

**CITY COMMISSION
AGENDA
REGULAR MEETING
MAY 1, 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, MAY 1, 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 Michael Mezmar
 - b) **Pledge of Allegiance**
 - c) **Welcome Citizens**
- 2) **Conflict of Interest:**

"Under State Law, a conflict of interest exists if a council member, or certain members of that person's family, has a qualifying financial interest in an agenda item. Members with a conflict of interest cannot participate in the discussion nor vote on the agenda item. Are there any known conflicts of interest to disclose at 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) Presentation of Award - Gutierrez Middle School "Jaguars" Boys Golf Team
 - b) Presentation of Award - Gutierrez Middle School "Jaguars" Girls Golf Team
 - c) Presentation of Award - Marine Military Academy Boys Tennis Team
 - d) Presentation of Award - Marine Military Academy Boys Golf Team
 - e) Presentation of Award - Harlingen High School "Cardinals" Ladies Soccer Team
 - f) Proclaiming May 1, 2024, as "The University of Texas Rio Grande Valley" as a top-rated university to be championed by the City of Harlingen"
 - g) Proclaiming May 1, 2024, as "The Age Friendly Rio Grande Valley Initiative"
- 5) **Citizen Communication:** *At this time, the public is invited to address the City Commission and speak on any matter not specifically listed for public hearing elsewhere in this agenda. Please note that the City Commission members may not respond to comments or deliberate on topics addressed.*
- 6) **Approval of Minutes:**
 - a) Regular Meeting of March 6, 2024
 - b) Special Meeting of March 14, 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 approve a resolution to authorize the City Manager to accept Step Click It or Ticket (CIOT), grant funding of \$8,000.00 made available from the Texas Department of Transportation (TXDOT), FY-24 Click it or Ticket Program (CIOT), TXDOT Funds \$8,000 matching funds of \$2,000.45, for 2024 Grant total of \$10,000.45. Attachment *(Police)*

- b) Consideration and possible action to approve a resolution authorizing the City Manager to submit a grant application, accept related award from the Office of the Governor-Homeland Security Grants Division and spend said funding of \$99,837.40, FY 2025, Local Border Security Grants Program (LBSP) for equipment and overtime costs for additional manpower to the City of Harlingen to improve border security. Attachment **(Police)**
 - c) Consideration and possible action to approve a resolution authorizing the City Manager to accept the "2024 Operation Slowdown" funding of \$8,000.00 from the Texas Department of Transportation (TxDOT) with a city match of \$2,000.45, total funds of \$10,000.45. Attachment **(Police)**
 - d) 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) and 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 Report
 - b) Staff Report - Presentation by Javier Mendez, Parks and Recreation - status regarding city parks
 - c) Presentation by Cascos & Associates, PC, regarding the City of Harlingen Annual comprehensive Financial Report (ACFR) for Fiscal Year 2022-2023. **(Finance)**
- 9) **Public Hearings:** *At this time, the Mayor will invite members of the public who have filled out the Public Hearing and the Citizen Communication Form to address each item listed in this section. Please limit your comments to the topic of that public hearing. If more than one public hearing is being held, you will be allowed to speak during each topic, provided you have filled out the Public Hearing and Citizen Communication Form for the appropriate topic. If you are signed up for two (2) or more Public Hearings, you will be limited to 5 minutes for all topics.*
- a) Public hearing for a rezoning request from Residential, Single-Family ("R-1") District to Residential, Duplex ("R-2") District for properties bearing a legal description of Lot 13A, Block 1, Elliff Kubota Subdivision, and Lots 19-21, Homeland Addition, located at 222, 318, 322, and 326 W. Oklahoma Street. Applicant: Fernando Pecina c/o Noemi Pecina. **(Planning & Development)**
 - b) Public hearing amending Harlingen Code of Ordinances Section 6- 146 Running at Large Prohibited, Exceptions, establishing minimum fines, and other matters. **(City Attorney)**
- 10) **Action Items:** *City Commission will discuss, consider, and take any action deemed necessary on items listed in this section, including the adoption of a resolution or an ordinance.*

Ordinances

- a) Consideration and possible action to adopt an ordinance on first reading for a rezoning request from Residential, Single-Family ("R-1") District to Residential, Duplex ("R-2") District for properties bearing a legal descriptions of Lot 13A, Block 1, Elliff Kubota Subdivision, and Lots 19-21, Homeland Addition, located at 222, 318, 322, and 326 W. Oklahoma Street. Applicant: Fernando Pecina c/o Noemi Pecina. Attachment **(Planning & Development)**

- b) Consideration and possible action to approve an ordinance on first reading amending Harlingen Code of Ordinances, Section 6-146 Running at Large Prohibited, Exceptions, Establishing minimum fines and other matters. Attachment (**City Attorney**)
- c) Consideration and possible action to approve an ordinance on second and final reading amending Chapter 36 of the Harlingen Code of Ordinances establishing prohibited activities in the City Parks. Attachment (**Parks & Recreation**)

-
- d) Consideration and possible action to approve the preliminary construction plans and final plat for the proposed Agave Estates Subdivision, 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 east 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 authorize the Mayor to sign a Memorandum of Agreement between The Lower Rio Grande Valley TPDES Stormwater Taskforce Partnership, Inc. and the City of Harlingen for the preparation of a Regional Texas Pollutant Discharge Elimination System (TPDES) Stormwater Permit Application and Stormwater Program Plan. Attachment (**Planning & Development**)
 - f) Consideration and possible action to approve Victor Insurance Managers as the Broker of Record for windstorm insurance. (**Human Resources**)
 - g) Consideration and possible action to reject the bid from South Texas Pumps due to the vendor's modification of the submitted bid, resulting in an increase and failure to meet the submission deadline and accept the offer from J&F Petroleum in the amount of \$1,225,436.86 on 11/14/2023. Attachment (**Public Works**)
 - h) Consideration and possible action to approve a request from Remi Garza, Cameron County Elections Administrator, to use the following locations as Early Voting Sites for the Primary Runoff Election and the Democratic and Republican Election. Attachment (**City Secretary**)

Cultural Arts Center 575 "76" Drive and City Hall, Town Hall Meeting Room, 2nd Floor 118 E. Tyler Ave.- Monday thru Friday - May 20 through 24, 2024 - 8:00 a.m. to 8:00 p.m.

The Harlingen Outreach Center, 1102 S. Commerce Street, Tuesday - May 28, 2024, from 7:00 a.m. to 7:00 p.m.

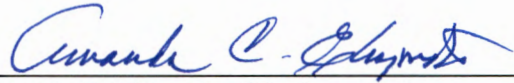
- i) Consideration and authorization to reject the single bid received in response to Bid Number 2024-03 Vestal Park Lighting Improvements - Phase III (Field #1) Project. Attachment (**Parks & Recreation**)
 - j) Consideration and possible action to authorize City Manager to award and execute contract to Musco Sports Lighting, LLC, utilizing Buy Board Cooperative Purchasing Program for the purchase and installation of sports lighting for Field Number 1 at Vestal Park. Attachment (**Parks & Recreation**)
 - k) Consideration and possible action to approve an agreement between the City of Harlingen and Spectrum for a Right of Entry to a parcel at the golf course to provide an upgrade or other service for the FAA/Airport outer marker beacon. Attachment (**City Manager**)
- 11) **Board Appointments:** Specifically, appointment or discussion and possible action to include appointment and/or removal of any position subject to appointment or removal by statute, ordinance, or bylaws.

Airport
Animal Shelter Advisory Committee (1)
Audit Committee (Terms expire in June)
Charter Review Committee (Ad Hoc)
Civil Service Commission
Community Development Advisory Board (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 (1)
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.*
- a) Executive/Closed Session - consultation with Legal Counsel pursuant to TX. Government Code §551.071(2) regarding the proposed Collective Bargaining Labor Agreement, Harlingen Professional Fire Fighters Association (HPFFA) (**City Attorney**)
 - b) Pursuant to Tx. Government Code Section 551.071 (1) and (2) -attorney consultation; Section 551.072 regarding Bass Pro land issue. (**City Manager**)
 - c) Discussion on purchase of property. (**City Manager**)
- 13) **Action on Executive Session Items:** *The City Commission will reconvene in open session and may take action on any item listed in the Executive Session Section of this agenda.*
- a) Consideration and possible action on Items 12(a), 12(b), and 12(c) as discussed in executive session.
- 14) **Adjournment:**

I, the undersigned authority, do hereby certify that the above Notice of the Regular Meeting of the Harlingen City Commission is a true and correct copy of said notice posted on the bulletin board at City Hall of said City of Harlingen, Texas in a place convenient and readily accessible to the general public at all times and on the City's Internet Website and said Notice was posted on **FRIDAY, APRIL 26, 2024** at or before 4:25 p.m. and remained so posted for at least 72 hours preceding the time of said meeting.

Dated this 26th day of APRIL, 2024



Amanda C. Elizondo, City Secretary

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

A Regular/Special Meeting of the Harlingen City Commission was held March 6, 2024, at 5:30 p.m., at City Hall, Town Hall Meeting Room, 118 E. Tyler Avenue, Harlingen, Texas, and providing the public the ability to view the meeting via internet, live streaming and permitting the public to offer citizen communication or participate in items listed on the agenda via internet live-streaming at 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

Call Meeting to Order

Mayor 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:

1) **Call Meeting to Order**

- a) Invocation – Commissioner Michael Mezmar
- b) Pledge of Allegiance – Mayor Norma Sepulveda
- 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?"

Mayor Norma Sepulveda - None

Mayor Pro-Tem Perez – Abstained Item 10 (j)

Commissioner Ford Kinsley – None

Commissioner Daniel N. Lopez – None

Commissioner Michael Mezmar - None

Commissioner Frank Morales – None

3) **Announcements:**

a) **Mayor's Announcements**

- . Reminded the public on the recent opening of the Animal Shelter
- . Presented Pet of the Week "Chuck Norris"
- . "It's Time Texas" Challenged has concluded.

b) City Manager's Announcements

- The new schedule for the trash pick-up routes has begun and is running smoothly.

c) City Commission Member Announcements

- Commissioner Kinsley thanked everyone for participating in early voting.
- Commissioner Lopez announced that there will be an unveiling of an additional "Rock and Roll" mural downtown. Everyone is welcome to stop by.
- Commissioner Perez recognized the Harlingen Collegiate High School Robotics Teams; both are attending the FTC State Competition—best of luck to them.

4) Presentation of Awards:

a) Harlingen High School South "Hawks" – Boys Tennis Team

b) Harlingen High School South "Hawks" – Girls Tennis Team

Ernesto Escamilla, HHS South "Hawks" Tennis Coach, stated he was very proud of this recognition and felt privileged to lead his students, who are driven and have great character, and lead a high-performance team. They are resilient, focused, and have high standards. In partnering with the students' parents, we can see their children succeed in tennis sport.

Mayor Sepulveda stated that we are proud of our Harlingen South "Hawk" athletes and happy to have you join us this evening.

c) Harlingen High School South "Hawks" – Coach of the Year – Hector Castaneda

Coach Hector Castaneda could not attend this meeting due to a scheduling conflict.

5) Citizen Communication:

- Raymond Reyes, 706 Nantucket Dr., Harlingen, TX -City Refinement / Progress & Accountability
- Ron Lozano, 2410 Riverside Dr., Harlingen, TX - Gov't. Code 551.007 & Agenda Item 9

6) Approval of Minutes:

a) Regular Meeting of January 10, 2024

Commissioner Lopez referred to Page 2, Lines 16 and 17 and requested that the statement be added, "subject to changes cited by Commissioner Lopez."

Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez to approve the minutes of January 10, 2024, including the following statement "subject to changes cited by Commissioner Lopez." Motion carried unanimously.

7) Consent Agenda:

a) Consideration and possible action to approve a request from BCFS Health and Human Services to close the following streets for their National Child Abuse Prevention / HOPES Program, Saturday, April 6, 2024, from 10:00 a.m. to 1:00 p.m., 1702 E. Tyler Avenue.

- Southside Intersection of South 17th Street and Tyler Avenue;
- East/West alleyway, 400 Block of South 17th Street; and
- Northside Intersection of South 17th and Polk Street

- 1 b) Consideration and possible action to authorize the City Manager to submit and accept a
2 grant application and award and ultimately expend said funding of \$56,104.50 to the Office
3 of the Governor – Criminal Justice Division, Bullet-Resistant Shield Grant Program, FY-
4 2025.
- 5
- 6 c) Consideration and possible action to authorize the City Manager to submit and accept a
7 grant application, spend said funding of \$57,395.66 to the Office of the Governor –
8 Criminal Justice Division, with a city match of \$14,348.92, to the General Victim
9 Assistance Program FY-2025 to continue funding the Crime Victim Liaison Position.
- 10
- 11 d) Consideration and possible action to authorize the City Manager to submit and accept a
12 grant application and spend said funding of \$42,276.26 to the Office of the Governor-
13 Criminal Justice Division for the Criminal Justice Grant Program, FY-2025.
- 14
- 15 e) Consideration and possible action to authorize the City Manager to submit and accept a
16 grant application and spend said funding of \$56,000.00 to the Office of the Governor –
17 Homeland Security Grants Division, 2024 State Homeland Security Program- LETPA
18 Projects (SHSP-L) to fund fourteen-night vision goggles for the HPD SWAT Team.
- 19
- 20 f) Consideration and possible action to authorize the City Manager to submit and accept a
21 grant application and spend said funding of \$33,664.20 from the Office of the Governor –
22 Criminal Justice Division, Rifle Resistant Body Armor Grant Program, FY-2025 for Police
23 Officers.
- 24
- 25 g) Consideration and possible action to authorize the City Manager to enter into a
26 supplemental agreement with the Texas Department of Transportation (TxDOT) to install
27 and reimburse the operation and maintenance of traffic signals within a municipality.
- 28
- 29 h) Consideration and possible action to approve an ordinance on the second and final
30 reading amending the City of Harlingen's Budget for Fiscal Year 2024.
- 31

32 ORDINANCE NO. 2024-07

33 AN ORDINANCE AMENDING THE REVENUE AND EXPENDITURE BUDGET
34 FOR THE CITY OF HARLINGEN, TEXAS, FOR FISCAL YEAR OCTOBER 1,
35 2023 THROUGH SEPTEMBER 30, 2024. PROVIDING FOR PUBLICATION OF
36 THE CAPTION OF THIS ORDINANCE AND ORDAINING OTHER MATTERS
37 RELATED TO THE FOREGOING.

38
39
40 PASSED AND APPROVED on first reading this 21st day of February 2024

41 PASSED AND APPROVED on the second and final reading on this 6th day of March 2024.

42 ATTEST:

City of Harlingen

43
44 /s/Amanda C. Elizondo, City Secretary

/s/Mayor Norma Sepulveda

- 45 i) The Harlingen Police Department's Racial Profiling Report is presented for information
46 and review by the City Commission and Administration.
- 47
- 48 j) Consideration and possible action to approve the installation of speed humps in the
49 following location: (This item was requested by Commissioner Daniel N. Lopez and
50 Commissioner Frank Morales)
- 51
- 52 . 1118 Sunset Drive
- 53 . 800 W. Lincoln St.

1
2 Motion was made by Commissioner Lopez and seconded by Commissioner Mezmar
3 to approve Items 7 (a through i); subject to the amendment to Item 7 (c) made by
4 Commissioner Kinsley to change the amount of city match from \$14,34.92 to \$14,348.92.
5 Motion carried unanimously.

6 Commissioner Lopez referred to Item 7(j) and requested to add 9th Street between
7 Harrison and Jefferson Street.

8 Motion was made by Commissioner Lopez and seconded by Commissioner Kinsley
9 to approve Item 7 (j), with the amendment of 9th Street between Harrison and Jefferson
10 requested by Commissioner Lopez. Motion carried unanimously.

11 **8) Staff Reports and Other Discussion Items:**

12
13 a) City Manager's Reports

14 . None, but I requested that a Keep Harlingen Beautiful Board meeting be scheduled.

15
16 b) Staff Report – None.

17 **9) Public Hearings:**

18
19 Mayor Sepulveda announced that this was a public hearing and anyone wishing to speak
20 for or against could do so.

21
22 a) Public hearing for voluntary annexation of an 18.788-acre tract of land out of Block 33,
23 David and Stephenson Subdivision, located along the east side of Crossett Road
24 approximately 3,260 feet north of Loop 499. Applicant: River Creek Management, LLC.

25 None for Item 9 (a).

26 b) Public hearing amending the City of Harlingen Code of Ordinances, Chapter 111, Article
27 XIII, Section 111-62, Use Chart, establishing the boundaries of the major commercial
28 corridors, and prohibiting the car wash use in the said major corridors due to safety.
29 Applicant: City of Harlingen.

30
31 Frank Lozano stated that car wash restrictions would limit the growth of businesses in
32 the City of Harlingen.

33
34 Ron Lozano stated that the Planning and Zoning Board voted against this proposal to
35 restrict car washes in major city corridors.

36 Commissioner Mezmar referred to a recent article from other cities banning the
37 addition of new car washes. He asked Mr. Gonzalez to forward the article to the rest of
38 the Commissioners for their review.

39 c) Public hearing for a Special Use Permit ("SUP") to allow a bar/lounge in a General Retail
40 ("GR") District located at 407 West Harrison Avenue, bearing a legal description of Lots
41 8-9, Block 84, Harlingen Original Townsite Subdivision. Applicant: Janie Zamora.

42 None

43 There being no further comments from the public, Mayor Sepulveda closed the public
44 hearing.

45 **10) Action Items:**

- 1
2 a) Consideration and possible action to adopt an ordinance on first reading for the voluntary
3 annexation of an 18.788-acre tract of land out of Block 33, David and Stephenson
4 Subdivision, located along the east side of Crossett Road, approximately 3,260 feet north
5 of Loop 499. Applicant: River Creek Management, LLC.

6 Xavier Cervantes, Planning and Zoning Director, stated they received an annexation
7 request for a residential subdivision on the east side of Crossett Road, 3/4 mile north of
8 Loop 499.

9 Commissioner Morales asked once the construction began if part of the structure
10 would be in Combes and the other part in Harlingen.

11 Mr. Cervantes responded yes.

12 Commissioner Mezmar asked if they were only voting in the part located in Harlingen.

13 Mr. Cervantes responded yes!
14

15
16 Motion was made by Commissioner Lopez and seconded by Commissioner Kinsley
17 to adopt the ordinance on first reading for the voluntary annexation of an 18.788-acre tract
18 of land out of Block 33, David and Stephenson Subdivision, located along the east side of
19 Crossett Road approximately 3,260 feet north of Loop 499. Motion carried as follows:
20 FOR: Mayor Pro-Tem Perez, Commissioners: Lopez, Kinsley and Mezmar; AGAINST:
21 Commissioner Morales. Vote: (4-1)

- 22 b) Consideration and possible action to adopt an ordinance on first reading amending the
23 City of Harlingen Code of Ordinances, Chapter 111, Article XIII, Section 111-62, Use
24 Chart, establishing the boundaries of the major commercial corridors, and prohibiting the
25 car wash use in the said major corridors due to safety. Applicant: City of Harlingen.

26 Mr. Cervantes stated that this proposal prohibits new car washes on specific major
27 corridors based on safety. The primary proposed corridors are Interstate 2 (Expressway
28 83), Interstate 69E (Expressway 77), Ed Carey Drive, Loop 499, Tyler Avenue, Harrison
29 Avenue, and other minor corridors, such as Business 77 and Business 83. Any existing
30 car washes and those under construction will be grandfathered. Exceptions are car
31 washes, which are a component of a convenience store. Planning and Zoning
32 Commission unanimously denied the proposal.

33 Mayor Pro-Tem Perez stated that there are enough car washes, we do not need any
34 more, and do not offer an economic benefit by adding new jobs.

35 Mayor Sepulveda suggested tabling the item until the City Commission spoke to
36 Police Chief Michael Kester regarding safety issues.

37 Motion was made by Commissioner Mezmar and seconded by Commissioner Kinsley
38 to table the item. Motion carried as follows: FOR: Mayor Pro-Tem Perez, Commissioners:
39 AGAINST: Mezmar, Morales and Kinsley; AGAINST: Commissioner Lopez. (Vote: 4-1)

- 40 c) Consideration and possible action to adopt an ordinance on first reading for a Special Use
41 Permit ("SUP") to allow a bar/lounge in a General Retail ("GR") District located at 407
42 West Harrison Avenue, bearing a legal description of Lots 8-9, Block 84, Harlingen
43 Original Townsite Subdivision. Applicant: Janie Zamora.

44 Motion was made by Commissioner Kinsley and seconded by Commissioner Lopez
45 to adopt the ordinance on first reading for a Special Use Permit ("SUP") to allow a
46 bar/lounge in a General Retail ("GR") District located at 407 West Harrison Avenue,
47 bearing a legal description of Lots 8 - 9, Block 84, Harlingen Original Townsite Subdivision.
48 Motion carried unanimously.

- 1 d) Consideration and possible action to approve the preliminary construction plans and final
2 plat with conditions of the proposed Central Perk Subdivision, located along the west side
3 of Perk Lane, approximately 1,842 feet south of Garrett Road, bearing a legal description
4 of 2.89 acres of land (3.00 acres deed) out of Block 6 Dougherty - Paillet Subdivision out
5 of Survey 293. Applicant: Moore Land Surveying, LLC c/o Ramiro & Sylvia Resendez.

6 Mr. Cervantes stated that Moore Land Surveying, LLC, c/o Ramiro & Sylvia
7 Resendez, is proposing this subdivision for two reasons. They propose to widen the ditch
8 to comply with the drainage and are the first to pay the parking fee as required by city
9 ordinance. The subdivision is in the ETJ. They will pay \$1,800 for Park Zone I (southwest
10 Zone).

11 Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez
12 to approve the preliminary construction plans and final plat with the conditions of the
13 proposed Central Perk Subdivision, located along the west side of Perk Lane,
14 approximately 1,842 feet south of Garrett Road, bearing a legal description of 2.89 acres
15 of land (3.00 acres deed) out of Block 6 Dougherty - Paillet Subdivision out of Survey 293.
16 Motion carried unanimously.

- 17
18 e) Consideration and possible action to approve the preliminary construction plans and final
19 plat and a variance request with regards to the minimum lot depth for Lots 12, 38, 48, 49
20 and 74 and the minimum lot width for Lots 48, 49, and 74 for the proposed Trinity Heights
21 Phase II Subdivision, located at the northeast corner of Stuart Place and Brennaman
22 Roads, bearing a legal description of 15.99 acres of land compromised of 4.95 acres out
23 of Block 5, 4.82 acres out of Block 7, and 6.22 acres out of Block 9 Stuart Place
24 Resubdivision. Applicant: Moore Land Surveying, LLC c/o Zarate Home Designs, LLC.

25
26 Mr. Cervantes stated that Moore and Land Surveying, LLC, c/o Zarate Home Designs,
27 LL, requests to widen the ditch for drainage, variances, and the park fee. The proposed
28 subdivision is for duplexes; all the lots meet the requirements. The developer will pay
29 \$66,600 for Park 1 (Southwest Zone).

30
31 Motion was made by Mayor Pro-Tem Perez and seconded by Commissioner Morales
32 to approve the preliminary construction plans, final plat, and a variance request in regards
33 to the minimum lot depth for Lots 12, 38, 48, 49 and 74 and the minimum lot width for Lots
34 48, 49, and 74 for the proposed Trinity Heights Phase II Subdivision, located at the
35 northeast corner of Stuart Place and Brennaman Roads, bearing a legal description of
36 15.99 acres of land compromised of 4.95 acres out of Block 5, 4.82 acres out of Block 7,
37 and 6.22 acres out of Block 9 Stuart Place Re-Subdivision. Motion carried unanimously.
38

- 39 f) Consideration and possible action to approve the preliminary construction plans and final
40 plat with conditions of the proposed Dawn Subdivision, located at the southeast corner of
41 Primera Road and US 77 Frontage Road, bearing a legal description of 10.13 acres of
42 land out of Block 19, Cunninghams Subdivision. Applicant: Moore Land Surveying, LLC
43 c/o CJE Construction.

44 Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem
45 Perez to approve the preliminary construction plans and final plat with conditions of the
46 proposed Dawn Subdivision, located at the southeast corner of Primera Road and US
47 77 Frontage Road, bearing a legal description of 10.13 acres of land out of Block 19,
48 Cunninghams Subdivision. Motion carried unanimously.

- 49
50 g) Consideration and possible action on the Water and Wastewater Study submitted by
51 Willdan and authorize the commencement of the public engagement process.

Tim Skoglund, Harlingen Waterworks General Manager, stated he had provided some updates requested at the February 26, 2024, meeting. He highlighted the following information:

- Today's expected cost is approximately \$340 million compared to 175 million in 2020.
- Need assistance from the city's lobbyist regarding funding options.
- Determine using EDCA and 4B Board funds to leverage some of these projects.
- Use the same concept as the T.I.R.Z to encompass Cameron County to provide matching funds.
- Other resources to fund major endeavors involve our State Representative and State Senator.
- A possible wastewater plant on the west side of Harlingen could alleviate the stress on the east side, which could be more cost-effective.
- The City of Harlingen is growing; a 2nd wastewater treatment plant will soon be needed.

Commissioner Morales recommended this item to the table to consider the cost to the citizens.

Mr. Skoglund said they reviewed a 50-year net present value analysis and compiled different options. Based on the consultants' recommendations, they indicated it would be better over 20 years for a lift station on the same site. They will propose to build a treatment plant. The projected flows (in the next 20 years), the lift station, and the capacity improvements in the east will be able to handle the additional flows. Today's prices are very high, approximately \$50 to \$60 million for this project. Most of the costs in their master plan are for infrastructure only to assist the west side. A lift station with 1.5 million gallons per day and considerable length, but a relatively small fraction of the costs, which is represented in our master plan to address the needs that we have today. In previous presentations, a map with red dots indicates sewer overflows and yellow - surcharge; all exist in the central part of the city, not the west side. We have had a storm that exceeded that amount, and those needs still exist today. Whatever the commission decides on the Master Plan rate implementation, it had a He also noted:

- The Master Plan Process started in early 2019 and will not completed until 2022.
- It provided time to look at different scenarios.
- Consultant and staff both feel that a treatment plant would serve us.
- That site is being developed as part of a project in the Master Plan in the Dixieland Road area.
- Applications have already been submitted for funding with the proposed rate.
- Impact potential of the funding for those projects – if we don't move forward or put them on hold.
- We recently submitted an application for \$150 million with the Water Development Board (SRF Agency), which solicits preliminary applications annually.
- Harlingen's applications in 2022 had been considered disadvantaged, but a significant shift in the census data has changed.
- Census data set (for two years) shows Harlingen's annual median household income went up 22%, and the state went probably 8%.

Mr. Skoglund stated that we reached out to demographers at UTSA and UTRGV; they indicated low confidence in the quality of the data for Harlingen. With its current rates, the City of Harlingen is not in a position right now to be qualified as disadvantaged. The median household income is below 75%, obtained through EDAP but not in the SRF programs. The following issues will be reviewed:

- Household cost factor,
- Water/Sewer rates that customers currently pay,
- Advertised cost,
- The burden that a project will place on those customers.
- Consider Median Household Income and
- Unemployment and population trends.

1 Mr. Skoglund stated at the current rates that, no project size would qualify for the
2 disadvantaged status. They would not receive the extra 20 scoring points; we don't qualify for
3 disadvantaged status, and you don't get 20 extra scoring points; they are essential for
4 placement on the list. Disqualification will not be eligible for any grant component under the
5 typical SRF Program. We added into our application some assumed rates based on the rate
6 plan the city commission selected; they may not accept what we suggested, but if that is not
7 done, that will be our only shot at disadvantaged status. The only way to have this opportunity
8 before the Texas Water Development Board is with the proposed rates for the year 2028,
9 which were used to qualify and get as much money as possible. They identified 1,000 people
10 for the Lifeline Rate; the Housing Authority had approximately 1,400. Tenants in the Master
11 Metered Accounts get a better deal than the single-family rate because their base rate is
12 divided among total units.

13 Motion was made by Commissioner Mezmar and seconded by Commissioner Lopez
14 to approve the Water and Wastewater Study submitted by Willdan and authorize the
15 commencement of the public engagement process. Motion carried as follows: FOR: Mayor
16 Pro-Tem Perez, Commissioners: Mezmar, Lopez and Kinsley; OPPOSED: Commissioner
17 Morales. (Vote: 4-1)

18 h) Consideration and possible action to authorize the Harlingen Health Department to add
19 one new position for the Animal Shelter to assist with daily functions and re-home animals.
20

21 Shannon Harvill, Health Director, stated they are requesting to hire a second adoption
22 coordinator. Since the animal shelter's opening, we have received many calls. Staff submitted
23 a foster program for the city management and city attorney's review.

24 Commissioner Mezmar asked about the proposed salary for this coordinator.

25 Mr. Gonzalez stated it would be \$40,771 and would include benefits. Initially, they had
26 asked for two positions.

27 Mayor Sepulveda noted that an ordinance is required for fees received at the shelter
28 to offset some of the costs for the operation of the shelter,

29 Mr. Gonzalez stated that most of the citation fees go to the state; the city collects a
30 smaller percentage. The dollar amount would be nominal compared to the money from the
31 violations. We will aggressively promote responsible pet ownership, and the fines will help
32 those animals in our community.

33 Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez
34 to approve position for the second adoption coordinator for the Animal Shelter to assist with
35 daily functions and re-home animals. Motion carried unanimously.

36 i) Consideration and possible action to approve an ordinance on first reading amending
37 Chapter 38 (Solid Waste), Master Fee Schedule of the Harlingen Code of Ordinances,
38 establishing fees for commercial trash containers, provided by the City of Harlingen as
39 related to Chapter 38-69.

40 Motion was made by Mayor Pro-Tem Perez and seconded by Commissioner Kinsley
41 to table the item until further review. Motion carried unanimously.

42 j) Consideration and possible action to approve an Interlocal Agreement between the City
43 of Harlingen and the Harlingen Consolidated Independent School District for using their
44 athletic facilities to administer the 2024 Elevate Program and authorize the City Manager
45 to sign the agreement.
46

47 Motion was made by Commissioner Lopez and seconded by Commissioner Kinsley to
48 approve an Inter-local Agreement between the City of Harlingen and the Harlingen

Consolidated Independent School District for the use of their athletic facilities to administer the 2024 Elevate Program and authorize the City Manager to sign the agreement. Mayor Pro-Tem Perez ABSTAINED. Vote (4-1).

k) Consideration and possible action to accept and award Bid submission from 57 Concrete for Bid No. 2024-07 Ready Mix Concrete proposal for the Lon C. Hill Destination Park Trail Construction.

Motion was made by Commissioner Lopez and seconded by Mayor Pro-Tem Perez to award Bid No. 2024-07 to Ready Mix Concrete for the Lon C. Hill Destination Park Trail Construction. Motion carried unanimously.

l) Consideration and possible action to create and fund a Special Events and Media Coordinator Position for the City of Harlingen.

Mr. Gonzalez stated that the purpose of this is to create a special event media coordinator to perform the following duties:

- . Focus only on events we have with the City of Harlingen
- . This person would help to coordinate events and be responsible for advertising through media outreach.
- . Work closely with the Director in the Media Department.
- . The position would pay about \$52,000, including benefits.
- . This coordinator would report directly to the City Manager or Assistant City Manager.

Mr. Gonzalez stated that the cities of Edinburg, Mission, and Brownsville have this type of person on staff. The salary could be (partially) funded with hotel tax revenue and general funds. The person hired will oversee all events for all city departments, which frees up time for the department directors.

Commissioner Lopez asked who would be coordinating the Rio Fest Event.

Mr. Gonzalez responded that Edgar Serna, CVB Executive Director, will be in charge and will assist with the media coordinator only on events.

Commissioner Lopez stated that the city has a Media Department.

Mr. Gonzalez stated that the Media Department does not focus on events.

Mayor Sepulveda stated that the media coordinator would gather information on future events to benefit the community, present it to the City Commission, the quality and number of events, give recommendations, guidance, best practices on how to handle events, be the point person for people to communicate regarding contracts, vendors and obtain the best prices, etc.

Mr. Gonzalez stated that this could be done for a year, and if it does not work out, we can do something different.

Motion was made Mayor Pro-Tem Perez and seconded by Commissioner Morales to approve the creation of a Special Events and Media Coordinator position for the City of Harlingen, which will be subject to a re-evaluation in one year. Motion carried unanimously.

11) **Board Appointments:**

Commissioner Lopez appointed Fred Uribe to the Events Committee and Ray Silva to the T.I.R.Z. #1, #2, and #3 Board.

1 Motion was made by Mayor Pro-Tem Perez and seconded by Commissioner Lopez
2 to approve the appointments of Fred Uribe to the Events Committee and Ray Silva to the
3 T.I.R.Z. Board 1, 2, and 3. Motion carried unanimously.

4 12) **Executive Session:**

- 5
6 a) Pursuant to Texas Government Code 551.07(a) to discuss the annual evaluation of the
7 City Manager.
8
9 b) Pursuant to Texas Government Code 551.071 to consult with legal counsel regarding
10 pending Collective Bargaining Agreement with Fire Union.
11

12 At 7:20 p.m., Mayor Sepulveda announced that the City Commission would convene into
13 executive session to discuss Item 12 (a & b).
14

15 Motion was made by Commissioner Mezmar and seconded by Mayor Pro-Tem Perez to
16 convene into executive session to discuss Item 12 (a & b). Motion carried unanimously.
17

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

- 19
20 a) Consideration and possible action on item 12 (a) as discussed in the executive session.
21
22 b) Consideration and possible action on item 12(b) as discussed in the executive session.
23

24 At 8:18 p.m., Mayor Sepulveda announced that the City Commission had completed the
25 executive session and declared the meeting open to the public. She announced that no action
26 would be taken on Item 12 (a & b).
27

28 14) **Adjournment:**

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

31 City of Harlingen
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34 ATTEST:

Norma Sepulveda, Mayor

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37 _____
Amanda C. Elizondo, City Secretary
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SPECIAL MEETING

CITY COMMISSION

HARLINGEN, TEXAS

A Special Meeting of the Harlingen City Commission was held March 14, 2024, at 5:30 p.m., City Hall, Town Hall Meeting Room, 2nd Floor, 118 E. Tyler Avenue, Harlingen, Texas and providing the public the ability to view the meeting via internet, live streaming and permitting the public to offer citizen communication or participate in items listed on the agenda via videoconferencing or telephonically via www.myharlingen.us Those in attendance were:

- Mayor and Commissioners
Mayor 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

Call Meeting to Order

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

Invocation – Commissioner Frank Morales

Pledge of Allegiance/Welcome – Mayor Norma Sepulveda

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?”

- Mayor Norma Sepulveda – None
Commissioner Ford Kinsley – None
Commissioner Daniel N. Lopez – None
Commissioner Michael Mezmar - None
Commissioner Frank Morales – None
Mayor Pro-Tem Rene Perez – None

Citizen Communication/Input

- Rene and Brian Mares, developers of Pelican Phase III Subdivision, stated the testing costs impact the developer's selling price and contractor costs are about 25% higher for the developer when building in Harlingen.
- 1) Discuss practices, procedures, and ordinances for regulating subdivisions and residential and commercial development within the City of Harlingen.

1 Mr. Gabriel Gonzalez, City Manager, stated there were changes to the Developers Guide. The
2 City of Harlingen had 176 million dollars in building permits issued last year. We want to continue
3 the momentum and highlight some of the changes.

- 4 . The street inspector needs to be present for all inspections and the city engineer will no longer
- 5 be required to do inspections.
- 6 . The ordinance requires tests to be done every 300 linear feet for piping.
- 7 . If this is not happening with any current developments, notify the City Engineer or the City
- 8 Manager know.
- 9 . The new city portal will have one inspector per project.
- 10 . Everything is online and accessible to those who need up-to-date information.

11 Mr. Xavier Cervantes, Planning and Zoning Director, stated the new software will be
12 implemented to include permit requests and should be available in April. The City Engineer will
13 oversee the engineering requirements, and Juan Martinez, Inspector, will handle the permits.

14 Mayor Sepulveda stated this process will benefit commercial and residential projects and if
15 they have any concerns to contact the City Manager about a particular site or address. The City
16 Commission will also listen to any problems that must be addressed.

17 Luis Vargas, City Engineer, asked Mr. Snively if there were any photos of the trench site he
18 was referring to. There may be a reason why a visual inspection and not one based on facts was
19 done to determine if it was clay, or dirt and not sand. The inspector may know the type of soil just
20 by looking at it and the lab results should be available on weekly basis.

21 Mr. Snively responded staff would check with his staff if they could provide a photo. He was
22 personally responsible for many of the local commercial businesses in the city. He has been
23 developing commercial and residential land for many years. He was very grateful for this
24 opportunity to come before the Mayor and Commissioners to speak openly and have them listen
25 to the following concerns.

26 Tim Skoglund, Harlingen Waterworks System Manager, stated that the requirements for the
27 HWWWS (open-bottom manholes) and the type of materials used in the process are essential. He
28 highlighted the need for custom-made manholes, which are more expensive, but making the
29 investment and following the process is better in the long run and will save money. He stated that
30 notable changes to the manholes will go to the HWWWS Board. Pre-approved materials can help
31 with the time and delivery requirements. Investing in quality materials will last longer and save
32 money in the future. He stated the location of the sewer lines is a common requirement, not just
33 in Harlingen but in many other cities, such as Corpus Christi.

34 Discussion was held regarding the sidewalk's ordinance, and Mr. Armando Elizalde referred
35 to the amount of money required by developers to put in escrow and asked if it could be amended.
36 He highlighted the following:

- 37 . The new ordinance puts the sidewalk further back; this does not apply to properties within the
- 38 city limits with limited space, which later becomes problematic.
- 39 . Money placed in escrow (for sidewalks) could be held by the city for years if the property is
- 40 not developed immediately.
- 41 . The new plan is to build affordable housing in the City of Harlingen, but lots are more
- 42 expensive, and building a home on those same lots will cost more. The concept is not feasible.
- 43 . New developments need to be able to drain to adjacent water sources such as a canal, etc. It
- 44 will eliminate the need for drainage ponds.
- 45 . Fees paid per lot go to repair infrastructure in the city and a 2% utility work fee (inspection
- 46 fee). How does that apply to my development project?
- 47
- 48

1 Mr. Gabriel Trevino, Utility Engineer, HWWS, stated the following:

- 2 . Developers do not pay impact fees; the homeowner pays them if it is a new house.
3 . The per rata charge is for new construction only.
4 . The lift station per rata charge is needed to accommodate a new construction for additional
5 drainage.

6 Mr. Andy Vigstol, surveyor, stated that a 3-way building contract includes the developer,
7 contractor and city. There is uncertainty about what issues may arise that cause the bid prices
8 to increase and affect the property prices. This added cost will be passed on to the buyer of a
9 new home.

10 Mr. Snavelly asked about the new city portal and the time required to get permits for new
11 construction or verify that the requested permit was received.

12 Mr. Cervantes stated that there is a new policy for new house construction. If documents
13 or plans are complete. The process would take about three days. The remodeling process is
14 still being worked on.

15 Mayor Pro-Tem Perez added that if any new development is in District 5, contact him to
16 discuss further concerns or issues.

17 2) Adjournment

18 There being no other business to discuss, Mayor Norma Sepulveda adjourned the meeting.
19

20 City of Harlingen
21

22
23 ATTEST:

24 Norma Sepulveda, Mayor
25

26 _____
27 Amanda C. Elizondo, City Secretary
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29

7(a)

**AGENDA ITEM
EXECUTIVE SUMMARY**

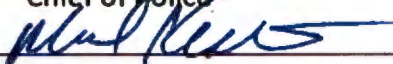
Meeting Date: **May 1st 2024**

Agenda Item:

Consideration and possible action to approve a resolution to authorize the City Manager, to accept STEP Click It or Ticket (CIOT) grant funding of \$8,000.00 made available through the Texas Department of Transportation (TXDOT) FY 24 Click It or Ticket Program (CIOT). TXDOT Funds \$8,000.00 / Matching funds \$2,000.45 Total Funds for 2024 Grant \$10,000.45. Attachment **(Police)**

Prepared By (Print Name): Michael Kester

Title: Chief of Police

Signature: 

Brief Summary:

The Harlingen Police Department will be utilizing the TXDOT CIOT Program funding for overtime costs for providing additional manpower in a state-led and unified strategy to increase occupant seat belt restraint by increasing seatbelt enforcement and education along with responding to the need for safer streets and highways within the State of Texas and City of Harlingen. The City of Harlingen is responsible for a match (\$2,000.45)

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: \$8,000.00 will derive from reimbursement requests to the TXDOT.

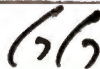
Finance Director's approval:

☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends that we apply, accept, and expend funds relating to the TXDOT STEP FY 24 CIOT Grant program

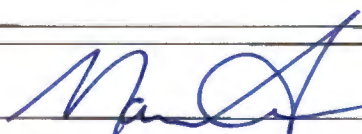
City Manager's approval:



☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:



☒ Yes ☐ No ☐ N/A

RESOLUTION NO. _____

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS, AUTHORIZING THE HARLINGEN POLICE DEPARTMENT TO APPLY, ACCEPT, AND ULTIMATELY EXPEND A SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) FY 24 CLICK IT OR TICKET (CIOT) SAFETY GRANT AWARD FROM THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR FUNDING OVERTIME COSTS FOR PROVIDING ADDITIONAL MANPOWER TO INCREASE OCCUPANT RESTRAINT USE IN ALL PASSENGER VEHICLES AND TRUCKS BY CONDUCTING INTENSE OCCUPANT PROTECTION ENFORCEMENT AND EDUCATION DURING THE ENFORCEMENT PERIOD.

WHEREAS, the City of Harlingen finds it in the best interest of the citizens of Harlingen and the region that the City of Harlingen utilizes its local law enforcement personnel in a two-week state-led and unified strategy to increase occupant seat belt restraint by increasing seat belt enforcement and education along with responding to the need for safer streets and highways within the State of Texas and the City of Harlingen.

WHEREAS, the City of Harlingen has applied and been allocated funding from the Texas Department of Transportation funding under the FY24 TXDOT STEP CIOT Program for **\$8,000.00** to be reimbursed from TXDOT, Harlingen being responsible for matching funds in the amount of \$2,000.45. Total funds for the 2024 Grant: \$10,000.45

WHEREAS, the City of Harlingen finds it in the best interest of the citizens of Harlingen, Texas, and the region that the City of Harlingen allow its local police department to accept the funding to increase enforcement and reduce crashes and crash-related injuries and deaths.

WHEREAS, the City Commission of the City of Harlingen designates City Manager Gabriel Gonzalez as the authorized official to apply for, accept, reject, alter, or terminate funding of said grant.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS: that the City Commission approves the acceptance of the grant award from the Texas Department of Transportation FY 24 STEP Click It or Ticket Program.

CONSIDERED AND ADOPTED 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 Elizondo, City Secretary

7(b)

**AGENDA ITEM
EXECUTIVE SUMMARY**

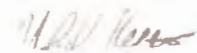
Meeting Date: May 1st 2024

Agenda Item:

Consideration and possible action to approve a resolution to authorize the City Manager, to submit a grant application, accept related award and ultimately expend said funding of \$99,837.40 to the Office of the Governor – Homeland Security Grants Division in regards to the FY -25 Local Border Security Grants Program (LBSP) to fund equipment and overtime costs for providing additional manpower to the city of Harlingen to enhance and improve border security. Attachment **(Police)**

Prepared By (Print Name): Michael Kester

Title: Chief of Police

Signature: 

Brief Summary:

The Harlingen Police Department has the opportunity to receive funding under the Local Border Security Program. This funding will allow officers to work in a state-led and unified strategy to respond to the increased presence and threat of organized crime, terrorism, and violent crimes within our borders. The grant cycle is from September 1st, 2024, to August 31st, 2025.

Funding (if applicable):

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

*If no, specify the source of funding and amount requested: The funding will derive from reimbursement requests to the Office of the Governor—Homeland Security Grants Division.

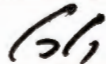
Finance Director's approval:

☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends that we apply to the FY 2025 Local Border Security (Border Star) program.

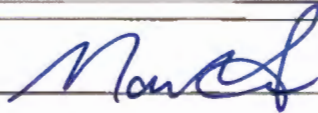
City Manager's approval:



☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:



☒ Yes ☐ No ☐ N/A

RESOLUTION NO. _____

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS AUTHORIZING THE HARLINGEN POLICE DEPARTMENT TO SUBMIT A GRANT APPLICATION, ACCEPT RELATED AWARD AND ULTIMATELY EXPEND SAID FUNDING IN REFERENCE TO GRANT #2995510 FROM THE OFFICE OF THE GOVERNOR HOMELAND SECURITY GRANTS DIVISION IN REGARD TO THE FY 25 LOCAL BORDER SECURITY PROGRAM (LBSP) FOR FUNDING EQUIPMENT AND OVERTIME COSTS FOR PROVIDING ADDITIONAL MANPOWER

WHEREAS, the City of Harlingen finds it in the best interest of the citizens of Harlingen, Texas, and the region that the City of Harlingen utilize its local law enforcement personnel in a state-led and unified strategy to respond to the increased presence and threat of organized crime, terrorism and violent crimes within our borders; and

WHEREAS, the governing body of the City of Harlingen had considered the proposed grant funding opportunity under the FY 25 Local Border Security Grants Program (LBSP), in the proposed amount of \$99,837.40 from the Office of the Governor – Homeland Security Grants Division; and

WHEREAS, the governing body of the City of Harlingen, Texas, understanding the financial limitations and obligations related to such funding, including the full return of grant funds in the event of a loss or misuse of the FY 25 Local Border Security Grants Program (LBSP) funds, endorses the application and ultimate acceptance of the award for the Harlingen Police Department; and

WHEREAS, the City Commission of the City of Harlingen designates the City Manager Gabriel Gonzalez as the authorized official to apply for, accept, reject, alter, or terminate funding of said grant.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS: that the City Commission approves the submission, acceptance, and expenditure of grant funding awarded by the Office of the Governor – Homeland Security Grants Division for the funding made available under the FY 25 Local Border Security Grants Program (LBSP), in the amount of \$99,837.40

CONSIDERED AND ADOPTED 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**.

GRANT #2995510

CITY OF HARLINGEN:

Norma Sepúlveda, Mayor

ATTEST:

Amanda Elizondo, City Secretary

**AGENDA ITEM
EXECUTIVE SUMMARY**

7(c)

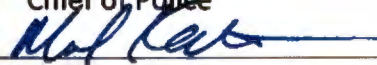
Meeting Date: **May 1st 2024**

Agenda Item:

Consideration and possible action to approve a resolution authorizing the City Manager to accept "2024 Operation Slowdown" funding of \$8,000.00 made available through the Texas Department of Transportation (TXDOT). TXDOT Funds: \$8,000.00 / Matching Funds: \$2,000.45. Total Funds: \$10,000.45. Attachment (**Police**)

Prepared By (Print Name): Michael Kester

Title: Chief of Police

Signature: 

Brief Summary:

The Harlingen Police Department will be utilizing the Operation Slowdown funding for overtime costs and operating expenses to the City of Harlingen for providing additional manpower in a two-week state-led and unified strategy to increase effective enforcement and adjudication of traffic safety-related laws to reduce fatal and serious injury crashes involving contributing factors commonly associated with speeding. The City of Harlingen is responsible for a match (\$2,000.45).

Funding (if applicable):

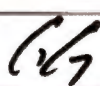
Are funds specifically designated in the current budget for the full amount ☐ Yes ☒ No*

*If no, specify source of funding and amount requested: \$8,000 will derive from reimbursement requests to the TXDOT.

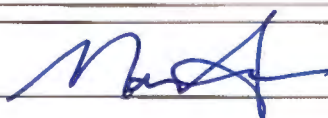
Finance Director's approval: ☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends that we apply, accept, and expend funds relating to the TXDOT STEP FY 24 Operation Slowdown grant program

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

Comments:

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

RESOLUTION NO. _____

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS AUTHORIZING THE HARLINGEN POLICE DEPARTMENT TO ACCEPT A SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) SAFETY GRANT AWARD TITLED "2024 OPERATION SLOWDOWN" FROM THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR FUNDING OVERTIME COSTS AND OPERATING EXPENSES FOR PROVIDING ADDITIONAL MANPOWER TO ENHANCE AND IMPROVE COMMUNITY AND HIGHWAY SAFETY.

WHEREAS, the City of Harlingen finds it in the best interest of the citizens of Harlingen, Texas, and the region that the City of Harlingen utilize its local law enforcement personnel in a state-led two-week unified strategy to increase effective enforcement and adjudication of traffic safety related laws to reduce fatal and serious injury crashes involving contributing factors commonly associated with speeding; and

WHEREAS, the City of Harlingen has applied for funding from the Texas Department of Transportation funding under the 2024 Operation Slowdown Program for **\$8,000.00** to be reimbursed from TXDOT, Harlingen being responsible for matching funds in the amount of **\$2,000.45**. Total funds for the grant: **\$10,000.45**; and

WHEREAS, the City of Harlingen finds it in the best interest of the citizens of Harlingen, Texas, and the region that the City of Harlingen will allow its local police department to accept the funding to increase enforcement and reduce speed crashes and crash-related injuries and deaths; and

WHEREAS, the City Commission of the City of Harlingen designates the City Manager Gabriel Gonzalez as the authorized official to apply for, accept, reject, alter, or terminate funding of said grant.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HARLINGEN, TEXAS: that the City Commission approves the application and ultimate acceptance of the grant award from the Texas Department of Transportation "2024 Operation Slowdown" in the amount of **\$10,000.45**;

CONSIDERED AND ADOPTED 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 Elizondo, City Secretary

7(d)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **May 1, 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) and providing for publication and ordaining other matters pertaining to the foregoing. Attachment (*Golf*)

Prepared By: Jeffrey D Hart, Director of Golf *J.D. Hart*

Brief 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 Bulter Rates

Larger Range Ball Basket \$9

Small Range Ball Basket \$6

Monthly Junior Membership (unlimited golf) \$55

Funding (if applicable):

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

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

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

Staff Recommendation:

Staff recommends approval 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 approval: *CH*

Comments:

City Attorney's approval: *MA*

ORDINANCENO. 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 21st day of February at a regular meeting of the Golf Advisory Board of the City of Harlingen, Texas at which a quorum was present and a unanimous vote to increase pricing was held in accordance with TEXAS GOVERNMENT CODE, TITLE 5, SUBTITLE A, CHAPTER 551.

CITY OF HARLINGEN

BY: _____
Norma Sepuveda, Mayor

ATTEST:

By _____
Amanda C. Elizondo,
City Secretary

Rates

School

Tony Bulter	\$26 per student per month
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Treasure Hills	\$40
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Country Club	\$65 Max of 10 students
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Range Balls

Tony Bulter	\$4/\$6
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Treasure Hills \$	\$6/\$9
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**AGENDA ITEM
EXECUTIVE SUMMARY**

9(2)

Meeting Date: **May 1, 2024**

Agenda Item:

Public Hearing for a rezoning request from Residential, Single-Family ("R-1") District to Residential, Duplex ("R-2") District for properties bearing a legal descriptions of Lot 13A, Block 1, Elliff Kubota Subdivision, and Lots 19-21, Homeland Addition, located at 222, 318, 322, and 326 W. Oklahoma Street. Applicant: Fernando Pecina c/o Noemi Pecina. Attachment (***Planning & Development***)

Prepared By: Xavier Cervantes, AICP, CPM

Title: Planning and Development Director

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- February 28, 2024 – Application for rezoning submitted to the City. (**ATTACHMENT I**)
- March 22, 2024 – In accordance with State and local law, notice of the required public hearing was mailed to all property owners within a 200 feet radius of subject tract.
- March 23, 2024 – In accordance with State and local law, notice of the required public hearing was published in the Valley Morning Star.
- March 27, 2024 – Public hearing was conducted by the Planning and Zoning Commission (P&Z). **Diana Infante, Leticia Cervantes and Maria del Pilar Lerma spoke in opposition to the rezoning request.** The item was tabled.
- April 10, 2024– Consideration of the requested rezoning by the Planning and Zoning Commission (P&Z). **The board unanimously recommended approval.**
- April 14, 2024 – In accordance with State and local law, notice of the required public hearing was mailed to all property owners within a 200 feet radius of subject tract.
- May 1, 2024 – Public hearing and consideration of the requested rezoning via 1st ordinance reading scheduled before the City Commission.
- May 15, 2024 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- The applicant is requesting to rezone the subject properties from Residential, Single-Family, ("R-1") District to Residential, Duplex ("R-2") District to allow for a duplex development on each of the subject properties. (**ATTACHMENT I**).
- All of the subject properties are developed with an existing single-family residential structure. The three southern lots have 50 feet of frontage on Oklahoma Avenue and a depth of 145 feet. The northern lot has 50 feet of frontage on Oklahoma Avenue and a depth of 156 feet. Oklahoma Avenue is a 37 ft. wide paved street with curb and gutter. The developer is proposing to remove the existing single family residential structures from the properties and construct a new duplex on each of the subject properties. (**ATTACHMENT II-V**)

- The surrounding properties are zoned Residential, Single-Family ("R-1") to the north, south, and east, and General Retail ("GR") District to the west. Surrounding land uses include single family residences to the north and south, single family residences and one lot developed with a single family residence and a detached residential structure to the east, and Eliff Kubota and vacant land in agriculture use to the west. **(ATTACHMENT VI)**
- The Future Land Use Plan component of the City of Harlingen Comprehensive Plan One Vision One Harlingen shows this area as low-density residential. A duplex use is considered low density residential and, therefore, the request is consistent with the Future Land Use Plan. **(ATTACHMENT VII).**
- As requested by the applicant attached is traffic data for Oklahoma Street provided by the Engineering Department. The speed hump study was requested by the City Commission on February 21, 2024. The report indicates low speeds and low traffic volumes for Oklahoma Street. **(ATTACHMENT VIII)**
- To the present, the Planning and Development Department has received several phone calls from the surrounding property owners in opposition to the proposed request.
- A petition with a letter was submitted by citizens in opposition to the requested rezoning. The petition includes the owners of 47.36% of land within a 200 ft. radius of the subject property **(ATTACHMENT IX)**. The percentage of opposition triggers a super majority vote of the City Commission for the rezoning to be approved.
- During the April 10 Planning and Zoning Commission meeting the applicant provided site plans of the proposed new duplexes if the rezoning request is approved **(ATTACHMENT X)**.

Funding (if applicable):

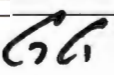
Are funds specifically designated in the current budget for the full ☐ Yes ☐ No*

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

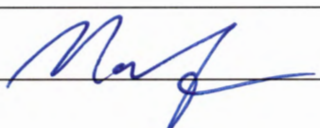
Finance Director's approval: ☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval of the rezoning request.

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

Comments:

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

PLANNING AND ZONING COMMISSION

March 27, 2024

Public hearing and take action to consider a request to rezone from Residential, Single-Family (“R-1”) District to Residential, Duplex (“R-2”) District for properties bearing legal descriptions of Lot 13A, Block 1, Elliff Kubota Subdivision, and Lots 19-21, Homeland Addition, located at 222, 318, 322, and 326 Oklahoma Street.

Applicant: Fernando Pecina c/o Noemi Pecina

Mr. Joel Olivo, Assistant Planning and Development Director presented the request to rezone before the Board. He provided the following information regarding the request:

- Mr. Olivo referred to the legal notice map and identified the four (4) subject properties located on the west side of Oklahoma Street, just south of Expressway 77/83.
- He referred to the recorded subdivision plat for the three (3) southern lots. He reported they have fifty (50) feet of frontage on Oklahoma Street and a depth of one hundred fifty-six (156) feet. He then referred to the northern lot. He said it was later replatted in a lot that is a little bit larger. Again, this lot has fifty (50) feet of frontage and a depth of one hundred fifty-six (156) feet. He stated all four (4) lots meet the minimum lot size requirement for a duplex. He explained that for a duplex, a lot has to be at least six thousand (6,000) square feet and have at least fifty (50) feet of frontage and a minimum of one hundred (100) foot depth. The lots to the south are seven thousand two hundred (7,200) square feet and the larger lot to the north is seven thousand eight hundred (7,800) square feet.
- Mr. Olivo provided an aerial view of the subject properties. He reported that they are currently occupied with single-family residence on the properties and that the lots to the north and south are developed with single family residences. He further stated that the lots to the east are lots developed with single family residences and one lot has a single family residence and a detached unit. He said that to the west is Eliff Kubota, a vacant property in agriculture use.
- Mr. Olivo added that the two (2) properties that have a single-family residence with a detached residential unit are almost across the street from the subject property. He stated this was generally consistent with what the applicant is proposing, only his plan is to attach to the existing houses.
- Mr. Olivo showed a street view of the property on the north side of Oklahoma and the properties on the southern part.
- He stated the Future Land Use shows the area as low density residential and therefore the request is consistent with the Future Land Use Plan because residential duplex is considered low density residential and is also generally consistent with the properties to the east, which have a residential unit in the back of the property.
- Mr. Olivo said that property owners within a two hundred (200) foot radius were notified. He said 31 property owners received a notification. He reported that one (1) call was received from a property owner who had a concern with the rezoning request.
- Mr. Olivo stated Staff is recommending approval of the request.
- He opened the floor for any questions, stating that the property was unable to be present due to a prior commitment.

Chairman Consiglio thanked Mr. Olivo. He asked about the connection to the Eliff Kubota Subdivision, confirming that it was a narrow piece of land connecting to four of the lots. He then confirmed that the request to rezone would allow the current homeowner to build a second

structure and attach it with a roof structure or breezeway on all four lots. He was told that was correct. Mr. Cervantes added that in the future, it was also a possibility that the current buildings could be demolished and new duplexes built.

Chairman Consiglio asked if there were any questions for Staff and stated that this item also had a Public Hearing. Cmr. Flores shared that he visited the subject properties and actually went into one of the houses thanks to someone moving in. He stated that he didn't believe any of the houses were over nine hundred (900) square feet of living area. He stated the one he went in to had seven (7) foot ceilings and it was very small inside. He said it was a family of four moving in – the man, his wife and two children. He said he asked the man why he was renting here when there were other options. He said this one was pretty cheap but also remarked about how small the place was and how there would be a lack of privacy. Cmr. Flores remarked on the age of the homes. Mr. Olivo said that according to the appraisal district, the homes were built in the sixties (60's). Cmr. Flores said that they might be even older, from the fifties (50's) sharing that he knows someone that lives up the street. He said it was an older neighborhood. He circled back to the small houses and stated that he would hate to have them make the new addition in the back to make it a duplex and not do something for the existing homes. He said that the house he visited had three (3) circuits for the whole house, with a little panel inside and 100 volts going into the house and that is it. He reiterated having a problem with leaving the houses as is and building something new in the back to attach. Mr. Olivo informed him that the applicant has not yet submitted plans. Cmr. Flores said somebody should go out there and do a proper inspection of whether they are worthy of keeping them and stated some of them are sitting low in the ground. Mr. Cervantes responded that assuming the zoning is approved, when they come in for permits, that is when the Building Official will look into this to make sure the duplex is up to code; that the whole thing is. Cmr. Flores said he was sure the duplex would be built up to code. He then continued by adding that the little houses sit a couple of inches off the ground and so when they add the new construction in the back it will sit higher causing rainwater to drain towards the front houses. He said he just wants to make sure things are done right. He said that when he saw the house he went into, it looked decent. He said it didn't look bad but was just so small and explained the simple and packed set-up. He said he just hated to see stuff like this. He said that if the owner is willing to build new, he ought to do something about the existing structures. He said he wished the applicant was present to ask him. Cmr. Flores said he should fix it, demolish it and then he wondered if the structure had been in the family for a long time. Mr. Cervantes told Cmr. Flores he could propose to table the item to have the applicant be present in the future. Cmr. Flores stated he felt this would be the best thing to do. He said he didn't know how the other Board Members felt but said he would vote against it if the motion to approve were made. Chairman Consiglio thanked Cmr. Flores for his thoughtful insight and for taking the time to go out to look at these structures. He reflected that the board was seeing more of this, with rezoning. The Chairman once again expressed thanks for the deliberation and discussion. He asked if there was anyone else that wanted to ask questions of the Staff and said there was a Public Hearing they could go into and then come out of to continue the conversation. Cmr. Cruz-Velázquez said she has some concerns about the size of the lots and whatever structure would be added to that because they seem to be very small, and the houses look old. She asked if there was consideration for the new construction to what is already there and how the new construction will affect the house that is already there. She stated she had reservations and would vote to table until they could get more answers. Chairman Consiglio suggested going into the Public Hearing and then they could come back to it. Chairman Consiglio opened the Public Hearing, asking if there was someone that would like to speak on this item. He addressed some individuals in the audience saying all three (3) could come up but would need to speak individually. The three stated their names – Diana Infante,

Leticia Cervantes, who indicated she would address the Board in Spanish, and Maria del Pilar Lerma, who said she was seventy (70) years old.

Diana Infante, 406 Oklahoma

Ms. Infante started by saying the three women present live in these streets. She said Ms. Pilar lives on Oklahoma and her and Ms. Cervantes live on Oregon St. She acknowledges that the homes were old and said that most belonged to parents and grandparents, saying that basically it is families living there.

Ms. Infante stated that they have been bombarded with the addition of the apartments. She said they made the Sunland Apartments recently and that they have been a headache. She described that there were also some duplexes there and stated that they were not asked for their opinion on those because that area is considered commercial. She said they didn't get a letter for those and that those just popped up. She stated that their main concern is traffic. She mentioned calling the Police. She said that every time there is something – something stolen or broken into, it is always on Oklahoma and the police already know where they are calling about. She said that was a concern as well. She said that it won't be one family now and instead it will be several families in the lot. She asked how much more stuff and activity are they going to be seeing when it used to be that those two (2) streets were peaceful, with hardly any traffic.

Ms. Infante shared that she was raised on Oregon St. and that she built her home right next to her mom's. She said that she has been there for thirty-seven (37) years and said she was there before the Home Depot and how big Ed Carey is now. She said it was very peaceful there growing up and that is why she decided to build there for her children aside from being close to her mom.

She stated it has been chaos since they built the new Sunland Apartments. She mentioned that she has requested some speed bumps. She said they speed through to make the light. She shared that a car went by so quickly that it took one of the ladies' mailboxes, signaling to Ms.

Cervantes. She continued and said that cars drive at 40-50 miles per hour. She said that getting speed bumps is something she has been working on personally and also to get more streetlights.

Ms. Infante summarized her concerns being the traffic with the duplexes and the new apartments, and the breaking into houses. She said those incidents always have to do with somebody on Oklahoma St. Chairman Consiglio thanked her for her presence and for speaking before welcoming the next speaker.

Ms. Letica Cardenas, 314 Oregon St.

Ms. Cardenas stated there were some things that Ms. Infante said that she agrees with. She said the biggest concern is that new people they don't know will be coming to the neighborhood and she is worried about security most especially. She said there will be more traffic. She said there is already traffic now that the new apartments were put in, which she said they were not taken into consideration when deciding to put those there. She said there will be more traffic and parking is an issue. She said her mother-in-law lives on that street. She said people are coming and going and they don't know who they are, so she is not in agreement with this new project. Chairman Consiglio thanked her for her presence today.

Maria del Pilar Lerma, 313 Oklahoma St.

Ms. Lerma said she used to live near the subject lots but moved up the street when her family grew. She said the neighborhood had always been peaceful but now there are houses that they rent on Oklahoma and there have been instances of vehicles driving very fast down the street. She shared an incident involving her sons and them trying to make cars slow down. She said it is people who are renting or come to the area for gatherings, and they drive by fast with music blaring. She said her sons are worried as more people are coming into the area and all the residents want is peace and tranquility. She shared that she and many of the neighbors are

elderly and they worry about getting a knock at their door late at night or the cars revving up as they pass by. She said it is worrisome for them to hear the sirens of the police or ambulance. She stated that she didn't believe the neighborhood was appropriate for the duplexes. She said the "colonia", or neighborhood is made up of two streets – Oklahoma St. and Oregon St. She said that people are already cutting through to get to the highway and she said it will be worse with the addition of the duplexes, with more people and more families and then them having visitors, birthday parties and gatherings. She said any sense of peace or tranquility will be lost. She shared that she has been in the neighborhood for over 40 years and is 70 years old, so her sons worry about her. She said the Board Members would be worried too if it were their parents living there. She restated that this is not the right area for duplexes since it is a small neighborhood with two (2) streets. She said that Oklahoma St. is a short street and reiterated it was a small neighborhood. She said that in a bigger neighborhood the traffic evens out among more streets. She reiterated that her sons have had setbacks trying to get people driving fast through the neighborhood to slow down and be respectful. This is a concern because her grandchildren will be running around, and she shared that sometimes she and others from the neighborhood go out to walk. She said she is not in agreement with adding duplexes and said others didn't come because they are elderly, some with transportation issues. She said that if signatures are needed, they have signatures. Ms. Infante agreed that there are a lot of elderly people in the neighborhood, and some don't drive or don't have a car but that they are against this. She said they can get signatures. Chairman Consiglio thanked them. Ms. Lerma expressed appreciation to the Board for being allowed to speak.

At this point one of the ladies asked if with the addition of the duplexes, their taxes would increase. There was laughter in the group and one of them pressed that the real issue was safety and traffic. Ms. Infante said it was a good question and asked as well. Board members responded that it was a complicated matter and one not decided through this Board. Cmr. Flores responded saying that any improvements made on a house can cause the increase of taxes for others. He shared his experience of that happening in his neighborhood. He told this is something that must be dealt with by contacting the appraisal district.

Chrm. Consiglio asked if there was anyone else that would like to speak on this item and upon hearing and seeing none, closed the Public Hearing. He asked if there was a motion. Cmr. Villarreal made the motion to table. Cmr. Flores seconded. The Chairman asked if there was a need for further discussion and upon hearing none, moved the motion to a vote. The motion passed unanimously.

PLANNING AND ZONING COMMISSION

April 10, 2024

Discussion on the rezoning of lots from Residential, Single Family (“R-1”) District to Residential, Duplex (“R-2”) District.

Director Cervantes recapped that there have been a lot of requests to rezone properties from R1-R2. He presented different examples of duplexes, including those that have a roof connection. Mr. Cervantes said this was based on the definition of duplex in the ordinance. He said a duplex means a building on a single lot containing 2 single family dwellings units totally separated from each other by an unpierced wall extending from ground to roof. Because it is one (1) building, that is why it was determined that buildings need to be connected for the case on 7th Street. He said it was rare but that occasionally they will get something that is two (2) buildings with a roof or bridge connection.

Chairman thanked Mr. Cervantes. He remarked that R1 to R2 rezonings have been on the agenda recently, on the last three (3) or four (4) agendas. He said that he reached out to his Commissioner for District two (2), Mr. Daniel Lopez. Because these items are coming up more, he asked if there was anything that they should be considering to think about from a planning perspective. He said he wanted to have this discussion to find a way to help people to expand their property and have affordable housing. He said that on agenda item #1, the issue is really about affordability. He asked how we can make these lots affordable. He said that unfortunately they are made smaller so that people can have their American Dream, their home. The chairman posed that there are a lot of single-family residential zones already up and down our major thoroughfares here and in our neighborhoods; there are well established neighborhoods. He asked what we can do to protect people who would want to move in or buy or move into a property and also make sure that the property owners are able to do what they would like with their property. Again, the big overarching need is affordable housing. He said that this was why this agenda item was here and that he wanted to bring it up for discussion.

Chairman Consiglio continued. He asked if there were any comments. He said that he thought this goes back to item #4 and Cmr. Flores’ observations on the property and the structure that was currently there and trying to add more in there. He asked if this was the safe thing? If this was the right path for that particular property? He said this was the conversation and said it was open for discussion, without belaboring the point.

Cmr. Flores indicated that he had a question. He focused on the connected duplex seen on the slide. He asked if the project came before the building department, and if it was approved. Mr. Cervantes explained that the property was rezoned for a duplex. Cmr. Flores indicated his focus was on the construction and not the zoning. He questioned the connection and the fire separation. He pointed out the separation of the HEB off the expressway and the other smaller section. He said that was an example of fire separation and emphasized that it was a concrete building. He pointed out that if cooking out in that breezeway a fire could quickly escalate. Chairman Consiglio redirected him to the conversation at hand. Cmr. Flores said he understood but said this was something that the Board could stop or discourage people. He said they need to all be in it together with stuff like this because they can’t just let everyone do what they want. Cmr. Perez asked him if he would be opposed to the connection seen in the example. He said he would. Cmr. Perez agreed that it was important to be on the same page. He said that if the requirement for them to connect the buildings made them less safe then the Board needs to look at the requirement. Chairman Consiglio stated that Cmr. Perez made a great segway to bridge Cmr. Flores’ comments and the discussion on rezoning. Using the example, he said that this is the scenario they may find themselves in as the rezoning requests come up. He said he thought

these requests will continue to come up because affordable housing continues to be the number one (1) issue. Cmr. Flores said he has nothing against this. Chairman Consiglio said that they need to find a way to do this business. Cmr. Sanchez asked for confirmation that the breezeway addition meets building code and that this was done to bring the property into compliance with the zoning. Mr. Cervantes said this was correct and referred back to the definition of “duplex” in the zoning ordinance.

City Commissioner Daniel Lopez addressed the Board. He said that Chairman Consiglio brought this concern to him and said that he felt this was something that all should consider as members of the public. He asked if they would want to see more of these houses or what else. He referenced an article in the Texas Monthly magazine that he sent Mr. Cervantes and said he highly recommended for the board to read it. He said this was a philosophical question and asked the Board if they wanted more of these houses. He said that if it is allowed, these things are going to keep popping up. He asked what would happen if this popped in their neighborhood and asked how this would affect their property values. He asked if this is what they want to see driving through neighborhoods or whether they would want something more traditional as seen on the presentation examples. Commissioner Lopez acknowledged that there can be legal consequences to this. He said he is learning this from one of the lawsuits he is working on. He said that because we live in Cameron County, we fall under colonial laws. He said Mr. Sossi can attest that there are tighter, more restrictive rules on things like this. He said he would love for Mr. Sossi to give the Board a presentation on this. He reiterated for the Board to consider what they want to see in the next year.

Cmr Flores asked to return to the slide of the connected duplex. He pointed out the roof connection and asked if it was at least fire blocked. Mr. Cervantes called upon Juan Martinez, Chief Building Official, to address Cmr. Flores’ questions. Mr. Martinez stated that the reason for the breezeway connection was because it was required from the Planning Department that the buildings be joined together. Regarding the separation, he said that by code, there is supposed to be a minimum five (5) foot separation from the lot lines. He said that in this case, being on one lot, the code allows to call an imaginary lot line between two (2) buildings and to have the required rating on those exterior walls, openings, and overhangs for protection. They were asked to provide these as well as an engineer letter with the design of the structure. Mr. Martinez added that all work that is done is required to be inspected but sometimes to do the inspections the owner has two (2) options: One is to expose the work they have done so that it can be inspected. The other is to provide an engineer letter so that someone is responsible to verify that the scope of work done was done in according to the requirements. He said that depending on the scenario sometimes the owner will expose the work. He said that sometimes it is too expensive so they are asked to provide the engineer letter for peace of mind and protection that the engineer is being responsible and they did the site inspection. Cmr. Flores asked to confirm that the connection was wood and said he would have preferred that they would have used steel metal.

Chairman Consiglio asked Mr. Cervantes to confirm that the minimum lot size for a single-family lot is six thousand (6,000) square feet. He was told yes. He then asked what the minimum was for a duplex. Mr. Cervantes said also 6,000 square feet. He was assured that when approval is recommended for rezoning, it is because they have the six thousand (6,000) square feet; that this is the minimum for both R1 and R2 and that nothing below the 6,000 square feet has been passed.

Chairman Consiglio asked if there were any other questions. Cmr. Perez asked if there were any requirements for sidewalk access to the back, especially when adding a building in the back. He

asked if it was a requirement to have a clear pathway like a sidewalk or something. Chairman Consiglio specified this for a R1 to R2 with an additional building in the back. Mr. Martinez said that it was state requirement for sidewalks and ADA requirements. He said that permit conditions reference that all construction needs to meet state ADA requirement. He said they will go out to inspect but that at the end of the day, they need to have a state representative come in and do the respective inspection for ADA compliance accessibility. He clarified that they do go ahead and do minimum width, that they verify the slopes and that both Building Inspections and the Engineering department verify those sidewalks but that they also need to call the state for inspection. He said they have twelve (12) months after completion of the job to request the inspection. If they are not in compliance, they are asked to retrofit whatever needs to be corrected. Chairman Consiglio thanked Mr. Martinez for the information.

Cmr. Cruz-Velázquez said that she had a question for Commissioner Lopez. She thanked him for being present and said that in reference to the question he posed about what they want to see in the future for Harlingen, she said she would want to see the City beautified and improved and also recognized that she needed more information and education. She asked if there was a workshop or something they could have to consider trends, best practices and what the RGV and other places look like. Commissioner Lopez referenced the article that Mr. Cervantes was to share with them. He said the article talks about how Austin, Dallas and Houston are dealing with this as well and how statutory restrictions for Harlingen would make it look a little different here. He said that he thought Cmr. Cruz-Velázquez' point was wonderful, to have this talk about what does that look like.

Chairman Consiglio thanked Commissioner Lopez and remarked that he thought this was just the start of the conversation and that maybe some workshops and then some actual recommendation that would then bring forward to City Commission for their approval. He pointed out that the article Commissioner Lopez shared was dated early March or late February of this year so it is very timely. He said it is happening and they are seeing it and so he found it interesting that the article came out and the Board is having these conversations. He said he thought this was an opportunity to get the the horse ahead of the cart. He thanked everyone for the discussion and resumed to the skipped agenda item.

Take action to consider a request to rezone from Residential, Single-Family ("R-1") District to Residential, Duplex ("R-2") District for properties bearing legal descriptions of Lot 13A, Block 1, Elliff Kubota Subdivision, and Lots 19-21, Homeland Addition, located at 222, 318, 322, and 326 Oklahoma Street. Applicant: Fernando Pecina c/o Noemi Pecina

Chairman Consiglio stated this agenda item was tabled during the March 27, 2024 P&Z Meeting.

Mr. Joel Olivo, Assistant Planning and Development Director presented the request to rezone before the Board. He asked for a motion to un-table the item. Cmr. Perez motioned to un-table. Cmr. Flores seconded the motion. The motion was taken to a vote and the agenda item was un-tabled.

He provided the following information regarding the request:

- Mr. Olivo reiterated that the item was tabled at the last P&Z Commission meeting.
- He reminded the Board that this request to rezone involves four (4) lots along Oklahoma St.

- He said that since the last meeting, the property owner has not changed his plan. He will not be attaching a unit to the existing house. His plan is now to remove the houses that are existing on the subject lots and build a brand new duplex on the subject properties.
- Mr. Olivo referred to a preliminary site plan. He reported that all the lots are more than six thousand (6,000) square feet. He said that at least three (3) of the lots are seven thousand two hundred (7,200) square feet, and that the lot to the north is actually seven thousand, eight hundred (7,800) square feet.
- Mr. Olivo reiterated that most of the areas are developed single-family and added that there are two (2) houses that do have a detached unit in the rear of the property.
- He referred to Street Views of the subject lots and stated that the request is consistent with the Future Land Use Plan.
- Mr. Olivo reported that since the last meeting, there was a petition submitted where nine (9) signatures were included on the petition. He explained that as per the ordinance, if the petition includes the owners of more than twenty percent (20%) of the land within a two hundred (200) foot radius of the subject properties, this will trigger a four fifths (4/5) vote required by City Commission for the rezoning to be approved. He said that as per the calculation, it was 16.68% and would not require a supermajority vote at City Commission at this time.

Chairman Consiglio asked to confirm that he correctly heard that it would not require a supermajority vote. Mr. Olivo confirmed this was correct.

- Mr. Olivo also requested traffic data as a result of the discussion of high speeds and traffic in the area. He said the traffic data was included in the packet and reflected low speeds and low traffic volumes in that neighborhood of Oklahoma Street.
- Mr. Olivo reiterated that Staff is recommending approval. He said that the applicant was present and that they could both answer questions from the Board.

Chairman Consiglio thanked Mr. Olivo. He asked questions about the follow-through on the removal of the homes. He remarked that there would be no real requirement to remove the home upon approval of the rezone. Mr. Olivo said that the applicant would have to remove the home before getting a building permit to build the brand-new duplex.

Chairman Consiglio opened the floor for Staff/the applicant. He noted that there would be no Public Hearing on the item because it was held during the previous meeting. He also noted the familiar faces of the residents from the last meeting and maybe the people on the petition.

Cmr. Sanchez asked for clarification about whether conditions could be placed on the rezoning. He was told that was not possible. Cmr. Sanchez used the scenario of the applicant changing his mind and just doing a separate building with a breezeway instead of constructing new duplexes. Mr. Olivo confirmed that the applicant would still be in compliance if that were to happen so long as he obtains building permits. Chairman Consiglio said that had been what he was getting at with his preliminary question. That this could happen. Mr. Olivo said it could happen and stated that the Board was just approving the rezoning and not the site plan. Chairman Consiglio addressed the applicant and said that this discussion was not about not trusting him. The applicant, Fernando Pecina, introduced himself to the Board and stated he did not mind the restrictions if they wanted to put these in place. He said he was open to it. Mr. Cervantes told him that was not something the Board could do. The applicant commented that he was surprised to learn that there were other homes nearby with detached homes and remarked that it was interesting how this had been allowed in a single family residential area. Mr. Olivo and Mr.

Cervantes both stated that this is an older subdivision from the sixties (60's). Mr. Pecina said he did not mind restrictions and reiterated that the plan is for new a new duplex construction if the rezoning is approved. He said it makes more financial sense. Chairman Consiglio said this was good to hear and asked if there were any other questions for the applicant.

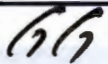
At this point Mr. Pecina added that there was a street study done and there was very little traffic on the street. He said that he didn't know who the individual was that continued calling the City saying there was bumper to bumper traffic and high speeds. He said the calls were completely false and that those anonymous individuals, that it was just ridiculous. He remarked that it was probably those same individuals that were protesting when the Home Depot was built. He said there was a bunch of Oklahoma and Oregon residents protesting that Home Depot be built. He commented to imagine it we would have listened to them then. To conclude, Mr. Pecina reiterated his plan was for new construction.

Chrm. Consiglio asked if there were any other questions for the applicant or if there was a motion. Cmr. Perez asked the applicant if he had other properties in town similar to this. Mr. Pecina said no. He said he had apartments, all detached. At this point the Chairman reiterated that there was no Public Hearing on this item. Ms. Infante spoke up in the back. She said that twenty percent (20%) for the petition had not been mentioned. She said that she had more people that wanted to sign but that she works full time but that had she known she needed the twenty percent (20%), she would have continued getting signatures. Mr. Cervantes responded that the information about the twenty percent (20%) is in the legal notice that was mailed to them but assured her that she could still get more signatures. He explained that if the rezoning is approved, this will go before City Commission in three (3) weeks. He told her she could submit more signatures to get to the twenty percent (20%) benchmark during that time. Mr. Pecina remarked that it was more of a vindictive type of atmosphere there. Chairman Consiglio said it was best to stick to the topic and Mr. Pecina concurred. Chairman Consiglio addressed the audience saying there was an opportunity to have the elected City Commission hear their protests during the City Commission public hearing. He addressed the Board and asked if there was a motion. Cmr. Perez made the motion to approve. Cmr. Sanchez seconded the motion. The Chairman asked if there was a need for further discussion and upon hearing none, moved the motion to a vote. The motion passed unanimously.

9(b)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **May 1, 2024**

Agenda Item: Public hearing amending Harlingen Code of Ordinances Section 6- 146 Running at Large Prohibited, Exceptions, establishing minimum fines, and other matters. (<i>City Attorney</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:

**AGENDA ITEM
EXECUTIVE SUMMARY**

10(a)

Meeting Date: **May 1, 2024**

Agenda Item:

Consideration and possible action to adopt an ordinance on first reading for a rezoning request from Residential, Single-Family ("R-1") District to Residential, Duplex ("R-2") District for properties bearing a legal descriptions of Lot 13A, Block 1, Elliff Kubota Subdivision, and Lots 19-21, Homeland Addition, located at 222, 318, 322, and 326 W. Oklahoma Street. Applicant: Fernando Pecina c/o Noemi Pecina. Attachment (**Planning & Development**)

Prepared By: Xavier Cervantes, AICP, CPM

Title: Planning and Development Director

Signature: *Xavier Cervantes*

Brief Summary:

Project Timeline

- February 28, 2024 – Application for rezoning submitted to the City. (**ATTACHMENT I**)
- March 22, 2024 – In accordance with State and local law, notice of the required public hearing was mailed to all property owners within a 200 feet radius of subject tract.
- March 23, 2024 – In accordance with State and local law, notice of the required public hearing was published in the Valley Morning Star.
- March 27, 2024 – Public hearing was conducted by the Planning and Zoning Commission (P&Z). **Diana Infante, Leticia Cervantes and Maria del Pilar Lerma spoke in opposition to the rezoning request.** The item was tabled.
- April 10, 2024 – Consideration of the requested rezoning by the Planning and Zoning Commission (P&Z). **The board unanimously recommended approval.**
- April 14, 2024 – In accordance with State and local law, notice of the required public hearing was mailed to all property owners within a 200 feet radius of subject tract.
- May 1, 2024 – Public hearing and consideration of the requested rezoning via 1st ordinance reading scheduled before the City Commission.
- May 15, 2024 – Pending approval of 1st ordinance reading, consideration of approval of 2nd ordinance reading scheduled before the City Commission.

Summary

- The applicant is requesting to rezone the subject properties from Residential, Single-Family, ("R-1") District to Residential, Duplex ("R-2") District to allow for a duplex development on each of the subject properties. (**ATTACHMENT I**).
- All of the subject properties are developed with an existing single-family residential structure. The three southern lots have 50 feet of frontage on Oklahoma Avenue and a depth of 145 feet. The northern lot has 50 feet of frontage on Oklahoma Avenue and a depth of 156 feet. Oklahoma Avenue is a 37 ft. wide paved street with curb and gutter. The developer is proposing to remove the existing single family residential structures from the properties and construct a

new duplex on each of the subject properties. **(ATTACHMENT II-V)**

- The surrounding properties are zoned Residential, Single-Family ("R-1") to the north, south, and east, and General Retail ("GR") District to the west. Surrounding land uses include single family residences to the north and south, single family residences and one lot developed with a single family residence and a detached residential structure to the east, and Eliff Kubota and vacant land in agriculture use to the west. **(ATTACHMENT VI)**
- The Future Land Use Plan component of the City of Harlingen Comprehensive Plan One Vision One Harlingen shows this area as low-density residential. A duplex use is considered low density residential and, therefore, the request is consistent with the Future Land Use Plan. **(ATTACHMENT VII).**
- As requested by the applicant attached is traffic data for Oklahoma Street provided by the Engineering Department. The speed hump study was requested by the City Commission on February 21, 2024. The report indicates low speeds and low traffic volumes for Oklahoma Street. **(ATTACHMENT VIII)**
- To the present, the Planning and Development Department has received several phone calls from the surrounding property owners in opposition to the proposed request.
- A petition with a letter was submitted by citizens in opposition to the requested rezoning. The petition includes the owners of 47.36% of land within a 200 ft. radius of the subject property **(ATTACHMENT IX)**. The percentage of opposition triggers a super majority vote of the City Commission for the rezoning to be approved.
- During the April 10 Planning and Zoning Commission meeting the applicant provided site plans of the proposed new duplexes if the rezoning request is approved **(ATTACHMENT X)**.

Funding (if applicable):

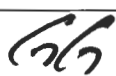
Are funds specifically designated in the current budget for the full ☐ Yes ☐ No*

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

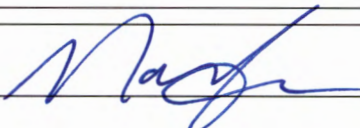
Finance Director's approval: ☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval of the rezoning request.

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

Comments:

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

Attachment I - Application

CITY OF HARLINGEN PLANNING AND DEVELOPMENT DEPARTMENT MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address Attached on Rear Nearest Intersection _____
(Proposed) Subdivision Name _____ Lot _____ Block _____
Existing Zoning Designation _____ Future Land Use Plan Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

Applicant/Authorized Agent Fernando Pecina Phone 956-264-2249 FAX _____
Email Address (for project correspondence only): f.pecina@aol.com
Mailing Address 24039 State Hwy. 345 City Rio Hondo State TX Zip 78583
Property Owner Noemi Pecina Phone 956-264-2249 FAX _____
Email Address (for project correspondence only): f.pecina@aol.com
Mailing Address Same City Same State Same Zip Same

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> | |

PAID
2/28/24

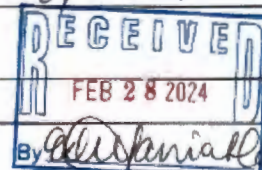
Please provide a basic description of the proposed project: To build a single family dwelling behind existing home on lot: 19, 20, and 21.
Requesting Duplex Zoning

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: Fernando Pecina Date: 2/28/2024

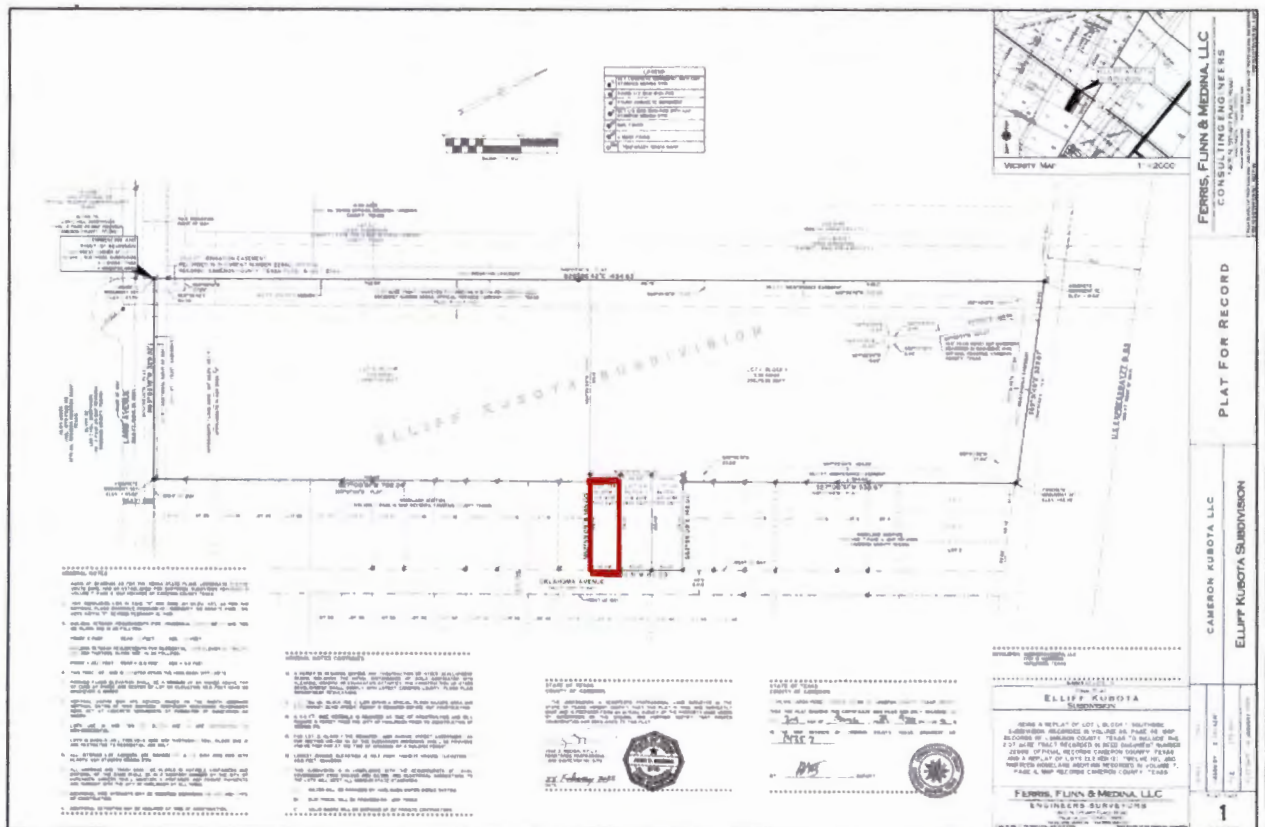
Property Owner(s) Signature: Noemi Pecina Date: 2/28/2024

Accepted by: _____ Date: _____



RE-ZONING REQUEST SUBMITTAL CHECKLIST

4. HARLINGEN- HOMELAND LOT 21, 326 OKLAHOMA



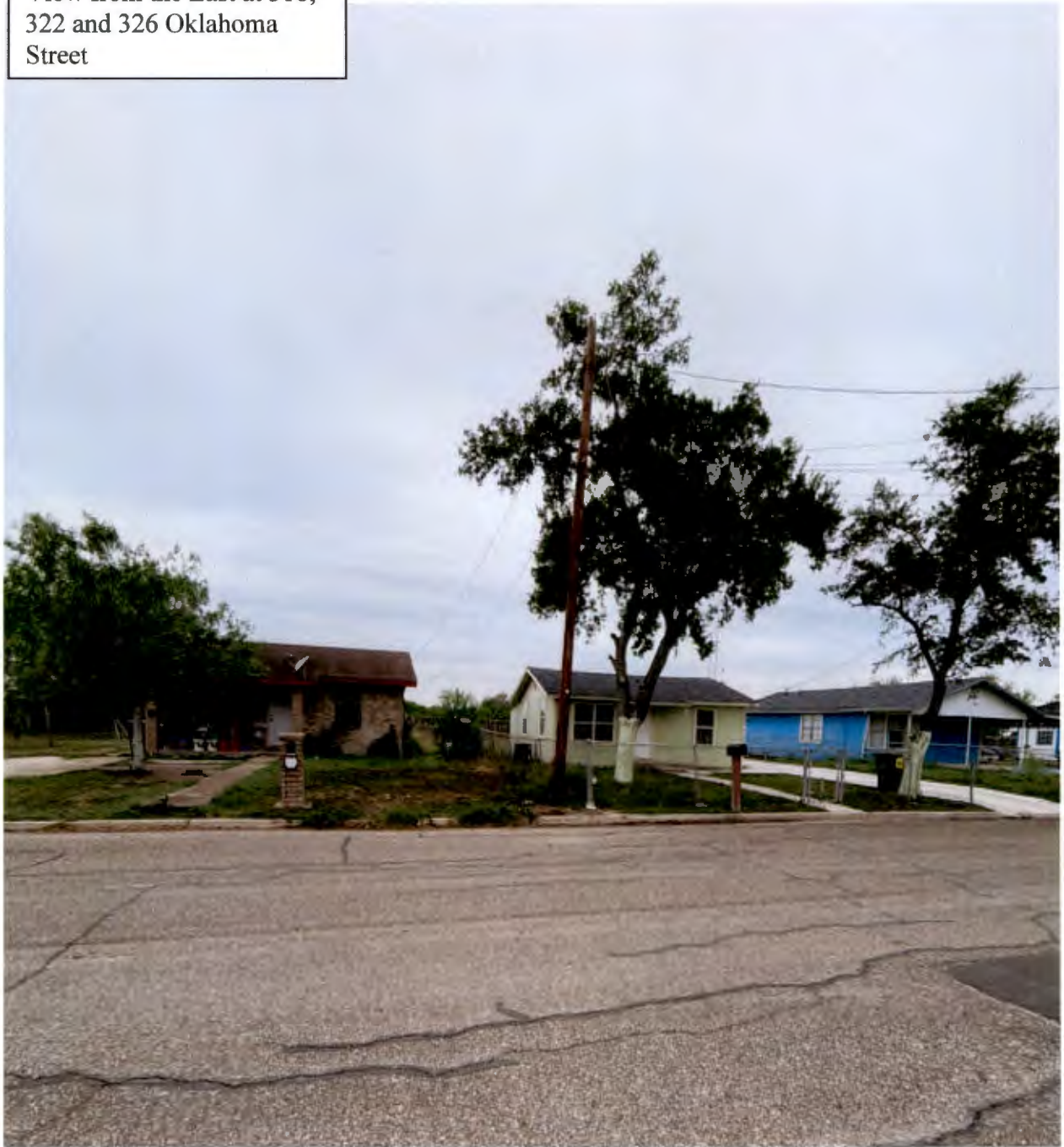
Attachment IV

View from the East at 222
Oklahoma Street



Attachment V

View from the East at 318,
322 and 326 Oklahoma
Street



Attachment VI - Aerial

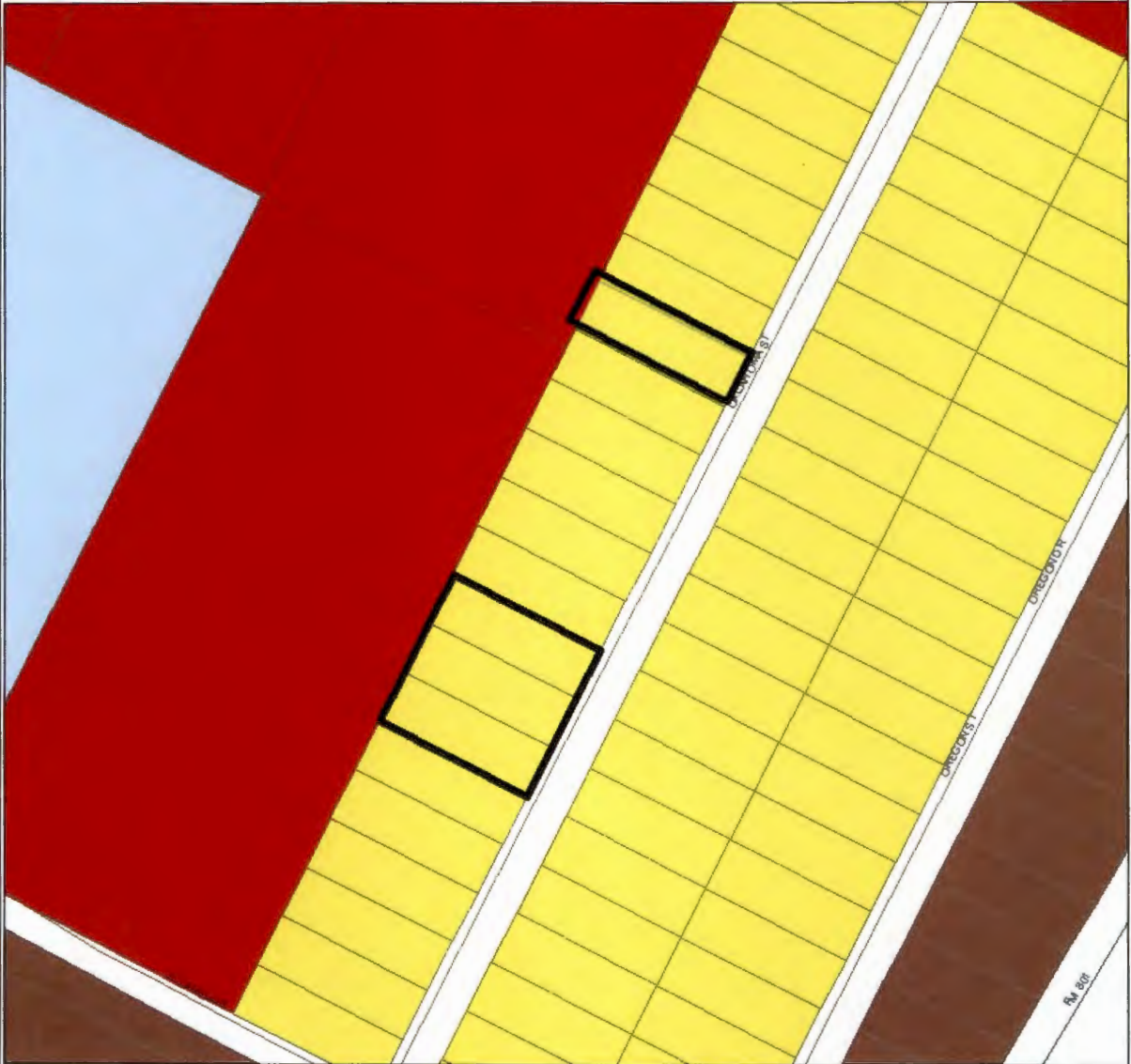


Attachment VII – Future Land Use Map



Future Land Use Map

A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.



Feet

Boundary Lines

Harlingen City Limits
 Subject Property

Future Land Use

Agricultural/Rural Residential	Institutional	Recreational/Open Space
Employment Center	Low Density Residential	Retail-Regional
High Density Residential	Medium Density Residential	Retail/Commercial/Office
Industrial	Mixed Use	

THIS MAP HAS BEEN PRODUCED BY THE CITY OF HARLINGEN FOR THE SOLE PURPOSE OF LOCATING JURISDICTIONAL BOUNDARIES AND IS NOT INTENDED FOR ANY OTHER PURPOSE. THE MAP DATA IS COMPILED FROM VARIOUS SOURCES INCLUDING ORTHOPHOTO IMAGERY, ENGINEERING PLANS AND PLATS, SURVEY FIELD NOTES AND OTHER SOURCES. THIS MAP IS INTENDED FOR GRAPHIC REPRESENTATION ONLY. NO WARRANTY IS MADE BY THE CITY OF HARLINGEN REGARDING ITS ACCURACY OR COMPLETENESS. BEFORE RELYING ON ANY INFORMATION ON THE MAP, CHECK WITH THE PLANNING DEPARTMENT. DATE OF MAP 12.28.2023



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

Speed Hump Application Checklist

- A copy of this checklist should be included in the folder for each speed hump request.
- This form is for Engineering Department use only.
- Review the ordinance for updated information or clarification.

General Information

Initial Contact

Date of Request: 2/21/2024

Name of Initial Requestor: City Commission

Phone Number:

Email Address: NA

Street Name: Oklahoma Street

Boundary Street 1: Lamb Avenue

Boundary Street 2: South Expressway 83

Resident Representative Contact (Fill in if different than above)

Date on Application: NA

Name of Resident Representative: NA

Physical Address: NA

Phone Number: NA

Email Address: NA

Guidance: The initial contact section should be filled out during the initial contact with the requestor.

- When a new request is received, create a new folder in → ..10 Requests
- Use a Date_Street_Name format, example below:
 - 2020-03-31_Example_Street

Attachment VIII –Traffic Data Report



Speed Hump Application Checklist

Preliminary Eligibility Requirements

1. The table below is based on requirements as established by Chapter 40-130.(1) of the Code of Ordinances:

Table 1: Preliminary Eligibility Requirements

Item	Criteria	Response	Notes
a.	Is the street number used to provide access to abutting low-density residential properties (local residential street)?	Yes	
b.	Are the lane uses of the properties abutting the street where the speed hump is proposed composed primarily of low-density residential dwellings?	Yes	
c.	Does the street have no more than one moving lane of traffic in each direction?	Yes	One in each direction
d.	Is the street width less or equal to 37 ft from back of curb to back of curb?	Yes	~37ft
e.	Does the street must have a speed limit of 30 mph as determined in accordance with state law?	Yes	
f.	Is the street a local road? The street must not be of any of the major roadways shown on the long range thoroughfare plan as shown in the most recently adopted Harlingen's Vision 2020 Comprehensive Plan. The major roadways listed in the thoroughfare plan are collectors and greater and/or any other roadway classified by the city and/or TxDOT as a collector and/or greater.	Yes	Local
g.	Is this classified as a street? Paved traveled ways that do not function as a street, such as alleys, parking lot circulation routes, and commercial service drives, are not eligible for installation of speed hump, regardless of any identification signs, due to their operational characteristics.	Yes	

Does the request meet the preliminary eligibility requirements?

Yes

Guidance: The criteria here should be verified before the requestor is sent the formal application form.

If the street meets the preliminary eligibility requirements, use script

Attachment VIII –Traffic Data Report



Speed Hump Application Checklist

Formal Application and Petition Information

1. After return of the formal application from the requestor, verify the contents for completeness.
2. Add the resident representative contact information to page one of this checklist.
3. Verify the petition meets two thirds (66.6%) support criteria by using the following steps:
 - a. Determine if the speed hump will affect other roadways such as a grid network. If so, note that the two thirds criteria extends to all the households along the total affected area.
 - b. Use the Cameron County Appraisal District Website (<http://www.cameroncad.org/gis/map>) to define the households within the study area.
 - c. Using Table 2 below, make a list of all addresses and owners for properties within the study area.

Table 2: Total Households Within the Study Area

Number	House #	Street Name	Owner Name	On Petition? (Y or N)
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				
16.				
17.				
18.				
19.				
20.				
21.				
22.				
23.				
24.				
25.				

Not Applicable

Attachment VIII –Traffic Data Report



Speed Hump Application Checklist

- d. Verify the addresses provided in the petition counting only one signature per household. Indicate each household provided on the petition in the Table 2.
 - e. Calculate the percentage by using the following formula:
 - i. $(\# \text{ of households on the petition}) / (\text{total } \# \text{ of households in the study area})$
4. Fill in Table 3 based on the results of the formal application submission.

Table 3: Application and Petition Information

Item	Criteria	Response	Notes
a.1.	Do a minimum of two thirds of the households in the study area support the installation of the speed hump?	Choose an item.	NA
a.2.	Did the mayor or two (2) City Commission members request installation of the speed hump and was it approved by a majority vote of the City Commission?	Yes	
b.	Is the requested speed hump in an area where it will affect other roadways (i.e. grid network) and if so do a minimum of two thirds of the households in the study area support the installation of the speed hump?	Choose an item.	NA

Does the request meet the petition or request by mayor or two City Commissioners criteria?	Yes
--	-----

After the application form is considered complete and the petition has met the 66.6% support criteria, request the \$50.00 processing fee from the resident representative.

Table 4: Processing Fee Payment

Date Received	Check Number	Amount	Cleared?
Click or tap to enter a date.			Choose an item.

Guidance: Fill in this section after receiving the formal application and petition.

- Delete or add rows to Table 2 to fit the total number of households within the study area.
- You may have to work with the resident representative multiple times if the form is returned incomplete. Be sure to include a copy of Table 2 in your correspondence if the petition does not meet the 75% support criteria.
- A "Yes" response for either item a.1. or a.2. in Table 3 will satisfy the criteria.
- Fill in and update Table 3 for each submission of the formal application.
- Use the Engineering department monetary handling procedures for processing payment.

Attachment VIII –Traffic Data Report



Speed Hump Application Checklist

Geometric and Operational Characteristics of the Street

1. Coordinate a traffic study with the Traffic Signal Maintenance Supervisor (Currently Eli Cruz) or other Public Works designee.
 - a. This study will need both traffic volume counts and speed counts for a 24-hour period on a Tuesday, Wednesday, or Thursday.
2. Once the study is complete, save the provided results in the pertinent request folder and fill in Table 5 below based on the criteria in 40-130.(3):

Table 5: Geometric and Operational Characteristics Criteria

Item	Criteria	Response	Notes
a.	Does the Street have adequate sight distances to safely accommodate the speed hump as determined by the engineering department?	Yes	
b.	Is the street free of sharp curves or grades that would prevent safe placement of the humps as determined by the engineering department?	Yes	
c.	Is the street paved?	Yes	
d.	Are traffic volumes a minimum of 200 vehicles per day?	No	Tues.: 232 Sat.: 170
e.	Are vehicle speeds such that 15% of the vehicles traveling on the street exceed the legal speed limit (30 mph) by five mph or greater? Note: these criteria do not apply to all elementary, middle and high school speed zones located on city owned roadways in residential areas.	No	Tues. 3.788% NB, 0.000% SB, Sat. 2.000% NB, 0.000% SB >5 mph
f.	Does the street have a history that shows the need for traffic calming? New subdivision developments should consider alternate methods	Yes	Requests
h.	Is the request within a City owned ROW? Private property in the city limits is not governed or controlled by this speed hump installation program.	Yes	
i.	Is the request located outside of a street grid area?	Yes	
j.	Does the city fire chief or designee approve the speed hump design and location?	Yes	

Does the request meet the Geometrical and operational characteristics criteria?	No
---	----

Low speeds and low traffic volume.

Guidance: Fill in Table 5 after receiving the traffic study data from Public Works, review the ordinance for additional guidance on items.

Attachment VIII –Traffic Data Report



Speed Hump Application Checklist

Final Determination

1. Review the information above and determine if the street meets all criteria for speed hump placement.

Does the request meet the all of the criteria specified by the City of Harlingen Code of Ordinances Chapter 40, Article IV, Section 130?	No
--	----

No due to low speeds and low traffic volume.

Vote by City Commission

Design and Cost Estimate

Installation Information

Appeals Process

Sec. 40-135. Procedures for speed hump installation.

- (b) A determination of eligibility based on section 40-130. Eligibility requirements, in accordance with this article, shall be made by the engineering department in a timely manner.
 - (1) If the street is determined not to be eligible, the applicants will be given written notification of that determination and its reasons.
 - (2) The decision may be appealed in writing to the public works director within 15 days of the notification date. The director will review the determination and respond to the applicants within 30 days of the appeal request.

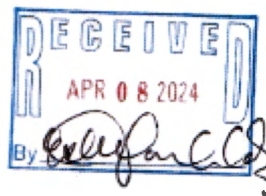
Appealed, Reviewed, and Approved for Speed Hump Installation:

Public Works Director

Date

Attachment IX –Petition

Opposition to rezone from Residential, Single-Family ("R-1") District to resident, Duplex ("R-2") District for properties bearing a legal description of Lot 13A, Block 1, Elliff Kubota Subdivision, and Lots 19-21, Homeland Addition, located at 222, 318, 322 and 326 Oklahoma Street.



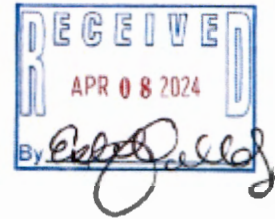
Name: Rubén y Tania Villafraza
Address: 322 Oregon
Phone Number: (956) [REDACTED]

Name: Vickie Arriaga
Address: 210 Oregon St
Phone Number: 956- [REDACTED]

Name: Carlos Arriaga / Vickie Arriaga
Address: 2 301 Oklahoma St
Phone Number: 956- [REDACTED]

Name: Jesus Deleon Sr
Address: 310 Oregon St, Atn, TX
Phone Number: (956) [REDACTED]

Attachment IX -Petition



Name: Maria L. Canache

Address: 326 Oregon St.

Phone Number: 956 [REDACTED]

Name: Alonia Berlanga / Magdalena Perez

Address: 406 Oklahoma St.

Phone Number: 1-8 [REDACTED]

Name: Elina Lopez

Address: 407 OKLAHOMA ST

Phone Number: 956 [REDACTED]

Name: Ray & Lily Gonzalez

Address: 321 Oklahoma

Phone Number: 956 [REDACTED]

Name: Ronique Echeveris

Address: 306 W. OKLAHOMA ST

Phone Number: 956 [REDACTED]

Attachment IX -Petition

⑩ Name: Manuela Garcia
Address: 225 Oklahoma st
Telephone (956) [REDACTED]

⑪ Name: Floisa Pizano
Address: 310 Oklahoma Street
Telephone (956) [REDACTED]

⑫ Name: Floisa Pizano
Address: 314 Oklahoma Street
Telephone (956) [REDACTED]

⑬ Name: Norma & Leo Villarreal
Address: 226 Oklahoma St
Telephone 956 [REDACTED]

⑭ Name: Alfredo Lerma
Address: 314 Oregon st.
Telephone 956 [REDACTED]

⑮ Name: Abel Jimenez / Diana Infante
Address: 402 Oregon St.
Telephone 956 [REDACTED]

⑯ Name: Esmeralda Lopez
Address Lot 33 Oklahoma st Property ID. 74217
Telephone: 956 [REDACTED]

Attachment IX -Petition

Address 325 Oklahoma

Phone 956 990 5013

(16) Name: Jose Rodriguez Gonzalez

Address: 121 Oklahoma St. Harlingen, TX 78552

Telephone 956- [REDACTED]

(27) Name Maria Pilar Lerma

Address: 313 Oklahoma St

Telephone 956- [REDACTED]

(28) Name: Maria del Pilar Lerma

Address: 409 Oklahoma St.

Telephone 956- [REDACTED]

(29) Name: Ivan Lerma / Maria del Pilar Lerma

Address: 413 Oklahoma St

Telephone 956 [REDACTED]

(30) Name: Silvia & Hector Lerma

Address: 318 Oregon St

Telephone 956- [REDACTED]

(31) Name: Daniel Castro

Address: 201 Oklahoma

Telephone 956 [REDACTED]

(32) Name Daniel Castro

Address 117 Oklahoma

Telephone 956 [REDACTED]

Attachment IX -Petition

✓ Address 305 Oklahoma St.
Phone 956- [REDACTED]

(18) Name: JESUS O. DeLeon
Address: 306 W. OKLAHOMA ST. Hqn TX 78552
Telephone 956- [REDACTED]

(19) Name: CIRILA VASQUEZ
Address: 417 OKLAHOMA ST. HARLINGEN TX 78552
Telephone 956- [REDACTED]

(20) Name: Ruby Perkins
Address: 206 W. Oklahoma St. Hqn Tx 78552
Telephone 956- [REDACTED]

(21) Name: Dora Perkins
Address: 210 W. Oklahoma St Hqn Tx 78552
Telephone 956- [REDACTED]

(22) * Name: Karunel Abreg / Margarita Abreg
Address: 118 Oklahoma
Telephone 956- [REDACTED]

(23) * Name: Crystal DelTuente
Address: 422 Oklahoma St.
Telephone (956) [REDACTED]

(24) Name: Araceli Villarion
Address: 205 Oklahoma St
Telephone 956- [REDACTED]

Attachment IX –Petition

Hi Mr. Cervantes

I'm sending a paper that shows multiple incidents where police were dispatched to Mr. Pecinas rental properties. They do have the incident number, not sure if you want the actual police report, I have some of them not all of them because the ladies in the police department were saying it was to many and could take 10-20 days to obtain that information. They are from properties 322 and 318. The property 326 the records department did not want to release records until I submitted another form that could take 2-3 weeks to process.

Call for Service 322 Oklahoma					
Date and Time	Location	Call Type	Incident Number	Apartment	Disposition
03/01/2024 11:19:18	322 S OKLAHOMA ST	Invest	2024-0007386		S
03/14/2024 09:12:35	322 S OKLAHOMA ST	Drug Activity	2024-00010434		ATP
03/14/2024 09:12:35	322 S OKLAHOMA ST	Drug Activity	2024-00010424		H
4/15/2024 1:48:39 PM					
Call for Service 322 S Oklahoma St					
Date and Time	Location	Call Type	Incident Number	Apartment	Disposition
01/24/2023 21:32:46	322 S OKLAHOMA ST	811H	2023-00008854		
03/26/2023 19:27:31	322 S OKLAHOMA ST	Welfare Check	2023-00024440		
07/19/2023 17:28:38	322 S OKLAHOMA ST	Civil Matter	2023-00058877		J
12/01/2023 13:33:30	322 S OKLAHOMA ST	Invest	2023-00087418		CN
4/16/2024 11:52:40 AM					
Call for Service 322 S Oklahoma St					
Date and Time	Location	Call Type	Incident Number	Apartment	Disposition
08/03/2022 17:49:15	322 S OKLAHOMA ST	Welfare Check	2022-00059170		CN
08/03/2022 17:45:15	322 S OKLAHOMA ST	Welfare Check	2022-00059170		S
4/16/2024 11:48:59 AM					
Call for Service 318 S Oklahoma St					
Date and Time	Location	Call Type	Incident Number	Apartment	Disposition
10/27/2022 19:43:11	318 S OKLAHOMA ST	ACO	2022-00083368		S
11/24/2022 01:22:51	318 S OKLAHOMA ST	Domestic Dispute	2022-00080501		S
4/16/2024 11:45:38 AM					

Another police report I'm sending you for address 217 Oklahoma is to prove that traffic does pass by fast down Oklahoma, fast enough that there was a hit and run in that property where a car went into the property and damaged the fence.

Attachment IX –Petition

CAD Narrative

07/09/2023 : 07:15:09 5726 Narrative: tracks on property
07/09/2023 : 07:15:03 5726 Narrative: someone hit the fence with a ch
07/09/2023 : 07:12:58 5726 Narrative: caller would like to make a report
07/09/2023 : 07:12:04 5726 Narrative: callers mothers fence is broken



Incident Report



Print Date/Time: 04/11/2024 13:16
Login ID: soraldem

Harlingen Police Department
ORI Number: TX0310300

Incident: 2023-0054202

Incident Date/Time: 7/9/2023 7:11:23 AM
Location: 217 S OKLAHOMA ST
Harlingen TX 78552
Phone Number:
Report Required: yes
Prior Hazards: No
LE Case Number: 2023-0054202

Incident Type: Hit and Run
Venue: Harlingen
Source: Phone
Priority: 3
Status: Routine
Nature of Call:

Unit/Personnel

Unit	Personnel
1B2	5334-Trigg
1B5	5345-Gonzales

Person(s)

No.	Rela	Name	Address	Phone	Race	Sex	DOB
1	Caller						

Vehicle(s)

Role	Type	Year	Make	Model	Color	License	State
------	------	------	------	-------	-------	---------	-------

Disposition(s)

Disposition	Count
A	1

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
------	------	------	------	-------	-------------	---------	----------

Attachment IX –Petition

These are the pictures of the damaged caused on the fence for property 217 Oklahoma, before the hit and run that fence was standing straight without damage. You can see those images on google earth before the hit and run that the fence had no damage.



Attachment IX –Petition



Also Mr. Pecina mention that Oklahoma had a survey done a while back and used that to prove that traffic is not that bad in Oklahoma, well like I mention before the survey was placed for 5 days and 2 days out of the 5 the streets Oklahoma and Oregon were being worked on because of the sewer problem we have since they opened Sunland Country Apartments. So, for him to want to add more families to these 2 small streets will create a bigger problem for the sewer issues we have already. These are images I have of how the sewer water leaks out late at night at least once a month since the Sunland Country Apartments opened. This was in March 2024

Attachment IX –Petition



00:09



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

PETITION IN OPPOSITION

Request to rezone Residential, Single-Family ("R-1") District to Residential, Duplex ("R-2") District for properties bearing a legal descriptions of Lot 13A, Block 1, Elliff Kubota Subdivision, and Lots 19-21, Homeland Addition, located at 222, 318, 322, and 326 W. Oklahoma Street. Applicant: Fernando Pecina c/o Noemi Pecina

Area of 200 ft. Radius and Subject Property	10.7001 acres
Area of Subject Property:	0.7120 acres
Notification Area:	9.9881 acres
Area of Opposition:	4.7309 acres

Area of 200 Ft. Radius - Area of Subject Property = *Total Adjusted Area*

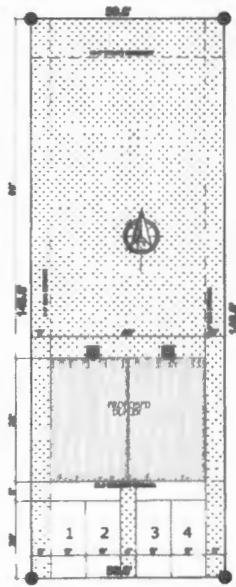
Area of Opposition / Total Adjusted Area = **Percentage of Opposition**

10.7001 acres – 0.7120 acres = 9.9881

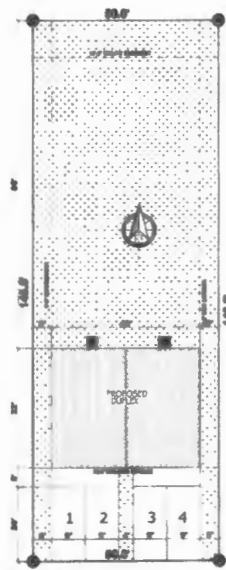
4.7309 acres / 9.9881 = 0.4736 = **47.36%**

Attachment X – Site Plans Provided by the Applicant

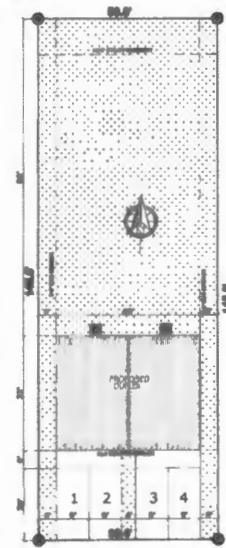
SITE PLAN PROVIDED BY THE PROPERTY OWNER



222 OKLAHOMA STREET



318 OKLAHOMA STREET



322 OKLAHOMA STREET

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 PROPERTIES BEARING A LEGAL DESCRIPTION OF LOT 13A, BLOCK 1, ELIFF KUBOTA SUBDIVISION, AND LOTS 19-21, HOMELAND ADDITION, LOCATED AT 222, 318, 322 AND 326 OKLAHOMA STREET

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 properties bearing a legal description of Lots 13A, Block 1, Eliff Kubota Subdivision, and Lots 19-21 Homeland Addition, located at 222, 318, 322 and 326 Oklahoma Street, as shown in Exhibit "A".

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

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

FINALLY ENACTED this ____ day of _____, 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

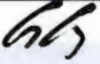
ATTEST:

Amanda C. Elizondo, City Secretary

10(b)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **May 1, 2024**

Agenda Item:
Consideration and possible action to approve an ordinance on first reading amending Harlingen Code of Ordinances, Section 6-146 Running at Large Prohibited, Exceptions, Establishing minimum fines and other matters. Attachment (<i>City Attorney</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:

AN ORDINANCE OF THE CITY OF HARLINGEN
AMENDING HARLINGEN CODE OF ORDINANCES
SECTION 6 - 146 RUNNING AT LARGE, PROHIBITED.
EXCEPTIONS. ESTABLISHING MINIMUM FINES AND
OTHER MATTERS

WHEREFORE, the presence of animals running at large in the City of Harlingen is detrimental to both the safety of the animal and the public health, and

WHEREFORE, the Harlingen Code of Ordinances should provide for a penalty for permitting an animal to run at large in the city regardless of whether the dog is microchipped or not.

IT IS RESOLVED BY THE CITY COMMISSION OF THE CITY OF HARLINGEN AS FOLLOWS:

The Harlingen City Code of Ordinances, Chapter 6, Article 1 , Division 2, Section 6-146 is hereby amended to provide as follows:

Sec. 6-146. Running at large Prohibited; Exceptions.

- (a) It shall be unlawful for the keeper of any dog to permit such dog to run at large within the city. Such dog may
 - be allowed beyond the premises of such keeper when leashed to such keeper or other person authorized by such keeper.
- b) Nothing herein contained shall be construed to prohibit the keeper of any dog from escorting such dog,
 - properly leashed, to premises other than those of such keeper for purposes of exercise, visitation,
 - companionship, participation in shows and exhibitions, or treatment and care by a duly constituted.
 - veterinarian or kennel for hire to the public; or from transporting such dog in an automobile or other vehicle;
 - or from transporting or exhibiting such dog without leash on private premises or public shows and exhibition
 - premises, under conditions where such unleashed dogs are otherwise restrained from leaving such premises;
 - nothing herein contained to be construed as constituting the authorization of the invasions of private rights.
 - of any person.
- (C) Cats are not required to be leashed. Owners shall be responsible for the behavior of their cats so as not to
 - become a nuisance as hereinabove defined. Owners of cats that are allowed to be unleashed shall be liable.
 - for any damage or nuisance caused by such cat. Upon a finding by the court that a particular cat is a

nuisance or causes damage to private or public property, the court may remove the privilege of allowing.

such cat to be unleashed or physically unrestrained.

(d) Cats that are allowed to run at large by the owner shall be required to have an identification tag (with owners name and correct phone number listed on tag), be currently vaccinated against the Rabies virus, and must not become a nuisance to other citizens in the city. Cats that cause problems or damages to private or public property other than said owner's property shall be restricted to said owners' property,

(e) Community cats shall not be subject to the restrictions set for in (c) and (d) of this Section for as they are unowned as defined herein.

Any person having knowledge of an animal bites or scratch to an individual or to another animal by an animal.

which the person suspects is rabid shall report that incident to the animal control officer within 24 hours.

Schedule of charges. The following schedule of charges are hereby established as the minimum fines for

owner(s) or keeper(s) of any dog or cat found to be in violation of this section:

First Citation

Second Citation

(1) For each citation thereafter issued to the same owner(s) or keeper(s) of any dog or cat as herein

described, the minimum fine shall be no less than \$416.00 up to a maximum of \$500.00 as allowed by law

(2) The fines provided in table Bare the minimal fines which may be Imposed. The Municipal Judge w

May impose any fine up to \$5,500 for each violation of this sections.

Impose any fine up to 5500.00 for each violation of this section.

{Code 1973, § 5-34; Code 1997, § 90.27; Ord. No. 57-15, 9-18-1957; Ord. No. 66-32, 9-21-1966; Ord. No. 99-36, 6-2-1999; Ord. No. 9949, 84-1999; Ord. No. 04-28, 4.21-2004; Ord. No. 16-13, 9 1, 2-3-2016; Ord. No. 16-30 , 6 1, 6-22-2016; Ord. No. 202245 , 9 1, 2-2.2022)

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

CITY OF HARLINGEN

Norma Sepulveda
Mayor, City of Harlingen

Attest

Amanda Elizondo, City Secretary

10(c)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **May 1, 2024**

Agenda Item:

Consideration and possible action to approve an ordinance on second and final reading amending Chapter 36 of the Harlingen Code of Ordinances establishing prohibited activities in the 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. Staff is recommending establishing these rules to provide protection and safety for the public, city employees and public property.

These recommended rules establish General Provisions, Rules & Regulations, Prohibited Actions, and Enforcement of city parks.

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):N

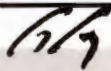
*If no, specify source of funding and amount requested:

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

Staff Recommendation:

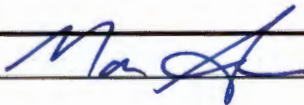
Staff is recommending approval of this amendment to the Harlingen Code of Ordinances.

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 AMENDING PARK HOURS AND 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 amending Park Rules and Policies: (a) park hours; adding (g) Prohibited Activities in the Parks, and (h) Enforcement.

The amendment shall read as follows:

(a) Except as otherwise provided, all parks, recreational facilities, and golf courses of the city shall be closed from sunrise to sunset.

Formatted: Highlight

(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. Do I remove since we have this language in Section 36-107 already?

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.
- 11.) The Texas Election Code prohibits the use of public funds for political advertising. See Texas Election Code 255. There will therefore be no political advertising permitted at any City event or city-sponsored event.

The term "Political Advertising" for the purpose of this ordinance shall mean:

- (a) Any communication supporting or opposing a candidate for nomination or election to a public office or office of a political party, a political party, a public officer, that: (A) in return for consideration, is published in a newspaper, magazine, or other periodical or is broadcast by radio or television; or (B) appears: (i) in a pamphlet, circular, flier, billboard or other sign, bumper sticker, or similar form of written communication; or (ii) on an Internet website; and
- (b) a communication that advocates passage or defeat of a measure, and that: (A) in return for consideration, is published in a newspaper, magazine, or other periodical or is broadcast by radio or television; or (B) appears: (i) in a pamphlet, circular, flier, billboard or other sign, bumper sticker, or similar form of written communication.

- 12.) 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.
- 13.) To practice, carry on, conduct, or solicit for any trade, occupation, business or profession without proper permit.
- 14.) To remain, stay or loiter in any park ~~after between the hours of 10:00 p.m. sunrise and sunset 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. sunrise and sunset~~ of the same day.
- 15.) 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.

Mayor Norma Sepulveda

Attested By:

Amanda Elizondo,
City Secretary

Sec. 36-107. Motor vehicles in parks.

- (a) Motor vehicles are hereby prohibited in all parks, including the municipal golf course in the city, except on designated paved roadways and other driving surfaces designated as "park roads." Developed travel trailer parking spaces are exempted from this section.
- (b) Nothing contained herein shall prohibit city maintenance, police, fire, or other emergency vehicles from traveling anywhere within the confines of any park within the city, nor the operation of golf carts within the confines of the said golf course.

(Code 1973, § 22-2; Code 1997, § 97.02; Ord. No. 77-22, 4-20-1977; Ord. No. 79-22, 5-2-1979)

10(d)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **May 1, 2024**

Agenda Item:

Consideration and possible action to approve the preliminary construction plans and final plat for the proposed Agave Estates Subdivision, bearing a legal description of a 15.76 acre 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 east 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: *Xavier Cervantes*

Brief Summary:

Project Timeline

- February 20, 2024 – Original preliminary and final plat application and subdivision application submitted to the City (**ATTACHMENT I**).
- March 8, 2024 – Preliminary and final plat deemed complete.
- March 11, 2024 – Preliminary and final plat resubmitted to the City.
- March 21, 2024 – Preliminary and final plat deemed complete.
- April 24, 2024 – Consideration of the preliminary construction plans and final plat by the Planning and Zoning Commission.
- May 1, 2024 – Consideration of the preliminary construction plans and final plat by the City Commission.

Summary:

- The proposed Agave Estates Subdivision consists of eighty (80) single-family residential lots located on the east side of South Palm Boulevard, approximately 480 feet south of Business Highway 83
- The proposed Agave Estates Subdivision is zoned Planned Development ("PDD") District 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. Lots 1 through 14 and 50 through 80 will have a minimum front yard setback of 25 feet. Lots 15 through 49 will have a front yard setback of 20 feet.
- The drainage requirements meet the current standard for a 50-year storm. The developer is proposing a detention pond ("Lot A") that will be owned and maintained by the City of Harlingen.
- Water and sewer services will be provided by HWWWS.
- All items on the preliminary and final plat checklist will be addressed prior to the recording for the final plat.

- Park fees must be paid for the subdivision. Park fees are \$450 per dwelling unit. A total of \$36,000.00 will have to be paid in park fees prior to subdivision recording. The fees will go to Park Zone 1 (the southwest zone).

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).

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:

GL

☒ Yes ☐ No ☐ N/A

City Attorney's approval:

[Signature]

☒ Yes ☐ No ☐ N/A

Attachment I—Subdivision Application

CITY OF HARLINGEN PLANNING AND DEVELOPMENT DEPARTMENT MASTER APPLICATION

PROPERTY INFORMATION: (Please PRINT or TYPE)

Project Address _____ Nearest Intersection Bus. Hwy. 83 and Palm Blvd.
(Proposed) Subdivision Name Agave Estates Subdivision Lot _____ Block _____
Existing Zoning Designation R-1 Future Land Use Plan Designation PDD

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE)

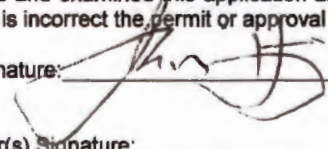
Applicant/Authorized Agent Javier Hinojosa Phone (956) 668-1588 FAX _____
Email Address (for project correspondence only): javier@javierhinojosaeng.com
Mailing Address 416 E. Dove Ave. City McAllen State TX Zip 78504
Property Owner Jason E. Garza Phone (956) 451-6390 FAX _____
Email Address (for project correspondence only): jason@wtcementers.com
Mailing Address P.O. Box 6105 City McAllen State TX Zip 78502

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: This is a 15.76 acre tract of land out of Blocks 3, 4, 5 and 17. Stuart Place Subdivision, Survey 42, Cameron County, Texas. Developer proposes a 80-lot single family subdivision adjacent to and immediately north of Moises Vela Middle School.

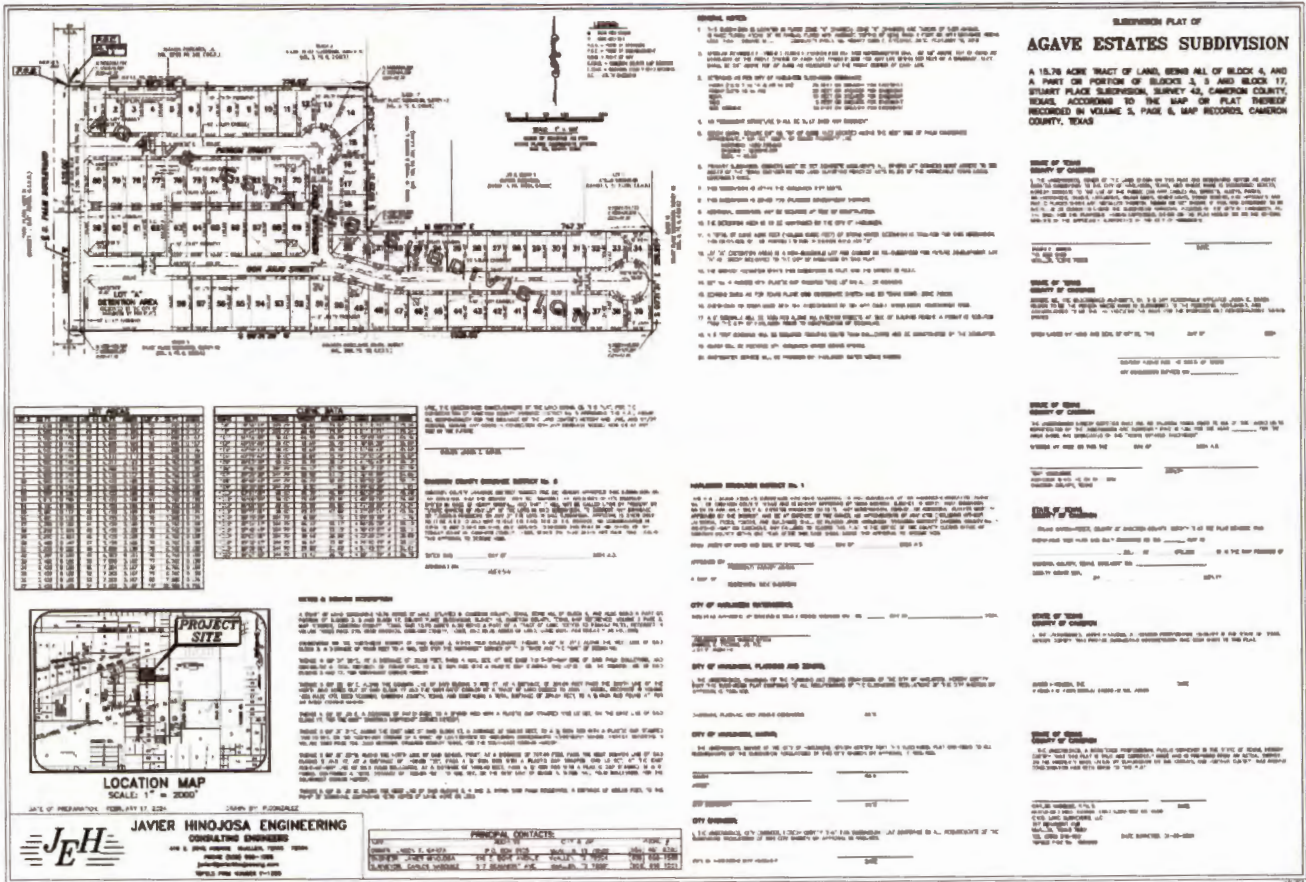
I hereby certify that I am the owner and/or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit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

Applicant's Signature:  Date: 2/20/24

Property Owner(s) Signature: _____ Date: _____

Accepted by: _____ Date: _____

Attachment II —Final Plat



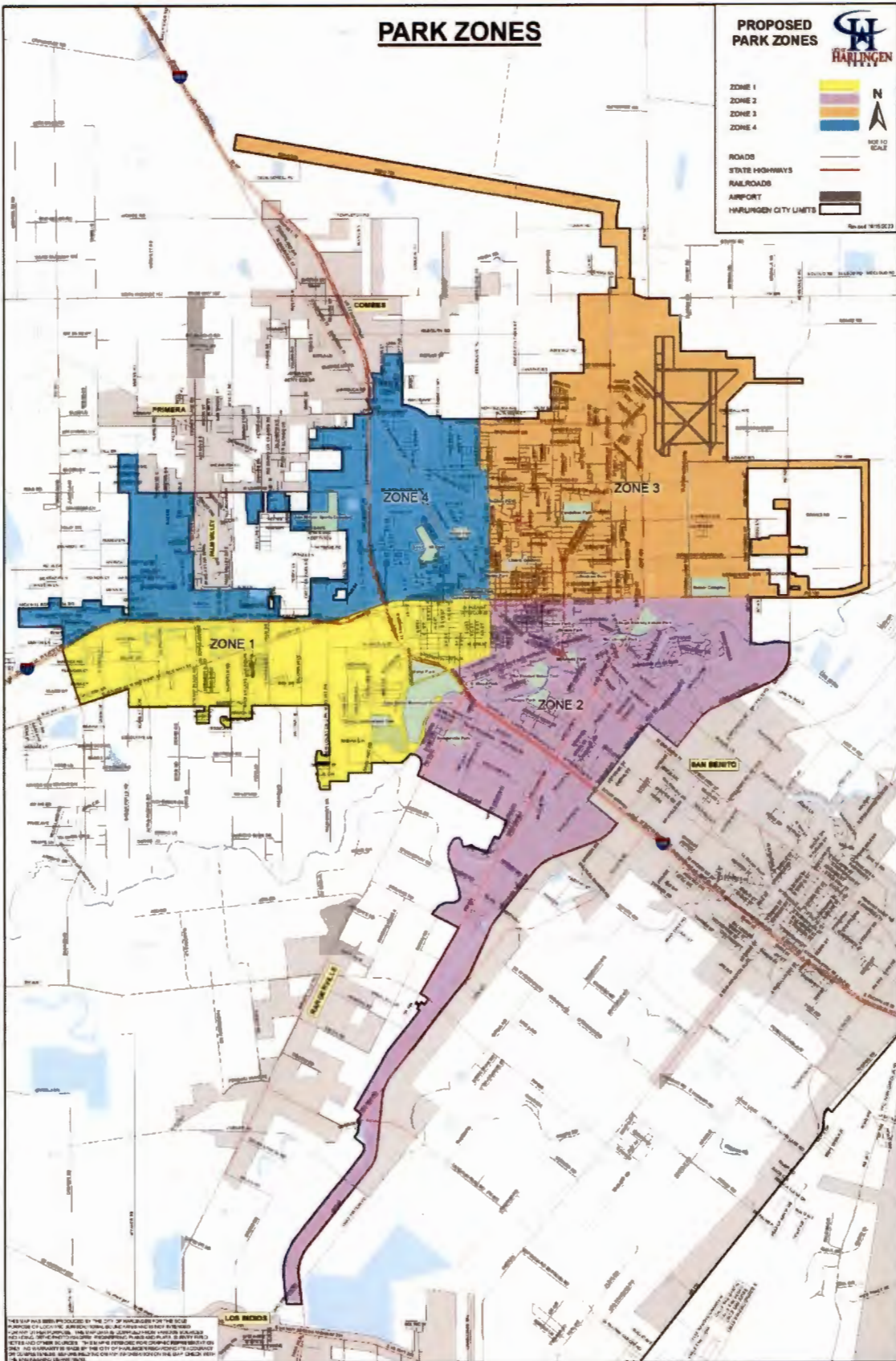
Attachment III — Aerial View of the Proposed Agave Estates Subdivision



Street view of South Palm Boulevard



Attachment V – Park Zones Maps





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

3/21/2024

Javier Hinojosa, P.E.
JEH Engineering
416 E. Dove Avenue
McAllen, Texas 78504

Re: Agave Estates Subdivision

Dear Mr. Hinojosa,

City staff reviewed the preliminary plans and final plat of the proposed "Agave Estates Subdivision" submitted on March 11th, 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:

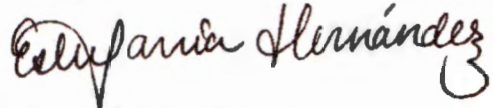
1. Pursuant to Sec. 109-91 (a)(2)(1) of the Code of Ordinances Chapter 109 – Subdivisions, no plat shall be recorded until the property is zoned in accordance with the city zoning code for the uses intended.
 - a. The rezoning application from Residential, Single-family ("R-1") District to Planned Development ("PD") District will go before the Planning and Zoning Commission on March 27th, 2024.
2. Pursuant to Sec. 109-124 (c)(8) of the Code of Ordinances Chapter 109 – Subdivisions, a permanent cul-de-sac shall not serve more than 26 lots and shall in no case exceed 1,300 feet in length.
 - a. The rezoning application from Residential, Single-family ("R-1") District to Planned Development ("PD") District to allow for one cul-de-sac to serve 28 lots will go before the Planning and Zoning Commission on March 27th, 2024.
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. The rezoning application from Residential, Single-family ("R-1") District to Planned Development ("PD") District to allow for smaller lot sizes will go before the Planning and Zoning Commission on March 27th, 2024.
4. 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 S. Palm Boulevard, or place escrow funds with the city based on an approved cost estimate by the city engineer.
5. Pursuant to Sec. 109-193 (a)(1)(c) of the Code of Ordinances Chapter 109 – Subdivisions, please note that there is a Park Land Dedication of \$450 per lot in a new subdivision.
6. Please include a plat note stating that a permit is required before any construction.

Attachment VI – Planning

7. Please include a plat note stating who the sewer provider will be.
8. A sidewalk escrow must be submitted and paid for prior to plat recordation.
9. All other applicable fees must be paid prior to recording of the final plat.

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, flowing style.

Estefanía Hernández
City Planner



Engineering Department | 24200 FM 509, Harlingen, Texas 78550

March 6, 2024

Luis Vargas, PE, CFM
City Engineer

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

RE: REVIEW OF AGAVE ESTATES SUBDIVISION, PRELIM/FINAL - 1ST SUBMITTAL

Dear Mr. Olivo,

Please find conditions 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,

A handwritten signature in black ink, appearing to read 'Luis Vargas', is written over a horizontal line.

Luis Vargas, PE, CFM



HARLINGEN
WATERWORKS
SYSTEM

**AGAVE ESTATES SUBDIVISION
PLAT SUBMITTAL #1**

March 7, 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

UTILITY PLAN COMMENTS: NO COMMENTS

FINAL PLAT COMMENTS:

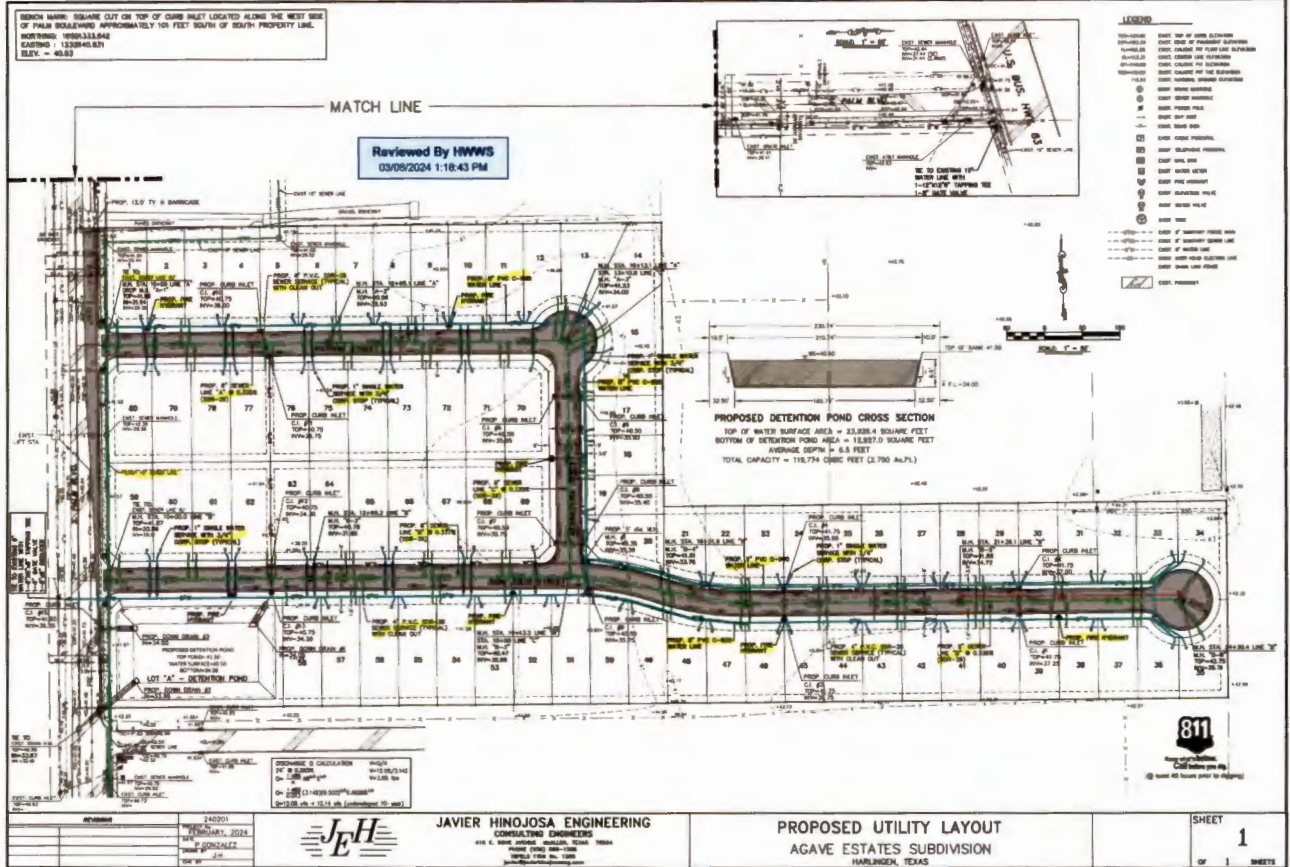
No.	Comment/Revision	Addressed
1	Notes 19 and 20 need to change Water Works to Waterworks	
2	Remove the comma after Trevino in the HWWS title block.	

ADDITIONAL COMMENTS:

- A full set of water and sewer construction plans must be submitted to Harlingen Waterworks System for review and approval prior to commencement of construction.
- Response to Conditions of Approval are required prior to Signing of a Plat. Submitter must mark Yes or No in the Addressed column. Mylars missing response to Conditions for Approval will not be Signed.
- 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.

[illegible]

Attachment VIII – Harlingen Water Works System





Subdivision Review

Subdivision Name: Agave Estates – 2nd Submittal
Proposed Use: 80 Lot Single-Family Residential
Location: East side of South Palm Boulevard, approximately 480 feet south of Business Highway 480
Developer: Pankaj Patel
Engineer: JEH Engineering / (956) 668-1588
javier@javierhinojosaeng.com

Approval: ☒ Yes ☐ Yes with Comments ☐ No

Comments: 1. No Comments

Juan Saucedo Jr. Fire Marshal
Departmental Official Signature

(956) 216-5790
Contact Number

Fire Prevention
Department

jsauceda@harlingentx.gov
Contact E-mail

March 13, 2024
Date

Juan Saucedo Jr.
Signature

PLANNING AND ZONING COMMISSION

April 24, 2024

Consideration and possible action to recommend to the City Commission the preliminary construction plans and final plat of the proposed Agave Estates Subdivision, bearing a legal description of a 15.76-acre 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 east side of South Palm Boulevard, approximately 480 feet south of Business Highway 83. Applicant: Javier Hinojosa c/o Jason E. Garza

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

- Ms. Hernández began with an aerial view of the Agave Estates Subdivision which highlighted the subject area.
- Ms. Hernández reminded the Board that the Planned Development District Zoning had come before the board at the March 27, 2024, meeting.
- Ms. Hernández referred to the final plat of the proposed Agave Estates Subdivision. She stated it will consist of eighty (80) single-family residential lots located on the east side of South Palm Boulevard, approximately five hundred (500) feet south of Business Highway 83.
- Ms. Hernández explained that they pursued a Planned Development District to allow thirty-two (32) foot wide streets with fifty (50) feet of right-of-way, one (1) cul-de-sac to serve twenty-eight (28) lots and smaller lots for the eighty (80) lot single-family residential subdivision. She said that their setbacks do vary, explaining that the smaller lots, lots fifteen (15) through forty-nine, 49 will have a front yard setback of twenty (20) feet, whereas the larger lots, lots one (1) through fourteen (14) and fifty (50) through eighty (80) will have a minimum front yard setback of twenty-five (25) feet.
- Ms. Hernández continued with a Street View from South Palm Blvd.
- She stated that the drainage requirements meet the current standard of a fifty (50) year storm.
- She said the developer is proposing a detention pond on Lot A which is at the southwest corner of the proposed subdivision and that the detention pond will be owned and maintained by the City of Harlingen.
- Ms. Hernández reported that water and sewer services will be provided by Harlingen Water Works.
- She added that all items on the preliminary and final plat checklist will be addressed prior to the recording of the final plat.
- Ms. Hernández stated that the Park Fees are a recent addition to the city ordinances that must be paid by residential subdivisions. She explained that park fees are four hundred and fifty dollars (\$450) per dwelling unit. She stated that a total of thirty-six thousand dollars (\$36, 000) will have to be paid in park fees prior to the recording of the subdivision. She said that the fees will be going toward Park Zone One (1), which is the southwest zone. She showed the zone highlighted in yellow.
- Ms. Hernández stated that Staff is recommending approval of the preliminary and final plat subject to meeting the requirements as determined in the latter half of the meeting packets.
- Ms. Hernández made herself available for any questions, stating that she believed the project engineer was also present, to answer any questions.

Chairman Consiglio thanked Ms. Hernández for her presentation. The chairman asked about the rezoning to Planned Development District being approved at the last meeting and confirmed that this time is for the subdivision's preliminary construction plans and final plat approval. Ms. Hernández confirmed this was correct. She also added the clarification that this item was not part of the Consent Agenda item because of the Park Fees. She stated that Park Fees is something that is voted on and considered at the City Commission level. Chairman Consiglio asked if there were any questions for Staff.

Cmr. Flores indicated he had a question. He asked to go back to the final plat view on the PowerPoint presentation. Ms. Hernández did so and added that she did bring an eleven by seventeen (11x17) copy of the plat with her. She said she understands that sometimes the copy included in the packet and even on the presentation are not easy to look at. At this point Ms. Hernández presented the plat to Cmr. Flores which he proceeded to study. Cmr. Flores said that his question was going to be whether there was another exit other than the one he saw at the top where the cul-de-sac is. He said he couldn't see the other one, being unable to tell if it was an exit or just the street. Ms. Hernández pointed out the exits, at the top and the one below Cmr. Flores was referring to, at Lot A. He said he could now see it on the plat copy provided but hadn't been able to tell otherwise.

Ms. Hernández asked if there were any other questions she could answer. Chairman Consiglio reiterated the question. Upon hearing no questions, he stated that there was no Public Hearing on the item and proceeded to ask 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. The motion passed unanimously.

10(e)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **May 1, 2024**

Agenda Item:

Consideration and possible action to authorize the Mayor to sign a Memorandum of Agreement between The Lower Rio Grande Valley TPDES Stormwater Taskforce Partnership, Inc. and the City of Harlingen for the preparation of a Regional Texas Pollutant Discharge Elimination System (TPDES) Stormwater Permit Application and Stormwater Program Plan. Attachment (***Planning & Development***)

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

Signature: *Xavier Cervantes*

Brief Summary:

There are approximately 7,250 permitted Municipal Separate Storm Sewer Systems (MS4s) in the United States, including large and small MS4s, operating under a National Pollutant Discharge Elimination System (NPDES) MS4 permit. The NPDES MS4 permit requires permittees to develop and implement a comprehensive Storm Water Management Program (SWMP) that must include pollution prevention measures, treatment or removal techniques, monitoring, use of legal authority, and other appropriate measures to control the quality of storm water discharged to the storm drains and thence to waters of the United States.

The Rio Grande Valley Stormwater Task Force was founded in 1998 in response to the Stormwater MS4 regulations promulgated in 2001. It is comprised of thirty-two (32) local governments at this time. The Task Force works cooperatively as a regional coalition, sharing resources, and collectively responding to the Comprehensive MS4 stormwater regulations to assurance compliance and to avoid enforcement repercussions.

Harlingen joined the stormwater taskforce in 2019 to help the city be in compliance in a partnership with other regional communities and agencies. The specific purpose of the Task Force is to assist members in complying with state and federal environmental regulations and to assist stakeholders with environmental protection goals that are best served by a regional approach.

The City's TCEQ MS4 (Municipal Separate Stormwater Sewer System) Permit will expire in 2024. All of the permits in the stormwater taskforce coalition will expire in 2024. This means that a new regional SWMP (Stormwater Management Plan) will need to be developed for the years 2024-2029. The 5-year SWMP, once complete, will be submitted to the TCEQ to obtain the new MS4 permit (2024-2029). Each City executes this SWMP MOA every 5 years. The SWMP MOA will allow for a new SWMP (2024-2029) that replaces the old one (2019-2024).

The SWMP MOA remains active until the City receives its new MS4 permit (about June 2024). Once the permit is received, the MOA is complete and it closes. This usually takes about 1 year.

The Task Force Membership MOA (which is different than the SWMP MOA) is up for renewal in 2024. The Membership MOA requires the City to contribute an annual membership fee of \$17,000.00 and this funding is used by the Task Force to implement the regional SWMP. Currently, we are on the 5th year of the (2019-2024) Membership MOA. So, the Task Force membership MOA is active, and will be renewed in 2024.

The SWMP MOA needs to be executed so that city staff, in coordination with stormwater taskforce personnel, can start working on the new permit period.

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: **Funds are available in the code compliance budget. A budget adjustment will be needed using existing unspent funds.**

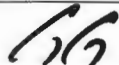
Finance Director's approval:

☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff recommends approval.

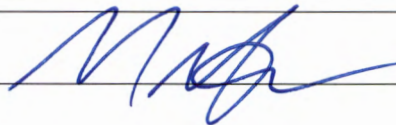
City Manager's approval:



☒ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval:



☒ Yes ☐ No ☐ N/A

MEMORANDUM OF AGREEMENT
by and between
CITY OF HARLINGEN
and
THE LOWER RIO GRANDE VALLEY TPDES STORMWATER TASK
FORCE PARTNERSHIP, INC.
for Representative Appointment to the Regional Lower Rio Grande Valley
TPDES Stormwater Task Force
MOA #R-RGV-TF-2024-00229

This Memorandum of Agreement (hereafter termed “**MOA**”) is entered into by and between the **CITY OF HARLINGEN** (hereafter referred to as “**CITY**”), and **THE LRGV TPDES STORMWATER TASK FORCE PARTNERSHIP, INC.** (hereafter referred to as “**STFP**”), a 501(c)(3) Not-for-Profit formed to promote and coordinate the collaborative and cooperative use of technology by and among colleges, high schools, community school districts, public and school libraries, health care facilities, government offices, businesses, health and educational professionals other educational and community services organizations and community residents for the benefit of the collaborating organizations, their clients, and community residents of the Rio Grande Valley.

SECTION 1
PURPOSE

- 1.01** **CITY** and **STFP** agree to enter into this MOA as a manner by which **CITY** and **STFP** can actively participate in a regional LRGV TPDES Stormwater Task Force (hereafter referred to as **Task Force**) formed to respond and aid compliance with the *Texas Commission on Environmental Quality Phase II Stormwater Rules* (“**Rules**”) and other pertinent issues as needed.
- 1.02** **CITY** and **STFP** desire to accomplish the goals of responding and complying with the **Rules** through the formation of a regional **Task Force**, established and managed by **STFP**.
- 1.03** **STFP** desires to participate in the establishment and management of the regional **Task Force**, since such participation will provide **STFP** with an avenue for students to:
- A. Gain knowledge and experience in the process and procedures of governmental environmental regulation, rule making, and committee process;
 - B. Gain supervisory, organizational, and executive skills through the creation of the **Task Force** body, the implementation of the **Task Force** by-laws and policies, creation and submission of **Task Force** agenda and minutes, and budget creation;
 - C. Gain experience about the interfacing, communication, and interaction between **STFP** and local governments; thus, aiding the students in being at ease publicly speaking, presenting issues, and expounding opinions.

SECTION 2
TERM

- 2.01** *Fixed Term:* This MOA commences on **5/01/24**, will be effective for exactly five (5) calendar years, and will terminate **4/30/29**, unless extended according to section 2.02 of this MOA.
- 2.02** *Extension:* Upon written, mutual consent of **CITY** and **STFP**, this MOA may be extended for a maximum of one (1) calendar year, after the date of expiration of the Fixed Term.
- 2.03** *Cancellation:* This MOA may be cancelled prior to the expiration of the Fixed Term of any Extension Term, upon thirty (30) calendar days written notice to the other party, sent to the address indicated in Section 5.01 of this MOA.

SECTION 3 CONSIDERATION

- 3.01** *Fee:* **CITY** agrees to pay to **STFP** a **Task Force** membership initial contribution of \$17,000.00. Payment of contribution is due in one single payment, tendered by check or wired transfer, payable to **Task Force** and delivered to the address indicated in Section 5.01 of this Agreement. Initial payment must be made within thirty (30) days after execution of this Agreement. Subsequent payments in the amount of \$20,400.00 shall be made by the 15th day of May of each calendar year. Failure of **CITY** to make such payment within the subscribed time, and without a written extension from **STFP**, may result in this MOA terminating.

SECTION 4 RIGHTS AND DUTIES

- A.01** The following rights and duties will be held or performed by **CITY**:
- A.** **CITY** will provide one representative to the **Task Force**. Such a representative must be chosen by majority vote of the Board, as evidenced by an adopted resolution or other evidence of the appointment acceptable to **STFP**.
 - B.** The **CITY**'s representative will serve a term that commences on the date of execution of final signature and will terminate exactly five (5) calendar years from date of execution, unless extended according to section 2.02 of this **Agreement**. A replacement representative may be appointed by the **CITY** through written notification at any time during the performance period.
 - C.** The **CITY**'s representative will be subject to the bylaws, policies, rules and procedures of the **Task Force**. Any breach or violation of such bylaws, etc., may result in expulsion of the representative from the **Task Force**. If expulsion occurs, the **CITY** will appoint another representative no later than thirty (30) calendar days after notice of the expulsion.
 - D.** The **CITY**'s representative will act as the liaison between the **CITY** and the **Task Force**, apprising each entity of the other's objectives. The representative will brief the Board, or other municipal entity responsible for **Task Force** participation, a minimum of once quarterly.

- E. Each **CITY** having representation on the **Task Force** will be responsible for paying a membership fee as detailed in Section 3.01 of this Agreement.
- F. The **CITY** may make recommendations to the **Task Force** regarding the fee assessment, expenditures, or other financial matters; however, the **Task Force** is not bound by such recommendations.

4.02 The following rights and duties will be held or performed by **STFP**:

- A. **STFP** will formulate and facilitate the bylaws, policies, rules and procedures by which the **Task Force** will be governed. **STFP** will provide **CITY** with a copy of such by-laws, policies, rules and procedures, as warranted.
- B. **STFP** will formulate and propose to the **Task Force**, methods and approaches for compliance with the *Texas Commission on Environmental Quality Phase II Stormwater Rules*. For each method or approach proposed, **STFP** will assist with educational outreach, training, and information to facilitate compliance.
- C. **STFP** will assist with research and educational services and technical support to the **Task Force**, and for any adopted methods and approaches for compliance. **STFP** will not participate in the implementation of the **CITY**'s stormwater management program (SWMP) unless otherwise specified in **Section 4.03**.
- D. **STFP** will manage the **Task Force** administration, including meetings, and efforts pertaining to the methods and approaches for assisting in complying with the *Texas Commission on Environmental Quality Phase II Stormwater Rules*.
- E. The **Task Force** will oversee the establishment and operation of all financial policies, requirements, and expenditures. As overseer of the **Task Force**, **STFP** will assist with the financial management and policy of the **Task Force**.
- G. **STFP** will assist the **Task Force** with the management of any funding acquired by the **Task Force**. This does not apply to the funding provided by this MOA. The management of **Task Force** funding will adhere to the by laws of the organization.
- H. Membership fees paid to **STFP** will be earmarked in a separate **STFP** account for use only by **STFP** for the **Task Force**. Any unappropriated funds will be carried over.
- I. Membership fees paid to **STFP** will be utilized by **STFP** for costs associated with but not necessarily limited to staffing, travel, training, equipment and materials, recruiting, scholarships, meal and food expenses associated with meetings and events, and communication related expenses.
- J. **STFP** is authorized to utilize membership fees to leverage grant funds, for conference planning, travel expenses, staff training, to support outreach events, and for sponsorships for environmental and educational events.

- K. **STFP** is authorized to utilize membership fees to accomplish tasks included in **Section 4.03**, if any.
- L. **STFP** is authorized to provide funding to the Arroyo Colorado Watershed Partnership, the Laguna Madre Estuary Program, or similar organizations on behalf of **CITY**. This funding, if any, shall be provided at the discretion of **STFP**.

4.03 SWMP Implementation: **STFP** will support the **CITY** in implementing a portion of its SWMP by assisting with research and educational services and technical support with specific Best Management Practices (BMPs). The overall completion of the BMPs is the sole responsibility of the **CITY**.

SECTION 5 MISCELLANEOUS

5.01 Addresses: Fee payment or notices required under this MOA may be sent by United States Postal Service regular surface mail, certified mail, registered mail, overnight delivery, or hand delivery. Written notice delivery is deemed made when the notice is deposited into a USPS mail receptacle, or deposited with an overnight carrier, or hand delivered. **CITY** and/or **STFP** can change the notice address by sending to the other party written indication of the new address. Notices should be addressed as follows:

CITY:

Amanda Elizondo
City Secretary
118 E. Tyler Ave
Harlingen , TEXAS 78550
(956) 216-5006
956) 216-5012 Fax

Xavier Cervantes, AICP, CPM
502 East Tyler Ave
Harlingen, TX 78550
(956) 216-5101
(956) 216-5165 Fax
xcervantes@harlingentx.gov

STFP:

STFP
C/O Javier Guerrero
P.O. Box 557
Elsa, TX 78543
jguerrero@lrgvstormwatertaskforce.org
956-929-7189

5.02 Force Majeure: Any and all duties, obligations, and covenants of this MOA will be suspended during time of natural disaster, war, acts of terrorism, or other “Acts of God”, which prevent a party from fulfilling any and all duties, obligations, and/or covenants of this MOA. If a party is prevented from fulfilling a duty, obligation, and/or covenant of this MOA, due to Force Majeure, the party prevented from fulfilling will notify the other

party in writing, sent pursuant to Section 5.01 MOA, within fourteen (14) calendar business days of the Force Majeure event.

- 5.03** Parties Relationship: Nothing in the MOA should be construed as creating a partnership, joint venture, agency relationship, or any other relationship other than, between **CITY** and **STFP**.
- 5.04** Applicable Law: This MOA is construed under and in accordance with the laws of the State of Texas.
- 5.05** Cumulative Rights: All rights, options, and remedies contained in this MOA and held by **CITY** and **STFP** are cumulative and the exercising of one will not exclude exercising another. **CITY** and **STFP** each have the right to pursue any remedy or relief which may be provided by law, in equity, or by the stipulations of this MOA.
- 5.06** Non-waiver: A waiver by either **CITY** or **STFP**, or both, of any obligation, duty, or covenant of this MOA will not constitute a waiver of any other breach of any obligation, duty, or covenant of this MOA.
- 5.07** Counterparts: This MOA can be executed in multiple counterparts, each of which is declared an original.
- 5.08** Severability: If any clause or provision of this MOA is illegal, invalid or unenforceable under present or future law, **CITY** and **STFP** intend that the remaining clauses or provisions of this MOA will not be affected and will remain in full force and effect.
- 5.09** Entire MOA: This MOA contains the final and entire agreement between **CITY** and **STFP**, and will not be amended, explained, or superceded by any oral or written communications; unless done so in a subsequent, written, and mutually agreed upon amendment.
- 5.10** Successors and Assigns: All the obligations, duties, covenants, and rights contained in this MOA and performable by **CITY** will be applicable and binding upon respective successors and assigns, including any successor by merger or consolidation; however, nothing in this provision shall be construed to be consent of Assignment of this MOA.
- 5.11** Nondiscrimination: **CITY** and **STFP**, and their agents or employees, are prohibited from discriminating on the basis of race, color, sex, age, religion, national origin, or handicap, in the performance of the terms, conditions, covenants and obligations of this MOA.
- 5.12** Dispute Resolution:
- A. Any controversy claim or dispute between **CITY** and **STFP** relating to the provisions of this MOA or the breach, termination or validity thereof shall upon written request of either party, immediately be referred jointly for resolution of the controversy by non-binding mediation.
 - B. The mediation must be concluded within any period mutually agreed upon by the parties but in no event later than within forty-five (45) days after written notice is given by any party of its intent to proceed to mediation. Unless the parties expressly agree otherwise, each party shall bear its own costs, legal and expert fees incurred in the mediation, and

evenly share the costs of the mediator. If after proceeding in good faith the parties, with the assistance of a neutral mediator, do not resolve the dispute within the forty-five (45) day period, the parties may proceed in accordance with paragraph (C) below.

- C. After exhausting the procedures set forth above, either party may initiate litigation to resolve the dispute. The Law of the State of Texas shall control the matter in controversy. Venue is mandatory in Hidalgo County, Texas. Any notice of dispute tendered by **CITY** should be addressed to Javier Guerrero, Executive Director, **STFP**.

EXECUTED the _____ day of _____, 2024, by **CITY**, by its duly authorized agent, as evidenced by the attached Resolution of the City Council.

**“CITY”
CITY OF HARLINGEN**

By: _____
Norma Sepulveda
Mayor

ATTEST:

By: _____
Amanda Elizondo
City Secretary

EXECUTED the _____ day of _____, 2024 by **TASK FORCE**, by its duly authorized officer.

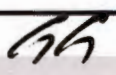
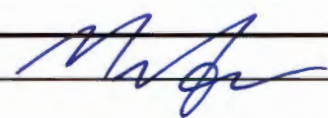
**“TASK FORCE”
THE LOWER RIO GRANDE VALLEY
TPDES STORMWATER TASK FORCE
PARTNERSHIP, INC.**

By: _____
Javier Guerrero
Executive Director

10(F)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **May 1, 2024**

Agenda Item:
Consideration and possible action to approve Victor Insurance Managers as the Broker of Record for Windstorm insurance. <i>(Human Resources)</i>
Prepared By: Fabio Hernandez, Risk Management
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: 

1493

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **May 1, 2024**

Agenda Item:

City staff is recommending to reject the bid from South Texas Pumps due to vendor changing the amount of his submitted bid with an increase of (\$74,550.00+ \$797,500.00). Additionally, vendor was requested to submit performance bond and certificate of insurance on two different dates (02/15/2024 and 04/16/2024) and failed to submit these.

Original Notice of Award, issued 02/02/2024 - Deadline: 02/15/2024 *Deadline not met

Original Notice of Award, issued 04/03/2024 - Deadline: 04/16/2024 *Deadline not met

City staff is recommending to accept the offer from J&F Petroleum in the amount of (\$1,225,436.86 on 11/14/2023). (*Public Works*)

Prepared By: Christopher D. Torres, Director 

Brief Summary:

The city staff advises rejecting the bid from South Texas Pumps due to the vendor's modification of the submitted bid, resulting in an increase and failure to meet the submission deadline.

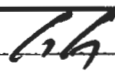
Funding (if applicable):

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

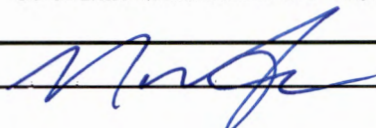
*If no, specify source of funding and amount requested:

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

Staff Recommendation:

City Manager approval: 

Comments:

City Attorney's approval: 



Purchasing Office | 404 S. 54th St. Harlingen TX 78550 | (956) 216-5318

Date: April 18, 2024

NOTICE CEASE ALL ACTIVITY

To: Domingo Perez, Jr.
South Texas Pump, Inc.
P.O. Box 1852
Weslaco, TX 78599
(956) 969-3534
Email: stpump@gmail.com

Project: Bid No. 2024-02 Purchase and Installation of Petroleum Storage Tanks, Dispensers, and Complete System Upgrade

Dear Mr. Domingo Perez, Jr.,

This is to inform you that the City of Harlingen is issuing a notice to cease all project activity for Bid No. 2024-02 Purchase and Installation of Petroleum Storage Tanks, Dispensers, and Complete System Upgrade. During the next City Commission meeting on Wednesday, May 1, 2024, the City plans to recommend the formal rejection of your bid submitted on November 14, 2023 in the amount of **\$797,500.00** for the following reasons:

1. Failure to submit the required Contractor's Performance Bond, Payment Bond, Insurance Certificates, and required contract documents by 2/15/24; and 4/16/24.

Original Notice of Award, issued 2/02/2024 -Deadline: 2/15/2024 *Deadline not met
Revised Notice of Award, issued 4/03/2024 -Deadline: 4/16/2024 *Deadline not met

2. Attempting to increase the original bid amount by \$74,550.00 on 2/15/24.

Page 4, Section 3.0 Exceptions or Changes: No bid may be changed after the bid date, although any bid may be withdrawn and resubmitted before that date.

3. REFERENCES/BID DOCUMENT:

PAGE 4, SECTION 4.0 THE CITY'S RESERVATIONS:

The City of Harlingen reserves the right to reject any or all bids, to waive defects and formalities in such bids, and to award the contract to the bidder which it considers has submitted the best and most advantageous bid.

The City also reserves the right to reject the Bid of any Bidder if City believes that it would not be in the best interest of the Project to make an award to that Bidder, whether because the Bid is not responsive or the Bidder is unqualified or of doubtful financial ability or the Bidder's safety record is unsatisfactory in the City's opinion or if the City has had problems with the bidder's performance on prior contracts which, in the City's opinion, makes the bidder unsatisfactory.

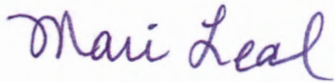
PAGE 12, SECTION 14.B EXECUTION OF AGREEMENT/PERFORMANCE AND BONDS

a. Performance and Payment Bonds.

b. The failure of the successful bidder to execute the agreement and supply the required bonds within ten (10) days after the prescribed forms are presented for signatures, or within such extended period as the City may grant, shall constitute a default and the City may, at its option, either award the contract to the next lowest responsible bidder, or re-advertise for bids. In either case, the City may charge against the bidder the difference between the amount of the bid, and the amount for which a contract is subsequently executed irrespective of whether this difference exceeds the amount of the bid bond. If a more favorable bid is received through re-advertisement, the defaulting bidder shall have no claim against the City for a refund.

If you have any questions regarding this notice, please feel free to contact me at 956-216-5318.

Sincerely,



Mari Leal, Procurement Supervisor

City of Harlingen, Purchasing Office
404 S. 54th St.
Harlingen, TX 78550
Phone: (956) 216-5318
Fax: (956) 427-8711
Email: mleal@harlingentx.gov



Public Works Department | 404 S. 54th St. Harlingen TX 78550 | (956) 216-5300

Date: April 3, 2024

Revised: NOTICE OF AWARD

TO: Domingo Perez, Jr.
South Texas Pump, Inc.
P.O. Box 1852
Weslaco, TX 78599

Project: Bid No. 2024-02 Purchase and Installation of Petroleum Storage Tanks, Dispensers, and Complete System Upgrade

This is to inform you that the City of Harlingen has considered bids submitted on Tuesday, November 14, 2023, for the above referenced project and your Base Bid is the lowest and most advantageous to the City of Harlingen. The City of Harlingen, with City Commission approval, has awarded the project in the amount of **\$797,500.00** on December 6, 2023.

You are required as stated in the Information for Bidders to execute the Agreement and furnish the required CONTRACTOR'S Performance BOND, Payment BOND, Certificates of INSURANCE, and Form 1295 within **ten (10) working days** from receipt of the Notice of Award. We request you return **three (3) original copies** of the **complete** Contract Documents and Specifications book signed and ready for our signature. Please submit these documents to the attention of Christopher Torres, Public Works Department at 404 S. 54th St., Harlingen, Texas 78550.

If you have any questions, please call Mr. Christopher Torres, at (956) 216-5303. You are required to acknowledge and return this **NOTICE of AWARD** to the **OWNER**.

Dated this 3rd day of April 2024.

Owner: City of Harlingen

By _____

Title: Public Works Director

ACCEPTANCE OF NOTICE

Receipt of the above NOTICE OF AWARD is hereby acknowledged

By Domingo Perez, this the 3 day of April, 2024.

By _____ Title Pres



Public Works Department | 404 S. 54th St. Harlingen TX 78550 | (956) 216-5300

Date: April 2, 2024

NOTICE OF AWARD

TO: JF Petroleum Group, Inc.
Attn: Mr. Edward Bleibdrey
3702 S. Expressway 281
Edinburg, TX 78542

Project: Bid No. 2024-02 Purchase and Installation of Petroleum Storage Tanks, Dispensers, and Complete System Upgrade

This is to inform you that the City of Harlingen has considered bids submitted on Tuesday, November 14, 2023, for the above referenced project and your Base Bid is the lowest and most advantageous to the City of Harlingen. The City of Harlingen, with City Commission approval, has awarded the project in the amount of \$1,225,436.86 on December 6, 2023.

You are required as stated in the Information for Bidders to execute the Agreement and furnish the required CONTRACTOR'S Performance BOND, Payment BOND, Certificates of INSURANCE, and Form 1295 within **ten (10) working days** from receipt of the Notice of Award. We request you return three (3) original copies of the complete Contract Documents and Specifications book signed and ready for our signature. Please submit these documents to the attention of Christopher Torres, Public Works Department at 404 S. 54th St., Harlingen, Texas 78550.

If you have any questions, please call Mr. Christopher Torres, at (956) 216-5303. You are required to acknowledge and return this **NOTICE of AWARD** to the **OWNER**.

Dated this 2nd day of April 2024.

Owner: **City of Harlingen**

By _____

Title: City Manager

ACCEPTANCE OF NOTICE

Receipt of the above NOTICE OF AWARD is hereby acknowledged

By _____, this the _____ day of _____, 2024.

By _____ Title _____

10(h)

AGENDA ITEM
EXECUTIVE SUMMARY

Meeting Date: May 1, 2024

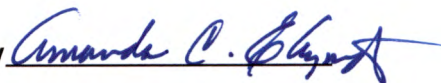
Agenda Item:

Consideration and possible action to approve a request from Remi Garza, Cameron County Elections Administrator to use the following locations as Early Voting Sites for the Primary Runoff Election and the Democratic and Republican Election.

Cultural Arts Center - 575 "76" Drive and City Hall, Town Hall Meeting Room, 2nd Floor- Monday thru Friday - May 20 through 24, 2024 – 8:00 a.m. to 8:00 p.m.

The Harlingen Outreach Center – 1102 S. Commerce Street – Tuesday – May 28, 2024, from 7:00 p.m. to 7:00 am.

Prepared by Amanda C. Elizondo, City Secretary



Brief Summary:

In previous elections, the county has used these locations as polling places. This request was verified with Mr. Chris Torres, Public Works Director, regarding the availability of the centers and Mr. Torres confirmed that they are available for the scheduled dates of the elections.

Funding (if applicable):

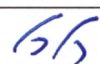
Are funds specifically designated in the current budget for the full amount ☐ Yes ☐ No*
for this purpose?

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

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

Staff Recommendation:

Staff is requesting approval from the City Commission to allow the Cameron County to use these sites as polling places for the Primary Runoff and the Democratic and Republican Elections.

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

Comments:

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



REMI GARZA, CERA
ELECTIONS ADMINISTRATOR

April 17, 2024

Amanda Elizondo
City Secretary
City of Harlingen
118 E. Tyler Ave.
Harlingen, Texas 78550

Dear Ms. Elizondo

This is our official request to designate the following location as an Early Voting site for the Democratic and Republican Primary Runoff Elections to be held on May 28, 2024:

Harlingen Cultural Arts Center, 575 "76" Dr. Harlingen, Texas

The dates and times for early voting are as follow:

Monday, May 20 thru Friday, May 24

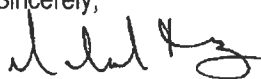
8:00 a.m. to 8:00 p.m.

If you agree, we will be delivering voting equipment a few days before Election Day begins. It will need to be stored in a secure area and be available during the election. We will also need three (3) folding tables, (4-6) chairs and working 120-volt electrical plugs for the equipment.

Upon consideration and agreement, please fax us a confirmation letter at (956) 550-7298 or email it to Maribel.diaz@co.cameron.tx.us. We greatly appreciate your help in making the approaching elections a success.

Thank you in advance for your consideration to this request.

Sincerely,

 for Remi Garza

Remi Garza
Elections Administrator



REMI GARZA, CERA
ELECTIONS ADMINISTRATOR

April 17, 2024

Amanda Elizondo
City Secretary
City of Harlingen
118 E. Tyler Ave.
Harlingen, Texas 78550

Dear Ms. Elizondo

This is our official request to designate the following location as an Early Voting site for the Democratic and Republican Primary Runoff Elections to be held on May 28, 2024:

Harlingen City Hall, 118 E Tyler Ave., Harlingen, Texas

The dates and times for early voting are as follow:

Monday, May 20 thru Friday, May 24

8:00 a.m. to 8:00 p.m.

If you agree, we will be delivering voting equipment a few days before Election Day begins. It will need to be stored in a secure area and be available during the election. We will also need three (3) folding tables, (4-6) chairs and working 120-volt electrical plugs for the equipment.

Upon consideration and agreement, please fax us a confirmation letter at (956) 550-7298 or email it to Maribel.diaz@co.cameron.tx.us. We greatly appreciate your help in making the approaching elections a success.

Thank you in advance for your consideration to this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Remi Garza", is written over the printed name.

Remi Garza
Elections Administrator



REMI GARZA, CERA
ELECTIONS ADMINISTRATOR

April 18, 2024

Christopher D. Torres, CPM
Public Works Director
P. O. Box 2207
Harlingen, Texas 78551

Dear Mr. Torres

This is our official request to designate the following location as an Election Day site for the Democratic and Republican Primary Runoff Elections to be held on Tuesday, May 28, 2024:

Harlingen Outreach Center, 1102 S. Commerce, Harlingen, Texas

Election Day: Tuesday, May 28, 2024

7:00 a.m. to 7:00 p.m.

(If possible please have locations open one hour before 7:00 a.m. and one hour after 7:00 p.m. for election workers.)

If you agree, we will be delivering voting equipment a few days before Election Day begins. It will need to be stored in a secure area and be available during the election. We will also need three (3) folding tables, (4-6) chairs and working 120-volt electrical plugs for the equipment.

Upon consideration and agreement, please fax us a confirmation letter at (956) 550-7298 or email it to Maribel.diaz@co.cameron.tx.us. We greatly appreciate your help in making the approaching elections a success.

Thank you in advance for your consideration to this request.

Sincerely,

Remi Garza
Elections Administrator

10(i)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **May 1, 2024**

Agenda Item:

Consideration and authorization to reject the single bid received in response to Bid Number 2024-03 Vestal Park Lighting Improvements - Phase III (Field #1) Project. Attachment (**Parks & Recreation**)

Prepared By: Javier Mendez, Parks & recreations Director

Brief Summary:

Staff prepared and advertised Bid package No. 2024-03 in the Valley Morning Star classified ad section on Saturday, December 2nd and 9th, 2023. We received a single bid from F & W Electrical Contractors, Inc. in the amount of \$300,000.

The budget for this project was \$255,000.00, which was funded through CDBG. We did attempt to negotiate with the Contractor to reduce his proposal within the budgeted amount, and he did submit a revised proposal in the amount of \$270,000. This was still over budget, so staff recommends rejecting the proposal.

Funding (if applicable):

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

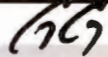
*If no, specify source of funding and amount requested:

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

Staff Recommendation:

Staff recommends rejecting this single bid in response to Bid No. 2024-03.

City Manager approval:



Comments:

City Attorney's approval:



BID FORM

We, the undersigned, have completely read the specifications for:

BID NO. 2024-03 CDBG VESTAL PARK SPORTS LIGHTING IMPROVEMENTS PHASE III
(Grant No. B-22/23-MC-48-0504)

TOTAL BASE BID PRICE: \$ 300,000.00

In Writing Three Hundred Thousand Dollars

This bid price includes all equipment, labor, supervision and material as set forth in the attached specification packet and instructions. I have read and agree to comply with all of these requirements.

FIRM REPRESENTATIVE (Signature)
PRINTED NAME/TITLE Jennifer Kincaid/President

NAME OF FIRM F&W Electrical Contractors, Inc.

MAILING ADDRESS 6880 US HWY 181 N
Floresville, TX 78114

PHONE NUMBER 830-393-0083

FAX NUMBER 830-393-4730

EMAIL ADDRESS: stephen@fandwelectrical.com

FEDERAL TAX ID: 74-2393012

STATE TAX ID: 1-74-2393012-6

DUNS #: 139531933

DATE: 1/19/2024

**AGENDA ITEM
EXECUTIVE SUMMARY**

10(S)

Meeting Date: **May 1, 2024**

Agenda Item:

Consideration and authorization to authorize staff to award contract to Musco Sports Lighting, LLC, utilizing Buy Board Cooperative Purchasing Program for the purchase and installation of sports lighting for Field Number 1 at Vestal Park and authorize the City Manager to execute a contract.

Prepared By (Print Name): **Javier Mendez**
Title: **Parks & Recreation Director**
Signature: _____

Brief Summary:

The city advertised for bids (Bid No. 2024-03 Vestal Park Lighting Improvements-Phase III) for the purchase and installation of sports lighting for Field Number 1 at Vestal Park in the Valley Morning Star. As a result, we only received one response to the bid with the proposal being over budget. Staff consulted with the CDBG and Purchasing Director to determine if there were other options to get this project completed.

One of the recommendations was to consider obtaining 3 quotes via the Cooperative Purchasing Program. We received 4 proposals, 3 of which were from Musco Sports Lighting LLC using three of their approved electrical subcontractors. The lowest quote received was in the amount of \$216,000.00 using Patmo Electrical Contractors. See attached tabulation.

Funding (if applicable):

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

Finance Director's approval: _____

☐ Yes ☐ No ☐ N/A

Staff Recommendation:

Staff is recommending to contract Musco Sports Lighting, LLC to perform the construction work on lighting Field #1 at Vestal Park using the Buy Board Cooperative Purchasing Program.

City Manager's approval: _____

☐ Yes ☐ No ☐ N/A

Comments:

City Attorney's approval: _____

☐ Yes ☐ No ☐ N/A

Araiza General Construction

480B Sam Houston Blvd
San Benito, TX 78586 US
+1 9566261091
accounting@araizagc.com
www.araizagc.com



Estimate

ADDRESS

City of Harlingen TX
ATTN: Vestal Park

SHIP TO

City of Harlingen TX

ESTIMATE # 73381**DATE 04/18/2024****EXPIRATION DATE 04/30/2024****DESCRIPTION****AMOUNT**

Material Quoted from Musco (See attached Quote)

103,000.00

TIPS ID: 7546

110,000.00

TIPS Contract: 22010702

1. Provide labor and equipment for installation of cement bases and poles.
 2. Trenching of approximately 1500 linear feet
 3. Run Conduit and wire underground from existing panel to new light post locations.
 4. Ensure lighting is installed as per code standards and is functioning properly.
- AGC will ensure that all utility lines are marked and called out before we begin trenching to ensure that no existing lines are damaged.

AGC Overhead for Material Purchase 10% (This can be removed if City is to buy Material from Musco)

10,300.00

AGC Profit 15%

39,405.88

The following proposal is open to discussion. Overhead on Material can be removed if Material balance is paid as an initial deposit.

SUBTOTAL

262,705.88

TAX

0.00

TOTAL

\$262,705.88

Accepted By

Accepted Date

Project: Vestal Park Soccer Field 3
Vestal, TX
Musco Project Number: 216909
Date: April 12, 2024
Expiration date: May 12, 2024

BuyBoard
Master Project: 218434, Contract Number: 677-22, Expiration: 09/30/2024
Commodity: Parks and Sports Field Lighting Products and Installation Services

All purchase orders should note the following:
BuyBoard Purchase – Contract Number: 677-22

Quotation Price – Materials Delivered to Job Site and Installation

Soccer Field 3 with F&W Installation -\$275,350.00

Quote is confidential. Pricing and lead times are effective for 30 days only. Prices are subject to change if the order is not released within 60 days from the date of the purchase. Sales tax is not included.

Light-Structure System™ with Total Light Control – TLC for LED™ technology

Guaranteed Lighting Performance

- Guaranteed light levels of 20 foot-candles and uniformity of 2.5:1

System Description

- 16 - Factory aimed and assembled luminaries
- 4 - Galvanized steel poles
- 4 - Pre-cast concrete bases with integrated lightning grounding
- Pole length factory assembled wire harnesses
- Factory wired and tested remote electrical component enclosures
- UL listed assemblies
- Corrosion protection

Operation and Warranty Services

- Product assurance and warranty program that covers materials and onsite labor, eliminating 100% of your maintenance costs for 25 years.

Musco Scope

- Provide design and layout for lighting system

Installation Services Provided

- See attached scope of work

Responsibilities of Buyer

- Confirm pole or luminaire locations, supply voltage and phase required for lighting system prior to production
- Provide electrical design and materials for electrical distribution system
- Buyer is responsible for getting electrical power to the site, coordination with the utility, and any power company fees

Payment Terms

Final payment terms are subject to approval by Musco credit department. Final payment shall not be withheld by Buyer on account of delays beyond the control of Musco.

Email or fax a copy of the Purchase Order to Musco Sports Lighting, LLC:

Musco Sports Lighting, LLC
Attn: Musco Contracts
Fax: 800-734-6402
Email: musco.contracts@musco.com

All Purchase orders should note the following:
BuyBoard Purchase – Contract Number: 677-22

Delivery Timing

8 - 10 weeks for delivery of materials to the job site from the time of order, submittal approval, and confirmation of order details including voltage, phase, and pole/luminaire locations.

Notes

Quote is based on following conditions:

- Shipment of entire project together to one location.
- 480 Volt, 3 phase electrical system requirement.
- Controls were sold in previous project 192868.
- Structural code and wind speed = 2015 IBC, 140 mi/h, Exposure C, Importance Factor 1.0.
- Due to the built-in custom light control per luminaire, pole or luminaire locations need to be confirmed prior to production. Changes to pole or luminaire locations after the product is sent to production could result in additional charges.
- Standard soil conditions – rock, bottomless, wet, or unsuitable soil may require additional engineering, special installation methods and additional cost.

Thank you for considering Musco for your lighting needs. Please contact me with any questions or if you need additional details.

Brant Troutman
Texas Field Sales Representative
Musco Sports Lighting, LLC
100 1st Avenue West – PO Box 808
Oskaloosa, IA 52577, USA
Phone: 512-914-9500
E-mail: brant.troutman@musco.com

**Vestal Park Soccer Field 3
Harlingen, TX
Turnkey Scope of Work**

Customer Responsibilities:

1. Complete access to the site for construction utilizing standard 2-wheel drive rubber tire equipment.
2. Locate existing underground utilities not covered by your local utilities. (i.e. water lines, electrical lines, irrigation systems, and sprinkler heads). Musco or Subcontractor will not be responsible for repairs to unmarked utilities.
3. Locate and mark field reference points per Musco supplied layout. (i.e. home plate, center of FB field)
4. Pay for extra costs associated with foundation excavation in non-standard soils (rock, caliche, high water table, collapsing holes, etc.) or soils not defined in geo-technical report. Standard soils are defined as soils that can be excavated using standard earth auguring equipment.
5. Pay any power company fees and requirements.
6. Pay all permitting fees and obtain the required electrical permitting.
7. Provide area on site for disposal of spoils from foundation excavation.
8. Provide area on site for dumpsters.
9. Provide sealed Electrical Plans. (If required)

Musco Responsibilities:

1. Provide required foundations, poles, electrical enclosures, luminaires, wire harnesses, and control cabinets.
2. Provide layout of pole locations and aiming diagram.
3. Provide Project Management as required.
4. Provide stamped foundation designs based on soil parameters as outlined in the geotechnical report or soils that meet or exceed those of a Class 5 material as defined by 2018 IBC Table 1806.2.
5. Assist our installing subcontractor and ensure our responsibilities are satisfied.

Subcontractor Responsibilities

General:

1. Obtain any required permitting.
2. Contact 811 for locating underground public utilities and then confirm they have been clearly marked.
3. Contact the facility owner/manager to confirm the existing private underground utilities and irrigation systems have been located and are clearly marked to avoid damage from construction equipment. Notify owner and repair damage to marked utilities. Notify owner and Musco regarding damage which occurred to unmarked utilities.
4. Provide labor, equipment, and materials to off load equipment at jobsite per scheduled delivery.
5. Provide storage containers for material, (including electrical components enclosures), as needed.
6. Provide necessary waste disposal and daily cleanup.
7. Provide adequate security to protect Musco delivered products from theft, vandalism or damage during the installation.
8. Keep all heavy equipment off playing fields when possible. Repair damage to grounds which exceeds that which would be expected. Indentations caused by heavy equipment traveling over dry ground would be an example of expected damage. Ruts and sod damage caused by equipment traveling over wet grounds would be an example of damage requiring repair.
9. Provide startup and aiming as required to provide complete and operating sports lighting system.
10. Installation to commence upon delivery and proceed without interruption until complete. Notify Musco immediately of any breaks in schedule or delays.

Foundations, Poles, and Luminaires:

1. Mark and confirm pole locations per the aiming diagram provided. If there are any issues, immediately notify your Musco Project Manager.
2. Provide labor, materials, and equipment to install four (4) LSS foundations as specified on Layout and per the stamped foundation drawings, if applicable.
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5. Provide labor, equipment, and materials to erect four (4) dressed LSS Poles and aim utilizing the pole alignment beam.

Electrical:

1. Provide labor, materials, and equipment to reuse existing electrical service panels as required.
2. Provide labor, materials, and equipment to reuse existing electrical wiring as permitted.
3. Provide as-built drawings on completion of installation, **(if required)**.

Control-Link Control and Monitoring:

1. Provide labor, equipment, and materials to tie into existing Musco control and monitoring cabinet and terminate all necessary wiring.
2. Check all zones to make sure they work in both auto and manual mode.
3. Commission Control-Link® by contacting Control-Link Central™ at 877-347-3319.

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Subcontractor agrees that it is or will be familiar with and shall abide by the safety rules and regulations of Musco and the Owner, including, but not limited to the Occupational Safety and Health Act of 1970 (OSHA), all rules and regulations established pursuant thereto, and all amendments and supplements thereto.

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- a. Subcontractor's employees and agents shall be required to wear appropriate personal protective equipment including, but not limited to, safety glasses with side shields, work shoes, fall protection devices, and hard hats.
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- c. Jobsite shall be kept free of debris including, but not limited to, cardboard and packing materials which can become windborne.
- d. Construction equipment shall be parked during non-use in an orderly fashion so as not to create inconvenience to others using the jobsite.
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- g. Within eight (8) hours from the time of an accident (or such shorter period as laws may require), Subcontractor shall advise Musco of any accident resulting in injury to any person or damage to any equipment or facility. Upon request, Subcontractor shall promptly furnish Musco with a written report of any such accident as well as a copy of all insurance and worker's compensation claims involving the Project.
- h. Subcontractor shall maintain and inspect all construction equipment, including cranes and other lifting equipment, prior to each use. Subcontractor warrants that all equipment operators shall be qualified for each piece of construction equipment they intend to operate. Documentation of specific training is the responsibility of the Subcontractor.
- i. Jobsite shall be policed daily for compliance to the above conditions.
- j. Subcontractor's employees and agents are prohibited from using drugs and alcohol on the Project property or being under the influence of alcohol or drugs while performing work on the Project. Anyone observed participating in or observed under the influence will be removed from the Project immediately and prohibited from returning,

with no exceptions.

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- c. Verify that components have been assembled per Musco installation instructions.
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Project: Vestal Park Soccer Field 3
Vestal, TX
Musco Project Number: 216909
Date: April 12, 2024
Expiration date: May 12, 2024

BuyBoard
Master Project: 218434, Contract Number: 677-22, Expiration: 09/30/2024
Commodity: Parks and Sports Field Lighting Products and Installation Services

All purchase orders should note the following:
BuyBoard Purchase – Contract Number: 677-22

Quotation Price – Materials Delivered to Job Site and Installation

Soccer Field 3 with D&F Installation -\$220,350.00

Quote is confidential. Pricing and lead times are effective for 30 days only. Prices are subject to change if the order is not released within 60 days from the date of the purchase. Sales tax is not included.

Light-Structure System™ with Total Light Control – TLC for LED™ technology

Guaranteed Lighting Performance

- Guaranteed light levels of 20 foot-candles and uniformity of 2.5:1

System Description

- 16 - Factory aimed and assembled luminaries
- 4 - Galvanized steel poles
- 4 - Pre-cast concrete bases with integrated lightning grounding
- Pole length factory assembled wire harnesses
- Factory wired and tested remote electrical component enclosures
- UL listed assemblies
- Corrosion protection

Operation and Warranty Services

- Product assurance and warranty program that covers materials and onsite labor, eliminating 100% of your maintenance costs for 25 years.

Musco Scope

- Provide design and layout for lighting system

Installation Services Provided

- See attached scope of work

Responsibilities of Buyer

- Confirm pole or luminaire locations, supply voltage and phase required for lighting system prior to production
- Provide electrical design and materials for electrical distribution system
- Buyer is responsible for getting electrical power to the site, coordination with the utility, and any power company fees

Payment Terms

Final payment terms are subject to approval by Musco credit department. Final payment shall not be withheld by Buyer on account of delays beyond the control of Musco.

Email or fax a copy of the Purchase Order to Musco Sports Lighting, LLC:

Musco Sports Lighting, LLC
Attn: Musco Contracts
Fax: 800-734-6402
Email: musco.contracts@musco.com

All Purchase orders should note the following:

BuyBoard Purchase – Contract Number: 677-22

Delivery Timing

8 - 10 weeks for delivery of materials to the job site from the time of order, submittal approval, and confirmation of order details including voltage, phase, and pole/luminaire locations.

Notes

Quote is based on following conditions:

- Shipment of entire project together to one location.
- 480 Volt, 3 phase electrical system requirement.
- Controls were sold in previous project 192868.
- Structural code and wind speed = 2015 IBC, 140 mi/h, Exposure C, Importance Factor 1.0.
- Due to the built-in custom light control per luminaire, pole or luminaire locations need to be confirmed prior to production. Changes to pole or luminaire locations after the product is sent to production could result in additional charges.
- Standard soil conditions – rock, bottomless, wet, or unsuitable soil may require additional engineering, special installation methods and additional cost.

Thank you for considering Musco for your lighting needs. Please contact me with any questions or if you need additional details.

Brant Troutman
Texas Field Sales Representative
Musco Sports Lighting, LLC
100 1st Avenue West – PO Box 808
Oskaloosa, IA 52577, USA
Phone: 512-914-9500
E-mail: brant.troutman@musco.com

**Vestal Park Soccer Field 3
Harlingen, TX
Turnkey Scope of Work**

Customer Responsibilities:

1. Complete access to the site for construction utilizing standard 2-wheel drive rubber tire equipment.
2. Locate existing underground utilities not covered by your local utilities. (i.e. water lines, electrical lines, irrigation systems, and sprinkler heads). Musco or Subcontractor will not be responsible for repairs to unmarked utilities.
3. Locate and mark field reference points per Musco supplied layout. (i.e. home plate, center of FB field)
4. Pay for extra costs associated with foundation excavation in non-standard soils (rock, caliche, high water table, collapsing holes, etc.) or soils not defined in geo-technical report. Standard soils are defined as soils that can be excavated using standard earth auguring equipment.
5. Pay any power company fees and requirements.
6. Pay all permitting fees and obtain the required electrical permitting.
7. Provide area on site for disposal of spoils from foundation excavation.
8. Provide area on site for dumpsters.
9. Provide sealed Electrical Plans. (If required)

Musco Responsibilities:

1. Provide required foundations, poles, electrical enclosures, luminaires, wire harnesses, and control cabinets.
2. Provide layout of pole locations and aiming diagram.
3. Provide Project Management as required.
4. Provide stamped foundation designs based on soil parameters as outlined in the geotechnical report or soils that meet or exceed those of a Class 5 material as defined by 2018 IBC Table 1806.2.
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Project: Vestal Park Soccer Field 3
Vestal, TX
Musco Project Number: 216909
Date: April 12, 2024
Expiration date: May 12, 2024

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Master Project: 218434, Contract Number: 677-22, Expiration: 09/30/2024
Commodity: Parks and Sports Field Lighting Products and Installation Services

All purchase orders should note the following:
BuyBoard Purchase – Contract Number: 677-22

Quotation Price – Materials Delivered to Job Site and Installation

Soccer Field 3 with PATMO Installation -\$216,000.00

Quote is confidential. Pricing and lead times are effective for 30 days only. Prices are subject to change if the order is not released within 60 days from the date of the purchase. Sales tax is not included.

Light-Structure System™ with Total Light Control – TLC for LED™ technology

Guaranteed Lighting Performance

- Guaranteed light levels of 20 foot-candles and uniformity of 2.5:1

System Description

- 16 - Factory aimed and assembled luminaries
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- Product assurance and warranty program that covers materials and onsite labor, eliminating 100% of your maintenance costs for 25 years.

Musco Scope

- Provide design and layout for lighting system

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- See attached scope of work

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Harlingen, TX
Turnkey Scope of Work**

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Date: April 22, 2024

Project Name: Vestal Park Sports Lighting Improvement - CDBG

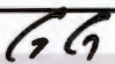
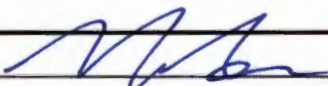
C.D.B.G. Funded

	Respond (Y/N)	Bid Amount
Musco Sports Lighting	Materials *BuyBoard Contract # 677-22	\$103,000.00
F & W Electrical Contractors, Inc.	Sub-Contractor Installation	\$172,350.00
	Total	\$275,350.00
Musco Sports Lighting	Materials *BuyBoard Contract # 677-22	\$103,000.00
D & F	Sub-Contractor Installation	\$117,350.00
	Total	\$220,350.00
Musco Sports Lighting	Materials *BuyBoard Contract # 677-22	\$103,000.00
PATMO	Sub-Contractor Installation	\$113,000.00
	Total	 \$216,000.00
Musco Sports Lighting	Materials	\$103,000.00
Araiza General Construction	Sub-Contractor Installation	\$159,705.88
TIPS Contract#	Total	\$262,705.88
BuyBoard Master Project: 218434, Contract Number: 677-22, Expiration: 09/30/2024 Commodity: Parks and Sports Field Lighting Products and Installation Services		

10(K)

**AGENDA ITEM
EXECUTIVE SUMMARY**

Meeting Date: **May 1, 2024**

Agenda Item:
Consideration and possible action to accept an agreement between City of Harlingen and Spectrum for a Right of Entry to a parcel at the golf course to provide an upgrade or other service for the FAA/Airport outer marker beacon. Attachment (<i>City Manager</i>)
Prepared By:
Brief Summary:
Funding (if applicable):
Are funds specifically designated in the current budget for the full amount (Yes/No): *If no, specify source of funding and amount requested:
Finance Director's approval (Yes/No/NA):
Staff Recommendation:
City Manager approval: 
Comments:
City Attorney's approval: 



COMMERCIAL ACCOUNT RIGHT OF ENTRY AGREEMENT

This Commercial Account Right of Entry Agreement ("Agreement") is by and between _____ ("Owner"), with a mailing address of _____, and owning real estate located at 3601 Haverford Blvd., Harlingen, TX 78552 ("Premises"), and Charter Communications Operating, LLC, on behalf of itself and its affiliates (collectively, "Charter"), with a mailing address of 12405 Powerscourt Drive, St. Louis, MO 63131, Attn: Commercial Contracts Management. This Agreement commences on the later of the execution dates set forth below ("Effective Date"). Charter and Owner may be referred to herein individually as a "Party" or collectively as the "Parties".

1. RIGHT OF ENTRY AND EQUIPMENT.

- a. In consideration of the mutual benefits and obligations set forth herein, Owner hereby grants to Charter and its authorized agents a non-exclusive right of entry to the Premises and those buildings of Owner located on the Premises (including building roof top(s)) ("Buildings") for the installation, maintenance, and removal of any equipment, facilities, and other communications accessories (collectively, "Equipment") to provide any of Charter's services ("Services") to any customers who can receive Services by such Equipment. Owner also hereby authorizes Charter to use those conduits and ducts of Owner that Owner may designate as available for Charter's use (collectively "Conduit").
- b. The rights herein granted to Charter include use of available power at the Premises, together with the right to access and use all risers in the Buildings, Building utility entrance facilities, utility closets in the Buildings, and other areas on the Premises and Buildings as is reasonably required for the purpose set forth herein.
- c. Charter shall, at its sole cost, install the Equipment in accordance with generally accepted industry standards, applicable laws and regulations. Charter shall secure all permits necessary for the installation, maintenance, or removal of the Equipment. The Equipment is not a fixture of the Premises. If requested by Owner, Charter shall provide to Owner the proposed route for installation of Equipment on the Premises.
- d. Charter shall at its sole expense, repair and restore all physical damage to portions of the Premises damaged by Charter to its condition existing immediately prior to such damage, normal wear and tear excepted.

2. **OWNER REPRESENTATIONS.** Owner affirms that it is the legal owner of the Premises, the Building(s), and Conduit (if applicable), and confirms that Charter will be granted all rights under this Agreement. Owner recognizes Charter's right to have exclusive control over its Equipment, and Owner will not attach to or use, and will not knowingly allow a third party to attach to or use, Charter's Equipment for any purpose without Charter's prior written consent.

3. **PUBLIC UTILITIES.** Charter will contact and coordinate with local agencies to physically mark the location of all public utility lines (including, but not limited to, water, electric, phone, and sewer lines) that are located in areas in which Charter intends to install the Equipment. Owner shall not interfere with the markings designating such locations until installation is complete. Charter shall be responsible for any damage to public utility lines on the Premises to the extent such damage arises from Charter's installation activities.

4. **PRIVATE UNDERGROUND LINES.** If Owner has private underground lines at the Premises that could impact Charter's installation of Equipment, including, but not limited to, sprinklers, sprinkler heads, drains, cables, pipes, and wires (collectively, "Impacted Private Lines"), then both Parties (provided that Owner has knowledge of the location of Impacted Private Lines) shall, in advance of any underground construction performed by Charter, work together to research the existence of all Impacted Private Lines ("Joint Effort"). In order to facilitate the Joint Effort, Owner's authorized representative information is provided below. (Please print clearly)

Name: _____

Address and/or email: _____

Phone: _____

The Parties will then determine whether to locate and mark Impacted Private Lines, including, but not limited to, the methods and arrangements, and if deemed by the Parties necessary to do so, a qualified Charter contractor shall locate (including verification of) and mark all Impacted Private Lines to the extent required by Charter. Once the Impacted Private Lines have been located and marked, if Charter damages any Impacted Private Lines in the location in which Charter installs any Equipment, and only to the extent such damage(s) arise from Charter's Equipment installation activities, then Charter shall promptly repair such damage(s) to Owner's reasonable satisfaction after receipt of written notice from Owner describing the scope and extent of such damage(s), which written notice shall be provided to Charter no later than thirty (30) days after Charter's initial installation of Equipment.

5. **TERM.** The term of this Agreement commences on the Effective Date and shall remain in full force and effect until the later of: (i) the date that is 5 years after the Effective Date, or (ii) the date that is 6 months after the date that Charter is no longer providing Services to any customer on the Premises (the "Term"). Should any customer on the Premises request Services during such 6-month period, the Agreement shall continue until it expires or is terminated in accordance with the terms of this Agreement. Charter may, within 90 days after the expiration or termination of this Agreement, elect to remove Charter's Equipment or abandon



in-place all or certain portions of Charter's Equipment at the Premises which, upon abandonment, shall be deemed the property of the Owner with lien free title thereto passing immediately to Owner at no cost to Owner.

6. **ASSIGNMENT.** This Agreement may be freely assigned by either Party, provided that the assignee agrees in writing to assume all of the obligations of assignor hereunder, and be bound by all of the terms and conditions of this Agreement. Notwithstanding anything to the contrary herein, either Party shall be obligated to assign this Agreement to a successor in interest in the event of a change of control resulting from a merger, sale of stock or sale of all or substantially all of the assets of the Party related to the Services or applicable Buildings. This Agreement shall be binding upon and inure to the benefit of the Parties hereto, their successors, legal representatives, and assigns.
7. **LIMITATION OF LIABILITY.** CHARTER MAKES NO REPRESENTATIONS OR WARRANTIES, EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, ANY IMPLIED WARRANTY OF MERCHANTABILITY, NON-INFRINGEMENT, OR FITNESS FOR A PARTICULAR PURPOSE, AND ALL SUCH WARRANTIES ARE HEREBY DISCLAIMED. NOTWITHSTANDING ANYTHING TO THE CONTRARY CONTAINED HEREIN, IN NO EVENT SHALL CHARTER OR OWNER BE LIABLE FOR ANY INDIRECT, INCIDENTAL, CONSEQUENTIAL, SPECIAL, RELIANCE, OR PUNITIVE DAMAGES, EVEN IF ADVISED OF THE POSSIBILITY THEREOF.
8. **INDEMNIFICATION.** Charter agrees to indemnify, defend, and hold Owner harmless from and against any and all damages, liabilities, penalties, fines, costs, and expenses (including reasonable attorneys' fees) arising from third party claims for bodily injury, including death, to persons or damage to tangible property caused by or resulting from Charter's acts or omissions in the performance of any work, maintenance, or operation of its Equipment, except to the extent caused by the negligence or willful misconduct of Owner, for which Owner shall remain responsible.
9. **INSURANCE.** Charter shall maintain, at Charter's sole cost and expense, (i) commercial general liability insurance including Property Damage, Bodily Injury and contractual liability insurance subject to standard insurance carrier exclusions, in the amount of \$2,000,000 each occurrence covering (a) to the extent caused by acts of Charter, damages to the Premises and (b) the operations of Charter at the Premises, (ii) Auto Liability, including Bodily Injury and property damage in the amount of \$1,000,000 each accident, and (iii) worker's compensation insurance to comply with the applicable laws of the State the Premises is located in.
10. **GOVERNING LAW AND JURY TRIAL WAIVER.** This Agreement shall be governed by the laws of the State where the Premises is located. UNLESS PROHIBITED BY APPLICABLE LAW, EACH PARTY HEREBY WAIVES ITS RIGHT TO TRIAL BY JURY.
11. **ENTIRE AGREEMENT; AMENDMENTS.** This Agreement constitutes the entire agreement between the Parties with respect to, and supersedes all prior agreements, promises, and understandings, whether oral or written, with respect to, the subject matter contained herein. This Agreement shall not be modified except by a written document signed by both Parties.
12. **SEVERABILITY.** If any term or provision of this Agreement is determined to be invalid, illegal, or unenforceable, such invalidity, illegality, or unenforceability shall not affect any other provision of this Agreement, and this Agreement shall be construed as if such invalid, illegal, or unenforceable term or provision had not been contained herein.
13. **NO WAIVER.** To be effective, all waivers under this Agreement must be in writing and signed by the Party making such waiver.
14. **AUTHORIZED SIGNATORY.** If the Owner is not executing this Agreement, the person executing on behalf of Owner represents that the undersigned is Owner's authorized agent and has full authority to bind Owner to this Agreement.
15. **COUNTERPARTS AND ELECTRONIC SIGNATURES.** This Agreement may be signed in counterparts, which may be transmitted electronically, each of which will be fully effective as an original and all of which together constitute one and the same instrument.

CHARTER COMMUNICATIONS OPERATING, LLC

By: Charter Communications, Inc., its Manager

By: _____

Printed Name: Shannon Stroeing

Title: Director, Enterprise Service Delivery

Date: _____

Legal Analyst _____

ROE Manager _____

OWNER OR ITS AUTHORIZED AGENT:

(print legal entity name below)

Legal Entity Name: _____



By: _____
(Signature)

Printed Name: _____

Title: _____

Date: _____