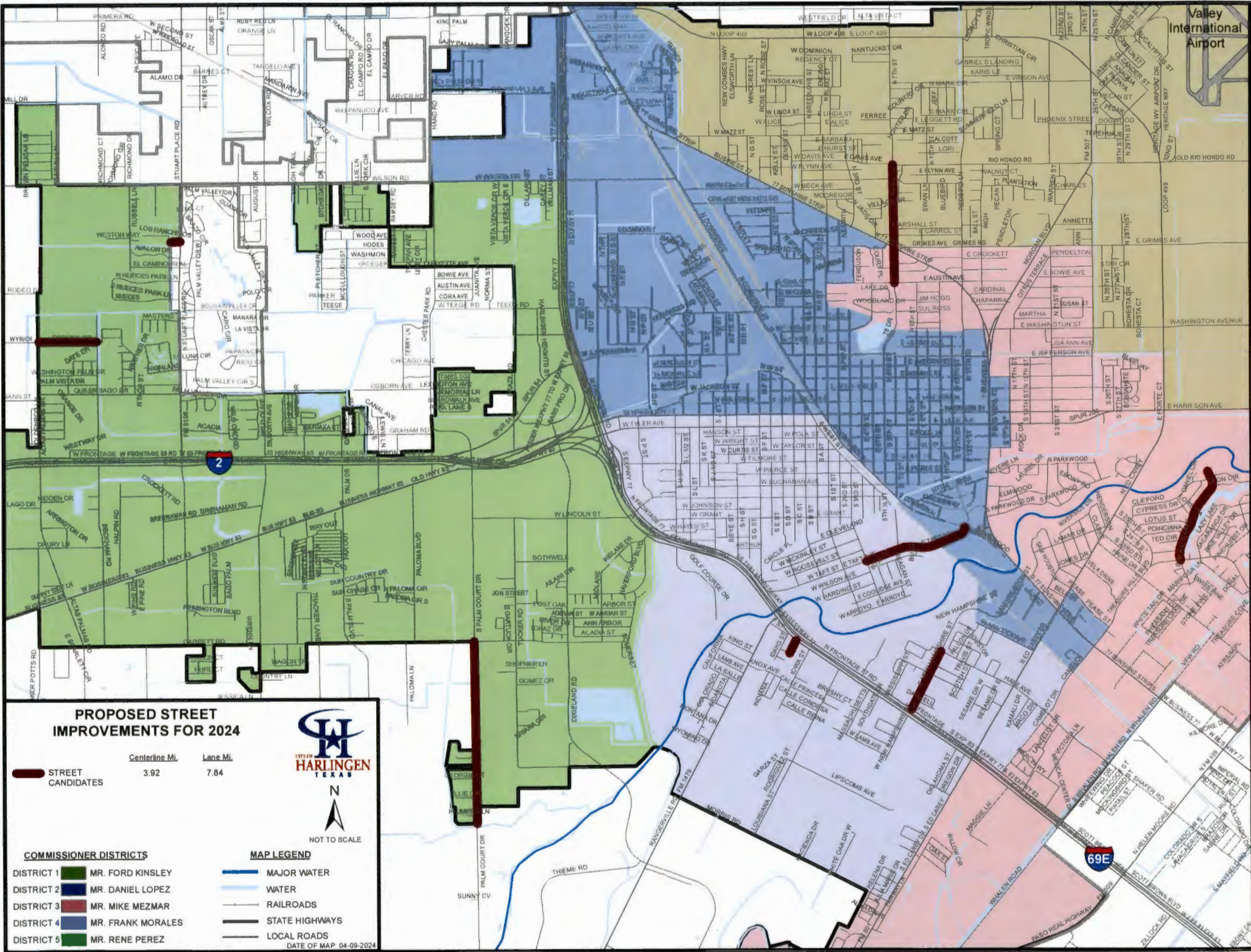
City Manager's approval:



☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:		☒ Yes	☐ No	☐ N/A
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10(9)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **April 17, 2024**

Agenda Item:

Consideration and possible action to prioritize and select an outdoor recreational grant project and to approve a resolution authorizing the City Manager to submit a grant application to the Texas Parks and Wildlife's Urban Outdoor grant program. Attachment (*Parks & Recreation*)

Prepared By: Javier Mendez, Parks & recreations Director

Brief Summary:

The Texas Parks and Wildlife's Local Park Grant Program consists of five individual programs, including the Non-Urban Outdoor Recreation Grant. The purpose of the Non-Urban Outdoor Recreation Grant is to support the acquisition, renovation, and new development of public parkland in cities with a population of 500,000 or less. The maximum grant award is \$750,000 and it requires a 50% match. The grant application cycle opens in May and the deadline to submit is August 1, 2024.

The City of Harlingen would like to submit a grant application for this next cycle of funding from TPWD and would like the City Commission to prioritize and select a park improvement project that staff could prepare and submit. The projects that have a better probability of achieving a higher ranking would be Vestal Park Improvements, Rangerville Road Park Improvements and possibly C. B. Wood Park. The grant application will be prepared by the Special Projects Department with support from the Parks and Recreation Department. A resolution authorizing the submission of the grant application is required by the agency.

Funding (if applicable):

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

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

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

Staff Recommendation:

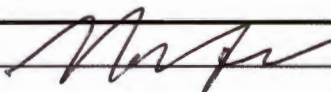
Staff Recomends submitting a grant application for this next cycle

City Manager approval:



Comments:

City Attorney's approval:





Local Park Grant Program Resolution Authorizing Application

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

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

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

BE IT RESOLVED BY THE APPLICANT:

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

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

SECTION 3: That the Applicant hereby authorizes and directs the _____ to act for the Applicant in dealing with the Department for the purposes of the Program, and that _____ is hereby officially designated as the representative in this regard.

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

Introduced, read and passed by an affirmative vote of the "Applicant" on this _____ day of _____, 20____.

Signature of Local Government Official

Typed Name and Title

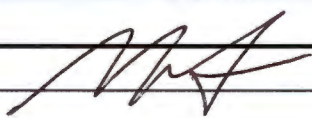
ATTEST:

Signature

Typed Name and Title

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **April 17, 2024**

Agenda Item:
Consideration and possible action to approve an ordinance on first reading amending Chapter 36 of the Harlingen Code of Ordinances establishing prohibited activities in City Parks. Attachment (Parks & Recreation)
Prepared By: Javier Mendez, Parks & recreations Director
Brief Summary:
Staff is requesting to amend the Harlingen Code of Ordinances, more particularly Chapter 36 adding section (g) Prohibited Activities in the Parks and (h) enforcement. The staff recommends establishing these rules to provide protection and safety for the public, city employees and public property.
These recommended rules establish prohibited activities in the park, and enforcement for violators of these rules. This draft ordinance was presented to the Parks and Recreation Advisory Board on March 26, 2024, and the board recommended approval.
Funding (if applicable):
Are funds specifically designated in the current budget for the full amount (Yes/No):No *If no, specify source of funding and amount requested:
Finance Director's approval (Yes/No/NA):N/A
Staff Recommendation:
Staff recommends approving this ordinance on first reading.
City Manager approval: 
Comments:
City Attorney's approval: 

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 36, PARKS AND RECREATION, ARTICLE V., PUBLIC CONDUCT IN AND USE OF PARKS & RECREATION FACILITIES, DIVISION 1 GENERALLY, AMENDING SECTION 36-106 – PARK RULES AND POLICIES, BY ADDING PROHIBITED ACTIVITIES IN CITY PARKS AND FACILITIES AND PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF (\$200.00) TWO HUNDRED DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE, PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE AND ORDAINING OTHER MATTERS RELATIGN TO THE FOREGOING.

WHEREAS, the City of Harlingen, Texas is a home-rule municipality established by its Charter and the laws of Texas; and

WHEREAS, a standard and enforceable set of rules and regulations is important to provide the protection and safety of the public and city employees.

WHEREAS, having reviewed and considered the recommended rules and regulations, the City Commission of the City of Harlingen, Texas, finds it in the public interest to enact the proposed ordinance.

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

SECTION 1. This Ordinance shall be in full force and effect from and after its final passage and any publication required by law.

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

Chapter 36, Parks and Recreation, Article V, Public Conduct in and use of Parks and Recreation facilities, Division 1 Generally of the Code of Ordinances of the City of Harlingen, Texas is amended, by adding (g) Prohibited Activities in the Parks, and (h) Enforcement.

The amendment shall read as follows:

(g) Prohibited Activities in the Parks:

- 1.) To ride or drive any motorcycle, automobile, or other motorized vehicle upon any sidewalk, hiking or jogging trail, walk or within the city park.
- 2.) It shall be unlawful for persons to play golf or practice golf within the city parks of the city. Any person driving a golf ball by striking it with a golf club within a city park, except in areas designated as a golf course shall be deemed to have violated this section and shall be subject to a fine, upon conviction.
- 3.) To damage, move, alter, cut, break, injure, deface, or disturb any tree, shrub, plant, rock, building, monument, fence, bench, equipment, or other structure, apparatus or property, or to pluck, pull up, cut, take, or remove any shrub, bush, plant or flower, or to mark or write upon, paint, or deface in any manner, any building, monument, fence, bench, equipment or other structure.
- 4.) To cut or remove any wood, turf, grass, soil, rock, sand, or gravel.
- 5.) To swim, bathe, wade in, or pollute the water of any pond, lake or stream.

6.) To place, abandon, or leave garbage, cans, bottles, papers, or other refuse except in proper waste receptacles.

7.) To participate or engage in any activity in any park area when such activity will create a danger to the public or may be considered a public nuisance.

8.) To camp overnight unless otherwise approved by the City Commission for an event.

9.) To disturb in any manner any picnic, meeting, service, concert, exercise or exhibition, or to enter onto or into a closed area or facility, or a reserved facility or area, or a location where scheduled activities are occurring, during the period that the area or facility is reserved, closed or during the scheduled activity and remain or return after the person has been given notice to leave.

10.) To distribute, post, place, or erect any commercial advertising, handbill, circular, bill, notice, paper, or other advertising device on city park, playground, or park facility except in areas set aside for those specific activities or approved by the City Manager. No political event, distribution of handbills, politicking shall be allowed during any City event or Co-Sponsored event.

11.) To sell or offer for sale any food, drinks, confections, merchandise or services, except pursuant to a permit issued by, or pursuant to a written agreement with the City.

12.) To practice, carry on, conduct, or solicit for any trade, occupation, business or profession without proper permit.

13.) To remain, stay or loiter in any park between the hours of 10:00 p.m. and 6:00 a.m. of the following day, or remain, stay or loiter in any park except during the posted hours of operation, if posted as open other than 6:00 a.m. to 10:00 p.m. of the same day.

14.) No person on park property shall expose or offer for sale any article, service, or thing, nor shall they station or place any stand, cart, or vehicle for the transportation, sale, or display of any such article or thing. No fitness training is allowed on park properties unless the fitness training has applied for and been approved by the Department of Parks and Recreation as an outdoor vendor. Concessionaires acting by and under the express written authority and regulation of the Director are accepted.

Practicing and playing certain games.

1.) No organized group shall conduct or participate in any tournament, camp, or organized sporting activity which has not been specifically authorized by the City Commission or City Manager, or which conflicts with a scheduled activity authorized by the City. For example, it shall be unlawful to play or practice golf because of potential turf damage and safety concerns, hit baseballs or softballs in areas where other park users are endangered or engage in other activities that create risk to persons or property (cricket, polo, lacrosse, archery and hockey are examples). Such games may be played or activities undertaken in park areas set apart and/or designated for such purposes by the parks and recreation department.

2.) League play is prohibited on all park property except for those league play that have applied for and been approved by the Department of Parks and Recreation and City Commission. Any approved league play must abide by all rules and regulations of the Department of Parks and Recreation, including, but not limited to, days of league play, time of league play, and any insurance requirements. Approved league play is only permitted on park property specifically designated for organized sports. (2) Except as

may otherwise be permitted by the city, games of any kind are prohibited in parking lots and roadways of all city park facilities.

(h) Enforcement

1. The City of Harlingen Police Department shall have the authority to eject from the park or facility and may be prohibited violator from future access to the parks or facility if person(s) found to be in violation of this Chapter, as it exists or may be amended, or any other ordinances applicable to parks and recreation usage, as it/they exist or may be amended.

2. A person who violates any provisions of this ordinance shall be subject to potential citation and Municipal Court fines up to \$200. The Harlingen Police Department shall be authorized to enforce this ordinance.

This Ordinance shall be in full force and effect as of May 7, 2024.

CITY OF HARLINGEN

Mayor Norma Sepulveda

ATTEST:

Amanda Elizondo, City Secretary

10(i)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **April 17, 2024**

Agenda Item:	
Consideration and possible action to authorize City Manager to purchase (1) one 2024 Ford Explorer for Communication and Media Department for transportation of equipment to and from event locations. Attachment (<i>City Manager</i>)	
Prepared By: Gabriel Gonzalez, City Manager	
Brief Summary:	
Funding (If applicable):	
Are funds specifically designated in the current budget for the full amount (Yes/No):	
*If no, specify source of funding and amount requested:	
Finance Director's approval (Yes/No/NA):	
Staff Recommendation:	
City Manager approval:	
	Comments:
City Attorney's approval:	

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



EMAIL: ROBGARCIA@BOSWELLAUTO.COM
PHONE: 1-888-238-5721/(956)899-2468
FAX: (956)899-4707

MOTOR VEHICLE PURCHASE ORDER

Purchaser CITY OF HARLINGEN Salesman Robert Garcia Date 3/15/2024
Address _____ Residence Phone _____ Bus. Phone _____
City _____ State TX Zip _____

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

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

DESCRIPTION OF SALE UNIT					
Quantity 1	☒ New ☐ Used	Year 2024	Make FORD	Cyl. 4	Model EXPLORER
Body Style 4DR XLT		Stock No. LOCATE	Color STAR	WHITE	
Vehicle Identification No. 1FMSK7DH5RGA32325				License No.	
Inspection		Mileage 35	Validation No.		
USED CAR TRADE-IN					
Year		Make		Body Type	
Model			Cyl.	Mileage	
Vehicle Identification No.				License No.	
Inspection		Validation No.			
Appraised Value of Trade-in \$		FMCC Deal No.			
TIPS-USA VENDOR #7490 CONTRACT #210907					

DOCUMENTARY FEE. A DOCUMENTARY FEE IS NOT AN OFFICIAL FEE. A DOCUMENTARY FEE IS NOT REQUIRED BY LAW BUT MAY BE CHARGED TO BUYERS FOR HANDLING DOCUMENTS AND PERFORMING SERVICES RELATED TO CLOSING OF A SALE. A DOCUMENTARY FEE MAY NOT EXCEED \$25. THIS NOTICE IS REQUIRED BY LAW. THE DEALER'S INVENTORY TAX CHARGE IS INTENDED TO REIMBURSE THE DEALER FOR AD VALOREM TAXES ON ITS MOTOR VEHICLE INVENTORY. THE CHARGE, WHICH IS PAID BY THE DEALER TO THE COUNTY TAX ASSESSOR/COLLECTOR, IS NOT A TAX IMPOSED ON A CONSUMER BY THE GOVERNMENT, AND IS NOT REQUIRED TO BE CHARGED BY THE DEALER TO THE CONSUMER.

AVISO
EL COBRO DOCUMENTAL NO ES UN COBRO OFICIAL. EL COBRO DOCUMENTAL NO ES REQUISITO BAJO LA LEY, PERO SE LE PUEDE COBRAR AL COMPRADOR POR EL MANEJO DE LOS DOCUMENTOS Y SERVICIOS RELACIONADOS CON LA COMPLETACION DE LA VENTA Y POR COMPLETAR LOS DOCUMENTOS. EL COBRO DOCUMENTAL NO PUEDE SOBREPASAR LOS \$25.00 (U.S.) ESTE AVISO ES REQUERIDO BAJO LA LEY. EL COBRO DEL CONCESIONARIO POR IMPUESTOS AL INVENTARIO ES PARA REEMBOLSAR AL CONCESIONARIO POR IMPUESTOS POR EL VALOR DE SU INVENTARIO DE VEHICULOS MOTORIZES. ESTE CARGO, QUE HACE EL CONCESIONARIO AL RECOLECTOR-EVALUADOR DE IMPUESTOS DEL CONDADO, NO ES UN IMPUESTO IMPUTADO AL CONSUMIDOR POR EL GOBIERNO, Y NO SE REQUIERE QUE SEA COBRADO AL CONSUMIDOR POR EL CONCESIONARIO.

PRICE OF UNIT		
	\$ 40940	00
BEF-GP DISC		
	-1050	00
Selling Price		
	\$ 39890	00
Trade Allowance		
	\$	
Difference		
	\$	
Sales Tax		
	\$	
License and Titles Fees		
	\$	
State Inspection		
	\$ 23	75
Documentary Fee		
	\$	
Dealer Inventory Tax		
	\$	
Subtotal		
	\$	
Add Balance Owed on Trade		
	\$	
Subtotal		
	\$	
Cash on Delivery		
	\$	
Unpaid Balance Due		
	\$ 39913	75

DISCLAIMER OF WARRANTIES
Any warranties on the products sold hereby are those made by the manufacturer. The seller hereby expressly disclaims all warranties, either express or implied, including any implied warranty of merchantability or fitness for a particular purpose, and the Seller neither assumes nor authorizes any other to assume for it any liability in connection with the sale of said products.

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

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

106)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **April 17, 2024**

Agenda Item:
Consideration and possible action to create an Ad Hoc Committee to appoint members to assess the physical and social environment of a Community/City in the Rio Grande Valley Region for adults. Attachment (<i>Mayor</i>)
Prepared By: Norma Sepulveda, Mayor
Brief Summary:
Funding (if applicable):
Are funds specifically designated in the current budget for the full amount (Yes/No):
*If no, specify source of funding and amount requested:
Finance Director's approval (Yes/No/NA):
Staff Recommendation:
City Manager approval:
Comments:
City Attorney's approval:



School of Social Work

March 8th, 2024

Dear Mayor Norma Sepulveda:

The UTRGV School of Social Work partnered with Lower Rio Grande Valley Development's Area Agency on Aging to launch "Age Friendly RGV (AF-RGV) Initiative" to foster and facilitate age friendly community through Rio Grande Valley to provide a community environment that respects, values, cares, engages, and includes in every sphere of social life through inclusive infrastructure, policies, workplaces, health, and social services. We are very proud of our Rio Grande Valley and communities across the valley in this region. We would like to see this region of different cities and communities thriving and prospering from this initiative.

Age Friendly City/Community conceptual framework dates to June 2005 at the opening session of the XVIII International Association of Geriatrics and Gerontology's World Congress of Gerontology and Geriatrics in Rio de Janeiro, Brazil and it became a World Health Organization's (WHO's) global program. Throughout the world, Age Friendly Community (AFC) is an all-inclusive and engaging movement of cities and communities to build and shape physical and social environment that is friendly and livable and creates opportunities for active aging and enriching lives. The Global Network of Age Friendly Cities and Communities was established to build a global movement. Currently, 403 members have joined this network by submitting action plans. A dedicated web-portal is now serving as a resource and point of connection for the latest developments relating to the Age Friendly movement.

In the United States and Texas (including Dallas, Houston & Austin) as well, many other cities have embraced Age Friendly Framework for their cities and communities. An AFC adopts and promotes structures, policies, and services to be accessible and inclusive to the diverse needs of people of all ages with capacities and abilities. An age friendly community encourages active aging, through optimizing opportunities for older people to be healthy, active, and secure in their living environments. AARP has been a great supporter of age friendly initiatives in the United States of America and worldwide.

I and my team have taken the lead to facilitate RGV-wide initiative with the seed money from UTRGV School of Social Work. The project team has developed the plan for the Age Friendly RGV Initiative. Therefore, I request you and your city council to make a "Proclamation as Age Friendly City" and move forward by form a city level committee/task force on aging matters and nominate one of your council members or officials and me to work with the committee on ongoing basis to provide advice on aging matters to the city council.

Once we have completed the proclamation, we undertake the process of becoming an age friendly city and joining the World Health Organization and AARP Network of Age Friendly Cities/Communities. We will host an inaugural event in Rio Grande Valley on National Senior Citizens Day, August 21st, 2024.

Sincerely,

A handwritten signature in black ink, appearing to read "Sudershan Pasupuleti".

Dr. Sudershan Pasupuleti
Professor, UTRGV School of Social Work

Email: Sudershan.pasupuleti@utrgv.edu & Mobile: 419.944.8910



School of Social Work

March 1, 2024

To Whom It May Concern

RE: Letter of Support for Dr. Pasupuleti's Pilot Project "Aging Friendly Communities"

Dear Sir/Madam,

Greetings! I am Dr. Luis R. Torres-Hostos, Founding Dean and Professor in the School of Social Work at The University of Texas Rio Grande Valley. I am writing this letter of support for our faculty member Dr. Sudershan Pasupuleti, who has received a Community Engagement Seed Grant for a Pilot Project titled "Promoting Age-Friendly Communities in the Rio Grande Valley Region Through Community Based Participatory Approaches."

Through this pilot grant, Dr. Pasupuleti and his team will conduct a small study of age-friendly environments in a community/city in the Rio Grande Valley Region, using the age friendly communities/cities framework developed by the World Health Organization. Dr. Pasupuleti and his team are considering your city for a pilot project to gauge readiness and willingness to move toward an age-friendly framework.

Age-friendly communities create an environment that respects, values, cares, engages, and includes older adults in every sphere of social life through inclusive infrastructure, policies, workplaces, health, and social services. An AFC framework strives to adopt and promote structures, policies, and services to increase accessibility and inclusivity and attend to the diverse needs of people of all ages, regardless of their capacities and abilities. Age-friendly communities encourage active aging through optimizing opportunities for older people to be healthy, active, and secure in their living environments. AARP has been a great supporter of age friendly initiatives in the U.S. and worldwide.

Our Rio Grande Valley communities are still mostly young, and the older adult population in many of our communities grows during the winter months. This creates an organic opportunity to begin this conversation and this process together, and start on the ground floor, which increases the likelihood of success. Dr. Pasupuleti and his team will facilitate focus groups and build collaborations with a municipality and community partners to develop activities for older adults and to pursue joint funding opportunities to fund those activities. Below please find some more information about age-friendly communities and some links to resources.



School of Social Work

I appreciate your cooperation and collaboration with Dr. Pasupuleti and his team in promoting health, quality of life, and social services for older adults in Rio Grande Valley and beyond.

If you have any questions, please do not hesitate to contact me at Luis.TorresHostos@utrgv.edu or (914) 260-2076.

Best,

A handwritten signature in black ink that reads 'Luis R. Torres-Hostos'.

Luis R. Torres-Hostos, PhD
Founding Dean and Professor
School of Social Work
1201 W. University Drive, Edinburg, TX 78539
Luis.TorresHostos@utrgv.edu

Background of Age Friendly Community/City

The Age-Friendly City/Community (AFC) conceptual framework dates to June 2005 at the opening session of the XVIII International Association of Geriatrics and Gerontology's World Congress of Gerontology and Geriatrics in Rio de Janeiro, Brazil and has become a World Health Organization's (WHO's) global program. Throughout the world, AFC has become an all-inclusive and engaging movement of cities and communities to build and shape physical and social environments that are friendly, livable, and create opportunities for active aging and enriching lives. The Global Network of Age Friendly Cities and Communities was established to build a global movement. Currently, 403 members have joined this network by submitting action plans. A dedicated web-portal is now serving as a resource and point of connection for the latest developments relating to the Age Friendly movement. Dallas, Houston, and Austin, three of the largest and most important cities in Texas, have embraced Age Friendly Frameworks for their cities and communities.

For more information, visit the website:

<https://www.aarp.org/livable-communities/network-age-friendly-communities/>

Age Friendly Environment Study

Instructions: This is a “Age Friendly Environment Study in Rio Grande Valley” which has been approved by UTRV IRB (Approval: IRB 23 – 0429). The purpose of the study is to assess the physical and social environment of a community/city in Rio Grande Valley region for its friendly environment for older adults. The survey questions are basically statements about the environment in which older adults live, age, and access services. The participants are asked to share their responses to the statements from strongly agree to strongly disagree reflecting on the context of their neighborhood, community, and city. The survey includes demographic questions with multiple answers. You should be 18 years or older to participate in this survey/study. Your participation is voluntary and can withdraw your consent anytime without any penalty. Your responses will be anonymous. Aggregated information will be disseminated and shared with different stakeholders in the RGV. If you need a hard copy of the survey to participate in the study, please ask for a copy. In case you have any questions regarding the study, please contact Dr. Sudershan Pasupuleti (Email: sudershan.pasupuleti@utrgv.edu).

https://utrgv.co1.qualtrics.com/jfe/form/SV_8p7tFzkfxyeyz1Y



AGE FRIENDLY COMMUNITY/CITY STUDY IN RIO GRANDE VALLEY

(The study is supported UTRGV School of Social Work through a Seed Grant)
(UTRGV IRB Approval # 23-0429)

Instructions:

This is a “Age Friendly Environment Study in Rio Grande Valley” which has been approved by UTRV IRB (Approval: IRB 23 – 0429).

The purpose of the study is to assess the physical and social environment of a community/city in Rio Grande Valley region for its friendly environment for older adults. The survey questions are basically statements about the environment in which older adults live, age, and access services. The participants are asked to share their responses from strongly agree to strongly disagree reflecting on the context of their neighborhood, community, and city. The survey includes demographic questions with multiple answers. You should be 18 years or older to participate in this survey/study. Your participation is voluntary and can withdraw your consent anytime without any penalty. Your responses will be anonymous. Aggregated information will be disseminated and shared with different stakeholders in the RGV. If you need a hard copy of the survey to participate in the study, please ask for a copy. In case you have any questions regarding the study, please contact Dr. Sudershan Pasupuleti (Email: sudershan.pasupuleti@utrgv.edu).

I. Demographic Data

1. Age

☐ 18–54 Years ☐ 55–59 years ☐ 60 –74 years ☐ 75 – 84 years ☐ 85 + years

2. Gender

☐ Male ☐ Female

3. Ethnicity

☐ Caucasian/Hon Hispanic American	☐ African American
☐ American Indian/Native American	☐ Hispanic/Latino
☐ Asian	☐ Other

4. Education

☐ High school	☐ Undergraduate
☐ Graduate	☐ Other

5. Income:

☐ Below \$12,000	☐ 12,001-18,000	☐ 18001-24,000	☐ 24001-36,000
☐ 36,001 – 48,000	☐ 48,001-60,000	☐ 60,001 above	

ESTUDIO DE CIUDAD/COMMUNIDAD AMIGABLE CON LAS PERSONAS MAYORES **EN EL VALLE DEL RIO GRANDE**

(El estudio es financiado por la Escuela de Trabajo Social de UTRGV por medio de una subvención inicial)

(UTRGV IRB autorización # 23-0429)

Instrucciones:

Este es un “Estudio de Entorno Amigable con las Personas Mayores en el Valle del Río Grande” aprobado por el Consejo de Revisión Institucional (IRB) de UTRGV (Autorización: IRB 23 – 0429).

El propósito de este estudio es evaluar el entorno físico y social de una ciudad/comunidad en la región del Valle del Río Grande para determinar si es un ambiente amigable con las personas mayores. Las preguntas de la encuesta básicamente son aseveraciones acerca del entorno en el que viven, envejecen y accesan servicios las personas mayores. Se pidió a los participantes que compartieran sus respuestas en un rango que va desde totalmente de acuerdo hasta totalmente en desacuerdo, pensando en el contexto de su colonia, comunidad y ciudad. La encuesta incluye preguntas demográficas con respuestas múltiples. Debe ser mayor de 18 años para participar en esta encuesta/estudio. Su participación es voluntaria y puede retirar su consentimiento en cualquier momento, sin ningún problema. Sus respuestas serán anónimas. La información recabada será diseminada y compartida con diferentes grupos de interés en el RGV. Si necesita una copia impresa de la encuesta para participar en el estudio, favor de pedirla. En caso de tener alguna pregunta relacionada con el estudio, favor de contactar a Dr. Sudershan Pasupuleti (correo electrónico: sudershan.pasupuleti@utrgv.edu).

I. Información Demográfica

1. Edad

☐ 55 – 59 años ☐ 60 – 74 años ☐ 75 – 84 años ☐ 85 + años

2. Género

☐ Masculino ☐ Femenino

3. Etnia

☐ Caucásico/Americano No Hispano	☐ Afroamericano
☐ Indio Americano/Nativo Americano	☐ Hispano/Latino
☐ Asiático	☐ Otra

4. Educación

☐ Preparatoria	☐ Licenciatura
☐ Postgrado	☐ Otros

5. Ingreso:

☐ Menor a \$12,000	☐ 12,001-18,000	☐ 18,001-24,000	☐ 24,001-36,000
☐ 36,001 – 48,000	☐ 48,001-60,000	☐ 60,001 above	

6. Neighborhood Name _____

7. Zip Code: _____

8. Health Status: Poor 1 2 3 4 5 Excellent

II. Age Friendly Environment (Pick one of the responses)

1. Strongly Agree 2. Agree
 3. *Undecided (neither agree nor disagree)*
 4. Disagree 5. Strongly Disagree

1	The city is clean and pleasant, with enforced regulations.	1	2	3	4	5
2	The environment is familiar (the functions of buildings are obvious) and distinctive (urban and building form is varied).	1	2	3	4	5
3	The physical environment is easy to navigate and includes a variety of landmarks to aid wayfinding.	1	2	3	4	5
4	A spectrum of quality housing options, including support for aging in place, is available for older people as their needs change over time.	1	2	3	4	5
5	A range of quality housing options, including memory care services and support, exists for people with dementia at various stages of the disease.	1	2	3	4	5
6	A wide variety of affordable, convenient, and accessible activities are offered to older adults and their companions.	1	2	3	4	5
7	People with dementia and their caregivers have access to organized activities designed specifically for their needs.	1	2	3	4	5
8	Public transport is reliable, frequent, safe, and affordable; serves all city areas; and has priority seating for older adults.	1	2	3	4	5
9	Transport does not require passengers to handle money, and supportive assistance is available along the way to help passengers with dementia travel successfully.	1	2	3	4	5
10	Drivers (public transport, taxis, other services) are courteous and sensitive to older riders.	1	2	3	4	5

6. Nombre de la colonia: _____

7. Código Postal: _____

8. Estado de Salud: Deficiente 1 2 3 4 5 Excelente

II. Entorno amigable con las personas mayores (Escoja una de las respuestas)					
1. Totalmente de acuerdo		2. De acuerdo			
3. Indeciso (<i>ni de acuerdo ni en desacuerdo</i>)					
4. En desacuerdo		5. Totalmente en desacuerdo			
1	La ciudad es limpia y agradable, con reglamentos que son respetados.	1	2	3	4 5
2	El entorno es familiar (el propósito de los edificios es obvio) y característico (la forma urbana y los edificios son variados).	1	2	3	4 5
3	El entorno físico es fácil de navegar e incluye una variedad de puntos de referencia para ayudar a orientarse.	1	2	3	4 5
4	Hay disponible una variedad de opciones de vivienda de calidad, incluyendo el apoyo a las personas mayores para envejecer en casa, a medida que sus necesidades van cambiando con el tiempo.	1	2	3	4 5
5	Existe una variedad de opciones de vivienda de calidad, incluyendo servicios de apoyo y cuidado de la memoria para personas con demencia en diferentes etapas de la enfermedad.	1	2	3	4 5
6	Se ofrece una amplia variedad de actividades accesibles, convenientes y a precio razonable, para las personas mayores y sus acompañantes.	1	2	3	4 5
7	Las personas con demencia y sus cuidadores tienen acceso a actividades organizadas que han sido diseñadas específicamente para sus necesidades.	1	2	3	4 5
8	El transporte público es confiable, frecuente, seguro y de precio accesible; da servicio en todas las áreas de la ciudad y tiene asientos en los que se da prioridad a las personas mayores.	1	2	3	4 5
9	El transporte no requiere que los pasajeros manejen dinero y hay asistencia disponible a lo largo de la ruta para ayudar a que los pasajeros con demencia puedan realizar su viaje con éxito.	1	2	3	4 5
10	Los choferes (de transporte público, taxis, u otros servicios) son corteses y sensibles con los pasajeros de mayor edad.	1	2	3	4 5

11	Drivers are trained to recognize passengers with dementia and how to help them.	1	2	3	4	5
12	Roads are well-maintained, well-lit, and well-signed, and priority parking and drop-off spots are readily available.	1	2	3	4	5
13	Transportation services for people with dementia are well-advertised and promoted as supportive.	1	2	3	4	5
14	Older people are valued and respected by the community.	1	2	3	4	5
15	Community is dementia-aware and puts forth a spirit of support; people with dementia, including those from seldom-heard communities, are free from stigma.	1	2	3	4	5
16	Older people receive services and products adapted to their needs and preferences.	1	2	3	4	5
17	Businesses become educated about dementia, train employees how to support customers with dementia, and offer specialized services to people with dementia and their families.	1	2	3	4	5
18	Reliable and regular distribution of information to seniors keeps them connected to news, events, and activities.	1	2	3	4	5
19	Specific outreach to people with dementia and their caregivers keeps them engaged and helps prevent social isolation.	1	2	3	4	5
20	Any specific individual needs/general comments on your community environment: 					

Gracias!

Thank you for your valuable time and information!

Age Friendly Environment Study

(UTRGV IRB Approval # # 23-0429)

https://utrgv.co1.qualtrics.com/jfe/form/SV_8p7tFzkfyeyz1Y



11	Los choferes están entrenados para reconocer a los pasajeros con demencia y ayudarles.	1	2	3	4	5
12	Se da mantenimiento a los caminos, están bien iluminados y con señalamiento adecuado con espacios asignados para estacionamiento y áreas específicas para dejar a los pasajeros.	1	2	3	4	5
13	Se da amplia publicidad a los servicios de transporte para las personas con demencia y son promovidos como servicios de apoyo.	1	2	3	4	5
14	Las personas mayores son valoradas y respetadas por la comunidad.	1	2	3	4	5
15	La comunidad es consciente de la demencia y muestra un espíritu de apoyo; las personas con demencia, incluyendo quienes pertenecen a comunidades subrepresentadas, están libres de estigma.	1	2	3	4	5
16	Las personas mayores reciben servicios y productos adaptados a sus necesidades y preferencias.	1	2	3	4	5
17	Los negocios se han informado acerca de la demencia, entrenan a sus empleados para apoyar a los clientes con demencia y ofrecen servicios especializados a las personas con demencia y sus familias.	1	2	3	4	5
18	Una distribución regular de información confiable a las personas mayores les mantiene conectados con las noticias, eventos y actividades.	1	2	3	4	5
19	El alcance y comunicación específica con las personas con demencia y sus cuidadores les mantiene involucrados y ayuda a prevenir el aislamiento social.	1	2	3	4	5
20	Algún comentario general o necesidades individuales específicas relacionadas con el entorno en su comunidad: _____ _____ _____					

¡Gracias!

¡Gracias por su información y por su valioso tiempo!

Estudio de Ambiente Amigable con las Personas Mayores

(UTRGV IRB Autorización # 23-0429)

https://utrgv.co1.qualtrics.com/jfe/form/SV_8p7tFzkfyeyz1Y



**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **April 17, 2024**

Agenda Item:	
Discussion and possible action to approve a resolution authorizing city staff to proceed with the filing of Articles of Incorporation of a Non-Profit Animal Welfare Corporation to support the Harlingen Animal Shelter. Attachment (<i>City Attorney</i>) (This item was tabled during the meeting of March 20, 2024)	
Prepared By: Mark Sossi, City Attorney	
Brief Summary:	
Funding (If applicable):	
Are funds specifically designated in the current budget for the full amount (Yes/No):	
*If no, specify source of funding and amount requested:	
Finance Director's approval (Yes/No/NA):	
Staff Recommendation:	
City Manager approval:	
	Comments:
City Attorney's approval:	

RESOLUTION NO. 2024-_____

Resolution _____ of the City of Harlingen Authorizing the Creation of a Non-Profit Animal Welfare Organization to support the prevention of Cruelty to animals and to provide for the sheltering of, caring for and providing homes for lost, stray and abandoned animals within the City of Harlingen, Texas

Whereas between 7 and 8 million companion animals are placed into animal shelters each year,

Whereas between 2 and 3 million companion animals are euthanized each year,

Whereas the City of Harlingen is committed to promoting responsible pet ownership through spaying/neutering microchipping, pet registration and vaccinations,

Whereas the City of Harlingen wishes to do more to promote and protect public health and safety as well as animal care through sheltering, pet placement programs and animal law enforcement,

Whereas the City sees the need for the creation of a Non-Profit Animal Welfare Organization created to specifically support through private means, the Harlingen Animal Shelter

IT IS THEREFORE RESOLVED, that the City Manager of the City of Harlingen is hereby directed to file the attached Articles of Incorporation creating a Non-Profit Animal Welfare Organization within the City of Harlingen,

RESOLVED ON THIS, the ____ day of _____ 2024 at a regular meeting of the Harlingen City Commission at which a quorum was present.

CITY OF HARLINGEN

Mayor Norma Sepulveda

ATTEST:

Amanda C. Elizondo, City of Harlingen

Acknowledged before me, on this the _____ day of March, 2024.

Form 202—General Information
(Certificate of Formation – Nonprofit Corporation)

The attached form is drafted to meet minimal statutory filing requirements pursuant to the relevant code provisions. This form and the information provided are not substitutes for the advice and services of an attorney and tax specialist.

Commentary

A nonprofit corporation is governed by titles 1 and 2 of the Texas Business Organizations Code (BOC). Title 1, chapter 3, subchapter A, of the BOC governs the formation of a nonprofit corporation and sets forth the provisions required or permitted to be contained in the certificate of formation. Nonprofit corporations may be incorporated for any lawful purpose. Corporations formed for the purpose of operating a nonprofit institution, including an institution devoted to a charitable, benevolent, religious, patriotic, civic, cultural, missionary, education, scientific, social, fraternal, athletic, or aesthetic purpose, may be formed and governed only as a nonprofit corporation under the BOC and not as a for-profit corporation. In a nonprofit corporation, no part of the income of the corporation may be distributed to a member, director or officer of the corporation.

Please note that this form cannot be used to form a corporation authorized by or under a special state statute, such as a water supply corporation, a cemetery corporation or an industrial development corporation.

Taxes: Nonprofit corporations are subject to a state franchise tax and federal income taxes unless an exemption from those taxes is granted. For franchise tax information visit the web site of the Comptroller of Public Accounts at <https://comptroller.texas.gov/taxes/>. For information on state tax exemption, including applications and publications, visit the Comptroller's Exempt Organizations web site at <https://comptroller.texas.gov/taxes/exempt/> or call (800) 252-5555. For information relating to federal income tax filing requirements, exemptions, federal employer identification numbers, tax publications and forms call (800) 829-3676 or visit the Internal Revenue Service (IRS) web site at www.irs.gov.

This form does not include any additional statements or provisions that the Texas Comptroller of Public Accounts or the IRS may require as a condition to granting a tax-exempt status. Please refer to IRS publication 557, "Tax-Exempt Status for Your Organization," and Comptroller publication 96-1045, "Guidelines to Texas Tax Exemptions," for further information before completing this form.

Instructions for Form

- **Article 1—Entity Name and Type:** Provide a corporate name. An organizational designation may be used but is not required. The entity name must comply with the provisions of chapter 5 of the BOC and the administrative rules on entity name availability adopted by the secretary of state. Chapter 5 of the BOC requires that the entity must be distinguishable in the records from the name of any existing domestic or foreign filing entity, any fictitious name under which a foreign filing entity is registered to transact business in this state, or any name reservation or registration filed with the secretary of state. In addition, the entity name may not contain any word or phrase that by its inclusion in the name: 1) indicates or implies that the entity is engaged in a business that the entity is not authorized to pursue, or 2) falsely implies that the entity is affiliated with a governmental entity. If the entity name does not comply with these provisions, the document cannot be filed.

The administrative rules adopted for determining entity name availability (Texas Administrative Code, title 1, part 4, chapter 79, subchapter C) may be viewed at www.sos.state.tx.us/tac/index.shtml. If you wish the secretary of state to provide a preliminary determination on name availability, you may call (512) 463-5555, dial 7-1-1 for relay services, or e-mail your name inquiry to corpinfo@sos.texas.gov. If the entity name does not meet the standard for availability, the document will not be filed. A final determination cannot be made until the document is received and processed by the secretary of state. Do not make financial expenditures or execute documents based on a preliminary clearance. Also note that the preclearance of a name or the issuance of a certificate of formation under a name does not authorize the use of a name in violation of another person's rights to the name.

- **Article 2—Registered Agent and Registered Office:** The registered agent can be either (option A) a domestic entity or a foreign entity that is registered to do business in Texas or (option B) an individual resident of the state. The corporation cannot act as its own registered agent; do not enter the corporate name as the name of the registered agent.

Consent: A person designated as the registered agent of an entity must have consented, either in a written or electronic form, to serve as the registered agent of the entity. Although consent is required, a copy of the person's written or electronic consent need not be submitted with the certificate of formation. *The liabilities and penalties imposed by sections 4.007 and 4.008 of the BOC apply with respect to a false statement in a filing instrument that names a person as the registered agent of an entity without that person's consent.* (BOC § 5.207)

Office Address Requirements: The registered office address must be located at a street address where service of process may be personally served on the entity's registered agent during normal business hours. Although the registered office is not required to be the entity's principal place of business, the registered office may not be solely a mailbox service or telephone answering service (BOC § 5.201).

- **Article 3—Management:** Except as provided by section 22.202 of the BOC, the affairs of a nonprofit corporation are governed by a board of directors.

Board of Directors: The board of directors may be designated by any name appropriate to the customs, usages, or tenets of the corporation. If managed by a board of directors, three directors are required. A director must be a natural person; there are no residency requirements for directors. Set forth the name of the individual in the format specified. Do not use prefixes (e.g., Mr., Mrs., Ms.). Use the suffix box only for titles of lineage (e.g., Jr., Sr., III) and not for other suffixes or titles (e.g., M.D., Ph.D.).

Please note that a document on file with the secretary of state is a public record that is subject to public access and disclosure. When providing address information for directors, use a business or post office box address rather than a residence address if privacy concerns are an issue.

Managed by Members: A nonprofit corporation is considered to have vested the management of the corporation in the board of directors unless otherwise provided in the certificate of formation. This certificate of formation also may be used to create a nonprofit corporation that is managed solely by its members. If management of the corporation is to be vested in the nonprofit corporation's members, a statement to that effect must be included in the certificate. If the nonprofit corporation is to be governed *solely* by its members, check the appropriate statement and proceed to Article 4 of

this form. *The fact that the individuals named on the board of directors are also members of the nonprofit entity does not mean that the corporation is governed by its members.*

Article 4—Members: If the corporation will not have members, the certificate of formation must include a statement to that effect. If management of the affairs of the corporation is vested in its members, you also must check statement A in Article 4 of this form. Checking statement B in Article 4 is inconsistent with a corporation that is managed by its members and will result in a rejection of the instrument.

- **Article 5—Purpose:** State the purpose of the corporation in the space provided. A nonprofit corporation may be formed for any lawful purpose or purposes not expressly prohibited under title 1, chapter 2, or title 2, chapter 22, of the BOC, which may be stated as “any or all lawful purposes” in the space provided. While the BOC allows formation with a general purpose, please note that other laws, including the Texas Tax Code and the Internal Revenue Code, may require that the certificate of formation include a more specific purpose statement as a basis for granting a license or a tax-exempt or tax-deductible status. An additional text area is provided to include any additional language or additional provisions that may be needed. In addition, the “Supplemental Provisions/Information” section may be used if the additional text area provided in this section is not sufficient.
- **Initial Mailing Address:** *Effective January 1, 2022*, the certificate of formation of a filing entity must provide the initial mailing address for the entity. The initial mailing address is the address that will be used by the Comptroller of Public Accounts for sending tax information and correspondence to the entity. The initial mailing address may be a post office box or street address.
- **Supplemental Provisions/Information:** Additional space has been provided for additional text to an article within this form or to provide for additional articles to contain optional provisions. This space also may be used to provide for additional statements or provisions needed by the Texas Tax Code or Internal Revenue Code as a basis for granting a tax-exempt or tax-deductible status.

Manner of Distribution: Section 22.304 of the BOC provides that after all liabilities and obligations of the corporation in the process of winding up are paid, satisfied, and discharged in accordance with chapter 11 of the BOC, the property of the corporation shall be applied and distributed as follows:

- Property held by the corporation on a condition requiring return, transfer, or conveyance because of the winding up or termination shall be returned, transferred, or conveyed in accordance with that requirement; and
- The remaining property shall be distributed only for tax-exempt purposes to one or more organizations that are exempt under Section 501(c)(3), or described by Section 170(c)(1) or (2) of the Internal Revenue Code as provided in a plan of distribution adopted by the corporation under the BOC unless the certificate of formation provides otherwise.

If the corporation is not applying and distributing its property in accordance with section 22.304, the certificate of formation must include a statement describing the manner of distribution in the Supplemental Provisions/Information section of this form. If the space provided is not sufficient, an addendum may be included and attached to this form.

Duration: Pursuant to section 3.003 of the BOC, a Texas nonprofit corporation exists perpetually unless provided otherwise in the certificate of formation. If formation of a corporation with a stated

period of duration is desired, use the “Supplemental Provisions/Information” section of this form to provide for a limited duration.

- **Organizer:** Only one organizer is required for the formation of a nonprofit corporation. An organizer may be any person having the capacity to contract for the person or for another; that is, a natural person 18 years of age or older, or a corporation or other legal entity. There are no residency requirements for an organizer.
- **Effectiveness of Filing:** A certificate of formation becomes effective when filed by the secretary of state (option A). However, pursuant to sections 4.052 and 4.053 of the BOC the effectiveness of the instrument may be delayed to a date not more than ninety (90) days from the date the instrument is signed (option B). The effectiveness of the instrument also may be delayed on the occurrence of a future event or fact, other than the passage of time (option C). If option C is selected, you must state the manner in which the event or fact will cause the instrument to take effect and the date of the 90th day after the date the instrument is signed. In order for the certificate to take effect under option C, the entity must, within ninety (90) days of the filing of the certificate, file with the secretary of state a statement regarding the event or fact pursuant to section 4.055 of the BOC.

On the filing of a document with a delayed effective date or condition, the computer records of the secretary of state will be changed to show the filing of the document, the date of the filing, and the future date on which the document will be effective or evidence that the effectiveness was conditioned on the occurrence of a future event or fact. In addition, at the time of such filing, the status of the entity will be shown as “in existence” on the records of the secretary of state.

- **Execution:** The organizer must sign the certificate of formation, but it does not need to be notarized. However, before signing, please read the statements on this form carefully. The designation or appointment of a person as registered agent by an organizer is an affirmation that the person named in the certificate of formation has consented to serve in that capacity. (BOC § 5.2011)

A person commits an offense under section 4.008 of the BOC if the person signs or directs the filing of a filing instrument the person knows is materially false with the intent that the instrument be delivered to the secretary of state for filing. The offense is a Class A misdemeanor unless the person's intent is to harm or defraud another, in which case the offense is a state jail felony.

- **Payment and Delivery Instructions:** The filing fee for a certificate of formation for a nonprofit corporation is \$25. Fees may be paid by personal checks, LegalEase debit cards, or American Express, Discover, MasterCard, and Visa credit cards. Checks or money orders must be payable through a U.S. bank or financial institution and made payable to the secretary of state. Fees paid by credit card are subject to a statutorily authorized convenience fee of 2.7 percent of the total fees.

Submit the completed form in duplicate along with the filing fee if submitting the document by mail or by courier delivery. The form may be mailed to P.O. Box 13697, Austin, Texas 78711-3697 or delivered to the James Earl Rudder Office Building, 1019 Brazos, Austin, Texas 78701. On filing the document, the secretary of state will return the appropriate evidence of filing to the submitter together with a file-stamped copy of the document, if a duplicate copy was provided as instructed.

Need Faster Delivery and Processing? Use our SOSUpload system to electronically submit a PDF copy of the completed and executed document. When submitting a document through SOSUpload, do not include a copy of these instructions, a duplicate copy of the document, payment information, or personal identifying information (PII). Inclusion of this information may lead to a rejection of the

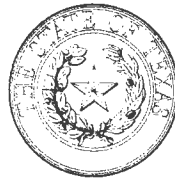
document. For more information on SOSUpload, please call (512) 463-5555; email corpinfo@sos.texas.gov; or visit <https://direct.sos.state.tx.us/lef/index.aspx>

- **Registered Agent/Office:** A corporation is required to maintain a registered agent and a registered office address in Texas. If the registered agent or registered office address changes, it is important to file a statement with the secretary of state to effect a change to the certificate of formation. Failure to maintain a registered agent and registered office may result in the involuntary termination of the corporation.
- **Periodic Reports:** Under section 22.357 of the BOC, the secretary of state may require a nonprofit corporation to file a report not more often than once every four years. The secretary of state will send notice to the corporation at its registered office as to the time the report is due. Failure to file the report when requested to do so by the secretary will result in the involuntary termination of the corporation.
- **Information for Public Inspection:** Records, books and annual reports of the corporation's financial activity are required to be maintained at the registered office or principal office for three years after the close of a fiscal year. The corporation shall make those documents available to the public for inspection and copying during regular business hours and may charge a reasonable fee for preparing a copy of those records. Failure to maintain those records, prepare an annual report or make the record or report available to the public is a Class B misdemeanor. These provisions do not apply to those corporations exempted under section 22.355 of the BOC. Also note that a nonprofit corporation supported in whole or in part by public funds or that spends public funds is considered a governmental body under chapter 552 of the Government Code (Public Information Act) and thus subject to the provisions of that Act regarding access to public information. In addition, a property owner's association may also be subject to the Public Information Act pursuant to section 552.0035 of the Government Code.

Revised 12/21

Form 202
(Revised 12/21)

Submit in duplicate to:
Secretary of State
P.O. Box 13697
Austin, TX 78711-3697
512 463-5555



This space reserved for office use.

Certificate of Formation
Nonprofit Corporation

Filing Fee: \$25

Article 1 – Entity Name and Type

The filing entity being formed is a nonprofit corporation. The name of the entity is:

Friends of Harlingen Animal Shelter, Inc.

Article 2 – Registered Agent and Registered Office

(See instructions. Select and complete either A or B and complete C.)

☐ A. The initial registered agent is an organization (cannot be entity named above) by the name of:

OR

☐ B. The initial registered agent is an individual resident of the state whose name is set forth below:

Gabriel		Gonzalez	
<i>First Name</i>	<i>M.I.</i>	<i>Last Name</i>	<i>Suffix</i>

C. The business address of the registered agent and the registered office address is:

118 East Tyler	Harlingen	TX	78550
<i>Street or P.O. Box</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>

Article 3 – Management

The management of the affairs of the corporation is vested in the board of directors. The number of directors constituting the initial board of directors and the names and addresses of the persons who are to serve as directors until the first annual meeting of members or until their successors are elected and qualified are as follows:

A minimum of three directors is required.

Director				
<i>First Name</i>	<i>M.I.</i>	<i>Last Name</i>	<i>Suffix</i>	
<i>Street or Mailing Address</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>	<i>Country</i>

Director 2				
First Name	M.I.	Last Name	Suffix	
Street or Mailing Address	City	State	Zip Code	Country

Director 3				
First Name	M.I.	Last Name	Suffix	
Street or Mailing Address	City	State	Zip Code	Country

OR

☐ The management of the affairs of the corporation is to be vested in the nonprofit corporation's members.

Article 4 – Membership

(See instructions. Do not select statement B if the corporation is to be managed by its members.)

- ☐ A. The nonprofit corporation shall have members.
- ☒ B. The nonprofit corporation will have no members.

Article 5 – Purpose

(See instructions. This form does not contain language needed to obtain a tax-exempt status on the state or federal level.)

The nonprofit corporation is organized for the following purpose or purposes:

The purpose for which this Corporation is organized is to promote the humane treatment, care and nurturing of animals, specifically the neutering and spaying of cats and dogs, chipping and vaccinations at the City of Harlingen Animal Shelter, as well as supporting education regarding the public proper care of animals, and thereby promoting civic and educational welfare within the meaning of Internal Revenue Code 501(c) (3).

Article 6 Earnings

No part of the net earnings of the corporation shall inure to the benefit of, or be distributed to, its members, trustees, officers, or other private persons except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in these Articles of Incorporation. No substantial part of the activities of the corporation shall be carrying on of propaganda, or otherwise attempting to influence legislation and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provisions of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from Federal income tax under Section 501 (c) (3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law), or (b) by corporation, contributions to which are deductible under Section 170 (c) (2) of the Internal Revenue Code of 1954 (or the corresponding

provision of any future United States Internal Revenue Law.

Article 7 Dissolution

Upon dissolution of the corporation, the Board of Directors shall, after paying or making provisions for the payment of all the liabilities of the Corporation, dispose of all of the assets of the association exclusively for the purposes of the association in such manner or to such organization or organizations organized and operated exclusively for charitable, educational religious or scientific purposes as shall at the time qualify as an exempt organization or organizations under Section 501 (c) (3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law), as the Board of Directors shall determine. Any such assets not so disposed of shall be disposed of thereby a Texas State District Court located in Cameron County, Texas exclusively for such purposes, or to such organizations as said Court shall determine, which are organized and operated exclusively for such purposes.

The following text area may be used to include any additional language or provisions that may be needed to obtain tax-exempt status.

Initial Mailing Address

(Provide the mailing address to which state franchise tax correspondence should be sent.)

C/O City of Harlingen 118 East Tyler	Harlingen	Tx	78550	usa
Mailing Address	City	State	Zip Code	Country

Supplemental Provisions/Information

(See instructions.)

Text Area: [The attached addendum, if any, is incorporated herein by reference.]

Organizer

The name and address of the organizer:

Gabrie Gonzalez

Name

City of Harlingen, 118 E.Tyler

Harlingen

Tx

78550

Street or Mailing Address

City

State

Zip Code

Effectiveness of Filing (Select either A, B, or C.)

A. ☒ This document becomes effective when the document is filed by the secretary of state.

B. ☐ This document becomes effective at a later date, which is not more than ninety (90) days from the date of signing. The delayed effective date is: _____

C. ☐ This document takes effect upon the occurrence of a future event or fact, other than the passage of time. The 90th day after the date of signing is: _____

The following event or fact will cause the document to take effect in the manner described below:

Execution

The undersigned affirms that the person designated as registered agent has consented to the appointment. The undersigned also affirms that, to the best knowledge of the undersigned, the name provided as the name of the filing entity does not falsely imply an affiliation with a governmental entity. The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument and certifies under penalty of perjury that the undersigned is authorized to execute the filing instrument.

Date: _____

Signature of organizer

Printed or typed name of organizer

Bylaws of Friends of Harlingen Animal Shelter, Inc.

PREAMBLE

These Bylaws are subject to, and governed by, the Texas Non-Profit Corporation Act and the Articles of Incorporation of the Friends of Harlingen Animal Shelter, Inc.. In the event of a direct conflict between the provisions of these Bylaws and the mandatory provisions of the Texas Non-Profit Corporation Act, the Texas Non-Profit Corporation Act will be controlling. In the event of a direct conflict between the provisions of these Bylaws and Internal Revenue Code 501 (c) (3), the Internal Revenue Code will be controlling.

ARTICLE I – PURPOSE

- 1.1 General. The purposes for which FRIENDS OF HARLINGEN ANIMAL SHELTER, INC is organized are:
 - 1.1.1 FRIENDS OF HARLINGEN ANIMAL SHELTER, INC is organized and shall be operated exclusively for charitable, scientific, and educational purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the “Code”) or the corresponding section of any future federal tax code. Specifically, Friends of Harlingen Animal Shelter, Inc. will promote the humane treatment, care, and nurturing of animals at the Harlingen Animal Shelter, particularly the neutering and spaying of cats and dogs thereby promoting civic and educational welfare within the meaning and purpose of Internal Revenue Code 501 (C) (3).
 - 1.1.2 To engage in any lawful activities incidental to the foregoing purposes, except as otherwise restricted herein.
- 1.2 Powers. Friends of Harlingen Animal Shelter Inc. is a non-profit corporation and shall have all of the powers, duties, authorizations, and responsibilities as provided in the Texas Non-Profit Corporation Act; provided, however, Friends of Harlingen Animal Shelter Inc. shall neither have nor exercise directly or indirectly in any activity, that would invalidate its status as a corporation that is exempt from federal income taxation as Friends of Harlingen Animal Shelter, Inc described in Section 501(c)(3) of the Code.

ARTICLE II – OFFICES

- 2.1 Principal Office. The principal office of Friends of Harlingen Animal Shelter Inc shall be located at _____
- 2.2 Other Offices. FRIENDS OF HARLINGEN ANIMAL SHELTER, INC may have such other offices as the Board of Directors may determine or as the affairs of Friends of Harlingen Animal Shelter Inc may require from time to time.

ARTICLE III –BOARD OF DIRECTORS

- 3.1 General Powers and Responsibilities. Friends of Harlingen Animal Shelter Inc shall be governed by a Board of Directors (“the Board”), which shall be), and have all of the rights, powers, privileges, and limitations of liability of directors of a nonprofit corporation organized under the Texas Non-Profit Corporation Act. The Board shall establish policies and directives governing business and programs of FRIENDS OF HARLINGEN ANIMAL SHELTER, INC.
- 3.2 Number and Qualifications.
- 3.2.1 The Board shall have up to 6 voting Directors In addition to the regular members of the Board, the Director of the Harlingen Animal Shelter will be an *Ex Officio* member of the Board
- 3.2.2 All Board members shall be over 21 years of age, be residents of the City of Harlingen, be of good moral character, have never been convicted of a felony or crime of moral turpitude, not be related to a sitting board member within the second degree of consanguinity, not be engaged in any litigation against the corporation
- 3.2.3 All Board members must at all times maintain their qualifications for Board Membership. Any Board member who shall cease to possess the qualifications outlined in paragraph 3.2.2 shall immediately forfeit his office.

- 3.3 Board Compensation. The Board shall receive no compensation other than to be reimbursed the actual cost of reasonable and necessary expenses.
- 3.4 Term of Board. All appointments to the Board shall be for three-year terms No person shall serve more than two consecutive terms. After serving a total of two terms or two terms and one year, as the case may be, a Board member may be eligible for reconsideration as a Board member after two years have passed since the conclusion of such Board member's service.
- 3.5 Appointments and Vacancies. The initial Board of Directors shall be appointed by the Harlingen City Commission. Subsequent appointments and vacancies will be made by a majority vote of the Board of Directors of the corporation.
- 3.6 Resignation. Each Board Member shall have the right to resign at any time upon written notice thereof to the Board. Unless otherwise specified in the notice, the resignation shall take effect upon receipt thereof, and the acceptance of such resignation shall not be necessary to make it effective.
- 3.7 Removal. A Board member may be removed, with or without cause, at any duly constituted meeting of the Board, by the affirmative vote of a majority of the Board of Directors.
- 3.8 Meetings. The Board's regular meetings may be held at such time and place as shall be determined by the Board. The Chair or any four regular Board members may call a special meeting of the Board on three days' notice to each member of the Board. Notice shall be served to each Board member via hand delivery, US mail, e-mail, or fax. The person or persons authorized to call special meetings of the Board may fix any place, so long as it is reasonable, as the place for holding any special meeting of the Board called by them.
- 3.9 Minutes. At meetings of the Board, business shall be transacted in such order as the Board may determine from time to time. In the event the Secretary is unavailable, the Board Chair shall appoint a person to act as Secretary at each meeting. The Secretary, or the

person appointed to act as Secretary, shall prepare minutes of the meetings which shall be placed in the minute books of Friends of Harlingen Animal Shelter, Inc.

- 3.10 Quorum. At each meeting of the Board, the presence of the 4 members shall constitute a quorum for the transaction of business.
- 3.11 Board Member Attendance. An elected Board member who is absent from three consecutive regular meetings of the Board during a fiscal year is encouraged to re-evaluate with the Board Chair his/her commitment to Friends of Harlingen Animal Shelter, Inc. The Board may deem a Board member who has missed three consecutive meetings without such a re-evaluation with the Chair to have resigned from the Board.

ARTICLE IV – OFFICERS

- 4.1 Officers and Duties. The Board shall elect officers of Friends of Harlingen Animal Shelter, Inc which shall include a Chair, a Chair Elect, a Secretary, a Treasurer, and such assistants and other officers as the Board shall from time to time determine. The officers may also include a Past Chair for a term of one (1) year. One person may hold any two or more offices, except the Chair and Secretary.
- 4.2 Chair. The Chair shall preside at meetings and have the power to call meetings. The Chair shall be responsible for leadership of the Board in discharging its powers and duties and shall, in general, supervise and control all of the business and affairs of ORGANIZATION. The Chair may sign contracts and other instruments on the organization's behalf.
- 4.3: Chair Elect. The Chair Elect shall have all powers and duties of the Chair during the Chair's absence, disability, or disqualification, or during any vacancy in the position of Chair, and such other powers or duties assigned by the Chair, the Board, or the Bylaws.
- 4.4 Past Chair. The Past Chair, if any, shall assist in advancing the goals and objectives of FRIENDS OF HARLINGEN ANIMAL SHELTER, INC through the application of knowledge gained through past Board experiences. The Past Chair shall be responsible for specific tasks delegated by the Executive Committee.
- 4.5: Secretary. The Secretary shall (a) cause the minutes of all Board and Executive Committee meetings and proceedings to be recorded, (b) certify the accuracy of such minutes, (c) cause notice of all meetings to be given, (d) attest the signatures of

ORGANIZATION'S officers and Board members as required, (e) sign correspondence on behalf of the Board, and (f) have all other powers assigned by the Board, the Chair, or these Bylaws.

- 4.6 Treasurer. The Treasurer shall have access to records of all receipts, disbursements, assets, and liabilities of the Friends of Harlingen Animal Shelter, Inc. and shall report to the Board on the condition of such records and financial condition of FRIENDS OF HARLINGEN ANIMAL SHELTER, INC from time to time and at least quarterly. Prior to the beginning of the fiscal year, the Treasurer shall cause a proposed operating and capital expenditure budget to be presented to the Board for approval. The Treasurer shall cause to be prepared and submitted to the Board a financial statement showing the ORGANIZATION's net worth at the close of the fiscal year and cause a firm of outside certified public accountants to audit the organization's books and records at the end of each fiscal year. The Treasurer shall cause all employees of the Friends of Harlingen Animal Shelter, responsible for the handling of funds to be adequately bonded and shall report on the fidelity bonds of such employees to the Board annually.
- 4.7 Election and Term of Office. All officers shall be members of the Board during their terms of office. Officers shall be elected for a one year term. No officer shall be eligible to serve more than two consecutive terms in the same office. The officers of the Board shall be elected annually by the Board at regular Board meetings as terms expire or vacancies otherwise arise. A vacancy occurring in any office due to death, resignation, removal, disqualification, or any other reason may be filled by the Board for the unexpired portion of the term of office left vacant.
- 4.8 Removal. Any officer or agent (e.g., Executive Director) elected or appointed by the Board may be removed at any time by the affirmative vote of a majority of the Board, but such removal shall be without prejudice to the contract rights, if any, of the person so removed.
- 4.9 Special Committees. The Chair may appoint special committees composed of Board members and/or non-Board members for purposes deemed appropriate by the Chair (i.e, special fundraising events, etc.). The term of such committees shall not be more than one year

ARTICLE V AMENDMENTS TO ARTICLES AND BYLAWS

5.1 The Articles and Bylaws of the Corporation may be amended, but only by a vote of the majority of the Board, and approval of the Harlingen City Commission.

ARTICLE VI – MISCELLANEOUS

- 6.1 Fiscal Year. The fiscal year of FRIENDS OF HARLINGEN ANIMAL SHELTER, INC shall be from January 1st to December 31st.
- 6.2 Annual Budget. The Board shall adopt an annual operating budget, which specifies major expenditures by type and amount.
- 6.3 Books and Records. FRIENDS OF HARLINGEN ANIMAL SHELTER, INC shall keep correct and complete books and accounting records and shall also keep minutes of the proceedings of its Board.
- 6.4 Contracts and Grants. The Board may authorize any officer(s) or agent(s) of FRIENDS OF HARLINGEN ANIMAL SHELTER, INC to enter into contracts, leases, and agreements with and accept grants and loans from the United States; its departments and agencies; the State of Texas; its agencies, counties, municipalities, and political subdivisions; and public or private corporations, foundations, and persons; and may generally perform all acts necessary for a full exercise of the powers vested in it. The Executive Director shall have the authority to enter into such contracts and expend such funds on behalf of the Friends of Harlingen Animal Shelter, Inc as the Board may specify.
- 6.5 Checks, Drafts, or Orders for Payment. All checks, drafts, or orders for the payment of money, notes, or other evidences of indebtedness issued in the name of FRIENDS OF HARLINGEN ANIMAL SHELTER, INC shall be signed by such officer(s) or agent(s) of FRIENDS OF HARLINGEN ANIMAL SHELTER, INC and in such manner as shall from time to time be determined by resolution of the Board. In the absence of such determination by the Board, such instruments shall be signed by the Executive Director and co-signed by the Treasurer.

- 6.6 Deposits. All funds of FRIENDS OF HARLINGEN ANIMAL SHELTER, INC shall be deposited from time to time to the credit of FRIENDS OF HARLINGEN ANIMAL SHELTER, INC in such banks, trust companies, or other depositories as the Board shall select.
- 6.7 Acceptance of Gifts. The Board may accept on behalf of FRIENDS OF HARLINGEN ANIMAL SHELTER, INC any cash contribution, gift, bequest, or devise for the general purposes, or for any special purpose, of ORGANIZATION. Prior to acceptance of a significant non-cash contribution, gift, bequest, or devise, the Board shall determine, by resolution thereof, that the acceptance of such non-cash contribution, gift, bequest, or devise by FRIENDS OF HARLINGEN ANIMAL SHELTER, INC would be consistent with and further the purposes of the Friends.
- 6.8 Contracts Involving Board Members and/or Officers. Upon full disclosure of a direct or indirect interest in any contract relating to or incidental to the operations of ORGANIZATION, members of the Board and officers of FRIENDS OF HARLINGEN ANIMAL SHELTER, INC may be permitted to maintain a direct or indirect interest in any such contract, notwithstanding that at such time they may also be acting as individuals, or trustees of trusts, or beneficiaries of trusts, members or associates, or as agents for other persons or corporations, or may be interested in the same matters as shareholders, trustees, or otherwise; provided, however, that any contract, transaction, or action taken on behalf of FRIENDS OF HARLINGEN ANIMAL SHELTER, INC involving a matter in which a trustee or officer is personally interested as a shareholder, trustee, or otherwise shall be at arm's length and not in violation of the proscriptions in the Articles of Incorporation or these Bylaws which prohibit FRIENDS OF HARLINGEN ANIMAL SHELTER INC'S use or application of its funds for private benefit; and provided further that no contract, transaction, or act shall be taken on behalf of FRIENDS OF HARLINGEN ANIMAL SHELTER, INC if such contract, transaction, or act would result in denial of ORGANIZATION'S exemption from federal income taxation under the Code and its regulations, as they now exist or as they may hereafter be amended. In no event, however, shall any person or entity dealing with the Board or officers of FRIENDS OF HARLINGEN ANIMAL SHELTER, INC be obligated to inquire into the authority of the Board and officers to enter into and consummate any contract, transaction or take other action. Any Board member who would directly or indirectly benefit from a contractual relationship as described above shall not participate in the decision on whether that Board

member shall be permitted by the Board to maintain such an interest.

- 6.9 Investments. FRIENDS OF HARLINGEN ANIMAL SHELTER, INC shall have the right to retain all or any part of any property – real, personal, tangible, or intangible – acquired by it in whatever manner and under the direction and judgment of the Board, to invest and reinvest any funds held by it without being restricted to the class of investments available to trustees by law or any similar restriction.
- 6.10 Exempt Activities. Notwithstanding any other provision of these Bylaws, no Board member, officer, employee, or representative of FRIENDS OF HARLINGEN ANIMAL SHELTER, INC shall take any action or carry on any activity by or on behalf of FRIENDS OF HARLINGEN ANIMAL SHELTER, INC which is not permitted to be taken or carried on by Friends of Harlingen Animal Shelter, Inc exempt from federal income taxation under sections 501(a) and 501(c)(3) of the Code and its regulations as they now exist or as they may hereafter be amended, or by Friends of Harlingen Animal Shelter, Inc contributions to which are deductible under section 170(a)(1) of the Code and its regulations as they now exist or as they may hereafter be amended, by being charitable contributions as defined in section 170(c)(2) of the Code and its regulations as they now exist or as they may hereafter be amended.
- 6.11 Captions. Captions (i.e., article and section headings) are inserted in these Bylaws for convenience only and in no way define, limit, or describe the scope or intent of these Bylaws, or any provision hereof, nor in any way affect the interpretation of these Bylaws.
- 6.12 Severability of Clauses. If any provision of these Bylaws is held illegal or unenforceable in a judicial proceeding, such provision shall be severed and shall be inoperative, and the remainder of these Bylaws shall remain operative and binding.

Approved by the Board of Directors, on this the 17th day of April 2024.

Board Chairman

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **April 17, 2024**

Agenda Item:	
Discussion regarding City Boards. (<i>City of Harlingen</i>)	
Prepared By: Mark Sossi, City Attorney	
Brief Summary:	
Funding (if applicable):	
Are funds specifically designated in the current budget for the full amount (Yes/No):	
*If no, specify source of funding and amount requested:	
Finance Director's approval (Yes/No/NA):	
Staff Recommendation:	
City Manager approval:	Comments:
	
City Attorney's approval:	